



Planning and Zoning Commission
Hearing Date: February 6, 2025
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMER: CR2022-0027

APPLICANT/REPRESENTATIVE: David Hess
PROPERTY OWNER: David and Carol Hess & Carl Glaettli

APPLICATION: Conditional rezone of Parcel R33459010 and R33459010B from an "A" zone to a "CR-R-R" zone. The request includes a development agreement.

LOCATION: The subject parcels are located directly south of 20208 Nancy Ln Caldwell, ID 83607; also referenced as a portion of the NE¼ of Section 22, T3N, R4W, BM, Canyon County, Idaho

ANALYST: Dan Lister, Principal Planner
REVIEWED BY: Carl Anderson, Planning Supervisor

REQUEST:

The applicant, David Hess, requests an amendment to the official zoning map to conditionally rezone Parcels R33459010 and R33459010B from "A" (Agricultural) to "CR-R-R" (Conditional Rezone - Rural Residential). The request includes a development agreement restricting development to a five-acre average minimum lot size.

If approved, the parcels must meet the subdivision requirements per Chapter 7, Article 17 of the Canyon County Zoning Ordinance (CCZO). The applicant has submitted a preliminary plat application that must be amended once the property is rezoned (Case No. SD2022-0043/RD2022-0031).

PUBLIC NOTIFICATION:

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| Neighborhood meeting conducted on: | November 6, 2024 |
| Neighbor notification within 600 feet was mailed on: | January 2, 2025 |
| Newspaper notice published on: | January 2, 2025 |
| Notice posted on-site on: | January 2, 2025 |

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1. BACKGROUND:

The subject parcels, R33459010 and R33459010B, were not created consistent with Canyon County Code. Per PI2020-0320 (Exhibit B.3), the subject parcels were created by an approved conditional use permit in 2001 (CU2003-291, Exhibit B.4). The conditions of conditional use permit approval were never met. In 2021, a letter was provided to the applicant stating the conditional use permit had expired (Exhibit B.4).

The property has access via a 30' wide ingress/egress easement through the Newby Subdivision that connects to SH-55 (Exhibit B.2a). The parcels are not located in a floodplain and are not located along the scenic by-way (Exhibit B.1).

2. HEARING BODY ACTION:

Pursuant to Canyon County Ordinance Article 07-06-07(1) Restrictions: *In approving a conditional rezone application, the presiding party may establish conditions, stipulations, restrictions, or limitations that restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. When the presiding party finds that such conditions, stipulations, restrictions, or limitations are necessary, land may be rezoned upon condition that if the land is not used as approved, or if an approved use ends, the land use will revert to the zone applicable to the land immediately prior to the conditional rezone action.*

Additionally, pursuant to Canyon County Ordinance Article 07-06-07(3) Conditional Rezoning Designation: *Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone" shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat in accordance with this chapter before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel as CR shall not constitute "spot" zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.*

Should the Commission wish to approve the subject conditional rezone, all applicable Canyon County standards pertaining to the required development agreement shall be strictly adhered to.

OPTIONAL MOTIONS:

The commission should consider the abovementioned procedures within Canyon County Ordinance 07-06-01(3).

Approval of the Application: "I move to recommend the Board of County Commissioners approve Case #CR2022-0027 finding the application **does** meet the criteria for approval under Article 07.06.07(6)A of Canyon County Zoning Regulations. [Cite reasons for approval & Insert any additional conditions of approval].

Denial of the Application: "I move to recommend the Board of County Commissioners deny Case #CR2022-0027, finding the application **does not** meet the criteria for approval under Article 07.06.07(6)A of Canyon County Zoning Regulations. [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 Case #CR2022-0027, Hess, to a [date certain or uncertain].

3. HEARING CRITERIA

Table 1. Conditional Rezone Standards of Evaluation Analysis

Standards of Evaluation (§07-06-07(6)A): The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:

| Compliant | | | County Ordinance and Staff Review | |
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| Yes | No | N/A | Code Section | Analysis |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 07-06-07(6)A1 | Is the proposed conditional rezone generally consistent with the comprehensive plan? |
| | | | Staff Analysis | <p>As conditioned, the request is generally consistent with the 2030 Canyon County Comprehensive Plan. Although the application was submitted prior to the adoption of the 2030 Comprehensive Plan, the applicant requests that the application be reviewed per the 2030 Comprehensive Plan (Exhibit A.2).</p> <p>The Future Land Use plan within the 2030 Canyon County Comprehensive Plan designates the parcels as “agriculture” with an “Ag-tourism Exclusive Farm Use” overlay (Exhibit B.2j).</p> <p>“The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value” (2030 Comp. Plan, Page 25).</p> <p>“The Agri-tourism Exclusive Farm Use (AEFU) is a district where property owners sell and produce vertically integrated agriculture goods/services. Retail sales operations draw visitors/customers wanting to buy goods and services offered on said property” (2030 Comp. Plan, Page 27).</p> <p>Per Page 26 of the 2030 Comp. Plan, the agriculture designation allows for commercial agriculture (AC-5): “The AC-5 district (five-acre lot sizes) provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity.”</p> <p>The request aligns with the following 2030 Comprehensive Plan goals and policies:</p> <ul style="list-style-type: none"> • <u>Property Rights G1.01.00</u>: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare. <ul style="list-style-type: none"> ○ See supporting evidence in criteria 07-06-07(6)A2, 3, and 4 in this report. • <u>Population G2.01.00</u>: “Incorporate population growth trends and projections when making land-use decisions.” • <u>Population G2.02.00</u>: “Promote housing, business, and service types needed to meet the demand of the future and existing population.” <ul style="list-style-type: none"> ○ Per population projects (page 14 of the 2030 Comp Plan), the current figures (Community in Motion Regional Plan) “project the County population to be 359,180 by 2050, a thirty-two percent increase from 2020. In the next twenty-eight years, Canyon County expects to add an estimated 128,070 people.” ○ The subject parcel is located in TAZ (Traffic Analysis Zone) 2770 (Approximately 1,900-acre area): Canyon–West Rural (Exhibit B.2l). Based on the TAZ forecasts used by the state and/or local transportation officials and COMPASS for tabulating traffic-related data for future growth and needed transportation funding for |

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| | | | | <p>improvements, approximately seven (7) households are anticipated between 2024 and 2050. The forecast shows the area is not a residential growth area and is anticipated to support agricultural and rural uses. The request, as conditioned, maintains agricultural uses and character (Exhibits A.2 & 3).</p> <ul style="list-style-type: none"> • <u>Land Use and Community Design P4.01.01</u>: “Maintain a balance between residential growth and agriculture that protects the rural character.” • <u>Land Use and Community Design P4.01.02</u>: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.” • <u>Land Use and Community Design P4.02.01</u>: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.” • <u>Land Use and Community Design P4.03.01</u>: “Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.” • <u>Land Use and Community Design P4.03.02</u>: “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.” • <u>Land Use and Community Design P4.03.03</u>: “Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.” • <u>Land Use and Community Design P4.05.01</u>: “Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.” <ul style="list-style-type: none"> ○ <i>See supporting evidence in criteria 07-06-07(6)A2, 3, and 4 in this report.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 07-06-07(6)A2 | When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation? |
| | | | Staff Analysis | <p>In consideration of the surrounding land uses, the proposed conditional zone to “R-R” (Rural Residential) is more appropriate than the current zoning designation of “A” (Agricultural).</p> <p>The subject parcels and a majority of the surrounding parcels are zoned “A” (Agricultural, Exhibit B.2c). The subject parcels consist of moderately suited soils (Class III) and are considered prime farmland if irrigated (Exhibit B.2h).</p> <p>The subject parcels were created by an approved conditional use permit that expired (CU2003-291, Exhibit B.4). The parcels were sold instead of being merged back into the original parcel creating parcels outside of the County Code (Exhibit A.7). A rezone and platting process is the only way to make the parcels legal and buildable.</p> <p>On September 2, 2022, the applicant submitted a conditional rezone to a “R-R” Zone to create three (3) lots from Parcel R33459010 (six acres). The request did</p> |

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| | | | | <p>not include Parcel R33459010B (Exhibit A.8). After the discussion with DSD regarding the future land use of the area being planned for agricultural and rural uses in the 2020 and 2030 Comprehensive Plan (Exhibit A.9), the applicant amended the application to include R33459010B to create parcels that are supported by the 2030 Comprehensive Plan and fix the non-conforming status of both parcels (Exhibit A.2).</p> <p>The Future Land Use plan within the 2030 Canyon County Comprehensive Plan designates the parcels as “agriculture” with an “Ag-tourism Exclusive Farm Use” overlay (Exhibit B.2j). Per Page 26 of the 2030 Comp. Plan, the agriculture designation allows for commercial agriculture (AC-5): “The AC-5 district (five-acre lot sizes) provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity.”</p> <p>The “R-R” (Rural Residential) zone is being requested to meet the AC-5 designation provided in the 2030 Canyon County Comprehensive Plan. However, there are no adopted maps or ordinances to determine the appropriate locations or minimum requirements of the AC-5 designation. As conditioned, the request will allow the subject parcels to maintain a five-acre minimum lot size. The parcels will be subject to the standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. As conditioned, the request maintains the “A” zoning designation.</p> <p>The five-acre parcel lot sizes requested are commensurate with the average lot size within a 600-foot radius. The average lot size is 5.49 acres with a median of 1 acre due to the close proximity to Sunny Slope Sub. No. 1 (Exhibit B.2e).</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>07-06-07(6)A3</p> <p>Is the proposed conditional rezone compatible with surrounding land uses;</p> <p>Staff Analysis</p> | <p>As conditioned, the proposed conditional rezone changes are not compatible with surrounding land uses.</p> <p>Pursuant to CCZO § 07-02-03, land uses are compatible if: <i>a) they do not directly or indirectly interfere or conflict with, or negatively impact one another and b) they do not exclude or diminish one another's use of public and private services. A compatibility determination requires a site-specific analysis of potential interactions between uses and potential impacts of existing and proposed uses on one another. Ensuring compatibility may require mitigation from or conditions upon a proposed use to minimize interference and conflicts with existing uses.</i></p> <p>The majority of the area is zoned “A” (Agricultural), However, the subject parcels are located adjacent to existing subdivisions and a similar land use decision.</p> <p><u>Similar Land Use Decisions (Exhibit B.2d):</u></p> <ul style="list-style-type: none"> • In 2017, Parcel R33459010 (approximately 10 acres, adjacent to the subject parcel) was conditionally rezoned to “R-R” to allow the parcel, created outside County Code, to be divided and developed (PH2017-40 Dev. Agreement #17-119, Exhibit B.5). The rezone was conditioned to allow one residential lot. <ul style="list-style-type: none"> ○ Subsequently, Newby Subdivision was approved in 2018 allowing the creation of two lots, one buildable and an agricultural-only (SD2018-4, |

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| | | | | <p>Exhibit B.6 & 7). The buildable lot has a primary and secondary dwelling (BP2018-0654 & BP2024-0551).</p> <ul style="list-style-type: none"> RZ2019-0004/OR2019-0002 – Parcel R33402010 (approximately 1,300 feet north of the subject request): The request to amend the future land use plan within the 2020 Canyon County Comprehensive Plan to “residential” was denied. The denial included a zoning map amendment (rezone) to “R-1” (Single Family Residential, one-acre average minimum lot size). <p><u>Subdivisions (Exhibit B.2.e):</u> Within a one-mile radius, there are six (6) subdivisions. The subdivisions adjacent to the subject parcels are Newby Subdivision (SD2018-4, Exhibit B.6 & 7) and Sunny Slope Sub #1, approved in 1948 consisting of 56 lots (Exhibit B.2e).</p> <p><u>Other Uses</u> The subject parcels are adjacent to Williamson Winery and special event center (PH2014-45) and near neighborhood commercial zoning (“C-1”) such as Orchard House Restaurant (Parcel R272010010) and Sinclair Gas Station (R27201) at the intersection of Apricot Lane and Sunny Slope Road (Exhibit B.2c).</p> <p>As conditioned, the subject parcels must maintain a minimum lot size of five acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. As conditioned, the rezoning would be consistent with the surrounding land uses. <i>See Section 6 of this report for recommended development agreement conditions.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 07-06-07(6)A4 | <p>Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?</p> |
| | | | Staff Analysis | <p>As conditioned, the proposed conditional rezone will not negatively affect the character of the area. As conditioned, the subject parcels must maintain a minimum lot size of five acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. <i>See Section 6 of this report for recommended development agreement conditions.</i></p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 07-06-07(6)A5 | <p>Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed conditional rezone;</p> |
| | | | Staff Analysis | <p>The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.</p> <p>Sewer: Septic systems are proposed (Exhibit A.4). The septic design will be reviewed and permitted through Southwest District Health at the time of platting (CCZO Section 07-17-09). Southwest District Health (SWDH) states the property is located outside the designated nitrate priority area. SWDH has no concerns regarding the request (Exhibit A.6a & D.3).</p> <p>Water: Individual domestic wells are proposed (Exhibit A.4). Parcel R33459010 has an existing well that would need to be cleaned and put into service (Exhibit A.3). Individual wells are required to meet Idaho Dept. of Water Resources</p> |

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| | | | | <p>(IDWR) and SWDH requirements which will need to be demonstrated at the time of platting (CCZO Section 07-17-09).</p> <p>Drainage: All stormwater drainage will be maintained on-site (Exhibit A.4). A drainage plan was not provided. A drainage plan is required at the time of platting (CCZO Section 07-17-09).</p> <p>Irrigation: The applicant states the subject parcels have surface water rights from Lizar Lateral along the north boundary of Parcel R33459010 (Exhibits A.2, A.3 & A.4). Improvements to the concrete ditch on the north side may need to be moved or replaced to allow for gravity irrigation on each parcel (Exhibit A.3). An irrigation plan was not provided. An irrigation plan is required at the time of platting (CCZO Section 07-17-09).</p> <p>Boise Project Board of Control states the irrigation district has no facilities on the parcels but does have water rights (Exhibit D.6). Local irrigation/drainage ditches that cross the property in order to serve neighboring properties must remain unobstructed and protected by the appropriate easement by the landowner, developer, and contractors.</p> <p>Utility: The applicant will work with Idaho Power to bring services to each parcel. Utility locations and easements are required to be provided at the time of platting (CCZO Section 07-17-09).</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 07-06-07(6)A6 | <p>Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?</p> |
| | | | Staff Analysis | <p>The proposed request, as conditioned, will not create any traffic impacts that require mitigation. Per the Institute of Transportation Engineers – Trip Generation 9th Edition, referenced in CCZO Section 07-10-03(3)), the request creates 19.04 average daily trips (38.08 average daily trips if you include secondary dwellings) onto SH-55. Cumulatively, 76.16 average daily trips when including the two dwellings in Newby Subdivision.</p> <p>Idaho Transportation Department (ITD) finds the request does not meet the threshold to require a traffic impact study and does not pose any safety concerns (Exhibit D.4).</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 07-06-07(6)A7 | <p>Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development; and</p> |
| | | | Staff Analysis | <p>The parcels have legal access via a 30' ingress/egress easement. Adequate access will exist at the time of development.</p> <p>If the request is approved, the subject properties have access that currently does not meet subdivision private road requirements. The subject property has a 30' wide ingress/egress easement that is served through the Newby Subdivision that connects to SH-44 (Exhibit A.3 & B.7). The applicant proposes the 30' easement not to increase within Newby Subdivision but would increase to meet the 60' width on the subject parcels (Exhibit A.3). Future access must meet private road lot requirements per CCZO §07-17-31(1)A:</p> |

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| | | | | <ol style="list-style-type: none"> 1. Private roads must be a numbered lot and constructed in accordance with section 07-10-03 of this chapter. 2. A minimum private road lot width of sixty feet (60') is required. This requirement may be reduced to a width not less than fifty feet (50'), in accordance with subsection 07-10-03(1)D of this chapter. 3. Curbs and gutters, if required by the Board, may be either rolled or vertical style and must be a minimum width of two feet (2'). Sidewalks must be a minimum width of four feet (4'). Both curb and gutter shall be constructed using three-fourths inch ($\frac{3}{4}$") aggregate in the concrete mix. <p>Another option is to not use the existing 30' wide access easement and use Nancy Lane, a public road (unmaintained right-of-way). Initially, Golden-Gate Highway District #3 provided a comment prohibiting the request to use the public road (Exhibit D.1). However, the highway district did provide the option of using Nancy Lane if the parcels provided a 25' wide right-of-way dedication increasing the existing 25' wide public right-of-way to 50' wide (Exhibit A.6.b). However, existing neighbors taking access from Nancy Lane do not request to increase the use of the public road (Exhibit A.2). Adequate access will be determined at the time of platting (CCZO Section 07-17-09).</p> <p>Idaho Transportation Department (ITD) finds the request does not meet the threshold to require a traffic impact study and does not pose any safety concerns (Exhibit D.4).</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 07-06-07(6)A8 | <p>Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?</p> |
| | | | Staff Analysis | <p>The proposed request is not anticipated to impact essential public services and facilities including, but not limited to schools, police, fire, and emergency medical services.</p> <p>School: The subject properties are located in the Vallivue School District #139 (Exhibit B.1). No comment was received.</p> <p>Fire: The subject properties are served by Marsing Fire District (Exhibit B.1). No comment was received. The applicant states they met with Caldwell Rural Fire which required access to be improved and to include a turnaround to fire district specifications (Exhibit A.2).</p> <p>Police: The subject properties are served by the Canyon County Sheriff's Office. No comment was received.</p> <p>Emergency Services: The subject properties are served by Canyon County Ambulance/EMT. No comment was received.</p> <p>Irrigation District: The subject properties are within the Wilder Irrigation District & Boise Project Board of Control (Exhibit B.1). The Boise Project Board of Control commented finding there are no irrigation district facilities on the parcels (Exhibit D.6)</p> |

4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Canyon County Emergency Management Coordinator, Marsing Fire Protection District, Wilder Irrigation District, Boise Project Board of Control, Golden-Gate Highway District No. 3, Vallivue School District, Idaho Transportation Department, Idaho Power, Intermountain Gas, CenturyLink, Ziply, Canyon County Assessor's Office, Canyon County Building Department, Canyon County Code Enforcement Department, Canyon County Engineering Department, Idaho Department of Environmental Quality, Idaho Department of Water Resources (Water Rights), Idaho Department of Fish and Game, Idaho State Department of Agriculture, Idaho Agricultural Aviation Association, Southwest District Health, and Canyon Soil Conservation District were notified of the subject application.

Staff received agency comments from the Idaho Transportation Department, Southwest District Health, Canyon Soil Conservation District, Boise Project Board of Control, Golden-Gate Highway District No. 3, and Idaho Department of Environmental Quality. All agency comments received by the aforementioned materials deadline are located in **Exhibit D**.

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

5. PUBLIC COMMENTS:

No written public comments were submitted to DSD by the materials deadline of January 27, 2025.

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 rezone is **compliant** with Canyon County Ordinance 07-06-07(6)A. 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. All 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. Prior to the development of Parcel R33459010 and 010B, the division creating the parcel must be created legally through the subdivision process (Chapter 7, Article 17 of the Canyon County Zoning Ordinance).
3. Development of the subject parcel shall be restricted as follows:
 - a. Minimum average lot size: Five (5) acres.
 - b. Zoning Designation: Other than the minimum lot size, the subject parcels shall meet the uses and minimum requirements of the "A" (Agricultural) Zone.
4. The developer shall comply with CCZO §07-06-07(4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

7. EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
2. Letter of Intent
3. Site Plan
4. Land Use Worksheet
5. Neighborhood Meeting – November 6, 2024
6. Agency Acknowledgment Form
 - a. Southwest District Health – November 1, 2024
 - b. Golden Gate Highway District #3 – October 2, 2024
7. Deeds
 - a. 2007-065404
 - b. 2002-16286
 - c. 2010-017727
 - d. 2021-021008
8. E-mail from DSD to the Applicant – September 10, 2024
9. Initial Application Request (September 2, 2022)

B. Supplemental Documents

1. Parcel Report: R33459010 and R33459010B
2. Maps
 - a. Small Air Photo 1 Mile
 - b. Vicinity
 - c. Zoning & Classification
 - d. Case w/report
 - e. Subdivision w/report
 - f. Dairy, Feedlot, and Gravel Pit
 - g. Lot Classification
 - h. Soil, Farmland and Report
 - i. Contour
 - j. Future Land Use
 - k. Nitrate Priority & Wells
 - l. TAZ Household
3. PI2020-0320
4. CU2003-291 with Expiration letter
5. PH2017-40 Development Agreement
6. SD2018-4 FCOs
7. Newby Sub.

C. Site Visit Photos: September 5, 2024

D. Agency Comments Received by: January 27, 2025

1. Golden Gate Highway District #3, dated July 23, 2024
2. Idaho Dept. of Environmental Quality, letter dated August 6, 2024
3. Southwest District Health, e-mail dated November 27, 2024
4. Idaho Transportation Department, e-mail dated November 27, 2024
5. Canyon County Soil Conservation, letter received November 25, 2024
6. Boise Project Board of Control, letter dated March 8, 2023

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# CR2022-0027

Hearing date: February 6, 2025

MASTER APPLICATION**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #310, Caldwell, ID 83605zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633



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| PROPERTY OWNER | OWNER NAME: <u>David K Hess</u> |
| | MAILING ADDRESS: <u>116 Arabian Way Nampa ID 83687</u> |
| | PHONE: <u>208 250-5619</u> EMAIL: <u>Capstone208@hotmail.com</u> |
| I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign. Signature: <u>David K Hess</u> Date: <u>10/21/24</u> | |

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| (AGENT) ARCHITECT ENGINEER BUILDER | CONTACT NAME: <u>David Hess</u> |
| | COMPANY NAME: |
| | MAILING ADDRESS: <u>116 Arabian Way Nampa ID 83687</u> |
| | PHONE: <u>208-250-5619</u> EMAIL: <u>Capstone208@hotmail.com</u> |

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| SITE INFO | STREET ADDRESS: <u>0 Sunny Slope Rd Caldwell, ID 83607</u> | | |
| | PARCEL #: <u>334590100</u> | LOT SIZE/AREA: <u>6.07 Acres</u> | |
| | LOT: | BLOCK: | SUBDIVISION: |
| | QUARTER: <u>NE</u> | SECTION: <u>22</u> | TOWNSHIP: <u>3N</u> RANGE: <u>4W</u> |
| | ZONING DISTRICT: | | FLOODZONE (YES/NO): <u>No</u> |

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

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

| | |
|---------------------------------|--------------------------------|
| CASE NUMBER: <u>CR2022-0027</u> | DATE RECEIVED: |
| RECEIVED BY: | APPLICATION FEE: CK MO CC CASH |

Revision submitted 11/14

Revised 3/1/22

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633



| | |
|---|--|
| PROPERTY OWNER | OWNER NAME: Carl Glaethli |
| | MAILING ADDRESS: 183 N Stinson St Nampa ID 83651 |
| | PHONE: 208-800-0456 EMAIL: CGlaethli@gmail.com |
| I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign. | |
| Signature: Carl Glaethli | Date: 28 October 2024 |

| | |
|---|--|
| (AGENT) ARCHITECT ENGINEER BUILDER | CONTACT NAME: David Hess |
| | COMPANY NAME: |
| | MAILING ADDRESS: 116 Arabian Way, Nampa ID 83687 |
| | PHONE: 208-750-5619 EMAIL: Capstone208@hotmail.com |

| | | |
|------------------|---|------------------------------------|
| SITE INFO | STREET ADDRESS: 0 Sunny Slope Rd Caldwell, ID 83607 | |
| | PARCEL #: 33459010 B | LOT SIZE/AREA: 5 Acres |
| | LOT: | BLOCK: SUBDIVISION: |
| | QUARTER: NE | SECTION: 22 TOWNSHIP: 3N RANGE: 4W |
| | ZONING DISTRICT: | FLOODZONE (YES/NO): NO |

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

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

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

Revised 3/1/22



Canyon County Development Services
111 North 11th Avenue, #310
Caldwell, Idaho 83605
www.canyoncounty.id.gov
208-454-7458

AFFIDAVIT OF LEGAL INTEREST

I, Carl Glaetli, 183 Stinson St
(name) (address)
Nampa, ID 83651
(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

David Hess, 116 Arabian Way, Nampa ID 83687
(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.

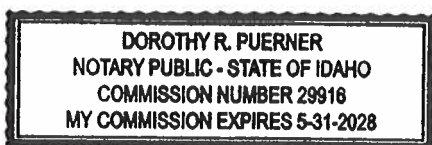
Dated this 28 day of October, 2024.
Carl Glaetli
(signature)

STATE OF IDAHO)

ss

COUNTY OF CANYON)

On this 28th day of OCTOBER, in the year 2024, before me DOROTHY R. PUERNER
a notary public, personally appeared CARL GLAETTLI, 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: Dorothy R. Puerner

My Commission Expires: 5/31/28

Exhibit A.2

To: Canyon County Development Services Department,

Date: 11/7/2024

Regarding: A Request for a Conditional Use Permit to Rezone (#334590100 and #33459010B) [Paradise Valley Subdivision]

Description of existing use and proposed use:

My wife and I purchased a beautiful 6.02 acre parcel (#33459010) in 2021 and are looking forward to becoming part of the Sunny Slope Community. The property is currently zoned agricultural but has just been an occasional grazing lot with a fenced in area of miscellaneous debris. Our proposed use is Rural Residential through a conditional rezone. The home/buildings on the property would be placed in a way to allow the majority of the area to be used for agricultural purposes.

Per the recommendation of Canyon County, we are including the 5 acre parcel R33459010B to the east of us in this rezone process. The owner of parcel R33459010, Dr. Carl Glaettli has willingly agreed to join this conditional rezone application. The home/buildings on this property would also be placed in a way to allow the majority of the area to be used for agricultural purposes.

Proposed Request and why it is being requested:

In 2001 a conditional use permit by Dallas Kraft was approved allowing parcel #33459010 to be considered a rural residential lot. My wife and I went through the county process in 2021 year hoping for a conditional use modification to the old 2001 permit that would allow us to build on our property. It went to the director for a director's decision and it was turned down due to fact that not all of the conditions were met within 5 years as well as the platting not being completed.

We are now applying to request a conditional rezone to rural residential. Dr Carl Glaettli is also requesting a conditional rezone to rural residential for his 5 acres.

Our goal is that the property would continue to have a spacious and rural feeling with agricultural potential. We also hope this would be the case with any future development in the surrounding properties. We appreciate your consideration.

Description of how proposed use is consistent with comprehensive plan:

We kindly request that our proposal be evaluated under the 2030 Comprehensive Plan where five-acre lot sizes in the agriculture designation may be supported and demonstrated through recommended restrictions/conditions. The result will protect and maintain agricultural uses by being five acres or greater and placing development in areas that would be least impactful for future agricultural purposes, nor impact surrounding agricultural uses.

Our proposed rezones support the following 2030 Comprehensive Plan goals:

G1.01.00 Policy Action Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.

G1.02.00 Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance.

G2.02.00 Promote housing, business, and service types needed to meet the demand of the future and existing population.

G3.05.00 Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.

G4.01.00 Action Support livability and high quality of life as the community changes over time.

G4.02.00 Ensure that growth maintains and enhances the unique character throughout the County.

G4.06.00 Development design should improve the area's character and be compatible with the community's visual appearance and the natural environment.

G4.07.00 Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.

G4.08.00 Maintain and enhance the aesthetic beauty of the County.

G8.02.00 Provide safe transportation improvements for all users and connections to adjacent areas.

G11.01.00 Encourage opportunities for a diversity of housing choices in the County.

G11.02.00 Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.

G12.01.00 Policy Action Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses

Commercial Agriculture (AC-5) The AC-5 district provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity. One unit per five acres

How the proposed use could affect neighboring uses:

We can see no way in which the proposed use would interfere with any neighboring uses nor be injurious in any way. I do understand that change in a neighborhood can be challenging for some people and we have taken this into consideration. The proposed use of a rural residence on acreage is consistent with that of neighboring properties and we feel they would blend in nicely. Ben Newby lives on 3 acres to the east with 7 acres of pasture, Roger and Sue Williamson to the northeast, Jeff Forsberg to the southeast, and Jacob Lee to the west. Dr Carl Glaettli owns 5 acres adjacent to us (to the east) and is happy to be included in this application. We have had a couple of neighborhood meetings and have learned a lot about the property's history and details.. We believe the neighbors will also appreciate that the existing junk on the property will be cleaned up and hauled away.

Water, Sewer, Irrigation, Drainage, Utilities

There is an existing well on the property that can be cleaned and put into service. A septic design would be permitted through Southwest District Health. Neighboring properties are on septic. I have been in contact with Idaho Power to see about getting electricity back to the property. According to neighbors there is some, but limited, irrigation that makes it back to our back 5.62 acre lot and Dr. Carl Glaettli's 5 acre lot. We will either move the concrete ditch on the north side or replace it with above ground pipe. There are two existing irrigation drains on the west and southwest sides of the property adjacent to Lizar Lateral. Storm water will be contained on site.

Legal Access To Property:

A 30' easement along the north sides of the adjacent properties provides access to Hwy 55 (Sunny Slope Rd.) including a 60' wide easement on the north side of Newby's 7 acres of pasture. Per our deed, our legal access is through our 30' easement that runs across the north side of Ben Newby's, Carl Glaettli's and our property. I have been in communication with Department of Idaho Transportation and was informed that they see no issue with us building a private road along the ingress/egress easement to access our property. I talked with Bob Watkins from Golden Gate Highway District and he informed us that GGHD3 would like us to access our property off of Hwy55 (via our easement)by either a private road or completing Nancy Lane. In order to meet the private road width requirement, Dr. Carl Glaettli will give an additional 30' of easement to meet the 60' road width needed in front of his 5 acres. . In talking with Dan Lister at Canyon County, we were informed that the DSD Supervisor would allow the 30' section of road width (as shown on drawings) without impacting the Newby Subdivision. Per the DSD Supervisor's decision, the 30' wide easement(and 10' utility easement) in front of Ben Newby's 3 acre residential lot would be an allowed exception to the 60' width. If future development was desired by Ben Newby (or a future owner) then the county would require the additional 30' of easement to meet the full 60' width. In order to complete Nancy Lane, each property owner (Hess, Glaettli, and Newby) would need to deed over 25'-30' of private easement to GGHD3 to meet the public road width requirement. Not all owners are wanting to deed over the easement needed to make Nancy Lane a public road. From our neighborhood meetings, it also appears that no one is wanting to see Nancy Lane completed and that all parties would like to see a separate private road over Nancy Lane.

I also spoke with Fire Chief Alan Perry to get information on their road requirements and turn-a-rounds.

Impact on Traffic Patterns

The proposed use of two new residences will have minimal impact on current and future traffic patterns. The total ADT for the two homes plus Ben Newby's home would be 28.56.

Essential Services

Essential services should not be negatively impacted or require additional funding as a result of this change of use.

Phasing of development:

- 1) Haul off debris from property to the landfill.
- 2) Construct private road and driveway to properties
- 3) Work with Idaho Power to get power to properties.
- 4) Get septic designs approved by Southwest District Health
- 5) Construct a home and shop

Description of site:

The property is mostly flat with the western side slightly sloping downward in the middle edge (towards the irrigation drain) There is one small tree in the middle of the property and a few trees on the South west and Northwest corners. There is a beautiful view of the Owyhee Mountains and Lizard Butte to the south. Dr Glaettli's property is mostly flat with a slight slope to the west.

The proposed private road would be built in the existing easement(and increased easement) to get access to Dr. Carl Glaettli's 5 acres and our 5.62 acres and then turn left (heading south) down a driveway along the east side of the property. There is currently a domestic well on the north half of the property that was installed in 2000. There is an existing barbed wire fence around the property.

**See site plan attached:*

Description of business operations:

I own and operate Capstone Carpentry, a small remodeling construction company consisting of myself and my two sons Kyle (24), and Ryan (22). I plan on having a home office, but it is not a place I meet with clients. The majority of my work is completed at jobsites. I am excited to have a shop to be able to store tools and materials out of the weather and in an orderly way.

Please feel free to contact us with any questions you may have or further information needed. We appreciate your consideration of this request.

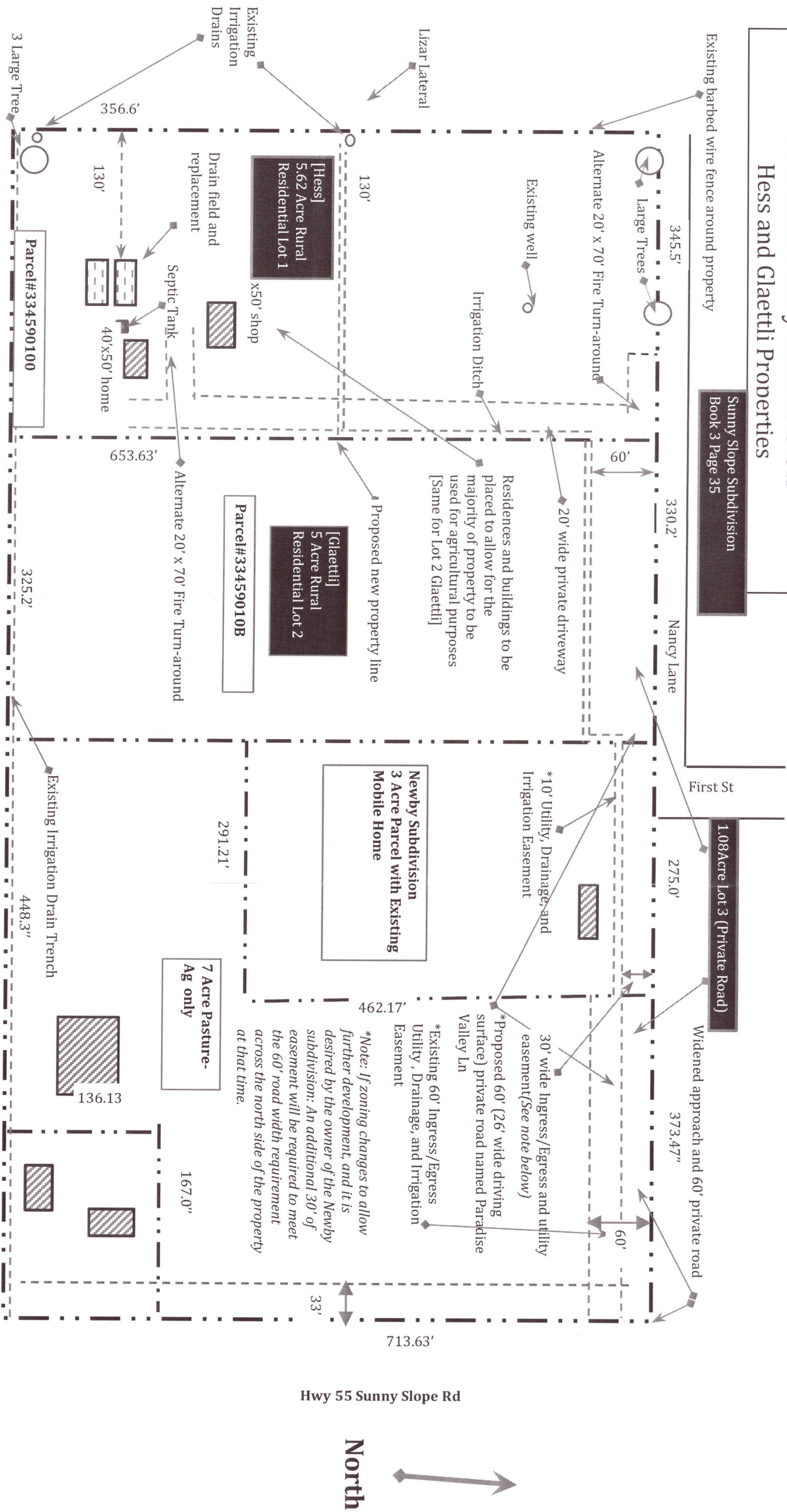
Sincerely,

David and Carol Hess

Dr. Carl Glaettli

PRELIMINARY PLOT PLAN
Paradise Valley Subdivision
Hess and Glaetli Properties

Sunny Slope Subdivision
Book 3 Page 35



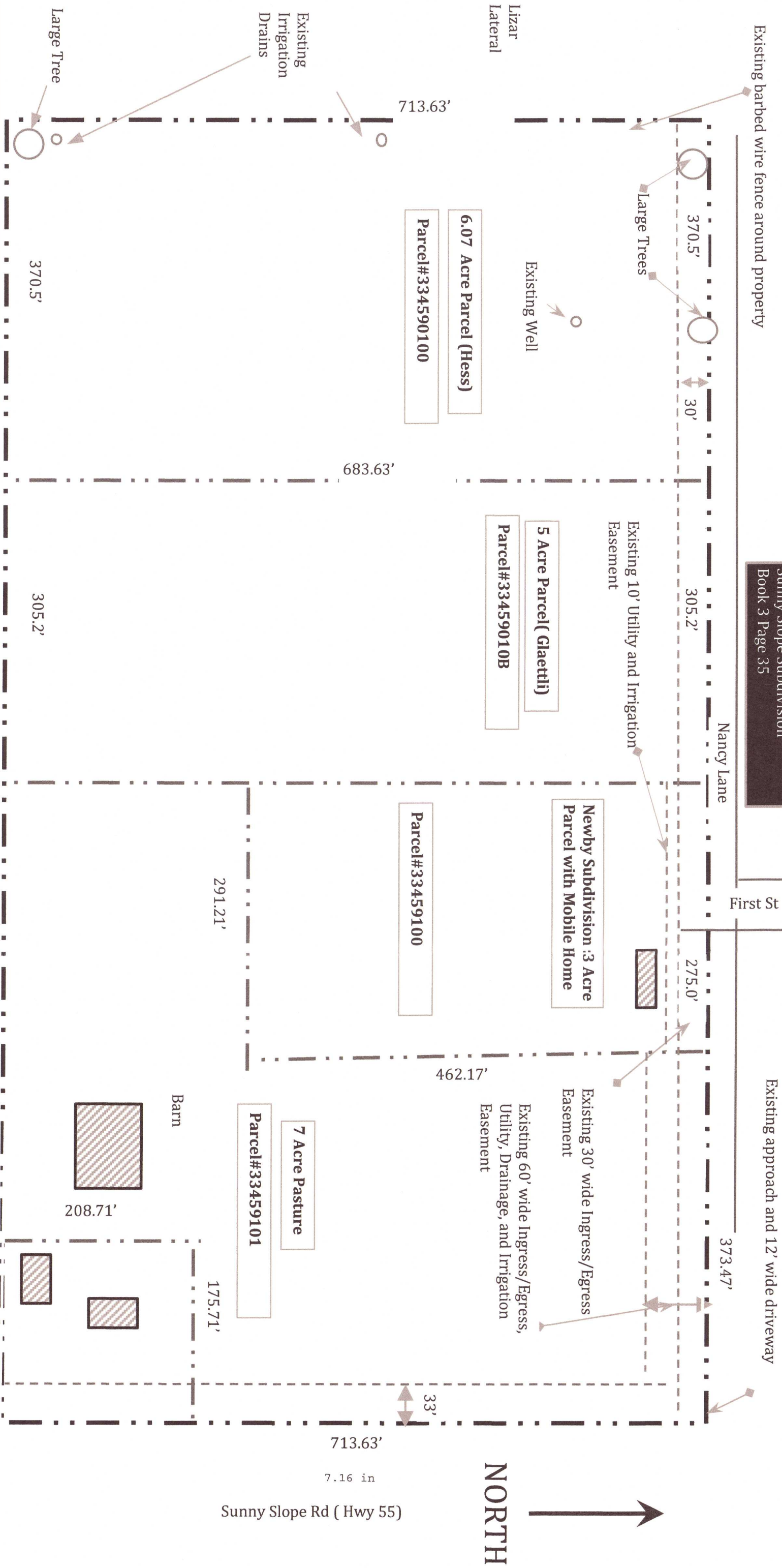
Identification and Descriptive Data
Proposed Subdivision: Paradise Valley Subdivision
Proposed Rural Residential Lots (5.62 Acre and 5 Acre)
Quarter: NE, Section: 22, Township: 3N, Range: 4W
Developer and Preparer of Plat: David and Carol Hess
Address: 116 Arabian Way, Nampa, ID 83687
Phone: 208-250-5619
Additional Applicant: Carl Glaetli
Address: 183 N Stinson St, Nampa, ID 83651
Phone: 208-800-0456
Date of Preparation: Oct 21, 2024

Scale: 1" = 100'

Parcel#334590100

PRELIMINARY PLOT PLAN
Existing Conditions

Sunny Slope Subdivision
Book 3 Page 35



Identification and Descriptive Data

Proposed Subdivision Name: Paradise Valley Subdivision
Quarter: NE, **Section:** 22, **Township:** 3N, **Range:** 4W
Developer: David and Carol Hess
Address: 116 Arabian Way, Nampa, ID 83687
Phone: 208-314-1588
Additional Applicant: Carl Glaetli
Address: 183 N Stinson St, Nampa, ID 83651
Phone: 208-800-0456
Date of Preparation: Oct 21, 2024

LAND USE WORKSHEET**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633



Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☐ N/A – Explain why this is not applicable: _____

☒ How many Individual Domestic Wells are proposed? 2 / each property

2. SEWER (Wastewater) ☒ Individual Septic ☐ Centralized Sewer system

☐ N/A – Explain why this is not applicable: _____

3. IRRIGATION WATER PROVIDED VIA:

☒ Surface ☐ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION:

☐ Pressurized ☒ Gravity

5. ACCESS:

☐ Frontage ☒ Easement Easement width 60' Inst. # _____

6. INTERNAL ROADS:

☐ Public ☒ Private Road User's Maintenance Agreement Inst # (780)

7. FENCING ☒ Fencing will be provided (Please show location on site plan)

Type: Barb wire Height: 3'-4'

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)

Ditch on north side

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

☒ Residential 1 each lot ☐ Commercial _____ ☐ Industrial _____
☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

☒ Water supply source: well

3. INCLUDED IN YOUR PROPOSED PLAN?

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☒ None

NON-RESIDENTIAL USES

1. SPECIFIC USE: N/A

2. DAYS AND HOURS OF OPERATION:

☐ Monday _____ to _____
☐ Tuesday _____ to _____
☐ Wednesday _____ to _____
☐ Thursday _____ to _____
☐ Friday _____ to _____
☐ Saturday _____ to _____
☐ Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? ☐ Yes If so, how many? N/A ☐ No

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

N/A Height: _____ ft Width: _____ ft. Height above ground: _____ ft

What type of sign: _____ Wall _____ Freestanding _____ Other _____

5. PARKING AND LOADING:

N/A How many parking spaces? _____

Is there is a loading or unloading area? _____

| ANIMAL CARE RELATED USES | |
|--|---------------------|
| 1. MAXIMUM NUMBER OF ANIMALS: | <u>0</u> <i>N/A</i> |
| 2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION? | <i>N/A</i> |
| <input type="checkbox"/> Building <input type="checkbox"/> Kennel <input type="checkbox"/> Individual Housing <input checked="" type="checkbox"/> Other <u>0</u> | |
| 3. HOW DO YOU PROPOSE TO MITIGATE NOISE? | <i>N/A</i> |
| <input type="checkbox"/> Building <input type="checkbox"/> Enclosure <input type="checkbox"/> Barrier/Berm <input type="checkbox"/> Bark Collars | |
| 4. ANIMAL WASTE DISPOSAL | <i>N/A</i> |
| <input type="checkbox"/> Individual Domestic Septic System <input type="checkbox"/> Animal Waste Only Septic System | |
| <input type="checkbox"/> Other: _____ | |

NEIGHBORHOOD MEETING SIGN-UP**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #310, Caldwell, ID 83605

zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633

**NEIGHBORHOOD MEETING SIGN UP SHEET****CANYON COUNTY ZONING ORDINANCE 507-01-15**

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

SITE INFORMATION

Site Address: TBD Sunny Slope Rd Parcel Number: 334590100 + 33459010B
 City: Caldwell State: ID ZIP Code: 83607
 Notices Mailed Date: 10/26/24 Number of Acres: 562+5 Current Zoning: Ag/Ag
 Description of the Request: Rezone to rural residential each parcel.

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: David Hess
 Company Name: —
 Current address: 116 Arabian Way
 City: Nampa State: ID ZIP Code: 83687
 Phone: — Cell: 208 250-5619 Fax: —
 Email: Capstone 208 @ hotmail.com

MEETING INFORMATION

DATE OF MEETING: 11/6/24 MEETING LOCATION: AT PROPERTY
 MEETING START TIME: 6:00 pm MEETING END TIME: 6:45 pm

ATTENDEES:

| NAME (PLEASE PRINT) | SIGNATURE: | ADDRESS: |
|---------------------------|--------------------|---------------------------------|
| 1. David Hess | <i>[Signature]</i> | 116 Arabian Way, Nampa ID 83687 |
| 2. Ben Newby | <i>[Signature]</i> | 14737 Sunny Slope |
| 3. Ben Newby (with trust) | <i>[Signature]</i> | 20411 N. Polaris Ln. Nampa, ID |
| 4. Shawn Crawford | <i>[Signature]</i> | 20208 Nancy Ln |
| 5. Ben Newby Mib | <i>[Signature]</i> | 14737 Sunny Slope |
| 6. Patrick Williamson | <i>[Signature]</i> | 14807 Sunny Slope Rd |
| 7. CARL GLASTL | <i>[Signature]</i> | 18315 Stinson St Nampa ID |
| 8. Sue Laird | <i>[Signature]</i> | 20086 Nancy Ln Caldwell |
| 9. Penny O Burton | <i>[Signature]</i> | 14737 Sunny Slope |
| Rick Burton | <i>[Signature]</i> | 11 |
| Kristi Crawford | <i>[Signature]</i> | 14781 1st St Caldwell ID 83607 |
| Larry Crawford | <i>[Signature]</i> | |

| |
|-----|
| 10. |
| 11. |

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|-----|
| 12. |
| 13. |
| 14. |
| 15. |
| 16. |
| 17. |
| 18. |
| 19. |
| 20. |

NEIGHBORHOOD MEETING CERTIFICATION:

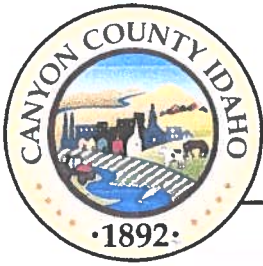
I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

DAVID K HESS

APPLICANT/REPRESENTATIVE (Signature): 

DATE: 11 / 6 / 24



AGENCY ACKNOWLEDGMENT

Date: 10/21/24
 Applicant: David Hess + Carl Gaehtli
 Parcel Number: 334590100 AND 334590108
 Site Address: 780 Sunny slope Rd 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: 11/01/2024 Signed: Anthony See
 Authorized Southwest District Health Representative
 (This signature does not guarantee project or permit approval)

Fire District: SEE NEXT PAGE

District: Marsing Rural

☒ Applicant submitted/met for informal review.

Date: _____ Signed: SEE ATTACHED
 Authorized Fire District Representative
 (This signature does not guarantee project or permit approval)

Highway District:

District: Golden Gate HD

☒ Applicant submitted/met for informal review.

Date: _____ Signed: SEE ATTACHED EMAIL
 Authorized Highway District Representative
 (This signature does not guarantee project or permit approval)

Irrigation District:

☒ Applicant submitted/met for informal review.

Date: 10/28/24 Signed: Lee D. Secretary Insurance
 Authorized Irrigation Representative
 (This signature does not guarantee project or permit approval)

Area of City Impact

City: Caldwell

☒ Applicant submitted/met for informal review.

Date: 10/28 Signed: Mary Ann
 Authorized AOI Representative
 (This signature does not guarantee project or permit approval)

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

| AGENCY LOCATION AND CONTACT | | |
|--|--|-----------------------------|
| Southwest District Health | | |
| | Address | Phone Number |
| | 13307 Miami Lane, Caldwell | (208) 455-5400 |
| Highway Districts | | |
| Agency | Address | Phone Number |
| Canyon | 15435 ID-44, Caldwell | (208) 454-8135 |
| Golden Gate | 500 Golden Gate Ave. E, Wilder | (208) 482-6267 |
| Nampa | 4507 12 th Ave Road, Nampa | (208) 467-6576 |
| Notus-Parma | 106 S. 4 th Str., Parma | (208) 722-5343 |
| Idaho Transportation Department | | |
| | Address | Phone Number |
| | 11331 W. Chinden Blvd., Boise | (208) 334-8300 |
| Fire Districts | | |
| Agency | Address | Phone Number |
| Caldwell Rural | 310 S. Seventh Ave., Caldwell | (208) 402-1041 |
| Homedale Rural | 120 S. Main St., Homedale | (208) 337-3450 |
| Kuna Rural | 150 W. Boise St., Kuna | (208) 922-1144 |
| Marsing Rural | 303 Main St., Marsing | (208) 896-4796 |
| Melba Rural | 408 Carrie Rex, Melba | (208) 495-2351 |
| Middleton Rural | 302 E. Star Blvd., Middleton | (208) 585-6650 |
| Nampa Rural | 820 Second Str. South, Nampa | (208) 468-5770 |
| Parma Rural | 29200 HWY 95, Parma | (208) 722-6753 |
| Star Rural | 11665 State Str., Suite B, Star | (208) 286-7772 |
| Upper Deer Flat Rural | 9500 Missouri Ave., Nampa | (208) 466-3589 |
| Wilder Rural | 601 Patriot Way, Wilder | (208) 482-7563 |
| Irrigation Districts | | |
| Agency | Address | Phone Number |
| Famer Cooperative Ditch Co/Si | PO Box 69, Parma | (208) 722-2010 |
| Farmers Union Ditch Co | PO Box 1474, Eagle | (208) 870-7919 |
| Black Canyon | 474 Elgin Ave., Notus | (208) 459-4141 |
| Boise-Kuna | 129 N. School Ave., Kuna | (208) 922-5608 |
| Boise project Board of Control | 2465 Overland Road, Boise | (208) 344-1141 |
| Eureka | 21766 Howe Road, Caldwell | (208) 250-8000 |
| Franklin Ditch Co | 3401 W. Pine Ave., Meridian | (208) 466-3819 |
| Middleton Mill Ditch Co | PO Box 848, Middleton | (208) 585-3207 |
| Nampa-Meridian | 1503 1 st Str. South, Nampa | (208) 466-7861 |
| New York | 6616 W. Overland Road, Boise | (208) 378-1023 |
| Pioneer | 3804 S. Lake Ave., Caldwell | (208) 459-3617 |
| Pioneer-Dixie | 19724 Dixie River Road, Caldwell | (208) 454-1559 |
| Riverside | PO Box 180, Greenleaf | (208) 722-2010 |
| Settlers | PO Box 7571, Boise | (208) 343-5271 |
| Siebenberg Cooperative Ditch Co | PO Box 642, Parma | kchamberlain.fcdc@gmail.com |
| Wilder | 709 Cleveland Blvd., Caldwell | (208) 459-3421 |
| Mason Creek Ditch Co | 1905 Mason Rd., Caldwell | johnmcavoy48@yahoo.com |
| Poor Boy Ditch Co | PO Box 395, Greenleaf | (208) 407-7681 (F) 498-9690 |
| Canyon County Water Co./Flake Ditch | PO Box 11/PO Box 6, Star | (208) 455-1735 |
| City Impact Area | | |
| Agency | Address | Phone Number |
| Caldwell | 621 Cleveland Blvd., Caldwell | (208) 455-3000 |
| Nampa | 500 12 th Ave. S., Nampa | (208) 468-4430 |
| Middleton | 1103 W. Main St., Middleton | (208) 585-3133 |
| Parma | 305 N. 3 rd St., Parma | (208) 722-5138 |
| Melba | 401 Carrie Rex Ave., Melba | (208) 495-2722 |
| Greenleaf | 20523 Whittier Dr., Greenleaf | (208) 454-0552 |
| Notus | 375 Notus Road, Notus | (208) 459-6212 |
| Homedale | 31 W. Wyoming Ave., Homedale | (208) 337-4641 |
| Star | 10769 W. State St., Star | (208) 286-7247 |
| Wilder | 107 4 th St., Wilder | (208) 482-6204 |

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



AGENCY ACKNOWLEDGMENT

Date: 10/21/24
Applicant: Dan & Hess + Carl Oertli
Parcel Number: 334590100 and 334590200
Site Address: _____

The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, updates, and other feedback can be provided to applicants early in the planning process. Feedback in coordination with an agency is preferred so a project can be submitted instead of a regulatory. After the application is submitted, the affected agencies will be sent a meeting notification by FDD staff and will have the opportunity to submit comments.

Southwest District Health

Applicant submitted project for informational review.

Date: 11/2/2024 Signed: [Signature]
Authorized Southwest District Health Representative
(This signature does not constitute approval or denial of project.)

Fire District

Applicant submitted project for informational review.

Date: 11-4-24 Signed: [Signature]
Authorized Fire District Representative
(This signature does not constitute approval or denial of project.)

Highway District

Applicant submitted project for informational review.

Date: _____ Signed: _____
Authorized Highway District Representative
(This signature does not constitute approval or denial of project.)

Irrigation District

Applicant submitted project for informational review.

Date: 11/2/24 Signed: [Signature]
Authorized Irrigation Representative
(This signature does not constitute approval or denial of project.)

Area of City Impact

Applicant submitted project for informational review.

Date: 10/23 Signed: [Signature]
Authorized AOCI Representative
(This signature does not constitute approval or denial of project.)

NOTATION: This Acknowledgment is valid for 12 MONTHS FROM THE DATE ISSUED.

APPLICATION-Acknowledgement Notice



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

(Official Use Only)

Parcel #: 334590100 & 334590103Acres: 5.62 & 5.0Property Address: 0 Sunny Slope Rd City Caldwell Zip Code 83607Legal Description: Township 3N Range 4W Section 22 County CANYON

Subdivision: _____ Lot _____ Block _____

Applicants Name: David Hess Email: Capstone208@hotmail.comMailing Address: 116 Arabian Way Phone # 208 250-5619City: Nampa State: ID Zip Code: 83687Applicant is: ☒ Landowner ☐ Contractor ☐ Installer ☐ Other _____ Date: 11/1/24Owners Name: David HessMailing Address: 116 Arabian Way Phone #: 208 250-5619City: Nampa State: ID Zip Code: 83687The proposed use will be: ☒ Residential ☐ Commercial ☐ AgriculturalIs there an existing structure(s) on this parcel? ☐ Yes ☒ NoIs a Letter of Intended Use provided? ☒ Yes ☐ NoThe proposed change will be: ☐ Land Split ☒ Land Use Changes (i.e., zoning)
☐ Preliminary Plat Review ☐ Other (See below description of proposal)Number of lots on the parcel (if applicable): 1 lot on each parcelProperty is located in: ☐ City ☐ Impact Zone ☒ CountyIs the proximity of the structure to city sewer or central wastewater collection system 200 feet or less? ☐ Yes ☒ NoWater supply: ☒ Private Well ☐ Shared Well ☐ Public Water System

Description of proposal:

Ag to Rural Residential for parcel 334590100 and
334590103 to allow for building permit
(5.62 Acres)
(5 Acres)

SIGNATURE: David HessDATE: 11/1/24

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



RE: Proposed pian

From Bob Watkins <bobw@gghd3.org>
Date Wed 10/2/2024 8:23 AM
To DAVID HESS <capstone208@hotmail.com>

David, I spoke with our district engineer and discussed the matter at hand. We came to the conclusion that it would best suite your properties if you access from US Hwy 55 since this is your current legal access. Another thought Nancy Ln is a deeded 25-ft right of way if possible the land owners south of Nancy Ln. would be willing to dedicate an additional 25 ft of right of way that would make Nancy Lane a 50 ft deeded row for the enjoyment of all land owners, we feel this would be the cleanest way to approach the matter ensuring access no matter the development ahead. Let me know if you have additional questions.

Best,

Bob Watkins
Director of Highways
Golden Gate Highway Dist.#3

From: DAVID HESS <capstone208@hotmail.com>
Sent: Tuesday, October 1, 2024 11:44 AM
To: Bob Watkins <bobw@gghd3.org>
Subject: Proposed pian

Hello again!

This is the plan I sent to Dan Lister after meeting with him a couple of weeks ago. It is the plan that he is referencing in his response.

Thought that might be helpful!

Thanks again!

David Hess
208-250-5619
Capstone208@hotmail.com

[Sent from Yahoo Mail for iPhone](#)

PC 709014

Exhibit A.7a

INSTRUMENT NO. 2007065404

A
ACCOMODATION**GRANT OF RIGHT OF FIRST REFUSAL
FOR PURCHASE OF REAL PROPERTY**

THIS Grant of First Right of Refusal (the "Agreement") is entered into effective the 27 day of SEPTEMBER, 2007, by and between Dallas and Susan Kraft, husband and wife, of Nampa, Idaho (collectively, "Seller"), and Carl R. Glaettli II and Joyce B. Glaettli, husband and wife, whose address is 183 N. Stinson Street, Nampa, Idaho 83651 (collectively, "Buyer"). Seller and Buyer may be referred to herein collectively, where applicable, as the "Parties."

RECITALS

1. Seller and Buyer entered into that certain Vacant Land Real Estate Purchase and Sale Agreement dated September 21, 2007 for the purchase and sale of that certain 5 acre parcel of real property located at 14725 Sunny Slope Road, Caldwell, Idaho 83607, is known as Parcel B of the Sunny Slope Subdivision, and depicted as Parcel B on the Record of Survey for the Sunny Slope Subdivision (the "Record of Survey") attached hereto as Exhibit A and incorporated herein by this reference ("Parcel B").

2. Seller owns that certain 6.07 acre parcel of real property also located at 14725 Sunny Slope Road, Caldwell, Idaho 83607, which is adjacent to Parcel B, is known as Parcel A of the Sunny Slope Subdivision, and is depicted as Parcel A on the Record of Survey (hereafter, the "Property").

3. Buyer desires to obtain, and Seller desires to grant to Buyer, a first right of refusal to purchase the Property on the following terms and conditions.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, which the Parties agree are true and correct, the mutual covenants contained herein, Buyer's purchase of Parcel B, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. Buyer's Right of First Refusal of an Offer. At such time as Seller receives a bona fide offer for the purchase of its Property by a third party, and the offer is acceptable to Seller in Seller's sole judgment (the "Bona Fide Offer"), then Seller shall offer the Property to Buyer, in writing, on the same terms and conditions as are contained in the Bona Fide Offer, and shall furnish Buyer with a copy of the Bona Fide Offer at the time that it makes the offer to Buyer. Buyer shall have fourteen (14) days after receipt of such offer to decline to purchase the Property or notify Seller that Buyer intends to purchase the Property on the terms of such offer. If Buyer declines to purchase the Property, or fails to notify Seller of its intention to purchase the Property within the fourteen (14) day period provided, then Seller shall be free to sell the Property pursuant to the Bona Fide Offer, and on those same terms and conditions. If such sale does not close within sixty (60) days from the date Seller delivered written notice of the Bona Fide Offer to Buyer, or if the price or other terms change, Seller will notify Buyer of the changes or time extensions intended to be granted to the purchaser under the Bona Fide Offer and Buyer will have ten (10) days from the date of receipt of

such notice to notify Seller of its election to purchase the Property under the revised terms of the Bona Fide Offer, and if Buyer does not notify Seller of its election to purchase the Property within said ten (10) days, then Seller shall be free to consummate the sale to the purchaser under the Bona Fide Offer pursuant to its revised terms. Any new Bona Fide Offer, or any tendering again of a previously tendered Bona Fide Offer, by a person who has previously extended an offer shall be treated as a new Bona Fide Offer for purposes of this paragraph.

2. Buyers' Obligation to Close. If Buyer notifies Seller pursuant to Section 1 above that Buyer intends to purchase the Property, then Buyer shall close the transaction pursuant to the terms and conditions of the offer made to Seller, but in no event shall Buyer be obligated to close the contemplated transaction on a date which is earlier than thirty (30) days after Buyer gives notice that Buyer intends to purchase the Property.

3. Form of Conveyance. In the event Buyer acquires the Property pursuant to this Agreement, Seller shall convey the Property, together with all rights and appurtenances thereto, to Buyer by general warranty deed free and clear of any liens, claims and encumbrances other than current taxes and other matters of record acceptable to Buyer.

4. First Right of Refusal Not Intended to Fail. It is intended by the parties that Buyer's rights to purchase the Property granted by this agreement shall be valid and shall not fail as a result of Seller receiving an offer which, by its terms, cannot be matched by Buyer (such as an exchange). Therefore, if Buyer is unable to perform under any of the terms (except for the payment of money) of any offer extended by Seller, then Buyer shall have the right to purchase the Property for cash at a price that is the cash equivalent of said offer. The "cash equivalent" is the cash price that fairly represents the fair market value of the Property as evidenced by the offer in question and as agreed by the Parties, or if no agreement, then as determined by independent appraisal by an appraiser mutually acceptable to the parties, or if no mutually acceptable appraiser is found, then one appointed by a court of competent jurisdiction. In addition, Seller agrees not to grant any option or long-term lease or to otherwise subdivide, sell, transfer, convey or assign any right, title or interest in and to the Property or any part thereof that would serve to defeat the first option to purchase or the right of first refusal or that would otherwise constitute a de facto sale of the Property without complying with the terms of this Agreement.

5. Remedies. In the event of a breach hereunder by any Party hereto, the non-breaching Party shall have all remedies available at law or in equity, including injunctive or other equitable relief. In any suit, action or appeal therefrom to enforce or interpret this Agreement, the prevailing party shall be entitled to recover its costs incurred therein, including reasonable attorney's fees and disbursements incurred by the prevailing party (including attorney's fees and costs associated with any appeal of a judgment), whether or not such controversy or claim is litigated or prosecuted to judgment. The prevailing party shall be the party who was awarded judgment as a result of trial or arbitration, or who receives a payment of money from the other party in settlement of claims asserted by that party.

6. Counterparts. This Agreement may be executed in any number of counterparts and once so executed by all Parties thereto, each such counterpart shall be deemed to be an original instrument but all such counterparts together shall constitute but one agreement.

7. Governing Law. This agreement shall be governed by the laws, including conflicts of laws, in the State wherein the Property is located.

8. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, legal representatives, successors and assigns.

9. Recording. The Parties agree that this Agreement shall be notarized and recorded in the real property records of Canyon County, Idaho.

10. Construction. The Parties agree that they have each had an opportunity to retain an attorney related to this Agreement and, in all cases, the language of this Agreement will be construed simply, according to its fair meaning, and not strictly for or against any Party.

11. Time of Essence. All times provided for in this Agreement for the performance of any act will be strictly construed, time being of the essence.

12. Notice. Any notice under this Agreement shall be in writing and be delivered in person or by public or private 24-hour overnight courier service (so long as such services provide written confirmation of delivery) (including U.S. Postal Service Express Mail) or by confirmed facsimile. Any notice given by facsimile shall be verified by electronic confirmation. All notice shall be addressed to the parties at the addresses contained herein or at such other addresses as the parties may from time to time direct in writing. Any notice shall be deemed to have been given on (a) actual delivery or refusal, (b) the day of delivery to the overnight courier, or (c) the day facsimile delivery is electronically confirmed.

If to Seller:

Dallas and Susan Kraft

835 W. State Ave

Eagle, Id 83616

Fax: (208) _____

If to Buyer:

Carl and Joyce Glaetli

183 N. Stinson Street

Nampa, Idaho 83651

Fax: (208) 466-2657

[end of text]

BUYER:



Carl R. Glaettli II



Joyce B. Glaettli

State of Idaho)

) ss.

County of Canyon)

On this 27th day of September, in the year of 2007, before me Stephanie Garner, a notary public, personally appeared Carl R. Glaettli II and Joyce B. Glaettli, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public for IdahoResiding at Nampa, IdahoMy Commission expires 7-31-12

Residing in Nampa, Idaho

My Commission Expires 7-31-12

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed effective the day and year first above written.

SELLER:

Dallas Kraft
Dallas Kraft

Susan Kraft
Susan Kraft

State of Idaho)

) ss.

County of Canyon)

On this 27th day of September, in the year of 2007, before me Stephanie Garner, a notary public, personally appeared Dallas and Susan Kraft, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Stephanie Garner
Notary Public for Idaho

Residing at Nampa, Idaho

My Commission expires 7-31-12

Residing in Nampa, Idaho
My Commission Expires 7-31-12

NOT OFFICIAL DOCUMENT

RECORD OF SURVEY
FOR
DALLAS KRAFT

A PARCEL OF LAND LYING IN THE SE1/4
NE1/4 OF SECTION 22, T.3N., R.4W., BOISE
MERIDIAN, CANYON COUNTY, IDAHO
2002

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, COLLEEN MARKS, BEING A REGISTERED
LAND SURVEYOR IN THE STATE OF IDAHO, HAVE PREPARED THIS
RECORD OF SURVEY AS MADE BY ME
AND IS IN ACCORDANCE WITH THE CORNER PERPETUATION AND PLUNG
ACT - IDAHO CODE 55-1601 THROUGH 55-1611.



Colleen Marks
COLLEEN MARKS, L.S. 7045

LEGEND

- PROPERTY BOUNDARY
- EASEMENT LINE
- FOUND BRASS CAP MONUMENT
- FOUND 1/2" REBAR SET
- INSIDE A 1 1/2" IRON PIPE
- FOUND 3/8" IRON PIN
- FOUND 1/2" IRON PIN
- WITNESS CORNER-FOUND 1/2" IRON PIN
- SET 1/2" IRON PIN
- WITNESS CORNER-SET 1/2" IRON PIN
- FOUND NAIL ROAG SPIKE
- CALC. POINT
- DATA OF RECORD
- EXISTING WELL CASING

INDEX No. 344-22-120-000
MARKS LAND SURVEYING, INC.
COLLEEN MARKS, L.S. 7045
6405 USTICK RD.
BOISE, IDAHO 83704
Ph: (208) 378-7703 Fx: 378-7759
DATE: 2/7/02 DRAWN BY: LMK/CSM RECHECKING

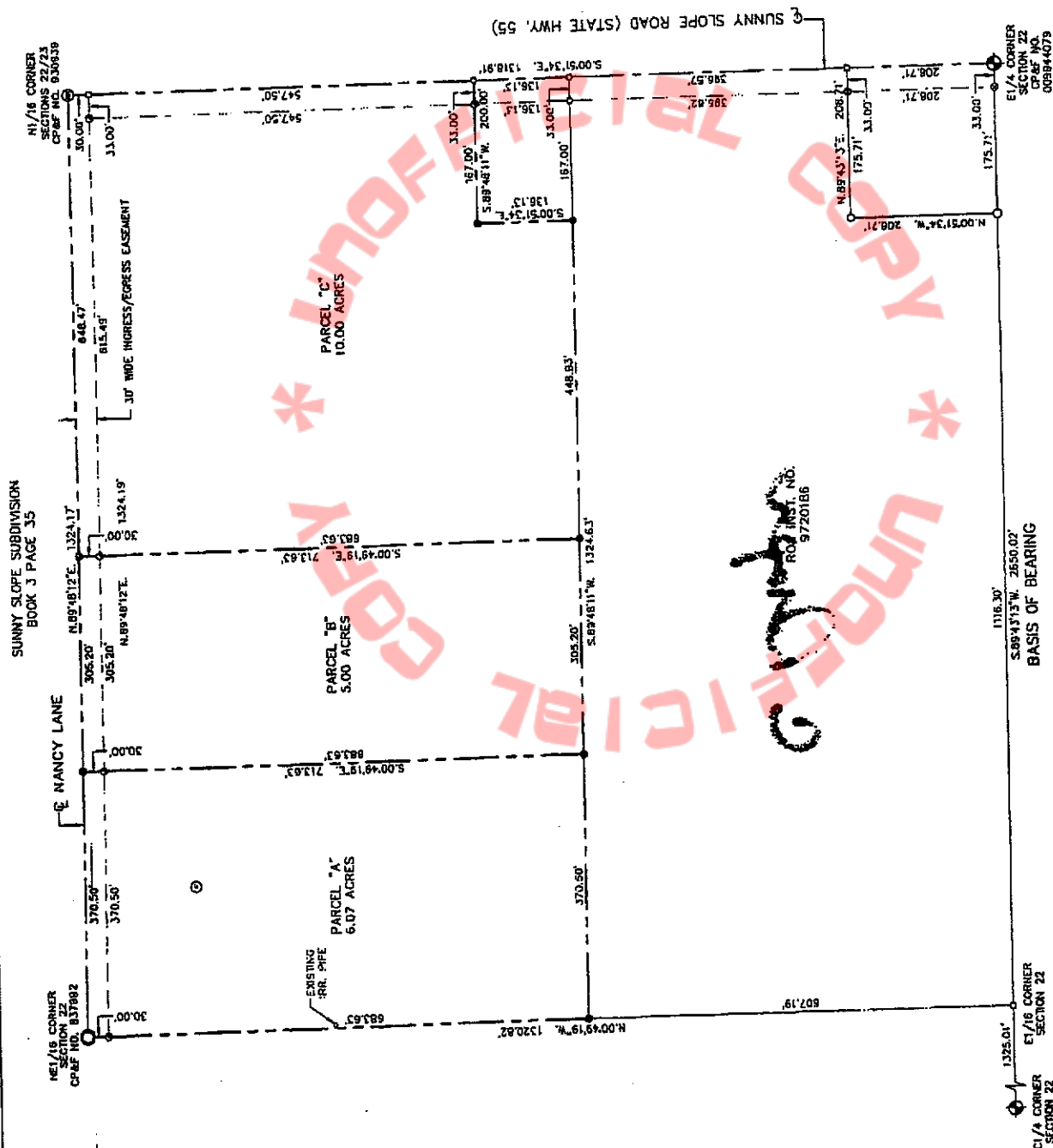
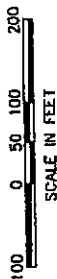


Exhibit "A"

P. 3
A. Kraft

Colleen Marks, L.S. 7045 • 6405 Ustick Road • (208) 378-7703 • Fax (208) 378-7759

PROPERTY DESCRIPTION PARCEL "A"

A parcel of land lying in the SE1/4 NE1/4 of Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho; thence N.89°43'13"E. 1325.01 feet along the south boundary of the said NE1/4 of Section 22 to a point marking the E1/16 Corner of said Section 22, said E1/16 Corner bears S.89°43'13"W. 1325.01 feet from a found Brass Cap marking the E1/4 Corner of said Section 22; thence N.00°49'19"W. 1320.82 feet along the west boundary of the said SE1/4 NE1/4 of Section 22 to a found 1/2" rebar set inside a 1 1/2" iron pipe marking the NE1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said NE1/16 Corner also marking the REAL POINT OF BEGINNING;

thence N.89°48'12"E. 370.50 feet along the north boundary of the said SE1/4 NE1/4 of Section 22 and along the said centerline of Nancy Lane to a set 1/2" iron pin;

thence S.00°49'19"E. 713.63 feet to a set 1/2" iron pin;

thence S.89°48'11"W. 370.50 feet to a set 1/2" iron pin lying on the said west boundary of the SE1/4 NE1/4 of Section 22;

thence N.00°49'19"W. 713.63 feet along the said west boundary of the SE1/4 NE1/4 of Section 22 to the point of beginning, containing 6.07 acres, more or less.

SUBJECT TO AND/OR TOGETHER WITH:

A thirty (30) foot wide easement for the purpose of ingress and egress and lying in the SE1/4 NE1/4 of Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho; thence N.89°43'13"E. 1325.01 feet along the south boundary of the said NE1/4 of Section 22 to a point marking the E1/16 Corner of said Section 22, said E1/16 Corner bears S.89°43'13"W. 1325.01 feet from a found Brass Cap marking the E1/4 Corner of said Section 22; thence N.00°49'19"W. 1320.82 feet along the west boundary of the said SE1/4 NE1/4 of Section 22 to a found 1/2" rebar set inside a 1 1/2" iron pipe marking the NE1/16 Corner of said Section 22 and

SEP 28 2007 12:00 PM IN ENGINEER'S OFFICE



Colleen Marks, L.S. 7045 • 6405 Ustick Road • (208) 378-7703 • Fax (208) 378-7759

lying on the centerline of Nancy Lane, said NE1/16 Corner also marking the REAL POINT OF BEGINNING;

thence N.89°48'12"E. 1324.17 feet along the north boundary of the said SE1/4 NE1/4 of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the N1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road (State Highway 55);

thence S.00°51'34"E. 30.00 feet along the east boundary of the said SE1/4 NE1/4 of Section 22 and along the said centerline of Sunny Slope Road (State Highway 55) to a point, said point being witnessed by a set 1/2" iron pin which bears S.89°48'12"W. 33.00 feet;

thence S.89°48'12"W. 1324.19 feet to a set 1/2" iron pin lying on the said west boundary of the SE1/4 NE1/4 of Section 22;

thence N.00°49'19"W. 30.00 feet along the said west boundary of the SE1/4 NE1/4 of Section 22 to the point of beginning, containing 0.91 acres, more or less.

ALSO SUBJECT TO AND/OR TOGETHER WITH:

Any additional easements or rights of way of record or in use.

2007065404

RECORDED

2007 SEP 27 PM 4 37

WILLIAM H. HURST
CANYON CNTY RECORDER
[Signature]

PIONEER TITLE COMPANY

REQUEST
TYPE 1000 FEE 24-



Colleen Marks

QUITCLAIM DEED

FOR VALUE RECEIVED, _____ Carl R. Glaettli, II and Joyce B. Glaettli, husband and wife _____ does hereby convey, release, remise and forever quit claim unto _____ Glaettli, LLC _____ whose current address is:

_____ 183 N. Stinson St. Nampa, ID 83651 _____

the following described premises:

See Attached Exhibit A

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

Date Apr 14, 10

By _____

[Grantor's Name]

State of Idaho)

) S.S.

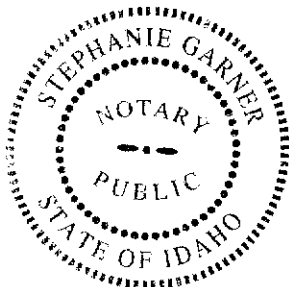
County of Canyon)

On this 16th day of April, in the year 20 10, before me Joyce B. Glaettli,
~~Notary Public~~, personally appeared Carl R. Glaettli, II and, proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within
instrument, and acknowledged that he(she)(they) executed the same.

Notary Public

My Commission Expires on _____

Residing in Nampa, Idaho
My Commission Expires 7-31-12



RECORDED

2010 APR 19 PM 1 43

WILLIAM H. HURST
CANYON COUNTY RECORDER
BY [Signature]
PIONEER-CALDWELL

REQUEST _____
TYPE Quit FEE 900 plus

2010017727

File No.: 200709014

EXHIBIT A

A parcel of land lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears

South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East ¼ Corner of said Section 22; thence

North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane; thence

North 89° 48' 12" East 370.50 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin, said pin marking the REAL POINT OF BEGINNING; thence continuing

North 89° 48' 12" East 305.20 feet along the said North boundary of the Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin; thence

South 00° 49' 19" East 713.63 feet to a set ½" iron pin; thence

South 89° 48' 11" West 305.20 feet to a set ½" iron pin; thence

North 00° 49' 19" West 713.63 feet to the POINT OF BEGINNING.

SUBJECT TO AND/OR TOGETHER WITH:

A thirty (30) foot wide easement for the purpose of ingress and egress and lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the Corner Quarter Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears

South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East Quarter Corner of said Section 22; thence

North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe

File No.: 200709014

marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence

North 89° 48' 12" East 1324.17 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the North 1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road Road (State Highway 55); thence

South 00° 51' 34" East 30.00 feet along the East boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Sunny Slope (State Highway 55) to a point, said point being witnessed by a set 1/2" iron pin which bears

South 89° 48' 12" West 33.00 feet; thence

South 89° 48' 12" West 1324.19 feet to a set 1/2" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence

North 00° 49' 19" West 30.00 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.



610 S. Kimball Avenue
Caldwell, ID 83605

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

2021-021008

RECORDED

03/23/2021 03:58 PM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=2 DLSTEPHENS \$15.00

TYPE: DEED

PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

File No. 763115 TK/DM

WARRANTY DEED

For Value Received **Susan J. Kraft, an unmarried woman**
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

David K. Hess and Carol R. Hess, husband and wife

hereinafter referred to as Grantee, whose current address is
11724 B 90th Ave E Puyallup, WA 98373

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: March 18, 2021

Susan J. Kraft

State of Idaho, County of Canyon

This record was acknowledged before me on March 23rd 2021 by Susan J. Kraft

Signature of notary public
Commission Expires: 2/3/2022

RESIDING IN CALDWELL, IDAHO
MY COMMISSION EXPIRES 10/26/2022

KATIE TAYLOR
COMMISSION #56973
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT A

A parcel of land lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence
North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears
South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East ¼ Corner of said Section 22; thence
North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence
North 89° 48' 12" East 370.50 feet along the North boundary of said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin; thence
South 00° 49' 19" East 713.63 feet to a set ½" iron pin; thence
South 89° 48' 11" West 370.50 feet to a set ½" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence
North 00° 49' 19" West 713.63 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.

(Shown as Parcel "A" of Record of Survey recorded as Instrument No. 200216286)

SUBJECT TO AND/OR TOGETHER WITH:

A thirty (30) foot wide easement for the purpose of ingress and egress and lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the Corner Quarter Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence
North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears
South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East Quarter Corner of said Section 22; thence
North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence
North 89° 48' 12" East 1324.17 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the North 1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road (State Highway 55); thence
South 00° 51' 34" East 30.00 feet along the East boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Sunny Slope (State Highway 55) to a point, said point being witnessed by a set ½" iron pin which bears
South 89° 48' 12" West 33.00 feet; thence
South 89° 48' 12" West 1324.19 feet to a set ½" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence
North 00° 49' 19" West 30.00 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.

MASTER APPLICATION**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633



| | |
|-----------------------|--|
| PROPERTY OWNER | OWNER NAME: David + Carol Hess |
| | MAILING ADDRESS: 116 Arabian Way Nampa ID 83687 |
| | PHONE: 208 314-1588 EMAIL: Capstone208@h-m-m.com |

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

Signature: _____

David Hess

Date: 7/19/22

| | |
|---|--|
| (AGENT) ARCHITECT ENGINEER BUILDER | CONTACT NAME: David Hess |
| | COMPANY NAME: Capstone Carpentry |
| | MAILING ADDRESS: 116 Arabian Way Nampa ID 83687 |
| | PHONE: 208 314-1588 EMAIL: Capstone208@H-M-M.com |

| | | |
|------------------|--|------------------------------------|
| SITE INFO | STREET ADDRESS: TBA Sunny Slope Rd Caldwell ID 83687 | |
| | PARCEL #: 3345901000 | LOT SIZE/AREA: 6.02 Acres |
| | LOT: _____ | BLOCK: _____ SUBDIVISION: _____ |
| | QUARTER: NE | SECTION: 22 TOWNSHIP: 3N RANGE: 4W |
| | ZONING DISTRICT: _____ | FLOODZONE (YES/NO): NO |

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

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

| | |
|--------------------------|---|
| CASE NUMBER: CR2022-0027 | DATE RECEIVED: 9/2/2022 |
| RECEIVED BY: SH | APPLICATION FEE: \$1400.00 <input checked="" type="checkbox"/> MO <input type="checkbox"/> CC <input type="checkbox"/> CASH |

W

Revised 1/3/21

To: Canyon County Development Services Department,

Date: 7/19/2022

Regarding: A Request for a Conditional Use Permit to Rezone

Description of existing use and proposed use:

My wife and I purchased a beautiful 6.02 acre parcel (#33459010) last year and are looking forward to becoming part of the Sunny Slope Community. The property is currently zoned agricultural but has just been an occasional grazing lot with a fenced in area of miscellaneous debris. Our proposed use is Rural Residential through a conditional rezone. Would like to subdivide the 6.02 acres into two 3 acre parcels and build a 2500 sf home and 30x50' shop on both parcels. We are submitting a subdivision/ short plat application for this request. The properties would also be perfect for some large gardens allowing us to grow a lot of our own food as well as possibly doing some small scale farming.

Proposed Request and why it is being requested:

In 2001 a conditional use permit by Dallas Kraft was approved allowing parcel #33459010 to be considered a rural residential lot. My wife and I went through the county process last year hoping for a conditional use modification to the old 2001 permit that would allow us to build on our property. It went to the director for a director's decision and it was turned down due to fact that not all of the conditions were met within 5 years as well as the platting not being completed.

We are now applying to request a conditional rezone to rural residential and dividing the property into two three acre parcels for a couple of nice homes, one in which we plan to live in. Dividing the property into two 3 acre parcels will help with the expenses of the road, and getting power back to the property, and the building process.

Our goal is that the properties would continue to have a spacious and rural feeling so we would like to request that there be no future land divisions possible and no secondary residences to keep it this way. We also hope this would be the case with any future development in the surrounding properties. We appreciate your consideration.

Description of how proposed use is consistent with comprehensive plan:

The proposed use is consistent with the following policies of The Canyon County Comprehensive Plan of 2020:

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

Property Rights Policy No. 10: Land use laws and decisions should avoid imposing unnecessary conditions or procedures on development approvals.

Population Policy No. 1: Provide the planning base for an anticipated population of 225,503 by the year 2015, and 242,908 by the year 2020.

Land Use Policy No. 2. Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

Transportation Policy No. 13. Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency service purposes.

How the proposed use could affect neighboring uses:

We can see no way in which the proposed use would interfere with any neighboring uses nor be injurious in any way. I do understand that change in a neighborhood can be challenging for some people and we have taken this into consideration. We are committed to being good neighbors and will do what we can do to work with others around our property. The proposed use of a rural residence on acreage is consistent with that of neighboring properties and we feel they would blend in nicely. Ben Newby lives on 3 acres to the east with 7 acres of pasture, Roger and Sue Williamson to the northeast, Jeff Forsberg to the southeast, and Jacob Lee to the west. Dr Carl Glaettli owns 5 acres adjacent to us and has been supportive of our plans to build and thinks it would be a wonderful place for us to live. Directly to the north is the Sunny Slope Subdivision with smaller lots. We were thankful for the neighbors showing up to the neighborhood meeting and learned a lot about the property's history and details.. We believe they will also appreciate that the existing junk on the property will be cleaned up and hauled away.

Water, Sewer, Irrigation, Drainage, Utilities

There is an existing well on the property that can be cleaned and put into service. A septic design would be permitted through Southwest District Health. Neighboring properties are on septic. I have been in contact with Idaho Power to see about getting electricity back to the property. According to neighbors there is some, but limited, irrigation that makes it back to our back 6.02 acre lot. We will either move the concrete ditch on the north side or replace it with above ground pipe. There are two existing irrigation drains on the west and southwest sides of the property adjacent to Lizar Lateral. Storm water will be contained on site.

Legal Access To Property:

A 30' easement along the north sides of the adjacent properties provides access to Sunny Slope Rd. Earlier this year I met with Bob from Golden Gate Highway District and the civil engineer they consult with. Per our deed, they determined that our legal access is through our 30' easement that runs across the north side of Ben Newby's, Carl Glaettli's and our property. I have been in communication with Department of Idaho Transportation and was informed that they see no issue with us building a private road or driveway along the ingress/egress easement to access our property. The gentleman I met with at their office said the having a couple of homes added posed little impact to traffic patterns on Sunny Slope Rd. I also spoke with Fire Chief Alan Perry to get information on their road requirements and turn-a-rounds. A 30" easement would be created along the east side of the northern 3 acres to allow ingress/egress to the 3 acres on the south side. All of this would be completed as part of the Conditional Use Modification.

Impact on Traffic Patterns

The proposed use of two new residences will have minimal impact on current and future traffic patterns. The total ADT for the two homes plus Ben Newby's home would be 28.56.

Essential Services

Essential services should not be negatively impacted or require additional funding as a result of this change of use.

Phasing of development:

- 1) Haul off debris from property to the landfill.
- 2) Construct private road and driveway to properties
- 3) Work with Idaho Power to get power to properties.
- 4) Get septic designs approved by Southwest District Health
- 5) Get second well drilled for south 3 acres.
- 6) Construct one home and shop and then second home.

Description of site:

The property is mostly flat with the western side slightly sloping downward in the middle edge (towards the irrigation drain) There is one small tree in the middle of the property and a few trees on the South west and Northwest corners. There is a beautiful view of the Owyhee Mountains and Lizard Butte to the south. The proposed private road would be built in the existing easement to get access to our 6 acres and then turn left (heading south) down a shared driveway along the east side of the property. There is currently a domestic well on the north half of the property that was installed in 2000. There is an existing barbed wire fence around the property. Our plan is to build on the south 3 acres and build and sell on the north 3 acres, likely to a friend or family member.

**See site plan attached:*

Description of business operations:

I own and operate Capstone Carpentry, a small remodeling construction company consisting of myself and my two sons Kyle (22), and Ryan (20). I plan on having a home office, but it is not a place I meet with clients. The majority of my work is completed at jobsites. I am excited to have a shop to be able to store tools and materials out of the weather and in an orderly way. There will be times I am working in the shop but only at typical work times and nothing excessively loud.

Please feel free to contact us with any questions you may have or further information needed. We appreciate your consideration of this request and look forward to becoming part of the Sunny Slope Community in the months ahead!

Sincerely,



David and Carol Hess

**Notice of Neighborhood Meeting
Conditional Rezone and Short Plat
Pre-Application Requirement for a Public Hearing**

Date: 3/22/22

Hello neighbors! I hope this letter finds you all well out in Sunny Slope! My wife Carol and I are now in the process of submitting an application for a Conditional Rezone and 3 acre short plat to Canyon County Development Services(DSD). One of the requirements necessary prior to submitting the application is to hold a neighborhood meeting and provide information to our surrounding neighbors. (Canyon County Zoning Ordinance 07-01-15)

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

The Neighborhood Meeting details are as follows.

Date: Friday April 1

Time: 5:00pm

Location: At the property (North side by Nancy Lane)

Property Description: TBD Sunny Slope Road, Caldwell, ID Parcel # R33459010

The project is summarized below:

- **Site Location:** TBD Sunny Slope Road, Caldwell, ID Parcel # R33459010
- **Proposed Access:** Private road off of Sunny Slope Road
- **Total Acreage:** 6.02 Acres
- **Proposed Lots:** Two 3.01 Acre Lots (Conditional to 1 home each and no future land divisions)

We look forward to seeing you again at the neighborhood meeting (and meeting any new folks) and encourage you to come on out. I'll try to answer any questions that you might have at that time.

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

If you have any questions prior to the meeting, please contact me at (208) 314-1588. You can also reach me by email at Capstone208@Hotmail.com.

Thank you and enjoy the day!

David Hess

NEIGHBORHOOD MEETING SIGN-UP**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx

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: TBA Sunny Slope Rd | Parcel Number: R3345901000 |
| City: Caldwell ID | State: ID ZIP Code: 83630 |
| Notices Mailed Date: 3/22/22 | Number of Acres: 6.02 Current Zoning: AG |
| Description of the Request: Conditional Rezone from AG to RR SUBDIVIDE 6.02 ACRES TO TWO 3 ACRE LOTS | |

APPLICANT / REPRESENTATIVE INFORMATION

| | | |
|---|--------------------|-----------------|
| Contact Name: David + Carol Hess | | |
| Company Name: Capstone Carpentry Carpentry | | |
| Current address: 116 Arabian Way | | |
| City: Nampa | State: ID | ZIP Code: 83687 |
| Phone: 208-314-1588 | Cell: 208-314-1588 | Fax: |
| Email: Capstone208@hotmail.com | | |

MEETING INFORMATION

| DATE OF MEETING: 4/1/22 | MEETING LOCATION: AT THE PROPERTY | |
|--|-----------------------------------|--------------------------------------|
| MEETING START TIME: 5:00 | MEETING END TIME: 6:00 | |
| ATTENDEES: *SEE NEXT PAGE FOR ACTUAL SIGN IN SHEET | | |
| NAME (PLEASE PRINT) | SIGNATURE: | ADDRESS: |
| 1. PATRICK WILLIAMSON | 19550 | Eat-A-Bite Ln Caldwell ID 83607 |
| 2. BEN & MARY NEWBY | 14737 | SUNNY SLOPE RD CALDWELL ID 83607 |
| 3. THOMAS CRAWFORD | 20208 | NANCY LN CALDWELL ID 83607 |
| 4. SUSAN WILLIAMSON | 21986 | HUSKINS RD CALDWELL ID 83607 |
| 5. ROGER WILLIAMSON | 21986 | HUSKINS RD CALDWELL ID 83607 |
| 6. ^{KRISTI} STEVEN CRAWFORD | 14781 | 1 ST ST CALDWELL ID 83607 |
| 7. STEVEN CRAWFORD | 14773 | 2 ND ST CALDWELL ID 83607 |
| 8. ALLAN & SUE LAIRD | 20086 | NANCY LN CALDWELL ID 83607 |
| 9. SHAWN CRAWFORD | 20208 | NANCY LN CALDWELL ID 83607 |
| 10. CARL GLAETTLI | 183 | N STINSON ST NAMPA ID 83651 |

Revised 11/25/20

| | | | |
|----|----|--|--|
| 1 | 1 | Patrick Williamson 19560 East Bte Ln Caldwell ID 83607 | |
| 1 | 2 | Ben & Mary Newby 14737 Sunny Slope | |
| 1 | 3 | Thomas Crawford 20208 Nancy Lane | |
| 1 | 4 | Susan Williamson 21986 Hoskins Rd Caldwell | |
| 1 | 5 | Roger Williamson 21986 Hoskins Rd Caldwell | |
| 1 | 6 | STEVEN RAUFORD 14773 2ND ST ANTON ID 83607 | |
| 10 | 7 | Kristi Crawford 14781 1st St Caldwell ID 83607 | |
| 17 | 8 | Allan & Sue Laird 20086 Nancy Lane Caldwell ID 83607 | |
| 18 | 9 | Shaun Crawford 20208 Nancy Lane Caldwell ID 83607 | |
| 19 | 10 | Carl Blum 16341 ST. WOOD ST 83651 | |
| 20 | 11 | | |

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):

DAVID K HESS

APPLICANT/REPRESENTATIVE (Signature):

David K Hess

DATE: 4 / 1 / 22

| OBJECTID | PARCEL_NO | OwnerName | Address | City | State | ZipCode |
|----------|-------------|----------------------------|--------------------------|-----------|-------|------------|
| 20556206 | R27216 | SHOLOTYUK YURIY | ✓ 6389 W OVERLAND RD ✓ | MERIDIAN | ID | 83642 |
| 20556207 | R27222011 | WILLIAMSON ROGER L | ✓ 21986 HOSKINS RD ✓ | CALDWELL | ID | 83607 |
| 20556208 | R27223010A | CRAWFORD SHAWN MONROE | ✓ 20208 NANCY LN ✓ | CALDWELL | ID | 83607 |
| 20556209 | R27223010A1 | AYALA KAREN I QUIROZ | ✓ 20242 NANCY LN ✓ | CALDWELL | ID | 83607 |
| 20556210 | R27224012 | ESCOBEDO JORGE BLANCO | ✓ 20189 MYRTLE LN ✓ | CALDWELL | ID | 83607 |
| 20556604 | R27214012 | RAY RONALD EUGENE | ✓ 508 AUKLET PL ✓ | FAIRBANKS | AK | 99709-6653 |
| 20556607 | R27221 | J AND R FARMS LLLP | ✓ 21986 HOSKINS RD ✓ | CALDWELL | ID | 83607 |
| 20556608 | R27223 | CRAWFORD LARRY DEAN | ✓ 14781 1ST ST ✓ | CALDWELL | ID | 83607 |
| 20556609 | R27223010B | CRAWFORD STEVEN B | 14773 2ND ST ✓ | CALDWELL | ID | 83607 |
| 20556714 | R27214 | RAY RONALD EUGENE | ✓ 508 AUKLET PL ✓ | FAIRBANKS | AK | 99709-6653 |
| 20556715 | R27214011 | RAY RONALD EUGENE | ✓ 508 AUKLET PL ✓ | FAIRBANKS | AK | 99709-6653 |
| 20556718 | R27224011 | ESCOBEDO JORGE BLANCO | ✓ 20189 MYRTLE LN ✓ | CALDWELL | ID | 83607 |
| 20558803 | R27215 | DILLON BOB G | ✓ 15187 DANIEL ST ✓ | CALDWELL | ID | 83607 |
| 20558805 | R27216010 | RODRIGUEZ MANUEL A | ✓ PO BOX 733 ✓ | MARSING | ID | 83639 |
| 20558809 | R27222 | WILLIAMSON ROGER L | ✓ 21986 HOSKINS RD ✓ | CALDWELL | ID | 83607 |
| 20558810 | R27223010 | CRAWFORD CORLA SUE | ✓ 20086 NANCY LN ✓ | CALDWELL | ID | 83607 |
| 20558811 | R27224 | SWAIN CODY J | ✓ 20191 MYRTLE LN ✓ | CALDWELL | ID | 83607 |
| 20558812 | R27224010 | NAVEJAR FERMIN | ✓ 20165 MYRTLE LN ✓ | CALDWELL | ID | 83607-9555 |
| 20586266 | R33454010 | LEE JACOB S | ✓ 14602 FROST RD ✓ | CALDWELL | ID | 83607 |
| 20586268 | R33459010 | KRAFT DALLAS | PO BOX 241 | HUSTON | ID | 83630 |
| 20586270 | R33459012 | FORSBERG JEFFERY G | ✓ 14601 SUNNY SLOPE RD ✓ | CALDWELL | ID | 83607 |
| 20586271 | R33459012A | TROOST FAMILY LIVING TRUST | ✓ 30540 SABIN RD ✓ | PARMA | ID | 83660 |
| 20588588 | R33451 | SYMMS RICHARD A | ✓ 14068 SUNNY SLOPE RD ✓ | CALDWELL | ID | 83607 |
| 20588590 | R33459010B | GLAETTLI LLC | ✓ 183 N STINSON ST ✓ | NAMPA | ID | 83651 |
| 20588591 | R334590101 | MIB NEWBY FAMILY TRUST | ✓ 14737 SUNNY SLOPE RD ✓ | CALDWELL | ID | 83607 |
| 20589481 | R33453 | RIOS LORNA | 14722 FROST RD ✓ | CALDWELL | ID | 83607 |
| 20589482 | R33454 | SALABER ROBERT | 14510 FROST RD ✓ | CALDWELL | ID | 83607 |
| 20589485 | R33459100 | MIB NEWBY FAMILY TRUST | ✓ 14737 SUNNY SLOPE RD ✓ | CALDWELL | ID | 83607 |
| 20589486 | R33460 | TROOST FAMILY LIVING TRUST | ✓ 30540 SABIN RD ✓ | PARMA | ID | 83660 |

Sunny Slope Subdivision
Book 3 Page 35

Nancy Lane (Poboc)

First St(Public)

275.0'

Existing approach and 12' wide driveway

333.47

713.63'

Hwy 55 Sunny Slope Rd
(PUBLIC)

North

[illegible]

Identification and Descriptive Data

Proposed Subdivision Name: Paradise Valley Subdivision

Scale: 1"=100'

Dan Lister

From: Dan Lister
Sent: Tuesday, September 10, 2024 1:24 PM
To: 'capstone208@hotmail.com'
Subject: RE: Case No. CR2022-0027 - Update

Mr. Hess,

Additionally, if I do not receive a response from you by September 22, 2024, DSD will assume you do not wish to update the case information and we will move forward with scheduling the case for hearings with the information submitted on September 2, 2022.

Sincerely,

Dan Lister, Principal Planner

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

Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

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

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

From: Dan Lister
Sent: Friday, September 6, 2024 5:00 PM
To: 'capstone208@hotmail.com' <capstone208@hotmail.com>
Subject: Case No. CR2022-0027 - Update

Mr. Hess,

On July 19, 2024, Case No. CR2022-0027 was assigned to me to process. After a review of the application, staff recommends the following:

- If you amend your request to not split the parcel, but make it buildable (primary dwelling, secondary dwelling, and accessory structures), and can show that all development can be placed to ensure the majority of the parcel can be in ag. production which could qualify for an ag. exemption, then the request should be amended to meet the 2030 Canyon County Comprehensive Plan where a five-acre designation is provided.
- The application should include parcel R33459010B (adjacent east) which was also created by CUP approval that has expired. This may be necessary because (1) it cleans up another parcel once connected to your parcel and divided and sold outside of county code, and (2) if the rezone is approved, the access to support a private road must become 60' wide (50' wide via the Director's Decision) to support a private road lot (CCZO Section 07-17-31). This means the easements on Parcel R33459010B and R33459100 need to be 60' wide, not 30'. The 30' wide access is okay for ag. use, but not for residential use. If the owners of Parcel R33459010B and R33459100 do not agree to this, then you will need to try to get access from Nancy Lane which will require you to work with Golden-Gate Highway District.

With that being said, the case is ready to be scheduled for hearings. However, DSD staff will be recommending denial for the following reasons:

- The request promotes rural residential growth outside of a planned growth area and in an area that supports agricultural uses and agricultural parcel sizes. Retaining the five-acre lot size is important since (1) it matches the surrounding area, and (2) the surrounding parcels except to the north either have ag-exemptions or can qualify for an ag-exemption if five acres and larger and can provide evidence of agricultural production. If the parcels are split into two parcels, the property can no longer be eligible for an ag-exemption.
- Although the parcels to the north are a smaller size and have residential uses, they were approved before any county code or plan. The County plans and code since 1979 have not supported residential growth in the area.
- Newby Subdivision (Parcel R33459100/101, 10 acres total) was zoned to CR-R-R in 2017 (PH2017-40) subject to placing development on a three-acre lot while keeping seven acres in agricultural uses (no building permit). Per CCZO Section 07-06-07(3), the approval in 2017 *"shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same."* Basically, the 2017 decision cannot be used as a reason for your property to be zoned the same.
- Without more information about whether the access can meet the required width for a private road, the access findings that are required cannot be made.

Let me know how you wish to proceed. If you wish to move forward as provided in your application, then I will get the case scheduled for hearing. However, contact me if you wish to amend the application and want to talk it through before scheduling a hearing.

Sincerely,

Dan Lister, Principal Planner

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

Daniel.Lister@canyoncounty.id.gov

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EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# CR2022-0027

Hearing date: February 6, 2025

Exhibit B.1

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

R33459010 PARCEL INFORMATION REPORT

1/16/2025 3:00:16 PM

PARCEL NUMBER: **R33459010**

OWNER NAME: **HESS DAVID K**

CO-OWNER: **HESS CAROL R**

MAILING ADDRESS: **116 ARABIAN WAY NAMPA ID 83687**

SITE ADDRESS: **0 SUNNY SLOPE RD**

TAX CODE: **1840000**

TWP: **3N** RNG: **4W** SEC: **22** QUARTER: **NE**

ACRES: **6.07**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **GOLDEN-GATE HWY #3**

FIRE DISTRICT: **MARSING FIRE**

SCHOOL DISTRICT: **VALLIVUE SCHOOL DIST #139**

IMPACT AREA: **NOT In Impact Area**

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

FLU Overlay Zone Desc 2030: **AGRI-TOURISM EXCLUSIVE FARM USE**

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AGRI-TOURISM EXCLUSIVE FARM USE \ AG**

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

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY** FIRM PANEL: **16027C0350F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **ADA CANYON**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2021021008**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **22-3N-4W NE TX 21193 IN SENE**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

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

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

R33459010B PARCEL INFORMATION REPORT

1/16/2025 3:01:46 PM

PARCEL NUMBER: **R33459010B**

OWNER NAME: **GLAETTLI LLC**

CO-OWNER:

MAILING ADDRESS: **183 N STINSON ST NAMPA ID 83651**

SITE ADDRESS: **0 SUNNY SLOPE RD**

TAX CODE: **1840000**

TWP: **3N** RNG: **4W** SEC: **22** QUARTER: **NE**

ACRES: **5.00**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **Yes**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG/CR-RR / CONDITIONAL REZONE - RURAL RESIDENTIAL**

HIGHWAY DISTRICT: **GOLDEN-GATE HWY #3**

FIRE DISTRICT: **MARSING FIRE**

SCHOOL DISTRICT: **VALLIVUE SCHOOL DIST #139**

IMPACT AREA: **NOT In Impact Area**

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

FLU Overlay Zone Desc 2030: **AGRI-TOURISM EXCLUSIVE FARM USE**

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AGRI-TOURISM EXCLUSIVE FARM USE \ AG**

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

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY** FIRM PANEL: **16027C0350F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **ADA CANYON**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2010017727**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **22-3N-4W NE TX 07508 IN N 713.63' IN SENE**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

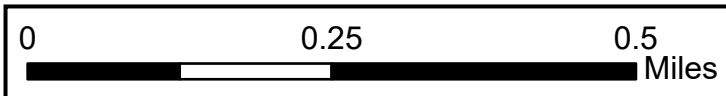
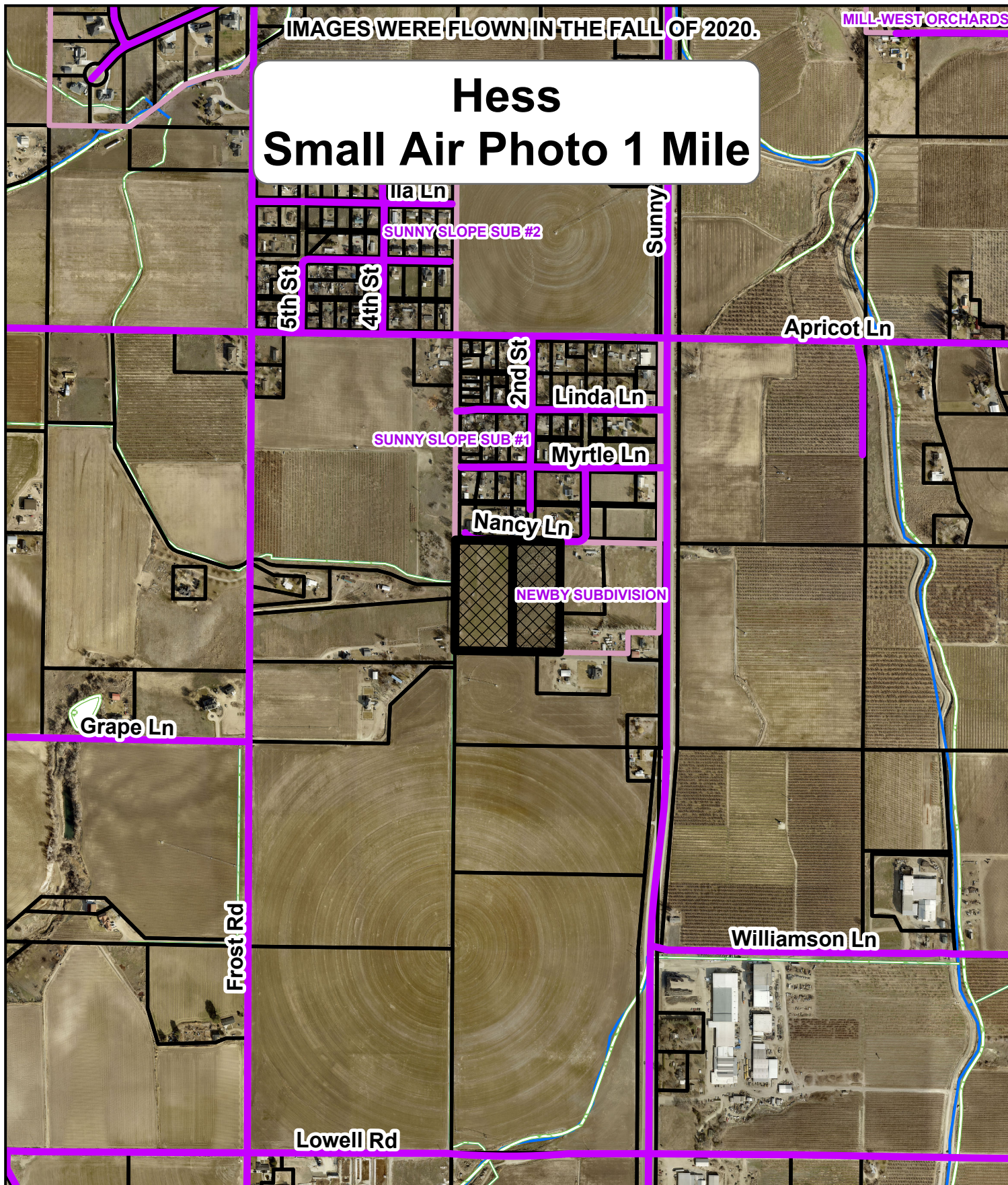
1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED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

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

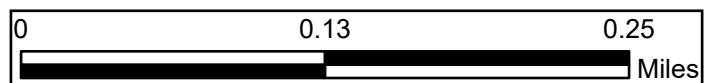
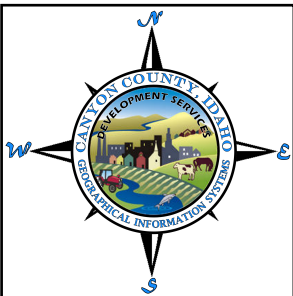
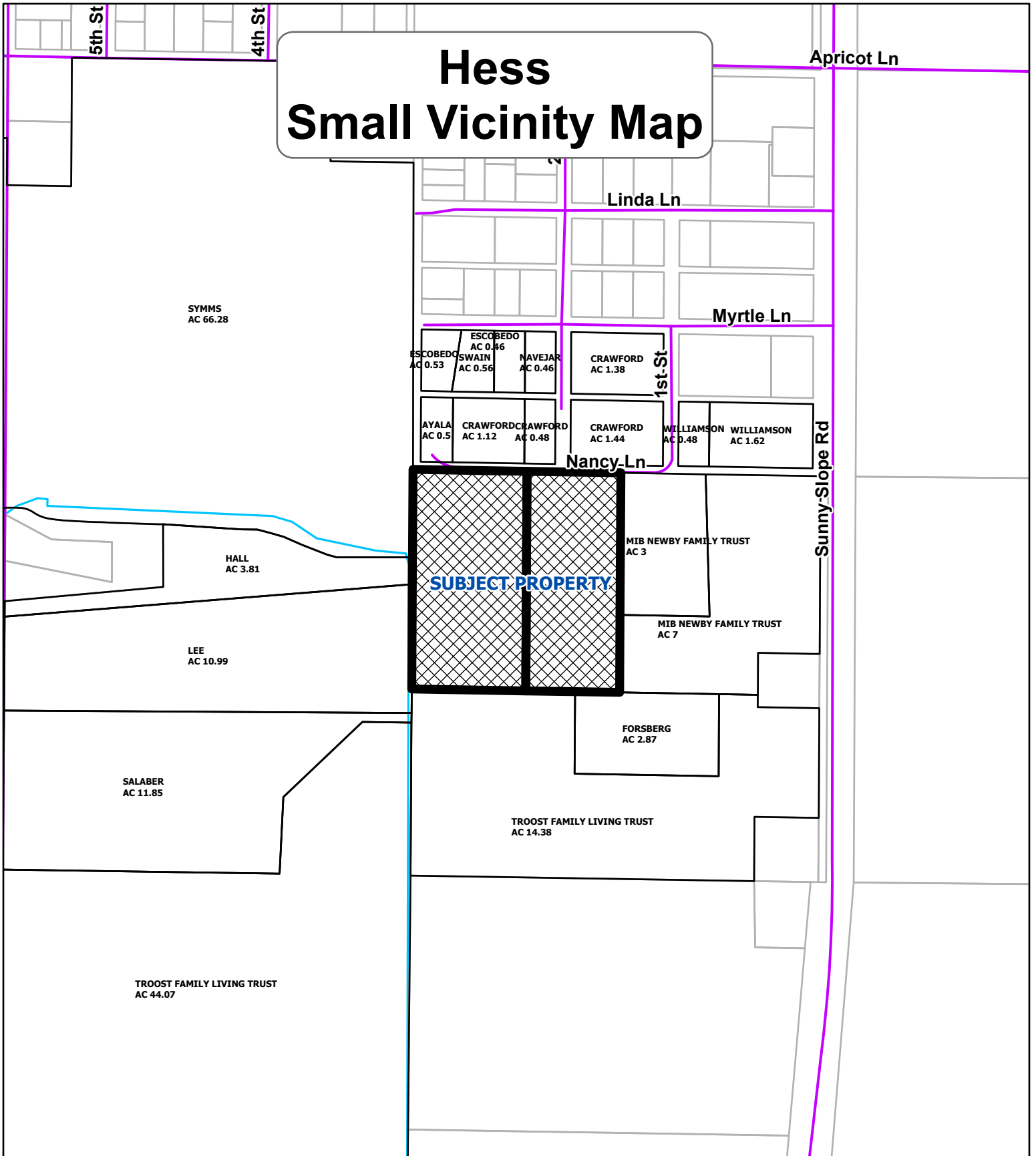
IMAGES WERE FLOWN IN THE FALL OF 2020.

MILL-WEST ORCHARDS

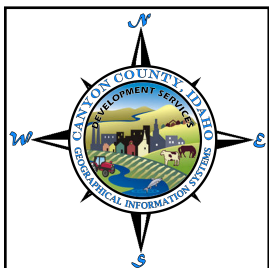
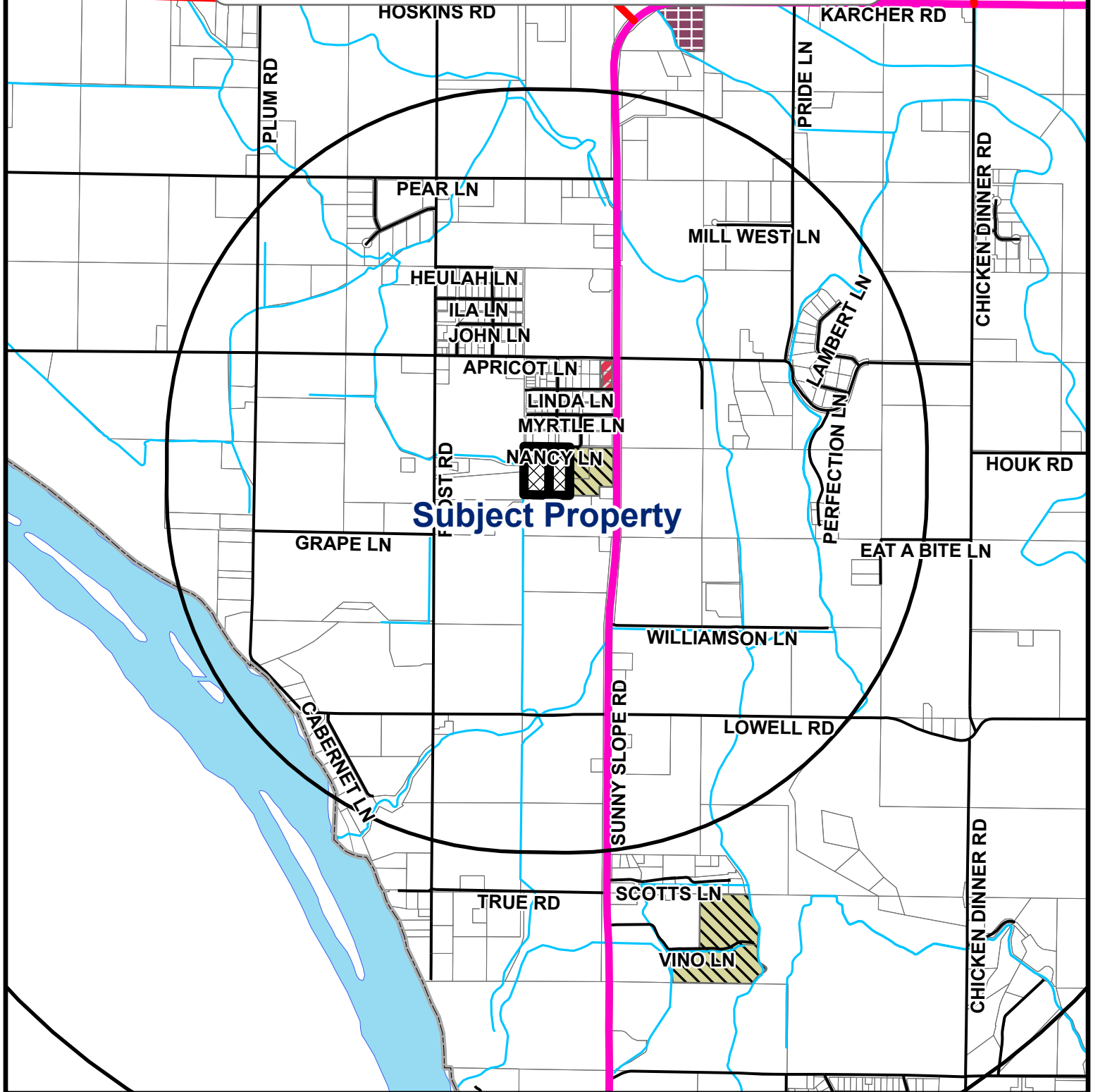
Hess Small Air Photo 1 Mile



Hess Small Vicinity Map



Hess Zoning & Classification Map



Current Zoning

- RR
- CR-RR
- R1
- CR-R1
- R2
- C

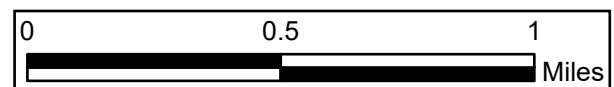
- C1
- CR-C1
- C2
- CR-C2
- M1
- CR-M1
- M2

AG

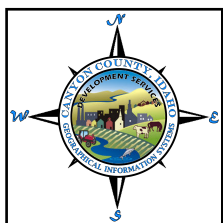
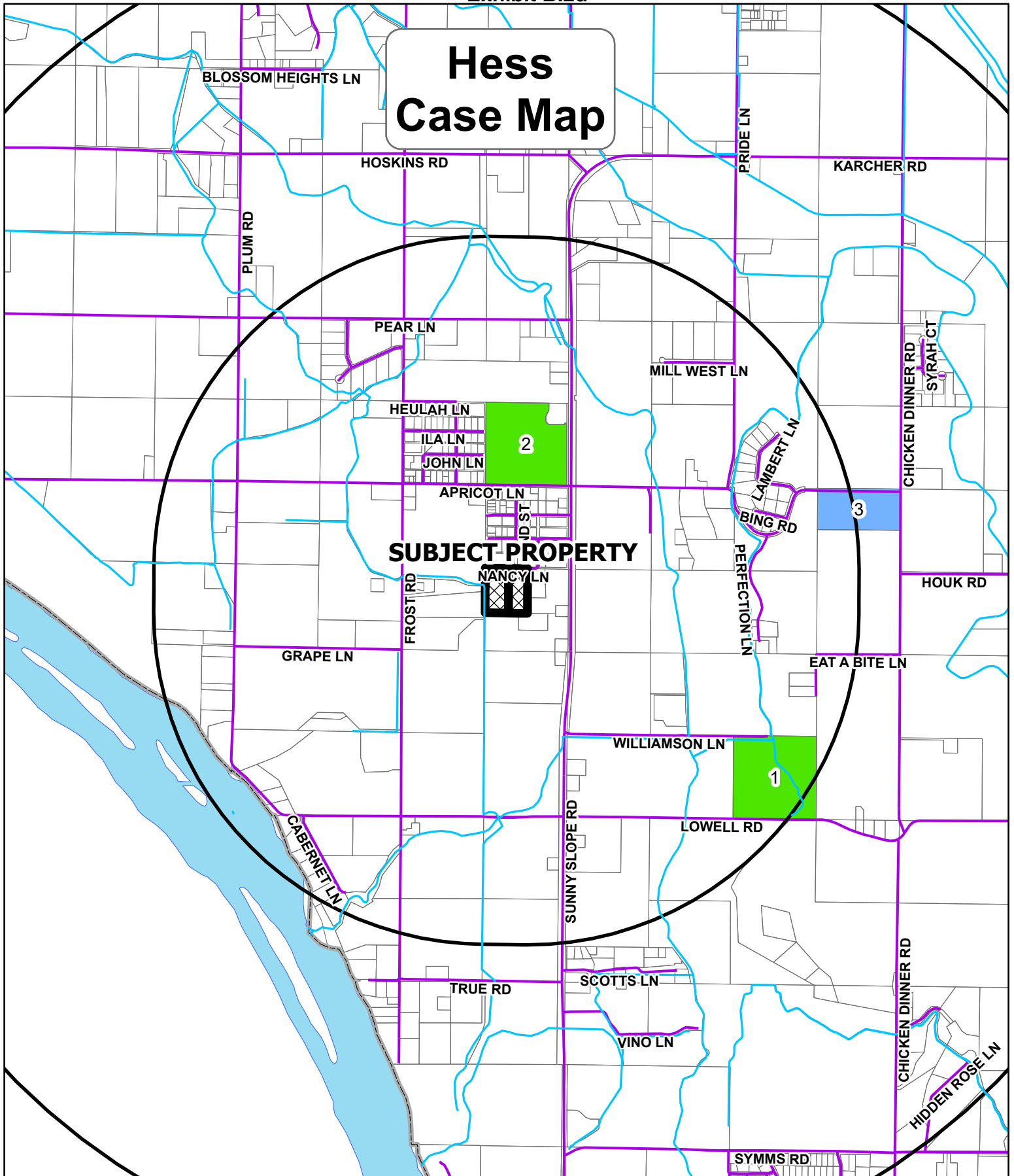
ITD Functional Classification

- Interstate
- Major Collector
- Minor Arterial
- Minor Collector
- Other Principal Arterials

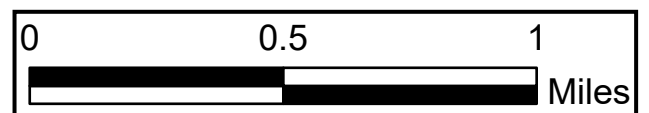
Exhibit B.2c



Hess Case Map



| YEAR | | | |
|------|------|------|------|
| 2023 | 2020 | 2019 | 2018 |
| 2022 | 2021 | | |



| CASE SUMMARY | | | | |
|--------------|-------------|--|-----------------------|------------|
| ID | CASENUM | REQUEST | CASENAME | FINALDECIS |
| 1 | CU2019-0029 | Special Events Facility | Dandrew Wine, LLC | DENIED |
| 2 | RZ2019-0004 | Rezone AG to R1 & Comp Plan Map Change AG to Com & Res | Troost | DENIED |
| 3 | CU2022-0020 | CUP - Special Events Facility. | Sunny Slope Farms LLC | APPROVED |

Hess Subdivision Map

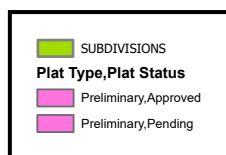
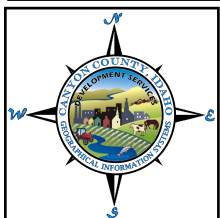
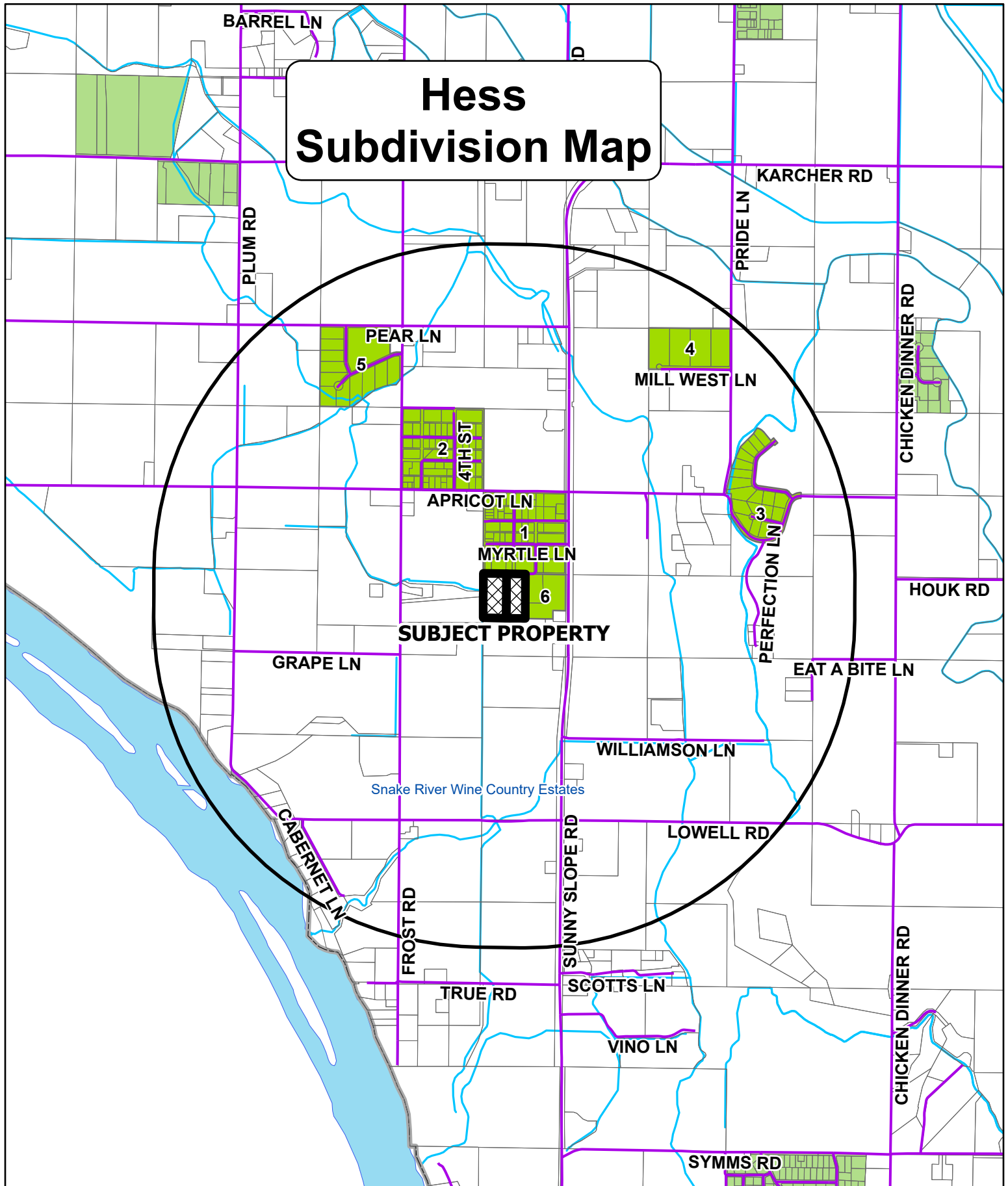
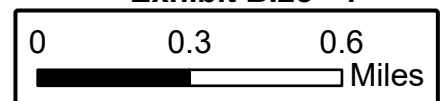


Exhibit B.2e - 1



SUBDIVISION & LOT REPORT

| NUMBER OF SUBS | | ACRES IN SUB | NUMBER OF LOTS | AVERAGE LOT SIZE | |
|-----------------------------|--|--------------|-----------------|--------------------|---------|
| 6 | | 168.18 | 155 | 1.09 | |
| NUMBER OF SUBS IN PLATTING | | ACRES IN SUB | NUMBER OF LOTS | AVERAGE LOT SIZE | |
| 0 | | 0 | 0 | 0 | |
| NUMBER OF LOTS NOTIFIED | | AVERAGE | MEDIAN | MINIMUM | MAXIMUM |
| 35 | | 5.49 | 1.00 | 0.16 | 66.29 |
| NUMBER OF MOBILE HOME PARKS | | ACRES IN MHP | NUMBER OF SITES | AVG HOMES PER ACRE | MAXIMUM |
| 0 | | 0 | 0 | 0 | 0 |

PLATTED SUBDIVISIONS

| SUBDIVISION NAME | Label | LOCATION | ACRES | NO. OF LOTS | AVERAGE LOT SIZE | CITY OF... | Year |
|-------------------------------|-------|----------|-------|-------------|------------------|-----------------|------|
| SUNNY SLOPE SUB #1 | 1 | 3NAW22 | 40.03 | 56 | 0.71 | COUNTY (Canyon) | 1948 |
| SUNNY SLOPE SUB #2 | 2 | 3NAW15 | 39.91 | 55 | 0.73 | COUNTY (Canyon) | 1950 |
| SNAKE RIVER HEIGHTS #1 | 3 | 3NAW14 | 25.28 | 23 | 1.10 | COUNTY (Canyon) | 1971 |
| MILL-WEST ORCHARDS | 4 | 3NAW14 | 20.11 | 4 | 5.03 | COUNTY (Canyon) | 1976 |
| PEAR LANE ESTATES SUBDIVISION | 5 | 3NAW15 | 32.85 | 15 | 2.19 | COUNTY (Canyon) | 2007 |
| NEWBY SUBDIVISION | 6 | 3NAW22 | 10.00 | 2 | 5.00 | COUNTY (Canyon) | 2018 |

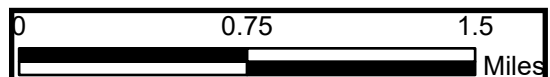
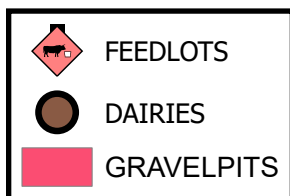
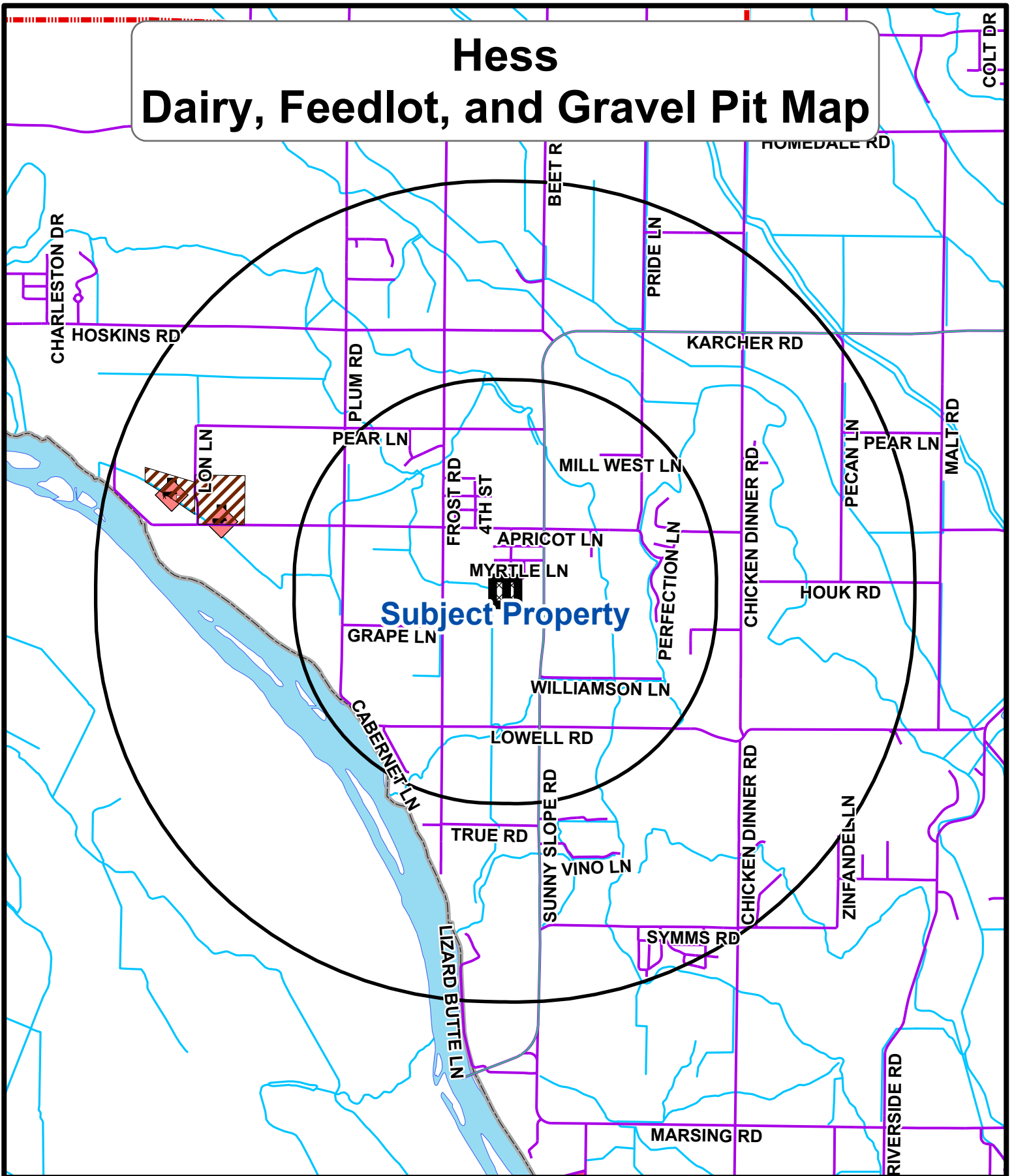
SUBDIVISIONS IN PLATTING

| SUBDIVISION NAME | ACRES | NO. OF LOTS | AVERAGE LOT SIZE |
|------------------|-------|-------------|------------------|
| | | | |
| | | | |
| | | | |

MOBILE HOME & RV PARKS

| SUBDIVISION NAME | SITE ADDRESS | ACRES | NO. OF SPACES | UNITS PER ACRE | CITY OF... |
|------------------|--------------|-------|---------------|----------------|------------|
| | | | | | |

Hess Dairy, Feedlot, and Gravel Pit Map



Hess Lot Classification Map

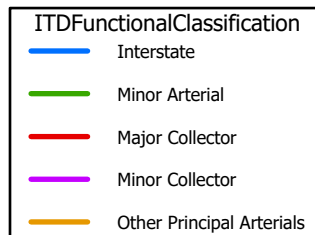
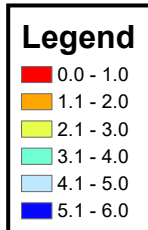
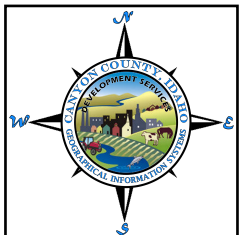
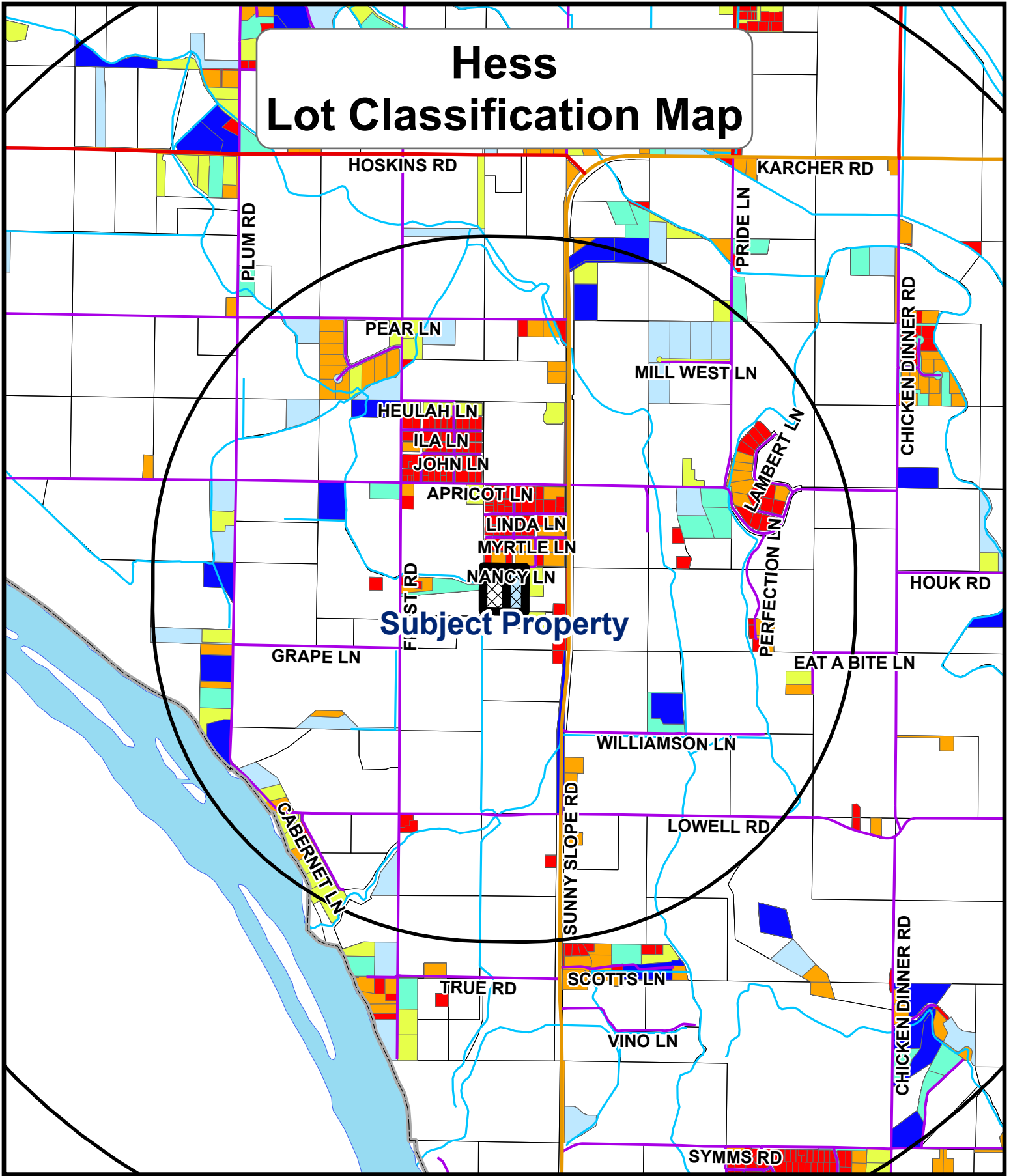
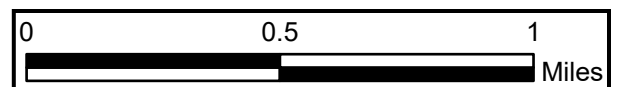
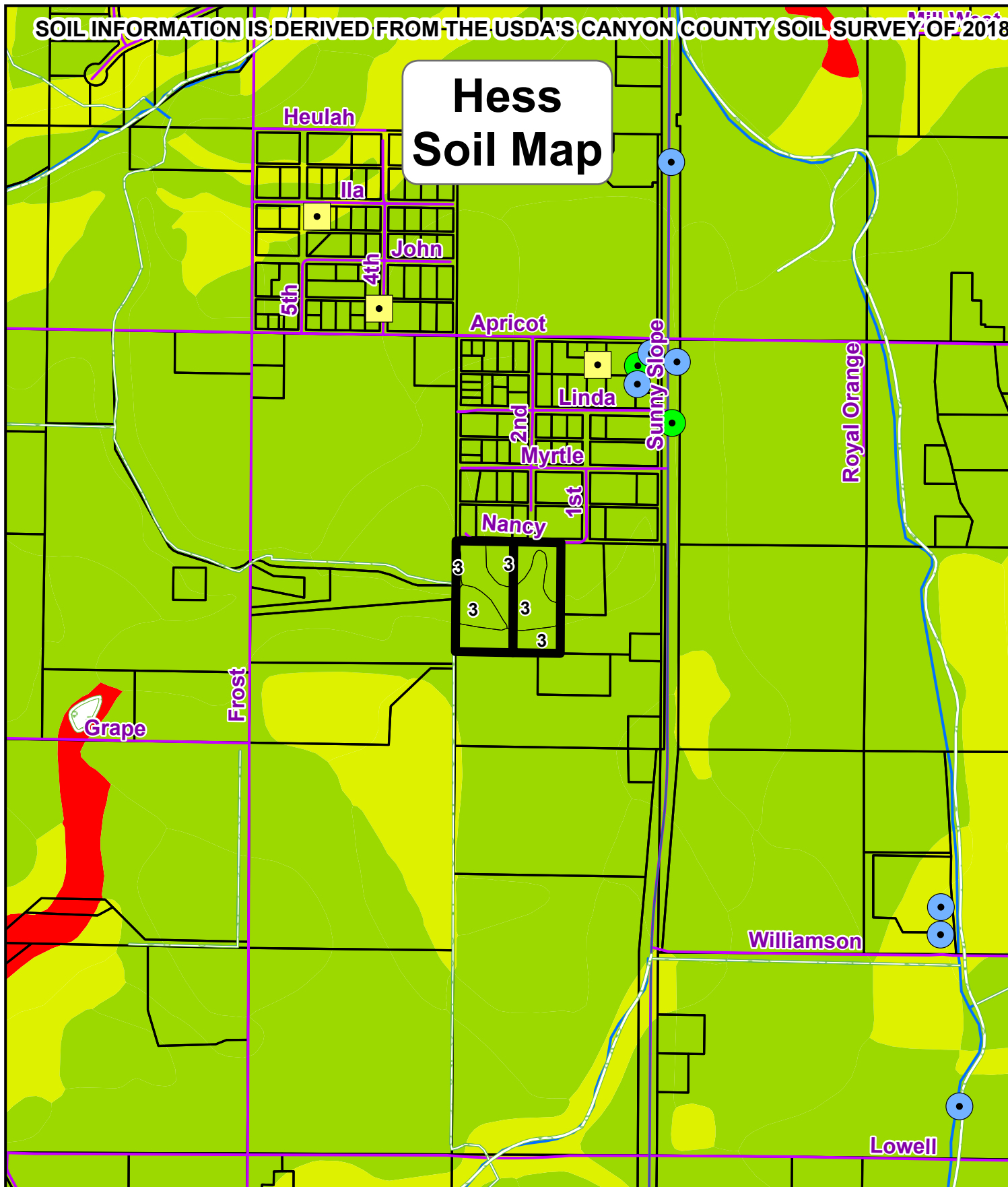


Exhibit B.2g



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

Hess Soil Map



Nitrate Priority Wells

- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- ▲ 10.000001 - 49.800000

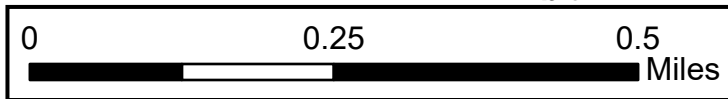


IDWR_2C_Geothermal_

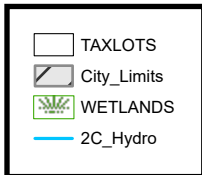
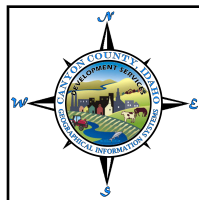
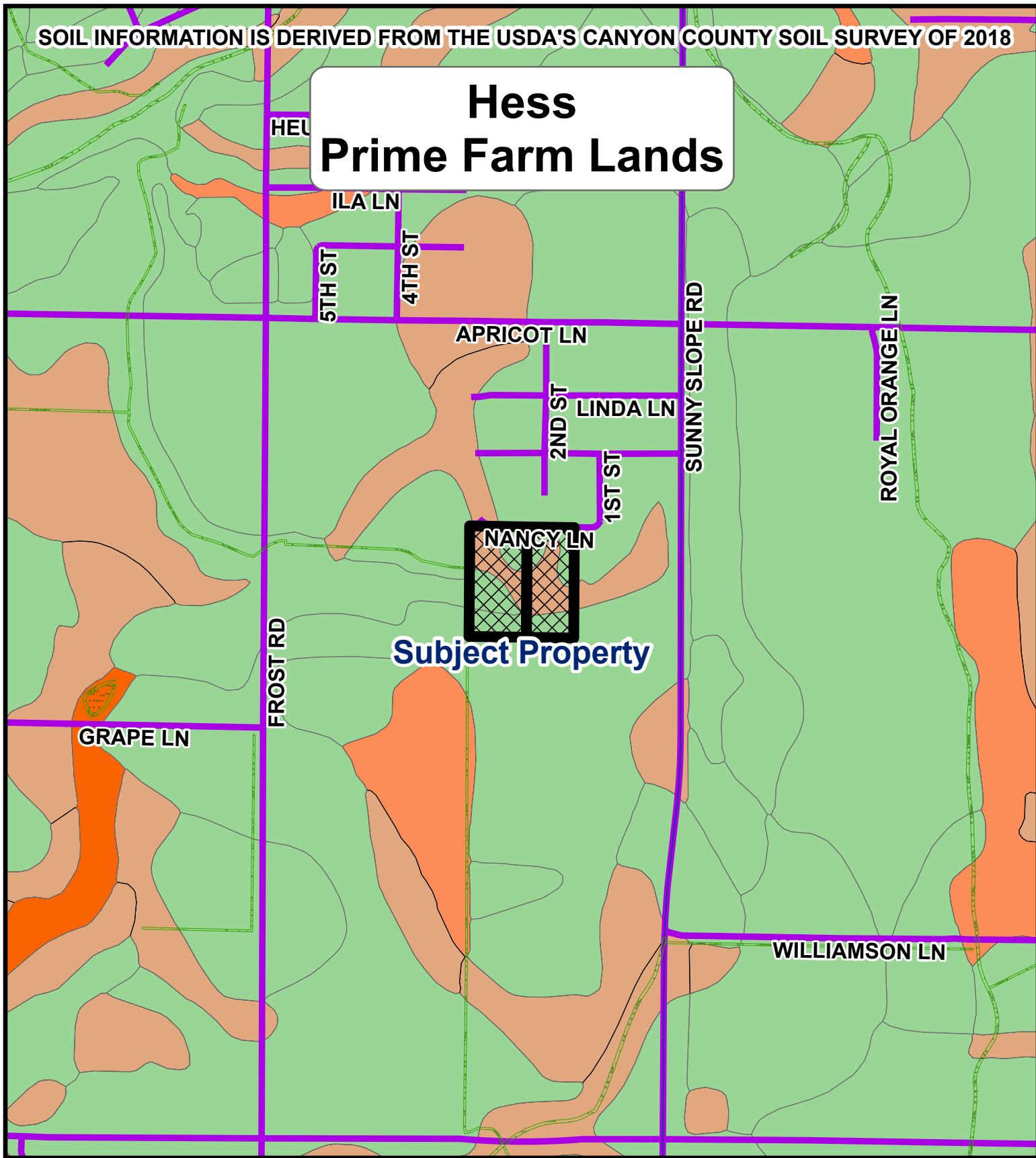


Wetlands

Exhibit B.2h - 1

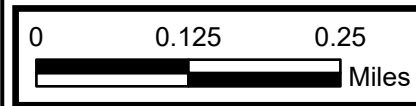


Hess Prime Farm Lands



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 |
|-----------------------|------------------------|----------------|---------|------------|
| 3 | MODERATELY SUITED SOIL | 223941.96 | 5.14 | 46.45% |
| 3 | MODERATELY SUITED SOIL | 184258.80 | 4.23 | 38.22% |
| 3 | MODERATELY SUITED SOIL | 9844.56 | 0.23 | 2.04% |
| 3 | MODERATELY SUITED SOIL | 64033.20 | 1.47 | 13.28% |
| | | 482078.52 | 11.07 | 100% |

FARMLAND REPORT

| SOIL NAME | FARMLAND TYPE | SQUARE FOOTAGE | ACREAGE | PERCENTAGE |
|-----------|--|----------------|---------|------------|
| CcB | Prime farmland if irrigated | 223941.96 | 5.14 | 46.45% |
| TsC | Farmland of statewide importance, if irrigated | 184258.80 | 4.23 | 38.22% |
| CcB | Prime farmland if irrigated | 9844.56 | 0.23 | 2.04% |
| TuC | Prime farmland if irrigated | 64033.20 | 1.47 | 13.28% |
| | | 482078.52 | 11.07 | 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.

Hess Contour Map

Myrtle Ln

SUNNY SLOPE SUB #1

1st St

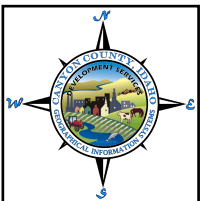
Nancy Ln

NEWBY SUBDIVISION

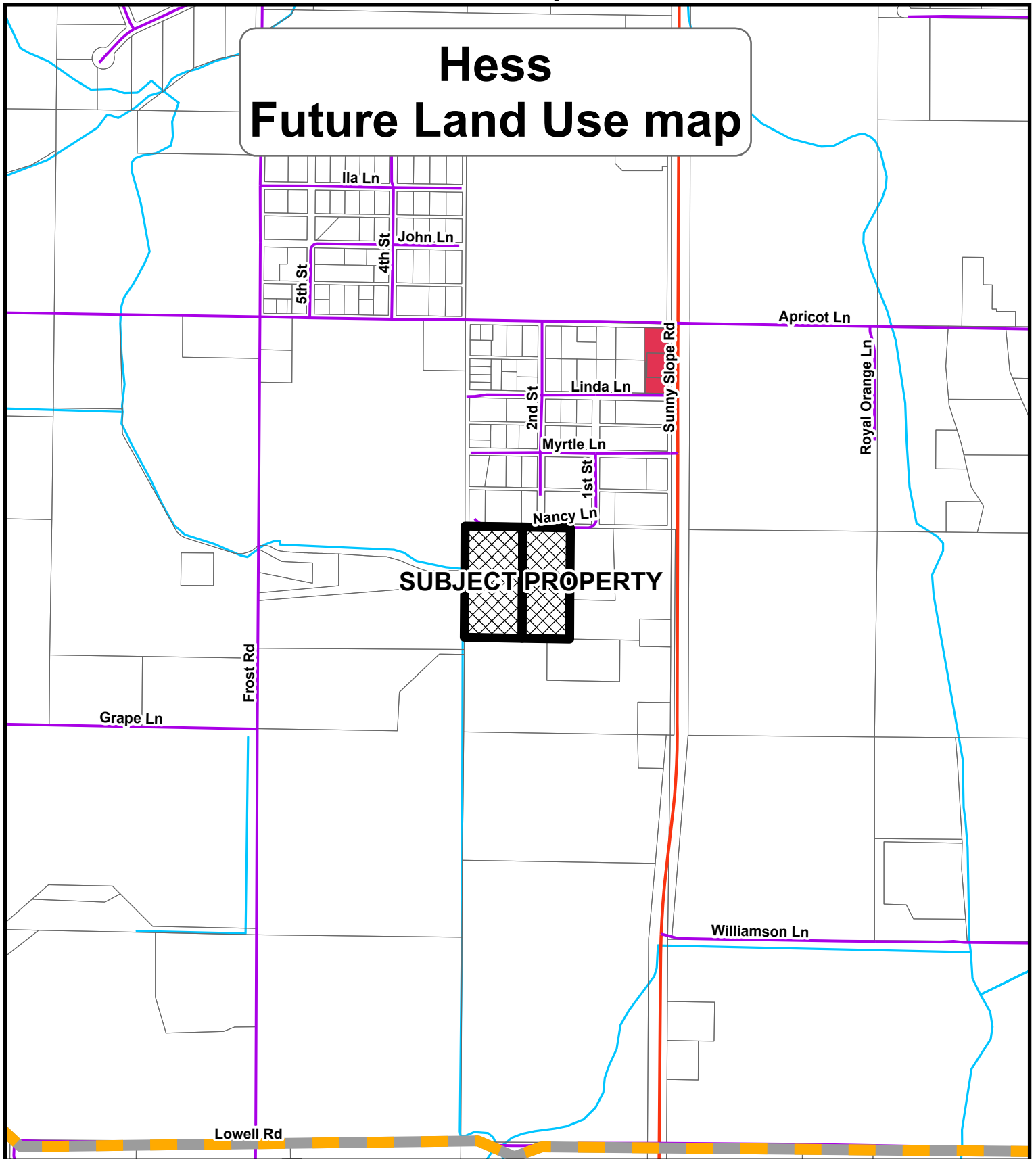
Legend

- SUBJECT_PROPERTY
- TaxParcels
- SectionContours
- Wetlands

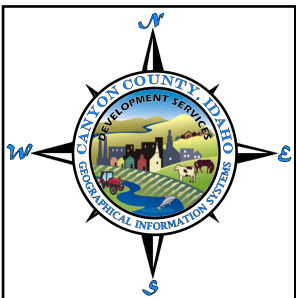
Exhibit B.2i



Hess Future Land Use map



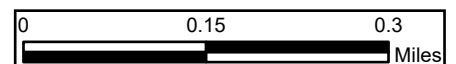
SUBJECT PROPERTY



Legend

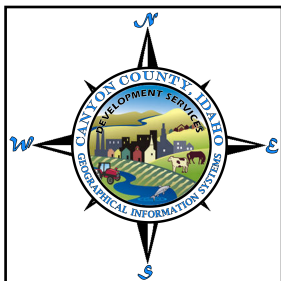
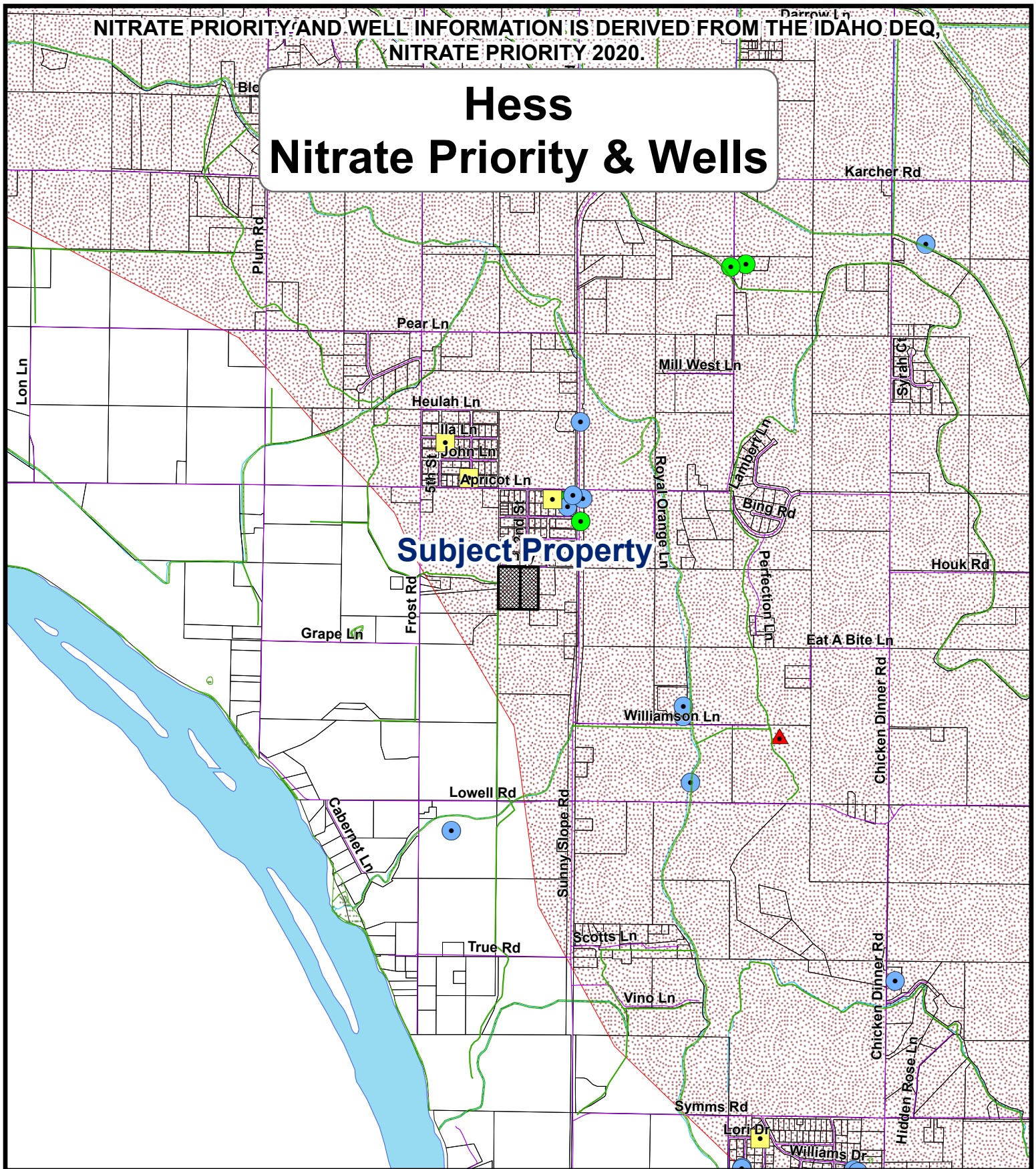
Future Land Use 2011_2022

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL



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

Hess Nitrate Priority & Wells



GEO-THERMAL LOCATIONS



WETLANDS



NITRATE_PRIORITY

DEQ WELLS
N03_MGL



0.005 - 2.00



2.000001 - 5.00

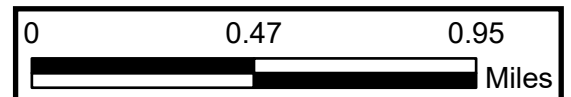


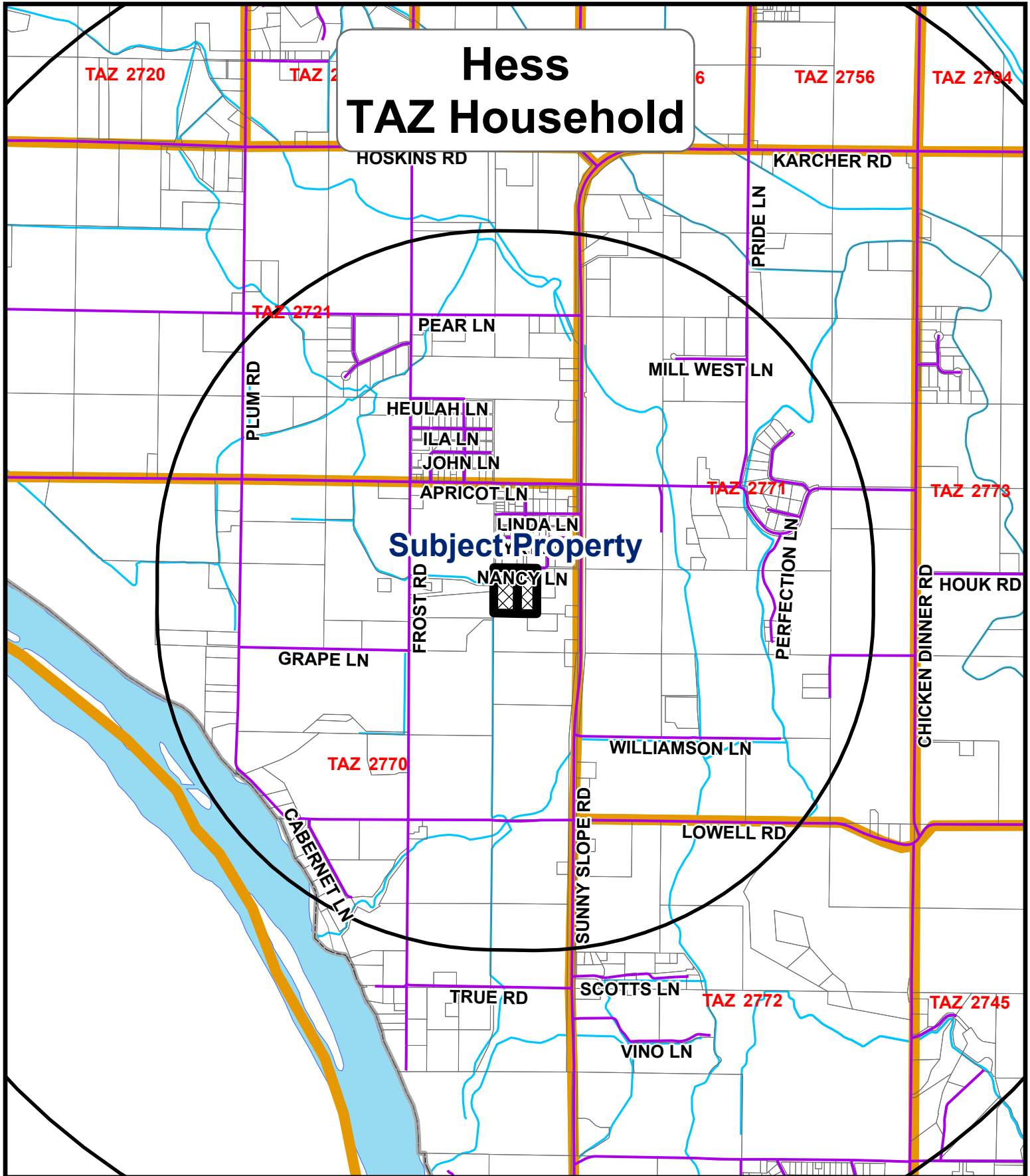
5.000001 - 10.00



10.000001 - 49.80

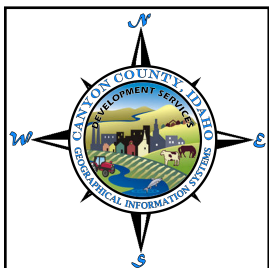
Exhibit B.2k





Hess TAZ Household

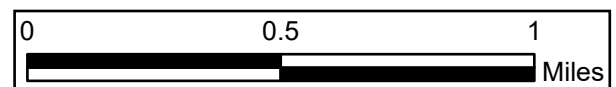
Subject Property



House Hold 2025-2050

| | | | |
|--|-----------|--|------------|
| | -4 - 50 | | 251 - 500 |
| | 51 - 150 | | 501 - 750 |
| | 151 - 250 | | 751 - 1263 |

Exhibit B.2I





Canyon County
Development Services Department

111 North 11th Ave., Suite 140, Caldwell, ID 83605
 Phone 454-7458 Fax 454-6633
www.canyoncounty.org/dsd

Parcel Inquiry/Research Summary

Tracking Number:

PI2020-0320

Office Visit Date:

9/8/2020

Site Address: 0 SUNNY SLOPE RD
 Caldwell ID

Assessor Account #: 33459010 0

Property Owner: KRAFT DALLAS

HUSTON ID 83630

Person Inquiring: MOORE JUSTIN

Phone Number:

| | | |
|--------------|-------------------|---------------|
| Section: 22 | City Impact Area: | |
| Township: 3N | Flood Zone: | |
| Range: 4W | Subdivision: | |
| 1/4 Sec: NE | Lot: | Staff Member: |
| Acres: 6.02 | Block: | KELLIE GEORGE |
| Zone: A | | |

Discussion Summary

Specific Question Detail: inquiry to know if split is available? If so, is a bp available?

Specific Answer Detail: Parcel R33459 (the mother parcel) was first split in 1997 (LS2003-287), which resulted in a 39 acre parcel (R33459010) and a one acre parcel (R33459). Later, a conditional use permit (CU2003-291) was approved 6/28/2001, which subdivided R33459010 (9.5 acres) into four lots. In 2018 SD-PH2018-4 approved a preliminary plat, irrigation and drainage plan, and final plat for Newby Subdivision on what was R33459010A, which resulted in a two lot subdivision and Parcels R33459100 (3 acres) and R33459101 (7 acres). Parcels are allowed a one-time administrative land division after 9/6/79. The original parcel (R33459) has been split multiple times, so there are no administrative land divisions available. In order to split further the parcel (R33459010) would need to be rezoned (\$850), the comprehensive plan amended (\$2,500), and go through the subdivision process (approx. \$1,680) to legally plat and record lots. The parcel is located in an Agricultural zone, the future land use is agricultural and is not in a city impact area, which means it could be difficult to get approval. There are other subdivisions (such as the Newby Subdivision) that have been approved so it is possible.

The property research information presented today by the Development Service Department (DSD) is based on the current ordinance and policies, in effect on the date of the summary, and based on your representations and information you have provided about the subject property. This information is valid only at the time of the inquiry and may change when the subject property, ordinances, or policies change. Then information becomes certain, and not subject to change, when DSD accepts an application and fees are paid. Changes to the subject property may invalidate this information.

Director/Staff: Randall Falgout

Date: September 10, 2020

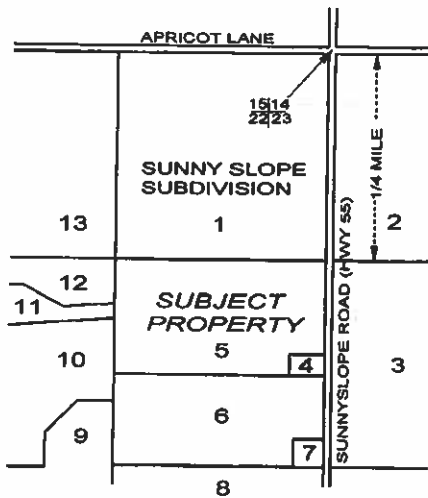
Case No.

010722L22-3N-4W

NOTIFICATION DISTANCE: 600'

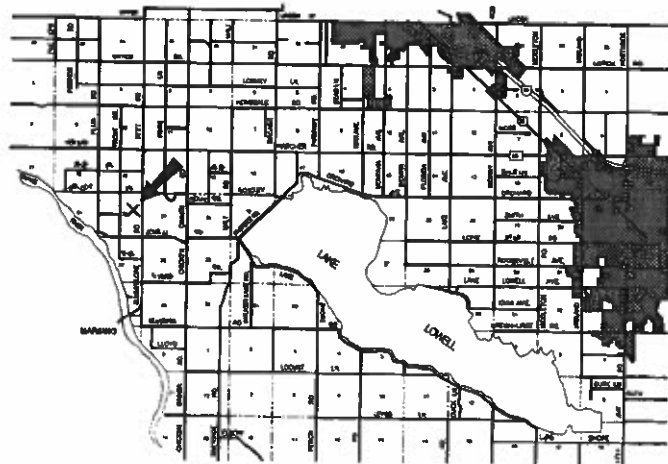
010722-291
approved
6/28/01

A request by Dallas Kraft for a **CONDITIONAL USE PERMIT** to subdivide approximately 9.5 acres into 4 lots.



1. SUNNY SLOPE SUBDIVISION (600')

- RAY
- LAWSON
- RAMIREZ
- AGGAS
- RAGANIT
- ALLEN
- CRAWFORD
- ARAGON
- WILLIAMSON
- 2. SYMMS FRUIT RANCH, INC.
- 3. SYMMS-CANYON LIMITED PRT
- 4. NELSON
- 5. KRAFT
- 6. NELSON
- 7. GORE
- 8. DORSEY
- 9. DORSEY
- 10. HARRINGTON
- 11. HARRINGTON
- 12. HILL
- 13. SYMMS, ETAL

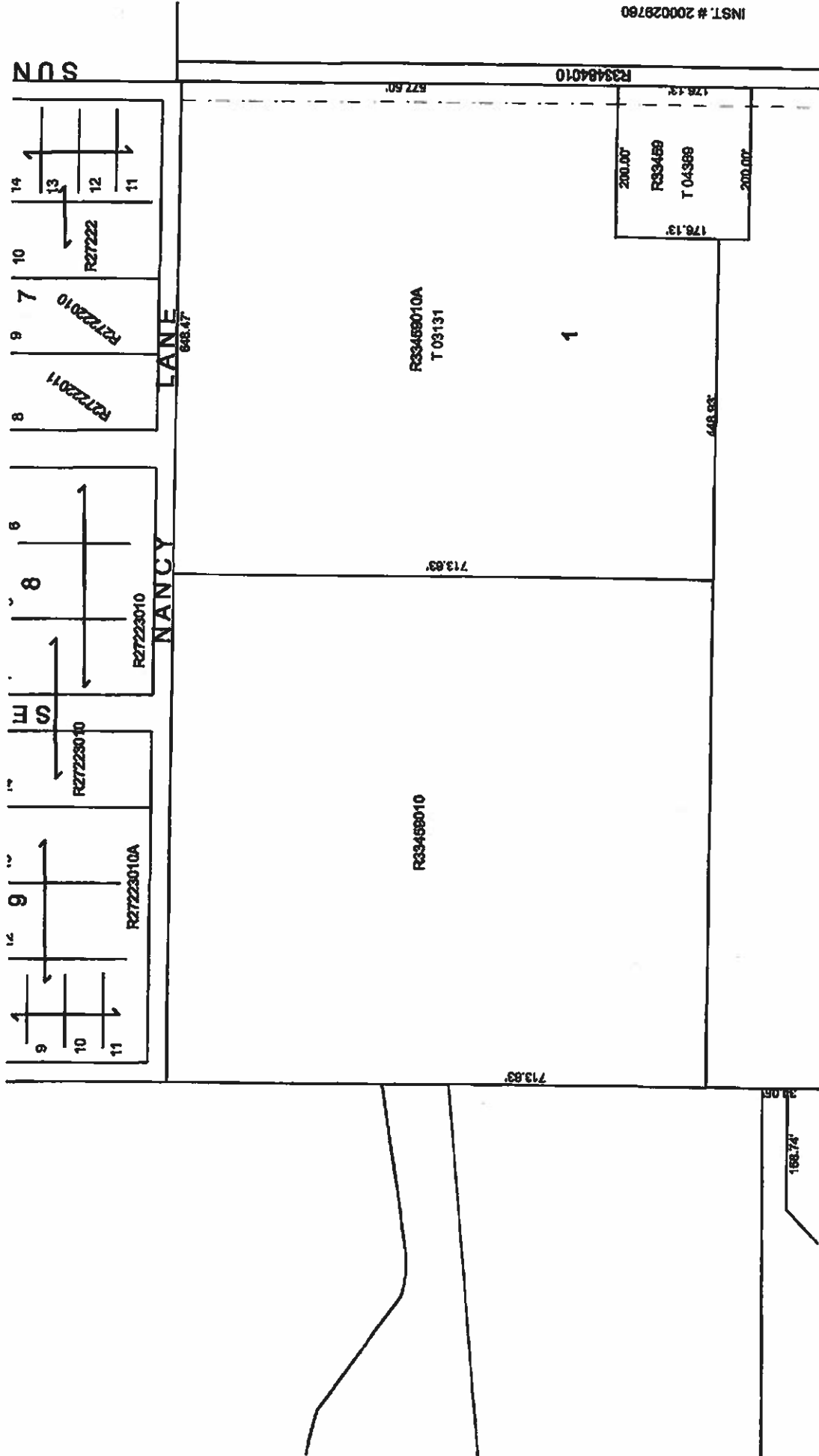


Date: 4-18-01 Location: NE 22-3-4 Zoning: A Aerial:

All proportions and dimensions shown on this drawing are approximate



Revol

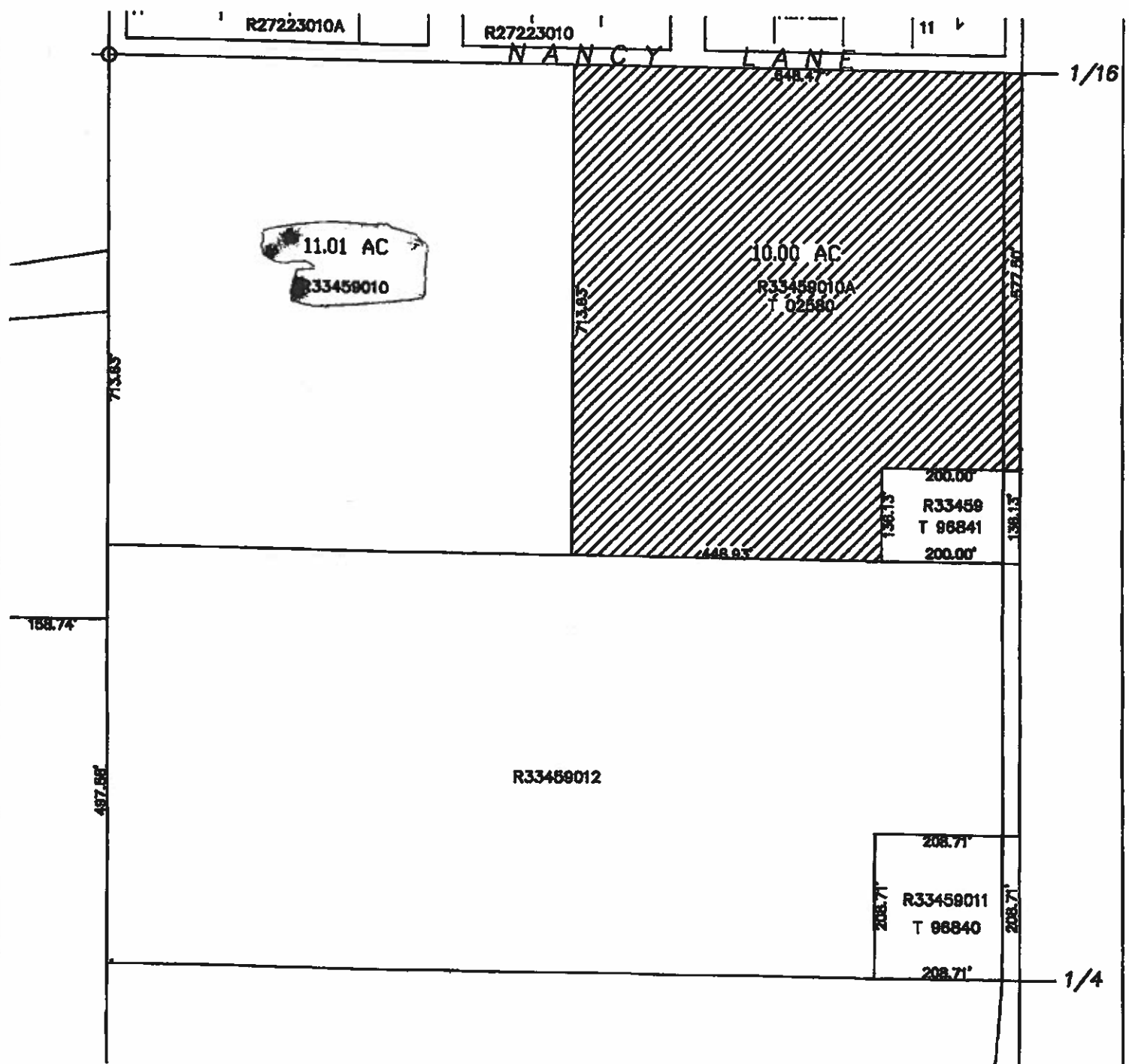


INST. # 200029760

(:200

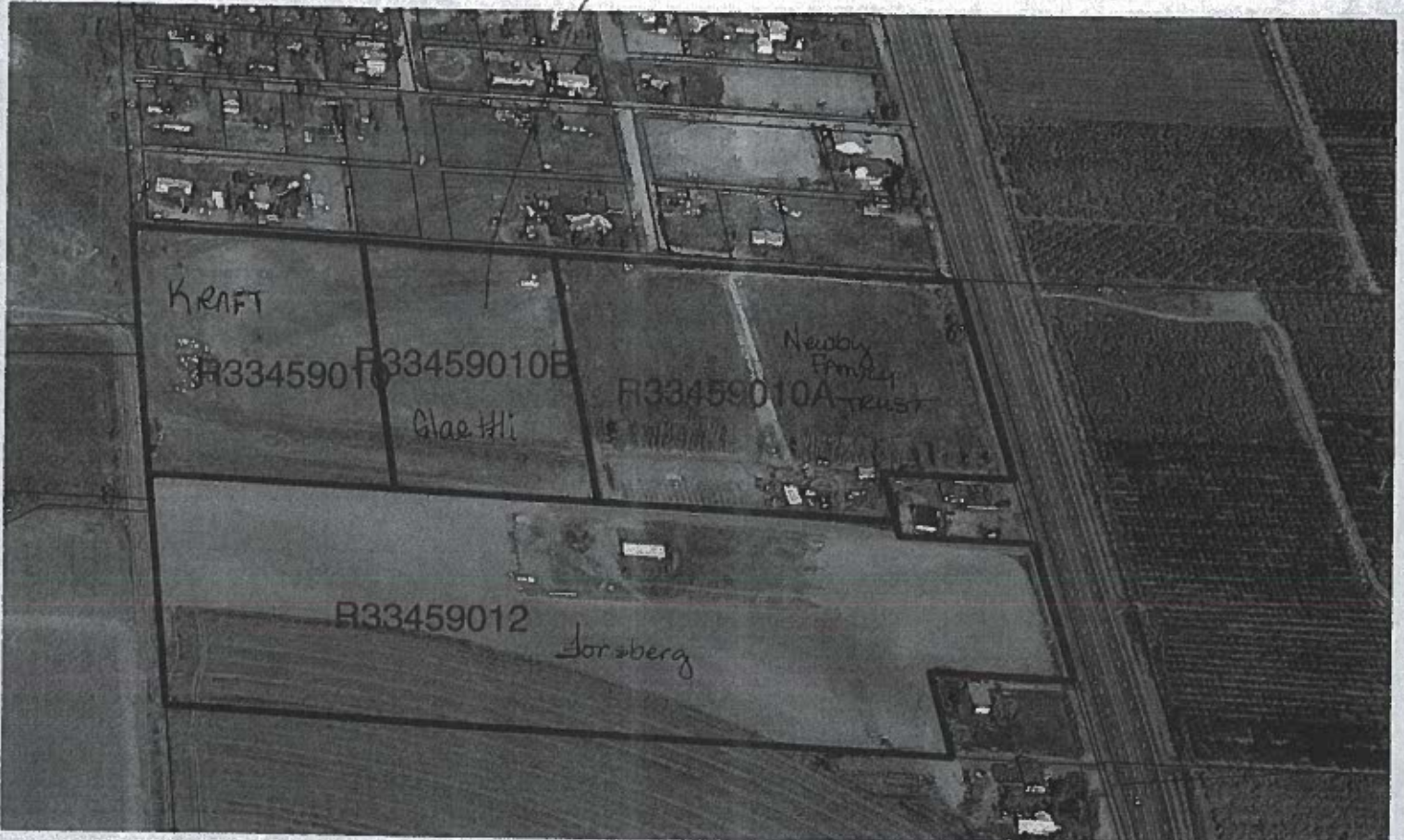


↑
 N
 1" = 200
 BAY
 3N4W22



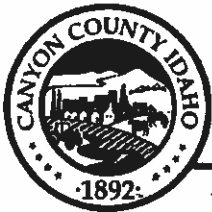


*Rejected
5/1/06
pygal*



Copyright ©2007 Pictometry International Corp.

Creation Date: Oct 31, 2007 13:20
Modification Date: Nov 26, 2007 21:05



Board of County Commissioners' Staff Report
Newby Subdivision, SD-PH2018-4
Development Services Department

Hearing Date: July 9, 2018

| | |
|--|---|
| <p><u>Applicant:</u> MIB Newby Family Trust</p> <p><u>Representative:</u> Will Mason Mason and Associates</p> <p><u>Staff:</u> Deb Root, 454-7340 droot@canyonco.org</p> <p><u>Tax ID:</u> R33459010A</p> <p><u>Lot Size/Project Area:</u> 10 acres</p> <p><u>Current Zone:</u> "CR-RR" (CR-Rural Residential)</p> <p><u>Comprehensive Plan:</u> 2020 CC Comprehensive Plan Future Land Use Designation: Agriculture</p> <p><u>Current Uses:</u> Agricultural and Rural Residential</p> <p><u>Notification:</u> 03/19/18 & 06/05/18-Agencies 04/11/18 & 06/05/18- Mailing 04/17/18 & 06/24/18-Publication 04/24/18 & 06/22/18-Posting (on or before)</p> <p><u>Exhibits:</u> 1. FCCO's 2. Development Agreement 3. Idaho Transportation Dept. 4. Golden Gate Highway District 5. Keller review Prelim. Plat 6. Keller review Final Plat 7. Small Aerial 8. Preliminary Plat & Irrigation Plan 9. Final Plat 10. Williamson letter of concern 11. Large Aerial 12. P&Z Minutes 13. P&Z FCCOs 14. ITD approval 15. Golden Gate Hwy Dist.</p> | <p><u>Request</u> A request by Newby Family Trust for approval of a Preliminary Plat and Irrigation & Drainage Plan and Final Plat for Newby Subdivision. The subject property is located in a portion of the NE quarter of Section 22, Township 3N, Range 4W, approximately 1330 feet south and west of the intersection of Apricot Road and State Highway 55.</p> <p><u>Background</u> The subject property is conditionally rezoned to "CR-RR" and is subject to Development Agreement 17-119. The proposed development is in substantial conformance with the conditions of approval in the development agreement (Exhibit XX ²).</p> <p><u>Analysis</u> The subject property is located in a "CR-RR" (CR-Rural Residential) Zone. The applicant is proposing two (2) lots-one residential lot containing three (3) acres and, one agricultural use only lot of seven (7) acres with no residential permit available. The minimum lot size in the "R-R" (Rural Residential) Zone is two (2) acres. Irrigation water is available to the property from Wilder Irrigation District and the property will be irrigated as historically irrigated with some modifications to the current gated pipe system. The subdivision meets Idaho Code and CCZO, Article 17 requirements for the preliminary plat, drainage, and irrigation plans.</p> <p><u>Preliminary Plat, Irrigation & Drainage Plan and Final Plat</u> Standard of Review for Subdivision Plat A. Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions) B. Idaho Code, Sections 50-1301 through 50-1329 (Platting) C. Idaho Code, Section 31-3805 (Irrigation). Canyon County Zoning Ordinance, Article 17 (Subdivision Regulations)</p> <p><u>Comments</u> Public Comments Staff received one letter stating opposition to the proposed subdivision plat.</p> <p>County Agency Comments Staff informed agencies of the proposal and responses are attached as exhibits. Concerns from Idaho Transportation Department and Golden Gate Highway District have been addressed. Access shall be taken at existing approach to State Highway 55 and access to adjacent subdivision roads shall be blocked and not used by the new residential development on the Newby property.</p> |
|--|---|

R2- PH2017-40 CRR 9/20/17



Canyon County Board of Commissioners
Newby Subdivision, SD-PH2018-4

Development Services Department

Findings

1. The subject property, approximately 10 acres, is currently zoned "CR-RR" (CR Rural Residential) subject to Development Agreement 17-119 recorded as instrument #2017-040827.
2. The proposed plats are in conformance with CCZO Article 23, Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions, and Idaho Code, Sections 50-1301 through 50-1329 (Platting)).
3. The subdivision contains two (2) lots—one residential and one restricted to agricultural use only.
4. The record includes all hearing documents, testimony, and documents within the case file SD-PH2018-4.
5. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 03/19/18 & 06/05/18, Newspaper notice was provided on 04/17/18 & 06/24/18, property owners within 300' were notified by mail on 04/11/18 & 06/05/18, and the property was posted on or before 04/24/18 & 06/22/18.
6. The Planning and Zoning Commission forwarded the Preliminary Plat, Irrigation and Drainage Plan with a recommendation of approval on May 3, 2018.
7. All required signatures are affixed to the Final Plat pending the Board's approval.

Conclusions of Law

The Board of County Commissioners has the authority to hear this case and approve, modify or deny the application. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and County ordinances.

Recommended Conditions of Approval

1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.

Development Agreement 17-119 Conditions of Approval:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject property, R33459010A shall be developed and platted as a one lot residential subdivision in substantial conformance to the Site Plan in Development Agreement Attachment "C" prior to obtaining a building permit.
3. The development shall be allowed one single-family dwelling and all other uses allowed in the Rural Residential zone.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. The development shall comply with Idaho Transportation Department requirements prior to obtaining a building permit for the property.
6. The development shall comply with Golden Gate Highway District requirements prior to obtaining a building permit for the property.

Order

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Board of County Commissioners APPROVE Case # SD-PH2018-4, a request by Newby Family Trust for approval of a Preliminary Plat, Irrigation & Drainage Plan and the Final Plat for Newby Subdivision subject to Development Agreement 17-119 and as conditioned herein.

APPROVED this 9 day of July, 2018.

| | Yes | No | Did Not Vote |
|--|-------------------------------------|--------------------------|--------------------------|
| <u>Tom Dale</u> Tom Dale, Chairman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Steven J. Rule</u> Commissioner Steven J. Rule | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Did not participate</u> Commissioner Pam White | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Attest: Chris Yamamoto, Clerk

By: M. Reeves
Deputy

Date 7-9-18

①

INSTRUMENT NO. 9713927

COPY

LS 2003-287

FORM 10. PZF_8/25/95

10

BEFORE THE DEVELOPMENT SERVICES DEPARTMENT

IN THE MATTER OF A PETITION FOR)
AN ADMINISTRATIVE LOT SPLIT BY:)
KEVIN EVERSON)
ADMINISTRATIVE LOT SPLIT)
DECISION)
961989D22-3N-4W)
P & Z CASE NUMBER)
R33459)
ASSESSOR'S ACCT. NO.)

APPROVAL OF ADMINISTRATIVE LOT SPLITS
PURSUANT TO CANYON COUNTY ZONING ORDINANCE NO. 93-002

- ☐ SECTION 12.3(H)(1) ☒ SECTION 12.3(H)(2) ☐ SECTION 12.3(H)(3)
☐ SECTION 17.2 ☐ LOT LINE ADJUSTMENT ☐ CONDITIONAL USE PERMIT

This application is to divide approximately 40 acres
into 2 parcels as follows:

Parcel 1 - consisting of approximately 1 acre more or less.

Parcel 2 - consisting of approximately 39 acres more or less.

☒ This application is approved pending certification by the Administrator
that the record of survey correctly evidences the split as applied for.
Authorizing Signature: [Signature]

☒ This application has been reviewed and found to be in compliance with all
requirements of the above applicable Section, Canyon County Zoning
Ordinance No. 93-002, therefore the application is APPROVED.

☐ This application has been reviewed and found not to be in compliance with
all requirements of the above applicable Section, Canyon County Zoning
Ordinance No. 93-002, therefore the application is DENIED.

[Signature]
BILL SHAW, DIRECTOR

27 May 1997
Date

A NOTARY OF THE STATE OF IDAHO ON THIS DATE

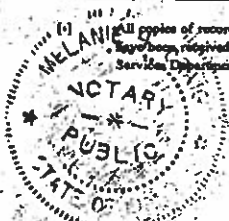
5-2-97

Notary: [Signature]

Address: [Signature]

Commission Expires: 12-08-99

(1) All copies of recorded documents
agreed upon, received by the Development
Services Department By: _____



REQUEST Kevin Everson
THE PRICE FE 3-00

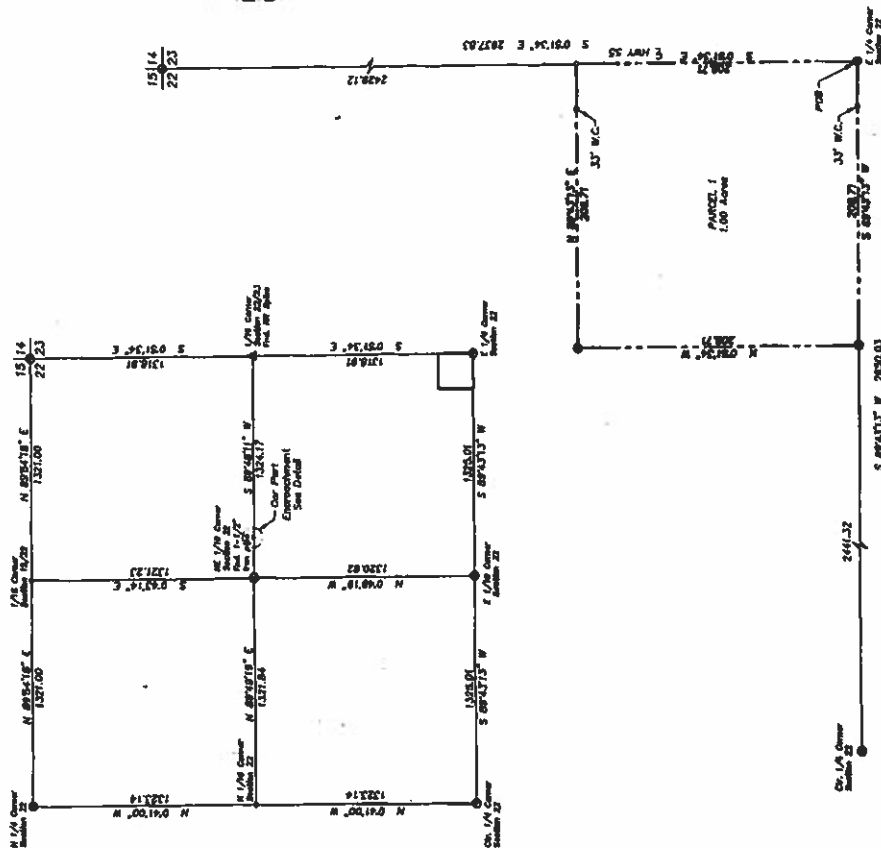
97 MAY 2 PM 1 51
NED J KERR
CANYON CNT RECORDER
[Signature]

RECORDED

9713927

RECORD OF SURVEY

A PORTION OF THE SE 1/4 NE 1/4 OF SECTION 22
TOWNSHIP 3 NORTH, RANGE 4 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO



SCALE: 1" = 50'
BASIS OF BEARING
R.O.S. No. 9600782
Reference Survey
R.O.S. No. 9600782

LEGEND

- BRASS CAP MONUMENT - FOUND
- 5/8" x 30" REBAR - SET
- 5/8" REBAR - FOUND
- 1/2" x 24" REBAR - SET
- 1/2" REBAR - FOUND
- P.C. NAIL & BRASS WASHER
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- W.C. WITNESS CORNER
- () DATA OF RECORD

CERTIFICATION

I, Kevin L. Everson, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been made from an actual survey made on the ground under my personal supervision, and that this map is an accurate representation of the facts as shown by the survey. I am a member of the Professional Land Surveyors Association, Idaho Code 25-1801 through 25-1812.



INDEX NO. 244-22-1-1-0-00-00
SURVEY FOR

KEVIN EVERSON

| | |
|----------|----------------|
| Drawn by | W.P.A. |
| Date | APRIL 14, 1992 |
| Book | |
| Job No. | 405987 |

Skinner Land
Survey Co., Inc.

1401 S. Broadway, Suite 2
Boise, Idaho 83725
(208) 333-0000



Canyon County, 111 North 11th Avenue, Suite 140, Caldwell, ID 83605

(208) 454 7458 ▪ (208) 454 6633 Fax ▪ zoninginfo@canyonco.org ▪ www.canyoncounty.org

September 24, 2021

To: David Hess
2835 NW 12th Dr.
Meridian, ID 83646

RE: Conditional Use Permit Expiration: Case No. CU2003-291 (Parcel R33459010)

Dear Mr. Hess,

On August 28, 2021, you requested the Director's review of Case No. CU2003-291 to determine the status of the conditional use permit. Pursuant to Canyon County Zoning Ordinance (CCZO) §07-07-23(2), this letter is to provide notice that the attached conditional use permit (Case No. CU2003-291) is considered to be expired by the Director of DSD based on the following:

- (1) The conditions of approval listed in the Hearing Examiner approval dated June 28, 2001 were not commenced in two years (June 28, 2003) or completed in five years (June 28, 2006) in accordance with Chapter 9.1(A) of the 1997 Zoning Ordinance (Land Use Time Limitations) or current land use time limitations (CCZO §07-07-23(1)). Based on information within the file, the conditions were to be met at the time of platting.
 - a. Subsequent conditional use permit CU2006-192 approved for two lots in 2007 states CU2003-291 (says CU2003-321 in error) was approved but never platted. In 2003, the previous owner (Dallas Kraft) divided 10 acres from parcel R33459010) without County approval and sold it to Ben & Sharon Newby (TX03-131, Parcel R33459010A). Therefore, CU2003-291 was never completed and appeared to be abandoned in 2007.
- (2) CU2003-291 required platting. According to the property history, the original parcel was divided a number of times leaving the subject parcel without development rights. The conditional use permit included waiver of subdivision improvements for the subsequent subdivision process that did commence within the Land Use Time Limitations stated in subsection (1) of this letter.
 - a. In 2017, due to the fact CU2003-291 and CU2006-192 expired, Parcel R33459010A (a part of the decision in CU2003-291) was rezoned "CR-R-R" (Conditional Rezone - Rural Residential, two-acre average minimum lot size) and platted into Newby Subdivision in 2018 (SD2018-4).

Pursuant to CCZO §07-07-023(2)A: "Any affected person who is aggrieved by the director's decision as to an application pursuant to this subsection, may file a written notice of appeal in accordance with section 07-05-07, "Appeal of Direct Administrative Decision", of this chapter."

If you have any questions regarding this notice or wish to discuss other options based on current County plans and requirements, feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dan Lister', is positioned above a horizontal line.

Dan Lister, Planning Official
Canyon County Development Services Department (DSD)
(208) 454-7458

CC: File PI2021-0430



STAFF REPORT

IN THE MATTER OF AN APPLICATION BY:)

DALLAS KRAFT)

CASE # 010722L22-3N-4W

FOR A CONDITIONAL USE PERMIT)

I. CASE SUMMARY

1.1 LEGAL

A request by Dallas Kraft for a Conditional Use Permit to subdivide approximately 21 acres into four (4) residential lots in an "A" (Agricultural) Zone, and Waivers of subdivision requirements of concrete curbs, gutters and sidewalks, streetlights and frontage on a publicly maintained road. The property is located at 14725 Sunnyslope Road, Caldwell, approximately ¼ mile south of Apricot Lane, in a portion of the Southeast Quarter of the Northeast Quarter, Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

← subdivision improvements
waited for subsequent
plating process that
did not occur.

II. AUTHORITY

2.1 IDAHO CODE

2.1.1 I.C. 67-6512, I.C. 67-6519 [CONDITIONAL USE PERMITS]

2.2 CANYON COUNTY COMPREHENSIVE PLAN

2.3 CANYON COUNTY CODE

2.3.1 07-06 [CONDITIONAL USE PERMITS]

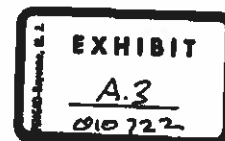
2.3.2 07-12-07(8)(D) [PERMITTED USES IN THE AGRICULTURAL ZONE
(OTHER SPLITS BY CONDITIONAL USE PERMIT)]

2.4 CANYON COUNTY CODE (SUBDIVISION REGULATIONS)

2.4.1 WAIVERS AND AMENDMENTS [08-13-(01-03)]

2.5 ALL OTHER APPLICABLE STATE AND FEDERAL REGULATIONS

Dallas Kraft, Case # 010722L22-3N-4W
Staff Report
Page 1 of 4



III. NOTIFICATION

On April 12, 2001, the Canyon County Hearing Examiner set the notification distance at 600 feet. A summary of the request was published in the Idaho Press Tribune on May 07, 2001, the property was posted and property owners and purchasers of record within 600 feet were notified by mail of the hearing. [CCCO 07-06-05(1)]

IV. PROPERTY ANALYSIS

4.1 ZONING

"A" (Agricultural)

4.2 AREA OF CITY IMPACT

The subject property is approximately 3 miles southwest of the Caldwell City Area of Impact.

4.3 STRUCTURES ON THE PROPERTY

There are no residences currently on subject property.

4.4 PROPERTY CHARACTERISTICS

The subject property is currently being used for field and pastureland.

4.5 SOIL TYPES

According to Department of Agricultural Soil Conservation Service Soil Survey of Canyon Area (July 1972) and Canyon County Comprehensive Plan (1995) under Agricultural Designations, the subject property consists of:

- Moderately Suited Cencove fine sandy loam, 1 to 3 % slopes (CcB)

4.6 VICINITY CHARACTERISTICS

4.6.1 EXISTING HOMES IN THE AREA

According to the applicant there are approximately seven (7) residences within ¼ mile of the subject property.

4.6.2 PLATTED SUBDIVISIONS IN THE AREA

The subject property is adjacent to Sunny Slope Subdivision, consisting of approximately 66 lots.

4.6.3 OTHER LAND USES IN THE AREA (within 1 mile)

The surrounding area is primarily agricultural with scattered residential.

V. CASE SPECIFICS

5.1 WATER

According to the applicant the subject property has water rights and is irrigated by the Wilder Irrigation District.

5.2 ACCESS

Applicant is giving 25 feet to Highway District to complete a 50-foot right-of-way for Nancy Lane.

VI. PROPERTY HISTORY

Referring to Exhibit B.1, parcels numbered 4,5,6, and 7 constituted the original parcel. Parcel 7 was the allowed lot split under the administrative lot split provisions of Canyon County Code and has a building permit. Parcel 4 received the remaining building permit on the balance of the original parcel. Therefore, there are no available building permits available on parcels 5 (the subject property) and 6.

*The parcel was
created illegally.
Division exceeding
4 parcels require
plating*

VII. AGENCY NOTIFICATION

The following agencies have been notified:

- Golden Gate Highway District (Exhibit C.1)
- Marsing Fire Department (Exhibit C.2)
- Southwest District Health Department (no response)
- U.S. West (no response)
- Vallivue School District # 139 (no response)
- Wilder Irrigation District (no response)
- Idaho Power Company (no response)
- Canyon County Paramedics/Ambulance District (Exhibit C.3)
- Canyon County Sheriff's Department (no response)

STAFF REPORT: Shirley Y. Driskell

HEARING DATE: May 24, 2001

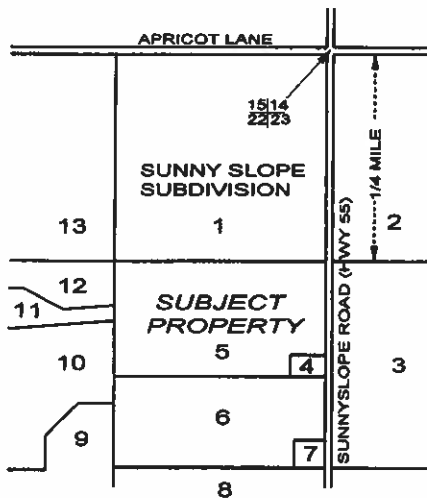
Dallas Kraft, Case # 010722L22-3N-4W
Staff Report
Page 4 of 4

Case No.

010722L22-3N-4W

NOTIFICATION DISTANCE: 600'

A request by Dallas Kraft for a **CONDITIONAL USE PERMIT** to subdivide approximately 9.5 acres into 4 lots.

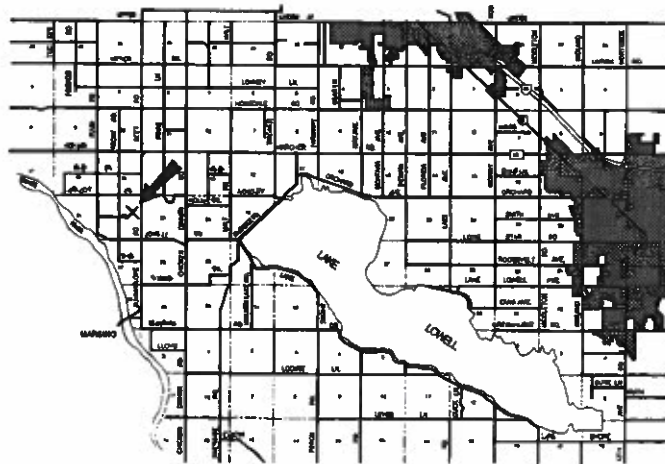


1. **SUNNY SLOPE SUBDIVISION (600')**

RAY
LAWSON
RAMIREZ
AGGAS
RAGANIT
ALLEN
CRAWFORD
ARAGON
WILLIAMSON

2. SYMMS FRUIT RANCH, INC.
3. SYMMS-CANYON LIMITED PRT

4. NELSON
5. KRAFT
6. NELSON
7. GORE
8. DORSEY
9. DORSEY
10. HARRINGTON
11. HARRINGTON
12. HILL
13. SYMMS, ETAL



Date: 4-18-01 Location: NE 22-3-4 Zoning: A Aerial:

All proportions and dimensions shown on this drawing are approximate

FINDINGS OF FACT, CONCLUSION'S OF LAW AND ORDER

COPY

FOR A CONDITIONAL USE PERMIT

CASE # 010722L22-3N-4W

1.1 LEGAL

subdivision
improvements
waived for
subsequent platting
process that
did not happen.

1.2 NOTIFICATION

On April 12, 2001, the Canyon County Hearing Examiner set the notification distance at 600 feet. A summary of the request was published in the Idaho Press Tribune on May 07, 2001, the property was posted and property owners and purchasers of record within 600 feet were notified by mail of the hearing. [CCCO 07-06-05(1)]

II. PROPERTY REVIEW

2.1 PROPERTY HISTORY

*- Parcel had no
development rights
- planning required
for division
exceeding 500
parcels.*

Referring to Exhibit B.1, parcels numbered 4,5,6, and 7 constituted the original parcel. Parcel 7 was the allowed lot split under the administrative lot split provisions of Canyon County Code and has a building permit. Parcel 4 received the remaining building permit on the balance of the original parcel. Therefore, there are no available building permits available on parcels 5 (the subject property) and 6.

2.2 VIEWING REPORT

There are no residences currently on the subject property and the subject property is currently being used for field and pasture land. According to the applicant there are approximately seven (7) residences within ¼ mile of the subject property. The subject property is adjacent to Sunny Slope Subdivision, consisting of approximately 66 lots. The surrounding area is primarily agricultural with scattered residential.

III. STANDARDS THAT MAY APPLY

- 3.1 IDAHO CODE
- 3.2 CANYON COUNTY COMPREHENSIVE PLAN
- 3.3 CANYON COUNTY CODE
 - 3.3.1 07-06 [CONDITIONAL USE PERMITS]
 - 3.3.2 07-12-07(8)(D) [PERMITTED USES IN THE AGRICULTURAL ZONE (OTHER SPLITS BY CONDITIONAL USE PERMIT)]
- 3.4 CANYON COUNTY CODE (SUBDIVISION REGULATIONS)
 - 3.4.1 WAIVERS AND AMENDMENTS [08-13-(01-03)]
- 3.5 ALL OTHER APPLICABLE STATE AND FEDERAL REGULATIONS

IV. PUBLIC HEARING TESTIMONY

- 4.1 The Canyon County Hearing Examiner heard this case on May 24, 2001, the hearing was tabled and heard on June 14, 2001.
- 4.2 The Zoning Administrator, Paul Kester reviewed the Staff Report and entered Supplemental Exhibits "D.2", a letter dated May 11, 2001, from Wes Hancock, Director of the Golden Gate Highway District, and "D.3", a letter of opposition, faxed to the Development Services Department on May 24, 2001, from Thomas and Alicia Gore.

The Hearing Examiner, M. Jerome Mapp opened the public testimony.

4.3 WITNESSES TESTIFYING IN FAVOR

4.3.1 Dallas Kraft, 14725 Sunny Slope Road, Caldwell, Idaho, 83605 (Applicant)

Mr. Kraft stated that he wanted to build a residence for himself, and the other splits would be for future purposes of establishing residences for family members.

He stated that they were requesting actually requesting two lot splits at ten acres each, with the option of four building permits, which would make the 4 five (5) acre lots.

He stated that this parcel originally consisted of 40 acres, but was split at the time he purchased the property, because the Gore's agreed to buy a portion from Mr. Kraft when he purchased the land.

He then stated that this was due to the way this was financed, which as a result of this situation he has come to the point of where he is now submitting this request.

Mr. Mapp asked Mr. Kraft why he was requesting the Waivers.

Mr. Kraft stated that he would construct a good road coming into the property, but as part of preserving the agricultural nature of the area that the improvements would not fit in with the setting.

Mr. Mapp asked Mr. Kraft if any improvements currently exist in the surrounding areas.

Mr. Kraft stated that there are none.

Mr. Mapp stated that he was reading the letter from the highway district, in which they state that Nancy Lane needs to be a full street and they want him to provide a 25 foot right-of-way, and asked Mr. Kraft if he was in agreement with these requirements.

Mr. Mapp asked Mr. Kraft if he was still in agreement with this if all or just one of the proposed lots is approved.

Mr. Kraft stated that if they do not establish Nancy Lane that another option is to have to come through the existing subdivision, on Myrtle Street, and enter the property at that point.

He stated that this is what the highway district had suggested to him as another option, which would be a county maintained road.

4.4 WITNESSES SIGNED UP IN FAVOR

4.4.1 Ben Newby, 13363 W. Delmar, Boise, Idaho, 83713 (Applicant)

4.4.2 Jim Babb, 1103 11th Avenue No. Ext., Nampa, Idaho, 83687

4.5 WITNESSES TESTIFYING IN OPPOSITION

4.5.1 Jim Crawford, 20243 Myrtle Lane, Caldwell, Idaho, 83605

Mr. Crawford stated that he wanted to submit something as evidence to staff.

These were some photographs, entered as Supplemental Exhibit "D.4", and some legal documents from the Sheriff's Department and Animal Control, which were entered into the record as Supplemental Exhibit "D.5".

He stated that he is against Mr. Kraft and Mr. Newby putting in their homes and he had a few concerns related to Mr. Kraft.

He stated that Mr. Kraft has accumulated a large amount of "junk", which he happens to see every time he looks out his front window, and is concerned that this pile will just continue to grow larger and bring down the property values.

He stated that he and other people in the surrounding neighborhood had to deal with Mr. Kraft's cattle running loose through their yards while breaking side view mirrors as the cattle would try to squeeze through their carports, for at least a year before Mr. Kraft attempted to fix the fence.

He stated that when Mr. Kraft did fix the fence that he used wire to do this, which in their opinion made the appearance of the fence an eyesore.

He stated that Mr. Kraft had told them that if he had to put a road in from Highway 55, that he would do so by doing one portion at a time, at his pace and how he wanted to do it.

He then stated that during the time that Mr. Kraft has been their neighbor that Mr. Kraft has not shown them that he is the type of neighbor that can start and complete a project.

He stated that if this request is approved that he and others would like the following conditions imposed on the Conditional Use Permit:

- That Nancy Lane be opened up a full 50 feet from the top of Highway 55 to the bottom of Third Street, and that this work be done by a hired contractor only, and that Mr. Kraft and Mr. Newby surrender all the land to do so.
- No building permits be issued until Wes Hancock, the Director of Golden Gate Highway District, has approved the road.

He stated that according to Mr. Hancock that Mr. Kraft apparently hadn't been completely truthful with the highway district, because Mr. Hancock was aware that Mr. Kraft would be crossing Nancy Lane, but for only one residence.

He then stated that Mr. Hancock told him that he would be writing a letter to the Planning and Zoning Commission stating that Mr. Kraft would have to the road constructed to code, being 50 feet wide from top to bottom.

Mr. Mapp asked Mr. Crawford if he was stating that his concerns are the existing junk, and Mr. Kraft's cattle running loose, how these issues relate to a Conditional Use Permit.

Mr. Crawford stated that the cattle had always been a problem because when they would try to talk to Mr. Kraft he didn't show much concern.

He stated that in reference to the photographs taken of the "junk pile" on Mr. Kraft's property that since the time these were taken, Mr. Kraft has already added two automobiles to the pile.

He then stated that when he established his home he put it there to enjoy the view of the mountains and valley, not Mr. Kraft's "junk pile".

Mr. Mapp asked Mr. Crawford what the documents from the Sheriff's Department and Animal Control related to.

Mr. Crawford stated that he submitted these documents to show his lack of ability as a farmer or rancher, and to show that he is not a very dependable person.

Mr. Mapp asked Mr. Crawford if his concern is related to the road issue or the additional proposed residences.

Mr. Crawford stated that his main concerns are the road and the existing "junk pile".

Mr. Mapp informed Mr. Crawford that basis of how what his decision is based in relation to a conditional use permit and asked Mr. Crawford to clarify his concerns.

Mr. Crawford stated that he feels that Mr. Kraft is not a clean person and does not want to see this multiplied by four, which if this request is approved, could happen.

4.5.2 Luevon Crawford, 20151 Myrtle Lane, Caldwell, Idaho, 83605

Ms. Crawford stated that she is basically feeling the same way that Mr. Crawford just stated.

She stated that she does not think that this request for multiple building permits on agricultural land should be granted when there is no access to the proposed lots.

She stated that when they put a home on their property for their family, that they were told that a permit could not be issued to land locked property, and that no one can use another persons entrance, unless there is written easement permission.

She then stated that she would like to know if Mr. Kraft has such permission.

Mr. Mapp informed Ms. Crawford that this is an issue she would have to discuss with the highway district.

Ms. Crawford stated that there is no existing road.

Mr. Mapp asked Ms. Crawford if she was referring to Nancy Lane.

Ms. Crawford stated that the private lane that they built, is the only one down there, and that Nancy Lane does not exist until it is made Nancy Lane.

She stated that in Mr. Kraft's application he states that First, Second, and Third Street, and a lane off of Highway 55 access his property.

She stated that Second and Third Street are not open to his property, and to the best of her knowledge, will not be opened.

She then stated that Second Street is partially open, but not to Mr. Kraft's property.

Referring to the aerial photograph (Exhibit "B.4"), Mr. Mapp asked Ms. Crawford to identify the point to which she was referring to.

She stated that she lives next to Second Street and knows that it is not open to Mr. Kraft's property.

She stated that she feels that if the entrance to Nancy Lane is ever built, that it should come from Highway 55, and that since this request is to benefit Mr. Kraft, that he should provide the footage for it.

She stated that her main concern is that there is too much planned for future purposes in this proposal, and that there is no way of foreseeing that these proposed lots will be for family members and won't be split further in the future.

4.5.3 Larry Crawford, 20085 Myrtle Lane, Caldwell, Idaho, 83607

Mr. Crawford submitted a rough drafted sketch of the area of the existing subdivision, which was entered into the record as Supplemental Exhibit "D.6".

Referring to the site plan (Exhibit "B.7"), he indicated that Second Street is not open, except for the section where Myrtle Lane and Nancy Lane.

He stated that that Nancy Lane shows the private street that his mother (Vaughn Crawford) had just referred to, which curves off and is not open to Highway 55.

He stated that when they moved into their property in 1980 that he put in some trees, lawn, and underground sprinklers along approximately 15 feet of the 25-foot road easement.

He stated that he is neither for nor against the four building permits, but if Mr. Kraft is granted these, that he should not have to be burdened with removing all that he has done just to accommodate the space needed for a road.

Mr. Mapp informed Mr. Crawford that the request for the 50-foot right-of-way is from the Golden Gate Highway District and that he has no jurisdiction on this issue.

Mr. Crawford stated that Mr. Wes Hancock, Director of the Golden Gate Highway District told him that however the decision was rendered and written is how they would have to enforce it.

He stated that his primary concerns are that there is nothing to stop Mr. Kraft from further dividing this property in the future and that he will have to give up some of his property to allow the required 50 feet of right-of-way.

He then stated that if Mr. Kraft is granted this request that he should surrender the additional land needed to provide the road, and the road should be opened from Highway 55 to Third Street.

4.5.4 Dar Symms, 14068 Sunny Slope Rd., Caldwell, Idaho, 83607

Mr. Symms stated that he is representing the Dar Symms Fruit Ranch, which has the property to the northeast (Symms Canyon), and property to the west.

He stated that the best use for the property in the area is residential development for the way agriculture is now, so they are not opposed to residential development, but are concerned with how it is developed.

He stated that he had driven by a couple of days ago and had seen the large number of automobiles on the Kraft property.

He stated that without covenants and restrictions in place that this property has the potential to become something more of commercial usage, such as storing miscellaneous property that is really not agricultural in nature.

He stated that therefore, with the proper covenants and restrictions, they would not be opposed to the request for the four lots.

Mr. Mapp informed Mr. Symms that covenants and restrictions are considered as a civil issue and that he could not put a condition on a permit that would make the property owner and/or applicant have covenants and restrictions.

He stated that it is within his jurisdiction to put conditions on a permit, and asked Mr. Symms if this is what he meant.

Mr. Symms stated that something that would restrict or limit the use of the property is what they wanted before they would give their approval for this proposal.

Mr. Mapp stated that he was unclear on what Mr. Symms was stating or requesting, and asked Mr. Symms to clarify.

Mr. Symms stated that at this moment they are opposed to this proposed development because there are no covenants, restrictions or conditions in place, and without any they feel that Mr. Kraft will change the character of the area by making it commercial usage rather than agricultural.

Referring to the comments on the proposed road system, Mr. Mapp stated that the proposed road system had already been cleared by the highway district stating that if this proposal is approved that the applicant would have to put in a 50 foot road, and provide 25 feet of right-of-way, but the district does not say who has to put the road in.

Referring to the comments heard about the "junk" being on Mr. Kraft's property, Mr. Mapp stated that if something is for agricultural purposes, then it is allowed, but if Mr. Kraft is in violation, then he would have meet with the county and comply with what they allow for agricultural use.

In reference to the covenants or conditions, Mr. Mapp stated that these are two separate issues, which if the request is approved, he can place conditions on it, but not covenants are not within his jurisdiction.

Mr. Symms stated that he understands that covenants are something that the property owner themselves can place on the property and would be willing to work this issue out with Mr. Kraft.

4.5.5 John Williamson, 19483 Apricot Lane, Caldwell, Idaho, 83607

Mr. Williamson stated that they own the property to the north, which as shown on the vicinity map (Exhibit "B.1"), is by Nancy Lane.

He stated that there is a safety matter of concern about accessing Highway 55 if the road is not properly maintained.

Mr. Mapp reminded Mr. Williamson that this is a matter for the Golden Gate Highway District to determine.

Mr. Williamson stated that he had served as a member on a planning and zoning commission for several years, and that they did consider safety issues and things that affected property values for the neighbors when hearing requests.

He stated that with the existing orchards in the surrounding areas that he would like to know what types of trees would be planted because depending on what they are, could cause an economic problem for farmers in the area.

He stated that if this request is approved that he would like to have right-to-farm acknowledgements, noted on record with the deeds, specifically referencing wind machines, aerial and ground spray rigs for horticulture crops, the fact that the orchards use aerial dusting with sulfur, which can be irritating to people, and that they use honey bees.

Mr. Mapp asked Mr. Williamson if these were all a part of the right-to-farm acknowledgement.

Mr. Williamson stated that they are not, and wanted to specifically indicate the things, which are associated with the fruit growing industry.

He stated that he would like to require that if any fruit trees are planted that they must be maintained, and free of harmful insects that migrate to the commercial orchards.

He then stated that he had talked directly to Wes Hancock and Mr. Hancock informed him that the request for access to a public road would not be something that he would recommend.

He stated that he did not have a problem with anyone using their property for whatever purposes they may choose, as long as it doesn't infringe on other people.

4.5.6 Lisa Nelson, 14613 Sunny Slope Rd., Caldwell, Idaho, 83607

Ms. Nelson submitted some items to staff that she wanted to be entered as part of the record.

These were entered into the record as Supplemental Exhibit's "D.7", a tax probation agreement, "D.8", a letter from Dave and Judy Smith, "D.9", a letter from Brian Nelson addressed to Dallas Kraft, "D.10", a letter from Brian and Lisa Nelson, and "D.11", a petition with numerous signatures relating to this request.

Ms. Nelson stated that she has no personal vendetta for Mr. Kraft or Mr. Newby.

She stated that she owns the 18.75 acres of the original 40 acre parcel that is in question this evening, which Mr. Kraft lost this piece by foreclosure because he was unable to keep up with his payments.

She stated that she is concerned that Mr. Kraft "does dirty deals" and doesn't get things done.

She stated that Dave and Judy Smith had submitted a letter and they owned the 20 acres that Mr. Kraft is requesting the four building permits for.

She stated that because Mr. Kraft was in arrears with the payments that Dave and Judy Smith had offered the property to she and her husband, which they approached the Planning and Zoning Department and were told that absolutely no building permits were available because Mr. Kraft had already split the property.

She stated that if they had not been informed of this, then they would have purchased the property and put it in alfalfa.

She stated that her main concern is that Mr. Kraft has never followed through with any deals that he has made with banks or his neighbors.

She stated that Mr. Kraft had sold the 10 acres to Mr. Newby because he needed the cash to pay off his loan and she is concerned that Mr. Kraft will sell the other lots in order to get the cash to do whatever it is he is planning.

She stated that she had taken the petition and went to all of the neighbors within the surrounding properties, and all of them were willing to sign it and that they all have the same concern in that Mr. Kraft won't complete this project or keep his word.

Mr. Mapp stated that in looking at the items that Ms. Nelson had submitted he could not see how they all related to this request, specifically the tax probation agreement, and asked Ms. Nelson to explain about these items.

She stated that she has an agricultural business on their 18.75 acres and it is a horse breeding and mare care service.

She stated that the letter was referring to the fact that Mr. Kraft's cows on their property is interfering with their horses and eating their hay from their barn, and the fact that he won't do anything about this.

4.6 WITNESSES SIGNED UP IN OPPOSITION

- 4.6.1 Sue Crawford, 20085 Myrtle Lane, Caldwell, Idaho, 83607**
- 4.6.2 Survella Allen, 20107 Myrtle Lane, Caldwell, Idaho, 83607**
- 4.6.3 Charles Crawford, 20243 Myrtle Lane, Caldwell, Idaho, 83607**

4.7 REBUTTAL

**4.7.1 Dallas Kraft, 14725 Sunny Slope Rd., Caldwell, Idaho, 83607
(Applicant)**

Mr. Kraft stated that due to the difficulties he encountered when he first purchased the land that he is not very popular in the neighborhood.

He stated that in relation to the dairy, that they had farmed the land long before he purchased it, and had two opportunities to purchase the land for themselves, and that no offers were made either time.

Mr. Mapp asked Mr. Kraft when he planned to have the road finished by, and if he would be the one responsible for the construction of it.

Mr. Kraft stated that he would be responsible party for the construction of the road and bring it up to county requirements, which they would start the road at about the same time that they start the construction of his residence, and that no additional homes would be built until the road is completed to county standards.

Mr. Mapp stated that he felt that the testimony heard this evening is disheartening and that most of the issues could be worked out if Mr. Kraft took the time to meet with his neighbors and hear their concerns and worked out an agreement for conditions.

Mr. Mapp asked Mr. Kraft to arrange a meeting with Mr. Symms, Mr. Williamson, and Mr. Crawford together to try to establish some guidelines for covenants and conditions that could be imposed for this development.

He then stated that he would defer making a decision for this request to the next meeting scheduled for June 14, 2001, at which time he would hear only the testimony from Mr. Kraft and one chosen representative out of the three neighbors that Mr. Kraft would be meeting with prior to this.

4.8 TESTIMONY HEARD ON JUNE 14, 2001

**4.8.1 Dallas Kraft, 14725 Sunny Slope Rd., Caldwell, Idaho, 83607
(Applicant)**

Mr. Mapp asked Mr. Kraft if he had a meeting with the three neighbors as was suggested at the meeting on May 24, 2001.

Mr. Kraft stated that he did have the meeting with those whom Mr. Mapp had requested attend and other neighbor's as well.

He stated that as a result of that meeting, they were willing to accept his proposal by coming up with a list of conditions and/or recommendations that they would like imposed on the Conditional Use Permit, and offered to submit this list into the record.

This was entered into the record as Supplemental Exhibit "D.12".

Mr. Kraft stated that Wes Hancock, from the Golden Gate Highway District had also attended this meeting, and at the same moment that he is here, the district is having their own meeting to review the road proposal and discuss what they would recommend to satisfy everyone.

Mr. Mapp asked Mr. Kraft what his understanding is in reference to what he wanted the highway district to do, because the first condition listed references meeting Golden Gate Highway District's standards for a fifty foot right of way.

Mr. Kraft stated that Mr. Hancock's suggestions were due to this condition, but Mr. Hancock himself cannot approve the road proposal until the district held their meeting to review the plans.

Mr. Mapp asked Mr. Kraft if he had any problems with any of the conditions that were listed.

Mr. Kraft stated he did have some minor problems, but thought that this was due to misinterpretation.

Mr. Mapp stated that it would be a waste of everyone's time to apply these conditions to the permit if there were any misinterpretations on either parties and asked Mr. Kraft if they needed to go through each one to clarify them.

Mr. Kraft stated that he feels that the conditions that he would offer on the final plat are very similar or fall very close in line with everything that is listed.

He stated in reference to the fencing that there would be equipment that he would not make the effort to fence in, but personal items would be closed off.

Mr. Mapp stated that they had both seen the photographs and the issue was about the cars, wood, and miscellaneous items that would be required to have a screening fence around them.

Mr. Kraft stated that this was correct.

Mr. Mapp asked Mr. Kraft if he understood that if he did not comply with this that the Conditional Use Permit could be revoked.

Mr. Kraft stated that he did understand this.

Mr. Mapp asked Mr. Kraft what the statement about not using the road until it is completed meant.

Mr. Kraft stated that he believes that Mr. Williamson does not him driving along the property edge unless the road is built in there.

Mr. Mapp asked Mr. Kraft if the statement that says the road must be complete before the second lot is sold or any building begins meant building for the first lot or the second lot.

Mr. Kraft stated it was his request that as soon as he got the road approved that he could at least start the construction on the one home.

Mr. Mapp stated that some of the conditions listed are relevant to this case, some not, and some that he could not impose because he did not have the jurisdiction to do so.

He stated that if he decided to approve this request that he would go through the eleven conditions listed and determine which ones would be part of the permit and which ones would not.

4.8.1 Jim Crawford, 20243 Myrtle Lane, Caldwell, Idaho, 83607

Mr. Crawford stated that he is aware that Mr. Mapp could not enforce all of the conditions that they listed.

He stated that he and the other neighbors have no desire to fight with Mr. Kraft and that they just want to the development to go through smoothly.

4.8.2 John Williamson, 19483 Apricot Lane, Caldwell, Idaho, 83607

Mr. Williamson stated that as indicated by the list of conditions that they did conduct their meeting and they have no opposition or issues relating to the development, if Mr. Mapp chose to approve this request with conditions imposed upon it.

The Hearing Examiner, M. Jerome Mapp closed public testimony.

V. HEARING EXAMINER'S COMMENTS

The Hearing Examiner, M. Jerome Mapp proceeded to the Findings of Fact.

VI. FINDINGS OF FACT (CCC0 07-06-05(3))

6.1 Whether the request is permitted by a Conditional Use Permit.

The request is permitted under Canyon County Code 07-12-07(8)(D).

6.2 Reasons for the application.

The applicant has stated this in his testimony, within the application, and is also stated within the staff report.

6.3 Whether the proposed use is harmonious with and in accordance with the Comprehensive Plan.

Mr. Mapp cited Housing Policy No's. 1 and 2:

HOUSING POLICY NO. 1:

To encourage opportunities for a diversity of housing choices and availability of affordable housing. This policy recognizes that housing is basic to every person living in the county and that affordable housing opportunities should be a goal which needs constant review. The plan encourages a variety of housing which also seeks to improve the life style of the county's residents.

HOUSING POLICY NO. 2:

To encourage owners to upgrade substandard conditions that may exist in various housing units. This policy recognizes that substandard conditions may result in hazardous conditions for inhabitants of units and that these conditions detract from the overall appearance and livability of an individual unit and the general area.

6.4 Whether the proposed use will be injurious to other property in the immediate vicinity and/or will change the essential character of the area.

Mr. Mapp stated that there had been much testimony heard and since the applicant and the opposing neighbors had a meeting and were able to come up with a list of conditions suitable to all, that he does not believe that this would be injurious to the area.

6.5 Whether adequate sewer, water and drainage facilities, and utility systems are to be provided to accommodate said use.

Mr. Mapp stated that this property will utilize a septic system and wells would be drilled, with the final approval being made by Health District, and in reference to the utilities that Idaho Power would provide service, so the use can be accommodated by existing utilities.

6.6 Whether measures will be taken to provide adequate access to and from subject property so that there will be no undue interference with existing or future traffic patterns.

Mr. Mapp stated that the issues heard and discussed will be part of the record and that the applicant is required to comply with the Golden Gate Highway District requirements and standards, which will be a condition for this request.

6.7 Whether essential public services, such as, but not limited to, school facilities, police and fire protection, emergency medical services and irrigation facilities, will be negatively impacted by such use or will additional public funding be required in order to meet the needs created by the request.

Mr. Mapp stated that there had been no negative comments on this.

6.8 Whether the proposed use is essential or desirable to the public convenience and welfare.

Mr. Mapp stated that it is desirable by the applicant

VII. CONCLUSIONS OF LAW

The Canyon County Hearing Examiner is authorized to hear this case and to make a decision. Standards noted under Section III of the Staff Report were followed, which allowed for the procedures and processes of this hearing to be conducted.

VIII. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders that Case # **010722L22-3N-4W**, a request by Dallas Kraft for a **Conditional Use Permit** to subdivide approximately 21.7 acres into four (4)

residential lots in an "A" (Agricultural) Zone, and for Waivers, is approved, with the following conditions:

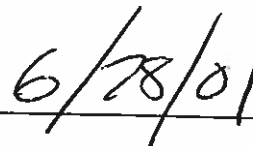
- Incomplete* →
1. The applicant shall meet the requirements of the Golden Gate Highway District for the 50- foot right-of-way.
 2. The road shall be completed prior to the issuance of any building permits and shall be constructed to meet the Golden Gate Highway District standards.
 3. The road shall not be utilized until the Golden Gate Highway District has accepted it and has submitted a final approval.
 4. Deed Restrictions to be recorded:
 - a. Will not plant fruit trees unless 500 or more are planted. If trees are planted, pest and diseases harmful to other fruit grown in the area will be controlled. If not, controlled trees will be removed by property owners. Pests of concern are apple maggot, codling moth, oriental fruit moth, leaf rollers (pandemius), cherry fruit fly, pear silla, leaf hoppers, red and two spotted mites, woolly, green apple, peach, and rosy apple aphids, fire blight, corinium blight, mildews, twig bore, peach leaf curl, bacterial cancer, and plumpox.
 - b. Record "Right to Farm", including acknowledgment of air and ground blast sprayers, wind machines, use of helicopters and honey bee colonies.
 - Incomplete* → 5. The applicant shall provide fencing to enclose all livestock on property.
 6. If sediment pond is put in on property, mosquito control will be taken care of by Dallas Kraft or property owners.
 - Incomplete* → 7. The applicant shall construct a non-obscuring fence to enclose all automobiles and miscellaneous property, which shall be cleaned and maintained by the applicant.
 8. Electrical power shall be provided to meet the Idaho Power Company standards.

**WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER WAS
APPROVED BY THE CANYON COUNTY HEARING EXAMINER AT A
SCHEDULED MEETING HELD JUNE 28, 2001.**




M. Jerome Mapp
Canyon County Hearing Examiner

Dated



6/28/01

ATTEST:



Shirley Y. Driskell
Recording Secretary



BEFORE THE CANYON COUNTY
HEARING EXAMINER

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

IN THE MATTER OF AN APPLICATION BY:)
MIB NEWBY FAMILY TRUST)
FOR A CONDITIONAL USE PERMIT)

CASE # CU2006-192

PARCEL # R33459-010-A

I. APPLICATION PROCESS (CCCO 07-07-03)

1.1 LEGAL

MIB Newby Family Trust is requesting a Conditional Use Permit to divide approximately 10 acres into three (3) residential lots in an "A" (Agricultural) Zone. The subject property is located on the southwest corner of the intersection of Sunny Slope Road and Nancy Lane, Caldwell, Idaho, in the NE ¼ of Section 22, T3N, R4W, BM.

1.2 PROCEDURAL HISTORY

10/20/06 Application Accepted
03/12/07 Agencies Notified
4/23/07 Legal notice published
4/24/07 Legal notice published
4/25/07 Property owners notified within ¼ mile
5/3/07 Property posted (on or before)

II. PROPERTY HISTORY

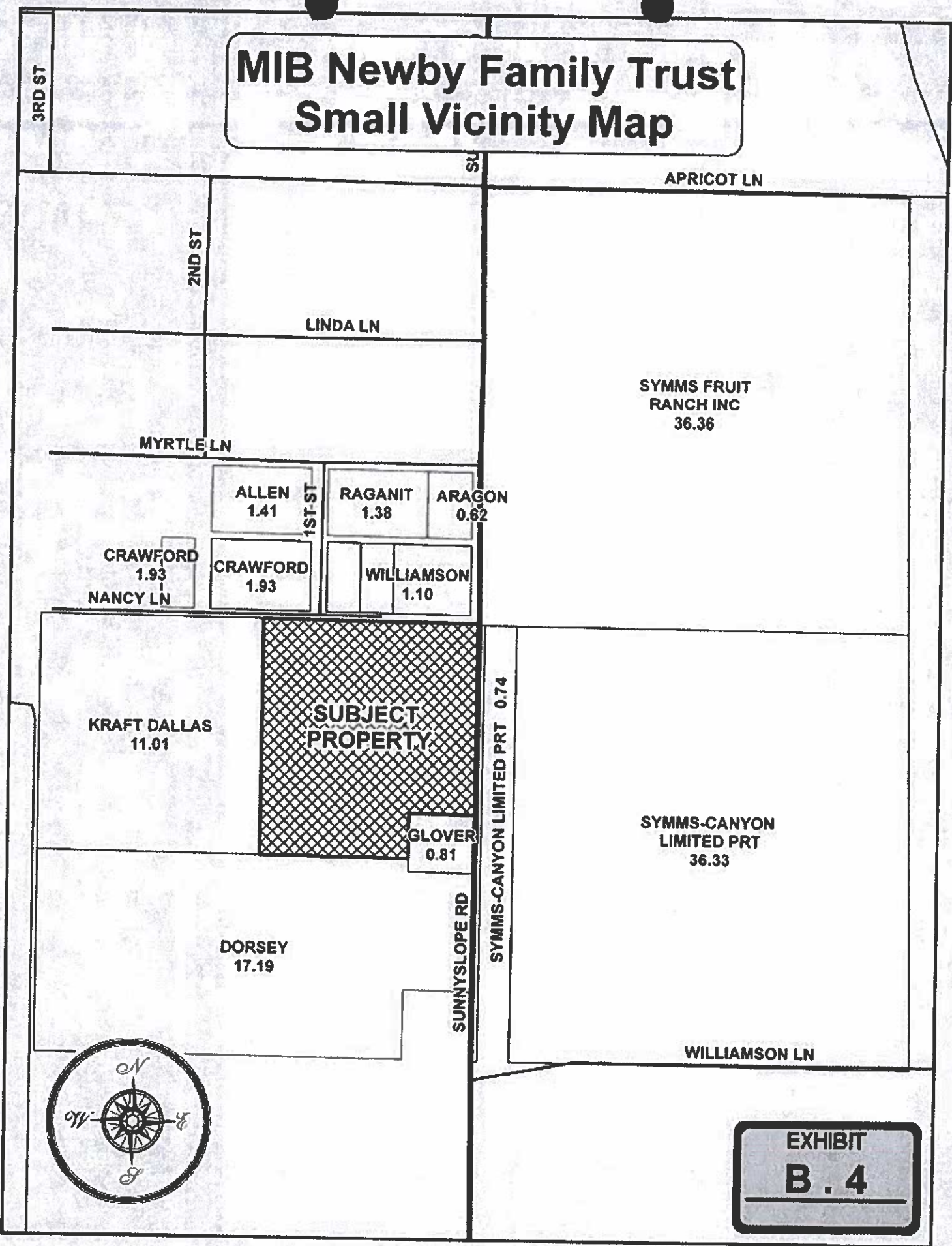
The subject property was once part of an original 40 acre parcel that was divided into two lots in 1997 (Case No. LS2003-287). This division created a one (1) acre parcel and a 39 acre parcel.

- The 39 acre parcel was split into two (2) approximately 20 acre parcels. Development Services has no documentation regarding this division.
- An approximately .81 acre parcel was split off of one of the approximately 20 acre parcels. Development Services has no documentation regarding this division.

* In DSD Case No. CU2003-321²⁹¹ the northern 20 acre parcel was granted a division for four (4) residential lots. Approval of this request would have required platting, however, no plat was recorded for this division. *never completed*

If this request is approved, platting will be required per CCZO 05-002, Article 17.

MIB Newby Family Trust Small Vicinity Map



CANYON COUNTY ASSESSOR'S TAX NUMBER: 03131

SECTION/TOWNSHIP/RANGE: 22-3N-4W NE

SUBDIVISION:

LOT\BLOCK\TRACT: 1810

ACCOUNT NUMBER: 33459-010-A

TAX YEAR: 2003

INST: # 200321092

DATE: 04/09/03

GRANTOR: KRAFT, DALLAS & SUSAN H/W

GRANTEE: NEWBY, BEN & SHARON & NEWBY, IRVIN & MARY J H/W

NOTICE

THESE DOCUMENTS ARE MAINTAINED FOR
ASSESSMENT PURPOSES & SHOULD NOT
BE RELIED UPON FOR DETERMINING
PROPERTY BOUNDARIES & CURRENT
PROPERTY OWNERSHIP.

-----DESCRIPTION-----

A parcel of land lying in the SE1/4 NE1/4 of Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho; thence N.89°43'13"E. 1325.01 feet along the south boundary of the said NE1/4 of Section 22 to a point marking the E1/16 Corner of said Section 22, said E1/16 Corner bears S.89°43'13"W. 1325.01 feet from a found Brass Cap marking the E1/4 Corner of said Section 22; thence N.00°49'19"W. 1320.82 feet along the west boundary of the said SE1/4 NE1/4 of Section 22 to a found 1/2" rebar set inside a 1 1/2" iron pipe marking the NE1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane; thence N.89°48'12"E. 1324.17 feet along the north boundary of the said SE1/4 NE1/4 of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the N1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road (State Highway 55), said Railroad Spike also marking the REAL POINT OF BEGINNING;

^{577.50 DK}
thence S.00°51'34"E. ~~547.50~~ feet along the east boundary of the said SE1/4 NE1/4 of Section 22 and along the said centerline of Sunny Slope Road (State Highway 55) to a point, said point being witnessed by a set 1/2" iron pin which bears S.89°48'11"W. 33.00 feet;

thence S.89°48'11"W. 200.00 feet to a set 1/2" iron pin;

thence S.00°51'34"E. 136.13 feet to a set 1/2" iron pin;

thence S.89°48'11"W. 448.93 feet to a set 1/2" iron pin;

thence N.00°49'19"W. 713.63 feet to a set 1/2" iron pin lying on the said north boundary of the SE1/4 NE1/4 of Section 22 and lying on the said centerline of Nancy Lane;

thence N.89°48'12"E. 648.47 feet along the said north boundary of the SE1/4 NE1/4 of Section 22 and along the said centerline of Nancy Lane to the point of beginning, containing 10.00 acres, more or less.



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458

Fax: (208) 454-6633 • www.canyoncounty.org/dsd

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 17-119

THIS AGREEMENT, made and entered into this 20th day of September, 2017, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and MIB Newby Family Trust, Ben Newby (trustee), hereinafter referred to as "Applicants."

RECITALS

WHEREAS, Applicants have applied to County for a conditional rezone from "A" (Agricultural) Zone to "CR-RR" (CR-Rural Residential) Zone, which are legally described in the attached Exhibit "A," incorporated by reference herein (hereinafter referred to as "Subject Property"; and

WHEREAS, Parcel R33459010A are owned by MIB Newby Family Trust, Ben Newby (trustee)

WHEREAS, on the 20th day of September, 2017 the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-RR" zone, which was done with Applicants' approval. The conditions of the approval for the conditional rezone are attached hereto as Exhibit "B";

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance No. 16-007, and to ensure the Applicants will implement and be bound by the conditions of the conditional rezone order issued by the Canyon County Board of Commissioners; and

WHEREAS, the County and Applicants desire to formalize their respective rights and responsibilities as required by Canyon County Amended Resolution Number 95-232 entitled, "Rules Governing the Creation, Form, Recording, Modification, Enforcement and Termination of Written Commitments (Development Agreements)" and the Canyon County Code.

NOW THEREFORE, the parties hereto do hereby agree to the following terms:

SECTION 1. AUTHORIZATION.

This Agreement is authorized and required by Idaho Code §67-6511A; Canyon County Code of Ordinances 07-06-07 (Conditional Rezoning).

Agreement Number: 17-119
Development Agreement

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SECTION 2. PROPERTY OWNER.

Applicants are the owner(s) of Subject Properties which is located in the unincorporated area of Canyon County, Idaho, more particularly described in Exhibit "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. Applicants represent that they currently hold complete legal or equitable interest in the Subject Properties and that all persons holding legal or equitable interests in the Subject Properties or the operation of the business are to be bound by this Agreement.

SECTION 3. RECORDATION.

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

SECTION 4. TERM.

The parties agree that this Agreement shall run with the land and bind the Subject Property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assignees. Provided, however, this Agreement shall terminate if the Board of County Commissioners subsequently rezones the property to allow for a higher density use or if annexation of the Subject Property by a city occurs. In this event, however, the Agreement shall only terminate in regards to the portion of the Property that is actually rezoned or annexed, while the remainder of the Property shall remain subject to the Agreement.

If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provision shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

SECTION 5. MODIFICATION.

This Agreement may be modified only in writing signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.

This Agreement shall not prevent the County in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

Agreement Number: 17-119
Development Agreement

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SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Properties from "A" (Agricultural) Zone to "CR-RR" (CR-Rural Residential) Zone, which conditions are attached hereto as Exhibit "B".

SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7. The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-RR" (CR-Rural Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

Applicants acknowledge and agree that the County is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in Exhibit "A," and that the County's review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicants or any of Applicants' heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number CR-PH2017-40 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 6(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

Agreement Number: 17-119
Development Agreement

Page 3

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the County in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited to, attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the County.

SECTION 10. PERIODIC REVIEW.

The County's Development Services Department will administer the Agreement after it becomes effective and will conduct a review of compliance with the terms of this Agreement on a periodic basis, including, but not limited to, each time a development of the Property is platted.

Applicants shall have the duty to demonstrate Applicants' compliance with the terms of this Agreement during such review.

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days, Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

SECTION 13. ZONING REVERSION CONSENT.

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Property to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached Exhibit "A" are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Property conditionally rezoned from "A" (Agricultural) Zone designation to "CR-RR" (CR-Rural Residential) Zone designation shall revert back to the "A" (Agricultural) Zone designation.

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Development Agreement

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SECTION 14. COMPLIANCE WITH LAWS.

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Property.

SECTION 15. RELATIONSHIP OF PARTIES.

It is understood that this Agreement between Applicants and the County is such that Applicants are an independent party and are not an agent of the County.

SECTION 16. CHANGES IN LAW.

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

SECTION 17. NOTICES.

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to County shall be addressed to, and delivered at, the following address:

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #140
Caldwell, Idaho 83605

Notices and communications required to be given to Applicants shall be addressed to, and delivered at, the following addresses:

Name: MIB Newby Family Trust
Street Address: PO Box 760
City, State, Zip: Caldwell, ID 83606

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

Agreement Number: 17-119
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Page 5

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicants, a subsequent owner, or other person acquiring an interest in the property described in attached Exhibit "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the County's adoption of the amendment to the zoning ordinance as set forth herein.


SECTION 20. TIME OF ESSENCE.

Time is of the essence in the performance of all terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

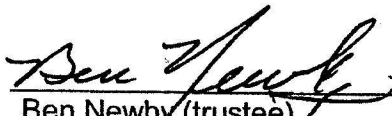
**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**


Tom Dale, Chairman


Steve Rule, Commissioner


Pam White, Commissioner

APPLICANTS


Ben Newby (trustee)
MIB Newby Family Trust

ATTEST: Chris Yamamoto, Clerk

BY: 
Deputy

DATE: 9-20-17



Agreement Number: 17-119
Development Agreement

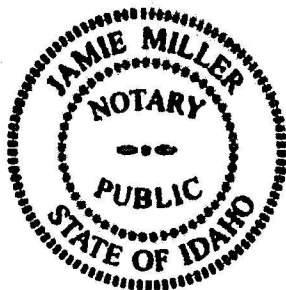
Page 6

Exhibit B.5 - 6

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

STATE OF IDAHO)
) ss.
County of Canyon)

On this 19 day of September 2017, before me, a notary public, personally appeared Ben Newby, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.



Jamie Miller
Notary Public for Idaho

Residing at: Nampa, ID

My Commission Expires: 3/28/2023

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of _____, 20____, before me, a notary public, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

Agreement Number: 17-119
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Exhibit B.5 - 7

EXHIBIT "A"

LEGAL DESCRIPTION
Parcel No. R33459010A

A parcel of land being a portion of the SE ¼ NE ¼ of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County Idaho, more particularly described as follows:

BEGINNING at a found 3 inch diameter aluminum disk marking the NE corner of said SE ¼ NE ¼, (North 1/16 corner common to sections 22 and 23), said corner bears S. 00° 51' 34" E., a distance of 1318.95 feet from a found 3 inch diameter aluminum disk marking the NE corner of said NE ¼, (section corner common to section 14, 15, 22 and 23);

Thence along the easterly boundary of said SE ¼ NE ¼, S. 00° 51' 34" E., a distance of 577.39 feet to a set 4/3 inch diameter iron pin stamped "CLS PLS 7732";

Thence S. 89° 48' 14" W., a distance of 199.87 feet to a set 5/8 inch diameter iron pin stamped "CLS PLS 7732";

Thence S. 00° 49' 09" E., a distance of 136.09 feet to a set 5/8 inch diameter iron pin stamped "CLS PLS 7732";

Thence S. 89° 48' 04" W., a distance of 448.94 feet to a set 5/8 inch diameter iron pin stamped "CLS PLS 7732";

Thence N. 00° 48' 58" W., a distance of 713.51 feet to a set 5/8 inch diameter iron pin stamped "CLS PLS 7732" marking a point on the southerly boundary of Sunny Slope Subdivision as on file in Book 3 of Plats at Page 35 in the Office of the Recorder of Canyon County, Idaho, said point also being the northerly boundary of said SE ¼ NE ¼;

Thence along the southerly boundary of said Sunny Slope Subdivision and along the northerly boundary of said SE ¼ NE ¼, N. 89° 48' 18" E., a distance of 648.37 feet to the POINT OF BEGINNING.

TOGETHER WITH a thirty (30) foot wide easement for the purpose of ingress/egress as set forth in Warranty Deed recorded September 6, 2003 as Instrument No. 200321092, records of Canyon County, Idaho.

EXHIBIT "B"

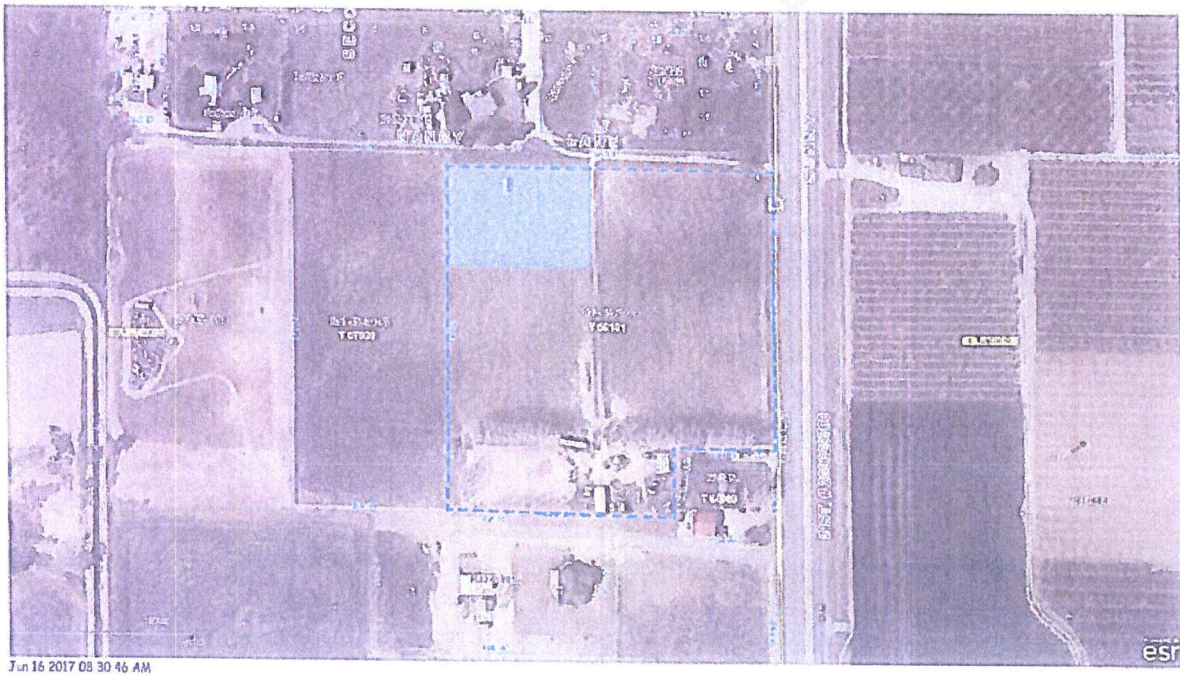
CONDITIONS OF APPROVAL FOR CR-PH2017-40

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject property, R33459010A shall be developed and platted as a one lot residential subdivision in substantial conformance to the Site Plan in Development Agreement Attachment "C" prior to obtaining a building permit.
3. The development shall be allowed one single-family dwelling and all other uses allowed in the Rural Residential zone.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. The development shall comply with Idaho Transportation Department requirements prior to obtaining a building permit for the property.
6. The development shall comply with Golden Gate Highway District requirements prior to obtaining a building permit for the property.

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EXHIBIT "C"
DRAFT CONCEPT DEVELOPMENT PLAN FOR CR-PH2017-40



Fenced Area on Parcel - Blue dashed line
General location of Home - Blue Shaded

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Findings

1. The subject property, approximately 10 acres, is currently zoned "CR-RR" (CR Rural Residential) subject to Development Agreement 17-119 recorded as instrument #2017-040827.
2. The proposed plats are in conformance with CCZO Article 23, Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions, and Idaho Code, Sections 50-1301 through 50-1329 (Platting)).
3. The subdivision contains two (2) lots-one residential and one restricted to agricultural use only.
4. The record includes all hearing documents, testimony, and documents within the case file SD-PH2018-4.
5. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 03/19/18 & 06/05/18, Newspaper notice was provided on 04/17/18 & 06/24/18, property owners within 300' were notified by mail on 04/11/18 & 06/05/18, and the property was posted on or before 04/24/18 & 06/22/18.
6. The Planning and Zoning Commission forwarded the Preliminary Plat, Irrigation and Drainage Plan with a recommendation of approval on May 3, 2018.
7. All required signatures are affixed to the Final Plat pending the Board's approval.

Conclusions of Law

The Board of County Commissioners has the authority to hear this case and approve, modify or deny the application. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and County ordinances.

Recommended Conditions of Approval

1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.

Development Agreement 17-119 Conditions of Approval:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject property, R33459010A shall be developed and platted as a one lot residential subdivision in substantial conformance to the Site Plan in Development Agreement Attachment "C" prior to obtaining a building permit.
3. The development shall be allowed one single-family dwelling and all other uses allowed in the Rural Residential zone.
4. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. The development shall comply with Idaho Transportation Department requirements prior to obtaining a building permit for the property.
6. The development shall comply with Golden Gate Highway District requirements prior to obtaining a building permit for the property.

Order

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Board of County Commissioners APPROVE Case # SD-PH2018-4, a request by Newby Family Trust for approval of a Preliminary Plat, Irrigation & Drainage Plan and the Final Plat for Newby Subdivision subject to Development Agreement 17-119 and as conditioned herein.

APPROVED this 9 day of July, 2018.

| | Yes | No | Did Not Vote |
|--|---------------|---------------|-----------------|
| <u>Tom Dale</u> Tom Dale, Chairman | <u>✓</u> | <u> </u> | <u> </u> |
| <u>Steven J. Rule</u> Commissioner Steven J. Rule | <u>✓</u> | <u> </u> | <u> </u> |
| <u>Did not participate</u> Commissioner Pam White | <u> </u> | <u> </u> | <u> </u> |

Attest: Chris Yamamoto, Clerk

By:
Deputy

M. Reeves

Date:

7-9-18

NEWBY SUBDIVISION

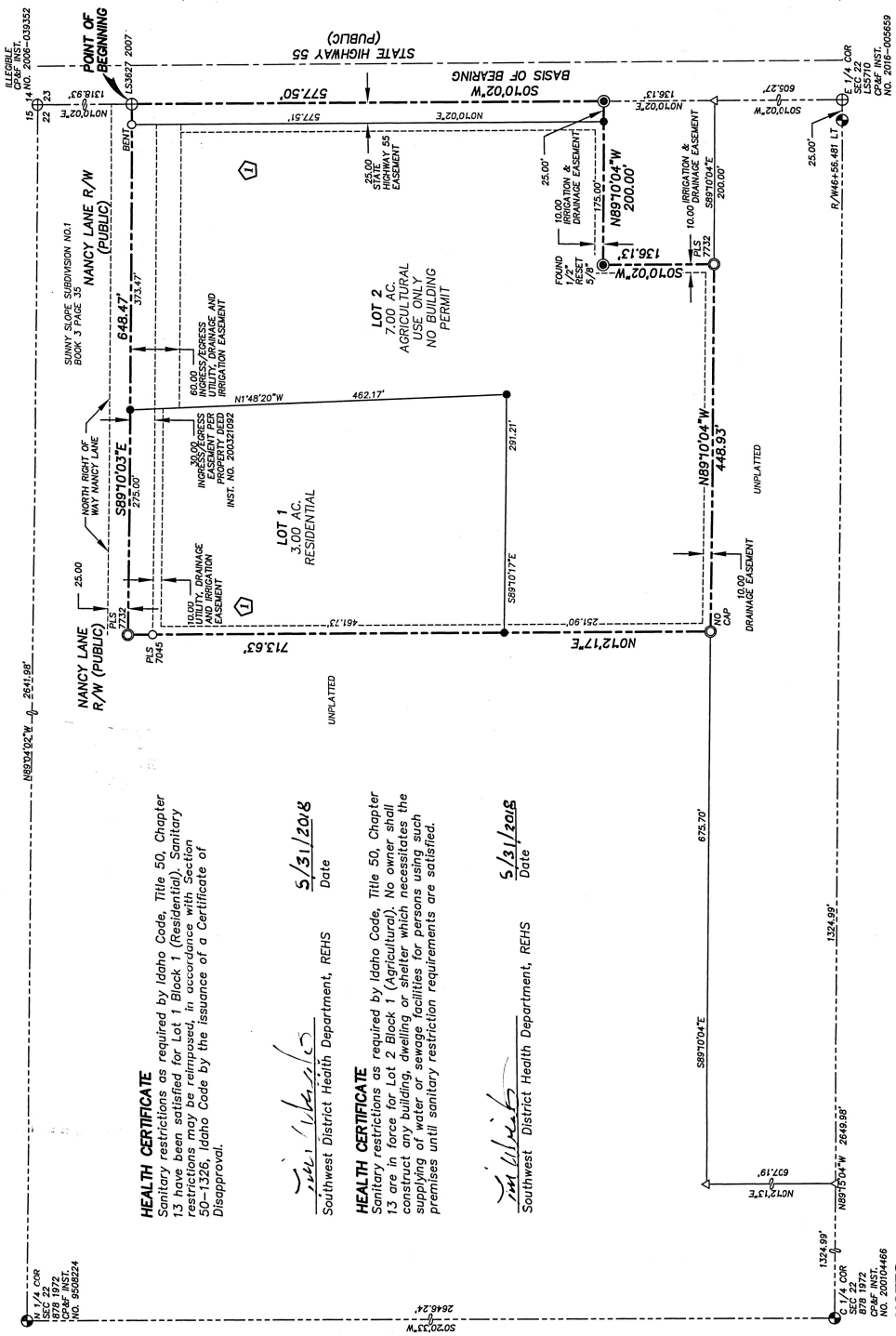
A PART OF THE NE 1/4, SECTION 22, T. 3 N., R. 4 W., B.M.,
CANYON COUNTY, IDAHO
2018

2018-030032
RECORDED
07/11/2018 08:28 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
PLAT FRIDGES
\$11.00
MASON & ASSOCIATES



LEGEND

- Calculated point
- Found brass cap monument
- Set 5/8 inch dia. x 30 inch iron pin w/plastic cap PLS 9366
- Found 5/8 inch dia. iron pin
- Set 1/2 inch dia. x 24 inch iron pin w/plastic cap PLS 9366
- Found 1/2 inch dia. iron pin
- Block number
- Boundary line
- Section line
- Easements
- Unless otherwise noted widths shall be: 10 foot utility, drainage and irrigation easement along subdivision boundary



HEALTH CERTIFICATE
Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied for Lot 1 Block 1 (Residential). Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code by the issuance of a Certificate of Disapproval.

Michelle Williams
Southwest District Health Department, REHS
Date 5/31/2018

HEALTH CERTIFICATE
Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 are in force for Lot 2 Block 1 (Agricultural). No owner shall construct any building, driveway, or other structure that necessitates the supplying of on-site sewage facilities for persons using such premises until sanitary restriction requirements are satisfied.

Michelle Williams
Southwest District Health Department, REHS
Date 5/31/2018

- NOTES**
- MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT OR AS SPECIFICALLY APPROVED AND/OR REQUIRED. THE SUBDIVISION IS ALSO SUBJECT TO A 70 BUILDING SETBACK FROM THE SECTION LINE.
 - ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE RE-SUBDIVISION.
 - THIS SUBDIVISION IS PROVIDED IRRIGATION SERVICES BY THE CANYON COUNTY WATER DISTRICT. THE SUBDIVISION IS OBLIGATED FOR ASSESSMENTS FROM WILDER IRRIGATION DISTRICT, I.C. 31-2805.
 - THE IRRIGATION SYSTEM SHALL BE OWNED AND MAINTAINED BY THE LOT OWNERS.

- THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES, AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF NOT BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT SURROUNDING LANDS OR NEIGHBORHOODS. IF A NUISANCE IS DETERMINED TO EXIST, THE OPERATOR SHALL HAVE ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO AGRICULTURAL OPERATIONS, AGRICULTURAL FACILITY OR EXPANSION THEREOF.
- LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE SOUTHWEST DISTRICT HEALTH.
- PREFERENCE IS MADE TO PUBLIC HEALTH LETTER ON FILE REGARDING ANY ADDITIONAL RESTRICTIONS.

- ALL STORM WATER FROM THE INDIVIDUAL LOTS IS TO BE RETAINED ON THE INDIVIDUAL LOTS. STORM DRAINAGE FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STORM DRAINAGE FACILITY IS CONSTRUCTED IF NO HOMEOWNER'S ASSOCIATION EXISTS. RESPONSIBILITY FOR STORM DRAINAGE FACILITIES INCLUDES ALL MAINTENANCE, BOTH ROUTINE AND NON-ROUTINE.
- SEWAGE DISPOSAL SHALL BE BY INDIVIDUAL SEPTIC SYSTEM IN COMPLIANCE WITH SNH STANDARDS.
- WATER FOR DOMESTIC PURPOSES SHALL BE SUPPLIED BY SINGLE PARTY WELL IN COMPLIANCE WITH SNH STANDARDS.
- NEWBY SUBDIVISION SHALL HAVE NO DIRECT LOT ACCESS TO 1ST STREET OR NANCY LANE PUBLIC RIGHTS-OF-WAY.



Mason & Associates
Professional Engineers,
Land Surveyors & Planners
828 3rd St. South Nampa, ID 83851
(209) 454-0250 Fax (209) 454-0791

000917002
SHEET 1 of 3
4/19/18

BK. 47, PG. 15

| NO. | BY | DATE | DESCRIPTION |
|-----|----|---------|-----------------------------|
| 1 | JH | 1/30/18 | COUNTY COMMENTS |
| 2 | JH | 3/26/18 | COUNTY SURVEYOR COMMENTS |
| 3 | JH | 4/13/18 | COUNTY ENGINEERING COMMENTS |

EXHIBIT C

Site Visit Photos: September 5, 2024

Planning & Zoning Commission

Case# CR2022-0027

Hearing date: February 6, 2025



CR2022-0027 – Hess

Site Visit: 9/5/2024

















EXHIBIT D

Agency Comments Received by: January 27, 2025

Planning & Zoning Commission

Case# CR2022-0027

Hearing date: February 6, 2025



J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

July 23, 2024

Canyon County Development Services Department
Attn: Dan Lister, Planner
111 North 11th Ave., Ste. 310
Caldwell, ID 83605
Phone: (208)455-5959
Email: daniel.lister@canyoncounty.id.gov

RE: Case Name: Hess, Case Number: CR2022-0027, Parcel #: R33459010

Dear Dan:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the subject Conditional Rezone submitted to GGHD in an email dated July 22, 2024. The subject parcel is located directly south of 20208 Nancy Ln, Caldwell and in a portion of the NE1/4 of Section 22, T3N, R4W, BM, Canyon County, ID.

The application requests a rezone of Parcel #R33459010 from "A" (Agricultural) to "CR-R-R" (Conditional Rezone-Rural Residential) for the entire property, 6.02 acres, with the purpose of creating two rural residential parcels approximately 3 acres in size each. Proposed conditions for a development agreement include limiting the number of divisions to 2 lots and prohibiting secondary residences. Access for the two parcels would be from Sunny Slope Rd (SH-55) through existing 30' easements on adjacent properties. Access to the south parcel would require a 30' easement on the east side of the north parcel. ADT for the two homes plus one adjacent home is 29 according to the application. The Idaho Transportation Department (ITD) will review new or modified accesses on Sunny Slope Rd (SH-55). Sunny Slope Rd is a Major Arterial according to the GGHD's 2024 Functional Classification Map.

At this time, and based upon said written information provided with the application, the following findings and conditions of approval apply:

1. Provide recorded easements prepared by an Idaho registered licensed land surveyor in accordance with Association of Canyon County Highway District Highway Standards and Development Procedures (ACCHD Standards) for both accesses.
2. Proposed access on Sunny Slope Rd (SH-55) to meet the requirements of ITD.
3. A site visit by GGHD and/or ITD representatives is required to address possible site distance issues, if any.

GGHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

GGHD requests Canyon County Development Services incorporate these comments and any subsequent comments into proposed Conditions of Approval for consideration/approval by Canyon County.

Respectfully,

Christopher S. Pettigrew, P.E.

*Project Manager/Engineer, Transportation Services Group
Technical Resources Team Lead (Central)*

CC: Bob Watkins, GGHD Director of Highways

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



Brad Little, Governor
Jess Byrne, Director

August 6, 2024

Daniel Lister, Assistant Planning Manager
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
Daniel.Lister@canyoncounty.id.gov

Subject: Case No. CR2022-0027

Dear Mr. Lister:

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

- IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

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

2. WASTEWATER AND RECYCLED WATER

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

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

3. DRINKING WATER

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

- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

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

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho 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

Dan Lister

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Wednesday, November 27, 2024 3:23 PM
To: Dan Lister
Subject: [External] RE: Agency Notification / CR2022-0027 / Hess (amended application)

Hi Dan,

- 1.) Will a Nutrient Pathogen Study be required? **No, in a designated Nitrate Priority Area but does not meet the criteria for a Nutrient Pathogen Study.**
- 2.) Will adequate sanitary systems be provided to accommodate the use? **Test holes have not been conducted on site.**
- 3.) Any concerns about the use or request for rezoning? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city? **No concerns for the rezoning to residential at this time.**

Applicant will need to go through the subdivision approval process if proposed as a subdivision and a final plat is required to satisfy sanitary restrictions.

Let me know if you have any questions.

Thank you,



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

Anthony Lee, RS/BS | Land Development Senior
o 208.455.5384 | c 208.899.1285 | f 208.455.5300
anthony.lee@swdh.id.gov | SWDH.org
13307 Miami Ln., Caldwell, ID 83607

From: Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>
Sent: Friday, November 22, 2024 10:56 AM
To: 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; '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>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; Tom Crosby

Dan Lister

From: Jennifer Almeida
Sent: Wednesday, November 27, 2024 11:43 AM
To: Dan Lister
Subject: FW: [External] RE: Agency Notification / CR2022-0027 / Hess (amended application)



Jennifer Almeida

Office Manager
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-5957
Email: Jennifer.Almeida@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Wednesday, November 27, 2024 8:36 AM
To: Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>
Subject: [External] RE: Agency Notification / CR2022-0027 / Hess (amended application)

Hello,

After careful review of the transmittal submitted to ITD on November 22, 2024 regarding CR2022-0027/Hess, the Department has no comments or concerns to make at this time. This application does not meet thresholds for a Traffic Impact Study nor does it pose any safety concern. If you have any questions please contact Niki Benyakhlef at (208) 334-8337/ Niki.Benyakhlef@itd.idaho.gov.

Thank you

Mila Kinakh

D3 Planning and Development
Administrative Assistant

Exhibit D.5

Canyon County Soil Conservation District
2208 E. Chicago Ste A, Caldwell Idaho 83605

To: Canyon County Development Service Department
111 North 11th Ave., Ste 310, Caldwell Idaho

Attention: Dan Lister

Case No. CR2022-0027 (amendment)

Thanks you for sending Canyon County Soil Conservation District (SCD) a zoning request. The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.

It is: CR2022-0027 (amendment)

Comments from Canyon County SCD:

CR2022-0027 is 100% Class III and has moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change. The Board would also like to bring to your attention these two parcels, R33459010 and R33459010B are identified as Agriculture in the 2030 Comprehensive Plan.

A handwritten signature in cursive script that reads "Richard Sims".

Signing for Mike Swartz
Chairman Soil Conservation District

Richard Sims Associate Supervisor



United States
Department of
Agriculture

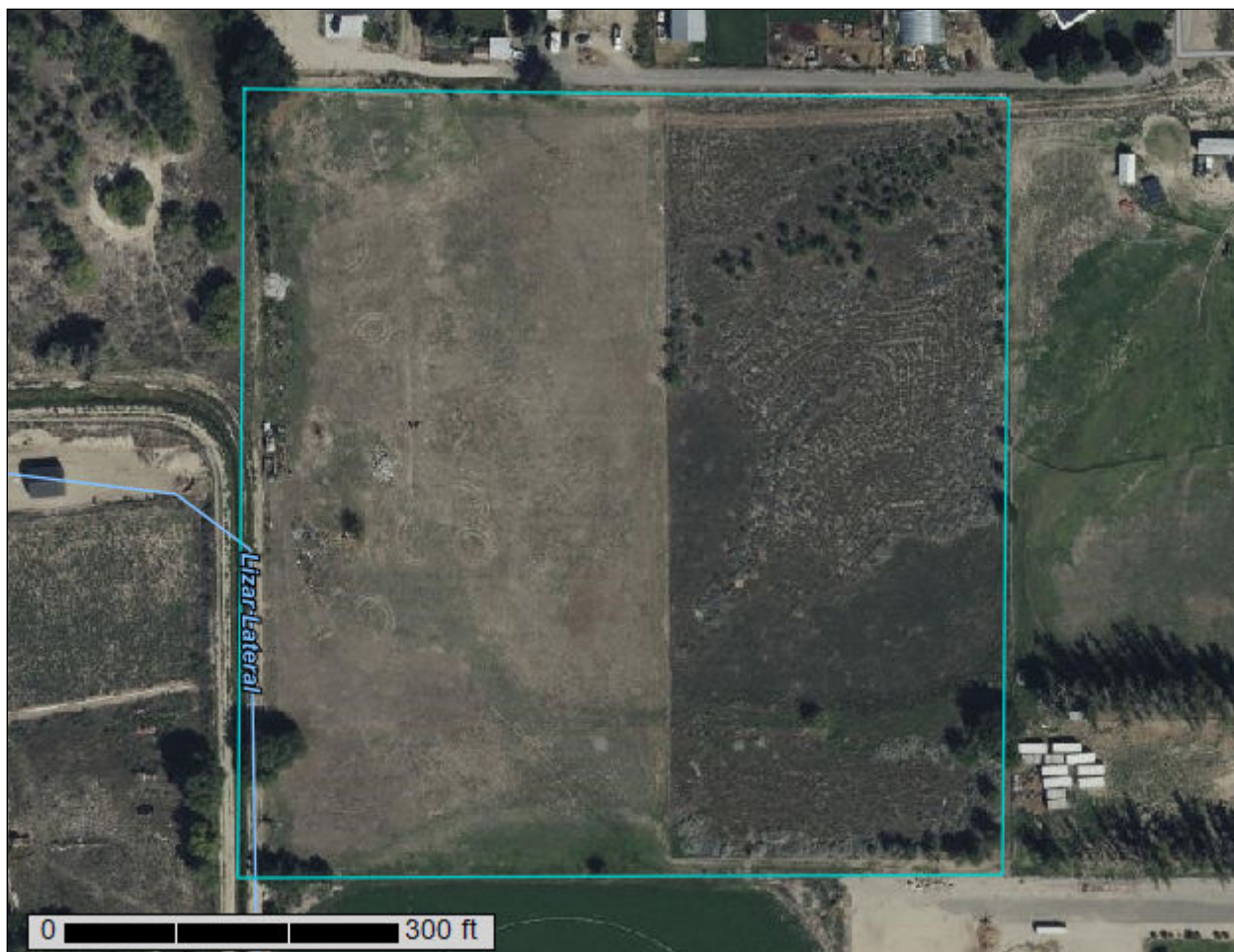
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Canyon Area, Idaho**

**CR2022-0027 David Hess
amendment**



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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| Suitabilities and Limitations for Use..... | 5 |
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| Irrigated Capability Class (CR2022-0027 David Hess)..... | 5 |

Soil Information for All Uses

Suitabilities and Limitations for Use

The Suitabilities and Limitations for Use section includes various soil interpretations displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each interpretation.

Land Classifications

Land Classifications are specified land use and management groupings that are assigned to soil areas because combinations of soil have similar behavior for specified practices. Most are based on soil properties and other factors that directly influence the specific use of the soil. Example classifications include ecological site classification, farmland classification, irrigated and nonirrigated land capability classification, and hydric rating.

Irrigated Capability Class (CR2022-0027 David Hess)

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels-capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Custom Soil Resource Report

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Custom Soil Resource Report
Map—Irrigated Capability Class (CR2022-0027 David Hess)



Table—Irrigated Capability Class (CR2022-0027 David Hess)

| Map unit symbol | Map unit name | Rating | Acres in AOI | Percent of AOI |
|------------------------------------|--|--------|--------------|----------------|
| CcB | Cencove fine sandy loam, 1 to 3 percent slopes | 3 | 5.4 | 48.5% |
| TsC | Truesdale fine sandy loam, 3 to 7 percent slopes | 3 | 4.2 | 37.5% |
| TuC | Turbyfill fine sandy loam, 3 to 7 percent slopes | 3 | 1.5 | 14.0% |
| Totals for Area of Interest | | | 11.1 | 100.0% |

Rating Options—Irrigated Capability Class (CR2022-0027 David Hess)*Aggregation Method: Dominant Condition**Component Percent Cutoff: None Specified**Tie-break Rule: Higher*

Exhibit D.6

DONALD BARKSDALE
CHAIRMAN OF THE BOARD

FRED BUTLER
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

08 March 2023

Canyon County Development Services
111 North 11th Ave., Ste. 140
Caldwell, Idaho 83605

RE: David Hess
0 Sunnyslope Rd. Caldwell, ID
Wilder Irrigation District
Evers Lateral 23+50
Sec. 22, T3N, R4W, BM.

CR2022-0027 & SD2022-0043

W-439

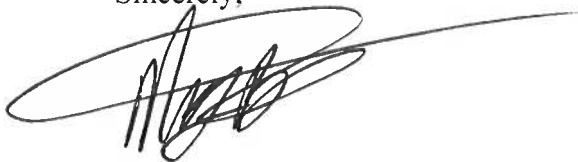
Maddy Vander Veen:

There are no Boise Project or Wilder Irrigation District facilities located on the above-mentioned properties, however they do in fact possess a valid water right.

Per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,



Thomas Ritthaler
Assistant Project Manager, BPBC

tbr/tr

cc: Tony Averman
Lisa Sweet

File

Watermaster, Div. 4, BPBC
Secretary – Treasurer, WID

RECEIVED

▶ MAR 10 2023 ◀

RECEIVED

Exhibit D.6