



Board of Canyon County Commissioners
Hearing Date: July 23, 2025
Canyon County Development Services Department

PLANNING DIVISION ADDENDUM

CASE NUMER: CU2023-0024-APL
APPLICANT/REPRESENTATIVE: Todd Lakey
Landon Brown
PROPERTY OWNER: Erlebach Properties, LP (Dave Erlebach – Agent)
APPLICATION: The applicant is requesting the Board of Canyon County Commissioners overturn the Planning and Zoning Commission’s DENIAL of a request for a conditional use permit for a staging area and contractor shop.
LOCATION: Parcel R37905 (“the subject property”)
0 Goodson Rd, Caldwell, ID, Section 20, Township 5N, and Range 3W
ANALYST: Emily Bunn, Principal Planner
REVIEWED BY: Dan Lister, Planning Supervisor

SUMMARY:

The Appellant requests the Board of Canyon County Commissioners overturn the Planning and Zoning Commission’s denial decision and approve a conditional use permit for a staging area and contractor shop on an 11-acre area of Parcel R37905 (which is approximately 39.5 acres in total). The subject property is zoned “A” (Agricultural).

The appeal of the Planning and Zoning decision with the Findings of Facts, Conclusions of Law, and Order of Decision (FCOs) signed on March 6, 2025 was filed on the 15th day of the appeal period (March 20, 2025) and included a letter of appeal with the statement of reasons for the appeal and the filing fee of \$600 (**Exhibit 4**)

The Staff report packet dated February 20, 2025 and all supporting material are contained in **Exhibit 3**. Any additional agency & public comments received for the subject public hearing may be found in **Exhibits 5 and 6**. Any additional supporting documentation provided by the applicant to considered by the Board of Canyon County Commissioners may be found in **Exhibit 7**.

The additional supporting documentation found in **Exhibit 7** discusses the topic of legal access, which was point of discussion at the February 20, 2025 public hearing. The applicant’s representative stated at the public hearing on February 20, 2025 that easements were to be recorded for the private access currently being utilized for the staging area and contractor shop near the northern boundary of the property. Per **Exhibit 7a**, the applicant obtained one (1) signature from a neighbor for an access easement for the northern access being currently utilized (**Exhibit 7ai**). The representative stated they were working with the neighbors and hoping to secure the easements from them prior to the upcoming Board of Canyon County Commissioner’s hearing. Staff has not received those access easements from the representative.

However, the representatives did state an approach permit from Highway District No. 4 to change the access to the southern boundary was approved in case the appropriate access easements near the northern boundary of the property are not received (**Exhibit 7a**). The representative has a proposed condition of approval to address the access as shown in **Exhibit 7a**.

EXHIBITS:

1. Planning & Zoning Commission FCOs Dated: March 6, 2025
2. Planning & Zoning Commission Minutes Dated: February 20, 2025
3. CU2023-00024 Staff Report Packet Dated: February 20, 2025
 - A. **Application Packet & Supporting Materials**
 1. Master Application
 2. Letter of Intent
 - 2.1. Site Plan and Plan of Action
 - 2.2. Grading and Drainage Plan
 - 2.3. Photos of Equipment of Surrounding Properties within 2 square miles of the subject property
 - 2.4. Photos of Applicant's Multi-Use Equipment
 3. Land Use Matrix
 4. Neighborhood Meeting Letter, Certified Mail Slips, List of Properties within 600-ft, and Neighborhood Meeting Sign-Up Sheet
 5. Agency Acknowledgement Form with Correspondence with Agencies
 6. Deed
 7. Email Chain Showing Parcel R37904010 Is Not a part of the Conditional Use Permit
 - B. **Supplemental Documents**
 1. Parcel Tool
 2. Cases Maps/Reports
 - 2.1. Aerial
 - 2.2. Small-Air Photo 1-Mile Radius
 - 2.3. Vicinity
 - 2.4. Future Land Use- 2030 Comprehensive Plan
 - 2.5. Zoning
 - 2.6. Land Use Cases with Report
 - 2.7. Subdivisions with Report
 - 2.8. Soils and Prime Farmland with Report
 - 2.9. Nitrate Priority and Wells
 - C. **Site Visit Photos: December 31, 2024**
 - D. **Agency Comments Received by: February 10, 2025**
 1. Southwest District Health; Received: August 5, 2024
 - 1.1. Southwest District Health Update; Received December 20, 2024
 2. Idaho Transportation Department; Received August 13, 2024
 3. Highway District No. 4; Received August 27, 2024
 4. Canyon County's Building Department: Received January 6, 2025
 5. Black Canyon Irrigation District Comment Letter for CUP: Received January 9, 2025
 6. Idaho Department of Environmental Quality Comment Letter; Received February 4, 2025
 7. Canyon County's Addressing/GIS Department, Received January 27, 2025
 - E. **Public Comments Received by: February 10, 2025**

1. Sharron Braun Comment Letter; Received: February 7, 2025
4. **CU2023-0024-APL Staff Report Packet**
 - a. Master Application
 - b. Affidavit of Legal Interest
 - c. Letter of Appeal
5. **Agency Comments Received by: July 14, 2025**
 - a. Idaho Department of Environmental Quality, Received June 23, 2025
6. **Public Comments Received by: July 14, 2025**
 - a. Sharron Braun, Received July 11, 2025
 - b. Shawna Potter Received July 13, 2025
 - c. John Brandel, Received July 13, 2025
 - d. Pamela Field Email, Received July 13, 2025
 - i. Pamela Field Public Comment Letter
 - ii. Photos Taken on March 16, 2022 Referenced in Comment Letter
 - e. Crystal Putnan, Received July 13, 2025
 - f. Dustin P., Received July 13, 2025
 - g. Bobbie Brandel, Received July 14, 2025
 - h. Jessica Isaacs, Received July 14, 2025
 - i. Marnie Vandenberg, Received July 14, 2025
 - j. Mark Sklyarov, Received July 14, 2025
 - k. Yelena Sklyarov, Received July 14, 2025
 - l. Heriberto Alatorre, Received July 14, 2025
 - m. Philip Sklyarov, Received July 14, 2025
 - n. Rex Weber, Received July 14, 2025
 - o. Adam Batteen, Received July 14, 2025
 - i. Pictures Referenced in Batteen Comment Letter
 - p. Sid and Pam Freeman, Received July 14, 2025
 - i. Sharron Braun Comment Letter Referenced in Freeman Public Comment Letter
 - ii. Idaho Code §42-1102, Irrigation Drainage -Water Rights and Reclamation
 - iii. Petition Opposed to Case# CU2023-0024-APL Submitted by Sid Freeman
 - q. Natalie Levi, Received July 14, 2025
7. **Additional Supplemental Documentation Received by July 14, 2025**
 - a. Email Correspondence with Representative on Legal Access and Easement – Received June 18, 2025
 - i. Easement Agreement Signed by Neighbor Referenced in Email
 - ii. Farmway Site Map for Access Road on South Boundary
 - iii. Approved Approach Permit for Southern Boundary Access
 - b. Applicant (Todd Lakey) Presentation for Public Hearing, Received July 14, 2025

EXHIBIT 1

P&Z Signed FCOs Dated: March 6, 2025

Board of County Commissioners

Case# CU2024-0023-APL

Hearing date: July 23, 2025



PLANNING OR ZONING COMMISSION FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

CU2023-0024

The Canyon County Planning and Zoning Commission considers the following:

- 1) Case No. CU2023-0024: The property owner, Dave Erlebach of Erlebach Properties, L.P., represented by Todd Lakey, is requesting a Conditional Use Permit on approximately 11 acres to operate a staging area and contractor shop. The 11 acres will be 1,200 feet west of the intersection of Farmway Rd and Goodson Rd and is bordering I-84 WB. The subject property is also referenced as Parcel R37905, a portion of the northwest quarter of Section 20, T5N, R3W, 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 CU2023-0024.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards), and Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures),
 - a. Notice of the public hearing was provided pursuant to CCCO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCCO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCCO §07-07-17, and 07-07-19.

- e. Use Standards – Contractor’s Shop: The use shall be contained within a building or behind a sight obscuring fence. *See* CCCO §07-14-09.
 - f. Use Standards – Staging Area: (1) All work shall be conducted off site. (2) Business vehicles shall be operable and parked on site, not on a public or private road. (3) Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and or materials to other vehicles. (4) Employees may meet on the premises to share rides to and from job sites. (5) Employees' vehicles shall be parked on site and not on a public or private road. *See* CCCO §07-14-29.
2. 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, 07-07-01.
 3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
 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.
 6. 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 CU2023-0024 was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 20, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the proposed conditions of approval and project plans, the Canyon County Planning and Zoning Commission decides as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCCO §07-07-05

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: Yes, a contractor shop and staging area are permitted in the “A” (Agricultural) zone by conditional use permit, pursuant to Canyon County’s Code of Ordinances (CCCO §07-10-27).

- Findings:** (1) The subject property, Parcel R37905, containing approximately 39.49 acres is zoned “A” (Agricultural).
- (2) The proposed use consists of a contractor shop and staging area for a construction business in the “A” (Agricultural) zone.
 - (3) Contractor shop is defined as “May include, but not be limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking,” and a staging area is defined as “An area where equipment and/or materials are stored for use conducted entirely off site” (CCCO §07-02-03).
 - (4) CCCO §07-10-27 Land Use Regulations (Matrix) provides for a Contractor Shop and Staging Area by conditional use permit in the agricultural zone.
 - (5) A conditional use permit was submitted on November 17, 2023 (**Staff Report Exhibits A1-A7**).
 - (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.

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

2. What is the nature of the request?

Conclusion: Per the letter of intent, the proposed uses include an office to deploy equipment to construction locations and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner's construction business off site on approximately 11-acres of the approximately 39 acres (**Staff Report Exhibit A2**). Examples of the type of multi-use equipment that will be stored on site can be found in **Staff Report Exhibit A2.4**. No manufacturing or construction work will take place on site per the letter of intent. The hours of operation proposed are Monday through Friday from 7:00 a.m. to 5:30 p.m., with work occasionally occurring on Saturday with the same hours of operation depending on the needs of the construction operations. There will be approximately ten-to-fifteen (10-15) employees on site with approximately 10 trips to the property per day. There will be a large surface area available for parking to accommodate all employees, but will not have paved, designated parking spaces. There will be no sign. There will not be a designated loading or unloading area, but materials and equipment will be loaded or unloaded using a forklift or crane at the location that the materials or equipment are stored. A 6-foot chain link fence is proposed to be located on the outer boundaries of the 11-acre area with the proposed contractor shop (**Staff Report Exhibits A2 and A3**). A chain-link fence with site-obscuring slats has been built per staff's site visit (**Staff Report Exhibit C**). Per the letter of intent, the Contractor Shop will consist of two (2) structures: one (1) 115' x 100' structure that will be used as an office to deploy equipment (this structure has not been constructed yet) and one (1) 110' x 208' structure that will be used to store and park equipment (**Staff Report Exhibit A2**). The property owner applied for an agricultural-exempt building permit for the already constructed structure, but did not complete a final inspection, so the agricultural-exempt building permit expired (ZC2023-0003). The building permit will need to be reapplied for in the future. Per Canyon County's Building Department, all proposed and existing structures that will be used will require a commercial building permit and/or Commercial Change of Occupancy permit. A code analysis will be required to be submitted with plans provided by a licensed architect/engineer (**Staff Report Exhibit D4**).

- Findings:**
- (1) The subject property, Parcel R37905, containing approximately 39.49 acres is zoned "A" (Agricultural).
 - (2) CCCO §07-10-27 Land Use Regulations (Matrix) provides for a Contractor Shop and Staging Area by conditional use permit in the agricultural zone.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.
 - (4) Evidence includes associated findings and evidence supported within this document.

3. Is the proposed use consistent with the comprehensive plan?

Conclusion: Yes. The Planning and Zoning Commission finds that the proposed use and conditional use permit application for a staging area is consistent with the 2030 Canyon County Comprehensive Plan (the Plan).

- Findings:**
- (1) The 2030 Canyon County Comprehensive Plan designates the subject parcel as Agricultural. The parcel is not located within a City Impact Area (**Staff Report Exhibits B1 and B2.4**).
 - (2) The proposed use is consistent with multiple goals and policies of the 2030 Canyon County Comprehensive Plan including but not limited to:
 - i. Property Rights Goals and Policies: *Goal No. 1: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."* *Policy No. 1: "No person shall be deprived of private property without due process of law."* *Policy No. 3: "Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals."* *Goal*

No. 2: "Acknowledge the responsibilities of each applicant 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."

- ii. Population Component Goal: *Goal No. 2: "Promote housing, business, and service types needed to meet the demand of the future and existing population."*
- iii. Economic Development Goals and Policy: *Goal No. 1: "Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations." Policy No. 2: "Support suitable sites for economic growth and expansion compatible with the surrounding area." Goal No. 5: "Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability."*
- iv. Land Use Policy and Goals: *Policy No. 2: "Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses. Goal No. 3: "Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning." Goal No. 4: "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." Goal No. 6: "Development design should improve the area's character and be compatible with the community's visual appearance and the natural environment."*
- v. Agriculture Goal: *Goal No. 4: "Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses."*

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.

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

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: Yes, the proposed use will be injurious to other property in the immediate vicinity and will negatively change the essential character of the area due to safety issues, heavy truck traffic, the use is not agricultural in nature, and manufacturing associated with the use based on testimony received from the public and the applicant at the public hearing on February 20, 2025.

Findings: (1) The property is currently zoned "A" (Agricultural) (**Staff Report Exhibit B.1**) and the average lot size within a 1-mile radius is 17.90 acres (**Staff Report Exhibit B2.7**). The general character of the area is mainly consisting of agricultural uses. There are also agricultural residential parcels (meaning they are zoned agricultural but have residential uses) and residential parcels (there are a few residentially zoned subdivisions or parcels in the area mainly to the west) (**Staff Report Exhibits B2.2, B2.5, B2.6, and B2.7**).

(2) There are ten (10) subdivisions located within 1-mile of the subject property and one (1) subdivision in platting. There are 105 lots located within platted subdivisions and 136 lots located within subdivisions that are in platting also within 1-mile of the subject property (**Staff Report Exhibit B2.7**). The recent surrounding land use cases in the last five-years demonstrate that the character of the area is trending moderately towards residential. However, overall the character of the area remains agricultural. (**Staff Report Exhibits B2.2, B2.5, B2.6, and B2.7**)

(3) The staging area will not significantly increase the sound levels in the immediate vicinity. Per the letter of intent, the property will be used for an office to deploy equipment to construction locations and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner's construction business

off site. Additionally, the employees generally take 10 trips to the property per day and the proposed 11-acre staging area and contractor shop is located immediately adjacent to the interstate which will likely drown out any noise created by this property per the letter of intent (**Staff Report Exhibit A2**).

- (4) The contractor shop and staging area may increase the dust levels in the immediate vicinity as the access to the 11-acre area designated as the contractor shop and staging area the to the property is a gravel/dirt access per staff's site visit (**Staff Report Exhibit C**). The 11-acre area designated at the contractor shop and staging area is proposed to be graveled per the letter of intent (**Staff Report Exhibit A2**).
- (5) There is lighting proposed for the contractor shop and staging area and the letter of intent states "all lighting at the Property will be downward facing and dark sky compliant" (**Staff Report Exhibit A2**).
- (6) The contractor shop and staging area has the potential to change the character of the area, as no similar conditional use permits have been approved in the vicinity in recent years (**Staff Report Exhibit B2.6**).
- (7) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.
- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.
- (9) Evidence includes associated findings and evidence supported within this document.

5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: Yes, the project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein.

- Findings:**
- (1) Per the land use matrix, water will be provided using an individual domestic well (**Staff Report Exhibit A3**). Per the provided letter of intent, the property owner plans to construct the well on the 11-acre site for the contractor shop and staging area and the specific location of the well is identified on the grading and drainage plan. The property owner also plans to construct a pump house next to or over the proposed well and the well and piping will be piped to the bathrooms and breakrooms in the structures designed by Manning Civil (**Staff Report Exhibits A2 and A2.1**).
 - (2) Per the land use matrix, sewer will be provided via an individual septic (**Staff Report Exhibit A3**). Per the applicant's letter of intent, sewer and drainage from the bathroom and breakrooms will be discharged into a septic tank/pump system where sewage will be piped to the proposed drain field. The location of the drain field is identified in the Site Plan and Grading and Drainage Plan. A designated replacement field will also have to be contained on the property and be approved by Southwest District Health (**Staff Report Exhibits A2, A2.1, and A2.2**). On August 5, 2024, Southwest District Health (SWDH) stated that a Nutrient Pathogen Study was completed, but were waiting on the results of the study. Additionally, SWDH states "Test holes were conducted on 04/28/2023 and 05/12/2023. Groundwater monitoring pipes were also installed with monitoring started on 05/01/2023 through 06/19/2023. Last email correspondence received from a developer was a change in facility type and operations for a construction shop and metal building. Applicant will need to reach out to SWDH to discuss the new proposal" (**Staff Report Exhibit D1**). Canyon County DSD Staff reached out to Southwest District Health in December 2024 to see if there were updates on the nutrient

pathogen study or change of facility type as discussed in August of 2024. Southwest District Health responded saying they do not have any updates on the Nutrient Pathogen Study other than a few corresponding emails from DEQ on the parameters of the N-P study and they have not received an updated letter of intended use for the new proposal (**Staff Report Exhibit D1.1**).

- (3) Per the applicant's letter of intent, the proposed 11-acre area for the contractor shop and staging area will not be irrigated. However, the remaining acreage will continue to be irrigated using the pivot sprinkler system on site (**Staff Report Exhibit A2**). Parcel R37905 is under the jurisdiction of Black Canyon Irrigation District (BCID). Black Canyon Irrigation District had previously sent a letter regarding the withdrawn rezone application (CR2023-0007), but have since updated their comment to reflect BCID's requirements and recommendations for this conditional use permit application (**Staff Report Exhibit D5**). BCID states in their comment letter dated January 9, 2025 that the property has irrigation water rights and this conditional use permit "...impacts water allocations for the proposed properties. Determination of non-irrigable lands and allocations or irrigable lands will be required by the District. [BCID]... request[s] the property owner finalize these allocations prior to County approval of [the Conditional Use permit] of the property." There is no District infrastructure on the parcel and adjacent infrastructure does not appear to be affected. BCID requests private easements showing a pathway for water to the parcel. BCID also states "the Developer has an outstanding account balance for the previously reviewed application. The outstanding balance is required to be settled prior to any further review of this development."
- (4) It appears the use does not require or affect drainage on the property (**Staff Report Exhibit A2**).
- (5) Per the land use matrix and letter of intent, stormwater is retained on site by two (2) swales (**Staff Report Exhibits A2 and A3**). The location of the swales is identified in the Grading and Drainage Plan and the 11-acres consists of a graveled surface and will be graded and contoured to direct storm water per the letter of intent (**Staff Report Exhibits A2 and A2.2**). Additionally, the letter of intent states the collection swales are large enough to accommodate asphalt surfacing in the event the applicant decides to pave the 11-acre staging area and contractor shop (**Staff Report Exhibit A2**).
- (6) Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply were notified of the application on July 31, 2024, August 2, 2024 and January 21, 2025. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any utilities needed.
- (7) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.
- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.
- (9) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The subject property will have legal access according to the representative's testimony at the public hearing on February 20, 2025, as easements are to be recorded on the private access currently being utilized for the staging area and contractor shop. However, these easements have not yet been provided to confirm evidence of legal access.

- Findings:**
- (1) Per the applicant's letter of intent, a 115' x 100' structure is proposed for an office and to deploy equipment. If this structure is built, there will be three (3) inhabited structures off the private access, meaning that this access will need to be brought up to Canyon County's private road requirements found in CCCO §07-10-03 (**Staff Report Exhibit A2**).
 - (2) Per Highway District No. 4, "...access for the current agricultural uses has been via a private [access] along the north boundary of the subject property extending west from Farmway Rd. This access, which aligns with Goodson Rd to the east, is suitable for the proposed use subject to the improvements described..." (**Staff Report Exhibit D1**).
 - (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.
 - (5) Evidence includes associated findings and evidence supported within this document.

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: The proposed use will have undue interference with the existing and future traffic patterns due to the volume of heavy truck traffic for the applicant's construction business which is industrial in nature based on testimony from the public and the applicant at the public hearing on February 20, 2025.

- Findings:**
- (1) Per the letter of intent, the main ingress and egress will be on Goodson and Farmway Roads and when the traffic departs the property, it is anticipated the vehicles will use Old Highway 30 and then merge onto I-84. Additionally, the letter of intent estimates traffic count to and from the Contractor Shop and Staging Area will be around 10 trips per day (**Staff Report Exhibit A2**).
 - (2) Highway District No. 4 says regarding the traffic count: "The estimated peak hour trips from the development are not anticipated to materially impact the adjacent intersection of Goodson Rd and Farmway Rd due its very low background volume. The intersection of Goodson Rd and Old Hwy 30 is anticipated to operate at LOS B (approximately 16 sec delay per vehicle) during the PM peak hour under current background conditions with the additional site traffic. Additional incremental delay from the new trips generated by the development are expected at all intersections along the Old Hwy 30 corridor, including Galloway, Purple Sage, Willis, and SH 44." It appears any impacts to traffic would be mitigated by "...transportation impact fees to fund improvements to the highway system made necessary from new growth and development within the Mid-Star Service Area, which includes the subject property
 - (3) Idaho Transportation Department stated they have "...no comments or concerns at this time as the development is a significant distance from any interchanges granting access to I-84, therefore minor impact can be anticipated" (**Staff Report Exhibit D2**).
 - (4) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.

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

8. **Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

Conclusion: Essential services will be provided to accommodate the use including, but not limited to school facilities, police and fire protection, emergency medical services, and irrigation facilities. The services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use.

- Findings:** (1) Parcel R37905 is serviced by Middleton School District and it is not anticipated that any impacts or accommodations will be needed for the contractor shop and staging area. Agency comments were sent out on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received by the school district.
- (2) Parcel R37905 is under the jurisdiction of Canyon County Sheriff's Office. Canyon County Sheriff's Office is required to provide services to the parcel. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency notice was sent on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received by the Sheriff's Office.
- (3) Parcel R37905 is under the jurisdiction of Middleton Rural Fire District. Middleton Rural Fire District is required to provide services to the parcel. Agency notice was sent on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received by the fire district.
- (4) Emergency Medical Services are provided to the property. Canyon County Paramedics EMT and Canyon County's Emergency Management Coordinator were notified of the application on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding for EMS services. Canyon County's Addressing GIS Department sent a comment letter stating "...the applicant may receive an address for the use of the contractor shop by either submitting an 'Address Request Application' to Development Services or by submitting a building permit if they plan to have a structure on site that will house the use. An approach permit will be required for both of these options. Reading through the application it looks like 10 to 15 employees will be on site for the use. An address is suggested for uses that involved employees to be working on site so that emergency services can quickly and accurately locate the site in an emergency situation" (**Staff Report Exhibit D7**).
- (5) Parcel R37905 is under Black Canyon Irrigation District's (BCID) jurisdiction. See CCCO 07-07-05(5) and **Staff Report Exhibit D5** for information related to BCID's comments on this conditional use permit.
- (6) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.
- (8) Evidence includes associated findings and evidence supported within this document.

USE STANDARDS – CONTRACTOR SHOP CCCO 07-14-09(1)

1. The use shall be contained within a building or behind a sight obscuring fence.

Conclusion: The commission finds that the use will be contained within a building and/or behind a sight obscuring fence.

- Findings:**
- (1) Per the applicant's letter of intent, the proposed 115' x 100' structure is proposed for an office and to deploy equipment (**Staff Report Exhibit A2**). Additionally, there is a chain link fence placed around the 11-acre area proposed for the contractor shop and staging area that is site-obscuring upon staff's site visit in December of 2024 (**Staff Report Exhibit C**).
 - (2) The existing 100' x 208' structure on the subject property was built without a building permit. An agricultural-exempt building permit was applied for after the structure was built, but a final inspection was not scheduled, so the building permit has since expired (ZC2023-0003).
 - (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.
 - (5) Evidence includes associated findings and evidence supported within this document

USE STANDARDS – STAGING AREA CCCO 07-14-29(1)

1. All work shall be conducted off site.

Conclusion: Yes. The Commission finds that the use will be conducted off site.

- Finding:**
- (1) Per the letter of intent, the proposed uses include an office to deploy equipment to construction locations and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner's construction business off site on approximately 11-acres of the approximately 39 acres (**Staff Report Exhibit A2**).
 - (2) The work that is done on site is done within the proposed 115' x 100' structure and falls under the contractor shop portion of the application. Regarding further analysis of the proposed structure to be utilized as an office building, see criteria 07-14-09(1).
 - (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.
 - (5) Evidence includes associated findings and evidence supported within this document

2. Business vehicles shall be operable and parked on site, not on a public or private road.

Conclusion: The Commission finds that all business vehicles shall be operable and parked on site, not on a public or private road.

- Finding:** (1) Per the letter of intent, land use matrix, and site plan, business parking will be on site and behind a fence on the 11-acre area proposed for the contractor shop and staging area (**Staff Report Exhibits A2, A2.1, and A3**). The letter of intent states the vehicles will remain operable on site (**Staff Report Exhibit A2**).
- (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.
- (4) Evidence includes associated findings and evidence supported within this document

3. Persons not employed on the premises may visit the premises for the purpose of picking up equipment trucks offloading or transferring equipment and/or materials to other vehicles.

Conclusion: The Commission finds that the business as proposed does not operate as open to the public and persons not employed on the premises may visit the premises for the purpose of picking up equipment trucks, offloading, or transferring equipment and/or materials to other vehicles.

- Finding:** (1) Per the letter of intent and land use worksheet, there will be between 10-15 employees that will visit the site to pick up, offload and transfer equipment (such as the multi-use equipment found in **Staff Report Exhibit A2.4**) and supplies in support of the property owner's construction business (**Staff Report Exhibits A2 and A3**).
- (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.
- (4) Evidence includes associated findings and evidence supported within this document.

4. Employees may meet on the premises to share rides to and from job sites.

Conclusion: The Commission finds that employees may meet on the premises to share rides to and from job sites.

- Finding:** (1) Per the letter of intent, there will be between 10-15 employees that will park their personal/commercial vehicles on the property in a parking area located on-site to meet with the purposes of meeting on the premises to share rides to and from job sites (**Staff Report Exhibit A2**).
- (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.
- (4) Evidence includes associated findings and evidence supported within this document.

5. Employees' vehicles shall be parked on site and not on a public or private road.

Conclusion: The Commission finds that employee vehicles will be parked on site and not on a public or private road.

Finding: (1) Per the letter of intent, no parking will occur on Goodson Road or Farmway Road.

(2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 31, 2024, August 2, 2024 and January 21, 2025. Newspaper notice was published on January 21, 2025. Property owners within 600' were notified by mail on January 21, 2025. The property was posted on January 21, 2025.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0024.

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

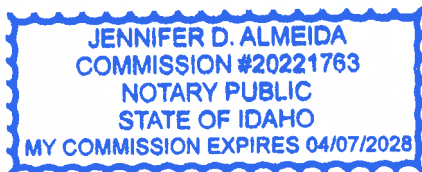
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **denies** Case #CU2023-0024 a conditional use permit for a staging area and contractor shop in the "A" (Agricultural) zone on Parcel R37905.

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

1. Apply to rezone the property to an industrial zone (such Light Industrial or Heavy Industrial) that more closely aligns with the industrial nature of the proposed use.

DATED this 6 day of March, 2025.



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


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

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

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

EXHIBIT 2

P&Z Minutes Dated: February 20, 2025

Board of County Commissioners

Case# CU2024-0023-APL

Hearing date: July 23, 2025



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, February 20, 2025
6:30 P.M.

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

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

Staff Members Present: Jay Gibbons, Director of Development Services
Dan Lister, Principal Planner
Madelyn Vander Veen, Associate Planner
Emily Bunn, 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.

Item 1: Consent Agenda

A: Case No. CU2023-0021 – Sorley: Approve revised FCO's.

B: Case No. CR2023-0003 – Pruett: Approve revised FCO's.

C: Case No. CU2024-0007 – JMAC Resources, Inc.: Approve revised FCO's.

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

Item 2A:

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.

MOTION: Commissioner Mathews moved to postpone Case No. CU2024-0018 to a date uncertain, seconded by Commissioner Dorsey. Voice vote, motion carried.

Item 2B:

Case No. CU2023-0024 – Erlebach Properties, L.P.: The property owner, Dave Erlebach of Erlebach Properties, L.P., represented by Todd Lakey, is requesting a Conditional Use Permit on approximately 11 acres to operate a staging area and contractor shop. The 11 acres will be 1,200 feet west of the intersection of Farmway Rd and Goodson Rd and is bordering 1-84 WB. The subject property is also

referenced as Parcel R37905.

Chairman Sturgill called the applicant to testify.

Todd Lakey – (Applicant) IN FAVOR – 12905 Venezia Ct, Nampa, ID 83651

Mr. Lakey stated there is one change to the conditions of approval in 17a; to change the timeframe from 60 days to 3 months to be consistent with the building permits within the conditions of approval. Mr. Lakey explained Mr. Erlebach's use of the parcel, to include storage of agricultural equipment and growing Jerusalem artichokes, and believes the usage is in compliance with the comprehensive plan and meets all agency requirements. He explained there will be around 15 employees with about 10 trips per day, and the highway district believes that is a low volume of trips. The hours of operation would be 7:00 am – 5:30 pm, and adequate well and septic amenities are available. Mr. Lakey and his client agree with staff's conditions of approval and urges the commissioners' approval.

Commissioner Nevill asked about the location of the artichokes compared to access to highway 44. Mr. Lakey explained his knowledge of the contractor yard equipment accessing 184 from Old Highway 30.

Chairman Sturgill inquired about the lack of a building permit for the building currently on the premises. Mr. Lakey confirmed a building permit would be dependent on the approval of the conditional use permit; otherwise, it would be limited to an agricultural use only. Chairman Sturgill verified there are current operations, and asked how many employees are on site throughout the day. Mr. Lakey deferred the answer to Mr. Erlebach. Chairman Sturgill asked why a condition for signage was proposed, to which Mr. Lakey stated Mr. Erlebach could answer that question as well. Chairman Sturgill clarified that there would be 10 trips total throughout the day, and asked about the impact fees. Mr. Lakey explained the highway district's calculations and their suggestion on a site-specific application for impact fees.

Planner Emily Bunn reviewed the Staff Report for the record.

Commissioner Nevill asked for a few clarifications on the conditions, and wanted to ensure the applicant's request for a 3-month timeframe was noted.

Commissioner Sheets asked who the access to the property is shared with, and confirmed that condition 16 is to acquire a road maintenance users' agreement with all owners within 6 months. Planner Bunn outlined the shared property owners, and explained she suggested the applicant to complete a title search, although she is unsure if they have already done so.

Chairman Sturgill asked about the signage condition. Planner Bunn explained that the signage condition is just a general condition for all conditional use permits, and that further restrictions can be discussed. Chairman Sturgill inquired on the process of ensuring the applicant is meeting all requirements, to which Planner Bunn described the plan on setting reminders and potential revocation if it is determined the applicant is noncompliant.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Dave Erlebach – IN FAVOR – 17080 Stiehl Cr Dr, Nampa, ID 83687

Mr. Erlebach explained his business and the processes for growing and distributing Jerusalem artichokes, and emphasized his business generating jobs and taxes in Idaho.

Commissioner Nevill wanted clarification on the main traffic route to and from the property. Mr. Erlebach explained the 2 main routes and the ultimate goal of getting to and from the freeway.

Landon Brown – IN FAVOR – 877 W Main St, Boise, ID 83701

Mr. Brown addressed the issue of legal access, explaining there will be 2 new easements allowing access from Farmway to the property line, although currently Mr. Erlebach does already have legal access. He also touched on the relationship with Mr. Erlebach, and edified his work ethic. Mr. Brown is in favor and requested approval.

Commissioner Sheets asked if the timeframe for legal access could be reduced to 4 weeks from 6 months. Mr. Brown explained that 6 months is crucial when it concerns any construction of the driveway, but emphasized that the condition could be divided to specific requirements, such as the access easements being recorded versus road construction.

Chairman Sturgill asked what work would be conducted in the contractor shop. Mr. Brown stated the intent was for a contractor shop and staging area, and there would be an office with an employee that deploys the equipment to various places.

Sid Freeman – IN OPPOSITION – 27406 Farmway Rd, Caldwell, ID 83607

Mr. Freeman emphasized he is speaking on behalf of his wife, his mother, and himself, reviewing their comments and also referring to a letter previously submitted by Sharron Braun. He agrees this property is not compliant with the comprehensive plan and stated the applicant is currently in violation of land use laws and building codes. This area is more of a light industrial use, and hours of operation have actually been personally observed from 5:00 am to 11:30 pm.

Mr. Freeman's three (3) minutes of testimony expired.

MOTION: Commissioner Nevill moved, seconded by Commissioner Villafana to give Mr. Freeman two (2) minutes of additional testimony. Voice vote, motion carried.

Mr. Freeman stated that although staff showed no negative impact to the area, there has been a significant increase in traffic and overall negative impact on the existing character of the area. He also continued to say the applicant would not clean the waste way, and a neighbor complained about threats to shut down a relative's septic system. He believes this should be a straight rezone instead of a conditional use permit.

Commissioner Nevill verified Mr. Freeman would still be in opposition if this were a light industrial rezone application.

Commissioner Villafana asked what is agricultural versus contractor shop use on this property. Mr. Freeman agreed the crops are very productive, and does not have a problem with any of the building permits, but rather is concerned about the change of use of the land.

Chairman Sturgill asked if Mr. Freeman was familiar with Canyon County's process for registering complaints/violations, and asked if he was prepared to monitor the use and hours of operation if this application was approved with such conditions. Mr. Freeman reiterated his current concerns and stated he could monitor that use moving forward.

Natalie Levi – IN OPPOSITION – 26622 Farmway Rd, Caldwell, ID 83607

Ms. Levi stated a comment received by the applicant that the whole area next to the freeway would

become industrial out of convenience. She doesn't believe the applicant is truthful in wanting this area to remain agricultural, and claimed there are lawsuits on both of his companies. Ms. Levi is hopeful to have the integrity of the land preserved and the current use of this property has not proven to lead in that direction.

Michael Howard – IN OPPOSITION – 26512 Farmway Rd, Caldwell, ID 83607

Mr. Howard expressed his concerns regarding safety and accountability.

Adam Batteen – IN OPPOSITION – 27142 Farmway Rd, Caldwell, ID 83607

Mr. Batteen is in opposition for 4 reasons. He expressed his concerns regarding the applicant being deceitful and dishonest, the spotlight on the side of the building being too bright, the unsafe drivers and work being conducted at all hours of the day and night, and that the area around Goodson and Farmway is not built for the amount of traffic that goes through every day.

Commissioner Dorsey asked for clarification on the type of trucks going in and out of the applicant's property. Mr. Batteen stated he believes it is the same semi-truck as shown in the staff report.

Commissioner Nevill clarified where Mr. Batteen's property is compared to the applicant's property and the intersection of Goodson and Farmway that is of concern.

Pam Field – IN OPPOSITION – 25732 Goodson Rd, Caldwell, ID 83607

Ms. Field explained the position of her home and the traffic she sees on Goodson. She was also told the property would have horses, and she has not seen anything that looks agricultural. Ms. Field also expressed concerns regarding the access onto Hwy 30 and is opposed to this application.

Terrel McHenry – IN OPPOSITION – 16500 Goodson Rd, Caldwell, ID 83607

Mr. McHenry also expressed his concerns with access onto Hwy 30 and the industrial work that is being conducted.

Sid Freeman – IN OPPOSITION – 27406 Farmway Rd, Caldwell, ID 83607

Mr. Freeman testified on behalf of Karl Herger. Mr. Herger expressed in his letter his concerns about the preservation of farm land.

Todd Lakey – REBUTTAL – 12905 Venezia Ct, Nampa, ID 83651

Mr. Lakey addressed the concerns around the type of equipment and use for the conditional use permit, mentioned the lawsuits mentioned in prior testimony were irrelevant, and stated the light issue could be fixed.

Commissioner Dorsey asked for a percentage of use of the contractor shop and staging area compared to farming and how it affected traffic in the area. Mr. Lakey deferred the questions to Mr. Erlebach, but also mentioned the minimal impact the proposed trips per day would have.

Commissioner Mathews asked if the 15 employees were assembling equipment in the contractor shop. Mr. Lakey stated that would be a better question for Mr. Erlebach, and mentioned there were no chemicals as prior testimony indicated.

Dave Erlebach – REBUTTAL – 17080 Stiehl Cr Dr, Nampa, ID 83687

Mr. Erlebach mentioned a report from the highway district regarding Goodson potentially becoming an off ramp in the future. He also addressed the concerns of chemicals and the lighting. He mentioned issues with theft in the past. Mr. Erlebach addressed Commissioner Dorsey's prior question on the percentage

of agriculture, and answered it was about 10%, but varies on the time of year for harvesting.

Commissioner Mathews repeated his prior question regarding assembling equipment. Mr. Erlebach said there was some assembling of equipment.

Commissioner Dorsey asked which of the applicant's vehicles were running stop signs. Mr. Erlebach stated there is not a stop sign running east on Goodson, but if one were added he would ensure his employees were conscientious of it. Commissioner Dorsey confirmed that farm trucks are running in November and March and construction and contractor trucks are running the rest of the year.

Commissioner Nevill confirmed the 10 trucks per day estimate was an average count over a year. Mr. Erlebach described the daily amount would depend on projects and other business on the property.

Chairman Sturgill clarified the maximum number of employees per day, which Mr. Erlebach stated 15, and Chairman Sturgill emphasized that the applicant would lose the conditional use permit if that maximum number that was conditioned was violated. He also verified the maximum of 10 trips per day was sufficient.

Commissioner Sheets asked what kind of theft the applicant was experiencing. Mr. Erlebach gave a couple of examples of items/equipment stolen.

Commissioner Villafana asked where the 2 additional buildings would go, to which Mr. Erlebach stated it was on the plan submitted. Commissioner Villafana clarified the existing building was 22,000 sq. ft.

MOTION: Commissioner Mathews moved to close public testimony on Case No. CU2023-0024 seconded by Commissioner Sheets. Voice vote, motion carried.

Deliberation:

Commissioner Mathews believes this property is more of an industrial use due to assembling equipment and believes it is inappropriate for the area. Commissioner Nevill agrees.

Commissioner Sheets believes the conditional use permit could be adequately conditioned for the area.

Commissioner Mathews mentioned there was comment that assembling equipment is happening, which is an industrial use.

MOTION: Commissioner Sheets moved to **approve** Case No. CU2023-0024 with modifications to conditions 16 and 17. Seconded by Commissioner Dorsey.

Discussion on the Motion:

Commissioner Dorsey stated he would not be in favor of this motion due to the current activities, but was still ok to second the motion.

Roll call vote: 1 in favor, 5 opposed, motion failed.

MOTION: Commissioner Nevill moved to **deny** Case No. CU2023-0024, finding that the application does not meet the criteria for approval under article 07-06-05, with a request for changes to staff findings for conditions 4, 6 and 7. Seconded by Commissioner Mathews.

Discussion on the Motion:

Chairman Sturgill asked if there is anything the applicant can do to achieve approval? Commissioner Nevill stated the applicant would have to apply to rezone to light industrial, although it would be a very hard application to gain approval on.

Commissioner Dorsey requested additional updates to condition 4.

Commissioner Sheets wanted to add to the record that he is concerned about the motion being based on speculation. Commissioner Villafana stated he appreciated Commissioner Sheets' comments, but sees this property as more industrial in nature based on the evidence presented and testimony, which sets a negative precedent on future purchases and use of similar properties.

Commissioner Mathews stated it was obvious that something more was going on than what the applicant was presenting, which is what brought up his earlier question regarding the 15 employees and what they were doing in the contractor shop.

Roll call vote: 5 in favor, 1 opposed, motion passed.

Item 2C:

Case No. CU2024-0008 – Ransom: The applicant, Jeff Ransom, is requesting a conditional use permit for a RV storage and ministorage facility on approximately 2 acres in the "C-1" (Neighborhood Commercial) zone. The subject property is located at 13461 Hwy 44, Caldwell ID 83607, also referenced as Parcel R34719010A. The applicant is proposing 39 RV storage spots, 99 storage units, 6 ft vinyl fencing, and hours of 8 AM to 5 PM, Monday through Saturday.

Chairman Sturgill called the applicant to testify.

Josh Leonard – (Applicant) IN FAVOR – 251 E Front St, #310, Boise, ID 83702

Mr. Leonard stated for the record the hours of operation presented on the agenda does not match what was in the application or in the staff report; it should read 8 AM to 10 PM. Mr. Leonard continued that this is a conditional use application for RV storage and storage units and is currently used for contractor shop/yard, excavation, and a well drilling business. The access would be from Ballard Ln, there will be no employees, and the 1 neighbor that showed up for the neighborhood meeting is supportive of the project. Mr. Leonard reviewed the criteria of articles 07-07-05, 07-14-21, and 09-09-13, and believes the location does meet criteria.

Commissioner Nevill expressed his concern with the access from Ballard Ln to Hwy 44 and confirmed that is the only way out of the property. He asked if there was anything that could be done to mitigate the RV traffic onto Hwy 44, to which Mr. Leonard responded if they had to wait for ITD to fix Hwy 44, the Ransom's would be out of business. He also added the proposed use was not intended for frequent storage, but rather storage during the off season, and there has actually been a new turn lane and deceleration lane added recently for the gravel pit.

Chairman Sturgill asked if there had been any discussion or concerns with the city of Middleton, and Mr. Leonard indicated no known issues.

Planner Madelyn Vander Veen reviewed the Staff Report for the record.

MOTION: Commissioner Nevill moved to close public testimony on Case No. CU2024-0008, seconded by Commissioner Matthews. Voice vote, motion carried.

Deliberation:

None.

MOTION: Commissioner Mathews moved to **approve** Case No. CU2024-0008, seconded by Commissioner Villafana.

Discussion on Motion:

Commissioner Dorsey commented that he believes traffic has already been impacted on Hwy 44.

Roll call vote: 6 in favor, 0 opposed, motion passed.

Item 2D:

Case No. RZ2023-0003 – Jagers: The applicant requests an amendment to the official zoning map to conditionally rezone the properties, Parcel R37468012A and R3768012A1, from an “A” (Agricultural) zone to a “R-R” (Residential Rural). The request includes a development agreement limiting the parcels to meet a five-acre minimum lot size. The properties are located at 25744 Kingsbury Lane, Middleton.

Chairman Sturgill called the applicant to testify.

Keri Smith – (Applicant) IN FAVOR – 17741 Linden Ln, Caldwell, ID 83607

Ms. Smith explained this location already has an existing use as rural residential, and referenced the 2030 comprehensive plan that designates this land as agriculture. She described some of the surrounding areas as rural residential and that this area is supportive of and more compatible as rural residential and neighboring land uses. Ms. Smith described the Zone A floodplain criteria, and stated the applicant has complied with the requirements. She also described the area is not viable for commercial farming, but rather the ground is best suited for hobby farming and the current uses. Ms. Smith continued to explain her concern with the original application that was submitted in 2022, and that it was withdrawn and it and the agency comments previously received are no longer relevant to the current application. Although the Jagers did deed a portion of their property to the Avery Family Trust, the intent of the new application was to apply for 1-lot subdivision for the 5 acres, which would have left the Avery parcel out of compliance, so they did complete a subdivision plat to include both parcels. Ms. Smith addressed the reference about the Board denying the right to apply for a combined application and the first paragraph of the hearing body action as irrelevant, and stated this request is in line with the 2030 comprehensive plan. She further explained there have been no negative comments from agencies or the public and there is no proof of any concerns.

Ms. Smith’s ten (10) minutes of testimony expired.

MOTION: Commissioner Nevill moved, seconded by Commissioner Villafana to give Ms. Smith two (2) minutes of additional testimony. Voice vote, motion carried.

Ms. Smith continued to explain there was no evidence to suggest secondary dwellings should not be allowed, and described the Jagers’ need for that option. Ms. Smith also addressed the requirement for a property boundary adjustment and emphasized that if the neighbor on this parcel, that was not originally part of the application, did not comply, the application cannot move forward. She described the background on the steel fence that was put in by the neighbors and the process the Jagers took in deeding the land instead of suing.

Commissioner Mathews asked Ms. Smith to repeat the process of the land that was deeded to the neighbors due to the steel fence that was installed.

Commissioner Nevill also asked for clarification on the property boundary adjustment, to which Ms. Smith emphasized the Jaggers do not have an issue with complying with this request; however, it should not be added as a condition of approval in the event the neighbor does not comply.

Commissioner Mathews suggested that because the land in question was deeded, there should be legal description somewhere that indicates the land should not be an issue. Ms. Smith reiterated that the neighbors had not done their part in all of the legal aspects in doing a property line adjustment, which makes it a challenge to enforce that on the applicant moving forward.

Commissioner Nevill clarified that any new builds on the new parcel would be in compliance with the floodplain requirements.

Chairman Sturgill expressed his concern on the lack of agency responses for residential rezones for services and response times, and asked if Ms. Smith or her clients have attempted to gain information on what response times for these types of services would entail. Although Ms. Smith had received information on what the fire requirements for the area would be, she did not have an answer on why the fire department had not sent her their confirmation that the response time would not be an issue. Ms. Smith wanted to add for the record that there are no similarities between their property and the agency responses received for the bordering properties, and does not believe those comments should have been included in the staff report.

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

Commissioner Sheets asked how the application got to Planning & Zoning with noncompliant lots, considering the requirement to do a property line adjustment is appropriate given all adjustments are out of compliance. Planner Lister explained this application was a way for the issue to be fixed, as far as getting the rezone approved and moving to the platting process to then focus on the property line adjustment.

Commissioner Villafana confirmed that there is no application for the property boundary adjustment completed for the 0.07-acre lot split, and that it does not meet Canyon County code, despite the tax parcel given to that deeded property.

Commissioner Nevill asked what steps should've been taken to avoid a future noncompliant application. Planner List explained the potential process to avoid the lot split and property deed. Commissioner Nevill asked if adding secondary dwellings would essentially destroy the potential of a future AC5 zone. Planner Lister mentioned although there is no code on the AC5 zoning yet, but the idea is to match the long-term goal of keeping the property consistent with surrounding properties and the nature of the area. Commissioner Nevill asked why exhibits from other properties were included, especially those that were denied. Planner Lister explained that is to give history and decisions of the surrounding areas. Commissioner Nevill confirmed the process of adding essential services to a secondary dwelling.

Commissioner Sheets asked if the applicant can revise their application should a condition prove to be difficult to meet. Planner Lister explained the process of a development agreement modification.

Chairman Sturgill verified that a few typos would be corrected in the FCOs.

Commissioner Dorsey asked what the process would be if the Avery's had purchased the empty parcel and wanted to build a house on it. Planner Lister explained the process of merging the parcels back together and acquiring a building permit for a secondary dwelling per current code.

MOTION: Commissioner Sheets moved to close public testimony on Case RZ2023-0003, seconded by Commissioner Dorsey. Voice vote, motion carried.

Deliberation:

Commissioner Sheets mentioned he is in favor of the current conditions, but wants to amend condition 2a to say "5-acre minimum." Planner Lister mentioned one of the lots does not meet the 5-acres, so "average" would be more appropriate.

Commissioner Mathews asked if the condition prohibiting secondary dwellings would be removed, and recommended doing so.

Commissioner Nevill stated he is not in favor of approving noncompliant land, no matter the conditions.

Commissioner Villafana verified the process if both parties agreed to the property boundary adjustment.

Commissioner Mathews was still confused why the neighbors that were deeded the 0.07-acre lot were even still required to agree to participate. Planner Lister reminded him that the sale violated Canyon County code.

MOTION: Commissioner Sheets moved to **recommend approval** for Case No. RZ2023-0003, with recommended conditions as drafted. Seconded by Commissioner Villafana.

Discussion on Motion:

Commissioner Dorsey explained his confusion on the lot split, to which Planner Lister explained the process of the applicant gaining approval or moving forward in putting in the appropriate applications for the 0.07-acres.

Roll call vote: 4 in favor and 2 opposed. Motion passed.

After a brief discussion with Director Jay Gibbons during the intermission, Chairman Sturgill brought forward the recommendation that Item 2A: Case No. CU2024-0018 - Idaho Dept of Fish and Game be proposed to be tabled to a date certain of March 6, 2025 instead of the prior motion to table to a date uncertain.

MOTION: Commissioner Mathews moved to table Case No. CU2024-0018 to a date certain of March 6, 2025. Seconded by Commissioner Dorsey.

Discussion on Motion:

Commissioner Sheets expressed his concerns about tabling the case without re-noticing, which would not allow those expecting to be present the opportunity to know the case was tabled and believes tabling the case to a date uncertain as previously voted on should be carried through.

Commissioner Dorsey did not believe it would make a difference if the prior motion was withdrawn.

Commissioner Nevill agrees with Commissioner Sheets.

Roll call vote: 0 in favor and 6 opposed. Motion fails.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director Jay Gibbons thanked Commissioner Villafana for his service as a commissioner. Commissioner

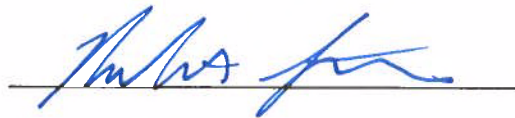
Villafana shared his appreciation. Commissioner Nevill asked if there was a date set for the combined meeting with BOCC. There was discussion on this topic.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 10:09 P.M

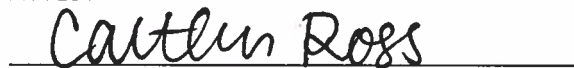
An audio recording is on file in the Development Services Departments' office.

Approved this 17th day of April, 2025



Robert Sturgill, Chairman

ATTEST



Caitlin Ross, Hearing Specialist

EXHIBIT 3

Staff Report Packet Dated: February 20, 2025

Board of County Commissioners

Case # CU2024-0023-APL

Hearing date: July 23, 2025



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

PLANNING DIVISION STAFF REPORT

CASE NUMER: CU2023-0024
APPLICANT/REPRESENTATIVE: Todd Lakey
PROPERTY OWNER: Dave Erlebach (Erlebach Properties, LP)

APPLICATION: Conditional Use Permit for a Staging Area and Contractor Shop

LOCATION: Parcel R37905
0 Goodson Rd, Caldwell, ID

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

REQUEST:

The applicant, Todd Lakey, representing the property owner, Dave Erlebach of Erlebach Properties, LP requests a conditional use permit to allow a contractor shop and staging area on an 11-acre area of Parcel R37905 (which is approximately 39.5 acres in total). The uses proposed by the applicant include an office to deploy equipment to jobs sites and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner's construction operations off site.

PUBLIC NOTIFICATION:

Neighborhood meeting conducted on:	October 23, 2023
Neighbor notification within 600 feet mailed on:	October 12, 2023
Newspaper notice published on:	January 21, 2025
Notice posted on site on:	January 21, 2025

TABLE OF CONTENTS:

	Page #
1. Background	1
2. Hearing Body Action	2
3. Hearing Criteria	3
4. Agency Comment	13
5. Public Comment	12
6. Summary & Conditions	13
7. Exhibits	15

1. BACKGROUND:

Parcel R37905 ("the subject property") is zoned "A" (Agricultural) and requires a conditional use permit to operate a contractor shop and staging area. On March 18, 2023, an application to rezone the property from "A" (Agricultural) to Light Industrial ("CR-M1") was turned in, but later was withdrawn on

November 16, 2023 (CR2023-0007). A code enforcement violation was opened on the subject property on June 29, 2023 for operating an industrial business in the “A” zone (CDEF2023-0142). On October 11, 2023, Parcel R37905 was recognized as a buildable parcel via an after-the-fact administrative land division and property boundary adjustment (AD2022-0134). On November 17, 2023, a conditional use permit application for a contractor shop and staging area was accepted by Canyon County Development Services. Parcel R37904010 is included in the Master Application as a part of the conditional use permit application, but the property owner confirmed by email on January 6, 2025 that it will not be a part of the 11-acres proposed for the conditional use permit which is why it is not referenced in the staff report (Exhibit A7).

2. HEARING BODY ACTION:

Pursuant to Canyon County Ordinance Article 07-07-01 every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. The commission may require higher standards of site development than those listed specifically in this chapter in order to assure that the proposed use will be compatible with other property and uses in the vicinity. The commission may revoke or modify its approval of a conditional use permit in accordance with the procedures set forth in the hearing and appeals procedures found in article 5 of this chapter.

The Commission may attach special conditions to a conditional use permit including, but not limited to, conditions which: (1) Minimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity; (2) Control the sequence and timing of development; (3) Control the duration of development; (4) Designate the exact location and nature of development; (5) Require the provision for on site or off site public facilities or services; (6) Require more restrictive standards than those generally required in this chapter; or (7) Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county(07-07-17).

Prior to making a decision concerning a conditional use permit request, the presiding party may require studies at the applicant’s expense of the social, economic, fiscal, and environmental effects of the proposed conditional use (07-07-19).

OPTIONAL MOTIONS:

Approval of the Application: “I move to approve for CU2023-0024, Erlebach Properties, L.P., finding the application **does** meet the criteria for approval under Article 07.07.05 of Canyon County zoning Regulations, **with the conditions listed in the staff report, finding that;** [*Cite reasons for approval & Insert any additional conditions of approval*].

Denial of the Application: “I move to deny CU2023-0024, Erlebach Properties, L.P., finding the application **does not** meet the criteria for approval under Article 07.07.05 of Canyon County zoning Regulations, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5))*].

Table the Application: “I move to continue CU2023-0024, Erlebach Properties, L.P. to a [*date certain or uncertain*]

3. HEARING CRITERIA

Table 1. Conditional Use Permit Review Criteria Analysis

HEARING CRITERIA (07-07-05): The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(1)	Is the proposed use permitted in the zone by conditional use permit;
			Staff Analysis	A contractor shop and staging area are permitted in the "A" (Agricultural) zone by conditional use permit, pursuant to Canyon County Code of Ordinances (CCCO) §07-10-27. CCCO §07-02-03 defines a contractor shop as <i>"May include, but not be limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking"</i> and a staging area as <i>"An area where equipment and/or materials are stored for use conducted entirely off site."</i> See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(2)	What is the nature of the request;
			Staff Analysis	<p>Per the letter of intent, the proposed uses include an office to deploy equipment to construction locations and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner's construction business off site on approximately 11-acres of the approximately 39 acres (Exhibit A2). Examples of the type of multi-use equipment that will be stored on site can be found in Exhibit A2.4. No manufacturing or construction work will take place on site per the letter of intent. The hours of operation proposed are Monday through Friday from 7:00 a.m. to 5:30 p.m., with work occasionally occurring on Saturday with the same hours of operation depending on needs of the construction operations. There will be approximately ten-to-fifteen (10-15) employees on site with approximately 10 trips to the property per day. There will be a large surface area available for parking to accommodate all employees, but will not have paved, designated parking spaces. There will be no sign. There will not be a designated loading or unloading area, but materials and equipment will be loaded or unloaded using a forklift or crane at the location that the materials or equipment are stored. A 6-foot chain link fence is proposed to be located on the outer boundaries of the 11-acre area with the proposed contractor shop Parcel R37905 (Exhibits A2 and A3). A chain-link fence with site-obscuring slats has been built per staff's site visit (Exhibit C).</p> <p>Per the letter of intent, the Contractor Shop will consist of two (2) structures: A 115' x 100' structure that will be used as an office to deploy equipment. This structure has not been constructed yet. A 110' x 208' structure that will be used to store and park equipment (Exhibit A2). The property owner applied for an agricultural-exempt building permit for the already constructed structure, but did not complete a final inspection, so the agricultural-exempt building permit expired (ZC2023-0003). Per Canyon County's Building Department, all proposed and existing structures that will be used will require a commercial building permit and/or Commercial Change of Occupancy permit. A code analysis will be required to be submitted with plans provided by a</p>

				<p>licensed architect/engineer. As conditioned, the applicant shall obtain all necessary building permits for unpermitted structures (such as those identified in Exhibit D4) within 3 months of approval of this application and any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District (see condition #9).</p> <p>It is important to note that in the provided letter of intent it is stated that the majority of the property will be used for farming and to store equipment and supplies that support Applicant's farming operations, which is allowed in the "A" zone and this conditional use permit will not limit these agricultural uses (Exhibit A2).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>07-07-05(3) Staff Analysis</p>	<p>Is the proposed use consistent with the comprehensive plan;</p> <p>The proposed use is consistent with the Comprehensive Plan. The 2030 Canyon County Comprehensive Plan designates the subject parcel as Agricultural (Exhibits B1 and B2.4). This area of the county mainly contains agricultural uses with some agricultural residential development (meaning it is zoned agricultural but contains residential uses) and residential development (mainly to the west and across the freeway). The parcel is not located within a City Impact Area.</p> <ul style="list-style-type: none"> • <u>Property Rights Goals and Policies:</u> <ul style="list-style-type: none"> ○ Goal No. 1: <i>"Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."</i> ○ Policy No. 1: <i>"No person shall be deprived of private property without due process of law."</i> ○ Policy No. 3: <i>"Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals."</i> ○ Goal No. 2: <i>"Acknowledge the responsibilities of each applicant 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."</i> <p>Canyon County values the applicants' and surrounding applicants' private property rights and may support the applicants' project and surrounding applicants' rights by adding mitigating conditions to the proposed conditional use permit.</p> • <u>Population Component Goal:</u> <ul style="list-style-type: none"> ○ Goal No. 2: <i>"Promote housing, business, and service types needed to meet the demand of the future and existing population."</i> <p>Canyon County promotes business and service types that the community can support with adequate services and amenities. However, the Planning and Zoning Commission must decide if conditions can be added to this application to mitigate negative impacts on surrounding properties and if this is the best-suited location for this proposed staging area and contractor shop.</p> • <u>Economic Development Goals and Policy:</u>

				<ul style="list-style-type: none"> ○ Goal No. 1: <i>“Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.”</i> ○ Policy No. 2: <i>“Supportive suitable sites for economic growth and expansion compatible with the surrounding area.”</i> ○ Goal No. 5: <i>“Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.”</i> <p>Canyon County supports retaining, expanding, and recruiting businesses and economic growth and expansion but must be done in a way that is compatible with the surrounding area, which may include adding mitigation conditions to this conditional use permit that address the community’s concerns (noise, traffic, dust, etc.).</p> <ul style="list-style-type: none"> ● <u>Land Use Policy and Goals:</u> <ul style="list-style-type: none"> ○ Policy No. 2: <i>“Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.”</i> ○ Goal No. 3: <i>“Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.”</i> ○ Goal No. 4: <i>“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.”</i> ○ Goal No. 6: <i>“Development design should improve the area’s character and be compatible with the community’s visual appearance and the natural environment.”</i> <p>Canyon County supports growth and development as long as it is compatible with the surrounding area and appropriate conditions are added to mitigate adverse impacts that affect other land uses and the surrounding community.</p> ● <u>Agriculture Goal:</u> <ul style="list-style-type: none"> ○ Goal No. 4: <i>“Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses.”</i> <p>Canyon County supports agricultural uses and operations and may add mitigating conditions to the conditional use permit so that the uses proposed by the applicant do not create conflicts with the agricultural uses in the area.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(4)	Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
			Staff Analysis	The proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area as the proposed

			<p>conditions of approval #1-17 will mitigate the negative effects to the residential character of the area.</p> <p>Adjacent Existing Conditions (see Exhibits B2.2 and B2.5):</p> <table> <tr> <th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zone</th></tr> <tr> <td>N</td><td>Agricultural and Agricultural Residential Uses</td><td>A</td><td>N/A</td></tr> <tr> <td>S</td><td>Agricultural Uses</td><td>A</td><td>N/A</td></tr> <tr> <td>E</td><td>Agricultural and Agricultural Residential Uses</td><td>A</td><td>N/A</td></tr> <tr> <td>W</td><td>Agricultural, Agricultural Residential, and Residential Uses</td><td>A</td><td>CR-RR and RR</td></tr> </table> <p><small>"A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone)</small></p> <p>Surrounding Land Use Cases (Land Use Cases within a 1-Mile Radius and in the past 5 Years) (Exhibit B2.6):</p> <ol style="list-style-type: none"> SD2019-0042 - Kimber Ridge Subdivision- Approved RZ2020-0007- Rezone AG to RR (Rumsey) – Approved SD2020-0027 – Preliminary Plat for Stadium Subdivision No. 2 – Approved CR2022-0015 – Rezone AG to CR-R1 (Albisu) - Denied <p>Character of the Area:</p> <p>The property is currently zoned "A" (Agricultural) (Exhibit B.1) and the average lot size within a 1-mile radius 17.90 acres (Exhibit B2.7). The general character of the area is mainly consisting of agricultural uses. There are also agricultural residential parcels (meaning they are zoned agricultural but have residential uses) and residential parcels (there are a few residentially zoned subdivisions or parcels in the area mainly to the west) (Exhibits B2.2, B2.5, and B2.6, and B2.7).</p> <p>The property consists of Soil Capacity Class 2, 3, and 4. Class 2 makes up 51.65% of the parcel and is prime farmland if irrigated, Class 3 makes up 31.66% of the parcel and is prime farmland if irrigated, Class 4 makes up 16.69% of the parcel and is farmland of statewide importance if irrigated (Exhibit B2.8).</p> <p>There are ten (10) subdivisions located within 1-mile of the subject property and one (1) subdivision in platting. There are 105 lots within platted subdivisions and 136 lots in subdivisions that are in platting also within 1-mile of the subject property (Exhibit B2.7).</p> <p>This parcel is not in an area of city impact. The City of Middleton is located approximately 3.9 miles away and the City of Caldwell is located approximately 4.7 miles away.</p>	Direction	Existing Use	Primary Zone	Other Zone	N	Agricultural and Agricultural Residential Uses	A	N/A	S	Agricultural Uses	A	N/A	E	Agricultural and Agricultural Residential Uses	A	N/A	W	Agricultural, Agricultural Residential, and Residential Uses	A	CR-RR and RR
Direction	Existing Use	Primary Zone	Other Zone																				
N	Agricultural and Agricultural Residential Uses	A	N/A																				
S	Agricultural Uses	A	N/A																				
E	Agricultural and Agricultural Residential Uses	A	N/A																				
W	Agricultural, Agricultural Residential, and Residential Uses	A	CR-RR and RR																				

			<p>The recent surrounding land use cases in the last five-years demonstrate that the character of the area is trending moderately towards residential. However, overall the character of the area remains agricultural. (Exhibits B2.2, B2.5, and B2.6, and B2.7).</p> <p>Potential Impacts:</p> <p>As proposed, the contractor shop and staging area will not significantly increase the sound levels in the immediate vicinity. Per the letter of intent, the property will be used for an office to deploy equipment to construction locations and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner’s construction business off-site. Additionally, the employees generally take 10 trips to the property per day and the proposed 11-acre staging area and contractor shop is located immediately adjacent to the interstate which will likely drown out any noise created by this property per the letter of intent (Exhibit A2). As conditioned, the hours of operation are limited to 7 a.m. to 5:30 p.m. Monday through Saturday (as proposed in the land use worksheet), and the proposed development shall be in general conformance with the applicant’s site plan (meaning it cannot expand outside of the 11-acres without amending the conditional use permit). See proposed conditions of approval #13-14 (Exhibits A2 and A3).</p> <p>The contractor shop and staging area may increase the dust levels in the immediate vicinity as the access to the 11-acre area designated as the contractor shop and staging area the to the property is a gravel/dirt access (Exhibit C). The 11-acre area designated at the contractor shop and staging area is proposed to be graveled per the letter of intent (Exhibit A2). As conditioned, dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements. See proposed condition of approval #12.</p> <p>There is lighting proposed for the contractor shop and staging area, but per the letter of intent states “all lighting at the Property will be downward facing and dark sky compliant” (Exhibit A2). As conditioned, all exterior lighting, if installed, shall be downward facing and directed away from surrounding properties. Compliance shall be demonstrated in the building plans submitted as part of the building permit submittal. Review and approval by DSD shall be completed before building permit issuance. See proposed condition of approval #5.</p> <p>The contractor shop and staging area has the potential to change the character of the area, as no similar conditional use permits have been approved in the vicinity in recent years (Exhibit B2.6). As conditioned, the hours of operation are limited to 7 a.m. to 5:30 p.m. Monday through Saturday (as proposed in the land use worksheet), and the proposed development shall be in general conformance with the applicant’s site plan (meaning it can expand outside of the 11-acres without</p>
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				<p>amending the conditional use permit). See proposed conditions of approval #13-14. (Exhibits A2 and A3).</p> <p>See CCCO §07-07-05(7) for traffic impacts.</p>
			07-07-05(5)	Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
			Staff Analysis	<p>The project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein and proposed conditions of approval #1,4, 6, and 7.</p> <p>Water: Per the land use matrix, water will be provided using an individual domestic well (Exhibit A3). Per the provided letter of intent, the property owner plans to construct the well on the 11-acre site for the contractor shop and staging area and the specific location of the well is identified on the grading and drainage plan. The property owner also plans to construct a pump house next to or over the proposed well and the well and piping will be piped to the bathrooms and breakrooms in the structures and designed by Manning Civil (Exhibits A2 and A2.1).</p> <p>Sewer: Per the land use matrix, sewer will be provided via an individual septic (Exhibit A3). Per the applicant's letter of intent, sewer and drainage from the bathroom and breakrooms will be discharged into a septic tank/pump system where sewage will be piped to the proposed drain field. The location of the drain field is identified in Site Plan and Grading and Drainage Plan. A designated replacement field will also have to be contained on the property and will be approved by Southwest District Health (Exhibits A2, A2.1, and A2.2).</p> <p>On August 5, 2024, Southwest District Health (SWDH) stated that a Nutrient Pathogen Study was completed, but were waiting on the results of the study. Additionally, SWDH states "Test holes were conducted on 04/28/2023 and 05/12/2023. Groundwater monitoring pipes were also installed with monitoring started on 05/01/2023 through 06/19/2023. Last email correspondence received from a developer was a change in facility type and operations for a construction shop and metal building. Applicant will need to reach out to SWDH to discuss the new proposal" (Exhibit D1). Canyon County DSD Staff reached out to Southwest District Health in December 2024 to see if there were updates on the nutrient pathogen study or change of facility type as discussed in August of 2024. Southwest District Health responded saying they do not have any updates on the Nutrient Pathogen Study other than a few corresponding emails from DEQ on the parameters of the N-P study and they have not received an updated letter of intended use for the new proposal (Exhibit D1.1). As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property as evidenced by the applicant providing Development Services with an approved Southwest District Health document. See proposed condition of approval #4.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

				<p>Irrigation: Per the applicant's letter of intent, the proposed 11-acre area for the contractor shop and staging area will not be irrigated. However, the remaining acreage will continue to be irrigated using the pivot sprinkler system on site (Exhibit A2).</p> <p>Parcel R37905 is under the jurisdiction of Black Canyon Irrigation District (BCID). Black Canyon Irrigation District had previously sent a letter regarding the withdrawn rezone application (CR2023-0007), but have since updated it to reflect BCID's requirements and recommendations for this conditional use permit application (Exhibit D5). BCID states in their comment letter dated January 9, 2025 that the property has irrigation water rights and this conditional use permit "...impacts water allocations for the proposed properties. Determination of non-irrigable lands and allocations or irrigable lands will be required by the District. [BCID]... request[s] the property owner finalize these allocations prior to County approval of [the Conditional Use permit] of the property." There is no District infrastructure on the parcel and adjacent infrastructure does not appear to be affected. BCID requests private easements showing a pathway for water to the parcel. BCID also states "the Developer has an outstanding account balance for the previously reviewed application. The outstanding balance is required to be settled prior to any further review of this development." As conditioned, the applicant shall comply with all Black Canyon Irrigation District requirements within six (6) months of approval of this application as outlined in Exhibit D5 (see proposed condition #7).</p> <p>Drainage: It appears the use does not require or affect drainage on the property (Exhibit A2).</p> <p>Stormwater drainage facilities: Per the land use matrix and letter of intent, stormwater is retained on site by two (2) swales (Exhibits A2 and A3). The location of the swales is identified in the Grading and Drainage Plan and the 11-acres consists of a graveled surface and will be graded and contoured to direct storm water per the letter of intent (Exhibits A2 and A2.2). Additionally, the letter of intent states the collection swales are large enough to accommodate asphalt surfacing in the event the applicant decides to pave the 11-acre staging area and contractor shop (Exhibit A2).</p> <p>Utility Systems: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply were notified of the application on July 31, 2024, August 2, 2024 and January 21, 2025. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any utilities needed.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(6)	Does legal access to the subject property for the development exist or will it exist at the time of development;
			Staff Analysis	The subject property has not provided evidence of legal access at this point (no access easement has been provided), but as conditioned the application is required to comply with Canyon County's Driveway Requirements within 6

				<p>months of approval of this application (see condition #16), which would provide evidence of legal access if it exists (see proposed condition #16). Per the applicant's letter of intent, a 115 x 100 structure is proposed for an office and to deploy equipment. If this structure is built, there will be two (2) inhabited structures off the private access, meaning that this access will need to be brought up to Canyon County's driveway requirements found in CCCO §07-10-03 (Exhibit A2).</p> <p>Per Highway District No. 4, "...access for the current agricultural uses has been via a private [access] along the north boundary of the subject property extending west from Farmway Rd. This access, which aligns with Goodson Rd to the east, is suitable for the proposed use subject to the improvements described..." (Exhibit D1).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>07-07-05(7) Staff Analysis</p>	<p>Will there be undue interference with existing or future traffic patterns; and</p> <p>There will not be undue interference with the existing and future traffic patterns. Per the letter of intent, the main ingress and egress will be on Goodson and Farmway Roads and when the traffic departs the property, it is anticipated the vehicles will use Old Highway 30 and then merge onto I-84. Additionally, the letter of intent estimates traffic count to and from the Contractor Shop and Staging Area will be around 10 trips per day (Exhibit A2). Highway District No. 4 says regarding the traffic count: "The estimated peak hour trips from the development are not anticipated to materially impact the adjacent intersection of Goodson Rd and Farmway Rd due its very low background volume. The intersection of Goodson Rd and Old Hwy 30 is anticipated to operate at LOS B (approximately 16 sec delay per vehicle) during the PM peak hour under current background conditions with the additional site traffic. Additional incremental delay from the new trips generated by the development are expected at all intersections along the Old Hwy 30 corridor, including Galloway, Purple Sage, Willis, and SH 44." It appears any impacts to traffic would be mitigated by "...transportation impact fees to fund improvements to the highway system made necessary from new growth and development within the Mid-Star Service Area, which includes the subject property." As conditioned, the applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall also complete their access permit for "agricultural uses" by constructing a paved approach onto Farmway Rd (Commercial Approach per ACCHD SD-106) within 3 months of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements (Exhibit D3). See proposed condition of approval #3.</p> <p>Idaho Transportation Department stated they have "...no comments or concerns at this time as the development is a significant distance from any interchanges granting access to I-84, therefore minor impact can be anticipated" (Exhibit D2).</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-07-05(8)	<p>Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)</p>

			<p>Staff Analysis</p> <p>Essential services will be provided to accommodate the use including, but not limited to school facilities, police and fire protection, emergency medical services, irrigation facilities. The services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use.</p> <p>School Facilities: Parcel R37905 is serviced by Middleton School District, it's not anticipated that any impacts or accommodations will be needed for the contractor shop and staging area. Agency comments were sent out on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received by the school district.</p> <p>Police and Fire protection: Parcel R37905 is under the jurisdiction of Canyon County Sheriff's Office. Canyon County Sheriff's Office is required to provide services to the parcel. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency notice was sent on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received by the Sheriff's Office.</p> <p>Parcel R37905 is under the jurisdiction of Middleton Rural Fire District. Middleton Rural Fire District is required to provide services to the parcel. As conditioned, the applicant shall comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy for unpermitted structures. All development shall comply with the 2018 International Fire Code and codes set forth by Canyon County. See proposed condition #2. Agency notice was sent on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received by the fire district.</p> <p>Emergency Medical Services: Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management Coordinator were notified of the application on July 31, 2024, August 2, 2024 and January 21, 2025 and no comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding.</p> <p>Canyon County's Addressing/GIS Department sent a comment letter stating "...the applicant may receive an address for the use of the contractor shop by either submitting an 'Address Request Application' to Development Services or by submitting a building permit if they plan to have a structure on site that will house the use. An approach permit will be required for both of these options. Reading through the application it looks like 10 to 15 employees will be on site for the use. An address is suggested for uses that involved employees to be working on site so that emergency services can quickly and accurately locate the site in an emergency situation" (Exhibit D7).</p>
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				Irrigation Facilities: Parcel R37905 is under Black Canyon Irrigation District's (BCID) jurisdiction. See CCCO 07-07-05(5) and Exhibit D5 for information related to BCID's comments on this conditional use permit.
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Table 2. Article 14 Use Standards Criteria Analysis
- Contractor Shop -

USE STANDARDS 07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix). (Ord. 16-001, 1-8-2016)				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-09(1)	Contractor Shop: (1) The use shall be contained within a building or behind a sight obscuring fence. (Ord.16-0001, 1-8-1026)
			Staff Analysis	Per the applicant's letter of intent, the proposed 115 x 100 structure is proposed for an office and to deploy equipment (Exhibit A2). Additionally, there is a site-obscuring chain link fence placed around the 11-acre area proposed for the contractor shop and staging area per staff's site visit in December of 2024 (Exhibit C). Building Compliance The existing 100 x 208 structure on the subject property was built without a building permit. An agricultural-exempt building permit was applied for after the structure was built, but a final inspection was not scheduled, so the building permit has since expired (ZC2023-0003). As conditioned, the applicant shall obtain all necessary building permits for unpermitted structures (such as those identified in Exhibit D4) within 3 months of approval of this application and any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District. See proposed condition of approval #9.

Table 3. Article 14 Use Standards Criteria Analysis
- Staging Area -

USE STANDARDS 07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix). (Ord. 16-001, 1-8-2016)				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-29(1)	All work shall be conducted off site.
			Staff Analysis	Per the letter of intent, the proposed uses include an office to deploy equipment to construction locations and storage of multi-use equipment (tractors, dump trucks, trailers, and pilers) and supplies on the property that are used in support of the property owner's construction business off site on approximately 11-acres of the approximately 42 acres (Exhibit A2).

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-29(2)	Business vehicles shall be operable and parked on site, not on a public or private road.
			Staff Analysis	Per the letter of intent, land use matrix, and site plan, business parking will be on site and behind a fence on the 11-acre area proposed for the contractor shop and staging area (Exhibits A2, A2.1, and A3). The letter of intent states the vehicles will remain operable on site (Exhibit A2).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-29(3)	Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles.
			Staff Analysis	Per the letter of intent and land use worksheet, there will be between 10-15 employees that will visit the site to pick up, offload and transfer equipment (such as the multi-use equipment found in Exhibit A2.4) and supplies in support of the property owner's construction business (Exhibits A2 and A3).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-14-29(4)	Employees may meet on the premises to share rides to and from job sites.
			Staff Analysis	Per the letter of intent, there will be between 10-15 employees that will park their personal/commercial vehicles on the property in a parking area located on-site to meet with the purposes of meeting on the premises to share rides to and from job sites (Exhibit A2).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	07-14-29(5)	Employees' vehicles shall be parked on site and not on a public or private road. (Ord. 16-001, 1-8-2016)
			Staff Analysis	Per the letter of intent and proposed condition #15, no parking will occur on Goodson Road or Farmway Road (Exhibit A2).

4. AGENCY COMMENTS:

Agencies including the Middleton School District, Southwest District Health, Middleton Rural Fire District, Idaho State Fire Marshal, Highway District No. 4, CenturyLink, Intermountain Gas, Idaho Power, Ziply, Black Canyon Irrigation District, COMPASS, Idaho Transportation Department, Canyon County Sheriff's Office, Emergency Management Coordinator, Canyon County Paramedics / EMT, Idaho Department of Environmental Quality, Canyon County's Building Department, Canyon County's Code Enforcement Department, and Canyon County's Engineering Department were notified of the subject application.

Staff received agency comments from Southwest District Health, Idaho Transportation Department, Highway District No. 4, Canyon County's Building Department, Black Canyon Irrigation District, Idaho Department of Environmental Quality, and Canyon County's Addressing/GIS Department. All agency comments received by the aforementioned materials deadline are located in Exhibit D.

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

5. PUBLIC COMMENTS:

Staff received one (1) total written public comment by the materials deadline of February 10, 2025. The comment received was in opposition. All public comments received by the aforementioned materials deadline are located in Exhibit E.

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

6. SUMMARY & RECOMMENDED CONDITIONS:

In consideration of the application and supporting materials, staff concludes that the proposed Conditional Use Permit is **compliant** with Canyon County Ordinance 07-07-05. 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. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy for unpermitted structures.
3. The applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall also complete their access permit for “agricultural uses” by constructing a paved approach onto Farmway Rd (Commercial Approach per ACCHD SD-106) within 3 months of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements (**Exhibit D3**).
4. The applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property as evidenced by the applicant providing Development Services with an approved Southwest District Health document. (**Exhibits D1 and D1.1**).
5. All exterior lighting, if installed, shall be downward facing and directed away from surrounding properties. Compliance shall be demonstrated in the building plans submitted as part of the building permit submittal. Review and approval by DSD shall be completed before building permit issuance.
6. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property without written approval from the irrigation district with jurisdiction.
7. The applicant shall comply with all Black Canyon Irrigation District requirements within six (6) months of approval of this application as outlined in **Exhibit D5**.
8. A site-obscuring fence shall be constructed on the northern, southern, western, and eastern boundaries of the 11-acre area for the contractor shop and staging area as to obscure the business operations and storage of tools, equipment, etc. within six (6) months of approval of this application.
9. The applicant shall obtain all necessary building permits for unpermitted structures (such as those identified in **Exhibit D4**) within 3 months of approval of this application and any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District.

10. Signage shall meet CCCO §07-10-13 requirements, and shall not exceed 32 sq. feet and 10 ft in height unless an additional sign permit is applied for and approved by the Director. If it exceeds 6 ft in height, a building permit is required.
11. The contractor shop and staging area shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
12. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (Canyon County Code of Ordinances Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements.
13. The proposed development shall be in general conformance with the applicant's letter of intent and site plan (**Exhibits A2 and A2.1**), and shall not use the property for any manufacturing unless the appropriate application is applied for and approved.
14. The hours of operation shall be 7 a.m. to 5:30 p.m. Monday through Saturday, as proposed in the applicant's land use worksheet (**Exhibit A3**).
15. Employees' and business vehicles shall be parked on site and not on a public or private road.
16. The applicant shall comply with Canyon County's Driveway Requirements (CCCO §07-10-03) within 6 months of approval of this application including but not limited to:
 - a. The driveway shall be built to meet the minimum construction standards (CCCO §07-10-03(3)). The driveway must be constructed before commencement of the use of the proposed 115' x 100' structure. Evidence shall be a certification from a licensed engineer submitted to DSD demonstrating the construction of the driveway meets CCCO §07-10-03(3)
 - b. The construction of driveways and private roads longer than one hundred fifty feet (150') from a public street right of way to the most distant portion of an inhabited building and private roads must be approved in writing from the applicable fire district.
 - c. Prior to building permit issuance on Parcel R37905, a recorded road user's maintenance agreement and recorded perpetual easements for ingress/egress shall be submitted to DSD in accordance with CCCO §07-10-03(1)B3.
17. This conditional use permit must follow land use time limitation as stated in CCCO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date."
 - a. Commencement shall be the date a building permit is issued for the unpermitted 110 x 208 structure on the property as referenced in **Exhibits A2 and A2.1**. This shall be completed within 60 days of approval of the conditional use permit.

7. EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
2. Letter of Intent
 - 2.1. Site Plan and Plan of Action
 - 2.2. Grading and Drainage Plan

- 2.3. Photos of Equipment of Surrounding Properties within 2 square miles of the subject property
 - 2.4. Photos of Applicant's Multi-Use Equipment
- 3. Land Use Matrix
- 4. Neighborhood Meeting Letter, Certified Mail Slips, List of Properties within 600-ft, and Neighborhood Meeting Sign-Up Sheet
- 5. Agency Acknowledgement Form with Correspondence with Agencies
- 6. Deed
- 7. Email Chain Showing Parcel R37904010 Is Not a part of the Conditional Use Permit
- B. Supplemental Documents**
 - 1. Parcel Tool
 - 2. Cases Maps/Reports
 - 2.1. Aerial
 - 2.2. Small-Air Photo 1-Mile Radius
 - 2.3. Vicinity
 - 2.4. Future Land Use- 2030 Comprehensive Plan
 - 2.5. Zoning
 - 2.6. Land Use Cases with Report
 - 2.7. Subdivisions with Report
 - 2.8. Soils and Prime Farmland with Report
 - 2.9. Nitrate Priority and Wells
- C. Site Visit Photos: December 31, 2024**
- D. Agency Comments Received by: February 10, 2025**
 - 1. Southwest District Health; Received: August 5, 2024
 - 1.1. Southwest District Health Update; Received December 20, 2024
 - 2. Idaho Transportation Department; Received August 13, 2024
 - 3. Highway District No. 4; Received August 27, 2024
 - 4. Canyon County's Building Department: Received January 6, 2025
 - 5. Black Canyon Irrigation District Comment Letter for CUP: Received January 9, 2025
 - 6. Idaho Department of Environmental Quality Comment Letter; Received February 4, 2025
 - 7. Canyon County's Addressing/GIS Department, Received January 27, 2025
- E. Public Comments Received by: February 10, 2025**
 - 1. Sharron Braun Comment Letter; Received: February 7, 2025

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case # CU2023-0024

Hearing Date: February 20, 2025



Exhibit A1

CONDITIONAL USE PERMIT PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: Erlebach Properties, L.P. Dave Erlebach - Agent	
	MAILING ADDRESS: 17050 Stiehl Creek Drive, Nampa, ID 83687	
	PHONE: [REDACTED]	EMAIL: [REDACTED]
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.		
Signature: <u><i>Dave C. Erlebach</i></u> Date: <u>11-9-2023</u>		

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME: Landon Brown	
	COMPANY NAME: Hawley Troxell Ennis & Hawley, LP	
	MAILING ADDRESS: P.O. Box 1617, Boise, ID 83701-1617	
	PHONE: [REDACTED]	EMAIL: [REDACTED]

SITE INFO	STREET ADDRESS: SW Corner of Goodson Road and Farmway Road	
	PARCEL NUMBER: R379040100; R379050000	
	PARCEL SIZE: Approximately 44 acres	
	REQUESTED USE: Contractor Shop and Staging Area.	
	FLOOD ZONE (YES/NO) NO	ZONING DISTRICT: Agricultural

FOR DSD STAFF COMPLETION ONLY:

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

LETTER OF INTENT

Erlebach Properties, L.P. (“Applicant”) is pleased to present its application for a conditional use permit (“CUP”) to use Parcels R37900401000 and R37900500000 (the “Property”) as a Contractor Shop and Staging Area. This Letter of Intent will discuss the standards for obtaining a CUP in Canyon County’s zoning ordinance and comprehensive plan and provide a description of the project. Applicant is confident that the County will see the value this project will bring to the area and grant the CUP application.

Introduction

Applicant is involved in a wide-variety of business ventures, including farming and construction. Applicant’s farming operations includes farming over 600 acres of Jerusalem Artichoke. Further, Applicant is seeking additional agricultural property to continue its farming operations.

The Property at issue in this application is located in the Agricultural Zone. The majority of the Property will be used for farming. The remaining Property will be used primarily to store equipment and supplies that support Applicant’s farming operations.

The Agricultural Zone allows:

- All uses and facilities customarily accessory and incidental to agricultural use (County Code of Canyon County, Idaho (“CCC”) § 07-02-03);
- All agriculturally related activities that do not involve processing (CCC § 07-02-03); and
- Farm implement services. (CCC § 07-10-27.)

Applicant intends to use the Property consistent with these agricultural uses. Again, Applicant will farm a majority of the Property, and use the rest of the Property to store equipment and supplies that support Applicant’s farming operations. These uses are incidental to the agricultural use and are allowed uses under Canyon County’s Code.

In addition to the allowed uses, Applicant will also store some multi-use equipment and supplies on the Property that will be used for agricultural and construction purposes. The multi-use equipment includes tractors, dump trucks, trailers, and pilers. (**Exhibit D** contains photographs of some of Applicant’s multi-use equipment.) Although these items are used as part of Applicant’s farming operations, these items also are used to support Applicant’s construction business, particularly during the non-harvest season. Accordingly, Applicant is seeking a conditional use permit to store the multi-use equipment on the Property so that it can continue to use the equipment for construction purposes when it is not being used for agricultural purposes.

Thus, Applicant’s condition use permit application requests the ability to use a portion of the Property as a Construction Shop and Staging Area to allow Applicant to store multi-use equipment on the Property and host an office that directs the deployment of such equipment.

A. Nature of the Request (Canyon County Code 07-07-05(2)).

The Property consists of approximately 44 acres on the southwest corner of Goodson Road and Farmway Road and is immediately adjacent to Interstate 84. Applicant proposes to use the 11 acres immediately adjacent to I-84 as a Contractor Shop and Staging Area. The Contractor Shop will consist of two structures: (1) a 115 foot x 100 foot structure that will be used as an office to deploy equipment; and (2) a 110 foot x 208 foot structure that will be used to store and park equipment. The 110 foot x 208 foot structure was built in compliance with proper Canyon County building permits. The 115 foot x 100 foot structure has not yet been constructed. The Staging Area will consist of surface parking where equipment and materials can be stored for use in Applicant's agricultural operations or used off-site at construction locations. The remaining 33 acres of the Property will continue to be farmed using the existing pivot.

Applicant's site plan and plan of action are attached as **Exhibit A**. The site plan includes keeping 33 acres of the Property as agricultural land. The remaining 11 acres will be used for a Contractor Shop and Staging Area. The structures are located as close to I-84 as possible to limit any disruptions to surrounding residents. The site will contain a fire water pond to assist with a quick fire response. Applicant's grading and drainage plan is attached as **Exhibit B**. The Property will contain two storm water swales for storm water retention, a drain field for septic effluent, and a replacement field as a backup to the primary septic drain field as required by code. The site will be accessed using Goodson Road. Ingress and egress will comply with all requirements to accommodate fire apparatus and emergency vehicles.

Using the Property as a Contractor Shop and Staging Area will have minimal impacts on the surrounding area. The proposed uses will only occupy 11 acres on the Property, with the remaining 33 acres used for agriculture. The 11 acres will serve as an area where Applicant can plan agricultural and construction operations, store equipment, and prepare for deployment of equipment to agricultural or construction locations. Applicant will not use the Property for any manufacturing or construction work, but will use the Property consistent with the Contractor Shop and Staging Area conditional uses. The total number of employees at the Property will not exceed 15 employees, most of which will only be at the site temporarily to pick up or drop off equipment. The estimated traffic count to and from the Contractor Shop and Staging Area will be around 10 trips per day. Working hours will be during normal business hours from 7:00 am to 5:30 pm, Monday through Friday, with an optional workday on Saturday depending on needs of agricultural and construction operations. Fire plan and emergency ingress and egress will be approved by the Middleton-Star Fire Marshall. Noise will be minimal compared to the adjacent free-way noise.

Applicant anticipates that the conditional uses will have minimal impact on future developments. The main ingress and egress will be on Goodson and Farmway Roads. When traffic departs the Property, it is anticipated that vehicles will use Old Highway 30 and then merge onto Interstate 84. The estimated traffic count to and from the Property will be around 10 trips per day. The traffic created by the Property will be negligible. Since the Property will primarily be used as farmland (33 acres), it is anticipated that surrounding properties will be minimally impacted.

B. The Conditional Use is Consistent with the Comprehensive Plan (Canyon County Code 07-07-05(3)).

The Canyon County Comprehensive Plan 2030 (“Plan”) seeks to balance competing private interests by creating orderly development patterns that benefit the community. (Plan, p. 5.) The Plan is not precise and is simply a guide for individuals, businesses, and government employees to assist in efficient development of land. Applicant’s proposed conditional use is consistent with the Plan because the use will: (1) protect property rights; (2) promote economic development; (3) comply with land use and community designs; and (4) preserve agricultural land.

1. Property Rights.

Applicant’s request for a CUP is consistent with the following goals related to property rights:

- G1.01.00: Protect the integrity of individual property rights while safeguarding public health, safety, and welfare; and
- 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.

Applicant’s application protects private property rights. As the fee simple owner of the Property, Applicant has the right to use the property consistent with applicable laws, rules, and regulations. Applicant plans to use a portion of the Property as a Contractor Shop and Staging Area. These types of uses are conditionally allowed in the agricultural zone. Importantly, Applicant is seeking a conditional use permit, which allows the County to impose conditions to protect public health, safety, and welfare. With conditions imposed, the County can ensure that the Property is maintained in good and safe condition and will not become a public nuisance. Applicant is happy and willing to discuss various conditions that will ensure that this Property is used consistently with the Plan and zoning ordinance.

An approved CUP will satisfy the Plan’s goals related to property rights as it will protect Applicant’s right to use their property in a legal manner while also ensuring public health, safety, and welfare. The CUP will also allow the County to ensure that the Property is maintained in good condition and does not become a public nuisance. Accordingly, a CUP for the Property will be consistent with the Plan’s goals for property rights.

2. Economic Development.

Applicant’s request for a CUP is consistent with the following goals related to economic development:

- G3.01.00: Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations; and

- 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.

The CUP application is consistent with these goals for two reasons. First, the application seeks to allow a Staging Area in a location immediately adjacent to I-84. This is an extremely favorable location to store multi-use equipment as it is close to a significant transportation route. This location would increase efficiency in getting equipment out to the community for use, and returning equipment to the Staging Area when a project is completed. This location will reduce traffic on local roads, as transportation of the equipment will occur primarily on I-84. Transporting agricultural and construction equipment easily and efficiently throughout the community will promote healthy and sustainable agricultural and construction industries and healthy and sustainable traffic patterns. These are vital concerns that the County will face as growth continues, and the proposed location will provide an efficient manner to address those concerns.

Second, the proposed uses will further support a diverse economy in Canyon County. The proposed uses—Contractor Shop and Staging Area—will add economic diversity to the region north of Caldwell. This region is primarily agricultural with little economic diversity. Efficient access to construction equipment is important to the agricultural industry, which relies on the construction of silos, storage buildings, and shops to protect crops, livestock, and machinery from the elements. Applicant’s proposed uses will only increase the strength and stability of the overall economy in this region of Canyon County.

3. Land Use and Community Designs.

Applicant’s CUP application is consistent with the following goals related to land use:

- 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; and
- G4.08.00: Maintain and enhance the aesthetic beauty of the County.

Applicant’s proposed uses of the Property are visually consistent with surrounding agricultural lands. Many agricultural lands contain large shops to store tractors and other farm-related equipment and large silos or storage buildings to store and protect crops. The surrounding properties also contain outside areas for storing commercial vehicles and tractors—similar to a Staging Area (see **Exhibit C**).

The visual impact of Applicant’s proposed use will be similar to the visual impact of existing surrounding uses. Applicant has constructed two structures, which look similar to the large agricultural shops used to store tractors or crops. Applicant will also store equipment on the property, similar to surrounding properties that are currently storing farm equipment and commercial vehicles on surface areas within their properties. Applicant believes that its Property will be much more aesthetically beautiful than the surrounding properties shown in Exhibit C. Further, the County can place appropriate conditions on the CUP, including fencing or screening

requirements, to ensure that any visual impacts will be minimal. However, with or without conditions imposed, Applicant's proposed use will maintain the character, visual appearance, and aesthetic beauty that surrounds the Property.

4. Agriculture.

Applicant's CUP application is consistent with the following goals related to agriculture:

- G12.01.00: Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.
- G12.04.00: Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses.

Applicant's proposed uses will protect and preserve agricultural lands. Applicant will continue to farm 33 acres of the Property using the existing pivot. Applicant's development of 11 acres will have minimal impact on the overall agriculture industry in Canyon County. Moreover, if Applicant stops using the 11 acres for non-agricultural purposes, it can easily be converted to agricultural use as it will already contain a shop for storage of farm equipment and crops. Thus, Applicant's proposed use will ensure that the Property can still be used for agricultural uses in the future.

Further, Applicant's proposed use of the land is compatible with agricultural use. As discussed above, surrounding agricultural lands already consist of farmlands with large shops. Applicant's proposed use will be no different. The only difference is that Applicant's shop and property will store multi-use equipment in addition to typical farm equipment. This difference is negligible.

Based on the foregoing, it is clear that Applicant's proposed use of the Property is consistent and compatible with the Comprehensive Plan. Importantly, if the County does not believe it is compatible with the Plan, Applicant is willing to discuss conditions of approval that will allow Applicant to use the Property as planned while ensuring compliance with the Plan.

C. Potential Impacts to Property in the Immediate Vicinity and Character of the Area (Canyon County Code 07-07-05(4)).

Applicant's proposed use will not be "injurious" to other property in the immediate vicinity. The surrounding land uses are agricultural uses and uses incidental to the agricultural use, which includes farming, large shops, equipment parked on surface areas, and semi-trucks transporting goods to and from the farms. The Property's proposed uses will include the same features that already exist nearby: farming a majority of the Property, constructing a large shop for storing materials and equipment, and transporting equipment to various job sites when needed. Applicant will not be performing any manufacturing or construction on the Property. Accordingly, the Property will not create any nuisances or hazards that will cause injury to nearby properties.

Fire and emergency risks at the Property will be no different than nearby surrounding properties. The Property will be subject to fire risks associated with storing construction equipment and materials. Since the Property will not engage in manufacturing or construction work, the fire

risks associated with equipment storage is minimal. These same fire risks already exist at nearby properties that currently store commercial vehicles and farm equipment. Thus, the Property will not produce any additional fire or emergency risks to nearby properties.

Further, the Contractor Shop and Staging Area will occur on the side of the Property immediately adjacent to the interstate. Any noise created by the Property will likely be drowned out by the interstate. Applicant does not believe that the Property will produce any excessive noise that will cause injury to nearby properties.

Additionally, the Contractor Shop and Staging Area will operate during normal business hours (7:00 am to 5:30 pm). As a result, the Property will not produce excess light that will result in injury to nearby properties. Moreover, all lighting at the Property will be downward facing and dark sky compliant.

Applicant's proposed use will not change the character of the area. The proposed use of the Property will be substantially similar to surrounding existing uses. The majority of the Property will continue to consist of agricultural land, supporting the surrounding area's agricultural character. Further, the large shop and equipment parking will fit the character of the area, which consist of similar uses as depicted in **Exhibit C**.

Based on the foregoing, the proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area.

D. The Proposed Use Will Address Water, Sewer, Irrigation, Drainage, and Stormwater Drainage.

All necessary facilities and services, including sewer, water, irrigation, drainage, and stormwater drainage will be provided to the Property to accommodate the proposed uses.

Water will be provided to the Property using a well. The well will be constructed on the 11 acres that will be used as a Contractor Shop and Staging Area. The specific location of the well is identified on the Grading and Drainage Plan attached as **Exhibit B**. Applicant intends to construct a pump house next to or over the well. Water from the well will be piped to the bathrooms and breakrooms located in the structures. The well and piping will be designed by Manning Civil, which is a local consulting engineer company specializing in well system development.

Sewer and drainage from the bathroom and breakrooms will be discharged into a septic tank/pump system where effluent will be piped to the proposed drain field. The location of the drain field is identified on **Exhibit B**. The Property will also have a designated replacement field. The drain field and replacement field will be approved by and in accordance with direction from Southwest District Health.

The 11 acres serving as the Contractor Shop and Staging Area will not be irrigated. However, the remaining 33 acres will continue to be irrigated using the existing pivot sprinkler system.

Stormwater will be captured using two storm water collection swales. The location of the swales are identified on **Exhibit B**. The Property will be graded and contoured to direct storm

water into the two swales. The 11 acres will primarily consist of a graveled surface. However, the collection swales are large enough to accommodate asphalt surfacing in the event that Applicant paves all or a portion of the 11 acres. If asphaltting occurs, the water system and storm water collection swales will be sufficient to collect and dispose of storm water.

E. The Proposed Use Has Legal Access.

Applicant has legal access to the Property. The Property will be accessed using I-84, Old Highway 30, Goodson Road, and Farmway Road. For the most part, all roads are improved, paved, and capable of accommodating the vehicular use and minimal traffic count that the Property will produce. However, Goodson Road turns into an improved gravel road west of Farmway Road. The improved gravel road is capable of providing direct and emergency ingress and egress to the Property in its current condition.

F. The Proposed Use Will Not Impact Traffic Patterns.

The proposed use will not impact traffic patterns. The proposed use will result in ten additional trips per day on the traffic patterns. This is a negligible number of trips that will have little to no impact on traffic patterns. Currently, Goodson Road and Farmway Road are regularly used by nearby agricultural uses. The roads contain agricultural-based traffic, including transportation of tractors and farm equipment, transportation of crops and goods, and regular commuter traffic. In fact, semi-trucks carrying beets regularly use the surrounding roads to carry beets to and from the beet dump located on Galloway Road and Old Highway 30. Thus, such roads are regularly used by personal vehicles, commercial vehicles, and large semi-trucks. The Property's proposed use will consist of similar traffic—personal vehicles, commercial vehicles, and large semi-trucks. The only difference is the vehicles will be transporting multi-use equipment instead of purely agricultural equipment or crops.

Old Highway 30 is currently used as a thoroughfare through the County and provides access to Interstate 84. Semi-trucks, commercial vehicles, and personal vehicles regularly transverse Old Highway 30. In order to use Old Highway 30, Applicant's vehicles will need to turn onto the highway at stop signs located on Farmway Road and Goodson Road. This will not impact traffic patterns on Old Highway 30, as Applicant's vehicles will be required to stop, wait for a break in the traffic, and then turn onto the Highway. By waiting for the traffic patterns to clear before proceeding onto Old Highway 30, Applicant's vehicles will have no impact on the currently existing traffic patterns.

G. The Proposed Use Will Not Impact Essential Services.

The proposed use will not impact essential public services and facilities, including schools, police, fire, and EMS services. Access to the Property will comply with all requirements for emergency ingress and egress. The proposed uses will not increase police, fire, or EMS services any more than any other use at that location.

H. Applicant Will Mitigate Any Meaningful Impacts.

To the extent that the County believes the proposed use will create meaningful impacts, Applicant is willing to mitigate such impacts in order to reduce any negative consequences.

Applicant deliberately placed the Contractor Shop and Staging Area on the side of the Property adjacent to Interstate 84. By locating the proposed uses next to the interstate, the neighboring properties will have a large 33-acre buffer between the proposed use and their own properties. Further, the interstate noise will drown out any adverse noise created by the proposed use. If anything, the Contractor Shop will act as a screen and reduce interstate noise from reaching surrounding residential properties.

Applicant is willing to discuss any other mitigating factors that the County would like to impose on the conditional use. Applicant desires to be a good neighbor and a positive influence on the surrounding area. As such, Applicant is willing to assist in reducing adverse impacts that its proposed use may create.

Contractor Shop Standards

The Contractor Shop use will be contained within two structures on the Property. The first structure is a 115 foot x 100 foot structure that will be used as an office for deploying Applicant's agricultural and multi-use equipment. The second structure is a 110 foot x 208 foot structure that will be used to store and park equipment and materials. (See **Exhibit A.**) These structures will be located immediately adjacent to Interstate 84 to reduce and mitigate potential impacts to surrounding areas. The structures will act as a visual screen preventing nearby residences from seeing the materials and equipment stored inside.

Staging Area Standards

All construction work will be conducted off-site. Applicant has a construction business that is operated entirely off-site. If Applicant is engaged in a construction project, employees will enter the Property, get necessary construction equipment and materials, then transport the equipment and materials to the off-site construction site for provision of services. No construction activities will occur on the Property after construction of the 115 foot x 100 foot structure. The Property will only be used for parking and storing of equipment and materials.

When employees come to the Property to collect equipment and materials, the employees will park their personal/commercial vehicles on the Property in a parking area located on-site. No parking will occur on Goodson Road or Farmway Road. If an employee needs to load or unload equipment or materials, such loading/unloading will occur on-site. All vehicles and equipment on the Property will remain operable.

Exhibit A2.1

[illegible]

TEMPORARY LAYDOWN/CONSTRUCTION FACILITY

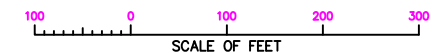
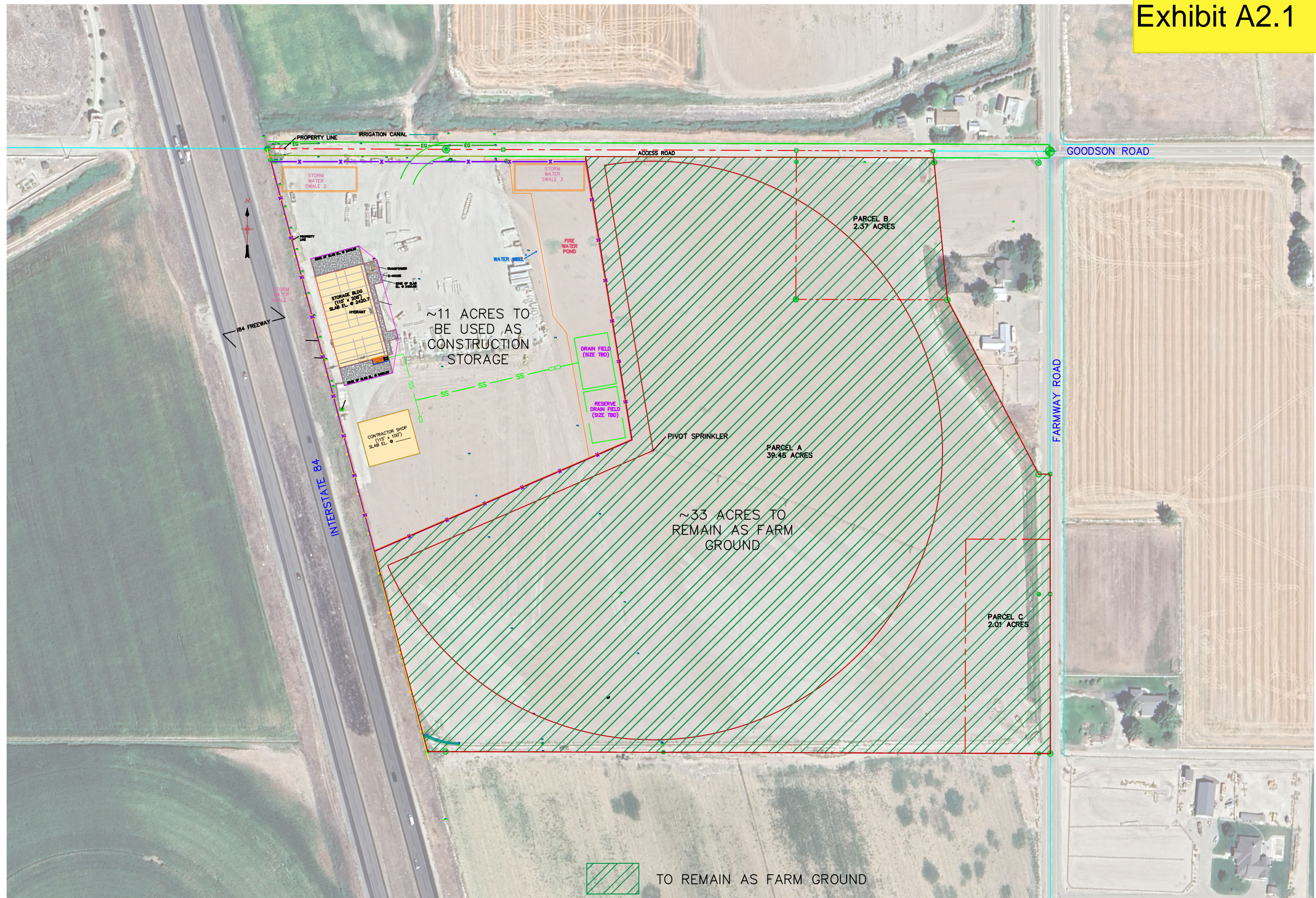
EXHIBIT A
PRELIMINARY SITE MAP

CALDWELL, IDAHO

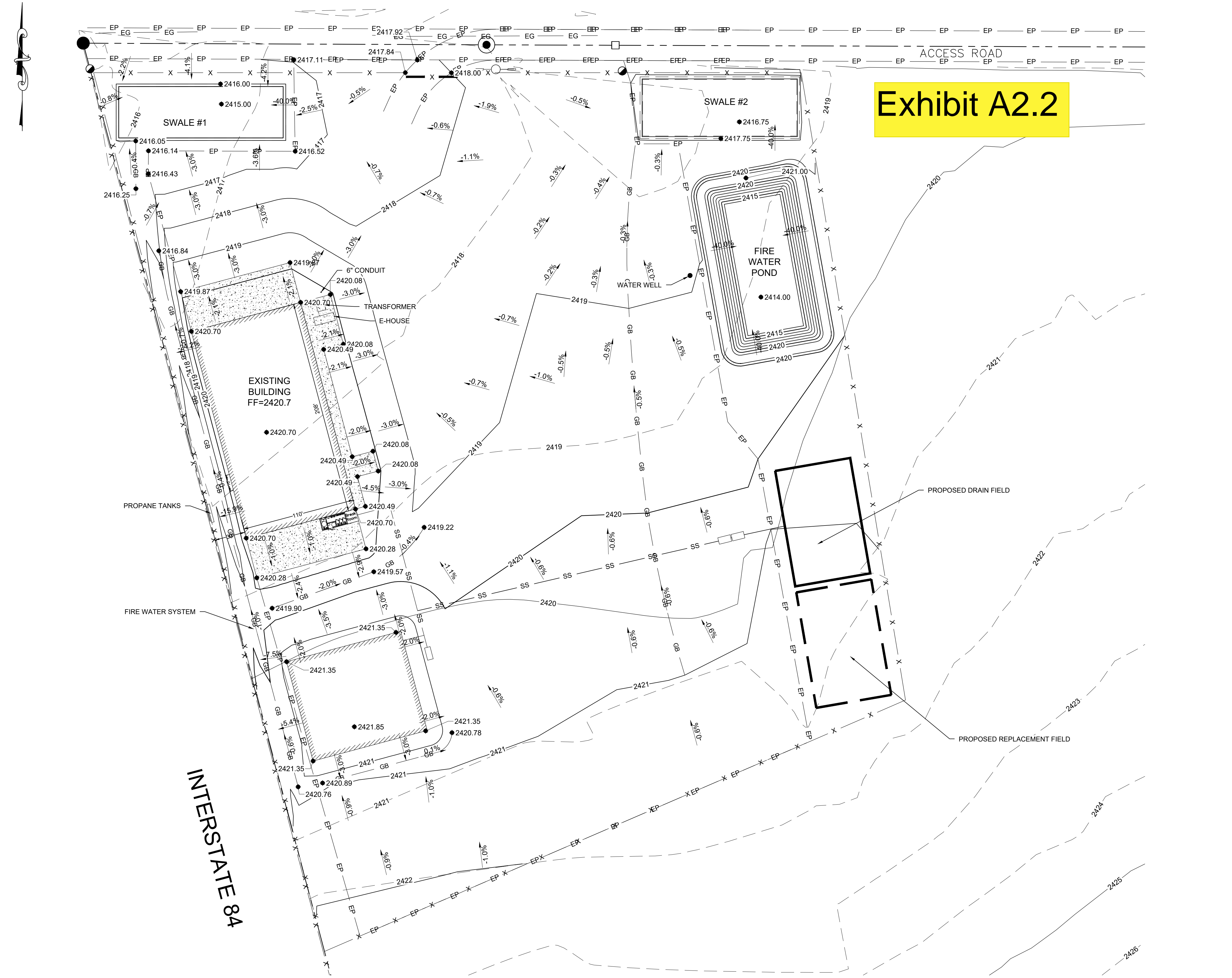
PROJECT NUMBER:
DRAWN BY:
REVIEWED BY:
CREATION DATE - 9-1-23
SHEET TITLE

VICINITY MAP

DRAWING NUMBER:
C-001
SHEET OF --

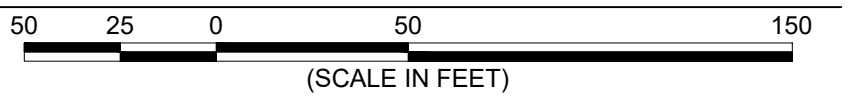


CG-101 (B REVISED WELL LOC).DWG
10/17/2023 10:35:46 AM
C:\USERS\RAJ\DOCUMENTS\BIBERLEBACH PROPERTIES\FARMWAY\PHASE 1 DEVELOPMENT_2023\ABCO\REVISED DESIGN INFO_10-6-23\231025 - 04 - CG-101_



GRADING AND DRAINAGE PLAN

1:50 (22x34 FULL SIZE)



CALL BEFORE YOU DIG!

1. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE LOCATIONS ONLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INFORM ALL UTILITY COMPANIES OF THE CONSTRUCTION SCHEDULE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL DAMAGE WHICH MAY OCCUR BY FAILURE TO EXACTLY LOCATE AND PROTECT ALL UTILITIES.
2. CONTRACTOR SHALL CONTACT DIGLINE 48 HOURS PRIOR TO ANY EARTH DISTURBING ACTIVITIES ON SITE, AND REQUEST LOCATE OF UNDERGROUND UTILITIES.

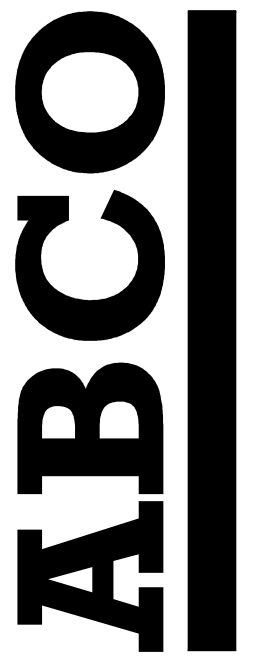


Know what's below.
Call before you dig.

*The 811 logo is a registered trademark of the CGA.

LEGEND

CENTER LINE	---	---
EDGE OF PAVEMENT	EP	EP
EDGE OF GRAVEL	EG	EG
FENCE LINE	X	X
OVERHEAD POWER LINE	OHP	
PROPERTY LINE	---	---
SEWER LINE	SS	SS
WATER LINE	W	W
STORM DRAIN	SD	SD
GRADE BREAK	GB	GB
ASPHALT PAVEMENT		
CONCRETE		



119 N. Midland Blvd.
Nampa, Idaho 83651
Phone (208) 955-8126

GRADING AND DRAINAGE PLAN
FARMWAY POWER FACILITY
GOODSON RD & FARMWAY RD
CANYON COUNTY
CALDWELL, IDAHO
INDUSTRIAL BUILDERS INC.

REVISIONS NO.	DATE	BY	DESCRIPTION

FILE NUMBER:
231025

DESIGNED BY:
A. LYMAN
DRAWN BY:
A. KINA
DATE
October 2023

SHEET NUMBER:

CG-101

Exhibit A2.3


PHOTOS OF EQUIPMENT ON SURROUNDING PROPERTIES

The photos in this exhibit depict surrounding properties within two square miles of the Property. The photos show the equipment stored and used on such properties, which is consistent with the agricultural zoning. Applicant's proposed use of the Property will be, at a minimum, consistent with the use and appearance of the surrounding properties.

[Photos on following pages.]

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Caldwell, Idaho

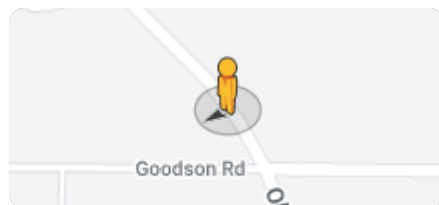
 Google Street View

Sep 2023

[See more dates](#)




Image capture: Sep 2023 © 2023 Google



Google Maps 27260 Old Hwy 30

Caldwell, Idaho

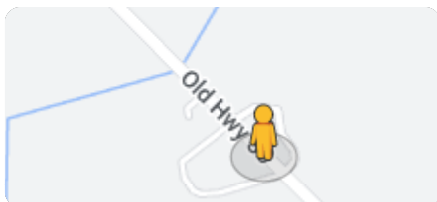
 Google Street View

Sep 2023

[See more dates](#)




Image capture: Sep 2023 © 2023 Google





27398 Old Hwy 30

Caldwell, Idaho

 Google Street View

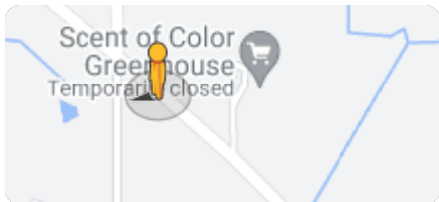
Sep 2023

[See more dates](#)



Google

Image capture: Sep 2023 © 2023 Google



Google Maps 27400 Farmway Rd

Caldwell, Idaho

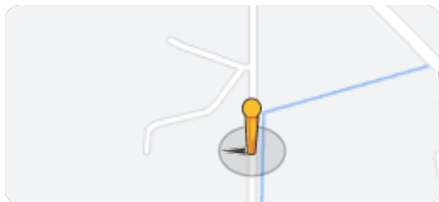
 Google Street View

Sep 2023

[See more dates](#)




Image capture: Sep 2023 © 2023 Google



Google Maps 27444 Farmway Rd

Caldwell, Idaho

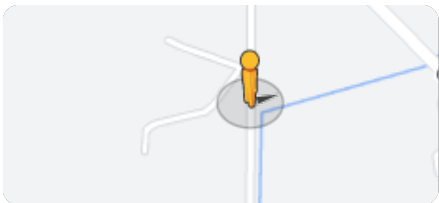
 Google Street View

Sep 2023

[See more dates](#)




Image capture: Sep 2023 © 2023 Google



Google Maps 27484 Farmway Rd

Caldwell, Idaho

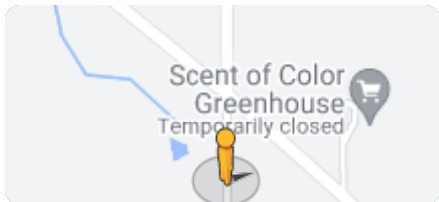
 Google Street View

Sep 2023

[See more dates](#)



Image capture: Sep 2023 © 2023 Google









This is the beet dump for
Amalgamated Sugar

Exhibit A2.4

PHOTOS OF APPLICANT'S MULTI-USE EQUIPMENT

The photos in this exhibit depict some of Applicant's multi-use equipment. If the CUP is approved, Applicant intends to store this equipment in the shop or the staging area.

[Photos on following pages.]













LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

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

- 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 (the 11 acres will not be irrigated)

- 4. IF IRRIGATED, PROPOSED IRRIGATION:**
- ☐ Pressurized ☐ Gravity

- 5. ACCESS:**
- ☒ Frontage ☐ Easement Easement width _____ Inst. # _____

- 6. INTERNAL ROADS: NONE**
- ☐ Public ☐ Private Road User's Maintenance Agreement Inst # _____

- 7. FENCING** ☒ Fencing will be provided (Please show location on site plan)
- Type: Chain Link Height: 6-foot

- 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)
- Canal and Drain Ditch

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED: NO RESIDENTIAL USES REQUESTED

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

2. FIRE SUPPRESSION:

- ☐ Water supply source: _____

3. INCLUDED IN YOUR PROPOSED PLAN?

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

NON-RESIDENTIAL USES

1. SPECIFIC USE: Contractor Shop, Staging Area

2. DAYS AND HOURS OF OPERATION:

- x Monday _____ 7:00 a.m. _____ to _____ 5:30 p.m. _____
x Tuesday _____ 7:00 a.m. _____ to _____ 5:30 p.m. _____
x Wednesday _____ 7:00 a.m. _____ to _____ 5:30 p.m. _____
x Thursday _____ 7:00 a.m. _____ to _____ 5:30 p.m. _____
x Friday _____ 7:00 a.m. _____ to _____ 5:30 p.m. _____
x Saturday _____ Optional Work Day: _____ 7:00 a.m. _____ to _____ 5:30 p.m. _____
☐ Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? x Yes If so, how many? 10-15 ☐ No

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

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

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

5. PARKING AND LOADING:

How many parking spaces? The Property will have large surface areas available for parking, but will not have paved, designated parking spaces. The parking area will accommodate all employees.

Is there is a loading or unloading area? No designated loading or unloading area. Materials and equipment will be loaded or unloaded using a forklift or crane at the location that the materials or equipment are stored.

ANIMAL CARE-RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: N/A

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

Exhibit A4

NEIGHBORHOOD MEETING

Marks Land Surveying, LLC

2995 N. Cole Road Ste. 240, Boise, ID 83704

Ph: (208) 378-7703

email: cmarks@markslandsurveying.com

September 26, 2023

RE: NEIGHBORHOOD MEETING
MEETING DATE: Monday, October 23, 2023
MEETING TIME: 6:00 P.M.
MEETING LOCATION: CORNER OF GOODSON ROAD & FARMWAY ROAD

To Whom it may Concern,

This letter is in regard to a scheduled October 10, 2023 neighborhood meeting, which you were invited to attend. My office mis-entered the date of meeting as October 11, 2023. We received an email from the Planning & Zoning Department informing us that no one had shown up to conduct the meeting. Please accept my sincere apology for the mix-up on October 10, 2023. We are hereby re-scheduling the missed neighborhood meeting to the date shown above.

Erlebach Properties, LP is the owner of the parcel R37900500000 at the southwest corner of Goodson Road & Farmway Road.

Erlebach Properties, LP is seeking a conditional use permit for Parcel A as shown on the attached Property Line Adjustment Map. The conditional use permit requests a construction shop and a contractor storage area for Parcel A.

Canyon County Planning and Zoning department requires that neighbors within 600 feet of subject property be notified of this Rezone.

If you have any questions or need additional information, please contact our office.

Best regards,



Colleen Marks, LS



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Caldwell, ID 83607

OFFICIAL USE

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Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$5.01

Sent To: **Lammey Properties, LLC**
Street and Apt. No., or PO Box No.: **15575 Sand Hollow Rd.**
City, State, ZIP+4®: **Caldwell, ID 83607**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$5.01

Sent To: **Terrel McHenry**
Street and Apt. No., or PO Box No.: **16500 Goodson Rd.**
City, State, ZIP+4®: **Caldwell, ID 83607**

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Postage	\$0.66
Total Postage and Fees	\$5.01

Sent To: **Peter & Yelena SKlyarov**
Street and Apt. No., or PO Box No.: **3133 S. Canyon Street**
City, State, ZIP+4®: **Hammond, ID 83686**

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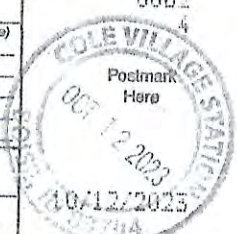
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Total Postage and Fees	\$5.01

Sent To: **Donald & Ashley Heller**
Street and Apt. No., or PO Box No.: **16491 Goodson Rd.**
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Total Postage and Fees	\$5.01

Sent To: **William Geiger**
Street and Apt. No., or PO Box No.: **16014 Goodson Rd.**
City, State, ZIP+4®: **Caldwell, ID 83607**

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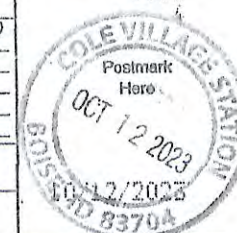
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$5.01

Sent To: **Peter & Yelena SKlyarov**
Street and Apt. No., or PO Box No.: **21068 Farmway Rd.**
City, State, ZIP+4®: **Caldwell, ID 83607**

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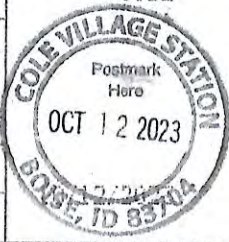
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Postage	\$0.66	
Total Postage and Fees	\$5.01	

Sent To **Paul & Sharron Braun**
 Street and Apt. No., or PO Box No. **26101 Farmway Rd.**
 City, State, ZIP+4® **Caldwell, ID 83607**

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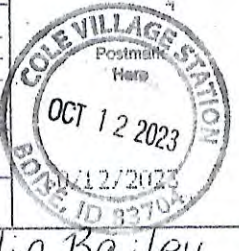
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OFFICIAL USE

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Total Postage and Fees	\$5.01	

Sent To **Steven & Julie Bailey**
 Street and Apt. No., or PO Box No. **26155 Farmway Rd.**
 City, State, ZIP+4® **Caldwell, ID 83607**

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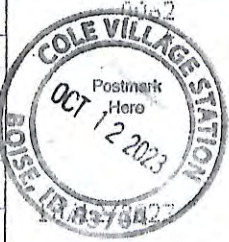
Nampa, ID 83686

OFFICIAL USE

Certified Mail Fee	\$4.35	0002
Extra Services & Fees (check box, add fee as appropriate)		
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	

Sent To **Maria Robles**
 Street and Apt. No., or PO Box No. **12347 S. Brunswick Way**
 City, State, ZIP+4® **Nampa, ID 83686**

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OFFICIAL USE

Certified Mail Fee	\$4.35	0002
Extra Services & Fees (check box, add fee as appropriate)		
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	

Sent To **Emery Brandel Trustee**
 Street and Apt. No., or PO Box No. **19403 Hillside Drive**
 City, State, ZIP+4® **Caldwell, ID 83607**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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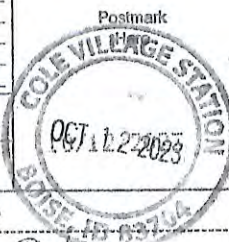
Caldwell, ID 83607

OFFICIAL USE

Certified Mail Fee	\$4.35	0002
Extra Services & Fees (check box, add fee as appropriate)		
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	

Sent To **Maria Robles**
 Street and Apt. No., or PO Box No. **15825 Goodson Rd.**
 City, State, ZIP+4® **Caldwell, ID 83607**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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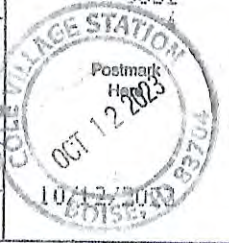
New Baltimore, MI 48047

OFFICIAL USE

Certified Mail Fee	\$4.35	0002
Extra Services & Fees (check box, add fee as appropriate)		
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	

Sent To **Gary Dyer Trustee**
 Street and Apt. No., or PO Box No. **3014 Vinecrest Lane**
 City, State, ZIP+4® **Chesterfield, MI 48047**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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Certified Mail Fee \$4.35
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

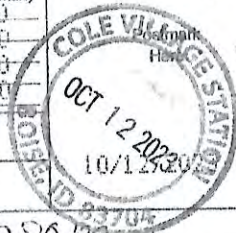
Postage \$0.66

Total Postage and Fees \$5.01

Sent To Jeff Ransom
 Street and Apt. No., or PO Box No. 16480 Goodson Rd.
 City, State, ZIP+4® Caldwell, ID 83607

PS Form 3800, April 2015 PSN 7530-02-000-9047

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☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

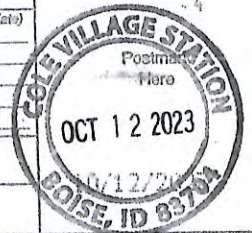
Postage \$0.66

Total Postage and Fees \$5.01

Sent To Karl & MaryKay Herger
 Street and Apt. No., or PO Box No. 26688 Farmway Rd.
 City, State, ZIP+4® Caldwell, ID 83607

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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Caldwell, ID 83607

Certified Mail Fee \$4.35
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.66

Total Postage and Fees \$5.01

Sent To Jason Degitz
 Street and Apt. No., or PO Box No. 27897 Old Hwy 30
 City, State, ZIP+4® Caldwell, ID 83607

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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Certified Mail Fee \$4.35
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

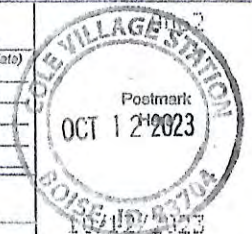
Postage \$0.66

Total Postage and Fees \$5.01

Sent To Jacqueline Fahsholtz
 Street and Apt. No., or PO Box No. 26911 Farway Rd.
 City, State, ZIP+4® Caldwell, ID 83607

PS Form 3800, April 2015 PSN 7530-02-000-9047

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Middleton, ID 83644

Certified Mail Fee \$4.35
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.66

Total Postage and Fees \$5.01

Sent To Jason Degitz
 Street and Apt. No., or PO Box No. P.O. Box 1058
 City, State, ZIP+4® Middleton, ID 83644

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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Star, ID 83669

Certified Mail Fee \$4.35
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.66

Total Postage and Fees \$5.01

Sent To Timothy Vanzant
 Street and Apt. No., or PO Box No. 305 N. Mullen Place
 City, State, ZIP+4® Star, ID 83669

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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Caldwell, ID 83607

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee to appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$5.01



Sent To Larry & Katherine Green
Street and Apt. No., or P.O. Box No. 27265 Farmway Rd.
City, State, ZIP+4® Caldwell, ID 83607

PS Form 3800, April 2015 PSN 7530-01-000-9047

See Reverse for Instructions

ERLEBACH REZONE

NEIGHBOR MEETING LIST

09-20-2023

1

~~JEFF RANSOM~~

~~16480 GOODSON ROAD~~

~~CALDWELL, ID 83607~~

2

~~JASON DEGITZ~~

~~27897 OLD HWY 30~~

~~CALDWELL, ID 83607~~

2

~~JASON DEGITZ~~

~~P.O. BOX 1058~~

~~MIDDLETON, ID 83644~~

3

~~LARRY & KATHERINE GREEN~~

~~27265 FARMWAY ROAD~~

~~CALDWELL, ID 83607~~

4

~~WILLIAM GEIGER~~

~~16014 GOODSON ROAD~~

~~CALDWELL, ID 83607~~

5

~~PETR & YELENA SKLYAROV~~

~~27068 FARMWAY ROAD~~

~~CALDWELL, ID 83607~~

5

~~PETR & YELENA SKLYAROV~~

~~3133 S. CANYON STREET~~

~~NAMPA, ID 83686~~

6

~~JACQUELINE FAHSOLTZ~~

~~26911 FARMWAY ROAD~~

~~CALDWELL, ID 83607~~

7

~~TIMOTHY VANZANT~~

~~305 N. HULLEN PLACE~~

~~STAR, ID 83669~~

8 & 9

~~STEVEN & JULIE BAILEY~~

~~26755 FARMWAY ROAD~~

~~CALDWELL, ID 83607~~

10

~~KARL & MARYKAY HERGER~~

~~26688 FARMWAY ROAD~~

~~CALDWELL, ID 83607~~

11

~~GARY DYER TRUSTEE~~

~~50114 VINECREST LANE~~

~~CHESTERFIELD, MI 48047~~

12

~~EMERY BRANDEL TRUSTEE~~

~~14903 HILLSIDE DRIVE~~

~~CALDWELL, ID 83607-7655~~

13

~~PAUL & SHARRON BRAUN~~

~~26101 FARMWAY ROAD~~

~~CALDWELL, ID 83607~~

14

~~LAMMEY PROPERTIES, LLC~~

~~15575 SAND HOLLOW ROAD~~

~~CALDWELL, ID 83607~~

15

~~DONALD & ASHLEY HELLER~~

~~16491 GOODSON ROAD~~

~~CALDWELL, ID 83607~~

16

~~TERREL MCHENRY~~

~~16500 GOODSON ROAD~~

~~CALDWELL, ID 83607~~

17

~~HWY 84~~

~~NO ADDRESS~~

18

~~ERLEBACH PROPERTIES LP~~

~~1711 SLIPSTREAM WAY~~

~~CALDWELL, ID 83605~~

19

~~MARIA ROBLES~~

~~15825 GOODSON ROAD~~

~~CALDWELL, ID 83607~~

19

~~MARIA ROBLES~~

~~12347 S. BRUNSWICK WAY~~

~~NAMPA, ID 83686~~

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

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

SITE INFORMATION

Site Address: <u>FARMWAY & GOODSON</u>	Parcel Number:	
City: <u>CALDWELL, IDAHO</u>	State: <u>IDAHO</u>	ZIP Code: <u>83607</u>
Notices Mailed Date: <u>9/26/2023</u>	Number of Acres: <u>46</u>	Current Zoning: <u>A4</u>
Description of the Request: <u>CLUP</u>		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: <u>DAVE C. EDLEBACH</u>		
Company Name: <u>EDLEBACH PROPERTIES</u>		
Current address: <u>17090 NAMP, IDAHO</u>		
City: <u>NAMP</u>	State: <u>ID</u>	ZIP Code: <u>83687</u>
Phone: [REDACTED]	Cell: [REDACTED]	Fax:
Email: [REDACTED]		

MEETING INFORMATION

DATE OF MEETING: <u>10/23/23</u>	MEETING LOCATION: <u>GOODSON & FARMWAY</u>	
MEETING START TIME: <u>6:00</u>	MEETING END TIME:	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. <u>DOUG BRANDEL</u>	<u>Doug Brandel</u>	<u>14903 Hillside Dr. Caldwell</u>
2. <u>Steve Bailey</u>	<u>Steve Bailey</u>	<u>20755 Farmway Rd Caldwell</u>
3. <u>Terrel McHenry</u>	<u>Terrel McHenry</u>	<u>11500 Goodson Rd.</u>
4. <u>Tim Van Zant</u>	<u>Tim Van Zant</u>	<u>Farm land across Farmway</u>
5. <u>Karl Hergen</u>	<u>Karl Hergen</u>	<u>Farmway</u>
6. <u>Jacque Fahsholtz</u>	<u>Jacque Fahsholtz</u>	<u>26911 Farmway Rd</u>
7. <u>MaryKay Hergen</u>	<u>MaryKay Hergen</u>	<u>26688 Farmway</u>
8. <u>Natalie Wi.</u>	<u>Natalie Wi.</u>	<u>26622 Farmway Dr.</u>
9. <u>Pam Freeman</u>	<u>Pam Freeman</u>	<u>27406 Farmway Rd</u>

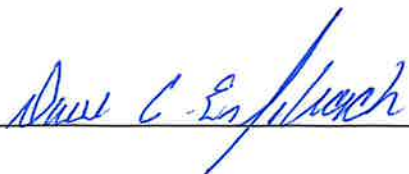
10.
11.
12.
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15.
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18.
19.
20.

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):

DAVE C. ERLEBACH

APPLICANT/REPRESENTATIVE (Signature): 

DATE: 10 / 23 / 2023

Exhibit A5

AGENCY ACKNOWLEDGEMENTS



AGENCY ACKNOWLEDGMENT

Date: 10/11/23
Applicant: ERLICH INVESTMENTS, LLC
Parcel Number: R 37904010, R 37905, R 37905010
Site Address: _____

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

Fire District:

District: _____

☐ Applicant submitted/met for informal review.

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

Highway District:

District: HD4

☒ Applicant submitted/met for informal review.

Date: 10/11/23 Signed: [Signature] SEE RECORDS COMMENTS, DATED 6/5/23
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District:

District: _____

☐ Applicant submitted/met for informal review.

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

Area of City Impact

City: _____

☐ Applicant submitted/met for informal review.

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



CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

June 5, 2023

Canyon County Commissioners, P&Z Commission, & Development Services
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605
Attention: Samantha Hammon, Planner

RE: CR2023-0007 Erlebach Investments, LP
Conditional Rezone to M-1 Light Industrial
Canyon County Parcels R37904010, R37905, R37905011 aka 0 Goodson Rd

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for a conditional rezone of the above described parcels from Agricultural to M-1 Light Industrial to develop and operate a manufacturing facility for mobile generator enclosures. The subject property is located near the southwest corner of Goodson Rd and Farmway Rd in the NE ¼ Section 20 T5N R3W. CHD4 offers the following comments on the proposed use:

General

The subject property consists of three parcels, totaling approximately 44 acres. Parcel R37905, approximately 38.4 acres has no direct public road frontage. Parcel R37905011, approximately 3 acres, has a flag lot extension to Farmway Rd ¼ mile south of Goodson Rd. Parcel R37904010 has approximately 590-feet of frontage on Farmway Rd along the easterly boundary. The property has historically been in agricultural use.

Farmway Rd adjacent to the subject property is a local road classification as identified on the functional classification maps adopted by Canyon Co and CHD4. Existing r/w width is a 25-foot half width prescriptive right-of-way, measured from the existing road centerline. Ultimate r/w width for a local road is a 30-foot half width, measured from the section line. Goodson Rd currently terminates at Farmway Rd, and is classified as a principal arterial. Ultimate right-of-way width for a principal arterial is 50-foot half-width, measured from the section line. The long range functional classification maps adopted by CHD4 and Canyon County show Goodson extending west of Farmway Rd as a future arterial, with potential for a connection to I-84. Future interchange locations along I-84 between SH 44 (Exit 25) and Oasis Rd (Exit 17) are currently under study by CHD4 and ITD. Final interchange locations are not anticipated to be determined within the next 3 years, but the Goodson Rd alignment has long been considered as a favorable location for a future interchange.

Access

Access for the current agricultural use has been via a private road along the north boundary of the subject property extending west from Farmway Rd.

The applicants, Erlebach Properties, LP requested and were granted an access permit to serve "agricultural uses" on the subject property in February 2022, for construction of a large fabric

structure on Parcel R37905. As of this date, the permit requirement to construct a paved approach onto Farmway Rd (Commercial Approach per ACCHD SD-106) has not been completed.

A separate access permit from CHD4 is required for the change in use to M-1 Light Industrial. This application should be made following approval of the rezone by Canyon County.

Transportation Impacts

The rezone request indicates the applicants desire to develop a manufacturing facility on the subject property for construction of generator enclosures. Based on information provided, the facility would full time, with approximately full-time 60 employees and several daily deliveries/exports from the site. The site plan included with the application indicates ultimate construction of a 60,500 sf fabrication building, a 22,400 sf storage building, and a 15,000 sf paint shed (77,900 sf total).

The traffic impacts from the proposed use may be estimated using the ITE Trip Generation Manual (11th Edition), where several land use categories may describe the proposed use:

Use	ITE Code	Units	# of Units Proposed	PM Peak Trips	Daily Trips
General Light Industrial	110	Per 1,000 SF	77,900 sf	62	379
General Light Industrial	110	Employees	60	41	186
Manufacturing	140	Per 1,000 sf	77,900 sf	62	370
Manufacturing	140	Employees	60	24	151

The estimated peak hour and daily trip generation from these ITE uses does not vary significantly between the two general use categories (General Light Industrial vs. Manufacturing), and both estimate the proposed use would generate a similar volume of traffic as a 60-lot residential subdivision.

The estimated peak hour trips from the development are not anticipated to materially impact the adjacent intersection of Goodson Rd and Farmway Rd due to its very low background volume. The intersection of Goodson Rd and Old Hwy 30 is anticipated to operate at LOS B (approximately 16 sec delay per vehicle) during the PM peak hour under current background conditions with the additional site traffic. Additional delay from the new trips generated by the development are expected at all intersections along the Old Hwy 30 corridor, including Galloway, Purple Sage, Willis, and SH 44.

Canyon County Ordinance 22-014 (July 21, 2022) established transportation impact fees to fund improvements to the highway system made necessary from new growth and development within the Mid-Star Service Area, which includes the subject property. The adopted impact fee schedule provides the following impact fees for uses similar to the applicant's request:

Light Industrial (110): 0.315 peak hour trips/1,000 sf =
\$3,214 per 1,000 sf of gross floor area

Manufacturing (140): 0.335 peak hour trips/1,000 sf =
\$3,418 per 1,000 sf of gross floor area

The following preliminary estimate of transportation impact fees assessed for the change in use under Canyon County Ordinance 2022-0014 is provided for reference. A final impact fee assessment will be determined at the time of access permit issuance.

Change in Land Use: New Light Industrial Manufacturing Facility
60 new employees, approximately 77,900 sf gross floor area

Impact Fee Assessment Category: ITE Code 110 Light Industrial

Units:	per 1,000 sf of Gross Floor Area
# of Units:	77.9 x 1,000 sf (estimated from simple site plan)
Unit Impact Fee:	\$3,214 per 1,000 sf
Total Impact Fee:	77.9 x \$3,214 = \$250,370

Right-of-Way Dedication-

No adjacent CIP Projects	
CIP Right-of-Way Credit:	\$0

System Frontage Improvements Credit

None Required	\$0
---------------	-----

Offsite System Improvements Credit

None Required	\$0
---------------	-----

Total Estimated Impact Fee:	\$250,370
------------------------------------	------------------

For comparative purposes, this is equivalent to the total impact fees for a 50-lot residential development. A final determination of the impact fee assessment will be made upon receipt of an access permit application for the change in use. Please see the CHD4 website at www.canyonhd4.org/impact-fees for additional information on this program.

CHD4 does not oppose the requested land use changes, but requests that the Planning & Zoning Commission and Canyon County Commissioners consider these comments, and make any conditional approval of the applicant's request subject to the requirements listed above.

Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Goodson Rd- CR2023-0007 Erlebach Properties Industrial Rezone



AGENCY ACKNOWLEDGMENT

Date: October 19th, 2023

Applicant: Dave Erlebach

Parcel Number: R379040100, R379050000, R379050110

Site Address: SW Side of Farmway and Goodson Road Intersection

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: _____ Signed: _____

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

Fire District:

District: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____

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

Highway District:

District: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____

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

Irrigation District:

District: _____

☒ Applicant submitted/met for informal review.

Date: October 19th, 2023 Signed: _____

Don Popoff, District Engineer

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

Area of City Impact

City: _____

☐ Applicant submitted/met for informal review.

Date: _____ Signed: _____

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

BCID SUB23-12 Industrial Builders Facility



Nick Sparacino <nsparacino@rh2.com>

To: Bob Cline

Cc: Don Popoff; Dave Erlebach; Landon Brown



BCID_LTR_Response_CR2023-0007_Erlebach Investment, LP_5.15.pdf
1 MB



Agency Acknowledgement Form_10-19-23.pdf
215 KB

*** NOTICE: EXTERNAL EMAIL ***

Hello Bob,

I am responding to your request for Black Canyon Irrigation District to sign your Canyon County agency acknowledgment form as well as provide preliminary comments to the accompanying site plan provided. Attached you will find the signed agency acknowledgement form as you requested. All comments that were provided to Samantha Hammond with the County on May 15th, 2023, are still applicable to the new site layout that was provided. Once a new agency response notice is provided from the County, we will respond accordingly. Attached is the letter detailing the comments that were sent on this previous date.

Please let me know if you have any questions.

Thanks,

Nick



Nick Sparacino

Staff Engineer | RH2 Engineering, Inc.

16150 N. High Desert Street, STE 201

Nampa, ID 83687

O: 208.874.4107

nsparacino@rh2.com

www.rh2.com

BLACK CANYON IRRIGATION DISTRICT

May 15, 2023

Canyon County Development Services Department
111 North 11th Ave. Suite 140
Caldwell, ID 83605
(208) 454-7458

NOTUS, IDAHO

RE: Conditional Rezone. Parcel R37904010, R37905, R37905011
Case No. CR2022-0025
Applicant: Erlebach Investment, LP
Planner: Samantha Hammond

The property is located at Goodson Rd and Farmway Road

The Black Canyon Irrigation District (District) has the following initial comments regarding this proposed land use change.

Site Specific Comments:

1. The requested rezoned properties have irrigation water rights attached to them from the Black Canyon Irrigation District. The change of use will most likely require some water to be moved off this property (as a portion of the property will not be irrigable). The water will need to be moved to another property within the District by the owner or the water will be moved back into the District's possession. Prior to final platting of the site (assuming that the site will be re-platted) water will need to be reallocated as discussed with the applicant. (Exact breakouts and site plan are still being pursued at the time of this correspondence.)
2. No specific District infrastructure appears to be on or adjacent to these parcels.
3. Private easements showing a pathway for water to each parcel will be required to be reviewed by the District during construction drawing review.

General District Comments (for all developments):

Any and all maintenance road right-of ways, lateral right-of ways and drainage right-of ways will need to be protected (including the restriction of all encroachments and including any proposed overlapping rights of ways). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.

The District will require any laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons.

Runoff and drainage from any proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

All of the above requirements shall be met, including any others that arise during future review.

Thank You,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District

Landon Brown

From: Bob Cline <bob@ib-usa.com>
Sent: Tuesday, October 17, 2023 3:55 PM
To: vislas@starfirerescue.org
Cc: Landon Brown; Dave Erlebach
Subject: FW: Preliminary Review Comments and Agency Acknowledgement Request - Middleton-Star Fire District
Attachments: Agency Acknowledgement Form.PDF; Site Plan.PDF

*** NOTICE: EXTERNAL EMAIL ***

Hi Victor,

Per our discussion and for ease of reference, the email below, which included the attached agency acknowledgement and site plan, are being sent again. It would be very much appreciated if you could fill out and return the acknowledgement showing the notification was provided. Also, if you would like to provide preliminary comments, they would certainly be welcome, but are not required at this time.

Thank you in advance for your help.

Best Regards,
Bob Cline

C: 208.870.9853

From: Bob Cline
Sent: Monday, October 9, 2023 4:44 PM
To: vislas@starfirerescue.org
Cc: Dave Erlebach <dave@ib-usa.com>; Landon Brown <lbrown@hawleytroxell.com>
Subject: Preliminary Review Comments and Agency Acknowledgement Request - Middleton-Star Fire District

Dear Victor:

Erlebach Investments, LP, is submitting a conditional use permit application to Canyon County to use property located at the SW corner of Goodson Road and Farmway Road (Parcel Nos. R379040100, R379050000, R379050110) for a construction shop, office, and laydown yard. Attached is a Site Plan of the proposed use. You will be given an opportunity to provide comments to the County as part of the application process. However, at this time, we are requesting your preliminary review and any preliminary comments that would assist us and the County with the application process. You are not required to provide preliminary comments, but we are required to seek your comments in order to apply for the CUP.

Please respond to this email with your preliminary comments. In lieu of providing comments, you may sign the attached Agency Acknowledgement form and return to me.

Best Regards,

Bob Cline
Industrial Builders Inc.

Mobile: (208) 870-9853

[EXT] Pre-Development Meeting



Anthony Lee <Anthony.Lee@phd3.idaho.gov>

To: Bob Cline

Cc: Andrew Kina

Hi Bob,

On 10/17/2023, SWDH held a Pre-Development Meeting with applicant Bob Cline with Industrial Builders, and Andrew Kina, P.E. with ABCO Engineering to discuss the proposed project for a construction shop.

Thank you,



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

Anthony Lee, BS/REHS | Land Development Senior | Southwest District Health

13307 Miami Lane | Caldwell ID 83607 | ph: 208.455.5384 | cell: 208.899.1285

Anthony.Lee@phd3.idaho.gov | *Healthier Together* | www.swdh.org



CAUTION: This email originated from outside of Industrial Builders. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, verify with the sender by phone.

DEED

Exhibit A6

DEED

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

Accommodation

2023-035613
RECORDED
11/03/2023 03:01 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=2 JWINSLOW \$15.00
TYPE: DEED
PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

QUITCLAIM DEED

For Value Received

Erlebach Properties, L.P. an Idaho Limited Partnership , Grantor
do hereby convey, release, remise and forever quit claim unto

Erlebach Properties, L.P. an Idaho Limited Partnership , Grantee
whose address is 17080 Stiehl Creek Dr. Nampa, ID 83687

the following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

together with their appurtenances.

Dated: 10/27/2023

Dave C. Erlebach
Dave C. Erlebach, Manager

State of Idaho, County of Ada

This record was acknowledged before me on Oct 27, 2023 by Dave C. Erlebach, as
Manager of Erlebach Properties, L.P., an Idaho Limited Partnership.

Evelyn Baker
Signature of notary public
Commission Expires: July 26, 2029

EVELYN BAKER
Notary Public - State of Idaho
Commission Number 20170166
My Commission Expires Jul 26, 2029

EXHIBIT A

Parcel A

A parcel of land lying in a portion of the N1/2 NE1/4 of Section 20, T.5N., R.3W., Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Commencing at a found Brass Cap lying along the centerline intersection of Farmway Road and Goodson Road and marking the NE Corner of said Section 20, T.5N., R.3W., Boise Meridian, Canyon County, Idaho; thence S.00°02'24"E. 708.40 feet along the said centerline of Farmway Road and the east boundary of the said N1/2 NE1/4 of Section 20 to a point, said point being witnessed by a found 5/8" iron pin which bears S.89°57'36"W. 25.13 feet, said point also marking the REAL POINT OF BEGINNING;

thence continuing along the said centerline of Farmway Road and the said east boundary of the N1/2 NE1/4 of Section 20, S.00°02'24"E. 143.30 feet to a point, said point being witnessed by a set 1/2" iron pin which bears N.89°48'42"W. 25.00 feet;

thence leaving the said centerline of Farmway Road and the said east boundary of the N1/2 NE1/4 of Section 20, N.89°48'42"W. 185.13 feet to a set 1/2" iron pin;

thence S.00°02'24"E. 470.00 feet to a set 1/2" iron pin lying along the south boundary of the said N1/2 NE1/4 of Section 20;

thence along the said south boundary of the N1/2 NE1/4 of Section 20, N.89°48'42"W. 1181.81 feet to a set 1/2" iron pin lying along the easterly right of way of Interstate 84;

thence along the said easterly right of way of Interstate 84, N.14°52'37"W. 1369.09 feet to a set 5/8" iron pin lying along the northerly boundary of the said N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road;

thence along the said northerly boundary of the N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road, S.89°46'01"E. 392.42 feet to a found 1" iron pin marking the E1/16 Corner common to Section 17 and said Section 20;

thence continuing along the said northerly boundary of the N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road, S.89°48'36"E. 768.66 feet to a point, said point being witnessed by a set 1/2" iron pin which bears S.00°11'24"W. 25.00 feet;

thence leaving the said northerly boundary of the N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road, S.00°11'24"W. 326.68 feet to a set 5/8" iron pin;

thence S.89°48'36"E. 332.71 feet to a found 5/8" iron pin;

thence S.24°58'37"E. 132.01 feet to a set 1/2" iron pin;

thence S.28°47'27"E. 299.89 feet to a found 5/8" iron pin;

thence N.89°57'36"E. 25.13 feet to the point of beginning, containing 39.49 acres, more or less.

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



Emily Bunn

From: Dave Erlebach <dave@ib-usa.com>
Sent: Thursday, January 9, 2025 9:20 AM
To: Emily Bunn
Cc: todd@borton-laakey.com; Carl Anderson
Subject: Re: [EXT] RE: [EXT] RE: [EXT] RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

That makes sense. The 11 acres is all we need for our contractor and farming lay down area.
Sent from my iPhone

On Jan 9, 2025, at 9:12 AM, Emily Bunn <Emily.Bunn@canyoncounty.id.gov> wrote:

Hello,

If CU2023-0024 is approved, the staging area and contractor shop will likely be conditioned to the letter of intent and site plan that was proposed (showing only 11-acres of the property being used for the staging area and contractor shop with the remainder left to be used for agricultural uses). If the application is approved and in the future you are wanting to expand you staging area/contractor shop operation to include more of Parcel R37905 or Parcel R37904010, then the conditional use permit would need to be amended to include those areas in the CUP.

I mainly trying to verify the area that is part of the operation and to ensure Canyon County is providing sufficient notice for the project. If approved, there would be no staging area/contractor shop operations allowed via a CUP on Parcel R37904010 as it has not been proposed in the site plan as an area where staging area and contractor shop operations will take place.

Whether Parcel R37904010 is included in the application or not, it is not shown in the site plan, and therefore this subject application does not allow for a staging area/contractor shop on Parcel R37904010

Please let me know if you have any questions,

<image002.png>

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

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

From: Dave Erlebach <dave@ib-usa.com>

Sent: Monday, January 6, 2025 3:33 PM

To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>

Cc: 'todd@borton-lakey.com' <todd@borton-lakey.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>

Subject: RE: [EXT] RE: [EXT] RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Emily, I will need some help from you and your team to answer that question but first let me provide some history on our application process to understand why I would like your input.

1. Before purchasing the property, we meant with County. The property was listed by the realtor as development property. Not being a developer, we made a trip to the county. The property was zoned Agriculture and we really thought we wanted and needed a light Industrial zoning. We own both an Agricultural Company called Intrinsic Organics and a construction company call Industrial Builders Inc. Obviously if we zoned if for light industrial and wanted to keep it in farm ground that would not be an issue.
2. After meeting with two planners (I won't mention any names) they gave us a positive feed back and suggested it would be feasible to get it rezoned from Agriculture to Light Industrial.
3. We purchased the property and started the process to get it rezoned. We filled out the application, held our onsite neighborhood meeting, meet with all the agencies and got letters to check off all the requirements etc. all with positive feedback and submitted the rezone application as directed.
4. About (7) months into the process Dan Lister and Sabrina Minshall got a hold of our application and scheduled a meeting with us. They informed us there was no way a rezone would every be approved. After better explaining their reasoning and the current zoning status and the new comprehensive plan, they felt like we would be wasting our time and money. After reviewing our rezone application and trying to understand what we were trying to accomplish and reviewing the comprehensive plan with us and reviewing existing uses in the area, they strongly believed we would qualify for a conditional use permit and suggested we resubmit our application.
5. Already (7) months into the process, we were worried about starting the process over but they believed we would be able to get in line at the same spot we left off in the rezone process. We decided to proceed with the suggested change in applications.
6. This time we hired a law firm to help us through the process, had our third neighborhood meeting (three because our surveyor putting out the dates got them mixed up and we unfortunately had a no show), this time with a hostile group of neighbors and resubmitted our application for a CUP. We reviewed the application with the county and the CUP application checked all the boxes and met all County requirements for the area.
7. Three different planners and almost (3) years into the process here is where we are.

We do not see needing any additional area for both our farming and construction operations than the parcel next to the freeway. However, if we can still meet all the requirements and include both parcels but still leave the one parcel in farm ground and if we eventually needed

the second parcel for additional laydown area and would not have to go through this very painful process again, then I would say include it. However, on the other hand if including it gives us an unfavorable staff report, then I would say leave it off. We just want to pursue the best possible submittal that gives us the CUP we now desire.

Sorry for the long response but would like to understand your thoughts.

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Monday, January 6, 2025 12:01 PM
To: Dave Erlebach <dave@ib-usa.com>
Cc: 'todd@borton-lakey.com' <todd@borton-lakey.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Subject: [EXT] RE: [EXT] RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Hello,

Before I forget, are you want to include Parcel R37904010 in the CUP application? I ask because it is not part of the 11-acre area you are proposing the staging area and contractor shop in and will be apart of the farm field instead. Both parcel Parcel R37905 and R37904010 are included in the master application and letter of intent, which is why I am asking.

<image003.png>

Please let me know if you have any questions,

<image002.png>

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

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From: Emily Bunn
Sent: Monday, January 6, 2025 10:54 AM
To: 'Dave Erlebach' <dave@ib-usa.com>
Cc: todd@borton-lakey.com; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Subject: RE: [EXT] RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Hello,

The staff report will be posted on the website approximately a week before the hearing (there is sometimes a lag between when I send the staff report before it is on the website, which is why I say “approximately,” but you will be able to review it before the public hearing).

Here is the link to the website where you will find the staff report posted:

<https://www.canyoncounty.id.gov/land-hearings/>

Just a reminder, if you have a presentation or any written materials you would like to present and/or reference at the public hearing, this will need to be sent to me 10 days before the hearing (February 10, 2025 by 5:00 p.m.) so it can be included in the staff report packet prior to the hearing.

Sincerely,

<image002.png>

Emily Bunn,

Associate Planner

Canyon County Development Services Department

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

Direct Line: (208) 454-6632

Email: emily.bunn@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

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From: Dave Erlebach <dave@ib-usa.com>

Sent: Monday, January 6, 2025 9:13 AM

To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>

Cc: todd@borton-lakey.com; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>

Subject: Re: [EXT] RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Perfect. We will put it on our schedule. I assume we will get a copy of the staff report prior to the hearing?

Sent from my iPhone

On Jan 6, 2025, at 8:09 AM, Emily Bunn <Emily.Bunn@canyoncounty.id.gov> wrote:

Hello,

Yes I was able to complete the site visit.

The public hearing will be on Thursday, February 20th as outlined in the applicant schedule letter I sent over to you.

Please let me know if you have any questions,

<image001.png>

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

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From: Dave Erlebach <dave@ib-usa.com>
Sent: Sunday, January 5, 2025 3:45 AM
To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Cc: 'todd@borton-lakey.com' <todd@borton-lakey.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Subject: RE: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Emily, were you able to get the County car started and make the visit to the site on Friday? We are hoping you got that completed and we can keep this progressing.



Dave Erlebach

President – Industrial Builders Inc.
o: 208 795-5670 | c: 208 573-3582
e: dave@ib-usa.com | w: www.ib-usa.com
a: 1711 Slipstream Way Caldwell ID 83605

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Tuesday, December 31, 2024 4:58 PM
To: Dave Erlebach <dave@ib-usa.com>
Cc: 'todd@borton-lakey.com' <todd@borton-lakey.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Subject: [EXT] RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Hello,

I appreciate the below information. I unfortunately was not able to complete the site visit today (our department car was not working), but am planning on completing the visit on Friday, January 3, 2025 unless I hear otherwise from you.

Have a nice New Years,
<image001.png>
Emily Bunn,
Associate Planner
Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: (208) 454-6632
Email: emily.bunn@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

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From: Dave Erlebach <dave@ib-usa.com>
Sent: Tuesday, December 24, 2024 10:46 PM
To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Cc: 'todd@borton-lakey.com' <todd@borton-lakey.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Subject: RE: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Thanks for the quick response. Your site visit on Tuesday December 31 is fine. Some of the property has a fence around it with a gate. There will be nobody there. The field is planted in our crop of Jerusalem Artichokes for Intrinsic Organics. We harvest them in March. We have a little over 400 acres planted around the area. The processing plant is in Washington County near Weiser.

Let us know if you need anything.



Dave Erlebach

President – Industrial Builders Inc.
o: 208 795-5670 | c: 208 573-3582
e: dave@ib-usa.com | w: www.ib-usa.com
a: 1711 Slipstream Way Caldwell ID 83605

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Tuesday, December 24, 2024 9:08 AM
To: Dave Erlebach <dave@ib-usa.com>
Cc: 'todd@borton-lakey.com' <todd@borton-lakey.com>; Carl Anderson <Carl.Anderson@canyoncounty.id.gov>
Subject: [EXT] RE: [External] RE: [EXT] CU2023-0024 Update

Dear Mr. Erlebach and Mr. Lakey,

Thank you for your email, we understand the timelines are frustrating. Thank you for your continued patience.

Please be advised our office is scheduling the case for a public hearing on Thursday, February 20, 2025 at 6:30 p.m..

I have attached a schedule letter for your review.

As part of my staff review, I do need to conduct a site visit so I can include site photos in the staff report. I am planning on doing a site visit on Tuesday, December 31, 2024. You do not need to be present for the site visit. If that doesn't work for you, please let me know, and I can look at another date to do conduct the site visit.

If you have any questions please let me know,

<image001.png>

Emily Bunn,

Associate Planner

Canyon County Development Services Department

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

Direct Line: (208) 454-6632

Email: emily.bunn@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

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From: Dave Erlebach <dave@ib-usa.com>

Sent: Wednesday, December 18, 2024 2:07 PM

To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>

Cc: 'todd@borton-lakey.com' <todd@borton-lakey.com>; Carl Anderson

<Carl.Anderson@canyoncounty.id.gov>; Sabrina Minshall

<Sabrina.Minshall@canyoncounty.id.gov>; Dan Lister

<Daniel.Lister@canyoncounty.id.gov>; BOCC <BOCC@canyoncounty.id.gov>; Benn

Brocksome <benn@bennbrocksomeandassociates.com>; jwagone@cityofcaldwell.org

Subject: [External] RE: [EXT] CU2023-0024 Update

Emily, thanks for the response. Like everyone before you, We look forward to working with you as well as we have done with the others. Now we understand why we did not get a response from Doug. I think you will be number three or four (we have stopped counting) that we have worked with from the county in this forever long process. We have a number of e-mails from Doug Exton and others assuring us this would be done by the end of the year (thinking about it now, I am not sure what year they were referring to (12)). Now you are saying spring, I assume of 2025? Not sure what that even means but okay.

You cannot even imagine the frustration level for a business owner or for anybody for that matter, to be a party to this level of incompetence. It would be laughable if it wasn't so devastating to our community, City's and State as a whole. If any private sector were to run an organization like the County is running ours, they would be bankrupt and run out of business.

For us as residents, developers, contractors, business owners of Canyon county to now be conditioned to just accept this as a norm is devastating. We can do better and should expect better and not settle as a society for thinking this is the norm and things cannot get better. Really, where are we headed?- we are now past two years. Are we now conditioned and accepting the fact that an application in Canyon County could take (3) years, (4) years, (5) years and believe that is acceptable? When you think about it and actually say it out loud it's absurd.

We have permitted, drilled wells and built complete power plants in less time than it takes to get a lot line adjustment in Canyon County.

It would be interesting to organize a protest for every contractor, developer, resident that have been waiting longer than (1) year for an application to line up at the county building with their excavators, dump trucks, tractors, pickups, cars etc. and see how large this group really is. Sounds like a good idea to me. – (and by the way, leave them parked there and pull the keys until their applications are processed. They don't need them anyway since they have no permits to keep them working)

Thanks for listening as my application goes to the bottom of the pile because I dare to comment. Anything we can do to help let us know.

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Wednesday, December 18, 2024 12:50 PM
To: Dave Erlebach <dave@ib-usa.com>
Cc: 'todd@borton-lakey.com' <todd@borton-lakey.com>
Subject: [EXT] CU2023-0024 Update

Hello,

I received a voicemail yesterday on getting a status update for Case # CU2023-0024.

As you are probably aware Doug Exton was assigned the case, but he has since left Canyon County. Carl Anderson (Planning Supervisor) recently reassigned me this case. I am aiming to get the case to hearing sometime in late winter or spring, and I will keep you updated on which Planning and Zoning Commission hearing I aiming towards as I get more of the staff report completed to see if it works for both you and your representative.

I do not have any questions at this time on the case, but will reach out with any questions on the property as I have them.


The only thing I need from you right now is an affidavit of legal interest showing that Todd Lakey is now representing you so we have that in writing. I have attached this form to the email.


Please let me know if you have any questions,
<image001.png>
Emily Bunn,


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


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


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EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case # CU2023-0024

Hearing Date: February 20, 2025

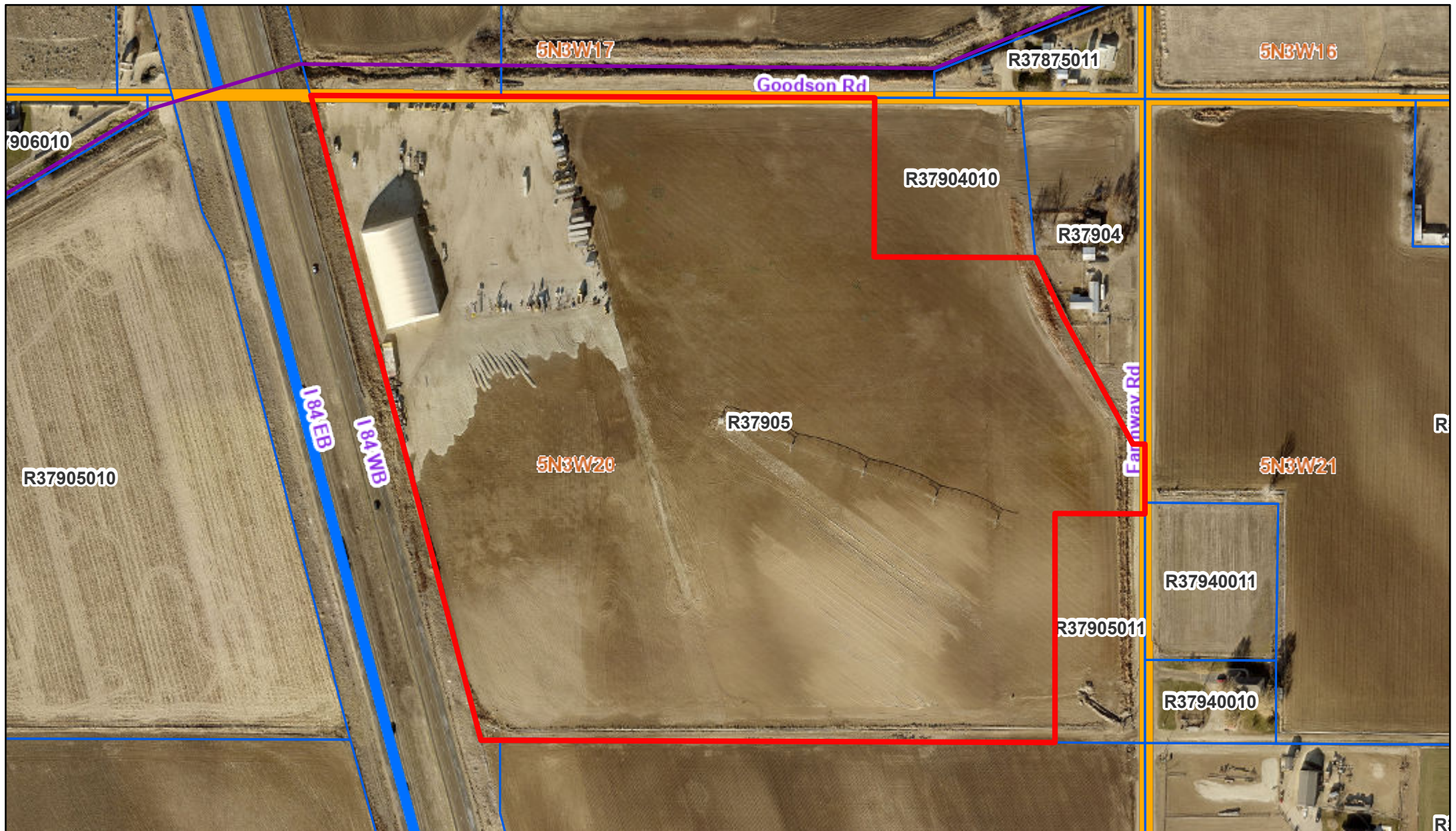
R37905**PARCEL INFORMATION REPORT**

12/20/2024 3:34:07 PM

PARCEL NUMBER: R37905**OWNER NAME: ERLEBACH PROPERTIES LP****CO-OWNER:****MAILING ADDRESS: PO BOX 97 CALDWELL ID 83606****SITE ADDRESS: 0 GOODSON RD****TAX CODE: 0320000****TWP: 5N RNG: 3W SEC: 20 QUARTER: NE****ACRES: 39.49****HOME OWNERS EXEMPTION: No****AG-EXEMPT: No****DRAIN DISTRICT: NOT In Drain Dist****ZONING DESCRIPTION: AG / AGRICULTURAL****HIGHWAY DISTRICT: HIGHWAY DISTRICT #4****FIRE DISTRICT: MIDDLETON FIRE****SCHOOL DISTRICT: MIDDLETON SCHOOL DIST #134****IMPACT AREA: NOT In Impact Area****FUTURE LAND USE 2011-2022 : AG****FLU Overlay Zone Desc 2030:****FLU RR Zone Desc 2030:****FUTURE LAND USE 2030: AG****IRRIGATION DISTRICT: BLACK CANYON IRRIGATION DIST****FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0125F****WETLAND: NOT In WETLAND****NITRATE PRIORITY: NE CANYON CO.****FUNCTIONAL Classification: NOT In COLLECTOR****INSTRUMENT NO. : 2023036607****SCENIC BYWAY: NOT In Scenic Byway****LEGAL DESCRIPTION: 20-5N-3W NE TX 23570 IN N 1/2 NE****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.

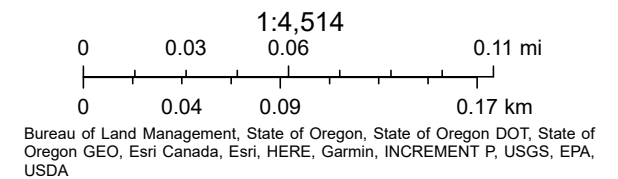
CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



1/23/2025, 10:41:24 AM

- Parcel Number Search _Query result
- Hydro_NHDFlowline
- County Boundary
- Current Impact Area
- City Limits
- Sections
- Interstate

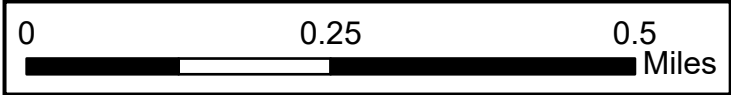
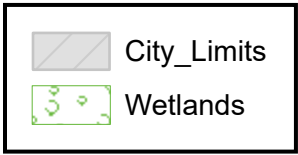
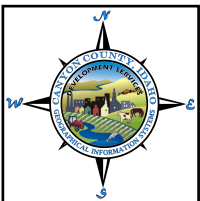
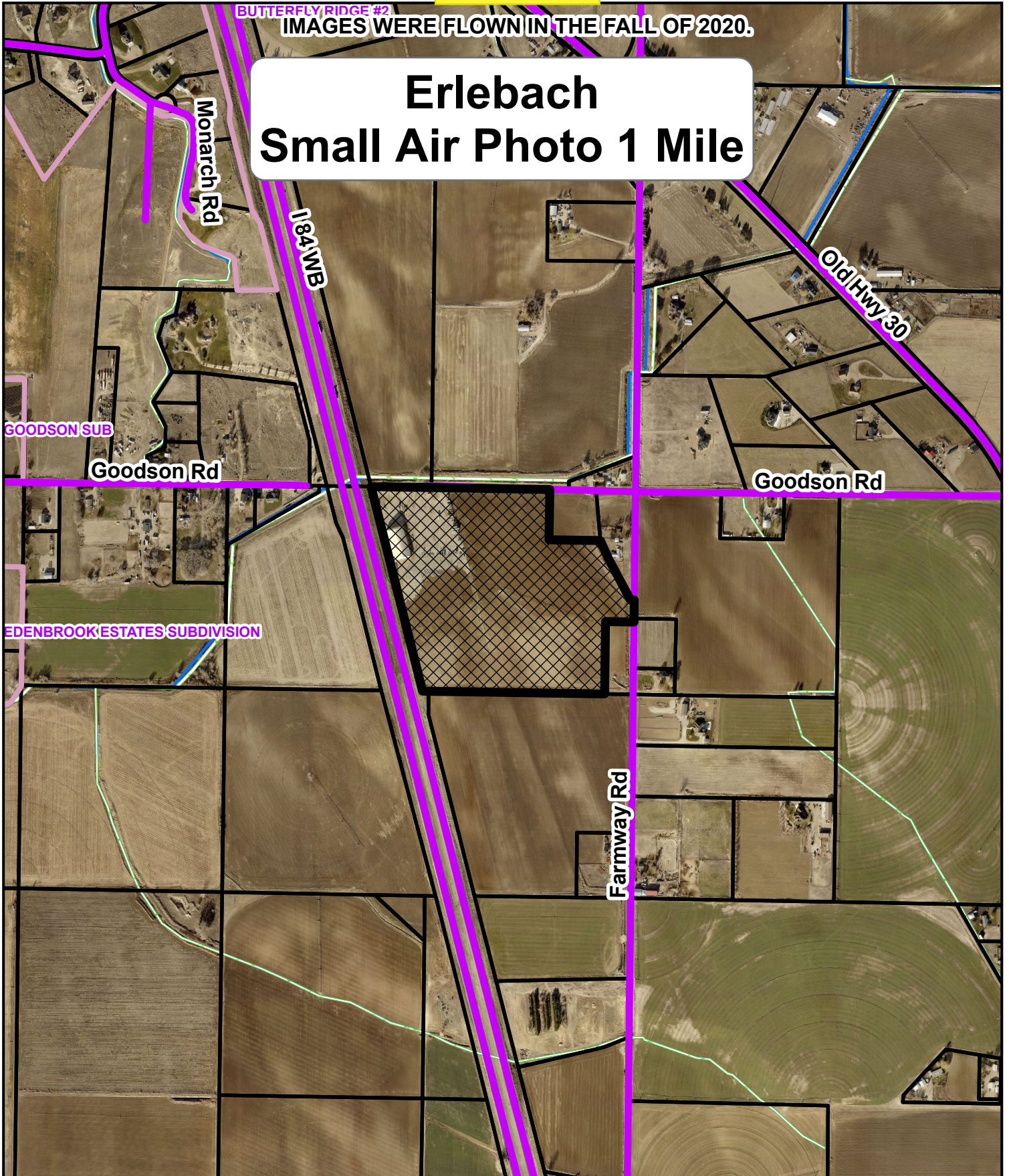
- Imagery_2022
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



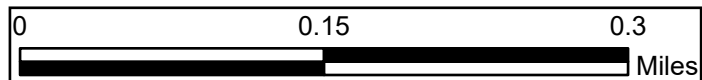
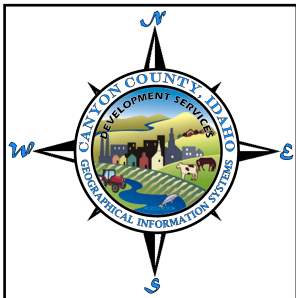
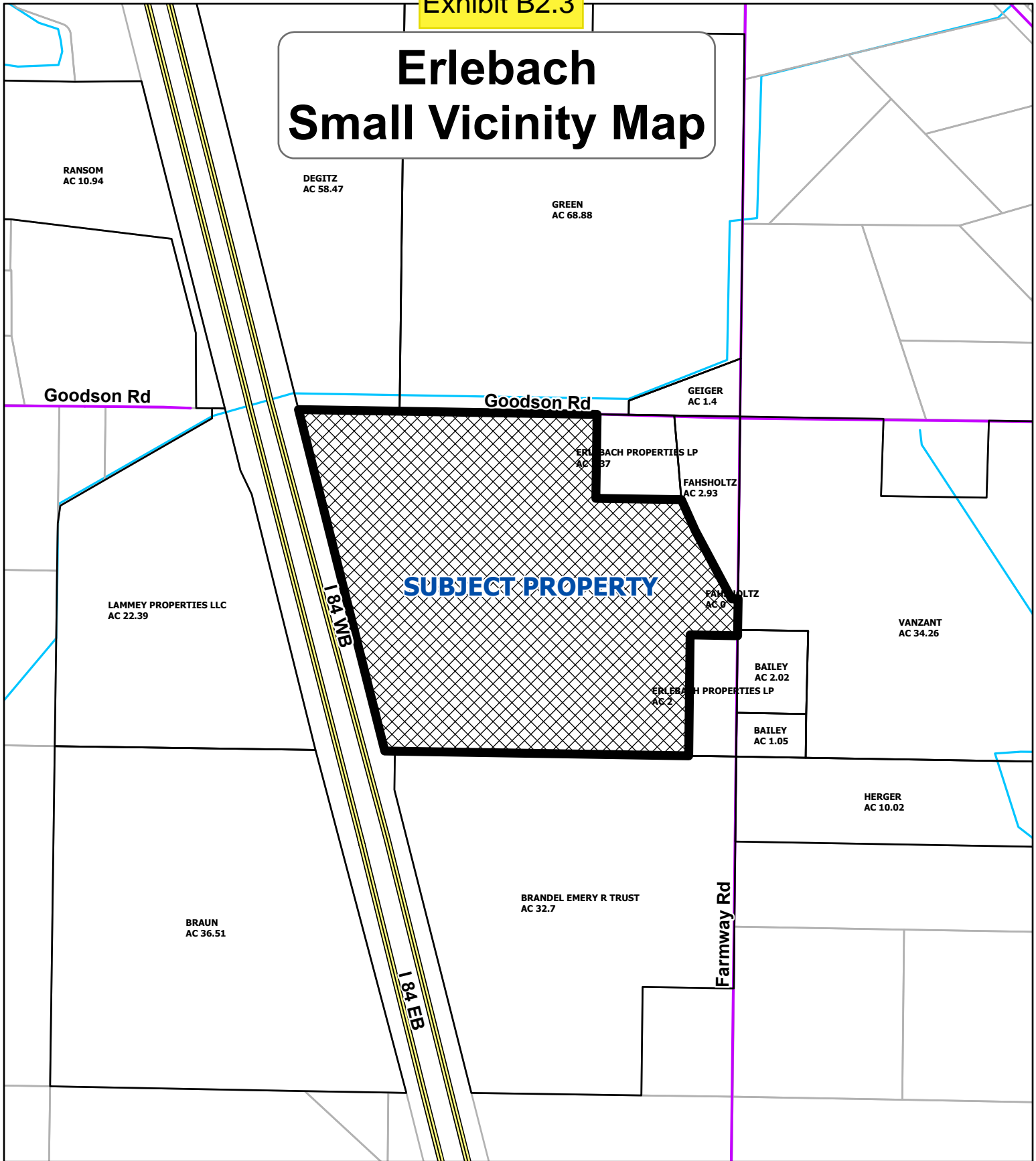
BUTTERFLY RIDGE #2

IMAGES WERE FLOWN IN THE FALL OF 2020.

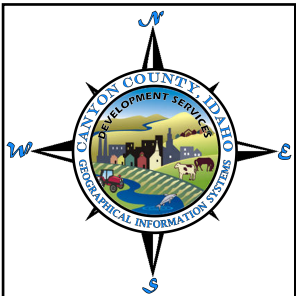
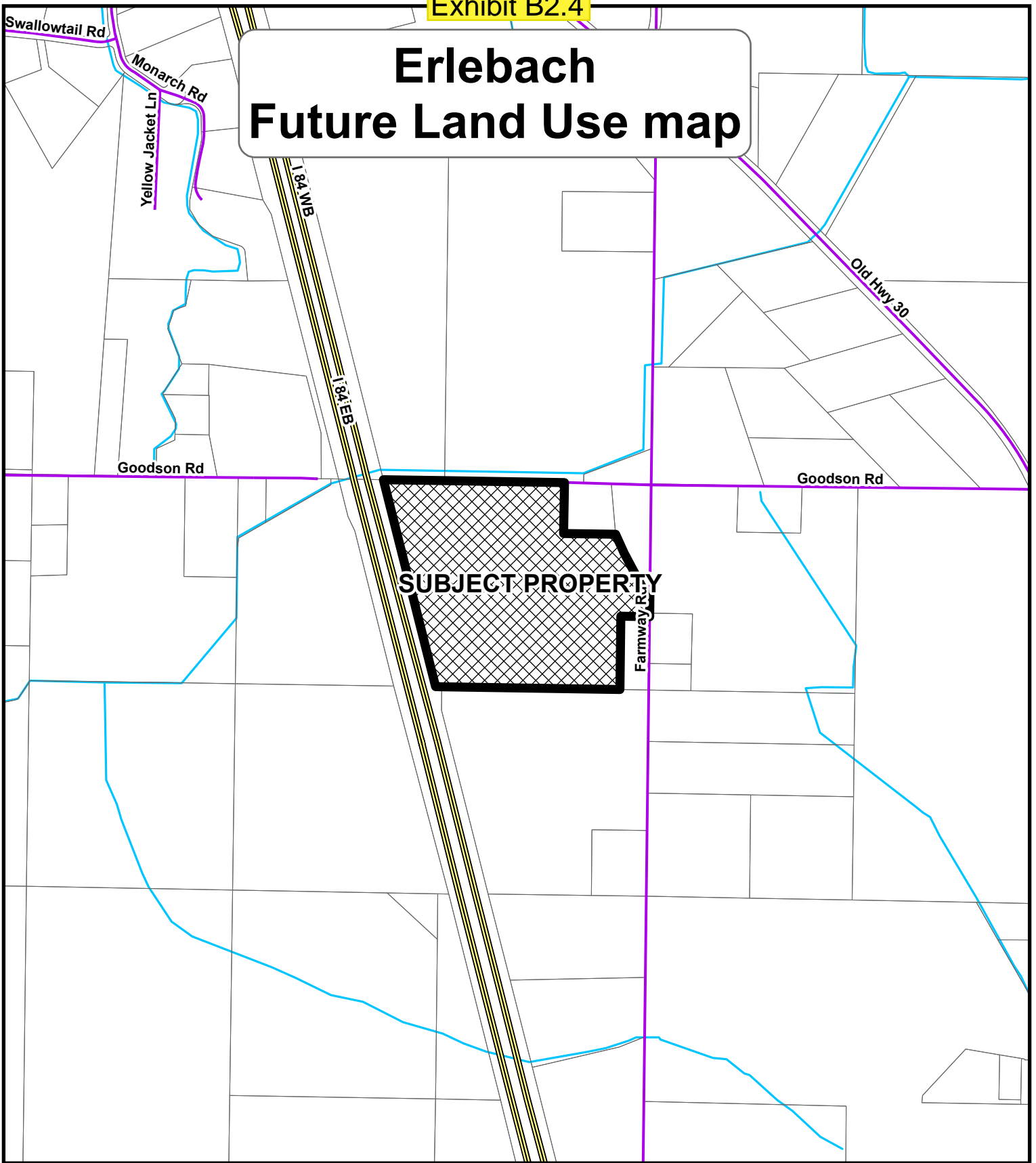
Erlebach Small Air Photo 1 Mile



Erlebach Small Vicinity Map

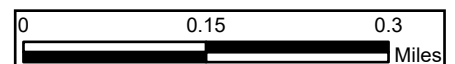


Erlebach Future Land Use map

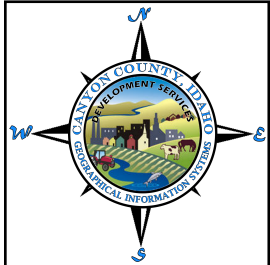
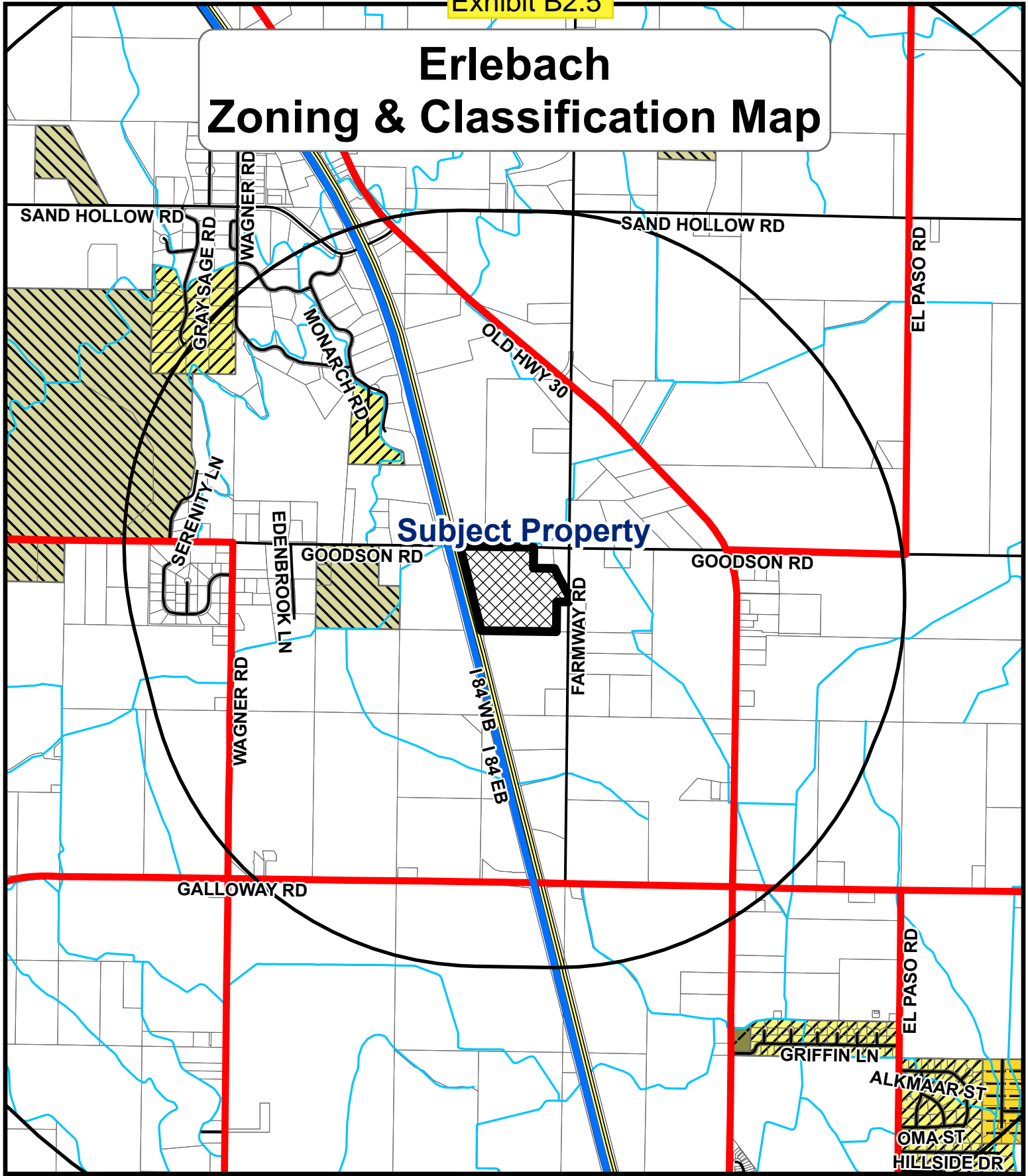


Legend Future Land Use 2030

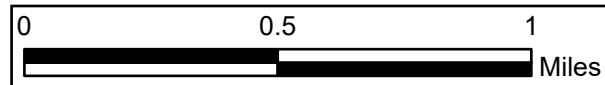
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL



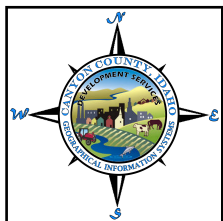
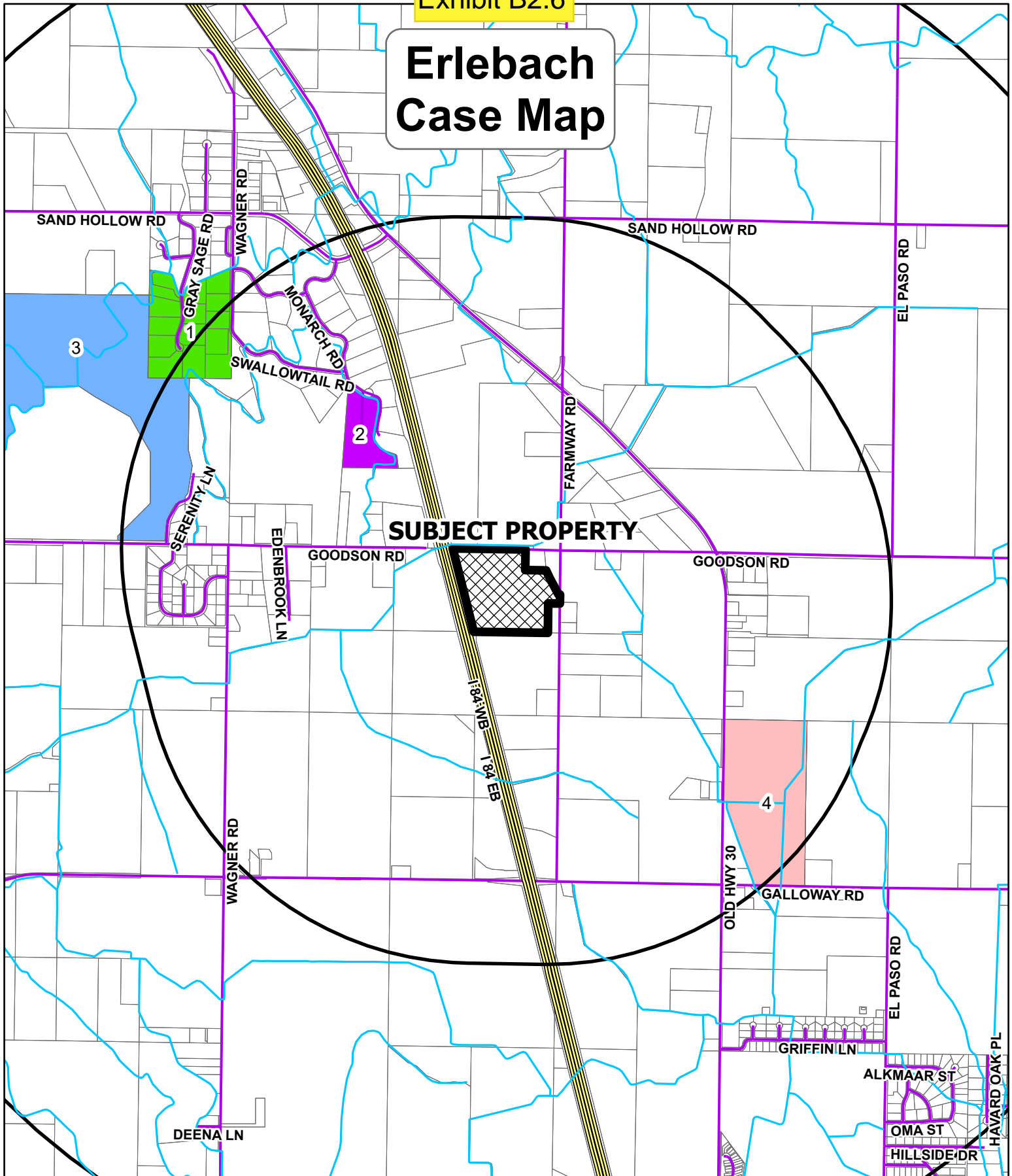
Erlebach Zoning & Classification Map



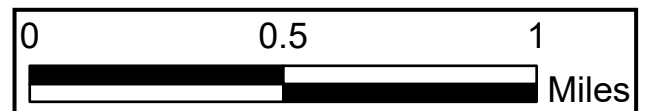
Current Zoning		ITD Functional Classification	
RR	CR-C1	Interstate	
CR-RR	C2	Major Collector	
R1	CR-C2	Minor Arterial	
CR-R1	M1	Minor Collector	
R2	CR-M1	Other Principal Arterials	
C	M2		
	AG		



Erlebach Case Map



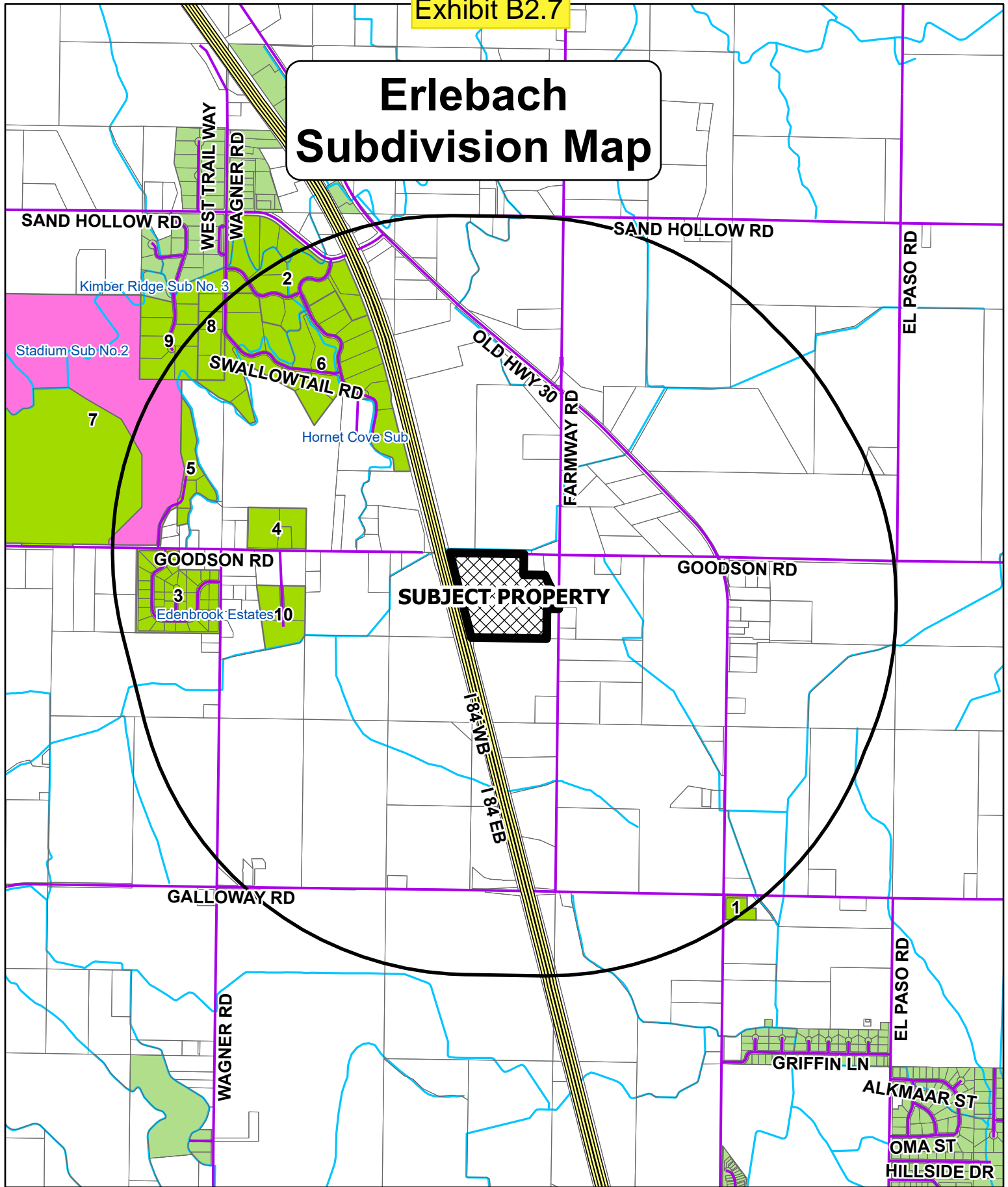
YEAR			
2023	2020	2019	2018
2021			



CASE SUMMARY

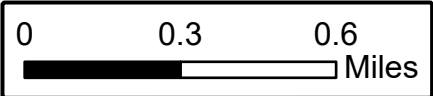
ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	SD2019-0042	Kimber Ridge Sub	Kimber Ridge Sub	APPROVED
2	RZ2020-0007	Rezone AG to RR	Rumsey	APPROVED
3	SD2020-0027	Prelim Plat - Stadium Sub 2	Stadium Sub 2	APPROVE
4	CR2022-0015	Rezone AG to CR-R1	Albisu	DENIED

Erlebach Subdivision Map



SUBDIVISIONS
Plat Type, Plat Status

- Preliminary, Approved
- Preliminary, Pending



SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
10	620.45	105	5.91	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
1	221.86	136	1.63	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
20	17.90	10.13	0.00	68.88
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0	0	0	0	0

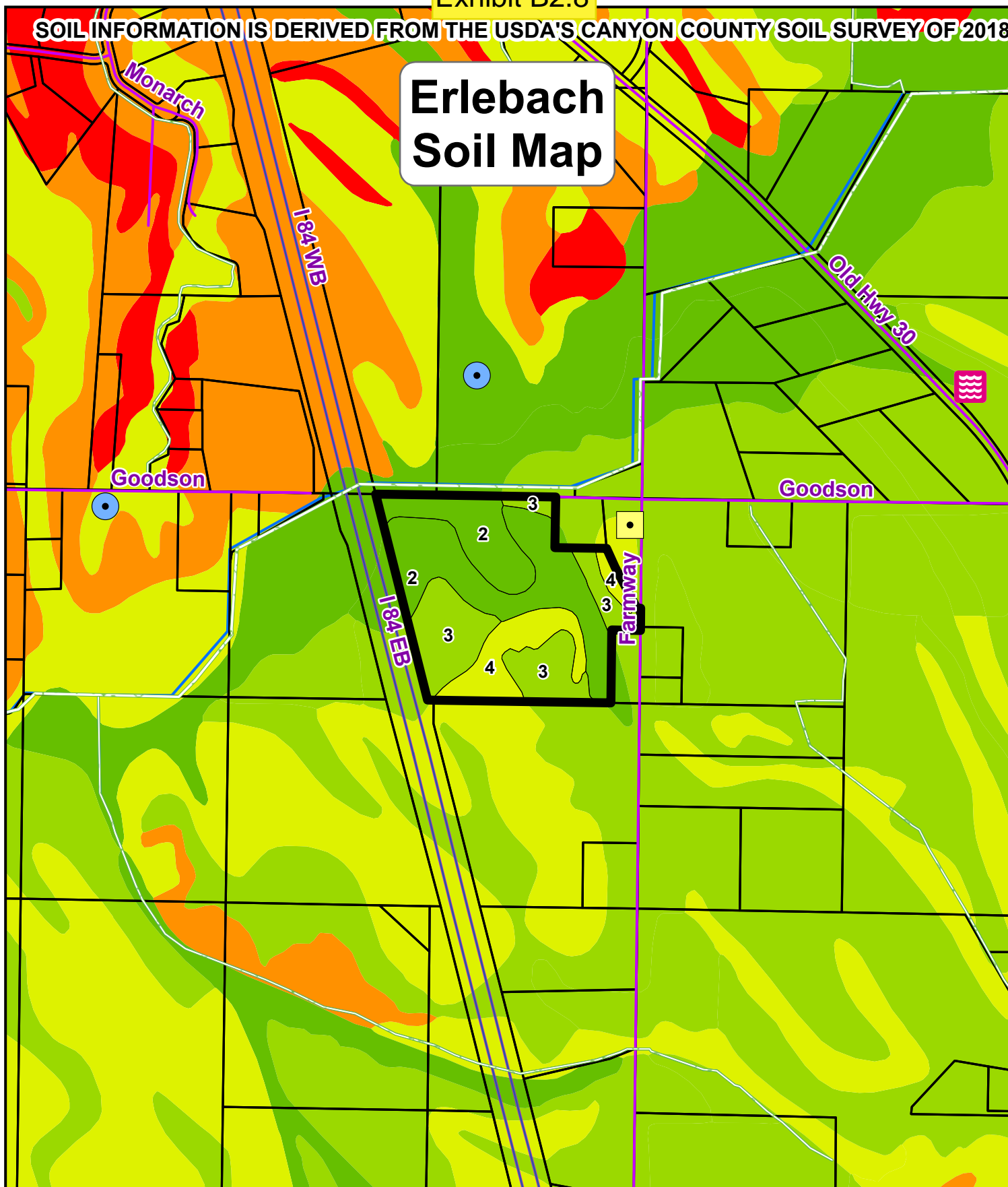
PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
REYNOLDS SUB	1	5N3W28	3.62	1	3.62	COUNTY (Canyon)	1999
BUTTERFLY RIDGE #1	2	5N3W17	52.32	13	4.02	COUNTY (Canyon)	2002
ELM CREST SUB	3	5N3W19	35.23	41	0.86	COUNTY (Canyon)	1973
GOODSON SUB	4	5N3W17	13.79	3	4.60	COUNTY (Canyon)	1996
OVERVIEW ACRES SUB	5	5N3W18	11.19	4	2.80	COUNTY (Canyon)	2005
BUTTERFLY RIDGE #2	6	5N3W17	87.12	20	4.36	COUNTY (Canyon)	2006
THE STADIUM SUBDIVISION	7	5N3W18	357.64	5	71.53	COUNTY (CANYON)	2018
KIMBER RIDGE SUBDIVISION NO. 1	8	5N3W18	16.17	5	3.23	COUNTY (Canyon)	2021
KIMBER RIDGE SUBDIVISION NO. 2	9	5N3W18	28.47	9	3.16	COUNTY (Canyon)	2022
EDENBROOK ESTATES SUBDIVISION	10	5N3W20	14.91	4	3.73	COUNTY (Canyon)	2024

SUBDIVISIONS IN PLATTING							
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE				
Stadium Sub No.2	221.86	136	1.63				

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

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

Erlebach Soil Map



Nitrate Priority Wells

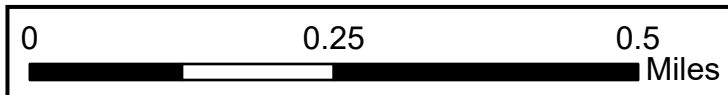
- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- ▲ 10.000001 - 49.800000



IDWR_2C_Geothermal_

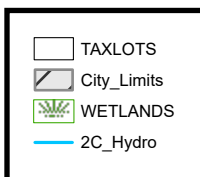
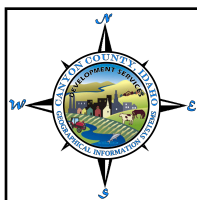
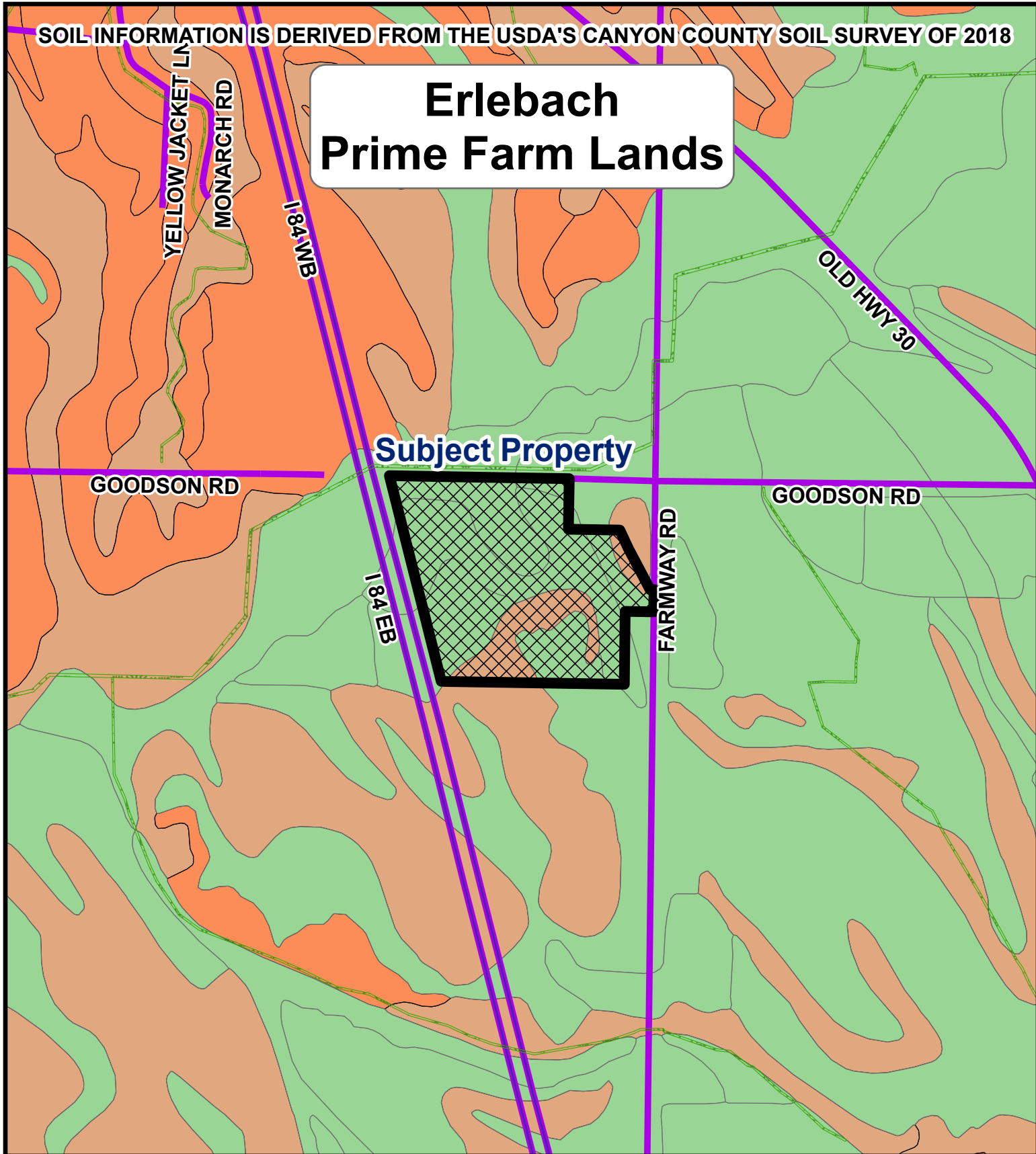


Wetlands



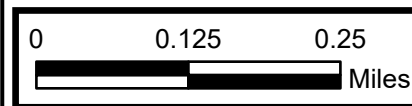
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Erlebach 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	288672.12	6.63	16.78%
4	MODERATELY SUITED SOIL	40597.92	0.93	2.36%
2	BEST SUITED SOIL	285492.24	6.55	16.60%
2	BEST SUITED SOIL	603044.64	13.84	35.05%
4	MODERATELY SUITED SOIL	246549.60	5.66	14.33%
3	MODERATELY SUITED SOIL	255958.56	5.88	14.88%
		1720315.08	39.49	100%

FARMLAND REPORT

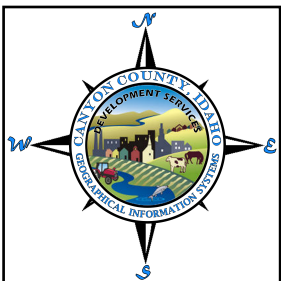
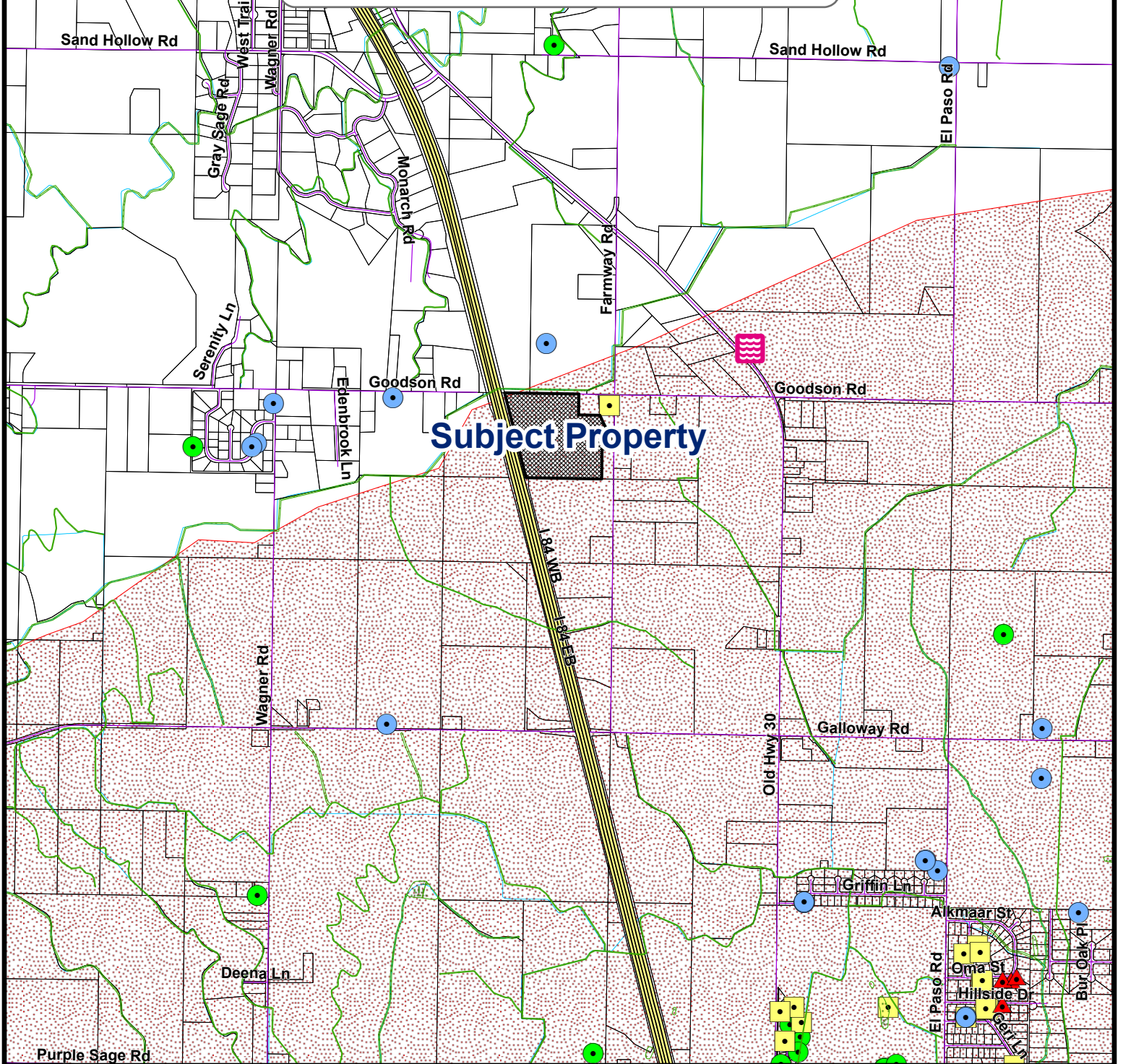
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
EsB	Prime farmland if irrigated	288672.12	6.63	16.78%
EvC	Farmland of statewide importance, if irrigated	40597.92	0.93	2.36%
JeA	Prime farmland if irrigated	285492.24	6.55	16.60%
PhA	Prime farmland if irrigated	603044.64	13.84	35.05%
EvC	Farmland of statewide importance, if irrigated	246549.60	5.66	14.33%
EsB	Prime farmland if irrigated	255958.56	5.88	14.88%
		1720315.08	39.49	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

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

Erlebach 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

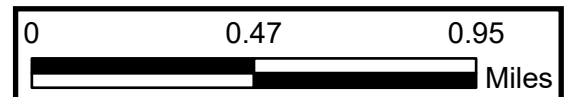


EXHIBIT C

Site Visit Photos: January 3, 2025

Planning & Zoning Commission

Case # CU2023-0024

Hearing Date: February 20, 2025

Exhibit C: Site Photos Taken on January 3, 2025

Image 1: Taken on the subject property's driveway facing west.



Image 2 (left): Taken on the subject property's driveway facing east.

Image 3 (right): Taken on the subject property's driveway facing west



Images 4 and 5: Taken on the subject property facing east showing entrance to staging area/contractor shop



Images 6 and 7: Taken on the subject property facing north showing adjacent parcel conditions



Images 8 and 9: Taken on the subject property facing south showing the types of equipment stored on site that can be seen from the fence.



Images 10 and 11 (top and bottom): Taken on the subject property facing south showing the building and types of equipment stored on site that can be seen within the fence.



Images 12 and 13: Taken on the subject property facing south showing the types of equipment stored on site that can be seen within the fence.



Image 14: Taken on the subject property facing south west showing the types of equipment stored on site that can be seen within the fence.



Images 15 and 16: Taken on the subject property facing south showing field next to staging area/contractor shop



Image 17 (left): Taken facing west showing ag-field near driveway



EXHIBIT D

Agency Comments Received by: February 10, 2025

Planning & Zoning Commission

Case # CU2023-0024

Hearing Date: February 20, 2025

Emily Bunn

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Monday, August 5, 2024 12:51 PM
To: Doug Exton
Subject: [External] RE: Initial Agency Notification CU2023-0024 Erlebach

Hi Doug,

Per response for comment:

Will a Nutrient Pathogen Study be required? SWDH is waiting on the results of the Nutrient Pathogen study.

Will adequate sanitary systems be provided to accommodate the use? Test holes were conducted on 04/28/2023 and 05/12/2023. Groundwater monitoring pipes were also installed with monitoring started on 05/01/2023 through 06/19/2023. Last email correspondence received from developer was a change in facility type and operations for a construction shop and metal building. Applicant will need to reach out to SWDH to discuss the new proposal.

Let me know if you have any questions.

Thank you,



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

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

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Friday, August 2, 2024 3:28 PM
To: 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'Iriccio@hwydistrict4.org' <Iriccio@hwydistrict4.org>; 'e Ingram@idahopower.com' <e Ingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@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>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>

Subject: Initial Agency Notification CU2023-0024 Erlebach

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

Hello,

This notification was originally sent earlier this week, unfortunately there was a typo in the address. The address has now been corrected.

Please see the attached agency notice. You are invited to provide written testimony or comments by **September 1, 2024**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Doug Exton** at doug.exton@canyoncounty.id.gov.

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department

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

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

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.

Emily Bunn

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Friday, December 20, 2024 4:38 PM
To: Emily Bunn
Subject: RE: [External] RE: Initial Agency Notification CU2023-0024 Erlebach
Attachments: Pre-Development Meeting - Email Correspondence.pdf

Hi Emily,

A pre-development meeting was held on 10/17/2023 to review the proposal for a construction shop with the developer and engineer. I cannot find the notes from this meeting (see attached email correspondence). Test holes have been conducted. Groundwater monitoring data has also been collected from May 2023 through June 2023.

I do not have any updates on the Nutrient Pathogen Study other than a few corresponding emails from DEQ on the parameters of the N-P study. I have not received an updated letter of intended use for the new proposal.

Please let me know if you need additional information.

Thank you,



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

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

From: Anthony Lee
Sent: Friday, December 20, 2024 11:04 AM
To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Subject: RE: [External] RE: Initial Agency Notification CU2023-0024 Erlebach

Hi Emily,

Let me look into this and I will send you back my comments.

Thank you,



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

Anthony Lee, RS/BS | Land Development Senior

o 208.455.5384 | c 208.899.1285 | f 208.455.5300

anthony.lee@swdh.id.gov | SWDH.org

13307 Miami Ln., Caldwell, ID 83607

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>

Sent: Thursday, December 19, 2024 4:21 PM

To: Anthony Lee <Anthony.Lee@swdh.id.gov>

Subject: RE: [External] RE: Initial Agency Notification CU2023-0024 Erlebach

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Dear Anthony,

Here's a quick recap on this case since it is a few months since your below email:

The property owner had initially applied to rezone Parcels R37904010 and R37905 to industrial, but later withdrew the application to apply for a conditional use permit for a contractor shop and staging area (CU2023-0024 – I have attached the master application packet in case you would like to review)

Has there been any updates from the developer or property owner on the nutrient pathogen study or in the change of facility type as discussed below?

I have taken this case over from Doug (he left a couple of months ago), so any information you may have on this property will be much appreciated.

Sincerely,



Emily Bunn,

Associate Planner

Canyon County Development Services Department

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

Direct Line: (208) 454-6632

Email: emily.bunn@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

Anthony Lee

From: Anthony Lee
Sent: Tuesday, October 17, 2023 11:01 AM
To: Bob Cline
Cc: Andrew Kina
Subject: Pre-Development Meeting

Hi Bob,

On 10/17/2023, SWDH held a Pre-Development Meeting with applicant Bob Cline with Industrial Builders, and Andrew Kina, P.E. with ABCO Engineering to discuss the proposed project for a construction shop.

Thank you,



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

Anthony Lee, BS/REHS | Land Development Senior | Southwest District Health

13307 Miami Lane | Caldwell ID 83607 | ph: 208.455.5384 | cell: 208.899.1285

Anthony.Lee@phd3.idaho.gov | **Healthier Together** | www.swdh.org



Emily Bunn

From: Amber Lewter
Sent: Tuesday, August 13, 2024 10:32 AM
To: Doug Exton
Subject: FW: [External] RE: Initial Agency Notification CU2023-0024 Erlebach

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Tuesday, August 13, 2024 9:11 AM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Subject: [External] RE: Initial Agency Notification CU2023-0024 Erlebach

Good Morning, Doug –

After careful review of the transmittal submitted to ITD on July 31, 2024 regarding CU2023-0024 Erlebach, the Department has no comments or concerns to make at this time. This proposed development is a significant distance from any interchanges granting access to I-84, therefore minor impact can be anticipated.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Sent: Wednesday, July 31, 2024 3:18 PM
To: 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'Iriccio@hwydistrict4.org' <Iriccio@hwydistrict4.org>; '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>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Initial Agency Notification CU2023-0024 Erlebach

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

Please see the attached agency notice. You are invited to provide written testimony or comments by **August 31, 2024** although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner **Doug Exton** at doug.exton@canyoncounty.id.gov.

Thank you,



Amber Lewter

Hearing Specialist

Canyon County Development Services Department

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

Direct Line: 208-454-6631

Fax: 208-454-6633

Email: amber.lewter@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

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 ****

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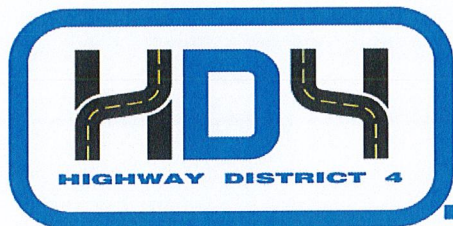


Exhibit D3

HIGHWAY DISTRICT No.4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208.454.8135
FAX 208.454.2008

August 27, 2024

Canyon County Commissioners, P&Z Commission, & Development Services
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605
Attention: Doug Exton, Planner

RE: CU2024-0024 Erlebach Investments, LP
Contractor Shop and Staging Area
Canyon County Parcels R37904010, R37905, R37905011 aka 0 Goodson Rd

Dear Commissioners:

Highway District No. 4 (HD4) has reviewed the application for a conditional use of the above described parcels for purposes of establishing a contractor shop and staging area within an Agricultural zone. The subject property is located near the southwest corner of Goodson Rd and Farmway Rd in the NE ¼ Section 20 T5N R3W. HD4 offers the following comments on the proposed use:

General

The subject property consists of two parcels, totaling approximately 44 acres. Parcel R37905, approximately 38.4 acres has approximately 143-feet of frontage on Farmway Rd along the east boundary. Parcel R37904010 has approximately 590-feet of frontage on Farmway Rd along the easterly boundary. The property has historically been in agricultural use.

Farmway Rd adjacent to the subject property is a local road classification as identified on the functional classification maps adopted by Canyon Co and CHD4. Existing r/w width is a 25-foot half width prescriptive right-of-way, measured from the existing road centerline. Ultimate r/w width for a local road is a 30-foot half width, measured from the section line. Goodson Rd currently terminates at Farmway Rd, and is classified as a principal arterial. Ultimate right-of-way width for a principal arterial is 50-foot half-width, measured from the section line. The long range functional classification maps adopted by CHD4 and Canyon County show Goodson extending west of Farmway Rd as a future arterial, with potential for a connection to I-84. Future interchange locations along I-84 between SH 44 (Exit 25) and Oasis Rd (Exit 17) are currently under study by CHD4 and ITD. Final interchange locations are not anticipated to be determined within the next 3 years, but the Goodson Rd alignment has long been considered as a favorable location for a future interchange.

Access

Access for the current agricultural use has been via a private road along the north boundary of the subject property extending west from Farmway Rd. This access, which aligns with Goodson Rd to the east, is suitable for the proposed use subject to the improvements described below.

The applicants, Erlebach Properties, LP requested and were granted an access permit to serve “agricultural uses” on the subject property in February 2022, for construction of a large fabric structure on Parcel R37905. As of this date, the permit requirement to construct a paved approach onto Farmway Rd (Commercial Approach per ACCHD SD-106) has not been completed. HD4 requests the County Commission require completion of this approach as a condition of any land use changes.

Transportation Impacts

The conditional use application provided by the applicants indicates the existing structures and graded area (approximately 11 acres) will be used for storage of multi-use equipment (agricultural/construction). Based on information provided, the site would support the existing 22,880 sf storage building and a 11,500 sf contractor shop. Traffic impacts from development projects are typically estimated using the ITE Trip Generation Manual (11th Edition). The categories below are the best available in that reference to compare the proposed use:

Use	ITE Code	Units	# of Units Proposed	PM Peak Trips	Daily Trips
Specialty Trade Contractor	180	Per 1,000 SF	34,380 sf	75	338
Intermodal Truck Terminal	030	Per 1,000 SF	34,380 sf	65	-
Utility	170	Per 1,000 sf	34,380 sf	72	423

None of the above ITE land uses appear to reflect a reasonable number of vehicle trips that could be expected to be generated by the described use as a contractor shop and storage area. The average of the above sampled land uses, 71 peak hour trips per weekday, is much higher than would be expected for a contractor yard, likely due to the large area under rooftop proposed for the site.

In the absence of better available information, HD4 recommends use of the data provided by the applicant, which estimates 15 maximum employees and 10 average daily vehicle trips.

The estimated peak hour trips from the development are not anticipated to materially impact the adjacent intersection of Goodson Rd and Farmway Rd due to its very low background volume. The intersection of Goodson Rd and Old Hwy 30 is anticipated to operate at LOS B (approximately 16 sec delay per vehicle) during the PM peak hour under current background conditions with the additional site traffic. Additional incremental delay from the new trips generated by the development are expected at all intersections along the Old Hwy 30 corridor, including Galloway, Purple Sage, Willis, and SH 44.

Canyon County Ordinance 22-014 (July 21, 2022) established transportation impact fees to fund improvements to the highway system made necessary from new growth and development within the Mid-Star Service Area, which includes the subject property. The adopted impact fee schedule does not have any land use types similar to the applicant's request; therefore the impact fee can be calculated directly from the base impact fee formula:

Cost per Vehicle Mile Traveled	x	Peak Hour Trips	x	New Trip Factor	x	Average Trip Length	x	Network Adjustment Factor	=	Traffic Impact Fee
\$2,883	x	0.495	x	1.0	x	8.4	x	0.317	=	\$3,800

Peak hour trips can be estimated as 10% of total daily volume; from the 10 new trips per day suggested by the applicant, and counting each trip as having two ends, that is 0.495 peak hour trips. The new trip factor is held at 1.0 (no reduction) as pass by trips are not anticipated from surrounding properties. The average trip length of 8.4 miles is consistent with other uses that are unique to the service area (only one exists) from the Mid-Star Impact Fee Schedule. The network adjustment factor represents the proportion of the total trip length on the local system. The 8.4 mile trip length x 0.317 Network Adjustment Factor = 2.66 miles, or approximately the average trip length on the local system to reach I-84 at Exit 17 or Exit 25. Complete information on the Mid-Star Impact Fees Program and the Capital Improvement plan can be found on the HD4 website at www.hwydistrict4.org/impact-fees

Individual Assessment of Impact Fees: If an applicant feels their development will have a less than typical impact on the roadway network, they may choose to complete an individual assessment for their development. To initiate an Individual Assessment, the applicant may prepare and submit a written request for an Individual Assessment within 30 days of paying an impact fee; within 30 days upon receipt of a final notice of assessment, or after receipt of a preliminary assessment. An Individual Assessment is a traffic study, performed by a traffic engineer at the applicant's expense. See the Individual Assessment Guidelines for details on which traffic generation factors may be considered.

(<https://www.hwydistrict4.org/download/individual-assessment-guidelines>)

This impact fee is based on the information provided by the applicant regarding the size and intended use of the proposed new development at the time of this report. The final impact fee assessment will be based on the traffic impacts determined to be generated by the proposed development at the time of access permit issuance. The final impact fee may be different from the estimate provided above if the size of the development changes, the type of use changes, or adjustments based on an Individual Assessment are determined to affect the proportionate share of traffic impacts from the development.

Base Impact Fee: **\$ 3,800**

Right-of-Way Dedication-

No adjacent CIP Projects

CIP Right-of-Way Credit: \$0

System Frontage Improvements Credit

None Required \$0

Offsite System Improvements Credit

None Required \$0

Total Estimated Impact Fee: **\$3,800**

For comparative purposes, this is equivalent to the total impact fees for approximately 4,000 sf of warehouse space. A final determination of the impact fee assessment will be made upon receipt of an access permit application for the change in use.

HD4 does not oppose the requested land use changes, but requests that the Planning & Zoning Commission and Canyon County Commissioners consider these comments, and make any conditional approval of the applicant's request subject to the requirements listed above.

Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Goodson Rd- CU2024-0024 Erlebach Properties



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

Case No CU2023-0024

Location: R37904010 & R37905

Acreage: 44 acres

Zoned: A

Dear Mrs. Bunn,

Canyon County Building Division has reviewed the subject conditional use permit application for a proposed Staging Area/ Contractor's Shop for Erlebach and would recommend the following comments as conditions of approval, if conditional use permit is approved.

1. All proposed and existing structures that will be used, will require a commercial building permit and/or Commercial Change of Occupancy permit. A code analysis to be required to be submitted with plans provided by a licensed architect/engineer.
 - Applicable agency approvals will be required at time of permit: Middleton Fire Department, Southwest District Health, and Highway District #4.
 - The building division does coordinate with the fire departments by sending plans to them after the plans are reviewed but conversation with them prior can help approval/review time and allow the owner to know what will be expected of them.
 - The ag-exempt building built in 2023 (ZCA2023-0003), will require a change of occupancy permit. Structure is permitted as farm equipment storage only and not a place of employment nor be worked out of.
2. Any fencing over 7' tall shall require a building permit.
3. A building permit for a sign may be required upon review by DSD, or if the sign is over six feet (6') in height and permanently affixed to the ground.

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

If you have any questions, please let us know,

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

Planning • Zoning • Building • Code Enforcement

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

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

Exhibit D5

January 9, 2025

Canyon County Development Services Department
111 North 11th Ave. Suite 140
Caldwell, ID 83605
(208) 454-7458

RE: Conditional Rezone. Parcel R37904010, and R37905
Case No. CU2023-0024 (Originally CU2023-0007)
Applicant: Landon Brown
Property Owner: Erlebach Investment, LP
Planner: Emily Bunn

The property is located on the southwest corner of Goodson Rd and Farmway Road

The Black Canyon Irrigation District (District) has the following revised comments regarding this proposed land use change. **All revised/added comments will be shown in RED below.**

Site Specific Comments:

1. The requested rezoned properties have irrigation water rights attached to them from the Black Canyon Irrigation District. The change of use will most likely require some water to be moved off this property (as a portion of the property will not be irrigable). The water will need to be moved to another property within the District by the owner or the water will be moved back into the District's possession. Prior to final platting of the site (assuming that the site will be re-platted) water will need to be reallocated as discussed with the applicant. (Exact breakouts and site plan are still being pursued at the time of this correspondence.)
District comment 1.9.2025 – The applicants proposed Conditional Use request impacts water allocations for the proposed properties. Determination of non-irrigable lands and allocation of irrigable lands will be required by the District. We request that the property owner finalize these allocations prior to County approval of Conditional Rezone of the property.
2. No specific District infrastructure appears to be on or adjacent to these parcels.
District comment 1.9.2025 – This item remains unchanged, adjacent infrastructure does not appear to be affected.
3. Private easements showing a pathway for water to each parcel will be required to be reviewed by the District during construction drawing review.
District comment 1.9.2025 – Item remains outstanding as there appears to be no private easements currently shown to parcels B & C for providing irrigation water. This item will need to be resolved with the developer during plan review. Parcels B & C need to be provided a means for receiving irrigation water.
4. The Developer has an outstanding account balance for the previously reviewed application. The outstanding balance is required to be settled prior to any further review for this development.

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

General District Comments (for all developments):

Any and all maintenance road right-of ways, lateral right-of ways and drainage right-of ways will need to be protected (including the restriction of all encroachments and including any proposed overlapping rights of ways). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.

The District will require any laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons.

Runoff and drainage from any proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

All of the above requirements shall be met, including any others that arise during future review.

Thank You,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District



February 4, 2025

Exhibit D6

Emily Bunn, Case Planner
Canyon County Development Services Department
200 W Front Street
111 N. 11th Ave. #310
Caldwell, ID 83605
emily.bunn@canyoncounty.id.gov

Subject: Agency Notice for CU2023-0024; Erlebach Properties, L.P.

Dear Ms. Bunn:

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

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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

1. AIR QUALITY

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

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

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

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

2. WASTEWATER AND RECYCLED WATER

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

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

3. DRINKING WATER

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

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

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

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.

For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.

- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

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

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with

IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

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

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

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy G Smith", with a stylized flourish at the end.

Troy Smith
Regional Administrator

Emily Bunn

From: Sage Huggins
Sent: Monday, January 27, 2025 12:25 PM
To: Emily Bunn
Subject: FW: Agency Notice for CU2023-0024; Erlebach Properties, L.P.
Attachments: 30 day AGENCY notice PZ hearing.pdf

Good Morning,

I wanted to provide a comment regarding the application CU2023-0024, a conditional use permit to allow a staging area and contractor shop on parcel R37905. If the use is approved, the applicant may receive an address for the use of contractor shop by either submitting an "Address Request Application" to the development services department OR by submitting a building permit if they plan to have a structure on site that will house the use. An approach permit will be required for both of these options. Reading through the application it looks like 10 to 15 employees will be on site for the use. An address is suggested for uses that involve employees to be working on site so that emergency services can quickly and accurately locate the site in an emergency situation.

Thanks,

Sage Huggins
GIS Analyst
Canyon County Development Services
Sage.Huggins@canyoncounty.id.gov
208-455-6036

From: Caitlin Ross
Sent: Tuesday, January 21, 2025 10:31 AM
To: 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'gis@compassidaho.org' <gis@compassidaho.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; Tony Almeida <tony.almeida@canyoncounty.id.gov>; Sage Huggins <Sage.Huggins@canyoncounty.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Agency Notice for CU2023-0024; Erlebach Properties, L.P.

Dear Agencies,

Please see the attached agency notice regarding the scheduled Planning and Zoning Commission hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments were received, they were included in the Staff report. No response is required unless there is an update to your original comments.

This is the notification that a hearing date of **February 20, 2025** at 6:30 pm has been set for this case along with a final deadline of **February 10, 2025** for agency comments. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day.

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

Thank you,



Caitlin Ross

Hearing Specialist

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

Direct Line: 208-454-7463

Email: Caitlin.Ross@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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

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

EXHIBIT E

Public Comments Received by: February 10, 2025

Planning & Zoning Commission

Case # CU2023-0024

Hearing Date: February 20, 2025

Exhibit E1

RECEIVED
FEB 07 2025

Sharron Braun
26101 Farmway Rd.
Caldwell, ID 83607

BY:_____

February 6, 2025

Canyon County Development Services
ATTN: Emily Bunn, Case Planner
111 North 11th Avenue, Suite 310
Caldwell, ID 83605

RE: Case No.: CU2023-0024
Applicant: Dave Erlebach of Erlebach Properties, L.P.
Parcel No.: R37905 & R37904010

To Whom it May Concern:

I am writing in opposition to the above-mentioned case, and respectfully request that you DENY the application for the reasons discussed herein. Instead of granting this application, the County ought to be pursuing civil and/or criminal enforcement against the Applicant for the unpermitted uses currently taking place on the property, especially in light of his misleading and deceptive application. The current and proposed use of this property is clearly not as “agricultural” in nature as the Applicant attempts to portray in his application, and should be denied because it does not satisfy the criteria set forth in Canyon County Code § 07-07-05.

As a preliminary matter, and before I address why this application does not satisfy the hearing criteria in the Canyon County Zoning Ordinance, I would like to bring attention to how misleading and deceptive the Applicant’s application is. I reside just down the road from the property at issue in this application. I am familiar with the property and pass by it often. There is a very clear view of this property from the freeway, and the equipment that is stored there is in plain view. It is evident that the Applicant is already using the property for the uses for which he seeks a conditional use permit, without the proper permitting. There is a wide variety of construction equipment sitting on his property, and very little to no agricultural or “multi-use” equipment. The Applicant’s Letter of Intent seeks to mislead the Commission into thinking that what he is proposing is primarily an “agricultural” operation, and that the construction aspect of it is incidental to the agricultural use. However, the opposite is true—the 11 acres that is at issue in this application is clearly already being used as a contractor’s yard and staging area, and any storage of agricultural or multi-use equipment is secondary and extremely minimal compared to the large amount of construction equipment being stored there. Anyone familiar with farming operations can clearly see that the equipment that is being stored there is NOT agricultural or “multi-use” as the Applicant describes it. This is very clearly being used as a staging area for construction, not for agriculture, despite the Applicant’s claims that “The majority of the Property will be used for farming. The remaining Property will be used primarily to store equipment and supplies that support Applicant’s farming operations,” and “. . . Applicant will farm a majority of the Property, and use the rest of the Property to store equipment and supplies that support Applicant’s farming operations.” (See Page 1 of Applicant’s Letter of Intent).

These are deceitful and misleading statements. Evidence of the Applicant's deceitfulness is evident in the pictures of his "multi-use" equipment attached to his application. Noticeably, none of these pictures are taken at the actual property in question, except for possibly the picture of the CAT loader. If the Applicant had taken pictures of the equipment actually located at the property in question, it would be evident that the equipment that is actually located on this parcel is not agricultural or "multi-use," despite Applicant's assertions that it is. Furthermore, the Applicant deceptively attempted to obtain an exempt agricultural building permit for the existing building on the site, even though it has clearly not been used for agricultural purposes ever since it was constructed.

Aside from the Applicant's misleading application, this proposed use is not compliant with the approval criteria set forth in Canyon County Code § 07-07-05. Specifically, it does not satisfy subsections (3), (4), and (7) of § 07-07-05.

First, it does not satisfy § 07-07-05(3) because it is not consistent with the comprehensive plan. There are numerous places in the comprehensive plan that stress the importance of keeping agricultural land as productive farm ground, and developing other uses such as this in more suitable areas. It is not wise to dry up irrigatable farm ground such as the ground at issue in this application, as our farm ground is disappearing quickly as it is. This would be better suited on non-irrigatable ground that is not suitable for farming.

Second, it does not satisfy § 07-07-05(4) because this proposed use is injurious to my property and my neighbors' properties, and negatively changes this agricultural area to a more industrial nature, which is much less ideal and less desirable to live next to. The equipment stored at this site is very loud and will disrupt the activities of me and my neighbors as they operate on the site and as they pass by our houses. This project would be much better suited to a noisy, industrial area where there are less houses and where it will not change the character of the area like it does where it is presently located.

Lastly, it does not satisfy § 07-07-05(7) because it creates an undue interference with existing and future traffic patterns. This project creates a lot more heavy equipment traffic on roads that are already over-burdened and dangerous. There will also be an increase in passenger car traffic from all of the employees that need to access this site. As opposed to agricultural traffic, which is seasonal in nature, this traffic will be year-round, and make these already dangerous roads even more dangerous.

For all of these reasons, this application should be denied. In the event that the Commission decides to approve this application, then the Commission should place several conditions on its approval, which includes a large highway impact fee, fines for presently operating the site as a staging area and contractor's shop without permitting, and requiring them to obtain a commercial building permit for their existing building that they deceptively tried to pass off as an exempt "agricultural building." Thank you for considering my comments.

Sincerely,


Sharron Braun

EXHIBIT 4

CU2023-0024-APL Appeal Master

Application Packet

Board of County Commissioners

Case # CU2024-0023-APL

Hearing date: July 23, 2025



Exhibit 4a

APPEAL OF DECISION APPLICATION

APPELLANT	NAME: Erlebach Properties, LP	
	MAILING ADDRESS: 17050 Stiehl Creek Drive, Nampa, ID 83687	
	PHONE: 208-795-5670	EMAIL: dave@ib-usa.com
Property owner: <input checked="" type="checkbox"/> Other Appellant: <input type="checkbox"/>		
Signature: <u><i>Dave Erlebach</i></u> Date: <u>19 MAR 2025</u>		

REPRESENTATIVE: IF DIFFERENT FROM THE APPELLANT	NAME: Todd Lakey (Lakey Villegas); Landon Brown (Hawley Troxell)	
	COMPANY NAME: Lakey Villegas Law and Policy; Hawley Troxell	
	MAILING ADDRESS: 141 El Carlton Ave, Meridian, ID 83642; 877 W. Main St. #200, Boise, ID 83701	
	PHONE: 208-908-4415; 208-388-4966	EMAIL: todd@borton-lakey.com lbrown@hawleytroxell.com <i>cwhite@hawleytroxell.com</i>

SITE INFO	STREET ADDRESS: SW Corner of Goodson Road and Farmway Road
	PARCEL NUMBER: R37905
	PARCEL SIZE: 44 acres (only 11 acres requested for CUP use)

CASE NUMBER OF REQUESTED APPEAL:	CU2023-0024
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FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	<u>W2023-0024-APL</u>	DATE RECEIVED:	<u>3.20.25</u>
RECEIVED BY:	<u>Emily Bunn</u>	APPLICATION FEE:	<u>\$1600</u> CK CC CASH

Exhibit 4b



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

**AFFIDAVIT OF
LEGAL INTEREST**

I, Dave Erlebach, 17050 Stiehl Creek Drive
(name) (address)
Nampa, Idaho, 83687
(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

Todd Lakey 141 E. Carlton Ave, Meridian, ID 83642
Landon Brown 877 W. Main St. #200, Boise, ID 83701
(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 19th day of March, 20 25.

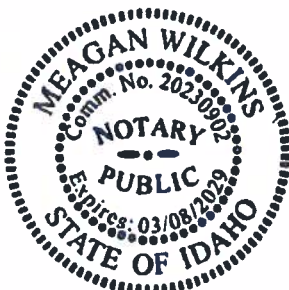
Dave C. Erlebach
(signature)

STATE OF IDAHO)

ss

COUNTY OF CANYON)

On this 20 day of March, in the year 20 25, before me Meagan Wilkins,
a notary public, personally appeared Dave Erlebach, 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: Meagan Wilkins

My Commission Expires: 03/08/2029

Exhibit 4c

Letter of Intent

A. Introduction

Dave Erlebach is the owner of Erlebach Properties, L.P., the Applicant of CU2023-0024. Mr. Erlebach also owns and operates a construction company called Industrial Builders, Inc. As the owner of a successful construction company, Mr. Erlebach needs a contractor shop and staging area in Canyon County, Idaho, to assist with his construction company. Mr. Erlebach desires to use 11 acres of his property located near Farmway Road and Goodson Road for this purpose. Specifically, the 11 acres will consist of two structures: (1) a 115 foot x 100 foot structure that will be used as an office to deploy equipment; and (2) a 110 foot x 208 foot structure that will be used to store and park construction equipment. The 11 acres will also consist of surface parking where equipment and materials can be stored for use in the construction company.

Mr. Erlebach is willing to comply with all ordinances, regulations, and conditions of approval that the Board deems necessary to approve this application. He will limit his use of the property as required by law and this Board. He simply wants to operate the Contractor Shop and Staging Area within the bounds of the law. Most importantly, Mr. Erlebach will not perform any manufacturing or construction at the property. The 11 acres will be limited to simply operating as a Contractor Shop and Staging Area.

Staff correctly analyzed the Application and found it to be in compliance with the zoning ordinance and recommended approval with conditions. Mr. Erlebach remains committed to complying with the recommended conditions of approval suggested by planning staff. If the Board desires additional conditions, Mr. Erlebach is willing to consider and comply with all reasonable conditions necessary to allow him to use his property as a Contractor Shop and Staging Area. He seeks only to use his property consistently with Canyon County's land use matrix.

B. Appeal Summary

CU2023-0024 ("Application") was submitted by Erlebach Properties, L.P. ("Applicant") to seek a Conditional Use Permit ("CUP") to use property located near Farmway Road and Goodson Road ("Property") as a Contractor Shop and Staging Area. The Canyon County Planning and Zoning Commission ("Commission") misunderstood the intent and purpose of the Application, and erroneously believed that Applicant would perform manufacturing at the Property. As a result, the Commission denied the CUP and found that Applicant would need to seek a rezone if it wanted to perform manufacturing. The Commission's Findings of Fact, Conclusions of Law and Order ("Order") is erroneous because: (1) the Order is not supported by substantial evidence in the record; (2) the Order is arbitrary, capricious, and an abuse of discretion; and (3) the Order was made upon unlawful procedure.

Further, the Order is prejudicial to Applicant's substantial rights, including private property rights and due process rights. Applicant seeks only to use its Property as allowed by the Canyon County Code and Idaho Statutes. Applicant meets the CUP criteria set forth in Canyon County Code to operate as a Contractor Shop and Staging Area. Applicant is willing to condition its use of the Property as required to comply with all necessary laws and to mitigate any negative impacts caused by the proposed uses. Unfortunately, the Commission disregarded the Application's request

to operate a Contractor Shop and Staging Area and focused on whether the Applicant would be allowed to manufacture at the Property. At the hearing, Commissioner Sheets recognized that this was an application for a CUP for a Contractor Shop and Staging Area and not consideration of a request for manufacturing yard when he described why he was voting against the motion to deny the application. By converting the Application to a request for manufacturing, the Commission violated Applicant's due process rights to have its application for a Contractor Shop and Staging Area processed and considered according to applicable laws.

Lastly, the Order violates Idaho Code § 67-6535's mandate that the denial of an application be "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." In fact, the Order is completely devoid of any findings of fact that the Commission relied on to reach its decision, and contains no explanation of the rationale for making the decision. As a result, the Order fails to meet the standards required to uphold a denial of a CUP.

Each of these arguments will be discussed in turn.

C. Appeal Argument

1. The Order is Not Supported by Substantial Evidence in the Record.

The Commission denied the CUP on two grounds: (1) the proposed use will be injurious to other property in the immediate vicinity and will negatively change the essential character of the area; and (2) the proposed use will have undue interference with the existing and future traffic patterns. However, the Commission failed to support these conclusions with any facts in the record. Contrarily, all facts in the record indicate that the use will not injure surrounding properties, will not change the character of the area, and will not have undue interference with traffic patterns.

Injury to Surrounding Properties or Change the Character of the Vicinity.

The Commission found that using the property as a Contractor Shop and Staging Area would be injurious to surrounding properties or change the character of the vicinity as a result of: (1) safety issues; (2) heavy truck traffic; (3) the use is not agricultural in nature; and (4) manufacturing associated with the use. However, the findings do not support any of these conclusions. Indeed, the Order is completely devoid of any factual finding supporting these conclusions.

Regarding safety issues, the Order does not specify the safety concerns at issue. There is not a single finding that addresses potential safety issues with using the Property as a Contractor Shop and Staging Area. It is unclear what the Commission believes will present a safety issue.

If the Commission is referring to the increase in truck traffic as the safety issue, then the record demonstrates that no such safety issue exists. The record shows that the proposed use would be limited to 10 daily roundtrips of construction equipment. In other words, 10 times per day, a vehicle would leave the property with construction equipment and return to the property with the same equipment at the end of the day. HD4's comment demonstrates that this increase in traffic would only result in minimal traffic impacts. HD4 never suggested that 10 trips per day would result in more vehicle collisions, pedestrian collisions, or any other traffic-related accident. There

is simply no evidence to suggest that 10 daily trips will lead to significant safety issues as a result in the minimal increase in traffic in the surrounding area. There are no studies, reports, or expert opinions claiming that the surrounding area would suffer an increase in traffic safety issues as a result of 10 daily trips. The record has no credible facts confirming that traffic safety issues will in fact arise as a result of Applicant's Contractor Shop and Staging Area.

To the extent that public testimony guessed that more traffic accidents could occur with 10 additional daily trips, such testimony is pure speculation and cannot be relied upon. "A speculative harm is not sufficient to confer standing" in land use matters. *Coalition for Agriculture's Future v. Canyon County*, 160 Idaho 142, 148 (Idaho 2016). If speculative testimony is insufficient to allow a person to challenge a CUP, then certainly the Commission and this Board cannot rely on speculation to establish the existence of an injury. Beyond mere speculation, no testimony or fact in the record supports a finding that Applicant's Contractor Shop and Staging Area would result in safety issues to the surrounding properties.

To be clear – if there is a real safety issue, Applicant is willing to implement any necessary condition of approval to alleviate safety issues in the community. Applicant is serious about ensuring that its use of the property remains safe to all members of the community. Applicant does not object to any reasonable condition of approval designed to mitigate potential safety concerns.

Regarding heavy truck traffic, the record shows that the proposed use would be limited to 10 daily roundtrips of construction equipment. The Order does not contain any factual findings describing how 10 daily trips would injure surrounding properties. The Order does not describe how 10 daily trips would cause excessive noise, light pollution, odors, or other pollutants or nuisances that could be harmful to neighboring properties. The Order does not describe how 10 daily trips would result in unreasonable fire risks to neighboring properties or increased auto collisions. The Order is completely devoid of any facts or explanation describing how 10 daily trips would injure surrounding properties.

Contrarily, the Order does make a factual finding that noise from the truck traffic will not injure surrounding properties. The Order confirms that the Property will not increase sound levels in the immediate vicinity, and that the adjacent interstate "will likely drown out any noise created by this property." (Order, § 4(3).) Thus, it is clear that the Commission was not concerned about noise caused by 10 daily trips. So, what exactly is the Commission's concern about the 10 daily trips? The Order fails to identify any evidence in the record to support the finding that heavy truck traffic would somehow injure surrounding properties.

Additionally, the Order does not indicate how 10 daily trips would change the character of the vicinity. Applicant proposed using a vehicular route that would include Goodson Road, Farmway Road, and Old Highway 30. These roads currently allow travel by truck and trailer. In fact, Old Highway 30 is regularly used by trucks carrying trailers, farm equipment, and heavy equipment. Highway District No. 4 ("HD4") reviewed the application and found that "the estimate peak hour trips from the development are not anticipated to materially impact the adjacent intersection of Goodson Rd and Farmway Rd due to its very low background volume." Further, HD4 found that the 10 daily trips would result in the intersection of Goodson Road and Old Highway 30 operating at an approximately 16 second delay per vehicle during the PM peak hour.

With this data, HD4 had no objections to the CUP as there would be no material impact on the traffic that would not be resolved by impact fees.

There is no evidence in the record to dispute HD4's conclusion that 10 daily trips will not negatively impact traffic along Goodson Road, Farmway Road, or Old Highway 30. There is no evidence in the record to rebut that the impact fees will not resolve any potential injury. There is no evidence demonstrating that similar truck traffic does not already exist on those roads; in fact, the record demonstrates that there is similar truck traffic in the area. Accordingly, there is no evidence to support a finding that the 10 daily trips will change the character of the vicinity.

Next, the Commission found that the proposed use was not agricultural in nature. It is unclear how the non-agricultural nature of the use would create an injury to surrounding properties. The Order does not provide any rationale or explanation of any injury that might occur at a result of a non-agricultural use. The Canyon County Code contemplates that non-agricultural uses may occur in the agricultural zone without creating any injury. This is the very reason why conditional use permits exist – to allow a non-agricultural use to be performed in an agricultural zone subject to certain conditions designed to mitigate impacts. Since CUPs are allowed in the agricultural zone, and specifically CUPs for a Contractor Shop and Staging Area are allowed in the agricultural zone, it is unclear why the Commission found the non-agricultural use proposed by the CUP as grounds to deny the CUP. In any event, the Order simply contains no evidence of factual findings to support the conclusion that the non-agricultural use of the property would injure surrounding properties, or destroy the character of the area.

Contrarily, the proposed use will consist of two shops and a staging area where equipment and materials will be stored. The surrounding area consists of several parcels that have large shops and areas to store equipment and materials. The application materials contain several photos of surrounding properties that have the same character and look—a large shop and staging area for equipment and materials. Clearly, the facts in the record confirm that Applicant's Contractor Shop and Staging Area will be consistent with the character of the vicinity.

Lastly, the Commission found that a manufacturing use would create injury to surrounding properties or destroy the character of the area. The problem with this conclusion is that Applicant is not requesting to perform any manufacturing whatsoever on the property. In fact, Applicant's original Letter of Intent clarified on three occasions that Applicant would not perform any manufacturing or construction work on the property ("Applicant will not use the Property for any manufacturing or construction work, but will use the Property consistent with the Contractor Shop and Staging Area conditional uses" (p. 2); "Applicant will not be performing any manufacturing or construction on the Property" (p. 5); "Since the Property will not engage in manufacturing or construction work, the fire risks associated with equipment storage is minimal." (p.5)). At the public hearing, Applicant confirmed that it would not perform any manufacturing or construction at the property. Applicant was even willing to include a condition of approval specifically stating that no manufacturing or construction was allowed to be performed on the property. Staff included this condition of approval in its recommendation.

Further, the Order describes the nature of the request for the CUP (Order, § 2.) The Order describes that Applicant will use the property as an office to deploy equipment to construction locations, and as storage of multi-use equipment and supplies for use in Applicant's construction

business. This is consistent with the application materials and Applicant's testimony at public hearing. As a result, the Commission's conclusion that the proposed use was "manufacturing" appears to be based solely and entirely on a misunderstanding of the application, or on improper speculation. Certainly, there are no facts in the record to support a finding that manufacturing was requested or would occur at the property under the CUP. And even if there was some evidence to suggest that Applicant intended to perform manufacturing (which Applicant does not intend to do), this concern could be addressed by a condition of approval stating that Applicant will not perform any manufacturing or construction on the property.

At the public hearing, members of the public testified in opposition to the Application and suggested that it was possible that manufacturing could occur inside the shop without any outsider's knowledge. Of course, such testimony is pure speculation and cannot be relied upon as part of the decision-making process. Unfortunately, the Commission relied on this speculation and ultimately found that the CUP was improper because of "manufacturing associated with the use." This conclusion was improper, without factual support, and contrary to the CUP criteria set forth in Canyon County Code.

To be clear – Applicant will not perform any manufacturing or construction on the Property. The Property will be used exclusively as a Contractor Shop and Staging Area. No manufacturing or construction will occur onsite. Applicant is willing to include a prohibition on manufacturing and construction on the Property in the conditions of approval.

Based on the foregoing, the Commission's finding that the proposed use will be injurious to surrounding properties, or will change the character of the vicinity, is simply not supported by any facts in the record. Had the Commission relied on the facts in the record, the Application, and staff's report, and disregarded all speculative comments, the Commission would have concluded that the proposed use will not result in injury to surrounding properties and will not change the essential character of the vicinity. As a result, the Commission erred in denying the CUP on these grounds.

Interference with Existing or Future Traffic Patterns.

The Commission found that using the property as a Contractor Shop and staging area would have undue interference with existing and future traffic patterns due to the volume of heavy truck traffic. This finding is not supported by substantial evidence in the record.

As an initial matter, the Order only contains findings demonstrating that the proposed use will not interfere with traffic patterns. Specifically, Section 7 contains the following findings:

- The traffic count to and from the property would be around 10 daily trips.
- HD4 commented that "The estimated peak hour trips from the development are not anticipated to materially impact the adjacent intersection of Goodson Rd and Farmway Rd due to its very low background volume."

- HD4 commented that “The intersection of Goodson Rd and Old Hwy 30 is anticipated to operate at LOS B (approximately 16 sec delay per vehicle) during the PM peak hour under current background conditions with the additional site traffic.
- HD4 commented that “Additional incremental delay from the new trips generated by the development are expected at all intersections along the Old Hwy 30 corridor, including Galloway, Purple Sage, Willis, and SH 44.”
- HD4 commented that “It appears any impacts to traffic would be mitigated by transportation impact fees to fund improvements to the highway system made necessary from new growth and development within the Mid-Star Service Area, which includes the subject property.”
- ITD stated that they have “no comments or concerns at this time as the development is a significant distance from any interchanges granting access to I-84, therefore minor impact can be anticipated.

The term “undue interference” means that the Commission must find that the use will create “excessive, unwarranted, or improper” interference with traffic patterns. A minor impact on traffic is not sufficient. It must be an excessive, unwarranted, or improper impact.

The findings identified by the Commission confirm that the 10 daily trips added to the traffic pattern will not result in undue interference. Specifically, the findings show that the 10 daily trips will not “materially impact the adjacent intersection,” will only result in potential “incremental delays” at other intersections, and can be mitigated by impact fees. These findings, identified by the Commission, only establish a very minor impact on traffic patterns. Evidence of minor impacts on traffic cannot support a conclusion that the proposed use will result in “undue interference.” The Commission’s conclusion that these minor impacts would cause “undue interference” in traffic patterns simply misunderstands, misinterprets, or misapplies the correct standard required by the Code. Minor impacts do not equal undue interference. Otherwise, every single CUP that results in an extra car on public roads would be denied for its “minor impacts” to the traffic pattern. Such a conclusion would be absurd and contrary to the intent of the CUP process. Further, such a conclusion would entirely ignore and dismiss the professional and expert comments provided by HD4 and ITD, which confirmed that no major impacts on traffic would occur.

To be clear – Even though the traffic impacts would be minor, Applicant is willing to do anything reasonable to mitigate these minor impacts. This includes paying impact fees, mandating a specific travel route for its trucks, or anything else the Board believes is necessary to mitigate impacts or interference with traffic patterns.

Based on the foregoing, the Order fails to identify any evidence to support its conclusion that the proposed use would create undue interference with the traffic patterns. Had the Commission relied on the Application, HD4’s comment, ITD’s comment, and staff’s report, and disregarded all speculative comments, the Commission would have concluded that the proposed use will not create undue interference with traffic patterns. As a result, the Commission erred in denying the CUP on this ground.

2. The Order is Arbitrary, Capricious, and an Abuse of Discretion.

Under Idaho law, a government decision cannot be arbitrary, capricious, or an abuse of discretion. I.C. § 67-5279(3)(e). A government decision is considered arbitrary, capricious, or an abuse of discretion if it is made without a rational basis or in disregard of the facts and circumstances presented or without adequate determining principles. *A&B Irrigation Dist. v. Idaho Dep't of Water Res.*, 153 Idaho 500, 511 (Idaho 2012). Here, due to the absence of any factual findings to support its conclusions, the Order is entirely arbitrary and capricious.

Specifically, the Commission's conclusions related to traffic completely disregard the facts in the record. The record contains comments from HD4 and ITD. These comments demonstrate that 10 daily trips will have minimal impact on traffic and roads, and such impacts can be mitigated by impact fees. The Commission disregarded these facts when it concluded, without any supporting evidence, that 10 daily trips would result in safety concerns, injure surrounding properties, change the character of the area, and unduly interfere with traffic.

Additionally, the Commission disregarded the Application and Applicant's testimony regarding manufacturing. The Application repeatedly informed the Commission that no manufacturing or construction would occur at the property. Applicant confirmed at the public hearing that no manufacturing or construction would occur at the property. Applicant was willing to include a condition of approval stating that no manufacturing or construction was allowed at the property. Despite all this evidence, the Commission concluded, without any supporting evidence beyond mere speculation, that Applicant was proposing a manufacturing use. The Commission disregarded the evidence in the record when it concluded, without a rational basis, that Applicant would be performing manufacturing at the property.

Further, the Commission failed to apply adequate determining principles when it denied the CUP because the use was "not agricultural in nature." Canyon County Code allows a person to use agricultural land for non-agricultural purposes so long as the person qualifies for a conditional use permit. The Code specifically recognizes that agricultural land can be used as a Contractor Shop and Staging Area subject to the CUP process. By denying the CUP on the basis that the proposed use is not agricultural, the Commission violated the Code by failing to recognize that a Contractor Shop and Staging Area are conditionally permitted in the agricultural zone. Thus, the Commission's Order is arbitrary and capricious.

3. The Order Was Made Upon Unlawful Procedure.

The Commission followed unlawful procedure when it *sua sponte* changed the nature of the application. After closing the public hearing and commencing deliberation, the Commission informally changed the CUP application from requesting a Contractor Shop and Staging Area to an application requesting a manufacturing use. The Commission spent a significant portion of deliberation determining whether manufacturing could be performed at the location. The Commission ultimately decided that manufacturing could only be completed in the industrial zone, and therefore, Applicant was required to submit a rezone application in order to seek a manufacturing use.

However, Applicant is not seeking permission to operate a manufacturing use. The application repeatedly confirmed that Applicant was not seeking manufacturing and would not perform any manufacturing at the property. The Applicant testified at the public hearing that no manufacturing would occur at the property. Applicant sought approval to operate a Contractor Shop and Staging Area. Staff confirmed this fact to the Commission. The Application was only for approval to operate a Contractor Shop and Staging Area. Nonetheless, the Commission ignored the Application, ignored Applicant's testimony, and concluded that a manufacturing use was not appropriate in the agricultural zone.

The Commission's decision was made upon unlawful procedure. The Commission was required to consider the application before the Commission. The Commission had no authority to change the Application, particularly when the Application repeatedly stressed that Applicant would not provide any manufacturing services at the property.

The Commission's decision to change the Application during deliberation deprived Applicant of its right to due process of Canyon County's CUP application process. Applicant had the right to have its application determined based upon the representations and requests made in the Application, and based upon Applicant's (and staff's) representations and testimony at the public hearing.

The Commission's Order itself confirms that the Commission considered the application to be for a manufacturing use. The Order provides guidance on actions that can be taken to obtain CUP approval. The Commission's guidance to the Applicant was to rezone the Property to an industrial zone. Rezoning the Property would only be necessary if Applicant was seeking to use the Property for an industrial use, such as manufacturing. If the Commission was truly considering whether to approve a Contractor Shop and Staging Area, the Commission would have provided guidance on what Applicant could do to obtain a valid CUP in the agricultural zone, where such uses are conditionally approved. However, the Commission did not consider the merits of the Application in front of it, but instead altered the Application to be a request for a manufacturing use and denied the application. This is an Order made upon an unlawful procedure.

4. The Commission's Errors Resulted in Substantial Prejudice to Applicant's Rights.

The Commission's decision to deny the CUP resulted in substantial prejudice to Applicant's property rights and due process rights. First, Applicant has a right to use its property as allowed under applicable laws, rules, and regulations. Applicant only desires to use its property in such a manner. Canyon County Code allows a person to use agricultural property as a Contractor Shop and Staging Area so long as the property meets the Code's CUP criteria, when fairly and properly applied. Applicant is willing to comply with all conditions and requirements necessary in order to meet the CUP criteria.

However, in this case, Applicant was denied that opportunity because the CUP criteria was not properly applied. Instead of applying the correct criteria, the Commission ignored the application, disregarded facts in the record, and erroneously concluded that Applicant was seeking permission to perform manufacturing services. These actions resulted in a violation of Applicant's right to have his application processed in accordance with Canyon County Code and Idaho Statute.

5. The Order Fails to Meet the Statutory Requirement of a Reasoned Statement.

Idaho Code requires that a CUP denial be 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.” I.C. § 67-6535(2). The Commission’s Order fails to adhere to this statutory requirement.

First, as discussed above, the Order does not contain the facts relied upon by the Commission to deny the CUP. For example, there are no facts identified in the Order to determine that a safety issue existed, that traffic would injure surrounding properties, or that any manufacturing would occur at the property. The Order denied the CUP on those grounds, but failed to include any facts to support such a conclusion.

Further, the Order does not contain any rationale explaining how the facts relied upon supported the conclusion. For example, there is no explanation for why the proposed use would result in a safety issue. Nor is there any explanation for why 10 daily trips would injure surrounding properties and unduly interfere with the traffic patterns. And, there is no rationale explaining why the Commission changed the application to a request for manufacturing.

Accordingly, the Order fails to comply with the statutory requirements for a reasoned statement.

D. Appeal Request

Applicant respectfully requests that this Board approve CU2023-0024 and issue a conditional use permit allowing Applicant to use the Property as a Contractor Shop and Staging Area. The Commission found that the Contractor Shop and Staging Area would cause injury to surrounding properties or change the essential character of the vicinity. The Commission also found that the Contractor Shop and Staging Area would interfere with traffic patterns. However, the Commission’s findings in these regards were based entirely on speculation, an inaccurate understanding of the Application, and an inaccurate understanding of the CUP criteria. Had the Commission relied on the facts in the record, the Application, HD4’s comment, ITD’s comment, and the staff report, the Commission would have concluded that the Application met all relevant CUP criteria.

Specifically, with conditions of approval imposed, the Contractor Shop and Staging Area will not cause injury to surrounding properties or change the essential character of the vicinity. The proposed use will not produce any noise that could be considered injurious (the Commission already found that sound levels will not significantly increase). The proposed use will not produce any light pollution (condition of approval #5 requires Applicant to install all exterior lighting downward and away from surrounding properties). The proposed use will not produce excessive dust (condition of approval #12 requires Applicant to control dust in accordance with applicable laws). The proposed use will not cause a visual nuisance (condition of approval #8 requires Applicant to install a site-obscuring fence). The traffic impacts will be minimal (as found by HD4

and ITD). The proposed use will not create any health impacts (condition of approval #4 requires Applicant to comply with Southwest District Health requirements). The proposed use will not create any excess fire risks (condition of approval #2 requires Applicant to comply with all Fire District requirements). The proposed use will not create any nuisances (condition of approval #11 requires Applicant to comply with the Code's nuisance requirements). With conditions of approval imposed, the proposed use will be safe to surrounding properties and consistent with the character of the vicinity.

Further, with conditions of approval imposed, the Contractor Shop and Staging Area will not cause undue interference with traffic patterns. The traffic impacts will be minimal (as found by HD4 and ITD). Applicant will pay impact fees to mitigate any minimal impacts to the roads (condition of approval #3 requires Applicant to comply with HD4 requirements, including paying impact fees). With conditions of approval imposed, the Contractor Shop and Staging Area will not cause undue interference with traffic patterns.

Accordingly, we respectfully request that the Board reverse the Commission's erroneous decision and findings as it relates to injuring surrounding properties or changing the character of the vicinity, and unduly interfering with traffic patterns and approve Mr. Erlbach's application for a CUP. The Board should conclude that this Application satisfies all CUP criteria in Canyon County to operate as a Contractor Shop and Staging Area.

Applicant has no objections to the conditions of approval recommended by Staff. Applicant is willing to consider any other conditions of approval that the Board believes is necessary to mitigate potential impacts. Applicant simply wants to use its Property as a Contractor Shop and Staging Area consistent with all applicable laws, rules, and regulations.

EXHIBIT 5

Agency Comments Received by: July 14, 2025

Board of County Commissioners

Case # CU2024-0023-APL

Hearing date: July 23, 2025

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



Brad Little, Governor
Jess Byrne, Director

June 23, 2025

Emily Bunn, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
emily.bunn@canyoncounty.id.gov

Subject: Agency Notice CU2023-0024-APL / Erlebach Properties, L.P.

Dear Ms. Bunn:

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 open burning (58.01.01.600-617).
- IDAPA 58.01.01.614 sets out the rules for prescribed burning in Idaho. Please ensure all prescribed burning is done in compliance with the rules, and in compliance with the 2010 Operations Guide of the Montana/Idaho Airshed Group.

For questions, contact David Luft, Air Quality Manager, at 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>
- 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 released to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

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

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

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy G. Smith". The signature is stylized with a large initial "T" and a long horizontal stroke at the end.

Troy Smith
Regional Administrator

EXHIBIT 6

Public Comments Received by: July 14, 2025

Board of County Commissioners

Case # CU2024-0023-APL

Hearing date: July 23, 2025

Exhibit 6a

RECEIVED
JUL 11 2025
BY: MG

Sharron Braun
26101 Farmway Rd
Caldwell, ID 83607

July 13, 2025

Canyon County Development Services
ATTN: Emily Bunn, Case Planner
111 North 11th Avenue, Suite 310
Caldwell, ID 83605

RE: Case No.: CU2023-0024 APL
Applicant Dave Erlebach of Erlebach Properties, L.P
Parcel No.: R37905 & R37904010

To Whom it May Concern:

I would like to resubmit my letter of February 6, 2025 in opposition to the above mentioned case and request that you DENY the application for the reasons discussed in that letter.

Please find an enclosed copy of my letter dated February 6 and include such letter in consideration of this July 2025 opposition to the appeal. I stand behind my reasons discussed in that original opposition letter and continue to oppose the conditional use permit.

Thank you for considering my comments.

Sincerely,



Sharron Braun

Enclosers: February 6, 2025 opposition letter

RECEIVED
JUL 11 2025

BY: MG

RECEIVED
FEB 07 2025

BY: MG

Sharron Braun
26101 Farmway Rd.
Caldwell, ID 83607

February 6, 2025

Canyon County Development Services
ATTN: Emily Bunn, Case Planner
111 North 11th Avenue, Suite 310
Caldwell, ID 83605

RE: Case No.: CU2023-0024
Applicant: Dave Erlebach of Erlebach Properties, L.P.
Parcel No.: R37905 & R37904010

To Whom it May Concern:

I am writing in opposition to the above-mentioned case, and respectfully request that you DENY the application for the reasons discussed herein. Instead of granting this application, the County ought to be pursuing civil and/or criminal enforcement against the Applicant for the unpermitted uses currently taking place on the property, especially in light of his misleading and deceptive application. The current and proposed use of this property is clearly not as "agricultural" in nature as the Applicant attempts to portray in his application, and should be denied because it does not satisfy the criteria set forth in Canyon County Code § 07-07-05.

As a preliminary matter, and before I address why this application does not satisfy the hearing criteria in the Canyon County Zoning Ordinance, I would like to bring attention to how misleading and deceptive the Applicant's application is. I reside just down the road from the property at issue in this application. I am familiar with the property and pass by it often. There is a very clear view of this property from the freeway, and the equipment that is stored there is in plain view. It is evident that the Applicant is already using the property for the uses for which he seeks a conditional use permit, without the proper permitting. There is a wide variety of construction equipment sitting on his property, and very little to no agricultural or "multi-use" equipment. The Applicant's Letter of Intent seeks to mislead the Commission into thinking that what he is proposing is primarily an "agricultural" operation, and that the construction aspect of it is incidental to the agricultural use. However, the opposite is true—the 11 acres that is at issue in this application is clearly already being used as a contractor's yard and staging area, and any storage of agricultural or multi-use equipment is secondary and extremely minimal compared to the large amount of construction equipment being stored there. Anyone familiar with farming operations can clearly see that the equipment that is being stored there is NOT agricultural or "multi-use" as the Applicant describes it. This is very clearly being used as a staging area for construction, not for agriculture, despite the Applicant's claims that "The majority of the Property will be used for farming. The remaining Property will be used primarily to store equipment and supplies that support Applicant's farming operations," and "... Applicant will farm a majority of the Property, and use the rest of the Property to store equipment and supplies that support Applicant's farming operations." (See Page 1 of Applicant's Letter of Intent).

These are deceitful and misleading statements. Evidence of the Applicant's deceitfulness is evident in the pictures of his "multi-use" equipment attached to his application. Noticeably, none of these pictures are taken at the actual property in question, except for possibly the picture of the CAT loader. If the Applicant had taken pictures of the equipment actually located at the property in question, it would be evident that the equipment that is actually located on this parcel is not agricultural or "multi-use," despite Applicant's assertions that it is. Furthermore, the Applicant deceptively attempted to obtain an exempt agricultural building permit for the existing building on the site, even though it has clearly not been used for agricultural purposes ever since it was constructed.

Aside from the Applicant's misleading application, this proposed use is not compliant with the approval criteria set forth in Canyon County Code § 07-07-05. Specifically, it does not satisfy subsections (3), (4), and (7) of § 07-07-05.

First, it does not satisfy § 07-07-05(3) because it is not consistent with the comprehensive plan. There are numerous places in the comprehensive plan that stress the importance of keeping agricultural land as productive farm ground, and developing other uses such as this in more suitable areas. It is not wise to dry up irrigatable farm ground such as the ground at issue in this application, as our farm ground is disappearing quickly as it is. This would be better suited on non-irrigatable ground that is not suitable for farming.

Second, it does not satisfy § 07-07-05(4) because this proposed use is injurious to my property and my neighbors' properties, and negatively changes this agricultural area to a more industrial nature, which is much less ideal and less desirable to live next to. The equipment stored at this site is very loud and will disrupt the activities of me and my neighbors as they operate on the site and as they pass by our houses. This project would be much better suited to a noisy, industrial area where there are less houses and where it will not change the character of the area like it does where it is presently located.

Lastly, it does not satisfy § 07-07-05(7) because it creates an undue interference with existing and future traffic patterns. This project creates a lot more heavy equipment traffic on roads that are already over-burdened and dangerous. There will also be an increase in passenger car traffic from all of the employees that need to access this site. As opposed to agricultural traffic, which is seasonal in nature, this traffic will be year-round, and make these already dangerous roads even more dangerous.

For all of these reasons, this application should be denied. In the event that the Commission decides to approve this application, then the Commission should place several conditions on its approval, which includes a large highway impact fee, fines for presently operating the site as a staging area and contractor's shop without permitting, and requiring them to obtain a commercial building permit for their existing building that they deceptively tried to pass off as an exempt "agricultural building." Thank you for considering my comments.

Sincerely,


Sharron Braun

Exhibit 6b

Emily Bunn

From: Shawna Potter <shawnarpotter@gmail.com>
Sent: Sunday, July 13, 2025 6:40 PM
To: Emily Bunn
Subject: [External] Light industrial Goodson road public hearing

Hello,

I am writing in regards to the public hearing of the light industry zoning on Goodson road, Caldwell. This affects traffic on highway 44 and the intersection of hwy 44 and hwy 30. This cannot handle any more stress of traffic. It's a dangerous intersection, and massive expansion and infrastructure needs should occur prior to putting our public in continuous danger on the roads due to the lack of infrastructure keeping up with it all.

Please, don't turn our community into these larger cities with many arteries around it all. Middleton has highway 44, and we need access to come and go from our community without being overburdened with traffic just to get to the freeway or access needs we need.

Sincerely,
Shawna Potter

Emily Bunn

From: John Brandel <john.brandel101@gmail.com>
Sent: Sunday, July 13, 2025 9:20 PM
To: Emily Bunn
Subject: [External] Cu2023-0024-APL

I live at 26539 Farmway Rd, Caldwell, ID 83607 and I am sending this message because my neighbors and I are against this .

Exhibit 6d

Emily Bunn

From: Pamela Field <pinnfield8@gmail.com>
Sent: Sunday, July 13, 2025 9:49 PM
To: Emily Bunn
Subject: [External] Appeal Case No. CU2023-0024-APL
Attachments: CU2023-0024-APL Document_2025-07-13_204824.pdf; Item #3 photo of second heavy duty road constructed parallel to I 84 facing south 20220316_190116.jpg; Item #3 photo of second heavy duty road constructed parallel to I 84 facing north. 20220316_190402.jpg

Please see attachment for written testimony "list of issues and concerns" to oppose this petition on appeal of Case No. CU2023-0024-APL. Please see attached photos taken March 16, 2022 of construction site work noted in testimony attachment issues list. Attached photos are referenced as part of Item #3 in the written testimony pdf. Additional photos are available of additional work being done to the site in question on March 16, 2022.

Pam and Brent Field
15732 Goodson Rd. Caldwell, Idaho 82607

Exhibit 6di

Case No. CU2023-0024-APL (Parcel R37905, a portion of the NE quarter of Section 20, T5N, R3W, BM Canyon County, Idaho (Public Hearing Canyon County Board of County Commissioners scheduled on July 23, 2025 beginning at 1:30 p.m. **Public and written testimony by July 13, 2025. Since this deadline is on a Sunday written testimony deadline is moved to business day Monday July 14, by 5:00 p.m. Case Planner, Emily Bunn at emily.bunn@canyoncounty.id.gov.**

1. Initially neighbors were told the use of this property was to become a "horse facility" (compatible with agricultural use) with "HOME(s)" to be built on the front East part of parcel on Farmway Road.
2. **Commercial grade road building began in March 2022**, to extend Goodson Road at Farmway to I-84 freeway. No work permit or details were posted for the road building?
3. A second heavy duty road was built (parallel to Farmway Rd and I-84) from the north of property line to the south property line. (See photos looking north and looking south of the site.)
4. MASSIVE BUILDING was erected (spring 2022) in the SW corner of property. (No permit to erect was posted.) The building is unsightly and not an agricultural looking building. A bright and obnoxious security light has disrupted night time sleep. Additional lights and heavy machinery noise have been disruptive to neighbors all through many night.
5. SW corner of property abutting I-84 with Massive Commercial building, and fenced yard, have not been used for agricultural purposes. The area has been operating (without conditional use approval) since 2022 as a Contractor Shop and Staging area of machinery and heavy equipment.
Question to be answered is "How could this complex operate, assemble or manufacture 2022-2025 without conditional use approval, impact studies, inspections and permitting approval?"
6. Objecting neighbors have been met with a choice of this contractor shop and staging area or subdivided into 100 homes. Long term intention for this property have been verbalized by owner to open the way to anchor an industrial park expansion along I-84 corridor to Caldwell.
7. The two-lane Goodson Road and Farmway Roads are not developed for the volume of traffic and use by large truck and equipment.
8. Due to dangerous and poor visibility through the intersection when turning left or right off Goodson Road (east bound) onto Old Hwy 30, the truck and traffic volume from this facility is not safe. Old Hwy 30 at this intersection has a dangerous curvature that makes visibility in both directions very difficult. Several accidents have occurred at the intersection with a fatality. The safety is compounded by heavy traffic (west bound) on the east side of Goodson waiting to make left or right turns onto Old Hwy 30.
9. This facilities, vehicle and large truck/equipment traffic additionally compound the already very difficult and dangerous traffic issues in **accessing Hwy 44 from Hwy 30 to access the I-84 on ramps at Hwy 44.**
10. From the start of the project about March 2022 deception and intimidation have occurred by those who asked questions followed by blatant disregard for the Canyon County permits and inspections process. For residents of the county who legally adhere to county procedures of permitting and approval before any construction begins, this facility was completed and operating for 3+ years before permitting or approval were even applied for from Canyon County. This project should not be considered an exception to Canyon County agricultural rules.

PLEASE DENY THIS APPEAL & ANY FURTHER DEVELOPMENT FOR OTHER THAN AGRICULTURAL USE!

Exhibit 6dii





Emily Bunn

From: Crystal Putnan <c.nigeriangos@gmail.com>
Sent: Sunday, July 13, 2025 10:10 PM
To: Emily Bunn
Subject: [External] In regards to case number CU2023-0024-APL

I would like to appeal this. I have several issues and concerns with changing the zoning to this property. I live at 26539 farmway road Caldwell Idaho 83607

1. Farmway road, Galloway and Goodson has a lot of tractors and farm equipment that utilize these road these are little country road that is not designed for commercial vehicles.
2. He already has a commercial light on the front side of his building that shines into our living room and bedroom windows we have to close the blinds at night when it's on.
3. There has previously been several occasions where commercial size vehicles have gone up and down that road throughout the night where the noise is disturbing.
4. This area does still have wildlife that live within the farm fields and we are taking away their homes and pushing them more and more into the big cities.
5. Old highway 30 is so congested throughout the day it's difficult to pull out at either Goodson or Galloway out on to Old highway 30 by adding more traffic by turning this light industrial it is going to make it even more difficult.
6. The intersection of highway 44 and an Old highway 30 is already extremely congested and more traffic is just going to make things worse.

I'm sure there are several other things that I am missing but these are the main concerns that I have.

So I want to appeal this.

Sincerely,
Crystal Putman

Emily Bunn

From: Dustin P <dustinrileycole@gmail.com>
Sent: Sunday, July 13, 2025 10:25 PM
To: Emily Bunn
Subject: [External] Concerns of residents of farm way

I am writing to express my concerns regarding the proposed development referenced in Case CU2023-0024APL.

As a local resident, I believe that building on this land would negatively impact our community for several key reasons.

Farm Way Traffic and Equipment Usage

Farm Way is heavily utilized by agricultural vehicles, including tractors and other large equipment, throughout the day. These slow-moving machines are essential to nearby farm operations and require clear, unobstructed access to the road. The proposed development would disrupt daily farming activities that rely on this route.

congestion on Old Highway 30

Old Highway 30 is already a highly congested corridor, particularly near Goodson Road and Galloway Road. Turning from either intersection has become increasingly difficult and dangerous due to traffic volume. Additional residential or commercial development would further exacerbate these conditions, creating serious safety concerns and reducing overall traffic flow efficiency.

While I understand the importance of responsible growth, I urge the county to reconsider this proposal in light of the unique logistical and safety challenges this specific location presents.

Thank you for your time and consideration.

Exhibit 6g

July 14, 2025

Emily Bunn, Case Planner
Case No. CU2023-0024-APL
Dave Erlebach
Conditional Use Permit

In regards to the above case, we own adjoining property to Mr. Erlebach. He called a meeting when he bought the property and told everyone that attended the meeting that he would do whatever he wanted with the property and he would appeal any decisions not in his favor until he won.

Obviously, this is playing out again. We certainly do not wish him ill, but we do not want an industrial area next to our farm ground, and believe that is the ultimate plan. My husband will be attending the meeting and hopefully will be allowed to speak briefly.

I thank you for your time in reading this.

Doug and Bobbie Brandel (Brandel Trust)
owners of adjacent property at 26539 Farmway Road

Emily Bunn

From: Jessica Isaacs <jessiq221@gmail.com>
Sent: Monday, July 14, 2025 12:54 PM
To: Emily Bunn
Subject: [External] Reference to Case Number CU2023-0024-APL

The email is in reference to case number CU2023-0024-APL. My name is Jessica Isaacs, and I'm a resident of Old Highway 30, just .9 miles from the property proposed for a conditional use permit.

I'm here to respectfully oppose the application to change the current agricultural zoning to allow for a contractor shop and the staging of large motorized equipment.

This land is currently zoned for agriculture — and that's how it should remain. This area is made up of small farms and open spaces that are not just part of our local economy, but part of our community's identity. Introducing industrial-scale machinery and commercial activity is a drastic change that undermines the purpose of agricultural zoning.

Our roads — two-lane and already heavily used by tractors and farm equipment — are not built for the additional traffic this use would bring. The added presence of large trucks and equipment will only increase congestion, pose safety risks, and lead to road wear that our rural infrastructure isn't built to support.

Noise and air pollution are also serious concerns. Farm communities depend on a quiet, balanced environment for both the wellbeing of residents and the success of small-scale farming. The introduction of industrial machinery and industrial activity threatens local wildlife and risks displacing native species.

Most importantly, this sets a precedent. If agricultural land can be turned into contractor staging areas, what's to stop a wave of similar conditional permits? This move chips away at the long-term viability of small-scale agriculture — which is vital to our region's food system, environmental health, and rural character.

I urge the board to consider the broader consequences and to prioritize protecting farmland. Keeping the current agricultural zoning is the best decision for the environment, for the safety of our roads, and for the future of this community.

Thank you for your time and for your commitment to thoughtful land use planning.

Cheers,

Jessica Isaacs

Concerned Resident

Exhibit 6i

Marnie Vandenberg
13618 Goodson Rd
Caldwell, ID 83607

RECEIVED
JUL 14 2025
BY:_____

July 14, 2025

Canyon County Development Services
ATTN: Emily Bunn, Case Planner
111 North 11th Avenue, Suite 310
Caldwell, ID 83605

RE: Case No: CU2023-0024-APL
Applicant: Dave Erlebach of Erlebach Properties, L.P.
Parcel: R37905 & R37904010

Dear Canyon County Board of Commissioners:

My name is Marnie Vandenberg and I want to state that I am in opposition to this application, and I respectfully request that you uphold the planning and zoning commission's denial of this application. Please see Exhibit E1 of the preliminary hearing materials the written testimony of Sharron Braun, which I stand behind and wish to reiterate during your consideration of this appeal. Despite the planning and zoning commission's denial, the applicant has continued to operate his business there and has made further investments and appeared to have drilled a well after his application was denied. I would appreciate one of you to ask under what premise the well was permitted, agriculture or otherwise. The well drilling equipment was clearly visible from the freeway and was located on the property during the week of March 14th. I question why he decided to put further significant investment into the property after his denial, and question whether there have been assurances made to the applicant that he will be able to continue to operate his business there, despite the previous denial. The further investment that was made at his own risk should not justify an approval, and reversing the planning and zoning commission's decision would be an utter disregard to the written and oral testimony at the prior hearing, to the Canyon County code, and to the basic premise of the law, which requires permitting before the contemplated land use takes place, not after as the applicant has done. If you grant this appeal, it sets a precedent that any landowner in the county can use their land as they wish without approval and ask for forgiveness later, even when that land use should not be permitted. This applicant has been dishonest throughout this process, as evidenced by his letter of intent, and has also been blatantly disrespectful, both to the premise of the law, and to his neighbors. He should not be rewarded for this. Furthermore, despite the applicant's

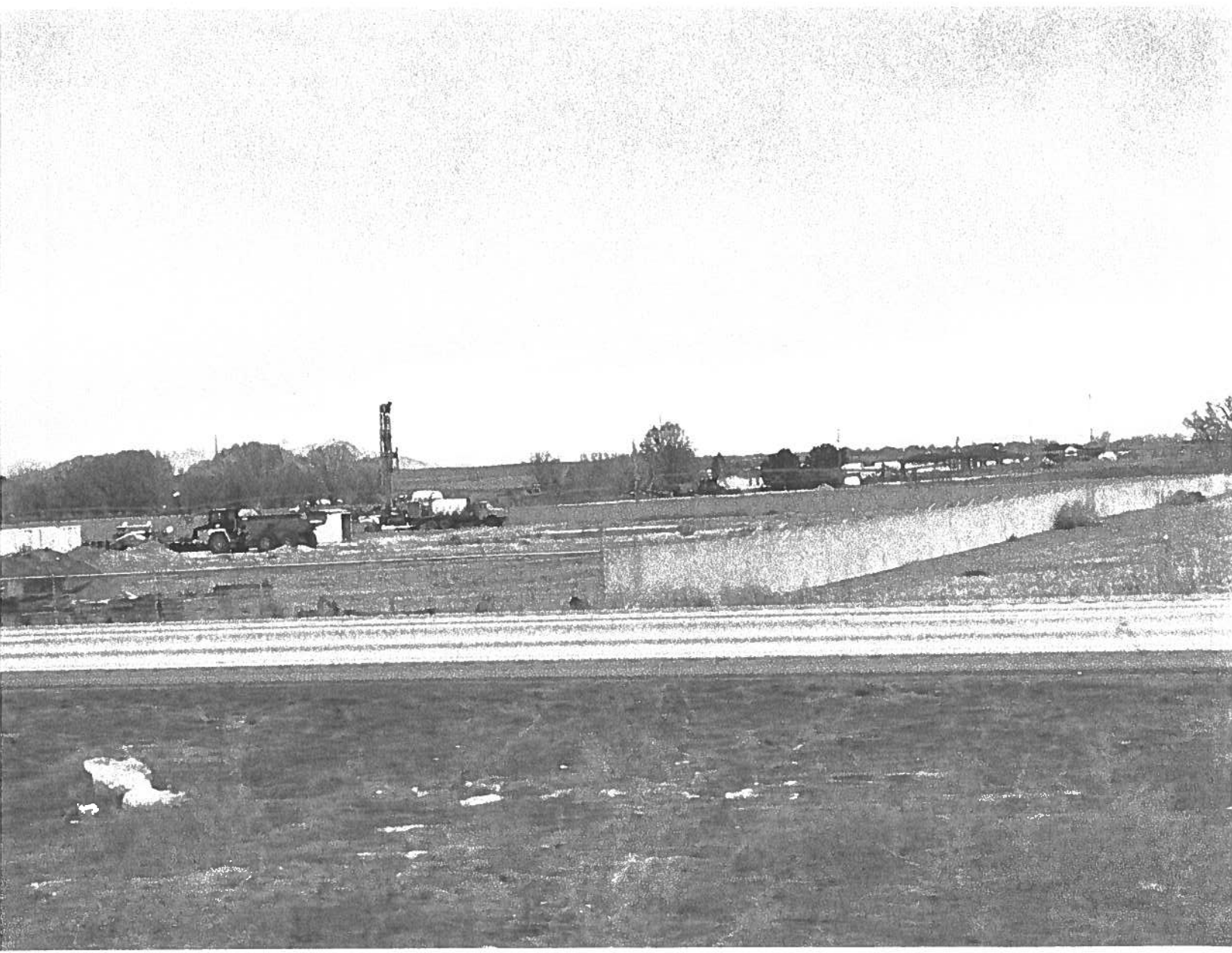
dishonest representations about this site being supportive of agricultural operation (please see Exhibit A2 of the preliminary hearing materials), the agricultural land owned by applicant and surrounding this site is now for sale. This further demonstrates the dishonest nature of applicant and his initial application, which is described at more length in Sharron Braun's letter that was submitted to the planning and zoning commission prior to the last hearing, Exhibit E1. Please refer to that letter as well during your consideration of this request. Thank you for your time and for your careful consideration of this case. We appreciate your service to our county.

Sincerely,

A handwritten signature in cursive script that reads "Marnie Vandenberg". The ink is dark and the signature is fluid, with a long, sweeping tail on the "y" at the end.

Marnie Vandenberg

March 14 9.30 AM





Emily Bunn

From: Mark Sklyarov <marksklyarov@gmail.com>
Sent: Monday, July 14, 2025 1:51 PM
To: Emily Bunn
Subject: [External] Written Testimony Case No. CU2023-0024-APL (Parcel R37905)

Hello, here is my written testimony against the construction concerning this issue. As a local resident, I'm strongly against this construction continuing. From the beginning, we were originally told that this land would be used for horses, but that turned out to be false and in a short time a huge industrial building was put up without the right and permits to do so. These trucks driving in and out, creating unnecessary noise and traffic on a road not built for it. Also, the extra truck traffic is dangerous, especially near Old Hwy 30 and Goodson Road, where there have been multiple accidents already. I don't want our quiet, rural area to turn into an industrial zone. It's just not fair for the rest of us!

Emily Bunn

From: Yelena Sklyarov <yelenaskl@gmail.com>
Sent: Monday, July 14, 2025 2:00 PM
To: Emily Bunn
Subject: [External] Written testimony case no. CU2023-0024-APL Parcel R37905

Hello, I am a resident and strongly oppose this construction. This place was supposed to be for something else, but turned out to be an industrial building that was built without permits. Since then, the trucks going in and out have brought noise, safety issues, and disruption to our quiet rural area. The roads aren't built for this kind of use, and there is a history of accidents on Old Hwy 30 and when turning into Goodson Rd., this will make it worse. This kind of development doesn't belong in our community, we like our quiet small neighborhood area without all the noise and disruption. This is not the place for this.

Emily Bunn

From: katia alatorre <katiaalatorre13@gmail.com>
Sent: Monday, July 14, 2025 2:22 PM
To: Emily Bunn
Subject: [External] Case Number CU2023-0024-APL

In regards to case number CU2023-0024-APL

I have several issues with changing the zoning to this property. I own the parcel nest to 26539 farmway road Caldwell Idaho 83607

1. Farmway road, Galloway and Goodson has a lot of tractors and farm equipment that utilize these road these are little country road that is not designed for commercial vehicles.
2. There has previously been several occasions where commercial size vehicles have gone up and down that road throughout the night where the noise is disturbing.
3. This area does still have wildlife that live within the farm fields and we are taking away their homes and pushing them more and more into the big cities.
4. Old highway 30 is so congested throughout the day it's difficult to pull out at either Goodson or Galloway out on to Old highway 30 by adding more traffic by turning this light industrial it is going to make it even more difficult.
5. The intersection of highway 44 and an Old highway 30 is already extremely congested and more traffic is just going to make things worse.

I'm sure there are several other things that I am missing but these are the main concerns that I have.

So I want to appeal this.

Sincerely,
Heriberto Alatorre

Emily Bunn

From: Philip Sklyarov <philipsklyarov4@gmail.com>
Sent: Monday, July 14, 2025 3:52 PM
To: Emily Bunn
Subject: [External] Opposition to Case No. CU2023-0024-APL – Philip Sklyarov

Dear Ms. Bunn,

My name is Philip Sklyarov, and I am writing to express my strong opposition to the proposed appeal (Case No. CU2023-0024-APL) concerning the development at Parcel R37905.

This project has moved forward without proper permits, inspections, or conditional use approval, showing disregard for county procedures. The commercial-grade infrastructure, heavy truck traffic, and non-agricultural use are completely incompatible with the surrounding area and have already caused significant disruption to neighboring residents, including light pollution, noise, and dangerous traffic conditions at nearby intersections.

This facility has been operating in violation of zoning standards for over three years, and it sets a harmful precedent for ignoring county regulations. I urge the Planning and Zoning Commission to deny this appeal and prevent any further development of this property beyond approved agricultural use.

Thank you for your time and consideration.

Sincerely,
Philip Sklyarov

Emily Bunn

From: Rex Weber <rweberhome@gmail.com>
Sent: Monday, July 14, 2025 4:33 PM
To: Emily Bunn
Subject: [External] Please do not Rezone to Industrial

Sent from my iPhone

Canyon County,
Regarding CU2023-2004

Please do not rezone from agricultural to industrial. We live in the area and use both intersections that this will have an impact on.

This is a farming community.

Both intersections on Highway 30 are already dangerous and have had serious accidents because of the angle of the road. Adding more Semi trucks with trailers would increase the risk of devastating accidents .

Thank you for taking this into consideration.

We appreciate all that you do to keep the people of Canyon County Safe.

Emily Bunn

From: Adam Batteen <batfam4@gmail.com>
Sent: Monday, July 14, 2025 4:49 PM
To: Emily Bunn
Subject: [External] Fwd: OPPOSITION to case # CU2023-0024-APL
Attachments: 20250713_141349.jpg; Resized_20250220_204953.jpeg

To: Canyon County Board of County Commissioners – Planning & Zoning
Subject: Strong Opposition to Case #CU2023-0024-APL – Erlebach Properties, LP

Dear Commissioners,

Thank you for the opportunity to address you once again regarding Case #CU2023-0024-APL concerning Dave Erlebach of Erlebach Properties, LP. I am writing to express my continued and firm opposition to the proposed development and ongoing manufacturing activities at Parcel R37905, Section 20, T5N, R3W, BM, Canyon County, Idaho.

I previously spoke at the February 20, 2025 hearing and remain deeply concerned about the impact this facility is having on our community. My objections are based on the following key issues:

1. Community Opposition and Deceptive Development

It is no coincidence that nearly every resident along Farmway Road—from Old Highway 30 to Galloway Road, and east along Goodson Road—stands in opposition to this facility. The structure was erected without transparency, under misleading pretenses, and without proper community engagement. It appears that Mr. Erlebach intentionally acquired agricultural land at a lower cost with the intent to convert it into a light industrial site, disregarding county zoning laws and regulations. Despite the denial of a conditional use permit, industrial activities continue unabated, including truck traffic and manufacturing operations outside of normal business hours and on weekends.

2. Road Damage and Safety Hazards

Since the facility's construction, the condition of the surrounding roads has significantly deteriorated. A small indent at the intersection of Goodson and Farmway Roads—unchanged for over two decades—has expanded dramatically due to the weight and frequency of semi-truck traffic. What was once the size of a silver dollar is now the size of a large platter. This damage poses a serious hazard to all drivers, especially during inclement weather. (See attached Photo #1.)

3. Light Pollution and Nuisance

At the previous hearing, I raised concerns about the intense spotlighting from the facility. These lights cast harsh shadows into my home, cause night-blindness, and create dangerous driving conditions at night. (See attached Photo

#2.) While I appreciate Mr. Erlebach's partial effort to reduce the brightness, the lights remain disruptive. I respectfully request that the lighting be:

- Dimmed to the lowest effective setting,
- Angled downward to illuminate only the immediate building area,
- Activated only by motion sensors during nighttime hours.

If all of these conditions are met, I would be willing to withdraw this particular concern.

4. Traffic Safety and Noncompliance

Truck drivers exiting the facility frequently fail to stop at the intersection of Goodson and Farmway Roads, where the speed limit is 50 mph. This creates a significant risk of serious accidents. While Mr. Erlebach has stated he would instruct his employees to stop fully at the intersection, he cannot ensure compliance from all third-party drivers. The only way to eliminate this risk is to cease industrial operations at this location, which is not zoned for such use.

In conclusion, I respectfully urge the Board to deny the conditional use permit and any request for rezoning. This facility is incompatible with the surrounding agricultural and residential community, and its continued operation poses safety, environmental, and quality-of-life concerns.

Thank you for your time and consideration.

Sincerely,

Adam Batteen
27142 Farmway Rd
Caldwell, ID 83607
208 606-9556

Exhibit 6oi





Exhibit 6p

Date: 07/13/25

To: Canyon County Planning and Zoning Commissioners

From: Sid and Pam Freeman

RE: Case No: CU2023-0024

Applicant: Dave Erlebach Properties, L.P.

Parcel No.: R37905 & R37904010

To whom it may concern,

As long time residents of 42 years, a half of a mile from the Erlebach property we are adamantly opposed to this application for the two conditional use permits.

I will start by stating that we do concur completely with the letter that Sharon Braun has submitted, as it has the same key components in it as we ourselves have great concerns about. This application is not compliant with the comprehensive plan in any way. I am talking about a plan that took several years to put together, of which literally hundreds if not thousands of hard working honest taxpaying citizens took part in developing. The comprehensive plan is the only document that truly places the voice of the people at the table of these types of hearings. As we speak you have a man here before you who is in violation of the land use law and building codes, as well as Idaho irrigation and drainage law. To have our voices silenced by the use of a Conditional Use Permit, in my opinion is in itself a criminal act by local government. We put a stop to the use of CUP's by demanding that applications like these and others be required to do a rezone.

Sharron Braun's letter is attached to my statements here, as well as a copy of Idaho Code 42-1102, Irrigation and Drainage - Water Rights and Reclamation. Mr. Erlebach has rejected any access on to his property to clean the drainage ditch that collects water off of farms above his, This ditch runs along Farmway Rd on the east boarder of his property. This has caused the water to back up and flood the corner of the field to the south of his property, and has cause me to have to call twice to get Canyon County HD4

to come out and clean out the culvert that drains the water from one of the farms we are operating. Please see the pictures.

In regards to the staff report relating to county code 07-07-05(2); The hours of operation proposed are Monday through Friday from 7:00 am to 5:30pm, occasionally on Saturday same hours. The hours that have actually been observed of people coming and going from the property for the past two years to date are any where from 5:30am to 11:30pm. Since the P&Z hearing in February, I have recorded these instances; 3/4/25 6am a 1 ton truck in, 3/6/25 7:30pm a semi truck out, 3/12/25 6:27pm eight vehicles out 1 maroon, 1 red, 1 silver, 5 white pickups, 3/26/25 6am three vehicle in.

In regards to staff report on county code 07-07-05(4) "Will the proposed use be injurious to other property in the immediate vicinity and/ or negatively change the essential character of the area as proposed". The staff "opinion" is no.

There have been several events of vehicles coming and going to and from the property that have been personally observed by myself over the past two years of people not stopping at the stop signs at the intersection of Farmway and Goodson roads. Many in fact have been semi trucks pulling trailers loaded, and unloaded.

With disrespectful driver's/ operator's there is definitely "injurious / negativity to the existing character of the area" make no mistake about! There is only three routes to take from this intersection. 1) Straight east to the Goodson Rd and Hwy 30 intersection which is very dangerous because it is in the middle of the curvature of Hwy 30 and has had many collisions, some of them fatal. 2) To the south to the intersection Farmway and Galloway Rd. which is extremely dangerous as well because it is directly below the east side of the Galloway overpass of I84. And turning to the west with a semi truck is not at all advisable no farmers would ever to do that. 3) To the north to the intersection of Farmway Rd and Hwy 30, which is once again very dangerous and has had many accidents over the decades, some of them fatal as well. Because of the angle at which Hwy 30 is running at, it is impossible for semi trucks to turn to the south and can only go north.

In the letter of intent, it mentions 10 daily round trips of truck traffic only twice, but then refers to 10 daily trips 18 times. 10 rounds trips are in fact 20 daily trips or occurrences per day of truck traffic alone going through the

intersection of Farmway and Goodson roads. There is no mention of the employee traffic, which at the Planning and Zoning hearing they mentioned there would at first 15-20 employees, maybe more later on. That is equivalent to 30-40 additional trips or occurrences per day at that intersection, and the surrounding routes. All together that is 50-60 trips per day, which is in fact a significant increase. We all know with these kinds of increases comes an increase in risk!

If this application is approved, there will without any doubt be an increase in "injurious / negativity to the existing character of the area."

Multiple times in the Letter of Intent it says Mr. Erlebach will not be using this property for manufacturing. And they said that "The Planning and Zoning Commission misunderstood the intent and purpose of the Application, and erroneously believed that the Applicant would perform manufacturing at the Property."

Upon poignant questioning from Planning and Zoning Commissioner Geoff Mathews during his personal testimony, Mr. Erlebach did in fact say that they were in fact welding together structures in that building. A building that in fact has been built with no building permit, and has not been approved for occupancy. On several occasions I have personally witnessed trucks loaded with raw iron going into the property and trucks loaded with manufactured structures coming out of the property. This is in fact is a Light Industrial usage of this property!

As that portion of Goodson Road west of Farmway Road is no longer maintained by the county since I-84 was built and split it causing it to be a dead end, the owners of the bordering properties have a right to say who may or may not use their portion of the roadway going in and out. During the Planning and Zoning Commissioners meeting the Applicant's representative's stated that they had secured permission, or were in talks with all land owners in regards to access. That is not true. I personally spoke with my neighbor Larry Green and he said no one has spoken to him at all in regards using his portion of the roadway for access.

In regards to speculator statements being able to be used to make a determination in this case, pretty much everything that is being said about additional traffic being a hazard is speculation, whether it is from HD4, or ITD. I have lived for 52 years and not once have I ever seen an official

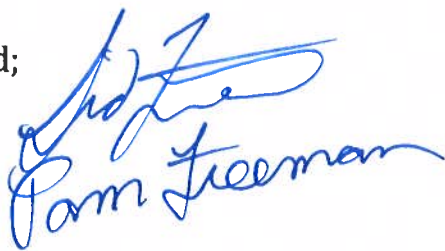
traffic study done on Farmway Road. Any one with an ounce of common sense can come to the conclusion that there will with certain be a much higher risk on the surrounding roadways.

In summation, the Letter of Intent is full of smoke and mirrors, trying to distract you as the decision makers in this case. Mr. Erlebach and his representatives are not being completely honest with you and I do in fact find that very disturbing. The Applicant has lied on many occasions throughout this whole process and maybe his representatives just don't know about it. This is in fact a Light Industrial usage of this property and should be required to go through a rezone of such. The integrity of this Applicant is at the very least unscrupulous. And it is the duty of our elected officials to go above and beyond the call of duty to protect the public tax payers in process's like this that come before you. I have delivered along with this testimony a petition against the approval of this appeal application, signed by 72 honest hard working tax paying citizens of this county, and many more do plan to attend the hearing person. There is plenty of Light Industrial land available throughout Canyon County, this is not the place for this particular business. Mr. Erlebach is currently in violation of state irrigation law, and land use law, occupancy law, building code, and is trying to pull a fast one over everyone. Absolutely nothing at all short of denying this application in full should be considered. Unless it is your intent to reward an individual for breaking the law!

Yes, you as a body, do have the right to deny this in it's entirety.

I respectfully thank you for your time and consideration of this matter.

Signed;

A handwritten signature in blue ink, appearing to read "Pam Freeman". The signature is stylized with a large, sweeping initial "P" and "F".

Pg. 27, Comp Plan. Light Industrial (M-1) The M-1 district provides and encourages the grouping of light industrial uses capable of being operated such that location and appearance of buildings and the treatment of the land about them will be unobtrusive and not detrimental to surrounding uses.

Exhibit 6pi

RECEIVED
JUL 11 2025

BY: MGS

Sharron Braun
26101 Farmway Rd
Caldwell, ID 83607

July 13, 2025

Canyon County Development Services
ATTN: Emily Bunn, Case Planner
111 North 11th Avenue, Suite 310
Caldwell, ID 83605

RE: Case No.: CU2023-0024 APL
Applicant Dave Erlebach of Erlebach Properties, L.P
Parcel No.: R37905 & R37904010

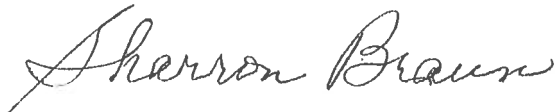
To Whom it May Concern:

I would like to resubmit my letter of February 6, 2025 in opposition to the above mentioned case and request that you DENY the application for the reasons discussed in that letter.

Please find an enclosed copy of my letter dated February 6 and include such letter in consideration of this July 2025 opposition to the appeal. I stand behind my reasons discussed in that original opposition letter and continue to oppose the conditional use permit.

Thank you for considering my comments.

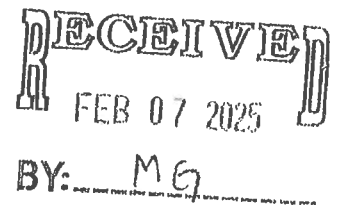
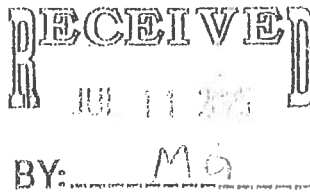
Sincerely,



Sharron Braun

Enclosers: February 6, 2025 opposition letter

Sharron Braun
26101 Farmway Rd.
Caldwell, ID 83607



February 6, 2025

Canyon County Development Services
ATTN: Emily Bunn, Case Planner
111 North 11th Avenue, Suite 310
Caldwell, ID 83605

RE: Case No.: CU2023-0024
Applicant: Dave Erlebach of Erlebach Properties, L.P.
Parcel No.: R37905 & R37904010

To Whom it May Concern:

I am writing in opposition to the above-mentioned case, and respectfully request that you DENY the application for the reasons discussed herein. Instead of granting this application, the County ought to be pursuing civil and/or criminal enforcement against the Applicant for the unpermitted uses currently taking place on the property, especially in light of his misleading and deceptive application. The current and proposed use of this property is clearly not as "agricultural" in nature as the Applicant attempts to portray in his application, and should be denied because it does not satisfy the criteria set forth in Canyon County Code § 07-07-05.

As a preliminary matter, and before I address why this application does not satisfy the hearing criteria in the Canyon County Zoning Ordinance, I would like to bring attention to how misleading and deceptive the Applicant's application is. I reside just down the road from the property at issue in this application. I am familiar with the property and pass by it often. There is a very clear view of this property from the freeway, and the equipment that is stored there is in plain view. It is evident that the Applicant is already using the property for the uses for which he seeks a conditional use permit, without the proper permitting. There is a wide variety of construction equipment sitting on his property, and very little to no agricultural or "multi-use" equipment. The Applicant's Letter of Intent seeks to mislead the Commission into thinking that what he is proposing is primarily an "agricultural" operation, and that the construction aspect of it is incidental to the agricultural use. However, the opposite is true—the 11 acres that is at issue in this application is clearly already being used as a contractor's yard and staging area, and any storage of agricultural or multi-use equipment is secondary and extremely minimal compared to the large amount of construction equipment being stored there. Anyone familiar with farming operations can clearly see that the equipment that is being stored there is NOT agricultural or "multi-use" as the Applicant describes it. This is very clearly being used as a staging area for construction, not for agriculture, despite the Applicant's claims that "The majority of the Property will be used for farming. The remaining Property will be used primarily to store equipment and supplies that support Applicant's farming operations," and "... Applicant will farm a majority of the Property, and use the rest of the Property to store equipment and supplies that support Applicant's farming operations." (See Page 1 of Applicant's Letter of Intent).

These are deceitful and misleading statements. Evidence of the Applicant's deceitfulness is evident in the pictures of his "multi-use" equipment attached to his application. Noticeably, none of these pictures are taken at the actual property in question, except for possibly the picture of the CAT loader. If the Applicant had taken pictures of the equipment actually located at the property in question, it would be evident that the equipment that is actually located on this parcel is not agricultural or "multi-use," despite Applicant's assertions that it is. Furthermore, the Applicant deceptively attempted to obtain an exempt agricultural building permit for the existing building on the site, even though it has clearly not been used for agricultural purposes ever since it was constructed.

Aside from the Applicant's misleading application, this proposed use is not compliant with the approval criteria set forth in Canyon County Code § 07-07-05. Specifically, it does not satisfy subsections (3), (4), and (7) of § 07-07-05.

First, it does not satisfy § 07-07-05(3) because it is not consistent with the comprehensive plan. There are numerous places in the comprehensive plan that stress the importance of keeping agricultural land as productive farm ground, and developing other uses such as this in more suitable areas. It is not wise to dry up irrigatable farm ground such as the ground at issue in this application, as our farm ground is disappearing quickly as it is. This would be better suited on non-irrigatable ground that is not suitable for farming.

Second, it does not satisfy § 07-07-05(4) because this proposed use is injurious to my property and my neighbors' properties, and negatively changes this agricultural area to a more industrial nature, which is much less ideal and less desirable to live next to. The equipment stored at this site is very loud and will disrupt the activities of me and my neighbors as they operate on the site and as they pass by our houses. This project would be much better suited to a noisy, industrial area where there are less houses and where it will not change the character of the area like it does where it is presently located.

Lastly, it does not satisfy § 07-07-05(7) because it creates an undue interference with existing and future traffic patterns. This project creates a lot more heavy equipment traffic on roads that are already over-burdened and dangerous. There will also be an increase in passenger car traffic from all of the employees that need to access this site. As opposed to agricultural traffic, which is seasonal in nature, this traffic will be year-round, and make these already dangerous roads even more dangerous.

For all of these reasons, this application should be denied. In the event that the Commission decides to approve this application, then the Commission should place several conditions on its approval, which includes a large highway impact fee, fines for presently operating the site as a staging area and contractor's shop without permitting, and requiring them to obtain a commercial building permit for their existing building that they deceptively tried to pass off as an exempt "agricultural building." Thank you for considering my comments.

Sincerely,

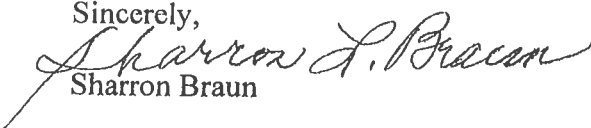

Sharron Braun

Exhibit 6pii

**Idaho Statutes**

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 42

IRRIGATION AND DRAINAGE – WATER RIGHTS AND RECLAMATION

CHAPTER 11

RIGHTS OF WAY

42-1102. OWNERS OF LAND – RIGHT TO RIGHT-OF-WAY. (1) Owners or claimants to land that do not have sufficient length of frontage on a stream to afford the requisite fall for a ditch, canal, lateral, drain, or other conduit on their own premises for the proper irrigation or drainage thereof, or where the land proposed to be irrigated is back from the banks of such stream, and convenient facilities otherwise for the watering of said lands cannot be had, such owners or claimants are entitled to a right-of-way through the lands of others for a ditch, canal, lateral, drain, or conduit to convey water to the place of use for the purposes of irrigation or to provide drainage of irrigated land.

(2) The right-of-way for a ditch, canal, lateral, drain, or other conduit shall include but is not limited to the reasonable exercise of the following rights:

(a) The right to enter the land across which the right-of-way extends for the purposes of accessing, inspecting, operating, cleaning, maintaining, and repairing the ditch, canal, lateral, drain, conduit, embankments, and irrigation structures and to occupy such width of the land along the ditch, canal, lateral, drain, conduit, and embankments as is necessary to properly perform such work with personnel and with such equipment as is commonly used or is reasonably adapted to that work.

(b) The right to remove from the ditch, canal, lateral, drain, conduit, embankments, and irrigation structures the debris, soil, vegetation, and other material the ditch, canal, lateral, drain, or conduit owner or operator reasonably deems necessary to properly access, inspect, operate, clean, maintain, and repair them. The owner or operator has the right and discretion to transport the material from the right-of-way, to utilize the material for reconstruction, repair, or maintenance of the ditch, canal, lateral, drain, conduit, embankments, irrigation structures, and related roads and access areas, and to deposit and leave the material within the right-of-way, provided that the deposits occupy no greater width of land along the ditch, canal, lateral, drain, conduit, and embankments than is reasonably necessary.

(c) The right to occupy the right-of-way during any season of the year to perform the work of operating, cleaning, maintaining, and repairing the ditch, canal, lateral, drain, conduit, embankments, and irrigation structures without prior notice to the owner or occupant of the land across which the right-of-way extends.

(d) The owner or operator of the ditch, canal, lateral, drain, or conduit is not obligated to maintain or control the right-of-way or vegetation for the benefit of the owners or claimants of lands of others.

(3) Any servient estate owner shall be deemed to have notice that the owner of the ditch, canal, lateral, drain, or conduit has the right-of-way and all incidental rights confirmed or granted by this section if:

(a) The servient estate owner has actual or constructive knowledge of the ditch, canal, lateral, drain, or conduit; or

(b) The ditch, canal, lateral, drain, or conduit or any feature thereof is visible or reasonably discoverable.

(4) Rights-of-way provided by this section are essential for the operations of the ditches, canals, laterals, drains, and conduits. No person or entity shall cause or permit any encroachments onto the right-of-way, including public or private roads, utilities, fences, gates, pipelines, structures, landscaping, trees, vegetation, or other construction or placement of objects, without the written permission of the owner or operator of the right-of-way in order to ensure that any such encroachments will not unreasonably or materially interfere with the use and enjoyment of the right-of-way. Such written permission shall not be unreasonably withheld.

(5) Encroachments of any kind placed in such right-of-way without express written permission of the owner or operator of the right-of-way shall be removed at the expense of the person or entity causing or permitting such encroachment, upon the request of the owner or operator of the right-of-way, in the event that any such encroachments unreasonably or materially interfere with the use and enjoyment of the right-of-way.

(a) The person or entity that caused or permitted the encroachment shall perform such removal, modification, repair, or restoration within a reasonable time after request from the owner or operator of the easement or right-of-way or immediately upon such request in the event of reduced delivery or drainage of water, property damage, safety risk, or other emergency. What constitutes a reasonable time to respond to the request depends on the circumstances affecting the use, operation, maintenance, and repair of the ditch, canal, lateral, drain, or conduit and associated easement or right-of-way.

(b) If the person or entity that caused or permitted the encroachment fails to timely perform the requested actions, or in the event of reduced delivery or drainage of water, property damage, safety risk, or other emergency, the owner or operator of the easement or right-of-way may proceed to perform such actions at the expense of the person or entity causing or permitting the encroachment, as long as no work is performed on any municipal or public utility line.

(6) Any person or entity that causes or permits an encroachment shall be responsible for its use, operation, maintenance, repair, and replacement to prevent unreasonable or material interference with the ditch, canal, lateral, drain, or conduit and the associated easement or right-of-way and shall be liable for all damages that may accrue therefrom.

(7) Nothing in this section shall in any way affect the exercise of the right of eminent domain for the public purposes set forth in section 7-701, Idaho Code.

(8) This section shall apply to ditches, canals, laterals, drains, conduits, and embankments existing on the effective date of this act, as well as to ditches, canals, laterals, drains, conduits, and embankments constructed or existing after such effective date.

History:

[(42-1102) 1881, p. 269; R.S., sec. 3181; reen. R.C. & C.L., sec. 3300; C.S., sec. 5647; I.C.A., sec. 42-1002; am. 1996, ch. 187, sec. 1, p. 594; am. 2004, ch. 179, sec. 1, p. 562; am. 2019, ch. 158, sec. 1, p. 511; am. 2019, ch. 183, sec. 1, p. 590; am. 2021, ch. 250, sec. 2, p. 778; am. 2024, ch. 93, sec. 1, p. 432.]

How current is this law?

Exhibit 6piii

Date: 07/13/25

To: Canyon County Board of Commissioners

From: Concerned citizens in the area

We the undersigned are respectfully in opposition to the appeal application for Erlebach Properties ~~LPA~~ application number CU2023-0024.

Name	Address	RD	Phone Number
Larry Green	27265 Farmway	2084072944	
Larry D Green	Caldwell Id	83607	
Ann Mooney	16777 Monarch Rd	208-971-8358	
Goodloe, Richard B	16777 Monarch Rd	801-200-5037	
Kevin DeCora	16722 Monarch Rd	541-212-9221	
Denise Olson	27390 Monarch Rd.	562-212-7679	
John P. Olson	27390 Monarch Rd, Caldwell	562-225-0412	
Kristen Keebaugh	15634 Patriot Ave, Nampa	208-0831	
Joan Mortensen	27604 Monarch Rd Caldwell	208-291-8992	
Alex Bonney	27642 Monarch Rd. Caldwell, ID	208-818-0012	
Jessica Bonney	27642 Monarch Rd. Caldwell, ID	208-971-0745	
Gary Kirby	16934 Butterfly Ridge Rd. Caldwell	208 637-5954	
Giovanna Kirby	16934 Butterfly Ridge Rd	909 720-0988	
Maria Panzer	16934 Butterfly Ridge Rd	83607	
Richard Rice	16934 Butterfly Ridge Rd.	909-485-9178	
Heath Garner	27875 Hwy 30, Caldwell, ID	83607 208-989-4891	
Pam Freeman	27406 Farmway Rd, Caldwell	ID 83607 208-941-9446	

Name	Address	Phone #
Mario Robles	15825 Goodson Rd Caldwell 83607	208-989-72-94
Humberto	15825 Goodson Rd Caldwell ID 83607	208-631-9806
Rebecca Altebery	15626 Goodson Rd Caldwell 83607	707-853-4235
Matt Altebery	15626 Goodson Rd Caldwell 83607	707-853-4235
Marnie Vandey	13618 Goodson Rd Caldwell ID 83607	(208) 941-048
Casey Vandenberg	13618 Goodson Rd Caldwell ID 83607	(208) 941-830
Sharon R. Brown	26101 Johnson Rd. 83607	(208) 861-7745
Ruby A Smith	26552 Old Hwy 30 Caldwell, ID	(208) 861-7745
Phbbie Middleton	26552 Old Hwy 30 Caldwell ID.	208-880-920
Cay Crow	26494 Old Hwy 30 Caldwell ID	
Cindy Crow	26494 Old Hwy 30 Caldwell ID 83607	208-880-7445
Brenda N Freeman	26590 Old Hwy 30 Caldwell ID 83607	208-459-392
Susan Reelin Sutton	26812 Old Highway 30	208-987-121
Mr	26834 Old Highway 30	208-987-121
Willy Dede	26812 Old Highway 30	208-899-994
IS	27233 Old Highway 30	208-367-5343
AS	27233 Old Highway 30	208-367-5343
Rebecca W Kuld	26778 Old Hwy 30	(208) 230-9328
Phil G Keetch	26778 Old Hwy 30	(208) 230-9328
Patti Wilson Andraw	25529 Old Hwy 30	(208) 794-3103
Saul P. Andrew	25529 Old Hwy 30	208-941-2435

Date: 07/13/25

To: Canyon County Board of Commissioners

From: Concerned citizens in the area

We the undersigned are respectfully in opposition to the appeal application for Erlebach Properties **LPR**, application number CU2023-0024.

Name	Address	Phone Number
Shawn Bailey	26755 Farmway, Caldwell	208-275-9786
Julie Bailey	26755 Farmway Rd Caldwell	208-859-2535
Douglas Woodruff	29305 Farmway Rd Caldwell	208-914-8451
Shad Woodruff	" " "	208-941-7960
Breanna Combs	29305 Farmway Rd Caldwell	208-880-5171
Tracy Lee	" "	208-697-7511
Connie Kalkreuth		208-841-6125
James Raelson		208-318-8440
J. S. S.	24886 Vanold Way Caldwell	208-830-1508
David Jones	" "	208-830-1518
Laura Bailey	5916 Stage Line Place	208-409-5282
Leanne Peterson	16539 Oasisk Rd	208-867-1388

Boyle Peterson - 16539 Oasis Rd, Caldwell 208484-0899

Cedar Peterson - 16539 ONS.3 64 Col. 11 208 Coll 6761

L. Aaron Bailey 596 Stage Line Pl. 208-985-3349

Date: 07/13/25

To: Canyon County Board of Commissioners

From: Concerned citizens in the area

We the undersigned are respectfully in opposition to the appeal application for Erlebach Properties LLC, application number CU2023-0024.

Name	Address	Phone Number
Karl F Herger	26688 Farmway Rd Caldwell	208-963-1925
Mary Kay Herger	26688 Farmway Rd. Caldwell	208-420-3101
Karl Herger	900 Spr Ave Parma	208 981 4199
Kyle Herger	1761 West Roger St Middleton, ID	208 204 1720
Morgan Herger	900 Spr Ave Parma	10
Crystal Putman	26539 Farmway Rd	208-960-3075
Dustin J. Putman	26539 Farmway Rd	208-304-8881
John Brandel	26539 Farmway Rd	208-250-328
Michael Orie Howard	26512 Farmway Rd.	208-880-1902
Sean Hamilton	25574 Sand Trap Dr.	360-610-3343
Joe Garcia	606 Sand Rd #71	309 5827 208-
Kirsten Lucas	1805 S. Powerline Rd	999-7390
Rich Perugi	13832 Red Tide Ln	510 377-4141
MARGIE Perugi	13832 Red Tide Ln	925 525-1915
Jammy Bettercourt	Selma Tide St	208-761-1935

Date: 07/13/25

To: Canyon County Board of Commissioners

From: Concerned citizens in the area

We the undersigned are respectfully in opposition to the appeal application for Erlebach Properties LP, application number CU2023-0024.

Name	Address	Phone Number
Tim Lemmy	27370 Hwy 30	83607208 573-2981
Neneen Jamney Phillips	16912 Galloway Rd	880-1314
John	15575 Sand Hollow Rd	83607 208-573-2985
Nelen Jamney	15575 Sand Hollow Rd	83607 208-880-0375

Date: 07/13/25

To: Canyon County Board of Commissioners

From: Concerned citizens in the area

We the undersigned are respectfully in opposition to the appeal application for Erlebach Properties L. P., application number CU2023-0024.

Name	Address	Phone Number
------	---------	--------------

Tim Van Zant	Property directly across Farmway Road	Cell 208-919-3469
--------------	---------------------------------------	-------------------

Lyle C. Freeman	23212 Market Rd, Parma 83660	208-941-7339
-----------------	------------------------------	--------------

Justin Freeman	1905 Nashbrook St, Caldwell, 83607	208-699-0652
----------------	------------------------------------	--------------

Name	Address	Phone Number
William R Geiger	16014 Goodson Rd. Caldwell, ID	208-694-6779
Elaine Sauck	16014 Goodson Rd	208-789-1419
Andrew B. Geiger	16044 Goodson RD Caldwell ID	208-570-6803
Gladia Geiger	16644 Goodson Rd. Caldwell ID	208-899-7842
REDD WADE	3619 S. 10TH AVE. CALDWELL, ID	208-250-0111
Sandy Wade	3619 S. 10TH Ave Caldwell ID	208-602-8944
Kelly Wade	730 E. Evelyn Ave #521 Sunnyvale, CA	408-6-21-0830
Edward Silvia	1109 Willow St Caldwell ID 83605	208-989-7741
Anastasia Silvia	1109 Willow St. Caldwell 83605	208-985-3966
Bradley Silvia	1109 Willow St. Caldwell, ID 83605	208-985-6499
Sandy Powell	1109 Willow St. Caldwell, ID 83605	208-283-6070
VF. Overman	22454 Hstick Rd. Cald. ID 83607	208-936-5754
Dan Tonesdell	25252 Upper Pleasant Ridge Rd Wilder ID	208-870-9234
Rob Worthington	708 North 4th St. Parma ID 83660	208-614-9660
Joe Kellow	19864 Allegheney way Caldwell, ID 83605	986-204-4495
Paul Page	216 Quail DR Melba, ID Caldwell ID	(208) 989-8272
JAMIE BROWN	2224 SAND HOLLOW RD	208-318-8610
John Kellow	19864 Allegheney way Caldwell ID 83605	208-880-5348
Laura Kellow	19864 Allegheney way Caldwell ID 83605	208-880-3724
Cassandra Page	216 Quail DR Melba, ID	208-989-7767
KATHY BROWN	2224 SAND HOLLOW RD CALDWELL, ID	208-318-8610 208-989-0893

7/14/2025

Exhibit 6q

RECEIVED
JUL 14 2025
BY:_____

Dear Commissioners,

I am unequivocally **opposed** to the Erlebach request for rezoning his agricultural land. Attached are the files I will speak to regarding this request scheduled for July 23rd.

Thank you,

Natalie Levi

26622 Farmway Rd.,

Caldwell, ID 83607

Party Search Results

Name



Date of Birth



Erlebach, David

Cases (1)

Protection Orders (0)

Cases

CV14-24-11691

Type

AA- All Initial District Court Filings (Not E, F, and H1)

Location

Canyon County District Court

Party Name

Synbiotic Health, Inc.

Erlebach, David C

XX/XX/1959

Cases (13)

Protection Orders (0)

Cases

CR44-19-1435

Type

Infraction

Location

Washington County Magistrate Court

Party Name

Erlebach, David C

Date of Birth

XX/XX/1959

CR-2012-310

Type

Infraction

Location

Gem County Magistrate Court

Party Name

Erlebach, David C

Date of Birth

XX/XX/1959

CR-2011-851

Type

Infraction

Location

Gem County Magistrate Court

Party Name

Erlebach, David C

Date of Birth

XX/XX/1959

CR-2009-266

Type

Infraction

Location

Gem County Magistrate Court

Party Name

Erlebach, David C

Date of Birth

XX/XX/1959

CR-2006-2795

Type	Location	Party Name	Date of Birth
Infraction	Gem County Magistrate Court	Erlebach, David C	XX/XX/1959

CR-2006-1787

Type	Location	Party Name	Date of Birth
Criminal	Gem County Magistrate Court	Erlebach, David C	XX/XX/1959

CR-2003-58120

Type	Location	Party Name	Date of Birth
Infraction	Valley County Magistrate Court	Erlebach, David Charles	XX/XX/1959

CV-2003-517

Type	Location	Party Name
A4- Personal Injury or other claims (\$10,000 or More)	Gem County District Court	Erlebach, David C

Date of Birth
XX/XX/1959

CR-2001-4207

Type	Location	Party Name	Date of Birth
Infraction	Gem County Magistrate Court	Erlebach, David C	XX/XX/1959

CR-1998-1991

Type	Location	Party Name	Date of Birth
Infraction	Gem County Magistrate Court	Erlebach, David C	XX/XX/1959

1 - 10 of 13 items

Erlebach, David C

XX/XX/1951

Cases (1)

Protection Orders (0)

Cases

CR-1999-1271

Type	Location	Party Name	Date of Birth
Infraction	Boise County Magistrate Court	Erlebach, David C	XX/XX/1951

Erlebach, David C

Cases (1)
Protection Orders (0)

Cases

CV-2005-11142

Type	Location	Party Name
AA- All Initial District Court Filings (Not E, F, and H1)	Canyon County District Court	Performance Systems

DAVE ERLEBACH IN IDAHO

Sponsored Links



PUBLIC RECORD

Due to the sensitive nature of the you may find, please review & agr statement below to continue your

I will not use this service or the provides to make decisions about employment, insurance, or any pur requires FCRA compliance

I Agree

FieldFunder

There are 26 individuals that go by the name of Dave Erlebach in Idaho.

These individuals collectively are associated with 21 companies in Caldwell, Emmett, Nampa, and Weiser.

DAVE C ERLEBACH (MANAGER)
CIERA PROPERTIES, LLC
IDAHO DOMESTIC LIMITED-LIABILITY COMPANY
[WRITE REVIEW](#)

Address: 1109 Edgemont Rd
Emmett, ID 83617

Registered Agent: None Listed

Filed: December 18, 2000

File Number: 55468

[Contact Us About The Company Profile For Ciera Properties, LLC](#)

DAVE ERLEBACH (MANAGER)
DAVE AND TOM OF IDAHO, LLC
IDAHO DOMESTIC LIMITED-LIABILITY COMPANY
[WRITE REVIEW](#)

Address: Po Box 97
Caldwell, ID 83606

Registered Agent: David C Eriebach

Filed: June 12, 2013

File Number: 386588

[Contact Us About The Company Profile For Dave And Tom Of Idaho, LLC](#)

Sponsored Links

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DAVE C ERLEBACH (PRESIDENT)
D-BACH INDUSTRIAL, INC
 NORTH CAROLINA FOREIGN BUSINESS CORPORATION
[WRITE REVIEW](#)

Address: 2 South Salisbury Street
 Raleigh, NC 27601

Registered Agent: Secretary Of State

Filed: October 07, 2021

File Number: 2283794

[Contact Us About The Company Profile For D-Bach Industrial, Inc](#)

DAVE C ERLEBACH (MANAGER)
ERLEBACH MANAGEMENT, L.L.C.
 IDAHO DOMESTIC LIMITED-LIABILITY COMPANY
[WRITE REVIEW](#)

Address: 17080 Stiehl Creek Rd.
 Nampa, ID 83687

Registered Agent: Dave Erlebach

Filed: September 05, 2000

File Number: 52819

[Contact Us About The Company Profile For Erlebach Management, L.L.C.](#)

DAVE ERLEBACH (MEMBER)
IBI, LLC
 IDAHO DOMESTIC LIMITED-LIABILITY COMPANY
[WRITE REVIEW](#)

Address: 400 E Las Colinas Blvd #400
 Irving, TX 75039

Registered Agent: None Listed

Filed: April 26, 2001

File Number: 59615

[Contact Us About The Company Profile For Ibi, LLC](#)

DAVE C ERLEBACH (CHIEF EXECUTIVE OFFICER)
IDAHO TURN-KEY, INC.
 CALIFORNIA STOCK CORPORATION - OUT OF STATE - STOCK
[WRITE REVIEW](#)

Address: 1551 Nw 9th St
 Ontario, OR 97914

Registered Agent: C T Corporation System

Filed: March 29, 2001

File Number: 2339969

[Contact Us About The Company Profile For Idaho Turn-Key, Inc.](#)

DAVE ERLEBACH (DIRECTOR)
INDUSTRIAL BUILDERS, INC.
 ARIZONA FOREIGN FOR-PROFIT (BUSINESS) CORPORATION
[WRITE REVIEW](#)

Address: 1711 Slipstream Way
 Caldwell, ID 83605

Registered Agent: CT Corporation System

Filed: January 19, 2010

File Number: F15775275

[Contact Us About The Company Profile For Industrial Builders, Inc.](#)

DAVE ERLEBACH (PRESIDENT/CEO)
INDUSTRIAL BUILDERS, INC.
 ARIZONA FOREIGN FOR-PROFIT (BUSINESS) CORPORATION
[WRITE REVIEW](#)

Address: 1711 Slipstream Way
 Caldwell, ID 83605

Registered Agent: CT Corporation System

Filed: January 19, 2010

File Number: F15775275

[Contact Us About The Company Profile For Industrial Builders, Inc.](#)

DAVE ERLEBACH (PRESIDENT)
INDUSTRIAL BUILDERS, INC
 IDAHO DOMESTIC GENERAL BUSINESS CORPORATION
[WRITE REVIEW](#)

Address: Po Box 97
 Caldwell, ID 83606-0097

Registered Agent: David C Erlebach

Filed: December 29, 2006

File Number: 517182

[Contact Us About The Company Profile For Industrial Builders, Inc](#)

DAVE ERLEBACH (PRESIDENT)
INDUSTRIAL BUILDERS, INC
 MISSOURI FOREIGN GEN. BUSINESS - FOR-PROFIT
[WRITE REVIEW](#)

Address: 522 Dauntless Pl
 Caldwell, ID 83605-6226

Registered Agent: C T Corporation System

Filed: February 21, 2024

File Number: F001430287

[Contact Us About The Company Profile For Industrial Builders, Inc](#)

DAVE ERLEBACH (DIRECTOR)
INDUSTRIAL BUILDERS, INC
 MISSOURI FOREIGN GEN. BUSINESS - FOR-PROFIT
[WRITE REVIEW](#)

Address: 522 Dauntless Pl

DAVE ERLEBACH (SECRETARY)
INDUSTRIAL BUILDERS, INC
 MISSOURI FOREIGN GEN. BUSINESS - FOR-PROFIT
[WRITE REVIEW](#)

Address: 522 Dauntless Pl

DAVE ERLEBACH (FILER)
INDUSTRIAL BUILDERS, INC
NEW YORK FOREIGN BUSINESS CORPORATION
[WRITE REVIEW](#)

Address: Industrial Builders, Inc.
Po Box 97
Caldwell, ID 83606

Registered Agent: The Corporation
Filed: November 13, 2023
File Number: 7276704

[Contact Us About The Company Profile For Industrial Builders, Inc](#)

DAVE ERLEBACH (PRESIDENT)
INDUSTRIAL BUILDERS, INC
WEST VIRGINIA FOREIGN C | CORPORATION
[WRITE REVIEW](#)

Address: 522 Dauntless Place
Caldwell, ID 83605

Registered Agent: C T Corporation Systems
Filed: June 27, 2024
File Number: 581868

[Contact Us About The Company Profile For Industrial Builders, Inc](#)

DAVE ERLEBACH (MANAGER)
INTRINSIC ORGANICS LLC
IDAHO DOMESTIC LIMITED-LIABILITY COMPANY
[WRITE REVIEW](#)

Address: 1410 Organic Way
Weiser, ID 83672

Registered Agent: Dave Erlebach
Filed: January 03, 2017
File Number: 533679

[Contact Us About The Company Profile For Intrinsic Organics LLC](#)

DAVE ERLEBACH (DIRECTOR)
JOHNSON THERMAL SYSTEMS, INC.
IDAHO DOMESTIC GENERAL BUSINESS CORPORATION
[WRITE REVIEW](#)

Address: 1711 Slipstream Way
Caldwell, ID 83605-5462

Registered Agent: Zachary Erlebach
Filed: March 07, 2005
File Number: 483388

[Contact Us About The Company Profile For Johnson Thermal Systems, Inc.](#)

DAVE ERLEBACH (AGENT)
NEXUS CAPITAL PARTNERS, LLC
IDAHO DOMESTIC LIMITED-LIABILITY COMPANY
[WRITE REVIEW](#)

Address: 522 Dauntless Place
Caldwell, ID 83605

Registered Agent: Dave Erlebach
Filed: October 23, 2023
File Number: 5447183

[Contact Us About The Company Profile For Nexus Capital Partners, LLC](#)

DAVE ERLEBACH (SECRETARY)
NORTHERN MECHANICAL, INC.
IDAHO FOREIGN BUSINESS CORPORATION
[WRITE REVIEW](#)

Address: 1551 Nw 9th St
Ontario, OR 97114

Registered Agent: None Listed
Filed: August 06, 1997
File Number: 369760

[Contact Us About The Company Profile For Northern Mechanical, Inc.](#)

DAVE ERLEBACH (MANAGER)
NORTHERN MECHANICAL LIMITED COMPANY
OREGON FOREIGN LIMITED-LIABILITY COMPANY
[WRITE REVIEW](#)

Address: 1189 Edgemont
Emmett, ID 83617

Registered Agent: Dave Erlebach
Filed: July 22, 1996
File Number: 519313-85

[Contact Us About The Company Profile For Northern Mechanical Limited Company](#)

DAVE ERLEBACH (PRESIDENT)
NORTHWEST ASSOCIATION, INC.
OREGON DOMESTIC BUSINESS CORPORATION
[WRITE REVIEW](#)

Address: 680 Sw 4th Ave
Ontario, OR 97914

Registered Agent: Dave Erlebach
Filed: June 12, 2001
File Number: 024943-91

[Contact Us About The Company Profile For Northwest Association, Inc.](#)

DAVE ERLEBACH (SECRETARY)
NORTHWEST ASSOCIATION, INC.
OREGON DOMESTIC BUSINESS CORPORATION
[WRITE REVIEW](#)

DAVE ERLEBACH (INCORPORATOR)
SPRINTBACH AVIATION INC.
IDAHO DOMESTIC GENERAL BUSINESS CORPORATION
[WRITE REVIEW](#)

[Contact Us About The Company Profile For Northwest Association, Inc.](#)

[Contact Us About The Company Profile For Sprintbach Aviation Inc.](#)

DAVE ERLEBACH (SECRETARY)
SPRINTBACH AVIATION INC.
IDAHO DOMESTIC GENERAL BUSINESS CORPORATION
[WRITE REVIEW](#)

Address: 1711 Slipstream Way
Ashley Werner
Caldwell, ID 83605-5462

Registered Agent: Zach Erlebach
Filed: August 06, 2021
File Number: 4371952

[Contact Us About The Company Profile For Sprintbach Aviation Inc.](#)

DAVE ERLEBACH (PRESIDENT)
STIEHL SUBDIVISION HOMEOWNERS ASSOCIATION, INC.
IDAHO DOMESTIC NON-PROFIT CORPORATION
[WRITE REVIEW](#)

Address: 10403 Kaylee Way
Nampa, ID 83687-5367

Registered Agent: Daisy Legault
Filed: February 13, 2008
File Number: 536136

[Contact Us About The Company Profile For Stiehl Subdivision Homeowners Association, Inc.](#)

DAVE C ERLEBACH (PRESIDENT)
TURN-KEY, INC.
OREGON FOREIGN BUSINESS CORPORATION
[WRITE REVIEW](#)

Address: 1551 Nw 9th St
Ontario, OR 97914

Registered Agent: C T Corporation System
Filed: June 17, 1994
File Number: 403700-82

[Contact Us About The Company Profile For Turn-Key, Inc.](#)

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ADDITIONAL LINKS

[View People Named Dave Erlebach Nationwide](#)

[Search All People](#)

(Only displaying the top 25 matches out of 26 total matches. [View All Data](#))

The information on this page is being provided for the purpose of informing the public about a matter of genuine public interest.



Clifton and Grosvenor Properties, Ltd v. Erlebach et al

Clifton and Grosvenor Properties, Ltd.	
Intrinsic Organics, LLC and Dave C. Erlebach	
1:2024cv00293	
June 20, 2024	
U.S. District Court for the District of Idaho	
Raymond Edward Patricco	
Contract: Other	
28 U.S.C. § 1346 Breach of Contract	
None	

Docket Report

This docket was last retrieved on July 18, 2024. A more recent docket listing may be available from PACER.

RSS Track this Docket

Document Text

Filing 3 Summons Issued as to All Defendants. (Print attached Summons for service.) (ac)

Document Text

Filing 2 Corporate Disclosure Statement by Clifton and Grosvenor Properties, Ltd.. (O'Bannon, Brian)

DOCKET TEXT NOTICE: Pursuant to FRCP 7.1 you are required to file a Corporate Disclosure Statement with the Clerk's Office. You can do this by choosing the category Other Documents, then select Corporate Disclosure Statement. (ac)

Filing 1 COMPLAINT against All Defendants (Filing fee \$ 405 receipt number AIDDC-2768946.), filed by All Plaintiffs. (Attachments: #1 Exhibit Exhibit 1, #2 Exhibit Exhibit 2, #3 Cover Sheet Cover Sheet)(O'Bannon, Brian)

Access additional case information on PACER

Use the links below to access additional information about this case on the U.S. Court's PACER system. A subscription to PACER is required.

Access this case on the Idaho District Court's Electronic Court Filings (ECF) System

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- Associated Cases
- Attorneys
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- History/Documents
- Parties
- Related Transactions
- Check Status

Search for this case: Clifton and Grosvenor Properties, Ltd v. Erlebach et al

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Search Web [Unicorn | Legal Web | Google | Bing | Yahoo | Ask]

Showing 1-50 of 3042 results in 0.11 seconds

Industrial Builders, Inc. v. Triad Process Equipment, Inc. (1:23-cv-00497)

Courts > Idaho District Court

Filed: Nov 09, 2023

Judge: Amanda K Brailsford

Nature of Suit: Contract - Other Contract

Cause: 28:1332 Diversity-Breach of Contract

Parties Matched: Industrial Builders, Inc.

Industrial Builders, Inc. v. Robson Handling Technology USA Inc. et al (1:23-cv-00499)

Courts > Idaho District Court

Filed: Nov 13, 2023

Judge: Candy W Dale

Nature of Suit: Contract - Other Contract

Cause: 28:1332 Diversity-Breach of Contract

Parties Matched: Industrial Builders, Inc.

Industrial Builders, Inc. v. Fietze Industrial Service Technicians, LLC (1:25-cv-00219)

Courts > Idaho District Court

Filed: Apr 18, 2025

Judge: David C Nye

Nature of Suit: Contract - Other Contract

Cause: 28:1332 Diversity-Breach of Contract

Parties Matched: Industrial Builders, Inc.

EXHIBIT 7

Additional Supplemental Information Received by: July 14, 2025

Board of County Commissioners

Case# CU2024-0023-APL

Hearing date: July 23, 2025

Emily Bunn

From: Landon Brown <lbrown@hawleytroxell.com>
Sent: Wednesday, June 18, 2025 3:23 PM
To: Emily Bunn
Cc: 'Todd Lakey'; 'Dave Erlebach'
Subject: RE: [EXT] RE: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]
Attachments: Farmway Site Map-Access Road on South.pdf; Approach permit south side.pdf

Emily,

I am attaching a site plan showing the alternative access driveway on the south side of the property. In addition, Erlebach Properties received an approach permit from Highway District No. 4. The approach permit is attached.

Please let me know if you need anything else. We appreciate your work on this appeal.

Thank you,



LANDON S. BROWN
Attorney

P: 208.388.4966
E: lbrown@hawleytroxell.com

hawleytroxell.com



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Please consider the environment before printing this email.

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Wednesday, June 11, 2025 2:05 PM
To: Landon Brown <lbrown@hawleytroxell.com>
Cc: 'Todd Lakey' <Todd@LVLawIdaho.com>; 'Dave Erlebach' <dave@ib-usa.com>
Subject: RE: [EXT] RE: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]

*** NOTICE: EXTERNAL EMAIL ***

Hello,

Thank you for the information and copy of the signed easement.

I do not have any further questions, but having a site plan showing the southern boundary plan would be good to have an exhibit if you can provide that.

Sincerely,



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

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

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From: Landon Brown <lbrown@hawleytroxell.com>
Sent: Tuesday, June 10, 2025 4:00 PM
To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Cc: 'Todd Lakey' <Todd@LVLawIdaho.com>; 'Dave Erlebach' <dave@ib-usa.com>
Subject: RE: [EXT] RE: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]

Emily,

I apologize for the late response to your email. Here is an update on the access issue:

At the P&Z hearing, we represented that we obtained a signed access easement from one of the neighbors (Bill Geiger), and a commitment to sign an access easement from another neighbor (Jacque Fahsholtz). That was true and accurate. However, after the P&Z hearing, Mr. Geiger asked to rescind the easement he signed. We did obtain a signed easement from Ms. Fahsholtz, on the condition that we do not record the easement until the CUP is approved. Ms. Fahsholtz's signed easement is attached. We intend to record this easement if the CUP is approved.

At this time, we have one access easement signed. We are still working with the neighbors (including Mr. Geiger) and we hope to secure easements from them prior to the Board hearing.

If we are unable to secure access easements, we are prepared to move the access driveway to the south boundary of the property. By moving the driveway to the south boundary, the driveway will be entirely on property owned by Erlebach Properties, L.P. No access easements will be needed. We have discussed this southern driveway with Highway District No. 4, and the highway district has no objections to this proposal. We are in the process of getting a driveway permit from the district.

For purposes of the Staff Report and recommended conditions, we would propose the following language (although it is certainly in your discretion):

Staff Report, 07-07-05(6) Will legal access exist at the time of development?

The applicant's preferred access is using Goodson Road to the west of Farmway Road. Goodson Road west of Farmway Road is a private road. Currently, the applicant has obtained one access easement to use Goodson Road, which will be recorded if the CUP is approved. Applicant is in the process of securing legal access easements from others. If the applicant is able to obtain access easements, the applicant will need to improve the private road to meet Canyon County's driveway requirements found in CCCO 07-10-03.

If the applicant is unable to obtain access easements, the applicant proposes to construct a driveway off of Farmway Road that will travel along the southern boundary of applicant's property to the proposed use. This driveway will be located entirely on the applicant's property and will not need any access easements. This driveway will need to comply with Canyon County's driveway requirements found in CCCO 07-10-03, and any requirements recommended by Highway District No. 4.

In accordance with condition of approval 16, the applicant will need to obtain and complete one driveway access to the proposed use. If the Goodson Road driveway is selected, the applicant must obtain all necessary access easements and improve or construct Goodson Road in accordance with CCCO 07-10-03 within 6 months of approval of this application. If the southern boundary driveway is selected, the applicant must construct the driveway in accordance with CCCO 07-10-03 within 6 months of approval of this application.

Recommended Conditions

16. The applicant shall secure one access driveway to the proposed use, and shall comply with Canyon County's Driveway Requirements (CCCO 07-10-03) within 6 months of approval of this application, including but not limited to:

a. The driveway (whether located on Goodson Road or along the southern boundary of the property) shall be built to meet the minimum construction standards (CCCO 07-10-03(3)). The driveway must be constructed before commencement of the use of the proposed 115' x 100' structure. Evidence shall be a certification from a licensed engineer submitted to DSD demonstrating the construction of the driveway meets CCCO 07-10-03(3).

b. The construction of driveways and private roads longer than one hundred fifty feet (150') from a public street right of way to the most distant portion of an inhabited building and private roads must be approved in writing from the applicable fire district.

c. If applicant secures access easements and uses Goodson Road as the access driveway, then prior to building permit issuance on Parcel R37905, a recorded road user's maintenance agreement and recorded perpetual easements for ingress/egress shall be submitted to DSD in accordance with CCCO 07-10-03(1)B3.

We believe that this condition will allow the applicant the flexibility to construct a driveway either on Goodson Road or on the southern boundary of the property that will meet the requirements necessary to obtain a CUP. After reviewing this email, please feel free to contact us to discuss further. We are also happy to submit a new site plan showing the alternative driveway along the southern boundary, or any other documents that would be helpful.

Thank you,

LANDON S. BROWN
Attorney



P: 208.388.4966
E: lbrown@hawleytroxell.com

hawleytroxell.com



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Please consider the environment before printing this email.

From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>

Sent: Thursday, May 29, 2025 9:28 AM

To: 'Dave Erlebach' <dave@ib-usa.com>; Landon Brown <lbrown@hawleytroxell.com>; Candice White <cwhite@hawleytroxell.com>

Cc: 'Todd Lakey' <Todd@LVLawIdaho.com>

Subject: RE: [EXT] RE: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]

*** NOTICE: EXTERNAL EMAIL ***

Hello,

At the last public hearing, it was mentioned there was going to be easements recorded to provide evidence of legal access.

Could you please provide those recorded easements so I can include it in the staff report for the July hearing?

Thank you,



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

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

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From: Dave Erlebach <dave@ib-usa.com>
Sent: Wednesday, March 26, 2025 11:54 AM
To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>; 'Landon Brown' <lbrown@hawleytroxell.com>; Candice White <cwhite@hawleytroxell.com>
Cc: 'Todd Lakey' <Todd@LVLawIdaho.com>
Subject: RE: [EXT] RE: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]

Thanks for the update. It has been (3) years so not sure waiting until early August will make much of a difference at this stage. Thanks for your help. We appreciate all you do. We recognize it is a thankless job and we are glad your willing to hang in there. By the way, we thought your staff report was well presented. Very nice job. Unfortunately too many emotions involved.



From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Sent: Wednesday, March 26, 2025 11:34 AM
To: 'Landon Brown' <lbrown@hawleytroxell.com>; Candice White <cwhite@hawleytroxell.com>
Cc: Dave Erlebach <dave@ib-usa.com>; 'Todd Lakey' <Todd@LVLawIdaho.com>
Subject: [EXT] RE: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]

Hello,

Our administrative staff is working on getting the minutes for the February 20, 2025 public hearing completed. Once I have the minutes, I can schedule with the BOCC and will keep you in the loop.

For your information, the BOCC's calendar is full this time of year, so the next available hearing dates look to be late July /early August.

Sincerely,



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

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From: Landon Brown <lbrown@hawleytroxell.com>

Sent: Monday, March 24, 2025 12:25 PM

To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>; Candice White <cwhite@hawleytroxell.com>

Cc: 'Dave Erlebach' <dave@ib-usa.com>; 'Todd Lakey' <Todd@LVLawIdaho.com>

Subject: RE: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]

Thanks, Emily. We appreciate your help on this appeal.



LANDON S. BROWN

Attorney

P: 208.388.4966

E: lbrown@hawleytroxell.com

hawleytroxell.com



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From: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>

Sent: Monday, March 24, 2025 8:49 AM

To: Landon Brown <lbrown@hawleytroxell.com>; Candice White <cwhite@hawleytroxell.com>

Cc: 'Dave Erlebach' <dave@ib-usa.com>; 'Todd Lakey' <Todd@LVLawIdaho.com>

Subject: RE: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]

*** NOTICE: EXTERNAL EMAIL ***

Hello,

Thank you for sending over payment last week, the application has been deemed complete.

I will work on getting the case scheduled this week or early next week depending on how quickly I can put together the appeal report.

Sincerely,



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

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From: Pam Dilbeck
Sent: Friday, March 21, 2025 9:02 AM
To: 'lbrown@hawleytroxell.com' <lbrown@hawleytroxell.com>; 'cwhite@hawleytroxell.com' <cwhite@hawleytroxell.com>
Cc: 'Dave Erlebach' <dave@ib-usa.com>; 'Todd Lakey' <Todd@LVLawIdaho.com>; Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Subject: RE: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]

Good morning,

Please see the attached receipts for payment on your Appeal application: CU2023-0024-APL.

Thank you,



Pam Dilbeck
Sr. Administrative Specialist
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-5964
Email: Pam.Dilbeck@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Emily Bunn
Sent: Thursday, March 20, 2025 4:24 PM
To: 'lbrown@hawleytroxell.com' <lbrown@hawleytroxell.com>
Cc: 'cwhite@hawleytroxell.com' <cwhite@hawleytroxell.com>; 'Dave Erlebach' <dave@ib-usa.com>; 'Todd Lakey' <Todd@LVLawIdaho.com>
Subject: FW: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]

Hello,

Pam Dilbeck at our office will call Candice White either today or tomorrow to get payment. After that, the application will be considered complete.

Sincerely,



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

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From: Landon Brown <lbrown@hawleytroxell.com>
Sent: Thursday, March 20, 2025 2:46 PM
To: Emily Bunn <Emily.Bunn@canyoncounty.id.gov>
Cc: Candice White <cwhite@hawleytroxell.com>; Dave Erlebach <dave@ib-usa.com>; Todd Lakey <todd@lvlawidaho.com>
Subject: [External] Appeal of CU2023-0024 [IWOV-IMANAGE.FID1951770]

Emily,

Attached is the: (1) Appeal Application; and (2) Appeal Letter of Intent. Please confirm receipt of these documents, and once you confirm the appeal is fully submitted, please call Candice White at 208-388-4910 and she will provide payment of the appeal fee over the phone. We really appreciate your help on this appeal. If you have any questions, please feel free to contact me.

Thank you!



LANDON S. BROWN

Attorney

P: 208.388.4966

E: lbrown@hawleytroxell.com

hawleytroxell.com



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Exhibit 7ai

Recording Requested By and
When Recorded Return to:

Landon S. Brown
HAWLEY TROXELL ENNIS & HAWLEY LLP
P.O. Box 1617
Boise, Idaho 83701

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

ACCESS EASEMENT AGREEMENT

THIS ACCESS EASEMENT AGREEMENT ("**Agreement**") is made as of the 5th day of June, 2025 ("**Effective Date**"), by and between Jacqueline D. Fahsholtz, an Idaho resident ("**Grantor**"), and Erlebach Properties, L.P., an Idaho limited partnership ("**Grantee**"). Grantor and Grantee may be referred to individually as a "**Party**" and collectively as the "**Parties**."

RECITALS

A. Grantor is the owner of that certain parcel of real property located in Canyon County, Idaho, which is more particularly described on Exhibit A, which is attached hereto and incorporated herein ("**Grantor Parcel**").

B. Grantee is the owner of certain parcels of real property located in Canyon County, Idaho, which are more particularly described on Exhibit B, which is attached hereto and incorporated herein ("**Grantee Parcels**").

C. The northern boundary of the Grantee Parcels border Goodson Road. Goodson Road is a public road except for the portion of Goodson Road located west of Farmway Road and east of Interstate 84. The Grantee Parcels border the private portion of Goodson Road.

D. Grantee requires an access easement across a portion of the Grantor Parcel where Goodson Road is located to provide access to the Grantee Parcels.

D. Grantor is willing to grant an easement over the portion of the Grantor Parcel where Goodson Road is located to allow access to the Grantee Parcels using Goodson Road west of Farmway Road.

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, Grantor agrees as follows:

1. DEFINITIONS.

- (a) **Parcel.** The Grantor Parcel or the Grantee Parcels, individually.
- (b) **Parcels.** The Grantor Parcel and the Grantee Parcels, collectively.

(c) **Grantee's Agents.** Grantee's directors, officers, employees, tenants, licensees, contractors, agents, invitees, and guests.

(d) **Grantor's Agents.** Grantor's directors, officers, employees, tenants, licensees, contractors, agents, invitees, and guests.

2. **GRANT OF EASEMENT.** Grantor, as the owner of the Grantor Parcel, hereby grants to Grantee, as the owner of the Grantee Parcels, and Grantee's Agents, for the benefit of the Grantee Parcels, a non-exclusive easement ("**Easement**") upon, over, and across the portions of the Grantor Parcel depicted in Exhibit C, attached hereto and incorporated herein ("**Easement Area**").

3. **USE OF EASEMENT AREA.** Grantee and Grantee's Agents may only use the Easement Area for vehicular and pedestrian ingress and egress between Farmway Road and the Grantee Parcels and all other uses incidental to such use.

4. **MAINTENANCE OF EASEMENT AREA.** Grantee shall perform routine maintenance, at Grantee's sole cost and expense, ("**Maintenance**") of the Easement Area and may perform such work itself or contract with a third party or parties to perform any of the services described herein. Maintenance shall include the following items, without limitation:

- (a) Snow removal, blading, dust abatement, grading/filling holes; and
- (b) Other repairs or improvements as unanimously agreed upon by the Parties.

5. **EASEMENT OBSTRUCTIONS.** Grantor agrees that it will not place or construct any structure or other impediment within the Easement Area that will preclude Grantee and Grantee's Agents from using the Easement Area to access the Grantee Parcels.

6. **NO PARKING RIGHTS.** Grantee acknowledges and agrees that neither Grantee, nor Grantee's Agents, have any right to park, for any period of time, within the Easement Area.

7. **REAL PROPERTY TAXES.** The owner of each Parcel shall be obligated to pay when due all real estate and other taxes and assessments for their respective Parcel.

8. **INDEMNIFICATION.** Grantee agrees to indemnify, defend, and hold harmless Grantor and Grantor's Agents from and against any and all liability, claims, damages, expenses (including reasonable attorney fees including on appeal), judgments, proceedings and causes of action for injury to or death or any person or damage to or destruction of any property resulting from the exercise of the rights granted herein and/or the use of the Easement Area, or any portion thereof, by Grantee or Grantee's Agents, except to the extent caused by the gross negligence or intentional action or omission of Grantor.

9. **TERM.** This Agreement, and the Easement, will automatically terminate upon the occurrence of the earlier of the following:

(a) This Agreement is canceled or terminated by the mutual agreement of the Parties, in which event the Parties will prepare and record a document evidencing the termination of this Agreement and the release of the Easement.

(b) The Easement Area becomes part of, or lies within the boundary of any public street or right of way, by way of dedication, conveyance, or any other method, in which event the Easement will automatically terminate and become null and void. In the event only a portion of the Easement Area become part of, or lies within the boundary of any public street or right of way, then the portion of the Easement Area within the public street or right of way shall no longer be subject to the Easement.

10. MISCELLANEOUS.

(a) **Recitals.** The Recitals set forth at the beginning of this Agreement shall be deemed a part of this Agreement.

(b) **Good Faith.** The Parties agree to exercise their best efforts and utmost good faith to effectuate all the terms and conditions of this Agreement and to execute such further instruments and documents as are necessary or appropriate to effectuate all of the terms and conditions of this Agreement.

(c) **Not a Public Dedication; No Prescriptive Use or Adverse Possession.** Nothing contained in this Agreement shall, or shall be deemed to, constitute a gift or dedication of any portion of the Grantor Parcel to the general public or for the benefit of the general public, it being the intention that this Agreement will be strictly limited to and for the purposes expressed herein. Grantee hereby agrees that it will not make any claim to the Easement Area, whether by claim of prescriptive use, claim of adverse possession, boundary by agreement, and/or any other legal theory of use or ownership, which is inconsistent with this Agreement.

(d) **Amendment.** This Agreement may not be modified in any respect whatsoever or terminated, in whole or in part, except by written instrument duly executed and acknowledged by the owners of the Parcels.

(e) **Severability.** If any term or provision of this Agreement, to any extent, shall be held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

(f) **Enforcement.** In the event of a breach of any term, covenant, restriction, or condition of this Agreement by any Party, any other Party to this Agreement shall have, in addition to the right to collect damages, the right to enjoin such breach or threatened breach in a court of competent jurisdiction.

(g) **Breach Shall Not Permit Termination.** It is expressly agreed that no breach of this Agreement shall entitle a Party to terminate this Agreement, but such limitation shall not affect in any manner any other rights or remedies which such Party may have by reason of any breach of this Agreement.

(h) Attorneys' Fees. In the event a Party initiates or defends any legal action or proceeding to enforce or interpret this Agreement, the prevailing Party in any such action or proceeding shall be entitled to recover from the non-prevailing Party in any such action or proceeding its reasonable costs and attorneys' fees (including its reasonable costs and attorneys' fees on any appeal) as determined by the court in the same or a separate proceeding.

(i) Successors and Assigns. The easement granted herein shall inure to the benefit and be binding upon the Parties hereto, their respective successors, assigns, heirs and personal representatives, and upon any person or entity acquiring the Parcels, or any portion thereof, or any interest therein, whether by operation of law or otherwise.

(j) Running of Benefits and Burdens. All provisions of this Agreement, including the benefits and burdens hereof, run with the Parcels and are binding upon and inure to the benefit of the Parties and their respective heirs, trustees, beneficiaries, assigns, successors, and personal representatives.

(k) Entire Agreement. This Agreement contains the entire agreement between the Parties and supersedes and replaces all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Agreement shall be construed as a whole and not strictly for or against either Party.

(l) Construction. In construing the provisions of this Agreement and whenever the context so requires, the use of a gender shall include all other genders, the use of the singular shall include the plural, and the use of the plural shall include the singular.

(m) Joint and Several. In the event any property burdened or benefited by this Agreement is owned by more than one person, the obligations of said persons shall be joint and several.

(n) Applicable Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Idaho, without reference to its choice of law rules that would apply the law of another jurisdiction.

(o) Exhibits. All exhibits attached to this Agreement are expressly made a part of and incorporated in this Agreement as fully as though completely set forth in this Agreement.

(p) Counterparts. This Agreement may be signed in two or more counterparts, each of which shall be deemed an original but all of which, taken together, shall constitute one and the same Agreement.

[SIGNATURES ON FOLLOWING PAGES]

GRANTEE:

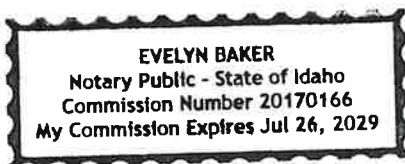
Erlebach Properties, L.P., an Idaho limited partnership:

By: *Dave C. Erlebach*
Name: DAVE C. ERLEBACH
Its: MANAGING MEMBER

STATE OF IDAHO)
) ss.
County of Canyon)

On this 5th day of June, 2025, before me, Evelyn Baker, a Notary Public in and for said State, personally appeared _____, known or identified to me to be an authorized agent of Erlebach Properties, L.P., the limited partnership that executed the within instrument, or the person who executed the instrument on behalf of said limited partnership, and acknowledged to me that said limited partnership executed the same.

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



Evelyn Baker
Notary Public for Idaho
Residing at Caldwell, ID
My commission expires July 26, 2029

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

GRANTOR:

Jacqueline D. Fahsholtz

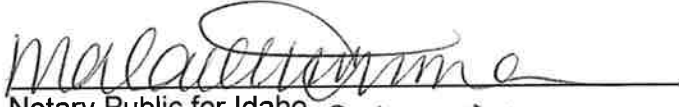

Jacqueline D. Fahsholtz

STATE OF IDAHO)
) ss.
County of Canyon)

On this 4 day of June, 2025, before me, Marlaina Timmons, a Notary Public in and for said state, personally appeared Jacqueline D. Fahsholtz, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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




Notary Public for Idaho
Residing at City of Middleton
My commission expires 8/23/2030

**EXHIBIT A
LEGAL DESCRIPTION OF GRANTOR PARCEL**

A parcel of land lying in a portion of the N1/2 NE1/4 of Section 20, T.5N., R.3W., Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Commencing at a found Brass Cap lying along the centerline intersection of Farmway Road and Goodson Road and marking the NE Corner of said Section 20, T.5N., R.3W., Boise Meridian, Canyon County, Idaho, said point also marking the REAL POINT OF BEGINNING;

thence S.00°02'24"E. 708.40 feet along the said centerline of Farmway Road and the east boundary of the said N1/2 NE1/4 of Section 20 to a point, said point being witnessed by a found 5/8" iron pin which bears S.89°57'36"W. 25.13 feet;

thence leaving the said centerline of Farmway Road and the said east boundary of the N1/2 NE1/4 of Section 20, S.89°57'36"W. 25.13 feet to said found 5/8" iron pin,

thence N.28°47'27"W. 299.89 feet to a set 1/2" iron pin;

thence N.24°58'37"W. 132.01 feet to a found 5/8" iron pin;

thence N.05°31'43"W. 328.32 feet to a point lying along said Goodson Road and the north boundary of the said N1/2 NE1/4 of Section 20;

thence along said Goodson Road and the said north boundary of the N1/2 NE1/4 of Section 20, S.89°48'36"E. 256.45 feet to the point of beginning, containing 2.93 acres, more or less.

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



Colleen Marks

EXHIBIT B
LEGAL DESCRIPTION OF GRANTEE PARCELS

Parcel 1:

A parcel of land lying in a portion of the N1/2 NE1/4 of Section 20, T.5N., R.3W., Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Commencing at a found Brass Cap lying along the centerline intersection of Farmway Road and Goodson Road and marking the NE Corner of said Section 20, T. 5N., R. 3W., Boise Meridian, Canyon County, Idaho, thence S.00°02'24"E. 708.40 feet along the said centerline of Farmway Road and the east boundary of the said N1/2 NE1/4 of Section 20 to a point, said point being witnessed by a found 5/8" iron pin which bears S.89°57'36"W. 25.13 feet, said point also marking the REAL POINT OF BEGINNING;

thence continuing along the said centerline of Farmway Road and the said east boundary of the N1/2 NE1/4 of Section 20, S.00°02'24"E. 143.30 feet to a point, said point being witnessed by a set 1/2" iron pin which bears N.89°48'42"W. 25.00 feet;

thence leaving the said centerline of Farmway Road and the said east boundary of the N1/2 NE1/4 of Section 20, N.89°48'42"W. 185.13 feet to a set 1/2" iron pin;

thence S.00°02'24"E. 470.00 feet to a set 1/2" iron pin lying along the south boundary of the said N1/2 NE1/4 of Section 20;

thence along the said south boundary of the N1/2 NE1/4 of Section 20, N.89°48'42"W. 1181.81 feet to a set 1/2" iron pin lying along the easterly right of way of Interstate 84;

thence along the said easterly right of way of Interstate 84, N.14°52'37"W. 1369.09 feet to a set 5/8" iron pin lying along the northerly boundary of the said N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road;

thence along the said northerly boundary of the N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road, S.89°46'01"E. 392.42 feet to a found 1" iron pin marking the E1/16 Corner common to Section 17 and said Section 20;

thence continuing along the said northerly boundary of the N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road, S.89°48'36"E. 768.66 feet to a point, said point being witnessed by a set 1/2" iron pin which bears S.00°11'24"W. 25.00 feet;

thence leaving the said northerly boundary of the N1/2 NE1/4 of Section 20 and the said centerline of Goodson Road, S.00°11'24"W. 326.68 feet to a set 5/8" iron pin;

thence S.89°48'36"E. 332.71 feet to a found 5/8" iron pin;

thence S.24°58'37"E. 132.01 feet to a set 1/2" iron pin;

thence S.28°47'27"E. 299.89 feet to a found 5/8" iron pin;

thence N.89°57'36"E. 25.13 feet to the point of beginning, containing 39.49 acres, more or less.

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

Erbebach Parcel A Page 1 of 1



Parcel 2:

A parcel of land lying in a portion of the N1/2 NE1/4 of Section 20, T.5N., R.3W., Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Commencing at a found Brass Cap lying along the centerline intersection of Farmway Road and Goodson Road and marking the NE Corner of said Section 20, T.5N., R.3W., Boise Meridian, Canyon County, Idaho; thence S.00°02'24"E. 851.70 feet along the said centerline of Farmway Road and the east boundary of the said N1/2 NE1/4 of Section 20 to a point, said point being witnessed by a set 1/2" iron pin which bears N.89°48'42"W. 25.00 feet, said point also marking the REAL POINT OF BEGINNING;

thence continuing along the said centerline of Farmway Road and the said east boundary of the N1/2 NE1/4 of Section 20, S.00°02'24"E. 470.00 feet to a found 5/8" iron pin marking the N1/16 Corner common to said Section 20 and Section 21;

thence along the south boundary of the said N1/2 NE1/4 of Section 20, N.89°48'42"W. 185.13 feet to a set 1/2" iron pin;

thence leaving the said south boundary of the N1/2 NE1/4 of Section 20, N.00°02'24"W. 470.00 feet to a set 1/2" iron pin;

thence S.89°48'42"E. 185.13 feet to the point of beginning, containing 2.00 acres, more or less.

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



Colleen Marks

**EXHIBIT C
DEPICTION OF EASEMENT AREA**





ERLEBACH PROPERTIES
SITE LAYOUT WITH ALTERNATE
ACCESS ROAD ALONG SOUTHERN
PROPERTY BOUNDARY
CANYON COUNTY, IDAHO

PROJECT NUMBER:	
DRAWN BY:	
REVIEWED BY:	
CREATION DATE:	6-11-25

SITE LAYOUT



APPLICATION AND PERMIT TO USE RIGHT OF WAY - - APPROACHES

COPY OF PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION

SUBMIT PERMITS TO: ACCESSPERMITS@HWYDISTRICT4.ORG

ISSUE DATE: June 12, 2025
 PERMIT VOID AFTER 12 MONTHS FROM DATE ISSUES, UNLESS OTHERWISE SPECIFIED

NOTICE

This permit shall not be valid for construction until, or unless, the provisions of Idaho Title Code 55, Chapter 22 have been complied with.

PRIOR TO EXCAVATION, CALL DIGLINE

1 (800) 342-1585 OR 811

PUBLIC ROAD TYPE:

GRAVEL ☐ PAVEMENT ☒ OTHER ☐
 ARTERIAL ☐ COLLECTOR ☒ LOCAL ☐

ROAD NAME: Farmway R 37904010 ROAD #: 10226LOCATION: 0 Farmway Rd. Caldwell R 37905011TYPE: RESIDENCE ☒ COMMERCIAL ☐ FIELD ☐ OTHER ☒ Fg ShopQUANTITY: 1 WIDTH: 30 SURFACE TYPE: GravelCULVERT: REQUIRED ☒ SIZE: 12" CMP LENGTH: 36' max NOT REQUIRED ☐CONSTRUCTION REQUIREMENTS (ATTACHED): ☐ SD-105 (RESID.) ☒ SD-106 (COMM.) ☐ SD-110 (R/W)AVAILABLE SIGHT DISTANCE: 300+ SELECT ONE (N S E W) 300+ SELECT ONE (N S E W) POSTED SPEED: 50 MPH

SPECIAL PROVISIONS: Permit is valid for storage building and contractor shop
11,500 sq. ft contractor shop 22,980 sq. ft for storage building.

SEE REVERSE SIDE FOR GENERAL PROVISIONS

I CERTIFY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED PROPERTY TO BE SERVED AND AGREE TO DO THE WORK REQUESTED HEREON IN ACCORDANCE WITH THE GENERAL PROVISIONS PRINTED ON THE REVERSE SIDE, THE SPECIAL PROVISIONS, AND THE PLANS MADE A PART OF THIS PERMIT.

Erlubach Properties LP

APPLICANT - PLEASE TYPE OR PRINT

17000 Stieh Creek Dr.

MAILING ADDRESS

260 573-2502 (Dave) 435-760-7299

PHONE

Nampa, ID 83667

CITY, STATE, AND ZIP

Megan 6/9/25
 SIGNATURE AND DATE (BY OWNER OR AUTHORIZED REPRESENTATIVE)

dave@ib-vsa.com
 EMAIL OR OTHER CONTACT (OPTIONAL)

SUBJECT TO ALL TERMS, CONDITIONS, AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS. PERMISSION IS HEREBY GRANTED TO THE ABOVE NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

HIGHWAY DISTRICT No. 4 OFFICE USE

ISSUED BY: <u>Gabriel Alvarez</u>	FEE (NON-REFUNDABLE): <u>\$100.00</u>
TITLE: <u>Permit Tech</u>	PERFORMANCE ASSURANCE: <u>\$400.00</u>
DATE: <u>6-12-25</u>	IMPACT FEES: <u>\$3900.00</u>
	TOTAL DUE: <u>\$4300.00</u>

CONSTRUCTION COMPLETED (DATE): _____

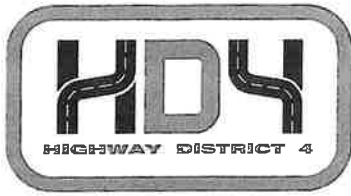
APPROVED BY: _____ REFUND AMOUNT: \$ _____

CONTRACTOR IS RESPONSIBLE FOR CALLING HD4 INSPECTOR BEFORE WORK BEGINS

HIGHWAY DISTRICT No. 4 • 15435 HIGHWAY 44, CALDWELL, IDAHO 83607 • (208) 454-8135 • ACCESSPERMITS@HWYDISTRICT4.ORG

GENERAL PROVISIONS (APPROACHES)

1. A permit and assurance of performance filing fee in an amount established by the highway district shall accompany this application. If proper repair is made and accepted by the Highway District within the permit period, a portion of that fee may be refunded. If proper repair is not completed within the permit period, the Highway District will make the repair and any additional costs over and above the assurance of performance fee will be invoiced to the applicant in accordance with the Highway District policy.
2. Approaches shall be for the bona fide purpose of securing access and not for the purpose of parking, conducting business or servicing vehicles on the highway right-of-way.
3. No revisions or additions shall be made to an approach or its appurtenances on the right-of-way without the written permission of the highway district.
4. The permittee shall furnish all material, labor and equipment involved in the construction of the approach and its appurtenances. This shall include furnishing drainage pipe of a size specified on permit (12 inch minimum), curb and gutter, concrete sidewalk, etc. where required. Materials and workmanship shall be good quality and are subject to inspection by the highway district.
5. The highway district reserves the right to make at any time, such changes, additions, repairs and relocations to any approach or its appurtenances within the highway right-of-way as may be necessary to permit the relocation, reconstruction, widening and maintenance of the highway and/or to provide proper protection to life and property on or adjacent to the highway.
6. Driveways and rural approaches shall conform to the plans made a part of this permit. Adequate drawings or sketches shall be included showing the design, construction requirements and proposed location of the approach. All approaches shall be in accordance with the standard provisions and drawings set forth in the highway standards and development procedures for the Association of Canyon County Highway Districts.
7. The highway district may change, amend or terminate this permit or any of the conditions herein enumerated if permittee fails to comply with its provisions or requirements as set forth herein.
8. During the construction of the approach(es), such barricades, signs and other traffic control devices shall be erected and maintained by the permittee, as may be deemed necessary by the highway district. Said devices shall conform to the current issue of the Manual on Uniform Traffic Control Devices for Streets and Highways. Parked equipment and stored materials shall be as far from the travelway as feasible. Items stored within 30 ft. of the travelway shall be marked and protected.
9. In accepting this permit, the permittee, its successors and assigns, agrees to hold the highway district harmless from any liability caused by the installation, construction, maintenance or operation of the approach(es).
10. If the work done under this permit interferes in any way with the drainage of the highway, the permittee shall wholly and at his own expense make such provision as the highway district may direct to take care of said drainage.
11. On completion of said work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and to the satisfaction of the highway district.
12. The permittee shall maintain at his or their sole expense the structure or object for which this permit is granted in a condition satisfactory to the highway district.
13. Neither the acceptance of this permit nor anything herein contained shall be construed as a waiver by the permittee of any rights given it by the constitution or laws of the State of Idaho or of the United States of America.
14. No work shall be started until an authorized representative of the highway district has given notice to the permittee to proceed.
15. This permit shall be void unless the work herein contemplated shall have been completed before permit completion date.
16. The highway district hereby reserves the right to order the change of location or the removal of any structures or facilities authorized by this permit, with said change or removal to be made at the sole expense of the permittee or its successors or assigns.



Residential Access Permit Handout

Things you'll want to know...

Please read your permit package carefully! It includes requirements or restrictions that can be expensive and time consuming to correct.

Access Permits

An access permit is required for any new driveway, modification to an existing driveway, or for any change in property use (single family residential to multi-family, residential to commercial, etc...). An access permit can also cover limited uses of the public right-of-way, such as driveway construction, landscaping, or temporary construction access.

Permit Holder

HD4 will issue an access permit to the property owner, homebuilder, or contractor. Conditions established for access permits run with the land, and are binding on subsequent property owners. It is the responsibility of the permit holder to notify all subcontractors or subsequent land owners of the terms and conditions of an access permit. Copies of previously issued permits can be obtained from HD4 at no charge.

Access Location- Get it Right the First Time

Location of the approved driveway access, (or any restrictions on the location, such as distance to an intersection or sight restrictions from a hill) are clearly shown on the permit. The access location shown on the site plan included with the permit is the approved location. It is the responsibility of the permit holder to locate the access correctly. Changes to the permitted access location must be approved by HD4 prior to construction. If additional access points are desired, such as circular driveways, secondary access for shops or pasture, or temporary access for construction, these must be included on the permit application. Failure to locate the driveway access at the approved location, or unpermitted access points may require correction at permit holder expense. If a roadside sign conflicts with your approved approach location let us know, they can typically be adjusted to provide access at the permitted location.

Access Width is 36-feet Maximum within Public Right-of-Way

Limits to approach widths are required to provide roadside borrow ditches and for maintenance of driveway culverts in rural areas. Maximum access width for residential permits in a platted subdivision is 36-feet between the roadway and the property line. A 10-foot radius may be installed at the roadway. Driveways can be flared to any desired width on the house side of the property line. See ACCHD Standard Drawing 105. Lesser maximum widths may apply to driveways fronting rural arterial or collector roadways. See your permit for details- the permitted approach width is included.

Culvert Materials- Corrugated Metal or Concrete Pipe Only 12" minimum diameter

Only corrugated metal pipe or reinforced concrete pipe culverts are allowed for driveway approaches. Minimum size is 12" unless a larger culvert is indicated on the permit. Culverts should be a minimum of 4-feet longer than the approach width unless headwalls are provided.

*If in doubt, call to clarify permit conditions or request an inspection
(especially prior to pouring concrete or paving)*

Landscaping and Amenities- If you want to keep it, put it on your property

HD4 permits certain landscape features and plants within the public right-of-way (between the road and the property line); these can be found on ACCHD Standard Drawing 110 included with your permit. All plants or landscape materials not specifically included on SD-110 are not allowed, and may be removed by HD4 without notice or reimbursement. These include trees, large bushes, irrigation systems, lights, rocks larger than 4" diameter, yard art, etc... If you want to keep it, put it on your property, not the public right-of-way. Public right-of-way is reserved for public travel, maintenance and drainage of public roads, and public utilities.



Residential Access Permit Handout

Things you'll want to know...

Use of Public Roadways During Construction

Public roadways are open to public travel, and serve to provide property owners access to their land, to provide for commercial transactions such as deliveries, and to allow emergency services providers to meet the communities' needs. It is illegal to obstruct a public roadway, including public residential streets under Idaho Code 18-3907.

1. Vehicle parking along residential streets in subdivisions is permitted during working hours. Maintain a minimum 16-foot clear path on the roadway for passage of other vehicles and emergency services providers.
2. Vehicle parking along arterial or collector roads under the jurisdiction of HD4 is prohibited at all times within 8-feet of the edge of pavement.
3. Material and equipment storage, including lumber packages, earth, rock, construction trailers, etc... is prohibited within the public right-of-way at all times. Material stockpiles belong on private property. Improperly placed materials or equipment may be removed or towed without notice.
4. Temporary road closures may be permitted by separate permit for certain construction activities; these typically require detours, traffic control signage, or flagger operations.

Roadway obstructions may be towed, removed, or relocated without notice. Ongoing, habitual, or non-responsive obstructions may be mitigated under Idaho Code 40-2319 which provides for daily fines of up to \$150 and recovery of costs relating to abating the obstruction.

Permit holders may be responsible for damage to pavement, curbs, signs, drainage features, etc...

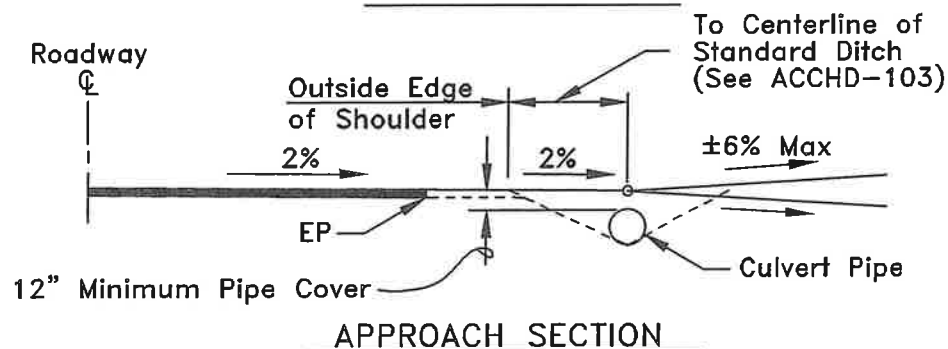
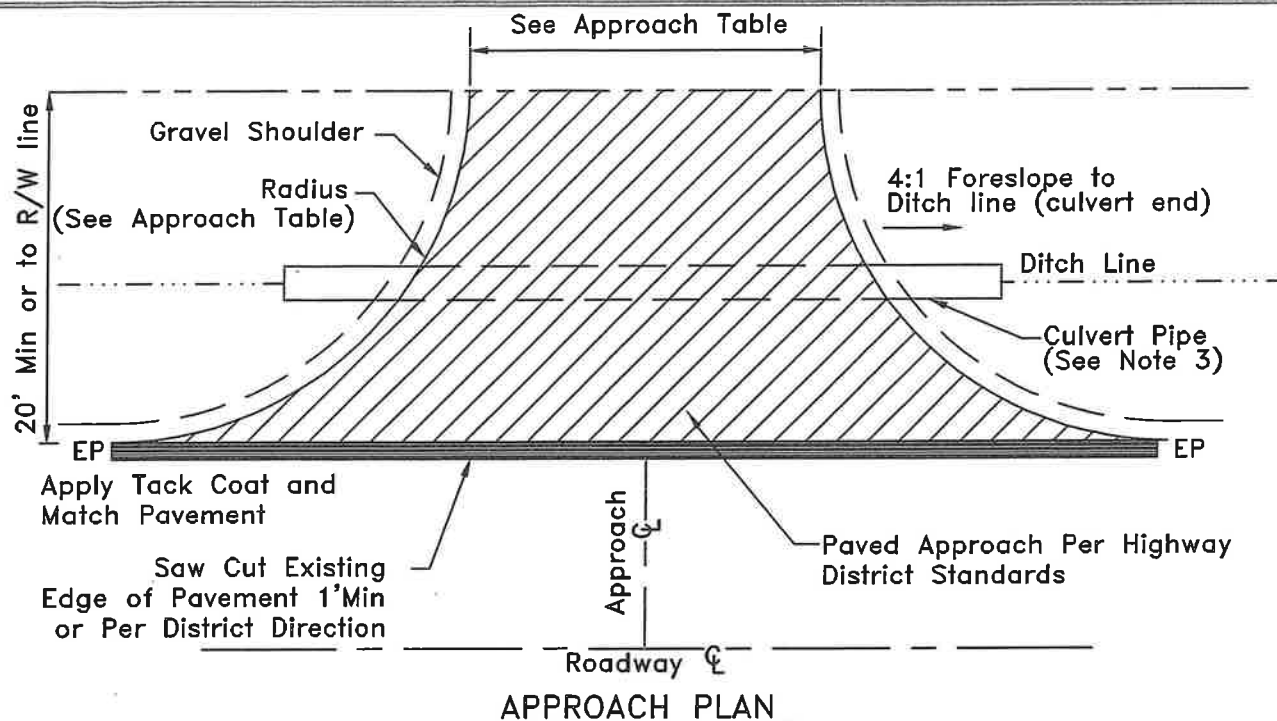
Stormwater and Stormwater Permitting

Residential construction activities may fall under one (or more) of several stormwater permits, including the MS4 permit that HD4 holds, a separate SWPPP plan for the underlying subdivision, or an individual stormwater permit for construction sites disturbing one or more acres. HD4 will provide notice of violations of the following activities under the MS4 Stormwater permit:

1. Housekeeping violations (trash, debris, construction materials entering the roadside drainage system(s);
2. Tracking of mud, dirt, or construction materials onto the public roadways (should be removed daily at a minimum);
3. Placing portable outhouses within the public right-of-way;
4. Obstructing roadside ditches or drainage ponds with materials, vehicles, well cuttings, driveway approaches without culverts (including temporary construction access);
5. Illicit discharge to roadside ditches or ponds, including roof drains, construction dewatering, irrigation diversions or overwatering, septic leakage, or other non-stormwater discharges.

Violations will result in escalating enforcement actions, including warnings, fines, stop work orders, and reporting to Idaho Department of Environmental Quality.

Please clean up after yourself and be kind to your neighbors!



APPROACH TABLE

APPROACH TYPE	Appr Width*		Min**
	Min	Max**	Radius
Residential, Three or More	24'	30'	20'
Commercial (One Way)	20'	30'	20'
Commercial (Two Way)	24'	40'	20'

* Does not include required 2' gravel shoulder on each side of approach.

** Or based on applicable commercial design vehicle.

PAVED APPROACH

STRUCTURAL SECTION **

2.5" Surfacing (Required)
6" Base
9" Subbase

**COMMERCIAL APPROACH OR RESIDENTIAL APPROACH
SERVING THREE (3) OR MORE PROPERTIES**

N.T.S.

NOTES:

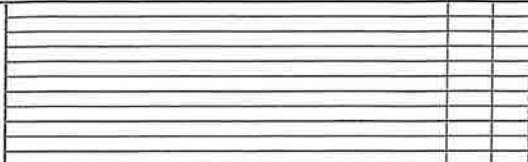
1. Approaches spacing shall conform to section 3000 of the ACCHD Manual.
2. Ingress/Egress by forward motion only.
3. Culvert pipe shall be 12" min. diameter. Culvert pipe shall extend to the intersection of the ditch line and the 4:1 approach foreslope. Pipe material shall be either 0.064" thick corrugated steel, 0.060" corrugated Aluminum or Class V reinforced concrete.
4. For approach serving primarily commercial trucks refer to section 3061.050.
5. Serving One (1) Commercial Property or Three (3) or More Residences.

REVISED 01/22

ASSOCIATION OF
CANYON COUNTY
HIGHWAY DISTRICTS
CANYON COUNTY, IDAHO

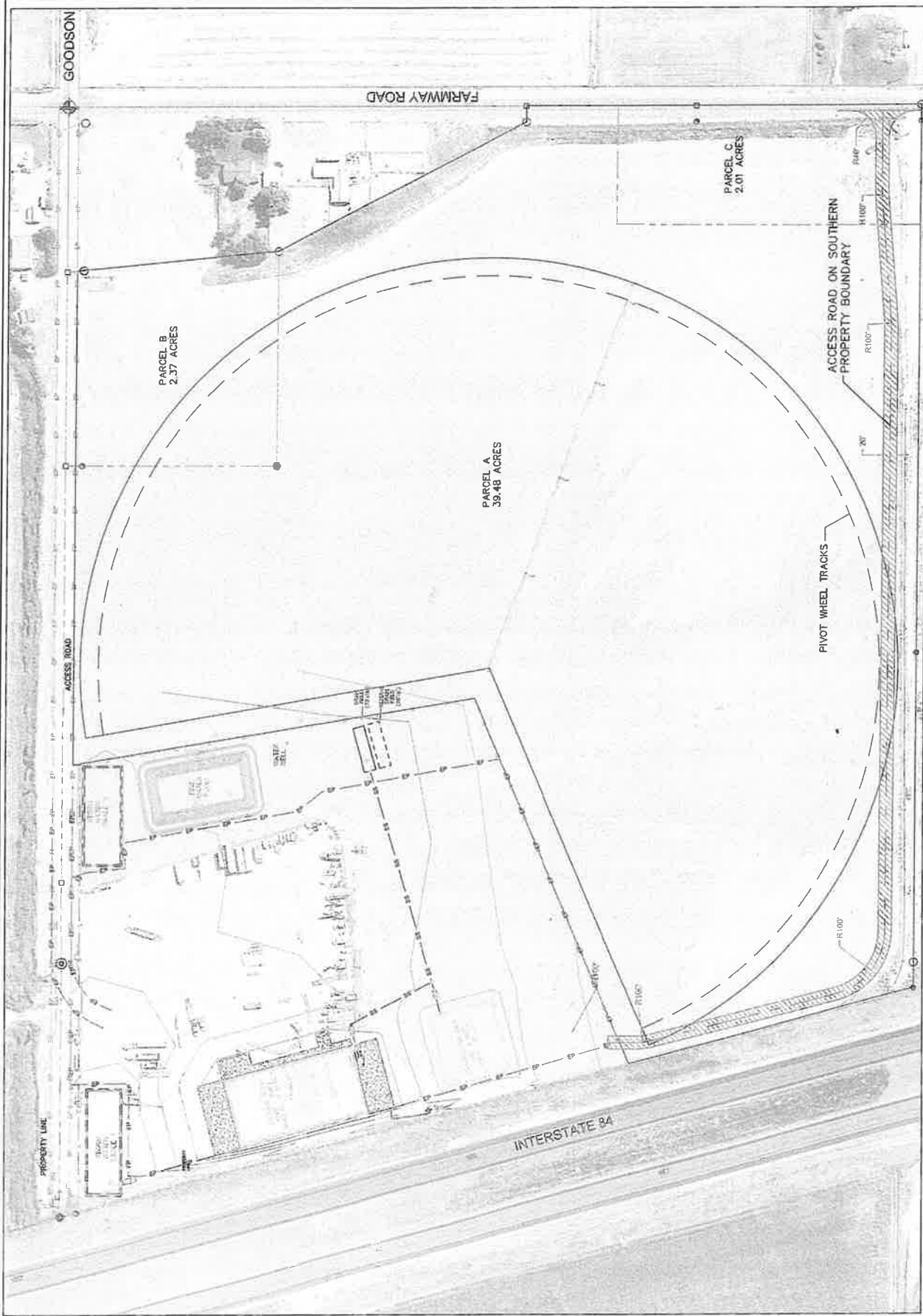
**COMMERCIAL & MULTIPLE
RESIDENTIAL APPROACH**

STANDARD DRAWING
ACCHD-106



PROJECT NUMBER:
DRAWN BY:
REVIEWED BY:
CREATION DATE: 6-11-25

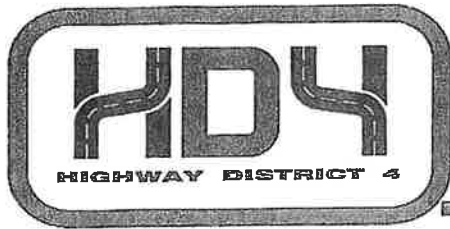
SHEET 1 OF 1





0 150 300ft

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HIGHWAY DISTRICT No.4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208.454.8135
FAX 208.454.2008

August 27, 2024

Canyon County Commissioners, P&Z Commission, & Development Services
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605
Attention: Doug Exton, Planner

RE: CU2024-0024 Erlebach Investments, LP
Contractor Shop and Staging Area
Canyon County Parcels R37904010, R37905, R37905011 aka 0 Goodson Rd

Dear Commissioners:

Highway District No. 4 (HD4) has reviewed the application for a conditional use of the above described parcels for purposes of establishing a contractor shop and staging area within an Agricultural zone. The subject property is located near the southwest corner of Goodson Rd and Farmway Rd in the NE ¼ Section 20 T5N R3W. HD4 offers the following comments on the proposed use:

General

The subject property consists of two parcels, totaling approximately 44 acres. Parcel R37905, approximately 38.4 acres has approximately 143-feet of frontage on Farmway Rd along the east boundary. Parcel R37904010 has approximately 590-feet of frontage on Farmway Rd along the easterly boundary. The property has historically been in agricultural use.

Farmway Rd adjacent to the subject property is a local road classification as identified on the functional classification maps adopted by Canyon Co and CHD4. Existing r/w width is a 25-foot half width prescriptive right-of-way, measured from the existing road centerline. Ultimate r/w width for a local road is a 30-foot half width, measured from the section line. Goodson Rd currently terminates at Farmway Rd, and is classified as a principal arterial. Ultimate right-of-way width for a principal arterial is 50-foot half-width, measured from the section line. The long range functional classification maps adopted by CHD4 and Canyon County show Goodson extending west of Farmway Rd as a future arterial, with potential for a connection to I-84. Future interchange locations along I-84 between SH 44 (Exit 25) and Oasis Rd (Exit 17) are currently under study by CHD4 and ITD. Final interchange locations are not anticipated to be determined within the next 3 years, but the Goodson Rd alignment has long been considered as a favorable location for a future interchange.

Access

Access for the current agricultural use has been via a private road along the north boundary of the subject property extending west from Farmway Rd. This access, which aligns with Goodson Rd to the east, is suitable for the proposed use subject to the improvements described below.

The applicants, Erlebach Properties, LP requested and were granted an access permit to serve “agricultural uses” on the subject property in February 2022, for construction of a large fabric structure on Parcel R37905. As of this date, the permit requirement to construct a paved approach onto Farmway Rd (Commercial Approach per ACCHD SD-106) has not been completed. HD4 requests the County Commission require completion of this approach as a condition of any land use changes.

Transportation Impacts

The conditional use application provided by the applicants indicates the existing structures and graded area (approximately 11 acres) will be used for storage of multi-use equipment (agricultural/construction). Based on information provided, the site would support the existing 22,880 sf storage building and a 11,500 sf contractor shop. Traffic impacts from development projects are typically estimated using the ITE Trip Generation Manual (11th Edition). The categories below are the best available in that reference to compare the proposed use:

Use	ITE Code	Units	# of Units Proposed	PM Peak Trips	Daily Trips
Specialty Trade Contractor	180	Per 1,000 SF	34,380 sf	75	338
Intermodal Truck Terminal	030	Per 1,000 SF	34,380 sf	65	-
Utility	170	Per 1,000 sf	34,380 sf	72	423

None of the above ITE land uses appear to reflect a reasonable number of vehicle trips that could be expected to be generated by the described use as a contractor shop and storage area. The average of the above sampled land uses, 71 peak hour trips per weekday, is much higher than would be expected for a contractor yard, likely due to the large area under rooftop proposed for the site.

In the absence of better available information, HD4 recommends use of the data provided by the applicant, which estimates 15 maximum employees and 10 average daily vehicle trips.

The estimated peak hour trips from the development are not anticipated to materially impact the adjacent intersection of Goodson Rd and Farmway Rd due to its very low background volume. The intersection of Goodson Rd and Old Hwy 30 is anticipated to operate at LOS B (approximately 16 sec delay per vehicle) during the PM peak hour under current background conditions with the additional site traffic. Additional incremental delay from the new trips generated by the development are expected at all intersections along the Old Hwy 30 corridor, including Galloway, Purple Sage, Willis, and SH 44.

Canyon County Ordinance 22-014 (July 21, 2022) established transportation impact fees to fund improvements to the highway system made necessary from new growth and development within the Mid-Star Service Area, which includes the subject property. The adopted impact fee schedule does not have any land use types similar to the applicant's request; therefore the impact fee can be calculated directly from the base impact fee formula:

Cost per Vehicle Mile Traveled	x	Peak Hour Trips	x	New Trip Factor	x	Average Trip Length	x	Network Adjustment Factor	=	Traffic Impact Fee
\$2,883	x	0.495	x	1.0	x	8.4	x	0.317	=	\$3,800

Peak hour trips can be estimated as 10% of total daily volume; from the 10 new trips per day suggested by the applicant, and counting each trip as having two ends, that is 0.495 peak hour trips. The new trip factor is held at 1.0 (no reduction) as pass by trips are not anticipated from surrounding properties. The average trip length of 8.4 miles is consistent with other uses that are unique to the service area (only one exists) from the Mid-Star Impact Fee Schedule. The network adjustment factor represents the proportion of the total trip length on the local system. The 8.4 mile trip length x 0.317 Network Adjustment Factor = 2.66 miles, or approximately the average trip length on the local system to reach I-84 at Exit 17 or Exit 25. Complete information on the Mid-Star Impact Fees Program and the Capital Improvement plan can be found on the HD4 website at www.hwylistrict4.org/impact-fees

Individual Assessment of Impact Fees: If an applicant feels their development will have a less than typical impact on the roadway network, they may choose to complete an individual assessment for their development. To initiate an Individual Assessment, the applicant may prepare and submit a written request for an Individual Assessment within 30 days of paying an impact fee; within 30 days upon receipt of a final notice of assessment, or after receipt of a preliminary assessment. An Individual Assessment is a traffic study, performed by a traffic engineer at the applicant's expense. See the Individual Assessment Guidelines for details on which traffic generation factors may be considered. (<https://www.hwylistrict4.org/download/individual-assessment-guidelines>)

This impact fee is based on the information provided by the applicant regarding the size and intended use of the proposed new development at the time of this report. The final impact fee assessment will be based on the traffic impacts determined to be generated by the proposed development at the time of access permit issuance. The final impact fee may be different from the estimate provided above if the size of the development changes, the type of use changes, or adjustments based on an Individual Assessment are determined to affect the proportionate share of traffic impacts from the development.

Base Impact Fee: \$ 3,800

Right-of-Way Dedication-

No adjacent CIP Projects

CIP Right-of-Way Credit: \$0

System Frontage Improvements Credit

None Required \$0

Offsite System Improvements Credit

None Required \$0

Total Estimated Impact Fee: **\$3,800**

For comparative purposes, this is equivalent to the total impact fees for approximately 4,000 sf of warehouse space. A final determination of the impact fee assessment will be made upon receipt of an access permit application for the change in use.

HD4 does not oppose the requested land use changes, but requests that the Planning & Zoning Commission and Canyon County Commissioners consider these comments, and make any conditional approval of the applicant's request subject to the requirements listed above.

Please feel free to contact me with any questions on this matter.

Respectfully,



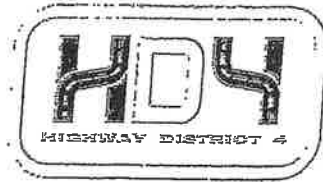
Chris Hopper, P.E.
District Engineer

File: Goodson Rd- CU2024-0024 Erlebach Properties

Mid-Star Service Area

Residential Transportation Impact Fee Assessment

The Mid-Star Service area includes all lands within Canyon County lying east of Interstate 84 and north of the Boise River, and also those lands north of Lincoln Rd between KCID Rd and Midland Rd south of the Boise River.



Transportation Impact Fees

Highway District No. 4 has partnered with the Canyon County and the Cities of Star and Middleton to develop a Capital Improvement Plan for transportation improvements necessary to serve new growth and development within the Mid-Star Service Area for the year 2040. The County and Cities have each enacted an ordinance to collect impact fees from new development for the purpose of funding a proportionate share of these improvements. Complete information on the Mid-Star Capital Improvement Plan and Impact Fee program is available on the HD4 website at www.canyonhd4.org/impact-fees.

Impact fees are collected by the Highway District at the time of access permit issuance.

Single Family Residential Use Transportation Impact Fees:

(Effective Date: November 1, 2021 (Star), August 22, 2022 (Canyon County))

Fee Payer (Applicant): Erlebach Properties

Property Address: 0 Farmway Rd

Caldwell ID 83609

Parcel No. R 37904010

Subdivision Name: N/A

Lot/Block #: N/A

City of Star (within Canyon County) ☐

Unincorporated Canyon County ☒

☐ New Single Family Residence \$5,050 per unit ☐ Not in Service Area (No Fee)

☐ New Mobile Home \$2,347 per unit ☐ Exempt Use (No Fee)

☐ New Accessory Dwelling Unit \$1,581 per unit

Total Impact Fee Assessment: \$ 3800.00 Date Rec'd: 6/12/25 By: GA

All other uses should be forwarded to the HD4 Impact Fee Administrator for fee calculation. Multi-family residential, commercial, or industrial uses are subject to transportation impact fees proportionate to the demand placed on the transportation system as described in the Mid-Star Impact Fee Program and Fee Schedule.

The following uses are exempt from impact fees under Star City Code 7-3B-5 and Canyon County Code 12-04:

- Reconstruction of a residence of the same amount of floor space when destroyed by fire or other catastrophe
- Remodeling or repairs to a structure which does not increase the number of service units (residential dwellings).
- Replacing a residence with another unit on the same lot which does not increase the number of service units
- Additions to a residential structure which does not increase the number of service units (residential dwellings).
- Accessory structures such as sheds, outbuildings, carports/garages, etc... which do not increase the number of service units (residential dwellings).
- Temporary construction trailer or office
- Modular or Manufactured Home or RV if the fee payer can demonstrate one legally existed on the property prior to August 22, 2022, or if a transportation impact fee has previously been paid for a modular, manufactured home, or RV.

Conditional Use Permit Erlebach Properties

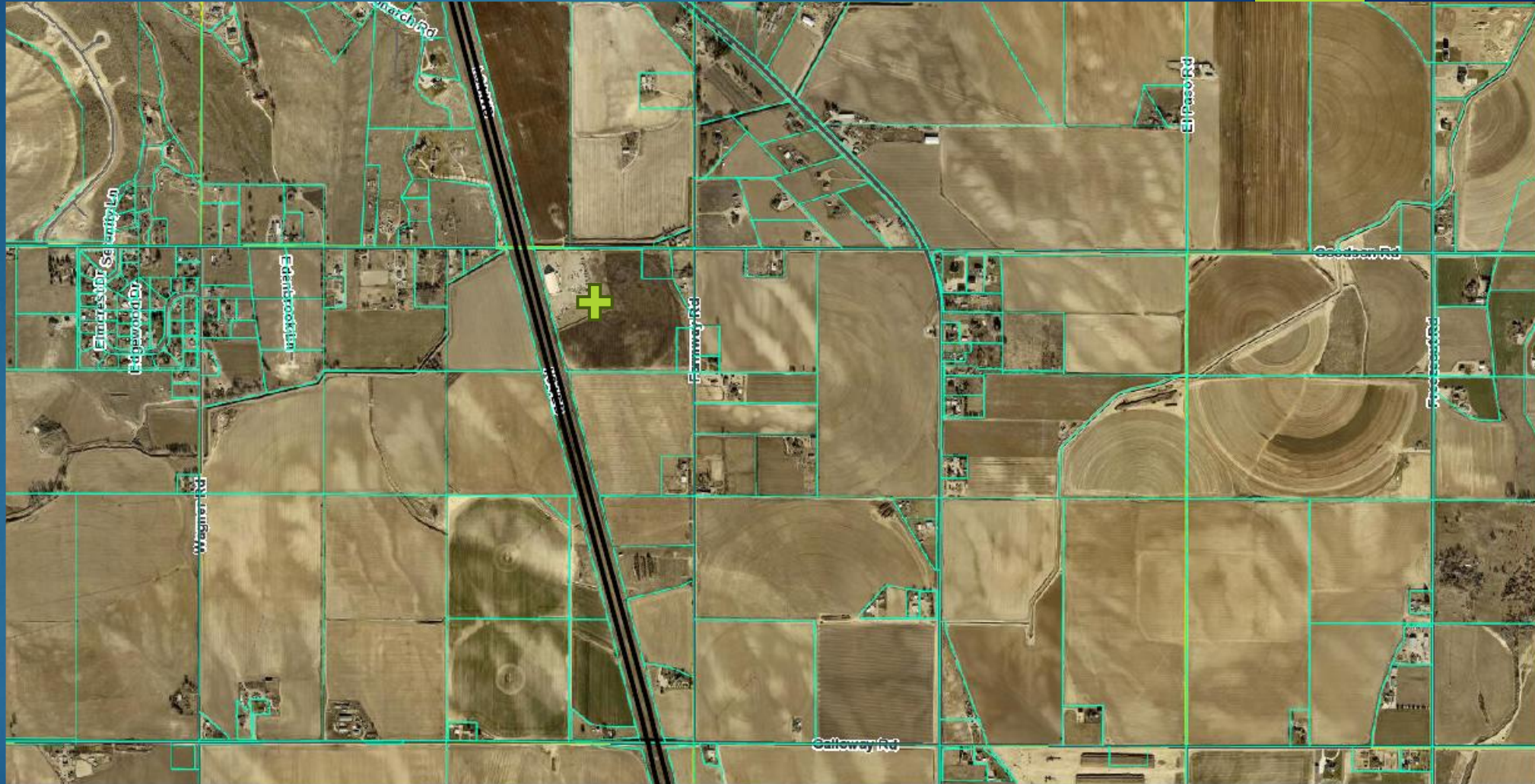
- ▶ Contractor Shop and Staging Area
- ▶ Meets Criteria in Canyon County Code
- ▶ Appropriate Rural Area – Similar impacts as existing uses in Area
- ▶ Allowed by CUP - Conditions of Approval Mitigate Potential Impact

P&Z – A Defective Decision

- ▶ Staff Analysis Correct
- ▶ P&Z Not unanimous –
- ▶ Commissioner Sheets Understood
 - ▶ Contractor's Shop and Staging Area – Allowed by CUP
 - ▶ Mitigate with Conditions
- ▶ Did not Consider the Correct Criteria and actual Requested Uses
 - ▶ Not based on percentage of Ag use on property
 - ▶ Not based on speculation or what they think Applicant wants

Site and Location

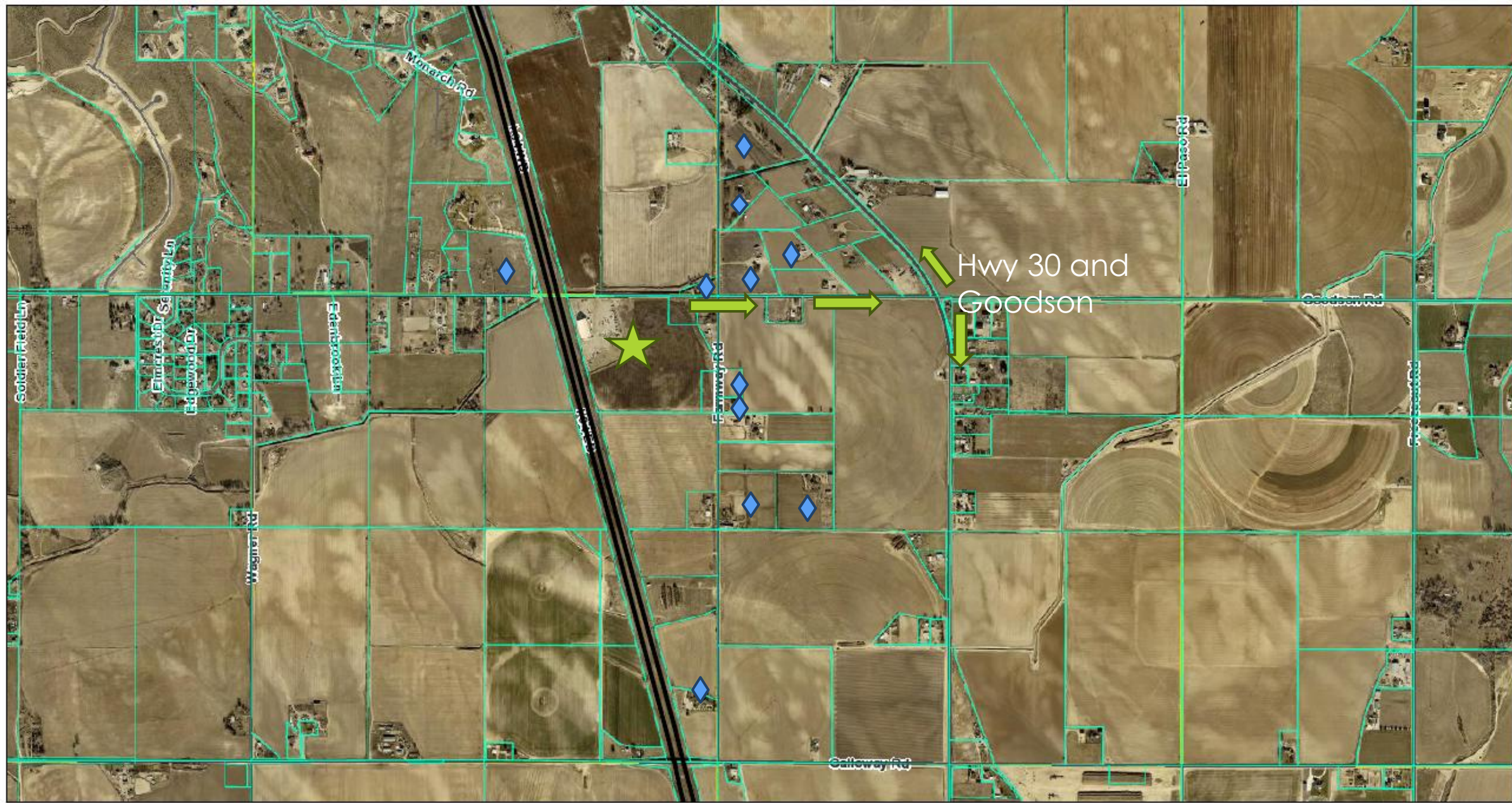
- ▶ Pulled Back Next to Freeway
- ▶ Natural Ext. Goodson Rd.
- ▶ Traffic Pattern – Goodson to Highway 30
- ▶ Highway 30 to Freeway
- ▶ Similar Impacts to Existing Uses











Highway District

- ▶ Expertise and Jurisdiction
- ▶ Meets Standards - No Significant Concerns
- ▶ Access - Approach Permits for Goodson Rd. or Southern Entrance
- ▶ LOW traffic levels
- ▶ LOW traffic Generated
 - ▶ 10 truck trips per day when working
 - ▶ Job and Stage dependent – months with no trips

Farmway



Goodson – Hwy 30

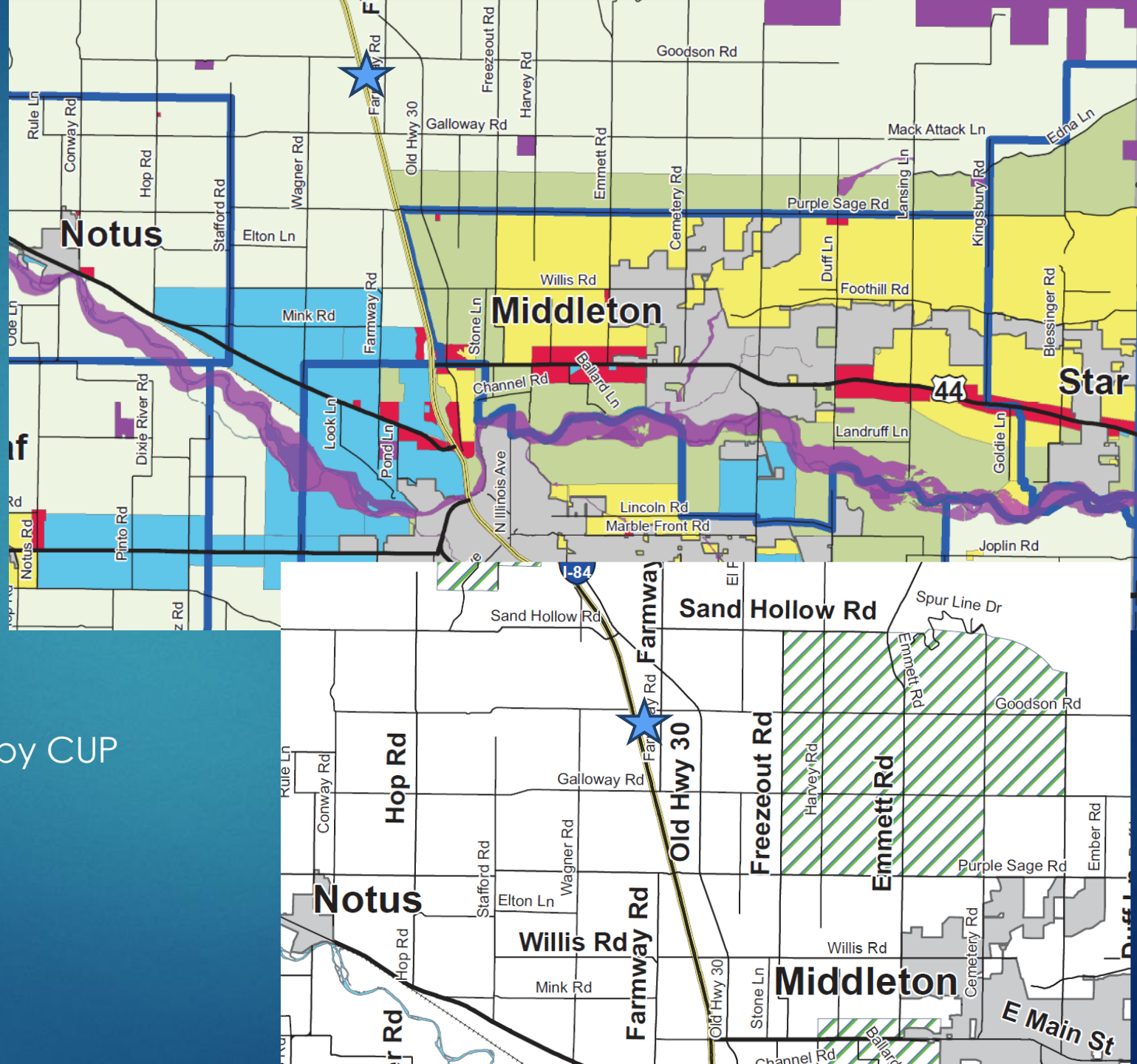


Standard is Not Ag Only in Ag Zone - Some CUP uses:

- ▶ Airport/air strip
- ▶ Amusement Park
- ▶ Commercial Arena
- ▶ Batch Plants
- ▶ Contractor Shop
- ▶ Drive In Movie Theater
- ▶ Ethanol Plant
- ▶ Golf Course
- ▶ Food Processing Facility
- ▶ Gravel Pit
- ▶ Retail Nursery
- ▶ RV Park
- ▶ School Landfill
- ▶ Shooting Range
- ▶ Staging Area
- ▶ Events Facility

Comprehensive Plan & Zoning

- ▶ In Ag Designation
- ▶ NOT Intensive Ag
- ▶ Ag Zone
 - ▶ Ag and Many Other Uses by CUP



Complies with Comp Plan

- ▶ 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 accountability.”
 - ▶ Similar to Ag impacts
- ▶ “Support a diverse economy in Canyon County and recognize that residential, commercial and industrial uses are necessary components of overall economic stability”
 - ▶ Ripple effect on economy & job creation and small business support

Compatible

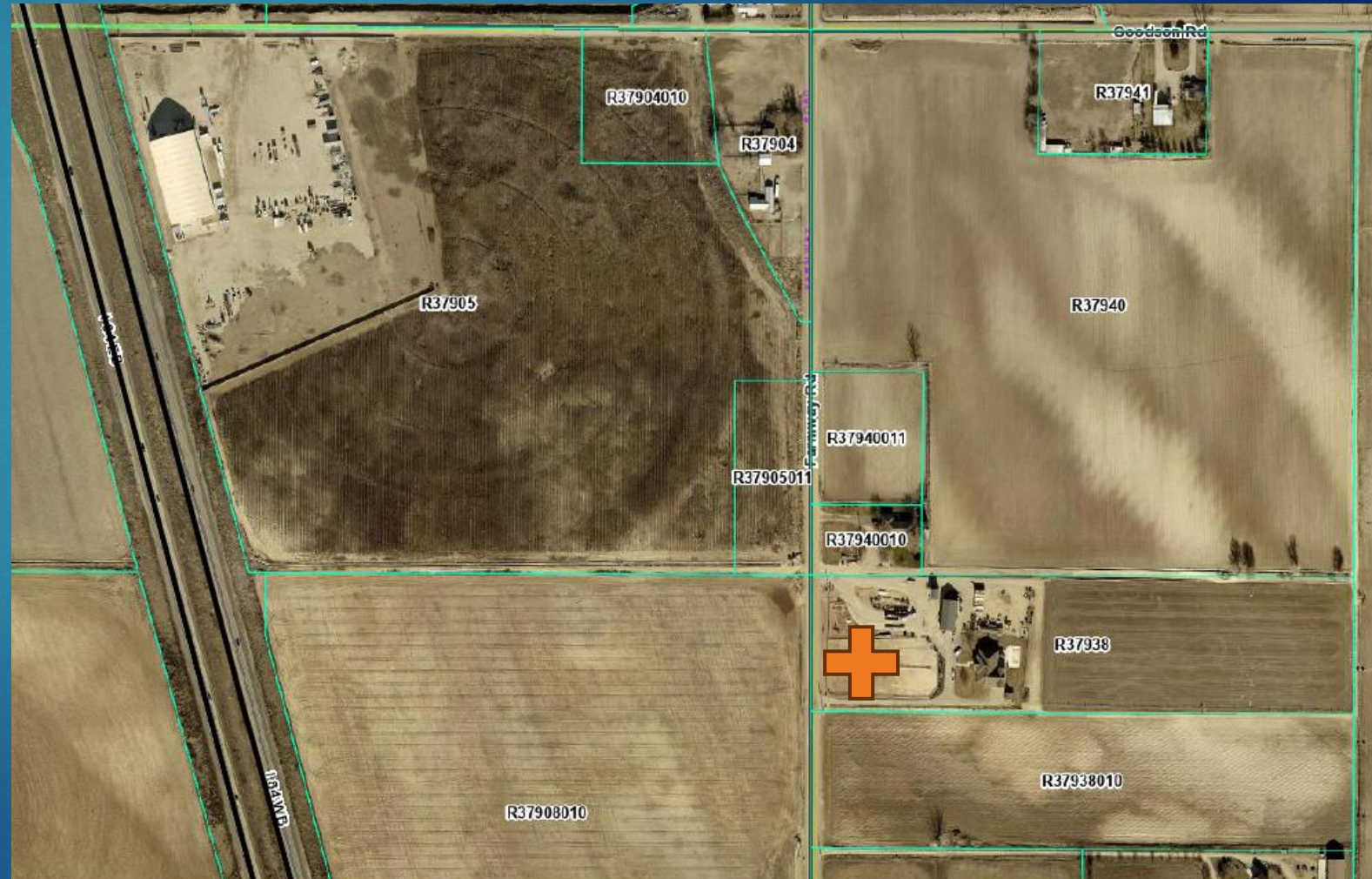
- ▶ Not negative change character
 - ▶ Similar Impacts and Uses in Area
 - ▶ Ag and Non Ag
 - ▶ Right Next to I-84
 - ▶ Conditions of Approval
 - ▶ Follow applicable regulations

No Impact on Public Services

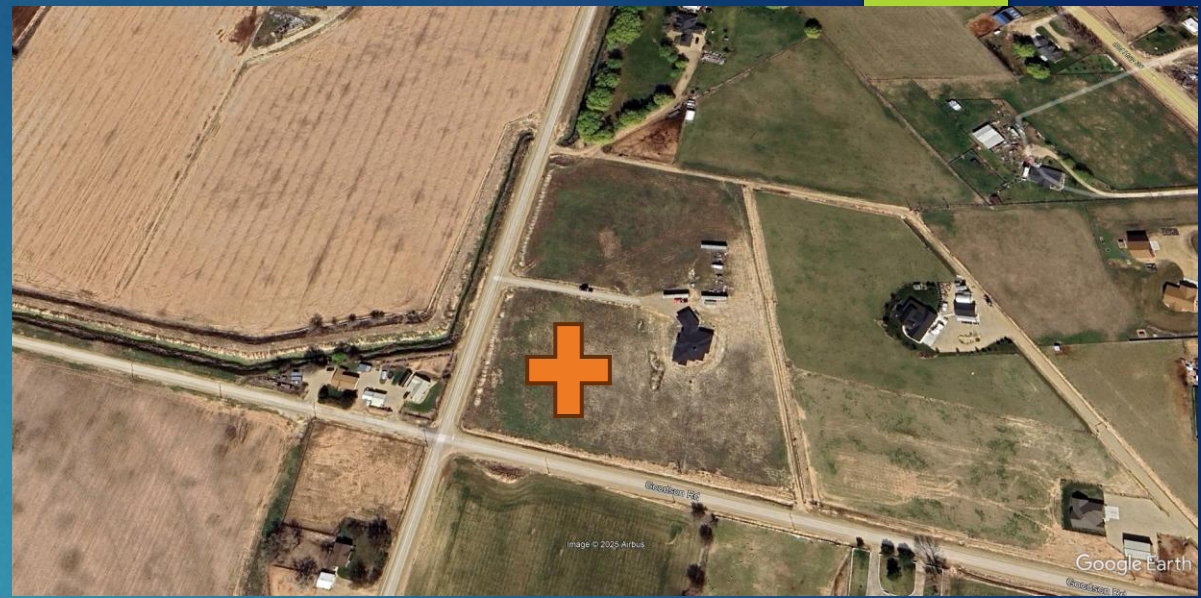
- ▶ Minimal Sewer/Water Use
- ▶ Negligible impact schools, police, fire etc.
- ▶ No negative agency responses

Other Businesses with Trucking Operating Area

- ▶ Herger Property
 - ▶ 26688 Farmway
 - ▶ Herger Transport, LLC



- Sklyarov Property
- 27068 Farmway



Other Businesses with Trucking in Area

- ▶ Aguilar Property
 - ▶ Goodson & Hwy 30



NonProfit Corp Youth Horse Riding

- ▶ Blazing Hope Property
 - ▶ Goodson & Hwy 30



► Amalgamated Sugar
Beet Dump – Galloway



History

- ▶ Ag Use – Jerusalem Artichokes
- ▶ Business Use
- ▶ Met with Staff multiple times
 - ▶ Rezone – not viable approach
 - ▶ CUP - Contractor Shop – Staging Area
- ▶ Neighbors - Goodson Road Ext – Own to Middle
 - ▶ South – Cooperative and Agreement
 - ▶ North – Less So – Built Septic System Erlebach's Property w/o easement

Meet Ordinance Requirements for Approval of CUP

- ▶ Excellent location
- ▶ In accord with Comp Plan
- ▶ Not injurious and will not neg. change character of area
- ▶ Compatible with conditions addressing potential issues
 - ▶ Meet County and Agency requirements
 - ▶ Downward facing lighting
 - ▶ Sight obscuring fence
 - ▶ Hours operation: 7am – 5:30 pm Mon – Sat

Questions?

