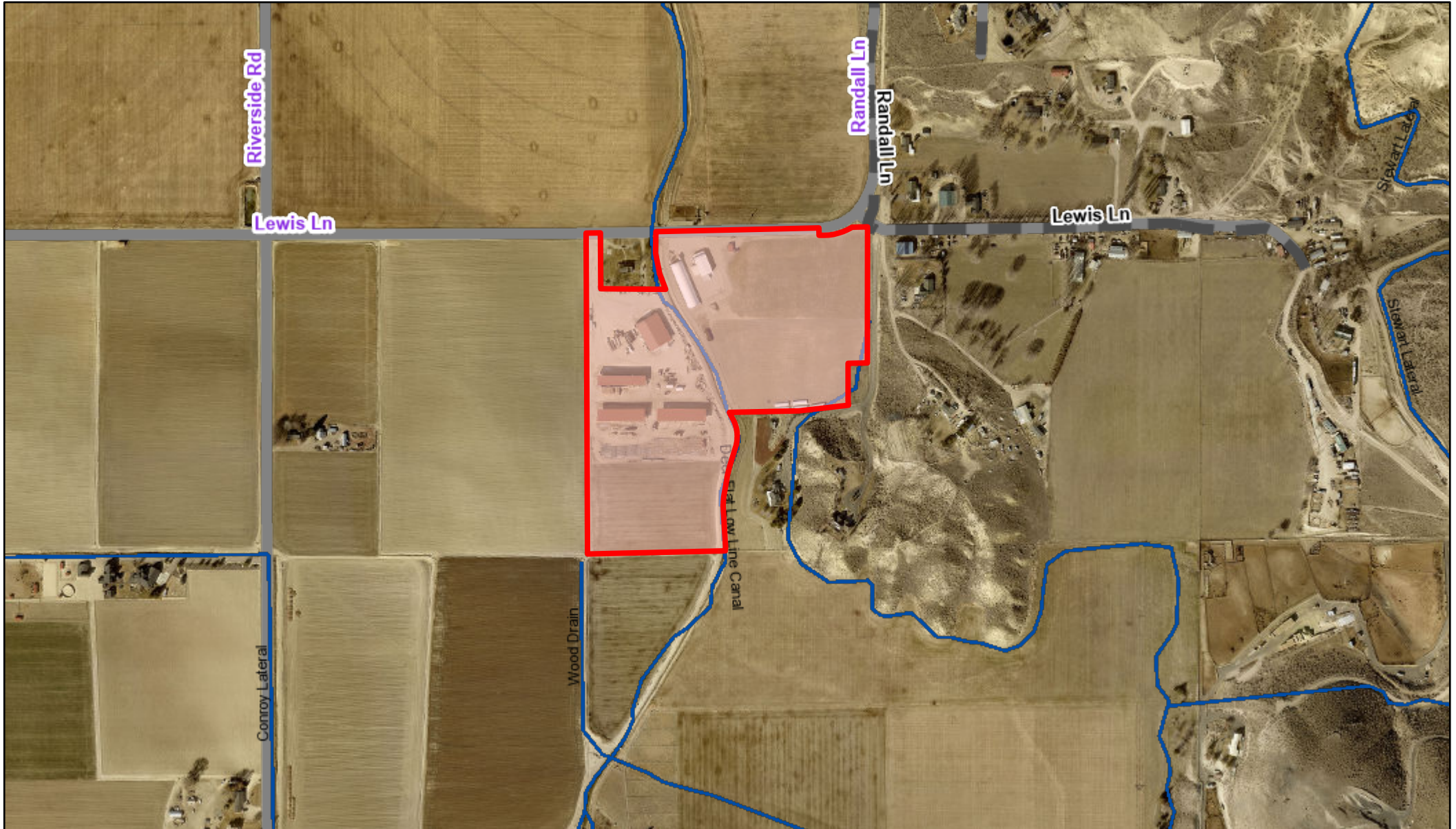
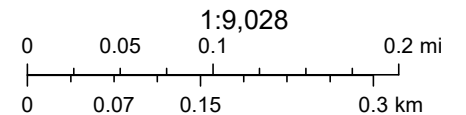


Canyon County, ID Web Map



4/2/2024, 10:22:44 AM

- Multiple Parcel Search _Query result
- CC_PrivateRoads
- Blue: Band_3
- Hydro_NHDFlowline
- Red: Band_1
- Green: Band_2
- CanyonCountyRoads
- Roads
- Imagery_2022



Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

Canyon County, ID

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA | Nampa GIS | City of Nampa |

MCINTYRE PASTURES

CONDITIONAL USE PERMIT



Figure 1 - Aerial View of McIntyre Pastures Farm Store



CONDITIONAL USE PERMIT

PUBLIC HEARING - CHECKLIST

CONDITIONAL USE PERMIT - CCZO Section 07-07-05

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION TO BE DEEMED COMPLETE (PLEASE CHECK OFF THE ITEMS REQUIRED):

Description	Applicant	Staff
Master Application completed and signed	✓	✓
Letter of Intent (see standards on next page)	✓	✓
Site Plan (see standards on next page)	✓	✓
Operation Plan (see standards on next page)	✓	✓
Land Use Worksheet	✓	✓
Neighborhood Meeting sheet/letter completed and signed	✓	✓
Proof of application/communication with the following agencies:	✓	✓
Southwest District Health	✓	✓
Irrigation District	✓	✓
Fire District	✓	✓
Highway District/ Idaho Transportation Dept.	✓	✓
Area of City Impact (if applicable)	N/A	✓
Deed or evidence of property interest to the subject property	✓	✓
Fee: \$950.00 \$600.00 (CUP Modification)	\$ 950 .00	
Fees are non-refundable		

An application that requires additional Use Standards per Chapter 7, Article 14 of the Canyon County Code:

- ☐ Contractor Shop
- ☐ Mineral Extraction (Long Term)
- ☐ Wind Farm
- ☐ Staging Area
- ☐ Manufacturing or processing of hazardous chemicals or gases
- ☐ Ministorage Facility

**If applicable, review the Additional Use Standards Below, if not applicable, please disregard them.*

***DISCLAIMER:** The subject property shall be in compliance with the public nuisance ordinance, the building code and the zoning code before the Director can accept the application.



CONDITIONAL USE PERMIT

PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: McIntyre Farms, K & L Properties, Agent: Ben McIntyre	
	MAILING ADDRESS: 10478 Riverside Rd Caldwell ID 83607	
	PHONE: [REDACTED]	EMAIL: [REDACTED]
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.		
Signature: <u>Ben McIntyre</u> Date: <u>03/25/2024</u>		

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME: Brent Orton	
	COMPANY NAME: Orton Engineering, LLC	
	MAILING ADDRESS: 17338 Sunnydale Place, Caldwell, ID 83607	
	PHONE: (208)350-9422	EMAIL: brentorton@ortonengineers.com

SITE INFO	STREET ADDRESS: 17995 Lewis Ln, Caldwell, ID 83607	
	PARCEL NUMBER: 30154000 0	
	PARCEL SIZE: 25.91 Acres	
	REQUESTED USE: Conditional Use Desired for Agritourism Special Events Venue	
	FLOOD ZONE (YES/NO) No	ZONING DISTRICT: Agricultural

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	<u>CU 2024-0010</u>	DATE RECEIVED:	<u>4/2/24</u>
RECEIVED BY:	<u>LISTER</u>	APPLICATION FEE:	<u>\$950</u>
		CK	MO
		CC	CASH

STANDARDS

SITE/OPERATION PLAN – CCZO Section 07-02-03 and 07-07-03(1)	
A scaled drawing showing:	
✓	The parcel and all existing and proposed uses and structures and roads all with dimensions, distances, and private and public road names.
-	Includes lot lines, lot area, parking spaces, private roadways, walkways, topographic features, reserved open space, buildings and other structures, major landscape features, and the location of proposed utility easements.
Operation Plan to include:	
✓	Time requirements, the commencement of the operation, hours of operation, noise levels, dust levels, air and water quality, raw material delivery, finished product and marketing, site improvements, public and private facilities, public amenities, and infrastructure.

LETTER OF INTENT – CCZO Section 07-07-05	
✓	State the nature of the request. Include, a description of business operations, such as a number of employees, hours of operation, delivery and shipping.
✓	Consistency with the Comprehensive Plan (CCZO Section 07-07-05(3))
✓	Address potential impacts to property in the immediate vicinity and character of the area (CCZO Section 07-07-05(4))
✓	Demonstrate how facility and utilities such as water, sewer, irrigation, drainage and stormwater drainage, will be provided.
✓	Demonstrate legal access
✓	Address potential impacts to existing or future traffic patterns.
✓	Address potential impacts to essential services such as schools, irrigation facilities and emergency services.
✓	If the use will create impacts, provide measures to mitigate impacts.

For those applications that have additional Use Standards, detail the following in the Letter of Intent, Site Plan and/or Operation Plan:

CONTRACTOR SHOP (07-14-09) - REQUIRED	Applicant	Staff
Demonstrate how the use will be contained within a building or behind a sight-obscuring fence.	N/A	

MINERAL EXTRACTION (07-14-19) - REQUIRED	Applicant	Staff
Show how the 30' setbacks on all sides will be met.	N/A	
Name of operator/extractor		
Duration of proposed use: Commencement & Completion dates		
Provide an approved reclamation from Idaho Dept. Of Lands		
Location of proposed pits and accessory uses		

WIND FARM (07-14-33) - REQUIRED	Applicant	Staff
Need to include on the site plan: lot size, configuration, proximity to structures, topography, viewsheds.	N/A	

MINISTORAGE FACILITY (07-14-29) - REQUIRED	Applicant	Staff
Demonstrate how materials will not be sold or delivered to customers directly from the storage compartment.	N/A	

MANUFACTURING/PROCESSING OF HAZARDOUS CHEMICALS/GASES (07-14-15) - REQUIRED	Applicant	Staff
Show 300' setbacks from any property line	N/A	
Show 1,000 setback from any residential district		
Demonstrate how chemicals/gases will be stored within an enclosed structure.		
Demonstrate how the use will be gates and fenced with 8' high security fencing.		
Provide documentation from the local fire district approving the location and plan.		
Include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been, or shall be, eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.		
The facility must register and maintain current hazardous waste generation notification as required by Environmental Protection Agency and/or Idaho Department of Environmental Quality and provide such proof of registration		

STAGING AREA (07-14-15) - REQUIRED	Applicant	Staff
Demonstrate how all work will be conducted off-site, business vehicles will remain operable and parked on-site, and employees/persons on the premises for parking and business vehicle pickup all maintained on-site.	N/A	



Orton Engineering
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Caldwell, ID 83607
(208) 350 - 9416
brentorton@ortonengineers.com

Letter of Intent

Farm Store/Events - Conditional Use Permit
Owner: K & L Farm Properties, LLC
McIntyre Farms Agent: Ben McIntyre
17995 Lewis Lane,
Caldwell Idaho 83607

March 14, 2024

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

Subject: Letter of Intent for Conditional Use Application for Agritourism Special Event Venue

Dear Canyon County Development Services and Planning and Zoning Commission or Hearing Examiner:

Orton Engineering is representing McIntyre Farms in seeking a Conditional Use Permit for an agricultural store and special events venue in Caldwell, Idaho.

Owner Information:

McIntyre Farms, Incorporated, 10478 Riverside Road, Caldwell, ID 83607

Owner Parcel Information:

Parcel ID: 30154000 0

Legal Description: 18-2N-3W NW GOVT LT 1 IN NWNW LS TX 00162, 04505, 19570 & LS A PT OF RD ON N

Deeded Acres: 25.91 Acres

Zone: Agricultural

Nature of Request

McIntyre Farms is a multi-generational family farm in Canyon County. Their superior quality farm products have been featured in local restaurants, local farm to fork events, as well as local and national grocery stores.

Farm Store/Events - Conditional Use Permit
Owner: K & L Farm Properties, LLC
McIntyre Farms Agent: Ben McIntyre
17995 Lewis Lane,
Caldwell Idaho 83607



Figure 1 - McIntyre Family

The McIntyre s are leaders in no-till and natural farming practices. They are a staple in Canyon County's Agricultural nature and heritage. Their state of the practice farming is a strong attraction for agritourism on the local and national stage. An example of state of the art farming practices in the use of Chicken Tractors used for no-till soil conditioning can be seen in Figure 2Figure 2



Figure 2 McIntyre Pastures Chicken Tractors Conditioning Soil in Cow Pasture



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Currently, the onsite store use, Agri-tours, farm-to-fork events, and even the egg packaging do not have a secure allowance under County Code (although the County Staff Team is exploring modifications to the code to facilitate these types of uses). To comply with County Code as it currently exists, McIntyre Farms/McIntyre Pastures is requesting a Conditional Use Permit for a Special event venue that performs these functions (Tours of farm and packaging operations, Farm-to-Fork and Agritourism events, and onsite sales).



Description of Operations

The McIntyre's store operates from 8 a.m. to 6 p.m. Monday – Saturday, with occasional extended hours for Agritourism and events. There are two full-time employees that run the store.

The store sells eggs, meat, and produce, as well as cooperative produce and dairy from other farms. Incoming deliveries to the farm are incidental, and shipments from the farm are picked up and delivered by the McIntyre farm truck, which is equipped with a refrigeration unit. Currently, no semis are involved in outgoing shipments from the store (Note that the McIntyre Farms Hay operation routinely employs the use of semi's for hay collection and delivery, although not a part of this application).

Employees park behind the store. Customer parking is available in front of the store and can be expanded into the pasture for tours and events. The delivery rig parks in front of the freezers as seen in Figure 5.



Figure 5 - Aerial View of McIntyre Pastures Farm Store

Character of the Area

McIntyre Farms is located west of Lizard Butte and North of the Snake River in a historically agricultural area. Farms, pastures, orchards, and homesteads surround their farm. This is an ideal agritourism setting that highlights and promotes appreciation for Canyon County's agricultural history and heritage. McIntyre Farms acclaimed and innovative farming practices make further make their operation a gem for Idaho and Canyon County.

Potential Impacts to Property in the Immediate Vicinity

The McIntyre Farms store is already functioning and has not produced any known complaints, expressions of concern, or noticeable negative impacts of any kind. The noise generated by the store and its freezer fans is less than the already existing noise produced by farm operations. Dust levels are considerably less than a typical farm because of the innovative farming practices which the McIntyres use and are renowned for (no-till drilling, cover crops, etc.). During farm-to-fork events, there is an increase in traffic and noise to the area, but parking is sufficient, and events



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Letter of Intent

Farm Store/Events - Conditional Use Permit
Owner: K & L Farm Properties, LLC
McIntyre Farms Agent: Ben McIntyre
17995 Lewis Lane,
Caldwell Idaho 83607

conclude before 10 p.m. Agri-tours and farm-to-fork events typically attract around 50 people (an estimated 15 to 20 vehicles).

Utilities

Water is available through a shared well. An ADA-accessible restroom facility is located within the McIntyre store. Sewer is by an individual septic system that has been constructed and approved by Southwest District Health. The approved septic permit is included in the application packet. Drainage for parking is retained on site and drainage for the rest of the project is within the farm's historic drainage and irrigation return flow rights.

Legal Access

McIntyre Farms received an approach permit for the proposed use on the 9th of February, 2023 and placed a bond for construction improvements. A copy of the approach permit is included in the application package. The asphalt parking and driveway approach work was completed, approved by Nampa Highway District #1, and the bond has been released/returned.

Potential Impact to Existing or Future Traffic Patterns

Lewis Lane has no outlet current outlet and is not planned for future extension to the East, so there is limited impact to existing and future traffic patterns. Typically, there are 10-15 visitors per day. As mentioned earlier, events typically attract around 50 people. Orton Engineering believes these events would generate approximately 36 vehicle trips¹, generally occurring outside peak traffic hours (both event and store traffic).

Potential Impact to Essential Services

There are no appreciable impacts to essential services that have come to light with the current operation.

Alignment with Goals and Policies of the Comprehensive Plan

Highlights from among the goals and policies of the 2030 Comprehensive Plan are included below followed by ways in which this project aligns with, encourages, or fulfills goals, policies, and actions of the Comprehensive Plan.

¹ As defined by the Institute of Transportation Engineers, a trip is one arrival or departure of a vehicle, so 36 trips for an event would mean 18 vehicles came to the event and then left. Vehicle occupancy is higher for event traffic so that an attendance of 50 people could mean 15 to 20 vehicles while store traffic would be expected to be individual customers.



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Letter of Intent

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17995 Lewis Lane,
Caldwell Idaho 83607

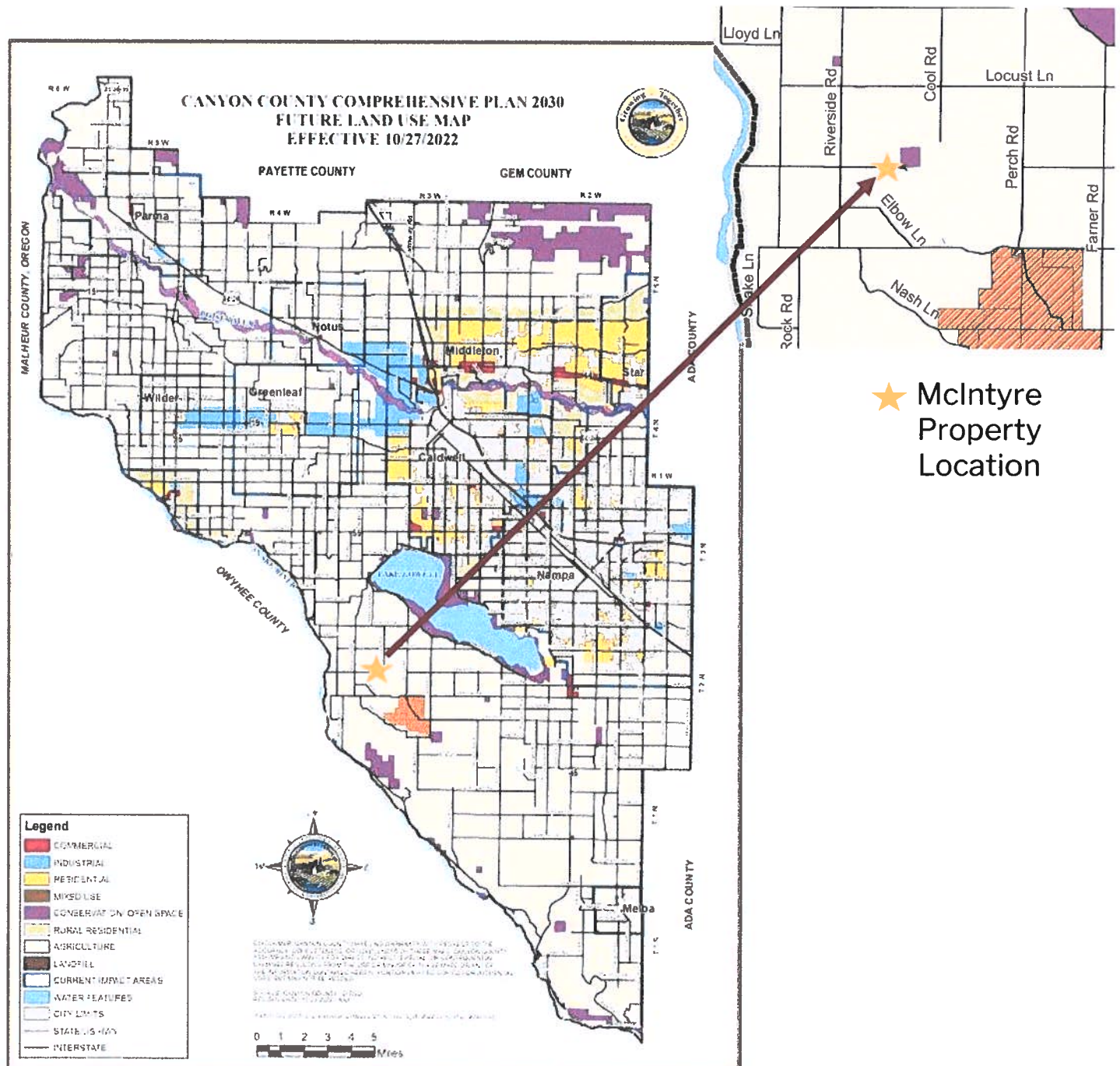


Figure 6 Canyon County Comprehensive Plan Map, with Location and Vicinity Context.



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Letter of Intent

Farm Store/Events - Conditional Use Permit
Owner: K & L Farm Properties, LLC
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17995 Lewis Lane,
Caldwell Idaho 83607

- *"G3.03.00 – Develop and work with organizations on improving tourism in the County."*
 - o Canyon County has worked with Destination Caldwell in promotion of tourism in the County. McIntyre Farms has been a partner since the founding of Destination Caldwell.
- *"P3.03.03 Identify opportunities for visitor services and attractions through agritourism to enhance and support the County's agricultural heritage."*
 - o McIntyre Farm's national attention for farming practices and consistent presence in Caldwell and Canyon County align well with this policy.
- *"G3.04.00 Increase Agricultural-based and supportive businesses."*
 - o The presence of an excellent, generationally anchored businesses like McIntyre Farms is a bulwark of this plan goal.
- *"P3.04.01 Build Canyon County as the premier location for agricultural-based businesses of all sizes"*
 - o McIntyre Farm's attention on the regional and national stage related to cutting edge farming practices and agritourism are a huge boost to Canyon County's ag-business scene. Their presence and that of other agricultural event businesses encourage growth in this sector in Canyon County. Further, they bring awareness, enjoyment, and appreciation of the public at large.
- *"P4.01.01 Maintain a balance between residential growth and agriculture that protects rural character."*
 - o This project builds appreciation and widely accepted value for agricultural businesses as part of our long-term community character.
- *"G4.05.00 Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy."*
- *"P4.05.01 Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators"*
 - o Promoting a project such as this allows for fulfillment of Goal G4.05.00 in economy and even the variety that has come to be a part of the McIntyres outstanding farming practices (like using animals to fertilize and condition the soil for pasture and crops, farm stores that promote appreciation for agriculture and provide fresh product sources directly to the County-wide community, etc.). Policy P4.05.01 is referenced here in terms of this conditional use permit application that will confirm the ability to generate, package, and sell farm products – an essential opportunity for promoting our agricultural economy and limiting hardships on our agricultural sector.
 - o Confirming the opportunity for the farm store and events associated with this application anchors the farm as a critical facet of our community landscape and ensures its future.
- *"G5.04.00 Protect and improve soil health to sustain and promote plant, animal, and human health."*
 - o Our observations of McIntyre Farms farming practices show sustainable innovations that foster animal health, soil health and sustainable productivity, and production of healthy food for the Canyon County community and beyond. These practices also protect against erosion and soil loss, supporting Policy P5.04.02.
- *"G9.02.00 Expand outdoor recreation offerings and access in Canyon County"*
 - o Recreation and outdoor activities have ubiquitously been associated with improved well being and mental health. Agritourism opportunities like tours and farm to fork events occur right on the farm



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Letter of Intent

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Caldwell Idaho 83607

and in McIntyre's case, right in the McIntyre Pastures. These are wonderful opportunities for fun and recreation that would continue to be supported by an approval of this application.

- "G12.01.00 Protect agricultural lands for long-term agricultural production..."
 - o The innovation that has allowed operations like McIntyre Farms to be a multi-generational business, blooming and prospering, should be protected, allowed, and facilitated. This may be one of the best ways to preserve agricultural uses in the long term. Further, farms creating publicly desired agritourism opportunities, whole food sourcing, and recreational opportunities may be one of the best ways to create public support for protecting our agricultural resources.
- "G12.05.00 Support the promotion of the significance of agriculture through educational initiatives."
 - o This is an apt goal for protecting agricultural uses because it creates public buy-in. We believe this application promotes hands on education, exposure, and public buy-in in fulfillment of this goal.

Neighborhood Meeting

A neighborhood meeting was held on the 28th of November, 2023 at the McIntyre Farm store. This meeting was attended by several neighbors. The sign-up sheet is included in the application package. The neighbors' reception of the project was positive. The store is already in operation, and several of the neighbors are customers. The McIntyre's desire to bring their operation into compliance with county code and become eligible for a sign permit for the store and issuance of an official address for the store building.

Neighborhood meeting attendees were provided an opportunity to sign a petition of support if they wished. All attendees signed the petition in support.

No concerns were expressed.

Thank you for your consideration of our application. Please let us know if you have further questions.

Respectfully,

Brent L. Orton, PE
Orton Engineering, LLC



17338 Sunnydale Place
Caldwell, Idaho 83607
Phone: 208 350 9422
brentorton@ortonengineering.com



No.	Revision/Issue	Date

Owner/Developer:
McIntyre Farms
Property: K & L Farm Properties, LLC
10478 Riverside Rd
Caldwell, ID 83607

Project Name and Address
McIntyre Pastures/Farms CUP
17995 Lewis Lane
Caldwell, ID 83607

Project 2301 MF-SpecV	Sheet C-01
Date 13Mar2024	Scale 1" = 100'

CONDITIONAL USE PERMIT
McIntyre Pastures
25.91 ACRE PORTION OF NORTH WEST SECTION 18,
TOWNSHIP 2 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO, 2024

Parcel: R302980100
Legal: 12-2N-4W SE E 1/2 SE LS TX
98455
Owner: K & L Farm Properties, LLC
Deed: Inst. No. 2009047397
0 Riverside Rd. Caldwell, Idaho
77.86 Acres
Zoned: Agricultural

Parcel: R300260000
Legal: 07-2N-3W NW GOVT LT 2 LS TX 2, GOVT
LT 3 LS TX 2, 6, 7 & 05750, GOVT LT 4 LS TX
05750, LS RD AND .15 AC IN SE CORNER
Owner: K & L Farm Properties, LLC
Deed: Inst. No. 2010019508
0 Riverside Rd. Caldwell, Idaho
92.5 Acres Zoned: Agricultural

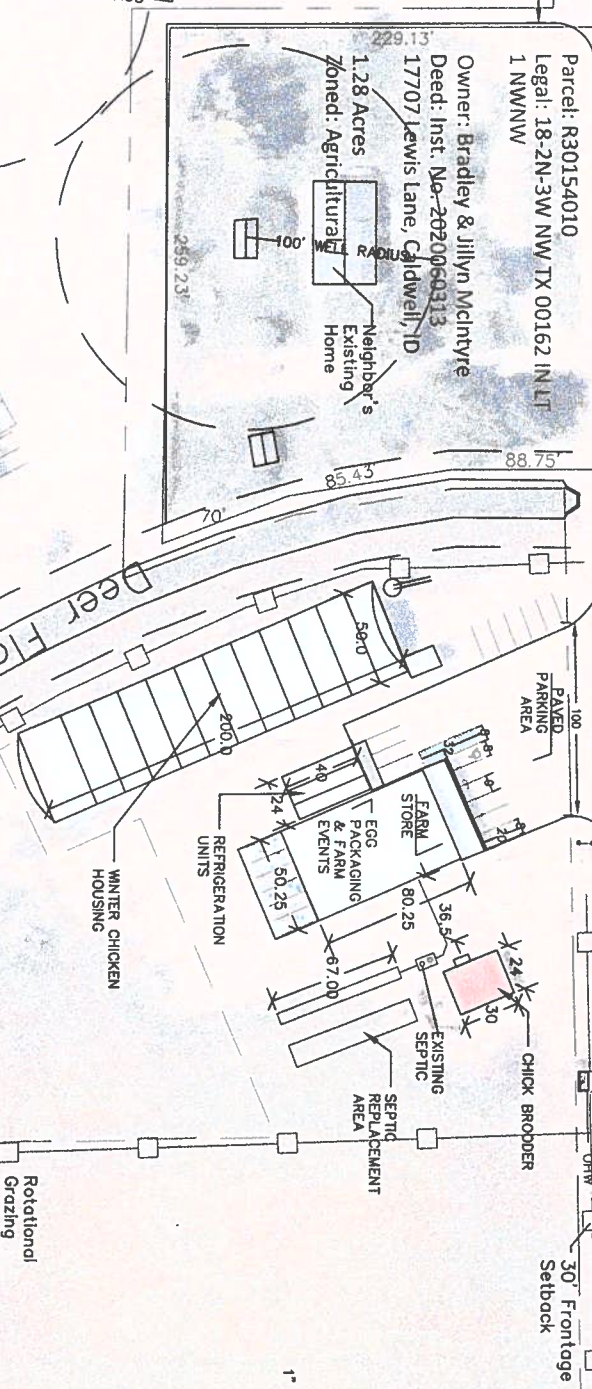


VICINITY MAP
Not to Scale

LEWIS LANE

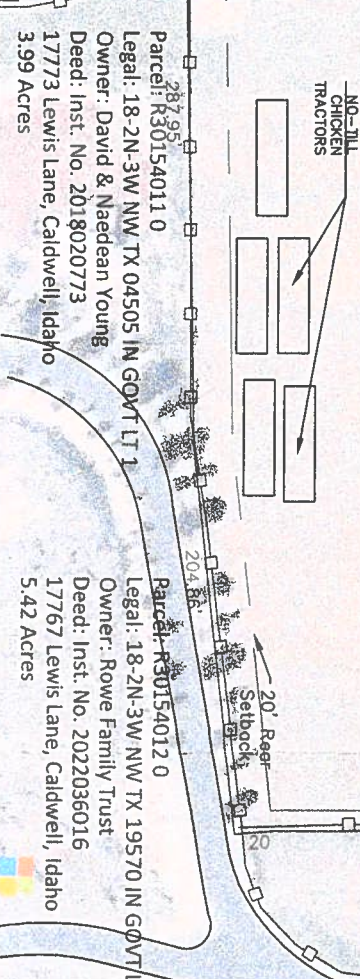
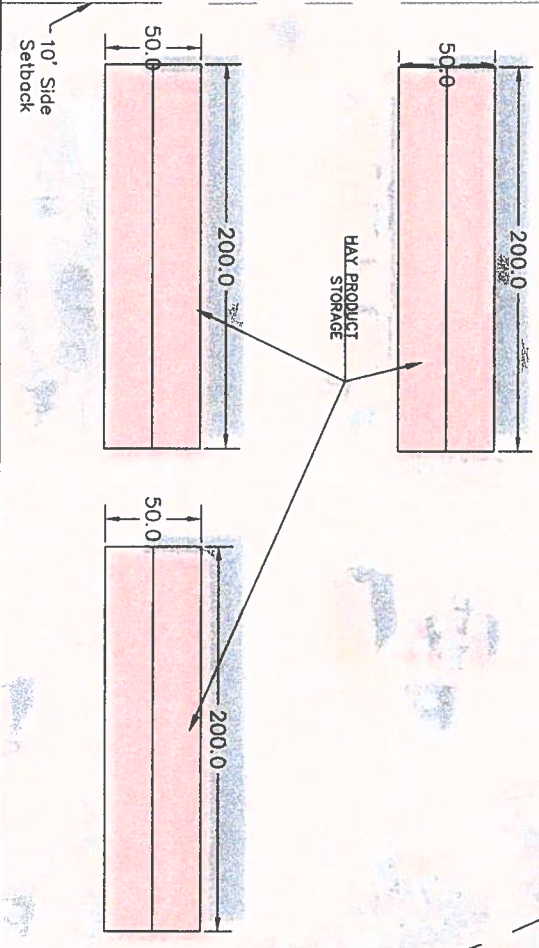
Parcel: R30154010
Legal: 18-2N-3W NW TX 00162 IN LT
1 NW/NW

Owner: Bradley & Jillyn McIntyre
Deed: Inst. No. 2020060113
17707 Lewis Lane, Caldwell, ID
1.28 Acres
Zoned: Agricultural



SITE DATA:	
PARCEL NO.	R301540000
RECORD OF SURVEY	Index No. 2019-039839
DEED NO.	Inst No. 2009054497
OWNER	K & L Farm Properties, LLC
PROJECT ADDRESS	17995 Lewis Lane, Caldwell, Idaho
LEGAL DESCRIPTION	18-2N-3W NW GOVT LT 1 IN NW/4 LS TX 00162, 0450S, 19570 & L.S.A PT OF RD ON N
ZONE DESIGNATION	Agricultural
COMP. PLAN	Agricultural
SITE AREA	25.91 ACRES
IRRIGATION DISTRICT	Wilder Irrigation District
FIRE DISTRICT	Caldwell Rural
WATER	Existing Well: Private Residential
SEWER/SEPTIC	Existing Septic: SWDH approved, Portable Toilets to be used for farm events
POWER	IDAHO POWER
HIGHWAY DISTRICT	Nampa Highway District No. 1
JURISDICTION	Canyon County
SETBACKS	30' Frontage, 10' Side, 20' Rear
EASEMENTS	Deer Flat Low Line Canal: 25' from centerline or distance to maintain

Parcel: R303040000
Legal: 13-2N-4W NE N1/2 NE
Owner: K & L Farm Properties, LLC
Deed: Inst. No. 2009047397
9836 Riverside Rd. Caldwell, Idaho
80 Acres
Zoned: Agricultural



March 14, 2024

Subject: Operations Plan for Conditional Use Application for Agritourism Special Event Venue



Figure 1 - Aerial View of McIntyre Pastures Farm Store

Description of Operations

McIntyre Farms is a multi-generational family farm in Canyon County.

"We are McIntyre Pastures. Our family has been farming since 1910 in the Marsing/Caldwell area. Our dad/grandpa raised hogs, had a small dairy, watermelons, seed crops, and more. Eventually due to a death in the family, rising interest rates and other factors, we got heavily into forage farming and custom haying. But about 15 years ago that all started changing when we started our pursuit of no-till farming. Our dad's favorite implement, the plow, was replaced by the no till drill, we planted cover crops, and started using our cattle to graze the refuse. We added poultry and pigs, pasture grasses, grow cover crop seeds and forage, and direct sell eggs, pork, beef, chicken, duck, turkey and more directly to the public." ([McIntyre Pastures Facebook](#) Page, 18 Dec 2023)



Figure 2 McIntyre Family Team

McIntyre Pastures sells their products through home delivery, several pickup locations throughout the Treasure Valley and a farm store that is open six days a week. The McIntyre's store sells eggs, meat, and produce, as well as cooperative produce and dairy from other farms. The McIntyre's store operates from 8 a.m. to 5 p.m. Monday – Saturday, with occasional extended hours for agritourism, classes and special events. Recent classes that have been held at their farm include sausage making, soap making, lard rendering, making bone broth, and more. The McIntyre Farm has also become a desired location for occasional Farm-to-Fork dinners as part of agritourism. These dinners are held in the pasture near the farm store.

Time Requirements

Each member of the McIntyre Family team gives full time efforts to their role at the farm, such as planting, harvesting, grinding grain, loading hay, caring for animals, egg preparation, teaching and preparing for classes, delivery of farm goods, farmer's markets and running farm operations.

Specific to the store, there are two full-time employees that run the farm store.



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Operations Plan

Farm Store/Events - Conditional Use Permit
Owner: K & L Farm Properties, LLC
McIntyre Farms Agent: Ben McIntyre
17995 Lewis Lane,
Caldwell Idaho 83607

Employees park behind the store. Customer parking is available in front of the store and can be expanded into the pasture for tours and events. The delivery rig parks in front of the freezers to the west of the store.

Commencement of the Operation

Operations are currently in action and the conditional use permit would allow the operations to continue and expand with the approval of Canyon County Development Services. McIntyre Farms is a multi-generational family farm in Canyon County that began in 1909. About 15 years ago changes were made to the farm to pursuit of no-till farming and regenerative farming practices and pasture raised animals. McIntyre Pastures has been selling their products directly from the farm, at farmer's markets and at pickup locations from their refrigerated truck.

The McIntyre Pastures' Farm Store was built in 2021 to create a designated place for egg washing and preparation, freezers to store meat for sell, and a storefront for selling farm products. It also is the location for agritourism events and classes held on average 1 to 4 times a month.

Hours of Operation

McIntyre Farms is open six days a week. Monday – Friday from 9:00 am to 5:00 pm, and Saturday from 9am – 3pm.

Noise Levels

The noise generated by the store and its freezer fans is less than the already existing noise produced by current farm operations. During farm-to-fork events, there is an increase in traffic and noise to the area, but parking is sufficient, and events conclude before 10 p.m. Agri-tours and farm-to-fork events typically attract around 50 people (an estimated 15 to 20 vehicles).

Dust Levels

Dust levels are considerably less than a typical farm because of the innovative farming practices which the McIntyres use and are renowned for (no-till drilling, cover crops, etc.). The store parking lot is paved asphalt which reduces dust from traffic, and additional parking is on gravel parking area or on grass pasture.

Air & Water Quality

Mobile Chicken tractors are used to for rotational grazing of pasture, which reduces the buildup of chicken waste. Chicken manure from the winter shelter is composted south of the chicken winter

home. Residential Well Water is piped to the store and chicken shelters. The store septic area and animal composting areas are much further than 100' from any well.



Figure 3 McIntyre Pastures Chicken Tractors Conditioning Soil in Cow Pasture

Raw Material Delivery

Most materials and products sold are generated on site. Incoming deliveries to the farm are incidental. Shipments from the farm are picked up and delivered by the McIntyre farm truck. The farm truck is equipped with a refrigeration unit to protect the meat and food products.



Figure 4: Refrigerated Delivery Truck and Store Refrigeration

Currently, no semis are involved in outgoing shipments from the store (Note that the McIntyre Farms Hay operation routinely employs the use of semis for hay collection and delivery, although not a part of this application).

All perishable food products are stored in Farm Store Refrigeration units or Large Walk-in Freezer.



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*McIntyre
Pastures*
EST 1910

Operations Plan

Farm Store/Events - Conditional Use Permit
Owner: K & L Farm Properties, LLC
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Caldwell Idaho 83607

Finished Product & Marketing

All eggs are thoroughly washed, inspected and packaged on site.

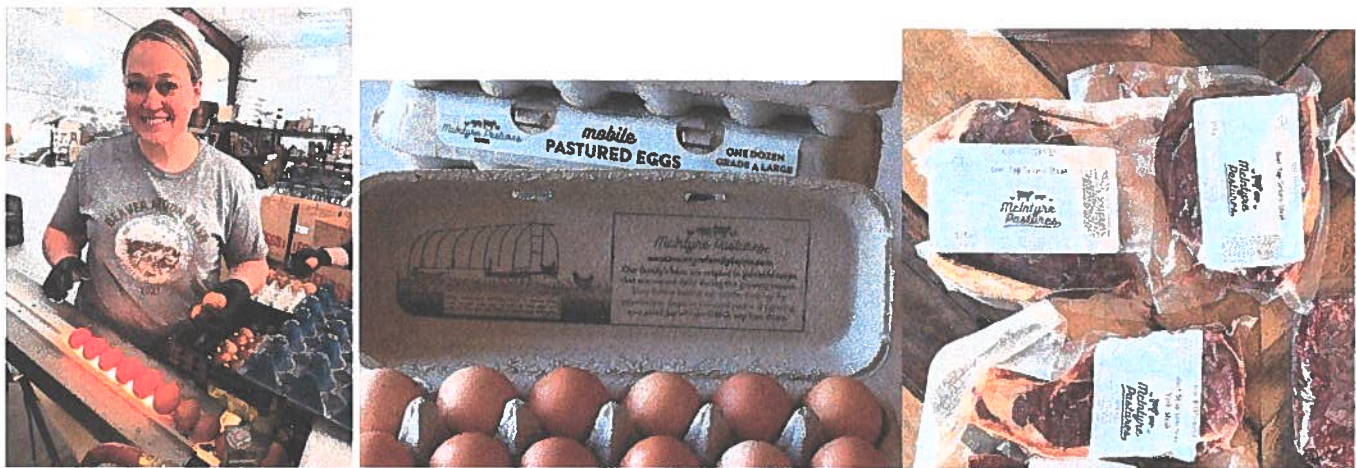


Figure 5 Egg Packaging Operation and Egg & Meat Labels

All meat is processed and packaged in partnership with USDA approved butchers to meet USDA's Food Safety and Inspection Services Standard for resell. McIntyre Pastures also partners with neighboring farms to sale farm products at their store. All farm products are labeled clearly, identifying the product ingredients, the farm they are produced by and other important information.

Marketing is led by Maria McIntyre and includes the McIntyre Pastures website:

<https://mcintyrefamilyfarms.com/>, newsletter, [Facebook page](#), [Instagram](#) and [YouTube](#) channel.

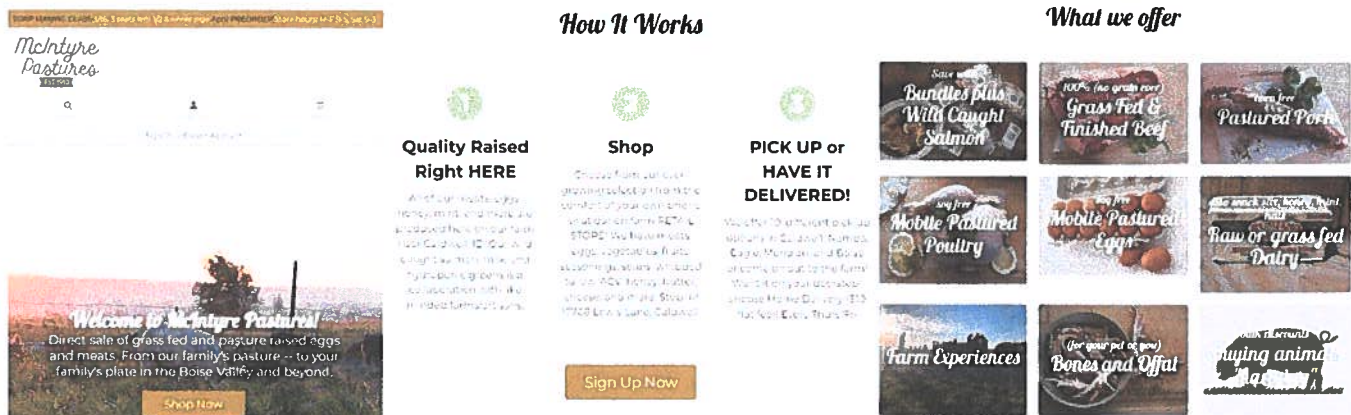


Figure 6: McIntyre Pastures Website

McIntyre Farms has also been featured in several articles and Treasure Valley promotionals including [BoiseDev: Caldwell farm bringing meat, fresh produce to the Treasure Valley since 1910](#), Feb. 3, 2024, and Destination Caldwell (see Figure 7 below)

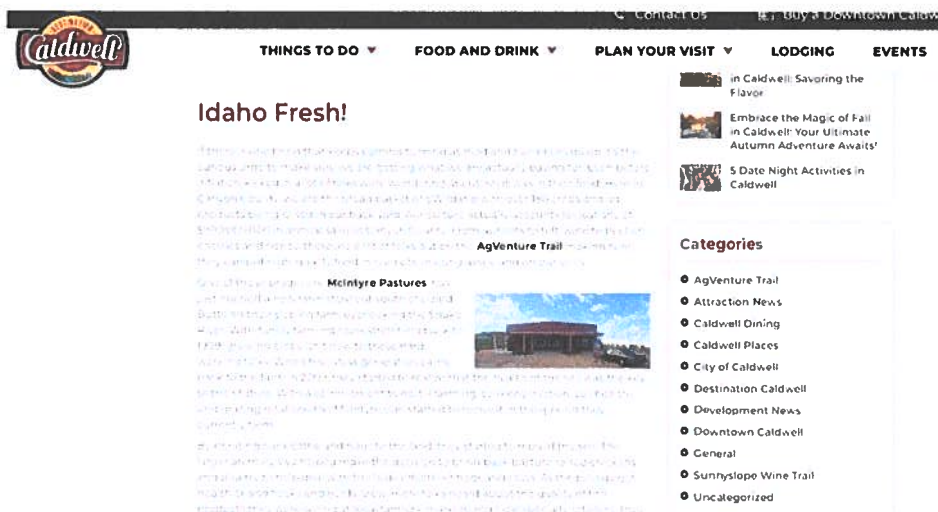


Figure 7 Excerpt from Destination Caldwell Webpage Featuring McIntyre Pastures Farm Store and Wholistic Farming Practices (<https://www.destinationcaldwell.com/idaho-fresh/>, Accessed 14Feb2024)

Site Improvements

McIntyre Farms is constantly improving their site. As part of their building permit for the farm store, they installed SWDH septic, brought in power, and extended water lines. They have installed freezer units and grain storage. They have paved the parking area and installed an approach with a permit and approval of the Highway district (included in this packet). Grain storage has been added for their chicken operation. Landscaping - including planting trees and installing grow boxes in front of the store have been added. The McIntyre Family team continue to look for ways to improve their site and their farm to meet their family and farm goals and needs.

Public and Private Facilities

All facilities are shown on the site plan for this application, including the farm store and egg packaging facility, chicken brooder, winter housing and mobile chicken tractors. The original McIntyre Farm Shop and Hay storage facilities are also shown.

Public Amenities

Parking is available onsite for store patrons. An ADA-accessible restroom facility is located within the McIntyre store as well as an accessible van parking stall and accessibility isle. Employee parking



Orton Engineering
17338 Sunnydale Place
Caldwell, ID 83607
(208) 350 - 9416
brentorton@ortonengineers.com



Operations Plan

Farm Store/Events - Conditional Use Permit
Owner: K & L Farm Properties, LLC
McIntyre Farms Agent: Ben McIntyre
17995 Lewis Lane,
Caldwell Idaho 83607

is in the south of the store. Additional overflow parking is available in the graveled area and pasture just south of the store. Parking is sufficient and farm-to-fork events typically attract around 50 people (an estimated 15 to 20 vehicles). Classroom space is available in the Farm Store behind the store front for hands-on educational offerings, and the pasture green space near the store is utilized for Farm to Fork dinners and events.

Utilities

The Farm Store facility is insulated and has power, A/C and heat. Water is available through a shared residential well. Drainage for parking is retained on site and drainage for the rest of the project is within the farm's historic drainage and irrigation return flow rights. Sewer is by an individual septic system that has been constructed and approved by Southwest District Health. The approved septic permit is included in the application packet. An ADA accessible bathroom is available in the Farm Store and for larger events on-site portable restrooms will be brought in.

Infrastructure

McIntyre Farms is accessed from Riverside Road via Lewis Lane and has no outlet current, and an outlet is not planned for future extension to the East, so there is limited impact to existing and future traffic patterns. Typically, there are 10-15 visitors per day. As mentioned earlier, events typically attract around 50 people. Orton Engineering believes these events would generate approximately 36 vehicle trips¹, generally occurring outside peak traffic hours (both event and store traffic).

Legal Access

McIntyre Farms received an approach permit for the proposed use on the 9th of February 2023 and placed a bond for construction improvements. A copy of the approach permit is included in the application package. The asphalt parking and driveway approach work was completed, approved by Nampa Highway District #1, and the bond has been released/returned.

Please let us know if you have further questions.

Respectfully,

Brent L. Orton, PE, Orton Engineering, LLC

¹ As defined by the Institute of Transportation Engineers, a trip is one arrival or departure of a vehicle, so 36 trips for an event would mean 18 vehicles came to the event and then left. Vehicle occupancy is higher for event traffic so that an attendance of 50 people could mean 15 to 20 vehicles while store traffic would be expected to be individual customers.

LAND USE WORKSHEET

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? Existing Well Only, None New Proposed
2. **SEWER (Wastewater)** ☒ Individual Septic ☐ Centralized Sewer system
☐ N/A – Explain why this is not applicable: (Septic is approved and in service; Portable Toilets for Events)
3. **IRRIGATION WATER PROVIDED VIA:**
☒ Surface ☐ Irrigation Well ☐ None
4. **IF IRRIGATED, PROPOSED IRRIGATION:**
☐ Pressurized ☒ Gravity Gravity to Pressure System from Kuna Mora Canal
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: Existing Ag Fencing Height: 4 ft generally
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)
Irrigation Only, Deerflat Lowline Canal bisects Subject Parcel, - no alteration needed

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED: * N/A

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

2. FIRE SUPPRESSION: *Access Only - Approved by Fire District - Approval Checklist Included

- ☐ Water supply source: Well

3. INCLUDED IN YOUR PROPOSED PLAN?

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

NON-RESIDENTIAL USES

1. SPECIFIC USE: Agritourism Special Event Venue - Ag Operation Tours, Farm to Fork, Ag Product Sales

2. DAYS AND HOURS OF OPERATION:

- ☒ Monday 9 am to 5 pm
☒ Tuesday 9 am to 5 pm
☒ Wednesday 9 am to 5 pm
☒ Thursday 9 am to 5 pm
☒ Friday 9 am to 5 pm
☒ Saturday 9 am to 3 pm
☐ Sunday Closed to _____

3. WILL YOU HAVE EMPLOYEES? ☒ Yes If so, how many? 2 ☐ No

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

Height: ~4 ft Width: ~20 ft. Height above ground: ~12 ft

What type of sign: ☒ Wall _____ Freestanding _____ Other *See Attached Page with Examples

5. PARKING AND LOADING:

How many parking spaces? 21 (inc. unloading and employee parking) + Overflow Parking Spaces

Is there is a loading or unloading area? Yes

- 12+ space in front of store, 1 ADA Van space with accessibility aisle
- 3 spaces for loading and unloading in front of Freezer
- 6 spaces for employees behind farm store
- Additional overflow parking on gravel area and pasture south of store as shown in the site plan for larger Farm Events.

ANIMAL CARE-RELATED USES

1. **MAXIMUM NUMBER OF ANIMALS:** 2,400 chickens for winter housing in adjacent building

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

☐ Building

☐ Kennel

☐ Individual Housing



Other

Pasture, Chicken Tractors,
Chicken Barn

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



Building



Enclosure



Barrier/Berm



Bark Collars

Chick Brooder, Mobile Chicken Tractors, and Winter Chicken Housing

4. **ANIMAL WASTE DISPOSAL**



Individual Domestic Septic System



Animal Waste Only Septic System



Other: Regenerative Agricultural Practices - Minimal to No Unused Waste

Proposed Signage - McIntyre Pastures

#1: Above Store Front Gable

- Estimated Size: 4' X 20'
 - o Example Sign shown below for visualization – Final sign design yet to be determined.



#2. Existing Road Sign

- Approximate Size: 3' x 5'



NEIGHBORHOOD MEETING INSTRUCTIONS

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



CANYON COUNTY ZONING ORDINANCE §07-01-15

Before submitting an application for a public hearing, these steps must be completed:

- (1) Applicants shall conduct a neighborhood meeting for any proposed variance, conditional use, zoning ordinance map amendment, expansion, or extension of nonconforming uses requiring a public hearing.
- (2) It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within six hundred (600) feet of the exterior boundary of the property subject to the application. Notice of a neighborhood meeting shall be in addition to, and not combined with, notices already required by this chapter, and shall include the date, time, location and purpose of the meeting.
- (3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.
 - A. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday.
 - B. The meeting shall be held at one of the following locations:
 1. On the property subject to the application;
 2. At a nearby available public meeting place including, but not limited to, a fire station, library, school, or community center; or
 3. At a location with suitable meeting facilities if such facilities are within a one (1) mile radius of the nearest public meeting place.
- (4) The neighborhood meeting shall be conducted prior to acceptance of the application by Development Services. 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.
- (5) Each application for a public hearing shall include a form acceptable to the director, which requires the applicant to provide the starting and ending times of the neighborhood meeting and an attendance list, with names and addresses of those who attended the neighborhood meeting. (Ord.10-006, 8-16-2010)

Buffer Distance 600 Feet

Date: 5/4/2023
By: SHuggins

This map displays a residential neighborhood with the following features:

- Streets:** Riverside Rd (vertical), Lewis Ln (horizontal), and Elbow Ln (horizontal).
- Highlighted Areas:**
 - A large pink area in the center, outlined in red, spanning across Lewis Ln and Riverside Rd.
 - A smaller pink area, outlined in black, located within the large pink area.
- Property Lots:** Numerous lots are labeled with numbers such as R30295011, R30298010, R30154010, R30154011, R30154012, R30144010, R30144011, R30144012, R30144013, R30144014, R30144015, R30144016, R30147, R30145, R30146, R30148, R30149, R30150, R30151, R30152, R30305010, R30305010A1, R30305010A, R30306, R30307, R30308, R30309, R30310, R30311, R30312, R30313, R30314, R30315, R30316, R30317, R30318, R30319, R30320, R30321, R30322, R30323, R30324, R30325, R30326, R30327, R30328, R30329, R30330, R30331, R30332, R30333, R30334, R30335, R30336, R30337, R30338, R30339, R30340, R30341, R30342, R30343, R30344, R30345, R30346, R30347, R30348, R30349, R30350, R30351, R30352, R30353, R30354, R30355, R30356, R30357, R30358, R30359, R30360, R30361, R30362, R30363, R30364, R30365, R30366, R30367, R30368, R30369, R30370, R30371, R30372, R30373, R30374, R30375, R30376, R30377, R30378, R30379, R30380, R30381, R30382, R30383, R30384, R30385, R30386, R30387, R30388, R30389, R30390, R30391, R30392, R30393, R30394, R30395, R30396, R30397, R30398, R30399, R30400, R30401, R30402, R30403, R30404, R30405, R30406, R30407, R30408, R30409, R30410, R30411, R30412, R30413, R30414, R30415, R30416, R30417, R30418, R30419, R30420, R30421, R30422, R30423, R30424, R30425, R30426, R30427, R30428, R30429, R30430, R30431, R30432, R30433, R30434, R30435, R30436, R30437, R30438, R30439, R30440, R30441, R30442, R30443, R30444, R30445, R30446, R30447, R30448, R30449, R30450, R30451, R30452, R30453, R30454, R30455, R30456, R30457, R30458, R30459, R30460, R30461, R30462, R30463, R30464, R30465, R30466, R30467, R30468, R30469, R30470, R30471, R30472, R30473, R30474, R30475, R30476, R30477, R30478, R30479, R30480, R30481, R30482, R30483, R30484, R30485, R30486, R30487, R30488, R30489, R30490, R30491, R30492, R30493, R30494, R30495, R30496, R30497, R30498, R30499, R30500, R30501, R30502, R30503, R30504, R30505, R30506, R30507, R30508, R30509, R30510, R30511, R30512, R30513, R30514, R30515, R30516, R30517, R30518, R30519, R30520, R30521, R30522, R30523, R30524, R30525, R30526, R30527, R30528, R30529, R30530, R30531, R30532, R30533, R30534, R30535, R30536, R30537, R30538, R30539, R30540, R30541, R30542, R30543, R30544, R30545, R30546, R30547, R30548, R30549, R30550, R30551, R30552, R30553, R30554, R30555, R30556, R30557, R30558, R30559, R30560, R30561, R30562, R30563, R30564, R30565, R30566, R30567, R30568, R30569, R30570, R30571, R30572, R30573, R30574, R30575, R30576, R30577, R30578, R30579, R30580, R30581, R30582, R30583, R30584, R30585, R30586, R30587, R30588, R30589, R30590, R30591, R30592, R30593, R30594, R30595, R30596, R30597, R30598, R30599, R30600, R30601, R30602, R30603, R30604, R30605, R30606, R30607, R30608, R30609, R30610, R30611, R30612, R30613, R30614, R30615, R30616, R30617, R30618, R30619, R30620, R30621, R30622, R30623, R30624, R30625, R30626, R30627, R30628, R30629, R30630, R30631, R30632, R30633, R30634, R30635, R30636, R30637, R30638, R30639, R30640, R30641, R30642, R30643, R30644, R30645, R30646, R30647, R30648, R30649, R30650, R30651, R30652, R30653, R30654, R30655, R30656, R30657, R30658, R30659, R30660, R30661, R30662, R30663, R30664, R30665, R30666, R30667, R30668, R30669, R30670, R30671, R30672, R30673, R30674, R30675, R30676, R30677, R30678, R30679, R30680, R30681, R30682, R30683, R30684, R30685, R30686, R30687, R30688, R30689, R30690, R30691, R30692, R30693, R30694, R30695, R30696, R30697, R30698, R30699, R30700, R30701, R30702, R30703, R30704, R30705, R30706, R30707, R30708, R30709, R30710, R30711, R30712, R30713, R30714, R30715, R30716, R30717, R30718, R30719, R30720, R30721, R30722, R30723, R30724, R30725, R30726, R30727, R30728, R30729, R30730, R30731, R30732, R30733, R30734, R30735, R30736, R30737, R30738, R30739, R30740, R30741, R30742, R30743, R30744, R30745, R30746, R30747, R30748, R30749, R30750, R30751, R30752, R30753, R30754, R30755, R30756, R30757, R30758, R30759, R30760, R30761, R30762, R30763, R30764, R30765, R30766, R30767, R30768, R30769, R30770, R30771, R30772, R30773, R30774, R30775, R30776, R30777, R30778, R30779, R30780, R30781, R30782, R30783, R30784, R30785, R30786, R30787, R30788, R30789, R30790, R30791, R30792, R30793, R30794, R30795, R30796, R30797, R30798, R30799, R30800, R30801, R30802, R30803, R30804, R30805, R30806, R30807, R30808, R30809, R30810, R30811, R30812, R30813, R30814, R30815, R30816, R30817, R30818, R30819, R30820, R30821, R30822, R30823, R30824, R30825, R30826, R30



 NOTIFICATION BUFFER  Highway
 SUBJECT_PROPERTY  Interstate
 NOTIFIED PARCELS  Local Road
 TAX PARCELS

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 or the appropriateness for use rests solely with 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.

PARCEL_NO	OwnerName	Address	City	State
R30026011	K L FARM PROPERTIES LLC	10478 RIVERSIDE RD	CALDWELL	ID
R30304	FLOYD DENNIS E	9836 RIVERSIDE RD	CALDWELL	ID
R30144011	KANGAS SETH F	17625 LEWIS LN	CALDWELL	ID
R30024010	MILBURN CHANCE K	17660 LEWIS LN	CALDWELL	ID
R30305010	TEUNISSEN BERNARD J III	7406 WILD HORSE WAY	NAMPA	ID
R30144010	BARKER JACOB S	17759 LEWIS LN	CALDWELL	ID
R30154010	MCINTYRE BRADLEY	10420 CHICKEN DINNER RD	CALDWELL	ID
R30154012	ROWE FAMILY TRUST	17767 LEWIS LN	CALDWELL	ID
R30144010A	DIAZ ARTHUR	17765 LEWIS LN	CALDWELL	ID
R30026	K L FARM PROPERTIES LLC	10478 RIVERSIDE RD	CALDWELL	ID
R30154011	YOUNG NAEDEAN M	17773 LEWIS LN	CALDWELL	ID
R30152	71 FARMS LLC	10478 RIVERSIDE RD	CALDWELL	ID
R30154	K L FARM PROPERTIES LLC	10478 RIVERSIDE RD	CALDWELL	ID
R30298010	K L FARM PROPERTIES LLC	10478 RIVERSIDE RD	CALDWELL	ID
R30024	MILBURN ROSELYN KAY	17758 LEWIS LN	CALDWELL	ID

* Letters sent to the following addresses regarding the McIntyre Farms CUP on Nov 13, 2023 by Certified Mail. Receipt attached on following page.

- T. Orton, Orton Engineering, LLC



CALDWELL
823 ARTHUR ST
CALDWELL, ID 83605 9998
(800) 275-8777

11/13/2023

03:53 PM

Product	Qty	Unit Price	Price
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#10 envelope	1	\$2.19	\$2.19
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First-Class Mail® Letter	1		\$0.56
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Caldwell, ID 83607

Weight: 0 lb 0.30 oz

Estimated Delivery Date

Wed 11/15/2023

Certified Mail®

\$4.35

Tracking #:

9589 0710 5270 1267 6409 81

Total			\$5.01
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First-Class Mail® Letter	1		\$0.56
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Caldwell, ID 83607

Weight: 0 lb 2.00 oz

Estimated Delivery Date

Wed 11/15/2023

Certified Mail®

\$4.35

Tracking #:

Weight: 0 lb 0.30 oz

Estimated Delivery Date

Wed 11/15/2023

Certified Mail®

\$4.35

Tracking #:

9589 0710 5270 1267 6409 91

Total			\$5.01
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Grand Total:			\$52.29
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Debit Card Remit
Card Name: MasterCard
Account #: XXXXXXXXXXXX6116
Approval #: 287752
Transaction #: 445
Receipt #: 035634
Debit Card Purchase: \$52.29
AID: A0000000042203
AL: Debit
PIN: Verified

Chip

Text your tracking number to 28777 (2USPS)
to get the latest status. Standard Message
and Data rates may apply. You may also
visit www.usps.com USPS Tracking or call
1-800-222-1811.

In a hurry? Self-service kiosks offer
quick and easy check-out. Any Retail
Associate can show you how.

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §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: 17995 Lewis Lane, Caldwell	Parcel Number: R30154000 0
City: Caldwell, Idaho, 83607	State: ID ZIP Code: 83607
Notices Mailed Date: Nov 13, 2023	Number of Acres: 25.91 Current Zoning: Ag
Description of the Request: McIntyre Farms - Conditional Use Permit for Farm Store and Special Events	

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Brent Orton (Representative)		
Company Name: Orton Engineering, LLC		
Current address: 17338 Sunnydale Place		
City: Caldwell	State: ID	ZIP Code: 83607
Phone: (208)350-9422	Cell:	Fax:
Email: brentorton@ortonengineers.com	farmerben71@gmail.com	

MEETING INFORMATION

DATE OF MEETING: Nov 28, 2023	MEETING LOCATION: McIntyre Farm Store, 17708 Lewis Lane, Caldwell 83607	
MEETING START TIME: 6:00pm	MEETING END TIME: 7:00 pm	
ATTENDEES: 12		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1.	* See Additional Sheet	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		



Orton Engineering, LLC
17338 Sunnydale Place
Caldwell, ID 83607
Ph 208 350 9422
brentorton@ortonengineers.com

Sign-in Sheet - Neighborhood Meeting Special Events Venue at McIntyre Farms

17995 Lewis Lane
Caldwell, Idaho, 83607
(208) 573-7030

28 November 2023

McIntyre Farms is in the process of applying for a Conditional Use Permit to Canyon County Development Services for a Special Events Venue at their farm. McIntyre Farms would like to be able to hold special events, farm to fork dinners, and resale other products in their Farm Store.

Please Sign-in.

Please sign in to allow us to illustrate attendance at the required neighborhood meeting to allow us to satisfy the requirements of Canyon County Code 07-10-27.

Name	Address	Phone Number
Brent Orton	17338 Sunnydale Pl, Caldwell	
Arthur & Mary Diaz	17765 Lewis Ln Caldwell	
Dennis & Betty Floyd	9834 Riverside Rd Caldwell	
JAKE & ANGELICA	17765 Lewis Ln Caldwell	
* The McIntyre Family was also in attendance at the Neighborhood Meeting.		
Loren McIntyre		
Brad McIntyre		
Spencer McIntyre		
Maria McIntyre		
Ben McIntyre		

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

NEIGHBORHOOD MEETING CERTIFICATION:

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

APPLICANT/REPRESENTATIVE (Please print):

Brent L Orton, PE, MSCE, Orton Engineering, LLC

APPLICANT/REPRESENTATIVE (Signature):  

DATE: 02/28/2024



AGENCY ACKNOWLEDGMENT

Date: 3/7/2024
Applicant: McIntyre Farms
Parcel Number: R3015400000
Site Address: 17995 Lewis Lane, Caldwell, ID 83607

OFFICIAL USE ONLY BELOW THIS LINE - ACKNOWLEDGMENT ACTION:

Southwest District Health: District Health Approval Docs Attached
☒ Applicant submitted/met for official review.

Date: 03/06/2024 Signed: Anthony Lee
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District: District: Caldwell Rural
☐ Applicant submitted/met for official review. Fire District Approval Attached

Date: 2/21/24 Signed: Alan Perry
Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District: District: Nampa Highway District No. 1
☒ Applicant submitted/met for official review. Nampa Highway District Conditions & Approval Attached

Date: 2-20-24 Signed: [Signature]
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District: District: Wilder Irrigation District
☐ Applicant submitted/met for official review.

Date: _____ Signed: _____
Signature on Following Page.
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact: City: (N/A) County: Canyon County
☐ Applicant submitted/met for official review.

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

Received by Canyon County Development Services:
Date: 4/2/24 Signed: [Signature]
Canyon County Development Services Staff

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



AGENCY ACKNOWLEDGMENT

Date

Applicant McIntyre Farms

Parcel Number R3015400000

Site Address 17151 N. 1st St. (Caldwell, ID 83406)

OFFICIAL USE ONLY BELOW THIS LINE - ACKNOWLEDGMENT ACTION

Southwest District Health:

District Health Approval Docs Attached

☒ Applicant submitted/met for official review.

Date 03/06/2024 Signed

Anthony Lee

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

Fire District:

District Caldwell Rural

☐ Applicant submitted/met for official review.

Fire District Approval Attached

Date 3/13/24 Signed

Anthony Lee

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

Highway District:

District Nampa Highway District No. 1

☒ Applicant submitted/met for official review.

Nampa Highway District Conditions & Approval Attached

Date 2-20-24 Signed

Shirley J. Smith

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

Irrigation District:

District Wilder Irrigation District

☐ Applicant submitted/met for official review.

Date 3/7/24 Signed

Ucker Case

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

Area of City Impact:

City (N/A) Con. i.

☐ Applicant submitted/met for official review.

Date _____ Signed

Authorized AOCI Representative

(This signature does not guarantee project or permit approval)

Received by Canyon County Development Services

Date _____ Signed

Canyon County Development Services Staff

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

APPLICATION-Acknowledgement Notice



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

Parcel #: R 30154-000

(Official Use Only)

Acres: 24.91

Property Address: 17995 LEWIS LANE City CADWELL Zip Code 83607

Legal Description: Township 2N Range 3W Section 18 County CANYON

Subdivision: N/A Lot _____ Block _____

Applicants Name: (BEN MCINTYRE) BRENT ORTON Email: brentorton@ortonengineers.com

Mailing Address: 17338 SUNDANCE RD Phone #: 208 350 9422

City: CADWELL State: ID Zip Code: 83607

Applicant is: ☐ Landowner ☐ Contractor ☐ Installer ☒ Other ENGINEER Date: 6 MAR 2024

Owners Name: MCINTYRE FARMS

Mailing Address: SAME AS PROP Phone #: [REDACTED]

City: CADWELL, ID State: ID Zip Code: 83607

The proposed use will be: ☐ Residential ☒ Commercial

Is there an existing structure(s) on this parcel? ☒ Yes ☐ No

Is a Letter of Intended Use provided? ☒ Yes ☐ No

The proposed change will be: ☐ Land Split ☐ Land Use Changes (i.e., zoning)
☐ Preliminary Plat Review ☒ Other (See below description of proposal)

Number of lots on the parcel (if applicable): N/A

Property is located in: ☐ City ☐ Impact Zone ☒ County

Is the proximity of the structure to city sewer or central wastewater collection system 200 feet or less? ☐ Yes ☒ No

Water supply: ☒ Private Well ☐ Shared Well ☐ Public Water System

Description of proposal:

FARM TO FORK DINNERS & FARM AG TOURS (THESE WILL USE PORTABLE TOILETS)


FARM STORE

SIGNATURE: [Signature]

DATE: 6 MAR 2024

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

FINAL/AS-BUILT - Subsurface Sewage Disposal

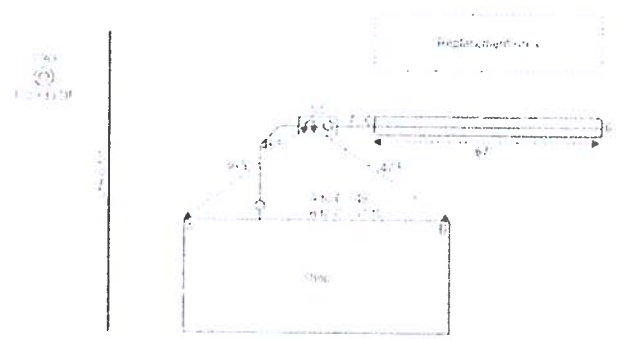
 Public Health <small>Protect. Promote. Improve.</small> Idaho Public Health Districts	SOUTHWEST DISTRICT HEALTH	Permit #: 005925
	13307 Miami Lane Caldwell, Idaho 83607 (208) 455-5300	Date Rcvd: 06/11/2022 Parcel #: R30154000 0
Applicant's Name: McIntyre Farms Owners Name: Loren McIntyre Property Address: 17995 Lewis Ln, Caldwell ID 83607		EHS: Anthony Lee
Legal Description: _____ Township: 2N Range: 3W Section: 18 (183000)		

Ben McIntyre
 17995 Lewis Ln
 Caldwell, ID 83607
 (208) 455-5300

06/27/2022
 17995 Lewis Ln
 Permit: 005925

Parcel: R30154000
 13307 Miami Lane
 Caldwell, ID 83607
 (208) 455-5300

OSC
 1480 Gallons
 14.8 sq yds of gravel
 18" cover over tank
 48" depth of system
 6" to 12" gravel under pipe
 510 square feet



System Type	Gravel Drainfield	Gravel (Yards)	14.89
System Mfg	N/A	Sand (Yards)	N/A
Septic Trash Tank (Gal)	1000	Installation Depth (inches)	48
Septic Trash Tank Mfr	OSG	Date Installed	05-27-2022
Depth to Tank Lid (inches)	18	Rock Under Pipe (inches)	6-8
Standpipe Riser (inches)	N/A	Riser Longitude	-116.7504108W
Pump Tank (gallons)	N/A	Riser Latitude	43.5162188N
Pump Tank (Mfr)	N/A	Well Installed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Drainfield Width (ft)	6	Distance to Tank (ft)	20
Drainfield Length (ft)	67	Distance to Drainfield (ft)	100
Drainfield Area Installed (Sq. Ft.)	402	Valve:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Effective Area (Sq. Ft.)	402	Dist-Box:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		Drop-Box:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into and may be enforceable as part of the permit.

Technical Allowance Granted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Comments: _____	Installer Name: Ben McIntyre Installer Number: (208) 573-1778	Signature: <u>Unavailable</u> Date: 06/11/2022
---	--	---

By signing above, I certify that all answers and statements on this Final As-built are true and complete to the best of my knowledge

OFFICIAL USE ONLY

☒ As-Built provided by EHS

☐ As-Built provided by Installer

Anthony Lee Digitally signed by Anthony Lee
 Date: 2022.06.11 14:49:19
 3600

EHS Final Inspection Signature
 035 _____ 06/11/2022 _____
 EHS Code Date

Permit #: 005925

06/11/2022



AGENCY ACKNOWLEDGMENT

Date:

Applicant: McIntyre Farms

Parcel Number R3015400000

Site Address:

OFFICIAL USE ONLY BELOW THIS LINE - ACKNOWLEDGMENT ACTION:

Southwest District Health:

☒ Applicant submitted/met for official review.

Attached

Date: 03/06/2024 Signed:

Authc
(This sig)
 ENVIRONMENTAL HEALTH
 13307 MEANE LANE
 CALDWELL, ID 83607
 03/06/2024 14:47:45
Representative
(approval)

Fire District:

☐ Applicant submitted/met for official review.

Date: 2/21/24 Signed:

(This sig)

 CREDIT CARD
 MC SALE
 Card # XXXXXXXXXXXXXXX8118
 Chip Card Mastercard Debit
 AID A0000000041010
 SEQ # 14
 Batch # 1560
 INVOICE 14
 Approval Code 521438
 Entry Method Chip Read
 Mode Issuer
 Tax Amount \$0.00

No approval

No. 1

Approval Attached

Live approval

Highway District:

☒ Applicant submitted/met for official review.

Date: 2-20-24 Signed:

Authc
(This sig)

SALE AMOUNT \$100.00

Irrigation District:

☐ Applicant submitted/met for official review.

Date: Signed:

(This sig)

CUSTOMER COPY

(approval)

Area of City Impact:

☐ Applicant submitted/met for official review.

Date: Signed:

City: (empty)

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

Received by Canyon County Development Services:

Date: Signed:

Canyon County Development Services Staff

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

3/6/2024: Orton Engineering met with Anthony Lee at South West District Health for a Pre-Development Meeting on the McIntyre Farm Conditional Use Permit. \$100 fee paid (see receipt above)

For Farm to Fork tour events, a recommendation was made to follow the Technical Guidance Manual - 2024, 4.18, Table 4-16 on the number of Portable Sanitation Units to provide for the event.
(See the highlighted section below)

4.18 Portable Sanitation Units

Revision: March 20, 2015

Installer registration permit: Not applicable

Licensed professional engineer required: No

4.18.1 Description

Portable sanitation units are prefabricated, portable, self-contained toilets that may be housed in trailers or as stand-alone units used for special or temporary events, construction sites, parks, and other events or locations with restroom needs.

4.18.2 Approval Conditions

1. Permanent sewage disposal facilities are not available.
2. All units must be serviced by a pumper with equipment that is permitted through a health district under IDAPA 58.01.03.
3. Units must be manufactured to meet the most current version of ANSI standard Z4.3.
4. Chemicals and biologicals, if used in the waste container, must be compatible with the final disposal site. Chemicals considered hazardous wastes must not be used.
5. Toilets must contain an adequate supply of toilet paper and hand sanitizer (potable water hand-washing stations may be supplied instead of hand sanitizer).

4.18.3 Units Required

1. Table 4-14 and Table 4-15 provide work site requirements.
2. Table 4-16 provides special event requirements.
3. Campouts and overnight event requirements are at least 1 unit for every 50 participants.
4. The following should be taken into consideration when selecting the number of units for an event:
 - a. If the units are serving an event with food and beverage service 10%–20% more units should be added to the recommended totals in Table 4-15.
 - b. Traffic flow.
 - c. Outside temperature (i.e., on warmer days attendees will take in more liquids).
 - d. Special needs (e.g., changing tables, children use, handicapped accessibility).
 - e. Urinals may be substituted for one-third of the total units specified if facilities will not serve women.

Table 4-14. Portable units required per number of employees if the units are serviced once per week.

Total Number of Employees	Minimum Number of Units (8-hour days/40-hour week)
1–10	1
11–20	2
21–30	3
31–40	4
Over 40	1 additional unit for each 10 additional employees.

Table 4-15. Portable units required per number of employees if the units are serviced more than once per week.

Total Number of Employees	Minimum Number of Units (8-hour days/40-hour week)
1–15	1
16–35	2
36–55	3
56–75	4
76–95	5
Over 95	1 additional unit for each 20 additional employees.

Table 4-16. Portable unit requirements for number of people per event hours based on a 50/50 mix of men and women.

Number of People	Number of Hours for the Event									
	1	2	3	4	5	6	7	8	9	10
0–500	2	4	4	5	6	7	9	9	10	12
501–1,000	4	6	8	8	9	9	11	12	13	13
1,001–2,000	5	6	9	12	14	16	18	20	23	25
2,001–3,000	6	9	12	16	20	24	26	30	34	38
3,001–4,000	8	13	16	22	25	30	35	40	45	50
4,001–5,000	12	15	20	25	31	38	44	50	56	63
5,001–10,000	15	25	38	50	63	75	88	100	113	125
10,000–15,000	20	38	56	75	94	113	131	150	169	188

Number of People	Number of Hours for the Event									
	1	2	3	4	5	6	7	8	9	10
15,000–20,000	25	50	75	100	125	150	175	200	225	250
20,000–25,000	38	69	99	130	160	191	221	252	282	313
25,000–30,000	46	82	119	156	192	229	266	302	339	376
30,000–35,000	53	96	139	181	224	267	310	352	395	438
35,000–40,000	61	109	158	207	256	305	354	403	452	501
40,000–45,000	68	123	178	233	288	343	398	453	508	563
45,000–50,000	76	137	198	259	320	381	442	503	564	626

4.18.4 Service Requirements

1. Work site units should be serviced weekly.
2. Special events with more than 500 people in attendance should have a service attendant on site during the event.
3. The employer, event promoter, or manager must be responsible for the hygiene and use of each portable sanitation unit.
4. Units should be serviced and removed from a site as soon as possible after the completion of an event.
5. All equipment used to pump or transport sewage from a portable sanitation unit must be permitted by an Idaho health district under the requirements of IDAPA 58.01.03.
6. All sewage removed from a portable sanitation unit must be disposed of at a location approved by the health district or DEQ through the pumper's permit application.

Business Fire Safety Checklist

How safe is your business? Find out by taking this quick survey.

- ☒ Are fire extinguishers up to date? (Should have a date stamped that is less than a year old)
- ☒ Are fire extinguishers mounted properly and free of obstructions? (Should be between 4 and 60" from floor and nothing within a 36" radius of the extinguisher)
- N/A ☐ Is the hood system inspected and up to date? (Required to be inspected twice a year - date tag should be less than 6 month old)
- N/A ☐ Are sprinkler heads free from obstruction? (Storage should not be within 18" of the head and nothing hanging from the head)
- N/A ☐ Are fire doors properly working and free from obstruction? (They are not permitted to be propped open by wedges or any other temporary device)
- N/A ☐ Are rolling fire door/shutters tested annually? (They are required to be drop tested once a year)
- ☒ Do you have an adequate number of fire extinguishers? (They should be placed so travel distance does not exceed 75 feet or where there is a significant hazardous area to protect such as kitchens)
- ☒ Are exit doors clearly marked, illuminated and free from obstruction? (They are required to be identified with signs that are internally or externally illuminated)
- ☒ Are all exit doors unlocked?
- ☒ Are all exits well lit?
- ☒ Are all electrical plates and outlets free from exposed wiring? (Cover plates are required, no open junction boxes are permitted)
- ☒ Are extension cords used properly? (They are for temporary purposes and not used as a substitution for permanent wiring)
- ☒ Are electrical panels kept clear at least 36 inches from storage?
- N/A ☐ Are gas cylinders secured to prevent tipping?
- ☒ Are aisles and storage spaces free of accumulated rubbish?
- ☒ Is storage clear of the ceiling?
- ☒ Is your address properly marked? (2 1/2 inch height minimum)
- N/A ☐ Are fire lanes clearly marked and marked?
- ☒ Are combustibles kept a safe distance from any heat source? (Minimum of 36 inches)
- ☒ Are flammable liquids properly used and stored? (Must be stored in an approved cabinet)
- ☒ Are employees trained in fire safety and able to use a fire extinguisher?
- ☒ Are fire drills conducted frequently?
- ☒ Are employees aware of the location of fire extinguishers and exit doors?

- ☒ Are safety issues enforced at all times? (Do you have a written policy)
- ☒ Do you have a Fire Safety Plan?
- ☒ Are employees trained in this plan?
- N/A ☐ Are hazardous materials properly labeled?
- N/A ☐ Are hazardous materials properly stored and disposed of?
- N/A ☐ Is propane used and stored properly?
- N/A ☐ Do you have current MSDS (Material Safety Data Sheets) on site for hazardous materials?

Every "yes" response indicates a positive, fire-safety situation, but a "no" response indicates a potential fire hazard that needs to be corrected. If you have any questions, please call the Fire Prevention Bureau of the

Marsing Fire Department

Jerry Mays Chief

Brent L. Orton, PE, MSCE

Orton Engineering

Phone: (208)350-9422

Email: brentorton@ortonengineers.com

Web: www.ortonengineers.com



From: Alan Perry <aperry@cityofcaldwell.org>
Sent: Wednesday, February 21, 2024 8:25 AM
To: 'brentorton@ortonengineers.com' <brentorton@ortonengineers.com>
Subject: RE: McIntyre Pastures Conditional Use Permit - Agency Acknowledgment

From: brentorton@ortonengineers.com <brentorton@ortonengineers.com>
Sent: Tuesday, February 20, 2024 3:43 PM
To: Alan Perry <aperry@cityofcaldwell.org>
Subject: McIntyre Pastures Conditional Use Permit


Good afternoon Alan!!

You helped the McIntyres previously, but I think we will need to get your signature on the agency acknowledgment. They are technically out of compliance with current county code, but nothing is intended to change about their operation. I'm not sure if they talked with you about more than the building previously, but I'm including the draft letter of intent that will be included, once completed, with the application to the County. It explains the uses including the egg packaging, farm store, and occasional farm tours and farm to fork dinners in the pasture.

Hope you're doing great! Thanks for all your help!

[Quoted text hidden]

2 attachments

 **img20240221_08240391.pdf**
363K

 **McIntyre Pastures Canyon County Conditional-Use-Permit Draft Letter of Intent.pdf**
1320K



Brent Orton <brentorton@ortonengineers.com>

McIntyre Pastures Conditional Use Permit - Agency Acknowledgment

Messages

brentorton@ortonengineers.com <brentorton@ortonengineers.com>

Tue, Feb 20, 2024 at 3:39 PM

To: eddy@nampahighway1.com

Cc: paige@nampahighway1.com

Good afternoon Eddy!!

Thanks so much for your help today (and all your help to the McIntyres in the past).

Here is the agency acknowledgment form.

I'm also including the draft letter of intent that will be included in the application when it's finished.

Thanks so much!!

Brent

Brent L. Orton, PE, MSCE

Orton Engineering

Phone: (208)350-9422

Email: brentorton@ortonengineers.com

Web: www.ortonengineers.com



2 attachments



McIntyre Pastures Canyon County Conditional-Use-Permit Draft Letter of Intent.pdf
1320K



Agency Acknowledgment.pdf
363K

Eddy Thiel <eddy@nampahighway1.com>

Tue, Feb 20, 2024 at 4:10 PM

To: "brentorton@ortonengineers.com" <brentorton@ortonengineers.com>



CH # 12972 \$10,000 Deposit APPROACH PERMIT

NHD-002
Rev Mar 2013
Page 1 of 2

SECTION I – APPLICANT/PERMITTEE INFORMATION (TO BE COMPLETED BY APPLICANT/PERMITTEE)

I certify that I am the owner (or authorized representative of owner) of the proposed property to be served, and agree to do the work requested herein in accordance with the General Provisions printed on Page 2, the Special Provisions, and the Plans made a part of this Permit.

MCINTIRE FARMS
NAME OF APPLICANT/PERMITTEE
10478 RIVERSIDE RD.
ADDRESS
CADWELL ID 83607
CITY STATE ZIP

[Signature]
SIGNATURE OF APPLICANT/PERMITTEE
9 FEB 2023
DATE
[Redacted]
PHONE (CELL NUMBER PREFERRED)

ROAD NAME: LEWIS LN. BETWEEN RIVERSIDE RD. & RANDALL LN.
FIRST CROSS STREET SECOND CROSS STREET
SIDE OF ROAD: ☐ North TYPE: ☐ New USE: ☐ Residential CIRCLE DRIVEWAY:
☒ South ☐ Use of existing ☒ Commerical ☐ Yes
☐ East ☒ Upgrade of ☐ Field/Agriculture ☒ No
☐ West existing

SECTION II – WORK AUTHORIZATION (TO BE COMPLETED BY HIGHWAY DISTRICT)

ROAD NO. B84 SUB DIV. NO. 1

ROAD CLASSIFICATION: ☐ Arterial ☐ Collector ☒ Other Local
CULVERT(S) REQUIRED: ☐ Yes, 12" dia x 30' long Residential ☐ Yes, 12" dia x 40' long Commercial ☒ No culvert(s) required

PAYMENTS MADE: ☒ \$50.00 Permit Fee ☐ \$400.00 Deposit ☒ 10,000 Deposit

SPECIAL PROVISIONS:

\$10,000 Deposit to be refunded upon present completion of approach. Arcel R 301540000.

APPROACH REQUIRED TO BE PAVED? ☒ Yes ☐ No

Subject to all terms, conditions and provisions shown on this form, or attachments, permission is hereby granted to perform the work as described.

[Signature]
SIGNATURE – HIGHWAY DISTRICT OFFICIAL

2/9/2023
DATE

A COPY OF THIS PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION

SECTION III – FINAL APPROVAL

This Permit expires sixty (60) days from issue date. Permittee must complete work and call for final inspection at (208) 467-6576 prior to Permit expiration, or forfeit fee and deposit.

FINAL APPROVAL GRANTED BY: [Signature]
SIGNATURE – HIGHWAY DISTRICT OFFICIAL

2/9/2023
DATE

12972

MCINTYRE FARMS INC
10478 RIVERSIDE RD
CALDWELL, ID 83607

US BANK

92-372/1231

9 FEB. 2023

PAY TO THE
ORDER OF

NAMPA Hwy. #2

\$ 10,150.00

The funds are loan fifty dollars per acre

DOLLARS

SECURED BY
BZBFIELD

MEMO PERMIT FEES + BOND

⑈012972⑈ ⑆123103729⑆ 153356264298⑈



Brent Orton <brentorton@ortonengineers.com>

McIntyre Farms CUP Application- Agency Acknowledgement

Brent Orton <brentorton@ortonengineers.com>
To: wilderirrigation10@gmail.com

Thu, Mar 7, 2024 at 2:54 PM

Hello at Wilder Irrigation,

Orton Engineering is assisting McIntyre Farms in pursuing a conditional use permit to be able to hold Farm to Fork events and to sell farm products at their farm store on their property. Attached is a Letter of Intent that shares more information about their project in detail. We do not foresee any impact or change to their irrigation needs or impact from what they have been historically on their farm. We just need to get an agency acknowledgment form signed by Wilder Irrigation for the Canyon County Development services requirements for a Conditional Use Permit. Please let us know if you have any questions or concerns or other processes we need to pursue to meet your needs.

Thanks!
Brent Orton

2 attachments



McIntyre Pastures Canyon County Conditional-Use-Permit Draft Letter of Intent.pdf
1320K



McIntyre Farms CUP Agency Acknowledgement.pdf
170K



AG EXEMPT ZONING COMPLIANCE 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

OWNER NAME: <u>BRIS McINTyre</u>	
MAILING ADDRESS: <u>17495 Low Ln</u> CITY/ZIP: <u>Caldwell 83607</u>	
PHONE: <u>208-573-1778</u>	EMAIL: <u>brismcintyre@gmail.com</u>
CONTACT NAME: <u>BRIS McINTyre</u> CONTRACTOR LICENSE#: <u>SELF</u>	
COMPANY NAME:	
MAILING ADDRESS:	
CITY/ZIP:	
PHONE:	
EMAIL:	
PROPERTY ADDRESS: <u>17495 Low Ln</u> CITY/ZIP: <u>Caldwell 83607</u>	
PARCEL # <u>30.5410.0</u>	LOT SIZE/AREA: <u>2.91</u> FLOODZONE (YES/NO):

STRUCTURE INFORMATION

STRUCTURE TYPE, E. POLE BUILDING, ETC.	DESCRIBE USE	TOTAL SQUARE FEET
<u>RED BRICK GARAGE</u>	<u>STORAGE</u>	<u>6,000</u>
		VALUE
		<u>\$ 60,000</u>

AGRICULTURAL BUILDING (06-01-07) A structure designed and constructed to house farm animals, equipment, hay, and agricultural products on agricultural land and when agriculturally related activities occur at the site. It may be used for storage of farm equipment, tools, and other items. It may be used for storage of farm products, but it may not be used for the sale of farm products. It may be used for the storage of farm equipment, tools, and other items. It may be used for the storage of farm products, but it may not be used for the sale of farm products. It may be used for the storage of farm equipment, tools, and other items. It may be used for the storage of farm products, but it may not be used for the sale of farm products.

I, the undersigned, being duly sworn, depose and say that the above information is true and correct to the best of my knowledge and belief, and I declare under penalty of perjury that the foregoing is true and correct. Executed on this 9th day of July, 2021.

Signature of the Applicant/Builder affirms that he/she is an authorized representative of the property owner for the purpose of this permit. Applicant/Builder agrees to indemnify and hold harmless Canyon County, its elected officials, departments, employees and agents against all claims, demands, damages, costs and expenses, including reasonable attorneys' fees, that may be asserted against or incurred by Canyon County, its elected officials, departments, employees and agents, arising out of or from the use of the structure, whether or not such claims, demands, damages, costs and expenses are caused in whole or in part by the negligence of Canyon County, its elected officials, departments, employees and agents. Executed on this 9th day of July, 2021.

2CH2021-0057	DATE RECEIVED: <u>7.20.2021</u>
14	APPLICATION FEE: <u>70-</u> CK MO <input checked="" type="radio"/> CASH

2009054497

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

IDAHO ESTATE PLANNING
1155 E. WINDING CREEK DRIVE
EAGLE, IDAHO 83616
(208) 939-7658

SEND TAX STATEMENTS TO:
LOREN AND KATHY MCINTYRE
17767 LEWIS LANE
CALDWELL, ID 83607

RECORDED

2009 OCT 27 AM 11 09

WILLIAM H. HURST
CANYON COUNTY RECORDER
BY *J. Maune*

(SPACE ABOVE LINE FOR RECORDER'S USE)

REQUESTED
TYPE

Idaho Estate Planning
Doc Fee \$15.00

QUITCLAIM DEED

KATHY S. MCINTYRE, a married woman, Grantor, 17767 Lewis Lane, Caldwell, Canyon County, Idaho, hereby quitclaim to **K & L Farm Properties, LLC**, Grantees, 17767 Lewis Lane, Caldwell, Idaho, all of their right, title and interest in and to that certain real property, a tract of land in Canyon County, Idaho, described on Exhibit A attached hereto.

Witness the hand of said Grantor this 8th day of Oct, 2009.

Correction Deed for Instrument No. 2009047398

Kathy S. McIntyre
KATHY S. MCINTYRE, Grantor

STATE OF IDAHO

)

)

ss.

COUNTY OF CANYON

)

On this 8th day of October, 2009 before me, the undersigned, Notary Public in and for said State, personally appeared KATHY S. MCINTYRE, a married woman, Grantor known to or identified by me to be the persons who executed said within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my name and affixed my official seal the day and year in this certificate first above written.

Virginia Godina-Ortiz
Notary Public
Residing at Caldwell, Id.
My commission expires: 7/11/15

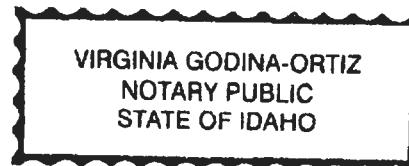


Exhibit A

This parcel is a portion of Government Lot 1 of Section 18, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 1; thence

North 88° 44' 42" East along the North boundary of said Government Lot 1 a distance of 59.10 feet; thence

South 00° 10' 18" East parallel with the West boundary of said Government Lot 1 a distance of 229.11 feet (of record 229.13 feet); thence

South 89° 09' 42" East a distance of 268.07 (of record 268.08 feet) to a point on the Westerly top of bank of the Deer Flat Low Line Canal; thence traversing said top of bank as follows:

North 28° 48' 53" West a distance of 69.99 feet;

North 10° 48' 50" West a distance of 85.43 feet;

North 01° 08' 04" East a distance of 88.75 feet to a point on the North boundary of said Government Lot 1; thence

North 88° 44' 42" East along said North boundary a distance of 923.90 feet to the Northeast corner of said Government Lot 1; thence

South 00° 04' 53" West along the East boundary of said Government Lot 1 a distance of 1322.20 feet to the Southeast corner of said Government Lot 1; thence

South 88° 44' 16" West along the South boundary of said Government Lot 1 a distance of 361.30 feet; thence

North 16° 24' 47" West a distance of 87.27 feet; thence

North 35° 33' 38" East a distance of 119.02 feet; thence

North 06° 31' 07" West a distance of 76.36 feet; thence

North 15° 09' 27" West a distance of 83.68 feet; thence

North 07° 31' 28" East a distance of 105.44 feet; thence

North 20° 16' 36" East a distance of 64.28 feet; thence

North 71° 30' 04" East a distance of 197.36 feet; thence

Along a non-tangential curve to the left having a central angle of 38° 36' 50", a radius of 125.47 feet, an arc length of 84.56 feet and a long chord which bears North 64° 21' 04" East a distance of 82.97 feet to a point which lies 728.53 feet South of and 50.01 feet South 88° 44' 16" West of the Northeast corner of said Government Lot 1; thence

North 00° 04' 53" East parallel with the East boundary of said Government Lot 1 a distance of 53.86 feet; thence

Along a curve to the right having a central angle of 62° 11' 27", a radius of 95.74 feet, an arc length of 103.63 feet and a long chord which bears South 52° 32' 54" West a distance of 98.61 feet; thence

South 83° 27' 38" West a distance of 204.86 feet; thence

South 88° 44' 16" West a distance of 287.95 feet to a point on the centerline of the Deer Flat Low Line Canal as it now exists; thence traversing said centerline as follows:

South 27° 38' 18" East a distance of 32.94 feet;

Along a curve to the right having a central angle of 44° 44' 39", a radius of 149.05 feet, an arc length of 116.40 feet and a long chord which bears South 05° 15' 58" East a distance of 113.46 feet;

South 17° 06' 21" West a distance of 77.51 feet;

Along a curve to the left having a central angle of 07° 25' 25", a radius of 432.38 feet, an arc length of 56.02 feet a long chord which bears South 13° 23' 39" West a distance of 55.98 feet;

South 09° 40' 57" West a distance of 69.84 feet;

Along a curve to the left having a central angle of $13^{\circ} 07' 32''$, a radius of 258.24 feet, an arc length of 59.16 feet and a long chord which bears South $03^{\circ} 07' 11''$ West a distance of 59.03 feet;

South $03^{\circ} 26' 36''$ East a distance of 143.09 feet;

Along a curve to the right having a central angle of $07^{\circ} 45' 13''$, a radius of 217.86 feet, an arc length of 29.48 feet and a long chord which bears South $00^{\circ} 26' 01''$ West a distance of 29.46 feet to a point on the South boundary of said Government Lot 1; thence leaving said centerline and bearing

South $88^{\circ} 44' 16''$ West along said South boundary a distance of 571.22 feet to the Southwest corner of said Government Lot 1; thence

North $00^{\circ} 10' 18''$ West along the West boundary of said Government Lot 1 a distance of 1322.23 feet to the POINT OF BEGINNING.

Exception

Parcel 3:

This parcel is a portion of Government Lot 1 of Section 18, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of said Government Lot 1; thence

South 00° 04' 53" West along the East boundary of said Government Lot 1 a distance of 1,322.20 feet to the Southeast corner of said Government Lot 1; thence

South 88° 44' 16" West along the South boundary of said Government Lot 1 a distance of 361.90 feet; thence

North 16° 24' 47" West a distance of 87.27 feet; thence

North 35° 33' 38" East a distance of 119.02 feet; thence

North 06° 31' 07" West a distance of 76.36 feet; thence

North 15° 09' 27" West a distance of 83.68 feet; thence

North 07° 31' 28" East a distance of 105.44 feet; thence

North 20° 16' 36" East a distance of 64.28 feet; thence

North 71° 30' 04" East a distance of 197.36 feet; thence

Along a curve to the left having a radius of 125.47 feet, a central angle of 38° 36' 50", an arc length of 84.56 feet and a long chord which bears

North 64° 21' 04" East a distance of 82.97 feet; thence

North 00° 04' 53" East parallel with the East boundary of said Government Lot 1 a distance of 728.543 feet to a point on the North boundary of said Government Lot 1; thence

North 88° 44' 42" East along said North boundary a distance of 50.00 feet to the POINT OF BEGINNING.

Parcel 3a:

Includes the use of a 50.00 foot wide ingress-egress and utility easement more particularly described as follows:

Beginning at the Northeast corner of said Government Lot 1; thence

South 00° 04' 53" West along the East boundary of said Government Lot 1 a distance of 728.53 feet; thence

South 88° 44' 16" West a distance of 50.01 feet; thence

North 00° 04' 53" East a distance of 728.54 feet to a point on the North boundary of said Government Lot 1; thence

North 88° 44' 42" East along said North boundary a distance of 50.00 feet to the POINT OF BEGINNING.

EXCEPT any portion lying within Parcel 3.

Canyon County Development Services
111 N. 11th Ave. Room 310, Caldwell, ID 83605
(208) 454-7458

Building Divsn Email: buildinginfo@canyoncounty.id.gov **Planning Divsn Email:** zoninginfo@canyoncounty.id.gov

Receipt Number: 82185

Date: 4/2/2024

Date Created: 4/2/2024

Receipt Type: Normal Receipt

Status: Active

Customer's Name: Ben McIntyre

Comments: CU2024-0010

Site Address: 17995 LEWIS LN, Caldwell ID 83607 / Parcel Number: 30154000 0

CHARGES

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Conditional Use Permit	CU2024-0010	\$950.00	\$0.00	\$0.00

Sub Total: \$950.00

Sales Tax: \$0.00

Total Charges: \$950.00

PAYMENTS

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Credit Card	153728258	\$950.00

Total Payments: \$950.00

ADJUSTMENTS

Receipt Balance: \$0.00

Arbay Mberwa

From: Brent Orton <brentorton@ortonengineers.com>
Sent: Friday, March 14, 2025 7:21 AM
To: Arbay Mberwa; Ben McIntyre; McIntyre Farms; Loren William McIntyre
Subject: Re: FW: [External] RE: Agency Notification / Case No. CU2024-0010 / McIntyre Farms, K&L Properties
Attachments: McIntyre Pastures Irrigation Letter.pdf

Hello Arbay -

Thank you for all of your help on the McIntyre CUP and all of the agency comments! We have been striving to work with Boise Project Board of Control to resolve the request for 40' easement but they were unwilling to change their request, however they did make an allowance for allowing the buildings to remain. In further speaking with the McIntyres they would request to respectfully decline the request for the expanded irrigation easement beyond the existing 25' or distance to maintain. Please see the attached letter that describes McIntyre's position.

We look forward to hearing from you and learning if there is anything else your team needs in order to proceed with a hearing.
We appreciate you and all the time you have put into this application and its review! Please let us know when you have us scheduled.

Thanks!

Brent L. Orton, PE

(208)350-9422

brentorton@ortonengineers.com



On Tue, Dec 24, 2024 at 10:05 AM Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov> wrote:

Good Morning,

Please find attached comments received from the Boise Project Board of Control.

Please reach out and let me know if you have questions,





Brent L. Orton, PE

17338 Sunnydale Place Caldwell, ID, 83607
(208) 350 - 9422 | brentorton@ortonengineers.com



Farm Store/Events - Conditional Use Permit
Owner: K & L Farm Properties, LLC
17995 Lewis Lane, Caldwell Idaho 83607

February 26, 2026

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

Subject: Request to Maintain 25' Irrigation Easement and Respectfully Decline Expansion of Easement, CU-2024-0010, Wilder Irrigation District W-35-4, Deer Flat Lowline Canal 1558+70 Stewart Lateral 73+60

Dear Canyon County Development Services and Planning and Zoning Commission:

Orton Engineering is representing McIntyre Farms in seeking a Conditional Use Permit for an agricultural store and special events venue in Caldwell, Idaho (Application CU-2024-0010). In response to the letter from the Boise Project Board of Control's request to expand the existing irrigation easement to 40' from centerline along the Deer Flat Low Line Canal, the McIntyre's have asked to respectfully decline the request and to ask Canyon County for their support in this situation as they seek a Conditional Use Permit. The McIntyre's situation and request is further explained in detail below.

The McIntyre's have great respect for the irrigation districts and companies that work to maintain and protect Idaho's waterways. We are especially grateful for these irrigation canals due to the water being the life-blood of nearly all of their agricultural and farm pursuits. The McIntyre's are also so very grateful to all those who carefully protect our state's water resources for use throughout Idaho and we desire to work together with the irrigation district to continue to protect the existing irrigation easements that exist and protect the required distance to maintain. Years of relationships with local water master's and local irrigation company staff are treasured relationships by the McIntyre Family. We hope that this request in no way diminishes the mutual respect shared between the McIntyres and Irrigation District Staff.

During the process of seeking for a conditional use permit, the Wilder Irrigation District was consulted and requested that 25' from centerline or distance to maintain the same for the irrigation canals be placed on the CUP site plan. This 25' easement is the traditional easement that has been in place for decades and aligns well with the existing canal access roads and existing farm fencing, landscaping and buildings. Below can be seen pictures that show the existing clear right of way of canal roads on the McIntyre property:



Figure 1: Looking South from Lewis Lane



Figure 2: Deer Flat Low Line Canal



Figure 3: Looking North from McIntyre Property



Brent L. Orton, PE
17338 Sunnydale Place Caldwell, ID, 83607
(208) 350 - 9422 | brentorton@ortonengineers.com



Farm Store/Events - Conditional Use Permit
Owner: K & L Farm Properties, LLC
17995 Lewis Lane, Caldwell Idaho 83607

As County staff completed their solicitation of comments on the Conditional Use Application, the McIntyre's received a letter from Thomas Ritthaler, Assistant Project Manager for Boise Project Board of Control requesting an "easement of 40 feet west and 40 feet east of the canal's centerline," including a statement that Boise Project does not approve of fencing, landscaping, parking lots, light poles, signs and placing of asphalt, roadways, storm drainage, discharge of irrigation, etc. within this easement.

Idaho Statutes, Title 42-1209 detailing the maintenance and repair of irrigation ditches was cited, which includes wording that "encroachment of any kind placed in such easement or right-of-way, without such express written permission, shall be removed or modified..... at the expense of the person or entity causing or permitting such encroachments.. in the event that any such encroachments unreasonable or materially interfere with the use and enjoyment of the easement or right-of-way."

Idaho Code 31-3805 was also cited, which states that "For proposed subdivisions located outside an area of city impact in counties with a zoning ordinance, the delivery system must be approved by the appropriate county zoning authority and the county commission with the advice of the irrigation entity charged with the delivery of water to said lands."

Wording in the letter regarding preliminary plats and "this development is in its preliminary stages" led the us to believe that perhaps the Boise Project Board of Control did not realize that this is not a subdivision application, and that this conditional use permit was for permission to use the existing farm store and farm buildings for the resale of farm products and for occasional farm events, and that no further building was being requested at this time and that no changes to the parcels were being made or any increase in impacts to the canals from what is already been used on the McIntyre Farm for generations to water their fields per their water allotment and irrigation assessment.

In exploring this requested expansion of the irrigation easement from 25' or distance to maintain to the requested 40' easement from centerline, Orton Engineering also learned that if this request were granted that existing farm structures, fencing, new trees, a grain storage facility and shed would fall into the expanded easement. (See the figure below).



Figure 4: Aerial image with 40' requested easement shown in red and the original 25' easement shown in blue.

Below are images to both the east and west of the canal that show the structures that would need to be removed to comply with the request of the 40' easement from the Boise Project Board of Control.



Figures 5 -7: Gravel Parking Lot, Grain Silo, Fencing, Existing Trees, Mailbox, Driveway, Shed and Agricultural Shelter currently exist within requested 40' easement lines.

Additionally Aerial photography from 1992 on Google Earth historical images show that existing fencing along the canal has been in place for over 30 years at the McIntyre's property, protecting the existing canal easement and distance to maintain.



Figure 8: Historical Aerial Photography from 1992, Google Earth, showing existing fencing.

Orton Engineering reached out to local Irrigation officials and Mr. Ritthaler at the Boise Project Board of Control explaining the situation and requesting that the McIntyre's continue to maintain the 25' existing irrigation easement or distance to maintain, or seek a variance as the existing fencing and building and landscaping fall within the 40' easement line.

Mr. Ritthaler responded that Boise Project would not make the McIntyre's move what is already there, but they would not remove their request for the 40' from centerline easement as requested.

In discussing this further with the McIntyre family, the McIntyre's have asked to respectfully decline the request to expand the current irrigation easement and ask for Canyon County to uphold that request.

Idaho Land Use law protects land owners from regulatory takings and two landmark Supreme Court decisions known as Nollan and Dolan validate that government cannot require property owners to give up land unless there is an "essential nexus" and that what is asked should be "roughly proportional" to the impact that is being made. As there are no additional impact to the irrigation proposed by the McIntyre's in seeking the Conditional Use permit for the Farm Store or Farm Events, and as the cost of removing structures and buildings and giving up property would be very costly to the McIntyre who own several acres along the canal and are not seeking to develop the property, the request is not proportional.



Brent L. Orton, PE

17338 Sunnydale Place Caldwell, ID, 83607
(208) 350 - 9422 | brentorton@ortonengineers.com



Farm Store/Events - Conditional Use Permit
Owner: K & L Farm Properties, LLC
17995 Lewis Lane, Caldwell Idaho 83607



Figure 9 - Aerial View of McIntyre Pastures Farm Store

Thank you for your consideration of our request. Please let us know if you have further questions.

Respectfully,

Brent L. Orton, PE
Orton Engineering, LLC

Arbay Mberwa

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Wednesday, December 4, 2024 2:09 PM
To: Arbay Mberwa
Subject: [External] FW: Agency Notification / Case No. CU2024-0010 / McIntyre Farms, K&L Properties
Attachments: Agency Response Requested Notification Form 12.02.2024.pdf; Application.pdf; 20230223 McIntyre Farms Access Variance.pdf

Good Afternoon Arbay,

Nampa Highway District typically requires a paved apron for any commercial approach onto our roadways. The patron has already provided a paved apron for their rural store on the subject property, so we have no objection to the proposal. I have attached an Application to Vary Standards that was approved by the Highway District Commissioners that was approved subject to a License Agreement that is also attached that addresses the paved apron.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 12th Ave. Rd. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

From: Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>
Sent: Wednesday, December 4, 2024 12:49 PM
To: 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; Eddy Thiel <eddy@nampahighway1.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; 'gis@compassidaho.org' <gis@compassidaho.org>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>
Subject: Agency Notification / Case No. CU2024-0010 / McIntyre Farms, K&L Properties

Please see the attached agency notice. You are invited to provide written testimony or comments by **January 6, 2025** although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case.

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 **Arbay Mberwa** at Arbay.Mberwa@canyoncounty.id.gov

Thank you,



Jennifer Almeida

Office Manager

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

Direct Line: 208-455-5957

Email: Jennifer.Almeida@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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



APPLICATION TO VARY STANDARDS

NHD-005
Rev Sep 2015
Page 1 of 2

SECTION I – APPLICANT INFORMATION (TO BE COMPLETED BY APPLICANT)

I certify that I am the applicant (or authorized representative of applicant), that I have read Section II (*Information to Applicant*), that I have completed Section III (*Applicant Questionnaire*), and that the statements and representations made herein are true and correct.

McINTYRE FARMS

NAME OF APPLICANT

17945 LEWIS LN

ADDRESS

CEDAR

CITY

ID

STATE

83007

ZIP

[Signature]

SIGNATURE OF APPLICANT

15 FEB 2023

DATE

208-573-1778

PHONE (CELL NUMBER PREFERRED)

SECTION II – INFORMATION TO APPLICANT

The District Standards are published in the Highway Standards & Development Procedures for the Association of Canyon County Highway Districts. Section 2140.010 of those Standards discusses the purpose for variances, and reads as follows:

“The Highway District may grant variances in order to prevent or to lessen such practical difficulties and unnecessary physical hardships as would result from a literal interpretation and enforcement in certain of the regulations prescribed by these Standards.

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing 1) undue hardship because of special characteristics applicable to the site, and 2) the variance is not in conflict with public interest. Hardships must result from special site characteristics, from geographic, topographic or other physical conditions, or from population densities, existing street locations or traffic conditions.

The purpose of a variance is to provide fair treatment and to see that individuals are not penalized because of site characteristics beyond their control.”

Section 2040.030 of those Standards discusses the duration of approval, and reads as follows:

“The use or construction permitted under the terms of any variance shall be commenced within a six (6) month period. If such use or construction has not commenced within such time period, the variance shall no longer be valid. Prior to the expiration of the six (6) month period, the District, upon request of the applicant, may extend the variance for up to an additional six (6) months from the original date of approval. No additional extension will be allowed.”

An electronic version of the Standards can be found on the “Manuals, Forms and Maps” page of the Highway District web site at www.nampahighway1.com.

SECTION III – APPLICANT QUESTIONNEER (TO BE COMPLETED BY APPLICANT)

Attach additional pages as necessary for answers.

- What is the Section title and number of the Standards from which you wish to vary? ACCHD STANDARD DRAWING #106
- What specifically do you wish to do differently from what the Standards allow? To go to a MAX WIDTH OF 120' instead of the 40' max then radius in to our parking lot.

APPLICATION TO VARY STANDARDS

NHD-005
Rev Sep 2015
Page 2 of 2

3. Why do you wish to vary from the Standards? The way our building sits would allow for more parking & better flow in & out to Lewis Ln.
4. Explain why this variance would not be detrimental to public health, safety or welfare, and not materially injurious to other properties in the vicinity: Lewis Ln. dead ends just above this address & there is minimum traffic in this area, & Road will never go through to connect above
5. What undue hardship would result if this variance were not granted? Our Poultry barn sits to the West of our farm store & in order to get chickens moved into the winter housing in the fall we would have to change equipment to be able to pull in to unload, also need additional farm aprons.
6. Provide the following information regarding the property/site:

Street Address 17995 Lewis Ln. Side of Road: ☐ North ☒ South ☐ East ☐ West
Between: RIVERSIDE RD. & RAIDTEL LN. (NAMES OF CLOSEST CROSS STREETS)

SECTION IV - REVIEW (TO BE COMPLETED BY HIGHWAY DISTRICT STAFF)

STAFF REPORT COMPLETED AND ATTACHED: ☒ Yes ☐ No

APPLICATION FEE PAID: ☒ Yes ☐ No Paid ch# 12988

SITE PLAN SUBMITTED: ☐ Yes ☒ Not needed



SIGNATURE - HIGHWAY DISTRICT STAFF

2-21-23
DATE

SECTION V - DECISION (TO BE COMPLETED BY HIGHWAY DISTRICT BOARD OF COMMISSIONERS)

DECISION OF THE HIGHWAY DISTRICT BOARD OF COMMISSIONERS: ☐ Approved ☐ Denied

☒ Approved subject to conditions

BASIS OF DECISION (WITH ANY APPLICABLE CONDITIONS): Commissioners approved the request subject to a License Agreement in the event the Highway District needs to narrow the approach in the future. (See Attached)

SIGNED: 

CHAIRMAN OF THE BOARD

2-23-23
DATE



CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=13 ADMARTINEZ

NO FEE

AGR

NAMPA HWY DIST NO 1

TEMPORARY LICENSE AGREEMENT

1. **Purpose.** This Temporary License Agreement ("License") sets forth the terms and conditions under which the Licensee shall improve and maintain the subject right-of-way for the benefit of the Licensee's property.
2. **Property.** The property benefiting from and subject to this License is the approximately 25.911 acres described by Instrument #2019-043536, Canyon County Records. (Exhibit "B") (the "Property").
3. **Grantor.** This License is granted by the Nampa Highway District No. 1, a body politic and corporate of the State of Idaho, which has exclusive jurisdiction over the subject right-of-way ("Grantor").
4. **Licensee.** This License is granted to and accepted by K & L Farm Properties, LLC, an Idaho limited liability company, which owns the Property, or its successors or assigns.
5. **License Runs With Subdivision.** This License runs with the Property. The rights and duties of Licensee are assumed by future owners of the Property, and cannot be transferred or assigned apart from ownership of the Property.
6. **Right-of-Way.** This License applies to that portion of the W. Lewis Ln. right-of-way running East/West and adjacent to the Property. (Exhibit "A")(The "Right-of-Way").
7. **Authorized Use.** On the terms and conditions set forth herein, Grantor hereby extends to Licensee a license on, over, across and under the Right-of-Way for the following uses and purposes and no others:
 - a. Construct and maintain a Paved Commercial Approach onto W. Lewis Ln. not to exceed 120' in width. Approach structural section shall meet ACCHD Standard Drawing #ACCHD-106 specifications.
8. **License Not Exclusive.** This License does not extend to Licensee the right to use the Right-of-Way to the exclusion of Grantor or any use within its jurisdiction, authority and discretion. If the Right-of-Way is opened as a public highway [as defined in §40-109(5) Idaho Code], the Licensee's authorized use is subject to the rights of the public to use the Right-of-Way for highway purposes. Licensee's authorized use is also subject to the rights of holders of easements of record or obvious on inspection of the Right-of-Way and statutory rights of utilities to use the Right-of-Way. This License is not intended to, and shall not preclude or impede the ability of Grantor to enter into other similar agreements in the future allowing third parties to also use the Right-of-Way, or the ability of Grantor to redesign, reconstruct, relocate, maintain and improve the Right-of-Way as authorized by law and as it determines, in its sole discretion, is appropriate.

9. Termination.

- a. This License will continue until terminated, with or without cause, which termination shall be effective following thirty (30) days advance written notice of termination given by the other party.
- b. If Licensee defaults in the performance of any obligations incumbent upon it to perform hereunder, Grantor may terminate this License and the rights extended to Licensee hereunder at any time, effective at the end of thirty (30) days following the date Grantor shall provide written notice of termination to Licensee, which notice may specify such default(s). Grantor may provide Licensee a thirty (30) day period to correct and cure the specified default(s), and if so corrected and cured to the satisfaction of Grantor, this License may not be terminated but shall continue in full force and effect

10. Improvements.

- a. Any construction and/or installation by Licensee of improvements, including, without limitation, buildings, fixtures, and landscaping on, over, across and under the right-of-way shall be accomplished in accordance with designs, plans and specifications approved in advance and in writing by Grantor as required to satisfy applicable laws, its policies and good engineering practices. In approving such plans and specifications, Grantor assumes no responsibility for any deficiencies or inadequacies in the design or construction of the improvements, and the responsibility therefore shall be and remain that of the Licensee.
- b. If during the term of this License the Grantor requires, in its sole discretion, at any time, and from time to time, that the highway on and/or adjacent to the Right-of-Way be widened and/or realigned, redesigned, improved and/or reconstructed, Licensee hereby accepts responsibility for all costs for relocating, modifying or otherwise adapting the improvements to such realignment and/or relocation and/or reconstruction if required by Grantor, which shall be accomplished by Licensee according to designs, plans and specifications approved in advance by Grantor in writing; provided Licensee may elect to terminate this License in lieu of complying with this responsibility, and further provided Grantor gives Licensee adequate written notice as necessary to allow Licensee to redesign, relocate and modify or adopt the improvements to the realignment and/or relocation and/or reconstruction of the highway and also licenses Licensee such additional area of its right-of-way, if any, as may be necessary for the proper operation of improvements.
- c. Upon termination of this License, Licensee shall promptly remove all improvements and restore the right-of-way to its pre-licensed condition. Should Licensee fail or neglect to promptly remove the improvements and restore the Right-of-Way, Grantor may do so, and assess the Licensee for the costs thereof. Provided, Grantor and Licensee may agree in writing that some or all of such improvements are to remain on the Right-of-Way following termination, and by entering into such an agreement

Licensee thereby disclaims all right, title, and interest in and to the same, and hereby grants such improvements to Grantor at no cost. Further provided, if the authorized use of the Right-of-Way under this License is for landscaping in the Right-of-Way and the irrigation and maintenance thereof, and the general purpose government with jurisdiction has adopted ordinances, rules and regulations governing the landscaping and maintenance of such Right-of-Way by owners of the adjacent property, to the extent such owners are obligated to maintain and irrigate the landscaping, Licensee need not remove the same from the Right-of-Way.

11. Maintenance.

- a. At its sole cost and expense, Licensee shall maintain the improvements in good condition and repair and as required to satisfy applicable laws, Grantor's policies and sound engineering practices. Licensee shall have access over, across and under the Right-of-Way for the purposes of accomplishing such repair and maintenance.
 - b. If the highway on and/or adjacent to the Right-of-Way is damaged as a result of (i) the performance by Licensee of the maintenance required by paragraph 11.a above, or the failure or neglect to perform such maintenance, and/or (ii) Licensee's design, installation or use of the improvements, regardless of cause, then Licensee, at its sole cost and expense, shall promptly correct such deficiency and restore the highway and the surface of the Right-of-Way to the same condition it was in prior thereto, and if Licensee shall fail or neglect to commence such correction and restoration within twenty-four (24) hours of notification, Grantor may proceed to do so, in which event Licensee agrees to reimburse Grantor for the costs and expenses thereof, including, without limitation, reasonable compensation for the use of staff and equipment of Grantor.
 - c. Notwithstanding the provisions of paragraph 11.b above, should an emergency exist related to the Licensee's use of this License which threatens the stability or function of the highway on or adjacent to the Right-of-Way or the safety of the public use thereof, Grantor shall have the right to immediately perform, on behalf of, and at the cost of Licensee necessary emergency repairs.
 - d. Licensee will be responsible for the relocation of any existing utilities located on the Right-of-Way as may be required in connection with any construction or installation of improvements by Licensee in the Right-of-Way.
12. **Fee.** There is no fee for the Licensee's authorized use of the Right-of-Way under this License.
13. **No Title in Licensee.** Licensee shall have no right, title or interest in or to the Right-of-Way other than the right to temporarily use the same pursuant to the terms of this License.
14. **No Cost to Grantor.** Any and all costs and expense associated with Licensee's authorized use of the Right-of-Way, or any construction or installation of improvements thereon, or the

repair and maintenance thereof, or the relocation of improvements or utilities thereon, or the restoration thereof at the termination of this License, shall be at the sole cost and expense of Licensee.

15. **Taxes and Assessments.** Licensee agrees to pay all special assessments and personal property taxes that may be levied and assessed on the improvements during the term of this License.
16. **Indemnification.** Licensee hereby indemnifies and holds Grantor harmless from and against any and all claims or actions for loss, injury, death, damages, mechanics and other liens, arising out of the failure or neglect of Licensee, Licensee's employees, contractors and agents, to properly and reasonably make authorized use of the Right-of-Way or properly construct, install, plant, or repair or maintain the improvements thereon, or that otherwise result from the use and occupation of the Right-of-Way by Licensee, and including any attorney fees and costs that may be incurred by Grantor in defense of such claims or actions indemnified against by Licensee hereunder. For claims or actions arising out of failures or neglects occurring during the term of this License, Licensee's obligation pursuant to this section shall survive the termination of this License.
17. **Compliance with Law; Waste and Nuisances Prohibited.** In connection with Licensee's use of the Right-of-Way, throughout the term of this License, Licensee covenants and agrees to:
 - a. Comply and observe in all respects any and all federal, state and local statutes, ordinances, policies, rules and regulations, including, without limitation, those relating to traffic and pedestrian safety, the Clean Water Act and/or to the presence, use, generation, release, discharge, storage or disposal in, on or under the right-of-way of any hazardous materials (defined as any substance or material defined or designated as hazardous or toxic waste, material or substance, or other similar term, by any federal, state or local environmental statute, regulation or occurrence presently in effect or that may be promulgated in the future).
 - b. Obtain any and all permits and approval required by Grantor or any other unit of government. If the proposed construction and installation of the improvements, or any reconstruction, relocation or maintenance thereof requires Licensee to obtain a permit under Grantor's policies, Licensee shall first obtain such permit from Grantor before commencing such work, and pay the required fees and otherwise comply with the conditions set forth therein
 - c. Commit no waste or allow any nuisance on the right-of-way.
18. **Attorney Fees.** In any suit, action or appeal therefrom to enforce or interpret this License, the prevailing party shall be entitled to recover its costs incurred herein, including reasonable attorney fees.

19. **Notices.** Any notice under this License shall be in writing and be delivered in person or by public or private 24-hour overnight courier service (so long as such service provides written confirmation of delivery). Notice to the Licensee shall be sent to the Property owner of record as identified in the Canyon County Assessor records. Any notice shall be deemed to have been given on actual delivery or refusal, or the day of delivery to the overnight courier.

20. **Date.** This Temporary License Agreement is made this 9th day of March, 2023.

IN WITNESS WHEREOF, the undersigned have caused this Temporary License Agreement to be executed on the day, month and year set forth above.

GRANTOR:

Nampa Highway District No. 1



Dick Smith, Chairman

LICENSEE:

K & L Farm Properties, LLC, an Idaho limited liability company



Loren W. McIntyre, Member

LICENSEE:

K & L Farm Properties, LLC, an Idaho limited liability company



Kathy S. McIntyre, Member

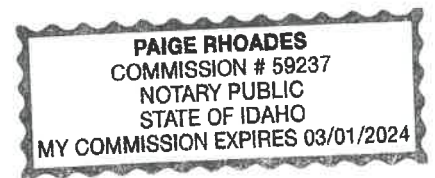
STATE OF IDAHO) ss.
County of Canyon)

On this 4th day of March, 2023, before me, Paige Rhoades,
a Notary Public in and for the State of Idaho, personally appeared **Dick Smith**, known or proven
to me to be the **Chairman** of the **Nampa Highway District No. 1**, which executed the foregoing
instrument, and acknowledged to me that said Highway District executed the same.

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

Notary Public for Idaho
Residing in Canyon County, Idaho

My commission expires: 07 01 24



STATE OF IDAHO)
) ss.
County of Canyon)

On this 2nd day of March, 2023, before me, Paige J. Rhoades, a Notary Public in and for the State of Idaho, personally appeared **Loren W. McIntyre and Kathy S. McIntyre**, known or proven to me to be the **Members** of the limited liability company which executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

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

Notary Public for Idaho
Residing in Canyon County, Idaho

My commission expires: 07/01/24



EXHIBIT "A"

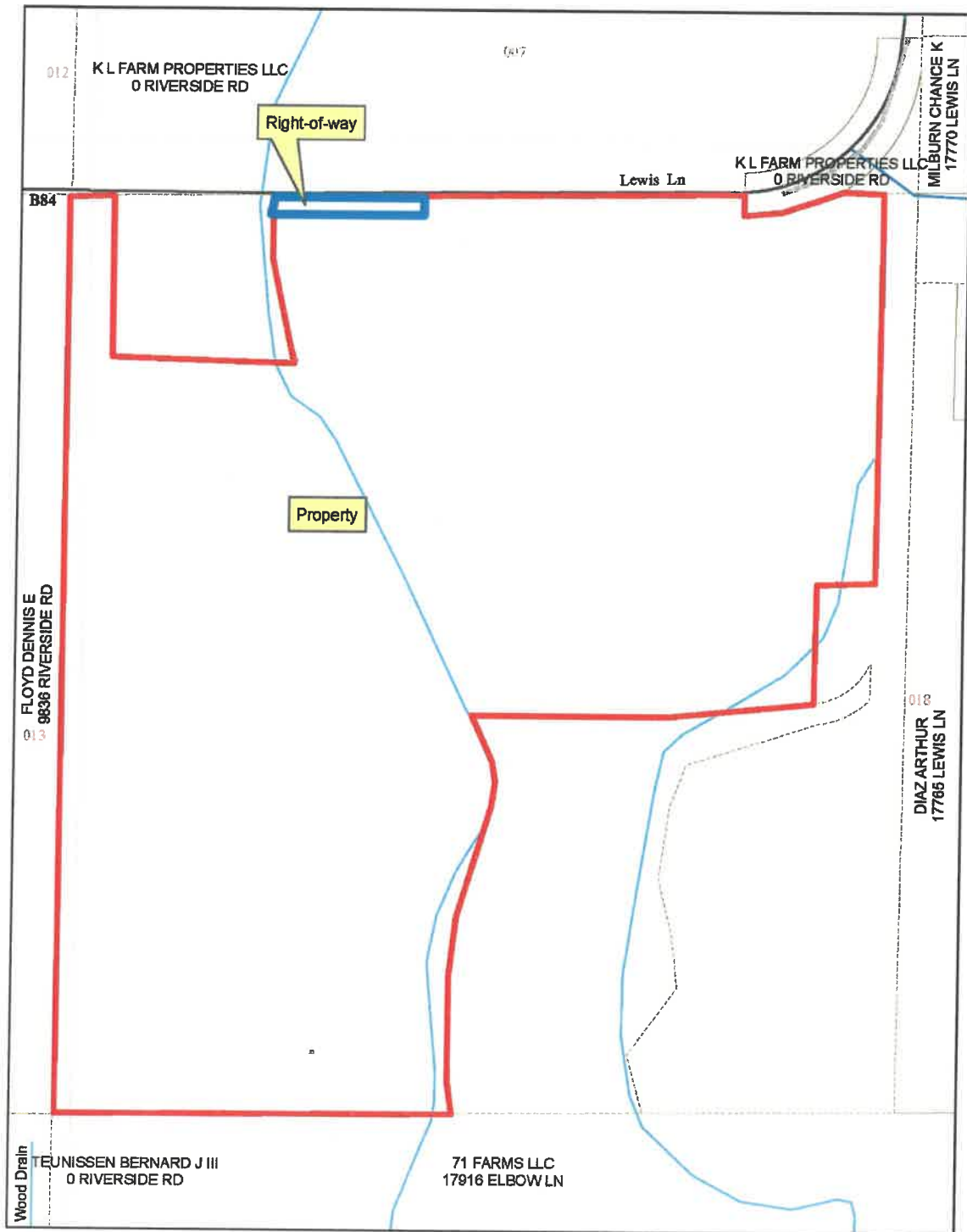
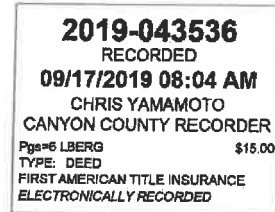


EXHIBIT "B"



THIS PAGE HAS BEEN ADDED TO
ACCOMMODATE RECORDING
INFORMATION

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

AFTER RECORDING MAIL TO:

Justin Lee Pereira and Melicia Man-Hon Pereira
17767 Lewis Lane
Caldwell, ID 83607

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

2019-040344
RECORDED
08/29/2019 12:34 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs: 3 EXHIBIT \$15.00
TYPE: DEED
FIRST AMERICAN TITLE INSURANCE
ELECTRONICALLY RECORDED

Re-recorded to add grantor

WARRANTY DEED

File No.: 4106-3292759 (SH)

Date: August 27, 2019

KSM
LWM K & L Farm Properties, LLC and
For Value Received, Loren W. McIntyre and Kathy S. McIntyre, Trustees, or their successors in
trust, under the Loren and Kathy McIntyre Living Trust, dated January 12, 1998 and
amended April 3, 2019, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey
unto Justin Lee Pereira and Melicia Man-Hon Pereira, husband and wife, hereinafter referred to
as Grantee, whose current address is 17767 Lewis Lane, Caldwell, ID 83607, the following
described premises, situated in Canyon County, Idaho, to wit:

LEGAL DESCRIPTION: Real property in the County of Canyon, State of Idaho, described as follows:

**THIS PARCEL IS A PORTION OF GOVERNMENT LOT 1 OF SECTION 18 IN TOWNSHIP 2
NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO AND IS MORE
PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHEAST CORNER OF THE GOVERNMENT LOT 1, (W1/16N CORNER,
SECTION 18) A FOUND 5/8 INCH DIAMETER REBAR; THENCE**

**SOUTH 00°04'40" WEST ALONG THE EAST BOUNDARY OF GOVERNMENT LOT 1 A DISTANCE
OF 1322.24 FEET TO SOUTHEAST CORNER OF GOVERNMENT LOT 1, A FOUND 5/8 INCH
DIAMETER REBAR; THENCE**

**SOUTH 88°44'24" WEST ALONG THE SOUTH BOUNDARY OF GOVERNMENT LOT 1 A
DISTANCE OF 361.37 FEET TO A FOUND 1/2 INCH DIAMETER REBAR; THENCE**

**NORTH 16°24'47" WEST A DISTANCE OF 87.27 FEET TO A FOUND 1/2 INCH DIAMETER
REBAR; THENCE**

**NORTH 35°33'38" EAST A DISTANCE OF 119.02 FEET TO A FOUND 1/2 INCH DIAMETER
REBAR; THENCE**

**NORTH 6°31'07" WEST A DISTANCE OF 76.36 FEET TO A FOUND 1/2 INCH DIAMETER REBAR;
THENCE**

**NORTH 15°09'27" WEST A DISTANCE OF 83.68 FEET TO A FOUND 1/2 INCH DIAMETER
REBAR; THENCE**

Page 1 of 3

AFTER RECORDING MAIL TO:

Justin Lee Pereira and Melicia Man-Hon Pereira
17767 Lewis Lane
Caldwell, ID 83607

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

Re-recorded to add grantor

WARRANTY DEED

LWM
KSM

File No.: 4106-3292759 (SH)

Date: August 27, 2019

K & L Farm Properties, LLC and
For Value Received, Loren W. McIntyre and Kathy S. McIntyre, Trustees, or their successors in
trust, under the Loren and Kathy McIntyre Living Trust, dated January 12, 1998 and
amended April 3, 2019, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey
unto Justin Lee Pereira and Melicia Man-Hon Pereira, husband and wife, hereinafter referred to
as Grantee, whose current address is 17767 Lewis Lane, Caldwell, ID 83607, the following
described premises, situated in Canyon County, Idaho, to wit:

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**THIS PARCEL IS A PORTION OF GOVERNMENT LOT 1 OF SECTION 18 IN TOWNSHIP 2
NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO AND IS MORE
PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHEAST CORNER OF THE GOVERNMENT LOT 1, (W1/16N CORNER,
SECTION 18) A FOUND 5/8 INCH DIAMETER REBAR; THENCE**

**SOUTH 00°04'40" WEST ALONG THE EAST BOUNDARY OF GOVERNMENT LOT 1 A DISTANCE
OF 1322.24 FEET TO SOUTHEAST CORNER OF GOVERNMENT LOT 1, A FOUND 5/8 INCH
DIAMETER REBAR; THENCE**

**SOUTH 88°44'24" WEST ALONG THE SOUTH BOUNDARY OF GOVERNMENT LOT 1 A
DISTANCE OF 361.37 FEET TO A FOUND 1/2 INCH DIAMETER REBAR; THENCE**

**NORTH 16°24'47" WEST A DISTANCE OF 87.27 FEET TO A FOUND 1/2 INCH DIAMETER
REBAR; THENCE**

**NORTH 35°33'38" EAST A DISTANCE OF 119.02 FEET TO A FOUND 1/2 INCH DIAMETER
REBAR; THENCE**

**NORTH 6°31'07" WEST A DISTANCE OF 76.36 FEET TO A FOUND 1/2 INCH DIAMETER REBAR;
THENCE**

**NORTH 15°09'27" WEST A DISTANCE OF 83.68 FEET TO A FOUND 1/2 INCH DIAMETER
REBAR; THENCE**

Page 1 of 3

APN: 30154012 0

Warranty Deed
- continued

File No.: 4106-3292799 (\$M)
Date: 08/27/2019

**NORTH 7°31'28" EAST A DISTANCE OF 105.44 FEET TO A FOUND ½ INCH DIAMETER REBAR;
THENCE**

**NORTH 20°16'36" EAST A DISTANCE OF 64.28 FEET TO A FOUND ½ INCH DIAMETER REBAR;
THENCE**

**NORTH 71°30'04" EAST A DISTANCE OF 197.36 FEET TO A FOUND ½ INCH DIAMETER
REBAR; THENCE**

**NORTHEASTERLY 84.62 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS
OF 125.47 FEET, A CENTRAL ANGLE OF 38° 38' 25" AND A LONG CHORD WHICH BEARS
NORTH 64°20'18" EAST A DISTANCE OF 83.02 FEET TO A FOUND ½ INCH DIAMETER REBAR;
THENCE**

**NORTH 00°04'40" EAST A DISTANCE OF 53.91 FEET TO A FOUND ½ INCH DIAMETER REBAR;
THENCE**

**SOUTHWESTERLY 103.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A
RADIUS OF 95.47 FEET AND A CENTRAL ANGLE OF 62° 14' 50" AND A LONG CHORD WHICH
BEARS SOUTH 52°31'08" WEST 98.69 FEET TO A FOUND ½ INCH DIAMETER REBAR, THENCE**

**NORTH 6°26'35" WEST A DISTANCE OF 20.00 FEET TO A FOUND 5/8 INCH DIAMETER
REBAR; THENCE**

**NORTH 00°04'40" EAST A DISTANCE OF 153.03 FEET TO A FOUND 5/8 INCH DIAMETER
REBAR; THENCE**

**NORTH 88°44'51" EAST A DISTANCE OF 80.53 FEET TO A FOUND 5/8 INCH DIAMETER
REBAR; THENCE**

**NORTH 00°04'40" EAST A DISTANCE OF 560.00 FEET TO A POINT ON THE NORTH
BOUNDARY OF GOVERNMENT LOT 1, A FOUND ½ INCH DIAMETER REBAR, THENCE**

**NORTH 88°44'51" EAST ALONG SAID NORTH BOUNDARY A DISTANCE OF 50.01 FEET TO THE
TRUE POINT OF BEGINNING.**

APN: 30154012 0

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

APN: 30154012 0

Warranty Deed
- continued

File No.: 4106-3292759 (SH)
Date: 08/27/2019

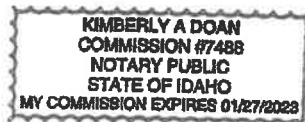
Loren and Kathy McIntyre Living Trust, dated
January 12, 1998

Loren W. McIntyre
Loren W. McIntyre, Trustee

Kathy S. McIntyre
Kathy S. McIntyre, Trustee

STATE OF Idaho)
COUNTY OF Ada)

This record was acknowledged before me on August 29, 2019 by Loren W. McIntyre and Kathy S. McIntyre as Trustees of Loren and Kathy McIntyre Living Trust, dated January 12, 1998 and amended April 3, 2019.



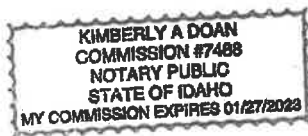
[Signature]
Signature of Notary Public
My Commission Expires: _____

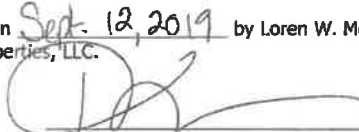

Loren W. McIntyre, Member
K & L Farm Properties, LLC


Kathy S. McIntyre, Member
K & L Farm Properties, LLC

STATE OF Idaho)
 ss.
COUNTY OF Ada)

This record was acknowledged before me on Sept. 12, 2019 by Loren W. McIntyre and Kathy S. McIntyre as Members of K & L Farm Properties, LLC.





Signature of Notary Public
My Commission Expires: _____

Arbay Mberwa

From: Jennifer Almeida
Sent: Tuesday, December 10, 2024 11:22 AM
To: Arbay Mberwa
Subject: FW: [External] RE: Agency Notification / Case No. CU2024-0010 / McIntyre Farms, K&L Properties

Follow Up Flag: Follow up
Flag Status: Flagged



Jennifer Almeida

Office Manager

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

Direct Line: 208-455-5957

Email: Jennifer.Almeida@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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

From: D3 Development Services <D3Development.Services@itd.idaho.gov>

Sent: Tuesday, December 10, 2024 11:22 AM

To: Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>

Subject: [External] RE: Agency Notification / Case No. CU2024-0010 / McIntyre Farms, K&L Properties

Hello,

After careful review of the transmittal submitted to ITD on December 4, 2024 regarding, Case No. CU2024-0010/McIntyre Farms, K&L Properties, 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: Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>

Sent: Wednesday, December 4, 2024 12:49 PM

To: 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; 'gis@compassidaho.org' <gis@compassidaho.org>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>

Subject: Agency Notification / Case No. CU2024-0010 / McIntyre Farms, K&L Properties

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 **January 6, 2025** although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case.

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 **Arbay Mberwa** at Arbay.Mberwa@canyoncounty.id.gov

Thank you,



Jennifer Almeida

Office Manager

Canyon County Development Services Department

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

Direct Line: 208-455-5957

Email: Jennifer.Almeida@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

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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

08 December 2024

Canyon County Development Services
111 North 11th Ave., Ste. 310
Caldwell, Idaho 83605

RE: Kathy McIntyre, K&L Properties., LLC **CU2024-0010**
17995 Lewis Lane, Caldwell.
Wilder Irrigation District W-35-4
Deer Flat Lowline Canal 1558+70
Stewart Lateral 73+60
Sec. 18, T2N, R3W, BM.

Arbay Mberwa:

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

The Boise Project Board of Control is contracted to operate and maintain this canal. We assert the federal easement of 40 feet west and 40 feet east of the canal's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

The Boise Project does not approve landscaping, gravel only, within its easements, as this will certainly increase our cost of maintenance. No variances will be granted.

Fencing, gates, pathways and pressurized irrigation lines, as may be required, must be constructed just off the canal easement, to insure public safety and prevent encroachments. No variances will be granted.

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 1st of each year. However, on a case by case basis, overhead utilities crossing a Project facility may be allowed after March 1st if reviewed and approved by the Boise Project.

The piping and relocation of any Lateral, Canal and/or Drain must be reviewed and approved by the Project and the Bureau of Reclamation 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 and pressurized irrigation lines that cross this property, 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 copy of the irrigation and drainage plans.

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

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

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to 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 'TR', with a long horizontal line extending to the right.

Thomas Ritthaler
Assistant Project Manager

tbr/tr

cc: Tony Avermann Watermaster, Div; 4 BPBC
Lisa Sweet Secretary – Treasurer, WID

File

Arbay Mberwa

From: Brent Orton <brentorton@ortonengineers.com>
Sent: Tuesday, April 29, 2025 1:20 PM
To: Arbay Mberwa
Cc: Orton Engineering; David Orton; farmerben71@gmail.com
Subject: Re: [External] McIntyre Pastures Conditional Use Permit

Hello Arbay! We called to talk with the McIntyres about your questions and here are the answers.

To learn more about the McIntyre's Farm and their events you can visit: <https://mcintyrefamilyfarms.com/> or on Facebook or Instagram at McIntyre Pastures.

1. Farm Events

- Farm Education Events:
 - Small Group Education - courses on various farm topics from brooding chickens, making and using broth, and more. Most of these courses are free and often attend by a small group (~ 40 people). They happen 3-6 times a year.
 - Farm Tours for Universities, CWI courses and Soil and Water Conservation Department, and other groups set up to come visit the farm to learn about the way we are doing things.
 - Farm to Fork Dinner - These are typically held annually - we have one coming up in June. We plan to bring in a caterer to do the food for the event
 - Fall and Spring Tours - -This is when we invite larger groups to come out to the farm, open house style. For the Spring Tour/Egg Collection it will be on May 3rd 10am 3pm - collect eggs to take home, wagon ride, see the cattle, pigs, chickens and layers, scavenger hunt and soil health demonstration, picture opportunities, farms sales and food. We bring in an extra porta potty for the event and have accessible parking in our parking lot and overflow parking in the back grassy pasture. We put up lines and rope for drive aisles and parking spaces and typically any where from 15-60 cars parked as people are coming and going from these events.
 - None of the event we host go past 10pm. All are held during the day.

2. FDA approval - We do not yet meet the thresholds to require FDA approval of our meat or products. We are USDA certified and have inspectors come out for that.

3. Parking in Overflow - In the field we can make this open to a large group. We typically have 40-60 cars parked for open house farm tours events twice a year.

4. Deliveries- Our farm makes deliveries of our meat in our refrigerated truck. We deliver wholesale eggs and milk 3 days a week on Monday Tuesday and Thursday. On Thursdays and Saturday we have our meat and egg deliveries. For shipments in - about twice a month we bring products in from Azure Standard for resale.

5. Hours- Typical Hours are Monday through Friday 9-5 for the Farm Store and Saturday 9-3pm. Events are held during those same business hours. Extended hours would be for the annual Farm to Fork Dinners, with events finishing between 7pm-9pm.

6. We have an existing approved individual well for water for the farm store.

7. Farm sales from the farm should be an allowed use. We are awaiting approval from the county for the conditional use permit to validate resale items at the farm. We have a Idaho issued Seller's Permit number 004956744-08

8. The farm store building permit is ZCA2021-0057 and was an engineered Red Iron metal building.

9. Drainage and Irrigation Plan. There are no modification to the traditional grading and drainage of the farm site, or irrigation. No Civil work is being completed as part of this conditional use permit and no grading and drainage or irrigation plan is necessary.

Please reach out to us if you have any other questions!

Thanks - Brent Orton (208)350-9422, on behalf of McIntyre Pastures.

Brent L. Orton, PE

(208)350-9422

brentorton@ortonengineers.com



On Tue, Apr 29, 2025 at 12:19 PM Brent Orton <brentorton@ortonengineers.com> wrote:

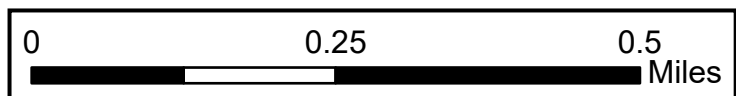
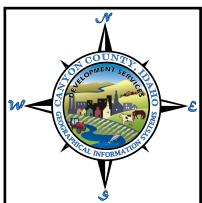
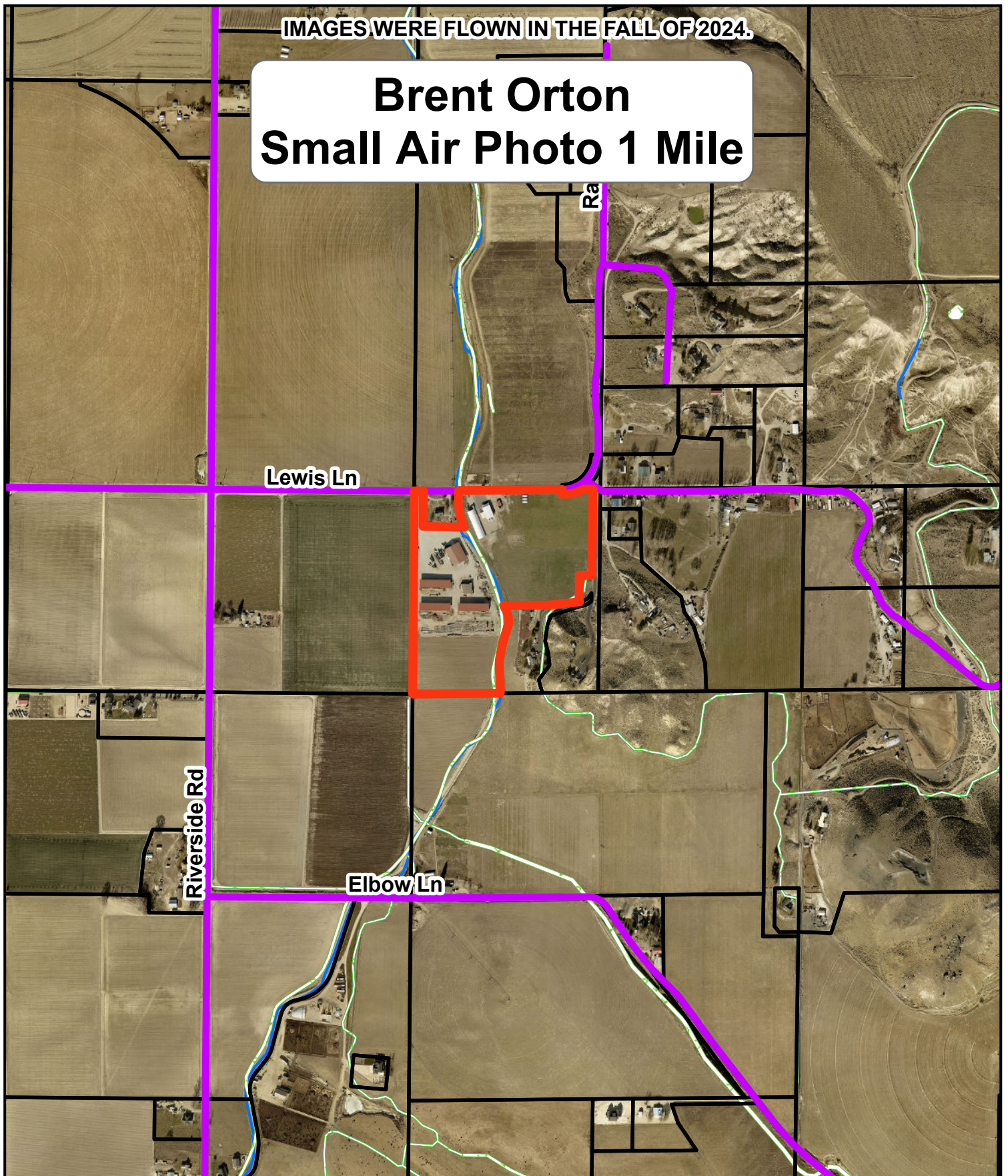
Hello Arbay!

Thanks for moving the McIntyre's Conditional Use Permit forward! They would love to have you stop by today at their farm store. Maria McIntyre can meet you there and help show you around and answer any questions you may have - her number is [REDACTED]. She said to just give her a call when you are on your way out!

I will send you a follow up email with the answers to your questions!

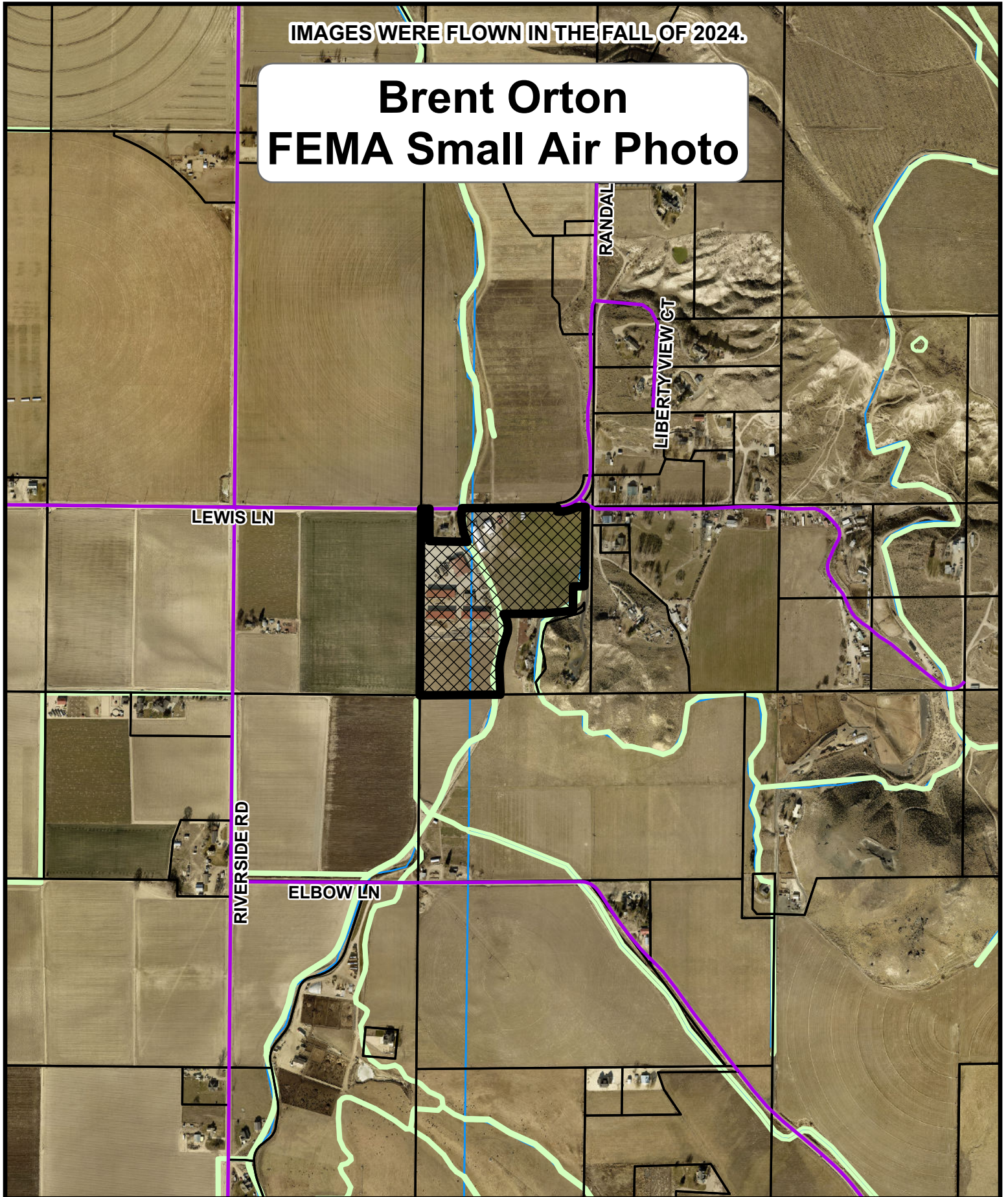
IMAGES WERE FLOWN IN THE FALL OF 2024.

Brent Orton Small Air Photo 1 Mile



IMAGES WERE FLOWN IN THE FALL OF 2024.

Brent Orton FEMA Small Air Photo



Legend

- | | |
|------------------|----|
| SUBJECT_PROPERTY | A |
| TAXLOTS | AE |
| WETLANDS | X |



Brent Orton Small Vicinity Map

K L FARM
PROPERTIES LLC
AC 78.25

K L FARM
PROPERTIES LLC
AC 92.5

MILBURN
AC 5.01

MILBURN
AC 4.72

K.L FARM
PROPERTIES LLC
AC 0.15

MCINTYRE
AC 1.28

BARKER
AC 0.91

KANGAS
AC 26.88

FLOYD
AC 80.32

SUBJECT PROPERTY

DIAZ
AC 12.38

YOUNG
AC 3.99

ROWE
FAMILY TRUST
AC 5.42

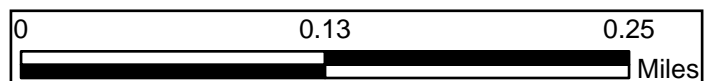
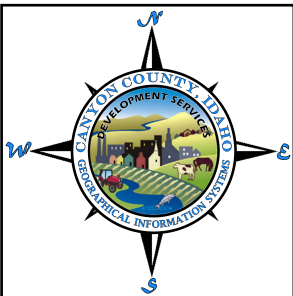
TEUNISSEN
AC 40.2

71 FARMS LLC
AC 69.73

Lewis Ln

Randall

Liberty View Ct



Neighborhood Notification Map

Parcel No. R30154

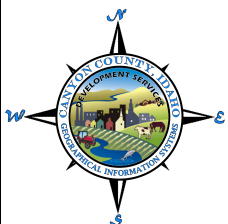
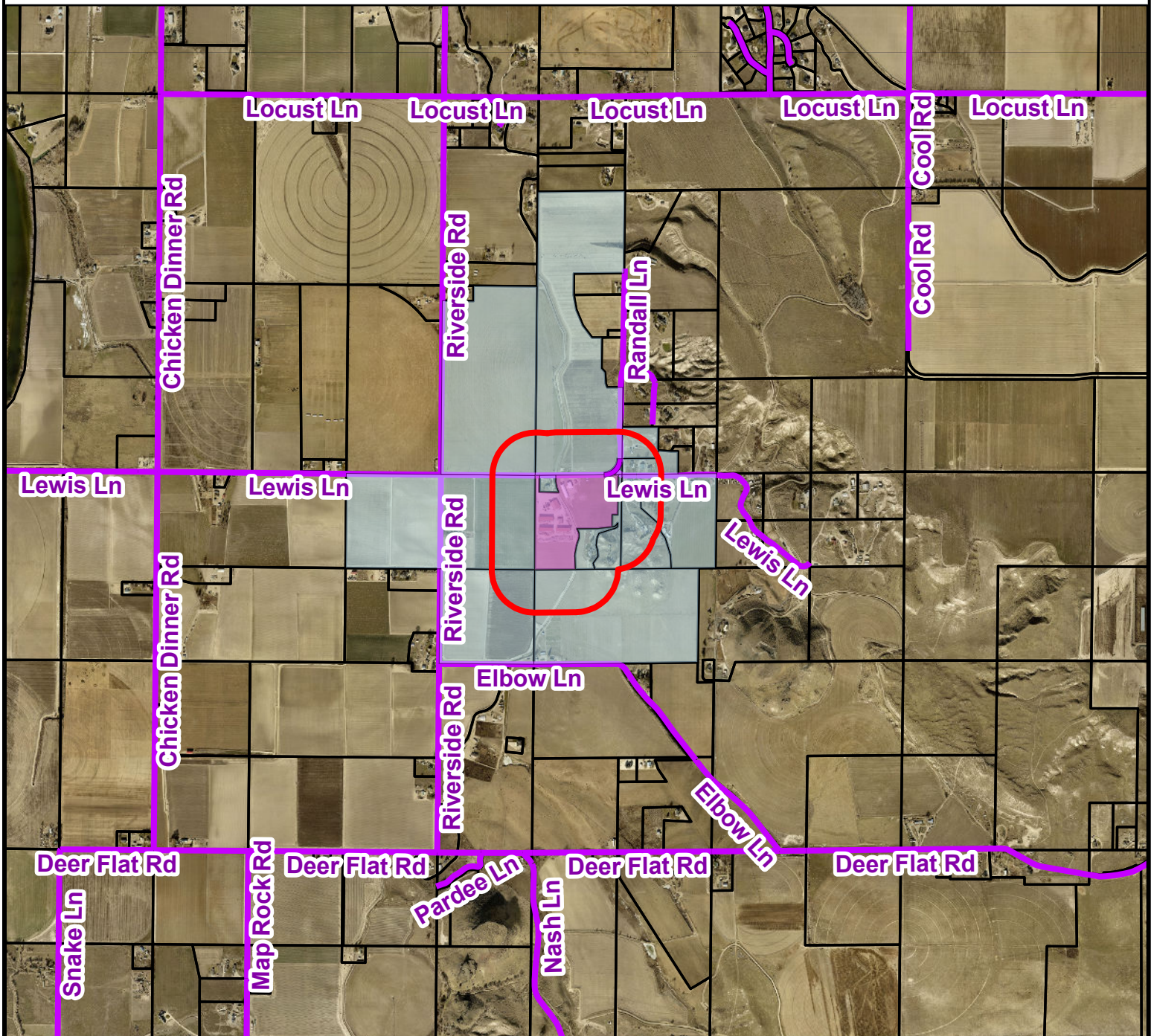
Buffer Distance 600 Feet

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: 4/23/2025
By: TAlmeida



Legend

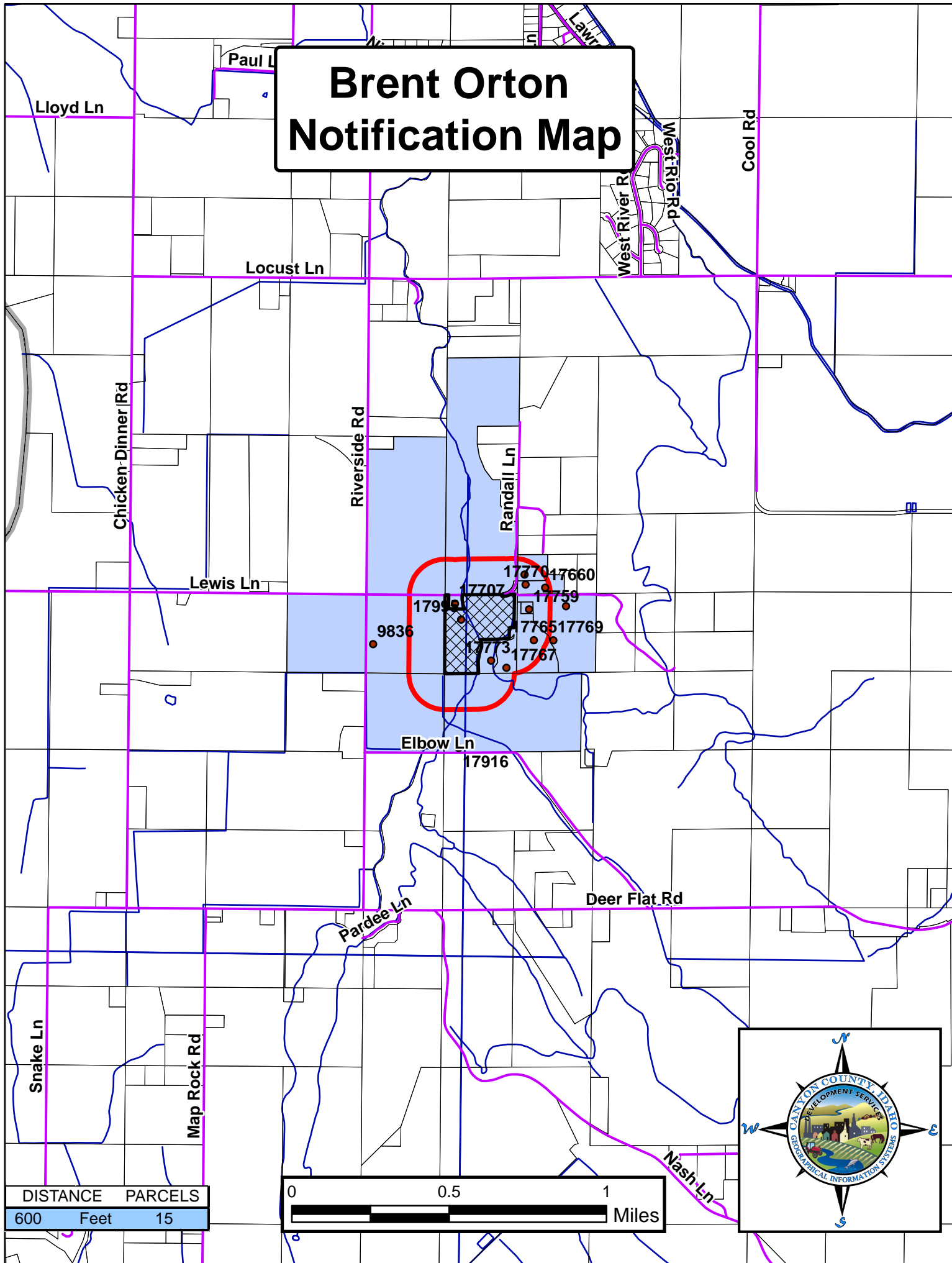
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	SUBJECT_PROPERTY		Interstate
	NOTIFIED PARCELS		Local Road
	TAX PARCELS		

SCALE

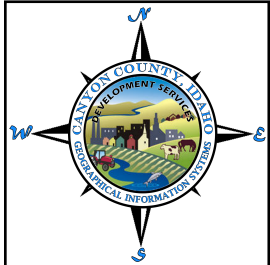
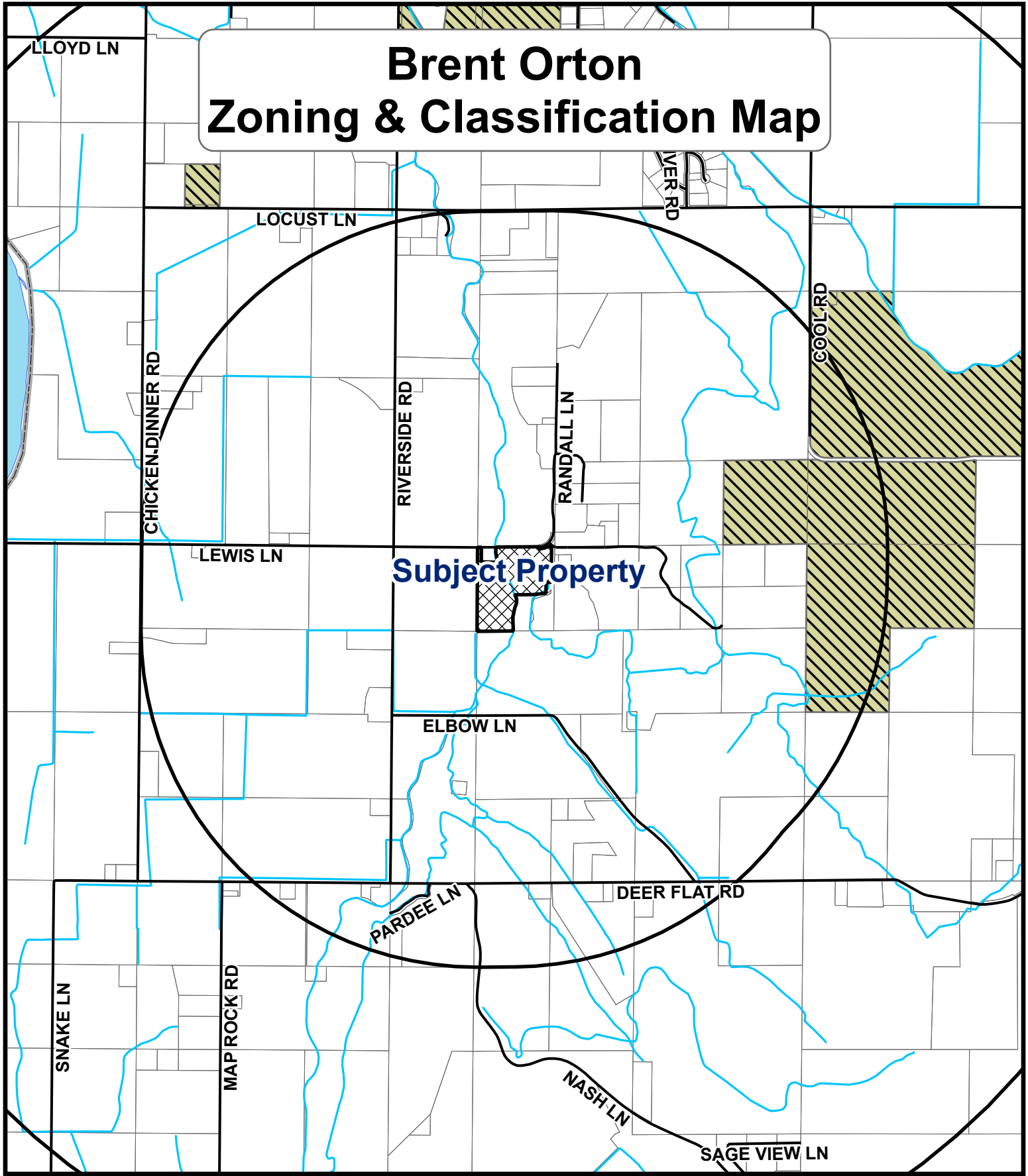
1:24,000
1:24,000

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 or the appropriateness 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.

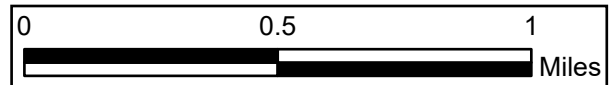
Brent Orton Notification Map



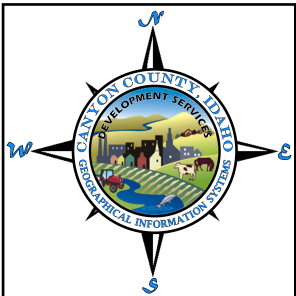
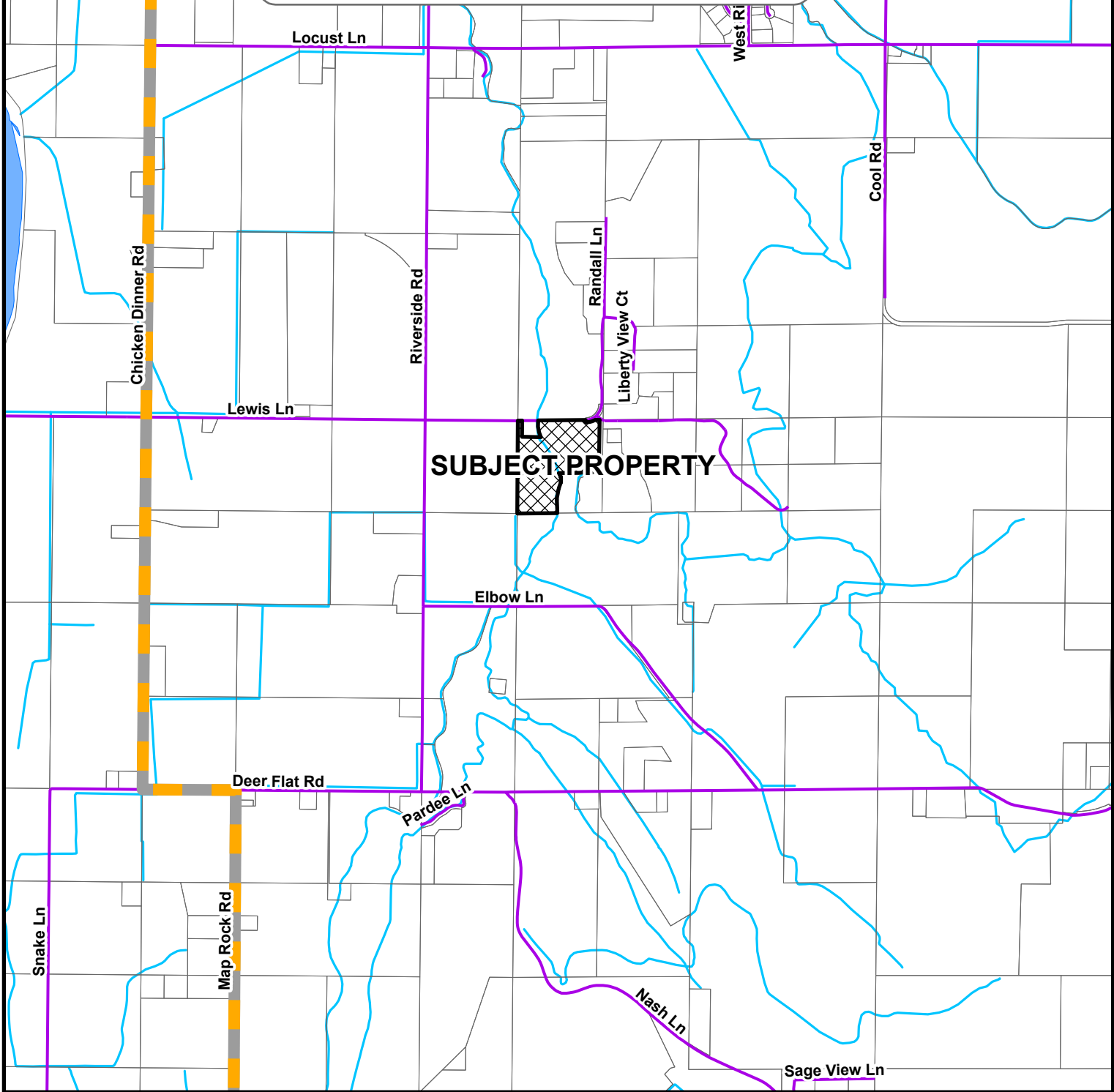
Brent Orton Zoning & Classification Map



Current Zoning		ITD Functional Classification	
	RR		C1
	CR-RR		CR-C1
	R1		C2
	CR-R1		CR-C2
	R2		M1
	C		CR-M1
			M2
	AG		
			Interstate
			Major Collector
			Minor Arterial
			Minor Collector
			Other Principal Arterials



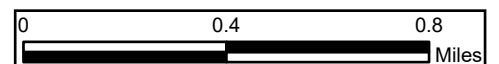
Brent Orton Future Land Use map



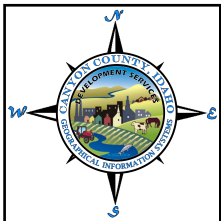
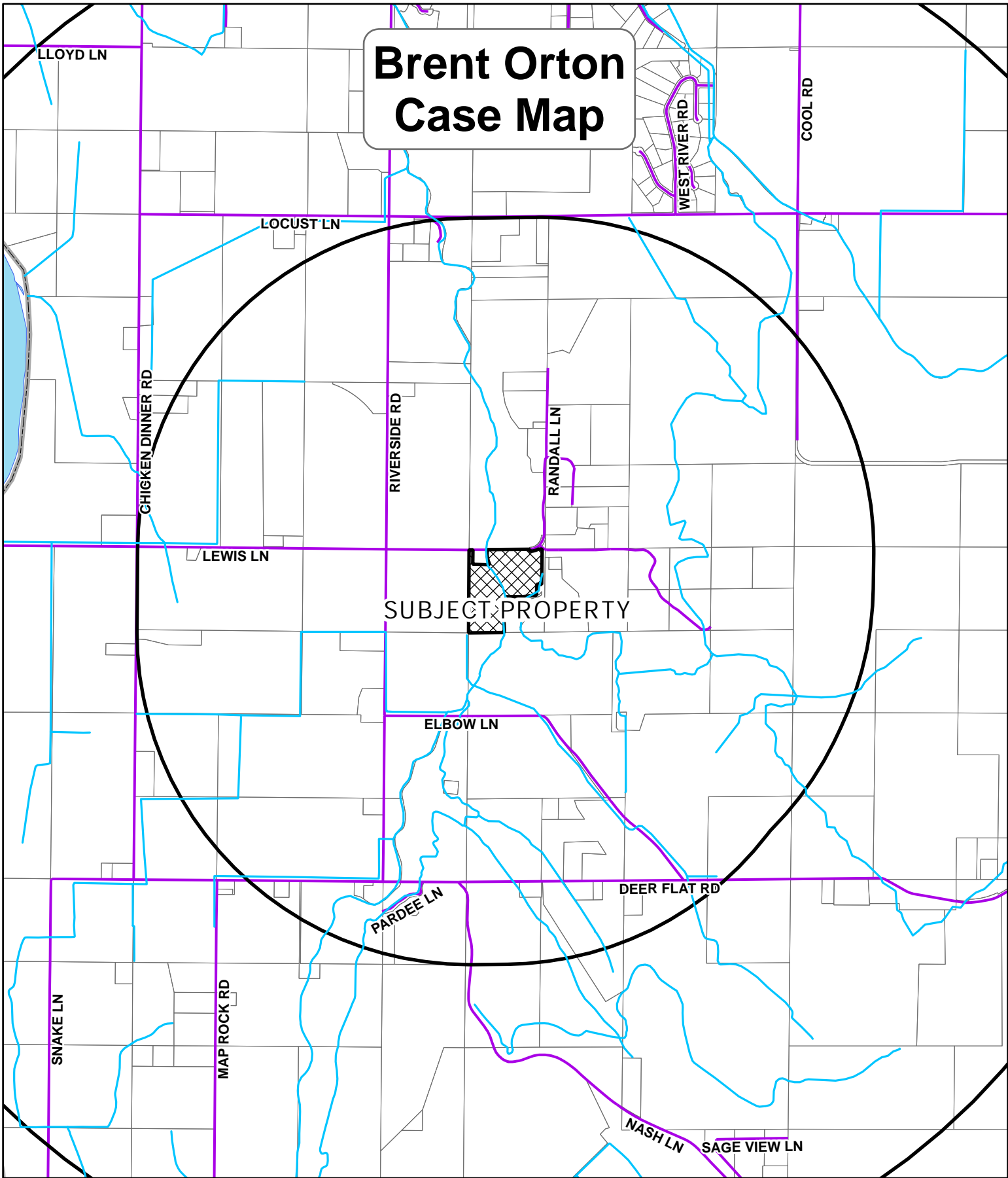
Legend

Future Land Use 2030

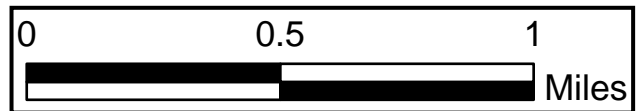
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

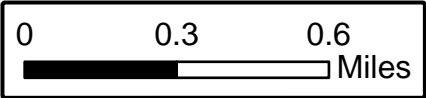
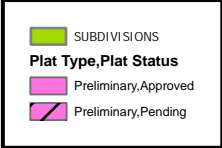
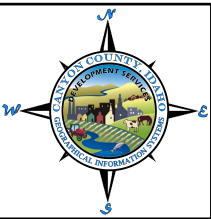
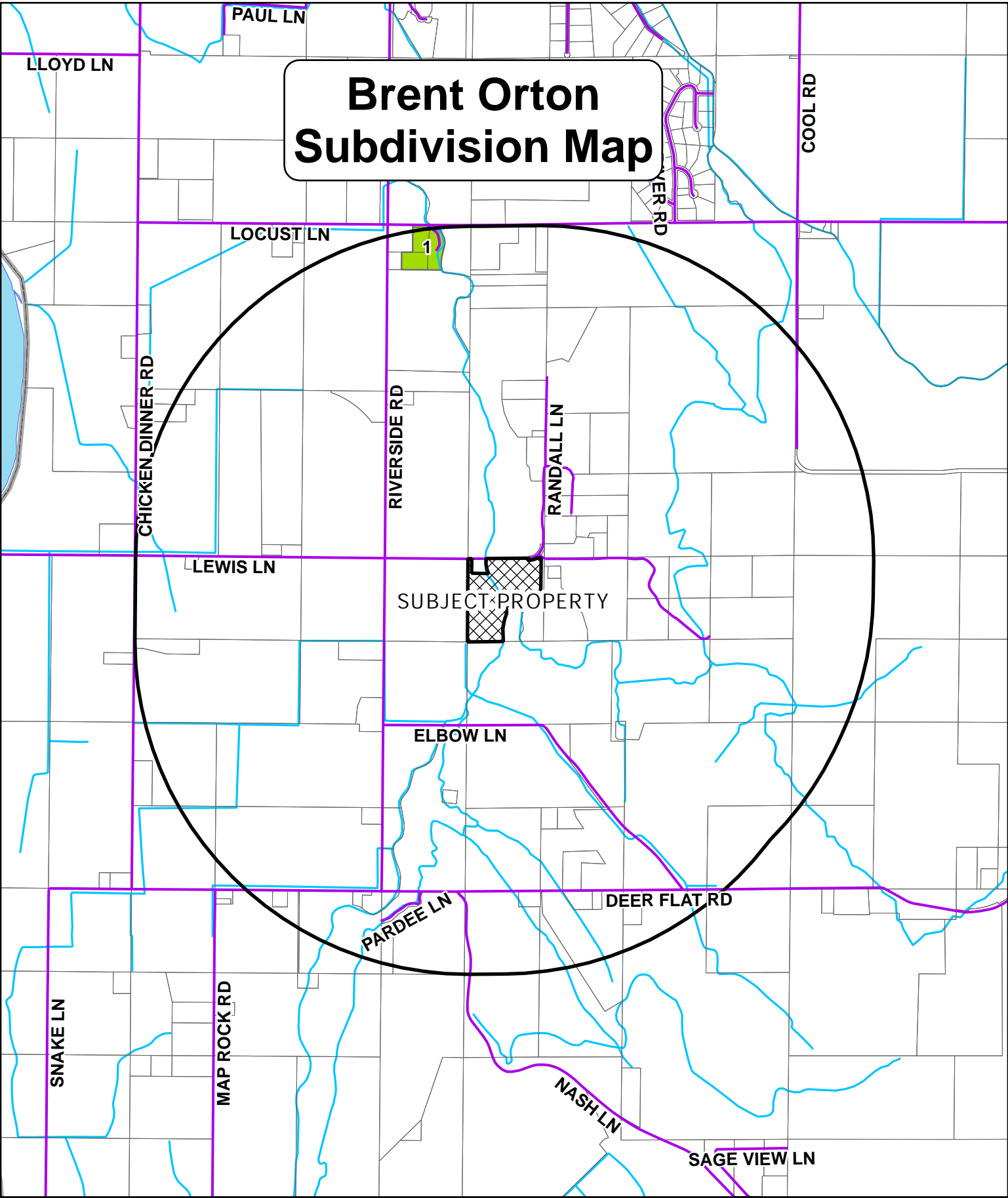


Brent Orton Case Map



YEAR	
Year	
2020	2023
2021	2024
2022	2025



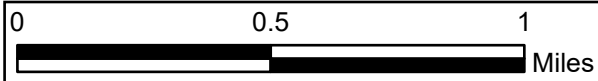
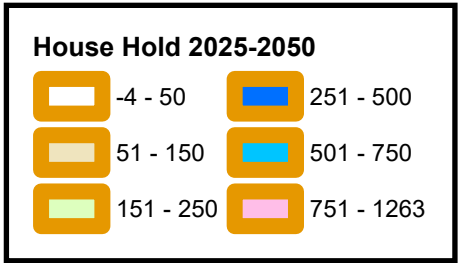
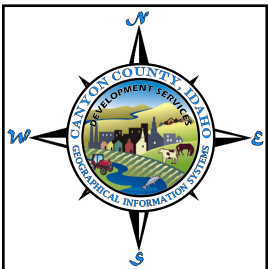
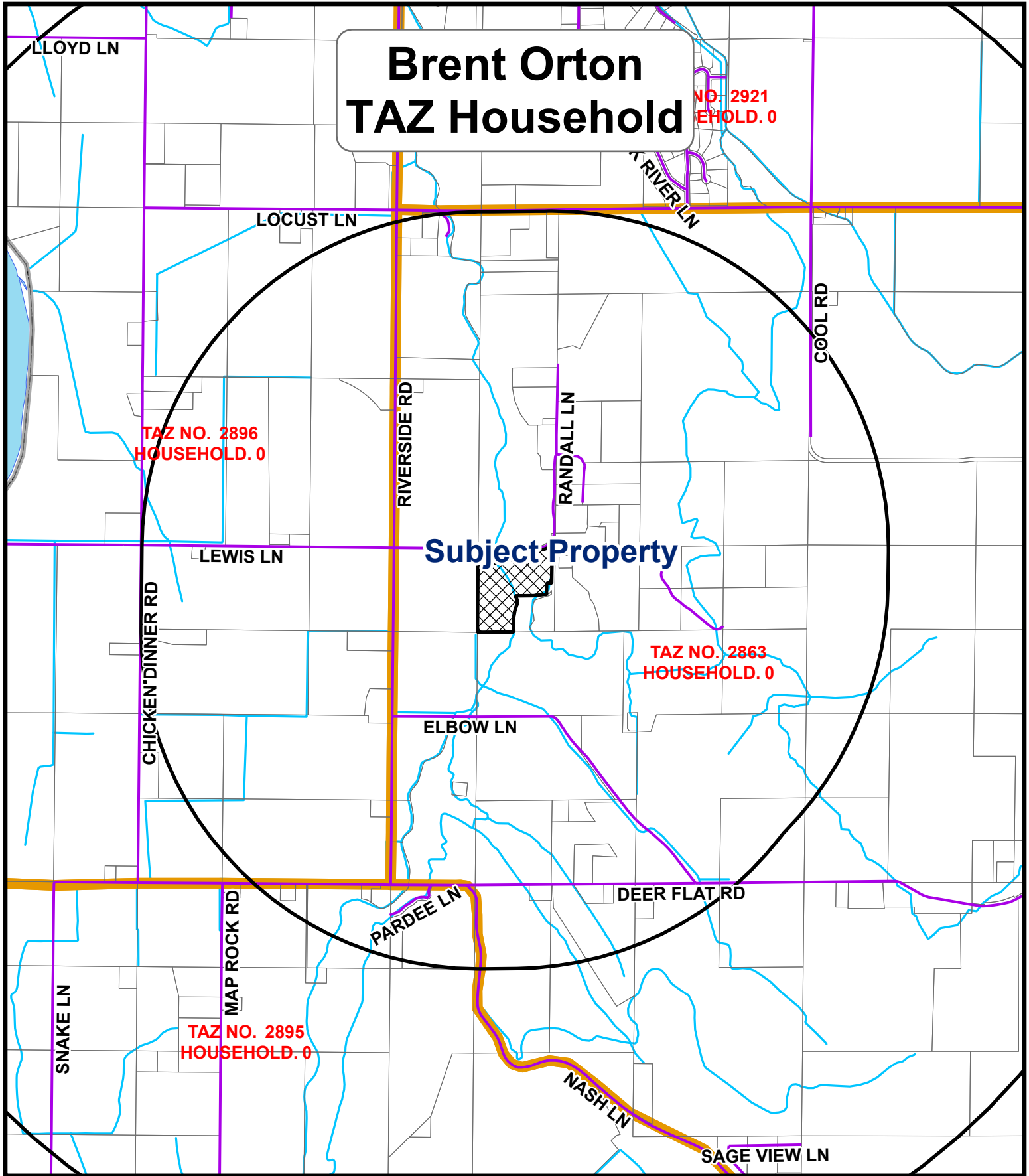


SUBDIVISION & LOT REPORT					
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE		
1	8.75	3	2.92		
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE		
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM	
15	29.84	12.38	0.15	92.50	
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM	

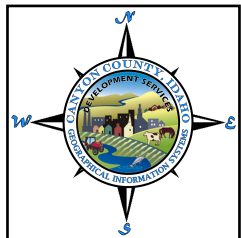
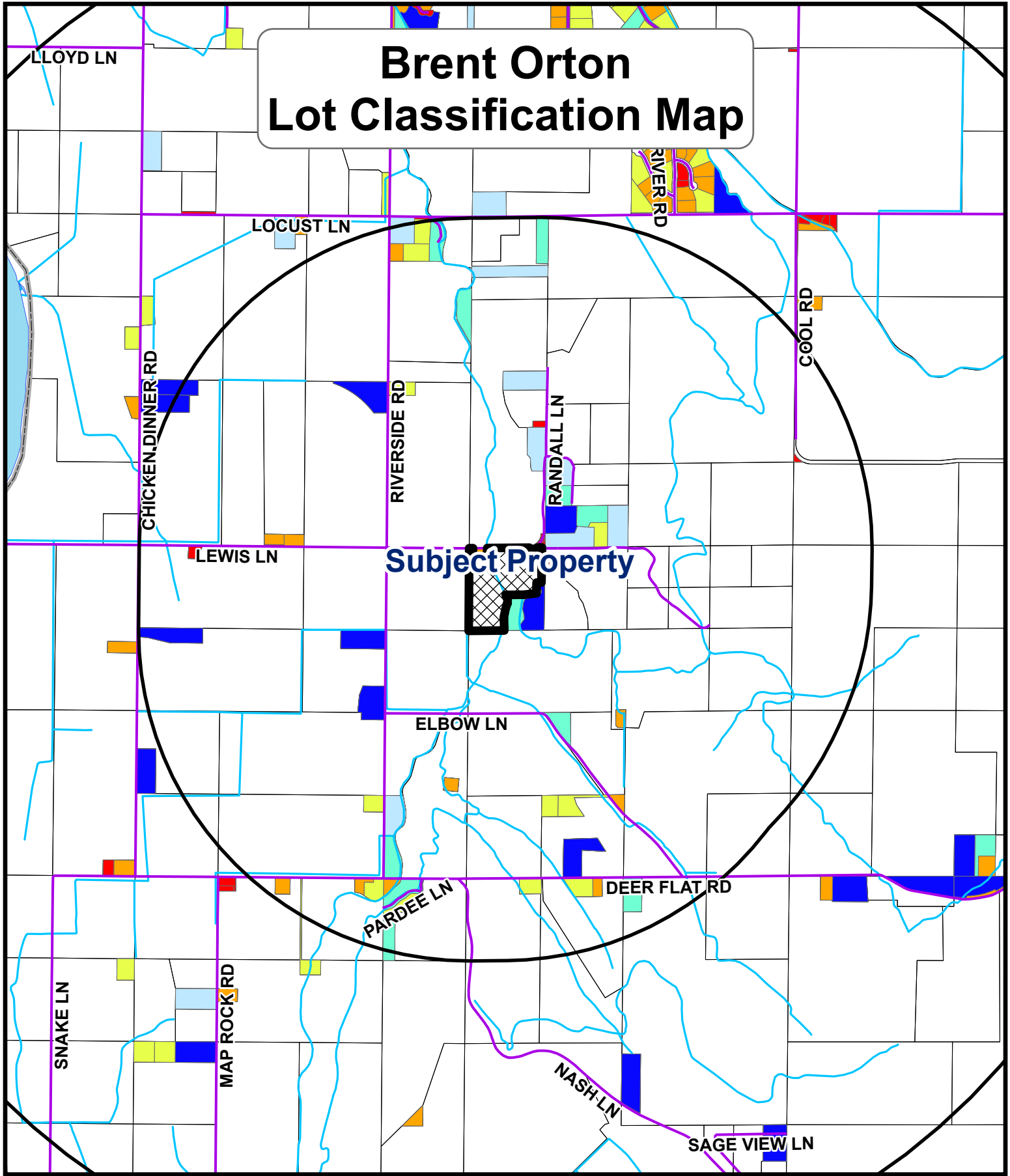
PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
RIFT VALLEY SUB	1	2N4W12	8.75	3	2.92	COUNTY (Canyon)	2007

SUBDIVISIONS IN PLATTING			
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

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

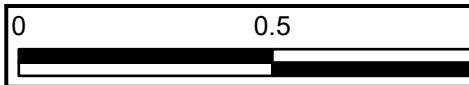


Brent Orton Lot Classification Map

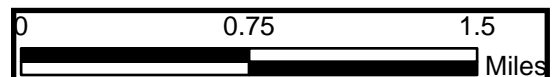
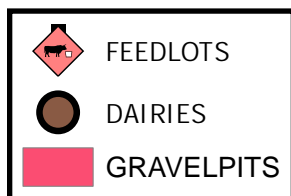
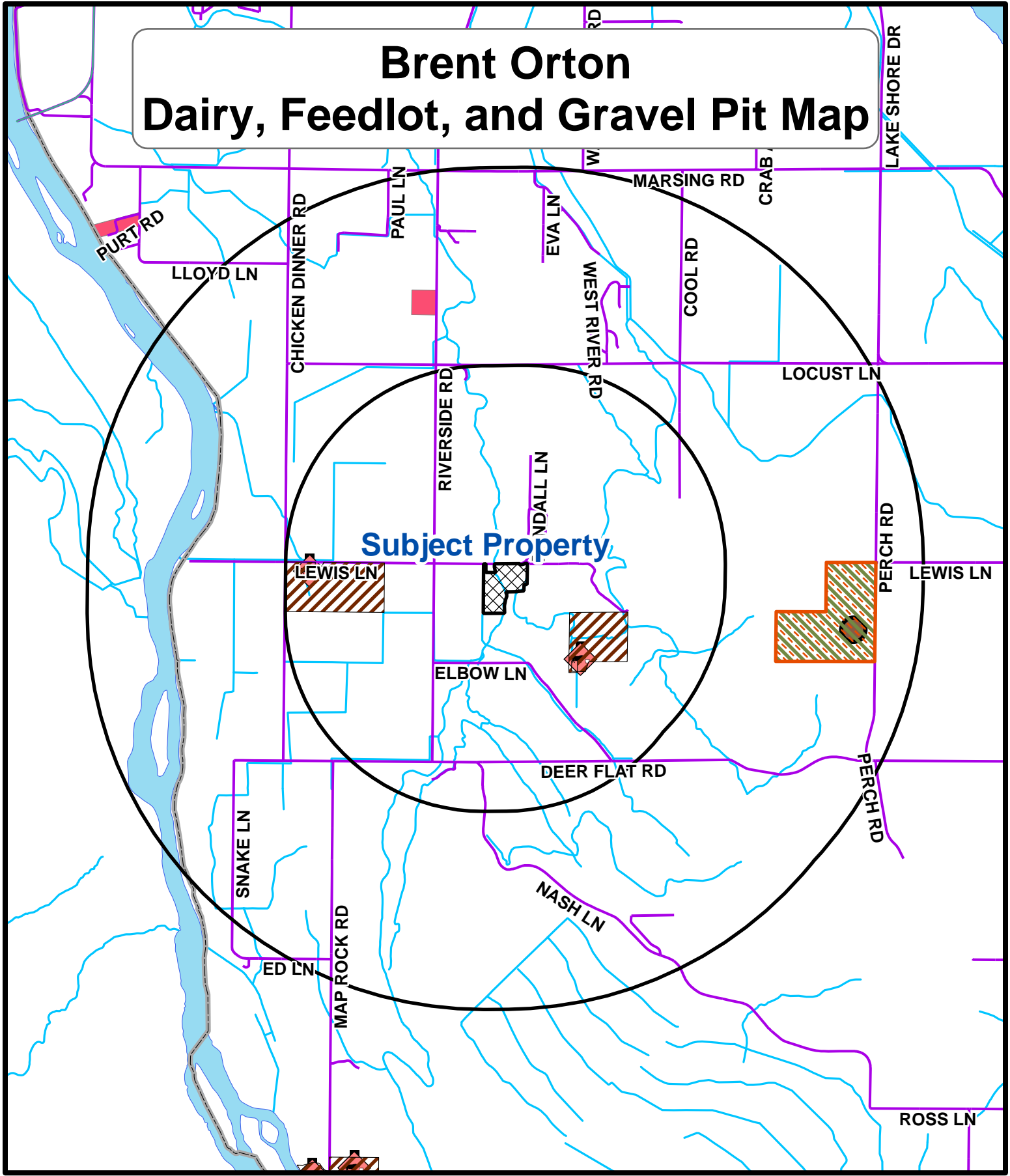


Legend	
0.0 - 1.0	1.1 - 2.0
2.1 - 3.0	3.1 - 4.0
4.1 - 5.0	5.1 - 6.0

ITD Functional Classification	
Interstate	Minor Arterial
Major Collector	Minor Collector
Other Principal Arterials	

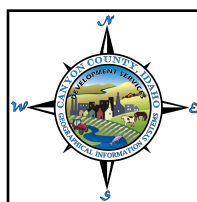
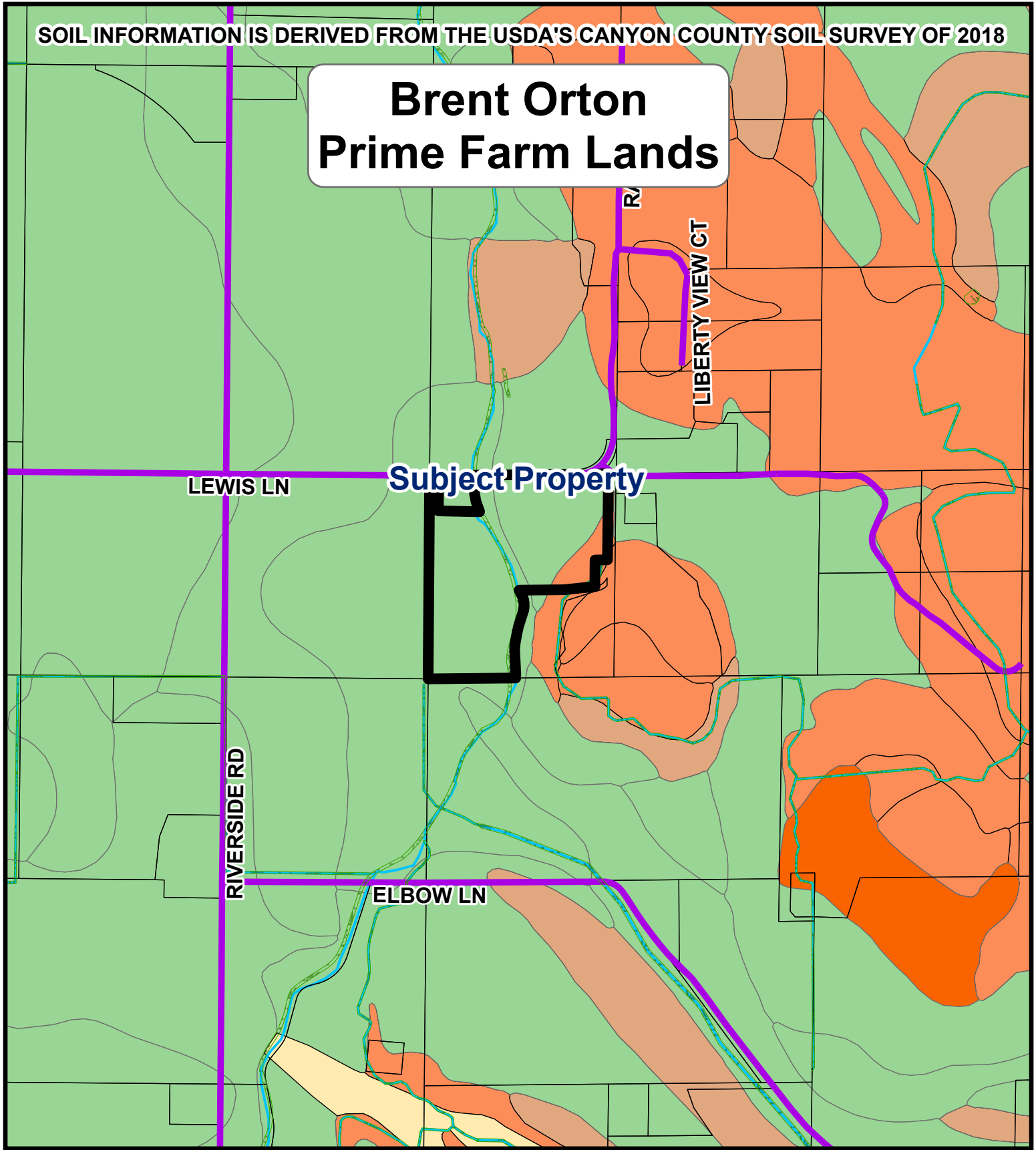


Brent Orton Dairy, Feedlot, and Gravel Pit Map



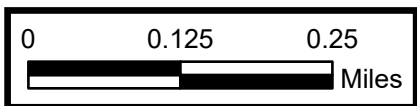
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Brent Orton Prime Farm Lands



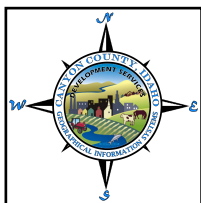
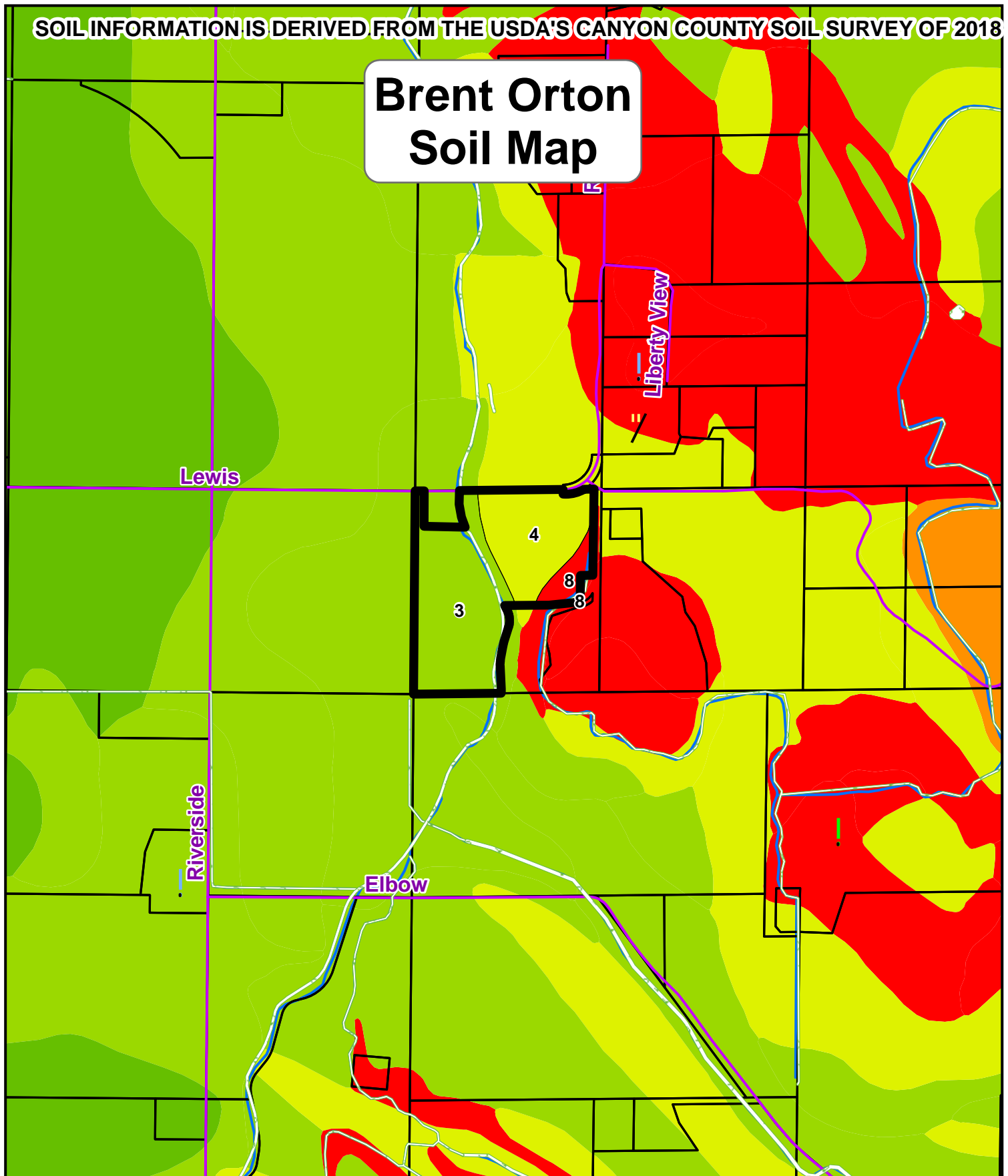
- TAXLOTS
- City Limits
- WETLANDS
- 2C_Hydro

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

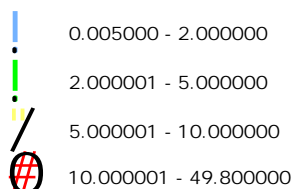


SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Brent Orton Soil Map



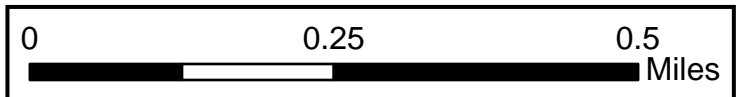
Nitrate Priority Wells



IDWR_2C_Geothermal_



Wetlands



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
8	LEAST SUITED SOIL	77.32	0.00	0.01%
8	LEAST SUITED SOIL	84943.13	1.95	7.53%
3	MODERATELY SUITED SOIL	656215.04	15.06	58.14%
4	MODERATELY SUITED SOIL	387458.16	8.89	34.33%
		1128693.65	25.91	100%

FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
VaE	Not prime farmland	77.32	0.00	0.01%
FeE	Not prime farmland	84943.13	1.95	7.53%
TuB	Prime farmland if irrigated	656215.04	15.06	58.14%
FeC	Prime farmland if irrigated	387458.16	8.89	34.33%
		1128693.65	25.91	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