



**Board of County Commissioners**  
**Hearing Date: July 29, 2025**  
*Canyon County Development Services Department*

**PLANNING DIVISION ADDENDUM**

**CASE NUMBER:** CR2022-0027

**APPLICANT/REPRESENTATIVE:** David Hess  
**PROPERTY OWNER:** David and Carol Hess & Carl Glaettli

**APPLICATION:** Conditional rezone of Parcel R33459010 and R33459010B from an "A" zone to a "CR-R-R" zone. The request includes a development agreement.

**LOCATION:** The subject parcels are located directly south of 20208 Nancy Ln, Caldwell, ID 83607; also referenced as a portion of the NE¼ of Section 22, T3N, R4W, BM, Canyon County, Idaho

**ANALYST:** Dan Lister, Planning Supervisor

**P&Z RECOMMENDATION:** Approval Subject to Dev. Agreement Conditions

**SUMMARY:**

The applicant, David Hess, requests an amendment to the official zoning map to conditionally rezone Parcels R33459010 and R33459010B from "A" (Agricultural) to "CR-R-R" (Conditional Rezone - Rural Residential). The request includes a development agreement restricting development to a five-acre average minimum lot size.

At a duly noticed public hearing, the Planning and Zoning Commission recommended approval subject to development agreement conditions (Exhibits 1 and 2).

The Staff report packet dated February 6, 2025, and all supporting material are contained in Exhibit 3. Any additional comments/additional documents received for the subject public hearing may be found in Exhibit 4.

If the request is approved, DSD will bring FCOs, a development agreement, and an ordinance to amend the zoning maps for the Board's signature.

**EXHIBITS:**

- 1. Planning & Zoning Commission FCOs Signed on April 17, 2025**
- 2. Planning and Zoning Commission Minutes: February 6, 2025, and April 3, 2025**
- 3. Staff Report Packet Dated February 6, 2025**
- 4. Comments/Additional Documents Received by July 19, 2025**
  - a. Idaho Dept. of Environmental Health dated 6/30/2025 (Similar to Exhibit 3.D.2)
  - b. Applicant's PowerPoint Presentation

**EXHIBIT 1**

**Planning and Zoning Commission FCOs Sign on April 17, 2025**

**Case: CR2022-0027**

**Board Hearing Date: July 29, 2025**





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

In the matter of the application of:  
**Hess/Glaettli – CR2022-0027**

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional rezone of parcels R33459010 and R33459010B from an “A” zone to a “CR-R-R” zone. The request includes a development agreement.

Address: Directly south of 20208 Nancy Ln Caldwell, ID 83607; also referenced as a portion of the NE¼ of Section 22, T3N, R4W, BM, Canyon County, Idaho

**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 CR2022-0027

**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, CR2022-0027, was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 6, 2025, and April 3, 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:** As conditioned (Attachment A), the request is generally consistent with the 2030 Canyon County Comprehensive Plan.

**Findings:**

- (1) The Future Land Use plan within the 2030 Canyon County Comprehensive Plan designates the parcels as “agriculture” with an “Ag-tourism Exclusive Farm Use” overlay (Exhibit B.2j of the staff report).
  - “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” (2030 Comp. Plan, Page 25).
  - “The Agri-tourism Exclusive Farm Use (AEFU) is a district where property owners sell and produce vertically integrated agriculture goods/services. Retail sales operations draw visitors/customers wanting to buy goods and services offered on said property” (2030 Comp. Plan, Page 27).
  - Per Page 26 of the 2030 Comp. Plan, the agriculture designation allows for commercial agriculture (AC-5): “The AC-5 district (five-acre lot sizes) provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity.”
- (2) The request aligns with the following 2030 Comprehensive Plan goals and policies:
  - Property Rights G1.01.00: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.”
    - *See supporting evidence in criteria 2, 3, and 4.*
  - Population G2.01.00: “Incorporate population growth trends and projections when making land-use decisions.”
  - Population G2.02.00: “Promote housing, business, and service types needed to meet the demand of the future and existing population.”
    - Per population projects (page 14 of the 2030 Comp Plan), the current figures (Community in Motion Regional Plan) “project the County population to be 359,180 by 2050, a thirty-two percent increase from 2020. In the next twenty-eight years, Canyon County expects to add an estimated 128,070 people.”
    - The subject parcel is located in TAZ (Traffic Analysis Zone) 2770 (Approximately 1,900-acre area): Canyon–West Rural (Exhibit B.2l of the staff report). Based on the TAZ forecasts used by the state and/or local transportation officials and COMPASS for tabulating traffic-related data for future growth and needed transportation funding for improvements, approximately seven (7) households are anticipated between 2024 and 2050. The forecast shows the area is not a residential growth area and is anticipated to support agricultural and rural uses. The request, as conditioned, maintains agricultural uses and character (Exhibits A.2 & 3 of the staff report).
  - Land Use and Community Design P4.01.01: “Maintain a balance between residential growth and agriculture that protects the rural character.”
  - Land Use and Community Design P4.01.02: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.”

- Land Use and Community Design P4.02.01: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.”
- Land Use and Community Design P4.03.01: “Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.”
- Land Use and Community Design P4.03.02: “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.”
- Land Use and Community Design P4.03.03: “Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.”
- Land Use and Community Design P4.05.01: “Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.”
  - *See supporting evidence in criteria 2, 3, and 4.*

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0027.

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

**Conclusion:** In consideration of the surrounding land uses, the proposed conditional zone to “R-R” (Rural Residential) is more appropriate than the current zoning designation of “A” (Agricultural).

**Findings:**

- (1) The subject parcels and a majority of the surrounding parcels are zoned “A” (Agricultural, Exhibit B.2c of the staff report). The subject parcels consist of moderately suited soils (Class III) and are considered prime farmland if irrigated (Exhibit B.2h of the staff report).
- (2) The subject parcels were created by an approved conditional use permit that expired (CU2003-291, Exhibit B.4 of the staff report). The parcels were sold instead of being merged back into the original parcel, creating parcels outside of the County Code (Exhibit A.7 of the staff report). A rezone and platting process is the only way to make the parcels legal and buildable.
- (3) On September 2, 2022, the applicant submitted a conditional rezone to a “R-R” Zone to create three (3) lots from Parcel R33459010 (six acres). The request did not include Parcel R33459010B (Exhibit A.8 of the staff report). After the discussion with DSD regarding the future land use of the area being planned for agricultural and rural uses in the 2020 and 2030 Comprehensive Plan (Exhibit A.9 of the staff report), the applicant amended the application to include R33459010B to create parcels that are supported by the 2030 Comprehensive Plan and fix the non-conforming status of both parcels (Exhibit A.2 of the staff report).
- (4) The Future Land Use plan within the 2030 Canyon County Comprehensive Plan designates the parcels as “agriculture” with an “Ag-tourism Exclusive Farm Use” overlay (Exhibit B.2j of the staff report). Per Page 26 of the 2030 Comp. Plan, the agriculture designation allows for commercial agriculture (AC-5): “The AC-5 district (five-acre lot sizes) provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity.”
- (5) The “R-R” (Rural Residential) zone is being requested to meet the AC-5 designation provided in the 2030 Canyon County Comprehensive Plan. However, there are no adopted maps or ordinances to determine the appropriate locations or minimum requirements of the AC-5 designation. As conditioned, the request will allow the subject parcels to maintain a five-acre minimum lot size. The parcels will be subject to the standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. As conditioned, the request maintains the “A” zoning designation.

- (6) The five-acre parcel lot sizes requested are commensurate with the average lot size within a 600-foot radius. The average lot size is 5.49 acres, with a median of one acre due to being near Sunny Slope Sub. No. 1 (Exhibit B.2e of the staff report).
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0027.

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

**Conclusion:** As conditioned (Attachment A), the proposed conditional rezone is compatible with surrounding land uses.

- Findings:**
- (1) The majority of the area is zoned “A” (Agricultural), However, the subject parcels are located adjacent to existing subdivisions and a similar land use decision.
    - a. Similar Land Use Decisions (Exhibit B.2d of the staff report):
      - In 2017, Parcel R33459010 (approximately 10 acres, adjacent to the subject parcel) was conditionally rezoned to “R-R” to allow the parcel, created outside County Code, to be divided and developed (PH2017-40 Dev. Agreement #17-119, Exhibit B.5 of the staff report). The rezone was conditioned to allow one residential lot. Subsequently, Newby Subdivision was approved in 2018, allowing the creation of two lots, one buildable and an agricultural-only (SD2018-4, Exhibit B.6 & 7 of the staff report). The buildable lot has a primary and secondary dwelling (BP2018-0654 & BP2024-0551).
      - RZ2019-0004/OR2019-0002 – Parcel R33402010 (approximately 1,300 feet north of the subject request): The request to amend the future land use plan within the 2020 Canyon County Comprehensive Plan to “residential” was denied. The denial included a zoning map amendment (rezone) to “R-1” (Single Family Residential, one-acre average minimum lot size).
    - b. Subdivisions (Exhibit B.2.e of the staff report): Within a one-mile radius, there are six (6) subdivisions. The subdivisions adjacent to the subject parcels are Newby Subdivision (SD2018-4, Exhibit B.6 & 7 of the staff report) and Sunny Slope Sub #1, approved in 1948, consisting of 56 lots (Exhibit B.2e of the staff report).
    - c. Other Uses  
The subject parcels are adjacent to Williamson Winery and special event center (PH2014-45) and near neighborhood commercial zoning (“C-1”) such as Orchard House Restaurant (Parcel R272010010) and Sinclair Gas Station (R27201) at the intersection of Apricot Lane and Sunny Slope Road (Exhibit B.2c of the staff report).
  - (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on November 22, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000 feet were notified by mail on January 2, 2025. Full political notice was provided on January 2, 2025. January 2, 2025.
    - a. No written public comments were received.
  - (3) As conditioned (Attachment A), the subject parcels must maintain a minimum lot size of five acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. As conditioned, the rezoning would be consistent with the surrounding land uses.
  - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0027.

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

**Conclusion:** As conditioned (Attachment A), the proposed conditional rezone will not negatively affect the character of the area.

- Findings:**
- (1) As conditioned (Attachment), the subject parcels must maintain a minimum lot size of five acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the "A" (Agricultural) Zone to ensure consistency with the surrounding area.
    - a. *See evidence in criteria 2 and 3 for more details.*
  - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on November 22, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000 feet were notified by mail on January 2, 2025. Full political notice was provided on January 2, 2025.
    - a. *See Exhibit D of the staff report for comments from affected agencies.*
  - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0027.

**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 based on the analysis contained herein.

- Findings:**
- (1) Septic systems are proposed (Exhibit A.4 of the staff report). The septic design will be reviewed and permitted through Southwest District Health at the time of platting (CCCO Section 07-17-09). Southwest District Health (SWDH) states the property is located outside the designated nitrate priority area. SWDH has no concerns regarding the request (Exhibits A.6a & D.3 of the staff report).
  - (2) Individual domestic wells are proposed (Exhibit A.4 of the staff report). Parcel R33459010 has an existing well that would need to be cleaned and put into service (Exhibit A.3 of the staff report). Individual wells are required to meet Idaho Dept. of Water Resources (IDWR) and SWDH requirements, which will need to be demonstrated at the time of platting (CCCO Section 07-17-09).
  - (3) All stormwater drainage will be maintained on-site (Exhibit A.4). A drainage plan was not provided. A drainage plan is required at the time of platting (CCCO Section 07-17-09).
  - (4) The applicant states the subject parcels have surface water rights from Lizar Lateral along the north boundary of Parcel R33459010 (Exhibits A.2, A.3 & A.4 of the staff report). Improvements to the concrete ditch on the north side may need to be moved or replaced to allow for gravity irrigation on each parcel (Exhibit A.3 of the staff report). An irrigation plan was not provided. An irrigation plan is required at the time of platting (CCCO Section 07-17-09).
    - a. Boise Project Board of Control states the irrigation district has no facilities on the parcels but does have water rights (Exhibit D.6 of the staff report). Local irrigation/drainage ditches that cross the property in order to serve neighboring properties must remain unobstructed and protected by the appropriate easement by the landowner, developer, and contractors.
  - (5) The applicant will work with Idaho Power to bring services to each parcel. Utility locations and easements are required to be provided at the time of platting (CCCO Section 07-17-09).
  - (6) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on November 22, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000 feet were notified by mail on January 2, 2025. Full political notice was provided on January 2, 2025.
    - a. *See Exhibit D of the staff report for comments from affected agencies.*
  - (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0027.

**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 request, as conditioned (Attachment A), will not create any traffic impacts that require mitigation.

- Findings:**
- (1) Per the Institute of Transportation Engineers – Trip Generation 9<sup>th</sup> Edition, referenced in CCZO Section 07-10-03(3)), the request creates 19.04 average daily trips (secondary residences are prohibited, Attachment A) onto First Street, a public road in Sunnyslope Subdivision No. 1.
  - (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on November 22, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000 feet were notified by mail on January 2, 2025. Full political notice was provided on January 2, 2025. January 2, 2025.
    - a. Idaho Transportation Department (ITD) finds the request does not meet the threshold to require a traffic impact study and does not pose any safety concerns (Exhibit D.4 of the staff report). Golden Gate Highway District #3 also does not have traffic impact concerns (Exhibit D.1 of the staff report).
  - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0027.

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

**Conclusion:** The parcels have legal access via a 30' ingress/egress easement. Adequate access will exist at the time of development.

- Findings:**
- (1) The parcels have legal access via a 30' ingress/egress easement that connects to SH-55 (Exhibit A.2 and A.3 of the staff report).
  - (2) Upon hearing public testimony regarding access concerns regarding Newby Subdivision and Nancy Lane on February 6, 2025, the Planning and Zoning Commission tabled the hearing to allow the applicant to work with Golden Gate Highway District #3 to determine an adequate access point that will serve the two subject parcels.
    - a. At the April 3, 2025 hearing, the applicant stated they and DSD staff met with Golden Gate Highway District #3 and found access to the 30' wide easement from First Street, a public road in Sunny Slope Subdivision #1, acceptable. A condition of approval has been included to ensure the access point comes from First Street, not SH-55 (Attachment A).
  - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on November 22, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000 feet were notified by mail on January 2, 2025. Full political notice was provided on January 2, 2025. January 2, 2025.
    - a. Idaho Transportation Department (ITD) finds the request does not meet the threshold to require a traffic impact study and does not pose any safety concerns (Exhibit D.4 of the staff report).
  - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0027.

**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 request is not anticipated to impact essential public services and facilities, including, but not limited to schools, police, fire, and emergency medical services.

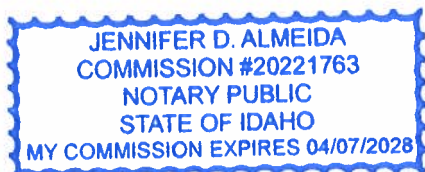
**Findings:**

- (1) The subject properties are located in the Vallivue School District #139 (Exhibit B.1 of the staff report). No comment was received.
- (2) The subject properties are served by Marsing Fire District (Exhibit B.1 of the staff report). No comment was received. The applicant states they met with Caldwell Rural Fire which required access to be improved and to include a turnaround to fire district specifications (Exhibit A.2 of the staff report). During testimony on April 3, 2025, the applicant read an e-mail from Marsing Fire District stating that access to the parcels will need to meet fire district access requirements.
- (3) The subject properties are served by the Canyon County Sheriff's Office. No comment was received.
- (4) The subject properties are served by Canyon County Ambulance/EMT. No comment was received.
- (5) The subject properties are within the Wilder Irrigation District & Boise Project Board of Control (Exhibit B.1 of the staff report). The Boise Project Board of Control commented stating there are no irrigation district facilities on the parcels (Exhibit D.6 of the staff report)
- (6) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on November 22, 2024, and January 2, 2025. A newspaper notice was published on January 2, 2025. Property owners within 1,000 feet were notified by mail on January 2, 2025. Full political notice was provided on January 2, 2025. January 2, 2025.
  - a. The Boise Project Board of Control commented stating there are no irrigation district facilities on the parcels (Exhibit D.6 of the staff report).
  - b. No comments were received from Vallivue School District, Marsing Fire District, Canyon County Sheriff's Office, Canyon County Ambulance/EMT, or Wilder Irrigation District.
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0027.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **approval** of Case # CR2022-0027, a conditional rezone of parcels R33459010 and R33459010B from an "A" zone to a "CR-R-R" zone subject to conditions of the development agreement (Attachment A).

DATED this 17 day of April, 2025.



State of Idaho )

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

  
Robert Sturgill, Chairman

SS

County of Canyon County )

On this 17<sup>th</sup> day of April, in the year 2025, before me Jennifer D. Almeida, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Jennifer D. Almeida  
My Commission Expires: 4/7/28

**ATTACHMENT A**  
**DEVELOPMENT AGREEMENT CONDITIONS**

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.
2. Prior to the development of Parcel R33459010 and 010B, the division creating the parcel must be created legally through the subdivision process (Chapter 7, Article 17 of the Canyon County Code of Ordinances).
3. The development of the subject parcel shall be restricted as follows:
  - a. Minimum average lot size: Five (5) acres.
  - b. Zoning Designation: Other than the minimum lot size, the subject parcels shall meet the uses and minimum requirements of the "A" (Agricultural) Zone.
  - c. Access: Access to the subject parcel shall connect to First Street within Subby Slope Subdivision #1.
4. The developer shall comply with CCCO §07-06-07(4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
5. Secondary residences per CCCO Section 07-10-27 and 07-14-25 are prohibited.



**EXHIBIT 2**

**Planning and Zoning Commission Minutes: 2/6/2025 & 4/3/2025**

**Case: CR2022-0027**

**Board Hearing Date: July 29, 2025**



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

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

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

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

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

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

**Item 1: Consent Agenda**

**A: November 21, 2024 Minutes**

**B: December 5, 2024 Minutes**

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

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

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

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

**Item 2A:**

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

**Chairman Sturgill** called the applicant to testify.

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

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

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

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

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

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

**Planner Arbay Mberwa** reviewed the Staff Report for the record.

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

**Chairman Sturgill** affirmed the witnesses to testify.

#### **Testimony:**

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

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

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

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

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

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

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

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

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

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

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

**Deliberation:**

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

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

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

**Discussion on the Motion:**

None.

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

**Item 2B:**

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

**Chairman Sturgill** called the applicant to testify.

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

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

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

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

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

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

**Planner Emily Bunn** reviewed the Staff Report for the record.

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

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

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

**Deliberation:**

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

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

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

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

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

**Discussion on the Motion:**

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

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

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

**Item 2C:**

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

**Chairman Sturgill** called the applicant to testify.

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

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

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

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

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

Chairman Sturgill affirmed the witnesses to testify.

**Testimony:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Nevill asked if Mr. Hess would be compliant with a condition that prohibits secondary dwellings. Mr. Hess stated he would. Commissioner Nevill asked about the testimony regarding a wildlife

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

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

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

**Deliberation:**

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

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

Commissioner Mathews and Commissioner Nevill agreed with Commissioner Sheets.

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

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

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

**Item 2D:**

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

**Chairman Sturgill** called the applicant to testify.

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

Mr. Orton noted that JMAC Resources is the mineral extraction company, but there are representatives present for the Redmon Family Trust's property, which is the proposed site. On a presentation Mr. Orton provided, he pointed out an area where a concrete ready-mix batch plant would be added. Operation



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

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

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

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

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

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

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Deliberation:**

None.

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

**Discussion on Motion:**

None.

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

**3. DIRECTOR, PLANNER, COMMISSION COMMENTS:**

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

**4. ADJOURNMENT:**

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

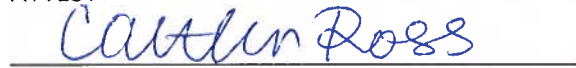
An audio recording is on file in the Development Services Departments' office.

Approved this 3<sup>rd</sup> day of April, 2025

A handwritten signature in blue ink, appearing to read "Robert Sturgill", is written over a horizontal line.

Robert Sturgill, Chairman

ATTEST

A handwritten signature in blue ink, appearing to read "Caitlin Ross", is written over a horizontal line.

Caitlin Ross, Hearing Specialist



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, April 3, 2025  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

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

Staff Members Present: Jay Gibbons, Director of Development Services  
Joshua Johnson, Assistant Director of Development Services  
Aaron Williams, Director of Constituent Services  
Zach Wesley, Deputy Prosecuting Attorney IV  
Dan Lister, Principal Planner  
Michelle Barron, Principal Planner  
Amber Lewter, Associate Planner  
Caitlin Ross, Hearing Specialist

**Chairman Sturgill** called the meeting to order at 6:30 p.m.

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

**CONSENT AGENDA**

- A. February 6, 2025 MINUTES**
- B. Case No. VAC2024-0001 - Thueson:** Approve revised FCO's
- C. Case No. CU2024-0003 - Garman:** Approve revised FCO's

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

**Item 2A:**

**Case No. CR2022-0027 – Hess:** The applicant, David Hess, is requesting a conditional rezone of parcels R33459010 and R33459010B from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone-Rural Residential) zone. The request includes a development agreement limiting development to a five-acre average minimum lot size. The subject parcel is located directly south of 20208 Nancy Ln Caldwell, ID 83607.

On February 6, 2025, the case was continued to a date certain of April 3, 2025.

**Chairman Sturgill** asked Planner Lister to summarize what transpired at the last hearing and where they are in the process.

Planner Lister stated at the February 6, 2025 hearing testimony was received. At the conclusion of the testimony the P&Z Commission tabled the hearing to allow the applicant to work with Golden Gate Highway District to address the access location. The P&Z Commission also requested information from

Marsing Fire District. Although testimony was received at the prior hearing, public testimony remained open. Staff requested that testimony be limited to the new information.

**Chairman Sturgill** called the applicant to testify.

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

Mr. Hess stated that had talked to Planner Lister and Bob at Golden Gate Highway District it was decided that the access would be off of 1<sup>st</sup> St. with a private driveway parallel to Nancy Ln. The access would be separate from Nancy Ln. Mr. Hess sent an email to Marsing Rural Fire District and they indicated a 20 ft. access road would be required.

Commissioner Nevill asked about the construction of the private driveway. Mr. Hess understood it would just need to meet Marsing Rural Fire District standards.

**Planner Dan Lister** reviewed the updated information/staff report for the record.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Alan Laird – IN NEUTRAL – 20086 Nancy Ln., Caldwell, ID 83607**

Mr. Laird stated that the arrows on the map depict 2<sup>nd</sup> Street not 1<sup>st</sup>.

**Ben Newby – IN NEUTRAL – 14737 Sunnyslope, Caldwell, ID 83607**

Mr. Newby discussed the map which depicts the access. He asked for clarification on the access.

**David Hess – (Applicant) REBUTTAL – 116 Arabian Way, Nampa, ID 83687**

Mr. Hess clarified the access to the property. From 1<sup>st</sup> Street they will cross into the 30 ft. easement and then into the driveway, parallel to Nancy Ln.

Commissioner Nevill asked for clarification on the maps utilized for access. Planner Lister explained the access. Platting is required for this development.

Commissioner Dorsey stated that he was not part of the first hearing for this development. He also indicated for the record that he used to farm this property before it started to be developed. Chairman Sturgill suggested that Commissioner Dorsey recuse himself as he was not part of the first hearing.

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

**Deliberation:**

Commissioner Nevill stated that it is easier to condition now to restrict no secondary residences.

Commissioner Sheets agreed to an addition of a condition.

**MOTION:** Commissioner Nevill moved to **recommend approval** of Case No. CR2022-0027 to the Board of County Commissioners, accepting staff's Findings of Fact, and adding condition no. 5 to state that no secondary residences are allowed. Seconded by Commissioner Mathews.

**Discussion on the Motion:**

None.

Roll call vote: 4 in favor, 0 opposed, motion passed.

**Item 2B:**

**Case No. CU2024-0018 – Idaho Dept of Fish and Game:** The applicant, Idaho Dept. of Fish and Game, represented by Kristy Newkirk, is requesting a conditional use permit of approximately 11.14 acres for a fish rearing hatchery renovation in the R-R (Rural Residential) zone. The subject property is located at 3806 S. Powerline Rd, Nampa, Idaho, also referenced as Parcel R29144.

On January 16, 2025, the case was proposed to be tabled to a date certain of February 20, 2025. On February 20, 2025, the case was proposed to be tabled to a date uncertain.

**Chairman Sturgill** called the applicant to testify.

**Kristy Newkirk – (Applicant) IN FAVOR – 11939 W. Musket Dr., Boise, ID 83713**

Ms. Newkirk stated the need for the conditional use permit has been triggered by the reconstruction project for the fish hatchery. The improvements will be restricted to the southeast side of the property. Fish & Game purchased the property in 1982. The property had been used as a hatchery since 1975. The hatchery needs infrastructure improvement. The current use predates the zoning code and has been operating as a legal non-conforming use. Approval of the conditional use permit to allow for the improvements will make the use legal conforming. The proposed changes will not change the day to day operations. The improvements will produce a healthier stock fish. All of the criteria for a conditional use permit have been met.

Commissioner Nevill asked about access to the site. Ms. Newkirk stated that the proposed access was depicted on their site plan.

Chairman Sturgill referred to Exhibit 7D4, in regards to a fence, which appeared to be a tradeoff for reducing a 70 ft. setback to 50 ft. Ms. Newkirk stated there is a 70 ft setback from the centerline of Locust Lane. The existing hatchery is approximately 18 ft. from centerline. They are proposing to bring it to 50 ft. They were not able to meet the 70 ft. setback. Screening will be added when the road is widened in the future.

**Director of Development Services, Jay Gibbons** reviewed the Staff Report for the record.

Chairman Sturgill asked about fencing and whether or not it would be appropriate to add a condition requiring that it be installed when the road is widened. DSD Director Gibbons replied, yes that would be appropriate.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Kenny Pfeifer – IN NEUTRAL – 1825 E. Locust Ln., Nampa, ID 83686**

Mr. Pfeifer is not opposed to the request. He stated at the first meeting he had with the applicant's they had agreed that each of them would give up 10 ft. for right of way. The second meeting they weren't giving up 10 ft and it was all on him. They need to also provide 10 ft.

**Kristy Newkirk – (Applicant) REBUTTAL – 11939 W. Musket Dr., Boise, ID 83713**

Ms. Newkirk stated it was her understanding that the 50 ft. was for the entire right of way for expansion. If there is a road widening it will come onto the fish hatchery property.

Commissioner Nevill asked about the fence. If a condition was placed, what type of fence would be installed. She understood 6 ft. site obscuring. Commissioner Nevill asked for clarification on the 50 ft. right of way. Ms. Newkirk explained the right of way.

Assistant Director Johnson explained the setback from section line for the record and the reasons for the setback. He believed the discussions may have taken place before discussions with the highway district.

Director of Development Services discussed a potential condition regarding fencing & Nampa City Code.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. CU2024-0018, seconded by Commissioner Dorsey. Voice vote, motion carried.

**Deliberation:**

Commissioner Sheets stated that in the long term a rezone may have been more appropriate, however, with the property history and use being in place for quite some time, he is in support. The fencing requirements are between the city and the highway district.

**MOTION:** Commissioner Sheets moved to **approve** Case No. CU2024-0018, and adopt the findings and conditions as recommended by staff. Seconded by Commissioner Dorsey.

**Discussion on the Motion:**

Commissioner Nevill suggested adding a condition no. 3 to require fencing when Locust Ln. is widened.

Commissioner Sheets to his motion an addition of condition no. 3, "A copy of the agreement between the City of Nampa and the highway district indicating fencing."

Commissioner Dorsey said his condition still stood however, felt the condition was redundant.

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

**Item 2C:**

**Case No. CU2024-0013 – The Wild Oak, LLC:** The applicant, Derek Olson, represented by Rafael Sanchez with Provost & Pritchard Consulting Group, is requesting a Conditional Use Permit for a special events facility named The Wild Oak on approximately 3.72 acres in an "A" (Agricultural) zone. The subject property is located at 19781 Middleton Rd, Caldwell, ID 83605, also referenced as Parcel R34316, a portion of the NE quarter of Section 30, T4N, R2W, BM, Canyon County, Idaho.

**Chairman Sturgill** called the applicant to testify.

**Matthew Barnes – (Applicant) IN FAVOR – 1965 S. Eagle Rd., Ste. 140, Meridian, ID 83642**

Mr. Barnes is representing Mr. Sanchez as he is not able to be in attendance this evening. They are asking for a special events facility. The proposed use is costent in the agricultural zoning district via a conditional use permit. There will be a bridal suite, grooms lounge, catering prep kitchen, ceremony sites, greenhouse, reception hall, & parking area. The facility will be open on weekends and select holidays for events with flexible consultation hours. The owner plans on participating in community outreach hoping that the facility could be used for that as well. Mr. Barnes stated they would comply with all County

Ordinances and conditions of approval with no outdoor music or amplified sound. Highway District 4 approved access onto Middleton Rd. The lighting will be fully shielded and directed downward. There will be alcoholic beverages per licensing requirements and compliant with all applicable laws. They will comply with standard construction hours and mitigate dust during the construction of the site.

Commissioner Matthews asked if the meal prep would be done onsite or catered out. It would be done mostly themselves and they will apply for the necessary permits and licenses.

Commissioner Sheets stated there are 16 recommended conditions and asked if Mr. Barnes and his client had had an opportunity to review those. Mr. Barnes indicated they had reviewed them and he had a couple of minor changes. The first change would be condition 8B, in regard to parking standards. They asked to utilize the County's definition of hard surface instead. The second change would be in regard to condition 11B, and asked that the timeframe required be adjusted to 12 months.

Chairman Sturgill asked about sewer service. Mr. Barnes stated that an individual system is proposed. The City would not provide service unless annexed. The septic system would be scaled for the use.

Commissioner Matthews asked where the drain field would be located. Mr. Barnes depicted where the drain field would be.

**Associate Planner, Amber Lewter** reviewed the Staff Report for the record.

Commissioner Nevill discussed an emergency plan and requiring it as a condition. Planner Lewter stated this condition can be added. Commissioner Nevill was concerned that the parking was over the septic drain field. Planner Lewter stated that Southwest District Health indicated that the drain field couldn't be under the driveway.

Commissioner Sheets asked Planner Lewter if there were any concerns with the requested condition modifications from the applicant. Planner Lewter did not have concerns regarding the modifications.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Marisa Foster – IN OPPOSITION – 19683 Alleghenny Way, Caldwell, ID 83605**

Ms. Foster stated they live south of the proposed event center. Her concerns were in regard to long operating hours, number of events, traffic & safety, as well as loud noise. Noise also comes from venue patrons. Amplified sounds, even within a building, has impact. She is concerned about her property value. The property is surrounded by subdivisions and residential uses.

Commissioner Nevill asked if the trees between the properties would help with noise. Ms. Foster didn't feel that it would.

**Peter Gowman – IN OPPOSITION – 19681 Alleghenny Way, Caldwell, ID 83605**

Mr. Gowman lives in the Saddleback Subdivision. He stated that this is an event center not a small wedding venue. The events would not be limited to weddings. Noise, lights, and late-night operating hours can have an impact. Landscaping buffers do not control noise. In the wintertime, plants go dormant and don't provide any sort of buffer. Mr. Goman is concerned about the impact the late-night hours could have as the property is adjacent to residential uses. The property is approximately four acres in size, and the building is placed as far away from Middleton Rd. as possible, but by doing so, is located closer to the



subdivisions. He requested that the conditional use permit not be approved. If approved, please restrict the number of events and operating hours.

Commissioner Nevill asked what Mr. Gowman thinks is reasonable. Mr. Goman stated one event per week.

**Leeah Merkert – IN OPPOSITION – 19673 Alleghenny Way, Caldwell, ID 83605**

Ms. Merkert has concerns about the event center being located in a residential area. Traffic and safety must be considered. She is concerned about the noise associated with the event center. With these types of events, the use of alcohol must also be considered and the added risk of accidents. Property values are a major concern as most people would not want to live near an event center. She lives in the Saddleback community and if she would have known an event center was there/or to be located there, she would have re-considered. This type of use should not be forced on the community. The developer is the only one benefiting from this use. She requested that the P&Z listen to the community and deny the permit.

**Matthew Barnes – (Applicant) REBUTTAL – 1965 S. Eagle Rd., Ste. 140, Meridian, ID 83642**

Mr. Barnes stated many of the concerns were addressed in his previous testimony. They will comply with all applicable ordinances. The business is a family business. They currently live in Utah and many of their neighbors have complimented their existing facility in that state. There would be no neighborhood traffic, it would remain on Middleton Rd. Mr. Barnes referenced the landscaping plan and noted it is for visual appeal, not to control noise. Alcohol would comply with licensing requirements.

Commissioner Dorsey asked where the water for the water feature was coming from, and if that would be year-round. Mr. Barnes stated there is an existing well on site and water would be pumped for the feature and fire suppression. Commissioner Dorsey asked if the well was domestic. Mr. Barnes was not 100% sure. Commissioner Dorsey noted the changes that may be required to the site plan and it is likely that city services may have to be used. Mr. Barnes stated they would continue to work with Southwest District Health.

Commissioner Nevill asked for additional information about the landscape plan. Mr. Barnes stated that the plan would be aesthetic. Commissioner Nevill asked if a berm would be considered. Mr. Barnes replied, yes.

Chairman Sturgill asked if Mr. Barnes had been to the Utah location. He replied, no. Mr. Barnes clarified that this event center will be largely a wedding venue, but wanted the opportunity for community events.

Commissioner Matthews stated that in regard to the residents to the south that may be impacted by the noise. He stated that he is concerned that this is not appropriate for the site.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. CU2024-0013 seconded by Commissioner Matthews. Voice vote, motion carried.

**Deliberation:**

Commissioner Sheets had concerns in regard to the site plan and how that relates to the information from Southwest District Health. He understands the condition grants flexibility but he would like to know what the actual site plan will be. He would be amenable to postponing a decision on the case. He understands that the future land use for this property is commercial and a special event center is an allowed use if the property was commercial. He is in generally in favor.

Commissioner Matthews stated in regard to the commercial designation, if you look at what exists now as far as residential uses, a commercial area may not be compatible. He is opposed.

Commissioner Nevill stated that the late exhibits read into the record by Planner Lewter raise some concerns. The use could be conditioned, but in the end, he is still opposed.

Commissioner Dorsey is concerned about the sewer/water and location. He agreed with Commissioner Sheets.

**MOTION:** Commissioner Sheets moved to **continue** The Wild Oak, LLC, Case No. CU2024-0013 to a date certain of June 5, 2025. Seconded by Commissioner Dorsey.

**Discussion on the Motion:**

Commissioner Nevill asked if the Commission needs to delimitate what information needs to come back.

Commissioner Sheets noted he would like to see an updated site plan after the discussions with Southwest District Health and any other affected water jurisdiction/ sewer jurisdiction / or if city services will be utilized.

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

Chairman Sturgill stated he has reviewed the number of people signed up for each remaining item on the agenda. It appears that item 2F has the most people signed up. Chairman Sturgill invited a motion to move that item up on the agenda.

**MOTION:** Commissioner Sheets moved to move item 2F, Impact Fees Case No. OR2025-0003 next on the agenda. Seconded by Commissioner Matthews. Voice vote. Motion carried.

**Item 2F:**

**Case No. OR2025-0003 – Impact Fees:** An Amendment to Canyon County 2030 Comprehensive Plan to incorporate capital improvement plans for Parks Department, Sheriff Department and Coroner allowing collection of impact fees for each entity.

Director of Development Services, Jay Gibbons clarified that the discussion will be regarding fire district and highway districts into an Appendix B in the Comprehensive Plan.

Chairman Sturgill asked the Director to outline the process for Ordinance approval and the P&Z Commission's role. Zach Wesley explained the process for the record. Mr. Wesley stated that the original appendix in the 2020 Comprehensive Plan was not brought forward into the 2030 plan and that needs to be rectified. There is also a requirement that the capital improvement plans are updated from time to time. Impact Fee Committees evaluate capital improvement plans and make recommendations. All of the capital improvement plans have to be adopted as part of the County Comprehensive Plan. The recommendation of the P&Z Commission will then go to the Board of County Commissioners. The board will hear the Comprehensive Plan portion, request for fee changes, new fees, and also any changes to ordinances/procedures.

Chairman Sturgill asked about supplying feedback from the P&Z Commission as part of the Commission's recommendation. Zach Wesley stated that could be a part of any motion made for recommendation.

Director of Constituent Services, Aaron Williams stated that the applicants being represented this evening are Caldwell Rural Fire District, Highway District No. 4, Homedale Rural Fire Protection District, Kuna Rural Fire District, Marsing Rural Fire District, Middleton Rural Fire District, Nampa Fire Protection District, Parma Rural Fire District, Star Fire Protection District, and Wilder Rural Fire District. The applicants have submitted previously approved and new capital improvement plans prepared in conformance with Idaho Code §67-8208. Bill Gigray is representing the fire & highway districts.

**Bill Gigray – (Applicant) IN FAVOR – 5700 E. Franklin Rd. Ste. 200, Nampa, ID 83651 – Via telephone**

Mr. Gigray is representing all ten applicants. The purpose of the applications is to amend the 2030 County Comprehensive Plan by amending table 7 of the Public Services Facilities & Utilities goals, policies & actions. Also amending G7.01.00 with some additional verbiage to link it to the Comprehensive Plans which would be amended to be included.

Chairman Sturgill requested that Mr. Gigray be sworn in. **Chairman Sturgill** affirmed the applicant to testify. Once sworn in Mr. Gigray's testimony continued.

Mr. Gigray noted those who are in the audience that would be available to testify if there were questions. Chris Hopper would be available by phone. There are seven exhibits, CC-1 through CC-7, which our County Commissioner action documents that are necessary for the record of this proceeding to establish the history of what has happened up to date in regard to the capital improvement plans.

**Chairman Sturgill** affirmed the witnesses to testify.

**Ron Johnson – IN FAVOR – 3140 E. Highball Ct. Meridian, ID 83642**

Mr. Johnson is representing Nampa Fire Protection District.

Testimony was then provided by Mr. Gigray.

[Mr. Gigray noted:

- Exhibit CC1 is the Canyon County Commissioner Resolution which amended the 2020 Comprehensive Plan, June 22, 2020. Which includes all of the capital improvement plans of the 7 fire districts at the time. The City of Caldwell Fire Department and Caldwell Rural Fire District Impact Fee Capital Improvement Plan of July 2, 2019 and the Wilder Impact Fee of March 6, 2019.
- Mr. Gigray stated Exhibit CC2- Canyon County Commissioner's resolution of July 20, 2022 which amended the 2020 Comprehensive Plan and included appendices 10 and 11 which is Canyon Highway District No. 4's Capital Improvement Plan. Subsequent to that Capital Improvement Plan, the Highway District changed their name from Canyon Highway District 4. to Highway District 4.
- Exhibit CC3 is the Board of County Commissioner Resolution for Development Impact Fees from June 22, 2020 that provided for impact fees for fire districts.
- Exhibit CC4 was the Board of County Commissioner adoption of Highway District impact fee dated July 20, 2022
- Exhibit CC5 is Resolution #22-020, dated October 27, 2022, in which the comprehensive plan was amended to adopt the 2030 Comprehensive Plan. This eliminated any reference to CIP's.
- Exhibit CC6 are the Board of County Commissioner minutes from September 12, 2024 which approved all of the amended and updated intergovernmental agreements for highway & fire districts.
- Exhibit CC7 requested a change in the aforementioned agreement. February 18, 2025 which updated the Nampa Fire Protection District intergovernmental agreement.

Mr. Gigray requested that these be adopted into the record. Chairman Sturgill suggested these could be adopted at the end. ] Mr. Gigray stated that Kuna's updated CIP somehow did not get included in the 2020 Comprehensive Plan.

A recent supreme court case rendered an opinion January 22, 2025 in which Findings must be supported by specific factual evidence on the record. Mr. Gigray asked that the agenda for tonight's meeting be included in the record as Exhibit N2.

**Colin McAweeney – IN FAVOR – 999 W. Main St. Boise, ID**

Mr. McAweeney provided information in regard to impact fees. Impact fees are critical to cities and fire districts. Impact fees are one-time payments that new growth pays to offset their new demand on infrastructure. The fees are collected when the building permit is issued. The fee has to be proportionate to the demand. In Idaho these funds are kept separate from the general fund. The impact fee is set in an escrow and mailed out. Mr. McAweeney discussed the process for adoption of impact fees. Demand factors are considered as part of the fees. He discussed plan-based approach (10 yr. CIP) what percent is growth related / demand factors.

Commissioner Sheets asked if the impact fees are a one-time fee. Mr. McAweeney stated, generally speaking, yes. If you're a commercial developer and changing uses, cities can capture that new net impact.

Commissioner Nevill asked about areas that aren't covered by a fire district. Mr. McAweeney stated that after adoption a majority of those areas would be covered by impact fees. Once an impact fee is collected, the fees must be used within eight years on capital expansion.

**Kathryn Zaiss – IN NEUTRAL – 25508 Pet Ln., Parma, ID 83660**

Ms. Zaiss is an employee of Parma Fire Department. According to their CIP they expect to have 780 homes in their area. This would be a 40% increase in residents. They need to be able to expand on what they are offering in their services.

**Mark Wendelsdorf – IN FAVOR – 707 Notus Rd., Notus, ID 83656**

He represents the Caldwell Rural Fire District and impact fees have been in place since 2022. They support the continuation of fees.

Chairman Sturgill asked what the biggest problem with impact fees is in his opinion. Mr. Wendelsdorf stated trying to project out the new cost of a station.

**Steve Rhodes – IN FAVOR – 201 5<sup>th</sup> St. Wilder, ID**

Wilder Fire has been collecting impact fees for approximately six years. The cost for apparatus that was in their CIP is going up faster than the fees they are collecting. Tax money is used for wages.

**Greg Timinsky – IN FAVOR – 11665 W. State St. Star, ID**

Agreed with previous testimony.

Chairman Sturgill asked about levies and how Middleton/Star is handling those. Mr. Timinsky stated that the highest percentage in favor they received in Middleton for levies was 46% and in Star 49% but was not enough to pass. The level of service has increased at least a minute a year. Call volume has increased as well. They also struggle with water supply when properties aren't in the city.

Commissioner Nevill stated comments regarding the wildland urban interface is helpful as evidence/conditions.

**TJ Lawrence – IN FAVOR – 150 W. Boise St., Kuna, ID 83634**

Agreed with previous testimony. (Kuna Fire)

**Ron Johnson – IN FAVOR – 9 12<sup>th</sup> St. S. Nampa, ID 83651**

Agreed with previous testimony. Impact fees are important in helping with buildings an apparatus. Without that it would not be possible. (Nampa Fire)

Commissioner Dorsey asked how the process could work better. Mr. Johnson stated once it is set up it works smoothly.

**Jeff Rodgers – IN FAVOR – 33512 Apple Valley Rd., Parma, ID 83660**

Mr. Rodgers agreed with previous testimony. (Parma Fire).

Chairman Sturgill asked what Parma Fire's unique challenges are. Mr. Rodgers stated growth and their rural location. They would love to be able to build a new station to help with response times.

**Dennis Uria – IN FAVOR – 3709 River Rd., Homedale, ID**

He works for Homedale Fire and the impact fees would benefit them greatly. His department is all volunteer.

**Patrick Williamson – IN NEUTRAL – 19550 Eat A Bite Ln., Caldwell, ID 83607**

Mr. Williamson had questions in regard to Marsing Fire. He asked what special events/ampatheaters fall under. In regard to highway district fees, a failing grade, should mean it gets priority.

Mr. Gigray stated there is no change in the capital improvement plan for Highway District 4 from the one previously approved by the Board of County Commissioners.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. OR2025-0003 seconded by Commissioner Matthews. Voice vote, motion carried.

**MOTION:** Commissioner Sheets moved to accept late exhibits CC1-CC7 and N-2 and include them in the record, seconded by Commissioner Matthews. Voice vote, motion carried.

**Deliberation:**

Commissioner Nevill noted testimony from Mr. Gigray in regard to findings.

Zach Wesley stated that his office has prepared findings / format for DSD Findings in the past. Mr. Wesley discussed motion verbiage with the Commission.

Chairman Sturgill asked if recommended findings were included in the staff report. Development Services Director, Jay Gibbons noted the criteria for a comprehensive plan were in the staff report.

**MOTION:** Commissioner Nevill moved to **recommend approval** of Case No. OR2025-0003 to the Board of County Commissioners, to amend Canyon County's Comprehensive plan and adopt the findings as outlined in the staff report. Seconded by Commissioner Dorsey.

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

**Item 2D:**

**Case No. OR2025-0001 – Spring 2025 Ordinance:** The applicant, Canyon County, represented by Josh Johnson, is requesting a zoning ordinance text amendment to the Canyon County Code, Chapter 7, Zoning Regulations to improve definitions, remove inconsistencies and insert a summary table of zoning processes.

Assistant Director of Development Services, Josh Johnson stated the purpose of the ordinance is to do some minor cleanup, alleviating confusion, & address one procedural conflict. An example of the changes is a summary matrix of the process. This does not change process it merely summarizes what is in the ordinance now. Definitions for clarity of who makes decisions. Cleaning up inconsistencies in the code in regard to Comprehensive Plan Changes to include delivery of services that is in state code.

**Chairman Sturgill** noted that the only witness to sign up to testify had previously been sworn in.

**Patrick Williamson – IN NEUTRAL – 19550 Eat A Bite Ln., Caldwell, ID 83607**

Mr. Williamson asked where the APA Ordinance would fit in with the summary table. The APA Board will be making some decisions related to zoning.

Director Gibbons stated that the APA would be a recommending body.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. OR2025-0001, seconded by Commissioner Nevill. Voice vote, motion carried.

**Deliberation:**

Chairman Sturgill invited comment on Exhibit A, text amendment, summary of zoning changes 7-01-11 through 07-02-03.

Commissioner Sheets stated he understood the intent of the change, but presiding party needs to be amended as well to be aligned with state code.

Chairman Sturgill referenced the definition of dwelling unit. As he went through the balance of the ordinance both dwelling and dwelling unit are used.

Commissioner Matthews referenced page 2, definition for Single Family Dwelling. He would like to strike the word “family” and replace with “household.” He referenced sub item 2, and he is concerned about the nature of how mental illness is defined. Zach Wesley stated that is derived from state law but was not sure if the federal law uses that term. Federal law requires a group home be treated the same as a single-family dwelling.

Commissioner Dorsey provided comment in regard to “acreage definitions.” He felt this was broad and vague. Assistant Director Josh Johnson stated it had more to do with the definition of original parcels and number of divisions. Planner Barron further clarified the divisions available based on acreage that is currently outlined in code. This is just clean up.

Chairman Sturgill asked if Exhibit B was part of the ordinance. Assistant Director Josh Johnson clarified that will be added in 07-05-11 and will be all new text.

Commissioner Nevill stated a column for APA should be added.

Commissioner Sheets asked about the column for Planning & Zoning Hearing, there is a question mark for

final plat. Assistant Director Josh Johnson stated that should be a recommendation. Chairman Sturgill asked what a blank space means in the table. Assistant Director Josh Johnson stated that would mean there is no role in that. The Hearing Examiner can hear cases other than a Preliminary plat. Assistant Director Josh Johnson will make those changes.

**MOTION:** Commissioner Nevill moved to **recommend approval** of Case No. OR2025-0001 to the Board of County Commissioners, with the recommended changes enumerated during deliberation, Seconded by Commissioner Dorsey.

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

**Item 2E:**

**Case No. OR2025-0002 – Private Road Ordinance:** An ordinance amending Canyon County Code, Chapter 7, Section 01-10-03 to provide standards for Private Road and Driveway requirements; add the requirement of improvements to occur and be certified by County Engineer prior to issuance of a building permit; provide minimum standards to be met; and to reduce the number of inhabited structures utilizing the private road for legal access prior to requiring pavement improvements from 100 ADT to 60 ADT.

Chairman Sturgill stated he lives on a private road and he has had discussions with the County regarding private roads last year. He wanted that disclosed for the record. His discussions have been documented and he believes they are part of the public record.

Zach Wesley stated that the ordinance amendment is initiated by the Board of County Commissioners. The Board has a desire to resolve a long-standing issue in regard to the “11<sup>th</sup>” household and improvements. Mr. Wesley discussed the high points and bigger changes in the ordinance for the record. Applications will be required and the road has to be approved and improved prior to issuance of a building permit. The current ordinance sets the limit at 100 ADT for paving. The proposed ordinance lowers the threshold.

Commissioner Sheets asked when the Board of County Commissioners started this process. Zach Wesley stated he thought it was early last year. Commissioner Sheets asked where the number of 60 ADT came from and wanted to understand the rationale. Zach Wesley stated this number came from the Board and during their discussions.

Commissioner Nevill referenced Exhibit 7-A3, pg. 2. He had concerns that a Road User’s Maintenance Agreement was only listed under item 4, but was needed for 2 or more. Zach Wesley stated that would be a good addition. Commissioner Nevill stated that one thing he has heard from the fire department is that even one home that doesn’t have a road they can drive on is a problem. Director Gibbons stated that a letter from the fire district is required with a building permit.

Commissioner Dorsey asked about the application for private road and whether the improvements are required to meet or exceed fire district requirements. Director Gibbons replied it meets the fire district.

Chairman Sturgill stated the movement from 100 daily trips to 60 ADT is meant to resolve the issue sooner than later. The code is silent on what happens if it is not resolved. Zach Wesley noted that is correct, however, he explained the changes in the code which now requires that the improvements are done before a building permit is issued.

Commissioner Dorsey stated asked if the roads that currently have 10 homes on them would be grandfathered in. If the private road construction is based on fire district standards why does it change

based on the number of homes. Director Gibbons, stated it is changing because the more homes that takes access the faster the road will break down if it is not constructed to accommodate it. Zach Wesley stated the ordinance will not be applied retroactively.

**Chairman Sturgill** affirmed the witnesses to testify.

**David Ferdinand – IN NEUTRAL – 2419 W. Herron Loop, Nampa, ID 83686**

Mr. Ferdinand complimented Development Services to update the ordinances. He is a licensed commercial real estate agent. What he doesn't see in the ordinance is apron access.

Director Gibbons stated aprons are not included because each new access/ private road requires an approach permit from the applicable highway district. The Highway Districts have their own application approval process.

Mr. Ferdinand asked about the two-home stipulation or a secondary residence. A Road User's Maintenance Agreement is valuable even for the second residence.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. OR2025-0002, seconded by Commissioner Nevill. Voice vote, motion carried.

**Deliberation:**

Chairman Sturgill asked if there were any proposed changes. Exhibit 7-A3. He had a recommendation on Item No. 5, the approval should be specific and state what kind approval that is. This is also under 2 sub bullet 5.

Commissioner Sheets referenced 3 sub 2, and felt that delineating what document or ownership form needs to be reconciled. Zach Wesley explained how that was arrived at. Driveways serving two inhabited structures would be a driveway. Three inhabited structures would mean it would need to be a private road. Mr. Wesley discussed easements and noted those administrative divisions that might not be platted. In that instance the only way to capture is within a perpetual recorded easement. A plat requires a road to be a lot. Commissioner Sheets' concern was having two separate forms of ownership (#8).

Commissioner Dorsey discussed the 28' easement. He noted that some existing roads don't have that size of an easement.

Planner Barron noted for the record that easements are much wider than the driving surface.

Commissioner Nevill stated that private driveways serving two inhabited structures should have a RUMA (Road User's Maintenance Agreement).

Chairman Sturgill suggested a change to the table. The last line before the notes, the verbiage "all weather driving surface" is not repeated. The size and width is noted but not the "all weather driving surface." Planner Barron noted that is due to the requirement to pave.

Commissioner Sheets suggested a change to sub 5, private road width and driveway reduction; to add the phrase "proposed easement." Zach Wesley noted that some of the reductions can be existing easements. All parties would have to be involved in the application. Planner Barron explained the process for an easement reduction, required submittals, and approval process. After explanation, Commissioner Sheets withdrew his suggestion. Commissioner Sheets was curious as to the impact for lowering the threshold to 60 ADT.



Assistant Director of Development Services, Josh Johnson, stated that a single-family home typically has 10 ADT per day. The 60 ADT strikes the balance of considering that admin splits were already taken and, on those splits, secondary residences can be built.

Commissioner Dorsey suggested going to 80 ADT. He understands that 100 ADT isn't working.

Zach Wesley indicated he had compiled the suggested changes and has them written down. Repeating them would not be necessary.

Commissioner Sheets referenced the private road & driveway thresholds and stated that you can have one lot that is under the same ownership that has two inhabited structures. He questioned how one can get an easement on the property. Zach Wesley stated that is how it is written now, and rarely is that secondary residence built without a lender involved or maintained by the same household. Those often get split.

**MOTION:** Commissioner Nevill moved to **recommend approval** of Case No. OR2025-0002, to the Board of County Commissioners with the recommended changes enumerated during deliberation, Seconded by Commissioner Matthews.

Roll call vote: 4 in favor, 1 opposed, motion passed.

**3. DIRECTOR, PLANNER, COMMISSION COMMENTS:**

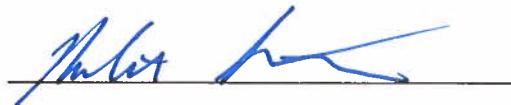
Director of Development Services informed the Commission that Josh Johnson is now Assistant Director of Development Services and Dan Lister is the Planning Supervisor. Applications are being reviewed for vacant Planning positions within Development Services.

**4. ADJOURNMENT:**

**MOTION:** Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 11:34 P.M

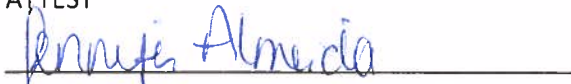
An audio recording is on file in the Development Services Departments' office.

Approved this 1<sup>st</sup> day of May, 2025

A handwritten signature in blue ink, appearing to read "Robert Sturgill", is written over a horizontal line.

Robert Sturgill, Chairman

ATTEST

A handwritten signature in blue ink, appearing to read "Jennifer Almeida", is written over a horizontal line.

Jennifer Almeida, Office Manager

**EXHIBIT 3**

**Staff Report Packet Dated February 6, 2025**

**Case: CR2022-0027**

**Board Hearing Date: July 29, 2025**



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

**PLANNING DIVISION STAFF REPORT**

**CASE NUMER:** CR2022-0027

**APPLICANT/REPRESENTATIVE:** David Hess  
**PROPERTY OWNER:** David and Carol Hess & Carl Glaettli

**APPLICATION:** Conditional rezone of Parcel R33459010 and R33459010B from an "A" zone to a "CR-R-R" zone. The request includes a development agreement.

**LOCATION:** The subject parcels are located directly south of 20208 Nancy Ln Caldwell, ID 83607; also referenced as a portion of the NE¼ of Section 22, T3N, R4W, BM, Canyon County, Idaho

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

**REQUEST:**

The applicant, David Hess, requests an amendment to the official zoning map to conditionally rezone Parcels R33459010 and R33459010B from "A" (Agricultural) to "CR-R-R" (Conditional Rezone - Rural Residential). The request includes a development agreement restricting development to a five-acre average minimum lot size.

If approved, the parcels must meet the subdivision requirements per Chapter 7, Article 17 of the Canyon County Zoning Ordinance (CCZO). The applicant has submitted a preliminary plat application that must be amended once the property is rezoned (Case No. SD2022-0043/RD2022-0031).

**PUBLIC NOTIFICATION:**

<b>Neighborhood meeting conducted on:</b>	<b>November 6, 2024</b>
<b>Neighbor notification within 600 feet was mailed on:</b>	<b>January 2, 2025</b>
<b>Newspaper notice published on:</b>	<b>January 2, 2025</b>
<b>Notice posted on-site on:</b>	<b>January 2, 2025</b>

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**1. BACKGROUND:**

The subject parcels, R33459010 and R33459010B, were not created consistent with Canyon County Code. Per PI2020-0320 (Exhibit B.3), the subject parcels were created by an approved conditional use permit in 2001 (CU2003-291, Exhibit B.4). The conditions of conditional use permit approval were never met. In 2021, a letter was provided to the applicant stating the conditional use permit had expired (Exhibit B.4).

The property has access via a 30' wide ingress/egress easement through the Newby Subdivision that connects to SH-55 (Exhibit B.2a). The parcels are not located in a floodplain and are not located along the scenic by-way (Exhibit B.1).

## 2. HEARING BODY ACTION:

Pursuant to Canyon County Ordinance Article 07-06-07(1) Restrictions: *In approving a conditional rezone application, the presiding party may establish conditions, stipulations, restrictions, or limitations that 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 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 to the zone applicable to the land immediately prior to the conditional rezone action.*

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

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

## OPTIONAL MOTIONS:

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

**Approval of the Application:** "I move to recommend the Board of County Commissioners approve Case #CR2022-0027 finding the application **does** meet the criteria for approval under Article 07.06.07(6)A of Canyon County Zoning Regulations. [Cite reasons for approval & Insert any additional conditions of approval].

**Denial of the Application:** "I move to recommend the Board of County Commissioners deny Case #CR2022-0027, finding the application **does not** meet the criteria for approval under Article 07.06.07(6)A of Canyon County Zoning Regulations. [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 Case #CR2022-0027, Hess, to a [date certain or uncertain].

## 3. HEARING CRITERIA

**Table 1. Conditional Rezone Standards of Evaluation Analysis**

**Standards of Evaluation (§07-06-07(6)A):** The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:

Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
			Staff Analysis	<p>As conditioned, the request is generally consistent with the 2030 Canyon County Comprehensive Plan. Although the application was submitted prior to the adoption of the 2030 Comprehensive Plan, the applicant requests that the application be reviewed per the 2030 Comprehensive Plan (Exhibit A.2).</p> <p>The Future Land Use plan within the 2030 Canyon County Comprehensive Plan designates the parcels as “agriculture” with an “Ag-tourism Exclusive Farm Use” overlay (Exhibit B.2j).</p> <p>“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” (2030 Comp. Plan, Page 25).</p> <p>“The Agri-tourism Exclusive Farm Use (AEFU) is a district where property owners sell and produce vertically integrated agriculture goods/services. Retail sales operations draw visitors/customers wanting to buy goods and services offered on said property” (2030 Comp. Plan, Page 27).</p> <p>Per Page 26 of the 2030 Comp. Plan, the agriculture designation allows for commercial agriculture (AC-5): “The AC-5 district (five-acre lot sizes) provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity.”</p> <p>The request aligns with the following 2030 Comprehensive Plan goals and policies:</p> <ul style="list-style-type: none"> <li>• <u>Property Rights G1.01.00</u>: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare. <ul style="list-style-type: none"> <li>○ See supporting evidence in criteria 07-06-07(6)A2, 3, and 4 in this report.</li> </ul> </li> <li>• <u>Population G2.01.00</u>: “Incorporate population growth trends and projections when making land-use decisions.”</li> <li>• <u>Population G2.02.00</u>: “Promote housing, business, and service types needed to meet the demand of the future and existing population.” <ul style="list-style-type: none"> <li>○ Per population projects (page 14 of the 2030 Comp Plan), the current figures (Community in Motion Regional Plan) “project the County population to be 359,180 by 2050, a thirty-two percent increase from 2020. In the next twenty-eight years, Canyon County expects to add an estimated 128,070 people.”</li> <li>○ The subject parcel is located in TAZ (Traffic Analysis Zone) 2770 (Approximately 1,900-acre area): Canyon–West Rural (Exhibit B.2l). Based on the TAZ forecasts used by the state and/or local transportation officials and COMPASS for tabulating traffic-related data for future growth and needed transportation funding for</li> </ul> </li> </ul>

				<p>improvements, approximately seven (7) households are anticipated between 2024 and 2050. The forecast shows the area is not a residential growth area and is anticipated to support agricultural and rural uses. The request, as conditioned, maintains agricultural uses and character (Exhibits A.2 &amp; 3).</p> <ul style="list-style-type: none"> <li>• <u>Land Use and Community Design P4.01.01</u>: “Maintain a balance between residential growth and agriculture that protects the rural character.”</li> <li>• <u>Land Use and Community Design P4.01.02</u>: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.”</li> <li>• <u>Land Use and Community Design P4.02.01</u>: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.”</li> <li>• <u>Land Use and Community Design P4.03.01</u>: “Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.”</li> <li>• <u>Land Use and Community Design P4.03.02</u>: “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.”</li> <li>• <u>Land Use and Community Design P4.03.03</u>: “Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.”</li> <li>• <u>Land Use and Community Design P4.05.01</u>: “Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.” <ul style="list-style-type: none"> <li>○ See supporting evidence in criteria 07-06-07(6)A2, 3, and 4 in this report.</li> </ul> </li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-06-07(6)A2</b>	<b>When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?</b>
			<b>Staff Analysis</b>	<p>In consideration of the surrounding land uses, the proposed conditional zone to “R-R” (Rural Residential) is more appropriate than the current zoning designation of “A” (Agricultural).</p> <p>The subject parcels and a majority of the surrounding parcels are zoned “A” (Agricultural, Exhibit B.2c). The subject parcels consist of moderately suited soils (Class III) and are considered prime farmland if irrigated (Exhibit B.2h).</p> <p>The subject parcels were created by an approved conditional use permit that expired (CU2003-291, Exhibit B.4). The parcels were sold instead of being merged back into the original parcel creating parcels outside of the County Code (Exhibit A.7). A rezone and platting process is the only way to make the parcels legal and buildable.</p> <p>On September 2, 2022, the applicant submitted a conditional rezone to a “R-R” Zone to create three (3) lots from Parcel R33459010 (six acres). The request did</p>

				<p>not include Parcel R33459010B (Exhibit A.8). After the discussion with DSD regarding the future land use of the area being planned for agricultural and rural uses in the 2020 and 2030 Comprehensive Plan (Exhibit A.9), the applicant amended the application to include R33459010B to create parcels that are supported by the 2030 Comprehensive Plan and fix the non-conforming status of both parcels (Exhibit A.2).</p> <p>The Future Land Use plan within the 2030 Canyon County Comprehensive Plan designates the parcels as “agriculture” with an “Ag-tourism Exclusive Farm Use” overlay (Exhibit B.2j). Per Page 26 of the 2030 Comp. Plan, the agriculture designation allows for commercial agriculture (AC-5): “The AC-5 district (five-acre lot sizes) provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity.”</p> <p>The “R-R” (Rural Residential) zone is being requested to meet the AC-5 designation provided in the 2030 Canyon County Comprehensive Plan. However, there are no adopted maps or ordinances to determine the appropriate locations or minimum requirements of the AC-5 designation. As conditioned, the request will allow the subject parcels to maintain a five-acre minimum lot size. The parcels will be subject to the standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. As conditioned, the request maintains the “A” zoning designation.</p> <p>The five-acre parcel lot sizes requested are commensurate with the average lot size within a 600-foot radius. The average lot size is 5.49 acres with a median of 1 acre due to the close proximity to Sunny Slope Sub. No. 1 (Exhibit B.2e).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<div><div>07-06-07(6)A3</div><div>Is the proposed conditional rezone compatible with surrounding land uses;</div></div>	<p>As conditioned, the proposed conditional rezone changes are not compatible with surrounding land uses.</p> <p>Pursuant to CCZO § 07-02-03, land uses are compatible if: <i>a) they do not directly or indirectly interfere or conflict with, or negatively impact one another and b) they do not exclude or diminish one another's use of public and private services. A compatibility determination requires a site-specific analysis of potential interactions between uses and potential impacts of existing and proposed uses on one another. Ensuring compatibility may require mitigation from or conditions upon a proposed use to minimize interference and conflicts with existing uses.</i></p> <p>The majority of the area is zoned “A” (Agricultural), However, the subject parcels are located adjacent to existing subdivisions and a similar land use decision.</p> <p><u>Similar Land Use Decisions (Exhibit B.2d):</u></p> <ul style="list-style-type: none"><li>• In 2017, Parcel R33459010 (approximately 10 acres, adjacent to the subject parcel) was conditionally rezoned to “R-R” to allow the parcel, created outside County Code, to be divided and developed (PH2017-40 Dev. Agreement #17-119, Exhibit B.5). The rezone was conditioned to allow one residential lot.<ul style="list-style-type: none"><li>○ Subsequently, Newby Subdivision was approved in 2018 allowing the creation of two lots, one buildable and an agricultural-only (SD2018-4,</li></ul></li></ul>
			Staff Analysis	

				<p>Exhibit B.6 &amp; 7). The buildable lot has a primary and secondary dwelling (BP2018-0654 &amp; BP2024-0551).</p> <ul style="list-style-type: none"> <li>RZ2019-0004/OR2019-0002 – Parcel R33402010 (approximately 1,300 feet north of the subject request): The request to amend the future land use plan within the 2020 Canyon County Comprehensive Plan to “residential” was denied. The denial included a zoning map amendment (rezone) to “R-1” (Single Family Residential, one-acre average minimum lot size).</li> </ul> <p><u>Subdivisions (Exhibit B.2.e):</u> Within a one-mile radius, there are six (6) subdivisions. The subdivisions adjacent to the subject parcels are Newby Subdivision (SD2018-4, Exhibit B.6 &amp; 7) and Sunny Slope Sub #1, approved in 1948 consisting of 56 lots (Exhibit B.2e).</p> <p><u>Other Uses</u> The subject parcels are adjacent to Williamson Winery and special event center (PH2014-45) and near neighborhood commercial zoning (“C-1”) such as Orchard House Restaurant (Parcel R272010010) and Sinclair Gas Station (R27201) at the intersection of Apricot Lane and Sunny Slope Road (Exhibit B.2c).</p> <p>As conditioned, the subject parcels must maintain a minimum lot size of five acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. As conditioned, the rezoning would be consistent with the surrounding land uses. <i>See Section 6 of this report for recommended development agreement conditions.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-06-07(6)A4</b>	<b>Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?</b>
			<b>Staff Analysis</b>	As conditioned, the proposed conditional rezone will not negatively affect the character of the area. As conditioned, the subject parcels must maintain a minimum lot size of five acres. Other than lot size, the parcels will be subject to the minimum standards, use, and requirements of the “A” Zone to ensure consistency with the surrounding area. <i>See Section 6 of this report for recommended development agreement conditions.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-06-07(6)A5</b>	<b>Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed conditional rezone;</b>
			<b>Staff Analysis</b>	<p>The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.</p> <p><b>Sewer:</b> Septic systems are proposed (Exhibit A.4). The septic design will be reviewed and permitted through Southwest District Health at the time of platting (CCZO Section 07-17-09). Southwest District Health (SWDH) states the property is located outside the designated nitrate priority area. SWDH has no concerns regarding the request (Exhibit A.6a &amp; D.3).</p> <p><b>Water:</b> Individual domestic wells are proposed (Exhibit A.4). Parcel R33459010 has an existing well that would need to be cleaned and put into service (Exhibit A.3). Individual wells are required to meet Idaho Dept. of Water Resources</p>



				<p>(IDWR) and SWDH requirements which will need to be demonstrated at the time of platting (CCZO Section 07-17-09).</p> <p><b>Drainage:</b> All stormwater drainage will be maintained on-site (Exhibit A.4). A drainage plan was not provided. A drainage plan is required at the time of platting (CCZO Section 07-17-09).</p> <p><b>Irrigation:</b> The applicant states the subject parcels have surface water rights from Lizar Lateral along the north boundary of Parcel R33459010 (Exhibits A.2, A.3 &amp; A.4). Improvements to the concrete ditch on the north side may need to be moved or replaced to allow for gravity irrigation on each parcel (Exhibit A.3). An irrigation plan was not provided. An irrigation plan is required at the time of platting (CCZO Section 07-17-09).</p> <p>Boise Project Board of Control states the irrigation district has no facilities on the parcels but does have water rights (Exhibit D.6). Local irrigation/drainage ditches that cross the property in order to serve neighboring properties must remain unobstructed and protected by the appropriate easement by the landowner, developer, and contractors.</p> <p><b>Utility:</b> The applicant will work with Idaho Power to bring services to each parcel. Utility locations and easements are required to be provided at the time of platting (CCZO Section 07-17-09).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-06-07(6)A6</b>	<p><b>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?</b></p>
			<b>Staff Analysis</b>	<p>The proposed request, as conditioned, will not create any traffic impacts that require mitigation. Per the Institute of Transportation Engineers – Trip Generation 9<sup>th</sup> Edition, referenced in CCZO Section 07-10-03(3)), the request creates 19.04 average daily trips (38.08 average daily trips if you include secondary dwellings) onto SH-55. Cumulatively, 76.16 average daily trips when including the two dwellings in Newby Subdivision.</p> <p>Idaho Transportation Department (ITD) finds the request does not meet the threshold to require a traffic impact study and does not pose any safety concerns (Exhibit D.4).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-06-07(6)A7</b>	<p><b>Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development; and</b></p>
			<b>Staff Analysis</b>	<p>The parcels have legal access via a 30' ingress/egress easement. Adequate access will exist at the time of development.</p> <p>If the request is approved, the subject properties have access that currently does not meet subdivision private road requirements. The subject property has a 30' wide ingress/egress easement that is served through the Newby Subdivision that connects to SH-44 (Exhibit A.3 &amp; B.7). The applicant proposes the 30' easement not to increase within Newby Subdivision but would increase to meet the 60' width on the subject parcels (Exhibit A.3). Future access must meet private road lot requirements per CCZO §07-17-31(1)A:</p>

				<ol style="list-style-type: none"> <li>1. Private roads must be a numbered lot and constructed in accordance with section 07-10-03 of this chapter.</li> <li>2. A minimum private road lot width of sixty feet (60') is required. This requirement may be reduced to a width not less than fifty feet (50'), in accordance with subsection 07-10-03(1)D of this chapter.</li> <li>3. Curbs and gutters, if required by the Board, may be either rolled or vertical style and must be a minimum width of two feet (2'). Sidewalks must be a minimum width of four feet (4'). Both curb and gutter shall be constructed using three-fourths inch (<math>\frac{3}{4}</math>") aggregate in the concrete mix.</li> </ol> <p>Another option is to not use the existing 30' wide access easement and use Nancy Lane, a public road (unmaintained right-of-way). Initially, Golden-Gate Highway District #3 provided a comment prohibiting the request to use the public road (Exhibit D.1). However, the highway district did provide the option of using Nancy Lane if the parcels provided a 25' wide right-of-way dedication increasing the existing 25' wide public right-of-way to 50' wide (Exhibit A.6.b). However, existing neighbors taking access from Nancy Lane do not request to increase the use of the public road (Exhibit A.2). Adequate access will be determined at the time of platting (CCZO Section 07-17-09).</p> <p>Idaho Transportation Department (ITD) finds the request does not meet the threshold to require a traffic impact study and does not pose any safety concerns (Exhibit D.4).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-06-07(6)A8</b>	<p><b>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?</b></p>
			<b>Staff Analysis</b>	<p>The proposed request is not anticipated to impact essential public services and facilities including, but not limited to schools, police, fire, and emergency medical services.</p> <p><b>School:</b> The subject properties are located in the Vallivue School District #139 (Exhibit B.1). No comment was received.</p> <p><b>Fire:</b> The subject properties are served by Marsing Fire District (Exhibit B.1). No comment was received. The applicant states they met with Caldwell Rural Fire which required access to be improved and to include a turnaround to fire district specifications (Exhibit A.2).</p> <p><b>Police:</b> The subject properties are served by the Canyon County Sheriff's Office. No comment was received.</p> <p><b>Emergency Services:</b> The subject properties are served by Canyon County Ambulance/EMT. No comment was received.</p> <p><b>Irrigation District:</b> The subject properties are within the Wilder Irrigation District &amp; Boise Project Board of Control (Exhibit B.1). The Boise Project Board of Control commented finding there are no irrigation district facilities on the parcels (Exhibit D.6)</p>

#### 4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Canyon County Emergency Management Coordinator, Marsing Fire Protection District, Wilder Irrigation District, Boise Project Board of Control, Golden-Gate Highway District No. 3, Vallivue School District, 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, Idaho Department of Environmental Quality, Idaho Department of Water Resources (Water Rights), Idaho Department of Fish and Game, Idaho State Department of Agriculture, Idaho Agricultural Aviation Association, Southwest District Health, and Canyon Soil Conservation District were notified of the subject application.

Staff received agency comments from the Idaho Transportation Department, Southwest District Health, Canyon Soil Conservation District, Boise Project Board of Control, Golden-Gate Highway District No. 3, 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:

No written public comments were submitted to DSD by the materials deadline of January 27, 2025.

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 **compliant** with Canyon County Ordinance 07-06-07(6)A. A full analysis is detailed within the staff report.

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

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.
2. Prior to the development of Parcel R33459010 and 010B, the division creating the parcel must be created legally through the subdivision process (Chapter 7, Article 17 of the Canyon County Zoning Ordinance).
3. Development of the subject parcel shall be restricted as follows:
  - a. Minimum average lot size: Five (5) acres.
  - b. Zoning Designation: Other than the minimum lot size, the subject parcels shall meet the uses and minimum requirements of the "A" (Agricultural) Zone.
4. 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. Site Plan
4. Land Use Worksheet
5. Neighborhood Meeting – November 6, 2024
6. Agency Acknowledgment Form
  - a. Southwest District Health – November 1, 2024
  - b. Golden Gate Highway District #3 – October 2, 2024
7. Deeds
  - a. 2007-065404
  - b. 2002-16286
  - c. 2010-017727
  - d. 2021-021008
8. E-mail from DSD to the Applicant – September 10, 2024
9. Initial Application Request (September 2, 2022)

**B. Supplemental Documents**

1. Parcel Report: R33459010 and R33459010B
2. Maps
  - a. Small Air Photo 1 Mile
  - b. Vicinity
  - c. Zoning & Classification
  - d. Case w/report
  - e. Subdivision w/report
  - f. Dairy, Feedlot, and Gravel Pit
  - g. Lot Classification
  - h. Soil, Farmland and Report
  - i. Contour
  - j. Future Land Use
  - k. Nitrate Priority & Wells
  - l. TAZ Household
3. PI2020-0320
4. CU2003-291 with Expiration letter
5. PH2017-40 Development Agreement
6. SD2018-4 FCOs
7. Newby Sub.

**C. Site Visit Photos:** September 5, 2024

**D. Agency Comments Received by:** January 27, 2025

1. Golden Gate Highway District #3, dated July 23, 2024
2. Idaho Dept. of Environmental Quality, letter dated August 6, 2024
3. Southwest District Health, e-mail dated November 27, 2024
4. Idaho Transportation Department, e-mail dated November 27, 2024
5. Canyon County Soil Conservation, letter received November 25, 2024
6. Boise Project Board of Control, letter dated March 8, 2023

Exhibit 3  
**EXHIBIT A**

**Application Packet & Supporting Materials**

Planning & Zoning Commission

Case# CR2022-0027

Hearing date: February 6, 2025

**MASTER APPLICATION****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov)

Phone: 208-454-7458

Fax: 208-454-6633



<b>PROPERTY OWNER</b>	OWNER NAME: <u>David K Hess</u>
	MAILING ADDRESS: <u>116 Arabian Way Nampa ID 83687</u>
	PHONE: <u>208 250-5619</u> EMAIL: <u>Capstone208@hotmail.com</u>
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.	
Signature: <u>David K Hess</u> Date: <u>10/21/24</u>	

<b>(AGENT) ARCHITECT ENGINEER BUILDER</b>	CONTACT NAME: <u>David Hess</u>
	COMPANY NAME:
	MAILING ADDRESS: <u>116 Arabian Way Nampa ID 83687</u>
	PHONE: <u>208-250-5619</u> EMAIL: <u>Capstone208@hotmail.com</u>

<b>SITE INFO</b>	STREET ADDRESS: <u>0 Sunny Slope Rd Caldwell, ID 83607</u>		
	PARCEL #: <u>334590100</u>	LOT SIZE/AREA: <u>6.07 Acres</u>	
	LOT:	BLOCK:	SUBDIVISION:
	QUARTER: <u>NE</u>	SECTION: <u>22</u>	TOWNSHIP: <u>3N</u> RANGE: <u>4W</u>
	ZONING DISTRICT:		FLOODZONE (YES/NO): <u>No</u>

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

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

CASE NUMBER: <u>CR2022-0027</u>	DATE RECEIVED:
RECEIVED BY:	APPLICATION FEE: CK MO CC CASH

Revision submitted 11/14

Revised 3/1/22

# MASTER APPLICATION

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #310, Caldwell, ID 83605

[zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov)

Phone: 208-454-7458

Fax: 208-454-6633



<b>PROPERTY OWNER</b>	OWNER NAME: Carl Glaethli
	MAILING ADDRESS: 183 N Stinson St Nampa ID 83651
	PHONE: 208-800-0456 EMAIL: CGlaethli@gmail.com
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.	
Signature: <u>Carl Glaethli</u> Date: <u>28 October 2024</u>	

<b>(AGENT) ARCHITECT ENGINEER BUILDER</b>	CONTACT NAME: David Hess
	COMPANY NAME:
	MAILING ADDRESS: 116 Arabian Way, Nampa ID 83687
	PHONE: 208-750-5619 EMAIL: Capstone208@hotmail.com

<b>SITE INFO</b>	STREET ADDRESS: 0 Sunny Slope Rd Caldwell, ID 83607		
	PARCEL #: 33459010 B	LOT SIZE/AREA: 5 Acres	
	LOT:	BLOCK:	SUBDIVISION:
	QUARTER: NE	SECTION: 22	TOWNSHIP: 3N RANGE: 4W
	ZONING DISTRICT:		FLOODZONE (YES/NO): NO

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

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

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

Revised 3/1/22



Canyon County Development Services  
111 North 11<sup>th</sup> Avenue, #310  
Caldwell, Idaho 83605  
[www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)  
208-454-7458

## AFFIDAVIT OF LEGAL INTEREST

I, Carl Glaetli, 183 Stinson St  
(name) (address)  
Nampa, ID 83651  
(city) (state) (zip code)

being first duly sworn upon oath, depose and say:

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

David Hess, 116 Arabian Way, Nampa ID 83687  
(name) (address)

to submit the accompanying application pertaining to the subject property.

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

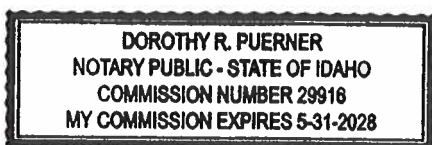
Dated this 28 day of October, 2024.  
Carl Glaetli  
(signature)

STATE OF IDAHO )

ss

COUNTY OF CANYON )

On this 28<sup>th</sup> day of OCTOBER, in the year 2024, before me DOROTHY R. PUERNER  
a notary public, personally appeared CARL GLAETTLI, 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: Dorothy R Puerner

My Commission Expires: 5/31/28



## Exhibit A.2

**To: Canyon County Development Services Department,**

**Date: 11/7/2024**

**Regarding:** A Request for a Conditional Use Permit to Rezone (#334590100 and #33459010B) [Paradise Valley Subdivision]

### **Description of existing use and proposed use:**

My wife and I purchased a beautiful 6.02 acre parcel (#33459010) in 2021 and are looking forward to becoming part of the Sunny Slope Community. The property is currently zoned agricultural but has just been an occasional grazing lot with a fenced in area of miscellaneous debris. Our proposed use is Rural Residential through a conditional rezone. The home/buildings on the property would be placed in a way to allow the majority of the area to be used for agricultural purposes.

Per the recommendation of Canyon County, we are including the 5 acre parcel R33459010B to the east of us in this rezone process. The owner of parcel R33459010, Dr. Carl Glaettli has willingly agreed to join this conditional rezone application. The home/buildings on this property would also be placed in a way to allow the majority of the area to be used for agricultural purposes.

### **Proposed Request and why it is being requested:**

In 2001 a conditional use permit by Dallas Kraft was approved allowing parcel #33459010 to be considered a rural residential lot. My wife and I went through the county process in 2021 year hoping for a conditional use modification to the old 2001 permit that would allow us to build on our property. It went to the director for a director's decision and it was turned down due to fact that not all of the conditions were met within 5 years as well as the platting not being completed.

We are now applying to request a conditional rezone to rural residential. Dr Carl Glaettli is also requesting a conditional rezone to rural residential for his 5 acres.

Our goal is that the property would continue to have a spacious and rural feeling with agricultural potential. We also hope this would be the case with any future development in the surrounding properties. We appreciate your consideration.

### **Description of how proposed use is consistent with comprehensive plan:**

We kindly request that our proposal be evaluated under the 2030 Comprehensive Plan where five-acre lot sizes in the agriculture designation may be supported and demonstrated through recommended restrictions/conditions. The result will protect and maintain agricultural uses by being five acres or greater and placing development in areas that would be least impactful for future agricultural purposes, nor impact surrounding agricultural uses.

### **Our proposed rezones support the following 2030 Comprehensive Plan goals:**

G1.01.00 Policy Action Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.

G1.02.00 Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance.

G2.02.00 Promote housing, business, and service types needed to meet the demand of the future and existing population.

G3.05.00 Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.

G4.01.00 Action Support livability and high quality of life as the community changes over time.

G4.02.00 Ensure that growth maintains and enhances the unique character throughout the County.

G4.06.00 Development design should improve the area's character and be compatible with the community's visual appearance and the natural environment.

G4.07.00 Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.

G4.08.00 Maintain and enhance the aesthetic beauty of the County.

G8.02.00 Provide safe transportation improvements for all users and connections to adjacent areas.

G11.01.00 Encourage opportunities for a diversity of housing choices in the County.

G11.02.00 Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.

G12.01.00 Policy Action Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses

*Commercial Agriculture (AC-5) The AC-5 district provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity. One unit per five acres*

### **How the proposed use could affect neighboring uses:**

We can see no way in which the proposed use would interfere with any neighboring uses nor be injurious in any way. I do understand that change in a neighborhood can be challenging for some people and we have taken this into consideration. The proposed use of a rural residence on acreage is consistent with that of neighboring properties and we feel they would blend in nicely. Ben Newby lives on 3 acres to the east with 7 acres of pasture, Roger and Sue Williamson to the northeast, Jeff Forsberg to the southeast, and Jacob Lee to the west. Dr Carl Glaettli owns 5 acres adjacent to us ( to the east) and is happy to be included in this application. We have had a couple of neighborhood meetings and have learned a lot about the property's history and details.. We believe the neighbors will also appreciate that the existing junk on the property will be cleaned up and hauled away.

### **Water, Sewer, Irrigation, Drainage, Utilities**

There is an existing well on the property that can be cleaned and put into service. A septic design would be permitted through Southwest District Health. Neighboring properties are on septic. I have been in contact with Idaho Power to see about getting electricity back to the property. According to neighbors there is some, but limited, irrigation that makes it back to our back 5.62 acre lot and Dr. Carl Glaettli's 5 acre lot. We will either move the concrete ditch on the north side or replace it with above ground pipe. There are two existing irrigation drains on the west and southwest sides of the property adjacent to Lizar Lateral. Storm water will be contained on site.

## **Legal Access To Property:**

A 30' easement along the north sides of the adjacent properties provides access to Hwy 55 (Sunny Slope Rd.) including a 60' wide easement on the north side of Newby's 7 acres of pasture. Per our deed, our legal access is through our 30' easement that runs across the north side of Ben Newby's, Carl Glaettli's and our property. I have been in communication with Department of Idaho Transportation and was informed that they see no issue with us building a private road along the ingress/egress easement to access our property. I talked with Bob Watkins from Golden Gate Highway District and he informed us that GGHD3 would like us to access our property off of Hwy55 ( via our easement)by either a private road or completing Nancy Lane. In order to meet the private road width requirement, Dr. Carl Glaettli will give an additional 30' of easement to meet the 60' road width needed in front of his 5 acres. . In talking with Dan Lister at Canyon County, we were informed that the DSD Supervisor would allow the 30' section of road width ( as shown on drawings) without impacting the Newby Subdivision. Per the DSD Supervisor's decision, the 30' wide easement( and 10' utility easement) in front of Ben Newby's 3 acre residential lot would be an allowed exception to the 60' width. If future development was desired by Ben Newby (or a future owner) then the county would require the additional 30' of easement to meet the full 60' width. In order to complete Nancy Lane, each property owner ( Hess, Glaettli, and Newby) would need to deed over 25'-30' of private easement to GGHD3 to meet the public road width requirement. Not all owners are wanting to deed over the easement needed to make Nancy Lane a public road. From our neighborhood meetings, it also appears that no one is wanting to see Nancy Lane completed and that all parties would like to see a separate private road over Nancy Lane.

I also spoke with Fire Chief Alan Perry to get information on their road requirements and turn-a-rounds.

## **Impact on Traffic Patterns**

The proposed use of two new residences will have minimal impact on current and future traffic patterns. The total ADT for the two homes plus Ben Newby's home would be 28.56.

## **Essential Services**

Essential services should not be negatively impacted or require additional funding as a result of this change of use.

## **Phasing of development:**

- 1) Haul off debris from property to the landfill.
- 2) Construct private road and driveway to properties
- 3) Work with Idaho Power to get power to properties.
- 4) Get septic designs approved by Southwest District Health
- 5) Construct a home and shop

## **Description of site:**

The property is mostly flat with the western side slightly sloping downward in the middle edge ( towards the irrigation drain) There is one small tree in the middle of the property and a few trees on the South west and Northwest corners. There is a beautiful view of the Owyhee Mountains and Lizard Butte to the south. Dr Glaettli's property is mostly flat with a slight slope to the west.

The proposed private road would be built in the existing easement(and increased easement) to get access to Dr. Carl Glaettli's 5 acres and our 5.62 acres and then turn left (heading south) down a driveway along the east side of the property. There is currently a domestic well on the north half of the property that was installed in 2000. There is an existing barbed wire fence around the property.

*\*See site plan attached:*

**Description of business operations:**

I own and operate Capstone Carpentry, a small remodeling construction company consisting of myself and my two sons Kyle (24), and Ryan (22). I plan on having a home office, but it is not a place I meet with clients. The majority of my work is completed at jobsites. I am excited to have a shop to be able to store tools and materials out of the weather and in an orderly way.

Please feel free to contact us with any questions you may have or further information needed. We appreciate your consideration of this request.

Sincerely,

David and Carol Hess

Dr. Carl Glaettli



Existing barbed wire fence around property

Sunny Slope Subdivision  
Book 3 Page 35

Sunny Slope Subdivision  
Book 3 Page 35



# North

## Identification and Descriptive Data

Proposed Rural Residential Lots ( 5.62 Acre and 5 Acre)

Quarter: NE, Section: 22, Township: 3N, Range: 4W

Developer and Preparer of Plat: David and Carol Hess

**Address:** 116 Arabian Way, Nampa, ID 83687

Phone: 208-250-5619

**Additional Applicant:** Carl Glaetli

Address: 183 N Stinson St. Nampa, ID 83651

Phone: 208-800-0456

Date of Preparation: Oct 21, 2024

Scale: 1"=100'

Parcel#334590100

Exhibit 3



PRELIMINARY PLOT PLAN  
Existing Conditions

Existing barbed wire fence around property

Sunny Slope Subdivision  
Book 3 Page 35

Existing approach and 12' wide driveway

First St

Nancy Lane

Large Trees

Existing Well

Lizart  
Lateral

6.07 Acre Parcel (Hess)

Parcel#334590100

5 Acre Parcel (Glaetli)

Parcel#33459010B

Newby Subdivision :3 Acre  
Parcel with Mobile Home

Existing 30' wide Ingress/Egress  
Easement

Existing 60' wide Ingress/Egress,  
Utility, Drainage, and Irrigation  
Easement

7 Acre Pasture

Parcel#33459101

Barn

Large Tree

Existing  
Irrigation  
Drains

Identification and Descriptive Data

Scale: 1" = 100'

NORTH

Sunny Slope Rd ( Hwy 55)

Proposed Subdivision Name: Paradise Valley Subdivision  
Quarter: NE, Section: 22, Township: 3N, Range: 4W  
Developer: David and Carol Hess  
Address: 116 Arabian Way, Nampa, ID 83687  
Phone: 208-314-1588  
Additional Applicant: Carl Glaetli  
Address: 183 N Stinson St, Nampa, ID 83651  
Phone: 208-800-0456  
Date of Preparation: Oct 21, 2024

**LAND USE WORKSHEET****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx)

Phone: 208-454-7458

Fax: 208-454-6633



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

**PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:****GENERAL INFORMATION****1. DOMESTIC WATER:** ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City☐ N/A – Explain why this is not applicable: \_\_\_\_\_☒ How many Individual Domestic Wells are proposed? 2 / each property**2. SEWER (Wastewater)** ☒ Individual Septic ☐ Centralized Sewer system☐ N/A – Explain why this is not applicable: \_\_\_\_\_**3. IRRIGATION WATER PROVIDED VIA:**☒ Surface ☐ Irrigation Well ☐ None**4. IF IRRIGATED, PROPOSED IRRIGATION:**☐ Pressurized ☒ Gravity**5. ACCESS:**☐ Frontage ☒ Easement Easement width 60' Inst. # \_\_\_\_\_**6. INTERNAL ROADS:**☐ Public ☒ Private Road User's Maintenance Agreement Inst # (780)**7. FENCING** ☒ Fencing will be provided (Please show location on site plan)Type: Barb wire Height: 3'-4'**8. STORMWATER:** ☒ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches☐ Other: \_\_\_\_\_**9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)Ditch on north side

### RESIDENTIAL USES

**1. NUMBER OF LOTS REQUESTED:**

☒ Residential 1 each lot ☐ Commercial \_\_\_\_\_ ☐ Industrial \_\_\_\_\_  
☐ Common \_\_\_\_\_ ☐ Non-Buildable \_\_\_\_\_

**2. FIRE SUPPRESSION:**

☒ Water supply source: well

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

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☒ None

### NON-RESIDENTIAL USES

**1. SPECIFIC USE:** N/A

**2. DAYS AND HOURS OF OPERATION:**

☐ Monday \_\_\_\_\_ to \_\_\_\_\_  
☐ Tuesday \_\_\_\_\_ to \_\_\_\_\_  
☐ Wednesday \_\_\_\_\_ to \_\_\_\_\_  
☐ Thursday \_\_\_\_\_ to \_\_\_\_\_  
☐ Friday \_\_\_\_\_ to \_\_\_\_\_  
☐ Saturday \_\_\_\_\_ to \_\_\_\_\_  
☐ Sunday \_\_\_\_\_ to \_\_\_\_\_

**3. WILL YOU HAVE EMPLOYEES?** ☐ Yes If so, how many? N/A ☐ No

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

N/A Height: \_\_\_\_\_ ft Width: \_\_\_\_\_ ft. Height above ground: \_\_\_\_\_ ft

What type of sign: \_\_\_\_\_ Wall \_\_\_\_\_ Freestanding \_\_\_\_\_ Other \_\_\_\_\_

**5. PARKING AND LOADING:**

N/A How many parking spaces? \_\_\_\_\_

Is there is a loading or unloading area? \_\_\_\_\_



ANIMAL CARE RELATED USES	
1. MAXIMUM NUMBER OF ANIMALS:	<u>0</u> <i>N/A</i>
2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?	<i>N/A</i>
<input type="checkbox"/> Building <input type="checkbox"/> Kennel <input type="checkbox"/> Individual Housing <input checked="" type="checkbox"/> Other <u>0</u>	
3. HOW DO YOU PROPOSE TO MITIGATE NOISE?	<i>N/A</i>
<input type="checkbox"/> Building <input type="checkbox"/> Enclosure <input type="checkbox"/> Barrier/Berm <input type="checkbox"/> Bark Collars	
4. ANIMAL WASTE DISPOSAL	<i>N/A</i>
<input type="checkbox"/> Individual Domestic Septic System <input type="checkbox"/> Animal Waste Only Septic System	
<input type="checkbox"/> Other: _____	

**NEIGHBORHOOD MEETING SIGN-UP****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> 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 507-01-15**

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

**SITE INFORMATION**

Site Address: TBD Sunny Slope Rd Parcel Number: 334590100 + 33459010B  
 City: Caldwell State: ID ZIP Code: 83607  
 Notices Mailed Date: 10/26/24 Number of Acres: 562+5 Current Zoning: Ag/Ag  
 Description of the Request: Rezone to rural residential each parcel.

**APPLICANT / REPRESENTATIVE INFORMATION**

Contact Name: David Hess  
 Company Name: —  
 Current address: 116 Arabian Way  
 City: Nampa State: ID ZIP Code: 83687  
 Phone: — Cell: 208 250-5619 Fax: —  
 Email: Capstone 208 @ hotmail.com

**MEETING INFORMATION**

DATE OF MEETING: 11/6/24 MEETING LOCATION: AT PROPERTY  
 MEETING START TIME: 6:00 pm MEETING END TIME: 6:45 pm

**ATTENDEES:**

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. David Hess	<i>[Signature]</i>	116 Arabian Way, Nampa ID 83687
2. Ben Newby	<i>[Signature]</i>	14737 Sunny Slope
3. Ben Newby (with trust)	<i>[Signature]</i>	20411 N. Polaris Ln. Nampa, ID
4. Shawn Crawford	<i>[Signature]</i>	20208 Nancy Ln
5. Ben Newby Mib	<i>[Signature]</i>	14737 Sunny Slope
6. Patrick Williamson	<i>[Signature]</i>	14807 Sunny Slope Rd
7. CARL GLASTL	<i>[Signature]</i>	18315 Stinson St Nampa ID
8. Sue Laird	<i>[Signature]</i>	20086 Nancy Ln Caldwell
9. Penny O Burton	<i>[Signature]</i>	14737 Sunny Slope
Rick Burton	<i>[Signature]</i>	11
Kristi Crawford	<i>[Signature]</i>	14781 1st St Caldwell ID 83607
Larry Crawford	<i>[Signature]</i>	

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

**NEIGHBORHOOD MEETING CERTIFICATION:**

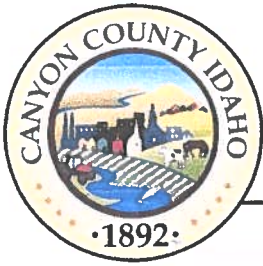
I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

DAVID K HESS

APPLICANT/REPRESENTATIVE (Signature): 

DATE: 11 / 6 / 24



## AGENCY ACKNOWLEDGMENT

Date: 10/21/24  
 Applicant: David Hess + Carl Gaehtli  
 Parcel Number: 334590100 AND 334590108  
 Site Address: 780 Sunny slope Rd Caldwell ID 83607

### SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.

The purpose of this form is to facilitate communication between applicants and agencies so that relevant requirements, application processes, and other feedback can be provided to applicants early in the planning process. Record of communication with an agency regarding the project can be submitted instead of a signature. After the application is submitted, impacted agencies will be sent a hearing notification by DSD staff and will have the opportunity to submit comments.

#### Southwest District Health:

☒ Applicant submitted/met for informal review.

Date: 11/01/2024 Signed: Anthony See  
 Authorized Southwest District Health Representative  
 (This signature does not guarantee project or permit approval)

#### Fire District: SEE NEXT PAGE

District: Marsing Rural

☒ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: SEE ATTACHED  
 Authorized Fire District Representative  
 (This signature does not guarantee project or permit approval)

#### Highway District:

District: Golden Gate HD

☒ Applicant submitted/met for informal review.

Date: \_\_\_\_\_ Signed: SEE ATTACHED EMAIL  
 Authorized Highway District Representative  
 (This signature does not guarantee project or permit approval)

#### Irrigation District:

☒ Applicant submitted/met for informal review.

Date: 10/28/24 Signed: Lee D. Secretary Insurance  
 Authorized Irrigation Representative  
 (This signature does not guarantee project or permit approval)

#### Area of City Impact

City: Caldwell

☒ Applicant submitted/met for informal review.

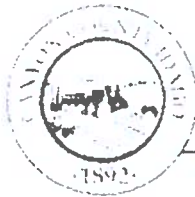
Date: 10/28 Signed: Mary Ann  
 Authorized AOI Representative  
 (This signature does not guarantee project or permit approval)

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

AGENCY LOCATION AND CONTACT		
<b>Southwest District Health</b>		
	Address	Phone Number
	13307 Miami Lane, Caldwell	(208) 455-5400
<b>Highway Districts</b>		
Agency	Address	Phone Number
Canyon	15435 ID-44, Caldwell	(208) 454-8135
Golden Gate	500 Golden Gate Ave. E, Wilder	(208) 482-6267
Nampa	4507 12 <sup>th</sup> Ave Road, Nampa	(208) 467-6576
Notus-Parma	106 S. 4 <sup>th</sup> Str., Parma	(208) 722-5343
<b>Idaho Transportation Department</b>		
	Address	Phone Number
	11331 W. Chinden Blvd., Boise	(208) 334-8300
<b>Fire Districts</b>		
Agency	Address	Phone Number
Caldwell Rural	310 S. Seventh Ave., Caldwell	(208) 402-1041
Homedale Rural	120 S. Main St., Homedale	(208) 337-3450
Kuna Rural	150 W. Boise St., Kuna	(208) 922-1144
Marsing Rural	303 Main St., Marsing	(208) 896-4796
Melba Rural	408 Carrie Rex, Melba	(208) 495-2351
Middleton Rural	302 E. Star Blvd., Middleton	(208) 585-6650
Nampa Rural	820 Second Str. South, Nampa	(208) 468-5770
Parma Rural	29200 HWY 95, Parma	(208) 722-6753
Star Rural	11665 State Str., Suite B, Star	(208) 286-7772
Upper Deer Flat Rural	9500 Missouri Ave., Nampa	(208) 466-3589
Wilder Rural	601 Patriot Way, Wilder	(208) 482-7563
<b>Irrigation Districts</b>		
Agency	Address	Phone Number
Famer Cooperative Ditch Co/Si	PO Box 69, Parma	(208) 722-2010
Farmers Union Ditch Co	PO Box 1474, Eagle	(208) 870-7919
Black Canyon	474 Elgin Ave., Notus	(208) 459-4141
Boise-Kuna	129 N. School Ave., Kuna	(208) 922-5608
Boise project Board of Control	2465 Overland Road, Boise	(208) 344-1141
Eureka	21766 Howe Road, Caldwell	(208) 250-8000
Franklin Ditch Co	3401 W. Pine Ave., Meridian	(208) 466-3819
Middleton Mill Ditch Co	PO Box 848, Middleton	(208) 585-3207
Nampa-Meridian	1503 1 <sup>st</sup> Str. South, Nampa	(208) 466-7861
New York	6616 W. Overland Road, Boise	(208) 378-1023
Pioneer	3804 S. Lake Ave., Caldwell	(208) 459-3617
Pioneer-Dixie	19724 Dixie River Road, Caldwell	(208) 454-1559
Riverside	PO Box 180, Greenleaf	(208) 722-2010
Settlers	PO Box 7571, Boise	(208) 343-5271
Siebenberg Cooperative Ditch Co	PO Box 642, Parma	kchamberlain.fcdc@gmail.com
Wilder	709 Cleveland Blvd., Caldwell	(208) 459-3421
Mason Creek Ditch Co	1905 Mason Rd., Caldwell	johnmcavoy48@yahoo.com
Poor Boy Ditch Co	PO Box 395, Greenleaf	(208) 407-7681 (F) 498-9690
Canyon County Water Co./Flake Ditch	PO Box 11/PO Box 6, Star	(208) 455-1735
<b>City Impact Area</b>		
Agency	Address	Phone Number
Caldwell	621 Cleveland Blvd., Caldwell	(208) 455-3000
Nampa	500 12 <sup>th</sup> Ave. S., Nampa	(208) 468-4430
Middleton	1103 W. Main St., Middleton	(208) 585-3133
Parma	305 N. 3 <sup>rd</sup> St., Parma	(208) 722-5138
Melba	401 Carrie Rex Ave., Melba	(208) 495-2722
Greenleaf	20523 Whittier Dr., Greenleaf	(208) 454-0552
Notus	375 Notus Road, Notus	(208) 459-6212
Homedale	31 W. Wyoming Ave., Homedale	(208) 337-4641
Star	10769 W. State St., Star	(208) 286-7247
Wilder	107 4 <sup>th</sup> St., Wilder	(208) 482-6204

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





## AGENCY ACKNOWLEDGMENT

Date: 10/21/24  
Applicant: Dan & Hess + Carl Oertli  
Parcel Number: 334590100 and 334590200  
Site Address: \_\_\_\_\_

The purpose of this form is to encourage communication between applicants and agencies so that relevant requirements, up-to-date processes, and other feedback can be provided to applicants early in the planning process. Feedback in coordination with an agency is preferred so a project can be submitted instead of a regulatory. After the application is submitted, the affected agencies will be sent a meeting notification by FGD staff and will have the opportunity to submit comments.

### Southwest District Health

Applicant submitted project for informational review.

Date: 11/2/2024 Signed: \_\_\_\_\_

[Signature]  
Authorized Southwest District Health Representative  
(This signature does not constitute a permit approval.)

### Fire District

Applicant submitted project for informational review.

Date: 11-4-24 Signed: \_\_\_\_\_

District: Marysville  
[Signature]  
Authorized Fire District Representative  
(This signature does not constitute a permit approval.)

### Highway District

Applicant submitted project for informational review.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

District: Gold Butte HD  
Authorized Highway District Representative  
(This signature does not constitute a permit approval.)

### Irrigation District

Applicant submitted project for informational review.

Date: 11/2/24 Signed: \_\_\_\_\_

District: Willard  
[Signature]  
Authorized Irrigation Representative  
(This signature does not constitute a permit approval.)

### Area of City Impact

Applicant submitted project for informational review.

Date: 10/23 Signed: \_\_\_\_\_

City: Caldwell  
[Signature]  
Authorized AOCI Representative  
(This signature does not constitute a permit approval.)

NOTICE: This Agency Acknowledgment is valid for 60 MONTHS FROM THE DATE ISSUED.

## APPLICATION-Acknowledgement Notice



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

(Official Use Only)

Parcel #: 334590100 & 334590103Acres: 5.62 & 5.0Property Address: 0 Sunny Slope Rd City Caldwell Zip Code 83607Legal Description: Township 3N Range 4W Section 22 County CANYON

Subdivision: \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Applicants Name: David Hess Email: Capstone208@hotmail.comMailing Address: 116 Arabian Way Phone # 208 250-5619City: Nampa State: ID Zip Code: 83687Applicant is: ☒ Landowner ☐ Contractor ☐ Installer ☐ Other \_\_\_\_\_ Date: 11/1/24Owners Name: David HessMailing Address: 116 Arabian Way Phone #: 208 250-5619City: Nampa State: ID Zip Code: 83687The proposed use will be: ☒ Residential ☐ Commercial ☐ AgriculturalIs there an existing structure(s) on this parcel? ☐ Yes ☒ NoIs a Letter of Intended Use provided? ☒ Yes ☐ NoThe proposed change will be: ☐ Land Split ☒ Land Use Changes (i.e., zoning)  
☐ Preliminary Plat Review ☐ Other (See below description of proposal)Number of lots on the parcel (if applicable): 1 lot on each parcelProperty is located in: ☐ City ☐ Impact Zone ☒ CountyIs the proximity of the structure to city sewer or central wastewater collection system 200 feet or less? ☐ Yes ☒ NoWater supply: ☒ Private Well ☐ Shared Well ☐ Public Water System

Description of proposal:

Ag to Rural Residential for parcel 334590100 and  
334590103 to allow for building permit  
(5.62 Acres)  
(5 Acres)

SIGNATURE: David HessDATE: 11/1/24

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



Outlook

---

**RE: Proposed pian**

---

**From** Bob Watkins <bobw@gghd3.org>

**Date** Wed 10/2/2024 8:23 AM

**To** DAVID HESS <capstone208@hotmail.com>

David, I spoke with our district engineer and discussed the matter at hand. We came to the conclusion that it would best suite your properties if you access from US Hwy 55 since this is your current legal access. Another thought Nancy Ln is a deeded 25-ft right of way if possible the land owners south of Nancy Ln. would be willing to dedicate an additional 25 ft of right of way that would make Nancy Lane a 50 ft deeded row for the enjoyment of all land owners, we feel this would be the cleanest way to approach the matter ensuring access no matter the development ahead. Let me know if you have additional questions.

Best,

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

**From:** DAVID HESS <capstone208@hotmail.com>

**Sent:** Tuesday, October 1, 2024 11:44 AM

**To:** Bob Watkins <bobw@gghd3.org>

**Subject:** Proposed pian

Hello again!

This is the plan I sent to Dan Lister after meeting with him a couple of weeks ago. It is the plan that he is referencing in his response.

Thought that might be helpful!

Thanks again!

David Hess  
208-250-5619  
[Capstone208@hotmail.com](mailto:Capstone208@hotmail.com)

[Sent from Yahoo Mail for iPhone](#)



PC 709014

Exhibit A.7a

INSTRUMENT NO. 2007065404

A  
**ACCOMODATION****GRANT OF RIGHT OF FIRST REFUSAL  
FOR PURCHASE OF REAL PROPERTY**

THIS Grant of First Right of Refusal (the "Agreement") is entered into effective the 27 day of SEPTEMBER, 2007, by and between Dallas and Susan Kraft, husband and wife, of Nampa, Idaho (collectively, "Seller"), and Carl R. Glaettli II and Joyce B. Glaettli, husband and wife, whose address is 183 N. Stinson Street, Nampa, Idaho 83651 (collectively, "Buyer"). Seller and Buyer may be referred to herein collectively, where applicable, as the "Parties."

**RECITALS**

1. Seller and Buyer entered into that certain Vacant Land Real Estate Purchase and Sale Agreement dated September 21, 2007 for the purchase and sale of that certain 5 acre parcel of real property located at 14725 Sunny Slope Road, Caldwell, Idaho 83607, is known as Parcel B of the Sunny Slope Subdivision, and depicted as Parcel B on the Record of Survey for the Sunny Slope Subdivision (the "Record of Survey") attached hereto as Exhibit A and incorporated herein by this reference ("Parcel B").

2. Seller owns that certain 6.07 acre parcel of real property also located at 14725 Sunny Slope Road, Caldwell, Idaho 83607, which is adjacent to Parcel B, is known as Parcel A of the Sunny Slope Subdivision, and is depicted as Parcel A on the Record of Survey (hereafter, the "Property").

3. Buyer desires to obtain, and Seller desires to grant to Buyer, a first right of refusal to purchase the Property on the following terms and conditions.

**AGREEMENT**

NOW, THEREFORE, in consideration of the above recitals, which the Parties agree are true and correct, the mutual covenants contained herein, Buyer's purchase of Parcel B, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. Buyer's Right of First Refusal of an Offer. At such time as Seller receives a bona fide offer for the purchase of its Property by a third party, and the offer is acceptable to Seller in Seller's sole judgment (the "Bona Fide Offer"), then Seller shall offer the Property to Buyer, in writing, on the same terms and conditions as are contained in the Bona Fide Offer, and shall furnish Buyer with a copy of the Bona Fide Offer at the time that it makes the offer to Buyer. Buyer shall have fourteen (14) days after receipt of such offer to decline to purchase the Property or notify Seller that Buyer intends to purchase the Property on the terms of such offer. If Buyer declines to purchase the Property, or fails to notify Seller of its intention to purchase the Property within the fourteen (14) day period provided, then Seller shall be free to sell the Property pursuant to the Bona Fide Offer, and on those same terms and conditions. If such sale does not close within sixty (60) days from the date Seller delivered written notice of the Bona Fide Offer to Buyer, or if the price or other terms change, Seller will notify Buyer of the changes or time extensions intended to be granted to the purchaser under the Bona Fide Offer and Buyer will have ten (10) days from the date of receipt of

such notice to notify Seller of its election to purchase the Property under the revised terms of the Bona Fide Offer, and if Buyer does not notify Seller of its election to purchase the Property within said ten (10) days, then Seller shall be free to consummate the sale to the purchaser under the Bona Fide Offer pursuant to its revised terms. Any new Bona Fide Offer, or any tendering again of a previously tendered Bona Fide Offer, by a person who has previously extended an offer shall be treated as a new Bona Fide Offer for purposes of this paragraph.

2. Buyers' Obligation to Close. If Buyer notifies Seller pursuant to Section 1 above that Buyer intends to purchase the Property, then Buyer shall close the transaction pursuant to the terms and conditions of the offer made to Seller, but in no event shall Buyer be obligated to close the contemplated transaction on a date which is earlier than thirty (30) days after Buyer gives notice that Buyer intends to purchase the Property.

3. Form of Conveyance. In the event Buyer acquires the Property pursuant to this Agreement, Seller shall convey the Property, together with all rights and appurtenances thereto, to Buyer by general warranty deed free and clear of any liens, claims and encumbrances other than current taxes and other matters of record acceptable to Buyer.

4. First Right of Refusal Not Intended to Fail. It is intended by the parties that Buyer's rights to purchase the Property granted by this agreement shall be valid and shall not fail as a result of Seller receiving an offer which, by its terms, cannot be matched by Buyer (such as an exchange). Therefore, if Buyer is unable to perform under any of the terms (except for the payment of money) of any offer extended by Seller, then Buyer shall have the right to purchase the Property for cash at a price that is the cash equivalent of said offer. The "cash equivalent" is the cash price that fairly represents the fair market value of the Property as evidenced by the offer in question and as agreed by the Parties, or if no agreement, then as determined by independent appraisal by an appraiser mutually acceptable to the parties, or if no mutually acceptable appraiser is found, then one appointed by a court of competent jurisdiction. In addition, Seller agrees not to grant any option or long-term lease or to otherwise subdivide, sell, transfer, convey or assign any right, title or interest in and to the Property or any part thereof that would serve to defeat the first option to purchase or the right of first refusal or that would otherwise constitute a de facto sale of the Property without complying with the terms of this Agreement.

5. Remedies. In the event of a breach hereunder by any Party hereto, the non-breaching Party shall have all remedies available at law or in equity, including injunctive or other equitable relief. In any suit, action or appeal therefrom to enforce or interpret this Agreement, the prevailing party shall be entitled to recover its costs incurred therein, including reasonable attorney's fees and disbursements incurred by the prevailing party (including attorney's fees and costs associated with any appeal of a judgment), whether or not such controversy or claim is litigated or prosecuted to judgment. The prevailing party shall be the party who was awarded judgment as a result of trial or arbitration, or who receives a payment of money from the other party in settlement of claims asserted by that party.

6. Counterparts. This Agreement may be executed in any number of counterparts and once so executed by all Parties thereto, each such counterpart shall be deemed to be an original instrument but all such counterparts together shall constitute but one agreement.

7. Governing Law. This agreement shall be governed by the laws, including conflicts of laws, in the State wherein the Property is located.

8. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, legal representatives, successors and assigns.

9. Recording. The Parties agree that this Agreement shall be notarized and recorded in the real property records of Canyon County, Idaho.

10. Construction. The Parties agree that they have each had an opportunity to retain an attorney related to this Agreement and, in all cases, the language of this Agreement will be construed simply, according to its fair meaning, and not strictly for or against any Party.

11. Time of Essence. All times provided for in this Agreement for the performance of any act will be strictly construed, time being of the essence.

12. Notice. Any notice under this Agreement shall be in writing and be delivered in person or by public or private 24-hour overnight courier service (so long as such services provide written confirmation of delivery) (including U.S. Postal Service Express Mail) or by confirmed facsimile. Any notice given by facsimile shall be verified by electronic confirmation. All notice shall be addressed to the parties at the addresses contained herein or at such other addresses as the parties may from time to time direct in writing. Any notice shall be deemed to have been given on (a) actual delivery or refusal, (b) the day of delivery to the overnight courier, or (c) the day facsimile delivery is electronically confirmed.

If to Seller:

Dallas and Susan Kraft

835 W. State Ave  
Eagle, Id 83616

Fax: (208) \_\_\_\_\_

If to Buyer:

Carl and Joyce Glaetli

183 N. Stinson Street

Nampa, Idaho 83651

Fax: (208) 466-2657

[end of text]

## BUYER:

Carl R. Glaettli II

Carl R. Glaettli II

Joyce B. Glaettli

Joyce B. Glaettli

State of Idaho )

) ss.

County of Canyon )

On this 27<sup>th</sup> day of September, in the year of 2007, before me Stephanie Garner, a notary public, personally appeared Carl R. Glaettli II and Joyce B. Glaettli, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Stephanie Garner  
Notary Public for IdahoResiding at Nampa, IdahoMy Commission expires 7-31-12

Residing in Nampa, Idaho

My Commission Expires 7-31-12

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed effective the day and year first above written.

SELLER:

Dallas Kraft  
Dallas Kraft

Susan Kraft  
Susan Kraft

State of Idaho )

) ss.

County of Canyon )

On this 27<sup>th</sup> day of September, in the year of 2007, before me Stephanie Garner, a notary public, personally appeared Dallas and Susan Kraft, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Stephanie Garner  
Notary Public for Idaho

Residing at Nampa, Idaho

My Commission expires 7-31-12

Residing in Nampa, Idaho  
My Commission Expires 7-31-12



NOT OFFICIAL DOCUMENT

RECORD OF SURVEY  
FOR  
DALLAS KRAFT

A PARCEL OF LAND LYING IN THE SE1/4  
NE1/4 OF SECTION 22, T.3N., R.4W., BOISE  
MERIDIAN, CANYON COUNTY, IDAHO  
2002

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, COLLEEN MARKS, BEING A REGISTERED  
LAND SURVEYOR IN THE STATE OF IDAHO, HAVE PERSONALLY  
EXAMINED THE SURVEY HEREIN SHOWN, AND AS MADE BY ME  
AND IS IN ACCORDANCE WITH THE CORNER PERPETUATION AND PLUMB  
ACT - IDAHO CODE 55-1601 THROUGH 55-1611.



*Colleen Marks*  
COLLEEN MARKS, L.S. 7045

LEGEND

- PROPERTY BOUNDARY
- EASEMENT LINE
- FOUND BRASS CAP MONUMENT
- FOUND 1/2" REBAR SET
- INSIDE A 1 1/2" IRON PIPE
- FOUND 3/8" IRON PIN
- FOUND 1/2" IRON PIN
- WITNESS CORNER-FOUND 1/2" IRON PIN
- SET 1/2" IRON PIN
- WITNESS CORNER-SET 1/2" IRON PIN
- FOUND NAIL ROAG SPIKE
- CALC. POINT
- DATA OF RECORD
- EXISTING WELL CASING

INDEX No. 344-22-120-000  
MARKS LAND SURVEYING, INC.  
COLLEEN MARKS, L.S. 7045  
6405 USTICK RD.  
BOISE, IDAHO 83704  
Ph: (208) 378-7703 Fx: 378-7759  
DATE: 3/7/02 DRAWN BY: LMK/CSM RECHECKING

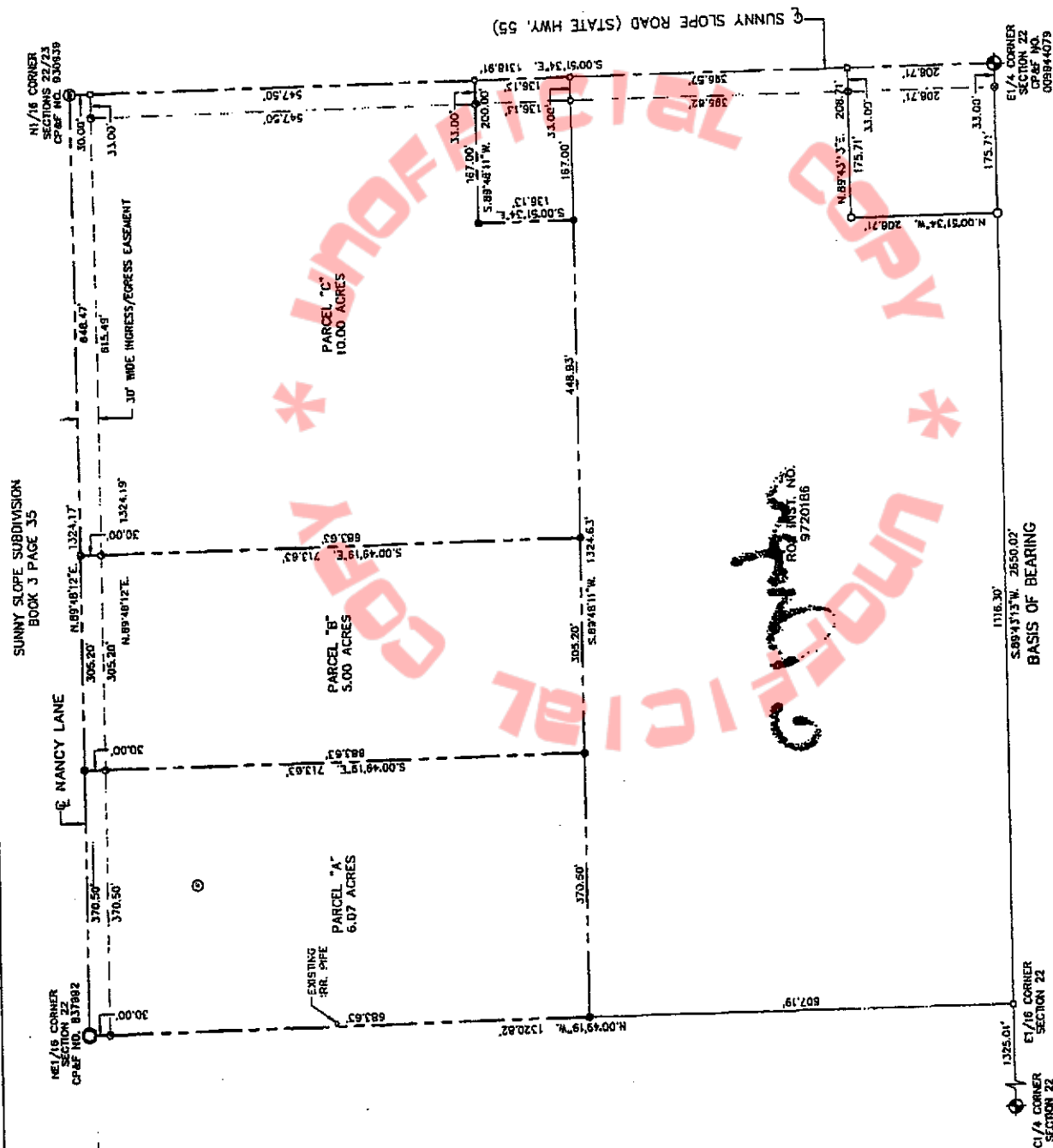
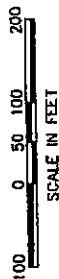


Exhibit "A"

P.S.  
A Kraft



Colleen Marks, L.S. 7045 • 6405 Ustick Road • (208) 378-7703 • Fax (208) 378-7759

PROPERTY DESCRIPTION  
PARCEL "A"

A parcel of land lying in the SE1/4 NE1/4 of Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho; thence N.89°43'13"E. 1325.01 feet along the south boundary of the said NE1/4 of Section 22 to a point marking the E1/16 Corner of said Section 22, said E1/16 Corner bears S.89°43'13"W. 1325.01 feet from a found Brass Cap marking the E1/4 Corner of said Section 22; thence N.00°49'19"W. 1320.82 feet along the west boundary of the said SE1/4 NE1/4 of Section 22 to a found 1/2" rebar set inside a 1 1/2" iron pipe marking the NE1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said NE1/16 Corner also marking the REAL POINT OF BEGINNING;

thence N.89°48'12"E. 370.50 feet along the north boundary of the said SE1/4 NE1/4 of Section 22 and along the said centerline of Nancy Lane to a set 1/2" iron pin;

thence S.00°49'19"E. 713.63 feet to a set 1/2" iron pin;

thence S.89°48'11"W. 370.50 feet to a set 1/2" iron pin lying on the said west boundary of the SE1/4 NE1/4 of Section 22;

thence N.00°49'19"W. 713.63 feet along the said west boundary of the SE1/4 NE1/4 of Section 22 to the point of beginning, containing 6.07 acres, more or less.

SUBJECT TO AND/OR TOGETHER WITH:

A thirty (30) foot wide easement for the purpose of ingress and egress and lying in the SE1/4 NE1/4 of Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho; thence N.89°43'13"E. 1325.01 feet along the south boundary of the said NE1/4 of Section 22 to a point marking the E1/16 Corner of said Section 22, said E1/16 Corner bears S.89°43'13"W. 1325.01 feet from a found Brass Cap marking the E1/4 Corner of said Section 22; thence N.00°49'19"W. 1320.82 feet along the west boundary of the said SE1/4 NE1/4 of Section 22 to a found 1/2" rebar set inside a 1 1/2" iron pipe marking the NE1/16 Corner of said Section 22 and

SEP 28 2007 12:00 PM IN ENGINEER'S OFFICE



Colleen Marks, L.S. 7045 • 6405 Ustick Road • (208) 378-7703 • Fax (208) 378-7759

lying on the centerline of Nancy Lane, said NE1/16 Corner also marking the REAL POINT OF BEGINNING;

thence N.89°48'12"E. 1324.17 feet along the north boundary of the said SE1/4 NE1/4 of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the N1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road (State Highway 55);

thence S.00°51'34"E. 30.00 feet along the east boundary of the said SE1/4 NE1/4 of Section 22 and along the said centerline of Sunny Slope Road (State Highway 55) to a point, said point being witnessed by a set 1/2" iron pin which bears S.89°48'12"W. 33.00 feet;

thence S.89°48'12"W. 1324.19 feet to a set 1/2" iron pin lying on the said west boundary of the SE1/4 NE1/4 of Section 22;

thence N.00°49'19"W. 30.00 feet along the said west boundary of the SE1/4 NE1/4 of Section 22 to the point of beginning, containing 0.91 acres, more or less.

ALSO SUBJECT TO AND/OR TOGETHER WITH:  
Any additional easements or rights of way of record or in use.

2007065404

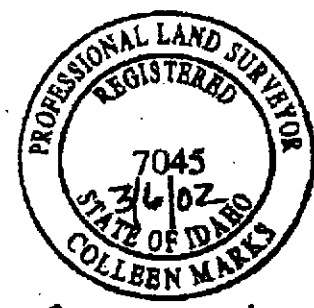
RECORDED

2007 SEP 27 PM 4 37

WILLIAM H. HURST  
CANYON CNTY RECORDER  
*[Signature]*

PIONEER TITLE COMPANY

REQUEST  
TYPE 1000 FEE 24-



*Colleen Marks*



## QUITCLAIM DEED

FOR VALUE RECEIVED, \_\_\_\_\_ Carl R. Glaettli, II and Joyce B. Glaettli, husband and wife \_\_\_\_\_ does hereby convey, release, remise and forever quit claim unto \_\_\_\_\_ Glaettli, LLC \_\_\_\_\_ whose current address is:

\_\_\_\_\_ 183 N. Stinson St. Nampa, ID 83651 \_\_\_\_\_

the following described premises:

See Attached Exhibit A

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

Date Apr 14, 10

By \_\_\_\_\_

[Grantor's Name]

State of Idaho )

) S.S.

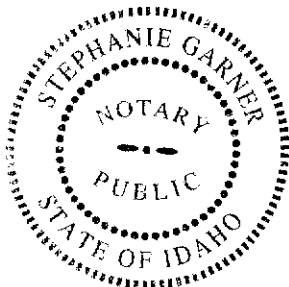
County of Canyon )

On this 16th day of April, in the year 20 10, before me Joyce B. Glaettli, Notary Public, personally appeared Carl R. Glaettli, II and, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within instrument, and acknowledged that he(she)(they) executed the same.

Notary Public

My Commission Expires on \_\_\_\_\_

Residing in Nampa, Idaho  
My Commission Expires 7-31-12



File No.: 200709014

**EXHIBIT A**

A parcel of land lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears

South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East ¼ Corner of said Section 22; thence

North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane; thence

North 89° 48' 12" East 370.50 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin, said pin marking the REAL POINT OF BEGINNING; thence continuing

North 89° 48' 12" East 305.20 feet along the said North boundary of the Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin; thence

South 00° 49' 19" East 713.63 feet to a set ½" iron pin; thence

South 89° 48' 11" West 305.20 feet to a set ½" iron pin; thence

North 00° 49' 19" West 713.63 feet to the POINT OF BEGINNING.

**SUBJECT TO AND/OR TOGETHER WITH:**

A thirty (30) foot wide easement for the purpose of ingress and egress and lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the Corner Quarter Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears

South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East Quarter Corner of said Section 22; thence

North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe

File No.: 200709014

marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence

North 89° 48' 12" East 1324.17 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the North 1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road Road (State Highway 55); thence

South 00° 51' 34" East 30.00 feet along the East boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Sunny Slope (State Highway 55) to a point, said point being witnessed by a set ½" iron pin which bears

South 89° 48' 12" West 33.00 feet; thence

South 89° 48' 12" West 1324.19 feet to a set ½" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence

North 00° 49' 19" West 30.00 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.



610 S. Kimball Avenue  
Caldwell, ID 83605

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

**2021-021008**  
RECORDED  
**03/23/2021 03:58 PM**  
CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pgs=2 DLSTEPHENS \$15.00  
TYPE: DEED  
PIONEER TITLE CANYON - CALDWELL  
ELECTRONICALLY RECORDED

File No. 763115 TK/DM

## WARRANTY DEED

For Value Received **Susan J. Kraft, an unmarried woman**  
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

**David K. Hess and Carol R. Hess, husband and wife**

hereinafter referred to as Grantee, whose current address is  
11724 B 90<sup>th</sup> Ave E Puyallup, WA 98373

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

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

Dated: March 18, 2021

Susan J. Kraft  
Susan J. Kraft

State of Idaho, County of Canyon

This record was acknowledged before me on March 23<sup>rd</sup> 2021 by Susan J. Kraft

Signature of notary public  
Commission Expires: 2/3/2022

RESIDING IN CALDWELL, IDAHO  
MY COMMISSION EXPIRES 10/26/2022

KATIE TAYLOR  
COMMISSION #56973  
NOTARY PUBLIC  
STATE OF IDAHO

EXHIBIT A

A parcel of land lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence  
North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears  
South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East ¼ Corner of said Section 22; thence  
North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence  
North 89° 48' 12" East 370.50 feet along the North boundary of said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a set ½" iron pin; thence  
South 00° 49' 19" East 713.63 feet to a set ½" iron pin; thence  
South 89° 48' 11" West 370.50 feet to a set ½" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence  
North 00° 49' 19" West 713.63 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.

(Shown as Parcel "A" of Record of Survey recorded as Instrument No. 200216286)

SUBJECT TO AND/OR TOGETHER WITH:

A thirty (30) foot wide easement for the purpose of ingress and egress and lying in the Southeast Quarter of the Northeast Quarter of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the Corner Quarter Corner of said Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence  
North 89° 43' 13" East 1325.01 feet along the South boundary of the said Northeast Quarter of Section 22 to a point marking the East 1/16 Corner of said Section 22, said East 1/16 Corner bears  
South 89° 43' 13" West 1325.01 feet from a found Brass Cap marking the East Quarter Corner of said Section 22; thence  
North 00° 49' 19" West 1320.82 feet along the West boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 to a found ½" rebar set inside a 1 ½" iron pipe marking the Northeast 1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane, said Northeast 1/16 Corner also marking the REAL POINT OF BEGINNING; thence  
North 89° 48' 12" East 1324.17 feet along the North boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the North 1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road (State Highway 55); thence  
South 00° 51' 34" East 30.00 feet along the East boundary of the said Southeast Quarter of the Northeast Quarter of Section 22 and along the said centerline of Sunny Slope (State Highway 55) to a point, said point being witnessed by a set ½" iron pin which bears  
South 89° 48' 12" West 33.00 feet; thence  
South 89° 48' 12" West 1324.19 feet to a set ½" iron pin lying on the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22; thence  
North 00° 49' 19" West 30.00 feet along the said West boundary of the Southeast Quarter of the Northeast Quarter of Section 22 to the POINT OF BEGINNING.



**MASTER APPLICATION****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx)

Phone: 208-454-7458

Fax: 208-454-6633



<b>PROPERTY OWNER</b>	OWNER NAME: David + Carol Hess
	MAILING ADDRESS: 116 Arabian Way Nampa ID 83687
	PHONE: 208 314-1588 EMAIL: Capstone208@h-m-m.com
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign. Signature: <u>David Hess</u> Date: <u>7/19/22</u>	
<b>(AGENT) ARCHITECT ENGINEER BUILDER</b>	CONTACT NAME: David Hess
	COMPANY NAME: Capstone Carpentry
	MAILING ADDRESS: 116 Arabian Way Nampa ID 83687
	PHONE: 208 314-1588 EMAIL: Capstone208@H-M-M.com
<b>SITE INFO</b>	STREET ADDRESS: TBA Sunny Slope Rd Caldwell ID 83687
	PARCEL #: 3345901000 LOT SIZE/AREA: 6.02 Acres
	LOT: BLOCK: SUBDIVISION:
	QUARTER: NE SECTION: 22 TOWNSHIP: 3N RANGE: 4W
	ZONING DISTRICT: FLOODZONE (YES/NO):
<b>HEARING LEVEL APPS</b>	<input type="checkbox"/> CONDITIONAL USE <input type="checkbox"/> COMP PLAN AMENDMENT <input checked="" type="checkbox"/> CONDITIONAL REZONE <input type="checkbox"/> ZONING AMENDMENT (REZONE) <input type="checkbox"/> DEV. AGREEMENT MODIFICATION <input type="checkbox"/> VARIANCE > 33% <input type="checkbox"/> MINOR REPLAT <input checked="" type="checkbox"/> VACATION <input type="checkbox"/> APPEAL <input checked="" type="checkbox"/> SHORT PLAT SUBDIVISION <input checked="" type="checkbox"/> PRELIMINARY PLAT SUBDIVISION <input type="checkbox"/> FINAL PLAT SUBDIVISION
	<b>DIRECTORS</b> <input type="checkbox"/> ADMINISTRATIVE LAND DIVISION <input checked="" type="checkbox"/> EASEMENT REDUCTION <input type="checkbox"/> SIGN PERMIT <b>DECISION</b> <input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT <input type="checkbox"/> HOME BUSINESS <input type="checkbox"/> VARIANCE 33% > <b>APPS</b> <input checked="" type="checkbox"/> PRIVATE ROAD NAME <input type="checkbox"/> TEMPORARY USE <input type="checkbox"/> DAY CARE <input type="checkbox"/> OTHER
	CASE NUMBER: CR2022-0027
	DATE RECEIVED: 9/2/2022
RECEIVED BY: SH	APPLICATION FEE: \$1400.00 <input checked="" type="checkbox"/> MO <input type="checkbox"/> CC <input type="checkbox"/> CASH

W

Revised 1/3/21

**To: Canyon County Development Services Department,**

**Date: 7/19/2022**

**Regarding:** A Request for a Conditional Use Permit to Rezone

**Description of existing use and proposed use:**

My wife and I purchased a beautiful 6.02 acre parcel (#33459010) last year and are looking forward to becoming part of the Sunny Slope Community. The property is currently zoned agricultural but has just been an occasional grazing lot with a fenced in area of miscellaneous debris. Our proposed use is Rural Residential through a conditional rezone. Would like to subdivide the 6.02 acres into two 3 acre parcels and build a 2500 sf home and 30x50' shop on both parcels. We are submitting a subdivision/ short plat application for this request. The properties would also be perfect for some large gardens allowing us to grow a lot of our own food as well as possibly doing some small scale farming.

**Proposed Request and why it is being requested:**

In 2001 a conditional use permit by Dallas Kraft was approved allowing parcel #33459010 to be considered a rural residential lot. My wife and I went through the county process last year hoping for a conditional use modification to the old 2001 permit that would allow us to build on our property. It went to the director for a director's decision and it was turned down due to fact that not all of the conditions were met within 5 years as well as the platting not being completed.

We are now applying to request a conditional rezone to rural residential and dividing the property into two three acre parcels for a couple of nice homes, one in which we plan to live in. Dividing the property into two 3 acre parcels will help with the expenses of the road, and getting power back to the property, and the building process.

Our goal is that the properties would continue to have a spacious and rural feeling so we would like to request that there be no future land divisions possible and no secondary residences to keep it this way. We also hope this would be the case with any future development in the surrounding properties. We appreciate your consideration.

**Description of how proposed use is consistent with comprehensive plan:**

The proposed use is consistent with the following policies of The Canyon County Comprehensive Plan of 2020:

**Property Rights Policy No. 8:** Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

**Property Rights Policy No. 10:** Land use laws and decisions should avoid imposing unnecessary conditions or procedures on development approvals.

**Population Policy No. 1:** Provide the planning base for an anticipated population of 225,503 by the year 2015, and 242,908 by the year 2020.

**Land Use Policy No. 2.** Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

**Transportation Policy No. 13.** Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency service purposes.

### **How the proposed use could affect neighboring uses:**

We can see no way in which the proposed use would interfere with any neighboring uses nor be injurious in any way. I do understand that change in a neighborhood can be challenging for some people and we have taken this into consideration. We are committed to being good neighbors and will do what we can do to work with others around our property. The proposed use of a rural residence on acreage is consistent with that of neighboring properties and we feel they would blend in nicely. Ben Newby lives on 3 acres to the east with 7 acres of pasture, Roger and Sue Williamson to the northeast, Jeff Forsberg to the southeast, and Jacob Lee to the west. Dr Carl Glaettli owns 5 acres adjacent to us and has been supportive of our plans to build and thinks it would be a wonderful place for us to live. Directly to the north is the Sunny Slope Subdivision with smaller lots. We were thankful for the neighbors showing up to the neighborhood meeting and learned a lot about the property's history and details.. We believe they will also appreciate that the existing junk on the property will be cleaned up and hauled away.

### **Water, Sewer, Irrigation, Drainage, Utilities**

There is an existing well on the property that can be cleaned and put into service. A septic design would be permitted through Southwest District Health. Neighboring properties are on septic. I have been in contact with Idaho Power to see about getting electricity back to the property. According to neighbors there is some, but limited, irrigation that makes it back to our back 6.02 acre lot. We will either move the concrete ditch on the north side or replace it with above ground pipe. There are two existing irrigation drains on the west and southwest sides of the property adjacent to Lizar Lateral. Storm water will be contained on site.

### **Legal Access To Property:**

A 30' easement along the north sides of the adjacent properties provides access to Sunny Slope Rd. Earlier this year I met with Bob from Golden Gate Highway District and the civil engineer they consult with. Per our deed, they determined that our legal access is through our 30' easement that runs across the north side of Ben Newby's, Carl Glaettli's and our property. I have been in communication with Department of Idaho Transportation and was informed that they see no issue with us building a private road or driveway along the ingress/egress easement to access our property. The gentleman I met with at their office said the having a couple of homes added posed little impact to traffic patterns on Sunny Slope Rd. I also spoke with Fire Chief Alan Perry to get information on their road requirements and turn-a-rounds. A 30" easement would be created along the east side of the northern 3 acres to allow ingress/egress to the 3 acres on the south side. All of this would be completed as part of the Conditional Use Modification.

### **Impact on Traffic Patterns**

The proposed use of two new residences will have minimal impact on current and future traffic patterns. The total ADT for the two homes plus Ben Newby's home would be 28.56.

### **Essential Services**

Essential services should not be negatively impacted or require additional funding as a result of this change of use.



**Phasing of development:**

- 1) Haul off debris from property to the landfill.
- 2) Construct private road and driveway to properties
- 3) Work with Idaho Power to get power to properties.
- 4) Get septic designs approved by Southwest District Health
- 5) Get second well drilled for south 3 acres.
- 6) Construct one home and shop and then second home.

**Description of site:**

The property is mostly flat with the western side slightly sloping downward in the middle edge (towards the irrigation drain) There is one small tree in the middle of the property and a few trees on the South west and Northwest corners. There is a beautiful view of the Owyhee Mountains and Lizard Butte to the south. The proposed private road would be built in the existing easement to get access to our 6 acres and then turn left (heading south) down a shared driveway along the east side of the property. There is currently a domestic well on the north half of the property that was installed in 2000. There is an existing barbed wire fence around the property. Our plan is to build on the south 3 acres and build and sell on the north 3 acres, likely to a friend or family member.

*\*See site plan attached:*

**Description of business operations:**

I own and operate Capstone Carpentry, a small remodeling construction company consisting of myself and my two sons Kyle (22), and Ryan (20). I plan on having a home office, but it is not a place I meet with clients. The majority of my work is completed at jobsites. I am excited to have a shop to be able to store tools and materials out of the weather and in an orderly way. There will be times I am working in the shop but only at typical work times and nothing excessively loud.

Please feel free to contact us with any questions you may have or further information needed. We appreciate your consideration of this request and look forward to becoming part of the Sunny Slope Community in the months ahead!

Sincerely,



David and Carol Hess

**Notice of Neighborhood Meeting  
Conditional Rezone and Short Plat  
Pre-Application Requirement for a Public Hearing**

**Date:** 3/22/22

Hello neighbors! I hope this letter finds you all well out in Sunny Slope! My wife Carol and I are now in the process of submitting an application for a Conditional Rezone and 3 acre short plat 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 regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Rezone and Short Plat Permit is applied.

**The Neighborhood Meeting details are as follows.**

**Date:** Friday April 1

**Time:** 5:00pm

**Location:** At the property (North side by Nancy Lane)

**Property Description:** TBD Sunny Slope Road, Caldwell, ID Parcel # R33459010

**The project is summarized below:**

- **Site Location:** TBD Sunny Slope Road, Caldwell, ID Parcel # R33459010
- **Proposed Access:** Private road off of Sunny Slope Road
- **Total Acreage:** 6.02 Acres
- **Proposed Lots:** Two 3.01 Acre Lots (Conditional to 1 home each and no future land divisions)

We look forward to seeing you again at the neighborhood meeting ( and meeting any new folks) and encourage you to come on out. I'll try to answer any questions that you might have at that time.

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

If you have any questions prior to the meeting, please contact me at (208) 314-1588. You can also reach me by email at Capstone208@Hotmail.com.

Thank you and enjoy the day!

David Hess

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

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

**SITE INFORMATION**

Site Address: TBA Sunny Slope Rd	Parcel Number: R3345901000
City: Caldwell ID	State: ID ZIP Code: 83630
Notices Mailed Date: 3/22/22	Number of Acres: 6.02 Current Zoning: AG
Description of the Request: Conditional Rezone from AG to RR SUBDIVIDE 6.02 ACRES TO TWO 3 ACRE LOTS	

**APPLICANT / REPRESENTATIVE INFORMATION**

Contact Name: David + Carol Hess		
Company Name: Capstone <del>Carpentry</del> Carpentry		
Current address: 116 Arabian Way		
City: Nampa	State: ID	ZIP Code: 83687
Phone: 208-314-1588	Cell: 208-314-1588	Fax:
Email: Capstone208@hotmail.com		

**MEETING INFORMATION**

DATE OF MEETING: 4/1/22	MEETING LOCATION: AT THE PROPERTY	
MEETING START TIME: 5:00	MEETING END TIME: 6:00	
ATTENDEES: *SEE NEXT PAGE FOR ACTUAL SIGN IN SHEET		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. PATRICK WILLIAMSON	19550 Eat-A-Bite Ln	Caldwell ID 83607
2. BEN & MARY NEWBY	14737 SUNNY SLOPE RD	CALDWELL ID 83607
3. THOMAS CRAWFORD	20208 NANCY LN	CALDWELL ID 83607
4. SUSAN WILLIAMSON	21986 HUSKINS RD	CALDWELL ID 83607
5. ROGER WILLIAMSON	21986 HUSKINS RD	CALDWELL ID 83607
6. <del>STEVEN</del> <sup>KRIST</sup> CRAWFORD	14781 1 <sup>st</sup> ST	CALDWELL ID 83607
7. STEVEN CRAWFORD	14773 2 <sup>nd</sup> ST	CALDWELL ID 83607
8. ALLAN & SUE LAIRD	20086 NANCY LN	CALDWELL ID 83607
9. SHAWN CRAWFORD	20208 NANCY LN	CALDWELL ID 83607
10. CARL GLAETTLI	183 N STINSON ST	NAMPA ID 83651

1	1	Patrick Williamson 19560 East Bte Ln Caldwell ID 83607	
1	2	Ben & Mary Newby 14737 Sunny Slope	
1	3	Thomas Crawford 20208 Nancy Lane	
1	4	Susan Williamson 21986 Hoskins Rd Caldwell	
1	5	Roger Williamson 21986 Hoskins Rd Caldwell	
1	6	STEVEN RAUFORD 14773 2ND ST ANTON ID 83607	
10	7	Kristi Crawford 14781 1st St Caldwell ID 83607	
17	8	Allan & Sue Laird 20086 Nancy Lane Caldwell ID 83607	
18	9	Shaun Crawford 20208 Nancy Lane Caldwell ID 83607	
19	10	Carl Blum 16341 ST. WOOD ST 83651	
20	11		

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):

DAVID K HESS

APPLICANT/REPRESENTATIVE (Signature):

David K Hess

DATE: 4 / 1 / 22

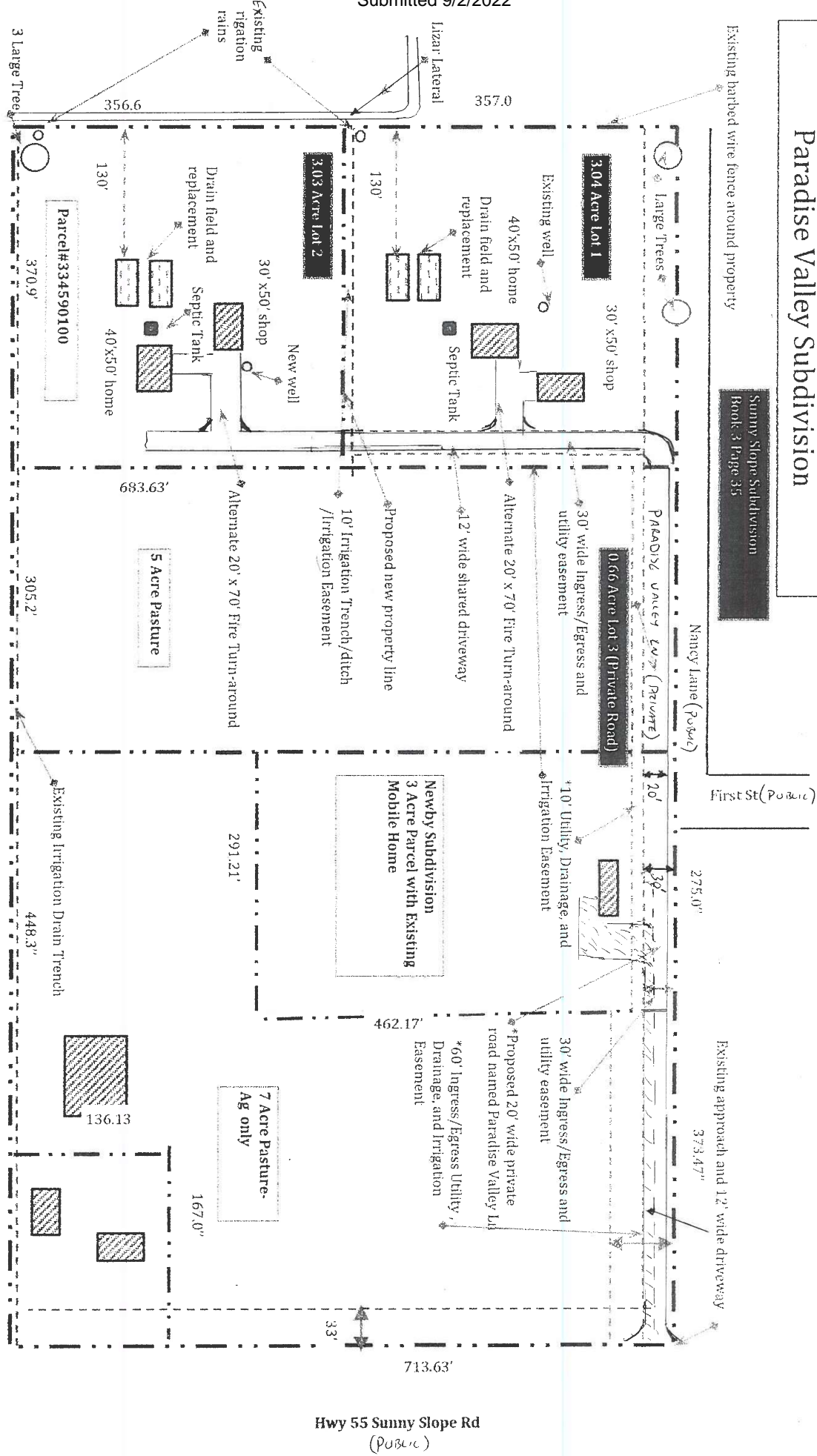
OBJECTID	PARCEL_NO	OwnerName	Address	City	State	ZipCode
20556206	R27216	SHOLOTYUK YURIY	✓ 6389 W OVERLAND RD ✓	MERIDIAN	ID	83642
20556207	R27222011	WILLIAMSON ROGER L	✓ 21986 HOSKINS RD ✓	CALDWELL	ID	83607
20556208	R27223010A	CRAWFORD SHAWN MONROE	✓ 20208 NANCY LN ✓	CALDWELL	ID	83607
20556209	R27223010A1	AYALA KAREN I QUIROZ	✓ 20242 NANCY LN ✓	CALDWELL	ID	83607
20556210	R27224012	ESCOBEDO JORGE BLANCO	✓ 20189 MYRTLE LN ✓	CALDWELL	ID	83607
20556604	R27214012	RAY RONALD EUGENE	✓ 508 AUKLET PL ✓	FAIRBANKS	AK	99709-6653
20556607	R27221	J AND R FARMS LLLP	✓ 21986 HOSKINS RD ✓	CALDWELL	ID	83607
20556608	R27223	CRAWFORD LARRY DEAN	✓ 14781 1ST ST ✓	CALDWELL	ID	83607
20556609	R27223010B	CRAWFORD STEVEN B	14773 2ND ST ✓	CALDWELL	ID	83607
20556714	R27214	RAY RONALD EUGENE	✓ 508 AUKLET PL ✓	FAIRBANKS	AK	99709-6653
20556715	R27214011	RAY RONALD EUGENE	✓ 508 AUKLET PL ✓	FAIRBANKS	AK	99709-6653
20556718	R27224011	ESCOBEDO JORGE BLANCO	✓ 20189 MYRTLE LN ✓	CALDWELL	ID	83607
20558803	R27215	DILLON BOB G	✓ 15187 DANIEL ST ✓	CALDWELL	ID	83607
20558805	R27216010	RODRIGUEZ MANUEL A	✓ PO BOX 733 ✓	MARSING	ID	83639
20558809	R27222	WILLIAMSON ROGER L	✓ 21986 HOSKINS RD ✓	CALDWELL	ID	83607
20558810	R27223010	CRAWFORD CORLA SUE	✓ 20086 NANCY LN ✓	CALDWELL	ID	83607
20558811	R27224	SWAIN CODY J	✓ 20191 MYRTLE LN ✓	CALDWELL	ID	83607
20558812	R27224010	NAVEJAR FERMIN	✓ 20165 MYRTLE LN ✓	CALDWELL	ID	83607-9555
20586266	R33454010	LEE JACOB S	✓ 14602 FROST RD ✓	CALDWELL	ID	83607
20586268	R33459010	KRAFT DALLAS	PO BOX 241	HUSTON	ID	83630
20586270	R33459012	FORSBERG JEFFERY G	✓ 14601 SUNNY SLOPE RD ✓	CALDWELL	ID	83607
20586271	R33459012A	TROOST FAMILY LIVING TRUST	✓ 30540 SABIN RD ✓	PARMA	ID	83660
20588588	R33451	SYMMS RICHARD A	✓ 14068 SUNNY SLOPE RD ✓	CALDWELL	ID	83607
20588590	R33459010B	GLAETTLI LLC	✓ 183 N STINSON ST ✓	NAMPA	ID	83651
20588591	R334590101	MIB NEWBY FAMILY TRUST	✓ 14737 SUNNY SLOPE RD ✓	CALDWELL	ID	83607
20589481	R33453	RIOS LORNA	14722 FROST RD ✓	CALDWELL	ID	83607
20589482	R33454	SALABER ROBERT	14510 FROST RD ✓	CALDWELL	ID	83607
20589485	R33459100	MIB NEWBY FAMILY TRUST	✓ 14737 SUNNY SLOPE RD ✓	CALDWELL	ID	83607
20589486	R33460	TROOST FAMILY LIVING TRUST	✓ 30540 SABIN RD ✓	PARMA	ID	83660



# PRELIMINARY PLOT PLAN

## Paradise Valley Subdivision

Sunny Slope Subdivision  
Book 3 Page 35



Identification and Descriptive Data

Proposed Subdivision Name: Paradise Valley Subdivision

Scale: 1" = 100'

Hwy 55 Sunny Slope Rd  
(Public)

North

**Dan Lister**

---

**From:** Dan Lister  
**Sent:** Tuesday, September 10, 2024 1:24 PM  
**To:** 'capstone208@hotmail.com'  
**Subject:** RE: Case No. CR2022-0027 - Update

Mr. Hess,

Additionally, if I do not receive a response from you by September 22, 2024, DSD will assume you do not wish to update the case information and we will move forward with scheduling the case for hearings with the information submitted on September 2, 2022.

Sincerely,

**Dan Lister, Principal Planner**

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

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

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

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**From:** Dan Lister  
**Sent:** Friday, September 6, 2024 5:00 PM  
**To:** 'capstone208@hotmail.com' <capstone208@hotmail.com>  
**Subject:** Case No. CR2022-0027 - Update

Mr. Hess,

On July 19, 2024, Case No. CR2022-0027 was assigned to me to process. After a review of the application, staff recommends the following:

- If you amend your request to not split the parcel, but make it buildable (primary dwelling, secondary dwelling, and accessory structures), and can show that all development can be placed to ensure the majority of the parcel can be in ag. production which could qualify for an ag. exemption, then the request should be amended to meet the 2030 Canyon County Comprehensive Plan where a five-acre designation is provided.
- The application should include parcel R33459010B (adjacent east) which was also created by CUP approval that has expired. This may be necessary because (1) it cleans up another parcel once connected to your parcel and divided and sold outside of county code, and (2) if the rezone is approved, the access to support a private road must become 60' wide (50' wide via the Director's Decision) to support a private road lot (CCZO Section 07-17-31). This means the easements on Parcel R33459010B and R33459100 need to be 60' wide, not 30'. The 30' wide access is okay for ag. use, but not for residential use. If the owners of Parcel R33459010B and R33459100 do not agree to this, then you will need to try to get access from Nancy Lane which will require you to work with Golden-Gate Highway District.

With that being said, the case is ready to be scheduled for hearings. However, DSD staff will be recommending denial for the following reasons:

- The request promotes rural residential growth outside of a planned growth area and in an area that supports agricultural uses and agricultural parcel sizes. Retaining the five-acre lot size is important since (1) it matches the surrounding area, and (2) the surrounding parcels except to the north either have ag-exemptions or can qualify for an ag-exemption if five acres and larger and can provide evidence of agricultural production. If the parcels are split into two parcels, the property can no longer be eligible for an ag-exemption.
- Although the parcels to the north are a smaller size and have residential uses, they were approved before any county code or plan. The County plans and code since 1979 have not supported residential growth in the area.
- Newby Subdivision (Parcel R33459100/101, 10 acres total) was zoned to CR-R-R in 2017 (PH2017-40) subject to placing development on a three-acre lot while keeping seven acres in agricultural uses (no building permit). Per CCZO Section 07-06-07(3), the approval in 2017 *"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."* Basically, the 2017 decision cannot be used as a reason for your property to be zoned the same.
- Without more information about whether the access can meet the required width for a private road, the access findings that are required cannot be made.

Let me know how you wish to proceed. If you wish to move forward as provided in your application, then I will get the case scheduled for hearing. However, contact me if you wish to amend the application and want to talk it through before scheduling a hearing.

Sincerely,

**Dan Lister, Principal Planner**

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

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Exhibit 3

**EXHIBIT B**

**Supplemental Documents**

Planning & Zoning Commission

Case# CR2022-0027

Hearing date: February 6, 2025

## Exhibit B.1

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

# R33459010 PARCEL INFORMATION REPORT

1/16/2025 3:00:16 PM

PARCEL NUMBER: **R33459010**

OWNER NAME: **HESS DAVID K**

CO-OWNER: **HESS CAROL R**

MAILING ADDRESS: **116 ARABIAN WAY NAMPA ID 83687**

SITE ADDRESS: **0 SUNNY SLOPE RD**

TAX CODE: **1840000**

TWP: **3N** RNG: **4W** SEC: **22** QUARTER: **NE**

ACRES: **6.07**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **GOLDEN-GATE HWY #3**

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: **AGRI-TOURISM EXCLUSIVE FARM USE**

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AGRI-TOURISM EXCLUSIVE FARM USE \ 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. : **2021021008**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **22-3N-4W NE TX 21193 IN SENE**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



### DISCLAIMER:

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

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

## R33459010B PARCEL INFORMATION REPORT

1/16/2025 3:01:46 PM

PARCEL NUMBER: **R33459010B**

OWNER NAME: **GLAETTLI LLC**

CO-OWNER:

MAILING ADDRESS: **183 N STINSON ST NAMPA ID 83651**

SITE ADDRESS: **0 SUNNY SLOPE RD**

TAX CODE: **1840000**

TWP: **3N** RNG: **4W** SEC: **22** QUARTER: **NE**

ACRES: **5.00**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **Yes**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG/CR-RR / CONDITIONAL REZONE - RURAL RESIDENTIAL**

HIGHWAY DISTRICT: **GOLDEN-GATE HWY #3**

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: **AGRI-TOURISM EXCLUSIVE FARM USE**

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AGRI-TOURISM EXCLUSIVE FARM USE \ 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. : **2010017727**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **22-3N-4W NE TX 07508 IN N 713.63' IN SENE**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



### DISCLAIMER:

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

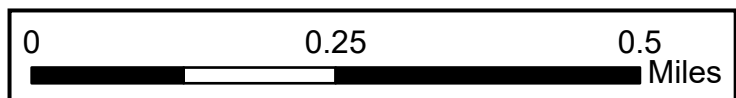
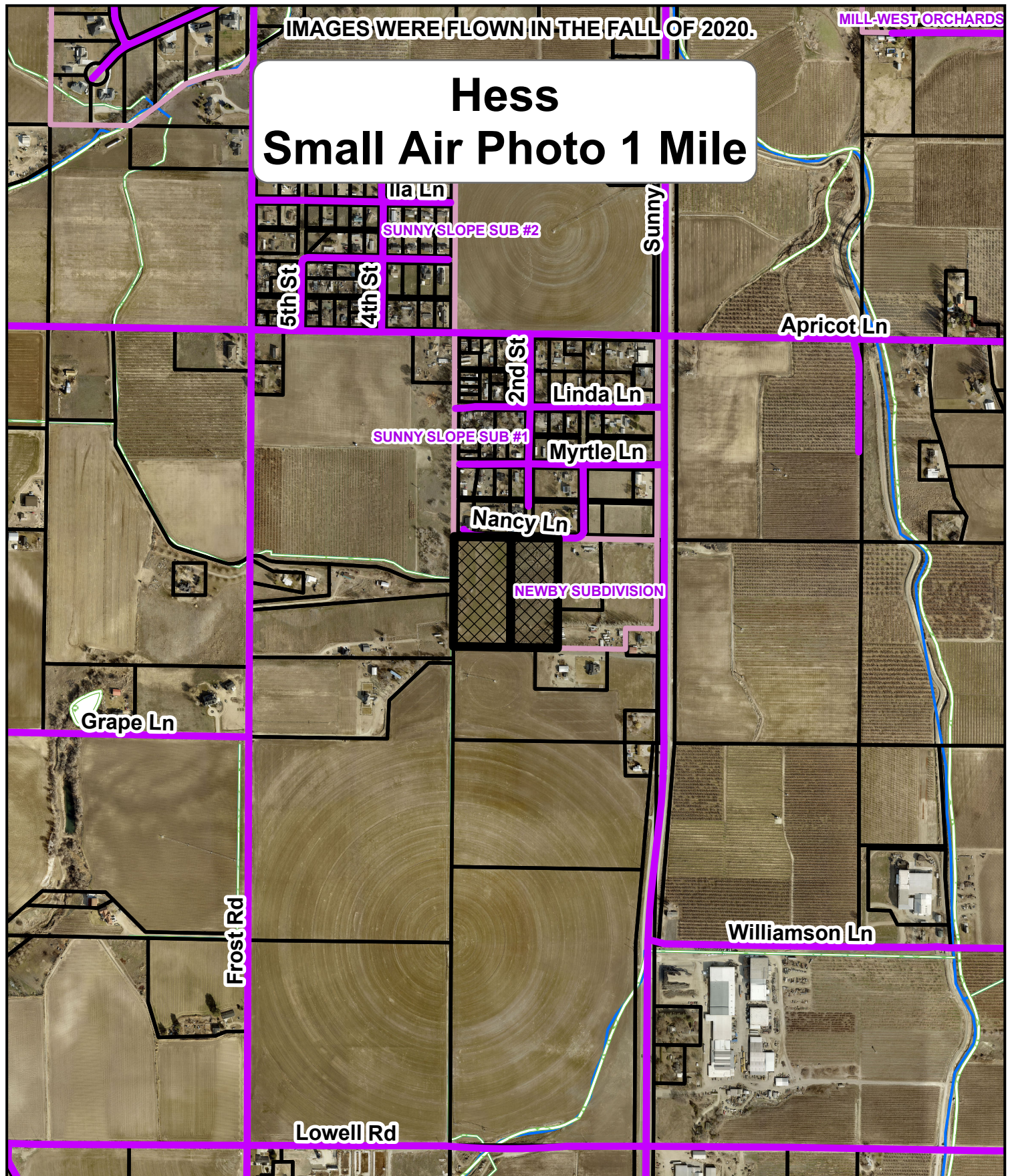
CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



IMAGES WERE FLOWN IN THE FALL OF 2020.

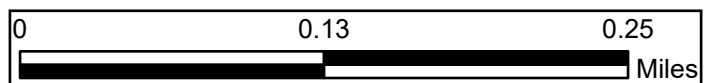
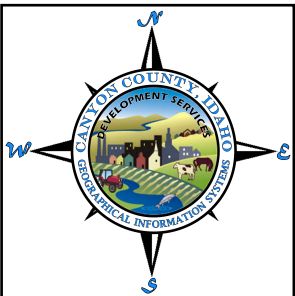
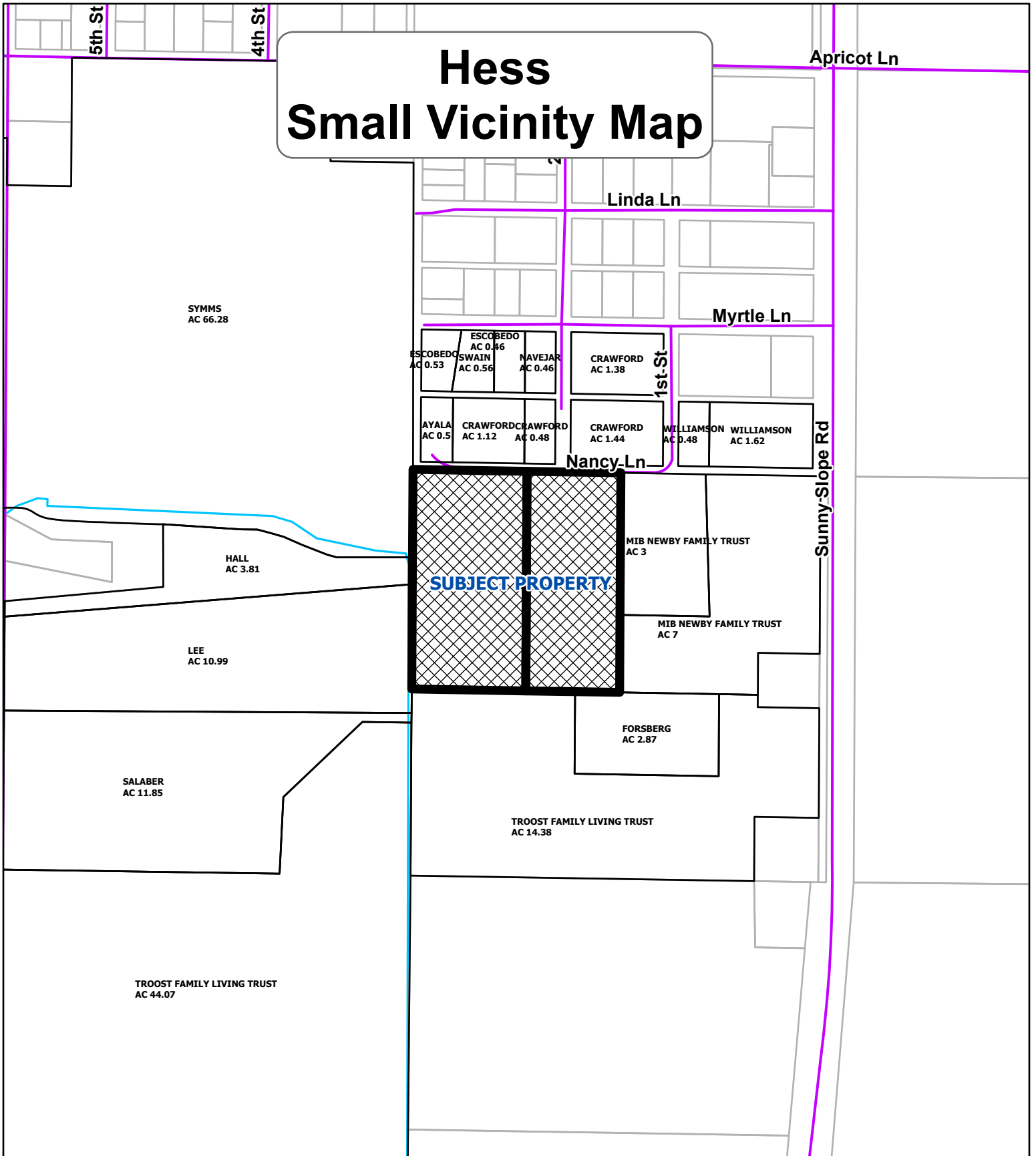
MILL-WEST ORCHARDS

# Hess Small Air Photo 1 Mile

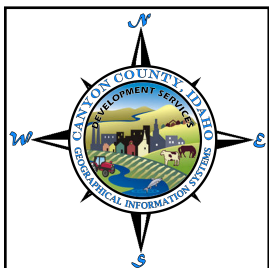
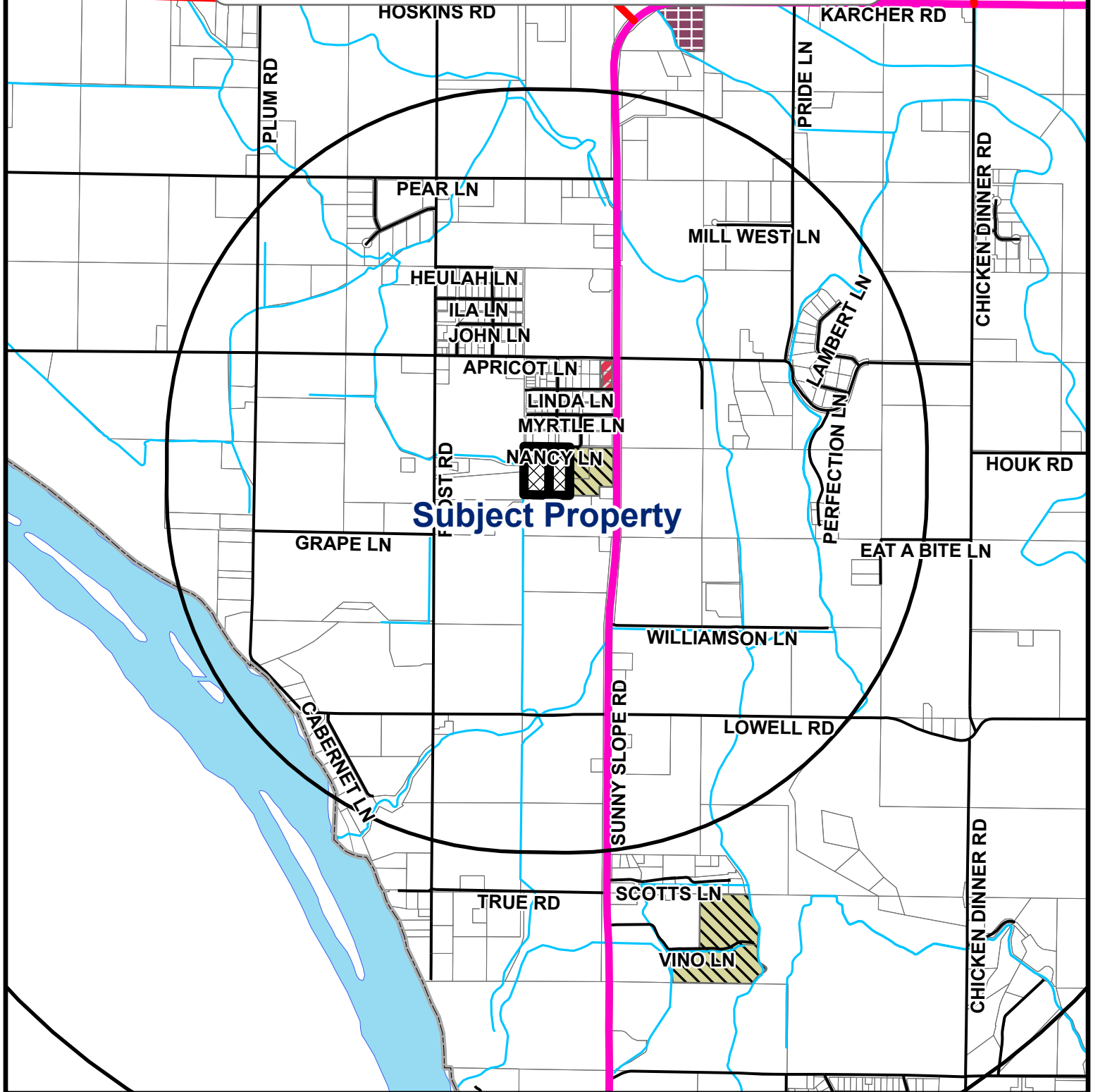




# Hess Small Vicinity Map



# Hess Zoning & Classification Map



## Current Zoning

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

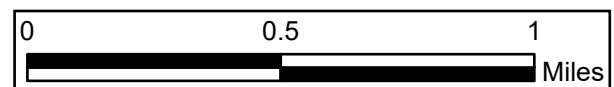
- C1
- CR-C1
- C2
- CR-C2
- M1
- CR-M1
- M2

AG

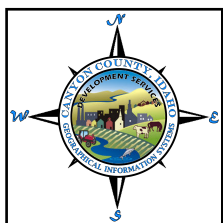
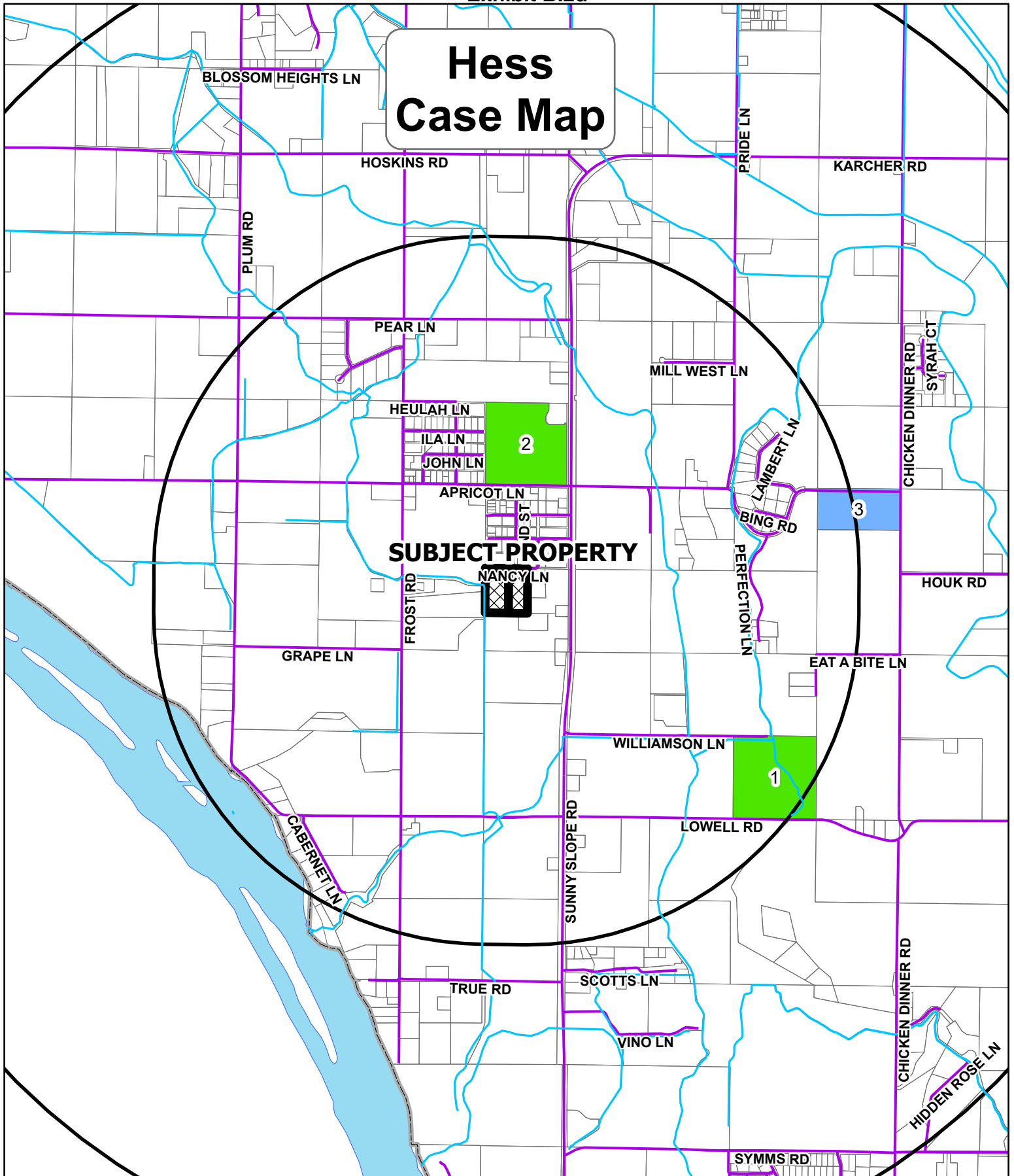
## ITD Functional Classification

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

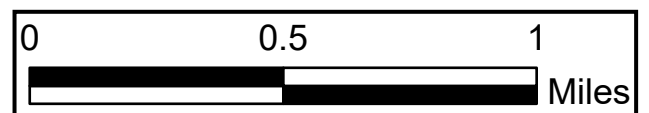
Exhibit 3  
Exhibit B.2c



# Hess Case Map



YEAR			
2023	2020	2019	2018
2022	2021		





CASE SUMMARY				
ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	CU2019-0029	Special Events Facility	Dandrew Wine, LLC	DENIED
2	RZ2019-0004	Rezone AG to R1 & Comp Plan Map Change AG to Com & Res	Troost	DENIED
3	CU2022-0020	CUP - Special Events Facility.	Sunny Slope Farms LLC	APPROVED

# Hess Subdivision Map

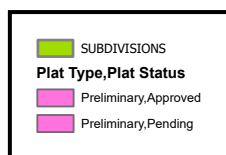
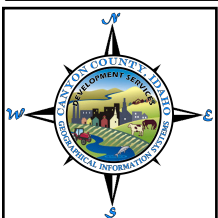
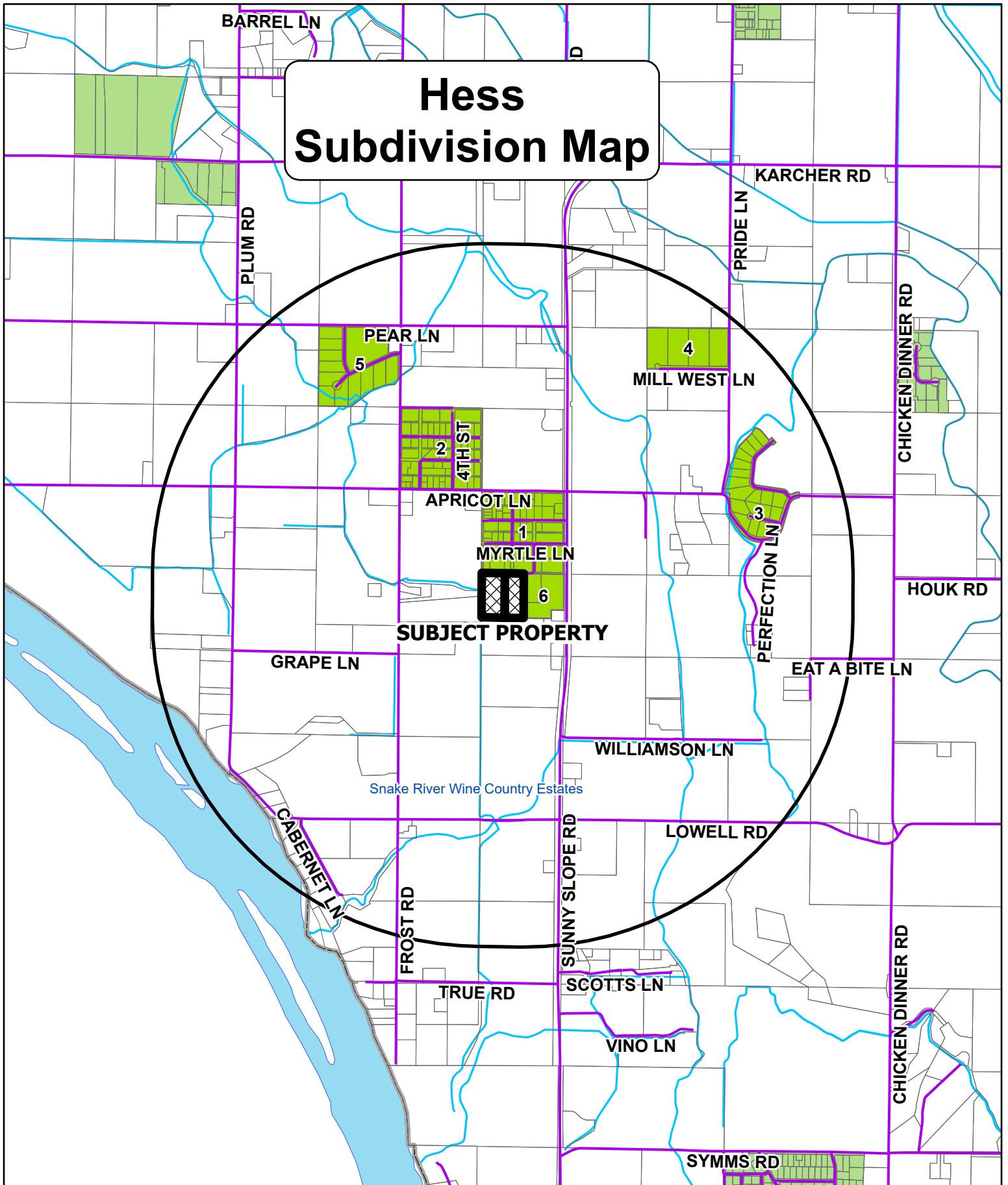
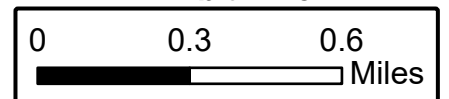


Exhibit 3  
Exhibit B.2e - 1



## SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
6	168.18	155	1.09	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
0	0	0	0	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
35	5.49	1.00	0.16	66.29
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0	0	0	0	0

## PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
SUNNY SLOPE SUB #1	1	3NAW22	40.03	56	0.71	COUNTY (Canyon)	1948
SUNNY SLOPE SUB #2	2	3NAW15	39.91	55	0.73	COUNTY (Canyon)	1950
SNAKE RIVER HEIGHTS #1	3	3NAW14	25.28	23	1.10	COUNTY (Canyon)	1971
MILL-WEST ORCHARDS	4	3NAW14	20.11	4	5.03	COUNTY (Canyon)	1976
PEAR LANE ESTATES SUBDIVISION	5	3NAW15	32.85	15	2.19	COUNTY (Canyon)	2007
NEWBY SUBDIVISION	6	3NAW22	10.00	2	5.00	COUNTY (Canyon)	2018

## 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...

# Hess Dairy, Feedlot, and Gravel Pit Map

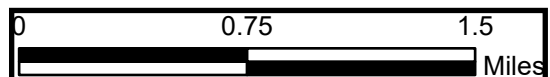
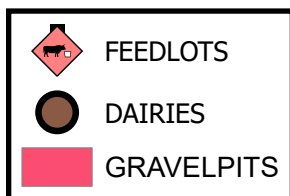
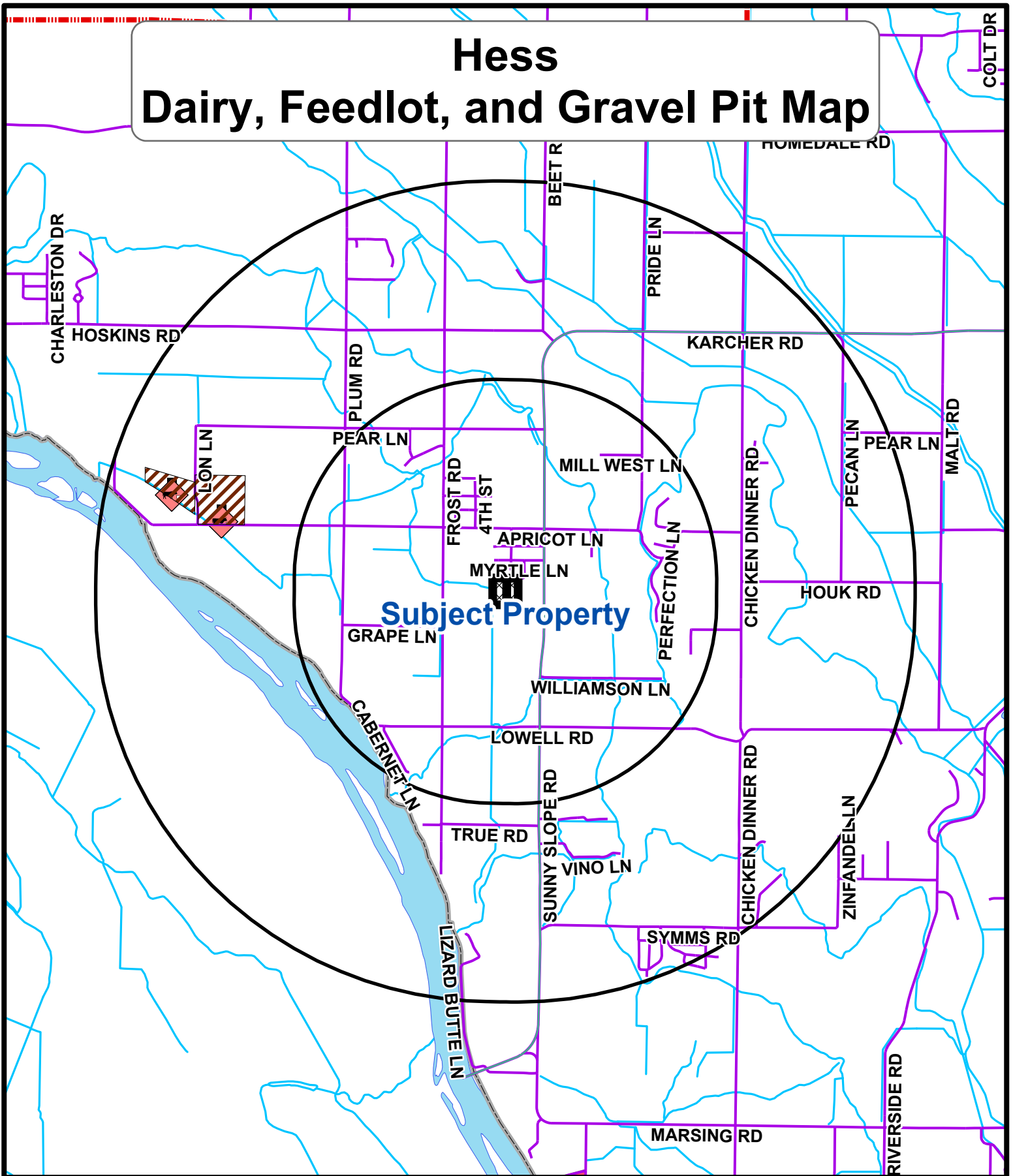
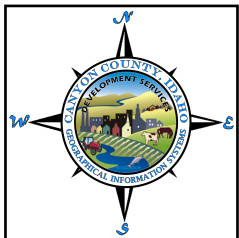
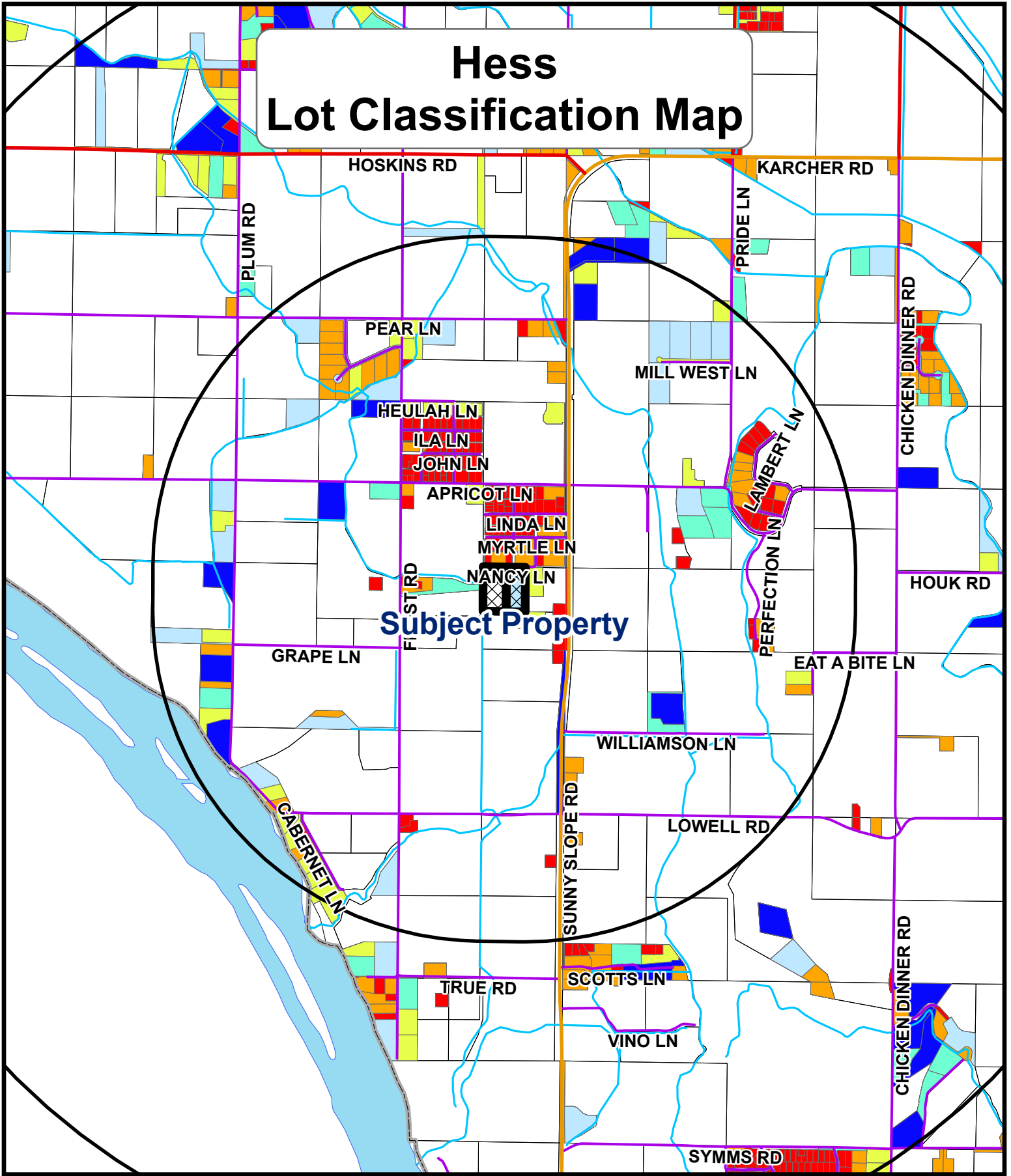


Exhibit 3  
Exhibit B.2f

# Hess Lot Classification Map



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

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

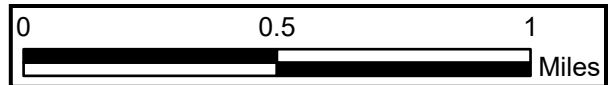
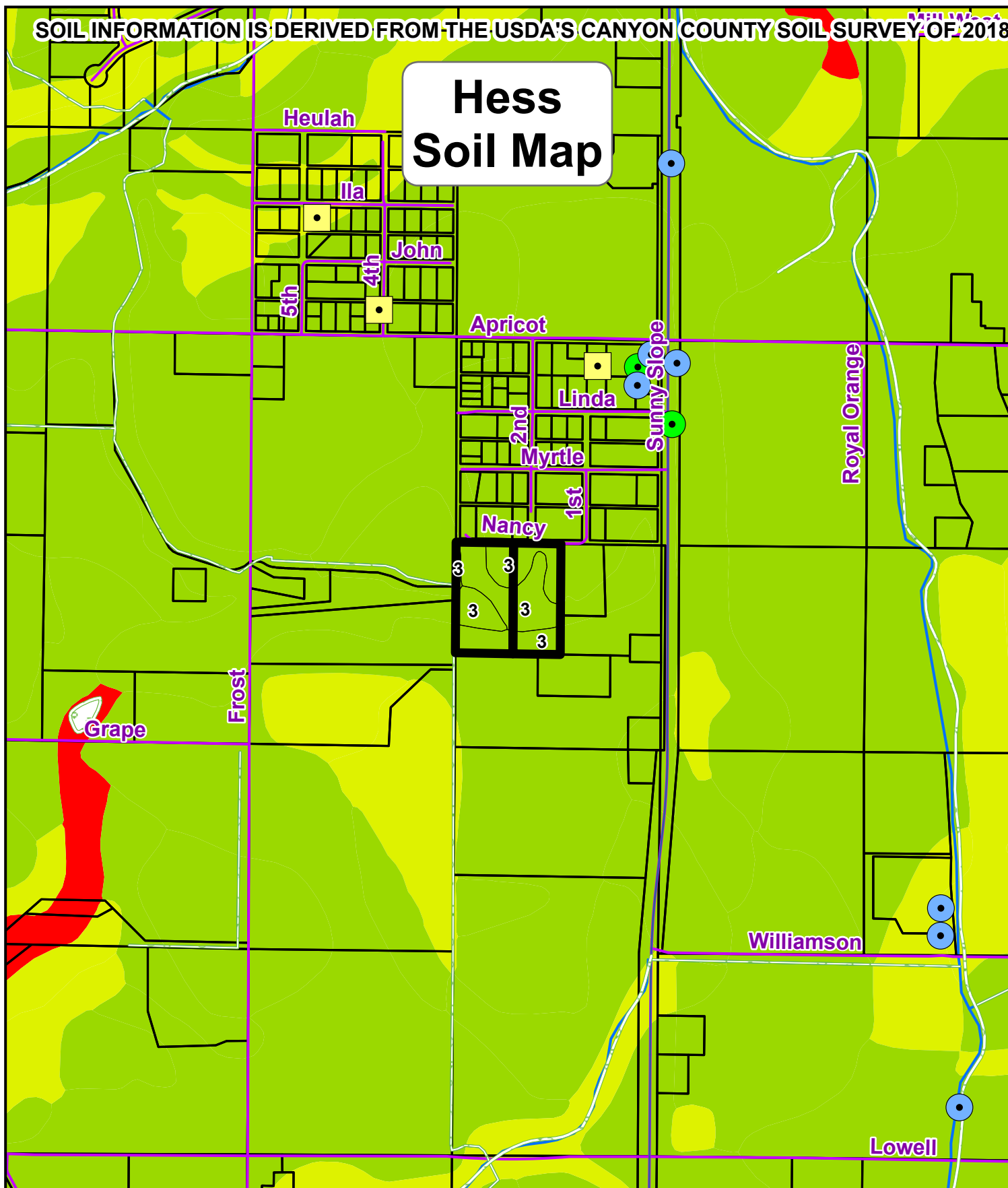


Exhibit 3  
Exhibit B.2g

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

# Hess Soil Map



## Nitrate Priority Wells

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

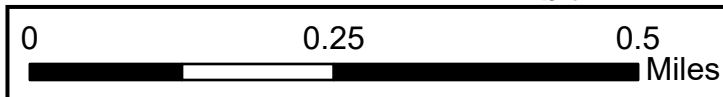


IDWR\_2C\_Geothermal\_

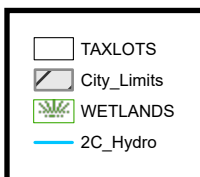
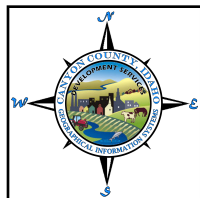
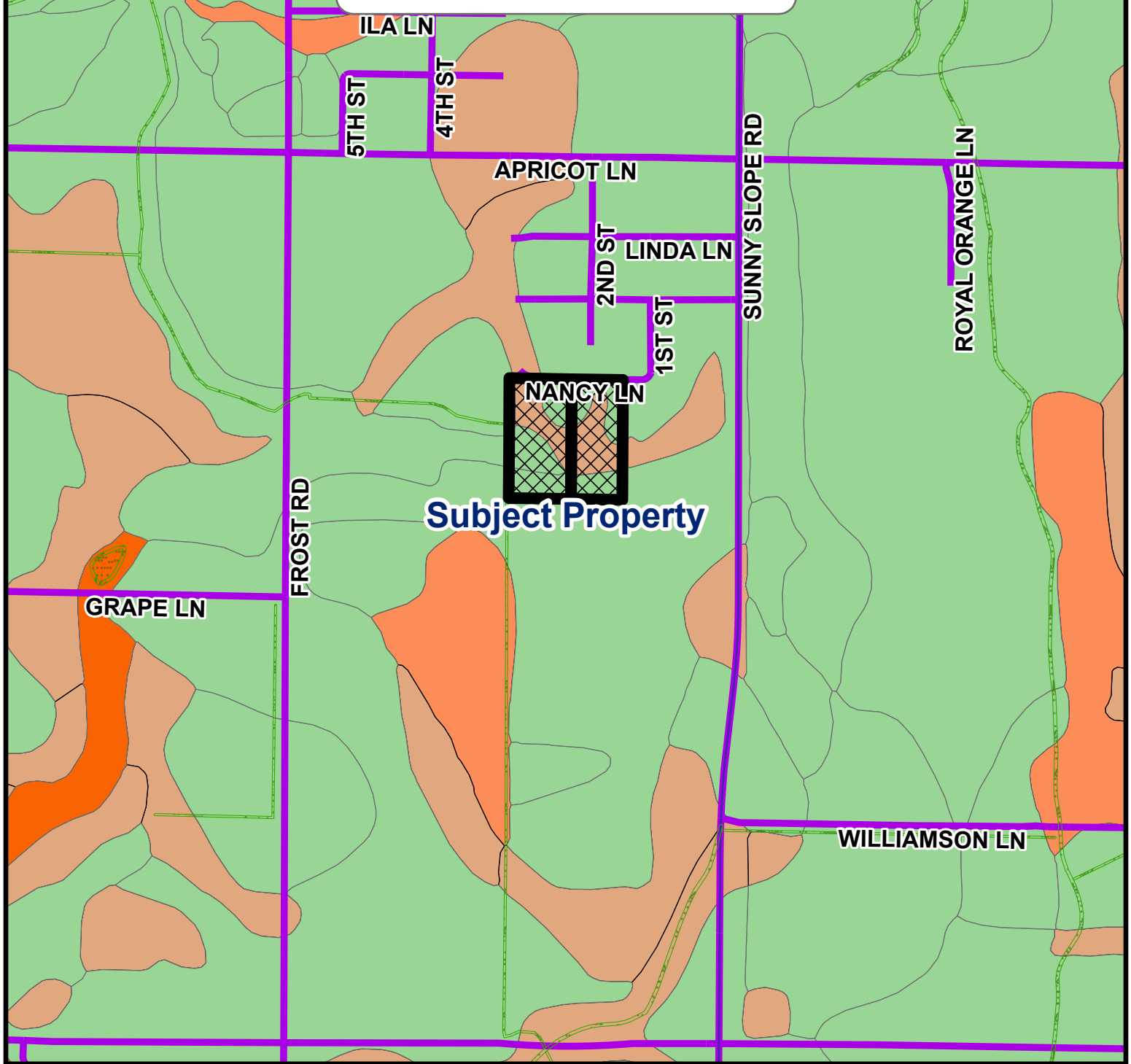


Wetlands

Exhibit 3  
Exhibit B.2h - 1

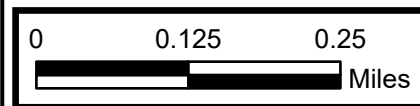


# Hess Prime Farm Lands



## FARMLAND

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





# SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	223941.96	5.14	46.45%
3	MODERATELY SUITED SOIL	184258.80	4.23	38.22%
3	MODERATELY SUITED SOIL	9844.56	0.23	2.04%
3	MODERATELY SUITED SOIL	64033.20	1.47	13.28%
		482078.52	11.07	100%

# FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
CcB	Prime farmland if irrigated	223941.96	5.14	46.45%
TsC	Farmland of statewide importance, if irrigated	184258.80	4.23	38.22%
CcB	Prime farmland if irrigated	9844.56	0.23	2.04%
TuC	Prime farmland if irrigated	64033.20	1.47	13.28%
		482078.52	11.07	100%

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

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



IMAGES WERE FLOWN IN THE 2022/2023.

# Hess Contour Map

Myrtle Ln

SUNNY SLOPE SUB #1

1st St

Nancy Ln

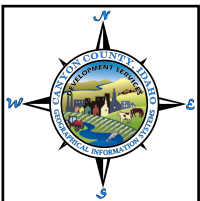
NEWBY SUBDIVISION

## Legend

- SUBJECT\_PROPERTY
- TaxParcels
- SectionContours
- Wetlands

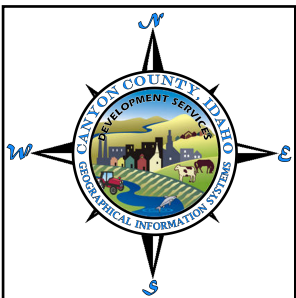
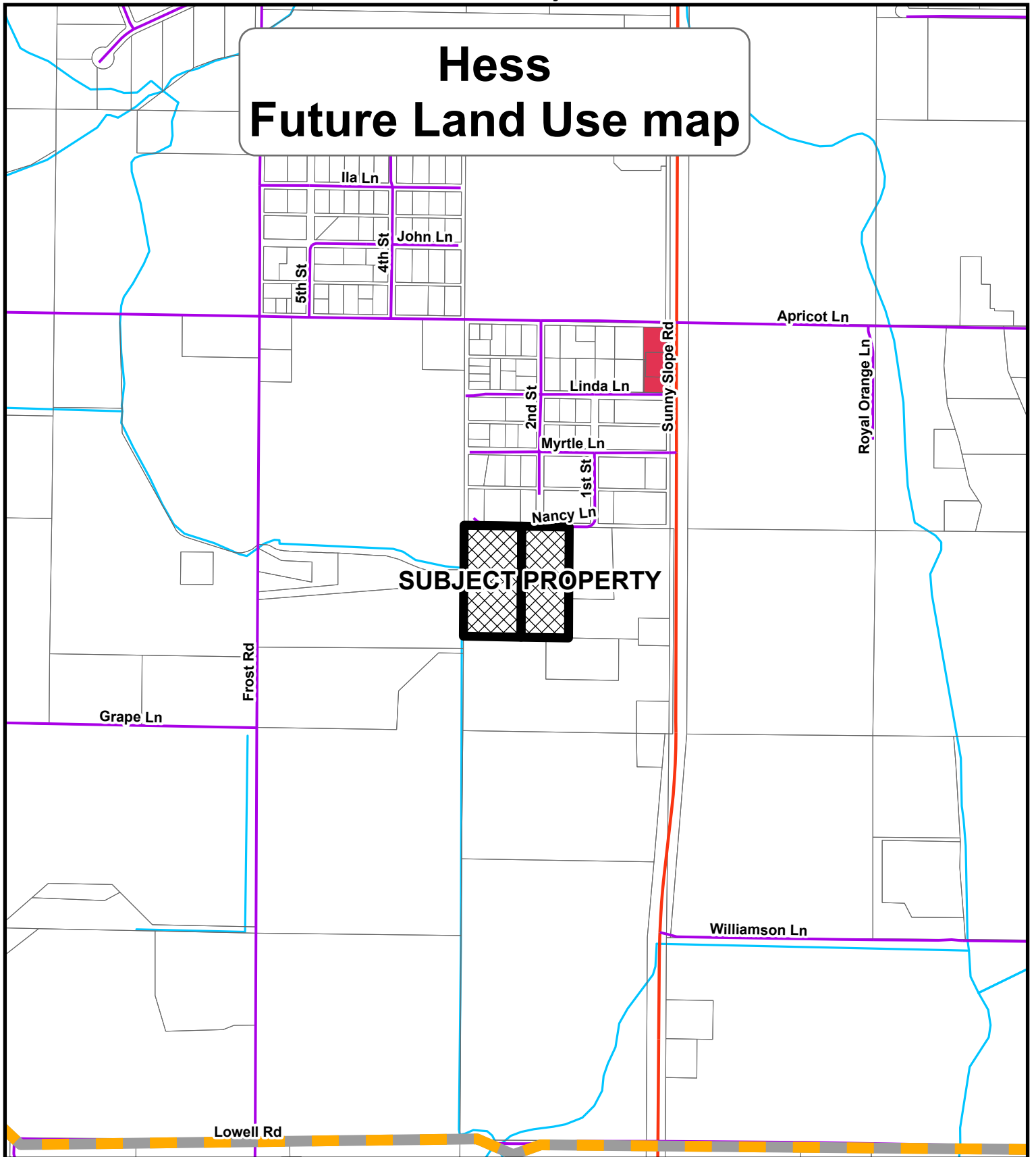
Exhibit 3

Exhibit B.2i





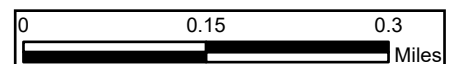
# Hess Future Land Use map



## Legend

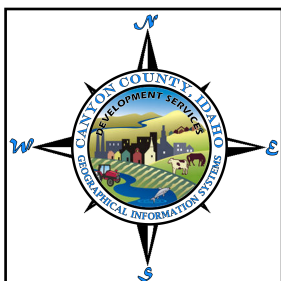
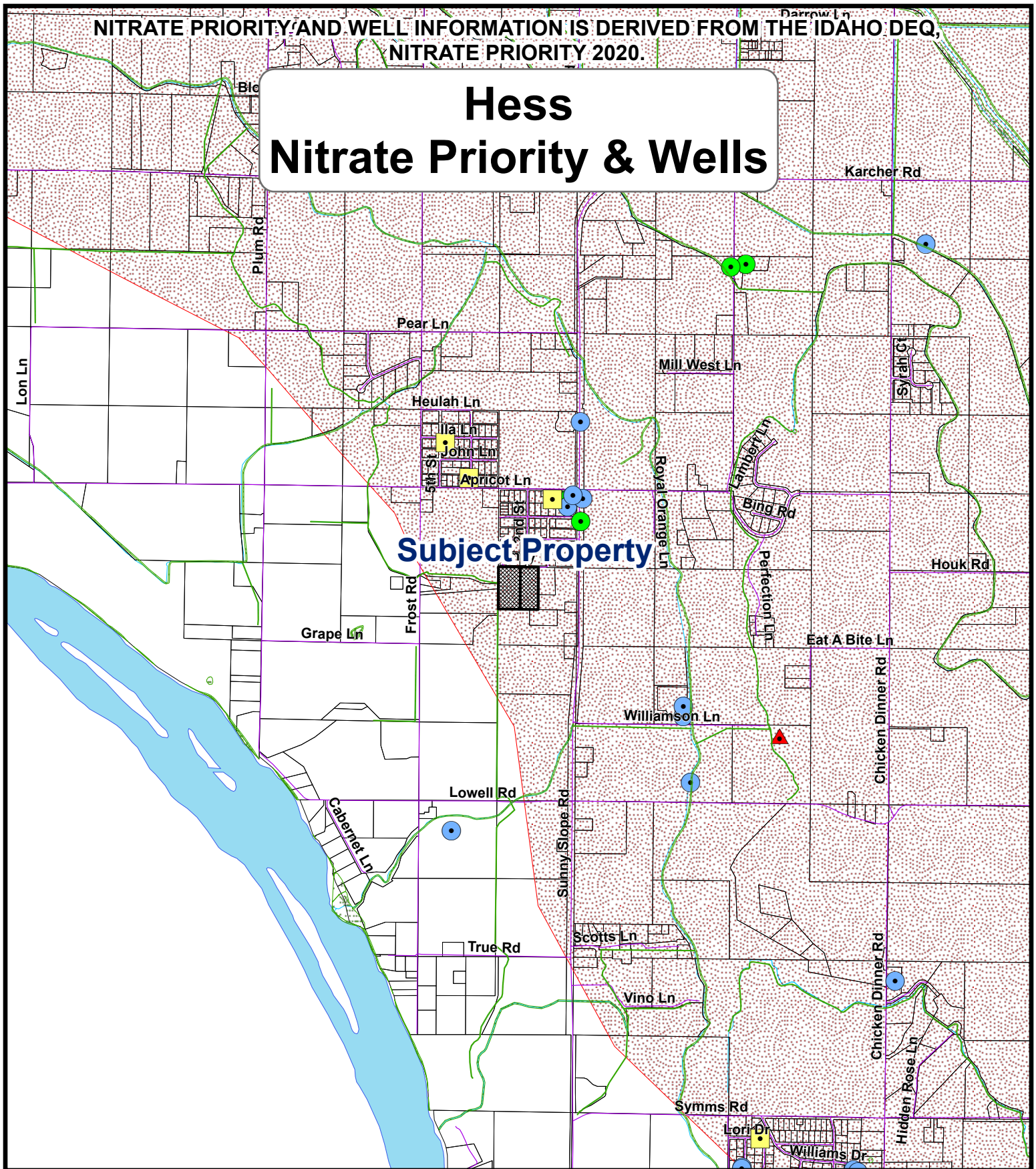
Future Land Use 2011\_2022

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL



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

# Hess Nitrate Priority & Wells



GEO-THERMAL LOCATIONS



WETLANDS



NITRATE\_PRIORITY

DEQ WELLS  
N03\_MGL



0.005 - 2.00



2.000001 - 5.00

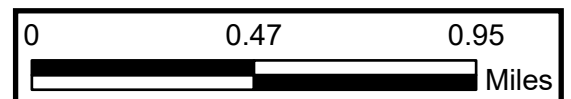


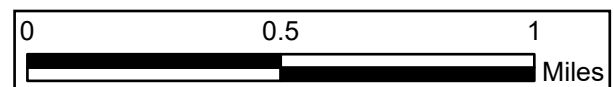
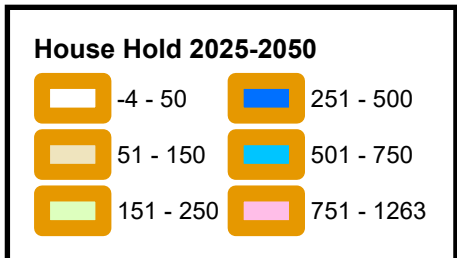
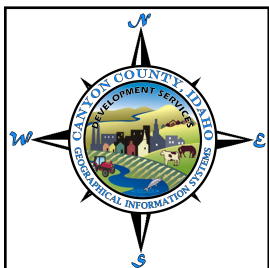
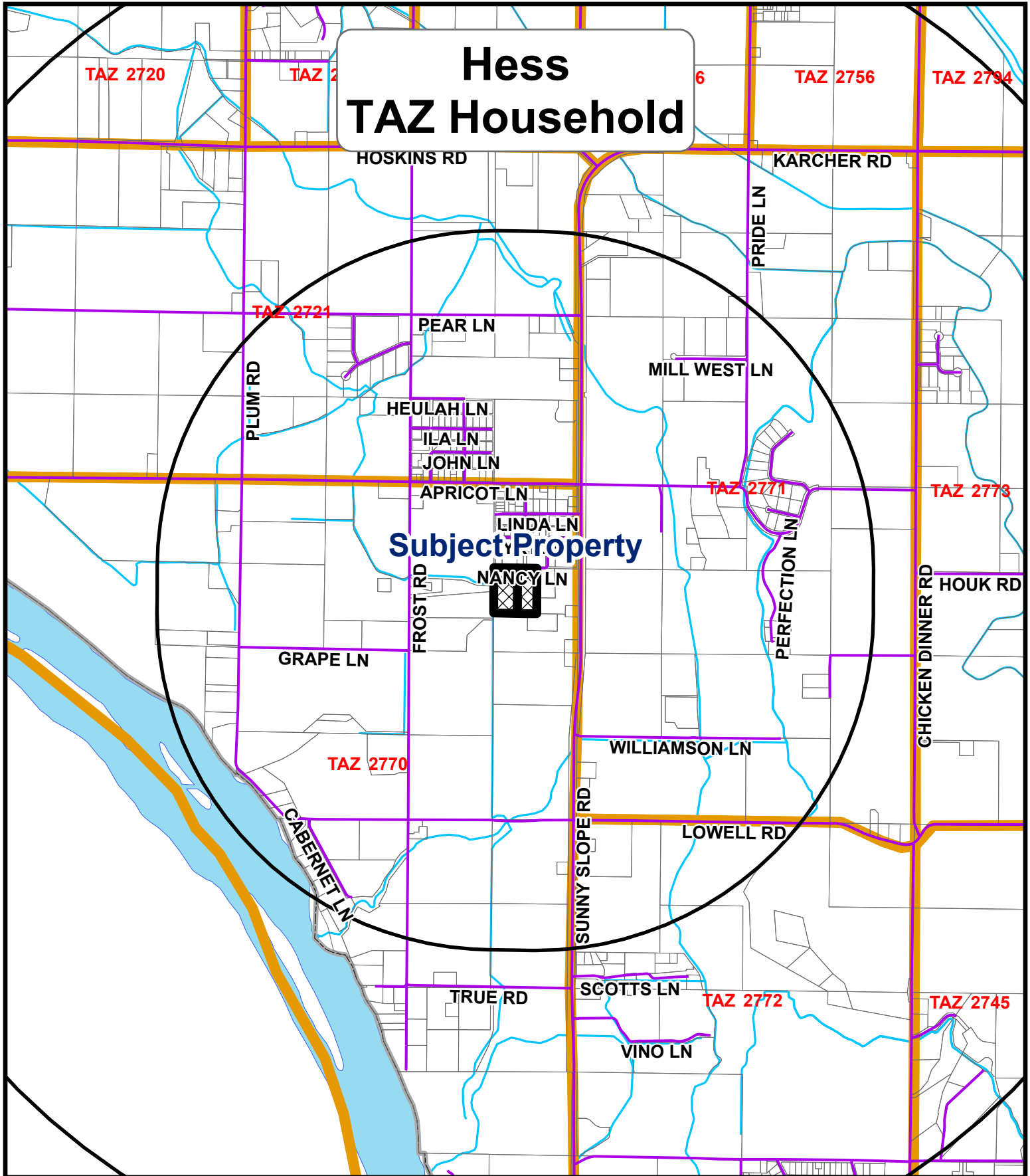
5.000001 - 10.00



10.000001 - 49.80

Exhibit 3  
Exhibit B.2k









**Canyon County**  
**Development Services Department**

111 North 11th Ave., Suite 140, Caldwell, ID 83605  
 Phone 454-7458 Fax 454-6633  
[www.canyoncounty.org/dsd](http://www.canyoncounty.org/dsd)

**Parcel Inquiry/Research Summary**

**Tracking Number:**

**PI2020-0320**

**Office Visit Date:**

9/8/2020

**Site Address:** 0 SUNNY SLOPE RD  
 Caldwell ID

**Assessor Account #:** 33459010 0

**Property Owner:** KRAFT DALLAS

HUSTON ID 83630

**Person Inquiring:** MOORE JUSTIN

**Phone Number:**

Section: 22	City Impact Area:	
Township: 3N	Flood Zone:	
Range: 4W	Subdivision:	
1/4 Sec: NE	Lot:	Staff Member:
Acres: 6.02	Block:	KELLIE GEORGE
Zone: A		

**Discussion Summary**

**Specific Question Detail:** inquiry to know if split is available? If so, is a bp available?

**Specific Answer Detail:** Parcel R33459 (the mother parcel) was first split in 1997 (LS2003-287), which resulted in a 39 acre parcel (R33459010) and a one acre parcel (R33459). Later, a conditional use permit (CU2003-291) was approved 6/28/2001, which subdivided R33459010 (9.5 acres) into four lots. In 2018 SD-PH2018-4 approved a preliminary plat, irrigation and drainage plan, and final plat for Newby Subdivision on what was R33459010A, which resulted in a two lot subdivision and Parcels R33459100 (3 acres) and R33459101 (7 acres). Parcels are allowed a one-time administrative land division after 9/6/79. The original parcel (R33459) has been split multiple times, so there are no administrative land divisions available. In order to split further the parcel (R33459010) would need to be rezoned (\$850), the comprehensive plan amended (\$2,500), and go through the subdivision process (approx. \$1,680) to legally plat and record lots. The parcel is located in an Agricultural zone, the future land use is agricultural and is not in a city impact area, which means it could be difficult to get approval. There are other subdivisions (such as the Newby Subdivision) that have been approved so it is possible.

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

Director/Staff: Randall Falgout

Date: September 10, 2020

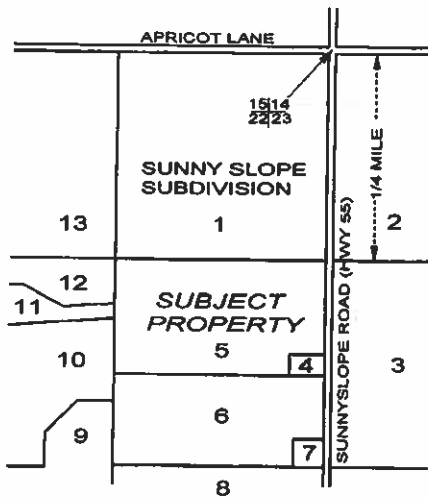
Case No.

010722L22-3N-4W

NOTIFICATION DISTANCE: 600'

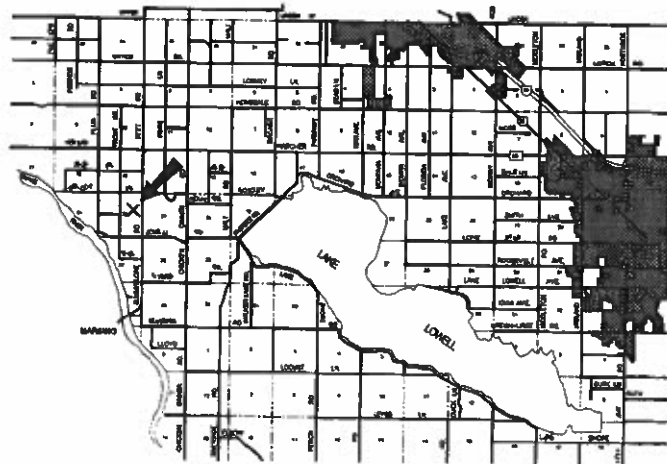
C07A3-291  
approved  
6/28/01

A request by Dallas Kraft for a **CONDITIONAL USE PERMIT** to subdivide approximately 9.5 acres into 4 lots.



1. SUNNY SLOPE SUBDIVISION (600')

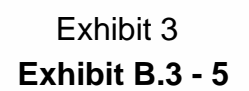
- RAY
- LAWSON
- RAMIREZ
- AGGAS
- RAGANIT
- ALLEN
- CRAWFORD
- ARAGON
- WILLIAMSON
2. SYMMS FRUIT RANCH, INC.
3. SYMMS-CANYON LIMITED PRT
4. NELSON
5. KRAFT
6. NELSON
7. GORE
8. DORSEY
9. DORSEY
10. HARRINGTON
11. HARRINGTON
12. HILL
13. SYMMS, ETAL



Date: 4-18-01 Location: NE 22-3-4 Zoning: A Aerial:

All proportions and dimensions shown on this drawing are approximate



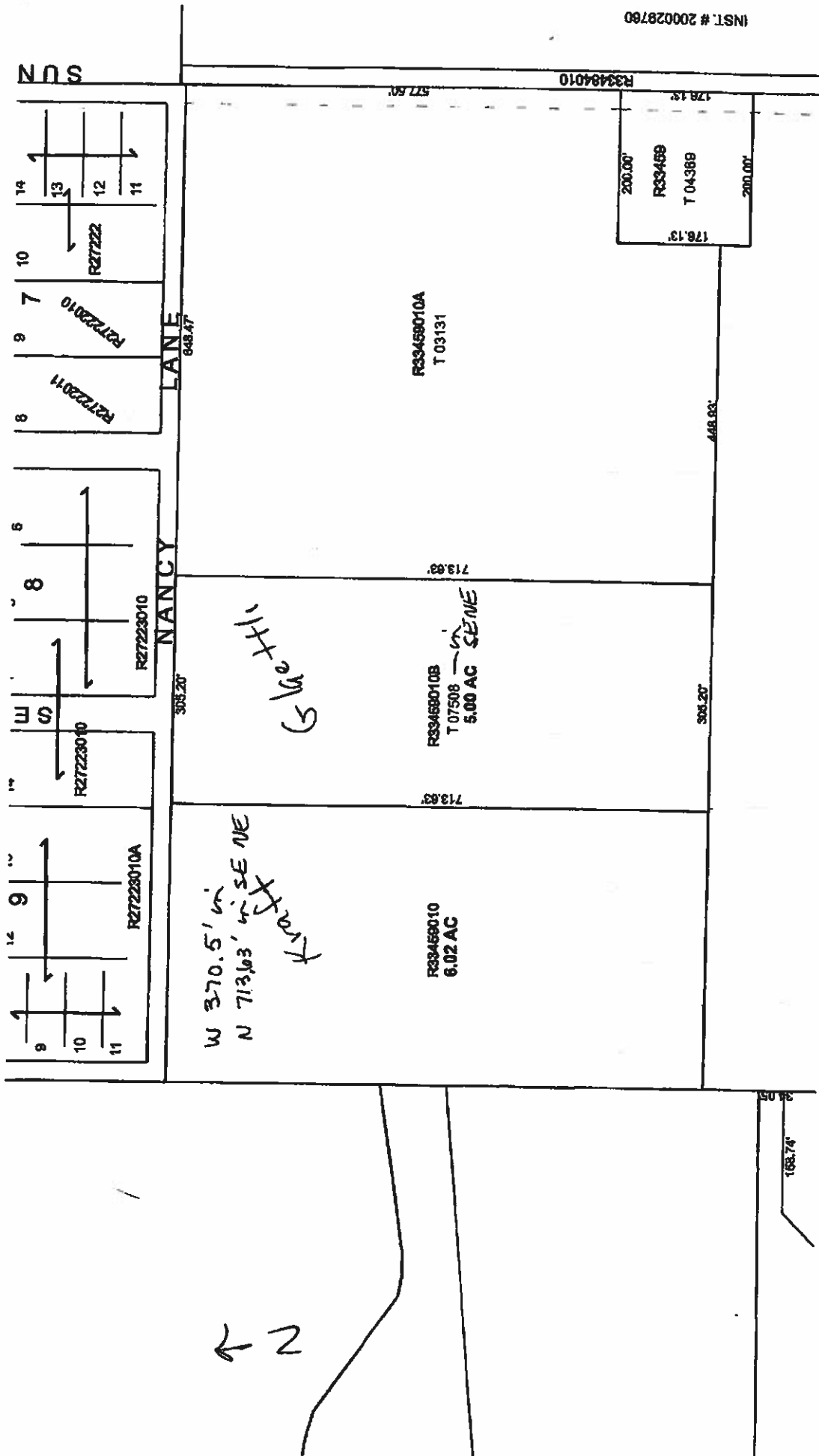


[illegible]



CL

1:200



(NST: # 200028780)

↑  
N

$1'' = 200$   
BAJ  
3N4W2Z

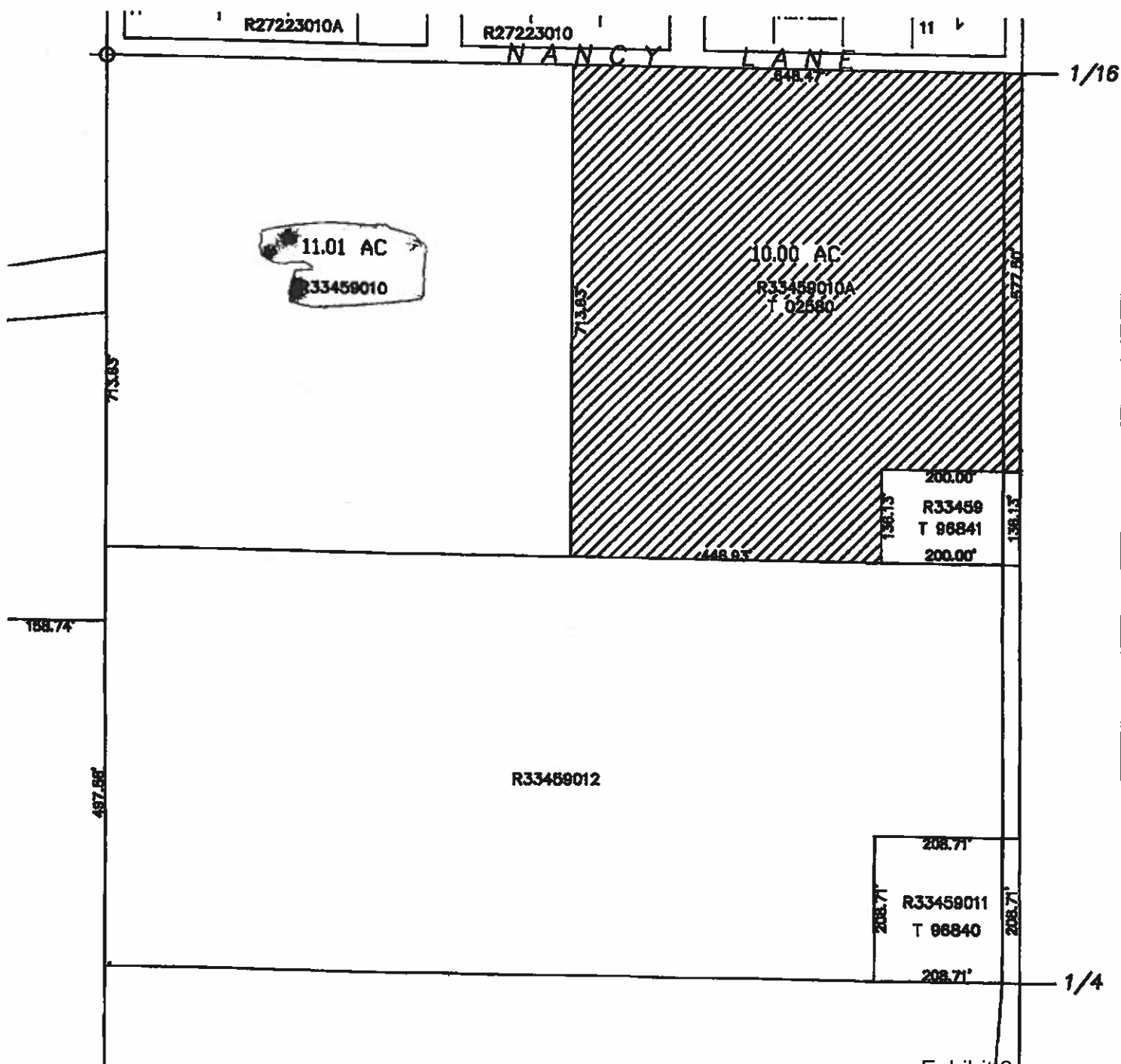
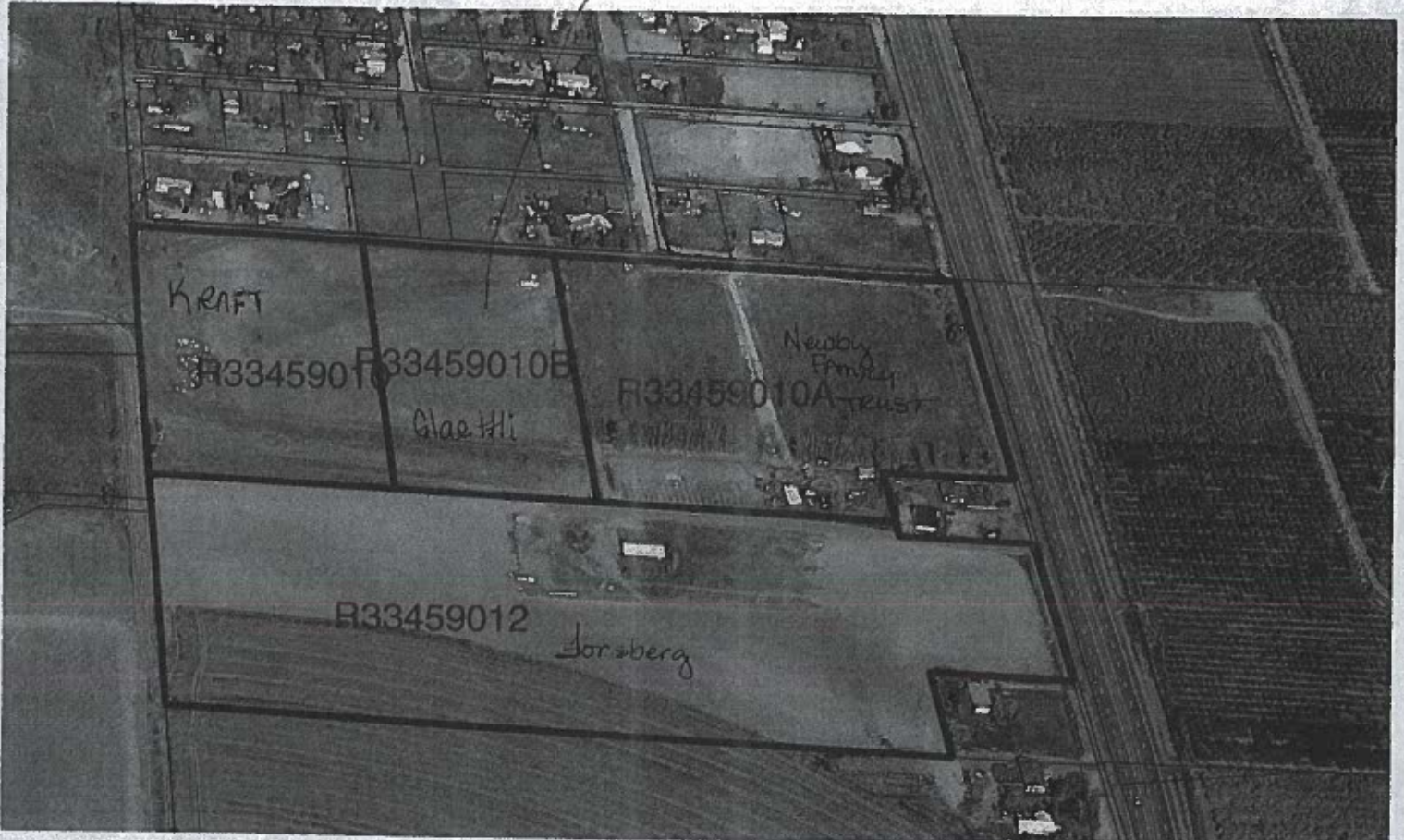


Exhibit B.3 - 8

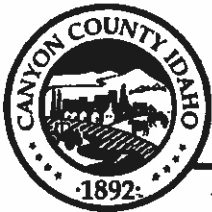


*Rejected  
5/1/06  
pygal*



Copyright ©2007 Pictometry International Corp.

Creation Date: Oct 31, 2007 13:20  
Modification Date: Nov 26, 2007 21:05



**Board of County Commissioners' Staff Report**  
**Newby Subdivision, SD-PH2018-4**  
Development Services Department

Hearing Date: July 9, 2018

<p><b><u>Applicant:</u></b> MIB Newby Family Trust</p> <p><b><u>Representative:</u></b> Will Mason Mason and Associates</p> <p><b><u>Staff:</u></b> Deb Root, 454-7340 droot@canyonco.org</p> <p><b><u>Tax ID:</u></b> R33459010A</p> <p><b><u>Lot Size/Project Area:</u></b> 10 acres</p> <p><b><u>Current Zone:</u></b> "CR-RR" (CR-Rural Residential)</p> <p><b><u>Comprehensive Plan:</u></b> 2020 CC Comprehensive Plan Future Land Use Designation: Agriculture</p> <p><b><u>Current Uses:</u></b> Agricultural and Rural Residential</p> <p><b><u>Notification:</u></b> 03/19/18 &amp; 06/05/18-Agencies 04/11/18 &amp; 06/05/18- Mailing 04/17/18 &amp; 06/24/18-Publication 04/24/18 &amp; 06/22/18-Posting (on or before)</p> <p><b><u>Exhibits:</u></b> 1. FCCO's 2. Development Agreement 3. Idaho Transportation Dept. 4. Golden Gate Highway District 5. Keller review Prelim. Plat 6. Keller review Final Plat 7. Small Aerial 8. Preliminary Plat &amp; Irrigation Plan 9. Final Plat 10. Williamson letter of concern 11. Large Aerial 12. P&amp;Z Minutes 13. P&amp;Z FCCOs 14. ITD approval 15. Golden Gate Hwy Dist.</p>	<p><b><u>Request</u></b> A request by Newby Family Trust for approval of a Preliminary Plat and Irrigation &amp; Drainage Plan and Final Plat for Newby Subdivision. The subject property is located in a portion of the NE quarter of Section 22, Township 3N, Range 4W, approximately 1330 feet south and west of the intersection of Apricot Road and State Highway 55.</p> <p><b><u>Background</u></b> The subject property is conditionally rezoned to "CR-RR" and is subject to Development Agreement 17-119. The proposed development is in substantial conformance with the conditions of approval in the development agreement (Exhibit <del>XX</del> <sup>2</sup>).</p> <p><b><u>Analysis</u></b> The subject property is located in a "CR-RR" (CR-Rural Residential) Zone.</p> <p>The applicant is proposing two (2) lots-one residential lot containing three (3) acres and, one agricultural use only lot of seven (7) acres with no residential permit available. The minimum lot size in the "R-R" (Rural Residential) Zone is two (2) acres.</p> <p>Irrigation water is available to the property from Wilder Irrigation District and the property will be irrigated as historically irrigated with some modifications to the current gated pipe system.</p> <p>The subdivision meets Idaho Code and CCZO, Article 17 requirements for the preliminary plat, drainage, and irrigation plans.</p> <p><b><u>Preliminary Plat, Irrigation &amp; Drainage Plan and Final Plat</u></b> Standard of Review for Subdivision Plat A. Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions) B. Idaho Code, Sections 50-1301 through 50-1329 (Platting) C. Idaho Code, Section 31-3805 (Irrigation). Canyon County Zoning Ordinance, Article 17 (Subdivision Regulations)</p> <p><b><u>Comments</u></b> <b>Public Comments</b> Staff received one letter stating opposition to the proposed subdivision plat.</p> <p><b>County Agency Comments</b> Staff informed agencies of the proposal and responses are attached as exhibits. Concerns from Idaho Transportation Department and Golden Gate Highway District have been addressed. Access shall be taken at existing approach to State Highway 55 and access to adjacent subdivision roads shall be blocked and not used by the new residential development on the Newby property.</p>
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R2- PH2017-40 CRR 9/20/17





**Canyon County Board of Commissioners**  
**Newby Subdivision, SD-PH2018-4**

*Development Services Department*

**Findings**

1. The subject property, approximately 10 acres, is currently zoned "CR-RR" (CR Rural Residential) subject to Development Agreement 17-119 recorded as instrument #2017-040827.
2. The proposed plats are in conformance with CCZO Article 23, Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions, and Idaho Code, Sections 50-1301 through 50-1329 (Platting)).
3. The subdivision contains two (2) lots-one residential and one restricted to agricultural use only.
4. The record includes all hearing documents, testimony, and documents within the case file SD-PH2018-4.
5. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 03/19/18 & 06/05/18, Newspaper notice was provided on 04/17/18 & 06/24/18, property owners within 300' were notified by mail on 04/11/18 & 06/05/18, and the property was posted on or before 04/24/18 & 06/22/18.
6. The Planning and Zoning Commission forwarded the Preliminary Plat, Irrigation and Drainage Plan with a recommendation of approval on May 3, 2018.
7. All required signatures are affixed to the Final Plat pending the Board's approval.

**Conclusions of Law**

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

**Recommended 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.

**Development Agreement 17-119 Conditions of Approval:**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject property, R33459010A shall be developed and platted as a one lot residential subdivision in substantial conformance to the Site Plan in Development Agreement Attachment "C" prior to obtaining a building permit.
3. The development shall be allowed one single-family dwelling and all other uses allowed in the Rural Residential zone.
4. 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."
5. The development shall comply with Idaho Transportation Department requirements prior to obtaining a building permit for the property.
6. The development shall comply with Golden Gate Highway District requirements prior to obtaining a building permit for the property.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Board of County Commissioners APPROVE Case # SD-PH2018-4, a request by Newby Family Trust for approval of a Preliminary Plat, Irrigation & Drainage Plan and the Final Plat for Newby Subdivision subject to Development Agreement 17-119 and as conditioned herein.

APPROVED this 9 day of July, 2018.

	Yes	No	Did Not Vote
<u>Tom Dale</u> Tom Dale, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Steven J. Rule</u> Commissioner Steven J. Rule	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Did not participate</u> Commissioner Pam White	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Chris Yamamoto, Clerk

By:  
Deputy

M. Reeves

Date

7-9-18



①

INSTRUMENT NO. 9713927

COPY

LS 2003-287

FORM 10. PZF\_8/25/95

10

BEFORE THE DEVELOPMENT SERVICES DEPARTMENT

IN THE MATTER OF A PETITION FOR )  
AN ADMINISTRATIVE LOT SPLIT BY: )  
KEVIN EVERSON )  
ADMINISTRATIVE LOT SPLIT )  
DECISION )  
961989D22-3N-4W )  
P & Z CASE NUMBER )  
R33459 )  
ASSESSOR'S ACCT. NO. )

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

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

This application is to divide approximately 40 acres  
into 2 parcels as follows:

Parcel 1 - consisting of approximately 1 acre more or less.

Parcel 2 - consisting of approximately 39 acres more or less.

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

Bill Shaw  
BILL SHAW, DIRECTOR

27 May 1997  
Date

A NOTARY OF THE STATE OF IDAHO ON THIS DATE

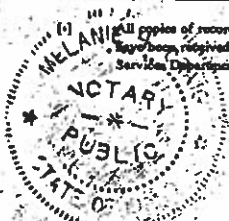
5-2-97

Notary: [Signature]

Address: [Signature]

Commission Expires: 12-08-99

(1) All copies of recorded documents  
agreed upon, received by the Development  
Services Department By: \_\_\_\_\_



REQUEST Kevin Everson  
THE PRICE FE 3-00

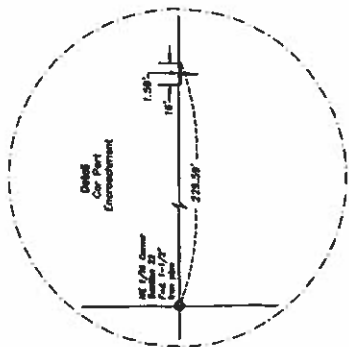
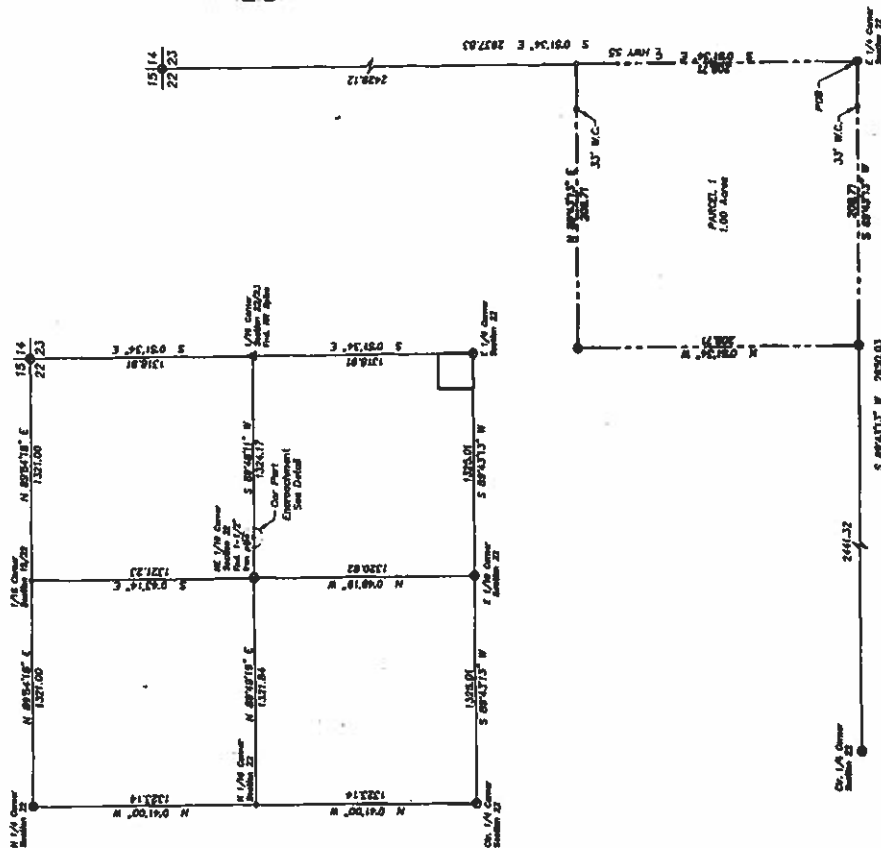
97 MAY 2 PM 1 51  
NED J KERR  
CANYON CNT RECORDER  
[Signature]

RECORDED

9713927

# RECORD OF SURVEY

A PORTION OF THE SE 1/4 NE 1/4 OF SECTION 22  
TOWNSHIP 3 NORTH, RANGE 4 WEST, BOISE MERIDIAN  
CANYON COUNTY, IDAHO



SCALE: 1" = 50'  
BASIS OF BEARING  
R.O.S. Ref. No. 9600782  
Reference Survey  
R.O.S. Ref. No. 9600203

## LEGEND

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

## CERTIFICATION

I, Kevin L. Skinner, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been made from an actual survey made on the ground under my direct supervision, and that this map is an accurate representation of the survey made and that I am a duly licensed Professional Land Surveyor, Idaho Code 35-1801 through 35-1812.



INDEX NO. 244-22-1-1-0-00-00  
SURVEY FOR

KEVIN EVERSON

Drawn by	W.P.A.
Date	APRIL 14, 1992
Basic	
Job No.	400587

Skinner Land  
Survey Co., Inc.

1401 S. Broadway, Suite 2  
Boise, Idaho 83725  
(208) 333-0000



**Canyon County, 111 North 11<sup>th</sup> Avenue, Suite 140, Caldwell, ID 83605**

(208) 454 7458 ▪ (208) 454 6633 Fax ▪ [zoninginfo@canyonco.org](mailto:zoninginfo@canyonco.org) ▪ [www.canyoncounty.org](http://www.canyoncounty.org)

September 24, 2021

To: David Hess  
2835 NW 12<sup>th</sup> Dr.  
Meridian, ID 83646

RE: Conditional Use Permit Expiration: Case No. CU2003-291 (Parcel R33459010)

Dear Mr. Hess,

On August 28, 2021, you requested the Director's review of Case No. CU2003-291 to determine the status of the conditional use permit. Pursuant to Canyon County Zoning Ordinance (CCZO) §07-07-23(2), this letter is to provide notice that the attached conditional use permit (Case No. CU2003-291) is considered to be expired by the Director of DSD based on the following:

- (1) The conditions of approval listed in the Hearing Examiner approval dated June 28, 2001 were not commenced in two years (June 28, 2003) or completed in five years (June 28, 2006) in accordance with Chapter 9.1(A) of the 1997 Zoning Ordinance (Land Use Time Limitations) or current land use time limitations (CCZO §07-07-23(1)). Based on information within the file, the conditions were to be met at the time of platting.
  - a. Subsequent conditional use permit CU2006-192 approved for two lots in 2007 states CU2003-291 (says CU2003-321 in error) was approved but never platted. In 2003, the previous owner (Dallas Kraft) divided 10 acres from parcel R33459010) without County approval and sold it to Ben & Sharon Newby (TX03-131, Parcel R33459010A). Therefore, CU2003-291 was never completed and appeared to be abandoned in 2007.
- (2) CU2003-291 required platting. According to the property history, the original parcel was divided a number of times leaving the subject parcel without development rights. The conditional use permit included waiver of subdivision improvements for the subsequent subdivision process that did commence within the Land Use Time Limitations stated in subsection (1) of this letter.
  - a. In 2017, due to the fact CU2003-291 and CU2006-192 expired, Parcel R33459010A (a part of the decision in CU2003-291) was rezoned "CR-R-R" (Conditional Rezone - Rural Residential, two-acre average minimum lot size) and platted into Newby Subdivision in 2018 (SD2018-4).

Pursuant to CCZO §07-07-023(2)A: "Any affected person who is aggrieved by the director's decision as to an application pursuant to this subsection, may file a written notice of appeal in accordance with section 07-05-07, "Appeal of Direct Administrative Decision", of this chapter."

If you have any questions regarding this notice or wish to discuss other options based on current County plans and requirements, feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dan Lister', is positioned above a horizontal line.

---

**Dan Lister, Planning Official**  
Canyon County Development Services Department (DSD)  
(208) 454-7458

CC: File PI2021-0430



## STAFF REPORT

IN THE MATTER OF AN APPLICATION BY: )

DALLAS KRAFT )

CASE # 010722L22-3N-4W

FOR A CONDITIONAL USE PERMIT )

### I. CASE SUMMARY

#### 1.1 LEGAL

A request by Dallas Kraft for a Conditional Use Permit to subdivide approximately 21 acres into four (4) residential lots in an "A" (Agricultural) Zone, and Waivers of subdivision requirements of concrete curbs, gutters and sidewalks, streetlights and frontage on a publicly maintained road. The property is located at 14725 Sunnyslope Road, Caldwell, approximately ¼ mile south of Apricot Lane, in a portion of the Southeast Quarter of the Northeast Quarter, Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

← subdivision improvements  
waited for subsequent  
plating process that  
did not occur.

### II. AUTHORITY

#### 2.1 IDAHO CODE

2.1.1 I.C. 67-6512, I.C. 67-6519 [CONDITIONAL USE PERMITS]

#### 2.2 CANYON COUNTY COMPREHENSIVE PLAN

#### 2.3 CANYON COUNTY CODE

2.3.1 07-06 [CONDITIONAL USE PERMITS]

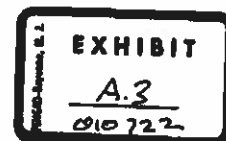
2.3.2 07-12-07(8)(D) [PERMITTED USES IN THE AGRICULTURAL ZONE  
(OTHER SPLITS BY CONDITIONAL USE PERMIT)]

#### 2.4 CANYON COUNTY CODE (SUBDIVISION REGULATIONS)

2.4.1 WAIVERS AND AMENDMENTS [08-13-(01-03)]

#### 2.5 ALL OTHER APPLICABLE STATE AND FEDERAL REGULATIONS

Dallas Kraft, Case # 010722L22-3N-4W  
Staff Report  
Page 1 of 4



### **III. NOTIFICATION**

On April 12, 2001, the Canyon County Hearing Examiner set the notification distance at 600 feet. A summary of the request was published in the Idaho Press Tribune on May 07, 2001, the property was posted and property owners and purchasers of record within 600 feet were notified by mail of the hearing. [CCCO 07-06-05(1)]

### **IV. PROPERTY ANALYSIS**

#### **4.1 ZONING**

"A" (Agricultural)

#### **4.2 AREA OF CITY IMPACT**

The subject property is approximately 3 miles southwest of the Caldwell City Area of Impact.

#### **4.3 STRUCTURES ON THE PROPERTY**

There are no residences currently on subject property.

#### **4.4 PROPERTY CHARACTERISTICS**

The subject property is currently being used for field and pastureland.

#### **4.5 SOIL TYPES**

According to Department of Agricultural Soil Conservation Service Soil Survey of Canyon Area (July 1972) and Canyon County Comprehensive Plan (1995) under Agricultural Designations, the subject property consists of:

- Moderately Suited Cencove fine sandy loam, 1 to 3 % slopes (CcB)

#### **4.6 VICINITY CHARACTERISTICS**

##### **4.6.1 EXISTING HOMES IN THE AREA**

According to the applicant there are approximately seven (7) residences within ¼ mile of the subject property.

##### **4.6.2 PLATTED SUBDIVISIONS IN THE AREA**

The subject property is adjacent to Sunny Slope Subdivision, consisting of approximately 66 lots.



#### 4.6.3 OTHER LAND USES IN THE AREA (within 1 mile)

The surrounding area is primarily agricultural with scattered residential.

### V. CASE SPECIFICS

#### 5.1 WATER

According to the applicant the subject property has water rights and is irrigated by the Wilder Irrigation District.

#### 5.2 ACCESS

Applicant is giving 25 feet to Highway District to complete a 50-foot right-of-way for Nancy Lane.

### VI. PROPERTY HISTORY

Referring to Exhibit B.1, parcels numbered 4,5,6, and 7 constituted the original parcel. Parcel 7 was the allowed lot split under the administrative lot split provisions of Canyon County Code and has a building permit. Parcel 4 received the remaining building permit on the balance of the original parcel. Therefore, there are no available building permits available on parcels 5 (the subject property) and 6.

*The parcel was created illegally. Division exceeding 4 parcels require platting*

### VII. AGENCY NOTIFICATION

The following agencies have been notified:

- Golden Gate Highway District (Exhibit C.1)
- Marsing Fire Department (Exhibit C.2)
- Southwest District Health Department (no response)
- U.S. West (no response)
- Vallivue School District # 139 (no response)
- Wilder Irrigation District (no response)
- Idaho Power Company (no response)
- Canyon County Paramedics/Ambulance District (Exhibit C.3)
- Canyon County Sheriff's Department (no response)

STAFF REPORT: Shirley Y. Driskell

HEARING DATE: May 24, 2001

Dallas Kraft, Case # 010722L22-3N-4W  
Staff Report  
Page 4 of 4

Exhibit 3

Exhibit B.4 - 6



## FINDINGS OF FACT, CONCLUSION'S OF LAW AND ORDER

COPY

# DALLAS KRAFT

**CASE # 010722L22-3N-4W**

FOR A CONDITIONAL USE PERMIT

## 1.1 LEGAL

subdivision  
improvements  
waived for  
subsequent platting  
process that  
did not happen.

## 1.2 NOTIFICATION

On April 12, 2001, the Canyon County Hearing Examiner set the notification distance at 600 feet. A summary of the request was published in the Idaho Press Tribune on May 07, 2001, the property was posted and property owners and purchasers of record within 600 feet were notified by mail of the hearing. [CCCO 07-06-05(1)]

## II. PROPERTY REVIEW

## 2.1 PROPERTY HISTORY

*- Parcel had no  
development rights  
- planning required  
for division  
exceeding 500  
parcels.*

Referring to Exhibit B.1, parcels numbered 4,5,6, and 7 constituted the original parcel. Parcel 7 was the allowed lot split under the administrative lot split provisions of Canyon County Code and has a building permit. Parcel 4 received the remaining building permit on the balance of the original parcel. Therefore, there are no available building permits available on parcels 5 (the subject property) and 6.

## 2.2 VIEWING REPORT

There are no residences currently on the subject property and the subject property is currently being used for field and pasture land. According to the applicant there are approximately seven (7) residences within ¼ mile of the subject property. The subject property is adjacent to Sunny Slope Subdivision, consisting of approximately 66 lots. The surrounding area is primarily agricultural with scattered residential.

## III. STANDARDS THAT MAY APPLY

- 3.1 IDAHO CODE
- 3.2 CANYON COUNTY COMPREHENSIVE PLAN
- 3.3 CANYON COUNTY CODE
  - 3.3.1 07-06 [CONDITIONAL USE PERMITS]
  - 3.3.2 07-12-07(8)(D) [PERMITTED USES IN THE AGRICULTURAL ZONE (OTHER SPLITS BY CONDITIONAL USE PERMIT)]
- 3.4 CANYON COUNTY CODE (SUBDIVISION REGULATIONS)
  - 3.4.1 WAIVERS AND AMENDMENTS [08-13-(01-03)]
- 3.5 ALL OTHER APPLICABLE STATE AND FEDERAL REGULATIONS

## IV. PUBLIC HEARING TESTIMONY

- 4.1 The Canyon County Hearing Examiner heard this case on May 24, 2001, the hearing was tabled and heard on June 14, 2001.
- 4.2 The Zoning Administrator, Paul Kester reviewed the Staff Report and entered Supplemental Exhibits "D.2", a letter dated May 11, 2001, from Wes Hancock, Director of the Golden Gate Highway District, and "D.3", a letter of opposition, faxed to the Development Services Department on May 24, 2001, from Thomas and Alicia Gore.

The Hearing Examiner, M. Jerome Mapp opened the public testimony.

### **4.3 WITNESSES TESTIFYING IN FAVOR**

#### **4.3.1 Dallas Kraft, 14725 Sunny Slope Road, Caldwell, Idaho, 83605 (Applicant)**

Mr. Kraft stated that he wanted to build a residence for himself, and the other splits would be for future purposes of establishing residences for family members.

He stated that they were requesting actually requesting two lot splits at ten acres each, with the option of four building permits, which would make the 4 five (5) acre lots.

He stated that this parcel originally consisted of 40 acres, but was split at the time he purchased the property, because the Gore's agreed to buy a portion from Mr. Kraft when he purchased the land.

He then stated that this was due to the way this was financed, which as a result of this situation he has come to the point of where he is now submitting this request.

Mr. Mapp asked Mr. Kraft why he was requesting the Waivers.

Mr. Kraft stated that he would construct a good road coming into the property, but as part of preserving the agricultural nature of the area that the improvements would not fit in with the setting.

Mr. Mapp asked Mr. Kraft if any improvements currently exist in the surrounding areas.

Mr. Kraft stated that there are none.

Mr. Mapp stated that he was reading the letter from the highway district, in which they state that Nancy Lane needs to be a full street and they want him to provide a 25 foot right-of-way, and asked Mr. Kraft if he was in agreement with these requirements.

Mr. Mapp asked Mr. Kraft if he was still in agreement with this if all or just one of the proposed lots is approved.

Mr. Kraft stated that if they do not establish Nancy Lane that another option is to have to come through the existing subdivision, on Myrtle Street, and enter the property at that point.



He stated that this is what the highway district had suggested to him as another option, which would be a county maintained road.

#### **4.4 WITNESSES SIGNED UP IN FAVOR**

**4.4.1 Ben Newby, 13363 W. Delmar, Boise, Idaho, 83713 (Applicant)**

**4.4.2 Jim Babb, 1103 11<sup>th</sup> Avenue No. Ext., Nampa, Idaho, 83687**

#### **4.5 WITNESSES TESTIFYING IN OPPOSITION**

**4.5.1 Jim Crawford, 20243 Myrtle Lane, Caldwell, Idaho, 83605**

Mr. Crawford stated that he wanted to submit something as evidence to staff.

These were some photographs, entered as Supplemental Exhibit "D.4", and some legal documents from the Sheriff's Department and Animal Control, which were entered into the record as Supplemental Exhibit "D.5".

He stated that he is against Mr. Kraft and Mr. Newby putting in their homes and he had a few concerns related to Mr. Kraft.

He stated that Mr. Kraft has accumulated a large amount of "junk", which he happens to see every time he looks out his front window, and is concerned that this pile will just continue to grow larger and bring down the property values.

He stated that he and other people in the surrounding neighborhood had to deal with Mr. Kraft's cattle running loose through their yards while breaking side view mirrors as the cattle would try to squeeze through their carports, for at least a year before Mr. Kraft attempted to fix the fence.

He stated that when Mr. Kraft did fix the fence that he used wire to do this, which in their opinion made the appearance of the fence an eyesore.

He stated that Mr. Kraft had told them that if he had to put a road in from Highway 55, that he would do so by doing one portion at a time, at his pace and how he wanted to do it.

He then stated that during the time that Mr. Kraft has been their neighbor that Mr. Kraft has not shown them that he is the type of neighbor that can start and complete a project.

He stated that if this request is approved that he and others would like the following conditions imposed on the Conditional Use Permit:

- That Nancy Lane be opened up a full 50 feet from the top of Highway 55 to the bottom of Third Street, and that this work be done by a hired contractor only, and that Mr. Kraft and Mr. Newby surrender all the land to do so.
- No building permits be issued until Wes Hancock, the Director of Golden Gate Highway District, has approved the road.

He stated that according to Mr. Hancock that Mr. Kraft apparently hadn't been completely truthful with the highway district, because Mr. Hancock was aware that Mr. Kraft would be crossing Nancy Lane, but for only one residence.

He then stated that Mr. Hancock told him that he would be writing a letter to the Planning and Zoning Commission stating that Mr. Kraft would have to the road constructed to code, being 50 feet wide from top to bottom.

Mr. Mapp asked Mr. Crawford if he was stating that his concerns are the existing junk, and Mr. Kraft's cattle running loose, how these issues relate to a Conditional Use Permit.

Mr. Crawford stated that the cattle had always been a problem because when they would try to talk to Mr. Kraft he didn't show much concern.

He stated that in reference to the photographs taken of the "junk pile" on Mr. Kraft's property that since the time these were taken, Mr. Kraft has already added two automobiles to the pile.

He then stated that when he established his home he put it there to enjoy the view of the mountains and valley, not Mr. Kraft's "junk pile".

Mr. Mapp asked Mr. Crawford what the documents from the Sheriff's Department and Animal Control related to.

Mr. Crawford stated that he submitted these documents to show his lack of ability as a farmer or rancher, and to show that he is not a very dependable person.

Mr. Mapp asked Mr. Crawford if his concern is related to the road issue or the additional proposed residences.

Mr. Crawford stated that his main concerns are the road and the existing "junk pile".

Mr. Mapp informed Mr. Crawford that basis of how what his decision is based in relation to a conditional use permit and asked Mr. Crawford to clarify his concerns.

Mr. Crawford stated that he feels that Mr. Kraft is not a clean person and does not want to see this multiplied by four, which if this request is approved, could happen.

#### **4.5.2 Luevon Crawford, 20151 Myrtle Lane, Caldwell, Idaho, 83605**

Ms. Crawford stated that she is basically feeling the same way that Mr. Crawford just stated.

She stated that she does not think that this request for multiple building permits on agricultural land should be granted when there is no access to the proposed lots.

She stated that when they put a home on their property for their family, that they were told that a permit could not be issued to land locked property, and that no one can use another persons entrance, unless there is written easement permission.

She then stated that she would like to know if Mr. Kraft has such permission.

Mr. Mapp informed Ms. Crawford that this is an issue she would have to discuss with the highway district.

Ms. Crawford stated that there is no existing road.

Mr. Mapp asked Ms. Crawford if she was referring to Nancy Lane.

Ms. Crawford stated that the private lane that they built, is the only one down there, and that Nancy Lane does not exist until it is made Nancy Lane.

She stated that in Mr. Kraft's application he states that First, Second, and Third Street, and a lane off of Highway 55 access his property.

She stated that Second and Third Street are not open to his property, and to the best of her knowledge, will not be opened.

She then stated that Second Street is partially open, but not to Mr. Kraft's property.

Referring to the aerial photograph (Exhibit "B.4"), Mr. Mapp asked Ms. Crawford to identify the point to which she was referring to.

She stated that she lives next to Second Street and knows that it is not open to Mr. Kraft's property.

She stated that she feels that if the entrance to Nancy Lane is ever built, that it should come from Highway 55, and that since this request is to benefit Mr. Kraft, that he should provide the footage for it.

She stated that her main concern is that there is too much planned for future purposes in this proposal, and that there is no way of foreseeing that these proposed lots will be for family members and won't be split further in the future.

#### **4.5.3 Larry Crawford, 20085 Myrtle Lane, Caldwell, Idaho, 83607**

Mr. Crawford submitted a rough drafted sketch of the area of the existing subdivision, which was entered into the record as Supplemental Exhibit "D.6".

Referring to the site plan (Exhibit "B.7"), he indicated that Second Street is not open, except for the section where Myrtle Lane and Nancy Lane.

He stated that that Nancy Lane shows the private street that his mother (Vaughn Crawford) had just referred to, which curves off and is not open to Highway 55.

He stated that when they moved into their property in 1980 that he put in some trees, lawn, and underground sprinklers along approximately 15 feet of the 25-foot road easement.

He stated that he is neither for nor against the four building permits, but if Mr. Kraft is granted these, that he should not have to be burdened with removing all that he has done just to accommodate the space needed for a road.

Mr. Mapp informed Mr. Crawford that the request for the 50-foot right-of-way is from the Golden Gate Highway District and that he has no jurisdiction on this issue.

Mr. Crawford stated that Mr. Wes Hancock, Director of the Golden Gate Highway District told him that however the decision was rendered and written is how they would have to enforce it.

He stated that his primary concerns are that there is nothing to stop Mr. Kraft from further dividing this property in the future and that he will have to give up some of his property to allow the required 50 feet of right-of-way.

He then stated that if Mr. Kraft is granted this request that he should surrender the additional land needed to provide the road, and the road should be opened from Highway 55 to Third Street.

#### **4.5.4 Dar Symms, 14068 Sunny Slope Rd., Caldwell, Idaho, 83607**

Mr. Symms stated that he is representing the Dar Symms Fruit Ranch, which has the property to the northeast (Symms Canyon), and property to the west.

He stated that the best use for the property in the area is residential development for the way agriculture is now, so they are not opposed to residential development, but are concerned with how it is developed.

He stated that he had driven by a couple of days ago and had seen the large number of automobiles on the Kraft property.

He stated that without covenants and restrictions in place that this property has the potential to become something more of commercial usage, such as storing miscellaneous property that is really not agricultural in nature.

He stated that therefore, with the proper covenants and restrictions, they would not be opposed to the request for the four lots.

Mr. Mapp informed Mr. Symms that covenants and restrictions are considered as a civil issue and that he could not put a condition on a permit that would make the property owner and/or applicant have covenants and restrictions.

He stated that it is within his jurisdiction to put conditions on a permit, and asked Mr. Symms if this is what he meant.

Mr. Symms stated that something that would restrict or limit the use of the property is what they wanted before they would give their approval for this proposal.

Mr. Mapp stated that he was unclear on what Mr. Symms was stating or requesting, and asked Mr. Symms to clarify.

Mr. Symms stated that at this moment they are opposed to this proposed development because there are no covenants, restrictions or conditions in place, and without any they feel that Mr. Kraft will change the character of the area by making it commercial usage rather than agricultural.

Referring to the comments on the proposed road system, Mr. Mapp stated that the proposed road system had already been cleared by the highway district stating that if this proposal is approved that the applicant would have to put in a 50 foot road, and provide 25 feet of right-of-way, but the district does not say who has to put the road in.

Referring to the comments heard about the "junk" being on Mr. Kraft's property, Mr. Mapp stated that if something is for agricultural purposes, then it is allowed, but if Mr. Kraft is in violation, then he would have meet with the county and comply with what they allow for agricultural use.

In reference to the covenants or conditions, Mr. Mapp stated that these are two separate issues, which if the request is approved, he can place conditions on it, but not covenants are not within his jurisdiction.

Mr. Symms stated that he understands that covenants are something that the property owner themselves can place on the property and would be willing to work this issue out with Mr. Kraft.

#### **4.5.5 John Williamson, 19483 Apricot Lane, Caldwell, Idaho, 83607**

Mr. Williamson stated that they own the property to the north, which as shown on the vicinity map (Exhibit "B.1"), is by Nancy Lane.

He stated that there is a safety matter of concern about accessing Highway 55 if the road is not properly maintained.

Mr. Mapp reminded Mr. Williamson that this is a matter for the Golden Gate Highway District to determine.

Mr. Williamson stated that he had served as a member on a planning and zoning commission for several years, and that they did consider safety issues and things that affected property values for the neighbors when hearing requests.

He stated that with the existing orchards in the surrounding areas that he would like to know what types of trees would be planted because depending on what they are, could cause an economic problem for farmers in the area.



He stated that if this request is approved that he would like to have right-to-farm acknowledgements, noted on record with the deeds, specifically referencing wind machines, aerial and ground spray rigs for horticulture crops, the fact that the orchards use aerial dusting with sulfur, which can be irritating to people, and that they use honey bees.

Mr. Mapp asked Mr. Williamson if these were all a part of the right-to-farm acknowledgement.

Mr. Williamson stated that they are not, and wanted to specifically indicate the things, which are associated with the fruit growing industry.

He stated that he would like to require that if any fruit trees are planted that they must be maintained, and free of harmful insects that migrate to the commercial orchards.

He then stated that he had talked directly to Wes Hancock and Mr. Hancock informed him that the request for access to a public road would not be something that he would recommend.

He stated that he did not have a problem with anyone using their property for whatever purposes they may choose, as long as it doesn't infringe on other people.

#### **4.5.6 Lisa Nelson, 14613 Sunny Slope Rd., Caldwell, Idaho, 83607**

Ms. Nelson submitted some items to staff that she wanted to be entered as part of the record.

These were entered into the record as Supplemental Exhibit's "D.7", a tax probation agreement, "D.8", a letter from Dave and Judy Smith, "D.9", a letter from Brian Nelson addressed to Dallas Kraft, "D.10", a letter from Brian and Lisa Nelson, and "D.11", a petition with numerous signatures relating to this request.

Ms. Nelson stated that she has no personal vendetta for Mr. Kraft or Mr. Newby.

She stated that she owns the 18.75 acres of the original 40 acre parcel that is in question this evening, which Mr. Kraft lost this piece by foreclosure because he was unable to keep up with his payments.

She stated that she is concerned that Mr. Kraft "does dirty deals" and doesn't get things done.

She stated that Dave and Judy Smith had submitted a letter and they owned the 20 acres that Mr. Kraft is requesting the four building permits for.

She stated that because Mr. Kraft was in arrears with the payments that Dave and Judy Smith had offered the property to she and her husband, which they approached the Planning and Zoning Department and were told that absolutely no building permits were available because Mr. Kraft had already split the property.

She stated that if they had not been informed of this, then they would have purchased the property and put it in alfalfa.

She stated that her main concern is that Mr. Kraft has never followed through with any deals that he has made with banks or his neighbors.

She stated that Mr. Kraft had sold the 10 acres to Mr. Newby because he needed the cash to pay off his loan and she is concerned that Mr. Kraft will sell the other lots in order to get the cash to do whatever it is he is planning.

She stated that she had taken the petition and went to all of the neighbors within the surrounding properties, and all of them were willing to sign it and that they all have the same concern in that Mr. Kraft won't complete this project or keep his word.

Mr. Mapp stated that in looking at the items that Ms. Nelson had submitted he could not see how they all related to this request, specifically the tax probation agreement, and asked Ms. Nelson to explain about these items.

She stated that she has an agricultural business on their 18.75 acres and it is a horse breeding and mare care service.

She stated that the letter was referring to the fact that Mr. Kraft's cows on their property is interfering with their horses and eating their hay from their barn, and the fact that he won't do anything about this.

#### **4.6 WITNESSES SIGNED UP IN OPPOSITION**

- 4.6.1 Sue Crawford, 20085 Myrtle Lane, Caldwell, Idaho, 83607**
- 4.6.2 Survella Allen, 20107 Myrtle Lane, Caldwell, Idaho, 83607**
- 4.6.3 Charles Crawford, 20243 Myrtle Lane, Caldwell, Idaho, 83607**

#### **4.7 REBUTTAL**

**4.7.1 Dallas Kraft, 14725 Sunny Slope Rd., Caldwell, Idaho, 83607  
(Applicant)**

Mr. Kraft stated that due to the difficulties he encountered when he first purchased the land that he is not very popular in the neighborhood.

He stated that in relation to the dairy, that they had farmed the land long before he purchased it, and had two opportunities to purchase the land for themselves, and that no offers were made either time.

Mr. Mapp asked Mr. Kraft when he planned to have the road finished by, and if he would be the one responsible for the construction of it.

Mr. Kraft stated that he would be responsible party for the construction of the road and bring it up to county requirements, which they would start the road at about the same time that they start the construction of his residence, and that no additional homes would be built until the road is completed to county standards.

Mr. Mapp stated that he felt that the testimony heard this evening is disheartening and that most of the issues could be worked out if Mr. Kraft took the time to meet with his neighbors and hear their concerns and worked out an agreement for conditions.

Mr. Mapp asked Mr. Kraft to arrange a meeting with Mr. Symms, Mr. Williamson, and Mr. Crawford together to try to establish some guidelines for covenants and conditions that could be imposed for this development.

He then stated that he would defer making a decision for this request to the next meeting scheduled for June 14, 2001, at which time he would hear only the testimony from Mr. Kraft and one chosen representative out of the three neighbors that Mr. Kraft would be meeting with prior to this.

**4.8 TESTIMONY HEARD ON JUNE 14, 2001**

**4.8.1 Dallas Kraft, 14725 Sunny Slope Rd., Caldwell, Idaho, 83607  
(Applicant)**

Mr. Mapp asked Mr. Kraft if he had a meeting with the three neighbors as was suggested at the meeting on May 24, 2001.

Mr. Kraft stated that he did have the meeting with those whom Mr. Mapp had requested attend and other neighbor's as well.

He stated that as a result of that meeting, they were willing to accept his proposal by coming up with a list of conditions and/or recommendations that they would like imposed on the Conditional Use Permit, and offered to submit this list into the record.

This was entered into the record as Supplemental Exhibit "D.12".

Mr. Kraft stated that Wes Hancock, from the Golden Gate Highway District had also attended this meeting, and at the same moment that he is here, the district is having their own meeting to review the road proposal and discuss what they would recommend to satisfy everyone.

Mr. Mapp asked Mr. Kraft what his understanding is in reference to what he wanted the highway district to do, because the first condition listed references meeting Golden Gate Highway District's standards for a fifty foot right of way.

Mr. Kraft stated that Mr. Hancock's suggestions were due to this condition, but Mr. Hancock himself cannot approve the road proposal until the district held their meeting to review the plans.

Mr. Mapp asked Mr. Kraft if he had any problems with any of the conditions that were listed.

Mr. Kraft stated he did have some minor problems, but thought that this was due to misinterpretation.

Mr. Mapp stated that it would be a waste of everyone's time to apply these conditions to the permit if there were any misinterpretations on either parties and asked Mr. Kraft if they needed to go through each one to clarify them.

Mr. Kraft stated that he feels that the conditions that he would offer on the final plat are very similar or fall very close in line with everything that is listed.

He stated in reference to the fencing that there would be equipment that he would not make the effort to fence in, but personal items would be closed off.

Mr. Mapp stated that they had both seen the photographs and the issue was about the cars, wood, and miscellaneous items that would be required to have a screening fence around them.

Mr. Kraft stated that this was correct.

Mr. Mapp asked Mr. Kraft if he understood that if he did not comply with this that the Conditional Use Permit could be revoked.

Mr. Kraft stated that he did understand this.

Mr. Mapp asked Mr. Kraft what the statement about not using the road until it is completed meant.

Mr. Kraft stated that he believes that Mr. Williamson does not him driving along the property edge unless the road is built in there.

Mr. Mapp asked Mr. Kraft if the statement that says the road must be complete before the second lot is sold or any building begins meant building for the first lot or the second lot.

Mr. Kraft stated it was his request that as soon as he got the road approved that he could at least start the construction on the one home.

Mr. Mapp stated that some of the conditions listed are relevant to this case, some not, and some that he could not impose because he did not have the jurisdiction to do so.

He stated that if he decided to approve this request that he would go through the eleven conditions listed and determine which ones would be part of the permit and which ones would not.

**4.8.1 Jim Crawford, 20243 Myrtle Lane, Caldwell, Idaho, 83607**

Mr. Crawford stated that he is aware that Mr. Mapp could not enforce all of the conditions that they listed.

He stated that he and the other neighbors have no desire to fight with Mr. Kraft and that they just want to the development to go through smoothly.

**4.8.2 John Williamson, 19483 Apricot Lane, Caldwell, Idaho, 83607**

Mr. Williamson stated that as indicated by the list of conditions that they did conduct their meeting and they have no opposition or issues relating to the development, if Mr. Mapp chose to approve this request with conditions imposed upon it.

The Hearing Examiner, M. Jerome Mapp closed public testimony.

## V. HEARING EXAMINER'S COMMENTS

The Hearing Examiner, M. Jerome Mapp proceeded to the Findings of Fact.

## VI. FINDINGS OF FACT (CCC0 07-06-05(3))

### 6.1 Whether the request is permitted by a Conditional Use Permit.

The request is permitted under Canyon County Code 07-12-07(8)(D).

### 6.2 Reasons for the application.

The applicant has stated this in his testimony, within the application, and is also stated within the staff report.

### 6.3 Whether the proposed use is harmonious with and in accordance with the Comprehensive Plan.

Mr. Mapp cited Housing Policy No's. 1 and 2:

#### **HOUSING POLICY NO. 1:**

*To encourage opportunities for a diversity of housing choices and availability of affordable housing. This policy recognizes that housing is basic to every person living in the county and that affordable housing opportunities should be a goal which needs constant review. The plan encourages a variety of housing which also seeks to improve the life style of the county's residents.*

#### **HOUSING POLICY NO. 2:**

*To encourage owners to upgrade substandard conditions that may exist in various housing units. This policy recognizes that substandard conditions may result in hazardous conditions for inhabitants of units and that these conditions detract from the overall appearance and livability of an individual unit and the general area.*

### 6.4 Whether the proposed use will be injurious to other property in the immediate vicinity and/or will change the essential character of the area.

Mr. Mapp stated that there had been much testimony heard and since the applicant and the opposing neighbors had a meeting and were able to come up with a list of conditions suitable to all, that he does not believe that this would be injurious to the area.



**6.5 Whether adequate sewer, water and drainage facilities, and utility systems are to be provided to accommodate said use.**

Mr. Mapp stated that this property will utilize a septic system and wells would be drilled, with the final approval being made by Health District, and in reference to the utilities that Idaho Power would provide service, so the use can be accommodated by existing utilities.

**6.6 Whether measures will be taken to provide adequate access to and from subject property so that there will be no undue interference with existing or future traffic patterns.**

Mr. Mapp stated that the issues heard and discussed will be part of the record and that the applicant is required to comply with the Golden Gate Highway District requirements and standards, which will be a condition for this request.

**6.7 Whether essential public services, such as, but not limited to, school facilities, police and fire protection, emergency medical services and irrigation facilities, will be negatively impacted by such use or will additional public funding be required in order to meet the needs created by the request.**

Mr. Mapp stated that there had been no negative comments on this.

**6.8 Whether the proposed use is essential or desirable to the public convenience and welfare.**

Mr. Mapp stated that it is desirable by the applicant

## **VII. CONCLUSIONS OF LAW**

The Canyon County Hearing Examiner is authorized to hear this case and to make a decision. Standards noted under Section III of the Staff Report were followed, which allowed for the procedures and processes of this hearing to be conducted.

## **VIII. ORDER OF DECISION**

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders that Case # **010722L22-3N-4W**, a request by Dallas Kraft for a **Conditional Use Permit** to subdivide approximately 21.7 acres into four (4)

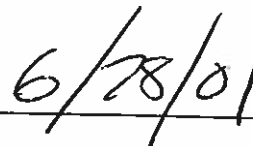
residential lots in an "A" (Agricultural) Zone, and for Waivers, is approved, with the following conditions:

- Incomplete* →
1. The applicant shall meet the requirements of the Golden Gate Highway District for the 50- foot right-of-way.
  2. The road shall be completed prior to the issuance of any building permits and shall be constructed to meet the Golden Gate Highway District standards.
  3. The road shall not be utilized until the Golden Gate Highway District has accepted it and has submitted a final approval.
  4. Deed Restrictions to be recorded:
    - a. Will not plant fruit trees unless 500 or more are planted. If trees are planted, pest and diseases harmful to other fruit grown in the area will be controlled. If not, controlled trees will be removed by property owners. Pests of concern are apple maggot, codling moth, oriental fruit moth, leaf rollers (pandemius), cherry fruit fly, pear silla, leaf hoppers, red and two spotted mites, woolly, green apple, peach, and rosy apple aphids, fire blight, corinium blight, mildews, twig bore, peach leaf curl, bacterial cancer, and plumpox.
    - b. Record "Right to Farm", including acknowledgment of air and ground blast sprayers, wind machines, use of helicopters and honey bee colonies.
  - Incomplete* → 5. The applicant shall provide fencing to enclose all livestock on property.
  6. If sediment pond is put in on property, mosquito control will be taken care of by Dallas Kraft or property owners.
  - Incomplete* → 7. The applicant shall construct a non-obscuring fence to enclose all automobiles and miscellaneous property, which shall be cleaned and maintained by the applicant.
  8. Electrical power shall be provided to meet the Idaho Power Company standards.


**WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER WAS  
APPROVED BY THE CANYON COUNTY HEARING EXAMINER AT A  
SCHEDULED MEETING HELD JUNE 28, 2001.**

  
\_\_\_\_\_  
M. Jerome Mapp  
Canyon County Hearing Examiner

Dated

  
\_\_\_\_\_  
6/28/01

**ATTEST:**

  
\_\_\_\_\_  
Shirley Y. Driskell  
Recording Secretary



BEFORE THE CANYON COUNTY  
HEARING EXAMINER

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

IN THE MATTER OF AN APPLICATION BY: )  
MIB NEWBY FAMILY TRUST )  
FOR A CONDITIONAL USE PERMIT )

CASE # CU2006-192

PARCEL # R33459-010-A

I. APPLICATION PROCESS (CCCO 07-07-03)

1.1 LEGAL

MIB Newby Family Trust is requesting a Conditional Use Permit to divide approximately 10 acres into three (3) residential lots in an "A" (Agricultural) Zone. The subject property is located on the southwest corner of the intersection of Sunny Slope Road and Nancy Lane, Caldwell, Idaho, in the NE ¼ of Section 22, T3N, R4W, BM.

1.2 PROCEDURAL HISTORY

10/20/06 Application Accepted  
03/12/07 Agencies Notified  
4/23/07 Legal notice published  
4/24/07 Legal notice published  
4/25/07 Property owners notified within ¼ mile  
5/3/07 Property posted (on or before)

II. PROPERTY HISTORY

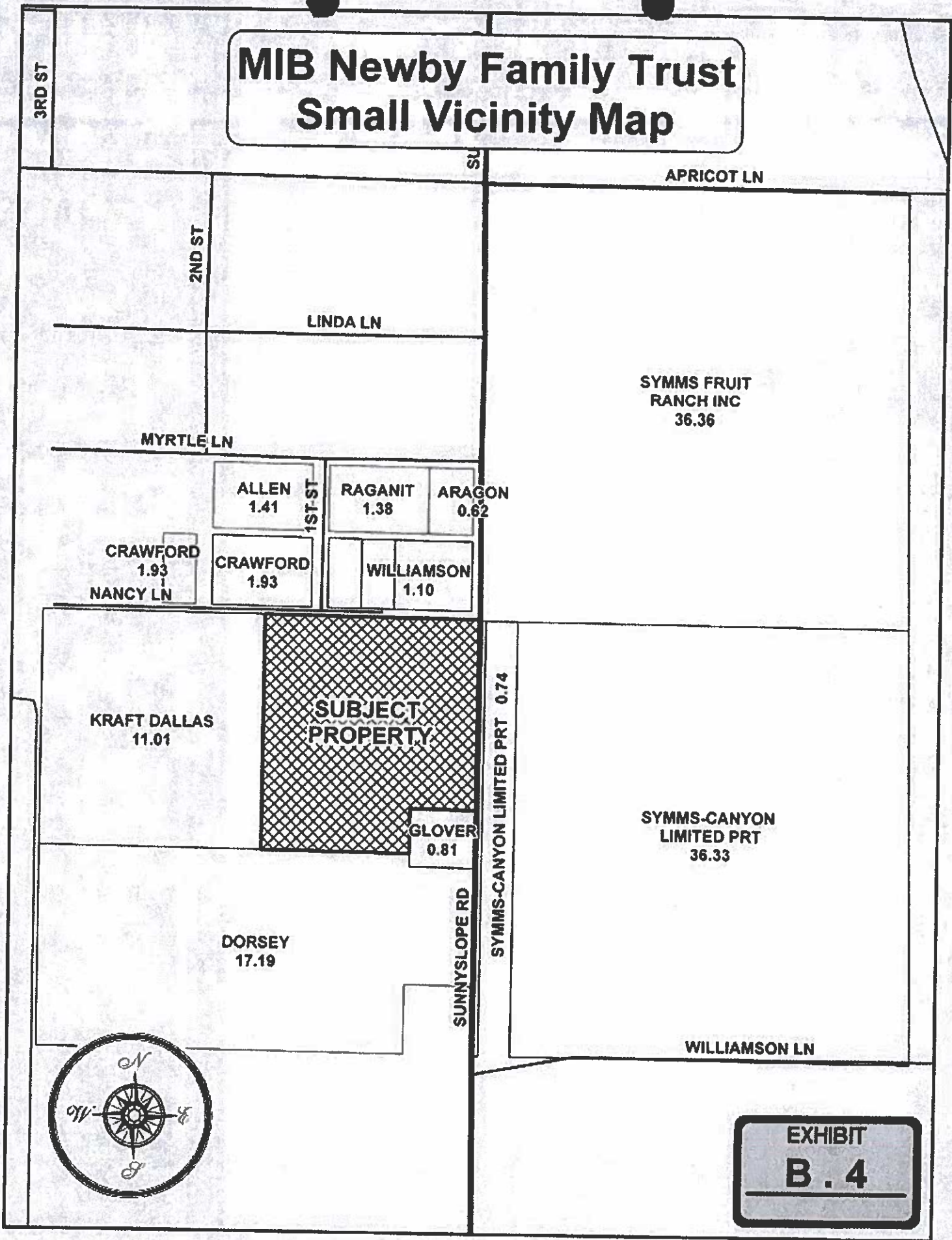
The subject property was once part of an original 40 acre parcel that was divided into two lots in 1997 (Case No. LS2003-287). This division created a one (1) acre parcel and a 39 acre parcel.

- The 39 acre parcel was split into two (2) approximately 20 acre parcels. Development Services has no documentation regarding this division.
- An approximately .81 acre parcel was split off of one of the approximately 20 acre parcels. Development Services has no documentation regarding this division.

\* In DSD Case No. CU2003-321<sup>291</sup> the northern 20 acre parcel was granted a division for four (4) residential lots. Approval of this request would have required platting, however, no plat was recorded for this division. *never completed*

If this request is approved, platting will be required per CCZO 05-002, Article 17.

# MIB Newby Family Trust Small Vicinity Map



CANYON COUNTY ASSESSOR'S TAX NUMBER: 03131

SECTION/TOWNSHIP/RANGE: 22-3N-4W NE

SUBDIVISION:

LOT\BLOCK\TRACT: 1810

ACCOUNT NUMBER: 33459-010-A

TAX YEAR: 2003

INST: # 200321092

DATE: 04/09/03

GRANTOR: KRAFT, DALLAS & SUSAN H/W

GRANTEE: NEWBY, BEN & SHARON & NEWBY, IRVIN & MARY J H/W

NOTICE

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

-----DESCRIPTION-----

A parcel of land lying in the SE1/4 NE1/4 of Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found Brass Cap marking the C1/4 Corner of said Section 22, T.3N., R.4W., Boise Meridian, Canyon County, Idaho; thence N.89°43'13"E. 1325.01 feet along the south boundary of the said NE1/4 of Section 22 to a point marking the E1/16 Corner of said Section 22, said E1/16 Corner bears S.89°43'13"W. 1325.01 feet from a found Brass Cap marking the E1/4 Corner of said Section 22; thence N.00°49'19"W. 1320.82 feet along the west boundary of the said SE1/4 NE1/4 of Section 22 to a found 1/2" rebar set inside a 1 1/2" iron pipe marking the NE1/16 Corner of said Section 22 and lying on the centerline of Nancy Lane; thence N.89°48'12"E. 1324.17 feet along the north boundary of the said SE1/4 NE1/4 of Section 22 and along the said centerline of Nancy Lane to a found Railroad Spike marking the N1/16 Corner common to Sections 22 and 23 and marking the centerline intersection of said Nancy Lane and Sunny Slope Road (State Highway 55), said Railroad Spike also marking the REAL POINT OF BEGINNING;

<sup>577.50 DK</sup>  
thence S.00°51'34"E. ~~547.50~~ feet along the east boundary of the said SE1/4 NE1/4 of Section 22 and along the said centerline of Sunny Slope Road (State Highway 55) to a point, said point being witnessed by a set 1/2" iron pin which bears S.89°48'11"W. 33.00 feet;

thence S.89°48'11"W. 200.00 feet to a set 1/2" iron pin;

thence S.00°51'34"E. 136.13 feet to a set 1/2" iron pin;

thence S.89°48'11"W. 448.93 feet to a set 1/2" iron pin;

thence N.00°49'19"W. 713.63 feet to a set 1/2" iron pin lying on the said north boundary of the SE1/4 NE1/4 of Section 22 and lying on the said centerline of Nancy Lane;

thence N.89°48'12"E. 648.47 feet along the said north boundary of the SE1/4 NE1/4 of Section 22 and along the said centerline of Nancy Lane to the point of beginning, containing 10.00 acres, more or less.





# 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: 17-119

**THIS AGREEMENT**, made and entered into this 20<sup>th</sup> day of September, 2017, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and MIB Newby Family Trust, Ben Newby (trustee), hereinafter referred to as "Applicants."

### RECITALS

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

**WHEREAS**, Parcel R33459010A are owned by MIB Newby Family Trust, Ben Newby (trustee)

**WHEREAS**, on the 20<sup>th</sup> day of September, 2017 the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-RR" 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:

### SECTION 1. AUTHORIZATION.

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

Agreement Number: 17-119  
Development Agreement

Page 1

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

Applicants are the owner(s) of Subject Properties which is 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.

Agreement Number: 17-119  
Development Agreement

Page 2

Exhibit 3

Exhibit B.5 - 2

## **SECTION 7. COMMITMENTS.**

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Properties from "A" (Agricultural) Zone to "CR-RR" (CR-Rural Residential) Zone, 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 "CR-RR" (CR-Rural Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

## **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 CR-PH2017-40 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.**

Agreement Number: 17-119  
Development Agreement

Page 3

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

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Development Agreement

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**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 Property.

**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 Administration  
111 North 11<sup>th</sup> Avenue, #140  
Caldwell, Idaho 83605

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

Name: MIB Newby Family Trust  
Street Address: PO Box 760  
City, State, Zip: Caldwell, ID 83606

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.

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Development Agreement

Page 5

**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.

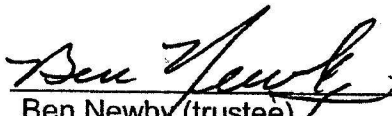
**BOARD OF COUNTY COMMISSIONERS  
CANYON COUNTY, IDAHO**

  
Tom Dale, Chairman

  
Steve Rule, Commissioner

  
Pam White, Commissioner

**APPLICANTS**

  
Ben Newby (trustee)  
MIB Newby Family Trust

ATTEST: Chris Yamamoto, Clerk

BY:   
Deputy

DATE: 9-20-17



Agreement Number: 17-119  
Development Agreement

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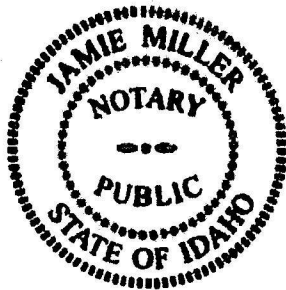
Exhibit 3  
Exhibit B.5 - 6



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

STATE OF IDAHO )  
 ) ss.  
County of Canyon )

On this 19 day of September 2017, before me, a notary public, personally appeared Ben Newby, 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.



Jamie Miller  
Notary Public for Idaho

Residing at: Nampa, ID

My Commission Expires: 3/28/2023

STATE OF IDAHO )  
 ) ss.  
County of Canyon )

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

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

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

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

Agreement Number: 17-119  
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Exhibit 3  
Exhibit B.5 - 7

**EXHIBIT "A"**

**LEGAL DESCRIPTION**  
**Parcel No. R33459010A**

A parcel of land being a portion of the SE ¼ NE ¼ of Section 22, Township 3 North, Range 4 West, Boise Meridian, Canyon County Idaho, more particularly described as follows:

BEGINNING at a found 3 inch diameter aluminum disk marking the NE corner of said SE ¼ NE ¼, (North 1/16 corner common to sections 22 and 23), said corner bears S. 00° 51' 34" E., a distance of 1318.95 feet from a found 3 inch diameter aluminum disk marking the NE corner of said NE ¼, (section corner common to section 14, 15, 22 and 23);

Thence along the easterly boundary of said SE ¼ NE ¼, S. 00° 51' 34" E., a distance of 577.39 feet to a set 4/3 inch diameter iron pin stamped "CLS PLS 7732";

Thence S. 89° 48' 14" W., a distance of 199.87 feet to a set 5/8 inch diameter iron pin stamped "CLS PLS 7732";

Thence S. 00° 49' 09" E., a distance of 136.09 feet to a set 5/8 inch diameter iron pin stamped "CLS PLS 7732";

Thence S. 89° 48' 04" W., a distance of 448.94 feet to a set 5/8 inch diameter iron pin stamped "CLS PLS 7732";

Thence N. 00° 48' 58" W., a distance of 713.51 feet to a set 5/8 inch diameter iron pin stamped "CLS PLS 7732" marking a point on the southerly boundary of Sunny Slope Subdivision as on file in Book 3 of Plats at Page 35 in the Office of the Recorder of Canyon County, Idaho, said point also being the northerly boundary of said SE ¼ NE ¼;

Thence along the southerly boundary of said Sunny Slope Subdivision and along the northerly boundary of said SE ¼ NE ¼, N. 89° 48' 18" E., a distance of 648.37 feet to the POINT OF BEGINNING.

TOGETHER WITH a thirty (30) foot wide easement for the purpose of ingress/egress as set forth in Warranty Deed recorded September 6, 2003 as Instrument No. 200321092, records of Canyon County, Idaho.

Agreement Number: 17-119  
Development Agreement

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Exhibit 3  
Exhibit B.5 - 8

## EXHIBIT "B"

### CONDITIONS OF APPROVAL FOR CR-PH2017-40

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 property, R33459010A shall be developed and platted as a one lot residential subdivision in substantial conformance to the Site Plan in Development Agreement Attachment "C" prior to obtaining a building permit.
3. The development shall be allowed one single-family dwelling and all other uses allowed in the Rural Residential zone.
4. 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."
5. The development shall comply with Idaho Transportation Department requirements prior to obtaining a building permit for the property.
6. The development shall comply with Golden Gate Highway District requirements prior to obtaining a building permit for the property.

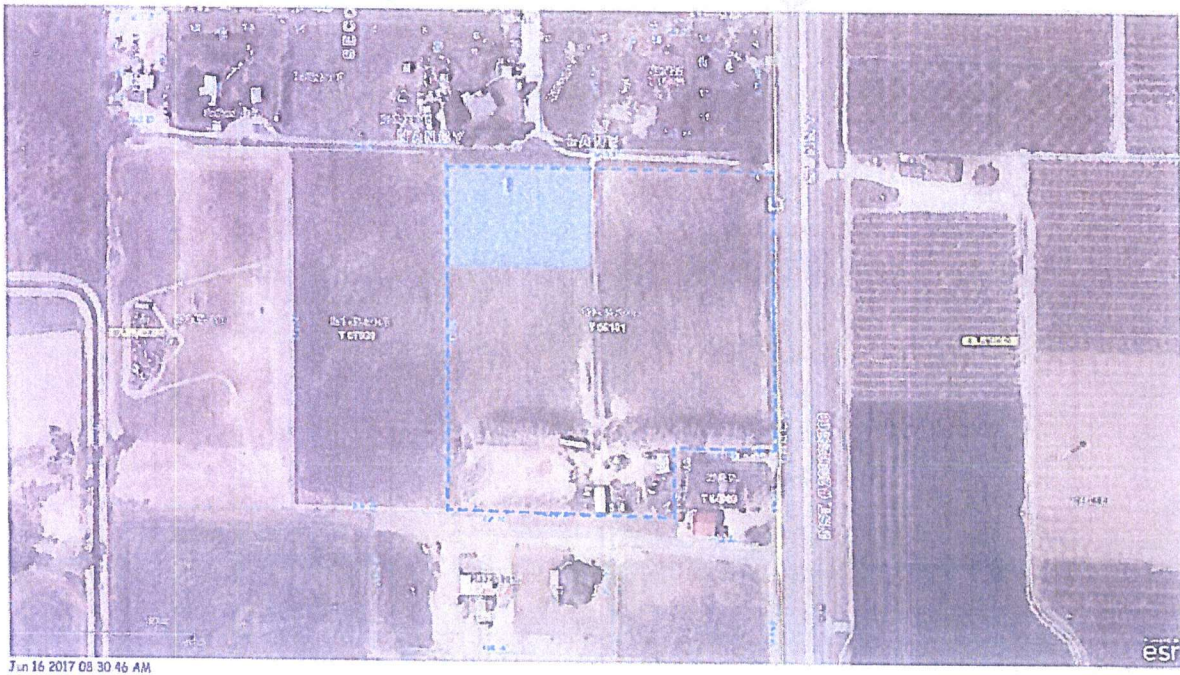
Agreement Number: 17-119  
Development Agreement

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Exhibit 3

Exhibit B.5 - 9

EXHIBIT "C"  
DRAFT CONCEPT DEVELOPMENT PLAN FOR CR-PH2017-40



Fenced Area on Parcel - Blue dashed line  
General location of Home - Blue Shaded

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Development Agreement

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Exhibit 3  
Exhibit B.5 - 10



**Canyon County Board of Commissioners**  
**Newby Subdivision, SD-PH2018-4**

*Development Services Department*

**Findings**

1. The subject property, approximately 10 acres, is currently zoned "CR-RR" (CR Rural Residential) subject to Development Agreement 17-119 recorded as instrument #2017-040827.
2. The proposed plats are in conformance with CCZO Article 23, Idaho Code, Sections 67-6512, 6509 and 6535 (Subdivisions, Hearings, Decisions, and Idaho Code, Sections 50-1301 through 50-1329 (Platting)).
3. The subdivision contains two (2) lots-one residential and one restricted to agricultural use only.
4. The record includes all hearing documents, testimony, and documents within the case file SD-PH2018-4.
5. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 03/19/18 & 06/05/18, Newspaper notice was provided on 04/17/18 & 06/24/18, property owners within 300' were notified by mail on 04/11/18 & 06/05/18, and the property was posted on or before 04/24/18 & 06/22/18.
6. The Planning and Zoning Commission forwarded the Preliminary Plat, Irrigation and Drainage Plan with a recommendation of approval on May 3, 2018.
7. All required signatures are affixed to the Final Plat pending the Board's approval.

**Conclusions of Law**

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

**Recommended 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.

**Development Agreement 17-119 Conditions of Approval:**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject property, R33459010A shall be developed and platted as a one lot residential subdivision in substantial conformance to the Site Plan in Development Agreement Attachment "C" prior to obtaining a building permit.
3. The development shall be allowed one single-family dwelling and all other uses allowed in the Rural Residential zone.
4. 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."
5. The development shall comply with Idaho Transportation Department requirements prior to obtaining a building permit for the property.
6. The development shall comply with Golden Gate Highway District requirements prior to obtaining a building permit for the property.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval contained herein the Board of County Commissioners APPROVE Case # SD-PH2018-4, a request by Newby Family Trust for approval of a Preliminary Plat, Irrigation & Drainage Plan and the Final Plat for Newby Subdivision subject to Development Agreement 17-119 and as conditioned herein.

APPROVED this 9 day of July, 2018.

	Yes	No	Did Not Vote
<u>Tom Dale</u> Tom Dale, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Steven J. Rule</u> Commissioner Steven J. Rule	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Did not participate</u> Commissioner Pam White	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Chris Yamamoto, Clerk

By: M. Reeves  
Deputy

Date: 7-9-18



NEWBY SUBDIVISION

A PART OF THE NE 1/4, SECTION 22, T. 3 N., R. 4 W., B.M.,  
CANYON COUNTY, IDAHO  
2018

2018-030032  
RECORDED  
07/11/2018 08:28 AM  
CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
PLAT FRIDGES  
\$11.00  
MASON & ASSOCIATES

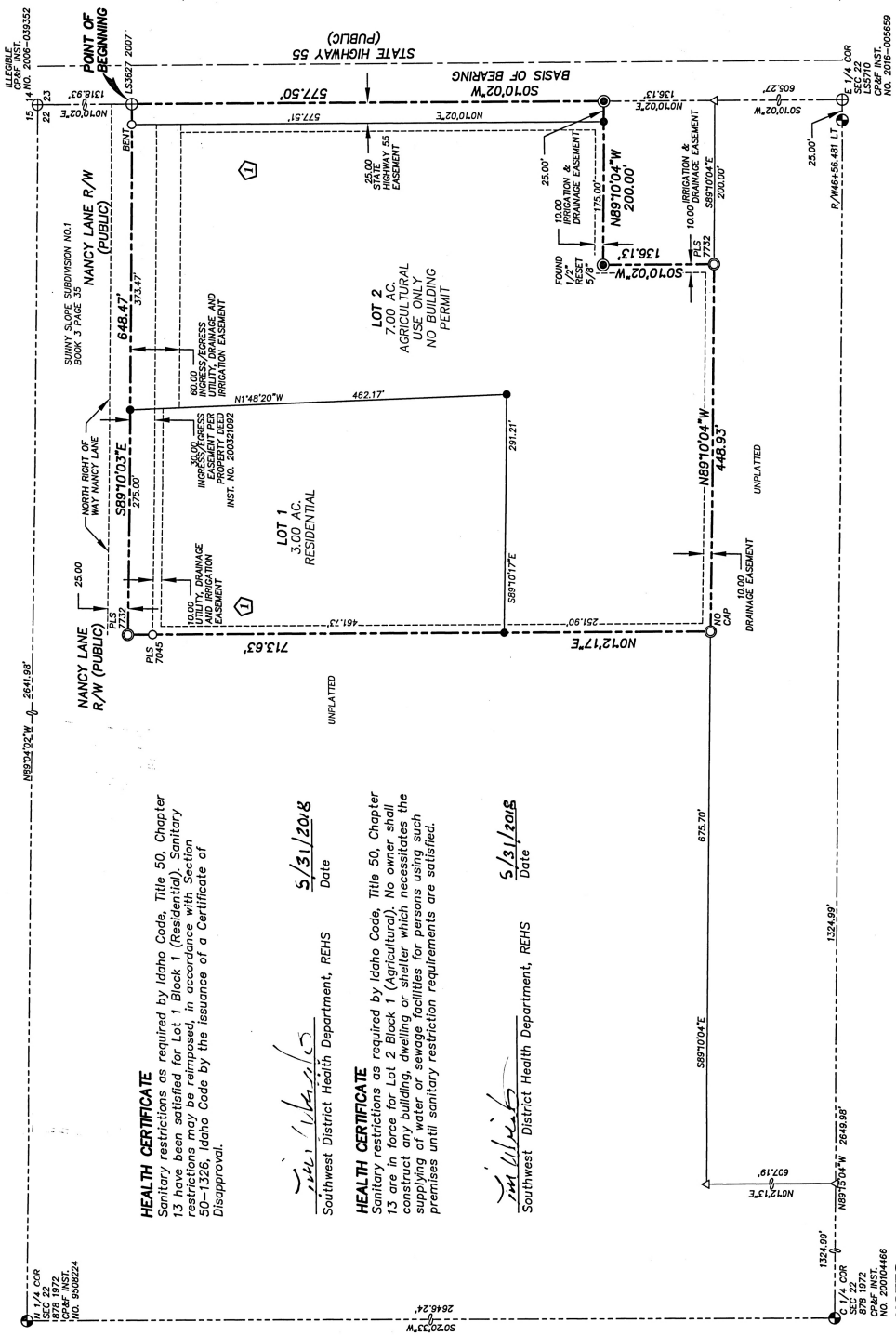


Scale: 1"=100'

LEGEND

- Calculated point
- Found brass cap monument
- Found aluminum cap monument
- Set 5/8 inch dia. x 30 inch iron pin w/plastic cap PLS 9366
- Found 5/8 inch dia. iron pin
- Set 1/2 inch dia. x 24 inch iron pin w/plastic cap PLS 9366
- Found 1/2 inch dia. iron pin
- Block number
- Boundary line
- Section line
- Easements
- Unless otherwise noted widths shall be: 10 foot utility, drainage and irrigation easement along subdivision boundary

Exhibit B.7



HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied for Lot 1 Block 1 (Residential). Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code by the issuance of a Certificate of Disapproval.

*Michelle Williams*  
Southwest District Health Department, REHS  
Date 5/31/2018

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 are in force for Lot 2 Block 1 (Agricultural). No owner shall construct any building, dwelling, or structure that necessitates the supplying of on-site sewage facilities for persons using such premises until sanitary restriction requirements are satisfied.

*Michelle Williams*  
Southwest District Health Department, REHS  
Date 5/31/2018

NOTES

- MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT OR AS SPECIFICALLY APPROVED AND/OR REQUIRED. THE SUBDIVISION IS ALSO SUBJECT TO A 70' BUILDING SETBACK FROM THE SECTION LINE.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE RE-SUBDIVISION.
- THIS SUBDIVISION IS PROVIDED IRRIGATION SERVICES BY THE CANYON COUNTY WATER DISTRICT. THE SUBDIVISION IS OBLIGATED FOR ASSESSMENTS FROM WILDER IRRIGATION DISTRICT, I.C. 31-2805.
- THE IRRIGATION SYSTEM SHALL BE OWNED AND MAINTAINED BY THE LOT OWNERS.
- THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES, AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF NOT BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT SURROUNDING LANDS OR NEIGHBORHOODS. IF A NUISANCE IS DETERMINED TO EXIST, THE OPERATOR SHALL HAVE 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 SUPERSEDE OR NEGOTIATE OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF.
- LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE SOUTHWEST DISTRICT HEALTH.
- PREFERENCE IS MADE TO PUBLIC HEALTH LETTER ON FILE REGARDING ANY ADDITIONAL RESTRICTIONS.
- ALL STORM WATER FROM THE INDIVIDUAL LOTS IS TO BE RETAINED ON THE INDIVIDUAL LOTS. STORM DRAINAGE FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STORM DRAINAGE FACILITY IS CONSTRUCTED IF NO HOMEOWNER'S ASSOCIATION EXISTS. RESPONSIBILITY FOR STORM DRAINAGE FACILITIES INCLUDES ALL MAINTENANCE, BOTH ROUTINE AND NON-ROUTINE.
- SEWAGE DISPOSAL SHALL BE BY INDIVIDUAL SEPTIC SYSTEM IN COMPLIANCE WITH SNH STANDARDS.
- WATER FOR DOMESTIC PURPOSES SHALL BE SUPPLIED BY SINGLE PARTY WELL IN COMPLIANCE WITH SNH STANDARDS.
- NEWBY SUBDIVISION SHALL HAVE NO DIRECT LOT ACCESS TO 1ST STREET OR NANCY LANE PUBLIC RIGHTS-OF-WAY.

Exhibit 3  
Exhibit B.7

Mason & Associates  
Professional Engineers,  
Land Surveyors & Planners  
208 3rd St. South Nampa, ID 83851  
(209) 454-0250 Fax (209) 454-0791

000917002 4/19/18  
SHEET 1 of 3

BK. 47, PG. 15



NO.	BY	DATE	DESCRIPTION
1	JH	1/30/18	COUNTY COMMENTS
2	JH	3/26/18	COUNTY SURVEYOR COMMENTS
3	JH	4/13/18	COUNTY ENGINEERING COMMENTS

Exhibit 3  
**EXHIBIT C**

**Site Visit Photos:** September 5, 2024

Planning & Zoning Commission

Case# CR2022-0027

Hearing date: February 6, 2025



**CR2022-0027 – Hess**

Site Visit: 9/5/2024































Exhibit 3

**EXHIBIT D**

**Agency Comments Received by: January 27, 2025**

Planning & Zoning Commission

Case# CR2022-0027

Hearing date: February 6, 2025



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

July 23, 2024

Canyon County Development Services Department  
Attn: Dan Lister, Planner  
111 North 11<sup>th</sup> Ave., Ste. 310  
Caldwell, ID 83605  
Phone: (208)455-5959  
Email: [daniel.lister@canyoncounty.id.gov](mailto:daniel.lister@canyoncounty.id.gov)

RE: Case Name: Hess, Case Number: CR2022-0027, Parcel #: R33459010

Dear Dan:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the subject Conditional Rezone submitted to GGHD in an email dated July 22, 2024. The subject parcel is located directly south of 20208 Nancy Ln, Caldwell and in a portion of the NE1/4 of Section 22, T3N, R4W, BM, Canyon County, ID.

The application requests a rezone of Parcel #R33459010 from "A" (Agricultural) to "CR-R-R" (Conditional Rezone-Rural Residential) for the entire property, 6.02 acres, with the purpose of creating two rural residential parcels approximately 3 acres in size each. Proposed conditions for a development agreement include limiting the number of divisions to 2 lots and prohibiting secondary residences. Access for the two parcels would be from Sunny Slope Rd (SH-55) through existing 30' easements on adjacent properties. Access to the south parcel would require a 30' easement on the east side of the north parcel. ADT for the two homes plus one adjacent home is 29 according to the application. The Idaho Transportation Department (ITD) will review new or modified accesses on Sunny Slope Rd (SH-55). Sunny Slope Rd is a Major Arterial according to the GGHD's 2024 Functional Classification Map.

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

1. Provide recorded easements prepared by an Idaho registered licensed land surveyor in accordance with Association of Canyon County Highway District Highway Standards and Development Procedures (ACCHD Standards) for both accesses.
2. Proposed access on Sunny Slope Rd (SH-55) to meet the requirements of ITD.
3. A site visit by GGHD and/or ITD representatives is required to address possible site distance issues, if any.

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

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

Respectfully,

**Christopher S. Pettigrew, P.E.**

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

CC: Bob Watkins, GGHD Director of Highways



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



Brad Little, Governor  
Jess Byrne, Director

August 6, 2024

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

Subject: Case No. CR2022-0027

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.

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

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

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

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

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

## **3. DRINKING WATER**

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

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

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

#### 4. SURFACE WATER

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

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

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

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

generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

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

For questions, contact Rebecca Blankenau, 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,



Aaron Scheff  
Regional Administrator

c:

2021AEK

**Dan Lister**

---

**From:** Anthony Lee <Anthony.Lee@swdh.id.gov>  
**Sent:** Wednesday, November 27, 2024 3:23 PM  
**To:** Dan Lister  
**Subject:** [External] RE: Agency Notification / CR2022-0027 / Hess (amended application)

Hi Dan,

- 1.) Will a Nutrient Pathogen Study be required? **No, in a designated Nitrate Priority Area but does not meet the criteria for a Nutrient Pathogen Study.**
- 2.) Will adequate sanitary systems be provided to accommodate the use? **Test holes have not been conducted on site.**
- 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? **No concerns for the rezoning to residential at this time.**

Applicant will need to go through the subdivision approval process if proposed as a subdivision and a final plat is required to satisfy sanitary restrictions.

Let me know if you have any questions.

Thank you,



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

**Anthony Lee, RS/BS | Land Development Senior**  
o 208.455.5384 | c 208.899.1285 | f 208.455.5300  
[anthony.lee@swdh.id.gov](mailto:anthony.lee@swdh.id.gov) | [SWDH.org](http://SWDH.org)  
13307 Miami Ln., Caldwell, ID 83607

---

**From:** Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>  
**Sent:** Friday, November 22, 2024 10:56 AM  
**To:** 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.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@canyoncounty.id.gov; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; Tom Crosby

**Dan Lister**

---

**From:** Jennifer Almeida  
**Sent:** Wednesday, November 27, 2024 11:43 AM  
**To:** Dan Lister  
**Subject:** FW: [External] RE: Agency Notification / CR2022-0027 / Hess (amended application)



**Jennifer Almeida**

Office Manager  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-5957  
Email: [Jennifer.Almeida@canyoncounty.id.gov](mailto:Jennifer.Almeida@canyoncounty.id.gov)  
Website: [www.canyoncounty.id.gov](http://www.canyoncounty.id.gov)

Development Services Department (DSD)

**NEW** public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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

---

**From:** D3 Development Services <D3Development.Services@itd.idaho.gov>  
**Sent:** Wednesday, November 27, 2024 8:36 AM  
**To:** Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>  
**Subject:** [External] RE: Agency Notification / CR2022-0027 / Hess (amended application)

Hello,

After careful review of the transmittal submitted to ITD on November 22, 2024 regarding CR2022-0027/Hess, the Department has no comments or concerns to make at this time. This application does not meet thresholds for a Traffic Impact Study nor does it pose any safety concern. If you have any questions please contact Niki Benyakhlef at (208) 334-8337/ [Niki.Benyakhlef@itd.idaho.gov](mailto:Niki.Benyakhlef@itd.idaho.gov).

Thank you

*Mila Kinakh*

D3 Planning and Development  
Administrative Assistant



## Exhibit D.5

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

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

Attention: Dan Lister

Case No. CR2022-0027 (amendment)

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

It is: CR2022-0027 (amendment)

Comments from Canyon County SCD:

CR2022-0027 is 100% Class III and has moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change. The Board would also like to bring to your attention these two parcels, R33459010 and R33459010B are identified as Agriculture in the 2030 Comprehensive Plan.



Signing for Mike Swartz  
Chairman Soil Conservation District

Richard Sims Associate Supervisor



United States  
Department of  
Agriculture

**NRCS**

Natural  
Resources  
Conservation  
Service

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

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

**CR2022-0027 David Hess  
amendment**



November 22, 2024

Exhibit 3

**Exhibit D.5 - 2**

# Preface

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

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

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

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

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

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

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

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

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# **Soil Information for All Uses**

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## **Suitabilities and Limitations for Use**

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

## **Land Classifications**

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

### **Irrigated Capability Class (CR2022-0027 David Hess)**

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

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

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



## Custom Soil Resource Report

Class 1 soils have few limitations that restrict their use.

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

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

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

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

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

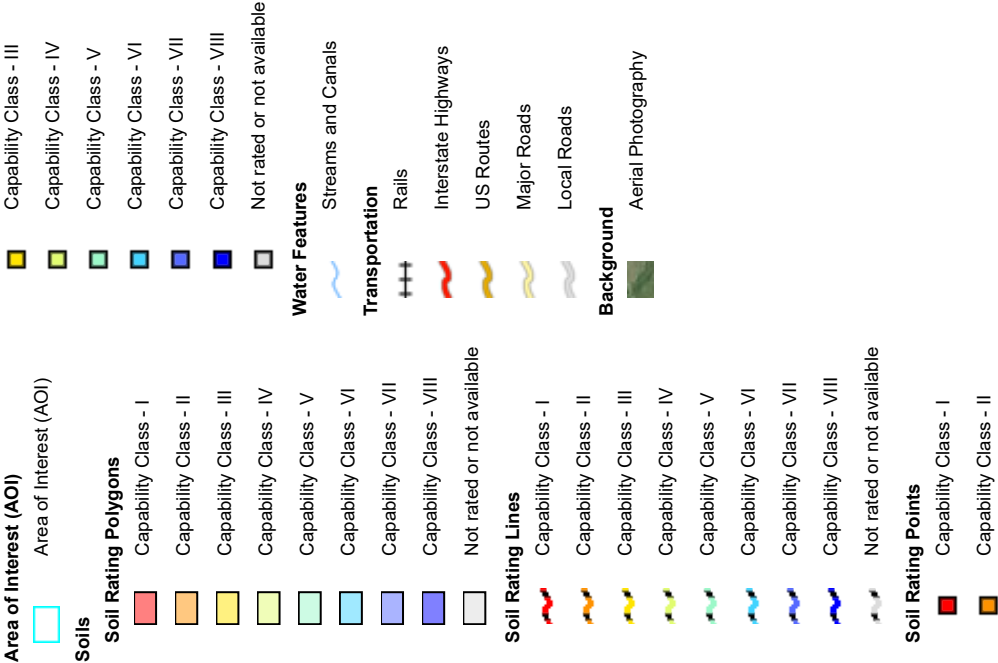
Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

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

Custom Soil Resource Report  
Map—Irrigated Capability Class (CR2022-0027 David Hess)



MAP LEGEND



MAP INFORMATION

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

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

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

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

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

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

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

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

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

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

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

**Table—Irrigated Capability Class (CR2022-0027 David Hess)**

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
CcB	Cencove fine sandy loam, 1 to 3 percent slopes	3	5.4	48.5%
TsC	Truesdale fine sandy loam, 3 to 7 percent slopes	3	4.2	37.5%
TuC	Turbyfill fine sandy loam, 3 to 7 percent slopes	3	1.5	14.0%
<b>Totals for Area of Interest</b>			<b>11.1</b>	<b>100.0%</b>

**Rating Options—Irrigated Capability Class (CR2022-0027 David Hess)***Aggregation Method: Dominant Condition**Component Percent Cutoff: None Specified**Tie-break Rule: Higher*

**DONALD BARKSDALE**  
CHAIRMAN OF THE BOARD

**FRED BUTLER**  
VICE CHAIRMAN OF THE BOARD

**ROBERT D. CARTER**  
PROJECT MANAGER

**THOMAS RITTHALER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**MARY SUE CHASE**  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

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

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

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

08 March 2023

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

RE: David Hess  
0 Sunnyslope Rd. Caldwell, ID  
Wilder Irrigation District  
Evers Lateral 23+50  
Sec. 22, T3N, R4W, BM.

**CR2022-0027 & SD2022-0043**

**W-439**

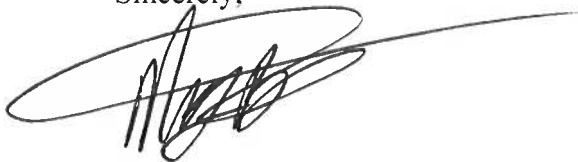
Maddy Vander Veen:

There are no Boise Project or Wilder Irrigation District facilities located on the above-mentioned properties, however they do in fact possess a valid water right.

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

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  
Assistant Project Manager, BPBC

tbr/tr

cc: Tony Averman  
Lisa Sweet

File

Watermaster, Div. 4, BPBC  
Secretary – Treasurer, WID

RECEIVED  
▶ MAR 10 2023 ◀  
Exhibit 3  
RECEIVED  
Exhibit D.6



**EXHIBIT 4**

**Comments/Additional Documents Received by July 19, 2025**

**Case: CR2022-0027**

**Board Hearing Date: July 29, 2025**

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



Brad Little, Governor  
Jess Byrne, Director

June 30, 2025

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

Subject: Agency Notice CR2022-0027 Hess

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 the 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 planning 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 are 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 groundwater 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 planning 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 the best construction 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>
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For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

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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,

A handwritten signature in blue ink, appearing to read "Troy G. Smith". The signature is stylized with a large, sweeping initial "T" and "S".

Troy Smith  
Regional Administrator



*CASE NO. CR2022-0027 HESS AND  
GLAETTLI CONDITIONAL REZONE*



- 1) Requesting Conditional Rezone of Properties R33459010 (6.04 acers) and R33459010B (5 Acres) from Agricultural to Conditional Rezone- Rural Residential
- 2) Agreeing to limit lot size to 5 acre minimum
- 3) Agreeing to limit each property to one home each property. (No secondary residences)
- 4) Access is to be a shared driveway coming off of 1<sup>st</sup> Street and traveling west in the existing 30' wide ingress/egress easement.
- 5) Driveway will have turn arounds as required by Marsing Rural Fire.



PRELIMINARY PLOT PLAN  
Paradise Valley Subdivision  
Hess and Glaettli Properties

Sunny Slope Subdivision  
Book 3 Page 35

Existing barbed wire fence around property

Large Trees

Alternate 20' x 70' Fire Turn-around

Existing well

Irrigation Ditch

Lizar Lateral

130'

[Hess]  
6.04 Acre Rural  
Residential Lot 1

x50' shop

Drain field and  
replacement

Septic Tank

40x50' home

Parcel# 334590100

3 Large Tree

370.5'

356.6'

130'

653.63'

370.5'

305.2'

305.2'

305.2'

305.2'

305.2'

305.2'

Hess and Glaettli will access their  
properties by coming off First street and  
turning right onto a 20' wide shared  
driveway inside the 30' wide  
ingress/egress easement. (Access shown  
in shaded pink)

First St

275.0'

30'

373.47"

60'

30'

30'

30'

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30'

Hwy 55 Sunny Slope Rd

North

Scale: 1" = 100'

Parcel# 334590100

Identification and Descriptive Data  
Proposed Subdivision: Paradise Valley Subdivision  
Proposed Rural Residential Lots (6.04 Acre and 5 Acre)  
Quarter: NE, Section: 22, Township: 3N, Range: 4W  
Developer and Preparer of Plat: David and Carol Hess  
Address: 116 Arabian Way, Nampa, ID 83687  
Phone: 208-250-5619  
Additional Applicant: Carl Glaettli  
Address: 185 N Skinson St, Nampa, ID 83651  
Phone: 208-800-0456  
Date of Preparation: April 4, 2025



