



Board of County Commissioners
Hearing Date: August 14, 2025
Canyon County Development Services Department

PLANNING DIVISION ADDENDUM

CASE NUMBER: RZ2021-0047-MOD
APPLICANT/REPRESENTATIVE: ELWIN BUTLER, PE – MATRIX ENGINEERING
PROPERTY OWNER: CORY SWAIN – CS2, LLC

APPLICATION: Development Agreement Modification to amend condition #3 of DA 23-136 (instrument #2023-033002)

LOCATION: The subject property, parcel number R35590, is located at 0 Linden Road in the NW ¼ of Section 32, T4N, R3W, BM, Canyon County, Idaho.

ANALYST: Michelle Barron, Principal Planner
REVIEWED BY: Dan Lister, Planning Supervisor

P&Z RECOMMENDATION: Approval

SUMMARY:

The applicant, Elwin Butler, representing Corey Swain, CS2, LLC, requests an amendment to Development Agreement DA23-136 (Instrument No. 2023-033002). The request is to amend Condition No. 3 to reflect the Planning & Zoning Commission's recommendation for approval, which included waiving the City of Caldwell's subdivision requirements entirely. The Planning & Zoning Commission heard the case at a public hearing held on May 1, 2025. After deliberation the Planning & Zoning Commission recommended Approval with Conditions of the request (Exhibit I & II).

The Staff report packet dated May 1, 2025, and all supporting material are contained in Exhibit III. There were no additional agency or public comments received for the subject public hearing. Any Additional supporting documentation provided by the applicant to be considered by the Board May be found in Exhibit IV. The Planner PowerPoint presentation from the Planning and Zoning Commission hearing on May 1, 2025 may be found in Exhibit V.

EXHIBITS:

- I. Planning & Zoning Commission FCOs Dated: May 15, 2025
- II. Planning & Zoning Commission Minutes Dated: May 1, 2025, Signed: June 12, 2025
- III. Staff Report Packet Dated: May 1, 2025
- IV. Application Materials Received by Materials Deadline: August 4, 2025
- V. Planner PowerPoint from Planning & Zoning Commission Dated: May 1, 2025



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

In the matter of the application of:

**CS2 LLC DA#23-136 Modification – Case No.
RZ2021-0047-MOD**

The Canyon County Planning and Zoning Commission considers the following:

A development agreement modification to edit condition number 3 of DA 23-136 (instrument #2023-033002) regarding City of Caldwell requirements. The applicant would like to have the condition read “City of Caldwell requirements are waived”.

The subject property, parcel number R35590, is located at 0 Linden Road in the NW ¼ of Section 32, T4N, 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 RZ2021-0047-MOD
 - B. DA#23-136 was approved October 11, 2023, in conjunction with rezone application RZ2021-0047. (Exhibit B.2.1 of the Staff Report RZ2021-0047-MOD)

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezones), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-01-01 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. The City of Caldwell was provided on April 1, 2025. The property owners within 600 feet were notified on April 1, 2025, and the property was posted on or before April 4, 2025.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity, to make the land use more compatible with neighboring land uses. *See* CCCO §07-06-07(1).
 - c. **CCCO §07-06-07(7)F:** The presiding party shall review the particular facts and circumstances of the proposed development agreement modification. The presiding party shall apply the following standards when evaluating the proposed development agreement modification:

A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the board after complying with the notice and hearing provisions of Idaho Code section 67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use, including subdivision permits. See I.C. §67-6504, §67-6511.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCCO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures, adopted per Idaho Code §67-6534, require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, RZ2021-0047-MOD, was presented at a public hearing before the Canyon County Planning and Zoning Commission on May 1, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

CONCLUSION: CCZO §07-06-07(7)F - Considering the application and supporting materials, the Planning and Zoning Commission concludes the proposed modification complies with CCCO §07-06-07(7)F.

Findings:

1. During the process of public hearing at the Board of County Commissioners on December 2, 2024, for Alyson Meadows Subdivision (SD2021-0039), the Board decided to use the recommendation of the Planning and Zoning Commission to waive all of the City of Caldwell conditions. Staff noted that the Development Agreement for the rezone case RZ2021-0047 stated that the conditions are in place except the requirement to hook up to water, which is waived. At that time, the application was tabled to a date uncertain to allow the applicant to apply for a Development Agreement Modification of condition number 3 of DA23-136. (Staff Report Exhibit B.3.5)
0. The representative applied for the Development Agreement Modification to Condition No. 3 of DA-23-136 on February 12, 2025.
1. The modification would be required for the Board to waive all requirements of the City of Caldwell. The application was in order, with the neighborhood meeting being held on December 16, 2024, and all items required submission.
3. The request from the applicant is to modify condition No. 3 to say "The City of Caldwell requirements for this plat will be waived." (Staff Report Exhibit A.2)
2. The request was strongly supported by the neighbors to keep the area's character the same as neighboring parcels.

Canyon County Code §09-01-19 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: CCCO §9-01-19(6) Waiver of City of Caldwell Ordinance Provisions: The requirements listed in the Caldwell ordinances, identified in subsections (2) and (3) of this section, may be waived by the Canyon County board of commissioners in its discretion.

Findings: (1) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047-MOD.

(2) The city of Caldwell respectfully requested that their previous conditions be adhered to and not waived. (Staff Report Exhibit C.1)

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Planning and Zoning Commission recommends **approval** of Case # RZ2021-0047-MOD, a request to modify Development Agreement #23-136, Condition Number 3 to read "The City of Caldwell requirements for this plat will be waived."

DATED this 15th day of May, 2025.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

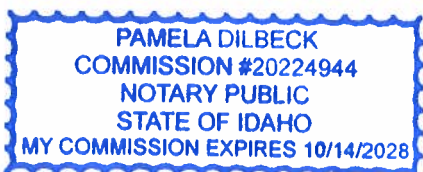

Brian Sheets, Acting Chairman

State of Idaho)

SS

County of Canyon County)

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



Notary: Pamela Dilbeck

My Commission Expires: 10/14/2028



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, May 1, 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

Staff Members Present: Jay Gibbons, Director of Development Services
Michelle Barron, Principal Planner
Madelyn Vander Veen, 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. April 3, 2025 MINUTES
- B. Case No. OR2025-0001 – Spring 2025 Ordinance: Approve FCO's
- C. Case No. OR2025-0002 – Private Road Ordinance: Approve FCO's
- D. Case No. OR2025-0003 – Impact Fees: Approve FCO's
- E. Case No. CR2023-0012 – Elordi: Approve FCO's

Motion: Commissioner Sheets moved to approve the Consent Agenda, removing Item 1E to approve at the May 15, 2025 hearing, seconded by Commissioner Nevill. Voice vote, motion carried.

Item 2A:

Case No. SD2022-0037 / Cambridge Estates Subdivision: The applicant, Mason & Associates representing Intermountain Pacific LLC, requests approval of a preliminary plat, Cambridge Estates Subdivision, on Parcel R30395 (39.08 acres). The requests include 29 residential lots and seven (7) common lots. The request includes a waiver of city subdivision improvements. The parcel is zoned "R-1" (Single Family Residential). The subject property is located at 17672 N. Can-Ada Road, Nampa.

Case was withdrawn by Applicant.

Item 2B:

Case No. CU2023-0012 / Piatt: The applicants, Kenneth & Alisa Piatt are requesting a conditional use permit for a staging area and contractor shop for their excavation business. The proposed use of the property includes storage of equipment, vehicles, and semi-trucks for use on job sites as well as storage and screening of dirt. Occasional work on equipment and vehicles occurs in the shop. The subject property is located at 8820 Hwy 44, Middleton, ID 83644, also referenced as Parcel R22365508.

Chairman Sturgill called the applicant to testify.

Kenny Piatt – (Applicant) IN FAVOR – 8820 Hwy 44, Middleton, ID 83644

Mr. Piatt described the intent of the application for semi-truck parking and storing/screening dirt. He explained there are trucks in the shop that the employees will occasionally take, but mostly they drive the pickups home. Dump trucks will come to get a load of dirt or bring a load in, and some days that is up to 5 times a day while other days are at 0. Mr. Piatt considers themselves to be good neighbors while doing everything they can to mitigate noise and dust and keep everything clean and organized. He is asking for approval to continue business as usual.

Commissioner Nevill asked if all 12 conditions were acceptable. Mr. Piatt explained he had concerns on the necessities of a traffic impact study and a building permit. There was also discussion on the requirements of a septic system. Commissioner Nevill asked how long the trucks have to wait to enter Hwy 44. Mr. Piatt commented it can be the same wait time as anyone trying to pull out onto Hwy 44. Commissioner Nevill inquired on the number of houses that use Ranchero and confirmed that having a road users maintenance agreement would be a condition that was beneficial. Commissioner Nevill asked if the applicant knew what the complaint was, and Mr. Piatt said it could have been the noise, but nothing else comes to mind. There was discussion on requested hours of operation.

Chairman Sturgill confirmed that the shop is residential, and there was discussion on dust mitigation.

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

Chairman Sturgill asked if the property was zoned agricultural currently, to which Planner Vander Veen answered yes.

Commissioner Sheets asked for clarification on an approach permit and what ITD's requirements and jurisdiction would be. Planner Vander Veen explained the approach would be off of the private road, and confirmed the intersection of Hwy 44 and Ranchero would need to be improved.

Commissioner Nevill expressed his confusion of why the applicant would be required to improve the intersection himself and the lack of a road user's maintenance agreement. Planner Vander Veen confirmed that the highway district would regulate who is responsible for the repairs based on who is applying and whether there is a road user's maintenance agreement on file. There was discussion on future owners abiding by the conditions set with the conditional use permit.

Principal Planner Michelle Barron addressed the questions regarding the publicly owned, privately maintained road, and the requirements and stipulations falling on the applicant as they are requesting the increase in the use.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Jim Moore – IN FAVOR – 22876 Lansing Ln, Middleton, ID 83644

Mr. Moore praised Mr. Piatt on the reduced amount of traffic than the prior company that owned the property, the dust and noise mitigation, and maintenance of Ranchero. He believes improvements to the intersections of Lansing Ln or Duff Ln would be more appropriate.

Kenny Piatt – (Applicant) REBUTTAL – 8820 Hwy 44, Middleton, ID 83644

Commissioner Nevill confirmed that the requirements of ITD on improving the road was justifiable, and verified that ITD would provide standards for the applicant to meet in regards to the approach.

Mr. Piatt expressed his concern with not having an entrance onto Hwy 44 although he has a Hwy 44 address. Planner Barron explained that could be due to the amount of accesses allowed from Hwy 44 and the requirement of distances between entrances.

Commissioner Nevill confirmed that changing the hours of operation to 6:30 a.m. to 8:00 p.m. was appropriate.

Mr. Piatt asked for clarification on the building permit requirement for the shop, and Planner Vander Veen verified that the condition could be modified to reflect how the applicant would use the shop, whether for business or personal use.

Director of Development Services Jay Gibbons also mentioned that change of occupancy for the building would need to go through the Building Department's review.

Chairman Sturgill also provided input on how the condition could be modified if the applicant chooses to use the building as commercial.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2023-0012, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Chairman Sturgill believes the applicant should not be burdened with the road user's maintenance agreement, and the CUP should expire with the applicant and a new owner would have to reapply.

Commissioner Sheets is in agreement with both topics, as well as the change in hours of operation, but believes the road user's maintenance agreement is a threshold issue and cannot be appropriately assigned.

Commissioner Nevill is in favor and would like to see changes in condition 2 regarding requirements for change of occupancy for the shop, condition 8 regarding hours of operation, and a new condition regarding the CUP expiring when the ownership of the property changes. Commissioner Nevill requested review of the private road ordinances is reviewed regarding the requirements of a road user's maintenance agreement.

MOTION: Commissioner Nevill moved to **approve** Case No. CU2023-0012, adopting the FCOs that the application does meet criteria, with amendments to conditions 2 and 8 and the addition of a new condition, seconded by Commissioner Sheets.

Discussion on the Motion:

None.

Roll call vote: 3 in favor, 0 opposed, motion passed.

Item 2C:

Case No. RZ2021-0047-MOD / CS2, LLC: A request by Elwin Butler, PE for Cory Swain, CS2, LLC, for modification to a Development Agreement. The applicant wishes to edit condition number 3 of DA 23-136 (instrument #2023-033002) regarding City of Caldwell requirements. The applicant would like to have the condition read "City of Caldwell requirements are waived". The subject property, parcel number R35590, is located at 0 Linden Road.

Chairman Sturgill called the applicant to testify.

Elwin Butler – (Applicant) IN FAVOR – 3122 Suntree St, Caldwell, ID 83605

Mr. Butler explained their prior process of approval for the plat, and explained they could not change the condition of the City of Caldwell requirements without changing the development agreement. The plat is still the same, and the applicant still intends to honor all other conditions, but the request is to modify the condition to waive the City of Caldwell requirements.

Principal Planner Michelle Barron reviewed the Staff Report for the record.

Chairman Sturgill asked for clarification on which condition needed to be removed. Planner Barron clarified that it was not a condition from the preliminary plat, but rather the development agreement, and it is exhibit B.2.1, condition 3. She further explained the process this request has gone through to remove the condition.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Gary Beers – IN FAVOR – 16840 W Linden St, Caldwell, ID 83607

Mr. Beers reaffirmed his support of the previous recommendation to waive the aforementioned condition. He stated there should be a copy of the neighborhood petition for the additional signatures of support.

Chairman Sturgill asked for clarification on the amount of support to waive this condition. Mr. Beers explained the area and the absence of City services, and therefore the request for the condition of City of Caldwell requirements to be waived.

Elwin Butler – (Applicant) REBUTTAL – 3122 Suntree St, Caldwell, ID 83605

Mr. Butler disagreed with the comment Planner Barron stated of removing the comments regarding the City of Caldwell impact area, and confirmed that the condition of all compliance of the City of Caldwell Engineering and Director of City Planning and Zoning Department requirements be waived.

MOTION: Commissioner Sheets moved to close public testimony on Case No. RZ2021-0047-MOD, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Nevill expressed his confusion on how to make a motion based on the wording Mr. Butler is requesting.

MOTION: Commissioner Sheets moved to **recommend approval** for Case No. RZ2021-0047-MOD with an amendment to the development agreement, exhibit B, condition 3, seconded by Commissioner Nevill.

Discussion on Motion:

None.

Roll call vote: 3 in favor, 0 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director of Development Services Jay Gibbons discussed the staff changes within DSD. There was also discussion on a review of ordinances, and a draft ordinance ready to go to a hearing in August.

Commissioner Nevill asked about plans for an additional 2 commissioners. Director Gibbons stated it is being discussed with the Board.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 7:58 P.M

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

Approved this 12th day of June, 2025



Robert Sturgill, Chairman

ATTEST



Caitlin Ross, Hearing Specialist



Planning and Zoning Commission
Hearing Date: May 1, 2025
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER:

RZ2021-0047-MOD

APPLICANT/REPRESENTATIVE:

Elwin T. Butler

PROPERTY OWNER:

CS2, LLC, Corey Swain

APPLICATION:

Development Agreement Modification to amend condition #3 of DA 23-136 (instrument #2023-033002)

LOCATION:

The subject property, parcel number R35590, is located at 0 Linden Road in the NW ¼ of Section 32, T4N, R3W, BM, Canyon County, Idaho.

ANALYST:

Michelle Barron, Principal Planner

REVIEWED BY:

Dan Lister, Planning Supervisor

REQUEST:

The applicant, Elwin Butler, representing Corey Swain, CS2, LLC, requests an amendment to Development Agreement DA23-136 (Instrument No. 2023-033002). The request is to amend Condition No. 3 to reflect the Planning & Zoning Commission’s recommendation for approval, which included waiving the City of Caldwell’s subdivision requirements entirely.

PUBLIC NOTIFICATION:	
Impacted Agency notice:	April 1, 2025
Neighbor notification within 600 feet mailed on:	April 1, 2025
Newspaper notice published on:	April 1, 2025
Notice posted on site on:	April 4, 2025

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1. BACKGROUND:

On October 3, 2023, rezone case #RZ2021-0047 was approved by the Board of County Commissioners with a Development Agreement that was signed and recorded on October 11, 2023. The Development Agreement #DA23-136 (instrument No. 2023-033002) has four (4) conditions that must be met by the developer.

During the public hearing on October 3, 2023, it was agreed by the Board to waive the requirement from the City of Caldwell to tie into the City’s public water system as seen in Condition #3 from the FCOs (**Exhibit B.2.3**) and the Development Agreement (**Exhibit B.2.1**).

On August 15, 2024, the Planning and Zoning Commission recommended approval of the Alyson Meadows Subdivision (SD2021-0039) with conditions. Condition 6 states: “The City of Caldwell requirements for this plat will be waived.” **(Exhibit B.3.1)** The FCOs were signed on September 5, 2024.

On November 19, 2024, and continued on December 2, 2025, the Board of County Commissioners held a public hearing for Alyson Meadows Subdivision (SD2021-0039) and discussed the waiver of all of the City of Caldwell’s requirements for the plat that the Planning and Zoning Commission recommended. The Board then tabled the hearing to a date uncertain to allow the applicant time to apply for a Development Agreement Modification. **(Exhibit B.3.5)**

The representative for the applicant submitted a complete application on February 12, 2025. **(Exhibit A)**

2. HEARING BODY ACTION:

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

Should the Commission wish to recommend approval of the proposed amendment to the development agreement, all applicable Canyon County standards pertaining to the required development agreement shall be strictly adhered to.

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

OPTIONAL MOTIONS:

Approval of the Application: “I move to recommend approval of RZ2021-0047-MOD, CS2 LLC, finding the application **does** meet the criteria for approval under Section 07-06-07 of the Canyon County Code of Ordinances, **finding that**; *[Cite reasons for approval & Insert any additional conditions of approval]*.”

Denial of the Application: “I move to recommend denial of RZ2021-0047-MOD, CS2 LLC, finding the application **does not** meet the criteria for approval under Section 07-06-07 of the Canyon County Code of Ordinances, **finding that** *[cite findings for denial based on the express standards outlined in the criteria]*.”

Table the Application: “I move to continue RZ2021-0047-MOD, CS2 LLC, to a *[date certain or uncertain]*”

3. HEARING CRITERIA

Development Agreement Modification

Standards of Evaluation (CCCO §07-06-07(7) F: The presiding party shall review the particular facts and circumstances of the proposed development agreement modification. The presiding party shall apply the following standards when evaluating the proposed development agreement modification:				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	07-06-07(7)F	A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the board after complying with the notice and hearing provisions of Idaho Code section 67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

			<i>Staff Analysis</i> During the process of public hearing at the Board of County Commissioners on December 2, 2024, for Alyson Meadows Subdivision (SD2021-0039), the Board decided to use the recommendation of the Planning and Zoning Commission to waive all of the City of Caldwell conditions. Staff noted that the Development Agreement for the rezone case RZ2021-0047 stated that the conditions are in place except the requirement to hook up to water, which is waived. At that time, the application was tabled to a date uncertain to allow the applicant to apply for a Development Agreement Modification. (Exhibit B.3.5) The representative applied for the Development Agreement Modification on February 12, 2025. (Exhibit A) The modification would be required for the Board to waive all requirements of the City of Caldwell. The application was in order, with the neighborhood meeting being held on December 16, 2024, and all items required submitted. The request is to modify condition No. 3 to say “The City of Caldwell requirements for this plat will be waived.” (Exhibit A.2)
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4. AGENCY COMMENTS:

Agencies impacted by this proposed amendment were notified of the request for an amendment to the Development Agreement currently in place. The City of Caldwell was sent a notification of the request on April 1, 2025.

Staff received agency comments from the City of Caldwell by the materials deadline. The comment letter states: “As the city has previously provided comments for the original preliminary plat application, the City would respectfully request our previous conditions be adhered to and not waived.” **(Exhibit C.1)**

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

5. PUBLIC COMMENTS:

Staff received one (1) total written public comment by the materials deadline of April 21, 2025. The comment by David and Kerry Thomas states they are in opposition to this waiver, but seem to be speaking to opposition of the subdivision itself rather than the development agreement modification. **(Exhibit D.1)**

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

6. SUMMARY & RECOMMENDED CONDITIONS:

In consideration of the application and supporting materials, staff concludes that the proposed development agreement modification is **compliant** with CCCO §07-06-07(7)F. A full analysis is detailed within the staff report.

If the Commission moves to recommend approval, they can choose to change the condition as proposed by the applicant, or they may remove the condition entirely from the Development Agreement. The waiver request could then be heard and approved or denied at the decision of the Preliminary Plat public hearing with the Board of County Commissioners.

7. EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
2. Letter of Intent
 - 2.1. Plan of Action
3. Alyson Meadows Preliminary Plat
4. Neighborhood Meeting
5. Letter sent to City of Caldwell with attachments from representative dated October 30, 2024

B. Background Documents

1. Aerial Map
2. RZ2021-0047 Documents
 - 2.1. Development Agreement DA23-136, dated October 11, 2024
 - 2.2. P & Z signed FCOs RZ2021-0039, signed July 20, 2023
 - 2.3. BOCC signed FCOs RZ2021-0039, signed October 3, 2023
 - 2.4. BOCC minutes RZ2021-0039, dated October 3, 2023
3. SD2021-0039 Documents
 - 3.1 P & Z signed FCOs SD2021-0039, Alyson Meadows, signed September 5, 2024
 - 3.2 P & Z minutes SD2021-0039, Alyson Meadows from August 15, 2024
 - 3.3 P & Z minutes SD2021-0039, Alyson Meadows from September 5, 2024
 - 3.4 BOCC minutes SD2021-0039, Alyson Meadows from November 19, 2024
 - 3.5 BOCC minutes SD2021-0039, Alyson Meadows from December 2, 2024
4. City of Caldwell comments for RZ2021-0047 and SD2021-0039
 - 4.1 City of Caldwell Engineering, dated March 9, 2022
 - 4.2 City of Caldwell Planning dated June 9, 2023

C. Agency Comments Received by: April 21, 2025

1. City of Caldwell; Received: April 21, 2025

D. Public Comments Received by: April 21, 2025

1. David and Kerry Thomas; Received: April 18, 2025

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# RZ2021-0047-MOD

Hearing date: May 1, 2025



DEVELOPMENT AGREEMENT MODIFICATION PUBLIC HEARING - MASTER APPLICATION

PROPERTY OWNER	OWNER NAME: CS2, LLC, Cory Swain	
	MAILING ADDRESS: 3363 E Presidential Drive, Suite 201, Meridian, ID 83642	
	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:		Date: 2/4/2025

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME: Elwin T. Butler	
	COMPANY NAME: Matrix Engineering, Inc.	
	MAILING ADDRESS: PO Box, 683, Middleton, ID 83644	
	PHONE: [REDACTED]	EMAIL: [REDACTED]

SITE INFO	STREET ADDRESS: 0 Linden Road, Caldwell	
	PARCEL NUMBER: R35590	
	PARCEL SIZE: 40.84 Acres	
	DEVELOPMENT AGREEMENT NO.: 23-136	
	FLOOD ZONE (YES/NO): No	ZONING DISTRICT: CR-RR

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	RZ2021-0047-MOD	DATE RECEIVED:	2-12-25
RECEIVED BY:	M. Beaton	APPLICATION FEE:	750.00
		CK	MO
		CC	CASH



DEVELOPMENT AGREEMENT MODIFICATION

PUBLIC HEARING - CHECKLIST

DEVELOPMENT AGREEMENT MODIFICATION CCZO Section 07-06-07(7)F

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

Description	Applicant	Staff
Master Application completed and signed	X	X
Letter of Intent (see standards on next page)	X	X
Site Plan (if necessary; see standards on next page)	X	X
Draft Updated Development Agreement Changes	X	X
Neighborhood Meeting form completed/signed	X	X
Deed or evidence of property interest to the subject property	X	X
Proof of application/communication with (varies per application):		
Southwest District Health	X	X
Irrigation District	X	X
Fire District	X	X
Highway District/ Idaho Transportation Dept.	X	X
Area of City Impact	X	X
Fee: \$750.00		
Fees are non-refundable		

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

Alyson Meadows Subdivision Development Agreement Modification Application

Canyon County, Idaho

Project Site: 0 Linden Road
Parcel Number R35590



Prepared for:
CS2, LLC, Cory Swain.
3363 E. Presidential Drive, Suite 210
Meridian, ID 83642

Prepared by:
Matix Engineering, Inc.



1020 W. Main Street ■ Suite 100J ■ Boise, ID 83702 ■ 208.860.3127
Doug Unger, P.E., Elwin T. Butler, P.E.

Date: February 4, 2025

DOCUMENT LIST

MASTER APPLICATION (1 PAGE)

LETTER OF INTENT (2 PAGES)

PLAN OF ACTION (2 PAGES)

SITE PLAN(1 PAGE)

NEIGHBORHOOD MEETING INCLUDING;

SUMMARY (1 PAGE)

NEIGHBOR NOTIFICATION (1 PAGE)

SIGN UP SHEET (1 PAGE)

NEIGHBORHOOD MEETING CERTIFICATION (1 PAGE)

LIST OF NAMES NOTIFIED (3 PAGES)

AFFIDAVIT OF LEGAL INTEREST (1 PAGE)

AGENCY PROOF OF APPLICATION/COMMUNICATION (19 PAGES)



1020 W. Main Street ■ Suite 100J ■ Boise, ID 83702 ■ 208.860.3127
Doug Unger, P.E. Elwin T. Butler, PE

Date: January 30, 2025

TO: Development Services, Canyon County
111 North 11th Ave. Suite 140
Caldwell, ID 83605
C/O Michelle Barron
michelle.barron@canyoncounty.id.gov

From: Matrix Engineering Inc.
Elwin T Butler, PE
208 739-8668
ebutler@mat-eng.com

Re: Case# SD2021-0039, Alyson Meadows, Development Agreement Modification
Letter of Intent

To Whom It May Concern,

This letter is to request an amendment to the Alyson Meadows Development Agreement, 23-136.

Canyon County Planning and Zoning Commission recommends approval of the Preliminary Plat, SD2021-0039, Alyson Meadows. One of the Conditions of Approval is that "City of Caldwell requirements for this plat will be waived." See FCOS, Item 6, Conditions of Approval.

During the Board of Canyon County Commission Hearing, November 19, 2024, the Board of County Commission determined that the Development Agreement would have to be modified to follow the recommendation of the County Planning and Zoning Commission. This Application is to modify Item 3, Conditions of Approval, Exhibit B, Development Agreement, 23-136.

Item 3 currently reads, "The Applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell Planning and Zoning Department letters as seen in Exhibit D. Attachment 7f and 7g with the exception of the requirement connecting to the Public Water System, which is waived."

The amended condition, as stated in the Item 6, Conditions of Approval, Exhibit VI, Board of County Commissioners, Alyson Meadows Subdivision Preliminary Plat, SD2021-0039, would read, **"The City of Caldwell requirements for this plat will be waived."**

The Applicant has followed the Development Agreement Modification process as understood with the following steps:

1. Neighborhood Meeting: A list from the County of all neighbors within 600 feet of the property was obtained, notification was sent out to the neighbors about the Neighborhood Meeting, and a Neighborhood Meeting in a public place on December 16th, 2024 was held. The notification, sign in sheet, Signed Certification are included.

2. Agency Notification: Agencies have been notified of this Development Agreement Modification identified on the Agency Acknowledgment and three of five signatures were received back from the five agencies. Proof of Notification, Notification Letters and Acknowledgement Signatures are included.

A draft of the modification is stated above in paragraphs 4 and 5 meeting the requirement of CCZO Section 07-06-07(7)F).

This modification does not significantly alter the original decision of Development Agreement 23-136. The DA specified 18 buildable, 2-acre lots served by individual wells and septic systems. In that Caldwell City Water was not available, fire protection for each lot remains unchanged from the original Development Agreement. The modification to the Development Agreement will not change the number of lots or services available, Alyson Meadows will consist of 18 buildable, 2-acre lots served by individual wells and septic systems. A full discussion has been presented to the Board of the County Commissioners, see Exhibit VIIa, Staff Report, November 19, 2024, Hearing. This demonstrates that the number of residential lots, size of residential lots, and services to each lot will not change, demonstrating CCZO Section 07-06-07(7)A).

Development Agreement 23-136 is currently active and will remain active per CCZO Section 07-06-07(4). This modification will not change the activity of this document. The owner intends to comply with this agreement. To allow the Owner to comply with both the recommended conditions of approval, as referred to above and Development Agreement 23-136, this modification is required. This Development Agreement Modification also allows this development to comply with surrounding land uses.

Sincerely,
Elwin Butler, PE
Matrix Engineering, Inc.



1020 W. Main Street ■ Suite 100J ■ Boise, ID 83702 ■ 208.860.3127
Doug Unger, P.E. Elwin T. Butler, PE

Date: February 4, 2025

TO: Development Services, Canyon County
111 North 11th Ave. Suite 140
Caldwell, ID 83605
C/O Michelle Barron
michelle.barron@canyoncounty.id.gov

From: Matrix Engineering Inc.
Elwin T Butler, PE
208 739-8668
ebutler@mat-eng.com

Re: Case# SD2021-0039, Alyson Meadows Subdivision, Owner: CS2, LLC
Development Agreement Amendment

Plan of Action

In adherence to Canyon County Development Services – Development Agreement Modification Public Hearing Checklist this Plan of Action provides the outline related to the construction and marketing of the Alyson Meadows Subdivision, a residential subdivision consisting of eighteen 2 acre lots. The property owner is CS2, LLC. While development and construction objectives have not changed from the original plat submittal, the project timeline has been amended. It is the intent of the Alyson Meadows Subdivision owner to complete construction as soon as the Preliminary Plat and Construction Plans are approved. Construction plans have been prepared and are awaiting submitting to Canyon County Development Services upon approval of the preliminary plat by the Board of County Commissioners.

Begin of Operations:

The project owner, CS2, LLC, anticipates starting construction in June, 2025.

Hours of Operation:

It is anticipated that the hours of operation will be between 7:00 AM to 5:00 PM, Monday - Friday.

Noise Levels:

Noise levels will be within the County requirements. Construction activity will employ tradition earthwork construction equipment associated with a buried irrigation pipe utility, roadway construction, and residential home construction. These operations will be completed by contractors with public works and residential construction licenses. All equipment shall meet OSHA noise requirements. Blasting or other high noise level operations will not be employed on this project.

Dust Levels:

Owner will require Contractors to use an approved dust control plan. Water trucks or other sprinkling means will be required on site during construction.

Water Quality:

Owner will require Contractors to work within the storm water pollution prevention plan (SWPPP), which will identify and eliminate sources of stormwater and erosion during construction of the Alyson Meadows Subdivision. The SWPPP will outline means to protect existing drains and irrigation ditches from contamination of sediment. Dewatering on the construction site is not anticipated to be required (no high groundwater exist).

Raw Material Delivery:

Materials associated with the construction of the Alyson Meadows Subdivision will consist of pipe for the buried irrigation utility, pump/mechanical equipment for the pressure irrigation pump station, aggregate, gravel and asphalt for roadway construction, and the buried lines related to Idaho Power joint trench construction. These materials will be delivered to the project site via truck from local suppliers. Asphalt, aggregate, and gravel for roadway paving will be provided by local plant mix sources in the Valley. The travel path for these materials is on public paved roads, without any load limit concerns for delivery of the required construction materials.

Finished Product and Marketing:

- An internal private roadway, named Birchwood Lane, will be constructed per Canyon County Highway District standards to provide access to each residential lot in the Alyson Meadows Subdivision. The location of residential driveways from Birchwood Lane to provide access to each lot will be determined at the time of building permit is submitted. Each driveway will be required to install a culvert along the private roadside swale in order to maintain stormwater drainage function.
- Permits for on-site domestic water wells and septic systems will be applied for and obtained from Southwest District Health Department at the time each building permits is administered. The location of the domestic wells and septic system will be determined at the time the home is sited on each residential lot. Earthwork grading of the residential properties is not anticipated due to topographic layout of the property. The roadway design and vertical alignment general match the grade of the residential parcels.
- A pressure irrigation system will be constructed to provide irrigation water supply to each of the 18 residential lots.

Site Improvements, Public and Privat Facilities, Public Amenities, and Infrastructure:

Improvements will include:

1. Development of 18 residential two acre lots.
2. Paved private roadway, Birchwood Lane, will be access to each lot from Linden Road.
3. Storm drainage improvements for Birchwood Lane involve roadway swales which will infiltrate storm water into site soils
4. On-site domestic water well and septic system will be required for each of the 18 residential lots.
5. Pressurized irrigation system to each Alyson Meadows lot. This includes a pumping station, buried pipelines, service connections, and irrigation control headgates.
6. Joint trench, administered by Idaho Power, will provide buried power, broadband, and associated utilities to each lot in the Alyson Meadows Subdivision.
7. Linden Road will be widened along the frontage of the Alyson Meadows Subdivision. Improvements will include roadway widening, a 20-foot buffer, landscape improvements, and storm drainage modifications associated with the roadway widening.
8. Tiled gravity irrigation pipe providing irrigation water to Pleasant Ridge Subdivision, north of Linden Road, maintain function of existing systems.

INVESTIGATOR: J. L. LEE
DATE: 6-2-78
SUBJECT: PHIL SLOAN, LIAISON
OFFICER, BIRMINGHAM
(7804) 629-7253

LEADS:
PHILIP L. SLOAN, JR.
501 N. 27TH ST., E.
DOUG. DANA 82702
(7804) 851-5270

COPIES:
JANIS LAY, JAMES
1/24/92 SANDHOLD, POAD
ALDRELL DARR, H14.37
2/20/91 413-0925
www.ck.net/~harry/career

ENDLINE
ELMER, T BUTLER, PE
MATH, ENRICH ENRICH
1020 W MAIN, S-11E
DORCE, DARR, M1402
1/20/91 2-3-11553
rml@netmail-mcg.com

DEPARTMENTAL ATTORNEY	DATE
JOHN ACCE	4/20/87
JOHN JOY	7/7
JOEL FAMELOIS	18
CONOR JOY	4
WILLIAM JOY	11/15/87
AMANDA JOY SUE	2/27/88
JOHN SMITH FAMELOIS	2/27/88
FRANCIS JOY	CR 8/8
JOHN ACCE	ONE PULL
JOHN JOY	
JOEL JOY	
JOEL JOY	
JOEL JOY	

CLIMATE TABLE				
CLIMATE	HAZARD	EXPOSURE	CLIMATE ADAPTATION	CLIMATE ADAPTATION
C1	38.00%	33.0%	66.00%	15%
C2	28.00%	27.0%	54.00%	21%
C3	25.00%	40.0%	80.00%	40%
C4	30.00%	21.0%	42.00%	40%
C5	30.00%	27.0%	54.00%	24%
C6	30.00%	12.0%	24.00%	16%
C7	55.00%	100.0%	100.00%	94%
C8	55.00%	100.0%	100.00%	94%
C9	55.00%	100.0%	100.00%	94%
C10	55.00%	100.0%	100.00%	94%
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C44	55.00%	100.0%	100.00%	94%
C45	55.00%	100.0%	100.00%	94%
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C47	55.00%	100.0%	100.00%	94%
C48	55.00%	100.0%	100.00%	94%
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C82	55.00%	100.0%	100.00%	94%
C83	55.00%	100.0%	100.00%	94%
C84	55.00%	100.0%	100.00%	94%
C85	55.00%	100.0%	100.00%	94%
C86	55.00%	100.0%	100.00%	94%
C87	55.00%	100.0%	100.00%	94%
C88	55.00%	100.0%	100.00%	94%
C89	55.00%	100.0%	100.00%	94%
C90	55.00%	100.0%	100.00%	94%
C91	55.00%	100.0%	100.00%	94%
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C93	55.00%	100.0%	100.00%	94%
C94	55.00%	100.0%	100.00%	94%
C95	55.00%	100.0%	100.00%	94%
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SCALE FOR FIG. 2: 0 50 100 μ m

CS2, LLC
3363 E. PRESIDENTIAL DRIVE
MERIDIAN, ID 83642
PARCEL 836590

UNIL
:2/16/2024
SH: F1
PP100

DATE	TIME	REPORT	ADD
2-16-62	11:00	ALCOHOL TEST RESULTS	
TESTER	DRIVER	VEHICLE	OFFICER
TESTER	DRIVER	VEHICLE	OFFICER
202362		2-10	



MATRIX ENGINEERING, INC.
 10000 Bulwer Road, Suite 100, Houston, TX 77036
 Tel: 281-468-3100 Fax: 281-468-3101
 www.matrixeng.com



1020 W. Main Street ■ Suite 100J ■ Boise, ID 83702 ■ 208.860.3127
Doug Unger, P.E. Elwin T. Butler, PE

Date: December 20, 2024

TO: Development Services, Canyon County
111 North 11th Ave. Suite 140
Caldwell, ID 83605
C/O Michelle Barron
michelle.barron@canyoncounty.id.gov

From: Matrix Engineering Inc.
Elwin T Butler, PE
208 739-8668
ebutler@mat-eng.com

Re: Case# SD2021-0039, Alyson Meadows, Development Agreement Amendment,
Neighborhood Meeting Summary

To Whom It May Concern,

One of the necessary requirements to modify Development Agreement 23-136, prior to submission, is to hold a "Neighborhood Meeting" and provide information to our surrounding neighbors about our application; Canyon County Zoning Ordinance § 07-01-15. This meeting for our surrounding neighbors was only for informational purposes. We requested feedback from our neighbors.

This meeting was held December 16, 2024, from 6:00 to 7:30 PM at the Caldwell Public Library, Dean E Miller Community Room, 1010 Dearborn Street, Caldwell, ID 83605. This allowed a warm public meeting area. The Preliminary Plat, and the Engineering Concept maps were displayed at the meeting.

Canyon County Planning and Zoning Commission recommends approval of the Preliminary Plat, SD2021-0039, Alyson Meadows. One of the Conditions of Approval is that "City of Caldwell requirements for this plat will be waived." See FCOS, Item 6, Conditions of Approval.

During the neighborhood meeting, the neighbors are united in making the change to Development Agreement 23-136, waiving all City of Caldwell development requirements.

Meeting discussions centered around irrigation distribution and eliminating the cross connection between the two private roads, Tranquill Place serving Retts Acres and Birchwood Lane serving Alyson Meadows.

To the best of my knowledge all public meeting rules for this neighborhood meeting were followed.

Sincerely,
Elwin Butler, PE
Matrix Engineering, Inc.

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

12/03/2024

Dear Neighbor,

We are in the process of presenting an application to Canyon County Development Services for a Development Agreement modification for Alyson Meadows Subdivision.

The current Development Agreement waived City of Caldwell water requirements only. The Planning and Zoning Board conditions of approval of the preliminary plat recommended to waive all the City of Caldwell impact area requirements. Alyson Meadows supports this condition of approval and is therefore proceeding with this application to make this change to the Development Agreement.

One of the requirements necessary, prior to submission, is to hold a "Neighborhood Meeting" and provide information to our surrounding neighbors about our application; *Canyon County Zoning Ordinance § 07-01-15*. This meeting for our surrounding neighbors is only for informational purposes. We would like to receive feedback from you, our neighbors, as we move through the land use application process with the county.

This neighborhood meeting is **not** a public hearing before a governing body of Canyon County. Once our application has been submitted to the county's Development Services Department, only then will a public hearing date be scheduled. Also, only after our application is accepted and a public hearing is scheduled with a confirmed date by the county, will the surrounding neighbors receive an official notification from the county via postal mail. The notice will also appear in a newspaper publication and a sign will be displayed on the parcel notifying the public of a county Planning and Zoning land use hearing for our application.

The Neighborhood Meeting details are as follows:

Date: December 16, 2024

Time: 6:00 PM to 7:30 PM

**Location: Caldwell Public Library, Dean E Miller Community Room,
1010 Dearborn Street, Caldwell, ID 83605**

Property description: Parcel R35590

Site Location: south of Birchwood Drive and Linden Road intersection

Proposed access: will be at Linden Road

Total acreage: 40.84 acres

Proposed lots: 18 single family residential lots and 4 common lots

We look forward to our neighborhood meeting and encourage you, as our neighbor, to attend. During our meeting, we will answer any questions you may have. Please note, the county does not currently have any information on our project. Also, please do not call the county regarding this meeting or our application as this meeting is a PRE-APPLICATION requirement; we have not submitted the application to the county for consideration at this time.

Feel free to contact me at 208 739-8668, ebutler@mat-eng.com or at PO Box 683, Middleton, Idaho, 83644.

Sincerely,
Elwin T. Butler, PE
Matrix Engineering, Inc.

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: 0 Linden Road	Parcel Number: R035590	
City: Caldwell	State: Idaho	ZIP Code: 83605
Notices Mailed Date: December 5, 2024	Number of Acres: 40.84	Current Zoning: CR-RR
Description of the Request: Request is to modify the Development Agreement to waive all of City of Caldwell impact area requirements.		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Elwin T. Butler, PE, (Applicant, CS2, LLC - Cory Swain)		
Company Name: Matrix Engineering, Inc.		
Current address: 1020 W. Main Street, Suite 100J (mail any comments to PO Box 683, Middleton, ID 83644)		
City: Boise	State: Idaho	ZIP Code: 83702
Phone: 208 739-8668	Cell:	Fax:
Email: ebutler@mat-eng.com		

MEETING INFORMATION

DATE OF MEETING: Dec. 16, 2024	MEETING LOCATION: Caldwell Public Library, Dean E Miller Community Room	
MEETING START TIME: 6:00 PM	MEETING END TIME: 7:30 PM	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Sarah Laurensen		18532 Tranquil Pl.
2. MORCOS		18634 Tranquil Pl
3. Linda Miller		19072 Birchwood Dr.
4. Liya Kulgavaya		18951 Tranquil Pl.
5. Anastasiya Prozapas		18701 Tranquil Pl.
6. Kristina Beers		16840 W. Linden St.
7. Gary Beers		16840 W. Linden St.
8.		
9.		

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
10.		
11.		
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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):

Elwin T. Butler, PE

APPLICANT/REPRESENTATIVE (Signature): Elwin T. Butler

DATE: 12 / 16 / 24



1020 W. Main Street ■ Suite 100J ■ Boise, ID 83702 ■ 208.860.3127
Doug Unger, P.E. Elwin T. Butler, PE

Date: October 30, 2024

TO: City of Caldwell Planning and Zoning Department
Robin Collins, PCED, CBO Director
205 S 6th Ave. 2nd Floor
Caldwell, ID 83605
rcollins@cityofcaldwell.org

From: Matrix Engineering
Elwin T Butler, PE
208 739-8668

Re: Case# SD2021-0039, Alyson Meadows, Preliminary Plat

To Whom It May Concern,

Canyon County requested that I draft a letter to the City of Caldwell. Canyon County Planning and Zoning Commission recommends approval of the Preliminary Plat, SD2021-0039, Alyson Meadows. One of the Conditions of Approval is that "City of Caldwell requirements for this plat will be waived." See enclosed FCOS, Item 6, Conditions of Approval.

Based on the location of this property, it is highly unlikely that this property will become contiguous to City limits and be eligible for annexation per Idaho Statutes, Title 50, Municipal Corporations, Chapter 2, 50-222, Annexation by Cities. This code states that "subject land is contiguous to or surrounded by the city..." Based on current rural development, the subject land is surrounded by rural 5-acre residential county lots. See the Site Map Located on Page 2.

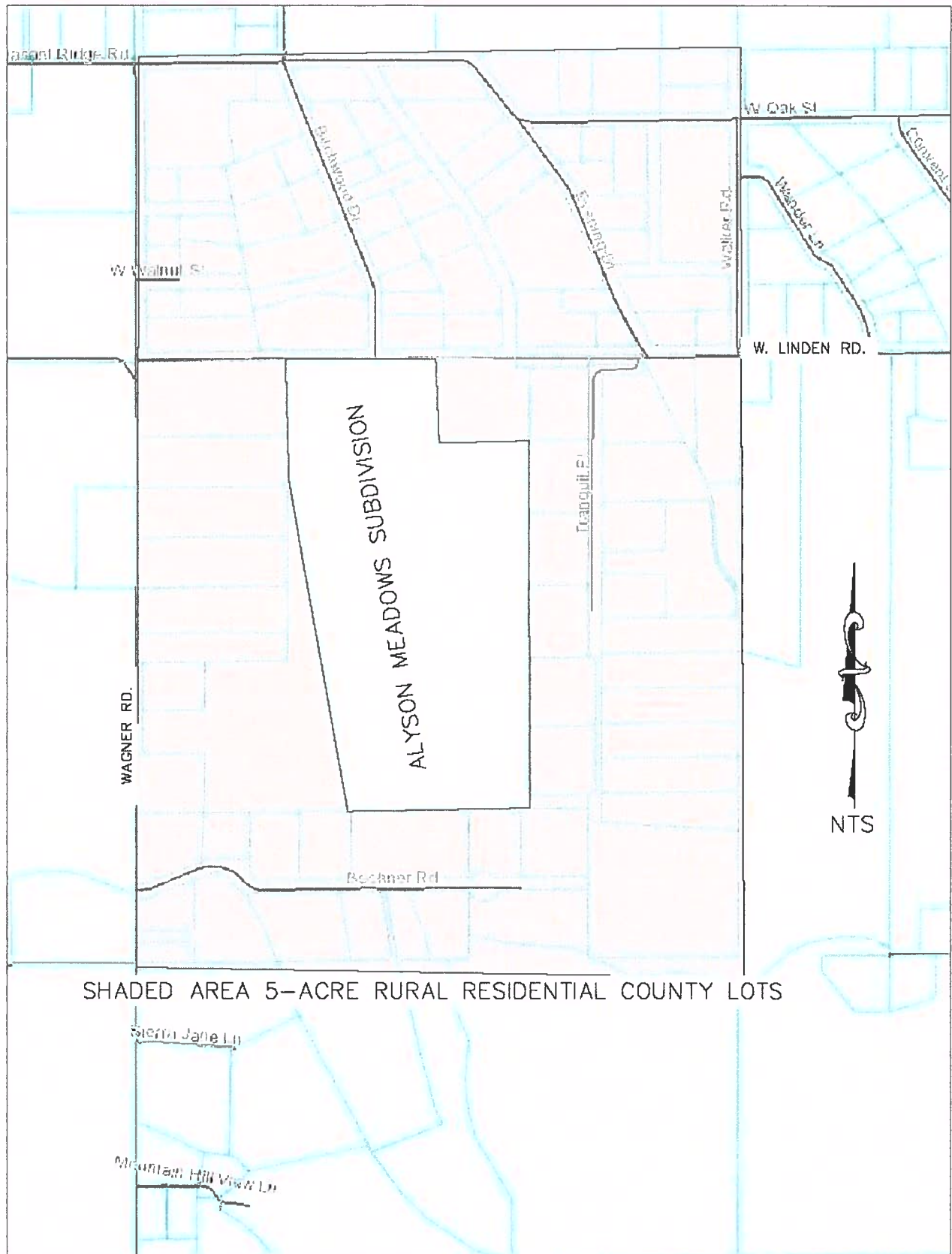
Alyson Meadows supports Canyon County Planning and Zoning Conditions of Approval of September 5, 2024.

Thank you,
Elwin

Elwin T. Butler, PE
208 739-8668
Matrix Engineering, Inc.

cc. Michelle Barron, michelle.barron@canyoncounty.id.gov

SITE MAP





Planning and Zoning Commission

Alyson Meadows Subdivision Preliminary Plat SD2021-0039

FINDINGS, CONCLUSIONS LAW, AND ORDER

Findings of Fact

1. The applicant, Cory Swain, CS2, LLC and representative Elwin Butler, PE, are requesting approval of a preliminary plat and irrigation plan for the Alyson Meadows Subdivision. This proposed subdivision will consist eighteen (18) residential lots and one (4) common lots.
2. The subject property was rezoned from "AG" agricultural to "CR-RR" rural residential in case RZ2021-0047 approved on October 3, 2023.
3. The subject property is also known as parcel R35590 and is located at 0 Linden Street, Caldwell and located in the NW ¼ of section 32 Township 4N 3W Canyon County, Idaho.
4. The property is located within the Caldwell Area of City Impact. The City of Caldwell Director of Planning and Zoning and the City of Caldwell Engineering department provided comment and recommended conditions for the development. (Exhibits 6f, 6g, 6h and 6i)
5. The subject property is located within Pioneer Irrigation District jurisdiction. The district provided comment on the Cooper drain located on the West border of the development. (Exhibits 6d and 6e)
6. The development will be served by individual wells and septic systems.
7. Access to the public road system will be via Linden Road from a private road named Wolverine Lane. A private road application has been submitted with this preliminary plat application.
8. The subject property is located within Highway District Number 4 jurisdiction. Comments and requirements were provided by the highway district. (Exhibits 6a, 6b and 6c)
9. Stormwater runoff shall be conveyed to the roadside ditches along the private road and contained within the stormwater retention easements. All stormwater facilities are the responsibility of the Homeowner's Association. If no homeowner's association exists maintenance both routine and non-routine maintenance will be the responsibility of the property owner.
10. The development is not located in a floodplain (Flood Zone X).
11. Notice of the public hearing was provided in accordance with CCZO §07-05-01. The impact agencies and City of Caldwell were notified on September 10, 2021. Agencies were noticed again on July 16, 2024. A newspaper notice was published on July 16, 2024. Property owners within 600' were notified by mail on July 12, 2024. The property was posted on July 16, 2024.
12. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2021-0039.
13. Due to the character of the area and the indefinite annexation timeline, the additional infrastructure required by the City of Caldwell may not be in compliance with City standards at the time of annexation.

Conclusions of Law

Pursuant to CCZO §07-17-09(4): Commission Action:

"The commission or hearing examiner shall hold a noticed public hearing on the preliminary plat. The hearing body shall recommend that the board approve, approve conditionally, modify, or deny the preliminary plat. The reasons for such action will be shown in the Commission's minutes. The reasons for action taken shall specify:

- 1. The ordinance and standards used in evaluating the application;*
- 2. Recommendations for conditions of approval that would minimize adverse conditions, if any;*
- 3. The reasons for recommending the approval, conditional approval, modification, or denial; and*
- 4. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision."*



Planning and Zoning Commission

Alyson Meadows Subdivision Preliminary Plat SD2021-0039

Standard of Review for Subdivision Plat:

- A. Idaho Code, Sections 67- 6513 (Subdivisions);
- B. Idaho Code, Section 31-3805 & 67-6537 (Water Rights/Irrigation Water Delivery);
- C. Idaho Code, Section 22-4503 (Right-to-Farm Act);
- D. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- E. Canyon County Code of Ordinances (CCCO), Article 17 (Subdivision Regulations).
 - a. The preliminary plat was found to be complete by Centurion Engineering (Exhibit 6p) subject to conditions of approval.
- F. Canyon County Code Section 09-01-01, Caldwell – Area of City Impact Agreement.
 - a. The property is located within the Caldwell Area of City Impact. Pursuant to CCZO Section 09-01-01, Caldwell – Area of City Impact Agreement, the city had the opportunity to review the plat application and render an opinion and recommendation to the County. On April 17, 2023, the City of Caldwell was noticed regarding the plat application which included a copy of the plat. The City of Caldwell responded with recommended conditions for the proposed preliminary plat. (Exhibits 6f, 6g, 6h and 6i).

Conditions of Approval

- 1. Plat shall comply with Canyon County Code of Ordinances Article 17 (Subdivision Regulations). Conditions shall be complied with per County Engineer letter, Exhibit 6p.
- 2. Update the revision block.
- 3. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
- 4. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation entity.
- 5. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved (Exhibit 6p).
- 6. The City of Caldwell requirements for this plat will be waived.
- 7. Plat shall comply with the requirements of Highway District No. 4. Evidence of compliance shall be Highway District No. 4 signature on the final plat.
- 8. The development shall comply with Southwest District Health requirements. Evidence of compliance shall be Southwest District Health's signature on the final plat.
- 9. An Irrigation Water User's Maintenance Agreement for all lots within the development shall be recorded with the Canyon County Recorder's Office prior to the Board signing the final plat.
- 10. Prior to the Board signing the final plat, an easement or common lot shall be added to provide a United States Postal Service community mailbox unless waived by the United States Postal Service.
- 11. The Final Plat shall comply with the International Fire Code as administered through Caldwell Rural Fire District. Evidence of compliance shall be written approval from the Caldwell Rural Fire District to be submitted to DSD prior to signing of the final plat.
- 12. A Road User's Maintenance Agreement (RUMA) shall be recorded in accordance with CCZO Section 0-10-03(1)B3 prior to the signing of the final plat. All parties using Birchwood Lane shall be



Planning and Zoning Commission
Alyson Meadows Subdivision Preliminary Plat SD2021-0039

subject to a RUMA or a new RUMA that includes all users for the construction and maintenance of the shared access/private road, including repairs, and necessary improvements to accommodate additional accesses in the future.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0039, the Planning and Zoning Commission **recommends approval** of the preliminary plat for Alyson Meadows Subdivision subject to conditions of approval as enumerated herein.

APPROVED this 5 day of Sept, 2024.



PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Handwritten signature of Robert Sturgill in blue ink.

Robert Sturgill, Chairman

State of Idaho)

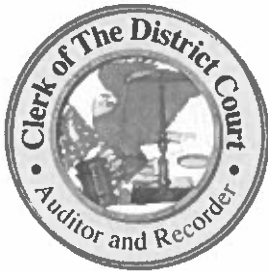
) SS

County of Canyon County)

On this 5th Day of September in the year of 2024, before me Amber Lewter 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 executed the same.

Notary: Amber Lewter

My Commission Expires: 10/20/2029



2023-033002

RECORDED

10/11/2023 11:50 AM



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CHRIS YAMAMOTO

CANYON COUNTY RECORDER

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AGR

CANYON COUNTY

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





CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue #310 • Caldwell, Idaho • 83605 • Phone (208) 454-7458

www.canyoncounty.id.gov

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 23-136

THIS AGREEMENT, made and entered into this 11 day of Oct., 2023, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and CS2, LLC, hereinafter referred to as "Applicant."

RECITALS

WHEREAS, The Applicant has applied to the County for a conditional rezone from an "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone – Rural Residential) Zone (RZ2021-0047), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcel R35590, approximately 40.84 acres, is owned by the Applicant; and

WHEREAS, on the 3 day of October, 2023, the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-R" Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B"; and

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance, or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

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

SECTION 1. AUTHORIZATION.

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

SECTION 2. PROPERTY OWNER.

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

SECTION 3. RECORDATION.

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

SECTION 4. TERM.

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

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

SECTION 5. MODIFICATION.

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

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

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

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Property from "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone – Rural Residential) Zone, which conditions are attached hereto as EXHIBIT "B".

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

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see EXHIBIT "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-R-R (Conditional Rezone – Rural Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

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

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number RZ2021-0047 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

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

SECTION 10. PERIODIC REVIEW.

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

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to

the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

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

SECTION 13. ZONING REVERSION CONSENT.

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

SECTION 14. COMPLIANCE WITH LAWS.

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

SECTION 15. RELATIONSHIP OF PARTIES.

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

SECTION 16. CHANGES IN LAW.

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

SECTION 17. NOTICES.

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

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

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #310
Caldwell, Idaho 83605

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

Name: CS2, LLC (Cory Swain)
Street Address: 3363 E Presidential Drive, Suite 201
City, State, Zip: Meridian, ID 83642

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

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicant(s), a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

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

SECTION 20. TIME OF ESSENCE.

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

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

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**



Commissioner Leslie Van Beek



Commissioner Brad Holton



Commissioner Zach Brooks

ATTEST: Chris Yamamoto, Clerk

BY: 

Deputy

DATE: 10-11-23



APPLICANT



Cory Swain, CS2, LLC
Property Owner

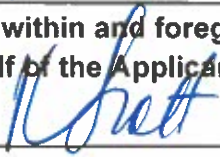
(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)

) ss.

County of Canyon)

On this 4 day of October, 2023, before me, a notary public, personally appeared Cory Swain, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.



Notary Public for Idaho

Residing at: Meridian, Idaho

My Commission Expires: 05/16/2024

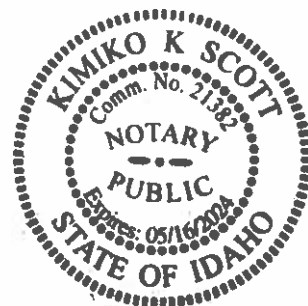


EXHIBIT "A"

LEGAL DESCRIPTION

This parcel is a portion of the Northwest $\frac{1}{4}$ of Section 32 in Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Commencing at the Northwest corner of said Northwest $\frac{1}{4}$, (Northwest Section Corner, Section 32), a found brass cap monument; thence

North $89^{\circ}51'2r$ East, along the North boundary of the Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 664.27 feet to the TRUE POINT OF BEGINNING, said point being the Northwest corner of the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, witnessed by a found $\frac{5}{8}$ inch diameter rebar bearing South $00^{\circ}45'45''$ West, a distance of 25.00 feet; thence

North $89^{\circ}51'2r$ East, along the North boundary of the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 664.35 feet to the Northeast corner of the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a found $\frac{5}{8}$ inch diameter rebar, thence

South $00^{\circ}46'24''$ West, along the East boundary of the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 368.06 feet to a found $\frac{1}{2}$ inch diameter rebar; thence

North $89^{\circ}51'27''$ East, parallel with the North boundary of the Northeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 400.62 feet to a found $\frac{1}{2}$ inch diameter rebar; thence

South $00^{\circ}47'09''$ West, a distance of 1554.62 feet to a point on a line that is sixty feet North of and parallel with the South boundary of the Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, a $\frac{5}{8}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

North $89^{\circ}58'15''$ East, along said parallel line a distance of 263.52 feet to a point on the East boundary of the Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, a $\frac{5}{8}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

South $00^{\circ}47'09''$ West, along said East boundary, a distance of 60.00 feet to the Southeast corner of the Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, a $\frac{5}{8}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

South $89^{\circ}58'15''$ West, along the South boundary of the Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 663.78 feet to a $\frac{5}{8}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

South $89^{\circ}57'59''$ West, along the South boundary of the North $\frac{1}{2}$ Southwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 399.13 feet to a $\frac{5}{8}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

North $9^{\circ}15'41''$ West, a distance of 1521.31 feet to a point on the West boundary of the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a found $\frac{5}{8}$ inch diameter rebar; thence

North $00^{\circ}45'45''$ East, along said West boundary, a distance of 478.84 feet to the TRUE POINT OF BEGINNING.

EXHIBIT "B"

CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel shall be in subjection to the Canyon County Zoning Ordinance Chapter 7, Article 17 for platting with a maximum of 18 buildable lots with an average lot size of 2.00 acres.
3. The applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell Planning and Zoning Department letters as seen in Exhibit D, Attachment 7f and 7g with the exception of the requirement connecting to the Public Water System, which is waived.
4. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."

EXHIBIT B

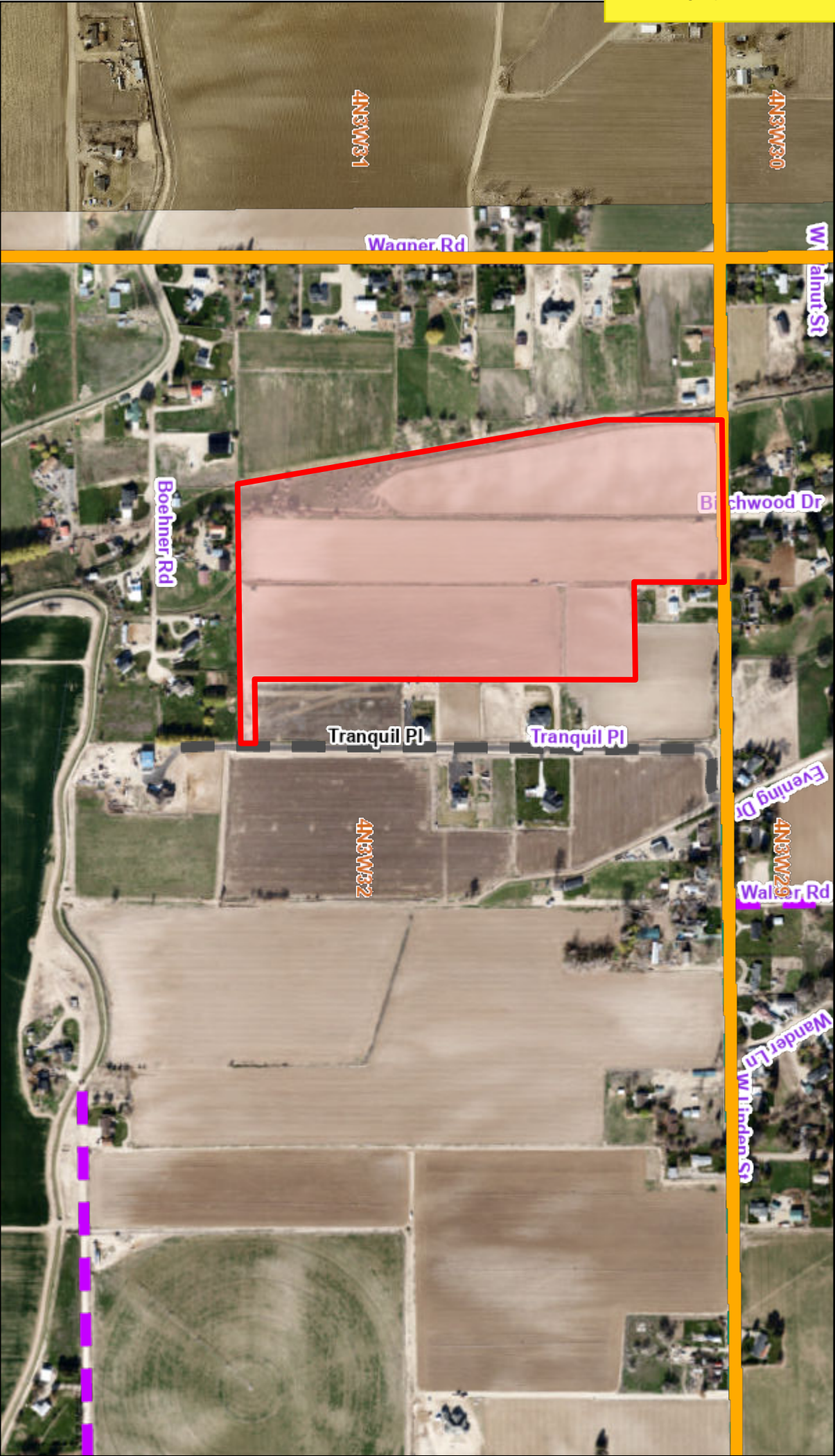
Background Documents

Planning & Zoning Commission

Case# RZ2021-0047-MOD

Hearing date: May 1, 2025

Canyon County, ID Web Map



2/13/2025, 9:50:57 AM

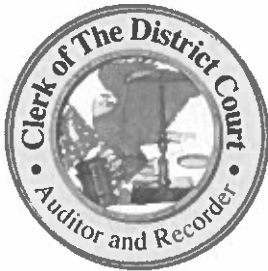
- Multiple Parcel Search_ Query result
- County Boundary
- Current Impact Area
- City Limits
- Sections
- CC_PrivateRoads
- ITDFunctionalClassification
- Major Collector
- Minor Arterial
- Urban_2023
- Imagery_2022
- Red: Red
- Green: Green
- Blue: Blue
- Red: Band_1
- Green: Band_2

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



2023-033002

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CHRIS YAMAMOTO

CANYON COUNTY RECORDER

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CANYON COUNTY

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





CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue #310 • Caldwell, Idaho • 83605 • Phone (208) 454-7458

www.canyoncounty.id.gov

DEVELOPMENT AGREEMENT BETWEEN CANYON COUNTY AND APPLICANT

Agreement number: 23-136

THIS AGREEMENT, made and entered into this 11 day of Oct., 2023, by and between Canyon County, Idaho, a political subdivision of the state of Idaho, hereinafter referred to as "COUNTY" and CS2, LLC, hereinafter referred to as "Applicant."

RECITALS

WHEREAS, The Applicant has applied to the County for a conditional rezone from an "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone – Rural Residential) Zone (RZ2021-0047), which are legally described in the attached EXHIBIT "A," incorporated by reference herein (hereinafter referred to as "Subject Property"); and

WHEREAS, Parcel R35590, approximately 40.84 acres, is owned by the Applicant; and

WHEREAS, on the 3 day of October, 2023, the Canyon County Board of Commissioners approved a conditional rezone with conditions of the Subject Property to a "CR-R-R" Zone, which was done with Applicant's approval. The conditions of the approval for the conditional rezone are attached hereto as EXHIBIT "B"; and

WHEREAS, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance, or as amended, and to ensure the Applicants will implement and be bound by the conditions of the rezone order issued by the Canyon County Board of Commissioners; and

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

SECTION 1. AUTHORIZATION.

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

SECTION 2. PROPERTY OWNER.

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

SECTION 3. RECORDATION.

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

SECTION 4. TERM.

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

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

SECTION 5. MODIFICATION.

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

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

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

SECTION 7. COMMITMENTS.

Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Property from "A" (Agricultural) Zone to "CR-R-R" (Conditional Rezone – Rural Residential) Zone, which conditions are attached hereto as EXHIBIT "B".

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

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7 unless conditioned otherwise (see EXHIBIT "B"). The uses and maximum height and size of the buildings on the Subject Properties shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an "CR-R-R (Conditional Rezone – Rural Residential) zone and those provisions of law that are otherwise applicable to the Subject Property.

SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.

A. COUNTY REVIEW.

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

B. COUNTY PROCEDURES.

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the County with respect to Applicant's conditional rezone application in Development Services Department Case Number RZ2021-0047 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

C. INDEMNITY.

Applicants agree to, and do hereby, defend, hold harmless and indemnify the County, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the County's review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the County pursuant to Subsection 9(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by County of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

D. DEFENSE EXPENSES.

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

SECTION 10. PERIODIC REVIEW.

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

SECTION 11. REQUIRED PERFORMANCE.

Applicants shall timely carry out all steps required to be performed and maintain all commitments set forth in this Agreement and as set forth in County laws, ordinances, rules and regulations as they pertain to

the Subject Property including, but not limited to, those concerning the commencement of development, completion of development, preliminary platting and final platting.

SECTION 12. DEFAULT AND REMEDIES.

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

SECTION 13. ZONING REVERSION CONSENT.

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

SECTION 14. COMPLIANCE WITH LAWS.

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

SECTION 15. RELATIONSHIP OF PARTIES.

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

SECTION 16. CHANGES IN LAW.

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

SECTION 17. NOTICES.

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

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

Director
Development Services Department
Canyon County Administration
111 North 11th Avenue, #310
Caldwell, Idaho 83605

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

Name: CS2, LLC (Cory Swain)
Street Address: 3363 E Presidential Drive, Suite 201
City, State, Zip: Meridian, ID 83642

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

SECTION 18. TERMINATION.

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicant(s), a subsequent owner, or other person acquiring an interest in the property described in attached EXHIBIT "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

SECTION 19. EFFECTIVE DATE.

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

SECTION 20. TIME OF ESSENCE.

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

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

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**



Commissioner Leslie Van Beek



Commissioner Brad Holton



Commissioner Zach Brooks

ATTEST: Chris Yamamoto, Clerk

BY: 

Deputy

DATE: 10-11-23



APPLICANT



Cory Swain, CS2, LLC
Property Owner

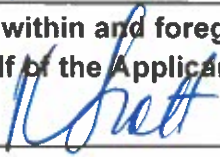
(All Applicants must sign and their signatures must be notarized)

STATE OF IDAHO)

) ss.

County of Canyon)

On this 4 day of October, 2023, before me, a notary public, personally appeared Cory Swain, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.



Notary Public for Idaho

Residing at: Meridian, Idaho

My Commission Expires: 05/16/2024

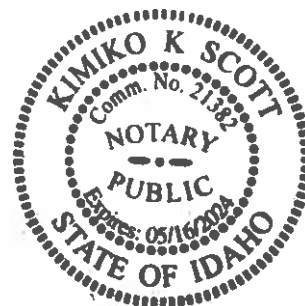


EXHIBIT "A"

LEGAL DESCRIPTION

This parcel is a portion of the Northwest $\frac{1}{4}$ of Section 32 in Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Commencing at the Northwest corner of said Northwest $\frac{1}{4}$, (Northwest Section Corner, Section 32), a found brass cap monument; thence

North $89^{\circ}51'2r$ East, along the North boundary of the Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 664.27 feet to the TRUE POINT OF BEGINNING, said point being the Northwest corner of the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, witnessed by a found $\frac{5}{8}$ inch diameter rebar bearing South $00^{\circ}45'45''$ West, a distance of 25.00 feet; thence

North $89^{\circ}51'2r$ East, along the North boundary of the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 664.35 feet to the Northeast corner of the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a found $\frac{5}{8}$ inch diameter rebar, thence

South $00^{\circ}46'24''$ West, along the East boundary of the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 368.06 feet to a found $\frac{1}{2}$ inch diameter rebar; thence

North $89^{\circ}51'27''$ East, parallel with the North boundary of the Northeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 400.62 feet to a found $\frac{1}{2}$ inch diameter rebar; thence

South $00^{\circ}47'09''$ West, a distance of 1554.62 feet to a point on a line that is sixty feet North of and parallel with the South boundary of the Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, a $\frac{5}{8}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

North $89^{\circ}58'15''$ East, along said parallel line a distance of 263.52 feet to a point on the East boundary of the Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, a $\frac{5}{8}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

South $00^{\circ}47'09''$ West, along said East boundary, a distance of 60.00 feet to the Southeast corner of the Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, a $\frac{5}{8}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

South $89^{\circ}58'15''$ West, along the South boundary of the Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 663.78 feet to a $\frac{5}{8}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

South $89^{\circ}57'59''$ West, along the South boundary of the North $\frac{1}{2}$ Southwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a distance of 399.13 feet to a $\frac{5}{8}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352; thence

North $9^{\circ}15'41''$ West, a distance of 1521.31 feet to a point on the West boundary of the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$, a found $\frac{5}{8}$ inch diameter rebar; thence

North $00^{\circ}45'45''$ East, along said West boundary, a distance of 478.84 feet to the TRUE POINT OF BEGINNING.

EXHIBIT "B"

CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel shall be in subjection to the Canyon County Zoning Ordinance Chapter 7, Article 17 for platting with a maximum of 18 buildable lots with an average lot size of 2.00 acres.
3. The applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell Planning and Zoning Department letters as seen in Exhibit D, Attachment 7f and 7g with the exception of the requirement connecting to the Public Water System, which is waived.
4. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."



In the matter of the application of:

[CS2 LLC] – [Case RZ2021-0047]

The Canyon County Planning and Zoning Commission considers the following:

1) Conditional Rezone

[Case RZ2023-0047, Address (Parcel Number: R35590), a portion of the NW¼ of Section 32, T4N, R3W, BM, Canyon County, Idaho]

Parcel Size: 40.84 acres

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File RZ2021-0047.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-01-25 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-05-01
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and

statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (RZ2021-0047) was presented at a public hearing before the Canyon County Planning and Zoning Commission on (07/20/2023). Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

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

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

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

Findings: (1) The parcel's future land use in the 2020 comprehensive plan is residential.

(2) The proposed conditional rezone is consistent with the eight (8) policies and four (4) goals:

Chapter 1. Property Rights:

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Policy 11. Property owners shall not use their property in a manner that negatively impacts the surrounding neighbors or neighborhoods.

Chapter 2. Population:

Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy 3. Encourage future populations to locate in areas that population for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development:

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use:

Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.

Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 2. Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

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

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

Conclusion: As conditioned the requested is more appropriate than the current zoning designation.

- Findings:**
- (1) Per the 2020 Comprehensive plan the proposed project aligns with the future outlook of the area (Exhibit B Attachment 3e) as well as the property is located within the City of Caldwell Area of City Impact.
 - (2) Property Owners within the area show their support of the application via a Letter of Support as seen in Exhibit B Attachment 5c.
 - (3) There are 30 platted subdivisions within the vicinity, see Exhibit B Attachment 3c.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.
 - (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed development as conditioned, is compatible with the surrounding land uses.

- Findings:**
- (1) Per the 2020 Comprehensive plan the proposed project aligns with the future outlook of the area (Exhibit B Attachment 3f) as well as the property is located within the City of Caldwell Area of City Impact.
 - (2) Property Owners within the area show their support of the application via a Letter of Support as seen in Exhibit B Attachment 5c.
 - (3) There are 30 platted subdivisions within the vicinity, see Exhibit B Attachment 3c.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.
 - (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: As conditioned, the request will not negatively affect the character of the area.

- Findings:**
- (1) The character of the area is highly residential with 30 platted subdivisions within the vicinity (Exhibit B Attachment 3c)
 - (2) The zoning in the surrounding vicinity is primarily "A" agricultural, however, the public comments show the rezone is aligned with the surrounding area (Exhibit B Attachment 3d)
 - (3) Notice of the public hearing was provided per CCZO §07-05-01.
Affected agencies were noticed on June 08, 2023.
Newspaper notice was published on June 09, 2023.
Property owners within 600' were notified by mail on June 09, 2023.
Full political notice was provided on June 08, 2023.
The property was posted on June 16, 2023.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.
 - (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided to accommodate the proposed zoning map amendment at the time of any development.

- Findings:**
- (1) The subject parcel has communication with the City of Caldwell and a pre-annexation agreement with the City of Caldwell that the proposed development will connect to the currently available water source and utilize individual septic systems until services arrive (Exhibit B Attachment 4f and Exhibit B Attachment 4g).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01.
Affected agencies were noticed on June 08, 2023.
Newspaper notice was published on June 09, 2023.
Property owners within 600' were notified by mail on June 09, 2023.
Full political notice was provided on June 08, 2023.
The property was posted on June 16, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Legal access exists and no public street improvements need to be made to provide adequate access to and from the subject property.

- Findings:**
- (1) The subject property has frontage off of Linden Rd, per Canyon Highway District comments in Exhibit B Attachment 4c, Exhibit B Attachment 4d, and Exhibit B Attachment 4e the proposed development has legal access, and no concerns were stated by Idaho Transportation Department (Exhibit B Attachment 4k).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01.
Affected agencies were noticed on June 08, 2023.
Newspaper notice was published on June 09, 2023.
Property owners within 600' were notified by mail on June 09, 2023.
Full political notice was provided on June 08, 2023.
The property was posted on June 16, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed development for the conditional rezone does have legal access.

- Findings:**
- (1) The subject property has frontage off of Linden Rd, per Canyon Highway District comments in Exhibit B Attachment 4c, Exhibit B Attachment 4d, and Exhibit B Attachment 4e the proposed development has legal access, and no concerns were stated by Idaho Transportation Department (Exhibit B Attachment 4k).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01.
Affected agencies were noticed on June 08, 2023.

Newspaper notice was published on June 09, 2023.
Property owners within 600' were notified by mail on June 09, 2023.
Full political notice was provided on June 08, 2023.
The property was posted on June 16, 2023.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.
- (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: As conditioned, essential services will not be impacted.

- Findings:**
- (1) All affected agencies were notified per CCZO §07-05-01, and no comments of concern were received back.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01.
Affected agencies were noticed on June 08, 2023.
Newspaper notice was published on June 09, 2023.
Property owners within 600' were notified by mail on June 09, 2023.
Full political notice was provided on June 08, 2023.
The property was posted on June 16, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.
 - (4) Evidence includes associated findings and evidence supported within this document.

Canyon County Code §09-01-25 Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Caldwell Area of City Impact. A notice was sent to the City of Caldwell per Canyon County Code Section 09-01-25. The conditions applied require future development to work with the City of Caldwell.

- Findings:**
- (1) The City of Caldwell was provided notice on June 08, 2023, pursuant to Canyon County Code Section 09-01-25. The City of Caldwell provided comments regarding the case and requested conditions of approval that can be found in Exhibit B Attachment 4f and Exhibit B Attachment 4g.
 - (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **approval** of Case #RZ2021-0047, a conditional rezone of R35590 subject to conditions of the development agreement (Attachment A).

DATED this 20 day of July, 2023.



PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

A handwritten signature in blue ink, appearing to read "Robert Sturgill".

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 20th day of July, in the year 2023, before me Bonnie Puleo, 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: _____

A handwritten signature in blue ink, appearing to read "Bonnie Puleo".

My Commission Expires: _____

12/10/2027

ATTACHMENT A
DRAFT CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel shall be in subjection to the Canyon County Zoning Ordinance Chapter 7, Article 17 for platting with a maximum of 18 buildable lots with an average lot size of 2.00 acres.
3. The preliminary plat must align with the conditions and comments given by the City of Caldwell's letter seen in Exhibit B Attachment 4f and Exhibit B Attachment 4g unless otherwise waived by the City or the Board of County Commissioners.
4. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."

**BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

In the matter of the application of:

CS2 LLC – Case RZ2021-0047

The Canyon County Board of County Commissioners
considers the following:

- Conditional Rezone of the subject parcel, approximately 40.84 acres, from A (Agricultural) zone to CR-RR (Conditional Rezone - Rural Residential) zone, and
- Development Agreement with conditions that restricts the development to 18 residential lots.

Case RZ2021-0047, 0 Linden Street, Caldwell (Parcel Number: R35590), a portion of the NW¼ of Section 32, T4N, 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 RZ2021-0047.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-01-25 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-06-07.
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6511.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 67-6511.
4. The Board can sustain, modify or reject the Planning and Zoning Commission's recommendations. *See* CCZO §07-05-03

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

The application RZ2021-0047 was presented at a public hearing before the Canyon County Board of Commissioners on October 3, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

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

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

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

Findings: (1) The parcel's future land use in the 2020 comprehensive plan is residential.

(2) The proposed conditional rezone is consistent with the eight (8) policies and four (4) goals:

Chapter 1. Property Rights:

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Policy 11. Property owners shall not use their property in a manner that negatively impacts the surrounding neighbors or neighborhoods.

Chapter 2. Population:

Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy 3. Encourage future populations to locate in areas that population for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development:

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use:

Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.

Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 2. Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

The applicant is being given due process of law through the hearing process. The conditions of the Development Agreement (Exhibit A) will limit the number of residential lots to 18.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

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

Conclusion: As conditioned the requested is more appropriate than the current zoning designation.

- Findings:**
- (1) Per the 2020 Comprehensive plan the proposed project aligns with the future land use designation of the area (Exhibit D Attachment 6e) as well as being located within the City of Caldwell Area of City Impact.
 - (2) Property Owners within the area show their support of the application via a Letter of Support as seen in Exhibit D Attachment 8c.
 - (3) There are 29 platted subdivisions within the vicinity, see Exhibit D Attachment 6c.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

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

Conclusion: The proposed development as conditioned, is compatible with the surrounding land uses.

- Findings:**
- (1) Per the 2020 Comprehensive plan the proposed project aligns with the future designation of the area (Exhibit D Attachment 6e) as well as the property is located within the City of Caldwell Area of City Impact.
 - (2) Property Owners within the area show their support of the application via a Letter of Support as seen in Exhibit D Attachment 8c.
 - (3) There are 29 platted subdivisions within a mile radius with the average lot size .84 acres, see Exhibit D Attachment 6c.
 - (4) The applicant is proposing keeping the lots at an average of 2 acre minimum making it more compatible with surrounding land uses.
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

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

Conclusion: As conditioned, the request will not negatively affect the character of the area.

- Findings:**
- (1) The proposed zoning has a minimum average lot size of two acres. Property to the east have lots that are approximately 1.92 acres in size. The character of the area is primarily residential with 29 platted subdivisions within the vicinity (Exhibit D Attachment 6c)
 - (2) The zoning in the surrounding vicinity is primarily "A" agricultural, however, the use is predominantly residential and the public support letter agrees that the rezone is aligned with the surrounding area (Exhibit D Attachments 6d and 8c)

- (3) Notice of the public hearing was provided per CCZO §07-05-01.
Affected agencies were noticed on August 23, 2023.
Newspaper notice was published on August 23, 2023.
Property owners within 600' were notified by mail on August 23, 2023.
Full political notice was provided on August 23, 2023.
The property was posted on August 31, 2023.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

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

Conclusion: Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided to accommodate the proposed zoning map amendment at the time of any development.

- Findings:**
- (1) The subject parcel has communication with the City of Caldwell a Municipal Services agreement with the City of Caldwell would be required if the proposed development will connect to the City water source. The development will utilize individual septic systems until services can be provided. (Exhibit D Attachment 7f and 7g)
 - (2) Notice of the public hearing was provided per CCZO §07-05-01.
Affected agencies were noticed on August 23, 2023.
Newspaper notice was published on August 23, 2023.
Property owners within 600' were notified by mail on August 23, 2023.
Full political notice was provided on August 23, 2023.
The property was posted on August 31, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

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

Conclusion: Legal access exists and no public street improvements need to be made to provide adequate access to and from the subject property.

- Findings:**
- (1) The subject property has frontage off of Linden Rd, per Canyon Highway District comments in Exhibit D Attachment 7c, 7d, and 7e, the proposed development has legal access, and no concerns were stated by Idaho Transportation Department (Exhibit D Attachment 7k).
 - (2) Future Right of Way dedication along Linden Street will be required at time of platting. (Exhibit D, Attachment 7c)
 - (3) Notice of the public hearing was provided per CCZO §07-05-01.
Affected agencies were noticed on August 23, 2023.
Newspaper notice was published on August 23, 2023.
Property owners within 600' were notified by mail on August 23, 2023.
Full political notice was provided on August 23, 2023.
The property was posted on August 31, 2023.
 - (4) Evidence includes the application, support materials submitted by the applicant, public

testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

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

Conclusion: The proposed development for the conditional rezone does have legal access.

Findings: (1) The subject property has frontage off of Linden Rd, per Canyon Highway District comments in Exhibit D Attachment 7c, Exhibit D Attachment 7d, and Exhibit D Attachment 7e the proposed development has legal access, and no concerns were stated by Idaho Transportation Department (Exhibit D Attachment 7k).

Notice of the public hearing was provided per CCZO §07-05-01.

Affected agencies were noticed on August 23, 2023.

Newspaper notice was published on August 23, 2023.

Property owners within 600' were notified by mail on August 23, 2023.

Full political notice was provided on August 23, 2023.

The property was posted on August 31, 2023.

(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

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

Conclusion: As conditioned, essential services will not be impacted.

Findings: (1) All affected agencies were notified per CCZO §07-05-01, and no comments of concern were received. The proposed development will be serviced by Caldwell School District, Canyon County Sheriff, Caldwell Rural Fire and Canyon Ambulance District.

Notice of the public hearing was provided per CCZO §07-05-01.

Affected agencies were noticed on August 23, 2023.

Newspaper notice was published on August 23, 2023.

Property owners within 600' were notified by mail on August 23, 2023.

Full political notice was provided on August 23, 2023.

The property was posted on August 31, 2023.

(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

Canyon County Code §09-01-25 Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Caldwell Area of City Impact. A notice was sent to the City of Caldwell per Canyon County Code Section 09-01-25.

Findings: (1) The City of Caldwell was provided notice on June 08, 2023, pursuant to Canyon County Code Section 09-01-25. The City of Caldwell provided comments regarding the case and requested conditions be placed on this development that can be found in Exhibit D Attachment 7f and Attachment 7g.

- (2) The City would prefer this parcel be annexed into the City, however, the parcels are not contiguous to any incorporated parcels at this time. The conditions requested by the City are:
- The development shall comply with the City of Caldwell landscaping requirements within City of Caldwell Municipal Codes, Chapter 10, Article 7; and
 - The development shall comply with the City of Caldwell subdivision requirements within the City of Caldwell Municipal Codes, Chapter 11; and
 - A Municipal Services Agreement shall be required for if any city utilities will be provided to service the site (including water, sewer, and/or irrigation). (Exhibit D, Attachment 7g)
- (3) The proposed development does fit within the Comprehensive Plan for City of Caldwell as Residential Estates designation. (Exhibit D, Attachment 7g)
- (4) The City of Caldwell Engineering Department letter stated that water availability would be determined during review of improvement plans. They will require the development to comply with the Water Master Study and the 6 requirements listed in Exhibit D, Attachment 7h.
- (5) Sanitary sewer is currently unavailable. The City of Caldwell Engineering Department requests a Municipal Services Agreement when the City deems it appropriate to connect. (Exhibit D, Attachment 7h)
- (6) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0047.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners recommends **approval** of Case #RZ2021-0047, a conditional rezone of R35590 subject to conditions of the development agreement (Attachment A).

CANYON COUNTY BOARD OF COMMISSIONERS

☒ Motion Carried Unanimously
☐ Motion Carried/Split Vote Below
☐ Motion Defeated/Split Vote Below


 Commissioner Leslie Van Beek


 Commissioner Brad Horton


 Commissioner Zach Brooks

Attest: Chris Yamamoto, Clerk

By: 
 Deputy

Yes	No	Did Not Vote
☒	☐	☐
☒	☐	☐
☒	☐	☐

Date: 10-3-23

ATTACHMENT A

P & Z RECOMMENDED DRAFT CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel shall be in subjection to the Canyon County Zoning Ordinance Chapter 7, Article 17 for platting with a maximum of 18 buildable lots with an average lot size of 2.00 acres.
3. The applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell Planning and Zoning Department letters as seen in Exhibit D, Attachment 7f and 7g with the exception of the requirement connecting to the Public Water System, which is waived.
4. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."

Commissioners Minutes

October 3, 2023 – 1:32 p.m. to 2:50 p.m.

PUBLIC HEARING – REQUEST BY CS2, LLC, FOR A CONDITIONAL REZONE FROM AN “A” (AGRICULTURAL) ZONE TO AN “R-R” (RURAL RESIDENTIAL) ZONE, CASE NO. RZ2021-0047

Commissioners Brad Holton, Zach Brooks and Leslie Van Beek

DSD Planner III Michelle Barron

Permit Technician Marcus Gomez

Deputy PA Laura Keys

Bob Unger

Deputy Clerk Monica Reeves



PUBLIC HEARING – REQUEST BY CS2, LLC, FOR A CONDITIONAL REZONE FROM AN “A” (AGRICULTURAL) ZONE TO AN “R-R” (RURAL RESIDENTIAL) ZONE, CASE NO. RZ2021-0047

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by CS2, LLC, for a conditional rezone of approximately 40.84 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone, Case No. RZ2021-0047. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Planner III Michelle Barron, Permit Technician Marcus Gomez, Deputy PA Laura Keys, Bob Unger, and Deputy Clerk Monica Reeves.

DSD Planner III Michelle Barron gave the oral staff report. The average minimum lot size in the “R-R” zone is two (2) acres. The subject property, parcel no. R35590, is located on the south side of W. Linden St., approximately 673 ft. east of the intersection of Wagner Rd. and W. Linden Street in Caldwell. The property is located within the City of Caldwell’s area of city impact. On July 20, 2023, the Planning and Zoning Commission recommended approval of the conditional rezone from Agricultural to Conditional Rezone-Rural Residential. The concept plan is for 18 lots and includes individual septic systems. The future land use designation in the 2020 comprehensive plan is residential; the City of Caldwell designates it as residential estates. City sewer is not available to the site but they want the developer to extend water to the site; however, the developer is seeking a waiver of that requirement. The City’s comments were mostly on the plat, but Planner Barron said what the Board needs to look at today is whether the waiver will be granted. The zoning in the area is predominately agriculture, but the use is rural residential. There are 29 platted subdivisions within the area. The parcels located just east of the rezone were rezoned in 2020 to rural residential and a preliminary plat for 10 lots was approved earlier this year. The request aligns with 4 goals and 8 policies of the comprehensive plan. Planner Barron reviewed agency comments and the draft conditions of approval.

Bob Unger, who represents CS2, LLC, testified in support of the applicant and said staff has done an excellent job representing the case. The project consists of 18 two-acre lots and they intend to comply with the City of Caldwell’s requirements as far as lot sizes, but they are asking for a

waiver of some requirements, specifically, the extension of water to the project. City water is almost a mile from the project and Mr. Unger estimates it would cost nearly \$500,000 to make that connection. Originally the applicant had one-acre lots in order to cover the cost of extending water, but that was opposed by the neighbors so they went back to the drawing board and staff said they could request a waiver from the Board of Commissioners so they revised their plan two-acre lots which the neighbors support. According to Mr. Unger, that is the only city requirement they are seeking a waiver of. He gave testimony regarding the streets, and the irrigation supply, and EMS access. Following his testimony, Mr. Unger responded to questions from the Board.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. The Board reviewed the conditional rezone hearing criteria. Commissioner Brooks is in favor of application, but he is not in favor holding this applicant to standards the City of Caldwell has requested because the Board recently approved a case next to this parcel and the City's requirement for improvements were waived. Commissioner Van Beek said the amenities enhance the area and makes it more desirable, and she agrees with the leaving it the way the applicant has agreed to. She agrees to waive the water requirement but nothing more. Commissioner Holton wants a more maintained subdivision with curbs and gutters than without, and the applicant has testified they will agree to them. Commissioner Brooks believes it sets a terrible precedent to not waive the improvements in this case when the Board waived them for another applicant. He will not support being hypocritical in two different applications where one applicant is held to a different standard than the other. Commissioner Van Beek said it's a negotiation that was done between the applicant and the City and its area of impact area. Following discussion Commissioner Van Beek made a motion to approve Case No. RZ2021-0047, a conditional rezone subject to the conditions of the development agreement waiving requirement for the provision of city water. (All other conditions besides the connection to the public water system will remain the same.) The motion was seconded by Commissioner Holton and carried unanimously. The development and ordinance will be brought back for Board consideration once the applicant has signed the development agreement. The hearing concluded at 2:50 p.m. An audio recording is on file in the Commissioners' Office.



Planning and Zoning Commission
Alyson Meadows Subdivision Preliminary Plat SD2021-0039

FINDINGS, CONCLUSIONS LAW, AND ORDER

Findings of Fact

1. The applicant, Cory Swain, CS2, LLC and representative Elwin Butler, PE, are requesting approval of a preliminary plat and irrigation plan for the Alyson Meadows Subdivision. This proposed subdivision will consist eighteen (18) residential lots and one (4) common lots.
2. The subject property was rezoned from “AG” agricultural to “CR-RR” rural residential in case RZ2021-0047 approved on October 3, 2023.
3. The subject property is also known as parcel R35590 and is located at 0 Linden Street, Caldwell and located in the NW ¼ of section 32 Township 4N 3W Canyon County, Idaho.
4. The property is located within the Caldwell Area of City Impact. The City of Caldwell Director of Planning and Zoning and the City of Caldwell Engineering department provided comment and recommended conditions for the development. (Exhibits 6f, 6g, 6h and 6i)
5. The subject property is located within Pioneer Irrigation District jurisdiction. The district provided comment on the Cooper drain located on the West border of the development. (Exhibits 6d and 6e)
6. The development will be served by individual wells and septic systems.
7. Access to the public road system will be via Linden Road from a private road named Wolverine Lane. A private road application has been submitted with this preliminary plat application.
8. The subject property is located within Highway District Number 4 jurisdiction. Comments and requirements were provided by the highway district. (Exhibits 6a, 6b and 6c)
9. Stormwater runoff shall be conveyed to the roadside ditches along the private road and contained within the stormwater retention easements. All stormwater facilities are the responsibility of the Homeowner’s Association. If no homeowner’s association exists maintenance both routine and non-routine maintenance will be the responsibility of the property owner.
10. The development is not located in a floodplain (Flood Zone X).
11. Notice of the public hearing was provided in accordance with CCZO §07-05-01. The impact agencies and City of Caldwell were notified on September 10, 2021. Agencies were noticed again on July 16, 2024. A newspaper notice was published on July 16, 2024. Property owners within 600’ were notified by mail on July 12, 2024. The property was posted on July 16, 2024.
12. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2021-0039.
13. Due to the character of the area and the indefinite annexation timeline, the additional infrastructure required by the City of Caldwell may not be in compliance with City standards at the time of annexation.

Conclusions of Law

Pursuant to CCZO §07-17-09(4): Commission Action:

“The commission or hearing examiner shall hold a noticed public hearing on the preliminary plat. The hearing body shall recommend that the board approve, approve conditionally, modify, or deny the preliminary plat. The reasons for such action will be shown in the Commission’s minutes. The reasons for action taken shall specify:

- 1. The ordinance and standards used in evaluating the application;*
- 2. Recommendations for conditions of approval that would minimize adverse conditions, if any;*
- 3. The reasons for recommending the approval, conditional approval, modification, or denial; and*
- 4. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.”*



Planning and Zoning Commission

Alyson Meadows Subdivision Preliminary Plat SD2021-0039

Standard of Review for Subdivision Plat:

- A. Idaho Code, Sections 67- 6513 (Subdivisions);
- B. Idaho Code, Section 31-3805 & 67-6537 (Water Rights/Irrigation Water Delivery);
- C. Idaho Code, Section 22-4503 (Right-to-Farm Act);
- D. Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- E. Canyon County Code of Ordinances (CCCO), Article 17 (Subdivision Regulations).
 - a. The preliminary plat was found to be complete by Centurion Engineering (Exhibit 6p) subject to conditions of approval.
- F. Canyon County Code Section 09-01-01, Caldwell – Area of City Impact Agreement.
 - a. The property is located within the Caldwell Area of City Impact. Pursuant to CCZO Section 09-01-01, Caldwell – Area of City Impact Agreement, the city had the opportunity to review the plat application and render an opinion and recommendation to the County. On April 17, 2023, the City of Caldwell was noticed regarding the plat application which included a copy of the plat. The City of Caldwell responded with recommended conditions for the proposed preliminary plat. (Exhibits 6f, 6g, 6h and 6i).

Conditions of Approval

- 1. Plat shall comply with Canyon County Code of Ordinances Article 17 (Subdivision Regulations). Conditions shall be complied with per County Engineer letter, Exhibit 6p.
- 2. Update the revision block.
- 3. All subdivision improvements and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
- 4. Historic irrigation lateral, drain, ditch flow patterns, and easements shall be maintained unless approved in writing by the local irrigation entity.
- 5. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved (Exhibit 6p).
- 6. The City of Caldwell requirements for this plat will be waived.
- 7. Plat shall comply with the requirements of Highway District No. 4. Evidence of compliance shall be Highway District No. 4 signature on the final plat.
- 8. The development shall comply with Southwest District Health requirements. Evidence of compliance shall be Southwest District Health's signature on the final plat.
- 9. An Irrigation Water User's Maintenance Agreement for all lots within the development shall be recorded with the Canyon County Recorder's Office prior to the Board signing the final plat.
- 10. Prior to the Board signing the final plat, an easement or common lot shall be added to provide a United States Postal Service community mailbox unless waived by the United States Postal Service.
- 11. The Final Plat shall comply with the International Fire Code as administered through Caldwell Rural Fire District. Evidence of compliance shall be written approval from the Caldwell Rural Fire District to be submitted to DSD prior to signing of the final plat.
- 12. A Road User's Maintenance Agreement (RUMA) shall be recorded in accordance with CCZO Section 0-10-03(1)B3 prior to the signing of the final plat. All parties using Birchwood Lane shall be



Planning and Zoning Commission
Alyson Meadows Subdivision Preliminary Plat SD2021-0039

subject to a RUMA or a new RUMA that includes all users for the construction and maintenance of the shared access/private road, including repairs, and necessary improvements to accommodate additional accesses in the future.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0039, the Planning and Zoning Commission **recommends approval** of the preliminary plat for Alyson Meadows Subdivision subject to conditions of approval as enumerated herein.

APPROVED this 5 day of Sept, 2024.



PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Handwritten signature of Robert Sturgill in blue ink.

Robert Sturgill, Chairman

State of Idaho)

) SS

County of Canyon County)

On this 5th Day of September in the year of 2024, before me Amber Lewter, 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 executed the same.

Notary: Amber Lewter

My Commission Expires: 10/20/2029



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, August 15, 2024
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Miguel Villafana, Commissioner
Patrick Williamson, Commissioner
Harold Nevill, Commissioner
Geoff Mathews, Commissioner
Brian Sheets, Commissioner

Staff Members Present: Jay Gibbons, Assistant Director of Development Services
Michelle Barron, Principal Planner
Dan Lister, Principal Planner
Amber Lewter, Hearing Specialist

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

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

Item 1A:

Case No. SD2022-0005 / Bad River– Approve revised FCO's.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Order. Motion seconded by Commissioner Mathews. Chairman Sturgill and Commissioner Villafana abstained. Voice vote, motion carried.

Item 2A:

Case No. CR2022-0022 / Vermaas: The applicant, KM Engineering representing owner Bonnie Vance Vermaas, is requesting a conditional rezone of Parcels R37517 & R37519 from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone subject to a development agreement restricting development to 13 residential lots. The subject property is located at 9713 Galloway Road, Middleton; also referenced as a portion of the NW ¼ of Section 28, T5N, R2W, Canyon County, Idaho.

Staff proposed to be tabled to a date certain of October 17, 2024.

Commissioner Nevill asked if the applicant asked to postpone after seeing the recommendation of denial. Planner Dan Lister stated that Staff sent an email saying they thought a different zone would be more appropriate but if they didn't hear back from the applicant they would schedule the hearing. The applicant had some questions about rural residential zoning but never gave a solid answer about the hearing. The hearing was scheduled and then the applicant asked for a postponement so they could work on the application to a different zone. Planner Dan Lister explained if it gets heard as is and goes in front of the Board of County Commissioners then more than likely it will get remanded back to Planning and Zoning to be reheard. Commissioner Nevill asked how many people are present for the case. Chairman Sturgill advised there is the applicant and 12 in opposition.

Commissioner Williamson asked if the case is going off the 2020 Comp Plan or the 2030 Comp Plan. Planner Dan Lister advised it is the 2020 Comp Plan.

MOTION: Commissioner Sheets moved to postpone Case CR2022-0022 to a date certain of October 17, 2024. Motion seconded by Commissioner Villafana.

Discussion on the Motion:

Commissioner Nevill is not in favor because they often see the recommendation of denial and then want to change the application. He believes the best application should be brought forward first.

Commissioner Mathews agrees with Commissioner Nevill.

Roll call vote: 3 in favor, 3 opposed, motion failed.

Planner Dan Lister reviewed the Staff report for the record.

Commissioner Nevill asked if the applicant does change the zoning to RR where would they get the irrigation water. Planner Dan Lister advised each lot would have a half acre through their domestic well they could irrigate with or they would work with IDWR to get additional water rights. Commissioner Nevill asked about exhibit 2A if it would be more appropriate to call it developed for agriculture instead of undeveloped. Planner Dan Lister stated the applicant could better answer.

Commissioner Williamson asked about exhibit 3D if those subdivisions were approved before having to change the zoning maps. Planner Dan Lister stated a lot of the lots are still zoned agricultural and the subdivisions in question happened with conditional use permits in the past. Planner Dan Lister referred to exhibit 3E showing the decision years for the surrounding area.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Stephanie Hopkins (Representative) – IN FAVOR – 5725 N Discovery Way, Boise, ID 83713

Ms. Hopkins stated the neighborhood meeting happened in 2022 and in the last 2 years there has been coordination with engineering a few others for changes to the preliminary plat, the first comments she remembers seeing about the zoning was this year in early July. It was her opinion that the hearing date was talked about but not scheduled and thought she had time to revise the preliminary plat. Ms. Hopkins stated at the time of submitting the applications rezones were being heard at the same time as the preliminary plats. Her client wanted to pursue the R1 zone because of the Kelley rezone approved in 2021. Ms. Hopkins stated they want to work with staff and that was the reason for asking for the continuance so they can revise the preliminary plat to fit a rural residential zoning. Ms. Hopkins responded to Commissioner Nevill's question and stated the term undeveloped just means the lot is undeveloped from homes. Ms. Hopkins stated the owner used to raise and train horses but has aged so her son is now trying to help her develop the property so she can live in her current lot and have money for retirement. Ms. Hopkins stated staff is recommending 2.5 acre lots which is above what RR zoning states so they are going to look at the preliminary plat design and see what they can do. Ms. Hopkins provided details on the current proposal of the preliminary plat.

Commissioner Williamson asked why they were focusing on the plat before the rezone. Ms. Hopkins stated in general they focus on the layout of the lots to see if it will work for the zone and that is how

clients will see if their project is viable.

Commissioner Nevill asked what the agricultural use is on the lot. Ms. Hopkins stated it hasn't been irrigated for about 20 years and is not prime farm ground. Commissioner Nevill asked if they have considered providing a school bus stop. Ms. Hopkins stated they haven't considered that yet. She believes this is a small project and the subdivisions to the west may be better suited to put one up but is willing to have those conversations.

Commissioner Sheets asked if it is her intent to rework the application and resubmit it after the hearing. Ms. Hopkins stated she was working with Staff to revise the preliminary plat to align with a rural residential zone. Her intent is to change the zoning request. Commissioner Sheets asked about the excess water rights. Ms. Hopkins stated she would need to speak with her engineer.

Lyle Zufelt – IN OPPOSITION – 9965 Grand Tarahee, Middleton, ID 83644

Mr. Zufelt stated he lives in the Grand Estates Subdivision to the west of the proposed development. His subdivision is zoned RR and would have no problem if this project was zoned RR. His current concern is there is a property to the east of the 18 acres and believes this to be a first phase to a two-part phase development. Mr. Zufelt stated his subdivision attempt to keep the watering to a half acre and the other acreage has natural grasses or goats. He knows of other locations where wells are running dry because houses are too close together and that is why he would be ok with an RR zone.

Joe Strongone – IN OPPOSITION – 9617 Golden Willow St, Middleton, ID 83644

Mr. Strongone stated his property is adjacent directly south of the proposed development. He moved to the area because of the master plan saying this is an area for Ag and open country and he would like to keep it that way. Mr. Strongone stated during the neighborhood meeting most of the neighbors expressed wanting a minimum of 2.5 acres. Mr. Strongone stated it would be unfair for him to say he wants no development so he would be comfortable with 2.5 acres because it would then be consistent with the area. Mr. Strongone agrees with all of Staff's recommendation. He is against using well water for landscaping and is concerned about the neighborhood needing to drop their wells in the future.

Commissioner Nevill asked how long Mr. Strongone has lived there. Mr. Strongone advised he has lived there for 3 years. Commissioner Nevill asked if the larger lots preserve the agricultural way of life. Mr. Strongone stated they do for example there is lots with cows, goats, sheep, and llamas.

John McComb – IN OPPOSITION – 9612 Golden Willow, Middleton, ID 83644

Mr. McComb stated he is in agreement with Staff's recommendation. He is mostly concerned about the impact the schools will have. There is also concern with the water wells running dry and where the water drainage will go.

Ted Todd – IN OPPOSITION – 9564 Golden Willow St, Middleton, ID 83644

Mr. Todd stated the schools are full, the fire department is tapped and the area is left without paramedic services almost on a daily basis. Mr. Todd stated the irrigation water is less than adequate for the existing homes.

Commissioner Williamson asked for more information on the irrigation water. Mr. Todd stated Black Canyon Water Irrigation is who supplies the area and almost on a daily basis there is pressurization problems where they have to stagger watering times.

Chairman Sturgill asked if a Rural Residential with 2-acre minimum lots is better than 1 acre lots. Mr. Todd

stated people have the right to develop their property but the property should fit the area which are all 2 acres or more with livestock.

Richard Trudeau – IN OPPOSITION – 9810 Grand Teton Trail, Middleton, ID 83644

Mr. Trudeau stated he reviewed the application, staff report and comprehensive plan and knows that it doesn't meet two criteria. One the proposal doesn't meet the comprehensive plan and secondly it isn't consistent with the surrounding area. Mr. Trudeau is also concerned about the water. Recently there has been more intrusion on the aquifer than in the past. Mr. Trudeau stated he believes the rural residential zone would be acceptable in the area.

Stephanie Hopkins (Representative) – REBUTTAL – 5725 N Discovery Way, Boise, ID 83713

Ms. Hopkins stated she believes if the revision is made to the project changing it to rural residential the project will meet the surrounding area. Ms. Hopkins stated the irrigation concerns are related to the preliminary plat.

Commissioner Williamson asked if there was consideration for a communal water well for the development. Ms. Hopkins stated there wasn't for this development because that is usually considered for larger developments. Ms. Hopkins stated after speaking with her engineer it is her understanding that the wells will be dug deeper to not affect the surrounding wells.

MOTION: Commissioner Nevill moved to close public testimony on Case CR2022-0022, seconded by Commissioner Sheets, voice vote, motion carried.

DELIBERATION:

Commissioner Mathews stated there is already overcrowding of the schools in the area and he is concerned if they approve smaller developments they aren't helping the problem they would be exasperating it. Commissioner Mathews is in favor for denial and doesn't believe a change in zoning would change his mind.

Commissioner Nevill stated he agrees with staff's recommendation, that the proposal doesn't fit the surrounding area for question 4 and for question 8 the proposal would negatively impact the schools. Commissioner Nevill is in favor of denial.

Commissioner Mathews stated for question 8 the word not needs to be deleted in the first sentence.

Commissioner Williamson stated there was testimony about EMS services being rerouted and might want to add that in the findings. As well as the fire department being stretched.

Chairman Sturgill invited consideration to continue the case to allow the applicant to come back with what they plan to ultimately present to the Board of County Commissioners.

MOTION: Commissioner Williamson moved to table Case CR2022-0022 to a date certain of October 17, 2024. Seconded by Commissioner Sheets.

Discussion on the Motion:

Commissioner Sheets stated based upon the testimony and the intent of the applicant he doesn't see any other reasonable way to handle the case other than to continue it.

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

Item 2B:

Case No. SD2021-0039 / Alyson Meadows Subdivision: A request by Elwin Butler, PE for Cory Swain, CS2, LLC, for approval of a Preliminary Plat, irrigation and drainage plan for Alyson Meadows Subdivision. The development consists of 18 residential lots and 4 common lots, including a private road lot on approximately 40.84 acres. The average lot size is 2.00 acres. The subject property, parcel number R35590, is located at 0 Linden Road in the NW ¼ of Section 32, T4N, R3W, BM, Canyon County, Idaho.

Commissioner Villafana disclosed he farms near the parcel but has had no contact with the owners.

Planner Michelle Barron reviewed the Staff report for the record.

Chairman Sturgill asked what events would have to occur before the parcel gets annexed into the City of Caldwell. Planner Michelle Barron stated it has to be touching the city, it would then be up to the City and the owner to work out the details. Chairman Sturgill asked currently how far away from the city is the property. Planner Michelle Barron stated she doesn't currently have that information. Chairman Sturgill asked if the water infrastructure was available could they connect to the city immediately. Planner Michelle Barron stated if the structures are available and a pre-annexation agreement was signed she believes they could.

Commissioner Williamson asked if the EMS access is granted if the property to the east has an easement recorded to have EMS go in and out. Planner Michelle Barron stated the property to the east, Tranquil Place does have a turn around.

Commissioner Nevill asked about condition 6. Planner Michelle Barron stated in the rezone process the city requested they put in the infrastructure and connect to city water, they will not be connecting to city water yet but they will be putting in the infrastructure.

Commissioner Sheets asked if the annexation in the future could be involuntary. Planner Michelle Barron stated she is unsure. Commissioner Sheets asked if there is an HOA planned for the project. Planner Michelle Barron deferred to the applicant. Commissioner Sheets asked who will be owning the private road lot. Planner Michelle Barron stated it will be maintained by the people on the Road User's Maintenance Agreement (RUMA). Commissioner Sheets asked who will own the private road lot. Planner Michelle Barron deferred to the applicant.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Elwin Butler (Representative) – IN FAVOR – 3122 Suntree St, Caldwell, ID 83605

Mr. Butler stated he understands the neighbors are concerned with the project looking like city streets. The closest city utilities are located at Farmway Road which is still far away and would cost about \$500,000 to get the water lines to the property. Mr. Butler showed the future water lines from the City of Caldwell. Mr. Butler stated he wants to keep the project as a rural residential and to look rural. He has been working with the City of Caldwell to not require all the subdivision requirements such as putting in the dry line for the water. There is a ditch that feeds Pheasant Ridge Subdivision and he plans to pipe that line and the city will require that to be on a separate easement. Mr. Butler showed the location where the easement goes onto the property. There is an agreement with Rett's Acres to allow emergency vehicles onto Tranquil Place.

Chairman Sturgill asked for clarification on why the city would need to sign off. Mr. Butler stated he understands the City of Caldwell is on the final plat.

Commissioner Nevill asked if Mr. Butler agrees with the conditions of approval. Mr. Butler stated he does but would like to limit the amount of say the city has over the development. Commissioner Nevill asked who will own the road lot. Mr. Butler stated the plat says the HOA will own it.

Commissioner Williamson asked if the open ditch will be maintained by the irrigation district or privately maintained. Mr. Butler stated it will be privately maintained. Commissioner Williamson asked if the city has an idea of when they will have services there or will annex that area. Mr. Butler stated it is going to take a significant amount of effort.

Chairman Sturgill asked the estimated cost to install the dry lines. Mr. Butler stated roughly 1700 feet at about \$175 per feet.

Commissioner Sheets asked if the RUMA is going to be filed with the County or separate documentation. Mr. Butler stated it is a separate documentation.

Gary Beers – IN FAVOR– 16840 W Linden St, Caldwell, ID 83607

Mr. Beers stated he is in support of the proposed plan. Mr. Beers is wondering at what point during the process is the irrigation schedule done for joint responsibility and an enforcement process made. He is against the sewer extension requirement, the 12-inch water main, and the sidewalks. There are no sidewalks, sewer, water or anything down Linden Street. Mr. Beers feels like putting the city requirements on this project will make it stand out differently than the surrounding area. Mr. Beers doesn't see the area getting annexed for years.

Commissioner Nevill asked about the water lines. Mr. Beers stated he would like something in writing that says who is responsible for working with him and his subdivision on turning the water lines on and the water distribution between the proposed subdivision and his. Commissioner Williamson recommended speaking with a ditch rider. Commissioner Nevill asked if Mr. Beers is ok with the striping instead of sidewalks. Mr. Beers stated he just doesn't think sidewalks should be required. Commissioner Nevill confirmed it is striping and not sidewalks that is proposed.

Elwin Butler (Representative) – REBUTTAL – 3122 Suntree St, Caldwell, ID 83605

Mr. Butler stated he will deliver the water to the edge of his property at the same volume that historically been delivered and the HOA will be responsible for maintaining the pipeline and delivering the water to the property lines.

Chairman Sturgill asked about condition 6. Planner Michelle Barron explained the Board of County Commissioners previously waived the requirement to connect to city water. Chairman Sturgill asked for the list of what the city is asking from the developer. Commissioner Williamson found some information on exhibit 6G.

MOTION: Commissioner Williamson moved to close public testimony on Case SD2021-0039, seconded by Commissioner Villafana, voice vote, motion carried.

DELIBERATION:

Commissioner Sheets stated he would be supportive of the waivers on condition 6.

Chairman Sturgill suspects it would remain a rural area for a long period of time.

Commissioner Nevill believes they should recommend waiving the cities' requirements on water, sewer, irrigation and landscaping.

Planner Michelle Barron provided the ordinance for city requirements. Assistant Director of Development Services Jay Gibbons stated the ordinance is an agreement with the city and county in 2005. The city has had updates in their ordinance since then. Conversation ensued between Commissioners and Assistant Director of Development Services Jay Gibbons in regards to the waivers.

Commissioner Sheets recommends that the Commissioner recommend to the Board of County Commissioners that they waive the City of Caldwell requirements.

Conversation ensued between Commissioners in regards to the waiver condition and findings.

MOTION: Commissioner Sheets moved to recommend approval for Case SD2021-0039 with revised condition number 6 and an additional finding number 13. Seconded by Commissioner Mathews.

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

ACTION ITEM – APPROVAL OF MINUTES

MOTION: Commissioner Nevill moved to approve July 11, 2024 minutes. Seconded by Chairman Mathews. Commissioner Sheets abstained. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Assistant Director of Development Services Jay Gibbons stated they are finalizing updated staff reports and should start seeing them in September.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 9:38 PM.

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

Approved this 19th day of September, 2024



Brian Sheets, Acting Chairman

ATTEST



Amber Lewter – Hearing Specialist



Exhibit B.3.3 Highlights only

CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, September 5, 2024
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Miguel Villafana, Commissioner
Patrick Williamson, Commissioner
Harold Nevill, Commissioner
Geoff Mathews, Commissioner
Brian Sheets, Commissioner
Matt Dorsey, Commissioner

Staff Members Present: Jay Gibbons, Assistant Director of Development Services
Michelle Barron, Principal Planner
Dan Lister, Principal Planner
Emily Kiester, Associate Planner
Amber Lewter, Hearing Specialist

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

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

Item 1A:

Case No. SD2021-0039 / Alyson Meadows Subdivision– Approve revised FCO’s.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Order. Motion seconded by Commissioner Sheets. Voice vote, motion carried.

Item 1B:

Case No. CU2023-0018 – Smith: Scott and Denise Smith of Sol Invictus Winery request a conditional use permit to allow a special events facility on Parcel R33774015. The 9.98-acre property is located at 3690 Schmidt Lane, Star; also referenced as a portion of the NE¼ of Section 1, T4N, R2W, BM, Canyon County, Idaho.

On July 18, 2024 the Planning and Zoning Commission continued the case to a date certain of September 5, 2024.

Staff proposed case to be tabled to a date certain of October 17, 2024

MOTION: Commissioner Sheets moved to postpone Case CU2023-0018 to a date certain of October 17, 2024. Motion seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Nevill asked how many people showed up to testify. Chairman Sturgill advised 4 people in favor and 2 people in opposition signed up to testify.

Roll call vote: 7 in favor, 0 opposed, motion passed.

Item 2A:

Case No. CU2023-0022 – Rage Development – Kiewert: The applicant, Rage Development, requests a conditional use permit to establish a telecommunication facility on parcel R32418, approximately 1.05 acres. The facility includes a 99' (104' with lighting rod) monopole with accessory structures within a fenced area (2,500 square feet). The subject property is zoned "A" (Agricultural) and located at 3406 E. Greenhurst Road, Nampa, also referenced as a portion of the SW¼ of Section 36, T3N, R2W, BM, Canyon County, Idaho.

Planner Dan Lister reviewed the Staff report for the record.

Commissioner Nevill asked if there is active code violation. Planner Dan Lister advised there is not a code violation but there is a condition for them to clean up the space.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Carly Nations (Representative) – IN FAVOR – 1352 Wallingford North, Seattle, WA 98133

Ms. Nations stated she agrees with the findings and the conditions of approval. Ms. Nations stated the monopole proposed will have space for four carriers which will include T-Mobile. It is intended to improve services along Greenhurst and Southside Blvd and the surrounding residential areas. Ms. Nations stated it will improve about 7,000 residential properties. The proposal will benefit emergency communications in the area. Ms. Nations stated they originally found 12 properties to contact and out of the 12 only 2 responded, 1 of those chose not to move forward. Ms. Nations spoke to criteria 3 and 4, the proposal is taking advantage of the current vegetation to the surrounding area. Ms. Nations stated as the community grows they need the services to match and requests approval of the application.

Commissioner Nevill asked about making the monopole look like a pine tree. Ms. Nations stated they are most effective when they are tucked in the tall trees and wouldn't fit the proposed area.

Commissioner Williamson asked if they hire a service to make sure the weeds are under control. Ms. Nations stated typically they would maintain the site themselves.

Chairman Sturgill asked about the 7,000 residential properties. Ms. Nations stated she isn't sure how old the data is and it might also take into account who is a subscriber to T-Mobile as well.

Ruben Santos – IN OPPOSITION – 3425 E Greenhurst Rd, Nampa, ID 83686

Mr. Santos asked to consider the impact the proposed use will have to the neighborhood. He believes if the proposed use is approved it will have an impact for future development in the area such as the future road construction on Greenhurst Rd or Lexi Ln. Mr. Santos is concerned there would not be enough room to expand the road and put sidewalks in with the monopole along the road.

Commissioner Nevill asked if they expand Greenhurst Rd if they will be going into his property as well. Mr. Santos stated they would expand 25 feet into his property. Commissioner Nevill asked Staff how far the monopole is proposed to be from the road. Planner Dan Lister advised he believes it is about 125 feet away from Greenhurst Rd.

Colleen Santos – IN OPPOSITION – 3425 E Greenhurst Rd, Nampa, ID 83686

Ms. Santos stated her concern is for the daycare that is directly across from the monopole. Ms. Santos believes the tower will cause damage to the children in the daycare, her animals, and the neighbors.

Carly Nations (Representative) – REBUTTAL – 13542 Wallingford North, Seattle, WA 98133

Ms. Nations stated any future widening of Greenhurst Road should not be impacted with the facilities' location. She believes with the setback there should be enough space to widen the road.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2023-0022, seconded by Commissioner Mathews, voice vote, motion carried.

DELIBERATION:

Commissioner Mathews stated he believes they have addressed the concerns.

MOTION: Commissioner Mathews moved to approve Case CU2023-0022 with an amendment to condition 2A. Seconded by Commissioner Williamson.

Discussion on the Motion:

Commissioner Nevill stated that because of the benefit to emergency services he is in favor of the proposal. Commissioner Nevill reminded that they cannot take into consideration any health concerns because it is against the federal law.

Roll call vote: 7 in favor, 0 opposed, motion passed.

Item 2B:

Case No. CU2024-0012 – Nampa & Meridian Irrigation District: The applicant, Nampa & Meridian Irrigation District, represented by Greg Curtis, is requesting a conditional use permit for a campus facility to relocate their administrative offices and operations/maintenance shop & equipment storage on approximately 20.15 acres in an "A" (Agricultural) zone. The subject property is located at 2619 S. McDermott Road, Nampa, ID 83686 also referenced as Parcel 28832, a portion of the NE quarter of Section 05, T2N, R1W, BM, Canyon County, Idaho.

Commissioner Sheets made a declaration that he works with irrigation districts at his firm.

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

Commissioner Williamson asked if the gravel pile will be a problem for the drain field. Assistant Director of Development Services Jay Gibbons stated there is room for adjustments and has confidence that when the district goes to construction the details will be worked out.

Commissioner Dorsey asked if condition 6 is a reach to require city landscaping in an agricultural area. Assistant Director of Development Services Jay Gibbons stated usually within a city impact area they require all the cities requirements. In this instance he suggested the applicant to go speak with the City of Nampa and reach an agreement so it is requiring tree plantings but not an entire landscaped area.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Greg Curtis (Applicant) – IN FAVOR – 5515 E Greenhurst Rd, Nampa, ID 83686

Mr. Curtis introduced himself as the Water Superintendent for Nampa & Meridian Irrigation District. Mr. Curtis stated they cover water for 69,000 acres and growing. Mr. Curtis stated they have started doing pressurized irrigation and by doing that they are utilizing the surface water and saving billions from being pumped from the aquifer. Mr. Curtis stated they have been in their current building since 1910 and Greenhurst Rd has gotten so busy it is now difficult to get in and out. They have attempted for the past 15 years to purchase the land around their current location, recently they started looking elsewhere. In this proposed location they are already utilizing the road so Mr. Curtis doesn't believe there will be an impact to traffic. Mr. Curtis believes that the proposal aligns with the comprehensive plan by supporting the patrons and Ag land. Mr. Curtis stated with the proposal they have a lot of new room and can change things to the concept plan. Mr. Curtis met with the City of Nampa and they adjusted the landscape requirements.

Commissioner Nevill asked what will happen with the other 21 acres that is not part of the proposal. Mr. Curtis stated that he is assuming it will remain pasture but doesn't want to speak for the owner.

Commissioner Williamson asked what happens to the surface water rights. Mr. Curtis stated the rights stay with the property but gets shared to others if not used.

Commissioner Sheets asked if Mr. Curtis has read the conditions of approval and agrees with them. Mr. Curtis stated he has read them and can live with all the conditions.

Commissioner Villafana asked if the water used is less than before with development. Mr. Curtis advised that is not the case.

Commissioner Dorsey asked who is over watering. Mr. Curtis advised residential properties.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2024-0012, seconded by Commissioner Williamson, voice vote, motion carried.

DELIBERATION:

Commissioner Sheets believes condition 6 is sufficient to handle the needs of the city while not putting too much burden onto the applicant.

MOTION: Commissioner Sheets moved to approve Case CU2024-0012. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Dorsey stated he agrees with the motion but believes condition 6 is an overreach and shouldn't be a condition with the application.

Chairman Sturgill stated he is not in support of the application because the proposed use is a contractor shop and a staging area, he believes the concept plan is much more than that. He believes the scale makes it a commercial facility with the land use zoned agriculture and the future land use zoned agriculture. Chairman Sturgill doesn't believe the proposed application meets criteria 1 because the proposed use is not going to be owned privately, criteria 2 because the square footage of the buildings and the amount of parking availability this makes the use a commercial use, criteria 3 because the future

land use of the property is agriculture and the findings show this will be commercial which doesn't make it appropriate. Chairman Sturgill doesn't believe the project aligns with the comprehensive plan because the intensity of the project doesn't fall under an agricultural zone, he isn't convinced this project promotes conservation of agricultural land, due to the size of the operation it isn't compatible with the surrounding area, and the landscaping doesn't fall under rural landscaping.

Commissioner Sheets asked Chairman Sturgill if he would rather the property be rezoned to commercial. Chairman Sturgill stated he doesn't believe a facility of this magnitude should be in agriculture so agrees that it should be in a zone for commercial.

Commissioner Nevill stated there is always a concern to put something that resembles commercial in an agricultural zone because it is usually the beginning of more development. Commissioner Nevill believes this is an agricultural use because it supports the agricultural way of life, he doesn't like that it is being put on good farm land but can overlook it because it supports agriculture.

Commissioner Williamson asked Chairman Sturgill if he would still feel the same if it was a very large farm operation who wanted to put in an administrative office and maintenance office. Chairman Sturgill stated 194 parking spaces in his opinion is a commercial operation.

Commissioner Mathews stated he believes the benefits outweigh the deficits. He would also be concerned of a rezone because the area would then turn into commercial. He supports the project in the ag land. Chairman Sturgill stated he isn't convinced this is the proper location for the project due to the negative impacts.

Commissioner Dorsey stated he views the project as an agricultural facility, helping agriculture, in an agricultural zone. He doesn't feel like the size is a factor because the intent is agriculture and to help agriculture.

Commissioner Sheets doesn't believe that the project meets the conditions of approval and his motion still stands.

Roll call vote: 6 in favor, 1 opposed, motion passed.

ACTION ITEM – APPROVAL OF MINUTES

MOTION: Commissioner Nevill moved to approve July 18, 2024 minutes. Seconded by Commissioner Villafana. Commissioner Dorsey abstained for not being present. Voice vote, motion carried.

MOTION: Commissioner Nevill moved to approve August 1, 2024 minutes. Seconded by Commissioner Williamson. Chairman Sturgill, Commissioner Villafana and Commissioner Dorsey abstained for not being present. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Assistant Director of Development Services Jay Gibbons gave an update that DSD is meeting with the Board of County Commissioners for general business twice a week.

Commissioner Nevill asked for a workshop with the irrigation districts.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 8:59 PM.

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

Approved this 17th day of October, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist

Commissioners Minutes

November 19, 2024 – 1:31 p.m. to 3:44 p.m.

PUBLIC HEARING: CONSIDER THE PRELIMINARY PLAT AND AN IRRIGATION AND DRAINAGE PLAN FOR ALYSON MEADOWS SUBDIVISION, CASE NO. SD2021-0039

Commissioners Brad Holton, Zach Brooks and Leslie Van Beek

Deputy P.A. Zach Wesley (arrived at 3:00 p.m.)

DSD Principal Planner Michelle Barron

DSD Planning Supervisor Carl Anderson

Elwin Butler from Matrix Engineering

Gary Beers

Greg Bullock

Sarah Lawrenson

Other interested citizens

Deputy Clerk Monica Reeves



PUBLIC HEARING: CONSIDER THE PRELIMINARY PLAT AND AN IRRIGATION AND DRAINAGE PLAN FOR ALYSON MEADOWS SUBDIVISION, CASE NO. SD2021-0039

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Elwin Butler, PE for Cory Swain, CS2, LLC, for approval of a preliminary plat and irrigation and drainage plan for Alyson Meadows Subdivision, Case No. SD2021-0039. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Principal Planner Michelle Barron, DSD Planning Supervisor Carl Anderson, Elwin Butler from Matrix Engineering, Gary Beers, Greg Bullock, Sarah Lawrenson, other interested citizens, and Deputy Clerk Monica Reeves.

Elwin Butler, with Matrix Engineering, testified the plat consists of 18 residential lots with a minimum buildable lot size of 2 acres, with each to be served by individual wells and septic systems. The Linden Street right-of-way will be widened to the required width and includes a 20-foot buffer strip along the frontage of the property. Access will be via private road and they have received approval to use Birchwood Lane. It covers the minimum 26-foot wide requirements of the fire department. Drainage will be along the swales of the private roads and collected into an infiltration swale; the easements are provided on the plat. Irrigation will be pressurized and the irrigation water will be tiled and a head gate will be placed at the head of the cul-de-sac to provide diversion to Rhett's Acres, Pleasant Ridge, and to Alyson Meadows so they can easily control irrigation water. The development compliments the surrounding area of small acreages and all the surrounding properties are rural residential lots with wells and septs. There was a concern about access to Tranquil Road and during the plat reviews they discovered: 1. The frontage of Alyson Meadows that fronts Tranquil Place was not provided an access easement on Rhett's Acres; 2. the turnaround for Tranquil Place was on the Alyson Meadows property; and 3. The irrigation main to Rhett's Acres went across Alyson Meadows without an easement. They have worked with Rhett's Acres to correct these items and they are addressed on the plat. The Caldwell Fire Dept., did not require a second access with the cul-de-sac as designed but having a second access

provided to both Rhett's Acres and Alyson Meadows is a win-win for both projects. There was concern about having the access open and the developers have agreed to gate that so that EMS and service vehicles can access irrigation and emergencies and still keep it a non-public use. Tranquil Place and Birchwood Lane will be private roads and will be maintained by the HOA. There was concern from neighbors that they did not want this subdivision to be a city development with streetlights, sidewalks, and utilities. Item No. 6 in the conditions of approval was recommended by the P&Z Commission to waive all city requirements and the developers support this in the fact that these lots are served by their own wells and septic tanks and they are surrounded by rural lots that provide their own utilities. In order for the city to annex this property they have to have a direct line for annexation and without the small properties annexing to the city first they cannot annex Alyson Meadows. If the developers had to put in sewer and water lines in addition to wells and septic tanks it would be 30 years before they could be annexed and those lines would be halfway through their useful life before they would be utilized so the developers support the idea of keeping this a rural development. Following his testimony, Mr. Butler responded to questions from the Board regarding the road maintenance, ingress/egress, the road users' maintenance agreement, the irrigation system, and accessory dwelling units.

DSD Principal Planner Michelle Barron gave the oral staff report. The development consists of 18 residential lots and 4 common lots, including a private road lot on approximately 40.84 acres. The subject property, parcel number R35590, is located at 0 Linden Road. The property will take access off Linden via new private road, Birchwood Lane. There is an easement that will provide access to irrigation structures for this subdivision and to Rhett's Acres to the east, and it will also be available for a secondary access for emergency services that will remain gated unless needed. The applicant has requested a waiver of the city's requirement to install a 10-inch dry water main and the Board of Commissioners had previously waived the city's recommended requirements to connect to city water services at the time of the rezone. Sewer is not available at this time and the subdivision will be serviced by individual septic systems. The city is requesting some buildout of sewer structures. The property is zoned rural residential and is located in the Caldwell's area of city impact and has a future land use designation of residential estates. On August 15, 2024, the Planning & Zoning Commission recommended approval with conditions, and recommended all of the city's requirements for this plat be waived by the Board. The preliminary plat was approved by Keller & Associates acting as the County engineer, with an updated review by Centurion Engineers on January 8, 2024 with conditions. The City of Caldwell wishes to require the developer to provide funds to construct a forced pressure sewer line from Birchwood Lane to the east boundary of the frontage. The city is requiring the developer to place a 12-inch water main along the frontage of the property for future hookup to the city water after annexation. The Board waived the requirements to connect to city water during the conditional rezone process and made it part of the development agreement. At the time of annexation into the city there will be a transfer of irrigation water rights to the city. The City of Caldwell is requiring ribbon curb and marked walkways on the pavement but that does not include curb and sidewalks. Principal Planner Barron reviewed the conditions of approval, including a potential additional condition that a gate be installed with a lock that is only accessible by emergency services at the property line for the Rhett's Acres Subdivision. It probably needs to be accessible for irrigation purposes as well. Following her report, Principal Planner Barron responded to questions from the Board regarding the City of Caldwell's requirements and future annexation of the property.

Public testimony was offered as follows:

Gary Beers, who lives on West Linden Street directly north of the proposed subdivision, testified that he supports the P&Z Commission's recommendation and requests the Board approve Condition No. 6, which is the waiving of the City of Caldwell requirements. The record includes a neighborhood petition with 22 signatures also in support of the waiver which is in keeping with the rezoning plat requirements previously approved by the Board for Tranquil Place Subdivision located east of Alyson Meadows. He appreciated that during the rezoning hearing for Alyson Meadows, Commissioner Brooks raised a concern about placing city requirements on the Alyson Meadows Subdivision that were not placed on Tranquil Place, and Mr. Beers agrees with that concern. Both subdivisions are in the impact zone and he understands the desire to enhance the area; however, the existing properties already have a rural aesthetic that is enjoyed by current residents and many have worked in good faith with the developers of Tranquil Place and now Alyson Meadows to support development of the properties in keeping with the current rural residential aesthetic. Mr. Beers testified that he coordinates irrigation with the residents of Birchwood and in partnership with the ditch rider for Pioneer Irrigation.

Greg Bullock testified about his involvement with the Rhett's Acres project and his knowledge of the development on Tranquil Lane. As part of the development he was working on he became acquainted with the neighbors who were opposed to bringing in a new subdivision, but understanding that there would be much higher density with a city development the neighbors supported a rural 2-acre subdivision. He is not surprised that the P&Z Commission recommended denial of the City of Caldwell's requirements because it does not fit the rural area. They needed an easement across the Alyson Meadows property for irrigation purposes, which they granted and they requested that Rhett's Acres give an easement for emergency vehicles only. Neither Rhett's Acres nor those who had lived there for a while wanted the connectivity to another subdivision. The easements are inclusive of maintenance and improvements, and they will put gates at both ends of the emergency areas.

Sarah Lawrenson lives on Tranquil Place at the end of the Rhett's Acres development and her concern deals with the future development connecting to the private road, Tranquil Place. She has submitted a letter for each hearing regarding this development and she does not feel that her concerns have been seriously considered. Tranquil Place is a private road that each lot owner is mutually responsible for the maintenance and upkeep of and they are all tied to the RUMA and it's tied to their deeds. Tranquil Place services 18 possible lots and she wants to know why can't Alyson Meadows simply have a hammerhead like Tranquil Place has or use the culdesac as designed and eliminate all of the concerns for possible extra traffic use and burden on Tranquil Place and those financially responsible for the maintenance. It's not just vehicle traffic, there will also be more people and bicycles, kids, etc. Regarding irrigation, she said when Rhett's Acres was being developed part of the requirement was the irrigation had to go through her property to get irrigation to Rhett's Acres and in doing that there is no easement. In the State of Idaho you do not have to have an easement for irrigation purposes so there doesn't need to be an easement for

irrigation for Rhett's Acres to get their water and she doesn't think it needs to have road/vehicle access because people can walk through the nine acres to get to their head gate for Rhett's Acres. Back when she appeared in support of the Rhett's Acres development it was an oversight that the hammerhead area was not property of Rhett's Acres, that it was property of Alyson Meadows and she feels like that was a backdoor deal between the developers and she would have fought harder back then to make sure that was not going to be accessible for this new development. Her concern is that it will increase traffic, people and activity whether there is a locked gate there or not. She would like the connection in between to be removed and Alyson Meadows do the same as Rhett's Acres and have just a hammerhead or the culdesac that is shown as their emergency turnaround. The Board had follow-up questions for Ms. Lawrenson and for staff.

During rebuttal testimony Elwin Butler said if they proceed to meet city annexation requirements, an agreement will be required for each lot that when the city is able to annex they will have to annex and pay annexation and connection fees at that point. Personally, he has a difficult time with that because if he is putting in a well and septic and has to abandon those and connect to city water/sewer and pay those fees that will be a heavy burden on a rural lot. He addressed the head gate on Tranquil Place and said once the new road is put in with a culdesac it will end by the head gate so it will reduce requirements to service it from Tranquil Place. He said he widened the easement to 60 feet and after objections from neighbors he reduced it to 30 feet, which is what the highway district originally required for that secondary access. It will be gated. He would like the Board to uphold the P&Z Commission's recommendation excluding the city's annexation requirement. In order for a developer to annex they will have to have 40 acres to justify bringing water/sewer, putting in lift stations, and updating easements through properties to do that and with all of the small rural lots it's not practical for annexation to happen.

Principal Planner Barron said when the rezone was approved the development agreement states the application will comply with the proposed conditions of the City of Caldwell Engineering Department and the Director of the City of Caldwell P&Z Department letters, with the exception of the requirement of connecting to the public water system which is waived. If the Board were to waive the other improvements it would be through the decision for the subdivision through the preliminary plat. Planning Supervisor Anderson spoke about the noticing requirement under Canyon County Ordinance Section 09-01-19 that talks about waivers of city of Caldwell ordinance provisions. He response to the request for waiver, the City of Caldwell sent an email dated 11/01/24, stating in part, because of this the city will not waive the condition for requiring the subdivision to be developed under city standards. Those items, 7F and 7G, with the exception of the water component, were part of the development agreement; however, that waiver request would have been part of this subdivision with the preliminary plat as recommended by the P&Z Commission.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. The Board's deliberation was as follows:

Commissioner Van Beek likes the proposal for connectivity and future development, and said a 60-foot road could allow for the vacation of residences if there was an emergency. Where the 60-foot easement on the dogleg goes down to 30 feet she would like that brought across all the way to 60 feet. Commissioner Holton agrees. Commissioner Van Beek spoke of her preference to have the road be a public road in terms of maintenance. Commissioner Holton said it would be outside of the scope today to discuss the potential for it to be a public road. There was discussion about limiting secondary residences or additional dwelling units on the properties given their size and the concern for the potential of the project doubling in size. Commissioner Brooks said it is unreasonable to expect this to go from 18 units to 36 units and if we want to plan for this be city in the future why condition it to prevent it from being city-level density by restricting additional dwelling units. Commissioner Van Beek noted that Sarah Lawrenson wants to make sure the gates are installed. The Board reviewed the draft findings of fact and there was discussion about the City of Caldwell being unwilling to waive their requirements. Planning Supervisor Anderson the requirements in the Caldwell ordinance may be waived by the Board of Commissioners; the applicant bears the burden of persuasion in that regard. Those items were listed in the development agreement that was approved as part of the rezone last year and staff is unclear on how to amend a development agreement through a platting process.

Deputy PA Wesley addressed the question of what is the proper notice to the City of Caldwell using our area of impact waiver. The waiver to the city implies that we have an application for a waiver and that sounds like it's separate than the preliminary plat application. Has the County explicitly told the city that we are considering a waiver and asked for comment, or has it come through the applicant? Planning Supervisor Anderson said we do not have an application in place. Principal Planner Barron said it's her understanding that the applicant has to contact the city and request a waiver. Deputy PA Wesley said it sounds like that has been our process and they have met our regular routine process. Supervisor Anderson said it may be a process we want to look at because it uses the word *application* but that can be informal. Deputy PA Wesley said the development agreement has a condition that says the applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell P&Z Department letters as seen in Exhibit D, Attachments 7F and 7G, with the exception of a public water system which is waived. If we override the conditions of approval on the development agreement with the preliminary plat someone could later challenge the agreement and say they didn't comply and we would have to go through a process to either amend it or void it so it creates a technical problem for us. If the Board wants to change the development agreement you have an application to amend it that's separate from this preliminary plat application. They should be separate entitlements processes and they should work together and one shouldn't override the other at a later stage is how our system is built, but it could very much depend on what is said in those exhibits because they may say we will follow the City of Caldwell's Engineering and Director of the Caldwell P&Z Department's instructions but those may include the option for a waiver, although he doesn't know since he hasn't seen the letters. Commissioner Brooks asked what in the development agreement the Board is looking to amend? He thought in the decision on the rezone

we wholesale waived Caldwell's requirements. Commissioner Holton said we did not. The P&Z Commission wanted to wholesale waive that, but they didn't take into consideration that we have a development agreement on the change in zone. Commissioner Brooks wants to see that because he has no idea why he would make the comment that he is in substantial approval of the application without making it adhere to standards that we didn't make some other subdivision adhere to, but yet we passed it anyways? That doesn't sound right to have subdivision requirements on one but not the other. DSD Planning Supervisor provided clarification on the documents identified as Exhibits 7F and 7G, which are referenced as part of the condition, but he is unable to find those documents in the current record for today's consideration. DSD Principal Planner Barron said they are part of the record but they are referenced as Exhibit 6H and 6I, under Exhibit III. Upon review Commissioner Brooks said the second bullet point states development shall comply with the City of Caldwell subdivision requirements within the City of Caldwell, and he asked if that is saying it needs curb and sidewalk? Because if it is, he cannot believe the Board approved the rezone one year ago with those intact. Commissioner Holton would like DSD and Legal to do some research and give advice to the Board. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to December 2, 2024 at 3:00 p.m. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 3:44 p.m. An audio recording is on file in the Commissioners' Office.

Commissioners Minutes

December 2, 2024 – 3:01 p.m. to 3:08 p.m., and 3:28 p.m. to 3:33 p.m.

CONTINUATION OF PUBLIC HEARING: CONSIDER THE PRELIMINARY PLAT AND AN IRRIGATION AND DRAINAGE PLAN FOR ALYSON MEADOWS SUBDIVISION, CASE NO. SD2021-0039

Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek

DSD Planning Supervisor Carl Anderson

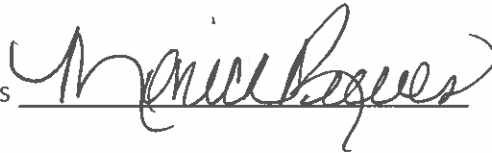
DSD Principal Planner Michelle Barron

Deputy PA Zach Wesley

Elwin Butler

Other interested citizens

Deputy Clerk Monica Reeves



CONTINUATION OF PUBLIC HEARING: CONSIDER THE PRELIMINARY PLAT AND AN IRRIGATION AND DRAINAGE PLAN FOR ALYSON MEADOWS SUBDIVISION, CASE NO. SD2021-0039

The Board met today at 3:01 p.m. for a continuation of the public hearing in the matter of a request by Elwin Butler, PE for Cory Swain, CS2, LLC, for approval of a preliminary plat and irrigation and drainage plan for Alyson Meadows Subdivision, Case No. SD2021-0039. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Michelle Barron, Deputy PA Zach Wesley, Elwin Butler, other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from November 19, 2024 where the Board asked for additional information relating to the development agreement and the City of Caldwell's subdivision improvement requirements.

Today, DSD Principal Planner Michelle Barron gave a recap noting there are several subdivisions ordinance requirements that the City of Caldwell would like the applicant to follow. Originally, they wanted them to connect to city services for water, and there are requirements for putting in a dryline for future septic expansion, curb and gutter. During the rezone process there was a condition that stated the applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell P&Z Department letters, with the exception of the requirement connecting to the public water system which is waived. At the time, the applicant was only asking for a waiver of the connection to city water. During the subdivision process, there was a new applicant who is represented by Elwin Butler and they asked for a waiver of the subdivision requirements and the P&Z Commission agreed and recommended that all city requirements would be waived.

Deputy PA Zach Wesley said if the Board approves the application and waives the city conditions on the plat it would be out of compliance with the development agreement and someone could come forward and trigger a complaint and we'd have to go through a public hearing process where the zoning could be revoked. The options are to either table the plat and come back for an

amendment on the development agreement which could be done at one hearing and we could also have the plat tabled to that point and do both at the same time; or, the developer can go forward and meet the requirements of the development agreement and get the plat approved under those conditions today.

Commissioner Brooks wants to go into Executive Session and discuss his questions with legal counsel. The Executive Session was held as follows:

EXECUTIVE SESSION – COMMUNICATE WITH LEGAL COUNSEL REGARDING
PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Brooks made a motion to go into Executive Session at 3:08 p.m. pursuant to Idaho Code, Section 74-206(1) (f) to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Holton, Van Beek, and Brooks voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Leslie Van Beek, and Zach Brooks, Deputy PA Zach Wesley, DSD Planning Supervisor Carl Anderson, and DSD Principal Planner Michelle Barron. The Executive Session concluded at 3:28 p.m. and the hearing resumed in open session.

Commissioner Holton said we cannot work around the development agreement so the Board will give the applicant three months to file an application to modify it and if nothing happens in six months the Board will hold a final hearing and make a decision with the information it has. Elwin Butler said they are agreeable to that. The applicant will be required to have a neighborhood meeting as part of the public hearing requirements. Commissioner Van Beek said the modification request will come to the Board, not the P&Z Commission, and the merits of the modification will be deliberated by Board at that time with no guarantee. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing and give the applicant three months to apply for a development agreement modification, and in six months this hearing will be continued if nothing else has happened then the Board will finish the business and make a final decision. The hearing concluded at 3:33 p.m. An audio recording is on file in the Commissioners' Office.

**City of Caldwell Engineering Department
Staff Report**

To: Jennifer Almeida
Canyon County Development Services

From: TJ Frans, Project Manager
Steven Pendleton, Plans Examiner II
City of Caldwell, Engineering Department

CC: Debbie Root, Senior Planner
City of Caldwell Planning and Zoning Department

Re: Alyson Meadows Subdivision (SD2021-0039)

Date: March 9, 2022

The City of Caldwell Engineering Department provides the following preliminary staff report on the proposed Alyson Meadows Subdivision. Said parcel R3559000000 is comprised of 40.84 acres. The proposed development lies within the City of Caldwell impact area, is not contiguous to City boundaries and cannot be annexed at this time.

All comments made within this staff report are intended to be in harmony with good development practices, meet all City of Caldwell development requirements, codes and policies and be in the best interest of Caldwell, Canyon County, and Canyon Highway District No. 4. The City of Caldwell recommends that the more stringent of any conflicting requirements be met by the developer.

Development Plans

1. Development Plans – Prior to commencing construction, plans must be prepared by the developer's engineer and approved by the City Engineering Department which shall include the following items:
 - a. Street section and alignment (including curb and gutter);
 - b. Sidewalk (sidewalk width based on street classification);
 - c. Sanitary sewer (per City and DEQ requirements);
 - d. Potable water (per City and DEQ requirements);
 - e. Storm water facilities (per City requirements/storm water manual);
 - f. Street lighting (per City standards);
 - g. Street signage (per City and MUTCD requirements);

h. Vertical Datum based on NAVD 88 Datum.

General

1. Easements for Public Utilities shall be 10 feet wide minimum along all dedicated rights-of-way. A minimum 10 feet wide easement (or larger if deemed necessary by the City Engineer in order to facilitate future maintenance operations of utilities) may be required.
2. Appropriate easements for emergency access, transmission lines and/or other utilities shall be clearly indicated, with recorded instrument numbers provided for said easements, on the civil infrastructure improvement drawings and on the face of the final plat (visually and in writing).
3. All utilities on and within the boundaries of the development shall be located and/or relocated underground.
4. All street, sewer, water, fire protection, and street light facilities must be dedicated to the City. Some conveyance facilities for storm water drainage may be eligible for dedication to the City.
5. Construction of facilities to be dedicated and/or within public right-of-way shall be performed by an appropriately licensed public works contractor and shall be inspected by and constructed to City of Caldwell specifications.
6. Prior to commencement of construction in any dedicated right-of-way, or construction of any improvement intended for dedication to the City or connected to a City facility, the City Engineering staff is to be notified. This preferably will take place in a pre-construction conference scheduled by the engineer of record in which all appropriate personnel and utilities are present. Appropriate City personnel are to be notified in advance of all testing (including compaction, pressure and coliform, etc.) and given opportunity to be present during conduct of the testing. The engineer of record or his designated representative is to witness all tests (not covered by City inspectors) and a log of inspection visits and testing results is to be kept by the engineer of record or his representative.
7. The developer is to employ a responsible design professional, preferably the engineer of record, to oversee and inspect construction, to perform and/or observe all requisite testing of completed facilities, and to certify that improvements have been constructed according to approved plans and in compliance with applicable City, County, State, and Federal standards.
8. The engineer of record shall be held responsible to ensure that development improvements are in substantial compliance with said engineer's design. Following the construction of the development improvements, the developer's engineer shall provide the City of Caldwell Engineering Department with electronic (.dwg) format record drawings spatially referenced to the Idaho State Plane Coordinate System-West Zone, North America Datum (NAD) 83. Vertical control shall be referenced to the North America Datum (NAVD) 88 for future reference and to establish that the engineer of record has caused construction to occur in substantial compliance with the design of said engineer of record.
9. Any note, item or drawing element on the construction drawings, engineering drawings and/or design drawings related to the property inconsistent with City Codes, Policies and/or

Ordinances shall not be construed as approved unless specifically addressed and granted by City Council.

Rights-of-Way

1. Linden Street is classified as a Collector Roadway. The applicant shall dedicate as public right-of-way a minimum thirty-five (35) foot half width right-of-way (from centerline) along the entire Linden Street alignment (per City Standard R-810C), or meet Canyon Highway District No. 4 right-of-way requirements, whichever is greater.
2. Applicant shall dedicate to Canyon Highway District No. 4 any right-of-way along Linden Street within 90 days of a written request for right-of-way from the City of Caldwell or Canyon Highway District No. 4.
3. All interior local streets classified as residential shall be dedicated to the City. The applicant shall dedicate as public right-of-way a minimum fifty-three (53) foot full width right-of-way (per City Standard R-810 E).
4. A note shall be placed on the final plat indicating that all rights-of-way are to be dedicated to the public.

Street

1. Full frontage half street improvements shall be completed to all classified roads adjacent to the proposed preliminary plat in accordance with all City of Caldwell standards and specifications. Improvements shall include (but are not limited to) curb, gutter, sidewalk, asphalt, streetlights, joint trench, spare communication conduit along classified roadways, storm drainage facilities, etc.
 - a. If the development is phased, these frontage improvements should be completed with the first phase of development.
2. Linden Street lies within the Canyon Highway District No. 4 (CHD4) jurisdiction. Applicant shall comply with all requirements set forth by CHD4. Should CHD4 and City of Caldwell requirements conflict applicant is required to meet the more stringent of the two.
3. All private driveways or emergency access drive isles, if applicable, shall fully comply with City of Caldwell standards and be approved by the Caldwell Fire Marshall.
4. Applicant shall install street lighting per City of Caldwell standards.
5. No lot shall have direct access to/from Linden Street.

Water

1. The location of water service, including sizing of mains, providing of easements, frontage construction, and offsite construction are to be decided during review of improvement plans. This development will be required to comply with the Water Master Study and extend a 12" mainline to this development.
2. Applicant shall comply with the Water Master Study and shall construct a 12" water mainline in Linden Street from the intersection of Farmway Road and Linden Street to the proposed project site and along the entire project frontage.
3. Each buildable lot shall be supplied with potable water. If buildings/lots are constructed to include individual units that could feasibly or will be sold separately, each unit shall be serviced separately.
4. All on site internal mainline sizing and construction plan approval, will be dependent upon the availability of fire flow and shall be determined at the time of plan review. Minimum fire flow requirements shall be per Caldwell Fire Department standards in place at the time of construction (currently 1,500gpm).
5. Each home constructed within this development may be required to be equipped with a fire sprinkling system to be reviewed and approved by the Fire Marshall at the time of review of each individual building permit.
6. Developer may be required to extend a water stub to Tranquil Place located east of the development for future looping of the water main to provide a future redundant system to meet the needs of fire flow and water quality requirements.

Sanitary Sewer

1. Sanitary sewer is currently unavailable. An appropriate pathway for annexation is not in place at this time. Applicant shall enter into a Municipal Services Agreement with the City of Caldwell Said agreement shall obligate the development to connect to city sewer within 12 month of said service becoming available or, when the City of Caldwell deems it appropriate to connect. Said Municipal Services Agreement shall include a request to annex into the City of Caldwell city limits as soon as said property/ies become contiguous. Costs of annexation shall be borne by the development, or individual landowners owning properties at that time.
2. All buildings shall construct their sanitary sewer systems in a manner that facilitates a "ready connection" to the future City sewer system. Applicant shall demonstrate to the City Engineering Department how each building constructed will meet this requirement.
3. Applicant shall comply with the Dixie Sewer Master Plan. Said mainline shall be constructed with the first phase of development for this project.
 - a. Applicant *may* be able to, at the discretion of the City Engineer, enter into a deferral agreement for the construction of said sewer trunk line/s and provide the City with funds in lieu of construction (to be determined at the time of civil improvement drawing plan review)

Irrigation

1. Existing easements and/or right-of-ways for any irrigation facility shall be determined and clearly indicated on the construction plans (excluding prescriptive easements). Construction across or re-routing of these facilities is subject to approval by the governing Irrigation District and at their discretion, their assigns.
2. The Developer shall maintain any existing upstream drainage rights and downstream irrigation rights across the property. During the design phase of this project, the developer or his engineer is to contact the appropriate irrigation district to help ascertain these rights. Appropriate facilities shall be provided by the developer to convey irrigation and drainage water across the property to take care of these offsite needs. There is to be no discharge of gravity/pressure irrigation return water into the development storm water system.
2. The subdivision is to include a non-potable water pressure irrigation system. The design of this pressure irrigation system is to be reviewed and approved by the Caldwell Municipal Irrigation District prior to construction plan approval. It shall be required that the system will be operated and maintained by the Caldwell Municipal Irrigation District at the time of annexation.
3. Pressure irrigation pump stations shall be located within a platted common lot with a recorded perpetual easement sufficient for convenient access and maintenance of said pump station. The lot shall be owned and maintained by the home owners association.
4. Each platted lot shall be provided with a pressure irrigation service sized to deliver no more than that property's water right.
5. All pressure irrigation mainlines shall be located in the public right-of-way, and within a public utility easement of a minimum of 10 feet in width centered over said mainlines as per current City standards.
6. The subject parcel is within the Pioneer Irrigation District. Applicant shall ensure that an adequate continuous irrigation supply flow is available to meet the pressure irrigation system requirements of CMID. If surface water is not available (or inadequate to meet CMID requirements), applicant shall be required to provide/construct a secondary source of irrigation water per CMID specifications.
7. The applicant shall transfer a proportionate share of any existing water right(s), except those held in trust by an irrigation district, to the City of Caldwell for both irrigation and domestic water supply for the subject development. If this should occur, The City shall assist in registering the transfer.
8. All plans and construction drawings submitted to the City of Caldwell for review and approval for any out-of-season irrigation work to be performed shall be submitted to the Caldwell Engineering Department no later than August 15th. Submittal of plans after this date may result in Applicant not receiving plan approval in time to complete out-of-season work.

Storm Drain

1. As noted previously, provision is to be made for the disposal of storm water drainage in accordance with the City Storm Water Management Manual and any updates adopted subsequent to this application. It is to be noted that retention designs will be denied in most instances. A copy of this policy is available upon request. The engineer of record is to provide calculations, which indicate that the assumptions in his storm water drainage plan comply with the requirements of the storm water manual. In this case, if a storm water system is existing, the burden of proof is on the developer to verify the capacity is sufficient for the proposed subdivision.
2. The applicant shall identify and retain all historical drainage discharge points from the property for the purpose of draining on-site storm water detention facilities.
3. The construction drawing should indicate that storm water detention basins are to be placed in accordance with the referenced Storm Water Policy. A note should be placed on the drawings indicating that all areas designated as common areas are to be operated and maintained by the home owners association.
4. There is to be no discharge of storm water overflow into any irrigation water return/discharge facility/ditch/pipe/etc.
5. All storm water runoff from improved half street sections adjacent to this development shall be retained on site in a storage facility to be maintained by the home owners association.



JAROM WAGONER
Mayor

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For a list of the City
Council members, visit:
Website
www.cityofcaldwell.org

CITY OF *Caldwell, Idaho*

June 9, 2023

Samantha Hammond
Case Planner
Canyon County Development Services Dept.
111 North 11th Ave. Ste. 340
Caldwell, Idaho 83605

Re: **Case No. RZ2021-0047** – CS2, LLC. is requesting a Rezone of approximately 40.84 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The subject property, parcel no. R35590 is located on the south side of W. Linden St., approximately 673 ft. east of the intersection of Wagner Rd. and W. Linden St., Caldwell, ID, in a portion of the NW ¼ of Section 32, T4N, R3W, B.M., Canyon County, Idaho.

Dear Ms. Hammond,

Our office received your letter regarding the rezone application of approximately 40.84 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone.

This parcel is within the City of Caldwell’s Area of City Impact but is not contiguous to the City of Caldwell incorporated area.

The applicant’s proposed zone of R-R (Rural Residential) is consistent with the City of Caldwell’s 2040 Comprehensive Plan future land use designation of RE (Residential Estates), with the intent being to provide areas that protect and enhance single-family living areas that are rural in character, at the outer edge of the city or beyond the area of city impact, or otherwise transitional in relationship to the more urbanized residential areas of higher density.

The City would prefer this parcel be annexed into the City, however, the parcels are not contiguous to any incorporated parcels at this time.

The City would request the following conditions be placed on development:

- The development shall comply with the City of Caldwell landscaping requirements within City of Caldwell Municipal Codes, Chapter 10, Article 7; and

“The Treasure of the Valley”

- The development shall comply with the City of Caldwell subdivision requirements within the City of Caldwell Municipal Codes, Chapter 11; and
- A Municipal Services Agreement shall be required for if any city utilities will be provided to serve the site (including water, sewer, and/or irrigation).

Sincerely,

Robin Collins
Director
City of Caldwell Planning and Zoning Department

EXHIBIT C

Agency Comments Received by: April 21, 2025

Planning & Zoning Commission

Case# RZ2021-0047-MOD

Hearing date: May 1, 2025

Michelle Barron

From: Joe Dodson <jdodson@cityofcaldwell.org>
Sent: Monday, April 21, 2025 9:33 AM
To: Caitlin Ross; Robin Collins; Morgan Bessaw; Michelle Barron
Cc: Steve Pendleton
Subject: [External] RE: Agency Notice of RZ2022-0047-MOD / CS2, LLC

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

As the City has previously provided comments for the original preliminary plat application, the City would respectfully request our previous conditions be adhered to and not waived.

Thank you,



**** Please note that my schedule allows that I work a half day every Wednesday and am out of the office at 11am. If immediate assistance is needed on Wednesdays following 11am, please reach out to the PZ@cityofcaldwell.org general email. Thank you!**

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Tuesday, April 1, 2025 4:09 PM
To: Robin Collins <rcollins@cityofcaldwell.org>; PZ <PZ@cityofcaldwell.org>; Debbie Geyer <dgeyer@cityofcaldwell.org>; Joe Dodson <jdodson@cityofcaldwell.org>; Morgan Bessaw <mbessaw@cityofcaldwell.org>
Subject: Agency Notice of RZ2022-0047-MOD / CS2, LLC

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 **May 1, 2025** at 6:30 pm has been set for this case along with a final deadline of **April 21, 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 **Michelle Barron** at michelle.barron@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 D

Public Comments Received by: April 21, 2025

Planning & Zoning Commission

Case# RZ2021-0047-MOD

Hearing date: May 1, 2025

Canyon County Development Services Department
111 North 11th Avenue, Suite 314
Caldwell ID 83605

RECEIVED
APR 18 2025
BY: LO

April 18, 2025
re: Case No. RZ2021-004-MOD

Dear Commissioners;

We have lived on Wagner Road since 1987. We are opposed to the requested waiver of city requirements regarding parcel number R35590. Our area is in the Caldwell City impact zone and any further developments will require water and sewer lines to be connected to the city system.

The main access is Linden Road. This road is old, narrow and already worn from the Farmway detour. It cannot sustain even more traffic in its present condition. It is also a hilly road that has poor visibility for the houses and driveways already there. Birchwood Drive is also affected by this development. Birchwood is unpaved and maintained by the current residents, it is not for public access.

There is only one way in and out of this property in question as Boehner Rd is also unpaved and maintained by local residents. Leaving no room for an emergency or evacuation access. The burden of a crowded city subdivision would effect the water level, sewer systems and rural neighborhood we currently have in our area.

Please do not allow this waiver to pass as it may affect further development on Linden Road as other properties become available.

Sincerely,

David and Kerry Thomas

David and Kerry Thomas
19128 Wagner Rd
Caldwell ID 83607



Date: July 29, 2025

TO: Development Services, Canyon County
 111 North 11th Ave. Suite 140
 Caldwell, ID 83605
 C/O Michelle Barron
 michelle.barron@canyoncounty.id.gov

From: Matrix Engineering
 Elwin T Butler, PE
 208 739-8668
 ebutler@mat-eng.com

Re: Case# RZ2021-0047-MOD, Alyson Meadows, Preliminary Plat Development Agreement Modification

To Whom It May Concern,

Canyon County Planning and Zoning Commission recommends approval of RZ2021-0047-MOD, Development Agreement Modification for the Preliminary Plat for Alyson Meadows on May 5, 2025. The modification includes that the "City of Caldwell requirements are waived".

In a previous Preliminary Plat hearing, Case SD2021-0039, Alyson Meadows, on September 5th, 2024, The Planning and Zoning Commission recommended the approval of the preliminary plat with the condition that the City of Caldwell requirements be waived. At the County Commission Hearing, November 19, 2024, and in the follow-up hearing meeting, the Commission and County Attorney determined that a modification of the development agreement would be required before the Commission approval of the Preliminary Plat with this recommended condition of approval.

This process includes

- A neighborhood meeting held December 16, 2024,
- Agency notification of the development agreement modification and response,
- Submittal of the Application to the County, February 5th, 2025.
- Canyon County Planning and Zoning Commission Hearing, May 5th, 2025, and
- County Commission Hearing today, August 14th, 2025.

Plat approval background.

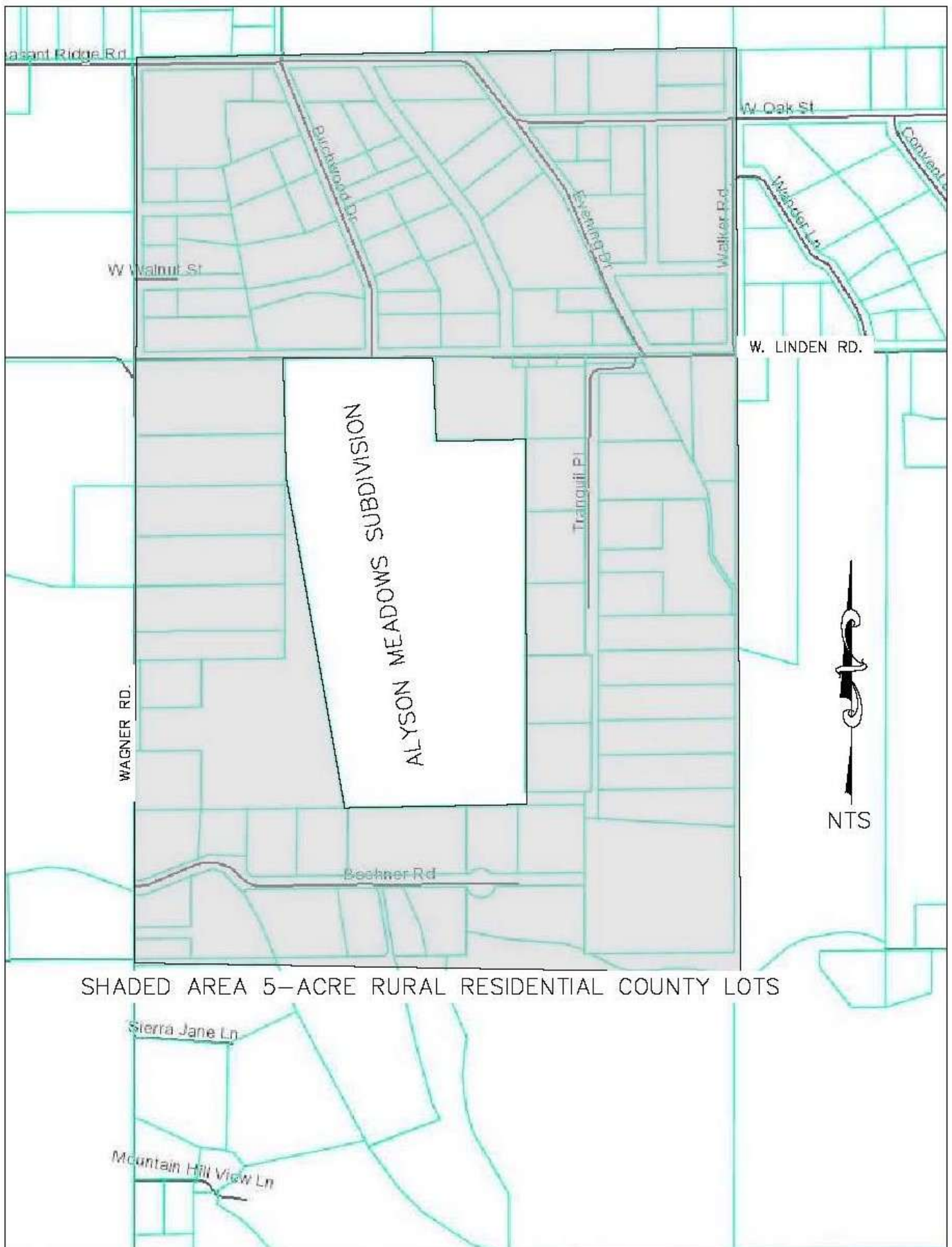
This original plat layout has changed per the community request to keep this area in Canyon County rural. Zoning and the Plat submittal supports this rural community. The neighborhood said they would support the development if this plat would be consistent with the surrounding properties per the Comprehensive Plan. Alyson Meadows Owners support the community of neighbors and the Planning and Zoning Commission recommendation with this Development Agreement Modification.

Discussions concerning this modification have been fully discussed in previous county public hearings. Based on the location of this property, it is highly unlikely that this property will become contiguous to City limits and be eligible for annexation per Idaho Statutes, Title 50, Municipal Corporations, Chapter 2, 50-222, Annexation by Cities. This code states that "subject land is contiguous to or surrounded by the city..." Based on current rural development, the subject land is surrounded by rural 5-acre residential county lots and cannot be contiguous to the City. The only connection would be a shoestring connection which is not allowed by Title 50-222 of the Idaho Code.

The properties to the east are county rural subdivision lots, (Rhetts Acres). The properties to the north are county rural subdivision lots, (Pleasant Ridge). The properties to the west and south are rural residential county lots. See the attached parcel map.

Alyson Meadows provides easements, public rights of way, paved access road, pressure irrigation, drainage easements, and a land buffer along Linden Road. Sanitary sewer and domestic water will be provided on each lot via septic drain fields and wells. Alyson Meadows supports the local Canyon County residents' desire to keep this community rural.

Thank you,
Elwin T. Butler, PE
Matrix Engineering, Inc.



Slide 1

DA Modification DA23-136 RZ2021-0047-MOD

APPLICANT: ELWIN BUTLER, PE
OWNER: COREY SWAIN, CS2 LLC

CANYON COUNTY- PLANNING DIVISION, MAY 1, 2025



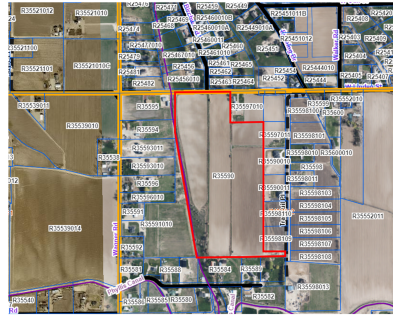
Good evening Mr. Chair and Commissioners, tonight I will present RZ2021-0047-MOD by Elwin Butler for a Modification to development agreement DA23-136 which was associated with a conditional rezone followed by Allyson Meadows Subdivision.

REQUEST:

THE APPLICANT IS REQUESTING A
MODIFICATION TO DA23-136, CONDITION #3

The request by the applicant is to amend
condition #3 to read: "City of Caldwell
requirements for this plat will be waived."

Parcel R35590



The applicant is requesting a modification to da23-136, condition #3

The request by the applicant is to amend condition #3 to read: "City of Caldwell requirements for this plat will be waived."

GENERAL BACKGROUND

October 3, 2023 – Rezone case #RZ2021-0047 was approved by BOCC with a Development Agreement that had four conditions as recommended by the P&Z Commission

October 11, 2023 – DA signed and recorded

August 15, 2024 - the Planning & Zoning Commission recommended approval of Alyson Meadows PP with conditions.

November 19 and December 2, 2024 – The applicant's previous planner presented to the BOCC who held public hearings for Alyson Meadows PP with discussion about the waiver of all requirements from the City of Caldwell.

February 12, 2025 – Applicant applied for a development agreement modification.



October 3, 2023 – Rezone case #RZ2021-0047 was approved by BOCC with a Development Agreement that had four conditions as recommended by the P&Z Commission

October 11, 2023 – DA signed and recorded

August 15, 2024 - the Planning & Zoning Commission recommended approval of Alyson Meadows PP with conditions. Condition 6 of the FCOs states: The City of Caldwell requirements for this plat will be waived.

November 19 and December 2, 2024 – The applicants previous planner presented to the BOCC who held public hearings for Alyson Meadows PP with discussion about the waiver of all requirements from the City of Caldwell. Staff pointed out that the Development Agreement for this parcel is contradictory to this recommendation. Condition #3 states: The applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City Planning and Zoning Department letters as seen in Exhibit D, Attachment 7f and 7g with the exception of the requirement connecting to the Public Water System, which is waived.

The Board tabled the case to a date uncertain to allow the applicant to apply for a development agreement modification, which they did on February 12th of this year.

EVALUATION CRITERIA (07-06-07(7)F):

A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the board after complying with the notice and hearing provisions of Idaho Code section 67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

The representative applied for the Development Agreement Modification on February 12, 2025.



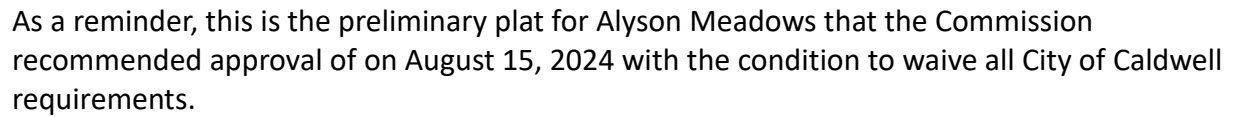
A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the board after complying with the notice and hearing provisions of Idaho Code section 67-6509.

During the process of public hearing at the Board of County Commissioners on December 2, 2024, for Alyson Meadows Subdivision (SD2021-0039), the Board decided to use the recommendation of the Planning and Zoning Commission to waive all of the City of Caldwell conditions. Staff noted that the Development Agreement for the rezone case RZ2021-0047 stated that the conditions are in place except the requirement to hook up to water, which is waived. At that time, the application was tabled to a date uncertain to allow the applicant to apply for a Development Agreement Modification. (Exhibit B.3.5)

The representative applied for the Development Agreement Modification on February 12, 2025. (Exhibit A)

The modification would be required for the Board to waive all requirements of the City of Caldwell. The application was in order, with the neighborhood meeting being held on December 16, 2024, and all items required submitted.

The request is to modify condition No. 3 to say "The City of Caldwell requirements for this plat will be waived." (Exhibit A.2)



NOTIFICATION (07-05-01) & COMMENTS:

All property owners within a 600-foot radius of the existing property boundaries of the property have been provided notice of the public hearing in order that they may provide comment on the application. Notice was also published in the newspaper of general circulation on April 1, 2025, and a sign was posted on the subject property also April 4, 2025. All notices herein described have been provided at least fifteen (15) days prior to the public hearing. **At the time of the expiration of the materials deadline, one (1) written comment from the public was received.**



All property owners within a 600-foot radius of the existing property boundaries of the property have been provided notice of the public hearing in order that they may provide comment on the application. Notice was also published in the newspaper of general circulation on April 1, 2025, and a sign was posted on the subject property also April 4, 2025. All notices herein described have been provided at least fifteen (15) days prior to the public hearing. At the time of the expiration of the materials deadline, one (1) written comment from the public was received.

The comment by David and Kerry Thomas states they are in opposition to this waiver, but seem to be speaking to opposition of the subdivision itself rather than the development agreement modification. (Exhibit D.1)

RECOMMENDATION & CONDITIONS:

In consideration of the application, staff concludes that the proposed development agreement modification **is compliant** with Canyon County Ordinance Section 07-06-07(&)F. A full analysis is detailed within this staff report.

Staff recommends removing condition number 3 to allow the decision on the City of Caldwell's requirements to be determined at Preliminary Plat time.



In consideration of the application, staff concludes that the proposed development agreement modification is compliant with Canyon County Ordinance Section 07-06-07(&)F. A full analysis is detailed within this staff report.

If the Commission moves to recommend approval, they can choose to change the condition as proposed by the applicant, or they may remove the condition entirely from the Development Agreement. The waiver request could then be heard and approved or denied at the decision of the Preliminary Plat public hearing with the Board of County Commissioners.

Questions?

