



PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of **Jaggers/Avery – RZ2023-0003**, the Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of parcels R37468012A and R3768012A1 from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone – Rural Residential). The request includes a development agreement limiting the parcels to meet a five-acre minimum lot size.
- 2) Location: 25744 Kingsbury Lane, Middleton; as referenced as a portion of the NW¼ of Section 26, T5N, R2W, B-M, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File RZ2023-0003.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezones), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and CCCO §09-19-12 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See CCCO §07-06-07(1).*
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See CCCO §07-05-01*
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use, including subdivision permits. *See I.C. §67-6504, §67-6511.*
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The

County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCCO §07-05-03(1)(I).

The application, RZ2023-0003, was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 20, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

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

Conclusion: As conditioned, the proposed conditional rezone is generally consistent with the Comprehensive plan.

Findings:

- (1) The Future Land Use Plan in the 2030 Canyon County Comprehensive Plan (Comp. Plan) designates a majority of the parcels as "agriculture" with a small portion along the southern boundary near Edna Lane as "rural residential" (Exhibit B.2c of the staff report).
- (2) The rural residential mapped designation identifies rural transitional areas to create a boundary between agricultural and urban areas. Within the mapped transition areas, the "R-R" (Rural Residential) zone is the promoted residential growth. Outside of the mapped transition area, Commercial Agriculture (AC) 5, 20, and 40 are available in the agriculture designation (Pages 25 and 26 of the Comp. Plan).
 - a. The AC-5 (one unit per five acres) district provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity.
 - b. Although an AC-5 zoning designation has not been adopted, the applicant demonstrates how the request meets the intent of the AC-5 future land use designation including the request supporting existing and future hobby-farming use of the properties. Additionally, the request does not impact the City of Star's future land use plan for rural residential if ever annexed (Exhibit A.2 of the staff report).
- (3) The property is located in the Star Area of City Impact (Exhibit B.2d of the staff report). The City of Star designates the future land use of the parcel and area as "Rural Residential, 1 unit per 2-5 acres."
- (4) The request aligns with, but is not limited to, the following goals and policies of the Comp. Plan:
 - a. Property Rights G1.01.00: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."
 - i. *See supporting evidence in criteria 07-06-07(6)A2, 3, and 4 in this document.*
 - b. Population G2.01.00: "Incorporate population growth trends and projections when making land-use decisions."
 - c. Population G2.02.00: "Promote housing, business, and service types needed to meet the demand of the future and existing population."
 - i. Per population projects (page 14 of the 2030 Comp Plan), the current figures (Community in Motion Regional Plan) "project the County population to be 359,180 by 2050, a thirty-two percent increase from 2020. In the next twenty-eight years, Canyon County expects to add an estimated 128,070 people."
 - ii. The subject parcel is located in TAZ (Traffic Analysis Zone) 2127 (Approximately 620-acre area): Star-Canyon Rural (Exhibit B.2l of the staff report). Based on the TAZ forecasts used by the state and/or local transportation officials and COMPASS for tabulating traffic-related data for future growth and needed transportation funding for improvements, approximately 10 households are anticipated between 2024 and 2050. The forecast shows the TAZ area is not a residential growth area. The nearest

growth area is south of Purple Sage Road approximately 3,000 feet south of the request. The request, as conditioned, maintains agricultural uses and character (Exhibits A.2 & 3 of the staff report).

- d. Land Use and Community Design P4.01.01: "Maintain a balance between residential growth and agriculture that protects the rural character."
- e. Land Use and Community Design P4.01.02: "Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights."
- f. Land Use and Community Design P4.02.01: "Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses."
- g. Land Use and Community Design P4.03.01: "Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources."
- h. Land Use and Community Design P4.03.02: "Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns."
- i. Land Use and Community Design P4.03.03: "Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility."
- j. Land Use and Community Design P4.05.01: "Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators."

See supporting evidence in criteria 07-06-07(6)A2, 3, and 4 in this document. See Attachment A for recommended development agreement conditions.

- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0003.

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

Conclusion: In consideration of the surrounding land uses, and as conditioned, the proposed conditional zone to "R-R" is more appropriate than the current zoning designation of "A". As conditioned, the request is the only way to meet the agricultural land use designations AC-5 at this time.

- Findings:**
- (1) The subject parcels and a majority of the surrounding parcels are zoned "A" (Agricultural, Exhibit B.2e of the staff report). The subject parcels consist of best to moderately suited soils (Class II-III) and are considered prime farmland if irrigated (Exhibit B.2i of the staff report). As conditioned, the parcels will continue to be used for agricultural purposes (Exhibit A.2 of the staff report). The Canyon Soils Conservation District had no comments regarding the request (Exhibit D.2 of the staff report).
 - (2) The five-acre parcel lot sizes requested are commensurate with the median lot size within a 600-foot radius (Exhibit B.2e of the staff report).
 - (3) The Future Land Use plan within the 2030 Canyon County Comprehensive Plan designates the parcels as "agriculture" and "rural residential" (Exhibit B.2c of the staff report). Between Purple Sage Road and the southern boundaries of the subject parcels, the 2030 Canyon County Comprehensive Plan designated the area as "rural residential" which supports rural residential lot sizes as a transitional buffer between residential growth and agricultural preservation. The property is located in the Star Area of City Impact (Exhibit B.2d of the staff report). The City of Star designates the future land use of the parcel and area as "Rural Residential, 1 unit per 2-5 acres." Therefore, the area is anticipated to support rural residential densities in the future.
 - (4) The "R-R" (Rural Residential) zone is being requested to meet the AC-5 designation provided in the 2030 Canyon County Comprehensive Plan. The AC-5 (one unit per five acres) district provides a variety of rural and farming lifestyles, including hobby farms, while protecting the

commercial agricultural activities in the vicinity (Pages 25 and 26 of the Comp. Plan). However, there are no adopted maps or ordinances to determine the appropriate locations or minimum requirements of the AC-5 designation. As conditioned, the request will allow the subject parcels to maintain a five-acre minimum lot size. The five-acre parcel lot sizes requested are commensurate with the median lot size within a 600-foot radius (Exhibit B.2e of the staff report). The parcels will be subject to the standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. *See Attachment A for recommended development agreement conditions.*

- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0003.

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

Conclusion: As conditioned, the proposed conditional rezoning to “R-R” is compatible with surrounding land uses.

- Findings:**
- (1) Pursuant to CCCO §07-02-03: “Land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another and b) they do not exclude or diminish one another's use of public and private services.”
 - (2) The majority of the area is zoned “A” (Agricultural, Exhibit B.2e of the staff report). Within a 600-foot radius, the average lot size is 22.23 acres with a median of 5.88 acres (Exhibit B.2g of the staff report). However, the subject parcels are located near existing subdivisions and a similar land use decision.
 - (3) Similar Land Use Decisions (Exhibit B.2f of the staff report):
 - a. CR2023-0001 – Johns (Exhibit B.11 of the staff report): Conditional Rezone from an “A” Zone to a “R-1” (Single Family Residential) Zone. The rezone allowed the 2.9-acre parcel to be divided once. The approval is approximately 2,000 feet south of the subject parcels.
 - b. RZ2022-0011 – Sierra Vista (Exhibit B.12 of the staff report): Rezone from an “A” Zone to a “R-R” zone. The request was denied due to cumulative traffic and school impacts. The denial is approximately 2,000 feet southwest of the subject parcels.
 - c. RZ2021-0034 – Cotner (Exhibit B.13 of the staff report): Rezone from an “A” Zone to a “R-R” zone. The approval is approximately 4,100 feet southwest of the subject parcels and approved as Hawk View Estates Subdivision in 2024.
 - d. RZ2021-0012 – Reynolds (Exhibit B.14 of the staff report): Rezone from an “A” Zone to a “R-1” (Single Family Residential) Zone. The case was denied due to the surrounding area supporting an “R-R” zone lot size and character. The denial is approximately 4,800 feet west of the subject parcels.
 - e. RZ2020-0024 – Spohn (Exhibit B.15 of the staff report): Rezone from an “A” Zone to a “R-1” (Single Family Residential) Zone. The approval is approximately 2,500 feet south of the subject parcels and approved as Eagle Cap Subdivision in 2024.
 - (4) Within a one-mile radius, there are seven (7) subdivisions (Exhibit B.2g of the staff report). The nearest subdivision, approximately 1,000 feet south of the subject parcels, is Mill Willow Creek approved in 1987 with 38 lots, a 2.18-acre average lot size.
 - (5) A large portion of the subject parcels are located in a mapped floodplain (Zone A). The floodplain does not have base flood elevation data. Per CCCO §07-10A-11(1)O, all subdivision proposals greater than fifty (50) lots or five (5) acres must include base flood elevation data. The applicant submitted a base flood elevation determination stating the assumed flood elevation is 2535.7 and any structures would need the lowest floor to be raised to an elevation of 2537.7 (Exhibit A.8 of the staff report). The BFE determination will require review by the DSD Floodplain Administrator before preliminary plat approval via a Floodplain Development Permit per CCCO §07-10A-09. Therefore, floodplain impacts to the surrounding area will be

minimized via the subdivision platting process before any physical development on Parcel R37468012A1.

- (6) As conditioned, the subject parcels must maintain a minimum lot size of five acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the "A" Zone to ensure consistency with the surrounding area. As conditioned, the rezoning would be consistent with the surrounding land uses. *See Attachment A for recommended development agreement conditions.*
- (7) A notice of the request was published in the newspaper, posted on-site, and sent to property owners within 600 feet on January 21, 2025. Five letters were received in support of the request (Exhibit E of the staff report).
- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0003.

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

Conclusion: As conditioned, the proposed conditional rezone will not negatively affect the character of the area.

Findings: (1) The subject parcels and a majority of the surrounding parcels are zoned "A" (Agricultural, Exhibit B.2e of the staff report). The subject parcels consist of best to moderately suited soils (Class II-III) and are considered prime farmland if irrigated (Exhibit B.2i of the staff report). As conditioned, the parcels will continue to be used for agricultural purposes (Exhibit A.2 of the staff report).

(1) The "R-R" (Rural Residential) zone is being requested to meet the AC-5 designation provided in the 2030 Canyon County Comprehensive Plan. The AC-5 (one unit per five acres) district provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity (Pages 25 and 26 of the Comp. Plan). However, there are no adopted maps or ordinances to determine the appropriate locations or minimum requirements of the AC-5 designation. As conditioned, the request will allow the subject parcels to maintain a five-acre minimum lot size. The five-acre parcel lot sizes requested are commensurate with the median lot size within a 600-foot radius and will allow existing hobby farming activities to continue (Exhibit A.2 & B.2e of the staff report). The parcels will be subject to the standards, use, and requirements of the "A" Zone to ensure consistency with the surrounding area. *See Attachment A for recommended development agreement conditions.*

(2) A notice of the request was published in the newspaper, posted on-site, and sent to property owners within 600 feet on January 21, 2025. Five letters were received in support of the request (Exhibit E of the staff report).

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0003.

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

Conclusion: The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone.

Findings: (1) Sewer: Individual Septic Systems.
a. A septic system currently serves the dwelling on Parcel R37468012A. A new septic system is required for development on Parcel R37468012A1 (Exhibit A.2 & A.5 of the staff report).

- (2) Water: Individual Domestic wells. One well currently serves the dwelling on Parcel R37468012A. A new well is required for development on Parcel R37468012A1 (Exhibit A.2 & A.5 of the staff report).
- (3) Drainage: Retained on-site (Exhibit A.2 & A.5 of the staff report). A drainage plan was not submitted as part of the rezoning application. The DSD Engineering Department recommends a detailed drainage plan and stormwater management system at the time of platting (Exhibit D.3 of the staff report).
- (4) Irrigation: Surface water rights from Willow Creek will serve both parcels regulated by Black Canyon Irrigation District. Gravity irrigation exists and is proposed to remain (Exhibit A.2, A.5 & A.7.d of the staff report). An irrigation plan was not submitted as part of the rezoning application. An irrigation plan is required at the time of platting (CCCO §07-17-09).
- (5) Utilities are currently provided to the existing dwelling on Parcel R37468012A (Exhibit C of the staff report). Extension of utilities to Parcel R37468012A1 will be provided through utility easement at the time of platting (CCCO §07-17-09).
- (6) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on October 9, 2024 & January 21, 2025. A newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. Full political notice was provided on January 21, 2025. The property was posted on January 21, 2025.
 - a. Southwest District Health requires a subdivision pre-application review and subdivision engineering report (Exhibit A.7a & D.1 of the staff report). The applicant submitted a Subdivision Engineering Report (SER) for review by Southwest District Health which was approved and will be included in the subsequent platting review if the rezone is approved (Exhibit D.1a of the staff report).
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0003.

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

Conclusion: As conditioned, the result of the request will not create undue interference with existing and/or future traffic patterns.

- Findings:**
- (1) The result of the request will allow a two-lot subdivision that equates to 19.04 average daily trips (38.08 average daily trips if secondary residences are allowed). Per CCCO §07-10-03(3), Note 3: "Trip generation per dwelling is 9.52 trips day per ITE, "Trip Generation 9th Edition", rates for single-family detached housing."
 - (2) The applicant completed an agency acknowledgment review with Highway District 4 on April 5, 2023 (Exhibit A.7c & D.6 of the staff report). Comments received do not state any traffic concerns. At the time of platting and building permits, impacts will be addressed through impact fees, road improvements, and right-of-way dedication.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on October 9, 2024 & January 21, 2025. A newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. Full political notice was provided on January 21, 2025. The property was posted on January 21, 2025.
 - a. ITD has no comments or concerns about the request (Exhibit D.4 of the staff report).
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0003.

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

Conclusion: The subject properties do have legal access. A new access and approach for Parcel R37468012A1 will be established at the time of platting.

Findings:

- (1) Parcel R37468012A has frontage along Edna Lane, a minor collector, and a portion of Kingsbury Road that is unmaintained right-of-way. Parcel R37468012A has frontage onto Edna Lane (Exhibit B.2.j of the staff report).
- (2) Parcel R37468012A currently has access via an open, unmaintained, public right-of-way, Kingsbury Road. The result of the request will allow Parcel R37468012A to maintain the current access while Parcel R37468012A1 will use frontage along Edna Lane as access (Exhibit A.4 of the staff report). The frontage along Edna Lane has slopes that exceed 15% (Exhibit B.2i of the staff report). At the time of platting, the subdivision will be required to meet hillside development requirements if development is proposed on slopes 15% or greater (CCCO §07-17-33(1)).
- (3) Highway District 4 requests a license agreement for the use and location within the Kingsbury public right-of-way before final plat approval (Exhibit A.7.c & D.6 of the staff report). Kingsbury Right of Way dedication is required.
- (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on October 9, 2024 & January 21, 2025. A newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. Full political notice was provided on January 21, 2025. The property was posted on January 21, 2025.
 - a. ITD has no comments or concerns about the request (Exhibit D.4 of the staff report).
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0003.

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: As conditioned, the result of the request will allow the creation of a two-lot subdivision. The result of the request is not anticipated to impact essential public services.

Findings:

- (1) Schools: The parcels are served by the Middleton School District (Exhibit B.1 of the staff report). The school district was noticed on October 9, 2024, and January 21, 2025. No comments were received.
 - a. Although the Middleton School District did not respond, the subject property is served by Mill Creek Elementary which the school district has provided letters for other cases in the area stating the school is 118% over capacity (Exhibit B.9 & B.10 of the staff report) with six (6) portable classroom units. The cases associated with the letter proposed the creation of over 10 lots.
 - b. The result of the request creates a total of two lots with the potential to create a total of four (4) dwellings (two primary dwellings and two secondary dwellings per CCCO §07-02-03, §07-10-27, and §07-14-25). The school district states residential development creates approximately 0.5 to 0.7 students per dwelling. The request, including the existing dwelling, created approximately two new students which may be considered a cumulative impact regarding the school district's capacity concerns. To address the cumulative impact, the hearing body included a condition of the development agreement prohibiting secondary residences on each lot limiting the number of dwellings to a total of two (2) primary dwellings. When the parcel was 11.05 acres (Exhibit B.3 of the staff report), the property was allowed a primary and secondary dwelling per CCCO §07-10-27. The condition limits the number of dwellings to what was initially allowed before division resulting in no net

change to allowed residential development. See Attachment A for recommended development agreement conditions.

- (2) Police: The parcels are served by the Canyon County Sheriff's Office. The Sheriff's Office was noticed on October 9, 2024, and January 21, 2025. No comments were received.
- (3) Emergency Medical Services: The parcels are served by the Canyon County Paramedics EMT. The Paramedics EMT were noticed on October 9, 2024, and January 21, 2025. No comments were received.
- (4) Fire Protection: The parcels are served by the Star Fire Protection District (Exhibit B.1 of the staff report). The fire district was noticed on October 9, 2024, and January 21, 2025. No comments were received. The applicant completed an agency acknowledgment review with the Star Fire Protection District on April 26, 2023 (Exhibit A.7b of the staff report).
- (5) Irrigation District: The parcels are served by the Black Canyon Irrigation District (Exhibit B.1 of the staff report). The district was noticed on October 9, 2024, and January 21, 2025. No comments were received. The applicant completed an agency acknowledgment review with Black Canyon Irrigation District where they identified water rights allocated to each parcel (Exhibit A.7d of the staff report).
- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0003.

**Canyon County Code of Ordinance (CCCO) §09-19-12
STAR AREA OF CITY IMPACT AGREEMENT ORDINANCE**

Conclusion: The property is located within the Star Area of City Impact. A notice was sent to the City on October 9, 2024, and January 21, 2025, per CCCO §09-19-12. The City of Star has no opposition to the request.

- Findings:**
- (1) Pursuant to CCCO §09-19-12: APPLICATION PROCEDURES: *The following procedures shall be adhered to in processing applications within the Star area of city impact:*
 - (1) *Land Use Applications: All land use applications submitted to Canyon County including, but not limited to, conditional use permits, variances, and land divisions requiring notification of a public hearing, shall be referred to the City of Star in the manner as provided for in subsection 09-01-08(3) of this chapter.*
 - (2) Pursuant to CCCO §09-01-08(3): *Notice of all proposals to amend the city or county comprehensive plans, which may pertain to the area of impact, shall be given to the community development director at least thirty (30) calendar days prior to the first public hearing at which such proposal is considered by the city or county, and Star or Canyon County may make a recommendation before or at said public hearing. After an initial thirty (30) days' notice is received, any further notice of proposed changes to the proposal will be provided to the city or county at least seven (7) days prior to the public hearing. If a recommendation is received, the recommendation shall be given consideration, provided it is factually supported. Such a recommendation shall not be binding. If no recommendation is received, the proceedings may continue without the recommendation.*
 - (3) The subject parcels are located in the Star Area of City Impact (Exhibit B.2d of the staff report). The City of Star designates the parcels and area as "Rural Residential 1 unit 2-acre to 1 unit 5 acres."
 - (4) The City of Star was noticed on October 9, 2024, and January 21, 2025. No comments were received. However, the applicant contacted the City of Star as part of the agency acknowledgment requirements. The City of Star responded by stating they "do not see any concerns from the City" regarding the request (Exhibit A.7e of the staff report).
 - (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0003.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends the Board of County Commissioners **approve** Case #RZ2023-0003, a conditional rezone of Parcels R37468012A and R3768012A1 from an "A" zone to a "CR-R-R" subject to conditions of the development agreement (Attachment A).

DATED this 6 day of March, 2025.

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



Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 6th day of March in the year 2025, before me Jennifer D Almeida a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Jennifer D Almeida

My Commission Expires: 4/17/28



**ATTACHMENT A
DRAFT CONDITIONS OF APPROVAL**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The subject parcels, R37468012A and R37468012A1 shall be recognized through the division application process in compliance with Chapter 7, Article 17 of the Canyon County Code of Ordinances (CCCO) subject to the following restrictions:
 - a. The parcels shall maintain a five-acre average lot size.
 - b. Other than the minimum lot size, the subject parcels shall meet the uses and minimum requirements of the "A" (Agricultural) Zone.
 - c. Future division of the subject parcels is prohibited.
 - d. Secondary residences per CCCO §07-02-03, §07-10-27, and §07-14-25 are prohibited.
3. Prior to preliminary plat approval, the adjustment between Parcel R37468012A1 and R37468 shall be corrected through the property boundary adjustment application process per CCCO §07-10-17.
4. The request shall comply with CCCO §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."



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

PLANNING DIVISION STAFF REPORT

CASE NUMBER: RZ2023-0003

APPLICANT/REPRESENTATIVE: Treasure Valley Planning, LLC
PROPERTY OWNER: Chris & Mary Jagers/Avery Family Trust

APPLICATION: Conditional Rezone parcels R37468012A (5 acres) and R37468012A1 (5.97 acres) from an "A" Zone to "CR-R"

LOCATION: The parcels are located at 25744 Kingsbury Lane, Middleton; as referenced as a portion of the NW ¼ of Section 26, T5N, R2W, B-M, Canyon County, Idaho.

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

REQUEST:

The applicant, Treasure Valley Planning, LLC, requests an amendment to the official zoning map to conditionally rezone Parcel R37468012A and R3768012A1, from an "A" (Agricultural) zone to a "CR-R" (Conditional Rezone - Residential Rural). The request includes a development agreement limiting the parcels to meet a five-acre minimum lot size. *See Exhibit A for more information.*

PUBLIC NOTIFICATION:

Neighborhood meeting conducted on:	February 22, 2023
JEPA notice sent on:	October 9, 2024
Agency and Full Political notice:	January 21, 2025
Neighbor notification within 600 feet was mailed on:	January 21, 2025
Newspaper notice published on:	January 21, 2025
Notice posted on-site on:	January 21, 2025

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1. BACKGROUND:

The subject parcels are zoned "A" (Agricultural, Exhibit B.2e). A portion of the parcels are located within a mapped floodplain (Zone A, No Base Flood Elevation (BFE) Data, Exhibit B.1, A.8, D.3 & D.5).

Parcel R37468012A was created as an 11.05-acre parcel via an approved land division in 1996 (PI2019-0339, Exhibit B.3). Per the Assessor's office records, a dwelling and accessory structure was established circa 2001.

In 2022, a 0.07-acre portion of Parcel R37468012A was deeded to the owner of Parcel R37468 (Jude Bacon) without completing a property boundary adjustment application (Inst. No. 2022-043311, Exhibit B.4).

In June 2022, Chris and Mary Jagers submitted a conditional rezone application requesting an "R-R" Zone (CR2022-0019). However, the application was withdrawn within the same month due to base flood elevation study requirements (Exhibit B.7).

In 2023, a 5-acre parcel was created (Parcel R374168012A) and sold to Avery Family Trust inconsistent with Canyon County Code (Inst. No. 2023-001447, Exhibit B.5). The Jagers own the remaining 5.97 acres (R37468012A1, Inst. No. 2022-036127; Exhibit B.6). On April 28, 2023, a zoning map amendment (updated on August 1, 2023, to a conditional rezone) and preliminary and final plat (SD2023-0012 and 0013) were submitted (Exhibits A.1, A.2 & A.3).

The applicant's request for all applications to be heard concurrently per the Canyon County Code of Ordinance (CCCO) §07-01-11 was denied by the Board of County Commissioners on June 29, 2023 (Exhibit B.8). Therefore, the subdivision applications may be processed once the conditional rezoning application is approved.

2. HEARING BODY ACTION:

Pursuant to the Canyon County Code of Ordinance (CCCO) §07-06-01(3) requests for comprehensive plan changes and ordinance amendments may be consolidated for notice and hearing purposes. Although these procedures can be considered in tandem, pursuant to Idaho Code section 67-6511(b), the commission, and subsequently the board, shall deliberate first on the proposed amendment to the comprehensive plan; then, once the commission, and subsequently the board, has made that determination, the commission, and the board, should decide the appropriateness of a rezone within that area. This procedure provides that the commission, and subsequently the board, considers the overall development scheme of the county prior to consideration of individual requests for amendments to zoning ordinances. The commission, and subsequently the board, should make clear which of its findings relate to the proposed amendment to the comprehensive plan and which of its findings relate to the request for an amendment to the zoning ordinance.

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

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

zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.

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

The commission should consider the procedures outlined above within CCCO §07-06-01(3).

OPTIONAL MOTIONS:

Approval of the Application: “I move to approve RZ2023-0003, Jagers/Avery, finding the application **does** meet the criteria for approval under Section 07-07-05 of Canyon County Code of Ordinances, **with the conditions listed in the staff report, finding that;** *[Cite reasons for approval & Insert any additional conditions of approval]*.”

Denial of the Application: “I move to deny RZ2023-0003, Jagers/Avery, finding the application **does not** meet the criteria for approval under Section 07-07-05 of Canyon County Code of Ordinances, **finding that** *[cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5))]*.”

Table the Application: “I move to continue RZ2023-0003, Jagers/Avery, to a *[date certain or uncertain]*”

3. HEARING CRITERIA

Table 1. Conditional Rezone Standards of Evaluation Analysis

Standards of Evaluation CCCO §07-06-07(6)A: The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:			County Ordinance and Staff Review	
Compliant			Code Section	Analysis
Yes	No	N/A		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
			Staff Analysis	<p>As conditioned, the proposed conditional rezone is generally consistent with the Comprehensive plan.</p> <p>The Future Land Use Plan in the 2030 Canyon County Comprehensive Plan (Comp. Plan) designates a majority of the parcels as “agriculture” with a small portion along the southern boundary near Edna Lane as “rural residential” (Exhibit B.2c).</p> <ul style="list-style-type: none"> The Comp. Plan describes the agriculture designation as “the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value” (Page 25 of the 2030 Comp. Plan). The rural residential mapped designation identifies rural transitional areas to create a boundary between agricultural and urban areas. Within the mapped transition areas, the “R-R” (Rural Residential) zone is the promoted residential growth. Outside of the mapped transition area, Commercial Agriculture (AC) 5, 20, and 40 are available in the agriculture designation (Pages 25 and 26 of the Comp. Plan). <ul style="list-style-type: none"> The AC-5 (one unit per five acres) district provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity.

				<ul style="list-style-type: none"> ○ The AC-20 (one unit per 20 acres) district encourages agricultural development through the maximum cultivation of lands by restricting incompatible uses within such areas. It also aims to protect and promote existing and future agricultural operations as viable, permanent land use and acknowledge the importance of agricultural lands and activities to their livelihood. Production of food, fiber, and associated support activities are the primary land uses in this district. ○ The AC-40 protects agricultural land, which is necessary for the conservation of the County's economic resources and vital for a healthy agricultural economy of the County, and to eliminate the encroachment of land uses which are incompatible uses of land by preventing unnecessary conversion of agricultural land to urban uses. <p>The property is located in the Star Area of City Impact (Exhibit B.2d). The City of Star designates the future land use of the parcel and area as "Rural Residential, 1 unit per 2-5 acres."</p> <p>Although an AC-5 zoning designation has not been adopted, the applicant finds the request, as conditioned, meets the intent of the AC-5 description because the request will maintain a five-acre lot size and is currently used as pasture for grazing livestock with hobby farming activities. Additionally, the request does not impact the City of Star's future land use plan for rural residential if ever annexed (Exhibit A.2).</p> <p>The request aligns with the following goals and policies of the Comp. Plan:</p> <ul style="list-style-type: none"> • <u>Property Rights G1.01.00</u>: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare. <ul style="list-style-type: none"> ○ <i>See supporting evidence in criteria 07-06-07(6)A2, 3, and 4 in this report.</i> • <u>Population G2.01.00</u>: "Incorporate population growth trends and projections when making land-use decisions." • <u>Population G2.02.00</u>: "Promote housing, business, and service types needed to meet the demand of the future and existing population." <ul style="list-style-type: none"> ○ Per population projects (page 14 of the 2030 Comp Plan), the current figures (Community in Motion Regional Plan) "project the County population to be 359,180 by 2050, a thirty-two percent increase from 2020. In the next twenty-eight years, Canyon County expects to add an estimated 128,070 people." ○ The subject parcel is located in TAZ (Traffic Analysis Zone) 2127 (Approximately 620-acre area): Star-Canyon Rural (Exhibit B.2I). Based on the TAZ forecasts used by the state and/or local transportation officials and COMPASS for tabulating traffic-related data for future growth and needed transportation funding for improvements, approximately 10 households are anticipated between 2024 and 2050. The forecast shows the TAZ area is not a
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				<p>residential growth area. The nearest growth area is south of Purple Sage Road approximately 3,000 feet south of the request. The request, as conditioned, maintains agricultural uses and character (Exhibits A.2 & 3).</p> <ul style="list-style-type: none"> • <u>Land Use and Community Design P4.01.01</u>: “Maintain a balance between residential growth and agriculture that protects the rural character.” • <u>Land Use and Community Design P4.01.02</u>: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.” • <u>Land Use and Community Design P4.02.01</u>: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.” • <u>Land Use and Community Design P4.03.01</u>: “Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.” • <u>Land Use and Community Design P4.03.02</u>: “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.” • <u>Land Use and Community Design P4.03.03</u>: “Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.” • <u>Land Use and Community Design P4.05.01</u>: “Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.” <p><i>See supporting evidence in criteria 07-06-07(6)A2, 3, and 4 in this report. See Section 6 of this report for recommended development agreement conditions.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A2	<p>When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?</p>
			Staff Analysis	<p>In consideration of the surrounding land uses, and as conditioned, the proposed conditional zone to “R-R” is more appropriate than the current zoning designation of “A”.</p> <p>The subject parcels and a majority of the surrounding parcels are zoned “A” (Agricultural, Exhibit B.2e). The subject parcels consist of best to moderately suited soils (Class II-III) and are considered prime farmland if irrigated (Exhibit B.2i). As conditioned, the parcels will continue to be used for agricultural purposes (Exhibit A.2). The Canyon County Soils Conservation District had no comments regarding the request (Exhibit D.2).</p> <p>The five-acre parcel lot sizes requested are commensurate with the median lot size within a 600-foot radius (Exhibit B.2e).</p> <p>The Future Land Use plan within the 2030 Canyon County Comprehensive Plan designates the parcels as “agriculture” and “rural residential” (Exhibit B.2c). Between Purple Sage Road and the southern boundaries of the subject parcels,</p>

				<p>the 2030 Canyon County Comprehensive Plan designated the area as “rural residential” which supports rural residential lot sizes as a transitional buffer between residential growth and agricultural preservation. The property is located in the Star Area of City Impact (Exhibit B.2d). The City of Star designates the future land use of the parcel and area as “Rural Residential, 1 unit per 2-5 acres.” Therefore, the area is anticipated to support rural residential densities in the future.</p> <p>The “R-R” (Rural Residential) zone is being requested to meet the AC-5 designation provided in the 2030 Canyon County Comprehensive Plan. The AC-5 (one unit per five acres) district provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity. (Pages 25 and 26 of the Comp. Plan). However, there are no adopted maps or ordinances to determine the appropriate locations or minimum requirements of the AC-5 designation. As conditioned, the request will allow the subject parcels to maintain a five-acre minimum lot size. The five-acre parcel lot sizes requested are commensurate with the median lot size within a 600-foot radius (Exhibit B.2e). The parcels will be subject to the standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. <i>See Section 6 of this report for recommended development agreement conditions.</i></p> <p>As conditioned, the request is more appropriate as it is the only way to meet the agricultural land use designations AC-5 at this time.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>07-06-07(6)A3</p> <p>Is the proposed conditional rezone compatible with surrounding land uses?</p>	<p>As conditioned, the proposed conditional rezoning to “R-R” is compatible with surrounding land uses.</p> <p>Pursuant to Canyon County Ordinance 07-02-03, land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another and b) they do not exclude or diminish one another's use of public and private services. A compatibility determination requires a site-specific analysis of potential interactions between uses and potential impacts of existing and proposed uses on one another. Ensuring compatibility may require mitigation from or conditions upon a proposed use to minimize interference and conflicts with existing uses.</p> <p>The majority of the area is zoned “A” (Agricultural, Exhibit B.2e). Within a 600-foot radius, the average lot size is 22.23 acres with a median of 5.88 acres (Exhibit B.2g). However, the subject parcels are located near existing subdivisions and a similar land use decision.</p> <p><u>Similar Land Use Decisions (Exhibit B.2f):</u></p> <ul style="list-style-type: none"> • <u>CR2023-0001 – Johns (Exhibit B.11)</u>: Conditional Rezone from an “A” Zone to a “R-1” (Single Family Residential) Zone. The rezone allowed the 2.9-acre parcel to be divided once. The approval is approximately 2,000 feet south of the subject parcels. • <u>RZ2022-0011 – Sierra Vista (Exhibit B.12)</u>: Rezone from an “A” Zone to a “R-R” zone. The request was denied due to cumulative traffic and school impacts. The denial is approximately 2,000 feet southwest of the subject parcels.
			Staff Analysis	

				<ul style="list-style-type: none"> • <u>RZ2021-0034 – Cotner (Exhibit B.13)</u>: Rezone from an “A” Zone to a “R-R” zone. The approval is approximately 4,100 feet southwest of the subject parcels and approved as Hawk View Estates Subdivision in 2024. • <u>RZ2021-0012 – Reynolds (Exhibit B.14)</u>: Rezone from an “A” Zone to a “R-1” (Single Family Residential) Zone. The case was denied due to the surrounding area supporting an “R-R” zone lot size and character. The denial is approximately 4,800 feet west of the subject parcels. • <u>RZ2020-0024 – Spohn (Exhibit B.15)</u>: Rezone from an “A” Zone to a “R-1” (Single Family Residential) Zone. The approval is approximately 2,500 feet south of the subject parcels and approved as Eagle Cap Subdivision in 2024. <p><u>Subdivisions (Exhibit B.2.g)</u>: Within a one-mile radius, there are seven (7) subdivisions. The nearest subdivision, approximately 1,000 feet south of the subject parcels, is Mill Willow Creek approved in 1987 with 38 lots, a 2.18-acre average lot size.</p> <p><u>Floodplain</u> A large portion of the subject parcels are located in a mapped floodplain (Zone A). The floodplain does not have base flood elevation data. Per CCCO §07-10A-11(1)O, all subdivision proposals greater than fifty (50) lots or five (5) acres must include base flood elevation data. The applicant submitted a base flood elevation determination stating the assumed flood elevation is 2535.7 and any structures would need the lowest floor to be raised to an elevation of 2537.7 (Exhibit A.8). The BFE determination will require review by the DSD Floodplain Administrator before preliminary plat approval via a Floodplain Development Permit per CCCO §07-10A-09. Therefore, floodplain impacts to the surrounding area will be minimized via the subdivision platting process before any physical development on Parcel R37468012A1.</p> <p>A notice of the request was published in the newspaper, posted on-site, and sent to property owners within 600 feet on January 21, 2025. Five letters were received in support of the request (Exhibit E).</p> <p>As conditioned, the subject parcels must maintain a minimum lot size of five acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. As conditioned, the rezoning would be consistent with the surrounding land uses. <i>See Section 6 of this report for recommended development agreement conditions.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A4	<p>Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?</p>
			<i>Staff Analysis</i>	<p>As conditioned, the proposed conditional rezone will not negatively affect the character of the area. As conditioned, the subject parcels must maintain a minimum lot size of five (5) acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. <i>See Section 6 of this report for recommended development agreement conditions.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A5	<p>Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed conditional rezone?</p>

			Staff Analysis	<p>The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.</p> <p>Sewer: Individual Septic Systems. A septic system currently serves the dwelling on Parcel R37468012A. A new septic system is required for development on Parcel R37468012A1 (Exhibit A.2 & A.5). Southwest District Health requires a subdivision pre-application review and subdivision engineering report (Exhibit A.7a & D.1). The applicant submitted a Subdivision Engineering Report (SER) for review by Southwest District Health which was approved and will be included in the subsequent platting review if the rezone is approved (Exhibit D.1a)</p> <p>Water: Individual Domestic wells. One well currently serves the dwelling on Parcel R37468012A. A new well is required for development on Parcel R37468012A1 (Exhibit A.2 & A.5).</p> <p>Drainage: Retained on-site (Exhibit A.2 & A.5). A drainage plan was not submitted as part of the rezoning application. The DSD Engineering Department recommends a detailed drainage plan and stormwater management system at the time of platting (Exhibit D.3).</p> <p>Irrigation: Surface water rights from Willow Creek will serve both parcels regulated by Black Canyon Irrigation District. Gravity irrigation exists and is proposed to remain (Exhibit A.2, A.5 & A.7.d). An irrigation plan was not submitted as part of the rezoning application. An irrigation plan is required at the time of platting (CCCO §07-17-09).</p> <p>Utility: Utilities are currently provided to the existing dwelling on Parcel R37468012A (Exhibit C). Extension of utilities to Parcel R37468012A1 will be provided through utility easement at the time of platting (CCCO §07-17-09).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A6 Staff Analysis	<p>Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?</p> <p>As conditioned, the result of the request will create undue interference with existing and/or future traffic patterns. The result of the request will allow a two-lot subdivision that equates to 19.04 average daily trips (38.08 average daily trips if secondary residences are allowed). Per CCCO §07-10-03(3), Note 3: "Trip generation per dwelling is 9.52 trips/day per ITE, "Trip Generation 9th Edition", rates for single-family detached housing."</p> <p>ITD has no comments or concerns about the request (Exhibit D.4).</p> <p>The applicant completed an agency acknowledgment review with Highway District 4 on April 5, 2023 (Exhibit A.7c & D.6). Comments received do not state any traffic concerns. At the time of platting and building permits, impacts will be addressed through impact fees, road improvements, and right-of-way dedication.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A7 Staff Analysis	<p>Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?</p> <p>The subject properties do have legal access. A new access and approach for Parcel R37468012A1 will be established at the time of platting.</p>

				<p>Parcel R37468012A has frontage along Edna Lane, a minor collector, and a portion of Kingsbury Road that is unmaintained right-of-way. Parcel R37468012A has frontage onto Edna Lane (Exhibit B.2.j).</p> <p>Parcel R37468012A currently has access via an open, unmaintained, public right-of-way, Kingsbury Road. The result of the request will allow Parcel R37468012A to maintain the current access while Parcel R37468012A1 will use frontage along Edna Lane as access (Exhibit A.4).</p> <p>Highway District 4 requests a license agreement for the use and location within the Kingsbury public right-of-way before final plat approval (Exhibit A.7.c & D.6). Kingsbury Right of Way dedication is required.</p> <p>The frontage along Edna Lane has slopes that exceed 15% (Exhibit B.2i). At the time of platting, the subdivision will be required to meet hillside development requirements if development is proposed on slopes 15% or greater (CCCO §07-17-33(1))</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A8	<p>Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?</p> <p>As conditioned, the result of the request will allow the creation of a two-lot subdivision. The result of the request is not anticipated to impact essential public services.</p> <p>Schools: The parcels are served by the Middleton School District (Exhibit B.1). The school district was noticed on October 9, 2024, and January 21, 2025. No comments were received.</p> <p>Police: The parcels are served by the Canyon County Sheriff's Office. The Sheriff's Office was noticed on October 9, 2024, and January 21, 2025. No comments were received.</p> <p>Emergency Medical Services: The parcels are served by the Canyon County Paramedics/EMT. The Paramedics/EMT were noticed on October 9, 2024, and January 21, 2025. No comments were received.</p> <p>Fire Protection: The parcels are served by the Star Fire Protection District (Exhibit B.1). The fire district was noticed on October 9, 2024, and January 21, 2025. No comments were received. The applicant completed an agency acknowledgment review with the Star Fire Protection District on April 26, 2023 (Exhibit A.7b).</p> <p>Irrigation District: The parcels are served by the Black Canyon Irrigation District (Exhibit B.1). The fire district was noticed on October 9, 2024, and January 21, 2025. No comments were received. The applicant completed an agency acknowledgment review with Black Canyon Irrigation District where they identified water rights allocated to each parcel (Exhibit D.7d).</p> <p><u>Potential Mitigation Measures</u></p> <p>Although the Middleton School District did not respond, the subject property is served by Mill Creek Elementary which the school district has provided letters for other cases in the area stating the school is 118% over capacity (Exhibit B.9 &</p>
			Staff Analysis	

			<p>B.10) with six (6) portable classroom units. The cases associated with the letter proposed the creation of over 10 lots. The result of the request creates a total of two lots with the potential to create a total of four (4) dwellings (two primary dwellings and two secondary dwellings per CCCO §07-02-03, §07-10-27, and §07-14-25). The school district states residential development creates approximately 0.5 to 0.7 students per dwelling. The request, including the existing dwelling, created approximately two new students which may be considered a cumulative impact regarding the school district's capacity concerns.</p> <p>To address the cumulative impact, the hearing body may include a condition of the development agreement prohibiting secondary residences on each lot limiting the number of dwellings to a total of two (2) primary dwellings. When the parcel was 11.05 acres (Exhibit B.3), the property was allowed a primary and secondary dwelling per CCCO §07-10-27. The condition limits the number of dwellings to what was initially allowed before division resulting in no net change to allowed residential development.</p> <p><i>See Section 6 of this report for recommended development agreement conditions.</i></p>
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Table 2. Area of City Impact: Star

Canyon County Code of Ordinances (CCCO) §09-19-12: APPLICATION PROCEDURES:				
The following procedures shall be adhered to in processing applications within the Star area of city impact:				
(1) Land Use Applications: All land use applications submitted to Canyon County including, but not limited to, conditional use permits, variances, and land divisions requiring notification of a public hearing, shall be referred to the City of Star in the manner as provided for in subsection 09-01-08(3) of this chapter.				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	09-01-08(3)	Notice of all proposals to amend the city or county comprehensive plans, which may pertain to the area of impact, shall be given to the community development director at least thirty (30) calendar days prior to the first public hearing at which such proposal is considered by the city or county, and Star or Canyon County may make a recommendation before or at said public hearing. After an initial thirty (30) days' notice is received, any further notice of proposed changes to the proposal will be provided to the city or county at least seven (7) days prior to the public hearing. <u>If a recommendation is received, the recommendation shall be given consideration, provided it is factually supported. Such a recommendation shall not be binding.</u> If no recommendation is received, the proceedings may continue without the recommendation.
			Staff Analysis	<p>The subject parcels are located in the Star Area of City Impact (Exhibit B.2d). The City of Star designates the parcels and area as "Rural Residential 1 unit/2-acre to 1 unit/5 acres."</p> <p>The City of Star was noticed on October 9, 2024, and January 21, 2025. No comments were received. However, the applicant reached out to the City of Star as part of the agency acknowledgment requirements. The City of Star responded by stating they "do not see any concerns from the City" regarding the request (Exhibit A.7e).</p>

4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Canyon County Emergency Management Coordinator, Star Fire Protection District, State Fire Marshall, Black Canyon Irrigation District, Highway District No. 4, Middleton School District, Flood District 10, Flood District 11, Idaho Transportation Department, Idaho Power, Intermountain Gas, CenturyLink, Ziply, Army Corp of Engineers, Idaho Department of Water Resources, NFIP Coordinator, Canyon County Assessor's Office, Canyon County DSD Building Department, Canyon County DSD Code Enforcement, Canyon County DSD Engineering, Canyon County DSD GIS, FEMA, Idaho Department of Water Resources (Water Rights), Idaho Department of Environmental Quality, Idaho Department of Fish and Game, Idaho State Department of Agriculture, Idaho Agricultural Aviation Association, Southwest District Health, and the City of Star were notified of the subject application.

Staff received agency comments from Southwest District Health, Idaho, Canyon Soils Conservation District, Canyon County DSD Engineering, Highway District #4, IDWR – NFIP Coordinator, and Idaho Transportation Department. All agency comments received by the aforementioned materials deadline are located in **Exhibit D**.

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

5. PUBLIC COMMENTS:

Staff received five (5) public comments by the materials deadline of February 10, 2025. All comments received were in favor. All public comments received by the aforementioned materials deadline are located in **Exhibit E**.

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

6. SUMMARY & RECOMMENDED CONDITIONS:

In consideration of the application and supporting materials, staff concludes that the proposed conditional rezone is **compliant** with the Canyon County Code of Ordinance (CCCO) §07-06-07(6). A full analysis is detailed within the staff report.

Should the Commission wish to approve the subject application, staff recommends the following conditions be included in the development agreement to be reviewed and signed by the Board of County Commissioners:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The subject parcels, R37468012A and R37468012A1 shall be recognized through the division application process in compliance with Chapter 7, Article 17 of the Canyon County Code of Ordinances (CCCO) subject to the following restrictions:
 - a. The parcels shall maintain a five-acre average lot size.
 - b. Other than the minimum lot size, the subject parcels shall meet the uses and minimum requirements of the "A" (Agricultural) Zone.
 - c. Future division of the subject parcels is prohibited.

- d. Secondary residences per 07-02-03, 07-10-27, and 07-14-25 of the Canyon County Code of Ordinance are prohibited.
3. Prior to preliminary plat approval, the adjustment between Parcel R37468012A1 and R37468 shall be corrected through the property boundary adjustment application process per CCCO §07-10-17.
4. The request shall comply with CCCO §07-06-07(4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”

7. EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
2. Amended Letter of Intent – August 1, 2023
3. Letter of Intent – April 14, 2023
4. Conceptual Plat – Bow-Tie Estates Subdivision
5. Land Use Worksheet
6. Neighborhood Meeting: February 22, 2023
7. Agency Acknowledgment
 - a. Southwest District Health: Mitch Kiester dated April 19, 2023
 - b. Star Fire Protection District: Victor Islas dated April 26, 2023
 - c. Highway District #4: Lenny Riccio dated April 5, 2023
 - d. Black Canyon Irrigation District: Cheyanne Fernlund dated April 25, 2023
 - e. City of Star: Shawn Nickel dated March 9, 2023
8. BFE Determination – Technical Addendum by Ackerman Estvold dated October 6, 2022

B. Supplemental Documents

1. Parcel Information Report: R37468012A & R37468012A1
2. Cases Maps
 - a. Small Air Photo 1 Mile
 - b. Vicinity
 - c. Future Land Use – County
 - d. Future Land Use – Star
 - e. Zoning
 - f. Cases w/ Report
 - g. Plats w/Report
 - h. Soils & Prime Farmland w/Report
 - i. Contour
 - j. Lot Classification
 - k. Nitrate Priority and Wells
 - l. TAZ
3. PI2019-0339
4. Quitclaim Deed, Inst. No. 2022-043311
5. Warranty Deed, Inst. No. 2023-001447
6. Grant Deed, Inst. No. 2022-036127
7. CR2022-0019 - Withdrawn
8. Combine Application Request – Denial (June 29, 2024)
9. Middleton School District (MDC)
10. Middleton School District (Vermaas)
11. CR2023-0001 – Johns FCOs
12. RZ2022-0011 – Sierra Vista FCOs

13. RZ2021-0034 – John Cotner FCOs
14. RZ2021-0012 – Reynolds FCOs
15. RZ2020-0024 – Spohn FCOs

C. Site Visit Photos: December 30, 2024

D. Agency Comments Received by February 10, 2025

1. Southwest District Health; Email Received October 10, 2024
 - a. Bow-Tie Estates Subdivision SER Review, dated December 10, 2024
2. Canyon Soil Conservation District; Email Received October 10, 2024
3. Canyon County DSD Engineering; Letter Dated October 28, 2024
4. Idaho Transportation Department; Email Received October 10, 2024
5. Idaho Dept. of Water Resources – NFIP; Email Received June 23, 2022
6. Highway District 4; Letter Received November 19, 2024
7. Idaho Dept. of Environmental Quality, Letter Dated February 4, 2025

E. Public Comments Received by February 10, 2025

1. Carol & Gary Vezzoso, email dated February 5, 2025
2. Todd & Martha Stubblefield, email dated February 6, 2025
3. Jude Bacon, email dated February 6, 2025
4. Don & Tina Long, letter dated February 4, 2025
5. Layne Lewis, letter dated February 6, 2025

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# CR2023-0003

Hearing date: February 20, 2025

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

Phone: 208-454-7458

Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: Chris & Mary Jagers Avery Family Trust
	MAILING ADDRESS: 25744 Kingsbury Ln. Middleton, ID 83644 250 Vali Hi Rd. Eagle, ID 83616
	PHONE: 208-850-8390 EMAIL: cjagers.classics@gmail.com
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign. Signature: <u>Chris & Mary Jagers</u> Date: _____	

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: Keri K. Smith
	COMPANY NAME: Treasure Valley Planning, LLC
	MAILING ADDRESS: 17741 Linden Ln. Caldwell ID 83607
	PHONE: 208.960.4811 EMAIL: kerikay@hotmail.com

SITE INFO	STREET ADDRESS: 25744 Kingsbury Ln. Middleton, ID 83644
	PARCEL #: R37468012A1 & R37468012A LOT SIZE/AREA: 4.997 & 5.973
	LOT: BLOCK: SUBDIVISION:
	QUARTER: NW SECTION: 26 TOWNSHIP: 5N RANGE: 2W
	ZONING DISTRICT: Ag FLOODZONE (YES/NO): Yes, Zone A

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

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

CASE NUMBER: RZ 2023-0003	DATE RECEIVED: 4-28-23	DA \$450
RECEIVED BY: S. Hammond	APPLICATION FEE: 950.00	CK MO CC CASH

UPDATE 8/1/23

Revised 1/3/21

NOTE:

1. Conditional rezones require a development agreement between the applicant and County that outlines applicable conditions of approval and/or restrictions.
2. Additional studies (such as traffic, water, biological, historical, etc.) and information may be required by DSD and/or hearing body to fully understand potential impacts.

CONDITIONAL REZONE OPTION:

When considering a zoning map amendment (rezone) of a property, a conditional rezone is recommended when considering conceptual site plan and/or addressing potential impacts through mitigation strategies and measures such as restricting uses, limiting the area to be rezoned to retain agricultural uses, and agricultural preservation methods such as buffers and disclosures. Without a conditional rezone, no conditions can be considered as part of the rezone application. Please discuss the conditional rezone option with a DSD Planner prior to application submittal.

The applicant/owner and DSD Planner must sign (below) if the conditional rezone option was discussed and the applicant/owner declined the option.

Applicant/Owner: _____

DSD Planner: _____

Associated Case No: _____

X/O 8/1/23

AMENDED Letter of Intent

August 1, 2023

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

Re: Conditional Rezone, Preliminary and Final Plat Applications for Parcel #R37468012A & R37468012A1

In accordance with the application requirements, this is a letter of intent for a conditional rezone and subdivision of private property from Agriculture to CR-RR (Rural-Residential). This subdivision includes two residential lots; lot one with an existing home and outbuildings of approximately 5-acres and lot two, a new buildable rural residential lot of approximately 6-acres.

Existing Zoning: "A" Agriculture

Existing Use: Rural Residential (RR)

2030 Future Land Use Map Designation: Agriculture ("Applicable Zone District" includes R-R, see below) and adjacent to Rural-Residential designation on map (yet not defined in the designations section of the 2030 Comprehensive Plan)

Future Land Use Designations	
The Comprehensive Plan Future Land Use Map establishes the long-term vision of how and where Canyon County will grow over the next ten years. The map will clarify future land use actions, such as zone changes and development proposals. Land use designations may follow existing parcel lines, roadways, and other geographic boundaries. Overlay designations are laid over the base zoning to create additional standards or regulations in specific areas. Land use designations are described below and shown on the Future Land Use Map at the end of this chapter (Map 1).	
Residential	
Description	The residential designation is for residential development. Residential development should promote compatibility with the existing agricultural activity.
Applicable Zone Districts	R-R, R-1, R-2
Agriculture	
Description	The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value.
Applicable Zone Districts	R-R, AC-5, AC-20, AC-40

Figure 1 CANYON COUNTY COMPREHENSIVE PLAN 2030: EFFECTIVE DATE 10/27/2022, page 25

Zoning Regulations

Zoning Districts

Zoning codes establish uses and regulations in different zoning districts. Each zoning district sets a list of land uses permitted in each zone. Regulations include, but are not limited to, lot size, building height, and setbacks. A zoning map outlines the designations throughout the County.

District	Description	Density Maximum
Rural Residential (R-R)	The R-R district provides rural transitional areas to create a boundary between agricultural and urban areas. These areas are generally conducive to small-scale farming operations and compatible with non-agricultural uses.	One unit per two acres
Commercial Agriculture (AC-5)	The AC-5 district provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity.	One unit per five acres

Figure 2 CANYON COUNTY COMPREHENSIVE PLAN 2030: EFFECTIVE DATE 10/27/2022, page 26

In Figure 2 above, note the description of the “Commercial Agriculture (AC-5)” zoning district. Although this district has not been adopted in the County’s zoning ordinance yet, this 2 lot subdivision fits the new district in intent and character (description) and is within the density maximum of one unit per five acres. Both of the subject properties will maintain quality custom homes, accessory structures, healthy pastures for grazing livestock and other hobby farm and agricultural activities.

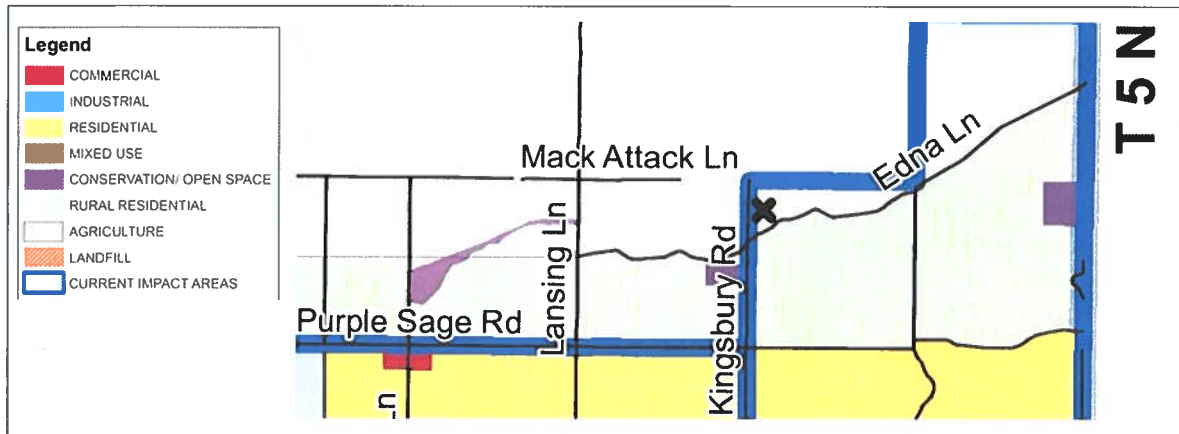


Figure 3 CANYON COUNTY COMPREHENSIVE PLAN 2030: EFFECTIVE DATE 10/27/2022, Future Land Use Map, page 29

Figure 3 above notes the subject property with a black X to the east of Kingsbury Rd and north of Edna Ln. Using the legend on the left shows the light green area as Agriculture and is the actual designation on the future land use map. This map and legend are the only reference in the entire 2030 Comprehensive Plan that references a “designation” of a separate area designated as “Rural Residential”. Since the text portions of the 2030 Comprehensive Plan do not identify this designation, one could only assume that it’s an additional area where the Rural Residential Zoning District may be planned for future growth, but we can rely on Figure 1 that does clearly denote that R-R is a compatible zone in the Agriculturally designated areas (provided that the application meets all criteria for a zoning map amendment).

Floodplain: Special Flood Hazard Area, Zone A with no base flood elevation (BFE). The property borders Willow Creek on the northern property boundary. A flood study to determine BFE was required by County staff as a part of this application submittal. Ackerman-Estvold has completed the required study and established a BFE for the subdivision (the study is included with the application for review). All future structures and development will comply with the floodplain ordinance standards including, but not limited to elevation of structure to the flood protection elevation.

Star City Impact Area: received email of support and preliminary waiver of subdivision improvements.

Existing Character of the Area: The area around the subject property has been in transition since the 1970's. There are a number of platted subdivisions and parcel splits that are approximately 5 acres and zoned RR, but primarily to the south of proposed subdivision. The parcel does not included best suited soils and is not viable for commercial farming, but is viable for hobby farming and self-sustaining rural ownership.

Community Input/Neighborhood Meeting: There has been no opposition from our neighbors within the required 600ft for the proposed development. A notice to neighbors was sent to the required notification area on February 13, 2023. The meeting was held on February 22, 2023 and no issues were reported. A neighborhood meeting was also held for the original application request on April 25, 2022 and there was no opposition to the proposed 2 lots.

We thank you for the review of our submitted applications. And we look forward to a favorable outcome.

Keri Smith
Owner/Principal
Treasure Valley Planning, LLC

Hearing Criteria for a Conditional Rezone (07-06-07(6)):

A. Is the proposed zone change generally consistent with the comprehensive plan;

Yes. The proposed conditional rezone is consistent with many policies and goals within the 2030 Comprehensive Plan. The future land use map designates the property as "Agriculture" which is compatible with the proposed request. This request is also compatible with the City of Star's future land use designation of low density residential.

Specifically, this development proposal meets the goals and policies found within the 2030 Comprehensive Plan and referenced below and the property owner will agree to conditions of approval within a development agreement to meet the intent of the applicable policies and action:

- G11.02.00 Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.
- P12.04.01 Encourage new development adjacent to agricultural areas to be designed to minimize conflicts with adjacent agricultural uses.
- P12.03.02 Place new structures appropriately to minimize disruption to aerial application flight patterns.
- G12.04.00 Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses.
- P12.04.02 Protect agricultural operations from conflicts by providing buffers between proposed non-agricultural uses and adjacent farming operations.
- A8.02.01a Require all new developments to be accessible and regularly maintain roads for fire protection and emergency service purposes.
- P8.02.02 Improve the existing road network to the greatest extent possible before creating additional roads to accommodate future development, minimize land disturbance and efficiently use tax dollars.
- A8.02.02b Require new developments to provide stub streets that connect to future developments on adjacent lands wherever possible, following highway district standards, and require appropriate signage.
- P7.01.03 New developments should not increase stormwater runoff from the site.
- P5.06.01 Lighting design should reduce the negative impacts of light pollution, including sky glow, glare, impacts on public health and safety, disruption of ecosystems, and hazards to wildlife.
- G4.05.00 Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy.
- P4.05.01 Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators
- P4.05.02 Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area.
- P4.01.02 Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
- G4.01.00 Support livability and high quality of life as the community changes over time.
- P4.01.01 Maintain a balance between residential growth and agriculture that protects the rural character.
- G2.02.00 Promote housing, business, and service types needed to meet the demand of the future and existing population.
- P1.01.01 No person should be deprived of private property without due process of law.

- P1.01.03 Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals. G1.02.00 Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation;

Yes. All land south and east and are consistent or more dense than the requested zone change. If this land was zoned appropriate to the lot sizes, they would be zoned RR. CR-RR is a good transition, especially with a condition of approval to require a 5 acre minimum lot size, to the larger agriculture uses to the north of the subject property (which range from 9-20 acres approximately).

C. Is the proposed zoning map amendment compatible with surrounding land uses;

Yes. The surrounding area is primarily zoned agricultural and rural-residential, but is primarily used as rural-residential to the south and east of the subject property. Also refer back to the answer for B. above. The 2030 future land use designation is "Agriculture", but Rural-Residential Zoning is an appropriate/allowed use in this designated area. The land to the west of the subject property is approximately 141 acres and the existing lot and development on this boundary already co-exists with the farming operations. Other similar development have already encroached on this existing farm at the center of existing similar rural residential developments.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

The proposed zoning amendment to a conditional rezone Rural Residential is consistent with two similar rezone requests within 2,000 feet of the subject property to Rural-Residential and the parcels (subdivision) immediately south of the subject property area also rural in nature with average lot sizes of 5 acres and below. Within approximately 1,000 feet there are over 30 lots with less than 2 acre lots. The 8 parcels immediately south range from 5 to 8 acre parcels. Thus, the request for 2 lots of equal size is consistent with the immediate character of the area and makes a great transition to the larger parcels to the north and west of the subject property. A development agreement limiting development of the property to two parcels with a minimum lot size to 5 acres will help to mitigate potential impacts. The neighbors were all supportive of the request because it would not negatively affect the existing character of the area.

E. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed zoning map amendment:

Yes, adequate facilities and services are available to accommodate the requested use. City services are not available to the property. Future development will require domestic wells and septic systems. The site is not located within a nitrate priority area. The Jagger's, owner of Lot 2 worked with Southwest District Health and has been approved for an additional septic system, permit #013838, dated 12-27-22.

The delivery of irrigation water is through the use of historic irrigation and will remain unchanged. The subject property has 5-acres of irrigation water rights. The irrigation water has never been used

to water existing grass and shrubs surrounding the home. The home and 5-acres, lot 1, will retain 1-acre of irrigation water rights. Lot 2 is approx. 6-acres and will retain 4-acres of water rights. The irrigation pump and power source are located on lot 2. This source will continue to deliver irrigation water to Lot 1 and lot 2. Black Canyon Irrigation District requirement documents and fees for the division of 5-acres of water right between lot 1 and lot 2 were filed and paid by the Jagers.

Power and necessary utilities are available to the site.

- F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development;

Yes. Lot one, via frontage onto Edna Lane via Kingsbury Ln (private). Lot 2, has frontage along Edna Lane, and at the time of building permit, a new access permit for an approach onto Edna Lane will be applied for.

- G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts;

No public street improvements are required. Canyon Highway District #4 (CHD) is requiring public right of way dedication for Kingsbury Lane in accordance with the Functional Classification Map and this will be complied with and agreed to in the Development Agreement.

- H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts? (Ord. 16-007, 6-20-2016)

A two lot subdivision, with one existing residence will not impact essential public services and facilities. All affected agencies will be notified and have an opportunity to respond as part of this application. Any concerns will be considered carefully, but we do not anticipate any.

RECOMMENDED CONDITIONS OF APPROVAL TO BE INCLUDED WITH 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 parcels shall be divided into a maximum of two lots in compliance with Chapter 7, Article 17 (Subdivisions) of the Canyon County Zoning Ordinance and in substantial compliance with the conceptual site plan (Bowtie Subdivision plats).
3. Future division of the subject parcels are prohibited.
4. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification or improvements shall be approved in writing by the local Irrigation District.
5. 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."
6. The right to farm act statement shall be disclosed on deeds to all future lot owners.

Letter of Intent

April 14, 2023

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

Re: Rezone, Preliminary and Final Plat Applications for Parcel #R37468012A & R37468012A1

In accordance with the application requirements, this is a letter of intent for a rezone and subdivision of private property. Specifically, from Agriculture to Rural-Residential. The subdivision includes two residential lots; lot one with an existing home and outbuildings of approximately 5-acres and lot two, a new buildable rural residential lot of approx. 6-acres.

Existing Zoning: "A" Agriculture

Existing Use: Rural Residential (RR)

2030 Future Land Use Map: Ag (which supports Rural-Residential)

Floodplain: Zone A (a completed flood study with Base Flood Elevation Data is attached)


Star City Impact Area: received email of support and preliminary waiver of subdivision improvements.

The property borders Willow Creek on the northern property boundary and is located within a mapped special flood hazard area, zone A. A flood study to determine BFE was required before any further development can be considered. Ackerman-Estvold has completed the required study and established a BFE (the study is included with the application for review).

There has been no opposition from our neighbors within the required 600ft for the proposed development. The area around the subject property has been in transition since the 70's. There are a number of platted subdivisions and parcel splits that are approx. 5 acres and zoned RR around us. The parcel is not viable for commercial farming, but is viable for hobby farming and self-sustaining ownership.

A notice to neighbors was sent to the required notification area on February 13, 2023. The meeting was held on February 22, 2023 and no issues were reported. A neighborhood meeting was also held for the original application request on April 25, 2022 and there was no opposition to the proposed 2 lots.

We thank you for the review of our submitted applications. And we look forward to a favorable outcome.


Keri Smith
Owner/Principal
Treasure Valley Planning, LLC

Hearing Criteria for a Conditional Rezone (07-06-07(6)A):

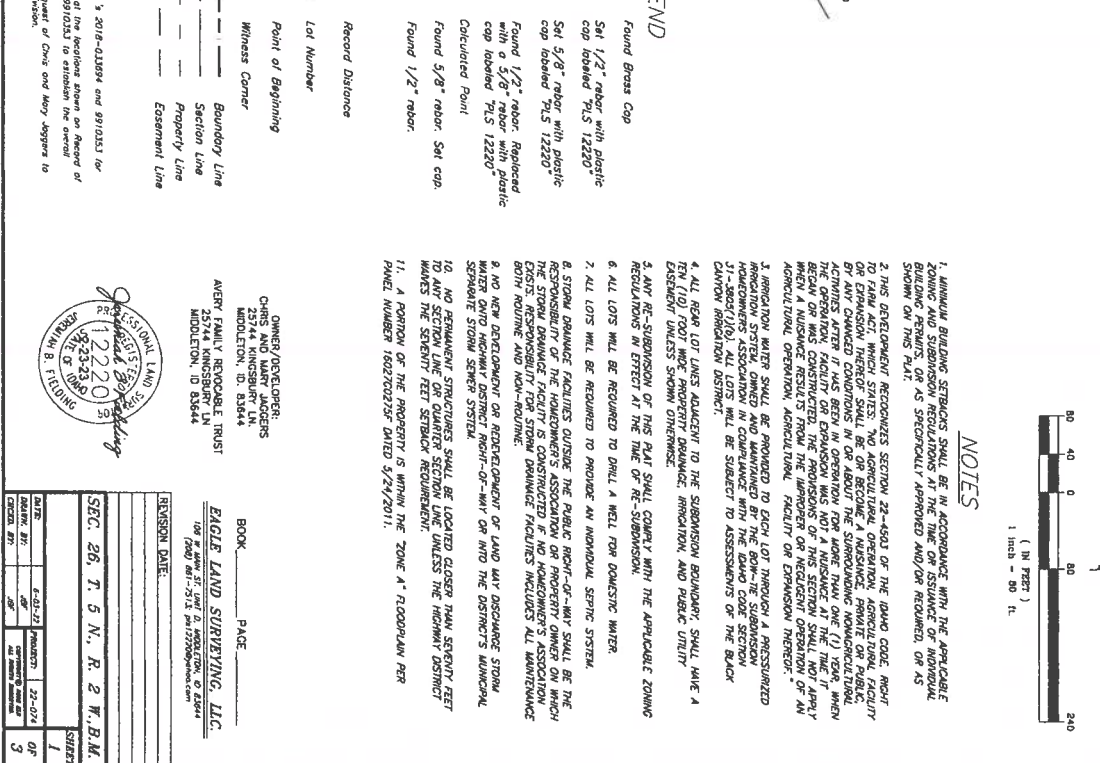
- A. Is the proposed zone change generally consistent with the comprehensive plan;
Yes. The proposed conditional rezone is consistent with many policies and goals within the 2030 Comprehensive Plan. The future land use map designates the property as "Agriculture" which is compatible with the proposed request. This request is also compatible with the City of Star's land use being low density residential.
- B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation;
Yes. All land south and east and are consistent or more dense than the requested zone change. If this land was zoned appropriate to the lot sizes, they would be zoned RR. RR is a good transition, especially 5+ acre size lots, to the larger agriculture uses to the north of the subject property (which range from 9-20 acres approximately).
- C. Is the proposed zoning map amendment compatible with surrounding land uses;
Yes. The surrounding area is primarily zoned agricultural and rural-residential but is primarily used as rural-residential to the south and east of the subject property. Also refer back to the answer for B. above. The 2030 future land use designation is "Agriculture", but Rural-Residential Zoning is an appropriate/allowed use in this designated area. The land to the west of the subject property is approximately 141 acres and the property owner already co-exists with the farming operations. Other similar development has already encroached on this existing farm at the center of similar rural residential developments.
- D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?
The proposed zoning amendment to Rural Residential is consistent with two similar rezone requests within 2,000 feet of the subject property to Rural-Residential and the parcels immediately south of the subject property area also rural in nature with average lot sizes of 5 acres and below. Within approximately 1,000 feet there are over 30 lots with less than 2 acre lots. The 8 parcels immediately south range from 5 to 8 acre parcels. Thus, the request for 2 lots of equal size is consistent with the immediate character of the area and makes a great transition to the larger parcels to the north and west of the subject property. No measures to mitigate impacts are necessary and the neighbors were all supportive of the request because it would not negatively affect the existing character of the area.
- E. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed zoning map amendment:
Yes, adequate facilities and services are available to accommodate the requested use. City services are not available to the property. Future development will require domestic wells and septic systems. The site is not located within a nitrate priority area. The Jagger's, owner of Lot 2 worked with Southwest District Health and has been approved for an additional septic system, permit # :013838, dated 12-27-22.

The delivery of irrigation water is through the use of historic irrigation and will remain unchanged. The subject property has 5-acres of irrigation water rights. The irrigation water has never been used to water existing grass and scrubs surrounding the home. The home and 5-acres, *lot 1*, will not retain any irrigation water rights. The irrigation pump and power source are located on *lot 2*. After a discussion with Black Canyon Irrigation District, it's the Jagger's understanding that the lot size must be 5-acres or larger to retain water rights. *Lot 2* is approx. 6-acres and will retain the 5-acres of water rights.

Power and necessary utilities are available to the site.

- F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development;
Yes. Lot one, via frontage onto Edna Lane via Kingsbury Ln (private). Lot 2, has frontage along Edna Lane, and at the time of building permit, a new access permit for an approach onto Edna Lane will be applied for.
- G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts;
No public street improvements are required. Canyon Highway District #4 (CHD) is requiring public right of way dedication for Kingsbury Lane in accordance with the Functional Classification Map and this will be complied with.
- H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts? (Ord. 16-007, 6-20-2016)
A two lot subdivision, with one existing residence will not impact essential public services and facilities. All affected agencies will be notified and have an opportunity to respond as part of this application. Any concerns will be considered carefully, but we do not anticipate any.

2023



(IN FEET)
1 inch - 80 ft

1. UNLAWFUL BUILDING STRUCTURES SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING ORDINANCES AND THE BUILDING DEPARTMENT'S BUILDING PERMITS OR AS SPECIFICALLY APPROVED AND/OR REQUIRED, OR AS SHOWN ON THIS PLAN.
2. THIS DEVELOPMENTAL REZONE/RECLASS SECTION 22-4-04.1 OF THE DDA CODE, RIGHT TO FAIR PLAY, WHICH STATES, "NO AGRICULTURAL, FORESTING, AGRICULTURAL, FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CANNED CONTAINERS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL FACILITY OR EXPANSION THEREOF." SHALL NOT BE A NUISANCE, PRIVATE OR PUBLIC, WHEN THE FORESTING FACILITY OR EXPANSION WAS NOT A NUISANCE, PRIVATE OR PUBLIC, WHEN A NUISANCE WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLECTED OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF.
3. IRRIGATION WATER SHALL BE PROVIDED TO EACH LOT THROUGH A PRESSURIZED IRRIGATION SYSTEM, OWNED AND MAINTAINED BY THE BOW-TIE SUBDIVISION ASSOCIATION (BTSA). THE IRRIGATION SYSTEM SHALL BE SUBJECT TO THE BOW-TIE SUBDIVISION ASSOCIATION'S (BTSA) RULES AND REGULATIONS. THE IRRIGATION SYSTEM SHALL BE SUBJECT TO ASSESSMENTS OF THE BLACK CANYON IRRIGATION DISTRICT.
4. ALL REAR LOT LINES ADJACENT TO THE SUBDIVISION BOUNDARY SHALL HAVE A FENCE (10' FOOT HIGH) PERMANENT DRAINAGE, IRRIGATION, AND PUBLIC UTILITY SYSTEM (TIE) ROOT MACE PERMANENT DRAINAGE, IRRIGATION, AND PUBLIC UTILITY SYSTEM (TIE) ROOT MACE SHOWN OTHERWISE.
5. ANY RE-SUBDIVISION OF THIS PLAN OF RE-SUBDIVISION, AND ANY OTHER REVISIONS OR AMENDMENTS TO THIS PLAN OF RE-SUBDIVISION, SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF DENVER.
6. ALL LOTS WILL BE REQUIRED TO DRILL A WELL FOR DOMESTIC WATER.
7. ALL LOTS WILL BE REQUIRED TO PROVIDE AN INDIVIDUAL SEPTIC SYSTEM.
8. STORM DRAINAGE FACILITIES OUTSIDE THE PUBLIC RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION OR PROPERTY OWNER ON WHICH THE STORM DRAINAGE FACILITY IS CONSTRUCTED IF NO HOMEOWNERS ASSOCIATION EXISTS. RESPONSIBILITY FOR STORM DRAINAGE FACILITIES INCLUDES ALL MAINTENANCE, BOTH ROUTINE AND NON-ROUTINE.
9. NO NEW DEVELOPMENT OR REDEVELOPMENT OF LAND MAY DISTURB EXISTING WATER DRAINAGE OR HIGHWAY DISTRICT RIGHT-OF-WAY OR THE DISTRICTS ADJACENT SEPARATE STORM SEWER SYSTEM.
10. NO PERMANENT STRUCTURES SHALL BE LOCATED CLOSER THAN SEVENTY FEET TO ANY SECTION LINE OR QUARTER SECTION LINE UNLESS THE HIGHWAY DISTRICT MAKES THE SEVENTY FEET STORM DRAINAGE RECORDATION.
11. A PORTION OF THE PROPERTY IS WITHIN THE "ZONE A" RURAL/URBAN PER

MAP NUMBER 160270202375 DATED 9/24/2011.

OWNER/DEVELOPER:
CHRIS AND MARY JAGGERS
25744 KINGSBURY LN.
MIDDLETON, ID. 83644

BOOK _____ PAGE _____

EAGLE LAND SURVEYING, LLC

106 W. MAIN ST., UNIT D, MOORETON, ID 83644
(208) 661-7515, pm132200@nhaa.com

DATE		6-03-72	PHOTOGRAPH	22-074	05
DOBORN, WJ	AGE	38		DATE OF BIRTH AND AGE	3
CRIMINAL #771	AGE	38	ALL OTHER INFORMATION		

SEC. 26, T. 5 N., R. 2 W.B.M.

REASON FOR: _____

SHEET 1



LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633

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

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

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

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

3. IRRIGATION WATER PROVIDED VIA:

- ☒ Surface ☐ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION:

- ☐ Pressurized ☒ Gravity

5. ACCESS:

- ☒ Frontage ☐ Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:

- ☐ Public ☒ Private Road User's Maintenance Agreement Inst # _____

7. FENCING

- ☐ Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. STORMWATER:

- ☒ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☐ Other: _____

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

Willow Creek



RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- ☒ Residential 2 ☐ Commercial _____ ☐ Industrial _____
☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION: n/a

- ☐ Water supply source: _____

3. INCLUDED IN YOUR PROPOSED PLAN?

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

NON-RESIDENTIAL USES

1. SPECIFIC USE ☒ _____

2. DAYS AND HOURS OF OPERATION:

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

3. WILL YOU HAVE EMPLOYEES? ☐ Yes If so, how many? _____ ☐ No

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

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

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

5. PARKING AND LOADING:

How many parking spaces? _____

Is there is a loading or unloading area? _____

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: ~~X~~ _____

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

**Notice of Neighborhood Meeting
Pre-application requirements for a Public Hearing**

February 13, 2023

Dear Neighbor,

We are in the process of submitting an application to Canyon County Development Services. One of the requirements prior to submitting the application is to hold a "neighbor meeting" and provide information to our surrounding neighbors.

This meeting is for informational purposes and to receive feedback from you. This is not a public hearing. Once our application has been submitted and processed, a public hearing date will be scheduled.

Place: 25744 Kingsbury Lane, Middleton Id 83644

Time: 7 PM

Date: Wednesday February 22, 2023

We are asking for a rezone from AG to RR, Rural Residential. Intended use is for one house and out building on approx. 5.97 acres. Proposed access to property would be on Edna Road. The current home with approx. 5 acres will remain unchanged.

This is a pre-application requirement and Canyon County currently has no information on this project. If you have any question please contact **Chris @208-850-8390** or email **cjaggers.classics@gmail.com**

In advance we would like to thank you for your time.

Sincerely,
Chris and Mary Jaggers

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.asp Phone 208-454-7458 Fax 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

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

SITE INFORMATION

Site Address:	Parcel Number:	R37468012A1	
City: Middleton, ID 83644	State: ID	ZIP Code: 83644	
Notices Mailed Date: 2-13-2023	Number of Acres:	Current Zoning: AG	
Description of the Request: Submitting a conditional rezone application that would rezone to RR. Proposed to develop 5.91 acres, 1 home & out building			

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name:	Chris or Mary Jagers		
Company Name:			
Current address:	25744 Kingsbury Ln		
City: Middleton, ID	State: ID	ZIP Code: 83644	
Phone: 208-850-8390	Cell:	Fax:	
Email:	cjagers.classics@gmail.com		

MEETING INFORMATION

DATE OF MEETING: 2-22-2023	MEETING LOCATION: 25744 Kingsbury Ln
MEETING START TIME: 7:00 PM	MEETING END TIME: 7:30 PM

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE	ADDRESS
1 Preston Avery	[Signature]	25774 Kingsbury RD
2 Jason Wood	[Signature]	25612 Kingsbury RD
3 JOE SPALLIT	[Signature]	25566 Kingsbury Rd
4 Martha Stubbs	[Signature]	25501 Kingsbury Rd
5 Robert J. K...	[Signature]	25512 Kingsbury Rd
6 Lailanga Bacon	[Signature]	7560 Edna Ln
7		
8		
9		



See Attachments

AGENCY ACKNOWLEDGMENT

Date: _____

Applicant: _____

Parcel Number: _____

Site Address: _____

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:

✓ ☐ Applicant submitted/met for official review.

Date: 4/19/23 Signed: _____

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

Fire District:

✓ ☐ Applicant submitted/met for official review.

Date: 4/26/23 Signed: _____

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

Highway District:

☐ Applicant submitted/met for official review.

Date: 4/5/23 Signed: _____

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

Irrigation District:

✓ ☐ Applicant submitted/met for official review.

Date: 4/25/23 Signed: _____

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

Area of City Impact:

☐ Applicant submitted/met for official review.

Date: 3/9/23 Signed: _____

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

Received by Canyon County Development Services:

Date: _____ Signed: _____

Canyon County Development Services Staff

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

From: Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>
Sent: Wednesday, April 19, 2023 3:30 PM
To: 'Keri Smith' <kerikay@hotmail.com>
Cc: Anthony Lee <Anthony.Lee@phd3.idaho.gov>
Subject: RE: Jagger's Rezone and Subdivision application

Keri,

I reviewed the Jagger's Rezone and Subdivision application. SWDH will require the applicant to complete the Subdivision Engineering Review (SER). This process can be started by contacting Anthony Lee and scheduling a pre-development meeting. During this meeting Anthony will review the requirements with needed to lift sanitary restrictions or gain approval of IDAPA 58.01.03.

Thank you,
Mitch

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



Mitch Kiester, MPH, CPM, REHS/RS | Program Manager | Southwest District Health
13307 Miami Lane | Caldwell ID 83607 | ph: 208.455.5321 | cell: 208.580.3953
Mitch.Kiester@phd3.idaho.gov | *Healthier Together* | www.swdh.org



From: Keri Smith <kerikay@hotmail.com>
Sent: Wednesday, April 19, 2023 12:03 PM
To: Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>
Subject: Jagger's Rezone and Subdivision application

Hi Mitch! I hope all is well for you. I know how busy you guys must be still.

I am helping Chris and Mary Jagger's with a rezone of land to Rural Residential and a subdivision into two lots. I've attached information for your review. Please let me know if you have any questions or need anything else. All I need from you is an acknowledgement of the application, but information about water rights and transfers would be helpful. If there is anything else that we should consider as part of this rezone and land division we are also happy to hear that ahead of time as well so we are prepared for the hearing.

Can you let me know you received this email and a possible timeframe for a response? It's important because we thought we were ready to submit our application to the County, but found out that they needed this acknowledgment from applicable agencies prior to application submittal (new process).

Keri Smith
Treasure Valley Planning

MIDDLETON RURAL FIRE DISTRICT



STAR FIRE PROTECTION DISTRICT

FIRE DISTRICT AGENCY ACKNOWLEDGMENT

DATE: April 26, 2023

FIRE DISTRICT: Middleton Rural Fire District

FIRE CODE OFFICIAL: Victor Islas, Deputy Chief 

PROJECT: Jagger Rezone and Subdivision Application

APPLICANT: Treasure Valley Planning – Kari Smith kerikay@hotmail.com

The pre-application meeting is held before planning and zoning hearings and or before building permit review process begins. It allows the applicant to discuss their proposed project with the local building department and receive guidance on the permit application process, zoning regulations, and other requirements. However, a pre-application meeting does not replace the official review provided by the fire district.

The applicant has been in contact with the Middleton Rural Fire District Fire Code Official and has set up a pre-application meeting that will be held on *Thursday, May 4, 2023, at 9:00 am*. A copy of the pre-application meeting notes will be provided to the applicant. It shall be the responsibility of the applicant to provide a copy to Canyon County Planning and Zoning.

From: Lenny Riccio <LRiccio@canyonhd4.org>
Sent: Wednesday, April 5, 2023 2:08 PM
To: Keri Smith <kerikay@hotmail.com>
Cc: Chris Hopper <CHopper@canyonhd4.org>
Subject: Re: Subdivision

Keri,

Showing Edna Lane with a 50' prescriptive easement plus slope easement as shown in the preliminary and final plat is fine. On the final plat for the slope easement call out, please add a reference to a note. Said note should include beneficiaries of the slope easement. Jeremy can consider using the language from Ryken Meadows.

1.3. LOTS FRONTING FOOTHILL ROAD ARE SUBJECT TO A ROADWAY SLOPE EASEMENT FOR THE ROAD RIGHT-OF-WAY, IN FAVOR OF CANYON HIGHWAY DISTRICT NO. 4 FOR THE CONSTRUCTION AND MAINTENANCE OF THE ROADWAY SHOWN HEREON.

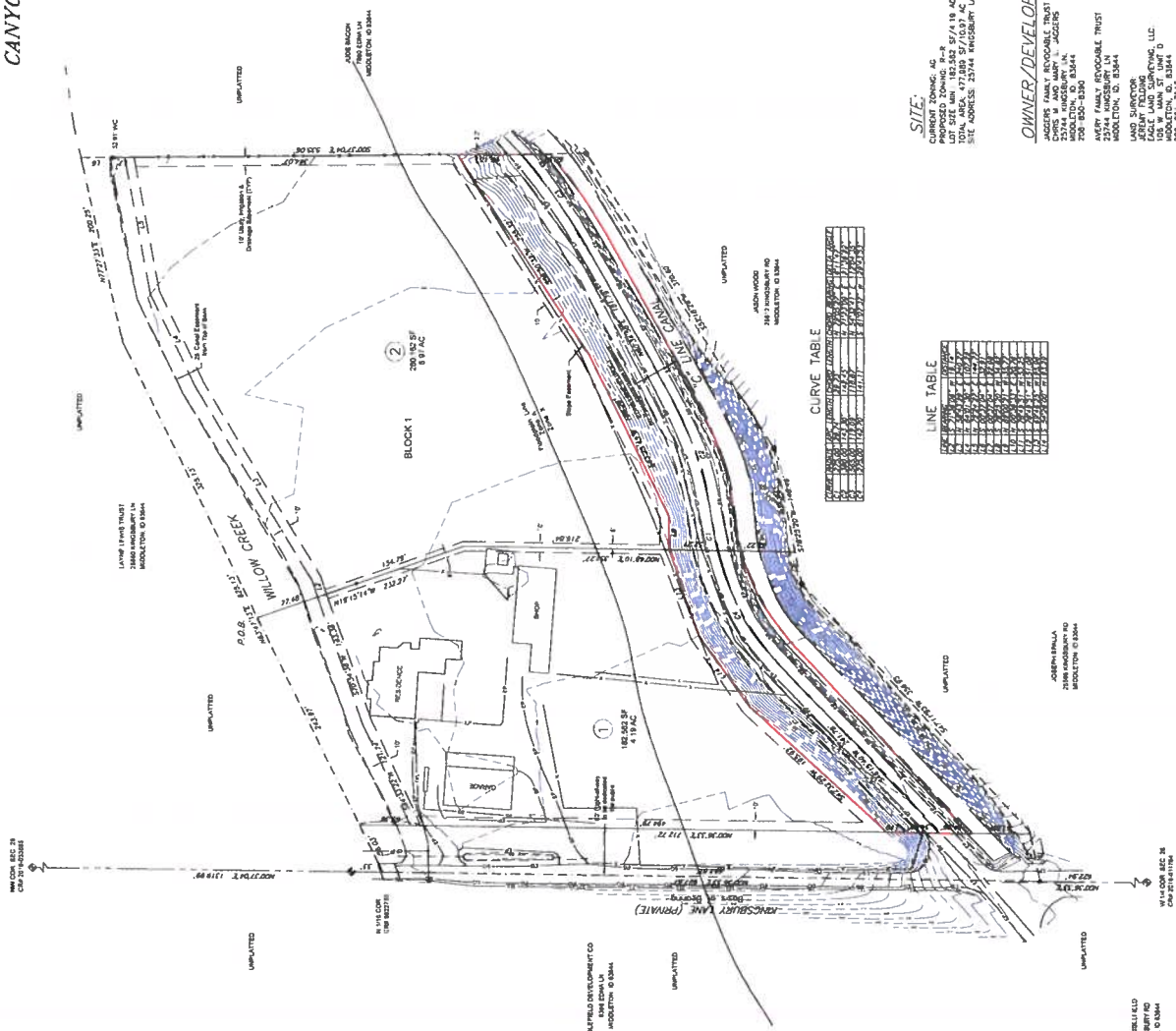
Kingsbury ROW dedication still applies.

It appears Parcel 1's fence encroaches within the slope easement and roadway easement. Please add callout on preliminary plat to relocate that fence.

Additional comments may be made at time of formal review.

Regards,

Lenny Riccio, P.E.
Transportation Planner
Assistant District Engineer
Canyon Highway District No. 4
canyonhd4.org
15435 Hwy 44
Caldwell, ID 83607
Phone: (208) 454-8135
Fax: (208) 454-2008

[illegible][illegible]

SURVEYOR'S CERTIFICATE

I, JEREMIAH B. FIELDING, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

5175.

CURRENT ZONING: AC
PROPOSED ZONING: R-R
LOT SIZE MIN: 182,582 SF/4.10 AC
TOTAL AREA: 477,080 SF/10.97 AC
SITE ADDRESS: 25744 KINGSBURY LANE

OWNER/DEVELOPER:

EAGLE LAND SURVEYING, LLC.
100 W. 400th St. Unit A, Middleton, WI 53594
(202) 661-7211 cell: 223-0886 fax: 223-0886

**PRELIMINARY PLAT
OF
DOWN-THE ESTATES SUB.**

EC. 26. T. 6 N., R. 2 W., B.M.	528287	1
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LAND SURVEYOR:
EREMY FIELDING
AGLE LAND SURVEYING, LLC
66 W MAIN ST UNIT D
MIDDLETON, ID, 83844
08-861-7513

23401 KINGSLEY RD
MIDDLETON 10 83444
CITY OF MIDDLETON 83444

kerikay@hotmail.com

From: Black Canyon Irrigation <bcid@blackcanyonirrigation.com>
Sent: Tuesday, April 25, 2023 1:34 PM
To: Keri Smith
Subject: BCID - Plot Verification
Attachments: Plot Verification - 2023-04-25T125245.681.pdf; Plot Verification - 2023-04-25T125126.206.pdf; scanner_20230425_125312.pdf; scanner_20230425_125236.pdf

Hello Keri,

I had Carl send me the information to better assist you. From what I could gather with speaking to Carl, it sounds like you would not need to go through the review process since it's only regarding the 2 lots and our minimum is a 3-lot split. I have attached the plot verifications for the Jagger's property and the Avery property along with our plat book drawings when we initially split the property. Jagger's did request that the Avery property only be allocated 1 irrigable acre which was approved in our Feb. board meeting earlier this year. By doing this perm. water transfer, the Jagger's did an in-house reclassification of the land that they were keeping. This is reflected on the plat book drawings that we have in our office. Please let me know if you need anything else.

Thank You

Cheyenne Fernlund

Black Canyon Irrigation District

P.O. Box 226

Notus, ID 83656

Phone (208)459-4141 ext. 5

Black Canyon Irrigation District

P.O. Box 226, Notus, Idaho 83656

Phone: 208-459-4141 FAX: 208-459-3428

Plot Verification Form

Attention: Keri Smith

File: _____

By: Cheyenne 4/25/2023

Amount Good Thru: 6/20/2023

It is the responsibility of the sellers and buyers to verify water rights with the district.

Splits of parcels with water rights will be determined upon receiving recorded documents pertaining to this parcel. Assessments must be paid in full prior to parcel splits.

.....

Plot #	<u>0239-002-08</u>	Total Amount Due:	<u>\$191.00</u>
Customer #:	<u>01253</u>	Total Irrigable Acres:	<u>4.000</u>
Customer Name:	<u>Jaggers, Chris M. & Mary L.</u>		
Legal Description:	<u>26-5-2, PART NW1/4</u>		
Comments:	_____ _____ _____		

.....

Billing Rates for: UNIT #2	
• Spring Assessment (February):	<u>\$35.25/ per acre</u> + Account Fee: <u>\$50.00</u>
• Fall Assessment (October):	<u>\$30.50/ per acre</u> + Account Fee: <u>\$50.00</u>
• Spring Billing - Delinquent June 20th With 2% Penalty	
• Fall Billing - Delinquent December 20th With 2% Penalty	
• 1% Interest Added the 20th of Each Month on Past Due Assessments	

Parcels in combination over 40 irrigable acres are subject to the Reclamation Reform Act 1982. Forms need to be filed with the District office to avoid fines with the Bureau of Reclamation.

Generated on: 4/25/2023 12:51:17 PM

This message is intended only for the use of the individual or entity to which it is addressed and May contain information that is privileged confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately, and return the original message to us at the above address via the U.S. postal service.

Exhibit A.7d

Black Canyon Irrigation District

P.O. Box 226, Notus, Idaho 83656

Phone: 208-459-4141 FAX: 208-459-3428

Plot Verification Form

Attention: Keri Smith

File: _____

By: Cheyanne 4/25/2023

Amount Good Thru: 10/15/2023

It is the responsibility of the sellers and buyers to verify water rights with the district.

Splits of parcels with water rights will be determined upon receiving recorded documents pertaining to this parcel. Assessments must be paid in full prior to parcel splits.

.....

Plot #	0239-002-09	Total Amount Due:	\$0.00
Customer #:	06112	Total Irrigable Acres:	1.000
Customer Name:	Avery Family Revocable Trust, The		
Legal Description:	26-5-2, PART of W1/4NW1/4		
Comments:			

.....

Billing Rates for: UNIT #2	
• Spring Assessment (February):	<u>\$35.25/ per acre</u> + Account Fee: <u>\$50.00</u>
• Fall Assessment (October):	<u>\$30.50/ per acre</u> + Account Fee: <u>\$50.00</u>
• Spring Billing - Delinquent June 20th With 2% Penalty	
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• 1% Interest Added the 20th of Each Month on Past Due Assessments	

Parcels in combination over 40 irrigable acres are subject to the Reclamation Reform Act 1982. Forms need to be filed with the District office to avoid fines with the Bureau of Reclamation.

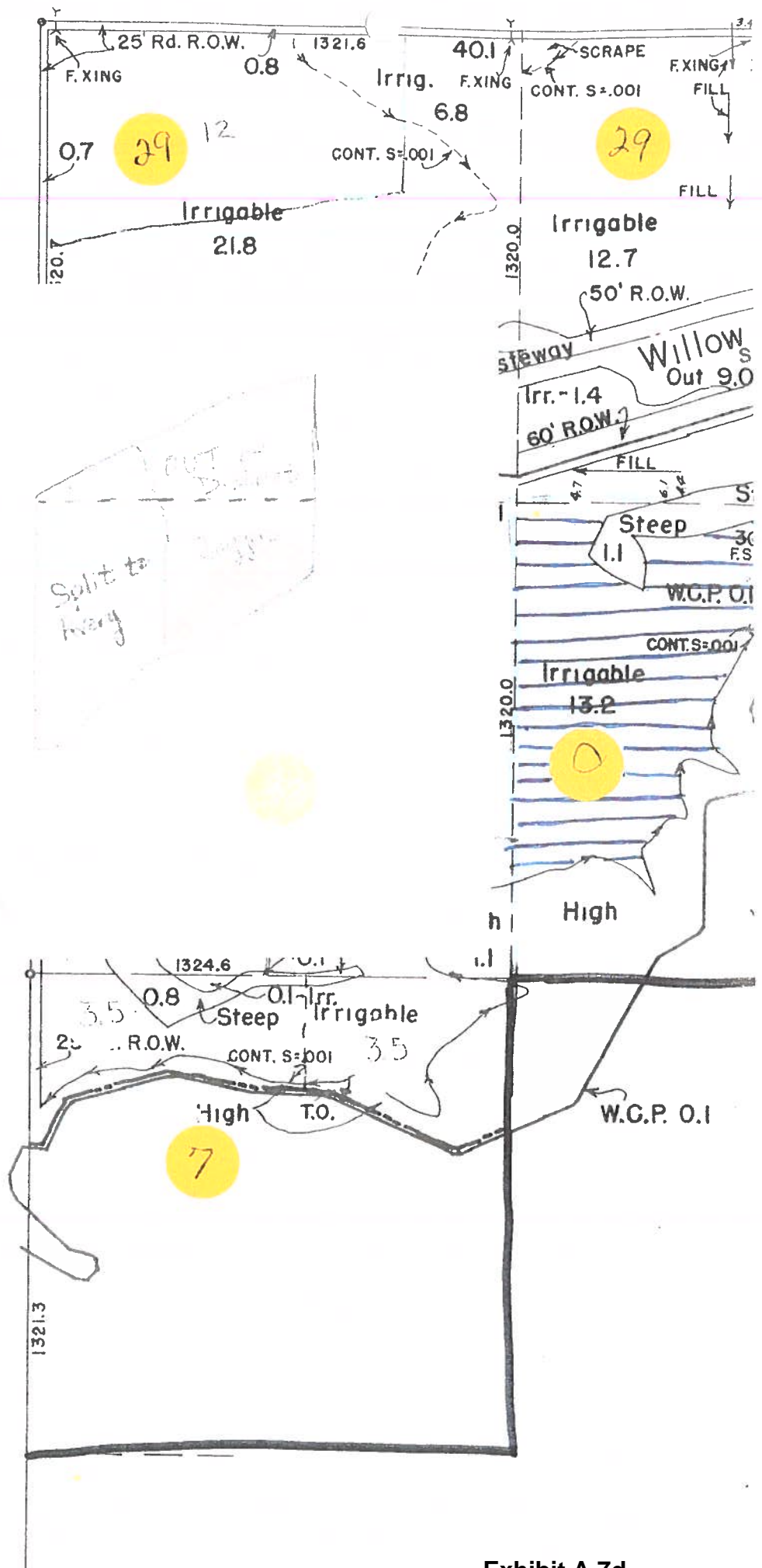
Generated on: 4/25/2023 12:52:41 PM

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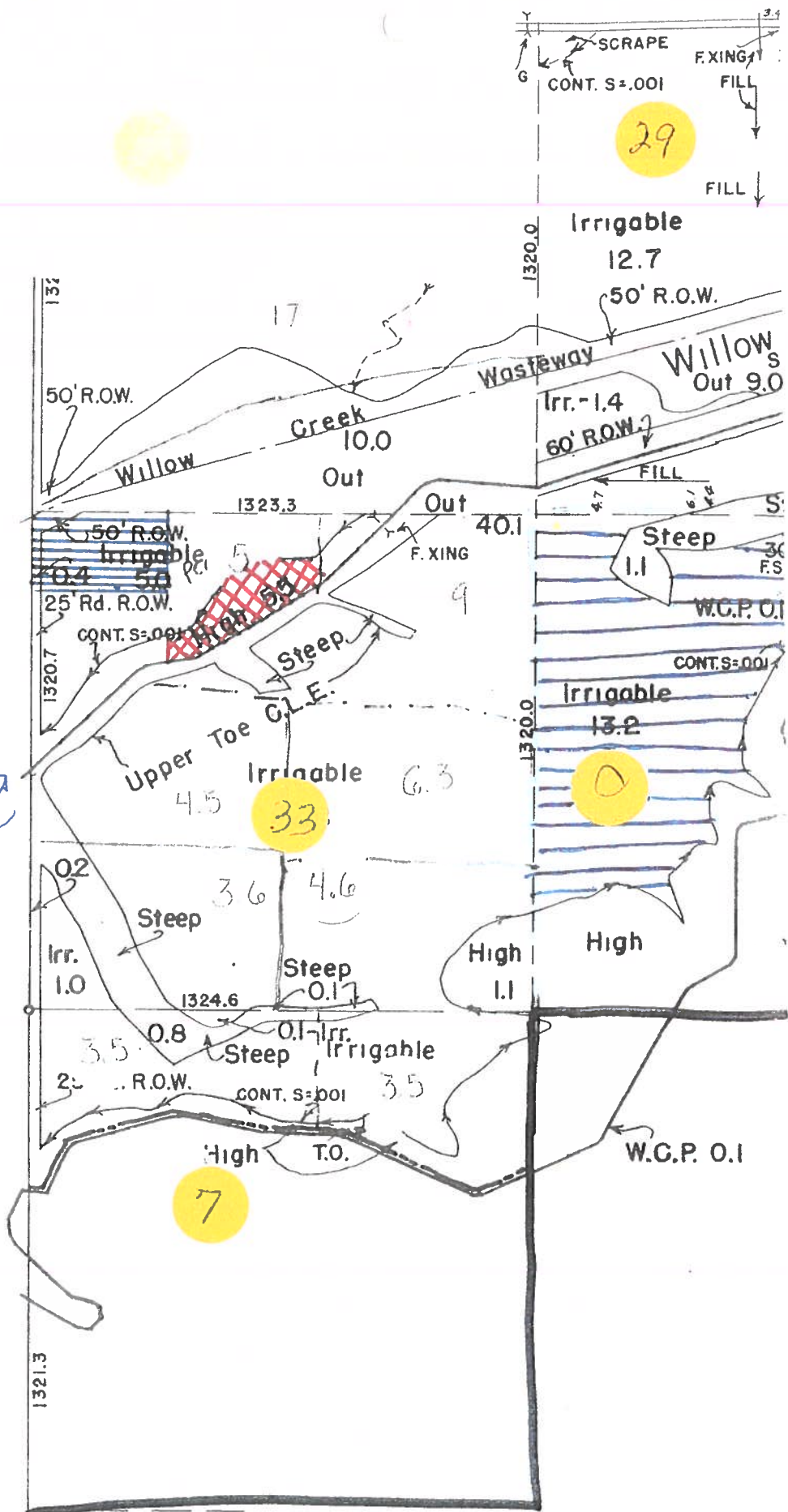
Exhibit A.7d

Blue = No Water Rights

Red = Reclassification
Perm. Water Trans.
from Jagers before
Sale to Avery



- Rec'd = Reclassification
- Perm. Water Trans. from Jagers before Sale to Avery



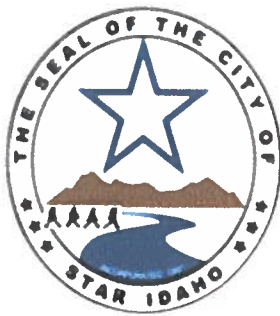
From: Shawn Nickel <snickel@staridaho.org>
Sent: Thursday, March 9, 2023 12:11 PM
To: Keri Smith-Sigman <kerikay@hotmail.com>
Subject: RE: Jagers

Good afternoon, Keri. Looking at the request, I do not see any concerns from the City. We will send a formal review letter of support and recommendation to waive our subdivision requirements once we receive an Agency Transmittal from Canyon County.

Thanks.

Shawn

SHAWN L. NICKEL
PLANNING DIRECTOR AND ZONING ADMINISTRATOR
CITY OF STAR
SNICKEL@STARIDAH.ORG
208-908-5455



From: Barbara Norgrove <bnorgrove@staridaho.org>
Sent: Tuesday, February 28, 2023 5:21 PM
To: Keri Smith-Sigman <kerikay@hotmail.com>
Subject: RE: Jagers

Hi Keri,

I will forward this onto our Planning Director Shawn Nickel. Shawn can be reached at 208-908-5455 and email is snickel@staridaho.org
Thank you.

Sincerely,

Barbara Norgrove
City of Star
Planning & Zoning Direct line 208-908-5453
bnorgrove@staridaho.org

Star Motto: "The Brightest Jewel in the Gem State!"

This message has been sent to you as official business of the City of Star. This E-mail and any attachments may be considered confidential. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing this information in any manner. If you have received this communication in error, please reply to the sender and then immediately delete it. Thank you for your cooperation.

PUBLIC RECORD NOTICE: All communications transmitted within the City of Star Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 9-337 et seq.) and as such may be copied and reproduced by members of the public.

From: Keri Smith-Sigman <kerikay@hotmail.com>

Sent: Tuesday, February 28, 2023 5:08 PM

To: Barbara Norgrove <bnorgrove@staridaho.org>

Subject: Fwd: Jagers

Good afternoon. I spoke with you last week about obtaining a waiver of subdivision improvements for the attached property/subdivision. As mentioned, this property within the Star Impact area in Canyon County. We are applying for a rezone to R-R with a Preliminary and Final Plat application. A flood study was also completed for this property to determine a BFE for lot 2. Lot one is already built out with a Single Family Residence and accessory buildings. We are seeking a waiver of all subdivision improvements and to just meet the standards for platting in compliance with the Canyon County subdivision ordinance. Please let me know if you have any questions or concerns. Can you also let me know how soon a decision can be made on this? A letter from Star would suffice for our application to the County as well.

Thank you

Keri K. Smith



1907 17th Street Southeast
Minot, ND 58701
701.837.8737
www.ackerman-estvold.com

TECHNICAL MEMORANDUM

To: File

From: Ackerman-Estvold

Date: October 6th, 2022

Re: BFE Determination, 25744 Kingsbury Road, Middleton, ID

The purpose of this Memorandum is to document a BFE determination at 25744 Kingsbury Road, Middleton, ID. This exercise is necessary because the property is located within a Zone A area along Willow Creek in Canyon County, Idaho. Figure 1 is a FIRMette on which the property is located based on FIRM Panel 16027C0275F (reference 1). Two methods consistent with the FEMA Document 265, *Managing Floodplain Development in Approximate Zone A Areas* (reference 2) were conducted including:

1. Contour interpolation method (simplified method)
2. Step-backwater analysis using HEC-RAS (detailed method)

Contour Interpolation Method

The contour interpolation method includes superimposing the Special Flood Hazard Area delineation over a contour map and drawing a cross section at the building location across the delineated floodplain. The ground elevation at the edge of water is determined by interpolation between the contours at each end of the cross section. The method also states that 1/2 the contour interval should be added to lower ground elevation to determine the BFE.

The FIRM database (NFHL_16027C, dated 05/25/2022) was downloaded from the Map Service Center website. This was superimposed over a USGS Quad map. The floodplain delineation generally conforms to the contour lines of the map but did not match up with survey data collected by Eagle Landing Survey, LLC. Due to this discrepancy, it was determined that Contour Interpolation would not produce an accurate base flood elevation. For this reason, the Step Backwater methodology utilizing HEC-RAS will be used to determine the base flood elevation.

Step Backwater Analysis using HEC-RAS

The best available terrain data for this area appears to be the 10-meter NED data available from the USGS website (Reference 5). According to the website, this data has an accuracy of 2.44-meters (8-feet) and with a vertical datum base on NAVD 88. This data could be enhanced using survey data and the site topographic plan based on survey.

Based on the site topographic plan the difference between the NED elevation data and the site survey is approximately 5-feet, with the survey data being higher. For use in the development of a HEC-RAS model, the NED elevation data was adjusted upward by 5-feet. In addition to the site topographic mapping, additional survey was obtained for Kingsbury Road, the Willow Creek bridge at Kingsbury Road, and channel cross sections of Willow Creek. This survey data was used to create a surface that was combined with the NED data using the RAS Mapper tool in HEC-RAS version 6.1. To determine the BFE, a detailed HEC-RAS model was developed for this portion of Willow Creek. Cross sections were "cut" from the modified NED-Data. The location of these cross sections is shown on Figure 2.

The discharge rate for the 1%-annual chance event was determined for Willow Creek as part of the Flood Insurance Study and is shown in Table 2 of that document. The discharge was determined to be 2,700 cfs for both the Upper and Lower Willow Creek. HUC-10 boundaries and the NED-data were utilized to delineate a drainage area for the bridge at Kingsbury Road. This delineation is shown on Figure 3. Using the drainage area ratio adjustment method listed in the USGS Scientific Investigations Report 2016-5083, a peak flow rate of 2,480 cfs was determined and used for this analysis. The calculations for this method are provided below.

$$Q_{AEP,U} = Q_{AEP,G} \left(\frac{DA_U}{DA_G} \right)^{exp_{AEP}}$$

where

$Q_{AEP,G}$ is the AEP peak flow for the streamgage, in cubic feet per second;

DA_U is the drainage area at the ungaged site, in square miles;

DA_G is the drainage area at the streamgage, in square miles; and

exp_{AEP} is the regression coefficient or slope for a GLS regression between the log of the AEP peak flow and the log of the drainage area.

$$Q = 2,700 \text{ cfs} * \left(\frac{73.76 \text{ sq mi.}}{82 \text{ sq mi.}} \right)^{0.813} = 2,477.26 \rightarrow 2,480 \text{ cfs}$$

The USGS tool Stream Stats determined a 1% annual chance event flow rate of 1,870 cfs using the USGS Regional Regression equations, but this value was discarded due to the Mean Annual Precipitation and the Forest Land Cover parameters being outside of the suggested ranges.

Because the Willow Creek channel does not appear in the NED-data, the terrain modification tool in RAS Mapper was used to extend the shape of the surveyed channel upstream and downstream of the property. The downstream boundary condition for this model was assumed to be normal depth at 0.45%. Manning's n roughness coefficients were estimated to be 0.08 for the wooded channel and 0.04 for the overbank. These are conservative values in that they will result in a higher computed water surface elevation than smaller Manning's roughness values.

Results of Detailed Modeling

The results of the detailed modeling are included in Table 1 below.

River Station (Cross Section)	Computed Water Surface Elevation (feet)
3209.134	2539.64
2657.162	2536.66
2493.31	2535.68
2028.951	2533.29
1694.89	2533.03
Kingsbury Road Bridge	
1650.385	2532.01
1414.82	2530.83
864.725	2528.29

Table 1: HEC-RAS Results

Recommendations

Because FEMA generally issues a BFE information for single lots based on the most upstream limits of the BFE at the most upstream limits of the lot, it is recommended that the assumed flood elevation for the building be chosen to be 2535.7. At a minimum the lowest floor (including crawl space or basement) of the building needs to be above the BFE, if the owner is to avoid mandatory flood insurance requirements. In addition, Canyon County floodplain ordinance requires 2-feet of freeboard above the before for locations do not have an elevation specified on the FIRM. Based on this ordinance any structure built on this property should have a low floor elevation of 2537.7.

References

1. Federal Emergency Management Agency Map Service Center.
<https://msc.fema.gov/portal/advanceSearch>
2. Federal Emergency Management Agency (1995), *Managing Floodplain Development in Approximate Zone A Areas, A guide for Obtaining and Developing Base (100-year) Flood Elevations*. FEMA 265. July.
3. Federal Emergency Management Agency (2019), *Flood Insurance Study, Canyon County, Idaho and Incorporated Areas*, Revised May 25, 2022.
4. Chow, V.T. (1959), *Open-Channel Hydraulics*, McGraw-Hill Book Company, New York.
5. USGS NED Websites referenced: <https://datagateway.nrcs.usda.gov/>,
https://www.usgs.gov/core-science-systems/eros/topochange/science/accuracy-assessment-elevation-data?qt-science_center_objects=0#qt-science_center_objects,
https://www.usgs.gov/faqs/what-vertical-accuracy-3d-elevation-program-3dep-dems?qt-news_science_products=0#qt-news_science_products, and https://www.usgs.gov/faqs/what-are-projection-horizontal-and-vertical-datum-and-resolution-3d-elevation-program-3dep?qt-news_science_products=0#qt-news_science_products.

Attachments:

1. HEC-RAS Results
2. Survey

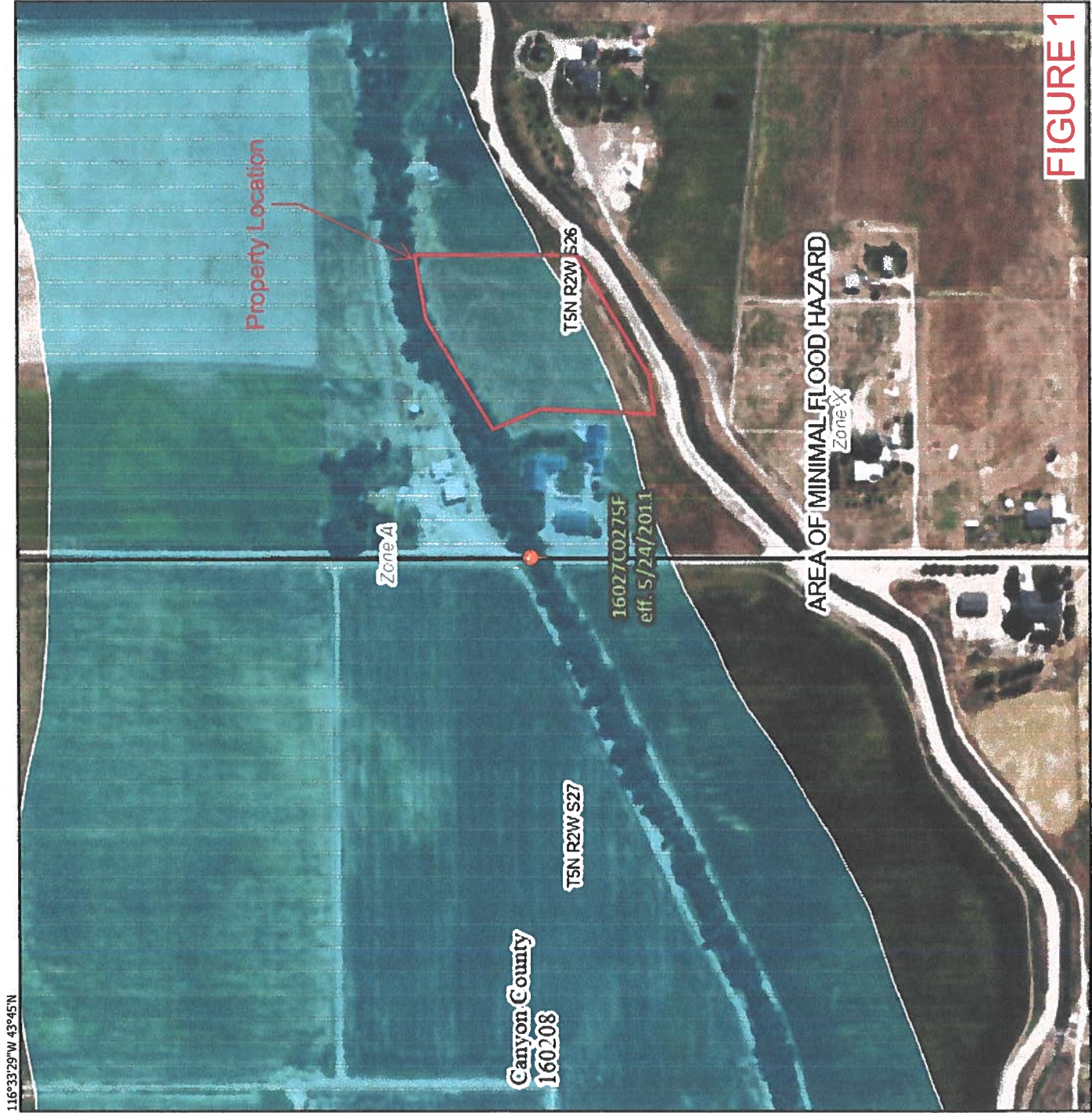
Electronic Attachments:

1. HEC-RAS model

National Flood Hazard Layer FIRMette



116°33'29"W 43°45'N



Legend

SEE HIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- 20.2 Cross Sections with 1% Annual Chance
- 17.6 Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

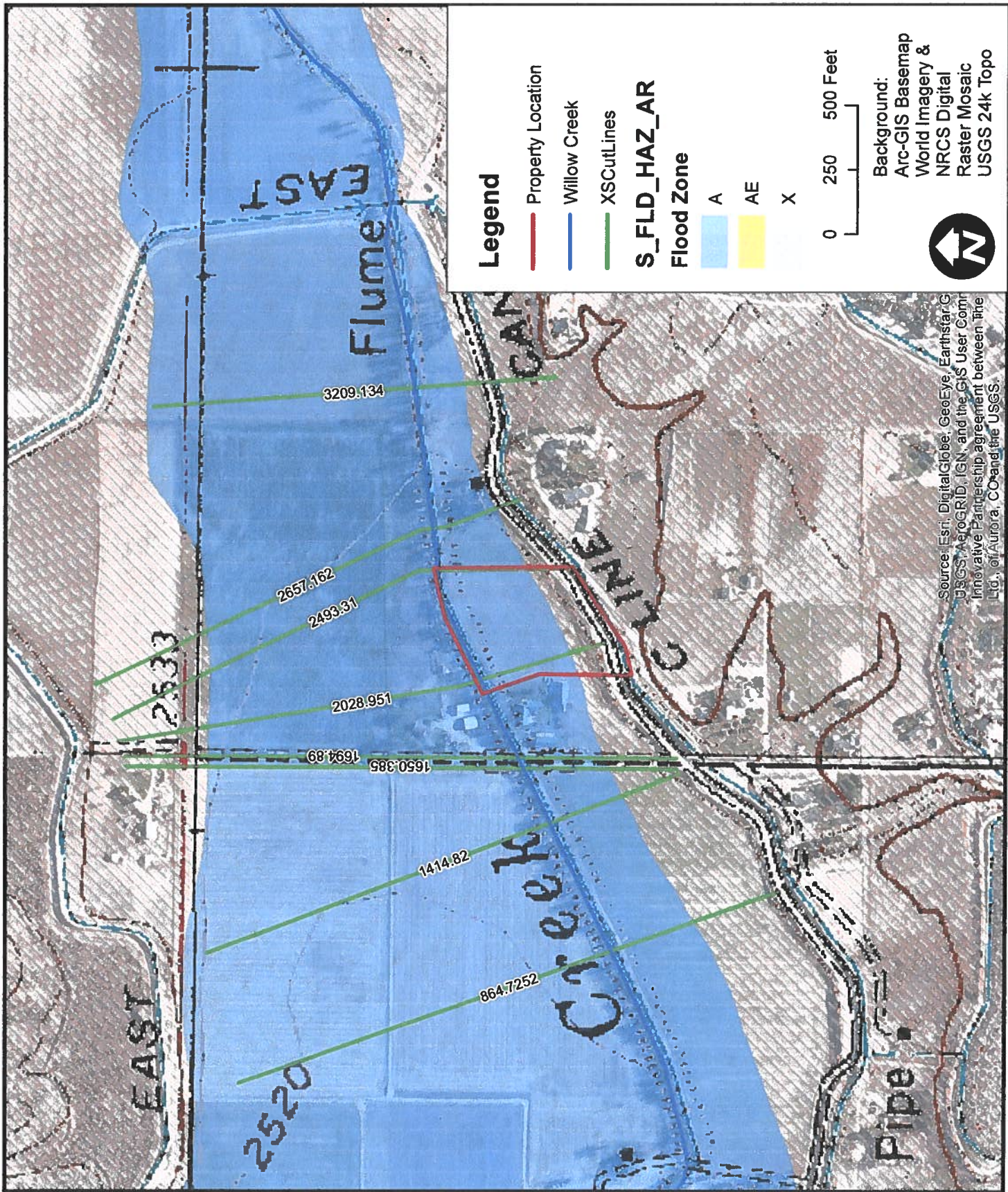
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approx. point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/3/2022 at 4:50 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



25744 KINGSBURY ROAD BFE DETERMINATION HEC-RAS CROSS SECTIONS

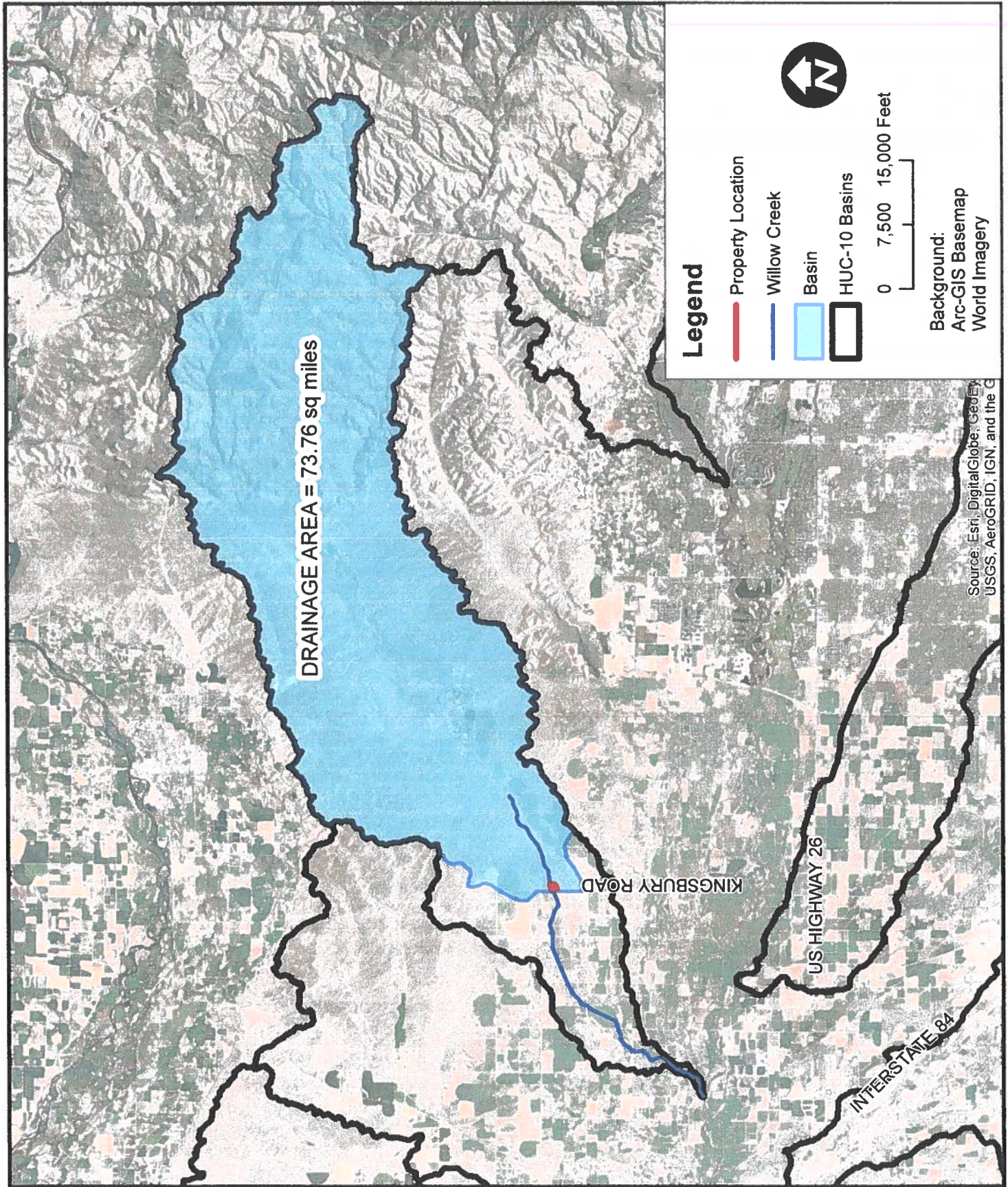
Project Name:	KINGSBURY ROAD
Project No:	R22186
Scale:	1:6000
Date:	10/6/2022
Drawn By:	DPW
Appr. By:	DPW

FIGURE 2

FIGURE 3

25744 KINGSBURY ROAD
BFE DETERMINATION
WATERSHED DELINEATION

Project Name:	KINGSBURY ROAD
Project No:	R22186
Scale:	1:180,000
Date:	10/6/2022
Drawn By:	DPW
Appr. By:	DPW



HEC-RAS Plan: BFE River: Willow Creek Reach: Willow Creek Profile: 100-year

Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
Willow Creek	3209.134	100-year	2480.00	2527.41	2539.64		2540.19	0.008668	6.13	459.23	268.96	0.39
Willow Creek	2657.162	100-year	2480.00	2523.34	2536.66		2536.95	0.004065	4.67	634.41	267.68	0.27
Willow Creek	2493.31	100-year	2480.00	2522.13	2535.68	2529.88	2536.11	0.006414	5.25	478.36	452.08	0.34
Willow Creek	2028.951	100-year	2480.00	2519.53	2533.29	2527.22	2533.61	0.004467	4.57	557.98	462.66	0.29
Willow Creek	1694.89	100-year	2480.00	2518.12	2533.03	2525.91	2533.06	0.000656	1.69	1674.60	820.35	0.11
Willow Creek	1672.638	Bridge										
Willow Creek	1650.385	100-year	2480.00	2514.75	2532.01		2532.28	0.003719	4.19	816.98	204.02	0.25
Willow Creek	1414.82	100-year	2480.00	2514.52	2530.83	2522.87	2531.25	0.004765	5.17	479.75	918.67	0.28
Willow Creek	864.7252	100-year	2480.00	2511.78	2528.29	2520.13	2528.69	0.004508	5.06	489.88	886.85	0.27

Canyon County Parcel Information

**Parcel Information**

Parcel #: **R37468012A0**
 Site Address: 25744 Kingsbury Ln
 Middleton ID 83644
 Owner: Avery Family Trust
 Owner Address: 250 Valli Hi Rd
 Eagle ID 83616
 Twn/Range/Section 05N / 02W / 26 / NW
 Parcel Size: 5.00 Acres (217,800 SqFt)
 Lot Dimensions: Front: 0 / Depth: 0
 Irrigation Dist: Non-District Area
 Plat/Subdivision:
 Lot:
 Block:
 Census 021903 / 2058
 Tract/Block:
 Waterfront:
 Levy Rate: 0.0045
 Assessment Year: 2022
 Total Land Value: \$233,240.00
 Total Impr Value: \$929,900.00
 Total Value: \$1,163,140.00

**Tax Information**

Tax Year	Annual Tax
2022	\$4,710.48
2021	\$5,882.68
2020	\$5,935.12

Legal

26-5N-2W NW TX 23024 IN NW

Land

Land Use: 31H - 31h Res Imp On
 10
 Neighborhood: 240000
 Recreation:

Zoning:

School District: 765 Middleton School Dist

Improvement

Year Built: 2002	Bldg Type: 12 - 1 Story (1985-2009)	Building Use: DWELL
Stories: 1	Bedrooms: 4	A/C: Ac
Bathrooms: 3.5	Full Baths: 3	Half Baths: 1
Finished Area: 4,142 SqFt	Bsmt Fin Area: 0 SqFt	Bsmt Unfin Area: 0 SqFt
Exterior Walls: Vinyl Siding	Roof Style: 3	Roof Covering: Enamel steel
# Dwellings: 1	Carport: 0 SqFt	Garage SqFt: 2 Car 528 SqFt
Pool: No	Deck: 0 SqFt	# of Buildings: 3

Transfer Information

Rec. Date: 01/17/2023

Doc Num: 1447

Doc Type: Deed

Owner: Avery Family Trust

Grantor: JAGGERS CHRIS M & MARY L

Orig. Loan Amt:

Title Co: PIONEER TITLE CO

Finance Type:

Loan Type:

Lender:

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# CR2023-0003

Hearing date: February 20, 2025

R37468012A PARCEL INFORMATION REPORT

1/24/2025 1:24:55 PM

PARCEL NUMBER: R37468012A**OWNER NAME: AVERY FAMILY REVOCABLE TRUST****CO-OWNER: AVERY PRESTON J TRUSTEE****MAILING ADDRESS: 250 VALLI HI RD EAGLE ID 83616****SITE ADDRESS: 25744 KINGSBURY LN****TAX CODE: 0310000****TWP: 5N RNG: 2W SEC: 26 QUARTER: NW****ACRES: 5.00****HOME OWNERS EXEMPTION: No****AG-EXEMPT: No****DRAIN DISTRICT: NOT In Drain Dist****ZONING DESCRIPTION: AG / AGRICULTURAL****HIGHWAY DISTRICT: HIGHWAY DISTRICT #4****FIRE DISTRICT: MIDDLETON FIRE****SCHOOL DISTRICT: MIDDLETON SCHOOL DIST #134****IMPACT AREA: STAR****FUTURE LAND USE 2011-2022 : Res****FLU Overlay Zone Desc 2030:****FLU RR Zone Desc 2030: RURAL RESIDENTIAL****FUTURE LAND USE 2030: RURAL RESIDENTIAL \ AG****IRRIGATION DISTRICT: BLACK CANYON IRRIGATION DIST****FEMA FLOOD ZONE: X \ A FLOODWAY: NOT In FLOODWAY FIRM PANEL:
16027C0275F****WETLAND: Riverine****NITRATE PRIORITY: NO Nitrate Prio****FUNCTIONAL Classification: Major Collector****INSTRUMENT NO. : 2023001447****SCENIC BYWAY: NOT In Scenic Byway****LEGAL DESCRIPTION: 26-5N-2W NW TX 23024 IN NW****PLATTED SUBDIVISION:****SMALL CITY ZONING:****SMALL CITY ZONING TYPE:****DISCLAIMER:**

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

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

R37468012A PARCEL INFORMATION REPORT

1/24/2025 1:25:27 PM

1

PARCEL NUMBER: **R37468012A1**

OWNER NAME: **JAGGERS FAMILY REVOCABLE TRUST**

CO-OWNER: **JAGGERS CHRISTOPHER MICHAEL TRUSTEE**

MAILING ADDRESS: **25744 KINGSBURY LN MIDDLETON ID 83644**

SITE ADDRESS: **0 KINGSBURY LN**

TAX CODE: **0310000**

TWP: **5N** RNG: **2W** SEC: **26** QUARTER: **NW**

ACRES: **5.97**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **Yes**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **HIGHWAY DISTRICT #4**

FIRE DISTRICT: **MIDDLETON FIRE**

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

IMPACT AREA: **STAR**

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

FLU Overlay Zone Desc 2030:

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

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

IRRIGATION DISTRICT: **BLACK CANYON IRRIGATION DIST**

FEMA FLOOD ZONE: **X \ A** FLOODWAY: **NOT In FLOODWAY** FIRM PANEL:
16027C0275F

WETLAND: **Riverine**

NITRATE PRIORITY: **NO Nitrate Prio**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **2022036127**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **26-5N-2W NW TX 22703 IN NW**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



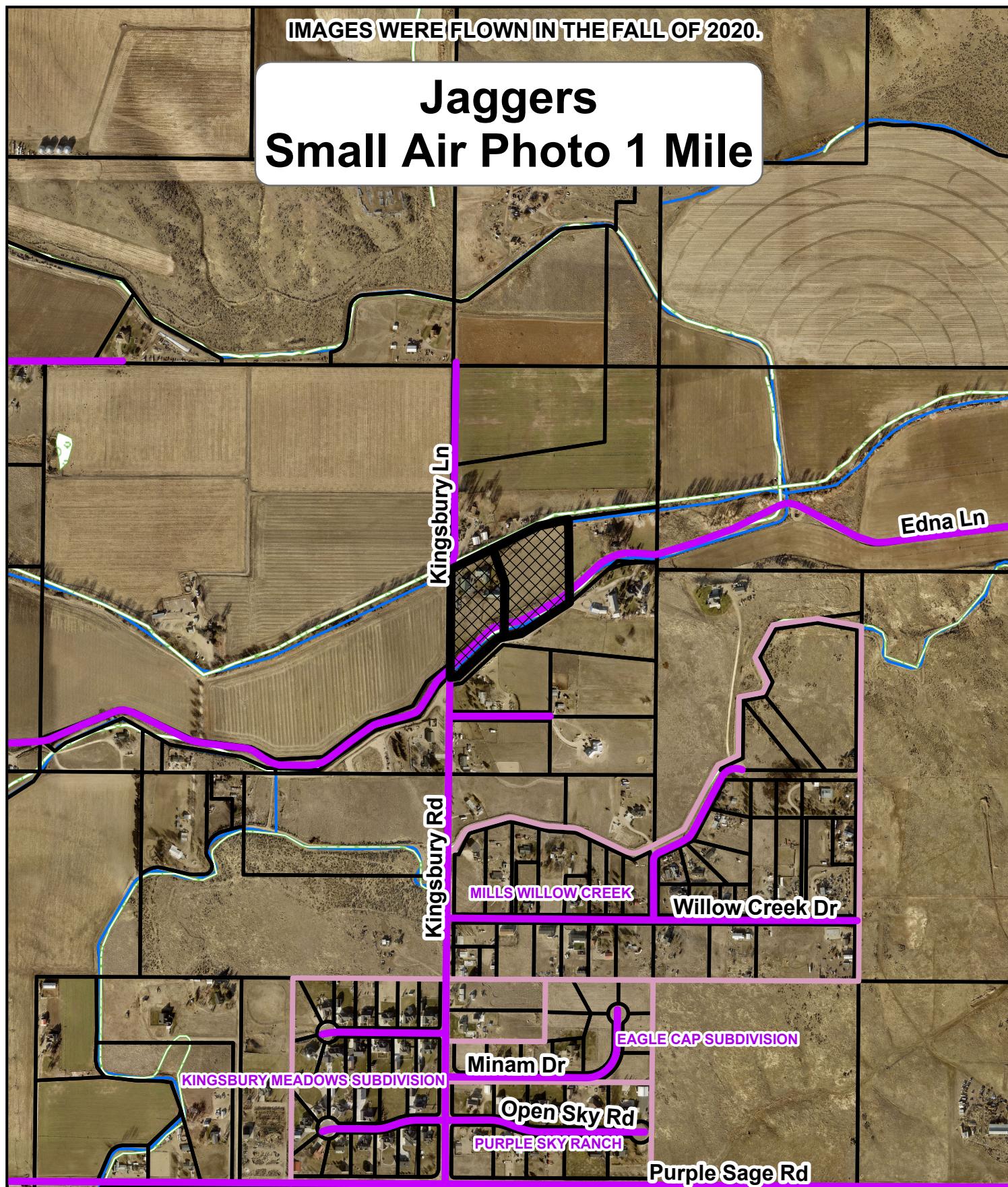
DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
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THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

IMAGES WERE FLOWN IN THE FALL OF 2020.

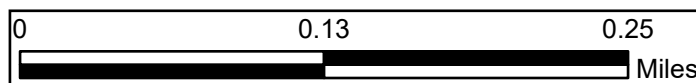
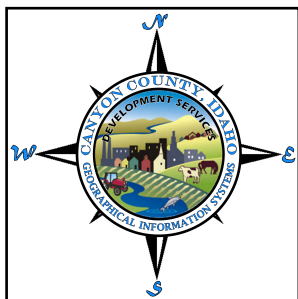
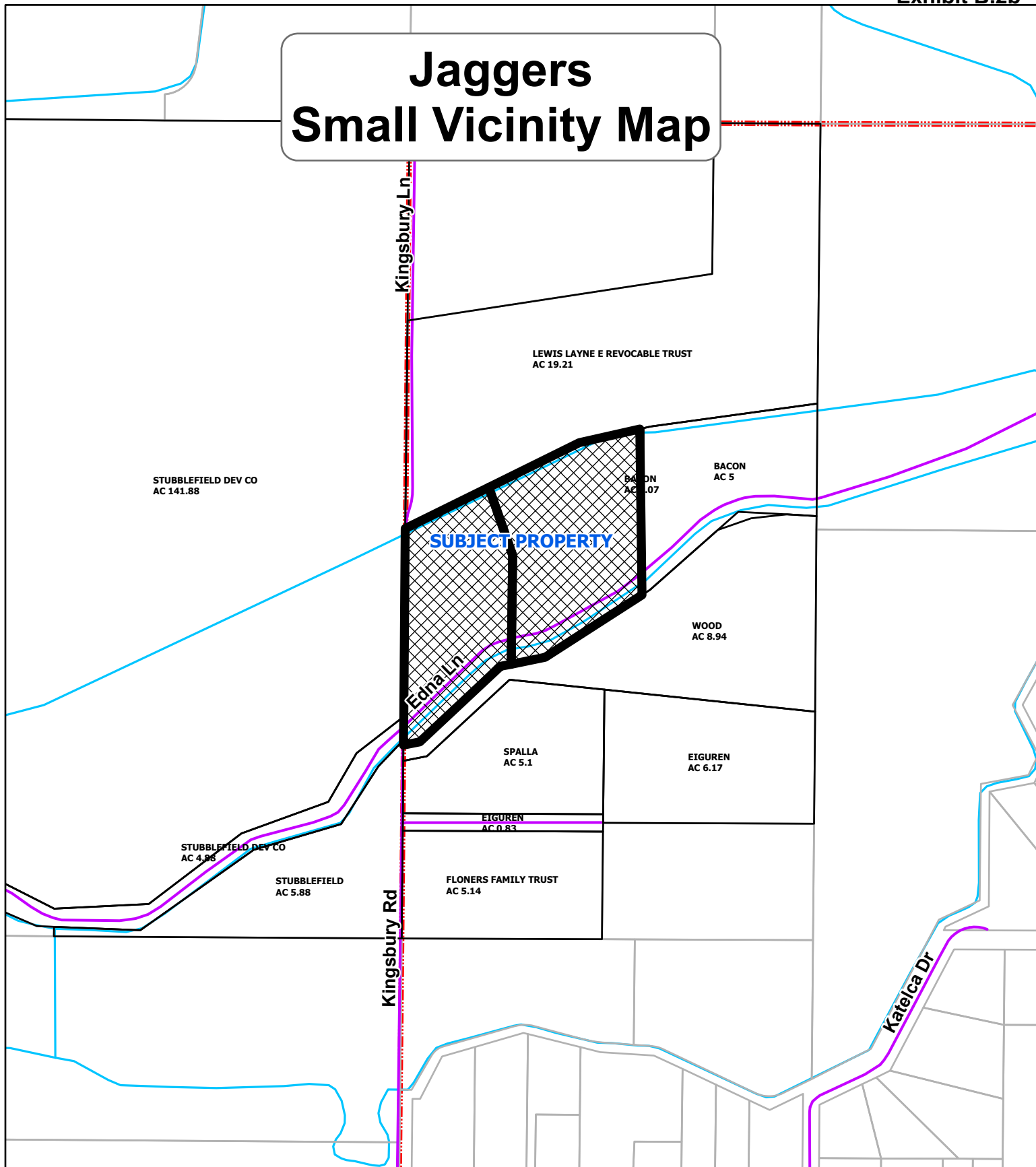
Jaggers Small Air Photo 1 Mile



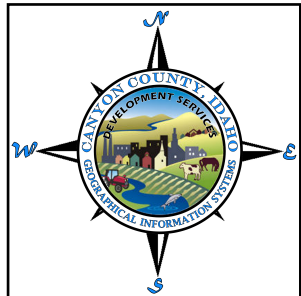
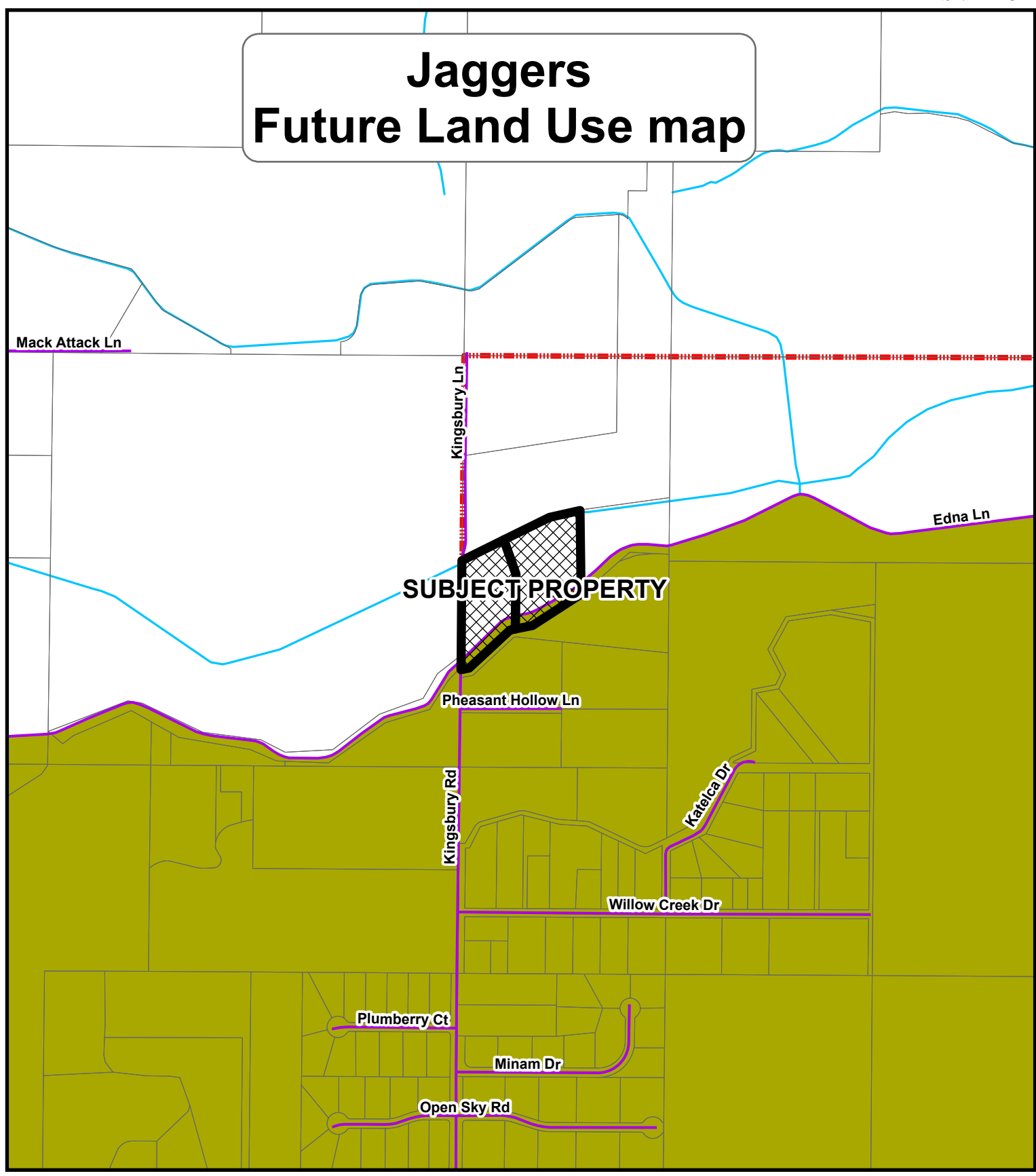
 City Limits
 Wetlands

0 0.25 0.5
Miles

Jaggers Small Vicinity Map

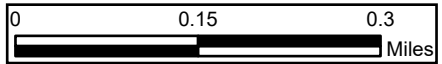


Jaggers Future Land Use map



Legend
Future Land Use 2030

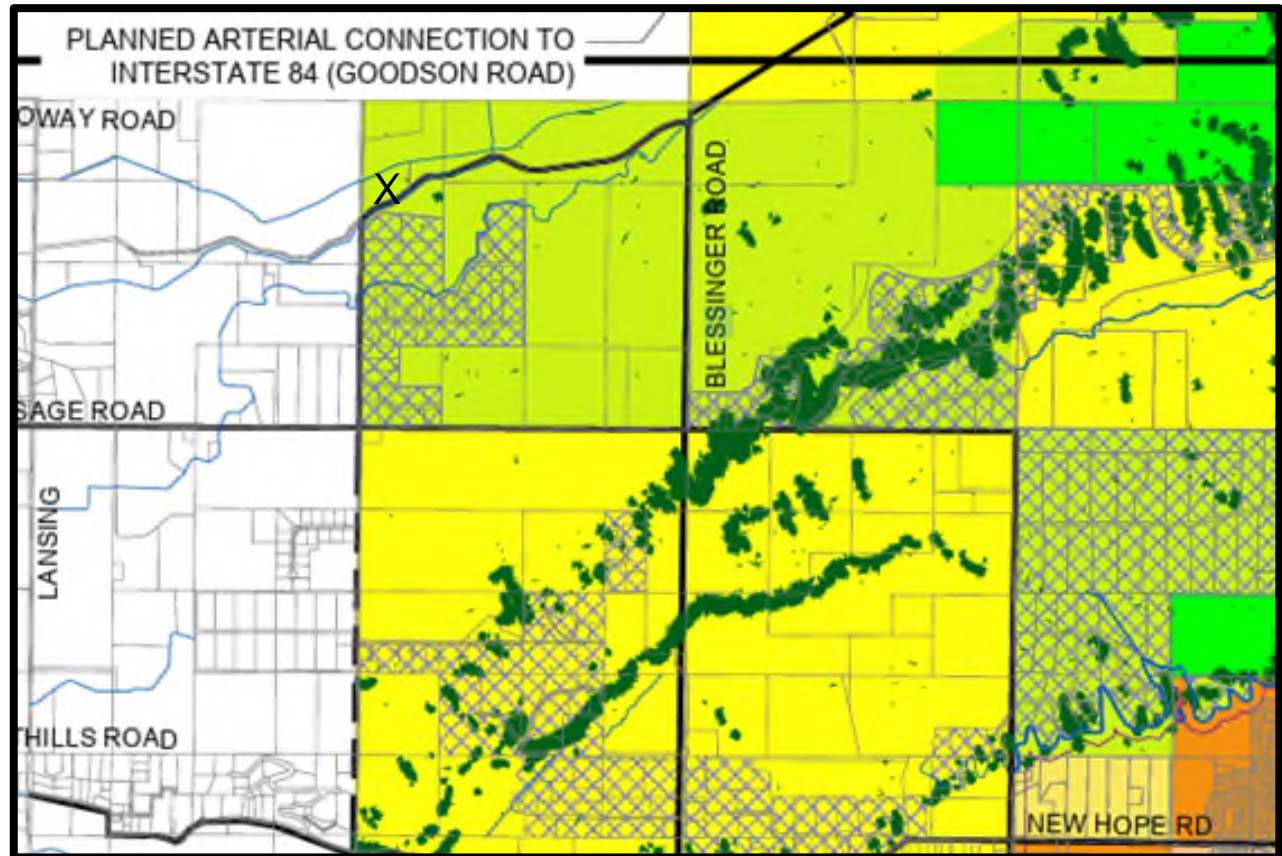
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- Rural Residential













CASE NO. RZ2023-0003

JAGGERS/AVERY

FUTURE LAND USE – CITY OF STAR

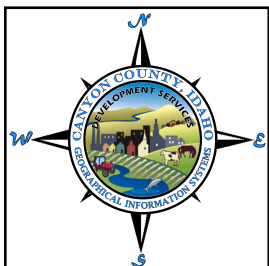
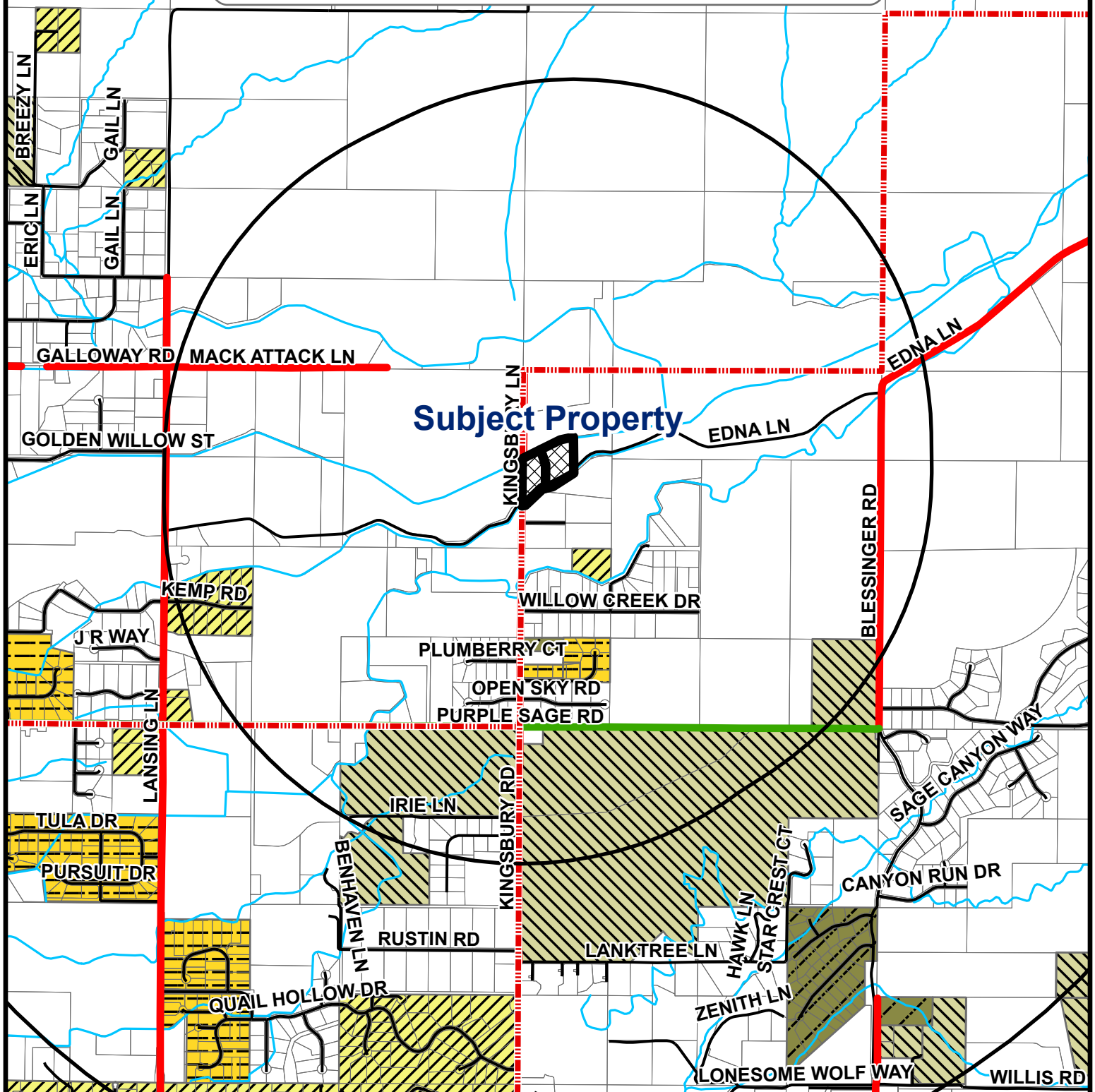


LEGEND

 RURAL RESIDENTIAL 1 UNIT/2-ACRE TO 1 UNIT/5-ACRE	 EXISTING PUBLIC USE / PARKS & OPEN SPACE
 LOW DENSITY RESIDENTIAL MAXIMUM 1 UNIT PER ACRE	 FLOODWAY
 ESTATE RURAL RESIDENTIAL MAXIMUM 2 UNITS/ACRE	 LIGHT INDUSTRIAL
 ESTATE URBAN RESIDENTIAL MAXIMUM 3 UNITS/ACRE	 HILLSIDE AREA SLOPE > 25%
 NEIGHBORHOOD RESIDENTIAL 3-5 UNITS/ACRE	 SPECIAL TRANSITION OVERLAY AREA



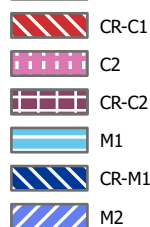
Jaggers Zoning & Classification Map



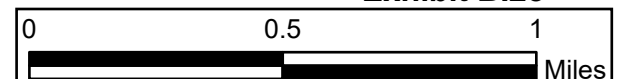
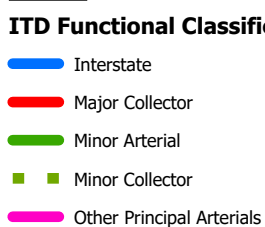
Current Zoning

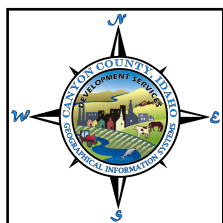








ITD Functional Classification



AG

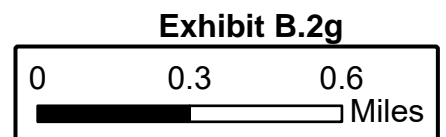
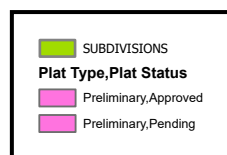
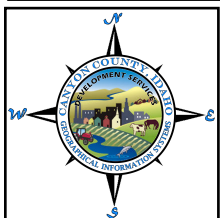
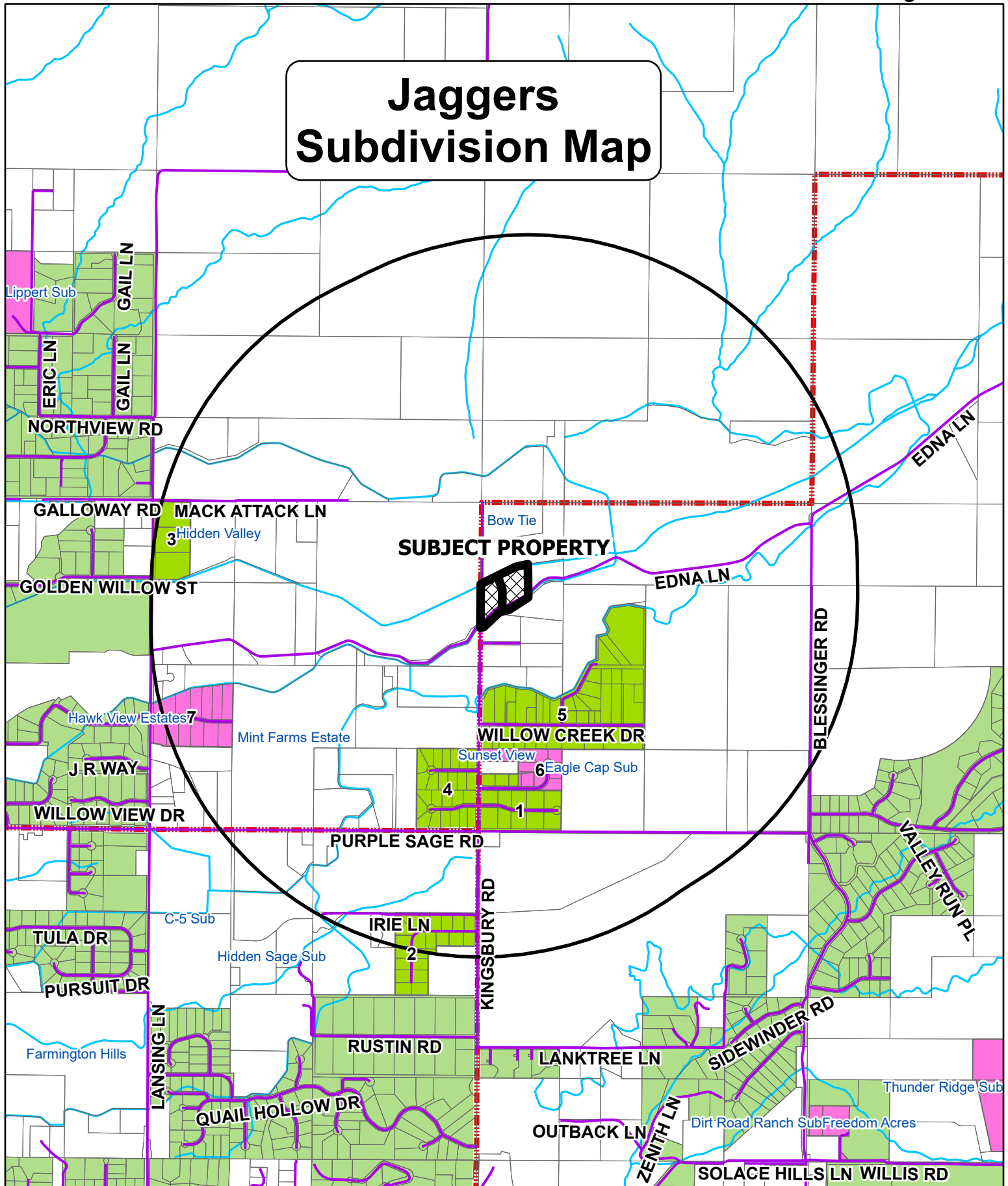




 2023
  2020
 2022
  2019
 2021
  2018

CASE SUMMARY				
ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	RZ2020-0024	Rezone AG to R1	Spohn	APPROVED
2	RZ2021-0012	Rezone AG to R1	Reynolds Brothers, LLC	DENIED
3	RZ2021-0034	Rezone A to RR	Cotner John	APPROVED
4	RZ2021-0036	Rezone AG to CR-R1	Richards/ Larsen	APPROVED
5	RZ2022-0011	Rezone AG to RR	Sierra Vista Properties	DENIED
6	SD2021-0021	Preliminary Plat	0	APPROVED
7	SD2021-0033	Preliminary Plat	Johnston	APPROVED
8	CR2023-0001	Rezone AG to CR-R1	Johns	APPROVED

Jaggers Subdivision Map



SUBDIVISION & LOT REPORT

NUMBER OF SUBS		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
7		217.49	120	1.81	
NUMBER OF SUBS IN PLATTING		ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
4		41.05	40	1.03	
NUMBER OF LOTS NOTIFIED		AVERAGE	MEDIAN	MINIMUM	MAXIMUM
17		22.23	5.88	0.07	141.88
NUMBER OF MOBILE HOME PARKS		ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0		0	0	0	0

PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
PURPLE SKY RANCH	1	5N2W26	19.96	10	2.00	COUNTY (Canyon)	2004
SAGE RUN ESTATES	2	5N2W34	26.02	21	1.24	COUNTY (Canyon)	2001
CREEKSIDE RANCH ESTATES	3	5N2W27	17.42	3	5.81	COUNTY (Canyon)	2003
KINGSBURY MEADOWS SUBDIVISION	4	5N2W27	30.05	25	1.20	COUNTY (Canyon)	2007
MILLS WILLOW CREEK	5	5N2W26	82.92	38	2.18	COUNTY (Canyon)	1987
EAGLE CAP SUBDIVISION	6	5N2W26	14.29	11	1.30	COUNTY (Canyon)	2024
HAWK VIEW ESTATES SUBDIVISION	7	5N2W27	26.83	12	2.24	COUNTY (Canyon)	2024

SUBDIVISIONS IN PLATTING

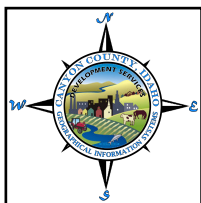
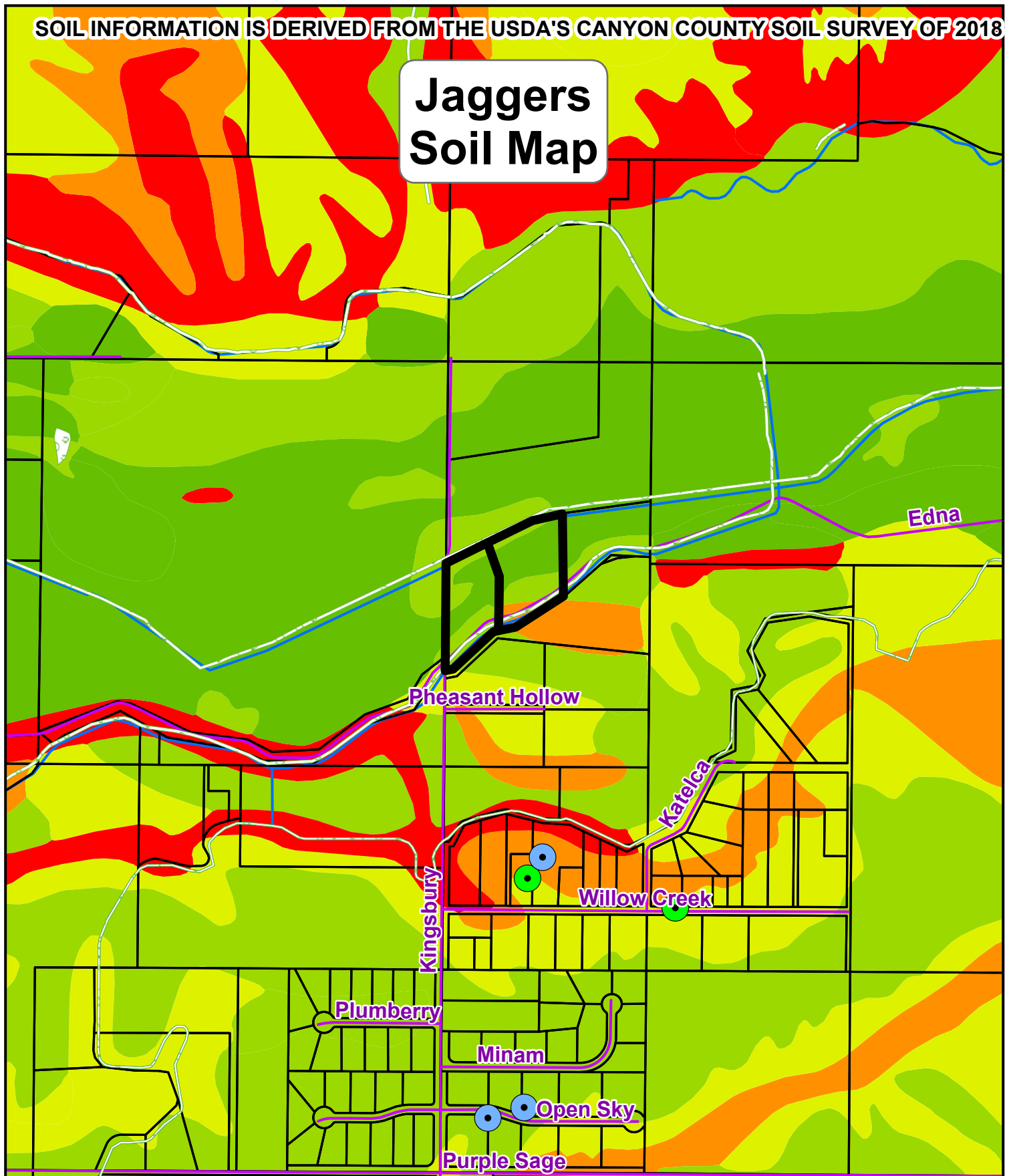
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	
Hawk View Estates	26.75	12	2.23	
Eagle Cap Sub	2.54	13	0.20	
Eagle Cap Sub	8.85	13	0.68	
Sunset View	2.90	2	1.45	

MOBILE HOME & RV PARKS

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

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

Jaggers Soil Map



Nitrate Priority Wells

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

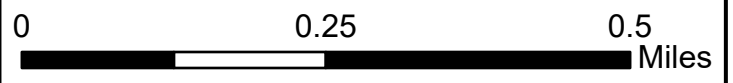


IDWR_2C_Geothermal_



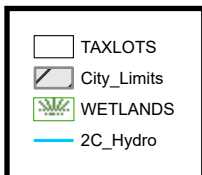
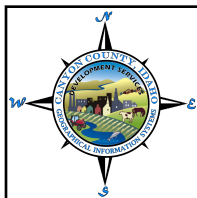
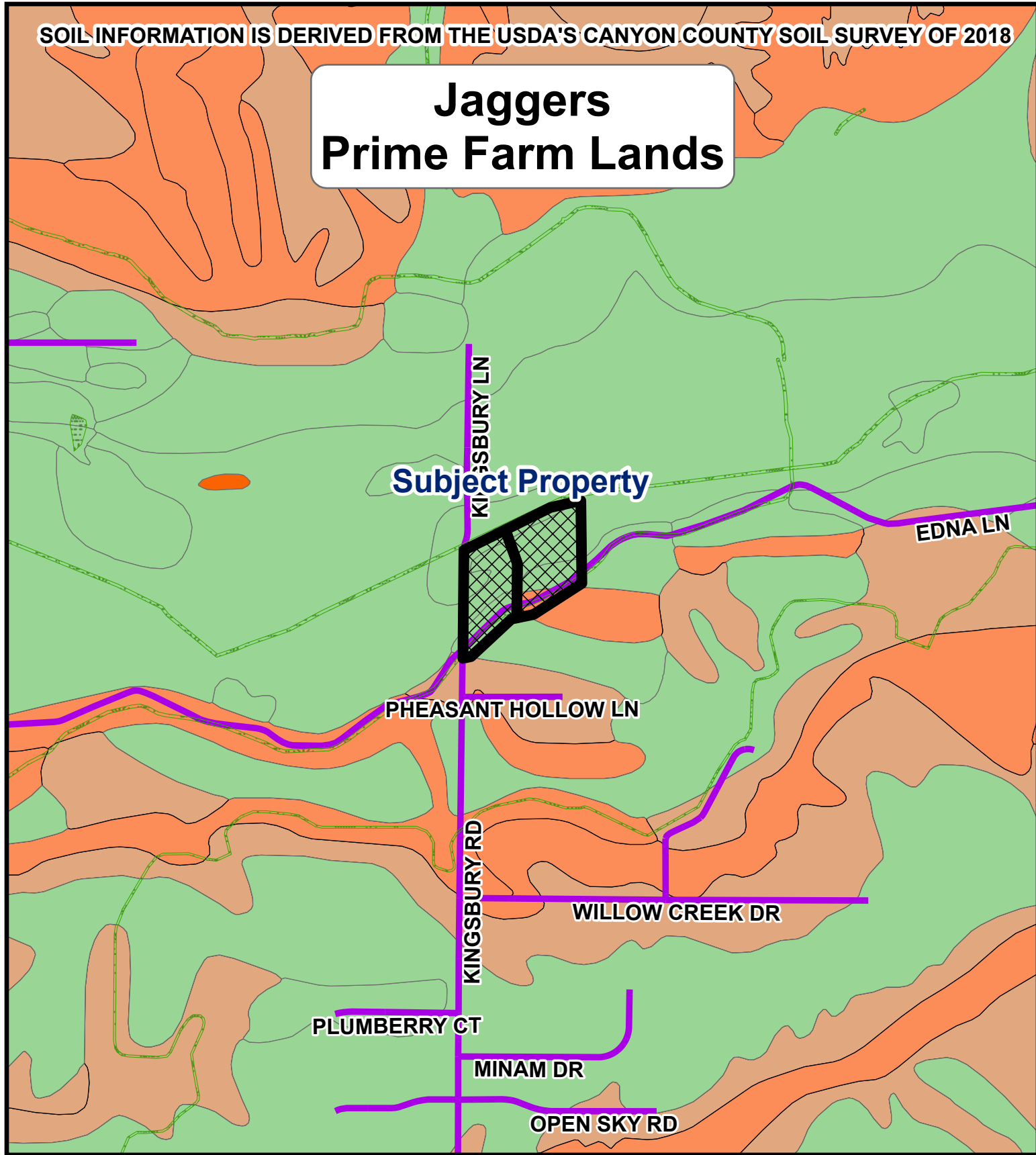
Wetlands

Exhibit B.2h



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

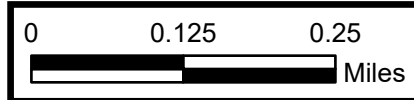
Jaggers Prime Farm Lands



FARMLAND

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

Exhibit B.2h



SOIL REPORT

SOIL CAPABILITY CLASS		SOIL CAPABILITY		SQUARE FOOTAGE	ACREAGE	PERCENTAGE
4		MODERATELY SUITED SOIL		392.04	0.01	0.08%
6		LEAST SUITED SOIL		36982.44	0.85	7.74%
3		MODERATELY SUITED SOIL		74966.76	1.72	15.69%
3		MODERATELY SUITED SOIL		60591.96	1.39	12.68%
2		BEST SUITED SOIL		233655.84	5.36	48.90%
3		MODERATELY SUITED SOIL		71220.60	1.64	14.91%
				477809.64	10.97	100%

FARMLAND REPORT

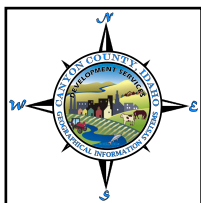
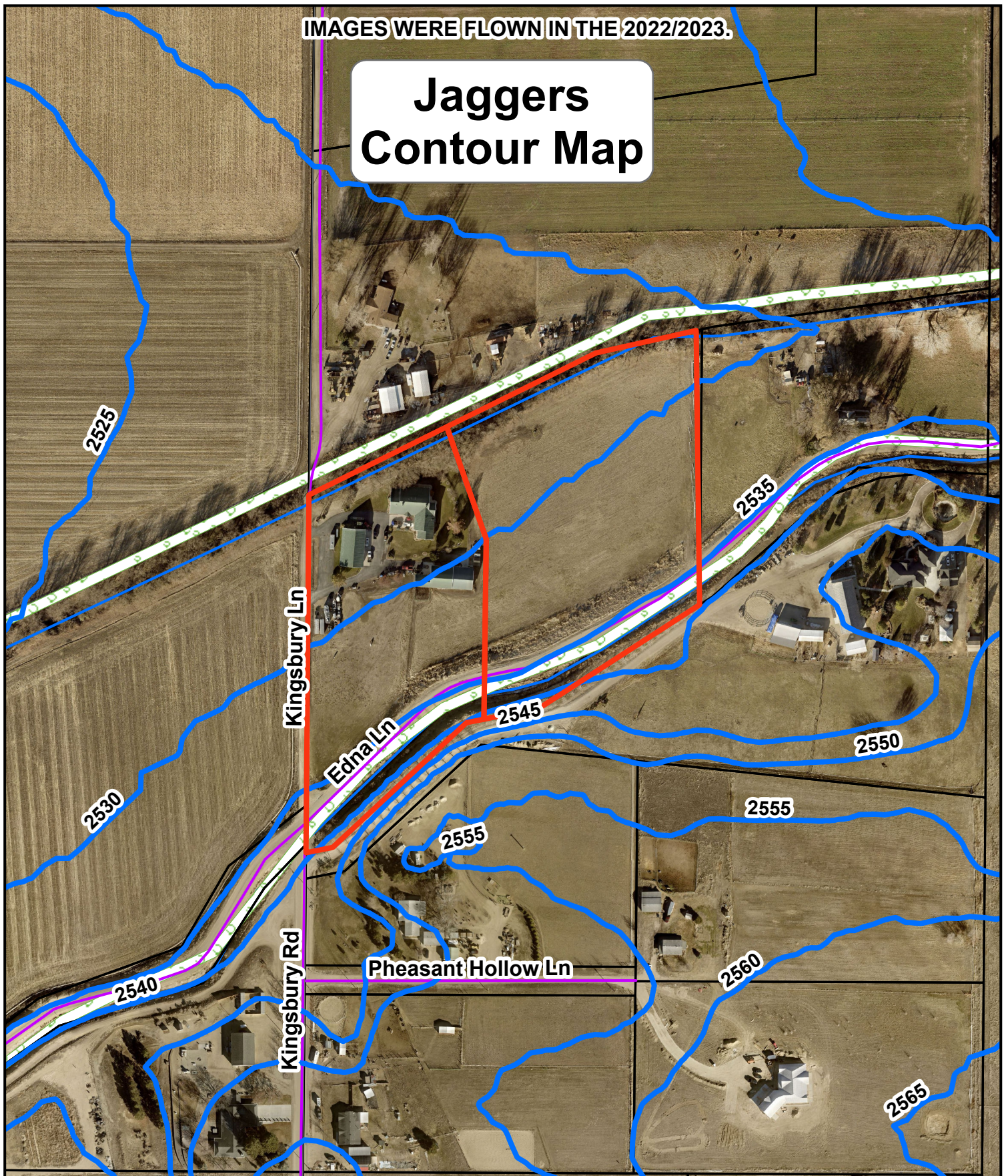
SOIL NAME		FARMLAND TYPE		SQUARE FOOTAGE	ACREAGE	PERCENTAGE
EVC		Farmland of statewide importance, if irrigated		392.04	0.01	0.08%
PID		Not prime farmland		36982.44	0.85	7.74%
EsA		Prime farmland if irrigated		74966.76	1.72	15.69%
EsA		Prime farmland if irrigated		60591.96	1.39	12.68%
Ha		Prime farmland if irrigated		233655.84	5.36	48.90%
No		Prime farmland if irrigated		71220.60	1.64	14.91%
				477809.64	10.97	100%

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

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

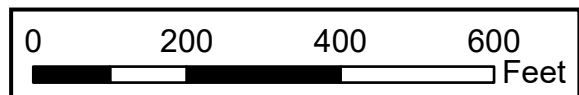
IMAGES WERE FLOWN IN THE 2022/2023.

Jaggers Contour Map

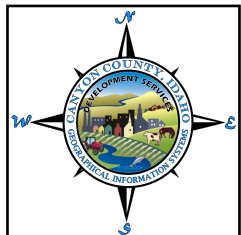
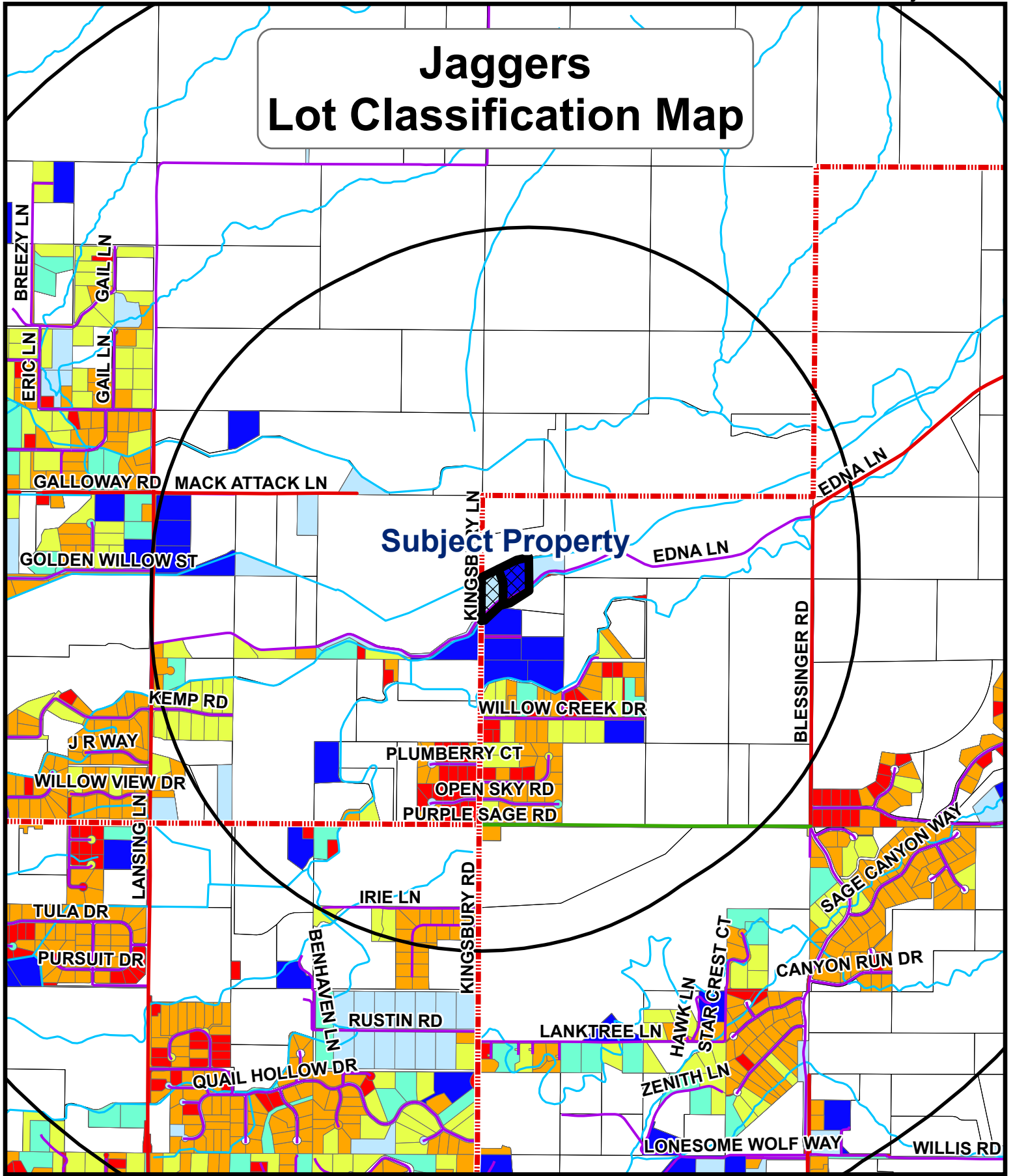


Legend

- SUBJECT_PROPERTY
- TaxParcels
- SectionContours
- Wetlands



Jaggers Lot Classification Map

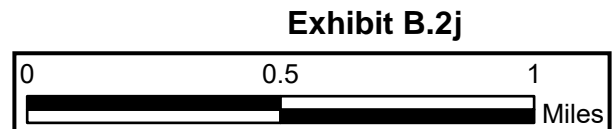


Legend

0.0 - 1.0
1.1 - 2.0
2.1 - 3.0
3.1 - 4.0
4.1 - 5.0
5.1 - 6.0

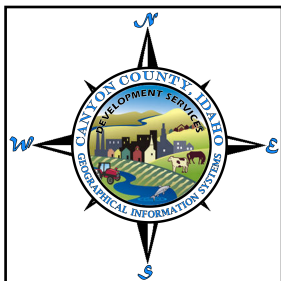
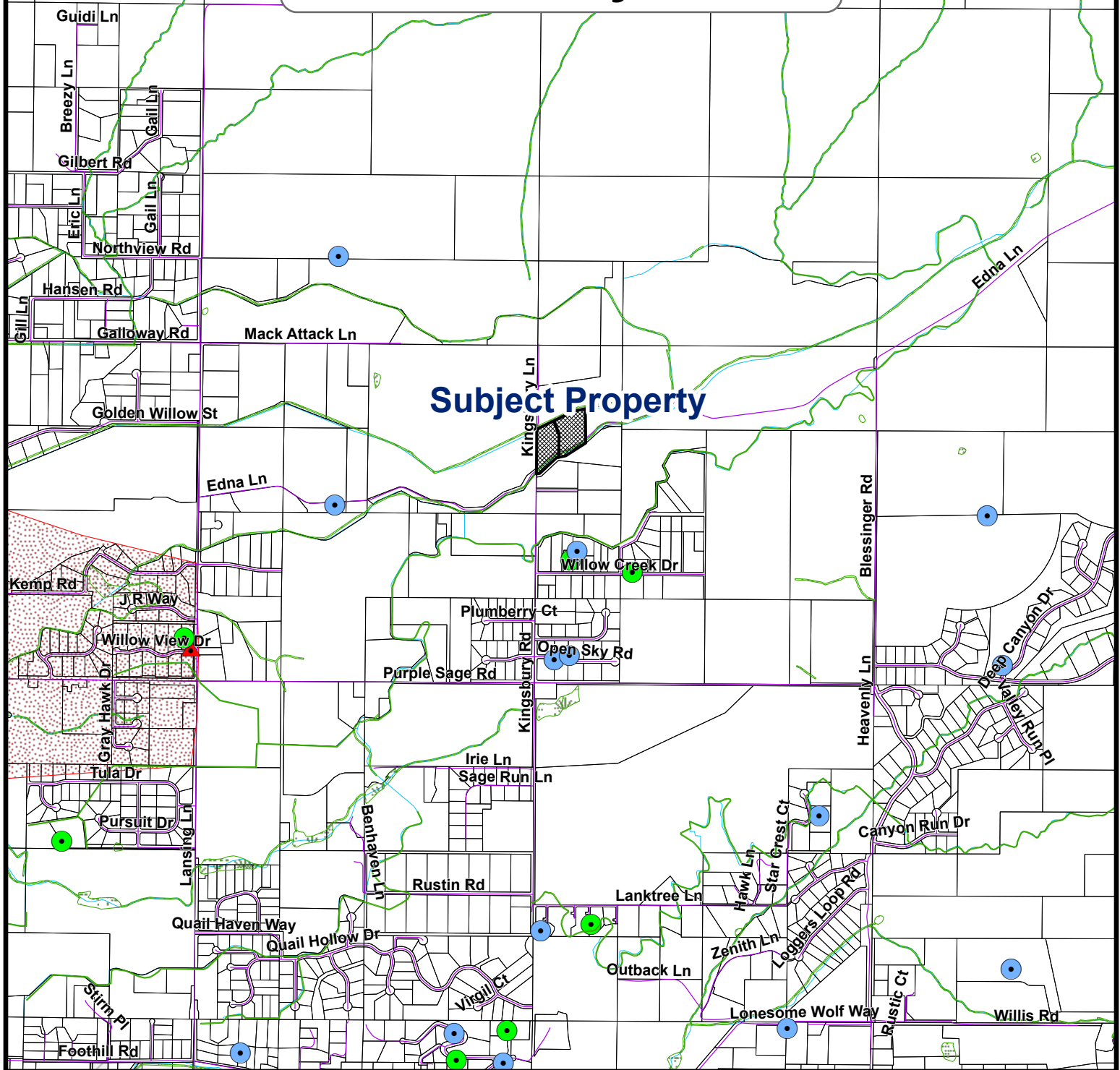
ITD Functional Classification

Interstate
Minor Arterial
Major Collector
Minor Collector
Other Principal Arterials



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

Jaggers Nitrate Priority & Wells



GEO-THERMAL LOCATIONS



WETLANDS



NITRATE_PRIORITY

DEQ WELLS
N03_MGL



0.005 - 2.00



2.000001 - 5.00

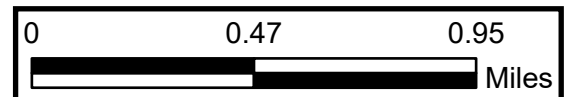


5.000001 - 10.00

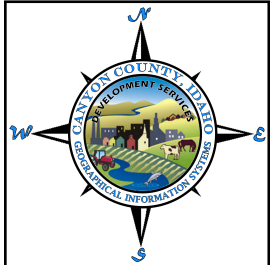
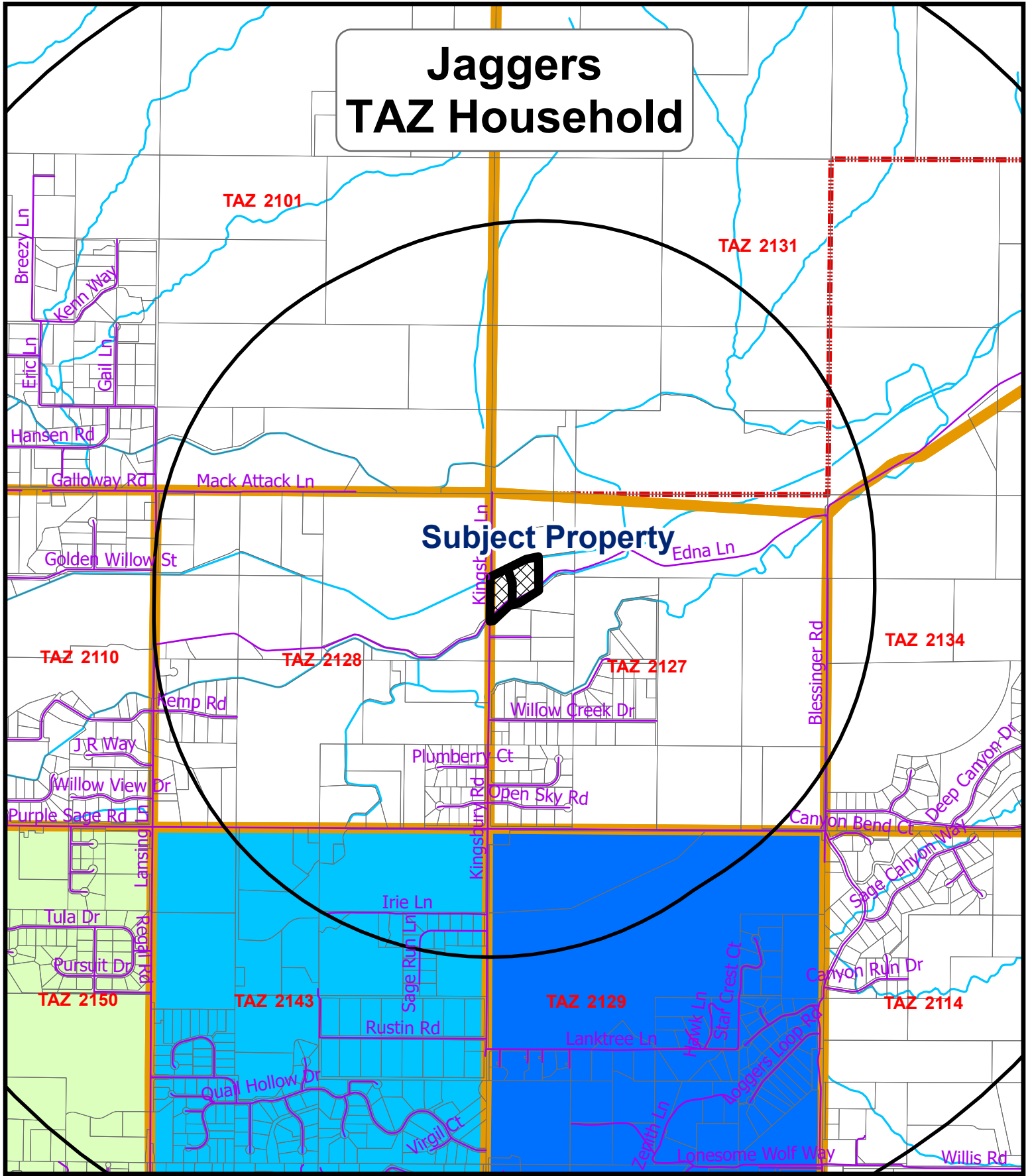


10.000001 - 49.80

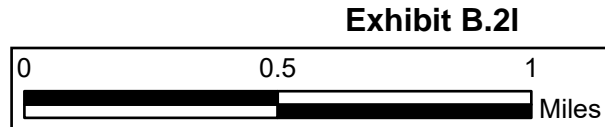
Exhibit B.2k



Jaggers TAZ Household



House Hold 2025-2050			
	-4 - 50		251 - 500
	51 - 150		501 - 750
	151 - 250		751 - 1263



EMailed
8/29/19

P12019-0339

Exhibit B.3

Parcel Inquiry Request

Canyon County Development Services

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyoncounty.org Phone 208-454-7458 Fax 208-454-6633



Type of Inquiry: ☐ General Information (e.g. zoning, setbacks)
☒ Status of Entitlements (e.g. is a building permit /land division available?)

Note: there is a \$35.00 fee per entitlement inquiry per parcel. We accept debit/credit cards, cash and checks. A credit card authorization form is attached for your convenience.

Person Making Inquiry: ☒ Property Owner ☐ Realtor ☐ Other

Name: Chnsor Mary Jagers Date: 8-26-19

Address: 25744 Kingsbury Ln

City: Middleton State: ID Zip: 83644

Daytime Phone Number: 208 515-0961 - Mary

Email address: Cjagers.classics@gmail.com

Please include as much information below as possible:

Site Information: Address: 25744 Kingsbury Ln; Middleton, ID

Tax Parcel Number (if known) R37468012A0 Approximate Acreage: 11.5 acres

Provide a detailed description of the information you require. Please be as specific as possible.

I would like to split (one) to divide property for residential building

Staff will provide a written response upon completion of the property research.

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

Staff Initials: _____ ☐ Parcel Tool Attached ☐ CAPS Entry ☒ Fee \$ 350 Date: 8-26-19

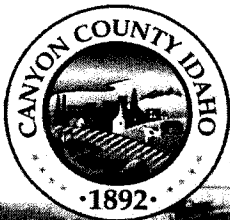
Summary of DSD Response:

SEE ATTACHED

Exhibit B.3

c:\users\clamb\desktop\forms\parcel inquiry.req.docx

5780 = 157



Development Services Department



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

(208) 454 7458 ▪ (208) 454 6633 Fax ▪ DSDInfo@canyonco.org ▪ www.canyonco.org/dsd

August 29, 2019

RE: Parcel Inquiry for R37468012A0

Question: Is this parcel eligible for a lot split?

Canyon County Zoning Ordinance Article 18 Administrative Land Divisions, allows original parcels that predate adoption of the Zoning Ordinance on September 6, 1979 and have never been divided, a one-time lot split. The minimum lot size is 1 acre per parcel.

The subject parcel was created via Administrative Land Division (LS2004-564) in 1996. As a result, it is not considered original or eligible for Administrative Land Division. Any further land division would require a rezone (\$850) to change the current zoning from agriculture to residential followed by the subdivision process (\$1680 + \$10/lot) to legally plat and record lots.

The parcel is currently zoned agriculture, the future zoning is designated residential and it is not located within an impact area. However, there is residential zoning and subdivisions in the immediate vicinity. These conditions create a favorable environment for a rezone to be considered for approval.

If you have any further questions please contact me.

Sincerely,

Kate Dahl
Planner III
kdahl@canyonco.org
208-455-5958

9630408

COPY

FORM 10.PZF_8/25/95

10

**CANYON COUNTY PLANNING AND ZONING ADMINISTRATION
BEFORE THE PLANNING AND ZONING ADMINISTRATION**

IN THE MATTER OF A PETITION FOR)
AN ADMINISTRATIVE LOT SPLIT BY:)

ADMINISTRATIVE LOT SPLIT
DECISION

HAROLD & LA REE JONES

962617D26-5N-2W
P & Z CASE NUMBER

R37468

ASSESSOR'S ACCT. NO.

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

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

This application is to divide approximately 40 acres
into two (2) parcels as follows:
(Also see Lot Line Adjustment Case #962617-5N-2W)
Parcel 4 consisting of approximately 11.05 Acres-

Balance of 32 Acres - Divided off in 1984

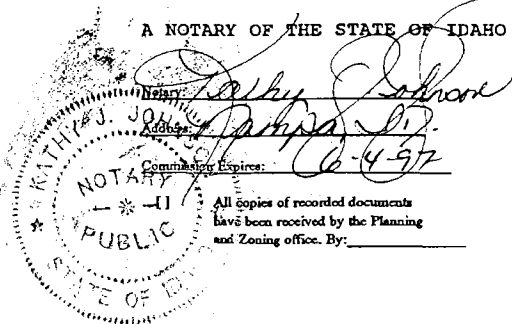
- ☒ This application is approved pending certification by the Administrator that the record of survey correctly evidences the split as applied for.
Authorizing Signature: [Signature]
- ☒ This application has been reviewed and found to be in compliance with all requirements of the above applicable Section, Canyon County Zoning Ordinance No. 93-002, therefore the application is APPROVED.
- ☐ This application has been reviewed and found not to be in compliance with all requirements of the above applicable Section, Canyon County Zoning Ordinance No. 93-002, therefore the application is DENIED.

JERRY L. JONES, ADMINISTRATOR

Date

A NOTARY OF THE STATE OF IDAHO ON THIS DATE

9-17-96



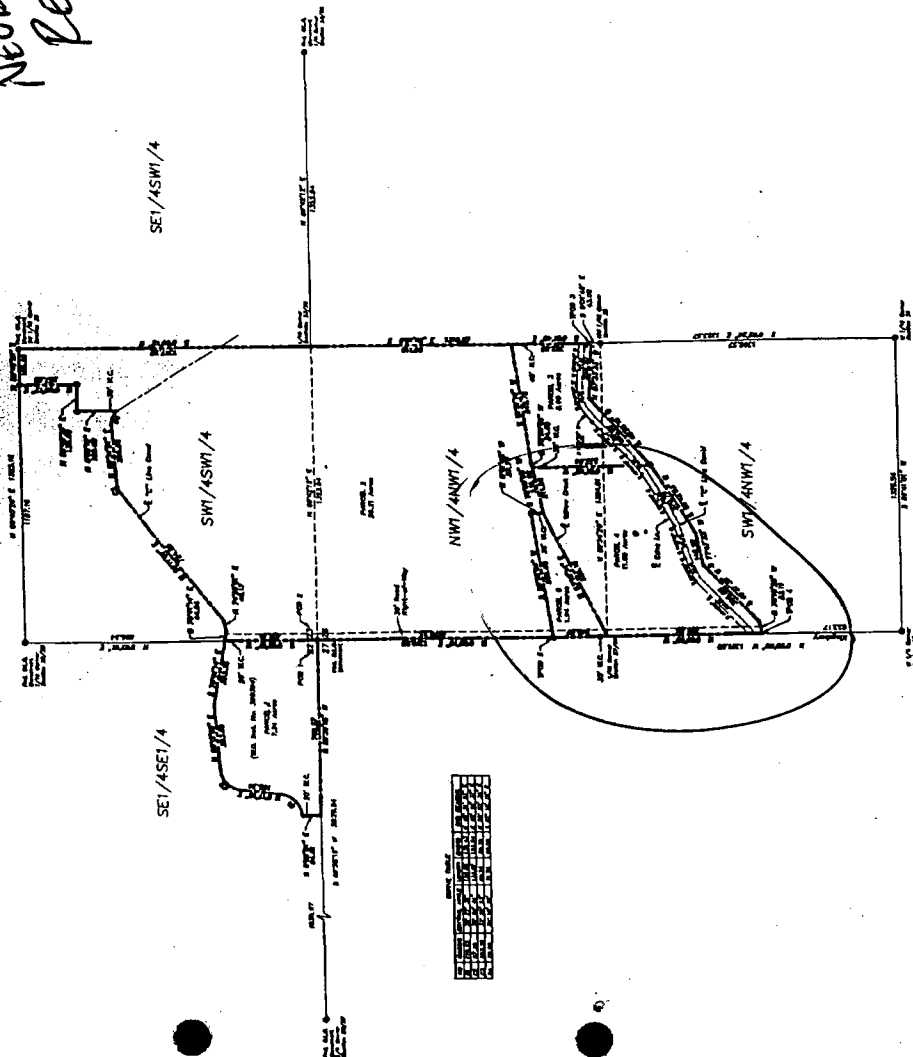
All copies of recorded documents
have been received by the Planning
and Zoning office. By: _____

RECORDED
SEP 17 PM 2 16
CANYON CO. RECORDER
V. Johnson
TYPE IN FEE 12.00

9630408

RECORD OF SURVEY A PORTION OF THE SE1/4SE1/4 OF SECTION 21, SW1/4SW1/4 OF SECTION 21, THE NW1/4NW1/4 AND A PORTION OF THE SW1/4NW1/4 OF SECTION 28 TOWNSHIP 8 NORTH, RANGE 2 WEST, BOISE MENDIAN CANYON COUNTY, IDAHO

NEVER
RECORDED



SCALE: 1" = 300'

BASIS OF BEARING:
R.O.S. Inst. No. 642956

LEGEND

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

CERTIFICATION

I, Craig L. Stinner, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been made from an actual survey made on the ground under my personal supervision and that I am a duly qualified person to perform such duties and that I am in conformity with the Corner of Perpetuation Act, Idaho Code 55-1601 through 55-1612.



524-22-3-3-0-00-00
524-23-3-3-0-00-00
524-24-3-3-0-00-00
524-25-3-3-0-00-00

INDEX BY
SURVEY FOR

HAROLD JONES

Drawn by W.F.J.
Date: AUGUST 2, 1986
Book:
Job No. 771506

Stinner, Carl &
Associates, Inc.
1000 Main Street, 2nd
Floor
Boise, Idaho 83725
(208) 333-1825

CANYON COUNTY ASSESSOR'S TAX NUMBER: 98671
SECTION/TOWNSHIP/RANGE: 26-5N 2W NW
SUBDIVISION:
LOT\BLOCK\TRACT: 3750
ACCOUNT NUMBER: 37463-012-A
TAX YEAR: 1999
INST #:9836358
DATE: 9/30/98
GRANTOR: JONES, HAROLD R & LAREE K-H/W
GRANTEE: PEREIRA, SHIRLEY M
DATE CANCELLED:

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

-----DESCRIPTION-----

A portion of the Northwest Quarter of the Northwest Quarter and of the Southwest Quarter of the Northwest Quarter of Section 26, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter of the Northwest Quarter; thence

North 0° 00' 00" West along the West boundary of said Southwest Quarter of the Northwest Quarter a distance of 623.17 feet to the TRUE POINT OF BEGINNING; thence continuing

North 0° 00' 00" West along said West boundary a distance of 697.83 feet to a point in the centerline of Willow Creek; thence

North 63° 10' 34" East along said centerline a distance of 625.10 feet; thence

North 76° 50' 56" East continuing along said centerline a distance of 211.92 feet; thence

South 0° 01' 48" East a distance of 537.64 feet; thence

South 56° 42' 03" West a distance of 370.79 feet; thence

South 77° 47' 33" West a distance of 146.52 feet; thence

South 46° 37' 39" West a distance of 356.83 feet; thence

South 78° 10' 25" West a distance of 53.11 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a road right-of-way along the Westerly boundary, to a county road right-of-way for Edna Lane along the Southerly boundary.

RESERVING UNTO THE GRANTOR AN INGRESS EGRESS EASEMENT OVER THE WESTERLY 35' OF THE ABOVE-DESCRIBED PARCEL.

85836386

RECORDED

21 1 12
88 SEP 30 PM

NED J KERR

CANYON COUNTY RECORDER

PIONEER CALDWELL

REQUEST

TYPE *Deed* *6-20*

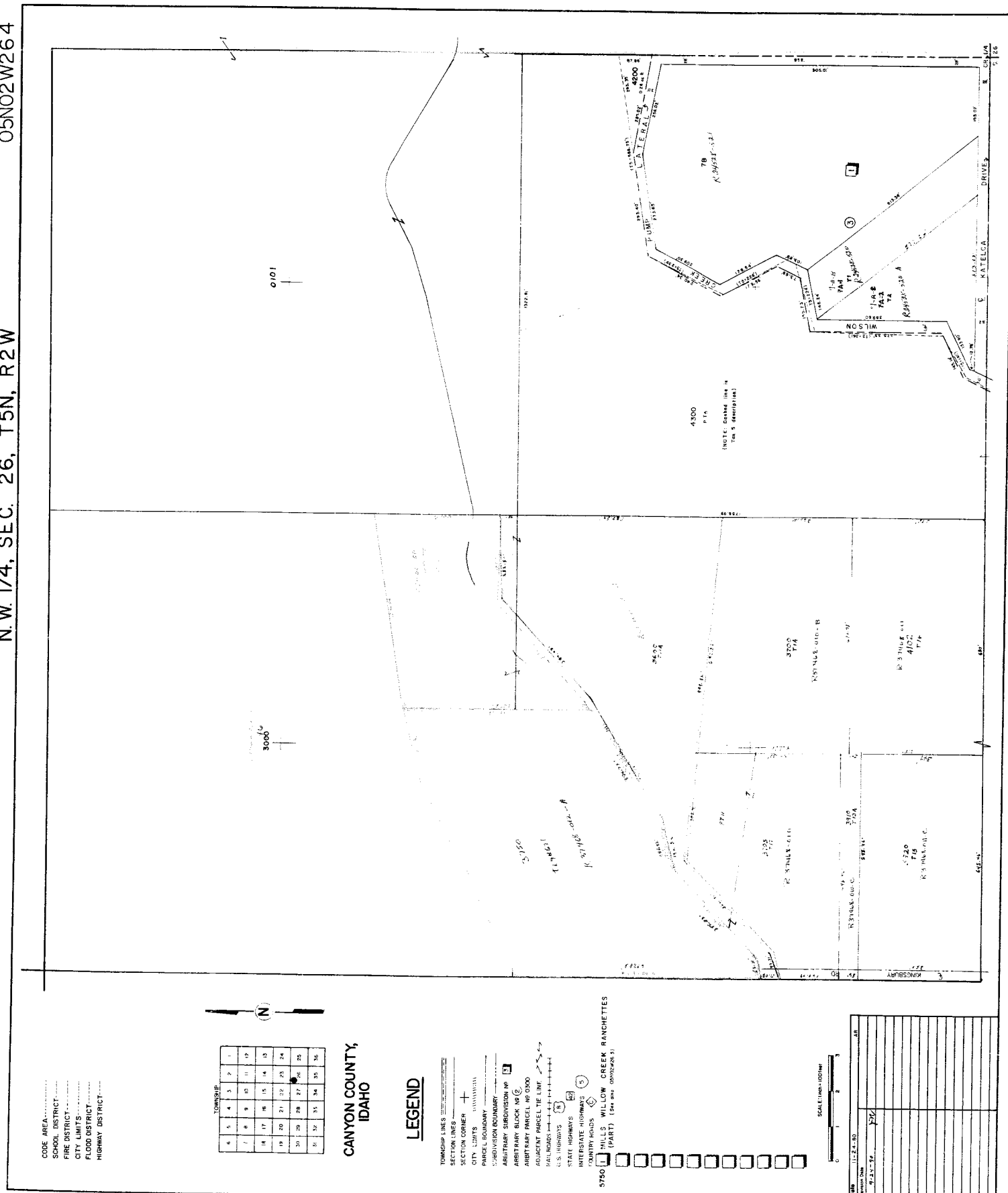
REQUEST PIONEER - CALDWELL
TYPE *Deed* FEE *6-20*

BY *Shirley M. Pereira*
CANYON COUNTY RECORDER
NED J KERR

'98 SEP 11 PM 4 15

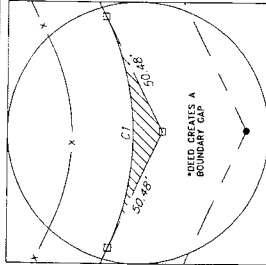
RECORDED

98333990



PART OF
THE NW 1/4 OF THE SW 1/4 OF
SECTION 26, T. 5 N., R. 2 W., B.M.
CANYON COUNTY, IDAHO

2011024343



DETAIL "B" SCALE: 1"=30'

CURVE TABLE

CURVE	BEARING	ANGLE	CHORD
C1	N89°41'34" E	751.28' (751.39')	594.15'
C2	N89°41'34" E	751.28' (751.39')	594.15'

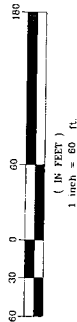
W 1/4 CORNER
C.P. # 9741817
1.4' BELOW SURFACE

KINGSBURY ROAD
Basis of Bearing
N00°00'00" E 2641.24'

UNPLATTED

5.66 AC

UNPLATTED

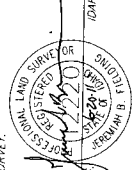


LEGEND

- Found Brass Cap
- Calculated Point Nothing Set
- Found 1/2" Iron rod
- Found 5/8" Iron rod
- Set 5/8" x 30" Iron rod with cap marked P.L.S. 12220
- Fence line

SURVEYOR'S CERTIFICATE

I, JEREMIAH B. FIELDING, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY PERSONAL SUPERVISION AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.



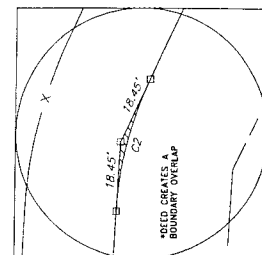
JEREMIAH B. FIELDING, F.L.S.
IDAHO LICENSE NO. 12220

EAGLE LAND SURVEYING, LLC.
463 W. 4TH ST., N. WOLFE, ID 83444
(208) 861-2513, 941220@eagleland.com

PRESTON FLOYD	
DATE	6-14-11
DRAWN BY	JBF
CHECKED BY	JBF
DATE	6-14-11
PROJECT	SECTION 26, T. 5 N., R. 2 W., B.M.
SHEET	1
OF	1

INDEX # 524-26-3-4-00-0000

NOTE:
SEE RECORD OF SURVEY INST # 9800470
AND MILLS WILLOW CREEK RANCHETTES
AND MILLS WILLOW CREEK RANCHETTES
AND MILLS WILLOW CREEK RANCHETTES
DET. CREATED FROM A SURVEY DONE BY
SHAWER AND SURVEYING ON JUNE 14, 1984
BOUNDARY LINE CT MILLS WILLOW CREEK
RANCHETTES.



DETAIL "A" SCALE: 1"=20'

WHEN RECORDED

RETURN TO:

Jude Bacon
7860 Edna Lane
Middleton ID 83644

SEND TAX NOTICES TO:

Jude Bacon
7860 Edna Lane
Middleton ID 83644

2022-043311

RECORDED

09/15/2022 02:01 PM



00723961202200433110040049

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 ADMARTINEZ \$15.00

DEED

MARY L JAGGERS

QUITCLAIM DEED

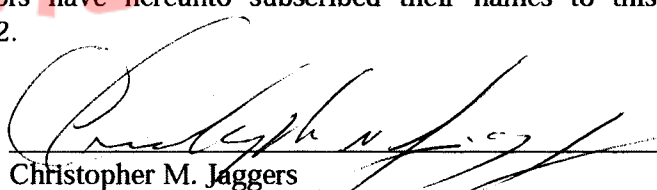

GRANTORS, Christopher M. Jaggers and Mary L. Jaggers, husband and wife do hereby REMISE, RELEASE and forever QUITCLAIM, unto Jude Bacon, whose current address is 7860 Edna Lane, Middleton, Idaho as GRANTEE and to Grantee's successors and assigns, all of Grantors' right, title and interest in and to the real property situated in Canyon County, Idaho, more particularly described as follows:

See Exhibit A attached hereto and by this
Reference incorporated herein.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 15 day of September, 2022.


Christopher M. Jaggers
Mary L. Jaggers

STATE OF IDAHO)
County of Canyon ada) : ss.

On this 15th day of September, 2022, before me, the undersigned, a Notary Public, personally appeared Christopher M. Jagers, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



[Signature]
Notary Public for Idaho
Residing at: Star, ID
My commission expires: 11-29-22

STATE OF IDAHO)
County of Canyon) : ss.

On this 15th day of ~~August~~ September, 2022, before me, the undersigned, a Notary Public, personally appeared Mary L. Jagers, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



[Signature]
Notary Public for Idaho
Residing at: Star, ID
My commission expires: 11-29-22

EXHIBIT A

Part of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 26, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho described as:

Commencing at the West Quarter corner of Section 26, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and running thence N $00^{\circ}36'33''$ E., 622.94 feet along the West line of the Northwest $\frac{1}{4}$ of said Section; thence N $00^{\circ}36'33''$ E 697.87 feet along said West line to the Northwest corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section (said point being on the centerline of Willow Creek); thence N $63^{\circ}47'13''$ E., 625.13 feet along said centerline; thence N $77^{\circ}27'33''$ E., 200.25 feet along said centerline to the Point of Beginning; thence N $77^{\circ}27'33''$ E., 11.67 feet along said centerline; thence S $00^{\circ}35'59''$ W., 537.59 feet; thence N $00^{\circ}37'04''$ W., 535.06 feet to the Point of Beginning.

Parcel contains 3,056 square feet or 0.07 acres, more or less.

UNOFFICIAL COPY

UNOFFICIAL COPY

T 18614

UNOFFICIAL COPY

Exhibit B.4

KINGSBURY

678.56'

625.13'

235.92'

WILLOW

542.72'

R37468
T 96478

362.88'

INST. #200511955

43.00'

R37468012A
T 96671

Being split off with deed inst. # 2022036127.
This will get a brand new account number once split.

This leftover parcel will keep
R37468-012-A since this is where
the house is.

This leftover parcel in the future will
need to use it's new description, if
it has one when all this was surveyed.

R37468010A
T 11A

380.08'
292.33'

307.41'

682.52'

"C"

356.83'

362.42'

53.11'

R37468010
T 17

429.37'

R37468010B

361'

UNOFFICIAL COPY



PioneerTitleCo.
GOING BEYOND

775 S. Rivershore Ln., Ste. 120
Eagle, ID 83616

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

2023-001447

RECORDED

01/17/2023 11:23 AM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=2 JWINSLOW \$15.00

TYPE: DEED

PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

File No. 823212 BR/LF

WARRANTY DEED

For Value Received Chris M. Jaggers and Mary L. Jaggers, husband and wife
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Preston J. Avery, as Co-Trustee of The Avery Family Revocable Trust
hereinafter referred to as Grantee, whose current address is 250 Valli Hi Road Eagle, ID 83616
The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

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

Dated: January 17, 2023

Chris M. Jaggers

Mary L. Jaggers

State of Idaho, County of Ada

This record was acknowledged before me on January 17, 2023 by Chris M. Jaggers and Mary L. Jaggers

Signature of notary public
Commission Expires:

BETHANY RANKIN
Residing in: Boise, ID
Commission Expires: 05/10/2028

BETHANY RANKIN
COMMISSION #56156
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT A

Part of the West 1/4 of the Northwest 1/4 of Section 26, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho described as:

Commencing at the West Quarter corner of Section 26, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and running thence N00°36'33"E 622.94 feet along the West line of the Northwest 1/4 of said Section to the Point of Beginning; thence

N00°36'33"E 697.87 feet along said West line; thence

N63°47'13"E 300.00 feet; thence

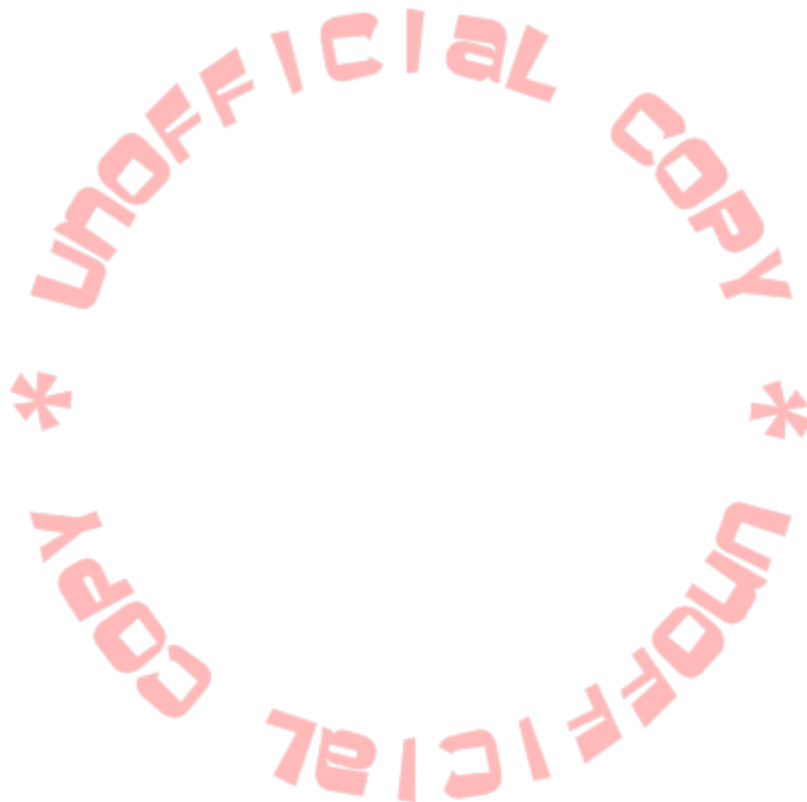
S19°15'14"E 232.27 feet; thence

S00°48'10"W 351.27 feet; thence

S78°25'20"W 34.82 feet; thence

S47°11'53"W 356.93 feet; thence

S78°49'51"W 53.25 feet to the Point of Beginning.



RECORDER'S INFORMATION:

Until a change is requested, all tax
statements shall be sent to:
Christopher and Mary Jaggers
25744 Kingsbury Lane
Middleton, ID 83644

2022-036127

RECORDED

07/25/2022 04:06 PM

00715350202200361270030036

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=3 ADMARTINEZ

\$15.00

DEED

MARY L JAGGERS

After recording return to:
Yturri Rose LLP
PO Box "S"
Ontario, OR 97914

GRANT DEED

Grantors, Chris M Jaggers and Mary L Jaggers, husband and wife, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Christopher Michael Jaggers and Mary Louise Jaggers, Trustees of the Jaggers Family Revocable Trust, under Trust Agreement dated July 12, 2022, as amended, Grantee, and Grantee's heirs and assigns forever, all of its right, title, and interest in and to the following described real estate located in COUNTY of Canyon, CITY of Middleton, STATE of Idaho:

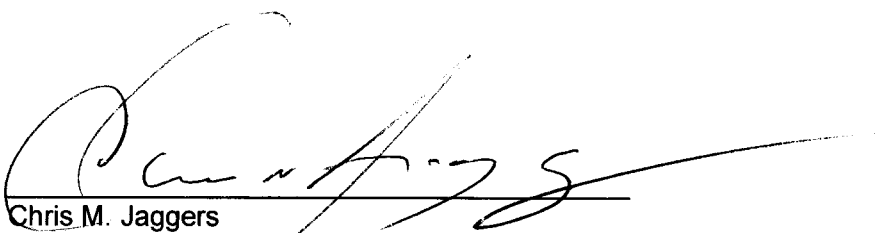
**SEE EXHIBIT A ATTACHED HERETO AND
BY THIS REFERENCE INCORPORATED HEREIN**


SUBJECT TO taxes and assessments for the year 2022 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

TOGETHER with all improvements, water, water rights, ditch rights, easements, hereditaments and appurtenances thereto.

In construing this Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

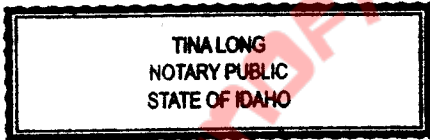
IN WITNESS WHEREOF, the Grantors have executed this instrument on this 25 day of July, 2022.


Chris M. Jagers


Mary L. Jagers

State of Idaho)
) ss.
County of Canyon)

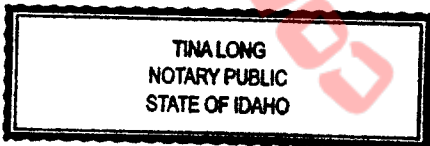
On this 25 day of July, in the year 2022, before me, a Notary Public, personally appeared, Chris M. Jagers, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.




Notary Public for Idaho
My Commission Expires: Mar 21, 2023

State of Idaho)
) ss.
County of Canyon)

On this 25 day of July, in the year 2022, before me, a Notary Public, personally appeared, Mary L. Jagers, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



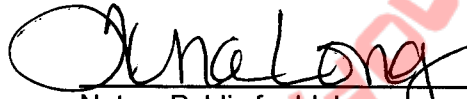

Notary Public for Idaho
My Commission Expires: Mar 21, 2023

EXHIBIT A

Part of the West 1/2 of the Northwest 1/4 of Section 26, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho described as:

Commencing at the West Quarter corner of Section 26, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and running thence N00°36'33"E 1320.81 feet along the West line of the Northwest 1/4 of said Section; thence N63°47'13"E 300.00 feet to the Point of Beginning; thence N63°47'13"E 325.13 feet; thence N77°27'33"E 200.25 feet; thence S00°37'04"E 535.06 feet; thence S57°18'26"W 370.60 feet; thence S78°25'20"W 111.64 feet; thence N00°48'10"E 351.27 feet; thence N19°15'14"W 232.27 feet to the Point of Beginning.

Parcel contains 260,162 square feet or 5.97 acres, more or less.





Stephanie Hailey, CFM
 Engineering Coordinator
 Floodplain Manager
 Canyon County Development Services
 P(208) 454-7254
 F(208) 454-6633
stephanie.hailey@canyoncounty.id.gov

From: Sage Huggins <Sage.Huggins@canyoncounty.id.gov>
 Sent: Thursday, June 23, 2022 4:11 PM
 To: Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>
 Subject: FW: [External] appointment

- No Refund issued
 - Check used to pay
 fees was returned
 NSF. JA
 6/23/22

From: Chris Jagers <cjagers.classics@gmail.com>
 Sent: Thursday, June 23, 2022 4:09 PM
 To: Sage Huggins <Sage.Huggins@canyoncounty.id.gov>
 Subject: Re: [External] appointment

Sage,
 At this point we are going to withdraw all submitted applications. I would like to pick all documents and site plans tomorrow around 1pm, could they be at the front desk?
 We need to address the required BFE study first and determine if we are moving forward.

I really appreciate your time.

Sincerely,
 Mary Jagers

On Thu, Jun 23, 2022, 8:05 AM Sage Huggins <Sage.Huggins@canyoncounty.id.gov> wrote:

Good Morning,

That time will work yes! I will be able to take in the amended letters of intent and the revised site plan. The difference in the cost of the short plat and the preliminary application will be \$240. To have this refunded back to you I will need you to request it back either through writing or an email, this refund request will have to go to the Board of County Commissioners for approval and then the check will be mailed out.

When it is time for your final plat to be turned in then those fees will be collected at that time.

Hope this helps!

Sage Huggins

Planning Technician

Canyon County Development Services

Sage.Huggins@canyoncounty.id.gov

208-455-6036

From: Chris Jagers <cjagers.classics@gmail.com>
Sent: Tuesday, June 21, 2022 6:03 PM
To: Sage Huggins <Sage.Huggins@canyoncounty.id.gov>
Subject: [External] appointment

Good afternoon Sage,

Can we come into the office Thursday, 6-23-22, around 11AM? We need to submit an amended letter for plat application SD2022-0029 filed on 6-7-2022, (see email reply below), an amended letter of intent for conditional rezone filed, CR2022-0019 this is a 1 lot not 2. And submit a revised site plan and description. Can I assume that the fees paid for the short plat can be applied to the preliminary plat and final plat fees which will exceed the short plat paid on 6-7-2022.

Email reply on 6-14-22; Stepanie Hailey

"The floodplain development triggers a preliminary plat & final plat application rather than the short plat. Short plat applications are only acceptable when no improvements are required such as hillside development, floodplain, private roads, etc. During our pre-application meeting the direction for a short plat was incorrect, we apologize for the oversight of the floodplain improvement."

Look forward to your reply.

Sincerely,

Mary Jagers

Juli McCoy

From: Doug Critchfield <critchfielddd@cityofnampa.us>
Sent: Wednesday, June 22, 2022 2:08 PM
To: Juli McCoy
Cc: Rodney Ashby; Caleb Laclair
Subject: [External] RE: [External] Legal Notice Jagger / CR2022-0019 & SD2022-0029

Juli – Nampa has no comments about this proposal. Thanks - Doug

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, June 22, 2022 1:18 PM
To: '3tjj@frontiernet.net' <3tjj@frontiernet.net>; Media - KBOI Radio News <670@kboi.com>; 'aburton@caldwellschools.org' <aburton@caldwellschools.org>; Addressing <Addressing@cityofnampa.us>; 'admin1@kunalibrary.org' <admin1@kunalibrary.org>; 'admin2@kunalibrary.org' <admin2@kunalibrary.org>; AJ Mondor <AJ.Mondor@canyoncounty.id.gov>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'ann_jacops@hotmail.com' <ann_jacops@hotmail.com>; 'aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'Aubrie.hunt@dhw.idaho.gov' <Aubrie.hunt@dhw.idaho.gov>; Daniel Badger <BadgerD@cityofnampa.us>; 'BKINNEY@IDAHOPOWER.COM' <BKINNEY@IDAHOPOWER.COM>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'brentc@brownbuscompany.com' <brentc@brownbuscompany.com>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'brock.cornell@isda.idaho.gov' <brock.cornell@isda.idaho.gov>; 'bryce@sawtoothlaw.com' <bryce@sawtoothlaw.com>; Canyon Highway District Land Division <lrccio@canyonhd4.org>; 'CARL@BLACKCANYONIRRIGATION.COM' <CARL@BLACKCANYONIRRIGATION.COM>; 'casey.pozzanghera@idfg.idaho.gov' <casey.pozzanghera@idfg.idaho.gov>; 'cdillon@usbr.gov' <cdillon@usbr.gov>; 'cenww-rd@usace.army.mil' <cenww-rd@usace.army.mil>; Char Tim <tmc@cityofnampa.us>; City of Greenleaf <amy@civildynamics.net>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'clerk@greenleaf-idaho.us' <clerk@greenleaf-idaho.us>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; 'CMILLER@COMPASSIDAHO.ORG' <CMILLER@COMPASSIDAHO.ORG>; Cortney Stauffer <cstauffer@nsd131.org>; 'craigbrown@cwidaho.cc' <craigbrown@cwidaho.cc>; Doug Critchfield <critchfielddd@cityofnampa.us>; 'd3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; Dan Everhart <dan.everhart@ishs.idaho.gov>; Darlene Leon <dleon@nsd131.org>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'deb0815@yahoo.com' <deb0815@yahoo.com>; Destination Caldwell <info@destinationcaldwell.com>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'dholzhey@marsingschools.org' <dholzhey@marsingschools.org>; Diana Little <Diana.Little@canyoncounty.id.gov>; 'djarrold@frontier.com' <djarrold@frontier.com>; 'dpopoff@rh2.com' <dpopoff@rh2.com>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'edward_owens@fws.gov' <edward_owens@fws.gov>; Elections Clerk <electionsclerk@canyoncounty.id.gov>; Emma Hill <ehill@cityofcaldwell.org>; 'facjhill@gmail.com' <facjhill@gmail.com>; 'farmerhouston@gmail.com' <farmerhouston@gmail.com>; 'farmers.union.ditch@gmail.com' <farmers.union.ditch@gmail.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'flo.ghighina@itd.idaho.gov' <flo.ghighina@itd.idaho.gov>; 'GMPRDJENNIFER@GMAIL.COM' <GMPRDJENNIFER@GMAIL.COM>; 'gtiminsky@starfirerescue.org' <gtiminsky@starfirerescue.org>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; Homedale Fire District <homedalefd@gmail.com>; 'horner.marci@westada.org' <horner.marci@westada.org>; Brent Hoskins <hoskinsb@cityofnampa.us>; Joe Huff <huffj@cityofnampa.us>; ID Agricultural Aviation Assn <idahoaaa@gmail.com>; 'IDL_jurisdictional@idl.idaho.gov' <IDL_jurisdictional@idl.idaho.gov>; 'info@parmacityid.org' <info@parmacityid.org>; 'info@snakerivercanyonscenicbyway.org' <info@snakerivercanyonscenicbyway.org>; 'irr.water.3@gmail.com' <irr.water.3@gmail.com>; 'irrigation.mm.mi@gmail.com' <irrigation.mm.mi@gmail.com>; 'ITDD3PERMITS@ITD.IDAHO.GOV' <ITDD3PERMITS@ITD.IDAHO.GOV>; 'jdillon@wilderschools.org' <jdillon@wilderschools.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org>; 'jmapp@cityofcaldwell.org' <jmapp@cityofcaldwell.org>

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: <i>Chris and Mary Jagers</i>
	MAILING ADDRESS: <i>25744 Kingsbury Ln.; Middleton, ID 83644</i>
	PHONE: <i>208-850-8390</i> EMAIL: <i>cjagers.classics@gmail.com</i>

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

Signature: *Mary Jagers*

Date: *6-6-2022*

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: <i>Same as above</i>
	COMPANY NAME:
	MAILING ADDRESS:
	PHONE: EMAIL:

SITE INFO	STREET ADDRESS: <i>25744 Kingsbury Ln.; Middleton, ID 83644</i>
	PARCEL #: <i>R37468012A</i> LOT SIZE/AREA: <i>11.05 acres</i>
	LOT: BLOCK: SUBDIVISION:
	QUARTER: <i>Northwest</i> SECTION: <i>26</i> TOWNSHIP: <i>5</i> RANGE: <i>2 W</i>
	ZONING DISTRICT: <i>AG</i> FLOODZONE (YES/NO):

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

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

CASE NUMBER: <i>C2022-0019</i>	DATE RECEIVED: <i>6/7/2022</i>
RECEIVED BY: <i>SH</i>	APPLICATION FEE: <i>\$1,235.00</i> <input checked="" type="checkbox"/> MO <input type="checkbox"/> CC <input type="checkbox"/> CASH

Revised 1/3/21

SCANNED

Exhibit B.7

Letter of Intent

June 6, 2022

To: Canyon County D.S.D.
111 North 11th Avenue #140
Caldwell, ID 83605

Re: Conditional Rezone of Parcel #R37468012A
and preliminary plat application

We are requesting a conditional rezone to R-R of parcel # 37468012A, along with an application for a short plat of two lots, one of approx. 5-acres and one of approx. 6-acres. We would like to build on the one lot and sell the existing home to a friend. The approx. 11 acre parcel has 5-acres of irrigation water rights. The irrigation water has never been used to water existing grass and scrubs surrounding the home. The home and 5-acres, *lot 1*, will not retain irrigation water rights. The irrigation pump and power source is located on *lot 2*. We have spoken with Black Canyon Irrigation District and the lot size must be 5-acres or larger to retain water rights. *Lot 2* is approx. 6-acres and will retain the 5-acres of water rights.

We have contacted Canyon County Highway District and Southwest District Health and are aware of the application process for septic and right-of-way / approaches.

The area around our parcel has been in transition since the 70's. There are a number of platted subdivisions and parcel splits around us. Our parcel is shown as future residential on the county's future land use map. It will be very compatible with existing conditions.

Approving this request will fill a need that exists in Canyon County. The parcel is not viable for commercial farming but is viable for hobby farming and self sustaining ownership.

We held a neighborhood meeting on April 25th 2022 and there was no opposition to the proposed 2 lots.

Thank you for your attention to this matter and review of our submitted applications.



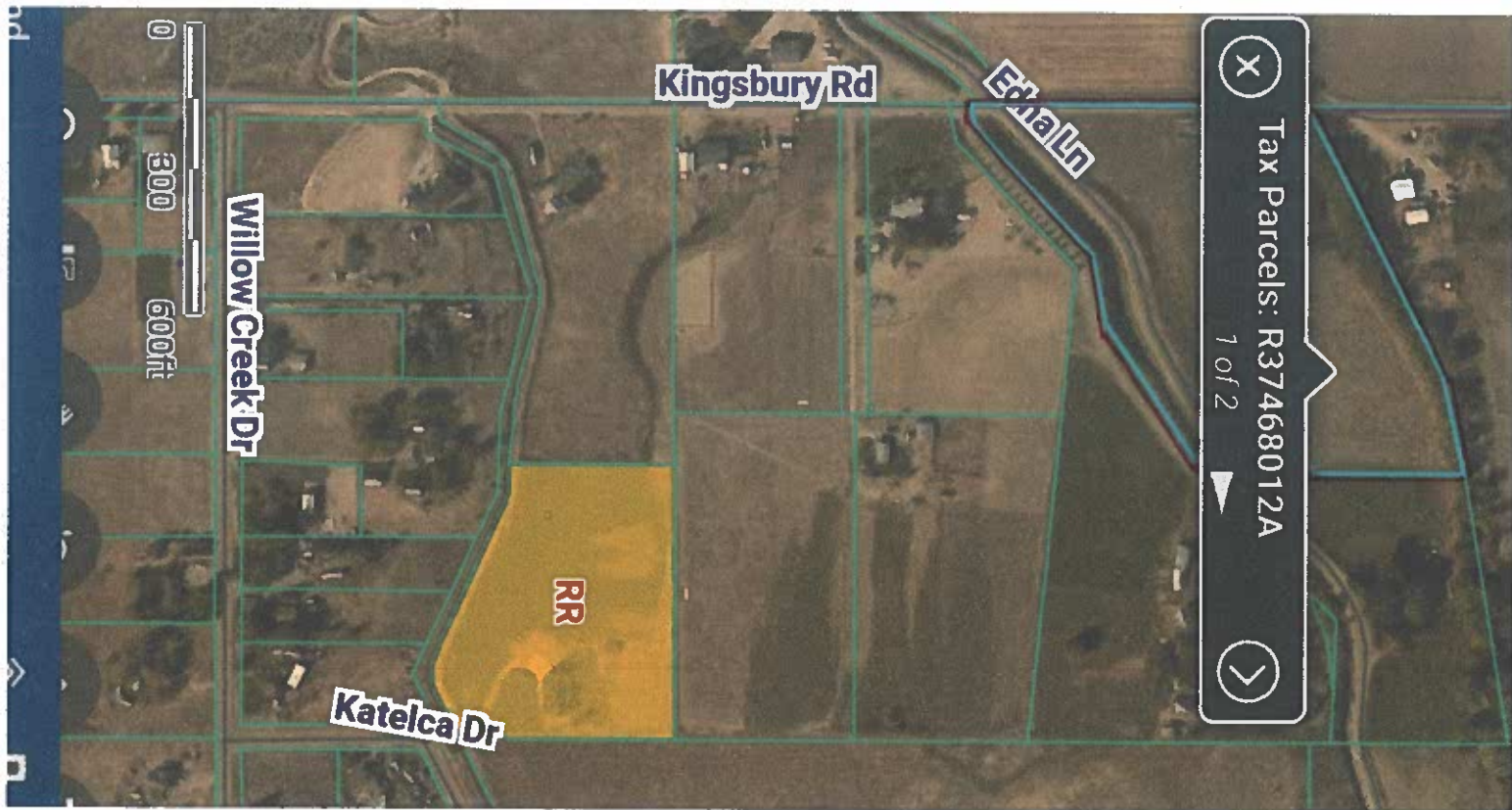
Chris Jagers



May Jagers

SCANNED

Exhibit B.7



SCANNED

LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



LAND USE WORKSHEET

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

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

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

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

3. IRRIGATION WATER PROVIDED VIA:

- ☒ Surface ☐ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION:

- ☐ Pressurized ☒ Gravity

5. ACCESS:

- ☒ Frontage ☐ Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:

- ☒ Public ☐ Private Road User's Maintenance Agreement Inst # _____

7. FENCING

- ☐ Fencing will be provided (Please show location on site plan)

☒ Type: _____ Height: _____

8. STORMWATER:

- ☒ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☐ Other: _____

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

Willow Creek to North & Black Canyon Canal to South

SCANNED

Exhibit B.7

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- ☒ Residential 2 ☐ Commercial _____ ☐ Industrial _____
☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

- 1/2 ☐ Water supply source: _____

3. INCLUDED IN YOUR PROPOSED PLAN?

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

NON-RESIDENTIAL USES

1. SPECIFIC USE: _____

2. DAYS AND HOURS OF OPERATION:

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

3. WILL YOU HAVE EMPLOYEES? ☐ Yes If so, how many? _____ ☐ No

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

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

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

5. PARKING AND LOADING:

How many parking spaces? _____

Is there is a loading or unloading area? _____

SCANNED

NA

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: _____

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

SCANNED

Exhibit B.7

Revised 12/7/20

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

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

SITE INFORMATION

Site Address: 25744 Kingsbury Ln	Parcel Number: R37468012A0
City:	State: ID ZIP Code: 83644
Notices Mailed Date:	Number of Acres: 11.5 Current Zoning:
Description of the Request:	

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Chris or Mary Jagers		
Company Name:		
Current address: 25744 Kingsbury Ln		
City: Middleton	State: ID	ZIP Code: 83644
Phone:	Cell: 208-850-8390	Fax:
Email: cjagers.classics@gmail.com		

MEETING INFORMATION

DATE OF MEETING: 4-25-2022	MEETING LOCATION: NW corner Kingsbury & Edna
MEETING START TIME: 6:30 PM	MEETING END TIME:

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE	ADDRESS
1. Robert Parker	[Signature]	25518 Kingsbury Road
2. Martha Stull	[Signature]	25501 Kingsbury Rd
3. M. Blabberfield	[Signature]	
4. JOE SPALLA	[Signature]	25566 KINGSBURY
5.		
6.		
7.		
8.		
9.		

SCANNED

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

NEIGHBORHOOD MEETING CERTIFICATION:

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

APPLICANT/REPRESENTATIVE (Please print):

Mary Jagger

APPLICANT/REPRESENTATIVE (Signature): Mary Jagger

DATE: 4 / 25 / 22

SCANNED

Neighborhood Meeting

Property address: **25744 Kingsbury Lane**
Middleton, ID 83644

Owners: Chris and Mary Jagers

Meeting date and time: 4-25-22 ; 6:30 PM

Enclosed is a map of proposed parcel division and intended use.

Dear neighbor if you are unable to attend this meeting and have any concerns please call **Chris** at **208-850-8390** or email **cjagers.classics@gmail.com**

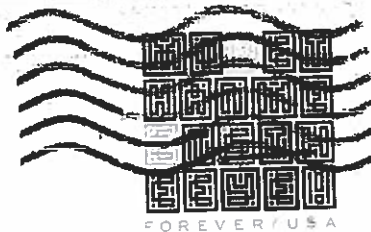
Please check which may apply:

☒ I am unable to attend this meeting, but I am aware of the purposed division and intended use of this property and at this time I have no concerns.

☐ I am unable to attend, but my concerns are _____

Bacon's
7860 Edna Ln
Middleton, ID 83644

BOISE ID 836
25 APR 2022 PM 3 L



The Jagers
25744 Kingsbury Rd.
Middleton, ID 83644

SCANNED

83644-609844



Exhibit B.7

Neighborhood Meeting

Property address: **25744 Kingsbury Lane**
Middleton, ID 83644

Owners: Chris and Mary Jaggers

Meeting date and time: 4-25-22; 6:30 PM

Enclosed is a map of proposed parcel division and intended use.

Dear neighbor if you are unable to attend this meeting and have any concerns please call **Chris** at **208-850-8390** or email **cjaggers.classics@gmail.com**

Please check which may apply:

☒ I am unable to attend this meeting, but I am aware of the purposed division and intended use of this property and at this time I have no concerns.

☐ I am unable to attend, but my concerns are _____

Please return this form in pre-paid envelope provided.

In advance we would like to thank you for your time.

Sincerely,
Chris and Mary Jaggers

Signed - Mary Jaggers

SCANNED



Account	Address	City	State	ZipCode	Owner One	Owner Two
R37468	7860 EDNA LN	MIDDLETON	ID	83644	BACON JUDE T ✓	BACON LALAINYA
R37461	PO BOX 189	MIDDLETON	ID	83644-0189	BECK RANCH INC ✓	
R374680108	25540 KINGSBURY RD	MIDDLETON	ID	83644	EIGUREN JULIE ✓	
R37468010C	25540 KINGSBURY RD	MIDDLETON	ID	83644	EIGUREN JULIE ✓	SHEDD DONALD L
R37476	7657 KATELCA DR	MIDDLETON	ID	83644	HABEL JOHN KIRK ✓	HABEL JENNIFER H/W
R37468011	743 N FINSBURY WAY	STAR	ID	83669-5088	HAYES CATHY Y ✓	
R37468012A	25744 KINGSBURY LN	MIDDLETON	ID	83644	JAGGERS CHRIS M	JAGGERS MARY L H/W
R37468012	PO BOX 1757	EAGLE	ID	83616	LEWIS LAYNE E REVOCABLE TRUST ✓	
R37468012B	PO BOX 1757	EAGLE	ID	83616	LEWIS LAYNE E REVOCABLE TRUST ✓	
R37468011C	25518 KINGSBURY RD	MIDDLETON	ID	83644	PARKER ROBERT ✓	JONES ELLEN
R37468010	25566 KINGSBURY RD	MIDDLETON	ID	83644	SPALLA JOSEPH C ✓	SPALLA MICHELLE
R37485	2258 BRADFORD AVE	HIGHLAND	CA	92346	STUBBLEFIELD DEV CO ✓	
R37486010	2258 BRADFORD AVE	HIGHLAND	CA	92346	STUBBLEFIELD DEV CO ✓	
R37487	25501 KINGSBURY RD	MIDDLETON	ID	83644	STUBBLEFIELD MARTHA S @@ ✓	
R37468010A	1554 SYRINGA CT	EMMETT	ID	83617	WOOD JASON A	

PROPERTY LISTING DISCLAIMER

This information should be used for informational use only and does not constitute a legal document for the description of these properties. Every effort has been made to insure the accuracy of these data & is subject to change without notice; however, the Assessor's Office assumes no liability nor do we imply any particular level of accuracy. The Canyon County Assessor's Office disclaims any responsibility or liability for any direct or indirect damages resulting from the use of these property listings.

RECEIPT

No. 688269

DATE 4/13/22

FROM Mary Jaggers

\$9.00

• 54 tax

• 46 tax

• 9.54

☐ FOR RENT

☐ FOR

☒ CASH

☐ CHECK

☐ MONEY ORDER

☐ CREDIT CARD

ACCT.

PAID

DUE

FROM

TO

BY D.

A-1152

T-4181

SCANNED

Notice of Neighborhood Meeting
Pre-application requirements for a Public Hearing

Date 4-14-2022

Dear Neighbor,

We are in the process of submitting an application to Canyon County Development Services. One of the requirements prior to submitting the application is to hold a "neighbor meeting" and provide information to our surrounding neighbors.

This meeting is for informational purposes and to receive feedback from you. This is not a public hearing. Once our application has been submitted and processed, a public hearing date will be scheduled.

The neighborhood meeting details are as follows:

Date: April 25th 2022

Time: 6:30 PM

Location: NW corner at Kingsbury and Edna

Property address: 25744 Kingsbury Lane, Middleton, ID 83644

Divide approx, 11 acres into 2 parcels. Proposed access would be on Edna Road. Intended use one single family resident with one out building.

This is a pre-application requirement and Canyon County currently has no information on this project. If you have any question prior to the meeting please contact **Chris @208-850-8390** or email **cjaggers.classics@gmail.com**

In advance we would like to thank you for your time.

Sincerely,
Chris and Mary Jaggers

SCANNED

Neighborhood Meeting

Property address: **25744 Kingsbury Lane**
Middleton, ID 83644

Owners: Chris and Mary Jaggers

Meeting date and time: 4-25-22 ; 6:30PM

Enclosed is a map of proposed parcel division and intended use.

Dear neighbor if you are unable to attend this meeting and have any concerns please call **Chris** at **208-850-8390** or email **cjaggers.classics@gmail.com**

Please check which may apply:

 I am unable to attend this meeting, but I am aware of the purposed division and intended use of this property and at this time I have no concerns.

 I am unable to attend, but my concerns are _____

Please return this form in pre-paid envelope provided.

In advance we would like to thank you for your time.

Sincerely,
Chris and Mary Jaggers

SCANNED

The Jaggers
25744 Kingsbury Rd.
Middleton, ID 83644

The Jaggers
25744 Kingsbury Rd.
Middleton, ID 83644

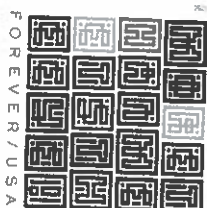
Jude Bacon
7860 Edna Lane
Middletown, ID 83644



SCANNED

Exhibit B.7

Beck Ranch
P.O. Box 189
Middletown, ID 83644



The Jaggers
25744 Kingsbury Rd.
Middleton, ID 83644

Martha Stubbsfield
25501 Kingsbury Rd
Middleton, ID 83644



The Jaggers
25744 Kingsbury Rd.
Middleton, ID 83644

Jason Wood
1554 Syringa Ct.
Emmett, ID 83617

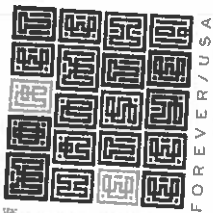


SCANNED

Exhibit B.7

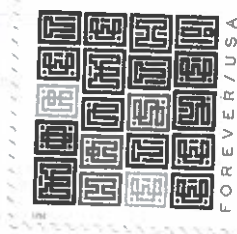
The Jaggers
25744 Kingsbury Rd.
Middleton, ID 83644

Julie Eiguren
25540 Kingsbury Rd.
Middleton, ID 83644



The Jaggers
25744 Kingsbury Rd.
Middleton, ID 83644

John Hubel
7657 Katelca Dr.
Middleton, ID 83644



SCANNED

The Jaggers
25744 Kingsbury Rd.
Middleton, ID 83644

Layne Lewis
P.O. Box 1959
Eagle, ID 83616



The Jaggers
25744 Kingsbury Rd.
Middleton, ID 83644

Cathy Hayes
743 N Fishburg Way
Stan, ID 83669



Exhibit B.7

SCANNED

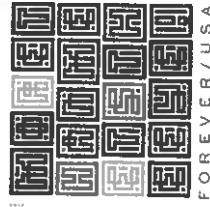
The Jaggers
25744 Kingsbury Rd.
Middleton, ID 83644

Joe Spaala
25566 Kingsbury Rd.
Middleton, ID 83644



The Jaggers
25744 Kingsbury Rd.
Middleton, ID 83644

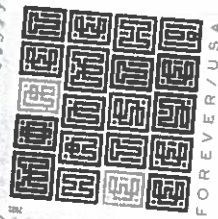
Robert Parker
25518 Kingsbury Rd
Middleton, ID 83644



SCANNED

Exhibit B.7

The Jagers
25744 Kingsbury Rd.
Middleton, ID 83644



Stubblefield Dev. Co
2258 Bradford Ave
Highland, CA 92346

SCANNED
Exhibit B.7



A Pioneer Company
PIONEER TITLE COMPANY
 OF ADA COUNTY
 8151 W. Riffman Ave. / Boise, Idaho 83704
 (208) 377-2700

REQUEST PIONEER-NARPA
 TYPE Deed Fee 6.00

6 NOEL HALES
 CANYON COUNTY RECORDER
 BY Shirley M. Pereira

01 MAR 23 PM 4 59

RECORDED

200110835

Shirley M. Pereira
PN 62630

WARRANTY DEED

For Value Received Shirley M. Pereira, an unmarried woman

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Chris M. Jagers and Mary L. Jagers, husband and wife

hereinafter referred to as Grantee, whose current address is 3823 Glendale,
 Boise, ID 83703

the following described premises, to-wit:

See legal description marked as "Exhibit A", attached hereto and made a part hereof and comprising one page.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

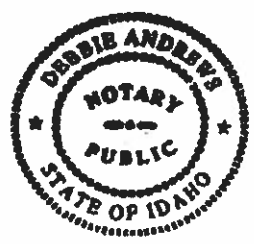
Dated: March 23, 2001

Shirley M. Pereira
 Shirley Pereira

STATE OF Idaho. County of Ada, ss.

On this 23rd day of March, in the year of 2001, before me Debbie Andrews, notary public personally appeared Shirley M. Pereira known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Debbie Andrews
 Debbie Andrews
 Notary Public of Idaho
 Residing at Boise, Idaho
 Commission expires: October 14, 2003



SCANNED

Exhibit "A"

A portion of the Northwest Quarter of the Northwest Quarter and of the Southwest Quarter of the Northwest Quarter of Section 26, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter of the Northwest Quarter; **thence**

North 0° 00' 00" West along the West boundary of said Southwest Quarter of the Northwest Quarter a distance of 623.17 feet to the **TRUE POINT OF BEGINNING**; **thence** continuing

North 0° 00' 00" West along said West boundary a distance of 697.83 feet to a point in the centerline of Willow Creek; **thence**

North 63° 10' 34" East along said centerline a distance of 625.10 feet; **thence**

North 76° 50' 56" East continuing along said centerline a distance of 211.92 feet;

thence

South 0° 01' 48" East a distance of 537.64 feet; **thence**

South 56° 42' 03" West a distance of 370.79 feet; **thence**

South 77° 47' 33" West a distance of 146.52 feet; **thence**

South 46° 37' 39" West a distance of 356.83 feet; **thence**

South 78° 10' 25" West a distance of 53.11 feet to the **TRUE POINT OF BEGINNING**.



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue Ste. 310 • Caldwell, Idaho • 83605 • (208) 454-7458

INTERDEPARTMENTAL MEMORANDUM

FOR YOUR: ☐ Review ☒ Action ☐ Information

DATE: June 29, 2023, 9:30 AM

TO: Board of County Commissioners

FROM: Dan Lister, Planning Official

SUBJECT: Combined Application Request – Jagers
Case No. RZ2023-0003, SD2023-0012, and SD2023-0013

Background:

Treasure Valley Planning Idaho, LLC, representing Chris and Mary Jagers, is requesting three applications (RZ2023-0003, SD2023-0012, and SD2023-0013) to be processed as a combined application (Exhibit A, Fee Waiver or Reduction Request dated May 4, 2023). The application fees paid total \$3,740. The applicant requests any fee reduction be determined by staff based on estimated savings. The request does not include information or reasons for the request.

The subject properties are Parcel R37468012A1 and R37468012A (25744 Kingsbury Lane, Middleton).

Applicable Code:

07-01-11: COMBINING APPLICATIONS:

Pursuant to Idaho Code section 67-6522, the board or commission may combine related applications for the convenience of applicants. If combined applications are authorized, DSD shall establish forms and procedures to combine related applications for the convenience of applicants. Fees for combined permits shall be established through a board resolution as provided in Article 4 of this chapter. (Ord. 10-006, 8-16-2010)

The adopted Planning and Zoning Fee Schedule (Resolution #22-137) requires a BOCC resolution when combining multiple hearing applications (Exhibit B, Planning and Zoning Fee Schedule).

Analysis:

The Canyon County Zoning Ordinance (CCZO) allows the following application types to be combined:

- A comprehensive plan amendment may be combined with a zoning amendment at the discretion of the Director of DSD (CCZO Section 07-06-01(3)).
 - The applicant has not applied for a comprehensive plan amendment.
- A preliminary plat and final plat can be combined subject to CCZO Section 07-17-17 (Short Plat).
 - The properties are located within a floodplain which does not qualify for a short plat (CCZO Section 07-17-17(1)B).

At the June 1, 2023, Board Workshop (Exhibit C and link to workshop:

<https://agenda.canyoncounty.id.gov/Agenda?date=2023-06-01>), DSD staff provided information demonstrating how combined applications are one of the causes of the current public hearing case backlogs. Reasons included:

- The review of a plat takes longer than the review of a rezone application. A rezone application typically sits until the plat is deemed complete when it could proceed through hearings while the plat is being reviewed.
 - Combined hearings also tend to confuse the hearing body due to the applicant using the plat information to make rezone findings.
- If DSD staff cannot make the required findings and must recommend denial of the rezone application, a review of the subsequent plat is not an efficient use of DSD staff time.

For these reasons, DSD staff recommends denial of the request which allows staff the discretion to determine if the applications can be heard concurrently or not during the review process.

The request includes any fee reduction determined by staff based on estimated savings. The applicant does not provide a proposed reduced fee. If the Board approves the combined applications request, the savings in cost would come from the reduction of public hearings. The combining of applications would reduce staff time for two hearings with an estimated cost savings of \$587.50 (See Exhibit D for cost breakdown).

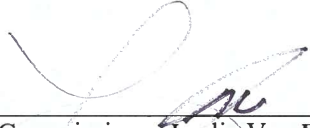

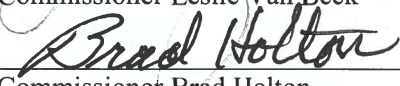

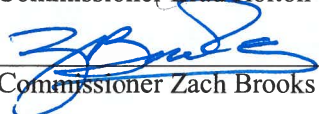

A draft resolution is provided if the Board approves the request (Exhibit E, Draft Resolution). If approved, staff recommends refunding \$587.50 as shown in Exhibit D. Per the applicable codes, the request is a Board decision that can be denied without any findings.

Decision:

Regarding the combined application request by Treasure Valley Planning Idaho, LLC, representing Chris and Mary Jagers for Case #RZ2023-0003, SD2023-0012, and SD2023-0013, the Board of County Commissioners:

☐ Approve the request and signs the Board Resolution.

☒ Deny the request.

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek		_____	_____
 _____ Commissioner Brad Holton		_____	_____
 _____ Commissioner Zach Brooks		_____	_____

Attest: Chris Gamarrato, Clerk
JRoss, Deputy Clerk

FEE WAIVER OR REDUCTION REQUEST

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #310, Caldwell, ID 83605zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633



☐ Total Fee Waiver Request
 ☐ Reduction of Fees Request
 ☒ Combine Multiple Hearing Applications

Name: Treasure Valley Planning, Keri Smith		Date: May 4, 2023
Address: 17741 Linden Ln. Caldwell		
Phone: 2089604811	Email: kerikay@hotmail.com	
<input checked="" type="checkbox"/> Please indicate the reason for your request:		
We request that the Rezone, Preliminary and Final Plat be processed together as this is a 0		
fairly straight forward request consistent with the area and only a two lot subdivision.		

☒ Your request applies to what application type?

<input type="checkbox"/> Administrative Decision(s)	<input checked="" type="checkbox"/> Public Hearing Case(s)
<input type="checkbox"/> Zoning Compliance	<input type="checkbox"/> Building Permit/Plan Review Fees
<input checked="" type="checkbox"/> Total Regular Fee(s) for your request*	\$ 3740
<input type="checkbox"/> Less Amount requested for waiver or reduction*	\$ To be determined by staff on estimated savings
<input type="checkbox"/> Amount you request to pay*	\$
<input type="checkbox"/> Total Fee Recommended by Director/BOCC Approval	\$

*Staff can assist with fee amounts

CRITERIA FOR REQUEST:

1. Applicant must prove a hardship that would be created by application fees; or
2. Applicant is submitting multiple discretionary applications processed at one-time for the same parcel/project.

PROCESS:

1. Submit application type for review with all required submittals, accompanied with this form.
2. DSD Director will review waiver/reduction request, and will forward to the Board of County Commissioners for final review and approval/denial.
3. Applicant will be notified of the fee due. All fees shall be submitted prior to acceptance of the application(s).

Applicant Signature: *Keri Smith*Date: 5/4/23Accepted by: *[Signature]*

Staff Signature

Date: 5/4/23Director Recommendation: DENIALDirector Signature: *[Signature]*Date: 6/23/23

Revised 2/24/22

Combined Application Request

April 28, 2023

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

Re: Combined Application Request Rezone, Preliminary and Final Plat Applications for Parcel
#R37468012A & R37468012A1

07-01-11: COMBINING APPLICATIONS:

Pursuant to Idaho Code section 67-6522, the board or commission may combine related applications for the convenience of applicants. If combined applications are authorized, DSD shall establish forms and procedures to combine related applications for the convenience of applicants. Fees for combined permits shall be established through a board resolution as provided in article 4 of this chapter. (Ord. 10-006, 8-16-2010)

In accordance with the application requirements, this is a letter of intent to officially request a combined application process and fee for a rezone and subdivision of private property also known as Bow-Tie Estates Subdivision.

The full amount of fees per the adopted fee schedule are included with the application, but if the application is noticed jointly the County should have reduced costs in noticing, staff time and actual hearings being conducted. Thus, the request to officially consider them as a joint application and to reduce the fees be a fair percentage of work to be completed. If you need any additional information, I am happy to develop or provide upon request.

Thank you for this consideration.



Keri Smith
Treasure Valley Planning



PLANNING & ZONING FEE SCHEDULE

DEVELOPMENT SERVICES DEPARTMENT

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

Phone: 208-454-745 | Fax: 208-454-6633

ADMINISTRATIVE APPLICATIONS

DIRECTOR'S DECISION WITH NOTIFICATION TO PROPERTY OWNERS.....\$600.00

Administrative Land Division with Relocation of Building Permit
 Assisted Care Facility
 Bed and Breakfast w/employees
 Day Care Facility
 Firewood Sales
 Home Business
 Mineral Extraction (Short-Term)
 Public Service Agency Telecommunication Facilities exceeding 75'
 Quasi-Public Use
 Signs (when exceeding height/size requirement)
 Utility Facility
 Variance (33% or less)
 Winery/Brewery/Distillery

DIRECTORS DECISION WITHOUT NOTIFICATION TO PROPERTY OWNERS..... \$330.00

Administrative Land Division
 Private Road
 Property Boundary Adjustment
 Simple Changes to a Recorded Plat

TEMPORARY RESIDENCE PERMIT (DIRECTOR'S DECISION)

Farm Labor..... \$330.00
 Residing in an RV during dwelling construction..... \$330.00
 Residing in an RV no more than 90-days per calendar year..... \$330.00

FRONTAGE, EASEMENT, AND ROAD LOT REDUCTION..... \$100.00

CERTIFICATE OF ZONING COMPLIANCE..... \$80.00

FLOODPLAIN DEVELOPMENT PERMIT (New Development) \$80.00

FLOODPLAIN DEVELOPMENT PERMIT (Repair)..... NO FEE

PROPERTY RESEARCH / INQUIRY (per parcel)..... \$40.00

COMBINED APPLICATIONS (may be accepted on a case-by-case basis by the Director)

MULTIPLE DIRECTOR DECISIONS WITH NOTIFICATION (single application additional cost per decision)..... \$125.00

MULTIPLE DIRECTOR DECISIONS WITHOUT NOTIFICATION (single application additional cost per decision) \$80.00

PUBLIC HEARING APPLICATIONS

Comprehensive Plan Amendment (text or map amendment) \$2800.00
 Conditional Use Permit..... \$950.00
 Conditional Use Permit Modification..... \$600.00
 Conditional Rezone (includes Development Agreement fee)..... \$1400.00
 Development Agreement Modification..... \$750.00
 Planned Unit Development.....BOCC resolution Varies
 Time Extension..... \$600.00
 Variance..... \$950.00
 Zoning Text Amendment..... \$2800.00

Resolution Number: 22-137 Adopted On: 6-7-22 Effective On: 7-1-22

Zoning Map Amendment (Rezone).....	\$950.00
Combining multiple hearing applications.....	BOCC Resolution

SUBDIVISION APPLICATIONS:

Preliminary Plat (including Irrigation, Drainage, & Grading Plans).....	\$1550.00
Additional per Lot Fee (per application).....	\$10.00
Additional City Impact Area Fee.....	\$100.00
Final Plat.....	\$1000.00
Additional per Lot Fee (per application).....	\$10.00
Additional City Impact Area Fee.....	\$100.00
Combining Preliminary & Final Plats (Short Plat & when no improvements are required)	\$1680.00
Additional per Lot Fee (per application)	\$10.00
Additional City Impact Area Fee.....	\$100.00
Vacation of a Subdivision Plat.....	\$950.00
Minor Replats and Amendments.....	\$600.00

BOARD OF COUNTY COMMISSIONERS:

Any decision appealed to the Board.....	\$600.00
Road Name Change.....	\$550.00
Renotification fee.....	\$100.00

Notes:

1. All fees include payment for an application, processing and a decision. Fees do not include the following, when required, which the applicant will be required to pay after costs are determined:
 - a. Bonding Improvements
 - b. Actual expenses for facility rental and/or County-contracted engineering review and inspections (plat/plan review, improvement inspections, etc.)
2. ***Refund Policy for applications that are withdrawn:*** An applicant may request in writing a refund of no more than 90% of the application fee. Refunds are processed in accordance with § 07-04-07 of the CCZO.
3. ***Fee Waivers:*** An applicant may request, in writing, a fee waiver in accordance with § 07-04-05 of the CCZO.
4. Applications requiring fees not specifically listed above will be set by BOCC Resolution on a case by case basis.
5. Fees are cumulative.

Resolution Number: 22-137 Adopted On: 6-7-22 Effective On: 7-1-22



Commissioners' Agenda

The Board of Canyon County Commissioners typically holds open session meetings daily in their meeting room of the first floor of the County Courthouse at 1115 Albany Street, Caldwell, Idaho. Executive Sessions (closed meetings) may be held pursuant to Idaho Code 74-206 as needed during regular scheduled meetings, with the purpose of such sessions and authority to close the meeting announced at that time. Times are advisory.

[Meeting Location](#)
[Search Agenda](#)

Events for Thursday, June 1, 2023

<

>

06/01/2023

Apply Date

Start Time

08:00 AM

End Time

05:00 PM

Ministerial, Administrative acts, and action items including but not limited to:

The Board may address a variety of routine matters involving the implementation of previously noticed final decisions or in preliminary anticipation of final decisions not yet made. Such matters may include, but are not limited to, approving Commissioners term proceedings and synopses, key requests, salary rate requests, other personnel forms, certain purchase orders or claims for payment, alcohol licenses, catering permits, certain administrative indigent matters, and non-binding or otherwise ministerial correspondence.

Start Time

09:30 AM





End Time

10:30 AM

Meeting with county attorneys for a legal staff update and action item

- Action Item: Start Selection Process for Design/Engineering Services for the County Elections Building Project *No action was necessary or taken by the Board*

Supporting Documents:



Start Time





10:30 AM

End Time

11:30 AM

Weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction

Supporting Documents:



Start Time

11:00 AM

End Time

11:30 AM

Meeting with Development Services staff to discuss tiny home code sections

Commissioner attendance for Thursday, June 1, 2023

District 1 - Leslie Van Beek

Present

District 2 - Brad Holton

Present

District 3 - Zach Brooks

Present

Exhibit B.8

Development Services Department (DSD)

CANYON COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC)

BOCC WORKSHOP

DAN LISTER - PLANNING OFFICIAL

MICHELLE BARRON & DEB ROOT – PLANNER III

JUNE 1, 2023



Topics

- Concurrent/Combined Applications
 - Perceived process vs. Code
 - DSD process based on Code
- Rezone vs. Conditional Rezones
 - Current code and process
 - Issues/Concerns
 - Questions & next steps

Concurrent/Combined Applications

Perceived:

- If multiple applications are submitted together, the applicant believes they are combined and will be processed together.
 - Example: If a rezone and preliminary plat application are submitted together, the applicant believes they will be processed together.

Issues:

- Review Time: The review of a rezone takes less time than the platting review.
- Process: If a rezone application does not meet the required findings and cannot be supported, the review of the plat may not be an efficient use of staff's time.
- Hearings: The cases must be considered separately whether submitted concurrently or not. Creates confusion at the hearings.

Application Type	Review Time
Subdivisions	Approx. 2-4 months
Rezones	Approx. 50-60 days

Application Type	# of Cases
Prelim. Subdivisions	Approx. 46
Rezones	Approx. 28
Concurrent	Approx. 23

# of rezones ready for hearing but still needs plat review	Approx. 16
# of rezones that cannot be supported but still needs plat review	Approx. 10

Concurrent/Combined Applications

67-6522. COMBINING OF PERMITS — PERMITS TO ASSESSOR. Where practical, the governing board or zoning or planning and zoning commission may combine related permits for the convenience of applicants. State and federal agencies should make every effort to combine or coordinate related permits with the local governing board or commission. In no event shall the governing board by local ordinance enact provisions that abrogate the statutory authority of a public health district, state, and/or federal agency. Appropriate permits as defined by local ordinance shall be forwarded to the county assessor.

Concurrent/Combined Applications

07-01-11: COMBINING APPLICATIONS:

Pursuant to Idaho Code section 67-6522, the board or commission may combine related applications for the convenience of applicants. If combined applications are authorized, DSD shall establish forms and procedures to combine related applications for the convenience of applicants. Fees for combined permits shall be established through a board resolution as provided in Article 4 of this chapter.

07-06-01(3): Requests for comprehensive plan changes and ordinance amendments may be consolidated for notice and hearing purposes.

07-17-17(1): The developer may request that the subdivision application be processed as both a preliminary and final plat, known as a short plat.

- FEE WAIVER OR REDUCTION SERVICES REQUEST**
CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
 111 North 11th Avenue, #310, Caldwell, ID 83605
conzininfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633
- ☐ Total Fee Waiver Request ☐ Reduction of Fees Request ☒ Combine



Name:		Date:
Address:		
Phone:		Email:
<input checked="" type="checkbox"/> Please indicate the reason for your request:		

<input checked="" type="checkbox"/> Your request applies to what application type?	
<input type="checkbox"/> Administrative Decision(s)	<input type="checkbox"/> Public Hearing Case(s)
<input type="checkbox"/> Zoning Compliance	<input type="checkbox"/> Building Permit/Plan Review Fees
<input type="checkbox"/> Total Regular Fee(s) for your request*	\$
<input type="checkbox"/> Less Amount requested for waiver or reduction*	\$
<input type="checkbox"/> Amount you request to pay*	\$
<input type="checkbox"/> Total Fee Recommended by Director/BOCC Approval	\$

*Staff can assist with fee amounts

CRITERIA FOR REQUEST:

1. Applicant must prove a hardship that would be created by application fees; or
2. Applicant is submitting multiple discretionary applications processed at one-time for the same parcel/project.

PROCESS:

1. Submit application type for review with all required submittals, accompanied with this form.
2. DSD Director will review waiver/reduction request, and will forward to the Board of County Commissioners for final review and approval/denial.
3. Applicant will be notified of the fee due. All fees shall be submitted prior to acceptance of the application(s).

Applicant Signature: _____

Date: _____

Accepted by: _____

Date: _____

Director Recommendation: _____

Director Signature: _____ Date: _____

Concurrent/Combined Applications

DSD Process

- An applicant can submit multiple applications concurrently, but it does not guarantee the applications will be processed as a combined application.
- To guarantee multiple applications remain combined, it requires Board review and approval via resolution. Without the approved resolution, the processing is at DSD's discretion.
- Existing concurrent applications: The planner will e-mail the applicant letting them know if their cases will be heard together or separately.

Concurrent/Combined Applications

- Questions?
- Does the Board support the DSD process?

Noticing Steps	Average Time	Time Cost	Material Cost (postage)
Initial Notice - no date (P&Z/HE only)	25 minutes	\$ 9.43	Minimal
Full Political (rezones only)	35 minutes		\$ 11.90 cost estimate is average cost of a newspaper submission and mailings based on 17 residential units and 1 sign posting. Postage amount based on our cost to mail 1 envelope/1 letter and .10 for the cost of envelope, paper, printer ink.
JEPA	25 minutes	\$ 9.43	None
Newspaper (based on average)	5 minutes	\$ 1.89	\$ 55.00
Residents	25 minutes	\$ 9.43	\$ 11.90
Sign Posting	HS: 30 min Insp: 60 min (estimate)	\$ 11.32 26.00	
Action Letter	20 minutes	\$ 7.47	
		\$ 74.95	\$ 78.80
		Total:	\$ 153.75
		x2 Hearings	\$307.50

Staff Report/Presentation

P&Z: 4 Hours, 2 hours presentation
BOCC: 2 hours, plus 2 hours presentation

\$28 an hour

P&Z: \$168
BOCC: \$112
Total: \$280

\$307.50
\$280
Total: \$587.50

RESOLUTION NO: _____

**A RESOLUTION TO COMBINE MULTIPLE APPLICATIONS, CASE NO.
RZ2023-0003, SD2023-0012 & SD2023-0013, REGARDING PARCEL NO.
R37468012A and R37468012A1, APPROXIMATELY 10.97 ACRES**

The Canyon County Board of Commissioners considered and adopted the following resolution which shall be effective on the _____ day of _____, 2023.

Upon the motion of Commissioner _____ and the second by Commissioner _____ the Board resolves as follows:

WHEREAS, Treasure Valley Planning Idaho, LLC, representing Chris and Mary Jagers, requests the combining of multiple applications with fee reduction associated with Case No. RZ2023-0003, SD2023-0012 and SD2023-0013 pursuant to Section 07-01-11 of the Canyon County Zoning Ordinance; and

WHEREAS, the subject properties are Parcels R37468012A and R37468012A1, approximately 10.97 acres, 25744 Kingsbury Lane; and

WHEREAS, the request for combining multiple applications was submitted on May 4, 2023 to the Canyon County Development Services Department; and

WHEREAS, Case No. RZ2023-0003, SD2023-0012, and SD2023-0013 were submitted to the Canyon County Development Service Department on April 28, 2023, including fees totaling \$3,740 in accordance with Resolution No 22-137, Planning and Zoning Fee Schedule, adopted June 7, 2022; and

WHEREAS, Section 07-01-11 of the Canyon County Zoning Ordinance states: "Pursuant to Idaho Code section 67-6522, the board or commission may combine related applications for the convenience of applicants. If combined applications are authorized, DSD shall establish forms and procedures to combine related applications for the convenience of applicants. Fees for combined permits shall be established through a board resolution as provided in Article 4 of this chapter (Chapter 7 of the Canyon County Zoning Ordinance)"; and

WHEREAS, Resolution no. 22-137 requires the Board of County Commissioners to adopt a resolution for decisions regarding combined multiple application requests; and

WHEREAS, The Board of County Commissioners considered the request on June 29, 2023. The Board approved the request including the refund of the estimated cost savings of \$587.50.

NOW THEREFORE, IT IS ORDERED, pursuant to the authority conferred by Canyon County Zoning Ordinance, Section 07-01-11, and Resolution No. 22.137, the Board of County Commissioners **approve** the request.

IT IS FURTHER ORDERED that this Resolution shall be effective the _____ day of _____, 2023.

	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

ATTEST: CHRIS YAMAMOTO, CLERK

By: _____
Deputy



Middleton School District #134

Every Child Learning Every Day

Middleton School District #134--Public Hearing Notice Response

General Response for New Development

Middleton School District has multiple schools that are over or near . **Currently Middleton School District has 2 of our 3 elementary schools over capacity. Heights Elementary is at 144% of capacity with five (5) portable units totaling 10 classrooms. Mill Creek Elementary is at 118% of capacity with six (6) portable classroom units totaling 12 classrooms.** We are nearing capacity, but have not superseded at this point, at our high school (91%) and middle school (85%). As it stands now there is an immediate need for additional facilities in our school district, primarily at the elementary grades. However, we have significant concerns of the continued growth and our ability to meet the future facility needs of our district at the secondary level (Middleton Middle School and Middleton High School).

We have completed demographic study performed for our school district boundaries and data suggests that for every new home we could expect between 0.5 and 0.7 (with an average of .569) students to come to our schools. That is the factor/rate we use to make our projection of student impact for each development.

The district, while making use of portable classrooms, in the interim, to fulfill its mandate to educate all students in the district, ultimately needs a new elementary school, or permanent facilities. The primary method for obtaining the needed funding is through the bonding process that must be passed by a supermajority vote of district patrons.

CR2022-0016, Canyon County

Elementary students living in the subdivision as planned would be in the attendance zone for Mill Creek Elementary School, which, as stated previously, is above capacity, as well as Middleton Middle School and Middleton High School. With the 76 proposed lots we anticipate approximately 38 - 53 students will need educational services provided by our district. This equates to roughly 2-3 new classrooms of students across elementary and secondary as a result of this development.

In addition to the increase in student population and its impact on facilities, bussing would be provided for all students. It is important that the developer include plans for appropriate spacing for bus stops. Typically busses do not enter subdivisions.

The developer contacted the school district during their development process and brainstormed ideas of how they might be able to provide support for the district in their school construction process, though no formal agreement was settled upon.

As a school district, we would ask that Canyon County Planning and Zoning and County Commissioners take all these factors into consideration as you make your decisions. Any questions regarding this response should be directed to Marc Gee at the contact information shared below.

A handwritten signature in black ink, appearing to read 'Marc C. Gee'.

Marc C. Gee, Superintendent

June 7, 2024

Exhibit B.9

Middleton School District Office: 5 S. Viking Ave, Middleton, ID 83644

Phone: 208-585-3027

Marc C. Gee, Superintendent

Lisa Pennington, Asst. Superintendent

Alicia Krantz, Business Manager

mgee@msd134.org

lpennington@msd134.org

akrantz@msd134.org



Middleton School District #134

Every Child Learning Every Day

Middleton School District #134

Canyon County--Public Hearing Notice Response

General Response for New Development

Middleton School District is currently experiencing significant growth in its student population. **Currently Middleton School District has 2 of our 3 elementary schools over capacity. Heights Elementary is at 134% of capacity with three portable units. Mill Creek Elementary is at 123% of capacity with 4 portable classroom units totaling 8 classrooms.** We are nearing capacity, but have not superseded at this point, at our high school (91%) and middle school (85%). As it stands now there is an immediate need for additional facilities in our school district, primarily at the elementary grades. However, we have significant concerns of the continued growth and our ability to meet the future facility needs of our district at the secondary level (Middleton Middle School and Middleton High School).

We have completed demographic study performed for our school district boundaries and data suggests that for every new home we could expect between 0.5 and 0.7 (with an average of .569) students to come to our schools. That is the factor/rate we use to make our projection of student impact for each development.

KM Engineering/East Flyer Subdivision

Elementary students living in the subdivision as planned would be in the attendance zone for Mill Creek Elementary School, which, as stated above, is already well above capacity. With the 13 proposed lots we anticipate approximately 7-9 students will need educational services provided by our district. This equates roughly to less than one new classroom of students as a result of this development.

In addition to the increase in student population and its impact on facilities, bussing would be provided for all students. As such, it would be important that the developer include plans for appropriate spacing for bus stops. Typically busses do not enter subdivisions. As such, safe routes to planned stops would be an important consideration.

As a school district we would ask that Canyon County Planning and Zoning commission take these factors into consideration as you make your decision. Any questions regarding this response should be directed to Marc Gee at the contact information shared below.

Marc C. Gee, Superintendent

May 18, 2023

Date



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

CR2023-0001 – Johns

The Canyon County Board of County Commissioners consider the following:

- 1) Conditional Rezone of approximately 2.9 acres from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone – Single-Family Residential) zone. The request includes a development agreement (Attachment A). The subject property is located at 25220 Kingsbury Rd, Middleton, Parcel R37463010A, a portion of the SW quarter of Section 26, T5N, R2W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2023-0001.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), Canyon County Code §09-19-12 (Area of City Impact Agreement), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6511.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 67-6511.
4. The Board can sustain, modify or reject the Commission’s recommendations. *See* CCZO §07-05-03.
5. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and

statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CR2023-0001) was presented at a public hearing before the Canyon County Board of County Commissioners on February 22, 2024. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

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

Conclusion: Yes, the proposed rezone is generally consistent with the comprehensive plan.

Findings: (1) The applicant is requesting that the property be rezoned to “CR-R-1” (Conditional Rezone – Single-Family Residential). The subject property is designated as “Rural Residential” in the 2030 Canyon County Comprehensive Future Land Use Map. This designation is intended to correspond to the “R-R” (Rural-Residential) zone. The “CR-R-1” (Conditional Rezone - Single-Family Residential) zone would fit under the “Residential” Future Land Use designation. However, as conditioned (Attachment A), secondary dwellings are prohibited. A secondary dwelling is already available, so approval of this rezone with secondary dwellings prohibited results in the same possible number of residences. The proposed rezone is therefore consistent with the Rural Residential Future Land Use.

(2) The proposal does align with the following policies and action of the 2030 Comprehensive Plan:

P1.01.01	No person should be deprived of private property without due process of law.
P1.01.03	Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.
P4.01.01	Maintain a balance between residential growth and agriculture that protects the rural character.
P4.03.02	Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.
P4.03.03	Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.
A6.01.01b	Continue providing information regarding land development proposals to all affected school districts.
G11.02.00	Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.
P12.01.02	Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.

- The applicant is being provided due process of law through this application and hearing process.
- The applicant has reviewed and agreed to the draft conditions of approval.

- The parcel is located in a rural area with a balance of residential growth and agriculture.
- The parcel is not currently used for agricultural and is unlikely to be in the future due to the small lot size. The parcel is surrounded by residential uses. Rezoning the parcel does not fragment agriculture.
- The applicant has provided a condition of approval to promote compatibility with other uses in the area.
- Middleton School District was noticed. No comment was received.
- The subject parcel is located in an area designated as Rural Residential on the 2030 Canyon County Comprehensive Plan Future Land Use Map. It is also located in the Star City Impact Area.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0001.

(4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: As conditioned (Attachment A), the request is more appropriate than the current zoning designation.

Findings: (1) The property is currently zoned “A” (Agricultural). Pursuant to CCZO §07-10-25(1), the purpose of the “A” (Agricultural) zone is:

- A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*

Pursuant to CCZO §07-10-25(3), the purpose of the “R-1” (Single-Family Residential) zone is “to promote and enhance predominantly single-family living areas at a low density standard”.

The property is unlikely to be used for productive agricultural purposes since it is not located in an irrigation district. There is a dwelling and accessory structure covering approximately one acre of the property. The remaining acreage, based on historical aerial images, has not been farmed (Exhibit F of the Planning & Zoning Commission staff report).

- (2) The parcel is primarily surrounded by residential uses and a mix of lot sizes from under 1 acre to 10 acres and more. There are multiple subdivisions in the area with parcel sizes around 1 acre (Exhibits E7 and E9 of the Planning & Zoning Commission staff report). Just outside of the immediate vicinity there are large parcels both used actively for agriculture and not being actively farmed. As seen in the site photos and aerial imagery (Exhibits D and E1 of the Planning & Zoning Commission staff report), the subject property is surrounded by both residential development and open space. Parcel R37489, approximately 700 feet to the north, is owned by the Bureau of Reclamation.
- (3) There are 15 subdivisions within a 1-mile radius of the property (including phases as separate subdivisions), many of which were platted in the early 2000s. The average lot size of the 37

parcels within 600 ft of the subject property is 2.5 acres and the median is 1.15 acres (Exhibit E7 of the Planning & Zoning Commission staff report).

- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0001.

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

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

- Findings:** (1) The parcel is primarily surrounded by residential uses and a mix of lot sizes from under 1 acre to 10 acres and more. There are multiple subdivisions in the area with parcel sizes around 1 acre (Exhibits E7 and E9 of the Planning & Zoning Commission staff report). Just outside of the immediate vicinity there are large parcels both used actively for agriculture and not being actively farmed. As seen in the site photos and aerial imagery (Exhibits D and E1 of the Planning & Zoning Commission staff report), the subject property is surrounded by both residential development and open space. Parcel R37489, approximately 700 feet to the north, is owned by the Bureau of Reclamation.
- (2) There are 15 subdivisions within a 1-mile radius of the property (including phases as separate subdivisions), many of which were platted in the early 2000s. The average lot size of the 37 parcels within 600 ft of the subject property is 2.5 acres and the median is 1.15 acres (Exhibit E7 of the Planning & Zoning Commission staff report).
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0001.

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

Conclusion: No, as conditioned (Attachment A), the proposed conditional rezone will not negatively affect the character of the area.

- Findings:** (1) The parcel is primarily surrounded by residential uses and a mix of lot sizes from under 1 acre to 10 acres and more. There are multiple subdivisions in the area with parcel sizes around 1 acre (Exhibits E7 and E9 of the Planning & Zoning Commission staff report). Just outside of the immediate vicinity there are large parcels both used actively for agriculture and not being actively farmed. As seen in the site photos and aerial imagery (Exhibits D and E1 of the Planning & Zoning Commission staff report), the subject property is surrounded by both residential development and open space. Parcel R37489, approximately 700 feet to the north, is owned by the Bureau of Reclamation.
- (2) There are 15 subdivisions within a 1-mile radius of the property (including phases as separate subdivisions), many of which were platted in the early 2000s. The average lot size of the 37 parcels within 600 ft of the subject property is 2.5 acres and the median is 1.15 acres (Exhibit E7 of the Planning & Zoning Commission staff report).
- (3) The property is currently eligible for a secondary residence if the property owner lives on-site. As a condition of approval, secondary residences will be prohibited. Therefore, as conditioned, the request would result in the same potential number of residences allowed on the property by Canyon County Code (CCZO §07-02-03, 07-10-27, and 07-14-25).
- (4) Notice of the Planning & Zoning Commission public hearing was provided per CCZO §07-05-01. Newspaper notice was published on September 23, 2023. Property owners within 600' were notified by mail on September 20, 2023. The property was posted on September 26, 2023. Notice of the Board of County Commissioners public hearing was also provided per CCZO §07-05-01. Newspaper notice was published on December 14, 2023. Property owners within

600' were notified by mail on December 6, 2023. The property was posted on December 21, 2023.

One comment was received from Jessica Perryman (25200 Kingsbury Rd) in opposition to the case on January 5, 2024 (Exhibit 5c of the Board of County Commissioners staff report addendum).

- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0001.

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

Conclusion: Yes, adequate facilities and services will be provided to accommodate the proposed conditional rezone.

Findings: (1) Sewer and water for the potential new residence would be provided by a new private well and septic system. The property is not located in an irrigation district (Exhibit G2 of the Planning & Zoning Commission staff report). As allowed by state law, the new residence would be allowed to irrigate a 0.5 acre from the domestic well. Drainage will be addressed through the subdivision application.

- (2) No other comments were received regarding facilities and services. For the Planning & Zoning Commission public hearing, affected agencies were noticed on July 31, 2022 and September 19, 2023, and full political notice was provided on September 20, 2023. For the Board of County Commissioners public hearing, affected agencies, full political noticing, and Joint Exercise of Powers Agreement noticing was provided on December 6, 2023.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0001.

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

Conclusion: The proposed conditional rezone is not anticipated to cause undue interference with existing or future traffic patterns. No measures have been taken to mitigate traffic impacts.

Findings: (1) Highway District No. 4 stated that the new lot is not anticipated to significantly impact the transportation network and that impacts will be mitigated (Exhibit G1 of the Planning & Zoning Commission staff report). Idaho Transportation Department "anticipates minimal to no impact to our state highway system" (Exhibit G3 of the Planning & Zoning Commission staff report).

- (2) The property is currently eligible for a secondary residence if the property owner lives on-site. As a condition of approval, secondary residences will be prohibited. Therefore, as conditioned, the request would result in the same potential number of residences allowed on the property by Canyon County Code (CCZO §07-02-03, 07-10-27, and 07-14-25).

- (6) No other comments relating to traffic were received. Notice of the Planning & Zoning Commission public hearing was provided per CCZO §07-05-01. Newspaper notice was published on September 23, 2023. Property owners within 600' were notified by mail on September 20, 2023. The property was posted on September 26, 2023. Affected agencies were noticed on July 31, 2022 and September 19, 2023, and full political notice was provided on September 20, 2023. Notice of the Board of County Commissioners public hearing was also provided per CCZO §07-05-01. Newspaper notice was published on December 14, 2023. Property owners within 600' were notified by mail on December 6, 2023. The property was

posted on December 21, 2023. Affected agencies, full political noticing, and Joint Exercise of Powers Agreement noticing was provided on December 6, 2023.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0001.

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

Conclusion: Yes, legal access to the subject property exists. Access to the new building lot will be addressed in the subdivision application.

- Findings:** (1) The property has frontage along Kingsbury Road, a public road. Access to the new building lot will be provided via an easement.
- (2) Highway District No. 4 has indicated that if a subdivision is approved, the parcels must share one approach and the circle driveway will need to be abandoned (Exhibit G1 of the Planning & Zoning Commission staff report).
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0001.

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: The proposed conditional rezone is not anticipated to significantly impact essential public services and facilities. No measures will be implemented to mitigate impacts.

- Findings:** (1) The property currently has an existing dwelling served by Middleton Fire, Middleton School District and Canyon County Sheriff. The request would allow one division that would allow one more dwelling to be developed. The property is currently eligible for a secondary residence if the property owner lives on-site. As a condition of approval, secondary residences will be prohibited. Therefore, as conditioned, the request would result in the same potential number of residences allowed on the property by Code (CCZO sections 07-02-03, 07-10-27, and 07-14-25). Therefore, the request is not anticipated to impact essential services.
- (2) All essential services were notified. No comments were received from Middleton Fire, Middleton School District, or the Canyon County Sheriff. For the Planning & Zoning Commission public hearing, affected agencies were noticed on July 31, 2022 and September 19, 2023, and full political notice was provided on September 20, 2023. For the Board of County Commissioners public hearing, affected agencies, full political noticing, and Joint Exercise of Powers Agreement noticing was provided on December 6, 2023.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0001.

Canyon County Code §09-19-12 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Star Area of City Impact. A notice was sent to the City of Star per Canyon County Code Section 09-19-08 (3).

- Findings:** (1) The City of Star sent a comment dated October 26th stating that they do not support the zone change since the ultimate subdivision of the property into lots smaller than 2 acres does not meet the intent of their Comprehensive Plan (Exhibit 5a of the Board of County Commissioners staff report addendum).

- (2) The subject parcel is located in the Star City Impact Area. In the Star Future Land Use Map approved on June 7, 2022, it is designated as "Rural Residential" (1 unit/2-acre to 1 unit/5-acre). It is also located in a "special transition overlay area". The current configuration of the parcel appears to align with Star's rural residential designation.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0001.

Order


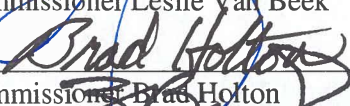
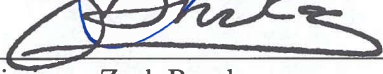
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approves** Case # CR2023-0001, a conditional rezone of parcel R37463010A.

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

DATED this 19th day of March, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

☒ 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"/>
 _____ Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogaboam, Clerk

By: JR2088
 Deputy

Date: 03-19-24

ATTACHMENT A

DEVELOPMENT AGREEMENT CONDITIONS

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. 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."
 - a. Per CCZO §07-02-03: Definitions Enumerated, commencement is "the acceptance by DSD of a complete application, together with the application fee, for a preliminary plat or a short plat."
3. Secondary residences are prohibited.



**Canyon County Board of Commissioners
Sierra Vista Properties, Inc. – RZ2022-0011**

Findings of Fact, Conclusions of Law, and Order

Zoning Map Amendment “A” to “RR”

Findings of Fact

1. The applicant, Sierra Vista Properties, Inc., is requesting a zoning map amendment (rezone) of Parcel R37496 (± 90.57 acres) from an “A” (Agricultural) zone to a “R-R” (Rural Residential) zone. The subject property is located at 8718 Purple Sage, Rd., Caldwell; also referenced as a portion of the SW¼ of Section 27, T5N, R2W, BM, Canyon County, Idaho.
2. The rezone is being considered concurrently with a preliminary plat (including irrigation and drainage) for Mint Farm Estates. The proposed plat includes 39 residential lots (SD2022-0034).
3. The subject property is designated “Residential” on the Canyon County Comprehensive Plan Future Land Use Map (Exhibit 5d of the staff report).
4. The site is not located within an area of city impact.
5. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, Middleton School District and Black Canyon Irrigation District.
6. A neighborhood meeting was conducted on June 29, 2022 pursuant to CCZO §07-10-15 (Exhibit 4 of the staff report).
7. Notice of the Planning and Zoning public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on July 18, 2022, newspaper notice was published on December 18, 2022, property owners within 600’ were notified by mail on December 15, 2022, and the property was posted on December 27, 2022.
8. The Planning and Zoning Commission heard cases RZ2022-0011 and SD2022-0034 on January 5, 2023 and forwarded a recommendation of denial to the Board of County Commissioners with the FCOs signed on January 19, 2023. (Exhibit E & F BOCC Addendum)
9. Notice of the BOCC hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on May 17, 2023, newspaper notice was published on June 1, 2023, property owners within 600’ were notified by mail on May 31, 2023, and the property was posted on June 8, 2023.
10. The Board of County Commissioners heard this case on July 12, 2023, took testimony, considered exhibits not previously submitted, and continued the hearing to a date certain of August 24, 2023. Late Exhibits were posted to the hearing case on the Canyon County website for public review. On August 24, 2023 the hearing was continued to August 31, 2023 at 1:30 p.m.
11. The record includes all testimony at the public hearing held on January 5, 2023 and July 12, 2023, the staff report, exhibits, and documents in Case File No. RZ2022-0011.

Conclusions of Law

For this request, the Board of County Commissioners find and conclude the following regarding the Standards of Review for a Zoning Map Amendment (CCZO §07-06-05):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zoning map amendment is generally consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The property is identified as “residential” on the 2020 Canyon County Comprehensive Plan - Future Land Use Map (Exhibit 5d of the staff report). The project aligns with the following goals and policies of the 2020 Comprehensive Plan:

Chapter 1. Property Rights

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Chapter 2. Population

Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use

Land Use Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Land Use Goal 6. Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.

Residential Land Use Policy 3. Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

Chapter 8. Public Services, Facilities and Utilities

Policy 3. Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

Chapter 9. Transportation

Policy 13. Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency service purposes.

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

Conclusion: The proposed zoning map amendment is more appropriate than the current zone.

Finding: The property is identified as "Residential" on the 2020 Canyon County Comprehensive Plan - Future Land Use Map (Exhibit 5d of the staff report). Although the property is active agricultural ground and near other large agricultural properties and uses, the property is also located near existing residential subdivisions (Exhibit 5e of the staff report) and similar zones (Exhibit 5f of the staff report) which supports a rural residential development and lifestyle. The property is adjacent to the Middleton Area of City Impact where residential development is promoted.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The proposed zoning map amendment is compatible with the surrounding land uses.

Finding: The applicant is proposing to rezone the 90.57 acre subject property to "R-R" (Rural Residential). Within a one (1) mile radius, there are 26 platted subdivisions for a total of 495 lots with a 2.35-acre average lot size (Exhibit 5e of the staff report). The following land use decisions have been made within the vicinity of the subject property:

- RZ2018-0006 Edward Vance: Approval of a zoning map amendment from an "A" Zone to a "R-R" Zone.
- RZ2021-0012 Reynolds Brothers, LLC: Denial of a zoning map amendment from an "A" Zone to a "R-1" (Single Family Residential One-acre average minimum lot size) Zone. The Board of County Commissioner requested it be rezoned to an "R-R" Zone instead.
- RZ2021-0034 John Cotner: Approval of a zoning map amendment from an "A" Zone to a "R-R" Zone.

- RZ2021-0036 – Richards/Larsen: Approval of a conditional rezone from an “A” Zone to a “CR-R-1” Zone.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed zoning map amendment will not negatively affect the character of the area.

Finding: The request is located near existing residential subdivisions (Exhibit 5e of the staff report) and similar zones (Exhibit 5f of the staff report) which supports rural residential development and lifestyles. Therefore, the request is found to be compatible with the rural character of the area. Development mitigation will be applied at the time of platting.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment?

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

Finding: The request includes a preliminary plat (SD2020-0034) which demonstrates future development proposes individual septic systems and domestic wells. The property is not located within nitrate priority area. Nitrates in wells within the area appear to be low (1.1-2.2mg/L). IDEQ (Idaho Dept. of Environmental Quality) nitrate threshold is 10mg/L. (Exhibit 5h of the staff report). No comments were received from IDWR (Idaho Dept. of Water Resources) or IDEQ (Idaho Dept. of Environmental Quality). SWDH (Southwest District Health) did not express concerns with the development. Therefore, compliance with agency requirements and standards will be implemented at the time of platting.

The county engineer provided comment in favor of a community drinking water system and a central wastewater system consistent with current department policies for groundwater protection. (Exhibit G1 BOCC Addendum)

Future development will utilize surface water rights from Black Canyon Irrigation District (BCID) via a pressurized irrigation system. At the time of platting, the development shall be required to meet BCID requirements and standards. Drainage will be addressed via the subdivision plat for this development through borrow ditches and retention ponds.

F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: The property has legal access to Purple Sage Rd., at the existing home site location.

Finding: The property has frontage on Purple Sage Rd., a public road.

Canyon Highway District No. 4 does not oppose the use of the access subject to conditions of the subdivision plat.

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: Although Canyon Highway District #4 finds that traffic impacts can be addressed by requiring right-of-way dedications, frontage improvements, internal road improvements and development impact fees, cumulative impacts to the existing road system are not adequately addressed.

Finding: Canyon Highway District #4 finds the request does not warrant a TIS (Traffic Impact Study). Traffic impacts will be mitigated through impact fees, internal street improvements, frontage improvements, access improvements and right-of-way dedication that shall be completed prior to final plat approval.

Although, Canyon Highway District #4 finds mitigation measures through impact fees and other subdivision improvements, it does not address the cumulative traffic impacts found in the area. Between 2018-2022, land use decisions allowed approximately 215 residential lots within a one-mile radius (Exhibit 14). This request will allow 39 residential lots within the area. The September 2021 TIS provided by the applicant (Exhibit 13) states site access and Purple Sage Road requires a stop-controlled T-intersection by 2023 and that the Lansing Lane and SH-44 intersection is anticipated to operate at LOS F during PM peak hours by 2023 if improvements such as a single-lane roundabout or traffic signal with left-turn lanes on Lansing Lane approaches are not completed. Impact fees do not guarantee improvements will be completed within the 2023 timeframe as stated in the TIS. Until cumulative impacts can be adequately addressed, this finding cannot be supported.

H. Will the proposed zoning map 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 impacted by the requested rezone.

Finding: The property is served by Middleton Fire District, Middleton School District and Canyon County Sheriffs.

Middleton School District finds the request will impact Mill Creek Elementary School which is over capacity by 123% (Exhibit 10). The development would potentially create 20-27 new students. Until the impact to the school district can be adequately addressed, this finding cannot be supported.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners DENY Case #RZ2022-0011, a zoning map amendment from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone for Parcel No. R37496 containing approximately 90.57 acres.

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


1. Re-apply for a zoning map amendment or conditional rezone once the following has occurred:
 - a. Middleton School District capacity impacts are adequately addressed or minimized through Middleton School District-approved mitigation measures.
 - b. Site Access/Purple Sage Road and Lansing Lane/SH-44 improvements are constructed and completed to adequately address cumulative impacts.

This decision is final. Pursuant to Idaho Code Section 67-6535(b), the applicant or affected person may first seek reconsideration within 14 days prior to seeking judicial review.

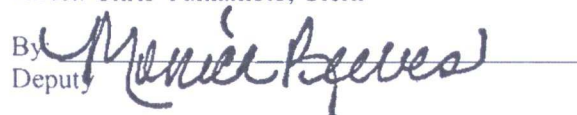
DENIED this 31 day of Aug., 2023.


Commissioner Leslie Van Beek


Commissioner Brad Holton


Commissioner Zach Brooks

Attest: Chris Yamamoto, Clerk

By 
Deputy

Yes	No	Did Not Vote
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date: 8-31-23



Board of County Commissioners
John Cotner – Rezone - RZ2021-0034

Findings of Fact, Conclusions of Law, and Order
 Zoning Map Amendment - RZ2021-0034

Findings of Fact

1. John Cotner is requesting a **Rezone** of approximately 26.85 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The subject property, parcel no. R37498 is located on the east side of Lansing Ln., approximately 1384 ft. north of the intersection of Purple Sage Rd. and Lansing Ln., in a portion of the SW¼ of section 27, T5N, R2W, BM, Canyon County, Idaho.
2. The rezone is being considered concurrently with a preliminary plat (including irrigation and drainage) for Hawk View Estates (SD2021-0021). The proposed plat includes 12 residential lots.
3. The subject property is designated “residential” on the Canyon County Comprehensive Plan Future Land Use Map.
4. The property is not located in an area of city impact. The site is located approximately 1384 ft. north of Purple Sage Rd., which is the north boundary of Middleton’s Area of City Impact.
5. The subject properties are located within Canyon Highway District No. 4, Middleton Fire District, Middleton School District and Black Canyon Irrigation District.
6. A neighborhood meeting was conducted on April 26, 2021 pursuant to CCZO §07-10-15.
7. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on February 2, 2022. Newspaper notice was published on February 13, 2022. Property owners within 600’ were notified by mail on February 14, 2022. The property was posted on February 22, 2022.
8. The record includes all testimony at public hearings, the staff report, exhibits, and documents in Case File No. RZ2021-0034.

Conclusions of Law

For this request, the Board of County Commissioners find and conclude the following regarding the Standards of Review for a Zoning Amendment (CCZO §07-06-05):

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

Conclusion: The proposed zone change is consistent with the future land use map, which identifies the property as residential. The proposed zone change aligns with the goals and policies contained within the 2020 Canyon County Comprehensive Plan.

Finding: The property is identified as “residential” on the Canyon County Future Land Use Map; The proposed zone change aligns with the following goals and policies contained within the 2020 Canyon County Comprehensive Plan:

Chapter 1. Property Rights

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Chapter 2. Population

Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close

proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use

Land Use Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Land Use Goal 6. Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.

Residential Land Use Policy 3. Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

Chapter 8. Public Services, Facilities and Utilities

Policy 3. Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

Chapter 9. Transportation

Policy 13. Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency service purposes.

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

Conclusion: The proposed zone change is more appropriate than the current "A" (Agricultural) zone.

Finding: When considering the surrounding residential land uses, the proposed zone change is more appropriate than the current zoning designation. The subject property is within an area that contains residential zoning and uses. Within one (1) mile of the site there are 23 platted subdivisions with an average lot size of 2.52 acres. Within 600 ft. of the site the non-platted median lot size is 1.97 acres.

The request to rezone to "R-R" (Rural Residential) is commensurate with the average platted lot size as well as the median within the area.

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

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

Finding: When considering the surrounding residential land uses, the proposed zone change is more compatible. The subject property is within an area that contains residential zoning and uses. Within one (1) mile of the site there are 23 platted subdivisions with an average lot size of 2.52 acres. Within 600 ft. of the site the non-platted median lot size is 1.97 acres.

The request to rezone to "R-R" (Rural Residential) is commensurate with the average platted lot size as well as the median within the area.

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

Conclusion: The proposed use will not negatively affect the character of the area.

Finding: The proposed use will not negatively affect the character of the area as it is transitioning to rural residential uses. There are 23 subdivisions located within one (1) mile of the site. The platted lots have an average lot size of 2.52 acres, which, is commensurate with the "R-R" (Rural Residential) zoning that is being requested by the applicant. There are residential zoning districts located within close proximity of the site.

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

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

Finding: Individual septic systems are proposed for each residential lot. A level I Nutrient Pathogen Study was submitted for the project. The study concluded that Extended Treatment Package systems capable of achieving a nitrate concentration of 16 mg/l will be utilized to treat wastewater on proposed lots. The NP study was also reviewed by Southwest District Health and Idaho Department of Environmental Quality (DEQ). SWDH concluded the subdivision will likely not significantly impact ground water quality downgradient of the proposed sub division.

Individual domestic wells are proposed for each residential lot. A hydrology study completed by the applicant concluded that the addition of 11 new domestic wells will have no impact on current groundwater levels near the subdivision. The anticipated drawdown to existing wells in the area would be less than 0.1 feet within 1000 feet of the subdivision, and less than 0.03 feet at one mile from the subdivision.

Pressurized irrigation is proposed for the development (SD2021-0021) and is required as a condition of approval. Drainage will be addressed via the subdivision plat for this development.

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

Conclusion: The property has frontage on Lansing Lane, a public road.

Finding: The property has frontage on Lansing Lane, a public road. The conditions of preliminary plat approval have been provided (SD2021-0021) in accordance with comments by Canyon Highway District #4 (CHD4). Said conditions shall be met by the developer. The highway district is a signatory on the final plat which will ensure their requirements are met.

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

Conclusion: The rezone of the subject property will not cause undue interference with existing or future traffic patterns as proposed.

Finding: The request does not create future development that would regenerate over 500 average daily trips. Therefore, CHD4 does not require a traffic impact study. CHD4 requires right of way dedication along Lansing Lane and improvements to be addressed at the time of platting.

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

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


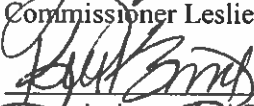
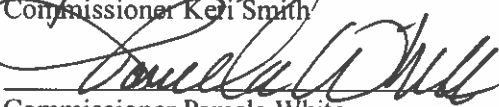
Finding: No evidence has been provided that the proposed use will require additional public funding to meet the needs created by the requested use and police, fire, and emergency medical services will be provided to the properties.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Canyon County Board of County Commissioners **approve** Case #RZ2021-0034, a zoning map amendment (rezone) from an "A" zone (Agricultural) to an "R-R" (Rural Residential) zone for Parcel No. R37498.

APPROVED this 15th day of March, 2022.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY,**

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<u>✓</u>	<u> </u>	<u> </u>
 Commissioner Keri Smith	<u>✓</u>	<u> </u>	<u> </u>
 Commissioner Pamela White	<u>✓</u>	<u> </u>	<u> </u>

Attest: Chris Yamamoto, Clerk

By: 
Deputy

Date: 3/15/22

Board of County Commissioners
Reynolds Brothers, LLC – RZ2021-0012

Development Services Department

Findings of Fact, Conclusions of Law, and Order
Zoning Map Amendment (Rezone) – RZ2021-0012

Findings of Fact

1. The applicant, Reynolds Brothers Construction, LLC is requesting a zoning map amendment (rezone) of parcels R37497010, R37497010A, R37497010B, and R37497010C from an "A" (Agricultural) zone to an "R-1" (Residential) zone. The property is located at 0 Lansing Lane, Middleton; also referenced as a portion of the SW ¼ Section 27, T5N, R2W; Canyon County, Idaho.
2. The subject properties are zoned "A" (Agricultural).
3. The subject properties are designated "residential" on the Future Land Use Map within the 2020 Canyon County Comprehensive Plan.
4. The subject properties are not located within an area of city impact. Middleton's area of city impact is approximately 2,035-south of the subject properties where it is designated as residential.
5. The subject property is located within the Canyon Highway District #4, Middleton Fire District, Middleton School District, and Black Canyon Irrigation District.
6. A neighborhood meeting was conducted on February 19, 2021 in accordance with CCZO §07-01-15.
7. The Hearings Examiner recommended approval of the request on August 19, 2021.
8. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on November 19, 2021. Newspaper notice was published on November 28, 2021. Property owners within 600' were notified by mail on November 19, 2021. Full political notices were provided on November 19, 2021. The property was posted on December 6, 2021.
9. The record includes all testimony, the staff report, exhibits, and documents in Case File #RZ2021-0012.

Conclusions of Law

For this request, the Board of County Commissioners finds and concludes the following regarding the Standards of Review for a Zoning Amendment (CCZO §07-06-05):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zone change is *inconsistent* with the comprehensive plan.

Finding: The 2020 Canyon County Comprehensive Plan designates the properties as "residential" on the Future Land Use map. The properties are not located in an area of city impact.

The request is inconsistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan including but not limited to:

- Land Use – Residential Policy #2: "Encourage residential development in areas where agricultural uses are not viable."

- Land Use – Residential Policy #3: "Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner."
- Agricultural Policy #1: "Preserve agricultural lands and zoning classifications."
- Agricultural Policy #3: "Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development."
- Natural Resources Goals #1: "To support the agricultural industry and preservation of agricultural land."
- Natural Resources Policy #1: "Protect agricultural activities from land use conflicts or undue interference created by non-agricultural development."
- Natural Resources Policy #3: "Protect agricultural activities from land use conflicts or undue inference created by existing or proposed residential, commercial or industrial development."
- Public Services, Facilities and utilities, Implementation Action: "Where feasible, subdivisions within the city area of impact should be connected to city water and/or sewer."

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

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

Finding: When considering the surrounding land uses, the proposed rezone is not more appropriate than the current zoning designation of "A" (Agriculture). The rezone would introduce a higher-density residential zoning district into an area that is mainly agricultural. The primary zoning district within the vicinity of the property is agriculture. The area's character consists of large parcels, with the average minimum lot size of the lots notified of the request being 18.94 acres. The average minimum lot size of subdivisions in the area is 2.47 acres. The "R-1" (Residential Single-Family) zone has an average minimum lot size of 1-acre that is incompatible with the average minimum lot size of the area.

C. Is the proposed rezone compatible with surrounding land uses?

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

Finding: The proposed rezone is not compatible with surrounding agricultural land uses. The primary use within the area is agriculture.

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

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

Finding: The rezone will negatively affect the agricultural and rural character of the area by introducing a higher density zoning designation into an area that is agricultural and rural in nature, which has the potential to encourage further encroachment of residential uses and fragmentation of active farmland.

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

Conclusion: Adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems will be provided at the time of development.

Finding: No evidence has been provided to indicate there would be issues with the conditional rezone in regards to adequate water, sewer, irrigation, drainage and storm water drainage facilities. Individual septic systems and individual wells are proposed for the residences.

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

Conclusion: The properties will have legal access to the public road system.

Finding: Parcels R37497010B, R37497010C, and R37497010A have frontage on Lansing Lane. Parcel R37497010 has access to Lansing Lane through parcel R37497010A. Lansing Lane is classified as a major collector. Upon review by Canyon Highway District #4, access and traffic impacts are based on future development of the subject parcels. Therefore, access improvements and dedication of public right-of-way dedication may be required at the time of development.

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The properties have frontage on Lansing Lane, a public road.

Finding: Parcels R37497010B, R37497010C, and R37497010A have frontage on Lansing Lane. Parcel R37497010 has access to Lansing Lane through parcel R37497010A. Lansing Lane is classified as a major collector. Upon review by Canyon Highway District #4, access and traffic impacts are based on future development of the subject

parcels. Therefore, access improvements and dedication of public right-of-way dedication may be required should the property develop.

H. Will the proposed zoning map 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: Staff has not found that the proposed use will 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. All affected essential services were notified and no comments were received.

ORDER OF DECISION:

Based upon the Findings of Fact, Conclusions of Law, and the reasons contained herein, the Board of County Commissioners ordered Case No. RZ2021-0012, a **rezone** of parcels R37497010, R37497010A, R37497010B, and R37497010C from an "A" (Agricultural) Zone to an "R-1" (Residential) Zone be **denied**.

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

1. Explore Administrative Land Division options.
2. Apply for a Conditional Rezone to Rural Residential with a Development Agreement that includes conditions to make the development compatible with agriculture uses.

DENIED this 4th day of January, 2022.

	Yes,	No	Did Not Vote
<u>Did not participate</u> Commissioner Leslie Van Beek	_____	_____	_____
<u>[Signature]</u> Commissioner Keri Smith	<u>✓</u>	_____	_____
<u>[Signature]</u> Commissioner Pamela White	<u>✓</u>	_____	_____

Attest: Chris Yamamoto, Clerk

By: [Signature]
Deputy

Date: 1/4/22

Board of County Commissioners**Gregory Spohn - RZ2020-0024**

Development Services Department

**Findings of Fact, Conclusions of Law, and Order****Zoning Map Amendment – RZ2020-0024****Findings of Fact**

1. The applicant is requesting a zoning map amendment (rezone) of approximately 14.29 acres (Parcel R37463010B1, R37463010C and R37463010B from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone.
2. The subject property is designated as 'residential' on the Future Land Use Map within the 2020 Canyon County Comprehensive Plan.
3. The subject property is not located within an area of city impact.
4. The subject property is located within the Canyon Highway District, Middleton Fire District, Middleton School District and Black Canyon Irrigation District.
5. The record includes all testimony, the staff report, exhibits, and documents in case file No. RZ2020-0024.
6. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on May 4, 2021. A full political notice was sent March 4, 2021. Newspaper notice was published on May 7, 2021. Property owners within 300' were notified by mail on May 4, 2021. The property was posted on May 14, 2021.

Conclusions of Law

For this request, the Board of County Commissioners finds and concludes the following regarding the Standards of Review for a Zoning Amendment (§07-06-05):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zone change is consistent with the comprehensive plan.

Finding: The properties are designated as 'residential' on the Future Land Use Map within the 2020 Canyon County Comprehensive Plan. The properties are located approximately 650 feet outside of the Middleton Area of City Impact. The Residential Land Use Category of the Comprehensive Plan (page 37) encourages residential development near Areas of City Impact where residential development patterns exist.

The request is consistent with the following goals and policies of the 2020 Canyon County Comprehensive Plan:

- Property Rights Policy No. 1: *"No person shall be deprived of private property without due process of law."*
- Property Rights Policy No. 8: *"Promote orderly development that benefits the public good and protects the individual with a minimum of conflict."*
- Property Rights Policy No. 11: *"Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods."*
- Land Use Goal No. 2: *"To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area."*
- 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."*

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

Conclusion: The proposed zone change is more appropriate than the current zoning designation.

Finding: The applicant is requesting the properties, approximately 14 acres, to be zoned "R-1" (Single Family Residential). The "R-1" Zone allows for a one-acre average minimum lot size if served by domestic well and septic system. Therefore, the request will allow the properties to be developed into 14 residential lots (11-13 lots with road improvements and right-of-way dedication).

The request is located within a one-mile radius from the following residential zones:

- Parcel R37468011B (840 feet north of the subject properties): Zoning Map Amendment approved for a "R-R (Rural Residential) Zone (RZ2011-8, Robertson).
- Parcel R37620011 (3,700 feet south of the subject properties): Conditional Rezone approved for a "CR-R-1" Zone (CR2019-0001, MAMLS, LLC). Case #CR2019-0001 is located within the Middleton Area of City Impact and subject to conditions of development agreement #19-140; Instrument #2019-043944.

The surrounding area is predominantly zoned "A". However, properties within the area consist of moderately to least-suited soils. The subject property is considered prime farmland if irrigation. The subject properties do not have irrigation surface water rights (dry pasture).

The subject properties are adjacent to Mills Willow Creek Subdivision (1987, 2.18-acre average lot size) and Purple Sky Ranch Subdivision (2004, 2.01-acre average lot size) and Kingsbury Meadows Subdivision (2007, 1.2-acre average lot size). Within a one-mile radius, there are 16 subdivisions with an average lot size of 2.15 acres. Within the vicinity there are 12 adjacent properties with an average lot size of one acre. Therefore, the request is commensurate with the surrounding residential uses and the zoning is appropriate considering surrounding subdivisions.

C. Is the proposed rezone compatible with surrounding land uses?

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

Finding: The surrounding uses are a mix of agriculture and residential type uses. The request is located within a one-mile radius from the following residential zones:

- Parcel R37468011B (840 feet north of the subject properties): Zoning Map Amendment approved for a "R-R (Rural Residential) Zone (RZ2011-8, Robertson).
- Parcel R37620011 (3,700 feet south of the subject properties): Conditional Rezone approved for a "CR-R-1" Zone (CR2019-0001, MAMLS, LLC). Case #CR2019-0001 is located within the Middleton Area of City Impact and subject to conditions of development agreement #19-140; Instrument #2019-043944.

The surrounding area is predominantly zoned "A". However, properties within the area consist of moderately to least-suited soils. The subject property is considered prime farmland if irrigation. The subject properties do not have irrigation surface water rights (dry pasture).

The subject properties are adjacent to Mills Willow Creek Subdivision (1987, 2.18-acre average lot size) and Purple Sky Ranch Subdivision (2004, 2.01-acre average lot size) and Kingsbury Meadows Subdivision (2007, 1.2-acre average lot size). Within a one-mile radius, there are 16 subdivisions with an average lot size of 2.15 acres. Within the vicinity there are 12 adjacent properties with an average lot size of one acre. Therefore, the request is commensurate with the surrounding uses.

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

Conclusion: The proposed use will not negatively affect the character of the area and no mitigation is proposed or warranted at this time.

Finding: The subject properties are adjacent to Mills Willow Creek Subdivision (1987, 2.18-acre average lot size) and Purple Sky Ranch Subdivision (2004, 2.01-acre average lot size) and Kingsbury Meadows Subdivision (2007, 1.2-acre average lot size). Within a one-mile radius, there are 16 subdivisions with an average lot size of 2.15 acres. Within the vicinity there are 12 adjacent properties with an average lot size of one acre. Therefore, the request is commensurate with the character of the area.

The rezone does not include a conceptual plan and development agreement. Therefore, concerns regarding future development will be addressed at the time of platting.

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

Conclusion: Adequate sewer, drainage, and storm water drainage facilities and utility systems will be provided to accommodate the proposed use at the time of development.

Finding: The adequate facilities can be provided to future development.

- **Irrigation:** There is no irrigation water available. Therefore, future development will be able to irrigate up to 0.5-acre feet by domestic well pursuant to Idaho State Statutes §42-111.
- **Water:** Future development will consist of individual wells. Wells in the area show a static water level at 160-180 feet with well depth of 250-330 feet. Nitrates are found in some of the wells in the general area, but they do not exceed the MCL (Maximum Contaminant Level) of 10mg/L. Future development will be required to meet all applicable IDWR (Idaho Department of Water Resources) requirements.
- **Sanitary Services:** Future development will consist of individual septic systems. Upon review by SWDH (Southwest District Health), septic systems can be provided for future development at the proposed location. Future development will require on-site evaluation and SER (Subdivision Engineering Report) at the time of platting.

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

Conclusion: Legal access exists to the subject parcels onto Kingsbury Road.

Finding: The properties currently use a shared access point onto Kingsbury Road. Kingsbury Road is classified as a principal arterial. At the time of platting, Canyon Highway District #4 will not allow residential lots to have direct access onto Kingsbury Road. Therefore, an internal public road or private road system must serve the development.

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

Conclusion: The rezone of the subject property will not cause undue interference with existing or future traffic patterns as proposed.

Finding: The request has the potential to create approximately 133.3 average daily trips (266.6 if each lot has a secondary dwelling). Canyon Highway District No. 4 does not require a traffic impact study unless development exceeds 50 lots or 500 average daily trips. Requirements such as dedication of public right-of-way, future stub roads and associated subdivision improvements at the time of platting will minimize potential traffic impacts generated by future development.

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

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

Finding: Notification was provided to Canyon County Sheriff, Canyon County Ambulance, Middleton Fire District and Middleton School District. No comments or concerns were received. At the time of platting, essential services will be provided review.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Board of County Commissioners **approves** of Case # RZ2020-0024, a zoning map amendment (rezone) of Parcels R37463010B, R37463010C0, & R37463010B1 (approximately 14.29 acres) from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone.

APPROVED this 24 day of May, 2021.



Commissioner Leslie Van Beek


Commissioner Keri K. Smith
Did not participate

Commissioner Pamela White

Yes

No

Did Not
Vote

X

Attest: Chris Yamamoto, Clerk

By: 

Deputy

Date: 5-24-21

EXHIBIT C

Site Visit Photos: December 30, 2024

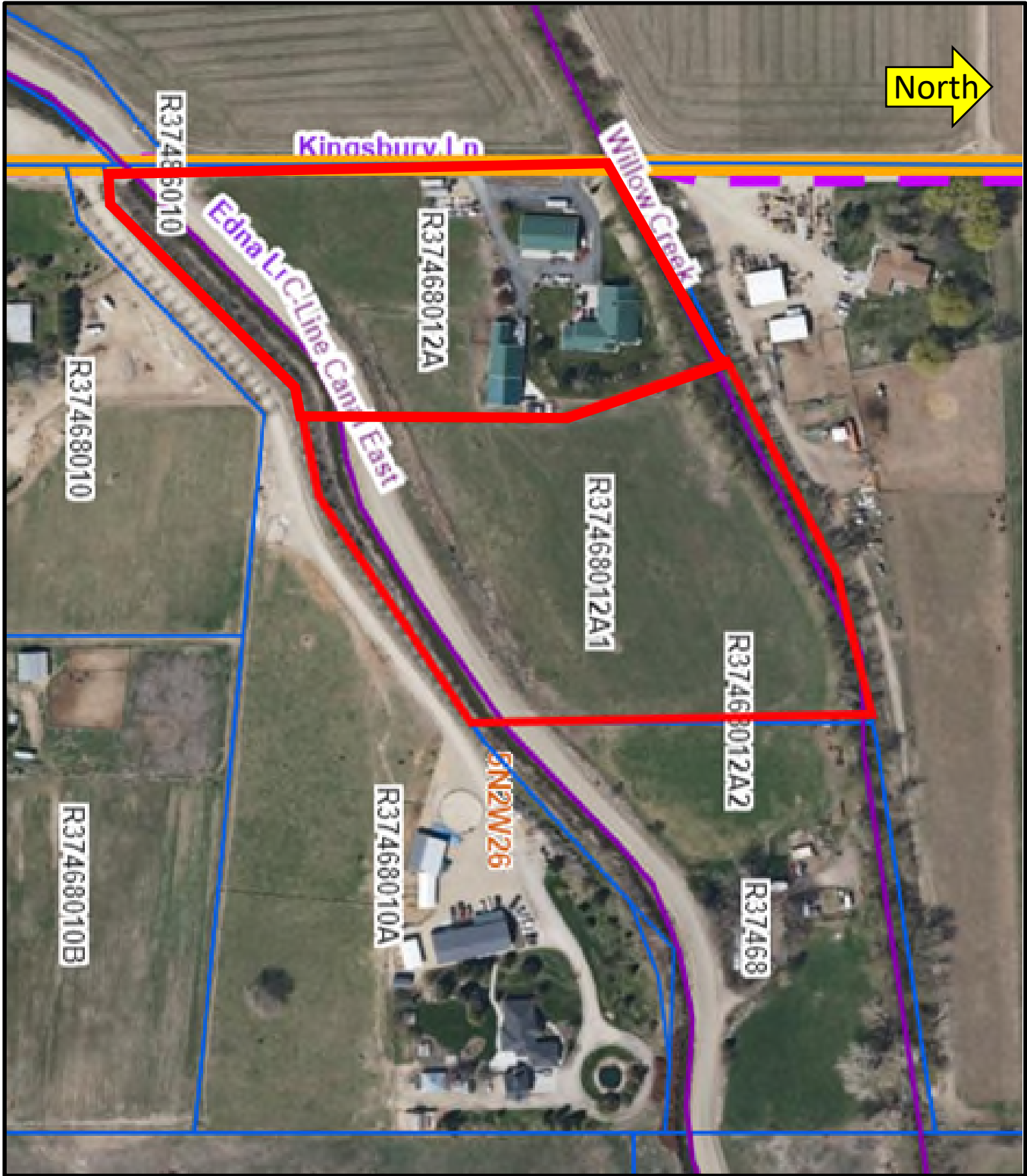
Planning & Zoning Commission

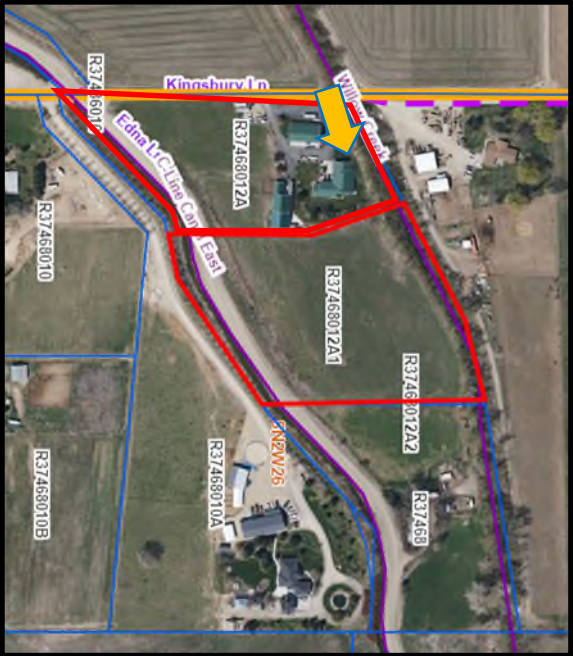
Case# CR2023-0003

Hearing date: February 20, 2025

RZ2023-0003 - Jaggers/Avery

Site Visit: 12/30/2024





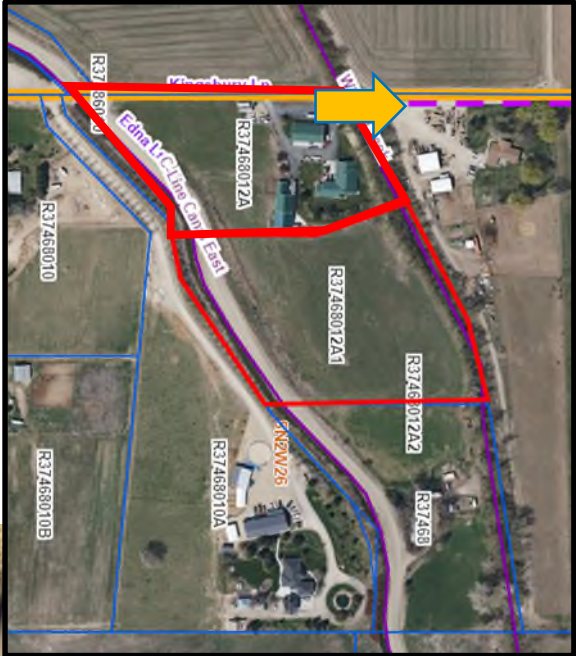
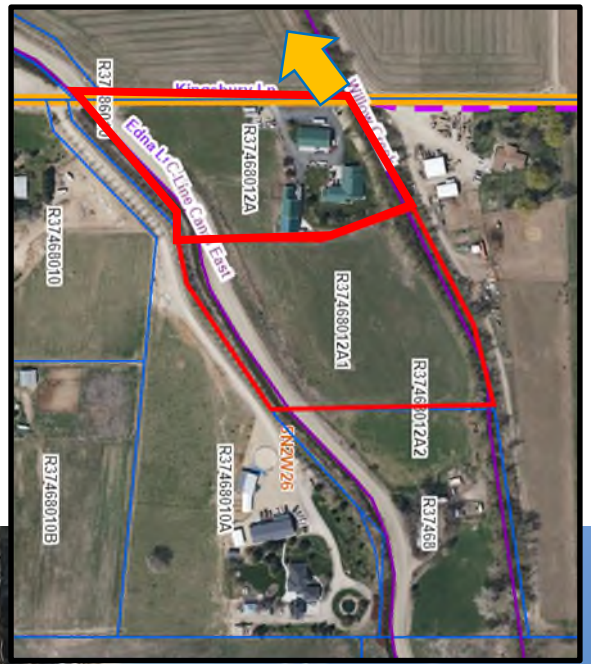
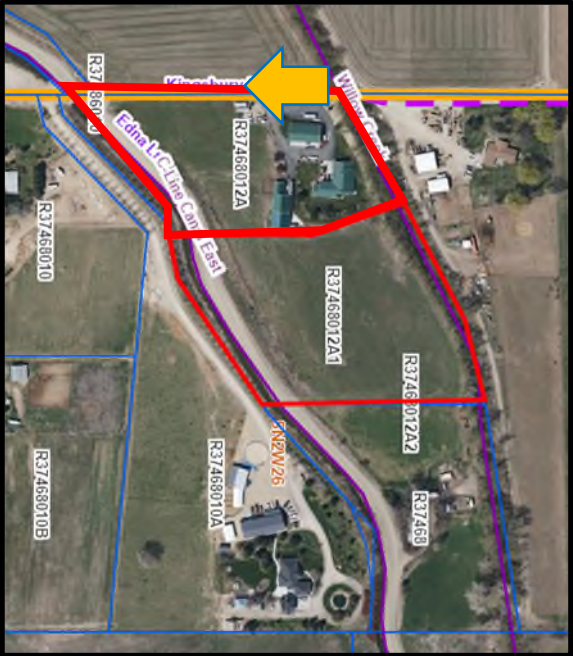


Exhibit C



Exhibit C





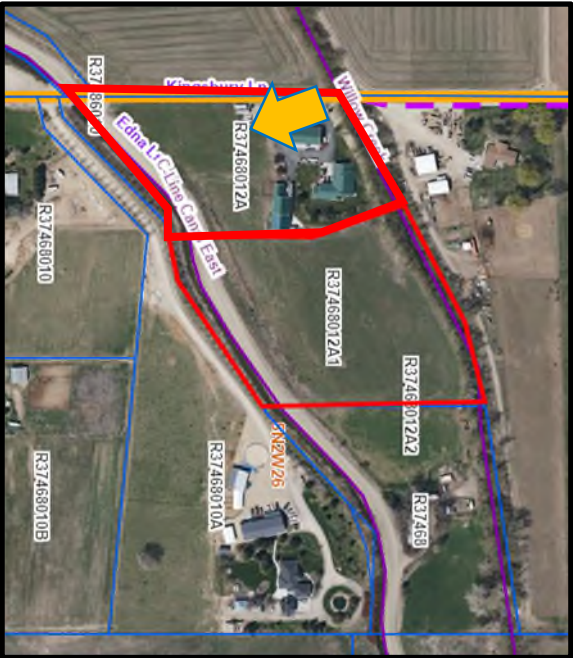


Exhibit C

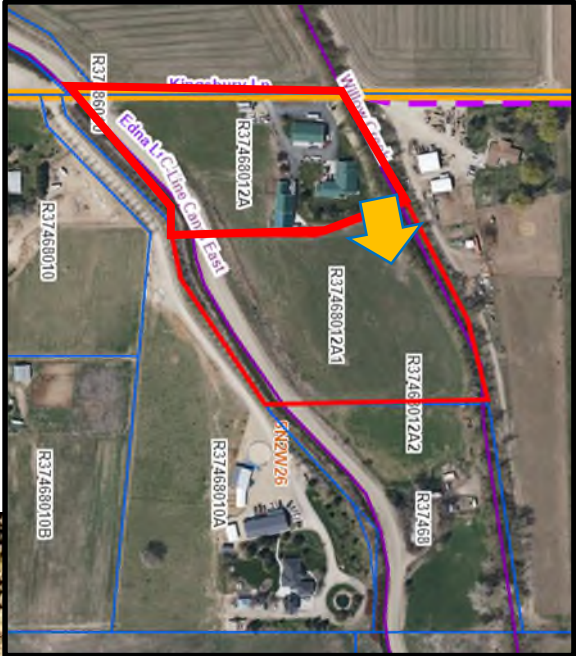


Exhibit C

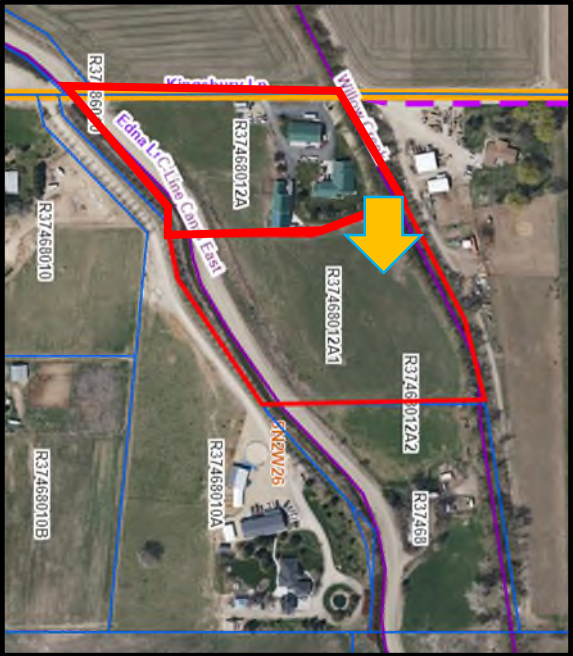


Exhibit C

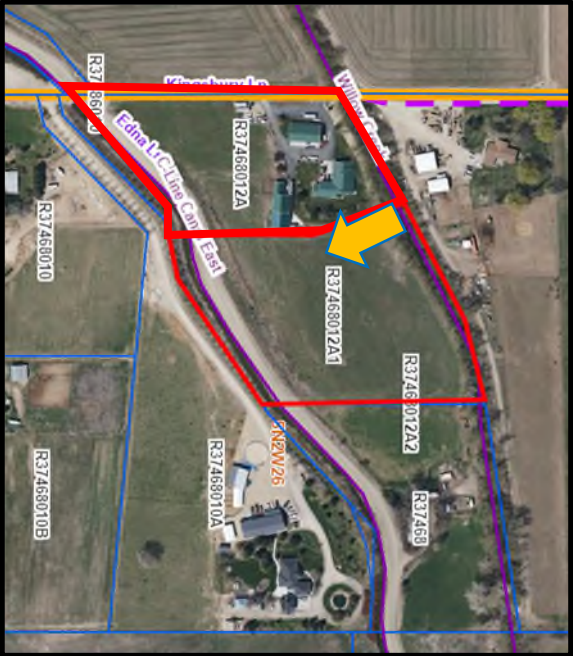


Exhibit C

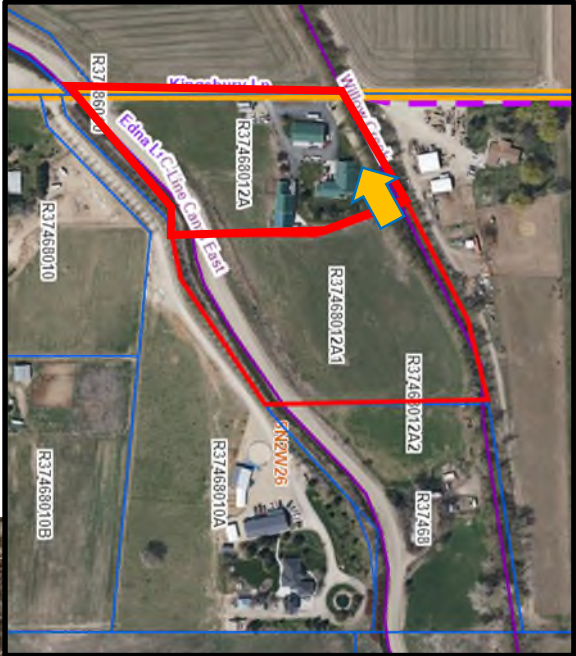


Exhibit C

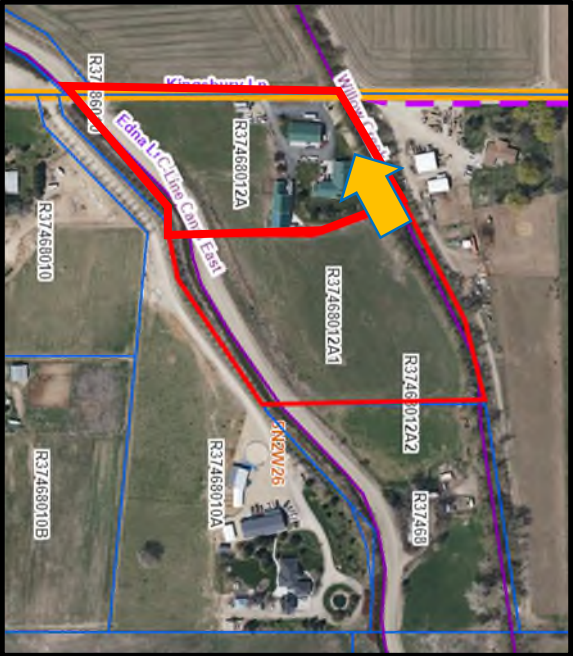


Exhibit C

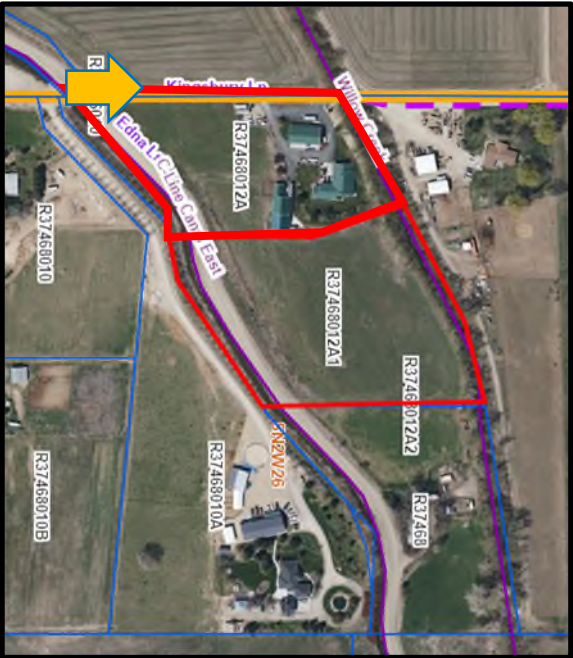


Exhibit C

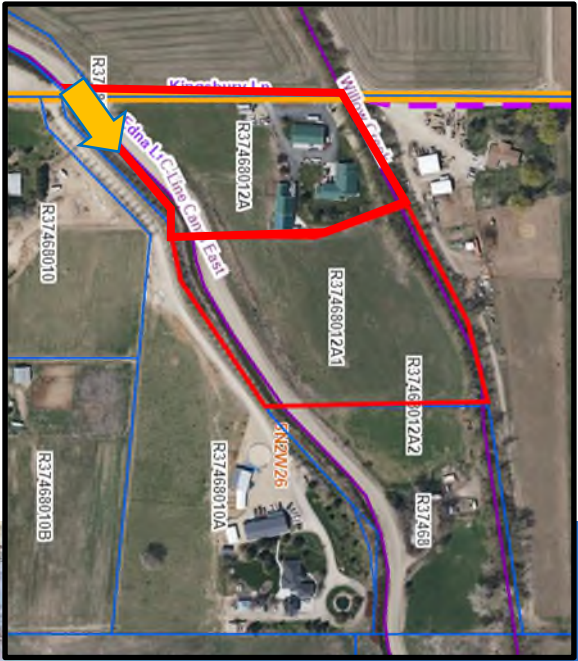


Exhibit C

EXHIBIT D

Agency Comments Received by February 10, 2025

Planning & Zoning Commission

Case# CR2023-0003

Hearing date: February 20, 2025

Dan Lister

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Thursday, October 10, 2024 11:34 AM
To: Dan Lister
Subject: [External] RE: Initial Agency RZ2023-0003 Jagers

Hi Dan,

Per request for comments.

Applicant needs to schedule a pre-development meeting with SWDH to discuss this project.

Let me know if you have any questions.

Thank you,



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

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

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, October 9, 2024 3:26 PM
To: 'snickel@staridaho.org' <snickel@staridaho.org>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'Chris Hopper' <chopper@hwydistrict4.org>; 'Lenny Riccio' <lrccio@hwydistrict4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; Tony Almeida <tony.almeida@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>; 'Richard Sims' <middletown.rich@gmail.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>;



Facilities Number: 020532

December 10, 2024

Brent Orton
Orton Engineering
17338 Sunnydale Pl
Caldwell, ID 83607

Re: Bow-Tie Estates Subdivision

Mr. Orton,

Southwest District Health has reviewed the subdivision engineering report (SER) and does approve the SER for the proposed **Bow-Tie Estates Subdivision**, located in the ***NW ¼ of Section 13, Township 18N, Range 2W, B.M.*** The property is reported to be 11 acres. The proposed development includes one (1) buildable lot with a minimum lot size of 6.00 acres. The SER was approved on December 10, 2023.

The Engineering Report and associated plans and specifications appear to meet applicable regulations. If changes are made in the design to the plat submitted to Southwest District Health at the time of this approval, re-engineering will be required.

Condition(s) of final subdivision approval:

- The final plat map must be signed by the designated REHS/RS from Southwest District Health.
- A physical copy of the SER and a full scale 18"x 27" or larger informational plat map must be submitted to Southwest District Health.

If you have questions, please contact me at 208.899.1285, or via e-mail: anthony.lee@swdh.idaho.gov

Sincerely,

Anthony Lee, REHS/RS
Land Development Senior

Cc: Chris & Mary Jagers (Property Owner)

Healthier Together

13307 Miami Lane • Caldwell, ID 83607 • (208) 455-5300 • FAX (208) 454-7722

Carl Anderson

From: Richard Sims <middletown.rich@gmail.com>
Sent: Thursday, October 10, 2024 8:52 AM
To: Dan Lister
Subject: [External] zoning request response

Good Morning,
The Canyon County Soil Conservation District has no comments for:
RZ2023-0003
OR2023-0001&CR2023-0004
OR2023-0003
RZ2023-0004

Thank you for request.

Richard Sims
Associate Supervisor



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

▪ Engineering Division ▪

To: Dan Lister, Canyon County Development Services Department

Subject: Response to Case No. RZ2023-0003 - Zoning Map Amendment Request

Date: October 28, 2024

Dear Mr. Lister,

This letter serves as the Engineering Department's formal response regarding the conditional rezoning request submitted by Treasure Valley Planning LLC, on behalf of Avery Family Trust/Jaggers, to rezone parcels R37468012A and R3768012A1 from an Agricultural (A) zone to a Rural Residential (R-R) zone. The applicant has proposed a development agreement that limits the parcels to a minimum lot size of five acres.

Engineering Review and Comments:

1. Floodplain Location:

The property is located within a Flood Hazard Zone A, where no Base Flood Elevation (BFE) has been determined. Any future development on these parcels must adhere to floodplain management requirements, including compliance with floodproofing standards, floodplain development permit and submission of a finished construction elevation certificate.

2. Drainage and Infrastructure Impact:

The change from Agricultural to Rural Residential zoning raises considerations for increased stormwater runoff and drainage management. We recommend a detailed drainage plan and stormwater management system to address the runoff generated by any potential residential development, ensuring no adverse impact on adjacent properties.

3. Access and Transportation Requirements:

Rezoning may result in increased traffic along Kingsbury Lane and nearby roads. We recommend that a traffic impact study be conducted to evaluate the proposed rezone's effects on road infrastructure, as well as to outline any necessary road upgrades to accommodate additional vehicle loads.

4. Soil Stability and Septic Feasibility:

Soil stability for foundation support and septic feasibility must be reviewed as the current zoning shift may affect the type and extent of residential construction allowable on these parcels.



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

▪ Engineering Division ▪

Conclusion

Based on the concerns outlined, the Engineering Department recommends that the rezoning request be considered with a condition that requires adherence to floodplain development standards and a submission of plans for stormwater management, traffic assessment, and soil stability verification before any construction.

Please do not hesitate to reach out should you require further clarification or additional information regarding these recommendations.

Sincerely,

Dalia Alnajjar

Engineering Supervisor

Canyon County Engineering Department

Carl Anderson

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Thursday, October 10, 2024 5:55 AM
To: Dan Lister
Cc: Amber Lewter
Subject: [External] RE: Initial Agency RZ2023-0003 Jagers

After careful review of the transmittal submitted to ITD on October 9, 2024, regarding RZ2023-0003 Jagers, the Department has no comments or concerns to make at this time.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services

O: 208.334.8337 | C: 208.296.9750

Email: niki.benyakhlef@itd.idaho.gov

Website: itd.idaho.gov

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, October 9, 2024 3:26 PM
To: 'snickel@staridaho.org' <snickel@staridaho.org>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'Chris Hopper' <chopper@hwydistrict4.org>; 'Lenny Riccio' <lrccio@hwydistrict4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'projectmgr@boiseriver.org' <projectmgr@boiseriver.org>; 'scott_sbi@outlook.com' <scott_sbi@outlook.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; Tony Almeida <tony.almeida@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>; 'Richard Sims' <middletown.rich@gmail.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'brandon.flack@idfg.idaho.gov' <brandon.flack@idfg.idaho.gov>; 'stevie.harris@isda.idaho.gov' <stevie.harris@isda.idaho.gov>; 'idahoaaa@gmail.com' <idahoaaa@gmail.com>; 'peter.Jackson@idwr.idaho.gov' <peter.Jackson@idwr.idaho.gov>; 'maureen.oshea@idwr.idaho.gov' <maureen.oshea@idwr.idaho.gov>; 'CENWW-RD-BOI-TV@usace.army.mil' <CENWW-RD-BOI-TV@usace.army.mil>
Subject: Initial Agency RZ2023-0003 Jagers

Dan Lister

From: Juli McCoy
Sent: Thursday, June 23, 2022 8:50 AM
To: 'cjaggers.classics@gmail.com'
Cc: Stephanie Hailey
Subject: FW: [External] re: Agency Notification Jaggers / CR2022-0019 & SD2022-0029
Attachments: CR2022-0019 SD2022-0029.pdf

Hello Chris and Mary,

Please see the email below that I received from Idaho Department of Water Resources regarding your case. In order for this rezone and plat to move forward you will need to have a base flood elevation survey done on the property. I have copied Stephanie Hailey, our flood plain coordinator on this email as well. I understand that she has discussed this with you previously and would be the person in our office who could answer any questions you might have.

Please let us know when this is done so that we can proceed.

Juli

From: O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>
Sent: Wednesday, June 22, 2022 1:16 PM
To: Juli McCoy <Juli.McCoy@canyoncounty.id.gov>
Cc: Stephanie Hailey <Stephanie.Hailey@canyoncounty.id.gov>; Devin Krasowski <Devin.Krasowski@canyoncounty.id.gov>; Stephen Fultz <Stephen.Fultz@canyoncounty.id.gov>
Subject: [External] re: Agency Notification Jaggers / CR2022-0019 & SD2022-0029

Juli,

This application is incomplete. It does not have the BFE determination in the submittal.

Title 44 of the Code of Federal Regulations §60.3 Flood plain management criteria for flood-prone areas.
(b)(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

To: Canyon County D.S.D.
 111 North 11th Avenue #140
 Caldwell, ID 83605

Re: Conditional Rezone of Parcel #R37468012A
 and preliminary plat application

We are requesting a conditional rezone to R-R of parcel # 37468012A, along with an application for a short plat of two lots, one of approx. 5-acres and one of approx. 6-acres. We would like to build on the one lot and sell the existing home to a friend. The approx. 11 acre parcel has 5-acres of irrigation water rights. The irrigation water has never been used to water existing grass and scrubs surrounding the home. The home and 5-acres, lot 1, will not retain irrigation water rights. The irrigation pump and power source is located on lot 2. We have spoken with Black Canyon Irrigation District and the lot size must be 5-acres or larger to retain water rights. Lot 2 is approx. 6-acres and will retain the 5-acres of water rights.

Thank you,

Maureen O'Shea, AICP, CFM
State NFIP Coordinator
Idaho Dept. of Water Resources
322 E. Front Street, PO Box 83720,
Boise, ID 83720-0098
Office # 208-287-4928
Cell # 208-830-4174
Maureen.OShea@idwr.idaho.gov
<https://www.idwr.idaho.gov/floods/>

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, June 22, 2022 1:07 PM
To: 'srule@middletoncity.com' <srule@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; Marc Gee <mgee@msd134.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; 'PERMITS@STARFIRERESCUE.ORG' <PERMITS@STARFIRERESCUE.ORG>; 'CHOPPER@CANYONHHD4.ORG' <CHOPPER@CANYONHHD4.ORG>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; 'middletoncemdist13@gmail.com' <middletoncemdist13@gmail.com>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>
Subject: Agency Notification Jagers / CR2022-0019 & SD2022-0029

Good afternoon;

Please see the attached agency notice. Please direct your comments or questions to Planner Juli McCoy at juli.mccoy@canyoncounty.id.gov

Thank you,



Bonnie Puleo
Sr. Administrative Specialist
Canyon County Development Services
111 No 11th Ave. Suite 310
Caldwell, ID 83605
bonnie.puleo@canyoncounty.id.gov
(208) 454-6631 *direct*
(208) 454-6633 *fax*

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

TELEPHONE 208.454.8135
FAX 208.454.2008

November 19, 2024

Canyon County Commissioners, P&Z
 Commission, & Development Services
 111 N. 11th Ave Suite 140
 Caldwell, Idaho 83605
 Attention: Dan Lister

Treasure Valley Planning LLC
 17741 Linden Ln.
 Caldwell, ID 83607
 Attention: Keri Smith-*Via email*

RE: Bow-Tie Estates Subdivision SD2023-0012 & 13, (CR2022-0019; SD2022-0029; RZ2023-0003)
Canyon County Parcels , R37468012A0 and R37468012A1

Dear Commissioners:

HD4 has reviewed the preliminary plat dated 10/1/24, for Bow-Tie Estates Subdivision case number SD2023-0013. Subject parcels, R37468012A0 and R37468012A1, are located in 5N 2W Section 26 of the Boise Meridian. Total acreage of 11.03 acres, And offers the following comments:

General

1. HD4 will require a license agreement for the use/location of improvements within Kingsbury ROW (50'), executed prior to final plat signature.

Preliminary Plat

1. HD4 has no comments for the Preliminary Plat and will recommend approval. Preliminary plats are presented to the HD4 Board of Commissioners for approval after review by staff. Please revise the preliminary plat to address the comments above, and submit a single full size hard copy and an electronic copy for subsequent review. Preliminary plats can generally be included on a board agenda for consideration within two weeks of staff approval, subject to available space.

Final Plat

1. Revise on sheet 3, "*Approval of Highway District 4: Highway District No. 4 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.*" Remove Private reference.
2. Provide license agreement, signed by property owners.

Final plats are presented to the HD4 Board within 30 days of staff approval.

Please revise and resubmit a single hard copy and electronic copy of the plat, including supplementary materials requested above, for additional review.

Please feel free to contact me with any questions on these comments or HD4 development standards.

Respectfully,

A handwritten signature in blue ink that reads 'Kraig Wartman'.

Kraig Wartman
 Senior Engineering Tech.

Highway District No. 4
 CC Chris Hopper, District Engineer

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



Brad Little, Governor
Jess Byrne, Director

February 4, 2025

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

Subject: Case No. RZ2023-0003

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

EXHIBIT E

Public Comments Received by February 10, 2025

Planning & Zoning Commission

Case# CR2023-0003

Hearing date: February 20, 2025

Dan Lister

From: Carol L Vezzoso <vezzoso1@me.com>
Sent: Wednesday, February 5, 2025 6:43 AM
To: Dan Lister; Chris Jagger
Subject: [External] Building Permit

Dear Mr. Lister,

Gary and I have no objection to them building a home near us.

Sincerely,

Carol & Gary Vezzoso and Beck Ranch
Sent from my iPhone

Dan Lister

From: Todd Stubblefield <toddstubblefield@gmail.com>
Sent: Thursday, February 6, 2025 5:50 PM
To: Dan Lister
Cc: cjaggers.classics@gmail.com
Subject: [External] case No. RZ2023-0003

Mr. Dan Lister,

I am writing in a public comment about the properties on 25744 Kingsbury lane, Middleton Id. We are very familiar with the Jagger family and what they would like to do. We have been on board and are 100 percent good with them on the project they have been wanting and waiting to do. Please give them all they need so they can finish their project. Thank you

Todd and Martha Stubblefield
25501 Kingsbury rd Middleton Id
208-870-1204

Dan Lister

From: jtbacon13 <jtbacon13@gmail.com>
Sent: Thursday, February 6, 2025 1:26 PM
To: Dan Lister
Subject: [External] Jagers 25744 Kingsbury Lane Case # R22023-0003

I wanted to reach out on the rezone for future development on behalf of the Jagers. Chris and Mary are neighbors of ours and have known them for about 20 years now. They are good people, neighbors and friends and I,we do not have any objections to the rezone of their property. I've heard about the ongoing troubles they have had for the last two years on this rezone process and it would be nice to see it finally go through and put all those troubles behind them so they can move on with their lives.

Thank you and good luck to the Jagers!

--

Jude Bacon

208-871-5843

**Don & Tina Long
26003 Kingsbury Lane
Middleton, ID 83644**

Canyon County
Development Services Department
111 North 11 Ave, Ste 310
Caldwell, ID 83605
4 February 2025

Dear Daniel:

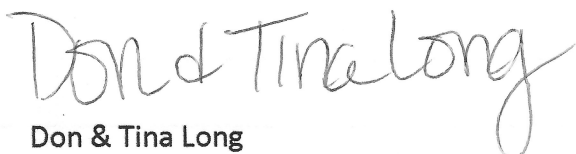
I am writing in regards to the rezone of the property at 25744 Kingsbury Lane Middleton, ID 83644, case #R22023-0003.

As a neighbor of Chris and Mary Jagers, we have no issues in regard to the property being split and any future development on the property.

Since we will not be able to attend the public hearing being held on 20 February 2024 I wanted to write to voice our opinion.

If you have any questions, or need any further information from us, please feel free to call Tina on her cell phone at 208-407-0147.

Thank you,


Don & Tina Long

February 6, 2025

To Whom it May Concern:

I am writing to provide a letter of support for the rezoning and future development on the property at 25744 Kingsbury Lane. As an agriculture family running a small operation on the neighboring property to the north (25850 Kingsbury Road) we support keeping nearby land either Agriculture or Rural Residential with lots no less than 5 acres. As such, case #Z2023-0003 appears to support this.

Please feel free to reach out if you have any questions as we will not be able to attend the meeting in person.



Layne Lewis

208-250-0211

Owner/Manager

Willowview Farm