



**Planning and Zoning Commission**  
**Hearing Date: February 20, 2025**  
*Canyon County Development Services Department*

**PLANNING DIVISION STAFF REPORT**

**CASE NUMBER:** CU2023-0024  
**APPLICANT/REPRESENTATIVE:** Todd Lakey  
**PROPERTY OWNER:** Dave Erlebach (Erlebach Properties, LP)

**APPLICATION:** Conditional Use Permit for a Staging Area and Contractor Shop

**LOCATION:** Parcel R37905  
 0 Goodson Rd, Caldwell, ID

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

**REQUEST:**

The applicant, Todd Lakey, representing the property owner, Dave Erlebach of Erlebach Properties, LP requests a conditional use permit to allow a contractor shop and staging area on an 11-acre area of Parcel R37905 (which is approximately 39.5 acres in total). The uses proposed by the applicant include an office to deploy equipment to jobs sites and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner’s construction operations off site.

**PUBLIC NOTIFICATION:**

Neighborhood meeting conducted on:	October 23, 2023
Neighbor notification within 600 feet mailed on:	October 12, 2023
Newspaper notice published on:	January 21, 2025
Notice posted on site on:	January 21, 2025

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**1. BACKGROUND:**

Parcel R37905 (“the subject property”) is zoned “A” (Agricultural) and requires a conditional use permit to operate a contractor shop and staging area. On March 18, 2023, an application to rezone the property from “A” (Agricultural) to Light Industrial (“CR-M1”) was turned in, but later was withdrawn on

November 16, 2023 (CR2023-0007). A code enforcement violation was opened on the subject property on June 29, 2023 for operating an industrial business in the “A” zone (CDEF2023-0142). On October 11, 2023, Parcel R37905 was recognized as a buildable parcel via an after-the-fact administrative land division and property boundary adjustment (AD2022-0134). On November 17, 2023, a conditional use permit application for a contractor shop and staging area was accepted by Canyon County Development Services. Parcel R37904010 is included in the Master Application as a part of the conditional use permit application, but the property owner confirmed by email on January 6, 2025 that it will not be a part of the 11-acres proposed for the conditional use permit which is why it is not referenced in the staff report (**Exhibit A7**).

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

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

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

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

## **OPTIONAL MOTIONS:**

**Approval of the Application:** “I move to approve for CU2023-0024, Erlebach Properties, L.P., finding the application **does** meet the criteria for approval under Article 07.07.05 of Canyon County zoning Regulations, **with the conditions listed in the staff report, finding that;** [*Cite reasons for approval & Insert any additional conditions of approval*].

**Denial of the Application:** “I move to deny CU2023-0024, Erlebach Properties, L.P., finding the application **does not** meet the criteria for approval under Article 07.07.05 of Canyon County zoning Regulations, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5))*].

**Table the Application:** “I move to continue CU2023-0024, Erlebach Properties, L.P. to a [*date certain or uncertain*]

### 3. HEARING CRITERIA

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

Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(1)</b>	<b>Is the proposed use permitted in the zone by conditional use permit;</b>
			<i>Staff Analysis</i>	A contractor shop and staging area are permitted in the "A" (Agricultural) zone by conditional use permit, pursuant to Canyon County Code of Ordinances (CCCO) §07-10-27. CCCO §07-02-03 defines a contractor shop as "May include, but not be limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking" and a staging area as "An area where equipment and/or materials are stored for use conducted entirely off site." See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(2)</b>	<b>What is the nature of the request;</b>
			<i>Staff Analysis</i>	<p>Per the letter of intent, the proposed uses include an office to deploy equipment to construction locations and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner's construction business off site on approximately 11-acres of the approximately 39 acres (<b>Exhibit A2</b>). Examples of the type of multi-use equipment that will be stored on site can be found in <b>Exhibit A2.4</b>. No manufacturing or construction work will take place on site per the letter of intent. The hours of operation proposed are Monday through Friday from 7:00 a.m. to 5:30 p.m., with work occasionally occurring on Saturday with the same hours of operation depending on needs of the construction operations. There will be approximately ten-to-fifteen (10-15) employees on site with approximately 10 trips to the property per day. There will be a large surface area available for parking to accommodate all employees, but will not have paved, designated parking spaces. There will be no sign. There will not be a designated loading or unloading area, but materials and equipment will be loaded or unloaded using a forklift or crane at the location that the materials or equipment are stored. A 6-foot chain link fence is proposed to be located on the outer boundaries of the 11-acre area with the proposed contractor shop Parcel R37905 (<b>Exhibits A2 and A3</b>). A chain-link fence with site-obscuring slats has been built per staff's site visit (<b>Exhibit C</b>).</p> <p>Per the letter of intent, the Contractor Shop will consist of two (2) structures:                      A 115' x 100' structure that will be used as an office to deploy equipment. This structure has not been constructed yet.                      A 110' x 208' structure that will be used to store and park equipment (<b>Exhibit A2</b>). The property owner applied for an agricultural-exempt building permit for the already constructed structure, but did not complete a final inspection, so the agricultural-exempt building permit expired (ZC2023-0003). Per Canyon County's Building Department, all proposed and existing structures that will be used will require a commercial building permit and/or Commercial Change of Occupancy permit. A code analysis will be required to be submitted with plans provided by a</p>

			<p>licensed architect/engineer. As conditioned, the applicant shall obtain all necessary building permits for unpermitted structures (such as those identified in <b>Exhibit D4</b>) within 3 months of approval of this application and any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District (see condition #9).</p> <p>It is important to note that in the provided letter of intent it is stated that the majority of the property will be used for farming and to store equipment and supplies that support Applicant’s farming operations, which is allowed in the “A” zone and this conditional use permit will not limit these agricultural uses (<b>Exhibit A2</b>).</p>
			<p><b>07-07-05(3)</b> <i>Staff Analysis</i></p> <p><b>Is the proposed use consistent with the comprehensive plan;</b></p> <p>The proposed use is consistent with the Comprehensive Plan. The 2030 Canyon County Comprehensive Plan designates the subject parcel as Agricultural (<b>Exhibits B1 and B2.4</b>). This area of the county mainly contains agricultural uses with some agricultural residential development (meaning it is zoned agricultural but contains residential uses) and residential development (mainly to the west and across the freeway). The parcel is not located within a City Impact Area.</p> <ul style="list-style-type: none"> <li>• <u>Property Rights Goals and Policies:</u> <ul style="list-style-type: none"> <li>○ Goal No. 1: <i>“Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.”</i></li> <li>○ Policy No. 1: <i>“No person shall be deprived of private property without due process of law.”</i></li> <li>○ Policy No. 3: <i>“Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.”</i></li> <li>○ Goal No. 2: <i>“Acknowledge the responsibilities of each applicant as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance.”</i></li> </ul> <p>Canyon County values the applicants’ and surrounding applicants’ private property rights and may support the applicants’ project and surrounding applicants’ rights by adding mitigating conditions to the proposed conditional use permit.</p> </li> <li>• <u>Population Component Goal:</u> <ul style="list-style-type: none"> <li>○ Goal No. 2: <i>“Promote housing, business, and service types needed to meet the demand of the future and existing population.”</i></li> </ul> <p>Canyon County promotes business and service types that the community can support with adequate services and amenities. However, the Planning and Zoning Commission must decide if conditions can be added to this application to mitigate negative impacts on surrounding properties and if this is the best-suited location for this proposed staging area and contractor shop.</p> </li> <li>• <u>Economic Development Goals and Policy:</u></li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

				<ul style="list-style-type: none"> <li>○ Goal No. 1: <i>“Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.”</i></li> <li>○ Policy No. 2: <i>“Supportive suitable sites for economic growth and expansion compatible with the surrounding area.”</i></li> <li>○ Goal No. 5: <i>“Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.”</i></li> </ul> <p>Canyon County supports retaining, expanding, and recruiting businesses and economic growth and expansion but must be done in a way that is compatible with the surrounding area, which may include adding mitigation conditions to this conditional use permit that address the community’s concerns (noise, traffic, dust, etc.).</p> <ul style="list-style-type: none"> <li>● <u>Land Use Policy and Goals:</u> <ul style="list-style-type: none"> <li>○ Policy No. 2: <i>“Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.”</i></li> <li>○ Goal No. 3: <i>“Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.”</i></li> <li>○ Goal No. 4: <i>“Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.”</i></li> <li>○ Goal No. 6: <i>“Development design should improve the area’s character and be compatible with the community’s visual appearance and the natural environment.”</i></li> </ul> <p>Canyon County supports growth and development as long as it is compatible with the surrounding area and appropriate conditions are added to mitigate adverse impacts that affect other land uses and the surrounding community.</p> </li> <li>● <u>Agriculture Goal:</u> <ul style="list-style-type: none"> <li>○ Goal No. 4: <i>“Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses.”</i></li> </ul> <p>Canyon County supports agricultural uses and operations and may add mitigating conditions to the conditional use permit so that the uses proposed by the applicant do not create conflicts with the agricultural uses in the area.</p> </li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(4)</b>	<b>Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;</b>
			<b>Staff Analysis</b>	The proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area as the proposed

conditions of approval #1-17 will mitigate the negative effects to the residential character of the area.

**Adjacent Existing Conditions (see Exhibits B2.2 and B2.5):**

Direction	Existing Use	Primary Zone	Other Zone
N	Agricultural and Agricultural Residential Uses	A	N/A
S	Agricultural Uses	A	N/A
E	Agricultural and Agricultural Residential Uses	A	N/A
W	Agricultural, Agricultural Residential, and Residential Uses	A	CR-RR and RR

"A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone)

**Surrounding Land Use Cases (Land Use Cases within a 1-Mile Radius and in the past 5 Years) (Exhibit B2.6):**

1. SD2019-0042 - Kimber Ridge Subdivision- Approved
2. RZ2020-0007- Rezone AG to RR (Rumsey) – Approved
3. SD2020-0027 – Preliminary Plat for Stadium Subdivision No. 2 – Approved
4. CR2022-0015 – Rezone AG to CR-R1 (Albisu) - Denied

**Character of the Area:**

The property is currently zoned "A" (Agricultural) (Exhibit B.1) and the average lot size within a 1-mile radius 17.90 acres (Exhibit B2.7). The general character of the area is mainly consisting of agricultural uses. There are also agricultural residential parcels (meaning they are zoned agricultural but have residential uses) and residential parcels (there are a few residentially zoned subdivisions or parcels in the area mainly to the west) (Exhibits B2.2, B2.5, and B2.6, and B2.7).

The property consists of Soil Capacity Class 2, 3, and 4. Class 2 makes up 51.65% of the parcel and is prime farmland if irrigated, Class 3 makes up 31.66% of the parcel and is prime farmland if irrigated, Class 4 makes up 16.69% of the parcel and is farmland of statewide importance if irrigated (Exhibit B2.8).

There are ten (10) subdivisions located within 1-mile of the subject property and one (1) subdivision in platting. There are 105 lots within platted subdivisions and 136 lots in subdivisions that are in platting also within 1-mile of the subject property (Exhibit B2.7).

This parcel is not in an area of city impact. The City of Middleton is located approximately 3.9 miles away and the City of Caldwell is located approximately 4.7 miles away.

			<p>The recent surrounding land use cases in the last five-years demonstrate that the character of the area is trending moderately towards residential. However, overall the character of the area remains agricultural. <b>(Exhibits B2.2, B2.5, and B2.6, and B2.7).</b></p> <p><b>Potential Impacts:</b>  As proposed, the contractor shop and staging area will not significantly increase the sound levels in the immediate vicinity. Per the letter of intent, the property will be used for an office to deploy equipment to construction locations and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner’s construction business off-site. Additionally, the employees generally take 10 trips to the property per day and the proposed 11-acre staging area and contractor shop is located immediately adjacent to the interstate which will likely drown out any noise created by this property per the letter of intent <b>(Exhibit A2)</b>. As conditioned, the hours of operation are limited to 7 a.m. to 5:30 p.m. Monday through Saturday (as proposed in the land use worksheet), and the proposed development shall be in general conformance with the applicant’s site plan (meaning it cannot expand outside of the 11-acres without amending the conditional use permit). See proposed conditions of approval #13-14 <b>(Exhibits A2 and A3)</b>.</p> <p>The contractor shop and staging area may increase the dust levels in the immediate vicinity as the access to the 11-acre area designated as the contractor shop and staging area the to the property is a gravel/dirt access <b>(Exhibit C)</b>. The 11-acre area designated at the contractor shop and staging area is proposed to be graveled per the letter of intent <b>(Exhibit A2)</b>. As conditioned, dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements. See proposed condition of approval #12.</p> <p>There is lighting proposed for the contractor shop and staging area, but per the letter of intent states “all lighting at the Property will be downward facing and dark sky compliant” <b>(Exhibit A2)</b>. As conditioned, all exterior lighting, if installed, shall be downward facing and directed away from surrounding properties. Compliance shall be demonstrated in the building plans submitted as part of the building permit submittal. Review and approval by DSD shall be completed before building permit issuance. See proposed condition of approval #5.</p> <p>The contractor shop and staging area has the potential to change the character of the area, as no similar conditional use permits have been approved in the vicinity in recent years <b>(Exhibit B2.6)</b>. As conditioned, the hours of operation are limited to 7 a.m. to 5:30 p.m. Monday through Saturday (as proposed in the land use worksheet), and the proposed development shall be in general conformance with the applicant’s site plan (meaning it cannot expand outside of the 11-acres</p>
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				without amending the conditional use permit). See proposed conditions of approval #13-14. ( <b>Exhibits A2 and A3</b> ).
				See CCCO §07-07-05(7) for traffic impacts.
			<b>07-07-05(5)</b>	<b>Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;</b>
			<b>Staff Analysis</b>	<p>The project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein and proposed conditions of approval #1,4, 6, and 7.</p> <p><b>Water:</b> Per the land use matrix, water will be provided using an individual domestic well (<b>Exhibit A3</b>). Per the provided letter of intent, the property owner plans to construct the well on the 11-acre site for the contractor shop and staging area and the specific location of the well is identified on the grading and drainage plan. The property owner also plans to construct a pump house next to or over the proposed well and the well and piping will be piped to the bathrooms and breakrooms in the structures and designed by Manning Civil (<b>Exhibits A2 and A2.1</b>).</p> <p><b>Sewer:</b> Per the land use matrix, sewer will be provided via an individual septic (<b>Exhibit A3</b>). Per the applicant’s letter of intent, sewer and drainage from the bathroom and breakrooms will be discharged into a septic tank/pump system where sewage will be piped to the proposed drain field. The location of the drain field is identified in Site Plan and Grading and Drainage Plan. A designated replacement field will also have to be contained on the property and will be approved by Southwest District Health (<b>Exhibits A2, A2.1, and A2.2</b>).</p> <p>On August 5, 2024, Southwest District Health (SWDH) stated that a Nutrient Pathogen Study was completed, but were waiting on the results of the study. Additionally, SWDH states “Test holes were conducted on 04/28/2023 and 05/12/2023. Groundwater monitoring pipes were also installed with monitoring started on 05/01/2023 through 06/19/2023. Last email correspondence received from a developer was a change in facility type and operations for a construction shop and metal building. Applicant will need to reach out to SWDH to discuss the new proposal” (<b>Exhibit D1</b>). Canyon County DSD Staff reached out to Southwest District Health in December 2024 to see if there were updates on the nutrient pathogen study or change of facility type as discussed in August of 2024. Southwest District Health responded saying they do not have any updates on the Nutrient Pathogen Study other than a few corresponding emails from DEQ on the parameters of the N-P study and they have not received an updated letter of intended use for the new proposal (<b>Exhibit D1.1</b>). As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property as evidenced by the applicant providing Development Services with an approved Southwest District Health document. See proposed condition of approval #4.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

			<p><b>Irrigation:</b> Per the applicant’s letter of intent, the proposed 11-acre area for the contractor shop and staging area will not be irrigated. However, the remaining acreage will continue to be irrigated using the pivot sprinkler system on site (<b>Exhibit A2</b>).</p> <p>Parcel R37905 is under the jurisdiction of Black Canyon Irrigation District (BCID). Black Canyon Irrigation District had previously sent a letter regarding the withdrawn rezone application (CR2023-0007), but have since updated it to reflect BCID’s requirements and recommendations for this conditional use permit application (<b>Exhibit D5</b>). BCID states in their comment letter dated January 9, 2025 that the property has irrigation water rights and this conditional use permit “...impacts water allocations for the proposed properties. Determination of non-irrigable lands and allocations or irrigable lands will be required by the District. [BCID]... request[s] the property owner finalize these allocations prior to County approval of [the Conditional Use permit] of the property.” There is no District infrastructure on the parcel and adjacent infrastructure does not appear to be affected. BCID requests private easements showing a pathway for water to the parcel. BCID also states “the Developer has an outstanding account balance for the previously reviewed application. The outstanding balance is required to be settled prior to any further review of this development.” As conditioned, the applicant shall comply with all Black Canyon Irrigation District requirements within six (6) months of approval of this application as outlined in <b>Exhibit D5</b> (see proposed condition #7).</p> <p><b>Drainage:</b> It appears the use does not require or affect drainage on the property (<b>Exhibit A2</b>).</p> <p><b>Stormwater drainage facilities:</b> Per the land use matrix and letter of intent, stormwater is retained on site by two (2) swales (<b>Exhibits A2 and A3</b>). The location of the swales is identified in the Grading and Drainage Plan and the 11-acres consists of a graveled surface and will be graded and contoured to direct storm water per the letter of intent (<b>Exhibits A2 and A2.2</b>). Additionally, the letter of intent states the collection swales are large enough to accommodate asphalt surfacing in the event the applicant decides to pave the 11-acre staging area and contractor shop (<b>Exhibit A2</b>).</p> <p><b>Utility Systems:</b> Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziplly were notified of the application on July 31, 2024, August 2, 2024 and January 21, 2025. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any utilities needed.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>07-07-05(6)</b> <b>Does legal access to the subject property for the development exist or will it exist at the time of development;</b></p> <p><b>Staff Analysis</b> The subject property has not provided evidence of legal access at this point (no access easement has been provided), but as conditioned the application is required to comply with Canyon County’s Driveway Requirements within 6</p>

			<p>months of approval of this application (see condition #16), which would provide evidence of legal access if it exists (see proposed condition #16). Per the applicant’s letter of intent, a 115 x 100 structure is proposed for an office and to deploy equipment. If this structure is built, there will be two (2) inhabited structures off the private access, meaning that this access will need to be brought up to Canyon County’s driveway requirements found in CCCO §07-10-03 (<b>Exhibit A2</b>).</p> <p>Per Highway District No. 4, “...access for the current agricultural uses has been via a private [access] along the north boundary of the subject property extending west from Farmway Rd. This access, which aligns with Goodson Rd to the east, is suitable for the proposed use subject to the improvements described...” (<b>Exhibit D1</b>).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>07-07-05(7)</b> <b>Staff Analysis</b> <b>Will there be undue interference with existing or future traffic patterns; and</b></p> <p>There will not be undue interference with the existing and future traffic patterns. Per the letter of intent, the main ingress and egress will be on Goodson and Farmway Roads and when the traffic departs the property, it is anticipated the vehicles will use Old Highway 30 and then merge onto I-84. Additionally, the letter of intent estimates traffic count to and from the Contractor Shop and Staging Area will be around 10 trips per day (<b>Exhibit A2</b>). Highway District No. 4 says regarding the traffic count: “The estimated peak hour trips from the development are not anticipated to materially impact the adjacent intersection of Goodson Rd and Farmway Rd due its very low background volume. The intersection of Goodson Rd and Old Hwy 30 is anticipated to operate at LOS B (approximately 16 sec delay per vehicle) during the PM peak hour under current background conditions with the additional site traffic. Additional incremental delay from the new trips generated by the development are expected at all intersections along the Old Hwy 30 corridor, including Galloway, Purple Sage, Willis, and SH 44.” It appears any impacts to traffic would be mitigated by “...transportation impact fees to fund improvements to the highway system made necessary from new growth and development within the Mid-Star Service Area, which includes the subject property.” As conditioned, the applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall also complete their access permit for “agricultural uses” by constructing a paved approach onto Farmway Rd (Commercial Approach per ACCHD SD-106) within 3 months of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements (<b>Exhibit D3</b>). See proposed condition of approval #3.</p> <p>Idaho Transportation Department stated they have “...no comments or concerns at this time as the development is a significant distance from any interchanges granting access to I-84, therefore minor impact can be anticipated” (<b>Exhibit D2</b>).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>07-07-05(8)</b> <b>Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)</b></p>

			<p><b>Staff Analysis</b></p> <p>Essential services will be provided to accommodate the use including, but not limited to school facilities, police and fire protection, emergency medical services, irrigation facilities. The services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use.</p> <p><b>School Facilities:</b> Parcel R37905 is serviced by Middleton School District, it's not anticipated that any impacts or accommodations will be needed for the contractor shop and staging area. Agency comments were sent out on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received by the school district.</p> <p><b>Police and Fire protection:</b> Parcel R37905 is under the jurisdiction of Canyon County Sheriff's Office. Canyon County Sheriff's Office is required to provide services to the parcel. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency notice was sent on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received by the Sheriff's Office.</p> <p>Parcel R37905 is under the jurisdiction of Middleton Rural Fire District. Middleton Rural Fire District is required to provide services to the parcel. As conditioned, the applicant shall comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy for unpermitted structures. All development shall comply with the 2018 International Fire Code and codes set forth by Canyon County. See proposed condition #2. Agency notice was sent on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received by the fire district.</p> <p><b>Emergency Medical Services:</b> Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management Coordinator were notified of the application on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding.</p> <p>Canyon County's Addressing/GIS Department sent a comment letter stating "...the applicant may receive an address for the use of the contractor shop by either submitting an 'Address Request Application' to Development Services or by submitting a building permit if they plan to have a structure on site that will house the use. An approach permit will be required for both of these options. Reading through the application it looks like 10 to 15 employees will be on site for the use. An address is suggested for uses that involved employees to be working on site so that emergency services can quickly and accurately locate the site in an emergency situation" (<b>Exhibit D7</b>).</p>
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				<b>Irrigation Facilities:</b> Parcel R37905 is under Black Canyon Irrigation District’s (BCID) jurisdiction. <b>See CCCO 07-07-05(5) and Exhibit D5 for information related to BCID’s comments on this conditional use permit.</b>
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**Table 2. Article 14 Use Standards Criteria Analysis  
- Contractor Shop -**

<b>USE STANDARDS 07-14-03(1):</b> The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix). (Ord. 16-001, 1-8-2016)				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-09(1)</b>	<b>Contractor Shop: (1) The use shall be contained within a building or behind a sight obscuring fence. (Ord.16-0001, 1-8-1026)</b>
			<b>Staff Analysis</b>	Per the applicant’s letter of intent, the proposed 115 x 100 structure is proposed for an office and to deploy equipment ( <b>Exhibit A2</b> ). Additionally, there is a site-obscuring chain link fence placed around the 11-acre area proposed for the contractor shop and staging area per staff’s site visit in December of 2024 ( <b>Exhibit C</b> ).  <b>Building Compliance</b> The existing 100 x 208 structure on the subject property was built without a building permit. An agricultural-exempt building permit was applied for after the structure was built, but a final inspection was not scheduled, so the building permit has since expired (ZC2023-0003). As conditioned, the applicant shall obtain all necessary building permits for unpermitted structures (such as those identified in <b>Exhibit D4</b> ) within 3 months of approval of this application and any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District. See proposed condition of approval #9.

**Table 3. Article 14 Use Standards Criteria Analysis  
- Staging Area -**

<b>USE STANDARDS 07-14-03(1):</b> The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix). (Ord. 16-001, 1-8-2016)				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(1)</b>	<b>All work shall be conducted off site.</b>
			<b>Staff Analysis</b>	Per the letter of intent, the proposed uses include an office to deploy equipment to construction locations and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner’s construction business off site on approximately 11-acres of the approximately 42 acres ( <b>Exhibit A2</b> ).

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(2)</b>	<b>Business vehicles shall be operable and parked on site, not on a public or private road.</b>
			<b>Staff Analysis</b>	Per the letter of intent, land use matrix, and site plan, business parking will be on site and behind a fence on the 11-acre area proposed for the contractor shop and staging area ( <b>Exhibits A2, A2.1, and A3</b> ). The letter of intent states the vehicles will remain operable on site ( <b>Exhibit A2</b> ).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(3)</b>	<b>Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles.</b>
			<b>Staff Analysis</b>	Per the letter of intent and land use worksheet, there will be between 10-15 employees that will visit the site to pick up, offload and transfer equipment (such as the multi-use equipment found in <b>Exhibit A2.4</b> ) and supplies in support of the property owner's construction business ( <b>Exhibits A2 and A3</b> ).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(4)</b>	<b>Employees may meet on the premises to share rides to and from job sites.</b>
			<b>Staff Analysis</b>	Per the letter of intent, there will be between 10-15 employees that will park their personal/commercial vehicles on the property in a parking area located on-site to meet with the purposes of meeting on the premises to share rides to and from job sites ( <b>Exhibit A2</b> ).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>07-14-29(5)</b>	<b>Employees' vehicles shall be parked on site and not on a public or private road. (Ord. 16-001, 1-8-2016)</b>
			<b>Staff Analysis</b>	Per the letter of intent and proposed condition #15, no parking will occur on Goodson Road or Farmway Road ( <b>Exhibit A2</b> ).

**4. AGENCY COMMENTS:**

Agencies including the Middleton School District, Southwest District Health, Middleton Rural Fire District, Idaho State Fire Marshal, Highway District No. 4, CenturyLink, Intermountain Gas, Idaho Power, Ziply, Black Canyon Irrigation District, COMPASS, Idaho Transportation Department, Canyon County Sheriff's Office, Emergency Management Coordinator, Canyon County Paramedics / EMT, Idaho Department of Environmental Quality, Canyon County's Building Department, Canyon County's Code Enforcement Department, and Canyon County's Engineering Department were notified of the subject application.

Staff received agency comments from Southwest District Health, Idaho Transportation Department, Highway District No. 4, Canyon County's Building Department, Black Canyon Irrigation District, Idaho Department of Environmental Quality, and Canyon County's Addressing/GIS Department. All agency comments received by the aforementioned materials deadline are located in Exhibit D.

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

**5. PUBLIC COMMENTS:**

Staff received one (1) total written public comment by the materials deadline of February 10, 2025. The comment received was in opposition. All public comments received by the aforementioned materials deadline are located in Exhibit E.

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

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

In consideration of the application and supporting materials, staff concludes that the proposed Conditional Use Permit is **compliant** with Canyon County Ordinance 07-07-05. A full analysis is detailed within the staff report.

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

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy for unpermitted structures.
3. The applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall also complete their access permit for “agricultural uses” by constructing a paved approach onto Farmway Rd (Commercial Approach per ACCHD SD-106) within 3 months of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements (**Exhibit D3**).
4. The applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property as evidenced by the applicant providing Development Services with an approved Southwest District Health document. (**Exhibits D1 and D1.1**).
5. All exterior lighting, if installed, shall be downward facing and directed away from surrounding properties. Compliance shall be demonstrated in the building plans submitted as part of the building permit submittal. Review and approval by DSD shall be completed before building permit issuance.
6. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property without written approval from the irrigation district with jurisdiction.
7. The applicant shall comply with all Black Canyon Irrigation District requirements within six (6) months of approval of this application as outlined in **Exhibit D5**.
8. A site-obscuring fence shall be constructed on the northern, southern, western, and eastern boundaries of the 11-acre area for the contractor shop and staging area as to obscure the business operations and storage of tools, equipment, etc. within six (6) months of approval of this application.
9. The applicant shall obtain all necessary building permits for unpermitted structures (such as those identified in **Exhibit D4**) within 3 months of approval of this application and any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District.

10. Signage shall meet CCCO §07-10-13 requirements, and shall not exceed 32 sq. feet and 10 ft in height unless an additional sign permit is applied for and approved by the Director. If it exceeds 6 ft in height, a building permit is required.
11. The contractor shop and staging area shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
12. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (Canyon County Code of Ordinances Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements.
13. The proposed development shall be in general conformance with the applicant's letter of intent and site plan (**Exhibits A2 and A2.1**), and shall not use the property for any manufacturing unless the appropriate application is applied for and approved.
14. The hours of operation shall be 7 a.m. to 5:30 p.m. Monday through Saturday, as proposed in the applicant's land use worksheet (**Exhibit A3**).
15. Employees' and business vehicles shall be parked on site and not on a public or private road.
16. The applicant shall comply with Canyon County's Driveway Requirements (CCCO §07-10-03) within 6 months of approval of this application including but not limited to:
  - a. The driveway shall be built to meet the minimum construction standards (CCCO §07-10-03(3)). The driveway must be constructed before commencement of the use of the proposed 115' x 100' structure. Evidence shall be a certification from a licensed engineer submitted to DSD demonstrating the construction of the driveway meets CCCO §07-10-03(3)
  - b. The construction of driveways and private roads longer than one hundred fifty feet (150') from a public street right of way to the most distant portion of an inhabited building and private roads must be approved in writing from the applicable fire district.
  - c. Prior to building permit issuance on Parcel R37905, a recorded road user's maintenance agreement and recorded perpetual easements for ingress/egress shall be submitted to DSD in accordance with CCCO §07-10-03(1)B3.
17. This conditional use permit must follow land use time limitation as stated in CCCO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date."
  - a. Commencement shall be the date a building permit is issued for the unpermitted 110 x 208 structure on the property as referenced in **Exhibits A2 and A2.1**. This shall be completed within 60 days of approval of the conditional use permit.

## **7. EXHIBITS:**

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

1. Master Application
2. Letter of Intent
  - 2.1. Site Plan and Plan of Action
  - 2.2. Grading and Drainage Plan

- 2.3. Photos of Equipment of Surrounding Properties within 2 square miles of the subject property
  - 2.4. Photos of Applicant's Multi-Use Equipment
  - 3. Land Use Matrix
  - 4. Neighborhood Meeting Letter, Certified Mail Slips, List of Properties within 600-ft, and Neighborhood Meeting Sign-Up Sheet
  - 5. Agency Acknowledgement Form with Correspondence with Agencies
  - 6. Deed
  - 7. Email Chain Showing Parcel R37904010 Is Not a part of the Conditional Use Permit
- B. Supplemental Documents**
- 1. Parcel Tool
  - 2. Cases Maps/Reports
    - 2.1. Aerial
    - 2.2. Small-Air Photo 1-Mile Radius
    - 2.3. Vicinity
    - 2.4. Future Land Use- 2030 Comprehensive Plan
    - 2.5. Zoning
    - 2.6. Land Use Cases with Report
    - 2.7. Subdivisions with Report
    - 2.8. Soils and Prime Farmland with Report
    - 2.9. Nitrate Priority and Wells
- C. Site Visit Photos: December 31, 2024**
- D. Agency Comments Received by: February 10, 2025**
- 1. Southwest District Health; Received: August 5, 2024
    - 1.1. Southwest District Health Update; Received December 20, 2024
  - 2. Idaho Transportation Department; Received August 13, 2024
  - 3. Highway District No. 4; Received August 27, 2024
  - 4. Canyon County's Building Department; Received January 6, 2025
  - 5. Black Canyon Irrigation District Comment Letter for CUP; Received January 9, 2025
  - 6. Idaho Department of Environmental Quality Comment Letter; Received February 4, 2025
  - 7. Canyon County's Addressing/GIS Department, Received January 27, 2025
- E. Public Comments Received by: February 10, 2025**
- 1. Sharron Braun Comment Letter; Received: February 7, 2025

**EXHIBIT A**

**Application Packet & Supporting Materials**

Planning & Zoning Commission

Case # CU2023-0024

Hearing Date: February 20, 2025

Exhibit A1



**CONDITIONAL USE PERMIT  
PUBLIC HEARING - APPLICATION**

<b>PROPERTY OWNER</b>	OWNER NAME: Erlebach Properties, L.P. Dave Erlebach - Agent	
	MAILING ADDRESS: 17050 Stiehl Creek Drive, Nampa, ID 83687	
	PHONE: [REDACTED]	EMAIL: [REDACTED]
<p>I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.</p> <p>Signature: <u><i>Dave C. Erlebach</i></u> Date: <u>11-9-2023</u></p>		

<b>APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER</b>	APPLICANT NAME: Landon Brown	
	COMPANY NAME: Hawley Troxell Ennis & Hawley, LP	
	MAILING ADDRESS: P.O. Box 1617, Boise, ID 83701-1617	
	PHONE: [REDACTED]	EMAIL: [REDACTED]

<b>SITE INFO</b>	STREET ADDRESS: SW Corner of Goodson Road and Farmway Road	
	PARCEL NUMBER: R379040100; R379050000	
	PARCEL SIZE: Approximately 44 acres	
	REQUESTED USE: Contractor Shop and Staging Area.	
	FLOOD ZONE (YES/NO) NO	ZONING DISTRICT: Agricultural

**FOR DSD STAFF COMPLETION ONLY:**

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

## Exhibit A2

### LETTER OF INTENT

Erlebach Properties, L.P. (“Applicant”) is pleased to present its application for a conditional use permit (“CUP”) to use Parcels R37900401000 and R37900500000 (the “Property”) as a Contractor Shop and Staging Area. This Letter of Intent will discuss the standards for obtaining a CUP in Canyon County’s zoning ordinance and comprehensive plan and provide a description of the project. Applicant is confident that the County will see the value this project will bring to the area and grant the CUP application.

#### Introduction

Applicant is involved in a wide-variety of business ventures, including farming and construction. Applicant’s farming operations includes farming over 600 acres of Jerusalem Artichoke. Further, Applicant is seeking additional agricultural property to continue its farming operations.

The Property at issue in this application is located in the Agricultural Zone. The majority of the Property will be used for farming. The remaining Property will be used primarily to store equipment and supplies that support Applicant’s farming operations.

The Agricultural Zone allows:

- All uses and facilities customarily accessory and incidental to agricultural use (County Code of Canyon County, Idaho (“CCC”) § 07-02-03);
- All agriculturally related activities that do not involve processing (CCC § 07-02-03); and
- Farm implement services. (CCC § 07-10-27.)

Applicant intends to use the Property consistent with these agricultural uses. Again, Applicant will farm a majority of the Property, and use the rest of the Property to store equipment and supplies that support Applicant’s farming operations. These uses are incidental to the agricultural use and are allowed uses under Canyon County’s Code.

In addition to the allowed uses, Applicant will also store some multi-use equipment and supplies on the Property that will be used for agricultural and construction purposes. The multi-use equipment includes tractors, dump trucks, trailers, and pilers. (**Exhibit D** contains photographs of some of Applicant’s multi-use equipment.) Although these items are used as part of Applicant’s farming operations, these items also are used to support Applicant’s construction business, particularly during the non-harvest season. Accordingly, Applicant is seeking a conditional use permit to store the multi-use equipment on the Property so that it can continue to use the equipment for construction purposes when it is not being used for agricultural purposes.

Thus, Applicant’s condition use permit application requests the ability to use a portion of the Property as a Construction Shop and Staging Area to allow Applicant to store multi-use equipment on the Property and host an office that directs the deployment of such equipment.

**A. Nature of the Request (Canyon County Code 07-07-05(2)).**

The Property consists of approximately 44 acres on the southwest corner of Goodson Road and Farmway Road and is immediately adjacent to Interstate 84. Applicant proposes to use the 11 acres immediately adjacent to I-84 as a Contractor Shop and Staging Area. The Contractor Shop will consist of two structures: (1) a 115 foot x 100 foot structure that will be used as an office to deploy equipment; and (2) a 110 foot x 208 foot structure that will be used to store and park equipment. The 110 foot x 208 foot structure was built in compliance with proper Canyon County building permits. The 115 foot x 100 foot structure has not yet been constructed. The Staging Area will consist of surface parking where equipment and materials can be stored for use in Applicant's agricultural operations or used off-site at construction locations. The remaining 33 acres of the Property will continue to be farmed using the existing pivot.

Applicant's site plan and plan of action are attached as **Exhibit A**. The site plan includes keeping 33 acres of the Property as agricultural land. The remaining 11 acres will be used for a Contractor Shop and Staging Area. The structures are located as close to I-84 as possible to limit any disruptions to surrounding residents. The site will contain a fire water pond to assist with a quick fire response. Applicant's grading and drainage plan is attached as **Exhibit B**. The Property will contain two storm water swales for storm water retention, a drain field for septic effluent, and a replacement field as a backup to the primary septic drain field as required by code. The site will be accessed using Goodson Road. Ingress and egress will comply with all requirements to accommodate fire apparatus and emergency vehicles.

Using the Property as a Contractor Shop and Staging Area will have minimal impacts on the surrounding area. The proposed uses will only occupy 11 acres on the Property, with the remaining 33 acres used for agriculture. The 11 acres will serve as an area where Applicant can plan agricultural and construction operations, store equipment, and prepare for deployment of equipment to agricultural or construction locations. Applicant will not use the Property for any manufacturing or construction work, but will use the Property consistent with the Contractor Shop and Staging Area conditional uses. The total number of employees at the Property will not exceed 15 employees, most of which will only be at the site temporarily to pick up or drop off equipment. The estimated traffic count to and from the Contractor Shop and Staging Area will be around 10 trips per day. Working hours will be during normal business hours from 7:00 am to 5:30 pm, Monday through Friday, with an optional workday on Saturday depending on needs of agricultural and construction operations. Fire plan and emergency ingress and egress will be approved by the Middleton-Star Fire Marshall. Noise will be minimal compared to the adjacent free-way noise.

Applicant anticipates that the conditional uses will have minimal impact on future developments. The main ingress and egress will be on Goodson and Farmway Roads. When traffic departs the Property, it is anticipated that vehicles will use Old Highway 30 and then merge onto Interstate 84. The estimated traffic count to and from the Property will be around 10 trips per day. The traffic created by the Property will be negligible. Since the Property will primarily be used as farmland (33 acres), it is anticipated that surrounding properties will be minimally impacted.

**B. The Conditional Use is Consistent with the Comprehensive Plan (Canyon County Code 07-07-05(3)).**

The Canyon County Comprehensive Plan 2030 (“Plan”) seeks to balance competing private interests by creating orderly development patterns that benefit the community. (Plan, p. 5.) The Plan is not precise and is simply a guide for individuals, businesses, and government employees to assist in efficient development of land. Applicant’s proposed conditional use is consistent with the Plan because the use will: (1) protect property rights; (2) promote economic development; (3) comply with land use and community designs; and (4) preserve agricultural land.

**1. Property Rights.**

Applicant’s request for a CUP is consistent with the following goals related to property rights:

- G1.01.00: Protect the integrity of individual property rights while safeguarding public health, safety, and welfare; and
- 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.

Applicant’s application protects private property rights. As the fee simple owner of the Property, Applicant has the right to use the property consistent with applicable laws, rules, and regulations. Applicant plans to use a portion of the Property as a Contractor Shop and Staging Area. These types of uses are conditionally allowed in the agricultural zone. Importantly, Applicant is seeking a conditional use permit, which allows the County to impose conditions to protect public health, safety, and welfare. With conditions imposed, the County can ensure that the Property is maintained in good and safe condition and will not become a public nuisance. Applicant is happy and willing to discuss various conditions that will ensure that this Property is used consistently with the Plan and zoning ordinance.

An approved CUP will satisfy the Plan’s goals related to property rights as it will protect Applicant’s right to use their property in a legal manner while also ensuring public health, safety, and welfare. The CUP will also allow the County to ensure that the Property is maintained in good condition and does not become a public nuisance. Accordingly, a CUP for the Property will be consistent with the Plan’s goals for property rights.

**2. Economic Development.**

Applicant’s request for a CUP is consistent with the following goals related to economic development:

- G3.01.00: Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations; and

- 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.

The CUP application is consistent with these goals for two reasons. First, the application seeks to allow a Staging Area in a location immediately adjacent to I-84. This is an extremely favorable location to store multi-use equipment as it is close to a significant transportation route. This location would increase efficiency in getting equipment out to the community for use, and returning equipment to the Staging Area when a project is completed. This location will reduce traffic on local roads, as transportation of the equipment will occur primarily on I-84. Transporting agricultural and construction equipment easily and efficiently throughout the community will promote healthy and sustainable agricultural and construction industries and healthy and sustainable traffic patterns. These are vital concerns that the County will face as growth continues, and the proposed location will provide an efficient manner to address those concerns.

Second, the proposed uses will further support a diverse economy in Canyon County. The proposed uses—Contractor Shop and Staging Area—will add economic diversity to the region north of Caldwell. This region is primarily agricultural with little economic diversity. Efficient access to construction equipment is important to the agricultural industry, which relies on the construction of silos, storage buildings, and shops to protect crops, livestock, and machinery from the elements. Applicant’s proposed uses will only increase the strength and stability of the overall economy in this region of Canyon County.

### **3. Land Use and Community Designs.**

Applicant’s CUP application is consistent with the following goals related to land use:

- 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; and
- G4.08.00: Maintain and enhance the aesthetic beauty of the County.

Applicant’s proposed uses of the Property are visually consistent with surrounding agricultural lands. Many agricultural lands contain large shops to store tractors and other farm-related equipment and large silos or storage buildings to store and protect crops. The surrounding properties also contain outside areas for storing commercial vehicles and tractors—similar to a Staging Area (see **Exhibit C**).

The visual impact of Applicant’s proposed use will be similar to the visual impact of existing surrounding uses. Applicant has constructed two structures, which look similar to the large agricultural shops used to store tractors or crops. Applicant will also store equipment on the property, similar to surrounding properties that are currently storing farm equipment and commercial vehicles on surface areas within their properties. Applicant believes that its Property will be much more aesthetically beautiful than the surrounding properties shown in Exhibit C. Further, the County can place appropriate conditions on the CUP, including fencing or screening

requirements, to ensure that any visual impacts will be minimal. However, with or without conditions imposed, Applicant's proposed use will maintain the character, visual appearance, and aesthetic beauty that surrounds the Property.

#### **4. Agriculture.**

Applicant's CUP application is consistent with the following goals related to agriculture:

- G12.01.00: Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.
- G12.04.00: Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses.

Applicant's proposed uses will protect and preserve agricultural lands. Applicant will continue to farm 33 acres of the Property using the existing pivot. Applicant's development of 11 acres will have minimal impact on the overall agriculture industry in Canyon County. Moreover, if Applicant stops using the 11 acres for non-agricultural purposes, it can easily be converted to agricultural use as it will already contain a shop for storage of farm equipment and crops. Thus, Applicant's proposed use will ensure that the Property can still be used for agricultural uses in the future.

Further, Applicant's proposed use of the land is compatible with agricultural use. As discuss above, surrounding agricultural lands already consist of farmlands with large shops. Applicant's proposed use will be no different. The only difference is that Applicant's shop and property will store multi-use equipment in addition to typical farm equipment. This difference is negligible.

Based on the foregoing, it is clear that Applicant's proposed use of the Property is consistent and compatible with the Comprehensive Plan. Importantly, if the County does not believe it is compatible with the Plan, Applicant is willing to discuss conditions of approval that will allow Applicant to use the Property as planned while ensuring compliance with the Plan.

#### **C. Potential Impacts to Property in the Immediate Vicinity and Character of the Area (Canyon County Code 07-07-05(4)).**

Applicant's proposed use will not be "injurious" to other property in the immediate vicinity. The surrounding land uses are agricultural uses and uses incidental to the agricultural use, which includes farming, large shops, equipment parked on surface areas, and semi-trucks transporting goods to and from the farms. The Property's proposed uses will include the same features that already exist nearby: farming a majority of the Property, constructing a large shop for storing materials and equipment, and transporting equipment to various job sites when needed. Applicant will not be performing any manufacturing or construction on the Property. Accordingly, the Property will not create any nuisances or hazards that will cause injury to nearby properties.

Fire and emergency risks at the Property will be no different than nearby surrounding properties. The Property will be subject to fire risks associated with storing construction equipment and materials. Since the Property will not engage in manufacturing or construction work, the fire

risks associated with equipment storage is minimal. These same fire risks already exist at nearby properties that currently store commercial vehicles and farm equipment. Thus, the Property will not produce any additional fire or emergency risks to nearby properties.

Further, the Contractor Shop and Staging Area will occur on the side of the Property immediately adjacent to the interstate. Any noise created by the Property will likely be drowned out by the interstate. Applicant does not believe that the Property will produce any excessive noise that will cause injury to nearby properties.

Additionally, the Contractor Shop and Staging Area will operate during normal business hours (7:00 am to 5:30 pm). As a result, the Property will not produce excess light that will result in injury to nearby properties. Moreover, all lighting at the Property will be downward facing and dark sky compliant.

Applicant's proposed use will not change the character of the area. The proposed use of the Property will be substantially similar to surrounding existing uses. The majority of the Property will continue to consist of agricultural land, supporting the surrounding area's agricultural character. Further, the large shop and equipment parking will fit the character of the area, which consist of similar uses as depicted in **Exhibit C**.

Based on the foregoing, the proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area.

**D. The Proposed Use Will Address Water, Sewer, Irrigation, Drainage, and Stormwater Drainage.**

All necessary facilities and services, including sewer, water, irrigation, drainage, and stormwater drainage will be provided to the Property to accommodate the proposed uses.

Water will be provided to the Property using a well. The well will be constructed on the 11 acres that will be used as a Contractor Shop and Staging Area. The specific location of the well is identified on the Grading and Drainage Plan attached as **Exhibit B**. Applicant intends to construct a pump house next to or over the well. Water from the well will be piped to the bathrooms and breakrooms located in the structures. The well and piping will be designed by Manning Civil, which is a local consulting engineer company specializing in well system development.

Sewer and drainage from the bathroom and breakrooms will be discharged into a septic tank/pump system where effluent will be piped to the proposed drain field. The location of the drain field is identified on **Exhibit B**. The Property will also have a designated replacement field. The drain field and replacement field will be approved by and in accordance with direction from Southwest District Health.

The 11 acres serving as the Contractor Shop and Staging Area will not be irrigated. However, the remaining 33 acres will continue to be irrigated using the existing pivot sprinkler system.

Stormwater will be captured using two storm water collection swales. The location of the swales are identified on **Exhibit B**. The Property will be graded and contoured to direct storm

water into the two swales. The 11 acres will primarily consist of a graveled surface. However, the collection swales are large enough to accommodate asphalt surfacing in the event that Applicant paves all or a portion of the 11 acres. If asphaltting occurs, the water system and storm water collection swales will be sufficient to collect and dispose of storm water.

**E. The Proposed Use Has Legal Access.**

Applicant has legal access to the Property. The Property will be accessed using I-84, Old Highway 30, Goodson Road, and Farmway Road. For the most part, all roads are improved, paved, and capable of accommodating the vehicular use and minimal traffic count that the Property will produce. However, Goodson Road turns into an improved gravel road west of Farmway Road. The improved gravel road is capable of providing direct and emergency ingress and egress to the Property in its current condition.

**F. The Proposed Use Will Not Impact Traffic Patterns.**

The proposed use will not impact traffic patterns. The proposed use will result in ten additional trips per day on the traffic patterns. This is a negligible number of trips that will have little to no impact on traffic patterns. Currently, Goodson Road and Farmway Road are regularly used by nearby agricultural uses. The roads contain agricultural-based traffic, including transportation of tractors and farm equipment, transportation of crops and goods, and regular commuter traffic. In fact, semi-trucks carrying beets regularly use the surrounding roads to carry beets to and from the beet dump located on Galloway Road and Old Highway 30. Thus, such roads are regularly used by personal vehicles, commercial vehicles, and large semi-trucks. The Property's proposed use will consist of similar traffic—personal vehicles, commercial vehicles, and large semi-trucks. The only difference is the vehicles will be transporting multi-use equipment instead of purely agricultural equipment or crops.

Old Highway 30 is currently used as a thoroughfare through the County and provides access to Interstate 84. Semi-trucks, commercial vehicles, and personal vehicles regularly transverse Old Highway 30. In order to use Old Highway 30, Applicant's vehicles will need to turn onto the highway at stop signs located on Farmway Road and Goodson Road. This will not impact traffic patterns on Old Highway 30, as Applicant's vehicles will be required to stop, wait for a break in the traffic, and then turn onto the Highway. By waiting for the traffic patterns to clear before proceeding onto Old Highway 30, Applicant's vehicles will have no impact on the currently existing traffic patterns.

**G. The Proposed Use Will Not Impact Essential Services.**

The proposed use will not impact essential public services and facilities, including schools, police, fire, and EMS services. Access to the Property will comply with all requirements for emergency ingress and egress. The proposed uses will not increase police, fire, or EMS services any more than any other use at that location.

**H. Applicant Will Mitigate Any Meaningful Impacts.**

To the extent that the County believes the proposed use will create meaningful impacts, Applicant is willing to mitigate such impacts in order to reduce any negative consequences.

Applicant deliberately placed the Contractor Shop and Staging Area on the side of the Property adjacent to Interstate 84. By locating the proposed uses next to the interstate, the neighboring properties will have a large 33-acre buffer between the proposed use and their own properties. Further, the interstate noise will drown out any adverse noise created by the proposed use. If anything, the Contractor Shop will act as a screen and reduce interstate noise from reaching surrounding residential properties.

Applicant is willing to discuss any other mitigating factors that the County would like to impose on the conditional use. Applicant desires to be a good neighbor and a positive influence on the surrounding area. As such, Applicant is willing to assist in reducing adverse impacts that its proposed use may create.

### **Contractor Shop Standards**

The Contractor Shop use will be contained within two structures on the Property. The first structure is a 115 foot x 100 foot structure that will be used as an office for deploying Applicant's agricultural and multi-use equipment. The second structure is a 110 foot x 208 foot structure that will be used to store and park equipment and materials. (See **Exhibit A.**) These structures will be located immediately adjacent to Interstate 84 to reduce and mitigate potential impacts to surrounding areas. The structures will act as a visual screen preventing nearby residences from seeing the materials and equipment stored inside.

### **Staging Area Standards**

All construction work will be conducted off-site. Applicant has a construction business that is operated entirely off-site. If Applicant is engaged in a construction project, employees will enter the Property, get necessary construction equipment and materials, then transport the equipment and materials to the off-site construction site for provision of services. No construction activities will occur on the Property after construction of the 115 foot x 100 foot structure. The Property will only be used for parking and storing of equipment and materials.

When employees come to the Property to collect equipment and materials, the employees will park their personal/commercial vehicles on the Property in a parking area located on-site. No parking will occur on Goodson Road or Farmway Road. If an employee needs to load or unload equipment or materials, such loading/unloading will occur on-site. All vehicles and equipment on the Property will remain operable.



PLOTTED BY: BOB CLINE DATE PLOTTED: 10/17/2023 10:35:46 AM PATH: C:\USERS\RACI\DOCUMENTS\BIBERLEBACH PROPERTIES\FARMWAY\PHASE 1 DEVELOPMENT\_2023\ABCOREVISED DESIGN INFO\_10-6-23\231025 - 04 - CG-101\_1 (REVISED WELL LOC).DWG

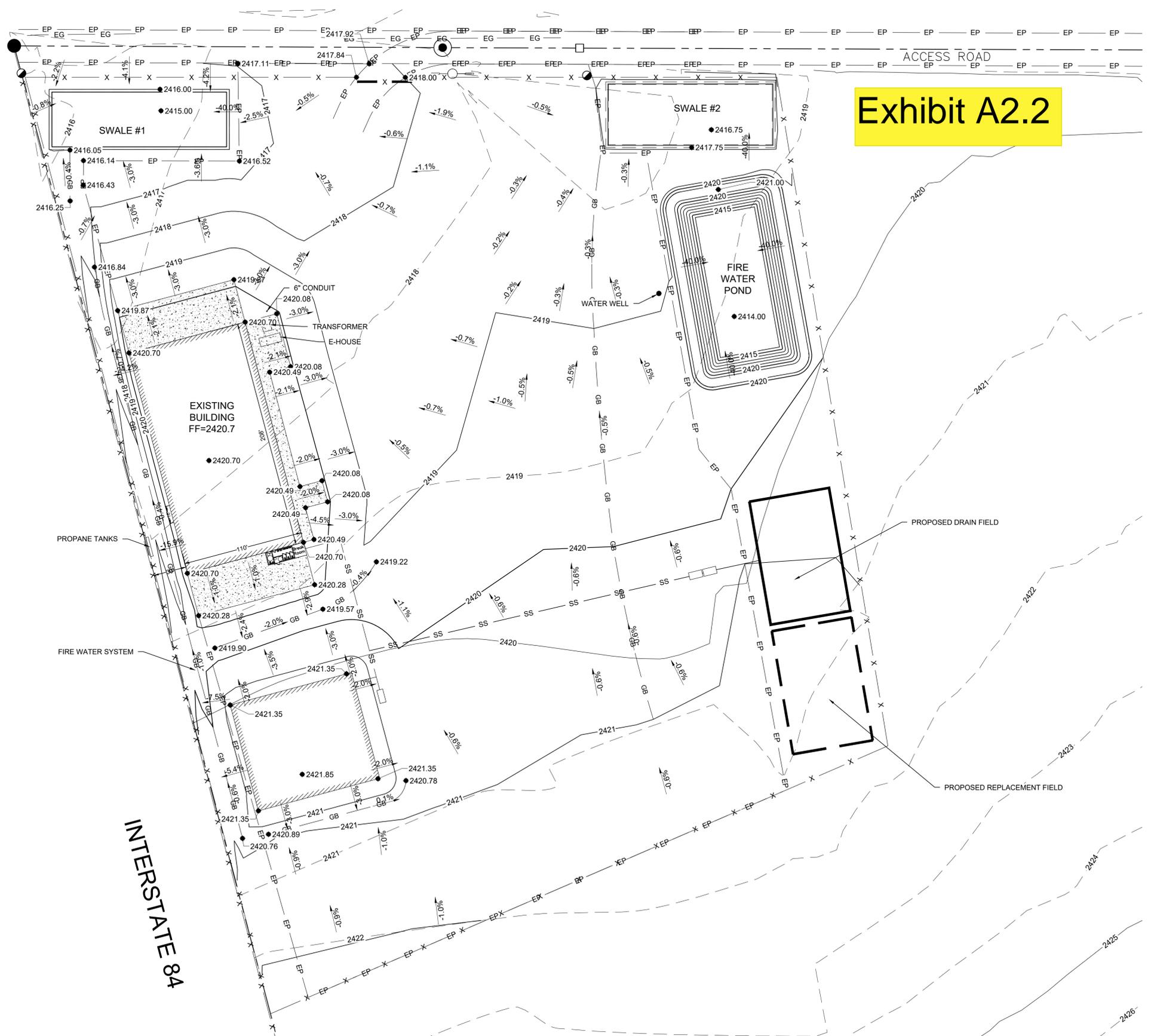


Exhibit A2.2

**CALL BEFORE YOU DIG!**

1. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE LOCATIONS ONLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INFORM ALL UTILITY COMPANIES OF THE CONSTRUCTION SCHEDULE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL DAMAGE WHICH MAY OCCUR BY FAILURE TO EXACTLY LOCATE AND PROTECT ALL UTILITIES.
2. CONTRACTOR SHALL CONTACT DIGLINE 48 HOURS PRIOR TO ANY EARTH DISTURBING ACTIVITIES ON SITE, AND REQUEST LOCATE OF UNDERGROUND UTILITIES.



\*The 811 logo is a registered trademark of the CGA.

**LEGEND**

CENTER LINE	---
EDGE OF PAVEMENT	EP EP
EDGE OF GRAVEL	EG EG
FENCE LINE	X X
OVERHEAD POWER LINE	OHP
PROPERTY LINE	---
SEWER LINE	SS SS
WATER LINE	W W
STORM DRAIN	SD SD
GRADE BREAK	GB GB
ASPHALT PAVEMENT	
CONCRETE	



119 N. Midland Blvd.  
Nampa, Idaho 83651  
Phone (208) 955-8126

GRADING AND DRAINAGE PLAN  
 FARMWAY POWER FACILITY  
 GOODSON RD & FARMWAY RD  
 CANYON COUNTY CALDWELL, IDAHO  
 INDUSTRIAL BUILDERS INC.

NO.	DATE	BY	DESCRIPTION

FILE NUMBER:  
231025

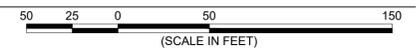
DESIGNED BY:  
A. LYMAN  
DRAWN BY:  
A. KINA  
DATE  
October 2023

SHEET NUMBER:

**CG-101**

**GRADING AND DRAINAGE PLAN**

1:50 (22x34 FULL SIZE)



INTERSTATE 84

## Exhibit A2.3

### **PHOTOS OF EQUIPMENT ON SURROUNDING PROPERTIES**

The photos in this exhibit depict surrounding properties within two square miles of the Property. The photos show the equipment stored and used on such properties, which is consistent with the agricultural zoning. Applicant's proposed use of the Property will be, at a minimum, consistent with the use and appearance of the surrounding properties.

*[Photos on following pages.]*

Google Maps 27200 Old Hwy 30

Caldwell, Idaho

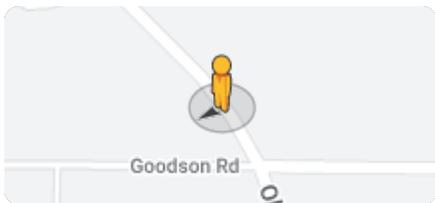
 Google Street View

Sep 2023

[See more dates](#)



Image capture: Sep 2023 © 2023 Google



Google Maps 27260 Old Hwy 30

Caldwell, Idaho

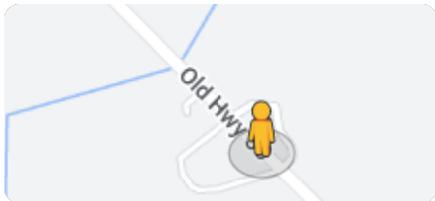
 Google Street View

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Google Maps 27398 Old Hwy 30

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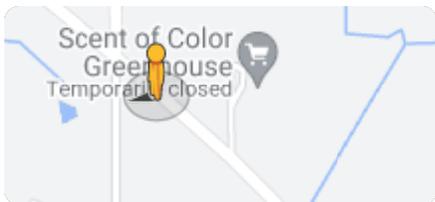
 Google Street View

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Google Maps 27400 Farmway Rd

Caldwell, Idaho

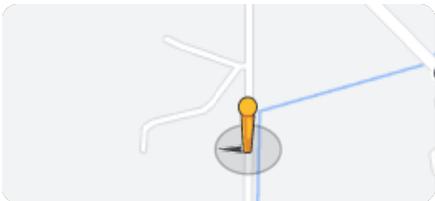
 Google Street View

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Image capture: Sep 2023 © 2023 Google



Google Maps 27444 Farmway Rd

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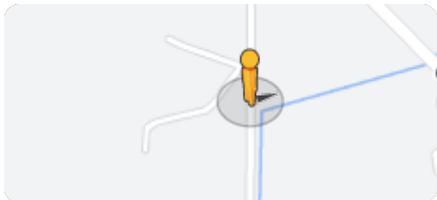
Google Street View

Sep 2023

See more dates



Image capture: Sep 2023 © 2023 Google



Google Maps 27484 Farmway Rd

Caldwell, Idaho

Google Street View

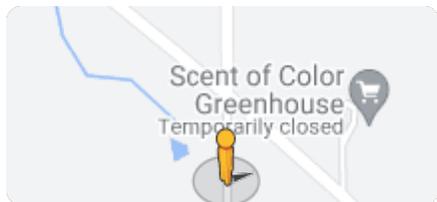
Sep 2023

See more dates



Google

Image capture: Sep 2023 © 2023 Google









This is the beet dump for Amalgamated Sugar

## Exhibit A2.4

### **PHOTOS OF APPLICANT'S MULTI-USE EQUIPMENT**

The photos in this exhibit depict some of Applicant's multi-use equipment. If the CUP is approved, Applicant intends to store this equipment in the shop or the staging area.

*[Photos on following pages.]*















**RESIDENTIAL USES**

**1. NUMBER OF LOTS REQUESTED: NO RESIDENTIAL USES REQUESTED**

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

**2. FIRE SUPPRESSION:**

- Water supply source: \_\_\_\_\_

**3. INCLUDED IN YOUR PROPOSED PLAN?**

- Sidewalks     Curbs     Gutters     Street Lights     None

**NON-RESIDENTIAL USES**

**1. SPECIFIC USE:** Contractor Shop, Staging Area

**2. DAYS AND HOURS OF OPERATION:**

- Monday    7:00 a.m. to 5:30 p.m.  
 Tuesday    7:00 a.m. to 5:30 p.m.  
 Wednesday    7:00 a.m. to 5:30 p.m.  
 Thursday    7:00 a.m. to 5:30 p.m.  
 Friday    7:00 a.m. to 5:30 p.m.  
 Saturday    Optional Work Day: 7:00 a.m. to 5:30 p.m.  
 Sunday    \_\_\_\_\_ to \_\_\_\_\_

**3. WILL YOU HAVE EMPLOYEES?**     Yes    If so, how many? 10-15     No

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

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

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

**5. PARKING AND LOADING:**

How many parking spaces? The Property will have large surface areas available for parking, but will not have paved, designated parking spaces. The parking area will accommodate all employees.

Is there is a loading or unloading area? No designated loading or unloading area. Materials and equipment will be loaded or unloaded using a forklift or crane at the location that the materials or equipment are stored.

**ANIMAL CARE-RELATED USES**

**1. MAXIMUM NUMBER OF ANIMALS:**  N/A

**2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?**

- Building     Kennel     Individual Housing     Other \_\_\_\_\_

**3. HOW DO YOU PROPOSE TO MITIGATE NOISE?**

- Building     Enclosure     Barrier/Berm     Bark Collars

**4. ANIMAL WASTE DISPOSAL**

- Individual Domestic Septic System     Animal Waste Only Septic System  
 Other: \_\_\_\_\_

Exhibit A4

**NEIGHBORHOOD MEETING**

# Marks Land Surveying, LLC

2995 N. Cole Road Ste. 240, Boise, ID 83704

Ph: (208) 378-7703

email: [cmarks@markslandsurveying.com](mailto:cmarks@markslandsurveying.com)

September 26, 2023

RE: NEIGHBORHOOD MEETING  
MEETING DATE: Monday, October 23, 2023  
MEETING TIME: 6:00 P.M.  
MEETING LOCATION: CORNER OF GOODSON ROAD & FARMWAY ROAD

To Whom it may Concern,

This letter is in regard to a scheduled October 10, 2023 neighborhood meeting, which you were invited to attend. My office mis-entered the date of meeting as October 11, 2023. We received an email from the Planning & Zoning Department informing us that no one had shown up to conduct the meeting. Please accept my sincere apology for the mix-up on October 10, 2023. We are hereby re-scheduling the missed neighborhood meeting to the date shown above.

Erlebach Properties, LP is the owner of the parcel R37900500000 at the southwest corner of Goodson Road & Farmway Road.

Erlebach Properties, LP is seeking a conditional use permit for Parcel A as shown on the attached Property Line Adjustment Map. The conditional use permit requests a construction shop and a contractor storage area for Parcel A.

Canyon County Planning and Zoning department requires that neighbors within 600 feet of subject property be notified of this Rezone.

If you have any questions or need additional information, please contact our office.

Best regards,



Colleen Marks, LS



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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
Postage	\$0.66	
<b>Total Postage and Fees</b>	<b>\$5.01</b>	

Sent To: Lammey Properties, LLC  
 Street and Apt. No., or PO Box No. 15575 Sand Hollow Rd.  
 City, State, ZIP+4® Caldwell, ID 83607

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

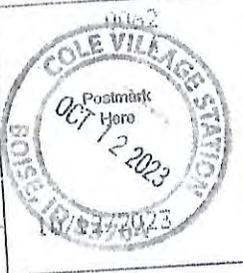
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Sent To: Peter & Yelena SKlyarov  
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Sent To: William Geiger  
 Street and Apt. No., or PO Box No. 16014 Goodson Rd.  
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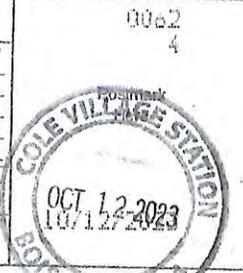
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Sent To: Terrel McHenry  
 Street and Apt. No., or PO Box No. 16500 Goodson Rd.  
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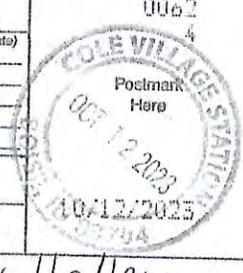
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 Street and Apt. No., or PO Box No. 16491 Goodson Rd.  
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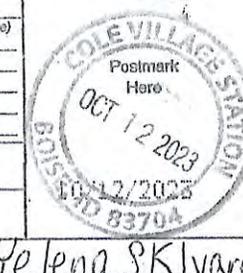
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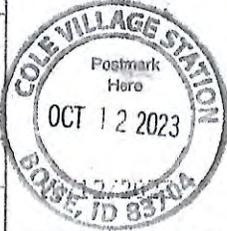
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Sent To: Paul & Sharron Braun  
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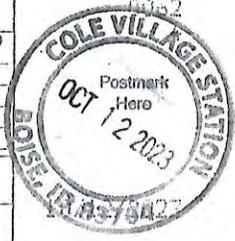
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Sent To: Maria Robles  
 Street and Apt. No., or PO Box No.: 12347 S. Brunswick Way  
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Sent To: Emery Brandel Trustee  
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Sent To: Maria Robles  
 Street and Apt. No., or PO Box No.: 15825 Goodson Rd.  
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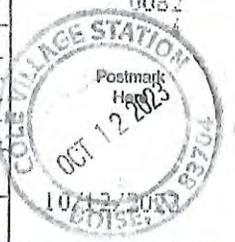
New Baltimore, MD 48047

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Sent To: Gary Dyer Trustee  
 Street and Apt. No., or PO Box No.: 50114 Vinecrest Lane  
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Certified Mail Fee	\$4.35	0062
Extra Services & Fees (check box, add fee as appropriate)		
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	

Sent To: Jeff Ransom  
 Street and Apt. No., or PO Box No.: 16480 Goodson Rd.  
 City, State, ZIP+4®: Caldwell, ID 83607

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7021 0350 0000 1192 2951

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 Domestic Mail Only

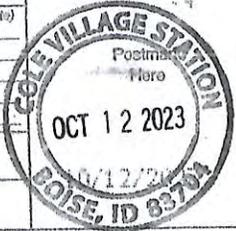
For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Caldwell, ID 83607

Certified Mail Fee	\$4.35	0062
Extra Services & Fees (check box, add fee as appropriate)		
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Postage	\$0.66	
Total Postage and Fees	\$5.01	

Sent To: Karl & MaryKay Herger  
 Street and Apt. No., or PO Box No.: 26688 Farmway Rd.  
 City, State, ZIP+4®: Caldwell, ID 83607

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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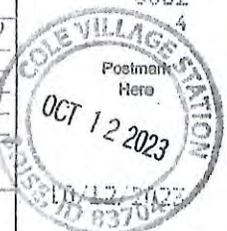
For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Caldwell, ID 83607

Certified Mail Fee	\$4.35	0062
Extra Services & Fees (check box, add fee as appropriate)		
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Total Postage and Fees	\$5.01	

Sent To: Jason Degitz  
 Street and Apt. No., or PO Box No.: 27897 Old Hwy 30  
 City, State, ZIP+4®: Caldwell, ID 83607

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7021 0350 0000 1192 2760

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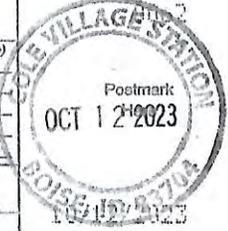
For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Caldwell, ID 83607

Certified Mail Fee	\$4.35	0062
Extra Services & Fees (check box, add fee as appropriate)		
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
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Postage	\$0.66	
Total Postage and Fees	\$5.01	

Sent To: Jacqueline Fahsholtz  
 Street and Apt. No., or PO Box No.: 26911 Farway Rd.  
 City, State, ZIP+4®: Caldwell, ID 83607

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7021 0350 0000 1192 2814

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Middleton, ID 83644

Certified Mail Fee	\$4.35	0062
Extra Services & Fees (check box, add fee as appropriate)		
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	

Sent To: Jason Degitz  
 Street and Apt. No., or PO Box No.: P.O. Box 1058  
 City, State, ZIP+4®: Middleton, ID 83644

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

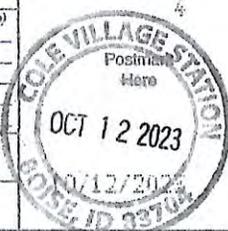
For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Star, ID 83669

Certified Mail Fee	\$4.35	0062
Extra Services & Fees (check box, add fee as appropriate)		
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
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Postage	\$0.66	
Total Postage and Fees	\$5.01	

Sent To: Timothy Vanzant  
 Street and Apt. No., or PO Box No.: 305 N. Mullen Place  
 City, State, ZIP+4®: Star, ID 83669

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



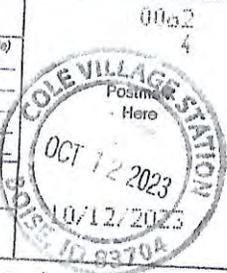
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Caldwell, ID 83607  
PROFICIAL USE

Certified Mail Fee	\$ 4.35
Extra Services & Fees (check box, add fee to certified mail fee)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00
Postage	\$ 0.66
Total Postage and Fees	\$ 5.01



Sent To  
 Direct and Apt. No., or PO Box No.  
 City, State, ZIP+4®  
 Larry & Katherine Green  
 27265 Farmway Rd  
 Caldwell, ID 83607

ERLEBACH REZONE  
NEIGHBOR MEETING LIST  
09-20-2023

1

~~JEFF RANSOM  
16480 GOODSON ROAD  
CALDWELL, ID 83607~~

2

~~JASON DEGITZ  
27897 OLD HWY 30  
CALDWELL, ID 83607~~

2

~~JASON DEGITZ  
P.O. BOX 1058  
MIDDLETON, ID 83644~~

3

~~LARRY & KATHERINE GREEN  
27265 FARMWAY ROAD  
CALDWELL, ID 83607~~

4

~~WILLIAM GEIGER  
16014 GOODSON ROAD  
CALDWELL, ID 83607~~

5

~~PETR & YELENA SKLYAROV  
27068 FARMWAY ROAD  
CALDWELL, ID 83607~~

5

~~PETR & YELENA SKLYAROV  
3133 S. CANYON STREET  
NAMPA, ID 83686~~

6

~~JACQUELINE FAHSHOLTZ  
26911 FARMWAY ROAD  
CALDWELL, ID 83607~~

7

~~TIMOTHY VANZANT  
305 N. HULLEN PLACE  
STAR, ID 83669~~

8 & 9

~~STEVEN & JULIE BAILEY  
26755 FARMWAY ROAD  
CALDWELL, ID 83607~~

10

~~KARL & MARYKAY HERGER  
26688 FARMWAY ROAD  
CALDWELL, ID 83607~~

11

~~GARY DYER TRUSTEE  
50114 VINECREST LANE  
CHESTERFIELD, MI 48047~~

12

~~EMERY BRANDEL TRUSTEE  
14903 HILLSIDE DRIVE  
CALDWELL, ID 83607-7655~~

13

~~PAUL & SHARRON BRAUN  
26101 FARMWAY ROAD  
CALDWELL, ID 83607~~

14

~~LAMMEY PROPERTIES, LLC  
15575 SAND HOLLOW ROAD  
CALDWELL, ID 83607~~

15

~~DONALD & ASHLEY HELLER  
16491 GOODSON ROAD  
CALDWELL, ID 83607~~

16

~~TERREL MCHENRY  
16500 GOODSON ROAD  
CALDWELL, ID 83607~~

17

~~HWY 84  
NO ADDRESS~~

18

~~ERLEBACH PROPERTIES LP  
1711 SLIPSTREAM WAY  
CALDWELL, ID 83605~~

19

~~MARIA ROBLES  
15825 GOODSON ROAD  
CALDWELL, ID 83607  
MARIA ROBLES  
12347 S. BRUNSWICK WAY  
NAMPA, ID 83686~~

# NEIGHBORHOOD MEETING SIGN-UP

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov) Phone: 208-454-7458 Fax: 208-454-6633



### NEIGHBORHOOD MEETING SIGN UP SHEET CANYON COUNTY ZONING ORDINANCE §07-01-15

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

#### SITE INFORMATION

Site Address: <u>FARMWAY &amp; GOODSON</u>	Parcel Number:	
City: <u>CALDWELL, IDAHO</u>	State: <u>IDAHO</u>	ZIP Code: <u>83607</u>
Notices Mailed Date: <u>9/26/2023</u>	Number of Acres: <u>46</u>	Current Zoning: <u>A4</u>
Description of the Request: <u>CUP</u>		

#### APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: <u>DAVE C. EDLEBACH</u>		
Company Name: <u>EDLEBACH PROPERTIES</u>		
Current address: <u>17090 NAMP, IDAHO</u>		
City: <u>NAMP</u>	State: <u>ID</u>	ZIP Code: <u>83687</u>
Phone: [REDACTED]	Cell: [REDACTED]	Fax:
Email:		

#### MEETING INFORMATION

DATE OF MEETING: <u>10/23/23</u>	MEETING LOCATION: <u>GOODSON &amp; FARMWAY</u>
MEETING START TIME: <u>6:00</u>	MEETING END TIME:

#### ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. <u>DOUG BRANDEL</u>	<u>Doug Brandel</u>	<u>14903 Hillside Dr. Caldwell</u>
2. <u>Steve Bailey</u>	<u>Steve Bailey</u>	<u>20755 Farmway Rd Caldwell</u>
3. <u>Terrel McHenry</u>	<u>Terrel McHenry</u>	<u>11500 Goodson Rd.</u>
4. <u>Tim Van Zant</u>	<u>Tim Van Zant</u>	<u>Farm land across Farmway</u>
5. <u>Karl Hergen</u>	<u>Karl Hergen</u>	<u>Farmway</u>
6. <u>Jacque Fahsholtz</u>	<u>Jacque Fahsholtz</u>	<u>21691 Farmway Rd</u>
7. <u>MaryKay Hergen</u>	<u>MaryKay Hergen</u>	<u>26688 Farmway</u>
8. <u>Natalie W.</u>	<u>Natalie W.</u>	<u>26622 Farmway Dr.</u>
9. <u>Pam Freeman</u>	<u>Pam Freeman</u>	<u>27406 Farmway Rd</u>

10.
11.

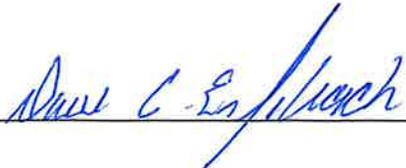
12.
13.
14.
15.
16.
17.
18.
19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

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

APPLICANT/REPRESENTATIVE (Please print):

DAVE C. ERLEBACH

APPLICANT/REPRESENTATIVE (Signature): 

DATE: 10 / 23 / 2023

Exhibit A5

**AGENCY ACKNOWLEDGEMENTS**



## AGENCY ACKNOWLEDGMENT

Date: 10/21/23  
Applicant: ERLEBACH INVESTMENTS LLC  
Parcel Number: R 37904010, R37905, R 37905010  
Site Address: \_\_\_\_\_

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

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

#### Southwest District Health:

Applicant submitted/met for informal review.

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

#### Fire District:

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

Applicant submitted/met for informal review.

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

#### Highway District:

District: HD4

Applicant submitted/met for informal review.

Date: 10/11/23 Signed: \_\_\_\_\_  
Authorized Highway District Representative  
(This signature does not guarantee project or permit approval) SEE RECORDS COMMENTS, DATED 6/5/23

#### Irrigation District:

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

Applicant submitted/met for informal review.

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

#### Area of City Impact

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

Applicant submitted/met for informal review.

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



June 5, 2023

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

**RE: CR2023-0007 Erlebach Investments, LP  
Conditional Rezone to M-1 Light Industrial  
Canyon County Parcels R37904010, R37905, R37905011 aka 0 Goodson Rd**

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for a conditional rezone of the above described parcels from Agricultural to M-1 Light Industrial to develop and operate a manufacturing facility for mobile generator enclosures. The subject property is located near the southwest corner of Goodson Rd and Farmway Rd in the NE ¼ Section 20 T5N R3W. CHD4 offers the following comments on the proposed use:

**General**

The subject property consists of three parcels, totaling approximately 44 acres. Parcel R37905, approximately 38.4 acres has no direct public road frontage. Parcel R37905011, approximately 3 acres, has a flag lot extension to Farmway Rd ¼ mile south of Goodson Rd. Parcel R37904010 has approximately 590-feet of frontage on Farmway Rd along the easterly boundary. The property has historically been in agricultural use.

Farmway Rd adjacent to the subject property is a local road classification as identified on the functional classification maps adopted by Canyon Co and CHD4. Existing r/w width is a 25-foot half width prescriptive right-of-way, measured from the existing road centerline. Ultimate r/w width for a local road is a 30-foot half width, measured from the section line. Goodson Rd currently terminates at Farmway Rd, and is classified as a principal arterial. Ultimate right-of-way width for a principal arterial is 50-foot half-width, measured from the section line. The long range functional classification maps adopted by CHD4 and Canyon County show Goodson extending west of Farmway Rd as a future arterial, with potential for a connection to I-84. Future interchange locations along I-84 between SH 44 (Exit 25) and Oasis Rd (Exit 17) are currently under study by CHD4 and ITD. Final interchange locations are not anticipated to be determined within the next 3 years, but the Goodson Rd alignment has long been considered as a favorable location for a future interchange.

**Access**

Access for the current agricultural use has been via a private road along the north boundary of the subject property extending west from Farmway Rd.

The applicants, Erlebach Properties, LP requested and were granted an access permit to serve “agricultural uses” on the subject property in February 2022, for construction of a large fabric

structure on Parcel R37905. As of this date, the permit requirement to construct a paved approach onto Farmway Rd (Commercial Approach per ACCHD SD-106) has not been completed.

A separate access permit from CHD4 is required for the change in use to M-1 Light Industrial. This application should be made following approval of the rezone by Canyon County.

**Transportation Impacts**

The rezone request indicates the applicants desire to develop a manufacturing facility on the subject property for construction of generator enclosures. Based on information provided, the facility would full time, with approximately full-time 60 employees and several daily deliveries/exports from the site. The site plan included with the application indicates ultimate construction of a 60,500 sf fabrication building, a 22,400 sf storage building, and a 15,000 sf paint shed (77,900 sf total).

The traffic impacts from the proposed use may be estimated using the ITE Trip Generation Manual (11<sup>th</sup> Edition), where several land use categories may describe the proposed use:

Use	ITE Code	Units	# of Units Proposed	PM Peak Trips	Daily Trips
General Light Industrial	110	Per 1,000 SF	77,900 sf	62	379
General Light Industrial	110	Employees	60	41	186
Manufacturing	140	Per 1,000 sf	77,900 sf	62	370
Manufacturing	140	Employees	60	24	151

The estimated peak hour and daily trip generation from these ITE uses does not vary significantly between the two general use categories (General Light Industrial vs. Manufacturing), and both estimate the proposed use would generate a similar volume of traffic as a 60-lot residential subdivision.

The estimated peak hour trips from the development are not anticipated to materially impact the adjacent intersection of Goodson Rd and Farmway Rd due to its very low background volume. The intersection of Goodson Rd and Old Hwy 30 is anticipated to operate at LOS B (approximately 16 sec delay per vehicle) during the PM peak hour under current background conditions with the additional site traffic. Additional delay from the new trips generated by the development are expected at all intersections along the Old Hwy 30 corridor, including Galloway, Purple Sage, Willis, and SH 44.

Canyon County Ordinance 22-014 (July 21, 2022) established transportation impact fees to fund improvements to the highway system made necessary from new growth and development within the Mid-Star Service Area, which includes the subject property. The adopted impact fee schedule provides the following impact fees for uses similar to the applicant’s request:

- Light Industrial (110):** 0.315 peak hour trips/1,000 sf = \$3,214 per 1,000 sf of gross floor area
- Manufacturing (140):** 0.335 peak hour trips/1,000 sf = \$3,418 per 1,000 sf of gross floor area

The following preliminary estimate of transportation impact fees assessed for the change in use under Canyon County Ordinance 2022-0014 is provided for reference. A final impact fee assessment will be determined at the time of access permit issuance.

**Change in Land Use:** New Light Industrial Manufacturing Facility  
60 new employees, approximately 77,900 sf gross floor area

**Impact Fee Assessment Category: ITE Code 110 Light Industrial**

Units:	per 1,000 sf of Gross Floor Area
# of Units:	77.9 x 1,000 sf (estimated from simple site plan)
Unit Impact Fee:	\$3,214 per 1,000 sf
Total Impact Fee:	77.9 x \$3,214 = \$250,370

**Right-of-Way Dedication-**

No adjacent CIP Projects	
CIP Right-of-Way Credit:	\$0

**System Frontage Improvements Credit**

None Required	\$0
---------------	-----

**Offsite System Improvements Credit**

None Required	\$0
---------------	-----

**Total Estimated Impact Fee: \$250,370**

For comparative purposes, this is equivalent to the total impact fees for a 50-lot residential development. A final determination of the impact fee assessment will be made upon receipt of an access permit application for the change in use. Please see the CHD4 website at [www.canyonhd4.org/impact-fees](http://www.canyonhd4.org/impact-fees) for additional information on this program.

CHD4 does not oppose the requested land use changes, but requests that the Planning & Zoning Commission and Canyon County Commissioners consider these comments, and make any conditional approval of the applicant's request subject to the requirements listed above.

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

Respectfully,



Chris Hopper, P.E.  
District Engineer

File: Goodson Rd- CR2023-0007 Erlebach Properties Industrial Rezone



## AGENCY ACKNOWLEDGMENT

Date: October 19th, 2023

Applicant: Dave Erlebach

Parcel Number: R379040100, R379050000, R379050110

Site Address: SW Side of Farmway and Goodson Road Intersection

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

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

**Southwest District Health:**

Applicant submitted/met for informal review.

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

**Fire District:**

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

Applicant submitted/met for informal review.

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

**Highway District:**

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

Applicant submitted/met for informal review.

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

**Irrigation District:**

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

Applicant submitted/met for informal review.

Date: October 19th, 2023 Signed:  Don Popoff, District Engineer  
Authorized Irrigation Representative  
(This signature does not guarantee project or permit approval)

**Area of City Impact**

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

Applicant submitted/met for informal review.

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

## BCID SUB23-12 Industrial Builders Facility



Nick Sparacino <nsparacino@rh2.com>

To: Bob Cline

Cc: Don Popoff; Dave Erlebach; Landon Brown



**\* NOTICE: EXTERNAL EMAIL \***

Hello Bob,

I am responding to your request for Black Canyon Irrigation District to sign your Canyon County agency acknowledgment form as well as provide preliminary comments to the accompanying site plan provided. Attached you will find the signed agency acknowledgement form as you requested. All comments that were provided to Samantha Hammond with the County on May 15<sup>th</sup>, 2023, are still applicable to the new site layout that was provided. Once a new agency response notice is provided from the County, we will respond accordingly. Attached is the letter detailing the comments that were sent on this previous date.

Please let me know if you have any questions.

Thanks,

Nick



### Nick Sparacino

Staff Engineer | RH2 Engineering, Inc.

16150 N. High Desert Street, STE 201

Nampa, ID 83687

O: 208.874.4107

[nsparacino@rh2.com](mailto:nsparacino@rh2.com)

[www.rh2.com](http://www.rh2.com)

# BLACK CANYON IRRIGATION DISTRICT

May 15, 2023

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

NOTUS, IDAHO

RE: Conditional Rezone. Parcel R37904010, R37905, R37905011  
Case No. CR2022-0025  
Applicant: Erlebach Investment, LP  
Planner: Samantha Hammond

The property is located at Goodson Rd and Farmway Road

The Black Canyon Irrigation District (District) has the following initial comments regarding this proposed land use change.

### Site Specific Comments:

1. The requested rezoned properties have irrigation water rights attached to them from the Black Canyon Irrigation District. The change of use will most likely require some water to be moved off this property (as a portion of the property will not be irrigable). The water will need to be moved to another property within the District by the owner or the water will be moved back into the District's possession. Prior to final platting of the site (assuming that the site will be re-platted) water will need to be reallocated as discussed with the applicant. (Exact breakouts and site plan are still being pursued at the time of this correspondence.)
2. No specific District infrastructure appears to be on or adjacent to these parcels.
3. Private easements showing a pathway for water to each parcel will be required to be reviewed by the District during construction drawing review.

### General District Comments (for all developments):

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

The District will require any laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons.

Runoff and drainage from any proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

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

Thank You,

*Donald Popoff*

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

## Landon Brown

---

**From:** Bob Cline <bob@ib-usa.com>  
**Sent:** Tuesday, October 17, 2023 3:55 PM  
**To:** vislas@starfirerescue.org  
**Cc:** Landon Brown; Dave Erlebach  
**Subject:** FW: Preliminary Review Comments and Agency Acknowledgement Request - Middleton-Star Fire District  
**Attachments:** Agency Acknowledgement Form.PDF; Site Plan.PDF

\* NOTICE: EXTERNAL EMAIL \*

---

Hi Victor,

Per our discussion and for ease of reference, the email below, which included the attached agency acknowledgement and site plan, are being sent again. It would be very much appreciated if you could fill out and return the acknowledgement showing the notification was provided. Also, if you would like to provide preliminary comments, they would certainly be welcome, but are not required at this time.

Thank you in advance for your help.

Best Regards,  
Bob Cline

C: 208.870.9853

---

**From:** Bob Cline  
**Sent:** Monday, October 9, 2023 4:44 PM  
**To:** vislas@starfirerescue.org  
**Cc:** Dave Erlebach <dave@ib-usa.com>; Landon Brown <lbrown@hawleytroxell.com>  
**Subject:** Preliminary Review Comments and Agency Acknowledgement Request - Middleton-Star Fire District

Dear Victor:

Erlebach Investments, LP, is submitting a conditional use permit application to Canyon County to use property located at the SW corner of Goodson Road and Farmway Road (Parcel Nos. R379040100, R379050000, R379050110) for a construction shop, office, and laydown yard. Attached is a Site Plan of the proposed use. You will be given an opportunity to provide comments to the County as part of the application process. However, at this time, we are requesting your preliminary review and any preliminary comments that would assist us and the County with the application process. You are not required to provide preliminary comments, but we are required to seek your comments in order to apply for the CUP.

Please respond to this email with your preliminary comments. In lieu of providing comments, you may sign the attached Agency Acknowledgement form and return to me.

Best Regards,

Bob Cline  
Industrial Builders Inc.

Mobile: (208) 870-9853

[EXT] Pre-Development Meeting



Anthony Lee <Anthony.Lee@phd3.idaho.gov>  
To: Bob Cline  
Cc: Andrew Kina

Hi Bob,

On 10/17/2023, SWDH held a Pre-Development Meeting with applicant Bob Cline with Industrial Builders, and Andrew Kina, P.E. with ABCO Engineering to discuss the proposed project for a construction shop.

Thank you,



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

**Anthony Lee, BS/REHS | Land Development Senior | Southwest District Health**  
13307 Miami Lane | Caldwell ID 83607 | ph: 208.455.5384 | cell: 208.899.1285  
[Anthony.Lee@phd3.idaho.gov](mailto:Anthony.Lee@phd3.idaho.gov) | *Healthier Together* | [www.swdh.org](http://www.swdh.org)



**CAUTION:** This email originated from outside of Industrial Builders. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, verify with the sender by phone.

**DEED**

Exhibit A6

DEED

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

**2023-035613**  
RECORDED  
**11/03/2023 03:01 PM**  
CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pgs=2 JWINSLOW \$15.00  
TYPE: DEED  
PIONEER TITLE CANYON - CALDWELL  
ELECTRONICALLY RECORDED

Accommodation

### QUITCLAIM DEED

For Value Received

Erlebach Properties, L.P. an Idaho Limited Partnership , Grantor  
do hereby convey, release, remise and forever quit claim unto

Erlebach Properties, L.P. an Idaho Limited Partnership , Grantee  
whose address is 17080 Stiehl Creek Dr. Nampa, ID 83687

the following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

together with their appurtenances.

Dated: 10/27/2023

Dave C. Erlebach  
Dave C. Erlebach, Manager

State of Idaho, County of Ada

This record was acknowledged before me on Oct 27, 2023 by Dave C. Erlebach, as Manager of Erlebach Properties, L.P., an Idaho Limited Partnership.

Evelyn Baker  
Signature of notary public  
Commission Expires: July 26, 2029

EVELYN BAKER  
Notary Public - State of Idaho  
Commission Number 20170166  
My Commission Expires Jul 26, 2029

**EXHIBIT A**

Parcel A

A parcel of land lying in a portion of the N1/2 NE1/4 of Section 20, T.5N., R.3W., Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Commencing at a found Brass Cap lying along the centerline intersection of Farmway Road and Goodson Road and marking the NE Corner of said Section 20, T.5N., R.3W., Boise Meridian, Canyon County, Idaho; thence S.00°02'24"E. 708.40 feet along the said centerline of Farmway Road and the east boundary of the said N1/2 NE1/4 of Section 20 to a point, said point being witnessed by a found 5/8" iron pin which bears S.89°57'36"W. 25.13 feet, said point also marking the REAL POINT OF BEGINNING;

thence continuing along the said centerline of Farmway Road and the said east boundary of the N1/2 NE1/4 of Section 20, S.00°02'24"E. 143.30 feet to a point, said point being witnessed by a set 1/2" iron pin which bears N.89°48'42"W. 25.00 feet;

thence leaving the said centerline of Farmway Road and the said east boundary of the N1/2 NE1/4 of Section 20, N.89°48'42"W. 185.13 feet to a set 1/2" iron pin;

thence S.00°02'24"E. 470.00 feet to a set 1/2" iron pin lying along the south boundary of the said N1/2 NE1/4 of Section 20;

thence along the said south boundary of the N1/2 NE1/4 of Section 20, N.89°48'42"W. 1181.81 feet to a set 1/2" iron pin lying along the easterly right of way of Interstate 84;

thence along the said easterly right of way of Interstate 84, N.14°52'37"W. 1369.09 feet to a set 5/8" iron pin lying along the northerly boundary of the said N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road;

thence along the said northerly boundary of the N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road, S.89°46'01"E. 392.42 feet to a found 1" iron pin marking the E1/16 Corner common to Section 17 and said Section 20;

thence continuing along the said northerly boundary of the N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road, S.89°48'36"E. 768.66 feet to a point, said point being witnessed by a set 1/2" iron pin which bears S.00°11'24"W. 25.00 feet;

thence leaving the said northerly boundary of the N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road, S.00°11'24"W. 326.68 feet to a set 5/8" iron pin;

thence S.89°48'36"E. 332.71 feet to a found 5/8" iron pin;

thence S.24°58'37"E. 132.01 feet to a set 1/2" iron pin;

thence S.28°47'27"E. 299.89 feet to a found 5/8" iron pin;

thence N.89°57'36"E. 25.13 feet to the point of beginning, containing 39.49 acres, more or less.

SUBJECT TO AND/OR TOGETHER WITH:  
Any easements or rights of way of record or in use.



**Emily Bunn**

---

**From:** Dave Erlebach <dave@ib-usa.com>  
**Sent:** Thursday, January 9, 2025 9:20 AM  
**To:** Emily Bunn  
**Cc:** todd@borton-lakey.com; Carl Anderson  
**Subject:** Re: [EXT] RE: [EXT] RE: [EXT] RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

That makes sense. The 11 acres is all we need for our contractor and farming lay down area.  
Sent from my iPhone

On Jan 9, 2025, at 9:12 AM, Emily Bunn <Emily.Bunn@canyoncounty.id.gov> wrote:

Hello,

If CU2023-0024 is approved, the staging area and contractor shop will likely be conditioned to the letter of intent and site plan that was proposed (showing only 11-acres of the property being used for the staging area and contractor shop with the remainder left to be used for agricultural uses). If the application is approved and in the future you are wanting to expand you staging area/contractor shop operation to include more of Parcel R37905 or Parcel R37904010, then the conditional use permit would need to be amended to include those areas in the CUP.

I mainly trying to verify the area that is part of the operation and to ensure Canyon County is providing sufficient notice for the project. If approved, there would be no staging area/contractor shop operations allowed via a CUP on Parcel R37904010 as it has not been proposed in the site plan as an area where staging area and contractor shop operations will take place.

Whether Parcel R37904010 is included in the application or not, it is not shown in the site plan, and therefore this subject application does not allow for a staging area/contractor shop on Parcel R37904010

Please let me know if you have any questions,  
<image002.png>

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

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---

**From:** Dave Erlebach <dave@ib-usa.com>

**Sent:** Monday, January 6, 2025 3:33 PM

**To:** Emily Bunn <Emily.Bunn@canyoncounty.id.gov>

**Cc:** 'todd@borton-laakey.com' <todd@borton-laakey.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>

**Subject:** RE: [EXT] RE: [EXT] RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Emily, I will need some help from you and your team to answer that question but first let me provide some history on our application process to understand why I would like your input.

1. Before purchasing the property, we meant with County. The property was listed by the realtor as development property. Not being a developer, we made a trip to the county. The property was zoned Agriculture and we really thought we wanted and needed a light Industrial zoning. We own both an Agricultural Company called Intrinsic Organics and a construction company call Industrial Builders Inc. Obviously if we zoned if for light industrial and wanted to keep it in farm ground that would not be an issue.
2. After meeting with two planners (I won't mention any names) they gave us a positive feed back and suggested it would be feasible to get it rezoned from Agriculture to Light Industrial.
3. We purchased the property and started the process to get it rezoned. We filled out the application, held our onsite neighborhood meeting, meet with all the agencies and got letters to check off all the requirements etc. all with positive feedback and submitted the rezone application as directed.
4. About (7) months into the process Dan Lister and Sabrina Minshall got a hold of our application and scheduled a meeting with us. They informed us there was no way a rezone would every be approved. After better explaining their reasoning and the current zoning status and the new comprehensive plan, they felt like we would be wasting our time and money. After reviewing our rezone application and trying to understand what we were trying to accomplish and reviewing the comprehensive plan with us and reviewing existing uses in the area, they strongly believed we would qualify for a conditional use permit and suggested we resubmit our application.
5. Already (7) months into the process, we were worried about starting the process over but they believed we would be able to get in line at the same spot we left off in the rezone process. We decided to proceed with the suggested change in applications.
6. This time we hired a law firm to help us through the process, had our third neighborhood meeting (three because our surveyor putting out the dates got them mixed up and we unfortunately had a no show), this time with a hostile group of neighbors and resubmitted our application for a CUP. We reviewed the application with the county and the CUP application checked all the boxes and met all County requirements for the area.
7. Three different planners and almost (3) years into the process here is where we are.

We do not see needing any additional area for both our farming and construction operations than the parcel next to the freeway. However, if we can still meet all the requirements and include both parcels but still leave the one parcel in farm ground and if we eventually needed

the second parcel for additional laydown area and would not have to go through this very painful process again, then I would say include it. However, on the other hand if including it gives us an unfavorable staff report, then I would say leave it off. We just want to pursue the best possible submittal that gives us the CUP we now desire.

Sorry for the long response but would like to understand your thoughts.

---

**From:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>  
**Sent:** Monday, January 6, 2025 12:01 PM  
**To:** Dave Erlebach <[dave@ib-usa.com](mailto:dave@ib-usa.com)>  
**Cc:** 'todd@borton-lakey.com' <[todd@borton-lakey.com](mailto:todd@borton-lakey.com)>; Carl Anderson <[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>  
**Subject:** [EXT] RE: [EXT] RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Hello,

Before I forget, are you want to include Parcel R37904010 in the CUP application? I ask because it is not part of the 11-acre area you are proposing the staging area and contractor shop in and will be apart of the farm field instead. Both parcel Parcel R37905 and R37904010 are included in the master application and letter of intent, which is why I am asking.

<image003.png>

Please let me know if you have any questions,

<image002.png>

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

Development Services Department (DSD)  
NEW public office hours  
Effective Jan. 3, 2023  
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Wednesday  
1pm – 5pm  
\*\*We will not be closed during lunch hour \*\*

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---

**From:** Emily Bunn  
**Sent:** Monday, January 6, 2025 10:54 AM  
**To:** 'Dave Erlebach' <[dave@ib-usa.com](mailto:dave@ib-usa.com)>  
**Cc:** [todd@borton-lakey.com](mailto:todd@borton-lakey.com); Carl Anderson <[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>  
**Subject:** RE: [EXT] RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Hello,

The staff report will be posted on the website approximately a week before the hearing (there is sometimes a lag between when I send the staff report before it is on the website, which is why I say “approximately,” but you will be able to review it before the public hearing).

Here is the link to the website where you will find the staff report posted:

<https://www.canyoncounty.id.gov/land-hearings/>

Just a reminder, if you have a presentation or any written materials you would like to present and/or reference at the public hearing, this will need to be sent to me 10 days before the hearing (February 10, 2025 by 5:00 p.m.) so it can be included in the staff report packet prior to the hearing.

Sincerely,

<image002.png>

Emily Bunn,

Associate Planner

Canyon County Development Services Department

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

Direct Line: (208) 454-6632

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

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

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---

**From:** Dave Erlebach <[dave@ib-usa.com](mailto:dave@ib-usa.com)>

**Sent:** Monday, January 6, 2025 9:13 AM

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

**Cc:** [todd@borton-lakey.com](mailto:todd@borton-lakey.com); Carl Anderson <[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>

**Subject:** Re: [EXT] RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Perfect. We will put it on our schedule. I assume we will get a copy of the staff report prior to the hearing?

Sent from my iPhone

On Jan 6, 2025, at 8:09 AM, Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)> wrote:

Hello,

Yes I was able to complete the site visit.

The public hearing will be on Thursday, February 20<sup>th</sup> as outlined in the applicant schedule letter I sent over to you.

Please let me know if you have any questions,

<image001.png>  
Emily Bunn,  
Associate Planner  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605  
Direct Line: (208) 454-6632  
Email: [emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

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---

**From:** Dave Erlebach <[dave@ib-usa.com](mailto:dave@ib-usa.com)>  
**Sent:** Sunday, January 5, 2025 3:45 AM  
**To:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>  
**Cc:** 'todd@borton-lakey.com' <[todd@borton-lakey.com](mailto:todd@borton-lakey.com)>; Carl Anderson <[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>  
**Subject:** RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Emily, were you able to get the County car started and make the visit to the site on Friday? We are hoping you got that completed and we can keep this progressing.



**Dave Erlebach**

President – Industrial Builders Inc.  
o: 208 795-5670 | c: 208 573-3582  
e: [dave@ib-usa.com](mailto:dave@ib-usa.com) | w: [www.ib-usa.com](http://www.ib-usa.com)  
a: 1711 Slipstream Way Caldwell ID 83605

---

**From:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>  
**Sent:** Tuesday, December 31, 2024 4:58 PM  
**To:** Dave Erlebach <[dave@ib-usa.com](mailto:dave@ib-usa.com)>  
**Cc:** 'todd@borton-lakey.com' <[todd@borton-lakey.com](mailto:todd@borton-lakey.com)>; Carl Anderson <[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>  
**Subject:** [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Hello,

I appreciate the below information. I unfortunately was not able to complete the site visit today (our department car was not working), but am planning on completing the visit on Friday, January 3, 2025 unless I hear otherwise from you.

Have a nice New Years,  
<image001.png>  
Emily Bunn,  
Associate Planner  
Canyon County Development Services Department

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

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---

**From:** Dave Erlebach <[dave@ib-usa.com](mailto:dave@ib-usa.com)>  
**Sent:** Tuesday, December 24, 2024 10:46 PM  
**To:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>  
**Cc:** 'todd@borton-lakey.com' <[todd@borton-lakey.com](mailto:todd@borton-lakey.com)>; Carl Anderson <[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>  
**Subject:** RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Thanks for the quick response. Your site visit on Tuesday December 31 is fine. Some of the property has a fence around it with a gate. There will be nobody there. The field is planted in our crop of Jerusalem Artichokes for Intrinsic Organics. We harvest them in March. We have a little over 400 acres planted around the area. The processing plant is in Washington County near Weiser.

Let us know if you need anything.



**Dave Erlebach**

President – Industrial Builders Inc.  
o: 208 795-5670 | c: 208 573-3582  
e: [dave@ib-usa.com](mailto:dave@ib-usa.com) | w: [www.ib-usa.com](http://www.ib-usa.com)  
a: 1711 Slipstream Way Caldwell ID 83605

---

**From:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>  
**Sent:** Tuesday, December 24, 2024 9:08 AM  
**To:** Dave Erlebach <[dave@ib-usa.com](mailto:dave@ib-usa.com)>  
**Cc:** 'todd@borton-lakey.com' <[todd@borton-lakey.com](mailto:todd@borton-lakey.com)>; Carl Anderson <[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>  
**Subject:** [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Dear Mr. Erlebach and Mr. Lakey,

Thank you for your email, we understand the timelines are frustrating. Thank you for your continued patience.

Please be advised our office is scheduling the case for a public hearing on Thursday, February 20, 2025 at 6:30 p.m..

I have attached a schedule letter for your review.

As part of my staff review, I do need to conduct a site visit so I can include site photos in the staff report. I am planning on doing a site visit on Tuesday, December 31, 2024. You do not need to be present for the site visit. If that doesn't work for you, please let me know, and I can look at another date to do conduct the site visit.

If you have any questions please let me know,

<image001.png>

Emily Bunn,

Associate Planner

Canyon County Development Services Department

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

Direct Line: (208) 454-6632

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

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---

**From:** Dave Erlebach <[dave@ib-usa.com](mailto:dave@ib-usa.com)>

**Sent:** Wednesday, December 18, 2024 2:07 PM

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

**Cc:** 'todd@borton-lakey.com' <[todd@borton-lakey.com](mailto:todd@borton-lakey.com)>; Carl Anderson

<[Carl.Anderson@canyoncounty.id.gov](mailto:Carl.Anderson@canyoncounty.id.gov)>; Sabrina Minshall

<[Sabrina.Minshall@canyoncounty.id.gov](mailto:Sabrina.Minshall@canyoncounty.id.gov)>; Dan Lister

<[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)>; BOCC <[BOCC@canyoncounty.id.gov](mailto:BOCC@canyoncounty.id.gov)>; Benn

Brocksome <[benn@bennbrocksomeandassociates.com](mailto:benn@bennbrocksomeandassociates.com)>; [jwagoner@cityofcaldwell.org](mailto:jwagoner@cityofcaldwell.org)

**Subject:** [External] RE: [EXT] CU2023-0024 Update

Emily, thanks for the response. Like everyone before you, We look forward to working with you as well as we have done with the others. Now we understand why we did not get a response from Doug. I think you will be number three or four (we have stopped counting) that we have worked with from the county in this forever long process. We have a number of e-mails from Doug Exton and others assuring us this would be done by the end of the year ( thinking about it now, I am not sure what year they were referring to (12)). Now you are saying spring, I assume of 2025? Not sure what that even means but okay.

You cannot even imagine the frustration level for a business owner or for anybody for that matter, to be a party to this level of incompetence. It would be laughable if it wasn't so devastating to our community, City's and State as a whole. If any private sector were to run an organization like the County is running ours, they would be bankrupt and run out of business.

For us as residents, developers, contractors, business owners of Canyon county to now be conditioned to just accept this as a norm is devastating. We can do better and should expect better and not settle as a society for thinking this is the norm and things cannot get better. Really, where are we headed?- we are now past two years. Are we now conditioned and accepting the fact that an application in Canyon County could take (3) years, (4) years, (5) years and believe that is acceptable? When you think about it and actually say it out loud it's absurd.

We have permitted, drilled wells and built complete power plants in less time than it takes to get a lot line adjustment in Canyon County.

It would be interesting to organize a protest for every contractor, developer, resident that have been waiting longer than (1) year for an application to line up at the county building with their excavators, dump trucks, tractors, pickups, cars etc. and see how large this group really is. Sounds like a good idea to me. – ( and by the way, leave them parked there and pull the keys until their applications are processed. They don't need them anyway since they have no permits to keep them working)

Thanks for listening as my application goes to the bottom of the pile because I dare to comment. Anything we can do to help let us know.

---

**From:** Emily Bunn <[Emily.Bunn@canyoncounty.id.gov](mailto:Emily.Bunn@canyoncounty.id.gov)>  
**Sent:** Wednesday, December 18, 2024 12:50 PM  
**To:** Dave Erlebach <[dave@ib-usa.com](mailto:dave@ib-usa.com)>  
**Cc:** 'todd@borton-lakey.com' <[todd@borton-lakey.com](mailto:todd@borton-lakey.com)>  
**Subject:** [EXT] CU2023-0024 Update

Hello,

I received a voicemail yesterday on getting a status update for Case # CU2023-0024.

As you are probably aware Doug Exton was assigned the case, but he has since left Canyon County. Carl Anderson (Planning Supervisor) recently reassigned me this case. I am aiming to get the case to hearing sometime in late winter or spring, and I will keep you updated on which Planning and Zoning Commission hearing I aiming towards as I get more of the staff report completed to see if it works for both you and your representative.

I do not have any questions at this time on the case, but will reach out with any questions on the property as I have them.

The only thing I need from you right now is an affidavit of legal interest showing that Todd Lakey is now representing you so we have that in writing. I have attached this form to the email.

Please let me know if you have any questions,  
<image001.png>  
Emily Bunn,

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

Development Services Department (DSD)  
NEW public office hours  
Effective Jan. 3, 2023  
Monday, Tuesday, Thursday and Friday  
8am – 5pm  
Wednesday  
1pm – 5pm  
\*\*We will not be closed during lunch hour \*\*

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**EXHIBIT B**

**Supplemental Documents**

Planning & Zoning Commission

Case # CU2023-0024

Hearing Date: February 20, 2025

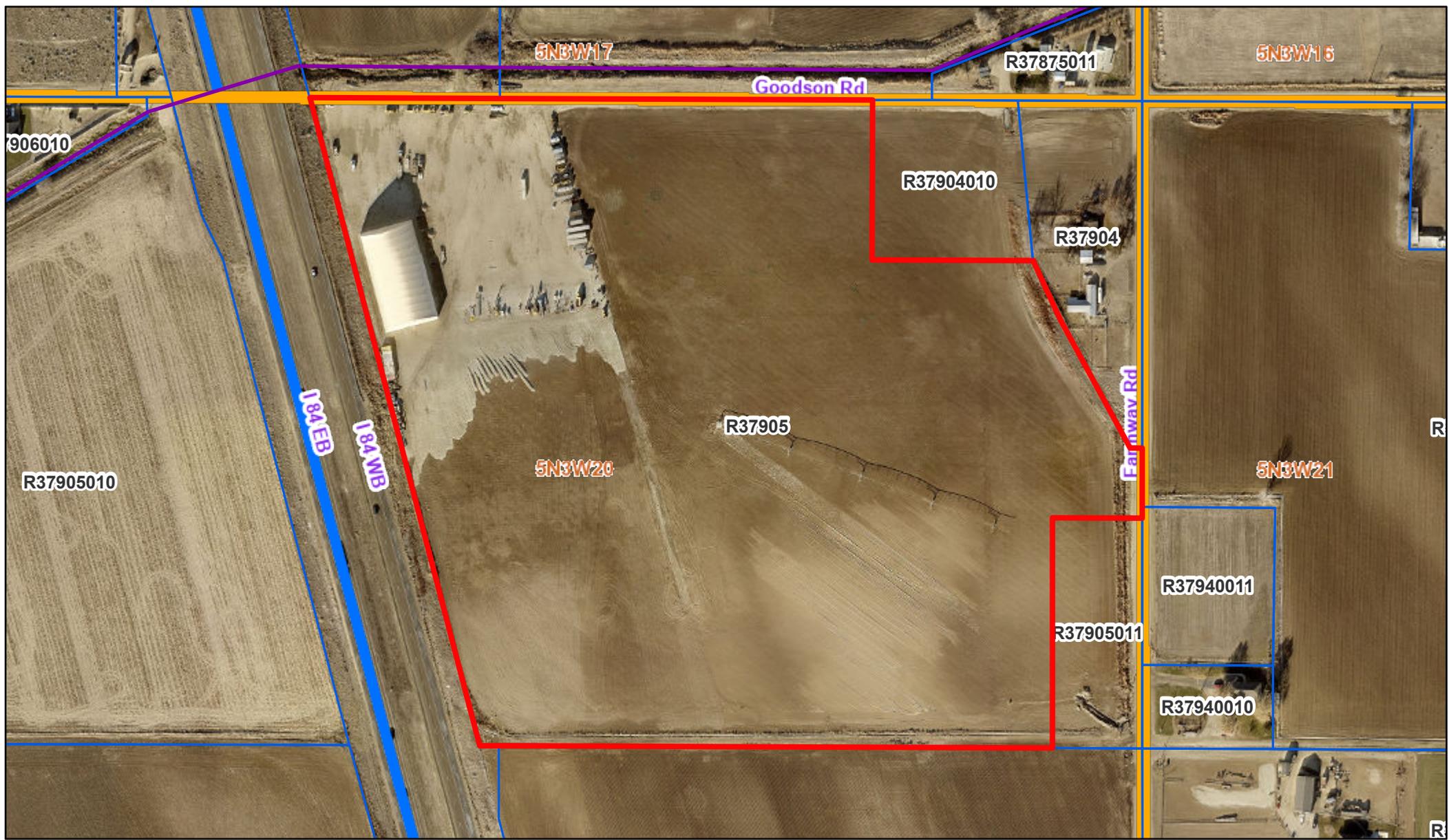
**R37905****PARCEL INFORMATION REPORT**

12/20/2024 3:34:07 PM

**PARCEL NUMBER: R37905****OWNER NAME: ERLEBACH PROPERTIES LP****CO-OWNER:****MAILING ADDRESS: PO BOX 97 CALDWELL ID 83606****SITE ADDRESS: 0 GOODSON RD****TAX CODE: 0320000****TWP: 5N RNG: 3W SEC: 20 QUARTER: NE****ACRES: 39.49****HOME OWNERS EXEMPTION: No****AG-EXEMPT: No****DRAIN DISTRICT: NOT In Drain Dist****ZONING DESCRIPTION: AG / AGRICULTURAL****HIGHWAY DISTRICT: HIGHWAY DISTRICT #4****FIRE DISTRICT: MIDDLETON FIRE****SCHOOL DISTRICT: MIDDLETON SCHOOL DIST #134****IMPACT AREA: NOT In Impact Area****FUTURE LAND USE 2011-2022 : AG****FLU Overlay Zone Desc 2030:****FLU RR Zone Desc 2030:****FUTURE LAND USE 2030: AG****IRRIGATION DISTRICT: BLACK CANYON IRRIGATION DIST****FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0125F****WETLAND: NOT In WETLAND****NITRATE PRIORITY: NE CANYON CO.****FUNCTIONAL Classification: NOT In COLLECTOR****INSTRUMENT NO. : 2023036607****SCENIC BYWAY: NOT In Scenic Byway****LEGAL DESCRIPTION: 20-5N-3W NE TX 23570 IN N 1/2 NE****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.

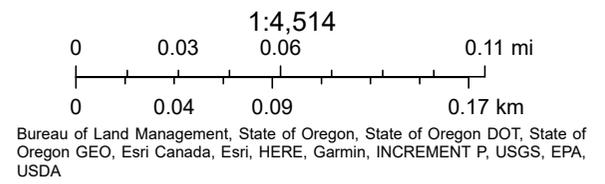
CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



1/23/2025, 10:41:24 AM

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

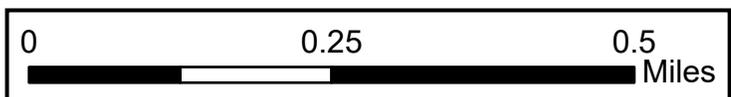
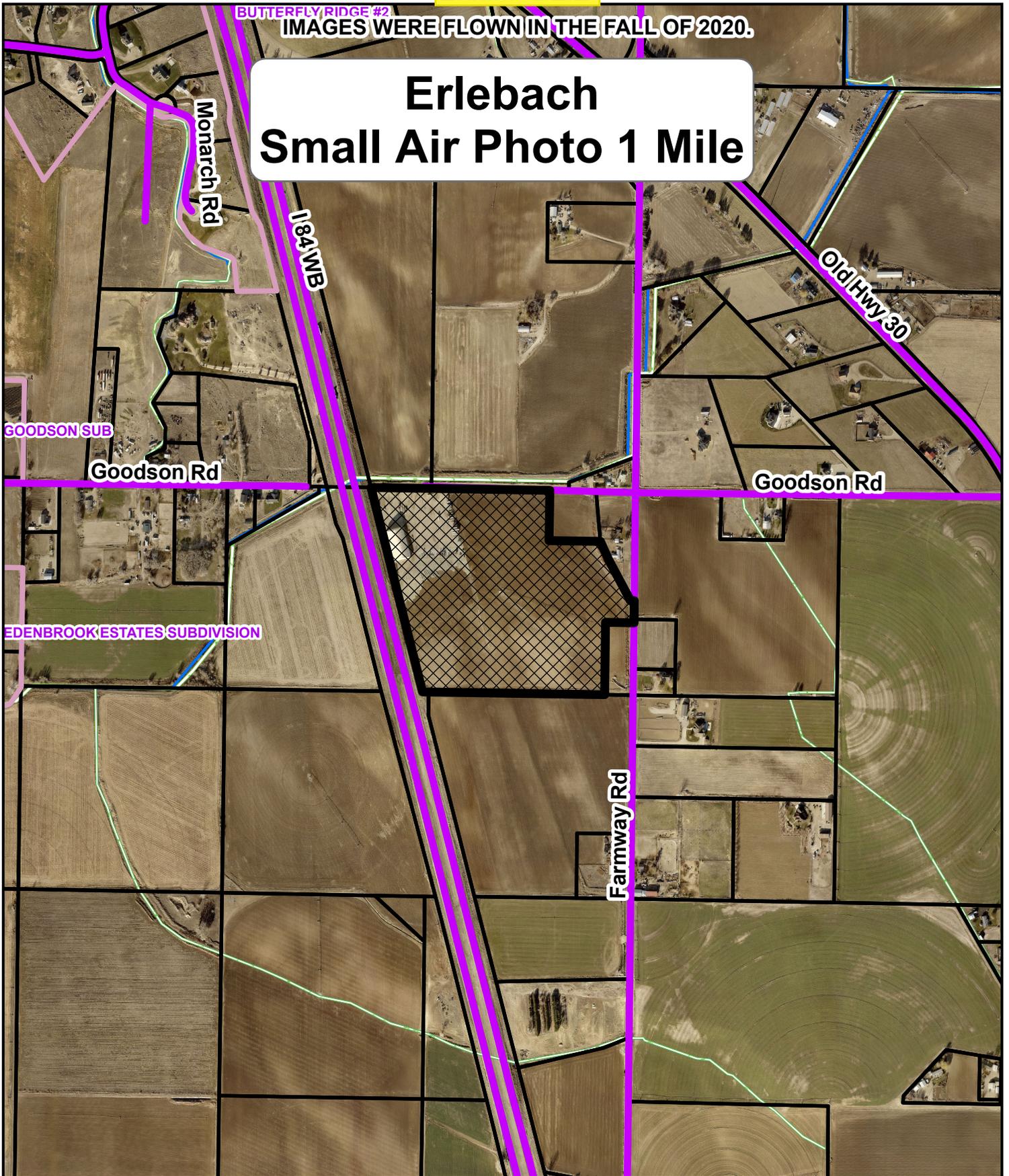
- Imagery\_2022
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3



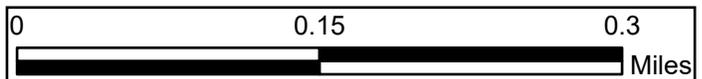
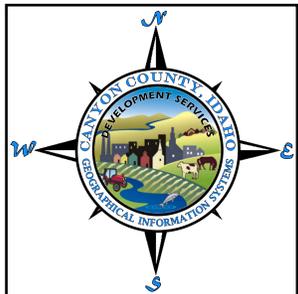
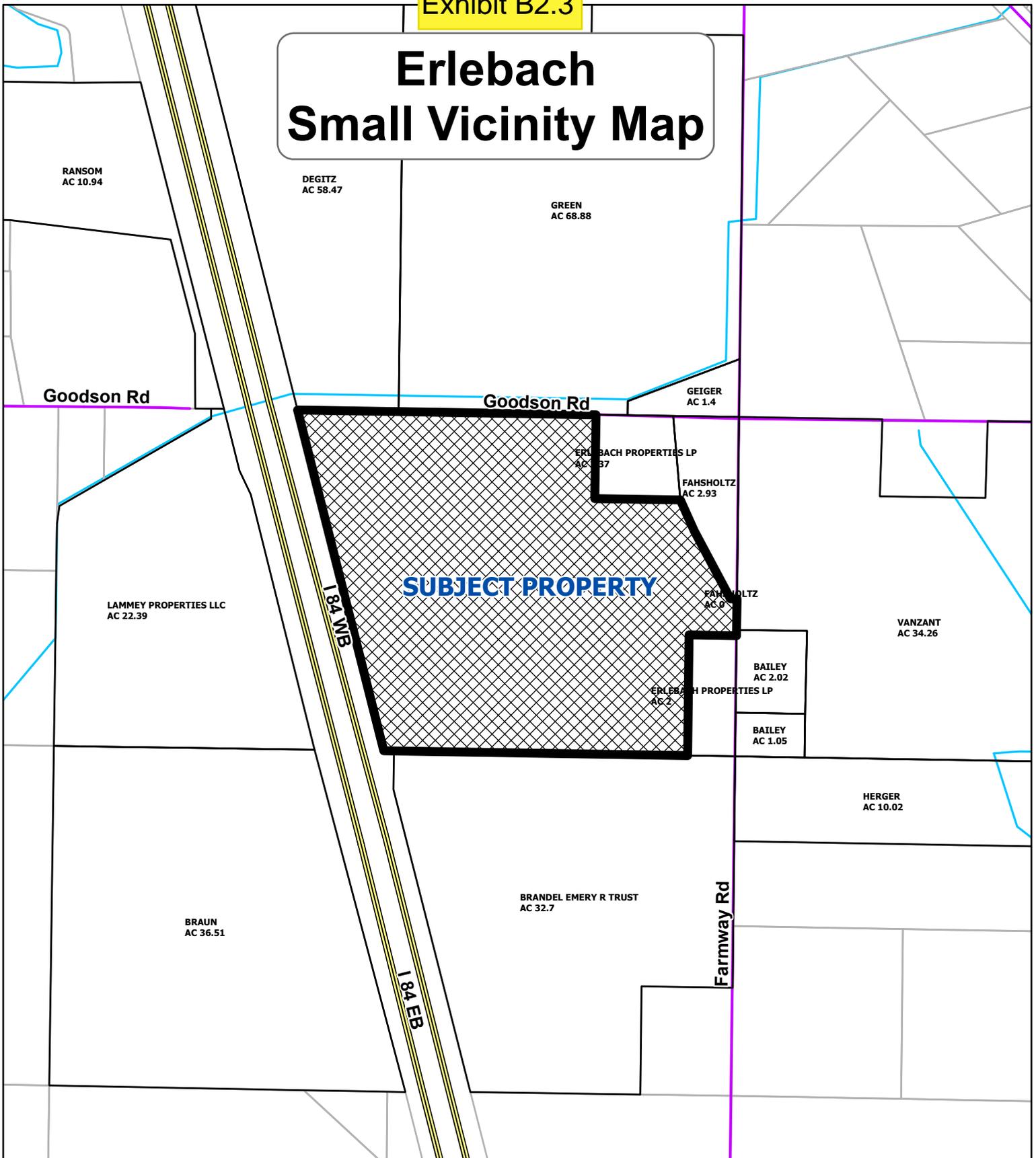
BUTTERFLY RIDGE #2

IMAGES WERE FLOWN IN THE FALL OF 2020.

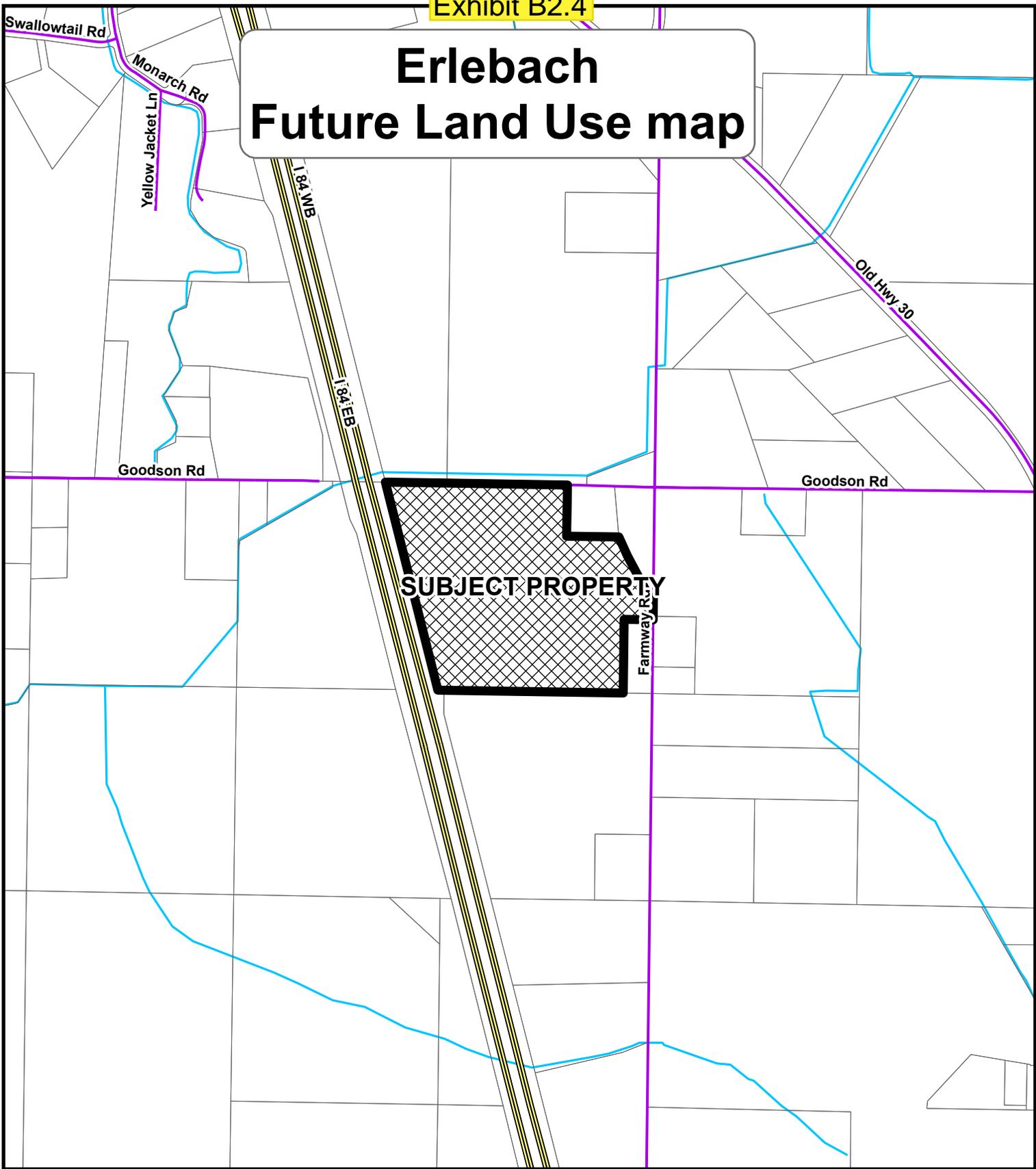
# Erlebach Small Air Photo 1 Mile



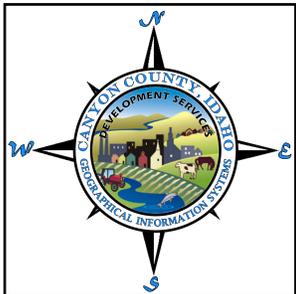
# Erlebach Small Vicinity Map



# Erlebach Future Land Use map



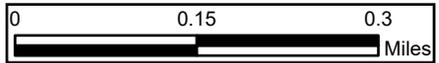
**SUBJECT PROPERTY**



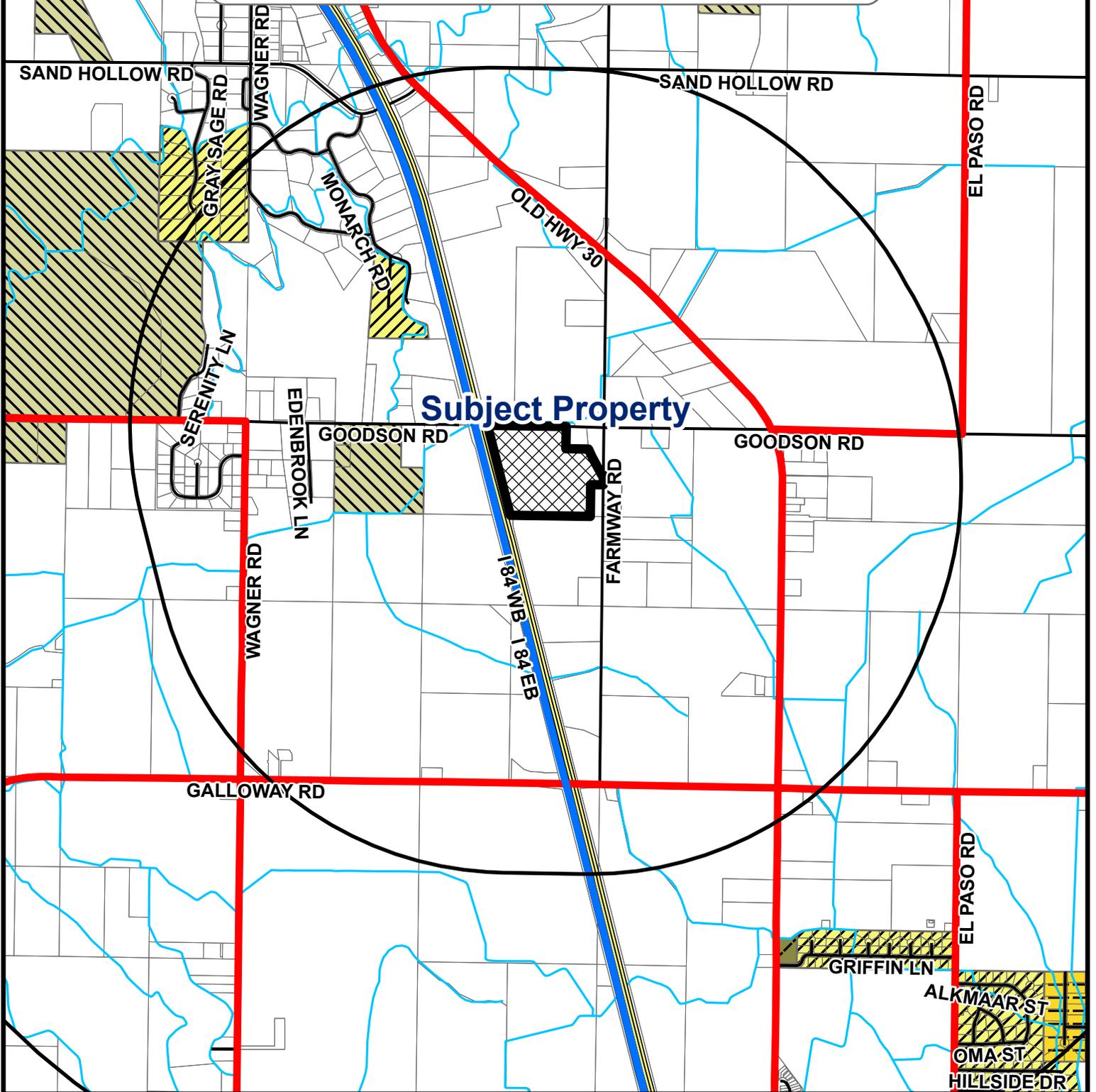
## Legend

Future Land Use 2030

-  COMMERCIAL
-  INDUSTRIAL
-  RESIDENTIAL

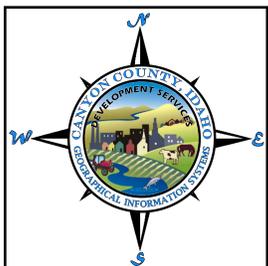


# Erlebach Zoning & Classification Map



Subject Property

I 84 WB I 84 EB



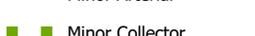
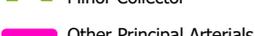
**Current Zoning**

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

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

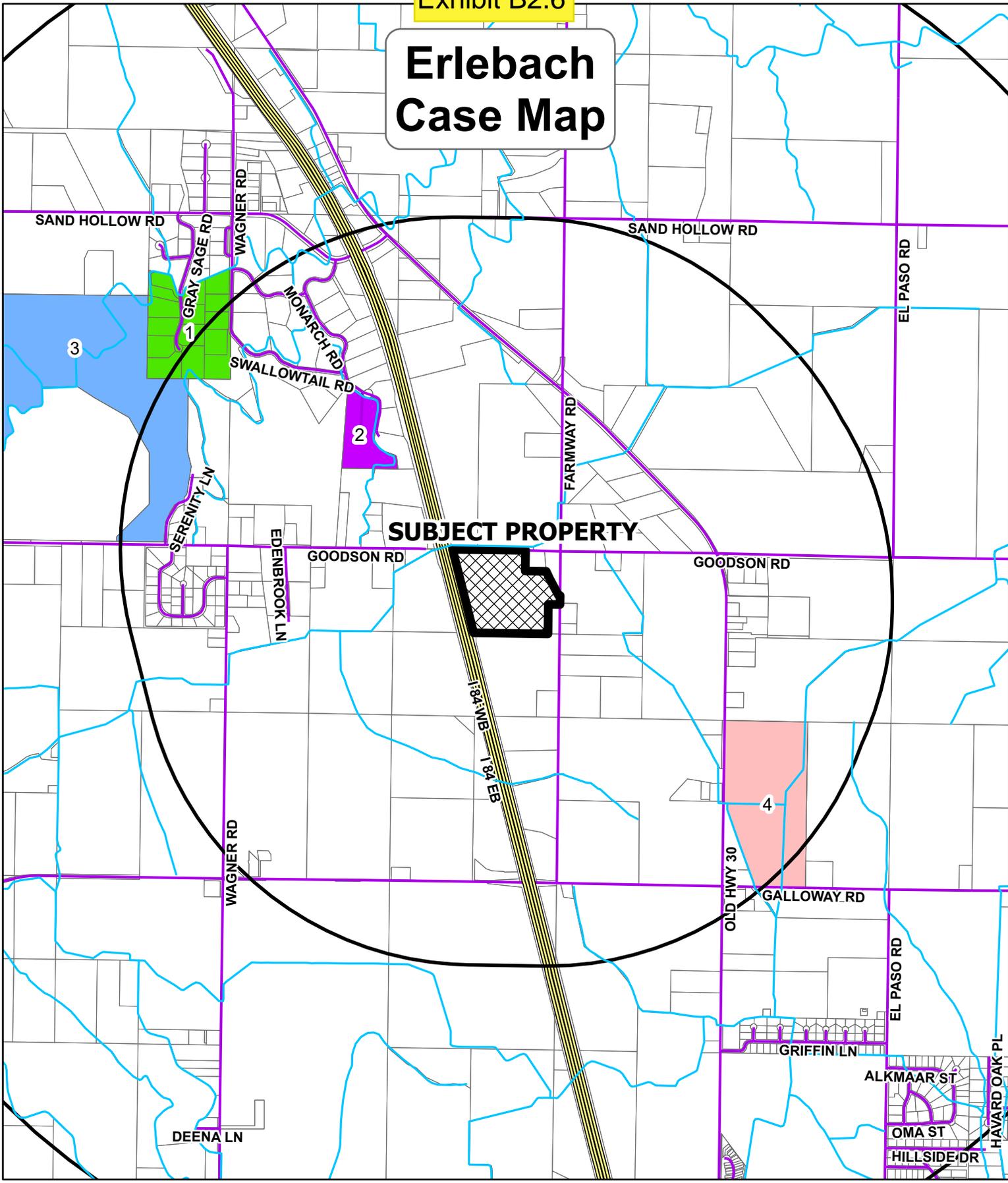
 AG

**ITD Functional Classification**

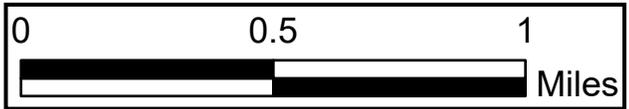
-  Interstate
-  Major Collector
-  Minor Arterial
-  Minor Collector
-  Other Principal Arterials



# Erlebach Case Map



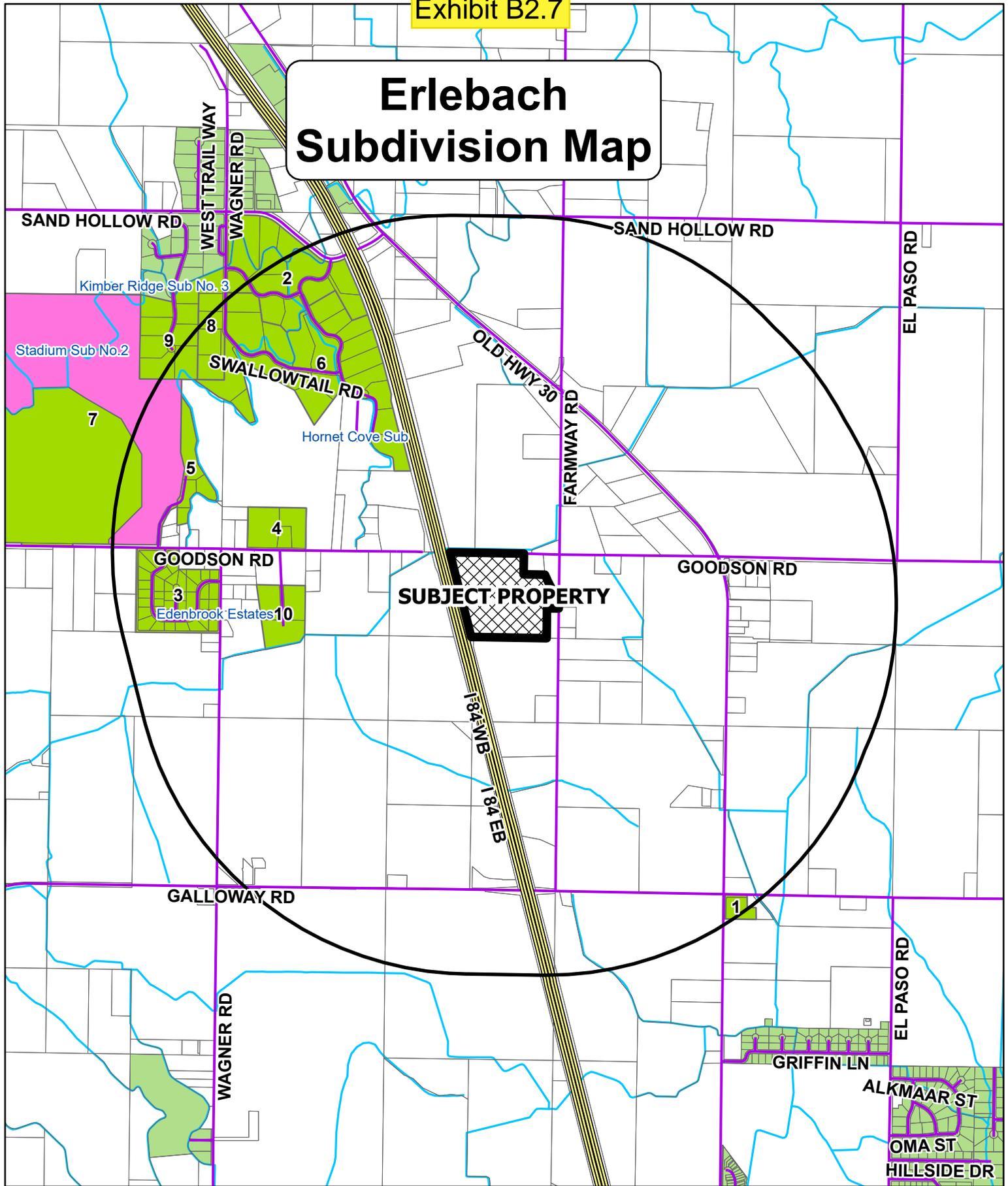
YEAR	
<span style="display:inline-block; width:15px; height:15px; background-color:lightcoral;"></span> 2023	<span style="display:inline-block; width:15px; height:15px; background-color:limegreen;"></span> 2020
<span style="display:inline-block; width:15px; height:15px; background-color:lightblue;">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



## CASE SUMMARY

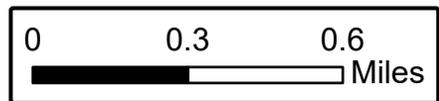
ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	SD2019-0042	Kimber Ridge Sub	Kimber Ridge Sub	APPROVED
2	RZ2020-0007	Rezone AG to RR	Rumsey	APPROVED
3	SD2020-0027	Prelim Plat - Stadium Sub 2	Stadium Sub 2	APPROVE
4	CR2022-0015	Rezone AG to CR-R1	Albisu	DENIED

# Erlebach Subdivision Map



**SUBDIVISIONS**  
**Plat Type, Plat Status**

- Preliminary, Approved
- Preliminary, Pending



## SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
10	620.45	105	5.91	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
1	221.86	136	1.63	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
20	17.90	10.13	0.00	68.88
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
REYNOLDS SUB	1	5N3W28	3.62	1	3.62	COUNTY (Canyon)	1999
BUTTERFLY RIDGE #1	2	5N3W17	52.32	13	4.02	COUNTY (Canyon)	2002
ELM CREST SUB	3	5N3W19	35.23	41	0.86	COUNTY (Canyon)	1973
GOODSON SUB	4	5N3W17	13.79	3	4.60	COUNTY (Canyon)	1996
OVERVIEW ACRES SUB	5	5N3W18	11.19	4	2.80	COUNTY (Canyon)	2005
BUTTERFLY RIDGE #2	6	5N3W17	87.12	20	4.36	COUNTY (Canyon)	2006
THE STADIUM SUBDIVISION	7	5N3W18	357.64	5	71.53	COUNTY (CANYON)	2018
KIMBER RIDGE SUBDIVISION NO. 1	8	5N3W18	16.17	5	3.23	COUNTY (Canyon)	2021
KIMBER RIDGE SUBDIVISION NO. 2	9	5N3W18	28.47	9	3.16	COUNTY (Canyon)	2022
EDENBROOK ESTATES SUBDIVISION	10	5N3W20	14.91	4	3.73	COUNTY (Canyon)	2024

## SUBDIVISIONS IN PLATTING

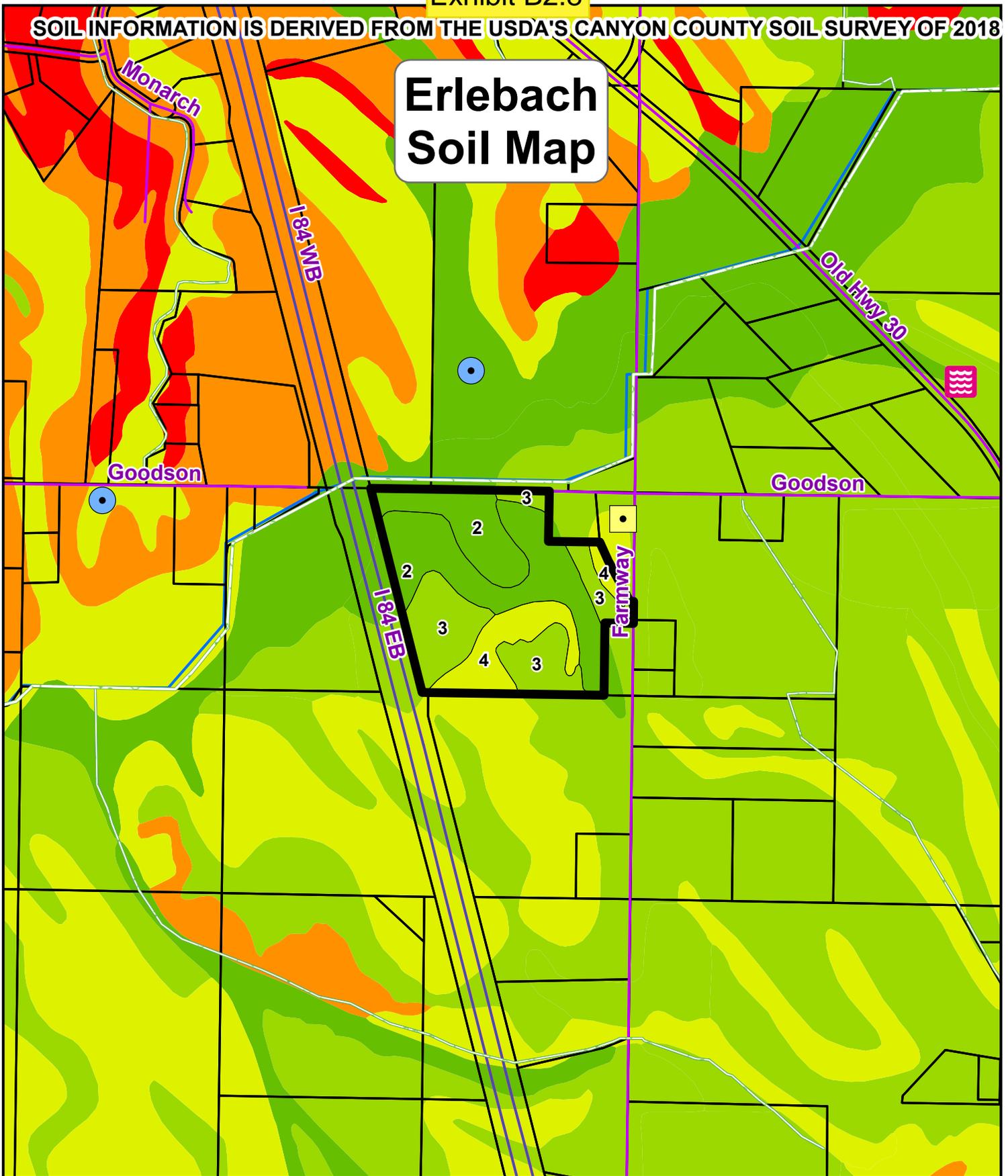
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE
Stadium Sub No.2	221.86	136	1.63

## MOBILE HOME & RV PARKS

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

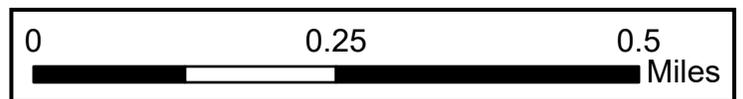
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

# Erlebach Soil Map



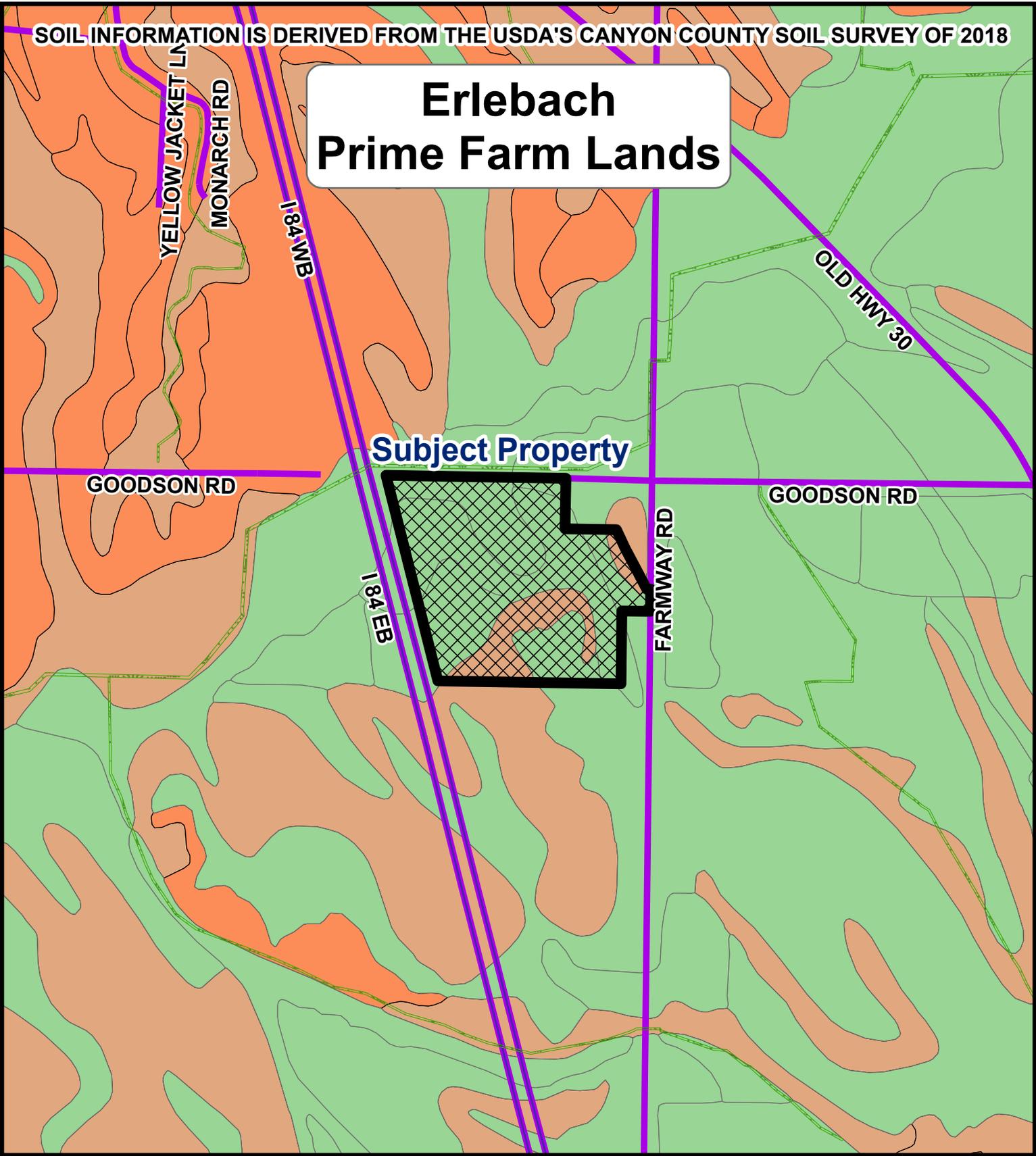
- Nitrate Priority Wells**
- 0.005000 - 2.000000
  - 2.000001 - 5.000000
  - 5.000001 - 10.000000
  - 10.000001 - 49.800000

- IDWR\_2C\_Geothermal\_**
- Wetlands



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

# Erlebach Prime Farm Lands



- TAXLOTS
- City\_Limits
- WETLANDS
- 2C\_Hydro

- ### 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	288672.12	6.63	16.78%
4	MODERATELY SUITED SOIL	40597.92	0.93	2.36%
2	BEST SUITED SOIL	285492.24	6.55	16.60%
2	BEST SUITED SOIL	603044.64	13.84	35.05%
4	MODERATELY SUITED SOIL	246549.60	5.66	14.33%
3	MODERATELY SUITED SOIL	255958.56	5.88	14.88%
		1720315.08	39.49	100%

## FARMLAND REPORT

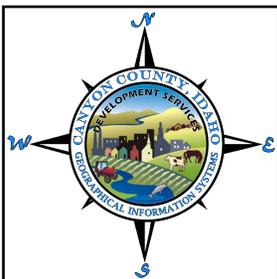
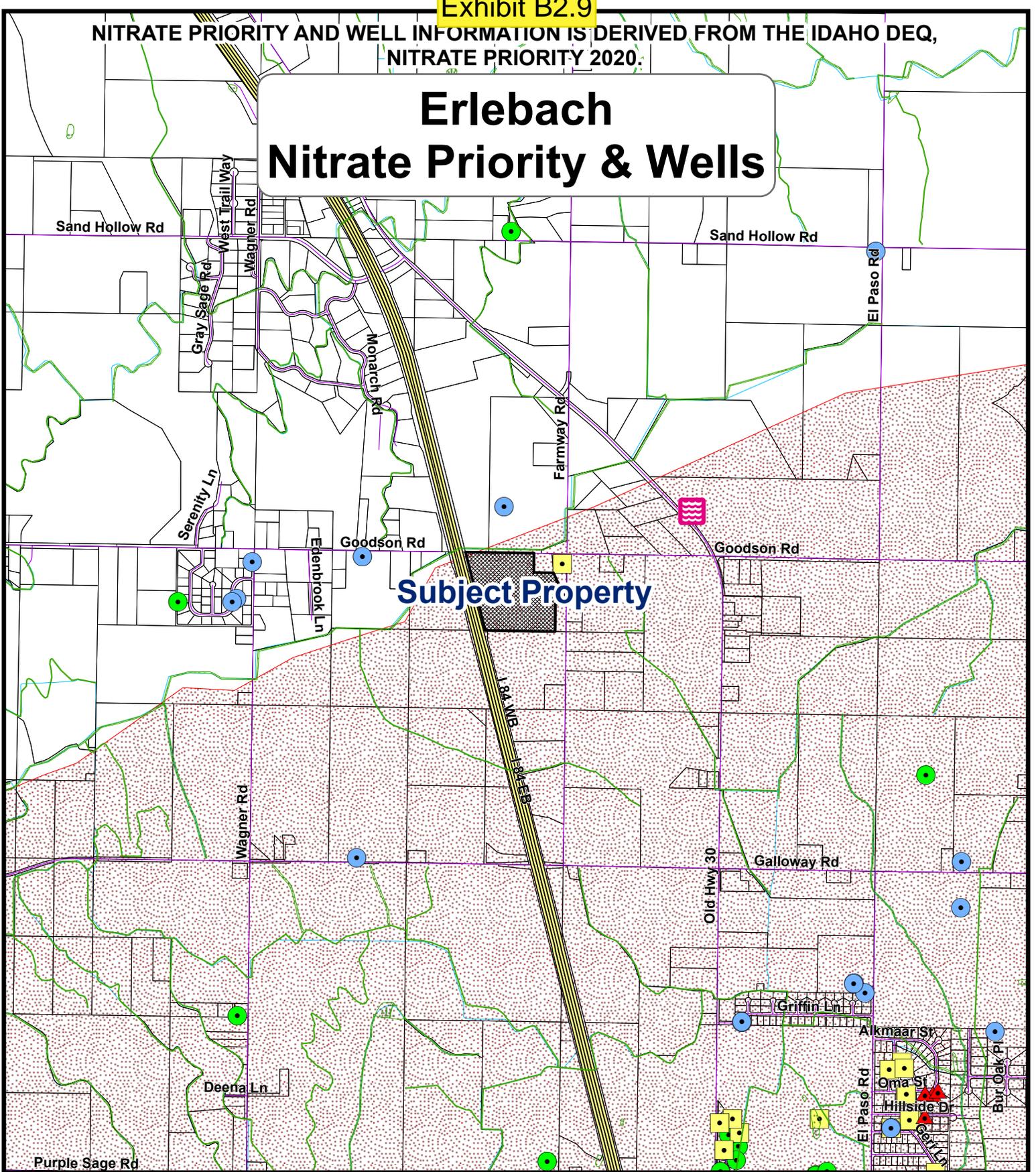
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
EsB	Prime farmland if irrigated	288672.12	6.63	16.78%
EvC	Farmland of statewide importance, if irrigated	40597.92	0.93	2.36%
JeA	Prime farmland if irrigated	285492.24	6.55	16.60%
PhA	Prime farmland if irrigated	603044.64	13.84	35.05%
EvC	Farmland of statewide importance, if irrigated	246549.60	5.66	14.33%
EsB	Prime farmland if irrigated	255958.56	5.88	14.88%
		1720315.08	39.49	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

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

# Erlebach 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 C**

**Site Visit Photos: January 3, 2025**

Planning & Zoning Commission

Case # CU2023-0024

Hearing Date: February 20, 2025

**Exhibit C: Site Photos Taken on January 3, 2025**

Image 1: Taken on the subject property's driveway facing west.



Image 2 (left): Taken on the subject property's driveway facing east.

Image 3 (right): Taken on the subject property's driveway facing west



Images 4 and 5: Taken on the subject property facing east showing entrance to staging area/contractor shop



Images 6 and 7: Taken on the subject property facing north showing adjacent parcel conditions



Images 8 and 9: Taken on the subject property facing south showing the types of equipment stored on site that can be seen from the fence.



Images 10 and 11 (top and bottom): Taken on the subject property facing south showing the building and types of equipment stored on site that can be seen within the fence.



Images 12 and 13: Taken on the subject property facing south showing the types of equipment stored on site that can be seen within the fence.



Image 14: Taken on the subject property facing south west showing the types of equipment stored on site that can be seen within the fence.



Images 15 and 16: Taken on the subject property facing south showing field next to staging area/contractor shop



Image 17 (left): Taken facing west showing ag-field near driveway



**EXHIBIT D**

**Agency Comments Received by: February 10, 2025**

Planning & Zoning Commission

Case # CU2023-0024

Hearing Date: February 20, 2025

Emily Bunn

---

**From:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Sent:** Monday, August 5, 2024 12:51 PM  
**To:** Doug Exton  
**Subject:** [External] RE: Initial Agency Notification CU2023-0024 Erlebach

Hi Doug,

Per response for comment:

**Will a Nutrient Pathogen Study be required?** SWDH is waiting on the results of the Nutrient Pathogen study.

**Will adequate sanitary systems be provided to accommodate the use?** Test holes were conducted on 04/28/2023 and 05/12/2023. Groundwater monitoring pipes were also installed with monitoring started on 05/01/2023 through 06/19/2023. Last email correspondence received from developer was a change in facility type and operations for a construction shop and metal building. Applicant will need to reach out to SWDH to discuss the new proposal.

Let me know if you have any questions.

Thank you,



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

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

---

**From:** Amber Lewter <Amber.Lewter@canyoncounty.id.gov>  
**Sent:** Friday, August 2, 2024 3:28 PM  
**To:** 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'lriccio@hwydistrict4.org' <lriccio@hwydistrict4.org>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov; Michael Stowell

<mstowell@ccparamedics.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>

**Subject:** Initial Agency Notification CU2023-0024 Erlebach

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

---

Hello,

**This notification was originally sent earlier this week, unfortunately there was a typo in the address. The address has now been corrected.**

Please see the attached agency notice. You are invited to provide written testimony or comments by **September 1, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Doug Exton** at [doug.exton@canyoncounty.id.gov](mailto:doug.exton@canyoncounty.id.gov).

Thank you,



**Amber Lewter**

Hearing Specialist

Canyon County Development Services Department

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

Direct Line: 208-454-6631

Fax: 208-454-6633

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

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

Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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**Emily Bunn**

---

**From:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Sent:** Friday, December 20, 2024 4:38 PM  
**To:** Emily Bunn  
**Subject:** RE: [External] RE: Initial Agency Notification CU2023-0024 Erlebach  
**Attachments:** Pre-Development Meeting - Email Correspondence.pdf

Hi Emily,

A pre-development meeting was held on 10/17/2023 to review the proposal for a construction shop with the developer and engineer. I cannot find the notes from this meeting (see attached email correspondence). Test holes have been conducted. Groundwater monitoring data has also been collected from May 2023 through June 2023.

I do not have any updates on the Nutrient Pathogen Study other than a few corresponding emails from DEQ on the parameters of the N-P study. I have not received an updated letter of intended use for the new proposal.

Please let me know if you need additional information.

Thank you,



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

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

---

**From:** Anthony Lee  
**Sent:** Friday, December 20, 2024 11:04 AM  
**To:** Emily Bunn <Emily.Bunn@canyoncounty.id.gov>  
**Subject:** RE: [External] RE: Initial Agency Notification CU2023-0024 Erlebach

Hi Emily,

Let me look into this and I will send you back my comments.

Thank you,



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

**Anthony Lee, RS/BS | Land Development Senior**

o 208.455.5384 | c 208.899.1285 | f 208.455.5300

[anthony.lee@swdh.id.gov](mailto:anthony.lee@swdh.id.gov) | [SWDH.org](http://SWDH.org)

13307 Miami Ln., Caldwell, ID 83607

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

**Sent:** Thursday, December 19, 2024 4:21 PM

**To:** Anthony Lee <[Anthony.Lee@swdh.id.gov](mailto:Anthony.Lee@swdh.id.gov)>

**Subject:** RE: [External] RE: Initial Agency Notification CU2023-0024 Erlebach

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

Dear Anthony,

Here's a quick recap on this case since it is a few months since your below email:

The property owner had initially applied to rezone Parcels R37904010 and R37905 to industrial, but later withdrew the application to apply for a conditional use permit for a contractor shop and staging area (CU2023-0024 – I have attached the master application packet in case you would like to review)

Has there been any updates from the developer or property owner on the nutrient pathogen study or in the change of facility type as discussed below?

I have taken this case over from Doug (he left a couple of months ago), so any information you may have on this property will be much appreciated.

Sincerely,



Emily Bunn,

Associate Planner

Canyon County Development Services Department

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

Direct Line: (208) 454-6632

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

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

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

## Anthony Lee

---

**From:** Anthony Lee  
**Sent:** Tuesday, October 17, 2023 11:01 AM  
**To:** Bob Cline  
**Cc:** Andrew Kina  
**Subject:** Pre-Development Meeting

Hi Bob,

On 10/17/2023, SWDH held a Pre-Development Meeting with applicant Bob Cline with Industrial Builders, and Andrew Kina, P.E. with ABCO Engineering to discuss the proposed project for a construction shop.

Thank you,



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

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

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

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



Exhibit D2

Emily Bunn

From: Amber Lewter
Sent: Tuesday, August 13, 2024 10:32 AM
To: Doug Exton
Subject: FW: [External] RE: Initial Agency Notification CU2023-0024 Erlebach

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Tuesday, August 13, 2024 9:11 AM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Subject: [External] RE: Initial Agency Notification CU2023-0024 Erlebach

Good Morning, Doug –

After careful review of the transmittal submitted to ITD on July 31, 2024 regarding CU2023-0024 Erlebach, the Department has no comments or concerns to make at this time. This proposed development is a significant distance from any interchanges granting access to I-84, therefore minor impact can be anticipated.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, July 31, 2024 3:18 PM
To: 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>;
'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov'
<knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'Iriccio@hwydistrict4.org'
<Iriccio@hwydistrict4.org>; '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>; 'developmentreview@blackcanyonirrigation.com'
<developmentreview@blackcanyonirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>;
'anthonylee@phd3.idaho.gov' <anthonylee@phd3.idaho.gov>; GIS and Addressing Division
<GISAddressing@canyoncounty.id.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki
Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine
Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>;
'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Initial Agency Notification CU2023-0024 Erlebach

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

Please see the attached agency notice. You are invited to provide written testimony or comments by **August 31, 2024** although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Doug Exton** at [doug.exton@canyoncounty.id.gov](mailto:doug.exton@canyoncounty.id.gov).

Thank you,



**Amber Lewter**

Hearing Specialist

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

Direct Line: 208-454-6631

Fax: 208-454-6633

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

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

Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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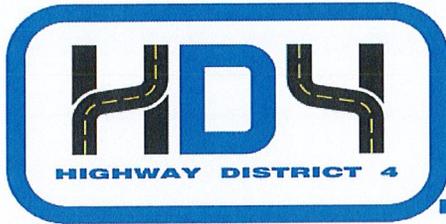


Exhibit D3

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

TELEPHONE 208.454.8135  
FAX 208.454.2008

August 27, 2024

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

**RE: CU2024-0024 Erlebach Investments, LP  
Contractor Shop and Staging Area  
Canyon County Parcels R37904010, R37905, R37905011 aka 0 Goodson Rd**

Dear Commissioners:

Highway District No. 4 (HD4) has reviewed the application for a conditional use of the above described parcels for purposes of establishing a contractor shop and staging area within an Agricultural zone. The subject property is located near the southwest corner of Goodson Rd and Farmway Rd in the NE ¼ Section 20 T5N R3W. HD4 offers the following comments on the proposed use:

**General**

The subject property consists of two parcels, totaling approximately 44 acres. Parcel R37905, approximately 38.4 acres has approximately 143-feet of frontage on Farmway Rd along the east boundary. Parcel R37904010 has approximately 590-feet of frontage on Farmway Rd along the easterly boundary. The property has historically been in agricultural use.

Farmway Rd adjacent to the subject property is a local road classification as identified on the functional classification maps adopted by Canyon Co and CHD4. Existing r/w width is a 25-foot half width prescriptive right-of-way, measured from the existing road centerline. Ultimate r/w width for a local road is a 30-foot half width, measured from the section line. Goodson Rd currently terminates at Farmway Rd, and is classified as a principal arterial. Ultimate right-of-way width for a principal arterial is 50-foot half-width, measured from the section line. The long range functional classification maps adopted by CHD4 and Canyon County show Goodson extending west of Farmway Rd as a future arterial, with potential for a connection to I-84. Future interchange locations along I-84 between SH 44 (Exit 25) and Oasis Rd (Exit 17) are currently under study by CHD4 and ITD. Final interchange locations are not anticipated to be determined within the next 3 years, but the Goodson Rd alignment has long been considered as a favorable location for a future interchange.

**Access**

Access for the current agricultural use has been via a private road along the north boundary of the subject property extending west from Farmway Rd. This access, which aligns with Goodson Rd to the east, is suitable for the proposed use subject to the improvements described below.

The applicants, Erlebach Properties, LP requested and were granted an access permit to serve “agricultural uses” on the subject property in February 2022, for construction of a large fabric structure on Parcel R37905. As of this date, the permit requirement to construct a paved approach onto Farmway Rd (Commercial Approach per ACCHD SD-106) has not been completed. HD4 requests the County Commission require completion of this approach as a condition of any land use changes.

**Transportation Impacts**

The conditional use application provided by the applicants indicates the existing structures and graded area (approximately 11 acres) will be used for storage of multi-use equipment (agricultural/construction). Based on information provided, the site would support the existing 22,880 sf storage building and a 11,500 sf contractor shop. Traffic impacts from development projects are typically estimated using the ITE Trip Generation Manual (11<sup>th</sup> Edition). The categories below are the best available in that reference to compare the proposed use:

Use	ITE Code	Units	# of Units Proposed	PM Peak Trips	Daily Trips
Specialty Trade Contractor	180	Per 1,000 SF	34,380 sf	75	338
Intermodal Truck Terminal	030	Per 1,000 SF	34,380 sf	65	-
Utility	170	Per 1,000 sf	34,380 sf	72	423

None of the above ITE land uses appear to reflect a reasonable number of vehicle trips that could be expected to be generated by the described use as a contractor shop and storage area. The average of the above sampled land uses, 71 peak hour trips per weekday, is much higher than would be expected for a contractor yard, likely due to the large area under rooftop proposed for the site.

In the absence of better available information, HD4 recommends use of the data provided by the applicant, which estimates 15 maximum employees and 10 average daily vehicle trips.

The estimated peak hour trips from the development are not anticipated to materially impact the adjacent intersection of Goodson Rd and Farmway Rd due to its very low background volume. The intersection of Goodson Rd and Old Hwy 30 is anticipated to operate at LOS B (approximately 16 sec delay per vehicle) during the PM peak hour under current background conditions with the additional site traffic. Additional incremental delay from the new trips generated by the development are expected at all intersections along the Old Hwy 30 corridor, including Galloway, Purple Sage, Willis, and SH 44.

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

<b>Cost per Vehicle Mile Traveled</b>	x	<b>Peak Hour Trips</b>	x	<b>New Trip Factor</b>	x	<b>Average Trip Length</b>	x	<b>Network Adjustment Factor</b>	=	<b>Traffic Impact Fee</b>
\$2,883	x	0.495	x	1.0	x	8.4	x	0.317	=	<b>\$3,800</b>

Peak hour trips can be estimated as 10% of total daily volume; from the 10 new trips per day suggested by the applicant, and counting each trip as having two ends, that is 0.495 peak hour trips. The new trip factor is held at 1.0 (no reduction) as pass by trips are not anticipated from surrounding properties. The average trip length of 8.4 miles is consistent with other uses that are unique to the service area (only one exists) from the Mid-Star Impact Fee Schedule. The network adjustment factor represents the proportion of the total trip length on the local system. The 8.4 mile trip length x 0.317 Network Adjustment Factor = 2.66 miles, or approximately the average trip length on the local system to reach I-84 at Exit 17 or Exit 25. Complete information on the Mid-Star Impact Fees Program and the Capital Improvement plan can be found on the HD4 website at [www.hwydistrict4.org/impact-fees](http://www.hwydistrict4.org/impact-fees)

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

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

**Base Impact Fee:** \$ 3,800

**Right-of-Way Dedication-**

No adjacent CIP Projects  
CIP Right-of-Way Credit: \$0

**System Frontage Improvements Credit**

None Required \$0

**Offsite System Improvements Credit**

None Required \$0

**Total Estimated Impact Fee:** \$3,800

For comparative purposes, this is equivalent to the total impact fees for approximately 4,000 sf of warehouse space. A final determination of the impact fee assessment will be made upon receipt of an access permit application for the change in use.

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

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

Respectfully,



Chris Hopper, P.E.  
District Engineer

File: Goodson Rd- CU2024-0024 Erlebach Properties

## Exhibit D4



Canyon County, 111 North 11<sup>th</sup> Ave Suite 310 Caldwell, ID 83605  
(208) 454 7458

**Case No** CU2023-0024

**Location:** R37904010 & R37905

**Acreage:** 44 acres

**Zoned:** A

Dear Mrs. Bunn,

Canyon County Building Division has reviewed the subject conditional use permit application for a proposed Staging Area/ Contractor's Shop for Erlebach and would recommend the following comments as conditions of approval, if conditional use permit is approved.

1. All proposed and existing structures that will be used, will require a commercial building permit and/or Commercial Change of Occupancy permit. A code analysis to be required to be submitted with plans provided by a licensed architect/engineer.
  - Applicable agency approvals will be required at time of permit: Middleton Fire Department, Southwest District Health, and Highway District #4.
    - The building division does coordinate with the fire departments by sending plans to them after the plans are reviewed but conversation with them prior can help approval/review time and allow the owner to know what will be expected of them.
    - The ag-exempt building built in 2023 (ZCA2023-0003), will require a change of occupancy permit. Structure is permitted as farm equipment storage only and not a place of employment nor be worked out of.
2. Any fencing over 7' tall shall require a building permit.
3. A building permit for a sign may be required upon review by DSD, or if the sign is over six feet (6') in height and permanently affixed to the ground.

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

If you have any questions, please let us know,

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

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

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

# BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

## Exhibit D5

January 9, 2025

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

RE: Conditional Rezone. Parcel R37904010, and R37905  
Case No. CU2023-0024 (Originally CU2023-0007)  
Applicant: Landon Brown  
Property Owner: Erlebach Investment, LP  
Planner: Emily Bunn

The property is located on the southwest corner of Goodson Rd and Farmway Road

The Black Canyon Irrigation District (District) has the following revised comments regarding this proposed land use change. **All revised/added comments will be shown in RED below.**

### Site Specific Comments:

1. The requested rezoned properties have irrigation water rights attached to them from the Black Canyon Irrigation District. The change of use will most likely require some water to be moved off this property (as a portion of the property will not be irrigable). The water will need to be moved to another property within the District by the owner or the water will be moved back into the District's possession. Prior to final platting of the site (assuming that the site will be re-platted) water will need to be reallocated as discussed with the applicant. (Exact breakouts and site plan are still being pursued at the time of this correspondence.)  
**District comment 1.9.2025 – The applicants proposed Conditional Use request impacts water allocations for the proposed properties. Determination of non-irrigable lands and allocation of irrigable lands will be required by the District. We request that the property owner finalize these allocations prior to County approval of Conditional Rezone of the property.**
2. No specific District infrastructure appears to be on or adjacent to these parcels.  
**District comment 1.9.2025 – This item remains unchanged, adjacent infrastructure does not appear to be affected.**
3. Private easements showing a pathway for water to each parcel will be required to be reviewed by the District during construction drawing review.  
**District comment 1.9.2025 – Item remains outstanding as there appears to be no private easements currently shown to parcels B & C for providing irrigation water. This item will need to be resolved with the developer during plan review. Parcels B & C need to be provided a means for receiving irrigation water.**
4. **The Developer has an outstanding account balance for the previously reviewed application. The outstanding balance is required to be settled prior to any further review for this development.**

# BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

## General District Comments (for all developments):

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

The District will require any laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons.

Runoff and drainage from any proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

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

Thank You,

*Donald Popoff*

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



February 4, 2025

## Exhibit D6

Emily Bunn, Case Planner  
Canyon County Development Services Department  
200 W Front Street  
111 N. 11<sup>th</sup> Ave. #310  
Caldwell, ID 83605  
[emily.bunn@canyoncounty.id.gov](mailto:emily.bunn@canyoncounty.id.gov)

Subject: Agency Notice for CU2023-0024; Erlebach Properties, L.P.

Dear Ms. Bunn:

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

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

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

### 1. AIR QUALITY

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

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

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

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

## 2. WASTEWATER AND RECYCLED WATER

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

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

## 3. DRINKING WATER

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

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

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

#### 4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.

For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.

- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

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

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

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with

IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Matthew Pabich, 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,



Troy Smith  
Regional Administrator

**Emily Bunn**

---

**From:** Sage Huggins  
**Sent:** Monday, January 27, 2025 12:25 PM  
**To:** Emily Bunn  
**Subject:** FW: Agency Notice for CU2023-0024; Erlebach Properties, L.P.  
**Attachments:** 30 day AGENCY notice PZ hearing.pdf

Good Morning,

I wanted to provide a comment regarding the application CU2023-0024, a conditional use permit to allow a staging area and contractor shop on parcel R37905. If the use is approved, the applicant may receive an address for the use of contractor shop by either submitting an "Address Request Application" to the development services department OR by submitting a building permit if they plan to have a structure on site that will house the use. An approach permit will be required for both of these options. Reading through the application it looks like 10 to 15 employees will be on site for the use. An address is suggested for uses that involve employees to be working on site so that emergency services can quickly and accurately locate the site in an emergency situation.

Thanks,

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

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**From:** Caitlin Ross  
**Sent:** Tuesday, January 21, 2025 10:31 AM  
**To:** 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'knote.sandahl@doi.idaho.gov' <knote.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; Tony Almeida <tony.almeida@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>  
**Subject:** Agency Notice for CU2023-0024; Erlebach Properties, L.P.

Dear Agencies,

Please see the attached agency notice regarding the scheduled Planning and Zoning Commission hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments were received, they were included in the Staff report. No response is required unless there is an update to your original comments.

This is the notification that a hearing date of **February 20, 2025** at 6:30 pm has been set for this case along with a final deadline of **February 10, 2025** for agency comments. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day.

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

Thank you,



**Caitlin Ross**

Hearing Specialist

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

Direct Line: 208-454-7463

Email: [Caitlin.Ross@canyoncounty.id.gov](mailto:Caitlin.Ross@canyoncounty.id.gov)

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

Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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

**EXHIBIT E**

**Public Comments Received by: February 10, 2025**

Planning & Zoning Commission

Case # CU2023-0024

Hearing Date: February 20, 2025

Exhibit E1

RECEIVED  
FEB 07 2025

Sharron Braun  
26101 Farmway Rd.  
Caldwell, ID 83607

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

February 6, 2025

Canyon County Development Services  
ATTN: Emily Bunn, Case Planner  
111 North 11<sup>th</sup> Avenue, Suite 310  
Caldwell, ID 83605

RE: Case No.: CU2023-0024  
Applicant: Dave Erlebach of Erlebach Properties, L.P.  
Parcel No.: R37905 & R37904010

To Whom it May Concern:

I am writing in opposition to the above-mentioned case, and respectfully request that you DENY the application for the reasons discussed herein. Instead of granting this application, the County ought to be pursuing civil and/or criminal enforcement against the Applicant for the unpermitted uses currently taking place on the property, especially in light of his misleading and deceptive application. The current and proposed use of this property is clearly not as “agricultural” in nature as the Applicant attempts to portray in his application, and should be denied because it does not satisfy the criteria set forth in Canyon County Code § 07-07-05.

As a preliminary matter, and before I address why this application does not satisfy the hearing criteria in the Canyon County Zoning Ordinance, I would like to bring attention to how misleading and deceptive the Applicant’s application is. I reside just down the road from the property at issue in this application. I am familiar with the property and pass by it often. There is a very clear view of this property from the freeway, and the equipment that is stored there is in plain view. It is evident that the Applicant is already using the property for the uses for which he seeks a conditional use permit, without the proper permitting. There is a wide variety of construction equipment sitting on his property, and very little to no agricultural or “multi-use” equipment. The Applicant’s Letter of Intent seeks to mislead the Commission into thinking that what he is proposing is primarily an “agricultural” operation, and that the construction aspect of it is incidental to the agricultural use. However, the opposite is true—the 11 acres that is at issue in this application is clearly already being used as a contractor’s yard and staging area, and any storage of agricultural or multi-use equipment is secondary and extremely minimal compared to the large amount of construction equipment being stored there. Anyone familiar with farming operations can clearly see that the equipment that is being stored there is NOT agricultural or “multi-use” as the Applicant describes it. This is very clearly being used as a staging area for construction, not for agriculture, despite the Applicant’s claims that “The majority of the Property will be used for farming. The remaining Property will be used primarily to store equipment and supplies that support Applicant’s farming operations,” and “. . . Applicant will farm a majority of the Property, and use the rest of the Property to store equipment and supplies that support Applicant’s farming operations.” (See Page 1 of Applicant’s Letter of Intent).

These are deceitful and misleading statements. Evidence of the Applicant's deceitfulness is evident in the pictures of his "multi-use" equipment attached to his application. Noticeably, none of these pictures are taken at the actual property in question, except for possibly the picture of the CAT loader. If the Applicant had taken pictures of the equipment actually located at the property in question, it would be evident that the equipment that is actually located on this parcel is not agricultural or "multi-use," despite Applicant's assertions that it is. Furthermore, the Applicant deceptively attempted to obtain an exempt agricultural building permit for the existing building on the site, even though it has clearly not been used for agricultural purposes ever since it was constructed.

Aside from the Applicant's misleading application, this proposed use is not compliant with the approval criteria set forth in Canyon County Code § 07-07-05. Specifically, it does not satisfy subsections (3), (4), and (7) of § 07-07-05.

First, it does not satisfy § 07-07-05(3) because it is not consistent with the comprehensive plan. There are numerous places in the comprehensive plan that stress the importance of keeping agricultural land as productive farm ground, and developing other uses such as this in more suitable areas. It is not wise to dry up irrigatable farm ground such as the ground at issue in this application, as our farm ground is disappearing quickly as it is. This would be better suited on non-irrigatable ground that is not suitable for farming.

Second, it does not satisfy § 07-07-05(4) because this proposed use is injurious to my property and my neighbors' properties, and negatively changes this agricultural area to a more industrial nature, which is much less ideal and less desirable to live next to. The equipment stored at this site is very loud and will disrupt the activities of me and my neighbors as they operate on the site and as they pass by our houses. This project would be much better suited to a noisy, industrial area where there are less houses and where it will not change the character of the area like it does where it is presently located.

Lastly, it does not satisfy § 07-07-05(7) because it creates an undue interference with existing and future traffic patterns. This project creates a lot more heavy equipment traffic on roads that are already over-burdened and dangerous. There will also be an increase in passenger car traffic from all of the employees that need to access this site. As opposed to agricultural traffic, which is seasonal in nature, this traffic will be year-round, and make these already dangerous roads even more dangerous.

For all of these reasons, this application should be denied. In the event that the Commission decides to approve this application, then the Commission should place several conditions on its approval, which includes a large highway impact fee, fines for presently operating the site as a staging area and contractor's shop without permitting, and requiring them to obtain a commercial building permit for their existing building that they deceptively tried to pass off as an exempt "agricultural building." Thank you for considering my comments.

Sincerely,

  
Sharron Braun