



February 5, 2025

Daniel Lister, Assistant Planning Manager  
111 North 11<sup>th</sup> Ave.  
Ste. 310  
Caldwell, Idaho, 83605  
[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

Subject: Agency Notification for CR2023-0012 / Elordi

Dear Mr. Lister:

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

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

**1. AIR QUALITY**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), and trade waste burning (58.01.01.600-617).
- For new development projects, all property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

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

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

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

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

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

## **3. DRINKING WATER**

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

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

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

#### 4. SURFACE WATER

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

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

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

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

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

For questions, contact 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



## Dan Lister

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**From:** Caitlin Ross  
**Sent:** Tuesday, January 28, 2025 8:55 AM  
**To:** Dan Lister  
**Subject:** FW: [External] RE: Agency Notification for CR2023-0012 / Elordi

FYI – thanks!

-Caitlin

---

**From:** D3 Development Services <D3Development.Services@itd.idaho.gov>  
**Sent:** Tuesday, January 28, 2025 8:51 AM  
**To:** Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>  
**Subject:** [External] RE: Agency Notification for CR2023-0012 / Elordi

Hello,

After careful review of the transmittal submitted to ITD on January 22, 2025 regarding CR2023-0012/Elordi, the Department has no comments or concerns to make at this time. This application does not meet thresholds for a Traffic Impact Study nor does it pose any safety concern. If you have any questions please contact Niki Benyakhlef at (208) 334-8337/ [Niki.Benyakhlef@itd.idaho.gov](mailto:Niki.Benyakhlef@itd.idaho.gov).

Thank you

*Mila Kinakh*

D3 Planning and Development  
Administrative Assistant



**YOUR Safety ••• YOUR Mobility ••• YOUR Economic Opportunity**

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**From:** Caitlin Ross <[Caitlin.Ross@canyoncounty.id.gov](mailto:Caitlin.Ross@canyoncounty.id.gov)>  
**Sent:** Wednesday, January 22, 2025 3:43 PM  
**To:** 'jenny.titus@vallivue.org' <[jenny.titus@vallivue.org](mailto:jenny.titus@vallivue.org)>; 'lisa.boyd@vallivue.org' <[lisa.boyd@vallivue.org](mailto:lisa.boyd@vallivue.org)>; 'joseph.palmer@vallivue.org' <[joseph.palmer@vallivue.org](mailto:joseph.palmer@vallivue.org)>; 'marsingfiredistrict@yahoo.com' <[marsingfiredistrict@yahoo.com](mailto:marsingfiredistrict@yahoo.com)>; 'marsingruralfire@gmail.com' <[marsingruralfire@gmail.com](mailto:marsingruralfire@gmail.com)>; 'knute.sandahl@doi.idaho.gov' <[knute.sandahl@doi.idaho.gov](mailto:knute.sandahl@doi.idaho.gov)>; 'eddy@nampahighway1.com' <[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)>; 'brandy.walker@centurylink.com' <[brandy.walker@centurylink.com](mailto:brandy.walker@centurylink.com)>; 'eingram@idahopower.com' <[eingram@idahopower.com](mailto:eingram@idahopower.com)>; 'easements@idahopower.com' <[easements@idahopower.com](mailto:easements@idahopower.com)>; 'mkelly@idahopower.com' <[mkelly@idahopower.com](mailto:mkelly@idahopower.com)>; 'monica.taylor@intgas.com' <[monica.taylor@intgas.com](mailto:monica.taylor@intgas.com)>; 'jessica.mansell@intgas.com' <[jessica.mansell@intgas.com](mailto:jessica.mansell@intgas.com)>; 'Contract.Administration.Bid.Box@ziply.com' <[Contract.Administration.Bid.Box@ziply.com](mailto:Contract.Administration.Bid.Box@ziply.com)>; 'tritthaler@boiseproject.org' <[tritthaler@boiseproject.org](mailto:tritthaler@boiseproject.org)>; 'gashley@boiseproject.org' <[gashley@boiseproject.org](mailto:gashley@boiseproject.org)>; 'mitch.kiester@phd3.idaho.gov' <[mitch.kiester@phd3.idaho.gov](mailto:mitch.kiester@phd3.idaho.gov)>; 'anthony.lee@phd3.idaho.gov' <[anthony.lee@phd3.idaho.gov](mailto:anthony.lee@phd3.idaho.gov)>; 'brentc@brownbuscompany.com' <[brentc@brownbuscompany.com](mailto:brentc@brownbuscompany.com)>;

## Dan Lister

---

**From:** Eddy Thiel <eddy@nampahighway1.com>  
**Sent:** Wednesday, January 22, 2025 3:59 PM  
**To:** Dan Lister  
**Subject:** [External] FW: Agency Notification for CR2023-0012 / Elordi  
**Attachments:** Agency Response Requested Notification Form 2-23.pdf;  
AgencyPacket\_CR2023-0012Elordi.pdf

Good Afternoon Dan,

Nampa Highway District #1's comments are listed on the Land Split Application that is part of the patron's submittal package.

Let me know if you have any questions or comments.

Thank you,

Eddy

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Eddy Thiel  
ROW  
[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)  
4507 12<sup>th</sup> Ave. Rd. • Nampa, id 83686  
TEL 208.467.6576 • FAX 208.467.9916

---

**From:** Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>  
**Sent:** Wednesday, January 22, 2025 3:43 PM  
**To:** 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; Eddy Thiel <eddy@nampahighway1.com>; '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>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'brentc@brownbuscompany.com' <brentc@brownbuscompany.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>; 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>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; 'cenww-rd-boi-tv@usace.army.mil' <cenww-rd-boi-tv@usace.army.mil>; 'edward\_owens@fws.gov' <edward\_owens@fws.gov>;

'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>;  
'file@idwr.idaho.gov' <file@idwr.idaho.gov>; 'brandon.flack@idfg.idaho.gov' <brandon.flack@idfg.idaho.gov>;  
'idahoooo@gmail.com' <idahoooo@gmail.com>

**Subject:** Agency Notification for CR2023-0012 / Elordi

You don't often get email from [caitlin.ross@canyoncounty.id.gov](mailto:caitlin.ross@canyoncounty.id.gov). [Learn why this is important](#)

Please see the attached agency notice. You are invited to provide written testimony or comments by **February 22, 2025**, 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 **Dan Lister** at [daniel.lister@canyoncounty.id.gov](mailto:daniel.lister@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 \*\***

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Richard Sims  
Associate Supervisor  
Canyon County Soil Conservation District  
2208 E. Chicago Ste A, Caldwell Idaho 83605  
[Middletown.rich@gmail.com](mailto:Middletown.rich@gmail.com)  
1 208-897-9297  
January 14, 2025

Canyon County Planning and Zoning Commission  
Canyon County Development Services  
111 North 11<sup>th</sup> Ave., Ste 310, Nampa, Idaho 83686

RE: Case No. CR2023-0012/ Elordi, OR2023-0005/CR2023-0011 Q2LLC

Attention: Dan Lister  
[daniel.lister@canyoncounty.id.gov](mailto:daniel.lister@canyoncounty.id.gov)

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

CR2023-0012/Elordi, The Conservation district has not comments on this zoning request.

OR2023-0005/CR2023-0011 Q2LLC consist of 70% irrigated capability Class 3, 24% irrigated capability Class 4 and 5% not Classified.

Irrigated Capability Class 3 has moderate limitations and appropriate management practices can make any irrigated class 3 productive. We do NOT recommend a land use change.



Signing for Clay Erskine  
Chairman Soil Conservation District



United States  
Department of  
Agriculture

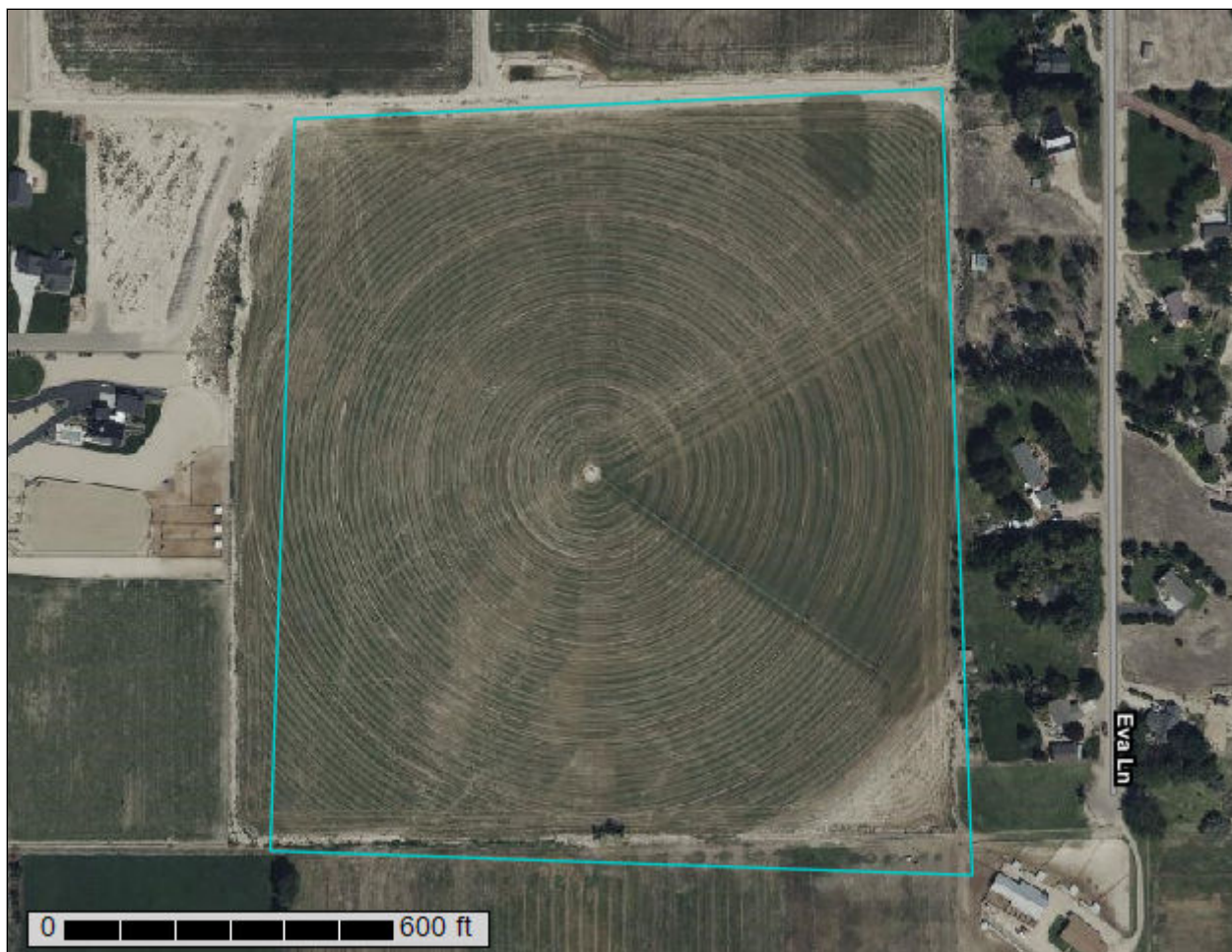
**NRCS**

Natural  
Resources  
Conservation  
Service

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

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

**CR2023-0012/ Elordi**



February 2, 2025

# Preface

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

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

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

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

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

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

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

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.



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# **Soil Information for All Uses**

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## **Suitabilities and Limitations for Use**

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

## **Land Classifications**

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

### **Irrigated Capability Class (CR2023-0012 / Elordi)**

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

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

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

## Custom Soil Resource Report

Class 1 soils have few limitations that restrict their use.

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

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

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

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

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

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

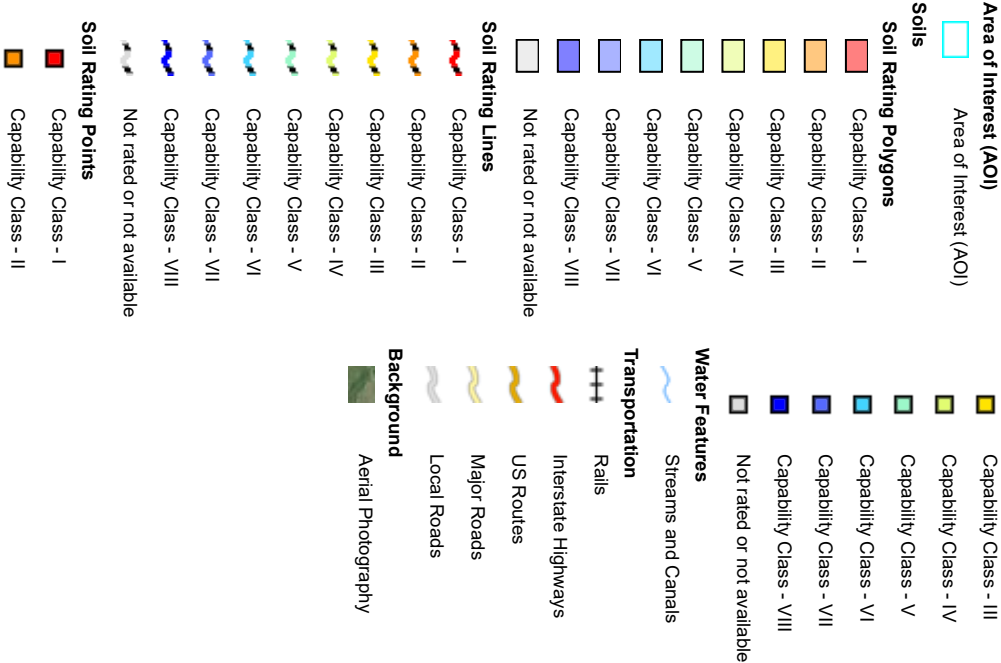
Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

# Custom Soil Resource Report

## Map—Irrigated Capability Class (CR2023-0012 / Elordi)



MAP LEGEND



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho  
Survey Area Data: Version 21, Aug 22, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 9, 2023—Sep 14, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

**Table—Irrigated Capability Class (CR2023-0012 / Elordi)**

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
TuC	Turbyfill fine sandy loam, 3 to 7 percent slopes	3	7.4	19.0%
TuD	Turbyfill fine sandy loam, 7 to 12 percent slopes	4	7.8	20.0%
TuE	Turbyfill fine sandy loam, 12 to 30 percent slopes		10.5	27.0%
VaB	Vanderhoff loam, 1 to 3 percent slopes	3	0.0	0.0%
VaE	Vanderhoff loam, 12 to 30 percent slopes		13.3	34.0%
<b>Totals for Area of Interest</b>			<b>39.0</b>	<b>100.0%</b>

**Rating Options—Irrigated Capability Class (CR2023-0012 / Elordi)**

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

## Dan Lister

---

**From:** Caitlin Ross  
**Sent:** Thursday, January 23, 2025 9:53 AM  
**To:** Dan Lister  
**Subject:** FW: [External] RE: Agency Notification for CR2023-0012 / Elordi  
**Attachments:** Pre.Development.Notes.Signed.09.01.2023.pdf

Hey Dan,

Not sure if you were included in this email. Please see below.

Thank you,  
-Caitlin

---

**From:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Sent:** Thursday, January 23, 2025 9:27 AM  
**To:** Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>  
**Subject:** [External] RE: Agency Notification for CR2023-0012 / Elordi

Hi Dan,

- 1.) Will a Nutrient Pathogen Study be required? **A Nutrient Pathogen Study is NOT required for this project.**
- 2.) Will adequate sanitary systems be provided to accommodate the use? **Test holes have not been conducted on-site, and septic systems have not been proposed.**
- 3.) Any concerns about the use or request for rezoning? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city? **Currently, SWDH does not have concerns about the use of this request if it meets all SWDH requirements.**

See attached pre-development notes from 09/01/2023.

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



# Pre-Development Meeting

Name of Development: \_\_\_\_\_

Applicant: \_\_\_\_\_

P.E./P.G.: \_\_\_\_\_

All others in Attendance: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

Number of Lots or Flow: \_\_\_\_\_ Acreage of Proposed Development: \_\_\_\_\_  
Location of Development: \_\_\_\_\_

Project in Area of Concern: \_\_\_\_\_ Groundwater/Rock <10' \_\_\_\_\_  
 Level 1 NP Necessary for N: \_\_\_\_\_

LSAS/CSS Proposed: \_\_\_\_\_  
 BRO meeting for P or above: \_\_\_\_\_  
 Proposed Drinking Water: Individual ☐, City ☐, Community ☐, Public Water Supply ☐  
 BRO meeting for PWS, Com: \_\_\_\_\_

Information Distributed: SER ☐, NP Guidance ☐, Non-Domestic WW ap. ☐

Additional Comments:

Anthony Lee

Attach conceptual plan, if provided, or any other correspondence, and create a file for this information. The information will be helpful when responding to the county about permitting requirements and should be maintained with the subdivision file or commercial permit file when completed, for a complete written history of the project and SWDH involvement.

UNOFFICIAL COPY

2017-043325

RECORDED

10/05/2017 02:36 PM



00328023201700433250040040

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 EHOWELL

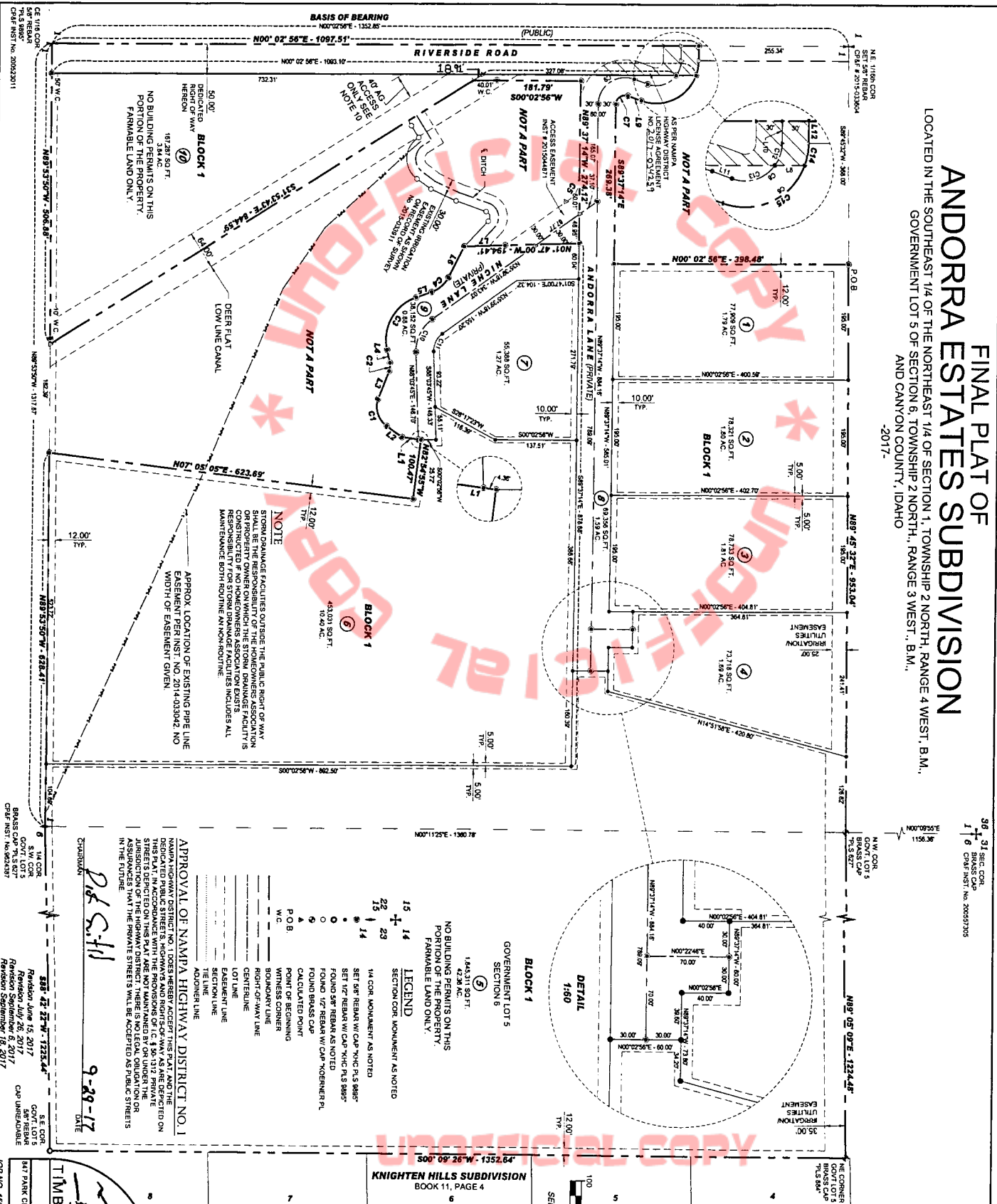
\$11.00

PLAT

TERRY AND TONY ELORDI

NOT OFFICIAL  
SEE ORIGINAL IN RECORDER'S  
OFFICE

FINAL PLAT OF  
ANDORRA ESTATES SUBDIVISION  
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 4 WEST, B.M.,  
GOVERNMENT LOT 5 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, B.M.,  
AND CANYON COUNTY, IDAHO  
-2017-



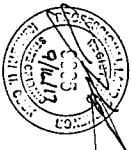
30 31 SEC. COR.  
1 6 BRASS CAP  
CORN. INST. NO. 20037305

BOOK 46 PAGE 21



SCALE: 1"=100'  
SEE SHEET 2 FOR NOTES AND TABLES

KNIGHTEN HILLS SUBDIVISION  
BOOK 11, PAGE 4



**TIMBERLINE SURVEYING**  
141 PARK CENTRE WAY SUITE 3, NAMPA, IDAHO 83855  
203-465-5697  
SHEET 1 OF 4 SHEETS

DATE: 9-29-17  
BY: P.D.C. + J.L.

APPROVAL OF NAMPA HIGHWAY DISTRICT NO. 1  
NAMPA HIGHWAY DISTRICT NO. 1 DOES HEREBY CERTIFY THAT THE DEDICATED PUBLIC STREETS, HIGHWAYS AND RIGHT-OF-WAY AS ARE DEPICTED ON THIS PLAT, IN ACCORDANCE WITH THE PROVISIONS OF I.C. § 36-1312 PRIVATE STREETS DEDICATED ON THIS PLAT ARE NOT MAINTAINED BY OR UNDER THE RESPONSIBILITY OF THE DISTRICT. THE DISTRICT'S RESPONSIBILITY IS LIMITED TO THE ASSURANCES THAT THE PRIVATE STREETS WILL BE ACCEPTED AS PUBLIC STREETS IN THE FUTURE.

# FINAL PLAT OF ANDORRA ESTATES SUBDIVISION

LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 4 WEST, B.M.,  
GOVERNMENT LOT 5 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, B.M.,  
AND CANYON COUNTY, IDAHO  
-2017-

## NOTES:

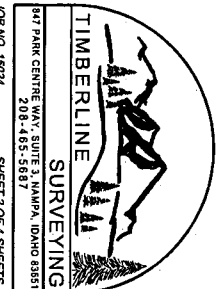
1. LOTS 1, 4, 6, 7, BLOCK 1 WILL BE FOR SINGLE FAMILY USE. LOTS 5 AND 10, BLOCK 1 HAVE NO BUILDING PERMIT AND ARE FOR AGRICULTURAL USE ONLY PER DEVELOPMENT AGREEMENT #18-226. LOTS 8 AND 9, BLOCK 1 ARE ACCESS LOTS ONLY AND OWNED AND MAINTAINED BY HOME OWNERS PER USER'S MAINTENANCE AGREEMENT INST. NO. 2017-028174.
2. ALL LOTS HAVE A 5 FOOT UTILITY EASEMENT ON THE SIDES, A 10 FOOT UTILITY EASEMENT IN THE REAR, A 10 FOOT UTILITY EASEMENT IN THE FRONT AND A 12 FOOT UTILITY EASEMENT ON THE BOUNDARY, UNLESS NOTED.
3. BLOCK 1, LOTS 5, 6, 7, AND 10 CONTAIN AREAS OF 15% SLOPE OR GREATER. ANY GRADING OR DISTURBING ACTIVITIES WITHIN THESE NO-BUILD SLOPE AREAS SHALL REQUIRE SUBMISSION OF ENGINEERED GRADING AND DRAINAGE PLANS TO THE COUNTY FOR APPROVAL BY THE COUNTY ENGINEER PRIOR TO ANY GRADING, FILLING, CLEARING OR EXCAVATING OF MORE THAN 1,500 SQUARE FEET, NOT INCLUDING TEST HOLES OR FENCE INSTALLATION.
4. LOTS 1, 4, 6, 7, BLOCK 1 WILL CONTAIN INDIVIDUAL SEPTIC SYSTEMS. ALL SEPTIC SYSTEMS MUST BE APPROVED BY THE SOUTHWEST DISTRICT HEALTH DEPARTMENT. LOTS 5 AND 10, BLOCK 1 ARE NON-BUILDABLE LOTS AND CONTAIN SANITARY SEWER RESTRICTIONS.
5. LOTS 1, 4, 6, 7, BLOCK 1 WILL BE SERVED BY INDIVIDUAL WATER WELLS.
6. ALL WELL AND SEPTIC PLACEMENTS MUST MATCH THE APPROVED REPORT ON FILE WITH THE SOUTHWEST DISTRICT HEALTH DEPT. NO CHANGES ARE ALLOWED UNLESS APPROVED.
7. ALL STORM WATER MUST BE RETAINED ON EACH INDIVIDUAL LOT.
8. IRRIGATION WATER HAS BEEN PROVIDED FROM THE WILDER IRRIGATION DISTRICT IN COMPLIANCE WITH IDAHO CODE 31-309. THE OWNER OF THIS SUBDIVISION HAS PROVIDED AN UNDERGROUND IRRIGATION SYSTEM. LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE WILDER IRRIGATION DISTRICT FOR SAID IRRIGATION WATER. THE PRESSURE IRRIGATION SYSTEM WITHIN THIS DEVELOPMENT SHALL BE MAINTAINED BY THE OPERATION PER DOCUMENT RECORDED 2017-028174.
9. LOT 10, BLOCK 1 IS SUBJECT TO A BOISE PROJECT BOARD OF CONTROL FACILITY DEER FLAT LOW LINE CANAL. ANY PROPOSED AND/OR FUTURE USAGE OF THE BOISE PROJECT BOARD OF CONTROL FACILITIES ARE SUBJECT TO IDAHO STATUTES, TITLE 42, 109. THERE SHALL BE NO DISCHARGE INTO THE LIVE IRRIGATION SYSTEM.
10. LOTS 1, 4 AND 7, BLOCK 1 WILL ACCESS FROM THE ANDORRA LANE. LOT 8 AND EXISTING LOTS WILL ACCESS FROM NICHE LANE. SUBDIVISION LOTS SHALL HAVE ACCESS TO INTERNAL SUBDIVISION ROADS ONLY EXCLUDING LOT 10. LOT 10 ACCESS TO RIVERSIDE ROAD IS AGRICULTURAL ONLY.
11. THIS DEVELOPMENT RECOGNIZES SECTION 24-450 OF IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES AND AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NON-AGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLECTFUL OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF.
12. ANY RE-SUBDIVISION OF THIS PLAT SHALL BE IN COMPLIANCE WITH THE MOST RECENTLY APPROVED SUBDIVISION STANDARDS IN EFFECT AT THAT TIME AND IN ACCORDANCE WITH DEVELOPMENT AGREEMENT NO. 18-226.
13. HISTORIC IRRIGATION LATERAL, DRAIN, AND DITCH FLOW PATTERNS SHALL BE MAINTAINED UNLESS APPROVED IN WRITING BY THE LOCAL IRRIGATION DISTRICT OR DITCH COMPANY.
14. ALL LOTS ARE SUBJECT TO A ROAD USER'S MAINTENANCE AGREEMENT PER INSTRUMENT NO. 2017-028174.
15. ALL LOTS ARE SUBJECT TO A WATER USER'S MAINTENANCE AGREEMENT PER INSTRUMENT NO. 2017-028174.
16. ALL SECTION AND QUARTER SECTION LINES REQUIRE A 10' SET BACK.
17. NO NEW DEVELOPMENT OR REDEVELOPMENT OF LAND MAY DISCHARGE STORM WATER ONTO HIGHWAY DISTRICT RIGHT-OF-WAY OR INTO THE DISTRICTS MUNICIPAL, SEPARATE STORM SEWER SYSTEM.

Line Table		
Line #	Length	Direction
L1	32.21'	S07°48'00"W
L2	32.23'	S35°26'16"W
L3	51.06'	N88°24'14"W
L4	22.11'	S77°05'13"W
L5	27.38'	N19°21'48"W
L6	58.45'	N62°56'21"W
L7	69.56'	N01°47'00"W
L8	33.73'	S00°02'56"W
L9	23.97'	S00°08'21"W
L10	25.00'	S89°57'04"E
L11	23.97'	S00°08'21"W
L12	25.00'	S89°57'04"E

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD
C1	50.84'	40.00'	72°49'25"	28.50'	47.49'
C2	13.85'	23.00'	34°30'32"	7.14'	13.84'
C3	110.82'	76.00'	83°32'59"	67.89'	101.26'
C4	38.79'	51.00'	43°34'33"	20.39'	37.86'
C5	42.38'	45.00'	53°57'25"	22.91'	40.84'
C6	138.82'	72.25'	110°06'25"	103.35'	118.43'
C7	28.74'	15.00'	109°45'35"	21.33'	24.54'
C8	88.21'	45.00'	109°45'35"	63.86'	73.82'
C9	63.85'	65.00'	56°16'57"	34.77'	61.31'
C10	34.38'	35.00'	56°16'57"	18.72'	33.02'
C11	26.75'	42.25'	38°16'50"	13.84'	26.31'
C12	54.42'	42.25'	73°48'35"	31.73'	50.74'
C13	25.53'	72.25'	20°14'40"	12.80'	25.40'
C14	113.29'	72.25'	89°50'44"	72.05'	102.04'



May 16, 2017  
Revision June 15, 2017  
Revision July 26, 2017  
Revision September 6, 2017



## CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF A REAL PARCEL OF LAND HEREIN AFTER DESCRIBED AND THAT IT IS THEIR INTENTION TO INCLUDE SAID PROPERTY IN THE SUBDIVISION PLAT. THE FOLLOWING DESCRIBES A PARCEL OF LAND BEING A PORTION OF THE SE 1/4 NE 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO AND ALSO BEING GOVERNMENT LOT 5 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

## BASIS OF BEARINGS:

THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO AND TAKEN AS NORTH 00°02'28" EAST WITH THE DISTANCE BETWEEN MONUMENTS FOUND TO BE 1382.85 FEET.

BEARING AT A POINT ON THE NORTHERLY BOUNDARY LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO, THE CORNER OF SAID SECTION 1 BEARS SOUTH 89°45'22" WEST A DISTANCE OF 388.00 FEET.

THESE CONTINUING ALONG SAID NORTHERLY LINE NORTH 89°45'22" EAST TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO.

THESE LEAVING SAID NORTHERLY BOUNDARY LINE, AND ALONG THE NORTHERLY BOUNDARY LINE OF GOVERNMENT LOT 5 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO, TO THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 5, A DISTANCE OF 1,224.48 FEET.

THESE LEAVING SAID NORTHERLY BOUNDARY LINE, AND ALONG THE EASTERLY BOUNDARY LINE OF SAID GOVERNMENT LOT 5 SOUTH 00°02'28" WEST TO THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 5, A DISTANCE OF 1,382.84 FEET.

THESE LEAVING SAID EASTERLY BOUNDARY LINE, AND ALONG THE SOUTHERLY BOUNDARY LINE OF SAID GOVERNMENT LOT 5 SOUTH 88°42'22" WEST TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 5, A DISTANCE OF 1,228.44 FEET.

THESE LEAVING SAID SOUTHERLY BOUNDARY LINE OF THE SE 1/4 NE 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO, TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 5, A DISTANCE OF 628.41 FEET.

THESE LEAVING SAID SOUTHERLY BOUNDARY LINE NORTH 07°05'55" EAST A DISTANCE OF 623.89 FEET.

THESE SOUTH 82°54'45" WEST A DISTANCE OF 100.47 FEET.

THESE SOUTH 32°31'15" WEST A DISTANCE OF 323.21 FEET.

THESE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 72°49'25" AN ARC LENGTH OF 50.84 FEET WITH A CHORD BEARING OF SOUTH 71°50'59" WEST, AND A CHORD DISTANCE OF 47.49 FEET.

THESE NORTH 68°21'41" WEST A DISTANCE OF 41.06 FEET.

THESE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF 34°30'32" AN ARC LENGTH OF 13.85 FEET WITH A CHORD BEARING OF NORTH 85°39'30" WEST, AND A CHORD DISTANCE OF 13.84 FEET.

THESE SOUTH 77°05'13" WEST A DISTANCE OF 22.11 FEET.

THESE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 76.00 FEET AND A CENTRAL ANGLE OF 83°32'59" AN ARC LENGTH OF 110.82 FEET WITH A CHORD BEARING OF NORTH 61°08'18" WEST, AND A CHORD DISTANCE OF 101.28 FEET.

THESE NORTH 18°21'48" WEST A DISTANCE OF 27.38 FEET.

THESE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 51.00 FEET AND A CENTRAL ANGLE OF 43°34'33" AN ARC LENGTH OF 38.79 FEET WITH A CHORD BEARING OF NORTH 41°09'05" WEST, AND A CHORD DISTANCE OF 37.86 FEET.

THESE NORTH 62°59'21" WEST A DISTANCE OF 88.45 FEET.

THESE NORTH 01°47'00" WEST A DISTANCE OF 194.41 FEET.

THESE NORTH 88°37'14" WEST A DISTANCE OF 274.12 FEET.

THESE SOUTH 00°02'28" WEST TO A POINT ON THE CENTERLINE OF DEER FLAT LOW LINE CANAL, A DISTANCE OF 181.73 FEET.

THESE ALONG SAID CENTERLINE THE FOLLOWING SOUTH 31°53'45" EAST TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 4 WEST, B.M. A DISTANCE OF 84.59 FEET.

THESE LEAVING SAID CENTERLINE AND ALONG SAID SOUTHERLY LINE NORTH 89°53'50" WEST TO A POINT ON THE WEST LINE OF SAID SECTION 1 BEING THE CE 1/16 A DISTANCE OF 308.89 FEET.

THESE LEAVING SAID SOUTHERLY LINE AND ALONG WEST LINE NORTH 00°02'28" EAST A DISTANCE OF 1,007.51 FEET.

THESE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 72.25 FEET AND A CENTRAL ANGLE OF 20°14'49" AN ARC LENGTH OF 25.40 FEET WITH A CHORD BEARING OF SOUTH 89°51'04" EAST, AND A CHORD DISTANCE OF 25.40 FEET TO A POINT ON THE DEDICATED RIGHT-OF-WAY OF RIVERSIDE ROAD.

THESE LEAVING SAID DEDICATED RIGHT-OF-WAY FROM A TANGENT WHICH BEARS SOUTH 68°42'24" EAST ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 72.25 FEET AND A CENTRAL ANGLE OF 89°50'44" AN ARC LENGTH OF 113.29 FEET WITH A CHORD BEARING OF SOUTH 24°47'01" EAST, AND A CHORD DISTANCE OF 102.04 FEET.

THESE SOUTH 30°09'21" WEST A DISTANCE OF 23.87 FEET.

THESE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 109°45'35" AN ARC LENGTH OF 28.74 FEET WITH A CHORD BEARING OF SOUTH 34°44'27" EAST, AND A CHORD DISTANCE OF 24.54 FEET.

THESE SOUTH 89°37'14" EAST A DISTANCE OF 289.38 FEET.

THESE NORTH 00°02'28" EAST A DISTANCE OF 398.48 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 3.046 897 SQUARE FEET OR 69.95 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING EASEMENTS AND RIGHTS-OF-WAYS OF RECORD OR IMPLIED.

THE STREETS AS SHOWN ON THIS PLAT ARE PRIVATE AND NOT DEDICATED TO THE PUBLIC.

UTILITY AND DRAINAGE EASEMENTS ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT OF ACCESS TO AND USE OF PUBLIC UTILITY AND DRAINAGE EASEMENTS REQUIRED TO SERVICE ALL LOTS AND PARCELS WITHIN THIS PLAT ARE PERPETUALLY RESERVED.

ALL LOTS ON THIS PLAT EXCEPT LOTS 5, 8, 9 AND 10, BLOCK 1 RECEIVE WATER & SANITARY SEWER SERVICE FROM INDIVIDUAL WELLS AND SEPTIC SYSTEMS.

IN WITNESS WHEREOF, WE HAVE HERE UNTO SET OUR HANDS THIS 6th DAY OF September 2017

ANDREA H. COOK OWNER Josua A. Elordi OWNER Victoria R. Cowan OWNER

# FINAL PLAT OF ANDORRA ESTATES SUBDIVISION

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 4 WEST, B.M.,  
GOVERNMENT LOT 5 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, B.M.,  
AND CANYON COUNTY, IDAHO  
2017.

## CERTIFICATE OF SURVEYOR

I, KENNETH H. COOK, DO HEREBY STATE THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, THAT THIS PLAT, AS DESCRIBED IN THE CERTIFICATE OF OWNERS, WAS DRAWN FROM A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT I HAVE COMPLIED WITH THE REQUIREMENTS OF THE STATE OF IDAHO CODES RELATING TO CONDOMINIUM PLATS & SURVEYS AND THE CORNER PERPETUATION AND PLING ACT, IDAHO CODES 55-1801 THROUGH 55-1813.

KENNETH H. COOK



## ACKNOWLEDGMENT

STATE OF IDAHO }  
COUNTY OF CANYON } ss.  
ON THIS 6th DAY OF Sept., 2017, BEFORE ME, Barbara J. Thayer, A NOTARY PUBLIC, PERSONALLY APPEARED ANTHONY V. ELORDI AND TERESA A. ELORDI, HUSBAND AND WIFE, KNOWN OR IDENTIFIED TO ME TO BE THE PERSONS WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Barbara J. Thayer  
NOTARY PUBLIC FOR IDAHO  
MY COMMISSION EXPIRES: 10/13/2022  
Barbara J. Thayer

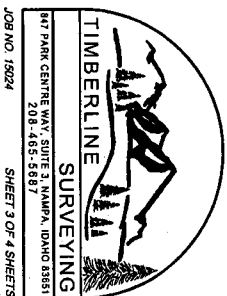
## ACKNOWLEDGMENT

STATE OF NORTH CAROLINA }  
COUNTY OF CUMBERLAND } ss.  
ON THIS 1st DAY OF Sept., 2017, BEFORE ME, Andree Louder, A NOTARY PUBLIC, PERSONALLY APPEARED JOSHUA H. COWAN AND VICTORIA R. COWAN, HUSBAND AND WIFE, KNOWN OR IDENTIFIED TO ME TO BE THE PERSONS WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Andree Louder  
NOTARY PUBLIC FOR IDAHO  
MY COMMISSION EXPIRES: 10-8-2021



May 16, 2017  
Revision June 15, 2017  
Revision June 26, 2017  
Revision August 16, 2017  
Revision September 6, 2017



FINAL PLAT OF  
**ANDORRA ESTATES SUBDIVISION**  
 LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 4 WEST, B.M.,  
 GOVERNMENT LOT 5 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 3 WEST, B.M.,  
 AND CANYON COUNTY, IDAHO  
 -2017-

BOOK 46 PAGE 21

**CERTIFICATE OF COUNTY SURVEYOR**  
 I, the undersigned County Surveyor in and for Canyon County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

*[Signature]*  
 County Surveyor  
**DAVID R. KINZIE** *RE: P&S 2059*  
 Date 9/15/17

**APPROVAL OF NAMPA HIGHWAY DISTRICT NO. 1**

Nampa Highway District No. 1 does hereby accept this plat, and the dedicated public streets, highways and rights-of-way as are depicted on this plat, in accordance with the provisions of I.C. § 50-1312. Private streets depicted on this plat are not maintained by or under the jurisdiction of the Highway District. There is no legal obligation or assurances that the private streets will be accepted as public streets in the future.

*[Signature]*  
 Chairman  
 Date 8-10-17

**HEALTH CERTIFICATE**

Sanitary measures as required by Idaho Code, Title 50, Chapter 13 have been satisfied. Sanitary measures may be imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

*[Signature]*  
 District Health Department, REHS  
 Date 8/14/2017

**APPROVAL OF CANYON COUNTY COMMISSIONERS**  
 I, the undersigned, Chairman of the Canyon County Commissioners for Canyon County, Idaho, do hereby certify that at a regular meeting of the County Commissioners held on the 5 day of October, 2017, this plat was accepted and approved.

*[Signature]*  
 Chairman, Canyon County Commissioners  
 Date 10/5/2017



**CERTIFICATE OF COUNTY TREASURER**

I, the undersigned, County Treasurer in and for the County of Canyon, State of Idaho, per the requirements of I.C. §50-1308, do hereby certify that any and all current taxes due on the property depicted on this plat have been paid in full. This certification is valid for the next thirty (30) days only.

*[Signature]*  
 County Treasurer  
 Date 9/29/17







# CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

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

## DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 116226

**THIS AGREEMENT**, made and entered into this 4<sup>th</sup> day of October, 2016, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and Tony and Teresa Elordi, hereinafter referred to as "Applicants."

### RECITALS

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

**WHEREAS**, Parcels R3026200000 & R3001800000 are owned by Tony and Teresa Elordi.

**WHEREAS**, on the 22<sup>nd</sup> of August, 2016, the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Properties to a "CR-RR" (CR-Rural Residential) zone, which was done with Applicants' approval. The conditions of the approval for the conditional rezone are attached hereto as Exhibit "B";

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

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

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

**2016-040997**

RECORDED

**10/05/2016 08:35 AM**



00258377201600409970160161

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=16 EHOWELL

NO FEE

AGR

CANYON COUNTY COMMISSIONERS

Agreement Number: 116-8226  
Development Agreement

## **SECTION 1. AUTHORIZATION.**

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

## **SECTION 2. PROPERTY OWNER.**

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

## **SECTION 3. RECORDATION.**

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

## **SECTION 4. TERM.**

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

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

## **SECTION 5. MODIFICATION.**

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



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

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

## **SECTION 7. COMMITMENTS.**

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

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

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

## **SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.**

### **A. COUNTY REVIEW.**

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

### **B. COUNTY PROCEDURES.**

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number PH2019-30 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

### **C. INDEMNITY.**

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the

County pursuant to Subsection 6(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

**D. DEFENSE EXPENSES.**

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

**SECTION 10. PERIODIC REVIEW.**

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

**SECTION 11. REQUIRED PERFORMANCE.**

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

**SECTION 12. DEFAULT AND REMEDIES.**

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

**SECTION 13. ZONING REVERSION CONSENT.**

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

conditionally rezoned from "A" (Agricultural) Zone designation to "CR-RR" (CR-Rural Residential) Zone designation shall revert back to the "A" (Agricultural) Zone designation.

**SECTION 14. COMPLIANCE WITH LAWS.**

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

**SECTION 15. RELATIONSHIP OF PARTIES.**

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

**SECTION 16. CHANGES IN LAW.**

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

**SECTION 17. NOTICES.**

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

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

Director  
Development Services Department  
Canyon County Courthouse  
111 North 11<sup>th</sup> Avenue, #140  
Caldwell, Idaho 83605

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

Name: Tony and Teresa Elordi  
Street Address: 3304 Iowa Avenue  
City, State, Zip: Caldwell, ID 83605

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

**SECTION 18. TERMINATION.**

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho

Agreement Number: 16-226  
Development Agreement

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

**SECTION 19. EFFECTIVE DATE.**

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

**SECTION 20. TIME OF ESSENCE.**

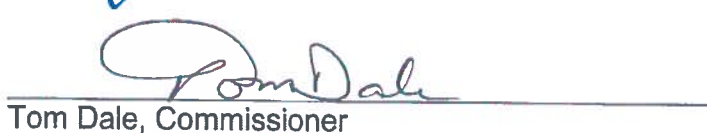
Time is of the essence in the performance of all terms and provisions of this Agreement.

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

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

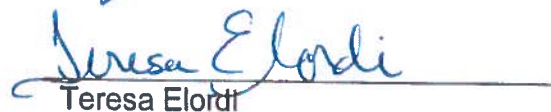
  
Steven J. Rule, Chairman

  
Craig L. Hanson, Commissioner

  
Tom Dale, Commissioner

**APPLICANTS**

  
Tony Elordi

  
Teresa Elordi

ATTEST/ Chris Yamamoto, Clerk

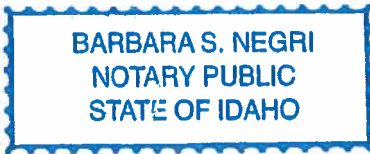
BY:   
Deputy

DATE: 10-4-16

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

STATE OF IDAHO )  
 ) ss.  
County of Canyon )

On this 28 day of September, 2016, before me, a notary public, personally appeared Tony Elendi + Theresa Elendi, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.



Barbara S. Negri  
Notary Public for Idaho

Residing at: Prima, Id

My Commission Expires: 10/13/2016

STATE OF IDAHO )  
 ) ss.  
County of Canyon )

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

\_\_\_\_\_  
Notary Public for Idaho

Residing at: \_\_\_\_\_

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

Agreement Number: 11-2216  
Development Agreement

## EXHIBIT "A"

### LEGAL DESCRIPTION (Parcels R3026200000 & R30018000000) CASE NO. PH2016-30

The following describes a Parcel of Land being a portion being a portion of the SE 1/4 NE 1/4 of Section 1, Township 2 North., Range 4 West., Boise Meridian., Canyon County, Idaho and also being Government Lot 5 of Section 6, Township 2 North., Range 3 West., Boise Meridian., Canyon County, Idaho and more particularly described as follows:

**COMMENCING** at the Northwest Corner of the SE 1/4 NE 1/4 (NE 1/16<sup>th</sup> Corner) of Section 1, Township 2 North., Range 4 West., Boise Meridian., Canyon County, Idaho; From which the Southwest Corner of the SE 1/4 NE 1/4 (E 1/16<sup>th</sup> Corner) of said Section 1 bears, South 00°02'56" West, 1352.85 feet; Thence along the Northerly Boundary Line of said SE 1/4 NE 1/4, North 89°45'32" East, 368.00 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251", the **POINT OF BEGINNING**:

Thence continuing along said Northerly Boundary Line, North 89°45'32" East, 953.04 feet to the Northeast Corner of said SE 1/4 NE 1/4 being Marked by a Brass Cap;

Thence leaving said Northerly Boundary Line, and along the Northerly Boundary Line of Government Lot 5 of Section 6, Township 2 North., Range 3 West., Boise Meridian., North 89°05'09" East, 1224.48 feet to the Northeast Corner of said Government Lot 5 Marked by a Brass Cap;

Thence leaving said Northerly Boundary Line, and along the Easterly Boundary Line of said Government Lot 5, South 00°09'26" West, 1352.64 feet to the Southeast Corner of said Government Lot 5 Marked by a 5/8" iron pin;

Thence leaving said Easterly Boundary Line, and along the Southerly Boundary Line of said Government Lot 5, South 88°42'22" West, 1225.44 feet to the Southwest Corner of said Government Lot 5 Marked by a Brass Cap;

Thence along the Southerly Boundary Line of the SE 1/4 NE 1/4 of Section 1, Township 2 North., Range 4 West., Boise Meridian., North 89°53'50" West, 628.41 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence leaving said Southerly Boundary Line, North 07°05'05" East, 623.69 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence, North 82°54'55" West, 100.47 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence, South 07°48'00" West, 32.21 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence, South 35°26'16" West, 32.23 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence Southwesterly 50.84 feet along the arc of a curve to the right having a radius of 40.00 feet, a central angle of 72°49'25" and a long chord which bears, South 71°50'59" West, 47.49 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence, North 68°24'14" West, 51.06 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence Northwesterly 13.85 feet along the arc of a curve to the left having a radius of 23.00 feet, a central angle of 34°30'32" and a long chord which bears, North 85°39'30" West, 13.64 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence, South 77°05'13" West, 22.11 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Page 1 of 3

Thence Northwesterly 110.82 feet along the arc of a curve to the right having a radius of 76.00 feet, a central angle of 83°32'59" and a long chord which bears, North 61°08'17" West, 101.26 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",  
Thence, North 19°21'48" West, 27.38 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",  
Thence Northwesterly 38.79 feet along the arc of a curve to the left having a radius of 51.00 feet, a central angle of 43°34'33" and a long chord which bears, North 41°09'04" West, 37.86 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",  
Thence, North 62°56'21" West, 58.45 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",  
Thence, North 01°47'00" West, 194.41 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",  
Thence, North 89°37'14" West, 274.12 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",  
Thence, South 00°02'56" West, 181.79 feet to a point on the Centerline of the Deer Flat Low Line Canal;  
Thence along the Centerline of the Deer Flat Low Line Canal, South 31°53'43" East, 844.60 feet to a point on the Southerly Boundary Line of the SE 1/4 NE 1/4 of Section 1, Township 2 North., Range 4 West., B.M.,;  
Thence leaving said Centerline, and along the Southerly Boundary Line of the of the SE 1/4 NE 1/4 of Section 1, Township 2 North., Range 4 West., B.M., Township 2 North., Range 4 West., B.M., North 89°53'50" West, 506.88 feet to the Southwest Corner of the of the SE 1/4 NE 1/4 (E 1/16<sup>th</sup> Corner) of said Section 1;  
Thence leaving said Southerly Boundary Line, and along the Westerly Boundary Line of said SE 1/4 NE 1/4, North 00°02'56" East, 1097.51 feet to a point;  
Thence leaving said Westerly Boundary Line, South 89°57'04" East, 25.00 feet to a point;  
Thence Southeasterly 138.82 feet along the arc of a curve to the right having a radius of 72.25 feet, a Central angle of 110°05'25" and a Chord Bearing of South 34°54'22" East, 118.43 feet to a found 1/2" iron pin with plastic cap "Koerner PLS 8251";  
Thence, South 20°08'21" West, 23.97 feet to found 1/2" iron pin with plastic cap "Koerner PLS 8251";  
Thence, Southeasterly 28.74 feet along the arc of a curve to the left having a radius of 15.00 feet, a Central angle of 109°45'35" and a long chord which bears South 34°44'27" East, 24.54 feet to a found 1/2" iron pin with plastic cap "Koerner PLS 8251";  
Thence, South 89°37'14" East, 269.38 feet to a found 1/2" iron pin with plastic cap "Koerner PLS 8251";  
Thence, North 00°02'56" East, 398.48 feet to the **POINT OF BEGINNING:**  
**Said Parcel of Land contains 68.69 acres more or less.**

**SUBJECT TO:**

A 10.00 feet Irrigation Easement crossing the Northerly Boundary Line of said Parcel for the benefit of the adjoiner to the West (Parcel 1);

**SUBJECT TO AND TOGETHER WITH:**

**A 60.00 FOOT WIDE ACCESS & UTILITIES EASEMENT**

The following describes a Parcel of Land for the purpose of a 60.00 foot wide Access and Utilities Easement being a portion of the SE 1/4 NE 1/4 of Section 1, Township 2 North., Range 4 West., Boise Meridian., Canyon County, Idaho and more particularly described as follows:

Page 2 of 3



**COMMENCING** at the Northwest Corner of the SE 1/4 NE 1/4 (NE 1/16th Corner) of Section 1, Township 2 North., Range 4 West., Boise Meridian., Canyon County, Idaho; From which the Southwest Corner of the SE 1/4 NE 1/4 (E 1/16th Corner) of said Section 1 bears, South 00°02'56" West, 1352.85 feet; Thence along the Westerly Boundary Line of said SE 1/4 NE 1/4, South 00°02'56" West, 255.34 feet to the POINT OF BEGINNING:

Thence leaving said Westerly Boundary Line, South 89°57'04" East, 25.00 feet to a point;  
Thence Southeasterly 138.82 feet along the arc of a curve to the right having a radius of 72.25 feet, a central angle of 110°05'25" and a long chord which bears, South 34°54'22" East, 118.43 feet to a point;  
Thence, South 20°08'21" West, 23.97 feet to a point;  
Thence Southeasterly 28.74 feet along the arc of a curve to the left having a radius of 15.00 feet, a central angle of 109°45'35" and a long chord which bears, South 34°44'27" East, 24.54 feet to a point;  
Thence, South 89°37'14" East, 126.88 feet to a point;

Page 2 of 3

Thence Southeasterly 98.90 feet along the arc of a curve to the right having a radius of 105.00 feet, a central angle of 53°57'56" and a long chord which bears, South 62°38'16" East, 95.28 feet to a point;  
Thence, South 35°39'18" East, 304.85 feet to a point;  
Thence Southeasterly 34.38 feet along the arc of a curve to the left having a radius of 35.00 feet, a central angle of 56°16'57", and a long chord which bears, South 63°47'47" East, 33.02 feet to a point;  
Thence, North 88°03'45" East, 127.09 feet to a point;  
Thence, South 01°56'15" East, 60.00 feet to a point;  
Thence, South 88°03'45" West, 67.09 feet to a point;  
Thence, South 01°56'15" East, 28.99 feet to a point;  
Thence, North 68°24'14" West, 32.72 feet to a point;  
Thence Northwesterly 13.85 feet along the arc of a curve to the left having a radius of 23.00 feet, a central angle of 34°30'32" and a long chord which bears, North 85°39'30" West, 13.64 feet to a point;  
Thence, South 77°05'13" West, 16.75 feet to a point;  
Thence, North 01°56'15" West, 17.62 feet to a point;  
Thence Northwesterly 93.32 feet along the arc of a curve to the right having a radius of 95.00 feet, a central angle of 56°16'57" and a long chord which bears, North 63°47'47" West, 89.61 feet to a point;  
Thence, North 35°39'18" West, 304.85 feet to a point;  
Thence Northwesterly 42.38 feet along the arc of a curve to the left having a radius of 45.00 feet, a central angle of 53°57'56" and a long chord which bears, North 62°38'16" West, 40.84 feet to a point;  
Thence, North 89°37'14" West, 126.88 feet to a point;  
Thence Northwesterly 103.43 feet along the arc of a curve to the right having a radius of 75.00 feet, a central angle of 79°00'57" and a long chord which bears, North 50°06'46" West, 95.43 feet to a point;  
Thence, North 00°02'56" East, 78.59 feet to a point;  
Thence, North 89°57'04" West, 25.00 feet to a point on the Westerly Boundary Line of said SE 1/4 NE 1/4 of said Section 1;  
Thence along the Westerly Boundary Line of said SE 1/4 NE 1/4 of said Section 1, 00°02'56" East, 60.00 feet to the POINT OF BEGINNING:

Said Easement contains 1.29 acres more or less.





## ELORDI AMENDED PARCEL 2

Scale: 1 inch= 327 feet

File:

Tract 1: 68.8878 Acres, Closure: n01.4337w 0.02 ft. (1/533331), Perimeter=10530 ft.

01 n89.4532e 953.04  
 02 n89.0509e 1224.48  
 03 s00.0926w 1352.64  
 04 s88.4222w 1225.44  
 05 n89.5350w 628.41  
 06 n07.0505e 623.69  
 07 n82.5455w 100.47  
 08 s07.4800w 32.21  
 09 s35.2616w 32.23  
 10 Rt, r=40.00, delta=072.4925, chord=s71.5059w 47.49  
 11 n68.2414w 51.06  
 12 Lt, r=23.00, delta=034.3032, chord=n85.3930w 13.64  
 13 s77.0513w 22.11  
 14 Rt, r=76.00, delta=083.3259, chord=n61.0817w 101.26  
 15 n19.2148w 27.38  
 16 Lt, r=51.00, delta=043.3433, chord=n41.0904w 37.86  
 17 n62.5621w 58.45

18 n01.4700w 194.41  
 19 n89.3714w 274.12  
 20 s00.0256w 181.79  
 21 s31.5343e 844.6  
 22 n89.5350w 506.88  
 23 n00.0256e 1097.51  
 24 s89.5704e 25  
 25 Rt, r=72.25, delta=110.0525, chord=s34.5422e 118.43  
 26 s20.0821w 23.97  
 27 Lt, r=15.00, delta=109.4535, chord=s34.4427e 24.54  
 28 s89.3714e 269.38  
 29 n00.0256e 398.48

## **EXHIBIT "B"**

### **CONDITIONS OF APPROVAL FOR PH2016-30**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject properties, R30262 and R30018 shall be developed and platted in substantial conformance to the Site Plan in Exhibit "C".
3. The development shall have six (6) residential lots with a minimum average residential lot size of two (2) acres.
4. Proposed Lots 5 and 9 (Exhibit "C") shall not have residential building permits available and shall remain in irrigated agricultural production.
5. The applicants shall have a Road User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.
6. The development shall have pressurized irrigation to each lot.
7. The applicants shall have a Water User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.
8. Niche Lane, a private road, shall be constructed in accordance with the Canyon County Zoning Ordinance requirements at time of development.
9. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
10. The development shall comply with Boise Project Board of Control requirements as indicated in Exhibit "D".



**EXHIBIT "D"**  
**BOISE PROJECT BOARD OF CONTROL REQUIREMENTS**

**RON PLATT**  
CHAIRMAN OF THE BOARD

**RICHARD MURGOTTO**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY  
TREASURER

**BOISE PROJECT BOARD OF CONTROL**

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2485 OVERLAND ROAD  
BOISE, IDAHO 83705-3195

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

JANAPPA MERIDIAN DISTRICT  
BOISE KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

TEL: (208) 344-1441  
FAX: (208) 344-1437

4 August 2016

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

RE: Tony Elordi CR-P112016-30  
Riverside Rd South of Marsing Rd  
Wilder Irrigation District W-26, W-26-1  
Deer Flat Lowline Canal 1451+80A  
Yarnell Lateral 47+90  
High-Sub Lateral 00+80  
Sec. 01, 12N, R4W, BM. & 12N, 3W, BM.

Debbie Root:

The United States' Deer Flat Lowline Canal lies within the boundary of the above-mentioned location. The easement for this canal is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

The Boise Project Board of Control is contracted to operate and maintain this canal. We assert the federal easement 32 feet southwest and 32 feet northeast of the canal's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

The Boise Project does not approve landscaping (other than grass) within its easements, as this will certainly increase our cost of maintenance.

Fencing (as may be required) must be constructed just off the canal easement, to insure public safety and prevent encroachments.

Parking lots, curbing, light poles, signs, etc. and the placing of asphalt and/or cement over Project facility easements must be approved by Boise Project Board of Control prior to construction.



Agreement Number: 16-2236  
Development Agreement

Project facilities and/or easements that parallel, and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated outside of road right-of-ways. The easements of Boise Project facilities will remain the same unless agreed upon and/or approved with written permission from Boise Project Board of Control.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the canal is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case, no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

Crossing agreements must be secured and signed by all parties prior to March 1<sup>st</sup> of each year. A time schedule for the construction to be done during the non-irrigation season must be approved by Boise Project prior to any activity within Project easements. No construction will be allowed within the easement boundaries of the Boise Project Board of Control facilities after March 15<sup>th</sup> of each year. However, on a case by case basis, overhead utilities and utilities boring underneath a Project facility may be allowed after March 15<sup>th</sup> if reviewed and approved by the Boise Project.

The piping and relocation of any Lateral, Canal and/or Drain must be reviewed and approved by the Project and is (to include all appurtenant boxes and/or structures) and must be warranted by the landowner for a period of (5) five-years. The Warrantee Agreement must be secured prior to ANY disturbance of that facility.

Boise Project Board of Control must approve any requests and/or relocation of delivery points prior to construction.

Storm Drainage and/or Street Runoff must be retained on site.

NO DISCHARGE into any live irrigation system is permitted.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.

Should there be any small (neighborhood) irrigation ditches on this site, the developers and/or landowners will be obligated to protect them and allow water to pass to downstream neighbors.

This development is subject to Idaho Code 31-3805, in accordance, this office is requesting a copy of the irrigation and drainage plans.

Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statutes, Title 42-1209.

Future preliminary and final plats must call out the Project easements and the plats must also note, which lots have surface irrigation water rights and which lots do not.

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors.

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

Sincerely,



Thomas Ritthaler  
Management/GIS

bdc/bc

cc: Duane Casey  
Diane Paulsen

Watermaster, Div; 4 BPBC  
Secretary – Treasurer, WID

File





**Board of County Commissioners**  
**Elordi – Case No. DA2022-0003**

Development Services Department

**Findings of Fact, Conclusions of Law, and Order**  
**Elordi – DA2022-0003: Development Agreement Modification**

**Findings of Fact**

1. The applicant, Tony Elordi, is requesting a development agreement modification to agreement #16-226, approved as part of Case #PH2016-30. The modification removes the restriction for development to not exceed six (6) residential lots and for lot 5 to be designated agricultural only with no building permits available. The property consists of approximately 42.41 acres, located at 0 Andorra Ln, Caldwell; also known as Parcels R30262104 and R30262104A; a portion of the NW¼ of Section 06 Township 2N and Range 3W & NE¼ of Section 01, Township 2N, Range 04W; Canyon County, Idaho.
2. In 2016, a conditional rezone (PH2016-30) was approved subject to a development agreement (#16-226).
3. A neighborhood meeting was held on May 19, 2022, in accordance with CCZO §07-01-15
  - a. Staff was notified prior to the Planning and Zoning Commissioner hearing that the neighborhood meeting mailing list did not include all owners within a 600ft radius. The Planning and Zoning Commission decided due to the noticing done by DSD and the noticing that will be done prior to the BOCC that a new neighborhood meeting is not necessary at this point.
4. Notice of the public hearing was provided as per CCZO §07-05-01. Affected agencies were notified on October 7, 2022, and December 28, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022, and February 23, 2023. The newspaper notice was completed on October 30, 2022, and March 3, 2023. The subject property was posted with a notice on November 3, 2022, and March 8, 2023.
5. The record consists of exhibits provided as part of the public hearing staff report, testimony, and any additional evidence submitted during the public hearing on November 17, 2022, April 13, 2023, and all information contained in Case File DA2022-0003.

**Conclusions of Law**

Pursuant to CCZO §07-06-07(7)F, Modification of Development Agreements: "A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the Board after complying with the notice and hearing provisions of Idaho Code §67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification."

For this request, the Board of County Commissioners finds and concludes the following:

- 1) The requested modification is not in substantial compliance with the Findings of Fact, Conclusions of Law and Order (FCOs) approved for Case No. PH2016-30.
  - a. The approved FCOs regarding PH2016-30 approved the conditional rezone with a development agreement subject to 46.87 acres remaining in agricultural use with no building permit available (Finding #3 & #4PH2016-30). Therefore, the requested modification is a significant change to the PH2016-30 FCOs.
- 2) The applicants' need for necessity could not be found.
  - The request was found to not be a necessity. The applicant requests a modification to the development agreement to allow building permits and platting of a lot approved to remain agricultural use (Lot 5, Andorra Estates). The necessity stated by the applicant is to provide the owner and family with a place to live and a way to maintain the agricultural property. It was shown that the applicant was the original applicant for Case #PH2016-30 and understood the subject agricultural property could not be further developed. The applicant currently lives on Lot 2 of Andorra Estates; therefore, the development of the agricultural property is a desire, not a necessity.

3) Notification was completed in compliance with Idaho State Law §67-6509. Affected agencies were notified on October 07, 2022, and December 28, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022, and February 23, 2023. The newspaper notice was completed on October 30, 2022, and March 3, 2023. The subject property was posted with a notice on November 03, 2022, and March 8, 2023.

- Agency comments were received from Canyon Soil Conservation: "DA2022-0003 Tony Elordi- 24% of the soils are Class Three (3). Class Three (3) have moderate limitations and appropriate management practices can make any irrigated soil productive. 20% of the soils are Class Four (4) and 56% of the soils have no classification."

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **Denies** Case #DA2022-0003, a modification of a development agreement (#16-662) approved as part of Case No. PH2016-30 regarding Parcels R30262104 and R302622104A.

**DENIED** this 13 day of April, 2022

- ☒ Motion Carried Unanimously  
☐ Motion Carried/Split Vote Below  
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>unavailable for signature</u> Commissioner Brad Holton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Chris Yamamoto, Clerk

By:   
Deputy

Date: 4-13-23



## **Canyon County Board of Commissioners**

### **Tony and Teresa Elordi, CR-PH2016-30 FCCO's**

Development Services Department

August 22, 2016

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

CR-PH2014-30 Elordi, Conditional Rezone A to RR

#### **Findings of Fact**

1. The applicant is requesting to conditionally rezone approximately 68.65 acres from "A" (Agriculture) to "CR-RR" (Rural Residential). Approximately 46.87 acres or 68% will be restricted to agricultural uses through a development agreement.
2. The applicant is requesting to enter into a Development Agreement with the County.
3. The subject property is currently zoned "A" (Agricultural) (Exhibit 7).
4. The subject property is designated "Agriculture" on the 2020 Comprehensive Plan Future Land Use Map (Exhibit 10).
5. The subject property is not located in an area of city impact.
6. There is currently a storage/shop structure on subject property.
7. The subject property has access to Riverside Road (public) via Niche Lane (private) (Exhibit 2 & 5).
8. The subject property is located within the Nampa Highway District, Marsing Fire District, Marsing School District, the Wilder Irrigation District, and Boise Project Board of Control for laterals and canals.
9. The subject property, R30262, has one residential permit available on 30.755 acres.
10. Platting is required for the proposed development. There are a total of four residential parcels on the original 40 acre parcel, R30262.
11. The subject property, R30018, is subject to a building permit relocation decision (AD2015-47) and has no residential permits available.
12. The application was noticed in accordance with Canyon County Code §07-05-01 as follows: The agency notices were sent on 05/19/2016. The P&Z legal notice was published on 06/13/2016. The property owner notice was distributed on 05/20/2016. The property was posted on 06/20/2016. For the BOCC hearing the legal notice was published on 08/04/2016, property owners and agencies were noticed on August 1, 2016 and the property was posted on 08/11/2016.
13. The record consists of exhibits 1-24, the case file CR-PH2016-30, and all other records herein.
14. The Planning and Zoning Commission recommended CR-PH2016-30 for Denial to the Board on July 7, 2016.

#### **Conclusions of Law**

For this request the Board finds and concludes the following regarding the Standards of Evaluation for a Conditional Rezone Amendment (§07-06-07 A):

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

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

Finding: The Future Land Use designation for the subject properties is agriculture. The developed properties, Knighten Hills Subdivision and West River Subdivision are designated residential and

¼ mile to the north the properties north of Marsing Road are designated residential. The proposed conditional rezone is generally consistent with the following comprehensive plan components:

- Land Use Component, Policy No. 2 which states, *"Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate."*
- Land Use Component Goal No. 5- *"Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural uses may occur in the same area."* The area is a mix of agricultural and residential uses. If approved, the proposed use will be similar to the existing uses in the area.
- Land Use Component Policy No. 2- *"Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate."* The applicant will enter into a development agreement that will restrict development on approximately 68% of the agricultural subject properties. A subdivision plat is required to create the proposed development. This action will help to ensure that the agricultural land that is currently in production will primarily remain in agricultural production.
- Land Use Component Agriculture Policy No. 1- *"Encourage the protection of agricultural land for the production of food."* Through the Development Agreement approximately 68% of the subject properties will remain in agricultural production.
- Land Use Component Agriculture Policy No. 2- *"Consider the use of voluntary mechanisms for the protection of agricultural lands."* The applicant is voluntarily entering into a development agreement that will restrict the development of agricultural land.
- Section 8- Public Services, Facilities and Utilities Policy No. 3 *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."* The subject property is located within the Marsing Fire District.
- Agriculture Component Goal No. 1- *"Acknowledge, Support and preserve the essential role of agriculture in Canyon County."* A development agreement will ensure that approximately 68% of the subject properties will remain in agricultural use.
- Agriculture Component Goal No. 2- *"Support and encourage the agricultural use of agricultural lands."*

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

Conclusion: The proposed conditional rezone is as appropriate as the current zoning designation.

Finding: The surrounding land uses are agricultural and rural residential although the zoning is agricultural. There are three platted subdivisions within a mile radius of the subject property (Exhibit 9). There are both larger irrigated farm fields and platted residential subdivision development adjacent to the subject properties.

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

Conclusion: Yes, the proposed use is compatible with the surrounding land uses.

Finding: There are three platted subdivisions within one mile of the subject property with an average lot size of 1.99 acres. The applicant is proposing a conditional rezone to rural residential. The Rural Residential zone requires a minimum average residential lot size of two (2) acres. The applicant is proposing to develop six (6) residential lots with an average lot size of 3.34 acres along with a road lot on approximately 21.78 acres of the 68.65 acre subject properties. The remainder of the property, 46.87 acres more or less or 68% of the subject properties, will remain in agricultural production with no building permits available. The residential lot size is consistent with

development in the area and rural residential development and agricultural uses are compatible throughout the county.

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

Conclusion: No, the proposed use will not negatively affect the character of the area with approximately 68% of the 68.65 acres remaining in agricultural production and will be subject to a Development Agreement.

Finding: The proposed use will not be injurious to other properties in the vicinity nor will it negatively change the essential character of this rural residential and agricultural area. Approximately 68% of the 68.65 acre subject property will remain in agricultural production.

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

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

Finding: The proposed use will not significantly change the existing services, irrigation or drainage on the property and the developers will be required to meet agency requirements at the time of development.

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

Conclusion: The development must meet the CCZO §07-10-03 Private Road and Driveway Requirements. Road improvements will be required to meet the Subdivision platting requirements for the development.

Finding: The proposed conditional rezone for the purpose of developing the subject property requires that a subdivision plat be completed. Road improvements are required for the proposed development plan. The addition of six residential lots on approximately 68.65 acres will not significantly impact existing or future traffic patterns on Riverside Road.

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

Conclusion: Yes, legal access to the subject property exists via Niche Lane (private) to Riverside Road (public) (Exhibit 2 and 5).

Finding: Nampa Highway District #4, Exhibit 6, indicates that the development must meet highway district standards at the time of platting.



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

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

Finding: The proposed use will not require additional public funding to meet the needs created by the requested use and police, fire, and emergency medical services will be provided to the property.

**§07-06-07 B: Conditions must be met:** If the Commission recommends and the Board approves such order of preliminary rezoning, the order shall include any conditions, stipulations, restrictions or limitations which the Commission recommends and the Board finds are necessary to the public health, safety and welfare. Such conditions, stipulations, restrictions or limitations must be met before the "order of intent to rezone" is issued. The development agreement must be signed and recorded before final approval is given.

**§07-06-07 C: Conditions Incorporated Into Document:** Any conditions, stipulations, restrictions or limitations imposed pursuant to this section shall be incorporated as part of any site plan, plat, document of title of conveyance, and building permit relating to the restricted land.

**Order of Decision:**

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein the Board of County Commissioners order that Case #CR-PH2016-30, a request by Tony and Teresa Elordi for a **Conditional Rezone** of approximately 68.65 acres (R30262 and R30018) from "A" (Agricultural) Zone to "CR-RR" (CR-Rural Residential) Zone be **Approved** with the following conditions to be enumerated in a **Development Agreement**:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject properties, R30262 and R30018 shall be developed and platted in substantial conformance to the Site Plan in Attachment "A".
3. The development shall have six (6) residential lots with a minimum average residential lot size of two (2) acres.
4. Proposed Lots 5 and 9 shall not have residential building permits available and shall remain in irrigated agricultural production.
5. The applicants shall have a Road User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.
6. The development shall have pressurized irrigation to each lot.
7. The applicants shall have a Water User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.
8. Niche Lane, a private road, shall be constructed in accordance with the Canyon County Zoning Ordinance requirements at time of development.
9. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
10. The development shall comply with Boise Project Board of Control requirements as indicated in Exhibit 11.

APPROVED this 22 day of August, 2016.

  
Steven J. Rule, Chairman

Yes

No

Did Not  
Vote

☒

☐

☐

  
Commissioner Craig L. Hanson

☒

☐

☐

  
Commissioner Tom Dale

☐

☒

☐

Attest: Chris Yamamoto, Clerk

By:   
Deputy

Date: 8-22-16



