Planning and Zoning Commission
Hearing Date: January 15, 2025
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER:	**CU2025-0017**
APPLICANT/REPRESENTATIVE:	**White Cloud Communication Inc./ Andrew Kittle**
PROPERTY OWNER:	**Nampa Highway District No. 1**
APPLICATION:	**Conditional Use Permit: Telecommunication Facility**
LOCATION:	**0 Melba Rd. approx. 1.5 miles west of Melba Road and Highway 45 intersection and 0.25 miles south of Melba Road, also referenced as Parcel R28634, approx. 61.91 acres zoned "A" (Agricultural).**
PLANNER:	**Arbay Mberwa, Associate Planner**
STAFF RECOMMENDATION:	**Approval**

REQUEST:
The applicant, White Cloud Communication Inc., represented by Andrew Kittle, requests a conditional use permit for an unmanned telecommunication facility within a 100' x 100' lease area on parcel R28634. The facility includes a single 190-foot-tall, galvanized tower with a 5-foot lightning rod in the "A" (Agricultural) zone.

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

APPLICABLE CODE:
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 §07-07 (Conditional Use Permits), CCCO §07-02-03 (Definitions), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Title 47.

Title 47 U.S.C. §332(C)(7)(B) – Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the

environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

*See **Exhibit C2** for Idaho Statute 67-6540 Siting of Telecommunications Facilities and Broadband Infrastructure.*

BACKGROUND:
According to PI2014-503, parcel R28634 was divided in 1981, creating the subject parcel as a 61.91-acre parcel and parcel R28634010 as a 179.3-acre parcel (**Exhibit C3**).

HEARING CRITERIA:

Conditional Use Permit Standards of Evaluation Analysis

Standards of Evaluation – CCCO §07-07-05: The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:		
County Ordinance and Review		
Criteria Met?	**Code Section**	**Analysis**
Yes	**1**	**Is the proposed use permitted in the zone by a conditional use permit?**
Analysis	The proposed use of a telecommunication facility is permitted in the "A" (Agricultural) zone by conditional use permit, pursuant to Canyon County Code of Ordinance (CCCO) §07-10-27. The proposed use consists of a 195-foot galvanized tower with a 5-foot lightning rod. A Telecommunication Facility is defined as a public or private cellphone, broadcast, communication, or wireless internet towers and associated facilities per CCCO §07-02-03. A conditional use permit application was submitted on August 6, 2025 (**Exhibit B**). *See project description analysis contained in Code Section 2 detailing the nature of the request.*	
Criteria Met? **Yes**	**2**	**What is the nature of the request?**
Analysis	The nature of the request consists of a "broadband internet radio communication tower on parcel R28634." • Once the tower is constructed, it will be unmanned and will have annual maintenance; otherwise, the request does not have employees aside from during construction time, which is estimated to take one to four (1-4) months. • The tower will be in use daily for a minimum of twenty (20) years. The tower will be 195-feet tall within a 100' x 100' lease area on a buried slab of concrete (**Exhibit B3**). • The tower is a lattice pole and will have two (2) dish mounts and carriers with a 5-foot lightning rod. The tower is designed to withstand 40 to 101 miles per hour winds (**Exhibit B4**). • The lease area will be encompassed by a 7-foot fence to meet building requirements. • There is a 30' wide by 956.84' tall utility easement on the property (**Exhibit B6**).	
Criteria Met? **Yes**	**3**	**Is the proposed use consistent with the comprehensive plan?**
Analysis	The proposed use is consistent with the 2030 Comprehensive Plan. The subject property is zoned "A" (Agricultural) with a future land use designation of "A" (Agricultural).	

Chapter 1: Property Rights
G1.01.00 Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.

The property owner has the right to enjoy the property without creating a nuisance. *See proposed condition of approval No. 1.*

Chapter 2: Population
G2.01.00 Incorporate population growth trends & projections when making land-use decisions.
P2.01.01 Plan for the anticipated population and households that the community can support with adequate services and amenities.

The proposed use of a telecommunication facility is to provide rural broadband coverage to the area. According to the applicant, the facility "will help in facilitating agriculture operations in the area with no long term impacts." Per the TAZ household and job map (**Exhibit C9.9**) the area is not anticipated to see growth however; the existing population may receive improved broad band coverage.

Chapter 4: Land Use and Community Design
P4.03.03 Recognize that each land use application is unique and that agricultural and nonagricultural uses may be compatible and co-exist in the same area and, in some instances, may require conditions of approval to promote compatibility.

A telecommunication facility is permitted in the agricultural zone by conditional use permit (CCCO §07-10-27). The proposed use is compatible with the surrounding land uses with the proposed conditions of approval. *See compatibility analysis contained in code section 4 detailing the character of the area.*

Chapter 7: Public Services, Facilities, and Utilities
G7.01.00 Endeavor to continue providing reliable public services, public safety facilities, & public utilities that support existing developed areas and future growth.

The proposed use of a telecommunication facility "will provide positive infrastructure for public safety, Agri-Business, remote educational services, Nampa Highway District No. 1 communication" and more (**Exhibit B3**).

See all case analyses within this report for supporting evidence. See the Recommendation and Decision Options section of this report (Page 6) for recommended conditions of approval.

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

Analysis

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

Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Other Zone
N	Agricultural	"A"	Intensive Agricultural Overlay
E	Agricultural	"A"	Intensive Agricultural Overlay
S	Agricultural	"A"	Intensive Agricultural Overlay and Historic Preservation
W	Agricultural	"A"	Intensive Agricultural Overlay

	"A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone) **Surrounding Land Use Cases:** There are no active land use cases in the vicinity (**Exhibit C9.4**). **Character of the Area:** • The area is comprised of large agricultural parcels that are used for agricultural practices. *See **Exhibit D** for site photos*. Although the surrounding area is primarily agricultural, the use is not anticipated to directly or indirectly interfere with or conflict with the surrounding land uses. • The scenic byway route and the historic preservation overlay area are approximately 1.5 miles from the subject parcel to the south (**Exhibit C4**). Canyon County Parks, Cultural & Natural Resources was notified of the request on December 11, 2025, and did not provide comments. • The nearest cell towers are approximately over two (2) miles north of the subject parcel (**Exhibit C5-7**). The proposed use will fill a service gap in the area for rural broadband. According to the letter of intent, "the tower and equipment installed will facilitate in high speed broadband service to the surrounding Canyon and Owyhee County agricultural technology use and rural residential." *See **Exhibit B3** for details regarding the proposed use.* • There is a private airstrip located approximately one and a half (1.5) miles north of the subject parcel (**Exhibit C8**). • The proposed use does not exclude or diminish one another's use of public and private services. Conditions of approval have been proposed to ensure compatibility and to mitigate concerns that may arise. *See proposed conditions of approval No. 1-8.* • The tower will be lit and will not have any noise generating machine. Height restriction in the "A" (Agricultural) zone is 100' tall. "If a structure supersedes the height allowance, the height shall be approved by the Federal Aviation Administration," per CCCO §07-10-21 Note 1. *See proposed condition of approval No. 1b & 5 to address the height.* Idaho Transportation Department's (ITD) Division of Aeronautics provided comments on November 12, 2025, stating the nearest public airport is Murphy Airport, approximately 10.17 nautical miles (14 miles) south of the subject parcel in Owyhee County. Due to agricultural practices in the vicinity, there is aerial spraying/crop dusting occurring; therefore, the tower needs to be lit according to the ITD Division of Aeronautics. *See proposed condition of approval No. 5.* The proposed conditions of approval minimize impacts to adjacent properties by ensuring the use complies with all industry standards and federal regulations, and that the fencing and the lease area remain in good repair and weed-free. *See the Recommendation and Decision Options section of this report (Page 6) for recommended conditions of approval.*
Criteria Met? **Yes**	**5** **Will adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems be provided to accommodate the use?**
Analysis	The telecommunication facility does not require irrigation, water, or sanitary services (**Exhibit B2**). Water is not anticipated to be negatively impacted by the proposed use. Southwest District Health was notified of the application on October 27, 2025, and provided comments on October 27, 2025, stating the proposed use does not require a nutrient pathogen study, and the applicants are not requesting a subsurface sewage disposal system (**Exhibit E2**). The parcel is not within an Irrigation District. The Kondo Lateral runs on the east and south boundary of parcel R28634. As a proposed condition of approval, stormwater drainage shall be kept on site. *See proposed condition of a pproval No. 7 on Page 7.*

	Utilities will be provided via a 30' utility easement along the west boundary of the parcel. The subject property will have "underground electrical services from Idaho Power from pole placements" (**Exhibit B3 & B6**). Per Idaho Power, there are overhead distribution lines on the property, and the applicant shall "coordinate with Idaho Power's distribution design team on the installation of the proposed cell tower to ensure there is no issue with clearance" (**Exhibit E8**).	
Criteria Met? **Yes**	**6**	**Does legal access to the subject property for the development exist, or will it exist at the time of development?**
Analysis	The subject property does have legal access for the development and will exist at the time of the development. The subject property has legal access via an easement through parcels R28640 and R28646; however, the terrain will make it difficult to get concrete mixer trucks and construction equipment to the property via the legal access. There is a 20-foot easement through parcel R28633 approx. 1.5 miles west of Melba Rd and Highway 45 intersection on the west boundary to get to the subject property the applicant proposes to use. Nampa Highway District No. 1 provided comments on October 27, 2025, stating there is no objection to the request. According to the property owner, Nampa Highway District No. 1, the Simplot property references an ingress egress easement, but it's not specifically from the time it was owned by the Kondo brothers. Additionally, stating "there has always been access from Melba Road and from highway 45 to the parcels through that access, but no metes and bounds description" (**Exhibit E1**). Staff reached out to the Canyon County Prosecuting Attorney on November 20, 2025, to determine if the property has legal access through the Simplot property (R28633). The Prosecuting Attorney provided comments on December 12, 2025, stating the subject parcel does have legal access via an express easement. Due to the easement not being a residential driveway/access, the County does not regulate express easements (**Exhibit C10**).	
Criteria Met? **Yes**	**7**	**Will there be undue interference with existing or future traffic patterns?**
Analysis	There will not be undue interference with the existing and/or future traffic patterns. The proposed use of a telecommunication facility may impact the traffic patterns while in construction for approximately one to four (1-4) months, accounting for an average of four to eight (4-8) Average Daily Trips (ADT). When the concrete slab is poured during the construction phase, it will generate a maximum of twenty (20) ADT. Once the tower is constructed, traffic to the site will be minimal, with annual maintenance only occurring, generating two (2) or less trips for service and maintenance. Nampa Highway District does not have an objection to the proposed use (**Exhibit E1**). Idaho Transportation Department provided comments on October 29, 2025, stating the proposed use does not meet the threshold for a traffic impact study nor does it pose any safety concerns (**Exhibit E3**).	
Criteria Met? **Yes**	**8**	**Will essential services be provided to accommodate the use, including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**
Analysis	Essential services will be provided to accommodate the use, including, but not limited to, school facilities, police and fire protection, emergency medical services, and irrigation facilities. The services will not be negatively impacted by such use, and/or require additional public funding in order to meet the needs created by the requested use. **School Facilities**: School facilities are not anticipated to be negatively impacted by the proposed use. The Melba School District No. 136 was notified of the request on October 27, 2025, and December 11, 2025; no comments were received. **Police and Fire protection:** Canyon County Sheriff and Emergency Management were notified of the request on October 27, 2025, and December 11; no comments were received. The property is not located within a fire district. Police protection is not anticipated to be negatively impacted by the proposed use.	

	Emergency Medical Services: Canyon County Paramedics and EMT were notified of the request on October 27, 2025, and December 11, 2025; no comments were received. Canyon County paramedics and EMT services are not anticipated to be negatively impacted by the proposed use. **Irrigation Facilities:** The subject parcel is not located within an irrigation district**.**

NOTIFICATION AND COMMENTS:
Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on October 27, 2025. Property owners within 1,000 feet of the subject property boundaries were notified on December 11, 2025. Full political notice was completed on December 11, 2025. A newspaper notice was published on December 16, 2025. The subject property was posted with a notice on December 16, 2025.

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 E**.

PUBLIC COMMENTS
Staff received "zero" (0) total written public comments by the materials deadline of January 5, 2026.

RECOMMENDATION AND DECISION OPTIONS:
In consideration of the application and supporting materials, staff concludes that the proposed Conditional Use Permit is compliant with Canyon County Ordinance §07-07-05. A full analysis is detailed within the staff report.

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

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
    a. The facility shall meet all applicable Federal Communications Commission (FCC) requirements and standards regarding Radio Frequency Emissions.
    b. Prior to building permit issuance, evidence of Federal Aviation Administration (FAA) approval shall be submitted to DSD. The facility shall be maintained in compliance with applicable FAA requirements and standards.
2. This conditional use permit must follow land use time limitation as stated in CCCO §07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
    a. Commencement shall be 30 days after the date of the signed FCOs.
3. A building permit is required for the construction of the facility/proposed structures. The tower shall not exceed 190' tall lattice tower (195' with lightning rod) unless amended through conditional use permit modification approval.
4. The 100' x 100' lease area shall be enclosed by 7-foot fencing (**Exhibit B3**). Fencing shall be demonstrated in the building plans submitted as part of the building permit submittal.
5. All lighting shall be in compliance with FAA lighting regulations (**Exhibit E4**).

6. The lease area and the fencing shall be maintained and kept in good repair (**Exhibit B6**). The lease area and surrounding fence line shall be kept weed-free and/or maintained with weeds being 6" in height or less.
7. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation easements on and adjacent to the subject property.
8. A non-operational or abandoned tower or antenna structure shall be removed within six (6) months of abandonment.
9. The telecommunication facility shall be limited to parcel R28634. This permit is not transferable to any other property.

DECISION OPTIONS

- **Approval of the Application**: "I move to approve CU2025-0017, White Cloud Communications Inc., finding the application **does** meet the criteria for approval under Article 07-07-05 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 CU2025-0017, White Cloud Communications Inc., finding the application **does not** meet the criteria for approval under Article 07-07-05 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 CU2025-0017, White Cloud Communications Inc., to a [*date certain or uncertain*]

EXHIBITS:

A. Draft FCOS

B. Application Packet & Supporting Materials

1. Master Application
2. Land Use Worksheet
3. Letter of Intent
4. Cell Tower Diagram
5. Operation Plan
6. Site Plan
7. Neighborhood Meeting
8. Email Correspondence

C. Supplemental Documents

1. Parcel Information Report
2. Idaho Statute 67-6540
3. PI2014-503
4. Historic Preservation and Scenic Byway Map
5. CU2002-120
6. CU2004-395
7. CU2019-0009
8. CU2007-113
9. Cases Maps/Reports
    - 9.1. Aerial
    - 9.2. Small Vicinity
    - 9.3. Zoning
    - 9.4. Case Map
    - 9.5. Subdivision

9.6. Soil Map
9.7. Slope Map
9.8. Future Land Use
9.9. TAZ Maps

10. Prosecuting Attorney Email Correspondence; Received: December 12, 2025

D. Site Visit Photos: November 21, 2025

E. Agency Comments Received by: January 5, 2026

1. Nampa Highway District No 1; Received: October 27, 2025
2. Southwest District Health; Received: October 27, 2025
   2.1. Pre-Development Meeting Notes: August 1, 2025
3. Idaho Transportation Department (ITD); Received: October 27, 2025
4. ITD Division of Aeronautics; Received: November 12, 2025
5. Development Services Engineering and Floodplain Department; Received: November 3, 2025
6. Development Services GIS Division; Received: November 6, 2025
7. Department of Environmental Quality; Received: December 15, 2025
8. Idaho Power; Received: December 22, 2025
   8.1. Idaho Power Email Correspondence; Received: December 29, 2025

EXHIBIT A

DRAFT Findings of Fact and Conclusion of Law and Order

Planning & Zoning Commission

Case# CU2025-0017

Hearing date: January 15, 2026

In the matter of the application of:
CU2025-0017 -White Cloud Communications Inc.

The Canyon County Planning and Zoning Commission considers the following:

CU2025-0017: The applicant, White Cloud Communication Inc., represented by Andrew Kittle, requests a conditional use permit for an unmanned telecommunication facility within a 100' x 100' lease area on parcel R28634. The facility includes a single 190-foot-tall, galvanized tower with a 5-foot lightning rod in the "A" (Agricultural) zone. The subject property 61.91-acres is located at 0 Melba Rd. approx. 0.25 miles south of Melba Rd. and 1.5 miles west of Melba Rd. and Highway 45 intersection, also referenced as Parcel R28634, a portion of the NE quarter of Section 32, T1N, R2W, 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 CU2025-0017.
      1. All exhibits are located in the case staff report dated January 15, 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 §07-07 (Conditional Use Permits), CCCO §07-02-03 (Definitions), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures).

   a. Notice of the public hearing was provided pursuant to CCCO §07-05-01, Idaho Code §67-6509 and 67-6512.

   b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.

   c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCCO §07-07-01.

   d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school

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districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCCO §07-07-17, and 07-07-19.

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

3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).

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

5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

6. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, CU2025-0017, was presented at a public hearing before the Canyon County Planning and Zoning Commission on January 15, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

Conditional Use Permit Standards of Evaluation Analysis

Standards of Evaluation – CCCO §07-07-05: The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:		
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Criteria Met?	**Code Section**	**Analysis**
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Analysis	The proposed use of a telecommunication facility is permitted in the "A" (Agricultural) zone by conditional use permit, pursuant to Canyon County Code of Ordinance (CCCO) §07-10-27. The proposed use consists of a 195-foot galvanized tower with a 5-foot lightning rod. A Telecommunication Facility is defined as a public or private cellphone, broadcast, communication, or wireless internet towers and associated facilities per CCCO §07-02-03. A conditional use permit application was submitted on August 6, 2025 (**Exhibit B**). *See project description analysis contained in Code Section 2 detailing the nature of the request.*	
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Criteria Met?	**3**	**Is the proposed use consistent with the comprehensive plan?**

Yes		
Analysis	The proposed use is consistent with the 2030 Comprehensive Plan. The subject property is zoned "A" (Agricultural) with a future land use designation of "A" (Agricultural). Chapter 1: Property Rights **G1.01.00** Protect the integrity of individual property rights while safeguarding public health, safety, and welfare. The property owner has the right to enjoy the property without creating a nuisance. *See proposed condition of approval No. 1.* Chapter 2: Population **G2.01.00** Incorporate population growth trends & projections when making land-use decisions. **P2.01.01** Plan for the anticipated population and households that the community can support with adequate services and amenities. The proposed use of a telecommunication facility is to provide rural broadband coverage to the area. According to the applicant, the facility "will help in facilitating agriculture operations in the area with no long term impacts." Per the TAZ household and job map (**Exhibit C9.9**) the area is not anticipated to see growth however; the existing population may receive improved broad band coverage. Chapter 4: Land Use and Community Design **P4.03.03** Recognize that each land use application is unique and that agricultural and nonagricultural uses may be compatible and co-exist in the same area and, in some instances, may require conditions of approval to promote compatibility. A telecommunication facility is permitted in the agricultural zone by conditional use permit (CCCO §07-10-27). The proposed use is compatible with the surrounding land uses with the proposed conditions of approval. *See compatibility analysis contained in code section 4 detailing the character of the area.* Chapter 7: Public Services, Facilities, and Utilities **G7.01.00** Endeavor to continue providing reliable public services, public safety facilities, & public utilities that support existing developed areas and future growth. The proposed use of a telecommunication facility "will provide positive infrastructure for public safety, Agri-Business, remote educational services, Nampa Highway District No. 1 communication" and more (**Exhibit B3**). *See all case analyses within this report for supporting evidence. See the Recommendation and Decision Options section of this report (Page 6) for recommended conditions of approval.*	
Criteria Met? **Yes**	**4**	**Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**
Analysis	The proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area. **Adjacent Existing Conditions:**	

Direction	Existing Use	Primary Zone	Other Zone
N	Agricultural	"A"	Intensive Agricultural Overlay
E	Agricultural	"A"	Intensive Agricultural Overlay
S	Agricultural	"A"	Intensive Agricultural Overlay and Historic Preservation
W	Agricultural	"A"	Intensive Agricultural Overlay

	"A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone) **Surrounding Land Use Cases:** There are no active land use cases in the vicinity (**Exhibit C9.4**). **Character of the Area:** • The area is comprised of large agricultural parcels that are used for agricultural practices. *See **Exhibit D** for site photos.* Although the surrounding area is primarily agricultural, the use is not anticipated to directly or indirectly interfere with or conflict with the surrounding land uses. • The scenic byway route and the historic preservation overlay area are approximately 1.5 miles from the subject parcel to the south (**Exhibit C4**). Canyon County Parks, Cultural & Natural Resources was notified of the request on December 11, 2025, and did not provide comments. • The nearest cell towers are approximately over two (2) miles north of the subject parcel (**Exhibit C5-7**). The proposed use will fill a service gap in the area for rural broadband. According to the letter of intent, "the tower and equipment installed will facilitate in high speed broadband service to the surrounding Canyon and Owyhee County agricultural technology use and rural residential." *See **Exhibit B3** for details regarding the proposed use.* • There is a private airstrip located approximately one and a half (1.5) miles north of the subject parcel (**Exhibit C8**). • The proposed use does not exclude or diminish one another's use of public and private services. Conditions of approval have been proposed to ensure compatibility and to mitigate concerns that may arise. *See proposed conditions of approval No. 1-8.* • The tower will be lit and will not have any noise generating machine. Height restriction in the "A" (Agricultural) zone is 100' tall. "If a structure supersedes the height allowance, the height shall be approved by the Federal Aviation Administration," per CCCO §07-10-21 Note 1. *See proposed condition of approval No. 1b & 5 to address the height.* Idaho Transportation Department's (ITD) Division of Aeronautics provided comments on November 12, 2025, stating the nearest public airport is Murphy Airport, approximately 10.17 nautical miles (14 miles) south of the subject parcel in Owyhee County. Due to agricultural practices in the vicinity, there is aerial spraying/crop dusting occurring; therefore, the tower needs to be lit according to the ITD Division of Aeronautics. *See proposed condition of approval No. 5.* The proposed conditions of approval minimize impacts to adjacent properties by ensuring the use complies with all industry standards and federal regulations, and that the fencing and the lease area remain in good repair and weed-free. *See the Recommendation and Decision Options section of this report (Page 6) for recommended conditions of approval.*
Criteria Met? **Yes**	**5**	**Will adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems be provided to accommodate the use?**
Analysis	The telecommunication facility does not require irrigation, water, or sanitary services (**Exhibit B2**). Water is not anticipated to be negatively impacted by the proposed use. Southwest District Health was notified of the application on October 27, 2025, and provided comments on October 27, 2025, stating the proposed use does not require a nutrient pathogen study, and the applicants are not requesting a subsurface sewage disposal system (**Exhibit E2**). The parcel is not within an Irrigation District. The Kondo Lateral runs on the east and south boundary of parcel R28634. As a proposed condition of approval, stormwater drainage shall be kept on site. *See proposed condition of approval No. 7 on Page 6.* Utilities will be provided via a 30' utility easement along the west boundary of the parcel. The subject property will have "underground electrical services from Idaho Power from pole placements" (**Exhibit B3 & B6**). Per Idaho Power, there are overhead distribution lines on the property, and the applicant shall "coordinate with Idaho Power's distribution design team on the installation of the proposed cell tower to ensure there is no issue with clearance" (**Exhibit E8**).	

Criteria Met?		
Yes	6	**Does legal access to the subject property for the development exist, or will it exist at the time of development?**
Analysis	The subject property does have legal access for the development and will exist at the time of the development. The subject property has legal access via an easement through parcels R28640 and R28646; however, the terrain will make it difficult to get concrete mixer trucks and construction equipment to the property via the legal access. There is a 20-foot easement through parcel R28633 approx. 1.5 miles west of Melba Rd and Highway 45 intersection on the west boundary to get to the subject property the applicant proposes to use. Nampa Highway District No. 1 provided comments on October 27, 2025, stating there is no objection to the request. According to the property owner, Nampa Highway District No. 1, the Simplot property references an ingress egress easement, but it's not specifically from the time it was owned by the Kondo brothers. Additionally, stating "there has always been access from Melba Road and from highway 45 to the parcels through that access, but no metes and bounds description" (**Exhibit E1**). Staff reached out to the Canyon County Prosecuting Attorney on November 20, 2025, to determine if the property has legal access through the Simplot property (R28633). The Prosecuting Attorney provided comments on December 12, 2025, stating the subject parcel does have legal access via an express easement. Due to the easement not being a residential driveway/access, the County does not regulate express easements (**Exhibit C10**).	
Criteria Met?		
Yes	**7**	**Will there be undue interference with existing or future traffic patterns?**
Analysis	There will not be undue interference with the existing and/or future traffic patterns. The proposed use of a telecommunication facility may impact the traffic patterns while in construction for approximately one to four (1-4) months, accounting for an average of four to eight (4-8) Average Daily Trips (ADT). When the concrete slab is poured during the construction phase, it will generate a maximum of twenty (20) ADT. Once the tower is constructed, traffic to the site will be minimal, with annual maintenance only occurring, generating two (2) or less trips for service and maintenance. Nampa Highway District does not have an objection to the proposed use (**Exhibit E1**). Idaho Transportation Department provided comments on October 29, 2025, stating the proposed use does not meet the threshold for a traffic impact study nor does it pose any safety concerns (**Exhibit E3**).	
Criteria Met?		
Yes	**8**	**Will essential services be provided to accommodate the use, including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**
Analysis	Essential services will be provided to accommodate the use, including, but not limited to, school facilities, police and fire protection, emergency medical services, and irrigation facilities. The services will not be negatively impacted by such use, and/or require additional public funding in order to meet the needs created by the requested use. **School Facilities**: School facilities are not anticipated to be negatively impacted by the proposed use. The Melba School District No. 136 was notified of the request on October 27, 2025, and December 11, 2025; no comments were received. **Police and Fire protection:** Canyon County Sheriff and Emergency Management were notified of the request on October 27, 2025, and December 11; no comments were received. The property is not located within a fire district. Police protection is not anticipated to be negatively impacted by the proposed use. **Emergency Medical Services:** Canyon County Paramedics and EMT were notified of the request on October 27, 2025, and December 11, 2025; no comments were received. Canyon County paramedics and EMT services are not anticipated to be negatively impacted by the proposed use. **Irrigation Facilities:** The subject parcel is not located within an irrigation district**.**	

Order
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2025-0017, a conditional use permit of a telecommunication facility 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.
    a. The facility shall meet all applicable Federal Communications Commission (FCC) requirements and standards regarding Radio Frequency Emissions.
    b. Prior to building permit issuance, evidence of Federal Aviation Administration (FAA) approval shall be submitted to DSD. The facility shall be maintained in compliance with applicable FAA requirements and standards.
2. This conditional use permit must follow land use time limitation as stated in CCCO §07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
    a. Commencement shall be 30 days after the date of the signed FCOs.
3. A building permit is required for the construction of the facility/proposed structures. The tower shall not exceed 190' tall lattice tower (195' with lightning rod) unless amended through conditional use permit modification approval.
4. The 100' x 100' lease area shall be enclosed by 7-foot fencing (**Exhibit B3**). Fencing shall be demonstrated in the building plans submitted as part of the building permit submittal.
5. All lighting shall be in compliance with FAA lighting regulations (**Exhibit E4**).
6. The lease area and the fencing shall be maintained and kept in good repair (**Exhibit B6**). The lease area and surrounding fence line shall be kept weed-free and/or maintained with weeds being 6" in height or less.
7. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation easements on and adjacent to the subject property.
8. A non-operational or abandoned tower or antenna structure shall be removed within six (6) months of abandonment.
9. The telecommunication facility shall be limited to parcel R28634. This permit is not transferable to any other property.

DATED this _____ day of _____, 2026.

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: _____

EXHIBIT B

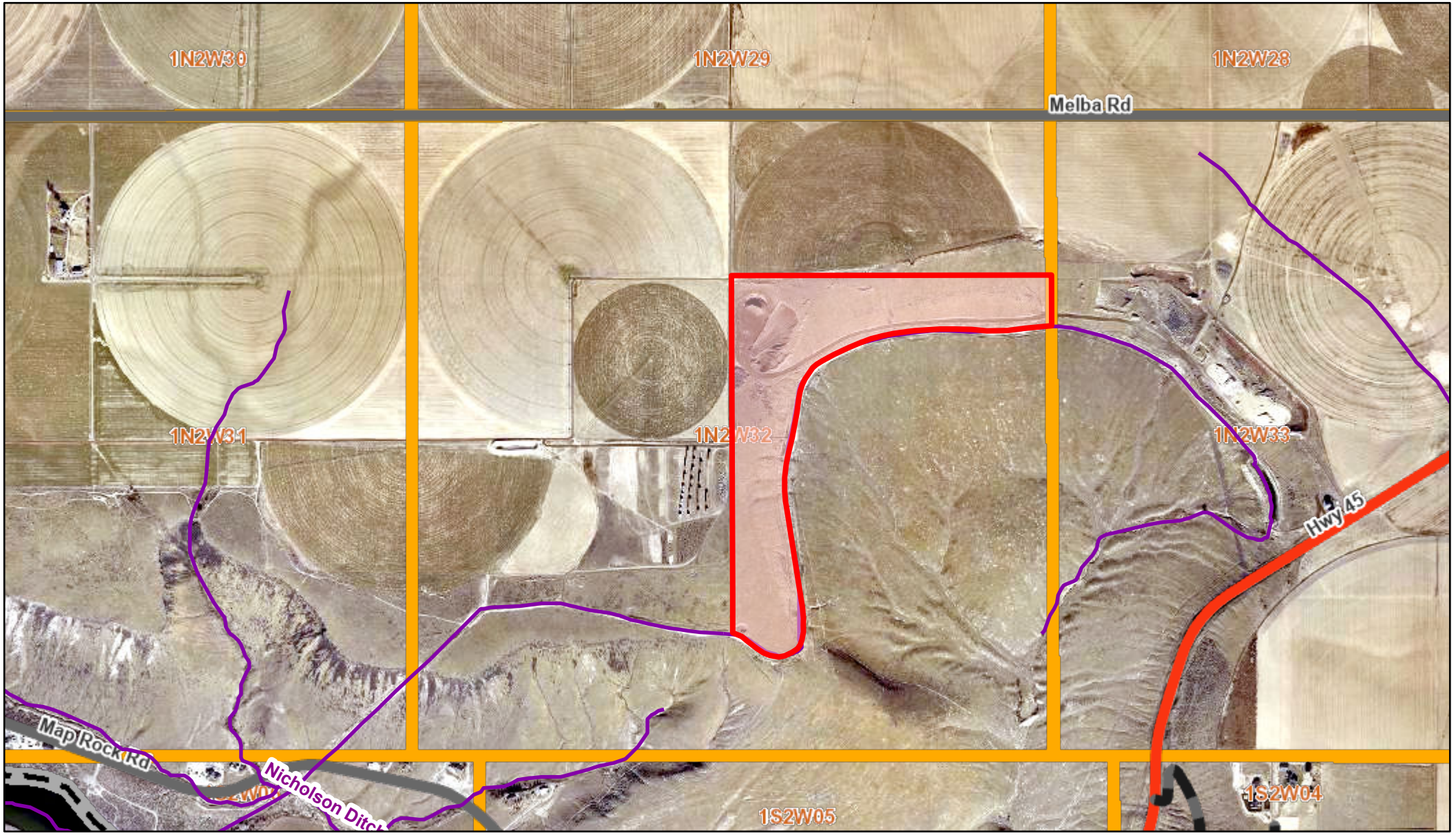
Application Packet & Supporting Materials

Planning & Zoning Commission

Case# CU2025-0017

Hearing date: January 15, 2026

Canyon County, ID Web Map



8/7/2025, 10:17:34 AM

Multiple Parcel Search _Query result

Hydro_NHDFlowline

CanyonCountyRoads

Hwy

Roads

CC_PrivateRoads

County Boundary

Current Impact Area

City Limits

Sections

Imagery_2025_3in

Red: Band_1

1:18,056

0 0.1 0.2 0.4 mi

0 0.17 0.35 0.7 km

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

Exhibit B1

CONDITIONAL USE PERMIT
PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: NAMPA HWY DISTRICT #1	
	MAILING ADDRESS: 4507 12th Avenue Rd., Nampa, ID 83686	
	PHONE: 208-467-6576	EMAIL: nick@nampahighway1.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: X _____ *Date:* 5-8-25

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME: White Cloud Communications Inc 83303	
	COMPANY NAME:	
	MAILING ADDRESS: 663 Main Ave East, Twin Falls, ID	
	PHONE: 208-733-5470	EMAIL: Sean@whitecloudcom.com

SITE INFO	STREET ADDRESS: One mile South of Intersection of Hwy 45 & Middleton Rd.	
	PARCEL NUMBER: R28634000000	
	PARCEL SIZE:	
	REQUESTED USE: BROAD BAND Communications Tower	
	FLOOD ZONE (YES/NO)	ZONING DISTRICT:

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	CU2025-0017	DATE RECEIVED:	8/6/25
RECEIVED BY:	MG	APPLICATION FEE: $1,550	CK MO CC CASH

CONDITIONAL USE PERMIT
PUBLIC HEARING - CHECKLIST

CONDITIONAL USE PERMIT - CCZO Section 07-07-05

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

Description	Applicant	Staff
Master Application completed and signed	☑	X
Letter of Intent (see standards on next page)	☑	X
Site Plan (see standards on next page)	☑	X
Land Use Worksheet	☑	X
Neighborhood Meeting sheet/letter completed and signed	☑	X
Proof of application/communication with (varies per application):	☑	X
Southwest District Health	☑	X
Irrigation District	☑ N/A	X
Fire District	☑	X
Highway District/ Idaho Transportation Dept.	☑	X
Area of City Impact	☑ N/A	X
Deed or evidence of property interest to the subject property	☑	X
Fee: $950.00 **$600.00 (CUP Modification)**		
Fees are non-refundable		

An application that requires additional Use Standards per Chapter 7, Article 14 of the Canyon County Code:

☐Contractor Shop

☐Mineral Extraction (Long Term)

☐Wind Farm

☐Staging Area

☐Manufacturing or processing of hazardous chemicals or gases

☐Ministorage Facility

**If applicable, review the Additional Use Standards Below, if not applicable, please disregard them.*

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

STANDARDS

SITE/OPERATION PLAN – CCZO Section 07-02-03
A scaled drawing showing: - The parcel and all existing and proposed uses and structures and roads all with dimensions, distances, and private and public road names. - Includes lot lines, lot area, parking spaces, private roadways, walkways, topographic features, reserved open space, buildings and other structures, major landscape features, and the location of proposed utility easements.
A plan of action to include: - Time requirements, the commencement of the operation, hours of operation, noise levels, dust levels, air and water quality, raw material delivery, finished product and marketing, site improvements, public and private facilities, public amenities, and infrastructure.

LETTER OF INTENT – CCZO Section 07-07-05
State the nature of the request. Include, a description of business operations, such as a number of employees, hours of operation, delivery and shipping.
Consistency with the Comprehensive Plan (CCZO Section 07-07-05(3))
Address potential impacts to property in the immediate vicinity and character of the area (CCZO Section 07-07-05(4))
Demonstrate how facility and utilities such as water, sewer, irrigation, drainage and stormwater drainage, will be provided.
Demonstrate legal access
Address potential impacts to existing or future traffic patterns.
Address potential impacts to essential services such as schools, irrigation facilities and emergency services.
If the use will create impacts, provide measures to mitigate impacts.

CONTRACTOR SHOP (07-14-09) - REQUIRED	Applicant	Staff
Demonstrate how the use will be contained within a building or behind a sight-obscuring fence.		

MINERAL EXTRACTION (07-14-19) - REQUIRED	Applicant	Staff
Show how the 30' setbacks on all sides will be met.		
Name of operator/extractor		
Duration of proposed use: Commencement & Completion dates		
Provide an approved reclamation from Idaho Dept. Of Lands		
Location of proposed pits and accessory uses		

WIND FARM (07-14-33) - REQUIRED	Applicant	Staff
Need to include on the site plan: lot size, configuration, proximity to structures, topography, viewsheds.		

MINISTORAGE FACILITY (07-14-29) - REQUIRED	Applicant	Staff
Demonstrate how materials will not be sold or delivered to customers directly from the storage compartment.		

MANUFACTURING/PROCESSING OF HAZARDOUS CHEMICALS/GASES (07-14-15) - REQUIRED	Applicant	Staff
Show 300' setbacks from any property line		
Show 1,000 setback from any residential district		
Demonstrate how chemicals/gases will be stored within an enclosed structure.		
Demonstrate how the use will be gates and fenced with 8' high security fencing.		
Provide documentation from the local fire district approving the location and plan.		
Include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth ($^1/_4$) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been, or shall be, eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.		
The facility must register and maintain current hazardous waste generation notification as required by Environmental Protection Agency and/or Idaho Department of Environmental Quality and provide such proof of registration		

STAGING AREA (07-14-15) - REQUIRED	Applicant	Staff
Demonstrate how all work will be conducted off-site, business vehicles will remain operable and parked on-site, and employees/persons on the premises for parking and business vehicle pickup all maintained ono-site.		

Exhibit B2

LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. **DOMESTIC WATER:** ☐ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☒ N/A – Explain why this is not applicable: no water required

☐ How many Individual Domestic Wells are proposed? _____

2. **SEWER (Wastewater)** ☐ Individual Septic ☐ Centralized Sewer system

☒ N/A – Explain why this is not applicable: No

3. **IRRIGATION WATER PROVIDED VIA:**

☐ Surface ☐ Irrigation Well ☒ None

4. **IF IRRIGATED, PROPOSED IRRIGATION:**

☐ Pressurized ☐ Gravity

5. **ACCESS:**

☐ Frontage ☐ Easement Easement width_____ Inst. # _____

6. **INTERNAL ROADS:**

☐ Public ☒ Private Road User's Maintenance Agreement Inst #_____

7. **FENCING** ☒ Fencing will be provided (Please show location on site plan)

Type: Chain link Height: 7'

8. **STORMWATER:** ☐ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☐ Other: N/A

9. **SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)

N/A

RESIDENTIAL USES

1. **NUMBER OF LOTS REQUESTED:** N/A

☐ Residential _____ ☐ Commercial _____ ☐ Industrial _____

☐ Common _____ ☐ Non-Buildable _____

2. **FIRE SUPPRESSION:**

☐ Water supply source: N/A

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

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☒ None

NON-RESIDENTIAL USES

1. **SPECIFIC USE:** Communications Tower for Rural Broadband

2. **DAYS AND HOURS OF OPERATION:** N/A

☐ Monday _____ to _____

☐ Tuesday _____ to _____

☐ Wednesday _____ to _____

☐ Thursday _____ to _____

☐ Friday _____ to _____

☐ Saturday _____ to _____

☐ Sunday _____ to _____

3. **WILL YOU HAVE EMPLOYEES?** ☐ Yes If so, how many? _____ ☒ No

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

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

What type of sign: _____Wall _____ Freestanding _____ Other

5. **PARKING AND LOADING:**
How many parking spaces? N/A

Is there is a loading or unloading area? N/A

ANIMAL CARE-RELATED USES

1. **MAXIMUM NUMBER OF ANIMALS:** N/A

2. **HOW WILL ANIMALS BE HOUSED AT THE LOCATION?**

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other N/A

3. **HOW DO YOU PROPOSE TO MITIGATE NOISE?** N/A

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. **ANIMAL WASTE DISPOSAL** N/A

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

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

R28634 PARCEL INFORMATION REPORT

7/24/2025 1:46:21 PM

PARCEL NUMBER: R28634
OWNER NAME: NAMPA HIGHWAY DISTRICT NO 1
CO-OWNER:
MAILING ADDRESS: 4507 12TH AVE RD NAMPA ID 83686
SITE ADDRESS: 0 MELBA RD
TAX CODE: 0420000
TWP: 1N **RNG:** 2W **SEC:** 32 **QUARTER:** NE
ACRES: 61.91
HOME OWNERS EXEMPTION: No
AG-EXEMPT: No
DRAIN DISTRICT: NOT In Drain Dist
ZONING DESCRIPTION: AG / AGRICULTURAL
HIGHWAY DISTRICT: NAMPA HWY DIST #1
FIRE DISTRICT: NOT In FireDist
SCHOOL DISTRICT: MELBA SCHOOL DIST #136
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: INTENSIVE AGRICULTURE OVERLAY \ AG
IRRIGATION DISTRICT: NOT In IRRIG_DIST
FEMA FLOOD ZONE: X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0500F

WETLAND: Riverine \ Riverine
NITRATE PRIORITY: ADA CANYON
FUNCTIONAL Classification: NOT In COLLECTOR
INSTRUMENT NO. : 851451
SCENIC BYWAY: NOT In Scenic Byway
LEGAL DESCRIPTION: 32-1N-2W NE THAT PART OF SE1/4 & OF S1/2 NE1/4 LYING N & W OF KONDO DITCH
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 B3

Letter of Intent for Conditional Use Permit submittal

Site Address: 0 Melba Road, Melba, ID

Parcel Number: R28634

Zoning Description: Agriculture

Ownership: Nampa Highway District#1

White Cloud Communications Inc; an Idaho registered business; is requesting permission to place and operate a Broadband internet radio communications tower on parcel number R28634. The tower and equipment installed will facilitate high speed broad band service to the surrounding County of Owyhee and surrounding Canyon County agriculture technology use and rural residents.

There will be no employees long term, only during construction and regular annual maintenance. No sanitation services or water use will be required or installed.

The equipment and tower will be in use; 24/7/365; for a minimum of 20 years and require electrical utilities.

The area will not be lighted or have any noise generating machinery running as part of the daily operation. The operation will help in facilitating agriculture operations in the area with no long-term impacts of, water, air, drainage, noise, soil, traffic and residents. The primary use of the tower will be for Rural Broad-Band coverage as required by the State of Idaho and NTIA funding agreement.

Legal access is shown on the scaled drawing provided and will be over Nampa Highway ROW off Hwy-45 and Melba Rd.

No future impacts on traffic patterns anticipated due to the placement of the tower location.

The placement of the Tower will provide positive infrastructure for Public Safety, Agri-Business, Remote Educational Services, Water Monitoring, Pupil Transportation, Highway District#1 communications, Public Utilities, and meet the requirements of the State of Idaho and NTIA Rural Broad-Band initiative of bringing broad band to the home and rural communities.

All impacts will be positive and constructive in application and environmental impact short and long-term.

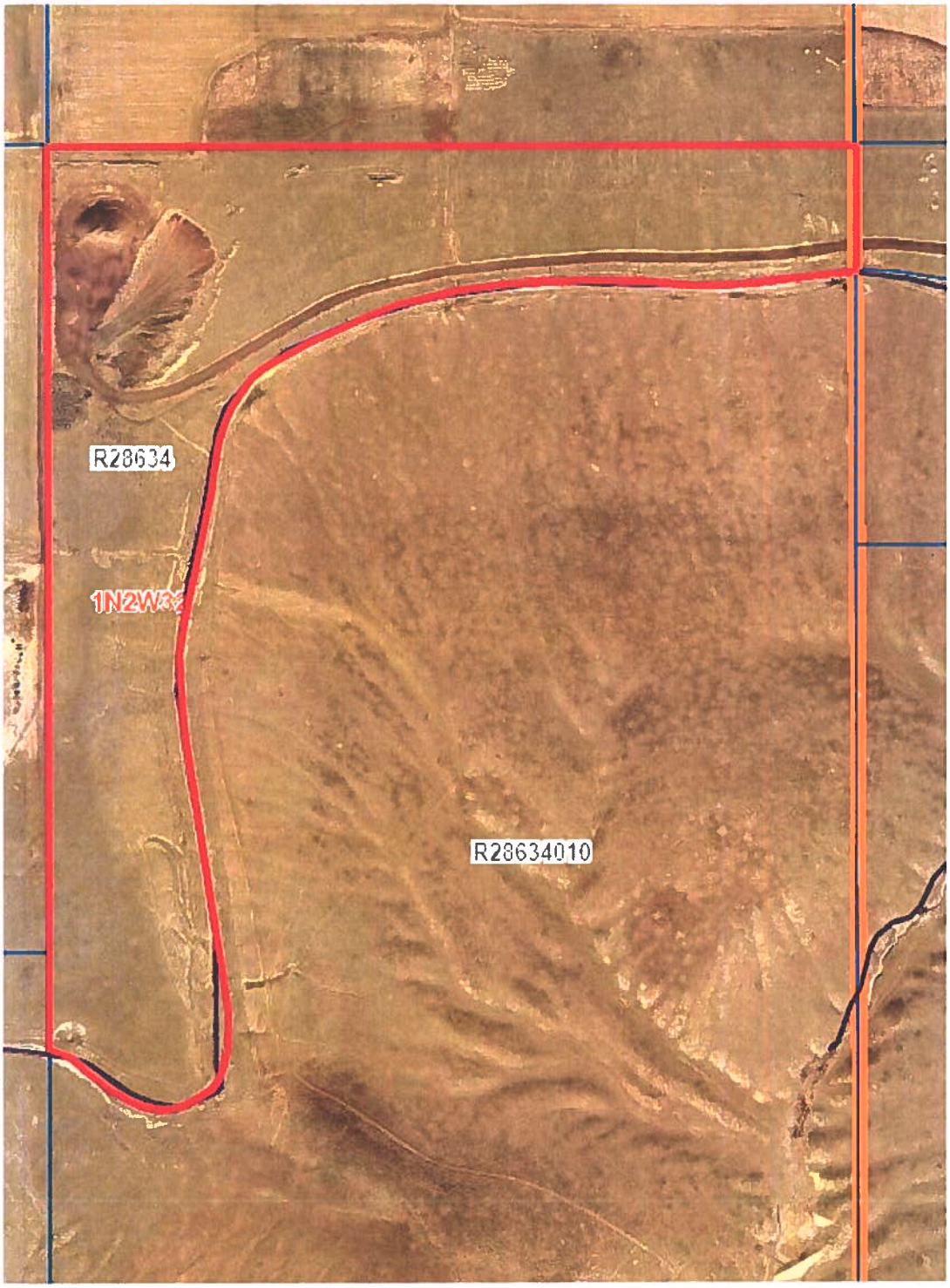
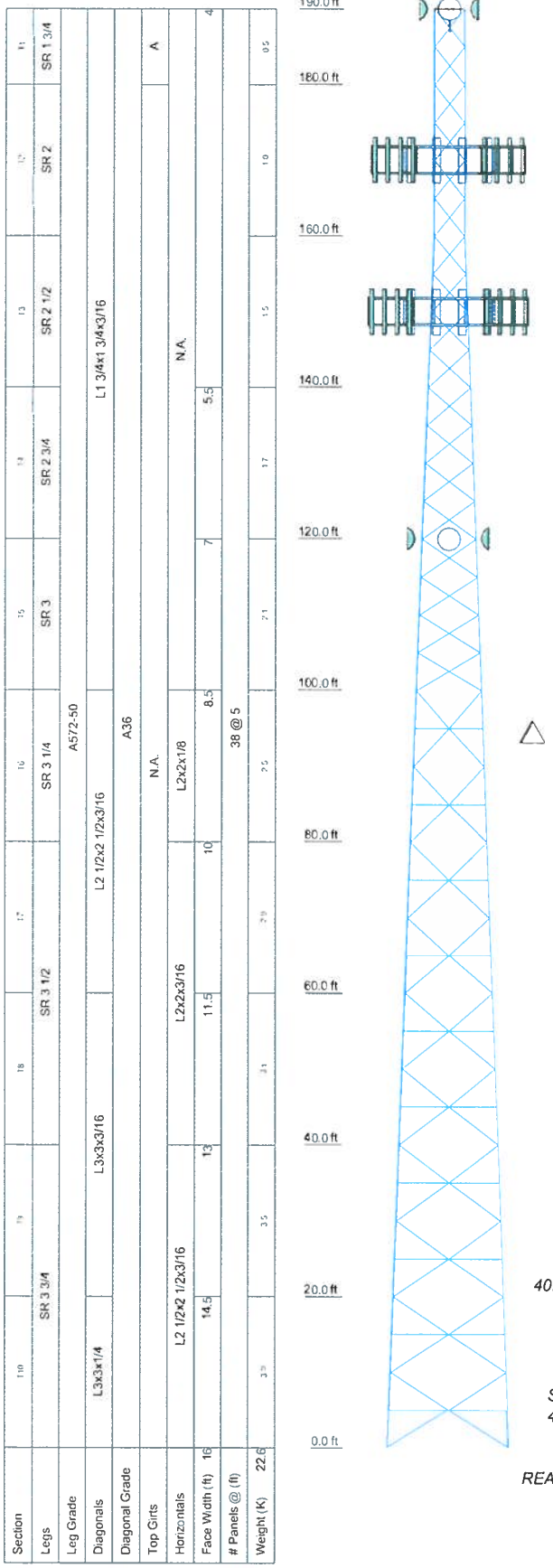

R28634
1N2W
R28634010

Exhibit B4



DESIGNED APPURTENANCE LOADING

TYPE	ELEVATION	TYPE	ELEVATION
Lightning Rod 5/8x4'	190	Carrier #1 - 30,000 sq in	170
Dish Mount	190	Carrier #2 - 30,000 sq in	150
Dish Mount	190	Dish Mount	120
Dish Mount	190	3 FT DISH	120
3 FT DISH	190	3 FT DISH	120
3 FT DISH	190	3 FT DISH	120
3 FT DISH	190		

SYMBOL LIST

MARK	SIZE	MARK	SIZE
A	L1 3/4x1 3/4x1/8		

MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A572-50	50 ksi	65 ksi	A36	36 ksi	58 ksi

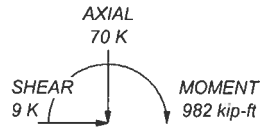
TOWER DESIGN NOTES

1. Tower is located in Canyon County, Idaho.
2. Tower designed for Exposure C to the TIA-222-H Standard.
3. Tower designed for a 101.00 mph basic wind in accordance with the TIA-222-H Standard.
4. Tower is also designed for a 40.00 mph basic wind with 0.50 in ice. Ice is considered to increase in thickness with height.
5. Deflections are based upon a 60.00 mph wind.
6. Tower Risk Category II.
7. Topographic Category 2 with Crest Height of 500 ft
8. TOWER RATING: 99.6%

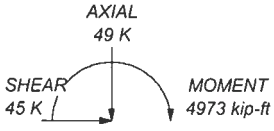
ALL REACTIONS ARE FACTORED

MAX. CORNER REACTIONS AT BASE:
DOWN: 375 K
SHEAR: 28 K

UPLIFT: -330 K
SHEAR: 25 K



TORQUE 4 kip-ft
40.00 mph WIND - 0.50 in ICE

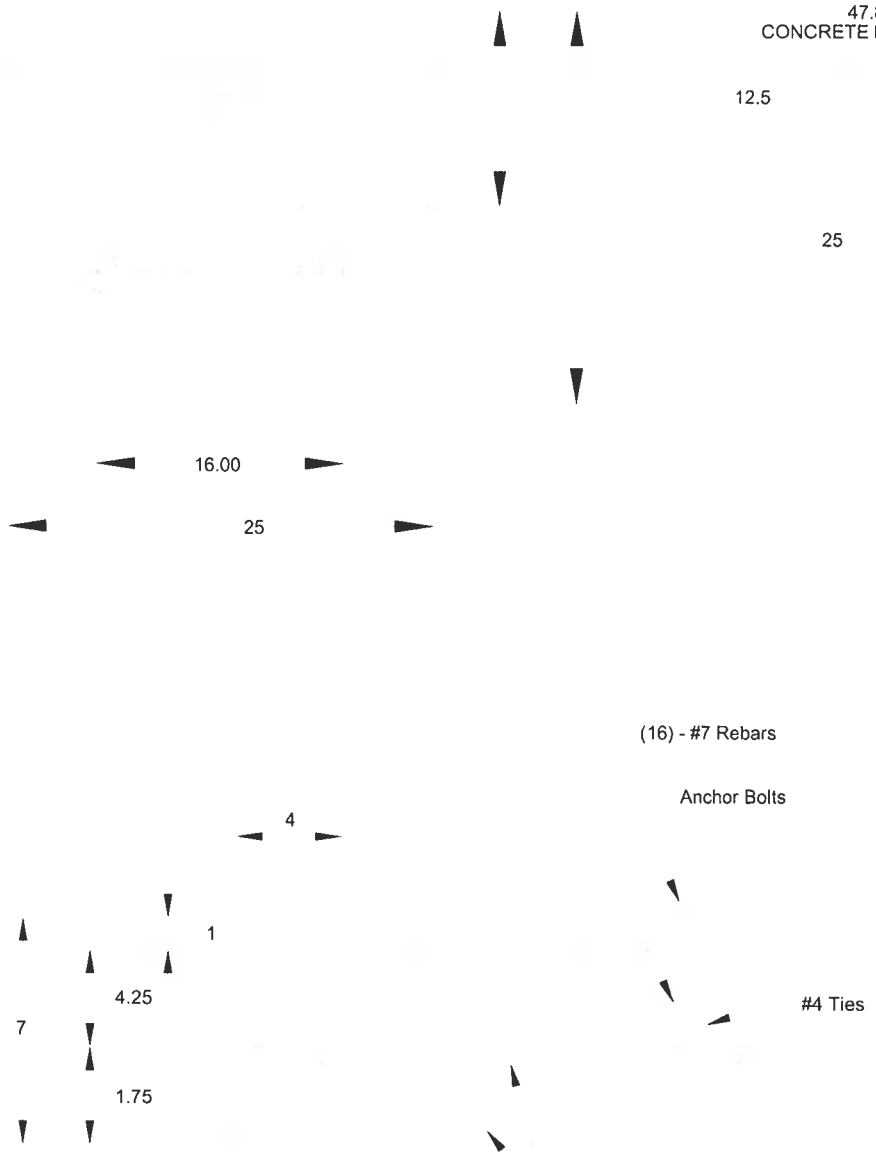


TORQUE 18 kip-ft
REACTIONS - 101.00 mph WIND

World Tower Company, Inc.
1213 Compressor Dr
Mayfield, KY
Phone: 270-247-3642
FAX:

Job: *190' WSST Tower / Run C2502-046*			
Project: *Melba*			
Client: White Cloud Communications	Drawn by: Cort Walker		App'd:
Code: TIA-222-H	Date: 03/05/25		Scale: NTS
Path:			Dwg No. E-1

47.84CU. YDS.
CONCRETE REQUIRED



GENERAL NOTES

1. CONCRETE TO HAVE 4000 PSI MIN. COMPRESSIVE STRENGTH AFTER 28 DAYS. ASTM A615 GRADE 60.
2. REINFORCEMENT STEEL IS DEFORMED AND MEETS THE REQUIREMENTS OF
3. EMBEDDED STEEL TO HAVE 3" MIN. CONCRETE COVER.

TITLE: C2305-022 R1

WORLD TOWER COMPANY, INC.

SCALE

DRN. CKD. DATE

FILE DRAWING NO.

Exhibit B5

Site Operation Plan for Conditional Use Permit Application

Site Address: 0 Melba Road, Melba, ID

Parcel Number: R28634

Zoning Description: Agriculture

Ownership: Nampa Highway District#1

White Cloud Communications Inc; an Idaho registered business; is requesting permission to place and operate a Broadband internet radio communications tower on parcel number R28634. The tower and equipment installed will facilitate high speed broad-band service to the surrounding County of Owyhee and surrounding Canyon County for agriculture technology use and rural residents.

A scaled drawing has been provided that indicates the lease area and structures proposed. The use area will be approximately 100' x 100' with a utility ROW shown on the site survey area. Project area will be using existing improvements on the Nampa Highway District property and ROW for ingress and egress. The site with have a fenced enclosed area that meets the county building code or a 7" fence to secure the site from intrusion. The location will have underground electrical services from Idaho Power distribution into the lease area from pole placements required by IPC engineers. The site will have a steel self supporting 195 foot galvanized tower placed on a buried concrete slab engineered as will be submitted for formal building permits after approval of CUP.

White Cloud Communications hours of operation after construction will be based on maintenance and technology upgrade requirements. We will have access to the site to the site 24/7/365 with little to no traffic at the site after construction.

RECORD OF SURVEY

FOR WHITE CLOUD COMMUNICATIONS
LOCATED IN THE E1/2 OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 2 WEST
BOISE MERIDIAN, CANYON COUNTY, IDAHO
2025



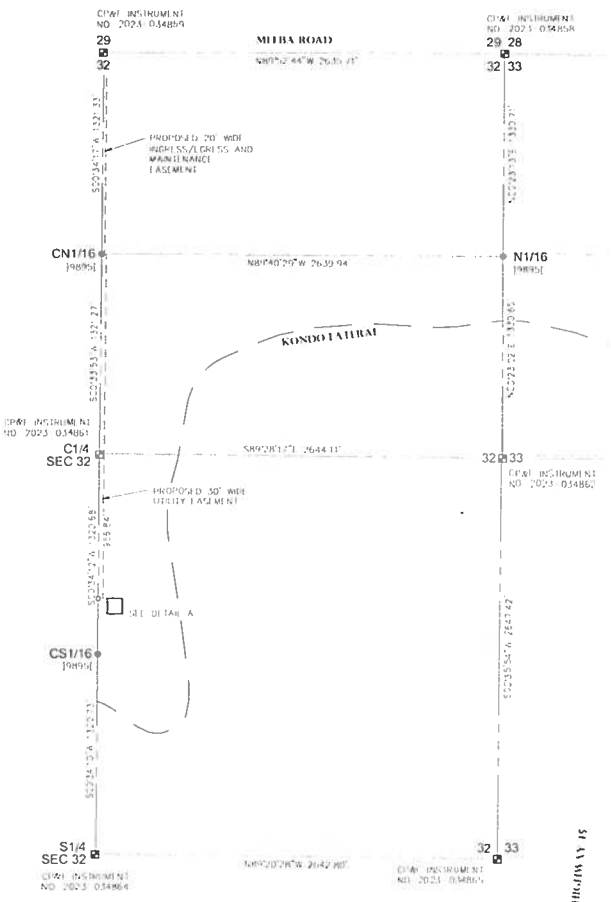
SURVEYOR'S NARRATIVE

THIS SURVEY WAS REQUESTED BY WHITE CLOUD COMMUNICATIONS TO MONUMENT THE LOCATION OF A COMMUNICATION TOWER LEASE SITE.

SECTION AND PLSS CORNERS WERE SEARCH FOR AND FOUND TO BE IN GOOD CONDITIONS AND IN RECORD POSITION. MONUMENTS WERE SET AT THE CORNERS OF THE LEASE SITE AS SHOWN HEREON.

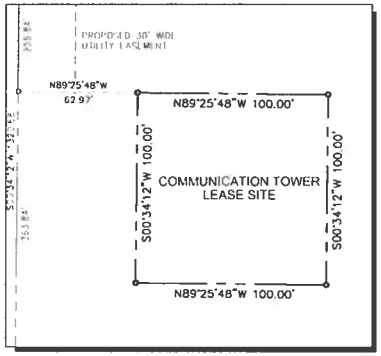
REFERENCES

R.O.S. XXXXX, INSTRUMENT NO. XXXXXXXXX
PLAT OF XXXXXX



LEGEND

- LEASE BOUNDARY
- SECTION LINE
- LATERAL CENTERLINE
- PROPOSED EASEMENT LINE
- FOUND ALUMINUM CAP MONUMENT
- FOUND 5/8" REBAR
- SET 5/8" REBAR, PLS 13765
- CALCULATED POINT
- PLS NUMBER ON FOUND MONUMENT



DETAIL A
SCALE 1" = 40'

CERTIFICATE OF SURVEYOR

I, ROB O'MALLEY DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, AND THAT THIS MAP REPRESENTS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND COMPLIES WITH ACCEPTED STANDARDS OF SURVEYING. I FURTHER CERTIFY THAT I HAVE COMPLIED WITH TITLE 55, CHAPTER 16, IDAHO CODE



ROB O'MALLEY
IDAHO NO. 13765

Draft Print
06/19/2025 2:48:57 PM

SURVEY INDEX NO. 1/4 S2 0E 00

ARDURRA
332 N. BROADMORE WAY
NAMPA, IDAHO 83687
208-442-6300 | WWW.ARDURRA.COM

SHEET NO. 1 OF 1

Exhibit B6

Exhibit B7

NEIGHBORHOOD MEETING INSTRUCTIONS

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, #310, Caldwell, ID 83605
zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633

CANYON COUNTY ZONING ORDINANCE §07-01-15

Before submitting an application for a public hearing, these steps must be completed:

(1) Applicants shall conduct a neighborhood meeting for any proposed variance, conditional use, zoning ordinance map amendment, expansion, or extension of nonconforming uses requiring a public hearing.

(2) It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within six hundred (600) feet of the exterior boundary of the property subject to the application. Notice of a neighborhood meeting shall be in addition to, and not combined with, notices already required by this chapter, and shall include the date, time, location and purpose of the meeting.

(3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.

A. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday.

B. The meeting shall be held at one of the following locations:

1. On the property subject to the application;

2. At a nearby available public meeting place including, but not limited to, a fire station, library, school, or community center; or

3. At a location with suitable meeting facilities if such facilities are within a one (1) mile radius of the nearest public meeting place.

(4) The neighborhood meeting shall be conducted prior to acceptance of the application by Development Services. The neighborhood meeting shall not be conducted earlier than six (6) months prior to the acceptance of the application, and shall be held no sooner than ten (10) calendar days from the mailing of the notice of the neighborhood meeting.

(5) Each application for a public hearing shall include a form acceptable to the director, which requires the applicant to provide the starting and ending times of the neighborhood meeting and an attendance list, with names and addresses of those who attended the neighborhood meeting. (Ord.10-006, 8-16-2010)

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

Date

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit (*or variance, zoning ordinance map amendment, expansion or extension of nonconforming uses, etc.)* to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is **not** a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit (or other case type) is applied.

The Neighborhood Meeting details are as follows:

Date:
Time:
Location:
Property description:

The project is summarized below:

Site Location:
Proposed access:
Total acreage:
Proposed lots:

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have.

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

If you have any questions prior to the meeting, please contact me at (phone, email, written correspondence).

Sincerely,

PARCEL_NO	OwnerName	Address	City	State	ZipCode	x	y
R28636	NORTH CINDER CONE BUTTE FARM	5001 FIFESHIRE PLACE N	BOISE	ID	83713		
R28637	MC DONOUGH MARK A	PO BOX 639	BOISE	ID	83701		
R28644	JR SIMPLOT COMPANY	PO BOX 27	BOISE	ID	83707		
R28645	MC DONOUGH MARK A	PO BOX 639	BOISE	ID	83701		
R28633	JR SIMPLOT COMPANY	PO BOX 27	BOISE	ID	83707		
R28634	NAMPA HIGHWAY DISTRICT NO 1	4507 12TH AVE RD	NAMPA	ID	83686		
R28634010	MC DONOUGH MARK A	PO BOX 639	BOISE	ID	83701		
R28635	JR SIMPLOT COMPANY	PO BOX 27	BOISE	ID	83707		
R28638	MC DONOUGH MARK A	PO BOX 639	BOISE	ID	83701		
R28646	NAMPA HIGHWAY DISTRICT NO 1	4507 12TH AVE RD	NAMPA	ID	83686		
R28210	MC DONOUGH MARK A	PO BOX 639	BOISE	ID	83701		

WHITE CLOUD
COMMUNICATIONS, INC.

Notice of a Neighborhood Meeting

Pre-application requirement for a Public Hearing

May 2nd, 2024

To:

Nampa Highway District No 1 4507 12th Ave RD Nampa ID 83686

Dear Neighbor,

We are in the process of presenting an application to Canyon County Development Services for a Conditional Use Permit for a Broadband Communications Tower. The purpose of this tower is to serve internet connectivity to unserved and underserved residents of Canyon and Owyhee Counties. One of the requirements necessary, prior to submission, is to hold a "Neighborhood Meeting" and provide information to our surrounding neighbors about our application. 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 counting Planning and Zoning land use hearing for our application.

The neighborhood meeting details are as follows:

Date: May 29, 2025

Time: 11:00 am

Location: The location is on the Nampa Highway District parcel adjacent to you. Access to the parcel is approximately one mile south of the intersection of Hwy 45 and Melba Rd. There is no associated address with the meeting location. Please contact myself, Andy Kittel, and I will explain how to get to the meeting location. The meeting will be held on the site where the tower will be built.

Property description: The land is currently vacant unused land south of where the Nampa Highway District has their gravel pit on their property.

Site Location: Parcel RP2863400000

Proposed access: Access will be through the road the Nampa Highway District currently uses on their property.

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, #310, Caldwell, ID 83605
zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633

NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

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

SITE INFORMATION

Site Address: 0 Melba Road		Parcel Number: R28634	
City: Melba, ID		State: IDAHO	ZIP Code:
Notices Mailed Date: May 2nd, 2025		Number of Acres: 71 ac.	Current Zoning: AG
Description of the Request: Notice of Neighborhood Meeting			

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Andrew P. Kittel			
Company Name: White Cloud Communications Inc			
Current address: 663 Main Ave East			
City: Twin Falls		State: ID	ZIP Code: 83301
Phone: 208-733-5470		Cell: 208-539-8522	Fax: 208-735-1778
Email: andy@whitecloudcom.com			

MEETING INFORMATION

DATE OF MEETING: May 29, 2025	MEETING LOCATION: ON-Site: one mile south of Hwy 45 & Melba Rd.
MEETING START TIME: 11:00 am	MEETING END TIME: ~~11:00 am~~ 11:45 am
ATTENDEES: NO ATTENDEES participated / Received 2 phone calls prior	

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. NO one showed up during the time set.		
2.		
3.		
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):

Andrew P. Kittel

APPLICANT/REPRESENTATIVE (Signature): Andrew P. Kittel

DATE: _____/ _____/ _____

AGENCY ACKNOWLEDGMENT

Date:
Applicant: White Cloud Communications
Parcel Number: R28634
Site Address: 0 Melba Road; Melba, ID

USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

Southwest District Health:
☒ Applicant submitted/met for official review.

Date: 08/01/2025 Signed: Anthony Lee
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District: – not in a Fire District District: _____
☐ Applicant submitted/met for official review.

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

Highway District: District: Nampa Hwy Dist No. 1
☒ Applicant submitted/met for official review.

Date: 7-29-2025 Signed: _____
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District: – not in an irrigation District District: _____
☐ Applicant submitted/met for official review.

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

Area of City Impact: – not in an area of Impact City: _____
☐ Applicant submitted/met for official review.

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

Received by Canyon County Development Services:

Date: _____ Signed: _____
Canyon County Development Services Staff

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

AGENCY LOCATION AND CONTACT		
Southwest District Health		
Address		Phone Number
13307 Miami Lane, Caldwell		(208) 455-5400
Highway Districts		
Agency	Address	Phone Number
Canyon	15435 ID-44, Caldwell	(208) 454-8135
Golden Gate	500 Golden Gate Ave. E, Wilder	(208) 482-6267
Nampa	4507 12th Ave Road, Nampa	(208) 467-6576
Notus-Parma	106 S. 4th Str., Parma	(208) 722-5343
Idaho Transportation Department		
Address		Phone Number
11331 W. Chinden Blvd., Boise		(208) 334-8300
Fire Districts		
Agency	Address	Phone Number
Caldwell Rural	310 S. Seventh Ave., Caldwell	(208) 896-4511
Homedale Rural	120 S. Main St., Homedale	(208 337-3450
Kuna Rural	150 W. Boise St., Kuna	(208) 922-1144
Marsing Rural	303 Main St., Marsing	(208) 896-4796
Melba Rural	408 Carrie Rex, Melba	(208) 495-2351
Middleton Rural	302 E. Star Blvd., Middleton	(208) 585-6650
Nampa Rural	820 Second Str. South, Nampa	(208) 468-5770
Parma Rural	29200 HWY 95, Parma	(208) 722-6753
Star Rural	11665 State Str., Suite B, Star	(208) 286-7772
Upper Deer Flat Rural	9500 Missouri Ave., Nampa	(208) 466-3589
Wilder Rural	601 Patriot Way, Wilder	(208) 482-7563
Irrigation Districts		
Agency	Address	Phone Number
Famer Cooperative Ditch Co/Si	PO Box 69, Parma	(208) 722-2010
Farmers Union Ditch Co	PO Box 1474, Eagle	(208) 870-7919
Black Canyon	474 Elgin Ave., Notus	(208) 459-4141
Boise-Kuna	129 N. School Ave., Kuna	(208) 922-5608
Boise project Board of Control	2465 Overland Road, Boise	(208) 344-1141
Eureka	21766 Howe Road, Caldwell	(208) 250-8000
Franklin Ditch Co	3401 W. Pine Ave., Meridian	(208) 466-3819
Middleton Mill Ditch Co	PO Box 848, Middleton	(208) 585-3207
Nampa-Meridian	1503 1st Str. South, Nampa	(208) 466-7861
New York	6616 W. Overland Road, Boise	(208) 378-1023
Pioneer	3804 S. Lake Ave., Caldwell	(208) 459-3617
Pioneer-Dixie	19724 Dixie River Road, Caldwell	(208) 454-1559
Riverside	PO Box 180, Greenleaf	(208) 722-2010
Settlers	PO Box 7571, Boise	(208) 343-5271
Siebenberg Cooperative Ditch Co	PO Box 642, Parma	kchamberlain.fcdc@gmail.com
Wilder	709 Cleveland Blvd., Caldwell	(208) 459-3421
Mason Creek Ditch Co	1905 Mason Rd., Caldwell	johnmcavoy48@yahoo.com
Poor Boy Ditch Co	PO Box 395, Greenleaf	(208) 407-7681 (F) 498-9690
Canyon County Water Co./Flake Ditch	PO Box 11/PO Box 6, Star	(208) 455-1735
City Impact Area		
Agency	Address	Phone Number
Caldwell	621 Cleveland Blvd., Caldwell	(208) 455-3000
Nampa	500 12th Ave. S., Nampa	(208) 468-4430
Middleton	1103 W. Main St., Middleton	(208) 585-3133
Parma	305 N. 3rd St., Parma	(208) 722-5138
Melba	401 Carrie Rex Ave., Melba	(208) 495-2722
Greenleaf	20523 Whittier Dr., Greenleaf	(208) 454-0552
Notus	375 Notus Road, Notus	(208) 459-6212
Homedale	31 W. Wyoming Ave., Homedale	(208) 337-4641
Star	10769 W. State St., Star	(208) 286-7247
Wilder	107 4th St., Wilder	(208) 482-6204

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

Canyon County Development Services
111 North 11th Avenue, #310
Caldwell, Idaho 83605
www.canyoncounty.id.gov
208-402-4164

AFFIDAVIT OF LEGAL INTEREST

I, Dick Smith, on behalf of Nampa Highway District (name), 4507 12th Ave. Rd. (address)

Nampa (city), Idaho (state), 83686 (zip code)

being first duly sworn upon oath, depose and say:

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

White Cloud Communications Inc. (name), 663 Main Ave. East, Twin Falls, ID 83303 (address)

to submit the accompanying application pertaining to the subject property.

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

Dated this 8th day of May, 20 25.

(signature)

STATE OF IDAHO)
ss
COUNTY OF CANYON)

On this 8th day of May, in the year 2025, before me Paige Rhoades, a notary public, personally appeared Dick Smith, 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: 03/01/2030

PAIGE RHOADES
COMMISSION # 59237
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 03/01/2030

INSTRUMENT # 851451

WARRANTY DEED

THIS INDENTURE made this 12th day of April, 1978, by and between TINA McDONOUGH PETERSON and MARK A. McDONOUGH, the "Grantors", and NAMPA HIGHWAY DISTRICT NO. 1, a political subdivision, the "Grantee";

WITNESSETH, that the Grantors, for valuable consideration, have granted, bargained, and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said Grantee the following described real property, situate in Canyon County, Idaho, to-wit:

All that portion of the South Half Northeast Quarter and of the Southeast Quarter of Section 32, Township 1 North, Range 2 West of the Boise Meridian, lying North and West of a concrete canal known as Kondo Ditch, comprising approximately 70 acres.

TOGETHER with all and singular the buildings and improvements located thereon and the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, rents, issues and profits thereof.

TO HAVE AND TO HOLD said premises unto the Grantee and its heirs, executors, administrators, personal representatives, successors and assigns forever.

The Grantors covenant that the Grantee shall enjoy the quiet and peaceful possession of said premises; that the Grantors are lawfully seized of said premises; and the Grantors warrant that the title to said premises is merchantable and free from any liens and encumbrances, excepting those to which this conveyance is expressly made subject, and those made, suffered, or done by the Grantee.

The current address of the Grantee is:

IN WITNESS WHEREOF, this Warranty Deed has been duly executed by the Grantors the day and year first above written.

Tina McDonough Peterson
Tina McDonough Peterson

By Rex S. Jensen
Rex S. Jensen, her
Attorney in Fact

Mark A. McDonough

Mark A. McDonough

By Rex S. Jensen
Rex S. Jensen, his
Attorney in Fact

STATE OF IDAHO)
) ss.
County of)

On this 12th day of April, 1978, before me, a Notary Public in and for the State of Idaho, personally appeared REX S. JENSEN, known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of TINA McDONOUGH PETERSON and MARK A. McDONOUGH, and acknowledged to me that he subscribed the names of TINA McDONOUGH PETERSON and MARK A. McDONOUGH thereto as principals, and his own name as attorney in fact.

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:

851451

FILED

JUN 12 9 30 AM '79

BILL A. STAKER
CANYON CNTY. RECORDER

By

Deputy

Fee 2.00

GRANTOR:
Petersen, Tina McDonough

GRANTEE:
Nampa Highway Dist
No 1

RETURN TO:
Deed
Received: Box 21
Nampa, Ida 83651

Arbay Mberwa

Exhibit B8

From: Andy Kittel <andy@whitecloudcom.com>
Sent: Tuesday, October 28, 2025 10:48 AM
To: Arbay Mberwa
Cc: Sean Ciocca
Subject: [External] Re: CU2025-0017

A follow up to your construction time: once CUP and permitting has been approved we will start as weather permits. Our team is ready to proceed.
The amount of construction trips per day will depend on the task at hand; we cannot provide an accurate average as you request. I anticipate a range of 4 to 20 visit per day over the construction period of 1-4 months. The pouring of concrete will be the busiest of traffic for one day at twenty and dropping to 4 - 8.
After construction complete the range of daily use will be zero to 2 depending on need for service and maintenance.

I hope this answers your question?

Respectfully,
Andy
Sent from my iPhone

On Oct 28, 2025, at 8:55 AM, Arbay Mberwa wrote:

You don't often get email from arbay.mberwa@canyoncounty.id.gov. Learn why this is important

Good Morning,
Nampa Highway district provided comments on the conditional use permit (I forwarded that over to you). According to Nampa Highway District the easement was in place from when the Kondo Brothers owned the property, dating back to 1965.
Southwest District Health provided comments and this was forwarded as well. As Agency comments come in I will send them your way to review and/or address.
Per Canyon County Code of Ordinance (CCCO) there is a 100-foot height allowance for a telecommunication facility unless waived by the Federal Aviation Administration.
Is there an estimate on construction time and the anticipated/average daily trips the construction may generate?
Just as a heads up, I am planning a site visit on Nov. 26, 2025, if weather permits.
Please reach out and let me know if you have questions,

Arbay Mberwa
Associate Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6039
Email: Arbay.Mberwa@canyoncounty.id.gov
Website: www.canyoncounty.id.gov
Public office hours:
Monday, Tuesday, Thursday and Friday
8am – 5pm
Wednesday: 1pm – 5pm

EXHIBIT C

Supplemental Documents

Planning & Zoning Commission

Case# CU2025-0017

Hearing date: January 15, 2026

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

Exhibit C1

R28634 PARCEL INFORMATION REPORT

12/29/2025 9:47:52 AM

PARCEL NUMBER:	R28634
OWNER NAME:	NAMPA HIGHWAY DISTRICT NO 1
CO-OWNER:	
MAILING ADDRESS:	4507 12TH AVE RD NAMPA ID 83686
SITE ADDRESS:	0 MELBA RD
TAX CODE:	0420000
TWP:	1N **RNG:** 2W **SEC:** 32 **QUARTER:** NE
ACRES:	61.91
HOME OWNERS EXEMPTION:	No
AG-EXEMPT:	No
DRAIN DISTRICT:	NOT In Drain Dist
ZONING DESCRIPTION:	AG / AGRICULTURE
HIGHWAY DISTRICT:	NAMPA HWY DIST #1
FIRE DISTRICT:	NOT In FireDist
SCHOOL DISTRICT:	MELBA SCHOOL DIST #136
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:	NOT In IRRIG_DIST
FEMA FLOOD ZONE:	X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0500F
WETLAND:	Riverine / Riverine
NITRATE PRIORITY:	ADA CANYON
FUNCTIONAL Classification:	NOT In COLLECTOR
INSTRUMENT NO. :	851451
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	32-1N-2W NE THAT PART OF SE1/4 & OF S1/2 NE1/4 LYING N & W OF KONDO DITCH
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.

Idaho Statutes

Exhibit C2

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6540. SITING OF TELECOMMUNICATIONS FACILITIES AND BROADBAND INFRASTRUCTURE. (1) A city, county, or highway district shall approve, approve with modification, or deny a siting application for a telecommunications or cable service facility, for telecommunications or cable equipment, or for broadband infrastructure within a reasonable period of time as defined in subsection (7)(b) of this section.

(2) If the city, county, or highway district fails to approve, approve with modification, or deny the application within a reasonable period of time as defined in subsection (7)(b) of this section:

(a) For a siting application that requires a special use permit as provided for in section 67-6512, Idaho Code, or a variance as provided for in section 67-6516, Idaho Code, the governing board shall, within thirty (30) days, hold a public hearing to approve, approve with modification, or deny the application; and

(b) For a siting application that complies with the jurisdiction's applicable zoning ordinances and does not require a special use permit as provided for in section 67-6512, Idaho Code, or a variance as provided for in section 67-6516, Idaho Code, the application shall be deemed approved.

(3) If an application is incomplete, the city, county, or highway district shall notify the applicant in writing within twenty-one (21) business days of submittal of the application. The notice shall inform the applicant of the specific requirements necessary to complete the application. The provisions under subsection (2) of this section shall apply only if the applicant satisfies the specific requirements of the notice and submits a complete application within five (5) business days of receipt of the notice. The tolling period for an application pursuant to this subsection shall be from the day after the date when the siting authority notifies the applicant the application is incomplete pursuant to this subsection until the date when the applicant submits all the documents and information identified to render the application complete.

(4) The reasonable period of time pursuant to subsection (7)(b) of this section may be extended by mutual agreement between the applicant and the city, county, or highway district.

(5) The automatic approval provisions of subsection (2) of this section shall only apply if:

(a) The applicant provided all public notices required under applicable law; and

(b) The applicant provided notice to the city, county, or highway district that the reasonable period of time expired and that the application is deemed approved pursuant to this section.

(6) Within thirty (30) days of the notice provided pursuant to subsection (5)(b) of this section, the city, county, or highway district may seek judicial review regarding the application pursuant to the provisions of this section.

(7) As used in this section, the following terms have the following meanings:

(a) "Broadband infrastructure" has the same meaning as that term is defined in section 40-517, Idaho Code.

(b) "Reasonable period of time" for an application means:

(i) For broadband infrastructure permits, sixty (60) days;

(ii) To collocate a small wireless facility on existing equipment, sixty (60) days;

(iii) To deploy a small wireless facility on new equipment, ninety (90) days;

(iv) To collocate a facility other than a small wireless facility on existing equipment, ninety (90) days; and

(v) To deploy a facility other than a small wireless facility on new equipment, one hundred fifty (150) days.

(8) This section shall not apply to any request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station and that involves:

(a) Collocation of new transmission equipment;

(b) Removal of transmission equipment; or

(c) Replacement of transmission equipment.

(9) Except as provided in subsection (1) of this section, nothing in this section limits or affects the authority of a city, county, or highway district over decisions regarding the placement, construction, and modification of a wireless telecommunications facility.

History:

[67-6540, added 2025, ch. 325, sec. 2, p. 1342.]

How current is this law?

FOR INTERNAL USE ONLY
NOT FOR DISTRIBUTION TO THE PUBLIC

Exhibit C3

PARCEL INFORMATION TOOL

VERSION 8.0 8/ 8/4/2014

R12345

ENTER PARCEL NUMBER: r28634010

OWNERS NAME:	MC DONOUGH MARK A		
CO-OWNERS NAME:	MC DONOUGH ROXY E		
MAILING ADDRESS:	PO BOX 74		
	MELBA	ID	83641
SITE ADDRESS:	0 HWY 45 ME 83641		
TAXCODE:	1630000		
LOCATION: TOWNSHIP:	1N		
RANGE:	2W		
SECTION:	32		
QUARTER:	NE		
ACRES:	179.28		
DRAIN DISTRICT	NO		
ZONING DESCRIPTION:	AG	AGRICULTURAL	
HIGHWAY DISTRICT:	690 NAMPA HWY DIST #1		
FIRE DEPT:	713 MELBA FIRE		
SCHOOL DISTRICT:		767 MELBA SCHOOL DIST #136	
IMPACT AREA:	NO		
FUTURE LAND USE ZONING:	AG		
IRRIGATION DISTRICT:	NONE		
FEMA FLOOD ZONE:	X		
INSIDE FLOODWAY:	NO		
FIRM PANEL NUMBER:	16027C0575F		
WETLAND:	NO		
NITRATE PRIORITY:	ADA CANYON		
PRINCIPAL ARTERIAL:	NO		
COLLECTOR:	NO		
INSTRUMENT NO. :	0		
SCENIC BYWAY:	NO		
LEGAL DESCRIPTION:	32-1N-2W NE	THAT PART OF SE1/4 & OF S1/2 NE1/4 LYING S & E OF KONDO DITCH	
PLATTED SUBDIVISION:	0		
SECTION LINE:	70 FT		

BP? split? split from original in 1981

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.

FOR INTERNAL USE ONLY
NOT FOR DISTRIBUTION TO THE PUBLIC

PARCEL INFORMATION TOOL

VERSION 8.0 8/ 8/4/2014

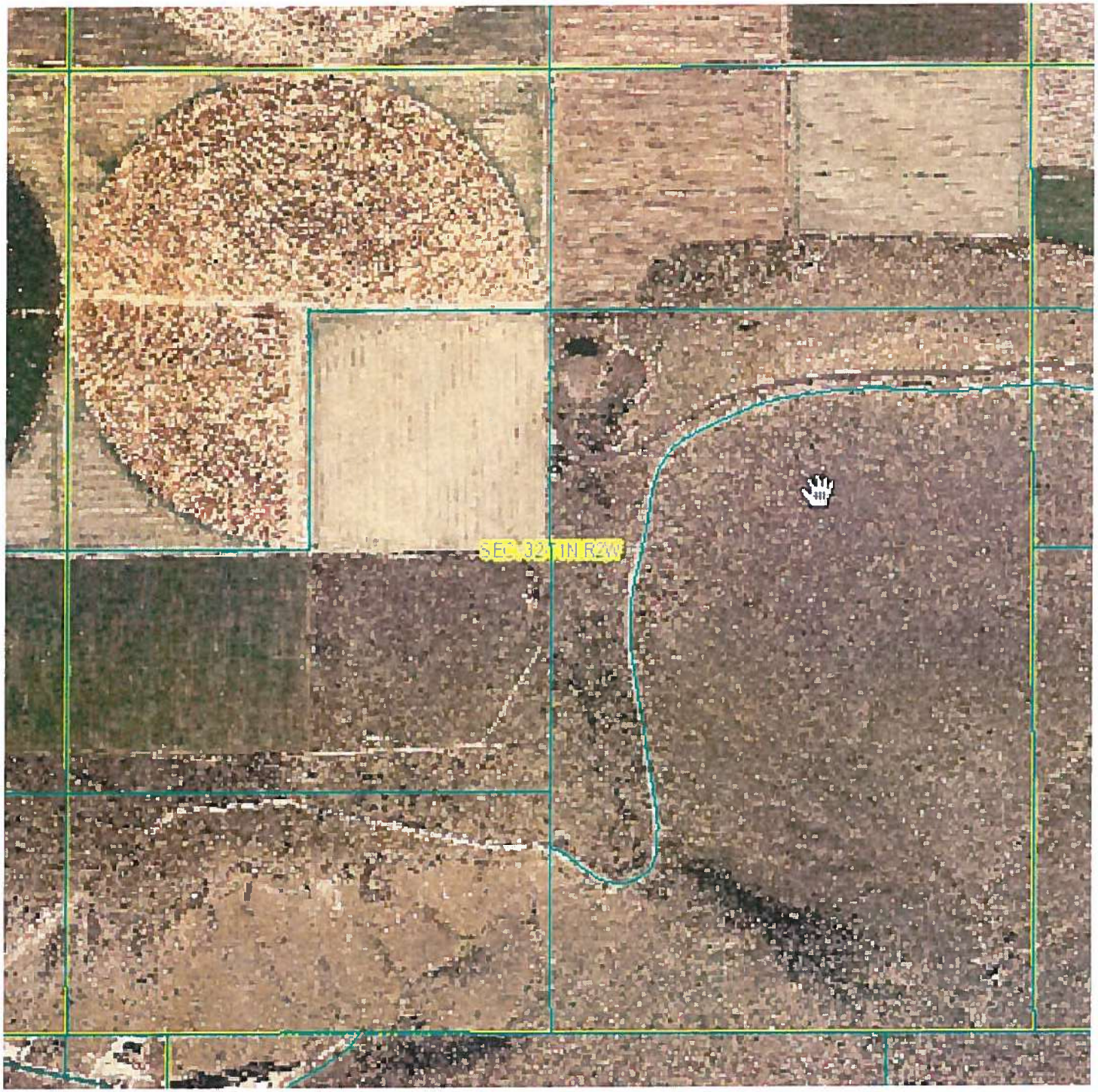
ENTER PARCEL NUMBER: R12345 r28634

OWNERS NAME:	NAMPA HWY DIST #1
CO-OWNERS NAME:	0
MAILING ADDRESS:	4507 12TH AVE
	NAMPA ID 83686
SITE ADDRESS:	0 MELBA RD ME 83641
TAXCODE:	0420000
LOCATION: TOWNSHIP:	1N
RANGE:	2W
SECTION:	32
QUARTER:	NE
ACRES:	61.66
DRAIN DISTRICT	NO
ZONING DESCRIPTION:	AG AGRICULTURAL
HIGHWAY DISTRICT:	690 NAMPA HWY DIST #1
FIRE DEPT:	NONE
SCHOOL DISTRICT:	767 MELBA SCHOOL DIST #136
IMPACT AREA:	NO
FUTURE LAND USE ZONING:	AG
IRRIGATION DISTRICT:	NONE
FEMA FLOOD ZONE:	X
INSIDE FLOODWAY:	NO
FIRM PANEL NUMBER:	16027C0575F
WETLAND:	NO
NITRATE PRIORITY:	ADA CANYON
PRINCIPAL ARTERIAL:	NO
COLLECTOR:	NO
INSTRUMENT NO. :	851451
SCENIC BYWAY:	NO
LEGAL DESCRIPTION:	32-1N-2W NE THAT PART OF SE1/4 & OF S1/2 NE1/4 LYING N & W OF KONDO DITCH
PLATTED SUBDIVISION:	0
SECTION LINE:	70 FT

split from original in 1981

DISCLAIMER:

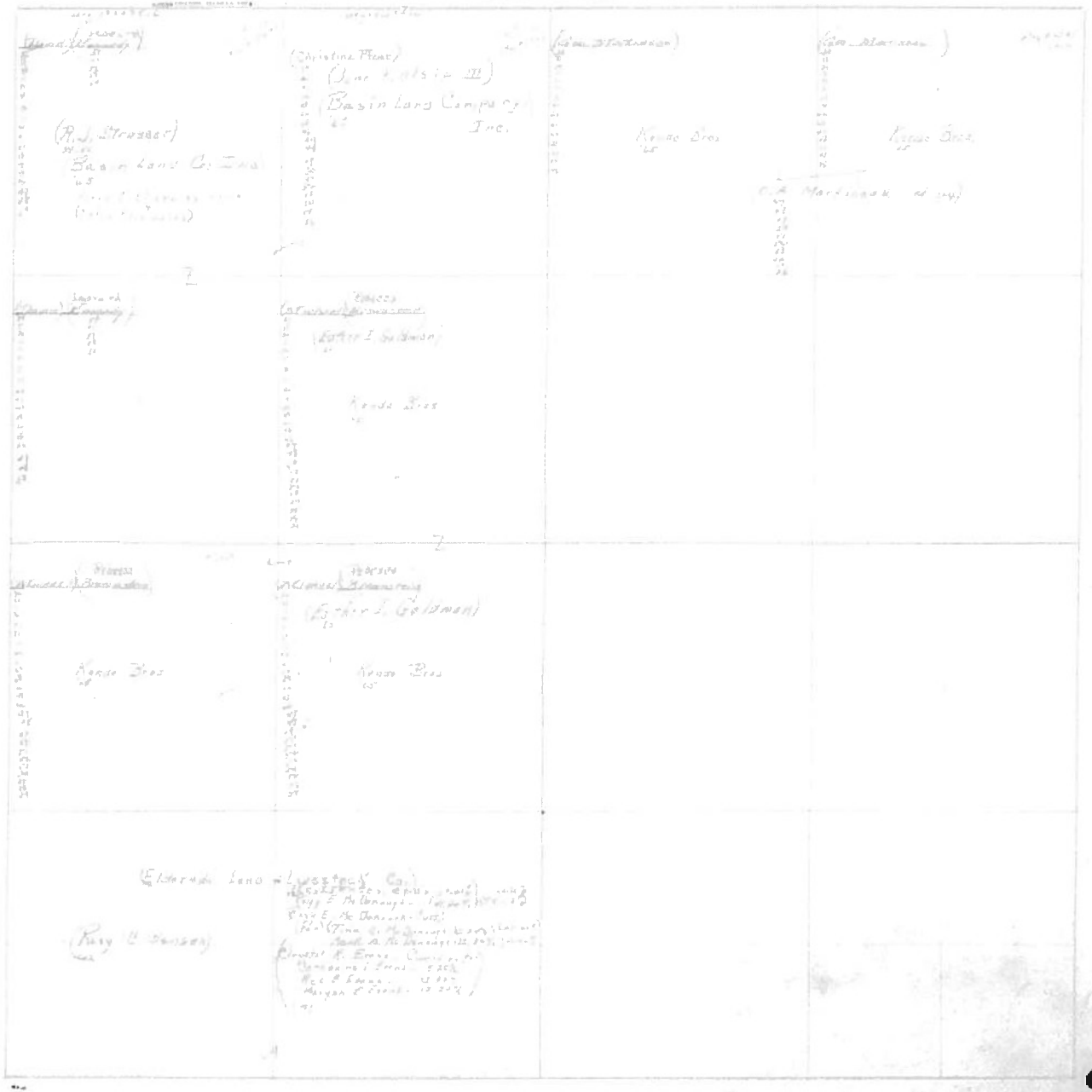
1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM **DOES NOT** CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF **"ANY"** PORTION OF SAID PARCEL CONTAINS A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


SEC 32 1N R2W

SECTION 32 TOWNSHIP 1 N RANGE 2 W

SCHOOL 28 136 ROAD NAMPA HIGHWAY

SCALE, 400 FEET ONE INCH



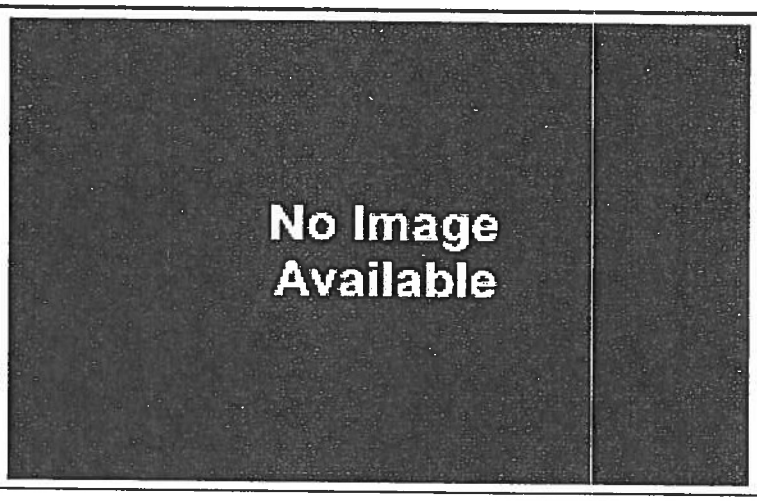
03211

03208

03210

03209

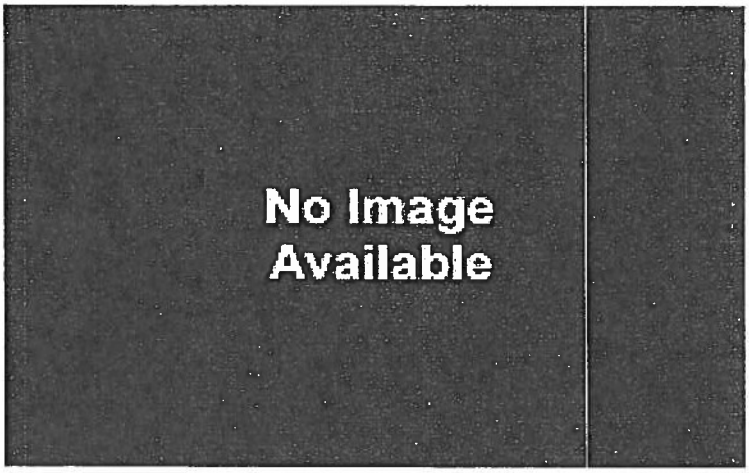
CANYON COUNTY PROPERTY REPORT



PARCEL NUMBER:	R2862200000
INSTRUMENT NUMBER:	9604930
TRANSFER DATE:	
PRIMARY OWNER:	MC DONOUGH MARK A
SECONDARY OWNER:	MC DONOUGH ROXY E
OWNER ADDRESS:	PO BOX 74 MELBA, ID 83641
SITE ADDRESS:	0 HWY 45 MELBA, ID 83641
OWNER OCCUPIED:	N
LEGAL DESCRIPTION:	29-1N-2W NE S 1/2 NE 1/4
PROPERTY CLASS:	
SCHOOL DISTRICT:	767 MELBA SCHOOL DIST #136
ZONING:	
TOTAL ASSESSED VALUE:	4030
IMPROVEMENTS VALUE:	0
LAND VALUE:	4030
HOME OWNER'S EXEMPTION:	0
TAX AREA:	1020000
2011 TAX LEVY:	0.014059801
ESTIMATED TAXES:	56.661
ACREAGE:	80.59
TWN-RNG-SEC:	1N2W29
SUBDIVISION:	
MLS AREA:	CANYON COUNTY: 1265
REPORT CREATED:	5/24/2012

Disclaimer: Users are to verify all information. Canyon County and SPS are not liable for any errors.

CANYON COUNTY PROPERTY REPORT



PARCEL NUMBER:	R2820800000
INSTRUMENT NUMBER:	9604930
TRANSFER DATE:	
PRIMARY OWNER:	MC DONOUGH MARK A
SECONDARY OWNER:	
OWNER ADDRESS:	PO BOX 74 MELBA, ID 83641
SITE ADDRESS:	0 HWY 45 MELBA, ID 83641
OWNER OCCUPIED:	N
LEGAL DESCRIPTION:	05-1S-2W NE LOT 1
PROPERTY CLASS:	
SCHOOL DISTRICT:	767 MELBA SCHOOL DIST #136
ZONING:	
TOTAL ASSESSED VALUE:	1600
IMPROVEMENTS VALUE:	0
LAND VALUE:	1600
HOME OWNER'S EXEMPTION:	0
TAX AREA:	1760000
2011 TAX LEVY:	0.01415818
ESTIMATED TAXES:	22.6531
ACREAGE:	32.08
TWN-RNG-SEC:	1S2W05
SUBDIVISION:	
MLS AREA:	CANYON COUNTY: 1265
REPORT CREATED:	5/24/2012

Disclaimer: Users are to verify all information. Canyon County and SPS are not liable for any errors.

INSTRUMENT NO. 96024930

DEED OF GIFT

THIS INDENTURE, Made the 14th Day of November, 1995, between R. ELIZABETH McDONOUGH, of the County of King, State of Washington, the party of the first part, and MARK A. McDONOUGH, whose address is 6638 57th Ave., N.E., Seattle, Washington, 98115, the party of the second part;

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the love, affection and parental duty which the party of the first part has and bears unto the said party of the second part, and also for the better maintenance, support, protection and livelihood of the said party of the second part, does by these presents give, grant, alien, and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Canyon, State of Idaho, to-wit:

A 40% interest in and to the following described real property:

Boise Meridian, Idaho

T. 1 N., R. 2 W.,
Sec. 28, W1/2NE1/4, S1/2NW1/4;
Sec. 29, S1/2NE1/4.

T. 1 S., R. 2 W.,
Sec. 4, lot 2, SE1/4NW1/4;
Sec. 5, lot 1.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and the rents and profits thereof shall be applied to his sole and separate use.

To Have and To Hold all and singular the said premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever, as the separate property of the said second party and not in anywise community property.

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 391; 43 U.S.C. 945.

2. Reserving to the United States the right to itself, its permittees or licensees, to enter upon, occupy and use, any part or all of the SW¼NE¼, section 29, T. 1 N., R. 2 W., lying within 50 feet of the center line of the transmission line right-of-way of the Idaho Power Company under Power Projects 406 and 503, for the purposes set forth in and subject to the conditions and limitations of Sec. 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, (16 U.S.C. 818).

SUBJECT TO:

1. Those rights for highway purposes granted to the Idaho Department of Transportation, its successors or assigns, by right-of-way Blackfoot 053757, pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317) as to the W½SW¼, section 33, T. 1 N., R. 2 W., and lot 1, section 5, T. 1 S., R. 2 W.,

2. Those rights for [illegible] granted to Kond[illegible] by right-of-way [illegible] 3, 1891, as am[illegible] W½SE¼, section [illegible] ine and canal purposes [illegible]ccessors or assigns, [illegible] to the Act of March [illegible]949) as to the S½NE¼,

3. Those rights fo[illegible] poses granted to Idaho Power Company, i[illegible]r assigns, by right-of-way I-015225, pur[illegible] Act of March 4, 1911, as amended (43 U.S.C. 961) as to the S½NE¼, section 32, T. 1 N., R. 2 W.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.

R. Elizabeth McDonough

R. Elizabeth McDonough

STATE OF WASHINGTON)
: ss
County of King)

On this 14th day of November, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared R. ELIZABETH McDONOUGH, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

NOTARY PUBLIC STATE OF WASHINGTON MARY A. DEMPSEY 12-31-98

Mary A. Dempsey

Notary Public for Washington

MARY A. DEMPSEY

RECORDED
'96 FEB 13 PM 3 00
KING COUNTY RECORDER

REQUEST R. Elizabeth McDonough
TYPE Deed FEE 7.00

960213 30

(August 1-1943)

I-12236

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS

Tina M. Peterson and
Mark A. McDonough 50%

are entitled to a Land Patent pursuant to the Act of October 21, 1976, Sec. 206 (90 Stat. 2756; 43 U.S.C. 1716), for the following described lands:

Boise Meridian, Idaho

T. 1 N., R. 2 W.,
Sec. 28, W½NE¼, S½NW¼;
Sec. 29, S½NE¼;
Sec. 32, S½NE¼, SE¼;
Sec. 33, W½SW¼.

T. 1 S., R. 2 W.,
Sec. 4, lot 3, SE¼NW¼;
Sec. 5, lot 1.

containing 665.02 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the above named claimants the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimants, their successors and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 391; 43 U.S.C. 945.

2. Reserving to the United States the right to itself, its permittees or licensees, to enter upon, occupy and use any part or all of the SW¼NE¼, section 29, T. 1 N., R. 2 W., lying within 50 feet of the center line of the transmission line right-of-way of the Idaho Power Company under Power Projects 406 and 503, for the purposes set forth in and subject to the conditions and limitations of Sec. 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, (16 U.S.C. 818).

SUBJECT TO:

1. Those rights for highway purposes granted to the Idaho Department of Transportation, its successors or assigns, by right-of-way Blackfoot 053757, pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317) as to the W½SW¼, section 33, T. 1 N., R. 2 W., and lot 1, section 5, T. 1 S., R. 2 W.

Patent Number 11-78-0016

I-12236

2. Those rights for irrigation pipeline and canal purposes granted to Kondo Brothers, their successors or assigns, by right-of-way I-015161, pursuant to the Act of March 3, 1891, as amended (43 U.S.C. 946-949) as to the S½NE¼, W½SE¼, section 32, T. 1 N., R. 2 W.

3. Those rights for powerline purposes granted to Idaho Power Company, its successors or assigns, by right-of-way I-015225, pursuant to the Act of March 4, 1911, as amended (43 U.S.C. 961) as to the S½NE¼, section 32, T. 1 N., R. 2 W.

82377U

FILED

MAR 2 11 43 AM '78

CHRISTINE HARRIS, RECORDER
BY FRY DEPUTY

Order filed

BY ORDER OF

AT THE REQUEST OF

Hawley, Troxell
Ennis & Hawley

Patent

FEE $7.00

GRANTOR:

U.S.A.

GRANTEE

Peterson, Lima & Thy
et al.

Patent

RETURN TO

Returned
P.O. Box 1617
Boise, Id 83701

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in BOISE, IDAHO
the NINTH day of FEBRUARY in the year
of our Lord one thousand nine hundred and SEVENTY-EIGHT
and of the Independence of the United States the two hundred
and 2nd

[SEAL]

By [signature]
STATE DIRECTOR

Patent Number 11-78-0016

INSTRUMENT No. 835942

QUITCLAIM DEED

TINA M. PETERSON, residing at Seattle, King County, State of Washington, as Grantor, does hereby remise, release and forever quitclaim to ROXY E. McDONOUGH, of Seattle, Washington, as Grantee, all of her right, title and interest in and to the following parcel of land situated in the County of Canyon, State of Idaho, to-wit:

T. 1 N., R. 2 W., Boise Meridian, Idaho,
Sec. 28, W½NE¼, S½, NW¼;
Sec. 29, S½NE¼;
Sec. 32, S½NE¼, SE¼;
Sec. 33, W½SW¼

T. 1 S., R. 2 W., Boise Meridian, Idaho,
Sec. 4, Lot 3, SE¼NW¼;
Sec. 5, Lot 1

TOGETHER with all and singular the buildings, tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises unto the Grantee and her heirs and assigns forever.

The current address of the Grantee is 6638 57th Avenue N.E., Seattle, Washington.

IN WITNESS WHEREOF, this Quitclaim Deed has been duly executed by the Grantor this _____ day of _____, 1978.

_____
Tina M. Peterson

STATE OF WASHINGTON)
) ss.
County of King)

On this _____ day of _____, 1978, before me, a Notary Public in and for the State of Washington, personally appeared TINA M. PETERSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

_____
Notary Public for Washington
Residing at: _____

8359 42

FILED

JUL 6 1 08 PM '78

D. Chinn

RECORDED
AT THE REQUEST OF
Lawyers Title Ins. Co.
Escrow Department
Dec. 1978
Time 1:00 PM
Book
Page
Request of
Address
City

When recorded mail to:
Name
Address
City

QUITCLAIM DEED - P.2

INSTRUMENT NO. 200319126

QUITCLAIM DEED

FOR VALUE RECEIVED The Estate of ROXY EILZABETH McDONOUGH, deceased

do hereby convey, release, remise and forever quit claim

unto MARK A. McDONOUGH, a single man

whose address is Box 74, Melba, Idaho 83641

the following described premises, to–wit:

All of the Estates interest in that part of the West One-Half of the Southwest Quarter lying South and East of the Centerline of State Highway 45 in Section 33, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho and Government Lot 3, located in the Northwest Quarter, and all of the Southeast Quarter of the Northwest Quarter all in Section 4, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

together with their appurtenances.

Dated: April 1, 2003

The Estate of ROXY EILZABETH McDONOUGH, deceased

by Mark A. McDonough
Mark A. McDonough, Personal Representative

STATE OF IDAHO
COUNTY OF CANYON

On this 1st day of April, 2003, before me, a notary public, personally appeared Mark A. McDonough, known to me to be the person whose name is subscribed to the within instrument as Personal Representative of The Estate of Roxy Elizabeth McDonough and acknowledged to me that he has executed the same as such Personal Representative.

Notary Public
Residing at NAMPA
My commission expires:

DEAN SHAFER NOTARY PUBLIC STATE OF IDAHO

2003 APR 1 PM 4 18

CANYON CNTY RECORDER
G NOEL HALEY
BY

REQUEST PIONEER-NAMPA
TYPE Deed FEE 3.00

RECORDED

200319126

mark can clear up to 10% issue

Canyon County Commercial Listings Report

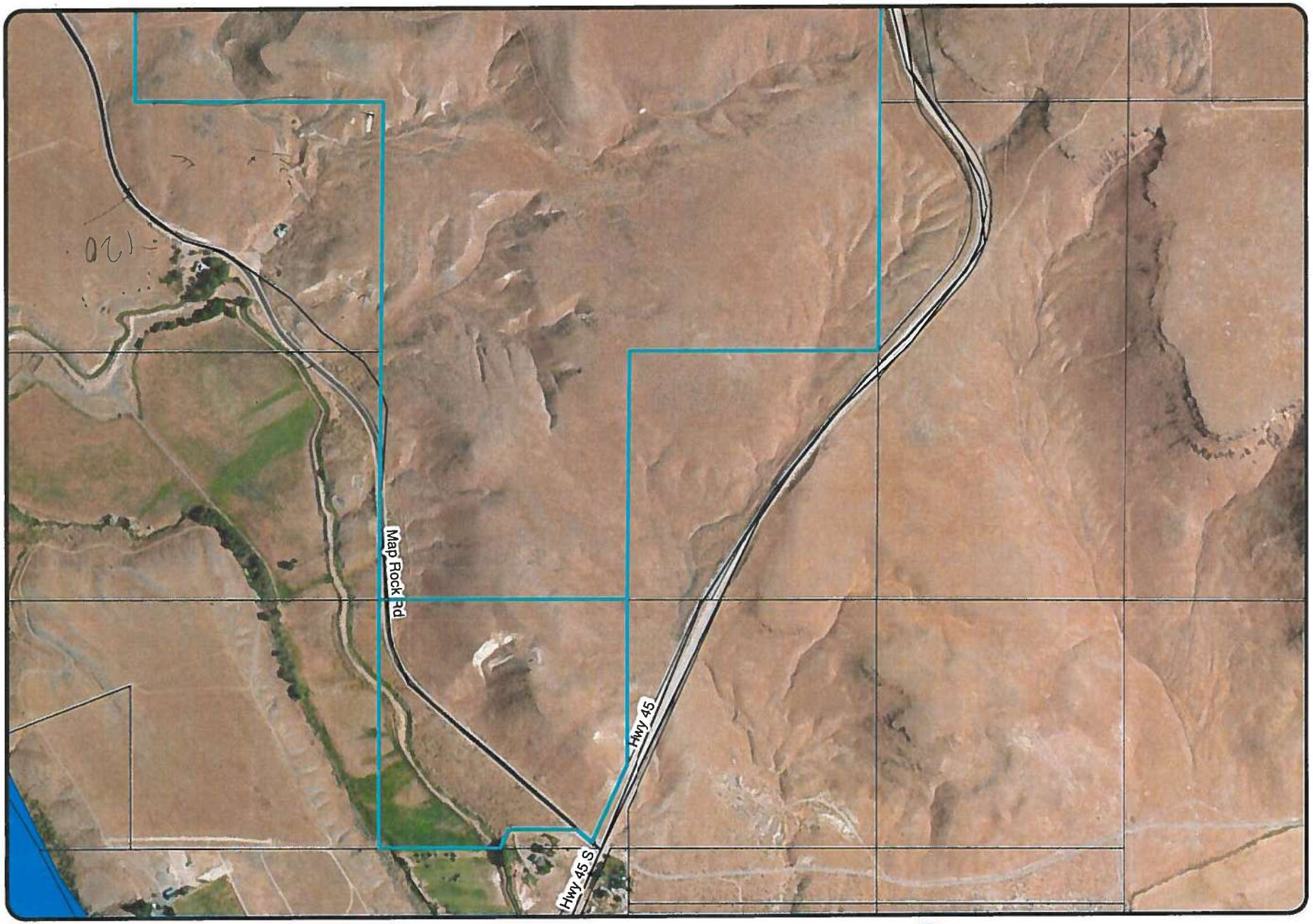
ID	Parcel	Owner	Owner Address	Site Address	Land Value	Est. Taxes	Assessed $	Acre	SqFt
1	R2820800000	MARK MC DONOUGH	PO BOX 74	0 HWY 45	$1,730.00	$0.00	$1,730.00	32.854	0
			MELBA, ID 83641	...					
2	R2862200000	MARK MC DONOUGH	PO BOX 74	0 HWY 45	$4,350.00	$47.95	$4,350.00	80.586	0
		MC DONOUGH ROXY E	MELBA, ID 83641	...					
3	R2861501000	MARK MC DONOUGH	PO BOX 74	0 HWY 45	$690.00	$7.61	$690.00	13.191	0
			MELBA, ID 83641	...					
4	R2861600000	MARK MC DONOUGH	PO BOX 74	0 HWY 45	$8,700.00	$95.90	$8,700.00	161.11	0
		MC DONOUGH ROXY E	MELBA, ID 83641	...					
5	R2863200000	MARK MC DONOUGH	PO BOX 74	0 MAP ROCK RD	$9,620.00	$0.00	$9,620.00	178.204	0
			MELBA, ID 83641	...					
6	R2863800000	MARK MC DONOUGH	PO BOX 74	0 HWY 45	$3,860.00	$0.00	$3,860.00	71.491	0
		MC DONOUGH ROXY E	MELBA, ID 83641	...					
7	R2863401000	MARK MC DONOUGH	PO BOX 74	0 HWY 45	$9,180.00	$0.00	$9,180.00	179.281	0
		MC DONOUGH ROXY E	MELBA, ID 83641	...					
8	R2863700000	MARK MC DONOUGH	PO BOX 74	0 MAP ROCK RD	$4,350.00	$0.00	$4,350.00	80.482	0
			MELBA, ID 83641	...					
9	R2864500000	ROXY MC DONOUGH	PO BOX 74	0 HWY 45	$1,180.00	$11.97	$1,180.00	21.828	0
			MELBA, ID 83641	...					
10	R2821700000	MARK MC DONOUGH	PO BOX 74	0 HWY 45	$4,230.00	$0.00	$4,230.00	37.876	0
			MELBA, ID 83641	...					
11	R2821000000	MARK MC DONOUGH	PO BOX 74	0 MAP ROCK RD	$17,630.00	$0.00	$17,630.00	326.575	0
			MELBA, ID 83641	...					



This Map and data displayed is a graphic representation derived from the Canyon County Geographic Information System (GIS) data. It was designed and intended for staff use only. It is not guaranteed survey accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to field verify this information. Canyon County and Single Point Solutions, llc are not liable for errors or omissions resulting from the use of this product for any purpose.

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PTC PioneerTitleCo.
GOING BEYOND



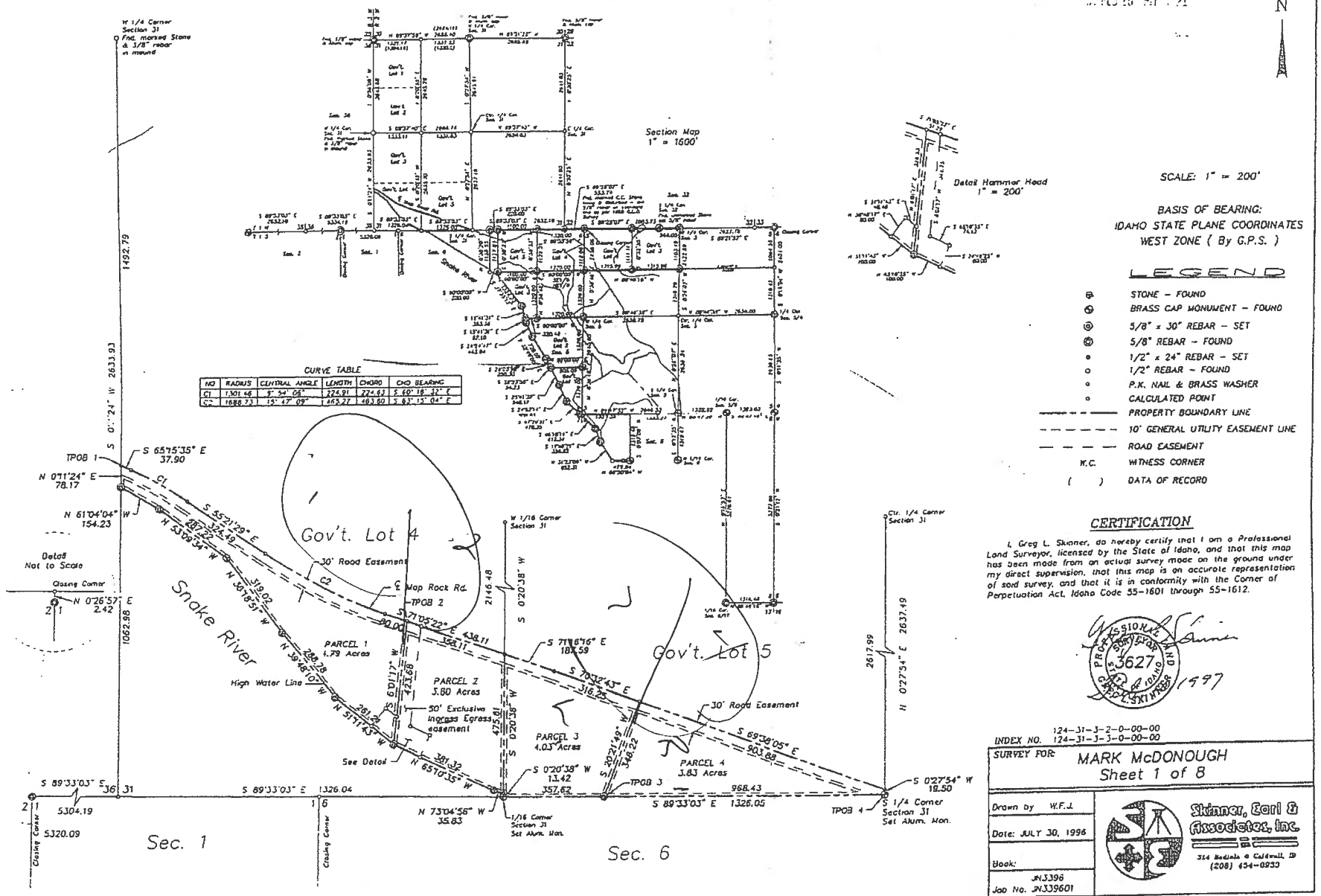
This Map and data displayed is a graphic representation derived from the Canyon County Geographic Information System (GIS) data. It was designed and intended for staff use only. It is not guaranteed survey accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to field verify this information. Canyon County and Single Point Solutions, llc are not liable for errors or omissions resulting from the use of this product for any purpose.

SPS Single Point Solutions
www.spsgis.com

PTC PioneerTitleCo.
GOING BEYOND

RECORD OF SURVEY

A PORTION OF THE SE1/4SW1/4 AND OF THE SW1/4SW1/4 OF SECTION 31
TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO



SCALE: 1" = 200'

BASIS OF BEARING:
IDAHO STATE PLANE COORDINATES
WEST ZONE (By G.P.S.)

LEGEND

- STONE – FOUND
- BRASS CAP MONUMENT – FOUND
- 5/8" x 30" REBAR – SET
- 5/8" REBAR – FOUND
- 1/2" x 24" REBAR – SET
- 1/2" REBAR – FOUND
- P.K. NAIL & BRASS WASHER
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- 10' GENERAL UTILITY EASEMENT LINE
- ROAD EASEMENT
- W.C. WITNESS CORNER
- ( ) DATA OF RECORD

CERTIFICATION

I, Greg L. Skinner, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been made from an actual survey made on the ground under my direct supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner of Perpetuation Act, Idaho Code 55-1601 through 55-1612.

PROFESSIONAL LAND SURVEYOR 3627 STATE OF IDAHO GREG L. SKINNER 1997

INDEX NO. 124-31-3-2-0-00-00
124-31-3-3-0-00-00

SURVEY FOR: MARK McDONOUGH
Sheet 1 of 8

Drawn by	W.F.J.
Date:	JULY 30, 1996
Book:	
Job No.	JN3398 JN339601

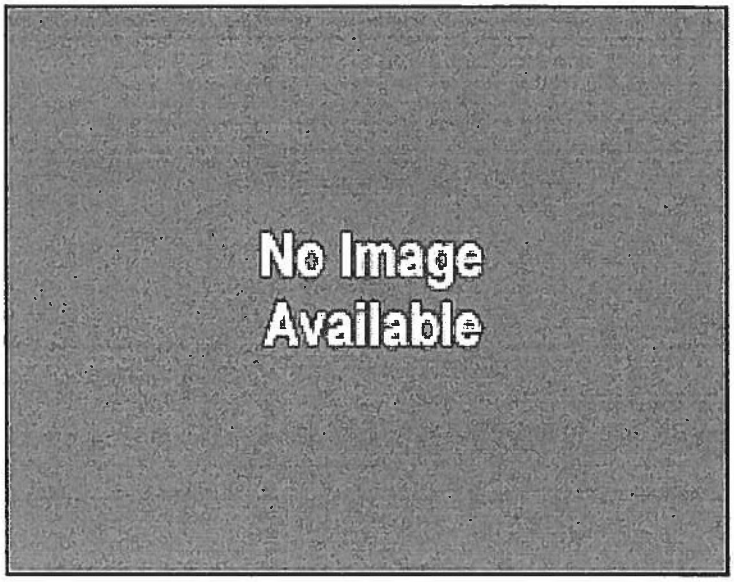
Skinner, Earl & Associates, Inc.
314 Bedlam • Caldwell, ID
(208) 454-0933

PioneerTitleCo.
GOING BEYOND

Canyon County Property Detail Report

General Information

Parcel #:	R2861600000
Instrument #:	9604930
Date Transferred:	
Primary Owner:	MARK MC DONOUGH
Secondary Owner:	MC DONOUGH ROXY E
Site Address:	0 HWY 45 MELBA, ID 83641
Mailing Address:	PO BOX 74 MELBA, ID 83641
Legal Description:	28-1N-2W NE W 1/2 NE 1/4,, S 1/2 NW 1/4
Subdivision/Tract:	
Zoning:	
Schools:	767 MELBA SCHOOL DIST #136
Description:	dry grazing
Acres:	161.11
MLS Area:	1265



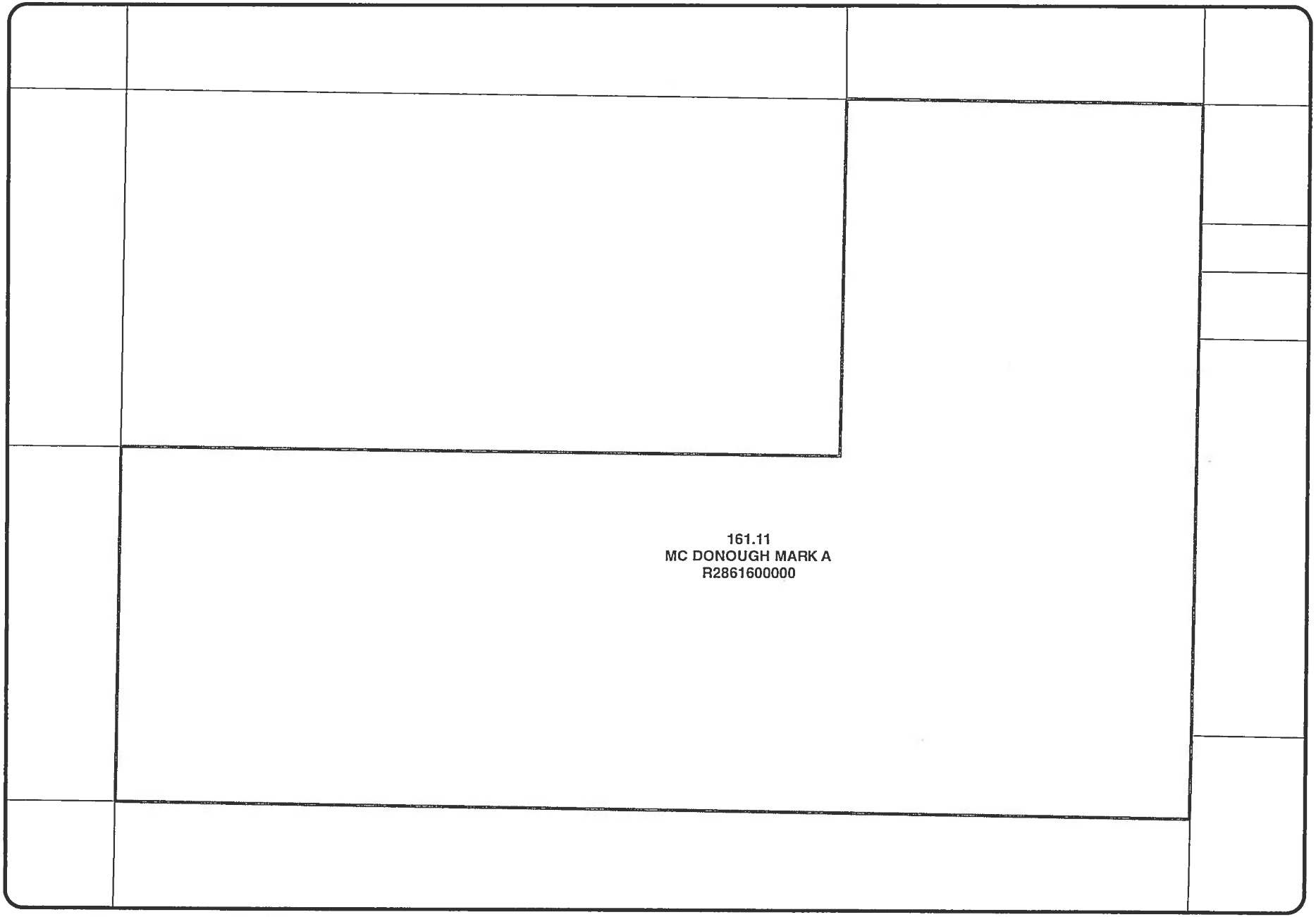
Financial Information

Tax Code Area:	1020000
Total Assessed Value:	$8,060.00
Home Owner's Exemption:	$0.00
Tax Year:	2012
Levy:	0.013469977
Estimated Taxes:	$108.57
Irrigation Value:	
Land Value:	$8,060.00
Improvement Value:	$0.00

** Tax information is provided courtesy of the Assessor's office and is for reference use only. We make no guarantee as the accuracy of the information and it is subject to change without notice. Please contact the Assessor's office with any questions regarding current or future tax estimates. Canyon County 454-7431.

Property Characteristics

Year Built:	0
Owner Occupied:	N
Quality Class:	
Building Condition:	
Building Traits:	
# Stories:	0
Stories Height:	0
Has Mobile Home:	
Footprint Area:	0
Garage Area:	0
# Garage Stalls:	0
Detatched Carport:	0
Detached Garage:	0
Framing:	
Roof Type:	
Exterior Type:	
Masonry Fireplace:	0
Metal Fireplace:	0
Pool Size:	0
Total SqFt:	0
# Bedrooms:	0
Bath 2 Fixtures:	0
Bath 3 Fixtures:	0
Bath 4 Fixtures:	0
Bath 5 Fixtures:	0
Total # Fixtures:	0
# Special Fixtures:	0
Floor 1 Area:	0
Floor 2 Area:	0
Upper Flr Area:	0
Attic Area:	0
Attic Finished:	0
Basement SqFt:	0
Basement Finished:	0
Lower Flr SqFt:	0
# Decks:	0
Deck SqFt:	0
# Porches:	0
Total Porch SqFt:	0



This Map and data displayed is a graphic representation derived from the Canyon County Geographic Information System (GIS) data. It was designed and intended for staff use only. It is not guaranteed survey accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to field verify this information. Canyon County and Single Point Solutions, llc are not liable for errors or omissions resulting from the use of this product for any purpose.

SPS Single Point Solutions
www.spsgis.com

PTC PioneerTitleCo.
GOING BEYOND

INSTRUMENT NO. 9604930

DEED OF GIFT

THIS INDENTURE, Made the 14th Day of November, 1995, between R. ELIZABETH McDONOUGH, of the County of King, State of Washington, the party of the first part, and MARK A. McDONOUGH, whose address is 6638 57th Ave., N.E., Seattle, Washington, 98115, the party of the second part;

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the love, affection and parental duty which the party of the first part has and bears unto the said party of the second part, and also for the better maintenance, support, protection and livelihood of the said party of the second part, does by these presents give, grant, alien, and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Canyon, State of Idaho, to-wit:

A 40% interest in and to the following described real property:

Boise Meridian, Idaho

T. 1 N., R. 2 W.,
Sec. 28, W1/2NE1/4, S1/2NW1/4;
Sec. 29, S1/2NE1/4.

T. 1 S., R. 2 W.,
Sec. 4, lot 3, SE1/4NW1/4;
Sec. 5, lot 1.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and the rents and profits thereof shall be applied to his sole and separate use.

To Have and To Hold all and singular the said premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever, as the separate property of the said second party and not in anywise community property.

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 391; 43 U.S.C. 945.

2. Reserving to the United States the right to itself, its permittees or licensees, to enter upon, occupy and use, any part or all of the SW¼NE¼, section 29, T. 1 N., R. 2 W., lying within 50 feet of the center line of the transmission line right-of-way of the Idaho Power Company under Power Projects 406 and 503, for the purposes set forth in and subject to the conditions and limitations of Sec. 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, (16 U.S.C. 818).

SUBJECT TO:

1. Those rights for highway purposes granted to the Idaho Department of Transportation, its successors or assigns, by right-of-way Blackfoot 053757, pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317) as to the W½SW¼, section 33, T. 1 N., R. 2 W., and lot 1, section 5, T. 1 S., R. 2 W.

2. Those rights for irrigation pipeline and canal purposes granted to Kondo Brothers, their successors or assigns, by right-of-way I-015161, pursuant to the Act of March 3, 1891, as amended (43 U.S.C. 946-949) as to the S½NE¼, W½SE¼, section 32, T. 1 N., R. 2 W.

3. Those rights for powerline purposes granted to Idaho Power Company, its successors or assigns, by right-of-way I-015225, pursuant to the Act of March 4, 1911, as amended (43 U.S.C. 961) as to the S½NE¼, section 32, T. 1 N., R. 2 W.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.

R. Elizabeth McDonough

R. Elizabeth McDonough

STATE OF WASHINGTON)
: ss
County of King)

On this 14th day of November, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared R. ELIZABETH McDONOUGH, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

MARY A. DEMPSEY NOTARY PUBLIC 12-31-95 STATE OF WASHINGTON

Mary A. Dempsey

Notary Public for Washington

MARY A. DEMPSEY

RECORDED

'96 FEB 13 PM 3 00

KEB ... KERR
CANYON CNTY RECORDER
BY ... Deputy

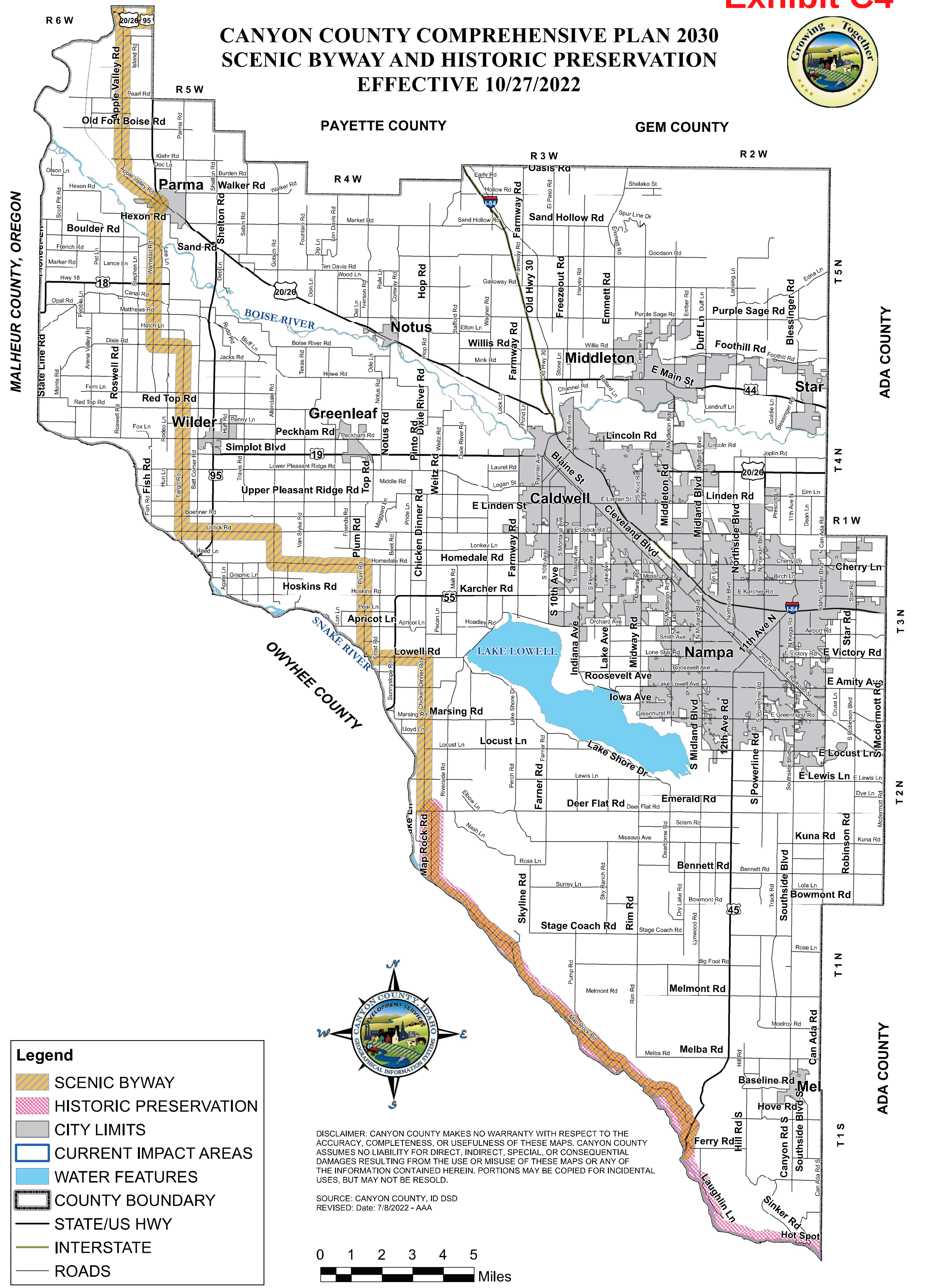
REQUEST R. Elizabeth McDonough

TYPE Deed FEE 2.00

9604930

Exhibit C4

CANYON COUNTY COMPREHENSIVE PLAN 2030
SCENIC BYWAY AND HISTORIC PRESERVATION
EFFECTIVE 10/27/2022



DISCLAIMER: CANYON COUNTY MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THESE MAPS. CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THESE MAPS OR ANY OF THE INFORMATION CONTAINED HEREIN. PORTIONS MAY BE COPIED FOR INCIDENTAL USES, BUT MAY NOT BE RESOLD.

SOURCE: CANYON COUNTY, ID DSD
REVISED: Date: 7/8/2022 - AAA

Exhibit C5

BEFORE THE CANYON COUNTY HEARING EXAMINER

FINDINGS OF FACT, CONCLUSION'S OF LAW AND ORDER

COPY

IN THE MATTER OF AN APPLICATION BY:)
)
AMERICAN TOWER / MERICOM CORP.)
)
FOR A CONDITIONAL USE PERMIT)

CASE # 010860L21-1N-2W

I. APPLICATION PROCESS (CCC0 07-06-03)

1.1 LEGAL

A request by American Tower and Mericom Corporation for a **Conditional Use Permit** for a PCS (telecommunication) Facility in an "A" (Agricultural) Zone. The subject property is located at 9751 Melmont Road, Melba, Idaho, in the Southeast Quarter of the Northwest Quarter and a portion of the Southwest Quarter of the Northwest Quarter of Section 21, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

1.2 NOTIFICATION

At a noticed public hearing on May 3, 2001, the Planning and Zoning Commission set the notification distance at one (1) mile. The property was posted and a summary of the request was published in the Idaho Press Tribune and property owners and purchaser of record within one (1) mile of the subject property were notified by mail of the hearing. [CCCO 07-05-06(2)]

II. PROPERTY REVIEW

2.1 VIEWING REPORT

This property is located outside of any Area of City Impact, with no existing residences on the subject property and according to the applicant the parcel is

currently being farmed. There is one home within ¼ mile of the subject property and the surrounding land use is agricultural.

III. STANDARDS THAT MAY APPLY

3.1 IDAHO CODE
3.1.1 I.C. 67-6512, I.C. 67-6519 [CONDITIONAL USE PERMITS]
3.2 CANYON COUNTY COMPREHENSIVE PLAN
3.3 CANYON COUNTY CODE
3.3.1 07-06 [CONDITIONAL USE PERMITS]
3.3.2 07-12-07(3)(G) [PERMITTED USES IN THE AGRICULTURAL ZONE]
3.4 ALL OTHER APPLICABLE STATE AND FEDERAL REGULATIONS

IV. PUBLIC HEARING TESTIMONY

4.1 The Canyon County Hearing Examiner heard this case on July 12, 2001.

4.2 The Zoning Administrator, Paul Kester reviewed the Staff Report for the record.

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

4.4 WITNESSES TESTIFYING IN FAVOR

4.4.1 Cameron McFadden, 508 South 11th, Boise, Idaho, 83702 (Applicant's Representative)

Mr. McFadden stated that he works for the Mericom Corporation and in this instance they are the Development Services Representative for American Tower Corporation, who has a contractual relationship with Verizon Wireless, the carrier on this proposed tower.

He stated that as indicated the proposal outline for this request is to place a wireless communications facility, consisting of an eighty-foot monopole on a 55x55 foot tract of land located on the parcels designated on the vicinity map before them.

He stated that presently, American Tower has one tenant for the proposed tower, which is Verizon Wireless.

Mr. Mapp asked Mr. McFadden if this was going to be a co-location tower.

Mr. McFadden stated that this would be a brand new tower but would be co-locatable, which meant they would allow other companies to lease space on the tower.

He stated that typically these towers are constructed to take up to four carriers, but given the height of 80 feet for this one in particular, that this one might limit the amount of co-locators.

He stated that Verizon's "equipment profile" for this particular location would have panel antennas on the tower and equipment shelter on the ground, which is approximately 13x28 feet, and an exposed aggregate finish, which gives it the appearance similar to that of gravel for the outside of the building, which blends in with the surrounding area.

He stated that the compound would be surrounded with a six (6) foot high chain link fence, topped with three (3) strands of barbed wire.

In reference to impacts in the area, he stated that Verizon's Wireless Communications Facilities pose no significance impacts in relation to traffic, in that once construction is complete, the tower would be visited approximately once per month from each carrier that is located on the tower to adjust of collaborate the equipment.

In terms of utility impacts, he stated that this would be an un-manned facility, so it requires no water or sewer, just electricity and telephone services, which are already accessible within 100 yards from the proposed tower.

In terms of community impacts, he stated that the benefit to the community would be enhanced telephone coverage, which from discussions with many of their landlords in this area, at this point there is very little or no coverage from any of the major carriers.

Mr. Mapp asked Mr. McFadden what color was the proposed tower going to be.

Mr. McFadden stated that the tower would have a galvanized-flat finish that would be gray in color, and because of the non-reflective finish, it would take on the appearance of whatever is around it.

He stated that if the Hearing Examiner desired to put a condition on the permit that states they must paint the tower, that they would agree to this, but pointed out that they had previously tried this and had problems with the maintenance of these towers when the paint started to peel off.

Mr. Mapp asked Mr. McFadden if they would be willing to put slats in the fencing to screen the building off.

Mr. McFadden stated yes.

Mr. Mapp asked Mr. McFadden why they were only going to 80-feet in height for this tower.

Mr. McFadden stated that he wasn't sure but speculated that it had something to do with the requirements of the Federal Aviation Administration, which if the tower exceeded a certain height then they would be required to light it, and giving the location of this proposed tower being on a butte, it wasn't necessary to go higher than 80-feet.

He stated that in speculation on his part, cellular telephone towers operate on a couple of different variables, one being they have to see the cellular caller, and the second is they have to actually see the other tower where the call will actually hand off at times.

He further stated in speculation only, that if you go too high that they actually could interfere with other towers that are lower, especially if the tower is already on a higher point of ground.

Mr. Mapp asked Mr. McFadden if they could remove whatever climbing equipment's placed on the tower for maintenance because he was concerned about the safety one anyone who might attempt to climb the tower if they could get past or over the fence.

Mr. McFadden stated that the towers were constructed with pegs that are used for climbing and that the first pegs don't start until about 15 feet up from the base, which means that the technician or maintenance person actually has to insert pegs for them to start climbing.

Mr. Mapp asked Mr. McFadden if there would be any lighting necessary on the proposed tower.

Mr. McFadden stated that there was no indication that the tower would be lighted.

Mr. Mapp asked Mr. McFadden if they would comply to signage condition, in which there is a sign placed on the outside of the security fence that identifies the owner of the tower with a contact number.
Mr. McFadden stated yes.

Mr. Mapp asked Mr. McFadden about the access situation for the proposed tower.

Referring to the site plan (Exhibit "B.9") Mr. McFadden stated that there is an existing private drive off of Melmont, which they would be punching in a short access off of the private drive, but would not be more than 30 feet.

Mr. Mapp stated that his only concern is that they provide the proper access to the site.

He stated that if he chose to approve this request that he would impose a condition that would require that the road surface have to meet public safety access requirements.

Mr. Mapp asked Mr. McFadden how they dealt with issues of abandonment.

Mr. McFadden stated that in every lease with a landowner there is a contractual obligation by the carrier, in this case American Tower, to remove the tower should there ever be any abandonment, furthermore, the tower company as well as the carriers do carry insurance.

He stated that there really is no real answer because in situations when companies go bankrupt, this could become an issue.

Mr. Mapp stated that he might put a condition that if the tower is un-operable for a period of twelve (12) months, the county would give them 60 days to remove it.

Mr. Mapp then asked Mr. McFadden if he had any problems with any of the conditions that he just mentioned.

Mr. McFadden stated that he did not.

Mr. Mapp explained to Mr. McFadden that the reason he wanted to impose a condition on the issue of abandonment is because the agreement is actually between them and the landowner and he feels it's necessary to have something that states it would be their responsibility to remove the tower if abandoned.

4.6 WITNESSES TESTIFYING IN OPPOSITION

4.6.1 There were no witnesses in opposition.

4.7 The Hearing Examiner, M. Jerome Mapp closed public testimony.

V. HEARING EXAMINER'S COMMENTS

The Findings of Fact shall include the verbal and written Staff Report, and the testimony by the applicant's representative.

VI. FINDINGS OF FACT (CCC0 07-06-05(3))

6.1 Whether the request is permitted by a Conditional Use Permit.

The request is permitted under CCCO 07-12-07(8)(D).

6.2 Reasons for the application.

Have been stated by the applicant during testimony and can be found under Section 1.1 of the Staff Report.

6.3 Whether the proposed use is harmonious with and in accordance with the Comprehensive Plan.

Mr. Mapp cited the Public Services, Facilities, and Utilities section of the Comprehensive Plan, Policy No. 1:

PUBLIC SERVICES, FACILITIES, AND UTILITIES, POLICY NO 1:

To plan for expanded public services, facilities, and utilities, which may be needed as the population increases and consequent demand for increases in services also occur. This policy underscores the need to carefully consider both the site and the situation of new developments and their impact on public services, facilities, and infrastructure. This policy further recognizes that agreements may need to be put in place to assure that developers pay their fair share of costs for public services. Sites for schools should be selected in advance of need based upon planned densities and development patterns.

This body, as well as this County's officials recognize that this is a necessary need due to the increased use of wireless communication and the Internet.

6.4 Whether the proposed use will be injurious to other property in the immediate vicinity and/or will change the essential character of the area.

It will not be injurious or change the essential character of the area.

6.5 Whether adequate sewer, water and drainage facilities, and utility systems are to be provided to accommodate said use.

There is no water or sewer required for this facility, and it is suggested that the applicant look into some type of landscaping that requires little maintenance and no irrigation.

6.6 Whether measures will be taken to provide adequate access to and from subject property so that there will be no undue interference with existing or future traffic patterns.

The applicant shall develop a surface for the roadway that will meet the public safety requirements for emergency vehicles.

6.7 Whether essential public services, such as, but not limited to, school facilities, police and fire protection, emergency medical services and irrigation facilities, will be negatively impacted by such use or will additional public funding be required in order to meet the needs created by the request.

There is no impact, but the condition as stated above under 6.6 is noted.

6.8 Whether the proposed use is essential or desirable to the public convenience and welfare.

It is essential due to the increased need for wireless communication and new technology facilities in the area.

VII. CONCLUSIONS OF LAW

The Canyon County Hearing Examiner is authorized to hear this case and to make a decision. Standards noted under Section III of the Staff Report were followed, which allowed for the procedures and processes of this hearing to be conducted.

VIII. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders that Case # **010860L21-1N-2W,** a request by American Tower / Mericom Corporation for a **Conditional Use Permit** for a PCS (telecommunication) Facility in an "A" (Agricultural) Zone, is **approved, with** the following **conditions:**

1. **The applicant shall provide slats in the chain link fencing to be placed around the facility for screening purposes.**
2. **This tower shall be a co-location tower.**
3. **In cases of abandonment, the applicant shall contact the County regarding the removal of the tower within a thirty (30) day period and the tower itself shall be removed within a sixty (60) day period after contact has been established; abandonment shall also be deemed when the tower has been inoperable for a period of twelve (12) months, in which the applicant shall remove the tower within a sixty (60) day period having been notified as such.**
4. **The applicant shall develop a surface for the roadway that will meet the public safety requirements for emergency vehicles.**
5. **The applicant shall place a sign on the outside of the facility with the facility owner's name and telephone contact number.**
6. **The applicant shall remove any provisions for climbing of the tower to a height of at least twelve (12) to fifteen (15) feet.**
7. **The applicant shall comply with all lawful rules and regulations of all agencies having jurisdiction over the subject property.**
8. **The development shall comply with all federal, state, county, and local laws, ordinances, rules and regulations, which appertain to the subject property.**

WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER WAS APPROVED BY THE CANYON COUNTY HEARING EXAMINER AT A SCHEDULED MEETING HELD JULY 26, 2001.

M. Jerome Mapp
Canyon County Hearing Examiner

7/26/01
Dated

ATTEST:

Shirley Y. Driskell
Recording Secretary

BEFORE THE CANYON COUNTY HEARING EXAMINER

Exhibit C6

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

IN THE MATTER OF AN APPLICATION BY:)
)
NEXTEL PARTNERS, INC.) **CASE # CU2004-395**
)
FOR A CONDITIONAL USE PERMIT) **PARCEL # R28538**

I. APPLICATION PROCESS (CCCO 07-06-03)

1.1 LEGAL

Nextel Partners is requesting a **Conditional Use Permit** to construct a PCS Tower which will be approximately 300' in height, in an "A" (Agricultural) Zone. The subject property is located on the south side of Melmont Road, approximately ¼ mile east of the intersection of Lynwood Road and Melmont Road, Melba, Idaho, in the NW ¼ of Section 21, T1N, R2W, BM

1.2 PROCEDURAL HISTORY

On July 14, 2004, staff notified other agencies of this application and solicited their comments. On August 6, 2004, persons owning property within the set distance of the site were notified of the hearing by mail. On August 9, 2004, notice of the hearing was published in the Idaho Press Tribune. On or before August 19, 2004, notice of the public hearing was posted on the subject property.

II. PROPERTY REVIEW

2.1 PROPERTY HISTORY

The subject property is an original parcel dating back to 1938.

III. PUBLIC HEARING

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

3.1 Planner for the Development Services Department, Brant Jewett, reviewed the staff report and submitted supplemental exhibit D.1 into the record.

3.2 WITNESSES SIGNED UP IN FAVOR: Joe Mudry.

3.3 WITNESSES TESTIFYING IN FAVOR: Joe Mudry.

Joe Mudry - Representative

- Mr. Mudry stated the towers will be built to the minimum height that Nextel requires to meet their coverage objectives within the area.
- Stated the Melba site tower will be a 300'.
- Stated the towers will be lit in accordance with federal requirements.
- Stated federal requirements do not require the lighting of towers below 199'; there are exceptions (example: towers next to airports would have to be lighted).
- Stated he did not check to see if there was any aerial spraying in the subject area.
- Stated there was a slight change in the tower design because the landlord was concerned about the guide wires on the original site plan.
- To alleviate his concerns, Nextel built the tower as a self-support structure similar to the tower that you will see in Parma (it will have no guide wires outside of the compound area).
- All three towers will be built with the capacity to co-locate additional equipment.
- Stated the site has been moved closer to the existing road; this will be less obtrusive and there will be less of a roadway on the property.
- The revisions create a less obtrusive site than originally planned.
- Stated all three towers have permitted uses and meet the codes that are required by Nextel to provide their coverage in the area in accordance with their federal licensing requirements.

3.4 NO NEUTRAL WITNESSES.

3.5 WITNESSES SIGNED UP IN OPPOSITION: Teresha Wheeler.

3.6 WITNESSES TESTIFYING IN OPPOSITION: Teresha Wheeler.

Teresha Wheeler

- Ms. Wheeler stated her concern is where the tower will be located on the subject property.
- Stated they have eight lots that are selling for view property and she wants to know if they are putting the tower in the middle of the field next to the lots.

3.7 REBUTTAL TESTIMONY: Joe Mudry.

Joe Mudry - Representative

- Mr. Mudry stated the tower will be located as close as possible to the existing tower.
- Referred to the site plan and Exhibit B.3 to show the location of the tower.

The Hearing Examiner, M. Jerome Mapp closed public testimony.

IV. FINDINGS OF FACT (CCCO 07-06-05 (3))

4.1 Whether this Chapter permits the use by conditional use permit?

Mr. Mapp cited the following from the staff report:

Yes, 07-12-07(3)(G).

4.2 Reasons for the application.

Mr. Mapp cited the following from the staff report:

The applicant proposes to construct a PCS Tower which will be approximately 300' in height.

4.3 Whether the proposed use is harmonious with and in accordance with the Comprehensive Plan.

Mr. Mapp cited the following from the staff report:

A. Page 75 & 76: Guidelines to be used in administering the plan.

B. This request is harmonious and in accordance with the following Comprehensive Plan provisions:

Property Rights:

> In the 1994 Legislative Session, Idaho Code 67-8001, 8002, and 8003 were adopted to establish a process to better provide that land use policies, restrictions, conditions, and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of private property. It is the policy of the County to comply with the requirements of the Idaho Code provisions.

Population Policy 1:

> To provide the planning base for an anticipated population of at least 105,000 by the year 2000, and 120,000 by the year 2010. This policy estimates and anticipates an annual increase of approximately 1.2 percent between 1990 and 2000, and could reach 1.5 percent between 2000 and 2010. This policy also recognizes that planning policies combined with past trends can anticipate the location of the expected population reasonably close and that the intent of the plan is to forecast and plan for the needs of population growth areas in terms of future facilities and services.

Economic Development Policy: 1

> To encourage development of additional employment opportunities and economic diversity in Canyon County. This policy establishes an estimated employment forecast of approximately 52,000 jobs by the year 2,000, and a forecast to about 63,000 jobs by the year 2010. This increase corresponds to an increase of 2.4 percent per year in the 1990 to 2000 decade to approximately 2.1 percent per year in the 2000 to 2010 decade.

Overall Land Use Policy 9:

To use buffer areas and/or screening devices between certain land uses in order to properly address the need to protect all land uses insofar as possible. This policy is intended to forestall land use conflicts that may occur when a variety of land uses are located in relatively close proximity, especially residential uses adjacent to non-residential uses such as agriculture and industry.

Public Services, Facilities, and Utilities 1:

To plan for expanded public services, facilities, and utilities which may be needed as the population increases and consequent demand for increases in services also occur. This policy underscores the need to carefully consider both the site and the situation of new developments and their impact on public services, facilities, and infrastructure. This policy further recognizes that agreements may need to be put in place to assure that developers pay their fair share of costs for public services. Sites for schools should be selected in advance of need based upon planned densities and development patterns.

C. This request is not harmonious and in accordance with the following Comprehensive Plan provisions:

Property Rights:

In the 1994 Legislative Session, Idaho Code 67-8001, 8002, and 8003 were adopted to establish a process to better provide that land use policies, restrictions, conditions, and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of private property. It is the policy of the County to comply with the requirements of the Idaho Code provisions.

Overall Land Use Policy 5:

To encourage livability, creativity and excellence in the design of all future residential developments as well as to preserve the natural beauty and ecology of Canyon County.

Recreation, Special Areas & Sites, & Community Design Policy 4:

To encourage instituting community design features that promote the health, safety and welfare efforts among the citizens of the county. This policy recognizes that certain land use activities with proper buffering and screening can add significantly to the appearance of the community and that there are also detractions that occur when proper controls are not in place. This policy encourages improvement to the conditions that detract from the vitality and appearance of the community including control of signs and billboards. In rural areas, special design and development conditions may be required as related to large operations such as gravel extraction,

agri-industry, residential areas and other activities which could cause problems with surrounding land uses.

4.4 Whether the proposed use will be injurious to other property in the immediate vicinity and / or will change the essential character of the area?

Mr. Mapp cited the following from the staff report:

If the project is developed as described in the applicant's Letter of Intent, then the proposed use will not be injurious to land uses on other properties in the immediate vicinity and will not change the essential character of the area

4.5 Whether adequate sewer, water and drainage facilities, and utility systems are to be provided to accommodate said use?

Mr. Mapp cited the following from the staff report:

If the project is developed and operated as described in the applicant's Letter of Intent, then adequate sewer, drainage facilities, and utility systems will be provided to accommodate said use as described below.

The Southwest District Health (SWDH) has stated no objection to this application (Exhibit C.2).

4.6 Whether measures will be taken to provide adequate access to and from subject property so that there will be no undue interference with existing or future traffic patterns?

Mr. Mapp cited the following from the staff report:

Nampa Highway District No. 1 has stated no objection to this application but, will not allow any new access to be permitted (Exhibit C.3).

4.7 Whether essential public services such as, but not limited to, school facilities, police and fire protection, emergency medical services and irrigation facilities, will be negatively impacted by such use or will require additional public funding in order to meet the needs created by the requested change.

Melba Fire District has stated several requirements for approval from the district (Exhibit C.1).

Melba School District No. 136 has stated no objection to this proposed application (Exhibit C.4).

No other agencies have responded with any information regarding this request.

4.8 Whether the proposed use is essential or desirable to the public convenience or welfare?

Mr. Mapp cited the following from the staff report:

The proposed use is essential to the public convenience or welfare, and according to the analysis of the application by the Development Services Department, this proposal is desirable to the public convenience and welfare.

V. CONCLUSIONS OF LAW

The Canyon County Hearing Examiner is authorized to hear this case and to make a decision. Standards noted under Section III of the Staff Report were followed, which allowed for the procedures and processes of this hearing to be conducted.

VI. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Canyon County Hearing Examiner orders Case # **CU2004-395** a request by Nextel Partners, Inc. for a **Conditional Use Permit** to construct a PCS Tower which will be approximately 300' in height, in an "A" (Agricultural) Zone, is **approved** with the following **conditions:**

1. **The development complies with all applicable federal, state, and county, laws, ordinances, rules and regulations that pertain to the property.**
2. **The project will commence within two years and be completed within five years.**
3. **All requirements of the Melba Fire Department shall be adhered to.**
4. **All access requirements of the Nampa Highway District No. 1 shall be met.**
5. **A red signal light shall be placed on the tower according to FAA requirements.**
6. **An 8-foot chain link fence topped with three (3) bands of four-barbed barbwire shall surround the perimeter of the area.**
7. **Applicant shall be responsible for the maintenance of the fence, gate, structures, and grounds, and the removal of any debris or vegetation within the 2500 square foot lease area.**

Notice of Appellate Procedure

Pursuant to the provisions of Chapter 7, Article 3 of the Canyon County Code of Ordinances, an affected person aggrieved by this decision may file an appeal with the Development Services Department, together with the filing fee, within fifteen (15) calendar days after the date of the written decision. A certified copy of the file will be delivered to the Canyon County Board of Commissioners, which will schedule and conduct the appeal hearing.

WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER WAS APPROVED BY THE CANYON COUNTY HEARING EXAMINER AT A SCHEDULED MEETING HELD **SEPTEMBER 9, 2004.**

M. Jerome Mapp
Canyon County Hearing Examiner

9/9/04
Dated

ATTEST:

Keri K. Blankenship
Recording Secretary

Canyon County Planning and Zoning Commission
Safelink Internet Services (Brian Good) – CU2019-0009

Development Services Department

July 18, 2019

Exhibit C7

Findings of Fact, Conclusions of Law, Conditions of Approval and Order

Findings of Fact

1. The applicant, Safelink Internet Services, is requesting a Conditional Use Permit to allow the installation and operation of an unmanned telecommunications facility. The subject parcel (R28531) is zoned "A" (Agricultural). The property is located at 0 Melmont Rd., also known as the SE Quarter of Section 20, Township 1N, Range 2W; BM, Canyon County, Idaho.
2. The subject property is 9.59 acres owned by Brian Good. An existing telecommunications structure is located approximately 3,200 feet south of Melmont Rd. on Parcel No. R28531 (the western 9.59 acre parcel). Parcel R28531 (0 Melmont Rd.) is shown as two parcels, a 9.59 acre parcel and a 17.51 acre parcel. The applicant proposes to replace the existing telecommunications structure (60 feet tall) with a new structure (60 feet tall).
3. The parcel is not located within a city impact area or a floodplain.
4. The Canyon County Comprehensive Plan Future Land Use designation is "Agricultural".
5. The parcel is located within Nampa Highway District #1, Melba Fire District, Melba School District #136. The subject site is not located in an irrigation district.
6. The record includes all hearing documents, testimony, and documents within the case file CU2019-0009.
7. Notice of the public hearing was provided in accordance with CCZO §07-05-01 and Idaho Law §67-6512(b). Agency notice was provided on June 3, 2019. Newspaper notice was provided on July 2, 2019, property owners within 300' were notified by mail on June 28, 2019, and the property was posted on July 1, 2019.

Conclusions of Law

For this request, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Conditional Use Permit (§07-07-05):

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

Conclusion: The subject property is zoned agricultural. A telecommunications facility is allowed by conditional use permit (CUP) in the agricultural zone.

Finding: The subject property is zoned agricultural and the proposed use is permitted in the Agricultural zone by conditional use permit. CCZO §07-10-27.

2. What is the nature of the request?

The applicant is requesting a Conditional Use Permit to allow the installation and operation of an unmanned telecommunications facility. The proposed facility includes a 60 foot tall tower and foundation, as well as a 3 foot square locked electrical box containing equipment which is mounted to the tower. The proposed telecommunications facility is within a 400 square foot lease area. There is no proposed fencing.

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan.

Finding: The proposed use is consistent with multiple goals and policies of the Comprehensive Plan including but not limited to:

- Section 1 - Property Rights Policy No. 1 - *"No person shall be deprived of private property without due process of law."* The proposed conditional use permit does not deprive property owners of private property rights.

- Section 1 - Property Rights Policy No. 11: *"Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods."* The proposed 60 foot tall telecommunications facility on Parcel No. R28531 will be replacing an existing 60 foot tall telecommunications facility in the same location, and as a result, will not change the existing impact on surrounding neighbors or neighborhoods.

- Section 2 – Population Goal No. 3: *"To guide future growth in order to enhance the quality and character of the county while providing and improving the amenities and services available to Canyon County residents."* The request will improve wireless internet services to Canyon County residents.

- Section 2 – Population Policy No. 1 – *"Provide the planning base for an anticipated population of 225, 503 by the year 2015, and 242,908 by the year 2020."* As the population increases, the need for dependable wireless internet services increases.

- Economic Development Policy No. 2- *"Support existing business and industry in the county."* The request will help to support existing business and industry in the county.

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

Conclusion: As conditioned, the proposed use will not be injurious to other properties or property owners in the immediate vicinity. The proposed use will not change the essential character of the area.

Finding: The proposed 60 foot tower will be visible within the rural residential and agricultural setting. However, there is already an existing telecommunications facility at the site. This request will simply replace the existing 60 foot tall tower with a new 60 foot tall tower.

Canyon County does not have design regulations specific to telecommunications facilities. The facility will not be located along a scenic by-way.

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

Conclusion: The unmanned telecommunications tower does not require water, sewer, irrigation, or drainage facilities. Power is in the vicinity and will be provided to the facility by Idaho Power.

Finding: Idaho Power will provide power to the proposed telecommunications facility.

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

Conclusion: Legal access exists to the subject property via Melmont Rd., a public road, a private access and driveway.

Finding: Legal access exists and Nampa Highway District #1 has no objection as long as it meets their standards

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

Conclusion: There will not be undue interference with existing or future traffic patterns.

Finding: The proposed telecommunications facility once constructed will be an unmanned facility with infrequent maintenance visits required. Traffic patterns will not be affected.

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

   Conclusion: Essential services will be provided to accommodate the use.

   Finding: The use will not impact existing essential services.

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.
2. A building permit is required for construction of the facility. The telecommunications facility shall be constructed in substantial conformance with the drawing provided by the applicant (Exhibit 2c).
3. The lease area shall be enclosed by a minimum six foot security fence. Lighting, if installed, shall be downward facing and directed inward to minimize impact to the surrounding properties.
4. The lease area site and fencing shall be maintained and kept in good repair. The lease area and fence line shall be kept weed free and/or maintained so weeds are 6" in height or less.

Order

Based upon the Findings of Fact, Conclusions of Law, Conditions of Approval and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2019-0009, to allow the installation and operation of a telecommunications co-location facility on parcel R28531 located at 0 Melmont Road, Melba, Idaho.

APPROVED this 18th day of July, 2019.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Richard Hall, Chairman

State of Idaho)
SS
County of Canyon County)

On this 18th day of July, in the year 2019, before me Kathleen Frost, a notary public, personally appeared Richard Hall, 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.

KATHLEEN FROST
COMMISSION #67887
NOTARY PUBLIC
STATE OF IDAHO

Notary: K Frost

My Commission Expires: 6-3-2022

Exhibit C8

BEFORE THE CANYON COUNTY PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

IN THE MATTER OF AN APPLICATION BY:	)	
	)	
MISSION AVIATION FELLOWSHIP	)	**CASE# CU2007-113**
	)	
FOR A CONDITIONAL USE PERMIT	)	**PARCEL # R28617**

I. APPLICATION PROCESS (CCC0 07-07-03)

1.1 LEGAL

Mission Aviation Fellowship is requesting a **Conditional Use Permit** to construct and operate a private airstrip on approximately 80.76 acres in an "A" (Agricultural) Zone. The subject property is located approximately ½ mile west of Highway 45 and approximately ¾ mile north of the intersection of Highway 45 and Melba Road, Melba, Idaho, in a portion of the NW ¼ of Section 28, T1N, R2W, BM.

1.2 NOTIFICATION

11/19/07	Application Accepted
12/27/07	Agencies Notified
2/4/08	Legal notice published
2/5/08	Property owners notified (within ¾ mile)
2/14/08	Property posted (on or before)

II. PROPERTY HISTORY

The subject property is an original parcel.
If this request is approved, platting will not be required per CCZO 05-002, Article 17.

III. PUBLIC HEARING

February 21, 2008

Commissioner Flowers **moved**, seconded by Commissioner Kostka to **table** the application from Mission Aviation Fellowship, Case # CU2007-113 to March 20, 2008, at 7:00 p.m. in the Canyon County Courthouse, 1st Floor Meeting Room.

The motion **carried** unanimously.

March 20, 2008

Commissioner Roe **moved**, seconded by Commissioner Kostka to **table** the application from Mission Aviation Fellowship, Case # CU2007-113 to April 17, 2008, at 7:00 p.m. in the Canyon County Courthouse, 1st Floor Meeting Room.

The motion **carried** unanimously.

APRIL 17, 2008

Planner for Development Services Department, Keith McEvoy presented and read late exhibit D.5 into the record, a letter from Mr. McDonough requesting tabling of this request at this time. Exhibit D.5 was received immediately prior to the meeting.

Chairman Hetrick entered the late exhibit into the record.

Planner for Development Services Department, Keith McEvoy reviewed the updated staff report for the record.

The Canyon County Planning and Zoning Commission heard this case on April 17, 2008.

There was a brief discussion about tabling the request. Commissioner Flowers stated this case has been set to a date certain. Commissioner Kostka stated this request has been tabled two previous times resulting in additional time for any information gathering. Chairman Hetrick pointed out there is an appeal process available to anyone who does not like the results of the hearing tonight.

3.1 WITNESSES SIGNED UP IN FAVOR: Stan Stanley, Paul Bergen, Robert Miller, and June Miller.

3.2 WITNESSES TESTIFYING IN FAVOR: Paul Bergen, Stan Stanley, and Robert Miller.

Paul Bergen - Representative

- Mr. Bergen stated the organization, Mission Aviation Fellowship, has been around since 1945.
- Stated the organization has been operating overseas as a non-profit organization all of that time.
- Stated in July of 2006, the organization moved from southern California to Nampa, Idaho.
- Stated one of the reasons for the move was to train pilots in a more positive environment.
- Stated there has been flight training in the back country in Idaho for over 20 years.
- Stated there are few places that allow the organization to go into the airstrips in the Valley that allow the type of training needed. Needed is training with airstrips in the mountains, which is a sloped airstrip. Company training for their experienced pilots includes training on slopes.
- Stated there are over 50 countries they fly into with well over 120 aircraft and some 400 plus families world wide.
- Stated the building will be done by a volunteer process.
- Referred to exhibit D.1. Stated he feels it will be appropriate to say, "When you have the development going and when you have a Certificate of Occupancy, we will be happy to stop flying airplanes."
- Stated there is no intention to be a nuisance.
- Stated objective criteria on both sides is appropriate and should be workable. There is not agreement at this time. That is probably the intent of the letter, exhibit D.1.
- Stated he is requesting approval as is recommended in the staff report.
- Stated there are four classes a year.
- Stated by averaging it out, the proposed airstrip will be used about once a week.

- Stated the use will be more intense one week and then not used for a while.
- Stated the airstrip will be laid out pretty much north-south.
- Stated landing will be uphill, runway 31, to the north. Takeoff will be downhill.
- Stated there will be no structures, lighting, port-a-potties, etc.
- Stated landing and taking off will be over someone else's property which is now an empty lot.
- Stated the size of the plane planned currently is a Cessna 206.
- Stated he has spoken with the Melba Fire District;
- Stated there will be a temporary road into the subject property during construction of the airstrip for equipment. There is legal access through the owner of the subject property for this road.

Stan Stanley

- Mr. Stanley stated he is a commercial pilot.
- Stated he has been flying the back country of Idaho since 1970.
- Stated he has been a volunteer fundraiser for MAF for about 18 years.
- Stated proximity of the subject property to the Nampa Airport is important due to the high cost of aviation fuel.
- Stated he encourages approval of this request as the proposed project is important to what the organization is trying to do world wide.
- Stated he has spent time in Africa watching pilots on their airstrips. He realizes how important their training is. The mountainous terrain in some of the third world is "an accident waiting to happen."
- Stated the more training here, the better pilots they will be over there.
- Stated the pilots taking the training are all pilots who have their ratings before coming to MAF.

Robert Miller

- Mr. Miller stated he is the vice president of Miller Land Company in Melba.
- Stated his land company owns land adjacent to the subject property, pointing it out on exhibit B.2 and exhibit B.4.
- Stated all members of the land company were contacted about the proposed MAF project. Not one of the five members of the corporation has any problem with airplanes landing on the subject property and does not feel it will interfere with farming in the area.

3.3 NO NEUTRAL WITNESSES.

3.4 NO WITNESSES IN OPPOSITION.

Commissioner Roe **moved,** seconded by Commissioner Flowers to close public testimony.

The motion **carried** unanimously.

IV. FINDINGS OF FACT (CCC0 07-07-05)

The Canyon County Planning and Zoning Commission is authorized to hear this case and to make a decision. Standards noted under Section III of the Staff Report were followed, which allowed for the procedures and processes of this hearing to be conducted.

Commissioner Kostka **moved**, seconded by Commissioner Roe to **accept** the Findings of Fact on Case # CU2007-113 on pages 1 of 4 through 2 of 4 from the updated staff report dated 04/16/08, as well as the public testimony and late exhibit.

The motion **carried** unanimously.

V. CONCLUSIONS OF LAW

Commissioner Kostka **moved**, seconded by Commissioner Roe to **accept** the answers for each of the eight questions required by Canyon County Code of Ordinances 07-07-05.

5.1 Whether the proposed use is permitted in the zone by Conditional Use Permit.

Yes. CCZO 05-002, 07-10-19 (3) B.

5.2 Statement of the nature of the request.

Request to construct and operate a private airstrip on approximately 80.76 acres in an "A" (Agricultural) Zone.

5.3 Whether the proposed use is consistent with the Canyon County 2010 Comprehensive Plan.

A. The proposed use is consistent with the following Comprehensive Plan policies:

Property Rights Policy No. 2:

<u>To encourage the protection of the property rights of landowners to the extent reasonably possible.</u>

B. The proposed use is not consistent with the following Comprehensive Plan policies:

Public Services, Facilities, and Utilities Policy No. 5:

<u>Encourage all new development to have adequate access to publicly maintained roads.</u>

The property does not have adequate access to publicly maintained roads.

5.4 Whether the proposed use will be injurious to other property in the immediate vicinity and/or will negatively change the essential character of the area.

If the proposed use is developed as described in the applicant's Letter of Intent, the development will not be injurious to the area. The area is not densely populated and the addition of an airstrip would not negatively change the character of the area. The majority of the properties immediately surrounding the property do not have home sites (Exhibit B.7).

5.5 Whether, if applicable, adequate water, sewer, irrigation and drainage and storm water drainage facilities and utility systems will be provided to accommodate said use as described below.

a) Sewer: Not Applicable
b) Water: Not Applicable
c) Drainage: Must be retained on site
d) Utilities: Currently available to the subject property.

Southwest District Health (SWDH) stated that based on the applicant's letter of intent they have no comments at this time (Exhibit C.2).

5.6 Whether legal access to the subject property for the development exists or will exist at the time of final plat.

The property does have legal access.

5.7 Whether there will be undue interference with existing or future traffic patterns.

This proposal will not interfere with existing or future traffic patterns. Nampa Highway District has indicated they do not have any objections to the proposal (Exhibit C.3).

5.8 Whether essential services are to be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and whether or not services will be negatively impacted by such use or will require additional public funding in order to meet the needs created by the requested use.

Canyon County Ambulance District stated that they do not oppose this application, however, it must be noted that emergency response times to this location will be greater than in an urban area. (Exhibit C.1)

The motion **carried** unanimously.

Commissioner Kostka moved, seconded by Commissioner Hess to **approve** a request by Mission Aviation Fellowship, Case # CU2007-113 for a **Conditional Use Permit** to construct and operate a private airstrip on approximately 80.76 acres in an "A" (Agricultural) Zone with the following conditions:

1. **The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.**
2. **The development shall comply with the rules and recommendations of:**
   - **Canyon County Weed & Gopher Control (Exhibit C.5)**
3. **The airstrip shall be for private use only.**
4. **The applicant shall supply an approval letter from Melba Rural Fire Department prior to commencement of operation of the private airstrip.**

Commissioners Flowers, Hess, Kostka, Roe, Lyman, and Chairman Hetrick voted in **favor.**

The motion **carried** unanimously.

VI. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law, and the reasons stated, the Canyon County Planning and Zoning Commission orders that Case # CU2007-113, a request by Mission Aviation Fellowship for a **Conditional Use Permit** to construct and operate a private airstrip on approximately 80.76 acres in an "A" (Agricultural) Zone is **approved** with the following **conditions**:

1. **The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.**
2. **The development shall comply with the rules and recommendations of:**
   - **Canyon County Weed & Gopher Control (Exhibit C.5)**
3. **The airstrip shall be for private use only.**
4. **The applicant shall supply an approval letter from Melba Rural Fire Department prior to commencement of operation of the private airstrip.**

Notice of Appellate Procedure

Pursuant to the provisions of Chapter 7, Article 3 of the Canyon County Code of Ordinances, an affected person aggrieved by this decision may file an appeal with the Development Services Department, together with the filing fee, within fifteen (15) calendar days after the date of the written decision. A certified copy of the file will be delivered to the Canyon County Board of Commissioners, which will schedule and conduct the appeal hearing.

WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER WAS APPROVED BY THE CANYON COUNTY PLANNING AND ZONING COMMISSION AT A SCHEDULED MEETING HELD **MAY 1, 2008.**

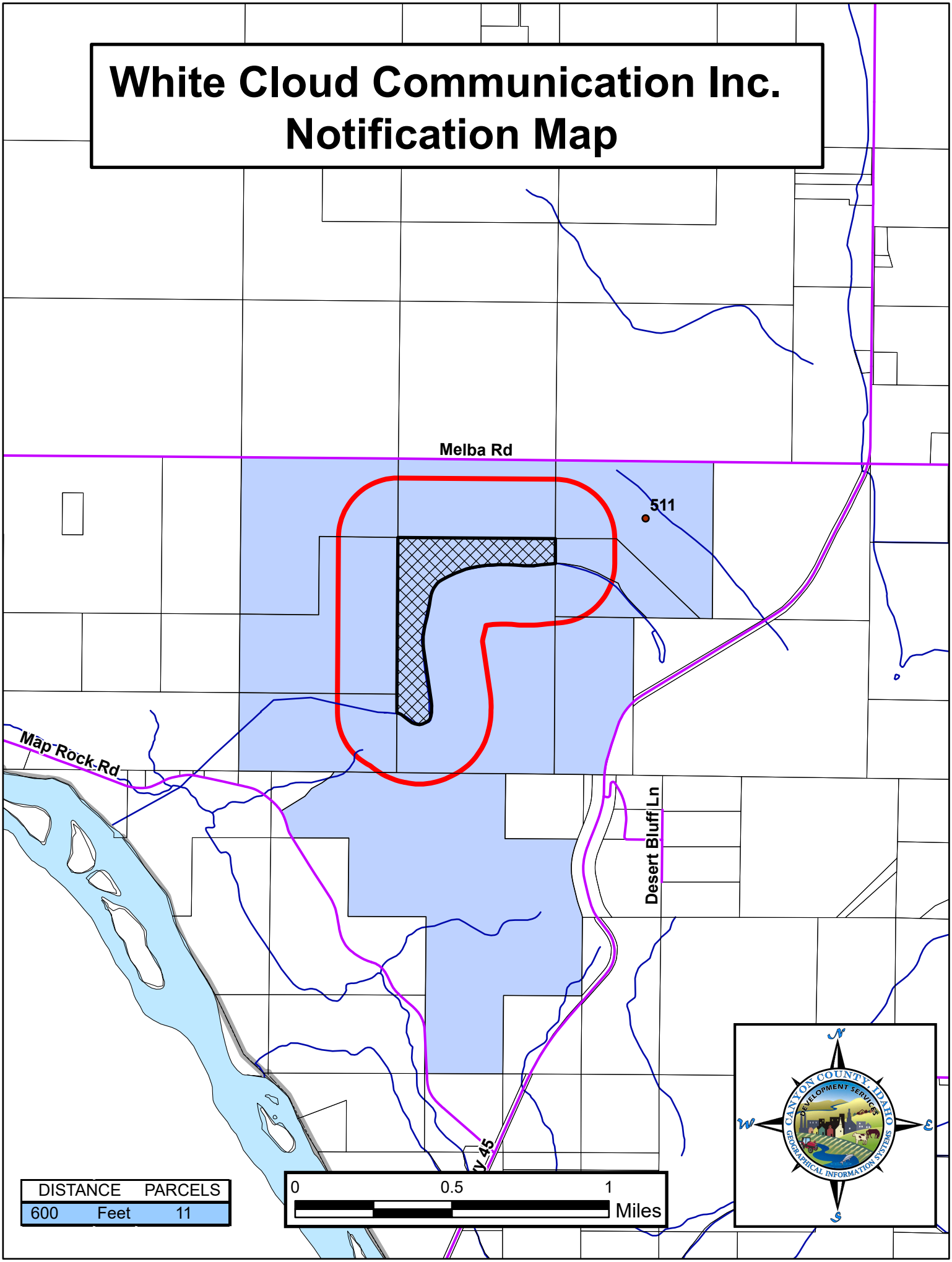
Tim Hetrick
Planning and Zoning Commission Chairman

8 May 1, 2008
Dated

ATTEST:

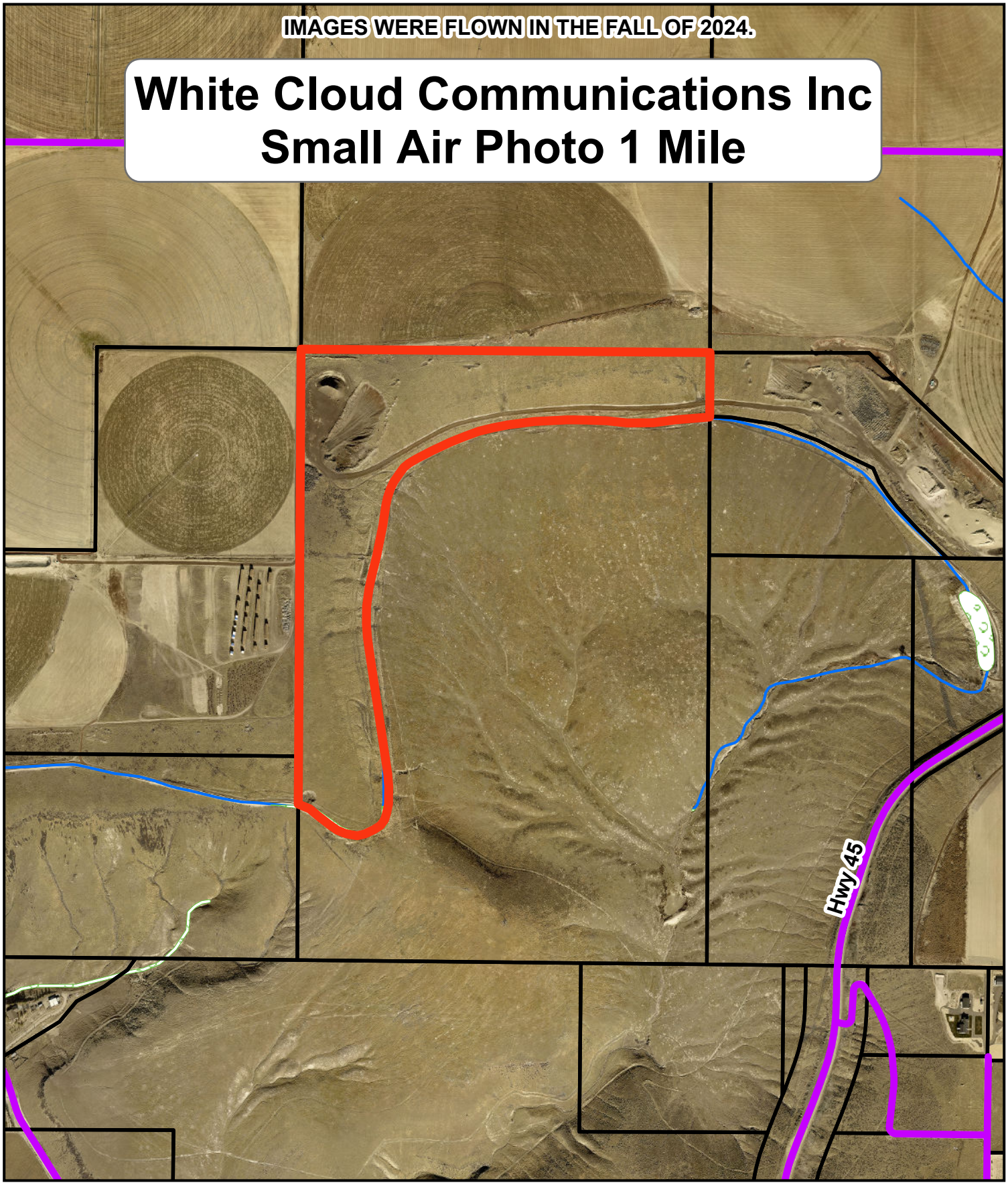
Jill Hewson
Recording Secretary

White Cloud Communication Inc.
Notification Map



IMAGES WERE FLOWN IN THE FALL OF 2024.

White Cloud Communications Inc
Small Air Photo 1 Mile



City_Limits

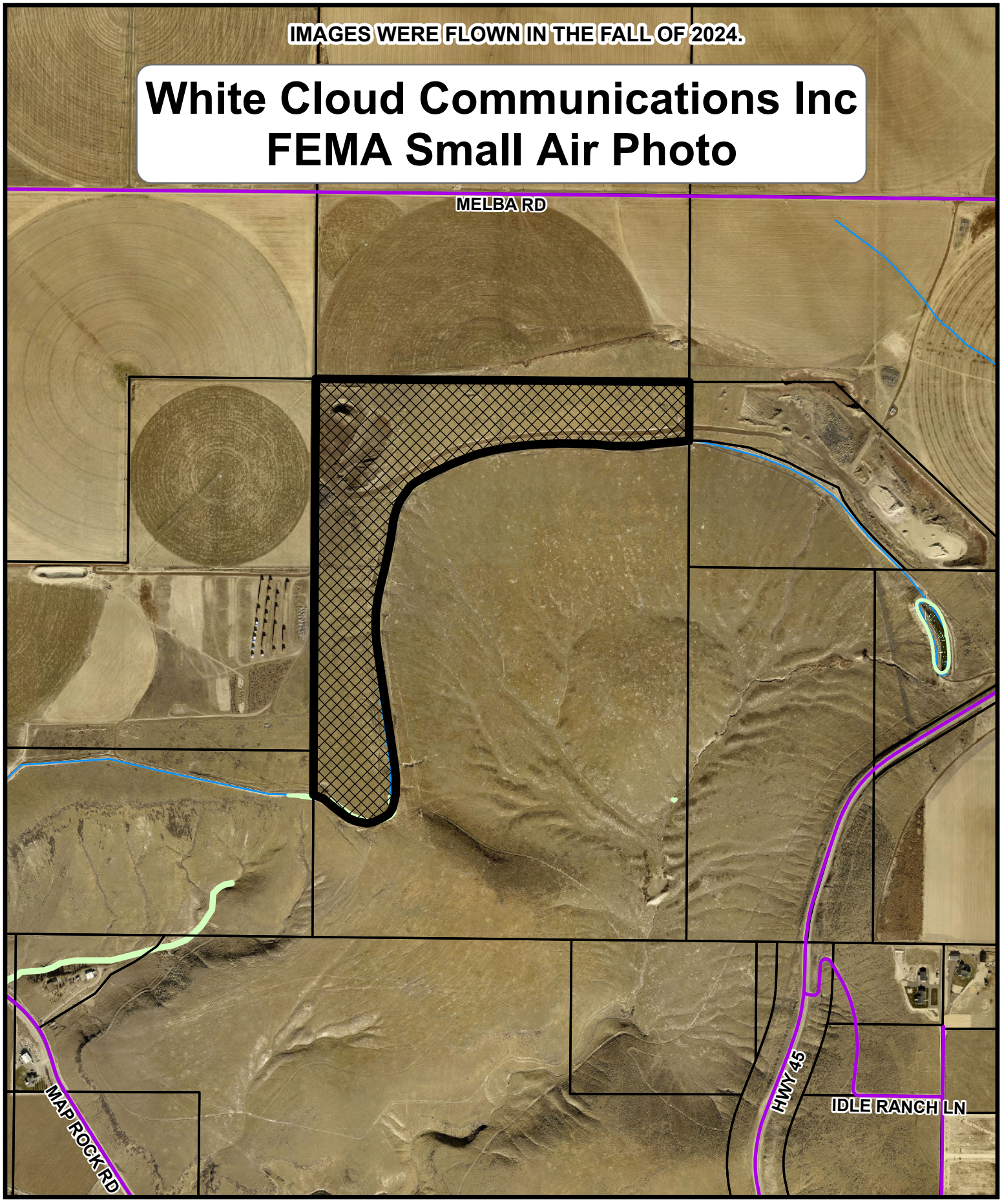
Wetlands

Exhibit C9.1

0 0.25 0.5 Miles

IMAGES WERE FLOWN IN THE FALL OF 2024.

White Cloud Communications Inc
FEMA Small Air Photo

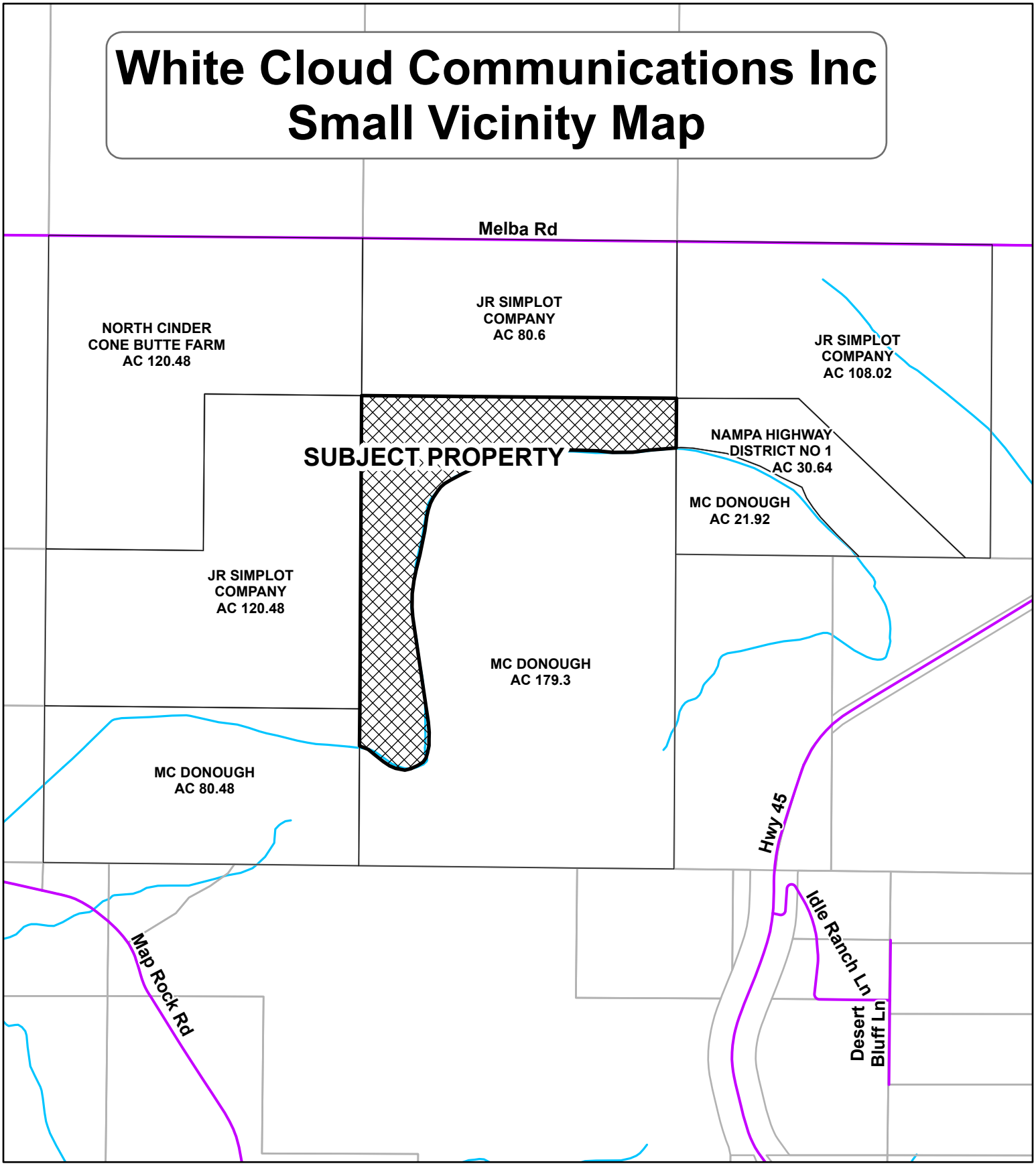


Legend

- SUBJECT_PROPERTY
- TAXLOTS
- WETLANDS
- A
- AE
- X

400 0 400 Feet

White Cloud Communications Inc
Small Vicinity Map



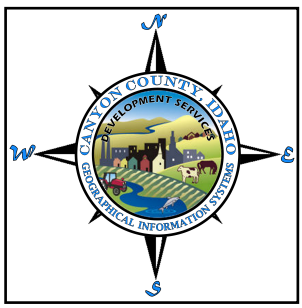
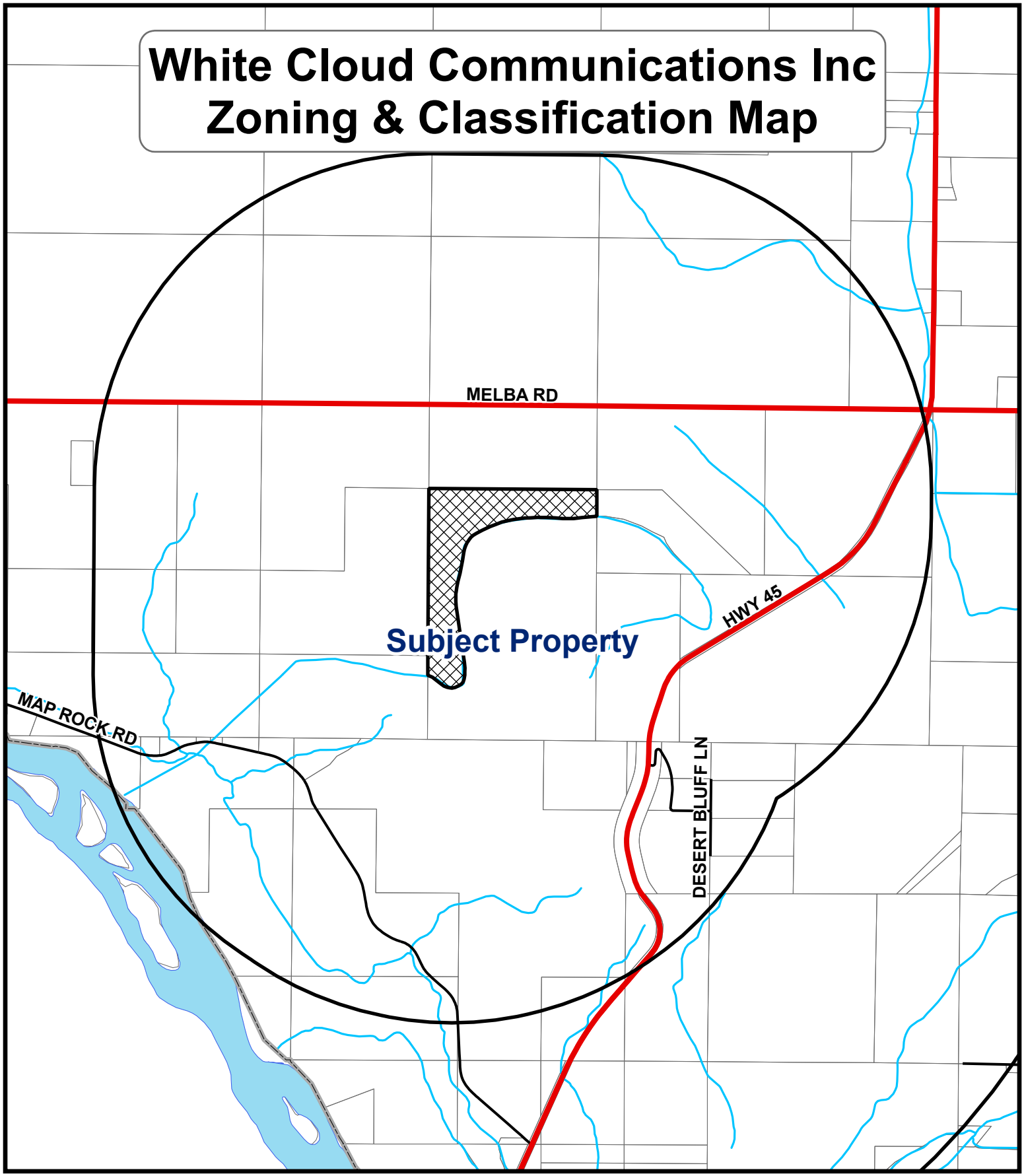


Exhibit C9.2

0 0.25 0.5 Miles

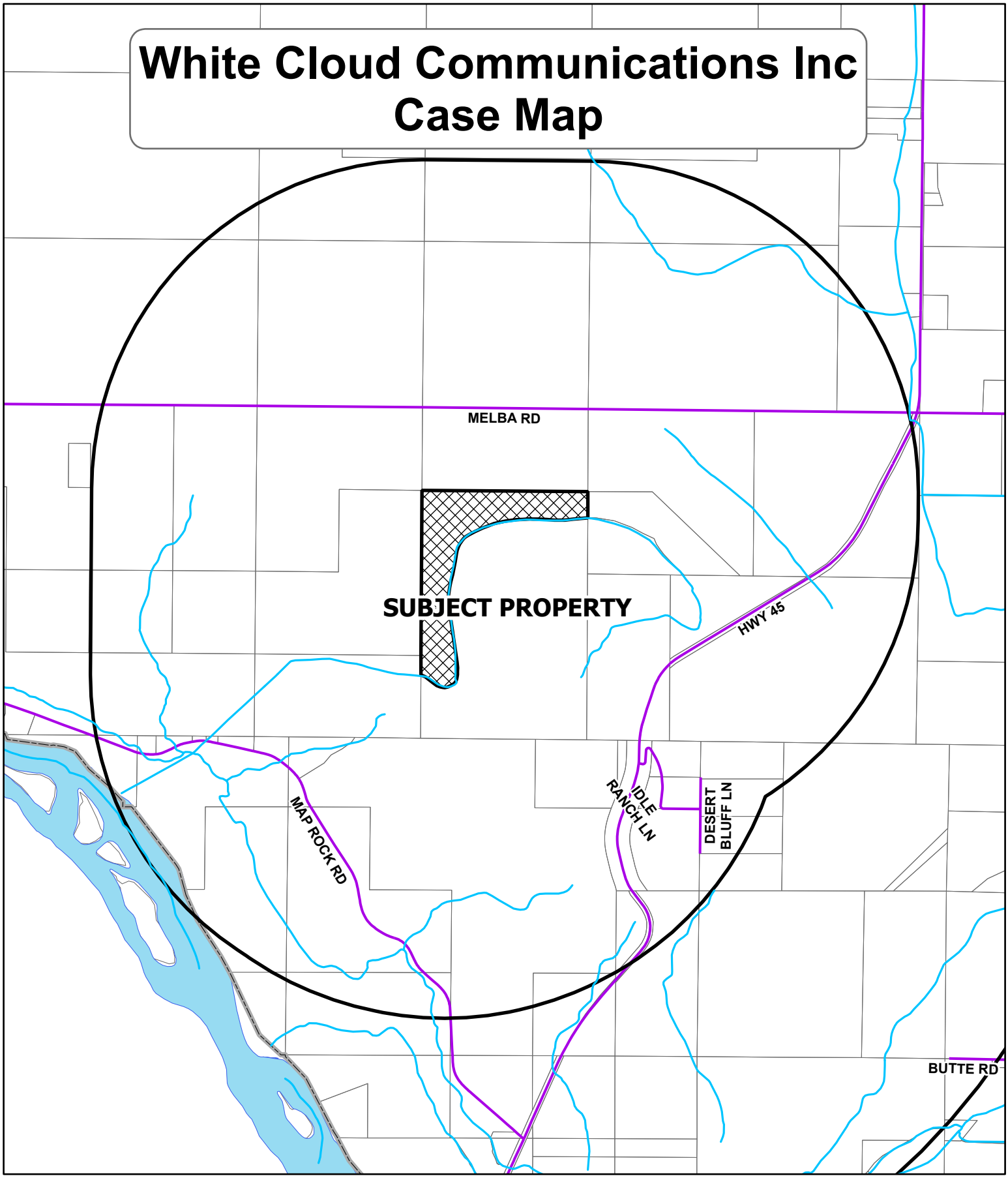
White Cloud Communications Inc
Zoning & Classification Map



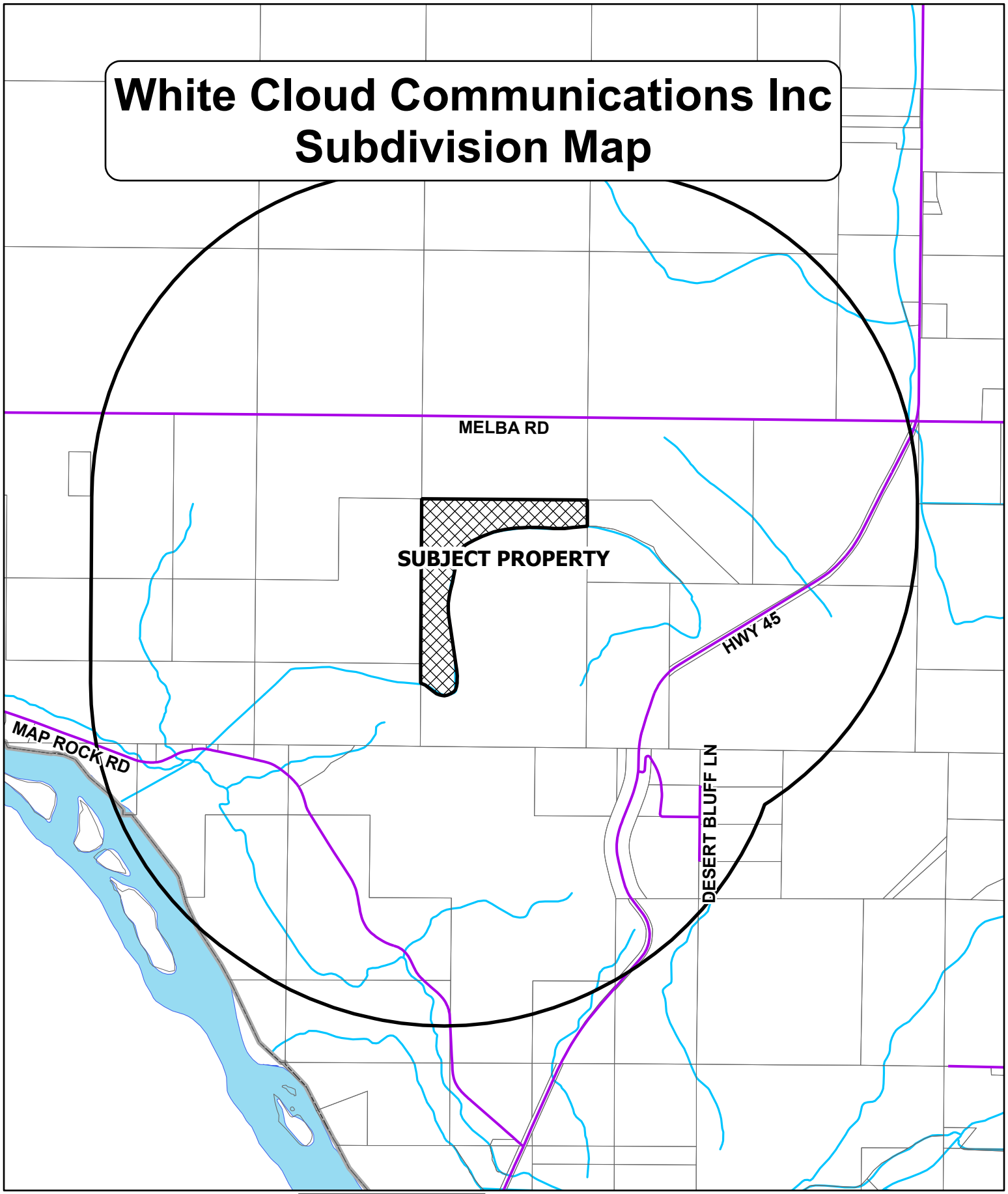
RR
CR-RR
R1
CR-R1
R2
C
C1
CR-C1
C2
CR-C2
M1
CR-M1
M2
AG
INTERSTATE
OTHER FREEWAY/ EXPRESSWAY
PROPOSED OTHER FREEWAY/ EXPRESSWAY
PRINCIPAL ARTERIAL
PROPOSED PRINCIPAL ARTERIAL
MINOR ARTERIAL
PROPOSED MINOR ARTERIAL
COLLECTOR
PROPOSED COLLECTOR

Exhibit C9.3

0 0.25 0.5 Miles


White Cloud Communications Inc
Case Map
MELBA RD
SUBJECT PROPERTY
HWY 45
MAP ROCK RD
IDLE RANCH LN
DESERT BLUFF LN
BUTTE RD
Year
2020
2021
2022
2023
2024
2025
Exhibit C9.4
0
0.5
1
Miles

White Cloud Communications Inc
Subdivision Map



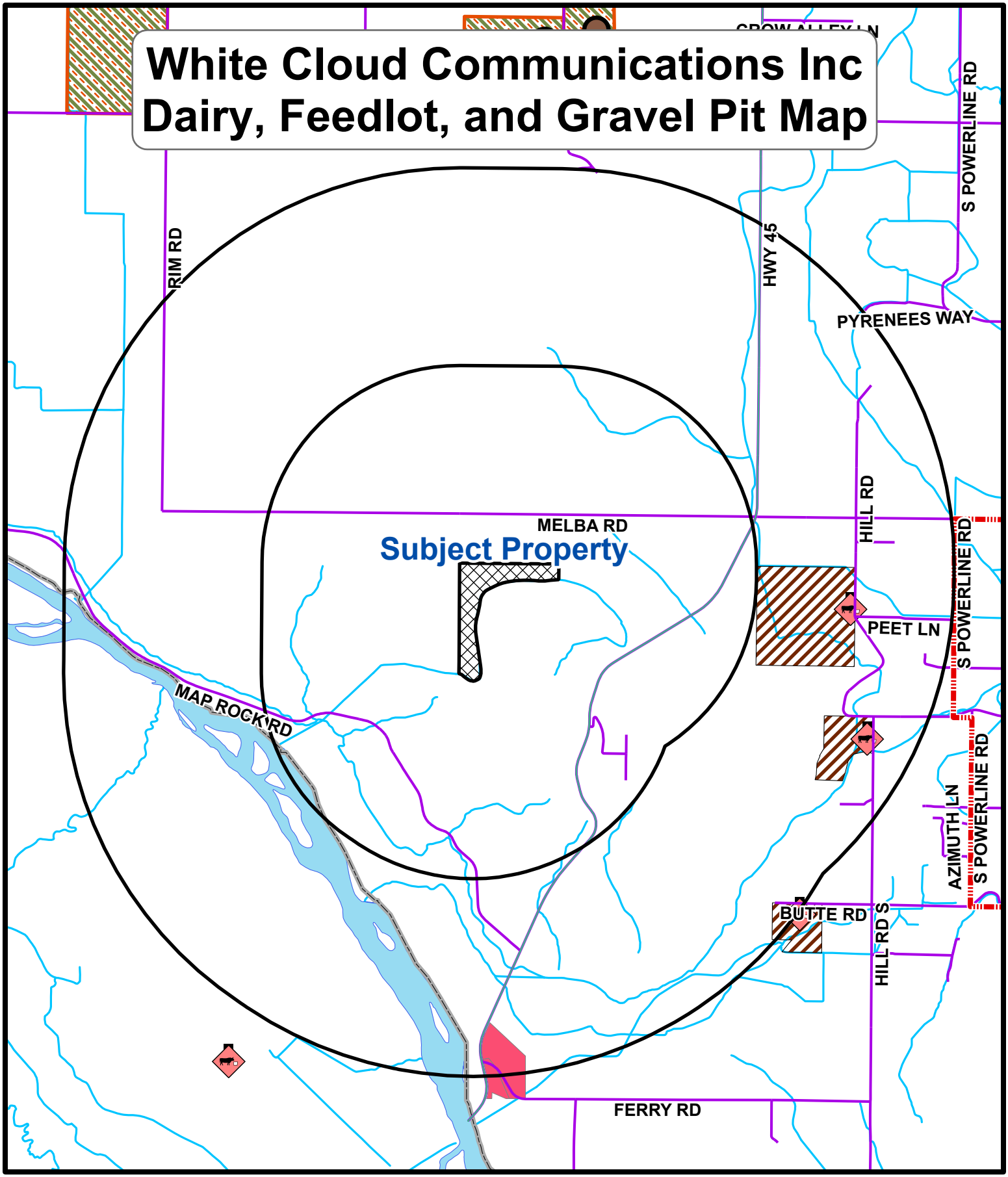
SUBDIVISIONS

Plat Type,Plat Status

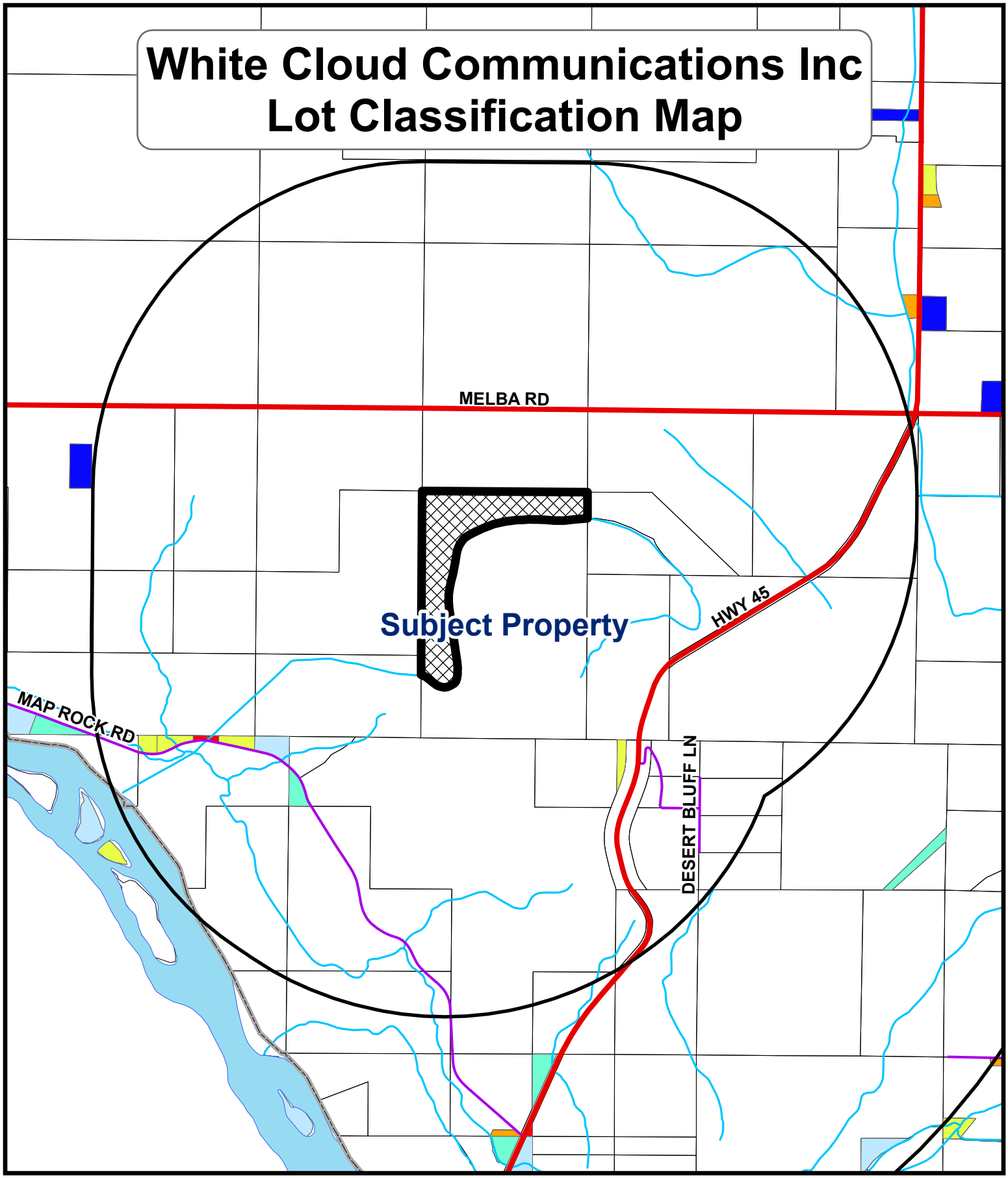
- Preliminary,Approved
- Preliminary,Pending
- MOBILE HOME PARKS

Exhibit C9.5

0 0.5 1 Miles


White Cloud Communications Inc
Dairy, Feedlot, and Gravel Pit Map
RIM RD
HWY 45
S POWERLINE RD
PYRENEES WAY
HILL RD
MELBA RD
Subject Property
PEET LN
MAP ROCK RD
AZIMUTH LN
BUTTE RD
HILL RD S
FERRY RD
FEEDLOTS
DAIRIES
GRAVELPITS
0
1
2
Miles

White Cloud Communications Inc
Lot Classification Map



Lot Size

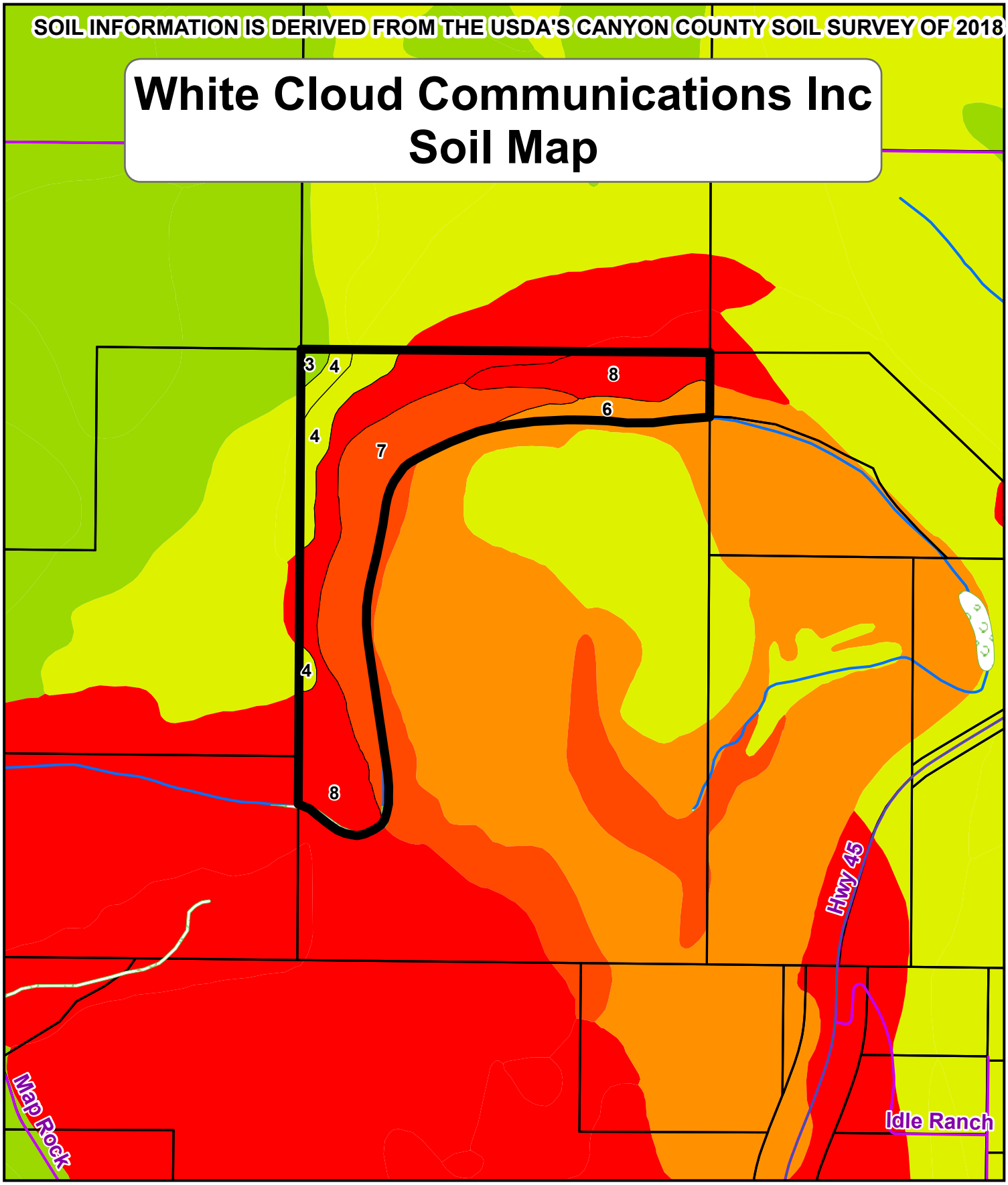
- 0.0 - 1.0
- 1.1 - 2.0
- 2.1 - 3.0
- 3.1 - 4.0
- 4.1 - 5.0
- 5.1 - 6.0

- 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

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

White Cloud Communications Inc
Soil Map



Nitrate Priority Wells

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

IDWR_2C_Geothermal_

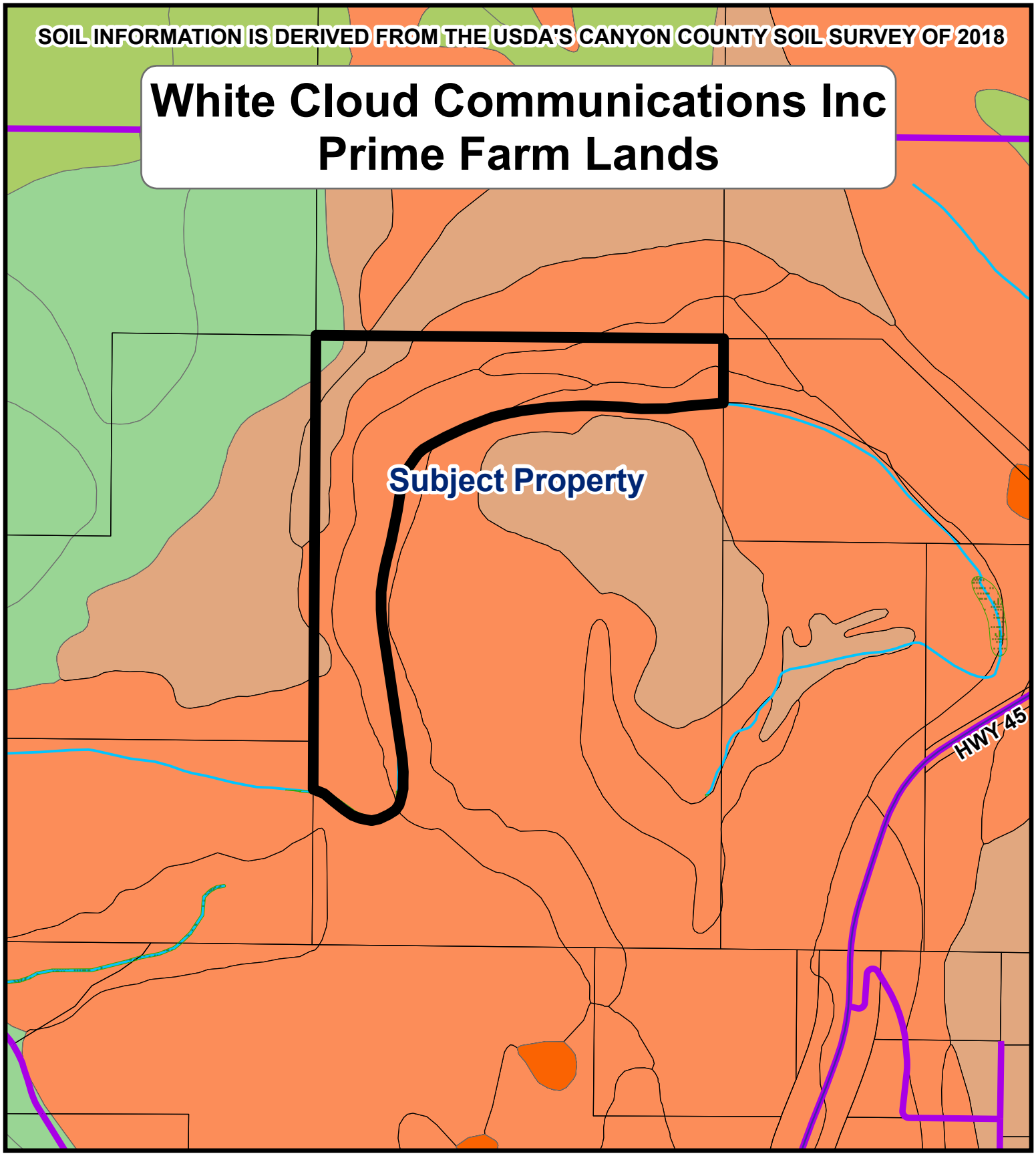
Wetlands

Exhibit C9.6

0 0.25 0.5 Miles

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

White Cloud Communications Inc
Prime Farm Lands



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

SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
6	LEAST SUITED SOIL	191039.29	4.39	7.08%
8	LEAST SUITED SOIL	350593.54	8.05	13.00%
7	LEAST SUITED SOIL	932415.11	21.41	34.57%
4	MODERATELY SUITED SOIL	213638.96	4.90	7.92%
4	MODERATELY SUITED SOIL	85117.40	1.95	3.16%
3	MODERATELY SUITED SOIL	32430.14	0.74	1.20%
8	LEAST SUITED SOIL	891742.60	20.47	33.06%
		2696977.04	61.91	100%

FARMLAND REPORT

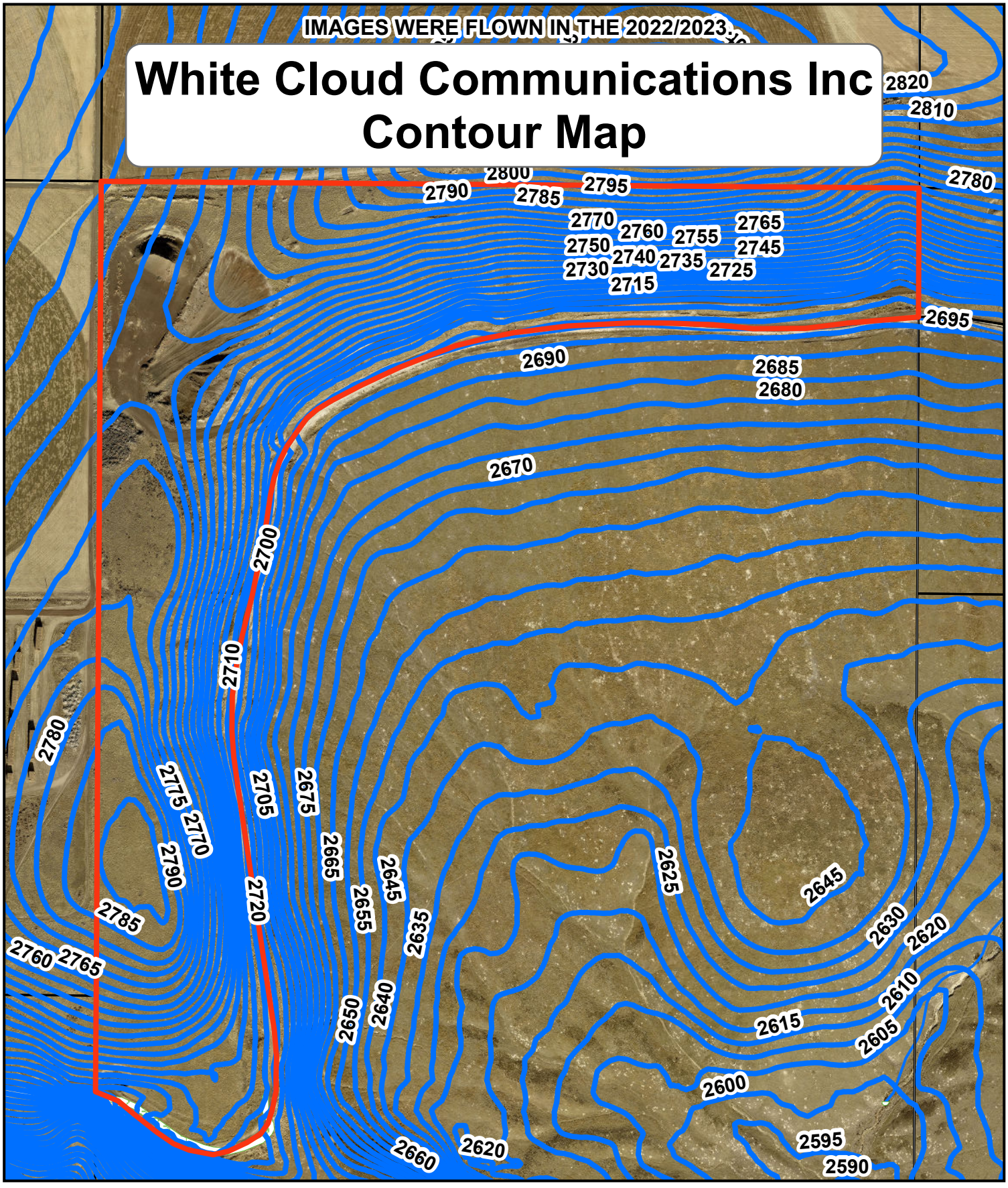
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
BaD	Not prime farmland	191039.29	4.39	7.08%
VbG	Not prime farmland	350593.54	8.05	13.00%
BaE	Not prime farmland	932415.11	21.41	34.57%
SdC	Farmland of statewide importance, if irrigated	213638.96	4.90	7.92%
BaC	Farmland of statewide importance, if irrigated	85117.40	1.95	3.16%
BaB	Prime farmland if irrigated	32430.14	0.74	1.20%
Ve	Not prime farmland	891742.60	20.47	33.06%
		2696977.04	61.91	100%

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

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

IMAGES WERE FLOWN IN THE 2022/2023

White Cloud Communications Inc Contour Map



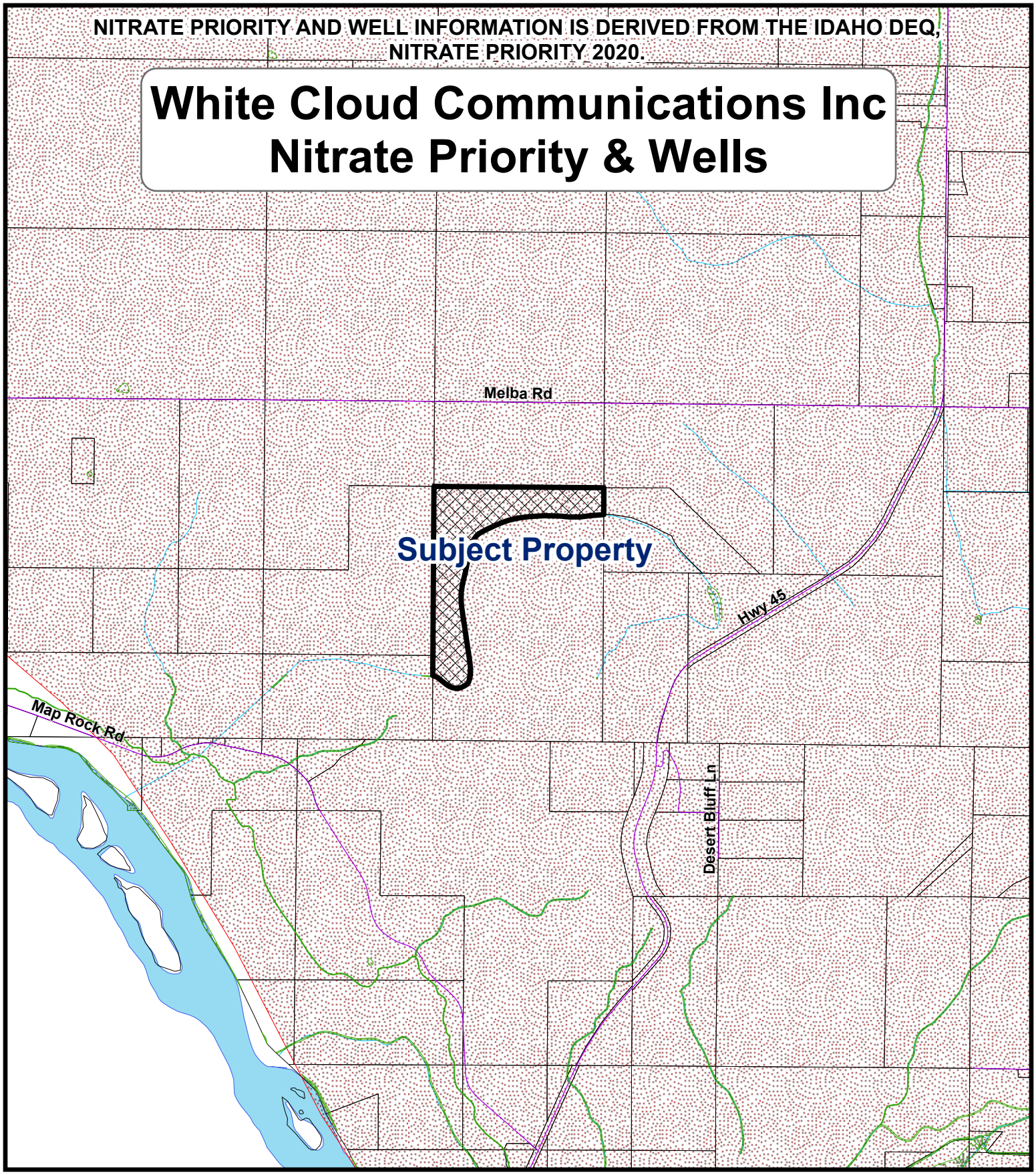
Legend

- SUBJECT_PROPERTY
- TaxParcels
- SectionContours
- Wetlands

0 200 400 600 Feet

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

White Cloud Communications Inc
Nitrate Priority & Wells



CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS

GEO-THERMAL LOCATIONS

WETLANDS

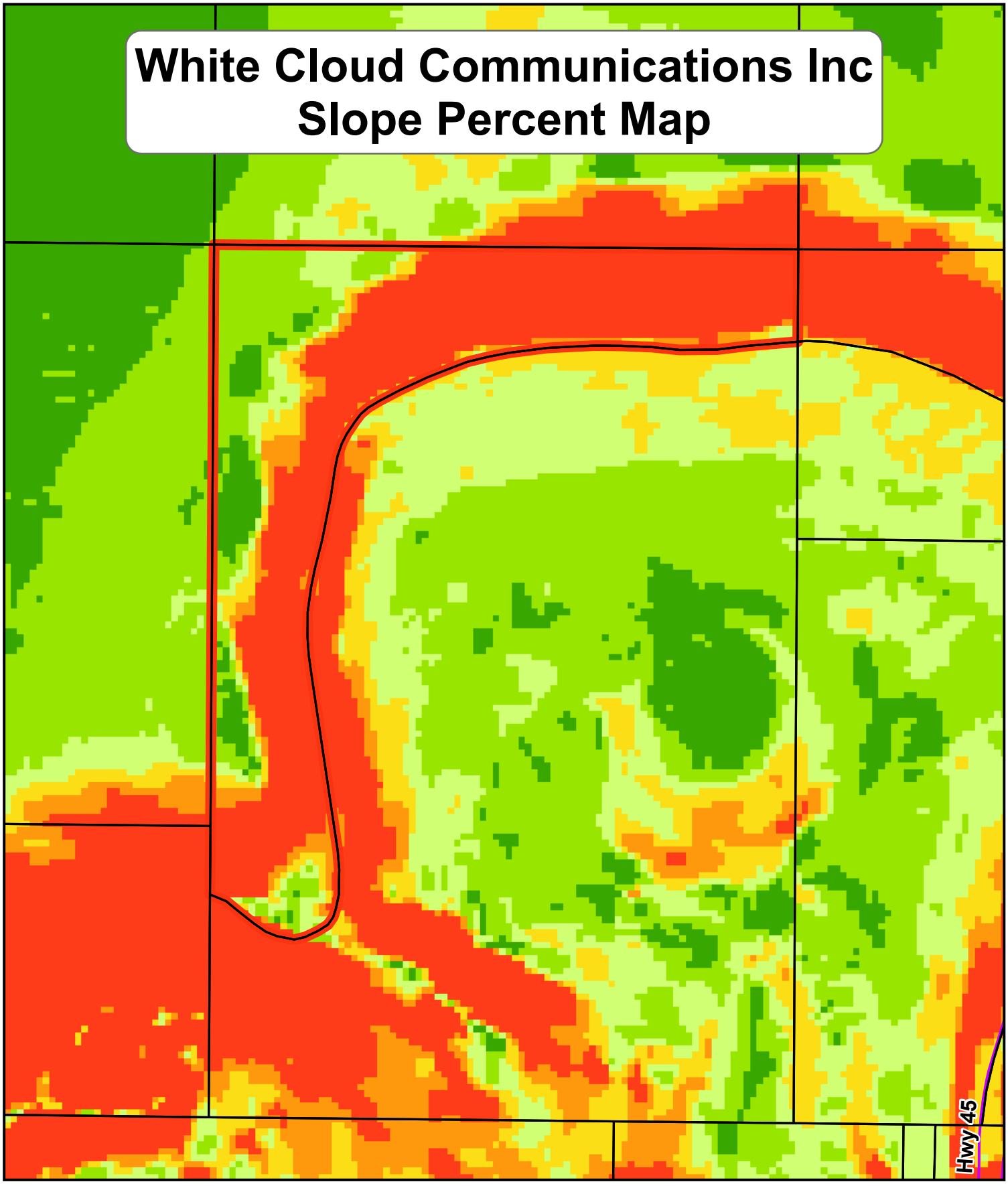
NITRATE_PRIORITY

DEQ WELLS
N03_MGL

- 0.005 - 2.00
- 2.000001 - 5.00
- 5.0000001 - 10.00
- 10.000001 - 49.80

0 0.5 1 Miles

White Cloud Communications Inc
Slope Percent Map



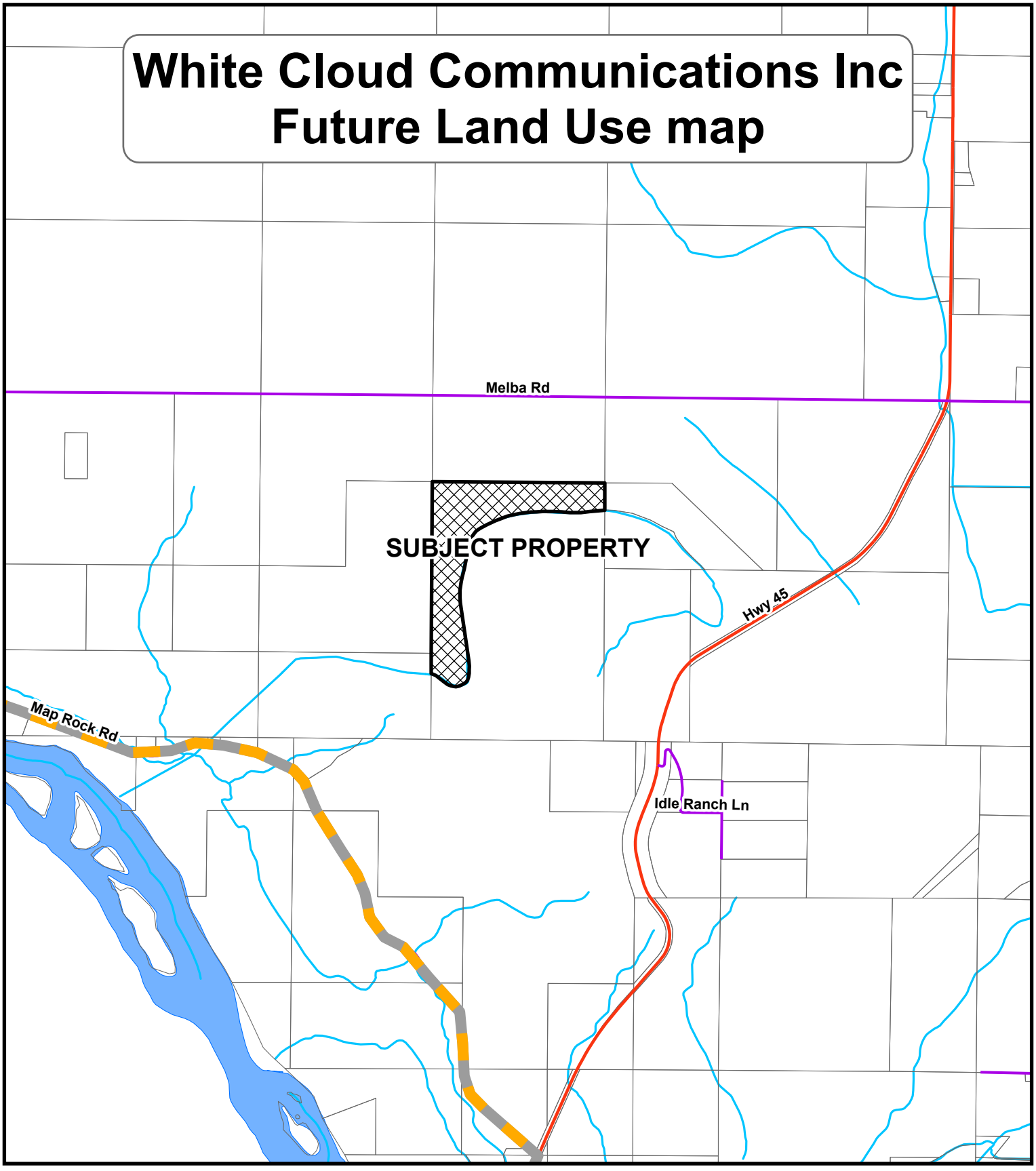
Slope Percent

0.001 - 3	9.001 - 12
3.001 - 6	12.001 - 14.999
6.001 - 9	15 - 202.718

Exhibit C9.7

0 200 400 600 Feet

White Cloud Communications Inc
Future Land Use map



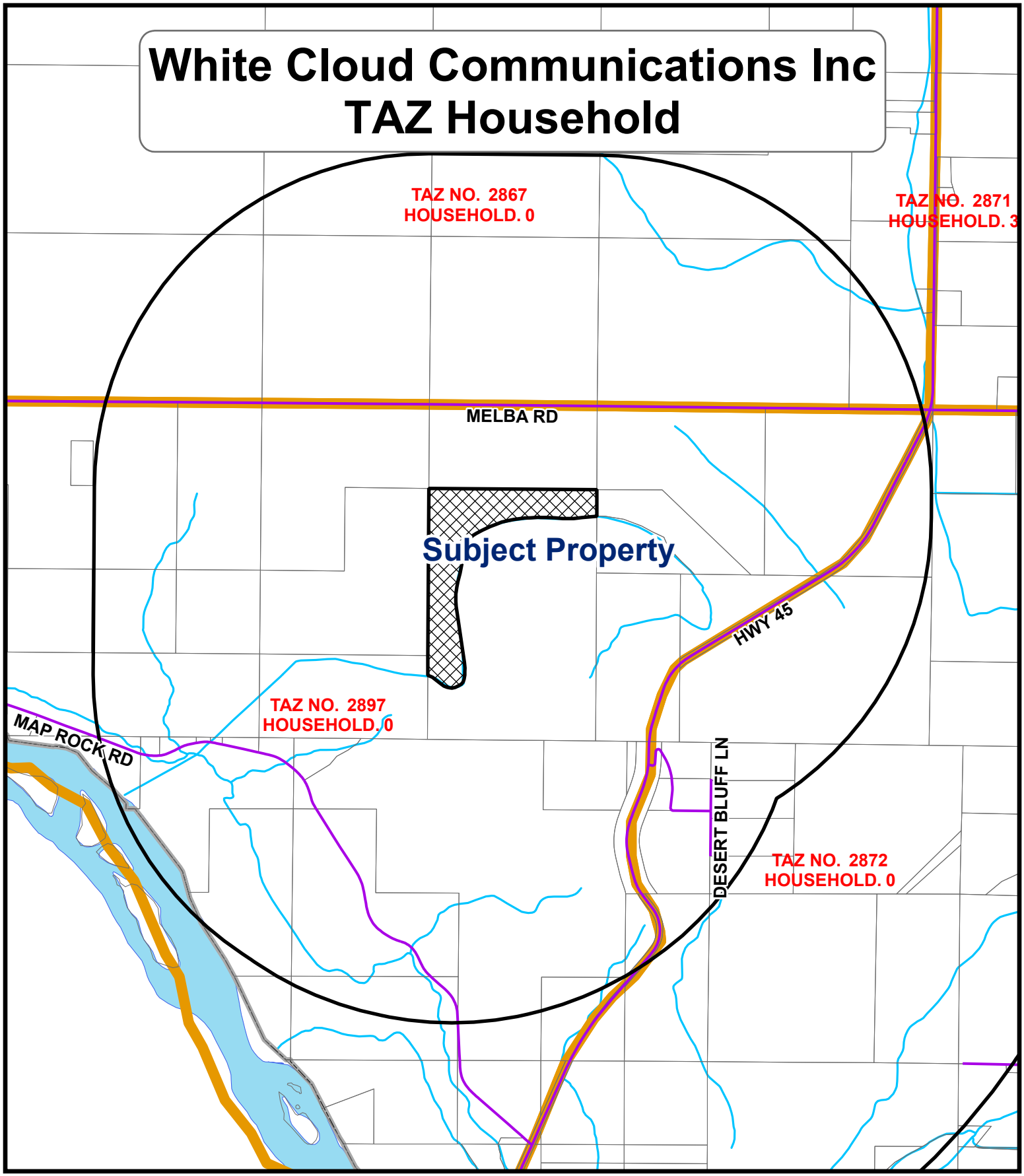
CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS

Future Land Use 2030
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- RURAL RESIDENTIAL

Exhibit C9.8

0 0.5 1 Miles

White Cloud Communications Inc
TAZ Household



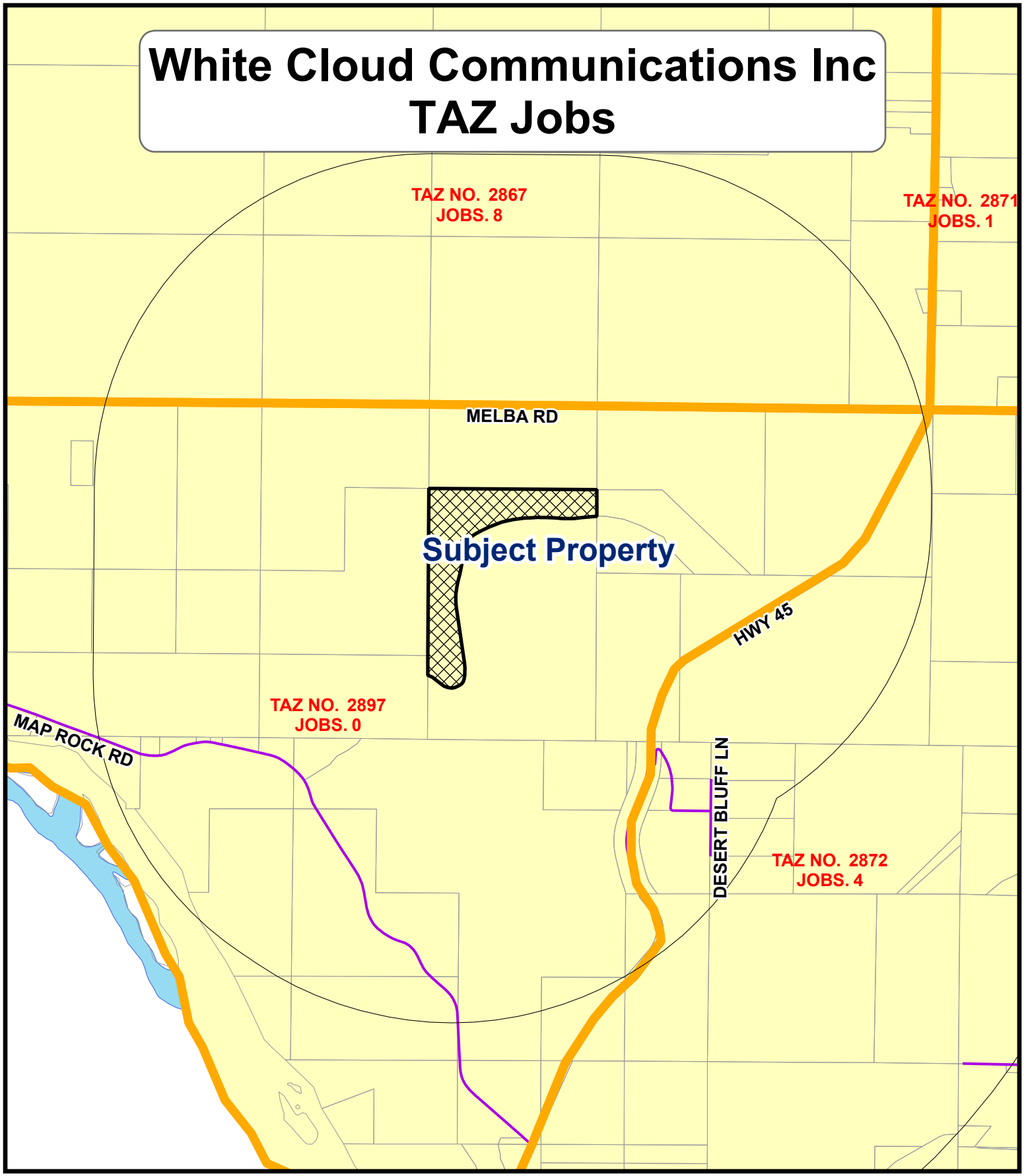
CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS

House Hold 2025-2050

-4 - 50	251 - 500
51 - 150	501 - 750
151 - 250	751 - 1263

Exhibit C9.9

0 0.5 1 Miles


White Cloud Communications Inc
TAZ Jobs
TAZ NO. 2867
JOBS. 8
TAZ NO. 2871
JOBS. 1
MELBA RD
Subject Property
HWY 45
TAZ NO. 2897
JOBS. 0
MAP ROCK RD
DESERT BLUFF LN
TAZ NO. 2872
JOBS. 4
Jobs 2025-2050
-1
0 - 100
101 - 250
251 - 500
501 - 1000
1001 - 2148
0
0.5
1
Miles

SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
0			

NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
0			

NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
11	108.94	80.60	21.92	322.56

NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0				

PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF…	Year

SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

MOBILE HOME & RV PARKS

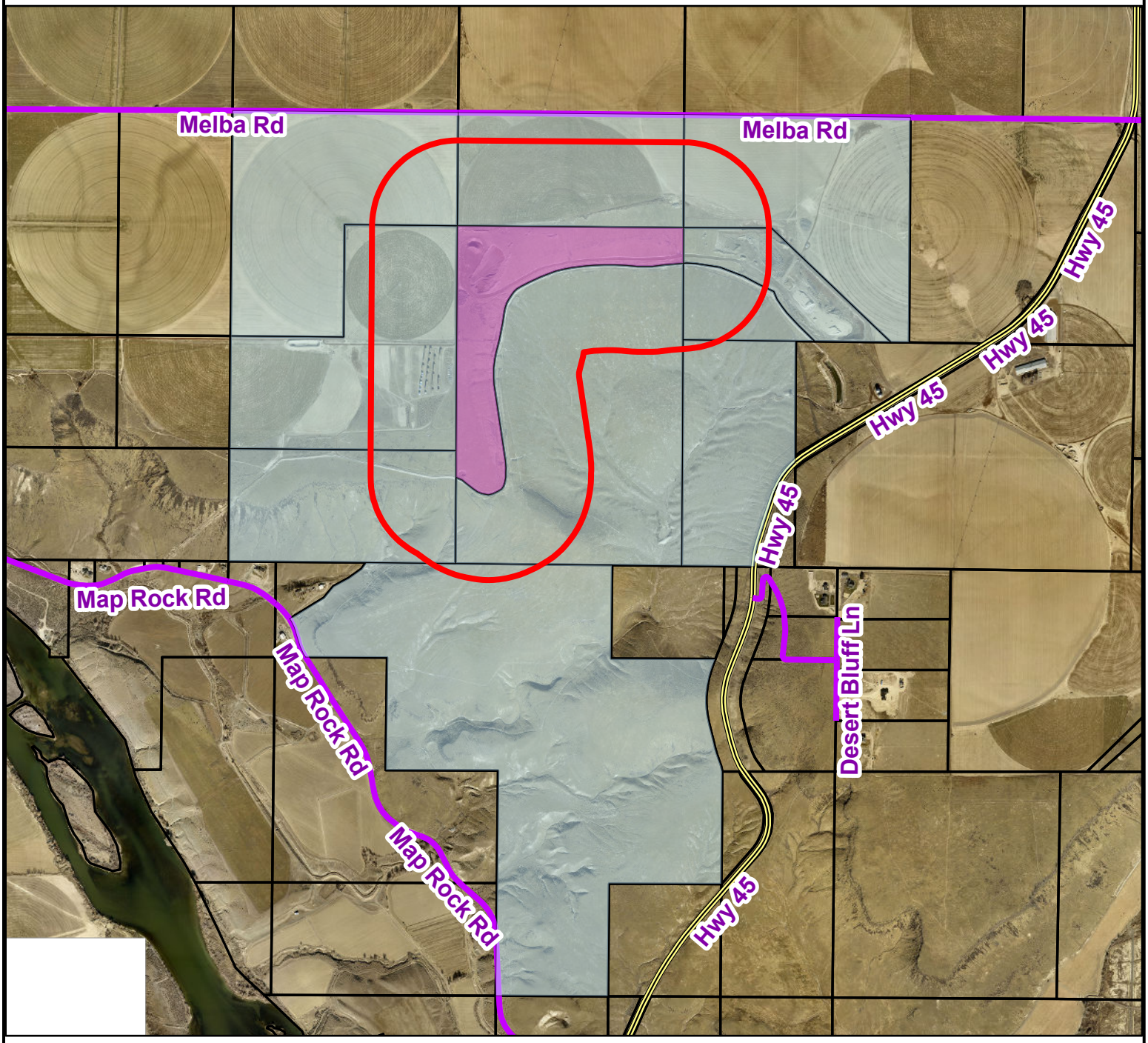
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF…

Neighborhood Notification Map
Parcel No. R28634
Buffer Distance 1000 Feet

This map is for informational purposes only and does not suggest approval of the project.

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

Date: 11/25/2025
By: mvanderveen



Legend

- NOTIFICATION BUFFER
- SUBJECT_PROPERTY
- NOTIFIED PARCELS
- TAX PARCELS
- Highway
- Interstate
- Local Road

SCALE

0 0.25 0.5 Miles

Neighborhood listings and maps are provided "as-is" without warranties on accuracy, completeness, or timeliness. Users are solely responsible for determining their appropriateness for decision-making. Canyon County, ID makes no guarantees, express or implied, including fitness for any particular use. Maps are dynamic and subject to ongoing revisions; they do not represent a survey. Neither Canyon County nor its employees assume liability for any errors or damages arising from the use of this information.

Exhibit C10

Arbay Mberwa

From: Trenton McRae
Sent: Friday, December 12, 2025 8:52 AM
To: Arbay Mberwa
Cc: Zach Wesley
Subject: FW: New submission from PA - Request for Legal Advice (RLA)
Attachments: Telecommunications Tower Permit Response.docx

Good Morning Arbay,

Please see the attached document for the responses to your questions. Please let us know if there is anything else we can do to help!

Trenton A. McRae
Civil Deputy Prosecuting Attorney
1115 Albany Street
Caldwell, ID 83605
Office Phone: (208) 454-7391
Facsimile: (208) 454-7474
trenton.mcrae@canyoncounty.id.gov

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From: Canyon County <noreply@canyoncounty.id.gov>
Sent: Thursday, November 20, 2025 9:04 AM
To: Greg Rast <Greg.Rast@canyoncounty.id.gov>; Aaron Bazzoli <Aaron.Bazzoli@canyoncounty.id.gov>; PA Civil Secy <PACivilMail@canyoncounty.id.gov>
Subject: New submission from PA - Request for Legal Advice (RLA)

Request Date:
11/20/2025
Your Name:
Arbay Mberwa
Department/Office
Development Services
Contact Person
Name
Arbay Mberwa

Phone

2084556039

Email

arbay.mberwa@canyoncounty.id.gov

Description of Legal Services Requested

Hi,

I'm working through a conditional use permit for a telecommunication tower on parcel R28634. The applicant and property owner states there is legal access via an easement that dates back to 1965 (pre dating the ordinance). Please see email correspondence for details.
1. Can this be considered as having legal access? If so what documentation should I obtain from the property owner/applicant for evidence?
2. Can this be considered a prescriptive easement? If so what documentation should I obtain from the property owner/applicant for evidence?
The other conflict is that the easement is 20' wide per the record of survey. Code requires an easement be a minimum of 28' with an easement reduction application, will this require the easement be expanded to meet code if it were a prescriptive easement?

Thank you,

-Arbay

Please upload documents/drafts for review by legal:

- CU2025-0017-application.pdf
- Email-Correspondence-with-Applicant-10.28.25.pdf
- NHD1_10.27.25.pdf

Project/Contract Deadline

12/09/2025

I'm working through a conditional use permit for a telecommunication tower on parcel R28634. The applicant and property owner states there is legal access via an easement that dates back to 1965 (pre dating the ordinance). Please see email correspondence for details.

1. Can this be considered as having legal access? If so what documentation should I obtain from the property owner/applicant for evidence?

a) Yes, an easement would be evidence of legal access. We would want the document that created the easement or a subsequent document that confirms there is an existing easement.

2. Can this be considered a prescriptive easement? If so what documentation should I obtain from the property owner/applicant for evidence?

a) From the documents/emails provided, I don't believe this is a prescriptive easement. A prescriptive easement is a legal right to use another's property that is acquired through continuous, unauthorized use over a statutory period – 20 years. It may have started as a prescriptive easement, but it appears at this point it has become an express easement. An express easement creates authorized use through some sort of grant or documentation that negates the possibility of prescriptive easement. The express easement is going to control the width of the access unless it is modified by subsequent agreement or a legal process. If we determine that a 20' width is unsafe, then we could ask the parties to modify the easement and expand it to 28'. Since they both seem to be in agreeance that this tower should be installed, they may be willing to do that.

The other conflict is that the easement is 20' wide per the record of survey. Code requires an easement be a minimum of 28' with an easement reduction application, will this require the easement be expanded to meet code if it were a prescriptive easement?

a) The county code does require a minimum of 28' in 07-10-03(1)(B)(2) but this applies to driveways or roads leading to a home. This is a private road leading to farm ground, so it really is not a driveway. Even if it was considered a driveway, the Director could allow the reduced width if the reduction meets the requirements of subsection (1)(D)(1-3) that it would:
    1. Provide adequate access;
    2. That the physical characteristics of the site require a width reduction; and
    3. The approval would not cause injury, damage, or a safety hazard.

EXHIBIT D

Site visit Photos: November 21, 2025

Planning & Zoning Commission

Case# CU2025-0017

Hearing date: January 15, 2025

Exhibit D



Figure 1 Photo taken facing north from the center of the lease area.



Figure 2 Photo taken facing northeast from the center of the lease area.



Figure 3 Photo taken facing east from the center of the lease area.



Figure 4 Photo taken facing southeast from the center of the lease area.



Figure 5 Photo taken facing south from the center of the lease area.



Figure 6 Photo taken facing southwest from the center of the lease area.



Figure 7 Photo taken facing west from the center of the lease area.



Figure 8 Photo taken facing northwest from the center of the lease area.



Figure 9 Legal access via Simplot property from Highway 45 facing north.



Figure 10 Legal access via Simplot property from Highway 45 facing east.



Figure 11 Legal access via Simplot property from Highway 45 facing south



Figure 12 Legal access via Simplot property from Highway 45 facing west.



Figure 13 Photo taken facing north on the express easement.



Figure 14 Photo taken facing east on the express easement.



Figure 15 Photo taken facing south on the express easement.



Figure 16 Photo taken facing west on the express easement.

EXHIBIT E

Agency Comments Received by: January 5, 2025

Planning & Zoning Commission

Case# CU2025-0017

Hearing date: January 15, 2026

Arbay Mberwa

Exhibit E1

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, October 27, 2025 3:58 PM
To: Arbay Mberwa
Subject: RE: [External] FW: Agency Notice CU2025-0017 / White Cloud Communications Inc

Arbay,

The access easement references may be in our legal description

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

From: Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>
Sent: Monday, October 27, 2025 2:45 PM
To: Eddy Thiel <eddy@nampahighway1.com>
Subject: RE: [External] FW: Agency Notice CU2025-0017 / White Cloud Communications Inc

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.

Hi Eddy,

Thanks for the quick response. In the letter of intent it states that the property has legal access through a 20' easement on the west boundary of parcel R28633, is that easement already in place? If so is there an instrument number of the easement?
Is parcel R28646 an active gravel pit?

Thanks,

Arbay Mberwa
Associate Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6039
Email: Arbay.Mberwa@canyoncounty.id.gov
Website: www.canyoncounty.id.gov
Public office hours:
Monday, Tuesday, Thursday and Friday
8am – 5pm
Wednesday: 1pm – 5pm
**We will not be closed during lunch hour **

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, October 27, 2025 1:41 PM
To: Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>
Subject: [External] FW: Agency Notice CU2025-0017 / White Cloud Communications Inc

Good Afternoon Arbay,

Nampa Highway District #1 has no objection to the CUP for White Cloud Communications, Inc. as we are working closely with them on this. They are proposing to place in on NHD#1 property.

Let me know if you have any questions.

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, October 27, 2025 1:10 PM
To: 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; Eddy Thiel <eddy@nampahighway1.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; 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>; 'idahoaaa@gmail.com' <idahoaaa@gmail.com>; 'makline2@marathonpetroleum.com' <makline2@marathonpetroleum.com>
Subject: Agency Notice CU2025-0017 / White Cloud Communications Inc

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.

Please see the attached agency notice. You are invited to provide written testimony or comments by **November 26, 2025**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider

Arbay Mberwa

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, October 27, 2025 3:57 PM
To: Arbay Mberwa
Subject: RE: [External] FW: Agency Notice CU2025-0017 / White Cloud Communications Inc

Hi Arbay,

In the legal description of Simplot's, it references ingress egress easements but it doesn't really define them specifically from the time it was owned by the Kondo brothers. There has always been access from Melba Rd and from Hwy 45 to our parcels through those accesses but no meets and bounds descriptions.

There really isn't gravel in that pit, its red cinders. But we will load trucks from time to time but from our stockpile.

Hope that answers your questions.

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: Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>
Sent: Monday, October 27, 2025 2:45 PM
To: Eddy Thiel <eddy@nampahighway1.com>
Subject: RE: [External] FW: Agency Notice CU2025-0017 / White Cloud Communications Inc

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.

Hi Eddy,

Thanks for the quick response. In the letter of intent it states that the property has legal access through a 20' easement on the west boundary of parcel R28633, is that easement already in place? If so is there an instrument number of the easement?
Is parcel R28646 an active gravel pit?

Thanks,

Arbay Mberwa

Arbay Mberwa

Exhibit E2

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Monday, October 27, 2025 4:24 PM
To: Arbay Mberwa
Cc: Mitch Kiester
Subject: [External] RE: Agency Notice CU2025-0017 / White Cloud Communications Inc
Attachments: Pre.Development.Notes.Signed.08.01.2025.pdf

Hi Arbay,

1.) Will a Nutrient Pathogen Study be required? **This project does not require a Nutrient Pathogen Study.**
2.) Will adequate sanitary systems be provided to accommodate the use? **Subsurface sewage disposal systems were not proposed for his project.**
3.) Any concerns about the use or request for rezoning? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and the nearby city? **There are no concerns with the use or request for rezoning if the applicant meets all SWDH requirements.**

See the attached pre-development notes.

Please 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, October 27, 2025 1:10 PM
To: 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com'

SOUTHWEST DISTRICT HEALTH

Exhibit E2.1

Pre-Development Meeting

Name of Development: White Cloud Communications, Inc.
Applicant: Andy Kittel
P.E./P.G.:
All others in Attendance:

EHS#035 Date 08/1/2025

Number of Lots or Flow: N/A Acreage of Proposed Development: <1.00
Location of Development: TBD Melba, Rd
Melba, ID 83607
R28634000 0

Project in Area of Concern: N/A Groundwater/Rock <10' Unknown
Level 1 NP Necessary for N: N/A

LSAS/CSS Proposed: No
BRO meeting for P or above: No
Proposed Drinking Water: Individual ■, City ☐, Community ☐, Public Water Supply ☐
BRO meeting for PWS, Com: No

Information Distributed: SER ☐, NP Guidance ☐, Non-Domestic WW ap. ☐

Additional Comments: The applicant consulted with Southwest District Health (SWDH) regarding the proposed Broadband Internet Radio Communications tower to be located on a parcel that is less than 1.00 acre.The proposal does not include any wastewater discharge into a septic system and does not appear to encroach upon any existing septic systems. No additional concerns were identified during the meeting, and the applicant may proceed with the next steps in the county's review process.

Anthony Lee

Attach conceptual plan, if provided, or any other correspondence, and create a file for this information. The information will be helpful when responding to the county about permitting requirements and should be maintained with the subdivision file or commercial permit file when completed, for a complete written history of the project and SWDH involvement.

Arbay Mberwa

Exhibit E3

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Wednesday, October 29, 2025 7:53 AM
To: Arbay Mberwa
Subject: [External] RE: Agency Notice CU2025-0017 / White Cloud Communications Inc

Hello,

After careful review of the transmittal submitted to ITD on October 27, 2025, regarding, White Cloud Communications Inc, the Department has no comments or concerns to make at this time. This application does not meet thresholds for a Traffic Impact Study nor does it pose any safety concerns. If you have any questions please contact Kendra Conder at 208-334-8377 /Kendra.Conder@itd.idaho.gov

Thank you
Mila Kinakh
D3 Planning and Development

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Monday, October 27, 2025 1:10 PM
To: 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; 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>; 'idahoaaa@gmail.com' <idahoaaa@gmail.com>; 'makline2@marathonpetroleum.com' <makline2@marathonpetroleum.com>
Subject: Agency Notice CU2025-0017 / White Cloud Communications Inc

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

Please see the attached agency notice. You are invited to provide written testimony or comments by **November 26, 2025**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider

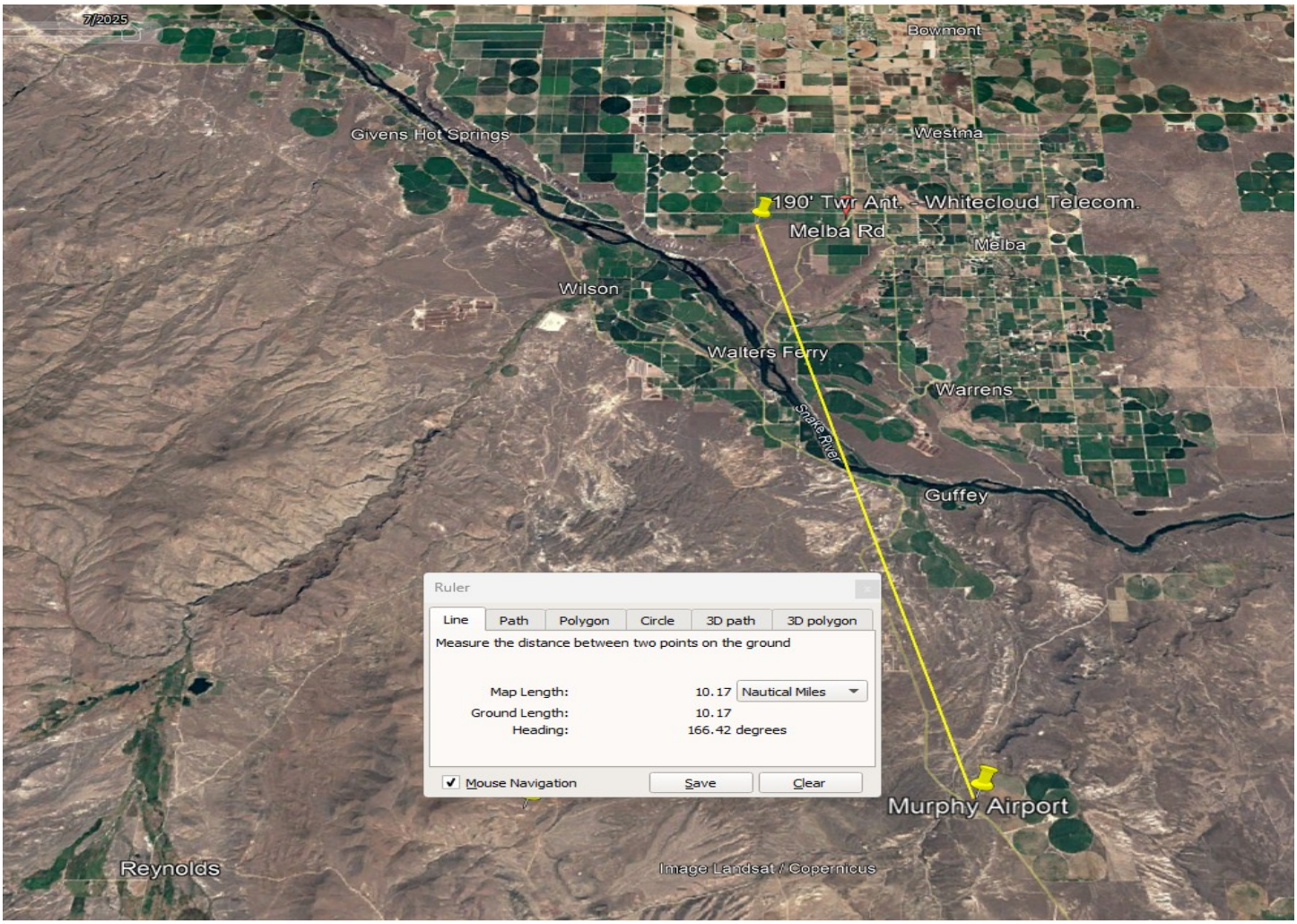
Exhibit E4

Arbay Mberwa

From: Flo Ghighina <Flo.Ghighina@itd.idaho.gov>
Sent: Wednesday, November 12, 2025 3:12 PM
To: Arbay Mberwa
Subject: [External] RE: Telecommunication Facility (CU2025-0017)
Attachments: FAA-Form 7480-1-Notice-For-Construction-Alteration-Deactivation of Airports-2020.pdf

Hello Arbay,
based on the info you provided, the Idaho Division of Aeronautics has reviewed your project (190' Monopole Telecommunications Tower) to be installed by White Cloud Communications in Melba, ID. Under the authority of the Idaho Code 21-513 through 21-520 and Idaho Transportation Rule Nr. 39.04.02, an aeronautical study was conducted and based on the totality of the project (location, local area topography, type of flying occurring in the area (General Aviation and Commercial Aerial Application/Crop Dusting), and the close proximity to the nearest public use airport – 10.17nm N of Murphy Airport (1U3), it was determined that you do need to properly mark and light the top of the structure and we recommend that you accomplish that in accordance with the FAA Advisory Circular (AC) 70/7460-1 M. Because this is a telecommunication tower, therefore a frequency emitter, you will need to file the FAA Form 7480-1 and file with the proper documentation with the FCC for building authorization before you break ground on the project. For your convenience, I have attached a digital copy of the FAA Form 7480-1. Thank you for the opportunity to comment and good luck with the project. Have a great day.

0



Best regards,

Flo Ghighina
Public Airports Inspector/Obstructions Evaluator
ITD-Division of Aeronautics
Ph: 208-334-8895
Cell: 208-866-1558
http://www.itd.idaho.gov/aero
https://www.facebook.com/idahoaeronautics

From: Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>
Sent: Wednesday, October 29, 2025 8:32 AM

To: Flo Ghighina <Flo.Ghighina@itd.idaho.gov>
Subject: Telecommunication Facility (CU2025-0017)

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

Good Morning,

Please see the attached agency notice. You are invited to provide written testimony or comments by **November 26, 2025**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please reach out and let me know if you have questions,

Arbay Mberwa
Associate Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6039
Email: Arbay.Mberwa@canyoncounty.id.gov
Website: www.canyoncounty.id.gov
Public office hours:
Monday, Tuesday, Thursday and Friday
8am – 5pm
Wednesday: 1pm – 5pm
**We will not be closed during lunch hour **

U.S. Department
Of Transportation
Federal Aviation
Administration

FAA Form 7480-1, Notice for Construction, Alteration and Deactivation of Airports

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0036. Public reporting for this collection of information is estimated to be approximately 60 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information.

All responses to this collection of information are required if the proponent wishes to have the airport on file with the FAA, as required by Title 14 Code of Federal Regulations Part 157, and entered into the National Airspace System. No assurances of confidentiality are given. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

When to File a Notice for Construction, Alteration and Deactivation of Airports

Title 14 Code of Federal Regulations Part 157 requires all persons to notify the FAA at least 90 days before construction, alteration, activation, deactivation, or change to the status or use of a civil or joint-use (civil/military) airport. (As used herein, the term “airport” means any Landing or Takeoff Area, e.g. Airport, Heliport, Vertiport, Gliderport, Seaplane Base, Ultralight Flightpark, or Balloonport.)

Notice is not required for:

1. An airport subject to conditions of a Federal agreement that requires an approved current airport layout plan to be on file with the Federal Aviation Administration.
2. Establishment of a temporary airport at which operations will be conducted under visual flight rule (VFR) **and** will be *used for less than 30 days* with **no more than** *10 operations per day*.
3. Intermittent use of a site that is *not an established airport*, which is *used for less than one year* **and** at which *flight operations will be conducted only under VFR*. (Intermittent use means the use of the site for no more than 3 days in any one week and for no more than 10 operations per day.)

Required notice will be submitted on this form from each person who intends to do the any of the following:

1. Construct or otherwise establish a new airport or activate an airport.
2. Construct, alter, realign, or activate any runway, or other aircraft landing or takeoff area of an airport.
3. Construct, alter, realign, or activate a taxiway associated with a landing or takeoff area on a public-use airport.
4. Deactivate, discontinue using, or abandon an airport or any landing or takeoff area of an airport for a period of one year or more.

5. Deactivate, abandon, or discontinue using a taxiway associated with a landing or takeoff area on a public-use airport.
6. Change the status of an airport from private use (use by the owner or use by the owner and other person authorized by the owner) to an airport open to the public of from public-use to another status.
7. Change status from IFR (Instrument Flight Rules) to VFR or from VFR to IFR.
8. Establish or change any traffic pattern or traffic pattern altitude or direction.

Section 901 of the Federal Aviation Act of 1958, as amended, provides that any person who violates a rule, regulation, or order issued under Title III of this Act will be subject to a civil penalty not to exceed $1,000 for each violation.

General Instructions – Form Completion

Please contact the local ADO or Regional office for filing instructions.

Section A – Complete this section.

- Provide the name of the Airport Owner.
- Include contact information (phone number, email address, and mailing address) of the Airport Owner.
- Indicate if the Airport Owner owns the airport property,
- Indicate if the Airport Owner's address is the physical address of the airport. (If the Airport Owner's address is not the physical address of the airport, provide the physical address of the airport in box C.6. Description.)

Section B – Complete this section if the Airport Manager is not the same person listed in section A.

- If the Airport Owner provided in Section A is the Airport Manager, write "SAME" in box B.1. Airport Manager.
- If the Airport Owner provided in Section A is not the Airport Manager, provide the name of the Airport Manager.
- Include contact information (phone number, email address, and mailing address) of the Airport Manager.
- Indicate if the Airport Manager owns the airport property.
- Indicate if the Airport Manager address is the physical address of the airport. (If the Airport Manager's address is not the physical address of the airport, provide the physical address of the airport in box C.6. Description.)

Section C – Provide the reason for notification by completing all applicable items in this section.
Report only one action per form

- Section C.1: Select one type of facility.
- Section C.2: Select one. For public-use taxiway, include information in box C.6. Description and depict taxiway layout on airport drawing or sketch.
- Section C.3: Select one. If change is from VFR to IFR, include anticipated IFR procedure in box 6. Description.
- Section C.4: Indicate if the change is to Direction and/or Altitude.
    - If Direction, indicate the new direction.

- If Altitude, find the type(s) changed and indicate if the change is to standard or nonstandard for each type changed. If nonstandard, indicate the nonstandard altitude. If Other, describe the change in box C6.

- Section C.5: Provide appropriate information and include abandonment date in box 6. Description.

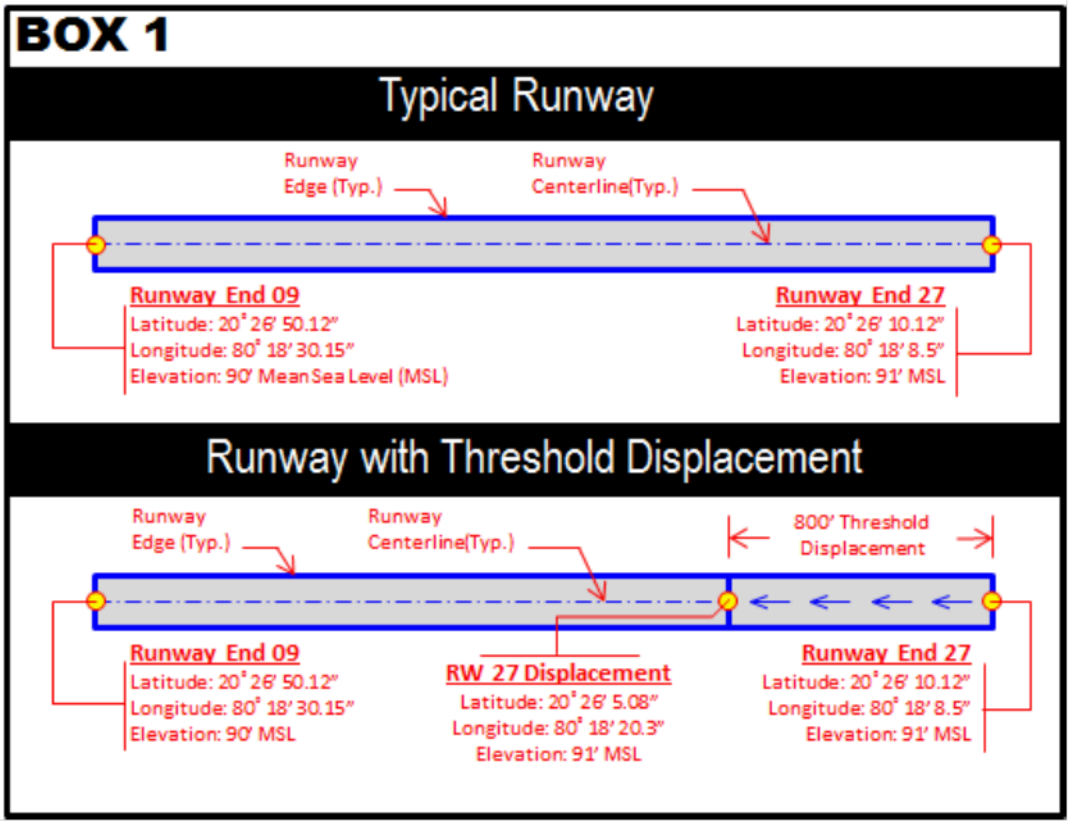
Section D – Provide all applicable information.

- Section D.1: Enter name of landing area.
- Section D.2: Enter the Location Identifier (Loc ID) for an existing Airport.
- Section D.3: Enter principle city or town which the airport serves and with it is normally associated.
- Section D.4: Enter straight-line distance and direction, to the nearest nautical mile, from the Associated City (C.3. above) to the Airport.
- Section D.6: Enter the direction, to the nearest eighth compass point (i.e. E, SE, etc.), from the Associated City to the Airport.
- Section D.7, 8, and 9: Enter the Latitude and Longitude of the Airport Reference Point and the Airport Elevation. The airport reference point can be calculated by using the NGS tool located at NOAA (http://www.ngs.noaa.gov/AERO/arpcomp/arpframe.html). The Airport elevation is the highest point of an airport's usable runways measured in feet above mean sea level.
- Section D.10: Select one Current Use option.
- Section D.11: Select one Ownership option.
- Section D.12: Select primary Airport Type. If Heliport, choose (if applicable) Ambulance, Law Enforcement, or Fire Protection. Choose these options *only* if Heliport is the primary airport type.

Section E – Provide all applicable information.

- Section E.1: Address each runway end independently, if applicable. Provide runway end coordinates and elevations; and runway threshold coordinates and elevations for runway

threshold displacements, if applicable (see an example Box 1 below).



- Section E.2: If helipad is elevated, provide the elevated height above ground level (AGL) and do not add the AGL height to Above Mean Sea Level (AMSL). For Heliports, include the TLOF (Touchdown and Liftoff Area) and FATO (Final Approach and Take Off) dimensions.

Section F – Provide all applicable information.

Section G – All information is required and must be complete.

- **For an Airport/Runway:** Provide a detailed drawing and/or imagery of the proposed landing area depicting latitude, longitude, length, and width.
    - The document(s) must show the runway orientation in relation to known roads, terrain etc. such that the FAA can locate the runway(s) accurately and efficiently.
    - Notate any obstructions (buildings, high-line wires, roads, railroads, towers, etc.) near the runway.
    - You must include runway end coordinates and the runway elevations on the runway centerline.
- **For a Heliport:** Provide a detailed drawing, imagery or map identifying the exact location of the heliport in red.
    - The document(s) must show the helipad(s) in relation to known roads, terrain etc. such that the FAA can locate the heliport accurately and efficiently.
    - Provide site plan depicting the landing pad in relation to buildings and other obstacles (light poles, fences, trees, bollards, parking lots) near the landing area.
    - Provide dimensions of the landing pad and the height of the buildings/obstacles and their distance from the helipad.
    - Provide a heliport layout plan (in accordance with FAA Advisory Circular 150/5390-2, Heliport Design) identifying the proposed marking, lights, beacon location, windsock(s), the approach/departure paths (if room allows, the heliport layout plan may be shown on the site plan).

Notification to the FAA does not waive the requirements of any other government agency.

Regional Office Addresses

Submit your completed form by mail to the appropriate regional office.

Alaskan Region

AK

U.S. Department of Transportation
Federal Aviation Administration
Alaskan Region Airports Division, AAL-600
222 W. 7th Ave, M/S #14
Anchorage, AK 99513
Tel: (907) 271-5438
Fax: (907) 271-2851

Central Region

IA, KS, MO, NE

U.S. Department of Transportation
Federal Aviation Administration
Central Region Airports Division, ACE-600
901 Locust St., Room 364
Kansas City, MO 64106-2325
Tel: (816) 329-2600
Fax: (816) 329-2610/2611

Eastern Region

DC, DE, MD, NJ, NY, PA, VA, WV

U.S. Department of Transportation
Federal Aviation Administration
Eastern Region Airports Division, AEA-600
1 Aviation Plaza
Jamaica, NY 11434
Tel: (718) 553-3330
Fax: (718) 995-5694

Great Lakes Region

IL, IN, MI, MN, ND, OH, SD, WI

U.S. Department of Transportation
Federal Aviation Administration
Great Lakes Region Airports Division, AGL-600
2300 East Devon Avenue
Des Plaines, IL 60018
Tel: (847) 294-7272
Fax: (847) 294-7036

New England Region

CT, ME, MA, NH, RI, VT

U.S. Department of Transportation
Federal Aviation Administration
New England Region Airports Division, ANE-600
1200 District Avenue
Burlington, MA 01803
Tel: (781) 238-7600
Fax: (781) 238-7608

Northwest Mountain Region

CO, ID, MT, OR, UT, WA, WY

U.S. Department of Transportation
Federal Aviation Administration
Northwest Mountain Region Airports Division, ANM-600
2200 S 216th St
Des Moines, WA 98198
Tel: (206) 231-4100
Fax: (206) 231-EXT

Southern Region

AL, FL, GA, KY, MS, NC, TN, SC, PR, VI

U.S. Department of Transportation
Federal Aviation Administration
Southern Region Airports Division, ASO-600
1701 Columbia Ave., Suite 540
Atlanta, GA 30337
Tel: (404) 305-6700
Fax: (404) 305-6730

Southwest Region

AR, LA, NM, OK, TX

U.S. Department of Transportation
Federal Aviation Administration
Southwest Region Airports Division,
ASW-600
10101 Hillwood Parkway
Fort Worth, TX 76177
Tel: (817) 222-5600
Fax: (817) 222-5987

Western-Pacific Region

CA, NV, AZ, HI

U.S. Department of Transportation
Federal Aviation Administration
Western-Pacific Region Airports Division, AWP-600
P.O. Box 92007
Los Angeles, CA 90009
Tel: (310) 725-3600
Fax: (310) 725-6847

U.S. Department of Transportation
Federal Aviation Administration

OMB CONTROL NUMBER: 2120-0036
EXPIRATION DATE: 11/30/2022

NOTICE FOR CONSTRUCTION, ALTERATION AND DEACTIVATION OF AIRPORTS

A. Airport Owner ☐ Check if this is also the Property Owner

1. Name and Address ☐ Check if this is the Airport's Physical Address

2. Phone | 3. Email

B. Airport Manager (Complete if different than the Airport Owner)

1. Name and Address ☐ Check if this is the Airport's Physical Address

2. Phone | 3. Email

C. Purpose of Notification (Answer all questions that apply)

1. Construct or Establish an: ☐ Airport ☐ Ultralight Flightpark ☐ Balloonport ☐ Heliport ☐ Seaplane Base ☐ Other

2. Construct, Alter or Realign a: ☐ Runway ☐ Helipad(s) ☐ Other ☐ Taxiway (Public Use Airports only)

3. Change Status From/To: ☐ VFR to IFR ☐ IFR to VFR ☐ Private Use to Public Use ☐ Public Use to Other

4. Change Traffic Pattern: ☐ DIRECTION: _____ ☐ ALTITUDE (Choose type. List altitude if nonstandard.) **Turbo**: ☐ std. ☐ nonstd. _____ **Prop**: ☐ std. ☐ nonstd. _____ **Helo**: ☐ std. ☐ nonstd. _____ ☐ **Other**. Describe in box C6.

5. Deactivate: ☐ Airport ☐ RWY _____ ☐ TWY _____

6. Description:

D. Name, Location, Use and Type of Landing Area

1. Name of Landing Area | 2. Loc ID (for existing)

3. Associated City and State | 4. Distance from City (nm)

5. County (Physical Location) | 6. Direction from City

7. Latitude ° ' " | 8. Longitude ° ' " | 9. Elevation

10. Current Use: ☐ Private ☐ Public ☐ Private Use of Public Lands

11. Ownership: ☐ Private ☐ Public ☐ Military (Branch) _____

12. Airport Type: ☐ Airport ☐ Ultralight Flightpark ☐ Balloonport ☐ Heliport (If applicable, select: ☐ Ambulance ☐ Law Enforcement ☐ Fire Protection) ☐ Seaplane Base ☐ Other

E. Landing Area Data (List any Proposed, New or Unregistered Runways, Helipads etc.)

1. Airport, Seaplane Base or Ultralight Flightpark (use second page if needed)			2. Heliport, Balloonport or other Landing Area (use second page if needed)		
RWY ID	/	/	Helipad ID		
Lat. & Long.	Show on attachment(s)	Show on attachment(s)	Lat. & Long.	Show on attachment(s)	Show on attachment(s)
Surface Type			Surface Type		
Length (feet)			TLOF Dimensions		
Width (feet)			FATO Dimensions		
Lighting (if any)			Lighting (if any)		
Right Traffic (Y/N)	/	/	Ingress/Egress (Degrees)		
Elevation (AMSL)	Show on attachment(s)	Show on attachment(s)	Elevation (AMSL)	Show on attachment(s)	Show on attachment(s)
VFR or IFR	/	/	Elevated Height (AGL)		

F. Operational Data (Indicate if the number provided is Actual or Estimated)

	1. Number of Based Aircraft		2. Average Number of Monthly Landings	
	Present or Estimated	Estimated in 5 Years	Present or Estimated	Estimated in 5 Years
Single Engine				
Multi Engine				
Jet				
Helicopter				
Glider				
Military				
Ultralight				

3. What is the Most Demanding Aircraft that operates or will operate at the Airport? (Provide approach speed, rotor diameter, etc. if known)

4. Are IFR Procedures for the Airport Anticipated? ☐ **Yes** ☐ **No**. **If Yes, within** _____ **years**

G. CERTIFICATION: I hereby certify that all of the above statements made by me are true and complete to the best of my knowledge.

1. Name, title of person filing this notice (type or print) | 2. Signature (in ink):

3. Date | 4. Phone | 5. Email



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

▪ Engineering Division ▪

Exhibit E5

November 3, 2025

RE: Engineering Review of Conditional Use Permit (CUP) – Case No. CU2025-0017
Applicant: White Cloud Communication Inc.
Request: Conditional Use Permit for an Unmanned Telecommunication Facility
Location: 0 Melba Road, Parcel R28634 (approx. ¼ mile south of Melba Rd. and 1.5 miles west of Melba Rd. and Hwy 45 intersection)

Dear Arbay,

Thank you for providing notification of the Conditional Use Permit (CUP) application for Case No. CU2025-0017, submitted by White Cloud Communication Inc. The Engineering Division has reviewed the proposed request and provides the following comments.

The proposed unmanned telecommunication facility is located in the Agricultural (A) zone on a 61.91-acre parcel owned by Nampa Highway District No. 1**.** The site is not located within a FEMA-designated floodplain or floodway, and no mapped special flood hazard area is present.

Engineering Comments and Conditions

1. **Access and Road Design**
   - Legal access must be confirmed with Nampa Highway District No. 1.
   - Any new or modified driveway connection to Melba Road shall require an Approach Permit from the Highway District prior to construction.
   - Driveways and access roads shall comply with County and Fire District standards. Grades shall not exceed 12% for extended distances, and engineered surfacing and drainage improvements may be required.
2. **Hillside Development Plan**
   A detailed **Hillside Development Plan** prepared by an Idaho-licensed professional engineer or geotechnical engineer will be required at the time of subdivision or building permit application for any development within or near slopes exceeding 15%.

- The plan must address grading design, slope stability, erosion control, drainage conveyance, and vegetation preservation.

- At the time of applying for a Development Permit or Subdivision, the applicant must also apply for a Hillside Development review in accordance with County Code §07-17-33.

3. **Grading and Drainage**
    - A Grading and Drainage Plan shall be submitted at time of building permit application.
    - All grading must comply with Canyon County Code, including on-site retention of stormwater.
    - Drainage facilities shall be designed to prevent sediment transport and off-site discharge.
4. **Stormwater Management**
    - Runoff from impervious surfaces (tower pad, access road, and equipment enclosure) shall be retained on-site or directed to existing drainage features with adequate capacity.
    - BMPs shall conform to IDEQ Storm Water Best Management Practices.
5. **Erosion Control and Construction Stability**
    - Temporary erosion-control measures (silt fencing, stabilized construction entrance, etc.) shall be installed prior to ground disturbance.
    - Disturbed areas must be re-vegetated or stabilized upon completion of construction to prevent erosion.
6. **Utilities and Foundations**
    - All underground utilities shall meet applicable code requirements and be protected from surface runoff.

The Engineering Division has no objection to the proposed Conditional Rezone, provided that any future subdivision or site development complies with Canyon County's Hillside Development (§07-17-33) and Grading & Drainage requirements.

Sincerely,



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

▪ Engineering Division ▪

Dalia Alnajjar
Engineering Supervisor
Canyon County Development Services
P(208) 454-7459
F(208) 454-6633
E: dalia.alnajjar@canyoncounty.id.gov

Outlook

Exhibit E6

FW: Agency Notice CU2025-0017 / White Cloud Communications Inc

From Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Date Thu 11/6/2025 9:37 AM
To Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>

2 attachments (2 MB)
Agency Response Requested Notification Form 10.27.25.pdf; CU2025-0017 application.pdf;

From: Tony Almeida <tony.almeida@canyoncounty.id.gov>
Sent: Thursday, November 6, 2025 9:08 AM
To: Amber Lewter <Amber.Lewter@canyoncounty.id.gov>
Subject: FW: Agency Notice CU2025-0017 / White Cloud Communications Inc

This will require an address for public safety, if approved.

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Monday, October 27, 2025 1:10 PM
To: 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; 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>; 'idahoaaa@gmail.com' <idahoaaa@gmail.com>; 'makline2@marathonpetroleum.com' <makline2@marathonpetroleum.com>
Subject: Agency Notice CU2025-0017 / White Cloud Communications Inc

Please see the attached agency notice. You are invited to provide written testimony or comments by **November 26, 2025**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Arbay Mberwa **Exhibit E7**

From: BRO Admin <BRO.Admin@deq.idaho.gov>
Sent: Monday, December 15, 2025 10:29 AM
To: Arbay Mberwa
Cc: Jennifer Lahmon
Subject: [External] RE: Agency Notice CU2025-0017 / White Cloud Communications Inc

The Boise Regional DEQ Administration has no comments at this time.

Sincerely,

Carlene Oberg
Administrative Assistant I
Idaho Department of Environmental Quality
1445 North Orchard Street Boise, Idaho 83706
P: (208) 373-0550 | www.deq.idaho.gov

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Thursday, December 11, 2025 11:07 AM
To: sadams@melbaschools.org; mayor@cityofmelba.org; cityclerk@cityofmelba.org; Knute Sandahl <Knute.Sandahl@doi.idaho.gov>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; Mitch Kiester <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; D3Development.Services@itd.idaho.gov; 'Kendra.Conder@itd.idaho.gov' <Kendra.Conder@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; 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>; Nichole Schwend <Nichole.Schwend@canyoncounty.id.gov>; Chelsee Boehm <Chelsee.Boehm@canyoncounty.id.gov>; BRO Admin <BRO.Admin@deq.idaho.gov>; smith.carolyn.d@epa.gov; idahoaaa@gmail.com; 'makline2@marathonpetroleum.com' <makline2@marathonpetroleum.com>
Subject: Agency Notice CU2025-0017 / White Cloud Communications Inc

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

Dear Agencies,

Please see the attached agency notice regarding the scheduled Planning and Zoning Commission hearing on this project. We had previously requested your agency provide comments for the noticed land

Arbay Mberwa **Exhibit E8**

From: Letson, Leon <LLetson@idahopower.com>
Sent: Monday, December 22, 2025 11:53 AM
To: Arbay Mberwa
Cc: Caitlin Ross
Subject: [External] Re: Agency Notice CU2025-0017 / White Cloud Communications Inc

Hi Arbay,

Just following up on this. The applicant can coordinate with our distribution design team on the installation of this cell tower to ensure there is no issue with clearances, etc. Please have them reach out to us.

Thanks,

Leon Letson
FACILITY SITING COORDINATOR
Idaho Power | Economic & Community Development
Office 208-388-5224 | Cell 509-859-3723
idahopower.com

From: Letson, Leon
Sent: Thursday, December 11, 2025 3:18 PM
To: arbay.mberwa@canyoncounty.id.gov <arbay.mberwa@canyoncounty.id.gov>
Cc: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Subject: RE: Agency Notice CU2025-0017 / White Cloud Communications Inc

Hi Arbay,

Can you send me the site plan for this project? We have some overheard distribution lines on the property.

Thanks,

Leon Letson
FACILITY SITING COORDINATOR
Idaho Power | Economic & Community Development
Office 208-388-5224 | Cell 509-859-3723
idahopower.com

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Thursday, December 11, 2025 11:07 AM
To: sadams@melbaschools.org; mayor@cityofmelba.org; cityclerk@cityofmelba.org; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; Ingram, Eli <EIngram@idahopower.com>; Easements <Easements@idahopower.com>; Robins, Angel <ARobins@idahopower.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>;

Arbay Mberwa **Exhibit E8.1**

From: Letson, Leon <LLetson@idahopower.com>
Sent: Monday, December 29, 2025 11:03 AM
To: Andy Kittel
Cc: Arbay Mberwa; Sean Ciocca; Hilton, Tyler
Subject: [External] Re: Canyon County; Melba Tower Conditional Use Permissions Notice:] Re: Agency Notice CU2025-0017 / White Cloud Communications Inc

Thank you Andy. If you're talking to Tyler at Idaho Power, you're on the right track. I just wanted to confirm this was happening.

Leon

Get Outlook for iOS

From: Andy Kittel <andy@whitecloudcom.com>
Sent: Monday, December 29, 2025 10:17:36 AM
To: Letson, Leon <LLetson@idahopower.com>
Cc: Arbay Mberwa <arbay.mberwa@canyoncounty.id.gov>; Sean Ciocca <sean@whitecloudcom.com>; Hilton, Tyler <THilton@idahopower.com>
Subject: [EXTERNAL] Canyon County; Melba Tower Conditional Use Permissions Notice:] Re: Agency Notice CU2025-0017 / White Cloud Communications Inc

Hello Leon,

Thanks for your inquiry about our site plan. We are working with Tyler Hilton with Idaho Power Distribution Design Team. He is the Designer our electrician is working with from the IP Canyon County Operations Center on this project. We have signed a Letter of Consent with Tylers Group to engage prior to CC-CUP approval. We have had an on-site meeting with County staff and a separate site visit with our electrician and IP Designers. Tyler may be able to address your concerns.

After we get County "CUP" approval we will then finalize our site plans and civil drawings for submittal to permitting and would be happy to send you a soft copy at that point.

Thanks for your interest in support of this Broad Band project. Please feel free to email me with any feedback or requests directly and copy Ms. Mberwa.

Best wishes.

Kind regards,

Andy

Andrew "Andy" Kittel

Business Development/Boise Market Manager

WHITE CLOUD

Cell: (208) 539-8522
Fax: (208) 735-1778
Office: (208) 733-5470
andy@whitecloudcom.com

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