



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

PLANNING DIVISION STAFF REPORT

CASE NUMBER: CR2023-0003
APPLICANT/REPRESENTATIVE: KATIE BURFORD
MICHAEL TORRES
PROPERTY OWNER: MICHELLE PRUETT (PREVIOUS OWNER)
BCI REAL ESTATE LLC (CURRENT OWNER)

APPLICATION: Conditional Rezone from "A" (Agricultural) to "R-R" (Rural Residential)

LOCATION: 0 Ustick Rd, Wilder, ID 83676
Also referenced as a portion of the SW1/4 of Section 33, T4N, R5W, BM, Canyon County, Idaho
Parcel R37229010A (16.49 acres)

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

REQUEST:

The applicants, Katie Burford and Michael Torres, request an amendment to the official zoning map in order to conditionally rezone the property from Agricultural "A" to Residential Rural "RR" to create two parcels each with a residential building permit available. The request will also include a Development Agreement to limit the number of parcels, one (1) parcel with 6.269 acres and one (1) parcel with 10.221 acres. An administrative land division to divide Parcel R37229010A into two (2) parcels will need to be applied for if the conditional rezone is approved.

PUBLIC NOTIFICATION:

Neighborhood meeting conducted on:	February 15, 2023
Neighbor notification within 600 feet mailed on:	February 3, 2023
Newspaper notice published on:	January 7, 2025
Notice posted on site on:	January 7, 2025
JEPA notice originally sent on:	March 7, 2023 and November 7, 2024
Agency and Full Political notice:	March 7, 2023, November 7, 2024 and January 7, 2025

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1. BACKGROUND:

In 1993, R37229 was approved to be divided into two (2) parcels – one parcel with 5.01 acres (R37229) and one (1) parcel with 24.8 acres. The 24.8-acre parcel at this time included one (1) parcel with 5.00 acres (R37229010) and one (1) parcel with 20.086 acres (R37229010A), but was considered one (1) 24.8-acre parcel due to a mortgage split that occurred (LS2003-497). In 2019, a property boundary adjustment occurred which increased Parcel R37229010 from 5.00 acres to 10.006 acres and decreased Parcel R37229010A from 21.92-acres to 16.914-acres and was designated as agricultural only with no residential building permit available (AD2019-0019). In 2023, a property boundary adjustment was approved between Parcel R37230 and Parcel R37229010A which increased Parcel R37230's acreage to 5.209 acres and decreased Parcel R37229010A's acreage to 16.489 (AD2023-0010, see **Exhibit A7** for Quitclaim Deed updating Parcel R37229010A to its current configuration).

The property is currently located within the Agricultural zone, with a 2030 future land use of Rural Residential.

There was a Code Enforcement case opened on the property (CDEF2024-0246) on November 18, 2024 as it was established via Southwest District Health's pre-development notes that the agricultural-exempt building on Parcel R37229010A contained one (1) bedroom. A condition of approval has been proposed that within 30-days of Canyon County's Board of Commissioners signature on the Findings of Fact, Conclusions of Law, and Order and prior to any new building permit being issued on the proposed parcels, the property owner shall bring the agricultural-exempt building into compliance via an approved change of occupancy permit.

The property changed ownership from Michelle Pruett to BCI Real Estate LLC in January 2025. Michael Torres was added as a representative for the new property owners (BCI Real Estate LLC). Katie Burford remains as a representative for the new property owner (**Exhibits A8-12**)

2. HEARING BODY ACTION:

Pursuant to Canyon County Ordinance Article 07-06-07(1) Restrictions: In approving a conditional rezone application, the presiding party may establish conditions, stipulations, restrictions, or limitations 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 Canyon County Ordinance Article 07-06-07(3) Conditional Rezoning Designation: Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone" shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat in accordance with this chapter

before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel as CR shall not constitute "spot" zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.

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

OPTIONAL MOTIONS:

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

Approval of the Application: "I move to approve CR2023-0003, BCI Real Estate LLC, Conditional Rezone, finding the application **does** meet the criteria for approval under Article 07.06.05 of Canyon County Zoning Regulations, **with the conditions listed in the staff report, finding that;** [*Cite reasons for approval & Insert any additional conditions of approval*].

Denial of the Application: "I move to deny CR2023-0003, BCI Real Estate LLC, Conditional Rezone, finding the application **does not** meet the criteria for approval under Article 07.06.05 of Canyon County Zoning Regulations, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5))*].

Table the Application: "I move to continue CR2023-0003, BCI Real Estate LLC, Conditional Rezone, to a [*date certain or uncertain*]

3. HEARING CRITERIA

Table 1. Conditional Rezone Standards of Evaluation Analysis

Standards of Evaluation (07-06-07(6) A: The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A1	Is the proposed conditional rezone generally consistent with the comprehensive plan;
			Staff Analysis	<p>The proposed conditional rezone change is generally consistent with the Comprehensive plan.</p> <p>This parcel is within City of Homedale's Impact Area, but the City does not currently have plans for this area per their City Clerk (Exhibit D7).</p> <p>The Future Land Use Map from the 2030 Comprehensive Plan designates this parcel as Rural Residential (Exhibits B1 and B2.4)</p> <p>The request aligns with the following goals and policies of the 2030 Comprehensive Plan:</p> <ul style="list-style-type: none"> • <u>Property Rights Goals and Policies:</u>

				<ul style="list-style-type: none"> ○ Goal No. 1: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.” ○ Policy No. 1: “No person shall be deprived of private property without due process of law.” ○ Policy No. 3: “Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.” • <u>Population Component Policy and Goal:</u> <ul style="list-style-type: none"> ○ Policy No. 1: “Plan for anticipated population and households that the community can support with adequate services and amenities.” ○ Goal No. 2: “Promote housing, business, and service types needed to meet the demand of the future and existing population.” • <u>Economic Development Goal</u> <ul style="list-style-type: none"> ○ Goal No. 5: “Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.” • <u>Land Use Policies and Goals:</u> <ul style="list-style-type: none"> ○ Point 1: “Maintain a balance between residential growth and agriculture that protects the rural character.” ○ Point 2: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights. “ ○ Goal 2: “Ensure that growth maintains and enhances the unique character throughout the County.” ○ Goal 3: “Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning. “ ○ Goal 7: “Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to the good quality of life. “ ○ Point 7: “Plan land uses that are compatible with the surrounding community.” • <u>Housing Goals</u> <ul style="list-style-type: none"> ○ Goal 1: “Encourage opportunities for a diversity of housing choices in the County.” ○ Goal 2: “Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural and natural resources.”
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A2	When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
			Staff Analysis	In consideration of the surrounding land uses, the proposed conditional rezone change to “RR” Rural Residential is more appropriate than the current zoning designation of “A” (Agricultural).

			<p>The surrounding area primarily contains agricultural zoning and uses, but the land directly to the south and southeast predominately contains residential zoning (RR, CR-RR, R-1) and agricultural uses (Exhibits B2.1 and B2.3). The residential zoning to the south and southeast appears to have been in place since 1980 per Canyon County’s Zoning Map from this time frame (Exhibit B3). To the north and east, there is productive agriculture and some sporadic residential zoning (R-1 and CR-RR) To the west, there is agricultural uses and some agricultural residential parcels (parcels are zoned agricultural but have residential uses) (Exhibits B2.1 and B2.3).</p> <p>The Rural Residential (RR) zone would be more appropriate than the Agricultural zone due to the fact that this area appears to be a transition area between low-density residential and productive agriculture (Exhibits B2.1, B2.2, B2.3, and B2.8). Additionally, the proposed parcels (6.269 acre-parcel and 10.221-acre parcel) exceed the median acreage of 4.96 acres and is within 1.0-acre of the average size (11.12 acres) of the parcels within the surrounding area. (Exhibit B2.2).</p> <p>Pursuant to Canyon County ordinance CCCO §07-10-25(2) the purpose of the “RR” zoning district is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.</p> <p style="text-align: center;">Adjacent Existing Conditions:</p> <table border="1"> <thead> <tr> <th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zones</th></tr> </thead> <tbody> <tr> <td>N</td><td>Agricultural Uses and Agricultural Residential</td><td>A</td><td></td></tr> <tr> <td>S</td><td>Agricultural Uses and Rural Residential</td><td>RR</td><td>A ,CR-RR , and R-1</td></tr> <tr> <td>E</td><td>Agricultural Uses and Agricultural Residential</td><td>A</td><td>CR-RR and R-1</td></tr> <tr> <td>W</td><td>Agricultural Uses and Agricultural Residential</td><td>A</td><td></td></tr> </tbody> </table> <p>“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)</p> <p>Surrounding Land Use Cases (Exhibit B2.7): SD2021-0049 – Plat (Flying Arrow Subdivision) – Approved RZ2021-0050– Rezone from C2 to RR (List) – Approved OR2021-0025 – Comprehensive Plan Change from C2 – RR (List) – Approved CR2023-0006 – Rezone to AG to CR-RR (Maestresjuan)- Approved</p> <p>Parcel R37229010A is within City of Homedale’s Impact Area and the city is located approximately 2700 feet to the southwest. Homedale’s City Clerk states at this time the City does not have plans for this area (Exhibit D7).</p> <p>See Analysis for 07-06-07(6)A3 & 4, of this document for additional review.</p>	Direction	Existing Use	Primary Zone	Other Zones	N	Agricultural Uses and Agricultural Residential	A		S	Agricultural Uses and Rural Residential	RR	A ,CR-RR , and R-1	E	Agricultural Uses and Agricultural Residential	A	CR-RR and R-1	W	Agricultural Uses and Agricultural Residential	A	
Direction	Existing Use	Primary Zone	Other Zones																				
N	Agricultural Uses and Agricultural Residential	A																					
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E	Agricultural Uses and Agricultural Residential	A	CR-RR and R-1																				
W	Agricultural Uses and Agricultural Residential	A																					
		07-06-07(6)A3	Is the proposed conditional rezone compatible with surrounding land uses;																				

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Staff Analysis	<p>The proposed conditional rezone to Rural Residential (RR) is compatible with surrounding land uses. The proposed rezone is intended to facilitate the development of two (2) residential parcels on a large acreage (the proposed parcel sizes are 6.269-acres and 10.221-acres), which is consistent with the development pattern of land uses in the surrounding area. The acreage is generally consistent with other parcels in the area and per the letter of intent is to still have agricultural uses take place on the two (2) proposed parcels (such as pasture and hay ground). As conditioned, the proposed development is not anticipated to interfere with adjacent agricultural production, nor detract from established residential uses (Exhibits A2, A6, B2.1, B2.2, B2.3, and B2.8). See further analysis located in section 07-06-07(6)A2 & A4.</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>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A4 Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts? Staff Analysis	<p>The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below.</p> <p>Character of the Area: The character of the area is mainly agricultural wherein people live and have agricultural uses such as growing crops (on a large-scale and smaller scale), keeping pastures, and raising animals. There is some residential zoning to the south wherein agricultural uses occur with even smaller lot sizes. (Exhibits B2.1, B2.2, B2.3, B2.8, and C).</p> <p>The parcel is in the Homedale City Impact Area, but the city does not have plans for the area (Exhibit D7).</p> <p>See Analysis for 07-06-07(6)A2 & 3, of this document for additional review.</p> <p>The following measures will be implemented to mitigate impacts: A condition of approval has been proposed that will limit future development to two (2) parcels with a residential building available to each and no further divisions shall occur as proposed in Exhibits A2 and A6. If the property owner in the future desires to develop further, they will have to reapply for a rezone and subdivision plat to create more parcels with a residential building permit.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A5 Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone; 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: An individual septic system exists for the 1-bedroom barn which would be present on the proposed 6.269-acre parcel. An individual septic system is requested for the proposed 10.221-acre parcel. (Exhibits A2 and D4.1). Per Southwest District Health, the subject property is not located within a nitrate priority area, an on-site evaluation will need to be applied for when ready to install a new septic system on the proposed 10.221-acre parcel and proposed future septic systems must maintain minimum setback requirements from any features of concerns (i.e. property lines, canals/ditches, streams, pressurized water lines, neighboring wells, and septic systems, etc.) (Exhibits D4 and D4.1).</p> <p>Water: Individual wells are requested for each lot (Exhibit A2) Notice was given to the Idaho Department of Water Resources, but no comments were received. Individual wells are anticipated to adequately provide services to the potential two (2) residential dwellings (four (4) if secondary residences are added). Future development shall comply with IDWR standards at the time of subdivision/building permit, etc.</p> <p>Drainage: Drainage appears to not be affected by this application, as stormwater drainage is currently retained by burrow ditches (Exhibit A3). Boise Project Board of Control states that storm drainage and/or street runoff must be retained on site and no discharge into any live irrigation system is permitted (Exhibit D3).</p> <p>Irrigation: The parcel is served by Boise Project Board of Control/Wilder Irrigation. Boise Project Board of Control submitted a letter stating that the United States' Hammond Lateral lies within the boundary of the above-mentioned location and an easement for this canal is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. The location of the lateral can be found in Exhibit D3.1. Boise Project Board of Control also reminds the applicant of the irrigation district's easement and drainage requirements and that per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property to serve neighboring properties must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors. Please see Exhibit D3 to review their full comment letter.</p> <p>Utility Services: Utility poles exist along the frontage of the parcel (Exhibit C). There are also residences in the general vicinity that are indicative of utility services being available.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A6	<p>Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?</p>

			Staff Analysis	<p>Per Golden Gate Highway District No. 3, the proposed conditional rezone will not require public street improvements in order to provide adequate access to and from the subject property in order to minimize undue interference with existing and/or future traffic patterns created by the proposed development (Exhibit D1).</p> <p>Due to only two (2) parcels being created with a residential building permit, there does not appear to be a need to implement mitigation of traffic impacts.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A7	Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
			Staff Analysis	<p>The subject property does have legal access for the conditional rezone and will exist at the time of the development. See review and analysis detailed below.</p> <p>Per Golden Gate Highway District No. 3, the proposed access for Parcel "A" would be from Ustick Road and Parcel "C" would be from an easement through Parcel "A" to Ustick Road. Ustick Road is a Major Collector according to GGHD's 2019 Functional Classification Map (Exhibit D1). Additionally, Golden Gate Highway District No. 3 states the following findings and conditions of approval apply:</p> <ol style="list-style-type: none"> 1. Proposed access on Ustick Rd to meet the rural roadway driveway spacing requirements of Section 3061.020 and applicable standard drawings of the ACCHD Standards 2. Provide a recorded easement prepared by an Idaho registered licensed land surveyor in accordance with ACCHD Standards for access to Parcel "C." 3. A site visit by GGHD and/or ITD representatives is required to address possible site distance issues, if any. <p>If secondary residences are applied for at a later date on either proposed parcel, the private access would need to become a private road in compliance with CCCO §07-10-03.</p> <p>See Analysis for 07-06-07(6)A6, of this document for additional review.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A8	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? (Ord. 16-007, 6-20-2016)
			Staff Analysis	<p>The proposed use is not anticipated to impact essential public services and facilities including, but not limited to schools, police, fire and emergency medical services. Any necessary measures to mitigate impacts are detailed below.</p> <p>Schools: Homedale School District No. 370 was noticed, but no comments were received.</p> <p>Police: Canyon County Sheriff's Office was noticed and no comments were received.</p> <p>Fire protection & Emergency Medical Services:</p>

			<p>Wilder Rural Fire Protection District, Canyon County's Paramedics and EMT, Canyon County's Emergency Management Coordinator, and Homedale City Ambulance were noticed, but no comments were received.</p> <p>Per Canyon County's Driveway and Private Road requirements (CCCO §07-10-03(2)), the construction of driveways and private roads longer than one hundred fifty feet (150') from a public street right of way to the most distant portion of an inhabited building must be approved in writing from the applicable fire district. Additionally, fire district review and approval are required during the building permit process for single-family residences.</p>
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Area of City Impact

CCCO § 09-05-21: ZONING/SUBDIVISION AMENDMENT PROPOSALS:				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	09-05-21	(1) All proposed amendments to the text and/or map of the Canyon County zoning or subdivision ordinance, which may relate to the Homedale area of city impact, shall be referred by the county to the city of Homedale in the same manner as provided for in subsection 09-05-17(3) of this article. Any recommendation of the city of Homedale shall be considered in the same manner as provided for in subsection 09-05-17(3) of this article. (Ord. 10-012, 10-29-2010)
			Staff Analysis	<p>Area of City Impact:</p> <p>Per the City of Homedale's Clerk, the city has no plans for this area and her only concern was dividing the parcel with such a small entry way into a larger area (Exhibit D7). Per the applicant's proposed survey, the entry way is 60' and the proposed ingress/egress easement is 35' which meets Canyon County Driveway Requirements (CCCO §07-10-03(2) if an easement reduction approved at the time during the administrative land division process (Exhibit A6).</p>

4. AGENCY COMMENTS:

Agencies including the City of Homedale, Homedale School District No. 370, Southwest District Health, Wilder Rural Fire Protection District, Golden Gate Highway No. 3, Idaho Power, Intermountain Gas, CenturyLink, Ziply, Boise Project Board of Control, Wilder Irrigation District, COMPASS, Idaho Transportation Department, Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Canyon County's Emergency Management Coordinator, Homedale City Ambulance, Canyon County Assessor's Office, Canyon County Soil Conservation District, Canyon County's Building Department, Canyon County's Code Enforcement Department, Idaho Department of Environmental Quality, and, Idaho Department of Water Resources (Water Rights), were notified of the subject application. A Full Political Notice was also provided (per the Local Land Use Planning Act, Idaho Code 67-6509)

Agency Notice was initially sent out on March 6, 2023 and again on November 8, 2024 due to the length of time that had passed between the initial noticing period. Staff received agency comments from Golden Gate Highway No. 3 (March 13, 2023, December 12, 2024), Canyon Soil Conservation District (November 12, 2024), Boise Project Board of Control (November 13, 2024), Southwest District Health (November 8-November 15, 2024), Idaho Department of Environmental Quality (November 18, 2024), City of Homedale

City Clerk (December 10, 2024), and Canyon County's Building Department (December 10, 2024). All agency comments received by the aforementioned materials deadline are located in **Exhibit D**.

Pursuant to Canyon County Ordinance (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:

Notice was provided to all property owners within 600 feet of the parcel boundary.

Staff received three (3) written public comments by the materials deadline of January 27, 2025. One (1) comment is in support, one (1) comment is in neutrality, and one (1) comment is in opposition. All public comments received by the aforementioned materials deadline are located in **Exhibit E**.

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

6. SUMMARY & RECOMMENDED CONDITIONS FOR CONDITIONAL REZONE:

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

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

CR2023-0003 Recommended 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 subject parcel, approximately 16.49 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Divisions) of the Canyon County Code of Ordinance (CCCO) in substantial compliance with the conceptual site plan (**Exhibit A6**).
 - a. Further divisions of the subject parcels are prohibited.
3. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modification or improvements shall be approved in writing the local Irrigation District.
4. Within 30-days of Canyon County's Board of Commissioners signature on the Findings of Fact, Conclusions of Law, and Order and prior to any new building permit being issued on the proposed

parcels, the property owner shall bring the agricultural-exempt building into compliance via an approved change of occupancy permit.

5. The developer 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."
 - a. Per CCCO §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."
6. At the time of application for administrative land division, the following Golden Gate Highway District No. 3 conditions of approval apply (**Exhibit D1**):
 - a. Proposed access on Ustick Rd to meet the rural roadway driveway spacing requirements of Section 3061.020 and applicable standard drawings of the ACCHD Standards
 - b. Provide a recorded easement prepared by an Idaho registered licensed land surveyor in accordance with ACCHD Standards for access to Parcel "C."
 - c. A site visit by GGHD and/or ITD representatives is required to address possible site distance issues, if any.

7. EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application for Michelle Pruett Showing Katie Burford as a Representative (Dated February 22, 2023)
2. Letter of Intent
3. Land Use Worksheet
4. Neighborhood Meeting Sign-Up Sheet, Letter that was Sent to Neighbors, and 600 Feet Map
5. Quitclaim Deed with Instrument No. 2016-38965
6. Proposed Survey (Received November 6, 2024)
7. Quitclaim Deed with Instrument No. 2024-036659 that Updated Property Lines Per AD2023-0010.
8. Master Application for BCI Real Estate LLC Showing Michael Torres as a Representative
9. Master Application for BCI Real Estate LLC Showing Katie Burford as a Representative
10. Affidavit of Legal Interest showing Michael Torres as a Representative for BCI Real Estate LLC
11. Affidavit of Legal Interest Showing Katie Burford as a Representative for BCI Real Estate LLC
12. Warranty Deed with Instrument #2025-0007333 (from Michelle Pruett to BCI Real Estate LLC)

B. Supplemental Documents

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

- 2.2. Subdivisions Map with Report
- 2.3. Zoning and Classification Map
- 2.4. Canyon County Future Land Use
- 2.5. Soil and Prime Farmland Map with Report
- 2.6. Dairy, Feedlot, and Gravel Pit Map
- 2.7. Case Map with Report
- 2.8. Lot Classification Map
- 3. Canyon County's Zoning Map from 1979-1980
- C. Site Visit Photos**
 - 1. Site Visit Photos, November 1, 2024**
- D. Agency Comments Received by: January 27, 2025**
 - 1. Golden Gate Highway District No. 3, Received March 13, 2023
 - 1.1. Email from GGHD #3 Director Confirming March 2023 Letter Applies, Received December 12, 2024
 - 2. Canyon County Soil Conservation District, Received: November 12, 2024
 - 3. Boise Project Board of Control, November 13, 2024
 - 3.1. Boise Project Board of Control Map for Hammond Lateral
 - 4. Southwest District Health Comments Via Email, November 8 - November 15, 2024
 - 4.1. Southwest District Health Pre-Development Notes from November 15, 2024
 - 5. Idaho Department of Environmental Quality, Received: November 18, 2024
 - 6. Idaho Transportation Department, Received: November 19, 2024
 - 7. City of Homedale City Clerk, Received: December 10, 2024
 - 8. Canyon County's Building Department, Received December 10, 2024
- E. Public Comments Received by: January 27, 2025**
 - 1. Leslie Capik, Letter of Opposition, Received: January 13, 2025
 - 2. Barbara Green, Letter of Support, Received January 21, 2025
 - 2.1. Barbara Green, Letter of Support Via Email, Received: January 16, 2025
 - 3. Louis and Carol Berard, Letter of Neutrality, Received January 24, 2025
 - 4. Michael Torres (Representative), Presentation for Public Hearing, Received January 27, 2025

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case # CR2023-0003

Hearing Date: February 6, 2025

Exhibit A1

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: Michelle Pruett
	MAILING ADDRESS: PO Box 605 Homedale, ID 83608
	PHONE: 208.249.7269 EMAIL: mppruett@frontiernet.net

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: Michelle Pruett

Date: 02/17/23

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: Katie Burford
	COMPANY NAME: KT Properties, Inc
	MAILING ADDRESS: 3094 W Market Rd Homedale, ID 83608
	PHONE: 208.861.2555 EMAIL: katie@ktpropertiesllc.com

SITE INFO	STREET ADDRESS: TBD Ustick Rd Wilder, ID 83676
	PARCEL #: R37229010A0 LOT SIZE/AREA: 16.489 acres
	LOT: N/A BLOCK: N/A SUBDIVISION: N/A
	QUARTER: SE SECTION: 33 TOWNSHIP: 4N RANGE: 5W
	ZONING DISTRICT: Agriculture FLOODZONE (YES/NO): No

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

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

CASE NUMBER: CP 2023-0003

DATE RECEIVED: 2/22/2023

RECEIVED BY: Sage H

APPLICATION FEE: \$1,400 (CK) MO CC CASH

Exhibit A2

February 17th, 2023

Canyon County Development Services Department
111 North 11th Ave #310
Caldwell, ID 83605

To Whom It May Concern,

Michelle Pruett is the owner of R37229010A0, a 16.489 acre parcel with shop/horse stalls, irrigated pasture, and an irrigated hay field. She is applying for a conditional re-zone from agricultural zoning to rural residential zoning, which is consistent with the comprehensive plan.

The request is definitely appropriate based on the surrounding land uses, of which there are even higher density areas adjacent to Ms. Pruett's property than what Ms. Pruett is applying for. Her request will not negatively affect the character of the area, as she is only wanting to separate her current parcel into two rural residential parcels (via administrative land division post re-zone). Both parcels would still have pasture and/or hay ground, and her irrigation rights would be divided appropriately between the two. The shop already has an individual well and septic system, so there would only be one additional proposed individual well and one additional proposed septic system.

There is already legal access to the property. In order to split the parcel into two, an ingress/egress/utility easement would be granted to the parcel in the NW corner that will include the existing shop/horse stalls. A surveyor has already been contracted to prepare the legal descriptions and easement.

Per Golden Gate Highway Department, the request would not require public street improvements to Ustick Rd, nor would it cause undue interference with traffic patterns.

The only impact to essential public services and facilities would be the possibility of two additional households. However, once the parcels were developed into homesites, those households would also be paying property taxes to mitigate their impact.

Thank you for your consideration.

Sincerely,



Katie Burford

LAND USE WORKSHEET

Exhibit A3

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 additional

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)

Ditches

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

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

2. FIRE SUPPRESSION:

- ☐ Water supply source: Nothing required for home < 3600 sq ft
> 3600 sq ft home: sprinkler system, pool, etc

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: _____

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: _____

NEIGHBORHOOD MEETING SIGN-UP**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #140, Caldwell, ID 83605www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633
NEIGHBORHOOD MEETING SIGN UP SHEET
CANYON COUNTY ZONING ORDINANCE §07-01-15

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

SITE INFORMATION

Site Address: <u>TBD Ustick Rd</u>	Parcel Number: <u>R37229010A0</u>
City: <u>Wilder</u>	State: <u>ID</u> ZIP Code: <u>83676</u>
Notices Mailed Date: <u>02/03/2023</u>	Number of Acres: <u>16.489</u> Current Zoning: <u>Ag</u>
Description of the Request: <u>Proposed conditional re-zone to Rural Residential</u>	

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: <u>Katie Burford</u>
Company Name: <u>KT Properties Inc [Keller Williams Realty Boise]</u>
Current address: <u>3094 W Market Rd</u>
City: <u>Homedale</u> State: <u>ID</u> ZIP Code: <u>83628</u>
Phone: <u>208-861-2555</u> Cell: <u>208-861-2555</u> Fax: <u>208-249-3477</u>
Email: <u>katie@KTpropertiesllc.com</u>

MEETING INFORMATION

DATE OF MEETING: <u>02/15/2023</u>	MEETING LOCATION: <u>Subject property</u>	
MEETING START TIME: <u>12:00 PM</u>	MEETING END TIME: <u>1:00 PM</u>	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. <u>Tammy Earwood</u>	<u>[Signature]</u>	<u>27262 Ustick, Wilder</u>
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

Notice of Neighborhood Meeting Conditional Use Permit Pre-application requirement for a Public Hearing

Date: 02/03/2023

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit (or variance, zoning ordinance map amendment, expansion or extension of nonconforming uses, etc.) to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

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

The Neighborhood Meeting details are as follows:

Date: 02/15/2023

Time: 12:00 PM

Location: On the subject property R37229010A0-see attached map

Property description: 16.489 acres of agricultural ground, pasture and shop. Applying for a conditional re-zone to Rural Residential.

The project is summarized below:

Site Location: TBD Ustick Rd Wilder, ID 83676

Proposed access: Off Ustick Rd, no change to existing/current access

Total acreage: 16.489

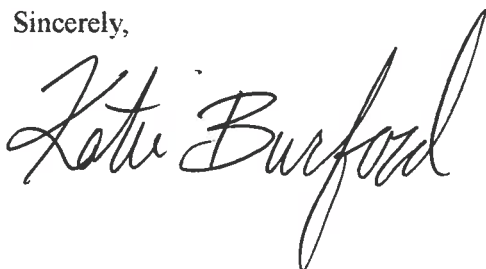
Proposed lots: 2 (currently 1 parcel)

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

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

If you have any questions prior to the meeting, please contact Katie Burford at 208-861-2555, or katie@ktpropertiesllc.com.

Sincerely,



Neighborhood Notification Map

Parcel No. R37229010A
Buffer Distance 600 Feet

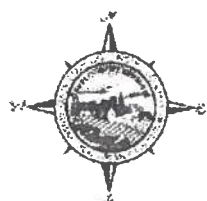
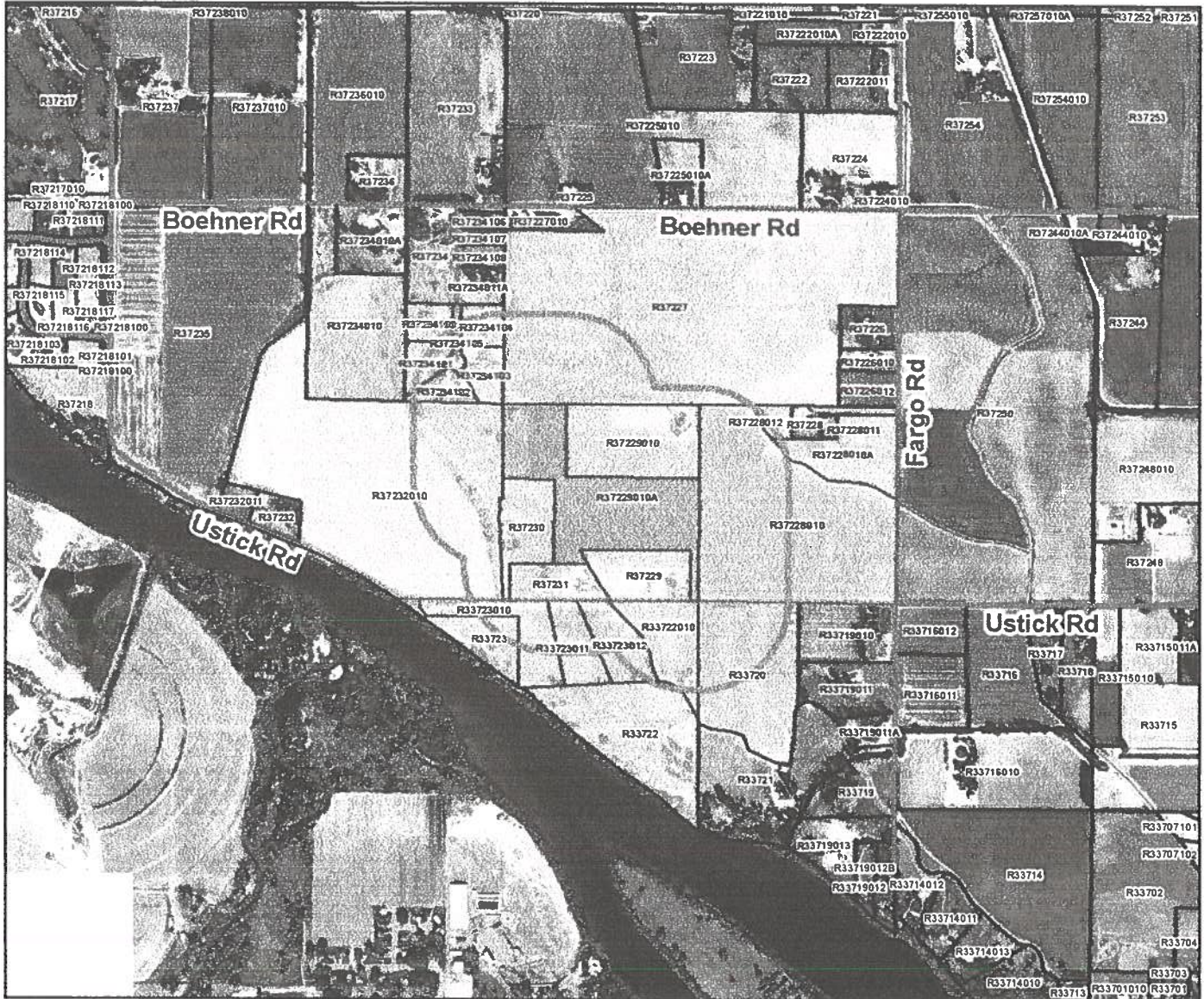
Canyon County
Development Services
111 North 11th Ave, #140
Caldwell, ID 83605



This map is for informational purposes only and does not suggest approval of the project.

Date: 1/30/2023
By: Talmeida

The neighborhood meeting shall be conducted prior to acceptance of the application. The neighborhood meeting shall not be conducted earlier than six (6) months prior to the acceptance of the application, and shall be held no sooner than ten (10) calendar days from the mailing of the notice of the neighborhood meeting.



Legend

NOTIFICATION BUFFER

SUBJECT_PROPERTY

NOTIFIED PARCELS

TAX PARCELS

Highway

Interstate

Local Road

SCALE 1 in = 1,000 feet
Map Scale 1:12,000

The maps are provided "as-is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for use rests solely on the user accessing this information. Canyon County, ID makes no warranties, express or implied, as to the use of the maps. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts all inherent limitations of the maps, including the fact that the maps are dynamic and in a constant state of maintenance, correction and revision. The maps do not represent a survey. Neither Canyon County, ID nor its officers and employees assume any liability for the accuracy of the data delineated on any map. In no event shall the Canyon County, ID or its officers or employees be liable for any damages arising in any way out of the use of this information.

Exhibit A5

2016-038965

RECORDED

09/22/2016 04:20 PM



00256033201600389650040042

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 BJBROWN

\$19.00

DEED

DENNIS PRUETT



**Canyon County
Recorder's Office
Document
Cover Sheet**



UNOFFICIAL COPY

QUITCLAIM DEED

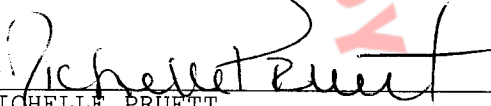
FOR VALUE RECEIVED, DENNIS L. PRUETT and MICHELLE PRUETT, who acquired title as Husband and Wife, Grantors, do hereby convey, release, remise and forever quitclaim unto MICHELLE PRUETT, a single woman as her sole and separate property, Grantee, whose address is 27262 Ustick Road, Wilder, Idaho 83676, all right, title, and interest in and to the following described premises located in the **County of Canyon**, State of Idaho, more particularly described as follows:

See "Exhibit A" attached hereto.

For convenience Exhibit A consists of 2 pages for "Job No. FE1016", "Parcel 2", and the common address of the above-referenced real property is 0 Ustick Rd., Wilder, Idaho 83676, AIN:04N05W338450

Dated: 8/15, 2016


DENNIS L. PRUETT

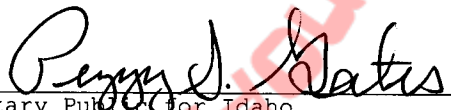

MICHELLE PRUETT

STATE OF IDAHO)
: ss.
COUNTY OF Ada)

On this 20 day of September, 2016, before me, a Notary Public in and for the State of Idaho, personally appeared DENNIS L. PRUETT, personally known to me, or proved to me on the basis of satisfactory evidence to be, the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above-written.

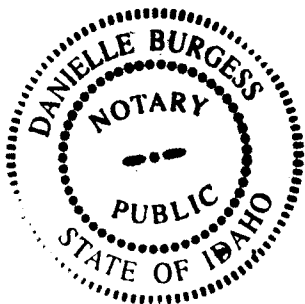
PEGGY S. GATES
NOTARY PUBLIC
STATE OF IDAHO

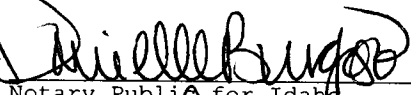

Notary Public for Idaho
Residing at: B Boise, ID
My Commission Expires: 5-20-2020

STATE OF IDAHO)
: ss.
COUNTY OF Payette)

On this 15 day of August, 2016, before me, a Notary Public in and for the State of Idaho, personally appeared MICHELLE PRUETT, personally known to me, or proved to me on the basis of satisfactory evidence to be, the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above-written.




Notary Public for Idaho
Residing at: Canyon, ID
My Commission Expires: 11/21



Thomas J. Wellard, PLS

March 1, 2016

Legal Description for
 Dennis Pruett
 Job No. FE1016

Parcel 2

This parcel is a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33 in Township 4 North, Range 5 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, (E1/16S Corner, Section 33), a found 5/8 inch diameter rebar;

thence South 89° 26' 19" West along the South boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 60.00 feet to a found $\frac{1}{2}$ inch diameter rebar;

thence North 00° 25' 51" West parallel with and 60 feet west of the East boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 340.47 feet to a found $\frac{1}{2}$ inch diameter rebar;

thence South 89° 26' 20" West parallel with the South boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 736.07 feet to a found $\frac{1}{2}$ inch diameter rebar;

thence South 27° 41' 23" East a distance of 101.65 feet to a point on a line that lies 250.00 feet north of and parallel with the South boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 89° 26' 20" West along said line a distance of 228.41 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 00° 05' 10" East a distance of 567.58 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 89° 45' 20" West a distance of 347.18 feet to a point on the West boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 00° 26' 23" West along the West boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 506.00 feet to the Northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, a found 5/8 inch diameter rebar;

thence North 89° 32' 28" East along the North boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 660.06 feet to a point that lies 660 feet west of the Northeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;

thence South 00° 25' 51" East parallel with and 660 feet west of the East boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 330.00 feet;

Skinner

Thomas J. Wellard, P.S.



Land Survey

Precision Land Surveyors, P.C.
21851 Upper Pleasant Ridge Rd.
Caldwell, Idaho 83607
(208)454-0933
WWW.SKINNERLANDSURVEY.COM
surveys@skinnerlandsurvey.com

Pruett Legal Description
Parcel 2, Page 2 of 2

thence North 89° 32' 28" East parallel with and 330 feet South of the North boundary of the SW ¼ SE ¼ a distance of 660.00 feet to a point on the East boundary of the SW ¼ SE ¼;

thence South 00° 25' 51" East along the East boundary of the SW ¼ SE ¼ a distance of 993.11 feet to the **POINT OF BEGINNING**, containing 21.920 acres, more or less, and being subject to any and all easements and rights-of-way of record or implied.

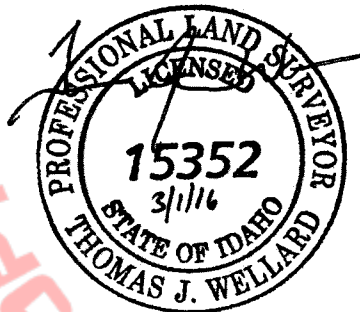
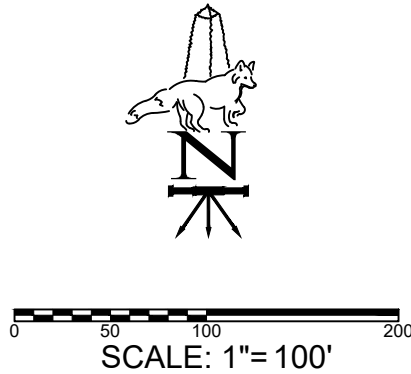
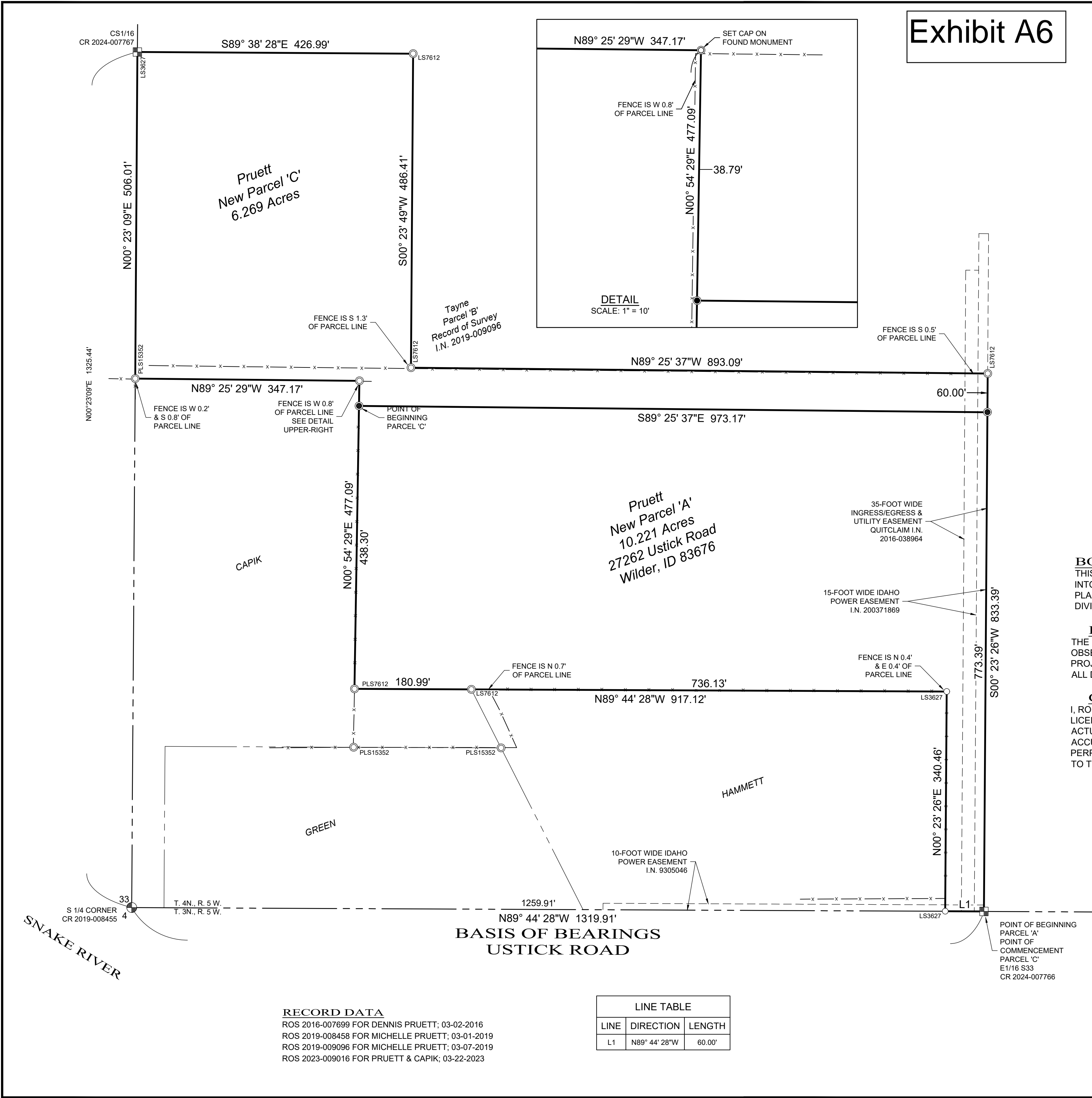


Exhibit A6



LEGEND	
	BOUNDARY LINE
	PRACEL LINE TO BE MOVED
	RECORD BOUNDARY
	SECTION
	EXISTING WIRE FENCE
	EXISTING WOOD FENCE
	FOUND BRASS CAP MONUMENT
	FOUND 5/8" REBAR, AS NOTED
	FOUND 1/2" REBAR, AS NOTED
	SET ALUMINUM CAP MONUMENT
	SET 5/8" REBAR, PLASTIC CAP "PROPERTY CORNER PLS8575"
CR	CORNER RECORD
I.N.	INSTRUMENT NUMBER
ROS	RECORD OF SURVEY
WD	WARRANTY DEED

BOUNDARY NARRATIVE
THIS SURVEY WAS REQUESTED BY MICHELLE PRUETT TO DIVIDE HER PARCEL INTO TWO PIECES OF LAND. THE FOUND MONUMENTS WERE HELD AND CAPS PLACED WHERE MISSING. NEW CORNER RECORDS FILED AS NEEDED. THIS DIVISION OF LAND REQUIRES CANYON COUNTY APPROVAL.

BASIS OF BEARING
THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED BY GPS OBSERVATIONS, REFERENCED TO NAD 83 (2011) EPOCH 2010, AND PROJECTED TO THE IDAHO PLANE COORDINATE SYSTEM, WEST ZONE 1103. ALL DISTANCES WERE MEASURED WITH GROUND COORDINATES.

CERTIFICATE OF SURVEYOR
I, RONALD M. HODGE, 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 DIRECT SUPERVISION, AND IS AN ACCURATE REPRESENTATION OF SAID SURVEY. IT IS IN CONFORMITY WITH THE CORNER PERPETUATION AND FILING ACT, STATE OF IDAHO CODE 55-1601 THROUGH 55-1612 AND TO THE IDAHO CODE RELATING TO SURVEYS.



Revised
11/06/2024 12:44:59 PM

INDEX# 454-33-2-3-0-00-00

RECORD OF SURVEY - ADMINISTRATIVE LAND DIVISION
FOR
MICHELLE PRUETT

SITUATE IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4
OF SECTION 33
TOWNSHIP 4 NORTH, RANGE 5 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO

HMH ENGINEERING

680 #2B S. Progress Avenue, Meridian, ID 83642
208-342-7957 - www.hmh-llc.com

ACAD DWG. FILE	S23005 VP	DR. TRC	CK. RMH	PLOT SCALE: 1":1
SCALE: 1"= 100'	DATE: NOVEMBER 2024	SHEET	1	OF 1

Exhibit A7

ReRecording to Correct grantee

QUITCLAIM DEED

FOR VALUE RECEIVED, Michelle Pruett, trustee of The Michelle Pruett Trust, U/A dated June 26, 2024 and Michelle Pruett, an unmarried woman does hereby convey, release, remise and forever quit claim unto Leslie M. Capik and ~~Dennis C. Capik, wife and husband~~ ^{MS} whose current address is:

27500 Ustick Road, Wilder, ID 83676

the following described premises:

See attached Exhibit "A" (Referenced in instrument No. 2023-009530, Boundary Adjustment)

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

Date: 11/4/24

The Michelle Pruett Trust

By: [Signature]
Michelle Pruett, Trustee

[Signature]
Michelle Pruett, individually

State of Idaho, County of Canyon

This record was acknowledged before me on 11/4/24 by Michelle Pruett individually and as trustee of The Michelle Pruett Trust U/A dated June 26, 2024

[Signature]
Signature of notary public
Commission Expires:

Residing in Middleton, Idaho
Commission Expires: 03-11-2026

KRISTI COX
COMMISSION #37722
NOTARY PUBLIC
STATE OF IDAHO

2024-035666
RECORDED
11/04/2024 11:41 AM

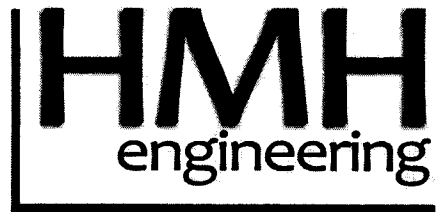
2024-036659
RECORDED
11/12/2024 09:34 AM



00838331202400366590020023

RICK HOGABOAM
CANYON COUNTY RECORDER
Pgs=2 NHANEY \$15.00
DEED
MICHELLE PRUETT

RICK HOGABOAM
CANYON COUNTY RECORDER
Pgs=2 JWINSLOW \$15.00
DEED
MICHELLE PRUETT



CAPIK Legal Description

A parcel of land situate in the Southwest Quarter of the Southeast Quarter of Section 33, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, being a portion of Grantor's parcel (granted under QUITCLAIM DEED Instrument No. 2019-01419) and more particularly described as follows:

COMMENCING at the South Quarter Corner of Section 33 as described in Corner Record Instrument No. 2019-008455 at the intersection of Fargo Road and Ustick Road, thence South 89°44'28" East, 1,319.91 feet to the southeast corner of Grantor's property and the East Sixteen Corner of Section 33 as described in Corner Record Instrument No. 9936186;
Then along Grantor's boundary the following three (3) courses and distances,
thence North 89°44'28" West, 60.00 feet to a 1/2-inch pin; thence North 00°23'26" East, 340.46 feet to a 1/2-inch pin with cap LS3627; thence North 89°44'28" West, 736.13 feet to a 5/8-inch pin with cap PLS7612 and the **POINT OF BEGINNING**;

Then continuing along Grantor's boundary the following three (3) courses and distances,

Thence South 26°52'46" East, 101.65 feet to a 5/8-inch pin with cap LS15352;

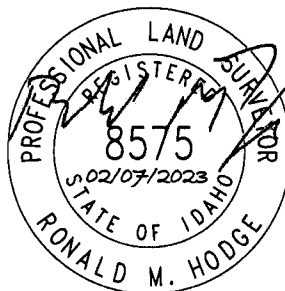
Thence North 89°44'28" West, 228.38 feet to the easterly boundary of the Capik parcel and a 5/8-inch pin with cap LS15352;

Thence along Grantor's and Capik's boundary, North 00°54'29" East, 90.46 feet;

Thence South 89°44'28" East, 180.99 feet to the **POINT OF BEGINNING**.

Containing 0.425 acres, more or less.

Prepared by:
Ronald M. Hodge, PLS
Survey Department Manager



RMH:tc

MASTER APPLICATION

Exhibit A8

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: <u>BCI Real Estate LLC.</u>
	MAILING ADDRESS: <u>PO Box 495 Nampa, ID 83653</u>
	PHONE: <u>208-880-1880</u> EMAIL: <u>Brianbci@pipe@gmail.com</u>

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

Signature: [Signature]

Date: 1/2/25

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: <u>Michael Torres</u>
	COMPANY NAME: <u>Team Realty</u>
	MAILING ADDRESS: <u>985 Corporate Lane Nampa, ID 83651</u>
	PHONE: <u>208-591-0110</u> EMAIL: <u>Michael.torreshomes@gmail.com</u>

SITE INFO	STREET ADDRESS: <u>0 Ustick Road Wilder, ID 83676</u>			
	PARCEL #: <u>37229010A0</u>		LOT SIZE/AREA: <u>16.48 acres</u>	
	LOT:	BLOCK:	SUBDIVISION:	
	QUARTER: <u>SE</u>	SECTION: <u>3</u>	TOWNSHIP: <u>4N</u>	RANGE: <u>5W</u>
	ZONING DISTRICT:		FLOODZONE (YES/NO):	

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

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

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

MASTER APPLICATION Exhibit A9

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: <u>BCI Real Estate LLC</u>
	MAILING ADDRESS: <u>PO Box 495 Nampa, ID 83653</u>
	PHONE: <u>208-880-1880</u> EMAIL: <u>Brian+bcipipe@gmail.com</u>

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

Signature: [Signature] Date: 1/2/25

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME: <u>Katie Burford</u>
	COMPANY NAME: <u>Keller Williams</u>
	MAILING ADDRESS: <u>1065 S. Allante Pl. Boise, ID 83709</u>
	PHONE: <u>208-861-2555</u> EMAIL: <u>katiecrandlemire@gmail.com</u>

SITE INFO	STREET ADDRESS: <u>0 Ustick Road Wilder, ID 83074</u>
	PARCEL #: <u>37229010A0</u> LOT SIZE/AREA: <u>10.48 acres</u>
	LOT: _____ BLOCK: _____ SUBDIVISION: _____
	QUARTER: <u>SE</u> SECTION: <u>33</u> TOWNSHIP: <u>4N</u> RANGE: <u>5W</u>
	ZONING DISTRICT: _____ FLOODZONE (YES/NO): _____

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

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

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



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

Exhibit A10

AFFIDAVIT OF LEGAL INTEREST

I, BCI Real Estate LLC, PO Box 495
(name) (address)
Nampa, ID 83653
(city) (state) (zip code)

being first duly sworn upon oath, depose and say:

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

Michael Torres, 15228 Greenwing St Caldwell, ID 83607
(name) (address)

to submit the accompanying application pertaining to the subject property.

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

Dated this 2 day of JANUARY, 20 25.

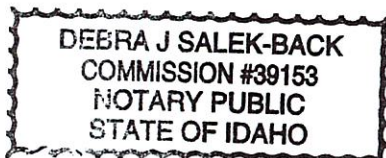
[Signature]
(signature)

STATE OF IDAHO)

ss

COUNTY OF CANYON)

On this 3rd day of January, in the year 2025, before me Debra J. Salek Back
a notary public, personally appeared Michael Torres / BCI Real Estate LLC, 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: Debra J. Salek Back

My Commission Expires: 7-1-2027



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

Exhibit A11

AFFIDAVIT OF LEGAL INTEREST

I, BCI Real Estate LLC, PO Box 495
(name) (address)

Nampa, ID 83653
(city) (state) (zip code)

being first duly sworn upon oath, depose and say:

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

Katie Burford, 3094 Market Rd. Homedale, ID 83628
(name) (address)

to submit the accompanying application pertaining to the subject property.

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

Dated this 2 day of January, 20 25.

[Signature]
(signature)

STATE OF IDAHO)

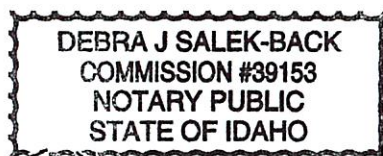
ss

COUNTY OF CANYON)

On this 3rd day of January, in the year 2025, before me Debra J. Salek-Back
a notary public, personally appeared BCI Real Estate LLC, 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: Debra J. Salek-Back

My Commission Expires: 7-1-2027





Pioneer Title Co.
GOING BEYOND

5680 E. Franklin Rd., Ste. 150
Nampa, ID 83687

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

Exhibit A12

2025-000733

RECORDED

01/09/2025 10:37 AM

RICK HOGABOAM

CANYON COUNTY RECORDER

Pgs=2 JWINSLOW

\$15.00

TYPE: DEED

PIONEER TITLE CANYON - CALDWELL

ELECTRONICALLY RECORDED

File No. 868314 KC/EM

WARRANTY DEED

For Value Received Michelle Pruett, as Trustee of The Michelle Pruett Trust, U/A dated June 26, 2024

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

BCI Real Estate LLC, an Idaho limited liability company

hereinafter referred to as Grantee, whose current address is
27122 Upper Pleasant Ridge Road Wilder ID 83676

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: 01/03/2025

Michelle Pruett Trust, U/A dated June 26, 2024

By: [Signature]
Michelle Pruett, Trustee

State of Idaho, County of Cayan

This record was acknowledged before me on January 3, 2025 by Michelle Pruett, as trustee of The Michelle Pruett Trust, U/A dated June 26, 2024.

[Signature]
Signature of notary public

Commission Expires: 04/02/2028

MARISELA PESINA
COMMISSION #41908
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT A

A parcel of land situate in the Southwest Quarter of the Southeast Quarter of Section 33, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows.

BEGINNING at the Southeast Corner of the Southwest Quarter of the Southeast Quarter (East 1/16th) of Section 33, monumented as described in Corner Record Instrument #2024-007766 from which the South Quarter Corner of Section 33 monumented as described in Corner Record Instrument #2019-008454 bears, North 89°44'28" West, 1,319.91 feet; thence along the southerly boundary of the Southwest Quarter of the Southeast Quarter, North 89°44'28" West, 60.00 feet to a 1/2-inch bar with cap PLS3627;

Thence North 00°23'26" East, 340.46 feet to a 1/2-inch bar with cap PLS3627;

Thence parallel with the southerly boundary of the Southwest Quarter of the Southeast Quarter, North 89°44'28" West, 917.12 feet to a 5/8-inch bar with cap PLS7612;

Thence North 00°54'29" East, 477.09 feet to a 5/8-inch bar with set cap PLS8975;

Thence North 89°25'29" West, 347.17 feet to the westerly boundary of the Southwest Quarter of the Southeast Quarter monumented by a 5/8-inch bar with cap PLS15352;

Thence along said westerly boundary, North 00°23'09" East, 506.01 feet to the Northwest Corner of the Southwest Quarter of the Southeast Quarter monumented as described in Corner Record Instrument #2024-007767;

Thence along the northerly boundary of the Southwest Quarter of the Southeast Quarter, South 89°38'28" East, 426.99 feet to a 5/8-inch bar with cap PLS7612;

Thence South 00°23'49" West, 486.41 feet to a 5/8-inch bar with cap PLS7612;

Thence South 89°25'37" East, 893.09 feet to the easterly boundary of the Southwest Quarter of the Southeast Quarter monumented by a 5/8-inch bar with cap PLS7612;

Thence along, South 00°23'26" West, 833.39 feet to a to the POINT OF BEGINNING.

EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case # CR2023-0003

Hearing Date: February 6, 2025

R37229010A PARCEL INFORMATION REPORT

12/13/2024 11:50:42 AM

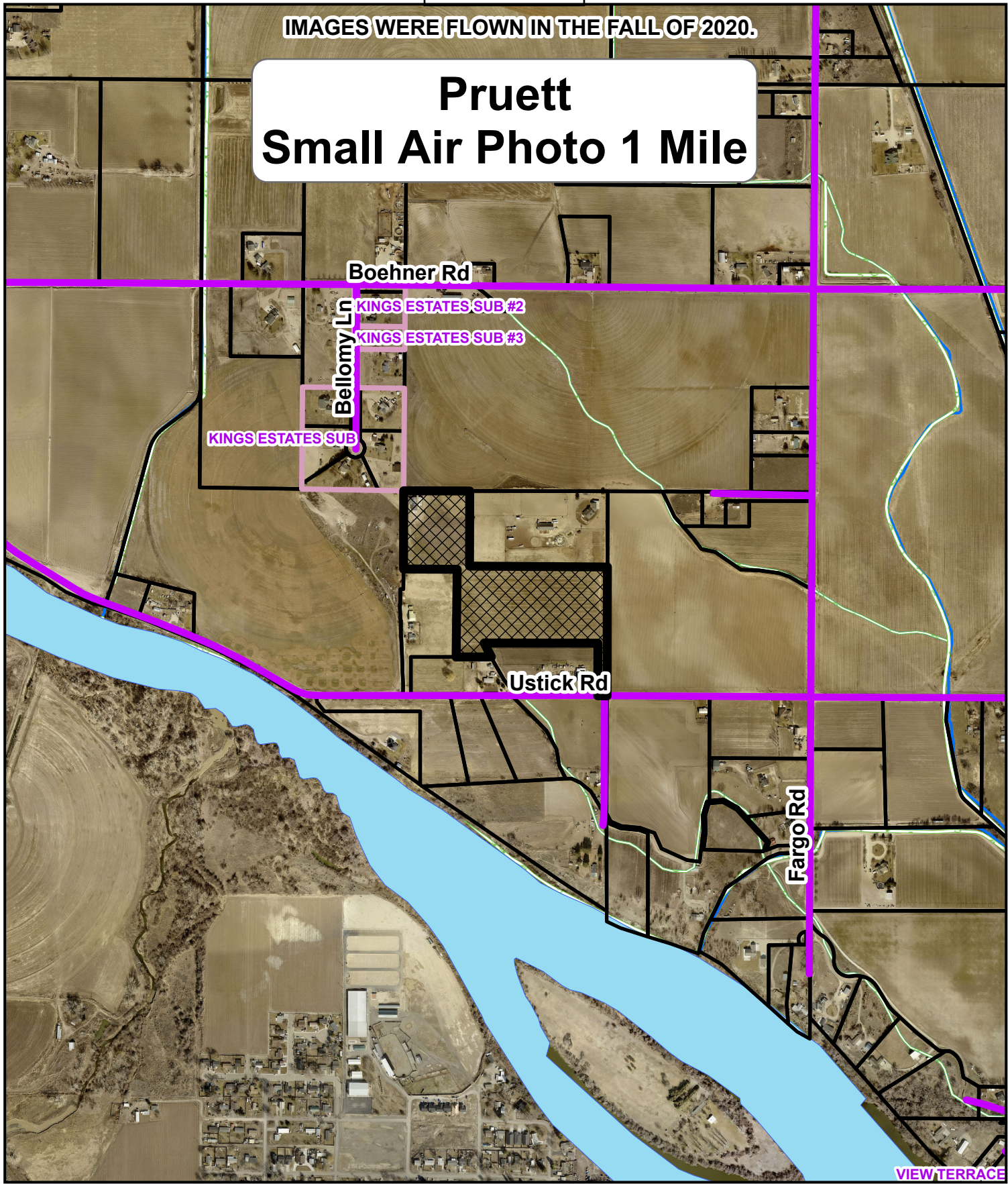
PARCEL NUMBER: R37229010A**OWNER NAME: PRUETT MICHELLE TRUST****CO-OWNER:****MAILING ADDRESS: 190 WILDWOOD DR DONNELLY ID 83615****SITE ADDRESS: 0 USTICK RD****TAX CODE: 0790000****TWP: 4N RNG: 5W SEC: 33 QUARTER: SE****ACRES: 16.49****HOME OWNERS EXEMPTION: No****AG-EXEMPT: Yes****DRAIN DISTRICT: NOT In Drain Dist****ZONING DESCRIPTION: AG / AGRICULTURAL****HIGHWAY DISTRICT: GOLDEN-GATE HWY #3****FIRE DISTRICT: WILDER FIRE****SCHOOL DISTRICT: HOMEDALE SCHOOL DIST #370****IMPACT AREA: HOMEDALE****FUTURE LAND USE 2011-2022 : AG****FLU Overlay Zone Desc 2030:****FLU RR Zone Desc 2030: RURAL RESIDENTIAL****FUTURE LAND USE 2030: RURAL RESIDENTIAL \ AG****IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL \ WILDER IRRIGATION
DISTRICT****FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0200F****WETLAND: NOT In WETLAND****NITRATE PRIORITY: NO Nitrate Prio****FUNCTIONAL Classification: Major Collector****INSTRUMENT NO. : 2024036659****SCENIC BYWAY: NOT In Scenic Byway****LEGAL DESCRIPTION: 33-4N-5W SE TX 19177 LS TX 24483 IN SWSE****PLATTED SUBDIVISION:****SMALL CITY ZONING:****SMALL CITY ZONING TYPE:****DISCLAIMER:**

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

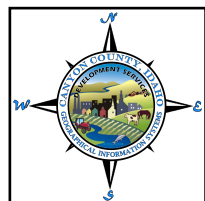
CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

IMAGES WERE FLOWN IN THE FALL OF 2020.

Pruett Small Air Photo 1 Mile

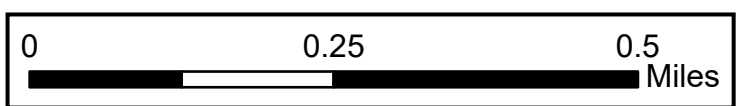


VIEW TERRACE

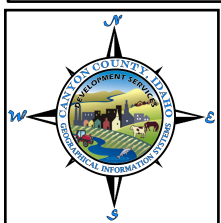
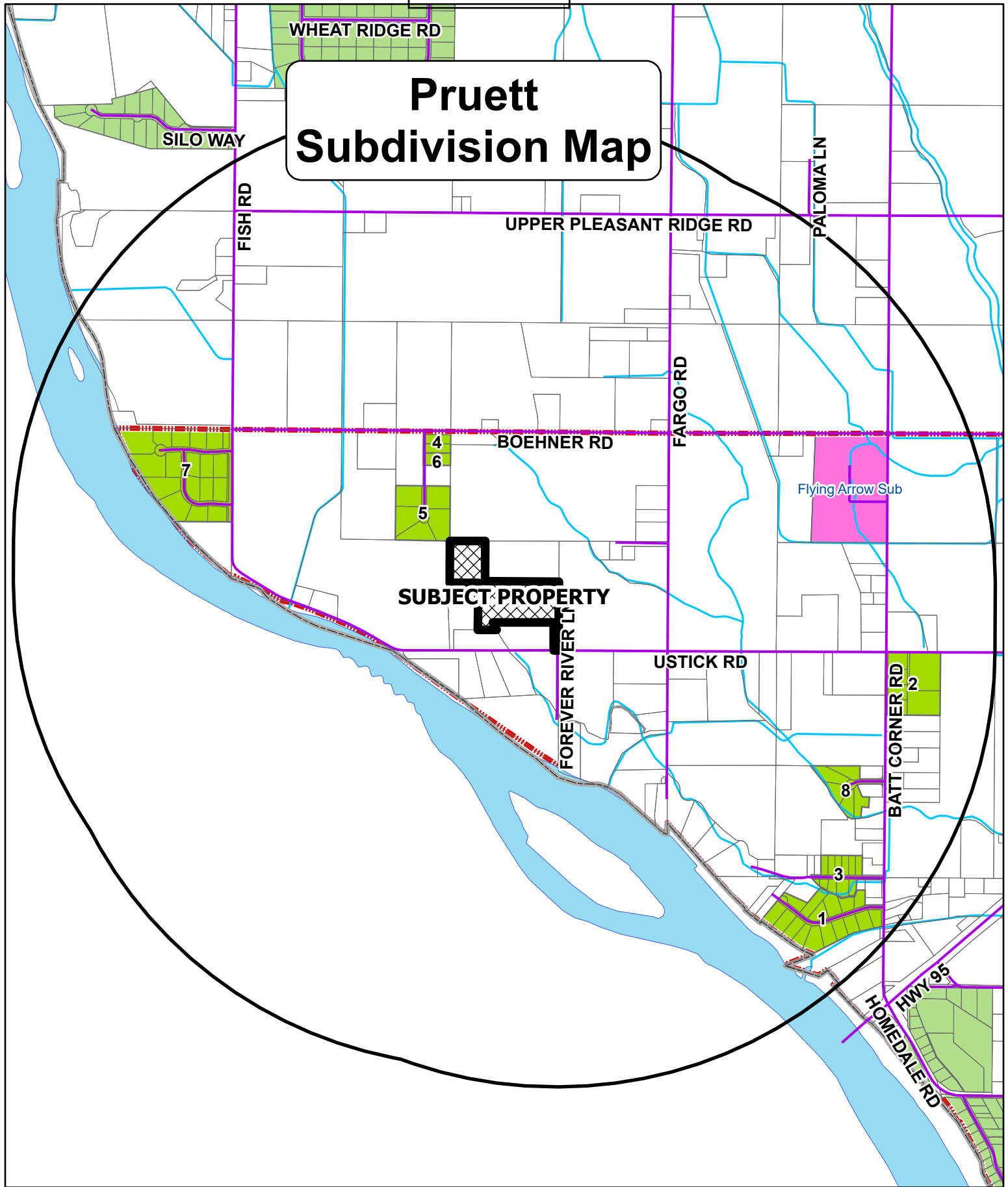


City Limits

Wetlands

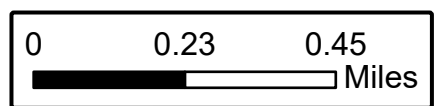


Pruett Subdivision Map



SUBDIVISIONS
Plat Type, Plat Status

- Preliminary, Approved
- Preliminary, Pending



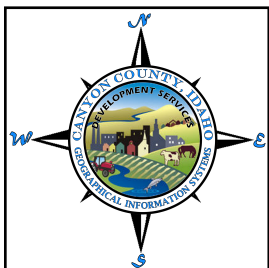
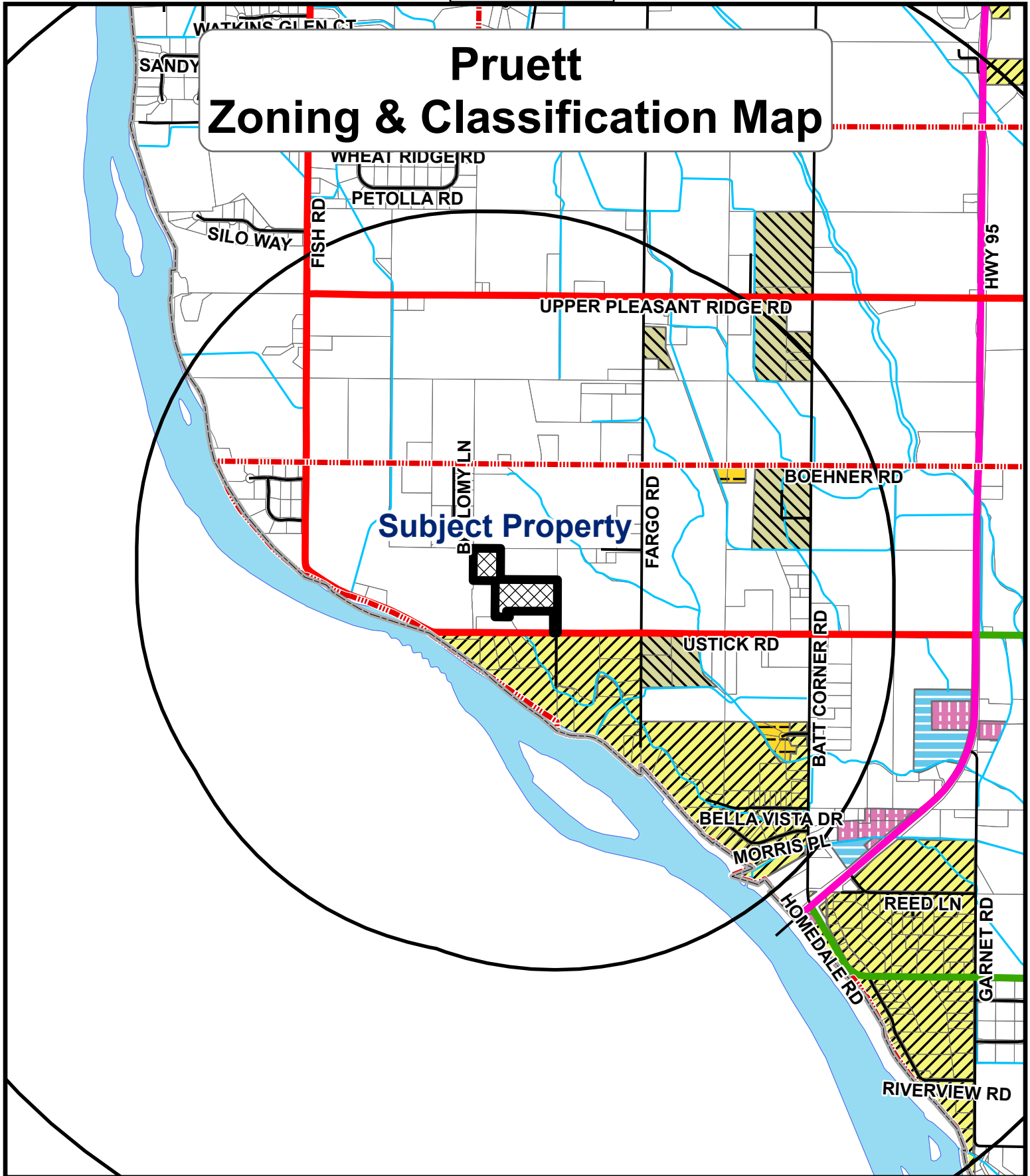
SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
8	81.18	69	1.18	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
1	27.17	12	2.26	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
23	11.12	4.96	0.72	71.78
NUMBER OF MOBILE HOME PARKS	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
VIEW TERRACE	1	3N5W03	16.18	16	1.01	COUNTY (Canyon)	1977
SIMS PLACE ESTATES	2	4N5W34	11.55	6	1.93	COUNTY (Canyon)	2006
FRYE'S FIRST SUB	3	3N5W03	5.61	11	0.51	COUNTY (Canyon)	1960
KINGS ESTATES SUB #2	4	4N5W33	2.00	2	1.00	COUNTY (Canyon)	2002
KINGS ESTATES SUB	5	4N5W33	10.03	6	1.67	COUNTY (Canyon)	2002
KINGS ESTATES SUB #3	6	4N5W33	1.13	1	1.13	COUNTY (Canyon)	2008
WATERS EDGE SUBDIVISION	7	4N5W32	28.65	21	1.36	COUNTY (Canyon)	2009
NOAHS LANDING SUBDIVISION	8	3N5W03	6.05	6	1.01	COUNTY (Canyon)	2019

SUBDIVISIONS IN PLATTING						
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE			
Flying Arrow Sub	27.17	12	2.26			

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

Pruett Zoning & Classification Map



Current Zoning

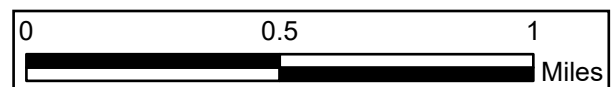
- RR
- CR-RR
- R1
- CR-R1
- R2
- C

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

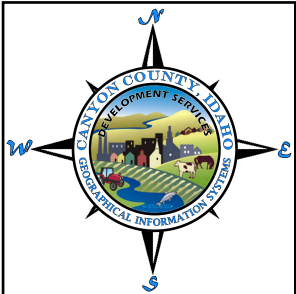
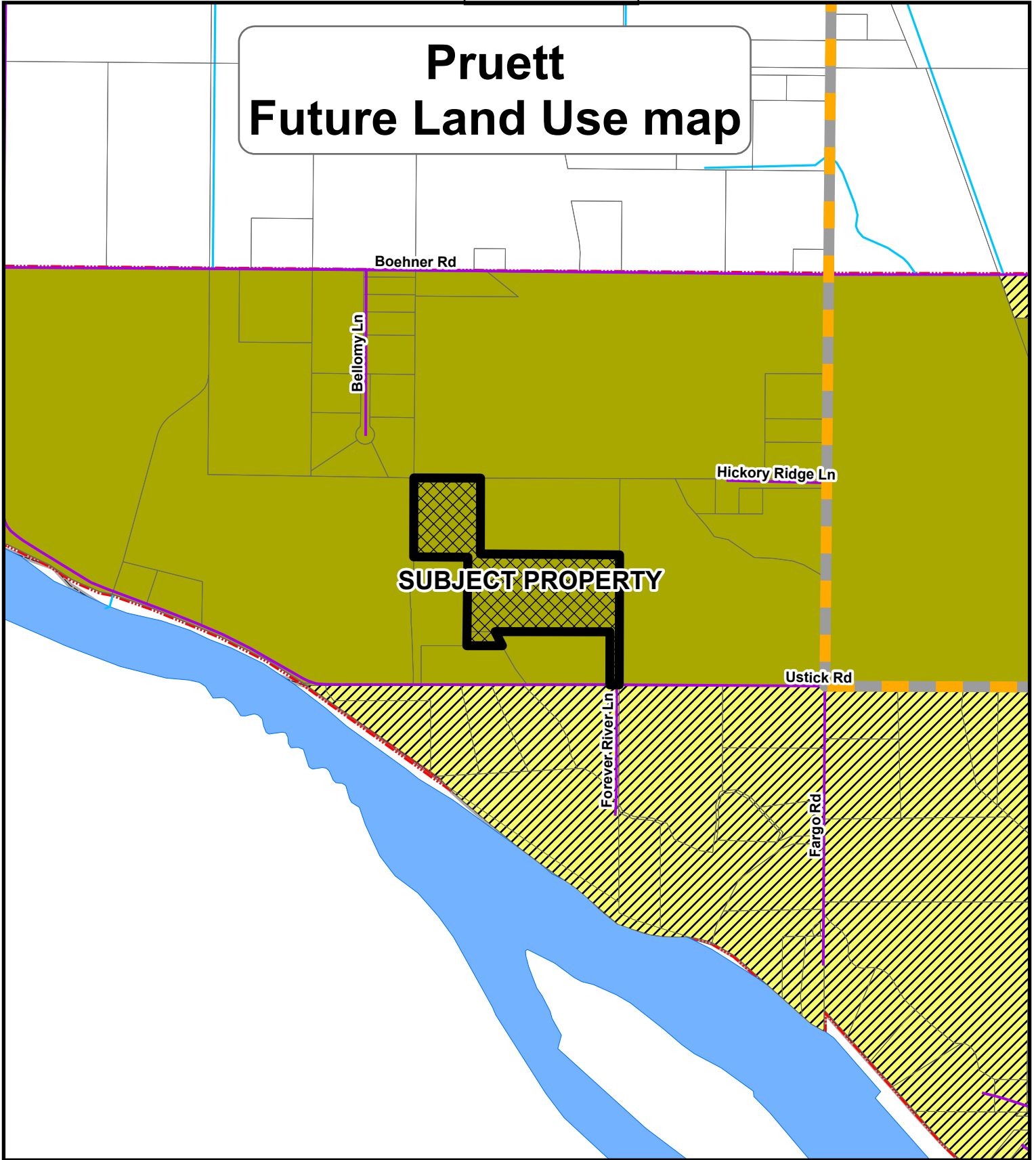
AG

ITD Functional Classification

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

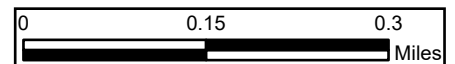


Pruett Future Land Use map



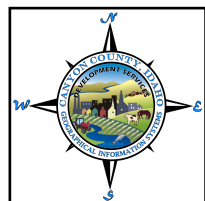
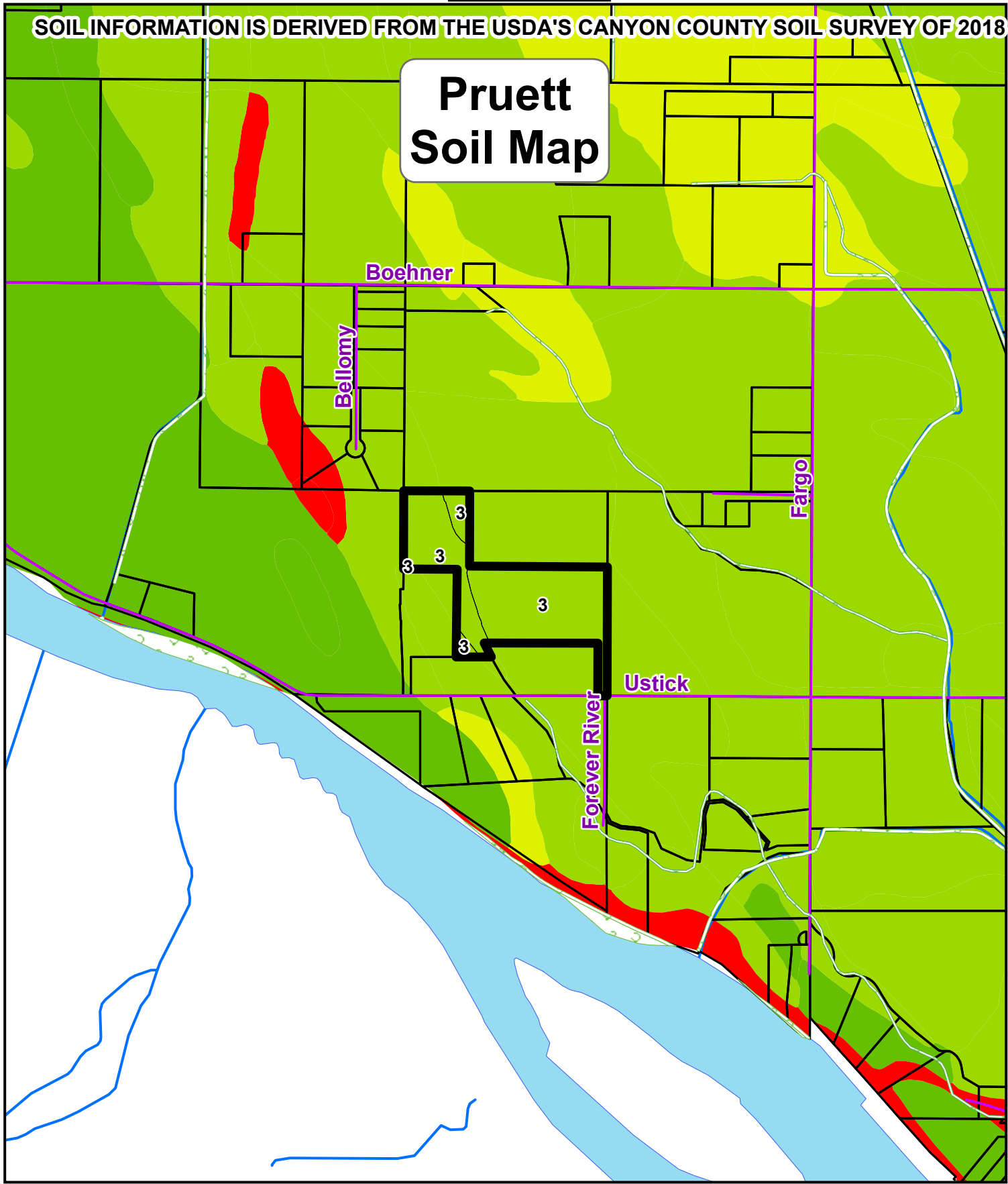
Legend Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- RURAL RESIDENTIAL



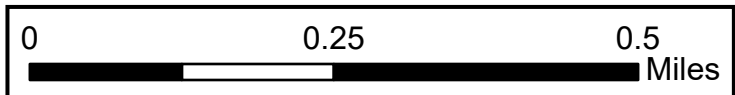
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Pruett Soil Map



- Nitrate Priority Wells**
- 0.005000 - 2.000000 (Blue circle)
 - 2.000001 - 5.000000 (Green circle)
 - 5.000001 - 10.000000 (Yellow circle)
 - 10.000001 - 49.800000 (Red triangle)

-  **IDWR_2C_Geothermal_**
-  **Wetlands**



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

Pruett Prime Farm Lands

FISH RD

BOEHNER RD

BELLOMY LN

FARGO RD

USTICK RD

Subject Property

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

- TAXLOTS
- City Limits
- WETLANDS
- 2C_Hydro

0 0.125 0.25 Miles

SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	17685.36	0.41	2.40%
3	MODERATELY SUITED SOIL	483385.32	11.10	65.61%
3	MODERATELY SUITED SOIL	235703.16	5.41	31.99%
		736773.84	16.91	100%

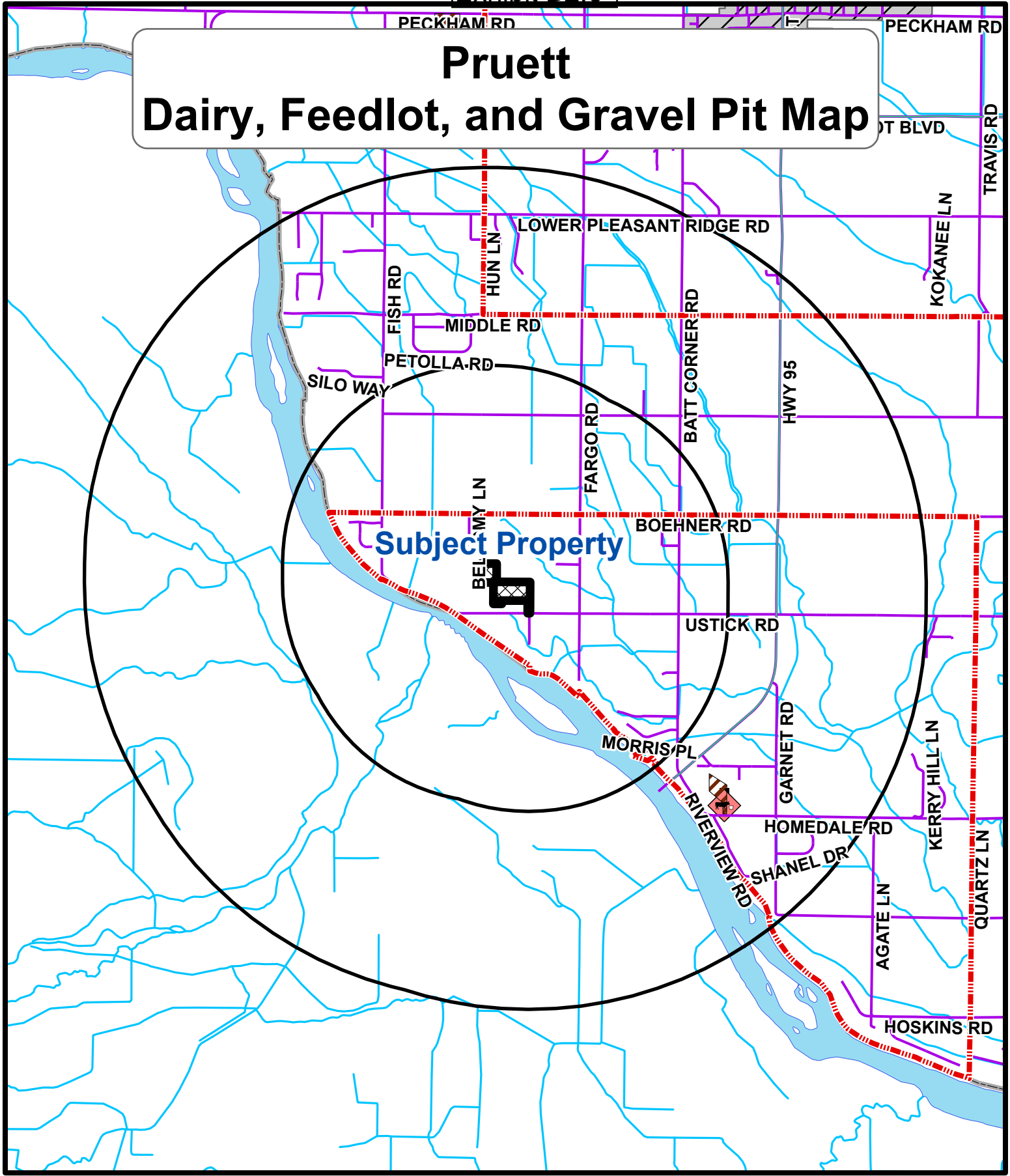
FARMLAND REPORT




SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
CcB	Prime farmland if irrigated	17685.36	0.41	2.40%
CcA	Prime farmland if irrigated	483385.32	11.10	65.61%
CcC	Prime farmland if irrigated	235703.16	5.41	31.99%
		736773.84	16.91	100%

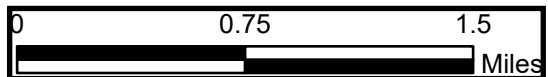
SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018

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

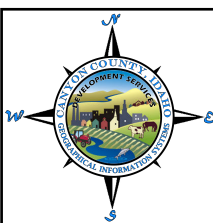
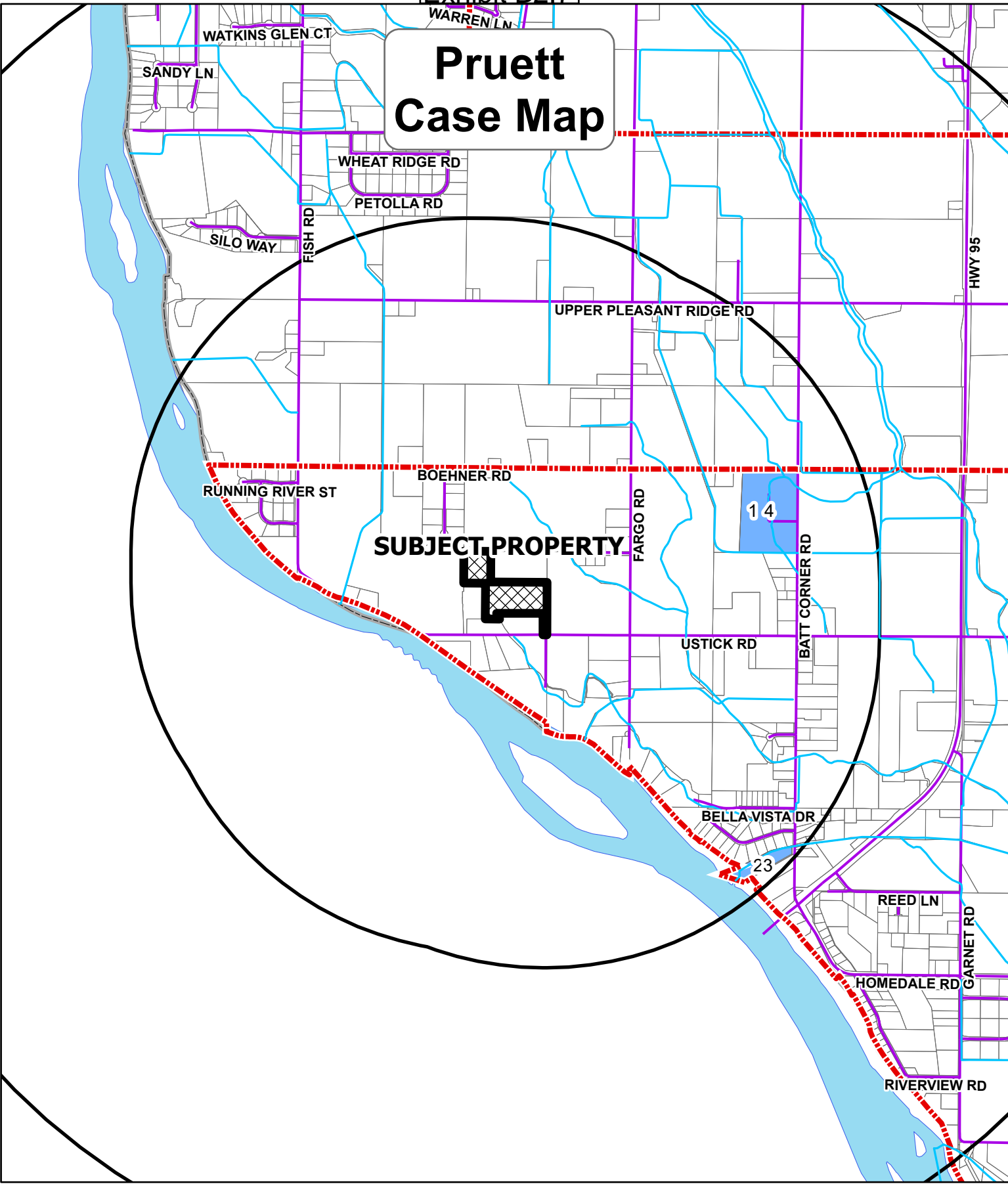
Pruett Dairy, Feedlot, and Gravel Pit Map



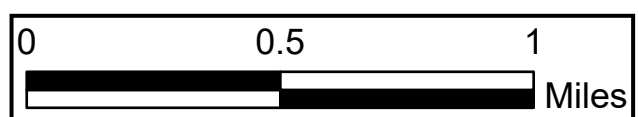
	FEEDLOTS
	DAIRIES
	GRAVELPITS



Pruett Case Map



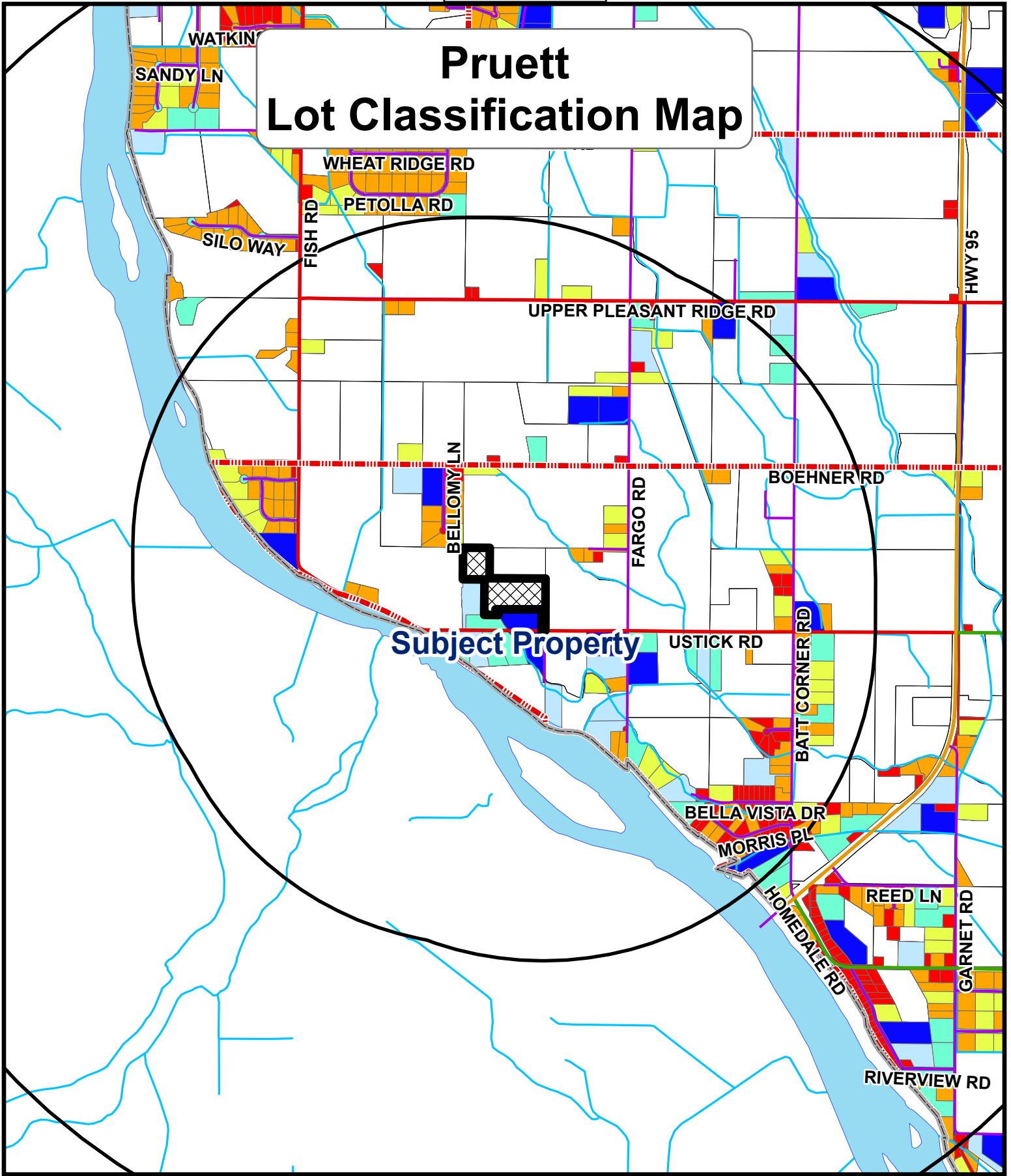
YEAR			
2023	2020		
2022	2019		
2021	2018		



CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	SD2021-0049	Plat - Flying Arrow Sub	Flying Arrow Sub	APPROVED
2	RZ2021-0050	Rezone C2 to RR, Comp Plan Change	List	APPROVED
3	OR2021-0025	Comp Plan Change Com to Res and Rezone C2 to RR	List	APPROVED
4	CR2023-0006	Rezone AG to CR-RR	Maestrejuan	APPROVED

Pruett 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

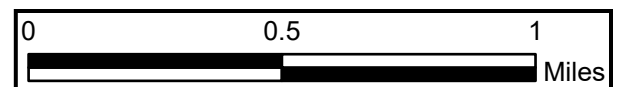


Exhibit B3



EXHIBIT C

Site Visit Photos: November 1, 2024

Planning & Zoning Commission

Case #: CR2023-0003

Hearing Date: February 6, 2025

Exhibit C1: Site Photos Taken on November 1, 2024

Image 1 (left): Taken on
Ustick Road Facing East

Image 2 (right): Taken on
Ustick Road Facing West



Image 3 (left): Taken on
Ustick Road Facing South

Image 4 (right): Taken from
Ustick Road Facing North



Image 5 (left): Taken on the
subject property facing
north where the Ustick
Access is located.

Image 6 (right): Ag-Field
Facing West.

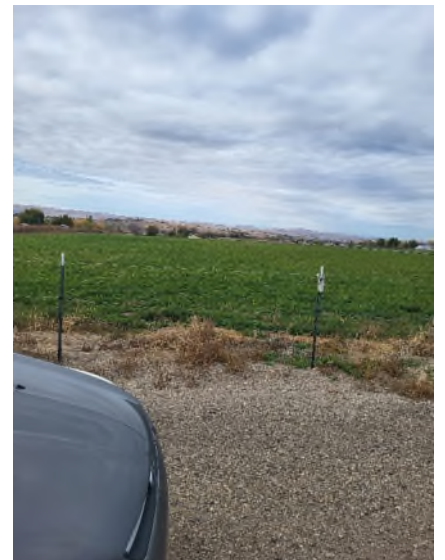
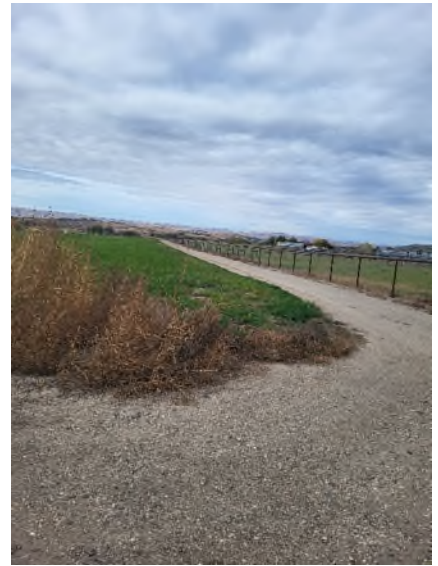


Image 7 (left): Ag-Field and Access from Ustick Road Facing Northwest.

Image 8 (right): Entrance to driveway running East-to-West facing Northwest.



Images 9 (left): Driveway running East-to-West Facing West

Image 10 (right): Driveway running East to West Facing East

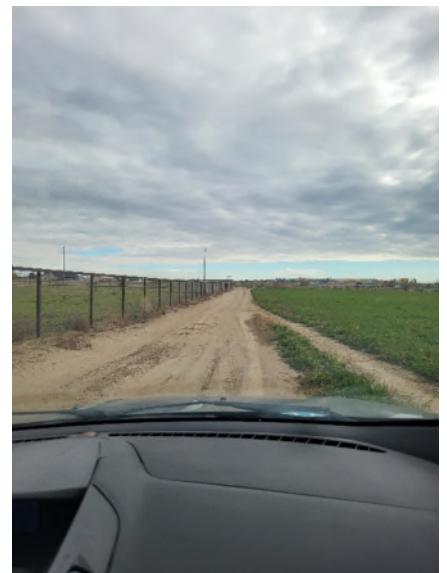


Image 11 (left): Agricultural-Building Facing North

Image 12 (right): Stalls Facing North



Image 13 (left): Taken on the subject property facing northwest

Image 14 (right): Taken on the subject property facing south.



Image 15 (left): Taken on the subject property facing west.

Image 16 (right): Facing pasture Northwest.



Image 17 (left): Facing pasture North.



EXHIBIT D

Agency Comments Received by: January 27, 2025

Planning & Zoning Commission

Case #: CR2023-0003

Hearing Date: February 6, 2025



J-U-B ENGINEERS, INC.

Exhibit D1

J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

March 13, 2023

Canyon County Development Services Department

Attn: Jenna Petroll, Planner

111 North 11th Ave., Ste. 310

Caldwell, ID 83605

Phone: (208)454-6632

Email: jenna.petroll@canyoncounty.id.gov

RE: Case Name: Pruett, Case Number: CR2023-0003, Parcel #: R37229010A

Ms. Petroll:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the subject Conditional Rezone submitted to GGHD in an email dated March 7, 2023. The subject parcel is located directly north of 27294 Ustick Rd, Wilder, in the SE1/4 of Section 33, T4N, R5W, BM, Canyon County, ID.

The application requests a rezone of Parcel #R37229010A from A (Agricultural) to CR-R-R (Conditional Rezone – Rural Residential) for the entire property, 16.91 acres, with the purpose of creating two rural residential parcels via Administrative Land Division following rezone. Proposed access for Parcel 1 would be from Ustick Rd. Parcel 2 access would be from an easement through Parcel 1 to Ustick Rd. Ustick Rd is a Major Collector according to the GGHD's 2019 Functional Classification Map.

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

1. Proposed access on Ustick Rd to meet the rural roadway driveway spacing requirements of Section 3061.020 and applicable standard drawings of the ACCHD Standards.
2. Provide a recorded easement prepared by an Idaho registered licensed land surveyor in accordance with ACCHD Standards for access to Parcel 2.
3. A site visit by GGHD and/or ITD representatives is required to address possible site distance issues, if any.

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

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

Respectfully,

Christopher S. Pettigrew, P.E.

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

CC: Bob Watkins, GGHD Director of Highways

Emily Bunn

From: Bob Watkins <bobw@gghd3.org>
Sent: Thursday, December 12, 2024 10:21 AM
To: Emily Bunn
Subject: RE: [External] RE: Initial Agency CR2023-0003 Pruett

You are correct.

Thanks,

Bob W

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Thursday, December 12, 2024 10:04 AM
To: Bob Watkins <bobw@gghd3.org>
Subject: RE: [External] RE: Initial Agency CR2023-0003 Pruett

Hello,

Thanks for the confirmation, so just to verify the attached March letter still stands? I found this in the electronic file from when agency notice was sent out when the application first came in 2023, so just want to make sure we are on the same page.

Sincerely,



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

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

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

From: Bob Watkins <bobw@gghd3.org>
Sent: Thursday, December 12, 2024 9:54 AM
To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Subject: RE: [External] RE: Initial Agency CR2023-0003 Pruett

Emily- no additional comments to add to the previous review.

Thanks,

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

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Wednesday, December 11, 2024 2:24 PM
To: Bob Watkins <bobw@gghd3.org>
Subject: FW: [External] RE: Initial Agency CR2023-0003 Pruett

Hello,

I wanted to touch base on this conditional rezone application and see if Golden Gate Highway District No. 3 has any comments for CR2023-0003.

I am mainly looking for comments related to legal access and potential traffic impacts so I can include it in the staff report.

Thank you,



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

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From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Thursday, November 7, 2024 10:12 AM
To: 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'jmaloney@wilderfire.org' <jmaloney@wilderfire.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'e Ingram@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@ziplay.com' <contract.administration.bid.box@ziplay.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'Niki Benyakhlef' <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov; Michael Stowell <mstowell@ccparamedics.com>; 'tryska7307@gmail.com' <tryska7307@gmail.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>
Subject: Initial Agency CR2023-0003 Pruett

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

Please see the attached agency notice. You are invited to provide written testimony or comments by **December 8, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Emily Bunn** at emily.bunn@canyoncounty.id.gov.

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

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Exhibit D2

Emily Bunn

From: Richard Sims <middletown.rich@gmail.com>
Sent: Tuesday, November 12, 2024 8:50 PM
To: Emily Bunn
Subject: [External] P and Z request for CR2023-0003
Attachments: CR2023-0003 Michelle Pruett.pdf; p and z response November 12 ,2024.doc

Attached is a short narrative with recommendation and a detailed soil map identifying the irrigated capability Class of the soils within the proposed zoning change.

Thank You for requesting assistance from the Canyon County Soil Conservation District.
Richard Sims
Associate Supervisor

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

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

Attention: Emily Bunn

Case No. CR2023-0003

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

It is: CR2023-0003

Comments from Canyon County SCD:

CR2023-0003 is 100% Class III and has moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

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

Signing for Mike Swartz
Chairman Soil Conservation District

Richard Sims Associate Supervisor



United States
Department of
Agriculture

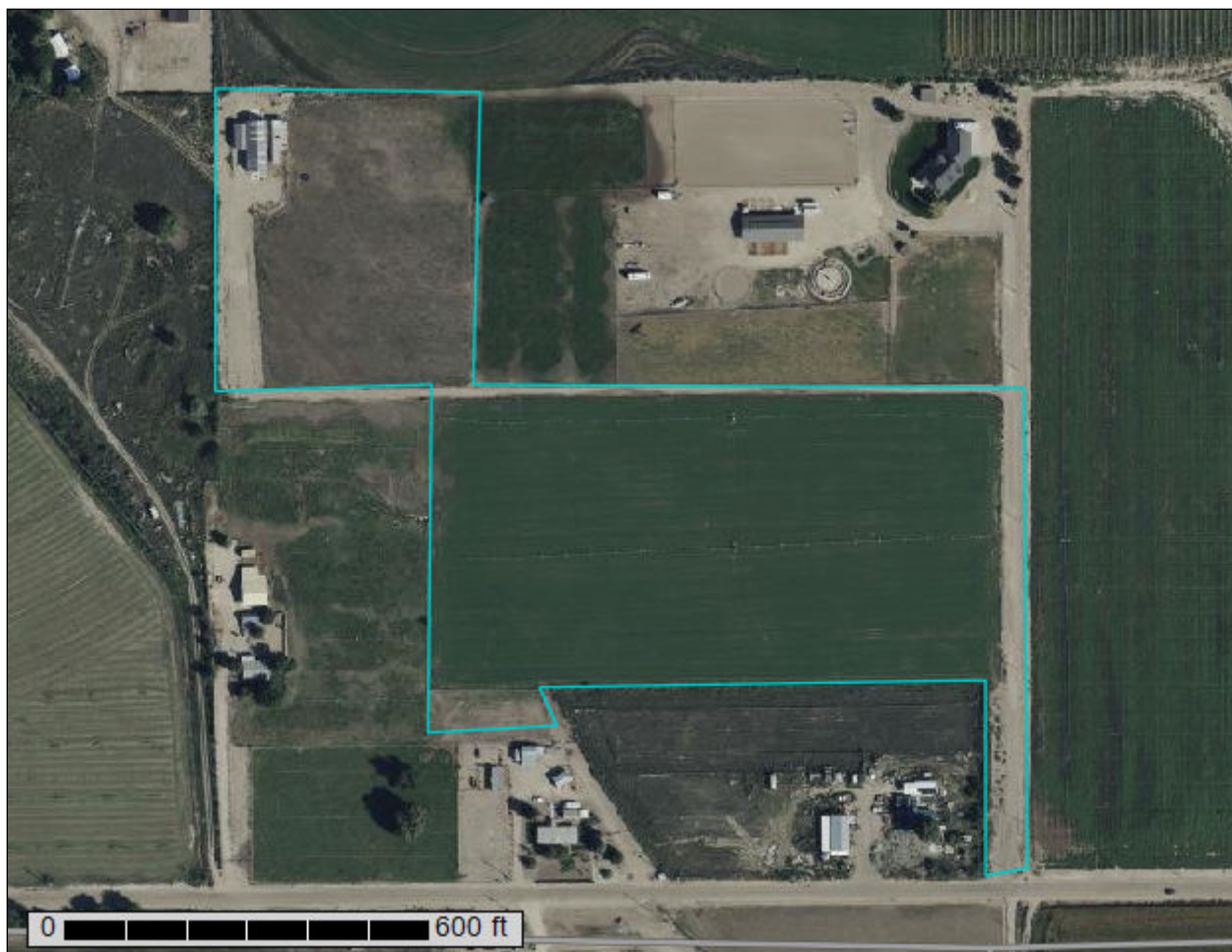
NRCS

Natural
Resources
Conservation
Service

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

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

CR2023-0003 Michelle Pruett



November 12, 2024

Preface

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

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

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

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

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

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

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

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Suitabilities and Limitations for Use.....	5
Land Classifications.....	5
Irrigated Capability Class (CR2023-0003 Michelle Pruett).....	5

Soil Information for All Uses

Suitabilities and Limitations for Use

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

Land Classifications

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

Irrigated Capability Class (CR2023-0003 Michelle Pruett)

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

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

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

Custom Soil Resource Report

Class 1 soils have few limitations that restrict their use.

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

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

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

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

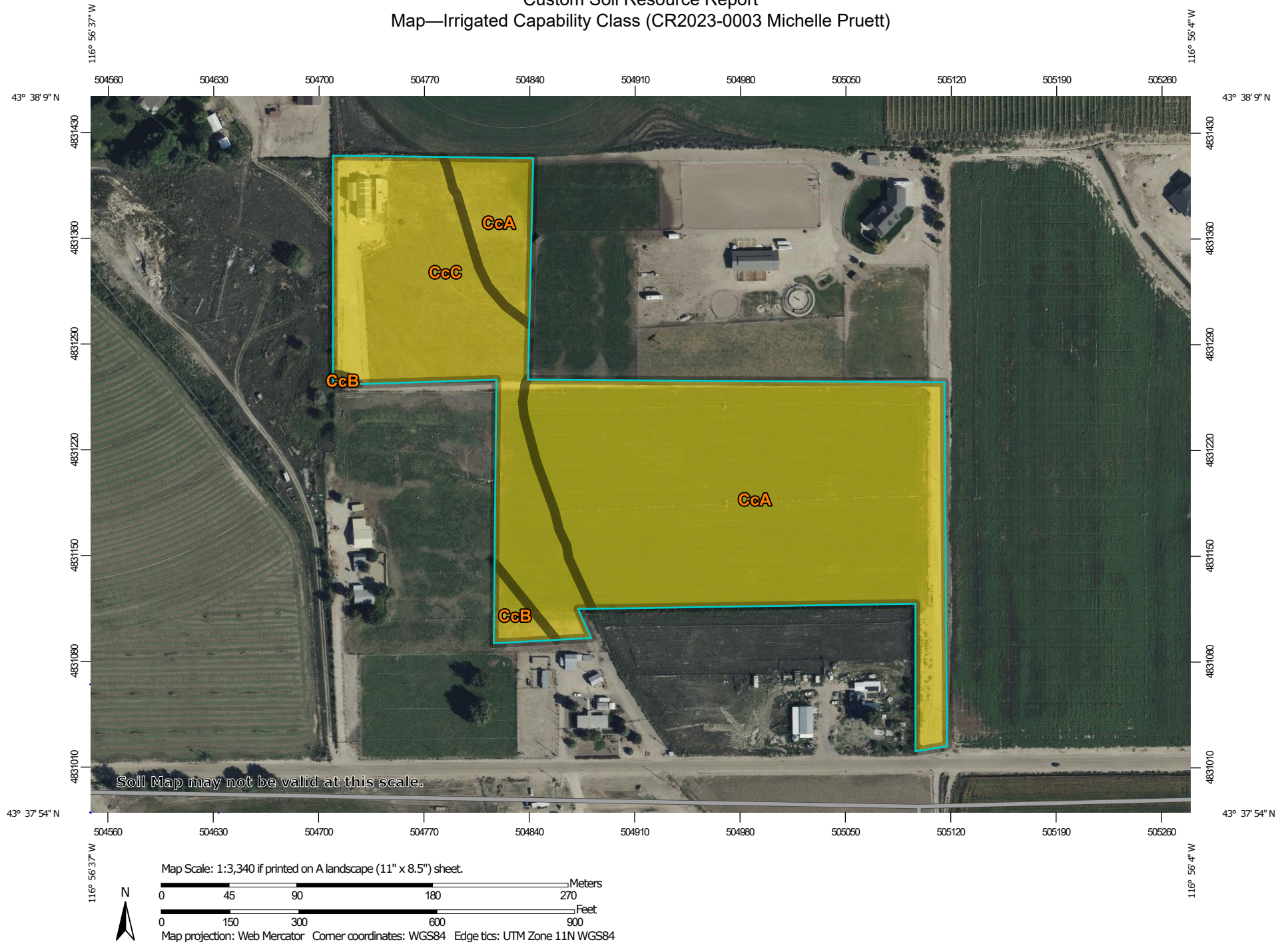
Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

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

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

Custom Soil Resource Report


Map—Irrigated Capability Class (CR2023-0003 Michelle Pruett)



Custom Soil Resource Report










MAP LEGEND

Area of Interest (AOI)










 Area of Interest (AOI)

Soils



Soil Rating Polygons








 Capability Class - I
 Capability Class - II
 Capability Class - III
 Capability Class - IV
 Capability Class - V
 Capability Class - VI
 Capability Class - VII
 Capability Class - VIII
 Not rated or not available

Soil Rating Lines


 Capability Class - I
 Capability Class - II
 Capability Class - III
 Capability Class - IV
 Capability Class - V
 Capability Class - VI
 Capability Class - VII
 Capability Class - VIII
 Not rated or not available

Soil Rating Points






 Capability Class - I
 Capability Class - II

 Capability Class - III
 Capability Class - IV
 Capability Class - V
 Capability Class - VI
 Capability Class - VII
 Capability Class - VIII
 Not rated or not available


Water Features

 Streams and Canals

Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background

 Aerial Photography

MAP INFORMATION

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

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

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

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

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

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

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

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

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

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

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

Table—Irrigated Capability Class (CR2023-0003 Michelle Pruett)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
CcA	Cencove fine sandy loam, 0 to 1 percent slopes	3	11.2	67.1%
CcB	Cencove fine sandy loam, 1 to 3 percent slopes	3	0.3	1.8%
CcC	Cencove fine sandy loam, 3 to 7 percent slopes	3	5.2	31.1%
Totals for Area of Interest			16.7	100.0%

Rating Options—Irrigated Capability Class (CR2023-0003 Michelle Pruett)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Exhibit D3

FRED BUTLER
CHAIRMAN OF THE BOARD

RICHARD MURGOITIO
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

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

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

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

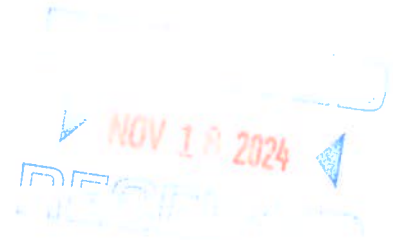
13 Nov 2024

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

RE: Michelle Pruett
North of 27294 Ustick Rd, Wilder
Wilder Irrigation District
Hammond Lateral 83+10
Sec.33, T4N, R5W, BM.

CR2023-0003

W-1148



Jenna Petroll:

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

The Boise Project Board of Control is contracted to operate and maintain this wasteway. We assert the federal easement 25 feet southeast and 25 feet northwest of the Lateral centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

The Boise Project does not approve landscaping other than gravel within its easements, as this will certainly increase our cost of maintenance. All easements must remain a flat drivable surface.

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

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

Project facilities and/or easements that parallel and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated

outside of road right-of-ways. The easements of Boise Project facilities will remain the same unless agreed upon and/or approved with written permission from Boise Project Board of Control.

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

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

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

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

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

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

~~NO DISCHARGE~~ into any live irrigation system is permitted.

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

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

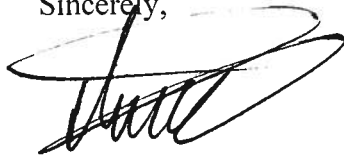
Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statutes, Title 42-1209.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Ritthaler', with a large, sweeping flourish at the end.

Thomas Ritthaler
Assistant Project Manager, BPBC

tbr/tr

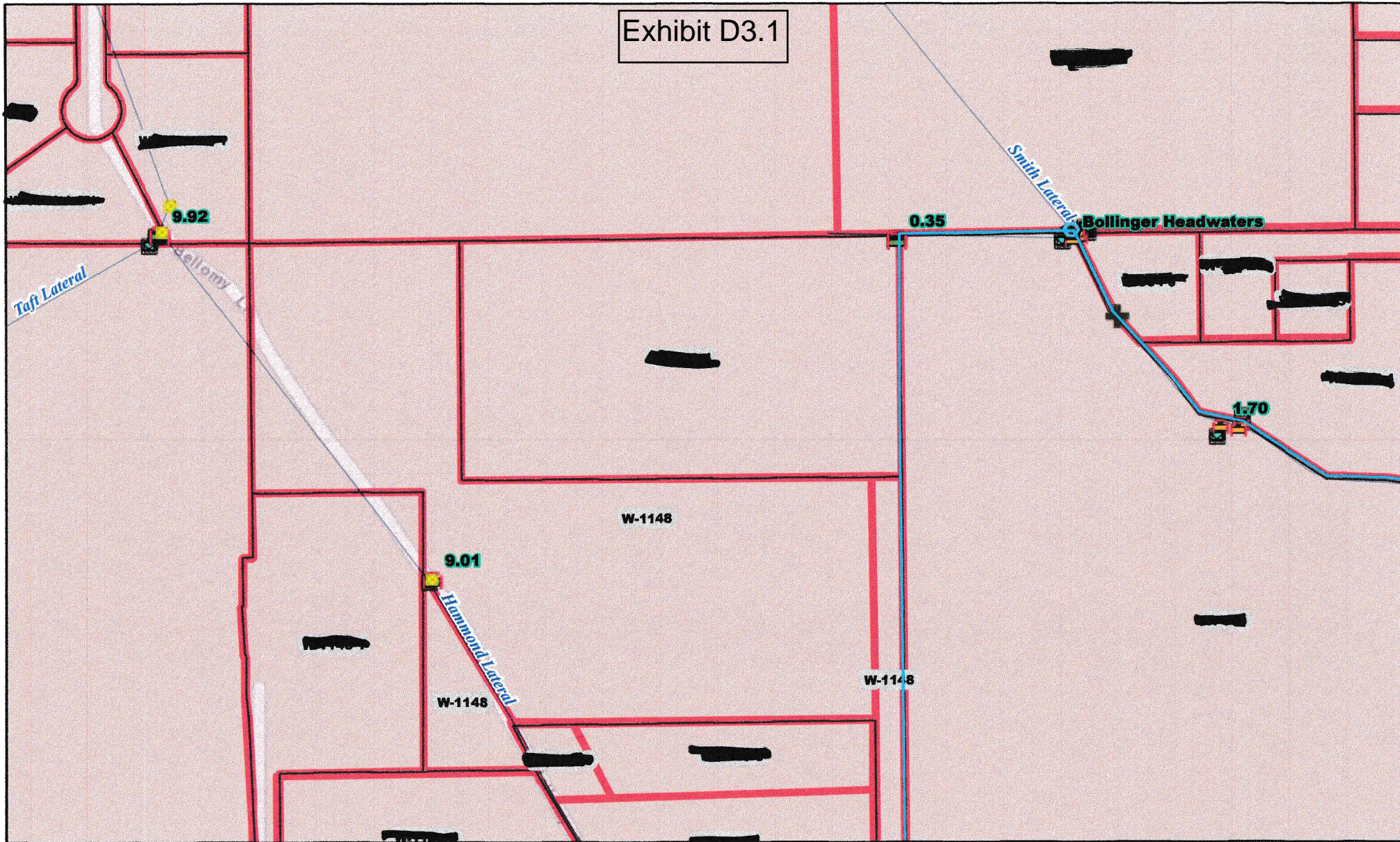
cc: Matt Freelove
Lise Sweet

Watermaster, Div; 5 BPBC
Secretary – Treasurer, WID

File

Boise Project Board of Control

Exhibit D3.1



12/12/2024, 2:15:11 PM

Hydro - Canals, Laterals

Facility Point Features



3-Sided Structure



Cleanout Box



Crossing



Delivery Box



Headgate



Weir



County Parcel Data



Boise Project Accounts



Boise Project Accounts

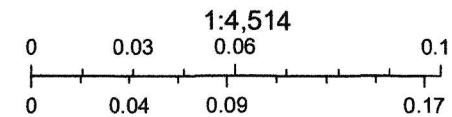


Boise Project Accounts

Irrigation Districts



WILDER IRRIGATION DISTRICT



Bureau of Land Management, State of Oregon GEO, State of Oregon, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, U.S. Forest Service

ArcGIS W

Bureau of Land Management, State of Oregon GEO, State of Oregon, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, U.S. F

Emily Bunn

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Friday, November 15, 2024 12:30 PM
To: Emily Bunn
Subject: RE: FW: [External] RE: Initial Agency CR2023-0003 Pruett
Attachments: Pre.Development.Notes.Signed.11.15.2024.pdf

Hi Emily,

See attached meeting notes for Agency number CR2023-0003.

This project can move forward with the following requirements outlined in the notes.

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: Michelle Pruett <mppruett2464@gmail.com>
Sent: Tuesday, November 12, 2024 4:22 PM
To: Anthony Lee <Anthony.Lee@swdh.id.gov>
Subject: Fwd: FW: [External] RE: Initial Agency CR2023-0003 Pruett

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----- Forwarded message -----

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Date: Fri, Nov 8, 2024, 9:37 AM
Subject: FW: [External] RE: Initial Agency CR2023-0003 Pruett
To: Katie Crandlemire <katie@ktpropertiesllc.com>, Michelle Pruett <mppruett2464@gmail.com>

Hello,

Southwest District Health requests that you reach out to them to discuss the details of the project per the below email so they can inform you of any requirements, information they may have.

Please reach out to them when you get a chance.

Sincerely,



Emily Bunn,

Associate Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: (208) 454-6632

Email: emily.bunn@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

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Effective Jan. 3, 2023

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8am – 5pm

Wednesday

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

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From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Friday, November 8, 2024 7:39 AM
To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Subject: [External] RE: Initial Agency CR2023-0003 Pruett

Hi Emily,

Request for comments:

1. **Will a Nutrient Pathogen Study be required?** No, the property is not in a designated Nitrate Priority Area and does not meet the criteria for an NP study.
2. **Will adequate sanitary systems be provided to accommodate the use?** A site evaluation has not been conducted on site to determine site suitability.

Applicant will need to reach out to SWDH to discuss the details of 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: Thursday, November 7, 2024 10:12 AM

To: 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'jmaloney@wilderfire.org' <jmaloney@wilderfire.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingham@idahopower.com' <eingham@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'Niki Benyakhlef' <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; christine.wendelsdorf@canyoncounty.id.gov; Michael Stowell <mstowell@ccparamedics.com>; 'tryska7307@gmail.com' <tryska7307@gmail.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@deg.idaho.gov' <BRO.Admin@deg.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>

Subject: Initial Agency CR2023-0003 Pruett

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Please see the attached agency notice. You are invited to provide written testimony or comments by **December 8, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Emily Bunn** at emily.bunn@canyoncounty.id.gov.

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

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Name of Development: _____

Applicant: _____

P.E./P.G.: _____

All others in Attendance: _____

_____ EHS #'s _____ Date _____

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

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

Additional Comments:

Anthony Lee

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



November 18, 2024

Canyon County Development Services
111 North 11th Avenue, Ste 310
Caldwell, Idaho 83605
Emily.bunn@canyoncounty.id.gov

Subject: Initial Agency CR2023-0003 Pruett

Dear Canyon County Development:

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

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

1. AIR QUALITY

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

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

- 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.

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

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

2. WASTEWATER AND RECYCLED WATER

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

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

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

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

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- 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 Albert Crawshaw, 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,

A handwritten signature in blue ink, appearing to read "Valerie A. Greear". The signature is fluid and cursive, with the first name "Valerie" being more prominent than the last name "Greear".

Valerie A. Greear, PE
Acting Regional Administrator

Exhibit D6

Emily Bunn

From: Amber Lewter
Sent: Tuesday, November 19, 2024 11:47 AM
To: Emily Bunn
Subject: FW: [External] RE: Initial Agency CR2023-0003 Pruett

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Tuesday, November 19, 2024 11:39 AM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Subject: [External] RE: Initial Agency CR2023-0003 Pruett

Hello,

After careful review of the transmittal submitted to ITD on November 7, 2024 regarding CR2023-0003 Pruett, the Department has no comments or concerns to make at this time. This application does not meet thresholds for a Traffic Impact Study nor does it pose any safety concern. If you have any questions please contact Niki Benyakhlef at (208) 334-8337/ Niki.Benyakhlef@itd.idaho.gov.

Thank you

Mila Kinakh

D3 Planning and Development
Administrative Assistant



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

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Thursday, November 7, 2024 10:12 AM
To: 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'jmaloney@wilderfire.org' <jmaloney@wilderfire.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'e Ingram@idahopower.com' <e Ingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'gis@compassidaho.org' <gis@compassidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crowth <Brian.Crowth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'tryska7307@gmail.com' <tryska7307@gmail.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>

Subject: Initial Agency CR2023-0003 Pruett

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Please direct your comments or questions to Planner **Emily Bunn** at emily.bunn@canyoncounty.id.gov.

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

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Emily Bunn

From: alicep@cityofhomedale.org
Sent: Tuesday, December 10, 2024 1:05 PM
To: Emily Bunn
Subject: RE: [External] RE: Homedale Comprehensive Plan

Currently the City has no plans for that area. I would however be concerned about dividing the parcel with such a small entry way into the larger area.

Thank you, be safe and

Merry Christmas and Happy New Year.

Alice E Pegram

City of Homedale
City Clerk/Treasurer
208 337 4641

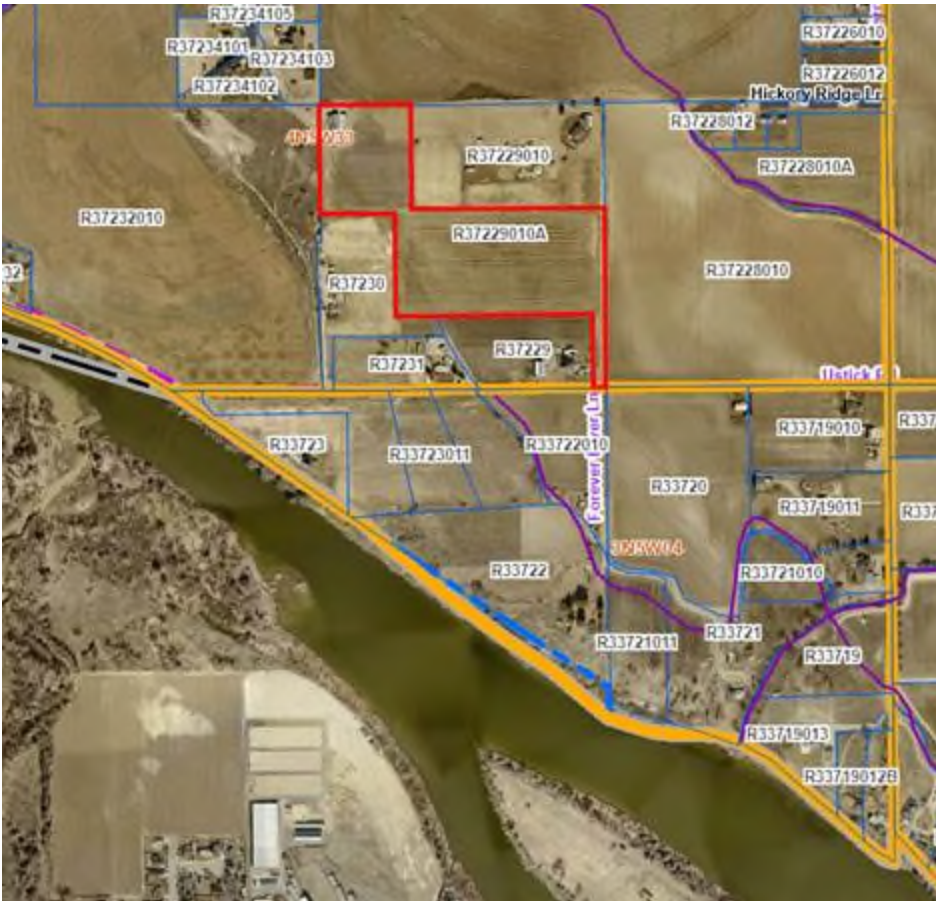
From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Tuesday, December 10, 2024 12:56 PM
To: 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>
Subject: RE: [External] RE: Homedale Comprehensive Plan

Hello,

Thank you for the info on the Comprehensive Plan.

Mainly what I am wanting to include in my staff report is what future zone the city has planned for Parcel R37229010A. There is no address for the parcel, but I have attached a site map and the property directly to the south of the property's address is 27294 Ustick Rd Wilder, ID 83676.

They are requesting a conditional rezone to residential so they can divide the property into two (2) lots and have residential building permits available.



Sincerely,



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

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Exhibit D8



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

Case No CR2023-0003

Location: TBD Ustick Rd Wilder, Idaho

Acreage: 16.91 acres

Zoned: A

Dear Mrs. Bunn,

Canyon County Building Division has reviewed the subject conditional rezone application for Michelle Pruett and would recommend the following comments as conditions of approval, if the conditional rezone is approved.

1. Prior to any new building permit being issued, property owner shall apply for a change of occupancy permit. Active code enforcement case, CDEF2024-0246, calls out the structure shown below being permitted as an AG-Exempt Building (storage for agricultural purposes only) but we have recently learned that it has been used for residential. Property compliance shall be gained by Change of Occupancy permit being applied for and Certificate of Occupancy issued for structure. At that time, the code enforcement case will be closed out and new structures to be built on the property can be consider for permitting.

- Applicable agency approvals will be required at time of permit: Wilder Fire Department, Southwest District Health, and Golden Gate Hwy #3.

Any structure that has had work completed without a permit that need a building permit will be charged double fees as per current county codes and ordinances state.

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

If you have any questions, please let us know,

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

Planning • Zoning • Building • Code Enforcement

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

EXHIBIT E

Public Comments Received by: January 27, 2025

Planning & Zoning Commission

Case #: CR2023-0003

Hearing Date: February 6, 2025

Exhibit E1

Case CR2023-0003

To Whom it May Concern:

I reside at 27500 Ustick Rd in Wilder and am an abutter to the property of Michelle Pruett. She is asking that the Canyon County Planning and Zoning Commission rezone the property from "A" Agricultural to "CR-RR" in order to subdivide the property for the purpose of selling the lots for new home builds. My concerns are as follows:

- 1) Adjacent to my property line is a Wilder Irrigation District Easement/right of way that supplies water to my weir that is located on that easement. I have a man gate that I use to access that weir. When I look at the map that was included in the notice, that easement/right of way is not depicted on the map. Also, the irrigation pipe that provides water to my weir runs thru that property. Any disruption to that pipe will result in a disruption to my summer irrigation water supply. I think that the Commission should contact the Wilder Irrigation district to understand what impact putting houses and disruption that supply line pipe will have on my and others water supplies.
- 2) That property has been in ag use since I bought the property in 2016. Since I have been here, they have grown alfalfa, beans and other crops. To my way of thinking, the loss of more agricultural land to put in houses is not the best use of the land. There are plenty of other areas that are providing housing and once the ag land is gone there is no getting it back.
- 3) I am down grade from the property and I want to understand the impact the runoff, septic impact, and impact to my well and see the studies that indicate and provide data that clearly states that there will be no impact. What is planned to mitigate any impact to my household water supply and quality?
- 4) The access road that runs adjacent to the north of my property is to the best of my knowledge not a road that was built nor maintained by the county or city of Wilder. I do not believe it is to standard regarding grade, width etc.and want to know what the plan is for that road. Is the county going to take over that road or will the Planning and Zoning require it be brought to code regarding grading and width. Would my property be taken by eminent domain to widen the road?

I believe my concerns are legitimate and I would hope that the Planning and Zoning Commission keeps that property in Ag zoning .

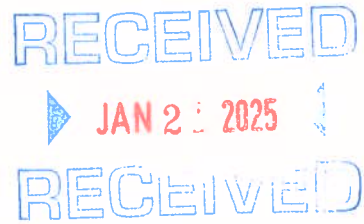
Leslie Capik

27500 Ustick Rd.

Wilder , Id 83676

January 14, 2025

Case # CR2023-0003



This letter is pertaining to the rezoning of 27262 Ustick Rd. in Wilder, Idaho. We are very much in favor of this being approved. We know the people who have recently purchased the property and know they will be very good neighbors and take care of the property. The previous owners were absent and consequently there was a weed problem that affected us adversely. The new owners of this property live in the area and are cognizant of the work involved in keeping the property in good condition and being good neighbors. We have no objections to rezoning this property to residential.

We really hope the county approves this application. Our property line is about 150 feet at one point from the property line at 27262 Ustick Rd.

Martin & Barbara Green

27366 Ustick Rd

Wilder, Idaho 83676

A handwritten signature in black ink, appearing to read 'Martin Green'.

A handwritten signature in black ink, appearing to read 'Barbara Green'.

Emily Bunn

From: Barbara Green <Barbmartin44@outlook.com>
Sent: Thursday, January 16, 2025 9:11 AM
To: Emily Bunn
Subject: RE: [External] Case # CR2023-0003

Yes, and I also mailed a letter

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Monday, January 13, 2025 4:11 PM
To: 'Barbara Green' <Barbmartin44@outlook.com>
Subject: RE: [External] Case # CR2023-0003

Hello,

Thank you for the information. Is this the comment you would like included with the staff report?

Sincerely,



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

Development Services Department (DSD)
NEW public office hours
Effective Jan. 3, 2023
Monday, Tuesday, Thursday and Friday
8am – 5pm
Wednesday
1pm – 5pm

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

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

From: Barbara Green <Barbmartin44@outlook.com>
Sent: Monday, January 13, 2025 4:09 PM
To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Subject: RE: [External] Case # CR2023-0003

We just found out who bought the property and we have no concerns at all about rezoning the property. Our property line is about 150 feet from the property. We live at 27366 Ustick road. We are Martin & Barbara Green . As I said we have no concerns at all, as a matter of fact we prefer this rezoning and the new owners to the previous owners. We know they will take real good care of the land.

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Monday, January 13, 2025 10:41 AM
To: 'Barbara Green' <Barbmartin44@outlook.com>
Subject: RE: [External] Case # CR2023-0003

Hello,

The case will still be held on February 6, 2025 at 6:30 p.m.. I am aware that the property has been sold, and the new property owner's representative informed me they would like to move forward with the case.

If you would like to send a letter for the public hearing, you can send a letter by emailing me your comments,, sending me a letter by mail, or dropping it off at our office (the address for the office can be found below my signature line). I will just need the comment by January 27, 2025 (the materials deadline for the case).

Is there any building taking place on the property? Or what type of work is taking place?

Sincerely,



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

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From: Barbara Green <Barbmartin44@outlook.com>
Sent: Monday, January 13, 2025 10:36 AM
To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Subject: [External] Case # CR2023-0003

I am wondering if the meeting scheduled for Feb.6,2025 is cancelled because some people are there doing some work and said she had sold the property to them. I don't know if the hv ell the property or just a section of it. Can you let us know so we don't go to a cancelled meeting. I am a neighbor.

18203 Bellomy Lane
Wilder, Idaho 83676

Exhibit E3

January 22, 2025

Canyon County Development Services Department
111 North 11th Avenue, Suite 310
Caldwell, Idaho 83605

Re: Case No. CR2023-003 (Michelle Pruett - Request for Conditional Rezone of Parcel No. R37229010A and Subsequent Split of the Parcel)

Dear Sir or Madam:

We are the owners of the property located at 18203 Bellomy Lane, Wilder, Idaho (Parcel No. R372341020). We have reviewed the Preliminary Hearing Materials related to the request for a conditional rezone and the subsequent split of the parcel into two parcels. Our concern with this plan has to do with the ingress /egress for what would become the northwest parcel. We understand from Ms. Pruett's representative, Katie Burford, that a legal ingress/egress easement will be granted to the northwest parcel (see Katie Burford letter dated 02/17/2023). According to the J-U-B Engineering letter dated March 13, 2023, this easement would be granted through the second parcel to Ustick Road.

As detailed in the Boise Project Board of Control's letter dated November 13, 2024, the Hammond Lateral lies under the above-referenced property. As referenced in the Project's attached map, the Lateral continues through Bellomy Lane along the border of our property and the adjacent property, Parcel No. 372341030. The ditch rider uses this easement to access irrigation boxes and structures. However, Bellomy Lane ends in a cul-de-sac with only the irrigation right-of-way continuing past the cul-de-sac.

The shop/barn that is currently located on the above-referenced (Pruett) parcel has been used as a residence for many years. Residents and guests have routinely accessed the residence via the irrigation access road. This has included R.V.s, large trucks, automobiles and motorcycles. In fact, some of the construction vehicles that accessed the property for work earlier this month used this as an access (please see attached pictures taken on January 15, 2025). Due to the increase of traffic and the speed of a few of the vehicles using this access, last spring we visited the Wilder Irrigation office in Wilder and spoke with Matt. We expressed our concern about the safety of this situation including the fact that there are children in this area, including our then 11-year-old daughter. He referred us to the ditch rider, Leo. We talked with Leo, and he stated that he would occasionally be using this irrigation road from Ustick Road through Bellomy Lane. We decided at that time not to pursue the matter. However, we are now concerned that with a separate northwest parcel, residents and their guests will find it easier to access a main road (Boehner Road) by using the irrigation road which crosses our and neighboring private property.

If you require any additional, please do not hesitate to contact us.

Best regards,

 
Louis C. Berard Carol C. Berard

cc: Boise Project Board of Control

Enclosures (any documents referenced in this letter that are already in the public hearing packet are not enclosed in this letter)

Photo taken Jan 15, 2025

NW parcel
(Prvett Shop/Barn)



Photo taken Jan 15, 2025

NW Parcel

Berard Property
Line

Contractor
Tire Tracks

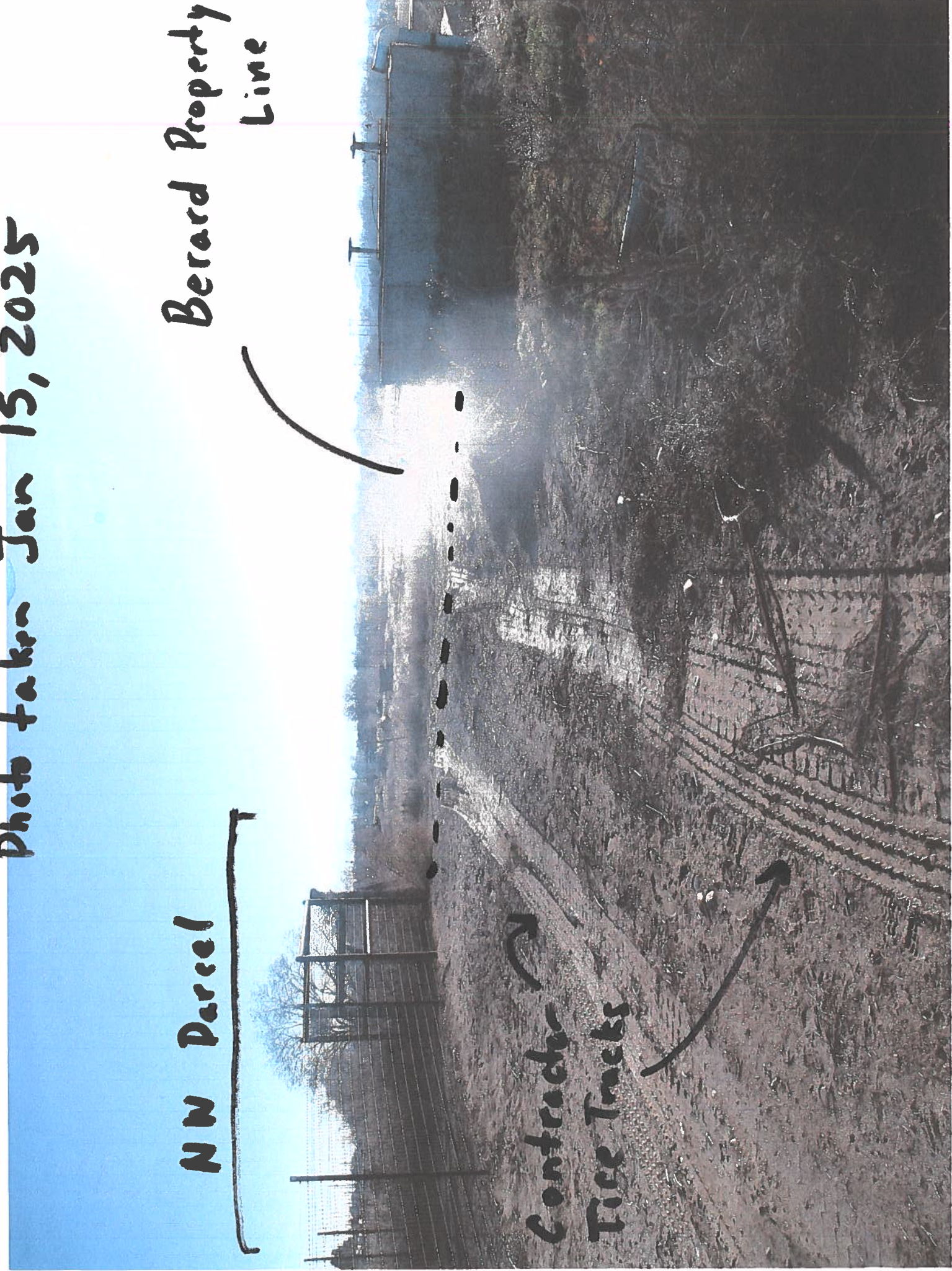


Exhibit E4

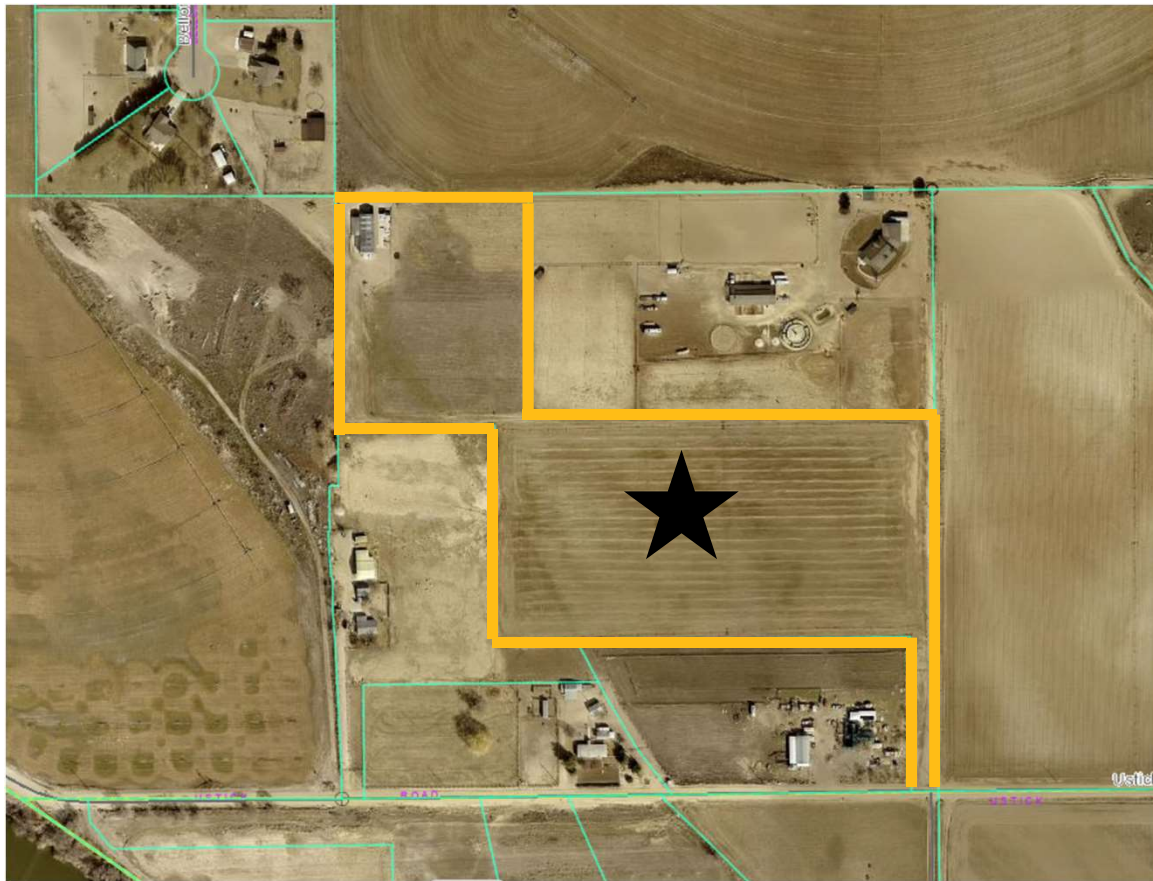
Conditional Rezone

0 Ustick Rd/Parcel #37229010A0
16+/- acres

Michael Torres

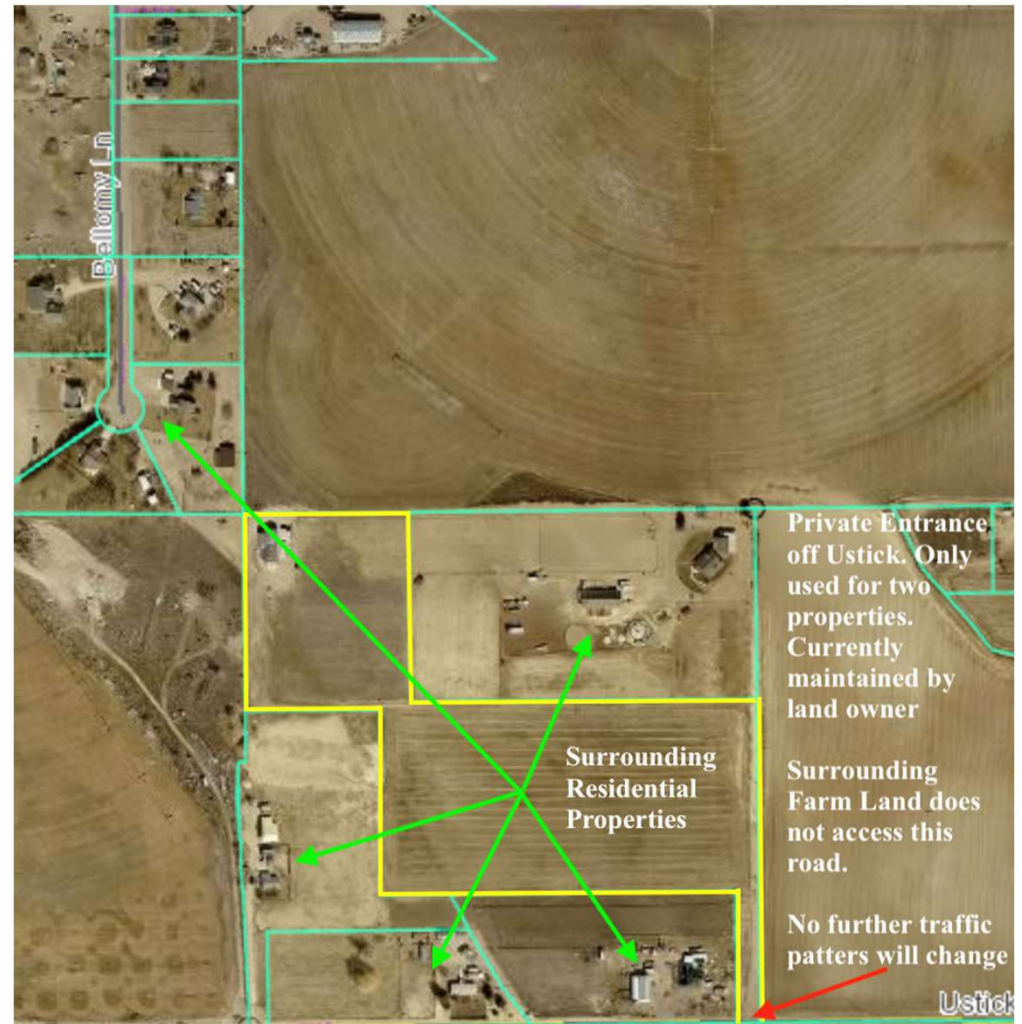
Subject Property

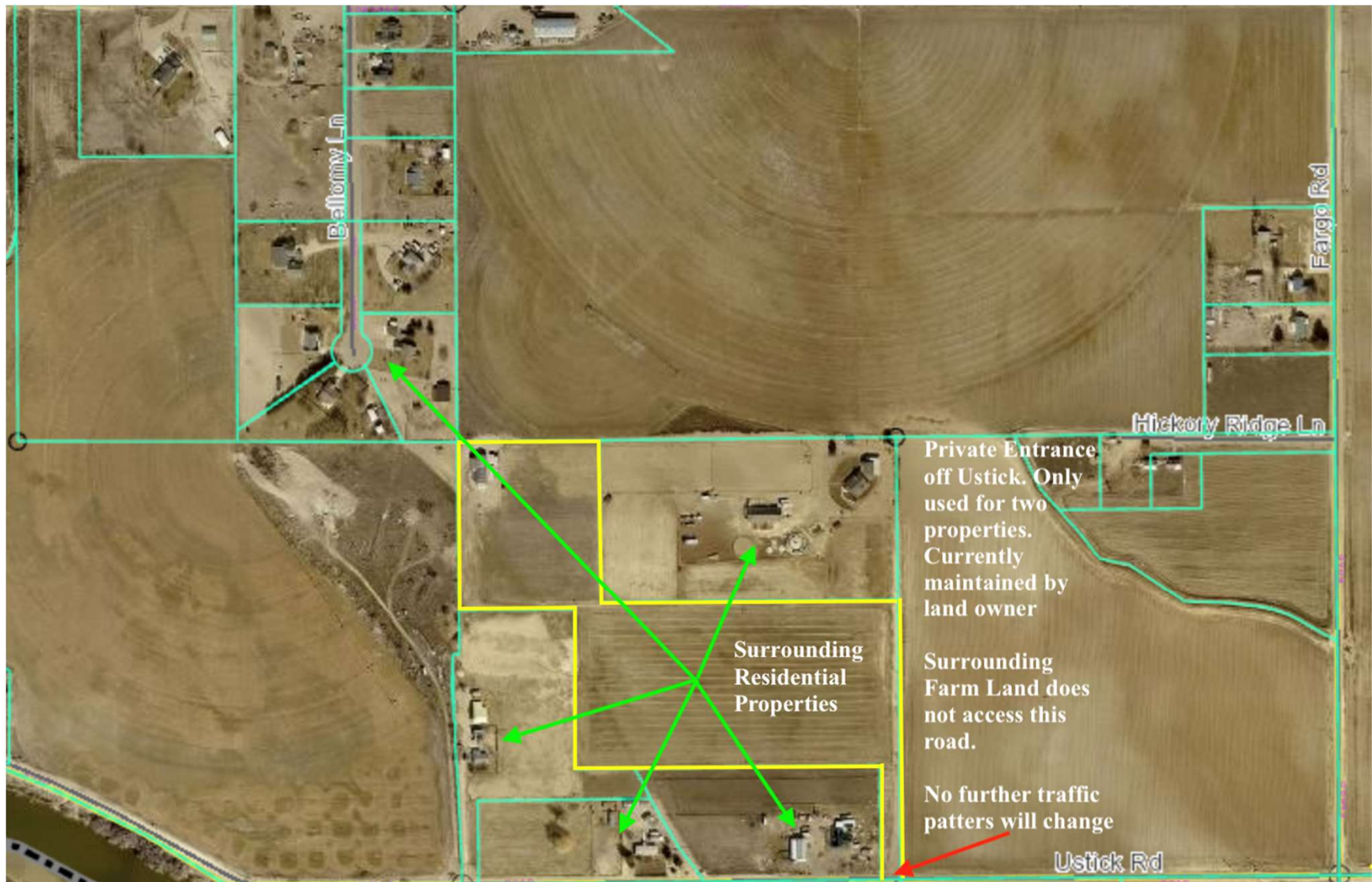
0 Ustick Rd (37229010A0)



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

- We are NOT converting large farm ground to residential, this is small acreage which is too small to successfully farm and is currently surrounded by residential properties.
- NO negative impacts to the farming community would occur, with minimal traffic patterns if any changing.





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

- With residential homes surrounding the subject property, we feel a new designation would be better suited for this property.
- Legal access to property is already in place. No further access will need to be created.
- Irrigation and Power is already available on the property.
- Road is currently maintained by property owner.

Adequate Utilities

- Subject property will be on Septic and Well with more than enough room to comply with SWDH requirements.
- Irrigation and Power is already available and located on the property.
- No new public access or improvements will be needed.
- All local agencies have signed off on proposed plans.

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?

- Rezone will have minimal to NO additional impacts on Public Services and facilities due the minimal homes that would be built on this property.
- Rezone is going to mirror the surrounding areas with NO plans of building a large subdivision.



PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:

BCI Real Estate– Case #CR2023-0003

The Canyon County Planning and Zoning Commission considers the following:

1) Conditional Rezone

Case CR2023-0003, The subject property is located west and south of 27262 Ustick Rd, Wilder, ID 83676 and also referenced as Parcel Number: R37229010A, a portion of the Southwest quarter of the Southeast quarter in Section 33, T4N, R5W, BM, Canyon County, Idaho.

Parcel Size: 16.49 acres

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 CR2023-0003

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), and Canyon County Code §09-05-21 (Area of City Impact Agreement).
 - 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).
 - 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* CCZO §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. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §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. CCZO 07-05-03(1)(I).

The application CR2023-0003 was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 6, 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: The proposed conditional rezone change is generally consistent with the Canyon County Comprehensive Plan for 2030.	
Findings:	(1) This parcel is within City of Homedale's Impact Area, but the City does not currently have plans for this area per their City Clerk (Staff Report Exhibit D7).
	(2) The Future Land Use Map from the 2030 Comprehensive Plan designates this parcel as Rural Residential (Staff Report Exhibits B1 and B2.4)
	<p>(3) The request aligns with the following goals and policies of the 2030 Comprehensive Plan:</p> <ul style="list-style-type: none"> • <u>Property Rights Goals and Policies:</u> <ul style="list-style-type: none"> ○ Goal No. 1: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare." ○ Policy No. 1: "No person shall be deprived of private property without due process of law." • <u>Population Component Policy and Goal:</u> <ul style="list-style-type: none"> ○ Policy No. 1: "Plan for anticipated population and households that the community can support with adequate services and amenities." ○ Goal No. 2: "Promote housing, business, and service types needed to meet the demand of the future and existing population." • <u>Economic Development Goal</u> <ul style="list-style-type: none"> ○ Goal No. 5: "Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability." • <u>Land Use Policies and Goals:</u> <ul style="list-style-type: none"> ○ Point 1: "Maintain a balance between residential growth and agriculture that protects the rural character." ○ Point 2: "Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights." ○ Goal 2: "Ensure that growth maintains and enhances the unique character throughout the County." ○ Goal 3: "Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning." ○ Goal 7: "Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to the good quality of life." ○ Point 7: "Plan land uses that are compatible with the surrounding community." • <u>Housing Goals</u>

	<ul style="list-style-type: none"> ○ Goal 1: “Encourage opportunities for a diversity of housing choices in the County.” ○ Goal 2: “Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural and natural resources.”
	(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0003.
	(5) 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: In consideration of the surrounding land uses, the proposed conditional rezone change to “RR” Rural Residential is more appropriate than the current zoning designation of “A” (Agricultural).	
Findings:	(1) The surrounding area primarily contains agricultural zoning and uses, but the land directly to the south and southeast predominately contains residential zoning (RR, CR-RR, R-1) and agricultural uses (Staff Report Exhibits B2.1 and B2.3). The residential zoning to the south and southeast appears to have been in place since 1980 per Canyon County’s Zoning Map from this time frame (Staff Report Exhibit B3). To the north and east, there is productive agriculture and some sporadic residential zoning (R-1 and CR-RR). To the west, there is agricultural uses and some agricultural residential parcels (parcels are zoned agricultural but have residential uses) (Staff Report Exhibits B2.1 and B2.3).
	(2) The Rural Residential (RR) zone would be more appropriate than the Agricultural zone due to the fact that this area appears to be a transition area between low-density residential and productive agriculture (Staff Report Exhibits B2.1, B2.2, B2.3, and B2.8). Additionally, the proposed parcels (6.262 acre-parcel and 10.221-acre parcel) exceed the median acreage of 4.96 acres and is within 1.0-acre of the average size (11.12 acres) of the parcels within the surrounding area (Staff Report Exhibit B2.2).
	(3) The surrounding land use cases demonstrate the area is trending towards residential (Staff Report Exhibit B2.7).
	(4) Parcel R37229010A is within City of Homedale’s Impact Area and the city is located approximately 2700 feet to the southwest. Homedale’s City Clerk states at this time the City does not have plans for this area (Staff Report Exhibit D7).
	(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0003.
	(6) Evidence includes associated findings and evidence supported within this document.
(3) Is the proposed conditional rezone compatible with surrounding land uses?	
Conclusion: The proposed conditional rezone to Rural Residential (RR) is compatible with surrounding land uses.	
Findings:	(1) The proposed rezone is intended to facilitate the development of two (2) residential parcels on a large acreage (the proposed parcel sizes are 6.269-acres and 10.221-acres), which is consistent with the development pattern of land uses in the surrounding area. The acreage is generally consistent with other parcels in the area and the intent is to still have agricultural uses take place on the two (2) proposed parcels (such as pasture and hay ground). As conditioned, the proposed development is not anticipated to interfere with adjacent agricultural production, nor detract from established residential uses (Staff Report Exhibits A2, A6, B2.1, B2.2, B2.3, and B2.8).

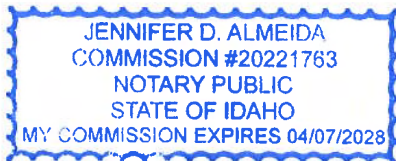
	(2) Pursuant to Canyon County Ordinance 07-02-03, land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another and b) they do not exclude or diminish one another's use of public and private services. A compatibility determination requires 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.
	(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0003 .
	(4) Evidence includes associated findings and evidence supported within this document.
(4) Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?	
Conclusion: The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below.	
Findings:	(1) The character of the area is mainly agricultural wherein people live and have agricultural uses such as growing crops (on a large-scale and smaller scale), keeping pastures, and raising animals. There is some residential zoning to the south wherein agricultural uses occur with even smaller lot sizes. (Staff Report Exhibits B2.1, B2.2, B2.3, B2.8, and C).
	(2) The parcel is in the Homedale City Impact Area, but the city does not have plans for the area (Staff Report Exhibit D7).
	(3) To mitigate potential impacts to the surrounding area, conditions of approval have been added that will limit future development to two (2) parcels with a residential building available to each and no further divisions shall occur as proposed in Staff Report Exhibits A2 and A6 . A condition has also been added to prohibit secondary residences on each proposed parcel. If the property owner in the future desires to develop further, they will have to amend their Development Agreement or reapply for a rezone and subdivision plat to create more parcels with a residential building permit.
	(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0003 .
	(5) Evidence includes associated findings and evidence supported within this document.
(5) Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate proposed conditional rezone?	
Conclusion: The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.	
Findings:	(1) An individual septic system exists for the 1-bedroom barn which would be present on the proposed 6.269-acre parcel. An individual septic system is requested for the proposed 10.221-acre parcel. (Staff Report Exhibits A2 and D4.1). Per Southwest District Health, the subject property is not located within a nitrate priority area, an on-site evaluation will need to be applied for when ready to install a new septic system on the proposed 10.221-acre parcel and proposed future septic systems must maintain minimum setback requirements from any features of concerns (i.e. property lines, canals/ditches, streams, pressurized water lines, neighboring wells, and septic systems, etc.) (Staff Report Exhibits D4 and D4.1).
	(2) Individual wells are requested for each lot (Staff Report Exhibit A2) Notice was given to the Idaho Department of Water Resources, but no comments were received. Individual wells are

	anticipated to adequately provide services to the potential two residential dwellings. Future development shall comply with IDWR standards at the time of subdivision/building permit, etc.
	(3) Drainage appears to not be affected by this application, as stormwater drainage is currently retained by burrow ditches (Staff Report Exhibit A3). Boise Project Board of Control states that storm drainage and/or street runoff must be retained on site and no discharge into any live irrigation system is permitted (Staff Report Exhibit D3).
	(4) The parcel is served by Boise Project Board of Control/Wilder Irrigation. Boise Project Board of Control submitted a letter stating that the United States' Hammond Lateral lies within the boundary of the above-mentioned location and an easement for this canal is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. The location of the lateral can be found in Staff Report Exhibit D3.1 . Boise Project Board of Control also reminds the applicant of the irrigation district's easement and drainage requirements and that per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property to serve neighboring properties must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors. Please see Staff Report Exhibit D3 to review their full comment letter.
	(5) Utility poles exist along the frontage of the parcel (Staff Report Exhibit C). There are also residences in the general vicinity that are indicative of utility services being available.
	(6) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 7, 2023 and November 7, 2024. Newspaper notice was published on January 7, 2025. Property owners within 600' were notified by mail January 7, 2025. Full political notice was provided on January 7, 2025. The property was posted on January 7, 2025.
	(7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0003 .
	(8) Evidence includes associated findings and evidence supported within this document.
	(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: No public street improvements are required to provide adequate access to and from the subject property and minimize traffic impacts (Staff Report Exhibit D1).
Findings:	(1) Per Golden Gate Highway District No. 3, the proposed conditional rezone will not require public street improvements in order to provide adequate access to and from the subject property in order to minimize undue interference with existing and/or future traffic patterns created by the proposed development (See Staff Report Exhibit D1 to review Golden Gate Highway District's full comment letter).
	(2) Due to only two (2) parcels being created with a residential building permit, there does not appear to be a need to implement mitigation of traffic impacts.
	(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 7, 2023 and November 7, 2024. Newspaper notice was published on January 7, 2025. Property owners within 600' were notified by mail January 7, 2025. Full political notice was provided on January 7, 2025. The property was posted on January 7, 2025.
	(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0003 .
	(5) Evidence includes associated findings and evidence supported within this document.

(7) Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?	
Conclusion: The subject property does have legal access for the conditional rezone and will exist at the time of the development.	
Findings:	<p>(1) Per Golden Gate Highway District No. 3, the proposed access for Parcel "A" would be from Ustick Road and Parcel "C" would be from an easement through Parcel "A" to Ustick Road. Ustick Road is a Major Collector according to GGHD's 2019 Functional Classification Map. Additionally, Golden Gate Highway District No. 3 states the following findings and conditions of approval apply:</p> <ul style="list-style-type: none"> Proposed access on Ustick Rd to meet the rural roadway driveway spacing requirements of Section 3061.020 and applicable standard drawings of the ACCHD Standards Provide a recorded easement prepared by an Idaho registered licensed land surveyor in accordance with ACCHD Standards for access to Parcel "C." A site visit by GGHD and/or ITD representatives is required to address possible site distance issues, if any (Staff Report Exhibit D1).
	(2) If secondary residences are applied for at a later date on either proposed parcel, the private access would need to become a private road in compliance with CCCO §07-10-03.
	(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 7, 2023 and November 7, 2024. Newspaper notice was published on January 7, 2025. Property owners within 600' were notified by mail January 7, 2025. Full political notice was provided on January 7, 2025. The property was posted on January 7, 2025.
	(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0003 .
	(5) Evidence includes associated findings and evidence supported within this document.
(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 use is not anticipated to impact essential public services and facilities including, but not limited to schools, police, fire and emergency medical services. Any necessary measures to mitigate impacts are detailed below	
Findings:	(1) Homedale School District No. 370 was noticed, but no comments were received.
	(2) Canyon County Sheriff's Office was noticed and no comments were received.
	(3) Wilder Rural Fire Protection District, Canyon County's Paramedics and EMT, Canyon County's Emergency Management Coordinator, and Homedale City Ambulance were noticed, but no comments were received.
	(4) Per Canyon County's Driveway and Private Road requirements (CCCO §07-10-03(2)), the construction of driveways and private roads longer than one hundred fifty feet (150') from a public street right of way to the most distant portion of an inhabited building must be approved in writing from the applicable fire district. Additionally, fire district review and approval are required during the building permit process for single-family residences.
	(5) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 7, 2023 and November 7, 2024. Newspaper notice was published on January

	7, 2025. Property owners within 600' were notified by mail January 7, 2025. Full political notice was provided on January 7, 2025. The property was posted on January 7, 2025.
	(6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0003 .
	(7) Evidence includes associated findings and evidence supported within this document.
Canyon County Code §09-05-21 (Area of City Impact Agreement) – AREA OF CITY IMPACT AGREEMENT ORDINANCE	
Conclusion: The property is located within the Homedale Area of City Impact. A notice was sent to the City of Homedale per Canyon County Code Section §09-05-21.	
Findings:	(1) Per the City of Homedale's Clerk, the city has no plans for this area and her only concern was dividing the parcel with such a small entry way into a larger area (Staff Report Exhibit D7). Per the applicant's proposed survey, the entry way is 60' and the proposed ingress/egress easement is 35' which meets Canyon County Driveway Requirements (CCCO §07-10-03(2) if an easement reduction approved at the time during the administrative land division process
	(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0003 .
Order	
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends approval of Case No. CR2023-0003 a conditional rezone of 16.49 acres subject to conditions of the development agreement (Attachment A).	

DATED this 20 day of February, 2025.



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


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 20th day of February, 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: 4/7/28

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 property.
2. The subject parcel, approximately 16.49 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Divisions) of the Canyon County Code of Ordinance (CCCO) in substantial compliance with the conceptual site plan (**Staff Report Exhibit A6**).
 - a. No further divisions shall occur.
 - b. Secondary residences are prohibited.
3. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. Modification or improvements shall be approved in writing the local Irrigation District.
4. Within 30-days of Canyon County's Board of Commissioners signature on the Findings of Fact, Conclusions of Law, and Order and prior to any new building permit being issued on the proposed parcels, the property owner shall bring the agricultural-exempt building into compliance via an approved change of occupancy permit.
5. The developer 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."
 - a. Per CCCO §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."
6. At the time of application for administrative land division, the following Golden Gate Highway District No. 3 conditions of approval apply (**Staff Report Exhibit D1**):
 - a. Proposed access on Ustick Rd to meet the rural roadway driveway spacing requirements of Section 3061.020 and applicable standard drawings of the ACCHD Standards
 - b. Provide a recorded easement prepared by an Idaho registered licensed land surveyor in accordance with ACCHD Standards for access to Parcel "C."
 - c. A site visit by GGHD and/or ITD representatives is required to address possible site distance issues, if any.
7. The property owners shall only use their legal access off of Ustick Road to access their property unless legal access is obtained through a different access point in the future.



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, February 6, 2025
6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Vice Chairman
Harold Nevill, Commission Secretary
Miguel Villafana, Commissioner
Geoffrey Mathews, Commissioner

Staff Members Present: Jay Gibbons, Interim Director of Development Services
Michelle Barron, Principal Planner
Dan Lister, Principal Planner
Arbay Mberwa, Associate Planner
Emily Bunn, Associate Planner
Amber Lewter, Associate Planner
Caitlin Ross, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:32 p.m.

Commissioner Nevill read the testimony guidelines and proceeded to the first business item on the agenda.

Item 1: Consent Agenda

A: November 21, 2024 Minutes

B: December 5, 2024 Minutes

C: Case No. CU2024-0001 - Gutierrez: Approve revised FCOs.

D: Case No. CU2023-0019 - Nampa Paving: Approve revised FCOs.

E: Case No. CU2023-0020 - Martin: Approve revised FCOs.

Motion: Commissioner Sheets moved to approve the Consent Agenda, seconded by Commissioner Mathews. Voice vote, motion carried.

Item 2A:

Case No. CU2023-0021 – Sorley: The applicant, Daniel Sorley, is requesting a Conditional Use Permit for a private airstrip on approximately 34.5 acres of an “A” (Agricultural) zone. The subject property is located at (19744 Middle Rd. Caldwell Id. 83607), also referenced as Parcel R36439, a portion of the NW quarter of Section 25, T4N, R4W, BM, Canyon County, Idaho.

Chairman Sturgill called the applicant to testify.

Dan Sorley – (Applicant) IN FAVOR – 19744 Middle Rd, Caldwell, ID 83607

Mr. Sorley is requesting a conditional use permit for a small grass airstrip on his property to be able to keep his personal airplane at home. He stated he agreed with what was portrayed in the Staff Report, other than the new occupancy permit request for the building he had engineered, which is primarily used for farm equipment, tools, etc. The airplane only takes up about 10% of the building.

Commissioner Sheets asked what kind of aircraft Mr. Sorley owned and if it were the only aircraft anticipated to be on the property. Mr. Sorley stated it was a 2-seat, taildragger Fibercut, and yes, it would be the only aircraft based on the property, with the exception of an occasional guest.

Commissioner Nevill asked if the applicant agreed to all 9 conditions listed in the Staff Report, and clarified he has already met condition 4 in regards to having that storage building engineered. Mr. Sorley responded yes, and that it was required for the building permit.

Chairman Sturgill asked if Mr. Sorley provided the documentation for the engineered building as part of the application, in which Mr. Sorley stated he thought it would've been part of the building permit portion, but does have that documentation and the County has records of it.

Commissioner Villafana asked about winter maintenance on the airstrip. Mr. Sorley agreed it would be his responsibility – his aircraft isn't an all-weather machine; however, he plans to keep the grass strip mowed and maintained as needed. There was also clarification that it is only a day airstrip.

Planner Arbay Mberwa reviewed the Staff Report for the record.

Chairman Sturgill asked if there were any changes that needed to be made to the building from its Agricultural status. Planner Mberwa stated it would be in the building permit review. Chairman Sturgill asked if there was an application fee for the inspection, to which Planner Lister commented there may be a fee for the change of occupancy, but the existing plans may suffice. Chairman Sturgill asked for clarification of Greenleaf's high-density area, but Planner Mberwa was unaware of the specific statistics.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Steve John – IN OPPOSITION – 19936 Middle Rd, Caldwell, ID 83607

Mr. John stated he is not against airplanes or personal use of an airstrip, but is confused and concerned on what the actual use is intended for since it has been approved by the FAA, which allows the airstrip to be on the map for others to be aware of and use in case of emergency.

Commissioner Nevill recapped the condition in which the permit for this airstrip is limited to the applicant/one aircraft and is not transferrable. He asked if this permit is approved with that specific condition, would it satisfy Mr. John's concerns? Mr. John asked if that condition could be applied over FAA regulations. Commissioner Nevill mentioned there are things P&Z can control while there are other conditions the FAA would control.

Chairman Sturgill said as conditioned, both criteria would apply to this conditional use permit, and reiterated that an additional application would be required if the applicant wished to fly a second plane. Mr. John stated he was concerned about the houses across from Middle Rd. Chairman Sturgill clarified Mr. John's concern of the direction of the airstrip, and that it would affect the buildings in the flight path.

Mike Johnston – IN OPPOSITION – 19735 Middle Rd, Caldwell, ID 83607

Mr. Johnston stated he is not opposed to the airstrip, but agreed on the concern of the direction of the flight path. He also mentioned he did not want this to lead to the area turning into a sky park.

Commissioner Nevill restated the condition of one aircraft, and that any other type of operation would need to be reapplied for.

Dan Sorley – REBUTTAL – 19744 Middle Rd, Caldwell, ID 83607

Mr. Sorley stated there are no splits available and with the maximum of 2 residences, there is no possibility of this property turning into an airport. Mr. Sorley explained he tried to align his airstrip with the Caldwell airport, which is also conducive with the wind. He also went through the lineage of approval he has received, including the City Developer in Greenleaf, which has brought him to this conditional use application through the County.

Chairman Sturgill asked if the additional building inspection needed any further comments, to which Mr. Sorley said he had the engineered plans and could present them if needed.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2023-0021, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets expressed his potential motion for approval, and explained prevailing winds and crosswind landings do come into account with safety and orientation of the runway. Commissioner Sheets also added to condition 3 to include occasional use by 1 guest aircraft, and does not believe it would negatively impact the character of the conditional use permit.

Commissioner Mathews agreed with both the applicant and Commissioner Sheets in regards to the direction of the airstrip.

MOTION: Commissioner Sheets moved to **approve** Case No. CU2023-0021 with the previously discussed modification to condition 3. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

Roll call vote: 5 in favor, 0 opposed, motion passed.

Item 2B:

Case No. CR2023-0003 – Pruett: The applicant, Michelle Pruett, represented by Katie Burford, is requesting a conditional rezone of approximately 16.49 acres from an “A” (Agricultural) zone to a “CR-RR” (Conditional Rezone –Rural Residential) zone. If approved, the applicant will proceed with an administrative land division application to split the parcel into 2 parcels. The subject property is located adjacent to 27262 Ustick Rd, Wilder, ID 83676 also referenced as Parcel R37229010A, a portion of the Southwest quarter of the Southeast quarter in Section 33, T4N, R5W, BM, Canyon County, Idaho.

Chairman Sturgill called the applicant to testify.

Michael Torres – (Applicant) IN FAVOR – 15288 Greenwing St, Caldwell, ID 83628

Mr. Torres presented the report with findings he put together. He explained there should be no negative impacts to the farming community, with minimal traffic patterns, and would request only 2 building permits; 1 for the 10 acres, 1 for the 6 acres. Mr. Torres said there will not be any new accesses or easements required. He believes the proposed use is going to mimic the surrounding land uses, and understands the future plan for this area is residential-rural. Mr. Torres further explained there are adequate utilities, and there will not be many changes with the currently maintained road and no interference with the irrigation. There will be minimal impact to central public services with only 2 potential new homes on the property.

Commissioner Nevill asked if there were any rural residential zones near this property. Mr. Torres did not know.

Commissioner Mathews asked what the purpose of dividing the property into the 2 parcels, and expressed his concern about the properties being further subdivided. Mr. Torres explained there would one be 1 home on 6 acres and 1 home on 10 acres. Commissioner Mathews asked if there was a condition to prevent the lots being subdivided in the future, would that be acceptable by the applicant, to which Mr. Torres did not have any issues with that.

Chairman Sturgill asked the applicant how he felt about secondary residences. Mr. Torres said he understands the concerns if it were not possible.

Commissioner Villafana asked if both accesses to one of the lots was still going to be off of Ustick. Mr. Torres stated that was correct, and an easement would be needed for the other lot. Commissioner asked why a conditional rezone was need to add homes to the property. Mr. Torres responded he didn't think it was possible to build any homes with the current zoning.

Planner Emily Bunn reviewed the Staff Report for the record.

Commissioner Nevill asked if the nonconforming building on the property was going to become one of the residences if this application was approved. Planner Bunn explained the applicant would need to either bring that building down to agricultural exempt standards, or up to residential standards, in which the latter would take one of the building permits. Commissioner Nevill asked if there was still an option to do a secondary dwelling, to which Planner Bunn answered yes. Commissioner Nevill clarified that there could then be up to 5 houses total on this property, counting the potential agricultural building, and if each home could be sold in the future. Planner Bunn confirmed, and specified each parcel could be sold, but to split the primary and secondary dwellings, the applicant/buyer would need to reapply and go through the application process again. Commissioner Nevill asked why a road users maintenance agreement was not required with the potential of different owners in the future. Planner Bunn explained the policy and process in the applicant applying for a road users maintenance agreement.

Commissioner Sheets asked if the current building has well and septic amenities, to which Planner Bunn stated she knew there was a septic system but referred to the applicant for an answer for the well. Commissioner Sheets asked if anyone was living in that building. Planner Bunn said a neighbor called stating there were lights on at night, but there is no further information.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2023-0003 seconded by Commissioner Matthews. Voice vote, motion carried.

Deliberation:

Commissioner Nevill is not in favor of rezoning this area to rural residential as this is a foot in the door for future rezoning and further development. Chairman Sturgill asked which criteria would need to be changed to deny the case. Commissioner Nevill explained his thoughts on questions 1, 2, 4 and 7 of the staff analyses.

Commissioner Sheets explained this application is presented for 2 lots with 1 house each, and recommends adding a condition that each parcel should prohibit secondary residences. He also recommended making the appropriate adjustments to the current building as mentioned previously.

Commissioner Mathews agreed with Commissioner Sheets, and requested to add that neither property could be further subdivided.

Commissioner Villafana also agreed with Commissioners Sheets and Commissioner Mathews, and agreed the addition of just the 2 homes within the 16 acres will be of minimal impact and will not change the character of the area too much.

MOTION: Commissioner Sheets moved to **recommend approval** for Case No. CR2023-0003 with a recommended additional condition that each building permit is restricted to 1 residential building, and no secondary dwellings. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Nevill reiterated his concern about how a rezone could open the door for future rezones, and expressed his desire to vote against the motion.

Chairman Sturgill explained he would move to continue this case until there was evidence on whether there would be an impact on central public services; and therefore, would also vote against Commissioner Sheets' motion.

Roll call vote: 3 in favor, 2 opposed, motion passed.

Item 2C:

Case No. CR2022-0027 – Hess: The applicant, David Hess, is requesting a conditional rezone of parcels R33459010 and R33459010B from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone-Rural Residential) zone. The request includes a development agreement limiting development to a five-acre average minimum lot size. The subject parcel is located directly south of 20208 Nancy Ln Caldwell, ID 83607; also referenced as a portion of the NE¼ of Section 22, T3N, R4W, BM, Canyon County, Idaho.

Chairman Sturgill called the applicant to testify.

David Hess – (Applicant) IN FAVOR – 116 Arabian Way, Nampa, ID 83687

Mr. Hess is requesting a rezone of his property to then acquire a building permit. This property was approved of a conditional use permit in 2002, but the original applicant failed to follow the conditions, so Mr. Hess was encouraged to reapply for a new application. He believes the rezone and their vision fits within the goals of the 2030 Comprehensive Plan and the surrounding areas.

Principal Planner Dan Lister reviewed the Staff Report for the record.

Commissioner Nevill asked if secondary dwellings were allowed. Planner Lister stated if the owner lived on site, they can have a secondary dwelling in an Agricultural zone. Commissioner Nevill commented that there could be up to 4 houses between the 2 parcels. Planner Lister explained there was not much impact on whether it would meet the private road standards, but the applicant was not opposed to prohibiting secondary dwellings. Commissioner Nevill asked why this application would've gone through without a road user's maintenance agreement. Planner Lister answered that this application will go through the platting requirements, which would address the road user's maintenance agreement requirements.

Commissioner Sheets asked if this property would meet the private road standards and wanted to ensure future development is aware of those standards. Planner Lister explained the access requirements and conflicts with adjusting the current easement, and that there was a recommended easement through Carl Glaettli's property to meet access requirements.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Carl Glaettli – IN FAVOR – 183 N. Stinson St, Nampa, ID 83651

Mr. Glaettli stated he is in support of Mr. Hess.

Rick Burton – IN NEUTRAL – 14737 Sunny Slope Rd, Caldwell, ID 83607

Mr. Burton explained the process Mr. Newby went through to obtain a 60-foot easement through his property on Newby Subdivision, as well as the stipulations for access on Nancy Lane.

Planner Lister clarified the applicant is proposing access through Newby Subdivision, but this site could use the easement on Newby Subdivision or the access on Nancy Lane.

Commissioner Sheets asked who the parties were to the easement. Mr. Burton answered the Nancy Lane right-of-way was added prior to Mr. Newby purchasing the land for future development and access to current subdivision to the north side. After Commissioner Sheets explained how an easement is documented, Mr. Burton stated he was unaware of the specific details.

Ben Newby – IN NEUTRAL – 2041 N. Rubine Ln, Kuna, ID 83634

Mr. Newby wanted to clarify that the easement is a driveway and not meant for traffic, and stated access could be obtained through Nancy Lane.

Allan Laird – IN NEUTRAL – 20086 Nancy Ln, Caldwell, ID 83607

Mr. Laird mentioned the fire department documented in the staff report, Caldwell Rural, may be incorrect, due to his family working with Marsing Fire when his son's house was built. He also mentioned the public easement on 1st and Nancy Lane is only 25 feet but has room to add to; however, his son was informed by Golden Gate Hwy that he has no access to that road due to the size.

Patrick Williamson – IN NEUTRAL – 14807 Sunny Slope Rd, Caldwell, ID 83607

Mr. Williamson wanted to specify that the record should show Williamson Vineyards instead of Williamson Winery due to trademark issues. He also wanted to understand the noticing distance as he does not recall receiving a letter for his parcel. Mr. Williamson stated that when his family added their tasting room, it was determined access to Nancy Lane would be too costly as they would need to pave and level it. He also mentioned concerns/inquired about a potential wildlife sanctuary on the property. Mr. Williamson stated for the record he would like to see a water users' agreement if approved.

David Hess – REBUTTAL – 116 Arabian Way, Nampa, ID 83687

Mr. Hess added that the parcel is taxed as rural residential and that there is a well on the property. He also mentioned after speaking with engineers with the Golden Gate Hwy District, it was determined the easement on Mr. Newby's property was originally determined as the legal access to 4 parcels, including 2 of Mr. Newby's parcels, 1 for Mr. Glaettli, and Mr. Hess' parcel. All 4 parcels would have to give right-of-way to Golden Gate Hwy District to make Nancy Lane an access for the parcels.

Commissioner Mathews asked about an alternate access off of Myrtle Lane and 1st or 2nd St. Mr. Hess didn't oppose, but stated the Golden Gate Hwy District indicated that wasn't an option and there would need to be a road users' agreement for that private road.

Commissioner Nevill asked if Mr. Hess would be compliant with a condition that prohibits secondary dwellings. Mr. Hess stated he would. Commissioner Nevill asked about the testimony regarding a wildlife refuge and if supervision, such as IDFG, was required, to which Mr. Hess agreed he was aware of Mr. Glaettli planting trees for birds, but did not have any information on IDFG or others being involved. Commissioner Nevill inquired about access for a fire truck if necessary, and Mr. Hess explained the potential requirements for that access. Commissioner Nevill asked Planner Lister if that would meet private road standards. Planner Lister said it could, or Mr. Hess could work with the highway district to gain access off Nancy Ln, but they would need to show which option they decide to move forward with at the preliminary plat stage.

Planner Lister addressed the question regarding fire departments; the applicant could not get a response from Marsing, which is why Caldwell Rural is listed on the staff report. He also explained the process in adding Mr. Glaettli to the application, and stated there were no comments from IDFG regarding the potential wildlife sanctuary on site.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2022-0027, seconded by Commissioner Matthews. Voice vote, motion carried.

Deliberation:

Commissioner Nevill believes whatever the motion is moving forward that all of the raised issues be addressed. Commissioner Nevill suggested adding a 5th condition of approval that prohibits secondary dwellings.

Commissioner Sheets also has concerns about the access. He does not feel comfortable approving a conditional rezone with so many questions and conflicts regarding improvements for the access unanswered.

Commissioner Mathews and Commissioner Nevill agreed with Commissioner Sheets.

Chairman Sturgill reiterated his concerns he had for the prior case, in that there is no evidence suggesting any impact on central public services, and would request further information on this subject in addition to the access issues.

MOTION: Commissioner Sheets moved to continue Case No. CR2022-0027 to a date certain of April 3, 2025, seconded by Commissioner Nevill.

Roll call vote: 5 in favor, 0 opposed, motion passed.

Item 2D:

Case No. CU2024-0007 – JMAC Resources, Inc.: The applicant, JMAC Resources, Inc., requests a conditional use permit to allow a long-term mineral extraction expansion and concrete batch plant use for up to 40 years on Parcels R36106, R36106010, and R36107, approximately 237.5 acres. The subject properties are located approximately 2,600 north of Peckham Road adjacent to the Riverside Canal and Dixie Slough; also referenced as a portion of the NW & NE quarters of Section 16, T4N, R4W, BM, Canyon County, Idaho.

Chairman Sturgill called the applicant to testify.

Brent Orton – (Applicant) IN FAVOR – 17338 Sunnydale Pl, Caldwell, ID 83607

Mr. Orton noted that JMAC Resources is the mineral extraction company, but there are representatives

present for the Redmon Family Trust's property, which is the proposed site. On a presentation Mr. Orton provided, he pointed out an area where a concrete ready-mix batch plant would be added. Operation hours would be 6 am to 4 pm for the washing and crushing hours, 4 am to 10 pm for rush projects, and 24 hours a day for 6 days a week for bigger highway projects, which would require more night work to meet requirements. Mr. Orton also explained there would be 15 concrete trucks and 5 aggregate trucks, with up to 5 concrete deliveries per day per concrete truck. Mr. Orton addressed potential impact areas on each side of this property, as well as the increased traffic, which was calculated as up to 300 trips per day including what is already present. Mr. Orton stated they were unaware of noise or dust complaints, and dust is and will continue to be mitigated. He also added the concrete batch plant would require an air quality permit with DEQ, which is addressed in agency comments.

Commissioner Nevill clarified with Mr. Orton that there was currently no batch plant. He then asked how much noise the proposed batch plant would add. Mr. Orton stated it would be no noisier than crushing.

Principal Planner Dan Lister reviewed the Staff Report for the record.

Commissioner Nevill asked for clarification of the operation hours. Planner Lister stated the conditional use permit in 1999 did not have a restriction on hours, so although the expansion could be conditioned if approved, the existing pit would not have any time restrictions. He further explained the hours of operation proposed by the applicant were mimicking what recent hours of operation have been in this location.

Commissioner Mathews asked for the distance between the batch plant and the Greenleaf airpark. Planner Lister explained from his calculations to determine the closest residence, the initial airstrip of the airpark was over 1,000 feet away.

Chairman Sturgill asked if there were any code violations or reports of the existing operation. Planner Lister confirmed there were no records.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Justin Ekert – IN FAVOR – 18129 Charley Lane, Caldwell, ID 83607

Mr. Ekert clarified the hours of operation, and explained he does not intend to go outside of what is normal hours of operation, but wants the ability to if needed. Typically, the gravel pit would run 6 am to 4 pm, but the ready-mix aspect would require starting around 4 am. He is conscientious of mitigating noise and light pollution.

Commissioner Nevill asked if there was communication between the operator and IMC to address the intersection of Notus Rd and Hwy 19, and what the stipulations would be to wait to operate until it was addressed. Mr. Ekert explained there have not been any communication with IMC; however, the amount of traffic in the area has not negatively impacted their operations. He also added that any further delay than the already 2.5-year process for this application would be more of a burden and they would like to operate as soon as possible.

Chairman Sturgill asked what the depth of the new batch plant would be compared to the surface level of the whole operation. Mr. Ekert answered the batch plant is at surface level. He explained the crushing is noisier than the batch plant, and believes the berms they have in place would help alleviate any noise issues.

Jerry Stevenson – IN NEUTRAL – 21494 Tucker Rd, Greenleaf, ID 83626

Mr. Stevenson addressed his concerns regarding the late evening hours and the additional noise after certain times, as well as the potential of lighting shining towards his house.

Commissioner Sheets asked how far his property was from the property. Mr. Stevenson answered about a quarter mile away and a little over 100 feet in elevation above the operation.

Commissioner Nevill asked if the map showed Mr. Stevenson's property, but it was determined it was west of the proposed site and not shown on the map.

Chairman Sturgill asked if the new batch plant, and therefore the additional lighting, would be further away from Mr. Stevenson's property. Planner Lister clarified the distance of 3,400 feet away.

Brent Orton – IN FAVOR (REBUTTAL) – 17338 Sunnydale Pl, Caldwell, ID 83607

Mr. Orton found that crushing operations is 85 decibels and a batch plant is 83 decibels. He also explained the stipulation for mitigation factors, especially concerning sound and light. Mr. Orton addressed Mr. Stevenson's concerns on hours of operation, and reassured that the late evenings are minimal.

Commissioner Mathews reiterated the concern for noise and suggested finding an additional way to mitigate that complaint. Mr. Orton stated he knew the operator's intent was to have the batch plant as far away from other residences as possible.

Commissioner Sheets mentioned the normal conditions on hours of operation for a conditional use permit are more specific than what this application is seeking, and recommended adding a condition to the 24 hours a day, 6 days a week, to only be for up to 21 days, or something similar.

Commissioner Nevill agreed that the 21-day condition is appropriate.

Chairman Sturgill confirmed with Commissioner Sheets that it would consist of 21 consecutive days.

Commissioner Mathews suggested building rapport with the neighbors in events where there will be additional night-time work and noise by doing something nice for them, essentially to thank them for their understanding and patience.

Planner Lister clarified with the Commission that it would be 21 consecutive days per month, on occasion and as needed.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2024-0007, seconded by Commissioner Villafana. Voice vote, motion carried.

Deliberation:

None.

MOTION: Commissioner Sheets moved to **approve** Case No. CU2024-0007, with the amendment of condition number 2 to include the hours of operation as 4 am to 6 pm, with occasional 24 hours a day not to exceed 21 consecutive days. Seconded by Commissioner Mathews.

Discussion on Motion:

None.

Roll call vote: 5 in favor and 0 opposed. Motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Interim Director of Development Services Jay Gibbons stated he is coordinating a joint meeting between P&Z, BOCC, and Hearing Examiners for input and discussion. He also mentioned upcoming staff changes; there was discussion on the topic.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 10:05 P.M

An audio recording is on file in the Development Services Departments' office.

Approved this 3rd day of April, 2025

Robert Sturgill, Chairman

ATTEST

Caitlin Ross, Hearing Specialist