Planning and Zoning Commission
Hearing Date: September 3, 2026
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER: **ZV2026-0005**

APPLICANT/PROPERTY OWNER: **Scott Bates & Jacob Laird**

APPLICATION: **Variance – Setback**

LOCATION: **9516 Leston Lane**
R29612 2.55 acres

PLANNER: **Dane Adams, Associate Planner**

STAFF RECOMMENDATION: **Approval**

REQUEST:
The applicants, Scott Bates & Jacob Laird, are requesting a variance to reduce the side setback requirements from 10 feet to 4.73 feet to accommodate a secondary residence. The applicants would like to renovate an existing structure (located directly to the north of the primary residence) into the secondary residence. The subject property is approximately 2.55 acres and zoned "A" (Agricultural).

PARCEL INFORMATION REPORT: *See Exhibit B.1 for information*

APPLICABLE CODE:
The following laws and ordinances apply to this decision: 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 §07-08 (Variance), CCCO §07-02-03 (Definitions), CCCO §07-10-21 (Setbacks; Minimum Parcel or Lot Size; Height Regulations), and Idaho Code §67-6516 (Variance-Definition-Application-Notice),

BACKGROUND:
Parcel R29612 was created via AD2022-0135. This application included an administrative land division, property boundary adjustment, and easement reduction from 60 feet to 28 feet. RD2023-0012 was applied for and approved for the private road "Leston Lane".

ZV2022-0004 was applied for in June of 2022 to vary the front setback requirements for the existing residence off of Leston Lane. This application was approved in August of 2022 by the Planning and Zoning Commission.

HEARING CRITERIA:

Table 1. Variance Standards of Evaluation – CCCO §07-08-03

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**1**	**A variance shall be granted in compliance with Idaho Code section 67-6516, and notice and an opportunity to be heard shall be provided to property owners adjoining the subject property.**
Analysis	Chapter 7, Article 8 of the Canyon County Code provides the variance process consistent with Idaho Code section 67-6516	

	Per CCCO §07-08-01, a complete application with fees was accepted on June 2, 2026 (**Exhibit A**). The request requires a public hearing due to the proposal exceeding a 33% modification to the county setback requirements. Noticing was completed per CCCO §07-08-01. Property owners within 600 feet were notified of the request and public hearing on July 30, 2026.	
Criteria Met? **Yes**	**2**	**The presiding party shall ask and answer the following questions in their FCOs:** **A. Will granting the variance be consistent with the comprehensive plan?** **B. Do characteristics of the site create an undue hardship?** **C. Is the variance in conflict with the public interest?**
Analysis	The date of application acceptance (June 2, 2026) was noted on the application. The application is being considered by the Planning & Zoning Commission at a public hearing on September 3, 2026. Noticing for the hearing was provided for according to Article 5. A. The variance request from 10' to 4.73' would not make the property incompatible with the goals and policies of the Canyon County 2030 Comprehensive Plan. B. The 2030 Comprehensive Plan designates the future land use to be "A" (Agriculture). The parcel is currently zoned "A" (Agricultural). The parcel was created in accordance with the Canyon County Zoning Ordinance. C. The proposed variance supports the following goals and policies of the 2030 Comprehensive Plan. <u>Private Property:</u> **G1.01.00:** *Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.* **P1.01.03:** *Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.* <u>Population:</u> **G2.01.00:** *Incorporate population growth trends & projections when making land-use decisions.* **G2.02.00:** *Promote housing, business, and service types needed to meet the demand of the future and existing population.* <u>Land Use and Community Design:</u> **G4.01.00:** *Support livability and high quality of life as the community changes over time.* **P4.01.01:** *Maintain a balance between residential growth and agriculture that protects the rural character.* **P4.01.02:** *Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.* **G4.02.00:** *Ensure that growth maintains and enhances the unique character throughout the County.* **P4.02.01:** *Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.* **G4.03.00:** *Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.* **G4.07.00:** *Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.* **G4.08.00:** *Maintain and enhance the aesthetic beauty of the county.*	

D. The characteristics of the site do create a hardship.

- Canyon County Code or Idaho Code does not define undue hardship for the purposes of a variance. Section 67-6516 states a variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site. The circumstances justifying the undue hardship must be "peculiar" to the property at issue (*City of Burley v. McCaslin Lumber Co., 107 Idaho 906, 693 P.2d 1108 (1984*).
- According to the applicant's letter of intent (**Exhibit A2**) and site plan (**Exhibit A3**), there are multiple site characteristics that require this variance. The residence's septic tank is located 11 feet to the west of the buildings requiring the variance; to the North is the septic drainfield, and on the southern side, there is propane infrastructure restricting the structures to where they are currently located. Southwest District Health confirms this location of the septic system, and stated that relocating the existing structures may result in encroachment on the existing septic system (**Exhibit A9 & D2**).
- According to the applicant's letter of intent (**Exhibit A2**), over half of the subject property is used as a pasture for grazing of animals.
- The parcel was divided by a prior owner, and the 28' easement for Leston Lane is located on the west property boundary, which provides access to the subject parcel, Parcel R29611, and R29612010 (**Exhibit A3**). This further limits the potential alternate locations for the existing structures.
- According to Google Earth imagery, the existing structure requiring the setback variance has been there since at least 1992 (**Exhibit B3**).
- The applicants reached out to the property owner of the parcel located to the east, Parcel R29613, to inquire about completing a Property Boundary Adjustment between the two properties in order to meet setbacks. The property owners of Parcel R29613 declined the request (**Exhibit A2**).
- Staff finds that the aforementioned characteristics of the site do create a hardship.

C. The variance is not in conflict with public interest.

- The proposed variance is not expected to have an impact on the adjacent residence or emergency services' ability to access any parcels off of Leston Lane, as the structures requesting the easement reduction have been there since at least 1992 (**Exhibit B3**).
- The shared well agreement for Parcels R29612 & R29611 does not restrict secondary residences (**Exhibit A10**).
- Comment letters from Nampa Highway District No. 1, Southwest District Health, Canyon County Building Department, Idaho Department of Environmental Quality, Boise Project Board of Control, and Nampa & Meridian Irrigation District confirmed that they did not oppose the variance, and that it is not in conflict with public interest. See **Exhibit D** for all agency comments.

NOTIFICATION AND COMMENTS:

Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on June 22, 2026, and July 30, 2026. Property owners within 600 feet of the subject property boundaries were notified on July 30, 2026. A newspaper notice was published on August 4, 2026. The subject property was posted with a notice on August 4, 2026.

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.

AGENCY COMMENTS

All agency comments received by the aforementioned materials deadline are located in Exhibit D.

PUBLIC COMMENTS

Staff received one (1) total written public comment in opposition by the materials deadline of August 24, 2026. The comment received is located in Exhibit E.

RECOMMENDATION AND DECISION OPTIONS:

In consideration of the application and supporting materials, staff concludes that the proposed variance is compliant with Canyon County Ordinance 07-06-07(6). A full analysis is detailed within the staff report.

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

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

DECISION OPTIONS

- **Approval of the Application**: "I move to approve ZV2026-0005, Bates & Laird, finding the application **does** meet the criteria for approval under Article 07-08-03 of Canyon County Zoning Ordinance, **with the conditions listed in the staff report, finding that**: [*Cite reasons for approval & Insert any additional conditions of approval*].
- **Denial of the Application**: "I move to deny ZV2026-0005, Bates & Laird, finding the application **does not** meet the criteria for approval under 07-08-03 of Canyon County Zoning Ordinance, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5)*].
- **Table the Application:** "I move to continue ZV2026-0005, Bates & Laird, to a [*date certain or uncertain*]

EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
2. Letter of Intent
3. Site Plan
4. Ariel View
5. Agency Acknowledgement
6. Deed
7. Neighbor Consent Form
8. Neighborhood Meeting
9. SWDH Septic Documentation
10. Shared Well Agreement
11. Presentation Submitted by applicant; Received: August 24, 2026

B. Supplemental Documents

1. Parcel Information Report
2. Cases Maps/Reports
   - 2.1. Notification Map
   - 2.2. Small Air Photo
   - 2.3. Small Vicinity Map
   - 2.4. Zoning & Classification Map
   - 2.5. Case Map & Summary
   - 2.6. Subdivision Map

2.7. Lot Classification Map
2.8. Prime Farm Land
2.9. Future Land Use

3. Google Earth Imagery Dated 1992

C. Site Visit Photos: July 10, 2026

D. Agency Comments Received by: August 24, 2026

1. Nampa Highway District No. 1; Received: June 22, 2026
2. Southwest District Health; Received: June 26, 2026
3. Canyon County Building Department; Received: June 29, 2026
4. Idaho Department of Environmental Quality; Received: June 29, 2026
5. Boise Project Board of Control; Received: June 26, 2026
6. Nampa & Meridian Irrigation District; Received: July 8, 2026

E. Public Comments Received by: August 24, 2026

1. Douglas Waterman; Received: August 24, 2026

F. Draft FCOs

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# ZV2026-0005

Hearing date: September 3, 2026

Exhibit A1

VARIANCE >33%
PUBLIC HEARING - MASTER APPLICATION

PROPERTY OWNER	OWNER NAME: Scott and Felicia Bates and Jacob Laird	
	MAILING ADDRESS: 9516 Leston LN Nampa ID 83686	
	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: Scott Bates *Date:* 5/7/2026

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

SITE INFO	STREET ADDRESS: 9516 Leston LN Nampa ID 83686	
	PARCEL NUMBER: R29612	
	PARCEL SIZE: 2.55 Acres	
	FLOOD ZONE (YES (NO))	ZONING DISTRICT: AG

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	ZV2026-0005	DATE RECEIVED:	6/2/26
RECEIVED BY:	MG	APPLICATION FEE: $1350.00	CK MO CC CASH

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, #310, Caldwell, ID 83605
zoninginfo@canyoncounty.id.gov - Phone: 208-402-4164
Revised 3/17/23

Exhibit A2

Applicant: Scott & Felicia Bates, Jacob Laird
Property Address: 9516 Leston Ln, Nampa, ID 83686
Parcel Number: R29612
Zoning District: Agricultural (AG)

1. REQUEST SUMMARY

This Letter of Intent is submitted in support of a variance request pursuant to Canyon County Zoning Ordinance's to allow an existing structure to remain at approximately 4.73 feet from the eastern property boundary, where a ten (10) foot setback is otherwise required.

The structure is an existing shop building constructed approx. 35 years ago. The applicant proposes to convert the structure into an Accessory Dwelling Unit (ADU) through the addition of water and sewer utilities. No expansion of the building footprint is proposed with the exception of a 1 ft. soffit for weather protection of the existing building, and no additional encroachment into the required setback will occur. We would also like to bring the adjacent shop to the North into compliance by requesting the same variance approval, measurements from property boundary are the same as the southern shop being requested. The use for this shop will remain storage and shop use, we would just like to bring this nonconforming building into compliance.

2. CONSISTENCY WITH THE CANYON COUNTY COMPREHENSIVE PLAN

The requested variance is consistent with the Canyon County Comprehensive Plan, including goals that support:

- Rural and agricultural land use patterns within Agricultural (AG) zoning
- Efficient use of existing structures and infrastructure
- Preservation of open space and agricultural land use

The majority of the 2.55-acre parcel remains in pasture and grazing use, consistent with the rural character of the area. The proposal maintains existing development patterns without introducing new impacts, unnecessary land disturbance or

intensifying land use beyond what is already supported by the property and surrounding agricultural area.

The proposed Accessory Dwelling Unit represents a reasonable residential use within the Agricultural zoning district and is supported by existing infrastructure and recorded agreements associated with the property.

3. UNDUE HARDSHIP AND UNIQUE SITE CHARACTERISTICS

Strict application of the ten (10) foot setback requirement creates an undue hardship due to unique physical conditions that prevent compliance:

- The structure was constructed between 1981 and 1992, and is a lawful nonconforming structure.
- The structure is constrained by existing infrastructure on all sides:
  - Septic system tank lid located approximately 11 feet in front of the building (west) and tank runs parallel to building. (Shown on site documents).
  - Drainfield located to north side of the structure
  - Propane tank and buried propane lines located on the south side
- The parcel is long and narrow, limiting alternative building locations.
- Over half of the property is used for agricultural pasture/grazing and corral operations.
- Access to property is limited to a single entrance from Lakeshore Drive, and the existing driveway and turnaround area must remain clear for emergency vehicle access, including fire apparatus.
- In addition, the neighboring property's septic tank and drainfield are partially located on the subject property, as identified on the septic system map provided, which further limits any feasible alternative placement of structures on the property.
- Utilizing the existing structures in their current locations is financially feasible and represents a reasonable use of the property, whereas relocating the structures would require substantial reconstruction, relocation of existing utility systems and infrastructure, and significant financial

hardship without corresponding public benefit.

- The hardship is not self-created and existed prior to current ownership.

Due to these combined conditions, relocation or reconstruction of the structure to meet the setback requirement is not reasonably feasible without significant disruption to essential systems and lawful property use.

4. IMPACT ON PUBLIC INTEREST

Approval of this variance will not be detrimental to public health, safety, or welfare:

- The proposal does not expand the building footprint or increase nonconformity.
- The setback deviation is minimal (4.73 feet required vs. 10 feet required).
- The surrounding area is rural and agricultural in nature.
- The adjacent property to the east is agricultural (tree farm) and has expressed no objection. (See neighbor support letter).
- Nearby properties reflect similar historic agricultural development patterns.
- The project will not increase traffic, affect drainage, or place additional demand on infrastructure.
- Emergency access remains fully adequate and unchanged.
- The property is near the Deer Flat National Wildlife Refuge but is not within any designated impact zone, and no new environmental disturbance is created.

5. MINIMUM NECESSARY RELIEF

The requested variance represents the minimum necessary relief to allow reasonable use of an existing structure. No additional encroachment or expansion is proposed. The request is limited to allowing continued use of the existing nonconforming structures and conversion of one structure into an Accessory Dwelling Unit.

****Note:*** The neighboring property owners to the East declined our proposal for a Property Boundary Adjustment. Due to existing buildings on their property that are legal non-

conforming and still in use in the area we would need to adjust. In addition, there exists a buried irrigation pipe on their side of the property line.

6. NEIGHBOR CONSIDERATION

The adjacent property owner to the east has been informed of the proposed variance request and has expressed no objection. The surrounding agricultural use is compatible with the existing structure and proposed residential conversion.

In addition, the property is subject to a signed and recorded well agreement that expressly allows for an Accessory Dwelling Unit, further demonstrating compatibility of the proposed use with existing shared utility arrangements. For reference see document included (Shared Well Agreement "item 18")

7. FINDINGS SUPPORTING APPROVAL

The request satisfies the criteria for approval under Canyon County Zoning Ordinance Section 07-08-03, as follows:

- The hardship results from unique physical conditions and pre-existing development.
- The hardship is not self-created by the applicant.
- The variance is the minimum necessary to allow reasonable use of the property.
- The request is consistent with the Canyon County Comprehensive Plan.
- Approval will not be injurious to surrounding properties or the public interest.

8. CONCLUSION

For the reasons outlined above, the applicant respectfully requests approval of the variance to allow the continued shop use and residential conversion of the existing structure located within the reduced setback area.

Sincerely,
Scott & Felicia Bates, Jacob Laird

Exhibit A3

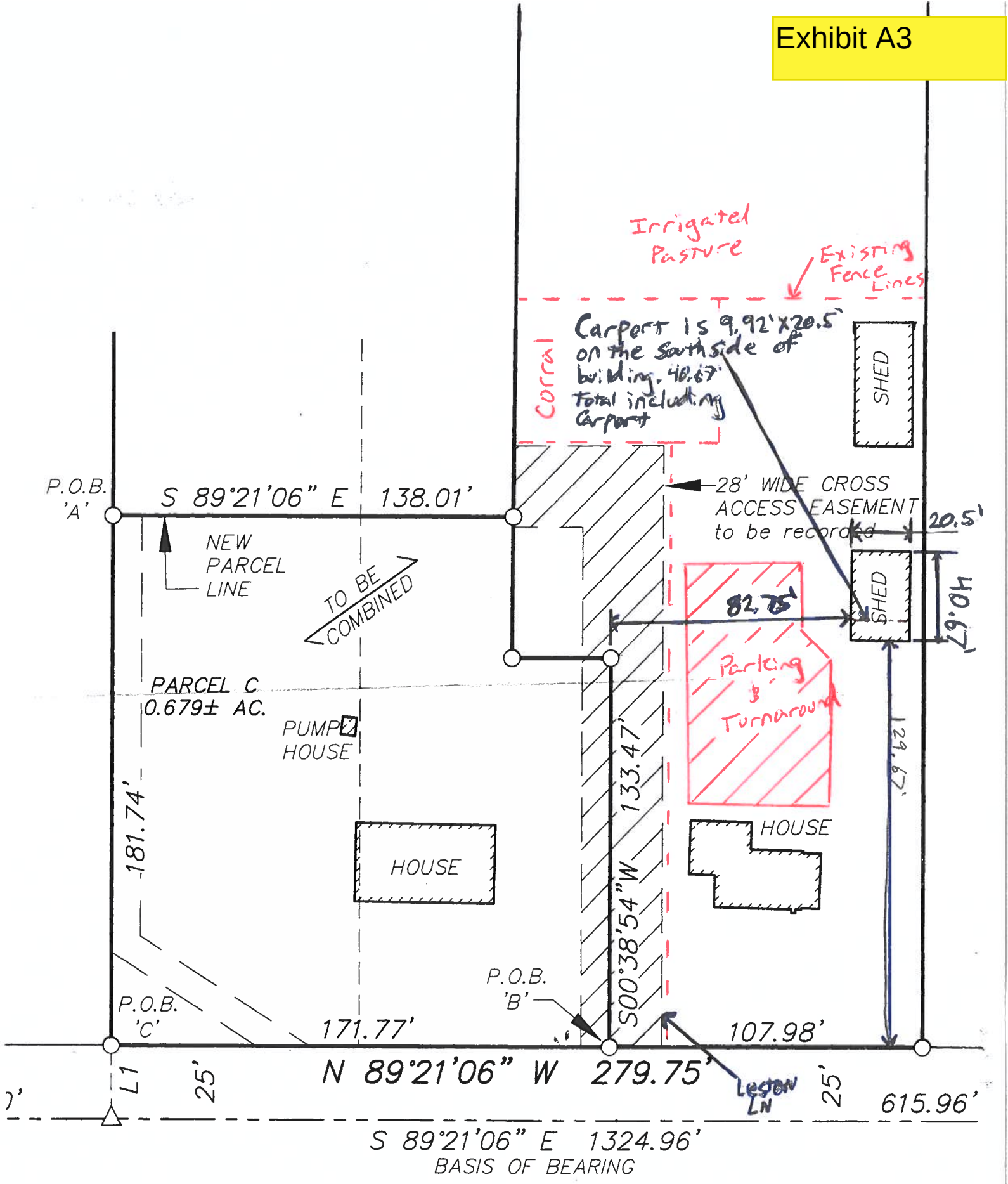

Irrigated Pasture
Existing Fence Lines
Corral
Carport is 9.92'x20.5' on the southside of building. 40.67' total including Carport
SHED
SHED
P.O.B. 'A'
S 89°21'06" E 138.01'
28' WIDE CROSS ACCESS EASEMENT to be recorded
20.5'
40.67'
NEW PARCEL LINE
TO BE COMBINED
82.75'
Parking & Turnaround
PARCEL C
0.679± AC.
PUMP HOUSE
181.74'
133.47'
129.67'
HOUSE
HOUSE
S00°38'54"W
P.O.B. 'B'
P.O.B. 'C'
171.77'
107.98'
L1
25'
N 89°21'06" W 279.75'
Legion LN
25'
615.96'
S 89°21'06" E 1324.96'
BASIS OF BEARING
LAKE SHORE DR.

Exhibit A4

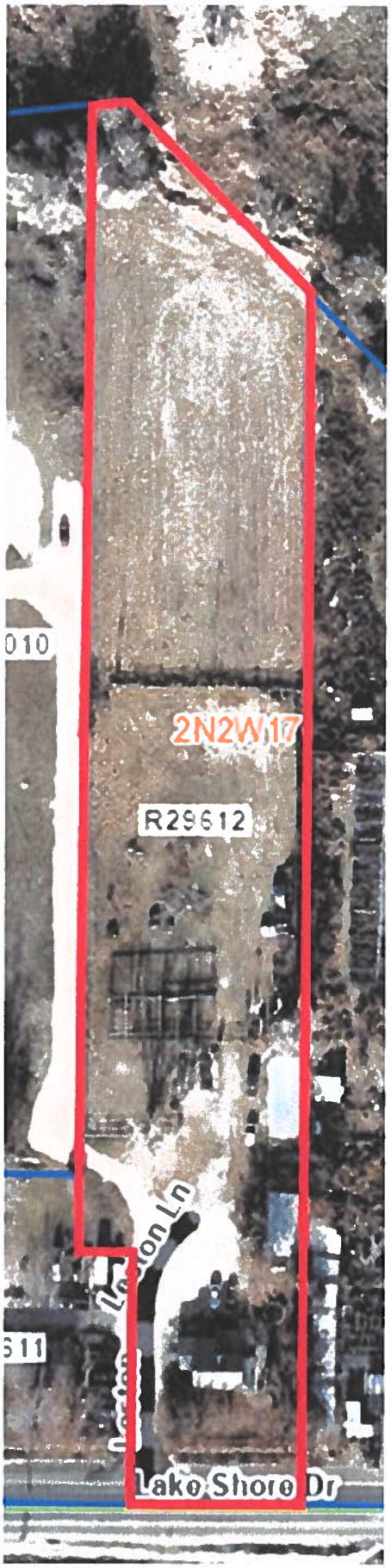


Exhibit A5

AGENCY ACKNOWLEDGMENT

Date: 1-5-26
Applicant: South Nampa Parks and Rec District
Parcel Number: R3961200
Site Address: 9916 Lesbon Ln Nampa, ID 83686

SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.

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

Southwest District Health:
☑ Applicant submitted/met for informal review.
Date: 03/16/26 Signed: _____
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District: District: Nampa Fire District for Upper Deer Flat
☒ Applicant submitted/met for informal review.
Date: 1/7/26 Signed: Juliana L
Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District: District: Nampa Highway Dist. #1
☒ Applicant submitted/met for informal review.
Date: 1-5-26 Signed: _____
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District: District: Nampa & Meridian Irrigation Dist
☑ Applicant submitted/met for informal review.
Date: 03/12/26 Signed: Paul Huddleston
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

X **Area of City Impact** City:
☐ Applicant submitted/met for informal review.
Date: _____ Signed: _____
Authorized ACCI Representative
(This signature does not guarantee project or permit approval)

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

Exhibit A6

TitleOne
a title & escrow co

2023-021214
RECORDED
07/03/2023 09:39 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=3 ZBLAKESLEE $15.00
TYPE DEED
TITLEONE BOISE
ELECTRONICALLY RECORDED

Order Number: 23478287

Warranty Deed

For value received,

RLM Investments I, LLC, an Idaho Limited Liability Company

the grantor, does hereby grant, bargain, sell, and convey unto

Scott Rulon Bates and Felicia Marie Bates, husband and wife and Jacob Laird, an unmarried man

whose current address is 10586 Lake Shore Dr Nampa, ID 83686

the grantee, the following described premises, in Canyon County, Idaho, to wit:

See Exhibit A, attached hereto and incorporated herein.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of page intentionally left blank.

TitleOne
a title & escrow co.

Order Number: 23478287

Warranty Deed

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Scott Rulon Bates and Felicia Marie Bates, husband and wife and Jacob Laird, an unmarried man

whose current address is 10586 Lake Shore Dr Nampa, ID 83686

the grantee, the following described premises, in Canyon County, Idaho, to wit:

See Exhibit A, attached hereto and incorporated herein.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of page intentionally left blank.

Dated: June 26, 2023

RLM Investments I, LLC, an Idaho Limited Liability Company

Ryan Myhre, Member

State of Idaho,
County of Canyon, ss.

On this 29 day of June 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Ryan Myhre known or identified to me to be a Member of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

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

Notary Public
Residing In: _____
My Commission Expires: _____

STACY CAIRNS
COMMISSION NUMBER
NOTARY PUBLIC
STATE OF IDAHO

Stacy Cairns
Comm. Expires 4/10/2024
Residing in Meridian, ID

EXHIBIT A
LEGAL DESCRIPTION OF THE PREMISES

Parcel B on Record of Survey recorded August 23, 2022 as Instrument No. 2022040308, further described as follows:

A parcel of land being a portion of the Southeast Quarter of the Northwest Quarter of Section 17, Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho being more particularly described as follows:

Commencing at the found ½ inch iron pin with no cap at the Center-West Sixteenth Corner from which the found 5/8th inch iron pin with a set 2 inch aluminum cap stamped PLS 11463 at the Center Quarter Corner bears South 89°21'06" East a distance of 1324.96 feet; thence
South 89°21'06" East along the mid-section line for a distance of 709.00 feet; thence
North 00°38'54" East for a distance of 25.00 feet; thence
South 89°21'06" East for a distance of 171.77 feet along the Northerly right-of-way of Lake Shore Drive to a set 5/8th inch iron pin with a 2 inch aluminum cap stamped PLS 11463 and the REAL POINT OF BEGINNING; thence
North 00°38'54" East for a distance of 133.47 feet to a set 5/8th inch iron pin with a 2 inch aluminum cap stamped PLS 11463; thence
North 89°21'06" West for a distance of 34.08 feet to a set 5/8th inch iron pin with a 2 inch aluminum cap stamped PLS 11463; thence
North 01°01'21" East for a distance of 719.67 feet to a set 5/8th inch iron pin with a 2 inch aluminum cap stamped PLS 11463; thence
North 84°33'54" East along the Southerly boundary of Deer Flat Reservoir for a distance of 22.69 feet to a set 5/8th inch iron pin with a 2 inch aluminum cap stamped PLS 11463; thence
South 43°26'06" East along said reservoir boundary for a distance of 165.00 feet to a set 5/8th inch iron pin with a 2 inch aluminum cap stamped PLS 11463; thence
South 00°38'54" West for a distance of 737.01 feet to a set 5/8th inch iron pin with a 2 inch aluminum cap stamped PLS 11463; thence
North 89°21'06" West along the Northerly right-of-way of Lake Shore Drive for a distance of 107.98 feet to the REAL POINT OF BEGINNING.

Exhibit A7

NEIGHBOR CONSENT STATEMENT – VARIANCE REQUEST

Property Address (Subject Property):
9516 Leston Ln, Nampa, ID 83686

Applicant(s):
Scott & Felicia Bates, Jacob Laird

STATEMENT OF ACKNOWLEDGMENT, CONSENT, AND SUPPORT

I, Jason Gray, am the owner of the property located at:
10516 Lakeshore Dr.

(Neighbor's Property Address):_____

I acknowledge that I have been informed of the proposed variance request for the property located at 9516 Leston Ln, Nampa, Idaho. The request seeks approval to allow an existing structure to remain within the reduced eastern property line setback area.

After being informed of the request, I hereby state the following:

- I have no objection to the requested variance.
- I do not anticipate any adverse impact to my property or use of my property.
- I understand the proposal is for the change of use and modification of an existing structure.
- I support approval of this variance request.

This statement is provided voluntarily to support the variance application.

Neighbor Signature: [signature]

Printed Name: Jason Gray

Date: 4/27/26

Exhibit A8

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

Date: 12-19-25

Dear Neighbor,

We are in the process of presenting an application to Canyon County Development Services for a **Variance**. 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: 12-29-25
Time: 3:00PM
Location: 9516 Leston Ln. Nampa, Id. 83686
Property description: Formerly 10586 Lake Shore Dr. Nampa, Id. 83686. Parcel R29612 (House on the right of the Easement).

The project is summarized below:

Site Location: 9516 Leston Ln. Nampa, Idaho 83686
Proposed: Application for 2-6 ft. setback for existing 50 year old structure.
Total acreage: N/A
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.

Sincerely, Scott/Felicia Bates and Jake Laird

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

zoninginfo@canyoncounty.id.gov Phone: 208-402-4164

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: 9516 Leston LN Parcel Number: R29612

City: Nampa State: ID ZIP Code: 83687

Notices Mailed Date: 12-19-2025 Number of Acres: 2.55 Current Zoning: AG

Description of the Request: Building variance Q&A info meeting

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Scott Bates Jacob Laird

Company Name: ~~9516 Leston Ln~~

Current address: 9516 Leston Ln

City: Nampa State: ID ZIP Code: 83687

Phone: [redacted] Cell: [redacted] Fax:

Email: [redacted]

MEETING INFORMATION		
DATE OF MEETING: 12-29-25	MEETING LOCATION: 9516 Leston Ln Nampa ID	
MEETING START TIME: 3:00p.m	MEETING END TIME: 5:00PM	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Scott Bates		
2. Felicia Bates		
3. Jake Laird		
4.		
5.		
6.		
7.		
8.		
9.		

10.
11.

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

NEIGHBORHOOD MEETING CERTIFICATION:

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

APPLICANT/REPRESENTATIVE (Please print):

Scott Bates, Jacob Laird

APPLICANT/REPRESENTATIVE (Signature):

DATE: 12 / 29 / 25

Exhibit A9

Southwest District Health Department

No. 0021

Receipt: 343-80

Date: 2-17-89

INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL APPLICATION/PERMIT

Installation shall comply with all requirements of Health District and/or State of Idaho Sewage Disposal Rules, Regulations, and Standards

T1-17530 17531

APPLICATION

Property Owner: Ronald Penny

Property Address: 10586 Lake Shore Dr.

City: Nampa County: 401

Legal Description: T 2N R 2W Sec 17

Site Location: 1/2 mi West of intersection 12th Ave and Lake Shore on right side-Bailey white-Black Shutters

New [X] Replacement [] Lot size 1/2 A

of Bedrooms 2 Flow 200 gal

Septic tank 900 gal Eff. area 400 sq ft

Type: Standard [] Alternate []
Trench [X] Bed [] Pit [] Other []

Soil textural classification B

Soil profile provided Yes

Static water table depth [redacted] ft

Depth to: Impermeable layer NA ft
Lava rock Ext. permeable layer 4 1/2 ft

Distance to wells: (from drainfield) Owners 7100 ft
Neighbors 7100 ft

Licensed Installer: DEAN LITTLEFIELD

Applicant signature: X Ronnie M. Penny

Proposed diagram showing location and dimensions

10 X 50 B&O WITH 6" OF UNDER PIPE

Neighbors septic tank on our property

PERMIT ISSUED

Jack H Biddle | EHS Code 4 | 6-5-89

EHS Signature | Date

INSTALLED 10 x 55 Bed with 6" of Rx under Pipe

INSPECTION REPORT

Septic tank 900 gal Mfr BVC

Stand pipe NA Manhole depth 12 ins

Absorption area 550 sq ft

Dimensions: Width 10 ft Length 55 ft

Gravel 2 yds Depth under pipe 6 ~~ft~~ in

Depth to pipe 12 ins Dist. to well 7100 ft

Installer: DEAN LITTLEFIELD

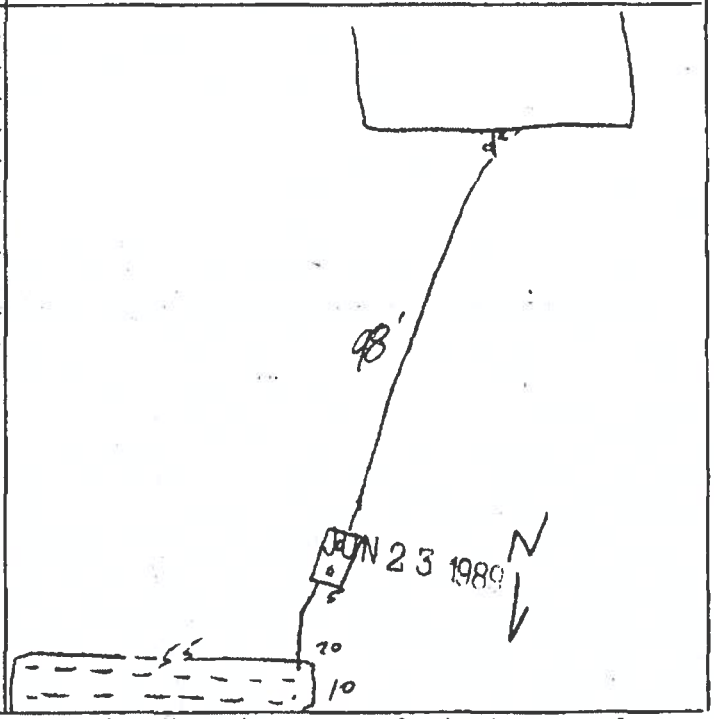
Final Inspection by: Jack H Biddle | EHS Code 4 | Date 6-22-89

Complies with minimum requirements? yes

REMARKS:

SYSTEM ADEQUETE FOR A 3 BEDROOM RESIDENCE

Travel Time	Inspec. Time
0 3.5	0 6.0
0 4.0	0 4.5
[redacted]	[redacted]



CALL FOR TEST HOLE INSPECTION APPOINTMENT
Caldwell 459-0744 • Emmett 365-6371
Payette 642-9321 • Weiser 549-2370
Murphy 459-2421

The size of the drainfield will be determined at the time the test hole is inspected.

This application must be signed by a licensed Environmental Health Specialist before it can be considered a valid permit.

NOTE: This is not a building permit, a building permit may be required by the County or City.

SWDHD11-88/02-03 262/F

FINAL/AS-BUILT--Subsurface Sewage Disposal

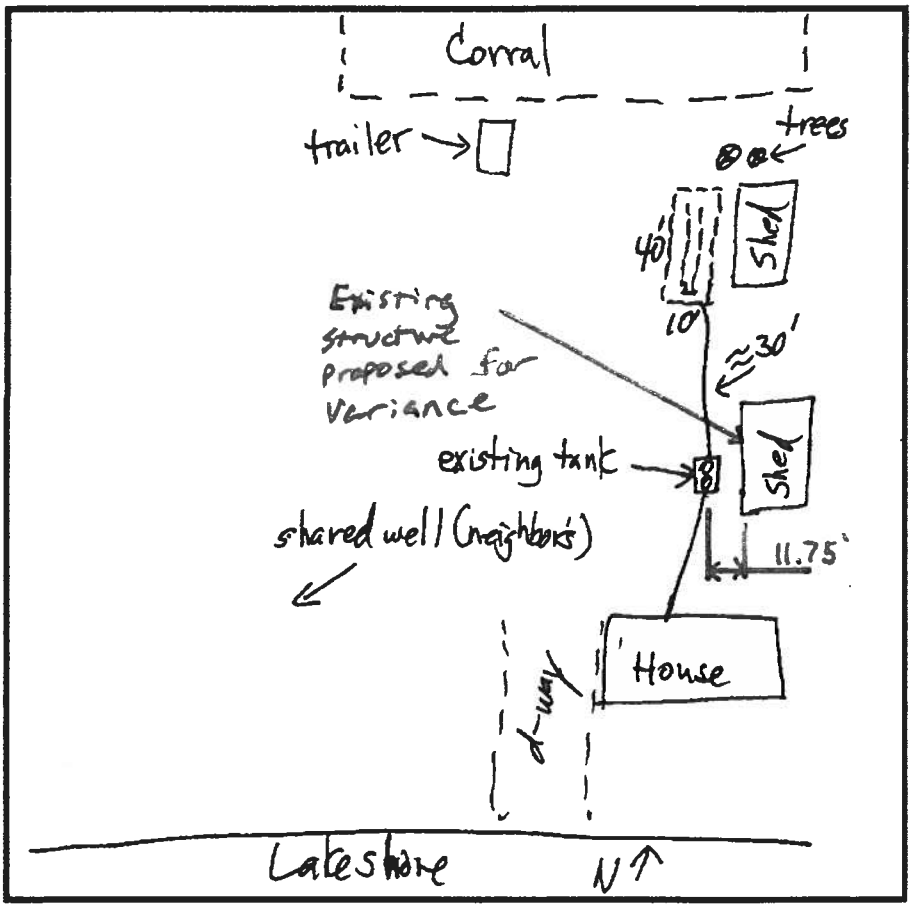
Public Health
Prevent. Promote. Protect.
Idaho Public Health Districts

Southwest District Health
13307 Miami Lane
Caldwell, ID 83607
Phone: 208.455.5400
Fax: 208.455.5405

Permit # : TI-17531
Date : 1/17/12
Parcel # : R3961200000
Doc ID # :

Applicant's Name: ~~Pete~~ Pete Thomas
Owners Name: Ron Penny
Property Address: 10586 Lake Shore Nampa Canyon
Legal Description: Township 2N Range 2W Section 17
Subdivision: Lot Block Size (acres): 4.97

Asbuilt (not to scale)



System Type: A	Gravel (Yards): 18
System Mfg: n/a	Sand (Yards): n/a
Septic/Trash Tank (Gallons): existing	Depth to Pipe (Inches): ≈18 (average)
Septic/Trash Tank Mfg.: "	Rock Under Pipe (Inches): ≈8
Depth to Tank Lid (Inches): "	Date system Installed: 1/20/12
Standpipe/Riser (Inches): "	Riser Longitude: n/a
Pump Tank (Gallons): n/a	Riser Latitude: n/a
Pump Tank Mfg.: n/a	Well Installed: ☒ Yes ☐ No
Drainfield Width (Ft): 10	Distance to Tank (Ft): >50
Drainfield Length (Ft): 40	Distance to Drainfield (Ft): >100
Drainfield Area (Sq. Ft.): 400	Valve: ☐ Yes ☒ No
	D-Box: ☐ Yes ☒ No

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

Notes/Conditions of Approval:

Installer Name: Nampa Septic
Installer Number: I-1149
Signature: (unavailable to sign)
Date: 1/20/12

By signing above, I certify that all answers and statements on this Final/Asbuilt are true and complete to the best of my knowledge.

Official Use Only

DATE	1/20/12					
TRAVEL	30					
INSPECT	45					
EHS	15					

Robert A Carson
EHS Final Inspection Signature

15 EHS Code
1/20/12 Date

☒ As-Built provided by EHS ☐ As-Built provided by Installer

Revision Date: 03/2011

KO

Exhibit A10

2023-016687
RECORDED
05/26/2023 10:49 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=10 JWINSLOW $37.00
TYPE: AGR
EMPIRE TITLE, LLC, AN IDAHO LIMITED
ELECTRONICALLY RECORDED

2023-016820
RECORDED
05/26/2023 03:43 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=10 NHANEY $37.00
TYPE: AGR
EMPIRE TITLE, LLC, AN IDAHO LIMITED
ELECTRONICALLY RECORDED

**this document is being
re-recorded to correct addresses.**

***This document is being re recorded to correct paragraph 1., delete paragraph 7.,and correct paragraph 18..**

THIS PAGE HAS BEEN ATTACHED

TO ACCOMMODATE THE

RECORDING STAMP

2023-016710
RECORDED
05/26/2023 11:22 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=10 ADMARTINEZ $37.00
TYPE: AGR
EMPIRE TITLE, LLC, AN IDAHO LIMITED
ELECTRONICALLY RECORDED

This document is being re recorded to correct paragraph 1., delete paragraph 7., and correct paragraph 18..

This document isbeing re-recorded to correct addresses.

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

KLM FAIRSHARE I, LLC
301 E. Bower St.
Meridian, ID 83642

2023-013243
RECORDED
04/27/2023 12:31 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=8 LBERG $31.00
TYPE: AGR
EMPIRE TITLE, LLC, AN IDAHO LIMITED
ELECTRONICALLY RECORDED

(Space Above for Recorder's Use)

SHARED WELL AGREEMENT

This Shared Well Agreement ("Agreement") is made and entered into this 14th day of April, 2023, by and between ~~10586~~ Lake Shore Dr, Nampa, ID 83686, ("Supplying Party") and ~~10596~~ 10586 Lake Shore Dr, Nampa, ID 83686 ("Supplied Party"). *10596

WHEREAS the Supplying Party is the owner of certain real property situated in Canyon County, State of Idaho, commonly known as ~~10586~~ Lake Shore Dr, Nampa, ID 83686, and more fully described on the attached **Exhibit ~~A~~ B** ("Supplying Parcel"); *10596

WHEREAS the Supplied Party is the owner of certain real property situated in Canyon County, State of Idaho, commonly known as ~~10596~~ Lake Shore Dr, Nampa, ID 83686, and more fully described on the attached **Exhibit ~~B~~ A** ("Supplied Parcel"); *10586

WHEREAS, the undersigned parties deem it necessary to provide a well system to service the parcels described herein, and an Agreement has been reached relative to supplying water from the well and the cost of supplying said water; and

WHEREAS, there is a well located upon the Supplying Parcel, together with water distribution facilities, hereinafter referred to as "water distribution system", for the purpose of supplying water to all properties connected to the said water distribution system; and

WHEREAS, it is the intention and purpose of the undersigned parties that the well and water distribution system shall be used and operated to provide an adequate supply of water for each of the properties connected thereto, for the domestic consumption of the occupants of said properties, and to assure the continuous and satisfactory operation and maintenance of the well and water distribution system for the benefit of the present and future owners, their heirs, successors and assigns of the properties connected thereto; and

WHEREAS, the said well is deemed by the parties hereto to be of adequate capacity to supply a single family dwelling on each of the parcels described herein with water from the well for all domestic uses of a single family residing therein; and

WHEREAS, the parties hereto desire to enter this Agreement for the purpose of reducing to writing their respective rights and obligations pertaining to said well and water distribution system.

NOW THEREFORE, in consideration of the promises and covenants herein contained, the sufficiency of which is hereby acknowledged by the parties, it is agreed that the well and water distribution system situated on the Supplying Parcel shall be used by the parties to this Agreement, as well as by all future owners and occupants of said parcels, upon the following terms and conditions:

**This document is being re recorded to correct paragraph 1., delete paragraph 7., and correct paragraph 18..*

This document is being re-recorded to correct addresses.

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

KLM Enterprise, LLC
321 E. Baker St.
Meridian, ID 83642

(Space Above for Recorder's Use)

SHARED WELL AGREEMENT

This Shared Well Agreement ("Agreement") is made and entered into this 14th day of April, 2023, by and between ~~10586~~ Lake Shore Dr, Nampa, ID 83686, ("Supplying Party") and ~~10596~~ 10586 Lake Shore Dr, Nampa, ID 83686 ("Supplied Party"). *10596

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WHEREAS, the undersigned parties deem it necessary to provide a well system to service the parcels described herein, and an Agreement has been reached relative to supplying water from the well and the cost of supplying said water; and

WHEREAS, there is a well located upon the Supplying Parcel, together with water distribution facilities, hereinafter referred to as "water distribution system", for the purpose of supplying water to all properties connected to the said water distribution system; and

WHEREAS, it is the intention and purpose of the undersigned parties that the well and water distribution system shall be used and operated to provide an adequate supply of water for each of the properties connected thereto, for the domestic consumption of the occupants of said properties, and to assure the continuous and satisfactory operation and maintenance of the well and water distribution system for the benefit of the present and future owners, their heirs, successors and assigns of the properties connected thereto; and

WHEREAS, the said well is deemed by the parties hereto to be of adequate capacity to supply a single family dwelling on each of the parcels described herein with water from the well for all domestic uses of a single family residing therein; and

WHEREAS, the parties hereto desire to enter this Agreement for the purpose of reducing to writing their respective rights and obligations pertaining to said well and water distribution system.

NOW THEREFORE, in consideration of the promises and covenants herein contained, the sufficiency of which is hereby acknowledged by the parties, it is agreed that the well and water distribution system situated on the Supplying Parcel shall be used by the parties to this Agreement, as well as by all future owners and occupants of said parcels, upon the following terms and conditions:

1. That until this Agreement is terminated, as hereinafter provided, the parties hereto, their heirs, successors and assigns, for the exclusive benefit of the respective parcels of real estate, and for the exclusive use of the household residing thereon, are hereby granted the right in common with the other parties to this Agreement, to draw water from the well located on for ordinary domestic use excluding the right to draw water to fill swimming pools and other large withdrawals of any type excluding the right to draw water to fill large swimming pools exceeding 4,000 gallons and other large withdrawals with the exception of farm animal watering troughs.

2. That the owners or residents of the dwellings located on the Supplied Parcel, as of the date of this Agreement shall:

a. Pay or cause to be paid to the Supplying Party, an annual or quarterly fee for this use of the well and water distribution system;

b. Pay or cause to be paid promptly, a proportionate share of all expenses for the operation and maintenance of the well and water distribution system that may become necessary. Each respective share shall be determined by dividing the amount of each expense by two, it being understood that the Supplying Party and the Supplied Party shall pay an amount equal to one half of the total of such necessary repair or replacement. Shared expenses include the cost of electricity for pumping, repairs, and maintenance on said well and water distribution system.

3. That the cost of any removal or replacement of pre-existing site improvements on an individual parcel necessary for system operation, maintenance, replacement, improvements, inspection or testing, damaged as a result of repair of the well or water distribution system maintenance will be borne by the owner of the affected parcel, except that costs to remove and replace common boundary fencing or walls damaged as a result of repair shall be shared equally between or among parties so damaged.

4. That each of the parties hereby agrees that they will promptly repair, maintain and replace all water pipes or mains serving their respective dwellings.

5. That each of the parties hereby agrees to annual well water sampling and testing at a minimum by a certified water testing laboratory and well inspection every five years at minimum by a licensed well contractor as part of a regular maintenance plan.

6. That the consent of all parties to pay a proportionate share of costs shall be obtained prior to embarking upon expenditures for system maintenance, replacement or improvement, except in emergency situations. An arbitrator shall be chosen by the parties; shall be consulted in the event the parties cannot agree regarding the said expenditures; and the arbitrator's decision shall be definitive.

7. That the Supplied Party shall pay to the Supplying Party his proportionate share for the cost of energy for the operation of the pumping equipment. This cost shall be determined by a separate meter upon each dwelling and for each parcel. Item 7 deleted

8. That it is the agreement of the parties hereto that the payment for energy cost shall be made not later than the day of each succeeding month during the term of this Agreement. In the event that any such payment remains unpaid for a period of 30 days, the Supplying Party may

terminate the supply of water to the Supplied Party until all arrearages in payment are received by the Supplying Party.

9. That it is the agreement of the parties that they shall permit a third party to cure a default of payment or other obligation and shall permit water distribution service to be reinstated upon such curative action.

10. That each of the parties to this Agreement does hereby grant to the other, his heirs, successors and assigns, such easements over, across and through the respective parcels as shall be reasonably necessary for the construction of the well, maintenance of water pipes, pumping equipment, mains, electrical wiring and conduit consistent with the purposes of this Agreement.

11. That no party may install landscaping or improvements that will impair the use of said easements.

12. That each party shall have the right to act to correct an emergency situation and shall have access to the pertinent parcel in the absence of the other. An emergency situation shall be defined as the failure of any shared portion of the system to deliver water upon demand.

13. That only those parcels of real estate hereinabove described, and the dwellings located thereon shall be permitted to receive water from said well and pumping equipment; and each of the parties hereto does hereby covenant and agree that he/she will not allow or permit other persons, other than household guests, to take, draw, use or receive water from the well, nor permit other persons to connect to the pipes or mains serving his/her respective parcel.

14. That in the event the referenced well shall become contaminated and shall no longer supply water suitable for domestic consumption or shall no longer supply water adequate for the needs of all relevant parties, or in the event that another source of water shall become available to the respective parcels, then the rights and obligations of the parties created by this Agreement shall cease and terminate in accordance with the terms and conditions hereinafter described.

15. That upon the availability of such other source of water, it is contemplated that a reasonable time shall be allowed to effectuate the necessary connections to the new source.

16. That the respective rights and obligations of the parties shall continue until the parties who wish to terminate their participation in the Well Agreement have executed and filed a written statement of termination at the Office of the Register of Deeds of the County of Canyon, State of Idaho, and to the Supplying Party. Upon termination of participation in this Agreement, the owner and occupant of each residence which is terminated from the Agreement shall have no further right to the use of the well. The terminated parties shall disconnect their respective lateral connection from said well system and shall have no further obligation to pay or collect for maintenance and related expenses incurred thereafter. The costs of disconnection from the well and water system shall be borne by the owner of the pertinent parcel.

17. That the undersigned parties shall permit well water sampling and testing by a responsible authority at the request of an undersigned party, and the costs of such well tests are shared like any other expense.

18. That the said well and this Agreement, if amended, shall serve no more than two single family dwelling units ~~on two parcels~~, notwithstanding the ability of the parties to make other amendments to this Agreement. **including an optional accessory dwelling unit (ADU),

19. That the parties may amend this Agreement to assure equitable distribution of shared costs and responsibilities.

20. That the term of this Agreement shall be perpetual, except as herein limited.

21. That the benefits and burdens of this Agreement shall constitute a covenant running with the parcels of land herein described and shall be binding upon the heirs, successors in title and assigns of the parties hereto.

22. Any dispute under this Agreement shall be required to be resolved by binding arbitration of the parties hereto. If the parties cannot agree on an arbitrator, each party shall select one arbitrator and both arbitrators shall then select a third. The third arbitrator so selected shall arbitrate said dispute. The arbitration shall be governed by the rules of the American Arbitration Association then in force and effect.

23. Supplied Party will pay Suppling Party $15 per quarter to pay for half of the well pump electricity.

[SIGNATURES TO FOLLOW ON SUBSEQUENT PAGE]

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

SUPPLYING PARTY:
RLM Investments I, LLC

Name
By: Ryan Leslie Myhre, Member

SUPPLIED PARTY:
RLM Investments I, LLC

Name
By: Ryan Leslie Myhre, Member

STATE OF IDAHO)
) ss.
County of Canyon)

On this 14th day of April, 2023, before me Tiffany A Barrett, personally appeared Ryan Leslie Myhre, known or identified to me (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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

TIFFANY A. BARRETT
COMMISSION #38155
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 05/17/2026

Tiffany A Barrett
NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires _____

STATE OF IDAHO)
) ss.
County of _____)

On this ____ day of _____, 20__, before me See attached, personally appeared _____, known or identified to me (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires _____

State of Idaho
County Canyon

On this 14th day of April, in the year of 2023, before me the undersigned Notary Public in and for said State, personally appeared Ryan Leslie Myhre, known or identified to me to be the Member, of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

Tiffany A Barrett

Notary Public for State of Idaho
Residing at: Caldwell, Idaho
My Commission Expires: 05/17/2026

TIFFANY A. BARRETT
COMMISSION #38155
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 05/17/2026

Exhibit A11

PUBLIC HEARING PRESENTATION

Setback Variance ZV2026-0005

9516 Leston Ln
Nampa, Idaho 83686

Scott & Felicia Bates • Jacob Laird

September 3, 2026

Variance request for an existing structure

The request concerns an existing shop building located approximately 4.73 feet from the eastern property boundary, where a 10-foot setback is otherwise required.

The core issue is narrow:

Can the existing structure remain in its current location for the proposed conversion, subject to County requirements?

This is not a request to construct a new building inside the setback.

THE REQUEST

Request at a glance

Existing condition • limited relief • no new setback encroachment

What is proposed

- Convert the existing shop building to a dwelling / ADU through added water and sewer utilities.
- Keep the existing building location and footprint.
- Add a 1-foot soffit for weather protection, with no additional setback encroachment as submitted.
- Obtain relief from the 10-foot eastern setback for the existing structure.

Existing condition — not a new building in the setback

Sources: Variance application packet, Letter of Intent pp. 4–6; CCZO §07-08-03.

SITE CONTEXT

A long, narrow 2.55-acre agricultural parcel

The property remains predominantly pasture / grazing land.



Property characteristics

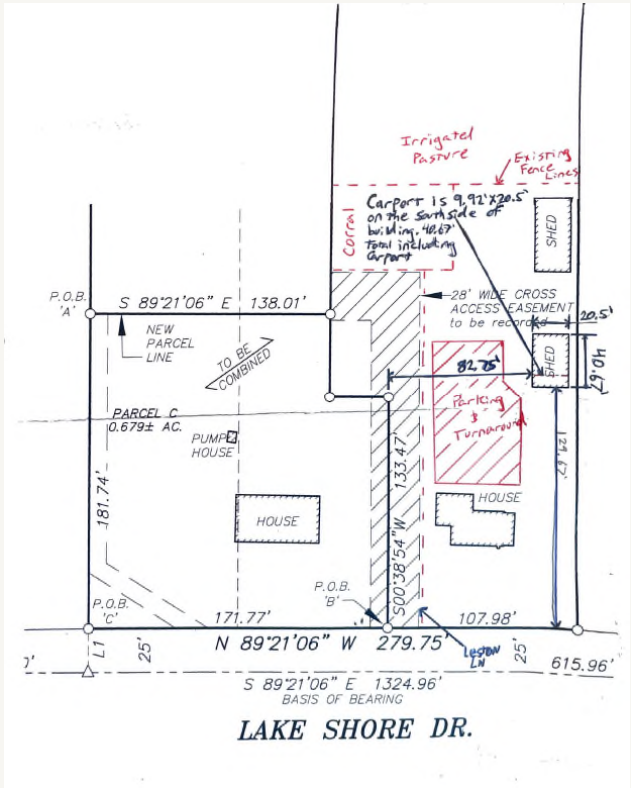
- Parcel size: approximately 2.55 acres; Agricultural (AG) zoning.
- Long, narrow parcel geometry limits practical alternative building locations.
- More than half of the site is used for pasture / grazing and corral operations.
- Single access from Lakeshore Drive; driveway and turnaround must remain available for emergency access.
- The subject structure is located within the developed southern portion of the parcel.

Sources: Variance application packet pp. 4–5, 7, 10.

EXISTING CONDITION

The setback condition predates this proposal

The application identifies the structure as an existing lawful nonconforming building.



Existing structure

Application states the building was constructed between 1981 and 1992 and predates current ownership.

Setback condition

Existing eastern setback: approximately 4.73 ft.
Standard setback: 10 ft.

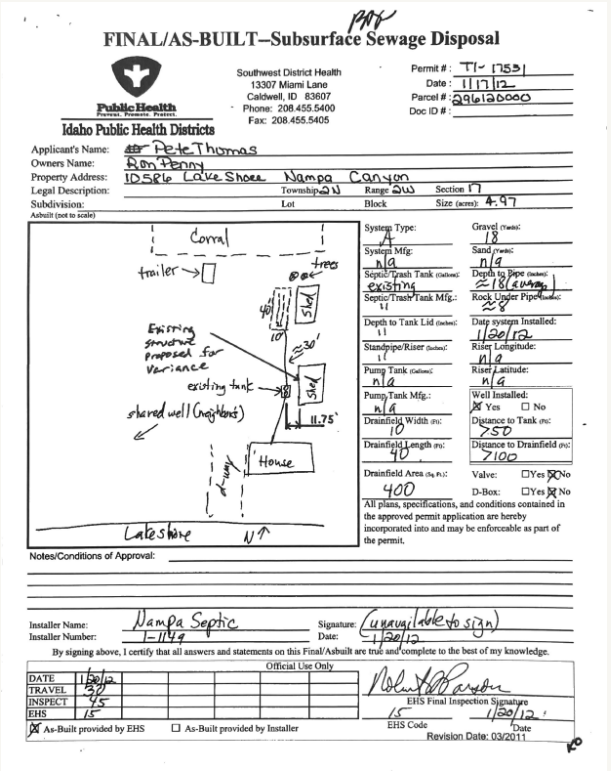
What the variance does

It allows the existing structure to remain in place for the proposed conversion; it does not create the original setback condition.

Source: Variance application packet pp. 4–6 and site plan p. 8.

Existing infrastructure constrains the structure on multiple sides

The hardship argument is based on physical site conditions, not convenience alone.



FINAL/AS-BUILT—Subsurface Sewage Disposal

Public Health — Idaho Public Health Districts

Southwest District Health
13307 Miami Lane
Caldwell, ID 83607
Phone: 208.455.5400
Fax: 208.455.5405

Permit #: TI- 17531
Date: 11/17/12
Parcel #: R9612A0000
Doc ID #:

Applicant's Name: Pete Thomas
Owners Name: Ron Penny
Property Address: ID 586 Lake Shore Nampa Canyon
Legal Description: Township 2N Range 2W Section 17
Subdivision: Lot Block Size (acres): 4.97
Asbuilt (not to scale)

System Type: A
System Mfg: n/a
Septic Tank (Gallons): existing
Septic Tank Mfg.: ??
Depth to Tank Lid (Inches): ??
Standpipe/Riser (Inches): ??
Pump Tank (Gallons): n/a
Pump Tank Mfg.: n/a
Drainfield Width (ft): 10
Drainfield Length (ft): 40
Drainfield Area (Sq. Ft.): 400

Gravel (Yards): 18
Sand (Yards): n/a
Depth to Pipe (Inches): 2-18 (approx)
Rock Under Pipe (Yards): ~8
Date system Installed: 1/20/12
Riser Longitude: n/a
Riser Latitude: n/a
Well Installed: ☒ Yes ☐ No
Distance to Tank (ft): 750
Distance to Drainfield (ft): 7100
Valve: ☐ Yes ☒ No
D-Box: ☐ Yes ☒ No

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

Notes/Conditions of Approval:

Installer Name: Nampa Septic
Installer Number: I-1149
Signature: (unavailable to sign)
Date: 1/20/12

By signing above, I certify that all answers and statements on this Final/Asbuilt are true and complete to the best of my knowledge.

Official Use Only

DATE	1/20/12						
TRAVEL	30						
INSPECT	45						
EHS	15						

EHS Final Inspection Signature
15 — EHS Code
1/20/12 — Date

☒ As-Built provided by EHS ☐ As-Built provided by Installer

Revision Date: 03/2011

Physical constraints identified in the application

- Septic tank approximately 11 ft west / in front of the building.
- Drainfield located to the north of the structure.
- Propane tank and buried propane lines on the south side.
- Long, narrow parcel geometry limits alternative locations.
- Pasture / grazing and corral operations occupy much of the parcel.
- Driveway / turnaround must remain available for emergency access.

Combined effect: relocation or reconstruction would disrupt existing site systems and lawful property use.

Sources: Variance application packet p. 5; subsurface sewage disposal drawing p. 9.

REQUIRED FINDING 1

Consistent with the 2030 Comprehensive Plan

The Plan directs land-use decisions to consider site characteristics, compatibility, rural character, and property rights.

1 Balance community interests and property rights

P4.01.02 — Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.

2 Consider site capability and characteristics

P4.02.01 — Consider site capability and characteristics when determining appropriate locations and intensities of land uses.

3 Recognize that each application is unique

P4.03.03 — Agricultural and non-agricultural uses may be compatible and coexist in the same area.

4 Use existing infrastructure thoughtfully

P4.05.03 — Encourage placement near existing utilities and infrastructure and minimize conflicts with agricultural uses.

5 Protect rural qualities

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

6 Compatibility with the community

P4.07.01 — Plan land uses that are compatible with the surrounding community.

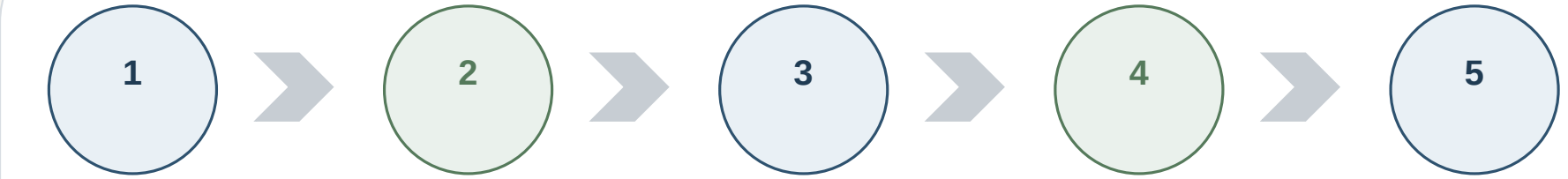
The proposal adapts an existing structure within an established rural/agricultural setting rather than creating a new development pattern.

Source: Canyon County Comprehensive Plan 2030, pp. 21–23; CCZO §07-08-03(2)(A).

REQUIRED FINDING 2

Site characteristics create an undue hardship

CCZO §07-08-03 asks whether the hardship arises from characteristics of the site.



Existing structure	Septic / drainfield	Propane system	Parcel geometry	Agricultural / access use
Predates current ownership	Fixed subsurface infrastructure	Tank + buried lines	Long, narrow site	Pasture, corral, turnaround

No single constraint is the entire hardship. The combined site conditions materially limit a compliant relocation without disrupting existing systems and uses.

The application states the hardship is not self-created and existed before current ownership.

Sources: Variance application packet pp. 4–6; CCZO §07-08-03(2)(B).

REQUIRED FINDING 3

The variance is not in conflict with the public interest

The proposal preserves the established condition while avoiding new impacts.

Public-interest considerations

- No new building footprint or new setback condition is created by the variance.
- Rural / agricultural character remains substantially unchanged.
- Application states no increase in traffic, drainage impacts, or infrastructure demand from the variance itself.
- Emergency access remains unchanged.
- Property is near Deer Flat National Wildlife Refuge but is not within a designated impact zone, per the application.

Directly affected neighbor

Signed support states:

“I have no objection to the requested variance.”

“I do not anticipate any adverse impact to my property or use of my property.”

“I support approval of this variance request.”

— Signed adjacent eastern property owner

Sources: Variance application packet p. 5 and signed neighbor consent statement p. 22; CCZO §07-08-03(2)(C).

MINIMUM NECESSARY RELIEF

What changes if the variance is approved?

The physical setback condition remains the same; the structure can be adapted to the proposed use.

TODAY

Existing shop structure

- Same building location
- Approx. 4.73-ft eastern setback
- Existing site infrastructure surrounding the building

AFTER APPROVAL

Same structure, adapted use

- Same building location
- Same existing setback condition
- Residential / ADU conversion may proceed subject to County and utility requirements
- 1-ft weather-protection soffit as submitted

The variance addresses the existing setback — it does not authorize a new setback encroachment.

Source: Variance application packet pp. 4–6.

REQUESTED ACTION

Approve variance ZV2026-0005

The record supports the three findings required by CCZO §07-08-03(2).

✓ Consistent with the Comprehensive Plan

The request considers site capability and characteristics, preserves rural/agricultural patterns, uses an existing developed area, and is compatible with the surrounding setting.

✓ Site characteristics create undue hardship

The existing structure, septic / drainfield, propane infrastructure, parcel geometry, agricultural use, and access constraints combine to limit a compliant relocation.

✓ Not in conflict with the public interest

No new setback condition is created; surrounding character and access remain; the directly affected eastern neighbor has submitted written support.

We respectfully request approval of the variance to allow the existing structure to remain within the reduced eastern setback area for the proposed conversion.

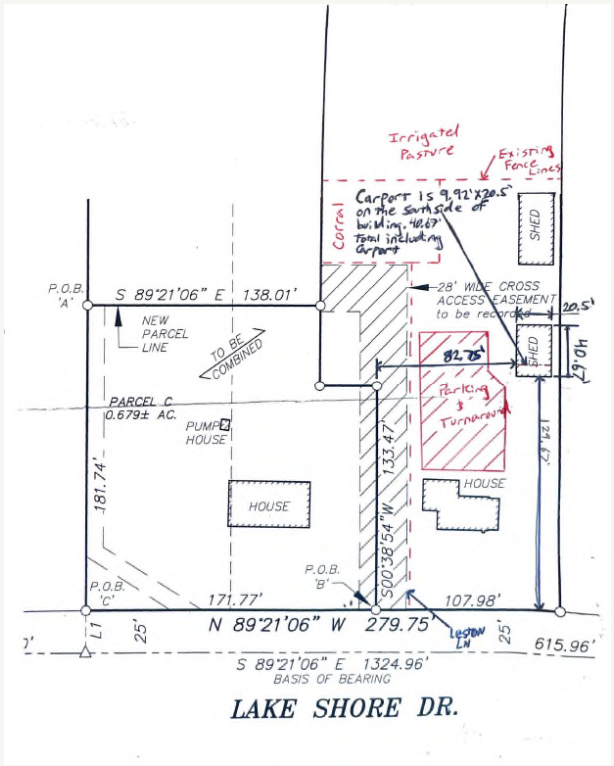
Questions

CCZO §07-08-03(2)(A)–(C).

BACKUP REFERENCE

Site plan

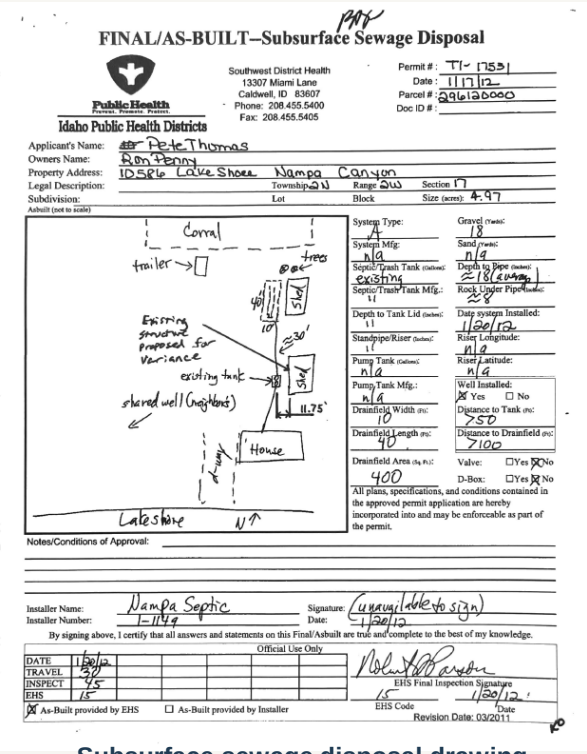
Submitted site plan showing the subject structure, access, pasture / corral areas, and surrounding improvements.



Variance application packet p. 8. Backup/reference slide — not part of the timed presentation unless requested.

Subsurface sewage / neighbor support

Supporting documents already submitted with the application.



FINAL/AS-BUILT–Subsurface Sewage Disposal

Public Health — Idaho Public Health Districts

Southwest District Health
13307 Miami Lane
Caldwell, ID 83607
Phone: 208.455.5400
Fax: 208.455.5405

Permit # : T1-17531
Date : 1/17/12
Parcel # : R9612000
Doc ID # :

Applicant's Name: Pete Thomas
Owners Name: Ron Penny
Property Address: 10586 Lake Shore Nampa Canyon
Legal Description: Township 2N Range 2W Section 17
Subdivision: Lot Block Size (acres): 4.97
Asbuilt (not to scale)

System Type: A
System Mfg: n/a
Septic/Trash Tank (Gallons): existing
Septic/Trash Tank Mfg.:
Depth to Tank Lid (Inches):
Standpipe/Riser (Inches):
Pump Tank (Gallons): n/a
Pump Tank Mfg.: n/a
Drainfield Width (Ft): 10
Drainfield Length (Ft): 40
Drainfield Area (Sq. Ft.): 400

Gravel (Yards): 18
Sand (Yards): n/a
Depth to Pipe (Inches): 21/18 elevated
Rock Under Pipe (Yards): ~28
Date system Installed: 1/20/12
Riser Longitude:
Riser Latitude: n/a
Well Installed: ☒ Yes ☐ No
Distance to Tank (Ft): >50
Distance to Drainfield (Ft): >100
Valve: ☐Yes ☒No
D-Box: ☐Yes ☒No

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

Notes/Conditions of Approval:

Installer Name: Nampa Septic
Installer Number: 1-1149
Signature: (unavailable to sign)
Date: 1/20/12

By signing above, I certify that all answers and statements on this Final/Asbuilt are true and complete to the best of my knowledge.

Official Use Only

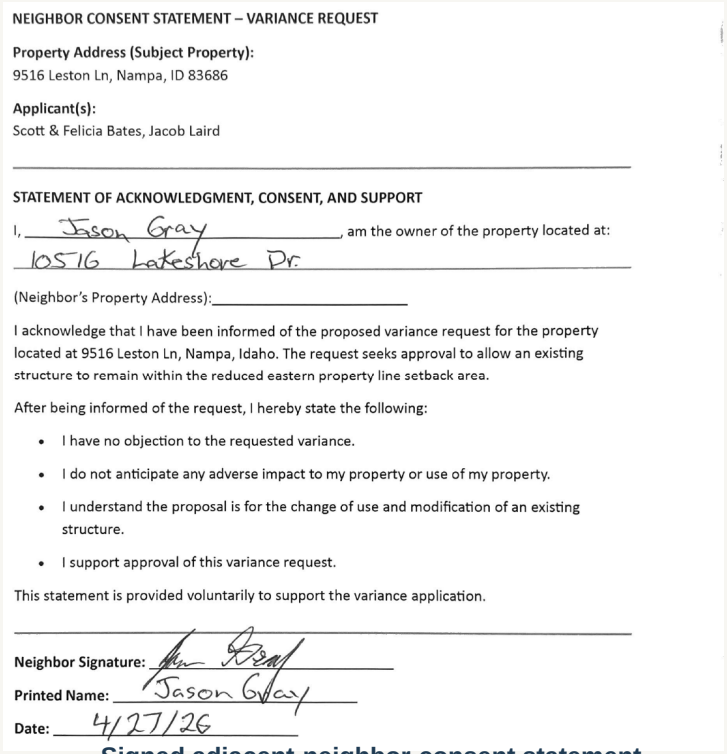
DATE	1/20/12					
TRAVEL	30					
INSPECT	45					
EHS	15					

EHS Final Inspection Signature
EHS Code: 15
Date: 1/20/12

☒ As-Built provided by EHS ☐ As-Built provided by Installer

Revision Date: 03/2011

Subsurface sewage disposal drawing



NEIGHBOR CONSENT STATEMENT – VARIANCE REQUEST

Property Address (Subject Property):
9516 Leston Ln, Nampa, ID 83686

Applicant(s):
Scott & Felicia Bates, Jacob Laird

STATEMENT OF ACKNOWLEDGMENT, CONSENT, AND SUPPORT

I, Jason Gray, am the owner of the property located at:
10516 Lakeshore Dr.

(Neighbor's Property Address):_____

I acknowledge that I have been informed of the proposed variance request for the property located at 9516 Leston Ln, Nampa, Idaho. The request seeks approval to allow an existing structure to remain within the reduced eastern property line setback area.

After being informed of the request, I hereby state the following:

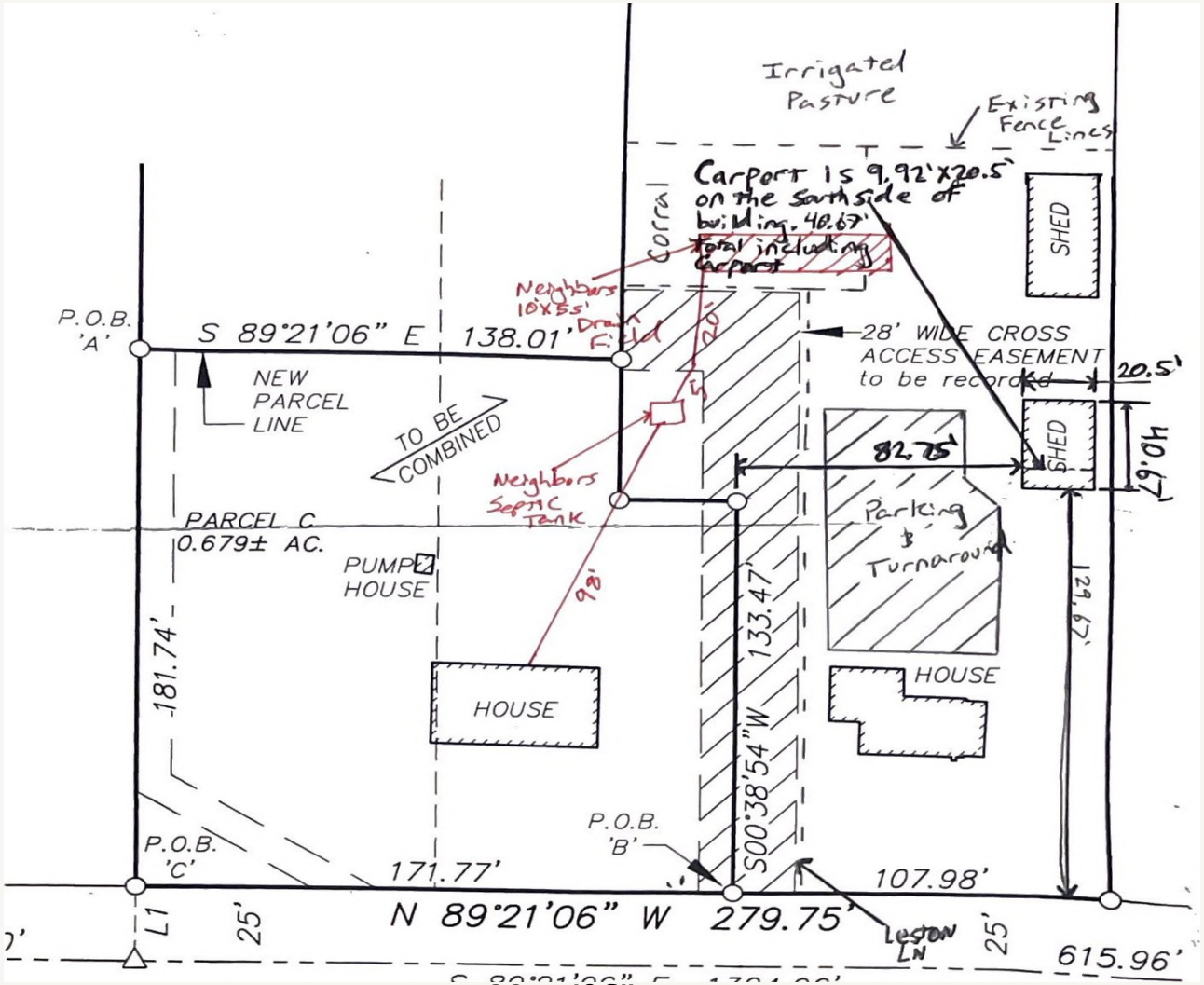
- I have no objection to the requested variance.
- I do not anticipate any adverse impact to my property or use of my property.
- I understand the proposal is for the change of use and modification of an existing structure.
- I support approval of this variance request.

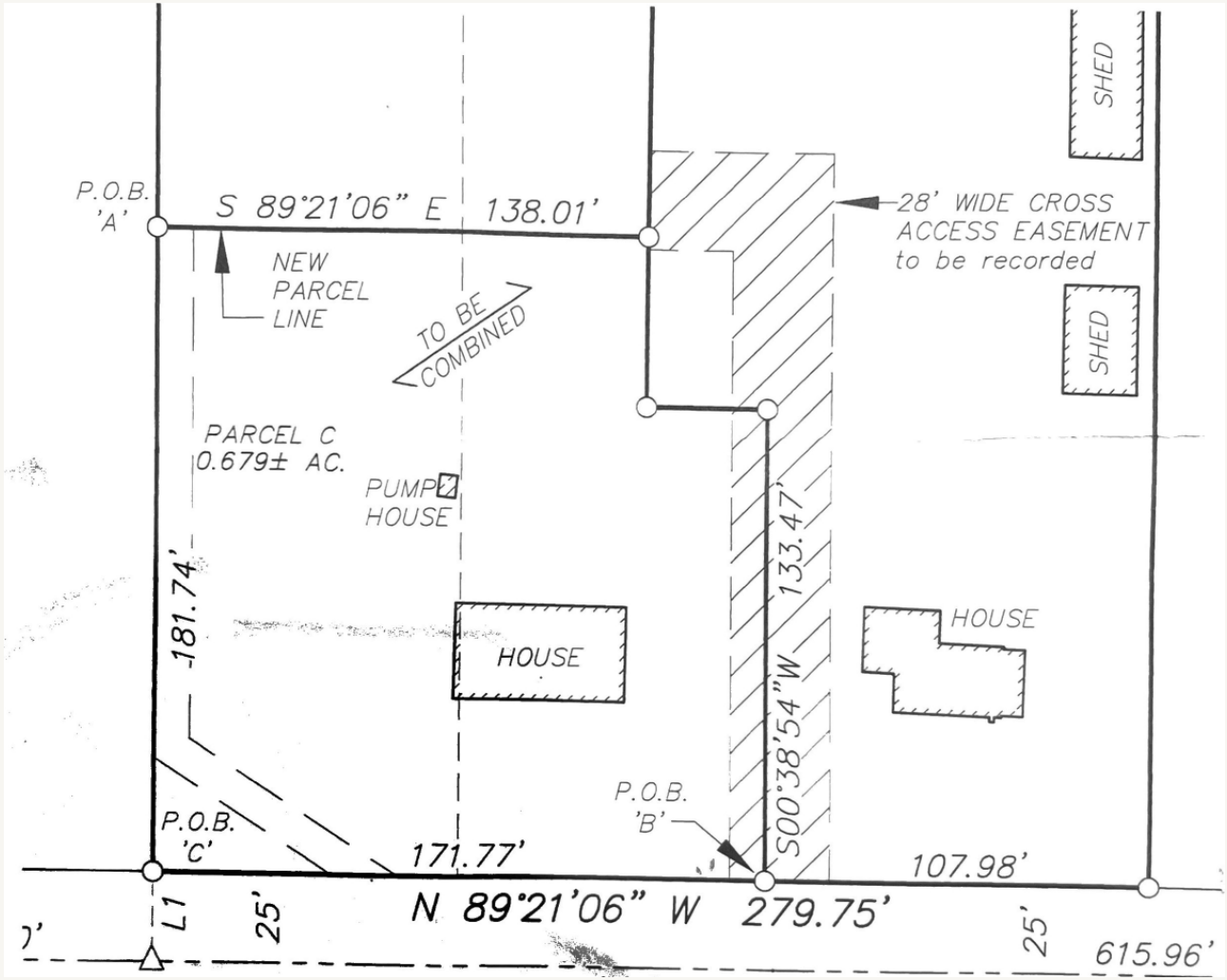
This statement is provided voluntarily to support the variance application.

Neighbor Signature: [signature]
Printed Name: Jason Gray
Date: 4/27/26

Signed adjacent-neighbor consent statement

Variance application packet pp. 9 and 22. Backup/reference slide — not part of the timed presentation unless requested.


Irrigated Pasture
Existing Fence Lines
Carport is 9.92'x20.5' on the southside of building. 40.67' total including carport
Corral
SHED
Neighbors 10'x35'
Drain Field
P.O.B. 'A'
S 89°21'06" E 138.01'
28' WIDE CROSS ACCESS EASEMENT to be recorded
20.5'
NEW PARCEL LINE
TO BE COMBINED
82.75'
SHED
40.67'
Neighbors Septic Tank
PARCEL C
0.679± AC.
Parking & Turnaround
PUMP HOUSE
98'
133.47'
129.67'
181.74'
HOUSE
HOUSE
S00°38'54"W
P.O.B. 'B'
P.O.B. 'C'
171.77'
107.98'
N 89°21'06" W 279.75'
L1
25'
LESTON LN
25'
615.96'
S 8921'06" E 1324.96'
BASIS OF BEARING



S 8921'06" E 1324.96'

BASIS OF BEARING

Southwest District Health Department

No. 002144 Fee: 50.00
Receipt: 545-80
Date: 2-17-89

INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL APPLICATION/PERMIT

Installation shall comply with all requirements of Health District and/or State of Idaho Sewage Disposal Rules, Regulations, and Standards

TL-11530 11531

APPLICATION

Property Owner: Ronald Penny
Property Address: 10586 Lake Shore Dr.
City: Nampa County: Ada
Legal Description: T 2N R2W Sec 17
Site Location: 1/2 mi West of intersection of Ave and Lake Shore on right with Blue Heron Shores

New [X] Replacement [ ] Lot size 12 A
of Bedrooms 3 Flow 300 gal
Septic tank 900 gal Eff. area 400 sq ft
Type: Standard [X] Alternate [ ]
Trench [X] Bed [ ] Pit [ ] Other [ ]
Soil textural classification
Soil profile provided
Static water table depth [redacted] ft
Depth to: Impermeable layer [redacted] ft
Lava rock Ext. permeable layer [redacted] ft
Distance to wells: Owners 1100 ft
(from drainfield) Neighbors 1100 ft
Licensed Installer DEAN LITTLEFIELD

Proposed diagram showing location and dimensions
10 X 50 BED WITH 6" OF UNDER PIPE

X Applicant signature Connie M. Penny

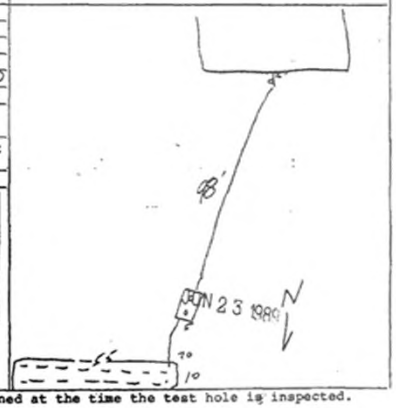
PERMIT ISSUED

Hugh H Biddle | Endorsement 1.3 | 6-5-89
EHS Signature | Date

INSTALLED 10 x 55 Bed with 6" of Rx under Pipe

INSPECTION REPORT

Septic tank 900 gal | Mfr BVC
Stand pipe NA | Manhole depth 12 ins
Absorption area 550 sq ft
Dimensions: Width 10 ft | Length 55 ft
Gravel 26 yds | Depth under pipe 6 ins
Depth to pipe 12 ins | Dist. to well 1100 ft
Installed DEAN Littlefield
Final Inspection by Hugh H Biddle | EHS Endorsement 4.8 | Date 6-22-89
Complies with minimum requirements? yes



REMARKS:
SYSTEM ADEQUETE FOR A 3 BEDROOM RESIDENCE

Travel Time	Inspec. Time
0, 3, 5	0, 6, 0
0, 4, 0	0, 4, 5
[redacted]	[redacted]

CALL FOR TEST HOLE INSPECTION APPOINTMENT
Caldwell 459-0744 • Emmett 365-6371
Payette 642-9321 • Weiser 549-2370
Murphy 459-2421

The size of the drainfield will be determined at the time the test hole is inspected.

This application must be signed by a licensed Environmental Health Specialist

EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# ZV2026-0005

Hearing date: September 3, 2026

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

Exhibit B1

R29612 PARCEL INFORMATION REPORT

8/25/2026 5:48:56 PM

PARCEL NUMBER:	R29612
OWNER NAME:	BATES SCOTT RULON
CO-OWNER:	LAIRD JACOB
MAILING ADDRESS:	9516 LESTON LN NAMPA ID 83686
SITE ADDRESS:	9516 LESTON LN
TAX CODE:	0160000
TWP:	2N **RNG:** 2W **SEC:** 17 **QUARTER:** NW
ACRES:	2.55
HOME OWNERS EXEMPTION:	Yes
AG-EXEMPT:	No
DRAIN DISTRICT:	NOT In Drain Dist
ZONING DESCRIPTION:	AG / AGRICULTURE
HIGHWAY DISTRICT:	NAMPA HWY DIST #1
FIRE DISTRICT:	UPPER DEER FLAT FIRE
SCHOOL DISTRICT:	NAMPA SCHOOL DIST #131
IMPACT AREA:	NOT In Impact Area
FUTURE LAND USE 2011-2022 :	AG
FLU Overlay Zone Desc 2030:	INTENSIVE AGRICULTURE OVERLAY
FLU RR Zone Desc 2030:	
FUTURE LAND USE 2030:	AGRICULTURE
IRRIGATION DISTRICT:	BOISE PROJECT BOARD OF CONTROL / NAMPA & MERIDIAN IRRIGATION DISTRICT
FEMA FLOOD ZONE:	X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0390F
WETLAND:	Freshwater Emergent Wetland
NITRATE PRIORITY:	ADA CANYON
FUNCTIONAL Classification:	PRINCIPAL ARTERIAL
INSTRUMENT NO. :	2023032626
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	17-2N-2W NW TX 23360 IN SENW
PLATTED SUBDIVISION:	
SMALL CITY ZONING:	
SMALL CITY ZONING TYPE:	

DISCLAIMER:

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

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

Exhibit B2.1

Bates - Laird Notification Map

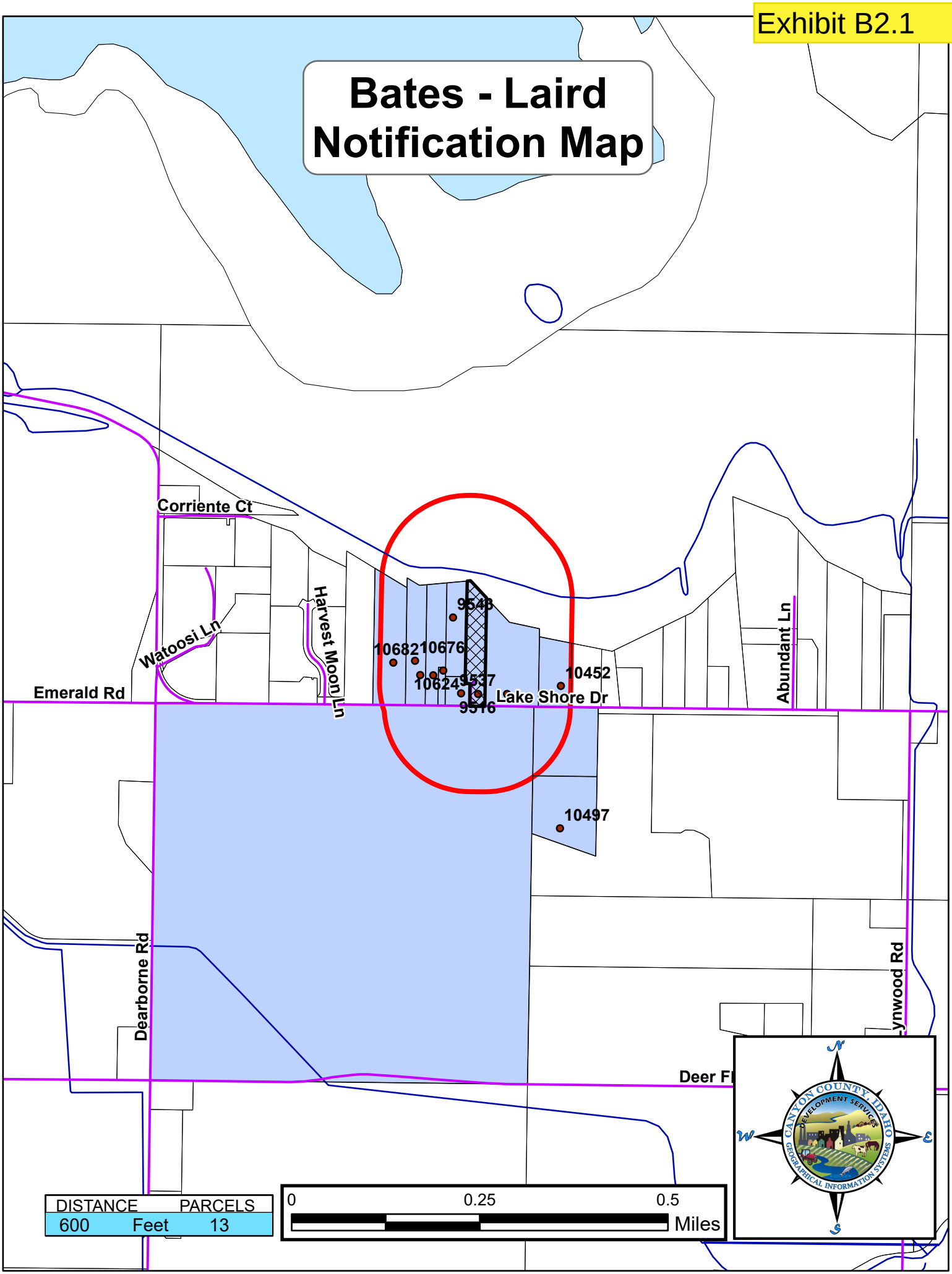
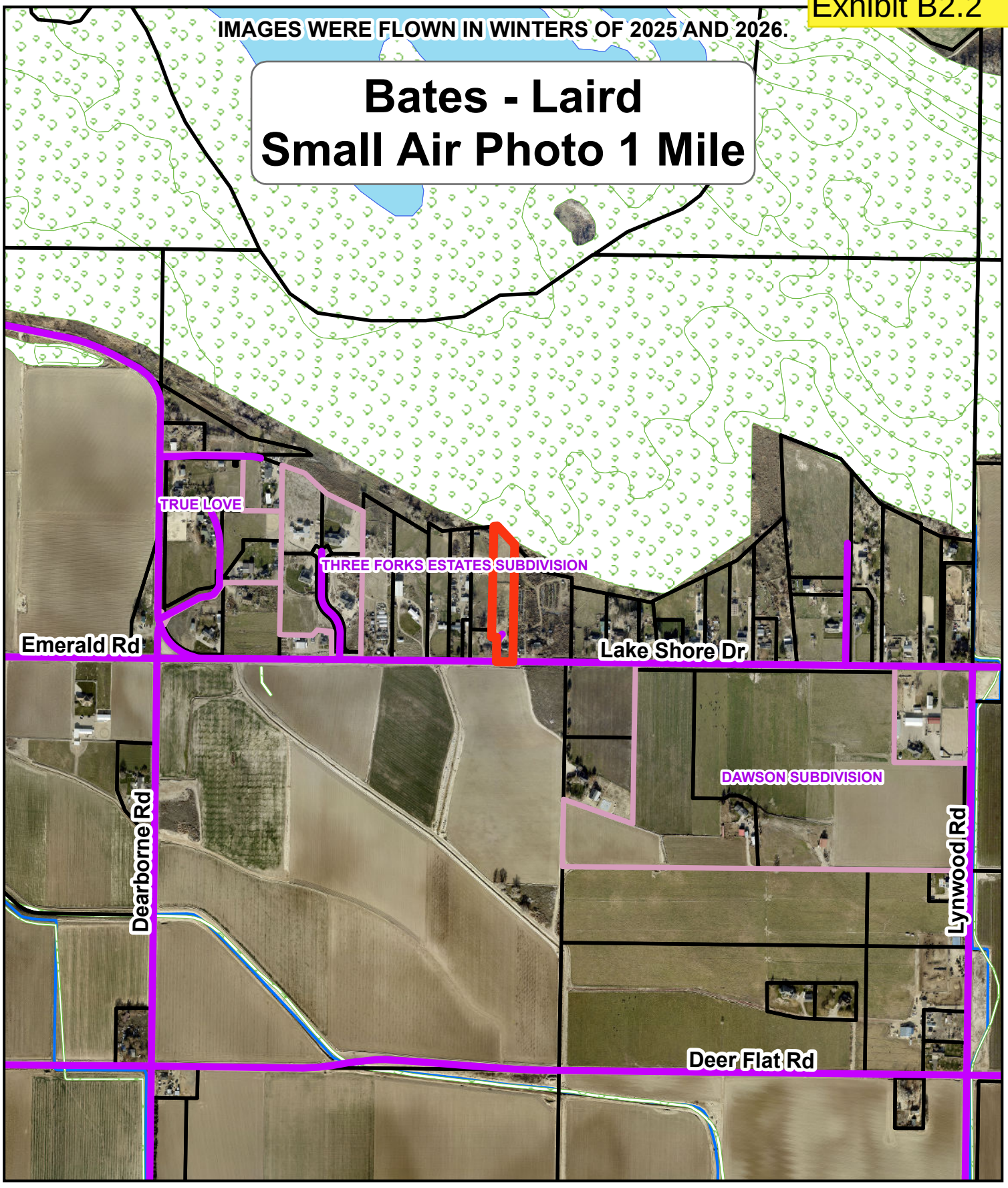


Exhibit B2.2

IMAGES WERE FLOWN IN WINTERS OF 2025 AND 2026.

Bates - Laird
Small Air Photo 1 Mile

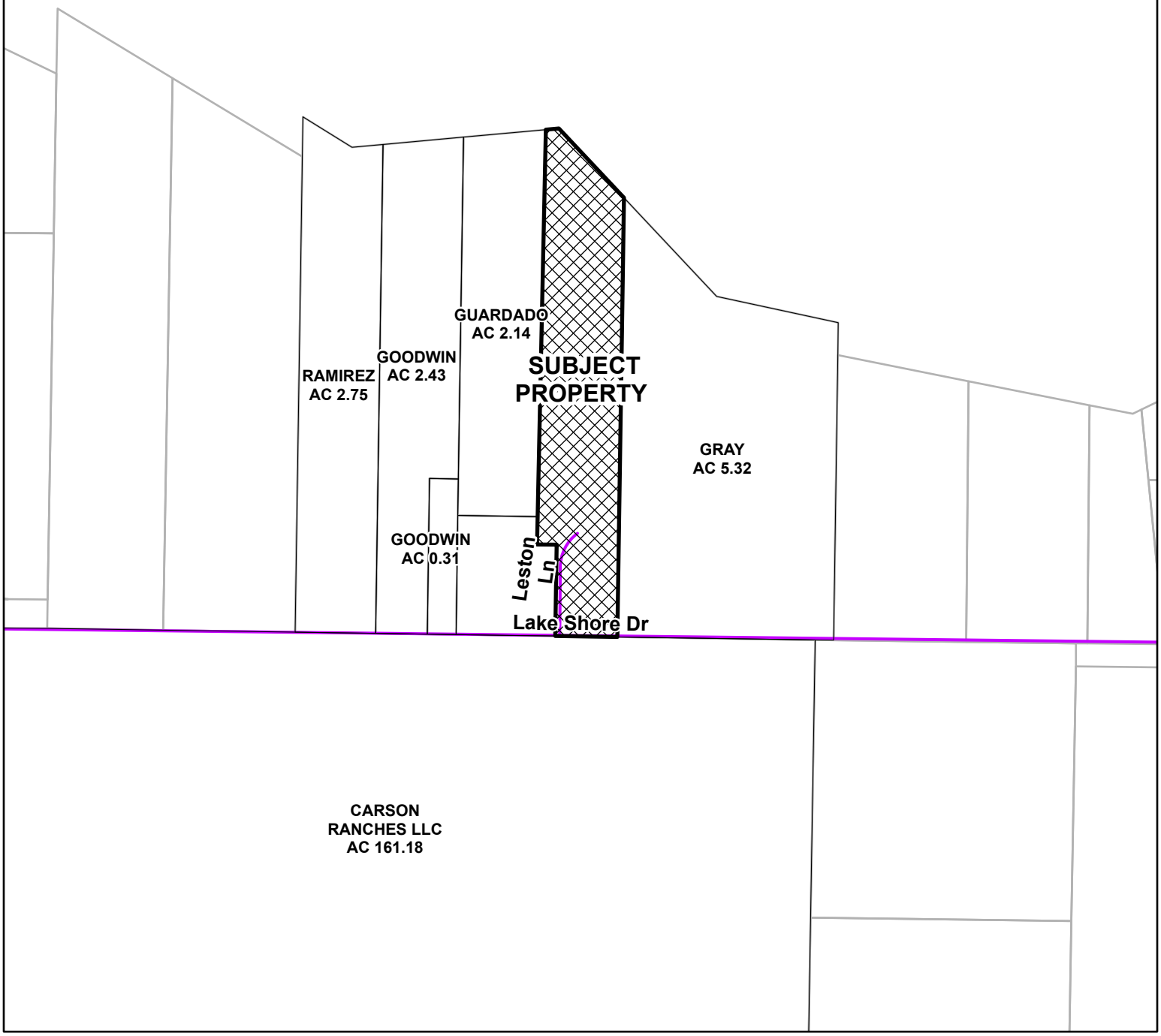


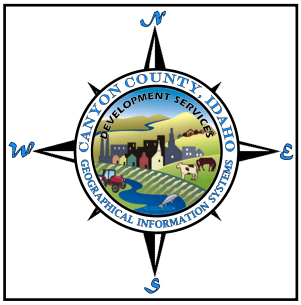
City_Limits
Wetlands

0 0.25 0.5 Miles

Exhibit B2.3

Bates - Laird
Small Vicinity Map





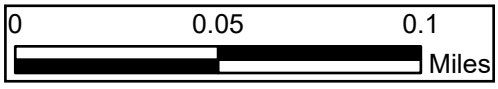
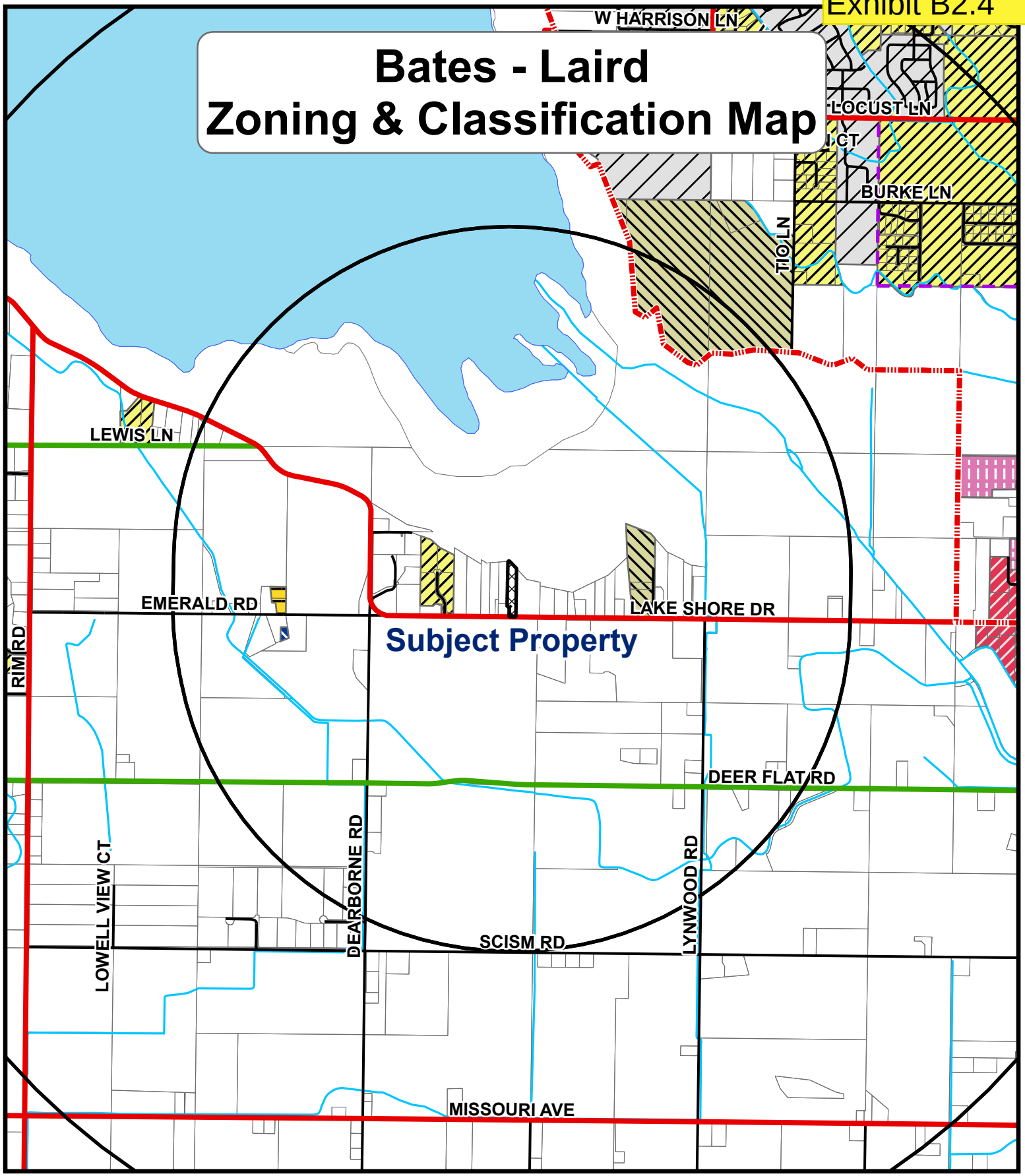


Exhibit B2.4

Bates - Laird
Zoning & Classification Map



N
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S

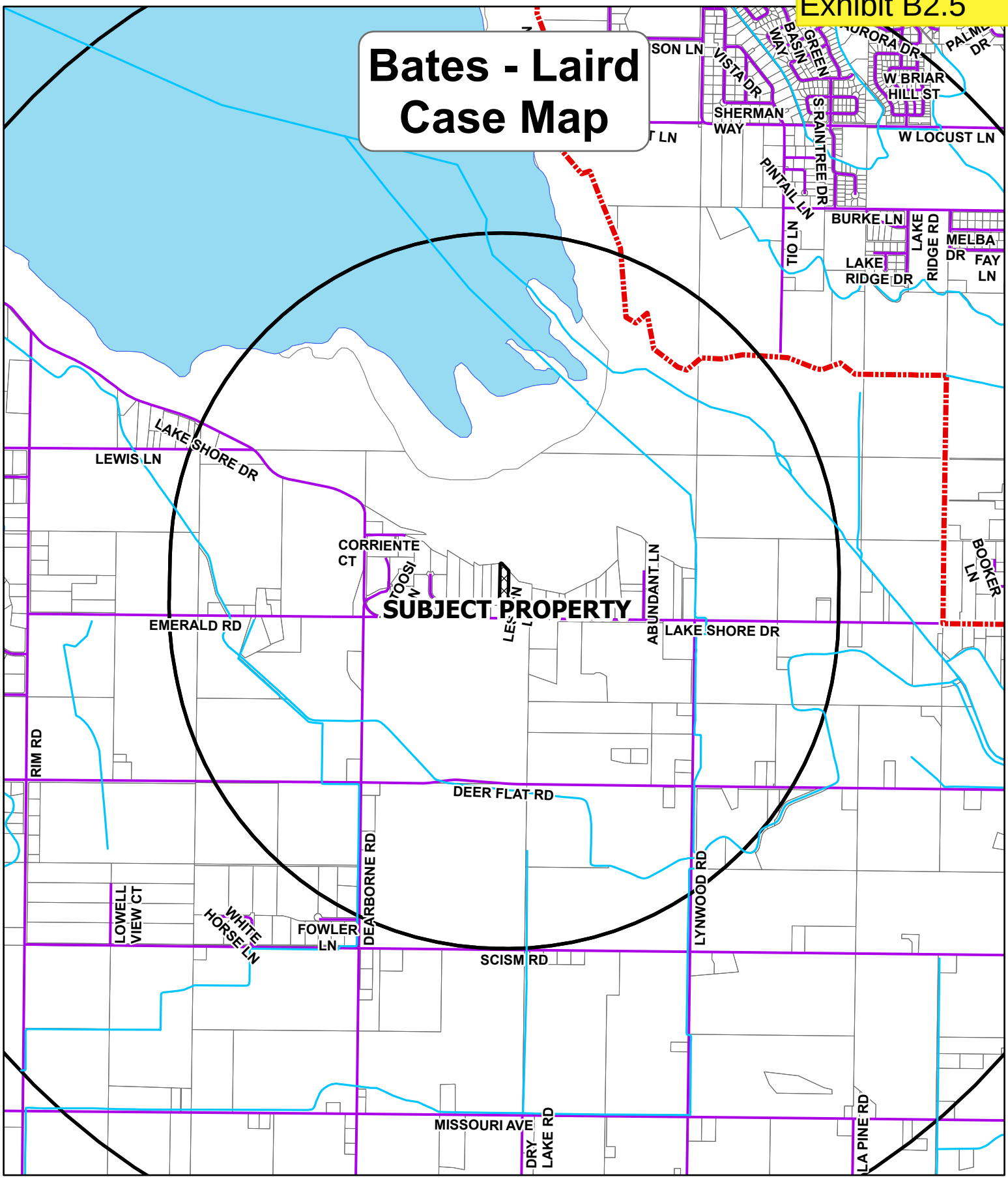
CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS

- RR
- CR-RR
- R1
- CR-R1
- R2
- C
- C1
- CR-C1
- C2
- CR-C2
- M1
- CR-M1
- M2
- AG
- INTERSTATE
- OTHER FREEWAY/ EXPRESSWAY
- PROPOSED OTHER FREEWAY/ EXPRESSWAY
- PRINCIPAL ARTERIAL
- PROPOSED PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- PROPOSED MINOR ARTERIAL
- COLLECTOR
- PROPOSED COLLECTOR

0 0.25 0.5 Miles

Exhibit B2.5

Bates - Laird Case Map



Year
2021
2022
2023
2024
2025
2026

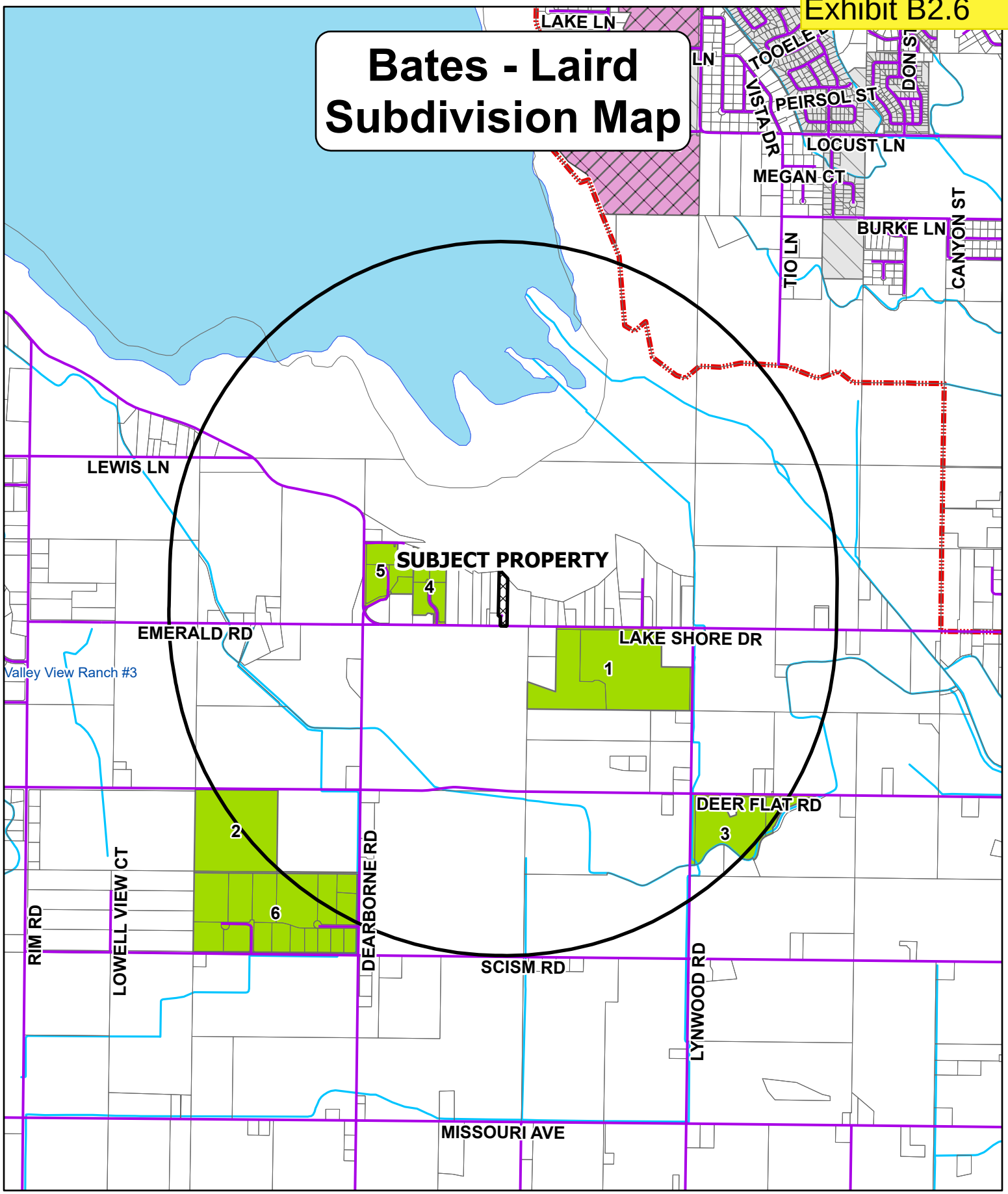
0 0.5 1 Miles

CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS

Exhibit B2.6

Bates - Laird Subdivision Map



SUBDIVISIONS

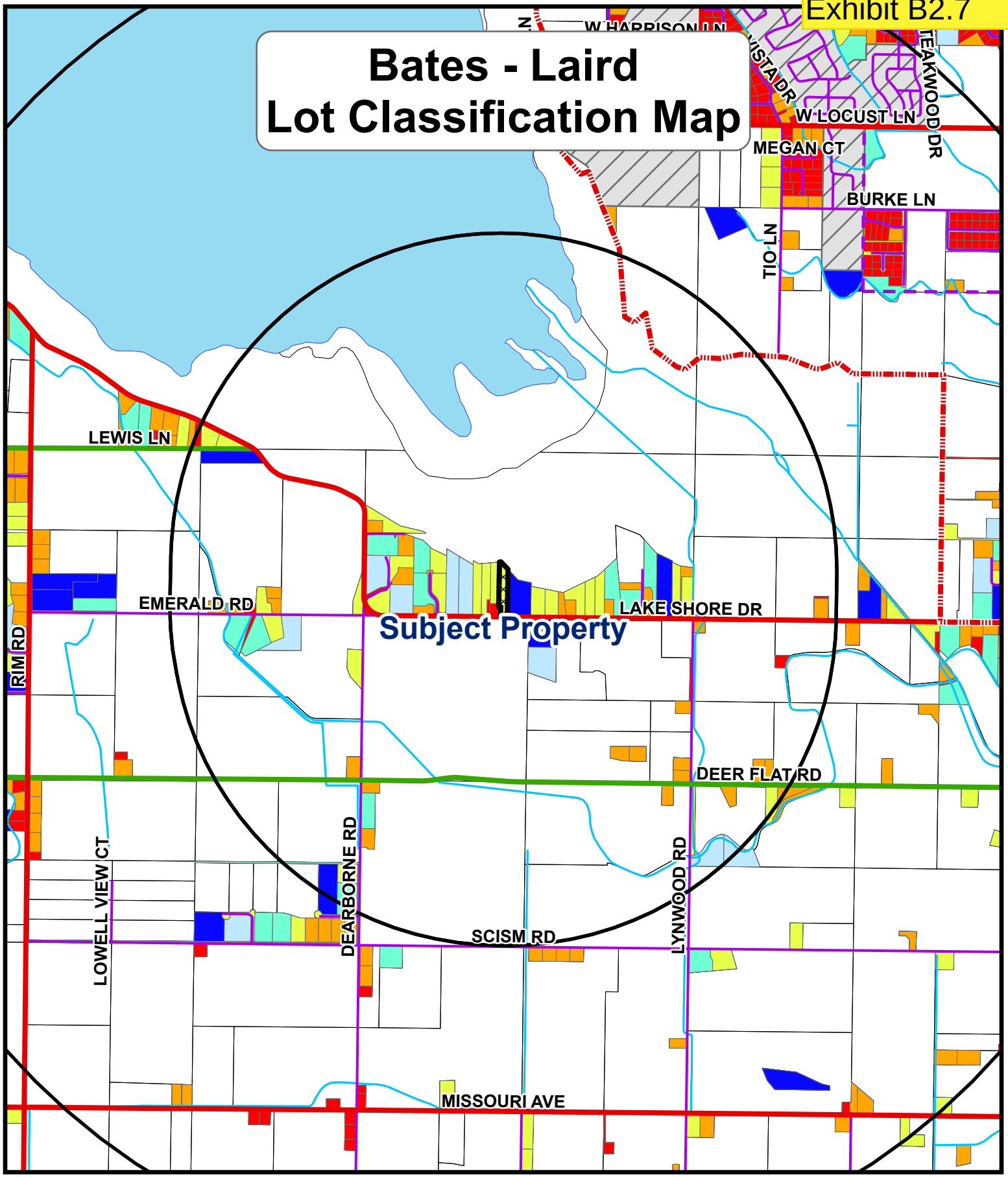
Plat Type,Plat Status

- Preliminary,Approved
- Preliminary,Pending
- MOBILE HOME PARKS

0 0.25 0.5 Miles

Exhibit B2.7

Bates - Laird
Lot Classification Map



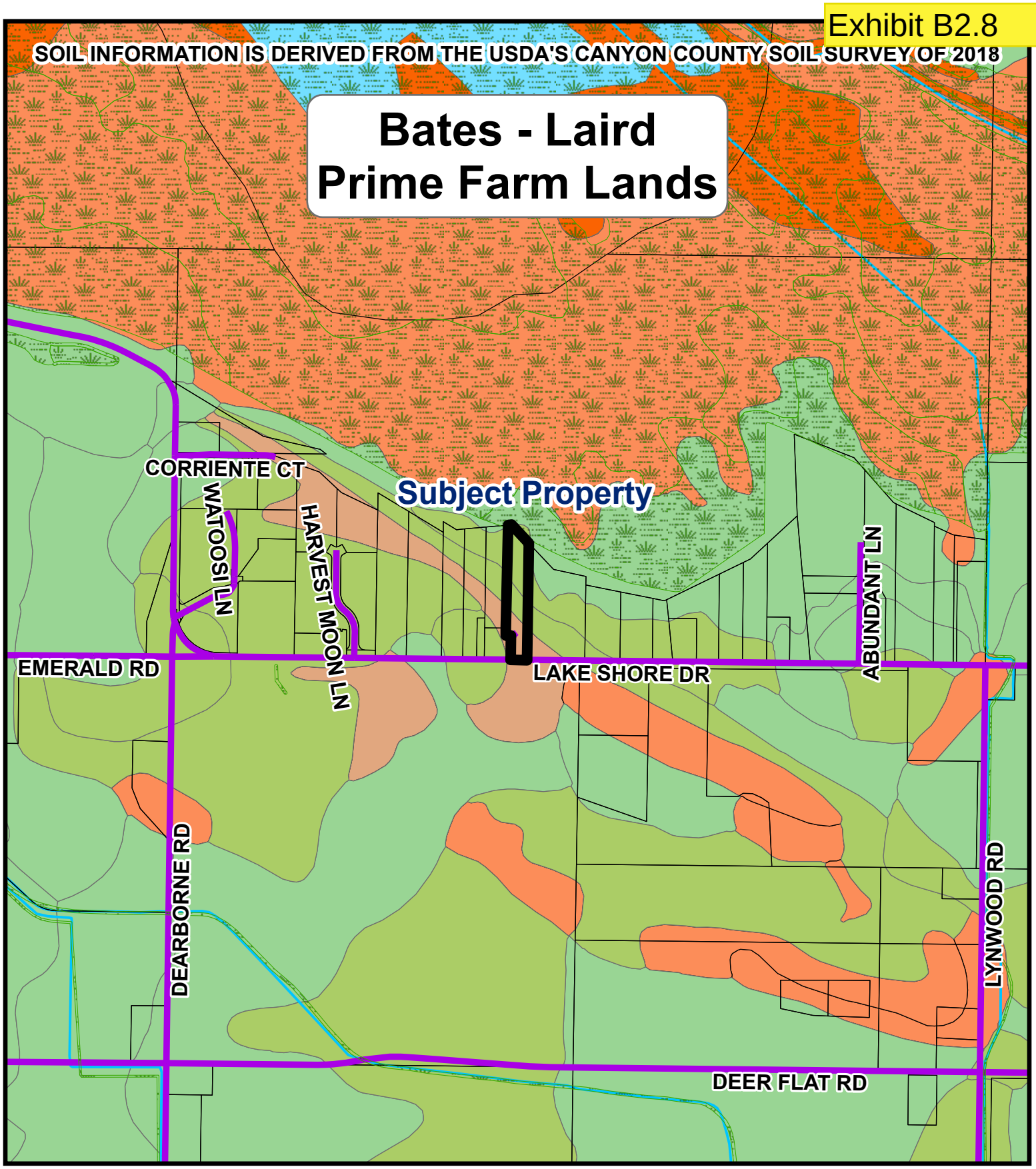
Lot Size

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

- INTERSTATE
- OTHER FREEWAY/ EXPRESSWAY
- PROPOSED OTHER FREEWAY/ EXPRESSWAY
- PRINCIPAL ARTERIAL
- PROPOSED PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- PROPOSED MINOR ARTERIAL
- COLLECTOR
- PROPOSED COLLECTOR

0 0.25 0.5 Miles

Exhibit B2.8



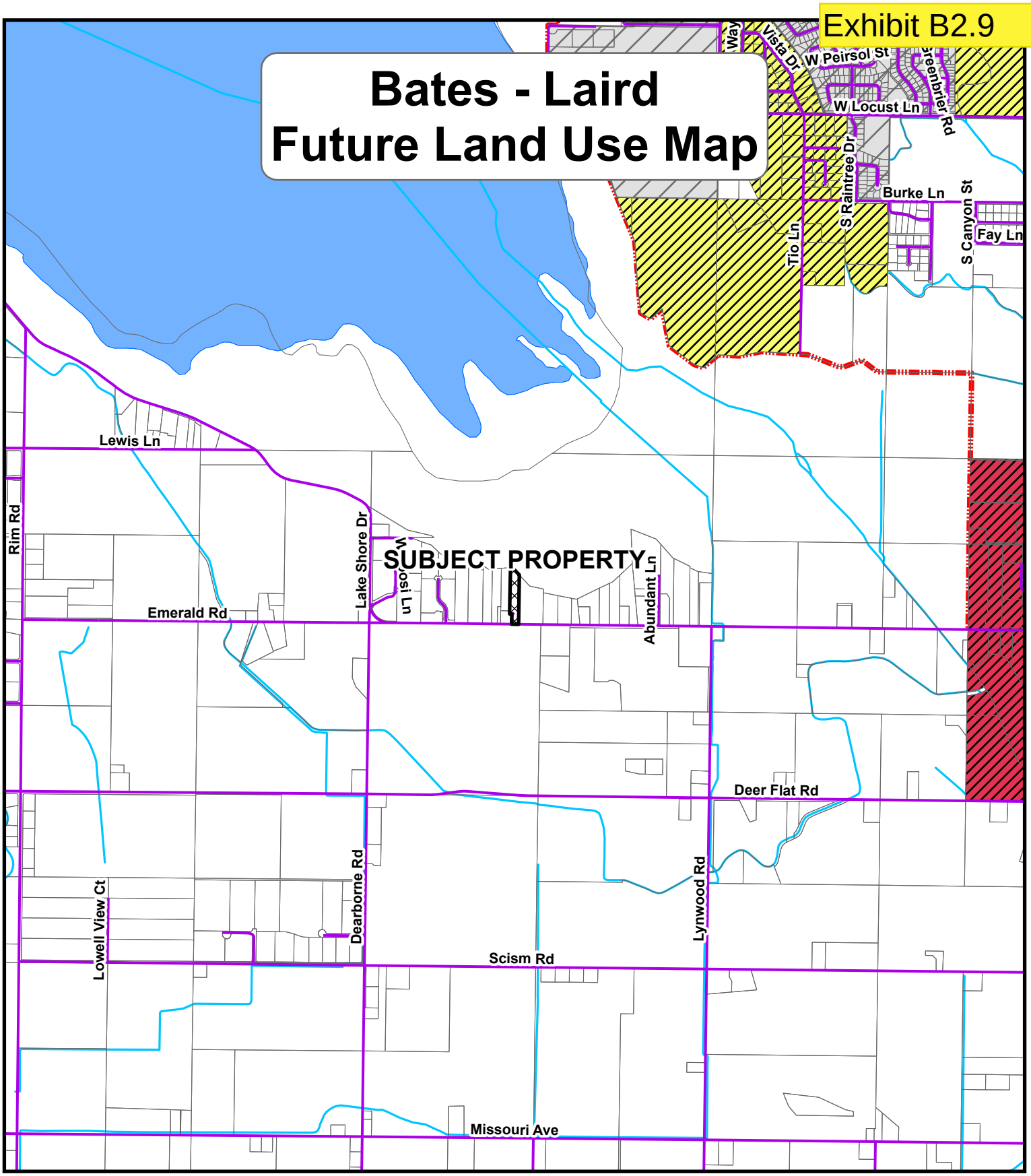
TAXLOTS
City_Limits
WETLANDS
2C_Hydro

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

0 0.125 0.25 Miles

Exhibit B2.9

Bates - Laird
Future Land Use Map



N
W
E
S

CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS

Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- RURAL RESIDENTIAL

0 0.5 1 Miles

Exhibit B3

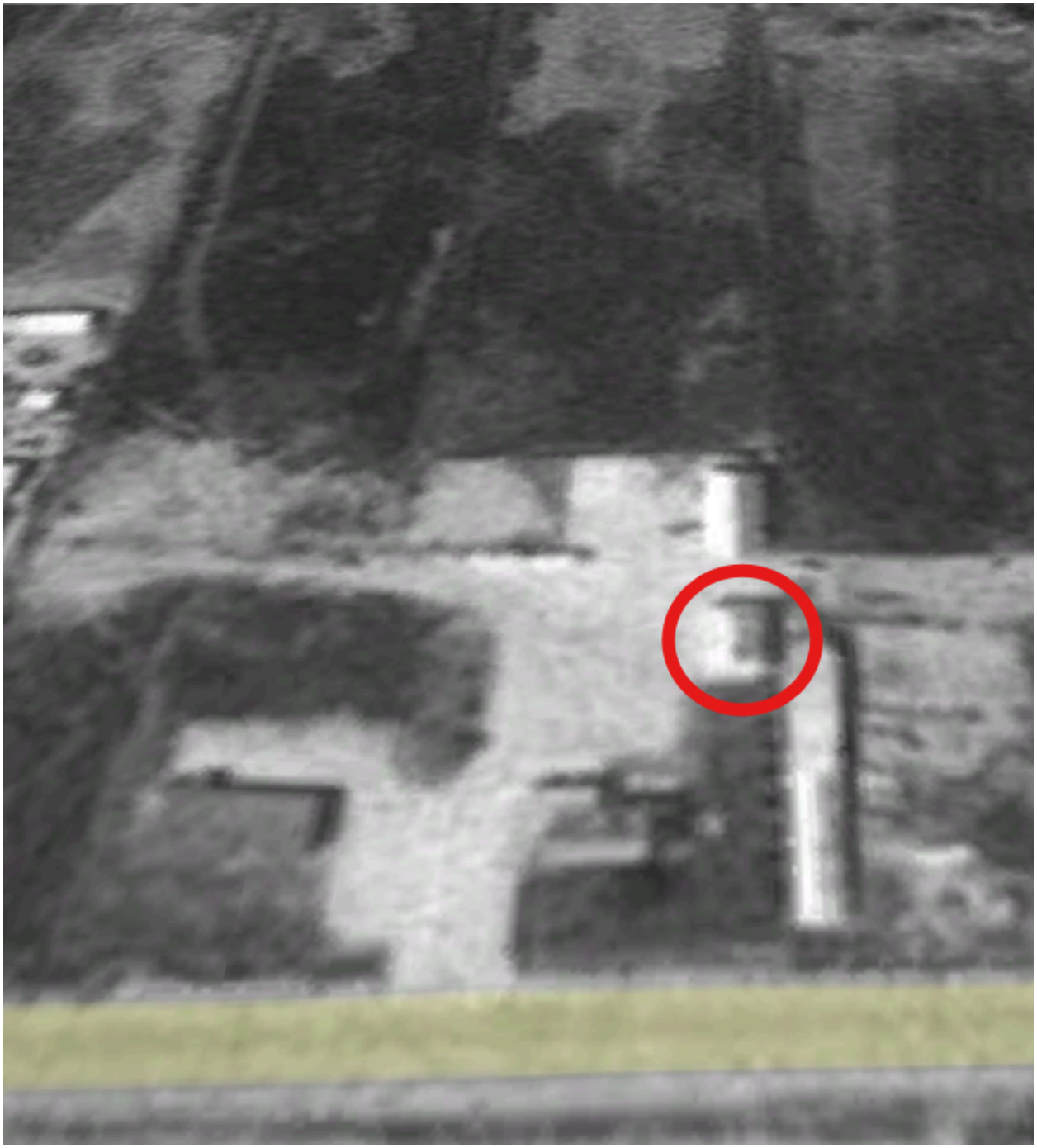


EXHIBIT C

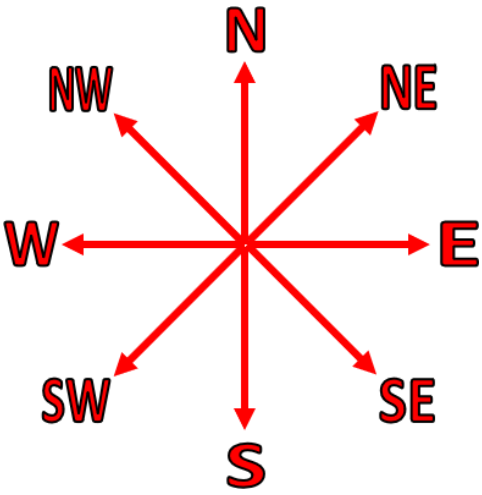
Site Visit Photos: July 10, 2026

Planning & Zoning Commission

Case# ZV2026-0005

Hearing date: September 3, 2026

Site Photos Taken July 10, 2026













Site Photos Taken July 10, 2026









EXHIBIT D

Agency Comments Received by: August 24, 2026

Planning & Zoning Commission

Case# ZV2026-0005

Hearing date: September 3, 2026

Exhibit D1

Dane Adams

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, June 22, 2026 1:29 PM
To: Dane Adams
Subject: [External] FW: Agency Notice ZV2026-0005 / Bates-Laird
Attachments: Agency Response Requested Notification Form 2-23.pdf

Good Afternoon Dane,

With the side setback, if it isn't a ¼ section line, Nampa Highway District #1 will have no comment.

Thank you,

Eddy

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

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Monday, June 22, 2026 10:54 AM
To: 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; Eddy Thiel <eddy@nampahighway1.com>; 'brandy.walker@ForgedFiber37.com' <brandy.walker@ForgedFiber37.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; EOlvera@nmid.org; 'nmid@nmid.org' <nmid@nmid.org>; mitch.kiester@phd3.idaho.gov; anthony.lee@phd3.idaho.gov; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'makline2@marathonpetroleum.com' <makline2@marathonpetroleum.com>; Historic Preservation (Canyon County Parks) <pr.historicpreservation@canyoncounty.id.gov>; Nichole Schwend <Nichole.Schwend@canyoncounty.id.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Lucy Ostyn <lucy.ostyn@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; 'edward_owens@fws.gov' <edward_owens@fws.gov>; 'smith.carolyn.d@epa.gov' <smith.carolyn.d@epa.gov>; 'brandon.flack@idfg.idaho.gov' <brandon.flack@idfg.idaho.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Agency Notice ZV2026-0005 / Bates-Laird

WARNING: This email originated outside our organization. **DO NOT CLICK** links or attachments, and **DO NOT RESPOND**, unless you recognize the sender and know the content is safe.

Exhibit D2

Dane Adams

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Friday, June 26, 2026 7:14 AM
To: Dane Adams
Subject: [External] RE: Agency Notice ZV2026-0005 / Bates-Laird
Attachments: Pre.Development.Meeting.Notes.Signed.03.16.2026.pdf

Hi Dane,

1.) Will a Nutrient Pathogen Study be required? **A Nutrient Pathogen Study will not be required.**
2.) Will adequate sanitary systems be provided to accommodate the use? **A new subsurface sewage disposal system was not discussed.**
3.) Any concerns about the use or request for a variance? If so, are there any conditions or mitigation measures recommended to ensure the use or requested variance minimizes potential impacts to the surrounding area and nearby city? **During the discussion, SWDH noted that relocating the buildings may result in encroachment upon the existing septic system, which could place the system out of compliance with IDAPA 58.01.03.**

See attached pre-development notes.

Let me know if you have any questions.

Thank you,

SOUTHWEST DISTRICT HEALTH

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

Anthony Lee, RS/BS | Land Development Senior

o 208.455.5384 | c 208.899.1285 | f 208.455.5300

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

13307 Miami Ln., Caldwell, ID 83607

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Monday, June 22, 2026 10:54 AM
To: 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'brandy.walker@ForgedFiber37.com' <brandy.walker@ForgedFiber37.com>; 'eingram@idahopower.com' <eingram@idahopower.com>;

Exhibit D3

Dane Adams

From: Lucy Ostyn
Sent: Monday, June 29, 2026 3:11 PM
To: Dane Adams
Subject: FW: Agency Notice ZV2026-0005 / Bates-Laird
Attachments: Agency Response Requested Notification Form 2-23.pdf

Dane,

We have had a few conversations with Mr. Bates about the AG structure he started building on the parcel (separate from the two structures mentioned in his letter of intent). Please see below for the inspection results for SI2026-0032 dated 3/18/26. We have not received this application in office yet.

Site inspection found telephone poles installed for pole frame structure partially constructed with 3X12 beams and rafters that are under sized for spans and roof loads, all building components have been exposed to the elements(roof was never completed). The owner was been advised to replace all beams and rafters with new material that is properly sized for all spans and roof load conditions. The owner will be asking for an exempt agricultural permit with an exemption to the 5 acre rule, and if awarded the exempt ag permit the owner has been advised to follow minimum code requirements for all aspects of the structure. Onsite photo of existing structure loaded to OnBase for reference.

Thank you,

Lucy Ostyn
Permitting Supervisor
lucy.ostyn@canyoncounty.id.gov
(208)455-5961
Canyon County Development Services Department
111 N. 11th Ave. #310 Caldwell, ID 83605

DSD PUBLIC OFFICE HOURS
Monday, Tuesday, Thursday and Friday
8am – 5pm
Wednesday
1pm – 5pm

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Monday, June 22, 2026 10:54 AM
To: 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'brandy.walker@ForgedFiber37.com' <brandy.walker@ForgedFiber37.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; EOlvera@nmid.org; 'nmid@nmid.org' <nmid@nmid.org>;

Exhibit D4

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

Brad Little, Governor
Jess Byrne, Director

June 29, 2026

Dane Adams, Planner
Canyon County Development Services
111 N. 11th Ave., #310, Caldwell, ID 83605
Dane.adams@canyoncounty.id.gov

Subject: Agency Notice ZV2026-0005 / Bates-Laird

Dear Dane Adams:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review every project on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083.

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

1. **AIR QUALITY**
   - Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).
     For questions, contact David Luft, Air Quality Manager, at (208) 373-0201.
   - IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.
   - For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.
2. **WATEWATER AND RECYLED WATER**
   - DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
   - IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the local public health district.

- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect groundwater.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
- For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0459.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system. A drinking water system is a Public Water System (PWS) if it has at least 15 service connections or regularly serves an average of 25 or more people per day for at least 60 days per year (refer to the DEQ website at: https://www.deq.idaho.gov/water-quality/drinking-water/). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of groundwater resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
- For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0459.

4. SURFACE WATER

- A Construction General Permit from DEQ may be required for projects that meet the eligibility criteria and have an allowable discharge of storm water or authorized non-storm water associated with construction activities. For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 813-0872.
- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.
- For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 373-0433.

- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.
- For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0564.

5. **SOLID WASTE, HAZARDOUS WASTE AND GROUNDWATER CONTAMINATION**
   - **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards.
   - **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
   - **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.24.060 and 58.01.24.061). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.24.060.01 and 58.01.24.061.04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
   - **Groundwater Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."
   - For questions, contact Matthew Pabich, Waste & Remediation Manager, at (208) 373-0510.

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

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

Sincerely,



Troy Smith
Regional Administrator

Exhibit D5

RICHARD DURRANT
CHAIRMAN OF THE BOARD

WILLIAM PATTERSON
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000 ACRES FOR THE FOLLOWING IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

24 June 2026

RECEIVED
JUN 26 2026
RECEIVED

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

RE: Rulon, Bates Scott-Felicia Marie
9516 Leston Lane, Nampa
Nampa-Meridian Irrigation District
Stiles Lateral 13+00
Sec. 17, T2N, R2W, BM.

ZV2026-0005
NM-2247C

Dane Adams, Associate Planner:

There are no Boise Project or Nampa-Meridian Irrigation District facilities located on the above-mentioned property, however it does in fact possess a valid water right.

Per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors.

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

Sincerely,

Thomas Ritthaler
Assistant Project Manager, BPBC

tbr/tr
cc: Ren Floyd — Watermaster, Div; 3 BPBC
Dave Duvall — Water Superintendent, NMID
File

Case # ZV2026-0005 Variance - Reduce Side Setback from 10 to 4.73 ft. 9516 Leston Lane, Nampa

NM-2247C RULON, BATES SCOTT-FELICIA MARIE STILES LATERAL, TAP 1.30 2.55 WATER RIGHT ACRES

Agency: Canyon County Development Services
Contact: Dane Adams, Associate Planner Dane.Adams@canyoncounty.id.gov (208) 454-6607
Hearing Date: NONE LISTED Response Deadline: 7/22/2026.

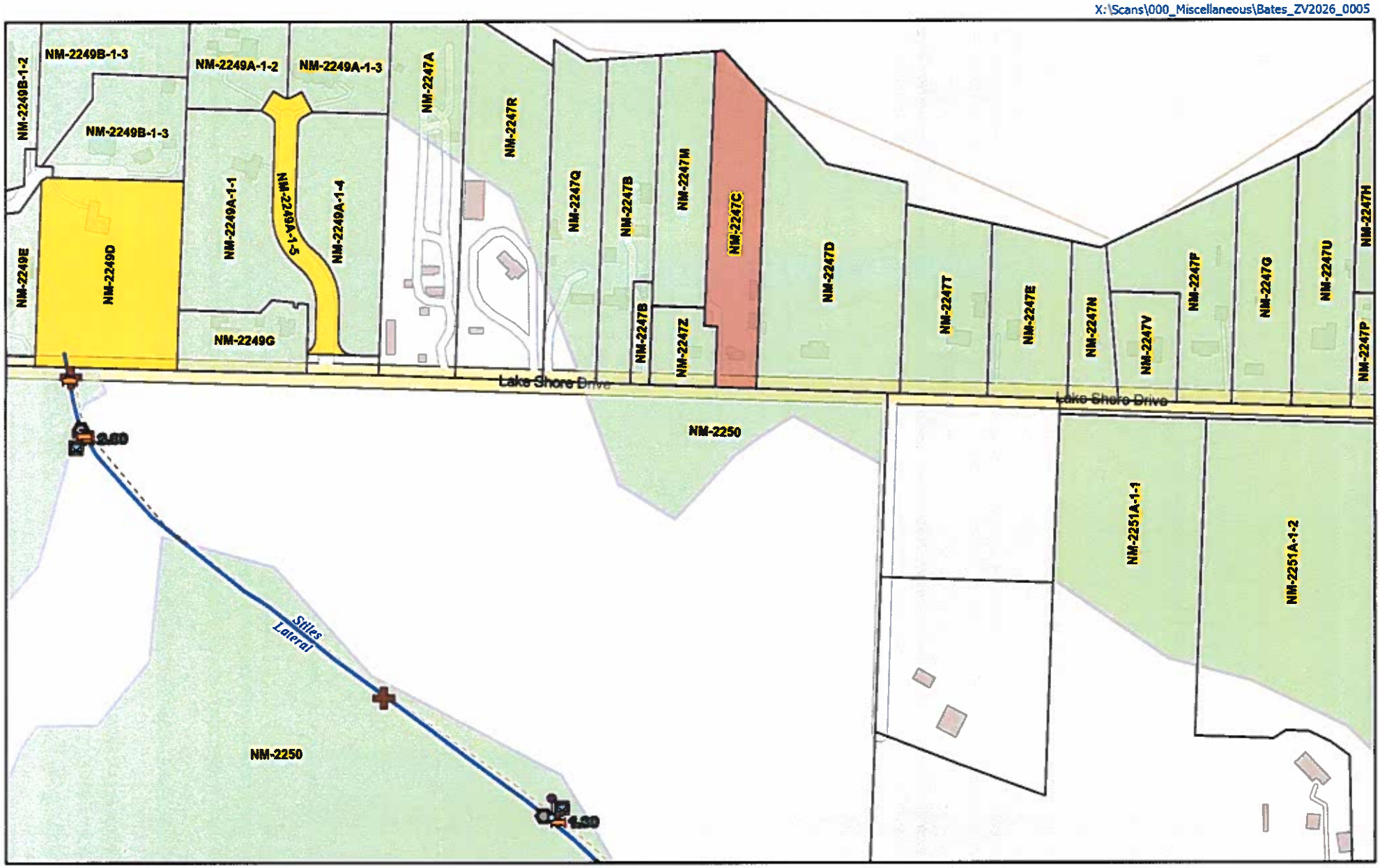


Exhibit D6

Dane Adams

From: Erika Olvera <EOlvera@nmid.org>
Sent: Wednesday, July 8, 2026 4:08 PM
To: Dane Adams; Caitlin Ross
Subject: [External] RE: Agency Notice ZV2026-0005 / Bates-Laird

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as it lies outside of our district boundaries.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Erika!

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Monday, June 22, 2026 10:54 AM
To: 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'brandy.walker@ForgedFiber37.com' <brandy.walker@ForgedFiber37.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; Erika Olvera <EOlvera@nmid.org>; NMID <NMID@nmid.org>; mitch.kiester@phd3.idaho.gov; anthony.lee@phd3.idaho.gov; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'makline2@marathonpetroleum.com' <makline2@marathonpetroleum.com>; Historic Preservation (Canyon County Parks) <pr.historicpreservation@canyoncounty.id.gov>; Nichole Schwend <Nichole.Schwend@canyoncounty.id.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Lucy Ostyn <lucy.ostyn@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; 'edward_owens@fws.gov' <edward_owens@fws.gov>; 'smith.carolyn.d@epa.gov' <smith.carolyn.d@epa.gov>; 'brandon.flack@idfg.idaho.gov' <brandon.flack@idfg.idaho.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Agency Notice ZV2026-0005 / Bates-Laird

Please see the attached agency notice. The application can be viewed at https://landhearingsagenda.canyoncounty.id.gov/DownloadDocument/1093. You are invited to provide written testimony or comments by **July 22, 2026**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business, 5:00 p.m. the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the

EXHIBIT E

Public Comments Received by: August 24, 2026

Planning & Zoning Commission

Case# ZV2026-0005

Hearing date: September 3, 2026

Exhibit E1

HILTY, BOWER, HAWS & SEABLE, PLLC

MARK HILTY
GABRIEL HAWS
RICHARD S. BOWER
NATALIE GREAVES
STONE WILSON
TOM C. MORRIS**
**OF COUNSEL

DANIEL BOWER
AARON L. SEABLE
DOUGLAS WATERMAN
TAYLER YETT
CARL D. HAMILTON*
TERRY MICHAELSON*
*Retired

August 24, 2026

To: dane.adams@canyoncounty.id.gov
ZoningInfo@canyoncounty.id.gov

Canyon County Development Services Department

Re: ZV2026-0005 — Client Comments for Variance Hearing Packet

Dear Development Services Department:

Please accept this letter on behalf of my client regarding the above-referenced matter, ZV2026-0005. Attached as an exhibit are my client's comments concerning the requested variance.

We respectfully request that this letter and the attached client comments be included in the packet for the hearing on the variance.

Thank you for your attention to this matter.

Very truly yours,

HILTY, BOWER, HAWS & SEABLE, PLLC

DOUGLAS C. WATERMAN
DLW/md

1303 – 12th Avenue Road, Nampa, Idaho, 83686
Telephone: [redacted] *Facsimile:* [redacted]
Email: C[redacted] *Website:* www.hbhslaw.com

WRITTEN TESTIMONY IN OPPOSITION TO VARIANCE

Case No. ZV2026-0005 - Bates & Laird

Submitted by:	Allison Girard and Nolan Ercanbrack
Residence:	9537 Leston Ln
Date:	August 24, 2026
Subject Property:	9516 Leston Ln; Parcel R29612
Hearing:	September 3, 2026 - Canyon County Board of County Commissioners

To the Canyon County Board of County Commissioners and Development Services Department:

We are neighboring residents at 9537 Leston Ln and respectfully request **denial of Case No. ZV2026-0005**, which seeks to reduce the required side setback on the approximately 2.55-acre, Agricultural-zoned property at 9516 Leston Ln from 10 feet to 4.73 feet. Our objection is not simply to development in general. We are asking the County to require the applicants to satisfy the legal standards for a variance and to protect the existing neighboring properties, shared access, and water resources before allowing construction substantially closer to a property line than the ordinance ordinarily permits.

1. The applicants should be required to prove the statutory variance standard.

Under Idaho Code § 67-6516, a variance is not a right or special privilege and may be granted only upon a showing of **undue hardship because of characteristics of the site** and that the variance is **not in conflict with the public interest**. Canyon County's variance review also evaluates whether the request meets the applicable variance criteria. We ask the County to make specific findings supported by evidence showing what unique physical characteristic of this 2.55-acre parcel makes compliance with the 10-foot side setback an undue hardship. A preference for a particular building location, design, lot layout, or greater convenience should not substitute for the required site-based hardship.

2. Shared private-road access and increased traffic should be addressed before approval.

Leston Ln and the shared easement serving the properties are important to the daily use and access of the existing homes. Any additional residential use or construction activity can increase vehicle traffic, delivery traffic, service vehicles, dust, grading needs, snow removal, and wear on the shared access. Before granting relief that facilitates additional or more intensive residential use, the County should require the record to clearly identify the legal access rights, the number of residences that may use the easement, whether the road meets applicable private-road/shared-driveway and emergency-access requirements, and how maintenance costs will be fairly allocated among all users. Existing owners should not be left with a disproportionate share of maintenance caused by added use.

3. The existing shared well agreement does not authorize a third home and does not reflect the current ownership.

The existing residence on the subject property currently uses a shared well with our property. However, the only well agreement presently known to us was entered into with a person who no longer resides at or owns the neighboring property. **There is no current well agreement between Allison Girard, the current owner of 9537 Leston Ln, and the Bates concerning use of this shared well.** No new or replacement well agreement has been presented to Allison for review or signature.

The existing well agreement also states that the shared well is for **two homes**. Nothing in the agreement known to us authorizes a third residence to connect to or draw water from the well. No agreement has been presented to Allison that would authorize a third home, establish the amount of water available to an additional

residence, allocate responsibility for maintenance or repairs, or otherwise protect the existing users from increased demand.

This is especially important because Allison currently pays the electrical power bill associated with operation of the shared well. There is presently no agreement with the Bates establishing what portion of the well's electrical expense they are responsible for, how those costs would be calculated or reimbursed, or what portion of any additional electrical cost attributable to a third residence would be paid to Allison. There is likewise no current agreement allocating future well maintenance, pump replacement, repairs, testing, or other shared expenses between the current property owners.

Based on our experience with the system, we are also concerned that the existing well is not capable of reliably serving a third home. Before the County takes any action that could facilitate another dwelling or increased demand on this water source, we ask that the applicants be required to demonstrate a lawful and adequate water supply. If they intend to rely upon the existing shared well, the County should require evidence that the existing agreement legally permits the proposed use, that the well has adequate capacity, and that a valid agreement with the current affected property owner addresses the additional residence, electrical costs, maintenance, repairs, and other obligations. Otherwise, the applicants should be required to establish an independent lawful water source. The variance should not be approved on an assumption that the existing shared well is available to serve another residence.

4. Septic suitability and required health approvals should be established.

A reduced setback can constrain the area available for a dwelling, well, septic system, replacement drainfield, utilities, drainage, and separation from neighboring improvements. If another residence is contemplated, the record should establish that a lawful septic system and reserve/replacement area can be provided without relying on neighboring property or creating a risk to nearby wells. Canyon County's building regulations recognize that applicable health approvals may be required before a building permit is issued. We ask that Southwest District Health requirements and all required well/septic separation distances be verified before the County grants a variance that could effectively commit the site to a layout that later creates conflicts.

5. The normal setback protects neighboring owners and rural character.

Reducing a 10-foot side setback to only 4.73 feet places improvements less than half the normally required distance from the property line. Setbacks provide practical separation for privacy, fire safety, drainage, maintenance access, utilities, and compatibility between neighboring uses. The subject property is approximately 2.55 acres; therefore, we ask the County to closely examine whether a compliant alternative location exists. If a reasonable code-compliant layout is available, that weighs strongly against a finding that the site's characteristics create the undue hardship required for a variance.

Requested action

For these reasons, we respectfully request that the Board **deny ZV2026-0005** because the applicants should be required to demonstrate, with substantial evidence, the site-specific undue hardship necessary to justify the variance and that the reduced setback will not conflict with the public interest. At a minimum, if the Board does not deny the request, we ask that it refrain from approval until the record clearly addresses legal access and road maintenance obligations, emergency access, the legal status and terms of the shared-well arrangement with the current property owner, the existing two-home limitation, water-supply capacity, allocation of electrical and maintenance expenses, septic feasibility and required health approvals, drainage, and whether a code-compliant building location is reasonably available.

We ask that this written testimony be entered into the official record for Case No. ZV2026-0005 and considered by the Board at the September 3, 2026 public hearing.

Respectfully submitted,

Allison Girard
9537 Leston Ln

Nolan Ercanbrack
9537 Leston Ln

Reference: Idaho Code § 67-6516 (variance standard); Canyon County variance review criteria and public-hearing materials. This testimony is based on the notice provided for ZV2026-0005 and the submitters' firsthand concerns regarding the shared access and shared well. Statements concerning the existing well agreement describe the agreement and circumstances as understood by the submitters; requests for verification are intended as issues for the County to investigate and make findings upon.

EXHIBIT F

DRAFT – Findings of Fact, Conclusions of Law & Order (FCOs)

Planning & Zoning Commission

Case# ZV2026-0005

Hearing date: September 3, 2026

PLANNING OR ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of **Bates & Laird – ZV2026-0005**

The Canyon County Planning and Zoning Commission considers the following:

The applicants, Scott Bates & Jacob Laird, are requesting a variance to reduce the side setback requirements from 10 feet to 4.73 feet. The subject property is approximately 2.55 acres and zoned "A" (Agricultural). The subject property is located at 9516 Leston Ln, also referenced as Parcel R29612, a portion of the NW quarter of Section 17, 2N, 2W, 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 ZV2026-0005.

      1. All exhibits are located in the case staff report dated September 3, 2026.

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 §07-08 (Variance), CCCO §07-02-03 (Definitions), CCCO §07-10-21 (Setbacks; Minimum Parcel or Lot Size; Height Regulations), and Idaho Code §67-6516 (Variance-Definition-Application-Notice),

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

   b. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. *See* Idaho Code §67-6516

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

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

4. 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.

5. 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, ZV2026-0005, was presented at a public hearing before the Canyon County Planning and Zoning Commission on September 3, 2026. 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 Canyon County Planning and Zoning Commission decides as follows:

County Ordinance and Review
Criteria
A variance shall be granted in compliance with Idaho Code section 67-6516, and notice and an opportunity to be heard shall be provided to property owners adjoining the subject property.
Chapter 7, Article 8 of the Canyon County Code provides the variance process consistent with Idaho Code section 67-6516 Per CCCO §07-08-01, a complete application with fees was accepted on June 2, 2026 (**Staff Report Exhibit A**). The request requires a public hearing due to the proposal exceeding a 33% modification to the county setback requirements. Noticing was completed per CCCO §07-08-01. Property owners within 600 feet were notified of the request and public hearing on July 30, 2026.
The presiding party shall ask and answer the following questions in their FCOs: **A. Will granting the variance be consistent with the comprehensive plan?** **B. Do characteristics of the site create an undue hardship?** **C. Is the variance in conflict with the public interest?**
The date of application acceptance (June 2, 2026) was noted on the application. The application is being considered by the Planning & Zoning Commission at a public hearing on September 3, 2026. Noticing for the hearing was provided for according to Article 5. A. The variance request from 10' to 4.73' would not make the property incompatible with the goals and policies of the Canyon County 2030 Comprehensive Plan. B. The 2030 Comprehensive Plan designates the future land use to be "A" (Agriculture). The parcel is currently zoned "A" (Agricultural). The parcel was created in accordance with the Canyon County Zoning Ordinance. C. The proposed variance supports the following goals and policies of the 2030 Comprehensive Plan. <u>Private Property:</u> **G1.01.00:** *Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.* **P1.01.03:** *Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.* <u>Population:</u> **G2.01.00:** *Incorporate population growth trends & projections when making land-use decisions.* **G2.02.00:** *Promote housing, business, and service types needed to meet the demand of the future and existing population.* <u>Land Use and Community Design:</u> **G4.01.00:** *Support livability and high quality of life as the community changes over time.* **P4.01.01:** *Maintain a balance between residential growth and agriculture that protects the rural character.* **P4.01.02:** *Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.* **G4.02.00:** *Ensure that growth maintains and enhances the unique character throughout the County.* **P4.02.01:** *Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.* **G4.03.00:** *Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.*

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

G4.08.00: *Maintain and enhance the aesthetic beauty of the county.*

D. The characteristics of the site do create a hardship.

- Canyon County Code or Idaho Code does not define undue hardship for the purposes of a variance. Section 67-6516 states a variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site. The circumstances justifying the undue hardship must be "peculiar" to the property at issue (*City of Burley v. McCaslin Lumber Co., 107 Idaho 906, 693 P.2d 1108 (1984*).
- According to the applicant's letter of intent (**Staff Report Exhibit A2**) and site plan (**Staff Report Exhibit A3**), there are multiple site characteristics that require this variance. The residence's septic tank is located 11 feet to the west of the buildings requiring the variance; to the North is the septic drainfield, and on the southern side, there is propane infrastructure restricting the structures to where they are currently located. Southwest District Health confirms this location of the septic system, and stated that relocating the existing structures may result in encroachment on the existing septic system (**Staff Report Exhibit A9 & D2**).
- According to the applicant's letter of intent (**Staff Report Exhibit A2**), over half of the subject property is used as a pasture for grazing of animals.
- The parcel was divided by a prior owner, and the 28' easement for Leston Lane is located on the west property boundary, which provides access to the subject parcel, Parcel R29611, and R29612010 (**Staff Report Exhibit A3**). This further limits the potential alternate locations for the existing structures.
- According to Google Earth imagery, the existing structure requiring the setback variance has been there since at least 1992 (**Staff Report Exhibit B3**).
- The applicants reached out to the property owner of the parcel located to the east, Parcel R29613, to inquire about completing a Property Boundary Adjustment between the two properties in order to meet setbacks. The property owners of Parcel R29613 declined the request (**Staff Report Exhibit A2**).
- Staff finds that the aforementioned characteristics of the site do create a hardship.

C. The variance is not in conflict with public interest.

- The proposed variance is not expected to have an impact on the adjacent residence or emergency services' ability to access any parcels off of Leston Lane, as the structures requesting the easement reduction have been there since at least 1992 (**Staff Report Exhibit B3**).
- The shared well agreement for Parcels R29612 & R29611 does not restrict secondary residences (**Staff Report Exhibit A10**).
- Comment letters from Nampa Highway District No. 1, Southwest District Health, Canyon County Building Department, Idaho Department of Environmental Quality, Boise Project Board of Control, and Nampa & Meridian Irrigation District confirmed that they did not oppose the variance, and that it is not in conflict with public interest. See **Staff Report Exhibit D** for all agency comments.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case #ZV2026-0005, a variance of the side setback requirements in an "A" (Agricultural) zone, subject to the following conditions as enumerated:

Conditions of Approval

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

DATED this _____ day of _____, 2026.

CANYON COUNTY, IDAHO

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

_____
Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this _____day of _____, in the year 2026, before me_____, a notary public, personally appeared _____, 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: _____

My Commission Expires: _____