Elordi and Cowan Conditional Rezone Application (CR2023-0012)

Updated Letter of Intent: May 22, 2025

To: Development Services / Canyon County Commissioners
Re: Updated Letter of Intent for Elordi/Cowan Conditional Rezone

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Dear Commissioners,

The Elordi & Cowan family remains deeply committed to preserving and enhancing the agricultural value of their 42.36-acre parcel while also accommodating limited residential use to support family living. The property is currently zoned **CR-RR (Conditional Rezone – Rural Residential)**, and this request is intended to **amend the original CR-RR zoning** to reflect two distinct 20 +/- acre parcels, with 20% of the total land dedicated to rural residential use and 80% conditioned for ongoing agricultural operations while maintaining the existing CR-RR zoning classification.

Proposed Rezone Configuration: Two 20 +/- Acre Parcels:

- **20% (+/-8.5 acres)** will be devoted to two homesteads (as supported by **Rural Residential)**, supporting two building lots for family housing. This proposal recognizes that some areas needed for residential use, such as roads, drainage, and infrastructure, will be included in the homestead allocation, with the majority of land remaining in active agriculture.
- **80% (+/-34.5 acres)** will also remain under the existing **CR-RR zoning**, conditioned in the development agreement to maintain **agricultural use** in alignment with water rights and irrigation systems identified in the original letter of intent.

This configuration directly supports the goals and policies of the **2030 Comprehensive Plan**, particularly:

- **Land Use and Community Design** - Maintaining a balance between agricultural preservation and compatible rural residential development.
- **Agriculture** - Protecting prime farmland and supporting Canyon County's agricultural economy.
- **Natural Resources** - Promoting sustainable water use and protecting valuable soil resources.

Comprehensive Plan Alignment:

07-06-07(6)A1 - Consistency with the Comprehensive Plan

The proposed modification is fully consistent with the **2030 Comprehensive Plan**. According to the **Future Land Use Map**, the subject property is designated as **Agriculture**. However, the Comprehensive Plan explicitly allows for **Rural Residential (R-R) zoning** within agricultural areas as a compatible use. The text of the Comprehensive Plan outlines that, *"R-R is an appropriate zoning designation in areas identified for agricultural use when development is designed to preserve the rural character and does not significantly disrupt existing agricultural operations."*

This proposal adheres to that guidance by maintaining the land in active agricultural production already under the CR-RR zoning, while allowing the land without a water right to be used for rural homesteads. This structured approach balances agricultural preservation with rural residential living, aligning with:

- **Goal LU-2**: Promote development patterns that protect agricultural lands and the rural character of Canyon County.
- **Policy LU.2.3**: Encourage clustering of rural residential development to preserve agricultural land and open space.
- **Action AG.A.2**: Maintain agricultural land designations and allow compatible rural residential uses where appropriate.

07-06-07(6)A2 - Appropriateness of the Conditional Rezone

The proposed amendment does not seek to change the underlying CR-RR zoning designation; rather, it aims to **modify the conditions of the existing rezone to reflect the realities of water rights and sustainable land use**. Given that only **36 acres of the property are covered under an active water right**, the proposal logically dedicates a majority of the property in continued agricultural production, preserving its role in local food systems and maintaining the family's farming legacy. The remaining acreage, will be developed into rural homesteads, allowing for family living while respecting the property's zoning and agricultural character.

This structured approach ensures the property remains productive by reserving the majority for active agriculture, while allocating non-irrigated areas and sufficient water rights to homestead sites. These areas are thoughtfully transitioned to residential use, minimizing waste and supporting the property’s long-term sustainability. It aligns with:

- **Goal AG-1**: Protect and conserve Canyon County’s agricultural lands and economy.

- **Policy AG.1.1**: Encourage agricultural uses and prevent premature conversion of agricultural lands.

Commitment to Agricultural Preservation:

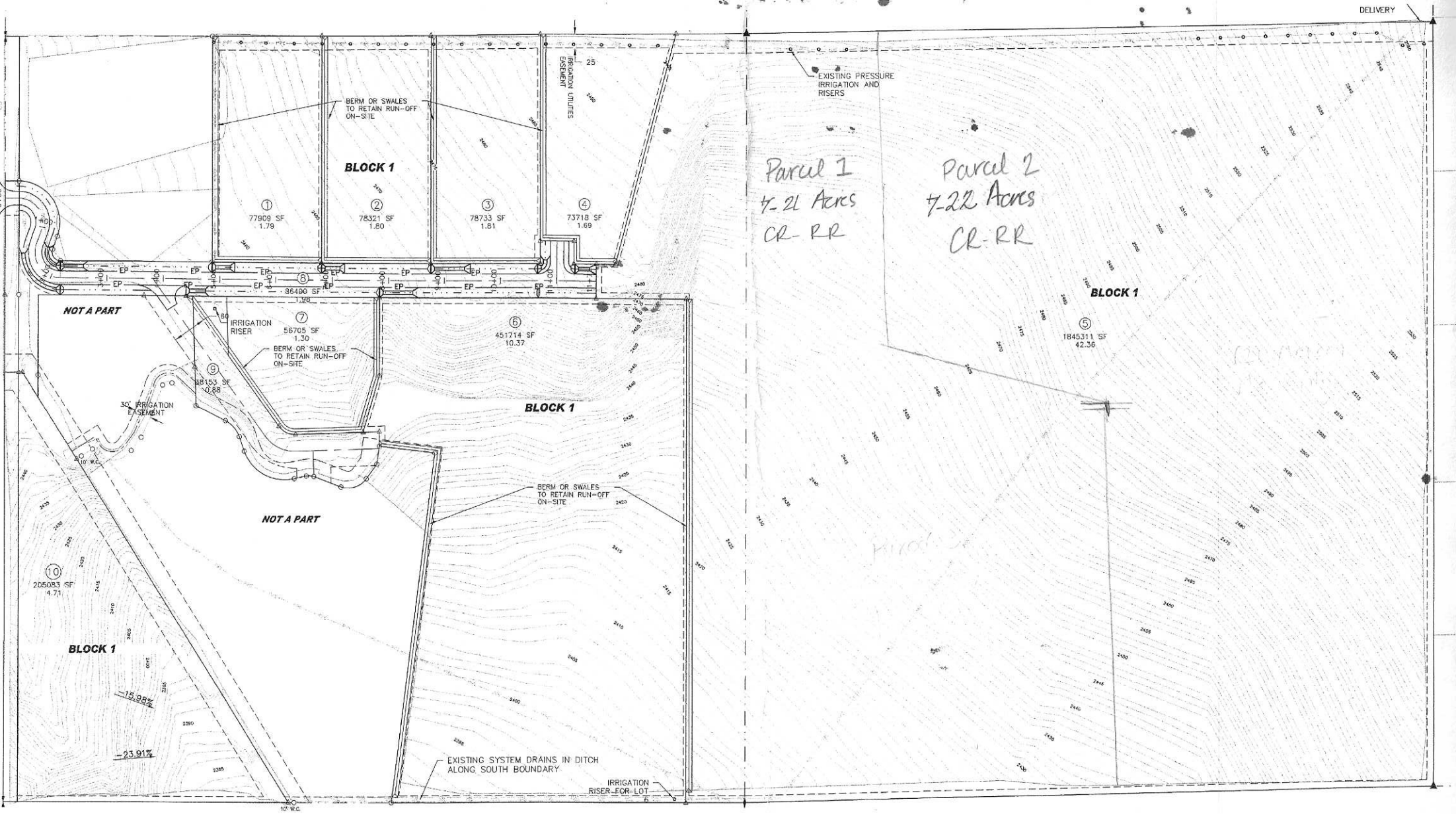
The property was previously found complaint with County ordinance standards of approval and rezoned under CR-RR with a conditional agreement to preserve over 40 acres for agricultural use. Since acquiring the property, Mr. Elordi has significantly enhanced the lands productivity through modern irrigation systems, land grading and improved land management. This amendment seeks to provide for two family homesteads while ensuring the continued preservation of agricultural land, upholding the family's legacy and maintaining the rural character envisioned by the CR-RR zoning.

Conclusion:

This proposal is a forward-thinking model of sustainable rural development, balancing agricultural conservation with rural residential needs while maintaining the integrity of CR-RR zoning. The Elordi and Cowan families respectfully request the Commissioners' favorable consideration of this application to ensure the long-term viability and productivity of the land for generations to come.

Sincerely,

Tony Elordi and Family


DELIVERY
BERM OR SWALES TO RETAIN RUN-OFF ON-SITE
BLOCK 1
IRRIGATION UTILITIES EASEMENT
25
EXISTING PRESSURE IRRIGATION AND RISERS
Parcel 1
+-21 Acres
CR-RR
Parcel 2
+-22 Acres
CR-RR
① 77909 SF 1.79
② 78321 SF 1.80
③ 78733 SF 1.81
④ 73718 SF 1.69
⑤ 1845311 SF 42.36
⑥ 451714 SF 10.37
⑦ 56705 SF 1.30
⑧ 86490 SF 1.98
⑨ 38153 SF 0.88
⑩ 205083 SF 4.71
EP
NOT A PART
IRRIGATION RISER
BERM OR SWALES TO RETAIN RUN-OFF ON-SITE
30' IRRIGATION EASEMENT
10' W.C.
BLOCK 1
NOT A PART
BERM OR SWALES TO RETAIN RUN-OFF ON-SITE
BLOCK 1
-15.98%
-23.91%
EXISTING SYSTEM DRAINS IN DITCH ALONG SOUTH BOUNDARY
IRRIGATION RISER FOR LOT 6
10' W.C.

In the matter of the application of:
CR2023-0012 – Elordi/Cowan

The Canyon County Planning and Zoning Commission considers the following:

1) Conditional Rezone of parcels R30262104 and R30262104A, approximately 42 acres, from an "CR-R-R" zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. The request includes a request for a new Development Agreement restricting development to two lots.
   a. The legal description stated the rezone was from an "A" zone, which was corrected on the record.
2) The property is adjacent to 18121 Andorra Lane, Caldwell. The subject parcel is also referenced as Andorra Estates Subdivision, Block 1, Lot 5, a portion of the NW¼ of Section 6, T2N, R3W, and a portion of the NE¼ of Section 1, T2N, R4W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:
   A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2023-0012.
      (1) All exhibits are attached to the staff report dated April 17, 2025.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezones), CCCO §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures)
   a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509.
   b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity, to make the land use more compatible with neighboring land uses. *See* CCCO §07-06-07(1).
   c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCCO §07-05-01
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.

3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-06-05.

4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.

5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures, adopted per Idaho Code §67-6534, require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application CR2023-0012 was presented at a public hearing before the Canyon County Planning and Zoning Commission on April 17, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

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

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

Conclusion: The proposed conditional rezone change is <u>not</u> generally consistent with the Comprehensive Plan.

Findings: (1) The Future Land Use Plan in the 2030 Canyon County Comprehensive Plan designates the parcel as "agriculture" (Exhibit B.2c). *"The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value"* (Page 25, 2030 Comprehensive Plan).

(2) Per the applicant's letter of intent, the request, as conditioned, will allow the parcel to be divided (21-acre average lot size) and add residential development within a two-acre building envelope on each lot, while the property outside of the envelope will stay in agricultural production (Exhibit A.2).

The 2030 Canyon County Comprehensive Plan includes agricultural future land use designations such as AC-20 (Commercial Agriculture, 20 acres per unit). "The AC-20 district encourages agricultural development through the maximum cultivation of lands by restricting incompatible uses within such areas. It also aims to protect and promote existing and future agricultural operations as viable, permanent land use and acknowledge the importance of agricultural lands and activities to their livelihood. Production of food, fiber, and associated support activities are the primary land uses in this district." Regulations for the AC-20 designation have not been adopted by ordinance. Therefore, the locations and requirements for AC-20 are unknown.

The 2030 Canyon County Comprehensive Plan does not promote rural residential growth in the area. Unless the comprehensive plan is amended to promote residential growth or establishes an AC-20 land use designation in the area, the property better meets the 2030 Canyon County Comprehensive Plan by remaining in agricultural production as conditioned by the 2016 development agreement between the applicant and county for the development of Andorra Estates Subdivision (DA #16-229, Exhibit B.7).

(3) The existing development agreement regarding the subject parcel aligns with the following policies of the 2030 Canyon County Comprehensive Plan:

1. Agriculture Policy P12.01.01: Preserve and maintain agriculturally designated lands for agricultural use.
2. Agriculture Policy P12.01.02: Encourage non-agricultural related development in the cities, areas of city impact, and other clearly defined and planned development areas.
    a. The request is located outside of a city impact area. The request is not designated to support future residential growth (Exhibit B.2c).
3. Agriculture Policy P12.01.03: Support farmland through zoning, purchasing, and transferring development rights, clustered development, conservation easements, and other opportunities to guide development to more suitable areas.

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0012.

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

Conclusion: When considering the surrounding land uses, the proposed conditional zoning to "R-R" is not more appropriate than the current zoning designation as conditioned by DA #16-229.

Findings: (1) The parcel is zoned "R-R" (Rural Residential, two-acre average minimum lot size, Exhibit B.2d). The purpose of the "R-R" zone "*is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable*" (CCCO Section 07-10-25(2)).

(2) The applicant requests a rezoning to "R-R" subject to a new development agreement that supersedes DA #16-229 for the subject parcel only (Exhibit A.2). The request will allow the property to be divided into two parcels. The development would allow each parcel to have residential development with a two-acre building envelope. The area outside of the building envelopes will remain in agricultural production (no structures).

(3) The subject property is Block 1, Lot 5 of Andorra Estates Subdivision in 2017 (Exhibit B.5). The parcel was rezoned to "R-R" to allow the development of Parcel R30262 subject to an agreement that the subject parcel and another identified portion of ground remain in agricultural production (Exhibit B.5). With the agreement, development was clustered near existing parcels created by land division (AD2015-47, Exhibit B.4) while preserving irrigated agricultural grounds. The "R-R" zone was approved subject to the preservation of agricultural land. Without the agreement, the "R-R" zone would not have been approved.

(4) The parcel is and has been in agricultural production and received an agricultural tax exemption (Exhibit B.1). Before the rezoning in 2016, the applicant made the subject parcel an agricultural-only parcel (no entitlements) by relocating the building permits to Parcel R30326 (AD2015-47, Exhibit B.4). Per the USGS soil maps surveyed in 1975, the subject property is not considered prime farmland, mostly consisting of least-suited soils due to slopes (Exhibits B.2g, A.2, and D.4). Aerial photos from before 2017 show the east half of the parcel in agricultural production. In 2017, the property was regraded, and pivot irrigation was installed to make the full 40 acres of active agricultural production (Exhibit B.3). Therefore, the applicant has made the 40 acres viable prime farmland as agreed per DA16-229 (Exhibits A.2, B.3, B.4, and B.5).

(5) The property is located between large agricultural properties and existing residential subdivisions (Exhibit B.2). To the north and south are large agricultural parcels. To the west is Andorra Estates Subdivision, which includes the subject parcel (Exhibit B.5). To the east are Knighten Hills Subdivision, approved in 1972 (created before County Code in 1979) with 43 lots, and West River Subdivision, approved in 2006 via conditional use permit with 38 lots (Exhibit B.2e). The average lot size within a 1,000 radius is 6.2 acres. Since the development of

Andorra Estates Subdivision, there have been no recent land use decisions in the area promoting residential growth (Exhibit B.2f).

(6) When considering the 2030 Canyon County Comprehensive Plan, surrounding land uses, and the 2016 agreement (DA16-229, Exhibit B.7), the request is not more appropriate than the current conditional rezone.

(7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0012.

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

Conclusion: As conditioned, the proposed conditional rezone to "R-R" is compatible with surrounding land uses.

Findings: (1) Pursuant to Canyon County Ordinance 07-02-03: *"Land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another, and b) they do not exclude or diminish one another's use of public and private services."*

(2) The property is located between large agricultural properties and existing residential subdivisions (Exhibit B.2). To the north and south are large agricultural parcels. To the west is Andorra Estates Subdivision, which includes the subject parcel (Exhibit B.5). To the east are Knighten Hills Subdivision, approved in 1972 (created before County Code in 1979) with 43 lots, and West River Subdivision, approved in 2006 via conditional use permit with 38 lots (Exhibit B.2e). The average lot size within a 1,000 radius is 6.2 acres.

(3) As conditioned, the request will allow the property to be divided into two parcels. The development would allow each parcel to have residential development with a two-acre building envelope (Exhibit A.2). The area outside of the building envelopes will remain in agricultural production (no structures). The location of the proposed building envelopes allows development to be commensurate with the residential lots in Andorra Estates Subdivision while still maintaining an agricultural buffer from adjacent agricultural ground and existing subdivision, Knighten Hills Subdivision. Therefore, the request is compatible with the surrounding land uses.

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0012.

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

a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

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

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

Findings: (1) The request is not anticipated to significantly impact the existing rural and agricultural character of the area.

The property is located between large agricultural properties and existing residential subdivisions (Exhibit B.2). To the north and south are large agricultural parcels. To the west is Andorra Estates Subdivision, which includes the subject parcel (Exhibit B.5). To the east are Knighten Hills Subdivision, approved in 1972 (created before County Code in 1979) with 43

lots, and West River Subdivision, approved in 2006 via conditional use permit with 38 lots (Exhibit B.2e). The average lot size within a 1,000 radius is 6.2 acres.

The request, as conditioned, will allow the property to be divided into two parcels. The development would allow each parcel to have residential development with a two-acre building envelope. The area outside of the building envelopes will remain in agricultural production (no structures). The location of the proposed building envelopes allows development to be commensurate with the residential lots in Andorra Estates Subdivision while still maintaining an agricultural buffer from adjacent agricultural ground and existing subdivision, Knighten Hills Subdivision.

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

a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

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

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

Findings: (1) **Sewer:** Similar to other lots in Andorra Estates Subdivision (Exhibit B.5, Plat Note #4), the proposed development will be served by individual septic systems.

a. Southwest District Health commented that the request does not require a nutrient pathogen study and does not have concerns regarding the request, subject to meeting all Southwest District Health requirements (Exhibit D.5).

(2) **Water:** Similar to other lots in Andorra Estates Subdivision (Exhibit B.5, Plat Note #5), the proposed development will be served by individual domestic wells.

a. Idaho Dept. of Water Resources was notified on January 22, 2025, and March 14, 2025. No comment was received.

(3) **Drainage:** Similar to other lots in Andorra Estates Subdivision (Exhibit B.5, Plat Note #7 & 17), the proposed development will retain stormwater on-site and cannot allow any discharge onto the highway district right-of-way.

(4) **Irrigation:** The subject parcels and Andorra Estates Subdivision are served by Wilder Irrigation District via a pressurized irrigation system (Exhibit B.5, Plat Note #8).

(5) **Utility:** Per Plat Note #2 of Andorra Estates Subdivision (Exhibit B.5), the parcel and other lots in the subdivision have a 5' utility easement along the sides, a 10' utility easement along the front and rear, and a 12' utility easement along the subdivision boundary.

(6) Subsequent subdivision platting is required upon rezoning approval. Adequate facilities must be demonstrated as part of the preliminary platting application process, which requires review by all affected agencies such as Southwest District Health, Idaho Dept. of Water Resources, Idaho Dept. of Environmental Quality, Wilder Irrigation District, and Boise Project Board of Control.

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

a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments

received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

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

Conclusion: The proposed conditional rezone will not require public street improvements in order to provide adequate access to and from the subject property in order to minimize undue interference with existing and/or future traffic patterns created by the proposed development.

Findings:

(1) The subject parcels are Lot 5, Block 1 of Andorra Estates Subdivision (Exhibit B.5). The parcel is accessible from Riverside Road via a 60-foot wide private road lot, Andorra Lane. The paved private road ceases at the subject parcel's west boundary. The lot is noted on the plat as having no building permits/farmable land; and therefore, it does not contribute to the trip generation within the existing subdivision.

(2) Per CCCO Section 07-10-03(3)A3: *"Trip generation per dwelling is 9.52 trips/day per ITE, "Trip Generation 9th Edition" rates for single-family detached housing. Total ADT for a private road is the total daily trips for the total dwellings entitled on properties using any segment of a private road."*

Andorra Estates Subdivision currently generates 57.12 average daily trips (114.24 average daily trips if secondary dwellings are included). The request will add approximately 19.04 average daily trips (38.08 average daily trips if secondary dwellings are included).

(3) Comments received from Nampa Highway District #1 and the Idaho Transportation Department do not find the request to create a traffic impact (Exhibits D.2 & D.3). Subsequent subdivision platting is required upon rezone approval, where traffic generated by the resubdivision of Andorra Estates will be reviewed by the local highway district.

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

a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

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

Conclusion: The subject property does have legal access, and access to the subject parcel can be improved at the time of the development.

Findings:

(1) The subject parcels are Lot 5, Block 1 of Andorra Estates Subdivision (Exhibit B.5). The parcel is accessible from Riverside Road (public road) via a 60-foot-wide private road lot, Andorra Lane. The paved private road ceases at the subject parcel's west boundary (Exhibit B.2a).

(2) If the rezone is approved, subdivision platting will be required where access to two parcels must meet County access requirements (CCCO §07-10-03, 07-17-09, and 07-17-31).

(3) Nampa Highway District #1 requires future development within Andorra Estates Subdivision to use the existing private road access. No new access to Riverside Road is allowed (Exhibit D.3).

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

a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments

received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

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

Conclusion: The proposed use is not anticipated to impact essential public services and facilities, including, but not limited to, schools, police, fire, and emergency medical services.

Findings:

(1) **Schools:** Vallivue School District (Exhibit B.1). The District was notified on January 22, 2025, and March 14, 2025. No comment was received.

(2) **Police:** Canyon County Sheriff Department. The department was notified on January 22, 2025, and March 14, 2025. No comment was received.

(3) **Fire District:** Marsing Fire (Exhibit B.1). The Marsing Fire Station appears to be over 3 miles west of the subject parcel. The applicant met with the Marsing Fire District prior to the application submittal (Exhibit A.6). Marsing Fire was notified on January 22, 2025, and March 14, 2025. No comment was received.

(4) **Emergency Medical Services:** Canyon County Ambulance/EMT. The agency was notified on January 22, 2025, and March 14, 2025. No comment was received.

(5) **Irrigation District:** Boise Project Board of Control/Wilder Irrigation (Exhibit B.1). The applicant met with Wilder Irrigation District prior to the application submittal (Exhibit A.6). Boise Project Board of Control and Wilder Irrigation were notified on January 22, 2025, and March 14, 2025. No comment was received.

(6) The request to allow the creation of two parcels within an existing subdivision served by the essential services (Andorra Estates Subdivision, Exhibit B.5) is not anticipated to create significant impacts. Subsequent subdivision platting is required upon rezoning approval. Affected essential services will be provided adequate time for review and to provide comments.

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

a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case #CR2023-0012.

DATED this 15th day of May, 2025.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Brian Sheets, Acting Chairman

State of Idaho)

SS

County of Canyon County)

On this 15th day of May, in the year 2025, before me Pamela Dilbeck, a notary public, personally appeared Brian Sheets, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Pamela Dilbeck

My Commission Expires: 10/14/2028

PAMELA DILBECK
COMMISSION #20224944
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 10/14/2028

Planning and Zoning Commission
Hearing Date: April 17, 2025
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER:	**CR2023-0012**
PROPERTY OWNER/APPLICANT:	**Tony Elordi & Victoria Cowan**
APPLICATION:	**Conditional Rezone to an "R-R" Zone with a Development Agreement**
LOCATION:	**The property is located adjacent to 18121 Andorra Lane, Caldwell. The subject parcel is also referenced as Andorra Estates Subdivision, Block 1, Lot 5, a portion of the NW¼ of Section 6, T2N, R3W, and a portion of the NE¼ of Section 1, T2N, R4W, BM, Canyon County, Idaho.**
ANALYST:	**Dan Lister, Principal Planner**

REQUEST:
The applicants, Tony Elordi and Victoria Cowan, request a Conditional Rezone of parcels R30262104 and R30262104A, approximately 42 acres, from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. The request includes a Development Agreement restricting development to two lots. *See **Exhibit A** for more details.*

PUBLIC NOTIFICATION:

Neighborhood Meeting:	**June 23, 2023**
Courtesy Agency Notice:	**January 22, 2025**
Agency and Full Political Notice:	**March 14, 2025**
Property Owner Notice (1,000 feet radius):	**March 17, 2025**
Newspaper Notice:	**March 17, 2025**
Posted Notice:	**March 18, 2025**

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1. BACKGROUND:
The subject property is Block 1, Lot 5 of Andorra Estates Subdivision, approved in 2017 (Exhibit B.5). The lot is noted on the final plat as having no building permits/farmable land only. Prior to the approval of the subdivision, the area of the subdivision was rezoned to "CR-R-R" (Conditional Rezone – Rural Residential) which included a development agreement with a condition requiring the subject parcel to remain as irrigated agricultural production (DA #16-226, Condition No. 4; Exhibits B.6 & B.7). Before rezoning, the area of this request was Parcel R30018, (37.89 acres) where the building permits were

transferred to Parcel R30262 (41.36 acres) which left the subject parcel as agricultural only, no building permits (AD2015-47, Exhibit B.4).

In 2022, the property owner requested a development agreement modification to modify Condition No. 4 of Development Agreement (DA) #16-226 to allow residential development on the subject parcel (DA2022-0003). On April 4, 2022, the Board of County Commissioners denied the request, finding the removal of Condition No. 4 to not be a necessity (Exhibit B.8).

The applicant submitted a conditional rezone application on October 19, 2023 (Exhibit A.2), to retain the "CR-R-R" zone subject to a development agreement that will supersede DA #16-226 for the subject parcel.

2. HEARING BODY ACTION:

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

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

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

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

The commission should consider the procedures outlined above within Canyon County Ordinance 07-06-01(3).

OPTIONAL MOTIONS:

Approval of the Application: "I move to approve CR2023-0012, Elordi, finding the application **does** meet the criteria for approval under Section 07-06-07(6)A of Canyon County Code of Ordinances, **with the conditions listed in the staff report, finding that**; [*Cite reasons for approval & Insert any additional conditions of approval*].

Denial of the Application: "I move to deny CR2023-0012, Elordi, finding the application **does not** meet the criteria for approval under Section 07-06-07(6)A of Canyon County Code of Ordinances, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5)*].

Table the Application: "I move to continue CR2023-0012, Elordi, to a [*date certain or uncertain*]

3. HEARING CRITERIA

Conditional Rezone Standards of Evaluation Analysis				
Standards of Evaluation, CCCO Section 07-06-07(6)A: The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:				
Compliant			**County Ordinance and Staff Review**	
Yes	**No**	**N/A**	**Code Section**	**Analysis**
☐	☒	☐	**07-06-07(6)A1**	**Is the proposed conditional rezone generally consistent with the comprehensive plan?**
			Staff Analysis	The proposed conditional rezone change is <u>not</u> generally consistent with the Comprehensive Plan. The Future Land Use Plan in the 2030 Canyon County Comprehensive Plan designates the parcel as "agriculture" (Exhibit B.2c). "The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value" (Page 25, 2030 Comprehensive Plan). Per the applicant's letter of intent, the request as conditioned will allow the parcel to be divided (21-acre average lot size) and add residential development within a two-acre building envelope on each lot, while the property outside of the envelope will stay in agricultural production (Exhibit A.2). The 2030 Canyon County Comprehensive Plan includes agricultural future land use designations such as AC-20 (Commercial Agriculture, 20 acres per unit). "*The AC-20 district encourages agricultural development through the maximum cultivation of lands by restricting incompatible uses within such areas. It also aims to protect and promote existing and future agricultural operations as viable, permanent land use and acknowledge the importance of agricultural lands and activities to their livelihood. Production of food, fiber, and associated support activities are the primary land uses in this district."* Regulations for the AC-20 designation have not been adopted by ordinance. Therefore, the locations and requirements for AC-20 are unknown. The 2030 Canyon County Comprehensive Plan does not promote rural residential growth in the area. Unless the comprehensive plan is amended to promote

				residential growth or establishes an AC-20 land use designation in the area, the property better meets the 2030 Canyon County Comprehensive Plan by remaining in agricultural production as conditioned by the 2016 development agreement between the applicant and county for the development of Andorra Estates Subdivision (DA #16-229, Exhibit B.7). The existing development agreement regarding the subject parcel aligns with the following policies of the 2030 Canyon County Comprehensive Plan: • Agriculture Policy P12.01.01: Preserve and maintain agriculturally designated lands for agricultural use. • Agriculture Policy P12.01.02: Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas. o The request is located outside of a city impact area. The request is not designated to support future residential growth (Exhibit B.2c). • Agriculture Policy P12.01.03: Support farmland through zoning, purchasing and transferring development rights, clustered development, conservation easements, and other opportunities to guide development to more suitable areas.
☐	☒	☐	**07-06-07(6)A2**	**When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?**
			Staff Analysis	**Conclusion:** When considering the surrounding land uses, the proposed conditional zoning to "R-R" is not more appropriate than the current zoning designation of "A". **Findings:** The parcel is zoned "R-R" (Rural Residential, two-acre average minimum lot size, Exhibit B.2d). The purpose of the "R-R" zone "*is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable*" (CCCO Section 07-10-25(2)). The subject property is Block 1, Lot 5 of Andorra Estates Subdivision in 2017 (Exhibit B.5). The parcel was rezoned to "R-R" to allow the development of Parcel R30262 subject to an agreement that the subject parcel and another identified portion of ground remain in agricultural production (Exhibit B.5). With the agreement, development was clustered near existing parcels created by land division (AD2015-47, Exhibit B.4) while preserving irrigated agricultural grounds. The "R-R" zone was approved subject to the preservation of agricultural ground. Without the agreement, the "R-R" zone would not have been approved. The parcel is and has been in agricultural production and received an agricultural tax exemption (Exhibit B.1). Before the rezoning in 2016, the applicant made the subject parcel an agricultural-only parcel (no entitlements) by relocating the building permits to Parcel R30326 (AD2015-47, Exhibit B.4). Per the USGS soil maps surveyed in 1975, the subject property is not considered prime farmland, mostly consisting of least-suited soils due to slopes (Exhibits B.2g, A.2, and D.4). Aerial photos from before 2017 show the east half of the parcel in agricultural production. In 2017, the property was regraded, and pivot irrigation was installed to make the full 40 acres of active agricultural production

				(Exhibit B.3). Therefore, the applicant has made the 40 acres viable prime farmland as agreed per DA16-229 (Exhibits A.2, B.3, B.4, and B.5). The property is located between large agricultural properties and existing residential subdivisions (Exhibit B.2). To the north and south are large agricultural parcels. To the west is Andorra Estates Subdivision, which includes the subject parcel (Exhibit B.5). To the east are Knighten Hills Subdivision, approved in 1972 (created before County Code in 1979) with 43 lots, and West River Subdivision, approved in 2006 via conditional use permit with 38 lots (Exhibit B.2e). The average lot size within a 1,000 radius is 6.2 acres. Since the development of Andorra Estates Subdivision, there have been no recent land use decisions in the area promoting residential growth (Exhibit B.2f). The applicant requests a rezoning to "R-R" subject to a new development agreement that supersedes DA #16-229 for the subject parcel only (Exhibit A.2). The request will allow the property to be divided into two parcels. The development would allow each parcel to have residential development with a two-acre building envelope. The area outside of the building envelopes will remain in agricultural production (no structures). When considering the 2030 Canyon County Compressive Plan, surrounding land uses, and the 2016 agreement (DA16-229, Exhibit B.7), the request is not more appropriate than the current conditional rezone.
☒	☐	☐	**07-06-07(6)A3**	**Is the proposed conditional rezone compatible with surrounding land uses?**
			Staff Analysis	**Conclusion:** As conditioned, the proposed conditional rezone to "R-R" is compatible with surrounding land uses. **Findings:** Pursuant to Canyon County Ordinance 07-02-03: "*Land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another and b) they do not exclude or diminish one another's use of public and private services.*" The property is located between large agricultural properties and existing residential subdivisions (Exhibit B.2). To the north and south are large agricultural parcels. To the west is Andorra Estates Subdivision, which includes the subject parcel (Exhibit B.5). To the east are Knighten Hills Subdivision, approved in 1972 (created before County Code in 1979) with 43 lots, and West River Subdivision, approved in 2006 via conditional use permit with 38 lots (Exhibit B.2e). The average lot size within a 1,000 radius is 6.2 acres. As conditioned, the request will allow the property to be divided into two parcels. The development would allow each parcel to have residential development with a two-acre building envelope (Exhibit A.2). The area outside of the building envelopes will remain in agricultural production (no structures). The location of the proposed building envelopes allows development to be commensurate with the residential lots in Andorra Estates Subdivision while still maintaining an agricultural buffer from adjacent agricultural ground and existing subdivision, Knighten Hills Subdivision. Therefore, the request is compatible with the surrounding land uses.

☒	☐	☐	**07-06-07(6)A4**	**Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?**
			Staff Analysis	**Conclusion:** As conditioned, the proposed conditional rezone will not negatively affect the character of the area. **Findings:** The request is not anticipated to significantly impact the existing rural and agricultural character of the area. The property is located between large agricultural properties and existing residential subdivisions (Exhibit B.2). To the north and south are large agricultural parcels. To the west is Andorra Estates Subdivision, which includes the subject parcel (Exhibit B.5). To the east are Knighten Hills Subdivision, approved in 1972 (created before County Code in 1979) with 43 lots, and West River Subdivision, approved in 2006 via conditional use permit with 38 lots (Exhibit B.2e). The average lot size within a 1,000 radius is 6.2 acres. The request, as conditioned, will allow the property to be divided into two parcels. The development would allow each parcel to have residential development with a two-acre building envelope. The area outside of the building envelopes will remain in agricultural production (no structures). The location of the proposed building envelopes allows development to be commensurate with the residential lots in Andorra Estates Subdivision while still maintaining an agricultural buffer from adjacent agricultural ground and existing subdivision, Knighten Hills Subdivision.
☒	☐	☐	**07-06-07(6)A5**	**Will adequate facilities and services, including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed conditional rezone?**
			Staff Analysis	**Conclusion:** The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone. **Findings:** **Sewer:** Similar to other lots in Andorra Estates Subdivision (Exhibit B.5, Plat Note #4), the proposed development will be served by individual septic systems. • Southwest District Health commented that the request does not require a nutrient pathogen study and does not have concerns regarding the request subject to meeting all Southwest District Health requirements (Exhibit D.5). **Water:** Similar to other lots in Andorra Estates Subdivision (Exhibit B.5, Plat Note #5), the proposed development will be served by individual domestic wells. • Idaho Dept. of Water Resources was notified on January 22, 2025, and March 14, 2025. No comment was received. **Drainage:** Similar to other lots in Andorra Estates Subdivision (Exhibit B.5, Plat Note #7 & 17), the proposed development will retain stormwater on-site and cannot allow any discharge onto the highway district right-of-way. **Irrigation:** The subject parcels and Andorra Estates Subdivision are served by Wilder Irrigation District via a pressurized irrigation system (Exhibit B.5, Plat Note #8). **Utility:** Per Plat Note #2 of Andorra Estates Subdivision (Exhibit B.5), the parcel and other lots in the subdivision have a 5’ utility easement along the sides, a 10’

				utility easement along the front and rear, and a 12' utility easement along the subdivision boundary. Subsequent subdivision platting is required upon rezone approval. Adequate facilities must be demonstrated as part of the preliminary platting application process, which requires review by all affected agencies such as Southwest District Health, Idaho Dept. of Water Resources, Idaho Dept. of Environmental Quality, Wilder Irrigation District, and Boise Project Board of Control.
☒	☐	☐	**07-06-07(6)A6**	**Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?**
			Staff Analysis	**Conclusion:** The proposed conditional rezone will not require public street improvements in order to provide adequate access to and from the subject property in order to minimize undue interference with existing and/or future traffic patterns created by the proposed development. **Findings:** The subject parcels are Lot 5, Block 1 of Andorra Estates Subdivision (Exhibit B.5). The parcel is accessible from Riverside Road via a 60-foot wide private road lot, Andorra Lane. The paved private road ceases at the subject parcel's west boundary. The lot is noted on the plat as having no building permits/farmable land; and therefore, does not contribute to the trip generation within the existing subdivision. Per CCCO Section 07-10-03(3)A3: "*Trip generation per dwelling is 9.52 trips/day per ITE, "Trip Generation 9th Edition" rates for single-family detached housing. Total ADT for a private road is the total daily trips for the total dwellings entitled on properties using any segment of a private road.*" Andorra Estates Subdivision currently generates 57.12 average daily trips (114.24 average daily trips if secondary dwellings are included). The request will add approximately 19.04 average daily trips (38.08 average daily trips if secondary dwellings are included). Comments received from Nampa Highway District #1 and the Idaho Transportation Department do not find the request to create a traffic impact (Exhibits D.2 & D.3). Subsequent subdivision platting is required upon rezone approval, where traffic generated by the resubdivision of Andorra Estates will be reviewed by the local highway district.
☒	☐	☐	**07-06-07(6)A7**	**Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?**
			Staff Analysis	**Conclusion:** The subject property does have legal access, and access to the subject parcel can be improved at the time of the development. **Findings:** The subject parcels are Lot 5, Block 1 of Andorra Estates Subdivision (Exhibit B.5). The parcel is accessible from Riverside Road (public road) via a 60-foot wide private road lot, Andorra Lane. The paved private road ceases at the subject parcel's west boundary (Exhibit B.2a).

				If the rezone is approved, subdivision platting will be required where access to two parcels must meet County access requirements (CCCO §07-10-03, 07-17-09 and 07-17-31). Nampa Highway District #1 requires future development within Andorra Estates Subdivision to use the existing private road access. No new access to Riverside Road is allowed (Exhibit D.3).
☒	☐	☐	**07-06-07(6)A8**	**Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?**
			Staff Analysis	**Conclusion:** The proposed use is not anticipated to impact essential public services and facilities, including, but not limited to, schools, police, fire, and emergency medical services. **Findings:** **Schools:** Vallivue School District (Exhibit B.1). The District was notified on January 22, 2025, and March 14, 2025. No comment was received. **Police:** Canyon County Sheriff Department. The department was notified on January 22, 2025, and March 14, 2025. No comment was received. **Fire District:** Marsing Fire (Exhibit B.1). The Marsing Fire Station appears to be over 3 miles west of the subject parcel. The applicant met with Marsing Fire District prior to the application submittal (Exhibit A.6). Marsing Fire was notified on January 22, 2025, and March 14, 2025. No comment was received. **Emergency Medical Services:** Canyon County Ambulance/EMT. The agency was notified on January 22, 2025, and March 14, 2025. No comment was received. **Irrigation District:** Boise Project Board of Control/Wilder Irrigation (Exhibit B.1). The applicant met with Wilder Irrigation District prior to the application submittal (Exhibit A.6). Boise Project Board of Control and Wilder Irrigation were notified on January 22, 2025, and March 14, 2025. No comment was received. The request to allow the creation of two parcels within an existing subdivision served by the essential services (Andorra Estates Subdivision, Exhibit B.5) is not anticipated to create significant impacts. Subsequent subdivision platting is required upon rezone approval. Affected essential services will be provided adequate time for review and to provide comments.

4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Emergency Management Coordinator, Marsing Fire Protection District, State Fire Marshall, Boise Project Board of Control, Wilder Irrigation, Nampa Highway District No. 1, Vallivue School District, Brown Bous Company, Caldwell Transportation, COMPASS, Idaho Transportation Department, Idaho Power, Intermountain Gas, CenturyLink, Ziply, Canyon County Assessor's Office, Canyon County Building Department, Canyon County Code Enforcement Department, Canyon County Engineering Department, Canyon County GIS Department, Natural Resources Conservation District, Army Corp of Engineers, Deer Flat National Wildlife Refuge, Canyon County Soil Conservation District, Idaho Department of Environmental Quality, Idaho Department of Water Resources (Water Rights), Idaho Department of Fish and Game, Idaho Agricultural Aviation Association, and Southwest District Health were notified of the subject application.

Staff received agency comments from Southwest District Health, Canyon County Soil Conservation District, Nampa Highway District #1, Idaho Transportation Department, and Idaho Department of Environmental Quality. All agency comments received by the aforementioned materials deadline are located in **Exhibit D**.

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

5. PUBLIC COMMENTS:

Staff received 10 written public comments by the materials deadline of April 7, 2025. Generally, of the comments received, two (2) were in favor, and eight (8) were opposed. All public comments received by the aforementioned materials deadline are located in **Exhibit E.**

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

6. SUMMARY & RECOMMENDED CONDITIONS:

In consideration of the application and supporting materials, staff concludes that the proposed conditional rezone is <u>not</u> compliant with CCCO Section 07-06-07(6)A. A full analysis is detailed within the staff report.

If the Commission finds the request compliant with CCCO Section 07-06-07(6)A, the following conditions are recommended:

1. All development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
    a. The subject parcels, R30262104 and R30262104A, shall be divided per the subdivision requirements of Chapter 7, Article 17 of the Canyon County Code of Ordinances.
2. The development of the subject parcel shall be restricted as follows:
    a. Minimum average lot size: 20 acres.
    b. Residential development and structures shall be located within a two-acre building envelope on each lot, as shown in the applicant's conceptual site plan (Exhibit A.2). The area outside of the building envelopes shall remain in agricultural use. All structures are prohibited outside of the building envelopes.
3. The developer shall comply with CCZO §07-06-07(4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”

7. EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
2. Letter of Intent
3. Land Use Worksheet
4. Neighborhood Meeting
5. Hydrologic Report
6. Agency Acknowledgement

B. Supplemental Documents

1. Parcel Tool: R30262104 and R30262104A
2. Cases Maps
   a. Aerial
   b. Vicinity
   c. Future Land Use
   d. Zoning
   e. Subdivisions
   f. Cases
   g. Soils/Prime Farmland
3. Aerial History (Google Earth)
4. AD2015-47
5. Andorra Estates Subdivision/PH2016-63
6. PH2016-30
7. DA16-226
8. DA2022-0003

C. Site Visit Photos: February 20, 2025

D. Agency Comments Received by April 7, 2025

1. Idaho Department of Environmental Quality
2. Idaho Transportation Department
3. Nampa Highway District #1
4. Canyon County Soil Conservation District
5. Southwest District Health

E. Public Comments Received by April 7, 2025

1. Claudia Haynes - Opposition
2. Dwight Mason Davis - Opposition
3. Brad Carpenter – Support
4. Michael and Kayelynn Martin – Support
5. Jon Minkoff – Opposition
6. Robert Butler – Opposition
7. Tanya Savelev – Opposition
8. Kelsie Stevens – Opposition
9. Timothy Vango – Opposition
10. Wesley Archer - Opposition

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# CR2023-0012 - Elordi

Hearing date: April 17, 2025

ZONING AMENDMENT
PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: Tony Elordi / Victoria Cowan	
	MAILING ADDRESS: 1828 Andorra LN. 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: Victoria Cowan / Anthony Elordi *Date:* 10/17/2023

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

SITE INFO	STREET ADDRESS: Lot 5 Blk Andorra LN.	
	PARCEL NUMBER: R30262104 0 R30262104A0	
	PARCEL SIZE: 42.41	
	CHECK THE APPLICABLE APPLICATION TYPE:	
	☐ REZONE	☒ CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT
	CURRENT ZONING: CR-RR	PROPOSED ZONING: CR-RR
	FLOOD ZONE (YES/NO) NO	ZONING DISTRICT: Canyon County

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER CR2023-0012	DATE RECEIVED: 10/19/23	
RECEIVED BY: Madelyn VanderVeen	APPLICATION FEE: $1400	(CK) MO CC CASH

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, #310, Caldwell, ID 83605
zoninginfo@canyoncounty.id.gov - Phone: 208-454-7458
Revised 3/21/23

Letter of Intent: Elordi – Cowan Conditional Rezone Application

Application for a Conditional Rezone with a development agreement to allow for one (1) split and two (2) building permits to Canyon County Development Services (DSD). Parcels R30262104 and R30262104A are currently a part of the Andorra Estates subdivision platted as "Lot 5".

Description of existing and proposed use:

The property is owned by Tony and Terry Elordi, and Josh and Vikki Cowan (50% ownerships). It is our intention to create a family owned and operated farm of regenerative diverse crops. Josh and Vikki are retiring from the Army after more than 20 years of service each and will return to live on the farm. The property as it currently is, does not contain building permits. Two permits would allow our family the ability to create two family sites. Our obligations to the Development Agreement have not been taken lightly. We have committed considerable resources to the development of this property to be able to farm it better as it was not in any way a productive farm when the land was purchased.

Currently 42.36 acres are planted in alfalfa hay, leased to a local farmer. For the previous three years it has been planted with seed crops, until 2022 when it was planted with winter wheat. This will offset certain costs in the near term but is in no way our intent for the future. Our intent is to return and utilize approximately 35-38 acres for the creation of a small farm, utilizing regenerative agriculture techniques to sustain 8-10 acres of apple trees as well as a small variety of livestock. We envision the ability to produce various products for local sale and distribution. We are currently still formulating our plan and considering various courses of action for achieving this end state; it will likely take time to develop out, though it's safe to say this will not be a monocrop type of operation.

The Soil Report (see exhibit) classifies the land with over 35 acres as "not prime farmland, least suited soil". With our current leasing or share crop farming methods, a 40-acre mono-crop does not produce a profit. We have not made any money on this land since owning it and instead have spent a great deal of money improving the land the best we can. Farmers that have leased the land from us report difficulty in irrigating the land and are limited in crop types that can be planted. Previous farmer is quoted saying, "in my personal opinion this ground will never be suitable for the type of row crop farming that is so common in this region...the low quality of the soil will forever limit yield potential for an annual crop that require overhead irrigation." Please refer to Soil Report and exhibit letter from previous farmer.

The original farm ground on this 42-acre parcel was divided into three different fields, separated by a ridge and valleys, and required significant improvements. Canyon County Soil Conservation District classified this parcel into three classifications. Classifications run (1) the best to (8) the worst.
See Exhibit – Soil Report.

- 24% of the soils as class III plus 3-12% slopes.
- 20% of the soils as class IV plus 3-12% slopes.
- 56% of the soils has no classification plus 12-30% slopes.

We completely renovated the irrigation system with all new underground main lines and risers for hand lines and a state-of-the-art automated pivot system. We leveled the ridge and filled in the valleys so the pivot could navigate the slopes; by doing so, we integrated the 56% non-classified soils into at least a class IV to V soil type. It was comprised of three different fields that were irrigated with 2 ¼ mile wheel lines on one field, 1 1/8-mile wheel lines on the second field, and a ¼ mile of dirt ditch irrigating the last field, with a ridge of over 8 acres and mostly over 50 feet high splitting the property in half. The property slopes more than 5% two ways from the east to west and north to south, it was and still is very hard to irrigate and farm efficiently, to improve the potential outcomes, we invested in a completely new irrigation system. We constructed more than 1.5 miles of buried main lines to supply the pivot and hand

lines for three corners and brought power ½ of a mile to the pivot, then installed a 4 tower state-of-the-art pivot system.

Water and well availability:

Reference exhibit "Hydro Logic Inc Report". The report states, "Data suggests a productive aquifer underlies the property, easily capable of providing the anticipated water supply..." on the estimated long-term effects and availability the report states, "there are no current data suggesting declining water levels in existing wells..." The land itself will be irrigated with surface water. Additionally, we are pursuing options for a small cider orchard and vineyard which would use drip irrigation.

Traffic impact:

Adding two residential lots along with ongoing agricultural use.

Description of the Concept Plan:

The site plan shows the proposed location of where the two new parcels would, both contain a +/- 2acre building envelope for each building permit being requested. Parcel One has the intent of a small orchard and/or small vineyard. Parcel two will encompass the remaining pivot irrigation that will still be utilized. With the two, +/- 2acre building envelopes, approximately 88-90% of the property will remain in full agricultural production.

Proposed rezone is consistent with the Comprehensive Plan and specific zoning criteria:

Parcels R30262104 and R30262104A are currently a part of the Andorra Estates subdivision platted as "Lot 5". This subdivision is a result from a Conditional Rezoned from "A" Agricultural to "CR-RR" Rural Residential which was approved on August 22, 2016. Final Plat for the Andorra Estates Subdivision was recorded in 2017. Further development of this property with one split and two building envelops will have no negative physical effects on neighboring properties in that the property is self-contained. All improvements and/or existing infrastructure are within the boundaries of this property and already service this lot. It will not disrupt any ongoing neighboring farming or residential uses. Access and power already exist to this property by an existing private paved road and right of way that is owned by Tony Elordi. A gravity pressurized irrigation system will be provided by a private existing underground delivery system that is already in use by this property and Andorra Estates, each on its own underground main line, the whole underground system from head gate to this property is solely for use of this property. We believe that future landscaping of trees and plants on the residential lots and farmed area will further enhance the overall benefits of living and working in and around this property.

Proposed Site Plan:

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? Two (2)

2. **SEWER (Wastewater)** ☒ Individual Septic ☐ Centralized Sewer system

☐ N/A – Explain why this is not applicable: _____

3. **IRRIGATION WATER PROVIDED VIA:** Wilder Irrig. Dist.

☒ Surface ☐ Irrigation Well ☐ None

4. **IF IRRIGATED, PROPOSED IRRIGATION:** Existing Irrigation System To 2 Lots in Andorra Estates And Farm is Gravity Pressurized.

☒ Pressurized (Gravity) ☐ Gravity

5. **ACCESS:** Lot is accessed by Existing Private Rd. Andorra Est.

☐ Frontage R302620 R300180 ☐ Easement Access/utillities Easement width 60' Inst. # Record of Survey

6. **INTERNAL ROADS:**

☐ Public ☒ Private Road User's Maintenance Agreement Inst # 2017-028174

7. **FENCING** ☐ Fencing will be provided (Please show location on site plan)

Type: N/A - NONE Height: _____

8. **STORMWATER:** ☐ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☒ Other: Connected To Existing Drainage

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

Canals - Yakima Lat. - Low Line Canal

RESIDENTIAL USES

1. **NUMBER OF LOTS REQUESTED:**

☒ Residential Two (2) ☐ Commercial _____ ☐ Industrial _____

☐ Common _____ ☒ Non-Buildable Two (2)

2. **FIRE SUPPRESSION:** Marsing Fire Dept.

☒ Water supply source: Fire Dept.

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

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☒ None

NON-RESIDENTIAL USES

1. **SPECIFIC USE:** Residential Agriculture / Farming / Orchard / Vineyard

2. **DAYS AND HOURS OF OPERATION:** 365 - 24 - 7

☐ Monday _____ to _____

☐ Tuesday _____ to _____

☐ Wednesday _____ to _____

☐ Thursday _____ to _____

☐ Friday _____ to _____

☐ Saturday _____ to _____

☐ Sunday _____ to _____

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

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

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

What type of sign: _____Wall _____ Freestanding _____ Other

5. **PARKING AND LOADING:**
How many parking spaces? N/A

Is there is a loading or unloading area? N/A

Revised 3/29/23

ANIMAL CARE-RELATED USES
1. **MAXIMUM NUMBER OF ANIMALS:** N/A
2. **HOW WILL ANIMALS BE HOUSED AT THE LOCATION?** ☐ Building ☐ Kennel ☐ Individual Housing ☐ Other N/A
3. **HOW DO YOU PROPOSE TO MITIGATE NOISE?** N/A ☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars
4. **ANIMAL WASTE DISPOSAL** N/A ☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System ☐ Other: _____

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 R30262104 0

Site Address: Lot 5 Blk 1 Andorra Ln.	Parcel Number: R30262104A0	
City: Caldwell	State: Idaho	ZIP Code: 83607
Notices Mailed Date: May 30, 2023	Number of Acres: 42.46	Current Zoning: CR-RR
Description of the Request: Conditional Rezone with a Development Agreement		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Tony Elordi / Victoria Cowan [redacted]		
Company Name:		
Current address: 18128 Andorra Ln.		
City: Caldwell	State: Idaho	ZIP Code: 83607
Phone: [redacted]	Cell:	Fax:
Email:		

MEETING INFORMATION

DATE OF MEETING: 6/22/23	MEETING LOCATION: Lot 5 Blk 1 Andorra Ln.
MEETING START TIME: 6:30 P.M	MEETING END TIME: 7:20 P.M.

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS: 83607
1. JON MINKOFF		11648 EVA LN. CALDWELL, ID
2. Jake Perry		11554 EVA LN Caldwell, ID 83607
3. René [illegible]		12251 [illegible] Caldwell
4. Pat Griffen		18231 Niche LN Caldwell
5. Robin Griffen		18231 Niche LN Caldwell
6. MIKE MARTIN		18164 ANDORRA LN CALDWELL
7. Tony & Terry Elordi		18128 Andorra Ln. Caldwell
8.		
9.		

Revised 6/9/22

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):

Tony Elordi / Victoria Cowan

APPLICANT/REPRESENTATIVE (Signature): Tony Elordi

DATE: 06/22/23

Revised 6/9/22

May 30, 2023

Dear Neighbor,

We are in the process of applying for a Conditional Rezone with a development agreement to allow for one (1) split and two (2) building permits to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

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

The Neighborhood Meeting details are as follows:

Date: 22 June 2023
Time: 6:30 pm
Location: Riverside Road and Andorra Lane, Caldwell, ID
The meeting will be held at the end of Andorra Lane (see attached map).

The project is summarized below:
Conditional Rezone with Development Agreement
Site Location: Lot 5, Blk 1 Andorra Estates
Total acreage: 42.36
Proposed lots: two (2)

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

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

If you have any questions prior to the meeting, please contact me at [redacted]

Sincerely,

Tony & Terry Elordi
18128 Andorra Ln
Caldwell, ID 83607

Josh & Vikki Cowan
3065 Del Mar Dr.
Sierra Vista, AZ 85635

Meeting Location: Riverside Road & Andorra Lane.

- Please proceed to the end of Andorra Lane to Lot 5.

Meeting location

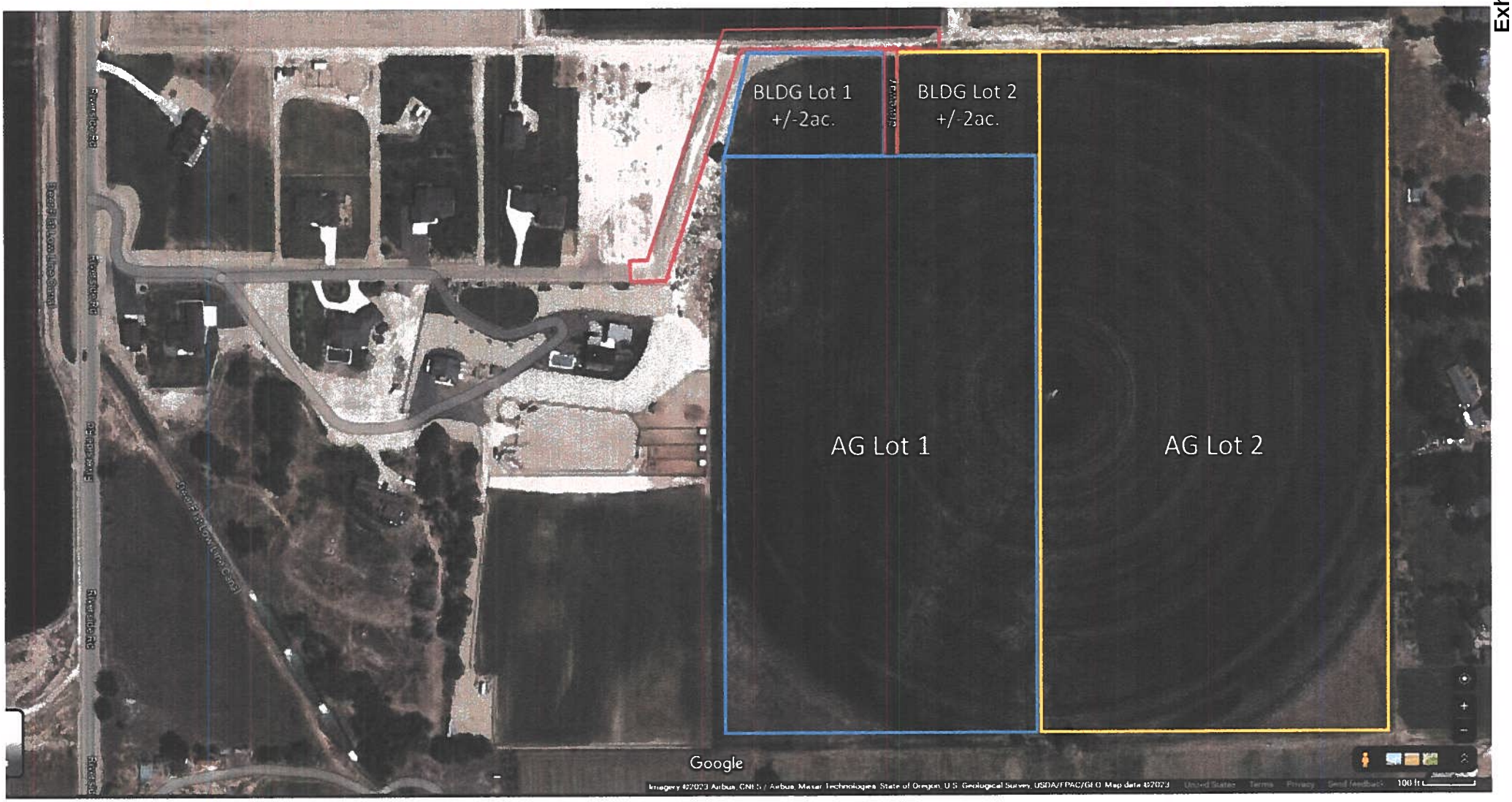
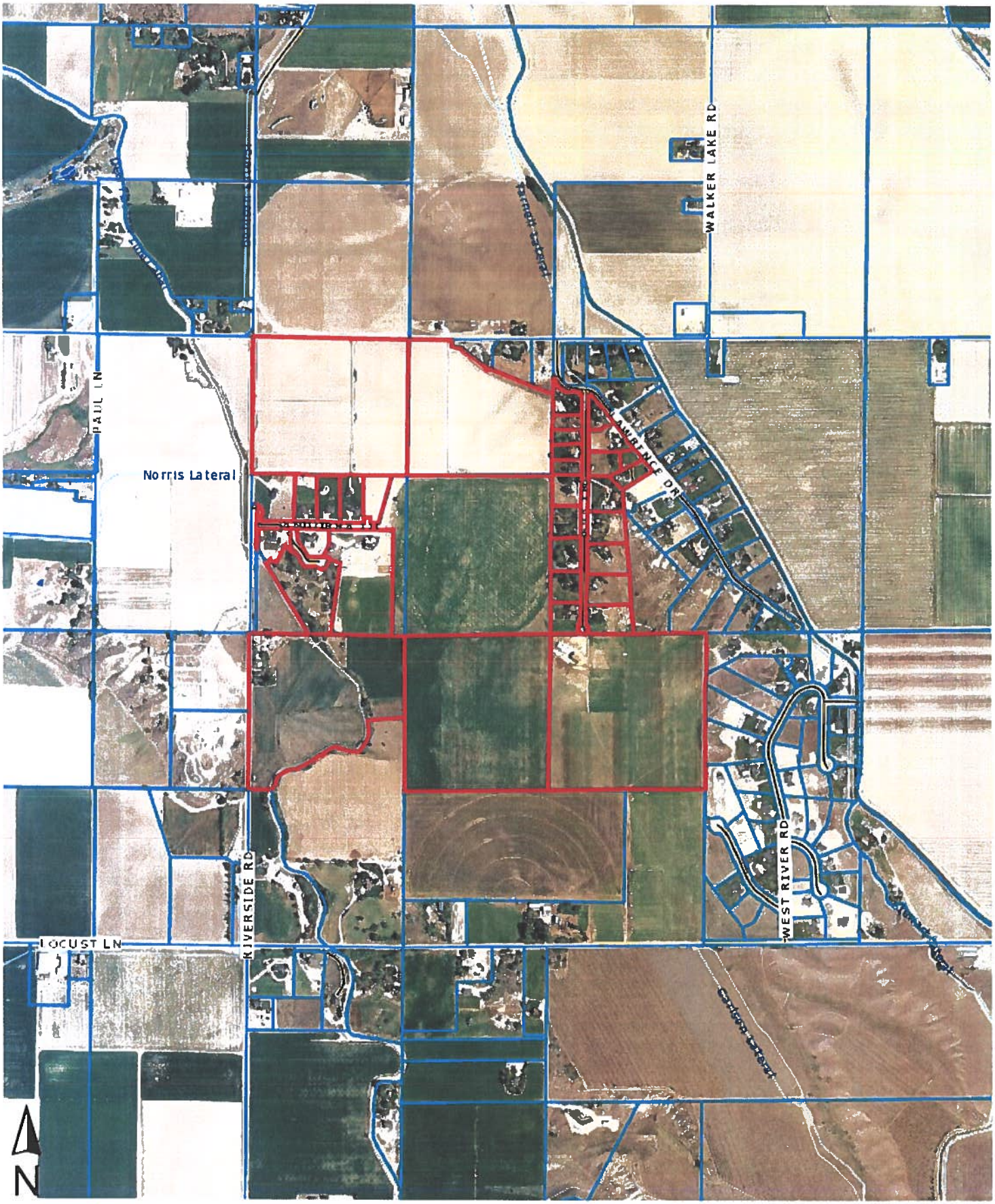
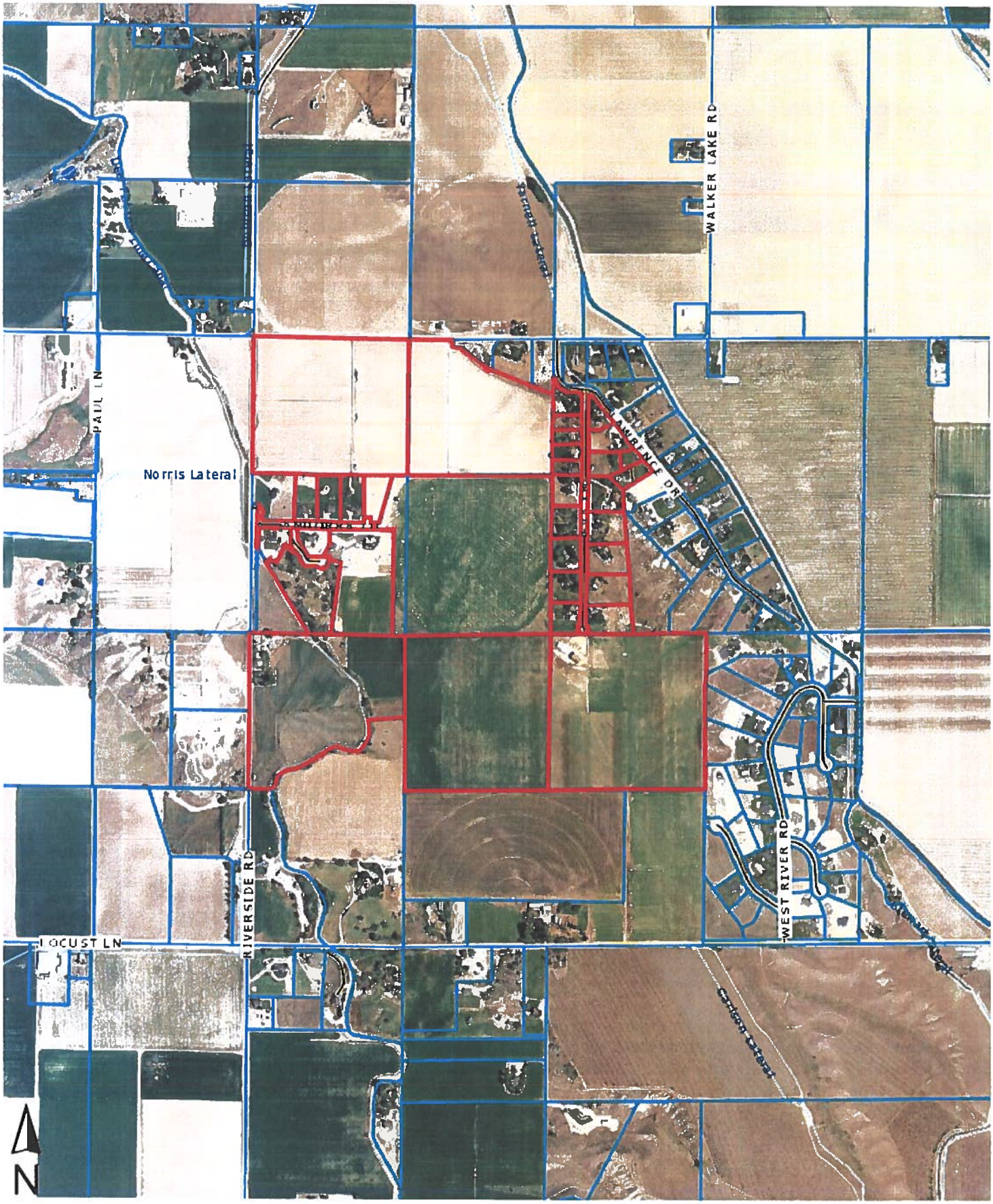


Exhibit A.4 - Page 5



PioneerTitleCo.
GOING BEYOND

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



PioneerTitleCo.
GOING BEYOND

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

PARCEL_NO	OwnerName	Address	City	State	ZipCode
R30262105	PENTER BRAD D AND LAINIE D REV LIV TR	18121 ANDORRA LN	CALDWELL	ID	83607
R30265	BUTLER ROBERT W	11442 RIVERSIDE RD	CALDWELL	ID	83605
R30262103	PIONEER HOMES INC	719 1ST ST S STE B	NAMPA	ID	83651
R30262101	ELORDI ANTHONY V	18128 ANDORRA LN	CALDWELL	ID	83607
R23473	FISHER BRIAN R	11845 EVA LN	CALDWELL	ID	83607
R23474	BOSWORTH FAMILY TRUST	11771 EVA LN	CALDWELL	ID	83607
R23475	VANGO TIMOTHY	11769 EVA LN	CALDWELL	ID	83607
R30261	WALKER WILLIAM A	15248 CHICKEN DINNER RD	CALDWELL	ID	83607
R23472	MAC KINNON EDWARD JAMES	11907 LAWRENCE DR	CALDWELL	ID	83607
R23478	SOULE TERRY W	11617 EVA LN	CALDWELL	ID	83605
R23487	WILSON AMITY	11789 LAWRENCE DR	CALDWELL	ID	83607
R23490	CORNFORTH FAM REV TRUST	11767 DOUBLEVIEW LN	CALDWELL	ID	83607
R30262102	DICKSON ROBERT L	18088 ANDORRA LN	CALDWELL	ID	83607
R23489	SCHUMACHER HARRY GRANT	11843 LAWRENCE DR	CALDWELL	ID	83605
R30262107	ELORDI ANTHONY V	18128 ANDORRA LN	CALDWELL	ID	83607
R30262011	TERLESKY TIMOTHY P	18153 NICHE LN	CALDWELL	ID	83607
R30262104A	ELORDI ANTHONY V	18128 ANDORRA LN	CALDWELL	ID	83607
R30019011	WALKER WILLIAM A	15248 CHICKEN DINNER RD	CALDWELL	ID	83607
R23486	CORNFORTH FAM REV TRUST	11767 DOUBLEVIEW LN	CALDWELL	ID	83607
R23484	SAVELEV DMITRII	11690 EVA LN	CALDWELL	ID	83607
R30262104	ELORDI ANTHONY V	18128 ANDORRA LN	CALDWELL	ID	83607
R30016	CEREDA GERALD A	11481 EVA LN	CALDWELL	ID	83607
R30262106	VERMEER MICHAEL H	18155 ANDORRA LN	CALDWELL	ID	83607
R23485	CHADEZ DUANE	11724 EVA LN	CALDWELL	ID	83605
R23480	KIRTLEY RONALD DEAN	11551 EVA LN	CALDWELL	ID	83605
R30016010	BULGIN MARIE S	17750 LOCUST LN	CALDWELL	ID	83605
R23477	SMARTT MIKE D	11673 EVA LN	CALDWELL	ID	83605-9717
R23479	COLOSKY ROSE MARIE	11601 EVA LN	CALDWELL	ID	83605
R23483	MINKOFF JONATHAN R	11648 EVA LN	CALDWELL	ID	83607
R23473010	HAINES ROSEMARY	11801 EVA LN	CALDWELL	ID	83607
R23490010	CRAWFORD GARY	11729 DOUBLEVIEW LN	CALDWELL	ID	83607
R30262107A	VERMEER MICHAEL	18155 ANDORRA LN	CALDWELL	ID	83607
R23476	STAFFORD FAMILY TRUST	11721 EVA LN	CALDWELL	ID	83607
R23482	RICKWAS REV LIV TRUST	11606 EVA LN	CALDWELL	ID	83607
R23481	PERRY JACOB	11554 EVA LN	CALDWELL	ID	83607
R30262100	MARTIN MICHAEL WAYNE	18164 ANDORRA LN	CALDWELL	ID	83607

EDWARD MAC KINNON
11907 LAWRENCE DR
CALDWELL ID 83607

BRIAN FISHER
11845 EVA LN
CALDWELL ID 83607

ROSEMARY HAINES
11801 EVA LN
CALDWELL ID 83607

BOSWORTH FAMILY TRUST
11771 EVA LN
CALDWELL ID 83607

TIMOTHY VANGO
11769 EVA LN
CALDWELL ID 83607

STAFFORD FAMILY TRUST
11721 EVA LN
CALDWELL ID 83607

MIKE SMARTT
11673 EVA LN
CALDWELL ID 83605

TERRY SOULE
11617 EVA LN
CALDWELL ID 83605

ROSE COLOSKY
11601 EVA LN
CALDWELL ID 83605

RONALD KIRTLEY
11551 EVA LN
CALDWELL ID 83605

JACOB PERRY
11554 EVA LN
CALDWELL ID 83607

RICKWAS REV LIVING TRUST
11606 EVA LN
CALDWELL ID 83607

JONATHAN MINKOFF
11648 EVA LN
CALDWELL ID 83607

DMITRII SAVELEV
11690 EVA LN
CALDWELL ID 83607

DUANE CHADEZ
11724 EVA LN
CALDWELL ID 83605

CORNFORTH FAMILY REV TRUST
11767 DOUBLEVIEW LN
CALDWELL ID 83607

AMITY WILSON
11789 LAWRENCE DR
CALDWELL ID 83607

HARRY SCHUMACHER
11843 LAWRENCE DR
CALDWELL ID 83605

CORNFORTH FAMILY REV TRUST
11767 DOUBLEVIEW LN
CALDWELL ID 83607

GARY CRAWFORD
11729 DOUBLEVIEW LN
CALDWELL ID 83607

GERALD CEREDA
11481 EVA LN
CALDWELL ID 83607

MARIE BULGIN
17750 LOCUST LN
CALDWELL ID 83605

WILLIAM WALKER
15248 CHICKEN DINNER RD
CALDWELL ID 83607

WILLIAM WALKER
15248 CHICKEN DINNER RD
CALDWELL ID 83607

TIMOTHY TERLESKY
18153 NICHE LN
CALDWELL ID 83607

MICHAEL MARTIN
18164 ANDORRA LN
CALDWELL ID 83607

ANTHONY ELORDI
18128 ANDORRA LN
CALDWELL ID 83607

ROBERT DICKSON
18088 ANDORRA LN
CALDWELL ID 83607

PIONEER HOMES INC
PO BOX 485
NAMPA ID 83653

CARPENTER BRAD D AND LAINIE D REV LIVING TRUST
18121 ANDORRA LN
CALDWELL ID 83607

MICHAEL VERMEER
18155 ANDORRA LN
CALDWELL ID 83607

ANTHONY ELORDI
18128 ANDORRA LN
CALDWELL ID 83607

MICHAEL VERMEER
18155 ANDORRA LN
CALDWELL ID 83607

ROBERT BUTLER
11442 RIVERSIDE RD
CALDWELL ID 83605

e. Non-pumping water levels in the representative wells range between 94-ft to-108-ft bgl and are confined aquifer pressures whereby the water levels have risen higher in the wells than the depth at which water was first encountered during drilling.

f. These wells all meet the IDWR's current casing seal depth requirements and appear well-sealed from surface land use activities.

g. Reported short-term (1-2 hours) test pumping rates for typical domestic 6-inch diameter wells at this location range between 40-to-80 gallons per minute (gpm); well above the allowable domestic water right diversion rate of 9 gpm. The reported water level drawdowns from the pumping tests are incorrect; only reflecting the depth of the air-line used to produce water from the well. The "Elordi" well, however, does appear to have a believable drawdown value of 32-ft for a specific capacity of 1.6 gpm/ft of drawdown which is higher than typical domestic wells in the area.

2) NEARBY WATER LEVEL MONITORING SITE:

a. IDWR monitors water levels in the "Shiley" well located approximately ~1-mile west of Andorra Estates (Figure 1 & Appendix A).

b. The non-pumping water levels in the Shiley well, which are remarkably stable over the 25-year period of record (Figure 2), show no long-term declines in ground water levels. Indeed, applying a linear regression to the available data shows a slightly rising trend.

c. Adjusted for topography, the Shiley water levels are equivalent to the water levels reported on Well Driller's Reports for the Andorra area; in other words, it monitors the same aquifer depth as the local domestic wells adjacent to Andorra (Appendix A).

3) MAGNITUDE OF PROPOSED GROUND WATER WITHDRAWALS:

a. The proposed subdivision development lands are currently irrigated with surface water from the Boise River, supplied by Wilder Irrigation District. This supply will continue to be used for all irrigation demands of subdivision common areas and the 17 individual (~ 2-acre) properties such that the domestic "in-house ground water use will be very small (perhaps on the order of < 250 gallons per day times 17 homes = ~ < 5,000 gpd) derived from wells spread out across the 42-acre property. The adjoining existing Andorra subdivision lots are also irrigated with surface water.

b. Under the so-called "de minimis" single family domestic water right recognized by IDWR under state law, households are able to pump 13,000

Well Monitoring by IDWR

Long-Term Water Levels in the Shiley Monitor Well Near Andorra Estates Subdivision

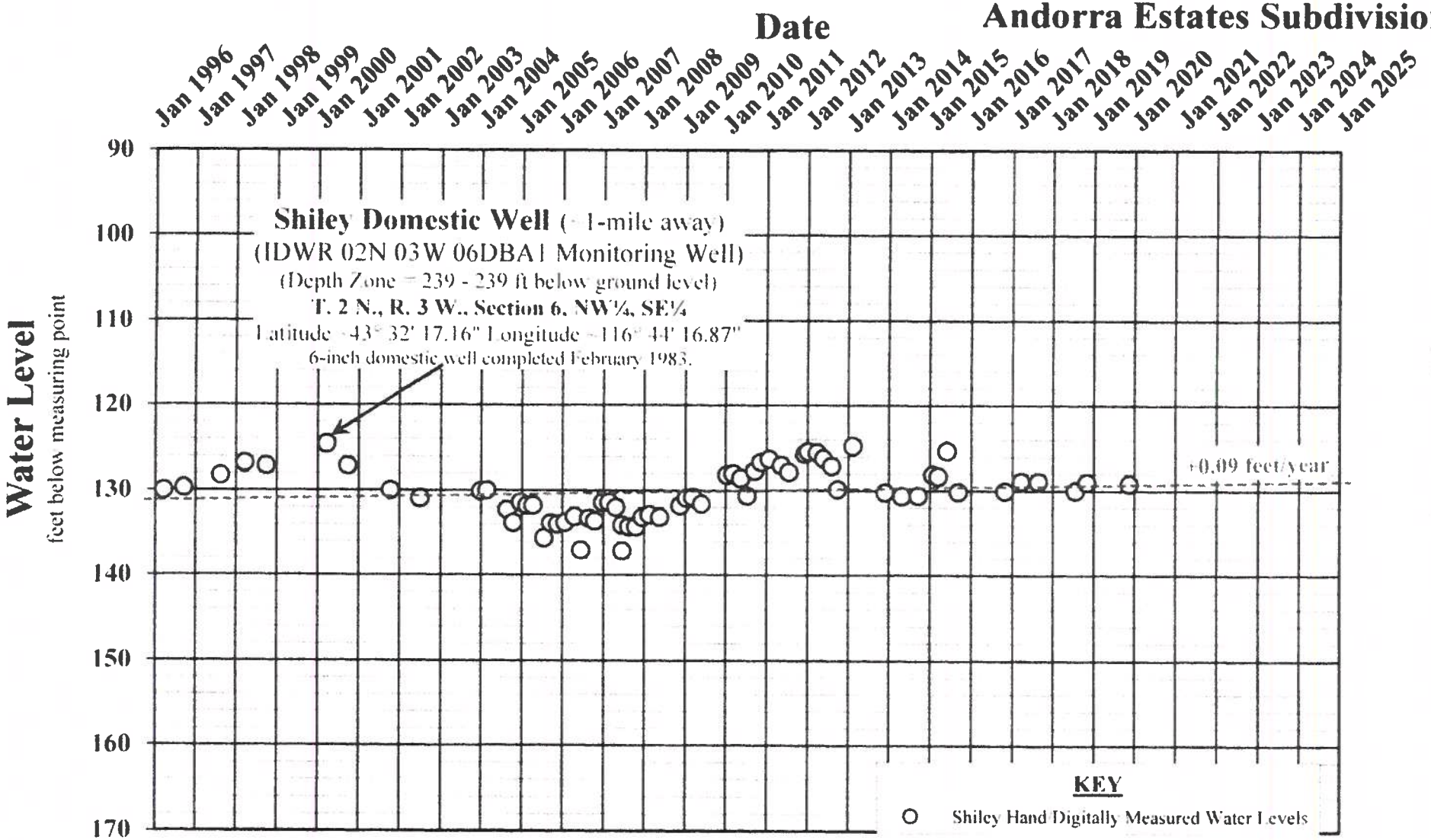


Figure 2 - Hydrograph of non-pumping water levels measured by the Idaho Department of Water Resources in the "Shiley" domestic well for the period 1996-to-2019. The Shiley well is located approximately 4,800-ft east of the proposed Andorra Estates subdivision wells. The water levels have remained remarkably stable; fluctuating between 125 and 137-ft below ground level with an overall slight rising trend of +0.09-ft/year. There are no signs of well-to-well interference effects from nearby pumping wells. When the Shiley well was completed in February of 1983, the water level was reported at 130-ft bgl; further supporting stability.

Figure 2.

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Exhibit 14: Hydro Logic Inc Report

AGENCY ACKNOWLEDGMENT

Joni/ [redacted]

Date: 9-1-23
Applicant: Elordi / Cowan
Parcel Number: R30262104 0 R30262104 A0
Site Address: Lot 5 Andorra Estates
Andorra LN. Caldwell, Id. 83607

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

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

Date: 09/01/2023 Signed: Anthony See
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District: District: Nursing Rural
☒ Applicant submitted/met for official review.

Date: 8-28-23 Signed: Jerry Mauger
Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District: District: Nampa
☒ Applicant submitted/met for official review.

Date: 8-31-23 Signed: Edward Thiel
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

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

Date: 8/30/23 Signed: Email - A Harlow
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact: City: N/A
☐ 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

AGENCY ACKNOWLEDGMENT

Date:

Applicant: Elordi / Cowan

Parcel Number: R30262104 0 R30262104 A0

Site Address: Lot 5 Andorra Estates

Andorra LN. Caldwell, Id. 83607

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

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

Fire District: District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

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

Highway District: District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

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

Irrigation District: District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

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

Area of City Impact: City: N/A

☐ 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

AGENCY ACKNOWLEDGMENT

[redacted]

Date:

Applicant: Elordi J Cowan

Parcel Number: R3026 2104 0 R3026 2104 A0

Site Address: Lot 5 Andorra Estates

Andorra Ln. Caldwell, Id. 83607

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION

Southwest District Health:

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized Southwest District Health Representative

(This signature does not guarantee project or permit approval)

Fire District: District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized Fire District Representative

(This signature does not guarantee project or permit approval)

Highway District: District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized Highway District Representative

(This signature does not guarantee project or permit approval)

Irrigation District: District: Wilder Irrigation Dist

☒ Applicant submitted/met for official review.

Date: 8/30/23 Signed: Mick Case

Authorized Irrigation Representative

(This signature does not guarantee project or permit approval)

Area of City Impact: City: N/A

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized AOCI Representative

(This signature does not guarantee project or permit approval)

Reviewed by Canyon County Development Services:

Date: _____ Signed: _____

Canyon County Development Services Staff

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

LAND SPLIT APPLICATION

NHD–003
Rev Jan 2015
Page 1 of 1

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

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

Tony Elordi
NAME OF APPLICANT

SIGNATURE OF APPLICANT

18128 Andorra Ln.
ADDRESS

8/31/23
DATE

Caldwell, Id. 83607
CITY *STATE* *ZIP*

[redacted]
PHONE (CELL NUMBER PREFERRED)

ROAD NAME: Riverside BETWEEN Marsing & Locust
FIRST CROSS STREET *SECOND CROSS STREET*

SIDE OF ROAD:
☐ North ☐ South
☒ East ☐ West

TOTAL NUMBER OF:
New Lots: 2
New Access Points: 0

PLATTED SUBDIVISION?
☒ No *(attach sketch of proposed land split)*
☐ Yes *(submit Conceptual Plan prepared by an Engineer)*

SECTION II – WORKSHEET/RECOMMENDATION *(TO BE COMPLETED BY HIGHWAY DISTRICT)*

APPLICATION FEE: ☒ Paid ☐ Not Paid Ck#3602

85th PERCENTILE SPEED: 60 mph

ROAD NO. B 40

SIGHT DISTANCE: ☒ Sufficient ☐ Insufficient

ROAD SURFACE: ☒ Asphalt ☐ Gravel ☐ Dirt

TRAFFIC VOLUME: 1111 ADT

SHARED ACCESS: ☒ Yes ☐ No

FUNCTIONAL CLASSIFICATION: ☒ Arterial
☐ Collector
☐ Other

CULVERTS REQUIRED: ☐ Yes ☒ No

MEETS ACCESS CONTROL STANDARDS?: ☒ Yes ☐ No

ADDITIONAL REMARKS/CONDITIONS: *(IF NONE, SO STATE)*

New lots shall use existing private road, Andorra Ln.
No new access to Riverside Rd. is allowed

THIS LAND SPLIT IS.

☒ Recommended for approval, subject to the above conditions
☐ Not recommended

SIGNATURE – HIGHWAY DISTRICT OFFICIAL

9-5-23
DATE

AGENCY ACKNOWLEDGMENT

[redacted]

Date:
Applicant: Elordi / Cowan
Parcel Number: R3026210400 R3026210400
Site Address: Lot 5 Andorra Estates
Andorra LN. Caldwell, Id. 83607

OFFICIAL USE ONLY BELOW THI LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:
☐ Applicant submitted/met for official review.

Date: Signed:

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

Fire District: District:
☐ Applicant submitted/met for official review.

Date: Signed:

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

Highway District: District: Nampa Hwy Dist #1
☒ Applicant submitted/met for official review.

Date: 9-5-23 Signed:

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

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

Date: Signed:

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

Area of City Impact: City: N/A
☐ 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

Tony Elordi

18128 Andorra Ln.

Caldwell, Id. 83607

To; Southwest Dist. Health

Marsing Rural Fire Dist.

Nampa Highway dist.

Wilder Irrigation Dist.

We are requesting a split of approx. 42.36 ac. Into two (2) building parcels that are approx. 20 ac. each and a building envelope for each parcel of approx. 2 ac. each and shown on the concept map.

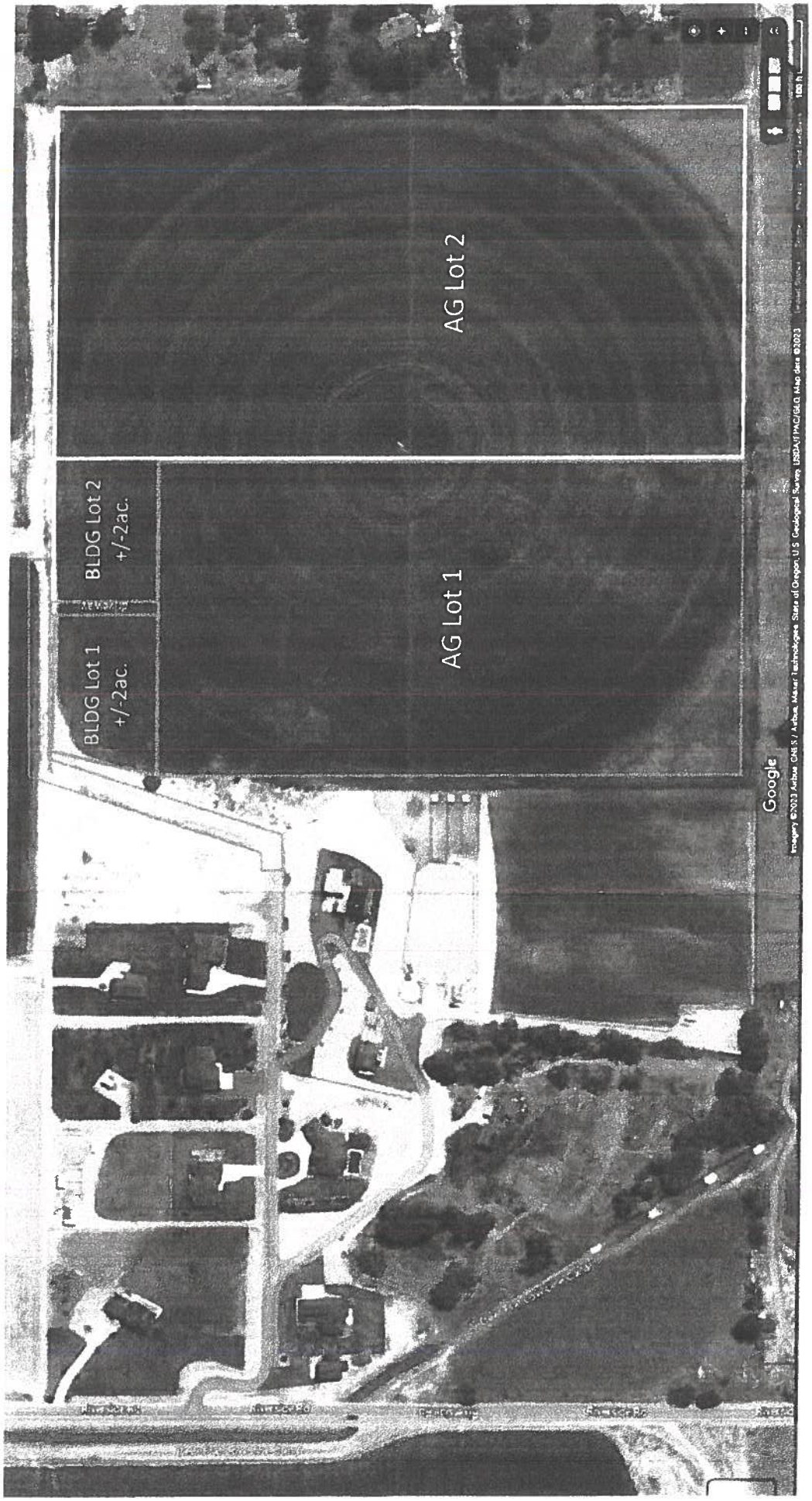
The 42.36 ac. has access from Andorra Ln. a private paved street that ends at the parcel boundary that is also lot 5 Andorra Estates, we will extend from there a driveway to the two lots that will have a 40 ft. right away and a 24 ft. wide all-weather gravel surface plus a hammer head for fire service and turn around.

Access to the existing irrigation system will stay the same with plans to keep the pivot on the east parcel and the utilization of a drip system on the west parcel plus the building envelopes can connect to an existing main line that services Andorra Estates.

Thank you for time and consideration,

Tony Elordi

[redacted]


BLDG Lot 1
+/-2ac.
BLDG Lot 2
+/-2ac.
AG Lot 1
AG Lot 2
Google

SOUTHWEST DISTRICT HEALTH

RECEIPT

Paid By:

Pre-Development Meeting

13307 Miami Lane
Caldwell, ID 83607

For:

Pre Development Meeting

13307 Miami Lane
Caldwell, ID 83607

Account Number: 014049

Date	Service(s)	Charges	Payments
01-Sep-23	Pre- Development Meeting	100.00	
01-Sep-23	Payment Pre- Development Meeting - Pre-Development Meeting [015794]		-100.00

Amount Due 0.00

Payment method Check

Receipt Number 237864

Reference # Terry Elordi 9.1.23

Message Pre- Development Meeting

Printed on September 1, 2023 3:53 PM
Tonya Temes

ACCESS ROAD PERMIT

TO:

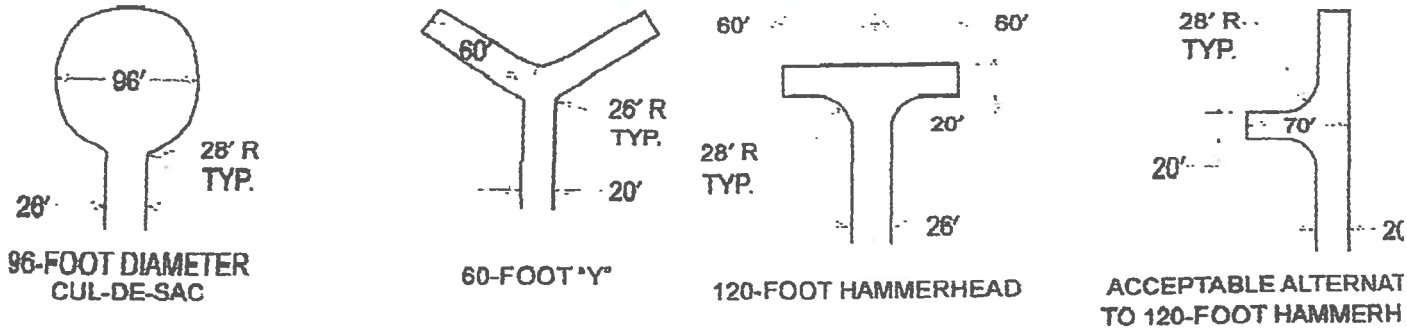
☒ Canyon County Development Services

☐ Owyhee County Planning and Zoning

The access road for the Marsing Fire District must be a minimum of 20' wide with a good gravel base.

One of the following turnarounds can be used but cannot be closer than 135' from the house.

STEP 2 OF 2



Concerning the property of

Name of Owner Elord'

Address of Property Lot 5 AnDorA Estates

☒ The access road and turnaround meets Marsing Fire District requirements.

☐ The access road and turnaround does NOT meet Marsing Fire District requirements.

Marsing Fire District
Marsing, Idaho

Signed [signature] Date 8-28-23

EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# CR2023-0012 - Elordi

Hearing date: April 17, 2025

CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TOOL.

R30262104A PARCEL INFORMATION REPORT

3/31/2025 11:37:22 AM

PARCEL NUMBER:	R30262104A
OWNER NAME:	ELORDI ANTHONY V
CO-OWNER:	COWAN VICTORIA R
MAILING ADDRESS:	18128 ANDORRA LN CALDWELL ID 83607
SITE ADDRESS:	0 ANDORRA LN
TAX CODE:	1560000
TWP:	2N RNG: 4W SEC: 01 QUARTER: NE
ACRES:	4.22
HOME OWNERS EXEMPTION:	No
AG-EXEMPT:	Yes
DRAIN DISTRICT:	NOT In Drain Dist
ZONING DESCRIPTION:	CR-RR / CONDITIONAL REZONE - RURAL RESIDENTIAL
HIGHWAY DISTRICT:	NAMPA HWY DIST #1
FIRE DISTRICT:	MARSING FIRE
SCHOOL DISTRICT:	MARSING SCHOOL DIST #363
IMPACT AREA:	NOT In Impact Area
FUTURE LAND USE 2011-2022 :	AG
FLU Overlay Zone Desc 2030:	
FLU RR Zone Desc 2030:	
FUTURE LAND USE 2030:	AG
IRRIGATION DISTRICT:	BOISE PROJECT BOARD OF CONTROL \ WILDER IRRIGATION DISTRICT
FEMA FLOOD ZONE:	X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0350F
WETLAND:	NOT In WETLAND
NITRATE PRIORITY:	NO Nitrate Prio
FUNCTIONAL Classification:	NOT In COLLECTOR
INSTRUMENT NO. :	2017043325
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	01-2N-4W NE ANDORRA ESTATES PART LT 5 BLK 1 IN TCA 156-00
PLATTED SUBDIVISION:	ANDORRA ESTATES
SMALL CITY ZONING:	
SMALL CITY ZONING TYPE:	

DISCLAIMER:

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

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

CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TOOL.

R30262104 PARCEL INFORMATION REPORT

3/31/2025 11:37:55 AM

PARCEL NUMBER:	R30262104
OWNER NAME:	ELORDI ANTHONY V
CO-OWNER:	COWAN VICTORIA R
MAILING ADDRESS:	18128 ANDORRA LN CALDWELL ID 83607
SITE ADDRESS:	0 ANDORRA LN
TAX CODE:	1810000
TWP:	2N RNG: 3W SEC: 06 QUARTER: NW
ACRES:	38.19
HOME OWNERS EXEMPTION:	No
AG-EXEMPT:	Yes
DRAIN DISTRICT:	NOT In Drain Dist
ZONING DESCRIPTION:	CR-RR / CONDITIONAL REZONE - RURAL RESIDENTIAL
HIGHWAY DISTRICT:	NAMPA HWY DIST #1
FIRE DISTRICT:	MARSING FIRE
SCHOOL DISTRICT:	VALLIVUE SCHOOL DIST #139
IMPACT AREA:	NOT In Impact Area
FUTURE LAND USE 2011-2022 :	AG
FLU Overlay Zone Desc 2030:	
FLU RR Zone Desc 2030:	
FUTURE LAND USE 2030:	AG
IRRIGATION DISTRICT:	BOISE PROJECT BOARD OF CONTROL \ WILDER IRRIGATION DISTRICT
FEMA FLOOD ZONE:	X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0350F
WETLAND:	NOT In WETLAND
NITRATE PRIORITY:	ADA CANYON
FUNCTIONAL Classification:	NOT In COLLECTOR
INSTRUMENT NO. :	2017043325
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	06-2N-3W NW ANDORRA ESTATES PART LT 5 BLK 1 IN TCA 181-00
PLATTED SUBDIVISION:	ANDORRA ESTATES
SMALL CITY ZONING:	
SMALL CITY ZONING TYPE:	

DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
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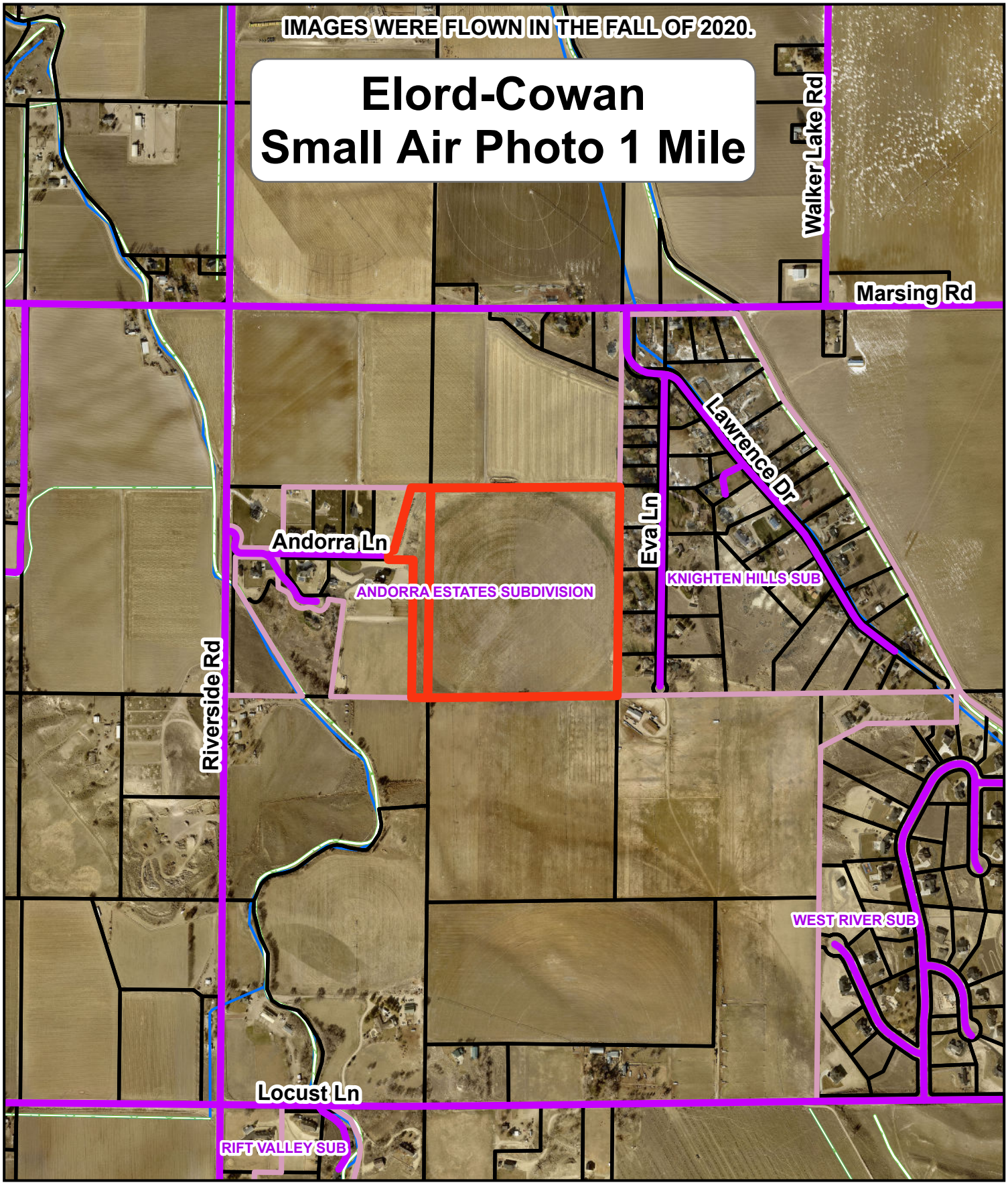


City_Limits

Wetlands

0 0.25 0.5 Miles

Elord-Cowan Small Vicinity Map

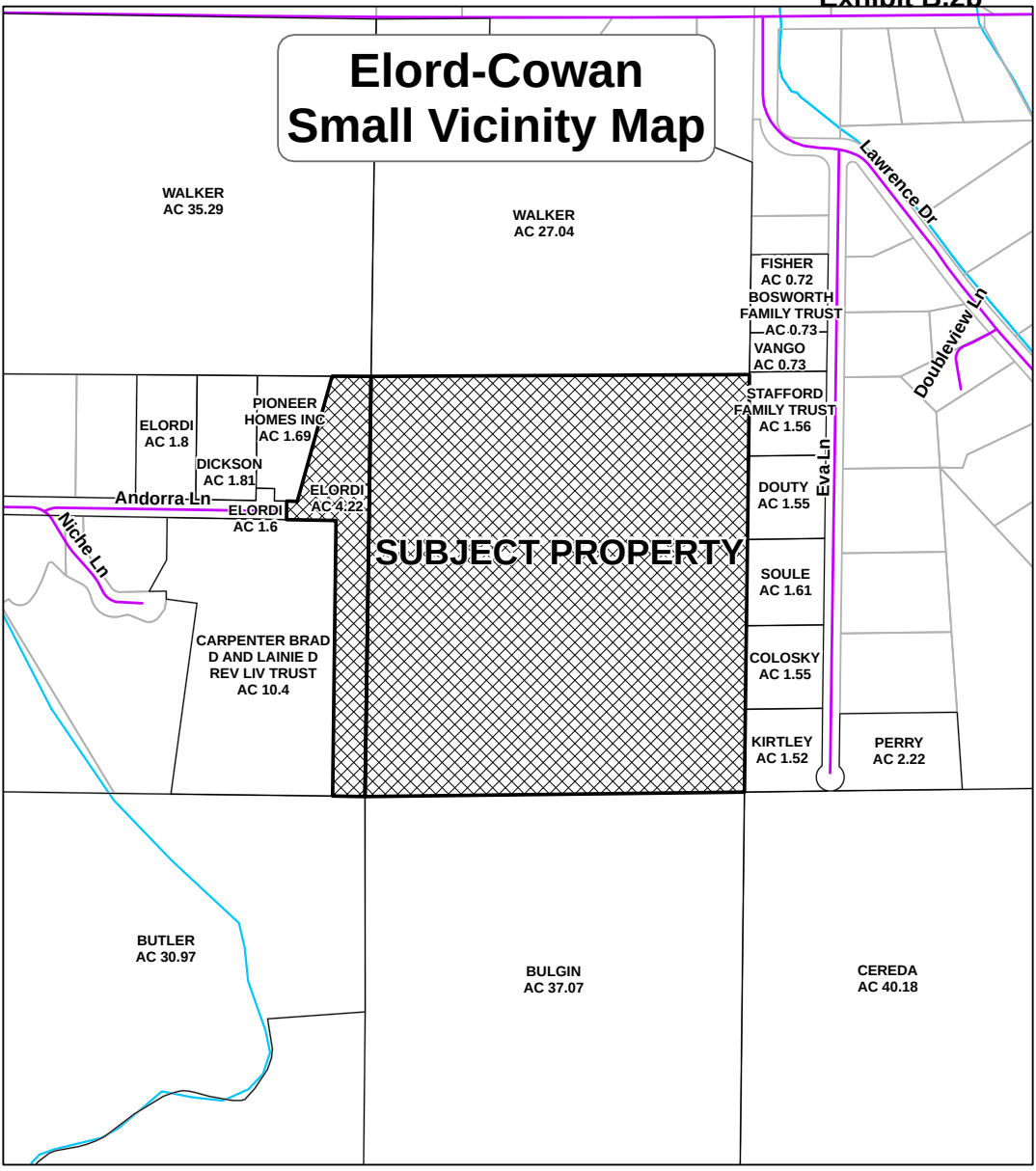


Exhibit B.2b

0 0.13 0.25 Miles

Elord-Cowan Future Land Use map

Symms Rd
Williams Dr
Cathie Dr
Spearmint Ln
Walker Lake Rd
Crab Apple Ln
Marsing Rd
Paul Ln
Lawrence Dr
Niche
va Ln
SUBJECT PROPERTY
Lloyd Ln
Cool Rd
West Rio Rd
West River Rd
Riverside Rd
Locust Ln
Chicken Dinner Rd
Randall Ln
Liberty View Ct
Lewis Ln

Legend

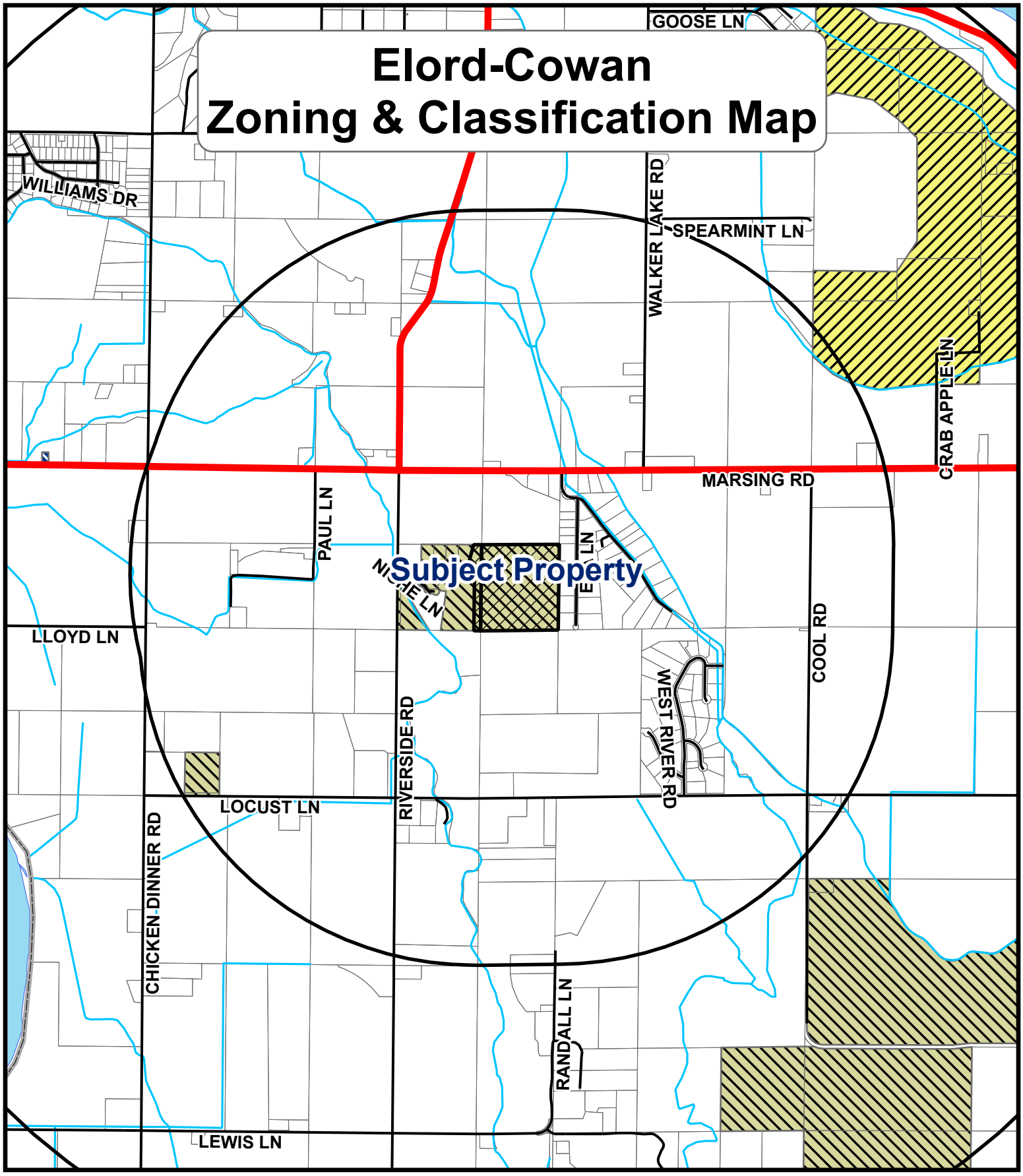
Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

0 0.4 0.8 Miles

Exhibit B.2d

Elord-Cowan Zoning & Classification Map



CurrentZoning

- RR
- CR-RR
- R1
- CR-R1
- R2
- C
- C1
- CR-C1
- C2
- CR-C2
- M1
- CR-M1
- M2
- AG

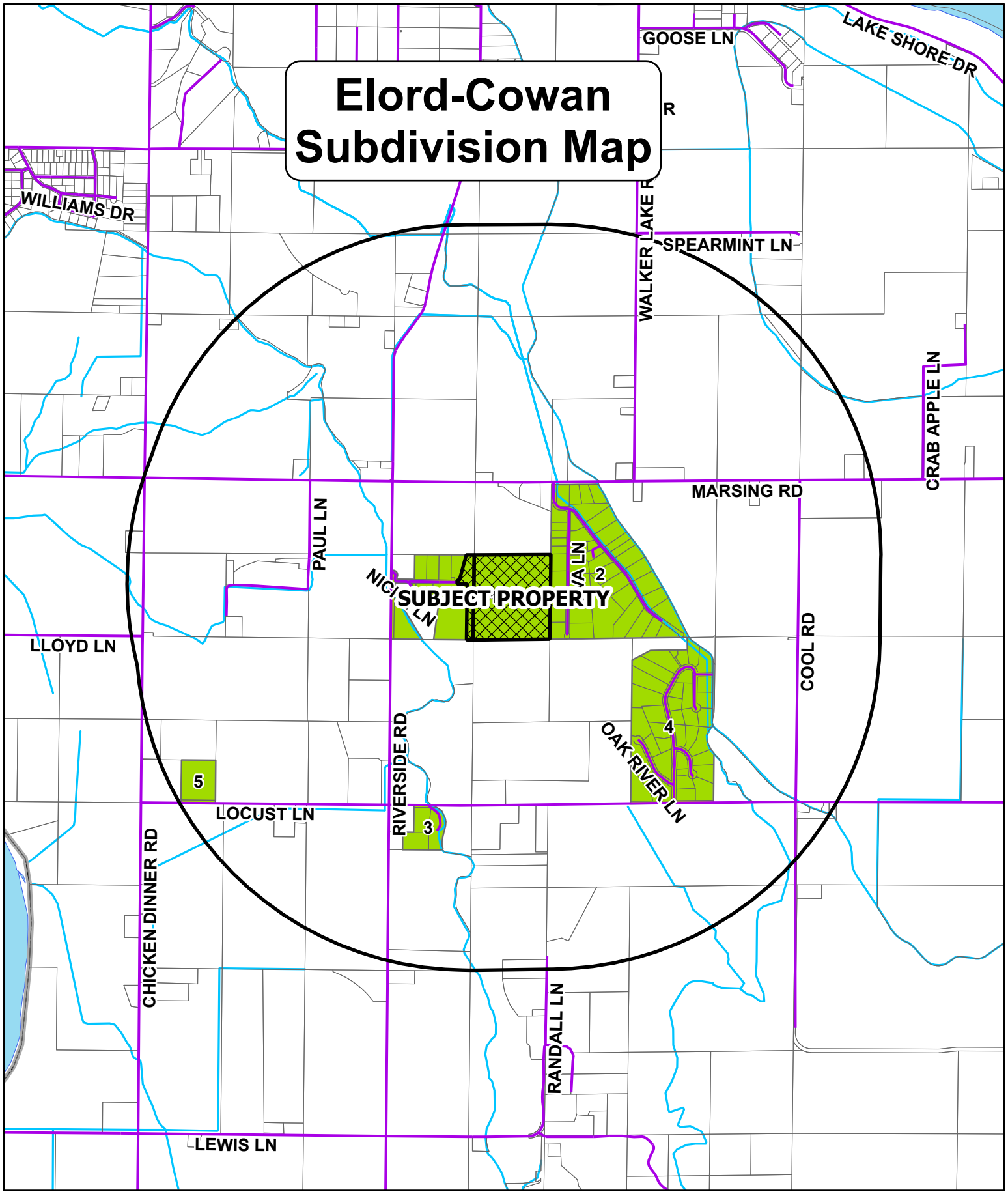
ITD Functional Classification

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

Exhibit B.2d

0 0.5 1 Miles

Elord-Cowan Subdivision Map



SUBDIVISIONS

Plat Type,Plat Status

Preliminary,Approved

Preliminary,Pending

0 0.3 0.6 Miles

SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
5	244.54	94	2.60

NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE

NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
56	6.20	1.79	0.49	40.18

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
ANDORRA ESTATES SUBDIVISION	1	2N3W06, R2N4W01	68.74	9	7.64	COUNTY (Canyon)	2017
KNIGHTEN HILLS SUB	2	2N3W06	85.51	43	1.99	COUNTY (Canyon)	1972
RIFT VALLEY SUB	3	2N4W12	8.75	3	2.92	COUNTY (Canyon)	2007
WEST RIVER SUB	4	2N3W06	72.83	38	1.92	COUNTY (Canyon)	2006
WILLIS SUBDIVISION	5	2N4W01	8.70	1	8.70	COUNTY (Canyon)	2017

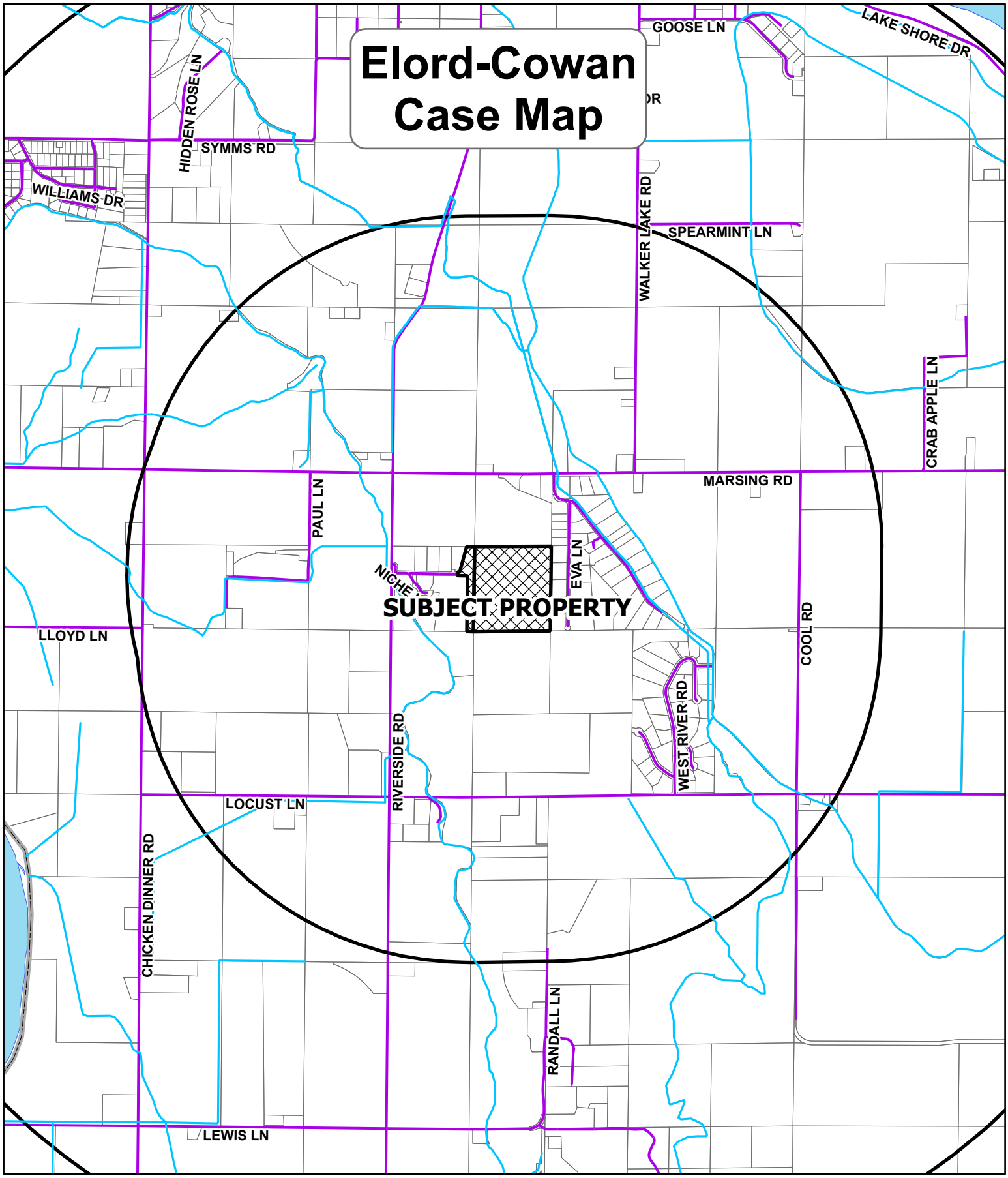
SUBDIVISIONS IN PLATTING

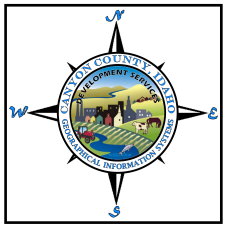
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

MOBILE HOME & RV PARKS

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

Elord-Cowan Case Map





YEAR

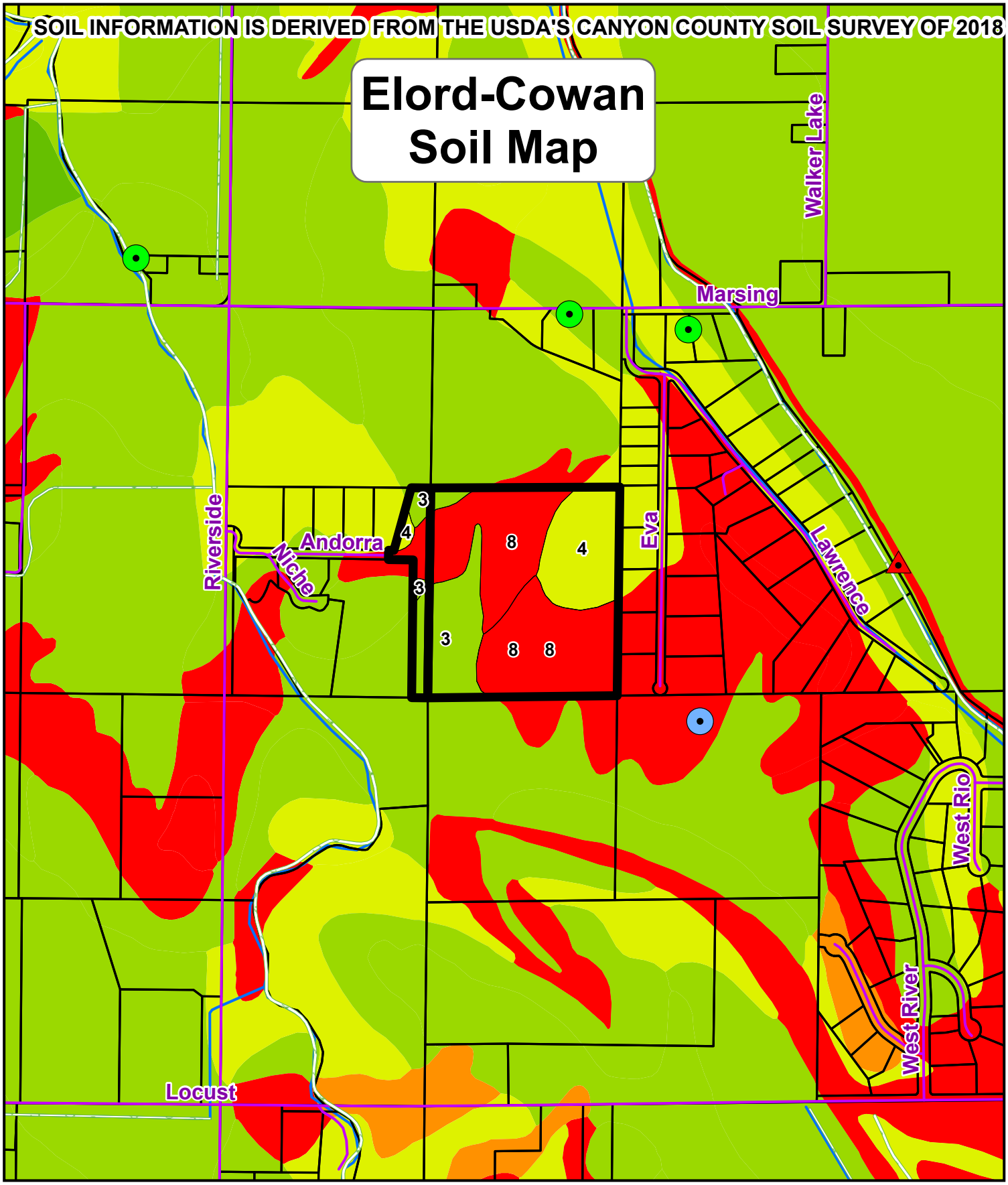
2023	2020
2022	2019
2021	2018

Exhibit B.2f

0 0.5 1 Miles

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

Elord-Cowan Soil Map



Nitrate Priority Wells

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

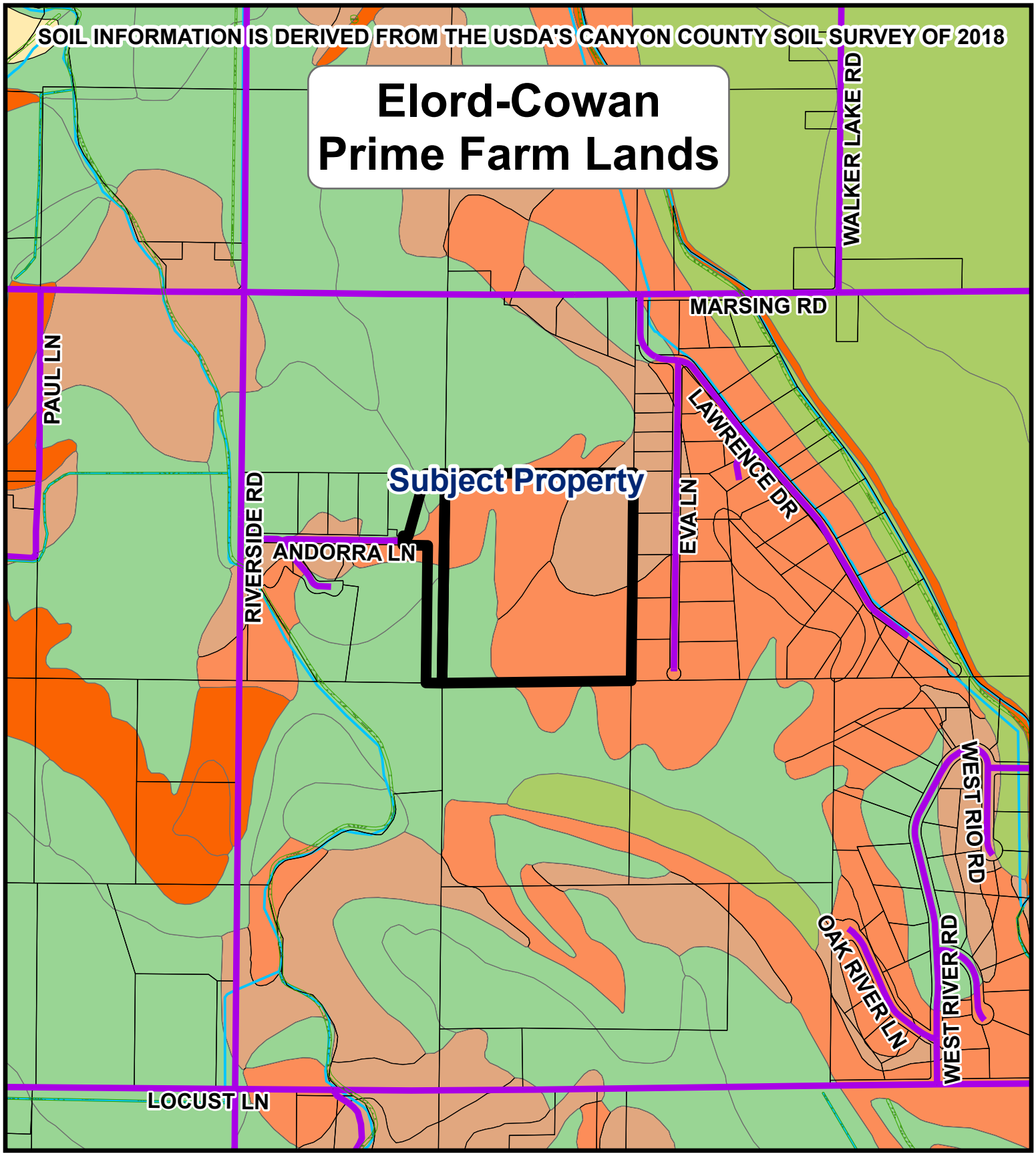
IDWR_2C_Geothermal_

Wetlands

0 0.25 0.5 Miles

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

Elord-Cowan 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

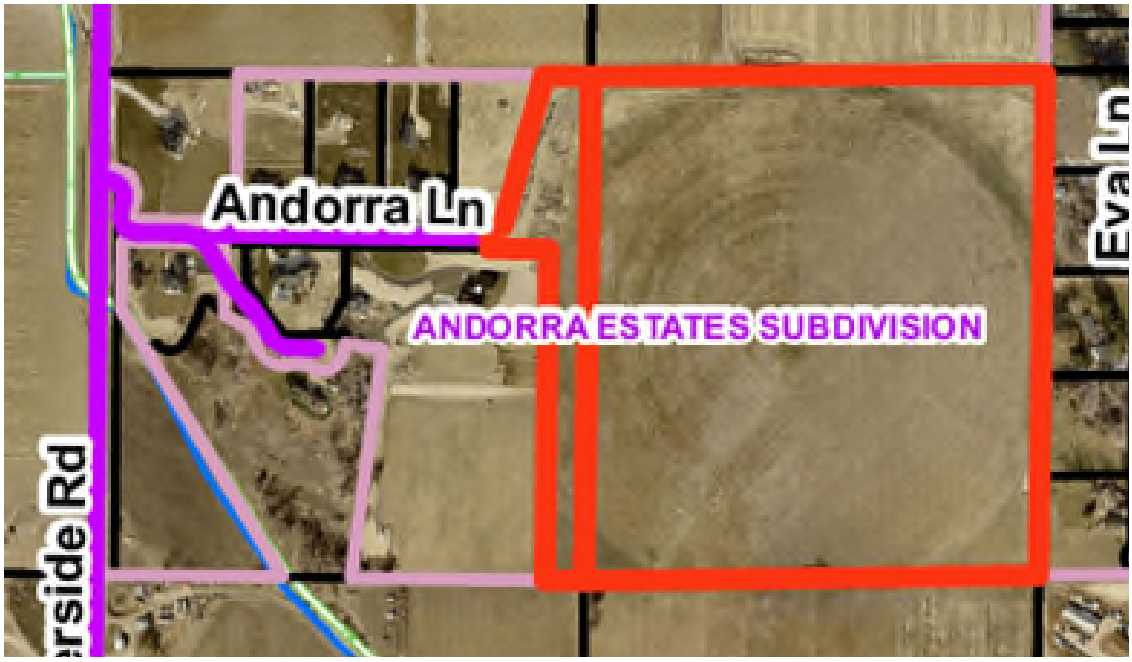
Exhibit B.2g - Page 2

0 0.125 0.25 Miles

CR2023-0012 – Elordi

GOOGLE-EARTH AERIAL HISTORY

Case Aerial



5/31/1992

6/11/2002

6/22/2006

6/6/2014

4/1/2016

6/29/2017

5/7/2020

6/28/2022

8/29/2023

2015-034114
RECORDED
09/01/2015 04:09 PM
0018662420150034114024 0240
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=24 EHOWELL $79 00
MISC
ELORDI, TONY

Director Administrative Decision

Canyon County Code of Ordinances 12-008 as amended by 15-009 §07-10-03, §07-10-17, §07-18-01

Case No:	AD2015-47
Parcel No (s):	R30262 & R30018
Prop Owner(s)/Appl:	Tony Elordi

Request and Findings: The applicant, Tony Elordi, has requested to complete an administrative division of original parcel R30262 and an administrative division with building permit relocations from original parcel Government Lot 5, R30018 with a property boundary adjustment between R30018 and R30262 to create an approximate 63.3 acre parcel. The relocation of two (2) permits from R30018 to R30262 will result in a clustering of residential lots on less viable agricultural land near Riverside Road (public). Mr. Elordi has completed the new road access per Nampa Highway District No. 1 requirements for the property and improved the existing road and farm access. Paving of the road is not required per CCZO 07-10-03 B.3.

Findings §07-18-03: Administrative Division with Relocation of Building permit: R30018

(1) The purpose of the relocations is to cluster homes on less viable farmland, R30262, thereby preserving the land that is currently in crop production as well as providing larger rural country residential parcels of greater than five (5) acres.

(2) The parcels exceed the one (1) acre minimum parcel size. The resulting parcels are greater than five (5) acres.

(3) Notification of the application for relocation of a building permit from an original parcel was sent to property owners within 300 feet of the subject properties (destination parcels) on July 17, 2015 for a 15 day comment period. DSD did not receive any letters in opposition of the relocations but did receive a letter from a concerned neighbor regarding a buried irrigation line/pipe that lies within parcels 3 and 4 (ROS 2015-033911). The properties are subject to an irrigation easement recorded as instrument number 2014-033042 and the approximate location of the pipeline has been noted on the record of survey.

Nampa Highway District restricted access onto Riverside Road to an access for parcel 1 in the northwest corner of R30262 and an additional residential access approximately 255 feet south of the northwest corner. The existing access to the original farmstead has been removed.

(4) Evaluation and Determination of Application:

a. The originating and destination parcels are contiguous by ownership.
b. The properties are owned by Tony Elordi.
c. The originating parcel, R30018 (Govt Lot 5), is an original parcel and has an administrative division available; old maps dated 1932.
d. The relocation will use the available administrative division on the originating parcel and no further divisions are available to those properties without jurisdictional approval.
e. The relocation results in clustering of homes on less viable pasture land that is not currently in crop production. The parcel sizes (5.96 and 6.89 acres) allow for continued agricultural uses such as grazing on the new residential parcels. The balance of parcel R30262, approximately 25.44 acres has a residential permit available and will be combined through a property boundary adjustment with parcel R30018 resulting in a consolidation of productive cropland for continued agricultural uses.
f. There has not been deliberate action to withhold productive farmland from production for the purpose of relocating permits.

Determination for BP Relocation: There were no letters in opposition to the requested relocation of a building permit from Parcel R30018 to R30262. The application to relocate two (2) building permits along with a property boundary adjustment as described above for the purpose of clustering residential parcels and preserving viable farmland, as reflected in ROS # 2015-033911, is in conformance with CCZO 12-008 §17-18-03 [(1)- (4)a-f].

Administrative Division of R30262 and Admin Div. w/BP Relocation of R30018 (Government Lot 5) as follows:

Parcels R30018 & R30262 to be divided in accordance with CCZO 12-008 as amended by 15-009, including Property Boundary Adjustments §07-10-17, Administrative Division §07-18-01, and Administrative Division with BP Relocation §07-18-03 as shown on ROS Inst. # 2015007918:

Administrative Division of **R30262, 41.36 acres,** including a property boundary adjustment combining R30018 and subject to a 60 foot ingress/egress/utility easement from Riverside Road as indicated on ROS #2015-033911:

Parcel 1 3.07 acres: Residential permit available

Parcel 2 63.30 acres: Residential permit available to the approx. 25.44 acre balance of R30262, R30018 (Government Lot 5 is an agricultural only parcel without further jurisdictional approval).

Administrative Division of the **R30018 (Government Lot 5)** with BP Relocation (originating parcel) including a property boundary adjustment combining R30018 with the balance of R30262 as shown on ROS #2015-033911.

Parcel 3: 5.96 acres ± Residential permit available (relocated from R30018 to R30262)

Parcel 4: 6.89 acres ± Residential permit available (relocated from R30018 to R30262)

Note: Instrument number 2014-033042 describes an easement agreement for a buried irrigation pipeline that benefits the property owner(s) to the south of parcels 3 and 4 including parcels R30265 and R3016010.

Property Boundary Adjustments	Current Acres	New Acres
R30018 (Govt Lot 5)	37.896 more or less	combined with R30262
R30262	41.36 more or less	63.3 more or less

Note: Parcel R30018 (Govt Lot 5) is an agricultural only parcel with no administrative division or residential permits available without further jurisdictional approval.

DECISION: The application to complete an administrative division of an original parcel and an administrative division of an original parcel with a building permit relocations with a property boundary adjustment is **APPROVED.** The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the properties. The Idaho Right to Farm Act (Idaho Code §22-4503) applies to this land use decision.

Patricia Nilsson
Director

September 1, 2015
Date

State of Idaho)

SS

County of Canyon County)

On this 1st day of SEPT, in the year of 20 15, before me DIANA DYAS, a notary public, personally appeared PATRICIA NILSSON, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

Notary: Diana Dyas

My Commission Expires: 3/28/2017

DIANA L. DYAS NOTARY PUBLIC STATE OF IDAHO

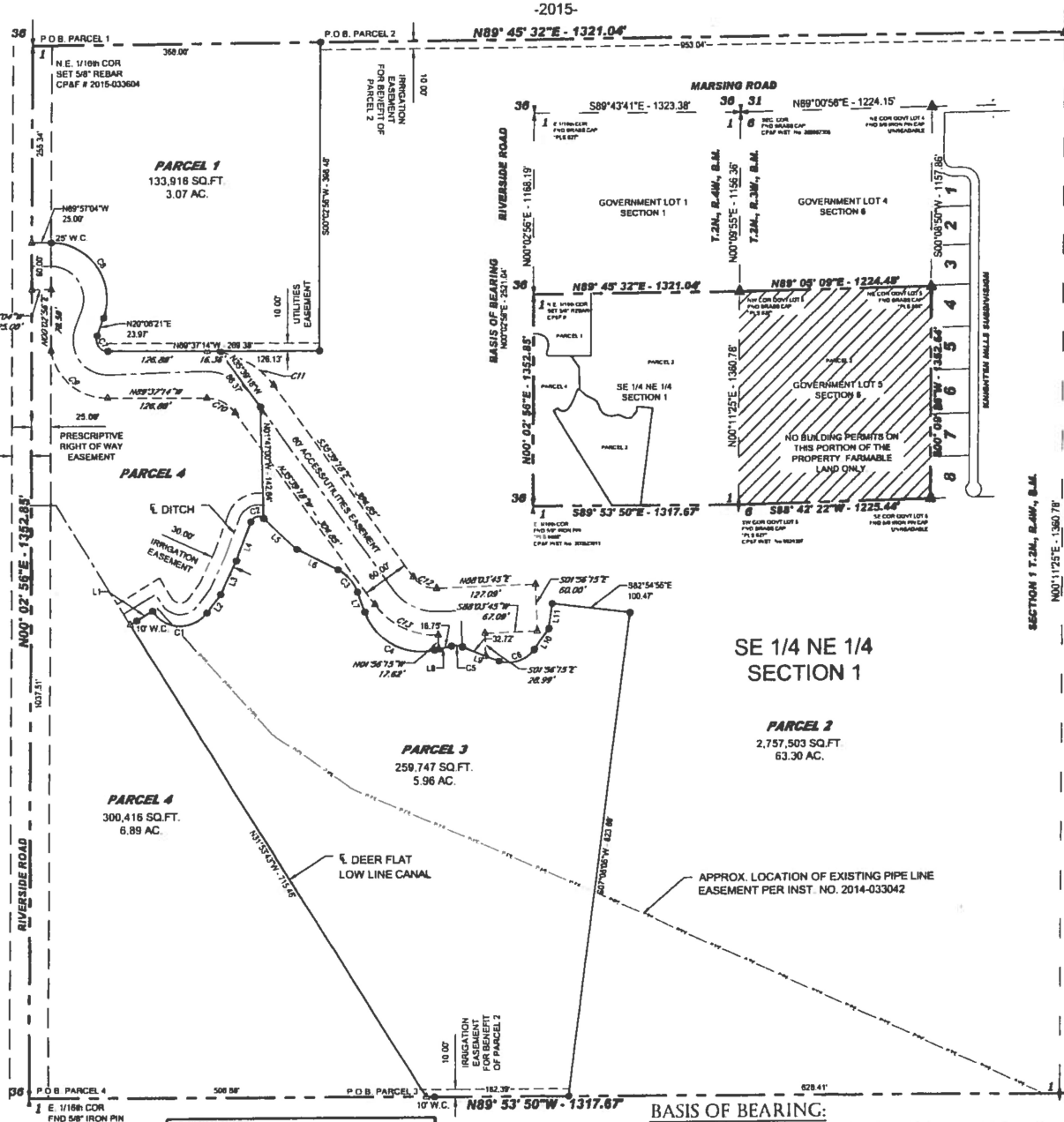
RECORD OF SURVEY FOR
TONY ELORDI

GOVERNMENT LOT 5 OF SECTION 6, TOWNSHIP 2 NORTH., RANGE 3 WEST., B.M.,
AND THE SE 1/4 OF THE NE 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 4 WEST, B.M.,
CANYON COUNTY, IDAHO
-2015-

SCALE: 1"=100'

2015-033911
RECORDED
08/31/2015 04:30 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=1 BJBROWN $15.00
SURVEY
TIMBERLINE SURVEYING

Exhibit B.4 - Page 3



LEGEND

- SECTION COR. MONUMENT AS NOTED
- 1/4 COR. MONUMENT AS NOTED
- 1/16 COR. MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR W/ CAP "KOERNER PLS 8251"
- CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- W.C. WITNESS CORNER
- BOUNDARY LINE
- RIGHT-OF-WAY LINE
- PARCEL LINE
- EASEMENT LINE
- SECTION LINE
- ADJOINER LINE

Curve Table						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C1	81.82'	42.00'	111°36'58"	61.82	69.46'	S87° 42' 12"E
C2	19.90'	10.00'	114°01'39"	16.41'	16.78'	S76° 46' 36"W
C3	38.79'	51.00'	43°34'33"	20.39'	37.88'	N41° 09' 04"W
C4	110.82'	76.00'	83°32'59"	67.88	101.26'	S61° 08' 17"E
C5	13.68'	23.00'	34°30'32"	7.14'	13.84'	N88° 39' 30"W
C6	50.84'	40.00'	72°49'25"	29.60'	47.46'	N71° 50' 58"E
C7	28.74'	15.00'	109°45'36"	21.33'	24.54'	S34° 44' 27"E
C8	138.82'	72.28'	110°05'28"	103.36'	118.43'	N34° 54' 22"W
C9	103.43'	75.00'	79°00'57"	61.84'	95.43'	S50° 08' 48"E
C10	42.38'	45.00'	53°57'56"	22.91'	40.84'	N63° 38' 16"W
C11	98.90'	105.00'	53°57'56"	53.46'	95.28'	N63° 38' 16"W
C12	34.36'	35.00'	56°16'57"	18.72	33.02'	S63° 47' 47"E
C13	93.32'	96.00'	56°16'57"	50.81'	89.61'	S63° 47' 47"E

Line Table		
Line #	Length	Direction
L1	33.37'	N58° 08' 17"E
L2	29.38'	N38° 29' 18"E
L3	47.14'	N25° 03' 38"E
L4	54.02'	N19° 46' 47"E
L5	58.00'	S48° 12' 34"E
L6	58.46'	S62° 58' 21"E
L7	27.38'	S19° 21' 48"E
L8	22.11'	N77° 08' 13"E
L9	51.08'	S68° 24' 14"E
L10	32.23'	N35° 28' 18"E
L11	32.21'	N07° 48' 00"E

CERTIFICATE:

I, LAWRENCE H. KOERNER DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY AND THAT IT IS IN CONFORMITY WITH THE CORNER PERPETUATION AND FILING ACT, IDAHO CODE 55-1601 THROUGH 55-1612.

LAWRENCE H. KOERNER — 8/31/15 — LICENSE No. 8251

PROFESSIONAL LAND SURVEYOR REGISTERED 8251 STATE OF IDAHO LAWRENCE H. KOERNER

TIMBERLINE SURVEYING
847 PARKCENTRE WAY, SUITE 1 NAMPA, IDAHO 83651
P: 208-465-5687 ~ F: 208-465-5690

FILE: [illegible]
JOB NO: 15024
SHEET: 1 OF 1
INDEX NO. 124-1-1-2-00-00

DISCLAIMER

Timberline Surveying assumes no responsibility for present or future compliance or noncompliance of any ordinance to include building permits or the issuance thereof.

BASIS OF BEARING:

The West line of the East 1/2 of the Southwest 1/4 of Section 1, Township 2 North, Range 4 West, Boise Meridian, taken as North 00°02'56" East and distance between monuments found to be 2521.04 feet.

RECORD DATA

ROS INST. No. 200672321
ROS INST. No. 9939496
FINAL PLAT OF KNIGHTEN HILLS SUBDIVISION
WARRANTY DEED INST. No. 2014-044408

UNOFFICIAL COPY

NOT OFFICIAL
SEE ORIGINAL IN RECORDER'S
OFFICE

2017-043325
RECORDED
10/05/2017 02:36 PM

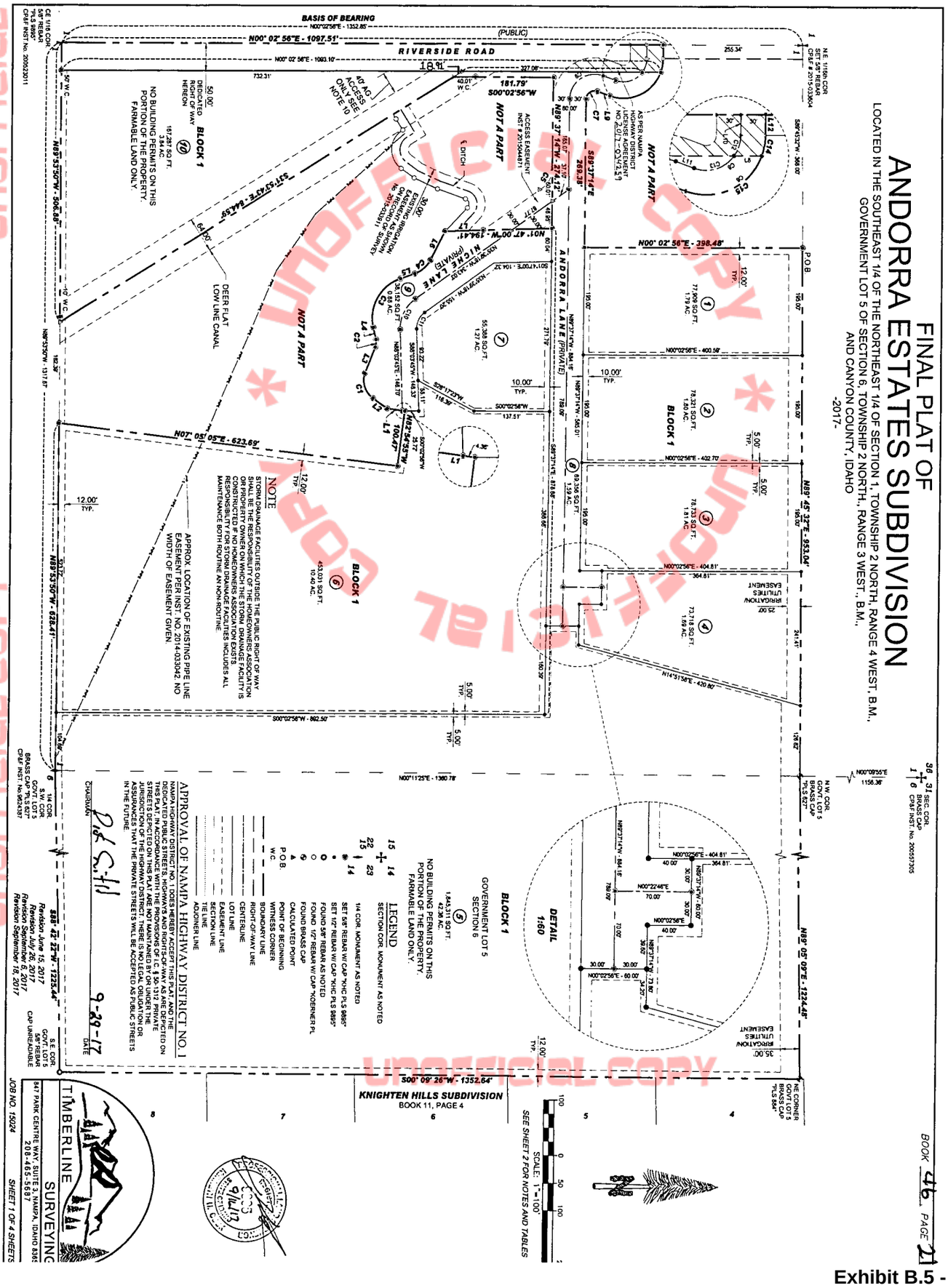
0032802320170043325004004 0

CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 EHOWELL $11.00
PLAT
TERRY AND TONY ELORDI

FINAL PLAT OF ANDORRA ESTATES SUBDIVISION

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

-2017-



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BOOK 46 PAGE 21

FINAL PLAT OF
ANDORRA ESTATES SUBDIVISION

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

NOTES:

1. LOTS 1-4, 6, 7, BLOCK 1 WILL BE FOR SINGLE FAMILY USE. LOTS 5 AND 10, BLOCK 1 HAVE NO BUILDING PERMIT AND ARE FOR AGRICULTURAL USE ONLY PER DEVELOPMENT AGREEMENT #16-226. LOTS 8 AND 9, BLOCK 1 ARE ACCESS LOTS ONLY AND OWNED AND MAINTAINED BY HOME OWNERS PER USER'S MAINTENANCE AGREEMENT INST. NO. 2017-028174
2. ALL LOTS HAVE A 5 FOOT UTILITY EASEMENT ON THE SIDES, A 10 FOOT UTILITY EASEMENT IN THE REAR, A 10 FOOT UTILITY EASEMENT IN THE FRONT AND A 12' UTILITY EASEMENT ON THE BOUNDARY, UNLESS NOTED.
3. BLOCK 1, LOTS 5, 6, 7, AND 10 CONTAIN AREAS OF 15% SLOPE OR GREATER. ANY GROUND DISTURBING ACTIVITIES WITHIN THESE NO-BUILD SLOPE AREAS SHALL REQUIRE SUBMISSION OF ENGINEERED GRADING AND DRAINAGE PLANS TO THE COUNTY FOR APPROVAL BY THE COUNTY ENGINEER PRIOR TO ANY GRADING, FILLING, CLEARING OR EXCAVATING OF MORE THAN 1,500 SQUARE FEET, NOT INCLUDING TEST HOLES OR FENCE INSTALLATION.
4. LOTS 1-4, 6, 7, BLOCK 1 WILL CONTAIN INDIVIDUAL SEPTIC SYSTEMS. ALL SEPTIC SYSTEMS MUST BE APPROVED BY THE SOUTHWEST DISTRICT HEALTH DEPARTMENT. LOTS 5 AND 10, BLOCK 1 ARE NON-BUILDABLE LOTS AND CONTAIN SANITARY SEWER RESTRICTIONS.
5. LOTS 1-4, 6, 7, BLOCK 1 WILL BE SERVED BY INDIVIDUAL WATER WELLS.
6. ALL WELL AND SEPTIC PLACEMENTS MUST MATCH THE APPROVED REPORT ON FILE WITH THE SOUTHWEST DISTRICT HEALTH DEPT. NO CHANGES ARE ALLOWED UNLESS APPROVED.
7. ALL STORM WATER MUST BE RETAINED ON EACH INDIVIDUAL LOT.
8. IRRIGATION WATER HAS BEEN PROVIDED FROM THE WILDER IRRIGATION DISTRICT IN COMPLIANCE WITH IDAHO CODE 31-3805. THE OWNER OF THIS SUBDIVISION HAS PROVIDED AN UNDERGROUND IRRIGATION SYSTEM. LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE WILDER IRRIGATION DISTRICT FOR SAID IRRIGATION WATER. THE PRESSURE IRRIGATION SYSTEM WITHIN THIS DEVELOPMENT SHALL BE MAINTAINED BY THE OPERATOR PER DOCUMENT RECORDED 2017-028174
9. LOT 10, BLOCK 1 IS SUBJECT TO A BOISE PROJECT BOARD OF CONTROL FACILITY (DEER FLAT LOW LINE CANAL). ANY PROPOSED AND/OR FUTURE USAGE OF THE BOISE PROJECT BOARD OF CONTROL FACILITIES ARE SUBJECT TO IDAHO STATUTES, TITLE 42-1209. THERE SHALL BE NO DISCHARGE INTO THE LIVE IRRIGATION SYSTEM.
10. LOTS 1-5 AND 7, BLOCK 1 WILL ACCESS FROM THE ANDORRA LANE. LOT 6 AND EXISTING LOTS WILL ACCESS FROM NICHE LANE. SUBDIVISION LOTS SHALL HAVE ACCESS TO INTERNAL SUBDIVISION ROADS ONLY EXCLUDING LOT 10. LOT 10 ACCESS TO RIVERSIDE ROAD IS AGRICULTURAL ONLY.
11. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
12. ANY RE-SUBDIVISION OF THIS PLAT SHALL BE IN COMPLIANCE WITH THE MOST RECENTLY APPROVED SUBDIVISION STANDARDS IN EFFECT AT THAT TIME AND IN ACCORDANCE WITH DEVELOPMENT AGREEMENT NO. 16-226.
13. HISTORIC IRRIGATION LATERAL, DRAIN, AND DITCH FLOW PATTERNS SHALL BE MAINTAINED UNLESS APPROVED IN WRITING BY THE LOCAL IRRIGATION DISTRICT OR DITCH COMPANY.
14. ALL LOTS ARE SUBJECT TO A ROAD USER'S MAINTENANCE AGREEMENT PER INSTRUMENT NO. 2017-028174.
15. ALL LOTS ARE SUBJECT TO A WATER USER'S MAINTENANCE AGREEMENT PER INSTRUMENT NO. 2017-028174.
16. ALL SECTION AND QUARTER SECTION LINES REQUIRE A 70' SET BACK
17. NO NEW DEVELOPMENT OR REDEVELOPMENT OF LAND MAY DISCHARGE STORM WATER ONTO HIGHWAY DISTRICT RIGHT-OF1WAY OR INTO THE DISTRICTS MUNICIPAL SEPARATE STORM SEWER SYSTEM

Line Table

Line #	Length	Direction
L1	32.21'	S07° 48' 00"W
L2	32.23'	S35° 26' 16"W
L3	51.06'	N68° 24' 14"W
L4	22.11'	S77° 05' 13"W
L5	27.38'	N19° 21' 48"W
L6	58.45'	N62° 56' 21"W
L7	69.56'	N01° 47' 00"W
L8	33.73'	S00° 02' 56"W
L9	23.97'	S20° 08' 21"W
L10	25.00'	S89° 57' 04"E
L11	23.97'	S20° 08' 21"W
L12	25.00'	S89° 57' 04"E

Curve Table

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C1	50.84'	40.00'	72°49'25"	29.50'	47.49'	N71° 50' 59"E
C2	13.85'	23.00'	34°30'32"	7.14'	13.64'	N85° 39' 30"W
C3	110.82'	76.00'	83°32'59"	67.89'	101.26'	N61° 08' 17"W
C4	38.79'	51.00'	43°34'33"	20.39'	37.86'	N41° 09' 04"W
C5	42.38'	45.00'	53°57'56"	22.91'	40.84'	N62° 38' 16"W
C6	138.82'	72.25'	110°05'25"	103.35'	118.43'	S34° 54' 21"E
C7	28.74'	15.00'	109°45'35"	21.33'	24.54'	S34° 44' 27"E
C9	86.21'	45.00'	109°45'35"	63.98'	73.62'	S34° 44' 27"E
C10	63.85'	65.00'	56°16'57"	34.77'	61.31'	S63° 47' 47"E
C11	34.38'	35.00'	56°16'57"	18.72'	33.02'	S63° 47' 47"E
C12	26.75'	42.25'	36°16'50"	13.84'	26.31'	N71° 48' 39"W
C13	54.42'	42.25'	73°48'35"	31.73'	50.74'	N16° 45' 56"W
C14	25.53'	72.25'	20°14'40"	12.90'	25.40'	S79° 49' 43"E
C15	113.29'	72.25'	89°50'44"	72.05'	102.04'	S24° 47' 01"E

PROFESSIONAL LAND SURVEYOR REGISTERED 9895 9/6/17 STATE OF IDAHO KENNETH H. COCK

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

TIMBERLINE SURVEYING
847 PARK CENTRE WAY, SUITE 3, NAMPA, IDAHO 83651
208-465-5687

JOB NO. 15024 SHEET 2 OF 4 SHEETS

UNOFFICIAL COPY

Canyon County Board of Commissioners
Andorra Estates Subdivision, SD-PH2016-63
Development Services Department *April 19, 2017*

FINDINGS, CONCLUSIONS, CONDITIONS, ORDER

Findings

1. The property is currently conditionally zoned "CR-RR" (Rural Residential).
2. The subdivision contains six (6) residential lots, two restricted agricultural only lots, and two road blocks on approximately 68.48 acres (Attachment A).
3. Block 1, Lot 5 containing 42.36 acres is restricted to Agricultural uses only-no building permits available.
4. Block 1, Lot 10 containing 4.79 acres is restricted to Agricultural uses only-no building permits available.
5. The average residential lot size 3.14 acres.
6. The development including Block 1, Lots 5, 6, 7 and 10 contain slopes greater than 15% with no-build zones identified on residential lots 6 & 7 and agricultural lot 5.
7. The proposed preliminary plat and irrigation plan is in conformance with CCZO Article 17, Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions, and Idaho Code, Sections 50-1301 through 50-1329 (Platting) and Idaho Code, Section 31-3805 (Irrigation) as conditioned.
8. The property is not located within an area of city impact.
9. The subject property is located within the Wilder Irrigation District, Marsing Fire District, Vallivue School District, and Nampa Highway District #1.
10. The developer is proposing pressurized irrigation to all lots within the development.
11. The development will be served by individual well and septic systems.
12. The development will access the public road, Riverside Road, via private roads Andorra Lane and Niche Lane.
13. The record includes all testimony, the staff report, exhibits, and documents in case file No. SD-PH2016-63.
14. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 02/03/17 and 03/28/17, Newspaper notice was provided on 02/28/17 and 4/2/17, property owners within 300' were notified by mail on 02/22/17 and 3/28/17, and the property was posted on 03/01/17 and 4/12/17.
15. The Planning and Zoning Commission forwarded this case with a recommendation of approval as conditioned on March 16, 2017.

Conclusions of Law

The Board has the authority to hear this case approve, deny or modify. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and County ordinances.

Conditions of Approval

1. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
2. A Preliminary Plat note shall be affixed to the front page stating *"Block 1, Lots 5, 6, 7 and 10 contain area of 15% slope or greater. Any ground disturbing activities within these no-build slope areas shall require an engineered grading and drainage plan prior to any grading, filling, clearing or excavating of more than 1500 square feet, not including test holes or fence installation."*
3. Preliminary Plat Drainage Plan: Show an erosion control method for bottom and sides of retention facilities (Keller Review-Attachment C).
4. Graphically show the existing easement for the pipeline crossing Lots 5 & 6, Block 1 (Keller Review-Attachment C).
5. The engineer/surveyor (developer) shall provide a storm water management plan for the private road and shared private drive. (Keller Review-Attachment C) prior to the Board signing the final plat.

6. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company. (Keller Review-Attachment C)
7. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved. Storm water runoff shall be maintained on the subject property. (Keller Review-Attachment C)
8. Tony Elordi (developer) shall provide a short-term plan that will protect the roadside swales from disturbance as a result of home construction on individual lots. The plan shall describe how the swales will be protected and repaired. The plan shall be provided to the Development Services Department at the time of the final plat and to each individual lot owner.
9. Tony Elordi (developer) shall prepare a long-term plan for protection and maintenance of berms, individual lot swales and roadside swales (e.g. planting of trees, filling/regrading swale, and damage as a result of roadside parking). All drainage devices and structures shall be maintained to prevent erosion, flooding and stormwater migration off site. The plan shall be provided to the Development Services Department at the time of the final plat and to each individual lot owner.
10. The development shall comply with Wilder Irrigation District requirements.
11. The development shall comply with Boise Project Board of Control requirements (Attachment E)
12. The development shall comply with Southwest District Health requirements.
13. The development shall comply with requirements of Nampa Highway District #1 as indicated in Attachment B attached hereto.
14. The development shall comply with CCZO §07-10-03 Private Road and Driveway Requirements.
15. The developer shall submit a Road User's Maintenance Agreement (RUMA) for the private road, Andorra Lane and Niche Lane, serving the development for approval by the Director and the approved RUMA shall be recorded with the Canyon County Recorders' Office prior to the Board signing the Final Plat.
16. A Water User's Maintenance Agreement (WUMA) for all lots within the development which shall be recorded with the Canyon County Recorders' Office prior to the Board signing the Final Plat. The WUMA shall describe the delivery method to each lot, how the water is to be distributed to the lots, the water delivery schedule and requirements for ordering water from the Irrigation Company. The WUMA shall also describe the expectations of operation and maintenance of the shared pressurized water system and the responsibility of each lot owner and homeowners' association with regards to cost and maintenance of the system.
17. The Final Plat shall include the following note: 1. *"Block 1, Lots 5, 6, 7, and 10 (Attachment A) require submission of engineered grading and drainage plans to the County for approval by the County Engineer prior to any grading, filling, clearing or excavating of more than 1,500 square feet, not including test holes or fence installation."*

DEVELOPMENT AGREEMENT #16-226 "EXHIBIT B"
CONDITIONS OF APPROVAL
FOR CONDITIONAL REZONE APPLICATION PH2016-30

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.

2. The subject properties, R30262 and R30018 shall be developed and platted in substantial conformance to the Site Plan in Exhibit "C" Development Agreement 16-226.

3. The development shall have six (6) residential lots with a minimum average residential lot size of two (2) acres.

4. Proposed Lots 5 and 9 (Exhibit "C" Development Agreement 16-226) shall not have residential building permits available and shall remain in irrigated agricultural production.

5. The applicants shall have a Road User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.

6. The development shall have pressurized irrigation to each lot.

7. The applicants shall have a Water User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.

8. Niche Lane, a private road, shall be constructed in accordance with the Canyon County Zoning Ordinance requirements at time of development.

9. The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

10. The development shall comply with Boise Project Board of Control requirements as indicated in Exhibit "D" of Development Agreement 16-226.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD-PH2016-63, the Board of County Commissioners **approve** the Preliminary Plat, Irrigation, and Drainage Plans for Andorra Estates Subdivision, a six (6) residential lot development, with two (2) restricted Agricultural lots, and two (2) private road lots, subject to the Conditions of Approval as enumerated herein and within Development Agreement #16-226.

APPROVED this 19 day of April, 2017.

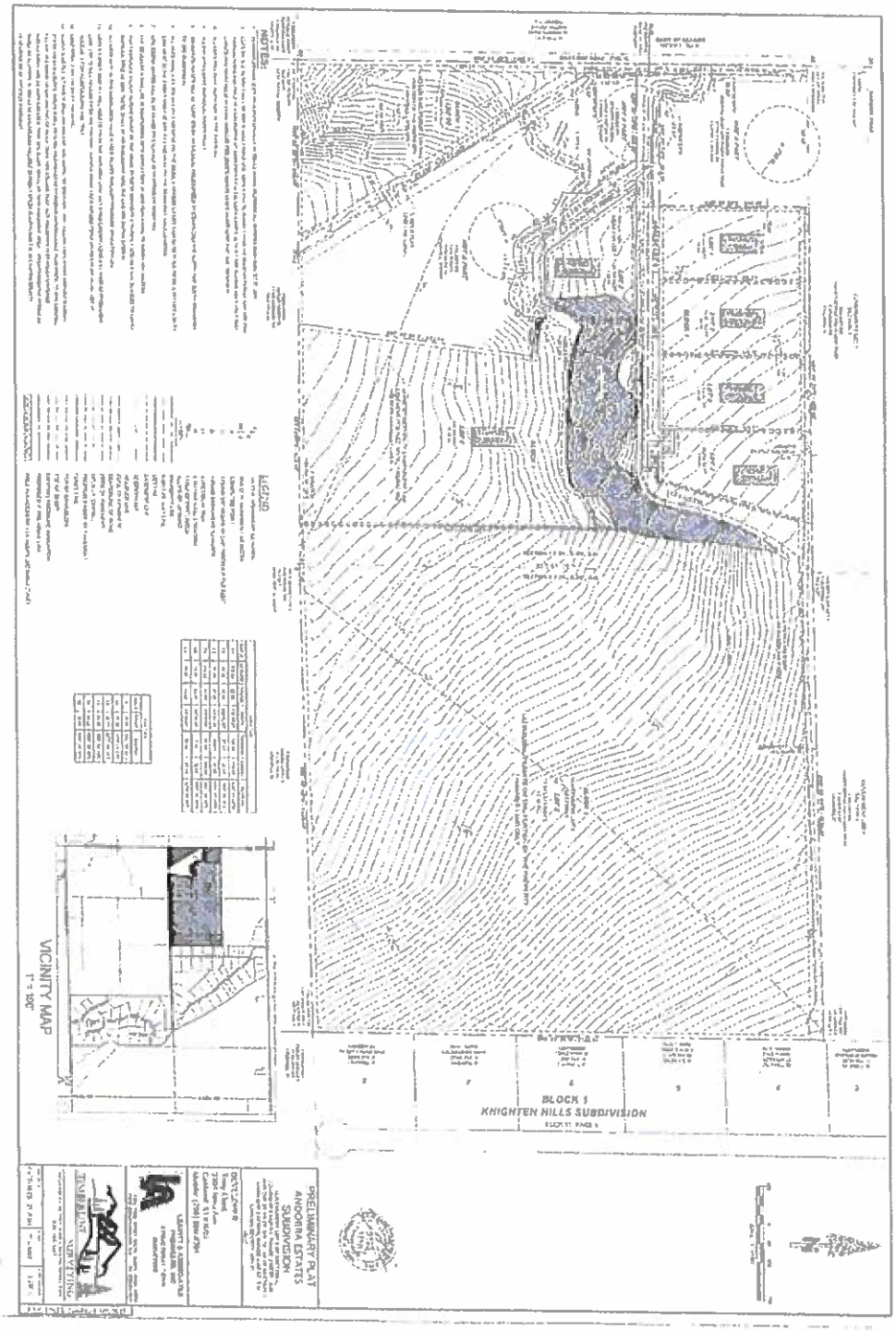
	Yes	No	Did Not Vote
Tom Dale, Chairman	✓		
Commissioner Steven J. Rule	✓		
Commissioner Pam White	✓		

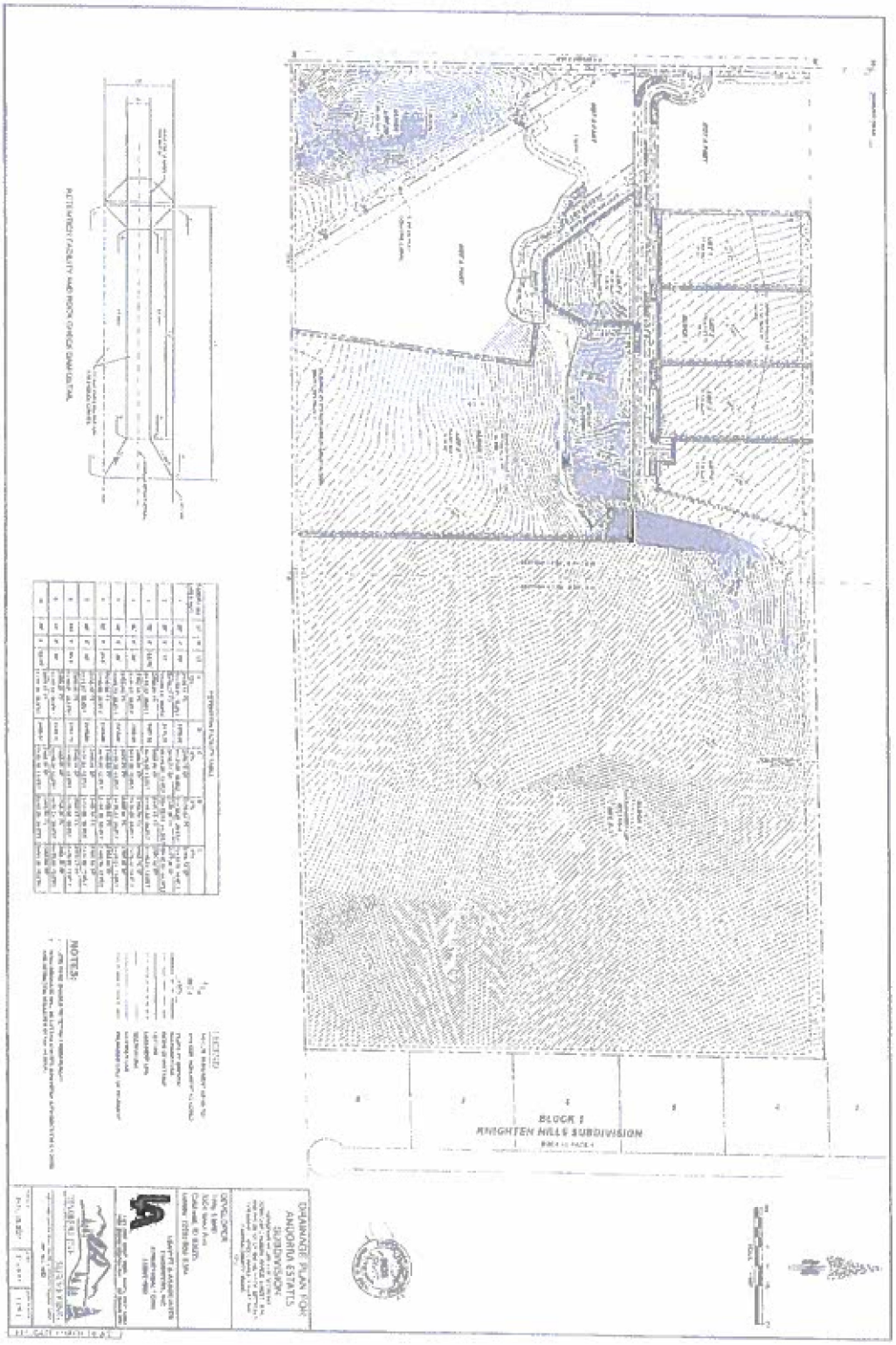
Attest: Chris Yamamoto, Clerk

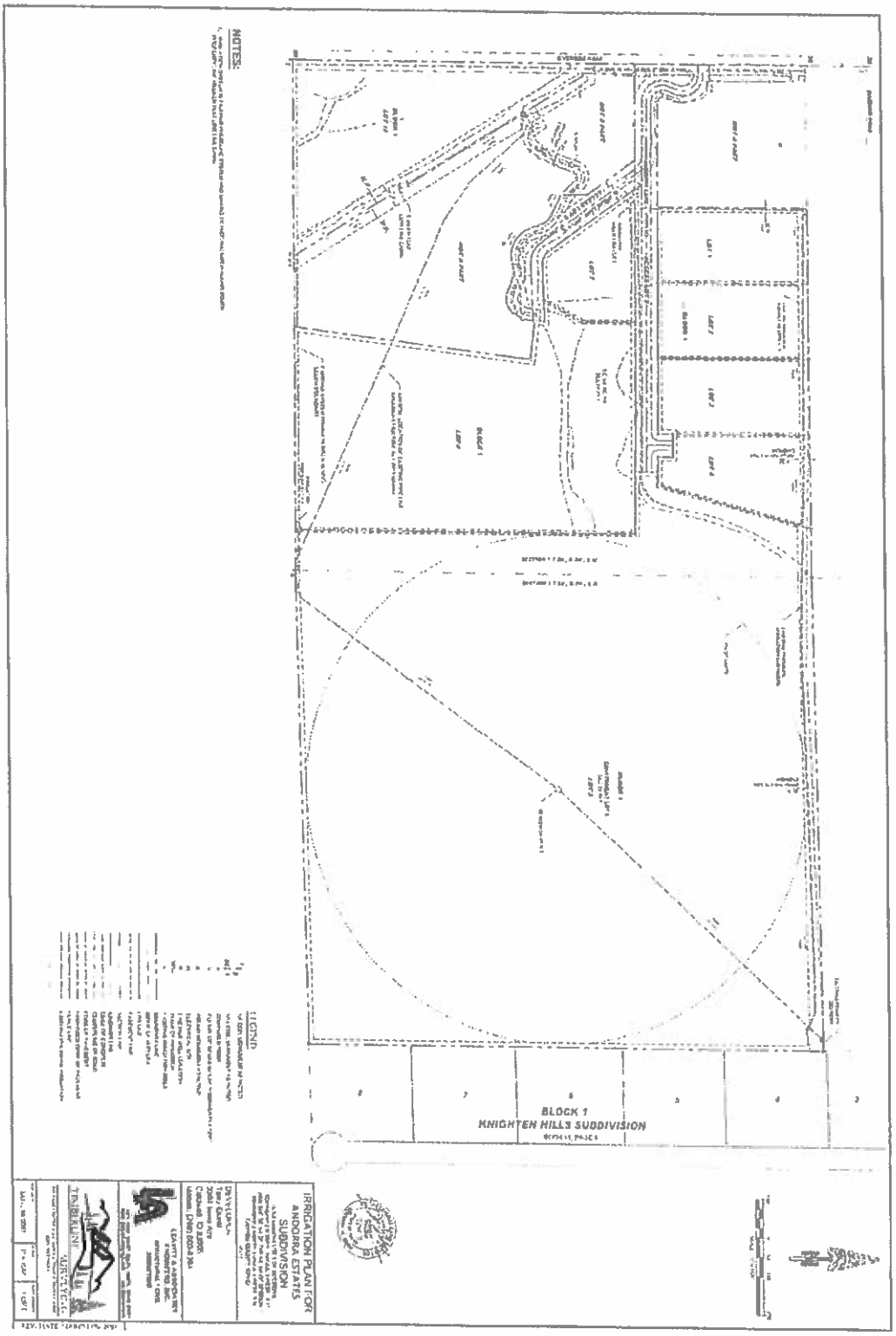
By: _____ Date: 4-19-17

Deputy

ATTACHMENT "A"
PRELIMINARY PLAT, IRRIGATION & DRAINAGE PLAN
(LARGE COPY Provided to Commissioners)




DRAINAGE PLAN FOR
ANDORRA ESTATES
SUBDIVISION
BLOCK 1
KNIGHTEN HILLS SUBDIVISION
NOTES:


NOTES:
LEGEND
BLOCK 1
KNIGHTEN HILLS SUBDIVISION
IRRIGATION PLAN FOR
ANDORRA ESTATES
SUBDIVISION

ATTACHMENT "B"
NAMPA HIGHWAY DISTRICT #4

Debbie Root

From:	Eddy Thiel <eddy@nampahighway1.com>
Sent:	Wednesday, February 08, 2017 10:02 AM
To:	Debbie Root
Subject:	SD-PH2016-63

Good Morning Debbie,

The Nampa Highway District #1 has no objection to the proposed Andorra Estates Subdivision submitted by Tony Elordi subject to the following conditions;

1. Lot 10 will require an approved Variance Request due to Riverside Road having a functional classification of Rural Minor Arterial. ACCHD Standards Section 3061.020.A. states "no new direct access to arterial roadways".
2. Lot 10 will also require an approve Variance Request for direct subdivision lot access. Nampa Highway District #1 Supplemental Specifications Section 3061.070 states "No access shall be allowed to land in a platted subdivision other than to internal subdivision streets or as otherwise shown on the plat". All other lots are to use Andorra Lane to access Riverside Road.

We recommend these comments be addressed prior to plat approval. If you have any questions or comments feel free to contact us.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45 • Nampa, Id 83686
TEL 208.467.6576 • FAX 208.467.9916

1

ATTACHMENT "C"
COUNTY SURVEYOR/ENGINEER REVIEW AND CONDITIONS

KELLER associates
131 SW 5th Avenue, Suite A • Meridian, ID 83642
208 288 1992 phone • 208 288 1999 fax • www.kellerassociates.com

February 27, 2017

Ms. Debbie Root
Canyon County Planner
Development Services Department
1115 Albany Street
Caldwell, Idaho 83605

Re: Andorra Estates Preliminary Plat Application

Dear Ms. Root:

Keller Associates, Inc. has reviewed the preliminary plat for the Andorra Estates Subdivision dated February 1, 2017. We reviewed the applicant's package for conformance with the Canyon County Code Ordinance Article 17. We have the following comments in order for the applicant to satisfy the County's requirements:

1. Riverside Road Should be labeled as "Public" behind or below the road name.
2. Provide a note, or otherwise indicate on the preliminary plat, that no earthmoving activities shall be allowed in areas designated as hillside without specific approval from Canyon County Development Services Department.
3. Show an erosion control method for bottom and sides of retention facilities
4. Graphically show the existing easement for the pipeline crossing lots 5 & 6 block 1
5. Developer shall provide information for who will be responsible for ownership and maintenance of private roads located in the subdivision. Provide a road user's maintenance agreement for Andorra Lane and Niche Lane.
6. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
7. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
8. Propose a short-term plan that will protect the roadside swales from disturbance as a result of home construction on individual lots. How will the swales be protected / repaired?
9. Prior to final plat approval, provide a long-term plan for protection and maintenance of roadside swales (i.e. planting of trees, filling/regrading swale, and damage as result of roadside parking).
10. Plat shall comply with requirements of the local highway district.
11. Plat shall comply with irrigation district requirements.

213060-030/17-066

12. Plat shall comply with Southwest District Health requirements.

We recommend that the **conditions 1 through 5** listed above be addressed prior to approval of the preliminary plat. Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County. Approval of the above-referenced Preliminary Plat, when granted, does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you should have any questions, please feel free to contact me at (208) 288-1992.

Sincerely,

KELLER ASSOCIATES, INC.

Ryan V. Morgan, P.E.
County Engineer

cc: File

213060-030/17-066

ATTACHMENT "D"

Southwest District Health
13307 Miami Lane • Caldwell, Idaho 83607 • (208) 455-5300 • Fax (208) 454-7722

1008 East Locust
Emmett, ID 83617
(208) 365-6371

1155 3rd Avenue North
Payette, ID 83661
(208) 642-9321

46 West Court Street
Weiser, ID 83672
(208) 549-2370

132 East Idaho St
Homedale, ID 83628
(208) 337-4931

Administration
455-5317

Environmental Health
455-5300

Family Health
455-5305

General Support
455-5320

Nutrition and Health Promotion
455-5321

February 7, 2017

Tony Elordi
3304 Iowa Ave
Caldwell, Idaho 83605

Mr. Elordi,

Southwest District Health has completed a review of the 6 buildable lots proposed on the existing 68.48-acre tract located of Niche Ln. (Township 2N-Range-4W-Section-1-1/4Section-NE) Southern Canyon county. The proposal and associated engineering appear to meet acceptable standards.

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval if significant changes are proposed.

Please contact us if you have any questions.

Respectfully,

Timothy Wright, Land Development Senior, Southwest District Health.

Adams, Canyon, Gem, Owyhee, Payette and Washington Counties

ATTACHMENT "E"

BRIAN McDEVITT
CHAIRMAN OF THE BOARD

RICHARD DURRANT
VICE CHAIRMAN OF THE BOARD

TIMOTHY M. PAGE
PROJECT MANAGER

ROBERT D. CARTER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

JERRI FLOYD
ASSISTANT SECRETARY
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

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

27 February 2017

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

RE: Tony Elordi- Andorra Estates **Case # SD-PH2016-63**
Riverside Rd. approx. 1460 feet south of Riverside and Marsing Rd.
Wilder Irrigation District W-26, W-26-1
Deer Flat Lowline Canal 1451+80A
Yarnell Lateral 47+90
High Sub Lateral 00+80
Sec. 01, T2N, R4W, BM. & Sec. 06, T2N, 3W, B.M.

MAR 0 1 2017

Debbie Root:

The United States' Deer Flat Lowline Canal and the High Sub Lateral lie within the boundary of the above mentioned location. The easements for these facilities are 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 these facilities. We assert the federal easement 32 feet westerly and 32 feet easterly of the Deer Flat Lowline canal's center line and we assert 15 feet northerly and 15 feet southerly of the High Sub lateral's centerline which includes the box structure. Whereas these areas are for the operation and maintenance of our facilities, no activity should hinder our ability to do so.

Fencing (as may be required) must be constructed just off the canal easement.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the lateral 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, which plan to cross irrigation facilities in order to service this development, must do so only in accordance with the master policies now held between the Bureau of

Reclamation and each utility. In any case no work shall take place within the easement before the proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

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

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

NO DISCHARGE into the live irrigation system is permitted.

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

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 Statues, Title 42-1209.

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

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

Sincerely,

Bob Carter
Assistant Project Manager- BPBC

bdc/bc

cc:	Duane Casey	Watermaster, Div; 4 BPBC
	Diane Paulsen	Secretary- Treasurer, WID
	File	

Canyon County Board of Commissioners
Tony and Teresa Elordi, CR-PH2016-30 FCCO's

Development Services Department August 22, 2016

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

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

Findings of Fact

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

Conclusions of Law

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Order of Decision:

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

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

APPROVED this 22 day of August, 2016.

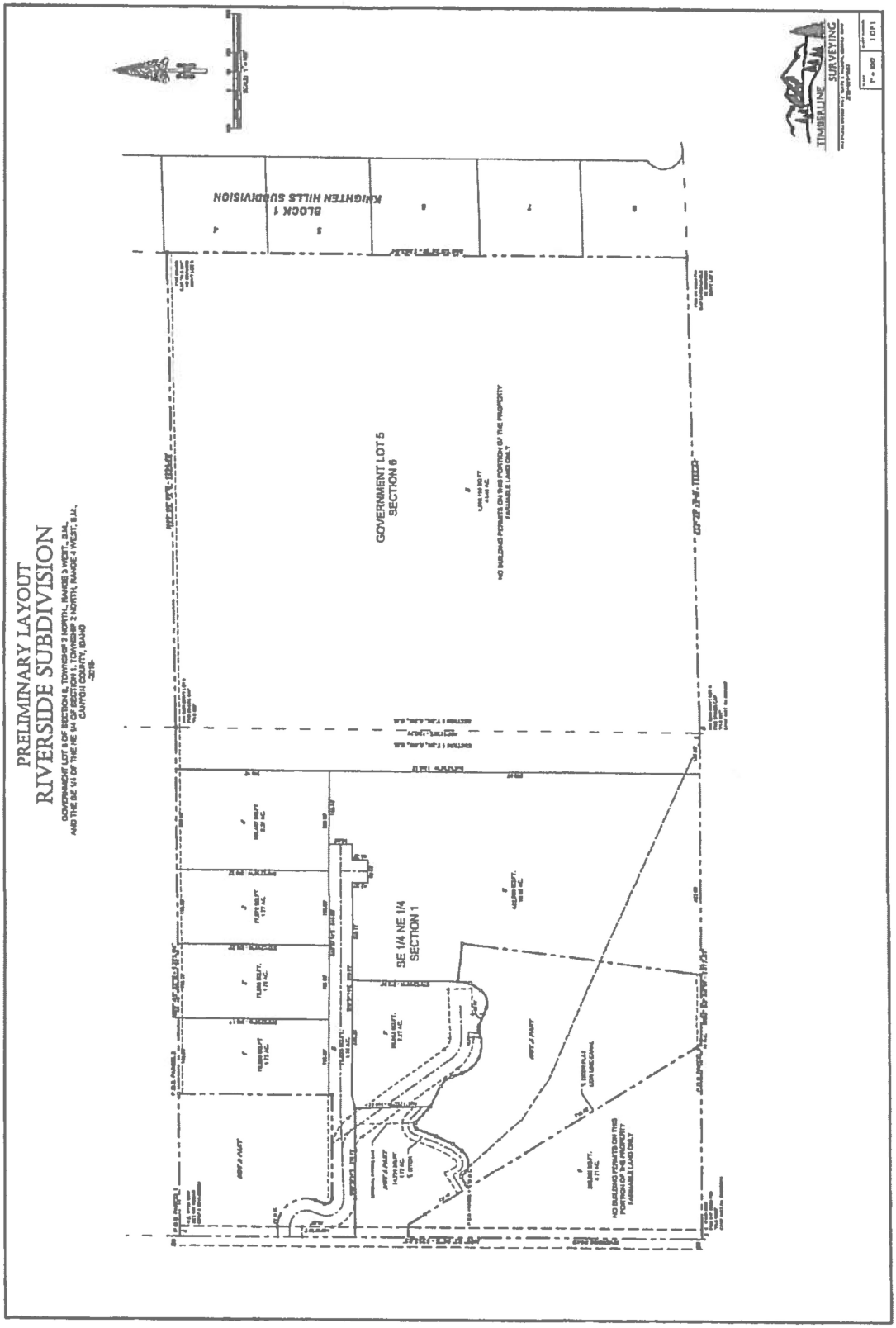
	Yes	No	Did Not Vote
Steven J. Rule, Chairman	✓		
Commissioner Craig L. Hanson	✓		
Commissioner Tom Dale		✓	

Attest: Chris Yamamoto, Clerk

By: Monica Gomez
Deputy

Date: 8-22-16

ATTACHMENT "A"



015-230

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
1115 Albany Street • Caldwell, Idaho • 83605 • Phone (208) 454-7458
Fax: (208) 454-6633 • www.canyoncounty.org/dsd

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 16-226

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

RECITALS

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

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

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

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

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

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

2016-040997
RECORDED
10/05/2016 08:35 AM
0025837720160040997016016 1
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=16 EHOWELL NO FEE
AGR
CANYON COUNTY COMMISSIONERS

SECTION 1. AUTHORIZATION.

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

SECTION 2. PROPERTY OWNER.

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

SECTION 3. RECORDATION.

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

SECTION 4. TERM.

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

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

SECTION 5. MODIFICATION.

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

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

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

SECTION 7. COMMITMENTS.

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

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

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

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

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

B. COUNTY PROCEDURES.

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

C. INDEMNITY.

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

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

D. DEFENSE EXPENSES.

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

SECTION 10. PERIODIC REVIEW.

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

SECTION 11. REQUIRED PERFORMANCE.

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

SECTION 12. DEFAULT AND REMEDIES.

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

SECTION 13. ZONING REVERSION CONSENT.

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

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

SECTION 14. COMPLIANCE WITH LAWS.

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

SECTION 15. RELATIONSHIP OF PARTIES.

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

SECTION 16. CHANGES IN LAW.

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

SECTION 17. NOTICES.

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

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

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

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

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

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

SECTION 18. TERMINATION.

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

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

SECTION 19. EFFECTIVE DATE.

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

SECTION 20. TIME OF ESSENCE.

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

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

BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO

Steven J. Rule, Chairman

Craig L. Hanson, Commissioner

Tom Dale, Commissioner

ATTEST: Chris Yamamoto, Clerk

BY: _____
Deputy

DATE: 10-4-16

APPLICANTS

Tony Elordi

Teresa Elordi

Agreement Number: 16-326
Development Agreement

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

STATE OF IDAHO)
) ss.
County of Canyon)

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

BARBARA S. NEGRI
NOTARY PUBLIC
STATE OF IDAHO

Barbara S. Negri
Notary Public for Idaho

Residing at: Parma, Id

My Commission Expires: 10/13/2016

STATE OF IDAHO)
) ss.
County of Canyon)

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

_____
Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

EXHIBIT "A"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thence Northwesterly 110.82 feet along the arc of a curve to the right having a radius of 76.00 feet, a central angle of 83°32'59" and a long chord which bears, North 61°08'17" West, 101.26 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence, North 19°21'48" West, 27.38 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence Northwesterly 38.79 feet along the arc of a curve to the left having a radius of 51.00 feet, a central angle of 43°34'33" and a long chord which bears, North 41°09'04" West, 37.86 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence, North 62°56'21" West, 58.45 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence, North 01°47'00" West, 194.41 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence, North 89°37'14" West, 274.12 feet to a set 1/2" iron pin with plastic cap "Koerner PLS 8251",

Thence, South 00°02'56" West, 181.79 feet to a point on the Centerline of the Deer Flat Low Line Canal;

Thence along the Centerline of the Deer Flat Low Line Canal, South 31°53'43" East, 844.60 feet to a point on the Southerly Boundary Line of the SE 1/4 NE 1/4 of Section 1, Township 2 North., Range 4 West., B.M.,;

Thence leaving said Centerline, and along the Southerly Boundary Line of the of the SE 1/4 NE 1/4 of Section 1, Township 2 North., Range 4 West., B.M., Township 2 North., Range 4 West., B.M., North 89°53'50" West, 506.88 feet to the Southwest Corner of the of the SE 1/4 NE 1/4 (E 1/16th Corner) of said Section 1;

Thence leaving said Southerly Boundary Line, and along the Westerly Boundary Line of said SE 1/4 NE 1/4, North 00°02'56" East, 1097.51 feet to a point;

Thence leaving said Westerly Boundary Line, South 89°57'04" East, 25.00 feet to a point;

Thence Southeasterly 138.82 feet along the arc of a curve to the right having a radius of 72.25 feet, a Central angle of 110°05'25" and a Chord Bearing of South 34°54'22" East, 118.43 feet to a found 1/2" iron pin with plastic cap "Koerner PLS 8251";

Thence, South 20°08'21" West, 23.97 feet to found 1/2" iron pin with plastic cap "Koerner PLS 8251";

Thence, Southeasterly 28.74 feet along the arc of a curve to the left having a radius of 15.00 feet, a Central angle of 109°45'35" and a long chord which bears South 34°44'27" East, 24.54 feet to a found 1/2" iron pin with plastic cap "Koerner PLS 8251";

Thence, South 89°37'14" East, 269.38 feet to a found 1/2" iron pin with plastic cap "Koerner PLS 8251";

Thence, North 00°02'56" East, 398.48 feet to the **POINT OF BEGINNING:**

Said Parcel of Land contains 68.69 acres more or less.

SUBJECT TO:

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

SUBJECT TO AND TOGETHER WITH:

A 60.00 FOOT WIDE ACCESS & UTILITIES EASEMENT

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

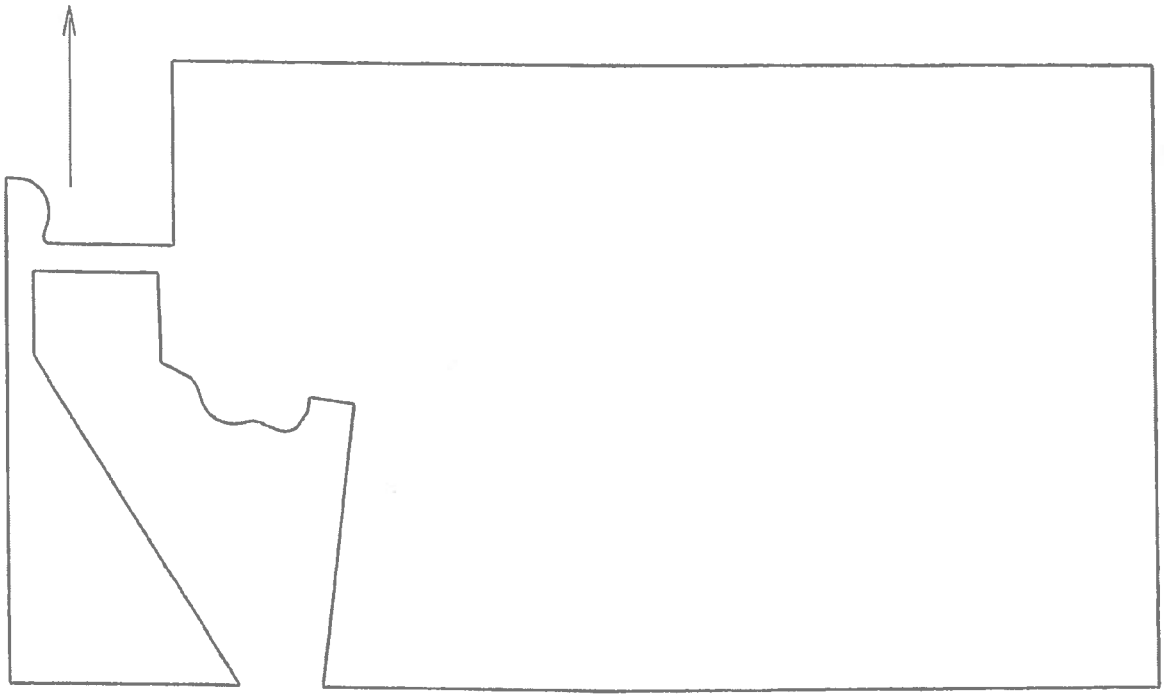
COMMENCING at the Northwest Corner of the SE 1/4 NE 1/4 (NE 1/16th Corner) of Section 1, Township 2 North., Range 4 West., Boise Meridian., Canyon County, Idaho; From which the Southwest Corner of the SE 1/4 NE 1/4 (E 1/16th Corner) of said Section 1 bears, South 00°02'56" West, 1352.85 feet; Thence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

Thence leaving said Westerly Boundary Line, South 89°57'04" East, 25.00 feet to a point;
Thence Southeasterly 138.82 feet along the arc of a curve to the right having a radius of 72.25 feet, a central angle of 110°05'25" and a long chord which bears, South 34°54'22" East, 118.43 feet to a point;
Thence, South 20°08'21" West, 23.97 feet to a point;
Thence Southeasterly 28.74 feet along the arc of a curve to the left having a radius of 15.00 feet, a central angle of 109°45'35" and a long chord which bears, South 34°44'27" East, 24.54 feet to a point;
Thence, South 89°37'14" East, 126.88 feet to a point;
Page 2 of 3
Thence Southeasterly 98.90 feet along the arc of a curve to the right having a radius of 105.00 feet, a central angle of 53°57'56" and a long chord which bears, South 62°38'16" East, 95.28 feet to a point;
Thence, South 35°39'18" East, 304.85 feet to a point;
Thence Southeasterly 34.38 feet along the arc of a curve to the left having a radius of 35.00 feet, a central angle of 56°16'57", and a long chord which bears, South 63°47'47" East, 33.02 feet to a point;
Thence, North 88°03'45" East, 127.09 feet to a point;
Thence, South 01°56'15" East, 60.00 feet to a point;
Thence, South 88°03'45" West, 67.09 feet to a point;
Thence, South 01°56'15" East, 28.99 feet to a point;
Thence, North 68°24'14" West, 32.72 feet to a point;
Thence Northwesterly 13.85 feet along the arc of a curve to the left having a radius of 23.00 feet, a central angle of 34°30'32" and a long chord which bears, North 85°39'30" West, 13.64 feet to a point;
Thence, South 77°05'13" West, 16.75 feet to a point;
Thence, North 01°56'15" West, 17.62 feet to a point;
Thence Northwesterly 93.32 feet along the arc of a curve to the right having a radius of 95.00 feet, a central angle of 56°16'57" and a long chord which bears, North 63°47'47" West, 89.61 feet to a point;
Thence, North 35°39'18" West, 304.85 feet to a point;
Thence Northwesterly 42.38 feet along the arc of a curve to the left having a radius of 45.00 feet, a central angle of 53°57'56" and a long chord which bears, North 62°38'16" West, 40.84 feet to a point;
Thence, North 89°37'14" West, 126.88 feet to a point;
Thence Northwesterly 103.43 feet along the arc of a curve to the right having a radius of 75.00 feet, a central angle of 79°00'57" and a long chord which bears, North 50°06'46" West, 95.43 feet to a point;
Thence, North 00°02'56" East, 78.59 feet to a point;
Thence, North 89°57'04" West, 25.00 feet to a point on the Westerly Boundary Line of said SE 1/4 NE 1/4 of said Section 1;
Thence along the Westerly Boundary Line of said SE 1/4 NE 1/4 of said Section 1, 00°02'56" East, 60.00 feet to the **POINT OF BEGINNING:**

Said Easement contains 1.29 acres more or less.

PROFESSIONAL LAND SURVEYOR
LICENSED
12/18/15
Page 3 of 3
8251
STATE OF IDAHO
LAWRENCE H. KOERNER

Agreement Number: 16-226
Development Agreement



PROFESSIONAL LAND SURVEYOR
LICENSED
12/29/15
8251
STATE OF IDAHO
LAWRENCE H. [illegible]

ELORDI AMENDED PARCEL 2

12/23/2015

Scale: 1 inch= 327 feet | File:

Tract 1: 68.6878 Acres, Closure: n01.4337w 0.02 ft. (1/533331), Perimeter=10530 ft.

01 n89.4532e 953.04
02 n89.0509e 1224.48
03 s00.0926w 1352.64
04 s88.4222w 1225.44
05 n89.5350w 628.41
06 n07.0505e 623.69
07 n82.5455w 100.47
08 s07.4800w 32.21
09 s35.2616w 32.23
10 Rt, r=40.00, delta=072.4925, chord=s71.5059w 47.49
11 n68.2414w 51.06
12 Lt, r=23.00, delta=034.3032, chord=n85.3930w 13.64
13 s77.0513w 22.11
14 Rt, r=76.00, delta=083.3259, chord=n61.0817w 101.26
15 n19.2148w 27.38
16 Lt, r=51.00, delta=043.3433, chord=n41.0904w 37.86
17 n62.5621w 58.45
18 n01.4700w 194.41
19 n89.3714w 274.12
20 s00.0256w 181.79
21 s31.5343e 844.6
22 n89.5350w 506.88
23 n00.0256e 1097.51
24 s89.5704e 25
25 Rt, r=72.25, delta=110.0525, chord=s34.5422e 118.43
26 s20.0821w 23.97
27 Lt, r=15.00, delta=109.4535, chord=s34.4427e 24.54
28 s89.3714e 269.38
29 n00.0256e 398.48

Agreement Number: 16-326
Development Agreement

EXHIBIT "B"

CONDITIONS OF APPROVAL FOR PH2016-30

1. **The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.**

2. **The subject properties, R30262 and R30018 shall be developed and platted in substantial conformance to the Site Plan in Exhibit "C".**

3. **The development shall have six (6) residential lots with a minimum average residential lot size of two (2) acres.**

4. **Proposed Lots 5 and 9 (Exhibit "C") shall not have residential building permits available and shall remain in irrigated agricultural production.**

5. **The applicants shall have a Road User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.**

6. **The development shall have pressurized irrigation to each lot.**

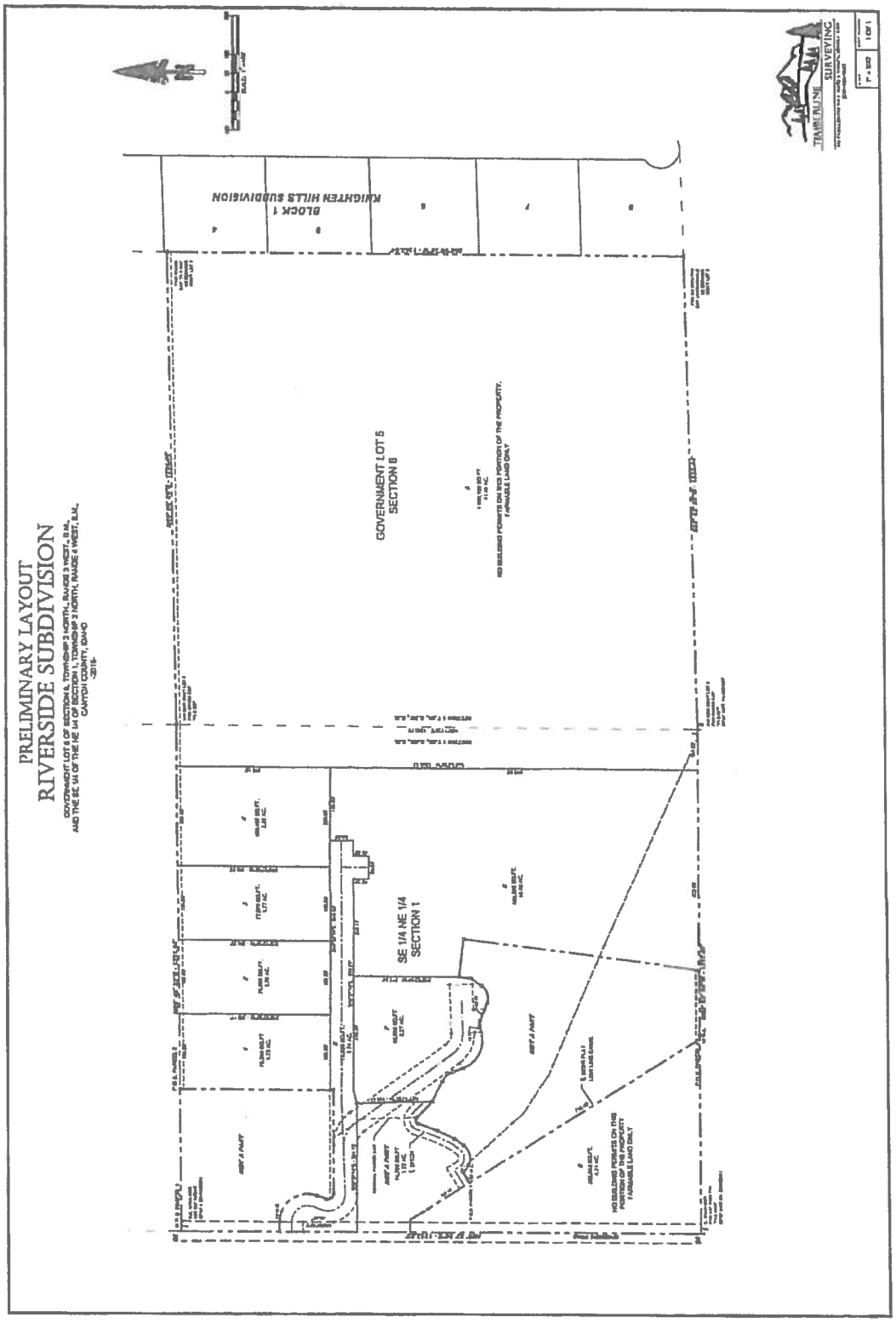
7. **The applicants shall have a Water User's Maintenance Agreement recorded and shall provide a copy of the recorded agreement to the Development Services Department prior to issuance of a residential building permit on the subject property.**

8. **Niche Lane, a private road, shall be constructed in accordance with the Canyon County Zoning Ordinance requirements at time of development.**

9. **The developer shall comply with CCZO §07-06-07 (4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."**

10. **The development shall comply with Boise Project Board of Control requirements as indicated in Exhibit "D".**

EXHIBIT "C"
DRAFT CONCEPT DEVELOPMENT PLAN FOR PH2016-30



Agreement Number: 16-226
Development Agreement

EXHIBIT "D"
BOISE PROJECT BOARD OF CONTROL REQUIREMENTS

RON PLATT
CHAIRMAN OF THE BOARD

RICHARD MURGOTTIO
VICE CHAIRMAN OF THE BOARD

TIMOTHY M. PAGE
PROJECT MANAGER

ROBERT D. CARTER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

JERRI FLOYD
ASSISTANT SECRETARY
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3195

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

4 August 2016

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

RE: Tony Elordi — **CR-PH2016-30**
Riverside Rd South of Marsing Rd
Wilder Irrigation District — W-26, W-26-1
Deer Flat Lowline Canal 1451+80A
Yarnell Lateral 47+90
High-Sub Lateral 00+80
Sec. 01, T2N, R4W, BM, & T2N, 3W, BM

Debbie Root:

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

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

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

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

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

RECEIVED
AUG 08
CANYON COUNTY
DEVELOPMENT SERVICES

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

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

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

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

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

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

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

NO DISCHARGE into any live irrigation system is permitted.

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

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

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

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

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

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

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

Sincerely,

Thomas Ritthaler
Management/GIS

bdc/bc

cc:	Duane Casey	Watermaster, Div; 4 BPBC
	Diane Paulsen	Secretary – Treasurer, WID
File		

Board of County Commissioners
Elordi – Case No. DA2022-0003
Development Services Department

Findings of Fact, Conclusions of Law, and Order

Elordi – DA2022-0003: Development Agreement Modification

Findings of Fact

1. The applicant, Tony Elordi, is requesting a development agreement modification to agreement #16-226, approved as part of Case #PH2016-30. The modification removes the restriction for development to not exceed six (6) residential lots and for lot 5 to be designated agricultural only with no building permits available. The property consists of approximately 42.41 acres, located at 0 Andorra Ln, Caldwell; also known as Parcels R30262104 and R30262104A; a portion of the NW¼ of Section 06 Township 2N and Range 3W & NE¼ of Section 01, Township 2N, Range 04W; Canyon County, Idaho.

2. In 2016, a conditional rezone (PH2016-30) was approved subject to a development agreement (#16-226).

3. A neighborhood meeting was held on May 19, 2022, in accordance with CCZO §07-01-15

   a. Staff was notified prior to the Planning and Zoning Commissioner hearing that the neighborhood meeting mailing list did not include all owners within a 600ft radius. The Planning and Zoning Commission decided due to the noticing done by DSD and the noticing that will be done prior to the BOCC that a new neighborhood meeting is not necessary at this point.

4. Notice of the public hearing was provided as per CCZO §07-05-01. Affected agencies were notified on October 7, 2022, and December 28, 2022. All property owners within 600 feet of the subject parcel's boundaries were noticed on October 31, 2022, and February 23, 2023. The newspaper notice was completed on October 30, 2022, and March 3, 2023. The subject property was posted with a notice on November 3, 2022, and March 8, 2023.

5. The record consists of exhibits provided as part of the public hearing staff report, testimony, and any additional evidence submitted during the public hearing on November 17, 2022, April 13, 2023, and all information contained in Case File DA2022-0003.

Conclusions of Law

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

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

1) The requested modification is <u>not</u> in substantial compliance with the Findings of Fact, Conclusions of Law and Order (FCOs) approved for Case No. PH2016-30.

   a. The approved FCOs regarding PH2016-30 approved the conditional rezone with a development agreement subject to 46.87 acres remaining in agricultural use with no building permit available (Finding #3 & #4PH2016-30). Therefore, the requested modification is a significant change to the PH2016-30 FCOs.

2) The applicants' need for necessity could not be found.

   - The request was found to not be a necessity. The applicant requests a modification to the development agreement to allow building permits and platting of a lot approved to remain agricultural use (Lot 5, Andorra Estates). The necessity stated by the applicant is to provide the owner and family with a place to live and a way to maintain the agricultural property. It was shown that the applicant was the original applicant for Case #PH2016-30 and understood the subject agricultural property could not be further developed. The applicant currently lives on Lot 2 of Andorra Estates; therefore, the development of the agricultural property is a desire, not a necessity.

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

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

Order

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

DENIED this 13 day of April, 2022

✓ Motion Carried Unanimously

_____ Motion Carried/Split Vote Below

_____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
Commissioner Leslie Van Beek	✓		
unavailable for signature Commissioner Brad Holton			
Commissioner Zach Brooks	X		

Attest: Chris Yamamoto, Clerk

By: M. Byers Date: 4/13/23

Deputy

EXHIBIT C

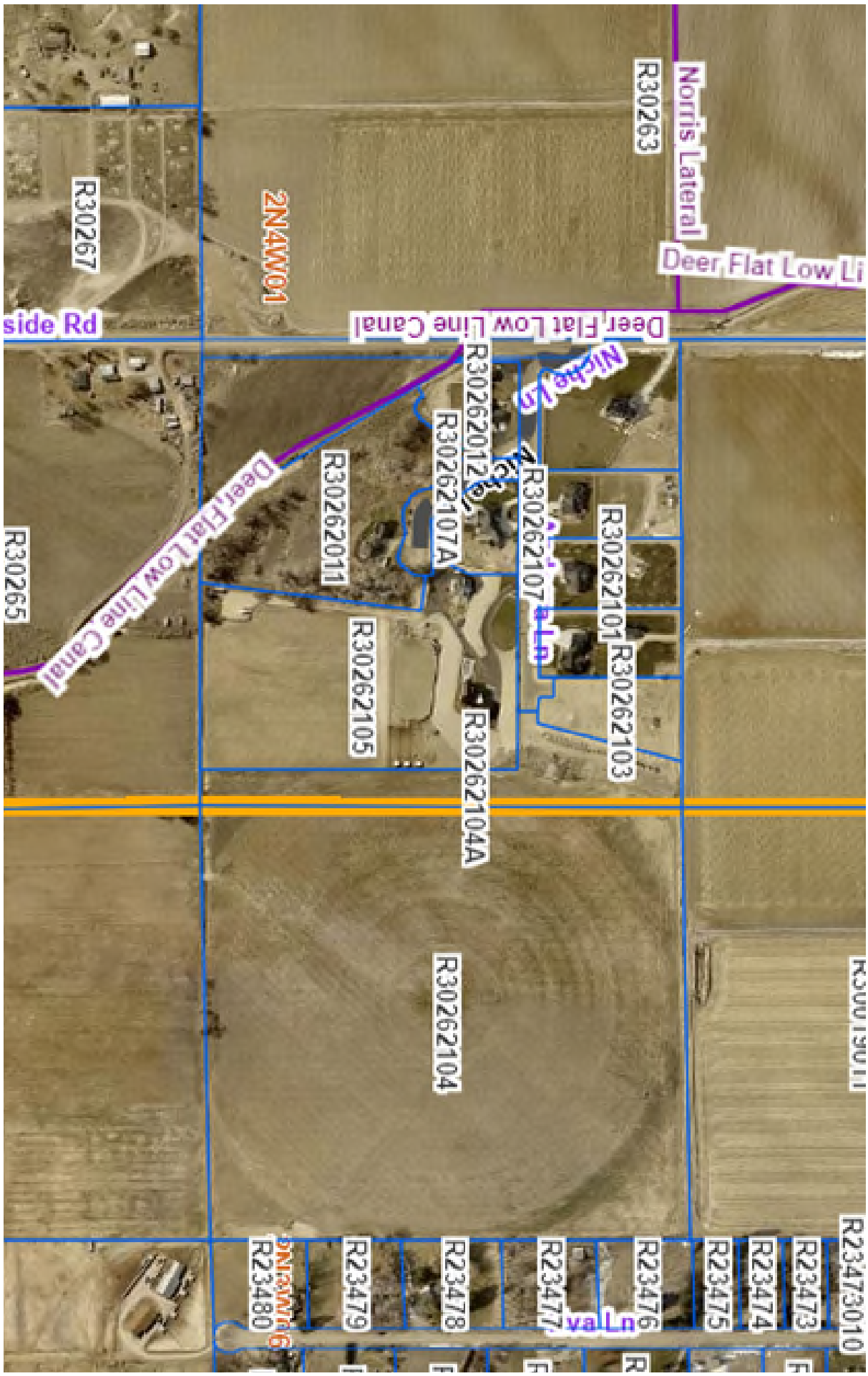
Site Visit Photos: February 20, 2025

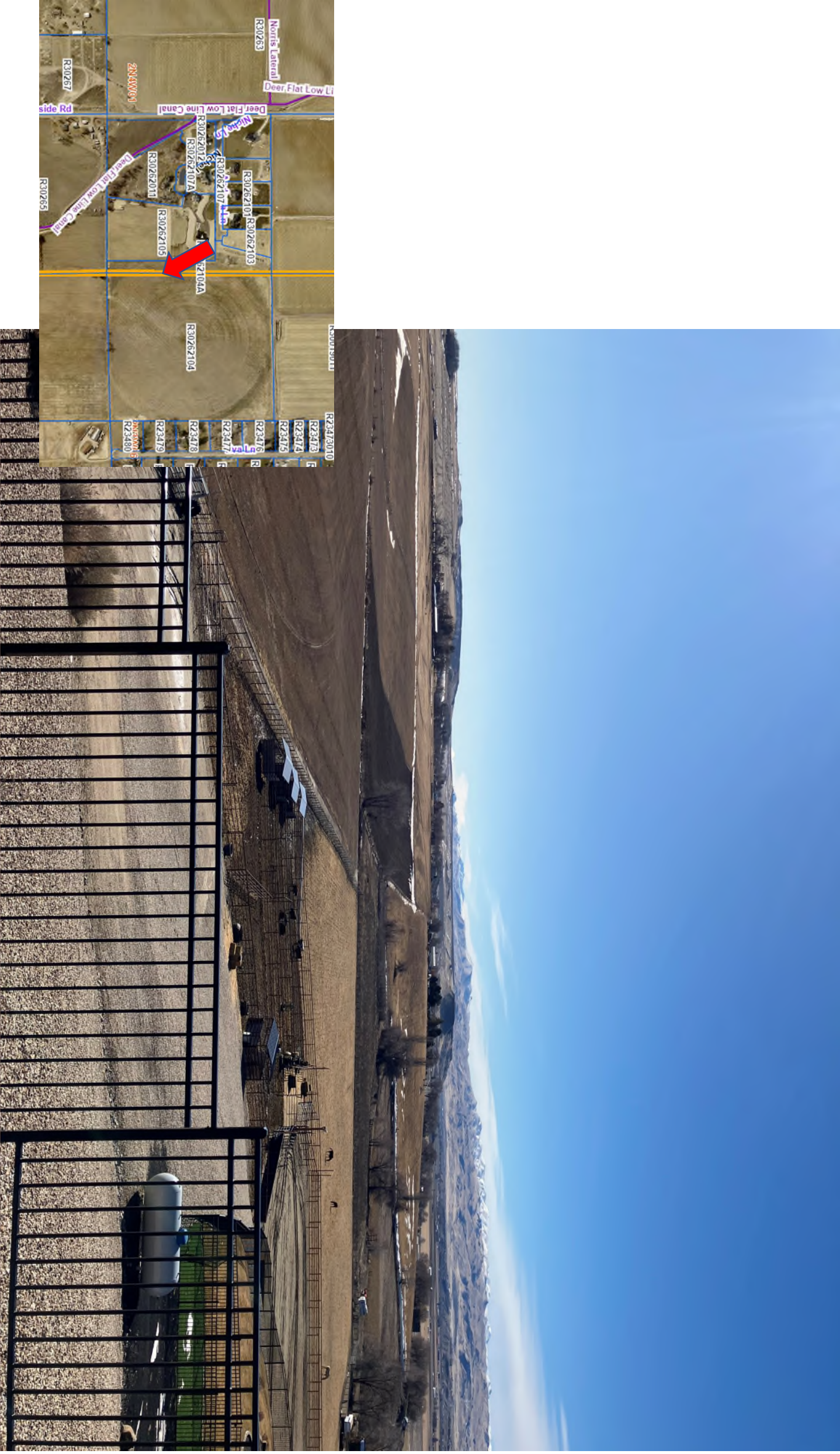
Planning & Zoning Commission

Case# CR2023-0012 - Elordi

Hearing date: April 17, 2025

Elordi – CR2023-0012
Site Visit: 2/20/2025

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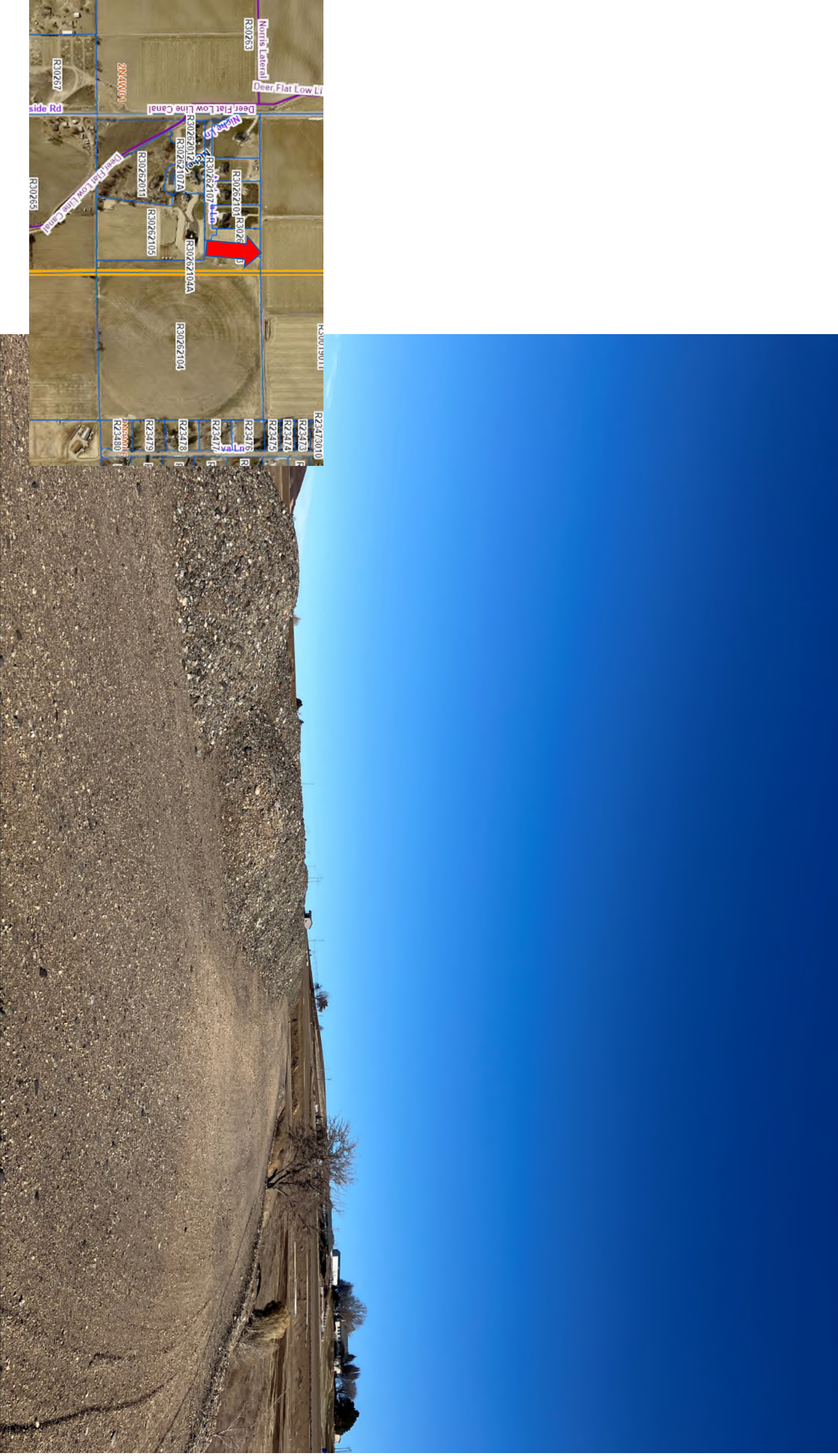
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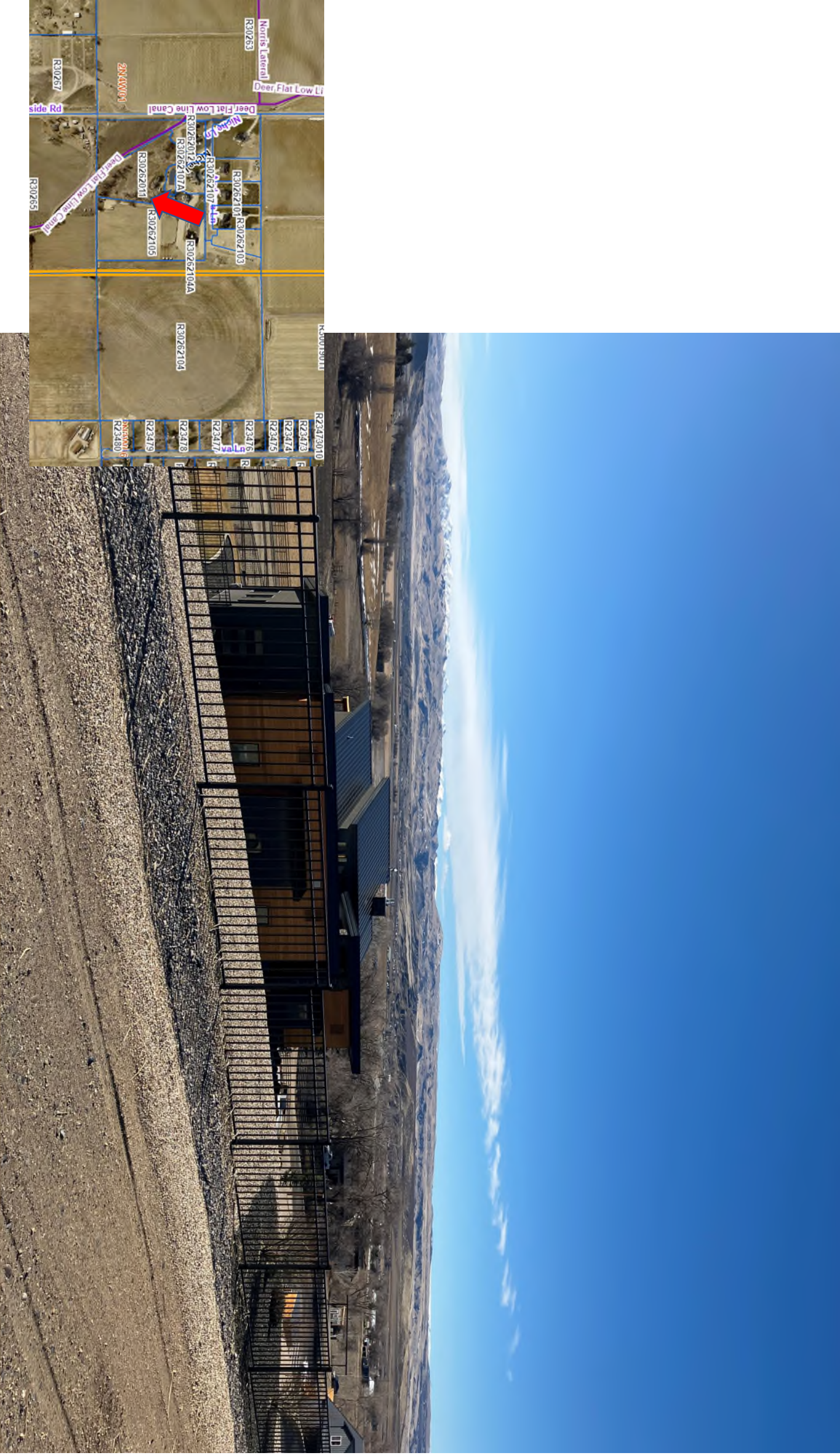
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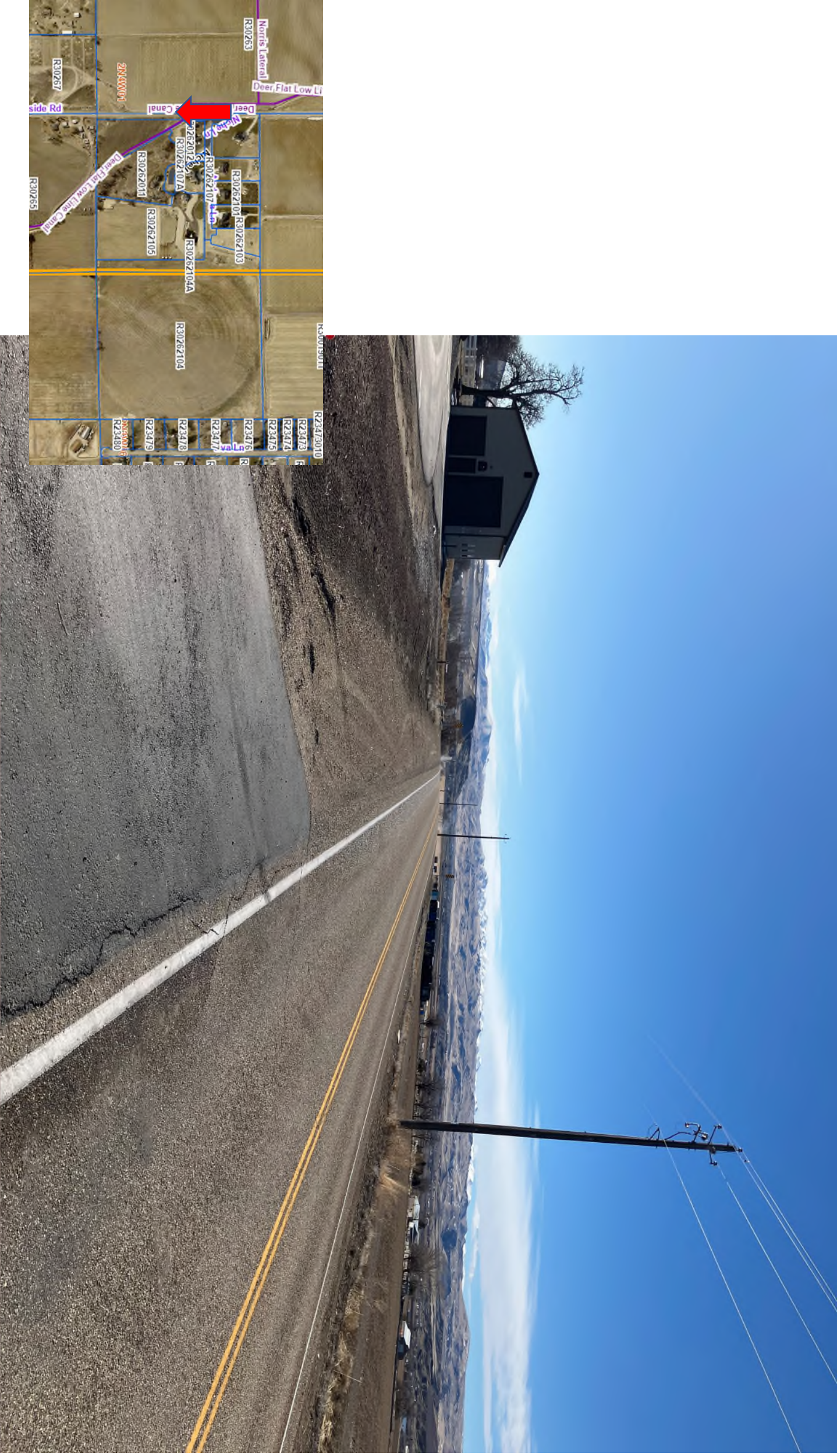
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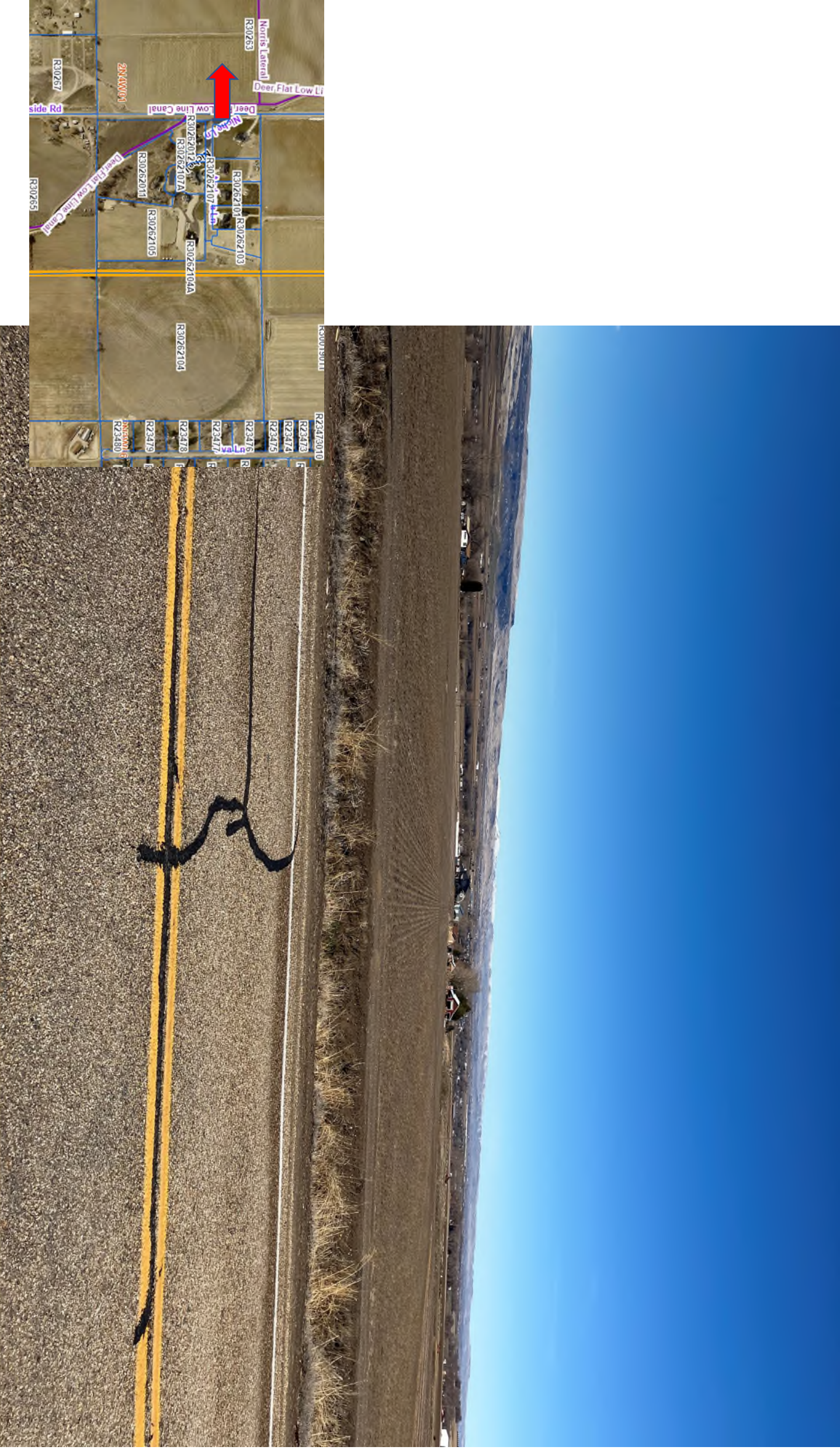
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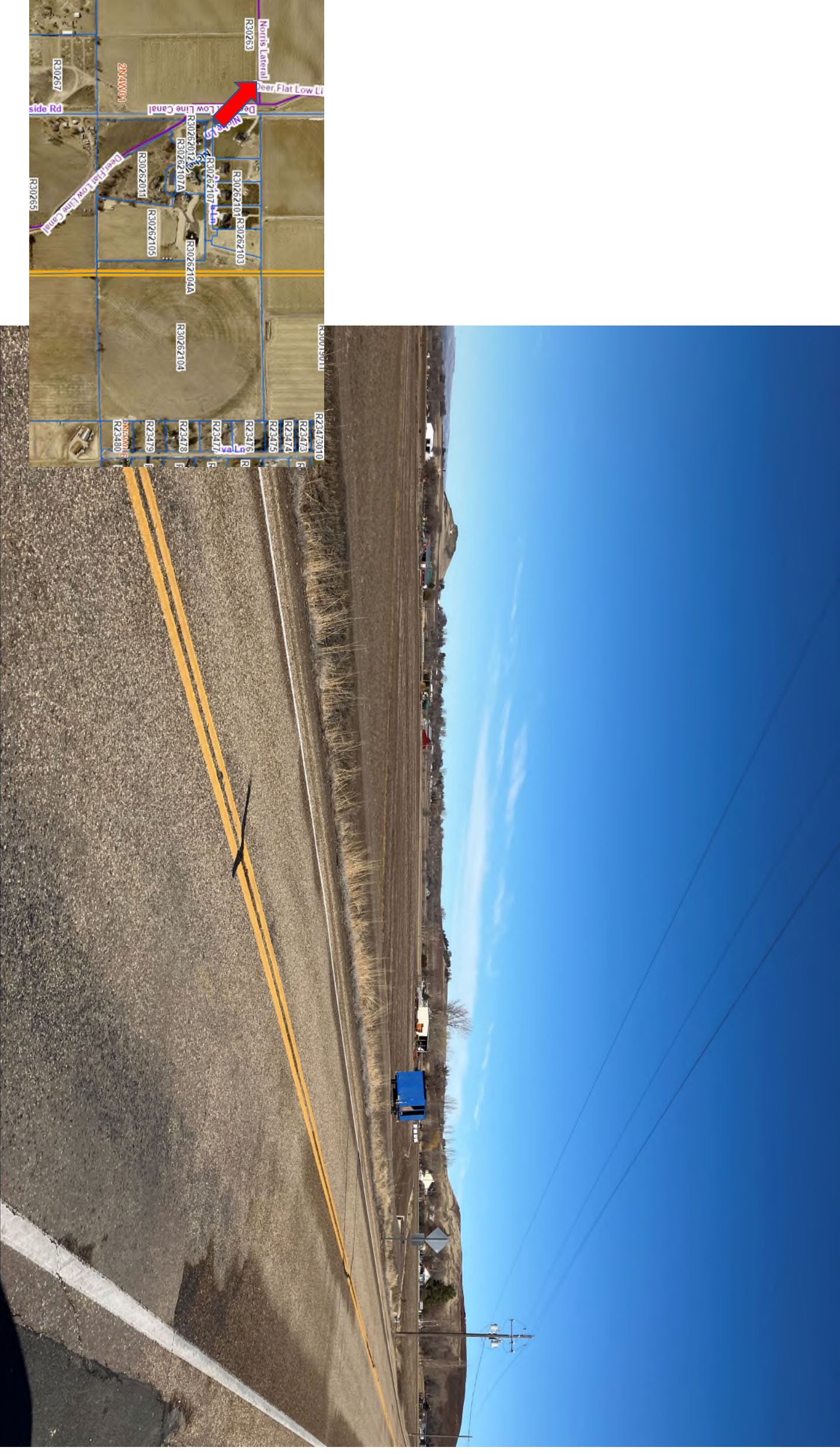
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R30262101
R30262103
R30262105
R30262104A
R30262104
R30265
R23480
R23479
R23478
R23477
R23476
R23475
R23474
R23473
R23473010

Norris Lateral
Deer Flat Low Line Canal
R30263
R30267
R30265
R30262011
R30262107A
R30262107
R30262101
R30262103
R30262105
R30262104A
R30262104
R23480
R23479
R23478
R23477
R23476
R23475
R23474
R23473
R23473010

EXHIBIT D

Agency Comments Received by: April 7, 2025

Planning & Zoning Commission

Case# CR2023-0012 - Elordi

Hearing date: April 17, 2025

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550

Brad Little, Governor
Jess Byrne, Director

February 5, 2025

Daniel Lister, Assistant Planning Manager
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
Daniel.Lister@canyoncounty.id.gov

Subject: Agency Notification for CR2023-0012 / Elordi

Dear Mr. Lister:

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

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

1. AIR QUALITY

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

- For new development projects, all property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.

- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.

- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

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

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

2. WASTEWATER AND RECYCLED WATER

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

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

3. DRINKING WATER

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

- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.

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

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

4. SURFACE WATER

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

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

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

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

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

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

  For questions, contact Matthew Pabich, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/ for assistance.

- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

Troy Smith
Regional Administrator

Dan Lister

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

FYI – thanks!

-Caitlin

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

Hello,

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

Thank you
Mila Kinakh
D3 Planning and Development
Administrative Assistant

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

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

Dan Lister

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Wednesday, January 22, 2025 3:59 PM
To: Dan Lister
Subject: [External] FW: Agency Notification for CR2023-0012 / Elordi
Attachments: Agency Response Requested Notification Form 2-23.pdf; AgencyPacket_CR2023-0012Elordi.pdf

Good Afternoon Dan,

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

Let me know if you have any questions or comments.

Thank you,

Eddy

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

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Wednesday, January 22, 2025 3:43 PM
To: 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; Eddy Thiel <eddy@nampahighway1.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'brentc@brownbuscompany.com' <brentc@brownbuscompany.com>; 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; Tony Almeida <tony.almeida@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; 'cenww-rd-boi-tv@usace.army.mil' <cenww-rd-boi-tv@usace.army.mil>; 'edward_owens@fws.gov' <edward_owens@fws.gov>;

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

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

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

Attention: Dan Lister
daniel.lister@canyoncounty.id.gov

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

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

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

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

Richard Sims

Signing for Clay Erskine
Chairman Soil Conservation District

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

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

Custom Soil Resource Report for

Canyon Area, Idaho

CR2023-0012/ Elordi

February 2, 2025

Preface

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

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

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

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

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

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

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

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

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Soil Information for All Uses

Suitabilities and Limitations for Use

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

Land Classifications

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

Irrigated Capability Class (CR2023-0012 / Elordi)

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

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

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

Class 1 soils have few limitations that restrict their use.

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

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

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

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

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

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

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

Custom Soil Resource Report
Map—Irrigated Capability Class (CR2023-0012 / Elordi)

Map Scale: 1:3,020 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 40 80 160 240

Feet: 0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

Soil Rating Polygons

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

Soil Rating Lines

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

Soil Rating Points

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

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Dan Lister

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

Hey Dan,

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

Thank you,
-Caitlin

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

Hi Dan,

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

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

Let me know if you have any questions.

Thank you,

SOUTHWEST DISTRICT HEALTH

Check out our new online self-service portal here! PORTAL

Anthony Lee, RS/BS | Land Development Senior
o 208.455.5384 | c 208.899.1285 | f 208.455.5300
anthony.lee@swdh.id.gov | SWDH.org
13307 Miami Ln., Caldwell, ID 83607

Pre-Development Meeting

Name of Development: Tony Elordi
Applicant: Tony Elordi
P.E./P.G.:
All others in Attendance:

EHS#035 Date 09/01/2023

Number of Lots or Flow: 1 Acreage of Proposed Development: 42.36
Location of Development: 18128 Andorra Ln

Project in Area of Concern: No Groundwater/Rock <10' Unknown
Level 1 NP Necessary for N: Unsure

LSAS/CSS Proposed: No
BRO meeting for P or above: No
Proposed Drinking Water: Individual ■, City ☐, Community ☐, Public Water Supply ☐
BRO meeting for PWS, Com: No

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

Additional Comments: Applicant discussed with SWDH proposal to split 42.36 acres of land into two 20 acre parcels zoned as rural residential. There is no existing house on the parcels. Applicant will need to apply for a site evaluation, and conduct test holes on site prior to issuances of a permit. SWDH has no concerns with the land split. Anthony Lee

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

EXHIBIT E

Public Comments Received by: April 7, 2025

Planning & Zoning Commission

Case# CR2023-0012 - Elordi

Hearing date: April 17, 2025

Canyon County Alliance for Responsible Growth

501 C4 Registered with Secretary of State
Rene' Bine President Claudia Haynes Director
Nampa, & Caldwell, Idaho

Canyon County Planning and Zoning
Case number: CR2003-0012 Elordi and Victoria Cowan
Daniel Lister Andorra Estates Sub. Block 1 Lot 5

Mr. Elordi is asking for a split on the ground designated agricultural of his developed subdivision. It appears once again that Mr. Elordi is trying another way to present a similar change, asking for more building permits.

We do know that Mr. Elordi signed a development agreement on 10-05-2016 to get the conditional rezone, more building permits and he should have to comply with that CONTRACT. Development Agreement is also known as a written commitment.

There was a Development Agreement hearing DA2022-0003 and it was denied by the Planning and Zoning Commission on 12-1-2022, also denied by the Board of Commissioners on 4-13-23. As the Development Agreement reads #4 Proposed Lots 5 and 9 shall not be residential building permits available and shall remain in irrigated agricultural production.

Under Conclusions of Law: The modification proposal must be in the form of a revised development agreement and must be accompanied by **a statement demonstrating the necessity for the requested modification. The <u>requested modification was not meet in substantial compliance</u> with the Finding of Fact, Conclusions of Law and Order** (FCO's) approved for Case No. PH2016-30. **This meant that the Board of Commissioners Denied case # DA2022-0003 and the development agreement #16-662 stood.**

Reading over the original case from the CR – PH2016-30

Findings of Fact, Conclusions of Law, Conditional of Approval and other CR-PH2014-30 Elordi,
Conditional Rezone A to RR It is consistently reading as indicated blow in:

<u>Findings of Fact:</u>

3. The subject property is currently zoned "A" (Agricultural)
4. Subject property is designated "Agriculture" in 2020 Comp. Plan Future Land Use Map. (At this time the 2030 Comp. Plan Future Land Use Map also designates this area as Agriculture)
5. Subject property is not located in an area of city impact.
11. Subject property R30018, is subject to a building permit relocation decision (AD2015-47) and **<u>has no residential permits available</u>**.

<u>Under Conclusions of Law: form the 2016 decision</u>

<u>Future Land Use designation</u>: #1. for the subject properties is agriculture.

<u>Under Land Use component:</u> (In the Development Agreement it reads) Require development agreement that the applicant will enter into a development agreement that **will restrict development** on approximately 68% of the agricultural subject properties (<u>which was the entire property</u>). This action will hold the ensure that the agricultural land that is currently in production will primarily remain in agricultural production.

Also: #1. Land Use Component Agriculture Policy #2. The applicant is voluntarily entering into a Development Agreement that will **restrict the development of agricultural land.**

Agriculture Component Goal No. 1. A development agreement will ensure that approximately 68% of the subject properties **will remain in agricultural use. (**which was the entire property**)**

Conditional rezone negatively affect the character of the area. With the land **remaining in 68% in agricultural** production it will be compatible. (**If that change is made, then it will not be compatible**.)

Page 2 of 6 states in **#3 NO BUILDING PERMITS ARE AVAILABLE.**

Ordinance 07-06-07 B. Conditional Must be met…**before the "order of intent to rezone"**

Ordinance 07-06-07 C**. Building permit relating to the restricted land.**

Under Order of Decision:

#3. Development shall have <u>six residential lots.</u> (Case No. DA 2022-0003 asking for a modification to the Development agreement Was denied April 13, 2023, by Commissioner Leslie Van Beek, Brad Holton, Zach Brooks.

#9. The developer shall comply with CCZO 07-06-07 Time requirement, (2) years of the approval of the Board..

Signed by Steve Rule, Craig Hanson and Tom Dale 8-22-16.

We strongly suggest that you deny his request.

SINCERELRY,

CANYON COUNTY ALLIANCE FOR RESONSIBLE GROWTH

RENE' BINE

CLAUDIA HAYNES

RECEIVED
APR 03 2025
RECEIVED

Dwight Mason Davis
(Mary) Diane Davis
17873 Marsing Rd
Caldwell, Idaho 83607

425-508-0140

March 30, 2025

Canyon County Development Services Department
111 North 11th Avenue Suite 310
Caldwell, Idaho 83605
Subject: Concerns Regarding Proposed Rezoning and Development of 42 Acre Field in Close Proximity to My Property

Dear members of the Canyon County Planning and Zoning Board
Re: Case No. CR2023-0012

I am writing to express my deep concerns about the proposed development changes of the 42-acre field in close proximity to my property at 17873 Marsing Road, Caldwell, ID. As a longtime resident of this rural area, I value the peace, privacy, and natural beauty that define our community. I am worried that new home construction on this property will significantly impact my quality of life, the value of my property, and the rural character of our neighborhood. I respectfully request that the county carefully consider these impacts before approving the development.

The proposed development threatens the tranquility and privacy that I rely on in my rural home. Living in the country I have come to cherish the quiet, open spaces that allow me to enjoy nature and a slower pace of life. A develpment, with its inevitable increase in population density, will bring noise, light pollution, and increased activity that will disrupt the peaceful environment I have worked hard to maintain. The Pew Research Center has noted that rural residents often feel misunderstood by those in urban and suburban areas, with two-thirds if rural residents reporting that others don't understand the challenges we face. I fear that this development will erode the very qualities that make rural living unique and valuable to residents like me.

The development is likely to generate significant traffic, which will impact my daily life and safety. According to research on rural subdivisions, such developments can lead to notable increase in traffic and trip generation. My property is located on Marsing Road, a country road that has seen a significant increase in the volume of vehicles, both personal and commercial, year after year. Both Riverside Road (the likely entrance to the proposed subdivision) and Marsing Road were not designed to handle the continuous increase in traffic volume, especially if the road infrastructure and traffic control are not adequately upgraded to accommodate the new residents. Additionally, traffic could make it dangerous to access my property, especially for the farmers. The construction phase itself will likely bring heavy machinery, dust, and noise further disrupting my ability to enjoy my home.

I am also concerned about the potential impact on my property value. While new developments can sometimes increase property values, they can also have the opposite effect in rural areas, particularly when they alter the character of the neighborhood. A study on real estate trends notes that the quality of a development and its alignment with neighborhood characteristics are critical factors in determining its impact on home values. A development that clashes with the rural nature of our area could deter buyers who, like me, sought out this location for its open spaces and solitude, potentially lowering the value of my home and affecting my financial stability.

Finally, the development could have broader environmental and social consequences for our community. Research on sprawling development patterns highlights how such projects can strain ecological systems and reduce the livability of rural areas. The 42-acre field currently serves as an agricultural and natural buffer supporting wildlife and contributing to the area's scenic beauty. Replacing it with a development could lead to habitat loss, increased runoff, and pressure on local resources like water and waste management which are often limited in rural areas. Furthermore, the Pew Research Center notes that rural counties have seen population declines as people move to urban or suburban areas, suggesting that our community may not have the infrastructure to support such a development. I understand the need for growth and development, but I urge the County to consider alternatives that preserve the rural character of our area. If the development must proceed, I request that the County impose strict conditions to mitigate its impact, such as limiting the number of homes, ensuring

adequate road improvements, and preserving a significant portion of the land as open space.

Thank you for your time and consideration. I look forward to your response and to working together to protect the rural character of our community.

Sincerely,
Dwight and Diane Davis

RECEIVED
APR 07 2025
BY:_____

Brad Carpenter
18121 Andorra Lane
Caldwell, ID 83607
bradc@westernmountain.com
208-880-0939
4-4-25

Canyon County Development Services
111 North 11th Ave. Suite 310
Caldwell, ID 83607

Re: **Letter of Support for the Conditional re- Zoning Change Application case No. CR2023-0012**

Dear Canyon County Development services,

I am writing to express my strong support for the proposed re-zoning change for parcels R30262104 and R30262104. 42 acres from an "A" zone (Agricultural) zone to a "CR-R-R" (Conditional Rezone-Rural Residential) zone.

As the closest neighbor to the proposed property re-zone, my property borders the 42-acre property. I have closely observed for many years Tony and Terri Elordi meticulous care of the proposed property and the development on Andorra Lane that was part of this property. The requested zoning change would not affect the landscape or Agriculture use of the property and would not adversely affect any neighbors in the area at all.

I believe that this re-zoning request is a very reasonable request and would fit very well with surrounding developments and agriculture use in the surrounding area.

Additionally, I am confident that the applicant has considered potential concerns and has worked toward addressing them in their proposal, which ensures the development will fit very well with current developments in the area.

I respectfully urge you to approve the proposed zoning change.

Thank you for your time and consideration.

Sincerely,

Brad Carpenter

April 3, 2025

From: Michael and Kayelynn Martin
18164 Andorra LN
Caldwell, ID 83607

To: Canyon County Planning & Zoning Commission:

I am writing this letter with regards to case number CR2023-0012 and offering our support of the Conditional Rezone of parcels R30262104 & R30262104A from "A" (Agricultural) to a "CR-R-R" (Conditional Rezone- Rural Residential) zone. We also support and are in favor of a Development Agreement that restricts development to two buildable lots.

My wife and I have lived on Andorra Ln for five years. We sold our home on the east side of Lake Lowell, primarily because of the out of control growth and development that was headed our way. If Tony Elordi and Victoria Cowan were proposing a development of that scale, we would not be in support of their effort. However, 2 buildable lots on 42 acres does not concern us at all, especially knowing the care and investment the Elordi's have put into their current home on Andorra Ln. Their property is beautifully landscaped with trees, shrubs and flowers. They employ a yard service to mow and trim each week, but on top of that they themselves spend countless hours keeping the property maintained. I am certain that the next home they build and the property they occupy will look just as nice. There are plenty of examples in our area of homes that are built on acreage and the property is never improved. I am very confident that this would not be the case here. We would happily live in close proximity to any property they occupy.

Michael Martin
Kayelynn Martin

Dan Lister

From: Jon Minkoff <jminkoff@speedyquick.net>
Sent: Monday, April 7, 2025 2:13 PM
To: Dan Lister
Subject: [External] Elordi/Cowan Case No. CR2023-0012

April 7, 2025

Canyon County Planning & Zoning Commission c/o Development Services Department
111 North 11th Avenue, Suite 310
Caldwell, ID 83605

RE: Case Number CR2023-0012

Dear Commissioners:

Please reject this fourth attempt by Mr. Elordi to violate his binding Development Agreement. As one of the County Commissioners said when they unanimously denied his last request: this is a contract and we honor our contracts.

Since a Development Agreement covers these parcels, I question whether a Conditional Rezone is appropriate. Section 5 of the Agreement provides the mechanism for a Modification and that provision was followed the last three times. In any case, this Rezone results in the same changes that were roundly rejected before and should clearly be rejected again.

Mr. Elordi was only granted the right to build a limited number of houses on agricultural land without a Comprehensive Plan Amendment because he agreed to keep more than 50% of the property in agricultural production with no buildings or residential permits. County Planner Deb Root can confirm this and give the historical background since she wrote the Agreement. I encourage you to speak with her.

Please don't feel sorry for the applicants. Mr. Elordi caused this situation by going against the Comprehensive Plan, sound planning principles and the pleas of the neighbors in order to develop farmland outside the impact area. He undoubtedly wants to build more than two houses on Lot 5 and the door should not be opened to any. One of the building lots allowed should have been saved for his daughter and son-in-law if he wanted them to live nearby.

This is a serious matter for the homeowners on Eva Lane. Additional residential wells at the lower elevation would further deplete our dwindling groundwater. Also the rural character of the area would be irreparably harmed.

Thank you for your deliberation and your service.

Respectfully,

Jon Minkoff

11648 Eva Lane
Caldwell, ID 83607

Exhibit E.5

Dan Lister

From: Rob <rbutler1992@gmail.com>
Sent: Monday, March 31, 2025 7:48 AM
To: Dan Lister
Subject: [External] Case #CR2024-0012

Case

#CR2024-0012

i live at 11442 Riverside Rd Caldwell ID 83607
we've had a lot of growth in the last few years, alot more houses being built all around us bring with that concerns is my Well water we already had to drill the Well deeper & its getting expensive to drill, Braking Dogs through out the night & stray dogs running around at night & coming onto the property pooping & peeing on tries we have them on camera, along with stay cats pissing on the house & flower pots we have free range chickens which they are very alert & spooked,late night noise travel at night we hear almost every word being said along with burning trash / fire pits & that smoke runs down the draw (terrain) which travels to our house, now we can't open our windows at night & we dont have air conditioning to turn on makes it very war/hot to sleep at night, traffic is an issue cars driving way over the speed limit 24/7 caldwell police dont seem to have the time to potroll short handed As we try to leaving the driveway its a task at times when your on a tractor & pulling equipment We are constantly picking up trash now people moving fence without speaking to us with the fench is grandfather in for over 75 years in the family & surrounding neighbors ??? flooding out drive & property because they think they dump the irrigation water onto our property, cars driving down our dicth bank on our property because thats what Map Quest told them / showed them along with ATVs riding on our property /dicth bank opening gates so they can get through to get back to their homes / property

Robert Butler

Tanya Savelev

11690 eva ln

Caldwell Id 83607

4/2/2025

To Whom It May Concern,

Subject: Opposition to Proposed Development of Eldori

Case CR2023-0012. R23484

Dear Dan Lister ,

I am writing to express my strong opposition to the proposed development of the Eldori rezoning plot. As a resident of Caldwell ID, I am deeply concerned about the negative impact this project may have on our community, environment, and the agricultural life of Idaho.

Our community has been having issues with water levels and some wells needing to drop lower due to house being built on lower levels. This is a concern for many of the residents that have been in there houses for many years and many of them are also elderly. Making it a financial burden to dig deeper for water.

Idaho is also a agricultural state which sustains many food supplies and provides feed for many animals. Building houses and expanding to build on already farmable land is not a necessity when so many acres that are empty and not usable as growing plots can be used to put houses on.

Additionally, this project fails to consider the long-term environmental and social consequences. Our community has long prioritized water and the farming lifestyle. Allowing this project to proceed would be a step backward in achieving these goals.

I urge you to reconsider this proposal and to seek alternative solutions that align better with our community's priorities. It is crucial that developments in our area respect the balance between growth and preservation and ensure a future we can be proud of.

Thank you for considering the concerns of local residents. I hope that you will take action to protect this valued plot of land and preserve the integrity of our neighborhood.

Sincerely,

Tanya Savelev

Dan Lister

From: Kelsie Stevens <kelsiekstevens@gmail.com>
Sent: Wednesday, April 2, 2025 3:20 PM
To: Dan Lister
Subject: [External] Opposition to Land Development Case CR2023–0012

Hello Dan,

Attached is an opposition letter to developing Agricultural land below our house. We will try to be at the hearing as well, but I am due with the baby on April 16, so we will see if life permits.

Thank you for taking time to consider our position.

Kelsie Stevens

https://docs.google.com/document/d/14j4UZ1SQZOowuphIb8gZYMRXwfWrNjJvczQD1GMdCgQ/edit

Ben and Kelsie Stevens

17815 Marsing Rd.
Caldwell, ID 83607
kesiekstevens@gmail.com
April 1, 2025

Canyon County Planning & Zoning Commission
111 N. 11th Ave.
Caldwell, ID 83605

Opposition to Case No. CR2023-0012 – Rezoning of Farmland to Rural Residential

Dear Dan Lister and Planning & Zoning Commission Members,

We am writing to formally oppose the proposed rezoning of agricultural land under Case No. CR2023-0012, which seeks to change farmland to rural residential zoning. As residents and stakeholder in Canyon County, we have significant concerns about the impact of this change on our community, agricultural industry, and overall quality of life.

Preserving Agricultural Land
Canyon County has a strong agricultural heritage, our family included, and the conversion of farmland into rural residential developments threatens the viability of local farms. Once farmland is lost to development, it is nearly impossible to reclaim, which endangers food production and the livelihoods of farmers. Maintaining agricultural zoning protects our region's economy and ensures future generations have access to local food sources.

Strain on Infrastructure and Resources
The transition from farmland to rural residential zoning introduces additional burdens on county infrastructure, including roads, schools, emergency services, and water resources. Many rural roads are not designed to handle increased traffic from residential developments, and additional demand for utilities may lead to increased taxes or service fees for existing residents.

Impact on Rural Character and Property Values
Rezoning farmland for residential development alters the character of our rural community. Increased housing density brings noise, light pollution, and traffic congestion, diminishing the peaceful environment that current residents value. Additionally, haphazard development can lead to declining property values for existing rural properties.

Environmental Concerns
Agricultural land plays a crucial role in maintaining open space, preventing erosion, and supporting local wildlife. Converting farmland into residential lots can lead to habitat loss, increased runoff, and higher risks of flooding. Our county must prioritize responsible land use planning that considers long-term environmental sustainability.

Conclusion
We urge the Planning & Zoning Commission to deny Case No. CR2023-0012 and uphold the integrity of Canyon County's agricultural land. Our community must prioritize smart growth strategies that protect farmland and ensure development occurs in areas better suited for residential expansion.

Thank you for your time and consideration. We appreciate your commitment to preserving the values that make Canyon County a unique and thriving agricultural community.

Sincerely,

Ben and Kelsie Stevens

Dan Lister

From: Timothy Vango <tim.vango@gmail.com>
Sent: Friday, March 28, 2025 6:13 PM
To: Dan Lister
Subject: [External] Planning and Zoning Commission - Case No. CR2023-0012

My name is Timothy Vango and the property I purchased at 11769 Eva Ln, Caldwell Idaho, 83607, was advertised for its views, peace and quiet, a rural community. Those will go away if I have to look out my window into someone's backyard. We moved here to be away and participate in a rural community. The land being proposed for use has been deemed agricultural, so it saddens us to hear that there are those who constantly seek to violate that agreement. Those that are not improving the land, but taking actions that will take and diminish the investment of many. There are multiple houses that are wholly dependent on the aquifer underneath them for necessary water which if it dries up many will have no recourse. Multiple homes that hold retired folks with finite incomes that cannot weather the high cost of well improvements or digging new wells due to other homes dropping the depth of the aquifer. If more homes are built that are being claimed as a necessity it will put further strain on the aquifer and threaten life dependent resource which is fresh water. The question since I moved here that I don't understand is how are people finding clever ways to violate land agreements and take something from me for their own profit. Threaten my well, diminish my views, force me to participate in the lives of other families which will happen if their backyards are adjacent to mine. Shall we repeat the history of this state where land owners come in only wanting small modifications with promises to keep things as they are. Which as the growth of the treasure valley alone over time has shown it leads to them owning large plots which remove farmland and make room for subdivisions, apartments, duplexes.

When one wants something large it's always tactful to ask for small things first. A little here and a little there until it seems only logical to be provided the rest because it makes sense for the giver.

When I moved here a little over 4yrs ago, there were only two homes next to riverside road. After lots of little steps, multiple land use hearings now there are 8. We used to enjoy the skyline each night. Now a very large home right next to the proposed land that has many horses and cattle has very bright lights on poles so they can keep their cattle safe at night. Yet on one of our favorite places on our property we can no longer see the milky way. What else will we be forced to give up when a home is built right next to us.

Please stop this proposal, it's not a proposal, it's another step to a larger agenda that will only profit the builders and land owners.

--
Quote:
IkkgQmVsaWV2ZSBpbiBDaHJpc3QgYXMgSSBiZWxpZXZlIHRoYXQgdGhlIHN1biBoYXMgcmlzZW46IG5vdCBvbmx5IGJlY2F1c2UgSSBzZWUgaXQsIGJ1dCBiZWNhdXNlIGJ5IGl0IEkgc2VlIGV2ZXJ5dGhpbmcgZWxzZSIgLSBDLlMuIExld2lzLCBmcmllbmQgb2YgSi5SLlIgVG9sa2llbg

April 6, 2025

To Canyon County Planning and Zoning
Case number CR2023-0012
Elordi Hearing date 4-17-2025

Re: The Elordi request to modify the Development Agreement # CR2023-0012

P&Z Commissioners:

I grew up a mile from the subject property and have lived and farmed in the immediate area all my life. I am very familiar with this property and the ability to farm it. It is good farm ground and has adequate water. It has been farmed successfully for many years buy various individuals. While some of the overall property may not have been ideal for farming when Mr. Elordi last asked to develop even more than he had originally in the current Development Agreement was created to conserve the farmable area. Nothing has changed. Mr. Elordi's revised plan to divide the land in the Development Agreement would make it harder to farm and less productive.

If there is any issue with finding someone to farm the property in it's present configuration I know several individuals who would consider renting. it.

It is for these reasons I request you turn down Mr. Elordi's request to modify the Development Agreement.

West Archer

Mr. Wes Archer
10872 Cool Road.
Caldwell, Idaho 83607