# Board of Canyon County Commissioners
# Hearing Date: September 16, 2026
*Canyon County Development Services Department*

## PLANNING DIVISION STAFF REPORT

| | |
|---|---|
| **CASE NUMBER:** | **AD2025-0133** |
| **APPELLANT:** | **Sid Freeman** |
| **PROPERTY OWNER:** | **M and M Investment Properties, LLC** |
| **REQUEST:** | **Appeal AD2025-0133, approval of a non-viable land division of Parcel R38456010A, approximately 2.65 acres, zoned "A" (Agricultural).** |
| **LOCATION:** | **The subject property is located at the Southeast corner of Hop Rd and Galloway Rd, also referenced as R38456010A, a portion of the NW quarter of Section 25, T5N, R3W, BM, Canyon County, Idaho.** |
| **PLANNER:** | **Dane Adams, Associate Planner** |
| **REVIEWED BY:** | **Dan Lister, Principal Planner** |
| **DIRECTOR'S ADMINISTRATIVE DECISION:** | **Approved** |

**SUMMARY OF REQUEST:**

On November 3, 2025, the original property owner of Parcel R38456010A submitted a non-viable administrative land division in the "A" (Agricultural) zone to divide the subject parcel once, creating two (2) buildable parcels. On February 23, 2026, the original property owner sold the subject parcel to the current property owner (M and M Investment Properties, represented by Don Stine). The current property owner signed and submitted a master application to continue with the non-viable land division application. On July 10, 2026, after considering all evidence provided by the applicant, property history, staff research, and letters received from agencies, Case No. AD2025-0133 was approved by the Director of Development Services (DSD) for the reasons found in **Exhibit 2**.

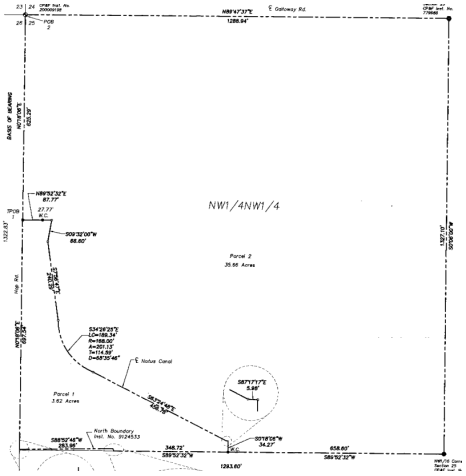
The appeal of the director's decision was filed within the 15-day appeal period on July 27, 2026 (due to July 25, 2026 being a Saturday, the appeal deadline fell on the next business day, which was Monday, July 27, 2026). The application included a letter with the stated reasons for the appeal as well as the filing fee. The letter of appeal (**Exhibit 1C**) asserts that insufficient evidence was submitted proving that the application meets CCCO §07-18-09. The appellant requests that the Board of County Commissioners overturn the director's approval decision and deny the administrative non-viable land division of parcel R38456010A for the following reasons.

- The subject parcel has historically been used for agriculture. In the appellant's letter of intent (**Exhibit 1C**), it is stated that since the late 1940's, the property has produced seed crops, wheat, hay, and pasture.
- The subject property has water rights amounting to one (1) acre and can be irrigated (**Exhibit 1C**).
- The subject parcel has additionally been used for the storage and handling of potatoes, sprinkler-irrigation pipe, fertilizer, and wheat (**Exhibit 1C**).
- The soil classification map found in **Exhibit 2E** should not solely be used in determining agricultural viability.

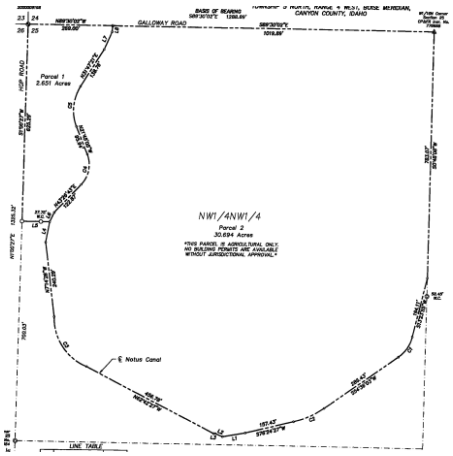
- The letter of intent and clarification email submitted for AD2025-0133 should not be used, as they cite "commercial agriculture" and not being able to support an " economically viable" farming operation.
- Adding a residential parcel to the area will cause conflicts with agricultural operators and the residents.

**PROPERTY HISTORY:**

- In 2006, the original parcel was divided via LS2006-48 by Charles Javaux, creating Parcels R38456010 and R38456.




- In 2021, LS2006-48 was amended via AD2021-0015 by Wes Freeman; this created Parcel R38456010A (with a residential building permit available) and designated the remainder of Parcel R38456010 as "agricultural only".




- In 2025, the property owner of Parcel R38456010A0 applied for a non-viable land division (AD2025-0133).
- On July 10, 2026, the Director of Development Services approved the non-viable land division.
- On July 27, 2026, the appellant submitted this application to appeal the approval of AD2025-0133.

**STAFF RECOMMENDATION:**

Staff recommends the Board of County Commissioners deny the appeal, upholding the Director of DSD's approval of AD2025-0133 for the following reasons (Per **Exhibit 2**):

- The Director found the following evidence submitted to be sufficient in supporting §07-18-09(3)A and §07-18-09(5)C.
    - The lot size (2.65 acres), configuration, and uneven geometry make productive agricultural use extremely difficult (**Exhibit 2A2 & 2A2.1**). This is supported by aerial imagery seen in (**Exhibit 2C**).
    - Staff analyzed Google Earth imagery since 2004 and did not find evidence that the subject parcel has been used for agricultural purposes.
    - AD2025-0133 was noticed per CCCO §07-18-19, and neighbors within 600ft of the subject property were notified of the application and given 15 days to provide a written comment. No public comment was received regarding AD2025-0133.

- Staff found the following evidence submitted to be sufficient in supporting §07-18-09(3)B and §07-18-09(5)D.
    - Access will be directly off of Hop Road, approved with conditions from Notus-Parma Highway District (**Exhibit 2G3**).
    - Black Canyon Irrigation District requested that a lot split application be submitted through their office; a condition was placed on approval which stated that, before building permit submittal, the applicant must comply with Black Canyon Irrigation District requirements.
    - Staff found that the subject property was adequately buffered from the existing farming operations due to the Notus Canal located to the East (**Exhibit 2C**).

**BOARD ACTION:**

In accordance with CCCO §07-05-07(2): Appeal of Director Administrative Decision:

B. At a public hearing held in accordance with this article, the Board shall consider the decision of the Director and any additional evidence that may be offered by the public, applicant, or Director.

C. The Board may affirm, reverse, or modify, in whole or in part, the Director's Decision.

**EXHIBITS:**

1. **Master Application Packet for AD2025-0133-APL, Dated July 27, 2026**
    - A. Master Application
    - B. Consent for Property Inspection
    - C. Letter of Intent
2. **Director's Administrative Decision with Exhibits for AD2025-0133, dated July 14, 2025**
    - A. Application
        - A1. Site Plan
        - A2. Letter of Intent
            - A2.1 Clarification email with applicant
        - A3. Updated Master Application
    - B. Parcel Tool
    - C. Aerial Imagery
    - D. Google Earth Historical Photos
        - D1. September 2004
        - D2. June 2005
        - D3. September 2006
        - D4. August 2009
        - D5. July 2010

D6. August 2011
D7. October 2012
D8. August 2013
D9. June 2014
D10. April 2015
D11. April 2016
D12. June 2017
D13. July 2018
D14. May 2020
D15. September 2021
D16. July 2021
D17. May 2023
D18. May 2024

E. Canyon County Soils Suitability Map
F. USGS Slope Map
G. Agency Comments
G1. Black Canyon Irrigation District; Received: December 1, 2025
G2. Caldwell Fire Department; Received: December 3, 2025
G3. Notus-Parma Highway District; Received: December 9, 2025

**3. Public Comments Received by: September 8, 2026**

A. Marc J. Bybee – Received: September 8, 2026

**EXHIBIT I**

**Master Application Packet for AD2025-0133-APL**

**-**

Board of County Commissioners

Case# AD2025-0133-APL

Hearing dated: September 16, 2026

Exhibit 1A

# APPEAL OF DECISION
## APPLICATION

| | | |
|---|---|---|
| **PROPERTY OWNER** | OWNER NAME: Wes Freeman | |
| | MAILING ADDRESS: 27406 Farmway Rd Caldwell ID 83607 | |
| | PHONE: 208-941-7320 | EMAIL: wescfreeman@gmail.com |

**I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.**

*Signature:* _____ *Date:* 7/24/26

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| **APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER** | OWNER NAME: Sid Freeman Sid Freeman 7/24/26 | |
| | COMPANY NAME: Sunny View Farms LLC | |
| | MAILING ADDRESS: 27406 Farmway Rd, Caldwell, ID 83607 | |
| | PHONE: 208-941-3584 | EMAIL: sunnyviewfarms@myctl.net |

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| **SITE INFO** | STREET ADDRESS: Southeast corner of the intersection of Hop & Galloway Rds. |
| | PARCEL NUMBER: R38456010A |
| | PARCEL SIZE: 2.65 acres |

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| **CASE NUMBER OF REQUESTED APPEAL:** | AD 2025-~~[illegible]~~0133 |

**FOR DSD STAFF COMPLETION ONLY:**

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|---|---|---|---|
| CASE NUMBER | AD2025-0133APL | DATE RECEIVED: | 7/27/26 |
| RECEIVED BY: | MG | APPLICATION FEE: $1,100 | CK MO CC CASH |

#1580

Exhibit 1B

# Development Services Department

Canyon County, 111 North 11th Avenue Ste. 310, Caldwell, ID 83605
(208) 454 7458 ▪ www.canyoncounty.id.gov

## Planning Application Consent for Property Inspection

**Name:** Sid Freeman

**Planning Application(s):** appeal

**Address:** SE corner Hop + Golloway Rd.

**Parcel Number(s):** R38456010A

**Relationship to Property:** neighbor on boardering property and father of owner of ~~neighboring~~ boardering property.

**Circle any that apply:**

Owner Lessee (Authorized Agent) Other:_____

I voluntarily consent to DSD staff entering the property/premises for the limited purpose of site inspections related to this application.

This consent authorizes entry **Monday-Friday between 8 am and 5 pm**

For the following purpose: To conduct site inspection/visit related to land use application (s). Site inspection includes visual observation of the site and buildings, measurements, & site photos.

Consent to enter the property for a site inspection does not authorize searches, inspections, or surveillance beyond the scope of the application. I understand I may revoke this consent at any time, and DSD staff will promptly leave upon my or the occupant's request unless otherwise authorized by law to remain.

**Signed:** Sid Freeman

**Date:** 7/24/2020

**If signing as agent:** [Authority/POA/Title] father and owner neighboring property. I am acting as agent for myself and my son Miles Freeman

# NOTICE OF APPEAL

Director's approval of administrative division of an alleged nonviable parcel in an Agricultural zone

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| TO | Canyon County Board of County Commissioners |
| FILED WITH | Canyon County Development Services Department |
| FROM | Sid Freeman and Wes Freeman, affected adjoining agricultural landowners |
| RE | **Appeal of Director's Decision AD2025-0133; Don Stine; Parcel R38456010A (TBD Hop Road)** |
| DATE | July 27, 2026 |

**Decision appealed:** Director's Decision AD2025-0133, signed July 10, 2026, approving with conditions the division of the approximately 2.65-acre Agricultural-zoned parcel into two residential parcels.

**Timeliness:** This notice is submitted under Canyon County Code § 07-05-07 on July 27, 2026. The Director's decision is dated July 10, 2026. Under Idaho Code § 73-109, the day of the decision is excluded when computing the period: July 11 is day one and July 25 is day fifteen. July 25, 2026 fell on a Saturday, when Canyon County Development Services was not open to accept an in-person filing. This appeal is therefore being submitted on Monday, July 27, 2026, the first business day on which the office reopened. The appellants respectfully request that the County accept and process the appeal as timely.

**Requested action:** Sid Freeman and Wes Freeman respectfully ask the Board to reverse the Director's approval. In the alternative, they ask the Board to modify the decision or remand the matter for findings supported by evidence addressing every requirement of Canyon County Code § 07-18-09.

## Standing and affected interests

We are affected persons aggrieved by the approval. Sid Freeman owns and farms the property directly north of the subject parcel, across Galloway Road. Wes Freeman owns and farms the property directly east of the subject parcel, across the Black Canyon Irrigation District Unit 1 canal (also known locally as the Notus Canal). Our adjoining agricultural operations may be affected by the division and any resulting nonagricultural use.

## Reasons for appeal

**1. The application's central claim that the parcel lacks irrigation water rights is contradicted by the agency evidence in the record.** The original applicants' letter of intent (Exhibit A2) states that the property is nonviable because it "lacks water rights necessary for irrigation." Their November 20, 2025 clarification (Exhibit A2.1) repeats that the parcel has "no deliverable irrigation water rights" and that the absence of water eliminates its agricultural utility. But the Director's own decision reports that Black Canyon Irrigation District stated the parcel has water rights amounting to one acre. The decision imposed conditions protecting irrigation facilities and requiring the applicant to resolve BCID's concerns, but it did not reconcile this direct contradiction before finding the applicant met the burden of proof.

The parcel is served from a headgate in the canal at the south end of the property and can be irrigated with a sprinkler system.

**2. The decision substitutes commercial or economic efficiency for the ordinance's actual standard.** The clarification argues that 2.65 acres is insufficient for "commercial agriculture," cannot support an "economically viable farming operation," and would be more marketable as two residential lots. Section 07-18-09 does not require proof that the parcel independently supports a commercial farming business or qualifies for the County Assessor's minimum agricultural exemption. It requires proof that identified site constraints or resource issues make productive

agricultural use extremely difficult; this proof was not included in the record. Increased marketability, residential value, and preference for two houses are not evidence of agricultural nonviability.

**3. Parcel size and configuration were accepted without measurements or analysis showing that productive agricultural use is extremely difficult.** The decision describes the parcel as long, narrow, irregular, and approximately 2.65 acres. It does not quantify the allegedly unusable area, equipment limitations, setbacks, or the acreage remaining for crops, pasture, storage, or other agricultural functions. Nor does it explain why division into two still-smaller residential parcels establishes that the existing parcel cannot productively serve the adjoining farm. A parcel characteristic listed in § 07-18-09(5)(C) is not automatically disqualifying; the applicant must prove that it makes productive agricultural use extremely difficult. Proof of this is not included in the record.

**4. The parcel's agricultural history and continuing operational value were not evaluated.** Irrigation water has been delivered to this land since the canal system began operating in the late 1940s. The parcel historically produced seed crops, wheat, hay, and pasture. It has also supported the adjoining farm through the storage and handling of potatoes, sprinkler-irrigation pipe, fertilizer, and wheat. The decision relies on historical satellite images suggesting that the parcel has not been cropped since at least 2004, but non-cropping does not establish that physical constraints make agricultural use extremely difficult. It also does not address these other productive agricultural uses.

**5. The generalized soil-map finding does not resolve the contrary site-specific evidence.** The decision cites a County soil-suitability map classifying the property as Least Suited Class V. It does not identify a site-specific soil evaluation, explain what agricultural uses remain possible, or reconcile the map with the parcel's history of irrigated crop and pasture use. A generalized mapping classification, standing alone, does not answer whether productive agricultural use of this particular parcel is extremely difficult.

**6. The findings on impacts to surrounding agriculture are incomplete and internally inconsistent.** The decision treats the Notus Canal as a separation expected to prevent impacts to the farm east of the parcel. Yet the same record identifies a 100-foot BCID easement, a one-acre water right, possible encroachment, and unresolved irrigation-district requirements. It also reports that the Notus-Parma Highway District initially found that legal access did not exist for the intended use. Conditions defer resolution of access, irrigation, fire, septic, and easement issues until after approval. The decision does not analyze the added conflicts reasonably associated with two residential parcels beside active farms, including irrigation access, farm traffic, dust, noise, odors, chemical applications, livestock, and complaints about normal agricultural practices.

**7. The applicant did not carry the burden imposed by § 07-18-09(6).** The application's water-right premise is contradicted by BCID; its claimed parcel-size and shape constraints are largely conclusory; and its stated purpose includes improving residential utility, marketability, land value, and development pattern. The decision's statement that there was no deliberate withholding of agricultural land contains no supporting analysis and does not address the parcel's longstanding non-crop use or its demonstrated value to the adjoining farm operation. On this record, the mandatory findings are not supported by substantial, reconciled evidence.

### Requested relief

For these reasons, we respectfully request that the Board:

- accept and process this notice of appeal as timely filed on the first business day after the fifteenth calendar day fell on Saturday;
- review the Director's decision and all additional evidence offered at the public hearing under § 07-05-07(2)(B);
- reverse the approval because the applicant did not carry the burden imposed by § 07-18-09; or
- alternatively, modify or remand the decision with directions requiring complete findings and conditions that protect surrounding agricultural uses.

We reserve the right to supplement this appeal with the Director's decision, application materials, maps, irrigation records, photographs, testimony, and other evidence at the public hearing.

Respectfully submitted,

**Sid Freeman**
[MAILING ADDRESS] 27406 Fairway Rd Caldwell, Id. 83607
[PHONE / EMAIL] sunnyviewfarms@myctl.net

**Wes Freeman**
[MAILING ADDRESS] 27406 FAIRWAY RD Caldwell ID 83607
[PHONE / EMAIL] 208-941-7320 wescfreeman@gmail.com

**EXHIBIT II**

**Director's Administrative Decision for AD2025-0133**

**-**

Board of County Commissioners

Case# AD2025-0133-APL

Hearing dated: September 16, 2026

Exhibit 2

# Director's Decision - AD2025-0133
# Non-Viable Land Division – Canyon County Code of Ordinances §07-18-09
*Canyon County Development Services Department*

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| **CASE NUMBER:** | **AD2025-0133** |
| **PARCEL NUMBER:** | **R38456010A** |
| **PROPERTY OWNER/APPLICANT:** | **Don Stine** |
| **ANALYST:** | **Dane Adams, Associate Planner** |
| **DECISION:** | **APPROVED with conditions – see page 6.** |

**REQUEST:**

The applicant requests a nonviable land division of parcel R38456010A (zoned "A" (Agricultural), approximately 2.65 acres) to create a total of two (2) residential parcels in conformance with Instrument No. 2026-026385 as follows:

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| Parcel 1: Approx. 1.449 acres (with residential building permit available) |
| Parcel 2: Approx. 1.201 acres (with residential building permit available) |
| **DISCLAIMER: Parcels will not be adjusted by the Assessor's Office until deeds are recorded.** |

**PROPERTY HISTORY:**

The original parcel was first divided in 2006 via LS2006-48, creating Parcel R38456010 and R338456. In 2021, LS2006-48 was amended via AD2021-0015 to create Parcel R38456010A (with a residential building permit available) and R38456010 (agricultural-only parcel).

**FINDINGS:**

**Table 1. Administrative Land Divisions – Application and Process: CCCO §07-18-05**

| Compliant | | | County Ordinance and Staff Review | |
|---|---|---|---|---|
| Yes | No | N/A | Code Section | Analysis |
| ☒ | ☐ | ☐ | (1) | **The following shall be provided with all applications for land divisions pursuant to this Article:**<br>**A. Application;**<br>**B. Fees;**<br>**C. Site plan showing all lots and access locations;**<br>**D. An irrigation plan (if applicable);**<br>**E. Proof that any required conditions of county approvals are met (if applicable)** |
| | | | *Analysis* | A complete application was accepted on November 3, 2025.<br>On November 20, 2025, the applicant provided clarification to their letter of intent (**Exhibit A2.1**).<br>On February 23, 2026, the original applicant sold the subject property. The new owner has signed a master application (**Exhibit A3**). |
| ☒ | ☐ | ☐ | (2) | **Parcels divided pursuant to this Chapter with slopes greater than fifteen percent (15%) shall not be disturbed without an engineered grading and drainage plan consistent with section 07-17-33(1)C.** |
| | | | *Analysis* | The subject property does not contain slopes over 15% according to the USGS slope map (**Exhibit F**). |

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| ☒ | ☐ | ☐ | **(3)** | **The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and this chapter before the director can approve the application.** |
| | | | ***Analysis*** | The subject property complies with the public nuisance ordinance (Chapter 2, Article 1 of the Canyon County Code), the building code (Chapter 6), and the zoning code (Chapter 7). There are no known code violations or previous conditions on the property. |
| ☒ | ☐ | ☐ | **(4)** | **Notification of the application shall be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.** |
| | | | ***Analysis*** | The City of Notus, Notus School District, Southwest District Health, Caldwell Fire District, State Fire Marshall, Notus-Parma Highway District, CenturyLink, Intermountain Gas, Idaho Power, Ziply, Black Canyon Irrigation District, Canyon County Sheriff, Canyon County Emergency Management Coordinator, Canyon County Paramedics, Farm Service Agency, Canyon County Assessor's Office, Canyon County Building Department, Canyon County Code Enforcement, Canyon County Engineering Department, Canyon County GIS Department, Idaho Department of Water Resources, Idaho Agricultural Aviation Association, and US Department of Agriculture were notified on November 26, 2025.<br><br>Black Canyon Irrigation District (BCID) submitted a comment stating that the irrigation canal on the east side of the property has a 100-foot easement (50' on either side) and there can be no development within said easement. Additionally, the property has water rights amounting to 1 acre associated with it. BCID requests that the applicant complete a land split application and schedule an appointment with the BCID manager to resolve the concerns of the irrigation district, see conditions 5, 5a, 6, 6a, and 6b (**Exhibit G1**). The applicant was sent the BCIDs comment letter on January 23, 2025.<br><br>Caldwell Fire Department submitted a comment stating they have no concerns with the subject division as long as all access meets the requirements set forth by the 2018 International Fire Code. The proposed properties have an estimated response time of 4 minutes, with the nearest fire station being roughly 2.5 miles away. Caldwell Fire Department requests that the applicant complete an Administrative Land Division application with their department, see conditions 4 and 4a (**Exhibit G2**). The applicant was sent the Caldwell Fire Department's comment letter on January 23, 2025<br><br>Notus-Parma Highway District submitted a comment stating that legal access to the subject parcels does not exist for the intended use. Staff has placed condition 3a on this approval, which will require the applicant to obtain legal access to the subject parcels before obtaining a building permit. Access must meet ACCHD Standards, which includes access being placed at a minimum of 330 feet from the intersection of Hop Rd and Galloway Rd, See conditions 3 and 3a. (**Exhibit G3**). The applicant was sent Notus-Parma Highway District's comment letter on January 23, 2025.<br><br>The remaining agencies did not submit a comment within the 15-day time period. |
| ☒ | ☐ | ☐ | **(5)** | **Pre-approval Decision: the following shall be provided after receiving pre-approval of the site plan from director.** |

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| | | | | **A. Record of Survey with metes and bounds descriptions of all lots that shows access from each parcel complies with the requirements of section 07-10-03: of this chapter, and that includes all existing and necessary easements;** |
| | | | ***Analysis*** | Pre-approval of the site plan submitted in the application was granted on January 29, 2026. A record of survey, along with metes and bounds descriptions of all lots showing access in compliance with §07-10-03, was then submitted and recorded under Instrument Number 2026-026385. |
| ☒ | ☐ | ☐ | **(6)** | **Decision:**<br>**A. If the application meets the requirements of this section, the director may approve the division. The director may attach conditions to the approval if applicable.**<br>**B. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division.** |
| | | | ***Analysis*** | The application meets the requirements of section 07-18-05 per the above analysis. This document is the letter of approval and includes the details and requirements (conditions) of the division. See the decision on page 6. |
| ☐ | ☐ | ☒ | **(7)** | **Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.** |
| | | | ***Analysis*** | ---- |
| ☒ | ☐ | ☐ | **(8)** | **Required Language on Approvals: Language from the Idaho Right to Farm Act shall appear on administrative land division approvals.** |
| | | | ***Analysis*** | Idaho Code 22-4503: No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof. |

**Table 2. Administrative Division of Nonviable Parcels in an Agricultural Zone: CCCO §07-18-09**

| Compliant | | | County Ordinance and Staff Review | |
|---|---|---|---|---|
| Yes | No | N/A | Code Section | Analysis |
| ☒ | ☐ | ☐ | **(1)** | **Purpose: The director shall have the authority regarding the division of nonviable land within an "A" (Agricultural) zone, in whole or in part, where the result of the division limits negative impacts to adjacent agricultural uses.** |
| | | | ***Analysis*** | The subject parcel is zoned "A" (Agricultural). |
| ☒ | ☐ | ☐ | **(2)** | **Minimum Parcel: The proposed parcel created and its remnant shall be at least one (1) acre in size.** |
| | | | ***Analysis*** | The request creates no more than two (2) residential parcels greater than the minimum lot size requirements for each parcel (**Exhibit A1**). Parcel one (1) is approximately 1.415 acres, and parcel two (2) is approximately 1.265 acres. |
| ☒ | ☐ | ☐ | **(3)** | **Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee, including requirements of Section 07-18-05 of this chapter. Submittal shall also include the following:** |
| | | | ***Analysis*** | A complete application was accepted on November 3, 2025. |

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| ☒ | ☐ | ☐ | **(3)A** | **Evidence demonstrating the land, in whole or in part, is nonviable for agricultural use; and** |
| | | | ***Analysis*** | Per the applicant's letter of intent (**Exhibit A2 and A2.1**), property characteristics such as lot size and shape make the property nonviable in whole for agricultural use. The subject property is currently 2.65 acres. This size does not meet the minimum agricultural exemption for the Canyon County Assessor's office. The subject property is long and narrow, with uneven geometry that makes efficient agricultural operations difficult.<br><br>This evidence is supported by staff research located in sections 07-18-09(3)B and 07-18-09(5)C. |
| ☒ | ☐ | ☐ | **(3)B** | **Evidence demonstrating the result of the request will minimize potential negative impacts to adjacent agricultural uses.** |
| | | | ***Analysis*** | According to the applicant's site plan, access will be taken directly from Hop Rd. The Notus-Parma Highway district provided a comment stating that access can be allowed off of Hop Rd, it shall be a shared driveway at least 330 feet from the intersection of Hop Rd and Galloway Rd, see conditions 3 and 3a (**Exhibit G3**).<br><br>Due to the location of the Notus Canal on the East side of the property (**Exhibit C**), Parcel R38456010A is separated from the adjacent agricultural operation and therefore not expected to cause a negative impact to the adjacent agricultural uses.<br><br>The Black Canyon Irrigation District provided a comment letter on December 1, 2025, which states that the proposed use can encroach on any easements in place (**Exhibit G1**). Staff has placed conditions 5, 5a, 6, 6a, and 6b, which minimize these potential negative impacts.<br><br>During notification of the proposed land division, (0) public comments were received. |
| ☒ | ☐ | ☐ | **(4)** | **Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed division to the owners of parcels which are contiguous to the subject parcel(s) and to the owners of parcels which are within six hundred feet (600') of the external boundaries of the subject parcel(s) and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed division. Notification of the application shall also be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.** |
| | | | ***Analysis*** | Notification of the request was sent to property owners within 600 feet on November 26, 2025. Zero (0) comments were received by the comment deadline. Notification of the request was sent to Notus-Parma Highway District and Caldwell Fire District on November 26, 2025. See the analysis under 07-15-04 for comment summary. |
| ☐ | ☐ | ☒ | **(5)** | **Evaluation and Determination of Application: The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:** |
| | | | ***Analysis*** | ---- |
| | | | **(5)A** | **The parcel(s) must be eligible for division; and** |

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|---|---|---|---|---|
| ☒ | ☐ | ☐ | ***Analysis*** | Parcel R38456010A is eligible for a land division subject to meeting the criteria below. |
| ☒ | ☐ | ☐ | **(5)B** | **The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code) and the building code (chapter 6 of this code) before the director can approve the application; and** |
| | | | ***Analysis*** | The subject property complies with the public nuisance ordinance (Chapter 2, Article 1 of the Canyon County Code), the building code (Chapter 6), and the zoning code (Chapter 7). There are no known code violations or previous conditions on the property. |
| ☒ | ☐ | ☐ | **(5)C** | **The parcel, in whole or in part, shall consist of land with site constraints and/or resource issues, such as lack of water, suitable soils, topography, land compatibility, lot size or configuration, that makes productive agricultural use extremely difficult; and** |
| | | | ***Analysis*** | According to the applicant's letter of intent and clarification email, the subject property has an irregular configuration that makes productive agricultural use extremely difficult. Additionally, according to the applicant's clarification email, the subject parcels' shape also makes productive agricultural use extremely difficult (**Exhibit A2.1**).<br><br>According to the Canyon County Soil Suitability map, the subject property consists of Least Suited Class V soils (**Exhibit E**).<br><br>According to historical Google satellite imagery, the subject parcel has not been farmed since at least 2004 (**Exhibit D**). |
| ☒ | ☐ | ☐ | **(5)D** | **The division shall not create a negative impact to surrounding agricultural uses. The director may include conditions of approval to mitigate potential negative impacts.** |
| | | | ***Analysis*** | The division is not anticipated to create a negative impact on the surrounding agricultural use. See conditions 5, 5a, 6, 6a, 6b, and 7 for mitigation of potential negative impacts. |
| ☒ | ☐ | ☐ | **(6)** | **The applicant has the burden of proving that the application meets these requirements.**<br>**A. Deliberate action to withhold agricultural land from productive use strictly to qualify for a land division pursuant to this section shall disqualify such land from treatment under this section.** |
| | | | ***Analysis*** | It does not appear that there has been deliberate action to withhold agricultural land from productive use to qualify for a land division. |
| ☒ | ☐ | ☐ | **(7)** | **Decision, Division of Nonviable Parcel:**<br>**A. If the application meets the requirements of this section, the director may approve the division into fewer than five (5) parcels from the original parcel. The director may attach conditions to the approval which limits the division or use.**<br>**B. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division.**<br>**C. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application** |
| | | | ***Analysis*** | A. It has been determined that the original parcel has been divided twice, resulting in Parcel R38456, R38456010, and R38456010A. This division will be the third from the original parcel, creating a total of 4 parcels from the original parcel. |

| | | | | |
|---|---|---|---|---|
| | | | | B. This document is the letter of approval and includes the details and requirements (conditions) of the division. |
| ☐ | ☐ | ☒ | **(8)** | **Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section , of this chapter.** |
| | | | ***Analysis*** | ---- |
| ☐ | ☐ | ☒ | **(9)** | **Onetime Only Division: Once a nonviable parcel in an agricultural zone has been approved, there shall be no other administrative land division from that land regardless of ownership of any of the land involved.** |
| | | | ***Analysis*** | ---- |
| ☐ | ☐ | ☒ | **(10)** | **Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division approvals.** |
| | | | ***Analysis*** | See section 07-18-05(8) for language from the Idaho Right To Farm Act. |

**DECISION:**

The application for the described nonviable land division in accordance with CCCO §07-18-05 and §07-18-09 is **APPROVED** subject to the following conditions of approval:

1. All development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property. The Idaho Right to Farm Act (Idaho Code §22-4503) applies to this land use decision.
2. Prior to issuing a building permit, Southwest District Health will need to complete an on-site evaluation and septic permit.
3. Prior to issuing a building permit, the development shall comply with the requirements and regulations of Notus-Parma Highway District as evidenced by an approval letter from Notus-Parma Highway District **(Exhibit G3)**.
    a. The applicant shall complete an approach permit application with the Notus Parma Highway District prior to building permit submittal **(Exhibit G3)**. Evidence shall be submitted to the Canyon County Development Services Department.
4. Prior to issuance of a certificate of occupancy, compliance with the International Fire Code is required **(Exhibit G2)**, as evidenced by review and an approval letter from the Caldwell Fire Department (CCCO §06-01-09(6) and CCCO §07-10-03(2)).
    a. The applicant shall complete an administrative land division application with the Caldwell Fire Department prior to building permit submittal **(Exhibit G2)**. Evidence shall be submitted to the Canyon County Development Services Department.
5. Historic irrigation lateral, drain, ditch flow patterns, and associated easements shall be maintained and protected unless approved in writing by the local irrigation district or ditch company.
    a. Development shall not encroach on the Black Canyon Irrigation District easement located on the East property line of Parcel R38456010A. **(Exhibit G1)**.
6. The applicant shall comply with all conditions set forth by the Black Canyon Irrigation District **(Exhibit G1)**.
    a. The applicant shall complete a lot split application with the Black Canyon Irrigation District prior to building permit submittal **(Exhibit G1)**. Evidence shall be submitted to the Canyon County Development Services Department.
    b. The applicant shall complete a meeting with the Black Canyon Irrigation District Manager prior to building permit submittal **(Exhibit G1)**. Evidence shall be submitted to the Canyon County Development Services Department.

7. Secondary Dwellings (CCCO §07-10-27 & §07-14-25) are prohibited on Parcels 1 and 2 as referenced in the Record of Survey (Instrument Number 2026-026385), unless the land division application is amended or there is a change in the land use designation.
8. The construction of driveways and private roads longer than one hundred fifty feet (150') from a public street right-of-way to the most distant portion of an inhabited building and private roads must be approved in writing by the applicable fire district.
9. Prior to building permit issuance, a recorded road user's maintenance agreement and recorded perpetual easements for ingress/egress shall be submitted to DSD in accordance with CCCO §07-10-03(1)B3.

*Per CCCO §07-18-05(7): Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.*

Karla Nelson, Principal Planner — Date: 7-16-26

State of Idaho )
SS
County of Canyon County )

On this 10th day of July, in the year of 2026, before me Pamela Dilbeck, a notary public, personally appeared Karla Nelson, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

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

Notary: Pamela Dilbeck

My Commission Expires: 10/14/2028

**EXHIBITS:**

- **A. Application**
  - A1. Site Plan
  - A2. Letter of Intent
    - A2.1 Clarification email with applicant
  - A3. Updated Master Application
- **B. Parcel Tool**
- **C. Aerial Imagery**
- **D. Google Earth Historical Photos**
  - D1. September 2004
  - D2. June 2005
  - D3. September 2006
  - D4. August 2009
  - D5. July 2010
  - D6. August 2011

D7. October 2012
D8. August 2013
D9. June 2014
D10. April 2015
D11. April 2016
D12. June 2017
D13. July 2018
D14. May 2020
D15. September 2021
D16. July 2022
D17. May 2023
D18. May 2024

**E. Canyon County Soils Suitability Map**

**F. USGS Slope Map**

**G. Agency Comments**

G1. Black Canyon Irrigation District; Received: December 1, 2025
G2. Caldwell Fire Department; Received: December 3, 2025
G3. Notus-Parma Highway District; Received: December 9, 2025

# SITE PLAN

Hop Rd
Caldwell, Idaho 83607
Parcel ID: 38456010A0
Lot area: 2.65 Acres
Paper Size: 11"x17"

Exhibit 2A1

N

scale 1"=50'

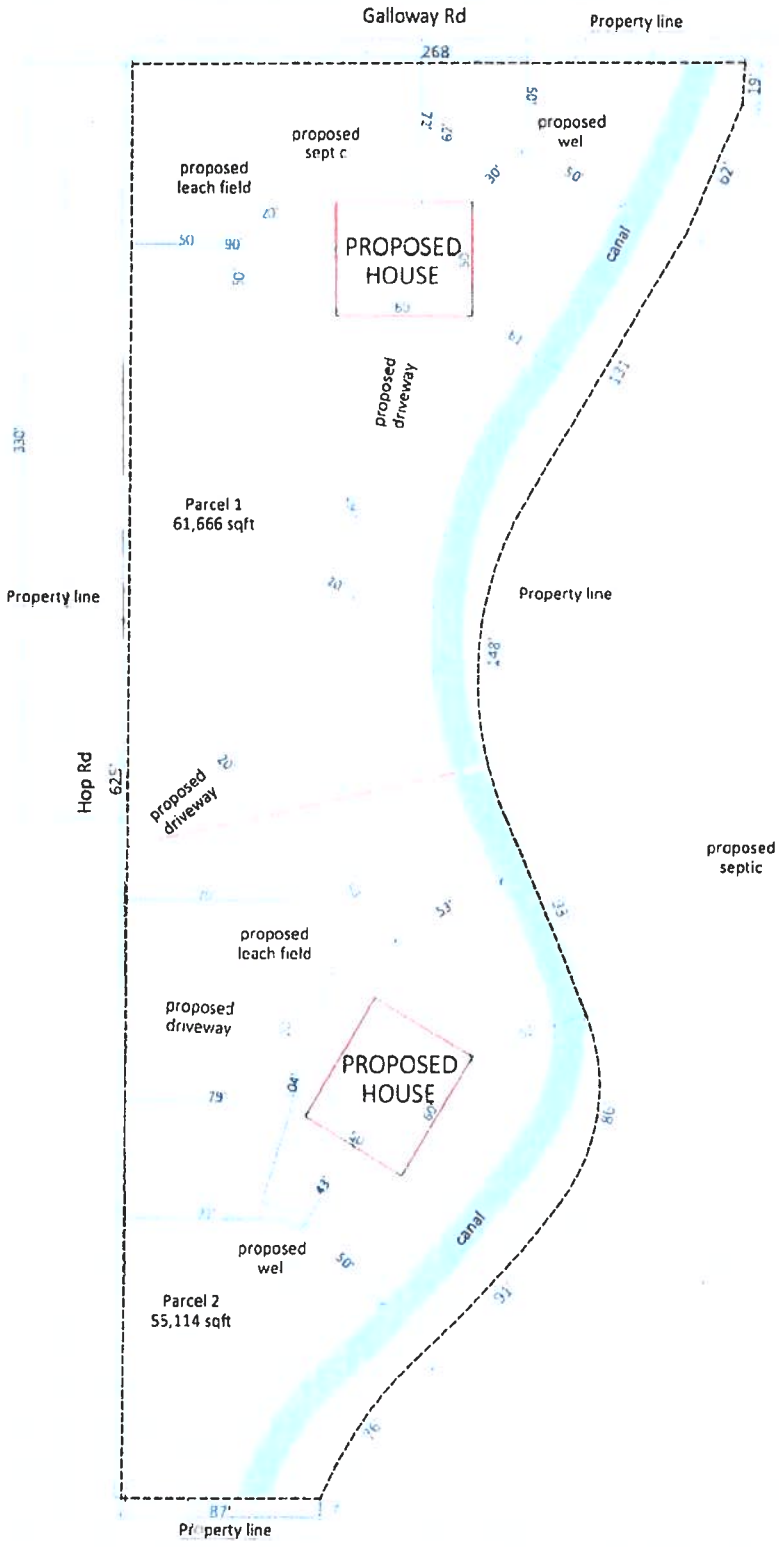


Exhibit 2A2

**Lindsey Draper and Travis C Evanow**
962 Otter Ave
Meridian, Idaho
208-954-3517
Lindseymdraper@gmail.com

**Canyon County Planning & Zoning Department**
111 N. 11th Avenue
Caldwell, ID 83605

**Subject:** Letter of Intent for Administrative Land Division

Dear Planning & Zoning Department,

We are submitting this letter of intent to request consideration for an **Administrative Land Division** of my property located at TBD Hop Road, parcel R38456010A which totals approximately **2.65 acres**.

The purpose of this request is to divide the existing parcel into **two separate lots**. The proposed division will enhance the utility and marketability of the property due to the **irregular shape of the existing lot**, which limits efficient use as a single parcel. Additionally, the property is **non-viable for agricultural or farming purposes** because it lacks water rights necessary for irrigation.

Splitting the property will create two lots that are better suited for residential use and consistent with surrounding land uses in the area. This administrative division will not negatively impact neighboring properties or public services and will improve overall land use efficiency.

Please consider this request for administrative review. We are happy to provide any additional information, maps, or supporting documentation as needed to assist with your evaluation.

Thank you for your time and consideration.

Sincerely,
**Lindsey M Draper and Travis C Evanow**

Exhibit 2A2.1

**Dane Adams**

**From:** Lindsey Draper <lindseymdraper@gmail.com>
**Sent:** Thursday, November 20, 2025 3:09 PM
**To:** Dane Adams
**Subject:** [External] Re: More information needed for AD2025-0133

Good Afternoon Dane,

Thank you for your review and the opportunity to provide additional information regarding the agricultural viability of the 2.65-acre parcel. Based on the physical characteristics of the property and the lack of any irrigation water rights, the lot is not suitable for productive agricultural use. The following points summarize the factors that limit its viability and support the proposed administrative division.

1. Insufficient Parcel Size for Commercial Agriculture
At only 2.65 acres, the parcel does not meet the minimum size typically required to support economically viable farming operations in Canyon County. Once setbacks, access needs, and non-plantable areas are considered, the usable acreage becomes too limited to support standard planting layouts, equipment operation, or livestock activity.

2. Irregular and Constrained Lot Shape
The parcel's unusual and irregular shape further restricts its functional agricultural area. Narrow sections and uneven geometry create fragmented spaces that are difficult to cultivate efficiently. These physical constraints make traditional farming operations impractical and cost-inefficient.

3. Lack of Irrigation Water Rights
The parcel has no deliverable irrigation water rights. Without legal access to irrigated water, the property cannot support typical agricultural crops or practices. Dryland farming is not feasible given the parcel's size, layout, and soil conditions, and the absence of any water source effectively eliminates its agricultural utility.

4. Benefits of a Non-Viable Lot Split to Future Planning and the Surrounding Area
Allowing a non-viable lot split aligns with long-term planning objectives by ensuring that land use reflects the practical capabilities of the property. Because the parcel cannot function as productive agricultural land, dividing it into more usable, logically shaped parcels will increase the functionality and value of the land. Smaller, well-configured parcels support more appropriate residential or ancillary uses, which in turn enhances the overall compatibility and aesthetics of the area.

A non-viable lot split also contributes positively to surrounding property values by preventing the continued designation of the parcel as agricultural land when it cannot serve that purpose. Bringing the property into alignment with actual on-the-ground conditions helps create a more orderly and intentional development pattern, supporting the county's broader land-use goals. Two lots will conform with all requirements and set backs, as well as highway district requirements for approved approaches for the lots

Conclusion
Considering the small size, irregular shape, lack of irrigation water rights, and the planning benefits of

Exhibit 2A3

# MASTER APPLICATION

**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**
111 North 11th Avenue, #310, Caldwell, ID 83605
Phone: 208-402-4164

| | |
|---|---|
| **PROPERTY OWNER** | OWNER NAME: M+M Investment Properties |
| | MAILING ADDRESS: 2818 S Pond St Boise ID 83705 |
| | PHONE: 208-941-2362 EMAIL: donstine57@yahoo.com |

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

*Signature:* [signature] *Date:* 3-4-26

| | |
|---|---|
| **APPLICANT (IF DIFFERENT THAN OWNER)** | CONTACT NAME: Don Stine |
| | COMPANY NAME: Stine Construction |
| | MAILING ADDRESS: 2818 S Pond St Boise ID 83705 |
| | PHONE: 208-941-2362 EMAIL: donstine57@yahoo.com |

| | |
|---|---|
| **SITE INFO** | STREET ADDRESS: T.B.D. Hop Rd. |
| | PARCEL #: 38456010A0 LOT SIZE/AREA: 2.651 Acres |
| | LOT: BLOCK: SUBDIVISION: |
| | QUARTER: NW¼ NW¼ SECTION: 25 TOWNSHIP: 5 N RANGE: 4 |
| | CURRENT ZONING: Not sure? FLOODZONE (YES) (NO) |

| | | | |
|---|---|---|---|
| **HEARING LEVEL APPS** | ___ CONDITIONAL USE | ___ COMP PLAN AMENDMENT | ___ CONDITIONAL REZONE |
| | ___ ZONING AMENDMENT (REZONE) | ___ DEV. AGREEMENT MODIFICATION | ___ VARIANCE > 33% |
| | ___ MINOR REPLAT | ___ VACATION | ___ APPEAL |
| | ___ SHORT PLAT SUBDIVISION | ___ PRELIMINARY PLAT SUBDIVISION | ___ FINAL PLAT SUBDIVISION |
| | ___ AG PROTECTION AREA | ___ ROAD NAME CHANGE | |

| | | | |
|---|---|---|---|
| **DIRECTORS DECISION APPS** | X ADMINISTRATIVE LAND DIVISION | ___ EASEMENT REDUCTION | ___ SIGN PERMIT |
| | ___ PROPERTY BOUNDARY ADJUSTMENT | ___ HOME BUSINESS | ___ VARIANCE 33% > |
| | ___ PRIVATE ROAD/DRIVEWAY CONST. | ___ TEMPORARY USE | ___ DAY CARE |
| | ___ OTHER | ___ EASEMENT REDUCTION | ___ (N) ROAD NAME |

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

*Revised 1/14/26*

bringing the property into a more appropriate land-use category, the parcel is clearly non-viable for agricultural purposes. These factors support approval of the requested administrative division.

Please let me know if any further information or documentation would be helpful as you complete your review.

Sincerely,
Lindsey Draper and Travis Evanow

On Thu, Nov 20, 2025 at 1:18 PM Dane Adams <Dane.Adams@canyoncounty.id.gov> wrote:

Good afternoon,

Apologies for the delayed response. Upon reviewing your application, I want to confirm that you are applying for a non-viable land division, as there are no more administrative land divisions available on the property.

If you are applying for non-viable, please provide evidence on how the property is non-viable. This can be lot/size constraints, lack of water rights, slope, easements, etc.

Please reach out with any questions.

Sincerely,

**Dane Adams**

Associate Planner

Canyon County Development Services Department

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

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

Exhibit 2B

# R38456010A PARCEL INFORMATION REPORT

1/29/2026 11:33:18 AM

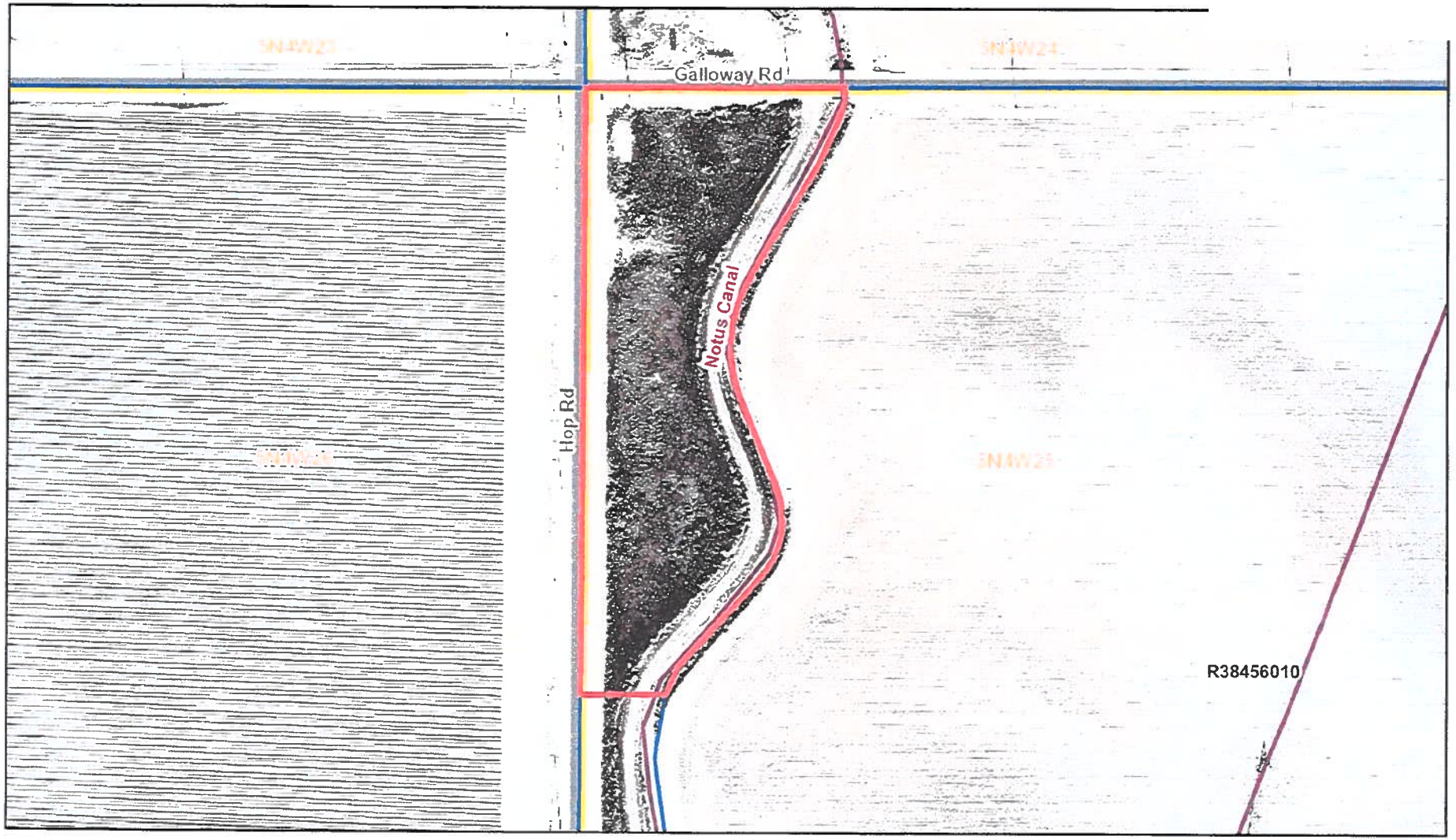
**PARCEL NUMBER:** R38456010A
**OWNER NAME:** EVANOW TRAVIS CONRAD
**CO-OWNER:** DRAPER LINDSEY MARIE
**MAILING ADDRESS:** 11638 W GINGER CREEK DR BOISE ID 83713
**SITE ADDRESS:** 0 HOP RD
**TAX CODE:** 0820000
**TWP:** 5N **RNG:** 4W **SEC:** 25 **QUARTER:** NW
**ACRES:** 2.65
**HOME OWNERS EXEMPTION:** No
**AG-EXEMPT:** No
**DRAIN DISTRICT:** NOT In Drain Dist
**ZONING DESCRIPTION:** AG / AGRICULTURE
**HIGHWAY DISTRICT:** NOTUS-PARMA HWY #2
**FIRE DISTRICT:** CALDWELL RURAL FIRE
**SCHOOL DISTRICT:** NOTUS SCHOOL DIST #135
**IMPACT AREA:** NOT In Impact Area
**FUTURE LAND USE 2011-2022 :** AG
**FLU Overlay Zone Desc 2030:**
**FLU RR Zone Desc 2030:**
**FUTURE LAND USE 2030:** AGRICULTURE
**IRRIGATION DISTRICT:** BLACK CANYON IRRIGATION DIST
**FEMA FLOOD ZONE:** X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0207G
**WETLAND:** Riverine
**NITRATE PRIORITY:** NO Nitrate Prio
**FUNCTIONAL Classification:** COLLECTOR
**INSTRUMENT NO. :** 2022030050
**SCENIC BYWAY:** NOT In Scenic Byway
**LEGAL DESCRIPTION:** 25-5N-4W NW TX 22445 IN NWNW
**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 SHERRIES CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

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

# Canyon County, ID Web Map




1/29/2026, 11:32:21 AM

Parcel Number Search _Query result
Hydro_NHDFlowline
CanyonCountyRoads
Roads
County Boundary
Current Impact Area
City Limits
Sections

Imagery_2025_3in
Red: Band_1
Green: Band_2
Blue: Band_3

1:2,257

0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Canyon County, ID

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

Exhibit 2C

Exhibit 2D

# Historical Google Earth Photos

Parcel R38456010A

Exhibit 2D1

# September 2004



Exhibit 2D2

# June 2005



Exhibit 2D3

# September 2006



Exhibit 2D4

# August 2009

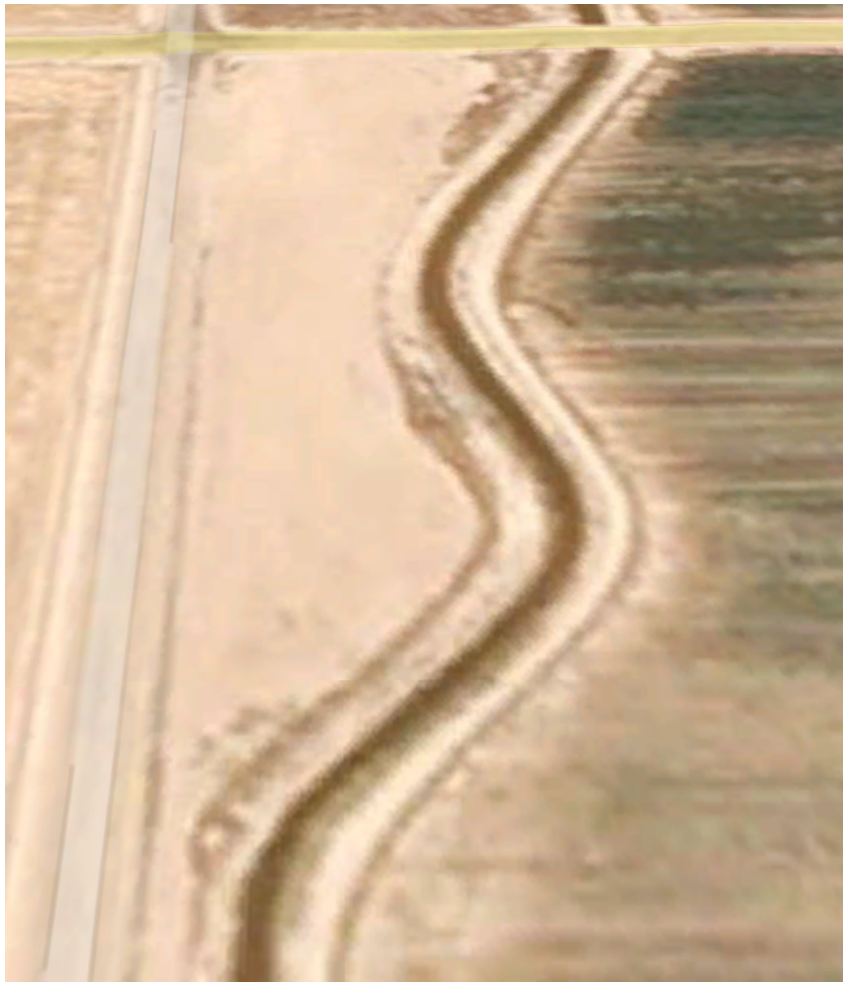


Exhibit 2D5

# July 2010



Exhibit 2D6

# August 2011

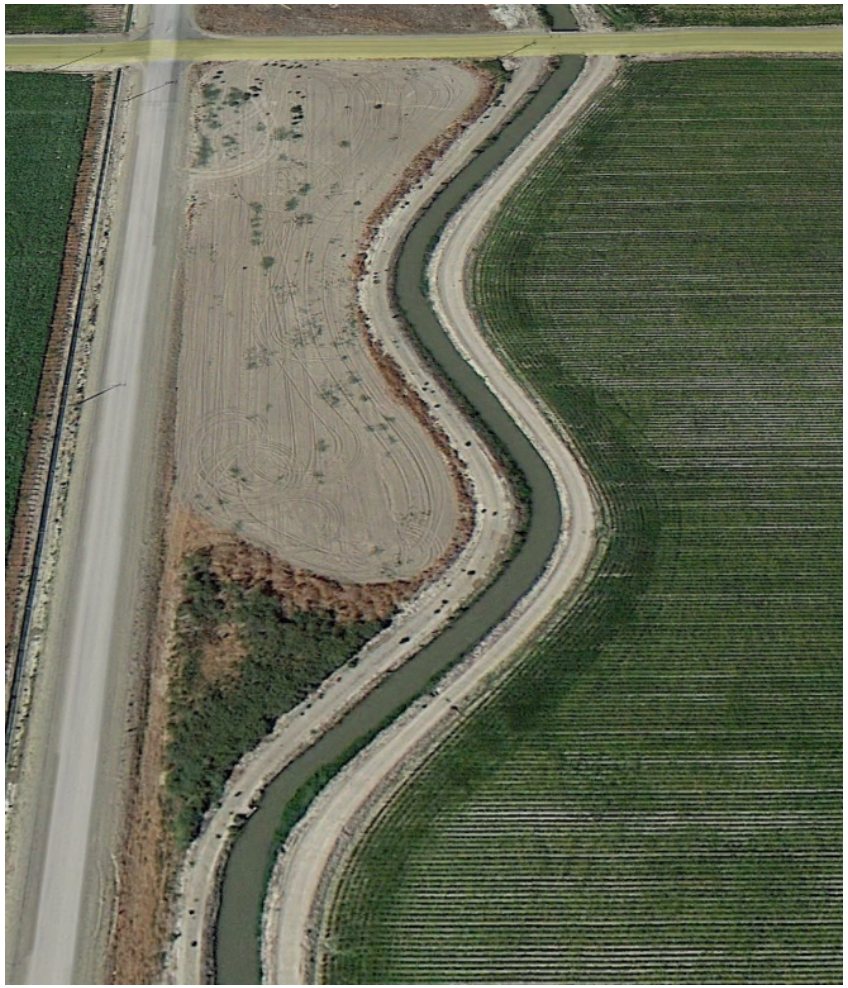


Exhibit 2D7

# October 2012



Exhibit 2D8

# August 2013



Exhibit 2D9

# June 2014

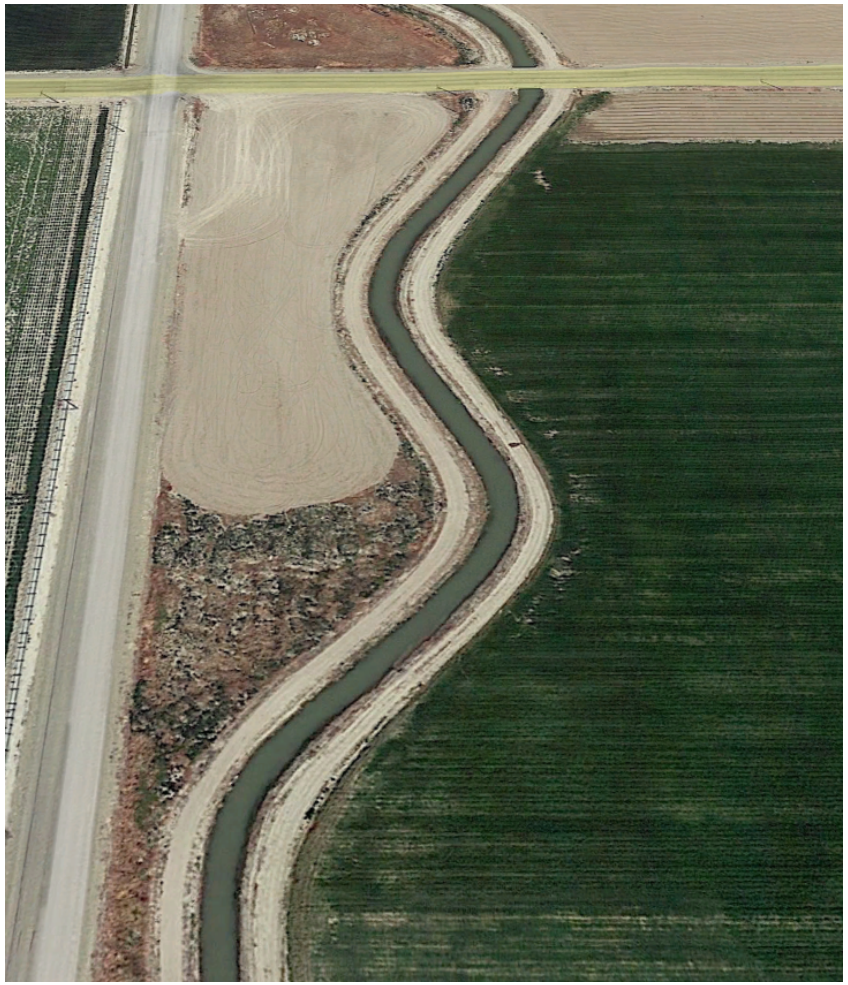


Exhibit 2D10

# April 2015

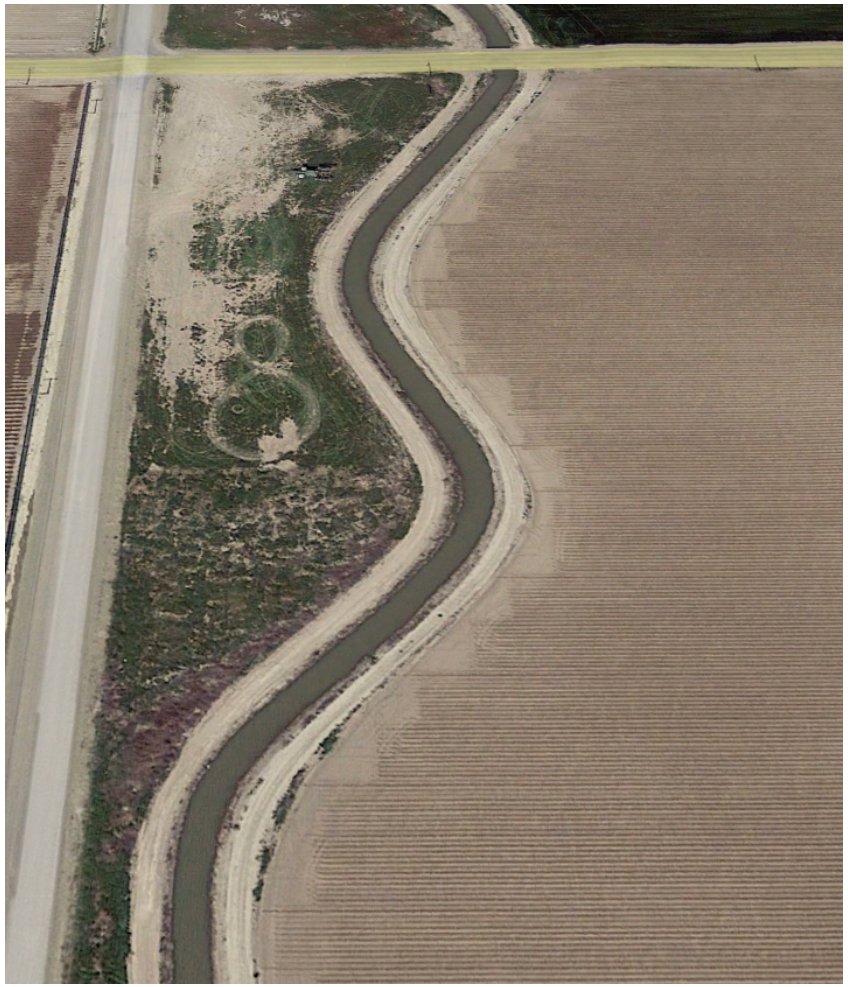


Exhibit 2D11

# April 2016

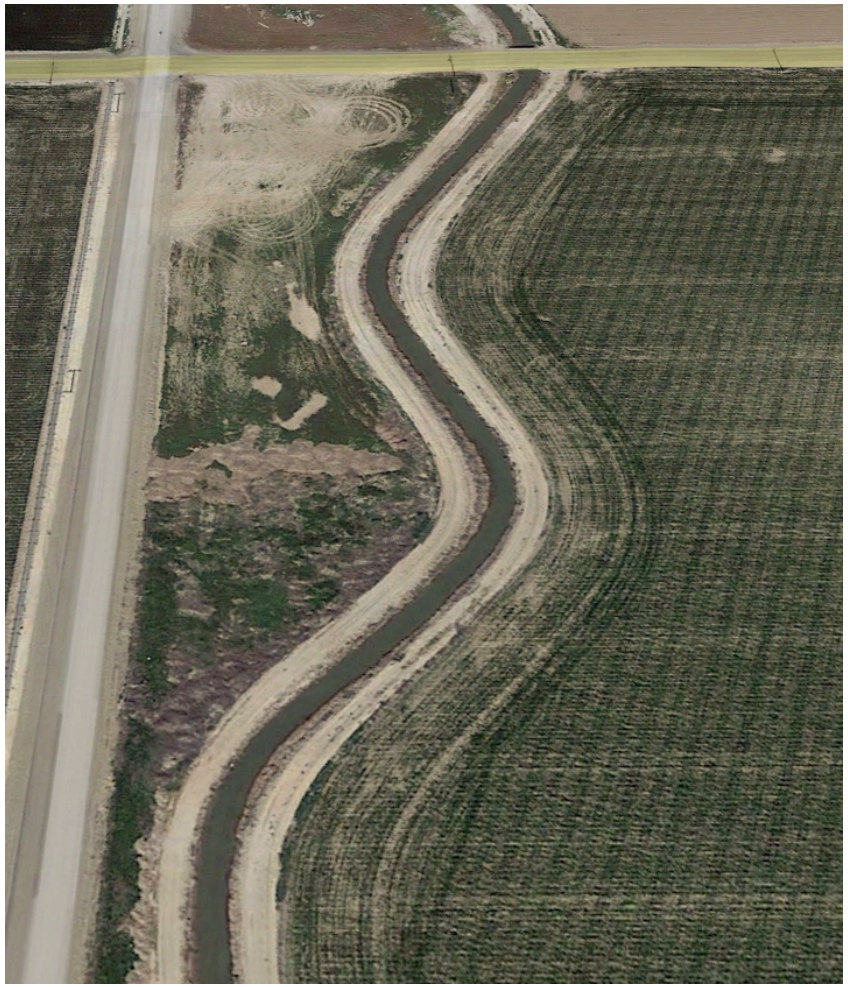


Exhibit 2D12

# June 2017

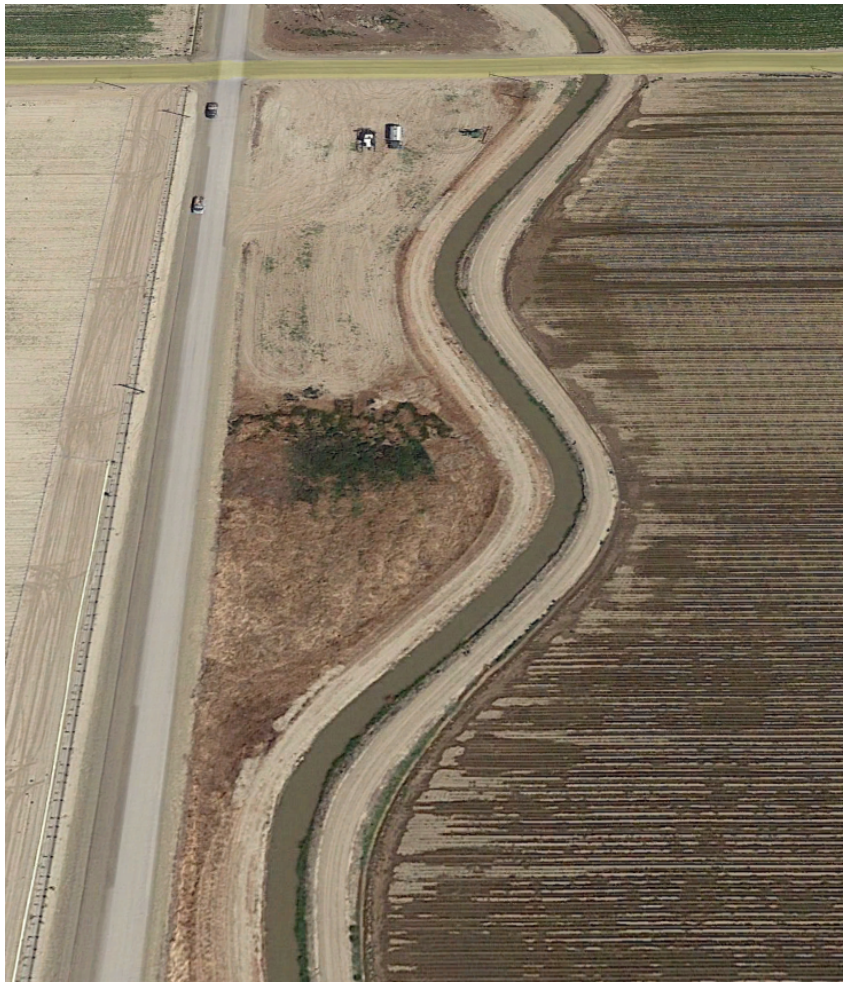


Exhibit 2D13

# July 2018



Exhibit 2D14

# May 2020

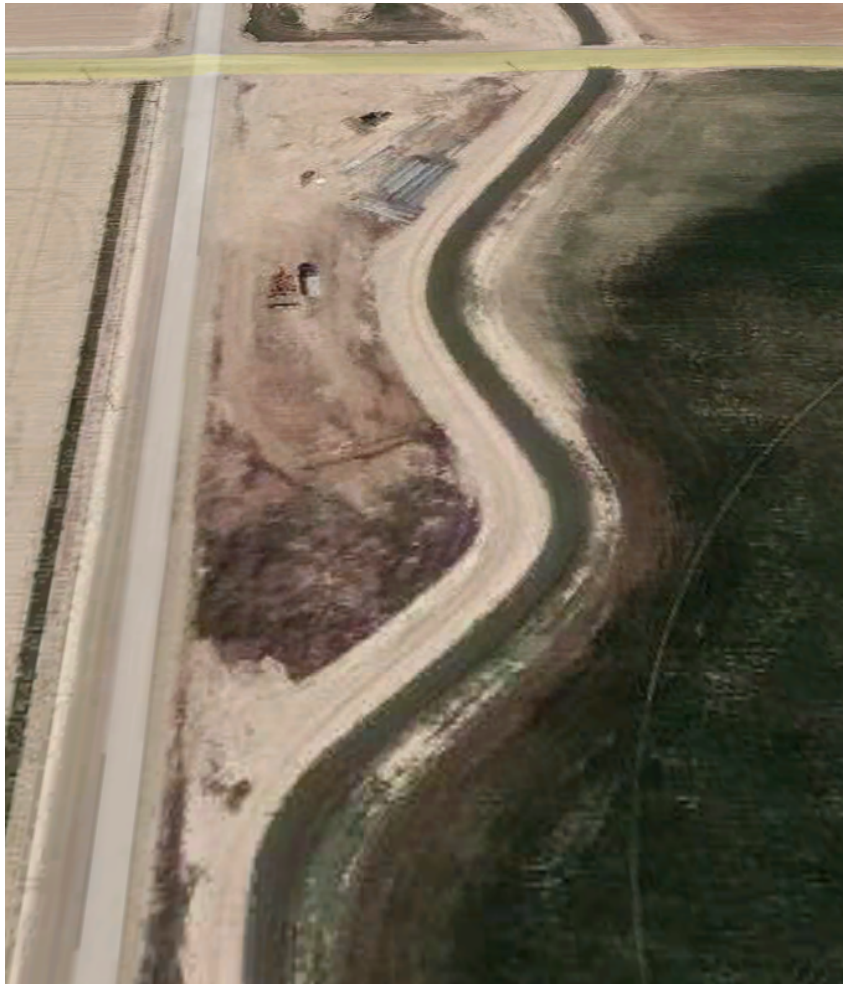


Exhibit 2D15

# September 2021

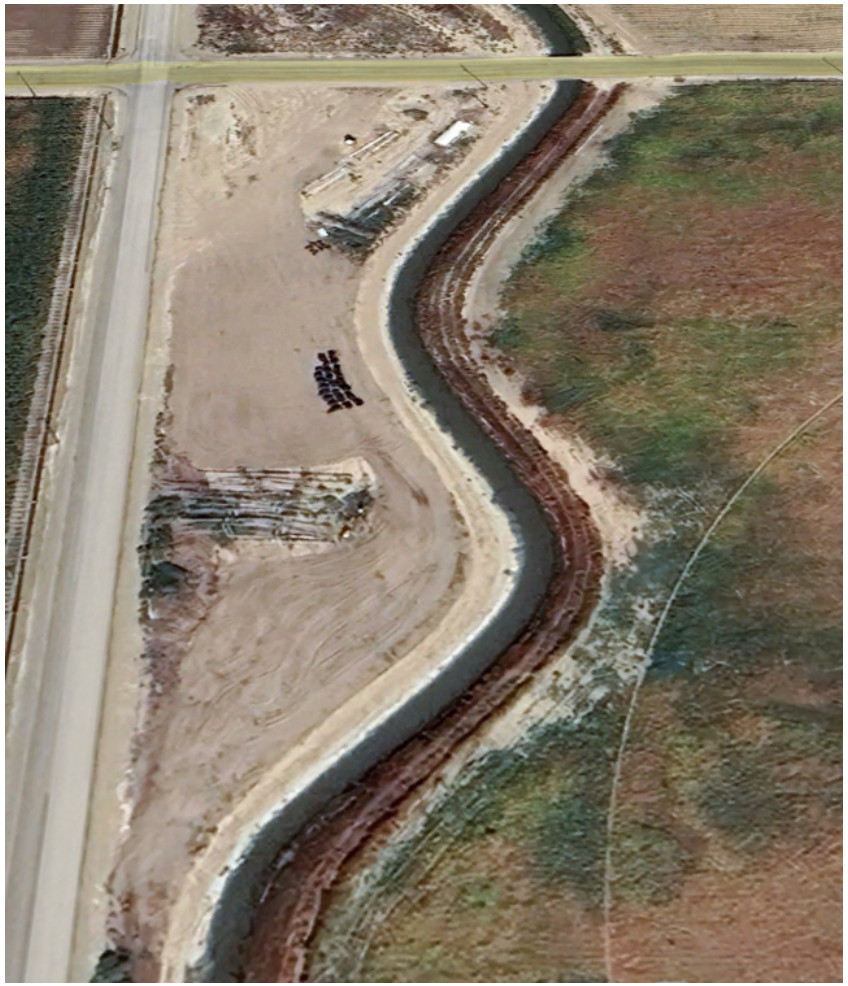


Exhibit 2D16

# July 2022



Exhibit 2D17

# May 2023



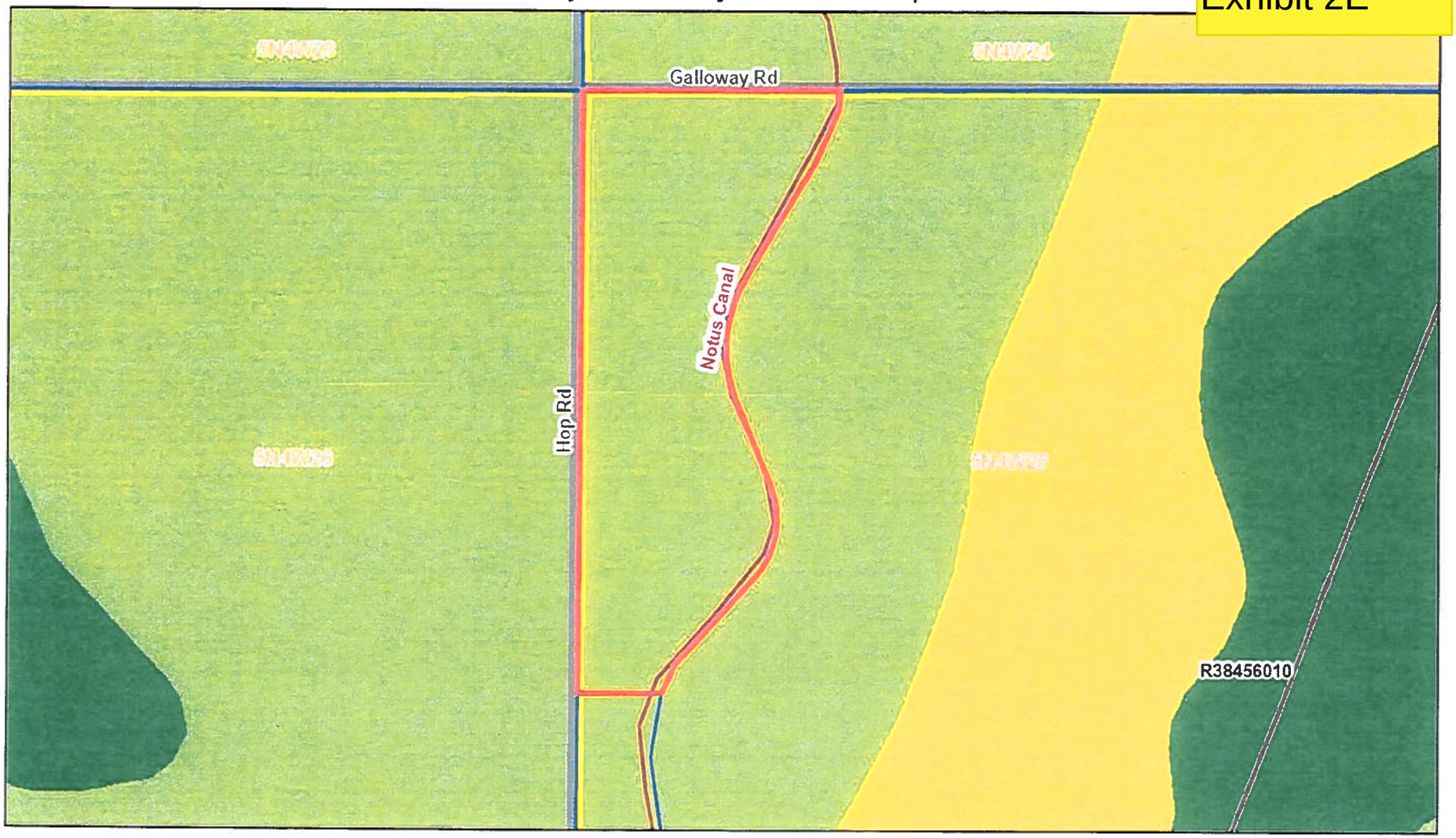
Exhibit 2D18

# May 2024



# Canyon County, ID Web Map

Exhibit 2E




1/29/2026, 11:34:55 AM

Parcel Number Search _Query result
Hydro_NHDFlowline
CanyonCountyRoads
Roads
County Boundary
Current Impact Area
City Limits
Sections

Canyon Soils Suitability
BEST-SUITED / CLASS I
BEST-SUITED / CLASS II
MODERATELY-SUITED / CLASS III

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Canyon County, ID

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

# Canyon County, ID Web Map

Exhibit 2F




1/29/2026, 11:36:09 AM

Parcel Number Search _Query result

Hydro_NHDFlowline

CanyonCountyRoads

Roads

SlopePercent_USGS

0 to 3

3 to 6

County Boundary

Current Impact Area

City Limits

Sections

Imagery_2025_3in

Red: Band_1

Green: Band_2

Blue: Band_3

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Canyon County, ID

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

Exhibit 2G1




December 1, 2025

Case Name: Draper & Evanow
Case Number: AD2025-0133
Parcel Number: R38456010A

Dear development services

Black Canyon Irrigation District (BCID) has reviewed the application for Lindsy Draper and Travis Evanow. BCID Has a few concerns with this application.

1. BCID has an overall 100' easement or 50' from center both ways on our Unit #1 canal which is the canal boarding the property. It appears that there may be several encroachments onto BCID's easement.

2. The applicant will need to come to BCID's office and complete a lot splits.

3. This property has a water right with BCID in the amount of 1 acre. BCID strongly recommends that the water be utilized for surface water under the surface water first policy the Idaho Legislature passed 67-6537

4. BCID is requesting that the applicant schedule a meeting with the manager of BCID to resolve the issues that BCID has before approving the application.

Mike Meyers

Manager
Black Canyon Irrigation District
mikem@blackcanyonirrigationdistrict.com

Exhibit 2G2

Date 12/03/2025

Canyon County
Parcel: R3845601 0A
Re: Case Number: AD2025-0133

The Caldwell Rural Fire District has reviewed and can approve the Administrative Land Division application subject to compliance with access requirements set forth by the 2018 International Fire Code (IFC) as adopted by the Idaho State Fire Marshal's Office.

***Details:***

- Nearest Fire Station:
- Station 18 707 Notus Rd. Caldwell
- Distance: 2.5
- Estimated response time: 4 minutes

| Distance from Station | Service Expectation | Staffing & Apparatus | Typical Response Time Goal |
|---|---|---|---|
| 0–1 mile | Immediate—high-priority | First-due company (engine) | ≤4min travel, ≤5min total |
| 1–2 miles | Very rapid—high-priority | First-due company, backup | ≤4min travel, ≤5min total |
| 2–3 miles | Rapid—standard coverage | First-due w/ backup | ≤6min travel, ≤9min total (full alarm) |
| 3–4 miles | Slower—moderate | Closest available, limited | 6–8min travel |
| 4–5 miles | Extended | Closest company, delayed | >8min travel, variable |

Properties located 3–4 miles from a fire station are at the limit of effective coverage and may experience service delays.

Developments beyond 5 miles are generally not recognized by ISO as having fire protection, and response to these areas will be significantly delayed.

**Administrative Land Division**
A required Fee of $107.92 can be paid at the Fire Administrative office located at: 621 Cleveland Blvd. Caldwell ID 83605, second floor.

**Conditions for Canyon County Rural Construction, Commercial & Residential**

Commercial & Residential building plans shall be submitted to the Canyon County Development Services Department first. Once the Canyon County Development Services Department provides the applicant with receipt of fees, the applicant can then submit the project to the Caldwell Fire Department through the Caldwell City's CitizanServe (CS) & Project Dox (PD) portal. The CS portal will issue the project an "FCP" number for tracking purposes and be assigned to a plan reviewer. Citizenserve Online Portal

Homes over 3,600 square feet under the eaves shall require water supply or a fire sprinkler system installed in the residience.

Access and addressing shall be approved by the fire department.

The application can be found at Permits/Inspections | Caldwell, ID

Regards.,

Alan Perry
Deputy Chief
Fire Marshal
Caldwell Rural Fire Protection District
Aperry@cityofcaldwell.org

Exhibit 2G3



December 9, 2025

Canyon County Development Services Department
Attn: Dane Adams
dane.adams@canyoncounty.id.gov
111 N 11th Ave., Ste 140
Caldwell, ID 83605

RE: Case No. R38456010A

To Whom it may concern:

On behalf of the Notus Parma Highway District No. 2 (NPHD), I have reviewed the application request for the property located at 0 Hop Road, Caldwell dated November 26, 2025, for a Non-Viable Land Division of parcel R38456010A.

Hop Rd and Galloway Rd are both under the jurisdiction of the NPHD. The functional classifications for Hop Road and Galloway Road per NPHD's 2017 Transportation Plan are Major Collector Roads.

At this time and based upon the information provided with the application, the following conditions of approval apply:

1. **Legal access to the subject parcel does NOT currently exist for the intended use.** The applicant will be required to submit an approach application that meets the current Association of Canyon County Highway District Standards for each desired point of access.
2. Under Section 3061.020.A of the 2022 ACCHD Standards, a Major Collector a roadway operating as Minimum Use (defined as less than 50 vehicle trips per day or 5 trips in the peak hour), the minimum driveway spacing requirement is 330 feet. The proposed layout will need to be adjusted to meet these requirements. A shared access between the two parcels placed at a minimum of 330 ft from the intersection of Hop/Galloway would be acceptable.
3. There appears to be an existing canal access and maintenance road for the Notus Canal on the east side of the property. The applicant shall coordinate and secure approval from the Irrigation District for proposed parcel modifications.
4. Application requirements shall meet 2022 ACCHD Standards. Additional conditions of approval may be required per **ACCHD Sections 3030, 3061, & 3070**.

NPHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

NPHD requests Canyon County Development Services incorporate these comments into proposed Conditions of Approval for consideration/approval by the Planning & Zoning Commission and the Canyon County Commissioners when the Rezone is approved. After the above requirements have been considered, a site visit with the Highway District is recommended to discuss options for adjusting the proposed driveway locations.

Sincerely,

Cooper Felton, PE
J-U-B ENGINEERS, Inc.

CC:

- Lynn Troxel, NPHD#2 Director of Highways

**EXHIBIT III**

**Public Comments Received by: September 8, 2026 -**

Board of County Commissioners

Case# AD2025-0133-APL

Hearing dated: September 16, 2026

Exhibit 3A


# WHITE PETERSON

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TERRENCE R. WHITE, RETIRED
WILLIAM F. "BUD" YOST, RETIRED

* Also admitted in OR


September 8, 2026

***Sent Via Email to Avoid Delay***

Canyon County Board of County Commissioners
111 North 11th Ave, Ste 310
Caldwell, ID 83605

***RE: Appeal of Director's Decision in Case No. AD2025-0133-APL, Non-Viable Land Division***

Dear Canyon County Board of County Commissioners,

Our firm represents M & M Investment Properties, LLC (the "Applicant"). Below is the Applicant's response to Sid and Wes Freeman's ("Appellant") appeal in Case No. AD2025-0133-APL, regarding the administrative approval of a division to Parcel R38456010A. We request that the Board affirm the administrative approval of the division, based on the nonviability of the parcel in question for productive agricultural use, under Canyon County Code ("CCC") 07-18-09.

## 1. Nonviability of Parcel for Agricultural Use

CCC 07-18-09 sets the standards that must be considered by the director when approving (or denying) an application for administrative land division of nonviable parcels in an agricultural zone. The director approved the application in this case because the Applicant presented sufficient evidence to satisfy the standards in this section. The evidence remains sufficient under the applicable standard. The parcel in question is small, asymmetrical, and consists of poor soil. These are material issues that lead to a finding of non-viability for productive agricultural use. Additionally, evidence in the original request for division indicates that the Appellant, who previously owned the property, had not used it for agriculture for over twenty years, supporting the conclusion that the parcel was not suitable for productive agriculture. As such, the original finding of extreme difficulty for productive agricultural use should be affirmed by the Board of County Commissioners.

### a. The small lot size and asymmetrical configuration make the parcel unsuitable for farming.

To qualify for an administrative division based on lack of productive agricultural viability, the standard articulated in CCC 07-18-09(5)(C) requires the parcel to consist of "land with site

constraints and/or resource issues, such as … lot size or configuration, that makes productive agricultural use extremely difficult." The factors enumerated in CCC 07-18-09 are not all required to be satisfied in order for an applicant to obtain approval of a land division application, but multiple factors are satisfied in this matter that justified approval of the application.

As discussed in the original letter of intent for division, the parcel totals 2.65 acres. After factoring in a fifty-foot wide irrigation easement that runs the entire length of the parcel's eastern border, the area that can be put to use for farming is even smaller. Furthermore, the asymmetric shape of the lot, the narrow layout, and curving eastern border would all make farming prohibitively difficult for comparatively little return on investment. Here, both the small size and uneven configuration of the land would make agricultural use difficult – heavy farming equipment would have difficulty navigating the tight space constraints, crops would have to be planted in uneven rows to account for the parcel borders, and the amount of viable product that could be brought to market would be small, compared to the amount of effort expended. The standard in CCC 07-18-09(5)(C) focuses on "productive agricultural use," clearly making the economics of the agricultural use relevant despite the Appellant's contrary contention.

Appellant's claim that that the Applicant substituted "commercial or economic efficiency for the ordinance's actual standard" is meritless, especially because commercial efficiency is a reasonable consideration when determining the productive agricultural viability of a given parcel. Otherwise, what is meant by productive? A commercially inefficient property, while farmable in a technical sense, would not be productive use because the amount of effort expended would not exceed the benefit to the owner. Stated another way, farmland that is prohibitively expensive to farm is not viable or productive. While a finding of commercial inefficiency by itself may not automatically satisfy the "extremely difficult" standard, it does tend to support the assertion that a specific parcel of land would be difficult to put to productive agricultural use, and is a relevant factor to consider under CCC 07-18-09(5)(C). Here, the request for division did not substitute one standard for another; it satisfied a factor that tends to support a finding of nonviability.

**b. Soil on the property is not suited to agricultural use.**

As included in the original application for parcel division, the Canyon County Soil Map rates the soil on the property as Least Suited Class V. As defined in the Canyon County Comprehensive Plan, Class V/Least Suited soils have "Little or no erosion hazard but have other limitations impractical to remove that limit their use primarily to pasture, range, woodland, or wildlife food and cover." Combined with the lot size and configuration, this tends to support a finding of extreme difficulty. Again, it is but one factor in a multi-factor analysis. This factor on its own may be insufficient to find non-viability, but when joined with evidence of the other factors, the evidence is compelling that it would be extremely difficult to put the property to productive agricultural use. Appellant's argument that the original application did not resolve contrary site-specific evidence as to the parcel's historic crop and pasture use is not rooted in code; while the property may have been used for farming in the distant past, that is not germane to the issue of the current soil condition. This factor also supports the application for director's finding of nonviability.

**c. The parcel has not been put to agricultural use by the Appellant since 2004, at the latest.**

Uncontested in the original application for land division is the fact that the parcel has not been put to agricultural use since at least 2004. Satellite images from Google Earth included as exhibits D1-D18 in the original director's approval show equipment and piping being stored on the parcel sporadically since then, but beyond those limited nonagricultural uses, no visibly successful attempt has been made to farm on the parcel.

Exhibits D1-D5, from September of 2004 to July of 2010 show the plot empty, with no visible signs of farming activity. Exhibit D6 from August of 2011 appears to potentially be tilled, but no crops are visible. Exhibit D7, from October of 2012, shows several trucks and cars parked on the northern end of the property, with no crops or signs of agriculture on the southern end. In Exhibits D8 and D9, from August of 2013 and June of 2014, the vehicles appear to be gone, but the property still appears to not be farmed. Exhibits D10 through D17, from April of 2015 to May of 2023 show the property to be covered with weeds and unidentifiable debris. Exhibit D18, taken in May 2024, shows the property to be almost entirely covered with grass and weeds. While these images do not cover every day of every year, several of the images are on dates when crops or other evidence of farming activity would be present, but such evidence is consistently lacking.

When compared with other neighboring properties visible in the satellite images, it is obvious that the property at issue is not being used for agricultural purposes. The other parcels consistently have evidence of active crop growth, while the parcel at issue remains uncultivated. Since the Appellant's claim is partially based on an implied claim of viability, the fact that even the Appellant did not put the property to productive agricultural use while he owned cuts against his current argument of agricultural productivity.

**2. Lack of Negative Impact on Surrounding Agricultural Land**

Impact on surrounding agricultural uses from two residences would be extremely minimal to nonexistent, and the right to farm is already protected in statute.

**a. The land is already zoned to allow one residence, so division to allow two residences will not have any meaningful impact on surrounding agricultural properties.**

CCC 7-18-09(5)(D) requires the applicant to prove that an administrative division "shall not create a negative impact to surrounding agricultural uses," and that the director may include specific conditions of approval to mitigate negative impacts.

Here, the existing parcel, zoned A (meaning Agricultural), under CCC 7-10-27 (Zoning and Land Use Matrix) is already allowed to have a single-family dwelling on the lot. Namely, a "single-family dwelling" on a lot or parcel is a specific allowed use in the County's agricultural zone. If the property reverts to being undivided, the owner of the single lot can still build a residence on the property, subject to all other relevant zoning codes and laws, with the associated

vehicle traffic of a single-family residence. If the division remains approved, the potential number of single-family dwellings goes from one to two, which is not a meaningful increase. The Appellant's concerns related to potential issues with residential traffic are not grounded in reality, as the property in question is not intended to support a large subdivision or housing development.

The maximum realistic direct impact is a nominal number of vehicle trips on the adjoining and nearby roads per day. Beyond a few extra vehicle trips per day, the impacts to the surrounding area would likely be minimal to nonexistent, and certainly would not create a negative impact to the surrounding agricultural uses. Even if there were a negative impact to the surrounding agricultural uses, there would not be a measurably greater impact by the two (2) residences, compared to the one (1) that is already permitted under existing zoning code. Stated more directly, two residences will not have any measurable greater impact on surrounding agricultural uses than one residence, and one is already allowed. Therefore, the approval of the lot division does not "create a negative impact to surrounding agricultural uses" that doesn't already exist if one home is built.

**b. The right to farm is already protected in statute.**

Idaho has robust protections in place for farmers against potential suits by adjoining landowners. I.C. § 22-4503 prevents agricultural operations from being deemed a private or public nuisance, provided that the operation has been in operation for more than a year and is not operating improperly or negligently. In fact, County Code requires this language to be included in each approval for administrative division, as was the case here. The state legislature has addressed, insofar as possible, potential concerns that arise from agricultural and residential conflicts. The Appellant's claim that the decision approving the division did not analyze added conflicts including farm traffic, dust, and concerns about normal agricultural practices is not relevant, because as stated, the impact would be minimal and the legislature has exempted preexisting agricultural operations from suit based on a claim of private or public nuisance. Thus, a hypothetical future occupant of the disputed parcel that may complain of the farming activity would not have a viable objection to agricultural activity that predates their occupation of the parcel.

**3. Conclusion**

The Board of Commissioners should deny the appeal. The Appellant has substituted the standard articulated in CCC 07-18-09 for a far more rigorous one, which is not supported by existing code. The Applicant already proved that the lot size, shape, and poor quality of soil would make the parcel prohibitively difficult to farm. The Applicant also established that development of two residential properties would have a minimal impact on the adjacent farmland, and any potential suits for nuisance against local farmers would not be successful under Idaho statutory protections.

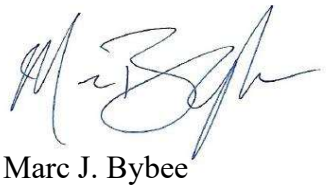
These findings, which are the only two things the Applicant was required to prove under CCC 07-18-09(3), were included in the original application with enough specificity to satisfy the Planning Department and the standards under existing ordinance. While the Appellant may

disagree with the Department's decision, the appeal may not fabricate new requirements for an administrative division, nor may it hold the Applicant to an artificially inflated standard. In making its decision, the Board of Commissioners should rely only on the requirements outlined in CCC 07-18-09, and not on the Appellant's demands for more evidence than is required under law.

We request that the Board of Commissioners affirm the administrative decision to divide the parcel in question, based on a claim of agricultural nonviability.

Sincerely,

WHITE PETERSON



Marc J. Bybee
*Attorneys for Heather Betzold*

MJB/JMH/ac

Enclosures: N/A
Cc: Client