Board of County Commissioners
Hearing Date: January 21, 2026
Canyon County Development Services Department

PLANNING DIVISION ADDENDUM

CASE NUMBER:	**CR2025-0002**
OWNER/APPLICANT:	**Cleon Hoagland**
APPLICATION:	**Conditional Rezone of Parcels R28146010 (11.94 acres), R28146010D (24.92 acres), and R28279010 (33.87 acres) from an "A" (agricultural) zone to an "CR-R-R" (Conditional Rezone - Rural Residential) zone, subject to a development agreement.**
LOCATION:	**Parcels R28146010 and R281046010D are adjacent to 746 Southside Blvd., Melba, also referenced as a portion of the SE¼ of Section 01, T1S, R2W. Parcel R28279010 is adjacent to 6627 Butte Road, Melba, also referenced as a portion of the NW¼ of Section 12, T1S, R2W, Canyon County, ID.**
ANALYST:	**Dan Lister, Planning Supervisor**
P&Z RECOMMENDATION:	**Denial**

SUMMARY:
The applicant, Cleon and Patti Hoagland, requests a conditional rezone of Parcels R28146010, R28146010D, and R28279010, approximately 70.7 acres, from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. The request includes a development agreement limiting development to an average lot size of five acres. *See **Exhibit 3.A** for details.*

The Planning & Zoning Commission heard the case at a public hearing held on September 18, 2025. After deliberation, the Planning & Zoning Commission recommended denying the request, finding it to be not more appropriate than the current zoning designation and incompatible with the surrounding area and agricultural character (**Exhibit 1 & 2**).

The Staff report packet dated September 18, 2025, and all supporting material are contained in **Exhibit 3**. All comments received for the subject public hearing may be found in **Exhibit 4**. All additional documentation provided by the applicant or staff can be found in **Exhibit 5**.

EXHIBITS:

1. **Planning & Zoning Commission FCOs**
2. **Planning & Zoning Commission Minutes – September 18, 2025**
3. **Staff Report Packet dated September 18, 2025**
4. **Comments received on or before January 11, 2026**
   a. Zack & Debbie Davis (Opposed), received January 10, 2026
   b. Justin and Amy Fishell (Opposed), received January 11, 2026
   c. Kathryn Aldwe (Opposed), received January 11, 2026
   d. Daniel & Laurie Temple/Dean Kearl (Support), received January 8, 2026
   e. Mark Hoagland (Support), received January 8, 2026
   f. Rochelle Jeske (Support), received January 8, 2026
   g. Claude Swarthout (Opposed), received December 29, 2025

h. Dolores Hoagland (Support), received January 2, 2026
i. Robert Tucker (Support), received January 9, 2026
j. Timothy Carroll (Opposed), received January 12, 2026

5. Materials received on or before January 11, 2026

a. Supporting Evidence – Applicant Submittal January 9, 2026
    1. Melba Impact Area
    2. McCormak & Swarthout
    3. Hoagland & Renfro property before being divided and homes built on the ground
    4. Hoagland and Renfro property's post selling
    5. Becky Alder's - Salon

EXHIBIT 1

Planning & Zoning Commission FCOs

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Board of County Commissioners

Case# CR2025-0002

Hearing date – January 21, 2026

PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:

Hoagland – CR2025-0002

The Canyon County Planning and Zoning Commission considers the following:

1) Conditional Rezone of Parcels R28146010 (11.94 acres), R28146010D (24.92 acres), and R28279010 (33.87 acres) from an "A" (agricultural) zone to an "CR-R-R" (Conditional Rezone - Rural Residential) zone, subject to a development agreement limiting development to an average lot size of five acres.
2) Location: Parcels R28146010 and R281046010D are adjacent to 746 Southside Blvd., Melba, also referenced as a portion of the SE¼ of Section 01, T1S, R2W. Parcel R28279010 is adjacent to 6627 Butte Road, Melba, also referenced as a portion of the NW¼ of Section 12, T1S, R2W, Canyon County, ID.

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 CR2025-0002
      1. All exhibits are located in the Planning and Zoning Commission staff report dated September 18, 2025.
      2. Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 14, 2025. A newspaper notice was published on July 19, 2025. Property owners within 600' were notified by mail on July 14, 2025. Full political notice was provided on July 14, 2025. The property was posted on July 19, 2025.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezone), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and CCCO §09-09-07 (Melba Area of City Impact Agreement).
   a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509.
   b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity, to make the land use more compatible with neighboring land uses. *See* CCCO §07-06-07(1).
   c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCCO §07-05-01

2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.

3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-06-05.

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. 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, CR2025-0002, was presented at a public hearing before the Canyon County Planning and Zoning Commission on September 18, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

CONDITIONAL REZONE CRITERIA – CCCO §07-06-07(6)A

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

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

   Findings: (1) The applicant requests a conditional rezone to "CR-R-R" (Conditional Rezone – Rural Residential) with a development agreement that will restrict the land division to a five-acre average minimum lot size in alignment with (1) the AC-5 vision from the Comprehensive Plan, and (2) the definition of rural residential in the 2030 Comprehensive Plan.

   a. "*The R-R district provides rural transitional areas to create a boundary between agricultural and urban areas. These areas are generally conducive to small-scale farming operations and compatible with non-agricultural uses*" (Page 26 of the Plan).

   (2) The parcels, located approximately 0.33 miles southeast of the City of Melba, are designated as agriculture in the 2030 Canyon County Comprehensive Plan (**Exhibit E.2d**). While parcels R28146010 and R28146010D are located in the Melba area of city impact (**Exhibit G.5**), Parcel R28279010 is not and includes an intensive agriculture overlay. The Plan further describes applicable districts for the agriculture designation, including Commercial Agriculture (R-R, AC-5, AC-20, and AC-40). The Commercial Agriculture (AC-5) district "*provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity*" (Page 26 of the Plan). Appropriate locations for the AC-5 District have not yet been identified, and the associated zone has not been implemented or incorporated into the County Code.

   (3) Per CCCO §07-06-07(3), a conditional rezone of a parcel does not set a precedent that adjacent property should be rezoned the same. The conditional nature of the rezone, which in this case will restrict the average minimum lot size to no less than 5 acres, allows for some agricultural uses on the property while not impacting agricultural activities in the vicinity.

   (4) The request generally complies with the following goals and policies of the 2030 Comprehensive Plan:

   Property Rights Goals and Policies

   The request was processed per the following laws and ordinances: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07

(Conditional Rezone), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and CCCO 09-07-07, Melba Area of City Impact agreement.

- Goal No. 1: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."
- *Policy No. 1: "No person shall be deprived of private property without due process of law."*

Population Component Policy and Goal
COMPASS forecasts a small residential increase of households in the area due to (Traffic Analysis Zone No. 2906 & 2934). This may be due to the proximity of the properties to the City of Melba (Traffic Analysis Zone No. 2933, **Exhibit E.2l**). The request includes conditions that create development that transitions *between urban areas and agriculture.*

- *Goal No. 2: "Promote housing, business, and service types needed to meet the demand of the future and existing population."*

Economic Development Goal

- *Goal No. 5: "Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability."*

Land Use Policies and Goals:
The proposed conditional rezone ensures an average minimum lot size of five 5 acres. The applicant has provided a conceptual plan showing a total of eight lots (a 7.362-acre average lot size for Parcels R28146010/010D and a 11.32-acre average lot size on Parcel R28279010, **Exhibits A.6**). This limited scale aligns with nearby development occurring in the City of Melba while protecting the rural character of the area, which allows for continued small-scale agricultural uses and agricultural exemption on the property, and balances residential growth with nearby agricultural production.

- *Policy No. 1.1: "Maintain a balance between residential growth and agriculture that protects the rural character."*
- *Policy No. 1.2: "Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights. "*
- *Goal No. 2: "Ensure that growth maintains and enhances the unique character throughout the County."*
- *Goal No. 3: "Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning. "*
- *Policy No. 3.2: "Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns."*
- *Policy No. 3.3: "Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility."*
- *Goal No. 7: "Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to the good quality of life. "*
- *Policy No. 7.1: "Plan land uses that are compatible with the surrounding community."*

Housing Goals

- *Goal 1: "Encourage opportunities for a diversity of housing choices in the County."*
- *Goal 2: "Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural and natural resources."*

(5) *See analysis in the following criteria sections 2 - 8 for supporting evidence.*

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

Conclusion: In consideration of the surrounding land uses, the proposed conditional zone to "CR-R-R" is **not** more appropriate than the current zoning designation "A" (Agricultural).

Findings: (1) The subject parcels are zoned "A" (Agricultural). According to Canyon County Code of Ordinances (CCCO) §07-10-25 (1), the purposes of the existing "A" zoning district are to:

A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;

B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;

C. Protect fish, wildlife, and recreation resources, consistent with purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;

D. Protect agricultural land uses, rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and

E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.

The property and surrounding area consist of class 3 & 4 soils – moderately suited soils, and considered farmland of statewide importance or prime farmland (**Exhibit E.2h**). The property is currently irrigated and produces crops and contains livestock (**Exhibits F & E.2a**). Canyon Soils Conservation District recommends denial (**Exhibit G.3**). Six letters of opposition find the request threatens to impact existing agricultural uses and properties (**Exhibit H**).

The surrounding area contains agricultural zoning and uses. Aerial and site visit photos show that the area consists of large agricultural property and appears to be in irrigated row crop that receives an agricultural tax exemption (**Exhibits E.1, E.2a & F**).

(2) Six letters of opposition received are concerned about the number of dwellings per acre that the request allows, without connection to existing city services. The opposition states that the area is prime farmland and is concerned that the request is out of character and may impact existing agricultural operations (**Exhibit H**).

(3) Although the request results in eight residential parcels with an 8.97-acre average lot size, which could still be used for agricultural purposes (**Exhibit A.6**), the request has the potential to promote growth in an area that has no similar zones or land decisions (**Exhibit E.2f**), no subdivision decisions since 2006, and within an area still in agricultural production with a 21.72-acre average lot size (**Exhibit E.2e**). The request would be more appropriate when the city develops in close proximity to the subject properties. Until then, the request creates spot development outside a planned residential growth area.

(4) *See further analysis located in sections A1, A3 & A4 for additional evidence.*

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

Conclusion: The proposed conditional rezone to "CR-R-R" is **not** compatible with surrounding land uses.

Findings: (1) The surrounding area contains agricultural zoning and uses. Aerial and site visit photos show that the area consists of large agricultural property and appears to be in irrigated row crop that receives an agricultural tax exemption (**Exhibits E.1, E.2a & F**).

Adjacent Existing Conditions: 21.71-acre average lot size (**Exhibit E.2e**).

Direction	Existing Use	Primary Zone	Another Zone
N	Agricultural with dwellings; City of Melba jurisdiction	A	-

S	**Agricultural with dwellings**	**A**	-
E	**Agricultural with dwellings**	**A**	-
W	**Agricultural with dwellings**	**A**	-
"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)			

(2) The property and surrounding area consist of class 3 & 4 soils – moderately suited soils, and considered farmland of statewide importance or prime farmland (**Exhibit E.2h**). The property is currently irrigated and produces crops and contains livestock (**Exhibits F & E.2a**). Canyon Soils Conservation District recommends denial (**Exhibit G.3**). Six letters of opposition find the request threatens to impact existing agricultural uses and properties (**Exhibit H**).

(3) There are no similar zones in the area except the Melba city jurisdiction. The applicant provided other similar land divisions and land use case decisions, but they are not located in close proximity to the request (**Exhibit B & C**).

(4) Within a one-mile radius are 10 plats consisting of 261 lots (0.88-acre lot size). Seven of the subdivisions are located within the City of Melba (**Exhibit E.2e**). The three subdivisions located in the county's jurisdiction were completed between 2003 and 2009, creating 9 lots (12.21-acre average lot size).

(5) *See further analysis located in sections A1, A3 & A4 for additional evidence.*

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

Conclusion: The proposed conditional rezone **will** negatively affect the character of the area.

Findings:

(1) The surrounding area contains agricultural zoning and uses. Aerial and site visit photos show that the area consists of large agricultural property and appears to be in irrigated row crop that receives an agricultural tax exemption **(Exhibits E.1, E.2a & F).**

(2) Six letters of opposition received are concerned about the number of dwellings per acre that the request allows, without connection to existing city services. The opposition states that the area is prime farmland and is concerned that the request is out of character and may impact existing agricultural operations (**Exhibit H**).

(3) The applicant's request includes conditions to restrict parcels to a five-acre average minimum lot size. Per the conceptual site plan (**Exhibit A.6**), Parcels R28146010 and 10D will be five parcels, with a 7.36-acre average lot size. Three of the parcels will have access via a private road, Little Bit Lane. The other parcel has frontage off Butte Road. Parcel R28279010 will be three parcels, a 11.3-acre average lot size. All lots will have access to existing irrigation via an irrigation easement (**Exhibit A.8**). The conceptual site plan (**Exhibit A.6/D.8**) shows lot sizes that are commensurate with the area (**Exhibit E.2l**) while still providing area and irrigation to maintain agricultural ground.

Even with restrictions that allow for agricultural uses to remain on each proposed parcel, the request has the potential to promote growth in an area that has no similar zones or land decisions (**Exhibit E.2f**), no subdivision decisions since 2006, and within an area still in agricultural production with a 21.72-acre average lot size (**Exhibit E.2e**). The request would be more commensurate with the character when the city develops in close proximity to the subject properties. Until then, the request creates spot development outside a planned residential growth area, which will negatively impact the character of the area.

(4) *See further analysis located in sections A2 & A3 for additional evidence*

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

Conclusion: The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.

Findings:

(1) Sewer: Per the applicant's letter of intent and land use worksheet, sewer would be provided with individual septic systems (Exhibits A.2, A.3 & A.5). Southwest District Health does not have concerns regarding the rezoning (Exhibit G.2). The parcels are located in a nitrate priority area, but don't need a study unless divided into five or more lots where the minimum buildable lot size is less than five acres. A site evaluation will be required at the time of the building permit.

(2) Water: Per the applicant's letter of intent and land use worksheet, domestic water would be provided with individual wells (**Exhibits A.3 & A.8**). Notice was given to the Idaho Department of Water Resources, but no comments were received. Future development shall comply with IDWR standards at the time of subdivision/building permit, etc. Per the Nitrate Priority Well Map, there are no wells within the area with nitrate levels elevated to the water standard of 10 milligrams per liter (**Exhibit E.2i**).

(3) Drainage: Per the land use worksheet, stormwater is proposed to be retained on-site. (**Exhibit A.3**).

(4) Irrigation: Per the land use worksheet, irrigation plan, and letter of intent, irrigation will be provided to each parcel from existing irrigation wells and surface water rights (**Exhibits A.2 & A.3**). The Boise Project Board of Control does not oppose the request, subject to the protection of the Midway, Lyons, and Sanford laterals (**Exhibit G.1**).

(5) Utility: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on April 25, 2025, and July 14, 2025. No agency comments were provided by those services at the time the staff report was written. Utility poles exist along the frontage of the parcel (**Exhibit F**). There are also residences in the general vicinity that are indicative of utility services being available. It is anticipated that the applicant will be able to work with utility providers to gain any needed utilities.

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

Conclusion: The request is not anticipated to impact Southside Boulevard or Butte Road. Access and approach requirements will be met at the time of divisions and building permits.

Findings:

(1) The rezone, conditioned to create eight parcels, is not anticipated to create a significant traffic impact on the area. Three of the eight parcels will have shared access via a private road, Little Bit Lane (**Exhibit A.8**). The other parcels have frontage on Southside Boulevard and Butte Road. The proposed parcels on Butte Road will require shared access.

(2) The request is anticipated to create 76.16 average daily trips (152.32 average daily trips if secondary dwellings are allowed). Idaho Transportation Department and Nampa Highway District comments do not indicate the request would require a traffic impact study (**Exhibits G.4 & G.7**).

(3) Nampa Highway District #1 will require shared access as part of the subsequent land division process (**Exhibit G.4**). Also, an access/approach permit will be required at the time of building permits.

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

Conclusion: The subject property does have legal access for the conditional rezone, and access will exist at the time of the development. See the review and analysis detailed below.

Findings:

(1) The rezone is conditioned to create eight parcels. Three of the eight parcels will have shared access via a private road, Little Bit Lane (**Exhibit A.8**). The other parcels have frontage on

Exhibit 1

Southside Boulevard and Butte Road. The proposed parcels on Butte Road will require shared access.

(2) Nampa Highway District #1 will require shared access as part of the subsequent land division process (**Exhibit G.4**). Also, an access/approach permit will be required at the time of building permits.

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

Conclusion: The proposed use is not anticipated to impact essential public services and facilities, including, but not limited to, schools, police, fire, and emergency medical services. No issues were identified to mitigate.

Findings: (1) Schools: The subject property is within the Melba Joint School District #136. The school district commented that there is adequate capacity within the school district to accommodate eight residences (**Exhibit B.2**).

(2) Police: The subject parcels are under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the parcel. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency comments were sent out on April 25, 2025, and July 14, 2025, and no comments were received by the Sheriff's Office.

(3) Fire protection: The Melba Fire Department does not oppose the request (**Exhibit B.2**). The letter states Melba Fire has no issue with the request as it will not affect the department. The letter supports the growth in the area and the potential benefits to the department.

(4) Emergency Medical Services: Canyon County Paramedics, Melba Quick Response, and Canyon County's Emergency Management Coordinator were notified of the request and did not provide comment.

(5) Irrigation District: The Boise Project Board of Control finds Midway, Lyons, and Sanford laterals within the boundaries of the parcel. The laterals have a federal easement of 25 feet from the centerline. Any encroachment/crossing is prohibited unless approved by the Bureau of Reclamation. The subsequent land division must show the lateral easement on the record of survey (**Exhibit G.1**).

Canyon County Code §09-09-07 – MELBA AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Melba Area of City Impact. A notice was sent to the City of Melba per Canyon County Code Section 09-09-07. The City of Melba supports the request.

Findings: (1) Parcels R28146010 and R28146010D are located in the Melba Area of the City Impact Area. A notice was sent to the City of Melba on April 25, 2025, and July 14, 2025, regarding the conditional rezone request to gain input on the application from the city and give such input due consideration.

(2) On June 7, 2025, the City of Melba submitted comments supporting the request (**Exhibit G.5**). The city finds that the proposed lot sizes are appreciated by Melba residents, as the sizes allow agriculture to be maintained. The proximity to Melba promotes a natural extension of the community.

a. The city also identified that the subject parcel will not be located in the city's impact area once the new boundaries are adopted. Due to topography and lava rock issues, it is unlikely the city will extend service to the proposed area.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case #CR2025-0002, a conditional rezone of Parcel R28146010 (11.94 acres), R28146010D (24.92 acres), and R28279010 (33.87 acres) from "A" to "CR-R-R".

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

1. The applicant should reapply for the request when the City of Melba development and growth is located closer to the subject parcels.

DATED this 16 day of October, 2025.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 16th day of October, in the year 2025, before me Caitlin Ross, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

CAITLIN ROSS
COMMISSION #20251885
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 05/07/2031

Notary: Caitlin Ross

My Commission Expires: 5/7/2031

Exhibit 1

EXHIBIT 2

Planning & Zoning Commission Minutes – September 18, 2025

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Board of County Commissioners

Case# CR2025-0002

Hearing date – January 21, 2026

CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, September 18, 2025
6:30 P.M.

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

Commissioners Present :	Robert Sturgill, Chairman Brian Sheets, Vice Chairman Harold Nevill, Commission Secretary Geoff Mathews, Commissioner Matt Dorsey, Commissioner
Staff Members Present:	Jay Gibbons, Director of Development Services Dan Lister, Planning Supervisor Deb Root, Principal Planner Emily Bunn, Principal Planner Caitlin Ross, Hearing Specialist

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

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

Item 1: Consent Agenda – Action Items

A. **Case Nos. OR2022-0002 and RZ2022-0002 – Christensen:** Approve FCO's
B. **Case Nos. OR2023-0005 & CR2023-0011 – Q2 LLC:** Approve FCO's
C. **Case No. CR2024-0005 – Young:** Approve FCO's

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

Item 2A:

Case No. PH2016-4-MOD-CUP – Idaho Youth Ranch: The Idaho Youth Ranch, represented by The Land Group, is requesting a conditional use permit (CUP) modification associated with the Idaho Youth Ranch Hands of Promise Campus located at 28371 El Paso Road, Caldwell, ID inclusive of parcels R37781011, R37780012, R37780013, and R37785 (totaling approximately 257 acres). The facility is currently operating and approved for multiple uses supporting the overall vision and goals for The Idaho Youth Ranch Residential Center for Healing & Resilience on the Hands of Promise Campus. The purpose of the requested CUP modification is to update the original approval documents including the site plan with the current site layout, existing and future amenities, the type and relocation of "temporary family visitation lodges," and to update the number of resident youth to be served on the property. The properties are zoned "A" (Agricultural).

Chairman Sturgill affirmed the applicant to testify.

Matthew Adams – (Representative) IN FAVOR – 462 E Shore Dr, Eagle, ID 83616

Mr. Adams explained the purpose of the modification and what the Idaho Youth Ranch offers. There is a proposed relocation of the parent housing and modification of the number of kids that can reside on the property. Features approved in the 2016 CUP primarily occupy the center of the property and there is no impact to the existing farm ground as new facilities are built in areas that had homes, buildings or turf grass

from the prior owner. Mr. Adams further explained the proposed location of the parent housing, or temporary family visitation lodging. His slideshow portrayed the site and anticipated project, as well as the character of the buildings. Mr. Adams emphasized the neighborhood outreach and engagement, highlighting the commitment to working with the neighbors on this application and the final proposed location. He believes this project is good for the community, for Canyon County, and for the State of Idaho, but mostly for the children and families of Idaho. Family involvement is important with the rehabilitation the children are offered at Idaho Youth Ranch, and this project will allow for families to be present and involved.

Commissioner Nevill confirmed the applicant agreed with staff's findings and conditions. Although there was discussion on special events, Planner Root reminded the Commission that this current application is a conditional use modification, and the special events portion has already been approved are not under consideration. Commissioner Nevill asked about the farmland. Mr. Adams stated it is being leased to a farmer in the community and is under active crop farming.

Commissioner Sheets asked if the new structures will be tying into current water and sewer, or generating new water and sanitary system infrastructure needs. Mr. Adams commented the current well that provides both potable and fire protection has been tested and can take on the addition, and a standalone septic system will be constructed for the new structures that will be viewed within the context of the greater permit with their current soil absorption system.

Principal Planner Deb Root reviewed the Staff Report for the record.

Chairman Sturgill asked what zoning classification this CUP is granted for. Planner Root stated there are around seven uses that were all approved and allowed in the agricultural zone with a conditional use permit. Chairman Sturgill asked about any law enforcement activity, if any, and Planner Root explained there was no response from the police department on this application and there haven't been any events big enough to warrant calls. There are also no code enforcement cases against this property through DSD. Chairman Sturgill requested condition 17 be clarified, potentially changing "proposed" to "permitted".

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Mary Ihli-Laan – IN OPPOSITION – 15620 Sand Hollow Rd, Caldwell, ID 83607
Ms. Ihli-Laan read into the record a letter from her brother, Joe Ihli. In the letter, Joe expresses concerns with the applicant adding more to the application than what was discussed at the neighborhood meetings. Although he has been supportive of Idaho Youth Ranch in the past, this proposal is affecting their livelihood, including noise from the building, people mistaking their driveway as an entrance to IYR, loud voices, and domestic water pressure dropping. Ms. Ihli-Laan agreed with these concerns.

John Ihli – IN OPPOSITION – 15612 Sand Hollow Rd, Caldwell, ID 83607
Mr. Ihli purchased his property new the subject property four years ago, and even though he was not involved in the original approval, he is concerned about the update to the number of resident youth. He expressed further concerns regarding noise, declined water pressure, and traffic confusion. Mr. Ihli does appreciate the preservation of farm ground, but agriculture will still be impacted.

Commissioner Sheets confirmed Mr. Ihli has a domestic well with a pump.

Commissioner Nevill asked Mr. Ihli to point out where his property was compared to the subject property, and asked for clarification on the increase of resident youth. It was confirmed 64 had already been approved

Exhibit 2

through a Director's Decision, and Mr. Ihli would prefer the 64 to not increase. Commissioner Nevill also confirmed that if the event center opens and there is 700 people, it will be noise that impacts their lifestyle.

Matthew Adams – (Representative) REBUTTAL – 462 E Shore Dr, Eagle, ID 83616

Mr. Adams is amendable to changing the verbiage on condition 17 stating that breeding of dogs is not permitted, as the 10 dogs that would be housed on site are therapy dogs and there is no intention of breeding. Mr. Adams acknowledged the neighbors and agreed that the constant change can be difficult. He stated that Joe Ihli has been a long-time supporter of IYR, and there were never any intentions on misleading anyone on the intentions of the property. Ag retention is a priority and there are no issues with adjacent farming. He addressed all concerns regarding traffic, construction noise, and water pressure. Lastly, Mr. Adams addressed the need for additional space for more youth and the necessity of these services for youth in the community.

Commissioner Nevill inquired on the limit and whether the need for more space will continue to expand. Mr. Adams explained the intent is not to be at full capacity at all times, but rather to have the adequate space available if the need arises and if there is a demand for it. Although the future is unknown on additional needs for more housing, today the ask of a maximum of 96 is definitive. There was further discussion on a condition that could be placed that the applicant has to apply for a CUP modification if an increase is warranted rather than go through a Director's Decision.

Chairman Sturgill inquired on obtaining emergency services in the event of a significant terrible event. Mr. Adams answered there are trained staff on property, although there is a limit on what they can do. They have been working closely and formed a partnership with Middleton Fire, which could create conditions that could address that concern until a fire station could be built closer.

Commissioner Dorsey asked about the impact of farming nearby. Mr. Adams stated farming has been part of Idaho Youth Ranch for decades and there have never been any issues with the farming near this facility. Currently, residents are involved in more animal therapy than farming, but he does not foresee there being any issues with the neighbor's farm activities, especially when the kids are secure and supervised.

Planner Root mentioned the Middleton Fire District's response times, which would be 15 minutes under optimal driving conditions. When Fire District Station 54 opens, that time reduces to 5 minutes. She also reminded the Commission that this is a modification to a CUP that already has conditions and plans previously approved, and that although the current request could have gone through a Director's Decision, it was important for the applicant and representatives to be transparent with the public on this process.

Commissioner Nevill got clarification on the request for 64 youth beds, not 96, and that there could be an additional hearing regarding a third lodge in the event the need for additional beds arises.

Commissioner Dorsey asked what the limitations were for Director's Decisions. Planner Root explained the ordinance provides for the Director to make decisions on accessory uses, and Planning Supervisor Lister also quoted Section 07-10-27, that accessory uses and/or structures to a permitted use can be decided through a Director's Decision.

MOTION: Commissioner Sheets moved to close public testimony on Case No. PH2016-4-MOD, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Nevill is supportive of Idaho Youth Ranch and their request, but to approve he would like to see condition 17 regarding breeding of dogs modified to read breeding of dogs is not permitted, as well as add a condition stating another conditional use permit should be required if there is a need for more beds.

Exhibit 2

He is not in favor of approving the increase to 96 at this time.

Commissioner Sheets is supportive of this application, and agrees with Commissioner Nevill on future evolvement going through a hearing, as well as putting a limit to Director's Decisions that could turn this into a major facility in an agricultural zone.

Commissioner Dorsey expressed his concern with an unclear answer on the impact of the surrounding neighborhood in the farming community.

MOTION: Commissioner Nevill moved to **approve** Case No. PH2016-4-MOD, amending condition 17 and adding condition 20. Seconded by Commissioner Dorsey.

Discussion on the Motion:
None.

Roll call vote: 3 in favor, 2 opposed, motion passes.

Item 2B:

Case No. CR2025-0002 – Hoagland: The applicant, Cleon and Patti Hoagland, requests a conditional rezone of Parcels R28146010, R28146010D, and R28279010, approximately 70.7 acres, from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The request includes a development agreement limiting development to an average lot size of (5) five acres. The subject properties are adjacent to 746 and 1055 Southside Boulevard.

Chairman Sturgill affirmed the applicant to testify.

Cleon Hoagland – (Applicant) IN FAVOR – 6740 Butte Rd, Melba, ID 83641

Mr. Hoagland described his family's history on farming in Ada, Owyhee and Canyon Counties. He stated the average farm size is 460+ acres, and he feels they fit in more as a large hobby farm with only 70 acres. Their properties are irrigated under wheel lines or k-lines, but there are many rocky areas and areas hard to irrigate. Mr. Hoagland explained the challenges that they faced operating their red angus herd, and the intentions on wanting to sell their property to expand and move their operation to a more suitable area. They applied for an administrative division of nonviable parcels, but was denied by the Board of County Commissioners. Their appeal was also denied, but with a recommendation to apply for a conditional rezone. Mr. Hoagland highlighted the plans for lot sizes, 8, 4 to 11 acre lots, as well as the proximity of the properties to Melba and other development in the area, and further described the use. There is adequate capacity within the school district to accommodate the proposed growth, according to Melba School's Superintendent, and other responses regarding essential public services were in favor. Mr. Hoagland commented on the soil analysis and challenges with the high and rocky ground, including the inability to obtain more water rights. He described rural farming lifestyles he believes would fit well into the community, especially considering the recent growth Melba has been experiencing.

Commissioner Nevill asked if Mr. Hoagland agreed with the staff's report and proposed conditions. Mr. Hoagland answered yes, and he is fine with limiting to 1-acre building lots. Commissioner Nevill clarified his question to relate to secondary dwellings. Mr. Hoagland is amendable to prohibiting secondary dwellings. Commissioner Nevill confirmed Mr. Hoagland believes this will preserve the agricultural way of life.

Commissioner Sheets asked about the areas that do not have water rights. Mr. Hoagland pointed towards the center of the property and explained the methods they have used over the years to water that area. Commissioner Sheets expressed concerns with homeowners without water rights, but Mr. Hoagland did not foresee any issues with that as over 9 acres will have water rights.

Chairman Sturgill inquired on the proposed size of the lots compared to promoting agriculture, to which Mr. Hoagland answered small crops could be grown, but he foresees mostly hobby farming.

Planning Supervisor Dan Lister reviewed the Staff Report for the record.

Commissioner Nevill confirmed there are no administrative splits available. He also inquired on the road proposed for the property. Planning Supervisor Lister talked about the proposed private road and a shared access point that is required by the Nampa Highway District No. One. Commissioner Nevill asked about a road user's maintenance agreement and whether this permit could be conditioned for one. Planning Supervisor Lister explained the qualifications and requirements for a road user's maintenance agreement, and reminded the Commission of condition 1 regarding meeting all federal, state and local requirements.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Terry Littledike – IN NEUTRAL – 6296 Butte Road, Melba, ID 83641
Mr. Littledike expressed concerns on the water rights. He does not raise grow crops, but raises cattle and horses. There are a lot of rocks on his property, and he is concerned about the water from the ditch.

Commissioner Sheets asked for clarification on Mr. Littledike's concern, and confirmed the main concern is the unknown factor of new people on the lateral.

Commissioner Mathews asked about the rocks in the area. Mr. Littledike explained they built the road over the biggest rock cropping, but to the north there is a large rock that would be challenging to plow through and works fine for a pasture.

Christina Chrisman – IN OPPOSITION – 690 Southside Blvd S, Melba, ID 83641
Ms. Chrisman expressed concerns with irrigation. One of the biggest irrigation ditches runs along her driveway, and her basin needs to be drained and the pump unplugged for the Hoagland's to water their bottom field. Ms. Chrisman agreed there are a lot of rocks, but she was able to work around it to produce a yard and successful garden. She also commented it took over 30 minutes for emergency services to respond to a prior incident, so that is concerning when considering adding more homes.

Kathy Alder – IN OPPOSITION – 6522 Baseline Rd, Melba, ID 83641
Ms. Alder wanted to clarify this is not in Melba's impact area. The average lot size in the area is 22 acres, so the proposed size of lots does not make sense. She believes the subject property can be properly farmed, and further explained the advantages the owners would get in selling the property. Ms. Alder made a couple of comments on the comprehensive plan regarding the protection of agricultural lands for the foundation of the lifestyle and economy and for long-term agricultural production.

Commissioner Nevill confirmed that the concern is this rezone would be a foot in the door for future expansion and development.

Commissioner Dorsey asked why this does not fit in to the buffer zone. Ms. Alder explained that this land has been agriculture for a long time and can still adequately be farmed. Melba's growth is generally moving the other direction, whereas the majority of the farmers have sold their farms as farms.

Pat McCormack – IN OPPOSITION – 13600 S Can Ada Rd, Melba, ID 83641

Mr. McCormack explained his family's history in moving to Melba and discussed land uses in an agricultural community. There is an expanding demand for emergency services and other resources. That demand has created stress among the communities and frustration of travel on the streets. Agricultural ground that is developed for non-agricultural purposes or sold to foreign entities is a process for the extinction of farming in the farming communities. Mr. McCormack's concerns are law enforcement, emergency responses, overcrowding on the highways and the agricultural community itself.

Joshua Alder – IN OPPOSITION – 1288 Southside Blvd S, Melba, ID 83641

Mr. Alder talked about his experience in farming and raising seed crops. Carrot seed is no longer grown in Kuna because of the hobby farms and pastures. He sees his future in faming expanding, and he cannot compete with homes and needs ag land to stay in ag use.

Commissioner Mathews asked what the percentage of seed crops is. Mr. Alder explained that there is quite a bit of seed crops, in addition to carrots and onions and other types of crops.

Commissioner Dorsey inquired on the rock outcroppings and asked if it was more suitable for pasture. Mr. Alder stated some is, but he farms along the east side of the subject property, and although there are a lot of rocky areas, they have found a way to work around it. There was discussion on why building houses, although on bigger lots, would not be very productive for ag use.

Norm Alder – IN OPPOSITION – 6522 Baseline Rd, Melba, ID 83641

Mr. Alder stated adding houses adds trips. He started farming in 1972 and Mr. Hoagland's grandfather was his mentor. It takes a lot of time and hours to be productive in agriculture. Rocks are normal in Melba, but farmers have dealt with them over the years.

Kari Cussins – IN OPPOSITION – 6627 Butte Rd, Melba, ID 83641

Ms. Cussins asked that the slide showing the prior divisions be shown and pointed out her property compared to the subject property. She does not believe that adding all of the proposed houses is more appropriate than the current zoning. The parcels close to her house were not within the growth plan. Both wheat and alfalfa had been harvested just this year, and has been consistent with farming since at least the 1970s. Ms. Cussins agreed with prior testimony in that there are rocks, but there are ways around it. If this application is approved, it could cause the desire to continue splitting lots, and it will not be more consistent with what is appropriate for that land. It is appropriately zoned as ag land and needs to remain as such.

Cleon Hoagland – (Applicant) REBUTTAL – 6740 Butte Rd, Melba, ID 83641

Mr. Hoagland believes his property is only good for what he is applying for, and it's currently green because he worked hard to keep it green. He stated according to code, someone has the authority to maintain their ditch anytime there is a problem with it, which has happened on several occasions. Mr. Hoagland is fine with one building lot.

Commissioner Mathews asked if Mr. Hoagland was a hobby farmer. Mr. Hoagland explained the history of this property, and that years ago everyone had 20 head of milk cows and grew 10 acres of sweet corn, some potatoes, and they got by. That isn't the norm nowadays.

Commissioner Dorsey asked why the applicant feels this is still farm ground in small tracks. Mr. Hoagland answered that because the lot sizes are larger, a lot of that property is still going to be farmable.

Planning Supervisor Lister clarified the number of splits that were available and the divisions that were taken. None of them have been built upon, and could have a house and secondary dwelling.

MOTION: Commissioner Mathews moved to close public testimony on Case No. CR2025-0002, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:
Commissioner Nevill is not in favor of this application, and requests to modify criteria 2 that this request is not more appropriate, criteria 3 that it is not compatible, and criteria 4 that it negatively affects the character of the area. His biggest concern is that rezones are typically a foot in the door for further rezones and further development. Commissioner Nevill stated the only way he would be in favor of moving towards building lots that haven't been used yet that were already split off is if it was done through the administrative splits available and is without a secondary dwelling option.

Commissioner Mathews commented that having smaller, unfarmable lots is going to encourage people to break them up into even small lots and will change the character of the area. He believes that this could be productive farm land depending on how much work is put into it. In regards to criteria 3, this is not compatible with surrounding areas.

Commissioner Dorsey stated the development is going to continue providing farming and ag due to the size of the lots, and they are complying and fitting into the parameters put in place. He is leaning towards approval.

Commissioner Sheets thinks this application could go forward in its buffer potential at a time when Melba has developed further south. It is not appropriate timing, it is not consistent with surrounding land uses, and it will have a negative impact on the area. Chairman Sturgill asked about Melba taking this property out of the area of impact. Commissioner Sheets believes this indicates there might not be development in this direction, and this type of application may not be as applicable at this time.

MOTION: Commissioner Nevill moved to **recommend denial** for Case No. CR2025-0002 to the Board of County Commissioners, finding that the application does not meet criteria. Seconded by Commissioner Mathews.

Discussion on the Motion:
Commissioner Nevill agreed with Commissioner Sheets' prior comment on timing, and that to gain approval the applicant should wait until the timing is more appropriate.

Roll call vote: 4 in favor, 1 opposed, motion passed.

Item 2C:
Case No. RZ2024-0003 – Gayle Manufacturing: The applicant, Gayle Manufacturing Company, Inc., represented by Matt Wilke of White Barn Ventures, is requesting a rezone of approximately 17.4 acres of a 29.21-acre property from an "A" (Agricultural) zone to the "M-1" (Light Industrial) zone. The subject property is located at 20334 Pinto Rd, Caldwell, ID also referenced as Parcel R36356.

Chairman Sturgill called the applicant to testify.

Matt Wilke – (Representative) IN FAVOR – PO Box 7, Middleton, ID 83644
Mr. Wilke explained the rezone area of 17.12 acres is the ag zoning, industrial zoning, future land use map area, and further described the area and how it is consistent with the request. He described the incentives to move to the area and how Gail Manufacturing Company made investments in business decision based on those incentives. Referring to a map on the screen, Mr. Wilke explained the area as zoned M1, with future industrial noted, so it makes sense to rezone the remaining portion of the subject property, although Gayle Manufacturing does not have plans to develop this new rezone area. Founded in 1968 and operational by 1998, Gayle Manufacturing is a huge asset to the community, county and state. Over 90% of their shipments

are by rail, which reduces the truck traffic, which would primarily be outgoing. There is a 29 acre irrigation water rights from the west side, drain stock water right and a domestic well water right, with no surface water rights. Mr. Wilke talked about the legal description for the rezone to M1, as well as the proposed buffers. Exterior lighting will be facing downward and a 400 foot row of trees would be planted at the time of development unless the home parcel was rezoned M1. He further described the details of the 400 foot buffer.

Commissioner Nevill asked about the difference between light and heavy industrial as it related to the maps that were shown. Mr. Wilke clarified that the map he provided was outdated with the legend, but reflected areas that have been rezoned M1-light industrial and future industrial. Commissioner Nevill provided a description of heavy industrial and asked if this application should be considered M2 based on the impact suggested by objections received. Mr. Wilke stated manufacturing is allowed under M1, and believes that is an appropriate zoning for this area.

Chairman Sturgill asked what the current hours of operation were. Mr. Wilke stated there are 24 hour operations, but that has scaled back to working around active projects. There was further discussion on the difference between light and heavy industrial and how this application would fit into either.

Principal Planner Emily Bunn reviewed the Staff Report for the record.

Commissioner Nevill asked for clarification on the area that is proposed to be rezoned, and asked about the home that is currently onsite. Planner Bunn specified the 17.12 acres that is being considered, and stated the existing house is on an agricultural zoned parcel currently, and can either remain as a caretaker residence if the rezone was approved, or removed at the Commission's discretion. Commissioner Nevill asked about the applicant's proposed conditions. Planner Bunn stated she has adopted a couple of them, which is reflected in the current conditions that were presented.

There was further discussion on the difference between light and heavy industrial and where the type of manufacturing Gayle Manufacturing organizes fits into the matrix. Planner Bunn suggested the Commission to add restricting manufacturing as a condition if that is the direction they choose. She also mentioned there are no definitive plans or specified uses for this area. Gayle Manufacturing could keep it or it could be sold to someone else with different types of business, so restricting hours of operation may not be appropriate at this time.

Brad Benke – IN OPPOSITION – 19222 Upper Pleasant Ridge Rd, Caldwell, ID 83607

Mr. Benke is not in favor of rezoning this agricultural property. Common manufacturing involves large scale, heavy equipment, dust and other byproducts, welding fumes, metal particles, and large overhead cranes, and thus should be considered M2-heavy industrial. The lights and noise are a concern, as well as the increased semi-trailer traffic. If it is rezoned, Mr. Benke is curious if light, sound, and traffic restrictions can be placed.

Commissioner Nevill asked if any of the proposed conditions would mitigate any of these concerns. Mr. Benke is not opposed to M1, but believes this is actually M2 and is being used as such.

Chairman Sturgill asked if code enforcement has been contacted regarding these issues. Mr. Benke stated someone called the Sheriff's Department, and was told they did not have anyone that would come out to look at something like that.

Jake Fillmore – IN OPPOSITION – 18954 Lower Pleasant Ridge Rd, Caldwell, ID 83607

Mr. Fillmore described his property compared to the subject property, and expressed concerns about noise and lights. He did talk to someone about these and were able to work with them on mitigating those concerns a bit, but the lights and noise are still significant. He does not care about how much revenue they are

producing, but rather his lifestyle, which has been negatively affected by the current operations. Mr. Fillmore also mentioned a prior commissioner mentioned there should have been more conditions placed on this property.

Commissioner Sheets asked what the hearing was about that the commissioner made the aforementioned comments. Mr. Fillmore believes it was for the property to the east of his property.

Chairman Sturgill asked how long Mr. Fillmore has lived in their current home, and when Gayle Manufacturing started operations. Mr. Fillmore bought the property in 2014 and Gayle Manufacturing broke ground roughly 2 years after and it took around 2 years to get into production.

Marnie Fillmore – IN OPPOSITION – 18954 Lower Pleasant Ridge Rd, Caldwell, ID 83607

Ms. Fillmore recalled other properties in the area that were denied a rezone to M1, and many of the letters of opposition for these cases were because of Gayle Manufacturing, which many residents do not want near them due to the impact. A lot of the current noise is above the recommended levels of decibels, and adding more to the current operations will make the noise worse, even with tree buffers.

Chairman Sturgill emphasized that this area is constantly growing towards M1, and asked if Ms. Fillmore had even considered a personal solution instead of fighting this battle every 3 months. Ms. Fillmore stated this was not present when they moved here, and there is an unknown on what will be coming. Chairman Sturgill asked if the ground was genuinely used for light industrial, would that help alleviate the concerns? Ms. Fillmore said if there were parameters put in place so they could actually sleep at night, it would help.

Matt Wilke – (Representative) REBUTTAL – PO Box 7, Middleton, ID 83644

Mr. Wilke provided statistics on areas that are zoned M2, which is not very many. By definition, Gayle Manufacturing will not be conducting any business or production that classifies as M2. He stated Mr. and Mrs. Fillmore moved in to their home after the industrial area was shown on the future land use map. He reiterated there is minimal truck traffic and the noise is not comparable to trains that run all hours of the night. Mr. Wilke stated the home that is currently on site will become a caretaker residence, and he is aware that there is a possibility to ask for a variance. He was sympathetic with the light concerns, but emphasized the lights are necessary for safety. Mr. Wilke talked about one of the denials of a rezone, stating there was an inability to meet the conditions for decibel requirements. He stressed that this application is following the comp plan and staff recommendations.

Commissioner Nevill asked what the urgency was if there are no plans to expand. Mr. Wilke stated it is their investment and they want to continue the zoning.

Planner Bunn stated the prior zoning of this area was done in 2003, but development didn't happen until 2015-16, which would explain some of the confusion.

MOTION: Commissioner Sheets moved to close public testimony on Case No. RZ2024-0003, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets sympathized with the obvious friction; however, he does not see a reason to recommend denial as the application meets the comp plan and the conditions are reasonable.

Commissioner Mathews agreed with moving forward with the application.

Exhibit 2

Commissioner Nevill is supportive of Gayle Manufacturing, but is concerned about the approval of this application allowing them to continue extending south, unless there were a lot of restrictions put in place. He does agree with Commissioners Sheets and Mathews that this type of manufacturing is allowed.

Commissioner Dorsey believes this application is straightforward and is in favor.

Chairman Sturgill stated his definition of M1 is different than what is operating, which seems to be closer to M2 operation. He is also sympathetic with the neighbors and wishes there was a way to mitigate the impact, but believes manufacturing should be compatible with ag.

MOTION: Commissioner Sheets moved to **recommend approval** for Case No. RZ2024-0003 to the Board of County Commissioners, adopting the recommended FCOs that the application does meet criteria. Seconded by Commissioner Mathews.

Discussion on Motion:
None.

Roll call vote: 3 in favor, 2 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:
There was discussion on the BOCC signing resolutions for 2 new P&Z Commissioners and subsequent training. Planning Supervisor Lister also provided information on a training session, and there will not be a hearing October 2nd due to the planners APA meetings.

4. ADJOURNMENT:

MOTION: Commissioner Mathews moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 11:16 P.M.

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

Approved this 6th day of November, 2025

Robert Sturgill, Chairman

ATTEST
Caitlin Ross
Caitlin Ross, Hearing Specialist

Exhibit 2

EXHIBIT 3

Staff Report Packet Dated September 18, 2025

-

Board of County Commissioners

Case# CR2025-0002

Hearing date – January 21, 2026

Planning and Zoning Commission
Hearing Date: September 18, 2025
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER:	**CR2025-0002**
APPLICANT/OWNER:	**Cleon Hoagland**
APPLICATION:	**Conditional Rezone of Parcels R28146010 (11.94 acres), R28146010D (24.92 acres), and R28279010 (33.87 acres) from an "A" (agricultural) zone to an "CR-R-R" (Conditional Rezone - Rural Residential) zone, subject to a development agreement.**
LOCATION:	**Parcels R28146010 and R281046010D are adjacent to 746 Southside Blvd., Melba, also referenced as a portion of the SE¼ of Section 01, T1S, R2W. Parcel R28279010 is adjacent to 6627 Butte Road, Melba, also referenced as a portion of the NW¼ of Section 12, T1S, R2W, Canyon County, ID.**
PLANNER:	**Dan Lister, Planning Supervisor**

REQUEST:
The applicant, Cleon and Patti Hoagland, requests a conditional rezone of Parcels R28146010, R28146010D, and R28279010, approximately 70.7 acres, from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. The request includes a development agreement limiting development to an average lot size of five acres. *See **Exhibit A** for details.*

PUBLIC NOTIFICATION – CCCO §07-05-01

- **Agency and Full Political:** **July 14, 2025**
- **Property Owners (600-foot radius):** **July 14, 2025**
- **Newspaper notice published on:** **July 19, 2025**
- **Notice posted on site on:** **July 19, 2025**

BACKGROUND:

Parcel R28146010 was divided, creating Parcel R28146011. The parcel was then adjusted to its current configuration in 2021 (AD2021-0016 & 0185, **Exhibits E.3 & E.4**). The parcel can be divided into three parcels without platting. As part of the AD2021-0185 decision, Parcel R28146010D was created as an agricultural-only parcel (no entitlements). The parcel has one division without platting. Parcels R28146010 and 010D do not have any structures (**Exhibit E.2a**)

According to PI2021-0220 (**Exhibit E.5**), Parcel R28279010 was created via the land division process in 1980. The parcel can be divided into three parcels without platting.

On October 6, 2023, the property owners, Cleon and Patti Hoagland, submitted an administrative land division application for non-viable parcels in the "A" Zone to divide the subject parcels into eight (8) buildable parcels per CCCO §07-18-09. On May 6, 2024, after considering all evidence provided by the applicant and letters received by neighbors, the Director of DSD denied AD2023-0110 (AD2023-0110, **Exhibit D & E.6**). An appeal was filed on May 21, 2024, and denied by the Board of County Commissioners on September 3, 2024 (AD2023-0110-APL, **Exhibit E.7**). The following was provided as ways to gain approval:

1) *Reapply for an Administrative Division of a Nonviable Parcel in an Agricultural Zone (CCCO §07-18-05 & 09) and provide information demonstrating what portions of the subject parcels are non-viable,*

what portions are still viable, and what measures will be taken to ensure viable ground will be protected.

2) *Conditional rezone to an "R-R" (Rural Residential) zone with development agreement conditions limiting lot sizes to five acres or larger. The 2030 Comprehensive Plan allows five-acre lot sizes within the agricultural designation. The County Code has not been updated to codify five-acre lot sizes or applicable development standards. Approval is based on the request's consistency with CCCO §07-06-07(6)A.*

    a. *If approved, a land division application per CCCO §07-18-13 is required if the division does not exceed four parcels from the original parcel (as shown in the Record of Survey provided as part of AD2023-0110). If not, platting is required.*

3) *Comprehensive Plan Amendment to the rural residential designation and Conditional Rezone to an "R-R" (Rural Residential, two-acre lot sizes). The 2030 Comprehensive Plan designates the future land use of the area as "agriculture". The current zone matches the 2030 Comprehensive Plan designation. If approved, platting would be required to divide the parcels.*

On February 13, 2025, the applicant submitted a conditional rezone application.

HEARING BODY ACTION:

According to Canyon County Code of Ordinances (CCCO) §07-06-01(3), requests for comprehensive plan changes and ordinance amendments may be consolidated for notice and hearing purposes. Although these procedures can be considered in tandem, according to Idaho Code §67-6511(b), the commission, and subsequently the board, shall deliberate first on the proposed amendment to the comprehensive plan; then, once the commission, and subsequently the board, has made that determination, the commission, and the board, should decide the appropriateness of a rezone within that area. This procedure provides that the commission, and subsequently the board, considers the overall development scheme of the county prior to consideration of individual requests for amendments to zoning ordinances. The commission, and subsequently the board, should make clear which of its findings relate to the proposed amendment to the comprehensive plan and which of its findings relate to the request for an amendment to the zoning ordinance.

According to CCCO §07-06-07(1) Restrictions: In approving a conditional rezone application, the presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity, to make the land use more compatible with neighboring land uses. When the presiding party finds that such conditions, stipulations, restrictions, or limitations are necessary, land may be rezoned upon condition that if the land is not used as approved, or if an approved use ends, the land use will revert to the zone applicable to the land immediately prior to the conditional rezone action.

Additionally, under CCCO §07-06-07(3) Conditional Rezoning Designation: Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone" shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat per this chapter before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel as CR shall not constitute "spot" zoning and

shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.

Should the Commission wish to approve the subject conditional rezone, all applicable Canyon County standards pertaining to the required development agreement shall be strictly adhered to.

The commission should consider the procedures outlined above within CCCO §07-06-01(3).

OPTIONAL MOTIONS:
Approval of the Application: "I move to approve CR2025-0002, Hoagland, finding the application **does** meet the criteria for approval under Section 07.06.07(6) of Canyon County Code of Ordinances, **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 CR2025-0002, Hoagland finding the application **does not** meet the criteria for approval under Section 07.06.07(6) of Canyon County Code of Ordinances, **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 CR2025-0002 to a [*date certain or uncertain*]

HEARING CRITERIA

Table 1. Conditional Rezone - Standards of Evaluation Analysis

Standards of Evaluation (CCCO §07-06-07(6)A): The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:				
Compliant			**County Ordinance and Staff Review**	
Yes	**No**	**N/A**	**Code Section**	**Analysis**
☒	☐	☐	**A1**	**Is the proposed conditional rezone generally consistent with the comprehensive plan?**
			Staff Analysis	The proposed conditional rezone is generally consistent with the comprehensive plan. The parcels, located approximately 0.33 miles southeast of the City of Melba, are designated as agriculture in the 2030 Canyon County Comprehensive Plan (**Exhibit E.2d**). Page 25 of the Plan describes the agriculture designation as follows: *"The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value."* While parcels R28146010 and R28146010D are located in the Melba area of city impact (**Exhibit G.5**), Parcel R28279010 is not and includes an intensive agriculture overlay. Page 28 of the Plan describes the intensive agricultural overlay as follows: *"This overlay is applied to protect working lands and operations. These areas may have higher-quality soils, greater water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, concentrated animal feeding operations, grazing, and other agriculturally-based uses. This designation aims to protect*

				agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety." The Plan further describes applicable districts for the agriculture designation, including Commercial Agriculture (R-R, AC-5, AC-20, and AC-40). The Commercial Agriculture (AC-5) district "*provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity*" (Page 26 of the Plan). Appropriate locations for the AC-5 District have not yet been identified, and the associated zone has not been implemented or incorporated into the County Code. As the AC-5 District is not yet available, the applicant requests a conditional rezone to "CR-R-R" (Conditional Rezone – Rural Residential) with a development agreement that will restrict the land division to a five-acre average minimum lot size in alignment with (1) the AC-5 vision from the Comprehensive Plan, and (2) the definition of rural residential in the 2030 Comprehensive Plan. The request aligns with the definition of the "R-R district" in the 2030 Comprehensive Plan: "*The R-R district provides rural transitional areas to create a boundary between agricultural and urban areas. These areas are generally conducive to small-scale farming operations and compatible with non-agricultural uses*" (Page 26 of the Plan). The requested "CR-R-R" zone, with lot size restrictions, is generally consistent with parcel sizes found in the area (**Exhibit E.2k**) and the intent of the AC-5 designation, proposing an 8.97-acre average lot size (**Exhibit A.2**). The plan acknowledges (page 26 of the Plan) that smaller lots can be consistent with the agricultural designation. The applicant's letter of intent provides evidence that the parcels with soil, lava rock, and irrigation limitations are better suited as hobby farm property (**Exhibits A.2, B.4 & D.7**). The proposed five-acre average minimum lot size allows for the property to maintain an agricultural tax exemption and could be seen as a transition between the City of Melba and the boundaries of the impact area (**Exhibits E.2d**). Per CCCO §07-06-07(3), a conditional rezone of a parcel does not set a precedent that adjacent property should be rezoned the same. The conditional nature of the rezone, which in this case will restrict the average minimum lot size to no less than 5 acres, allows for some agricultural uses on the property while not impacting agricultural activities in the vicinity. The request generally complies with the following goals and policies of the 2030 Comprehensive Plan: <u>Property Rights Goals and Policies</u> The request was processed per the following laws and ordinances: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezone), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and CCCO 09-07-07, Melba Area of City Impact agreement.

				• Goal No. 1: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare." • Policy No. 1: "No person shall be deprived of private property without due process of law." <u>Population Component Policy and Goal</u> COMPASS forecasts a small residential increase of households in the area due to (Traffic Analysis Zone No. 2906 & 2934). This may be due to the proximity of the properties to the City of Melba (Traffic Analysis Zone No. 2933, **Exhibit E.2l**). The request includes conditions that create development that transitions between urban areas and agriculture. • Goal No. 2: "Promote housing, business, and service types needed to meet the demand of the future and existing population." <u>Economic Development Goal</u> • Goal No. 5: "Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability." <u>Land Use Policies and Goals</u>: The proposed conditional rezone ensures an average minimum lot size of five 5 acres. The applicant has provided a conceptual plan showing a total of eight lots (a 7.362-acre average lot size for Parcels R28146010/010D and a 11.32-acre average lot size on Parcel R28279010, **Exhibits A.6**). This limited scale aligns with nearby development occurring in the City of Melba while protecting the rural character of the area, which allows for continued small-scale agricultural uses and agricultural exemption on the property, and balances residential growth with nearby agricultural production. • Policy No. 1.1: "Maintain a balance between residential growth and agriculture that protects the rural character." • Policy No. 1.2: "Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights. " • Goal No. 2: "Ensure that growth maintains and enhances the unique character throughout the County." • Goal No. 3: "Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning. " • Policy No. 3.2: "Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns." • Policy No. 3.3: "Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility."

				• Goal No. 7: "Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to the good quality of life. " • Policy No. 7.1: "Plan land uses that are compatible with the surrounding community." <u>Housing Goals</u> • Goal 1: "Encourage opportunities for a diversity of housing choices in the County." • Goal 2: "Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural and natural resources." While the proposed rezone is generally consistent with the comprehensive plan, the subject parcel has Class 3 & 4 moderately suited soil types that are considered prime farmland/ farmland of statewide importance (**Exhibit E.2h**). For this reason, Canyon County Soil Conservation District does not recommend a land use change (**Exhibit G.3**). Six letters of opposition find the request to be incompatible to existing agricultural uses and properties (**Exhibit H**). Furthermore, Parcel R28279010 (approximately 33 acres) is identified as an intensive agricultural overlay within the 2030 Comprehensive Plan. The following comprehensive plan policies are potentially inconsistent with the proposal and could be considered for denial or conditions of approval: <u>Agriculture Policies and Goals:</u> • Goal No. 1: "Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses." • Policy No. 1.1: "Preserve and maintain agriculturally designated lands for agricultural use." • Policy No. 1.5: "Direct development to land with lower irrigatable soil classifications as determined by Canyon Coil Conservation District or by the USDA Natural Resources Conservation Service." Additional materials provided by the applicant address concerns raised by the Canyon County Soil Conservation District (**Exhibit B.4**). *See analysis in the following section (A2 - A8) for supporting evidence.*
☒	☐	☐	**A2**	**When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?**
			Staff Analysis	In consideration of the surrounding land uses, and as conditioned, the proposed conditional zone to "CR-R-R" is as appropriate as the current zoning designation of "A" when considering the comprehensive plan, lot sizes created by previous divisions in the area, and existing soil issues on the subject properties. **Existing Conditions:** According to Canyon County Code of Ordinances (CCCO) §07-10-25 (1), the purposes of the existing "A" zoning district are to: *A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*

B. *Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
C. *Protect fish, wildlife, and recreation resources, consistent with purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
D. *Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
E. *Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*

The surrounding area contains agricultural zoning and uses. Aerial and site visit photos show that the area consists of large agricultural property and appears to be in irrigated row crop that receives an agricultural tax exemption (**Exhibits E.1, E.2a & F).** Any division into smaller parcels within the area appears to be original (before the adoption of the zoning ordinance) or through the land division process.

- R28146 – LS2006-89/AD2021-0016: 8.03 acres
- R28146013 – LS2006-89: 5.223 acres
- R28146011 – Original: 1.966 acres
- R28149010A/A1 – LS2002-57/AD2016-28: 3.66 acres and 9.08 acres
- R28280 – Original: 0.65 acres
- R28279 – PI2021-0220: 5.04 acres
- R28150 – LS2002-79: 3.01 acres
  - Average lot size: 4.58 acres (**Exhibit E.2l**)

The property and surrounding area consist of class 3 & 4 soils – moderately suited soils, and considered farmland of statewide importance or prime farmland (**Exhibit E.2h**). The property is currently irrigated and produces crops and contains livestock (**Exhibits F & E.2a**). Canyon Soils Conservation District recommends denial (**Exhibit G.3**). Six letters of opposition find the request threatens to impact existing agricultural uses and properties (**Exhibit H**).

Adjacent Existing Conditions: 21.71-acre average lot size (**Exhibit E.2e**).

Direction	Existing Use	Primary Zone	Another Zone
N	**Agricultural with dwellings; City of Melba jurisdiction**	**A**	**-**
S	**Agricultural with dwellings**	**A**	**-**
E	**Agricultural with dwellings**	**A**	**-**
W	**Agricultural with dwellings**	**A**	**-**

"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 (Exhibits E.2f & E.2e):

- There are no similar zones in the area except the Melba city jurisdiction.
  - The applicant provided other similar land divisions and land use case decisions, but they are not located in close proximity to the request (**Exhibit B & C**).
- Within a one-mile radius are 10 plats consisting of 261 lots (0.88-acre lot size). Seven of the subdivisions are located within the City of Melba. The three

				subdivisions located in the county's jurisdiction were completed between 2003 and 2009, creating 9 lots (12.21-acre average lot size). **<u>Rezoning Request</u>** The request is to conditionally rezone the property to an R-R Zone, subject to the conditions of a development agreement. According to Canyon County Code of Ordinances (CCCO) §07-10-25(2), the purposes of the existing "R-R" zoning district is to "*encourage and guide growth in areas where a rural lifestyle may be determined to be suitable*." The 2023 Canyon County Comprehensive Plan describes the "R-R" District as "*rural transitional areas to create a boundary between agricultural and urban areas. These areas are generally conducive to small-scale farming operations and compatible with non-agricultural uses."* The applicant provided a conceptual site plan (**Exhibit A.6**) demonstrating that the result of the rezone is to create eight buildable parcels from Parcels R28146010, R28146010D, and R28279010. Parcels R28146010 and 10D will be five parcels, with a 7.36-acre average lot size. Three of the parcels will have access via a private road, Little Bit Lane. The other parcel has frontage off Butte Road and Southside Boulevard. Parcel R28279010 will be three parcels, a 11.3-acre average lot size. All lots will have access to existing irrigation via an irrigation easement (**Exhibit A.8**). • The conceptual plan will need to be modified by either reducing the number of lots to seven (7) or adjusting/relocating a building permit to Parcel R28146010 (See **Exhibit D.8**). The proposal shows three (3) parcels on Parcel R28146010D, which would require platting. The applicant contests the soil maps and comments from the Soils Conservation District and property owners in opposition (**Exhibit B.4 & C**). The applicant provides photos, maps, and a letter from Jerry Neufeld, former University of Idaho Canyon County Corps Extension Educator, which demonstrates (1) the class 4 soils are severely limited for potential productive agriculture, (2) parcels have large rock outcroppings and subsurface rocks, (3) sprinkler irrigation has not improved productivity except for reducing erosion issues, and (4) the ground is not economically feasible as productive agricultural. Due to the soil/rock issues, the applicant finds the parcels not to be productive agricultural, and better suited to be hobby/started farms for supplying farmers' markets, gardening for self-reliance, livestock, horse boarding, and dog kennels (**Exhibits A.2 & B.1**). The comment letter from the City of Melba finds that the proposed lot sizes are appreciated by Melba residents, as the sizes allow agriculture to be maintained. The proximity to Melba promotes a natural extension of the community (**Exhibit G.5**). The Melba Fire District letter also supports the proposed growth near the city (**Exhibit B.2**). *See two letters of support from neighbors in **Exhibit H**.* *See further analysis located in sections A1, A3 & A4 for additional evidence.*
☒	☐	☐	**A3** ***Staff Analysis***	**Is the proposed conditional rezone compatible with surrounding land uses?** The proposed conditional rezone to "CR-R-R" is compatible with surrounding land uses based on the analysis contained herein.

				Land uses are compatible if: "*a) they do not directly or indirectly interfere or conflict with or negatively impact one another and b) they do not exclude or diminish one another's use of public and private service. Compatibility determination requires a site-specific analysis of potential interactions between uses and potential impacts of existing and proposed uses on one another. Ensuring compatibility may require mitigation from or conditions upon a proposed use to minimize interference and conflicts with existing uses*" (CCCO §07-02-03). The applicant provided a conceptual site plan (**Exhibit A.6/D.8**) demonstrating that the result of the rezone is to create eight buildable parcels from Parcels R28146010, R28146010D, and R28279010. Parcels R28146010 and 10D will be five parcels, with a 7.36-acre average lot size. Three of the parcels will have access via a private road, Little Bit Lane. The other parcel has frontage off Butte Road and Southside Boulevard. Parcel R28279010 will be three parcels, a 11.3-acre average lot size. All lots will have access to existing irrigation via an irrigation easement (**Exhibit A.8**). If approved, the division can be completed through an administrative land division. The proposed lot sizes are commensurate with previous land divisions in proximity to the subject parcels: • R28146 – LS2006-89/AD2021-0016: 8.03 acres • R28146013 – LS2006-89: 5.223 acres • R28146011 – Original: 1.966 acres • R28149010A/A1 – LS2002-57/AD2016-28: 3.66 acres and 9.08 acres • R28280 – Original: 0.65 acres • R28279 – PI2021-0220: 5.04 acres • R28150 – LS2002-79: 3.01 acres o Average lot size: 4.58 acres (**Exhibit E.2l**) The area consists of agricultural parcels with dwellings and accessory uses (**Exhibit E.2a & F**). As conditioned, future divisions will create parcels that can have a dwelling, agricultural uses, and accessory uses currently found in the area (**Exhibit E.2l**). The area is served by services found in the City of Melba (schools, fire district, and amenities such as parks and stores). The City of Melba and affected agencies do not oppose the request or find it incompatible with the area (**Exhibits B.2 & G**). Therefore, the request is compatible with the surrounding land uses. *See further analysis located in sections A2 & A4 for additional evidence.*
☒	☐	☐	**A4**	**Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?**
			Staff Analysis	The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below. **Character of the Area:** Six letters of opposition received are concerned about the number of dwellings per acre that the request allows, without connection to existing city services. The opposition states that the area is prime farmland and is concerned that the request is out of character and may impact existing agricultural operations (**Exhibit H**).

				Two letters of support find the proposed lot sizes to be commensurate with the area and believe the development will benefit the area and the City of Melba (**Exhibit H**). The character is agricultural in close proximity to planned city growth. Aerial and site visit photos show that the area consists of large agricultural property and appears to be in irrigated row crop (**Exhibits E.2a & F**). The property and surrounding area consist of class 3 & 4 soils – moderately suited soils, and considered Farmland of statewide importance or prime farmland (**Exhibit E.2h**). **The following measures will be implemented to mitigate impacts:** The proposed development agreement will restrict parcels to a five-acre average minimum lot size. Per the conceptual site plan (**Exhibit A.6/D.8**), Parcels R28146010 and 10D will be five parcels, with a 7.36-acre average lot size. Three of the parcels will have access via a private road, Little Bit Lane. The other parcel has frontage off Butte Road. Parcel R28279010 will be three parcels, a 11.3-acre average lot size. All lots will have access to existing irrigation via an irrigation easement (**Exhibit A.8**). The conceptual site plan (**Exhibit A.6/D.8**) shows lot sizes that are commensurate with the area (**Exhibit E.2l**) while still providing area and irrigation to maintain agricultural ground. • The conceptual plan will need to be modified by either reducing the number of lots to seven (7) or adjusting/relocating a building permit to Parcel R28146010 (See **Exhibit D.8**). The proposal shows three (3) parcels on Parcel R28146010D, which would require platting. The commission could consider additional conditions, such as restrictions on building placement or secondary residences, to further mitigate potential impacts. *See recommended conditions beginning on Page 13*. *See further analysis located in sections A2 & A3 for additional evidence*
☒	☐	☐	**A5** ***Staff Analysis***	**Will adequate facilities and services, including sewer, water, drainage, irrigation, and utilities, be provided to accommodate the proposed conditional rezone?** The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein. **Sewer:** Per the applicant's letter of intent and land use worksheet, sewer would be provided with individual septic systems (**Exhibits A.2, A.3 & A.5**). Southwest District Health does not have concerns regarding the rezoning (**Exhibit G.2**). The parcels are located in a nitrate priority area, but don't need a study unless divided into five or more lots where the minimum buildable lot size is less than five acres. A site evaluation will be required at the time of the building permit. **Water:** Per the applicant's letter of intent and land use worksheet, domestic water would be provided with individual wells (**Exhibits A.3 & A.8**). Notice was given to the Idaho Department of Water Resources, but no comments were received. Future

				development shall comply with IDWR standards at the time of subdivision/building permit, etc. Per the Nitrate Priority Well Map, there are no wells within the area with nitrate levels elevated to the water standard of 10 milligrams per liter (**Exhibit E.2i**). **Drainage:** Per the land use worksheet, stormwater is proposed to be retained on-site. (**Exhibit A.3**). **Irrigation:** Per the land use worksheet, irrigation plan, and letter of intent, irrigation will be provided to each parcel from existing irrigation wells and surface water rights (**Exhibits A.2 & A.3**). The Boise Project Board of Control does not oppose the request, subject to the protection of the Midway, Lyons, and Sanford laterals (**Exhibit G.1**). **Utility:** Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on April 25, 2025, and July 14, 2025. No agency comments were provided by those services at the time the staff report was written. Utility poles exist along the frontage of the parcel (**Exhibit F**). There are also residences in the general vicinity that are indicative of utility services being available. It is anticipated that the applicant will be able to work with utility providers to gain any needed utilities.
☒	☐	☐	**A6**	**Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?**
			Staff Analysis	The rezone, conditioned to create eight parcels, is not anticipated to create a significant traffic impact on the area. Three of the eight parcels will have shared access via a private road, Little Bit Lane (**Exhibit A.8**). The other parcels have frontage on Southside Boulevard and Butte Road. The proposed parcels on Butte Road will require shared access. The request is anticipated to create 76.16 average daily trips (152.32 average daily trips if secondary dwellings are allowed). Idaho Transportation Department and Nampa Highway District comments do not indicate the request would require a traffic impact study (**Exhibits G.4 & G.7**). **The following measures will be implemented to mitigate impacts:** Nampa Highway District #1 will require shared access as part of the subsequent land division process (**Exhibit G.4**). Also, an access/approach permit will be required at the time of building permits.
☒	☐	☐	**A7**	**Does legal access to the subject property for the conditional rezone exist, or will it exist at time of development?**
			Staff Analysis	The subject property does have legal access for the conditional rezone, and access will exist at the time of the development. See the review and analysis detailed below.

				The rezone is conditioned to create eight parcels. Three of the eight parcels will have shared access via a private road, Little Bit Lane (**Exhibit A.8**). The other parcels have frontage on Southside Boulevard and Butte Road. The proposed parcels on Butte Road will require shared access. Nampa Highway District #1 will require shared access as part of the subsequent land division process (**Exhibit G.4**). Also, an access/approach permit will be required at the time of building permits.
☒	☐	☐	**A8**	**Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?**
			Staff Analysis	The proposed use is not anticipated to impact essential public services and facilities, including, but not limited to, schools, police, fire, and emergency medical services. No issues were identified to mitigate. **Schools:** The subject property is within the Melba Joint School District #136. The school district commented that there is adequate capacity within the school district to accommodate eight residences (**Exhibit B.2**). **Police:** The subject parcels are under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the parcel. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency comments were sent out on April 25, 2025, and July 14, 2025, and no comments were received by the Sheriff's Office. **Fire protection & Emergency Medical Services:** Canyon County Paramedics, Melba Quick Response, and Canyon County's Emergency Management Coordinator were notified of the request and did not provide comment. The Melba Fire Department does not oppose the request (**Exhibit B.2**). The letter states Melba Fire has no issue with the request as it will not affect the department. The letter supports the growth in the area and the potential benefits to the department. **Irrigation District:** The Boise Project Board of Control finds Midway, Lyons, and Sanford laterals within the boundaries of the parcel. The laterals have a federal easement of 25 feet from the centerline. Any encroachment/crossing is prohibited unless approved by the Bureau of Reclamation. The subsequent land division must show the lateral easement on the record of survey (**Exhibit G.1**).

Table 2. Area of City Impact – Melba Area of City Impact

Compliant			County Ordinance and Staff Review	
Yes	**No**	**N/A**	**Code Section**	**Analysis**
☒	☐	☐	**§09-07-07**	**APPLICATION OF COMPREHENSIVE PLAN AND ZONING ORDINANCE:** There is hereby adopted for the purposes of complying with Idaho Code 67-6526(a) the

				Ordinance codified in this Article, which provides for the application of the latest edition of the Canyon County Comprehensive Plan as duly enacted and adopted and amended by the County Commissioners, and Chapter 7 of this Code, to the area of impact of the City of Melba within the unincorporated area of the County, until a new comprehensive plan and/or zoning ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area City of Melba/County of Canyon. Until the joint exercise of power agreement is adopted and operational, the County shall direct copies of all applications coming before it, pursuant to the Local Planning Act of 1975 and Chapter 7 of this Code concerning property located in the area of City impact of Melba, for the City of Melba's input on the application and shall give such input due consideration; and after the adoption of the joint exercise of power agreement and the same becomes operational, then the provisions of that agreement shall govern this process.
			Staff Analysis	Parcels R28146010 and R28146010D are located in the Melba Area of the City Impact Area. A notice was sent to the City of Melba on April 25, 2025, and July 14, 2025, regarding the conditional rezone request to gain input on the application from the city and give such input due consideration. On June 7, 2025, the City of Melba submitted comments supporting the request (**Exhibit G.5**). The city finds that the proposed lot sizes are appreciated by Melba residents, as the sizes allow agriculture to be maintained. The proximity to Melba promotes a natural extension of the community. The city also identified that the subject parcel will not be located in the city's impact area once the new boundaries are adopted. Due to topography and lava rock issues, it is unlikely the city will extend service to the proposed area.

AGENCY COMMENTS

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Emergency Management Coordinator, Melba Quick Response, Boise-Kuna Irrigation District, Boise Project Board of Control, Melba Fire District, Idaho State Fire Marshal, Nampa Highway District No. 1, Melba School District, Idaho Transportation Department, Melba Gopher District, Idaho Power, Intermountain Gas, CenturyLink, Ziply, Canyon County Engineering Department, Canyon County GIS Department, Idaho Department of Water Resources (Water Rights), Southwest District Health, Idaho Fish and Game, Idaho State Department of Agriculture, Idaho Agricultural Aviation Association, Canyon County Soil Conservation District, Idaho Department of Environmental Quality, and City of Melba were notified of the subject application.

Staff received agency comments from Canyon County Soil Conservation District, Southwest District Health, Nampa Highway District No. 1, Idaho Transportation Department, Melba Fire District, Boise Project Board of Control, City of Nampa, City of Melba, and Idaho Department of Environmental Quality. All agency comments received by the aforementioned materials deadline are located in **Exhibit G**.

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.

PUBLIC COMMENTS

Staff received eight (8) written public comments by the materials deadline of September 8, 2025. Of the comments received, two (2) were in favor and six (6) were opposed. All public comments received by the aforementioned materials deadline are located in **Exhibit H.**

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.

SUMMARY & RECOMMENDED CONDITIONS

In consideration of the application and supporting materials, the staff concludes that the proposed conditional rezone is **compliant** with Canyon County Ordinance 07-06-07(6)A. 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. Compliance with the following, but not limited to, affected agencies shall be met before the commencement of any use:
    a. Boise Project Board of Control (**Exhibit G.1**)
    b. Nampa Fire Highway District (**Exhibit G.4**)
    c. Southwest District Health (**Exhibit G.2**)
2. The subject parcels shall be subject to the Canyon County Code of Ordinance (CCCO) Chapter 7, Article 18 for an administrative land division with a maximum of eight (8) parcels with an average minimum lot size of five (5) acres. The division is subject to the following restrictions:
    a. Division shall be in substantial compliance with the conceptual plan provided by the applicant, **Exhibit A.6 or D.8**.
3. The developer shall comply with CCCO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

Other potential conditions:

a. Secondary residences per CCCO §07-02-03, 07-10-27, and 07-14-25 are prohibited.

b. Each lot shall have a one-acre building envelope located near access and where productive agriculture would be the most difficult. All areas outside of the building envelope shall remain open agricultural ground where structures are prohibited.

EXHIBITS

A. Application Packet & Supporting Materials

1. Master Application
2. Letter of Intent
3. Land Use Worksheet
4. Neighborhood Meeting
5. Agency Acknowledgement Form
    a. Southwest District Health Acknowledgement Review
6. Conceptual Plan
7. Deeds
8. Attachments (1) Private Road Name, (2) Irrigation plan, and (3) Draft Road Users Maintenance Agreement

9. PowerPoint Presentation

B. Additional Information Submitted by the Applicant - July

1. Email from DSD – May 29, 2025 & Applicant Response
2. Melba Fire District, City of Melba, and Melba School District comments
3. City of Melba Area of City Impact
4. Record of Survey – Rock Map
5. Real Estate Purchase Agreement – Right to Farm Statement
6. Photos – Rocks and Soil
7. Photos – Request Compatibility with Agriculture and potential Lot Uses.
8. Photos – Hoagland Farming Equipment

C. Additional Information Submitted by the Applicant - September

1. Alder – Neighbors Development
2. Press Interview with Kathy Alder
3. Bad River Subdivision
4. Jacob McCracken Dog Kennel
5. Idaho Power Substation
6. Hoagland Commissioners Minutes – AD2023-0110-APL
7. Area of Impact Melba

D. Additional Information Submitted by the Applicant - AD2023-0110

1. Master Application
2. Parcel Inquiry
3. Letter of Intent
4. Declaration from Cleon Hoagland
5. Declaration from Mark Hoagland
6. Letter from JH Harris Farms Inc.
7. Letter from Jerry Neufeld
8. Record of Survey
9. Irrigation Plan
10. Deed
11. Private Road Code
12. Old deeds
13. Aerials
14. Young Letter of Intent
15. Mendiola Letter of Intent
16. Nampa Highway District Comment
17. Draft Road Users Maintenance Agreement

E. Supplemental Documents

1. Parcel Tool – R28146010, R28146010D, and R28279010
2. <u>Cases Maps/Reports</u>
    a. Aerial
    b. Vicinity
    c. Zoning
    d. Future Land Use
    e. Subdivisions and Plats
    f. Case
    g. Dairy, Feedlot, and Gravel Pit
    h. Soil Classification

i. Nitrate Priority/Well
j. Contour/Slope
k. Lot Classification
l. TAZ Households

3. AD2021-0016
4. AD2021-0185
5. PI2021-0220
6. AD2023-0110
7. AD2023-0110-APL

F. Site Visit Photos: July 15, 2025

G. Agency Comments Received by September 8, 2025

1. Boise Project Board of Control; received April 29, 2025
2. Southwest District Health; received: April 25, 2025
3. Canyon County Soil Conservation District; received January 14, 2025
4. Nampa Highway District #1; received April 28, 2025
5. City of Melba; received: June 7, 2025
6. Idaho Dept. of Environmental Quality; received: April 28, 2025
7. Idaho Transportation Department; received: August 18, 2025
8. City of Nampa; received: August 14, 2025

H. Public Comments – Received by September 8, 2025

1. Jim & Tina Schwager – Support; received August 28, 2025
2. Alders – Opposed; received January 28, 2025
3. C.R. Swarthout - Opposed; received January 29, 2025
4. C.R. Swarthout – Opposed; received August 25, 2025
5. Delores Hoagland – Support; received August 28, 2025
6. Zach & Debbie Davis – Opposed; received September 8, 2025
7. Randy & Kari Cussins – Opposed; received September 8, 2025
8. Justin & Amy Fishell – Opposed; received September 8, 2025

Exhibit 3

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# CR2025-0002

Hearing date: September 18, 2025

ZONING AMENDMENT
PUBLIC HEARING - MASTER APPLICATION

PROPERTY OWNER	OWNER NAME: Cleon & Patti Hoagland
	MAILING ADDRESS: P.O. Box 166, Melba, ID 83641
	[redacted]

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

Signature: Cleon Hoagland Patti Hoagland *Date:* 2/12/25

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

SITE INFO	STREET ADDRESS: TBA Southside Blvd S., Melba, ID	
	PARCEL NUMBER: R28146010, R28146010D, R28279010	
	PARCEL SIZE: 11.94, 24.92, 33.87	
	CHECK THE APPLICABLE APPLICATION TYPE:	
	☐ REZONE	☒ CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT
	CURRENT ZONING: Ag	PROPOSED ZONING:
	FLOOD ZONE (YES/NO)	ZONING DISTRICT: Canyon County

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	CR2025-0002	DATE RECEIVED:	2-13-25
RECEIVED BY:	LISTER	APPLICATION FEE: 1,460	CK MO CC CASH

#1299

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, #310, Caldwell, ID 83605
zoninginfo@canyoncounty.id.gov - Phone: 208-454-7458
Revised 3/21/23

CLEON & PATTI HOAGLAND

LETTER OF INTENT

CANYON COUNTY DELEVOPMENT SERVICES

We are requesting a conditional rezone with development agreement for parcels: R28146010 11.94 ac., R28146010 D 24.92 ac. Both parcels are within the Melba city impact zone for a combined 36.86 ac. Also, parcel #R28279010, 33.87 ac., just across Butte rd. and to the southwest, adjacent to Melba city impact zone and is approx. a ½ mile of the Melba city limits.

Parcel R28146010 (11.94 ac) is currently split into 2 fields with an irrigation easement dividing them and an approved private county lane (Little Bit Ln) that will allow access off Southside Blvd S to 3 lots if approved.

The west lot of parcel R28146010, lot A1, would be approx. 3.95 ac, of which has very rocky and shallow soil with large areas of solid rock protruding up out of the ground and areas of non-irrigated and non-farmable acreage. We had to blast through 3 different solid rock patches to get a water line up to a house above this field which we used to own. The east side of this parcel would be lot A2, of approx. 7.985 ac. This field has not been farmed for at least the last 5 yrs. It is odd shaped and extremely rocky ground. It has never been a productive field.

Parcel R28146010D (24.92 ac) consist of 3 different fields of irrigated pasture. Prior to us putting wheel lines in, it consisted of 5 smaller fields. None bigger than 6 or so acres. It also has solid rock protruding up out of the ground in several places. Portions of this parcel have slopes, large out cropping of solid lava rock and locust trees on it. Within parcel B3, on the west side, it has a little odd shaped pasture of approx. 3 ac. that is irrigated with a K-line. On the east side of the parcel there are many outcroppings of rock protruding through the surface of the ground. It also has a large rock pile with locust trees within it. It is currently irrigated with a short wheel line. The rest of B1 and B2 are irrigated with a wheel line. There are also areas in these parcels that I do not irrigate due to soil conditions.

We are proposing 5 lots, lot A1-3.95 ac, lot A2-7.985 ac, lots B1 & B2-6.957 and lot B310.97 ac. Out of the 5 lots requested, only one lot would be smaller than 5 ac. That would be lot A1. All other lots proposed are larger than what the current Canyon County and Melba city comprehensive plans call for.

Lots A1, A2 & B3 would be accessed off Southside Blvd S onto a previously approved Little Bit Lane. Lots B1 & B2 would have shared access off Butte rd. Our request and road access will

have a minimal impact on the current traffic pattern and any future development. A road agreement and irrigation plan have been drafted and submitted with our application packet.

Parcel #R28279010 (33.87 ac) We are also requesting a Conditional Rezone with Development agreement. We are proposing 3 parcels (C1, C2 & C3) of 11.29 ac each with individual access off Southside Blvd S. This parcel currently is adjacent to the Melba city impact zone and is approx. within a ½ mile of the city limits.

This parcel will be divided into 3 east to west lots to meet current irrigation configuration system. Parcel C is currently irrigated by a gravity fed wheel line system. Water is supplied approx. 2100 ft to the north, along the eastside of Southside Blvd S. from a diversion point on the Midway canal into an underground mainline. At best I can get around 20psi from this system. Also, within this parcel, on top of a hill, approx. in the middle, is considered "High Ground" by the Boise-Kuna irrigation district and does not have a water right for approx. 2 +/- ac. This hill and several other areas within this whole parcel consist of rocky ground and extremely shallow soil.

The requested lots for Parcel C are also over twice the size that the current Canyon County Comprehensive plan calls for.

Our request will have a minimal impact on the current traffic pattern and any future development.

We thank you for your consideration of our request and hope you find our application in compliance and approve our request.

Thank You

Cleon Hoagland / Patti Hoagland date 2/12/25

Cleon & Patti Hoagland
PO Box 166
Melba, ID 83641

LAND USE WORKSHEET

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

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

☐ N/A – Explain why this is not applicable: _____

☐ How many Individual Domestic Wells are proposed? _____

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

☐ N/A – Explain why this is not applicable: _____

3. **IRRIGATION WATER PROVIDED VIA:**

☒ Surface ☒ Irrigation Well ☐ None

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: _____ Height: _____

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

☐ Other: _____

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

midway canal and Lyons canal

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

☐ Residential 8 ☐ Commercial _____ ☐ Industrial _____

☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

☐ Water supply source: _____

3. INCLUDED IN YOUR PROPOSED PLAN?

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☒ None

NON-RESIDENTIAL USES

1. SPECIFIC USE: _____

2. DAYS AND HOURS OF OPERATION:

☐ 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? _____

Is there is a loading or unloading area? _____

ANIMAL CARE-RELATED USES

1. **MAXIMUM NUMBER OF ANIMALS:** _____

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

   ☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. **HOW DO YOU PROPOSE TO MITIGATE NOISE?**

   ☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. **ANIMAL WASTE DISPOSAL**

   ☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

   ☐ Other: _____

NEIGHBORHOOD MEETING SIGN-UP

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

NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

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

SITE INFORMATION

Site Address: TBA Southside Blvd S. & Butte rd	Parcel Number: R28146010, R28279010 R28146010D	
City: Melba	State: Idaho	ZIP Code: 83641
Notices Mailed Date: Jan 21, 2025	Number of Acres: 70	Current Zoning: Ag
Description of the Request: Conditional Rezone with ~~Dete~~ Development Agreement		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Cleon & Patti Hoagland		
Company Name:		
Current address: P.O. Box 166		
City: Melba,	State: ID	ZIP Code: 83641
Phone: [redacted]	Cell:	Fax:
Email:		

MEETING INFORMATION

DATE OF MEETING: Feb 5, 2025	MEETING LOCATION: Corner of Southside Blvd S. & Butte rd on property
MEETING START TIME: 9:00 AM	MEETING END TIME: 10:15am

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Daniel Temple		813 Southside Blvd. S.
2. Tim Carroll		854 Southside Blvd S
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):

Cleon Hoagland / Patti Hoagland

APPLICANT/REPRESENTATIVE (Signature): Cleon Hoagland / Patti Hoagland

DATE: 2 / 5 / 25

Notice of Neighborhood Meeting

Pre-application requirement for a Public Hearing

Date:

Dear Neighbor,

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

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

The Neighborhood Meeting details are as follows:

Date: February 5, 2025
Time: 9:00-9:45 am
Location: Corner of Southside Blvd S and Butte rd.
Property description: Corner Pasture

The project is summarized below:

Site Location: TBA Southside Blvd S & Butte rd.
Proposed access: Southside Blvd S and Butte rd.
Total acreage: 70 (+/-) ac.
Proposed lots: 8

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

Feel free to contact me at [redacted]

Sincerely

Copy

PARCEL_NO	OwnerName	Address	City
R28146010	HOAGLAND CLEON	PO BOX 166	MELBA
R28148	TUCKER ROBERT B	6751 HOVE RD	MELBA
R28148010	WILSON ROBERT O	92 N WEDGWOOD DR	NAMPA
R28149010	TUCKER ROBERT BIX	6751 HOVE RD	MELBA
R28150010	FLINT BARTON NEIL	6764 BUTTE RD	MELBA
R28266010	ALDER NORMAN CRAIG	6522 BASELINE RD	MELBA
R28279010	HOAGLAND CLEON	PO BOX 166	MELBA
R28280	CUSSINS KARI ANN	6627 BUTTE RD	MELBA
R28146	HOAGLAND MARK WOOD LIFE ESTATE	746 SOUTHSIDE BLVD S	MELBA
R28146010D	HOAGLAND CLEON	PO BOX 166	MELBA
R28276010	HAYS JAMES RONALD	2438 E HERBERT DR	BOISE
R28277	KNAPP GRANT RUSSELL JR	1246 CANYON RD S	MELBA
R28279	CUSSINS KARI ANN	6627 BUTTE RD	MELBA
R28143	MENDIOLA-MOFFIS MARIA L	1222 W FAIRWOOD AVE	NAMPA
R28149	SCHWAGER JAMES B AND CHRISTINA M TRUST	10605 ESTATE DR	BOISE
R28149010A	TEMPLE DANIEL	813 SOUTHSIDE BLVD S	MELBA
R28149010A1	KEARL FAMILY REVOCABLE TRUST	741 SOUTHSIDE BLVD S	MELBA
R28150	HOAGLAND DELORES LIFE ESTATE	6740 BUTTE RD	MELBA
R28152	TUCKER ROBERT B	6751 HOVE RD	MELBA
R28266	ALDER JOSHUA E	1288 SOUTHSIDE BLVD S	MELBA
R28144010	SWARTHOUT CLAUDE	4925 MOUNTAIN VIEW DR	BOISE
R28145	4S RANCH LLC	4925 MOUNTAIN VIEW DR	BOISE
R28146011	DICE CHRISTINA ANN	690 SOUTHSIDE BLVD S	MELBA
R28146013	LITTLEDIKE TERRY L	6296 BUTTE RD	MELBA
R28147	CARROLL TIMOTHY	854 SOUTHSIDE BLVD S	MELBA
R28264	4S RANCH LLC	4925 MOUNTAIN VIEW DR	BOISE
R28265	4S RANCH LLC	4925 MOUNTAIN VIEW DR	BOISE
R28278010	FISHELL FAMILY TRUST	6893 BUTTE RD	MELBA

Exhibit A.4

State	ZipCode
ID	83641
ID	83641
ID	83651-2182
ID	83641
ID	83641
ID	83641
ID	83641
ID	83641
ID	83641
ID	83641
ID	83706 //
ID	83641
ID	83641
ID	83651
ID	83709
ID	83641
ID	83641
ID	83641
ID	83641
ID	83641
ID	83704
ID	83704
ID	83641
ID	83641
ID	83641
ID	83704
ID	83704
ID	83641

Exhibit A.4

AGENCY ACKNOWLEDGMENT

Date:
Applicant: Cleon and Patti Hoagland
Parcel Number: R28146010, R28146010R, R28279010
Site Address: TBD Southside Blvd S., Melba, ID 83641

SIGNATURES DO NOT INDICATE APPROVAL OR COMPLETION OF OFFICIAL REVIEW.

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

Southwest District Health:
☒ Applicant submitted/met for informal review.
Date: 01/13/2025 Signed: Anthony Lee
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District: District: Melba Fire Dept.
☒ Applicant submitted/met for informal review.
Date: 1-8-24 Signed:
Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District: District: Nampa Hwy. Dist. #1
☒ Applicant submitted/met for informal review.
Date: 1-8-25 Signed:
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District: District: Boise-Kuna Irrigation District
☒ Applicant submitted/met for informal review. BK-970A
Date: 1-9-2025 Signed:
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact City: Joni Stapleton City Clerk-Treasurer
☐ Applicant submitted/met for informal review.
Date: 1-9-2025 Signed:
Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

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

APPLICATION-Acknowledgement Notice

SOUTHWEST DISTRICT HEALTH

Receipt No:	Date:
$100 Fee:	Document No:

(Official Use Only)

Parcel #: R28146010, R28146010D, R28279010 Acres: 70.73 total acres

Property Address: TBD Southside Blvd S. & Butler rd City Melba Zip Code 83641

Legal Description: Township 1S Range 2W Section 01, 12 County Canyon

Subdivision: Lot Block

Applicants Name: Cleon & Patti Hoagland Email: [redacted]

Mailing Address: P.O Box 1166 Phone # [redacted]

City: Melba State: ID Zip Code: 83641

Applicant is : ☒ Landowner ☐ Contractor ☐ Installer ☐ Other Date: 11/13/25

Owners Name : N/A same as above

Mailing Address : Phone #:

City : State: Zip Code:

The proposed use will be: ☒ Residential ☐ Commercial ☐ Agricultural

Is there an existing structure(s) on this parcel? ☐ Yes ☒ No

Letter of Intended Use provided? ☐ Yes ☒ No

The proposed change will be: ☐ Land Split ☒ Land Use Changes (i.e., zoning)

☐ Preliminary Plat Review ☐ Other (See below description of proposal)

Number of lots on the parcel (if applicable): 2/3/3

Property is located in: ☐ City ☒ Impact Zone ☒ County

Is the proximity of the structure to city sewer or central wastewater collection system 200 feet or less? ☐ Yes ☒ No

Water supply: ☒ Private Well ☐ Shared Well ☐ Public Water System

Description of proposal:

Asking to Rezone said above parcels from Ag to Rural Residential with conditional use

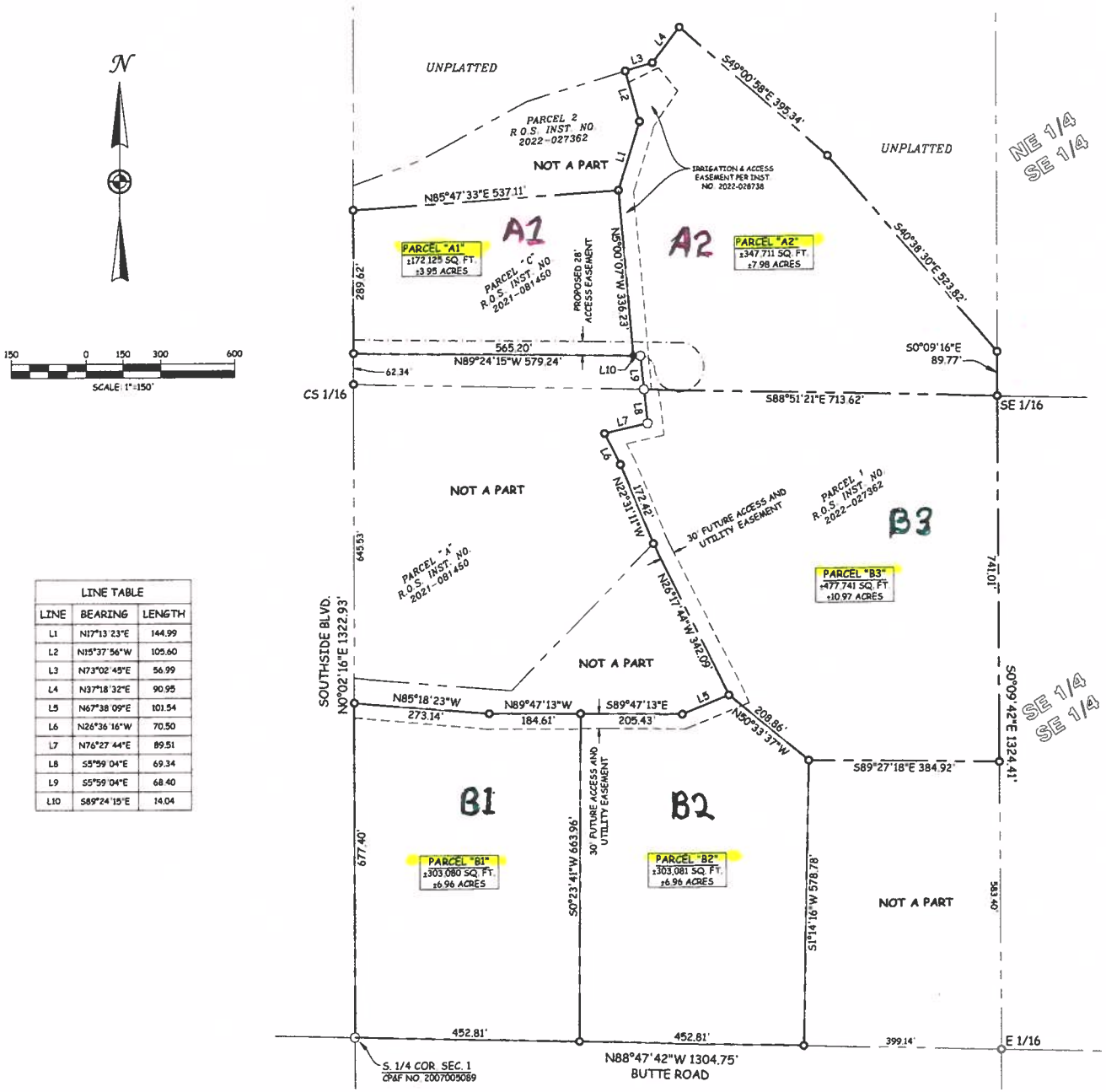
SIGNATURE: Cleon Hoagland / Patti Hoagland DATE: 11/13/25

By my signature above, I certify that all answers and statements on this application are true and complete to the best of my knowledge. I understand that should evaluation disclose untruthful or misleading answers, my application may be rejected or permit canceled. SWDH does not guarantee conditions of approval by signing the application form. The applicant must apply for a subsurface sewage disposal system within one (1) year from the date of signature on this application.

RECORD OF SURVEY

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, LOCATED IN THE COUNTY OF CANYON, STATE OF IDAHO
2025

MAP 1



LINE TABLE		
LINE	BEARING	LENGTH
L1	N17°13'23"E	144.99
L2	N15°37'56"W	105.60
L3	N73°02'45"E	56.99
L4	N37°18'32"E	90.95
L5	N67°38'09"E	101.54
L6	N26°36'16"W	70.50
L7	N76°27'44"E	89.51
L8	S5°59'04"E	69.34
L9	S5°59'04"E	68.40
L10	S89°24'15"E	14.04

LEGEND

- FOUND 5/8" IRON PIN
- FOUND BRASS CAP MONUMENT
- SET 1/2" IRON PIN TAGGED "LS 18811"
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE AS NOTED
- SURVEY TIE LINE

NARRATIVE

THE BASIS OF BEARINGS USED FOR THIS SURVEY WAS ESTABLISHED USING GPS OBSERVATIONS BETWEEN FOUND MONUMENTS ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1 LINE OF THE NW 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, PROJECTED TO THE IDAHO STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. ALL BEARINGS SHOWN ARE GRID AZIMUTH AND ALL DISTANCES SHOWN ARE TRUE GROUND DISTANCES SCALED FROM GRID.

CERTIFICATE OF LAND SURVEYOR

I, JOHN S. GLETNE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.

PROFESSIONAL LAND LICENSED IDAHO J. GLETNE PRELIMINARY

JOHN S. GLETNE — LICENSE NO. 18811

VALLEY LAND SURVEYING
PROFESSIONAL LIMITED LIABILITY COMPANY
5099 S. Valley St. Boise, ID 83709
www.valleylandsurveying.com
Phone: (208) 919-0081

PROJECT NO.	23-132
DATE	1/28/2025
SHEET NO.	1 OF 1

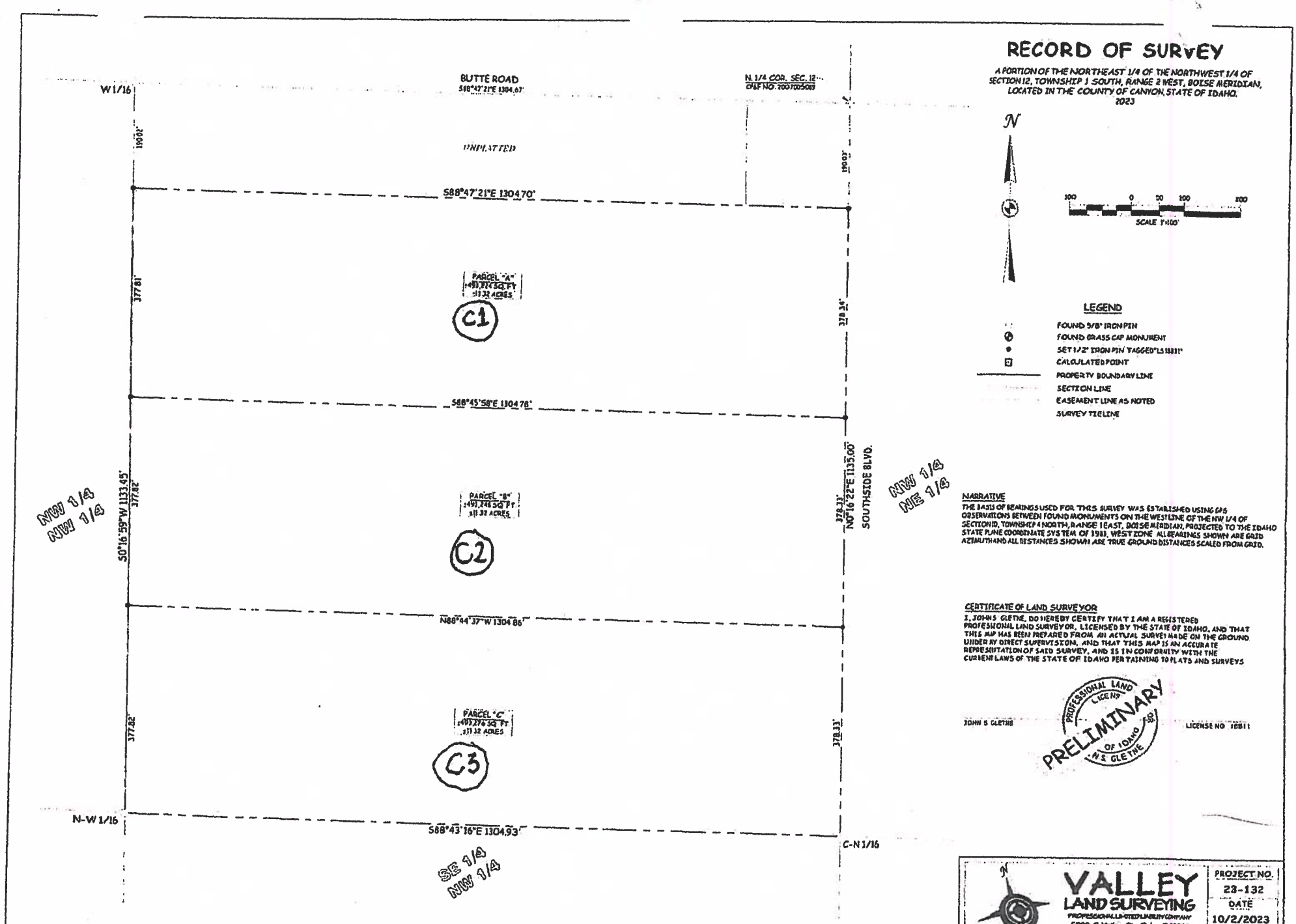
Exhibit A.6

Exhibit A.6

33.87 ac

RECORD OF SURVEY

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, LOCATED IN THE COUNTY OF CANYON, STATE OF IDAHO.
2023



LEGEND

- FOUND 5/8" IRON PIN
- FOUND BRASS CAP MONUMENT
- SET 1/2" IRON PIN TAGGED "LS 18811"
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE AS NOTED
- SURVEY TIELINE

NARRATIVE

THE BASIS OF BEARINGS USED FOR THIS SURVEY WAS ESTABLISHED USING GPS OBSERVATIONS BETWEEN FOUND MONUMENTS ON THE WEST LINE OF THE NW 1/4 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, PROJECTED TO THE IDAHO STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. ALL BEARINGS SHOWN ARE GRID AZIMUTH AND ALL DISTANCES SHOWN ARE TRUE GROUND DISTANCES SCALED FROM GRID.

CERTIFICATE OF LAND SURVEYOR

I, JOHN S GLETNE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS

JOHN S GLETNE — LICENSE NO 18811

VALLEY LAND SURVEYING
PROFESSIONAL LIMITED LIABILITY COMPANY
5099 S. Valley St. Boise, ID 83709
www.valleylandsurveying.com
Phone: (208) 261-2216

PROJECT NO.	23-132
DATE	10/2/2023
SHEET NO.	1 OF 1

Upper 12 AC A Parcels Exhibit A.7

A

ACCOMMODATION RECORDING

2022-012392
RECORDED
03/07/2022 02:09 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 SCARDENAS $15.00
TYPE: DEED
TITLEONE BOISE
ELECTRONICALLY RECORDED

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT.

CORRECTION QUITCLAIM DEED

This Correction Quitclaim Deed is given to correct, replace, and supersede, in its entirety, that certain Quitclaim Deed made by Grantor herein to Grantee herein, dated February 8, 2022 and recorded February 8, 2022, with the Canyon County Recorder as Instrument No. 2022-007161. This Correction Quitclaim Deed will correct and clarify the **legal description** set forth in the Quitclaim Deed referenced above.

FOR VALUE RECEIVED, Cleon Hoagland, an individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 4 day of March 2022.

GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of March 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

SHARON NEUPERT NOTARY PUBLIC Comm. No. 61150 STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise ID
My Commission expires: Feb 22, 2025

ACCOMMODATION RECORDING

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

CORRECTION QUITCLAIM DEED

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GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

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SHARON NEUPERT NOTARY PUBLIC Comm. No. 61150 STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise ID
My Commission expires: Feb 22, 2025

EXHIBIT A

COMPASS LAND SURVEYING PLLC

Client: Mark Hoagland
Date: August 16, 2021
Job No.:1221

PARCEL C
DESCRIPTION

The following Describes a Parcel of Land being a portion of the NW 1/4 SE 1/4 of Section 1, Township 1 South, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

COMMENCING at the Southwest Corner of the W 1/2 SE 1/4,(South 1/4 corner of Section 1), which is Monumented with a found 5/8 inch Iron Pin with "No Cap"; From which, a found 5/8 inch Iron Pin with an illegible cap which is Monumenting the Southeast Corner of said W 1/2 SE 1/4 (E 1/16th Corner) of said Section 1 bears, South 89°19'41" East, 1304.71 feet;

Thence along the Westerly Boundary Line of said W 1/2 SE 1/4, North 00°30'01" West, 1322.86 feet to a found aluminum disk stamped "PLS 15352" marking the South West corner of said NW 1/4 SE 1/4, (Center south 1/16 corner);

Thence along the West boundary of said NW 1/4 SE 1/4, North 00°29'57" West, 62.34 feet to the POINT OF BEGINNING, marked with a set 5/8 inch diameter iron pin stamped " CLS PLS 7732";

Thence continuing along the West boundary of said NW 1/4 SE 1/4 , North 00°29'57" West, 289.66 feet to a set 5/8 inch diameter iron pin stamped " CLS PLS 7732";

Thence leaving said West boundary, North 85°15'29" East, 512.09 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence North 17°34'33" West, 220.02 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence North 72°31'54" East, 165.54 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence North 36°47'36" East, 90.93 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence South 49°34'08" East, 395.28 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence South 41°10'46" East, 523.86 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944" marking the East line of said W 1/2 SE 1/4;

Thence along said East line, South 00°39'15" East, 89.76 feet to a found 5/8" Iron Pin with No Cap marking the South East corner of the NW 1/4 SE 1/4, (Southeast 1/16 corner);

Thence along the South boundary of said NW 1/4 SE 1/4, North 89°23'28" West, 713.61 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com

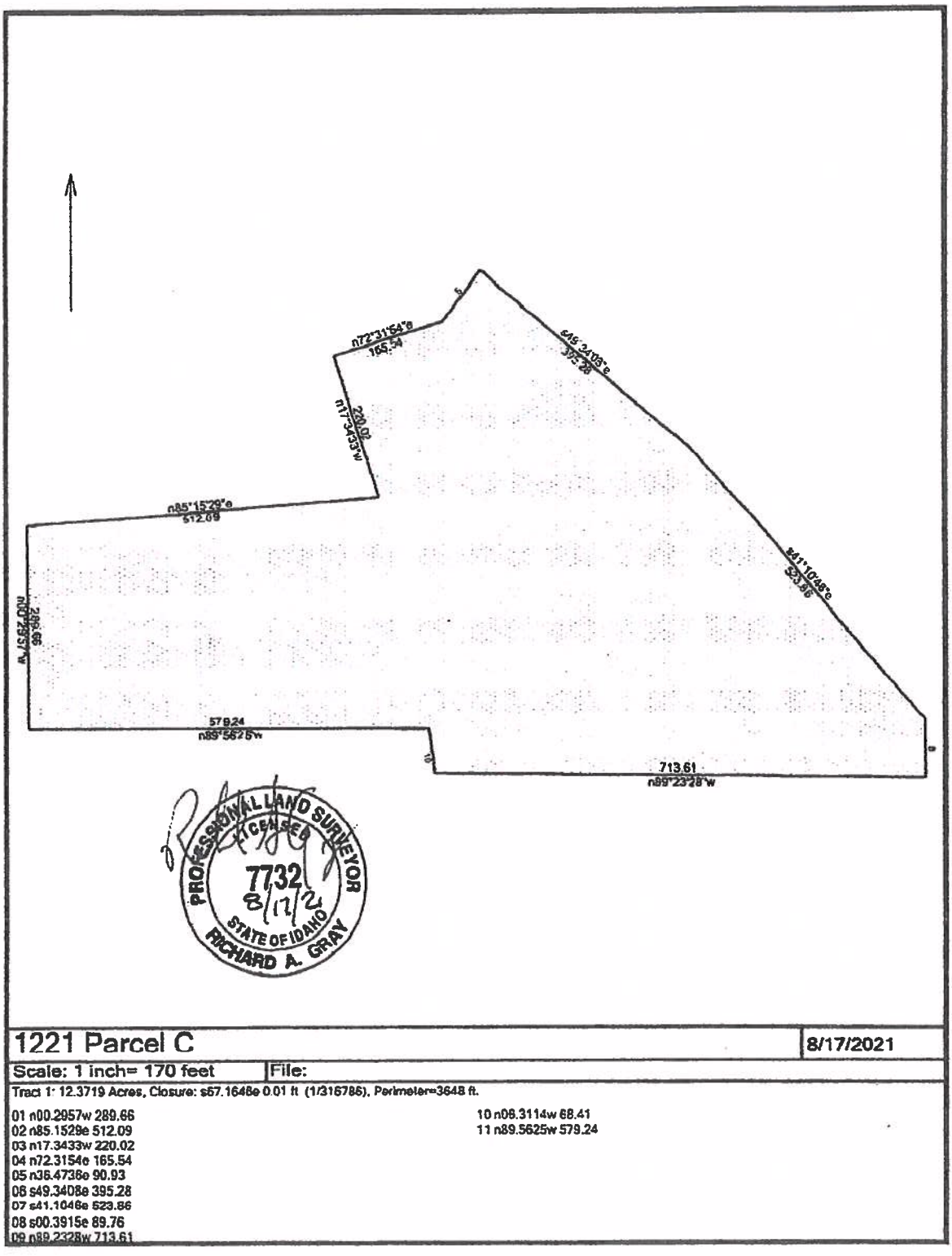
Thence leaving said South boundary, North 06°31'14" West, 68.41 feet to a set 5/8" Iron Pin w Plastic Cap "CLS PLS 7732";

Thence North 89°56'25" West, 579.24 feet to the POINT OF BEGINNING.

This parcel contains 12.37 acres more or less.



623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com



1221 Parcel C	8/17/2021
Scale: 1 inch= 170 feet	File:

Tract 1: 12.3719 Acres, Closure: s57.1648e 0.01 ft (1/316785), Perimeter=3648 ft.

01 n00.2957w 289.66
02 n85.1529e 512.09
03 n17.3433w 220.02
04 n72.3154e 165.54
05 n36.4736e 90.93
06 s49.3408e 395.28
07 s41.1046e 523.86
08 s00.3915e 89.76
09 n89.2328w 713.61
10 n06.3114w 68.41
11 n89.5625w 579.24

Lower 24 ac. 5 parcels

B

2022-007162
RECORDED
02/08/2022 12:12 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 HCRETAL $15.00
TYPE: DEED
TITLEONE BOISE
ELECTRONICALLY RECORDED

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ACCOMMODATION RECORDING

QUITCLAIM DEED

FOR VALUE RECEIVED, Cleon Hoagland, and individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference:

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 8th day of February 2022.

GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of February 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WANDA M WHITE
COMMISSION #16635
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise
My Commission expires: 3-11-2027

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ACCOMMODATION RECORDING

QUITCLAIM DEED

FOR VALUE RECEIVED, Cleon Hoagland, and individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference:

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 8th day of February 2022.

GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of February 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WANDA M WHITE
COMMISSION #16635
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise
My Commission expires: 3-11-2027

Exhibit A

COMPASS LAND SURVEYING PLLC

Client: Mark Hoagland
Date: August 16, 2021
Job No.:1221

PARCEL B
DESCRIPTION

The following Describes a Parcel of Land being a portion of the SW 1/4 SE 1/4 of Section 1, Township 1 South, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

BEGINNING at the Southwest Corner of the W 1/2 SE 1/4 of said Section 1, (South 1/4 corner), which is Monumented with a found 5/8 inch Iron Pin with "No Cap", From which, a found 5/8 inch Iron Pin with an illegible cap which is Monumenting the Southeast Corner of the W 1/2 SE 1/4 (E 1/16th Corner) of said Section 1 bears, South 89°19'41" East, 1304.71 feet;

Thence along the Westerly Boundary Line of said W 1/2 SE 1/4, North 00°30'01" West, 677.40 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence leaving said Westerly Boundary Line, South 85°50'28" East, 273.14 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 89°40'31" East, 390.04 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 67°05'53" East, 101.54 feet to a found 1/2 inch Iron Pin no cap;

Thence North 26°50'00" West, 342.09 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 23°03'27" West, 172.42 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 27°08'32" West, 70.50 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 75°55'34" East, 89.51 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 06°31'14" West, 69.33 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732" marking the Northerly boundary of said SW 1/4 SE 1/4;

Thence South 89°23'28" East, 713.61 feet to a found 5/8 inch Iron Pin with No Cap marking the North East corner of said SW 1/4 SE 1/4. (Southeast 1/16 corner);

Thence along the East line of said SW 1/4 SE 1/4, South 00°40'42" East, 740.99 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 4998";

Thence leaving said East line, North 89°59'24" West, 384.92 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 4998";

623 11th Ave. South, Nampa, ID 83651 · T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com

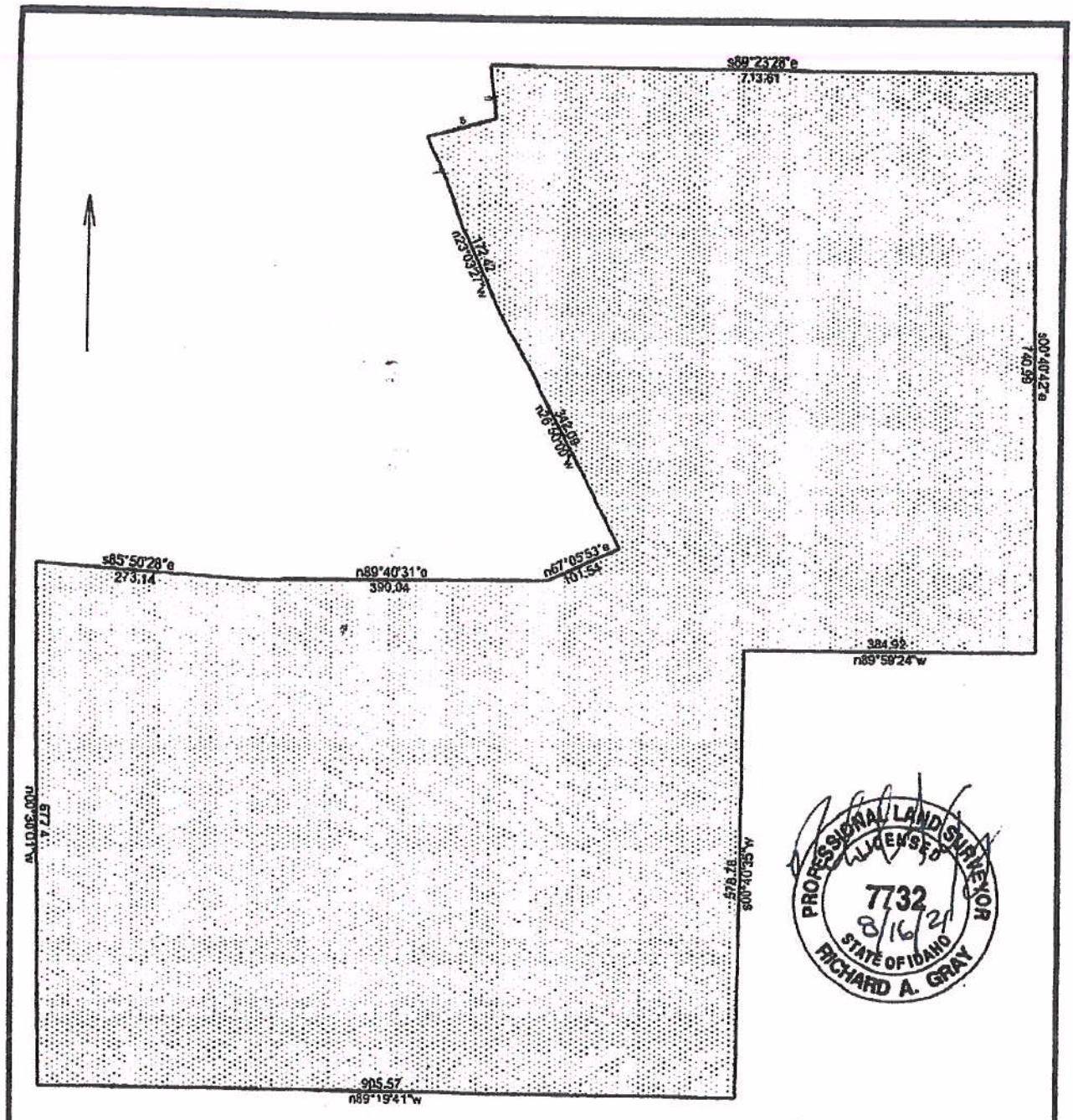
Thence South 00°40'35" West, 578.78 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 11120" marking the South boundary of said W 1/2 SE 1/4;

Thence along said South boundary, North 89°19'41" West, 905.57 feet to the POINT OF BEGINNING.

The above Described Parcel of Land contains 24.88 Acres, more or less.



623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com



1221 Parcel B

8/16/2021

Scale: 1 inch= 170 feet | File:

Tract 1: 24.8772 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5510 ft.

01 n00.3001w 677.4
02 s85.5028e 273.14
03 n89.4031e 390.04
04 n67.0553e 101.54
05 n26.5000w 342.09
06 n23.0327w 172.42
07 n27.0832w 70.5
08 n75.5534e 89.51
09 n06.3114w 69.33
10 s89.2328e 713.61
11 s00.4042e 740.99
12 n89.5924w 384.92
13 s00.4035w 578.78
14 n89.1941w 905.57

Exhibit A.7

33.87 AC.

C

2021-027000
RECORDED
04/14/2021 12:15 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=5 EHOWELL $15.00
TYPE: DEED
FIRST AMERICAN TITLE INSURANCE
ELECTRONICALLY RECORDED

After Recording Return and
Mail Tax Statements to:

Cleon and Patricia Hoagland
690 Southside Blvd. South
Melba, Idaho 83641

Tax Parcel No.: 28279010 0
FATCO NCS-518.8741-A

(Space Above for Recorder's Use Only)

SPECIAL WARRANTY DEED
(ID Nampa)

AGRESERVES, INC., a Utah corporation, Grantor, whose address is 79 South Main Street, Suite 1100, Salt Lake City, Utah 84111, hereby grants, conveys and warrants to CLEON HOAGLAND and PATRICIA HOAGLAND, husband and wife, Grantee, whose address is 690 Southside Blvd. South, Melba, Idaho 83641, for the sum of TEN DOLLARS and other good and valuable consideration, the following real property located in Canyon County, State of Idaho, (the "Property") and more particularly described as follows:

See Exhibit A attached hereto and by this reference made a part hereof.

Together with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining thereto, including, but not limited to easements and rights-of-way over adjoining property, which easements and rights-of-way are appurtenant to the real property described on Exhibit A, and all of Grantor's interest in and to water, wells, and all water rights appurtenant to said real property described on Exhibit A, and all of Grantor's interest in and to any land lying in the bed of any body of water, waterway or public street, public road or public avenue in front of or adjoining the land, to have and to hold, the same in fee simple forever.

TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns, forever, and Grantor does hereby covenant to Grantee and its successors and assigns forever, that: (a) Grantor is owner in fee simple of the Property; (b) Grantor has a good right to convey the fee simple; (c) previous to the execution of this conveyance, Grantor has not conveyed the same estate to any person other than the Grantee; (d) the Property is free from any and all liens, claims and encumbrances caused or suffered by Grantor except (i) the Permitted Exceptions identified on Exhibit B, attached hereto, (ii) real property taxes and assessments, for the current year, which are not yet due and payable, and (iii) any matters arising from the acts or omissions of Grantee; and (e) that Grantor will warrant and defend the same forever against any other liens, claims or encumbrances done, made or suffered by Grantor, or any person claiming by, through or under Grantor, but none other.

[Signature and Acknowledgment Follows]

After Recording Return and
Mail Tax Statements to:

Cleon and Patricia Hoagland
690 Southside Blvd. South
Melba, Idaho 83641

This document has been recorded electronically. Please see the attached copy to view the County Recorder's stamp as it now appears in the public record.

x FIRST AMERICAN TITLE INSURANCE COMPANY

Tax Parcel No.: 28279010 0
FATCO NCS-518-8741-A

(Space Above for Recorder's Use Only)

SPECIAL WARRANTY DEED
(ID Nampa)

AGRESERVES, INC., a Utah corporation, Grantor, whose address is 79 South Main Street, Suite 1100, Salt Lake City, Utah 84111, hereby grants, conveys and warrants to CLEON HOAGLAND and PATRICIA HOAGLAND, husband and wife, Grantee, whose address is 690 Southside Blvd. South, Melba, Idaho 83641, for the sum of TEN DOLLARS and other good and valuable consideration, the following real property located in Canyon County, State of Idaho, (the "Property") and more particularly described as follows:

See Exhibit A attached hereto and by this reference made a part hereof.

Together with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining thereto, including, but not limited to easements and rights-of-way over adjoining property, which easements and rights-of-way are appurtenant to the real property described on Exhibit A, and all of Grantor's interest in and to water, wells, and all water rights appurtenant to said real property described on Exhibit A, and all of Grantor's interest in and to any land lying in the bed of any body of water, waterway or public street, public road or public avenue in front of or adjoining the land, to have and to hold, the same in fee simple forever.

TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns, forever, and Grantor does hereby covenant to Grantee and its successors and assigns forever, that: (a) Grantor is owner in fee simple of the Property; (b) Grantor has a good right to convey the fee simple; (c) previous to the execution of this conveyance, Grantor has not conveyed the same estate to any person other than the Grantee; (d) the Property is free from any and all liens, claims and encumbrances caused or suffered by Grantor except (i) the Permitted Exceptions identified on Exhibit B, attached hereto, (ii) real property taxes and assessments, for the current year, which are not yet due and payable, and (iii) any matters arising from the acts or omissions of Grantee; and (e) that Grantor will warrant and defend the same forever against any other liens, claims or encumbrances done, made or suffered by Grantor, or any person claiming by, through or under Grantor, but none other.

[Signature and Acknowledgment Follows]

DATED this 8 day of April, 2021.

AGRESERVES, INC.,
a Utah corporation

By: Doug Rose
Name: Douglas L. Rose
Its: Chief Executive Officer RB

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

On this 8 day of April, 2021, personally appeared before me Douglas L. Rose, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me affirmed, did say that he is the Chief Executive Officer of AGRESERVES, INC., a Utah corporation, and that said document was signed by him in behalf of said Corporation by Authority of its Bylaws, and said Douglas L. Rose acknowledged to me that said Corporation executed the same.

WITNESS my hand and official seal.

DIANE LUNT
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 710496
COMM. EXP. 03-24-2024

Diane Lunt
Notary Public

4839-5976-0353

4/7/2021

#1

APPROVAL FOR PRIVATE ROAD NAME

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

GISAddressing@canyoncounty.id.gov Phone: 208-454-7458

Addressing Ordinance § 06-05-09(2B) & 06-05-11(1, 3): All street names shall be approved by the Director within the unincorporated area of the County designated for addressing by the County. The right to use a street or private road name, its accompanying street designation and right to install a sign for a street. Proposed street and private road names for new subdivisions, proposed new private roads.

Applicants(s): Cleon & Patti Hoagland Date: 5/20/2024

P.O. Box 166 (Applicant Mailing Street Address) Melba, ID (City/State) 83641 (Zip)

Location of Private Road: Southside Blvd S & Butte Rd

Two Nearest Cross Streets of Property Site Address

YOUR APPLICATION FOR A PRIVATE ROAD NAME HAS BEEN APPROVED FOR THE NAME:

Little Bit Ln

Case No. RD2024-0004

The following addresses will be changed accordingly because of the new Private Road Name:

Old Address:	New Address:

Road name approved by: C. Jay Hyer Date: 5/20/2024

The Applicant is responsible for the purchasing of a blue private road sign that meets highway district specifications, and installed according to highway district requirements. Please note that The County makes every effort to notify public and private agencies of new address, address changes or new private roads. The County cannot guarantee the agencies will update their records to reflect this new address, address change or new private road. It is suggested that you make "Suggestion Edits" on Google Maps to update your new private road and new addresses.

Upon verification of the sign installation, this approval will be final, at which time County records will be updated to reflect the new name and if applicable, new addresses. This information will then be provided to emergency service agencies, the post office and

Revised 5/20/24

various utility companies. **Failure to provide said verification may result in delays in obtaining building permits and/or required inspections.**

Sign Installation verification approved by: _____ Date: _____
Staff Signature

#2

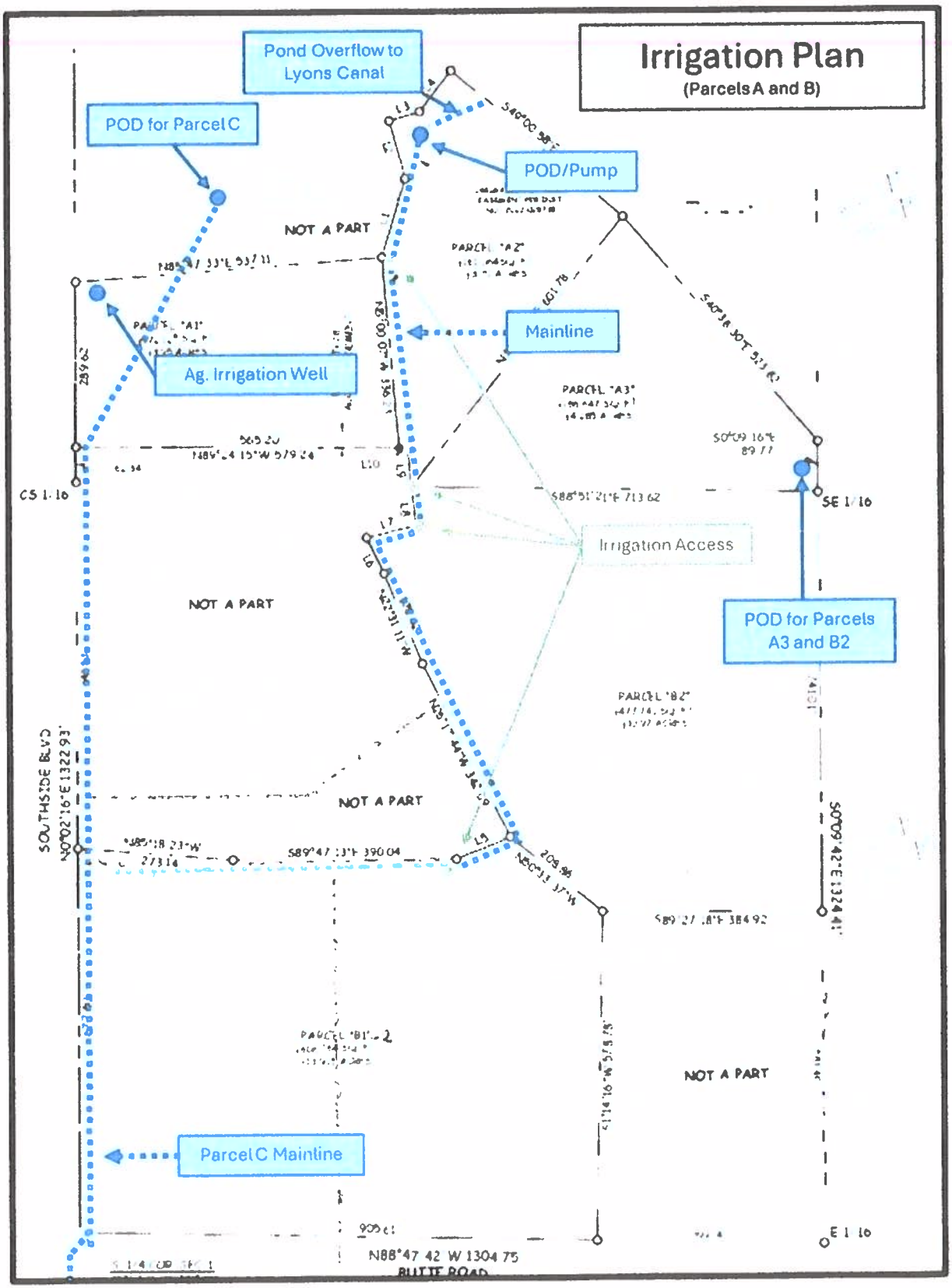

Irrigation Plan
(Parcels A and B)
Pond Overflow to Lyons Canal
POD for Parcel C
POD/Pump
Mainline
Ag. Irrigation Well
Irrigation Access
POD for Parcels A3 and B2
Parcel C Mainline
NOT A PART
PARCEL "A3"
PARCEL "B2"
SOUTHSIDE BLVD
BUTTE ROAD
N88°47 42 W 1304 75
S89°47 33"E 390 04
S 1/4 Cor
E 1/4

Exhibit A.8

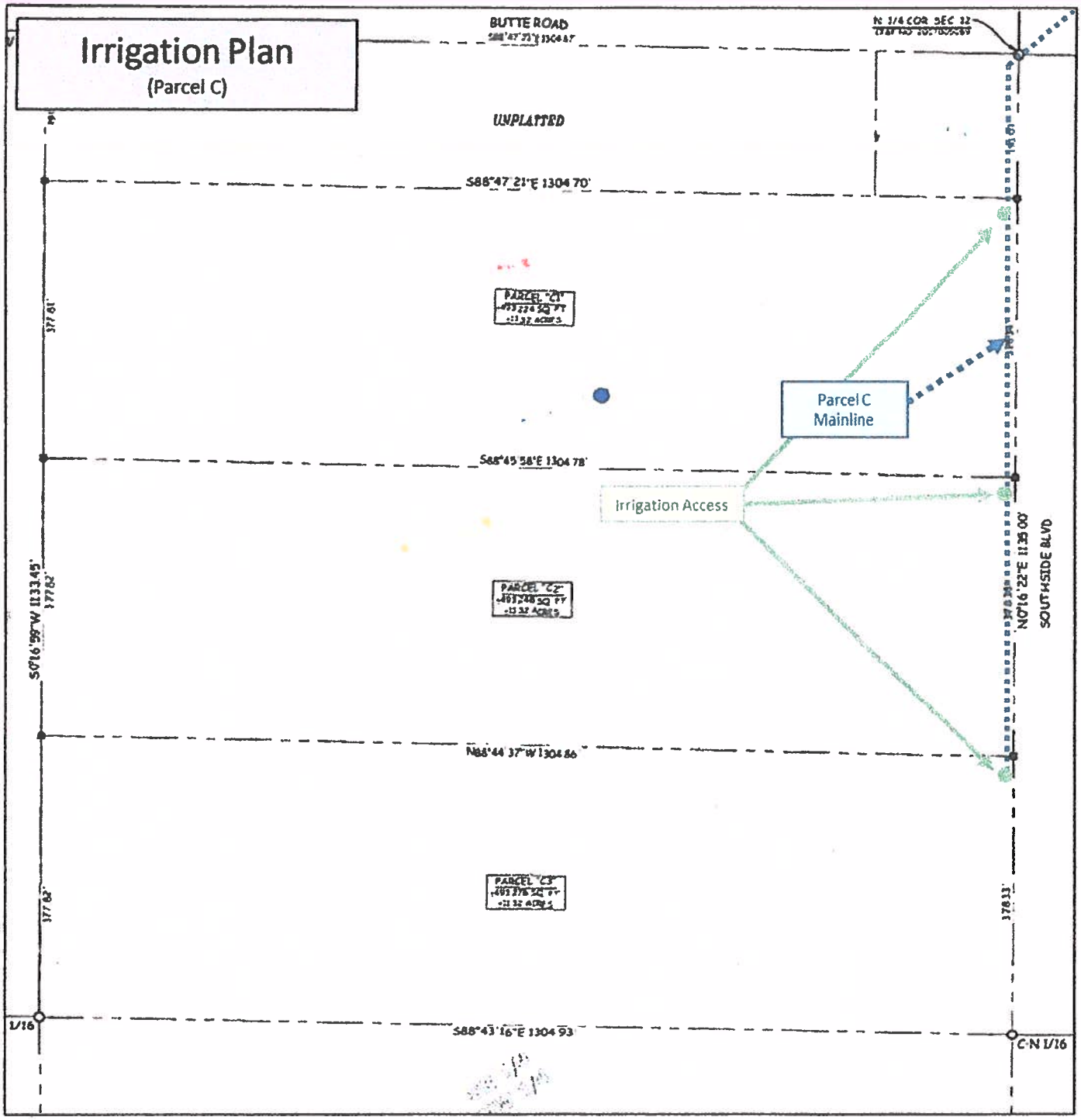

Irrigation Plan
(Parcel C)
BUTTE ROAD
UNPLATTED
S88°47'21"E 1304.70'
PARCEL "C1"
PARCEL "C2"
PARCEL "C3"
Parcel C
Mainline
Irrigation Access
S88°45'58"E 1304.78'
N88°44'37"W 1304.66'
S88°43'16"E 1304.93'
S0°16'59"W 1133.45'
N0°16'22"E 1135.00'
SOUTHSIDE BLVD
1/16
C-N 1/16

Exhibit A.8

#3

After recording return to:
Kirton McConkie PC
Attn: Samuel Parry
1100 W. Idaho St. Ste. 930
Boise, Idaho 83702

Space above for recorder's use only

ROAD MAINTENANCE AGREEMENT

This Road Maintenance Agreement ("**Agreement**") is made effective this _____ day of _____ 2025 (the "**Effective Date**"), by Cleon and Patti Hoagland, husband and wife (the "**Owners**").

Recitals

A. The Owners own that certain real property in Canyon County, Idaho legally described in Exhibit A, and depicted as Parcels A1, A2, [redacted], and B2 (collectively the "**Parcels**" and each a "**Parcel**") on the record of survey in Exhibit B (the "Survey"), both of which are attached hereto and incorporated herein.

B. This Agreement is executed by requirement of the County and in anticipation of selling one or more of the Parcels, with the subsequent purchasers of the Parcels becoming Owners, and each an "**Owner.**"

C. The Survey depicts a 28-foot access easement that runs along the south edge of parcel A1 and ends in a cul de sac located in portions of Parcels A2, A3, and B2 (the "**Easement**"), which is legally described in Exhibit C, attached hereto and incorporated herein.

D. The Owners anticipate the construction of a road within the Easement (the "**Road**") and desire to execute and record this Agreement to set forth the basic rights and obligations of the Owners and their successors, heirs, and assigns pursuant to the terms described below.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals above (which are incorporated into this Agreement by this reference) and mutual covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners hereby agree as follows:

1. Purpose and scope.

The purpose of this Agreement is to define the responsibilities of the Owners with respect to maintenance of the Road. The authority granted to the Owners by this agreement is strictly limited to decisions and actions related to road maintenance and shall not constitute authority to form or act as a home Owners' association.

2. Maintenance.

2.1 The Owners shall share equal responsibility for maintaining, repairing, and replacing the Road as reasonably necessary to keep the same in good operating condition and repair (collectively, "**Maintenance and Repair**"), which Maintenance and Repair shall include, without limitation (a) the maintenance, repair, and replacement of the surface and sub-surface of the Road in a level and smooth condition (to the extent practical), evenly covered with the type of materials originally constructed thereon or such substitutes as will, in all respects, be equal to such materials in quality, appearance and durability; (b) such future improvements in the Road that may be reasonably necessary for the Road to provide safe and usable access from Southside Boulevard South to the Parcels in accordance with applicable law; (c) such future private road improvements in the Road that may be approved by the Owners (i.e., gates, entrance signs and other similar items). All Maintenance and Repair must be performed to an equal standard over the entire length of the Road.

3. Costs of Maintenance and Repair.

3.1 Costs. The Owner(s) of each Parcel shall be responsible for one-fourth (1/4) of the Maintenance and Repair costs of the Road.

3.2 True-Up. All Owners under this agreement shall meet or correspond annually as needed to determine the other's costs and whether a true-up of the of the actual costs of maintenance and repair is necessary (a "**True-Up**") pursuant to the terms of this Agreement. All costs shall be supported by reasonable documentation (*e.g.*, receipts, invoices, purchase orders, etc.). No costs shall be allowed for labor if provided by an Owner under this Agreement or their affiliates. Should the Owners determine a True-Up is necessary, the owing Owners shall pay to the other Owner entitled to payment, without demand, such agreed upon amounts within ten (10) days of such determination of a True-Up.

3.3 Damage. Notwithstanding anything to the contrary contained in this Agreement, should the Road or any portion thereof be damaged or destroyed by any act or omission of an Owner or their invitees or licensees (a "**Damaging Owner**"), whether intentional or unintentional, the same shall be repaired or rebuilt by the Damaging Owner, at the expense of the Damaging Owner. Should the Road be damaged or destroyed by any cause other than the act or omission of an Owner, the same shall be repaired or rebuilt by all Owners as described in Section 3.1 and 3.2. Any repairing or rebuilding of the Road shall be of the same quality and customary standard of similar private roads in Canyon County, Idaho.

4. **No Barriers.** Each Owner shall ensure that the Road is at all times kept free from obstructions and otherwise kept open in a manner sufficient to accommodate the free and uninterrupted flow of pedestrian and vehicular traffic on, over, and across the Road. Each Owner shall further ensure that nothing shall be constructed or placed within the Road that will prohibit, discourage, or reduce free and uninterrupted flow of pedestrian and vehicular traffic on, over, and across the Road; provided, however, that the restriction set forth in this Section shall not operate to prohibit the temporary interruption of vehicular or pedestrian traffic flow during the construction, maintenance, or repair of the Road, as long as such temporary interruption does not leave any Owner without access to their parcel for any amount of time.

5. **Covenant to Pay.**

Each Owner covenants to pay all of their respective pro rata share of any costs and/or expenses as described in this agreement when due without deduction, setoff, abatement of counterclaim of any kind whatsoever. Any such costs and/or expenses against are the personal obligation of the Owner of the Parcel when the assessment becomes due and payable, which personal obligation will remain with such Owner regardless of whether such Owner remains the Owner of the Parcel. All assessments include any interest (at the applicable legal rate) and any costs to collect the monies owed, including reasonable attorneys' fees.

6. **Meetings.**

Any Owner may call a special meeting of the Owners to this Agreement for any purpose. The Owner calling the meeting shall distribute written notice of the meeting by hand-delivery, mail, or email at least 10 days, but not more than 60 days, prior to the meeting. The meeting notice will state the reasons for

which the meeting is called. No Owner may call a special meeting more than twice during any calendar year. The Owner calling the meeting will determine the location of the meeting unless another location is determined by a majority vote.

Votes shall be allocated as one vote per Parcel. Where a Parcel has multiple Owners such Owners shall decide among themselves how their one vote shall be cast.

7. Binding Effect.

This Agreement shall be recorded in the real property records of Canyon County, Idaho, and this Agreement and the rights, and obligations of the Owners herein run with the land, benefit and burden each Parcel, and shall be binding upon the Owners and their respective successors, heirs, and assigns.

8. Indemnification.

Each Owner (the **"Indemnifying Owner"**) agrees to indemnify, defend, and hold harmless each other Owner from and against any and all losses, liability, claims, suits, proceedings, liens, damages, and allegations, of any kind (**"Claims"**), including, without limitation, reasonable attorneys' fees, directly or indirectly resulting from or arising out of: (a) any failure by the Indemnifying Owner or its employees or agents to comply with the terms and conditions of this Agreement; or (b) the negligence or willful misconduct of the Indemnifying Owner, except to the extent such Claims result, in whole or in part, directly or indirectly, from the default, negligence or willful misconduct of the other Owner.

9. Remedies.

9.1 Failure to Pay. In the event any Owner or its predecessor in interest fails or refuses to pay when due any amount due hereunder, which failure continues for a period of ten (10) days after such amounts are due, such failure shall constitute a default and: (a) a non-defaulting Owner may pay the amount due if due to a third Owner; (b) legal action may thereafter be instituted against the defaulting Owner by a non-defaulting Owner for payment or reimbursement of the amounts due, plus late charges, default interest, and attorneys' fees; and (c) a non-defaulting Owner may pursue any other remedies at law or in equity, including, without limitation, specific performance and declaratory or injunctive relief. Furthermore, a non-defaulting Owner shall have a claim of lien on the defaulting Owner's real property for the foregoing sums.

9.2 Other Failures. In the event an Owner fails to perform any covenants, conditions, or provisions of this Agreement (other than a failure to pay amounts as described in Section 9.1of this Agreement), which failure continues for a period of fourteen (14) days after receipt of written notice specifying the particulars of such failure, such failure shall constitute a default, and the other Owner may thereafter institute legal action against the defaulting Owner for specific performance, declaratory or injunctive relief, monetary damages or any other remedy provided by law; provided, however, that the defaulting Owner shall not be deemed to be in default if such failure to perform cannot be rectified within said fourteen (14) day period, and such Owner commences to rectify such failure within said fourteen (14) day period and thereafter diligently prosecutes the same to completion.

9.3 Liens. The claims of lien provided for in Section 9.1 contain a power of sale and shall only be effective when recorded in the real property records of Canyon County, Idaho by a non-defaulting Owner as a claim of lien against the defaulting Owner, which lien shall be signed, verified, and contain at least the following information:

9.3.1 An itemized statement of all amounts due and payable pursuant to this Agreement;

9.3.2 A description of the defaulting Owner's property;

9.3.3 The name of the Owner or reputed Owner of the Parcel which is the subject of the lien; and

9.3.4 The name and address of the Owner recording the claim of lien.

The claim of lien may be foreclosed in the same manner as a deed of trust pursuant to Idaho law. Upon payment of such claim of lien in full, the Owner that recorded the claim of lien will prepare and record a release of such claim of lien, at the other Owner's expense which expenses shall be paid prior to recordation.

9.4 Late Charges; Interest. Each Owner acknowledges that the late payment of any sums due to the other Owner hereunder will cause the other Owner to incur costs not contemplated by this Agreement, the exact amount of which the Owners are not capable of determining. Accordingly, if any sums due hereunder are not paid within ten (10) days after the date due, then the Owner failing to pay shall pay to the other Owner a late charge equal to five percent

(5%) of such overdue amount. Further, and in addition to any such late charges, any sums (including late charges) payable due hereunder which are past due for a period of ten (10) days or more shall bear interest from the due date until paid in full at the maximum rate allowed under Idaho Law.

10. General Terms And Conditions.

10.1 Amendment. This Agreement may not be amended, modified, supplemented, or otherwise changed except by a writing signed by all of the Owners or their successors, heirs, or assigns.

10.3 Attorneys' Fees. In the event of any controversy, claim or action being filed or instituted between the Owners to interpret or enforce the terms and conditions of this Agreement, or arising from the breach of any provision hereof, the prevailing Owner(s) will be entitled to receive from the non-prevailing Owner(s) all costs, damages, and expenses, including reasonable attorneys' fees through all levels of action, incurred by the prevailing Owner(s).

10.5 Construction. The captions and headings of this Agreement are for reference only and shall not be deemed to define or limit the scope or intent of any of the terms or provisions of this Agreement. Whenever the context so requires, the singular shall include the plural, the plural shall include the singular, and the use of gender shall include all other genders. When used in this Agreement, the phrase "including" (or a word of similar import) shall mean "including but not limited to", and words such as "herein," "hereinafter," "hereof," "hereto," and "hereunder" refer to this Agreement as a whole, unless the context otherwise requires. Except as provided herein, no consent required to be obtained by one Owner from another Owner shall be unreasonably withheld, conditioned or delayed.

10.7 Governing Law, Venue. This Agreement shall be construed and interpreted in accordance with the laws of the State of Idaho without giving effect to any choice or conflict of law provision or rule (whether of the State of Idaho or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than the State of Idaho.

10.9 Incorporation by Reference. All recitals and exhibits to this Agreement are hereby incorporated by reference as if set forth herein.

10.11 Merger. As to the subject matter contained herein, this Agreement (including the documents referenced herein) shall be the complete, entire, final and exclusive agreement among the Owners hereto and supersedes all prior and

contemporaneous negotiations, agreements, and understandings, written or oral, between the Owners. It is expressly warranted by the Owners that no promise or inducement has been offered except as set forth herein, and that this Agreement is executed without reliance upon any promise, inducement, or representation not set forth herein. The terms of this Agreement may not be contradicted by evidence of any prior or contemporaneous agreement, and no extrinsic evidence whatsoever may be introduced to vary its terms in any mediation, arbitration, or judicial proceeding involving this Agreement.

10.13 Notices. All notices given pursuant to this Agreement shall be in writing and shall be given by personal service, U.S. Mail, certified, return receipt requested, or other reliable delivery service such as Federal Express or UPS, postage or delivery charges prepaid, addressed to the appropriate Owner at the address set forth above, or at such other address as a Owner may from time to time specify by notice to the other Owners. All notices given pursuant to this Agreement shall be deemed given upon receipt. For the purpose of this Agreement, the term "receipt" shall mean the earliest of any of the following: (a) the date of delivery of the notice or other document as shown on the return receipt; (b) the date of receipt of the notice or other document by the person or entity to whom it was addressed or (c) in the case of refusal to accept delivery or inability to deliver the notice or other document, the earliest of (i) the date of the attempted delivery or refusal to accept delivery, (ii) the date of the postmark on the return receipt or (iii) the date of receipt of notice of refusal or notice of non-delivery by the sending Owner.

10.15 Rights Cumulative. Except as expressly provided in this Agreement, and to the extent permitted by law, any remedies described in this Agreement are cumulative and not alternative to, or to the exclusion of, any other remedies available at law or in equity.

10.17 Severability. This Agreement will be enforced to the fullest extent permitted by applicable law. If for any reason any provision of this Agreement is held to be invalid or unenforceable to any extent, then (a) such provision will be interpreted, construed or reformed to the extent reasonably required to render the same valid, enforceable and consistent with the original intent underlying such provision, and (b) such invalidity or unenforceability will not affect any other provision of this Agreement.

10.19 Time. Time is of the essence with respect to each and every covenant and obligation under this Agreement.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed the day and year first above written.

_____
Cleon Hoagland

_____
Patti Hoagland

STATE OF IDAHO)
) ss.
County of Canyon)

This record was acknowledged before me on _____, 2024, by **Cleon Hoagland.**

_____
Notary Public for Idaho
Residing at:_____
My commission expires:_____

STATE OF IDAHO)
) ss.
County of Canyon)

This record was acknowledged before me on _____, 2024, by **Patti Hoagland.**

_____
Notary Public for Idaho
Residing at:_____
My commission expires:_____

Exhibit A.9

Hoagland Conditional Rezone CR2025-0002

Exhibit A.9

Hoagland Family History in Melba Valley

- The Hoagland family settled in the Melba Valley in 1924
- R28146010, R28146010 D purchased 1959 by Mark Hoagland, my father.
- R28279010 purchased 2021 by Cleon & Patti Hoagland



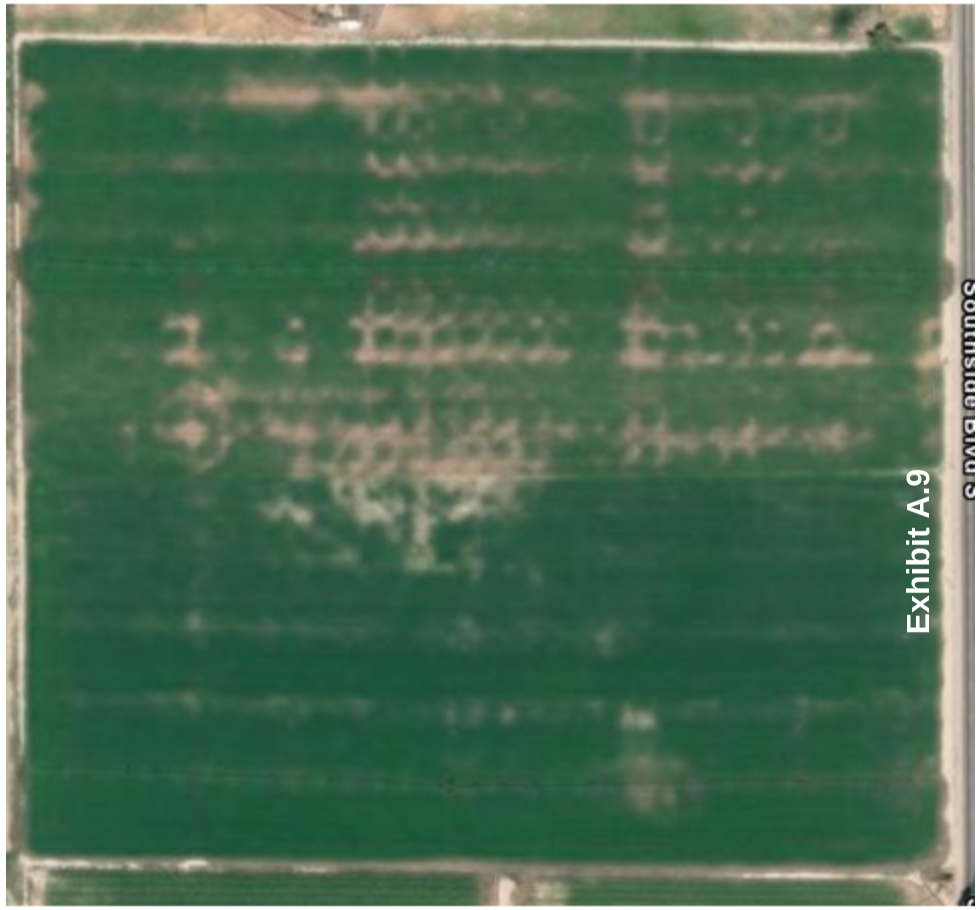


UPPER AND LOWER PARCELS IN APPOXIMATELY 1963





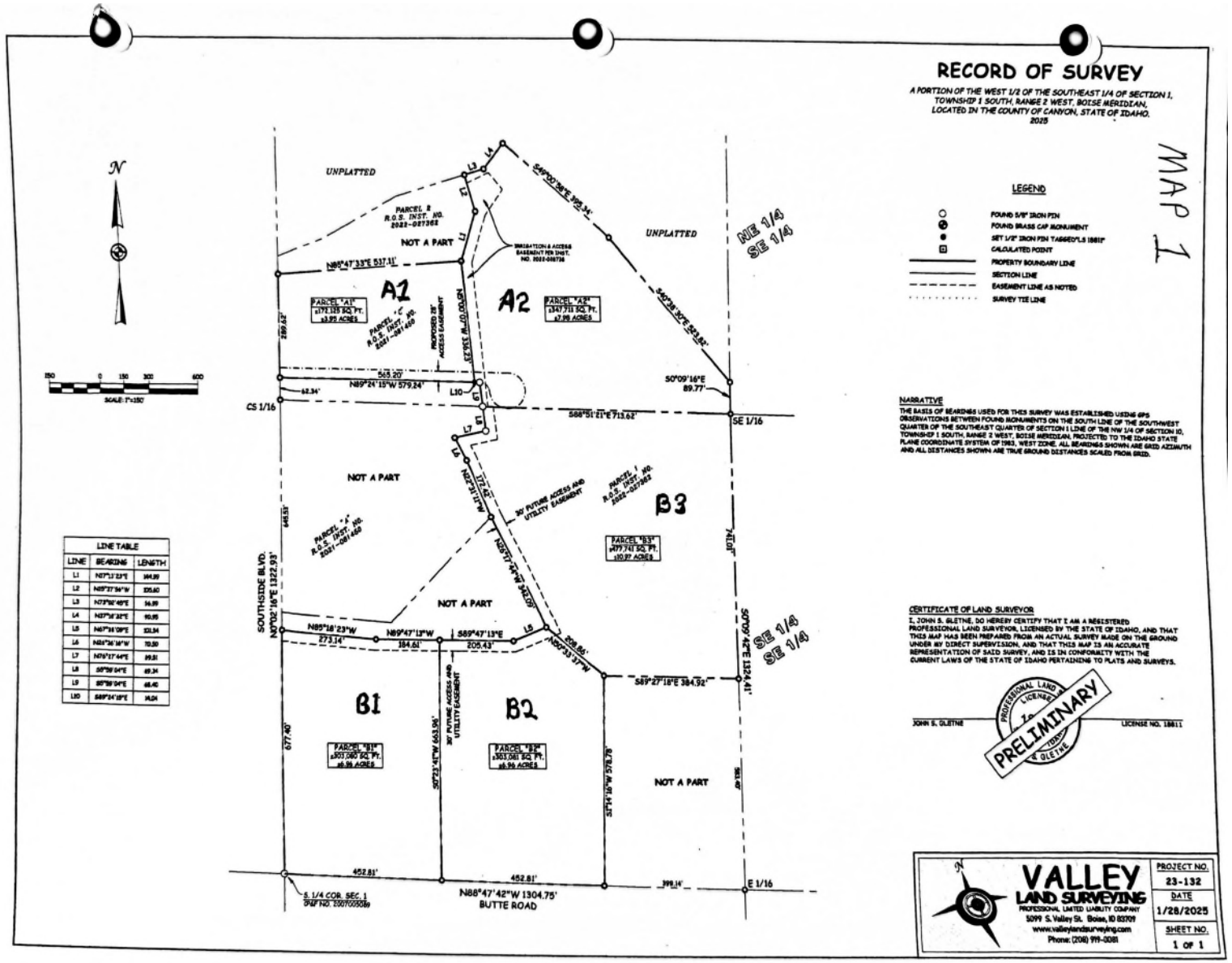
Current Upper and Lower Parcels



Application History

- 2020 Boundary line adjustment
- Parcel Inquiry for preapplication process meeting with multiple DSD planners.
- October 2023, filed non-viable application .
- September 2024, non-viable application denied.
- February 2025, filed rezone application CR2025-0002

Exhibit A.9



Proposed Lots on Upper Parcels

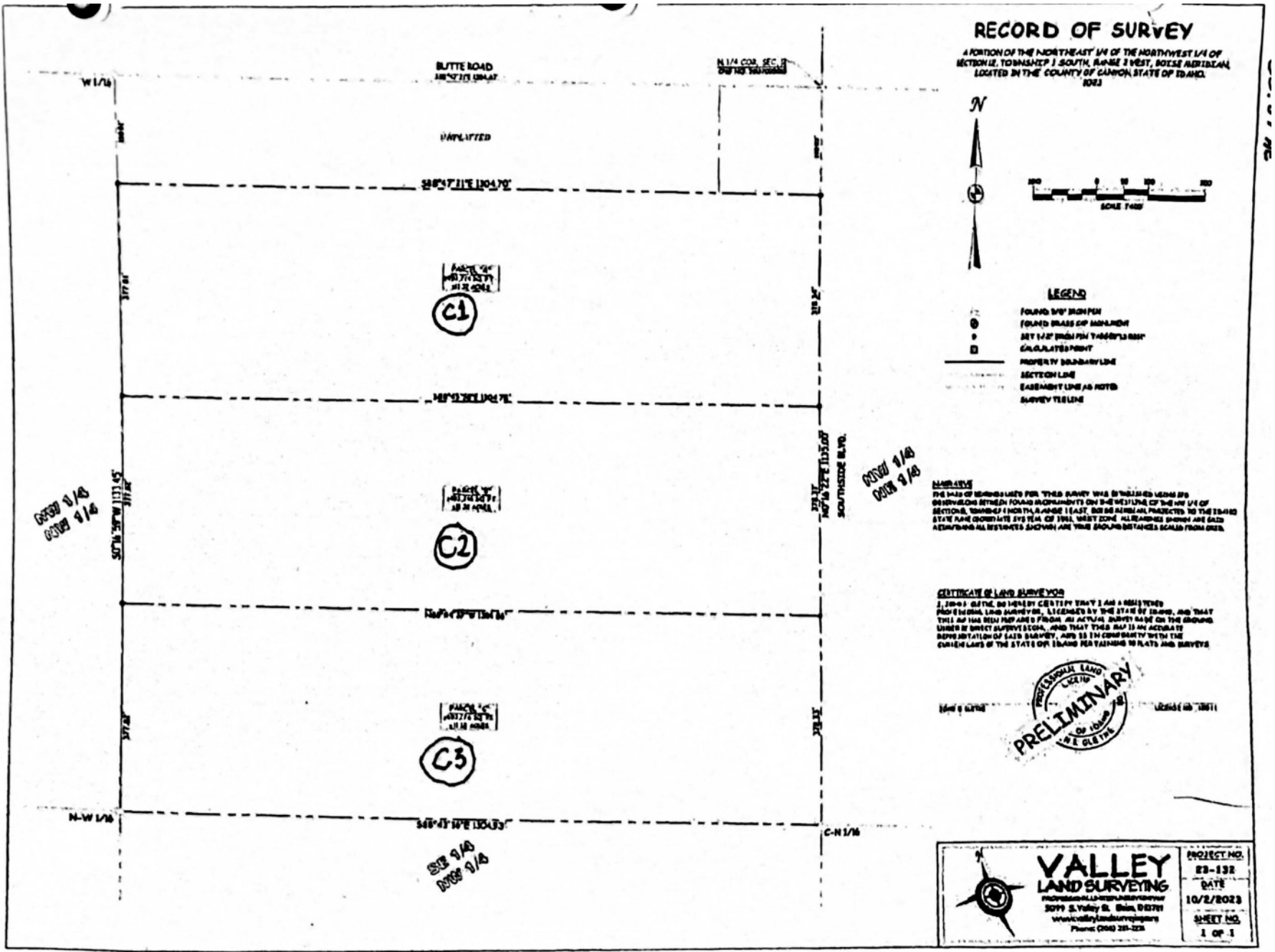
Parcel R28146010

A1 - 3.95 acres
A2 - 7.98 Acres

Parcel R28146010D

B1 - 6.96 Acres
B2 - 6.96 Acres
B3 - 10.97 Acres

Exhibit A.9



Proposed Lots on Lower Parcels

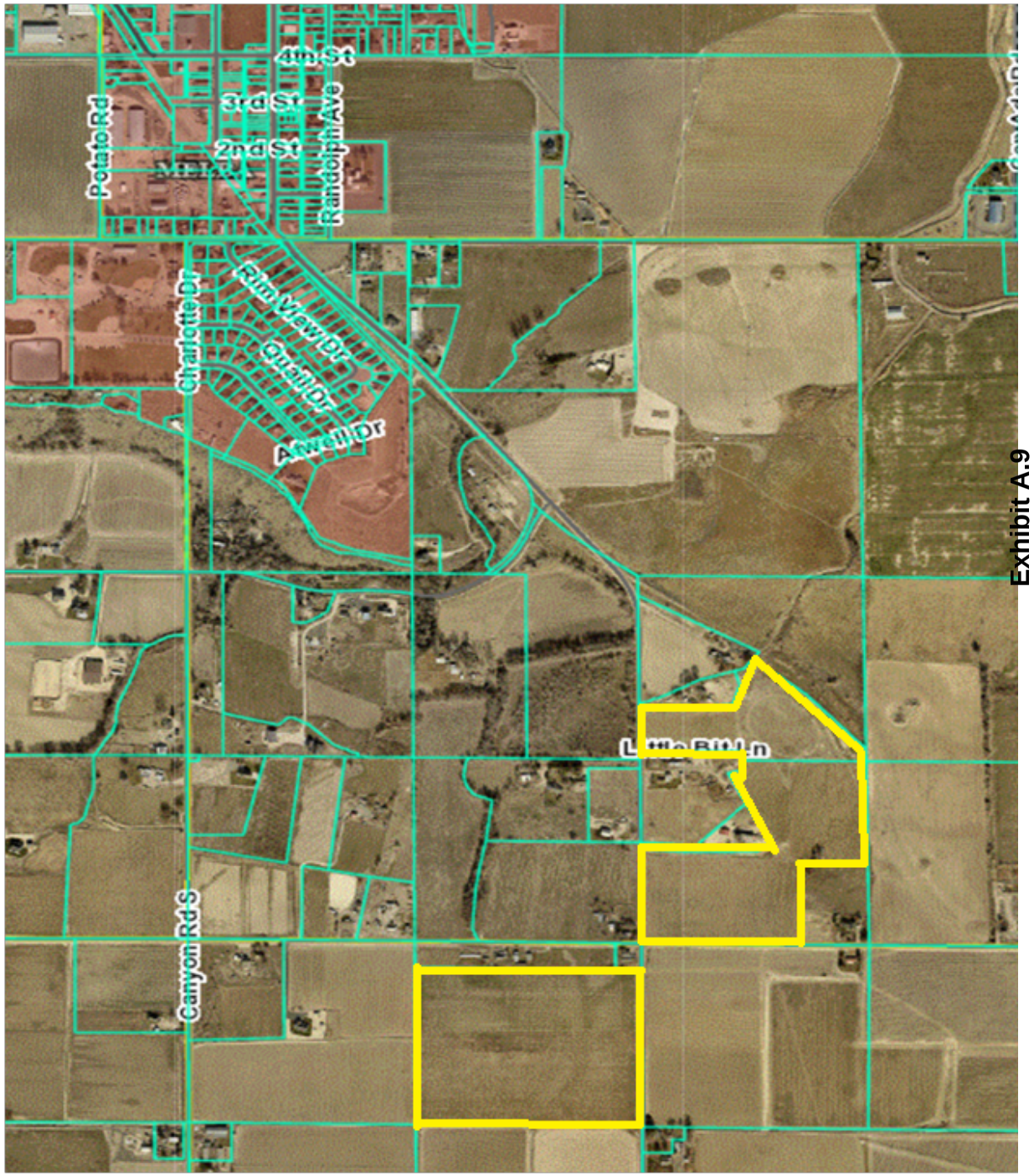
Parcel R28279010

C1 – 11.32 Acres
C2 – 11.32 Acres
C3 – 11.32 Acres

Exhibit A.9

Property in proximity to Melba City Limits

Depending on where you measure from, Hoagland property is less than ¼ of a mile from Melba City limits/impact zone



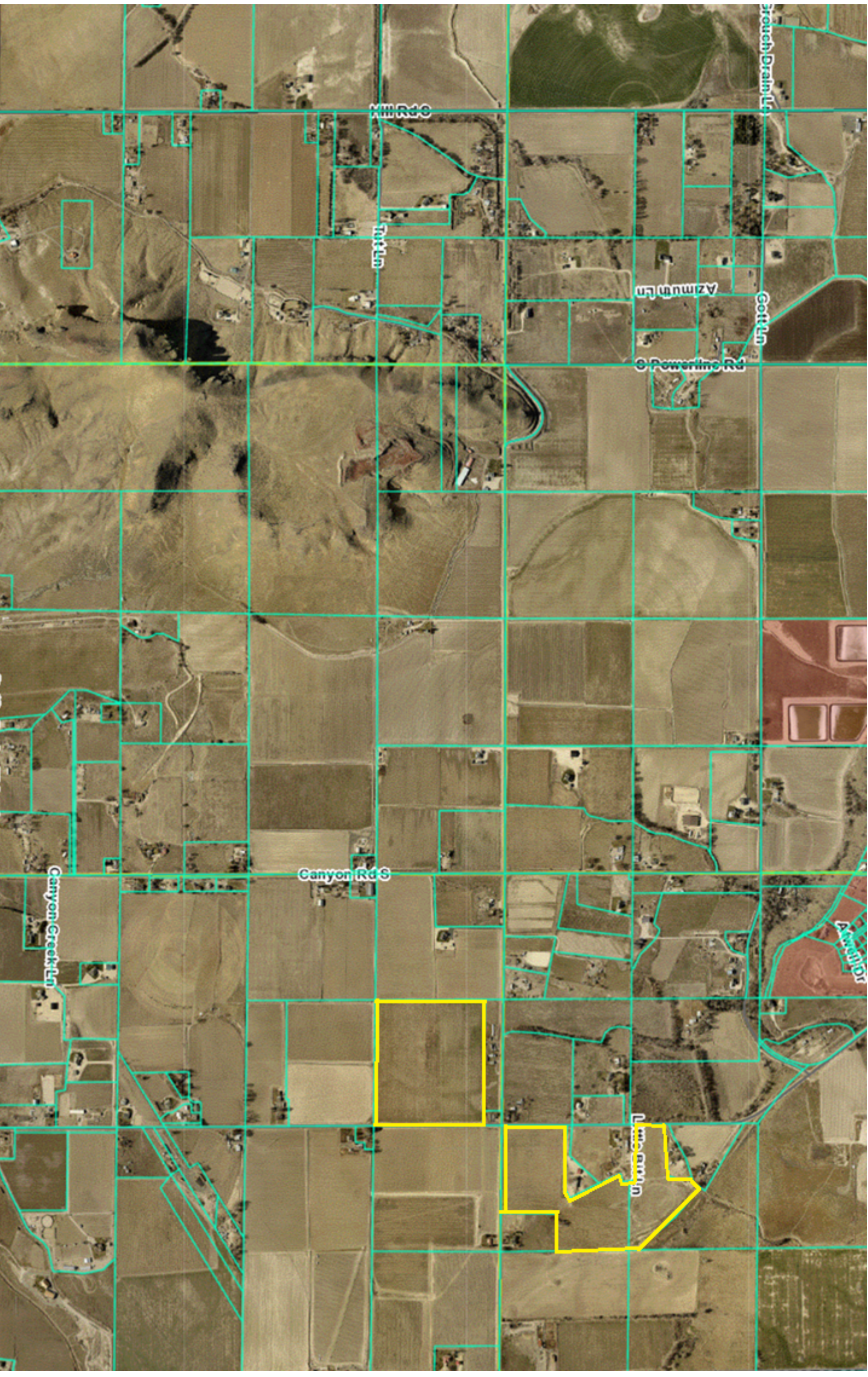


Exhibit A.9

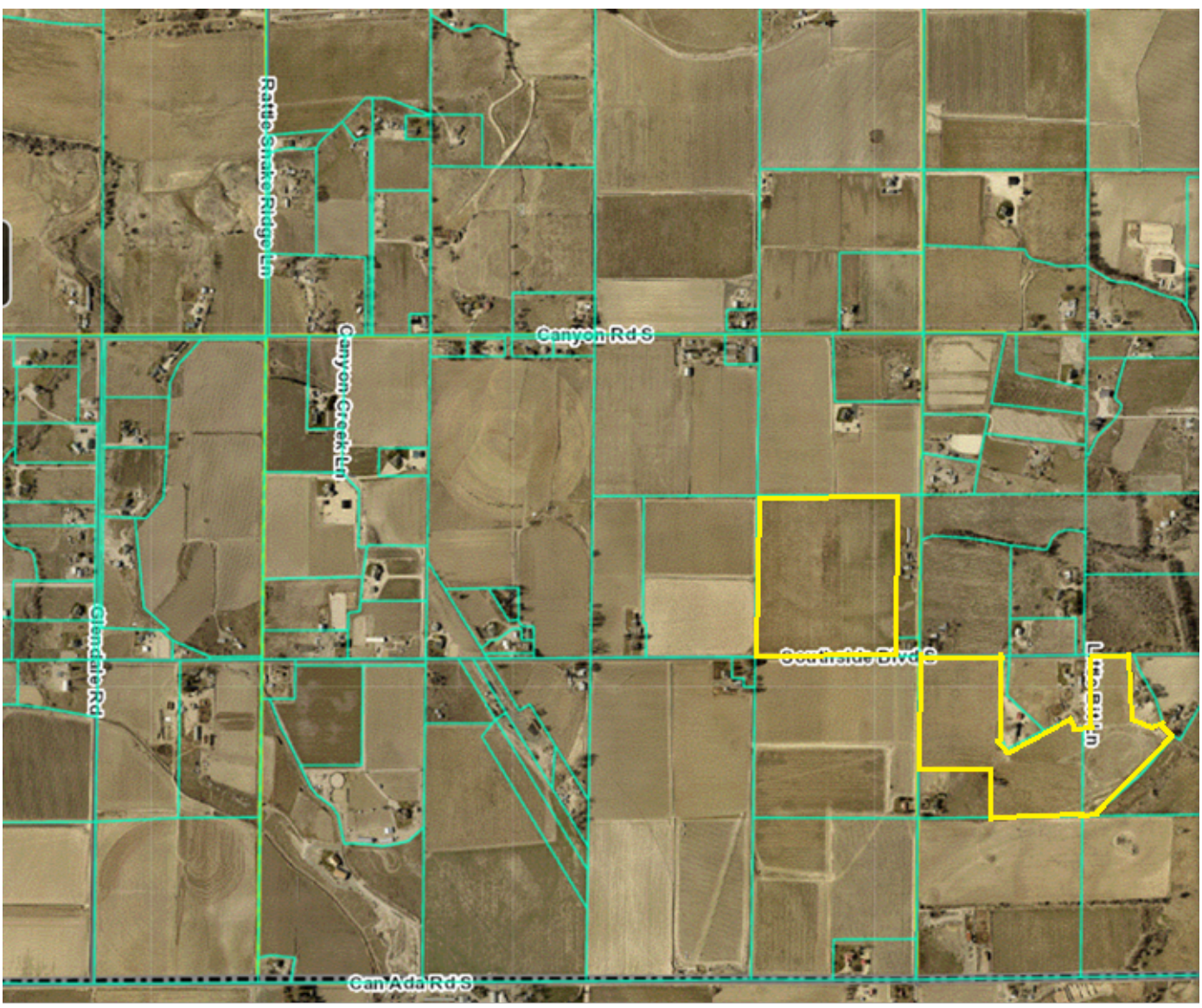

Rattle Snake Ridge Ln
Canyon Creek Ln
Canyon Rd S
Glendale Rd
Can Ada Rd S

Exhibit A.9

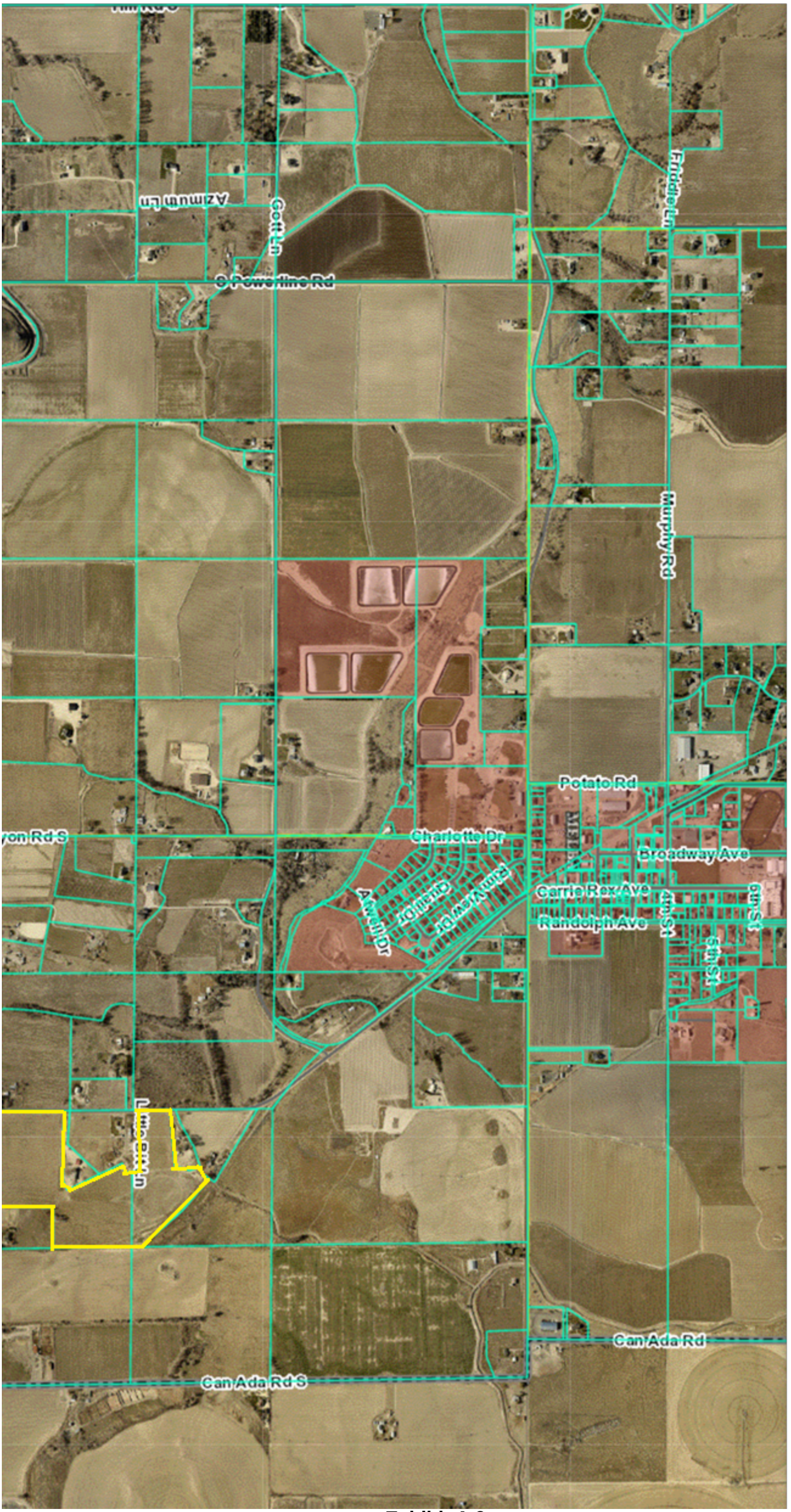

Azimuth Ln
Gott Ln
S Powerline Rd
Fiddler Ln
Murphy Rd
Potato Rd
Charlotte Dr
Broadway Ave
Carrie Rex Ave
Randolph Ave
Can Ada Rd
Can Ada Rd S

Exhibit A.9

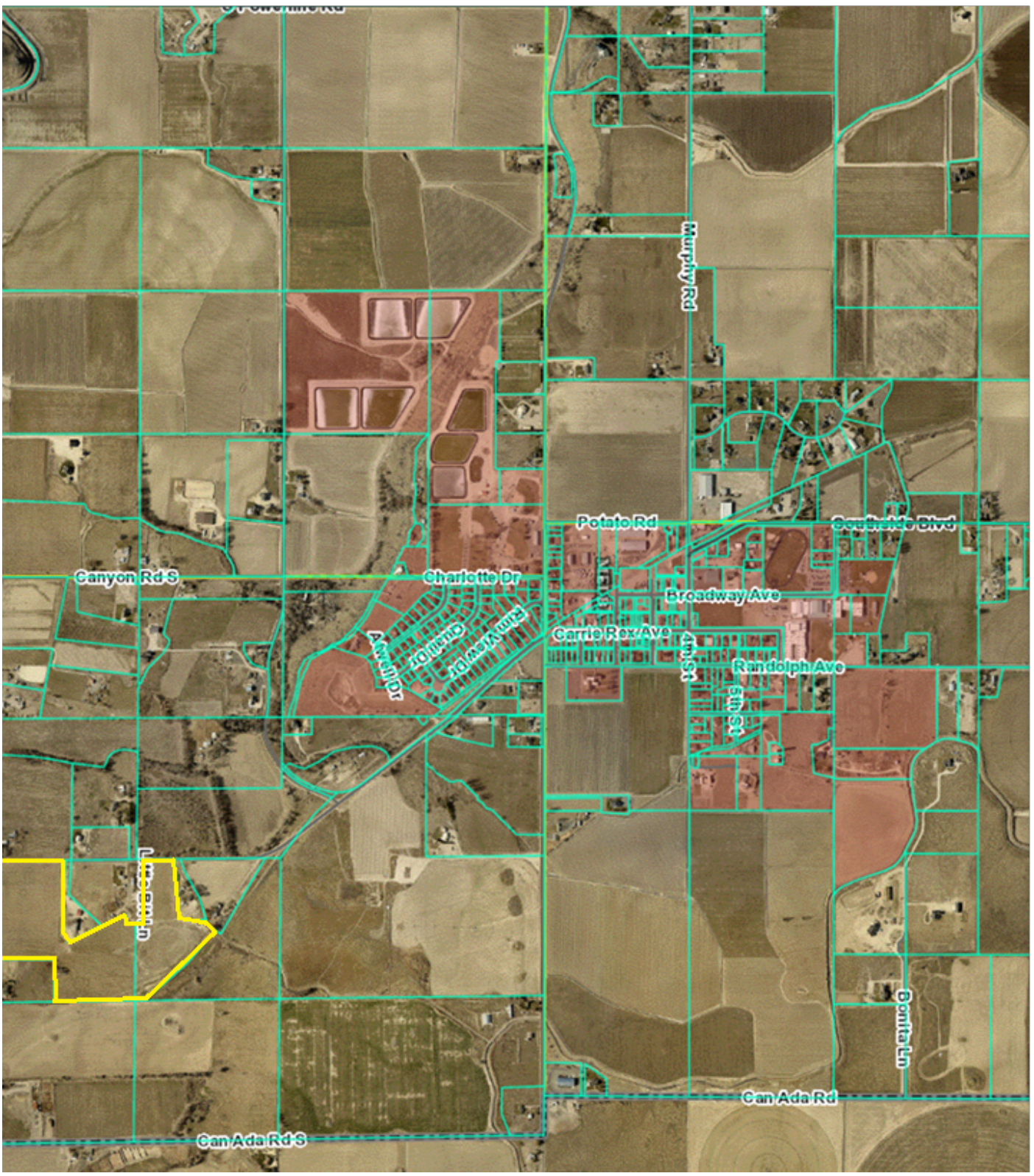

Murphy Rd
Potato Rd
Broadway Ave
Carrie Rex Ave
Randolph Ave
Canyon Rd S
Charlotte Dr
Avenell Dr
Bonita Ln
Can Ada Rd
Can Ada Rd S

Exhibit A.9

Homes & Farming coexisting in the Melba Valley and surrounding area









Exhibit A.9

Melba Community Impact

Melba Joint School district #136 Sherry Ann Adams PhD – Superintendent

- “There is currently adequate capacity within our school district to accommodate the additional 8 residences set to be created”

Melba Fire Department: Brian McCormack - Fire Chief

- “No Issues with the land being split into residential lots”
- “could even help out our small community by giving new home owners a chance to join our fire department”

Melba City Council – Kate Dahl Melba City planning advisor

- “Southeast Melba AOCI … unlikely to extend services for development due to the lava rock”
- “Melba is proposing to pull the area of impact to north of the rim”
- “Melba residents do appreciate the larger lot sizes”
- “The proposed development would be relatively close to town and a natural extension of the community”
- “Larger lot sizes will minimize the number of lots so it is not overdeveloped”

Exhibit A.9

Melba's Rocky Ground

- " PZ, Citizens and engineering identified the southeast of the Melba AOCI as an area unlikely to extend services for development due to the lava rock in the SE corner is difficult to run water and sewer utilities through. In addition, parcels south of the Melba rim are below the city sewer lagoons, any development would require costly lift stations… As a result, Melba is proposed to pull the area of impact boundary north to the Rim… this area is unlikely to be developed under the city jurisdiction."
  - Kate Dahl - Melba City planning advisor

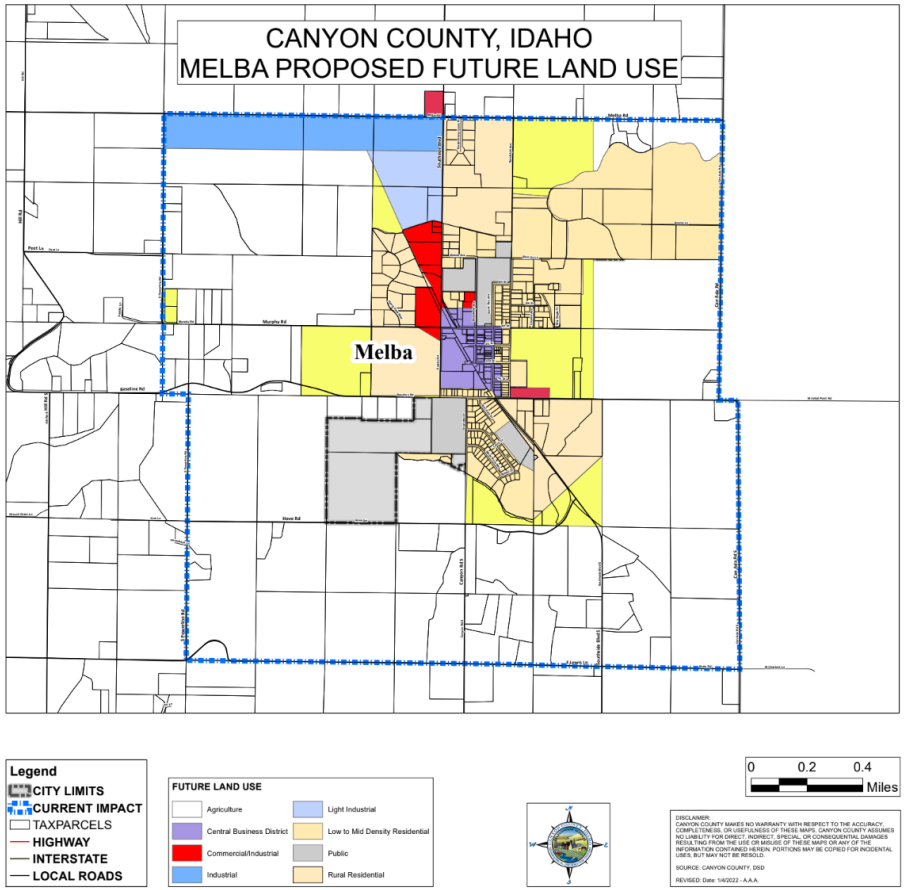
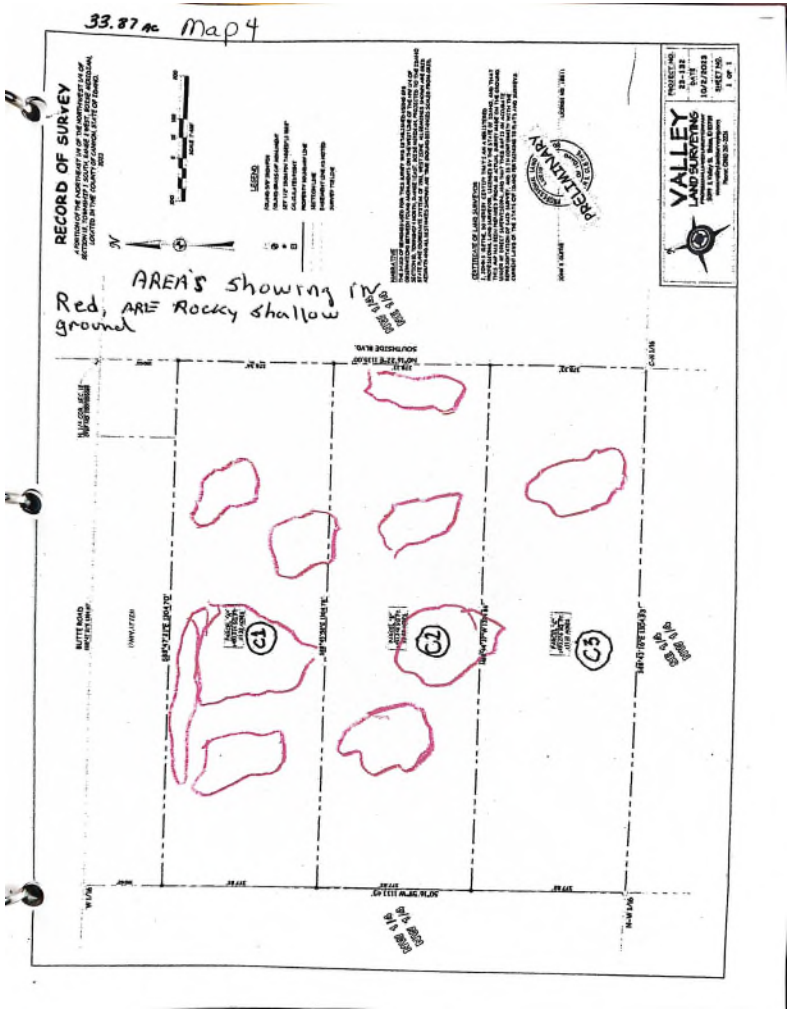


Exhibit A.9

Rocky Ground

"In my expert opinion, Hoagland's property is nonviable for agriculture use due to site constraints and resource issues, that makes productive agriculture use extremely difficult."

Jerry Neufeld - former University of Idaho Crops Extension Educator



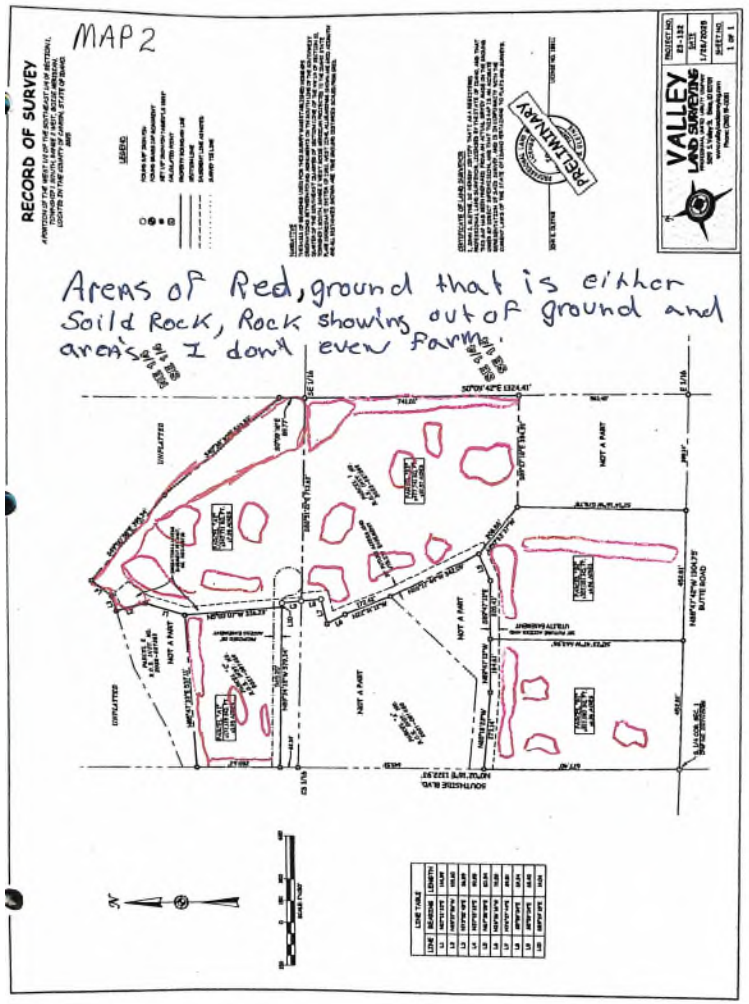


Exhibit A.9

Rocky Ground













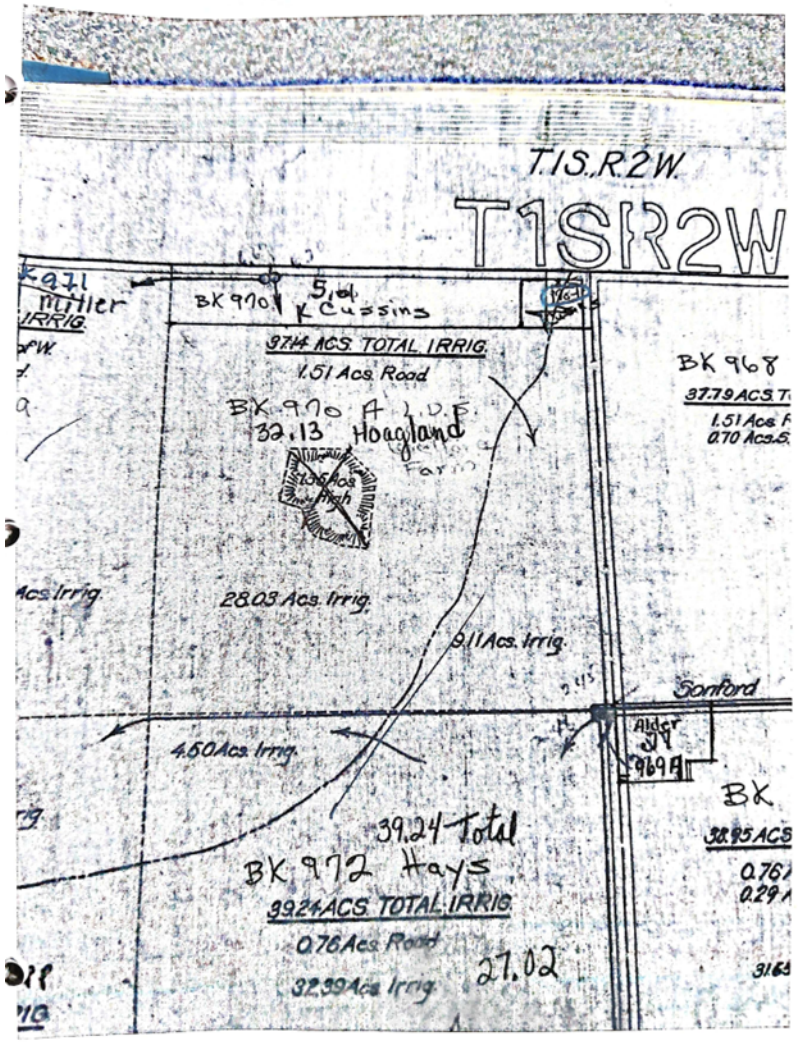






Exhibit A.9

Rocky Gound









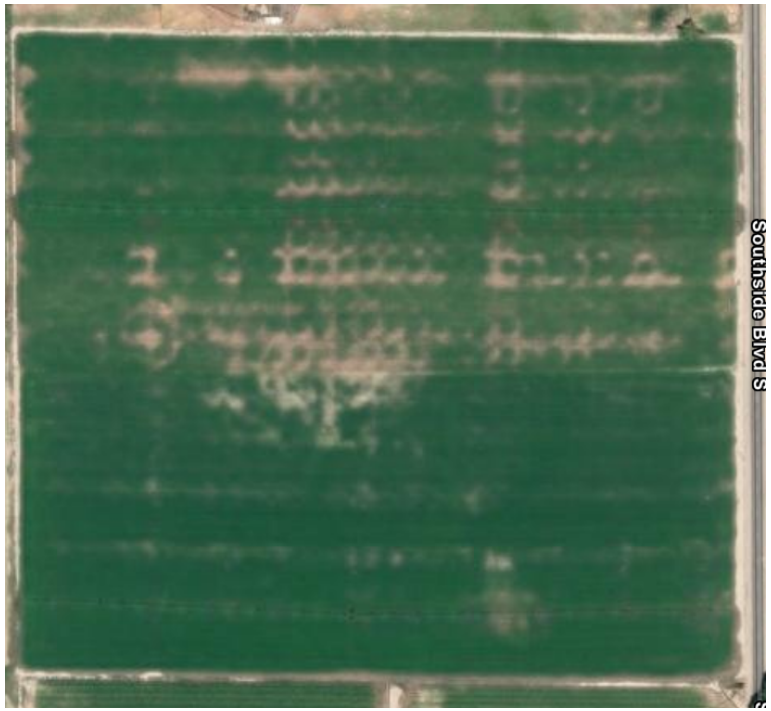


Exhibit A.9

Examples of rural and farming lifestyles for possible use











Exhibit A.9







Businesses that are reliant on community support & growth

Exhibit A.9







Our community is supported by Melba Rural Fire Protection and Melba Quick Response Unit services. Both are operated by volunteers. New people moving in can help fill this need.





Exhibit A.9

Thank you

Exhibit A.9

Exhibit 3
EXHIBIT B

Additional Information Submitted by the Applicant - July

Planning & Zoning Commission

Case# CR2025-0002

Hearing date: September 18, 2025

Gmail cleon hoagland <chrawhide62@gmail.com>

Conditional Rezone - CR2025-0002

Dan Lister <Dan.Lister@canyoncounty.id.gov> Thu, May 29, 2025 at 1:27 PM
To: "chrawhide62@gmail.com" <chrawhide62@gmail.com>

Cleon,

Hope all is well. I've reviewed CR2025-0002 and provided affected agencies 30 days to comment regarding the case. Attached are all comments received.

Concerns

1. We did not receive any comments from the Melba Fire District, the Melba School District, and the City of Melba. Without comments, we don't have enough information about what eight buildable lots will do to fire and school services. Also, we need support from the City of Melba to ensure the request does not impact their future plans for the area if it were to be annexed. I highly recommend getting written comments from these agencies.

2. The letter of intent submitted speaks of the ground being difficult to use for agricultural. Letters from your neighbors disagree. The conditional rezone to "R-R" requested includes restricting lot sizes to a five-acre average minimum lot size. The five-acre or larger lot size would allow someone who wanted to farm the ground to obtain a tax exemption for agricultural uses. Demonstrate how the proposed lot sizes protect the use and character of agriculture. How does the request meet the following comprehensive plan vision:

   - ...provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity. Provides rural transitional areas to create a boundary between agricultural and urban areas. These areas are generally conducive to small-scale farming operations and compatible with non-agricultural uses. (page 26).
   - compatible with the surrounding community (pg.23)
   - Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators (pg. 22).
   - Encourage buffering and/or transitional uses between residential and more impactful uses to promote the health and well-being of existing and future residents (pg 22).
   - Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses (pg. 21).
   - Consider the cumulative impact residential development will have on the capacity of schools (pg. 47).
   - Encourage new development adjacent to agricultural areas to be designed to minimize conflicts with adjacent agricultural uses. Protect agricultural operations from conflicts by providing buffers between proposed non-agricultural uses and adjacent farming operations (pg. 85).

- Would you consider a condition restricting the development of structures to be located within a one-acre building envelope on each proposed lot? Anything outside would remain open for agricultural use.

Please address the above concerns and comments. After review, let me know how much time you'll need to address the comments. If a response is not received by June 13, 2025, staff will assume you wish to move forward as-is and schedule the case for the next available hearing. Contact me if you have any questions.

Sincerely,

Attn: Dan Lister **June 11, 2025**

This letter is in response to your email regarding our Conditional Rezone Application (CR 2025-0002) and the concerns you shared with us.

(Section 2)

We contacted the Melba Fire Department, Melba City Hall, and the Melba School District. Enclosed are their responses addressing your concerns about the potential impact of our request to develop eight building lots on our approximately 70-acre parcel. As you will see, they have no objections or concerns regarding our proposal.

(Section 4, 6, &7)

Regarding the concern that our land may be viable for productive agriculture:
In our letter of intent, we noted that the ground contains large, solid rocks protruding from the surface. This issue is also referenced in the City of Melba's response, which highlights the challenges of providing city services (water/sewer) to our property and is one of the reasons we were removed from the newly proposed city impact area unanimously adopted 6/9/2025.
We believe that the proposed lot sizes—averaging 8.7 acres—are still suitable for agricultural purposes and should continue to qualify for agricultural tax exemptions.

In response to the letter submitted to the committee by Richard Sims, Associate Supervisor of the Canyon County Soil Conservation District, we respectfully ask you to also consider the letter from Jerry Neufeld, former University of Idaho Canyon County Crops Extension Educator.

Mr. Sims bases his opinion on generalized, county-wide soil conditions, while Mr. Neufeld conducted on-site soil sampling and slope measurements. Based on his examination, Mr. Neufeld concluded that our property consists of soil types GdB, GaB, and GdC, with 1 to 3 percent slopes and significant areas of Class 4 soils, which severely limit the potential for productive agriculture. This contrasts with Mr. Sims' assessment, which classifies the land as Class 3 soils. In our opinion, Mr. Neufeld's detailed and site-specific analysis better reflects the true nature of the property and supports the conclusion that it is not suitable for profitable agricultural production in this area.

Mr. Neufeld also highlights the significant limitations caused by large rock outcroppings and subsurface rock on our property (please see the attached photos). While Mr. Sims emphasizes the importance of proper soil management, we have already converted this property from gravity-fed irrigation to sprinkler irrigation gradually over the years. This was a costly process, and due to the land's low productivity, it resulted in only minimal yield improvements. The main benefit of this conversion has been reducing water runoff and preventing soil erosion. These factors further support our belief that the property is better suited for low-density housing with large lot sizes, which would still allow for hobby agricultural uses and self-reliant living opportunities.

In reference to the letters you received, which you noted came from only two of the 15+ neighbors surrounding us:

- Only one of the letters referred to our land as "prime" farm ground.
- Enclosed are photos of the property showing the extent of protruding rocks and rock piles resulting from years of efforts to clear the land for farming.
- Our property's northern boundary is within a quarter mile of a proposed 40+ home development.
- As for concerns about increased traffic, previous testimony from a 30+ year volunteer with the Melba Fire/QRU (during BOCC Case #AD2023-0110-APL) stated that there has been no rise in agriculture-related vehicle accidents.
- The letter from the Alders contained several false claims and was written with a hostile tone:
    - The neighborhood meeting was held on property owned by Cleon Hoagland, not Mark Hoagland.
    - Cleon has not spoken with Mr. and Mrs. Norm Alder in over 25 years.
    - His last contact with Josh Alder was to invite him onto the property to repair an underground tile irrigation ditch that had washed out.
    - Contrary to Mrs. Alder's statements, we have never acted aggressively toward anyone who opposed our application. We invited all nearby residents to the neighborhood meeting and excluded no one. Some neighbors who could not attend contacted Cleon directly to express their support for the rezone.

We believe the lot sizes—some exceeding 11 acres—still support small-scale agriculture, such as:

- Hobby farms supplying local farmers markets
- Horse boarding facilities and Dog Kennels
- Gardens for personal self-reliance

- Raising cattle, pigs, chickens, goats, and other livestock

(Section 7)

These activities will allow the land to remain in agricultural use and continue to support the surrounding farming community. Enclosed are several photos showing examples of similar agricultural and livestock uses throughout Melba Valley and Canyon County. These examples illustrate how large lots can coexist with nearby active farmland without requiring buffer zones.

The Melba Fire Department and Kate Dahle (on behalf of the City of Melba) also expressed appreciation for larger lot sizes, stating they help preserve agricultural uses. Given our property's proximity to town, our proposal is a natural extension of the Melba community.

We are open to the idea of a condition requiring a one-acre building envelope on each proposed lot:

- When we met with you and Jay on December 20, 2024, you advised us not to include this in our letter of intent.
- Nonetheless, we are not opposed to the concept.
- We do, however, request that agricultural and livestock-related structures be allowed outside of the one-acre building envelopes, as long as they are appropriate and conforming uses.

Sincerely

Patti Hoagland

Cleon & Patti Hoagland

Melba Fire Department
P.O. Box 33
Melba, ID 83641
208.495.2351
http://melbafire.id.gov

06/05/2025

Dan Lister

We the Melba Fire Department had received your agency notice for CR2025-0002 for Cleon Hoagland on 04-25-2025.

The Melba Fire Department has no issues with the land being split into residential lots. This will not affect the Fire Department. This could even help out our small community by giving new home owners a chance to join our Fire Department We look forward to growth in the Melba Valley.

Melba Fire Chief

Brian McCormack

Brian McCormack 6/5/25

Gmail cleon hoagland <chrawhide62@gmail.com>

Hoagland Conditional Rezone CR25-002

1 message

Kate M. Dahl <katedahl79@gmail.com> Sat, Jun 7, 2025 at 2:08 PM
To: Dan.Lister@canyoncounty.id.gov, Noni Stapleton <cityclerk@cityofmelba.org>, "chrawhide62@gmail.com" <chrawhide62@gmail.com>

Dan,
I have received the agency notice for CR25-002.
As you recall, City of Melba has been reviewing the area of impact boundary as part of updating the City Comprehensive Plan as well as designing a boundary compliant with the new regulations. As part of that process the PZ, citizens and engineering identified the southeast of the Melba AOCI as an area unlikely to extend services for development due to the lava rock in the SE corner is difficult to run water and sewer utilities through. In addition parcels south of the Melba Rim are below the city sewer lagoons, any development would require costly lift stations to reach existing city facilities. As result, Melba is proposing to pull the Area of Impact Boundary north to the Rim essentially, as this area is unlikely to be developed under the city's jurisdiction.

Melba residents do appreciate the larger lot sizes afforded in the county and maintaining agriculture. The proposed development would be relatively close to town and a natural extension of the community, despite the AOCI boundary moving.
Larger lot sizes will minimize the number of lots so it is not overdeveloped and provide a larger building envelope to identify an area where well and septic can actually be constructed.
The new Comprehensive Plan with future land use map and adjusted area of impact boundary, is scheduled for hearing for adoption before City Council this Monday June 9, 2025. I have attached the proposed map, in which the Hoaglands property will no longer be within the AOCI.
Please contact me should you have further questions about this application.

--
Kate Dahl
307-690-1764

Melba Future Land Use Map Final.pdf
270K

Exhibit B.2

Melba Joint School District #136

Learning With Purpose

PO Box 185 ~ 511 Broadway
Melba, Idaho 83641
phone 208-495-1141 ~ fax 208-495-1142
www.msd136.org
Dr. Sherry Ann Adams, Superintendent

June 2, 2025

To Canyon County Development Services,

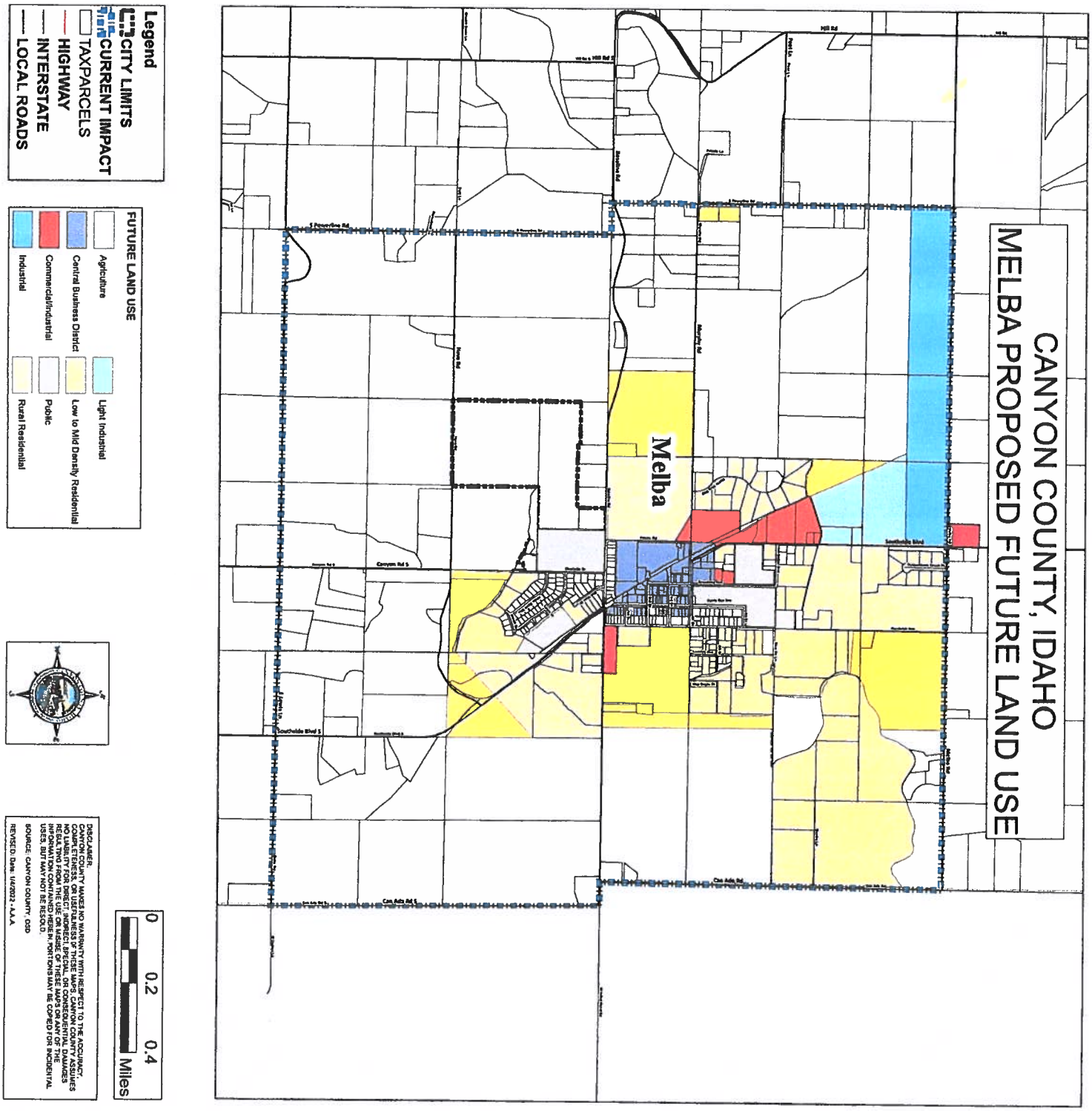
I am writing in regard to Case No – CR2025-0002. I received the email regarding this proposal on April 25, however, as I don't believe that these additional eight home lots will have a negative impact upon our school district, I did not submit a reply.

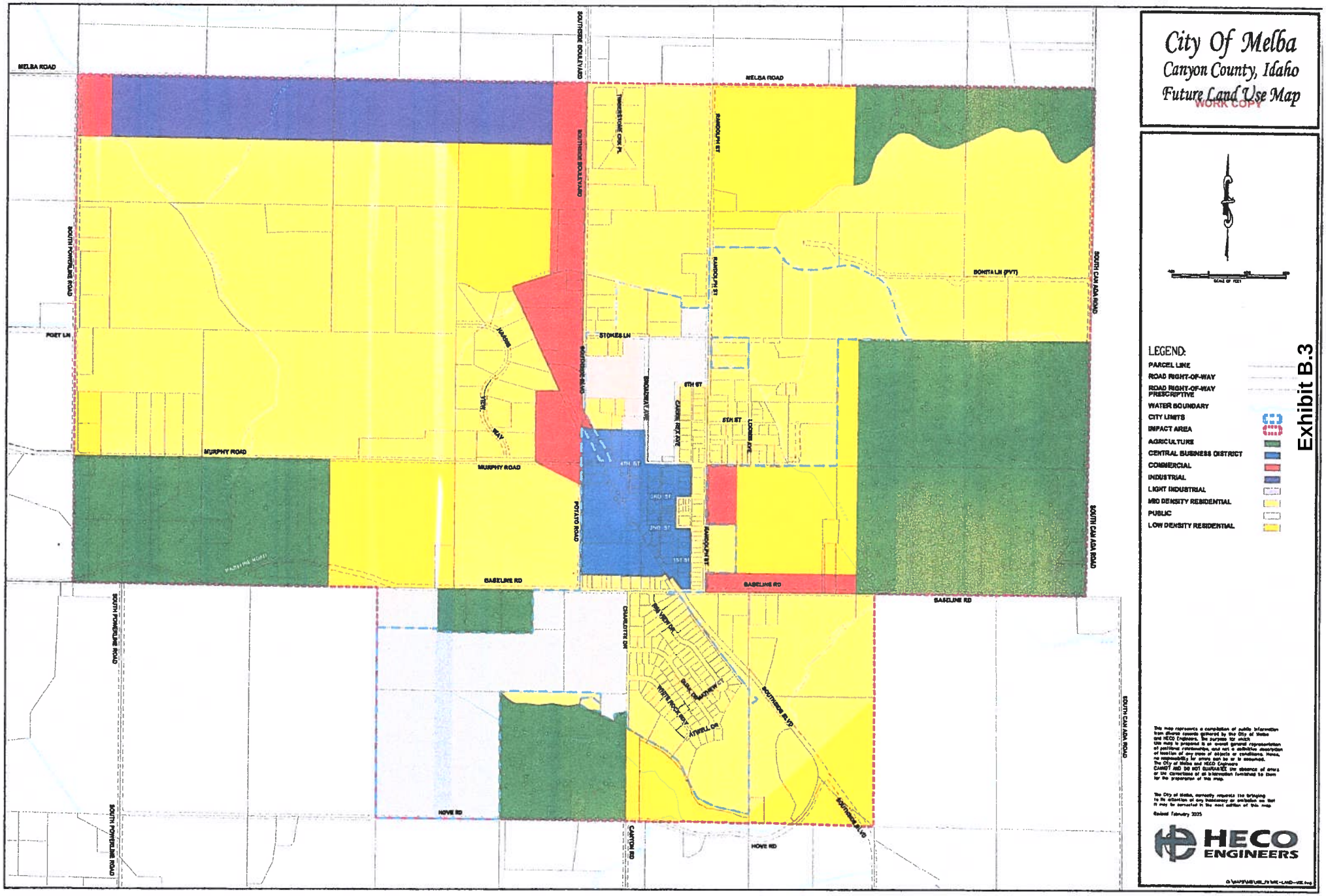
There is currently adequate capacity within our school district to accommodate the additional 8 residences set to be created within this proposal.

Respectfully submitted,

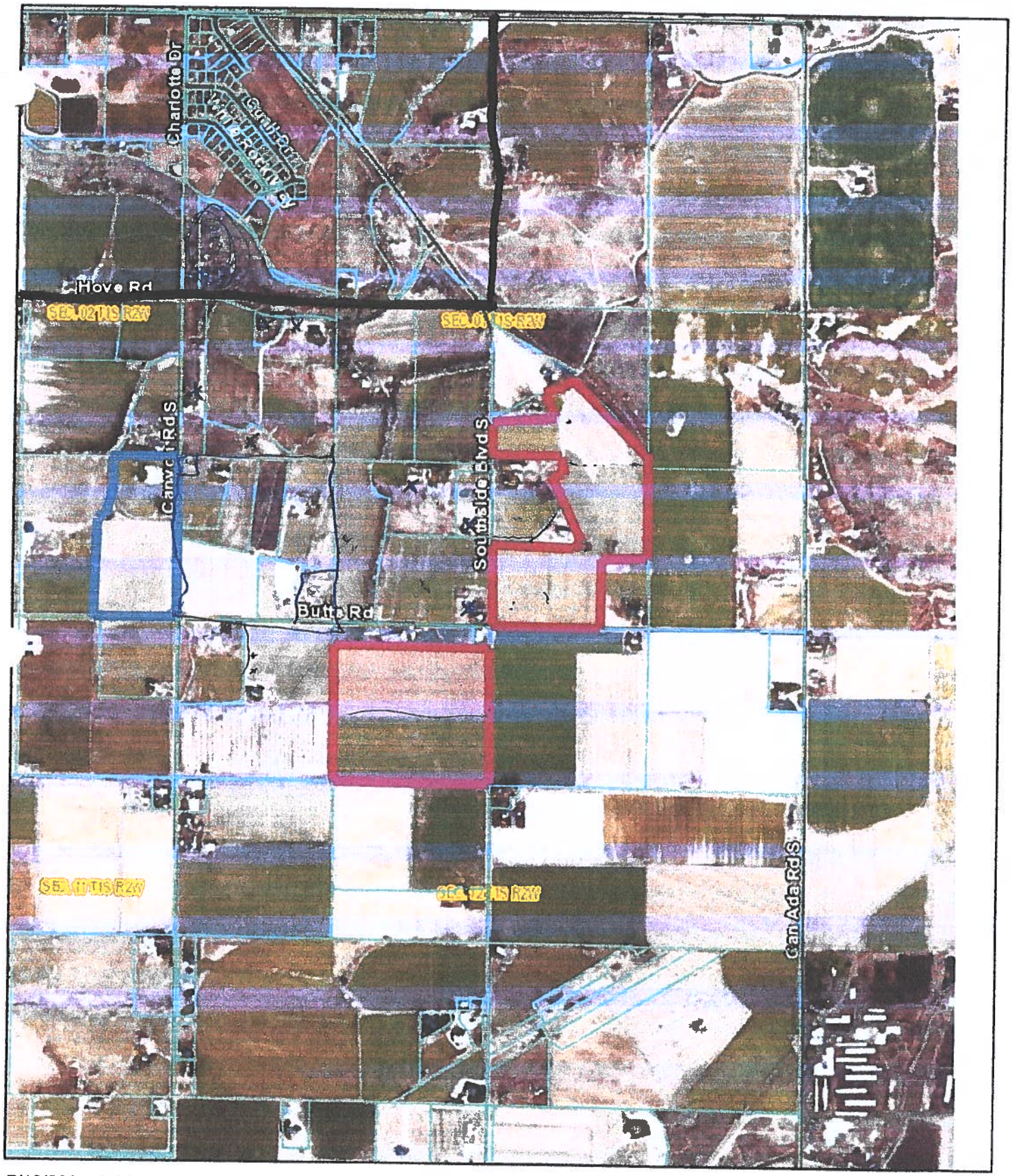
Sherry Ann Adams

Sherry Ann Adams, PhD
Superintendent
Melba Joint School District


CANYON COUNTY, IDAHO
MELBA PROPOSED FUTURE LAND USE
Melba
Legend
CITY LIMITS
CURRENT IMPACT
TAXPARCELS
HIGHWAY
INTERSTATE
LOCAL ROADS
FUTURE LAND USE
Agriculture
Light Industrial
Central Business District
Low to Mid Density Residential
Commercial/Industrial
Public
Industrial
Rural Residential
0
0.2
0.4
Miles
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 OF THE INFORMATION CONTAINED HEREIN. PORTIONS MAY BE COPIED FOR INCIDENTAL USES, BUT MAY NOT BE RESOLD.
SOURCE: CANYON COUNTY, GIS
REVISED: Date: 1/4/2023 - AAA


City Of Melba
Canyon County, Idaho
Future Land Use Map
WORK COPY
LEGEND:
PARCEL LINE
ROAD RIGHT-OF-WAY
ROAD RIGHT-OF-WAY PRESCRIPTIVE
WATER BOUNDARY
CITY LIMITS
IMPACT AREA
AGRICULTURE
CENTRAL BUSINESS DISTRICT
COMMERCIAL
INDUSTRIAL
LIGHT INDUSTRIAL
MED DENSITY RESIDENTIAL
PUBLIC
LOW DENSITY RESIDENTIAL
Exhibit B.3
MELBA ROAD
SOUTHSIDE BOULEVARD
SOUTH POWERLINE ROAD
POET LN
MURPHY ROAD
POTATO ROAD
BASELINE RD
HOVE RD
CANYON RD
SOUTH CAN ADA ROAD
BONITA LN (PVT)
STOKES LN
BROADWAY AVE
CANYON RIDGE AVE
LOOMIS AVE
5TH ST
4TH ST
3RD ST
2ND ST
1ST ST
RANDOLPH ST
TIMBERSTONE CIR PL
JUANITA WAY
CHARLESTON DR
SUN VIEW DR
BARN OWL MATTHEW CT
WHITE ROCK WAY
ATWELL DR
SOUTHERN BLVD
HERITAGE BLVD
SCALE OF FEET
This map represents a compilation of public information from diverse records approved by the City of Melba and HECO Engineers. The purpose for which this map is prepared is an overall general representation of positional relationships, and not a definitive description of location of any piece of objects or conditions. Hence, no responsibility for errors can be or is assumed.
The City of Melba and HECO Engineers CANNOT AND DO NOT GUARANTEE the absence of errors or the correctness of all information furnished to them for the preparation of this map.
The City of Melba, correctly requests the bringing to its attention of any inaccuracy or omission so that it may be corrected in the next edition of this map.
Revised February 2025
HECO ENGINEERS

Hoagland



7/19/2021, 3:28:58 PM

1:18,056

0 0.1 0.2 0.4 mi

0 0.17 0.35 0.7 km

Taxparcels
Road Centerlines
Road Centerlines
City Limits
Melba
Middleton
Nampa
Notus
StarCanyon
Wilder
Sections
Imagery_2020

Exhibit B.3

Canyon County, Canyon County Assessor

MAP 2

RECORD OF SURVEY

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, LOCATED IN THE COUNTY OF CANYON, STATE OF IDAHO. 2025

LEGEND

- FOUND 5/8" IRON PIN
- FOUND BRASS CAP MONUMENT
- SET 1/2" IRON PIN "PLS 18811"
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE AS NOTED
- SURVEY TIE LINE

NARRATIVE
THE BASIS OF BEARINGS USED FOR THIS SURVEY WAS ESTABLISHED USING GPS OBSERVATIONS BETWEEN FOUND MONUMENTS ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, PROJECTED TO THE IDAHO STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. ALL BEARINGS SHOWN ARE GRID AZIMUTH AND ALL DISTANCES SHOWN ARE TRUE GROUND DISTANCES SCALED FROM GRID.

CERTIFICATE OF LAND SURVEYOR
I, JOHN S. GLETNE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.

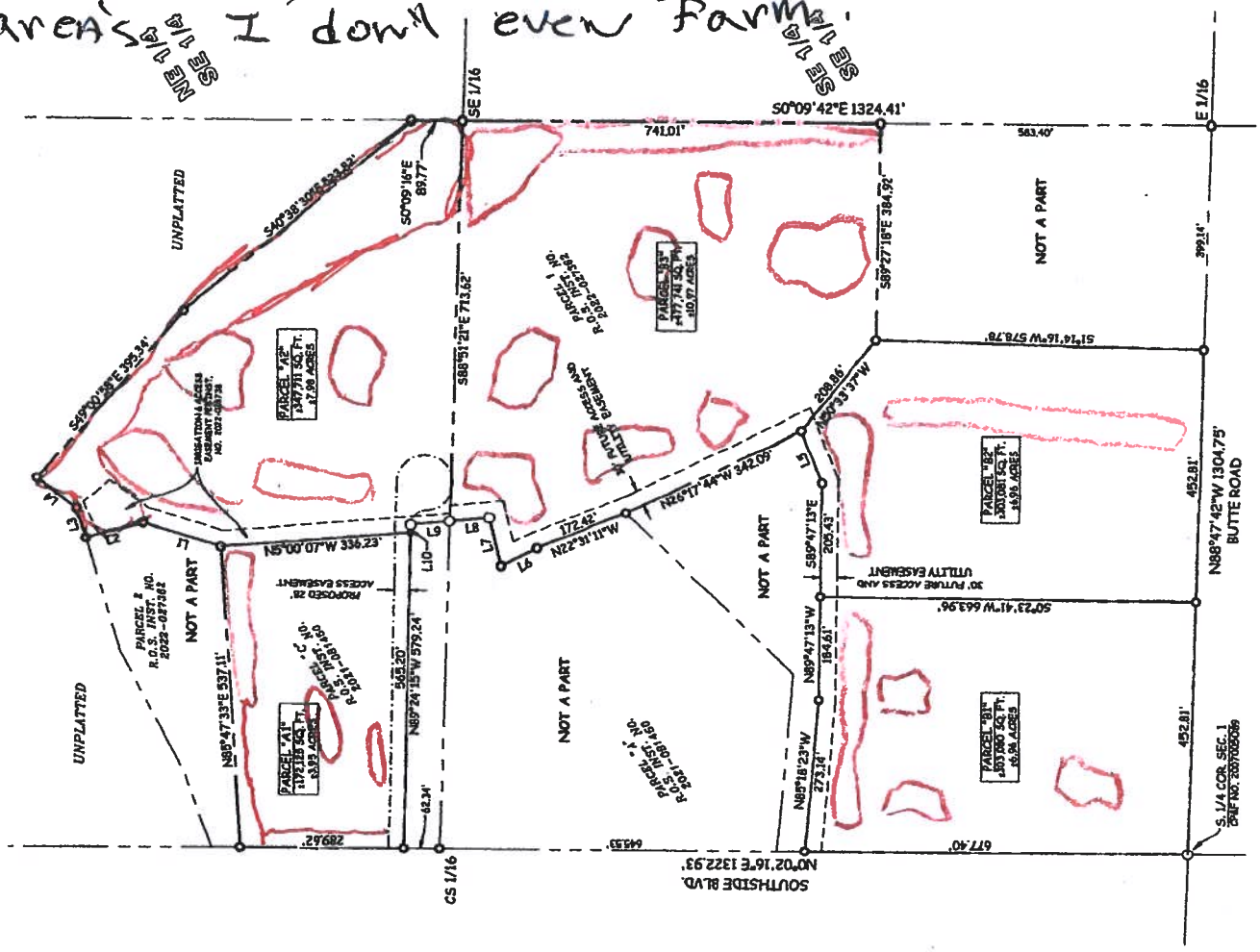
PRELIMINARY
PROFESSIONAL LAND SURVEYOR LICENSE
10/10 & 6/1/25

LICENSE NO. 18811
JOHN S. GLETNE

VALLEY LAND SURVEYING
PROFESSIONAL LAND SURVEYING COMPANY
5099 S. Valley St. Boise, ID 83709
www.valleylandsurveying.com
Phone: (208) 918-0081

PROJECT NO.	23-132
DATE	1/28/2025
SHEET NO.	1 OF 1

Areas of Red, ground that is either Soild Rock, Rock showing out of ground and area's I don't even farm.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N17°13'22"E	144.99'
L2	N69°37'56"W	105.60'
L3	N7°02'40"E	56.99'
L4	N37°18'32"E	90.00'
L5	N67°28'09"E	101.54'
L6	N26°36'18"W	70.50'
L7	N76°27'44"E	89.81'
L8	S8°59'04"E	69.24'
L9	S8°59'04"E	68.40'
L10	S89°24'15"E	14.04'

N

SCALE: 1"=150'

33.87 Ac Map 4

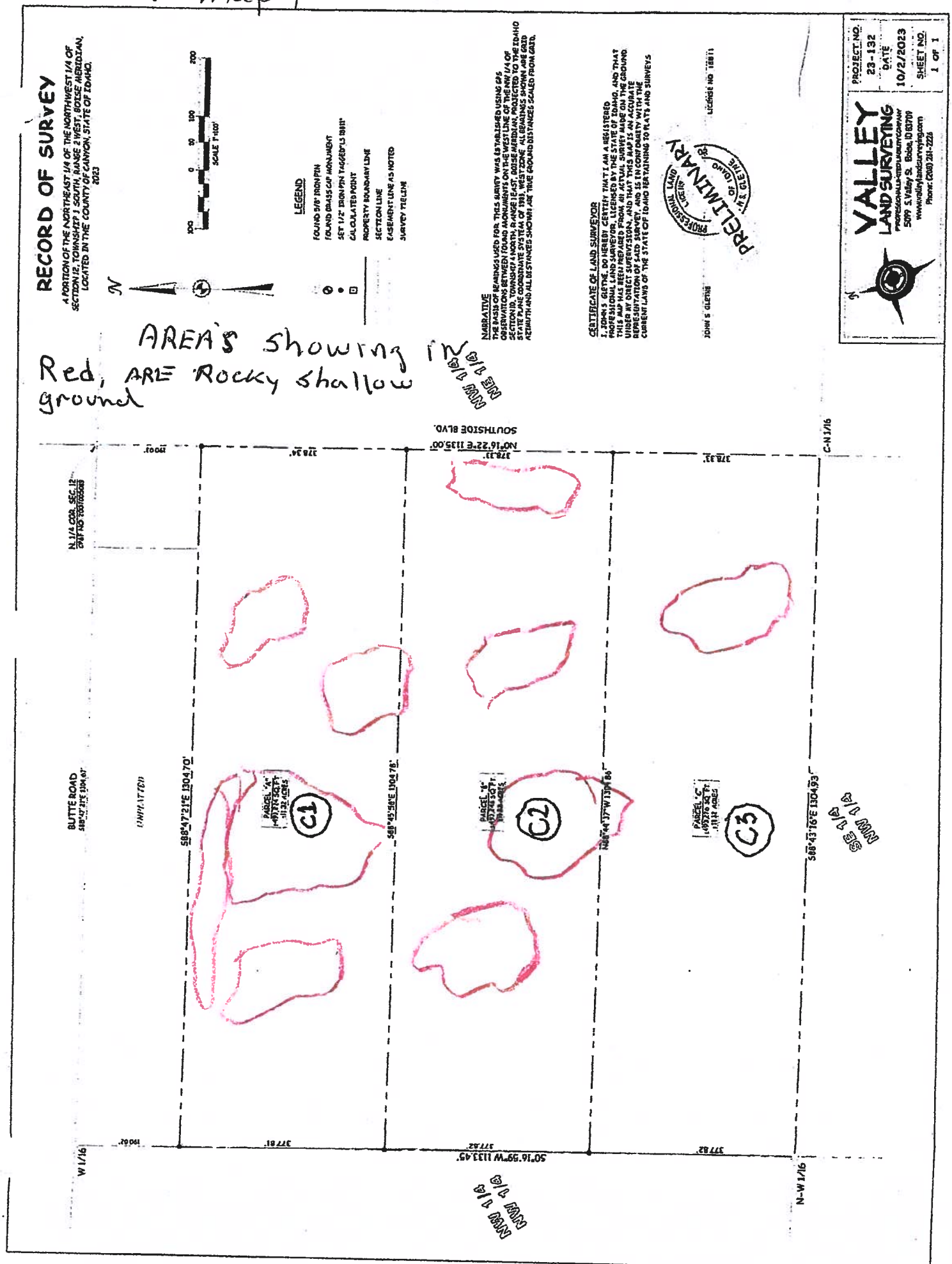


Exhibit B.4

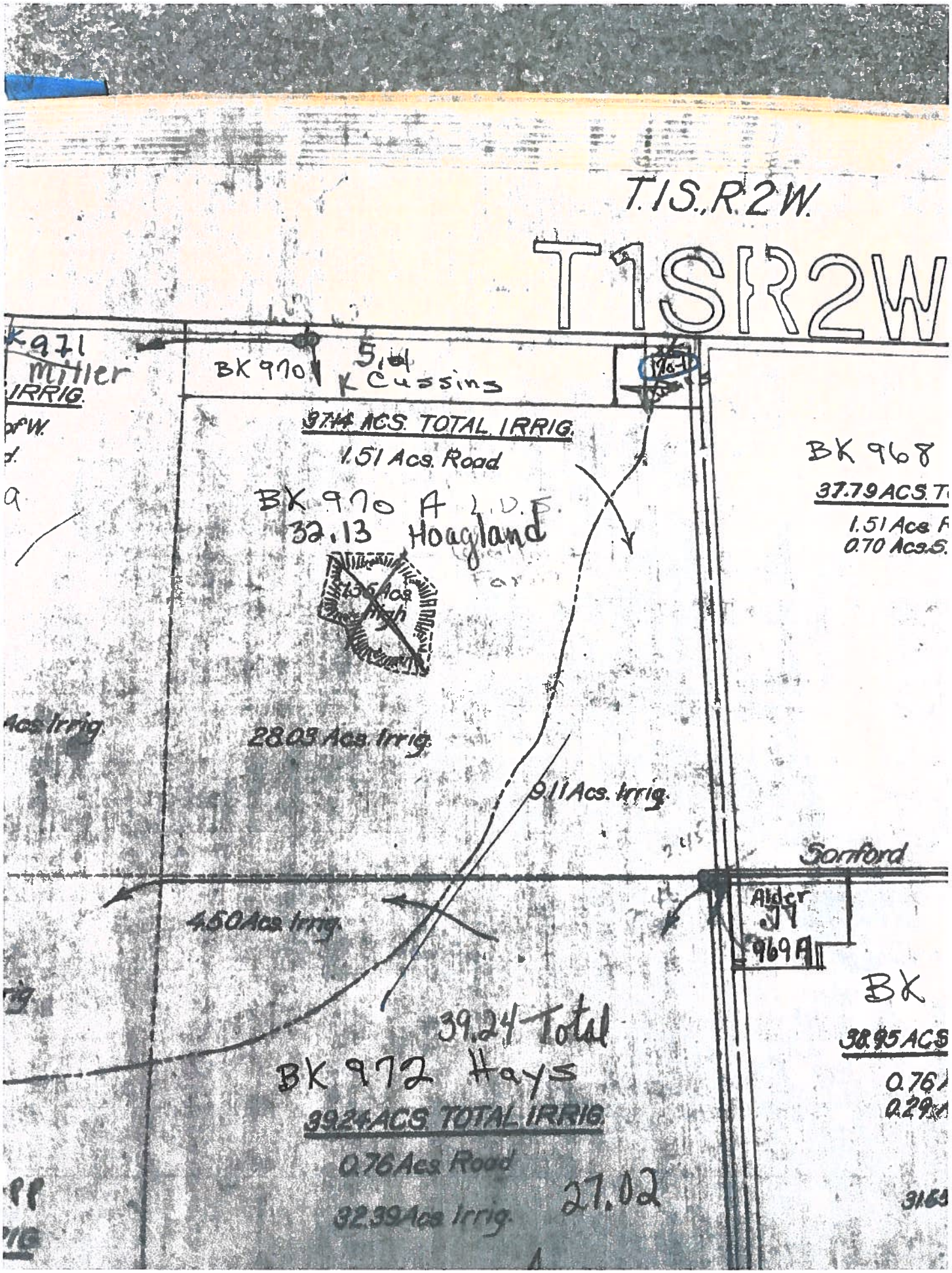

T.1S.,R.2W.
T1SR2W
BK 971
Miller
IRRIG.
BK 970
K Cussins
9.74 ACS. TOTAL IRRIG.
1.51 Acs. Road
BK 970 A J.D.F.
32.13 Hoagland
BK 968
37.79 ACS. T
1.51 Acs. R
0.70 Acs. S.
28.03 Acs. Irrig.
9.11 Acs. Irrig.
Sanford
Alder
969 A
4.50 Acs. Irrig.
39.24 Total
BK 972 Hays
39.24 ACS. TOTAL IRRIG.
0.76 Acs. Road
32.39 Acs. Irrig.
27.02
BK
38.95 ACS
0.76
0.29

Exhibit B.4

Jerry Neufeld

2302 Windsor Drive

Caldwell, ID 83605

August 22, 2024

Canyon County Board of Commissioners

Canyon County Courthouse

1115 Albany St

Caldwell, ID 83605

Dear Commissioners,

This letter is in regard Cleon and Patti Hoagland's request for an administrative division of nonviable parcels in an agricultural zone (Case Number AD2023-0110/RD2024-004). As stated in my original letter regarding this matter dated October 12, 2023, I was employed by the University of Idaho as Crops Extension Educator in Canyon County for 23 years. I also served as the County Chair of the Canyon County Extension office for 22 years. I earned bachelor's and master's degrees in agricultural mechanization from Kansas State University. When I was working, I was a Certified Crop Advisor with the American Society of Agronomy and Certified Irrigation Designer with the Irrigation Association. I have made hundreds of presentations to agricultural trade groups, corporations, universities, and governments. I have published articles in such refereed journals as the Journal of the National Association County Agricultural Agents, Journal of Extension, Rangelands, Journal of Applied Irrigation Science, American Society of Farm Managers and Rural Appraisers, to name a few. I have also published hundreds of extension publications, abstracts and proceedings, and research reports related to agriculture. I have also served on numerous state, county, and university level committees. A copy of my professional vitae is enclosed with this letter. I retired as the Canyon County Crops Extension Educator in November, 2022.

Prior to Hoaglands submitting their application, I reviewed the application materials, interviewed the Hoaglands, visited the property to evaluate the condition of the property and its viability for production agriculture. I was surprised to learn that the director denied Hoagland's application. I was also surprised that the Director's Decision did not evaluate or otherwise weigh any of the evidence that I submitted in support of Hoagland's application. Instead, the decision relied on conclusory remarks from neighbors without any supporting evidence. In my expert opinion, Hoagland's property

is nonviable for agricultural use due to site constraints and resource issues, that makes productive agricultural use extremely difficult.

With this letter, I would like to address some issues related to the viability of this land for productive farming that include both agronomic and economic variables.

Canyon County Comprehensive Plan 2030 states "Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area." The soils on the Hoagland farm are Garbutt Silt Loam (GdB, GaB and GdC). The GDb and GaB soils are 1 to 3 percent slope. The GdC soils are 3 to 7 percent slope. According to the NRCS Land Capability Classification for irrigated soils, the GdB and GaB soils are classified as 3e and the GdC is 4e. According to the NRCS, "class 3 soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both." "Class 4 soils have very severe limitations that restrict the choice of plants or that require very careful management, or both." "The letter "e" shows that the main hazard is the risk of erosion unless close-growing plant cover is maintained." The Hoagland alfalfa farming operation contains significant acres of class 4 soils.

As stated by letters to the County from nearby property owners related to this application, the land has water rights, is irrigated and at times of the year has green vegetation. Mr. Hoagland's farm is towards the end of the irrigation lateral. His water allotment on paper is 3 ac-ft per year. He stated he rarely gets a full allotment. This impairs his ability to grow seed crops as some crops simply cannot be deficit irrigated at certain growth stages and still maintain a profitable yield. It also negatively impacts the yields he can get on his alfalfa crops. His yield is approximately 3.7 tons per acre while the University of Idaho in their enterprise budgets use a yield of 7.5 tons per acre for southwest Idaho. Low yields could be due to several factors including deficit irrigation, poor water application uniformity and low soil water holding capacity due to shallow rocky soils. On my field visit in October of 2023, I noticed there were multiple rock piles on the edges of fields they were removed from. I also took a shovel and stuck it in the ground and at a depth of only a few inches hit rocks. There were areas in some fields where you could see the rocks poking through the soil. Sprinklers running in a field and green on a satellite image are not true indicators of the viability of productive agriculture on a piece of farm ground.

The Director's Administrative Decision states that viable farmland is defined as "Land that is capable of producing marketable farm animals or crops." That the Hoagland land can produce a certain amount of crops or livestock feed is not in dispute. What is missing is whether the land can produce enough marketable crops or livestock feed to produce a profit and be viable for productive agriculture. Letters of opposition from nearby property owners say the land is "profitable farmland" and part C of the Director's Administrative Decision indicates agreement. I would question how nearby property owners would know about the profitability of the Hoagland farming operation and how their uninformed statements can be used as proof of profitability. The Hoagland's have needed a second off farm income for many years to sustain their farming/rural lifestyle.

On its website (https://www.uidaho.edu/cals/idaho-agbiz/crop-budgets) the University of Idaho has crop enterprise budgets for various crops grown in southwest Idaho. An enterprise budget can be used to estimate net returns above operating costs on a farm or per acre basis. The enterprise budgets on the University of Idaho website are from 2019, therefore I adjusted the input prices to 2024 using the National Agricultural Statistics Service Prices Paid Index (Https://www.nass.usda.gov/Surveys/Guide_to_NASS_Surveys/Prices_Paid_and_Prices_Paid_Indexes/). I used the USDA Idaho Direct Hay Report (https://www.ams.usda.gov/mnreports/ams_3056.pdf) to get a price of $165 per large square bale of premium alfalfa hay. As seen in Table 1, the Hoagland farming operation net returns above operating costs are -$164.57 per acre, while Table 2 shows the Canyon County alfalfa farming operation's net returns above operating costs are $462.43 per acre.

Table 1. Hoagland Enterprise Budget for 1 acre of Alfalfa Hay.

Alfalfa Hay - Treasure Valley - 2024			Number of acres: 1		
Item	Quantity Per Acre	Unit	Price or Cost	Total Value	Value or Cost/Acre
Gross Returns					
Alfalfa Hay	3.70	ton	165.00	611	$610.50
				0	$0.00
				0	$0.00
Total Gross Returns				$611	$610.50
Operating Inputs					
Fertilizer:				$95	$95.40
Dry Nitrogen	15.00	lb	0.57	9	8.55
Dry P2O5	75.00	lb	0.55	41	41.25
K2O	80.00	lb	0.42	34	33.60
Sulfur	40.00	lb	0.30	12	12.00
				0	0.00
				0	0.00
				0	0.00
Pesticides:				$26	$26.48
Metribuzin 75DF	1.00	lb	19.94	20	19.94
Warrior II w/Zeon Tech	3.00	fl oz	2.18	7	6.54
				0	0.00
				0	0.00
				0	0.00
				0	0.00
Custom & Consultants:				$410	$410.37
Custom Fertilize	1.00	acre	10.26	10	10.26
Custom Swath & Rake	4.00	acre	41.04	164	164.16
Custom Bale: 1-ton	7.50	ton	24.62	185	184.65
Custom Haul & Stack: 1-ton	7.50	ton	6.84	51	51.30
				0	0.00
Irrigation:				$61	$61.00
Water Assessment	1.00	acre	57.00	57	57.00
Repairs - Conc. Ditch	1.00	acre	4.00	4	4.00
				0	0.00
Machinery:				$19	$18.64
Fuel - Gas	1.28	gal	3.98	5	5.09
Fuel - Diesel	1.65	gal	3.67	6	6.06
Fuel - Road Diesel	0.63	gal	4.28	3	2.70
Lube	1.00	$	1.85	2	1.85
Machinery Repair	1.00	$	2.94	3	2.94
Labor:				$150	$149.50
Equipment Operator Labor	1.20	hrs	29.77	36	35.72
Irrigation Labor	4.90	hrs	23.22	114	113.78
				0	0.00
Interest on Operating Capital a	7.00%			$14	$13.68
Total Operating Costs				$775	$775.07
Operating Costs per Unit				$209	$209.48
Net Returns Above Operating Costs				-$165	-$164.57

These tables illustrate the difference between productive agriculture, and nonproductive agriculture. The County Code describes nonviability in terms of the extreme difficulty of productive agriculture.

Canyon County is one of the most diverse cropping areas in the nation. We produce seed crops, as well as other crops that are exported all over the world. Many of the seed crops we produce cannot be grown in other locations around the USA because the climate isn't conducive. I am in full support of protecting good productive farm ground in Canyon County from being developed. However, growth is inevitable and we cannot protect viable productive farm ground by stopping development on nonviable, nonproductive ground. We need to be able to develop or otherwise use ground that is marginal for farming and makes productive agriculture extremely difficult. That is the type of ground we are talking about with the Hoagland farming operation. Again, in my expert opinion, the Hoagland's property is nonviable for agricultural use due to site constraints and resource issues, that makes productive agricultural use extremely difficult.

Sincerely,

Jerry Neufeld

cc: Cleon Hoagland, Samuel Parry

PROPERTY ADDRESS: _____ ID#: _____

14. MOLD DISCLAIMER: BUYER is hereby advised that mold and/or other microorganisms may exist at the Property. Upon closing BUYER acknowledges and agrees to accept full responsibility and risk for any matters that may result from mold and/ or other microorganisms and to hold SELLER and any Broker or agent representing SELLER or BUYER harmless from any liability or damages (financial or otherwise) relating to such matters.

15. SQUARE FOOTAGE AND BOUNDARY VERIFICATION: BUYER is aware that any reference to the square footage, the boundaries and/or property lines of the real property or improvements is approximate. If exact knowledge of the square footage, boundaries and/or property lines is material to the BUYER, they must be verified by BUYER during the inspection period. BUYER is advised that fences, walls, hedges, and other natural or constructed barriers or markers do not necessarily identify true property boundaries. Property lines and boundaries may be verified by surveys.

16. RIGHT TO FARM: BUYER acknowledges Idaho's right to farm statutes codified in Title 22, Chapter 45 which states a preference for, and protects, agricultural land use by limiting certain nuisances.

17. SELLER'S PROPERTY CONDITION DISCLOSURE FORM: If required by Title 55, Chapter 25 Idaho Code SELLER shall within ten (10) calendar days after execution of this agreement provide to BUYER or BUYER'S agent, "Seller's Property Condition Disclosure Form" or other acceptable form. BUYER has received the "Seller's Property Condition Disclosure Form" or other acceptable form prior to signing this agreement: ☐ **Yes** ☐ **No** ☐ **N/A. If yes, BUYER and SELLER agree that the three (3) business day statutory timeframe for BUYER'S recission shall run from acceptance of this agreement.**

18. SUBDIVISION HOMEOWNER'S ASSOCIATION: BUYER is aware that membership in a Home Owner's Association may be required and BUYER agrees to abide by the Articles of Incorporation, Bylaws and rules and regulations of the Association. BUYER is further aware that the PROPERTY may be subject to assessments levied by the Association described in full in the Declaration of Covenants, Conditions and Restrictions. BUYER has reviewed Homeowner's Association Documents: ☐Yes ☐No ☐N/A. Association fees/dues are $_____ per _____.
☐ BUYER ☐ SELLER ☐Shared Equally ☐ N/A to pay Association SET UP FEE of $_____ at closing.
☐ BUYER ☐ SELLER ☐Shared Equally ☐ N/A to pay Association PROPERTY TRANSFER FEES of $_____ at closing.
Association Fees are governed by Idaho Code Title 55, Chapters 15 and 32.
The SELLER to pay any additional costs if more than the amounts stated in this section.

19. COSTS PAID BY: The parties agree to pay the following costs **immediately when due and regardless of transaction closing, unless otherwise indicated.** These costs shall be paid by the indicated party regardless of whether or not the transaction closes; if the transaction fails to close due to breach of a party, any costs paid by the non-breaching party may be recovered as damages. None of the costs to be paid by the parties in this section creates an inspection or performance obligation other than strictly for the payment of costs unless otherwise stated. There may be other costs incurred in addition to those set forth below. Such costs may be required by the lender, by law, or by other circumstances. Requested tests/inspection reports as indicated below shall be provided to the other party within the time period specified in Section 12.

	BUYER	SELLER	Shared Equally	N/A		BUYER	SELLER	Shared Equally	N/A
Appraisal Fee	☐	☐	☐	☐	Title Ins. Standard Coverage Owner's Policy	☐	☐	☐	☐
Appraisal Re-Inspection Fee	☐	☐	☐	☐	Title Ins. Extended Coverage Lender's Policy – Mortgagee Policy	☐	☐	☐	☐
Closing Escrow Fee	☐	☐	☐	☐	Additional Title Coverage	☐	☐	☐	☐
Lender Document/Processing Fee	☐	☐	☐	☐	Domestic Well Water Potability Test Shall be ordered by: ☐BUYER ☐SELLER	☐	☐	☐	☐
Tax Service Fee	☐	☐	☐	☐	Domestic Well Water Productivity Test Shall be ordered by: ☐BUYER ☐SELLER	☐	☐	☐	☐
Flood Certification/Tracking Fee	☐	☐	☐	☐	Septic Inspections Shall be ordered by: ☐BUYER ☐SELLER	☐	☐	☐	☐
Lender Required Inspections	☐	☐	☐	☐	Septic Pumping Shall be ordered by: ☐BUYER ☐SELLER	☐	☐	☐	☐
Attorney Contract Preparation or Review Fee	☐	☐	☐	☐	Survey Shall be ordered by: ☐BUYER ☐SELLER	☐	☐	☐	☐
	☐	☐	☐	☐	Water Rights/Shares Transfer Fee	☐	☐	☐	☐
	☐	☐	☐	☐		☐	☐	☐	☐
	☐	☐	☐	☐		☐	☐	☐	☐

Upon closing SELLER agrees to pay ☐ _____% of the purchase price OR ☐ $_____ (dollar amount) (N/A if left blank) as a SELLER concession. This can be used toward lender-approved BUYER'S closing costs, lender fees, and prepaid costs which include but are not limited to those items in BUYER columns marked above. This concession can also be used for any other expense not related to financing at the BUYER's discretion.

SELLER agrees to pay up to $_____ ($0 if left blank) of lender required repair costs only.
BUYER or SELLER has the option to pay any lender required repair costs in excess of this amount.

BUYER'S Initials (_____)(_____) Date _____ **SELLER'S** Initials (_____)(_____) Date _____

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Serial#: 024607-300174-9419287
Prepared by: Halie Grant | Berkshire Hathaway HS Silverhawk Realty | haliegrantrealty@gmail.com | 2084594326
Form Simplicity

PROPERTY ADDRESS: _____ ID#: _____

16. MINERAL RIGHTS: Any and all mineral rights appurtenant to the PROPERTY, and owned by SELLER, are included in and are part of the sale of this PROPERTY, and are not leased or encumbered, unless otherwise agreed to by the parties in writing.

17. WATER RIGHTS: Any and all water rights including but not limited to water systems, wells, springs, lakes, streams, ponds, rivers, ditches, ditch rights, and the like, if any, appurtenant to the PROPERTY, and owned by SELLER, are included in and are a part of the sale of this PROPERTY, and are not leased or encumbered, unless otherwise agreed to by the parties in writing.

18. RIGHT TO FARM: BUYER acknowledges Idaho's right to farm statutes codified in Title 22, Chapter 45 which states a preference for, and protects, agricultural land use by limiting certain nuisances.

19. RISK OF LOSS OR NEGLECT: Prior to closing of this sale, all risk of loss shall remain with SELLER. In addition, should the PROPERTY be materially damaged by fire, neglect, or other destructive cause prior to closing, this agreement shall be voidable at the option of the BUYER, and if voided, BUYER'S Earnest Money shall be returned to BUYER.

20. BUSINESS DAYS: A business day is herein defined as Monday through Friday, 8:00 A.M. to 5:00 P.M. in the local time zone where the subject real PROPERTY is physically located. A business day shall not include any Saturday or Sunday, nor shall a business day include any legal holiday recognized by the state of Idaho as found in Idaho Code §73-108. If the time in which any act required under this agreement is to be performed is based upon a business day calculation, then it shall be computed by excluding the calendar day of execution and including the last business day. The first business day shall be the first business day after the date of execution. If the last day is a legal holiday, then the time for performance shall be the next subsequent business day.

21. CALENDAR DAYS: A calendar day is herein defined as Sunday through Saturday, 12:00 A.M. to 11:59 P.M., in the local time zone where the subject real PROPERTY is physically located. A calendar day shall include any legal holiday. The time in which any act required under this agreement is to be performed shall be computed by excluding the date of execution and including the last day, thus the first day shall be the day after the date of execution. Any reference to "day" or "days" in this agreement means the same as calendar day, unless specifically enumerated as a "business day."

22. SEVERABILITY: In the case that any one or more of the provisions contained in this agreement or any application thereof, shall be invalid, illegal or unenforceable in any respect, the validity, legality or unenforceability of the remaining provisions shall not in any way be affected or impaired thereby.

23. TRANSMISSION OF DOCUMENTS: Facsimile or electronic transmission of any signed original document, and retransmission of any signed facsimile or electronic transmission shall be the same as delivery of an original. At the request of either the BUYER or SELLER, the LENDER, the Closing company, or either broker, the BUYER and SELLER will confirm facsimile or electronic transmitted signatures by signing an original document. SELLER and BUYER consent to conduct the transaction referenced herein, when not prohibited by law, by and through electronic means in accordance with Idaho's Uniform Electronic Transaction Act and Idaho Code § 54-2052. Unless specifically stated otherwise, delivery of any document, notice or communication to a Broker or real estate licensee working on behalf of a party hereto, shall constitute delivery to that party.

24. WIRE TRANSFER WARNING: Electronic means of transferring money (i.e. ETF, wire transfer, electronic check, direct deposit, etc…) are subject to sophisticated cyber fraud attacks. These attacks are even more prevalent in real estate transactions due to the large sums of money being exchanged. All parties are advised that Brokerage will not provide electronic transfer instructions by e-mail. Following money transfer instructions contained in an email from any party is inherently dangerous and should be avoided. All parties agree that if any party uses, or authorizes the use of, electronic transfer of funds in a transaction all parties hereby hold the Brokerages, their agents, and the designated title and escrow company harmless from any and all claims arising out of inaccurate transfer instructions, fraudulent interception of said funds and/or any other damage relating to the conduct of third parties influencing the transfer process or stealing funds.

25. COUNTERPARTS: This agreement may be executed in counterparts. Executing an agreement in counterparts shall mean the signature of two identical copies of the same agreement. Each identical copy of an agreement signed in counterparts is deemed to be an original, and all identical copies shall together constitute one and the same instrument.

26. ENTIRE AGREEMENT: This agreement including any addendums or exhibits, constitutes the entire agreement between the parties respecting the matters set forth and supersedes all prior Agreements between the parties respecting such matters. This agreement may be modified only by a written agreement signed by each of the parties.

27. SALES PRICE INFORMATION: Pursuant to Idaho Code §54-2083(6)(d), a "sold" price of real property is not confidential client information.

28. ADDITIONAL CONTINGENCIES AND COSTS: The closing of this transaction is contingent upon written satisfaction or waiver of the contingencies listed in the "contingencies" column below. In addition, the parties shall satisfy all contingencies set forth in this section no later than the end of BUYER'S due diligence deadline unless otherwise agreed to by the parties in writing. The parties agree to pay the following costs **immediately when due and regardless of transaction closing, unless otherwise indicated.** These costs shall be paid by the indicated party regardless of whether or not the transaction closes; if the transaction fails to close due to breach of a party, any costs paid by the non-breaching party may be recovered as damages. None of the costs to be paid by the parties in this section creates an inspection or performance obligation other than strictly for the payment of costs unless otherwise stated below. There may be other costs incurred in addition to those set forth below. Such costs may be required by the lender, by law, or by other such circumstances. Requested tests/inspection reports as indicated below shall be provided to the other party by close of business day (Date): _____.

COSTS	BUYER	SELLER	Shared Equally	N/A	CONTINGENCIES	BUYER	SELLER	Shared Equally	N/A
Appraisal Fee	☐	☐	☐	☐	Environmental Inspection (Phase 1)	☐	☐	☐	☐

BUYER'S Initials (_____)(_____) Date _____ **SELLER'S** Initials (_____)(_____) Date _____

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Serial#: 001427-200174-9419288
Prepared by: Halie Grant | Berkshire Hathaway HS Silverhawk Realty | haliegrantrealty@gmail.com | 2084594326
Form Simplicity
Exhibit B.5



Exhibit B.6



Exhibit B.6

Exhibit B.6

Exhibit B.6

Exhibit B.6

Exhibit B.6



Exhibit B.6



Exhibit B.6



Exhibit B.6



Exhibit B.6

Exhibit B.6

Exhibit B.6

Exhibit B.6

Exhibit B.6

Exhibit B.6

Exhibit B.6

Exhibit B.6

Exhibit B.6



Exhibit B.6



Exhibit B.7

Exhibit B.7

Exhibit B.7

Exhibit B.7

Exhibit B.7



Exhibit B.7

Exhibit B.7

Exhibit B.7



Exhibit B.7

Exhibit B.7



Exhibit B.7


FORD
TW 10 FORD



Exhibit B.8



Exhibit B.8

Exhibit 3
EXHIBIT C

Additional Information Submitted by the Applicant - September

Planning & Zoning Commission

Case# CR2025-0002

Hearing date: September 18, 2025

1 ALDER / NEIGHBORS DEVELOPMENT

2 PRESS INTERVIEW WITH Kathy ALDER (2014)

3 Bab River Subdivision

4 Jacoba McCRAKEN DOG KENNEL

5 IDAHO POWER SUBSTATION

6 HOAGLAND COMMISSIONER MINUTES

7 MELBA NEW IMPACT AREA / FUTURE IMPACT AREA

Josh + MeLinda Alder / with neighbors

AD2024-0038 Development on old Stoddart Bcct Dump

1/4 MILE South of my Property on Southside Blvd S. July 2024

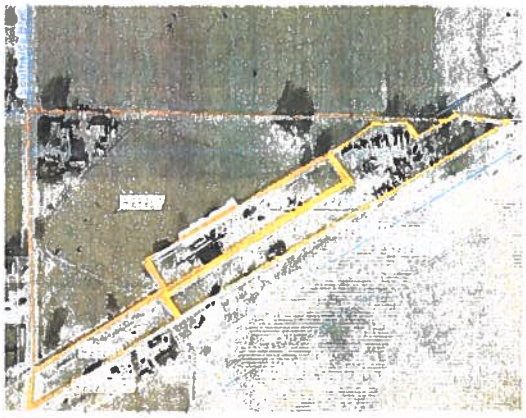
Canyon County, 1115 North 11th Avenue #310, Caldwell, ID 83605
(208) 454 7458 ▪ zoninginfo@canyoncounty.id.gov ▪ www.canyoncounty.id.gov/dsd

July 18, 2024

Case Name: Arent, Krivanec and Alder
Case Number: AD2024-0038
Parcel #: R28267, R28267010 & R28268

Dear Nampa Highway District #1 and Melba Fire District:

You are hereby notified that the Canyon County Development Services Department (DSD) has accepted an application for an administrative land division, property boundary adjustment, and easement reduction that affects Parcels R28267, R28267010 & R28268. The result adjusts the boundaries of Parcel R28267010 and R28268 and makes Parcel R28267010 a buildable parcel with shared access through R28267.



Pursuant to CCZO Section 07-18-05(4), affected highway and fire districts will be **given 15 days** from the date of this notice to submit comments before the Director decides the case. Copies of the request and associated information are included. Please reference the case number when submitting comments regarding this request.

Before making a final decision concerning this application the Director of DSD will review all facts from the application and consider all comments. An approval will be issued if the application is found to comply with the Canyon County Code.

Please feel free to contact me if you have any questions.

Sincerely,

Dan Lister, Principal Planner
Canyon County DSD
dan.lister@canyoncounty.id.gov
(208) 455-5959

Exhibit C.1

RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT AND LOT SPLIT

JOSHUA E. ALDER

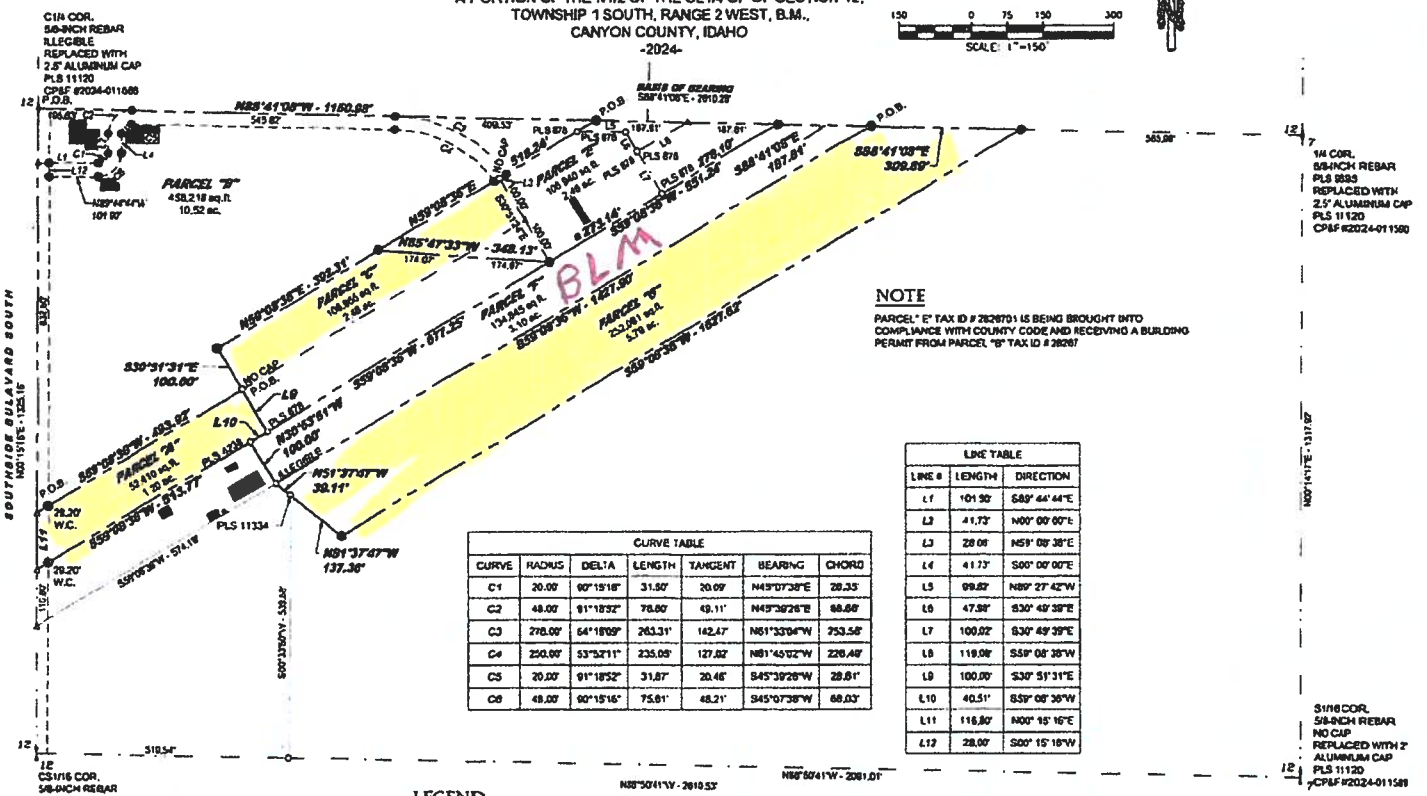
A PORTION OF THE N1/2 OF THE SE1/4 OF OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 2 WEST, B.M., CANYON COUNTY, IDAHO

-2024-

SCALE: 1"=150'

RECORD DATA

ROS INST. No. 1994029858
ROS INST. No. 1994035290
ROS INST. No. 1998028355
ROS INST. No. 2004053224
ROS INST. No. 2007078553



NOTE

PARCEL" E" TAX ID # 28297O1 IS BEING BROUGHT INTO COMPLIANCE WITH COUNTY CODE AND RECEIVING A BUILDING PERMIT FROM PARCEL "B" TAX ID # 28297

CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	BEARING	CHORD
C1	20.00'	90°15'16"	31.50'	20.09'	N45°07'38"E	28.35'
C2	48.00'	91°18'52"	76.50'	49.11'	N45°39'26"E	68.68'
C3	276.00'	54°18'09"	263.31'	142.47'	N61°33'04"W	253.58'
C4	250.00'	53°52'11"	235.09'	127.02'	N61°45'02"W	226.48'
C5	20.00'	91°18'52"	31.87'	20.46'	S45°39'26"W	28.61'
C6	48.00'	90°15'16"	75.61'	48.21'	S45°07'38"W	68.03'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	101.90'	S89°44'44"E
L2	41.73'	N00°00'00"E
L3	28.06'	N59°08'36"E
L4	41.73'	S00°00'00"E
L5	99.82'	N89°27'42"W
L6	47.98'	S30°49'39"E
L7	100.02'	S30°49'39"E
L8	119.06'	S59°08'36"W
L9	100.00'	S30°51'31"E
L10	40.51'	S59°08'36"W
L11	116.80'	N00°15'16"E
L12	28.00'	S00°15'16"W

NARRATIVE:

THIS SURVEY WAS MADE AT THE REQUEST OF JOSHUA E. ALDER TO ESTABLISH THE BOUNDARY AS SHOWN. BOUNDARY WAS DEFINED FROM FOUND MONUMENTS OF RECORD.

BASIS OF BEARING:

THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, TAKEN AS SOUTH 88°41'06" EAST AND DISTANCE BETWEEN MONUMENTS FOUND TO BE 2610.28 FEET.

LEGEND

- 1/4 COR. MONUMENT AS NOTED
- 1/16 COR. MONUMENT AS NOTED
- FOUND 1/2" REBAR AS NOTED
- SET 1/2" REBAR W/ CAP "KWS 11120"
- SET 5/8" REBAR W/ CAP "KWS 11120"
- CALC POINT
- P.O.B. POINT OF BEGINNING
- W.C. WITNESS CORNER
- ADJOINER LINE
- BOUNDARY LINE
- EASEMENT LINE
- FENCE LINE
- ORIGINAL BOUNDARY LINE
- RIGHT OF WAY LINE
- SECTION LINE
- TIE LINE

CERTIFICATE:

I, KEVIN N. SORENSEN, A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, CERTIFY THAT

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF JOSHUA E. ALDER

2. THE LANDS SURVEYED LIE WITHIN SECTION 12 TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, AND THE SURVEY WAS COMPLETED ON 12 MARCH 2024.

3. THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN, AND OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY, AND IS IN CONFORMITY WITH THE CORNER PERPETUATION AND FILING ACT, STATE OF IDAHO CODE 55-1601 THROUGH 55-1612.

PROFESSIONAL LAND SURVEYOR LICENSED 11120 STATE OF IDAHO KEVIN N SORENSEN

KEVIN N. SORENSEN — P.L.S. 11120

DISCLAIMER
Timberline Surveying assumes no responsibility for present or future compliance or noncompliance of any ordinance to include building permits or the issuance thereof

TIMBERLINE SURVEYING

JOB NO. 24025 COUNTY CANYON

Development Services Department

Canyon County, 111 North 11th Avenue, Caldwell, ID 83605
(208) 454 7458 • (208) 454 6633 Fax • DSDInfo@canyonco.org • www.canyonco.org/dsd

December 20, 2022
RE: Parcel Inquiry for R28267010
Question: How many splits are available? BP?

07-18-01: ADMINISTRATIVE LAND DIVISIONS FOR ALL ZONES:

(1) Administrative Land Divisions: An administrative land division of an original parcel is allowed in accordance with the following: (An original parcel predates the zoning ordinance of Sept. 6, 1979 and has not been split)

A. For land zoned A (agricultural), the minimum parcel size is one acre and an administrative land division of an original parcel is allowed in accordance with the following:

Less than 80 acres	*2 residential parcels*
80 to 119 acres	*3 residential parcels*
More than 120 acres	*4 residential parcels*

B. For all other zones land may be divided into no more than four (4) parcels through the administrative land division process. The minimum parcel or lot area shall be subject to the minimum lot size provisions of subsection 07-10-21(2) of this chapter.

The parcel is a part of what was an abandoned railroad. It looks like the parcel itself was put into its configuration in 1999 by tax number. Tax 2 showing on old and middle maps was an original roughly +-2 acre parcel and dates back to 1947. Parcel R28267010 will need to go through an after the fact administrative land division with R28268 in order to claim a building permit since the configuration occurred without going through canyon county ordinances at the time.
An original parcel less than 80 acres has two buildable parcels available, so this after the fact administrative land division would be saying that one is with R28268 and the other is with R28267010. No other administrative land divisions are available.

Please let me know if you have questions,
Sincerely,

Sage Huggins
Planning Technician
Canyon County Development Services
Sage.Huggins@canyoncounty.id.gov
208-455-6036

TIMBERLINE
SURVEYING PLLC

To: Canyon County Development Services
From: Timberline Surveying
Re: Property Boundary Line Adjustment & Lot Split Application

To whom it may concern:

This letter is written to accompany the application for a lot split and property boundary line adjustment on parcels #R2826700000, R2826701000 & R2826800000.

Parcel R28267 (Parcel B) is being adjusted and split, transferring a building permit to R2826701 (Parcel E), bringing Parcel E into compliance with County Code.

Parcel R28268 is being adjusted with Parcel 2826701, creating Parcels C & E as shown on Timberline's survey.

All other parcels shown on Timberline's survey, as being shown as existing parcels and are not being adjusted or modified.

Parcel E will be getting access across Parcel B, as shown on Timberline's survey.

This request will not change or alter the current use of the lots nor will it change any traffic counts or patterns or affect neighboring uses. The reason for the boundary adjustments of the three lots is to bring all parcels into compliance according to the County code and straighten out ownership issues between the current owners of the parcels.

If you have any questions, please contact Timberline Surveying.

Regards,

Patty Clark
Timberline Survey

847 Park Centre Way, Suite 1 ~ Nampa, ID 83651 ~ Ph: 208-465-5687 ~ Fax: 208-465-5690

Exhibit C.1

TIMBERLINE
SURVEYING PLLC

To: Canyon County Development Services
From: Timberline Surveying
Re: Easement Reduction Application

To whom it may concern:

This letter is written to accompany the application for an easement reduction on the existing easement located within parcel #R2826700000. The owner would like the easement to be reduced to 28' wide, which would still provide adequate access to the accessing properties. This request will not cause injury, damage or any safety hazards. The reason for the reduction is that the owner has limited space to work with within his lot.

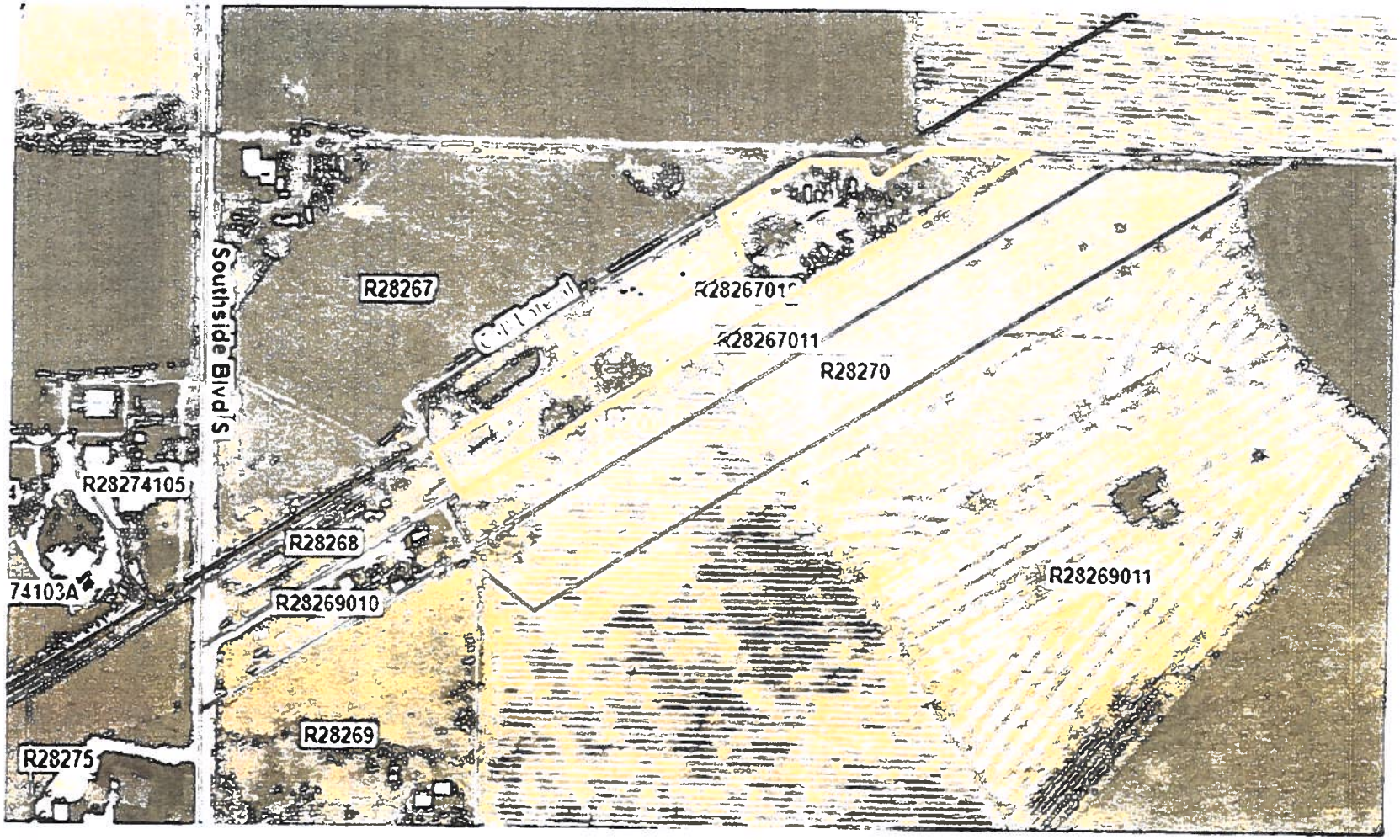
If you have any questions, please contact Timberline Surveying.

Regards,

Patty Clark
Timberline Survey

847 Park Centre Way, Suite 1 ~ Nampa, ID 83651 ~ Ph: 208-465-5687 ~ Fax: 208-465-5690

Exhibit C.1


Southside Blvd S
R28267
R28267011
R28270
R28274105
R28268
74103A
R28269010
R28269011
R28269
R28275

Press Interview Kathy Alder did
May 2014

Boasting on how she got rid of the Rights of Canyon County Property owners the right to Develop their Property

Statement on Pig Farms that people SAID I MADE

https://www.idahopress.com/members/after-6-years-of-service-kathy-alder-seeks-re-election/article_9861ff1a-d423-11e3-a5b5-001a4bcf887a.html

TOP STORY

After 6 years of service, Kathy Alder seeks re-election

jdalme@idahopress.com
May 5, 2014



Kathy Alder is running for re-election as Canyon County Commissioner. Thursday, May 1, 2014 Adam Eschbach/IPT

Adam Eschbach/IPT

She stayed on that board for 25 years because it was important to let people know and understand where their food came from, she said.

People don't realize that "your nation is only as strong as your ability to eat," Alder said, adding nations who can't feed themselves hurt in every aspect.

Before being elected to the commission, Alder had been involved in land-use issues during the early 2000s, when a lot of local farmland was taken out of production.

When she came to office, she helped get rid of the conditional use permit that allowed for subdivisions on land zoned for agriculture.

"Everything was out there on conditional use and I felt like, 'Let's call it what it is,'" she said, adding the permits essentially allowed for properties to be rezoned.

When it comes to property rights, Alder says people need to look at both sides of the fence and see how what one person wants can potentially affect others around them.

There are some who will always say people should be able to do what they want with their land, she said.

"'I say, 'Fine, can I put my pig farm next to your house?'" Alder said.

When it comes to the service of providing a jail, she said expansion of the current site is still on the table. The current commissioner presented an expansion plan, still in the conceptual phase, which the Canyon County Sheriff pointed out numerous problems to.

"We haven't totally thrown that out even though perhaps the sheriff has," Alder said.

Bad River Subdivision

SD2022-0005 North west of MELBA on End of Hill Rd. app. 4 miles From MELBA. Approved by BOCC on 10-29-24 5 - 7acre Lots with 1 acre for Building

Bad River. Subdivision

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

In the matter of the application of:
Tammy/Mark Satterwhite – Case SD2022-0005
The Canyon County Board of County Commissioners considers the following:

- Preliminary Plat of the subject parcel, approximately 49.82 acres, a replat of Lot 4, Block 1 of the Murrell Subdivision, zoned CR-RR (Conditional Rezone - Rural Residential) per CR2020-0010.

1484 Hill Rd Melba, ID in a part of the N ½ SE ¼ and a part of the S ½ NE ¼, section 27, 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 SD2022-0005.

Findings

The applicant, William Mason, is requesting approval of a preliminary plat, irrigation and drainage plans for Bad River Subdivision, which is a replat of Lot 4 Block 1 of the Murrell Subdivision. The preliminary plat consists of 6 lots on parcel R28608103, being 49.82 acres. Three (3) new residential lots, lot 4 contains an existing residence and shop/accessory building, the majority of which will remain in agricultural and 2 private roads lots. Each of the three (3) new residential lots will in excess of 7 acres in size and will include building envelopes to insure continued agriculture. The property is zoned CR-RR zoned and is located on 1484 Hill Rd Melba, ID in a part of the N ½ SE ¼ and a part of the S ½ NE ¼, section 27, T1N R2W BM, Canyon County, Idaho.

1. The 49.82-acre property is zoned "CR-R-R" (Rural Residential, seven-acre minimum lot size; CR2020-0010).
2. The minimum residential lot size is 7.00 acres.
3. The property is not located within an area of city impact.
4. The property has surface irrigation water rights. The developer shall provide irrigation water to each residential lot. The development shall comply with Boise-Kuna Irrigation District and Boise Project Board of Control requirements.
5. The development will be served by individual wells and individual septic systems.
6. Subdivision runoff will be maintained within the subdivision (Plat Note 13, P&Z Staff Report, Exhibit 2g).
7. The development will be served by 2 private roads, Coyote Trail Ln and Bad river Ln. The road names were approved by DSD on 5/7/2024 Case No. RD2024-0008 (P&Z Staff Report, Exhibit 2h).
8. Nampa Highway District 1: approved the proposed approach location. The applicant shall comply with the requirements of NPHD at the time of construction (P&Z Staff Report,Exhibit 2c).

Order

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2022-0005, the Board of Canyon County Commissioners **approves** the Preliminary Plat, irrigation and drainage plans for Bad River Subdivision subject to the Conditions of Approval as enumerated herein.

CANYON COUNTY BOARD OF COMMISSIONERS

✓ Motion Carried Unanimously
____ Motion Carried/Split Vote Below
____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
Commissioner Leslie Van Beek	✓		
Commissioner Brad Holton	X		
Commissioner Zach Brooks	X		

Attest: Rick Hogaboam, Clerk

By: Monica Reed
Deputy

Date: 10-29-24

Jacob McCracken

CU 2025-0006 - 1/4 miles west of MEIBA, on HILL RD for A Dog Kennel to house up to 22 Dogs for training.

Approved by P/Z 8-21-25

AGENDA
BEFORE THE CANYON COUNTY
PLANNING & ZONING COMMISSION
August 21, 2025 at 6:30 pm
CANYON COUNTY ADMINISTRATION BUILDING
1ST FLOOR MEETING ROOM, Suite 130

Introduction of evidence, including testimony, and Commission deliberation towards possible decision, is expected on the following applications.

1. **CONSENT AGENDA – ACTION ITEMS**

   A. **Case No. SD2024-0011 – Gilbert Subdivision:** Approve FCO's

   B. **Case No. CR2025-0005 – Deschutes Investments:** Approve FCO's

2. **ACTION ITEMS** Passed 3 favor 1 opposed (Nevel)

   A. **Case No. CU2025-0006 – McCracken**: The applicant Jacob McCracken, is requesting a conditional use permit to operate a kennel with no more than 22 dogs for the purposes of boarding and training dogs, on parcel R28648011 on approximately 5.01-acres in the "A" (Agricultural) zone. The subject property, R28648011 is currently located at 8481 Tincup Lane, Melba Idaho.

   B. **Case No. SD2021-0029 – Ranch El Lucerito**: The applicant, Refugio Vidales, represented by Riveridge Engineering, is requesting approval of a Preliminary Plat, Irrigation and Drainage Plan for Ranch El Lucerito. The 20.3-acre development consists of three (3) residential lots, a private road lot, and one (1) restricted agricultural lot (14 acres) in accordance with Development Agreement #19-128 recorded as instrument #2019-041248. The subject property is conditionally rezoned RR (Rural Residential) and is located at 20298 Lonkey Lane, Caldwell, also referenced as Parcels R33161 and R33161011. The private road will be subject to a road user's maintenance agreement between all the parcels that will take access from it and the adjacent parcel R33161010A.

   C. **Case Nos. OR2022-0002 and RZ2022-0002 – Christensen**: The developer is requesting to amend the 2020 Comprehensive Plan designation for approximately 151.56 acres from **'Agriculture' to 'Residential'** and concurrently requesting a Conditional Rezone from an **"A" (Agricultural) zone to an "CR-R1" (Single Family Residential)** zone for the purpose of developing the property as a residential subdivision. The draft concept plan proposes a minimum of 135 residential lots on the 151.56 acres. The properties are located at and adjacent to 23422 Ustick Road along Ustick and Van Slyke Roads and are further described as parcels R36525 and R36523, R33209, and R33210. These properties lie within the Homedale and Wilder Fire Districts and the Vallivue and Homedale School Districts. The property lies within the Greenleaf area of city impact. The development properties contain areas of 15% slope or greater.

   D. **Case No. RZ2024-0002 – Salinas**: The property owner, Jose Rodriguez, represented by BreAnn Salinas, is requesting a rezone of approximately 4.50 acres from the "RR" (Rural Residential) zone to the "R-1" (Single-Family Residential) zone. The subject property is located at 15821 Gods Way Ln, Caldwell, ID 83607 also referenced as Parcel R32703010B.

Idaho Power Substation

AD 2024-0046 - OCT-17-2024

Amy Mallard and several Neighbors Appealed This / on Ground Zoned Ag. Commissioner Holton made statement IF someone like their view they should Buy the Ground they're looking over because the Owner of that Property has the Right to Develop It

Idaho Power / Mallard 10/17/24

Commissioners Minutes
October 17, 2024 – 1:34 p.m. to 4:10 p.m.
PUBLIC HEARING: APPEAL BY AMY MALLARD OF THE DIRECTOR'S DECISION TO APPROVE A REQUEST BY IDAHO POWER TO ESTABLISH A NEW ELECTRICAL SUBSTATION, CASE NO. AD2024-0046-APL
Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek
DSD Planning Supervisor Carl Anderson
DSD Principal Planner Debbie Root
In favor the appeal/opposed to the request by Idaho Power: Amy Mallard, Erica Ahlvers, Linda Mims, JuliAnne Conrad, Velma Smith, Dennis Zattiero , Gordon Hill, Teresa Kritzer
Opposed to the appeal/in favor of the request by Idaho Power: Daniel Hyer, Jeff Maffuccio, and Angelique Rood
Other interested citizens

Deputy Clerk Monica Reeves Monica Reeves

PUBLIC HEARING: APPEAL BY AMY MALLARD OF THE DIRECTOR'S DECISION TO APPROVE A REQUEST BY IDAHO POWER TO ESTABLISH A NEW ELECTRICAL SUBSTATION, CASE NO. AD2024-0046-APL

The Board met today at 1:34 p.m. to conduct a public hearing in the matter of an appeal by Amy Mallard of the July 23, 2024 Director's Decision in Case No. AD2024-0046 which approved a request by Idaho Power to establish a new electrical substation at the northeast corner of the intersection of Top Road and Lower Pleasant Ridge Road on a 2.65-acre portion of parcel R36328. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Debbie Root, Amy Mallard, Erica Ahlvers, Linda Mims, JuliAnne Conrad, Velma Smith, Dennis Zattiero, Gordon Hill, Teresa Kritzer Daniel Hyer, Jeff Maffuccio, Angelique Rood, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Holton disclosed that he served on the Idaho Power advisory board that gives direction to Idaho Power's siting of substations and he did this as a volunteer as a Canyon County Commissioner. There were other county commissioners, city staff, and public service representatives who also served. The area was north of Weiser to the west to Ontario, to the east near Can-Ada Road, and to the south of Melba. It was a large area, and it was not specific to a parcel of ground. The subject parcel had been brought as an advisory to the City of Greenleaf for a 20-house subdivision and the city advised them "not now" and said perhaps there would be a different use for the property. He has not been involved with the property owner or Idaho Power in any way, indirectly or directly, about the parcel called out for this substation. He does not see any specific reason he would have to recuse himself from today's hearing. There is no conflict for personal gain whether directly or indirectly off of this decision for him personally.

Amy Mallard testified that she is disappointed in the process because she feels like this proposal was sprung on the homeowners who were given two weeks from the date of the initial letter of notification to oppose it. The neighbors overwhelming were opposed to the request and they filed that with the DSD Director. Two weeks after the Director's decision they were given two weeks to submit an appeal, forcing the homeowner to pay for the appeal, and as a homeowner trying to defend her property she does not believe it should fall on her to front the money for that. She submitted a letter with her original appeal and raised the points of why she was opposed to the proposal. She also submitted an environmental impact of substations that was published by the Public Service Commission in Wisconsin because she could not find anything in Idaho and she wanted a to make sure it came from a government site. Permanent construction impacts of a substation include long-lasting impacts, including changes in habitat laws, changes to local aesthetics, viewsheds, noise, and lighting. Anyone within 300 feet will hear noise from the substation. Some neighbors live directly across the street from the proposed use and the edge of her property is 300 feet while her parents' property is within 200 feet. In the Director's decision it was stated that the proposed use would not change the character of the area, but there was no proof of that given other than to state Idaho Power would place a concrete wall around the utility. The transformer will extend well beyond the height of the concrete wall and the post may extend up to 70 feet. It will change the look of an agricultural area to an industrial area. There are properties for sale near the site and on Simplot Blvd., in an industrial area where no homes are located. There is also a property for sale one mile east on Lower Pleasant Ridge Road consisting of 27-52 acres. She believes there are more opportunities to purchase property somewhere else that would not affect homeowners. Ms. Mallard said the Director's decision concluded that the proposed use would not be harmful to properties in the immediate vicinity, but having sold real estate she is aware of the negative impact the proposed use will have. She purchased her property four years ago as a long-term investment and is concerned about the negative impacts to property values due to the stigma associated with substations and high voltage lines. Many people believe it is harmful so it doesn't matter what studies show, the stigma is there, and it may force people to rent their properties if they are not able to sell them. Nobody wants to live next to high voltage long term because of the unknown so when it says unsubstantiated, it doesn't mean it's not a problem it just means there is no conclusive evidence. If Idaho Power is constructing a substation for the needs of future building that should fall on the area where the building is going to occur because those homeowners are then knowingly purchasing there. Idaho Power representatives have stated that property values will be affected.

Erica Ahlvers, whose property line abuts the subject parcel, testified about her concerns with safety and the stigma attached to substations. In the event of a catastrophic failure such as an explosion of the facility, the concrete walls are not going to keep nearby properties safe. She also has concerns about the negative impacts on property values. Title 61 of Public Utility Regulations states the powers and duties of the public utilities commission is to promote the public interest so it should support the desires, values, and needs of the surrounding community; however, placing

a substation at this location does not do that. Ms. Ahlvers said there are multiple lots for sale on Simplot Blvd., that are in an industrial location which would better suit what is needed.

DSD Principal Planner Deb Root gave the oral staff report stating that Amy Mallard's appeal of Idaho Power's request to construct a utility facility on a 2.65-acre parcel on the northeast corner of the intersection of Top Road and Lower Pleasant Ridge Road is based on the following concerns:

- Not located a safe distance from existing residences due to electromagnetic fields (EMF) emissions
- Effects on property values and the ability to sell their properties
- Noise from the facility
- Disruption of the scenic agricultural landscape

The subject property was part of a 24-acre parcel, and it is currently in agricultural production. The surrounding land uses are ag-residential and agriculture. The City of Greenleaf is located a ¼ mile to the northwest on Top Road, and to the west of Top Road there is a large-lot residential development, Locust Hills Estates. There are sporadic small residential clusters to the north and east of the proposed project with the nearest home being more than 200 feet from the parcel. The property is bordered on two sides by public roads and there is an existing Idaho Power transmission line along the south boundary of the property. The County's future land use designation for this property is residential and a utility facility is permitted by the Director's decision in the residential zones. The City of Greenleaf's future land use designation for the subject property is agriculture and low-density residential. The applicant indicates that the facility is intended to improve services to the Greenleaf area and has provided information regarding the EMF health concerns. The utility facility as proposed will not increase traffic, noise, dust, nor is it anticipated to impact essential services. The proposed facility is compatible with existing rural residential and agricultural uses in the area. Staff concluded that the proposed use will not be injurious to property in the immediate vicinity, nor will it negatively change the essential character of the area. There are substations located throughout the County in varying locations, some are not surrounded by anything, and some are frequently surrounded by small lot residential properties. Property owners within 600 feet of the subject property were notified of the request by Idaho Power and were provided opportunity to comment on June 11, 2024. Staff received three letters of opposition and an opposition petition signed by 37 people during the comment period. The opposition cited loss of agricultural farmland, disruption of current scenic views, potential for lowered property values, industrial development in an agricultural and residential area, and health concerns regarding electromagnetic fields. The Director's decision for a utility facility was approved with conditions on July 23, 2024. The appeal of the Director's decision was filed on August 9, 2024. Following her report, Principal Planner Root responded to questions from the Board.

Testimony in favor of the Maggard appeal resumed as follows:

Linda Mims lives directly across the street from the proposed site. She attended the Idaho Power meeting in Greenleaf and asked why they didn't select an industrial location as there are plenty of industrial spots that do not have houses across the street. She had her place surveyed to do a possible split off an acre so she could help secure her financial future but believes no one would want to build a house on that acre due to its close proximity to the substation. When she asked the Idaho Power representative why they didn't check with the neighbors about their plans she said they said it was their mistake, they should have.

JuliAnne Conrad testified that she and her husband oppose the proposed use. They have lived in Greenleaf for seven years and are concerned about the value of their home and their ability to retire, or resell, or keep their property long-term for their family. They are also worried about the noise the substation will generate. People have posted about having health issues while living next to these substations and when they move away their health issues clear – it is very suspicious. She enjoys the agricultural aspect and the rural countryside, but the substation will diminish that homestyle farm town value that Greenleaf is known for.

Velma Smith lives across the street from the proposed site and she agrees with testimony that has been given so far. Her husband has a pacemaker and is not supposed to stand in front a microwave when it's on and so they are very concerned about what the substation will do to his health. Property values are a concern as well.

Dennis Zattiero agrees with the testimony so far and said he is very concerned about the EMF or EMI radiation from the site. He is an amateur radio operator and said the proposed use will generate more noise and will pollute the neighborhood with radiation that will affect television reception for people who are in the line of sight, and he believes it will be determinantal to the neighborhood, community, and lifestyle, as well as negatively impact property values. If there are other opportunities to put this in an industrial area that's more appropriate or if there are properties for sale, why wouldn't we consider that? He is a small farmer, and water runs across his property to where the substation will go, and he already has an issue with water backing up onto his hayfield making it nonfarmable. He asked Idaho Power representatives how they will not continue to negatively impact his land, and they said they did not know anything about it and did not seem to have a plan to go forward. The proposed use is not well thought out.

Gordon Hill testified that his father purchased the property now known as Locust Hill Estates in 1971, and he purchased his land from his father in the 1980's and has lived there since. He understands growth is inevitable, but this is not the right place for the substation because it is not zoned for light industrial or commercial. He feels bad for those whose views will be impacted and he is offended by the Director's comments that it will not aesthetically change the character of the properties. He agrees that a substation is needed, but not at this location.

Teresa Kritzker testified that she and her husband moved to Greenleaf a few years ago and their property touches the site. There are two irrigation ditches that run through there that the Kritzkers get their water from; one is a runoff and the other is up top. They are on well water and

her concern is if the subject property stops being irrigated and it could impede her irrigation water. She is also concerned about the potential for fire hazards, health risks, noise pollution, and impacts to the view from her property. Had she known a substation would be located there she would not have purchased her property and if it is constructed she will move. Ms. Kritzker has been a loan officer for 20 years and this substation will affect property values. She supports growth; however, the placement is terrible. The roads are not built to handle the traffic that will come from the newly approved subdivision so those who cannot access Simplot Blvd., will take a back road and come down the narrow Top Road. The neighbors will be impacted by additional traffic and the substation. The neighbors should not have to sacrifice their value because this is a cheaper solution for Idaho Power. There need is there, but it's not a good location.

Testimony in opposition to the appeal/support of Idaho Power:

Angelique Rood, a regional manager for Idaho Power, testified that the reliability project will help the company continue to provide reliable energy to the area. One misnomer is that this is simply all for future growth, and we have seen substantial growth but for additional infrastructure in the area they expect to begin seeing reliability concerns in the Greenleaf areas as early as January 2028. She is very sympathetic to the neighbors and communities - nobody wants infrastructure sited in their neighborhood. The location selection was largely based upon where they need to serve customers and in this case they selected this location for the organic growth around the substation to avoid needing to build additional overhead structures to serve the area and that really comes down to cost. It costs about $1 million per mile to build overhead transition and about $750,000 per mile to build overhead distribution and so siting these substations for growth is important to avoid those additional costs that would eventually be passed down to the ratepayers. Idaho Power currently operates 251 substations within their service territory and can do so very safely. The substations and stepdown transformers are necessary to feed the businesses and homes in the area. The community is currently served from three separate substations; one in Caldwell, one in Homedale, and one in Houston and growth in those areas has caused a constraint on the grid in the Greenleaf area and locating the substation here makes sense for the local growth. In 2014 they had 129 meters in the 83626 zip code and in the last 10 years they have seen 129 new meters.

Jeff Maffuccio testified that in 2011 and 2023 the community committees, with their western Treasure Valley electrical plan, looked at opportunities for Idaho Power to consider where a Greenleaf substation could be sited. The drivers of that included the Canyon County and the City of Greenleaf comprehensives plans as well as Greenleaf's future land use map which shows Lower Pleasant Ridge Road as a utility corridor, and those comprehensive plans suggest facilities be located along the utility corridor. In 2018 they identified the need for a Greenleaf substation but the growth had slowed a bit so they put it off, but in 2023 they picked back up and they looked at the entire area starting at Lower Pleasant Ridge Road and working through the Greenleaf area and they approached eight (8) different landowners and struck out 7 times whether the landowners wanted to develop in their own way, or did not want to sell a smaller parcel, or they had their

owns reasons, so Idaho Power went back to the landowner they ultimately purchased from and through the DSD process they were able to get the public utility land division which allows for the 2.65 acres. He said there is plenty of room to set this back further from homes. In hearing the neighbors' concerns they worked with staff on recommendations for precast concrete walls that can be colored and textured and with different tree and shrub options. The walls are 8 feet tall and the vegetation is 12-16 feet and they can work within the acreage to site the substation which is one-acre in size. There are no habitable buildings and no non-emergency lighting. The tallest structure is about 50-feet tall which will come off the transmissions structures which are 70-feet tall and that includes the distribution lines underneath. Mr. Maffuccio spoke about the measurements of EMFs which will be equivalent to a small appliance such as a television; noise measurements are comparable to 37 decibels in a quite rural setting or a bedroom at night with no fans running. There is still more work to do in the development design and working with the associated agencies, the County, and the neighbors with respect to screening efforts, and working to resolve any issues if there is a lateral nearby. With regard to setbacks, if it was placed in the center of the property it would be about 50 feet on all sides, and they can push back 75 feet from the roads, and 25 feet on the back. Along the outside of the substation they do 10 feet of gravel for a safety and firebreak barrier with a chain-link fence and concrete walls. They have a 2-year design frame to start construction in the beginning of 2027 and they want flexibility to move things. Commissioner Van Beek asked why can't there be a location in an industrial area that is located on an industrial corridor like Highway 19. Mr. Maffuccio said they looked at properties along Highway 19 in the Greenleaf general area, but if they go further east on Hwy. 19 towards some of the other industrial areas the challenge becomes the cost to build transmission at $1 million per mile to the east and to build the distribution line to the west. It becomes a balance of the flow of electricity so they were trying to site within the specific area. Commissioner Holton asked about the viability of the other sites they looked at. Mr. Maffuccio said started at the southwest corner at Friends Road and Lower Pleasant Ridge Road and that owner wanted Idaho Power to buy the entire field. Other sellers to the north either had plans for their property or they did not want to split it up. The seller they purchased from came back to them in 2024 and was interested in selling a small portion of their parcel. Idaho Power needed to find a small suitable parcel, rather than a large acreage they where they may have to sell at a loss or hold it. Follow-up discussion ensued.

Angelique Rood said the company has to keep in mind the amount of oil they have in transformers, so sometimes near an exact waterway or canal entry they have some exclusions in terms of having that equipment located and so that would likely exclude that property. They are a steward of the ratepayers' dollar and they are looking for a site that is low cost for total infrastructure, not just the cost of property but the cost of distribution or transmission that they would need to bring in to serve the area and second to that they are looking at purchasing only what they need. If they purchased 20 acres and only need 2 ½ acres that's property they are maintaining on behalf of all ratepayers that would be in excess. Idaho Power has some of the lowest rates in the nation because they do not overbuild their system, and purchasing additional property would be an

overbuild that would be irresponsible as a steward of their ratepayers' dollar. They are looking for a site that is reliable and close to demand to avoid additional infrastructure and a site they can purchase on the market. Recognizing it's not ideal for homeowners and it's very difficult for a utility to find places to site equipment.

Daniel Hyer testified that he has lived in Greenleaf since in 1983 and has gone through numerous power outages due to the unreliability of the power coming from Caldwell and the other substations. He applauds Idaho Power for thinking ahead and planning to put a substation where it will be reliable for the community. He said the City of Greenleaf recently approved 113 homesites and the substation will be essential in providing power for that development. In his opinion the substation on the corner of 10th Avenue and Homedale Road is approximately the same size as the proposed use and the subdivision across the street from that substation is building out rapidly so he doesn't know that it's affecting property values. Power transformers take a few years to acquire because they are built in Europe and they are not readily available and stocked.

Rebuttal comments were given by Amy Mallard who testified that the proposal is not compatible with the area and it disrupts the agricultural view. Installing an 8-foot concrete wall is not going to matter if the transformer is 12 feet high and there are other poles that are 50 feet high or the main steel posts that run along Lower Pleasant Ridge Road that will be 70 feet high. There is property down Lower Pleasant Ridge Road that would be along the same lines that Idaho Power is talking about tying into and there is property east on that road that is 27-52 acres that's been for sale for a long time and no homes would be affected there. She said Mr. Hyer is in favor but questions if he will have to look at facility or hear the noise? Ms. Mallard is not aware of any service issues in the area and questions why Idaho Power wouldn't add a transformer to another substation or find another location further down the road? More due diligence should have been taken to see if there would be opposition. Why place this structure near 37 homes when there are other sites available?

The Board took a recess from 3:10 p.m. to 3:20 p.m.

Commissioner Van Beek said the comprehensive plan designation for Greenleaf that indicates the parcel is to be residential high-density, but she was also reading that Greenleaf has this designated as agricultural low-density. She said the designation of the parcel as "ag-only" indicates that the residential designation is also inconsistent. Principal Planner Root said the map indicates that Greenleaf's comprehensive plan has this identified in two designations as agriculture and residential high-density. The location of where the proposed substation would be is on the future land use map designated for agriculture. Residential and agriculture are identified for the future land use of this property. For Canyon County, the future land use designated is residential, and the current zoning is agriculture. The status of the parcel is ag only for there are no residential permits available without going through a comprehensive plan amendment or rezone or some other mechanism to provide for residential permits to be available.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony.

Commissioner Van Beek said there is a significant change that would take place with putting a substation at this location and even with the enhancements of concrete buildings and landscaping it represents more of a city area of impact lifestyle, but the property is surrounded by large agriculture. She said at a previous land use hearing on a different case, information was provided that was supported and substantiated that a decrease in property value represented a loss to the people surrounding it so there was a financial impact to them. It could potentially decrease the value of the property. Commissioner Holton said the next lowest cost alternative was almost $30M more. If someone likes their view they should buy the ground they're looking over because the owner of that property has the right to develop it. Noise from the facility is subjective; you would be able to hear it but it would be distant. He understands the change in home values and that the neighbors didn't get to choose about this, but the flip side is the rates will be impacted by not allowing it to be built at this site. Commissioner Brooks said the parcel is in a utility corridor and it complies with the County's and the City of Greenleaf's comprehensive plans. In looking through photos of existing substations from Idaho Power, he prefers the Beacon Light/Linder site because it has a substantial berm and growth. Evidence was provided for EMF and noise concerns, but actual data to prove the contrary was not provided. No evidence was provided with detail concerning the drop in property values. He doesn't know how he would substantiate overturning the Director's decision.

Owner has right to develop it →

DSD Planning Supervisor Carl Anderson reviewed the criteria in Canyon County Ordinance 07-15 03 - Director's Decision.

Commissioner Holton said the parcel is on a corner so a berm might be problematic if it's too close to the intersection and obstructs the views of those traveling through the intersection. Commissioner Van Beek asked if the Board can require it to be substantially compliant with what Idaho Power has presented in their application. Planning Supervisor Anderson said if the Board wants to add a condition of berming to mitigate and increase compatibility with surrounding land uses he recommends the wording be tied to something such as a landscaping plan and site plan in alignment with it showing berming be provided and reviewed by DSD at the time of building permit submittal. Commissioners Brooks and Holton want it to be similar to the Beacon Light site with berms on the west side and the south side of the property. Commissioner Holton said he has to have quantitative information to weigh and against the testimony concerns about explosions or fire. For instance, it would have been helpful to have examples of explosions in the Idaho Power network. He agrees with the concerns about the location but said he is a public servant and he has to weigh a $10M cost at this location and a $30M cost as the next lowest alternative. Regarding concerns about home values, there was no evidence provided regarding comps and he has to have something he can measure and base a decision on. The concern about EMF is debatable, but the burden is upon the appellant and they only gave opinions. He doesn't have anything to overturn the Director's decision. Commissioner Van Beek said within a ½ mile there

are 113 homes scheduled for the area, and she likes the rural nature, but she does not like the idea of a substation at this location. There was information provided in a previous land use case where data was submitted to the Board for review where reduced home values were substantiated. She needs additional fact-based information from those in opposition to the proposed use. Commissioner Holton said a possible mitigation would be to ask Idaho Power to look at their lowest next cost alternative, but he is cautious in asking that because he doesn't know if he has clear legal grounds. This is an agricultural area and it's a conforming use and it meets all of the land use criteria for placement here. Commissioner Van Beek wants Idaho Power to come back with more specificity on the parcel site map. Commissioner Brooks said he is not in favor of that and then he made a motion to deny the appeal, Case No. AD2024-0046-APL, affirming the Director's decision for approval for Case No. AD2024-0046 with the added condition that this substation would be in substantial conformance to the appearance and landscaping of the Beacon Light/Linder Road substation that Idaho Power submitted in their presentation, and that DSD would have an opportunity to review that before it was implemented. Commissioner Van Beek wants additional information on why those other sites were not suitable and in the absence of that she would be unable to support the motion. Commissioner Brooks said testimony indicated those sites were not suitable because Idaho Power could not purchase them. Commissioner Holton does not see a way out that's defendable. There could be better sites with less residential impact but he cannot get there and he is not legally comfortable overturning the decision. Commissioner Holton seconded the motion. Commissioner Van Beek was opposed to the motion to deny the appeal. The motion carried by a two-to-one split vote. The Board will reconvene at a later date for the written decision. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn. The hearing concluded at 4:10 p.m. An audio recording is on file in the Commissioners' Office.

Hoagland Hearing Minutes

AD 2023-0110 Sept-3-2021

~~Denied~~ Denied 2-1

Commissioner Holtom suggested Applicant could come back with an application that would closely meet the criteria to make it Passable

Cleon / PATH: Hoagland 9-3-24

Commissioners Minutes
September 3, 2024 – 1:30 p.m. to 4:13 p.m.
PUBLIC HEARING: APPEAL BY SAMUEL PARRY, REPRESENTING CLEON AND PATTI HOAGLAND, REGARDING THE DENIAL OF AD2023-0110 FOR A NON-VIABLE PARCEL LAND DIVISION
Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek
DSD Principal Planner Dan Lister and DSD Director Sabrina Minshall

In Favor: Samuel Parry, Allison Hoagland, Darren Hoagland, Patti Hoagland, Jeff Hoagland, Kenny Hoagland, Daniel Temple, Mark Hoagland, Brandon Hoagland, Cleon Hoagland, Delores Hoagland

In Opposition: Kathy Alder, Joshua Alder, Norm Alder, Randy Holloway, and Judy Holloway

Deputy Clerk Monica Reeves Monica Reeves

PUBLIC HEARING: APPEAL BY SAMUEL PARRY, REPRESENTING CLEON AND PATTI HOAGLAND, REGARDING THE DENIAL OF AD2023-0110 FOR A NON-VIABLE PARCEL LAND DIVISION

The Board met today at 1:30 p.m. to conduct a public hearing in the matter of an appeal by Samuel Parry, representing Cleon and Patti Hoagland regarding the denial of Case No. AD2023-0110, a non-viable parcel land division. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Dan Lister, DSD Director Sabrina Minshall; In Favor: Samuel Parry, Allison Hoagland, Darren Hoagland, Patti Hoagland, Jeff Hoagland, Kenny Hoagland, Daniel Temple, Mark Hoagland, Brandon Hoagland, Cleon Hoagland, Delores Hoagland; In Opposition: Kathy Alder, Joshua Alder, Norm Alder, Randy Holloway, and Judy Holloway, and Deputy Clerk Monica Reeves.

DSD Principal Planner Dan Lister gave the oral staff report. Samuel Parry, representing Cleon and Patti Hoagland, requests an appeal regarding the denial of AD2023-0110 for a non-viable parcel land division of R28146010, R28146010D, and R28279010, approximately 70 acres. The appellant requests the Board approve the appeal. The affected properties are adjacent to 746 and 1055 Southside Boulevard in Melba. The parcels are zoned "A" (Agricultural). The 2030 Canyon County Comprehensive Plan designates the future land use as "agriculture". Parcel R28146010 was created via an Administrative Land Division creating Parcels R28146011 and R28146010 (AD2021-0016). The parcel was then adjusted to its current configuration in 2021. Parcel R28146010D was created as an agricultural-only parcel in 2021. According to PI2021-0220, Parcel R28279010 was created via the land division process in 1980. The parcel has a building permit available. On October 6, 2023, the property owners, Cleon and Patti Hoagland, submitted an administrative land division application for non-viable parcels in the "A" Zone to divide the subject parcels into eight buildable parcels. The application was updated on February 23, 2024, to adjust the proposed parcel boundaries and include a private road name. On May 6, 2024, after considering all evidence

provided by the applicant and letters received by neighbors, Case No. AD2023-0110 was denied by the Director of DSD for the following reasons: Per CCCO §07-02-03, viable farmland is defined as *"Land that is capable of producing marketable farm animals or crops"*. Information provided by the applicant, aerials, and letters of opposition demonstrate the subject properties consist of land capable of producing marketable farm animals and/or crops. The County Assessor's Office states the parcels have ag-exemptions. Upon conversation with the Assessor's Office, the applicant has benefited from the ag-exemptions for over 20 years. Irrigation water rights exist for the subject parcel. The parcels appear to be irrigated with sprinklers and a wheel-line. Slopes are predominantly between 0-3% except in certain areas of Parcel R28146010D where slopes can be 6-9%. Any lot size/configuration issues stated by the applicant were created by the applicant via land divisions. Parcel R28146010D is an agricultural-only parcel requested by the property owner (AD2021-0185). Per CCCO §07-17-03(3), an agriculture parcel is described as a parcel *used exclusively for agricultural purposes (on which there is no permanent dwelling)*. The letter of intent states the 5.93 to 11.81-acre lot sizes will allow forage production and grazing. The letter implies portions of the subject parcels are viable. Letters of opposition received demonstrate the parcels contain viable, profitable, agricultural uses and have been in active agricultural production since 1974. There is not enough evidence demonstrating the development will not be impactful to surrounding agricultural uses. The applicant does not propose any buffers, building envelopes, or other mitigating conditions to ensure residential development created by the request will not impact surrounding agricultural production. The following options were provided to the applicant:

Reapply for an Administrative Division of a Nonviable Parcel in an Agricultural Zone (CCCO §07-18-05 & 09) and provide information demonstrating what portions of the subject parcels are non-viable, what portions are still viable and what measures will be taken to ensure viable ground will be protected.

Conditional rezone to an "R-R" (Rural Residential) zone with development agreement conditions limiting lot sizes to five acres or larger. The 2030 Comprehensive Plan allows five-acre lot sizes within the agricultural designation.

Comprehensive Plan Amendment to the rural residential designation and Conditional Rezone to an "R-R" (Rural Residential, two-acre lot sizes).

On May 21, 2024, Samuel Parry, representing Cleon and Patti Hoagland, submitted an appeal to overturn the decision regarding AD2023-0110 finding the request meets the required standards, adequate evidence regarding productive agricultural constraints and resource issues was submitted, and that the decision was based on irrelevant facts such as tax exemption status, aerials and neighborhood comments. Planner Lister reviewed the comments received from property owners and agencies. The subject parcels, over 70 acres, consist of land that produces marketable animals and crops and has done so for over 20 years. The issue regarding the owner/operator not being able to make a profit from the marketable production of animals and crops is not a factor that can be reviewed based on the applicable code. Staff recommends the Board deny the appeal upholding the Director of DSD's decision.

The following people testified in support of the appeal:

Planner Lister stated that Samuel Parry submitted a PowerPoint presentation as a late exhibit and it was not part of the staff report. Mr. Parry said the presentation does not contain new information, it's strictly illustrative and outlines what is contained in his appeal letter. He also said he did not receive notice that he would not be able to submit a PowerPoint. It is the Board's policy not to accept late exhibits.

Samuel Parry testified that he was raised in Canyon County and has a bachelor's degree in animal science and a master's degree in agricultural economics and he received his juris doctorate from the University of Idaho. Half of his practice is preserving farmland through private conservation practices. The subject property is not good farm ground. It is anyone's guess why the relevant language from the ordinance was not applied in the Director's decision. Section 07-18-09 (5)(c) states the parcel, in whole or in part, in order to be approved for this application shall consist of land with site constraints and/or resources issues such as lack of water, suitable soils, topography, land compatibility, lot size, or configuration that makes productive agriculture use extremely difficult. That sentence is not anywhere in the decision or the staff report. Section 07-18-09 gives the definition of viable farmland as land that is capable of producing marketable farm, animals, or crops; however, the nonviable ordinance does not reference that section of the code or use the term viable farmland. The Hoaglands only need to show that part of the land is nonviable in order to be approved for this request. Nevertheless, the whole property is not viable. They also have to show site constraints or resource issues or both. Productive agriculture describes commercial level, not hobby level agriculture. Productive is defined as exceeding or producing a significant amount or result, or producing or able to produce large amounts of goods, crops, or other commodities. Productivity is inherently an economic metric; it measures the changes in output based on changes on input, more specifically the measurement of productive agriculture is the quantity of outputs for a given quantity of inputs and this code targets productive agriculture. The Hoaglands do not have to show that productive agriculture is impossible. They have to show it's extremely difficult. Mr. Parry said Cleon Hoagland had testified about the rocky, shallow soil, rock piles, visible exposed rocks, damaged farm equipment, and low yields. He tried to make the land viable for 60 years; his parents worked off the farm to finance farming efforts to no avail. The parcels are not weird shaped because of the parcel division that took place in 2021. The parcels in the center have been divided for decades and Mr. Hoagland has been trying to farm and finagle the irrigation around those for decades. The parcel division made one line between the north and central parcels. Prior owners sold the ground because it was not productive. Mr. Parry referred to his letter which outlines the testimony and evidence about the character of the ground. He noted that Jerry Neufeld, who was the crop extension agent for Canyon County for 23 years and he prepared a full report on his findings for the property. There is a significant amount of evidence that this is nonviable, and that production agriculture is extremely difficult. The soils are not very deep and significantly eroded, shallow rocky soils, visible rocks, rock piles reflecting attempts to remove rock and make the land more suitable. The property contains significant acres of Class IV soils. Yields for forage crops are less than half the county average, 3.7 tons per acre compared to

7.5 tons per acre. Productive agriculture on the Hoagland property is extremely difficult and nonviable to agriculture due to site constraints and resource issues that make productive agriculture extremely difficult. Mr. Parry said the Director's decision failed to apply the relative standard and it ignored all the evidence in support of the application. The decision did not summarize Mr. Neufeld's letter like it did all the opposition letters, nor did it summarize the letter from Lamar Harris. The Director's decision substituted the knowledge of people on the ground and the 23-year ag extension educator for their own apparent knowledge of agriculture.

Darren Hoagland testified about his agricultural educational degrees and experience including being hired as a general manager of a 30,000-head feedlot and as the beef on dairy specialist. He sees a lot of production agriculture as well as large agriculture and small agriculture and has tried to bring a lot of those ideas back to help his father and grandfather with their properties but it's just not viable. The ground is rocky and does not hold the water, it's not productive or viable ground. He believes people should be able to do what they want to with their property as long as it's legal and lawful.

Commissioner Van Beek asked staff to address the administrative divisions and boundary adjustments that have occurred on the property. It was stated that a division was done in 2021 to allow an amendment to two of the buildable lots and moving a buildable lot to a certain section while keeping one legal through the agricultural only process. It made it a legal parcel.

Kenny Hoagland testified that he started farming 1985 and sold out due to his own rocky property because he couldn't make a living and he went into fulltime law enforcement. He serves as an EMT and firefighter and said despite all the growth in Melba there hasn't been an increase in farming implement accidents or regular vehicles accidents. Mr. Hoagland testified that a subdivision was approved on land near South Powerline Road that was farmed a year before it was sold and that ground didn't have rocks. He also spoke about driveway inspections he conducts which are on properties that used to be farmland.

Daniel Temple testified that he struggles with his rocky, lava debris soil and after realizing it would take a tremendous amount of work and money to make it a pasture, he put it off until he has more money. In this case he sees the Hoaglands trying to make a living off of their marginal land with old equipment and if they were to sell it, it would be a hobby farm at most because of the rock outcroppings and poor drainage. This is not an income property, it is marginal ground and the farmer should have the ability to access his assets so she does not lose his property.

Mark Hoagland testified that he bought the farm in 1959 from his cousin who was working at a lumberyard to make a living. Mr. Hoagland did custom farming with his father and eventually began teaching school. They tried row cropping sugar beets, potatoes, and sweet corn, but none were successful in the yields because the ground is rocky. He does not believe the Hoaglands proposal will impact the neighbors because there are already residences in the area.

Brandon Hoagland testified that he has a bachelor's degree in animal science with a minor in agronomy and ag systems. He grew up on this farm and spent time picking rocks and he wants to operate a farm and ranch, but said this property is nonviable farmland that has extremely difficult resource constraints against it with shallow soils and hot temperatures that do not allow crops to yield to their full production with the increase in the production costs. He has managed large expanses of land in Nevada from millions of acres in rangelands to thousands of acres in farmland and he knows this is not a piece of land he could raise a family on without a supplemental income.

Cleon Hoagland testified that his great grandfather homesteaded in Melba. He has farmed for 62 years and watched his family members struggle with the land and he said those who oppose his request have never been on/worked his farm ground nor do they have any idea of the hardships his family has gone through to keep the ground green. The neighbors who adjoin his property do not oppose his request, only those who are almost 600 feet away oppose what he is trying to do. He reached out to Jerry Neufeld, the former extension agent for Canyon County, who created a report about his property, but said DSD staff only looked at Google Earth and the comments from neighbors who have not been on his property. Mr. Hoagland believes he is being punished and said neighbors around him have stopped farming and have been allowed to develop their ground but he is not allowed to develop his. Regarding the 2021 decision, Mr. Hoagland said he has never heard of it and was never asked to appeal it. He made a boundary line adjustment because there was a north and south section; he did not ask for a farm-only parcel. When that piece was sub irrigated it was three small fields, not one. He spoke about the struggles to irrigate the property.

DSD Planner Lister said the outcome of the 2021 property boundary adjustment was adjusting the lines between the properties. It was split, not per code at the time, and it had separate lots and Mr. Hoagland fixed those lines and it was decided that if they call it agriculture only and keep it as agriculture then it would be a legal lot but there were no building permits associated with it. Commissioner Brooks said the decision was not to create another parcel; it unmerged two parcels. Planner Lister does not recall what the configuration was that required the action to be taken. Mr. Hoagland said it was never his decision it was staff's decision. It was always two separate sections; there was a north section and a south section and both were owned by his father.

The following people testified in opposition to the request:

Kathy Alder testified that her family has farmed in the area for many years and said the area has moderately suited soils and viable farm ground. If you are able to produce marketable farm, animals or crops it is considered viable farmland. This land has been farmed since 1915. She said the Hoaglands rented 33 acres from the LDS Church for 20-25 years and nobody forced them to rent it and when the church decided to sell the land, it was a private sale and the Hoaglands bought the land for under $300,000 and they immediately put it on the market at a high price. They later pulled it and then put it on the market for $1.5M and in their sales documents from 2022 they called it prime crop land with water rights. Mrs. Alder said probably isn't prime farm ground, but it is moderately suited but it can be worked made into successful farm ground. She said there are a number of people who have farmed it prior to the Hoaglands and it has been productive ground.

False statement

False statement

She said most people have to have two incomes to function in today's society. When Mr. Neufeld and Mr. Parry have said the land is not viable, but they have not farmed in the area. The Alders have spent a lot of time picking rock and building up their farm to make it better and this land is no different. She said the land is correctly zoned as agriculture.

Joshua Alder testified that he is a fourth generation farmer who farms in the Melba area and he has a bachelor's degree in agrimony and a minor in soils. The ground is rocky, but with topsoil covering the rocks it can be productive. He said there are lot of things that can be done with less tillage that makes the land more viable and the organic matter in the soil that makes it productive.

Norm Alder testified that he was born in the late 1940's across from the subject property and he watched it when it was in gravity irrigation and raised productive crops. He's been on the ground with his farm equipment and said it has a rock outcropping which is common in Melba with the lava flows. He has put dirt over the top of rocks so he can farm; he dug potatoes for the Hoaglands several years ago and said what is being produced there has nothing to do with the ground itself. He believes the land is productive.

Rebuttal testimony was offered by Samuel Parry who addressed the ag-only issue and said it does not preclude approval of this request. This is a subsequent approval, there is no deed restriction. He said Mr. Hoagland did not negotiate ag-only and has no idea how that became a condition of approval. Perhaps there could have been an appeal, but it was certainly not requested by Mr. Hoagland. There was a development at Southside and Butte that relied on an ag exemption and their ground is much better than the subject property. The Hoaglands are watching people develop their ground all over Melba; there have been 50 new houses to the south in the last 5 years. They provided a lot of evidence but staff did not look at what the irrigation was. The Hoaglands have been trying things for 50 years (dairy, cattle, row crop) and they lost a corn contract and sugar beet contract due to yields and lack of water. Mr. Parry said the analysis was not done on the code language regarding the lack of water, suitable soils, topography, land compatibility, lot size, or configuration that makes productive agriculture use extremely difficult. The irrigation water is not determinative of this application. The fact there might be 20 psi coming to the northeast corner doesn't mean it's viable for productive agriculture. You cannot say economics is not an important part of this question. The Hoaglands have provided a lot of evidence of agronomic factors that make production agriculture extremely difficult. This is not a referendum on development of ag land, this is strict application of the plain language of the code so that residents can plan and not get caught up in the technicalities. When asked if the division will create a negative impact to surrounding ag uses, Mr. Parry said an EMT and firefighter in the Melba Rural Fire District, Kenny Hoagland testified that he has not noticed any increases in agricultural accidents or other traffic incidences in the last 10 years from any of the growth and he doesn't anticipate seeing that. They also consulted with the highway district to design the private road placement in the north section and they did not note any issues or concerns. If the Board is worried about building envelopes or setbacks you can impose setbacks.

Director Minshall clarified the administrative splits discussion of what the previous applications were and were not. There were two administrative land divisions done in 2021; the properties were split in 1989 and were configured in a way that did not go through the county process. The first application in 2021 was to address that configuration and get it back into compliance. The third parcel at the time was only a railroad right-of-way and wasn't any sort of buildable parcel. It was amended the same year in a second administrative land division that kept three parcels. The ability to take the building permit and put it on the parcel that could be usable created the new configuration so and the way to do that was to keep one as an ag-only parcel to still stay in compliance with the code. The applicant had to be aware of that because the survey after an administrative land division is done they get the survey done to match that. The survey was done after the fact to show that as a non-buildable agriculture-only parcel, but it still was three parcels. She thinks what the applicant is explaining in terms of the configuration to try to adjust around building permits is an accurate representation and that's what we ended up with at the end was the configuration that Planner Dan Lister showed. In response to questions from Commissioner Van Beek, Planner Lister reviewed the property history. Regarding the subdivision that was referenced, that was an administrative land division for a nonviable, but there were some distinctions to that property: the parcel had not been farmed for many years and so through viewer visuals and aerials on site and pictures provided by the applicant in that case showed it had not been farmed for many years. They proposed clustering of structures and conditions on permitting and building process to keep the parts they might be able to make viable. We do not have a definition of economically viable in our code so we are basing it on just the language of the definitions in the code.

The Board took a recess from 3:06 p.m. to 3:12 p.m.

Commissioner Van Beek said she is in awe of the amount of educated and informed farmers on both sides of this issue. When looking at the inclusion or exclusion of economically viable ground we cannot include it in one and exclude it from another. There is a convoluted history on this property and she wants more time to look at the reasoning of the 2021 decision to merge the parcels and she wants more time to evaluate this. The applicant has said he has no knowledge of that 2021 decision and that is concerning. There is no application for a building process out there, and it feels like there is more information to the story. She doesn't want repetitive testimony but she wants to leave testimony open on either side due to history of the parcels. Commissioner Brooks is uncomfortable with that because that information is not necessary to issue a decision. Commissioner Holton said whether the lot was buildable or transferred its building rights to another parcel is interesting but it is outside of what their appeal is for. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony.

Commissioner Brooks said the appeal underscores last week's discussion on agriculture. All agriculture is not the same. Viable ag definition is land that is capable of producing marketable farm animals or crops, but he is frustrated by the broad definition. There was testimony that in

order to make much of the land in this area viable, topsoil needs to be brought in, but said nobody would determine Craters of the Moon to be viable and nobody would determine that we should bring in truckloads of dirt so we can farm it. If you have to bring dirt in to make it farmable that doesn't make it viable.

There was Board discussion about how decisions have to be based on the code that is in place, and how the definition of nonviable is vague. Director Minshall said in both the 2020 comp plan and the 2030 comp plan, this area is agriculture. That's a follow-up policy conversation that needs to be had on why we haven't proposed to update this section of code yet because it depends on what we are trying to achieve. If we are saying these areas are better suited for other types of development the right place for that resides in the comp plan maps. Those are other processes outside of the nonviable process - the nonviable code itself is vague but part of its vagueness is because it's a one-off from the comp plan and rezone process. In the 2020 and 2030 comp plans there were many terms that were defined but didn't get followed up with a zoning ordinance.

Commissioner Van Beek had questions for staff regarding a subdivision in the area that was approved in 2022. Director Minshall said there were substantial differences between the applications and it was a different type of location which is part of the challenge of why nonviable at all is a challenging part of the code. There has been consistent comp plan designations and what we've seen in similar areas is a comp plan amendment and a true subdivision application; the difference here is it's through the administrative land division part in the code only under nonviable. Commissioner Van Beek said the Hoaglands have an outlined process by the Director that they could go through that's not an administrative land division process. Commissioner Holton said they could do what they are trying to do and pull out portions that are still viable. The issue he sees is they have declared the whole thing un-valuable farming-wise, and although he understands their argument he doesn't have ordinances that he can defend. They could reapply as an administrative division on nonviable parcels if they included some viable parcels for farming and in his opinion, we would have leeway to move forward. Commissioner Van Beek said we need to look at updates to ordinances and the comp plan because it's not right to include a definition in one and exclude it from another so you cannot use the argument that prime farm ground is economically viable and exclude that statement from an argument that it's not. Commissioner Brooks said he will use Exhibit J of Exhibit No. 5-107 for his criteria. He has enough evidence to consider upholding the appeal. It can be used as justification for the quality of productivity of ground. He said evidence was presented that someone in the emergency medical community has not seen an increase in farm equipment accidents or various forms of negative interactions with the public. Commissioner Holton said traffic congestion is only one component of farming and there are other impacts to consider such as what if a new owner plants crops that interfere with seed crops? He has not heard the applicant demonstrate that there will not be impact on agriculture. Commissioner Van Beek said she wants to deliberate the road users maintenance agreement that was included. If a county subdivision is approved and variances are put in that later become incorporated into a city, she doesn't know if we have enough information on the variance that says it can't be any less than 28 feet. It doesn't mean people cannot ask for further

divisions. She understands what the Hoaglands are trying to do but it represents a big change. Commissioner Holton said the original parcel has been divided multiple times and had a nonconforming division that had to get rectified and so they have divided it multiple times and the County has been very responsive for continual divisions on the land but the applicants hay have failed to produce an application that can be defended. There was discussion about possibly continuing the hearing, and further discussion about what Director Minshall said the applicants could do such as show the parts that are nonviable and how the rest is protected. Staff has said they are not getting enough information to show as a whole this is nonviable and that is why they suggested showing the pieces that are nonviable. Staff has tried to get the applicant to submit additional information but they did not want to. Director Minshall said the applicants are discussing the economic viability of it and whether it's farmable or not so that may not be a connection for the applicant as an option. Commissioner Van Beek said the applicant should continue to work with DSD and provide the information that would have a potential path forward such as demonstrating where there are areas they could mitigate or minimize the impact, and they have to know how to manage weeds. This is an unexplored avenue that could be a win for the Hoaglands and the surrounding farmers. Commissioner Holton agrees and said he feels totally unqualified to arbitrarily place building envelopes. Commissioner Van Beek made a motion to uphold the staff recommendation and deny the appeal on Case No. AD2023-0110-APL as recommended by staff. The motion was seconded by Commissioner Brooks. Commissioners Holton and Van Beek voted in support of the motion to deny the appeal. Commissioner Brooks was opposed to the motion to deny. The motion carried by a two to-one split vote. Commissioner Holton said there was discussion about what the applicant could do to come back with an application that would closely meet the criteria to make it passable. Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to sign the FCO's. The hearing concluded at 4:13 p.m. An audio recording is on file in the Commissioners' Office.

AREA OF Impact MEIBA / Future Area of Impact

MEIBA's current AOCI MAP
That was approved on By MEIBA
CITY COUNCIL with NO oppostion From
MELBA area residences. or anyone
In New Impact area.

MAPS I received at Open house for
MEIBA area residence showing Larger area
of Impact

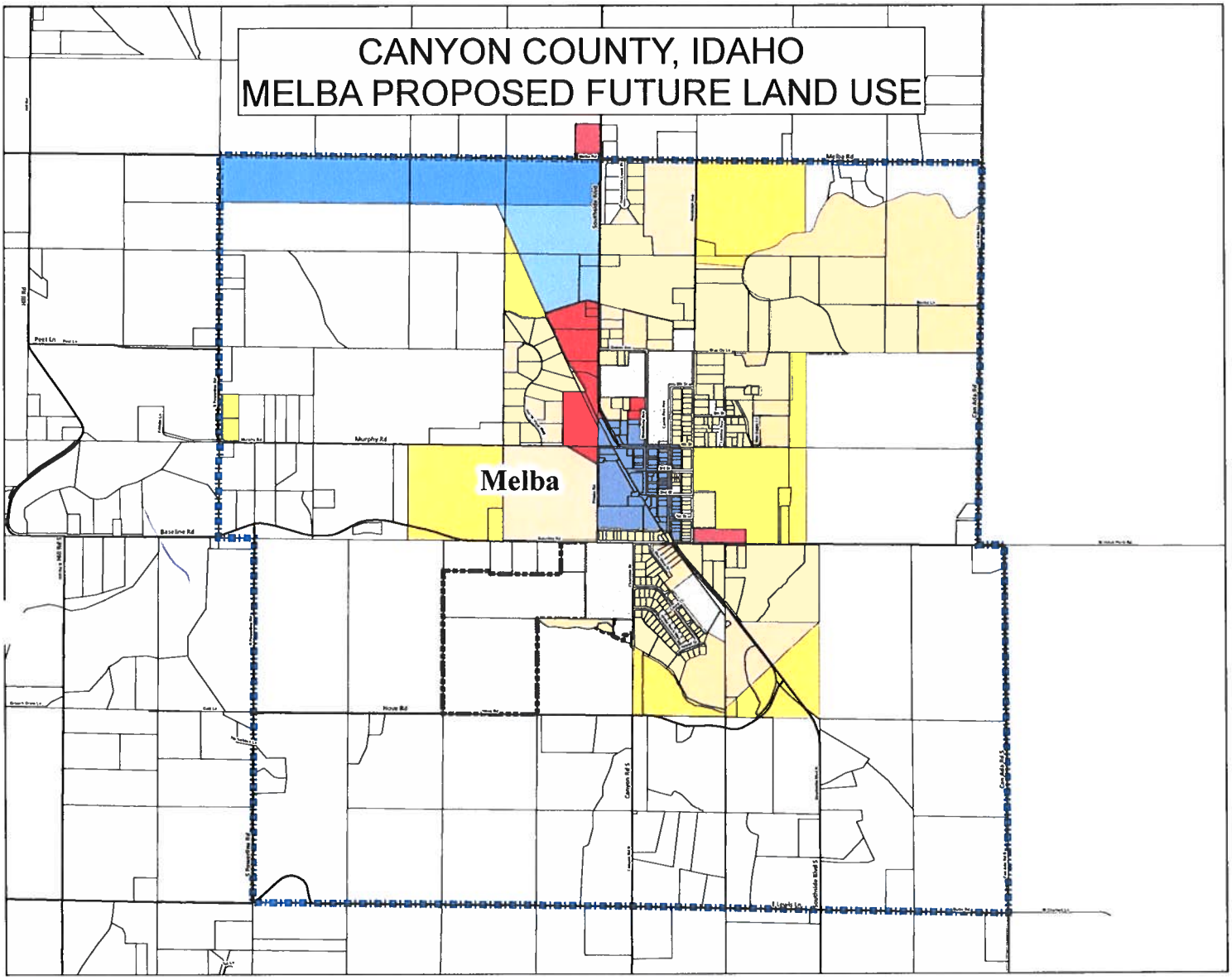


Exhibit C.7

Scanned into ... 4/...22

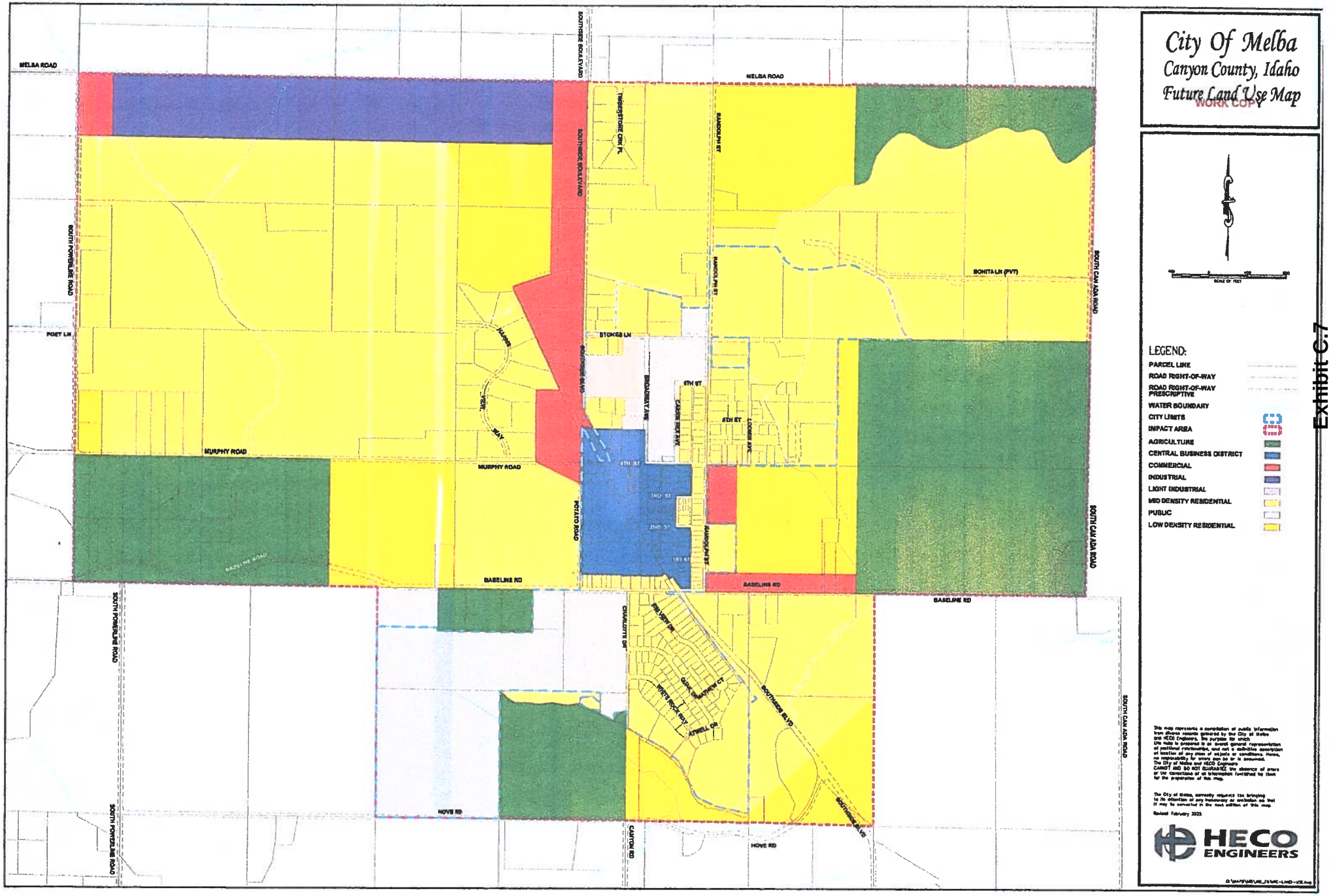

City Of Melba
Canyon County, Idaho
Future Land Use Map
WORK COPY
LEGEND:
PARCEL LINE
ROAD RIGHT-OF-WAY
ROAD RIGHT-OF-WAY PRESCRIPTIVE
WATER BOUNDARY
CITY LIMITS
IMPACT AREA
AGRICULTURE
CENTRAL BUSINESS DISTRICT
COMMERCIAL
INDUSTRIAL
LIGHT INDUSTRIAL
MED DENSITY RESIDENTIAL
PUBLIC
LOW DENSITY RESIDENTIAL
MELBA ROAD
SOUTHSIDE BOULEVARD
SOUTH CAN ADA ROAD
SOUTH POWERLINE ROAD
POET LN
MURPHY ROAD
BASELINE RD
HOVE RD
CANYON RD
POTATO ROAD
BONITA LN (PVT)
STOKES LN
5TH ST
6TH ST
RANDOLPH ST
BROADWAY AVE
CHARLOTTE DR
SOUTHSIDE BLVD
This map represents a compilation of public information from diverse records obtained by the City of Melba and HECO Engineers, the purpose for which this map is prepared is as a general representation of positional relationships, and not a definitive description of location of any class of objects or conditions. Hence, no responsibility for errors can be or is assumed. The City of Melba and HECO Engineers CANNOT AND DO NOT GUARANTEE the absence of errors or the correctness of all information furnished by them for the preparation of this map.
The City of Melba, earnestly requests the bringing to its attention of any inaccuracy or omission so that it may be corrected in the next edition of this map.
Revised February 2025
HECO ENGINEERS

Exhibit C.7

Map 1. Future Land Use Map

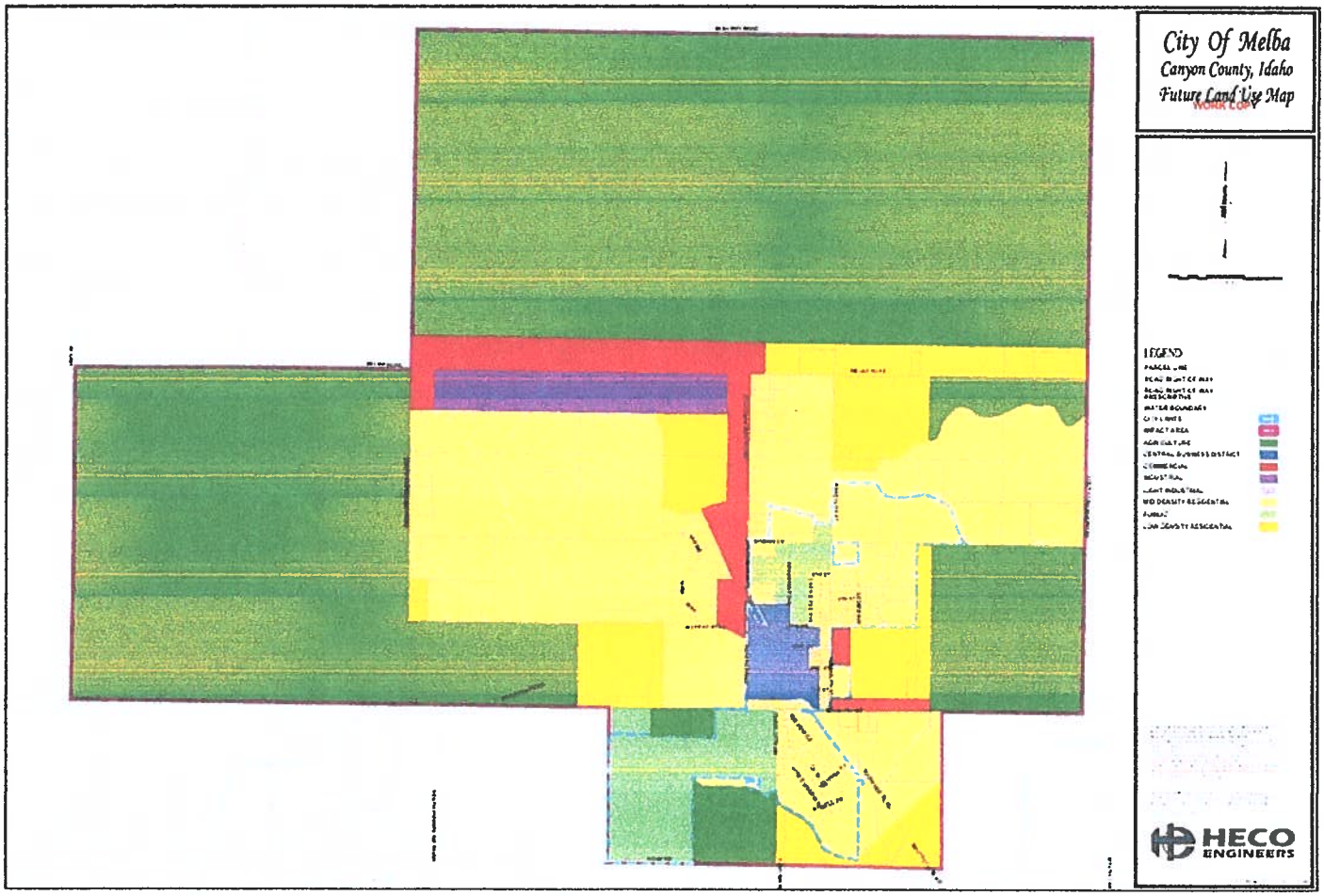


Exhibit 3
EXHIBIT D

Additional Information Submitted by the Applicant - AD2023-0110

Planning & Zoning Commission

Case# CR2025-0002

Hearing date: September 18, 2025

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633

PROPERTY OWNER	OWNER NAME: Cleon & Patti Hoagland
	MAILING ADDRESS: PO Box 1166, Melba ID 83641
	PHONE: 208-250-3622 EMAIL: chrawhide62@gmail.com

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

Signature: Cleon Hoagland / Patti Hoagland *Date:* _____

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME:
	COMPANY NAME:
	MAILING ADDRESS:
	PHONE: EMAIL:

SITE INFO	STREET ADDRESS:
	PARCEL #: R28146010 R28146010D R28279010 LOT SIZE/AREA: 11.93 Ac 33.87 Ac 34.88 Ac
	LOT: BLOCK: SUBDIVISION:
	QUARTER: SECTION: TOWNSHIP: RANGE:
	ZONING DISTRICT: FLOODZONE (YES/NO):

HEARING LEVEL APPS	_____CONDITIONAL USE	_____COMP PLAN AMENDMENT	_____CONDITIONAL REZONE
	_____ZONING AMENDMENT (REZONE)	_____DEV. AGREEMENT MODIFICATION	_____VARIANCE > 33%
	_____MINOR REPLAT	_____VACATION	_____APPEAL
	_____SHORT PLAT SUBDIVISION	_____PRELIMINARY PLAT SUBDIVISION	_____FINAL PLAT SUBDIVISION

DIRECTORS DECISION APPS	_____ADMINISTRATIVE LAND DIVISION	_____EASEMENT REDUCTION	_____SIGN PERMIT
	_____PROPERTY BOUNDARY ADJUSTMENT	_____HOME BUSINESS	_____VARIANCE 33% >
	_____PRIVATE ROAD NAME	_____TEMPORARY USE	_____DAY CARE
	_____OTHER_____		

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

Revised 1/3/21

Sent 3/29/22 @ 5:24 pm ✓

PARCEL INQUIRY REQUEST

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

Type of Inquiry: ☑ General Information (e.g. zoning, setbacks)
☑ Status of Entitlements (e.g. is a building permit /land division available?)

Note: a $35.00 fee per parcel number is charged. Please pay by debit/credit cards, cash or check. A credit card authorization form is attached for your convenience.

Person Making Inquiry: ☒ Property Owner ☐ Realtor ☐ Other

Name: Cleon Hoagland Date: 3/29/2022

Address: 690 Southside Blvd S.

City: Melba State: ID Zip: 83641

Phone Number: 208-250-3622

Email address: chrawhide62@gmail.com

Please include as much information below as possible:

Site Information: Address: TBD Southside Blvd S., Melba

Tax Parcel Number (if known) R2814600 10 Approximate Acreage: ~~12.37~~ 11.934

Provide a detailed description of the information you require. Please be as specific as possible.

any building permits available, any available land divisions, private road accessibility off Southside Blvd S., any current & future land use plans for the county & Melba impact area, How many times can the parcel be split without platting, & is there a chance of rezoning the proterty to RR.

Staff will provide a written response upon completion of the property research.

The property research information presented by the Development Services Department (DSD) is based on the current ordinances and policies in effect on the date of this summary, and based on your representations and information you provided about the subject property. This information is valid only at the time of inquiry and may change when the subject property, ordinances, or policies change. The information becomes certain and not subject to change when DSD accepts an application and fees are paid. Changes to the subject property may invalidate this information.

PARCEL INQUIRY # **FEE $** **DATE:**

NOTES:

Revised 3/16/22

Director Decision
Property Boundary Adjustment

Development Services Department
Canyon County Zoning Ordinance §07-10-17

2022-027580
RECORDED
05/26/2022 11:54 AM
00705239202200275800010011
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=1 JWINSLOW $10.00
MISC
CLEON & PATTI HOAGLAND

Case Number: AD2022-0089
Parcel #(s): R28146011 & R28146010
Property Owner(s): Cleon & Patti Hoagland

Request: The applicant(s) are requesting a property boundary adjustment affecting the property lines of two (2) contiguous parcels, R28146011 & R28146010. The parcels are zoned "A" (Agricultural). The request will location non-viable farm ground with the homesite (R28146011) and kept viable farm ground intact (R28146010).

Property History: Parcels R28146011 & R28146010 were recognized as a separate original parcel in 1978 (Inst. #935657 from the South half of R28146). This created two parcels, ± 13.243-acre parcel (R28146010) and ± 1.53-acre parcel (R28146011).

In 2021, parcel R28146010 went through a property boundary adjustment application (case AD2021-0185) that recognizes how it became its current size of ± 12.39-acres.

Findings Pursuant of CCZO §07-10-17: This property boundary adjustment request will not create eligibility for building permit nor any additional building permits. It does not result in the relocation of a building permit or provide for an administrative lot split. The affected parcels are not platted. The property line will be adjusted more than 80-feet. However, the adjustment will locate non-viable farm ground with the homesite (R28146011) and kept viable farm ground intact (R28146010). Therefore, it will not cause injury, damage or a safety hazard to surrounding parcels. This property boundary adjustment does not create non-conforming parcels. This application with supporting documents is in substantial compliance with the requirements of the effective zoning ordinance §07-10-17.

The subject parcels will be adjusted in accordance with Record of Survey Instrument No. 2022-027362 as the following:

Parcel #:	Existing Acreage	New Acreage
Parcel R28146011	1.53 ±	1.966 ± acres, w/existing residential structure
Parcel R28146010	12.39±	11.934 ± acres w/ residential building permit available

DISCLAIMER: Parcels will not be adjusted by the Assessor's Office until deeds are recorded.

Decision: The application documents, including the metes and bounds description(s), and the record of survey complies with CCZO §07-10-17. Therefore, ***the property boundary adjustment is hereby APPROVED.***

Dan Lister, Planning Official — **Date** 5-26-22

State of Idaho)
SS
County of Canyon County)

On this 26 day of May, in the year of 2022, before me Kellie Z George, a notary public, personally appeared Dan Lister, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he (she)(they) executed the same.

KELLIE Z. GEORGE
COMMISSION #46603
NOTARY PUBLIC
STATE OF IDAHO

Notary: _____
My Commission Expires: 3-14-2024

Exhibit D.2

Original Request

Sent 3/29/22 @ 525pm V

PARCEL INQUIRY REQUEST

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

Type of Inquiry: ☒ General Information (e.g. zoning, setbacks)
☒ Status of Entitlements (e.g. is a building permit /land division available?)

Note: a $35.00 fee per parcel number is charged. Please pay by debit/credit cards, cash or check. A credit card authorization form is attached for your convenience.

Person Making Inquiry: ☒ Property Owner ☐ Realtor ☐ Other

Name: Cleon Hoagland Date: 3/29/2022

Address: 690 Southside Blvd S.

City: Melba State: ID Zip: 83641

Phone Number: 208-250-3622

Email address: ~~chrawhide@gmail.com~~ chrawhide62@gmail.com

Please include as much information below as possible:

Site Information: Address: TBD Southside Blvd S & Butte rd

Tax Parcel Number (if known) R28146010D Approximate Acreage: 24.88

Provide a detailed description of the information you require. Please be as specific as possible.

Any building permits available, any available land divisions, private road accessibilities off Southside Blvd S & Butte rd, any current & future land use plans for the county & Melba impact area, how many times can the parcel be split without platting, & is there a chance of rezoning the property to RR.

Staff will provide a written response upon completion of the property research.

The property research information presented by the Development Services Department (DSD) is based on the current ordinances and policies in effect on the date of this summary, and based on your representations and information you provided about the subject property. This information is valid only at the time of inquiry and may change when the subject property, ordinances, or policies change. The information becomes certain and not subject to change when DSD accepts an application and fees are paid. Changes to the subject property may invalidate this information.

PARCEL INQUIRY # **FEE $** **DATE:**

NOTES:

Revised 3/16/22

Exhibit D.2

Gmail

cleon hoagland <chrawhide62@gmail.com>

Church Farm

Hoagland parcel Inquiry for R28279010

4 messages

cleon hoagland <chrawhide62@gmail.com> Wed, Apr 20, 2022 at 12:23 PM
To: Elizabeth.Allen@canyoncounty.id.gov

Elizabeth,
I was going over the parcel inquiry request result that was given back to us when we met with you on 4/1/22. I noticed we received results for the property above ours, parcel #R28279 (Cussins). Not ours R28279010 (Hoagland).
Could I please get the results for our parcel R28279010 (Hoagland) emailed to us? So we may have it for our records with the information requested: any building permits availability, any available land divisions, private road accessibilities off Southside Blvd S.,any current & future land use plans for the county & Melba impact area, how many times can the parcel be split without plating & is there a chance of rezoning the property to RR?
I know we spoke on these issues. However, the inquiry for this property was not within the papers given to us or inadvertently misplaced.
Thank you for your time in meeting with us.
Cleon & Patti Hoagland
Melba, Idaho
chrawhide62@gmail.com

Cussins parcel inquiry.zip
6107K

Jenna Petroll <Jenna.Petroll@canyoncounty.id.gov> Thu, Apr 21, 2022 at 9:10 AM
To: "chrawhide62@gmail.com" <chrawhide62@gmail.com>

Good Morning Cleon & Patti,

Elizabeth has forwarded me your email regarding the parcel inquiry. The parcel inquiry we provided you was for the other parcel, but seeing as your parcel was the split that came off of this this parcel inquiry applies to your parcel as well.

Your parcel, R28279010, was a split taken off of Cussin's parcel, R28279, in 1980.

Here is the other information you are requesting:

Parcel R28279010 does have a building permit available on it. Agricultural parcels are allowed a primary and secondary residence and accessory structures. There are no more administrative land divisions available unless you can prove that part of the parcel is agriculturally nonviable. You would be able to get 2 more split, splitting parcel R28279010 into 3 parcels, through the nonviable land division option. The only other way to split the parcel further is with a conditional rezone to residential and then administrative land division which again you would be able to get 2 more splits before platting is required. As far as access for a private road, that question would need to be addressed by the highway district as they are the ones who grant access to parcels.

As far as the County's "plans" for Melba, our future land use map that we have now shows your parcel as agricultural. Your parcel is showing as agricultural on our new proposed future land use map as well.

Scanned into computer 5/2/22

You are certainly able to submit an application for a rezone to "RR"; however, if it gets approved is another question. We believe a rezone to residential would be difficult to get approved for this location. This parcel is zoned agricultural, future land use is agricultural, it is not in the impact area of Melba and it is surrounded by what looks to be active farm grounds. As we were saying in our meeting, we are introducing new agricultural designations in our new Comprehensive Plan that will be agricultural but with smaller lot sizes. We believe that trying to get it conditionally rezoned to this option might have a better chance of getting approved than trying to get it conditionally rezoned to residential.

I hope that all makes sense. Please let me know if you have any additional questions.

Thank you,

Jenna Petroll

Planner I

Current & Long Range Division

Canyon County Development Services

jenna.petroll@canyoncounty.id.gov

208-454-6632

[Quoted text hidden]

---

cleon hoagland <chrawhide62@gmail.com> Thu, Apr 21, 2022 at 2:21 PM
To: Calvin McDonald <cemteamre@gmail.com>

Calvin,
Here is the information regarding our parcel inquiry. Sorry for the delay.
Cleon
[Quoted text hidden]

Calvin McDonald <cemteamre@gmail.com> Thu, Apr 21, 2022 at 11:29 PM
Reply-To: cemteamre@gmail.com
To: cleon hoagland <chrawhide62@gmail.com>

Thanks!
[Quoted text hidden]

Exhibit D.2

KIRTON | McCONKIE

Samuel Parry
1100 W. Idaho Street, Suite 930
Boise, ID 83702
sparry@kmclaw.com
208.370.3324

February 23, 2024

Canyon County Development Services
Attn: Dan Lister
111 N 11th Avenue
Caldwell, Idaho 83605
daniel.lister@canyoncounty.id.gov

Re: Addendum and Amendment to AD2023-0110

Dear Dan:

By letter of intent dated October 20, 2023 (the "Letter of Intent"), Cleon and Pattie Hoagland ("Hoaglands") requested administrative division of nonviable parcels in an agricultural zone for parcels R28146010 ("Parcel A"), R28146010D ("Parcel B"), and R28279010 ("Parcel C") pursuant to Canyon County Code § 07-118-09. The application was designated as Case No. AD2023-0110 (the "Application"). Based on your preliminary review of the Application and our subsequent communications, Hoaglands made changes to the proposed divisions of Parcels A and B as more specifically detailed below. Those changes necessitated two additional applications for a private road, and a width reduction of that private road. This addendum and amendment (this "Addendum") reflect those changes and additional applications. For convenience, any capitalized terms in this Addendum shall have the meaning set forth in the Letter of Intent. The Letter of Intent is still made a part of this Application; however, to the extent this Addendum conflicts with any provisions or facts in the Letter of Intent, this Addendum shall control.

I. Proposed division of Parcel A.

Figure 1 of the Letter of Intent shows Original Parcel A denoted by the yellow dashed line. Original Parcel A has only been divided once and is eligible for two more divisions under the nonviable parcel exemption for a total of four parcels from Original Parcel A. The proposed site plan attached to this Addendum as Exhibit A shows the location of proposed Parcels A1, A2, and A3 (the "A Parcels"). The A Parcels are each larger than the one-acre minimum required. Parcel A1 will be 3.95 acres; Parcel A2 will be 3.70 acres; and Parcel A3 will be 4.29 acres.

Access to the A Parcels will be facilitated by a private road labeled on Exhibit A as the "Proposed 28' Access Easement." The proposed private road requires a private road application, which is attached to this Addendum as Exhibit B. Hoaglands are also requesting a private road reduction as reflected by the application in Exhibit C to this Addendum and more fully described in Section III below. The Irrigation Plan has been updated to reflect the changes to the A Parcels and is attached to this Addendum as Exhibit D.

II. Proposed division of Parcel B.

Upon filing the Letter of Intent, Hoaglands were informed that Parcel B is eligible for one additional division. Exhibit A to this Addendum shows the location of proposed Parcels B1 and B2 (the "B Parcels"). The B Parcels are each larger than the one-acre minimum required. Parcel B1 will be 13.92 acres; and Parcel B2 will be 10.97 acres.

Access to Parcel B1 will be on either Southside Boulevard South ("**Southside**") or Butte Road as directed by Nampa Highway District No. 1. Access to Parcel B2 will be via the private road described in Section I of this Addendum. The Irrigation Plan has been updated to reflect the changes to the B Parcels and is attached to this Addendum as Exhibit D.

III. Private easement and road width reduction.

Hoaglands application for an easement and road width reduction is attached hereto as Exhibit C. As depicted in the site plan at Exhibit A, the subject road runs along the south edge of parcel A1 and ends in a cul de sac with dimensions pre-approved by the Melba Fire District, which provides access to Parcels A2, A3, and B2.

The proposed reduction to 28 feet would be wide enough to accommodate two lanes of ingress and egress with extra room on each side of the road. The adjacent Southside is approximately 23 feet wide from white line on one side of the road to the white line on the other. Southside accommodates all types of commuter and agricultural uses at speeds much higher than will occur on the private road. The private easement will only serve four parcels and will have a much lower volume of traffic than Southside. The proposed 28 feet is plenty of room for safe ingress and egress for two lanes of traffic travelling in both directions. Accordingly, the reduction will not cause injury, damage, or a safety hazard.

The 28-foot width would also fit better on Parcel A1, which is approximately 290 feet wide. A 28-foot easement would comprise almost ten percent of the width of Parcel A1. A 60-foot easement would comprise over twenty percent of the width of Parcel A1. A 60-foot easement would also reduce the amount of arable land with no corresponding benefit.

IV. Conclusion.

This Addendum, and the initial Letter of Intent, constitute Hoaglands' application for an administrative land division pursuant to Canyon County Code § 07-118-09. Hoaglands

respectfully request your approval. Please feel free to reach out to Cleon and me with any questions or comments.

Respectfully Yours,

Samuel F. Parry

SFP:

(Exhibits follow)

GIVENS PURSLEY LLP
Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
Facsimile: 208-388-1300

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Christopher J. Beeson
Jason J. Blakley
Clint R. Bolinder
Jeff W. Bower
Preston N. Carter
Chynna K. Castoro
Jeremy C. Chou
Charlotte V. Cunnington
Joshua C. Dickinson
Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Rebecca M. Fitz
Morgan D. Goodin

Don Z. Gray
Brian J. Holleran
Kersti H. Kennedy
Elizabeth A. Koeckeritz
Neal A. Koskella
Michael P. Lawrence
Franklin G. Lee
Matthew E. Liebertz
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Judson B. Montgomery
Deborah E. Nelson

Samuel F. Parry
Randall A. Peterman
Blake W. Ringer
Michael O. Roe
Danielle M. Strollo
Robert B. White
Michael V. Woodhouse

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

October 20, 2023

Canyon County Development Services
Sabrina Minshall, Director
111 N 11th Avenue
Caldwell, ID 83605

Re: Application for Administrative Land Division Pursuant to Canyon County Code § 07-18-09

Dear Ms. Minshall:

Cleon and Patti Hoagland ("Hoaglands") are requesting administrative division of nonviable parcels in an agricultural zone for parcels R28146010 ("Parcel A"), R28146010D ("Parcel B"), and R28279010 ("Parcel C"). Parcels A–C are located near the corner of Southside Boulevard and Butte Road south of Melba as depicted in **Figure 1** below. The Parcels do not contain slopes greater than 15%.

I. Each of Parcels A–C are eligible for division because the requested divisions would result in fewer than five parcels from the original parcel.

Canyon County Code ("CCC" or the "Code") § 07-18-09 provides that "the director may approve the division into fewer than five (5) parcels from the original parcel" if the requirements of the Code section are met. CCC § 07-18-09(7)(A).

A. Parcel A is eligible to become three parcels; however, only two are requested.

The original parcel associated with Parcel A ("Original Parcel A") is shown in **Figure 2** below.[1] Original Parcel A has only been divided once (as shown by the blue dashed line in **Figure 2**) resulting in two parcels. Parcel A is eligible for two additional divisions under the nonviable parcel exemption for a total of four parcels. Given the configuration of the property, Hoaglands are only requesting one additional division for a total of three parcels on what was Original Parcel A. The proposed site plan attached as Exhibit A shows proposed Parcels A1 and

[1] These figures are meant only to be illustrative of the *number* of splits from the original parcel.

A2. Both Parcels A1 and A2 are larger than the one-acre minimum required. Parcel A1 is approximately 5.93 acres and Parcel A2 is approximately 6 acres.

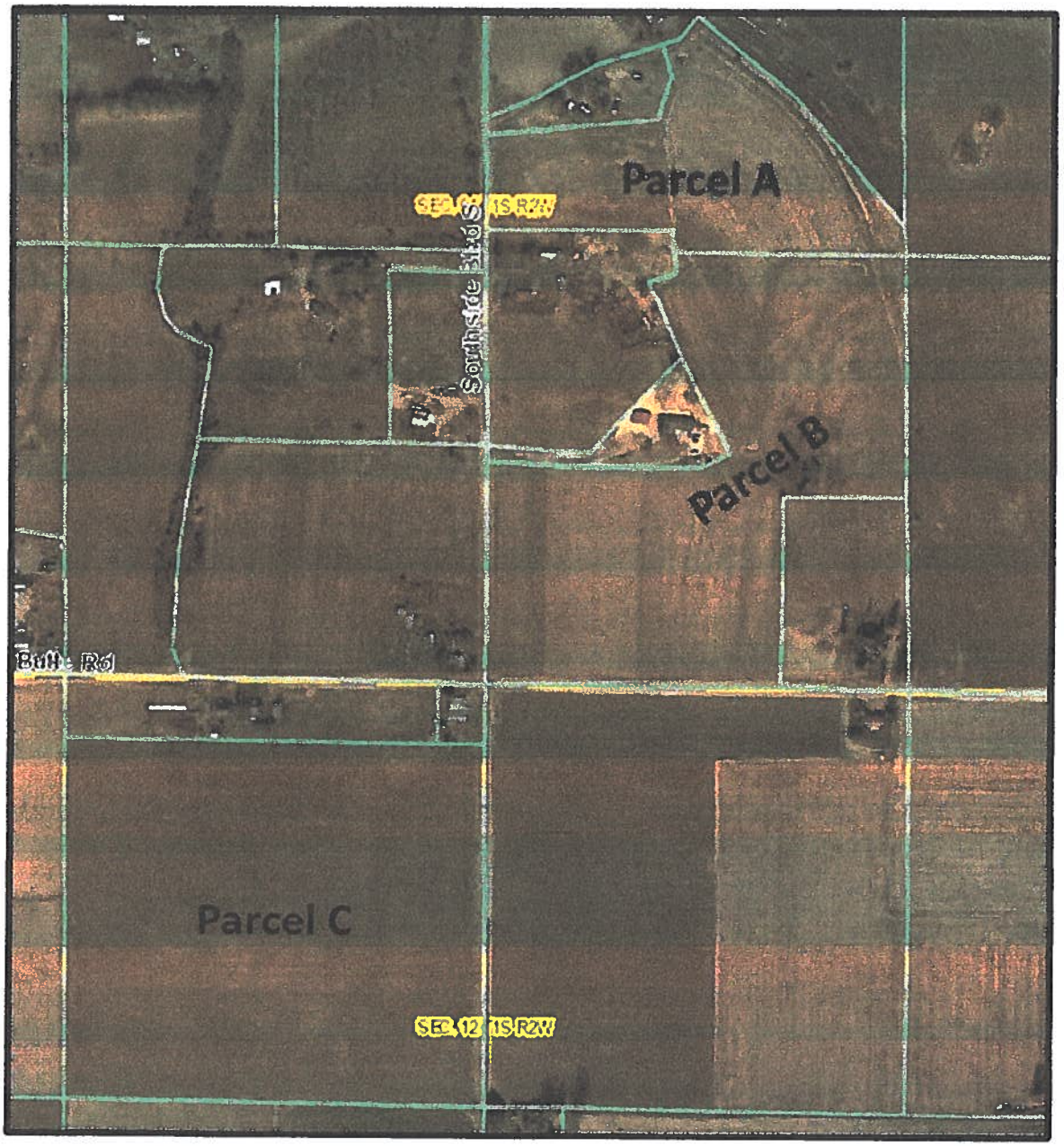


Figure 1. Relative location of Parcels A–C near the intersection of Southside Boulevard and Butte Road south of Melba.

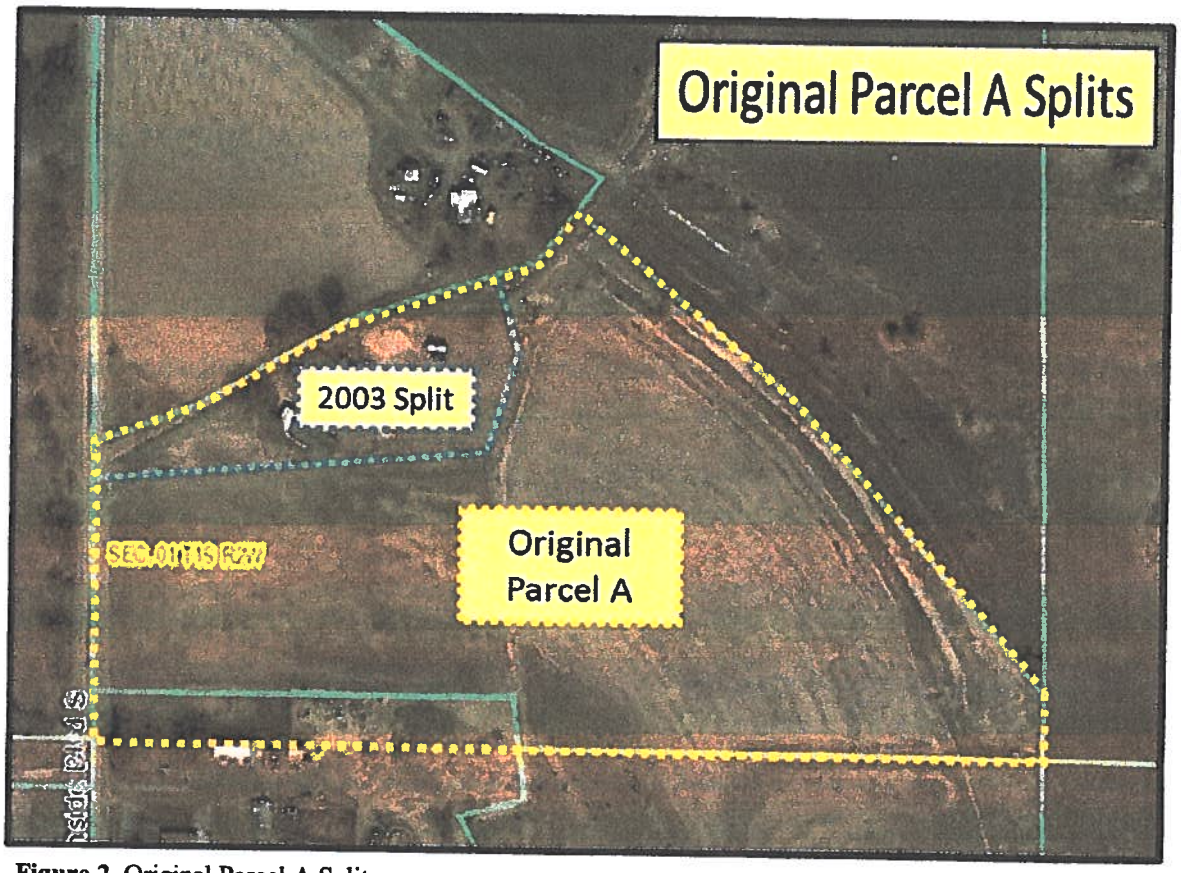


Figure 2. Original Parcel A Splits

B. Parcel B is eligible for two more divisions.

The original parcel associated with Parcel B ("Original Parcel B") is shown in **Figure 3** below. Original Parcel B has only been divided once resulting in two parcels. The only division of Original Parcel B was done in 2006 and is denoted in **Figure 3** with a blue dashed line. The existing parcel located in the northwest corner of Original Parcel B denoted by green dashed lines in **Figure 3** was not created by division, but by property boundary adjustment AD2021-0016. As stated in AD2021-0016, "[t]he adjustment [did] not create any additional parcels or non-conforming parcels and did not result in the relocation of a building permit." Accordingly, that parcel should not be counted as a "division" for purposes of determining the number of remaining divisions remaining of Original Parcel B. Exhibit A shows proposed Parcels B1, B2, and B3. All of parcels B1, B2, and B3 are larger than the one-acre minimum. Parcel 1 is approximately 7.04 acres, Parcel 2 is approximately 6.04 acres, and Parcel B3 is approximately 11.81 acres.

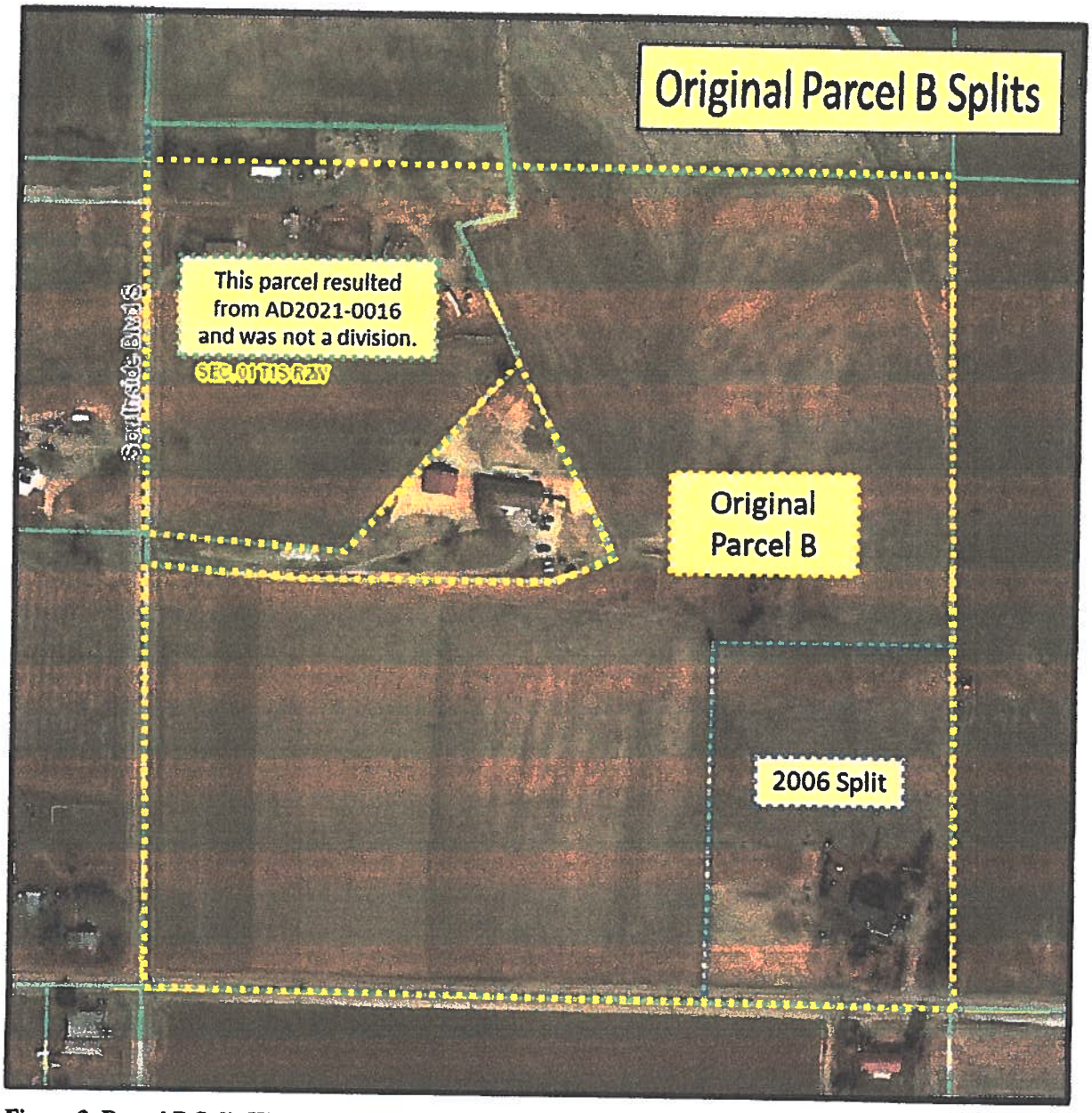


Figure 3. Parcel B Split History

C. Parcel C is eligible for two more divisions.

The original parcel associated with Parcel C ("Original Parcel C") is shown in **Figure 4** below. Original Parcel C has only been divided once resulting in two parcels. The only division of Original Parcel C was completed in 1980 and is denoted by the blue dashed line in **Figure 4**. The proposed site plan attached as Exhibit B shows proposed Parcels C1, C2, and C3. Each of Parcels C1, C2, and C3 are approximately 11.32 acres, which is larger than the one-acre minimum required by the code.

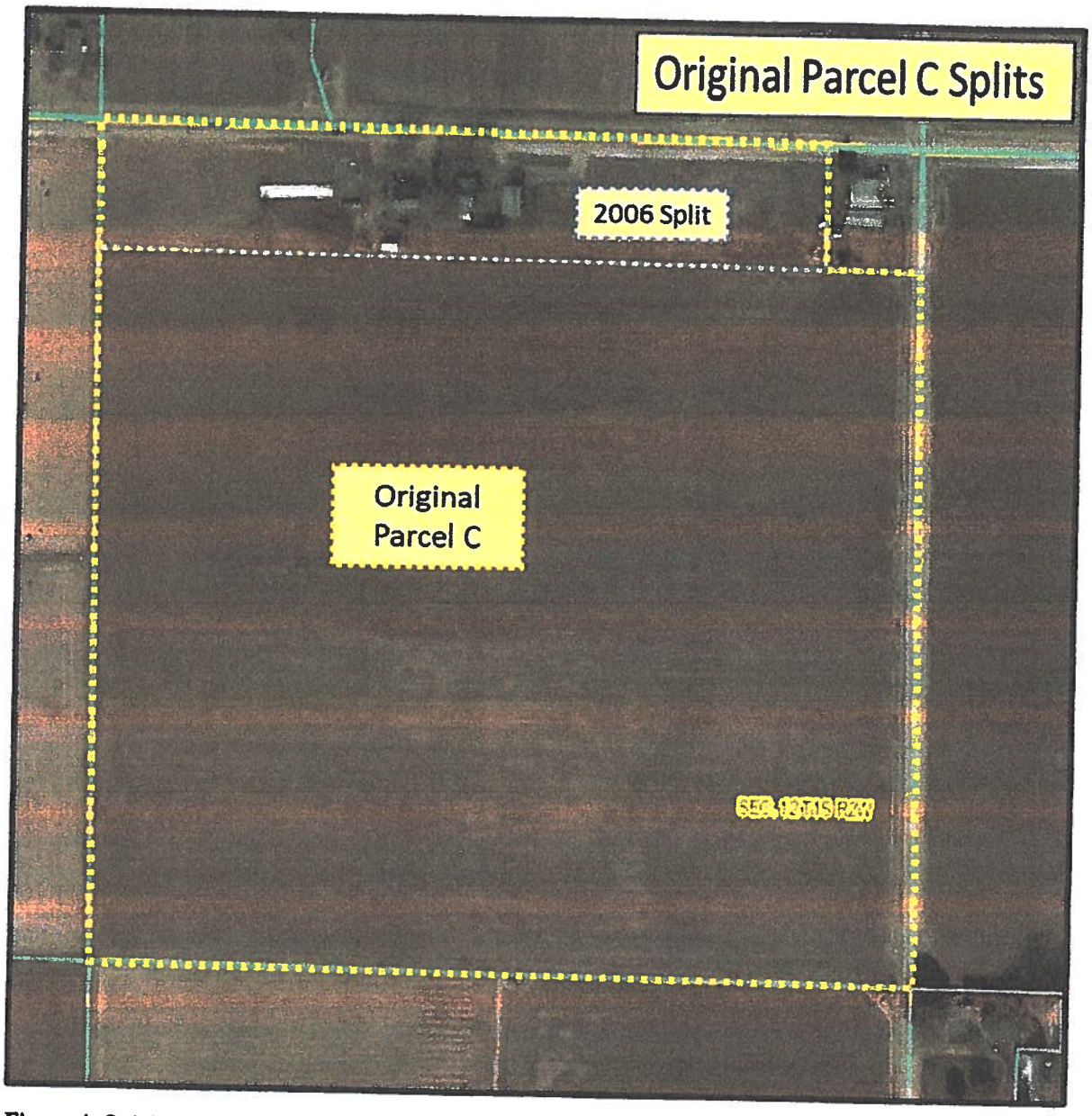


Figure 4. Original Parcel C Splits

II. The proposed divisions are appropriate under CCC § 07-18-09 based on the evidence that the land is nonviable for agricultural use.

The requirements of CCC § 07-18-09 include, among other things, "evidence demonstrating the land, in whole or in part, is nonviable for agricultural use." CCC § 07-18-09(3)(A). Relevant factors for determining viability include, among other things, "site constraints, resource issues, lack of water, suitable soils, topography, land compatibility, lot size or configuration or other factors that make productive agriculture use extremely difficult."

Parcels A–C are not viable for agricultural uses due to both agronomic and economic conditions that make it extremely difficult, if not impossible, to use the land for agricultural purposes in a viable and sustainable manner. CCC § 07-18-09(5)(C).

These factors are supported by the Declarations of Cleon Hoagland (Exhibit C), Mark Hoagland (Exhibit D), a letter from Joseph Lamar Harris, President of JL Harris Farms Inc. (Exhibit E), and a letter from Jerry Neufeld (Exhibit F) (collectively the "Evidence") which are attached hereto and incorporated herein by this reference.

Jerry Neufeld was the Canyon County Crops Extension Educator for 23 years. According to Mr. Neufeld's declaration (Exhibit F), "Mr. Hoagland's farming operation located south of Melba, Idaho, has site constraints and resource issues that make the viability of his farming operation extremely difficult." Mr. Neufeld points to the type of soils, the depth of soil, water availability issues, the size and irregular shape of the fields, limited crop options, limited expansion opportunities, lack of economies of scale to support his conclusion. Neufeld Letter, Exhibit F.

Mr. Harris, who worked this ground for decades, explained that:

> This piece of ground in my opinion is a very poor farm ground because of the shallowness of the soil. It is very rocky and quite hard to keep wet because of rocks and the shallowness of the soil. Over the years I have helped Cleon and many others try to farm this piece of ground. The people that have tried to farm this place have tried very hard to make it work but because of the shallowness of the soil I've never seen this ground produce a very good crop making it very hard to make a living on it. In my opinion this is one of the poorer pieces of ground in the Melba area.

Harris Letter, Exhibit E.

Mr. Harris and Mr. Neufeld's testimony is consistent with the Declarations of Cleon and Mark Hoagland and establishes that, agronomically, the parcels are nonviable due to their (i) small size; (ii) odd and inefficient configurations; (iii) low soil fertility; (iv) rocky soils; (v) eroded soils; (vi) low crop yields; (vii) limited crop options; and (viii) irrigation water limitations.

Furthermore, from an economic standpoint as established by the Evidence, the parcels are nonviable for agricultural uses because (i) the parcels provide no economies of scale; (ii) the farming operation has always required subsidization from outside capital; (iii) the cost of inputs including fuel, electricity, and fertilizer has outpaced the value of the few crops that can be planted on these parcels; (iv) opportunities to expand the farm are not available; (v) the rocky soil is extremely hard on farming equipment, which adds to the cost of production and makes it extremely difficult to hire custom operators.

III. This request does not create a negative impact to surrounding agricultural uses.

The surrounding agricultural uses include growing forage crops, some row crops, and livestock grazing. There is nothing about the proposed divisions that will negatively impact these agricultural uses for their intended purposes. Parcels A–C are already surrounded by, or adjacent to, residential uses. The proposed parcels are larger than the surrounding residential parcels ranging in size from about 5.93 to 11.81 acres and will allow some forage production and grazing themselves. Each proposed parcel will be sold with irrigation rights. The irrigation plans for Parcels A–C is attached as Exhibit G.

IV. Conclusion

For the foregoing reasons, Hoagland respectfully request that their Application for land divisions be approved under the provisions of CCC § 07-18-09.

Sincerely,

Samuel F. Parry

SFP:ww

(Exhibits follow)

DECLARATION OF CLEON HOAGLAND

COMES NOW, Cleon Hoagland, your Declarant, who, under penalty of perjury, hereby declares and states as follows:

1. I am above the age of 18 and have personal knowledge of the facts herein and make this Declaration on the basis of such personal knowledge and belief.

2. The purpose of this declaration is to provide evidence in support my application ("Application") for parcel divisions under Canyon County's nonviable ag land provisions.

3. I own the property identified by the county assessor as parcels R28146010, R28146010D, and R28279010, which are referred to as Parcels A–C respectively in my Application and this declaration.

4. I have grown up my whole life farming with my family on Parcels A and B.

5. As far back as I can remember we grew sweet corn, silage corn, alfalfa and wheat. We flood irrigated everything. Back then, we milk cows to supplement the farm income.

6. I spend decades of my life picking up rocks out of the pasture behind the harrow. It seemed like we never even put a dent in the number of rocks.

7. We switched to pressurized irrigation sometime around 1979. It took a decade to get everything switched over from gravity to pressurized on all of Parcels A and B and cost a lot of money.

8. Before that it was all gravity irrigated and it would take all day to spread water around.

9. But even after we switched to pressurized irrigation our yields did not improve because the soil was so rocky and shallow.

10. We sold the milk cows and bought more beef cows.

11. After my dad had tried about everything to farm that place, he took a job teaching science and math at Melba High for over 25 years.

12. My mom took part time work off the farm to supplement our family's income. Only with off-farm income were we able to keep a few cows and grow some hay.

13. We tried everything to make a go of it by farming , but we are sitting on a rock hill basically. Trying to farm a rock hill.

14. Parcel A, especially the east end, and the northeast portion of Parcel B won't grow much but some pasture grass. Those areas contain rock piles on the surface. Although we have disked around the rock piles in the past, the rocks in the soil are hard on a disk. The soil is very shallow. We literally call it the "rock pasture."

15. Parcel B is mostly on a hill. The slope created a lot of issues with water retention and soil stability. Like Parcel A, Parcel B has shallow, rocky soil with little nutrients and poor water holding capacity.

16. The size, shapes, and configurations of Parcels A and B also make farming extremely difficult.

17. The size of the parcels do not justify the cost of purchasing or leasing equipment. Even the cost of custom equipment work is not justified.

18. The odd shapes of parcels A and B make it extremely difficult to irrigate efficiently.

19. My dad began leasing Parcel C to farm in about 1983. We did not own that ground at the time. I took over farming that place in 2012. The owners gave me the first chance to buy the place when they decided to sell in 2021. The prior owners sold because the ground was so poor and the lease was just not very valuable.

20. Water to Parcel C is limited. The point of diversion is over 2100 feet to the north delivered by a 6-inch pipe. I can only get 20 pounds of pressure at the northeast corner of Parcel C.

21. The rocky, shallow soil, combined with limited water, and the hilly topography has always limited the crop yield on Parcel C. Parts of Parcel C is nothing but exposed rocks.

22. On an average year, I only get about 3.7 ton of hay per acre over the course of the whole year, which is very low. Nearby neighbors with better ground get 7-9 ton of hay per acre annually. And other farmers in other parts of Canyon County can get over 10 ton per acre annually.

23. The years we tried to grow wheat, we either lost money or barely broke even.

24. The farm ground has always been poor resulting in low yields, and has always required off-farm sources of capital to subsidize farming operations.

25. I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct. By signing this declaration I am submitting myself to the jurisdiction of the State of Idaho for purposes of enforcing the penalty of perjury as it relates to this declaration.

DATED this 11 day of October 2023.

Cleon Hoagland

Cleon Hoagland

DECLARATION OF MARK HOAGLAND

COMES NOW, Mark Hoagland, your Declarant, who, under penalty of perjury, hereby declares and states as follows:

1. I am above the age of 18 and have personal knowledge of the facts herein and make this Declaration on the basis of such personal knowledge and belief.

2. I currently reside at 748 Southside Boulevard in Melba, Idaho.

3. The ground that Cleon is trying to divide is poor farm ground that was never sustainable or viable to farm.

4. I purchased the property on the northeast corner of Southside Boulevard and Butte Road in December 1959.

5. I planted some alfalfa, wheat, sweet corn, and sugar beets. A lot of the surrounding ground was dryland desert.

6. It was very hard to keep the ground wet enough to obtain sustainable yields. The best ground was on the far south end, but it was tough to get water to that end of the fields. The water leached through the ground too fast. Sink holes and cracks in the lava rock took a lot of water before it would even reach the end of the ditch.

7. I tried diversifying to make farming profitable. I bought some milk cows and sold milk to the Dairyman's Coop in Caldwell, but I couldn't support more than about 18 cows, which was too small an operation to be profitable.

8. The soil was so rocky we could never pick up enough rocks. Some places you can't even corrugate over the rocks. There is not one field on the place that doesn't have rocks.

9. We did so poorly, after about 5 years trying to farm the place, the sweet corn company dropped the contract. It proved impossible to make a living on that small farm as rocky

and as poor ground as it was, and I eventually went back to college and then took a job as a high school teacher at Melba High.

10. Cleon helped me farm the place most of his life. Now Cleon owns the place and is trying to deal with all the same issues that I dealt with for over 50 years, including the poor, shallow, and rocky soil.

11. We leased the farm located on the southwest corner of Southside and Butte, kiddy corner to my farm, since the early '80's. That ground has the same issues as my farm had, except it was even harder to get enough water to that field.

12. The point of diversion is over 2000 feet to the north through a 6 inch pipe and we never got more than about 20 pounds pressure at the field. We tried planting a crop of potatoes, but the whole crop failed.

13. We tried planting sugar beets and had to let half the field go so we could divert all the water to the remaining half to salvage the crop.

14. And we never could get the field wet enough to get much yield from a hay crop.

15. This land is not viable for agriculture, mostly because of the soil which does not hold nutrients well, does not retain moisture, and is too shallow and rocky. It would take much more water than we are allotted to increase the crop yields, and even then the soil fertility and depth would require unsustainable amounts of expensive fertilizer every year. It would simply never pencil out.

16. I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct. By signing this declaration I am submitting myself to the jurisdiction of the State of Idaho for purposes of enforcing the penalty of perjury as it relates to this declaration.

DATED this 11 day of October 2023.

Mark Hoagland

5/10/2023

JL Harris Farms Inc.

7497 Warren Spur Rd.

Melba, Idaho 83641

To whom it may concern

My name is Joseph Lamar Harris President and owner of JL Harris Farms Inc. I have sucessfully farmed a number of farms in the Melba valley in the past 40 plus years. I have done alot of custom work in this valley also. From the start of working the ground threw to the harvest process. I'm writing this letter in regards to a 33 acre piece of ground that Cleon Hoagland is trying to sell on Southside Blvd.So. I have worked,planted,and harvested this field many times on a custom bases even before Cleon took ownership of this ground. This piece of ground in my opinon is a very poor farm ground because of the shallowness of the soil. It is very rocky and quite hard to keep wet because of rocks and shallowness of the soil. Over the years I have helped Cleon and many others try to farm this piece of ground. The people that have tried to farm this place have tried very hard to make it work but because of shallowness of the soil I've never seen this ground produce a very good crop making it very hard to make a living on it. In my opinion this is one of the poorer pieces of ground in the Melba area.

Joseph Lamar Harris

Jerry Neufeld

2302 Windsor Drive

Caldwell, ID 83605

August 22, 2024

Canyon County Board of Commissioners

Canyon County Courthouse

1115 Albany St

Caldwell, ID 83605

Dear Commissioners,

This letter is in regard Cleon and Patti Hoagland's request for an administrative division of nonviable parcels in an agricultural zone (Case Number AD2023-0110/RD2024-004). As stated in my original letter regarding this matter dated October 12, 2023, I was employed by the University of Idaho as Crops Extension Educator in Canyon County for 23 years. I also served as the County Chair of the Canyon County Extension office for 22 years. I earned bachelor's and master's degrees in agricultural mechanization from Kansas State University. When I was working, I was a Certified Crop Advisor with the American Society of Agronomy and Certified Irrigation Designer with the Irrigation Association. I have made hundreds of presentations to agricultural trade groups, corporations, universities, and governments. I have published articles in such refereed journals as the Journal of the National Association County Agricultural Agents, Journal of Extension, Rangelands, Journal of Applied Irrigation Science, American Society of Farm Managers and Rural Appraisers, to name a few. I have also published hundreds of extension publications, abstracts and proceedings, and research reports related to agriculture. I have also served on numerous state, county, and university level committees. A copy of my professional vitae is enclosed with this letter. I retired as the Canyon County Crops Extension Educator in November, 2022.

Prior to Hoaglands submitting their application, I reviewed the application materials, interviewed the Hoaglands, visited the property to evaluate the condition of the property and its viability for production agriculture. I was surprised to learn that the director denied Hoagland's application. I was also surprised that the Director's Decision did not evaluate or otherwise weigh any of the evidence that I submitted in support of Hoagland's application. Instead, the decision relied on conclusory remarks from neighbors without any supporting evidence. In my expert opinion, Hoagland's property

is nonviable for agricultural use due to site constraints and resource issues, that makes productive agricultural use extremely difficult.

With this letter, I would like to address some issues related to the viability of this land for productive farming that include both agronomic and economic variables.

Canyon County Comprehensive Plan 2030 states "Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area." The soils on the Hoagland farm are Garbutt Silt Loam (GdB, GaB and GdC). The GDb and GaB soils are 1 to 3 percent slope. The GdC soils are 3 to 7 percent slope. According to the NRCS Land Capability Classification for irrigated soils, the GdB and GaB soils are classified as 3e and the GdC is 4e. According to the NRCS, "class 3 soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both." "Class 4 soils have very severe limitations that restrict the choice of plants or that require very careful management, or both." "The letter "e" shows that the main hazard is the risk of erosion unless close-growing plant cover is maintained." The Hoagland alfalfa farming operation contains significant acres of class 4 soils.

As stated by letters to the County from nearby property owners related to this application, the land has water rights, is irrigated and at times of the year has green vegetation. Mr. Hoagland's farm is towards the end of the irrigation lateral. His water allotment on paper is 3 ac-ft per year. He stated he rarely gets a full allotment. This impairs his ability to grow seed crops as some crops simply cannot be deficit irrigated at certain growth stages and still maintain a profitable yield. It also negatively impacts the yields he can get on his alfalfa crops. His yield is approximately 3.7 tons per acre while the University of Idaho in their enterprise budgets use a yield of 7.5 tons per acre for southwest Idaho. Low yields could be due to several factors including deficit irrigation, poor water application uniformity and low soil water holding capacity due to shallow rocky soils. On my field visit in October of 2023, I noticed there were multiple rock piles on the edges of fields they were removed from. I also took a shovel and stuck it in the ground and at a depth of only a few inches hit rocks. There were areas in some fields where you could see the rocks poking through the soil. Sprinklers running in a field and green on a satellite image are not true indicators of the viability of productive agriculture on a piece of farm ground.

The Director's Administrative Decision states that viable farmland is defined as "Land that is capable of producing marketable farm animals or crops." That the Hoagland land can produce a certain amount of crops or livestock feed is not in dispute. What is missing is whether the land can produce enough marketable crops or livestock feed to produce a profit and be viable for productive agriculture. Letters of opposition from nearby property owners say the land is "profitable farmland" and part C of the Director's Administrative Decision indicates agreement. I would question how nearby property owners would know about the profitability of the Hoagland farming operation and how their uninformed statements can be used as proof of profitability. The Hoagland's have needed a second off farm income for many years to sustain their farming/rural lifestyle.

On its website (https://www.uidaho.edu/cals/idaho-agbiz/crop-budgets) the University of Idaho has crop enterprise budgets for various crops grown in southwest Idaho. An enterprise budget can be used to estimate net returns above operating costs on a farm or per acre basis. The enterprise budgets on the University of Idaho website are from 2019, therefore I adjusted the input prices to 2024 using the National Agricultural Statistics Service Prices Paid Index (Https://www.nass.usda.gov/Surveys/Guide_to_NASS_Surveys/Prices_Paid_and_Prices_Paid_Indexes/). I used the USDA Idaho Direct Hay Report (https://www.ams.usda.gov/mnreports/ams_3056.pdf) to get a price of $165 per large square bale of premium alfalfa hay. As seen in Table 1, the Hoagland farming operation net returns above operating costs are -$164.57 per acre, while Table 2 shows the Canyon County alfalfa farming operation's net returns above operating costs are $462.43 per acre.

Table 1. Hoagland Enterprise Budget for 1 acre of Alfalfa Hay.

Alfalfa Hay - Treasure Valley - 2024				Number of acres: 1	
Item	Quantity Per Acre	Unit	Price or Cost	Total Value	Value or Cost/Acre
Gross Returns					
Alfalfa Hay	3.70	ton	165.00	611	$610.50
				0	$0.00
				0	$0.00
Total Gross Returns				$611	$610.50
Operating Inputs					
Fertilizer:				$95	$95.40
Dry Nitrogen	15.00	lb	0.57	9	8.55
Dry P2O5	75.00	lb	0.55	41	41.25
K2O	80.00	lb	0.42	34	33.60
Sulfur	40.00	lb	0.30	12	12.00
				0	0.00
				0	0.00
				0	0.00
Pesticides:				$26	$26.48
Metribuzin 75DF	1.00	lb	19.94	20	19.94
Warrior II w/Zeon Tech	3.00	fl oz	2.18	7	6.54
				0	0.00
				0	0.00
				0	0.00
				0	0.00
Custom & Consultants:				$410	$410.37
Custom Fertilize	1.00	acre	10.26	10	10.26
Custom Swath & Rake	4.00	acre	41.04	164	164.16
Custom Bale: 1-ton	7.50	ton	24.62	185	184.65
Custom Haul & Stack: 1-ton	7.50	ton	6.84	51	51.30
				0	0.00
Irrigation:				$61	$61.00
Water Assessment	1.00	acre	57.00	57	57.00
Repairs - Conc. Ditch	1.00	acre	4.00	4	4.00
				0	0.00
Machinery:				$19	$18.64
Fuel - Gas	1.28	gal	3.98	5	5.09
Fuel - Diesel	1.65	gal	3.67	6	6.06
Fuel - Road Diesel	0.63	gal	4.28	3	2.70
Lube	1.00	$	1.85	2	1.85
Machinery Repair	1.00	$	2.94	3	2.94
Labor:				$150	$149.50
Equipment Operator Labor	1.20	hrs	29.77	36	35.72
Irrigation Labor	4.90	hrs	23.22	114	113.78
				0	0.00
Interest on Operating Capital a	7.00%			$14	$13.68
Total Operating Costs				$775	$775.07
Operating Costs per Unit				$209	$209.48
Net Returns Above Operating Costs				-$165	-$164.57

Table 2. Average Canyon County Enterprise Budget for 1 acre of Alfalfa Hay.

Alfalfa Hay - Treasure Valley - 2024				Number of acres: 1	
Item	Quantity Per Acre	Unit	Price or Cost	Total Value	Value or Cost/Acre
Gross Returns					
Alfalfa Hay	7.50	ton	165.00	1,238	$1,237.50
				0	$0.00
				0	$0.00
Total Gross Returns				$1,238	$1,237.50
Operating Inputs					
Fertilizer:				$95	$95.40
Dry Nitrogen	15.00	lb	0.57	9	8.55
Dry P2O5	75.00	lb	0.55	41	41.25
K2O	80.00	lb	0.42	34	33.60
Sulfur	40.00	lb	0.30	12	12.00
				0	0.00
				0	0.00
				0	0.00
Pesticides:				$26	$26.48
Metribuzin 75DF	1.00	lb	19.94	20	19.94
Warrior II w/Zeon Tech	3.00	fl oz	2.18	7	6.54
				0	0.00
				0	0.00
				0	0.00
				0	0.00
Custom & Consultants:				$410	$410.37
Custom Fertilize	1.00	acre	10.26	10	10.26
Custom Swath & Rake	4.00	acre	41.04	164	164.16
Custom Bale: 1-ton	7.50	ton	24.62	185	184.65
Custom Haul & Stack: 1-ton	7.50	ton	6.84	51	51.30
				0	0.00
Irrigation:				$61	$61.00
Water Assessment	1.00	acre	57.00	57	57.00
Repairs - Conc. Ditch	1.00	acre	4.00	4	4.00
				0	0.00
Machinery:				$19	$18.64
Fuel - Gas	1.28	gal	3.98	5	5.09
Fuel - Diesel	1.65	gal	3.67	6	6.06
Fuel - Road Diesel	0.63	gal	4.28	3	2.70
Lube	1.00	$	1.85	2	1.85
Machinery Repair	1.00	$	2.94	3	2.94
Labor:				$150	$149.50
Equipment Operator Labor	1.20	hrs	29.77	36	35.72
Irrigation Labor	4.90	hrs	23.22	114	113.78
				0	0.00
Interest on Operating Capital a	7.00%			$14	$13.68
Total Operating Costs				$775	$775.07
Operating Costs per Unit				$103	$103.34
Net Returns Above Operating Costs				$462	$462.43

These tables illustrate the difference between productive agriculture, and nonproductive agriculture. The County Code describes nonviability in terms of the extreme difficulty of productive agriculture.

Canyon County is one of the most diverse cropping areas in the nation. We produce seed crops, as well as other crops that are exported all over the world. Many of the seed crops we produce cannot be grown in other locations around the USA because the climate isn't conducive. I am in full support of protecting good productive farm ground in Canyon County from being developed. However, growth is inevitable and we cannot protect viable productive farm ground by stopping development on nonviable, nonproductive ground. We need to be able to develop or otherwise use ground that is marginal for farming and makes productive agriculture extremely difficult. That is the type of ground we are talking about with the Hoagland farming operation. Again, in my expert opinion, the Hoagland's property is nonviable for agricultural use due to site constraints and resource issues, that makes productive agricultural use extremely difficult.

Sincerely,

Jerry Neufeld

cc: Cleon Hoagland, Samuel Parry

RECORD OF SURVEY

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, LOCATED IN THE COUNTY OF CANYON, STATE OF IDAHO. 2023

LEGEND

- FOUND 5/8" IRON PIN
- FOUND BRASS CAP MONUMENT
- SET 1/2" IRON PIN TAGGED LS 18811
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE AS NOTED
- SURVEY TIE LINE

NARRATIVE

THE BASIS OF BEARINGS USED FOR THIS SURVEY WAS ESTABLISHED USING GPS OBSERVATIONS BETWEEN FOUND MONUMENTS ON THE WEST LINE OF THE NW 1/4 OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, PROJECTED TO THE IDAHO STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. ALL BEARINGS SHOWN ARE GRID AZIMUTH AND ALL DISTANCES SHOWN ARE TRUE GROUND DISTANCES SCALED FROM GRID.

CERTIFICATE OF LAND SURVEYOR

I, JOHN S. GLETNE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS A TRUE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.

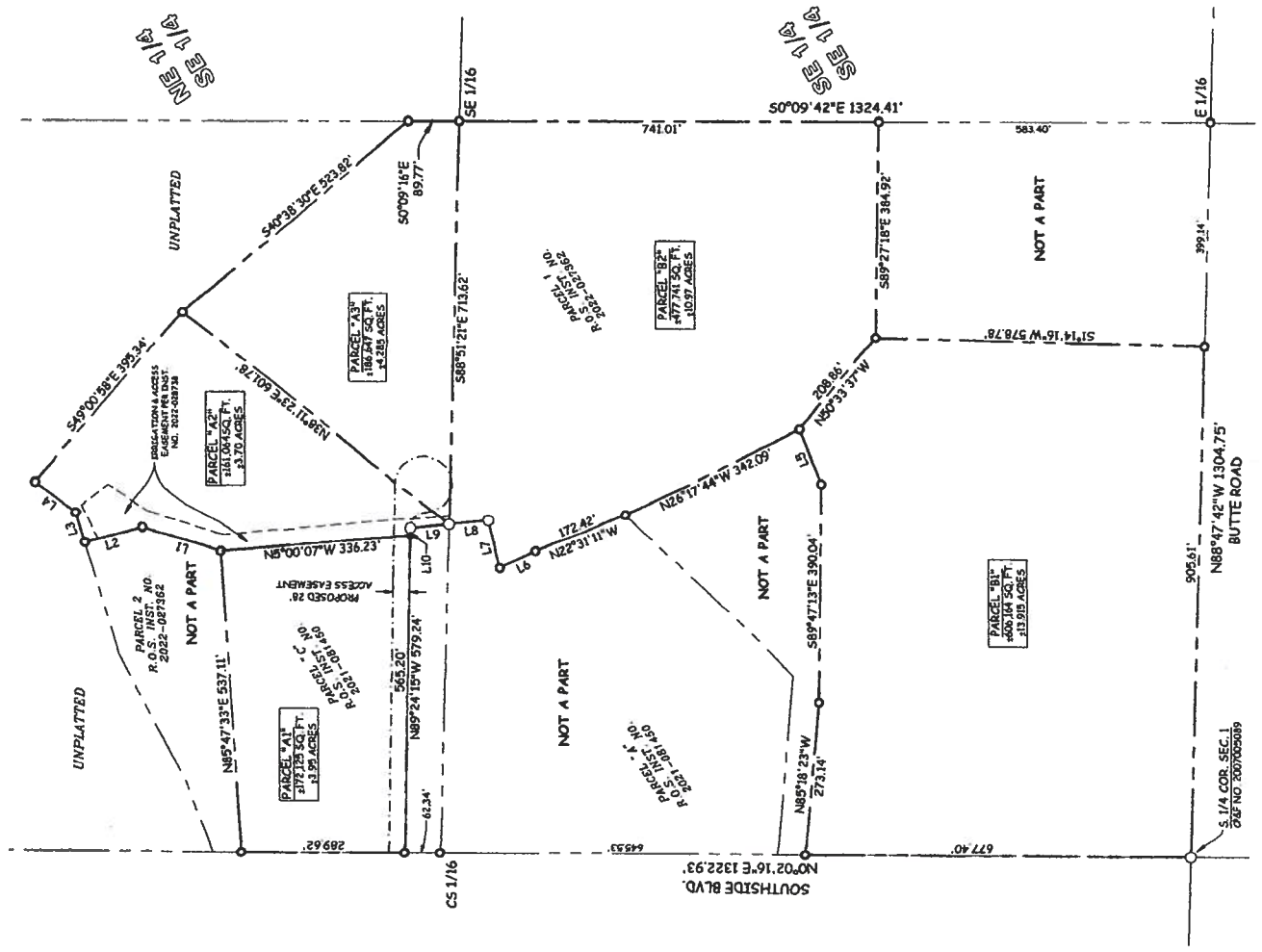
PROFESSIONAL LAND SURVEYOR — IDAHO — LICENSE — JOHN S. GLETNE

PRELIMINARY

JOHN S. GLETNE — LICENSE NO. 18811

VALLEY LAND SURVEYING
PROFESSIONAL LIMITED LIABILITY COMPANY
5099 S. Valley St. Boise, ID 83709
www.valleylandsurveying.com
Phone: (208) 999-0081

PROJECT NO.	23-132
DATE	2/14/2024
SHEET NO.	1 OF 1



LINE TABLE		
LINE	BEARING	LENGTH
L1	N17°13'23"E	144.99
L2	N85°37'58"W	105.60
L3	N73°02'49"E	54.99
L4	N37°18'32"E	90.95
L5	N67°38'09"E	101.54
L6	N26°36'18"W	70.50
L7	N76°27'44"E	61.51
L8	S5°59'04"E	65.34
L9	S5°59'04"E	64.40
L10	S89°24'15"E	14.04

SCALE: 1"=150'

33.87 Ac

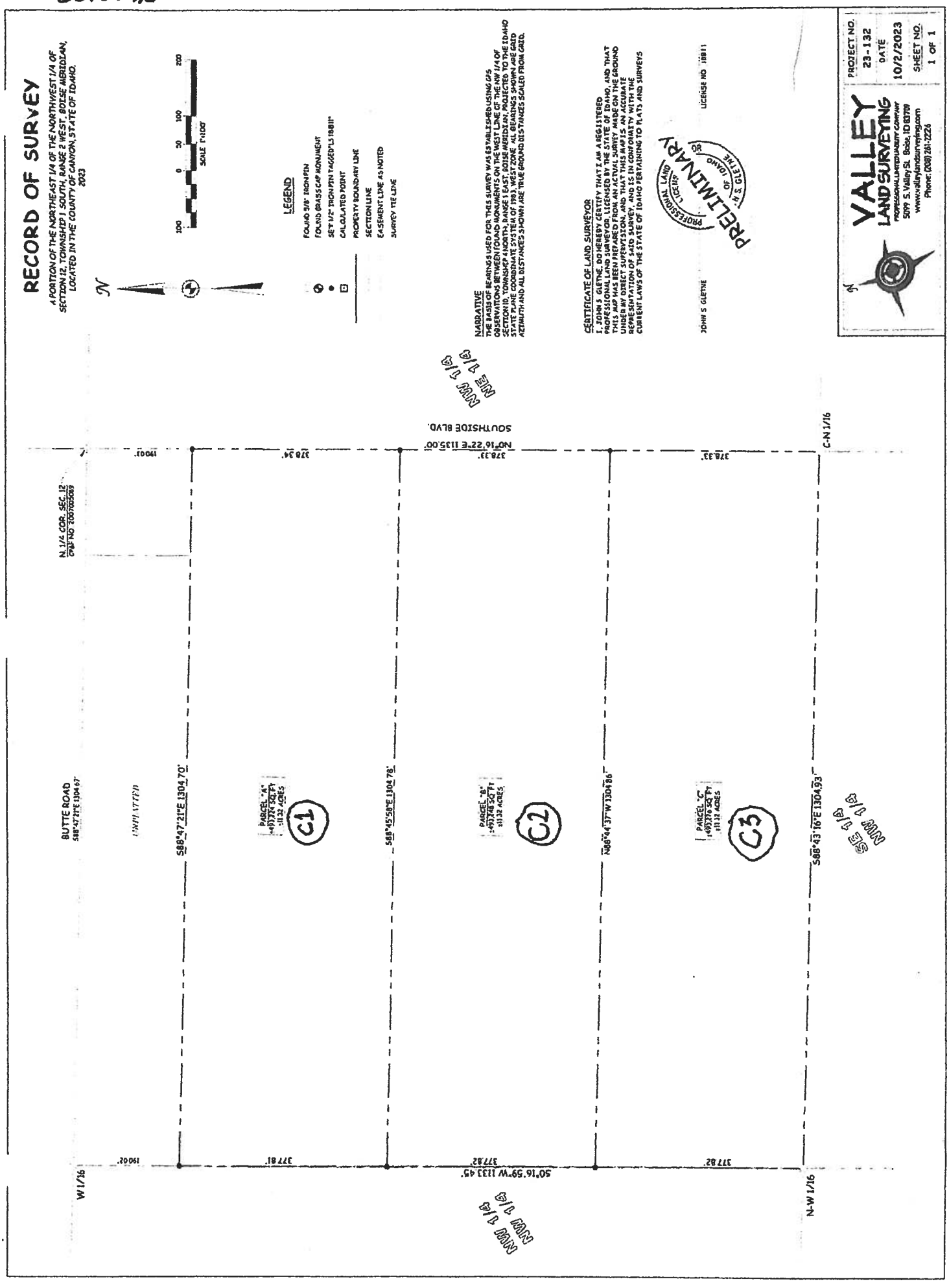
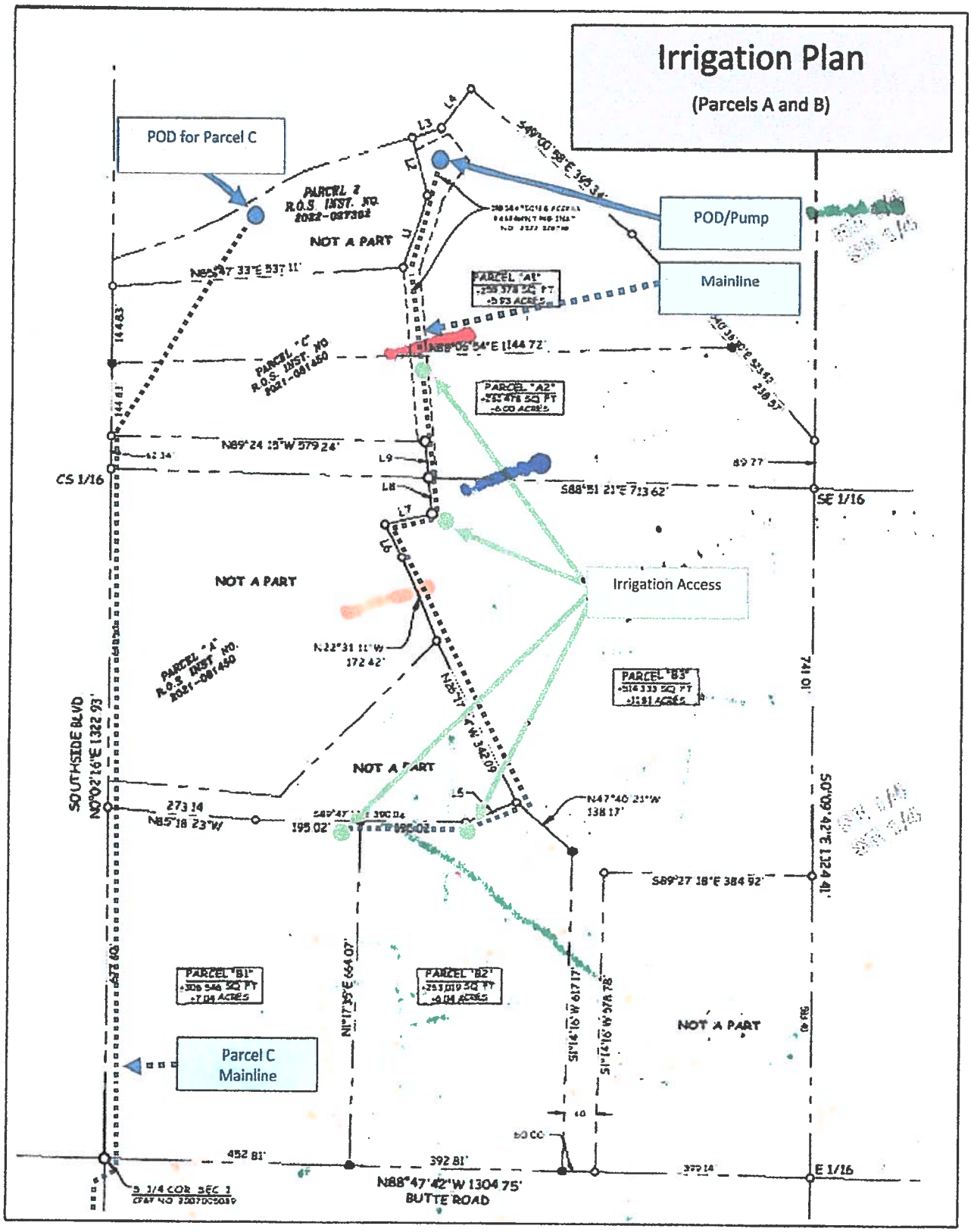


Exhibit D.8


Irrigation Plan
(Parcels A and B)
POD for Parcel C
POD/Pump
Mainline
Irrigation Access
Parcel C
Mainline
NOT A PART
PARCEL 2
R.O.S. INST. NO.
2022-037202
PARCEL "A1"
PARCEL "A2"
PARCEL "B1"
PARCEL "B2"
PARCEL "B3"
PARCEL "C"
R.O.S. INST. NO.
2021-081450
PARCEL "A"
R.O.S. INST. NO.
2021-081450
CS 1/16
SE 1/16
E 1/16
SOUTHSIDE BLVD
BUTTE ROAD
N89°24'15"W 579.24'
S88°51'21"E 713.62'
N85°18'23"W
273.14
N22°31'11"W
172.42'
N47°40'21"W
138.17'
S89°27'18"E 384.92'
N1°17'35"E 664.07'
452.81'
392.81'
N88°47'42"W 1304.75'
741.01'
S0°09'42"E 1324.41'

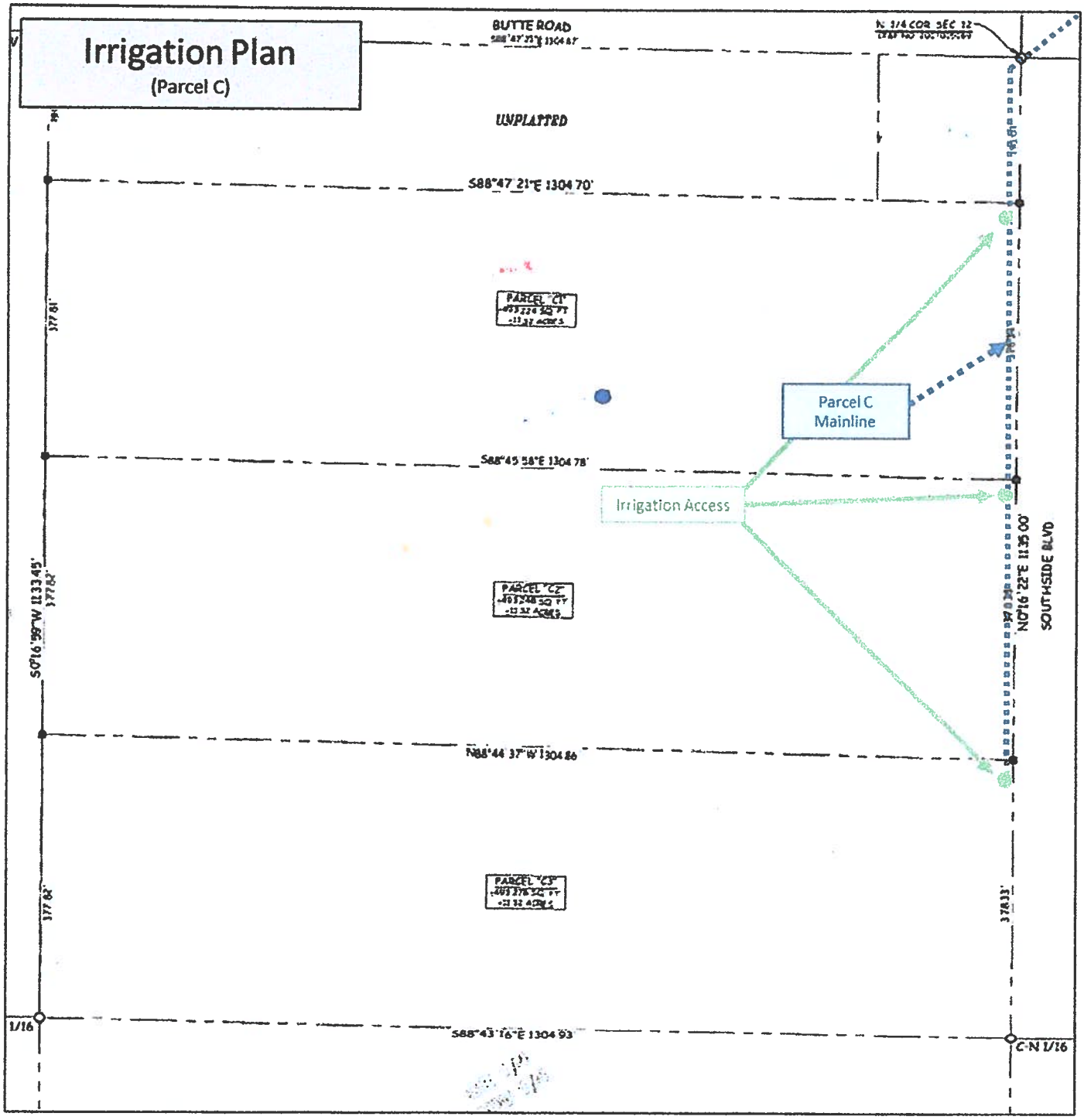

Irrigation Plan
(Parcel C)
BUTTE ROAD
UNPLATTED
S88°47'21"E 1304.70'
Parcel C
Mainline
Irrigation Access
S88°45'58"E 1304.78'
SOUTHSIDE BLVD
N88°44'37"W 1304.86'
S88°43'16"E 1304.93'
1/16
C-N 1/16

Exhibit D.9

Upper 12 AC A Parcels Exhibit D.10

ACCOMMODATION RECORDING

2022-012392
RECORDED
03/07/2022 02:09 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 SCARDENAS $15.00
TYPE: DEED
TITLEONE BOISE
ELECTRONICALLY RECORDED

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT.

CORRECTION QUITCLAIM DEED

This Correction Quitclaim Deed is given to correct, replace, and supersede, in its entirety, that certain Quitclaim Deed made by Grantor herein to Grantee herein, dated February 8, 2022 and recorded February 8, 2022, with the Canyon County Recorder as Instrument No. 2022-007161. This Correction Quitclaim Deed will correct and clarify the **legal description** set forth in the Quitclaim Deed referenced above.

FOR VALUE RECEIVED, Cleon Hoagland, an individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 4 day of March 2022.

GRANTOR:

Cleon Hoagland
Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of March 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

SHARON NEUPERT NOTARY PUBLIC Comm. No. 61150 STATE OF IDAHO

Sharon Neupert
Notary Public for the State of Idaho
Residing at Boise ID
My Commission expires: Feb 22, 2025

ACCOMMODATION RECORDING

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

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Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

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SHARON NEUPERT NOTARY PUBLIC Comm. No. 61150 STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise ID
My Commission expires: Feb 22, 2025

EXHIBIT A

COMPASS LAND SURVEYING PLLC

Client: Mark Hoagland
Date: August 16, 2021
Job No.:1221

PARCEL C
DESCRIPTION

The following Describes a Parcel of Land being a portion of the NW 1/4 SE 1/4 of Section 1, Township 1 South, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

COMMENCING at the Southwest Corner of the W 1/2 SE 1/4,(South 1/4 corner of Section 1), which is Monumented with a found 5/8 inch Iron Pin with "No Cap"; From which, a found 5/8 inch Iron Pin with an illegible cap which is Monumenting the Southeast Corner of said W 1/2 SE 1/4 (E 1/16th Corner) of said Section 1 bears, South 89°19'41" East, 1304.71 feet;

Thence along the Westerly Boundary Line of said W 1/2 SE 1/4, North 00°30'01" West, 1322.86 feet to a found aluminum disk stamped "PLS 15352" marking the South West corner of said NW 1/4 SE 1/4, (Center south 1/16 corner);

Thence along the West boundary of said NW 1/4 SE 1/4, North 00°29'57" West, 62.34 feet to the POINT OF BEGINNING, marked with a set 5/8 inch diameter iron pin stamped " CLS PLS 7732";

Thence continuing along the West boundary of said NW 1/4 SE 1/4 , North 00°29'57" West, 289.66 feet to a set 5/8 inch diameter iron pin stamped " CLS PLS 7732";

Thence leaving said West boundary, North 85°15'29" East, 512.09 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence North 17°34'33" West, 220.02 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence North 72°31'54" East, 165.54 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence North 36°47'36" East, 90.93 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence South 49°34'08" East, 395.28 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence South 41°10'46" East, 523.86 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944" marking the East line of said W 1/2 SE 1/4;

Thence along said East line, South 00°39'15" East, 89.76 feet to a found 5/8" Iron Pin with No Cap marking the South East corner of the NW 1/4 SE 1/4, (Southeast 1/16 corner);

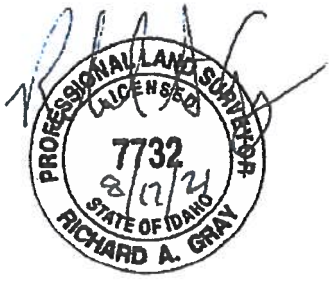
Thence along the South boundary of said NW 1/4 SE 1/4, North 89°23'28" West, 713.61 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com

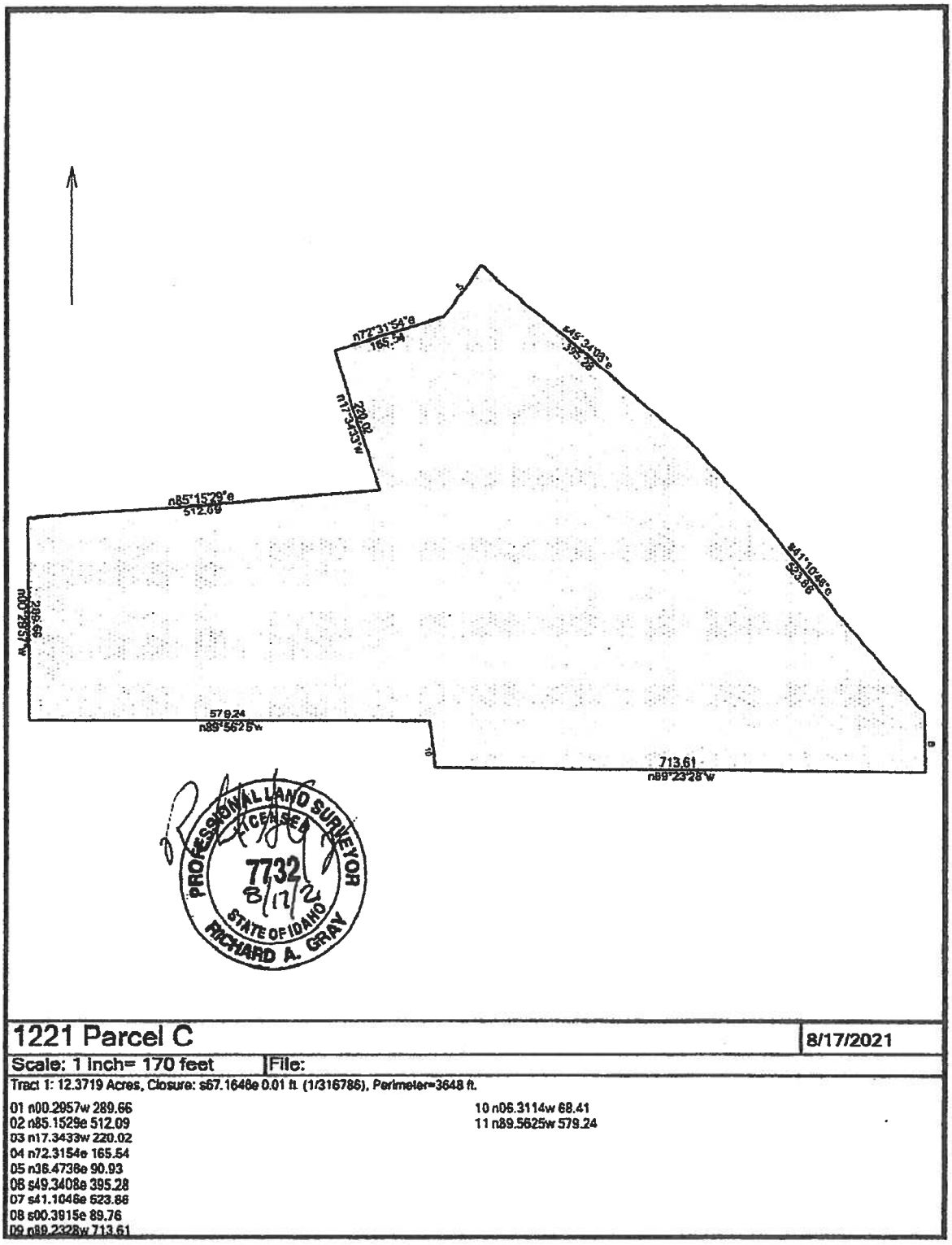
Thence leaving said South boundary, North 06°31'14" West, 68.41 feet to a set 5/8" Iron Pin w Plastic Cap "CLS PLS 7732";

Thence North 89°56'25" West, 579.24 feet to the POINT OF BEGINNING.

This parcel contains 12.37 acres more or less.



623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com



1221 Parcel C	8/17/2021
Scale: 1 inch= 170 feet	File:

Tract 1: 12.3719 Acres, Closure: s67.1646e 0.01 ft. (1/316785), Perimeter=3648 ft.

01 n00.2957w 289.66
02 n85.1529e 512.09
03 n17.3433w 220.02
04 n72.3154e 165.54
05 n38.4738e 90.93
06 s49.3408e 395.28
07 s41.1046e 523.86
08 s00.3915e 89.76
09 n89.2328w 713.61
10 n06.3114w 68.41
11 n89.5625w 579.24

Lower 24 ac. 5 parcels

2022-00716
RECORDED
02/08/2022 12:12 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 HCRETAL $15.00
TYPE: DEED
TITLEONE BOISE
ELECTRONICALLY RECORDED

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ACCOMMODATION RECORDING

QUITCLAIM DEED

FOR VALUE RECEIVED, Cleon Hoagland, and individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference:

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 8th day of February 2022.

GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of February 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WANDA M WHITE
COMMISSION #16635
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise
My Commission expires: 3-11-2027

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ACCOMMODATION RECORDING

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Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of February 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WANDA M WHITE
COMMISSION #16635
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise
My Commission expires: 3-11-2027

Exhibit A

COMPASS LAND SURVEYING PLLC

Client: Mark Hoagland
Date: August 16, 2021
Job No.:1221

PARCEL B
DESCRIPTION

The following Describes a Parcel of Land being a portion of the SW 1/4 SE 1/4 of Section 1, Township 1 South, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

BEGINNING at the Southwest Corner of the W 1/2 SE 1/4 of said Section 1, (South 1/4 corner), which is Monumented with a found 5/8 inch Iron Pin with "No Cap". From which, a found 5/8 inch Iron Pin with an illegible cap which is Monumenting the Southeast Corner of the W 1/2 SE 1/4 (E 1/16th Corner) of said Section 1 bears, South 89°19'41" East, 1304.71 feet;

Thence along the Westerly Boundary Line of said W 1/2 SE 1/4, North 00°30'01" West, 677.40 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence leaving said Westerly Boundary Line, South 85°50'28" East, 273.14 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 89°40'31" East, 390.04 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 67°05'53" East, 101.54 feet to a found 1/2 inch Iron Pin no cap;

Thence North 26°50'00" West, 342.09 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 23°03'27" West, 172.42 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 27°08'32" West, 70.50 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 75°55'34" East, 89.51 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 06°31'14" West, 69.33 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732" marking the Northerly boundary of said SW 1/4 SE 1/4;

Thence South 89°23'28" East, 713.61 feet to a found 5/8 inch Iron Pin with No Cap marking the North East corner of said SW 1/4 SE 1/4, (Southeast 1/16 corner);

Thence along the East line of said SW 1/4 SE 1/4, South 00°40'42" East, 740.99 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 4998";

Thence leaving said East line, North 89°59'24" West, 384.92 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 4998";

623 11th Ave. South, Nampa, ID 83651 · T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com

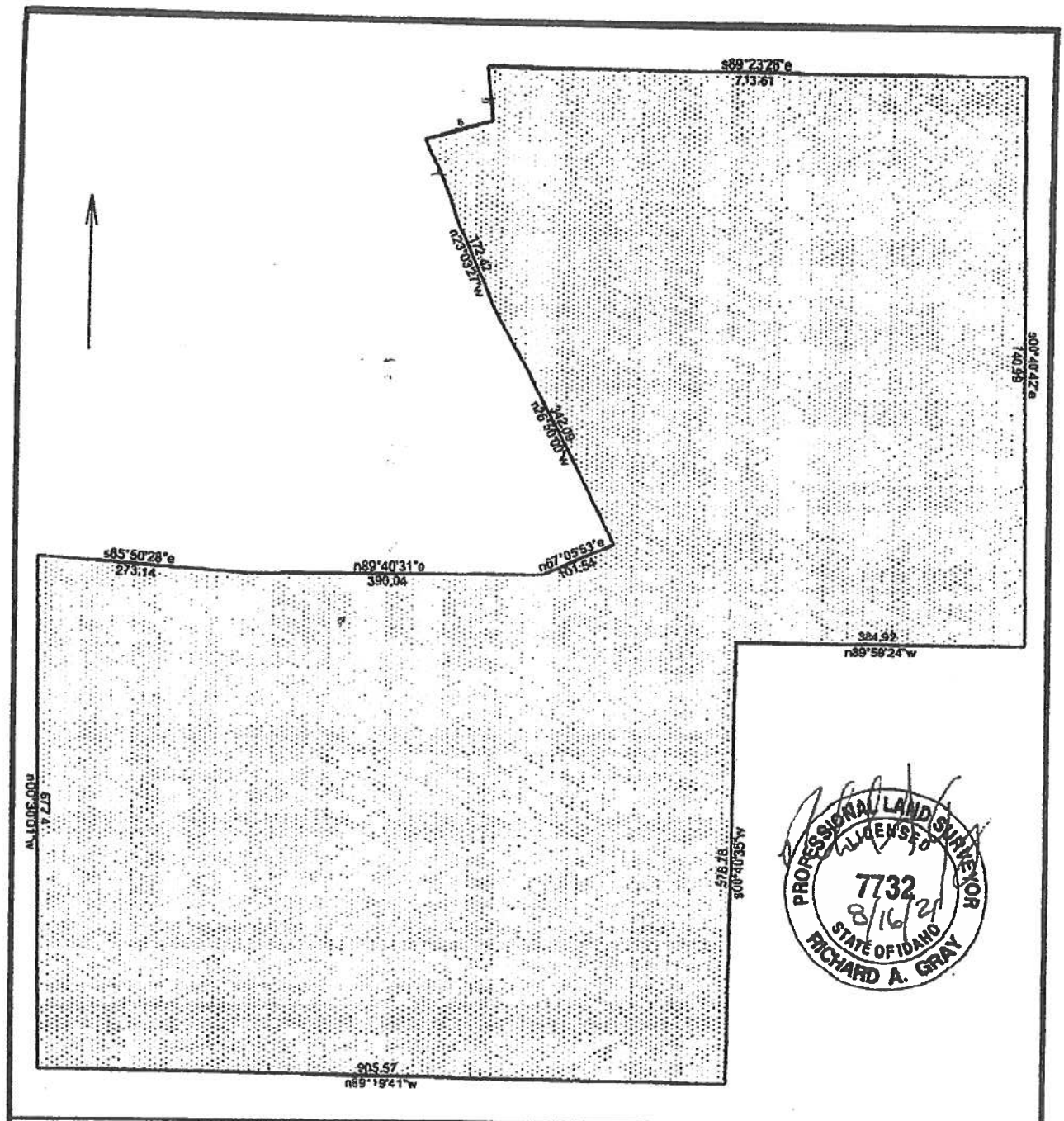
Thence South 00°40'35" West, 578.78 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 11120" marking the South boundary of said W 1/2 SE 1/4;

Thence along said South boundary, North 89°19'41" West, 905.57 feet to the POINT OF BEGINNING.

The above Described Parcel of Land contains 24.88 Acres, more or less.



623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com



1221 Parcel B	8/16/2021
Scale: 1 inch= 170 feet	File:

Tract 1: 24.8772 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5510 ft.

01 n00.3001w 677.4
02 s85.5028e 273.14
03 n89.4031e 390.04
04 n67.0553e 101.54
05 n26.5000w 342.09
06 n23.0327w 172.42
07 n27.0832w 70.5
08 n75.5534e 89.51
09 n06.3114w 69.33
10 s89.2328e 713.61
11 s00.4042e 740.99
12 n89.5924w 384.92
13 s00.4035w 578.78
14 n89.1941w 905.57

33.87 AC.

2021-027000
RECORDED
04/14/2021 12:15 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=5 EHOWELL $15.00
TYPE: DEED
FIRST AMERICAN TITLE INSURANCE
ELECTRONICALLY RECORDED

After Recording Return and
Mail Tax Statements to:

Cleon and Patricia Hoagland
690 Southside Blvd. South
Melba, Idaho 83641

Tax Parcel No.: 28279010 0
FATCO NCS-518.8741-A

(Space Above for Recorder's Use Only)

SPECIAL WARRANTY DEED
(ID Nampa)

AGRESERVES, INC., a Utah corporation, Grantor, whose address is 79 South Main Street, Suite 1100, Salt Lake City, Utah 84111, hereby grants, conveys and warrants to CLEON HOAGLAND and PATRICIA HOAGLAND, husband and wife, Grantee, whose address is 690 Southside Blvd. South, Melba, Idaho 83641, for the sum of TEN DOLLARS and other good and valuable consideration, the following real property located in Canyon County, State of Idaho, (the "Property") and more particularly described as follows:

See Exhibit A attached hereto and by this reference made a part hereof.

Together with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining thereto, including, but not limited to easements and rights-of-way over adjoining property, which easements and rights-of-way are appurtenant to the real property described on Exhibit A, and all of Grantor's interest in and to water, wells, and all water rights appurtenant to said real property described on Exhibit A, and all of Grantor's interest in and to any land lying in the bed of any body of water, waterway or public street, public road or public avenue in front of or adjoining the land, to have and to hold, the same in fee simple forever.

TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns, forever, and Grantor does hereby covenant to Grantee and its successors and assigns forever, that: (a) Grantor is owner in fee simple of the Property; (b) Grantor has a good right to convey the fee simple; (c) previous to the execution of this conveyance, Grantor has not conveyed the same estate to any person other than the Grantee; (d) the Property is free from any and all liens, claims and encumbrances caused or suffered by Grantor except (i) the Permitted Exceptions identified on Exhibit B, attached hereto, (ii) real property taxes and assessments, for the current year, which are not yet due and payable, and (iii) any matters arising from the acts or omissions of Grantee; and (e) that Grantor will warrant and defend the same forever against any other liens, claims or encumbrances done, made or suffered by Grantor, or any person claiming by, through or under Grantor, but none other.

[Signature and Acknowledgment Follows]

After Recording Return and
Mail Tax Statements to:

Cleon and Patricia Hoagland
690 Southside Blvd. South
Melba, Idaho 83641

This document has been recorded electronically. Please see the attached copy to view the County Recorder's stamp as it now appears in the public record.

x FIRST AMERICAN TITLE INSURANCE COMPANY

Tax Parcel No.: 28279010 0
FATCO NCS-518-8741-A

(Space Above for Recorder's Use Only)

SPECIAL WARRANTY DEED
(ID Nampa)

AGRESERVES, INC., a Utah corporation, Grantor, whose address is 79 South Main Street, Suite 1100, Salt Lake City, Utah 84111, hereby grants, conveys and warrants to CLEON HOAGLAND and PATRICIA HOAGLAND, husband and wife, Grantee, whose address is 690 Southside Blvd. South, Melba, Idaho 83641, for the sum of TEN DOLLARS and other good and valuable consideration, the following real property located in Canyon County, State of Idaho, (the "Property") and more particularly described as follows:

See Exhibit A attached hereto and by this reference made a part hereof.

Together with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining thereto, including, but not limited to easements and rights-of-way over adjoining property, which easements and rights-of-way are appurtenant to the real property described on Exhibit A, and all of Grantor's interest in and to water, wells, and all water rights appurtenant to said real property described on Exhibit A, and all of Grantor's interest in and to any land lying in the bed of any body of water, waterway or public street, public road or public avenue in front of or adjoining the land, to have and to hold, the same in fee simple forever.

TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns, forever, and Grantor does hereby covenant to Grantee and its successors and assigns forever, that: (a) Grantor is owner in fee simple of the Property; (b) Grantor has a good right to convey the fee simple; (c) previous to the execution of this conveyance, Grantor has not conveyed the same estate to any person other than the Grantee; (d) the Property is free from any and all liens, claims and encumbrances caused or suffered by Grantor except (i) the Permitted Exceptions identified on Exhibit B, attached hereto, (ii) real property taxes and assessments, for the current year, which are not yet due and payable, and (iii) any matters arising from the acts or omissions of Grantee; and (e) that Grantor will warrant and defend the same forever against any other liens, claims or encumbrances done, made or suffered by Grantor, or any person claiming by, through or under Grantor, but none other.

[Signature and Acknowledgment Follows]

DATED this 8 day of April, 2021.

AGRESERVES, INC.,
a Utah corporation

By: Doug Rose
Name: Douglas L. Rose
Its: Chief Executive Officer RB

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

On this 8 day of April, 2021, personally appeared before me Douglas L. Rose, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me affirmed, did say that he is the Chief Executive Officer of AGRESERVES, INC., a Utah corporation, and that said document was signed by him in behalf of said Corporation by Authority of its Bylaws, and said Douglas L. Rose acknowledged to me that said Corporation executed the same.

WITNESS my hand and official seal.

DIANE LUNT
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 710496
COMM. EXP. 03-24-2024

Diane Lunt
Notary Public

Exhibit D.11

ARTICLE 10

ZONES Road set backs

SECTION:

07-10-01: Zones Enumerated

07-10-03: Private Road And Driveway Requirements

07-10-05: Public Street Right-Of-Way Widths

07-10-07: Unspecified Uses

07-10-09: Transmission Poles And Lines

07-10-11: Functional Classification Map

07-10-13: Signs

07-10-15: Property Boundary Coverage

07-10-17: Property Boundary Adjustment

07-10-19: Section Line Setback

07-10-21: Setbacks; Minimum Parcel Or Lot Size; Height Regulations

07-10-23: City Impact Areas

07-10-25: Purposes Of Zones

07-10-27: Land Use Regulations (Matrix)

07-10-01: ZONES ENUMERATED:

For the purpose of promoting pride of ownership, health, safety, and general welfare within its area of jurisdiction, the County is hereby divided into the following zones:

A	(Agricultural) Zone
R-R	(Rural Residential) Zone
R-1	(Single-Family Residential) Zone
R-2	(Combined Medium-Density Residential) Zone
C-1	(Neighborhood Commercial) Zone
C-2	(Service Commercial) Zone
M-1	(Light Industrial) Zone
M-2	(Heavy Industrial) Zone
MU-A	(Mixed Use - Arterial) Zone
F	(Flood Hazard Overlay) Zone
AP	(Airport Overlay) Zone

(Ord. 19-038, 8-30-2019)

07-10-03: PRIVATE ROAD AND DRIVEWAY REQUIREMENTS:

(1) Frontage, Easement, Or Road Lot Required: For the purpose of providing adequate access for equipment, emergency vehicles and other services to inhabited buildings, each parcel must demonstrate access by one of the following prior to the issuance of a certificate of zoning compliance:

A. Frontage: A minimum property frontage of sixty feet (60') is required along the right-of-way of a public road for the purpose of ingress/egress. The frontage width requirement may be reduced to a width not less than fifty feet (50') in accordance with subsection (1)D of this section.

B. Driveway Or Private Road Application, Easement And Maintenance Agreement:

1. Applications for driveways serving two (2) properties and all private roads shall be filed with DSD.

(A) An application on a form provided by the Director and the fees shall be submitted. Additional fees shall be charged for any requested alternative standards which require review by the County Engineer.

(B) When the application is filed, the Director shall review the application to determine if: 1) the proposed driveway serving two (2) properties or private road is in accord with the standards in this section and chapter 6, article 5 of this Code and 2) will not disrupt regional or local long range transportation plans. Conditions may be placed on the approval to ensure continued compliance with the requirements of this section.

2. Driveways serving two (2) properties and all private roads shall be located within a recorded permanent, perpetual easement, having a minimum width of sixty feet (60') from the right-of-way of a public street to the property for the purpose of ingress/egress. The easement width requirement may be reduced to a width not less than twenty eight feet (28') in accordance with subsection (1)D of this section.

3. Driveways serving two (2) properties and all private roads shall have a recorded road users maintenance agreement that describes the responsible parties for construction and maintenance, including repairs, and necessary improvements to accommodate additional accesses in the future. The agreement shall also list any construction warranties applicable to the specific driveway or private road. Failure to maintain a previously approved driveway or private road shall be a violation of this article subject to the enforcement procedures in article 19 of this chapter.

4. All properties taking access to a private road shall be in compliance with the addressing standards in chapter 6, article 5 of this Code.

5. Driveways serving two (2) residences and all private roads shall be located to minimize disruption of existing agricultural practices.

C. Private Road On Subdivision Plat: A private road shall be shown as a separate, nonbuildable lot in accordance with the requirements of section 07-17-31: of this chapter.

D. Width Reduction: The width of a parcel's road frontage, easement or private road may be reduced by the Director if the reduction demonstrates all of the following:

1. Will the proposed reduction provide adequate access;

2. Do physical characteristics of the site require a width reduction; and

3. Would approval of the request cause injury, damage, or a safety hazard?

(2) Fire District Road Requirements: The construction of driveways or private roads longer than one hundred fifty feet (150') from the public street right-of-way line to the most distant portion of an inhabited building must be approved in writing from the applicable fire district.

Exhibit D.11

408 CARRIE REX AVE
MELBA, ID 83641
208-495-2351

Re: Single Dwelling
To whom it may concern:

The Melba Fire Department, which is also known as the Melba Rural Fire Protection District is the Authority having Jurisdiction in the District. The International Fire Code, a document adopted by the State of Idaho, is used as the Code Document in the area of our Authority. There are a few considerations when approving development in the rural area in particular subdivisions or private dwellings. **Any access road 150' (feet) or greater must obtain an access permit from the Melba Fire Department.** This is measured from the center of the public access road to the rear of the structure at ground level around any exterior wall.

Fire Department apparatus access is one requirement, and is perhaps best known by a handout drawing provided. Basically, it states that any road servicing any building needs to be **20' (feet) wide**, of all weather material consisting of **6" of Pit Run and 2" of 3/4" road mix** and is over **150' long**, needs to be provided with an adequate **turn around** as shown in the hand out. **Bridges**, if applicable need to be able to support **80,000 pounds**, and the access shall have a **6½% grade or less.**

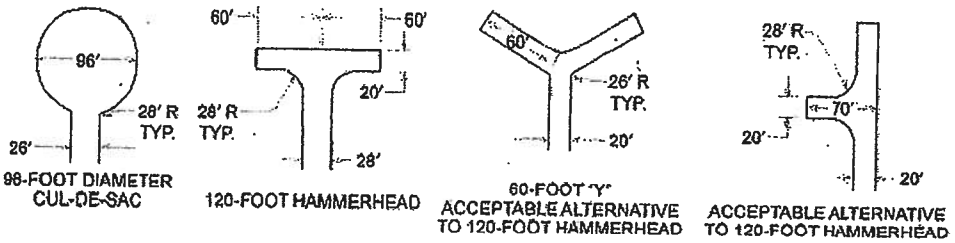
The International Fire Code also states that adequate water supply is needed for firefighting purposes. A National Fire Code Document called NFPA 1142 covers Rural and Suburban water supply. This is a guide to how much actual water is needed to protect any given building depending on size, occupancy and construction type. An average house including an attached garage totaling 2,000 square feet needs up to 4,300 gallons of water for firefighting purposes. The Melba Rural Fire Protection District responds with 4,000 gallons of water, so we feel that no additional onsite water is required. The following are options that are available to meet this need.

1. Approved quick response residential fire sprinklers.
2. An approved onsite water storage container system.
3. A municipal type water supply with approved hookups, volume and pressure for firefighting apparatus.
4. An approved pumping station located in an approved area capable of producing 500 gallons of water per minute at 20 pounds minimum residual pressure for two hours.
5. Keeping the building size below 2,000 square feet.
6. Building with more fire resistive construction.

Upon request, the Fire Department will explain in detail the options and discuss any questions you may have. Our object is not to slow progress or expansion, but to allow development to continue while providing a reasonable degree of safety and fire protection.

If you have any questions, comments or ideas, feel free to call the Melba Fire Department at 208-495-2351.

Acceptable Turnarounds



98-FOOT DIAMETER CUL-DE-SAC | 120-FOOT HAMMERHEAD | 60-FOOT "Y" ACCEPTABLE ALTERNATIVE TO 120-FOOT HAMMERHEAD | ACCEPTABLE ALTERNATIVE TO 120-FOOT HAMMERHEAD

*Please note all multi-dwelling (3 or more) road widths increase to 26' (feet)

Exhibit D.11

1 Histroy for Warranty Deed from 1968 - 1980 33.

Exhibit D.12 9/4/68

[illegible] 74857

This Indenture, Made this 4th day of September

in the year of our Lord one thousand nine hundred and sixty-eight, between

B. F. KOCHENOWER and CLARA H. KOCHENOWER, husband and wife,

of Nampa, County of Canyon, State of Idaho,

the parties of the first part, and KEITH C. CAMPBELL and LENA A. CAMPBELL, husband and wife,

of Nampa, County of Canyon, State of Idaho,

the parties of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of the sum of

TWENTY NINE THOUSAND FIVE HUNDRED and NO/100---------DOLLARS,

lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Canyon, State of Idaho, to-wit:

NE¼NW¼, Section 12, Township 1 South, Range 2, West of the Boise Meridian, Canyon County, Idaho; EXCEPTING THEREFROM: Beginning at the NE corner of the NE¼ of the NW¼ of Section 12, Township 1 South, Range 2, West of the Boise Meridian, and running thence West 115 feet to a point; thence South on a line parallel to the East line of said NE¼ of the NW¼, a distance of 108 feet; thence East, parallel with the North line of said NE¼ of NW¼, a distance of 115 feet to the East line of said NE¼ of the NW¼; thence North on the East line of said NE¼ of the NW¼, a distance of 108 feet to the point of beginning.

J

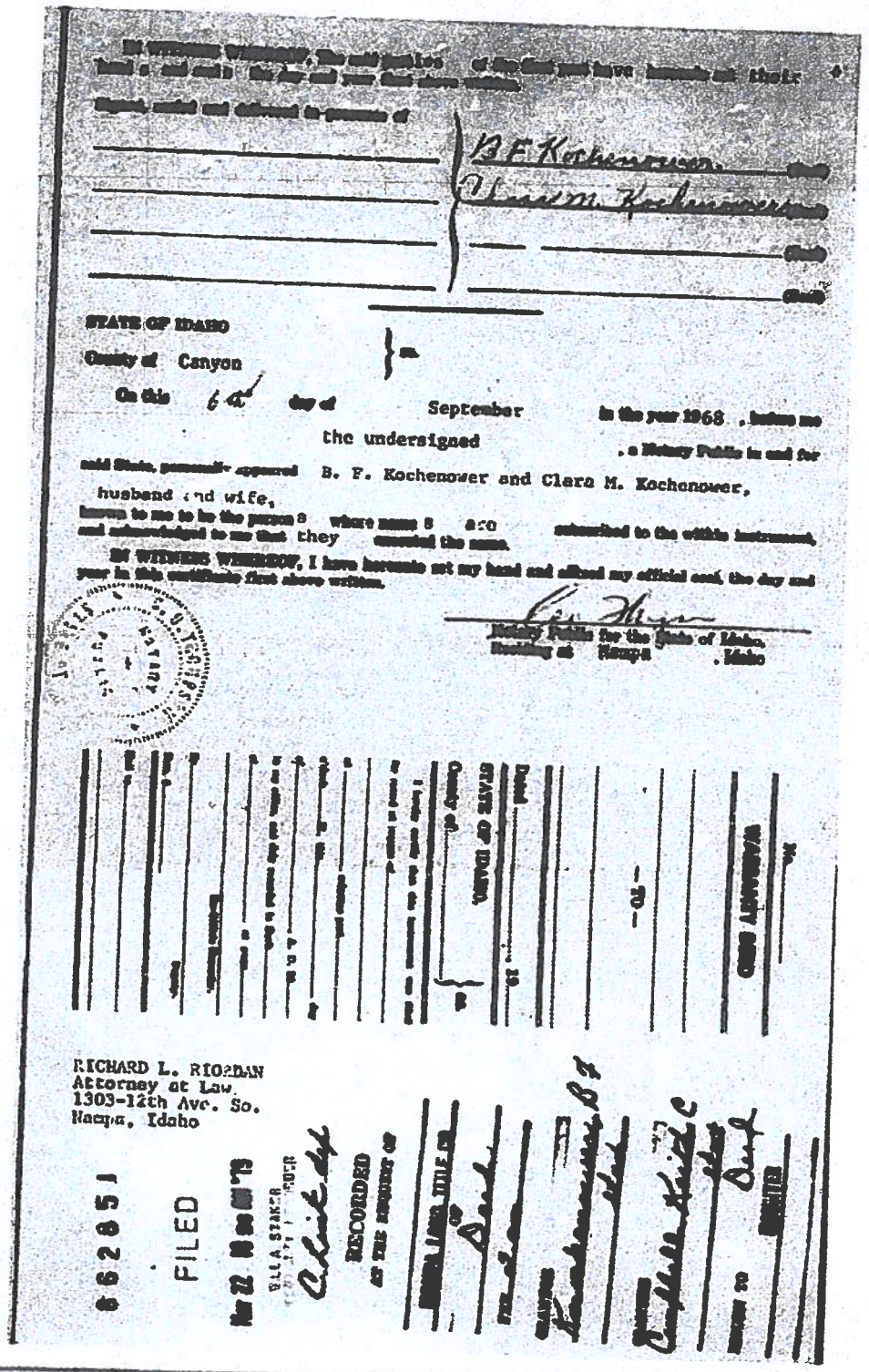
Together with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

To have and to hold the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and forever defend by these presents.

N
W E
S

115 ft
108 ft
15 ft

Exhibit D.12



B F Kochenower
Clara M. Kochenower

STATE OF IDAHO
County of Canyon } ss.

On this 6th day of September in the year 1968, before me the undersigned, a Notary Public in and for said State, personally appeared B. F. Kochenower and Clara M. Kochenower, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Notary Public for the State of Idaho,
Residing at Nampa, Idaho

RICHARD L. RIORDAN
Attorney at Law
1303-12th Ave. So.
Nampa, Idaho

62851

FILED

Exhibit D.12

Mailing address: Kondo Farms, Inc., Rt. 4A, Nampa, Idaho 83651

INSTRUMENT NO 862852

THIS INDENTURE, Made this 17th day of January

in the year of our Lord one thousand nine hundred and seventy-four , between

KEITH C. CAMPBELL and LENA A. CAMPBELL, husband and wife,

of Shelton , County of Mason , State of Washington ,

the parties of the first part, and KONDO FARMS, INC., an Idaho corporation,

of Nampa , County of Canyon , State of Idaho ,

the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

---TEN and NO/100---------- DOLLARS,

lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to its heirs and assigns forever, all of the following described real estate, situated in the County of Canyon , State of Idaho, to-wit:

NE¼NW¼, Section 12, Township 1 South, Range 2, West of the Boise Meridian, Canyon County, Idaho; EXCEPTING THEREFROM: Beginning at the NE corner of the NE¼ of the NW¼ of Section 12, Township 1 South, Range 2 West of the Boise Meridian, and running thence West 115 feet to a point: thence South on a line parallel to the East line of said NE¼ of the NW¼, a distance of 108 feet; thence East, parallel with the North line of said NE¼ of NW¼, a distance of 115 feet to the East line of said NE¼ of the NW¼: thence North on the East line of said NE¼ of the NW¼, a distance of 108 feet to the point of beginning.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its heirs and assigns forever, and the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns, against the said part ies of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

Exhibit D.12

4

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hands and seal s the day and year first above written.

Signed, sealed and delivered in presence of

_____ (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

WASHINTON
STATE OF IDAHO }
County of Mason } ss.

On this day of January in the year 19 74 , before me the undersigned , a Notary Public in and for said State, personally appeared Keith C. Campbell and Lena A. Campbell, husband and wife,

known to me to be the person s whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Notary Public for the State of Idaho/Wash.
Residing at Shelton , Idaho/Wash.

WARRANTY DEED

No.

— TO —

GRANTOR Campbell, Keith C et ux

GRANTEE Banks Farms Inc

RETURN TO Banks

COUNTER

STATE OF IDAHO, }
County of } ss.

Dated , 19

I hereby certify that this instrument was filed

at the request of TITLE CO

FEE 2.00

RECORDED
AT THE REQUEST OF

C. Kinkade

Mar 22 10 59 AM '79

862857

Prepared by:
Richard L. Riordan
Attorney at Law
1303-12th Ave. So.
Nampa, Idaho 83651

Exhibit D.12

5

21—CORPORATION WARRANTY DEED

Order No. 21-8370

(Optional)							
Recorded	☐	Platted	☐	Key Punched	☐	To Treasurer	☐
Microfilmed	☐	Deed Card	☐	Master File	☐		
Indexed	☐	Compared	☐	Abstracted	☐		

Instrument No. 907197

WARRANTY DEED
(CORPORATE FORM)

KONDO FARMS, INC., an Idaho corporation, a corporation organized and existing under the laws of the State of Idaho, with its principal office at Nampa, State of Idaho, of County of Canyon, grantor, hereby CONVEYS or GRANTS and WARRANTS TO

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah Corporation sole

grantee of Salt Lake City, Utah for the sum of

SIXTY - TWO THOUSAND FIVE HUNDRED AND NO/100 - - - - - - - - - DOLLARS, the following described tract(s) of land in Canyon County, State of Idaho:

The Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 12, Township 1 South, Range 2 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM THE Northerly 190 feet thereof.

Location of above described property Nalba, Idaho
House No. Street

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this day of June, A. D. 19 80

Kondo Farms, Inc. (CORPORATE NAME)

By Henry T. Kondo PRESIDENT

Attest: Alice S. Kondo SECRETARY

State of Idaho, County of Canyon, ss.

On the 26th day of June, A. D. 19 80 personally appeared before me Henry T. Kondo and Alice S. Kondo who being by me duly sworn did say, each for himself, that he, the said Henry T. Kondo is the president, and he, the said Alice S. Kondo is the secretary of Kondo Farms, Inc., a corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors, and Henry T. Kondo and Alice S. Kondo each duly acknowledged to me that said corporation executed the same and that the seal affixed is the corporate seal of said corporation.

Notary Public

My residence is Caldwell, Idaho

My commission expires 2/4/83

MAIL DEED TO:

MAIL TAX NOTICE TO:
Name Church of Jesus Christ of Latter-Day Saints
Address 330 South 3rd East
City & State Salt Lake City, Utah Zip 84111

Exhibit D.12

6

907197

FILED

Nov 26 11 33 AM '80

[illegible] STAKER
[illegible] DER
L. Knowles

[illegible] D
[illegible]

NAMPA LAND TITLE CO

Deeds
2.00

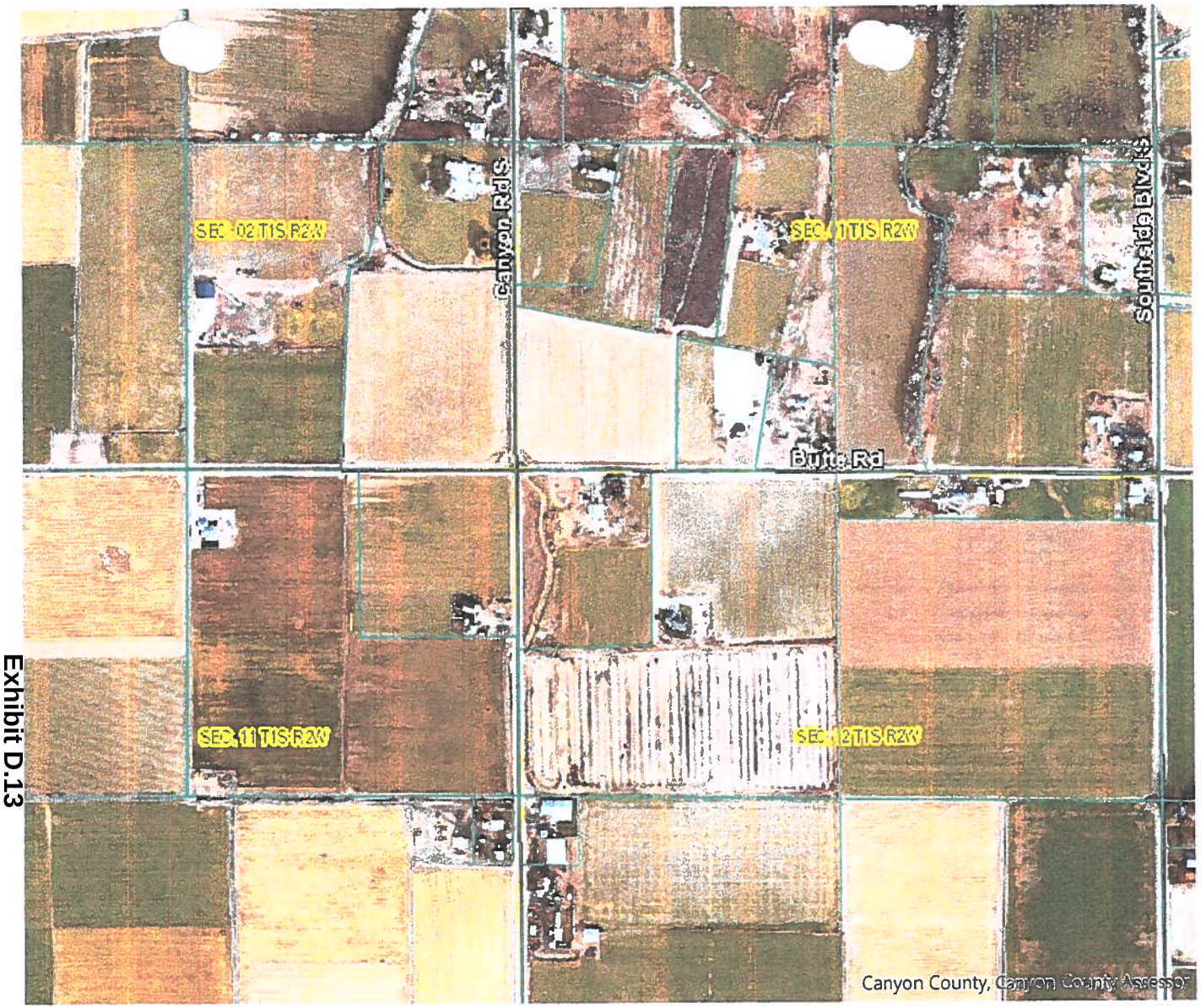
Kondo Farms

Corp of Presiding
Bishop etal
Deed

Counter

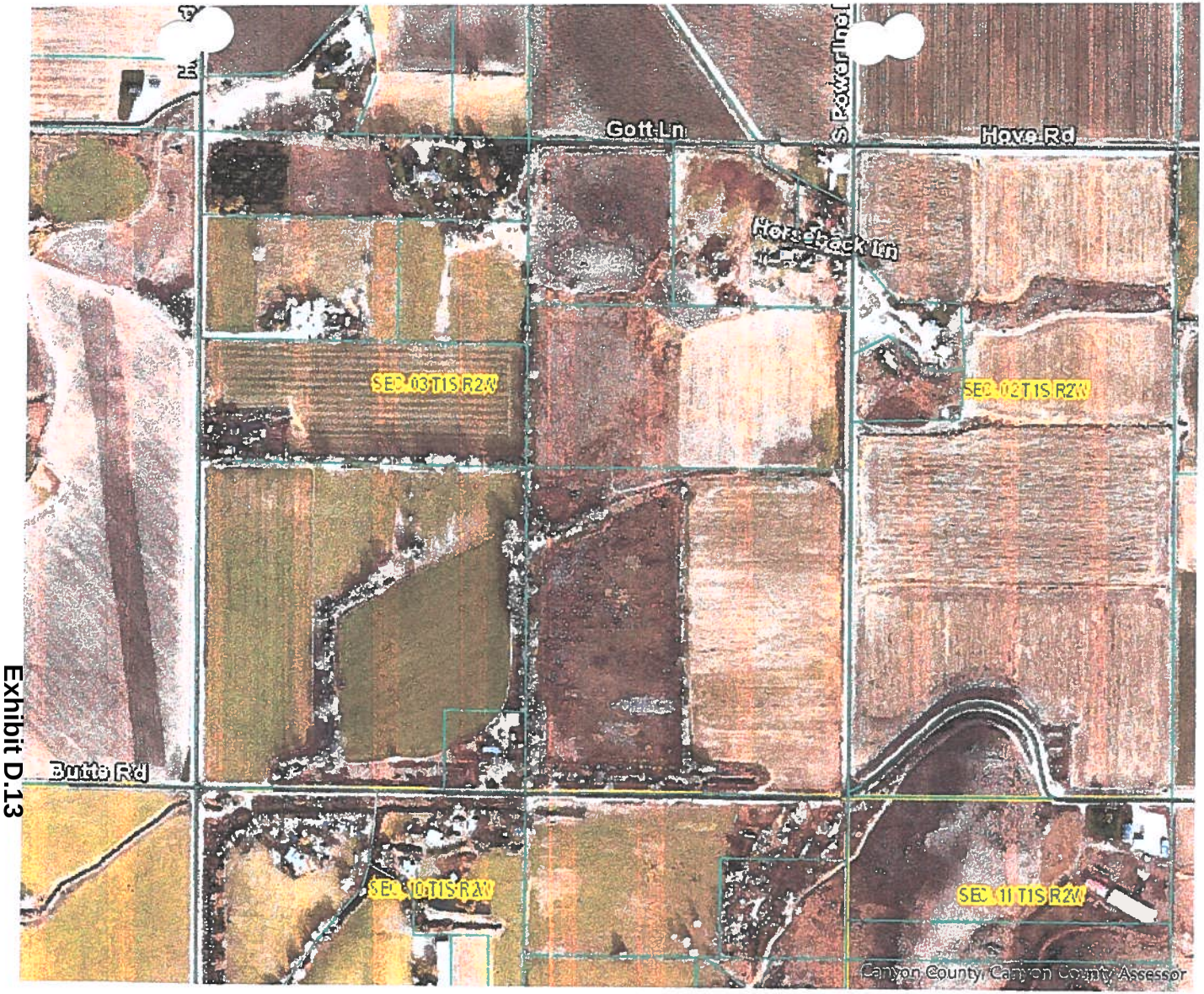
Exhibit D.12

My place and west of me



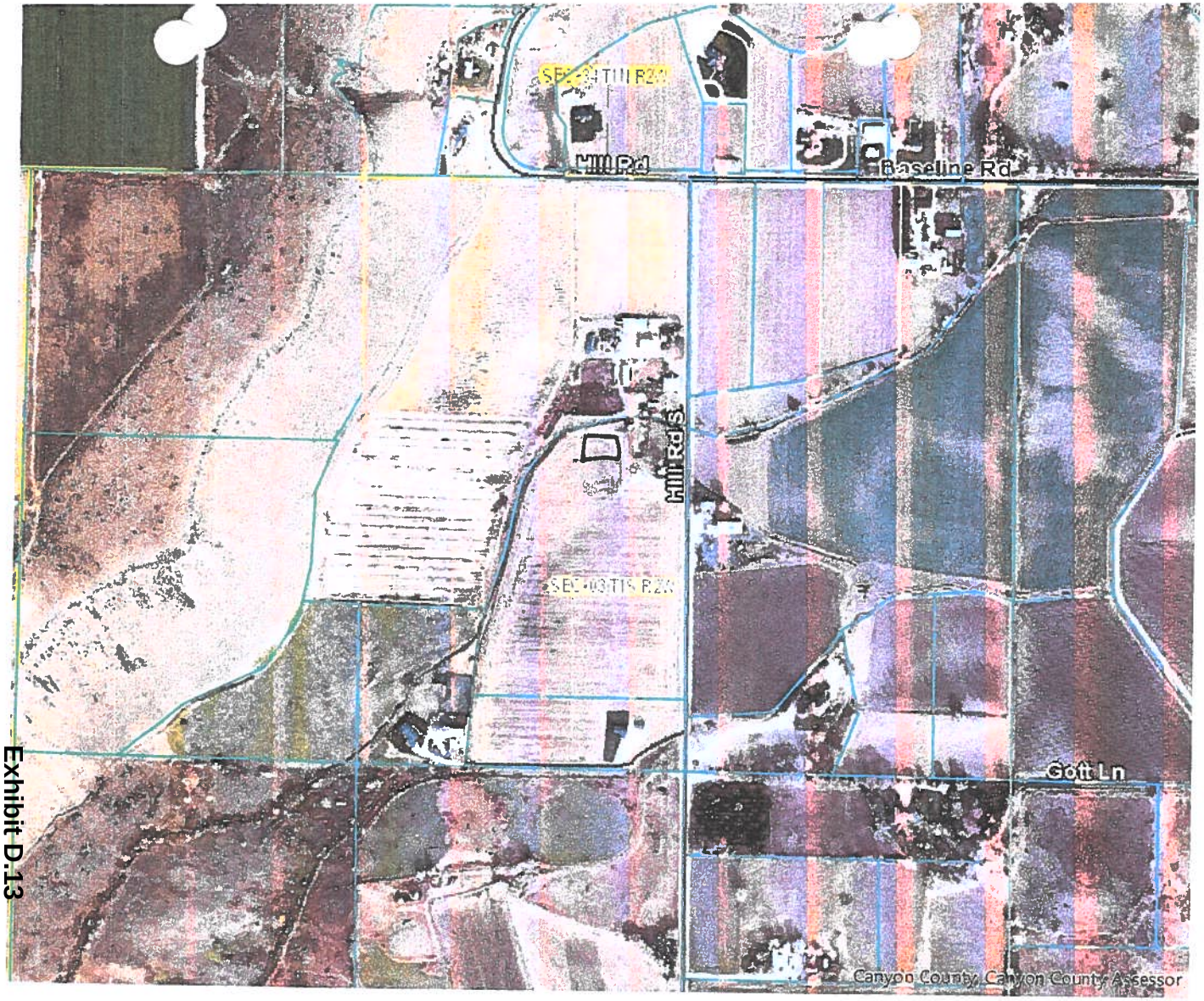
NEXT TO ME
Harris & Grandpas

Exhibit D.13



Bill Youngs's

Exhibit D.13



MIKELENZ & North Base Line R.

Exhibit D.13

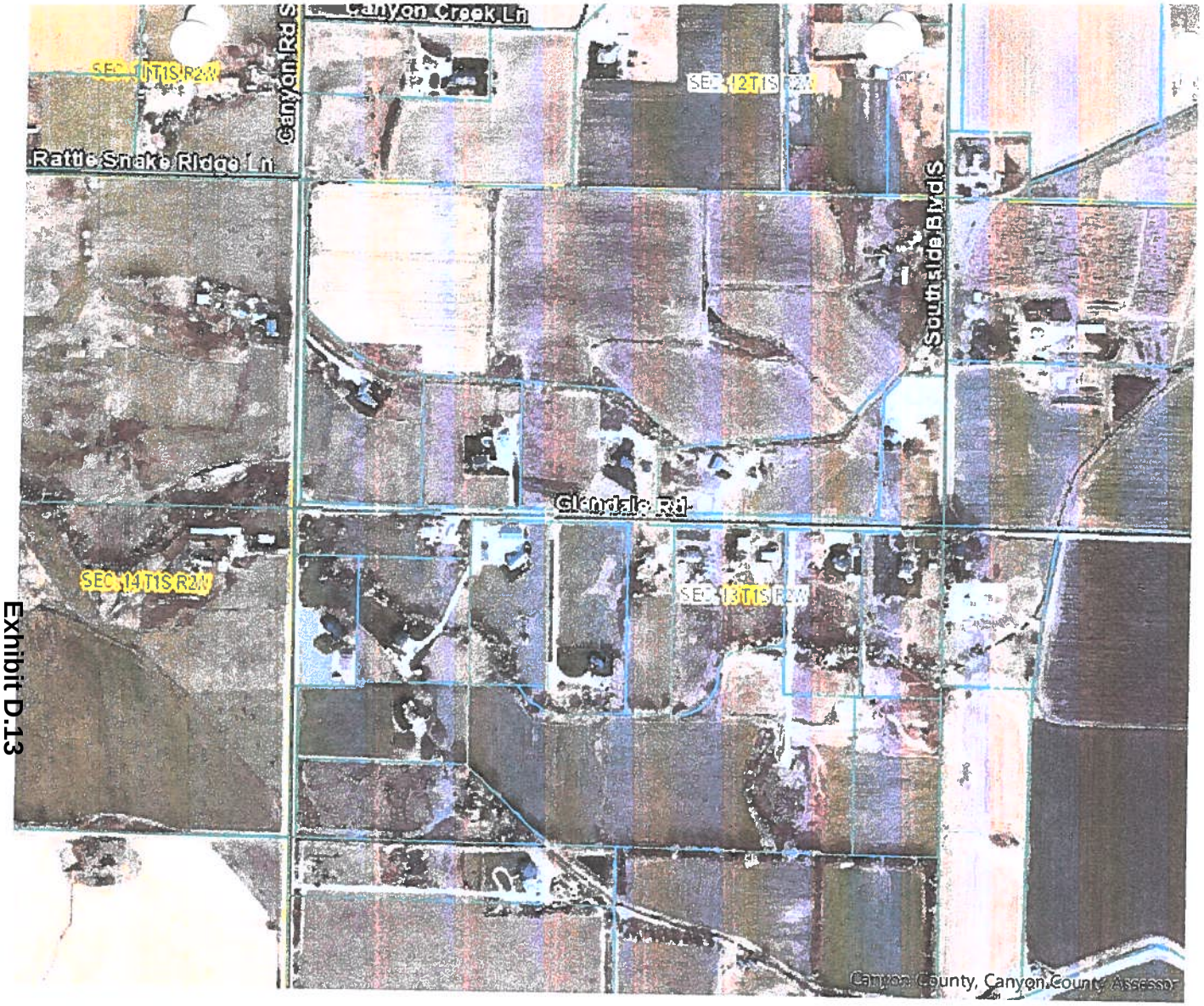


Exhibit D.13

Prousch & Bill Muchow Subdivision

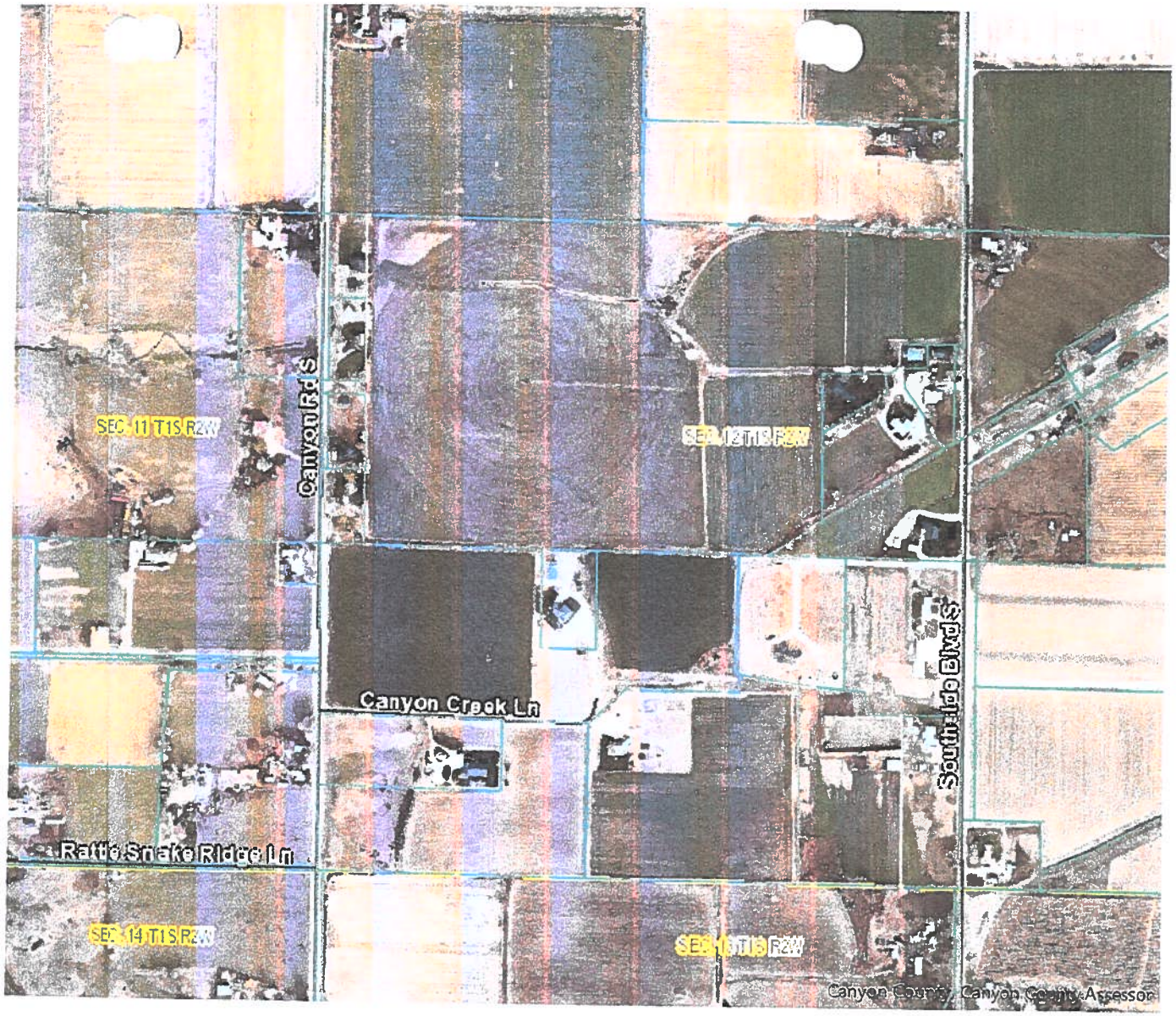
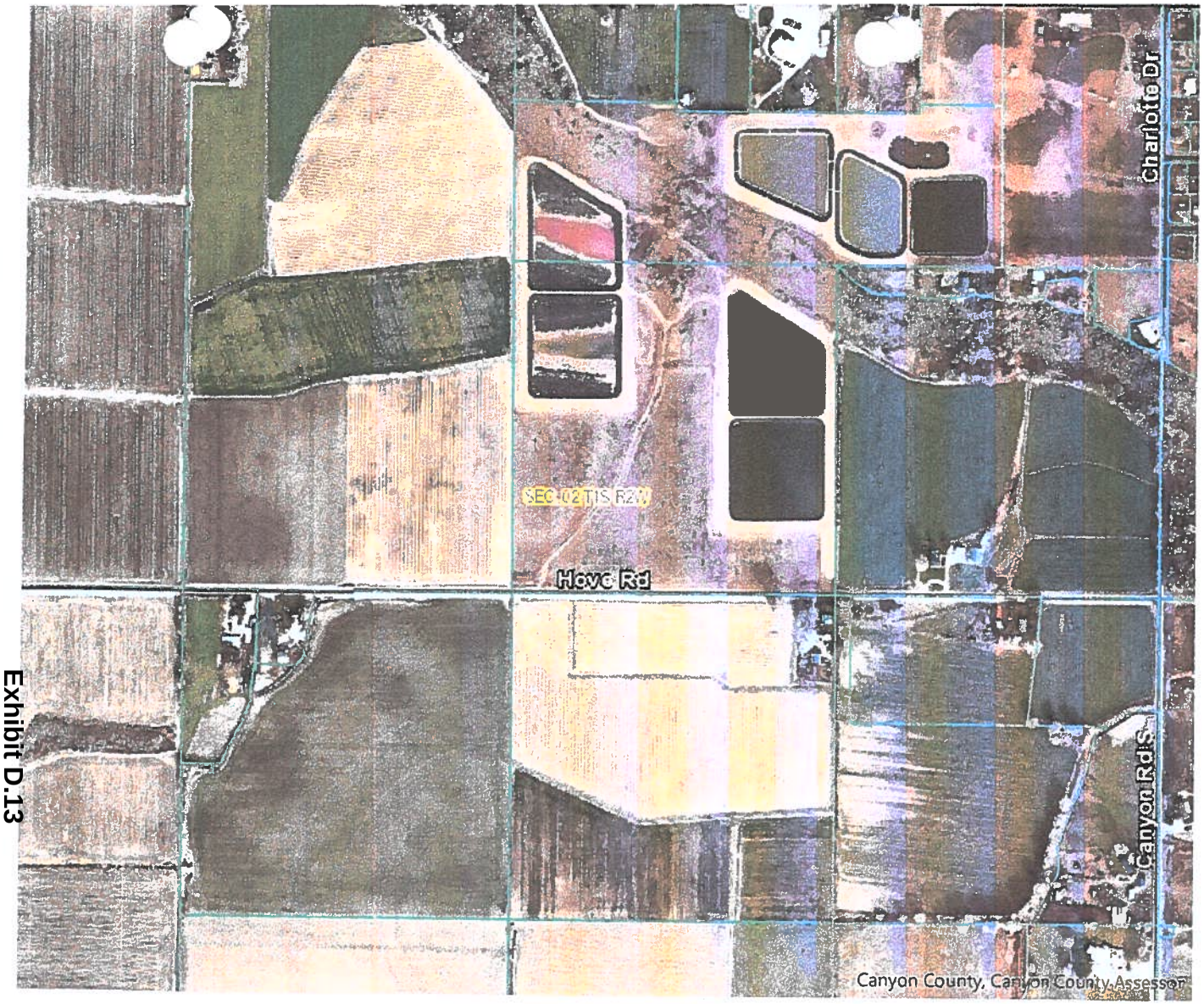


Exhibit D.13

Devin
ODEL's & Muchow's
subdivisions



MEIBA Sewer Ponds

Exhibit D.13

Skinner
Land Survey
17842 Sand Hollow Road
Caldwell, Idaho 83607
(208)454-0933
WWW.SKINNERLANDSURVEY.COM
surveys@skinnerlandsurvey.com

Thomas J. Wellard, PLS

March 3, 2022

C.W. Young, Jr.
Job No. MR0122

YOUNGS

Letter of Intent

Canyon County Development Services,

We are requesting an administrative land division of Parcels R28187010, R281880 and R281890. Parcel Inquiry PI2020-0478 shows each parcel is original and is eligible for a land division. Parcel R28187010 will be split into Parcels W & X. Parcel 281880 will be split into Parcels A & B. Parcel 281890 will be split into Parcels 1 & 2. The land is relatively flat and does not have any slopes greater than 15%. The parcels are divided according to the current irrigation configuration with any necessary easements shown on the survey. The irrigation pattern will be unchanged based on the new division. This leaves Parcels Y, Z and 3. We are requesting a non-viable land division to obtain building rights for these parcels. Parcels Y & Z are part of Parcels R28187010 and R281880. Parcel R28187010 only has 4.32 acres of water rights. These parcels represent that portion which has no surface irrigation water rights. Also, this portion of land is not farmed and is rocky and not suitable for farming. Parcel 3 is a portion of Parcel R281890 which is separated by the irrigation design. This portion of land is short of surface irrigation by one acre. As you can see from the conceptual the northern portion of this parcel is not farmed and has never been farmed. This area is rocky, has a washout through it and is not suitable for farming. All parcels will be accessed from a new private road easement with the exception of Parcel 1. Parcel 1 has frontage to both S. Powerline Road and Butte Road. A private road application is submitted with this application along with an easement reduction to 30 feet for a portion of the private road easement.
We appreciate your consideration of this request and hope you find our application in compliance and approve our request.

Respectfully submitted,

T.J. Wellard, PLS
Skinner Land Survey
208-454-0933
tj@skinnerlandsurvey.com

landproDATA

MR0122 C.W. Young, Jr.

851 S. Powerline



Mar 01, 2022 - landproDATA.com

The materials available at this website are for informational

Skinner
Land Survey
17842 Sand Hollow Road
Caldwell, Idaho 83607
(208)454-0933
WWW.SKINNERLANDSURVEY.COM
surveys@skinnerlandsurvey.com

Thomas J. Wellard, PLS

June 7, 2023

MENDIOLA

Maria Mendiola
Job No. MR2023

Letter of Intent

Canyon County Development Services,

We are requesting an administrative land division of Parcels R2814300000. Our Parcel Inquiry shows this parcel is made up of 3 original parcels and is eligible for a land division. We are proposing to only request the administrative land division of the SE ¼ NW ¼. The land is gently sloped and does not appear to have areas with slopes greater than 15%. The parcels will be divided to separate the non-viable and non-irrigatable rocky ground from the irrigated farmland. The irrigation pattern will be unchanged based on the new division so as to not interfere with the farmable land. The administrative land division will be Parcels 1 and 2. We are requesting a non-viable land division of Parcels 3 and 4 leaving the viable farmland as Parcel 5 an agricultural only parcel. These parcels represent that portion which has no surface irrigation water rights, is sloped and rocky and has never been farmed. This area is rocky, has a washout through it and is not suitable for farming. All parcels will be accessed from Southside Boulevard. This will be accomplished by shared access approaches to meet Highway District approach spacing.
We appreciate your consideration of this request and hope you find our application in compliance and approve our request.

Respectfully submitted,

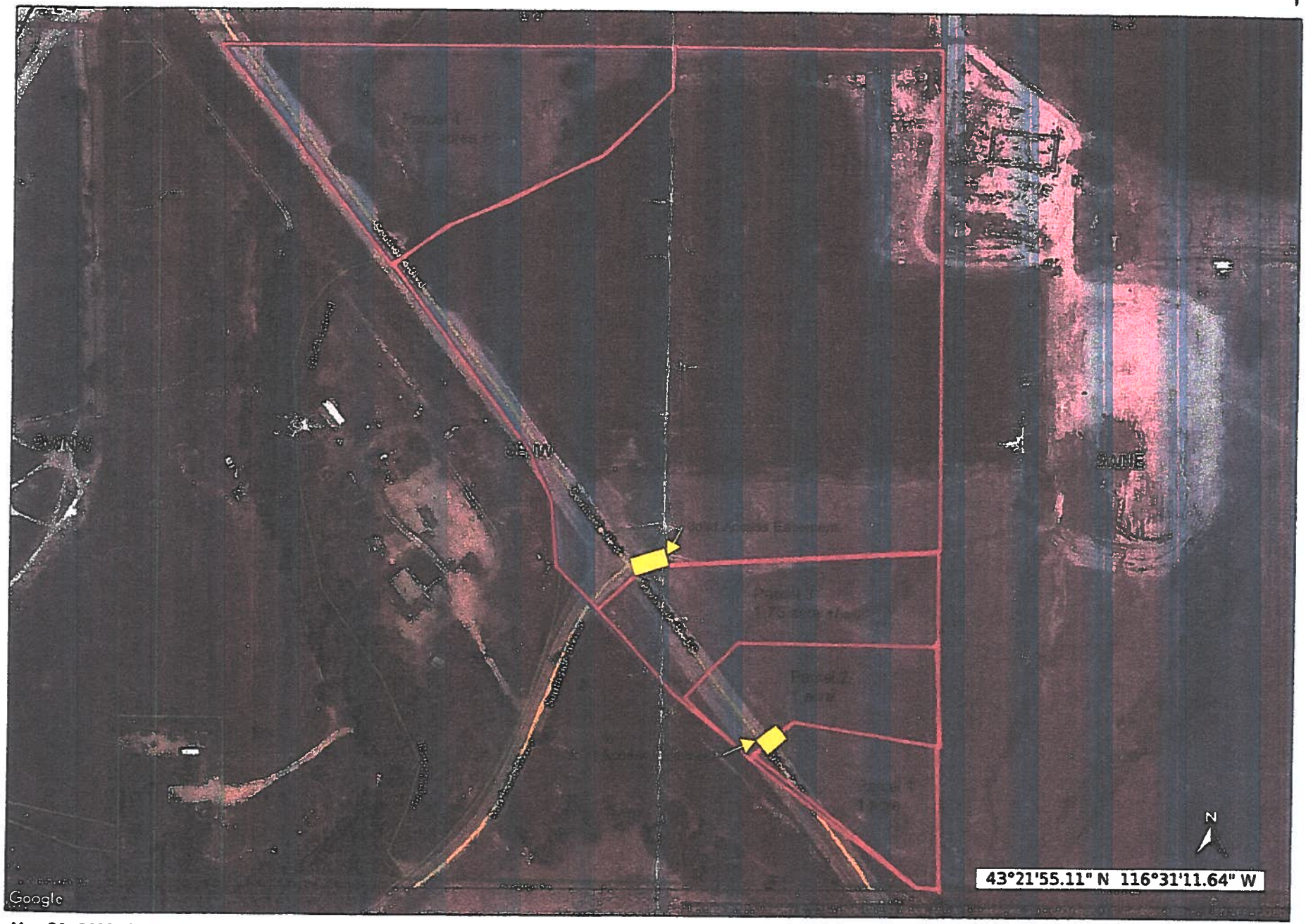
T.J. Wellard, PLS
Skinner Land Survey
208-454-0933
tj@skinnerlandsurvey.com

landproDATA

MR2023 Mendiola

6445 Baseline Road

Skinner Land Survey



May 31, 2023 - landproDATA.com
Scale: approx 200 feet

The materials available at this website are for informational purposes only and do not constitute a legal docum

Exhibit D.15

emailed 3-4-24

NAMPA HIGHWAY DISTRICT NO. 1

LAND SPLIT APPLICATION

NHD-003
Rev Jan 2015
Page 1 of 1

#240078

SECTION I – APPLICANT INFORMATION *(TO BE COMPLETED BY APPLICANT)*

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

Cleon & Patti Hoagland — *NAME OF APPLICANT*

Cleon Hoagland / Patti Hoagland — *SIGNATURE OF APPLICANT*

P.O. Box 1166 — *ADDRESS*

2/28/2024 — *DATE*

Melba — *CITY* | ID — *STATE* | 83641 — *ZIP*

208-250-3622 — *PHONE (CELL NUMBER PREFERRED)*

ROAD NAME: Southside & Butte BETWEEN Base Line *FIRST CROSS STREET* & Butte *SECOND CROSS STREET*

SIDE OF ROAD:
☐ North ☐ South
☒ East ☐ West

TOTAL NUMBER OF:
New Lots: 5
New Access Points: 2

PLATTED SUBDIVISION?
☒ No *(attach sketch of proposed land split)*
☐ Yes *(submit Conceptual Plan prepared by an Engineer)*

SECTION II – WORKSHEET/RECOMMENDATION *(TO BE COMPLETED BY HIGHWAY DISTRICT)* Southside

Butte 53 mph

APPLICATION FEE: ☑ Paid ☐ Not Paid CHK# 1758

85th PERCENTILE SPEED: 56 mph

ROAD NO. 606 & 625

SIGHT DISTANCE: ☒ Sufficient ☐ Insufficient

ROAD SURFACE: ☒ Asphalt ☐ Gravel ☐ Dirt

TRAFFIC VOLUME: 524 ADT

284 AUT

SHARED ACCESS: ☒ Yes ☐ No

FUNCTIONAL CLASSIFICATION: ☐ Arterial ☐ Collector ☒ Other

CULVERTS REQUIRED: ☒ Yes ☐ No

MEETS ACCESS CONTROL STANDARDS?: ☒ Yes ☐ No

ADDITIONAL REMARKS/CONDITIONS: *(IF NONE, SO STATE)*

Parcels A1, A2, A3 & B2 will use a shared access onto Southside Blvd at a location meeting Stopping Sight distance. "A paved apron will be required as a Condition of approval"

Parcel B1, will use a single access onto Butte Rd at a location meeting Stopping Sight distance.

THIS LAND SPLIT IS:
☒ Recommended for approval, subject to the above conditions
☐ Not recommended

Edward Neal — *SIGNATURE – HIGHWAY DISTRICT OFFICIAL*

3-4-24 — *DATE*

LAND SPLIT APPLICATION

NHD-003
Rev Jan 2015
Page 1 of 1

SECTION I – APPLICANT INFORMATION *(TO BE COMPLETED BY APPLICANT)*

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

Cleon & Patti Hoagland — *NAME OF APPLICANT*

Cleon Hoagland / Patti Hoagland — *SIGNATURE OF APPLICANT*

P.O. Box 1166 — *ADDRESS*

2/28/2024 — *DATE*

Melba — *CITY* | ID — *STATE* | 83641 — *ZIP*

208-250-3622 — *PHONE (CELL NUMBER PREFERRED)*

ROAD NAME: Southside Blvd BETWEEN Butte rd *FIRST CROSS STREET* & Glendale rd *SECOND CROSS STREET*

SIDE OF ROAD:
☐ North ☐ South
☐ East ☑ West

TOTAL NUMBER OF:
New Lots: 3
New Access Points: 3

PLATTED SUBDIVISION?
☑ No *(attach sketch of proposed land split)*
☐ Yes *(submit Conceptual Plan prepared by an Engineer)*

SECTION II – WORKSHEET/RECOMMENDATION *(TO BE COMPLETED BY HIGHWAY DISTRICT)*

APPLICATION FEE: ☑ Paid ☐ Not Paid CHK# 1258

ROAD NO. 627

ROAD SURFACE: ☒ Asphalt ☐ Gravel ☐ Dirt

SHARED ACCESS: ☐ Yes ☒ No

CULVERTS REQUIRED: ☒ Yes ☐ No

MEETS ACCESS CONTROL STANDARDS?: ☑ Yes ☐ No

85th PERCENTILE SPEED: 57 mph

SIGHT DISTANCE: ☒ Sufficient ☐ Insufficient

TRAFFIC VOLUME: 318 ADT

FUNCTIONAL CLASSIFICATION: ☐ Arterial
☐ Collector
☐ Other

ADDITIONAL REMARKS/CONDITIONS: *(IF NONE, SO STATE)*

Parcels C1, C2, & C3 will each have their own single point of access onto Southside Blvd. No other point of access shall be granted. All approaches shall meet current spacing requirements per ACCHD Standards.

THIS LAND SPLIT IS:
☒ Recommended for approval, subject to the above conditions
☐ Not recommended

Edward Reid — *SIGNATURE – HIGHWAY DISTRICT OFFICIAL*

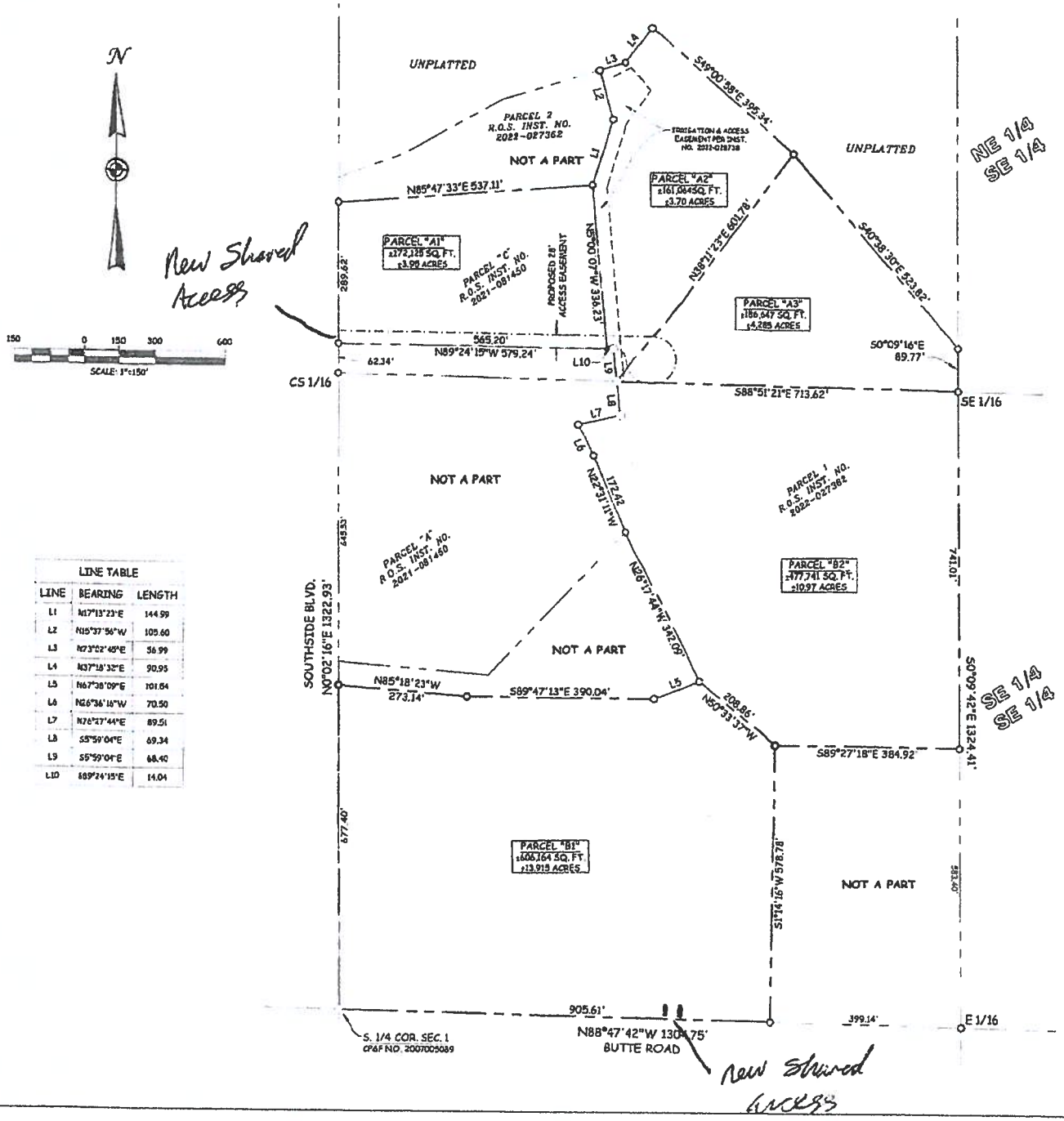
3-4-24 — *DATE*

Exhibit D.16

Exhibit D.16

RECORD OF SURVEY

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, LOCATED IN THE COUNTY OF CANYON, STATE OF IDAHO.
2023



LINE TABLE		
LINE	BEARING	LENGTH
L1	N17°13'23"E	144.99
L2	N15°37'56"W	105.60
L3	N73°02'45"E	56.99
L4	N37°18'32"E	90.95
L5	N67°38'09"E	101.84
L6	N26°36'16"W	70.50
L7	N76°27'44"E	89.51
L8	S5°59'04"E	69.34
L9	S5°59'04"E	68.40
L10	S89°24'15"E	14.04

LEGEND

- FOUND 5/8" IRON PIN
- FOUND BRASS CAP MONUMENT
- SET 1/2" IRON PIN TAGGED "LS 18811"
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE AS NOTED
- SURVEY TIE LINE

NARRATIVE

THE BASIS OF BEARINGS USED FOR THIS SURVEY WAS ESTABLISHED USING GPS OBSERVATIONS BETWEEN FOUND MONUMENTS ON THE WEST LINE OF THE NW 1/4 OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, PROJECTED TO THE IDAHO STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. ALL BEARINGS SHOWN ARE GRID AZIMUTH AND ALL DISTANCES SHOWN ARE TRUE GROUND DISTANCES SCALED FROM GRID.

CERTIFICATE OF LAND SURVEYOR

I, JOHN S. GLETNE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.

PROFESSIONAL LAND SURVEYOR LICENSE 18811 STATE OF IDAHO JOHN S. GLETNE

PRELIMINARY

JOHN S. GLETNE — LICENSE NO. 18811

VALLEY LAND SURVEYING
PROFESSIONAL LIMITED LIABILITY COMPANY
5099 S. Valley St. Boise, ID 83709
www.valleylandsurveying.com
Phone: (208) 919-0081

PROJECT NO.	23-132
DATE	2/14/2024
SHEET NO.	1 OF 1

33.87 Ac

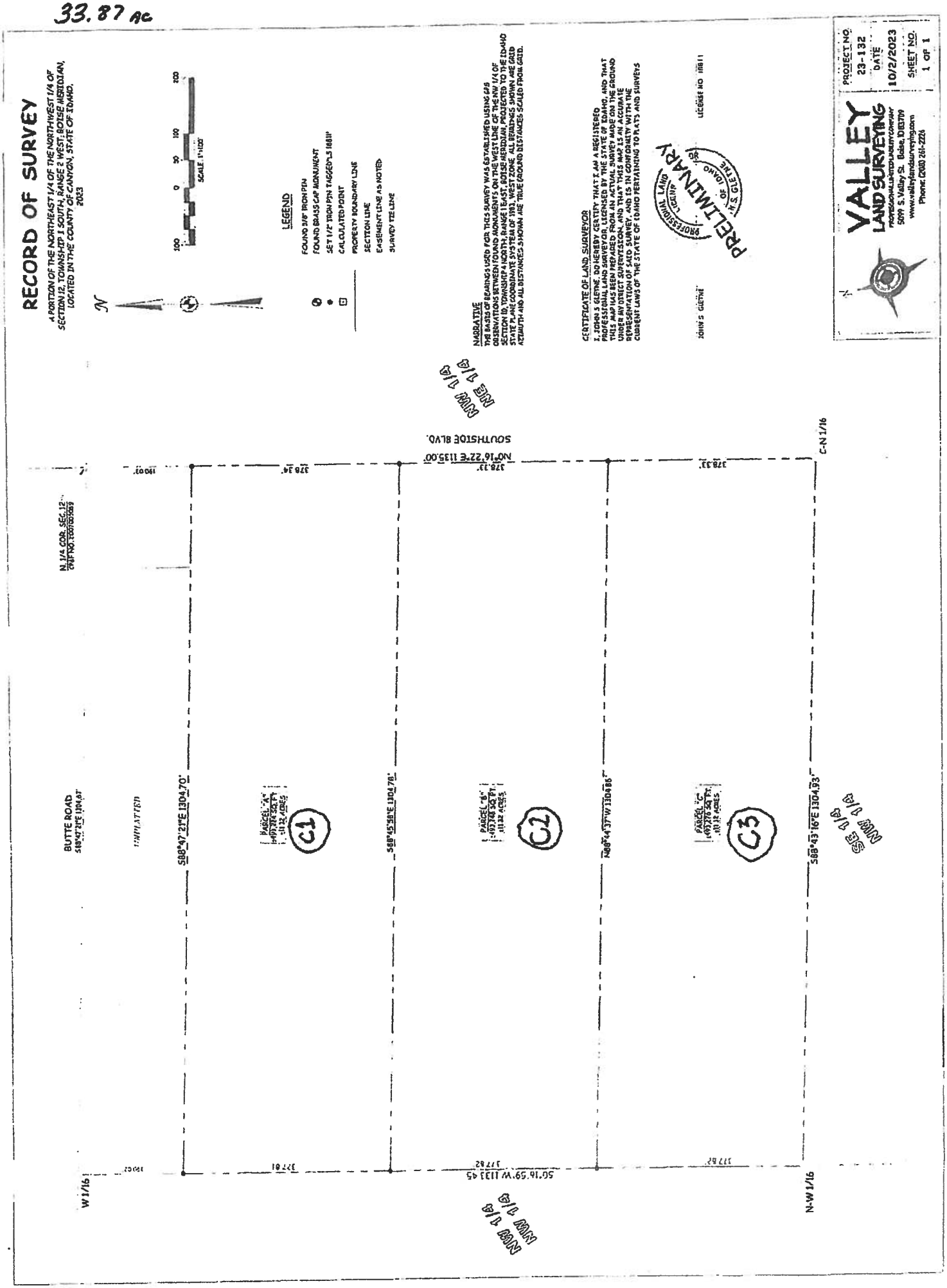


Exhibit D.16

Gmail cleon hoagland <chrawhide62@gmail.com>

Cleon & Patti Hoagland Land Split Application AD2023-0110

2 messages

Eddy Thiel <eddy@nampahighway1.com> Mon, Mar 4, 2024 at 7:24 AM
To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Cc: cleon hoagland <chrawhide62@gmail.com>

Good Morning Dan,

Here are copies of the completed Land Split Applications submitted to the Highway District for the subject land division. Note for parcels A1, A2, & A3 will require a paved apron as a "Condition of Approval".

Let me know if you have any other questions or comments.

Didn't have B2 Access off of new Road Had to Revised

Thank you,

Eddy

Eddy Thiel

ROW

eddy@nampahighway1.com

4507 12th Ave. Rd. • Nampa, id 83686

TEL 208.467.6576 • FAX 208.467.9916

2 attachments

SKM_C36824030408090.pdf
157K

SKM_C36824030408091.pdf
158K

chrawhide62@gmail.com <chrawhide62@gmail.com> Mon, Mar 4, 2024 at 12:40 PM
To: Samuel Parry <sparry@kmclaw.com>

Sent from my iPhone

Begin forwarded message:

NHD–003
Rev Jan 2015
Page 1 of 1

LAND SPLIT APPLICATION

SECTION I – APPLICANT INFORMATION *(TO BE COMPLETED BY APPLICANT)*

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

Cleon & Patti Hoagland
NAME OF APPLICANT

Cleon Hoagland / Patti Hoagland
SIGNATURE OF APPLICANT

P.O. Box 1166
ADDRESS

2/28/2024
DATE

Melba ID 83641
CITY *STATE* *ZIP*

208-250-3622
PHONE (CELL NUMBER PREFERRED)

ROAD NAME: Southside & Butte BETWEEN Baseline *FIRST CROSS STREET* & Butte *SECOND CROSS STREET*

SIDE OF ROAD:
☐ North ☐ South
☒ East ☐ West

TOTAL NUMBER OF:
New Lots: 5
New Access Points: 2

PLATTED SUBDIVISION?
☒ No *(attach sketch of proposed land split)*
☐ Yes *(submit Conceptual Plan prepared by an Engineer)*

SECTION II – WORKSHEET/RECOMMENDATION *(TO BE COMPLETED BY HIGHWAY DISTRICT)* ~~Southside~~ Butte 53 mph

APPLICATION FEE: ☑ Paid ☐ Not Paid CHK# 1258

85th PERCENTILE SPEED: 56 mph

ROAD NO. 606 & 625

SIGHT DISTANCE: ☒ Sufficient ☐ Insufficient

ROAD SURFACE: ☒ Asphalt ☐ Gravel ☐ Dirt

TRAFFIC VOLUME: 524 ADT 284 AOT

SHARED ACCESS: ☒ Yes ☐ No

FUNCTIONAL CLASSIFICATION: ☐ Arterial ☐ Collector ☒ Other

CULVERTS REQUIRED: ☒ Yes ☐ No

MEETS ACCESS CONTROL STANDARDS?: ☒ Yes ☐ No

ADDITIONAL REMARKS/CONDITIONS: *(IF NONE, SO STATE)*

Parcels A1, A2, & A3 will use a shared access onto Southside Blvd at a location meeting Stopping Sight distance. "A paved apron will be required as a Condition of approval"

Parcels B1, & B2 will use a shared access onto Butte Rd at a location meeting Stopping Sight distance.

THIS LAND SPLIT IS:
☒ Recommended for approval, subject to the above conditions
☐ Not recommended

Edward Neal
SIGNATURE – HIGHWAY DISTRICT OFFICIAL

3-4-24
DATE

Exhibit D.16

After recording return to:
Kirton McConkie PC
Attn: Samuel Parry
1100 W. Idaho St. Ste. 930
Boise, Idaho 83702

Space above for recorder's use only

ROAD MAINTENANCE AGREEMENT

This Road Maintenance Agreement ("**Agreement**") is made effective this _____ day of _____ 2024 (the "**Effective Date**"), by Cleon and Patti Hoagland, husband and wife (the "**Owners**").

Recitals

A. The Owners own that certain real property in Canyon County, Idaho legally described in Exhibit A, and depicted as Parcels A1, A2, A3, and B2 (collectively the "**Parcels**" and each a "**Parcel**") on the record of survey in Exhibit B (the "Survey"), both of which are attached hereto and incorporated herein.

B. This Agreement is executed by requirement of the County and in anticipation of selling one or more of the Parcels, with the subsequent purchasers of the Parcels becoming Owners, and each an "**Owner**."

C. The Survey depicts a 28-foot access easement that runs along the south edge of parcel A1 and ends in a cul de sac located in portions of Parcels A2, A3, and B2 (the "**Easement**"), which is legally described in Exhibit C, attached hereto and incorporated herein.

D. The Owners anticipate the construction of a road within the Easement (the "**Road**") and desire to execute and record this Agreement to set forth the basic rights and obligations of the Owners and their successors, heirs, and assigns pursuant to the terms described below.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals above (which are incorporated into this Agreement by this reference) and mutual covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners hereby agree as follows:

1. Purpose and scope.

The purpose of this Agreement is to define the responsibilities of the Owners with respect to maintenance of the Road. The authority granted to the Owners by this agreement is strictly limited to decisions and actions related to road maintenance and shall not constitute authority to form or act as a home Owners' association.

2. Maintenance.

2.1 The Owners shall share equal responsibility for maintaining, repairing, and replacing the Road as reasonably necessary to keep the same in good operating condition and repair (collectively, "**Maintenance and Repair**"), which Maintenance and Repair shall include, without limitation (a) the maintenance, repair, and replacement of the surface and sub-surface of the Road in a level and smooth condition (to the extent practical), evenly covered with the type of materials originally constructed thereon or such substitutes as will, in all respects, be equal to such materials in quality, appearance and durability; (b) such future improvements in the Road that may be reasonably necessary for the Road to provide safe and usable access from Southside Boulevard South to the Parcels in accordance with applicable law; (c) such future private road improvements in the Road that may be approved by the Owners (i.e., gates, entrance signs and other similar items). All Maintenance and Repair must be performed to an equal standard over the entire length of the Road.

3. Costs of Maintenance and Repair.

3.1 Costs. The Owner(s) of each Parcel shall be responsible for one-fourth (1/4) of the Maintenance and Repair costs of the Road.

3.2 True-Up. All Owners under this agreement shall meet or correspond annually as needed to determine the other's costs and whether a true-up of the of the actual costs of maintenance and repair is necessary (a "**True-Up**") pursuant to the terms of this Agreement. All costs shall be supported by reasonable documentation (*e.g.*, receipts, invoices, purchase orders, etc.). No costs shall be allowed for labor if provided by an Owner under this Agreement or their affiliates. Should the Owners determine a True-Up is necessary, the owing Owners shall pay to the other Owner entitled to payment, without demand, such agreed upon amounts within ten (10) days of such determination of a True-Up.

3.3 Damage. Notwithstanding anything to the contrary contained in this Agreement, should the Road or any portion thereof be damaged or destroyed by any act or omission of an Owner or their invitees or licensees (a "**Damaging Owner**"), whether intentional or unintentional, the same shall be repaired or rebuilt by the Damaging Owner, at the expense of the Damaging Owner. Should the Road be damaged or destroyed by any cause other than the act or omission of an Owner, the same shall be repaired or rebuilt by all Owners as described in Section 3.1 and 3.2. Any repairing or rebuilding of the Road shall be of the same quality and customary standard of similar private roads in Canyon County, Idaho.

4. **No Barriers.** Each Owner shall ensure that the Road is at all times kept free from obstructions and otherwise kept open in a manner sufficient to accommodate the free and uninterrupted flow of pedestrian and vehicular traffic on, over, and across the Road. Each Owner shall further ensure that nothing shall be constructed or placed within the Road that will prohibit, discourage, or reduce free and uninterrupted flow of pedestrian and vehicular traffic on, over, and across the Road; provided, however, that the restriction set forth in this Section shall not operate to prohibit the temporary interruption of vehicular or pedestrian traffic flow during the construction, maintenance, or repair of the Road, as long as such temporary interruption does not leave any Owner without access to their parcel for any amount of time.

5. **Covenant to Pay.**

Each Owner covenants to pay all of their respective pro rata share of any costs and/or expenses as described in this agreement when due without deduction, setoff, abatement of counterclaim of any kind whatsoever. Any such costs and/or expenses against are the personal obligation of the Owner of the Parcel when the assessment becomes due and payable, which personal obligation will remain with such Owner regardless of whether such Owner remains the Owner of the Parcel. All assessments include any interest (at the applicable legal rate) and any costs to collect the monies owed, including reasonable attorneys' fees.

6. **Meetings.**

Any Owner may call a special meeting of the Owners to this Agreement for any purpose. The Owner calling the meeting shall distribute written notice of the meeting by hand-delivery, mail, or email at least 10 days, but not more than 60 days, prior to the meeting. The meeting notice will state the reasons for

which the meeting is called. No Owner may call a special meeting more than twice during any calendar year. The Owner calling the meeting will determine the location of the meeting unless another location is determined by a majority vote.

Votes shall be allocated as one vote per Parcel. Where a Parcel has multiple Owners such Owners shall decide among themselves how their one vote shall be cast.

7. Binding Effect.

This Agreement shall be recorded in the real property records of Canyon County, Idaho, and this Agreement and the rights, and obligations of the Owners herein run with the land, benefit and burden each Parcel, and shall be binding upon the Owners and their respective successors, heirs, and assigns.

8. Indemnification.

Each Owner (the **"Indemnifying Owner"**) agrees to indemnify, defend, and hold harmless each other Owner from and against any and all losses, liability, claims, suits, proceedings, liens, damages, and allegations, of any kind (**"Claims"**), including, without limitation, reasonable attorneys' fees, directly or indirectly resulting from or arising out of: (a) any failure by the Indemnifying Owner or its employees or agents to comply with the terms and conditions of this Agreement; or (b) the negligence or willful misconduct of the Indemnifying Owner, except to the extent such Claims result, in whole or in part, directly or indirectly, from the default, negligence or willful misconduct of the other Owner.

9. Remedies.

9.1 Failure to Pay. In the event any Owner or its predecessor in interest fails or refuses to pay when due any amount due hereunder, which failure continues for a period of ten (10) days after such amounts are due, such failure shall constitute a default and: (a) a non-defaulting Owner may pay the amount due if due to a third Owner; (b) legal action may thereafter be instituted against the defaulting Owner by a non-defaulting Owner for payment or reimbursement of the amounts due, plus late charges, default interest, and attorneys' fees; and (c) a non-defaulting Owner may pursue any other remedies at law or in equity, including, without limitation, specific performance and declaratory or injunctive relief. Furthermore, a non-defaulting Owner shall have a claim of lien on the defaulting Owner's real property for the foregoing sums.

9.2 Other Failures. In the event an Owner fails to perform any covenants, conditions, or provisions of this Agreement (other than a failure to pay amounts as described in Section 9.1of this Agreement), which failure continues for a period of fourteen (14) days after receipt of written notice specifying the particulars of such failure, such failure shall constitute a default, and the other Owner may thereafter institute legal action against the defaulting Owner for specific performance, declaratory or injunctive relief, monetary damages or any other remedy provided by law; provided, however, that the defaulting Owner shall not be deemed to be in default if such failure to perform cannot be rectified within said fourteen (14) day period, and such Owner commences to rectify such failure within said fourteen (14) day period and thereafter diligently prosecutes the same to completion.

9.3 Liens. The claims of lien provided for in Section 9.1 contain a power of sale and shall only be effective when recorded in the real property records of Canyon County, Idaho by a non-defaulting Owner as a claim of lien against the defaulting Owner, which lien shall be signed, verified, and contain at least the following information:

9.3.1 An itemized statement of all amounts due and payable pursuant to this Agreement;

9.3.2 A description of the defaulting Owner's property;

9.3.3 The name of the Owner or reputed Owner of the Parcel which is the subject of the lien; and

9.3.4 The name and address of the Owner recording the claim of lien.

The claim of lien may be foreclosed in the same manner as a deed of trust pursuant to Idaho law. Upon payment of such claim of lien in full, the Owner that recorded the claim of lien will prepare and record a release of such claim of lien, at the other Owner's expense which expenses shall be paid prior to recordation.

9.4 Late Charges; Interest. Each Owner acknowledges that the late payment of any sums due to the other Owner hereunder will cause the other Owner to incur costs not contemplated by this Agreement, the exact amount of which the Owners are not capable of determining. Accordingly, if any sums due hereunder are not paid within ten (10) days after the date due, then the Owner failing to pay shall pay to the other Owner a late charge equal to five percent

(5%) of such overdue amount. Further, and in addition to any such late charges, any sums (including late charges) payable due hereunder which are past due for a period of ten (10) days or more shall bear interest from the due date until paid in full at the maximum rate allowed under Idaho Law.

10. General Terms And Conditions.

10.1 Amendment. This Agreement may not be amended, modified, supplemented, or otherwise changed except by a writing signed by all of the Owners or their successors, heirs, or assigns.

10.3 Attorneys' Fees. In the event of any controversy, claim or action being filed or instituted between the Owners to interpret or enforce the terms and conditions of this Agreement, or arising from the breach of any provision hereof, the prevailing Owner(s) will be entitled to receive from the non-prevailing Owner(s) all costs, damages, and expenses, including reasonable attorneys' fees through all levels of action, incurred by the prevailing Owner(s).

10.5 Construction. The captions and headings of this Agreement are for reference only and shall not be deemed to define or limit the scope or intent of any of the terms or provisions of this Agreement. Whenever the context so requires, the singular shall include the plural, the plural shall include the singular, and the use of gender shall include all other genders. When used in this Agreement, the phrase "including" (or a word of similar import) shall mean "including but not limited to", and words such as "herein," "hereinafter," "hereof," "hereto," and "hereunder" refer to this Agreement as a whole, unless the context otherwise requires. Except as provided herein, no consent required to be obtained by one Owner from another Owner shall be unreasonably withheld, conditioned or delayed.

10.7 Governing Law, Venue. This Agreement shall be construed and interpreted in accordance with the laws of the State of Idaho without giving effect to any choice or conflict of law provision or rule (whether of the State of Idaho or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than the State of Idaho.

10.9 Incorporation by Reference. All recitals and exhibits to this Agreement are hereby incorporated by reference as if set forth herein.

10.11 Merger. As to the subject matter contained herein, this Agreement (including the documents referenced herein) shall be the complete, entire, final and exclusive agreement among the Owners hereto and supersedes all prior and

contemporaneous negotiations, agreements, and understandings, written or oral, between the Owners. It is expressly warranted by the Owners that no promise or inducement has been offered except as set forth herein, and that this Agreement is executed without reliance upon any promise, inducement, or representation not set forth herein. The terms of this Agreement may not be contradicted by evidence of any prior or contemporaneous agreement, and no extrinsic evidence whatsoever may be introduced to vary its terms in any mediation, arbitration, or judicial proceeding involving this Agreement.

10.13 Notices. All notices given pursuant to this Agreement shall be in writing and shall be given by personal service, U.S. Mail, certified, return receipt requested, or other reliable delivery service such as Federal Express or UPS, postage or delivery charges prepaid, addressed to the appropriate Owner at the address set forth above, or at such other address as a Owner may from time to time specify by notice to the other Owners. All notices given pursuant to this Agreement shall be deemed given upon receipt. For the purpose of this Agreement, the term "receipt" shall mean the earliest of any of the following: (a) the date of delivery of the notice or other document as shown on the return receipt; (b) the date of receipt of the notice or other document by the person or entity to whom it was addressed or (c) in the case of refusal to accept delivery or inability to deliver the notice or other document, the earliest of (i) the date of the attempted delivery or refusal to accept delivery, (ii) the date of the postmark on the return receipt or (iii) the date of receipt of notice of refusal or notice of non-delivery by the sending Owner.

10.15 Rights Cumulative. Except as expressly provided in this Agreement, and to the extent permitted by law, any remedies described in this Agreement are cumulative and not alternative to, or to the exclusion of, any other remedies available at law or in equity.

10.17 Severability. This Agreement will be enforced to the fullest extent permitted by applicable law. If for any reason any provision of this Agreement is held to be invalid or unenforceable to any extent, then (a) such provision will be interpreted, construed or reformed to the extent reasonably required to render the same valid, enforceable and consistent with the original intent underlying such provision, and (b) such invalidity or unenforceability will not affect any other provision of this Agreement.

10.19 Time. Time is of the essence with respect to each and every covenant and obligation under this Agreement.

10.21 Waiver. No failure or delay on the part of a Owner to exercise any of that Owner's powers, rights, or privileges under this Agreement shall impair any such powers, rights or privileges, or be construed to be a waiver of any default or breach or any acquiescence therein. To the contrary, except as expressly set forth herein, the waiver any power, right, privilege, breach, default, or remedy must be in writing signed by the Owner waiving such power, right, privilege, breach, default, or remedy. No signed waiver of any power, right, privilege, breach, default, or remedy shall constitute a waiver of any subsequent power, right, privilege, breach, default, or remedy.

(Signatures, acknowledgements, and exhibits follow)

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed the day and year first above written.

_____
Cleon Hoagland

_____
Patti Hoagland

STATE OF IDAHO)
) ss.
County of Canyon)

This record was acknowledged before me on _____, 2024, by **Cleon Hoagland.**

_____
Notary Public for Idaho
Residing at:_____
My commission expires:_____

STATE OF IDAHO)
) ss.
County of Canyon)

This record was acknowledged before me on _____, 2024, by **Patti Hoagland.**

_____
Notary Public for Idaho
Residing at:_____
My commission expires:_____

Exhibit 3
EXHIBIT E

Supplemental Documents

Planning & Zoning Commission

Case# CR2025-0002

Hearing date: September 18, 2025

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

R28146010 PARCEL INFORMATION REPORT

9/8/2025 2:20:48 PM

PARCEL NUMBER:	R28146010
OWNER NAME:	HOAGLAND CLEON
CO-OWNER:	
MAILING ADDRESS:	PO BOX 166 MELBA ID 83641
SITE ADDRESS:	0 SOUTHSIDE BLVD S
TAX CODE:	0930000
TWP:	1S **RNG:** 2W **SEC:** 01 **QUARTER:** SE
ACRES:	11.94
HOME OWNERS EXEMPTION:	No
AG-EXEMPT:	Yes
DRAIN DISTRICT:	NOT In Drain Dist
ZONING DESCRIPTION:	AG / AG
HIGHWAY DISTRICT:	NAMPA HWY DIST #1
FIRE DISTRICT:	MELBA FIRE
SCHOOL DISTRICT:	MELBA SCHOOL DIST #136
IMPACT AREA:	MELBA
FUTURE LAND USE 2011-2022 :	AG
FLU Overlay Zone Desc 2030:	
FLU RR Zone Desc 2030:	
FUTURE LAND USE 2030:	AG
IRRIGATION DISTRICT:	BOISE PROJECT BOARD OF CONTROL \ BOISE KUNA IRRIGATION DISTRICT
FEMA FLOOD ZONE:	X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0575F
WETLAND:	Riverine
NITRATE PRIORITY:	ADA CANYON
FUNCTIONAL Classification:	NOT In COLLECTOR
INSTRUMENT NO. :	2022028737
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	01-1S-2W SE TX 22173 IN NWSE LS TX 22410
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.

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

R28146010D PARCEL INFORMATION REPORT

9/8/2025 2:21:12 PM

PARCEL NUMBER:	R28146010D
OWNER NAME:	HOAGLAND CLEON
CO-OWNER:	
MAILING ADDRESS:	PO BOX 166 MELBA ID 83641
SITE ADDRESS:	0 SOUTHSIDE BLVD S
TAX CODE:	0930000
TWP:	1S **RNG:** 2W **SEC:** 01 **QUARTER:** SE
ACRES:	24.92
HOME OWNERS EXEMPTION:	No
AG-EXEMPT:	Yes
DRAIN DISTRICT:	NOT In Drain Dist
ZONING DESCRIPTION:	AG / AG
HIGHWAY DISTRICT:	NAMPA HWY DIST #1
FIRE DISTRICT:	MELBA FIRE
SCHOOL DISTRICT:	MELBA SCHOOL DIST #136
IMPACT AREA:	MELBA
FUTURE LAND USE 2011-2022 :	AG
FLU Overlay Zone Desc 2030:	
FLU RR Zone Desc 2030:	
FUTURE LAND USE 2030:	AG
IRRIGATION DISTRICT:	BOISE PROJECT BOARD OF CONTROL \ BOISE KUNA IRRIGATION DISTRICT
FEMA FLOOD ZONE:	X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0575F
WETLAND:	NOT In WETLAND
NITRATE PRIORITY:	ADA CANYON
FUNCTIONAL Classification:	NOT In COLLECTOR
INSTRUMENT NO. :	2022007161
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	01-1S-2W SE TX 22094 IN W1/2 SE
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 E.1

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

R28279010 PARCEL INFORMATION REPORT

9/8/2025 2:21:39 PM

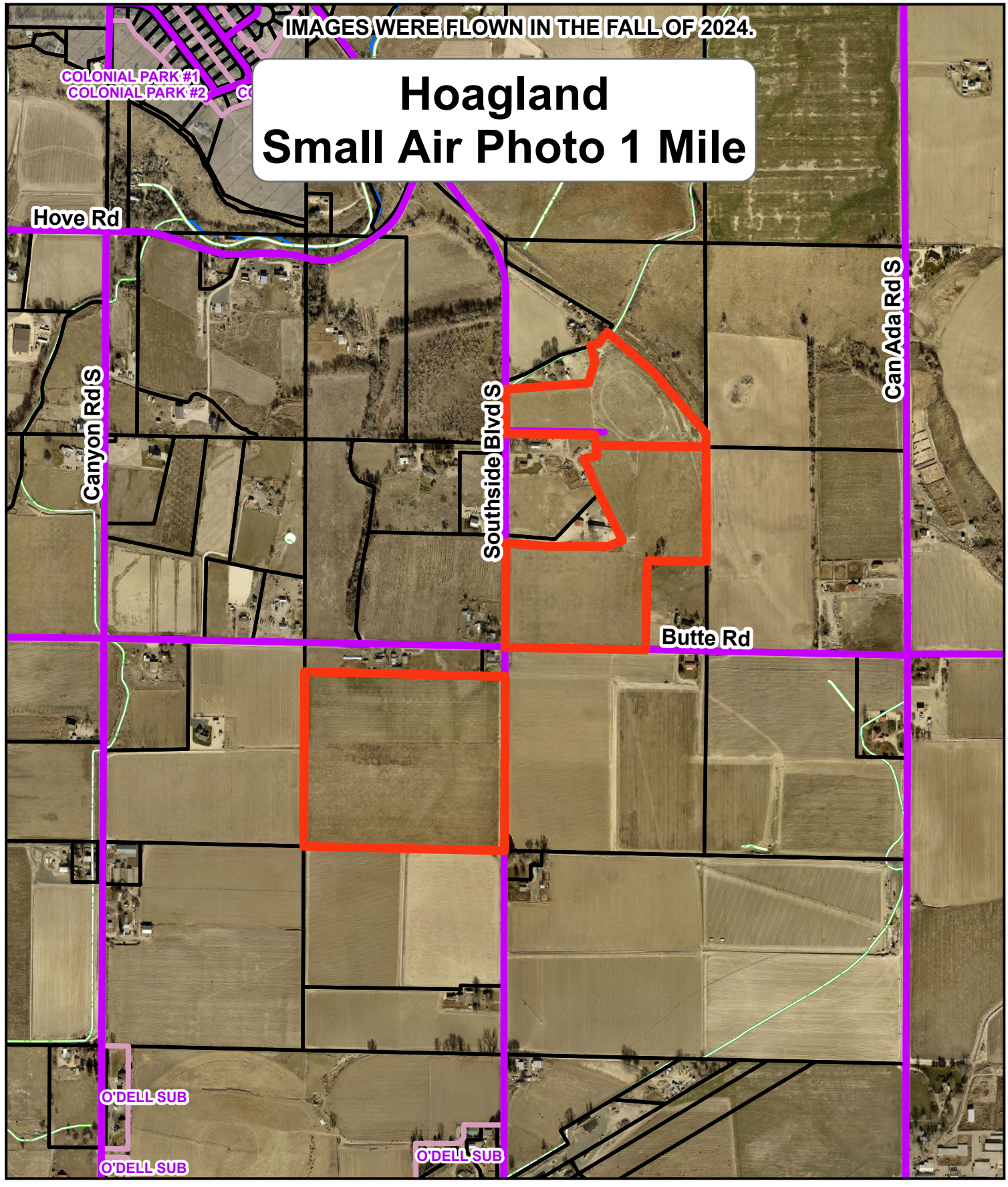
PARCEL NUMBER:	R28279010
OWNER NAME:	HOAGLAND CLEON
CO-OWNER:	HOAGLAND PATRICIA
MAILING ADDRESS:	PO BOX 166 MELBA ID 83641
SITE ADDRESS:	0 SOUTHSIDE BLVD S
TAX CODE:	0930000
TWP:	1S **RNG:** 2W **SEC:** 12 **QUARTER:** NW
ACRES:	33.87
HOME OWNERS EXEMPTION:	No
AG-EXEMPT:	Yes
DRAIN DISTRICT:	NOT In Drain Dist
ZONING DESCRIPTION:	AG / AG
HIGHWAY DISTRICT:	NAMPA HWY DIST #1
FIRE DISTRICT:	MELBA FIRE
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:	AG
IRRIGATION DISTRICT:	BOISE PROJECT BOARD OF CONTROL \ BOISE KUNA IRRIGATION DISTRICT
FEMA FLOOD ZONE:	X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0575F
WETLAND:	NOT In WETLAND
NITRATE PRIORITY:	ADA CANYON
FUNCTIONAL Classification:	NOT In COLLECTOR
INSTRUMENT NO. :	2021027000
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	12-1S-2W NW NENW LESS N 190'
PLATTED SUBDIVISION:	
SMALL CITY ZONING:	
SMALL CITY ZONING TYPE:	

DISCLAIMER:

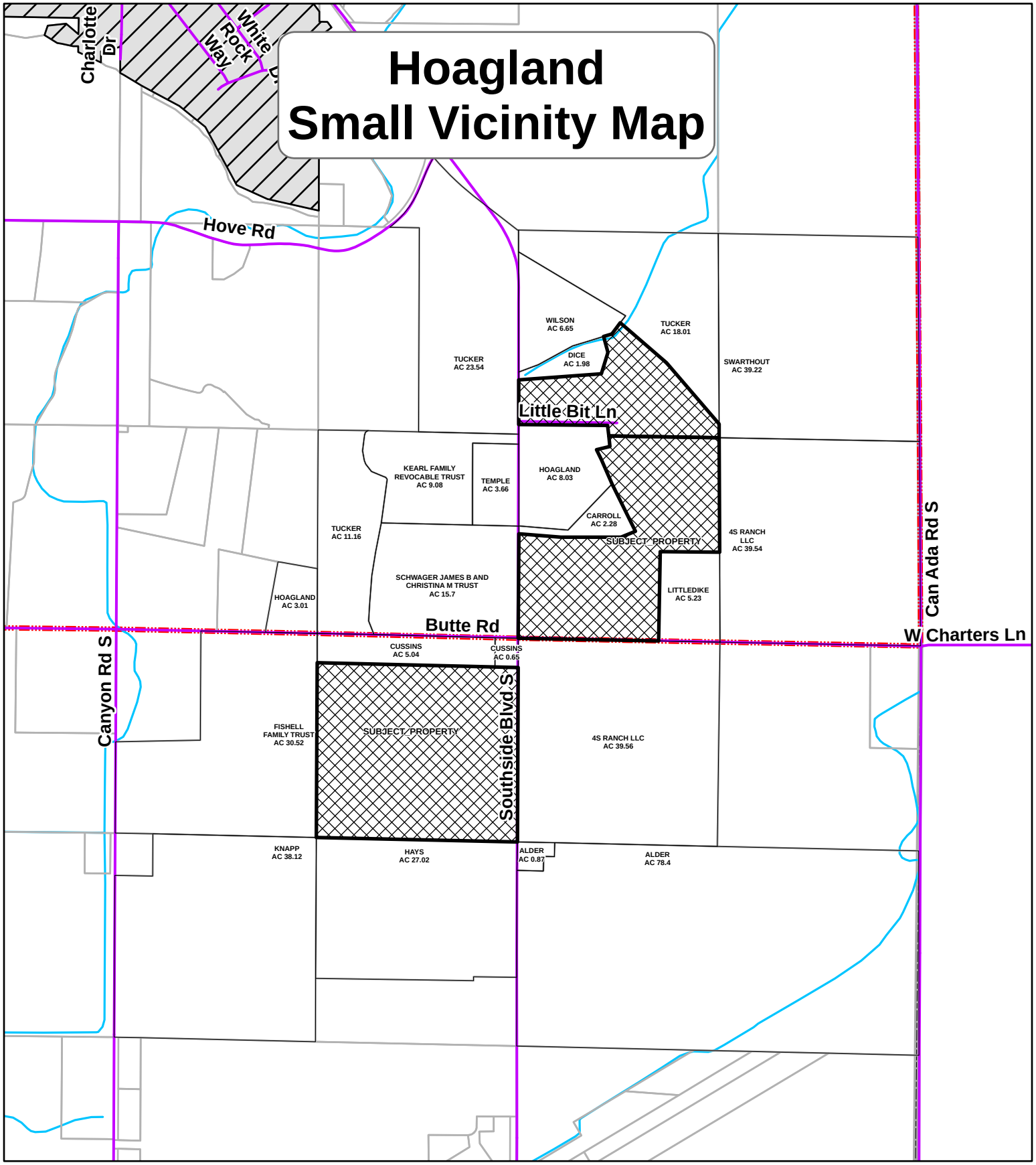
1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED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

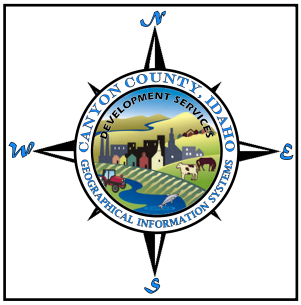
CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

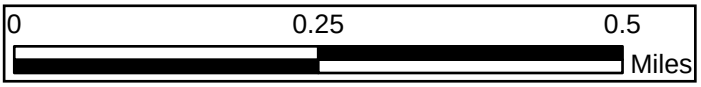
Exhibit E.1

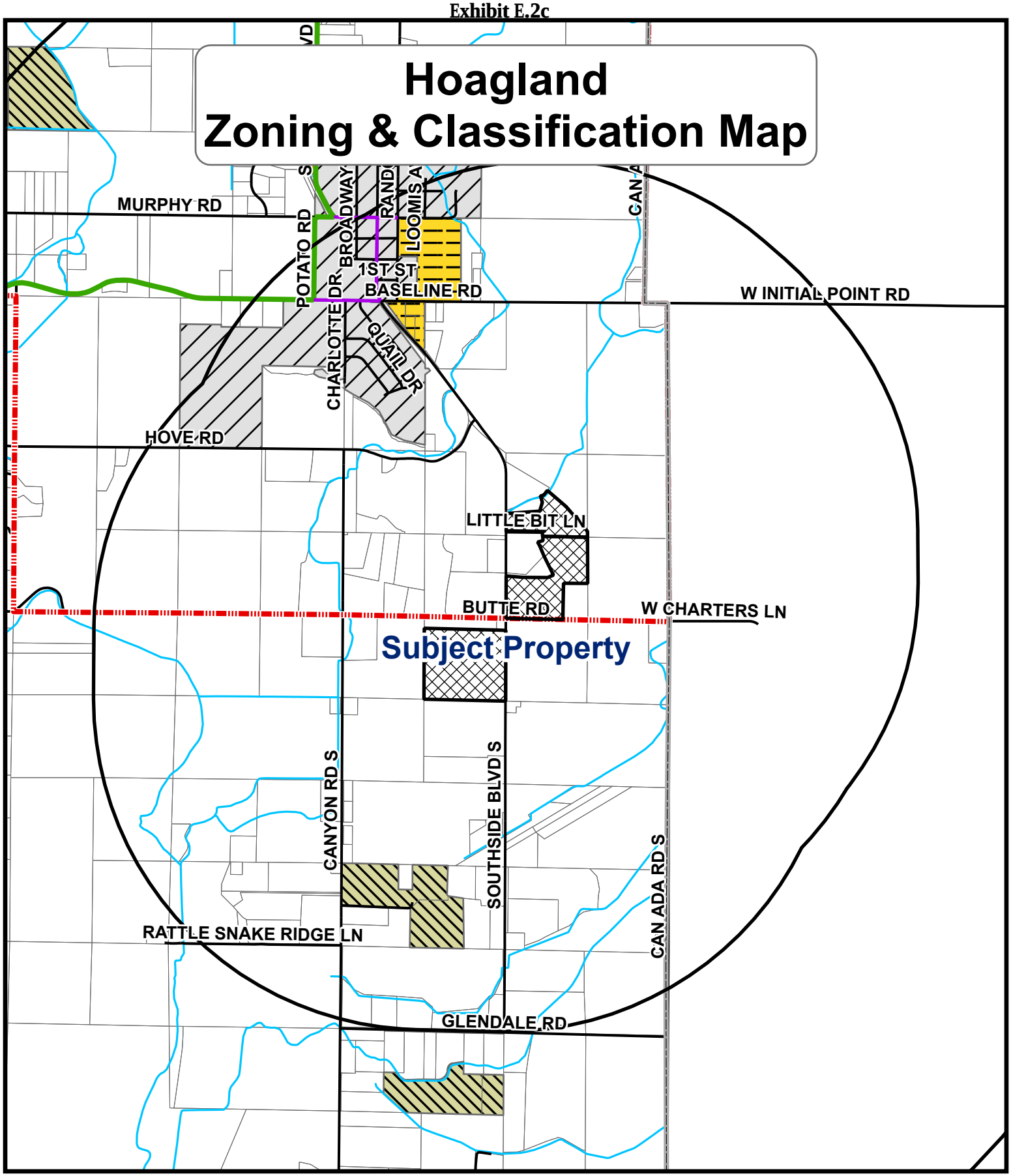

IMAGES WERE FLOWN IN THE FALL OF 2024.
Hoagland
Small Air Photo 1 Mile
COLONIAL PARK #1
COLONIAL PARK #2
Hove Rd
Canyon Rd S
Southside Blvd S
Can Ada Rd S
Butte Rd
O'DELL SUB
O'DELL SUB
O'DELL SUB
City_Limits
Wetlands
0
0.25
0.5
Miles

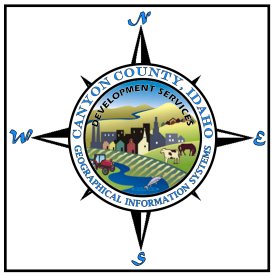
Hoagland
Small Vicinity Map





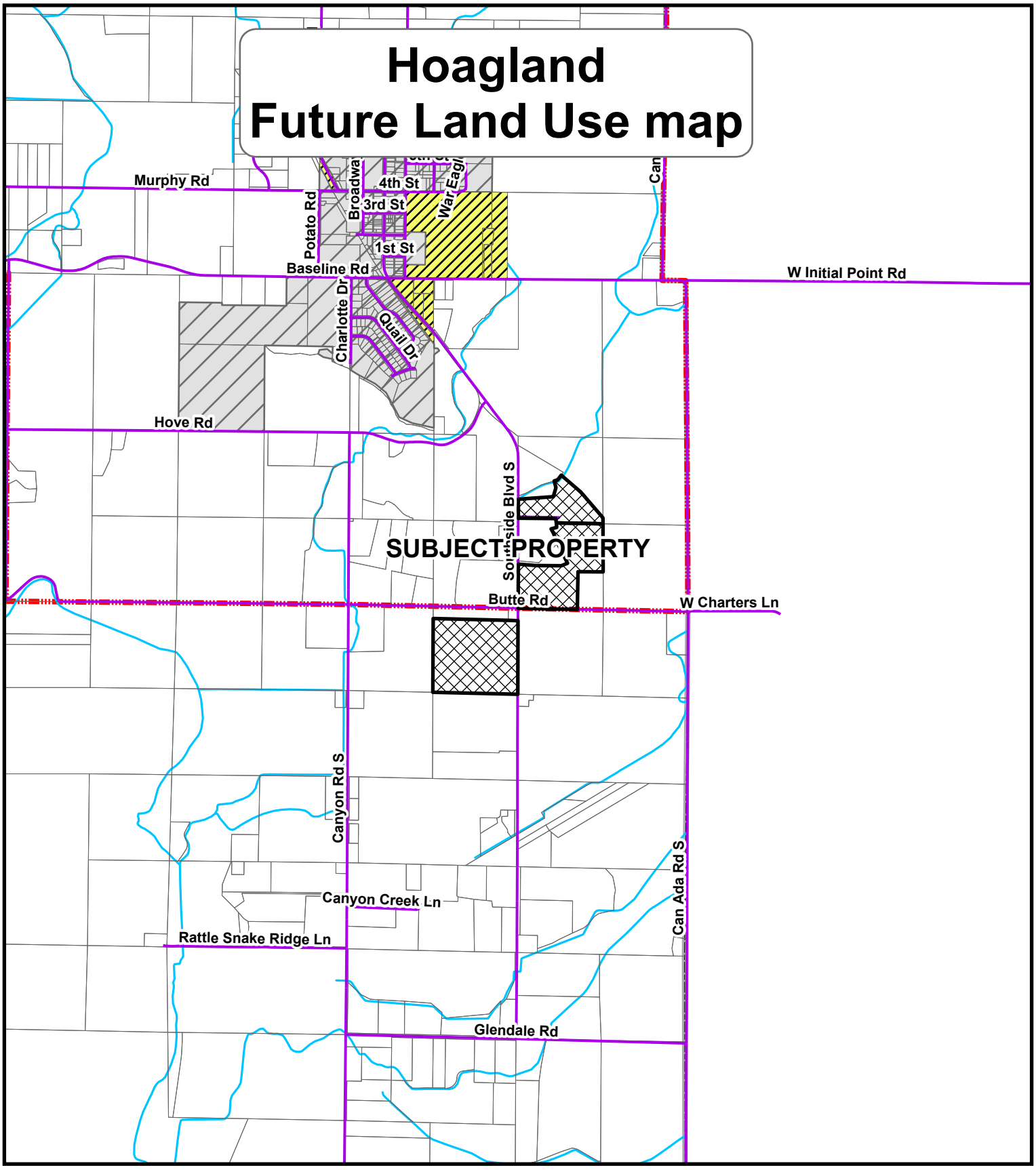






RR
CR-RR
R1
CR-R1
R2
C
C1
CR-C1
C2
CR-C2
M1
CR-M1
M2
AG
INTERSTATE
OTHER FREEWAY/ EXPRESSWAY
PROPOSED OTHER FREEWAY/ EXPRESSWAY
PRINCIPAL ARTERIAL
PROPOSED PRINCIPAL ARTERIAL
MINOR ARTERIAL
PROPOSED MINOR ARTERIAL
COLLECTOR
PROPOSED COLLECTOR

0 0.25 0.5 Miles


Hoagland
Future Land Use map
Murphy Rd
Broadway
4th St
3rd St
1st St
War Eagle
Potato Rd
Baseline Rd
W Initial Point Rd
Charlotte Dr
Quail Dr
Hove Rd
Southside Blvd S
SUBJECT PROPERTY
Butte Rd
W Charters Ln
Canyon Rd S
Canyon Creek Ln
Rattle Snake Ridge Ln
Can Ada Rd S
Glendale Rd
Legend
Future Land Use 2030
COMMERCIAL
INDUSTRIAL
RESIDENTIAL
0
0.5
1
Miles

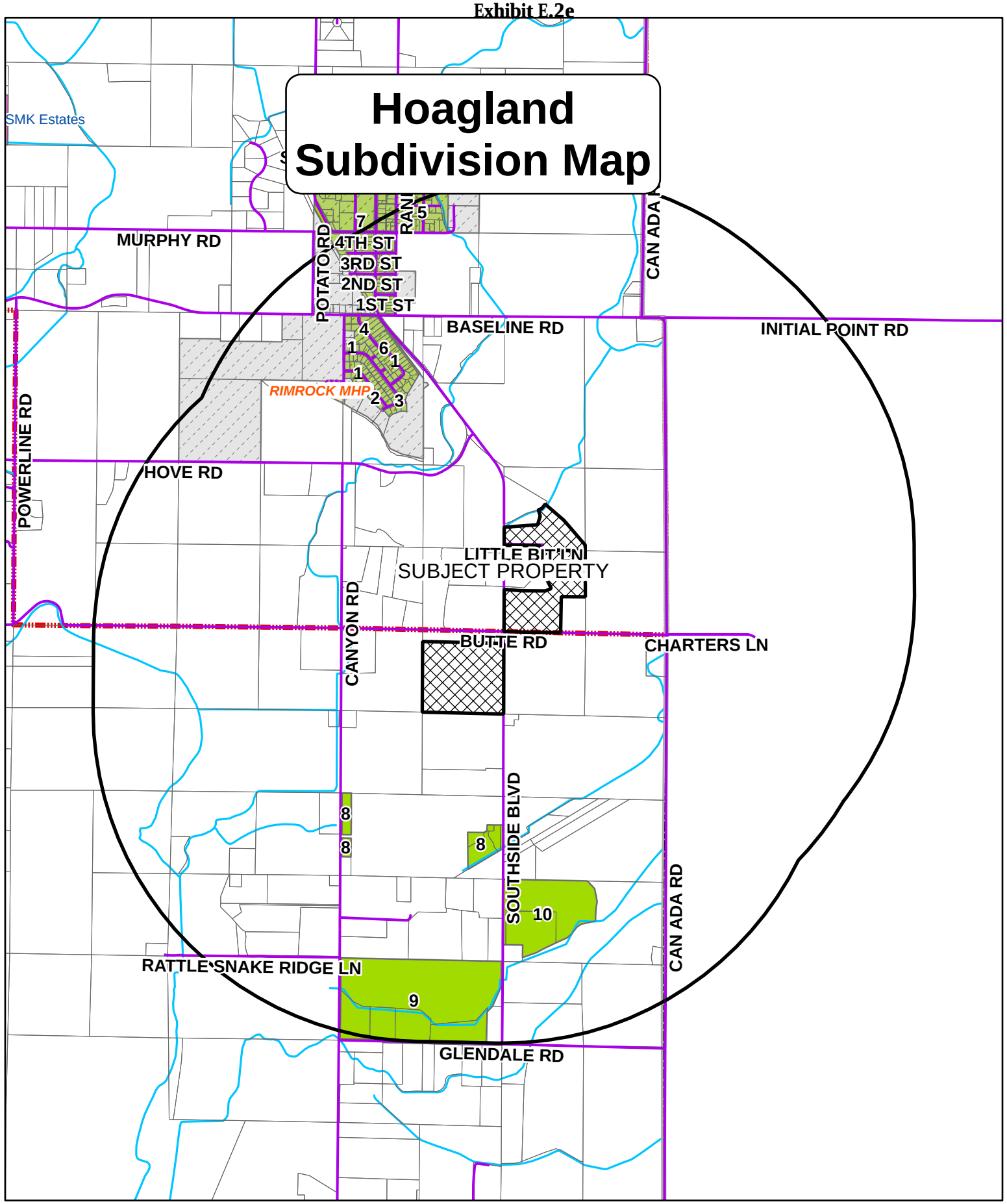

Hoagland Subdivision Map
SMK Estates
MURPHY RD
POTATO RD
4TH ST
3RD ST
2ND ST
1ST ST
BASELINE RD
INITIAL POINT RD
CAN ADA RD
RIMROCK MHP
POWERLINE RD
HOVE RD
LITTLE BITTERN
SUBJECT PROPERTY
CANYON RD
BUTTE RD
CHARTERS LN
SOUTHSIDE BLVD
RATTLESNAKE RIDGE LN
GLENDALE RD
SUBDIVISIONS
Plat Type,Plat Status
Preliminary,Approved
Preliminary,Pending
MOBILE HOME PARKS
0
0.3
0.6
Miles

Exhibit E.2e

SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
10	229.86	261	0.88

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

NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
28	21.71	13.82	0.65	91.05

NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
1	1.55	11.00	7.00	7.00

PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
COLONIAL PARK #1	1	1S2W01	14.08	23	0.61	MELBA (CITY)	1978
COLONIAL PARK #2	2	1S2W01	1.21	4	0.30	MELBA (CITY)	1997
COLONIAL PARK #3	3	1S2W01	7.67	32	0.24	MELBA (CITY)	2000
COLONIAL SUB #1	4	1S2W01	5.90	14	0.42	MELBA (CITY)	1973
LOOMIS ACREAGE	5	1N2W36	12.48	34	0.37	MELBA (CITY)	1935
MELBA ESTATES SUBDIVISION	6	1S2W01	8.38	30	0.28	MELBA	2022
MELBA ORIGINAL	7	1N2W36	61.68	115	0.54	MELBA (CITY)	1935
O'DELL SUB	8	1S2W12	10.09	2	5.04	COUNTY (Canyon	2006
PROESCH SUB	9	1S2W13	75.30	5	15.06	COUNTY (Canyon	2003
SEARLES SUB	10	1S2W12	33.08	2	16.54	COUNTY (Canyon	2009

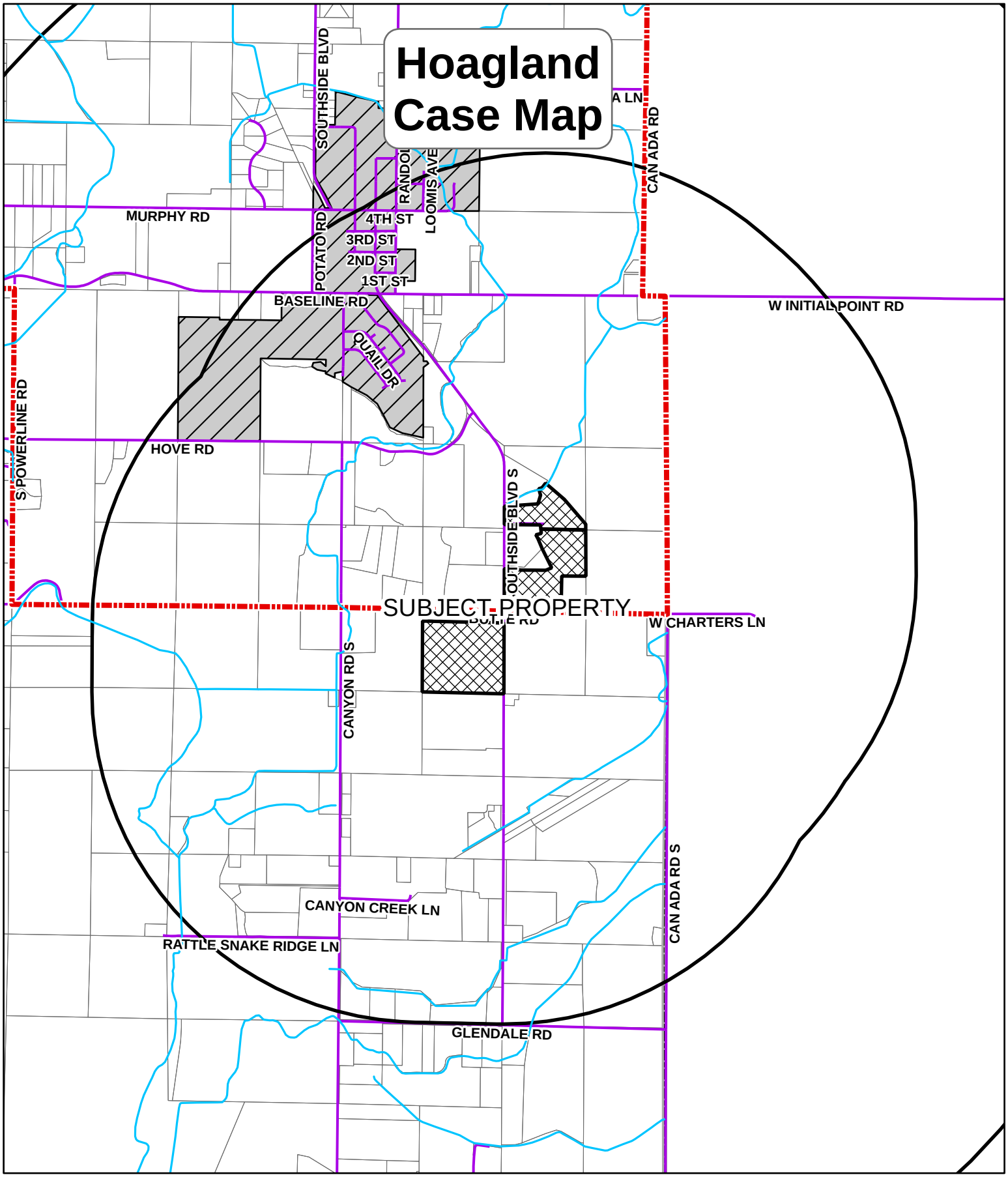
SUBDIVISIONS IN PLATTING

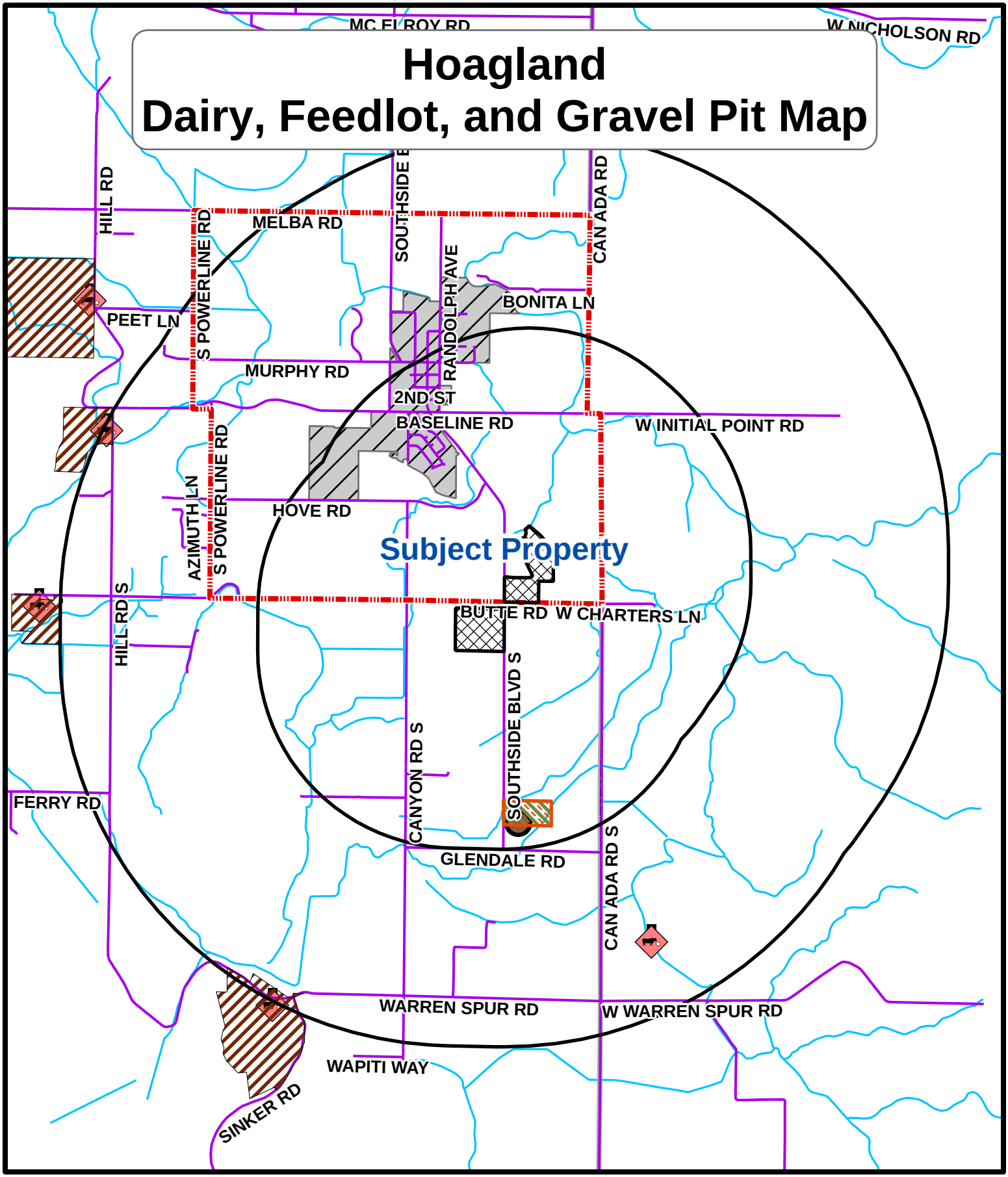
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

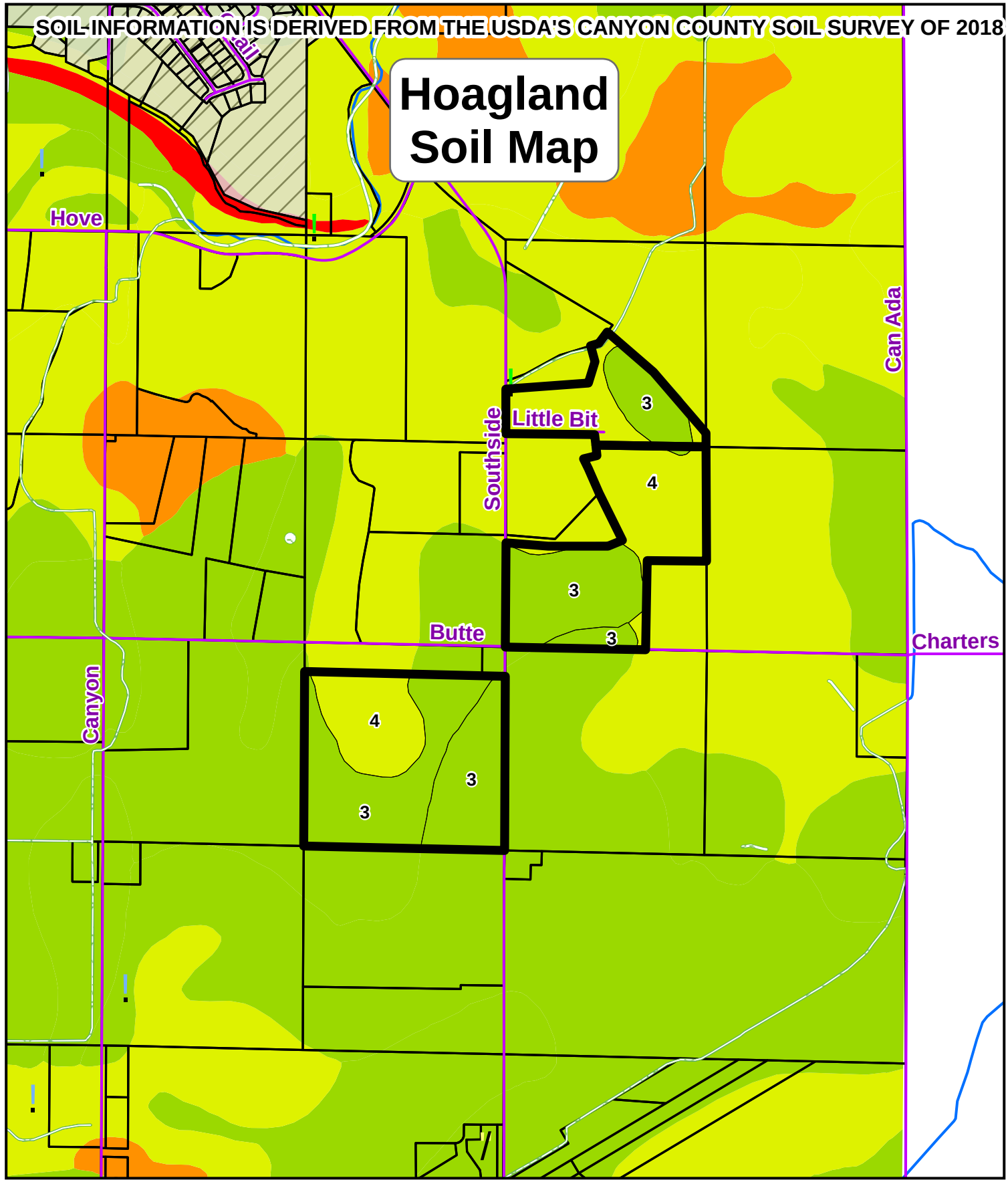
MOBILE HOME & RV PARKS

SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...
Rimrock MHP	117 Charlotte Drive	1.55	11	0.14	Canyon County

Exhibit E.2e


Hoagland
Case Map
SOUTHSIDE BLVD
A LN
CAN ADA RD
RANDOL
LOOMIS AVE
MURPHY RD
POTATO RD
4TH ST
3RD ST
2ND ST
1ST ST
BASELINE RD
W INITIAL POINT RD
QUAIL DR
S POWERLINE RD
HOVE RD
SOUTHSIDE BLVD S
SUBJECT PROPERTY
W CHARTERS LN
CANYON RD S
CANYON CREEK LN
RATTLE SNAKE RIDGE LN
CAN ADA RD S
GLENDALE RD
YEAR
Year
2020
2021
2022
2023
2024
2025
0
0.5
1
Miles


Hoagland
Dairy, Feedlot, and Gravel Pit Map
MC ELROY RD
W NICHOLSON RD
HILL RD
MELBA RD
SOUTHSIDE BLVD
CANADA RD
S POWERLINE RD
RANDOLPH AVE
BONITA LN
PEET LN
MURPHY RD
2ND ST
BASELINE RD
W INITIAL POINT RD
AZIMUTH LN
HOVE RD
Subject Property
BUTTE RD
W CHARTERS LN
HILL RD S
CANYON RD S
SOUTHSIDE BLVD S
FERRY RD
GLENDALE RD
CANADA RD S
WARREN SPUR RD
W WARREN SPUR RD
WAPITI WAY
SINKER RD
FEEDLOTS
DAIRIES
GRAVELPITS
0
0.75
1.5
Miles


SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018
Hoagland Soil Map
Hove
Can Ada
Southside
Little Bit
Butte
Charters
Canyon
3
4
3
3
4
3
3
Nitrate Priority Wells
0.005000 - 2.000000
2.000001 - 5.000000
5.000001 - 10.000000
10.000001 - 49.800000
IDWR_2C_Geothermal_
Wetlands
0
0.25
0.5
Miles

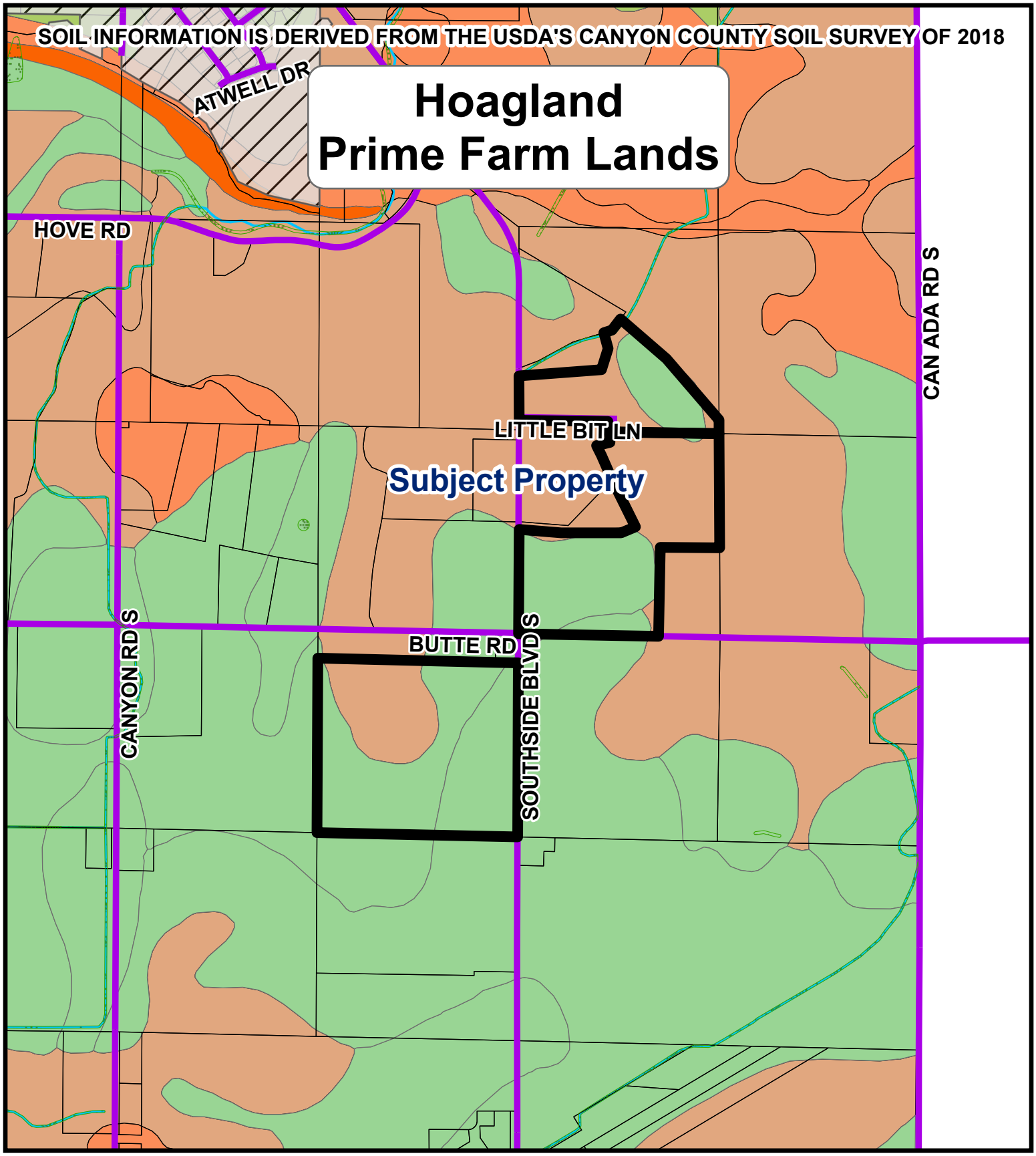

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018
Hoagland
Prime Farm Lands
ATWELL DR
HOVE RD
CAN ADA RD S
LITTLE BIT LN
Subject Property
CANYON RD S
BUTTE RD
SOUTHSIDE BLVD S
TAXLOTS
City_Limits
WETLANDS
2C_Hydro
FARMLAND
Farmland of statewide importance
Farmland of statewide importance, if irrigated
Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
Not prime farmland
Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
Prime farmland if irrigated
Prime farmland if irrigated and drained
Prime farmland if irrigated and reclaimed of excess salts and sodium
0
0.125
0.25
Miles

Exhibit E.2h

Exhibit E.2h

SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
4	MODERATELY SUITED SOIL	1204931.84	27.66	39.11%
3	MODERATELY SUITED SOIL	1165193.78	26.75	37.82%
3	MODERATELY SUITED SOIL	219706.27	5.04	7.13%
3	MODERATELY SUITED SOIL	491171.28	11.28	15.94%
		3081003.17	70.73	100%

FARMLAND REPORT

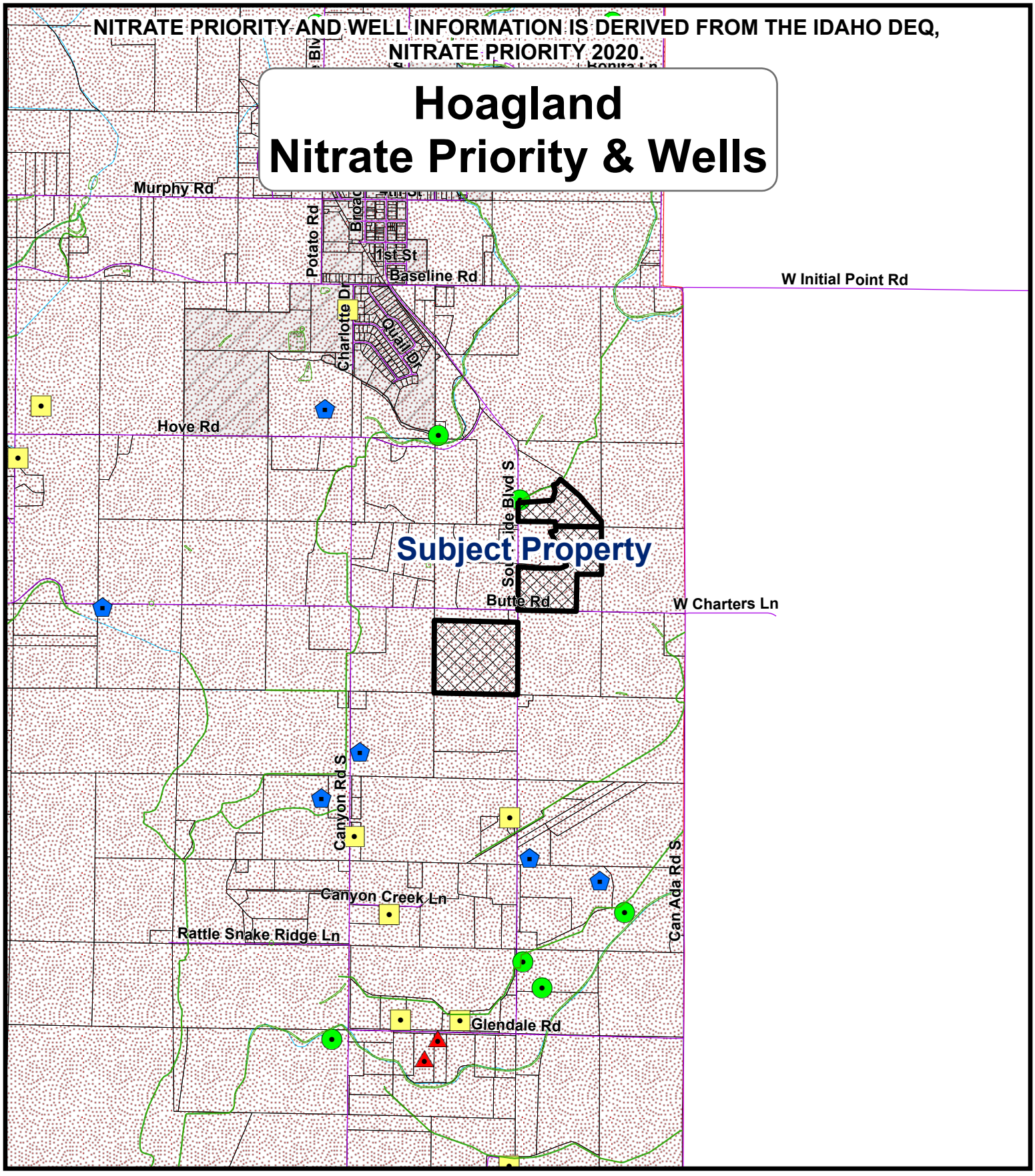
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
GdC	Farmland of statewide importance, if irrigated	1204931.84	27.66	39.11%
GdB	Prime farmland if irrigated	1165193.78	26.75	37.82%
GdB	Prime farmland if irrigated	219706.27	5.04	7.13%
GaB	Prime farmland if irrigated	491171.28	11.28	15.94%
		3081003.17	70.73	100%

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

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

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

Hoagland Nitrate Priority & Wells



GEO-THERMAL LOCATIONS

WETLANDS

NITRATE_PRIORITY

DEQ WELLS
N03_MGL

0.005 - 2.00

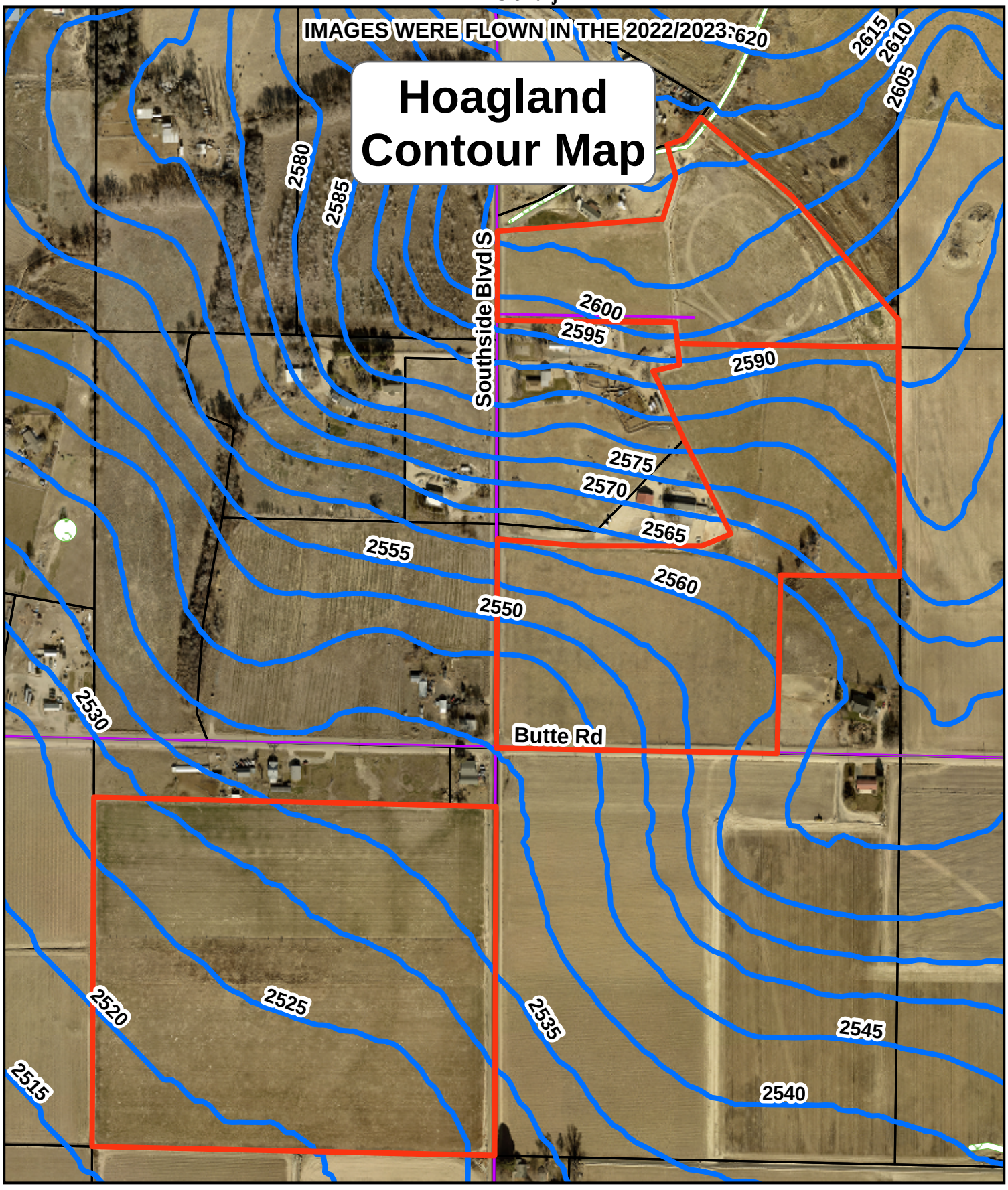
2.000001 - 5.00

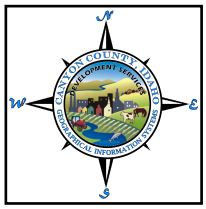
5.0000001 - 10.00

10.000001 - 49.80

0 0.45 0.9 Miles

Exhibit E.2i





Legend

- SUBJECT_PROPERTY
- TaxParcels
- SectionContours
- Wetlands

0 200 400 600 Feet

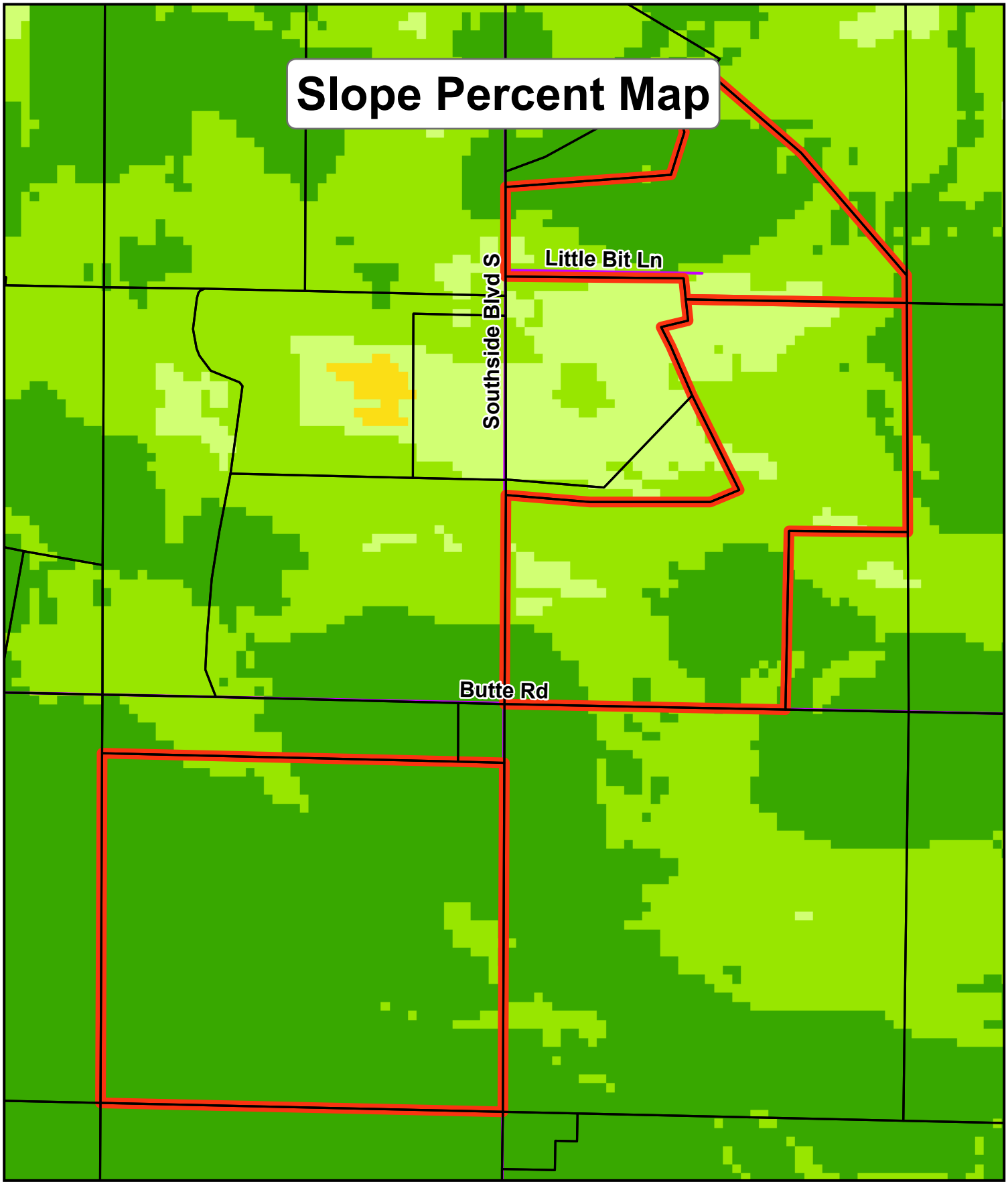
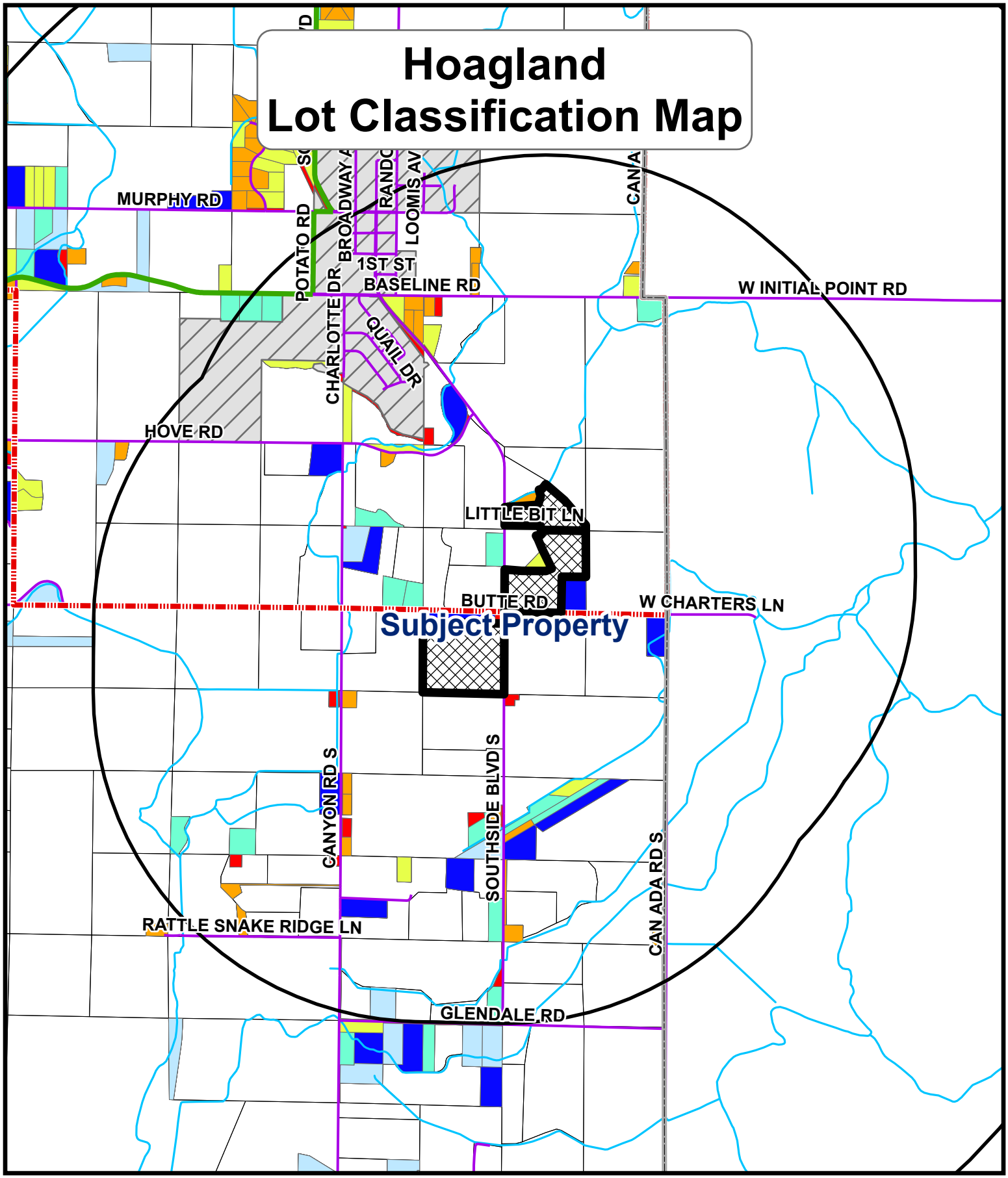

Slope Percent Map
Little Bit Ln
Southside Blvd S
Butte Rd
Slope Percent
0.001 - 3
3.001 - 6
6.001 - 9
9.001 - 12
12.001 - 14.999
15 - 202.718
0
200
400
600
Feet

Exhibit E.2j

Exhibit E.2k

Hoagland
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 0.17 0.35 Miles

Exhibit E.2k

Exhibit E.2l

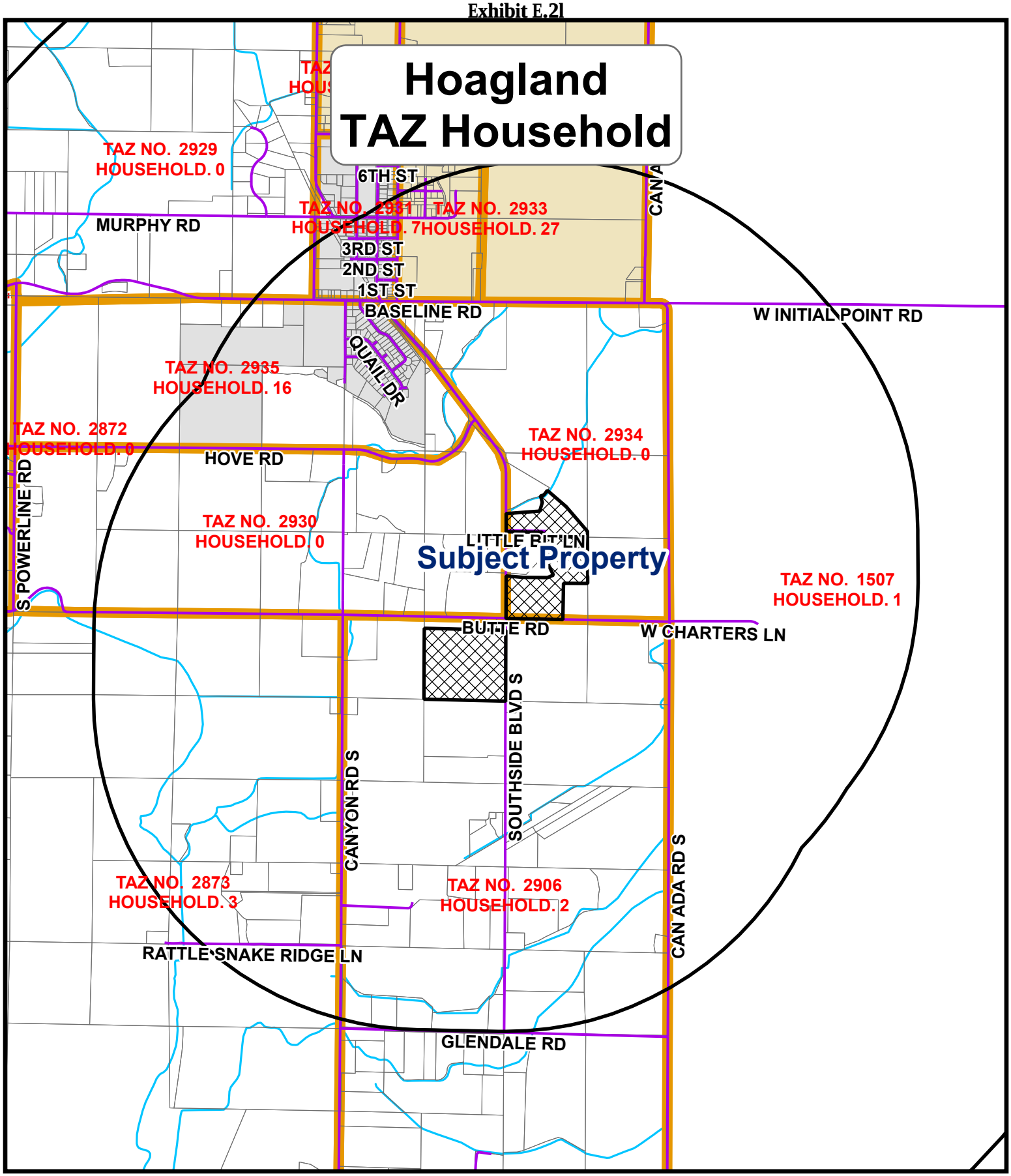


Exhibit E.2l

DSD Director Administrative Decision

Canyon County Code of Ordinances
§07-18-01, §07-10-03

Case Number: **AD2021-0016**

Parcel #'s: **R28146 & R28146010 & R28148012**

Property Owner/Applicant(s): **Mark Hoagland**

2021-029992
RECORDED
04/26/2021 10:54 AM
00608629202100299920050058
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=5 MKEYES $22.00
MILITARY
MARK HOAGLAND

Request: The applicant is requesting a property boundary adjustment of parcels R28146, R28146010, and R28148012. Parcels R28146 and R28146010 are being adjusted and Parcel R28148012 is being merged into Parcel R28146010. The parcels are zoned "A" (Agricultural).

Property History: According to research Parcel R28146 was split in 1989 through Canyon County Zoning Ordinance legally (LS2006-89). Parcel R28146010 is a separate parcel as of 1/12/1978 (Instrument #935657). This created two parcels, Parcel R28146010 and Parcel R28146 (minus Tax 8 which was separate prior to 9/6/1979). Parcel R28148012 is railroad right-of-way and is not buildable.

Finding: This property boundary adjustment request will adjust the property boundary more than 80 feet. However, the adjustment will not cause injury, damage or a safety hazard to surrounding parcels and property owners. The adjustment does not create additional parcels or non-conforming parcels, and does not result in the relocation of a building permit. The affected parcels are not platted. This application with supporting documents is in substantial compliance with the requirements of the effective zoning ordinance §07-10-17.

The parcels shall be adjusted in compliance with Record of Survey Instrument No. 2021-026825. The subject parcels will be adjusted as follows:

Parcel #:	Existing Acreage	New Acreage
Parcel 1	12.34 ±	37.25 ± acres w/ residential building permit available
Parcel 2	32.09 ±	8.06 ± acres w/existing residence

DISCLAIMER: Parcels will not be adjusted by the Assessor's Office until deeds are recorded.

Decision: The application documents, including the metes and bounds description(s), and the record of survey complies with CCZO §07-10-17. Therefore, the property boundary adjustment is hereby ***APPROVED.***

Patricia Nilsson
Director

April 22, 2021
Date

State of Idaho)
SS
County of Canyon County)

On this 22 day of April, in the year of 2021, before me Kellie George, a notary public, personally appeared Patricia Nilsson, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

KELLIE Z. GEORGE
COMMISSION #46603
NOTARY PUBLIC
STATE OF IDAHO

Notary: Kellie George

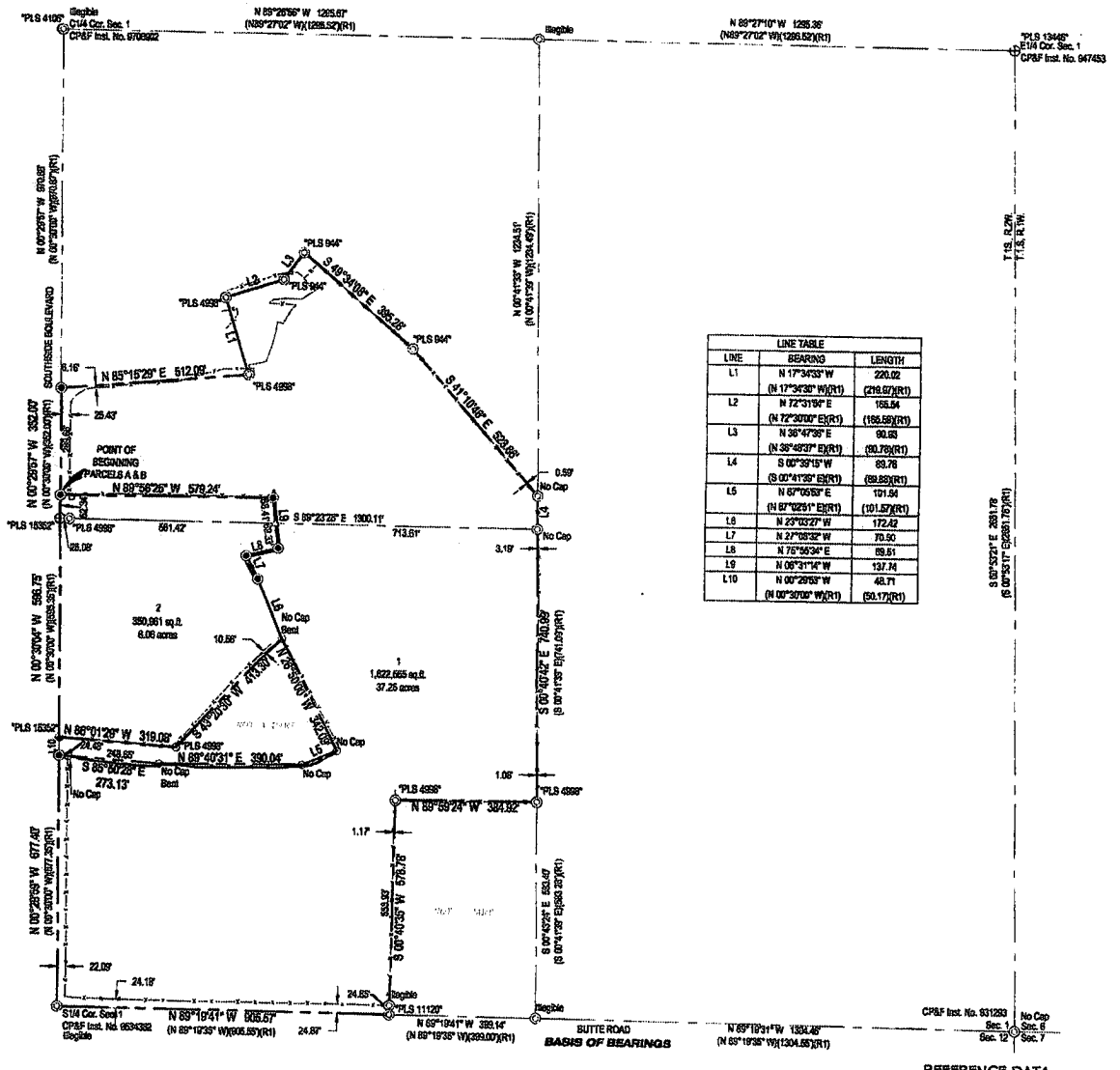
My Commission Expires: 3·14·2024

RECORD OF SURVEY

LOCATED IN THE SE1/4 OF SECTION 01, T. 1 S., R. 2 W., B.M., CANYON COUNTY, IDAHO

2021-026825
RECORDED
04/13/2021 03:26 PM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=1 HORSETAIL SURVEY $5.00
CLERK HOAGLAND



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 17°34'33" W (N 17°34'30" W)(R1)	220.02 (219.97'(R1)
L2	N 72°31'54" E (N 72°30'00" E)(R1)	166.54 (166.58'(R1)
L3	N 36°48'36" E (N 36°49'37" E)(R1)	90.93 (90.78'(R1)
L4	S 00°39'15" W (S 00°41'39" E)(R1)	89.76 (89.89'(R1)
L5	N 67°06'53" E (N 67°02'51" E)(R1)	101.94 (101.57'(R1)
L6	N 23°03'27" W	172.42
L7	N 27°08'32" W	70.50
L8	N 75°56'34" E	89.51
L9	N 06°31'14" W	137.74
L10	N 00°29'58" W (N 00°30'00" W)(R1)	48.71 (50.17'(R1)

0 100 200 400
Scale: 1" = 200'

LEGEND

- Calculated point
- Found aluminum cap monument
- Found 5/8 inch dia. iron pin
- Set 5/8 inch dia. x 24 inch iron pin w/ plastic cap "PLS 7732"
- Found 1/2 inch dia. iron pin
- Found P.K. nail or slug nail
- ( ) Record data
- Boundary line
- Section line
- Fence line barbed wire
- Concrete Ditch

SURVEYOR'S NOTE:

1) This Record of Survey requested by Mark Hoagland is to establish a lot line adjustment of the referenced parcels of land. All found monuments are referenced and accepted, as shown hereon. The alignment of the new parcels are marked with set monuments. The boundary was established by retracing ROS Inst. No. 200622764, Records of Canyon County.
2) The recording of this Record of Survey does not enable the owners of the property shown to convey ownership based solely on this map. A written conveyance of the new parcels must accompany such transfer in ownership. This Record of Survey does not serve as a legal description for the property shown hereon.
3) This drawing does not necessarily show all of the physical features of the property. Compass Land Surveying P.L.L.C. assumes no liability for present or future compliance or noncompliance with governing jurisdictions restrictions as it pertains to building permits, vehicle access permits or septic permits.
4) There are possible title issues with regard to the property due to the alignment of the fences on and around the property.

CERTIFICATE OF SURVEYOR

I, Richard A. Gray do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this Record of Survey correctly represents a survey made by me or under my direct supervision in conformance with Idaho Code: 31-2709, 1947 and accepted procedures of land surveying. I further certify that I have complied with Title 55, Chapter 16, Idaho Code.

PROFESSIONAL LAND SURVEYOR REGISTERED 7732 03/15/2021 STATE OF IDAHO RICHARD A. GRAY

Richard A. Gray — P.L.S. License No. 7732

INDEX NO. 123-01-02-00-0-00-0000

COMPASS

RECORD OF SURVEY FOR:
MARK HOAGLAND

COMPASS LAND SURVEYING, PLLC
623 11th Avenue South, Nampa, ID 83651
Office: (208) 442-0115 Fax: (208) 327-2108

SHEET NO.	JOB NO.	DWG NO.	SCALE:	DRAWN BY:	DATE.	REV:
1 OF 1	1221	1221ROS	1"=200'	ANW	03/15/2021	

REFERENCE DATA

R1) Record of Survey Inst. No. 200622764

Exhibit E.3

COMPASS LAND SURVEYING PLLC

Client: Mark Hoagland
Date: March 20,2021
Job No.:1221

PARCEL 1 DESCRIPTION

The following Describes a Parcel of Land being a portion of the W 1/2 SE 1/4 of Section 1, Township 1 South, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

BEGINNING at the Southwest Corner of the W 1/2 SE 1/4 of said Section 1, (South 1/4 corner), which is Monumented with a found 5/8" Iron Pin with "No Cap", From which, a found 5/8" Iron Pin with an illegible cap which is Monumenting the Southeast Corner of the W 1/2 SE 1/4 (E 1/16th Corner) of said Section 1 bears, South 89°19'41" East, 1304.71 feet;

Thence along the Westerly Boundary Line of said W 1/2 SE 1/4, North 00°30'01" West, 677.40 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

Thence leaving said Westerly Boundary Line, South 85°50'28" East, 273.14 feet to a found 1/2" Iron Pin with no cap;

Thence North 89°40'31" East, 390.04 feet to a found 1/2" Iron Pin with no cap:

Thence North 67°05'53" East, 101.54 feet to a found 1/2" Iron Pin no cap;

Thence North 26°50'00" West, 342.09 feet to a found 1/2" Iron Pin with no cap;

Thence North 23°03'27" West, 172.42 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 27°08'32" West, 70.50 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 75°55'34" East, 89.51 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 06°31'14" West, 137.74 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 89°56'25" West, 579.24 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732" marking the West line of said W 1/2 SE 1/4;

Thence along said West line North 00°29'57" West, 289.66 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 85°15'29" East, 512.09 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence North 17°34'33" West, 220.02 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence North 72°31'54" East, 165.54 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence North 36°47'36" East, 90.93 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence South 49°34'08" East, 395.28 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

623 11th Ave. South, Nampa, ID 83651 • T. (208) 442-0115 • C. (208) 608-2510 • rgray.cls@gmail.com

Thence South 41°10'46" East, 523.86 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944" marking the East line of said W 1/2 SE 1/4;

Thence along said East line, South 00°39'15" East, 89.76 feet to a found 5/8" Iron Pin with No Cap marking the South East corner of the NW 1/4 SE 1/4, (Southeast 1/16 corner);

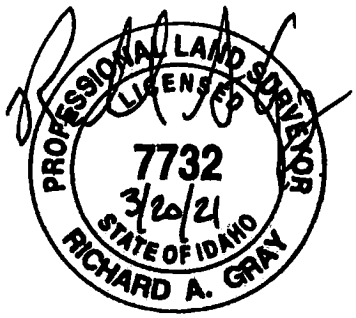
Thence continuing along said East line, South 00°40'42" East, 740.99 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence leaving said East line, North 89°59'24" West, 384.92 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence South 00°40'35" West, 578.78 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 11120" marking the South boundary of said W 1/2 SE 1/4;

Thence along said South boundary, North 89°19'41" West, 905.57 feet to the **POINT OF BEGINNING.**

The above Described Parcel of Land contains 37.25 Acres, more or less.



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COMPASS LAND SURVEYING PLLC

Client: Mark Hoagland
Date: March 20, 2021
Job No.:1221

PARCEL 2 DESCRIPTION

The following Describes a Parcel of Land being a portion of the W 1/2 SE 1/4 of Section 1, Township 1 South, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

COMMENCING at the Southwest Corner of said W 1/2 SE 1/4,(South 1/4 corner of Section 1), which is Monumented with a found 5/8" Iron Pin with "No Cap"; From which, a found 5/8" Iron Pin with an illegible cap which is Monumenting the Southeast Corner of the W 1/2 SE 1/4 (E 1/16th Corner) of said Section 1 bears, South 89°19'41" East, 1304.71 feet;

Thence along the Westerly Boundary Line of said W 1/2 SE 1/4, North 00°30'01" West, 726.11 feet to a found PK Nail being the **POINT OF BEGINNING;**

Thence leaving said Westerly Boundary Line, South 86°01'29" East, 319.09 feet to a found 1/2" Iron Pin with Plastic Cap "PLS 4998";

Thence North 43°20'30" East, 413.30 feet to a found 1/2" Iron Pin with no cap;

Thence North 23°03'27" West, 172.42 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 27°08'32" West, 70.50 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 75°55'34" East, 89.51 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

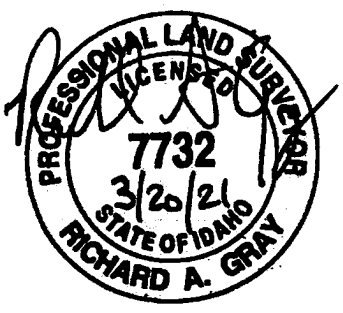
Thence North 06°31'14" West, 137.74 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 89°56'25" West, 579.24 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732" marking the West line of said W 1/2 SE 1/4;

Thence along said West line, South 00°29'56" East, 62.34 feet to a found Aluminum Cap "PLS 15352" marking the Southwest corner of the NW 1/4 SE 1/4, (Center south 1/16 corner);

Thence continuing along said West Line, South 00°30'01" East, 596.75 to the **POINT OF BEGINNING.**

The above Described Parcel of Land contains 8.06 Acres, more or less.



623 11th Ave. South, Nampa, ID 83651 • T. (208) 442-0115 • C. (208) 608-2510 • rgray.cls@gmail.com

Canyon County
Development Services Department

Application for Administrative Lot Split

Zoning 454-7458 Building 454-7460

Tracking Number: LS2006-89

Lotsplit.rtm

THIS IS NOT FINAL APPROVAL

Ref: Canyon County Code of Ordinance Chapter 7

Parcel Number: R28146
Section: 01
Township: 1S
Range: 2W
1/4 Section SE
Zoning: A Parcel Acreage: 4.02
City Impact Area:

Application is for: Administrative Lot Split 9B - Less than 40 ac

Site Address: 748 Southside Blvd.
Melba, ID 83641

Subdivision:
Lot: Block:

Applicant: Mark W Hoagland
Address: 748 Southside Blvd
Melba, ID 83641

Applicant Role: Owner
Cellular:
Voice:

Property Owner: Mark W Hoagland
Address: 748 Southside Blvd
Melba, ID 83641

Cellular:
Voice:

LAND DIVISION INFORMATION

Originality Date: 1/12/1978 Instrument #: 935657 Other Source Data:
Original Parcel Acreage: 37.7

Application Type: 9B - Less than 40 ac

City JEPA Notification:

Evidence of Non-Viable Farm Ground Attached (9C or 9D): ☐
Evidence of Farming Conservation Attached (9D): ☐

Subdivision Waivers Required?: Irrigation Plan Approval Required?: Plat Required:

Hwy District Acknowledgement: **Fire District Acknowledgement:**

Conditions: **Instrument # 935657 shows that the top portion of R28146-010 was a separate piece as of 1/12/1978. This created 2 original parcels, the top portion described above and the bottom 40 acres (minus Tax 8 which was separate prior to 9-6-1979). Each parcel was therefore eligible for an admin. lot split. The top portion no longer has an admin. lot split available, having R28146-011 split off in the early 90's, but does have Building Permits available.**

Approval Date: Approval Instrument #:

[redacted]

Exhibit E.3

Director Decision
Property Boundary Adjustment

Development Services Department
Canyon County Code of Ordinances 16-007 - §07-10-17

2021-082404
RECORDED
12/03/2021 09:58 AM

00666822202100824040040045

CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 SCARDENAS $19.00
MISC
CLEON HOAGLAND

Case Number: **AD2021-0185 (Amending AD2021-0016)**

Parcel #(s): **R28146, R28146010, & R28148012(old parcel #)**

Property Owner (s): Cleon Hoagland

Request: The applicant is requesting to amend AD2021-0016, a previously approved property boundary adjustment, affecting the property lines of three (3) previously existing contiguous parcels, R28146, R28146010, & R28148012 (old parcel number that was merged into R28146010). The parcels are zoned "A" (Agricultural). The result will create a larger homesite for the existing dwelling on R28146 and ensure all structures meet County setbacks. The result will unmerge, R2816010 and R28148012 (Assessor's will assign a new number once division is completed).

Property History: Parcel R28146 was split in 1989 (Case LS2006-89) creating a ±5.229-acre parcel (R28146013) and ±32.05-acre parcel (R28146).

Parcel R28146010 was recognized as a separate original parcel in 1978 (Inst. #935657 from the South half of R28146). This created two parcels, ±13.243-acre parcel (R28146010) and ±1.53-acre parcel (R28146011).

Parcel R28148012 was a railroad right-of-way and is not buildable.

In 2021, the parcels were adjusted through a property boundary adjustment (case AD2021-0016). Parcel R28148012 was merged together with R28146010 creating one (1) 37.25-acre parcel and R28146 was adjusted to 8.06 acres.

Findings Pursuant of CCZO §07-10-17: This property boundary adjustment request will not create eligibility for building permit nor any additional building permits. It does not result in the relocation of a building permit or provide for an administrative lot split. The affected parcels are not platted and property line will be adjusted more than 80-feet. However, the adjustment will not cause injury, damage or a safety hazard to surrounding parcels. This property boundary adjustment does not create non-conforming parcels. This application with supporting documents is in substantial compliance with the requirements of the effective zoning ordinance §07-10-17.

The subject parcels will be adjusted in accordance with Record of Survey Instrument No. 2021-081450 as the following:

Parcel #:	Existing Acreage	New Acreage
Parcel A	8.03 ±	8.06 ± acres, w/existing residential structure
Parcel B	37.31 ±	24.88 ± acres Ag Only, no residential building permit available
Parcel C	Merged into R28146010 (Parcel B)	12.37 ± acres w/residential building permit available

DISCLAIMER: Parcels will not be adjusted by the Assessor's Office until deeds are recorded.

Decision: The application documents, including the metes and bounds description(s), and the record of survey complies with CCZO §07-10-17. Therefore, ***the property boundary adjustment is hereby APPROVED.***

Stephen Fultz, Director — 12/1/21 Date

State of Idaho)
SS
County of Canyon County)

On this 1ST day of December, in the year of 2021, before me Kathleen Frost, a notary public, personally appeared Stephen Fultz, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

KATHLEEN FROST
COMMISSION #67887
NOTARY PUBLIC
STATE OF IDAHO

Notary: K Frost

My Commission Expires: 6-3-2022

NOT OFFICIAL
SEE ORIGINAL IN RECORDER'S
OFFICE

2021-081450
RECORDED
11/29/2021 04:19 PM

00665754202100814500010012

CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=1 SCARDENAS $5.00
SURVEY
COMPASS LAND SURVEYING

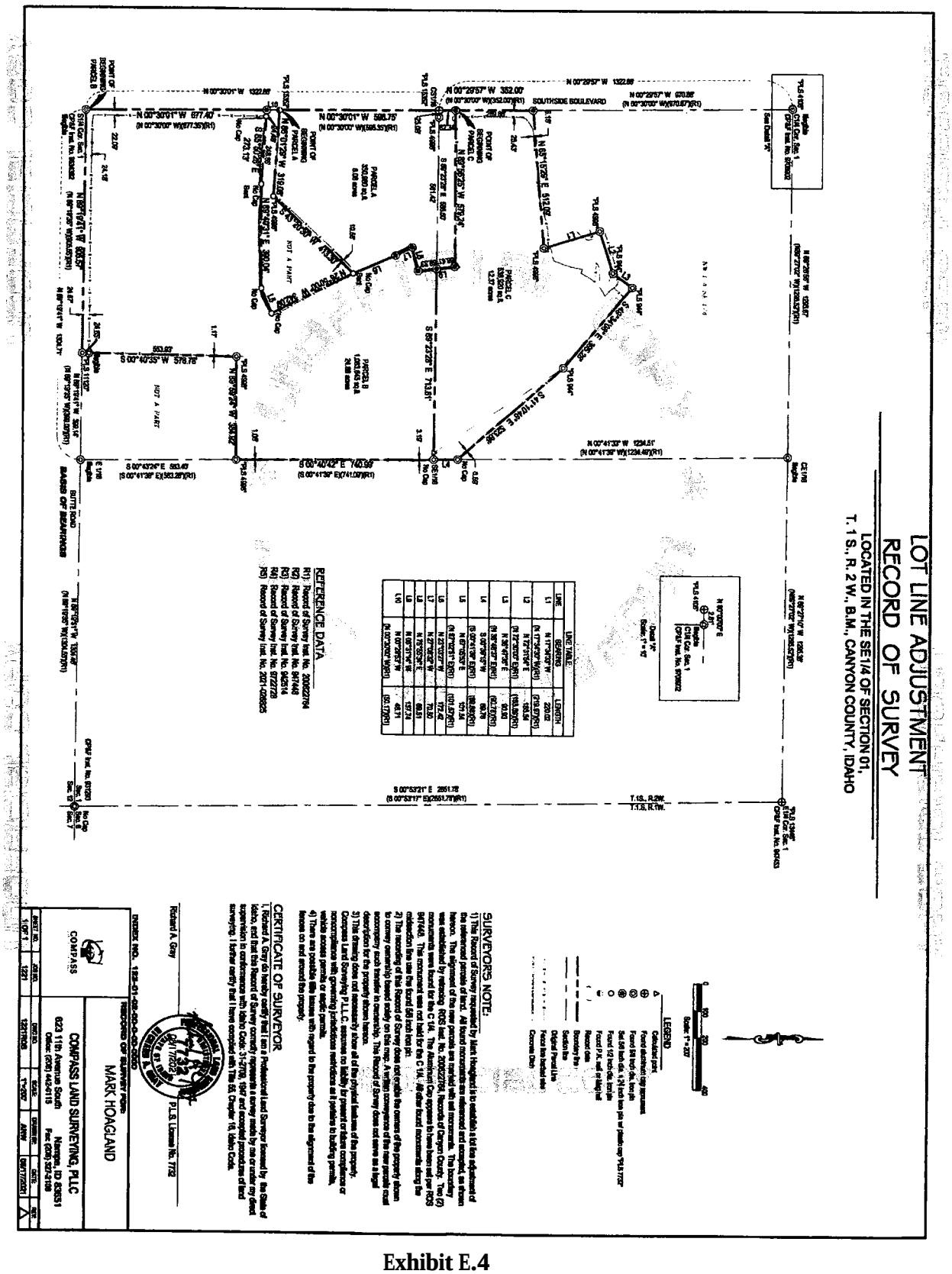
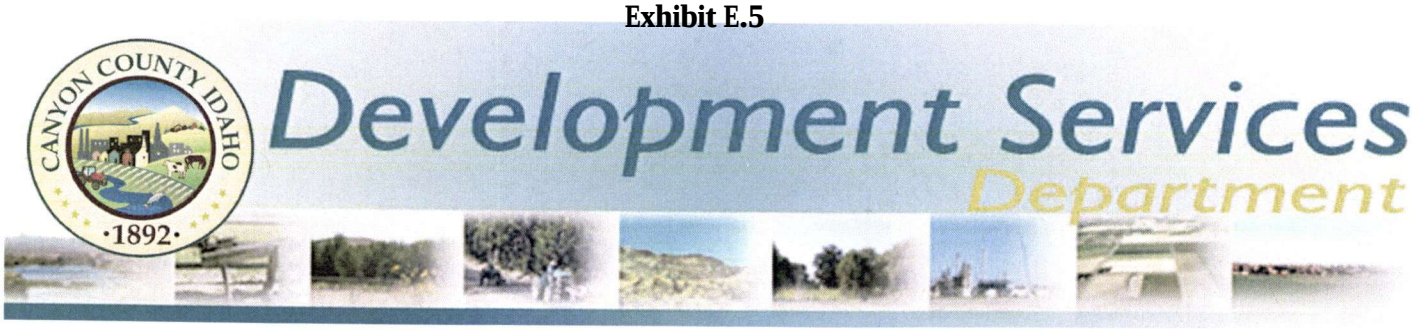


Exhibit E.4

Exhibit C.



Exhibit E.4



Canyon County, 111 North 11th Avenue, Caldwell, ID 83605
(208) 454 7458 ▪ (208) 454 6633 Fax ▪ DSDInfo@canyonco.org ▪ www.canyonco.org/dsd

April 22, 2021
RE: Parcel Inquiry for R28279
Question: Are the parcels eligible for a split?

07-18-01: ADMINISTRATIVE LAND DIVISIONS FOR ALL ZONES:

*(1) Administrative Land Divisions: An administrative land division of an original parcel is allowed in accordance with the following: **(An original parcel predates the zoning ordinance of Sept. 6, 1979 and has not been split)***

*A. For land zoned A (agricultural), the **minimum parcel size is one acre** and an administrative land division of an original parcel is allowed in accordance with the following:*

Less than 80 acres	*2 residential parcels*
80 to 119 acres	*3 residential parcels*
More than 120 acres	*4 residential parcels*

B. For all other zones land may be divided into no more than four (4) parcels through the administrative land division process. The minimum parcel or lot area shall be subject to the minimum lot size provisions of subsection 07-10-21(2) of this chapter.

According to Assessor's records, the mother parcel was the 40 acre aliquot section. The northeast corner was split off in 1953 (R28280), the remaining parcel was split in 1980. As a result, this subject parcel is not eligible for Administrative Land Division. The agricultural and residential zoning districts do allow 1 primary residence and 1 secondary residence per parcel so long as the property owner lives onsite in either unit.

Any further divisions require a Comprehensive Plan Map Amendment ($2500) to change the future land use designation from agriculture to residential, a Rezone ($850) to change the current zoning from agriculture to residential, followed by the subdivision process ($1680+$10/lot) to legally plat and record lots.

The parcel is currently zoned agriculture, the future land use is designated agriculture, it is not located in a city area of impact, and there is no residential zoning and subdivisions in the vicinity. These create very unfavorable conditions for further development to be considered in this area.

Please let me know if you have additional questions.

Sincerely,

Kate Dahl
Planner III
kdahl@canyonco.org
208-455-5958

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

R28279 PARCEL INFORMATION REPORT

3/29/2021 3:33:21 PM

PARCEL NUMBER:	R28279
OWNER NAME:	CUSSINS KARI ANN
CO-OWNER:	CUSSINS RANDY RAY
MAILING ADDRESS:	6627 BUTTE RD MELBA ID 83641
SITE ADDRESS:	6627 BUTTE RD ME 83641
TAX CODE:	0930000
TWP:	1S
RNG:	2W
SECTION:	12
QUARTER:	NW
ACRES:	5.05
HOME OWNERS EXEMPTION:	Y
AG-EXEMPT:	
DRAIN DISTRICT:	NOT In Drain Dist
ZONING DESCRIPTION:	AG / AGRICULTURAL
HIGHWAY DISTRICT:	NAMPA HWY DIST
FIRE DISTRICT:	MELBA FIRE
SCHOOL DISTRICT:	MELBA SCHOOL DIST
IMPACT AREA:	NOT In Impact Area
FUTURE LAND USE:	AG
IRRIGATION DISTRICT:	BOISE-KUNA IRRIGATION DISTRICT
FEMA FLOOD ZONE:	X
FEMA FLOODWAY:	NOT In FLOODWAY
FIRM PANEL NUMBER:	16027C0575F
WETLAND:	NOT In WETLAND
NITRATE PRIORITY:	ADA CANYON
PRINCIPAL ARTERIAL:	NOT In Principal Art
COLLECTOR:	NOT In COLLECTOR
INSTRUMENT NO. :	2019053066
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	12-1S-2W NW N 190' NENW LESS N 108' OF E 115' & LS TX 19663 T78377
PLATTED SUBDIVISION:	

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 E.5

Canyon County DSD Web Map



4/22/2021 4:50:04 PM

ParcelTool
CurrentImpactAreas
CanyonCountyBoundary
Green: Band_2
CanyonCountyRoads
Sections
Canyon County Imagery 2020
Blue: Band_3
Red: Band_1

1:4,514

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.17 km

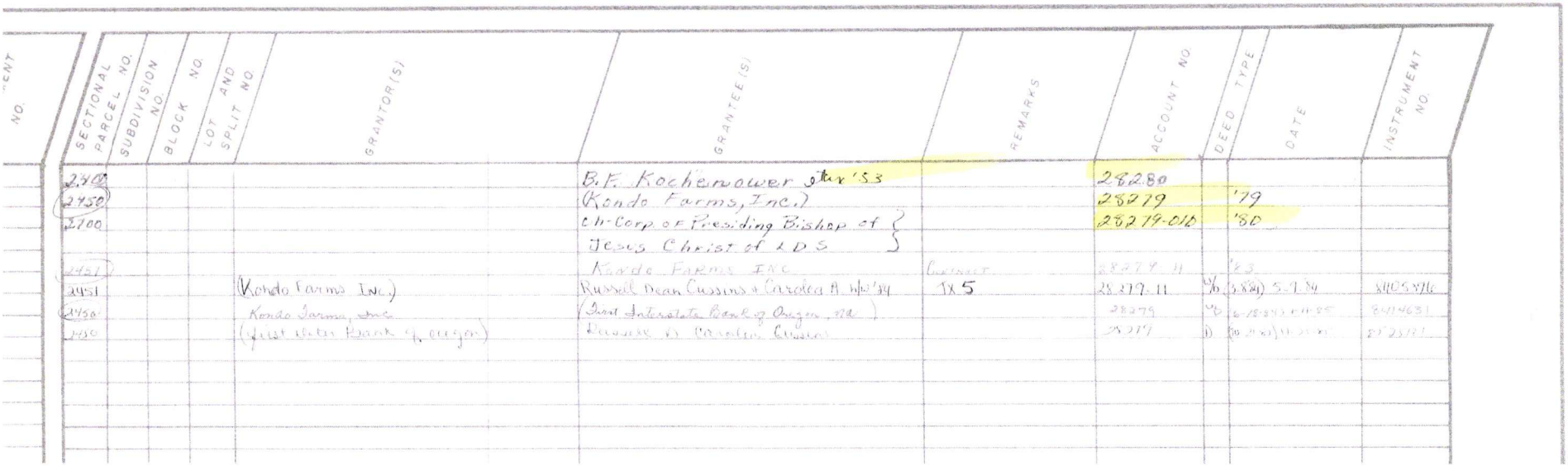
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Canyon County, ID

Bureau of Land Management, State of Oregon GEO, State of Oregon, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, U.S. Forest Service | COMPASS | The USDA-FSA Aerial Photography Field office asks to be credited in derived products. | © 2020 DEQ GIS | Canyon County, Caldwell, Nampa |

Exhibit E.5

01S02W12A-A



NO.	SECTIONAL PARCEL NO.	SUBDIVISION NO.	BLOCK NO.	LOT AND SPLIT NO.	GRANTOR(S)	GRANTEE(S)	REMARKS	ACCOUNT NO.	DEED TYPE	DATE	INSTRUMENT NO.
	2400					B.F. Kochenower Str '55		28280			
	2450					(Kondo Farms, Inc.)		28279		'79	
	2400					ch-Corp of Presiding Bishop of Jesus Christ of LDS		28279-010		'80	
	2451					Kondo Farms Inc	Contract	28279-11		'83	
	2451				(Kondo Farms Inc.)	Russell Dean Cussins + Carolea A. Wife '84	1X5	28279-11	WD	(3.884) 5-9-84	X40549/6
	2450				Kondo Farms, Inc.	(First Interstate Bank of Oregon, NA)		28279	WD	6-18-84 (4:25	84-14631
	2450				(First Inter Bank of Oregon)	Russell D Carolea Cussins		28279	D	[illegible]	87-23121

Exhibit E.5

Director Administrative Decision

Canyon County Code of Ordinances (CCCO)
§07-18-05, 07-18-09, 07-10-03 and 06-05-13

Case Number:	**AD2023-0110/RD2024-0004**
Parcel #'s:	**R28146010, R28146010D & R28279010**
Property Owners:	**Cleon & Patti Hoagland**

Request

The owners request an administrative division of nonviable parcels in an "A" (Agricultural) zone parcels per CCCO §07-18-09. The parcels being considered are R28146010 (11.94 acres), R28146010D (24.92 acres), and R28279010 (33.87). The result of the request creates eight parcels: Three (3) parcels from Parcel R28146010, two (2) parcels from Parcel R28146010D, and three (3) parcels from Parcel R28279010 (Exhibit E – Letter of Intent).

The request includes an easement reduction and a private road name application to establish access for three parcels proposed on Parcels R28146010 (RD2024-0004).

Property History

- Parcel R28146010: The parcel was created via an Administrative Land Division creating Parcels R28146011 and R28146010 (AD2021-0016). The parcel was then adjusted to its current configuration in 2021 (AD2021-0185, Exhibit A).
- Parcel R28146010D: The parcel was created as an agricultural parcel in 2021 (AD2021-0185, Exhibit A).
- Parcel R28279010: Pursuant to PI2021-0220 (Exhibit B), the parcel was created via the land division process in 1980. The parcel has a permit available.

Findings CCCO §07-18-05 - Application and Process

- A complete application was accepted on October 6, 2023 with an amended letter of intent submitted on February 23, 2024 (Exhibit E). The submittal includes an irrigation plan.
- The subject property does not contain slopes greater than 15% (Exhibit C).
- The subject properties comply with applicable public nuisance, building, and zoning ordinances (Chapter 2, Article 1 of the Canyon County Code). There are no code violations on the subject property.
- Notification of the request was sent to the local highway and fire district on February 28, 2024. Melba Fire District did not provide any comments. Nampa Highway District #1 (NHD1) provided comments regarding approach permits and access spacing requirements. NDH1 does not oppose the request subject to obtaining an approach permit before building permit issuance. *See Exhibit D, NHD1 Comment Letter.*

Findings CCCO §07-18-09 – Administrative Division of a Nonviable Parcel in an Agricultural Zone

- The request meets the minimum parcel size of one acre. See Exhibit E.
- A complete application was accepted on October 6. 2023 with an amended letter of intent submitted on February 23, 2024 (Exhibit E).
- Notification of the request was sent to property owners within 600 feet in accordance with CCCO §07-18-09(4) on February 29, 2024. The following letters were received:

- Josh Alder – Opposed (Exhibit G1): The e-mail states the subject parcels are good, profitable, farmland.
- Kari & Randy Cussins – Opposed (Exhibit G2): The letters express concerns about the parcels being considered non-viable farm grounds. The Cussins have lived in the area since 1974 and state the subject properties have been historically used to grow hay and raise cattle.
- Jeffery & Donette Robinson – Opposed (Exhibit G3): The e-mail states the parcels have been used for grazing and to grow feed. Surrounding properties are all viable ground and they wish to keep farmland from being developed.
- Delores Hoagland – Support (Exhibit F1): The e-mail does not object to the request.
- Marie Hoagland – Support (Exhibit F2): The e-mail states the ground is too rocky to till, dries out quickly, and is unable to be farmed for profit.
- Kathy & Norm Alder – Opposed (Exhibit G4): The letter expresses opposition due to the subject parcel being viable farmland with water rights. The land has produced seed, corn, beans, and hay.
- Rabbittsaddlery – Opposed (Exhibit G5): The e-mail expresses concerns about farmland being divided and sold as non-viable ground. Parcel R28279010 has been leased to the Hoagland from the LDS Church since the 1970s and has been viable for over 50 years. The hay yield from the property is normal for average irrigated farm ground. The owner purchased the parcel approximately four years ago. The letter expressed concerns about farmland being divided and sold as non-viable ground.
- James and Christina Schwager – Opposed (Exhibit G6): The e-mail states concern about farmland being divided and sold as non-viable ground. The Schwagers see cows, irrigation lines, and green vegetation on the subject parcels. If approved, all access should be from Butte Road, not Southside Boulevard to reduce traffic impacts. Also, a ratio of one or two houses per several acres would align with properties within the area.

  Notification of the request was sent to the local highway and fire district on February 28, 2024. Melba Fire District did not provide any comments. Nampa Highway District #1 (NHD1) provided comments regarding approach permits and access spacing requirements. *See Exhibit D, NHD1 Comment Letter.*

- In accordance with CCCO §07-18-09(5), the follow was found:

  A. Per CCCO §07-18-09(7)A, the director may approve the division into fewer than five (5) parcels from the original parcel if the requirements of the Code. Per PI2021-0220 and AD2021-0185 (Exhibits A &B), Parcel R28146010 can be divided into three parcels, Parcel R28146010D into two parcels, and Parcel R28279010 into three parcels.

  B. The subject properties comply with applicable public nuisance, building, and zoning ordinances (Chapter 2, Article 1 of the Canyon County Code). There are no code violations on the subject property.

  C. Pursuant to the applicant's letter of intent (Exhibit E) site constraints and resource issues limit the economic opportunities that would make it profitable. Letters from the owner, Mark Hoagland, JL Harris Farms, and Jerry Neufeld to support the parcels are not economically viable due to site constraints. Constraints include small/odd configurations, limited crop options, and irrigation limitations.

  Based on the review of all information and comments submitted, there is not enough evidence demonstrating the parcels, 70.73 acres combined, suffer from site constraints/resource issues making productive agricultural uses extremely difficult. The letter of intent focuses on

agricultural production being economically difficult. CCCO §07-18-09(5) does not include economic viability as a constraint that can be used as evidence.

Based on the review of all information submitted, the following has been demonstrated:

- Per CCCO §07-02-03, viable farmland is definied as "*Land that is capable of producing marketable farm animals or crops*". Information provided by the applicant (Exhibit E), aerials (Exhibit I), and letters of opposition (Exhibit G) demonstrate the subject property consist of land capable of producing marketable farm animlas and/or crops.
    - The County Assessor's Office states the parcels have ag-exemptions (Exhibit H). Upon conversation with the Assessor's office, the applicant has benefited from the ag-exemptions for over 20 years. To qualify for an ag-exemption, the parcel must prove the ground is in agricultural production. The Assessor's office states aerial photos were used as proof to demonstrate areas that are irrigated by wheel lines/pivot lines for crops and other areas for cattle (livestock/grazing). On Google Earth, reviewing aerials between 2002 to 2022, the parcels appear to be in agricultural production (Exhibit I).
- Irrigation water rights exist for the subject parcel (Exhibit E & G).
- Slopes are predominantly between 0-3% except in certain areas of Parcel R28146010D where slopes can be 6-9% (Exhibit C).
- Any lot size/configuration issues came from the land divisions taken by the Hoagland dividing the parcels over the years (Exhibits A & B)
- Parcel R28146010D is agriculture parcel (AD2021-0185, Exhibit A). Per CCCO §07-17-03(3), an agriculture parcel is described as a parcel *used exclusively for agricultural purposes (on which there is no permanent dwelling).*
- The letter of intent states the 5.93 to 11.81-acre lot sizes will allow forage production and grazing (Exhibit E). The letter implies portions of the subject parcels are viable.
- Letter of opposition received demonstrates the parcels contain viable, profitable, agricultural uses and have been in active agricultural production since 1974 (Exhibit G).

On April 9, 2024, DSD staff provided the applicant with the reasons why items C & D could not be supported and provided an opportunity to demonstrate what parts of the subject parcels are non-viable and which parts are viable and provided options to consider if the request is denied (Exhibit J).

D. Pursuant to the applicant's letter of intent (Exhibit E) the request will not negatively impact surrounding agricultural uses. The 5.93 to 11.81-acre lot sizes will allow forage production and grazing.

   Based on the review of all information and comments submitted, there is not enough evidence demonstrating the development will not be impactful to surrounding agricultural uses. Without any buffers, building envelopes, or mitigation conditions, residential development may impact adjacent parcels' agricultural production. Letters of opposition were received with concerns regarding impacts to existing irrigation, traffic, and impacts to viable farm grounds adjacent to the subject parcels (Exhibit G).

   The letter states the proposed lot sizes (5.93 to 11.81 acres) will allow forage production and grazing. Therefore, the parcels have viable ground that should not be impacted by the request.

Private Road Name – Finding

The proposed road name, "Little Bit Lane", is in substantial conformance with Section 06-05-13. The name "Little Bit Lane" is not duplicated by sound or spelling within Canyon County.

Exhibit E.6

Easement Reduction – Finding

The applicant requests the easement to establish access for three parcels proposed on Parcels R28146010 be reduced from 60' wide to 28' wide. Based on the information provided (Exhibit E), the request complies with CCCO §07-10-03(1)D. Based on the review by Nampa Highway District #1, adequate access will be provided. The request reduces access impacts to adjacent parcels. The request is not anticipated to create injury or safety hazards to existing or future parcels.

Decision

The application to complete the described administrative land division in accordance with CCCO §07-18-05, 07-18-09, 07-10-03, and 06-05-13 ***is hereby Denied.***

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

- Reapply for an Administrative Division of a Nonviable Parcel in an Agricultural Zone (CCCO §07-18-05 & 09) and provide information demonstrating there are portions of the subject parcels that are non-viable.
- Conditional rezone to a "R-R" (Rural Residential) zone with development agreement conditions limiting lot sizes to five acres or larger ($1,400 application fee, two public hearings). The 2030 Comperhensive Plan allows five-acre lot sizes within the agricultural designation. The County Code has not been updated to codify five-acre lot sizes or applicable development standards. Approval is based on the request's consistency with CCCO §07-06-07(6)A.
    - If approved, a land division application per CCCO §07-18-13 is required if the division does not exceed four parcels from the original parcel (as shown in the Record of Survey provided as part of AD2023-0110). If not, platting is required (+$2,000 application fee).
- Comprehensive Plan Amendment to the rural residential designation ($2,800 fee) and Conditional Rezone to an "R-R" (Rural Residential, two-acre lot sizes), $1,400 application fee). The 2030 Comprehensive Plan designates the future land use of the area as "agriculture". The current zone matches the 2030 Comprehensive Plan designation. If approved, platting would be required to divide the parcels (over the $2,000 application fee).

Pursuant to CCCO §07-18-09(8), any affected person who is aggrieved by the decision may file a written notice of appeal within 15 calendar days in accordance with CCCO §07-05-07 subject to application submittal requirements and fee.

5/6/2024

Carl Anderson, Planning Supervisor **Date**

State of Idaho)

SS

County of Canyon County)

On this 6th day of May, in the year of 2024, before me Pamela Dilbeck, a notary public, personally appeared Carl Anderson, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

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

Notary: Pamela Dilbeck

My Commission Expires: 10/14/2028

Exhibit A

2021-082404
RECORDED
12/03/2021 09:58 AM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 SCARDENAS $19.00
MISC
CLEON HOAGLAND

Director Decision
Property Boundary Adjustment

Development Services Department
Canyon County Code of Ordinances 16-007 - §07-10-17

Case Number:	**AD2021-0185 (Amending AD2021-0016)**
Parcel #(s):	**R28146, R28146010, & R28148012(old parcel #)**
Property Owner (s):	**Cleon Hoagland**

Request: The applicant is requesting to amend AD2021-0016, a previously approved property boundary adjustment, affecting the property lines of three (3) previously existing contiguous parcels, R28146, R28146010, & R28148012 (old parcel number that was merged into R28146010). The parcels are zoned "A" (Agricultural). The result will create a larger homesite for the existing dwelling on R28146 and ensure all structures meet County setbacks. The result will unmerge, R2816010 and R28148012 (Assessor's will assign a new number once division is completed).

Property History: Parcel R28146 was split in 1989 (Case LS2006-89) creating a ±5.229-acre parcel (R28146013) and ±32.05-acre parcel (R28146).

Parcel R28146010 was recognized as a separate original parcel in 1978 (Inst. #935657 from the South half of R28146). This created two parcels, ±13.243-acre parcel (R28146010) and ±1.53-acre parcel (R28146011).

Parcel R28148012 was a railroad right-of-way and is not buildable.

In 2021, the parcels were adjusted through a property boundary adjustment (case AD2021-0016). Parcel R28148012 was merged together with R28146010 creating one (1) 37.25-acre parcel and R28146 was adjusted to 8.06 acres.

Findings Pursuant of CCZO §07-10-17: This property boundary adjustment request will not create eligibility for building permit nor any additional building permits. It does not result in the relocation of a building permit or provide for an administrative lot split. The affected parcels are not platted and property line will be adjusted more than 80-feet. However, the adjustment will not cause injury, damage or a safety hazard to surrounding parcels. This property boundary adjustment does not create non-conforming parcels. This application with supporting documents is in substantial compliance with the requirements of the effective zoning ordinance §07-10-17.

The subject parcels will be adjusted in accordance with Record of Survey Instrument No. 2021-081450 as the following:

Parcel #:	Existing Acreage	New Acreage
Parcel A	8.03 ±	8.06 ± acres, w/existing residential structure
Parcel B	37.31 ±	24.88 ± acres Ag Only, no residential building permit available
Parcel C	Merged into R28146010 (Parcel B)	12.37 ± acres w/residential building permit available

DISCLAIMER: Parcels will not be adjusted by the Assessor's Office until deeds are recorded.

Decision: The application documents, including the metes and bounds description(s), and the record of survey complies with CCZO §07-10-17. Therefore, ***the property boundary adjustment is hereby APPROVED.***

Stephen Fultz, Director — 12/1/21 Date

State of Idaho)
SS
County of Canyon County)

On this 1ST day of December, in the year of 2021, before me Kathleen Frost, a notary public, personally appeared Stephen Fultz, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she)(they) executed the same.

KATHLEEN FROST
COMMISSION #67887
NOTARY PUBLIC
STATE OF IDAHO

Notary: K Frost

My Commission Expires: 6-3-2022

NOT OFFICIAL
SEE ORIGINAL IN RECORDER'S
OFFICE

2021-081450
RECORDED
11/29/2021 04:19 PM

00665784202108914500010012

CHRIS YAMAMOTO
CANYON COUNTY RECORDER
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SURVEY
COMPASS LAND SURVEYING

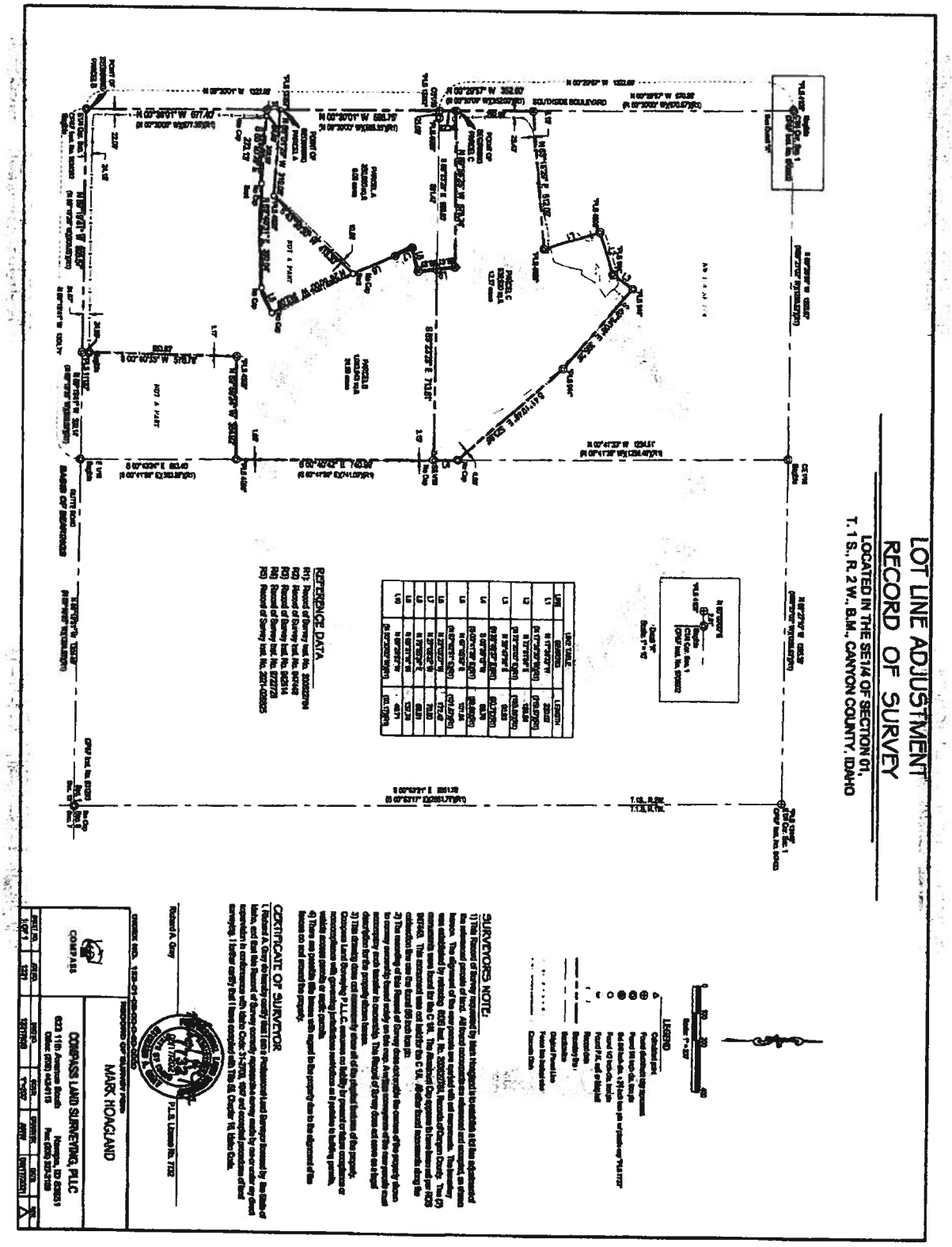


Exhibit A

Exhibit E.6

Exhibit B

Development Services Department

Canyon County, 111 North 11th Avenue, Caldwell, ID 83605
(208) 454 7458 • (208) 454 6633 Fax • DSDInfo@canyonco.org • www.canyonco.org/dsd

April 22, 2021
RE: Parcel Inquiry for R28279
Question: Are the parcels eligible for a split?

07-18-01: ADMINISTRATIVE LAND DIVISIONS FOR ALL ZONES:

(1) Administrative Land Divisions: An administrative land division of an original parcel is allowed in accordance with the following: (An original parcel predates the zoning ordinance of Sept. 6, 1979 and has not been split)

*A. For land zoned A (agricultural), the **minimum parcel size is one acre** and an administrative land division of an original parcel is allowed in accordance with the following:*

Less than 80 acres	*2 residential parcels*
80 to 119 acres	*3 residential parcels*
More than 120 acres	*4 residential parcels*

B. For all other zones land may be divided into no more than four (4) parcels through the administrative land division process. The minimum parcel or lot area shall be subject to the minimum lot size provisions of subsection 07-10-21(2) of this chapter.

According to Assessor's records, the mother parcel was the 40 acre aliquot section. The northeast corner was split off in 1953 (R28280), the remaining parcel was split in 1980. As a result, this subject parcel is not eligible for Administrative Land Division. The agricultural and residential zoning districts do allow 1 primary residence and 1 secondary residence per parcel so long as the property owner lives onsite in either unit.

Any further divisions require a Comprehensive Plan Map Amendment ($2500) to change the future land use designation from agriculture to residential, a Rezone ($850) to change the current zoning from agriculture to residential, followed by the subdivision process ($1680+$10/lot) to legally plat and record lots.

The parcel is currently zoned agriculture, the future land use is designated agriculture, it is not located in a city area of impact, and there is no residential zoning and subdivisions in the vicinity. These create very unfavorable conditions for further development to be considered in this area.

Please let me know if you have additional questions.

Sincerely,

Kate Dahl
Planner III
kdahl@canyonco.org
208-455-5958

Exhibit E.6

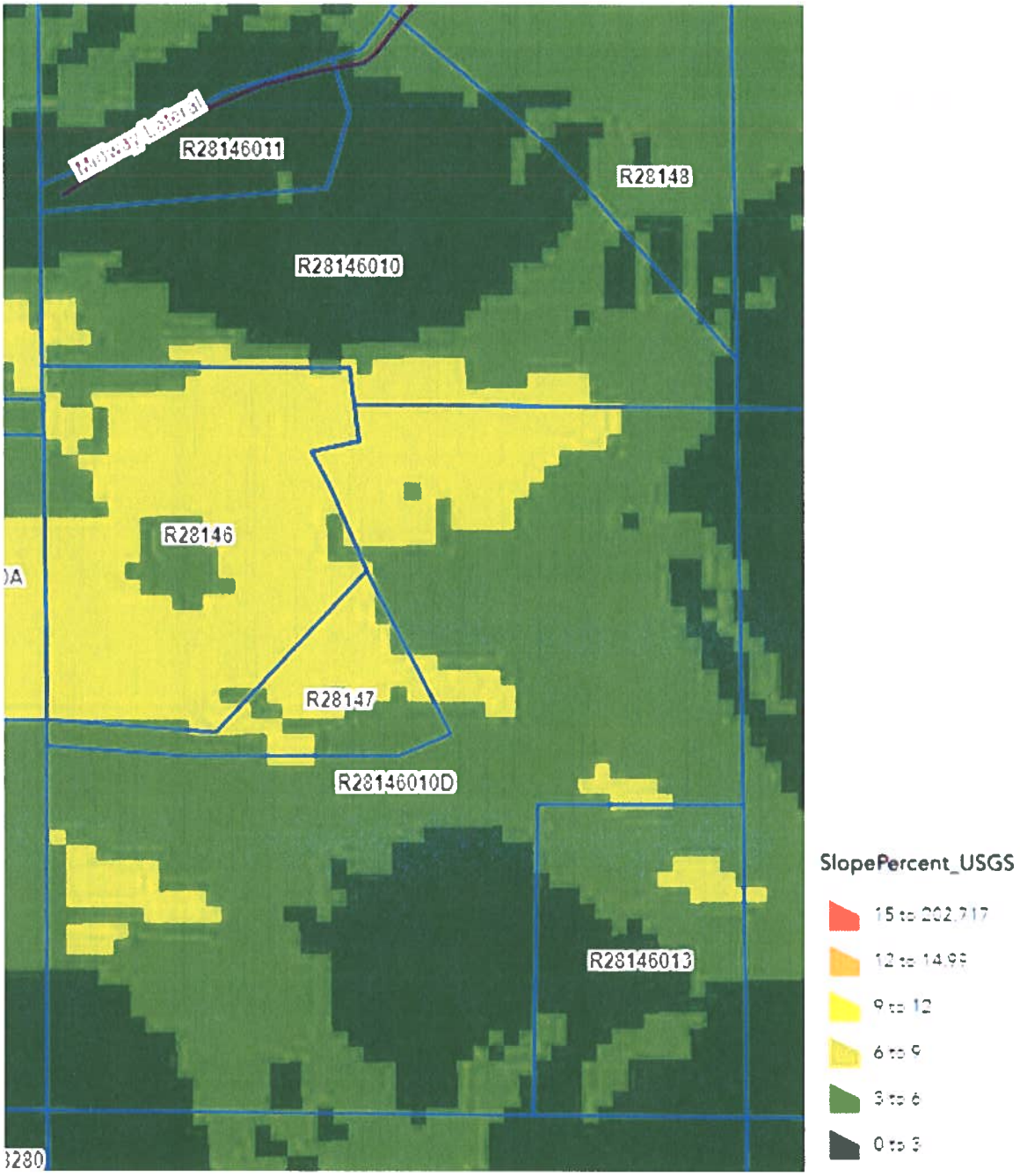

R28146011
R28148
R28146010
R28146
R28147
R28146010D
R28146013
SlopePercent_USGS
15 to 202.717
12 to 14.99
9 to 12
6 to 9
3 to 6
0 to 3

Exhibit C

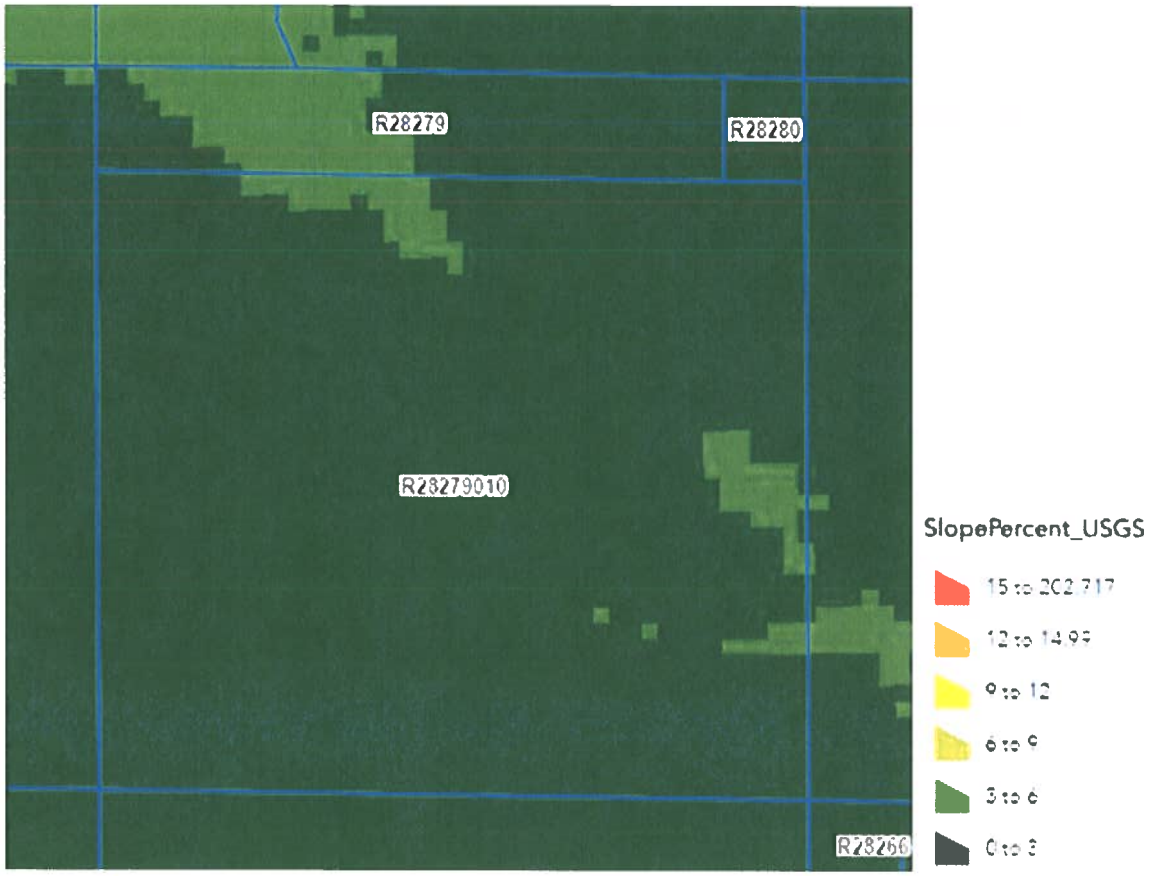


Exhibit E.6

Exhibit C

LAND SPLIT APPLICATION

NHD–003
Rev Jan 2015
Page 1 of 1

SECTION I – APPLICANT INFORMATION *(TO BE COMPLETED BY APPLICANT)*

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

Cleon & Patti Hoagland — *NAME OF APPLICANT*

Cleon Hoagland / Patti Hoagland — *SIGNATURE OF APPLICANT*

PO. Box 1166 — *ADDRESS*

2/28/2024 — *DATE*

Melba — *CITY* ID — *STATE* 83641 — *ZIP*

208-250-3622 — *PHONE (CELL NUMBER PREFERRED)*

ROAD NAME: Southside Blvd BETWEEN Butte rd *FIRST CROSS STREET* & Glendale rd *SECOND CROSS STREET*

SIDE OF ROAD:
☐ North ☐ South
☐ East ☒ West

TOTAL NUMBER OF:
New Lots: 3
New Access Points: 3

PLATTED SUBDIVISION?
☒ No *(attach sketch of proposed land split)*
☐ Yes *(submit Conceptual Plan prepared by an Engineer)*

SECTION II – WORKSHEET/RECOMMENDATION *(TO BE COMPLETED BY HIGHWAY DISTRICT)*

APPLICATION FEE: ☑ Paid ☐ Not Paid CHK# 1258

85th PERCENTILE SPEED: 57 mph

ROAD NO. 627

SIGHT DISTANCE: ☒ Sufficient ☐ Insufficient

ROAD SURFACE: ☒ Asphalt ☐ Gravel ☐ Dirt

TRAFFIC VOLUME: 318 ADT

SHARED ACCESS: ☐ Yes ☒ No

FUNCTIONAL CLASSIFICATION: ☐ Arterial ☐ Collector ☐ Other

CULVERTS REQUIRED: ☒ Yes ☐ No

MEETS ACCESS CONTROL STANDARDS?: ☒ Yes ☐ No

ADDITIONAL REMARKS/CONDITIONS: *(IF NONE, SO STATE)*

Parcels C1, C2, & C3 will each have their own Single point of access onto Southside Blvd. No other point of access shall be granted. All approaches shall meet current spacing requirements per ACCHD Standards.

THIS LAND SPLIT IS:
☒ Recommended for approval, subject to the above conditions
☐ Not recommended

Edward Thiel — *SIGNATURE – HIGHWAY DISTRICT OFFICIAL*

3-4-24 — *DATE*

33.87 Ac

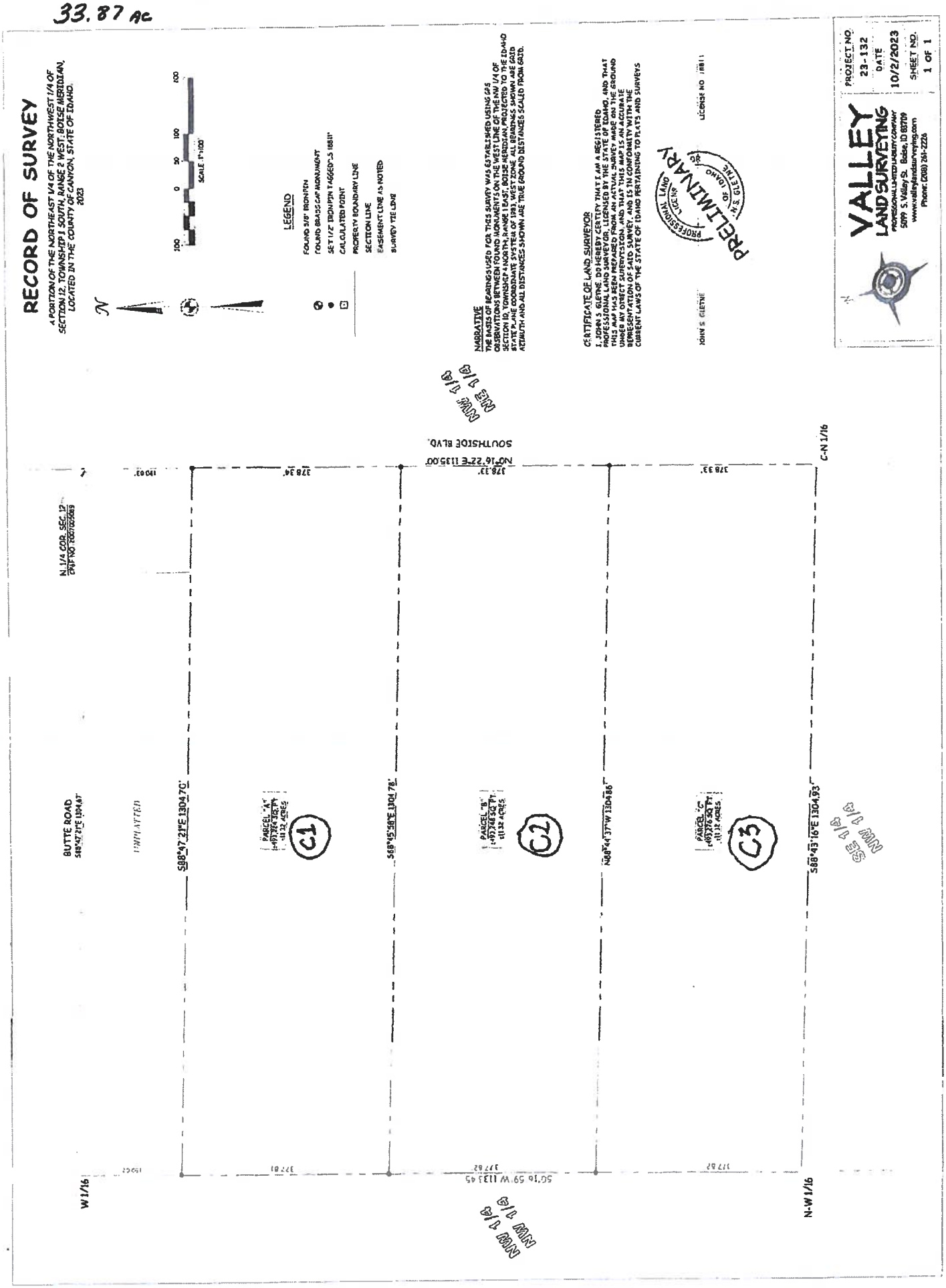


Exhibit D

Exhibit E.6

emailed 3-4-24

LAND SPLIT APPLICATION

NHD–003
Rev Jan 2015
Page 1 of 1

#240078

SECTION I – APPLICANT INFORMATION *(TO BE COMPLETED BY APPLICANT)*

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

Cleon & Patti Hoagland — *NAME OF APPLICANT*

Cleon Hoagland / Patti Hoagland — *SIGNATURE OF APPLICANT*

PO Box 1166 — *ADDRESS*

2/28/2024 — *DATE*

Melba — *CITY* | ID — *STATE* | 83641 — *ZIP*

208-250-3622 — *PHONE (CELL NUMBER PREFERRED)*

ROAD NAME: Southside & Butte BETWEEN Baseline *FIRST CROSS STREET* & Butte *SECOND CROSS STREET*

SIDE OF ROAD:
☐ North ☐ South
☒ East ☐ West

TOTAL NUMBER OF:
New Lots: 5
New Access Points: 2

PLATTED SUBDIVISION?
☒ No *(attach sketch of proposed land split)*
☐ Yes *(submit Conceptual Plan prepared by an Engineer)*

SECTION II – WORKSHEET/RECOMMENDATION *(TO BE COMPLETED BY HIGHWAY DISTRICT)* Southside

Butte 53 mph

APPLICATION FEE: ☑ Paid ☐ Not Paid CHK# 1758

85th PERCENTILE SPEED: 56 mph

ROAD NO. 606 & 625

SIGHT DISTANCE: ☒ Sufficient ☐ Insufficient

ROAD SURFACE: ☒ Asphalt ☐ Gravel ☐ Dirt

TRAFFIC VOLUME: 524 ADT

284 AOT

SHARED ACCESS: ☒ Yes ☐ No

FUNCTIONAL CLASSIFICATION: ☐ Arterial ☐ Collector ☒ Other

CULVERTS REQUIRED: ☒ Yes ☐ No

MEETS ACCESS CONTROL STANDARDS?: ☒ Yes ☐ No

ADDITIONAL REMARKS/CONDITIONS: *(IF NONE, SO STATE)*

Parcels A1, A2, A3 & B2 will use a shared access onto Southside Blvd at a location meeting Stopping Sight distance. "A paved apron will be required as a Condition of approval"

Parcel B1, will use a single access onto Butte Rd at a location meeting Stopping Sight distance.

THIS LAND SPLIT IS:
☒ Recommended for approval, subject to the above conditions
☐ Not recommended

Edward Neal — *SIGNATURE – HIGHWAY DISTRICT OFFICIAL*

3-4-24 — *DATE*

Exhibit D

Exhibit E.6

Exhibit D

RECORD OF SURVEY

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, LOCATED IN THE COUNTY OF CANYON, STATE OF IDAHO
2023



LEGEND

- FOUND 5/8" IRON PIN
- FOUND BRASS CAP MONUMENT
- SET 1/2" IRON PIN TAGGED "LS 18811"
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE AS NOTED
- SURVEY TIE LINE

LINE TABLE

LINE	BEARING	LENGTH
L1	N17°13'23"E	144.99
L2	N15°37'56"W	105.60
L3	N73°02'45"E	56.99
L4	N37°18'32"E	90.95
L5	N57°38'00"E	101.54
L6	N26°36'16"W	70.50
L7	N75°27'44"E	89.51
L8	S5°50'04"E	69.34
L9	S5°55'04"E	68.40
L10	S89°24'15"E	14.04

NARRATIVE

THE BASIS OF BEARINGS USED FOR THIS SURVEY WAS ESTABLISHED USING GPS OBSERVATIONS BETWEEN FOUND MONUMENTS ON THE WEST LINE OF THE NW 1/4 OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, PROJECTED TO THE IDAHO STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. ALL BEARINGS SHOWN ARE GRID AZIMUTH AND ALL DISTANCES SHOWN ARE TRUE GROUND DISTANCES SCALED FROM GRID.

CERTIFICATE OF LAND SURVEYOR

I, JOHN S. GLETNE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.

PROFESSIONAL LAND SURVEYOR LICENSE JOHN S. GLETNE

PRELIMINARY

JOHN S. GLETNE — LICENSE NO. 18811

VALLEY LAND SURVEYING
PROFESSIONAL LIMITED LIABILITY COMPANY
5099 S. Valley St. Boise, ID 83709
www.valleylandsurveying.com
Phone: (208) 919-0081

PROJECT NO. 23-132
DATE 2/14/2024
SHEET NO. 1 OF 1

KIRTON | McCONKIE

Samuel Parry
1100 W. Idaho Street, Suite 930
Boise, ID 83702
sparry@kmclaw.com
208.370.3324

February 23, 2024

Canyon County Development Services
Attn: Dan Lister
111 N 11th Avenue
Caldwell, Idaho 83605
daniel.lister@canyoncounty.id.gov

Re: Addendum and Amendment to AD2023-0110

Dear Dan:

By letter of intent dated October 20, 2023 (the "Letter of Intent"), Cleon and Patti Hoagland ("Hoaglands") requested administrative division of nonviable parcels in an agricultural zone for parcels R28146010 ("Parcel A"), R28146010D ("Parcel B"), and R28279010 ("Parcel C") pursuant to Canyon County Code § 07-18-09. The application was designated as Case No. AD2023-0110 (the "Application"). Based on your preliminary review of the Application and our subsequent communications, Hoaglands made changes to the proposed divisions of Parcels A and B as more specifically detailed below. Those changes necessitated two additional applications for a private road, and a width reduction of that private road. This addendum and amendment (this "Addendum") reflect those changes and additional applications. For convenience, any capitalized terms in this Addendum shall have the meaning set forth in the Letter of Intent. The Letter of Intent is still made a part of this Application; however, to the extent this Addendum conflicts with any provisions or facts in the Letter of Intent, this Addendum shall control.

I. Proposed division of Parcel A.

Figure 1 of the Letter of Intent shows Original Parcel A denoted by the yellow dashed line. Original Parcel A has only been divided once and is eligible for two more divisions under the nonviable parcel exemption for a total of four parcels from Original Parcel A. The proposed site plan attached to this Addendum as Exhibit A shows the location of proposed Parcels A1, A2, and A3 (the "A Parcels"). The A Parcels are each larger than the one-acre minimum required. Parcel A1 will be 3.95 acres; Parcel A2 will be 3.70 acres; and Parcel A3 will be 4.29 acres.

Access to the A Parcels will be facilitated by a private road labeled on Exhibit A as the "Proposed 28' Access Easement." The proposed private road requires a private road application, which is attached to this Addendum as Exhibit B and includes all of the documentation required by that application, including a draft road maintenance agreement, which will be executed upon approval by the County. Hoaglands are also requesting a private road reduction as reflected by the application in Exhibit C to this Addendum and more fully described in Section III below. The Irrigation Plan has been updated to reflect the changes to the A Parcels and is attached to this Addendum as Exhibit D.

II. Proposed division of Parcel B.

Upon filing the Letter of Intent, Hoaglands were informed that Parcel B is eligible for one additional division. Exhibit A to this Addendum shows the location of proposed Parcels B1 and B2 (the "B Parcels"). The B Parcels are each larger than the one-acre minimum required. Parcel B1 will be 13.92 acres; and Parcel B2 will be 10.97 acres.

Access to Parcel B1 will be on either Southside Boulevard South ("**Southside**") or Butte Road as directed by Nampa Highway District No. 1. Access to Parcel B2 will be via the private road described in Section I of this Addendum. The Irrigation Plan has been updated to reflect the changes to the B Parcels and is attached to this Addendum as Exhibit D.

III. Private easement and road width reduction.

Hoaglands application for a private road and application for an easement and road width reduction are attached hereto as Exhibits B and C respectively. As depicted in the site plan at Exhibit A, the subject road runs along the south edge of parcel A1 and ends in a cul de sac with dimensions pre-approved by the Melba Fire District, which provides access to Parcels A2, A3, and B2.

The proposed reduction to 28 feet would be wide enough to accommodate two lanes of ingress and egress with extra room on each side of the road. The adjacent Southside is approximately 23 feet wide from white line on one side of the road to the white line on the other. Southside accommodates all types of commuter and agricultural uses at speeds much higher than will occur on the private road. The private easement will only serve four parcels and will have a much lower volume of traffic than Southside. The proposed 28 feet is plenty of room for safe ingress and egress for two lanes of traffic travelling in both directions. Accordingly, the reduction will not cause injury, damage, or a safety hazard.

The 28-foot width would also fit better on Parcel A1, which is approximately 290 feet wide. A 28-foot easement would comprise almost ten percent of the width of Parcel A1. A 60-foot easement would comprise over twenty percent of the width of Parcel A1. A 60-foot easement would also reduce the amount of arable land with no corresponding benefit.

IV. Conclusion.

This Addendum, and the initial Letter of Intent, constitute Hoaglands' application for an administrative land division pursuant to Canyon County Code § 07-118-09. Hoaglands respectfully request your approval. Please feel free to reach out to Cleon and me with any questions or comments.

Respectfully Yours,

Samuel F. Parry

SFP:

(Exhibits follow)

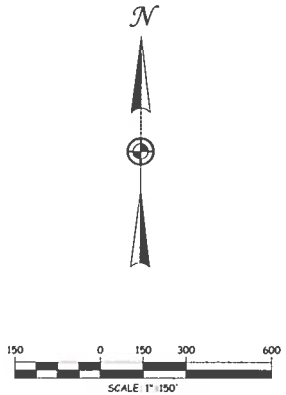
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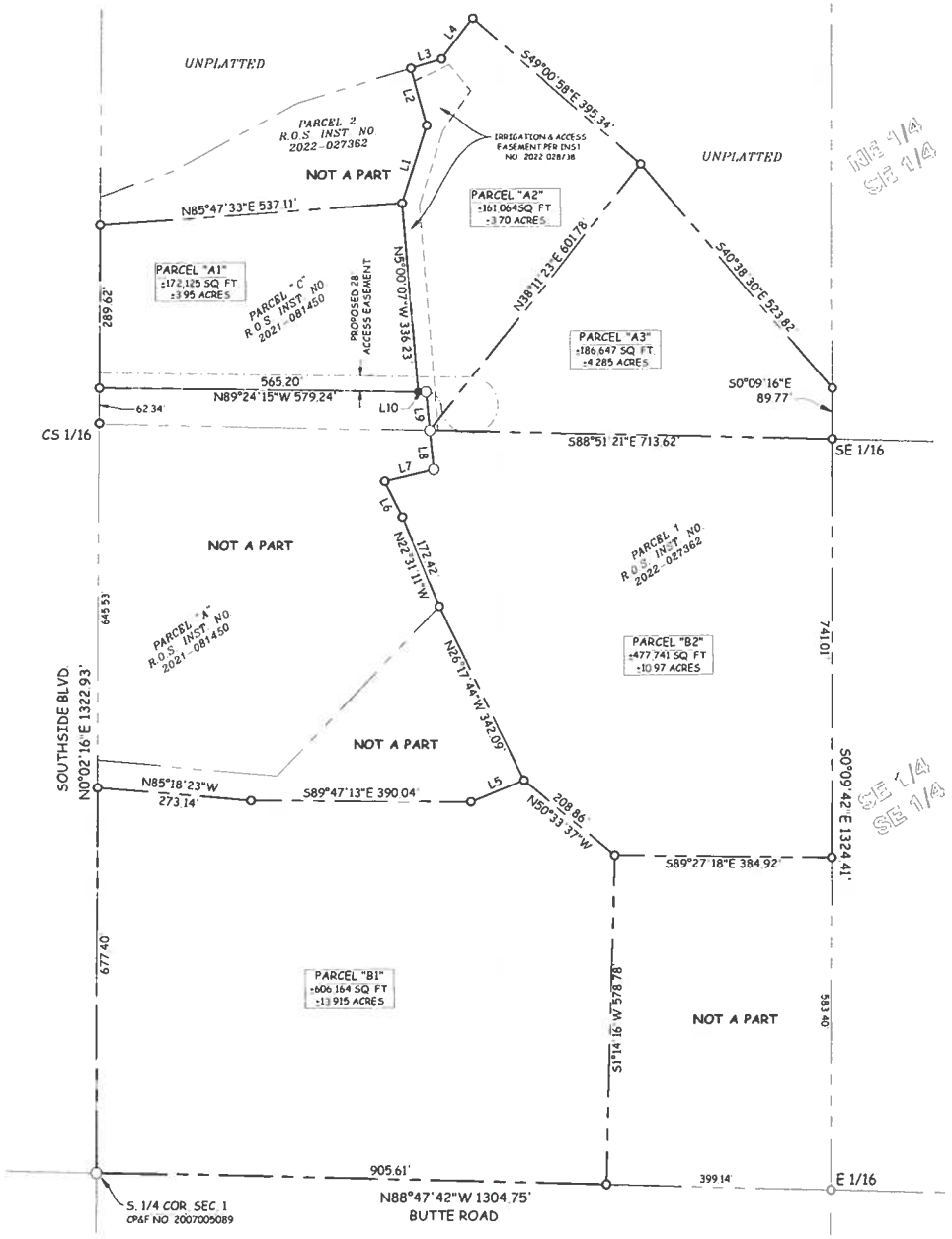
Exhibit A

Exhibit A

RECORD OF SURVEY

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, LOCATED IN THE COUNTY OF CANYON, STATE OF IDAHO 2023





LINE TABLE		
LINE	BEARING	LENGTH
L1	N17°13'23"E	144.99
L2	N15°37'56"W	105.60
L3	N73°02'45"E	56.99
L4	N37°18'32"E	90.95
L5	N67°38'09"E	101.54
L6	N26°36'16"W	70.50
L7	N76°27'44"E	89.51
L8	S5°59'04"E	69.34
L9	S5°59'04"E	68.40
L10	S89°24'15"E	14.04

LEGEND

- FOUND 5/8" IRON PIN
- FOUND BRASS CAP MONUMENT
- SET 1/2" IRON PIN TAGGED "LS 18811"
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PROFESSIONAL LAND LICENSED ID JOHN S. GLETNE 18811 PRELIMINARY

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PROJECT NO.	23-132
DATE	2/14/2024
SHEET NO.	1 OF 1

Exhibit E.6

Exhibit B

Exhibit B

PRIVATE ROAD NAME CHECKLIST

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

Private roads serving more than 2 permanent dwellings or inhabited buildings shall be named and signed. CCZO 07-10-03 (3.A.5)

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST:

I am applying for: ☑ **New Private Road Name** ☐ **Change an Existing Private Road Name**

- ☑ Master Application completed and signed
- ☑ Site plan, sketch, or record of survey with easement length, width, location, configuration, and the two nearest cross streets. The easement or right-of-way parcel that is intended for the private road MUST BE HIGHLIGHTED!
- ☐ Name Change Application (if changing the name of an existing private road)
- ☑ A printed list of names and addresses of all persons having legal right to use the private road
- ☑ A copy of the Road Name verification from Canyon County Development Services, usually an email (see #2 below)
- ☑ A list proposing a minimum of 5 distinct road names in preferential order, i.e. first choice as number one, etc
- ☑ A copy of the easement legal description and Road User's Maintenance Agreement (RUMA)
- ☑ Easement Reduction application (if requesting an easement less than 60 feet wide down to 28 feet)
- ☐ Your engineers certification that road meets the minimum County Private Road requirements and proof the sign has been installed is required before the certificate of occupancy is issued, record of survey or platting is approved
- ☑ **$330 non-refundable fee or $80** if combined with another application such as Administrative Land Division, Short Plat Subdivision, Easement Reduction or other application

NOTES:

1. The purpose of this application is to ensure the public health, safety, general welfare, peace, good order, comfort and convenience of the county and provide a coordination of street names and numbering grid system, coordination of addresses for quick efficient delivery of emergency services and administration of enforcement by defining powers and duties of the director.
2. Prior to submitting this application please propose a minimum of five (5) distinct road names in preferential order to GISAddressing@canyoncounty.id.gov, so the proposed names can be checked to verify they are not already used within the County.
3. You may request a current and reserved road names list so you can verify on your own if yj proposed road name is used or reserved. The current and reserved road name list are in excel format (.xlsx). You may also download the list from our website, named "Current Road Names Table Public.pdf" located under the GIS tab; https://www.canyoncounty.id.gov/elected-officials/commissioners/dsd/dsd-gis/. Proposed road names will only be reserved once we have received an application and fees are paid. Reserved private road names for land divisions or a private road requirement due to building permit, will only be reserved for a period of sixty (60) days. After the sixty (60) day time period, the reservation will expire and you will need to re- apply. Reserved private names for a subdivision plat will be reserved for two (2) years.
4. **Words that are difficult to spell or pronounce are generally prohibited.** The Director may reject a street name if the street name is found to be vulgar, rude or offensive. Private road names cannot be first, last names, or initials. Proposed roads names cannot use words, sound alike or similar spelling from an existing road name. If the parties who have the legal right to utilize the road cannot agree on a name, the Development Services Director will take suggestions from all parties and make the final decision and approval. (§ 06-05-13(13))
5. Please note that the County makes every effort to notify public and private agencies of new address, address changes or new private roads. The County cannot guarantee the agencies will update their records to reflect this new address, address change or new private road. It is suggested that you make "Suggested Edits" on Google Maps to update your new private road and new addresses.

Revised 10/17/23

Exhibit E

PRIVATE ROAD NAME APPLICATION

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

Addressing Ordinance CCZO 06-05-09(2B) & 06-05-11(1, 3): All street names shall be approved by the Director within the unincorporated area of the County designated for addressing by the County. The right to use a street or private road name, its accompanying street designation and right to install a sign for a street. Proposed street and private road names for new subdivisions, proposed new private roads.

Applicant(s): Cleon & Patti Hoagland Phone: 208-250-3622
Please Print Name

P.O. Box 1666 Melba / ID 83641
Applicant Mailing Street Address City/State Zip

Location of Private Road: Southside Blvd S. Baseline rd & Butte rd
Two Nearest Cross Streets

Parcel Number of owner requesting private road name: R28146010

The following must be provided as part of this application:

1. **A dimensioned sketch showing the location, configuration and length of the private road.**
2. **A typewritten or printed list of names and addresses of all persons having a legal right to use the road. (They must sign below.)**
3. **A list containing a minimum of three proposed road names in preferential order, i.e. first choice as number one, etc.** **If proposed are private roads, the street type must be Lane.**
   a. **First Choice:** Little Bit Lane
   b. **Second Choice:** Hoagland Lane
   c. **Third Choice:** Golightly Lane

   If project requires multiple road names provide road names use this section. Mark on sketch which road names belongs to each road segment. If more than three road names are needed, please write them on a separate piece of paper. **If proposed are private roads, the street type must be Lane.**

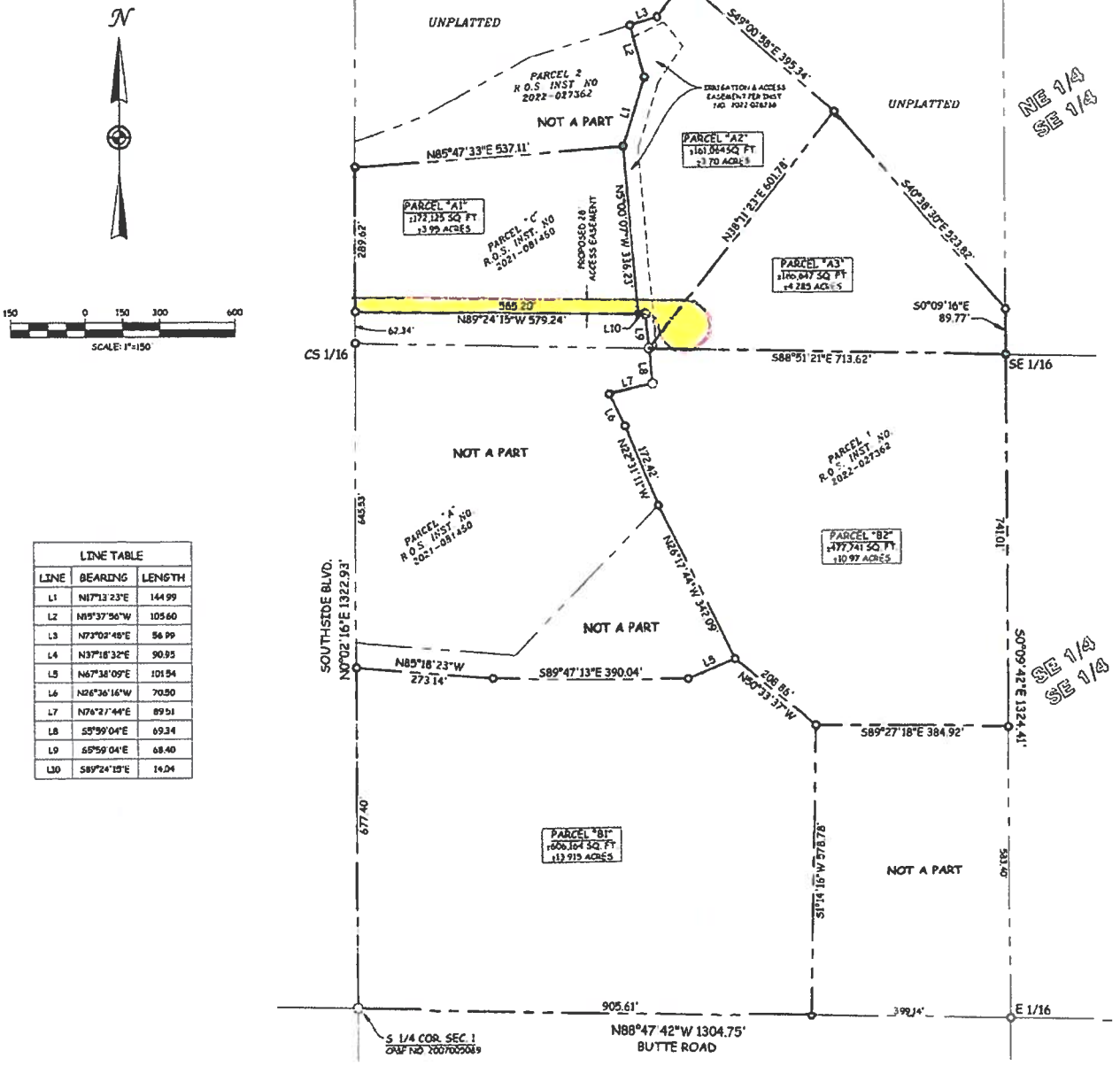
   d. **First road name :** _____
   e. **Second road name:** _____
   f. **Third road name:** _____

NOTE: Words that are difficult to spell or pronounce are generally prohibited. The Director may reject a street name if the street name is found to be vulgar, rude or offensive. Private road names cannot be first, last names, or initials. Proposed roads names cannot use words, sound alike or similar spelling from an existing road name. If the parties who have the legal right to utilize the road cannot agree on a name, Development Services Department will take suggestions from all parties and make the final decision and approval. (§ 06-05-13(13)). Please note that The County makes every effort to notify public and private agencies of new address, address changes or new private roads. The County cannot guarantee the agencies will update their records to reflect this new address, address change or new private road. It is suggested that you make "Suggestion Edits" on Google Maps to update your new private road and new addresses.

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2023



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PROFESSIONAL LAND LICENSE 18911 IDAHO J. GLETNE
PRELIMINARY

JOHN S. GLETNE — LICENSE NO. 18911

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PROJECT NO.
23-132
DATE
2/14/2024
SHEET NO.
1 OF 1

Exhibit E

Gmail cleon hoagland <chrawhide62@gmail.com>

Proposed Private Road Names-Hoagland, Melba, ID

2 messages

cleon hoagland <chrawhide62@gmail.com> Wed, Feb 14, 2024 at 9:34 AM
To: GisAddressing@canyoncounty.id.gov

We, Cleon & Patti Hoagland, are proposing private road names for a private road/Lane access to our parcels in the application for the Administrative Division of Nonviable Parcels.
Our proposed names are as followed:
1. Little Bit Lane
2. Hoss Lane
3. Concho Lane
4.Hoagland Lane
5.Golightly Lane
Parcel # R28146010
Please call with any questions.
Cleon & Patti Hoagland
208/250-3622

Sage Huggins <Sage.Huggins@canyoncounty.id.gov> Wed, Feb 14, 2024 at 11:56 AM
To: cleon hoagland <chrawhide62@gmail.com>
Cc: GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>

Good Afternoon,

Below is the availability of the private road names you sent over for parcel R28146010.

1. Little Bit Lane - **Available**

2. Hoss Lane - Sound alike/Not Available

3. Concho Lane – Sound alike/Not Available

4.Hoagland Lane - **Available**

5.Golightly Lane - **Available**

Thanks,

Sage Huggins

GIS Analyst

Canyon County Development Services

Sage.Huggins@canyoncounty.id.gov

208-455-6036

[Quoted text hidden]

Exhibit E

Exhibit E.6

After recording return to:
Kirton McConkie PC
Attn: Samuel Parry
1100 W. Idaho St. Ste. 930
Boise, Idaho 83702

Space above for recorder's use only

ROAD MAINTENANCE AGREEMENT

This Road Maintenance Agreement ("**Agreement**") is made effective this _____ day of _____ 2024 (the "**Effective Date**"), by Cleon and Patti Hoagland, husband and wife (the "**Owners**").

Recitals

A. The Owners own that certain real property in Canyon County, Idaho legally described in Exhibit A, and depicted as Parcels A1, A2, A3, and B2 (collectively the "**Parcels**" and each a "**Parcel**") on the record of survey in Exhibit B (the "Survey"), both of which are attached hereto and incorporated herein.

B. This Agreement is executed by requirement of the County and in anticipation of selling one or more of the Parcels, with the subsequent purchasers of the Parcels becoming Owners, and each an "**Owner**."

C. The Survey depicts a 28-foot access easement that runs along the south edge of parcel A1 and ends in a cul de sac located in portions of Parcels A2, A3, and B2 (the "**Easement**"), which is legally described in Exhibit C, attached hereto and incorporated herein.

D. The Owners anticipate the construction of a road within the Easement (the "**Road**") and desire to execute and record this Agreement to set forth the basic rights and obligations of the Owners and their successors, heirs, and assigns pursuant to the terms described below.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals above (which are incorporated into this Agreement by this reference) and mutual covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners hereby agree as follows:

1. Purpose and scope.

The purpose of this Agreement is to define the responsibilities of the Owners with respect to maintenance of the Road. The authority granted to the Owners by this agreement is strictly limited to decisions and actions related to road maintenance and shall not constitute authority to form or act as a home Owners' association.

2. Maintenance.

2.1 The Owners shall share equal responsibility for maintaining, repairing, and replacing the Road as reasonably necessary to keep the same in good operating condition and repair (collectively, "**Maintenance and Repair**"), which Maintenance and Repair shall include, without limitation (a) the maintenance, repair, and replacement of the surface and sub-surface of the Road in a level and smooth condition (to the extent practical), evenly covered with the type of materials originally constructed thereon or such substitutes as will, in all respects, be equal to such materials in quality, appearance and durability; (b) such future improvements in the Road that may be reasonably necessary for the Road to provide safe and usable access from Southside Boulevard South to the Parcels in accordance with applicable law; (c) such future private road improvements in the Road that may be approved by the Owners (i.e., gates, entrance signs and other similar items). All Maintenance and Repair must be performed to an equal standard over the entire length of the Road.

3. Costs of Maintenance and Repair.

3.1 Costs. The Owner(s) of each Parcel shall be responsible for one-fourth (1/4) of the Maintenance and Repair costs of the Road.

3.2 True-Up. All Owners under this agreement shall meet or correspond annually as needed to determine the other's costs and whether a true-up of the of the actual costs of maintenance and repair is necessary (a "**True-Up**") pursuant to the terms of this Agreement. All costs shall be supported by reasonable documentation (*e.g.*, receipts, invoices, purchase orders, etc.). No costs shall be allowed for labor if provided by an Owner under this Agreement or their affiliates. Should the Owners determine a True-Up is necessary, the owing Owners shall pay to the other Owner entitled to payment, without demand, such agreed upon amounts within ten (10) days of such determination of a True-Up.

3.3 Damage. Notwithstanding anything to the contrary contained in this Agreement, should the Road or any portion thereof be damaged or destroyed by any act or omission of an Owner or their invitees or licensees (a "**Damaging Owner**"), whether intentional or unintentional, the same shall be repaired or rebuilt by the Damaging Owner, at the expense of the Damaging Owner. Should the Road be damaged or destroyed by any cause other than the act or omission of an Owner, the same shall be repaired or rebuilt by all Owners as described in Section 3.1 and 3.2. Any repairing or rebuilding of the Road shall be of the same quality and customary standard of similar private roads in Canyon County, Idaho.

4. No Barriers. Each Owner shall ensure that the Road is at all times kept free from obstructions and otherwise kept open in a manner sufficient to accommodate the free and uninterrupted flow of pedestrian and vehicular traffic on, over, and across the Road. Each Owner shall further ensure that nothing shall be constructed or placed within the Road that will prohibit, discourage, or reduce free and uninterrupted flow of pedestrian and vehicular traffic on, over, and across the Road; provided, however, that the restriction set forth in this Section shall not operate to prohibit the temporary interruption of vehicular or pedestrian traffic flow during the construction, maintenance, or repair of the Road, as long as such temporary interruption does not leave any Owner without access to their parcel for any amount of time.

5. Covenant to Pay.

Each Owner covenants to pay all of their respective pro rata share of any costs and/or expenses as described in this agreement when due without deduction, setoff, abatement of counterclaim of any kind whatsoever. Any such costs and/or expenses against are the personal obligation of the Owner of the Parcel when the assessment becomes due and payable, which personal obligation will remain with such Owner regardless of whether such Owner remains the Owner of the Parcel. All assessments include any interest (at the applicable legal rate) and any costs to collect the monies owed, including reasonable attorneys' fees.

6. Meetings.

Any Owner may call a special meeting of the Owners to this Agreement for any purpose. The Owner calling the meeting shall distribute written notice of the meeting by hand-delivery, mail, or email at least 10 days, but not more than 60 days, prior to the meeting. The meeting notice will state the reasons for

which the meeting is called. No Owner may call a special meeting more than twice during any calendar year. The Owner calling the meeting will determine the location of the meeting unless another location is determined by a majority vote.

Votes shall be allocated as one vote per Parcel. Where a Parcel has multiple Owners such Owners shall decide among themselves how their one vote shall be cast.

7. Binding Effect.

This Agreement shall be recorded in the real property records of Canyon County, Idaho, and this Agreement and the rights, and obligations of the Owners herein run with the land, benefit and burden each Parcel, and shall be binding upon the Owners and their respective successors, heirs, and assigns.

8. Indemnification.

Each Owner (the **"Indemnifying Owner"**) agrees to indemnify, defend, and hold harmless each other Owner from and against any and all losses, liability, claims, suits, proceedings, liens, damages, and allegations, of any kind (**"Claims"**), including, without limitation, reasonable attorneys' fees, directly or indirectly resulting from or arising out of: (a) any failure by the Indemnifying Owner or its employees or agents to comply with the terms and conditions of this Agreement; or (b) the negligence or willful misconduct of the Indemnifying Owner, except to the extent such Claims result, in whole or in part, directly or indirectly, from the default, negligence or willful misconduct of the other Owner.

9. Remedies.

9.1 Failure to Pay. In the event any Owner or its predecessor in interest fails or refuses to pay when due any amount due hereunder, which failure continues for a period of ten (10) days after such amounts are due, such failure shall constitute a default and: (a) a non-defaulting Owner may pay the amount due if due to a third Owner; (b) legal action may thereafter be instituted against the defaulting Owner by a non-defaulting Owner for payment or reimbursement of the amounts due, plus late charges, default interest, and attorneys' fees; and (c) a non-defaulting Owner may pursue any other remedies at law or in equity, including, without limitation, specific performance and declaratory or injunctive relief. Furthermore, a non-defaulting Owner shall have a claim of lien on the defaulting Owner's real property for the foregoing sums.

9.2 Other Failures. In the event an Owner fails to perform any covenants, conditions, or provisions of this Agreement (other than a failure to pay amounts as described in Section 9.1of this Agreement), which failure continues for a period of fourteen (14) days after receipt of written notice specifying the particulars of such failure, such failure shall constitute a default, and the other Owner may thereafter institute legal action against the defaulting Owner for specific performance, declaratory or injunctive relief, monetary damages or any other remedy provided by law; provided, however, that the defaulting Owner shall not be deemed to be in default if such failure to perform cannot be rectified within said fourteen (14) day period, and such Owner commences to rectify such failure within said fourteen (14) day period and thereafter diligently prosecutes the same to completion.

9.3 Liens. The claims of lien provided for in Section 9.1 contain a power of sale and shall only be effective when recorded in the real property records of Canyon County, Idaho by a non-defaulting Owner as a claim of lien against the defaulting Owner, which lien shall be signed, verified, and contain at least the following information:

9.3.1 An itemized statement of all amounts due and payable pursuant to this Agreement;

9.3.2 A description of the defaulting Owner's property;

9.3.3 The name of the Owner or reputed Owner of the Parcel which is the subject of the lien; and

9.3.4 The name and address of the Owner recording the claim of lien.

The claim of lien may be foreclosed in the same manner as a deed of trust pursuant to Idaho law. Upon payment of such claim of lien in full, the Owner that recorded the claim of lien will prepare and record a release of such claim of lien, at the other Owner's expense which expenses shall be paid prior to recordation.

9.4 Late Charges; Interest. Each Owner acknowledges that the late payment of any sums due to the other Owner hereunder will cause the other Owner to incur costs not contemplated by this Agreement, the exact amount of which the Owners are not capable of determining. Accordingly, if any sums due hereunder are not paid within ten (10) days after the date due, then the Owner failing to pay shall pay to the other Owner a late charge equal to five percent

(5%) of such overdue amount. Further, and in addition to any such late charges, any sums (including late charges) payable due hereunder which are past due for a period of ten (10) days or more shall bear interest from the due date until paid in full at the maximum rate allowed under Idaho Law.

10. General Terms And Conditions.

10.1 Amendment. This Agreement may not be amended, modified, supplemented, or otherwise changed except by a writing signed by all of the Owners or their successors, heirs, or assigns.

10.3 Attorneys' Fees. In the event of any controversy, claim or action being filed or instituted between the Owners to interpret or enforce the terms and conditions of this Agreement, or arising from the breach of any provision hereof, the prevailing Owner(s) will be entitled to receive from the non-prevailing Owner(s) all costs, damages, and expenses, including reasonable attorneys' fees through all levels of action, incurred by the prevailing Owner(s).

10.5 Construction. The captions and headings of this Agreement are for reference only and shall not be deemed to define or limit the scope or intent of any of the terms or provisions of this Agreement. Whenever the context so requires, the singular shall include the plural, the plural shall include the singular, and the use of gender shall include all other genders. When used in this Agreement, the phrase "including" (or a word of similar import) shall mean "including but not limited to", and words such as "herein," "hereinafter," "hereof," "hereto," and "hereunder" refer to this Agreement as a whole, unless the context otherwise requires. Except as provided herein, no consent required to be obtained by one Owner from another Owner shall be unreasonably withheld, conditioned or delayed.

10.7 Governing Law, Venue. This Agreement shall be construed and interpreted in accordance with the laws of the State of Idaho without giving effect to any choice or conflict of law provision or rule (whether of the State of Idaho or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than the State of Idaho.

10.9 Incorporation by Reference. All recitals and exhibits to this Agreement are hereby incorporated by reference as if set forth herein.

10.11 Merger. As to the subject matter contained herein, this Agreement (including the documents referenced herein) shall be the complete, entire, final and exclusive agreement among the Owners hereto and supersedes all prior and

contemporaneous negotiations, agreements, and understandings, written or oral, between the Owners. It is expressly warranted by the Owners that no promise or inducement has been offered except as set forth herein, and that this Agreement is executed without reliance upon any promise, inducement, or representation not set forth herein. The terms of this Agreement may not be contradicted by evidence of any prior or contemporaneous agreement, and no extrinsic evidence whatsoever may be introduced to vary its terms in any mediation, arbitration, or judicial proceeding involving this Agreement.

10.13 Notices. All notices given pursuant to this Agreement shall be in writing and shall be given by personal service, U.S. Mail, certified, return receipt requested, or other reliable delivery service such as Federal Express or UPS, postage or delivery charges prepaid, addressed to the appropriate Owner at the address set forth above, or at such other address as a Owner may from time to time specify by notice to the other Owners. All notices given pursuant to this Agreement shall be deemed given upon receipt. For the purpose of this Agreement, the term "receipt" shall mean the earliest of any of the following: (a) the date of delivery of the notice or other document as shown on the return receipt; (b) the date of receipt of the notice or other document by the person or entity to whom it was addressed or (c) in the case of refusal to accept delivery or inability to deliver the notice or other document, the earliest of (i) the date of the attempted delivery or refusal to accept delivery, (ii) the date of the postmark on the return receipt or (iii) the date of receipt of notice of refusal or notice of non-delivery by the sending Owner.

10.15 Rights Cumulative. Except as expressly provided in this Agreement, and to the extent permitted by law, any remedies described in this Agreement are cumulative and not alternative to, or to the exclusion of, any other remedies available at law or in equity.

10.17 Severability. This Agreement will be enforced to the fullest extent permitted by applicable law. If for any reason any provision of this Agreement is held to be invalid or unenforceable to any extent, then (a) such provision will be interpreted, construed or reformed to the extent reasonably required to render the same valid, enforceable and consistent with the original intent underlying such provision, and (b) such invalidity or unenforceability will not affect any other provision of this Agreement.

10.19 Time. Time is of the essence with respect to each and every covenant and obligation under this Agreement.

10.21 Waiver. No failure or delay on the part of a Owner to exercise any of that Owner's powers, rights, or privileges under this Agreement shall impair any such powers, rights or privileges, or be construed to be a waiver of any default or breach or any acquiescence therein. To the contrary, except as expressly set forth herein, the waiver any power, right, privilege, breach, default, or remedy must be in writing signed by the Owner waiving such power, right, privilege, breach, default, or remedy. No signed waiver of any power, right, privilege, breach, default, or remedy shall constitute a waiver of any subsequent power, right, privilege, breach, default, or remedy.

(Signatures, acknowledgements, and exhibits follow)

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed the day and year first above written.

_____
Cleon Hoagland

_____
Patti Hoagland

STATE OF IDAHO)
) ss.
County of Canyon)

This record was acknowledged before me on _____, 2024, by **Cleon Hoagland**.

_____
Notary Public for Idaho
Residing at: _____
My commission expires: _____

STATE OF IDAHO)
) ss.
County of Canyon)

This record was acknowledged before me on _____, 2024, by **Patti Hoagland**.

_____
Notary Public for Idaho
Residing at: _____
My commission expires: _____

Exhibit A

Legal Description of Parcels

[insert upon approval of application]

Exhibit B
Record of Survey

[insert upon approval of application]

Exhibit C

Legal Description of Easement

[insert upon approval of application]

Exhibit C

Exhibit C

EASEMENT & ROAD REDUCTION CHECKLIST

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

CCZO § 07-10-03 (1) Frontage, Easement, or Road Lot Required: For the purpose of providing adequate access for equipment, emergency vehicles and other services to inhabited buildings, each parcel must demonstrate access by one of the following prior to issuance of a Certificate of Zoning Compliance (A) Frontage, (B) Easement or (C) Road Lot.

CHECK THE APPROPRIATE APPLICATION TYPE:

- ☒ **Easement Reduction Request** – The easement width requirement may be reduced to a width not less than twenty eight feet (28') as determined by the director, upon approval of criteria outlined in the Zoning Ordinance § 07-10-03 (1)(B).
- ☐ **Frontage Reduction Request** – The frontage width requirement may be reduced to a width not less than fifty feet (50'), as determined by the director, upon approval of criteria outlined in the Zoning Ordinance § 07-10-03 (1)(A).
- ☐ **Road Lot Reduction Request** –The road width requirement may be reduced to a width not less than fifty feet (50') as determined by the director, upon approval of criteria outlined in the Zoning Ordinance § 07-10-03 (1)(C).

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS CHECKLIST

- ☒ Master Application completed and signed
- ☑ Site Plan 8 ½" x 11" showing the proposed reduction and any circumstances that may justify the need
- ☑ Detailed letter fully describing the request, and justifications for the request such as how it will provide adequate access, do physical characteristics of the site require the reduction, does the request cause injury, damage, or a safety hazard?
- ☑ Deed or evidence of property interest to all subject properties
- ☑ **$100 non-refundable fee ($80 when combined with other applications)**

PROCESS: DIRECTORS DECISION

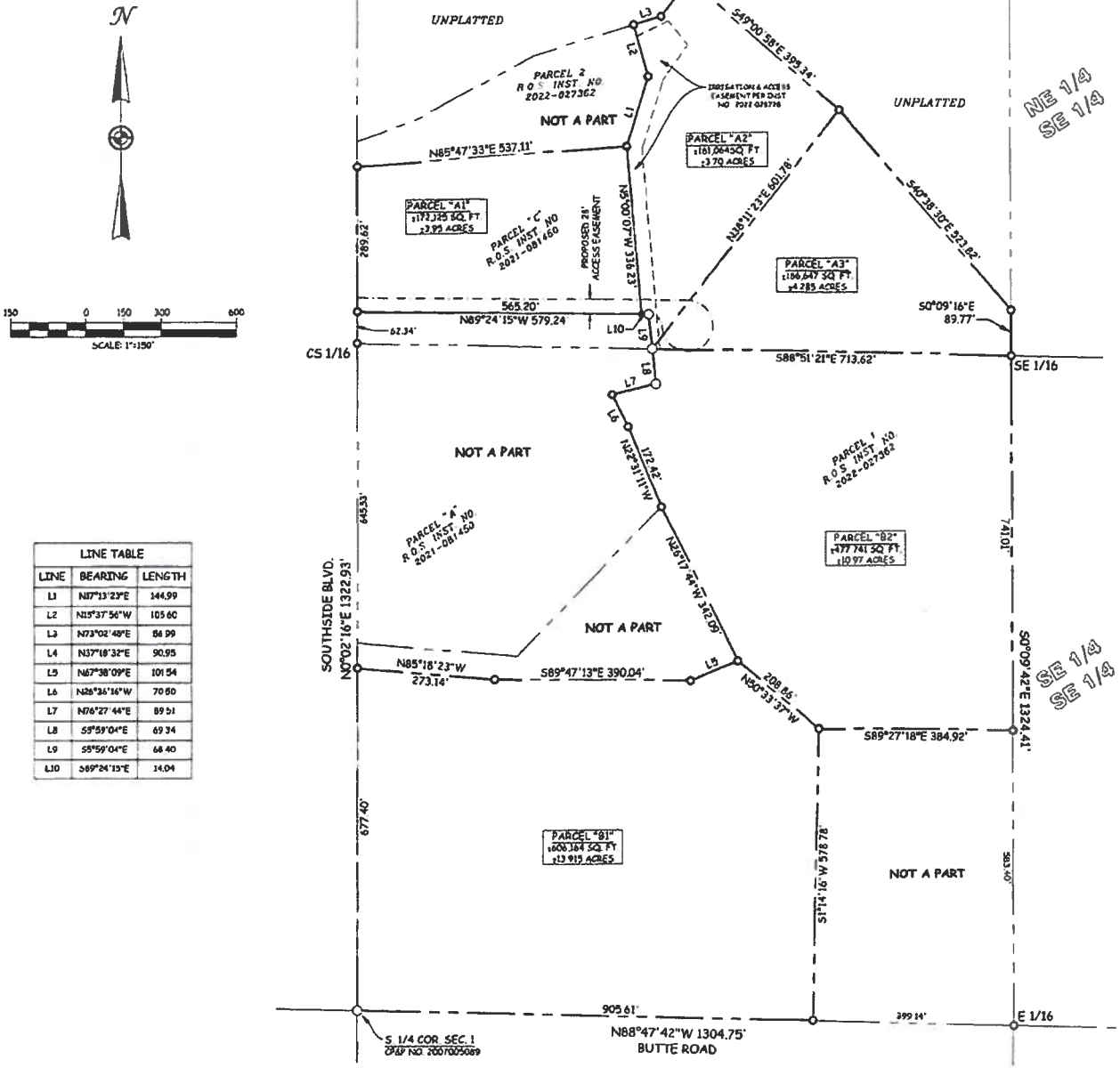
Revised 6/21/22
Exhibit E

Exhibit E

Exhibit E.6

RECORD OF SURVEY

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, LOCATED IN THE COUNTY OF CANYON, STATE OF IDAHO.
2023



LINE TABLE		
LINE	BEARING	LENGTH
L1	N17°13'23"E	144.99
L2	N15°37'56"W	105.60
L3	N73°02'48"E	86.99
L4	N37°18'32"E	90.95
L5	N67°38'09"E	101.54
L6	N26°36'16"W	70.50
L7	N76°27'44"E	89.51
L8	S5°59'04"E	69.34
L9	S5°59'04"E	68.40
L10	S89°24'15"E	14.04

LEGEND

- FOUND 5/8" IRON PIN
- FOUND BRASS CAP MONUMENT
- SET 1/2" IRON PIN TAGGED "LS 18811"
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE AS NOTED
- SURVEY TIE LINE

NARRATIVE

THE BASIS OF BEARINGS USED FOR THIS SURVEY WAS ESTABLISHED USING GPS OBSERVATIONS BETWEEN FOUND MONUMENTS ON THE WEST LINE OF THE NW 1/4 OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, PROJECTED TO THE IDAHO STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. ALL BEARINGS SHOWN ARE GRID AZIMUTH AND ALL DISTANCES SHOWN ARE TRUE GROUND DISTANCES SCALED FROM GRID

CERTIFICATE OF LAND SURVEYOR

I, JOHN S. GLETNE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS

PROFESSIONAL LAND SURVEYOR LICENSED JOHN S. GLETNE PRELIMINARY

JOHN S. GLETNE — LICENSE NO. 18811

VALLEY LAND SURVEYING
PROFESSIONAL LIMITED LIABILITY COMPANY
5099 S. Valley St. Boise, ID 83709
www.valleylandsurveying.com
Phone: (208) 919-0081

PROJECT NO.	23-132
DATE	2/14/2024
SHEET NO.	1 OF 1

Upper 12 AC A Parcels

ACCOMMODATION RECORDING

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT.

2022-012392
RECORDED
03/07/2022 02:09 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 SCARDENAS $15.00
TYPE: DEED
TITLEONE BOISE
ELECTRONICALLY RECORDED

CORRECTION QUITCLAIM DEED

This Correction Quitclaim Deed is given to correct, replace, and supersede, in its entirety, that certain Quitclaim Deed made by Grantor herein to Grantee herein, dated February 8, 2022 and recorded February 8, 2022, with the Canyon County Recorder as Instrument No. 2022-007161. This Correction Quitclaim Deed will correct and clarify the legal description set forth in the Quitclaim Deed referenced above.

FOR VALUE RECEIVED, Cleon Hoagland, an individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 4 day of March 2022.

GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of March 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

SHARON NEUPERT NOTARY PUBLIC Comm. No. 61150 STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise ID
My Commission expires: Feb 22, 2025

ACCOMMODATION RECORDING

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

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GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

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SHARON NEUPERT NOTARY PUBLIC Comm. No. 61150 STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise ID
My Commission expires: Feb 22, 2025

EXHIBIT A

COMPASS LAND SURVEYING PLLC

Client: Mark Hoagland
Date: August 16, 2021
Job No.:1221

PARCEL C
DESCRIPTION

The following Describes a Parcel of Land being a portion of the NW 1/4 SE 1/4 of Section 1, Township 1 South, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

COMMENCING at the Southwest Corner of the W 1/2 SE 1/4,(South 1/4 corner of Section 1), which is Monumented with a found 5/8 inch Iron Pin with "No Cap"; From which, a found 5/8 inch Iron Pin with an illegible cap which is Monumenting the Southeast Corner of said W 1/2 SE 1/4 (E 1/16th Corner) of said Section 1 bears, South 89°19'41" East, 1304.71 feet;

Thence along the Westerly Boundary Line of said W 1/2 SE 1/4, North 00°30'01" West, 1322.86 feet to a found aluminum disk stamped "PLS 15352" marking the South West corner of said NW 1/4 SE 1/4, (Center south 1/16 corner);

Thence along the West boundary of said NW 1/4 SE 1/4, North 00°29'57" West, 62.34 feet to the POINT OF BEGINNING, marked with a set 5/8 inch diameter iron pin stamped " CLS PLS 7732";

Thence continuing along the West boundary of said NW 1/4 SE 1/4 , North 00°29'57" West, 289.66 feet to a set 5/8 inch diameter iron pin stamped " CLS PLS 7732";

Thence leaving said West boundary, North 85°15'29" East, 512.09 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence North 17°34'33" West, 220.02 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence North 72°31'54" East, 165.54 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence North 36°47'36" East, 90.93 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence South 49°34'08" East, 395.28 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence South 41°10'46" East, 523.86 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944" marking the East line of said W 1/2 SE 1/4;

Thence along said East line, South 00°39'15" East, 89.76 feet to a found 5/8" Iron Pin with No Cap marking the South East corner of the NW 1/4 SE 1/4, (Southeast 1/16 corner);

Thence along the South boundary of said NW 1/4 SE 1/4, North 89°23'28" West, 713.61 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

623 11th Ave. South, Nampa, ID 83651 · T. (208) 442-0115 · C. (208) 608-2510 rgray.cls@gmail.com

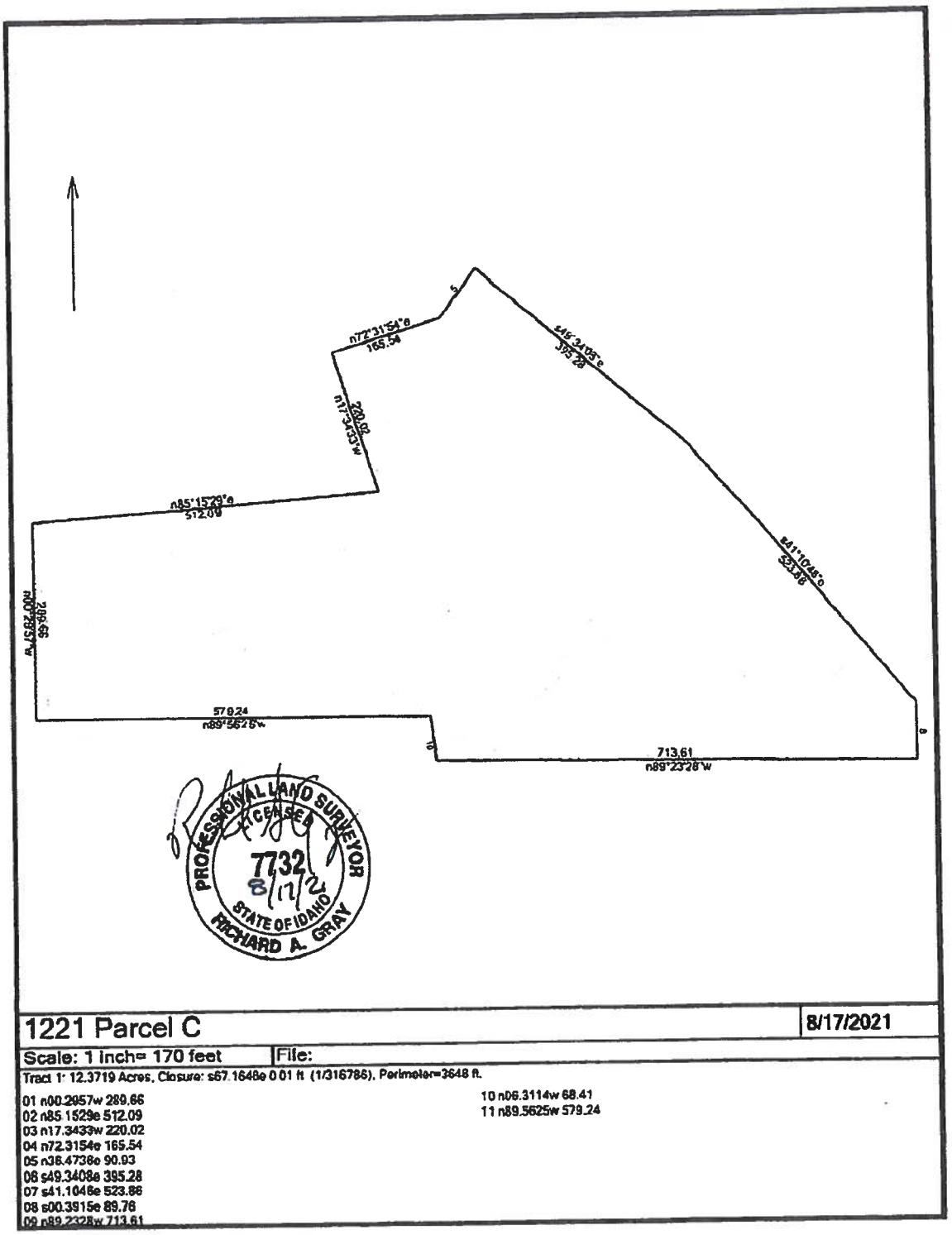
Thence leaving said South boundary, North 06°31'14" West, 68.41 feet to a set 5/8" Iron Pin w Plastic Cap "CLS PLS 7732";

Thence North 89°56'25" West, 579.24 feet to the POINT OF BEGINNING.

This parcel contains 12.37 acres more or less.



623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com



1221 Parcel C	8/17/2021
Scale: 1 inch= 170 feet	File:

Tract 1: 12.3719 Acres, Closure: s67.1648e 0.01 ft (1/316786), Perimeter=3648 ft.

01 n00.2957w 289.66
02 n85.1529e 512.09
03 n17.3433w 220.02
04 n72.3154e 165.54
05 n38.4736e 90.93
06 s49.3408e 395.28
07 s41.1048e 523.86
08 s00.3915e 89.76
09 n89.2328w 713.61
10 n06.3114w 68.41
11 n89.5625w 579.24

Lower 24 ac. B Parcels

2022-007162
RECORDED
02/08/2022 12:12 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 HCRETAL $15.00
TYPE: DEED
TITLEONE BOISE
ELECTRONICALLY RECORDED

ACCOMMODATION RECORDING

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

QUITCLAIM DEED

FOR VALUE RECEIVED, Cleon Hoagland, and individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference:

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 8th day of February 2022.

GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of February 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WANDA M WHITE
COMMISSION #16635
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise
My Commission expires: 3-11-2027

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ACCOMMODATION RECORDING

QUITCLAIM DEED

FOR VALUE RECEIVED, Cleon Hoagland, and individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference:

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 8th day of February 2022.

GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of February 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WANDA M WHITE
COMMISSION #16635
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise
My Commission expires: 3-11-2027

Exhibit A

COMPASS LAND SURVEYING PLLC

Client: Mark Hoagland
Date: August 16, 2021
Job No.:1221

PARCEL B
DESCRIPTION

The following Describes a Parcel of Land being a portion of the SW 1/4 SE 1/4 of Section 1, Township 1 South, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

BEGINNING at the Southwest Corner of the W 1/2 SE 1/4 of said Section 1, (South 1/4 corner), which is Monumented with a found 5/8 inch Iron Pin with "No Cap", From which, a found 5/8 inch Iron Pin with an illegible cap which is Monumenting the Southeast Corner of the W 1/2 SE 1/4 (E 1/16th Corner) of said Section 1 bears, South 89°19'41" East, 1304.71 feet;

Thence along the Westerly Boundary Line of said W 1/2 SE 1/4, North 00°30'01" West, 677.40 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence leaving said Westerly Boundary Line, South 85°50'28" East, 273.14 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 89°40'31" East, 390.04 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 67°05'53" East, 101.54 feet to a found 1/2 inch Iron Pin no cap;

Thence North 26°50'00" West, 342.09 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 23°03'27" West, 172.42 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 27°08'32" West, 70.50 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 75°55'34" East, 89.51 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 06°31'14" West, 69.33 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732" marking the Northerly boundary of said SW 1/4 SE 1/4;

Thence South 89°23'28" East, 713.61 feet to a found 5/8 inch Iron Pin with No Cap marking the North East corner of said SW 1/4 SE 1/4, (Southeast 1/16 corner);

Thence along the East line of said SW 1/4 SE 1/4, South 00°40'42" East, 740.99 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 4998";

Thence leaving said East line, North 89°59'24" West, 384.92 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 4998";

623 11th Ave. South, Nampa, ID 83651 · T. (208) 442-0115 · C. (208) 608-2510 · rgray.cls@gmail.com

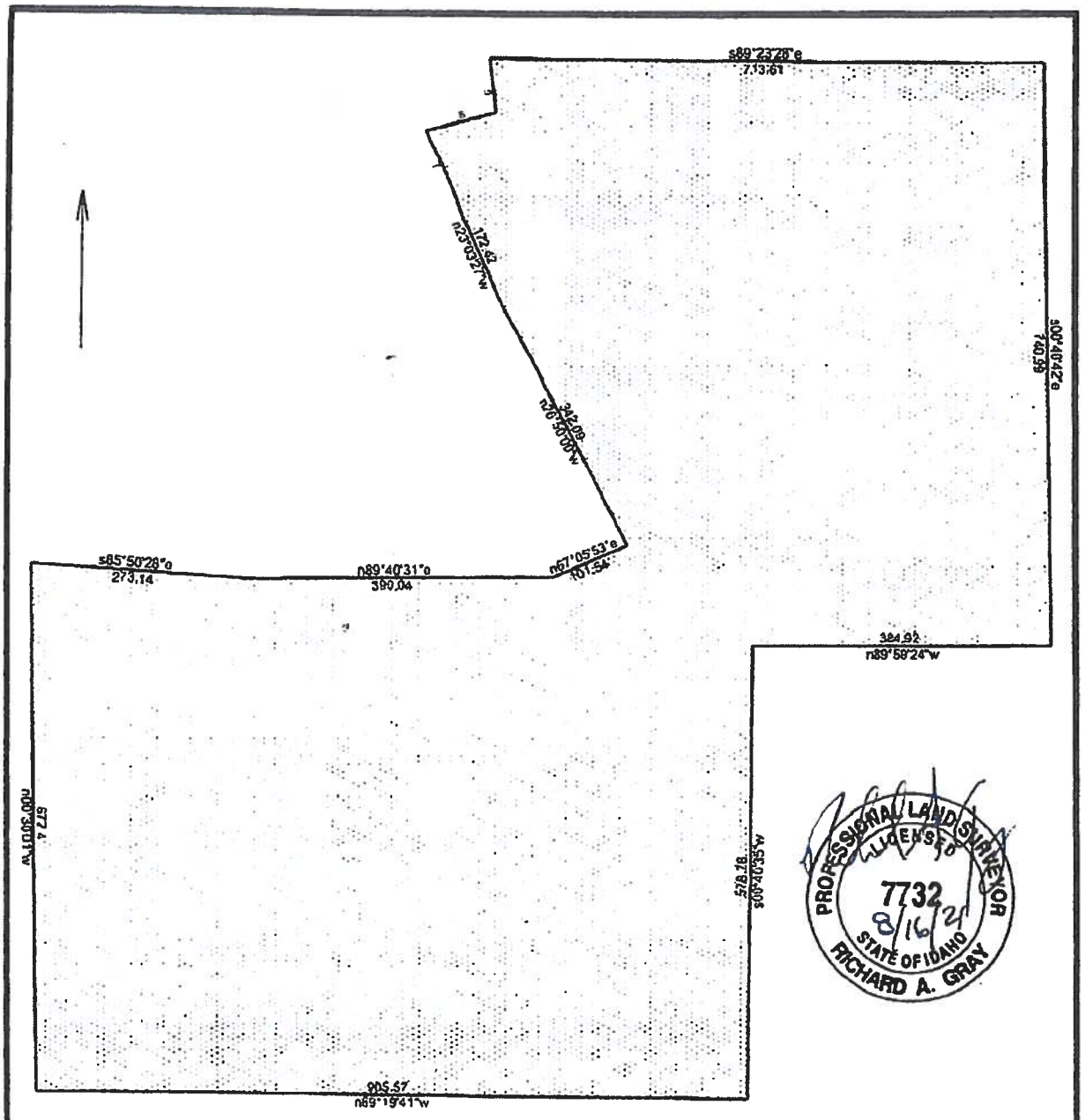
Thence South 00°40'35" West, 578.78 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 11120" marking the South boundary of said W 1/2 SE 1/4;

Thence along said South boundary, North 89°19'41" West, 905.57 feet to the POINT OF BEGINNING.

The above Described Parcel of Land contains 24.88 Acres, more or less.



623 11th Ave. South, Nampa, ID 83651 · T. (208) 442-0115 C. (208) 608-2510 · rgray.cls@gmail.com



1221 Parcel B	8/16/2021
Scale: 1 inch= 170 feet	File:

Tract 1: 24.8772 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5510 ft.

01 n00.3001w 677.4
02 s85.5028e 273.14
03 n89.4031e 390.04
04 n67.0553e 101.54
05 n26.5000w 342.09
06 n23.0327w 172.42
07 n27.0832w 70.5
08 n75.5534e 89.51
09 n06.3114w 69.33
10 s89.2328e 713.61
11 s00.4042e 740.99
12 n89.5924w 384.92
13 s00.4035w 578.78
14 n89.1941w 905.57

Exhibit D

Exhibit D

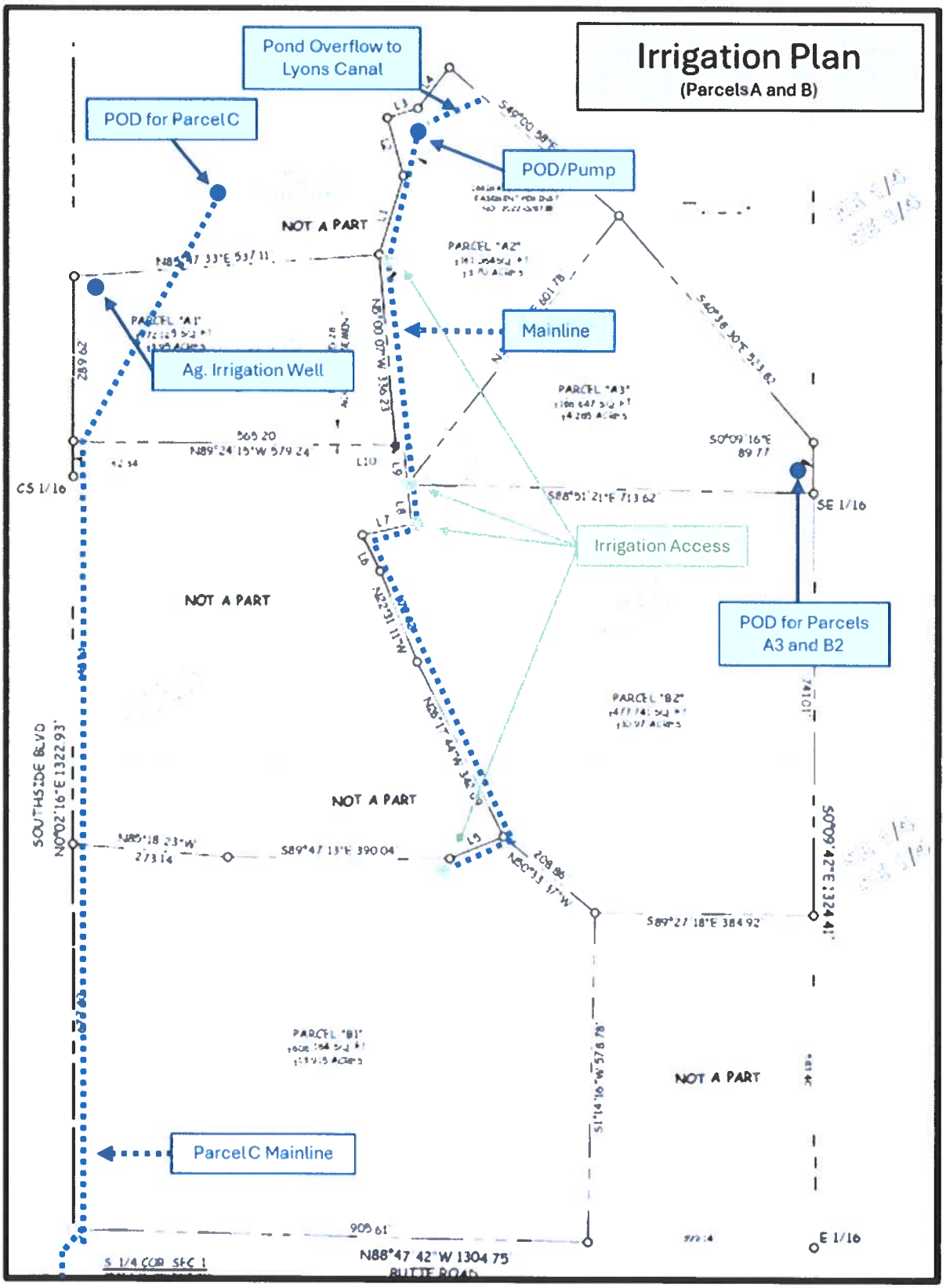


Exhibit E

Exhibit E.6

GIVENS PURSLEY LLP
Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
Facsimile: 208-388-1300

www.givenspursley.com

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samuelparry@givenspursley.com
208-388-1283

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Charlie S. Baser
Christopher J. Beeson
Jason J. Blakley
Clint R. Bolinder
Jeff W. Bower
Preston N. Carter
Chynna K. Castoro
Jeremy C. Chou
Charlotte V. Cunnington
Joshua C. Dickinson
Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Rebecca M. Fitz
Morgan D. Goodin
Don Z. Gray
Brian J. Holleran
Kersti H. Kennedy
Elizabeth A. Koeckeritz
Neal A. Koskella
Michael P. Lawrence
Franklin G. Lee
Matthew E. Liebertz
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Judson B. Montgomery
Deborah E. Nelson
Samuel F. Parry
Randall A. Peterman
Blake W. Ringer
Michael O. Roe
Danielle M. Strollo
Robert B. White
Michael V. Woodhouse

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

October 20, 2023

Canyon County Development Services
Sabrina Minshall, Director
111 N 11th Avenue
Caldwell, ID 83605

Re: Application for Administrative Land Division Pursuant to Canyon County Code § 07-18-09

Dear Ms. Minshall:

Cleon and Patti Hoagland ("Hoaglands") are requesting administrative division of nonviable parcels in an agricultural zone for parcels R28146010 ("Parcel A"), R28146010D ("Parcel B"), and R28279010 ("Parcel C"). Parcels A–C are located near the corner of Southside Boulevard and Butte Road south of Melba as depicted in **Figure 1** below. The Parcels do not contain slopes greater than 15%.

I. Each of Parcels A–C are eligible for division because the requested divisions would result in fewer than five parcels from the original parcel.

Canyon County Code ("CCC" or the "Code") § 07-18-09 provides that "the director may approve the division into fewer than five (5) parcels from the original parcel" if the requirements of the Code section are met. CCC § 07-18-09(7)(A).

A. Parcel A is eligible to become three parcels; however, only two are requested.

The original parcel associated with Parcel A ("Original Parcel A") is shown in **Figure 2** below.[1] Original Parcel A has only been divided once (as shown by the blue dashed line in **Figure 2**) resulting in two parcels. Parcel A is eligible for two additional divisions under the nonviable parcel exemption for a total of four parcels. Given the configuration of the property, Hoaglands are only requesting one additional division for a total of three parcels on what was Original Parcel A. The proposed site plan attached as Exhibit A shows proposed Parcels A1 and

[1] These figures are meant only to be illustrative of the *number* of splits from the original parcel.

A2. Both Parcels A1 and A2 are larger than the one-acre minimum required. Parcel A1 is approximately 5.93 acres and Parcel A2 is approximately 6 acres.

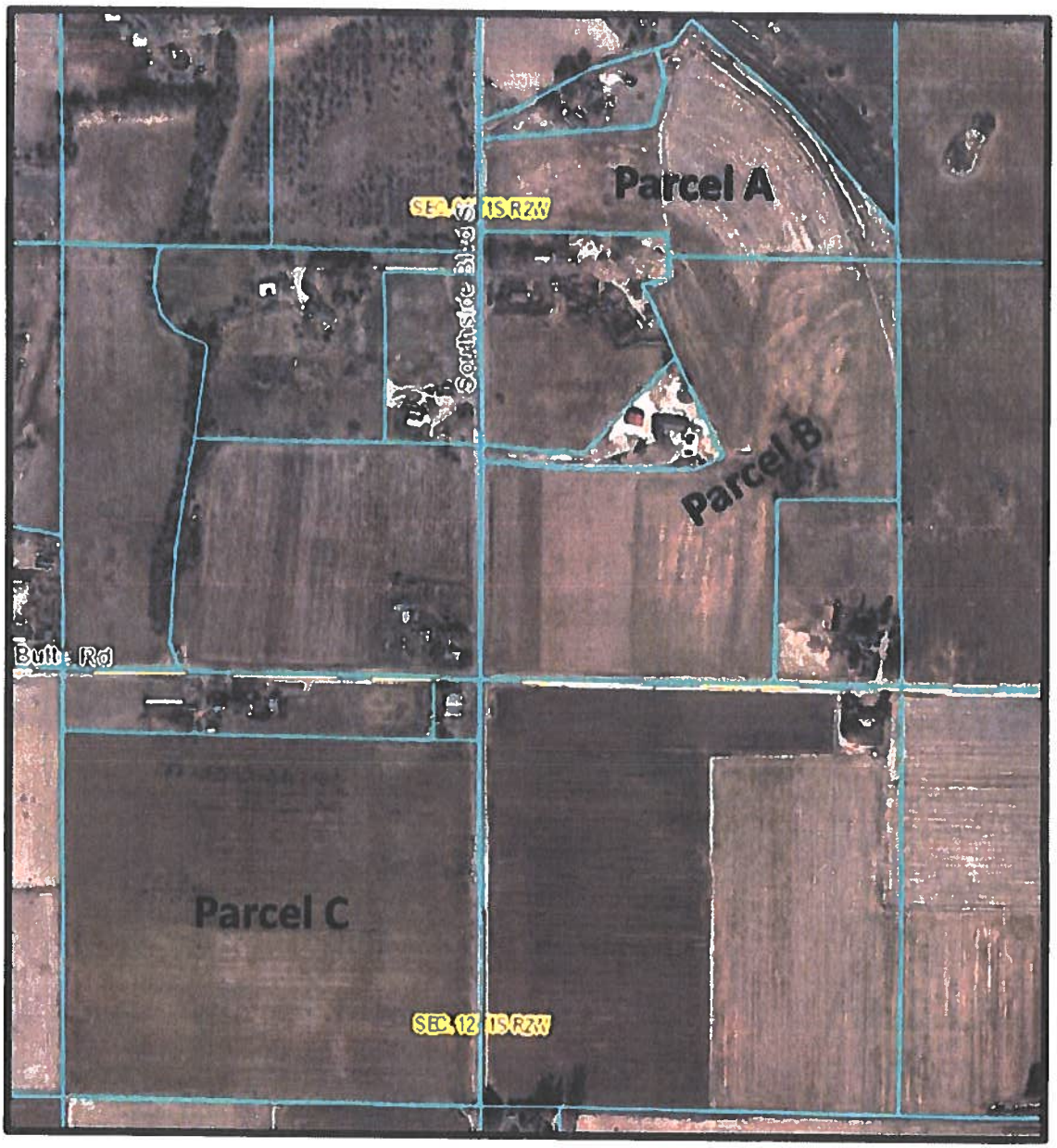


Figure 1. Relative location of Parcels A–C near the intersection of Southside Boulevard and Butte Road south of Melba.

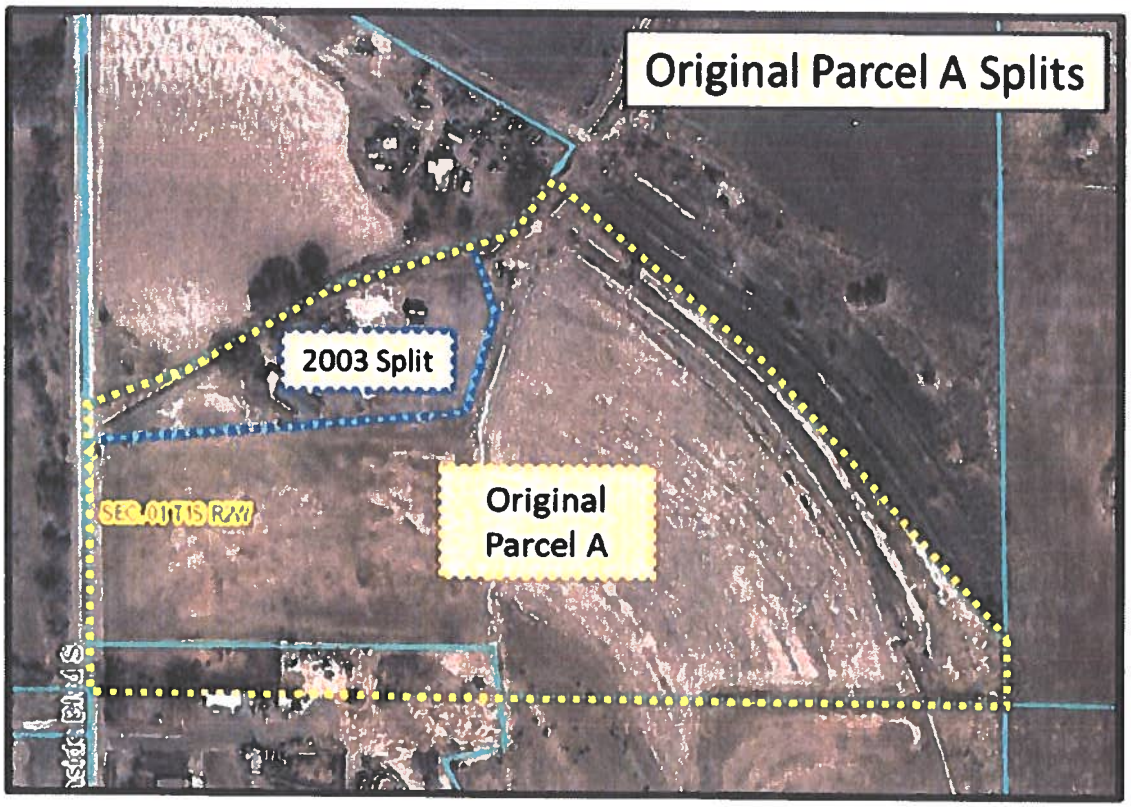


Figure 2. Original Parcel A Splits

B. Parcel B is eligible for two more divisions.

The original parcel associated with Parcel B ("Original Parcel B") is shown in **Figure 3** below. Original Parcel B has only been divided once resulting in two parcels. The only division of Original Parcel B was done in 2006 and is denoted in **Figure 3** with a blue dashed line. The existing parcel located in the northwest corner of Original Parcel B denoted by green dashed lines in **Figure 3** was not created by division, but by property boundary adjustment AD2021-0016. As stated in AD2021-0016, "[t]he adjustment [did] not create any additional parcels or non-conforming parcels and did not result in the relocation of a building permit." Accordingly, that parcel should not be counted as a "division" for purposes of determining the number of remaining divisions remaining of Original Parcel B. Exhibit A shows proposed Parcels B1, B2, and B3. All of parcels B1, B2, and B3 are larger than the one-acre minimum. Parcel 1 is approximately 7.04 acres, Parcel 2 is approximately 6.04 acres, and Parcel B3 is approximately 11.81 acres.

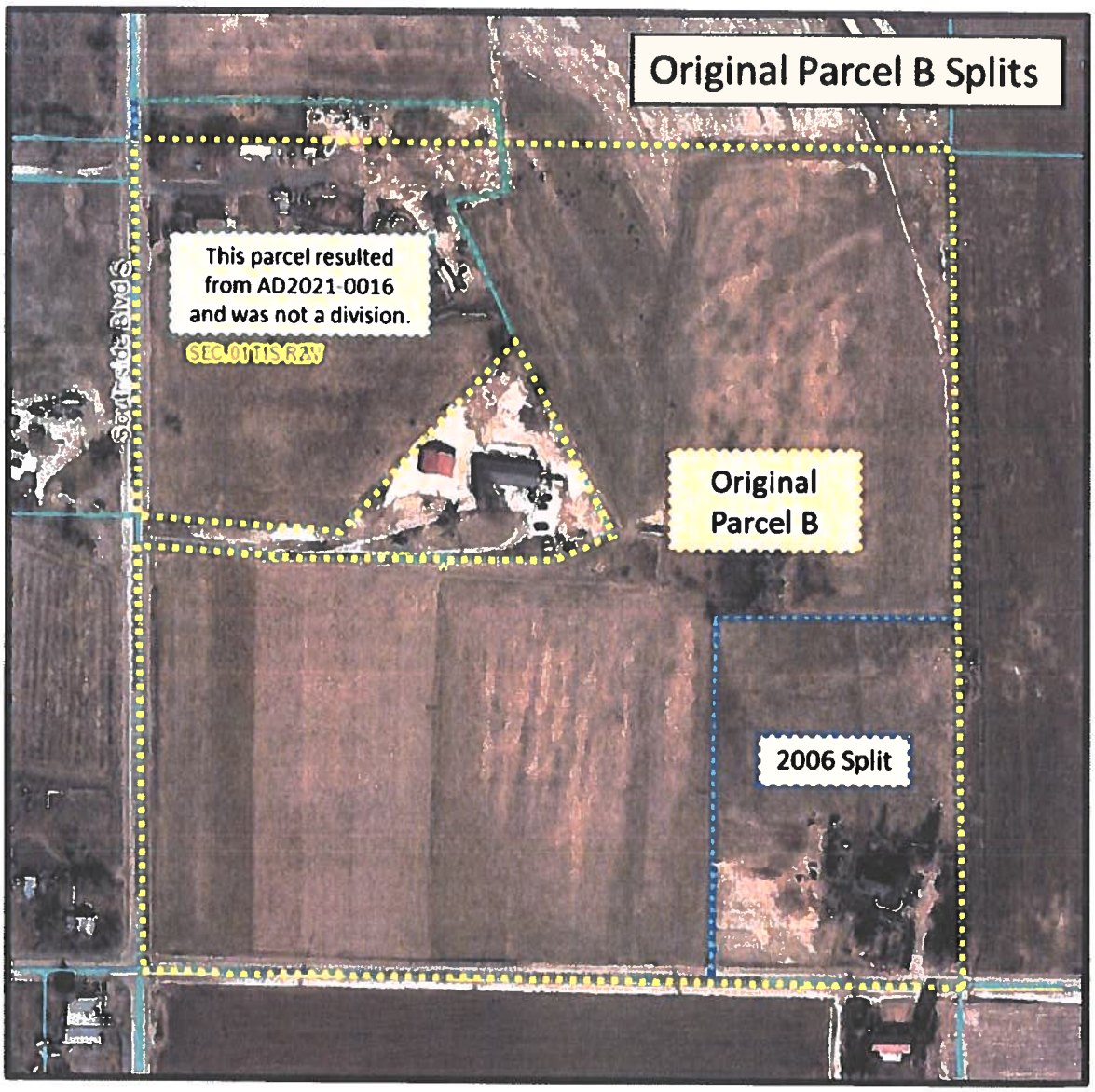


Figure 3. Parcel B Split History

C. Parcel C is eligible for two more divisions.

The original parcel associated with Parcel C ("Original Parcel C") is shown in **Figure 4** below. Original Parcel C has only been divided once resulting in two parcels. The only division of Original Parcel C was completed in 1980 and is denoted by the blue dashed line in **Figure 4**. The proposed site plan attached as Exhibit B shows proposed Parcels C1, C2, and C3. Each of Parcels C1, C2, and C3 are approximately 11.32 acres, which is larger than the one-acre minimum required by the code.

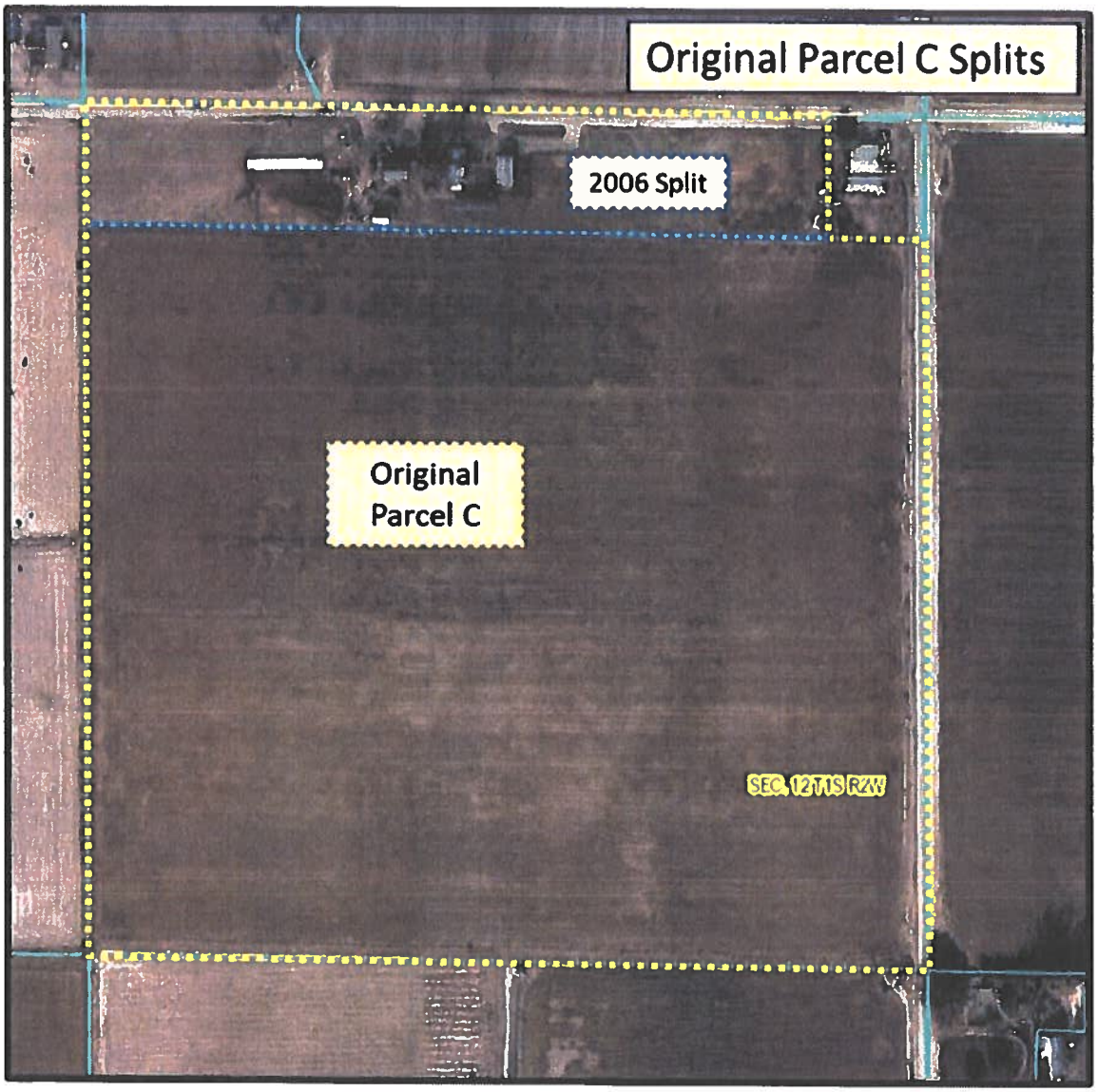


Figure 4. Original Parcel C Splits

II. The proposed divisions are appropriate under CCC § 07-18-09 based on the evidence that the land is nonviable for agricultural use.

The requirements of CCC § 07-18-09 include, among other things, "evidence demonstrating the land, in whole or in part, is nonviable for agricultural use." CCC § 07-18-09(3)(A). Relevant factors for determining viability include, among other things, "site constraints, resource issues, lack of water, suitable soils, topography, land compatibility, lot size or configuration or other factors that make productive agriculture use extremely difficult."

Parcels A–C are not viable for agricultural uses due to both agronomic and economic conditions that make it extremely difficult, if not impossible, to use the land for agricultural purposes in a viable and sustainable manner. CCC § 07-18-09(5)(C).

These factors are supported by the Declarations of Cleon Hoagland (Exhibit C), Mark Hoagland (Exhibit D), a letter from Joseph Lamar Harris, President of JL Harris Farms Inc. (Exhibit E), and a letter from Jerry Neufeld (Exhibit F) (collectively the "Evidence") which are attached hereto and incorporated herein by this reference.

Jerry Neufeld was the Canyon County Crops Extension Educator for 23 years. According to Mr. Neufeld's declaration (Exhibit F), "Mr. Hoagland's farming operation located south of Melba, Idaho, has site constraints and resource issues that make the viability of his farming operation extremely difficult." Mr. Neufeld points to the type of soils, the depth of soil, water availability issues, the size and irregular shape of the fields, limited crop options, limited expansion opportunities, lack of economies of scale to support his conclusion. Neufeld Letter, Exhibit F.

Mr. Harris, who worked this ground for decades, explained that:

> This piece of ground in my opinion is a very poor farm ground because of the shallowness of the soil. It is very rocky and quite hard to keep wet because of rocks and the shallowness of the soil. Over the years I have helped Cleon and many others try to farm this piece of ground. The people that have tried to farm this place have tried very hard to make it work but because of the shallowness of the soil I've never seen this ground produce a very good crop making it very hard to make a living on it. In my opinion this is one of the poorer pieces of ground in the Melba area.

Harris Letter, Exhibit E.

Mr. Harris and Mr. Neufeld's testimony is consistent with the Declarations of Cleon and Mark Hoagland and establishes that, agronomically, the parcels are nonviable due to their (i) small size; (ii) odd and inefficient configurations; (iii) low soil fertility; (iv) rocky soils; (v) eroded soils; (vi) low crop yields; (vii) limited crop options; and (viii) irrigation water limitations.

Furthermore, from an economic standpoint as established by the Evidence, the parcels are nonviable for agricultural uses because (i) the parcels provide no economies of scale; (ii) the farming operation has always required subsidization from outside capital; (iii) the cost of inputs including fuel, electricity, and fertilizer has outpaced the value of the few crops that can be planted on these parcels; (iv) opportunities to expand the farm are not available; (v) the rocky soil is extremely hard on farming equipment, which adds to the cost of production and makes it extremely difficult to hire custom operators.

III. This request does not create a negative impact to surrounding agricultural uses.

The surrounding agricultural uses include growing forage crops, some row crops, and livestock grazing. There is nothing about the proposed divisions that will negatively impact these agricultural uses for their intended purposes. Parcels A–C are already surrounded by, or adjacent to, residential uses. The proposed parcels are larger than the surrounding residential parcels ranging in size from about 5.93 to 11.81 acres and will allow some forage production and grazing themselves. Each proposed parcel will be sold with irrigation rights. The irrigation plans for Parcels A–C is attached as Exhibit G.

IV. Conclusion

For the foregoing reasons, Hoagland respectfully request that their Application for land divisions be approved under the provisions of CCC § 07-18-09.

Sincerely,

Samuel F. Parry

SFP:ww

(Exhibits follow)

DECLARATION OF CLEON HOAGLAND

COMES NOW, Cleon Hoagland, your Declarant, who, under penalty of perjury, hereby declares and states as follows:

1. I am above the age of 18 and have personal knowledge of the facts herein and make this Declaration on the basis of such personal knowledge and belief.

2. The purpose of this declaration is to provide evidence in support my application ("Application") for parcel divisions under Canyon County's nonviable ag land provisions.

3. I own the property identified by the county assessor as parcels R28146010, R28146010D, and R28279010, which are referred to as Parcels A–C respectively in my Application and this declaration.

4. I have grown up my whole life farming with my family on Parcels A and B.

5. As far back as I can remember we grew sweet corn, silage corn, alfalfa and wheat. We flood irrigated everything. Back then, we milk cows to supplement the farm income.

6. I spend decades of my life picking up rocks out of the pasture behind the harrow. It seemed like we never even put a dent in the number of rocks.

7. We switched to pressurized irrigation sometime around 1979. It took a decade to get everything switched over from gravity to pressurized on all of Parcels A and B and cost a lot of money.

8. Before that it was all gravity irrigated and it would take all day to spread water around.

9. But even after we switched to pressurized irrigation our yields did not improve because the soil was so rocky and shallow.

10. We sold the milk cows and bought more beef cows.

11. After my dad had tried about everything to farm that place, he took a job teaching science and math at Melba High for over 25 years.

12. My mom took part time work off the farm to supplement our family's income. Only with off-farm income were we able to keep a few cows and grow some hay.

13. We tried everything to make a go of it by farming , but we are sitting on a rock hill basically. Trying to farm a rock hill.

14. Parcel A, especially the east end, and the northeast portion of Parcel B won't grow much but some pasture grass. Those areas contain rock piles on the surface. Although we have disked around the rock piles in the past, the rocks in the soil are hard on a disk. The soil is very shallow. We literally call it the "rock pasture."

15. Parcel B is mostly on a hill. The slope created a lot of issues with water retention and soil stability. Like Parcel A, Parcel B has shallow, rocky soil with little nutrients and poor water holding capacity.

16. The size, shapes, and configurations of Parcels A and B also make farming extremely difficult.

17. The size of the parcels do not justify the cost of purchasing or leasing equipment. Even the cost of custom equipment work is not justified.

18. The odd shapes of parcels A and B make it extremely difficult to irrigate efficiently.

19. My dad began leasing Parcel C to farm in about 1983. We did not own that ground at the time. I took over farming that place in 2012. The owners gave me the first chance to buy the place when they decided to sell in 2021. The prior owners sold because the ground was so poor and the lease was just not very valuable.

20. Water to Parcel C is limited. The point of diversion is over 2100 feet to the north delivered by a 6-inch pipe. I can only get 20 pounds of pressure at the northeast corner of Parcel C.

21. The rocky, shallow soil, combined with limited water, and the hilly topography has always limited the crop yield on Parcel C. Parts of Parcel C is nothing but exposed rocks.

22. On an average year, I only get about 3.7 ton of hay per acre over the course of the whole year, which is very low. Nearby neighbors with better ground get 7-9 ton of hay per acre annually. And other farmers in other parts of Canyon County can get over 10 ton per acre annually.

23. The years we tried to grow wheat, we either lost money or barely broke even.

24. The farm ground has always been poor resulting in low yields, and has always required off-farm sources of capital to subsidize farming operations.

25. I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct. By signing this declaration I am submitting myself to the jurisdiction of the State of Idaho for purposes of enforcing the penalty of perjury as it relates to this declaration.

DATED this 11 day of October 2023.

Cleon Hoagland

Cleon Hoagland

DECLARATION OF MARK HOAGLAND

COMES NOW, Mark Hoagland, your Declarant, who, under penalty of perjury, hereby declares and states as follows:

1. I am above the age of 18 and have personal knowledge of the facts herein and make this Declaration on the basis of such personal knowledge and belief.

2. I currently reside at 748 Southside Boulevard in Melba, Idaho.

3. The ground that Cleon is trying to divide is poor farm ground that was never sustainable or viable to farm.

4. I purchased the property on the northeast corner of Southside Boulevard and Butte Road in December 1959.

5. I planted some alfalfa, wheat, sweet corn, and sugar beets. A lot of the surrounding ground was dryland desert.

6. It was very hard to keep the ground wet enough to obtain sustainable yields. The best ground was on the far south end, but it was tough to get water to that end of the fields. The water leached through the ground too fast. Sink holes and cracks in the lava rock took a lot of water before it would even reach the end of the ditch.

7. I tried diversifying to make farming profitable. I bought some milk cows and sold milk to the Dairyman's Coop in Caldwell, but I couldn't support more than about 18 cows, which was too small an operation to be profitable.

8. The soil was so rocky we could never pick up enough rocks. Some places you can't even corrugate over the rocks. There is not one field on the place that doesn't have rocks.

9. We did so poorly, after about 5 years trying to farm the place, the sweet corn company dropped the contract. It proved impossible to make a living on that small farm as rocky

and as poor ground as it was, and I eventually went back to college and then took a job as a high school teacher at Melba High.

10. Cleon helped me farm the place most of his life. Now Cleon owns the place and is trying to deal with all the same issues that I dealt with for over 50 years, including the poor, shallow, and rocky soil.

11. We leased the farm located on the southwest corner of Southside and Butte, kiddy corner to my farm, since the early '80's. That ground has the same issues as my farm had, except it was even harder to get enough water to that field.

12. The point of diversion is over 2000 feet to the north through a 6 inch pipe and we never got more than about 20 pounds pressure at the field. We tried planting a crop of potatoes, but the whole crop failed.

13. We tried planting sugar beets and had to let half the field go so we could divert all the water to the remaining half to salvage the crop.

14. And we never could get the field wet enough to get much yield from a hay crop.

15. This land is not viable for agriculture, mostly because of the soil which does not hold nutrients well, does not retain moisture, and is too shallow and rocky. It would take much more water than we are allotted to increase the crop yields, and even then the soil fertility and depth would require unsustainable amounts of expensive fertilizer every year. It would simply never pencil out.

16. I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct. By signing this declaration I am submitting myself to the jurisdiction of the State of Idaho for purposes of enforcing the penalty of perjury as it relates to this declaration.

DATED this 11 day of October 2023.

Mark Hoagland

5/10/2023

JL Harris Farms Inc.

7497 Warren Spur Rd.

Melba, Idaho 83641

To whom it may concern

My name is Joseph Lamar Harris President and owner of JL Harris Farms Inc. I have sucessfully farmed a number of farms in the Melba valley in the past 40 plus years. I have done alot of custom work in this valley also. From the start of working the ground threw to the harvest process. I'm writing this letter in regards to a 33 acre piece of ground that Cleon Hoagland is trying to sell on Southside Blvd.So. I have worked,planted,and harvested this field many times on a custom bases even before Cleon took ownership of this ground. This piece of ground in my opinon is a very poor farm ground because of the shallowness of the soil. It is very rocky and quite hard to keep wet because of rocks and shallowness of the soil. Over the years I have helped Cleon and many others try to farm this piece of ground. The people that have tried to farm this place have tried very hard to make it work but because of shallowness of the soil I've never seen this ground produce a very good crop making it very hard to make a living on it. In my opinion this is one of the poorer pieces of ground in the Melba area.

Joseph Lamar Harris

Jerry Neufeld
2302 Windsor Drive
Caldwell, ID 83605

October 12, 2023

Mr. Samuel F. Parry
Givens Pursley LLP
601 W. Bannock Street
Boise, ID 83701

Analysis of the Viability of Hoagland Farming Operation South of Melba, Idaho
(748 Southside Boulevard South, Melba, Idaho)

Dear Mr. Parry,

Below is my assessment of the viability of Cleon and Patti Hoagland's farming operation as it relates to Canyon County code. I visited with Mr. Hoagland on October 3, 2023 and he gave me a tour of his farming operation.

First, I was employed by the University of Idaho as the crops Extension Educator in Canyon County for 23 years. I retired in November, 2022.

Mr. Hoagland's farming operation located just south of Melba, Idaho on Southside Boulevard South is about 70.74 acres. The average Canyon County farm is 120 acres. He has a registered Red Angus cattle operation and is raising forage crops to feed these cattle.

As background information, Mr. Hoagland told me that he and his father/family have been farming this ground since 1959 and in the past have grown row crops and forage crops. His current crops are an orchard grass mix and an alfalfa, clover and grass mixture being raised to feed his cattle. He is not currently growing any row crops. He mentioned he has lost row crops contracts over the years as yields have declined due to deterioration of the soil and an unstable water supply. I noticed some of his fields are small and irregularly shaped. In my experience, these characteristics can make it harder to secure contracts and to hire contract

The irrigation system on Mr. Hoagland's field near the corner of Butte Road and Southside Boulevard South is a wheel line system pressurized by gravity to approximately 22 psi. The diversion point into the pipeline supplying water to the field is about 2100 feet away and about 46 feet higher in elevation. A properly functioning wheel line irrigation system should be pressurized to between 40 and 60 psi. Low pressure in a wheel line leads to poor irrigation application uniformity. Water from one sprinkler will not reach the adjacent sprinkler thus leading to poor application uniformity in addition to other issues. Modifications, such as installing a booster pump and bringing electricity to the site could be made to the system to bring it up to wheel line irrigation standards, but given the nature of the shallow soils and rocky field with low yields, this doesn't appear to be an economically viable option.

Economies of scale

Mr. Hoagland has tried to sell his farm in recent years, but there was no interest, mostly due to the rocky nature of the fields, but also due to the irrigation upgrades that are needed. Electricity (pumping costs) have gone up significantly in the past few years and are set to rise again in the near future, making his farming operation at this location even more precarious. Mr. Hoagland said it is very difficult to find additional land to rent or buy in the area where he farms. This in turn limits the size of his operation. He is not currently able to expand his operation and it is actually getting smaller as he has to take some fields out of farming since they are simply not productive and economically viable. Mr. Hoagland showed me that at the present time, his fixed costs alone are greater than his returns. He said the only way they are able to make ends meet is for his spouse to work off the farm.

In summary, Mr. Hoagland's farming operation located south of Melba, Idaho, has site constraints and resource issues that make the viability of his farming operation extremely difficult.

- The soils on his farm were never ideal for row cropping and they have been eroded over the years to the point that yields cannot sustain an economically viable farming operation.
- Some of the fields on Mr. Hoagland's farm are very small and irregularly shaped making them hard and time consuming to farm, this is in addition to their rocky nature.

- Mr. Hoagland's ability to expand his farming operation at his current location is extremely limited. He has not been able to find additional land to rent nearby and his prospects for selling this land to another farming operation in the past have not been successful.
- The irrigation system on the corner of Butte Road and Southside Boulevard South needs expensive upgrades, even as he is facing higher pumping costs on other fields on his farm.
- Mr. Hoagland's cropping options are limited to forage crops since he needs to keep the ground covered to prevent even further erosion.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Jerry Neufeld

Cc: Cleon and Patti Hoagland

11.93 Ac / 24.88 Ac.

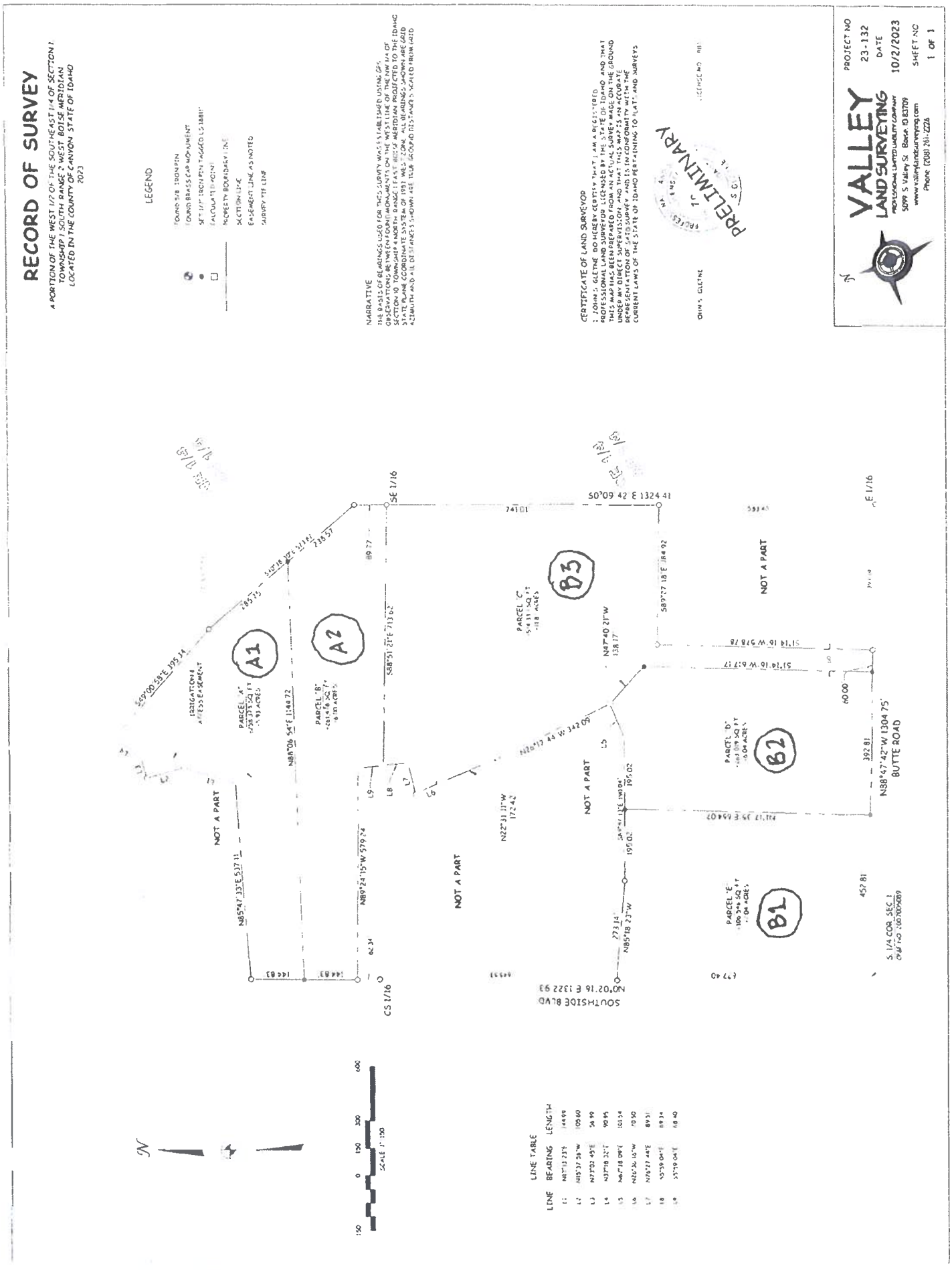


Exhibit E

Exhibit E.6

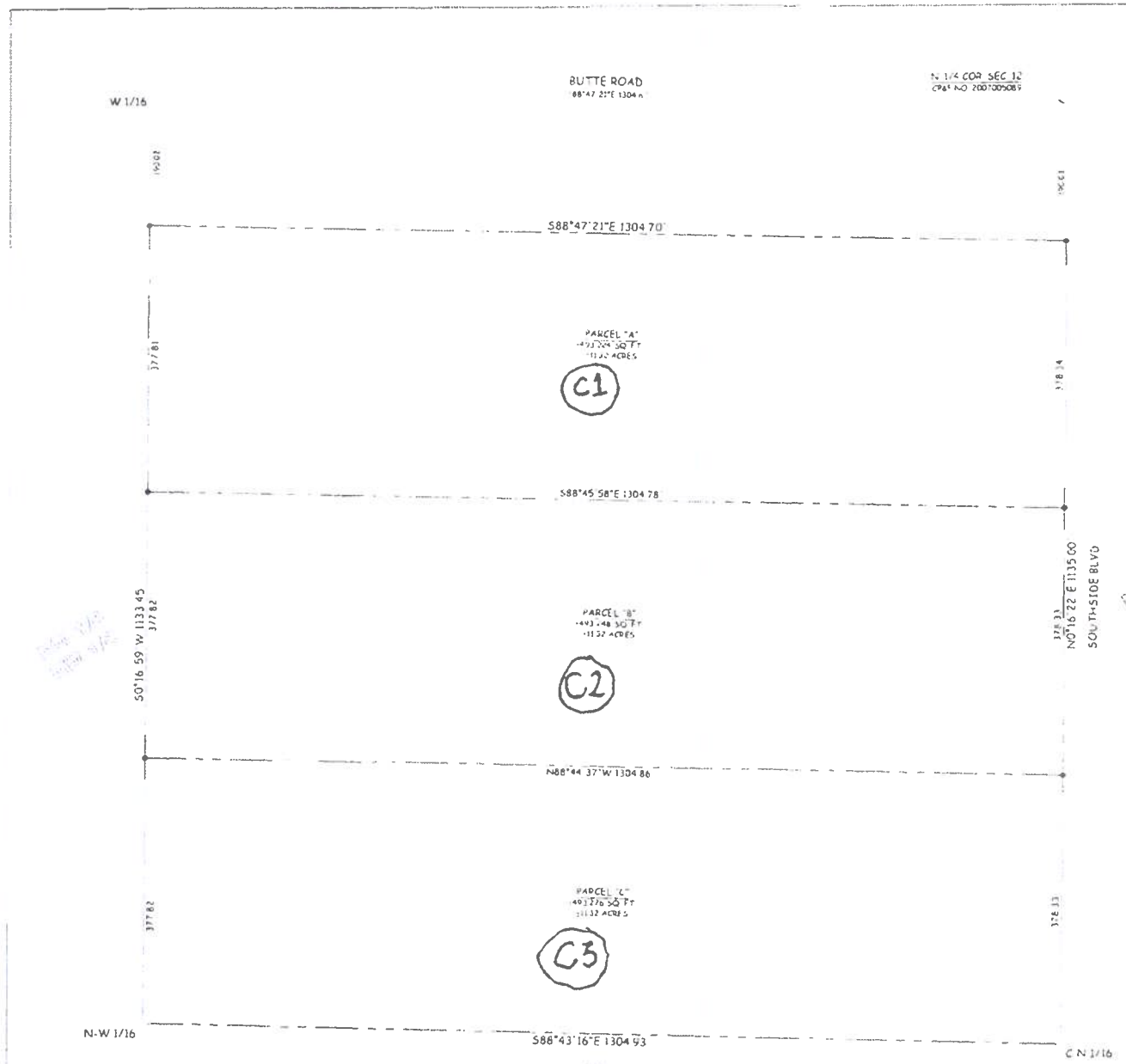
Exhibit E.6

Exhibit E

33.87 ac

RECORD OF SURVEY

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN, LOCATED IN THE COUNTY OF CANYON, STATE OF IDAHO
2023



LEGEND

- FOUND 5/8" IRON PIN
- FOUND BRASS CAP MONUMENT
- SET 1/2" IRON PIN "AGRIDYNE" (SAME)
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE AS NOTED
- SURVEY TIE LINE

NARRATIVE

THE BASIS OF BEARINGS USED FOR THIS SURVEY WAS ESTABLISHED USING GPS OBSERVATIONS BETWEEN FOUND MONUMENTS ON THE WEST LINE OF THE NW 1/4 OF SECTION 10 TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, PROJECTED TO THE IDAHO STATE PLANE COORDINATE SYSTEM OF 1983 WEST ZONE. ALL BEARINGS SHOWN ARE GRID AZIMUTH AND ALL DISTANCES SHOWN ARE TRUE GROUND DISTANCES SCALED FROM GRID.

CERTIFICATE OF LAND SURVEYOR

I JOHN S. GLEYNE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.

PROFESSIONAL LAND SURVEYOR
PRELIMINARY
STATE OF IDAHO
J. S. GLEYNE

JOHN S. GLEYNE — LICENSE NO. 18...

VALLEY
LAND SURVEYING
PROFESSIONAL LIMITED LIABILITY COMPANY
5099 S Valley St Boise, ID 83709
www.valleylandsurveying.com
Phone (208) 261-2226

PROJECT NO
23-132
DATE
10/2/2023
SHEET NO
1 OF 1

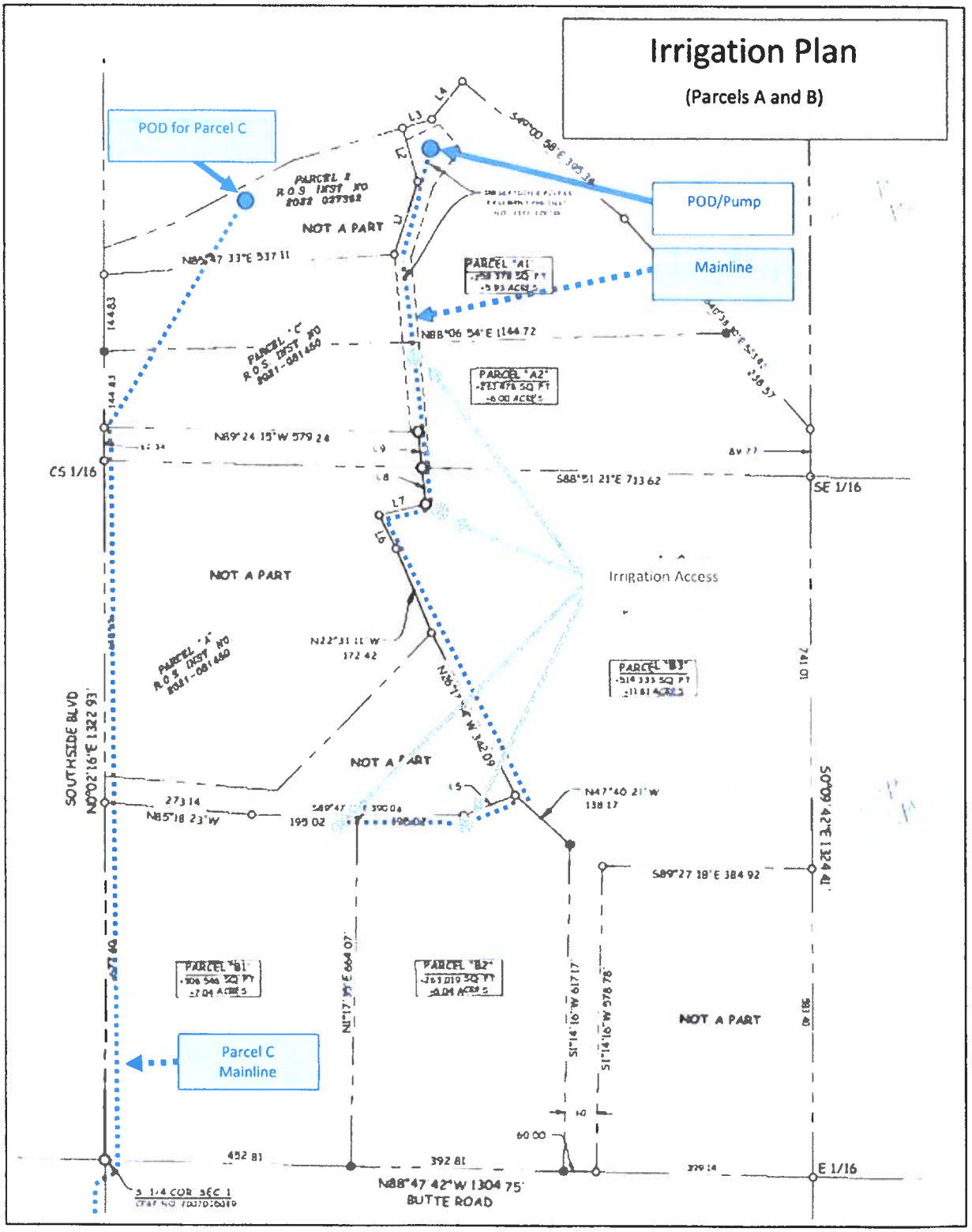


Exhibit E

Exhibit E.6

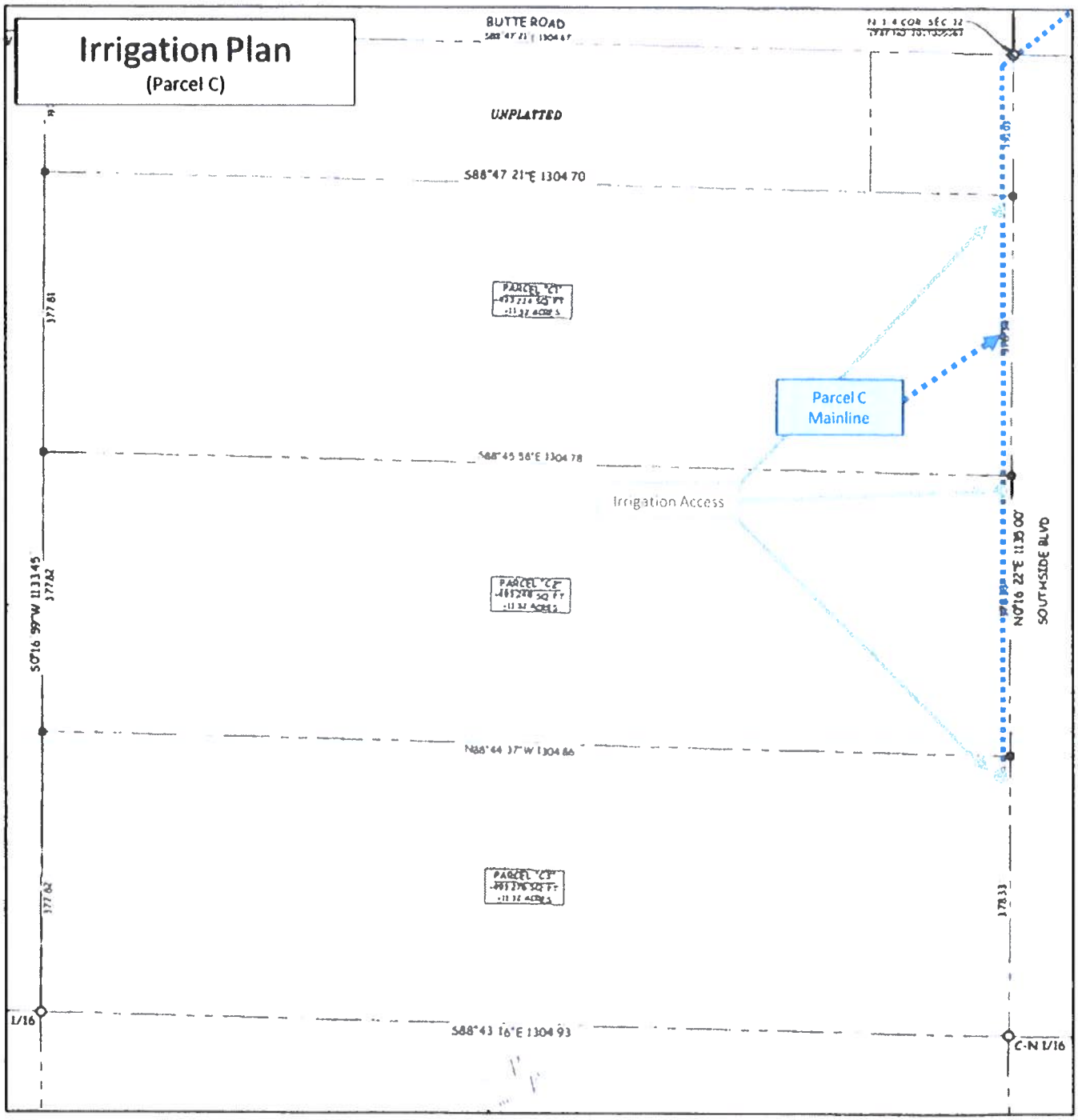


Exhibit E

Exhibit E.6

Upper 12 AC

ACCOMMODATION RECORDING

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT.

2022-012392
RECORDED
03/07/2022 02:09 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 SCARDENAS $15.00
TYPE: DEED
TITLEONE BOISE
ELECTRONICALLY RECORDED

CORRECTION QUITCLAIM DEED

This Correction Quitclaim Deed is given to correct, replace, and supersede, in its entirety, that certain Quitclaim Deed made by Grantor herein to Grantee herein, dated February 8, 2022 and recorded February 8, 2022, with the Canyon County Recorder as Instrument No. 2022-007161. This Correction Quitclaim Deed will correct and clarify the **legal description** set forth in the Quitclaim Deed referenced above.

FOR VALUE RECEIVED, Cleon Hoagland, an individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 4 day of March 2022.

GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of March 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

SHARON NEUPERT NOTARY PUBLIC Comm. No. 61150 STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise ID
My Commission expires: Feb 22, 2025

CORRECTION QUITCLAIM DEED - 1
16098506_1 [15540-2]

Exhibit E

Exhibit E.6

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Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

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STATE OF IDAHO)
) ss.
County of Ada)

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SHARON NEUPERT NOTARY PUBLIC Comm. No. 61150 STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise ID
My Commission expires: Feb 22, 2025

EXHIBIT A

COMPASS LAND SURVEYING PLLC

Client: Mark Hoagland
Date: August 16, 2021
Job No.:1221

PARCEL C
DESCRIPTION

The following Describes a Parcel of Land being a portion of the NW 1/4 SE 1/4 of Section 1, Township 1 South, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

COMMENCING at the Southwest Corner of the W 1/2 SE 1/4,(South 1/4 corner of Section 1), which is Monumented with a found 5/8 inch Iron Pin with "No Cap"; From which, a found 5/8 inch Iron Pin with an illegible cap which is Monumenting the Southeast Corner of said W 1/2 SE 1/4 (E 1/16th Corner) of said Section 1 bears, South 89°19'41" East, 1304.71 feet;

Thence along the Westerly Boundary Line of said W 1/2 SE 1/4, North 00°30'01" West, 1322.86 feet to a found aluminum disk stamped "PLS 15352" marking the South West corner of said NW 1/4 SE 1/4, (Center south 1/16 corner);

Thence along the West boundary of said NW 1/4 SE 1/4, North 00°29'57" West, 62.34 feet to the **POINT OF BEGINNING**, marked with a set 5/8 inch diameter iron pin stamped " CLS PLS 7732";

Thence continuing along the West boundary of said NW 1/4 SE 1/4 , North 00°29'57" West, 289.66 feet to a set 5/8 inch diameter iron pin stamped " CLS PLS 7732";

Thence leaving said West boundary, North 85°15'29" East, 512.09 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence North 17°34'33" West, 220.02 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 4998";

Thence North 72°31'54" East, 165.54 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence North 36°47'36" East, 90.93 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence South 49°34'08" East, 395.28 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944";

Thence South 41°10'46" East, 523.86 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 944" marking the East line of said W 1/2 SE 1/4;

Thence along said East line, South 00°39'15" East, 89.76 feet to a found 5/8" Iron Pin with No Cap marking the South East corner of the NW 1/4 SE 1/4, (Southeast 1/16 corner);

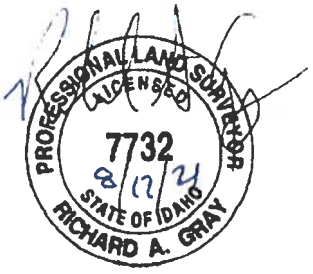
Thence along the South boundary of said NW 1/4 SE 1/4, North 89°23'28" West, 713.61 feet to a set 5/8" Iron Pin with Plastic Cap "CLS PLS 7732";

623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com

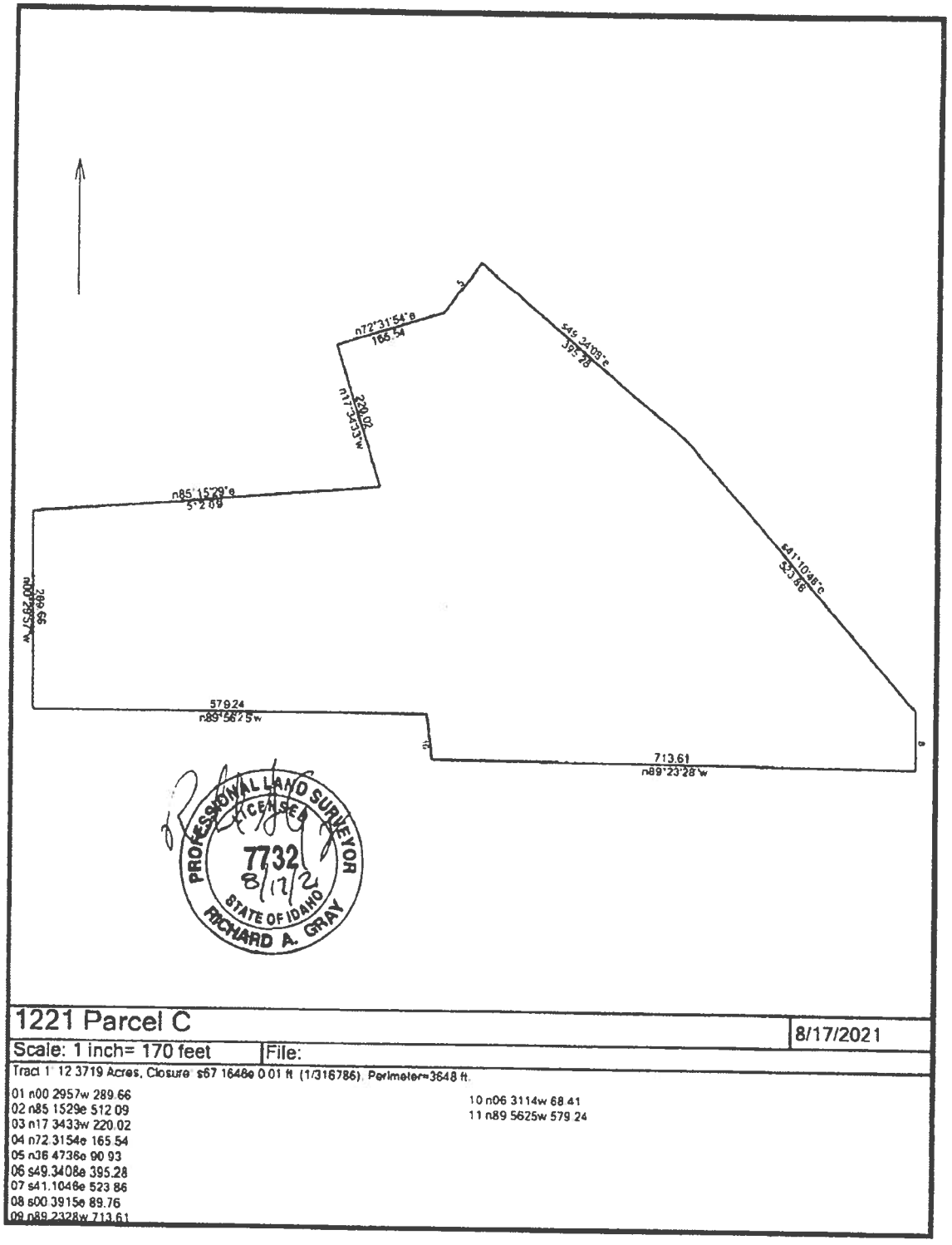
Thence leaving said South boundary, North 06°31'14" West, 68.41 feet to a set 5/8" Iron Pin w Plastic Cap "CLS PLS 7732";

Thence North 89°56'25" West, 579.24 feet to the POINT OF BEGINNING.

This parcel contains 12.37 acres more or less.



623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com


n72°31'54"e
165.54
s49°34'08"e
395.28
n17°34'33"w
220.02
n85°15'29"e
512.09
n00°29'57"w
289.66
s41°10'46"e
523.86
579.24
n89°56'25"w
713.61
n89°23'28"w
PROFESSIONAL LAND SURVEYOR
LICENSED
7732
8/17/21
STATE OF IDAHO
RICHARD A. GRAY
1221 Parcel C
8/17/2021
Scale: 1 inch= 170 feet
File:
Tract 1 12 3719 Acres, Closure s67 1648e 0 01 ft (1/316786), Perimeter=3648 ft.
01 n00 2957w 289 66
02 n85 1529e 512 09
03 n17 3433w 220 02
04 n72 3154e 165 54
05 n36 4736e 90 93
06 s49 3408e 395 28
07 s41 1046e 523 86
08 s00 3915e 89 76
09 n89 2328w 713 61
10 n06 3114w 68 41
11 n89 5625w 579 24

Lower 24 ac.

2022-007162
RECORDED
02/08/2022 12:12 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 HCRETAL $15.00
TYPE: DEED
TITLEONE BOISE
ELECTRONICALLY RECORDED

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ACCOMMODATION RECORDING

QUITCLAIM DEED

FOR VALUE RECEIVED, Cleon Hoagland, and individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference:

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 8th day of February 2022.

GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of February 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WANDA M WHITE
COMMISSION #16635
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise
My Commission expires: 3-11-2027

When recorded deliver to:

Givens Pursley LLP
c/o Samuel F. Parry
601 W. Bannock Street
Boise, Idaho 83702

ACCOMMODATION RECORDING

QUITCLAIM DEED

FOR VALUE RECEIVED, Cleon Hoagland, and individual ("**Grantor**"), does hereby convey, release, remise and forever quitclaim unto Cleon Hoagland, the same individual ("**Grantee**"), all of Grantor's right, title and interest in and to that certain real property ("**Property**") located in Canyon County, Idaho, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference:

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 8th day of February 2022.

GRANTOR:

Cleon Hoagland

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of February 2022, before me, a Notary Public in and for said State, personally appeared Cleon Hoagland, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WANDA M WHITE
COMMISSION #16635
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Boise
My Commission expires: 3-11-2027

Exhibit A

COMPASS LAND SURVEYING PLLC

Client: Mark Hoagland
Date: August 16, 2021
Job No.:1221

PARCEL B
DESCRIPTION

The following Describes a Parcel of Land being a portion of the SW 1/4 SE 1/4 of Section 1, Township 1 South, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

BEGINNING at the Southwest Corner of the W 1/2 SE 1/4 of said Section 1, (South 1/4 corner), which is Monumented with a found 5/8 inch Iron Pin with "No Cap", From which, a found 5/8 inch Iron Pin with an illegible cap which is Monumenting the Southeast Corner of the W 1/2 SE 1/4 (E 1/16th Corner) of said Section 1 bears, South 89°19'41" East, 1304.71 feet;

Thence along the Westerly Boundary Line of said W 1/2 SE 1/4, North 00°30'01" West, 677.40 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence leaving said Westerly Boundary Line, South 85°50'28" East, 273.14 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 89°40'31" East, 390.04 feet to a found 1/2 inch Iron Pin with no cap:

Thence North 67°05'53" East, 101.54 feet to a found 1/2 inch Iron Pin no cap;

Thence North 26°50'00" West, 342.09 feet to a found 1/2 inch Iron Pin with no cap;

Thence North 23°03'27" West, 172.42 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 27°08'32" West, 70.50 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 75°55'34" East, 89.51 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732";

Thence North 06°31'14" West, 69.33 feet to a set 5/8 inch Iron Pin with Plastic Cap "CLS PLS 7732" marking the Northerly boundary of said SW 1/4 SE 1/4;

Thence South 89°23'28" East, 713.61 feet to a found 5/8 inch Iron Pin with No Cap marking the North East corner of said SW 1/4 SE 1/4, (Southeast 1/16 corner);

Thence along the East line of said SW 1/4 SE 1/4, South 00°40'42" East, 740.99 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 4998";

Thence leaving said East line, North 89°59'24" West, 384.92 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 4998";

623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com

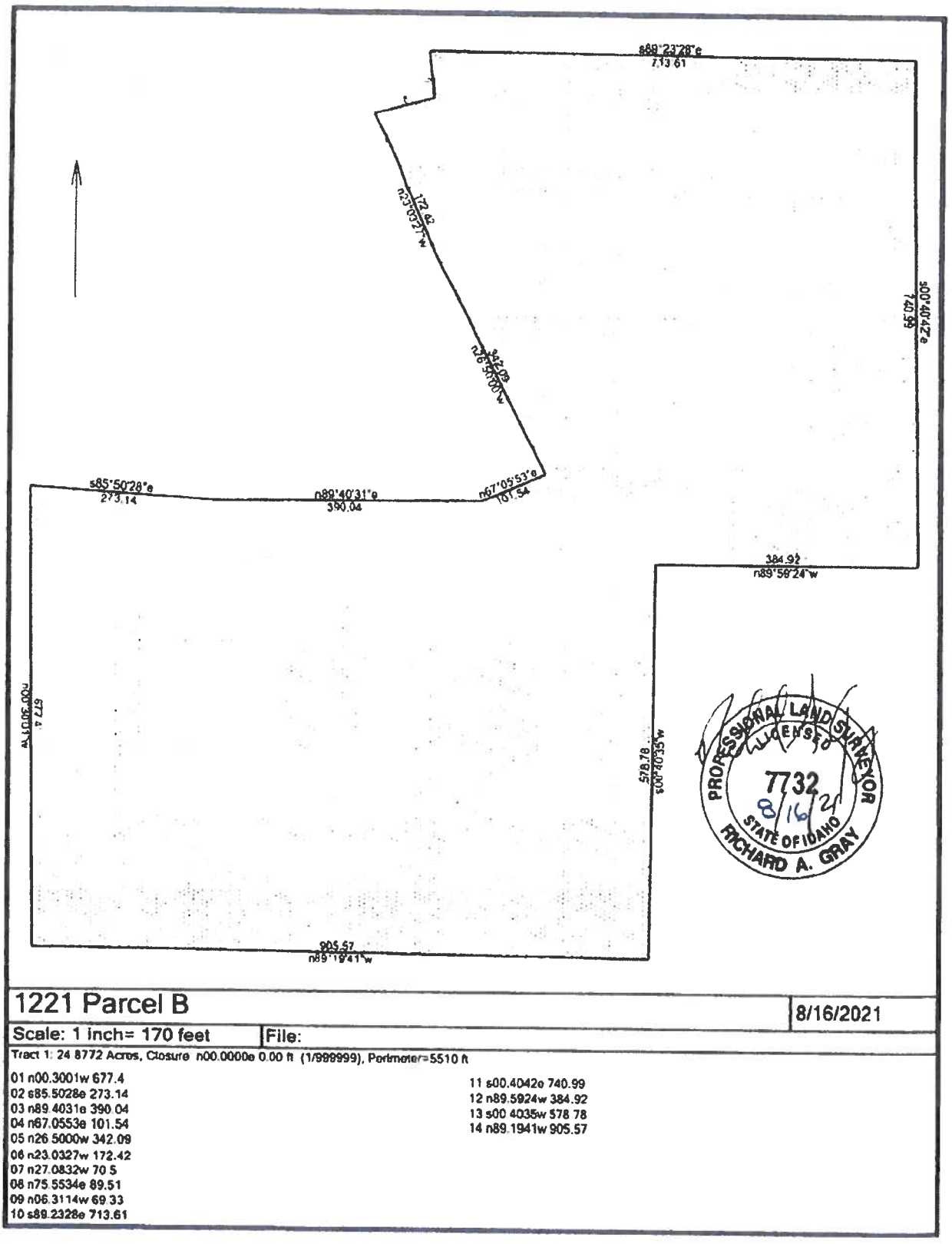
Thence South 00°40'35" West, 578.78 feet to a found 5/8 inch Iron Pin with Plastic Cap "PLS 11120" marking the South boundary of said W 1/2 SE 1/4;

Thence along said South boundary, North 89°19'41" West, 905.57 feet to the POINT OF BEGINNING.

The above Described Parcel of Land contains 24.88 Acres, more or less.



623 11th Ave. South, Nampa, ID 83651 T. (208) 442-0115 C. (208) 608-2510 rgray.cls@gmail.com



1221 Parcel B	8/16/2021
Scale: 1 inch= 170 feet	File:

Tract 1: 24.8772 Acres, Closure n00.0000e 0.00 ft (1/999999), Perimeter=5510 ft

01 n00.3001w 677.4
02 s85.5028e 273.14
03 n89.4031e 390.04
04 n67.0553e 101.54
05 n26.5000w 342.09
06 n23.0327w 172.42
07 n27.0832w 70.5
08 n75.5534e 89.51
09 n06.3114w 69.33
10 s89.2328e 713.61
11 s00.4042e 740.99
12 n89.5924w 384.92
13 s00.4035w 578.78
14 n89.1941w 905.57

33.87 AC.

2021-027000
RECORDED
04/14/2021 12:15 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=5 EHOWELL $15.00
TYPE: DEED
FIRST AMERICAN TITLE INSURANCE
ELECTRONICALLY RECORDED

After Recording Return and
Mail Tax Statements to:

Cleon and Patricia Hoagland
690 Southside Blvd. South
Melba, Idaho 83641

Tax Parcel No.: 28279010 0
FATCO NCS-518-8741-A

(Space Above for Recorder's Use Only)

SPECIAL WARRANTY DEED
(ID Nampa)

AGRESERVES, INC., a Utah corporation, Grantor, whose address is 79 South Main Street, Suite 1100, Salt Lake City, Utah 84111, hereby grants, conveys and warrants to CLEON HOAGLAND and PATRICIA HOAGLAND, husband and wife, Grantee, whose address is 690 Southside Blvd. South, Melba, Idaho 83641, for the sum of TEN DOLLARS and other good and valuable consideration, the following real property located in Canyon County, State of Idaho, (the "Property") and more particularly described as follows:

See Exhibit A attached hereto and by this reference made a part hereof.

Together with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining thereto, including, but not limited to easements and rights-of-way over adjoining property, which easements and rights-of-way are appurtenant to the real property described on Exhibit A, and all of Grantor's interest in and to water, wells, and all water rights appurtenant to said real property described on Exhibit A, and all of Grantor's interest in and to any land lying in the bed of any body of water, waterway or public street, public road or public avenue in front of or adjoining the land, to have and to hold, the same in fee simple forever.

TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns, forever, and Grantor does hereby covenant to Grantee and its successors and assigns forever, that: (a) Grantor is owner in fee simple of the Property; (b) Grantor has a good right to convey the fee simple; (c) previous to the execution of this conveyance, Grantor has not conveyed the same estate to any person other than the Grantee; (d) the Property is free from any and all liens, claims and encumbrances caused or suffered by Grantor except (i) the Permitted Exceptions identified on Exhibit B, attached hereto, (ii) real property taxes and assessments, for the current year, which are not yet due and payable, and (iii) any matters arising from the acts or omissions of Grantee; and (e) that Grantor will warrant and defend the same forever against any other liens, claims or encumbrances done, made or suffered by Grantor, or any person claiming by, through or under Grantor, but none other.

[Signature and Acknowledgment Follows]

4839-5976-0353

Exhibit E

After Recording Return and
Mail Tax Statements to:

Cleon and Patricia Hoagland
690 Southside Blvd. South
Melba, Idaho 83641

Tax Parcel No.: 28279010 0
FATCO NCS 518-8741-A

This document has been recorded electronically. Please see the attached copy to view the County Recorder's stamp as it now appears in the public record.

x FIRST AMERICAN TITLE INSURANCE COMPANY

(Space Above for Recorder's Use Only)

SPECIAL WARRANTY DEED

(ID Nampa)

AGRESERVES, INC., a Utah corporation, Grantor, whose address is 79 South Main Street, Suite 1100, Salt Lake City, Utah 84111, hereby grants, conveys and warrants to CLEON HOAGLAND and PATRICIA HOAGLAND, husband and wife, Grantee, whose address is 690 Southside Blvd. South, Melba, Idaho 83641, for the sum of TEN DOLLARS and other good and valuable consideration, the following real property located in Canyon County, State of Idaho, (the "Property") and more particularly described as follows:

See Exhibit A attached hereto and by this reference made a part hereof.

Together with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining thereto, including, but not limited to easements and rights-of-way over adjoining property, which easements and rights-of-way are appurtenant to the real property described on Exhibit A, and all of Grantor's interest in and to water, wells, and all water rights appurtenant to said real property described on Exhibit A, and all of Grantor's interest in and to any land lying in the bed of any body of water, waterway or public street, public road or public avenue in front of or adjoining the land, to have and to hold, the same in fee simple forever.

TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns, forever, and Grantor does hereby covenant to Grantee and its successors and assigns forever, that: (a) Grantor is owner in fee simple of the Property; (b) Grantor has a good right to convey the fee simple; (c) previous to the execution of this conveyance, Grantor has not conveyed the same estate to any person other than the Grantee; (d) the Property is free from any and all liens, claims and encumbrances caused or suffered by Grantor except (i) the Permitted Exceptions identified on Exhibit B, attached hereto, (ii) real property taxes and assessments, for the current year, which are not yet due and payable, and (iii) any matters arising from the acts or omissions of Grantee; and (e) that Grantor will warrant and defend the same forever against any other liens, claims or encumbrances done, made or suffered by Grantor, or any person claiming by, through or under Grantor, but none other.

[Signature and Acknowledgment Follows]

DATED this 8 day of April, 2021.

AGRESERVES, INC.,
a Utah corporation

By: Doug Rose
Name: Douglas L. Rose
Its: Chief Executive Officer RB

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

On this 8 day of April, 2021, personally appeared before me Douglas L. Rose, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me affirmed, did say that he is the Chief Executive Officer of AGRESERVES, INC., a Utah corporation, and that said document was signed by him in behalf of said Corporation by Authority of its Bylaws, and said Douglas L. Rose acknowledged to me that said Corporation executed the same.

WITNESS my hand and official seal.

DIANE LUNT
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 710498
COMM. EXP. 03-24-2024

Diane Lunt
Notary Public

Exhibit E

4839-5976-0353

4/7/2021

Dan Lister

From: Delores Hoagland <[redacted]>
Sent: Wednesday, March 6, 2024 6:09 PM
To: Canyon County Zoning Info
Subject: [External] Hoagland land splits

Dear Sirs:
I have no objections to the land splits that Cleon and Patti Hoagland are requesting. Case number AD2023-0110, parcel number R28279010.
Sincerely,
Delores Hoagland, life estate

Exhibit F1

Dan Lister

From: marie Hoagland <[redacted]>
Sent: Friday, March 8, 2024 10:44 AM
To: Dan Lister
Subject: [External] Comments

I am in favor of the proposed division. The ground in the division is rocky and is unable to be farmed for a profit. To rocky to till and dries out quickly.

Sent from my T-Mobile 5G Device
Get Outlook for Android

Exhibit F2

Dan Lister

From: Josh and Melinda Alder <[redacted]>
Sent: Wednesday, March 13, 2024 10:09 PM
To: Dan Lister
Subject: [External] Case Number AD2023-0110

I just wanted to contact you about this case. The letter stated the land is non-viable, but this has been good farmland for all my life and long before me. The fields surrounding it are all profitable. With good farming practices, this field should be very productive. It is a nice, big, square field and, in this area, that is hard to come by. There would be many farmers willing to buy it if it was being sold at farmland prices (which is what the current owners paid). My sole income comes from farming, so agriculture is very important to me. I would really like to see this good quality land stay as farm ground.

Thank you,
Josh Alder

Exhibit G1

Dan Lister

From: Randy & Kari Cussins
Sent: Sunday, March 3, 2024 12:23 PM
To: Dan Lister
Subject: [External] Case AD2023-0110
Attachments: scan.pdf

Dear Daniel,

My husband and I received your letter regarding Case #AD2023-0110 in the mail this weekend and I mailed a copy of a letter off to you regarding this issue. I just realized that I put the parcel number on the letter instead of the attached case number.

Please let me know that this has been received and correctly associated with the case number #AD2023-0110.

Thank you,

Kari & Randy Cussins
See Why Land & Livestock
Registered Murray Grey

Exhibit G2

March 2, 2024

Dan Lister
1115 Albany Street, #310
Caldwell, ID 83605

RE: Case # R28279010

Dear Mr. Lister,

This letter is in response to the letters my husband Randy and I received regarding the splitting of land that borders our property to the south. The letter mentions that the Hoagland's are requesting the splitting of their land based on it being "non-viable farm ground in an agricultural zone".

We would like to speak to this claim. The Hogland's and the previous owners of this land have farmed this land every year since at least the early 1970's. My husband and his family have lived in our home since 1974 and watched this farming occur. We have listened to the wheel line movers run hundreds of times a farm season and watch 3-4 cuttings of hay during a year and harvesting of other farm commodities. I do not know how the county is defining farmland but I cannot see a more evident use of viable farmland within the county.

We request the denial of this attempt to develop this land under this request. We are not against development of truly non-viable farmland and understand that growth is inevitable to some extent but this property, in or opinion, absolutely does not qualify for this subdivision.

If you have any questions, please feel free to contact us for additional information.

Sincerely,

Randy and Kari Cussins

Exhibit G2

Dan Lister

From: [redacted]
Sent: Friday, March 8, 2024 8:42 PM
To: Dan Lister
Subject: Re: [External] Case AD2023-0110
Attachments: Hogland letter #2.pdf

Dan,

I did not realize that we received two different letters. They say they are the same case number but have two different groups of parcels and maps.

We have written a second letter addressing the parcels at the Northeast corner of Southside and Butte. Please let me know you received the attached additional letter.

Kari & Randy Cussins
See Why Land & Livestock
Registered Murray Grey
[redacted]

On Mon, Mar 4, 2024 at 9:41 AM Dan Lister <Daniel.Lister@canyoncounty.id.gov> wrote:

Mr. and Mrs. Cussins,

Your letter regarding AD2023-0110 has been received.

Sincerely,

Dan Lister, Principal Planner

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

Public office hours

Monday, Tuesday, Thursday and Friday

Exhibit G2

Exhibit E.6

8 am – 5 pm

Wednesday

1 pm – 5 pm

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

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

From: Randy & Kari Cussins <seewhymurraygrey@gmail.com>
Sent: Sunday, March 3, 2024 12:23 PM
To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Subject: [External] Case AD2023-0110

Dear Daniel,

My husband and I received your letter regarding Case #AD2023-0110 in the mail this weekend and I mailed a copy of a letter off to you regarding this issue. I just realized that I put the parcel number on the letter instead of the attached case number.

Please let me know that this has been received and correctly associated with the case number #AD2023-0110.

Thank you,

Kari & Randy Cussins

See Why Land & Livestock

Registered Murray Grey

Exhibit G2

Exhibit E.6

March 4, 2024

Dan Lister
1115 Albany Street, #310
Caldwell, ID 83605

RE: Case # AD2023-0110
Parcel#: R28146010 & R28146010D

Dear Mr. Lister,

This letter is in response to the letters my husband Randy and I received regarding the splitting of land across the road from our property to the Northeast. The letter mentions that the Hoagland's are requesting the splitting of their land based on it being "non-viable farm ground in an agricultural zone".

As we spoke in our letter regarding parcel R28279010 we are worried about how the planning and zoning department is determining and defining "non-viable farm ground". This property has historically been used to grow hay and raise cattle. It is clearly being used for agricultural purposes. They harvest 1-2 cuttings of hay each year and raise cattle for commercial purposes and in numbers that exceed 20 head.

My husband and his family have lived in our home since 1974 and watched this use occurring for all of the years they have lived here. If this land is not considered "viable farm ground" I wonder what other definition you could give land being used this way for so many years.

We request the denial of this attempt to develop this land under this request. We are not against development of truly non-viable farm ground and understand that growth is inevitable to some extent but this property, in our opinion, absolutely does not qualify for this subdivision.

If you have any questions, please feel free to contact us for additional information.

Sincerely,

Randy and Kari Cussins

Dan Lister

From: D Robinson <
Sent: Wednesday, March 13, 2024 8:26 PM
To: Dan Lister
Cc: Christina Schwager Landlord
Subject: [External] Case Number AD2023-0110

To whom it may concern.
We live at 909 Southside Blvd S in Melba. We have seen the land in question used for grazing as well as planted with what I assume is feed. The land in all directions from us is viable land. We, as many in this area, are desperate to keep the development of these farm lands from being developed. The owners of this property have expressed their want to keep the farm land safe. So this does come as a surprise.
Thank you.
Jeffery and Donette Robinson

Exhibit G3

4 March 2024

Case Name

Cleon & Patti Hoagland

Caqse Number AD2023-0110

Parcel R8279010

To Whom it may concern:

We are opposed to this split because the land is viable, in that it has water rights for the entire acreage, and has been farmed forever. The land has produced seed corn, beans, and hay.

There are no splits available on this property and it should be denied.

Any division should require a land division hearing.

Sincerely,

Kathy and Norm Alder

Exhibit G4

Dan Lister

From: rabbittsaddlery <
Sent: Thursday, March 7, 2024 1:43 PM
To: Dan Lister
Subject: [External] Case# AD2023-0110

Hello.Mr. Lister,
I received an informative letter concerning the splitting of "NON-VIABLE" farm ground near me here in Melba Id.
Here are the facts and property history as I know them...
Parcel # R28279010 has been leased by the Hoaglands from the LDS church since the 1970's. This ground has been quite "viable" for 50 years...and still is. If it was not viable, it stands to reason that the Hoaglands would not have kept the lease for such a lengthy amount of time.... along with installing an irrigation system to the entire acreage. I personally have helped haul and removed baled hay off this place. With experience I have working for the USDA, the hay yield on this ground is normal of average irrigated farm ground. I find it very suspicious that the properties on the west, south, and east are very good farming properties.. but his is non-viable...lol... the property on the north is residential. Cleon stated to me about 4 yrs ago, that the LDS church intended to sell the property and give him first option to purchase it. Thus, Cleon bought the ground. One must ask a logical question...why purchase ground you cant farm it? He also conveyed to me his intentions of splitting it into 5 acre parcels to make enough money to purchase a ranch in Nevada. Southside blvd frontage meant higher lot prices. I was told by him that the county would not allow it...and he got very angry. He then told me if they would not allow him any splits, he would put in a pig farm and feedlot for hogs just to piss of the neighbors....
Anyway, it seems as though people who don't want to farm, or want to sell out for big money... then all of a sudden the property in question is "non-viable".
Anyway, that is the extent of what I know about the history and the purpose of the purchasing of the parcel.

Sent from my Verizon, Samsung Galaxy smartphone

Dan Lister

From: [redacted]
Sent: Friday, March 8, 2024 4:20 PM
To: Dan Lister
Subject: [External] case number: AD2023-0110 Cleon and Patti Hoagland

For this case number, we can only speak fairly about the parcel listed below.

R281460100 on the corner of Southside and Butte is directly east of our property at 909 South Boulevard.

In general, we are concerned about the amount of farmland being sold off for non-farming purposes.

Our thoughts
We have seen cows, irrigation lines, green vegetation on the acreage for the many years we have owned our house. Doesn't that qualify as an agricultural venture?
If it is zoned as non-viable, we think the easement to the property should be on the Butte Side, not Southside. Southside has more traffic, that routinely ignores the speed limit, and the intersection has had numerous accidents.
We are not in favor of the parcel to be zoned for a many house sub-division. In keeping in line with other properties in the area, a ratio of one or two houses per several acres would be acceptable.
We also are not in favor of zoning for commercial businesses.
Also, if the five parcels are created, it would be our hope that they could not be subdivided again.

Thank you for your consideration
James and Christina Schwager

Exhibit G6

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

Exhibit H

R28146010 PARCEL INFORMATION REPORT

4/26/2024 3:54:55 PM

PARCEL NUMBER: R28146010
OWNER NAME: HOAGLAND CLEON
CO-OWNER:
MAILING ADDRESS: PO BOX 166 MELBA ID 83641
SITE ADDRESS: 0 SOUTHSIDE BLVD S
TAX CODE: 0930000
TWP: 1S **RNG:** 2W **SEC:** 01 **QUARTER:** SE
ACRES: 11.94
HOME OWNERS EXEMPTION: No
AG-EXEMPT: Yes
DRAIN DISTRICT: NOT In Drain Dist
ZONING DESCRIPTION: AG / AGRICULTURAL
HIGHWAY DISTRICT: NAMPA HWY DIST
FIRE DISTRICT: MELBA FIRE
SCHOOL DISTRICT: MELBA SCHOOL DIST
IMPACT AREA: MELBA
FUTURE LAND USE 2011-2022 : AG
FLU Overlay Zone Desc 2030:
FLU RR Zone Desc 2030:
FUTURE LAND USE 2030: AG
IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL \ BOISE KUNA IRRIGATION DISTRICT
FEMA FLOOD ZONE: X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0575F
WETLAND: Riverine
NITRATE PRIORITY: ADA CANYON
FUNCTIONAL Classification: NOT In COLLECTOR
INSTRUMENT NO. : 2022028737
SCENIC BYWAY: NOT In Scenic Byway
LEGAL DESCRIPTION: 01-1S-2W SE TX 22173 IN NWSE LS TX 22410
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 H

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

R28146010D PARCEL INFORMATION REPORT

4/26/2024 3:54:35 PM

PARCEL NUMBER: R28146010D
OWNER NAME: HOAGLAND CLEON
CO-OWNER:
MAILING ADDRESS: PO BOX 166 MELBA ID 83641
SITE ADDRESS: 0 SOUTHSIDE BLVD S
TAX CODE: 0930000
TWP: 1S **RNG:** 2W **SEC:** 01 **QUARTER:** SE
ACRES: 24.92
HOME OWNERS EXEMPTION: No
AG-EXEMPT: Yes
DRAIN DISTRICT: NOT In Drain Dist
ZONING DESCRIPTION: AG / AGRICULTURAL
HIGHWAY DISTRICT: NAMPA HWY DIST
FIRE DISTRICT: MELBA FIRE
SCHOOL DISTRICT: MELBA SCHOOL DIST
IMPACT AREA: MELBA
FUTURE LAND USE 2011-2022 : AG
FLU Overlay Zone Desc 2030:
FLU RR Zone Desc 2030:
FUTURE LAND USE 2030: AG
IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL \ BOISE KUNA IRRIGATION DISTRICT
FEMA FLOOD ZONE: X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0575F
WETLAND: NOT In WETLAND
NITRATE PRIORITY: ADA CANYON
FUNCTIONAL Classification: NOT In COLLECTOR
INSTRUMENT NO. : 2022007161
SCENIC BYWAY: NOT In Scenic Byway
LEGAL DESCRIPTION: 01-1S-2W SE TX 22094 IN W1/2 SE
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 H

Exhibit E.6

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

R28279010 PARCEL INFORMATION REPORT

4/26/2024 3:53:57 PM

PARCEL NUMBER: R28279010
OWNER NAME: HOAGLAND CLEON
CO-OWNER: HOAGLAND PATRICIA
MAILING ADDRESS: PO BOX 166 MELBA ID 83641
SITE ADDRESS: 0 SOUTHSIDE BLVD S
TAX CODE: 0930000
TWP: 1S **RNG:** 2W **SEC:** 12 **QUARTER:** NW
ACRES: 33.87
HOME OWNERS EXEMPTION: No
AG-EXEMPT: Yes
DRAIN DISTRICT: NOT In Drain Dist
ZONING DESCRIPTION: AG / AGRICULTURAL
HIGHWAY DISTRICT: NAMPA HWY DIST
FIRE DISTRICT: MELBA FIRE
SCHOOL DISTRICT: MELBA SCHOOL DIST
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: BOISE PROJECT BOARD OF CONTROL \ BOISE KUNA IRRIGATION DISTRICT
FEMA FLOOD ZONE: X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0575F
WETLAND: NOT In WETLAND
NITRATE PRIORITY: ADA CANYON
FUNCTIONAL Classification: NOT In COLLECTOR
INSTRUMENT NO. : 2021027000
SCENIC BYWAY: NOT In Scenic Byway
LEGAL DESCRIPTION: 12-1S-2W NW NENW LESS N 190'
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 H

Aerials – Google Earth
2002



2005



Exhibit I

Exhibit E.6

2009



Exhibit I

Exhibit E.6

2012



Exhibit I

Exhibit E.6

2017



Exhibit I

Exhibit E.6

2022



Exhibit I

Exhibit E.6

Dan Lister

From: Samuel Parry
Sent: Monday, April 15, 2024 12:13 PM
To: Dan Lister
Cc:
Subject: [External] RE: AD2023-0110 - Comments

Dan,
We plan on filing an appeal to the planning and zoning commission. Please proceed to issue the final decision.
Thank you,
Samuel

KIRTON McCONKIE
Samuel Parry
Attorney
d 208.581.8650

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>
Sent: Tuesday, April 9, 2024 3:29 PM
To: Samuel Parry <
Cc: 'chrawhide62@gmail.com' <
Subject: AD2023-0110 - Comments

CAUTION: EXTERNAL

Mr. Perry and Mr. Hoagland,

Upon review of Case AD2023-0110, including comments received from the local highway district and comments from neighbors, the following has been determined when considering CCZO Section 07-18-09(5):

(5) Evaluation and Determination of Application: The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:

A. *The parcel(s) must be eligible for division; and*
   - **The parcels are eligible for division if they qualify as nonviable parcels**

B. *The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code) and the building code (chapter 6 of this code) before the director can approve the application; and*
   - **There are no known code violations or public nuisances.**

C. *The parcel, in whole or in part, shall consist of land with site constraints and/or resource issues, such as lack of water, suitable soils, topography, land compatibility, lot size, or configuration, that makes productive agricultural use extremely difficult; and*
   - **There is not enough evidence demonstrating the parcels suffer from site constraints/resource issues making productive agricultural uses extremely difficult.** The letter of intent states the parcels are agronomic and economically difficult for agricultural production. Evidence includes letters demonstrating the ground is not viable economically.
     - **CCZO Section 07-18-09(5) does not include economic viability as a constraint that can be used as evidence.** Therefore, evidence should include the historical use of each parcel and what has changed so dramatically resource/constraint-wise that makes what

Exhibit J

was productive agricultural extremely difficult. The parcels are irrigated. Slopes are predominantly between 0-3% except in certain areas of Parcel R28146010D where slopes can be 6-9%. Any lot size/configuration issues came from Mr. Hoagland dividing the parcels over the years (CCZO Section 07-18-09(6)A). Parcel R28146010D is ag-only (no building permits) and approved as part of AD2021-0185. An Ag-Only parcel is described as a parcel *used exclusively for agricultural purposes (on which there is no permanent dwelling), CCZO Section 07-17-03(3)A.* In 2021, as part of AD2021-0185, Mr. Hoagland concurred Parcel R28146010D is an "ag-only parcel".

- **The letter of intent stating the 5.93 to 11.81-acre lot sizes will allow forage production and grazing.** Are there portions of the parcel that are nonviable where other portions are viable? Can that be better identified?
- **The County Assessor's Office shows the parcels have ag-exempts dating back 20 years or more which are granted to productive agricultural parcels upon proof.** Aerial photos were provided as proof to demonstrate areas that are irrigated by wheel lines/pivot lines for crops and other areas for cattle (livestock/grazing). On Google Earth, reviewing aerials between 2002 to 2022, the parcels appear to be in agricultural production.
- **Comments from neighbors state the ground is viable and has been used for cattle and hay production and has been viable for many years.**

D. *The division shall not create a negative impact on surrounding agricultural uses. The director may include conditions of approval to mitigate potential negative impacts.*

- **There is not enough evidence demonstrating the development will not be impactful to surrounding agricultural uses.** (1) Without any buffers, building envelopes, or mitigation conditions, residential development may impact adjacent parcels' agricultural production. (2) The letter states the proposed lot sizes (5.93 to 11.81 acres) will allow forage production and grazing. Therefore, the parcels have viable ground that should not be impacted by the request. Please identify the parts that are viable and how the viable parts will be protected.

(6) The applicant has the burden of proving that the application meets these requirements.

A. Deliberate action to withhold agricultural land from productive use strictly to qualify for a land division pursuant to this section shall disqualify such land from treatment under this section.

Unless more information and evidence can be provided, the application cannot be supported as presented because there is no evidence demonstrating each parcel, in whole, is completely nonviable. If additional evidence cannot be submitted, the decision by the Director of DSD, once drafted and signed, is appealable to the Board of County Commissioners (CCZO Section 07-05-07, $600 appeal fee).

If you do not wish to proceed, please submit a request to withdraw the application (including the private road and easement reduction) and request a refund. Refund requests will be decided by the Board of County Commissioners.

The following options are available:

- Conditional rezone to "R-R" with development agreement conditions limiting lot sizes to five acres or larger ($1,400 application fee, two public hearings). The 2030 Comp Plan allows five-acre lot sizes within the agricultural designation. The County Code has not been updated to map or provide additional standards for the five-acre lot size designation.
  - If approved, a land division application per CCZO Section 07-18-13 is required if the division does not exceed four parcels from the original parcel (as shown in the Record of Survey provided as part of AD2023-0110). If not, platting is required (+$2,000 application fee).
  - If denied, the application fee is non-refundable.
- Comprehensive Plan Amendment to the rural residential designation ($2,800 fee) and Conditional Rezone to an "R-R" (Rural Residential, two-acre lot sizes), $1,400 application fee). The 2030 Comp Plan designated the future land use of the area as "agriculture". The current zone matches the 2030 Comp. Plan designation. If approved,

Exhibit J

Exhibit E.6

platting would be required to divide the parcels (over the $2,000 application fee). If denied, the application fee is non-refundable.

Contact me if you have any questions.

Sincerely,

Dan Lister, Principal Planner
DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959
Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)
Public office hours
Monday, Tuesday, Thursday and Friday
8 am – 5 pm
Wednesday
1 pm – 5 pm
**We will not be closed during lunch hour **

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

Exhibit J

Exhibit E.6

Findings of Fact, Conclusions of Law, and Order

Findings of Fact

1. The applicant, Samuel Parry representing the appellant, Cleon & Patti Hoagland, requests an appeal regarding the denial of AD2023-0110 for a non-viable parcel land division of R28146010, R28146010D, and R28279010, approximately 70 acres, per CCCO §07-18-09.
2. The affected properties are adjacent to 746 and 1055 Southside Blvd., Melba), also referenced as a portion of the SE¼ of Section 01, T1S, R2W, and portion of the NW¼ of Section 12, T1S, R2W, Canyon County, Idaho.
3. Parcel R28146010 was created via an Administrative Land Division creating Parcels R28146011 and R28146010 (AD2021-0016). The parcel was then adjusted to its current configuration in 2021 (AD2021-0185, Exhibit A of Exhibit 5 of the staff report). Parcel R28146010D was created as an agricultural-only parcel in 2021 (AD2021-0185, Exhibit A of Exhibit 5 of the staff report). According to PI2021-0220 (Exhibit B of Exhibit 5 of the staff report), Parcel R28279010 was created via the land division process in 1980. The parcel has a building permit available.
4. On October 6, 2023, the owners submitted an administrative land division application for a non-viable parcel to divide the subject parcels to create eight (8) parcels via CCCO §07-18-09 (AD2023-0110). The application was updated on February 23, 2024, to adjust the proposed parcel and include a private road name (RD2024-0004).
5. On May 6, 2024, Case No. AD2023-0110 was denied finding the parcels to be viable for agricultural use (Exhibit 5 of the staff report).
6. On May 21, 2024, Samuel Parry representing Cleon & Patti Hoagland submitted an appeal to overturn the decision regarding AD2023-0110 finding the request meets the required standards, that adequate evidence was submitted, and that the decision was based on irrelevant facts (Exhibit 2 of the staff report).
7. The subject parcels are zoned "A" (Agricultural). The Canyon County Future Land Use Plan within the 2030 Canyon County Comprehensive Plan designates the subject parcels as "agriculture".
8. The request was noticed/published per Canyon County Code §07-05-01. Property owners within 600' of the external boundaries of the parcel and affected agencies were notified per CCZO §07-05-01 on July 19, 2024.
9. All record herein consists of exhibits provided in the public hearing staff report, testimony, and exhibits provided during the public hearing on September 3, 2024, and all information in case file AD2023-110-APL.

Conclusions of Law

Upon review, the Board of County Commissioners finds and concludes the following regarding the Standards of Review for Appeal of Director Administrative Decision (CCZO §07-05-07):

(1) Appeal To Board: An affected person aggrieved by a final administrative decision or action of the director that was made pursuant to the provisions of this chapter may appeal to the board.

(2) Appeal Procedures:

A. Appeals shall be filed with DSD within fifteen (15) calendar days after the date of the decision. A notice of appeal should include a statement of the reasons for the appeal and must be accompanied by all appropriate fees as established by the adopted fee schedule.

1. On October 6, 2023, the owners submitted an administrative land division application for a non-viable parcel to divide the subject parcels to create eight (8) parcels via CCCO §07-18-09 (AD2023-0110). The application was updated on February 23, 2024, to adjust the proposed parcel and include a private road name (RD2024-0004).
2. On May 6, 2024, after considering all evidence provided by the applicant and letters received by neighbors, Case No. AD2023-0110 was denied by the Director of DSD for the following reasons (Exhibit 5 of the staff report):

a. Per CCCO §07-02-03, viable farmland is defined as "*Land that is capable of producing marketable farm animals or crops*". Information provided by the applicant, aerials, and letters of opposition demonstrates the subject property consists of land capable of producing marketable farm animals and/or crops.

   i. The County Assessor's Office states the parcels have ag-exemptions. Upon conversation with the Assessor's office, the applicant has benefited from the ag-exemptions for over 20 years. To qualify for an ag-exemption, the parcel must prove the ground is in agricultural production. The Assessor's office states aerial photos were used to demonstrate areas irrigated by wheel lines/pivot lines for crops and other cattle (livestock/grazing). On Google Earth, reviewing aerials between 2002 to 2022, the parcels appear to be in agricultural production (Exhibit I of Exhibit 5 of the staff report).

b. Irrigation water rights exist for the subject parcel (Exhibit 4, and Exhibit G of Exhibit 5 of the staff report). Parcels R28279010, R28146010D, and R28146010 appear to irrigate with sprinklers and wheel-line (Exhibit I of Exhibit 5 of the staff report).

c. Slopes are predominantly between 0-3% except in certain areas of Parcel R28146010D where slopes can be 6-9% (Exhibit C of Exhibit 5 of the staff report).

d. Any lot size/configuration issues came from the land divisions taken by the Hoagland dividing the parcels over the years (Exhibit A and B of Exhibit 5 of the staff report).

e. Parcel R28146010D is an agricultural-only parcel (AD2021-0185, Exhibit B of Exhibit 5 of the staff report). Per CCCO §07-17-03(3), an agriculture parcel is described as a parcel *used exclusively for agricultural purposes (on which there is no permanent dwelling).*

f. The letter of intent states the 5.93 to 11.81-acre lot sizes will allow forage production and grazing. The letter implies portions of the subject parcels are viable (Exhibit 2 and Exhibit E of Exhibit 5 of the staff report).

g. Letter of opposition received demonstrates the parcels contain viable, profitable, agricultural uses and have been in active agricultural production since 1974 (Exhibit G of Exhibit 5 of the staff report).

h. There is not enough evidence demonstrating the development will not be impactful to surrounding agricultural uses. The applicant does not propose any buffers, building envelopes, or other mitigating conditions to ensure residential development created by the request will not impact surrounding agricultural production.

The Director of DSD provided the following options to gain approval of the divisions per Idaho Code §67-6519:

a. Reapply for an Administrative Division of a Nonviable Parcel in an Agricultural Zone (CCCO §07-18-05 & 09) and provide information demonstrating what portions of the subject parcels are non-viable, what portions are still viable and what measures will be taken to ensure viable ground will be protected.

b. Conditional rezone to an "R-R" (Rural Residential) zone with development agreement conditions limiting lot sizes to five acres or larger. The 2030 Comprehensive Plan allows five-acre lot sizes within the agricultural designation. The County Code has not been updated to codify five-acre lot sizes or applicable development standards. Approval is based on the request's consistency with CCCO §07-06-07(6)A. If approved, a land division application per CCCO §07-18-13 is required if the division does not exceed four parcels from the original parcel (as shown in the Record of Survey provided as part of AD2023-0110). If not, platting is required.

c. Comprehensive Plan Amendment to the rural residential designation and Conditional Rezone to an "R-R" (Rural Residential, two-acre lot sizes). The 2030 Comprehensive Plan designates the future land use of the area as "agriculture". The current zone matches the 2030 Comprehensive Plan designation. If approved, platting would be required to divide the parcels.

3. On May 21, 2024, Samuel Parry representing Cleon & Patti Hoagland submitted an appeal to overturn the decision regarding AD2023-0110 finding the request meets the required standards,

adequate evidence regarding productive agricultural constraints and resource issues was submitted, and that the decision was based on irrelevant facts such as tax exemption status and aerials (Exhibit 2 of the staff report).

3. *At the public hearing held in accordance with this article, the board shall consider the decision of the director and any additional evidence that may be offered by the public, applicant, or director.*

    1. All record herein consists of exhibits provided in the public hearing staff report, testimony, and exhibits provided during the public hearing on September 3, 2024, and all information in case file AD2023-110-APL.

        a. See Exhibit G of Exhibit 5 of the staff report for comments in opposition to the non-viable land division request.

    2. Property owners within 600' of the external boundaries of the parcel and affected agencies were notified per CCZO §07-05-01 on July 19, 2024. The following comments in opposition were received:

        a. Christina Schwager (Exhibit 4a of the staff report);

        b. Jeffery & Donette Robinson (Exhibit 4b of the staff report);

        c. R. Flint (Exhibit 4c of the staff report);

        d. Cindy Brown (Exhibit 4d of the staff report);

        e. K. Alder (Exhibit 4e of the staff report); and

            - The above comments received (Exhibits 4a – 4e of the staff report) express opposition to the requested appeal finding the properties have been in active agricultural production for over 50 years and are concerned about the properties being considered non-viable farm ground and what an approval of that designation will do to their surrounding viable agricultural properties

        f. Jerry Neufeld (Exhibit 4f of the staff report): A comment letter was received from Jerry Neufeld, retired University of Idaho Crops Extensions Educator, in support of the request (Exhibit 4f). The letter explains the soil and irrigation limitations on the properties making productive agriculture difficult. The letter does not dispute that the land can produce a certain number of crops or livestock feed but finds that production, due to resource issues, is not profitable.

            - Based on the definition of viable farmland (CCCO §07-02-03) and requirements to determine if the property qualifies for a non-viable land division (CCCO §07-18-09), the code does not consider profitability as a factor.

4. *The board may affirm, reverse, or modify, in whole or in part, the director's decision.*

    After reviewing all applicable codes (CCZO §07-05-07, 07-17-03, 07-18-05, and 07-18-09) and considering all information a duly noticed hearing, the Board of County Commissioners affirms the decision made by the Director of DSD on May 6, 2024 (Exhibit 5 of the staff report).

Order

Based upon the Findings of Fact and Conclusions of Law enumerated above, the Board of County Commissioners hereby **denies** the appeal affirming the decision by the Director of DSD for Case No. AD2023-0110-APL.

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

1) Reapply for an Administrative Division of a Nonviable Parcel in an Agricultural Zone (CCCO §07-18-05 & 09) and provide information demonstrating what portions of the subject parcels are non-viable, what portions are still viable and what measures will be taken to ensure viable ground will be protected.

2) Conditional rezone to an "R-R" (Rural Residential) zone with development agreement conditions limiting lot sizes to five acres or larger. The 2030 Comprehensive Plan allows five-acre lot sizes within the agricultural designation. The County Code has not been updated to codify five-acre lot sizes or applicable development standards. Approval is based on the request's consistency with CCCO §07-06-07(6)A.

   a. If approved, a land division application per CCCO §07-18-13 is required if the division does not exceed four parcels from the original parcel (as shown in the Record of Survey provided as part of AD2023-0110). If not, platting is required.

3) Comprehensive Plan Amendment to the rural residential designation and Conditional Rezone to an "R-R" (Rural Residential, two-acre lot sizes). The 2030 Comprehensive Plan designates the future land use of the area as "agriculture". The current zone matches the 2030 Comprehensive Plan designation. If approved, platting would be required to divide the parcels.

According to §67-6535 of the Idaho Code, the applicant has 14 days from the final decision to seek reconsideration before seeking judicial review.

APPEAL DENIED this 3 day of Sept., 2024.

BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY,

	Yes	No	Did Not Vote
Brad Holton Commissioner Brad Holton	X		
Commissioner Zach Brooks		X	
Commissioner Leslie Van Beek	✓		

Attest: Rick Hogaboam, Clerk

By: Monica Reyes

Exhibit 3
EXHIBIT F

Site Visit Photos: July 15, 2025

Planning & Zoning Commission

Case# CR2025-0002

Hearing date: September 18, 2025

CR2025-0002
Hoagland

Site Visit
July 11, 2025

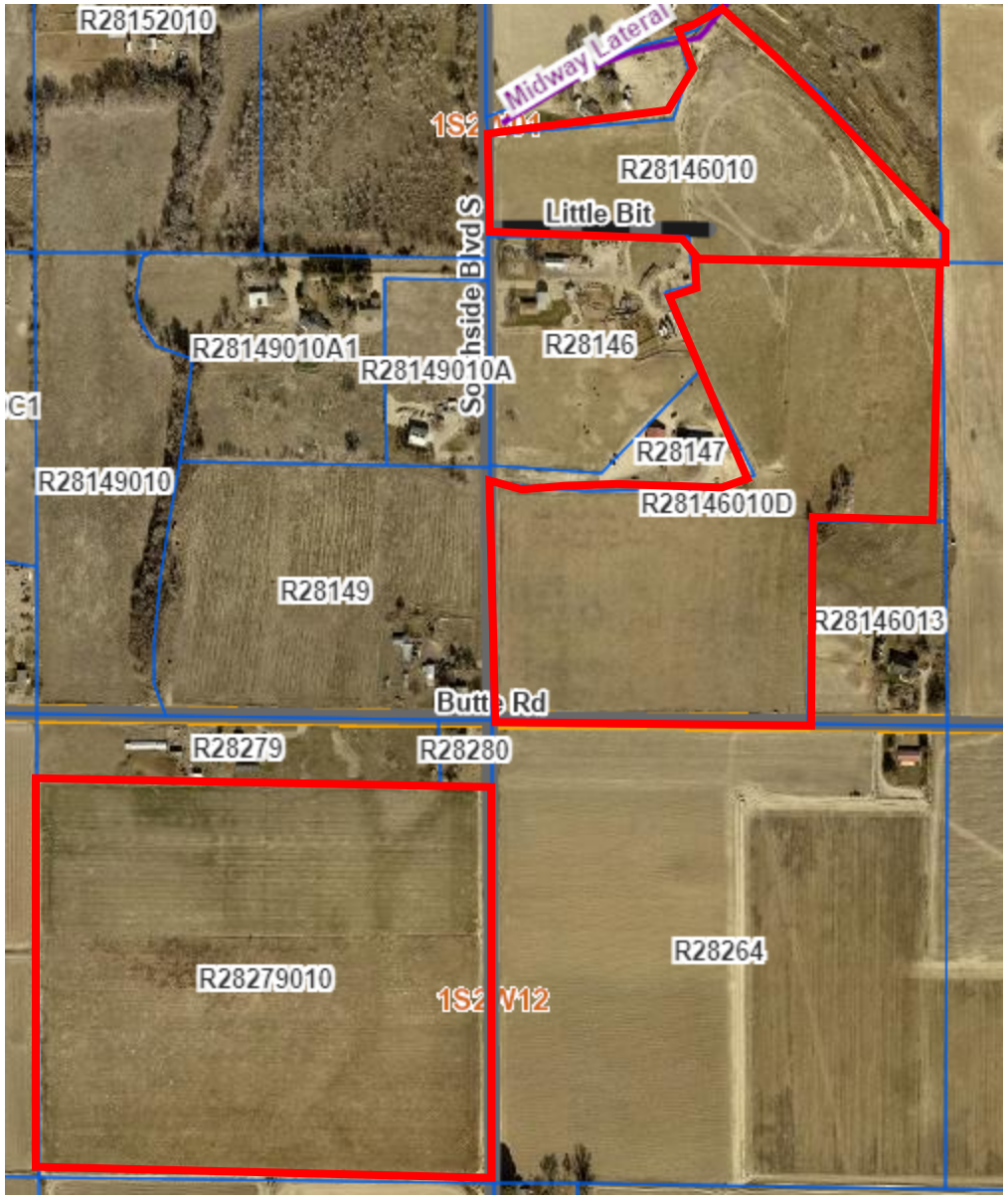


Exhibit F

Exhibit F

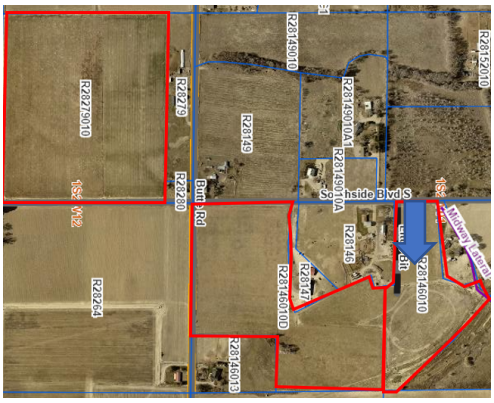

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R2819
R28280
Burn Rd
R28244
R28149010
R28149010A1
R28149010A
Southside Blvd S
R2814
R28147
R28146010
R28146010
R28146013
R28152010



Exhibit F

R28279010
R28279
R28149
R28149010
R28149010A1
R28149010A
R28152010
R28280
Burris Rd
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R28147
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R28264
R28146013

Exhibit F

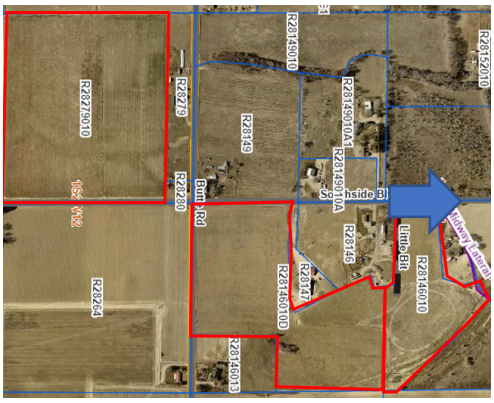

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Little Bit
R28146010
R28147
R28146010D
R28264
R28146013



Exhibit F

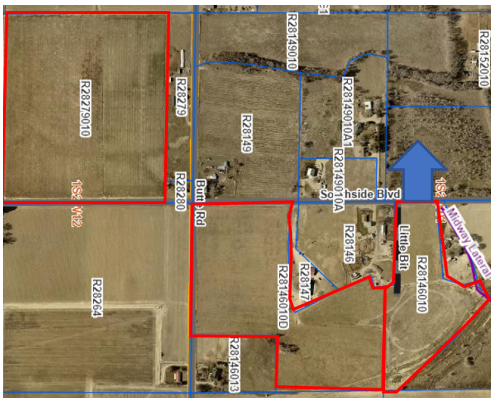

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Southside Blvd
Little Bit
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R28145
R28147
R28146010D
R28264
R28146013
R28280
Burn Rd



Exhibit F

R28279010
R28279
R28149
R28149010
R28149010A1
R28149010A
R28147
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R28146010D
R28146010B
R28264
Burt Rd
Southside Blvd S
Little Rh
Midway Ave

Exhibit F

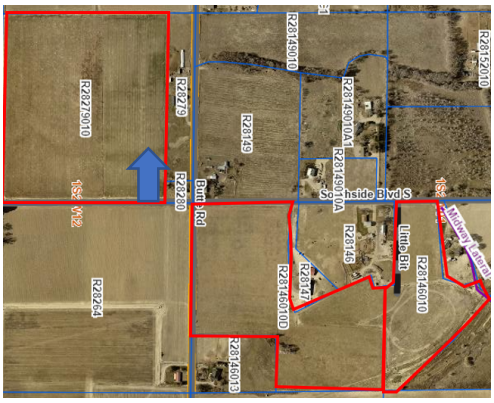

R28270010
R28279
R28149010
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Burn Rd
Little Elk
Muddy Lane



Exhibit F

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Exhibit F

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Exhibit F

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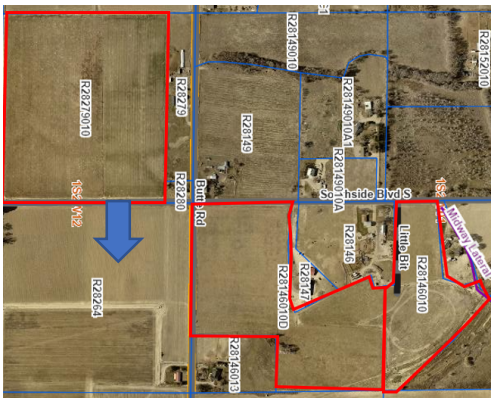

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Midway Church



Exhibit F

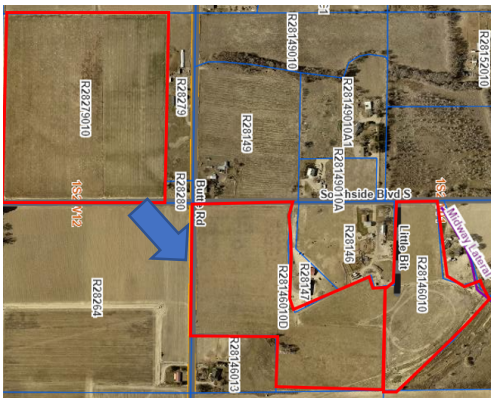

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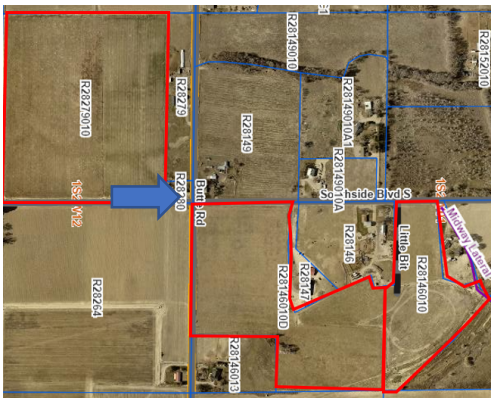

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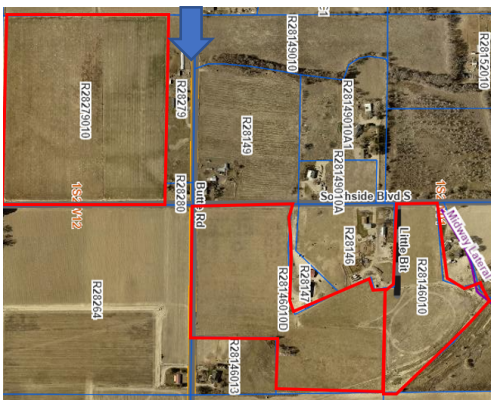

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Exhibit F

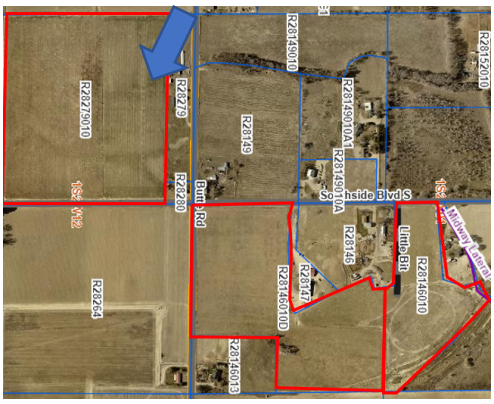

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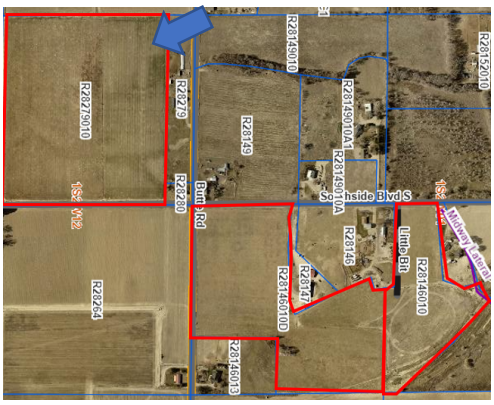

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Exhibit F

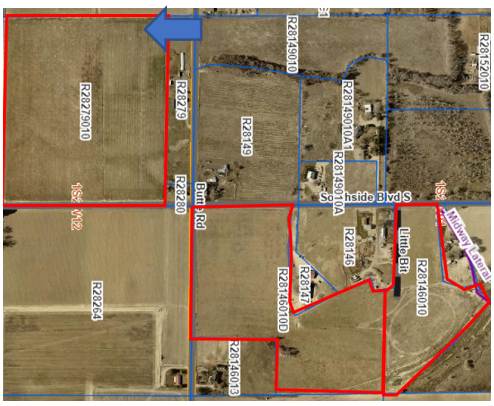

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Exhibit F

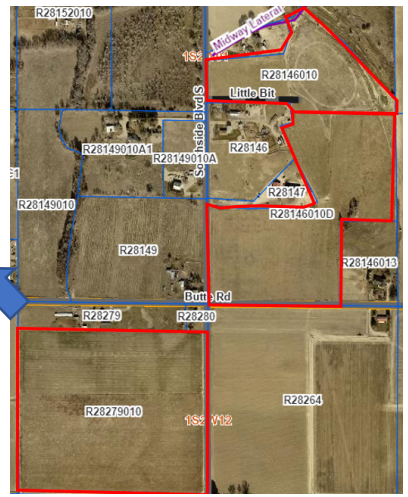

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Exhibit F

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Exhibit F

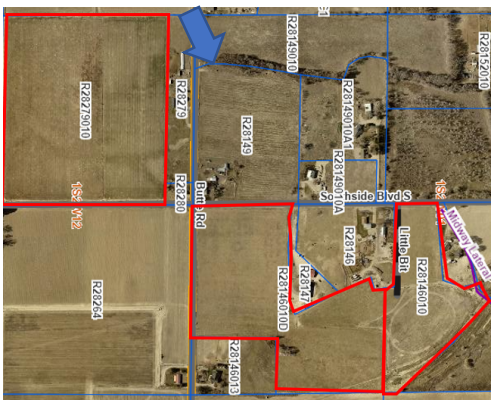

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Midway Airport



Exhibit F

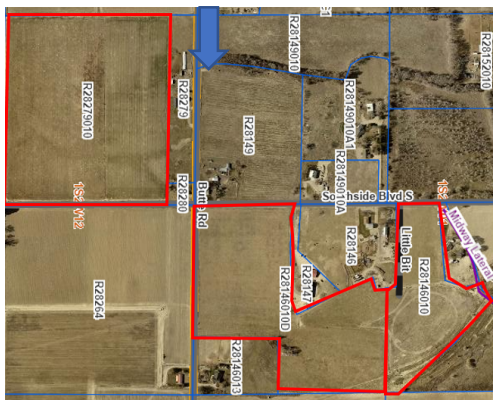

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Mulberry Lateral



Exhibit F

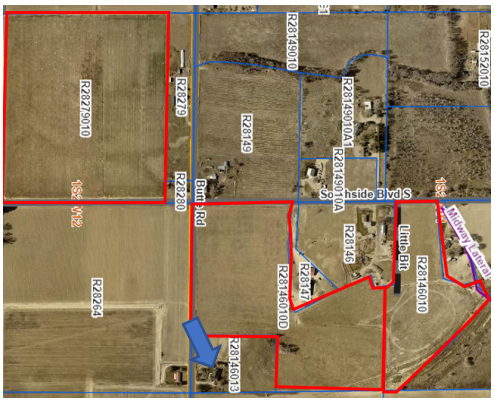

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Exhibit F

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Exhibit F

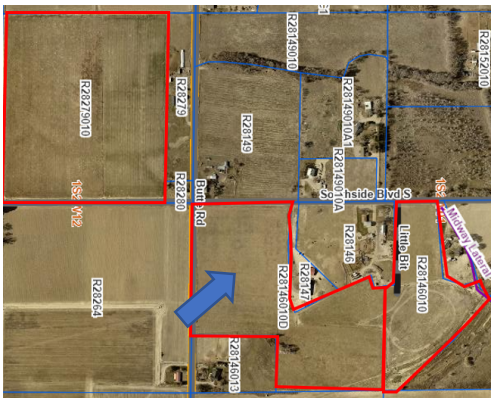

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Exhibit F

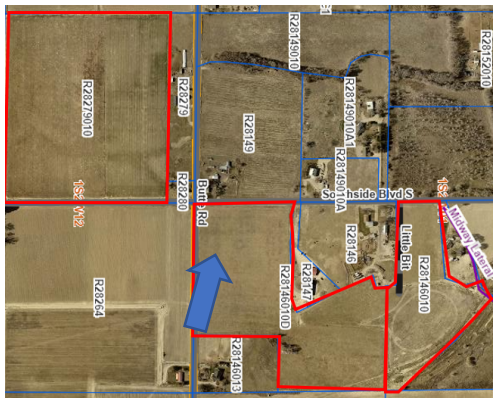

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Exhibit F

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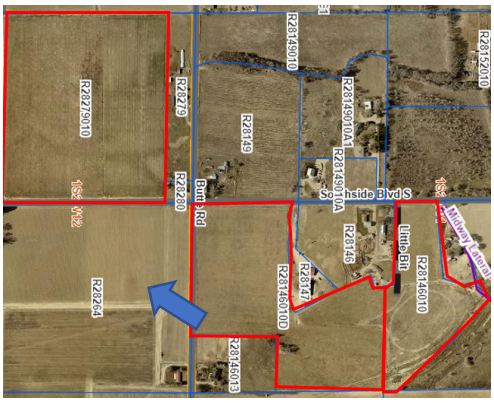

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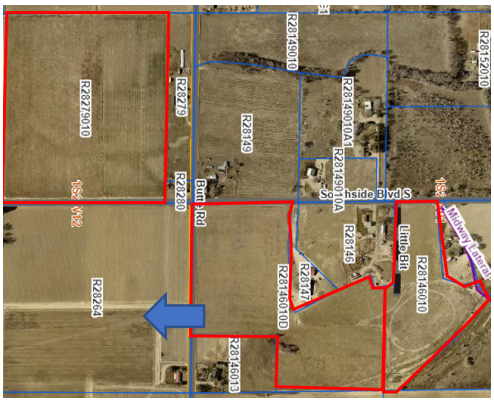

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Exhibit F

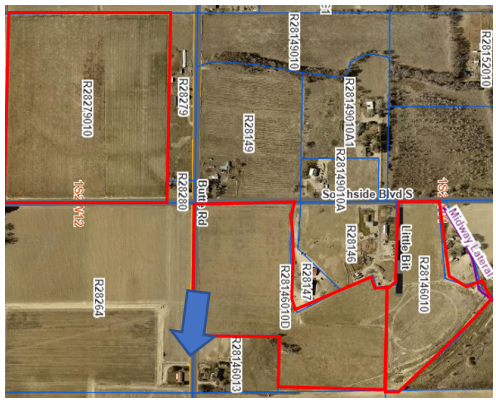

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Exhibit F

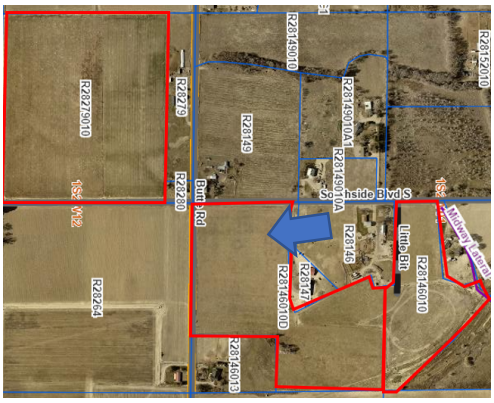

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Exhibit F

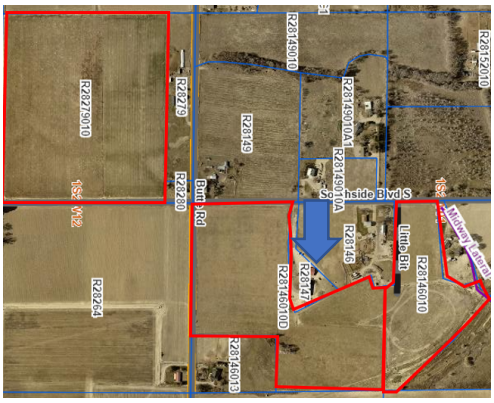

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Exhibit F

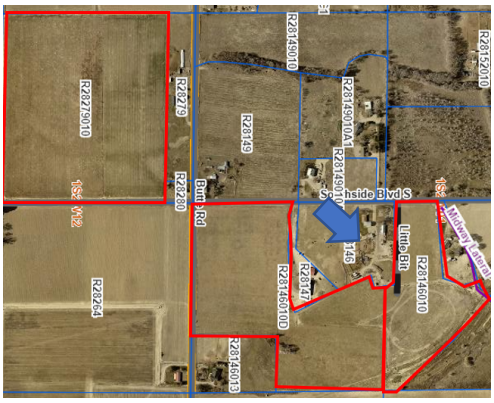

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Exhibit F

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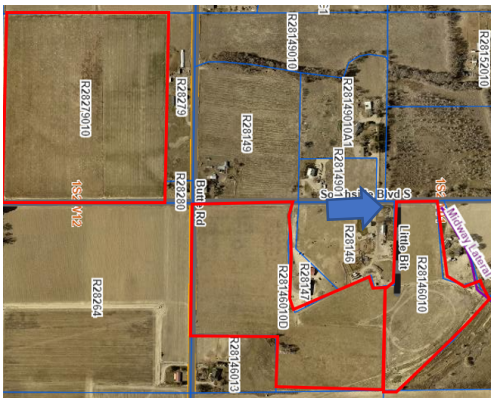

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Exhibit F

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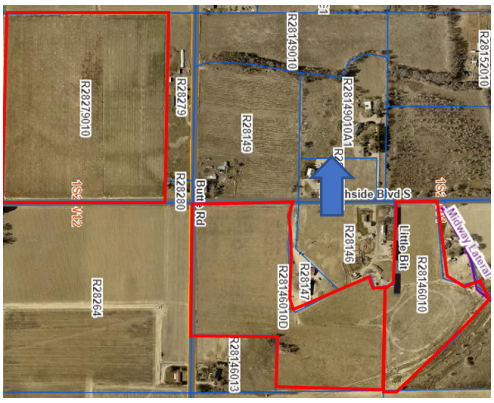

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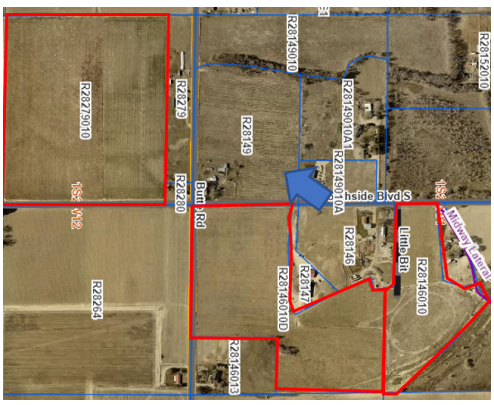

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Exhibit F

Exhibit 3
EXHIBIT G

Agency Comments Received by September 8, 2025

Planning & Zoning Commission

Case# CR2025-0002

Hearing date: September 18, 2025

RICHARD MURGOITIO
CHAIRMAN OF THE BOARD

DAN SHEIRBON
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

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

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

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

29 April 2025

RECEIVED
MAY 02 2025
RECEIVED

Canyon County Development Services
111 North 11th Ave., Ste. 310
Caldwell, Idaho 83605

RE: Cleon Hoagland **CR-2025-0002**
0 Southside Blvd, Melba, Idaho
Boise-Kuna Irrigation District BK-929, 970 A
Midway Lateral 31+70, 31+80
Lyons Lateral 09+00
Sec. 12, T1S, R2W, BM.

Dan Lister:

The United States' Midway Lateral, Lyons Lateral and Sanford Lateral lies within the boundary of the above-mentioned location. The easement for these laterals is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain these laterals. We assert the federal easement of 25 feet from centerline on all three of these laterals and 20 feet in all directions from any concrete structures in relation to these laterals. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

The Boise Project does not approve landscaping (other than gravel) within its easements, as this will certainly increase our cost of maintenance. Easements must remain flat drivable surfaces, and no other roads shall encroach within our easements. No variances will be granted.

Fencing, gates and pathways (as may be required) must be constructed just off the canal easement, to ensure public safety and prevent encroachments. No variances will be granted.

Parking lots, curbing, light poles, signs, etc. and the placing of asphalt and/or cement over Project facility easements must be approved by Boise Project Board of Control prior to construction.

Project facilities and/or easements that parallel and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated outside of road right-of-ways. The easements of Boise Project facilities will remain the same unless agreed upon and/or approved with written permission from Boise Project Board of Control.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the canal is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case, no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

Crossing agreements must be secured and signed by all parties prior to March 1st of each year. A time schedule for the construction to be done during the non-irrigation season must be approved by Boise Project prior to any activity within Project easements. No construction will be allowed within the easement boundaries of the Boise Project Board of Control facilities after March 1st of each year. However, on a case by case basis, overhead utilities crossing a Project facility may be allowed after March 1st if reviewed and approved by the Boise Project.

Storm Drainage and/or Street Runoff must be retained on site.

NO DISCHARGE into any live irrigation system is permitted.

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

Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statues, Title 42-1209.

Future preliminary and final plats must call out the Project easements and the plats must also note which lots have surface irrigation water rights and which lots do not.

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to require changes when our easements and/or facilities are affected by unknown factors even during the construction phase.

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

Sincerely,

Thomas Ritthaler
Assistant Project Manager

tbr/tr

cc:	Ray Moore	Watermaster, Div; 3 BPBC
	Alicia Flavel	Secretary – Treasurer, BKID

File

Boise Project Board of Control



4/29/2025, 8:25:10 AM

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Maxar, Microsoft

Hydro - Canals, Laterals

Facility Point Features

Card Box

Crossing

Delivery Box

Headgate

Manhole

Weir

County Parcel Data

Township, Range, Section

ArcGIS Web AppBuilder

Maxar, Microsoft |

Exhibit G.1

Boise Project Board of Control



4/29/2025, 8:28:29 AM

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Maxar, Microsoft

Hydro - Canals, Laterals

Facility Point Features

3-Sided Structure

Card Box

Check Structure

Crossing

Drop

Fence/Gate

Headgate

Weir

County Parcel Data

Township, Range, Section

ArcGIS We

Max

Exhibit G.1

Dan Lister

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Friday, April 25, 2025 4:05 PM
To: Dan Lister
Subject: [External] RE: Agency Notice for CR2025-0002 / Hoagland
Attachments: Pre.Development.Notes.Signed.01.13.2025.pdf

Hi Dan,

1.) Will a Nutrient Pathogen Study be required? **The proposal is in a Nitrate Priority Area (NPA) and requires a Nutrient Pathogen Study if subdivided into 5 or more lots where the minimum buildable lot size is less than 5 acres.**
2.) Will adequate sanitary systems be provided to accommodate the use? **A site evaluation and test holes have NOT been conducted on site. Septic systems have not been proposed.**
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? **No concerns with the rezoning if the applicant meets all SWDH requirements.**

Please see the attached pre-development notes from 01/13/2025.

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: Friday, April 25, 2025 8:56 AM
To: 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'kenny.hoagland@melbafire.id.gov' <kenny.hoagland@melbafire.id.gov>; '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>;

Pre-Development Meeting

Name of Development: 748 Southside Blvd S - Rezoning to RR
Applicant: Cleon & Patti Hoagland
P.E./P.G.:
All others in Attendance:

EHS #'s 035 Date 01/13/25

Number of Lots or Flow: 8 (2/3/3 lots) Acreage of Proposed Development: 70.73
Location of Development: 748 Southside Blvd S
Melba, ID 83641
Parcel # R28146010, R28146010R, & R28279010

Project in Area of Concern: In a designated NP area Groundwater/Rock <10' 40" to bedrock
Level 1 NP Necessary for N: A nutrient pathogen study maybe required due to lot sizes

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

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

Additional Comments: Applicant discussed with SWDH the proposal to change zoning from agricultural to rural residential for 8 total lots separated into 2 lots, 3 lots, & 3 lots on a approximately 70.73 acres of land. The development is in a Designated Nitrate Priority Area, but a Nutrient Pathogen Study may not be required due to the size of lots greater then 5 acres and the development not being defined as a subdivision per the county at the time of this meeting. There is a irrigation canal that north of the development that flows south. Websoil survey data indicates shallow bedrock throughout the development. Future development is possible for single-family residential homes with septic systems and private wells. All horizontial separation distances from proposed septic tank(s) and drainfield(s) to features of concern (i.e. irrigation canals/ditches, streams/ rivers, property lines, pressurized water lines). 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.

1008 E. Locust
Emmett 83617
365-6371
FAX 365-4729

1155 Third Ave., N.
Payette 83661
642-9321
FAX 642-5098

46 W. Court
Weiser 83672
549-2370
FAX 549-2371

824 S. Diamond St.
Nampa 83686
465-8402
FAX 442-2809

Richard Sims
Associate Supervisor
Canyon County Soil Conservation District
2208 E. Chicago Ste A, Caldwell Idaho 83605
Middletown.rich@gmail.com
1 208-897-9297
January 14, 2025

Canyon County Planning and Zoning Commission
Canyon County Development Services
111 North 11th Ave., Ste 310, Nampa, Idaho 83686

RE: Case No. CR2025-0002 Cleon Hoagland

Attention: Dan Lister
daniel.lister@canyoncounty.id.gov

Thanks you for sending Canyon County Soil Conservation District (SCD) a zoning request. The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.

CR2025-0002 consist of 60% irrigated capability Class 3, 40% irrigated capability Class 4.

Irrigated Capability Class 3 has moderate limitations and appropriate management practices can make any irrigated class 3 productive. We do NOT recommend a land use change.



Signing for Clay Erskine
Chairman Soil Conservation District

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Canyon Area, Idaho

CR2025-0002 Cleon Hoagland



May 7, 2025

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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Irrigated Capability Class (CR2025-0002 Cleon Hoagland).....5

Soil Information for All Uses

Suitabilities and Limitations for Use

The Suitabilities and Limitations for Use section includes various soil interpretations displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each interpretation.

Land Classifications

Land Classifications are specified land use and management groupings that are assigned to soil areas because combinations of soil have similar behavior for specified practices. Most are based on soil properties and other factors that directly influence the specific use of the soil. Example classifications include ecological site classification, farmland classification, irrigated and nonirrigated land capability classification, and hydric rating.

Irrigated Capability Class (CR2025-0002 Cleon Hoagland)

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels-capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Custom Soil Resource Report
Map—Irrigated Capability Class (CR2025-0002 Cleon Hoagland)



Map Scale: 1:6,120 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 50 100 200 300

Feet
0 250 500 1000 1500

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

Exhibit G.3

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- Capability Class - I
- Capability Class - II
- Capability Class - III
- Capability Class - IV
- Capability Class - V
- Capability Class - VI
- Capability Class - VII
- Capability Class - VIII
- Not rated or not available

Soil Rating Lines
- Capability Class - I
- Capability Class - II
- Capability Class - III
- Capability Class - IV
- Capability Class - V
- Capability Class - VI
- Capability Class - VII
- Capability Class - VIII
- Not rated or not available

Soil Rating Points
- Capability Class - I
- Capability Class - II
- Capability Class - III
- Capability Class - IV
- Capability Class - V
- Capability Class - VI
- Capability Class - VII
- Capability Class - VIII
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho
Survey Area Data: Version 21, Aug 22, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 9, 2023—Sep 14, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Exhibit G.3

Table—Irrigated Capability Class (CR2025-0002 Cleon Hoagland)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
GaB	Garbutt silt loam, 1 to 3 percent slopes	3	10.1	14.8%
GdB	Garbutt silt loam, deep over basalt, 1 to 3 percent slopes	3	31.0	45.6%
GdC	Garbutt silt loam, deep over basalt, 3 to 7 percent slopes	4	26.9	39.6%
Totals for Area of Interest			**67.9**	**100.0%**

Rating Options—Irrigated Capability Class (CR2025-0002 Cleon Hoagland)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Dan Lister

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, April 28, 2025 6:33 AM
To: Dan Lister
Subject: [External] FW: Agency Notice for CR2025-0002 / Hoagland
Attachments: AgencyPacket_Hoagland_CR25-0002.pdf; 20250108 Revised Cleon & Patti Hoagland Land Split.pdf

Good Morning Dan,

I have provided a completed NHD#1's Land Split Application that was submitted by the patron. Our comments are listed on the Land Split Application that applies to this development for access and needs to be recorded with the decision.

If you have any questions or comments feel free to contact me.

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: Friday, April 25, 2025 8:56 AM
To: 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'kenny.hoagland@melbafire.id.gov' <kenny.hoagland@melbafire.id.gov>; '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>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; 'tritthaler@boiseproject.org' <tritthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Eric Arthur <Eric.Arthur@canyoncounty.id.gov>; Kathy Husted <Kathleen.Husted@canyoncounty.id.gov>; Tony Almeida <tony.almeida@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'file@idwr.idaho.gov' <file@idwr.idaho.gov>; 'brandon.flack@idfg.idaho.gov' <brandon.flack@idfg.idaho.gov>; 'stevie.harris@isda.idaho.gov' <stevie.harris@isda.idaho.gov>; 'idahoaaa@gmail.com' <idahoaaa@gmail.com>
Subject: Agency Notice for CR2025-0002 / Hoagland

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 **May 25, 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 direct your comments or questions to Planner **Dan Lister** at daniel.lister@canyoncounty.id.gov.

Thank you,

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

Direct Line: 208-454-7463
Email: Caitlin.Ross@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

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

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

NAMPA HIGHWAY DISTRICT NO. 1

LAND SPLIT APPLICATION

NHD–003
Rev Jan 2015
Page 1 of 1

Revised from 3-4-24 email to Dan Lister

SECTION I – APPLICANT INFORMATION *(TO BE COMPLETED BY APPLICANT)*

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

Cleon & Patti Hoagland — Cleon Hoagland / Patti Hoagland
NAME OF APPLICANT — *SIGNATURE OF APPLICANT*

P.O. Box 1166 — 1/8/25
ADDRESS — *DATE*

Melba — ID — 83641 — 208-250-3622
CITY — *STATE* — *ZIP* — *PHONE (CELL NUMBER PREFERRED)*

ROAD NAME: Southside & Butte BETWEEN Hove & Butte
FIRST CROSS STREET — *SECOND CROSS STREET*

SIDE OF ROAD:
☒ North ☐ South
☒ East ☐ West

TOTAL NUMBER OF:
New Lots: 5
New Access Points: 2

PLATTED SUBDIVISION?
☒ No *(attach sketch of proposed land split)*
☐ Yes *(submit Conceptual Plan prepared by an Engineer)*

SECTION II – WORKSHEET/RECOMMENDATION *(TO BE COMPLETED BY HIGHWAY DISTRICT)* Southside Butte

APPLICATION FEE: ☐ Paid ☐ Not Paid N/A

ROAD NO. 606 & 625

ROAD SURFACE: ☒ Asphalt ☐ Gravel ☐ Dirt

SHARED ACCESS: ☒ Yes ☐ No

CULVERTS REQUIRED: ☒ Yes ☐ No

MEETS ACCESS CONTROL STANDARDS?: ☒ Yes ☐ No

85th PERCENTILE SPEED: 56 mph — 53 mph

SIGHT DISTANCE: ☒ Sufficient ☐ Insufficient

TRAFFIC VOLUME: 524 ADT — 284 ADT

FUNCTIONAL CLASSIFICATION:
☐ Arterial
☐ Collector
☒ Other

ADDITIONAL REMARKS/CONDITIONS: *(IF NONE, SO STATE)*

Parcels "A-1", "A-2", & "B-2" shall use a shared access onto Southside Blvd. at a location meeting stopping sight distance. "A paved apron will be required as a condition of approval."

Parcels "C-1" & "C-2" shall use a shared access onto Butte Rd at a location meeting stopping sight distance roughly 450' from the Butte Rd./Southside Blvd. intersection

THIS LAND SPLIT IS:
☒ Recommended for approval, subject to the above conditions
☐ Not recommended

Edward Thiel — 1-8-25
SIGNATURE – HIGHWAY DISTRICT OFFICIAL — *DATE*

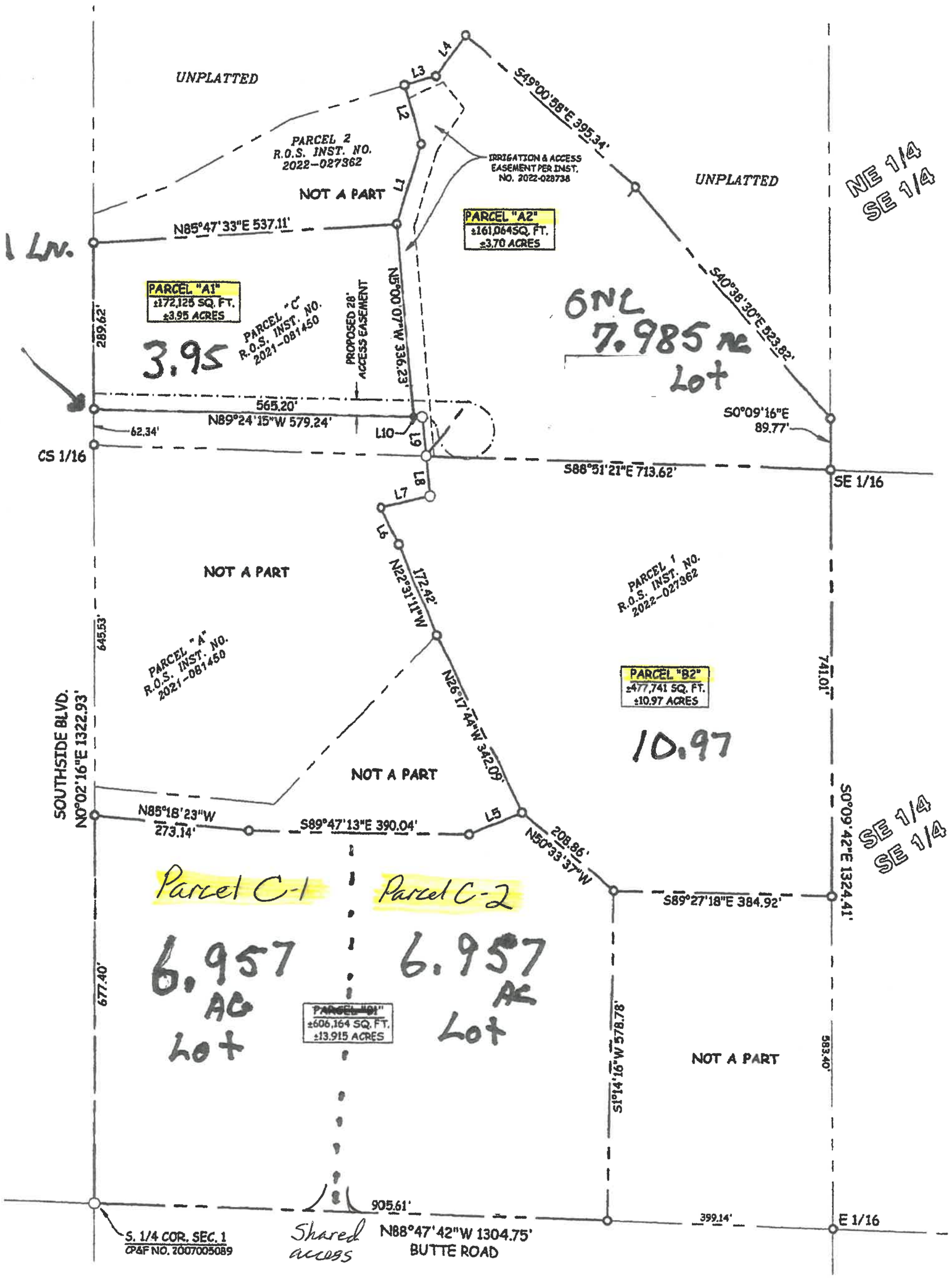

UNPLATTED
L3
L4
S49°00'58"E 395.34'
L2
PARCEL 2
R.O.S. INST. NO.
2022-027362
IRRIGATION & ACCESS
EASEMENT PER INST.
NO. 2022-028738
UNPLATTED
NE 1/4
SE 1/4
NOT A PART
L1
PARCEL "A2"
±161,064SQ. FT.
±3.70 ACRES
1 LN.
N85°47'33"E 537.11'
PARCEL "A1"
±172,125 SQ. FT.
±3.95 ACRES
3.95
PARCEL "C"
R.O.S. INST. NO.
2021-081450
PROPOSED 28'
ACCESS EASEMENT
N6°00'07"W 336.23'
289.62'
GNL
7.985 AC
Lot
S40°38'30"E 823.82'
565.20'
N89°24'15"W 579.24'
62.34'
L10
L9
S0°09'16"E
89.77'
CS 1/16
S88°51'21"E 713.62'
SE 1/16
L8
L7
L6
NOT A PART
N22°31'11"W
172.42'
PARCEL 1
R.O.S. INST. NO.
2022-027362
PARCEL "A"
R.O.S. INST. NO.
2021-081450
645.53'
PARCEL "B2"
±477,741 SQ. FT.
±10.97 ACRES
10.97
741.01'
SOUTHSIDE BLVD.
N0°02'16"E 1322.93'
N26°17'44"W 342.09'
NOT A PART
N85°18'23"W
273.14'
S89°47'13"E 390.04'
L5
208.86'
N50°33'37"W
S0°09'42"E 1324.41'
SE 1/4
SE 1/4
S89°27'18"E 384.92'
Parcel C-1
Parcel C-2
6.957
AC
Lot
6.957
AC
Lot
677.40'
PARCEL "B1"
±606,164 SQ. FT.
±13.915 ACRES
S1°14'16"W 578.78'
583.40'
NOT A PART
905.61'
399.14'
E 1/16
S. 1/4 COR. SEC. 1
CP&F NO. 2007005089
Shared
access
N88°47'42"W 1304.75'
BUTTE ROAD

Exhibit G.4

Dan Lister

From: Kate M. Dahl <katedahl79@gmail.com>
Sent: Saturday, June 7, 2025 2:09 PM
To: Dan Lister; Noni Stapleton; chrawhide62@gmail.com
Subject: [External] Hoagland Conditional Rezone CR25-002
Attachments: Melba Future Land Use Map Final.pdf

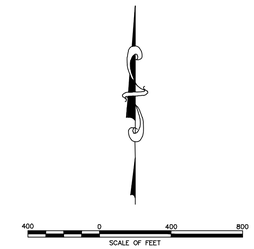
Dan,
I have received the agency notice for CR25-002.
As you recall, City of Melba has been reviewing the area of impact boundary as part of updating the City Comprehensive Plan as well as designing a boundary compliant with the new regulations. As part of that process the PZ, citizens and engineering identified the southeast of the Melba AOCI as an area unlikely to extend services for development due to the lava rock in the SE corner is difficult to run water and sewer utilities through. In addition parcels south of the Melba Rim are below the city sewer lagoons, any development would require costly lift stations to reach existing city facilities. As result, Melba is proposing to pull the Area of Impact Boundary north to the Rim essentially, as this area is unlikely to be developed under the city's jurisdiction.

Melba residents do appreciate the larger lot sizes afforded in the county and maintaining agriculture. The proposed development would be relatively close to town and a natural extension of the community, despite the AOCI boundary moving.
Larger lot sizes will minimize the number of lots so it is not overdeveloped and provide a larger building envelope to identify an area where well and septic can actually be constructed.
The new Comprehensive Plan with future land use map and adjusted area of impact boundary, is scheduled for hearing for adoption before City Council this Monday June 9, 2025. I have attached the proposed map, in which the Hoaglands property will no longer be within the AOCI.
Please contact me should you have further questions about this application.

--
Kate Dahl
307-690-1764

City Of Melba
Canyon County, Idaho
Future Land Use Map

WORK COPY



LEGEND:

- PARCEL LINE
- ROAD RIGHT-OF-WAY
- ROAD RIGHT-OF-WAY PRESCRIPTIVE
- WATER BOUNDARY
- CITY LIMITS
- IMPACT AREA
- AGRICULTURE
- CENTRAL BUSINESS DISTRICT
- COMMERCIAL
- INDUSTRIAL
- LIGHT INDUSTRIAL
- MID DENSITY RESIDENTIAL
- PUBLIC
- LOW DENSITY RESIDENTIAL

This map represents a compilation of public information from diverse records gathered by the City of Melba and HECO Engineers. The purpose for which this map is prepared is an overall general representation of positional relationships, and not a definitive description of location of any class of objects or conditions. Hence, no responsibility for errors can be or is assumed. The City of Melba and HECO Engineers CANNOT AND DO NOT GUARANTEE the absence of errors or the corrections of all information furnished to them for the preparation of this map.

The City of Melba, earnestly requests the bringing to its attention of any inaccuracy or omission so that it may be corrected in the next edition of this map.

Revised February 2025

HECO ENGINEERS

G:\MAPS\MB\MB_FUTURE-LAND-USE.dwg

MELBA ROAD
SOUTHSIDE BOULEVARD
RANDOLPH ST
TIMBERSTONE CRK PL
BONITA LN (PVT)
SOUTH CANADA ROAD
SOUTH POWERLINE ROAD
POET LN
STOKES LN
HARRIS WAY
VIEW
BROADWAY AVE
CARRIE REX AVE
5TH ST
LOOMIS AVE
6TH ST
4TH ST
3RD ST
2ND ST
1ST ST
MURPHY ROAD
POTATO ROAD
BASELINE ROAD
CHARLOTTE DR
RIM VIEW DR
QUAIL DR
MATHEW CT
WHITE ROCK WAY
ATWELL DR
HOVE RD
CANYON RD
MCELROY LATERAL
ROCK SPUR
WASTEWAY
BUTTE SPUR
WASTEWAY
DIVIDE LATERAL
DIVIDE LATERAL
GULCH LATERAL
GULCH LATERAL
GULCH LATERAL
GULCH LATERAL
GULCH LATERAL
GULCH LATERAL
MALDYGEL CANAL
MALDYGEL CANAL
MIDWAY LATERAL

Exhibit G.5

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

Brad Little, Governor
Jess Byrne, Director

April 28, 2025

Daniel Lister, Assistant Planning Manager
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
Daniel.Lister@canyoncounty.id.gov

Subject: Agency Notice for CR2025-0002 Hoagland

Dear Mr. Lister:

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

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

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), and trade waste burning (58.01.01.600-617).
- For new development projects, all property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.
- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

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

2. WASTEWATER AND RECYCLED WATER

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

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

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: https://www.deq.idaho.gov/water-quality/drinking-water/. For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells are included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of groundwater resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for planning development and implementation.

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

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity. For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate the best construction management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

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

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material released to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

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

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

6. ADDITIONAL NOTES

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

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

Sincerely,



Troy Smith
Regional Administrator

Dan Lister

From: Caitlin Ross
Sent: Monday, August 18, 2025 3:16 PM
To: Dan Lister
Subject: FW: [External] RE: Legal Notice CR2025-0002 / Hoagland

FYI – thanks!

Caitlin

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Monday, August 18, 2025 2:54 PM
To: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Subject: [External] RE: Legal Notice CR2025-0002 / Hoagland

Hello,

After careful review of the transmittal submitted to ITD on August 14, 2025 regarding, CR2025-0002/Hoagland, the Department has no comments or concerns to make at this time. If you have any questions please contact Niki Benyakhlef at (208) 334-8337/ Niki.Benyakhlef@itd.idaho.gov.

Thank you
Mila Kinakh
D3 Planning and Development

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Thursday, August 14, 2025 10:48 AM
To: 'rcollins@cityofcaldwell.org' <rcollins@cityofcaldwell.org>; 'P&Z@cityofcaldwell.org' <P&Z@cityofcaldwell.org>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'jdodson@cityofcaldwell.org' <jdodson@cityofcaldwell.org>; 'mbessaw@cityofcaldwell.org' <mbessaw@cityofcaldwell.org>; 'amy@civildynamics.net' <amy@civildynamics.net>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'jhutchison@middletoncity.org' <jhutchison@middletoncity.org>; 'mhobbs@middletoncity.org' <mhobbs@middletoncity.org>; 'rstewart@middletoncity.org' <rstewart@middletoncity.org>; 'sellersr@cityofnampa.us' <sellersr@cityofnampa.us>; 'watkinsk@cityofnampa.us' <watkinsk@cityofnampa.us>; 'BadgerD@cityofnampa.us' <BadgerD@cityofnampa.us>; 'addressing@cityofnampa.us' <addressing@cityofnampa.us>; 'critchfieldd@cityofnampa.us' <critchfieldd@cityofnampa.us>; 'clerks@cityofnampa.us' <clerks@cityofnampa.us>; 'timc@cityofnampa.us' <timc@cityofnampa.us>; 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'clerk@cityofparmaidaho.org' <clerk@cityofparmaidaho.org>; 'mayor@cityofparmaidaho.org' <mayor@cityofparmaidaho.org>; 'publicworks@cityofparmaidaho.org' <publicworks@cityofparmaidaho.org>; 'cityhalladmin@cityofparmaidaho.org' <cityhalladmin@cityofparmaidaho.org>; 'snickel@staridaho.org' <snickel@staridaho.org>; 'jmckillican@cityofwilder.org' <jmckillican@cityofwilder.org>; 'kbagley@cityofwilder.org' <kbagley@cityofwilder.org>; 'casanderson@caldwellschools.org' <casanderson@caldwellschools.org>; 'nicmiller@cwi.edu' <nicmiller@cwi.edu>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'bgraves@kunaschools.org' <bgraves@kunaschools.org>; 'tejensen@kunaschools.org' <tejensen@kunaschools.org>; 'nstewart@marsingschools.org' <nstewart@marsingschools.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'Horner.Marci@westada.org' <Horner.Marci@westada.org>; 'lgrooms@msd134.org'

Dan Lister

From: Doug Critchfield <critchfieldd@cityofnampa.us>
Sent: Thursday, August 14, 2025 2:58 PM
To: Dan Lister
Subject: [External] RE: Legal Notice CR2025-0002 / Hoagland

Hi Dan. Nampa has no comments regarding this proposal as it is well outside of the Nampa Impact Area. Thanks - Doug

Doug Critchfield, Principal Planner, ASLA
O: 208.468.5442, F: 208.468.5439
500 12th Ave. S., Nampa, ID 83651
Planning and Zoning - Like us on Facebook
Citizen's Guide to Planning – Learn More About Planning!

NAMPA Ready

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Thursday, August 14, 2025 10:48 AM
To: 'rcollins@cityofcaldwell.org' <rcollins@cityofcaldwell.org>; 'P&Z@cityofcaldwell.org' <P&Z@cityofcaldwell.org>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'jdodson@cityofcaldwell.org' <jdodson@cityofcaldwell.org>; 'mbessaw@cityofcaldwell.org' <mbessaw@cityofcaldwell.org>; 'amy@civildynamics.net' <amy@civildynamics.net>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'jhutchison@middletoncity.org' <jhutchison@middletoncity.org>; 'mhobbs@middletoncity.org' <mhobbs@middletoncity.org>; 'rstewart@middletoncity.org' <rstewart@middletoncity.org>; Robyn Sellers <sellersr@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfieldd@cityofnampa.us>; Clerks <clerks@cityofnampa.us>; Char Tim <timc@cityofnampa.us>; 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'clerk@cityofparmaidaho.org' <clerk@cityofparmaidaho.org>; 'mayor@cityofparmaidaho.org' <mayor@cityofparmaidaho.org>; 'publicworks@cityofparmaidaho.org' <publicworks@cityofparmaidaho.org>; 'cityhalladmin@cityofparmaidaho.org' <cityhalladmin@cityofparmaidaho.org>; 'snickel@staridaho.org' <snickel@staridaho.org>; 'jmckillican@cityofwilder.org' <jmckillican@cityofwilder.org>; 'kbagley@cityofwilder.org' <kbagley@cityofwilder.org>; 'casanderson@caldwellschools.org' <casanderson@caldwellschools.org>; 'nicmiller@cwi.edu' <nicmiller@cwi.edu>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'bgraves@kunaschools.org' <bgraves@kunaschools.org>; 'tejensen@kunaschools.org' <tejensen@kunaschools.org>; 'nstewart@marsingschools.org' <nstewart@marsingschools.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'Horner.Marci@westada.org' <Horner.Marci@westada.org>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'krantza@notusschools.org' <krantza@notusschools.org>; 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; lisa.boyd <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'jdillon@wilderschools.org' <jdillon@wilderschools.org>; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; 'homedalefd@gmail.com' <homedalefd@gmail.com>; 'tlawrence@kunafire.com' <tlawrence@kunafire.com>; 'Office@KunaFire.com' <Office@KunaFire.com>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'kenny.hoagland@melbafire.id.gov' <kenny.hoagland@melbafire.id.gov>; 'vislas@starfirerescue.org' <vislas@starfirerescue.org>;

Exhibit 3
EXHIBIT H

Public Comments – Received by September 8, 2025

Planning & Zoning Commission

Case# CR2025-0002

Hearing date: September 18, 2025

Dan Lister

From: Christina Schwager <cmschwager@hotmail.com>
Sent: Thursday, August 28, 2025 2:06 PM
To: Dan Lister
Subject: [External] Case No. CR2025-0002

ATTN Dan Lister

In regards to Case No. CR2025-0002

The development of the acreage to an average of five acre lots seems to fit in with the local area. It would be nice to have a ruling of at least a four-acre minimum on all developed lots in the acreage. We do not want to see 1, 2, and 3 acre lots totaled with 6 acre and higher lots to reach the average 5-acre lot size.

It is hard to see good, producing agricultural land being sold off.

Thank you for your consideration.
Jim and Tina Schwager
10605 Estate Drive
Boise, Idaho 83709

RECEIVED
APR 14 2025
BY:

28 January 2025

To whom it may concern:

The Alder family will not be attending the neighborhood meeting for the Hoaglands', for the following reasons:

The meeting is on their land, and we have been told to stay off by Mark Hoagland. My son who farms next to him, has an irrigation weir on the Hoagland property and he was told to stay off. Even though by law he has a right to check his weir.

Second, after the last hearing, we were "flipped off" by Cleon, which to some is no big deal, but we find it offensive.

Third, we received "Hate Mail" through text messaging, telling us that we were "Satanic" and awful people, because we don't want a subdivision next to our farming operation.

Fourth, they were also in the face of another individual who likewise, didn't support the subdivision.

We do not feel safe in this environment.

I have been an advocate for agriculture my entire adult life. Serving as a County Commissioner, President of Canyon County Farm Bureau, Idaho Agri Women, and a founder of Idaho Ag in the Classroom association. I have never been called Satanic for my stance.

We have nothing against the Hoaglands' we are just opposed to the subdivision. We look forward to the Public Hearing and will be happy to testify.

Sincerely,

The Alder's

c.c. Canyon County Development Services

RECEIVED
APR 14 2025
BY:

01/29/2025

CLEON HOGLAND

REGARD YOUR NOTICE OF NEIGHBORHOOD MEETING

C.R. SWARTHOUT AND 4-S RANCH LLC WILL BE UNABLE TO ATTEND THE NEIGHHOOD MEETING ,HOWEVER WE ARE OPPOSED TO THIS SUB-DIVISION AT THE CORNER OF SOUTHSIDE BLVD. AND BUTTE ROAD. THE REASONS ARE LISTED AS FOLLOWS----

1. THIS PROPOSED SUBDIVISION WILL BE ON PRIME FARM LAND

2. IT WILL ADD TO THE TRAFFIC AT THE INTERSECTION.

3. IT APPEARS THAT THIS PRPERTY ALL READY HAS 4 HOUSES ON THIS PROPERTY.

4 THIS PROPOSED SUB DIVISION IS NOT IN THE MELBA IMPACT AREA. PERHAPS THIS SUBDIVISION PLAN SHOULD BE MOVED CLOSER TO THE MELBA IMPACT AREA ??

5 THIS PROPOSED SUB DIVISION WILL BE IMPACTED ADVERSELY BY FARMING OPERATIONS BY LARGER EQUIPMENT USE . THIS IS A CONSIDERATION THAT MUST BE EVALUATD

4S RANCH LLC WHICH IS ADJACENT, TO THIS PROPOSED DEVELOPMENT IS A CENTENIAL OPERATION AND IS COMMITED TO AGRICULTURAL OPERATION, NOW AND FOR THE FUTURE. WE OPPOSE THIS PROPOED DEVLOPEMENT, IN THIS LOCATION.

WE WILL BE ABLE TO TESTIFY AT A PUBLIC HEARING.

C.R.SWARTHOUT PE/SE

CC CANYON COUNTY DEVELOPMENT SERVICES

CANYON COUNTY DEVELOPMENT SERVICES

AUGUST 25, 2025

RECEIVED
AUG 28 2025
RECEIVED

111 N 11TH AVE. , SUITE 310

CALDWELL, ID 83605 – 3522

RE CASE NO. CR2025 – 0002

I AM THE OWNER OF THE ADJACENT PARCELS PER THE ATTACHED PRPERTY MAP.

WE ((I)) AM OPPOSED TO THIS REZONE FOR THE SPECIFIC ITEMS LISTED.

1. THIS REZONE WILL ALLOW 14 ADDITIONAL LOTS, IN ADDITION TO THE EXISTING 4 LOTS .
2. THIS DESITY SHOULD NOT BE ALLOWED IN THIS AREA.
3. IF ALLOWED THERE SHOUD BE A CENTRAL SEWER SYSTEM AND A CENTRAL WATER SYSTEM,
4. TRAFFIC WILL BE INCREASED TO A UNACCEPTABLE LEVEL AT THJE INNTERSECTION OF BUTTE AND SOUTHSIDE./
5. WE HAVE A DEEP IRRIGATION WELL AT THE LOCATION SHOWN, AND IF THE REZONE IS APPROVE AND THE WATER LEVEL IN OUR DEEP IRRIGATION WELL DROPS SIGNIFICATLY, WE WIIL SEEK DAMAGES.
6. NORTH , WEST AND EAST OF THE TOWNSITE OF MELBA PROVIDES DEVELOPMENT AREAS.
7. THE DENSITY OF THIS AREA HAS BEEN ESTABLISHED BY EXISTING DEVELOPMENTS. IT LOOKS
8. LIKE THE AVERAGE DENSITY IS ABOUT 7.5 ACRES/LOT—MAYBE THIS SHOULD BE STIPULATED.? IF DEV. SERVICES APPROVES THIS REZONE.

SWARTHOUT CLAUDE PE/SE

4925 MTN. VIEW DR.

BOISE , ID. 83704

ATTACHED MAP IS ENCLOSED.

CANYON COUNTY
DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, Suite 310 • Caldwell, Idaho • 83605
Phone (208) 402-4164

Greetings Property Owner:

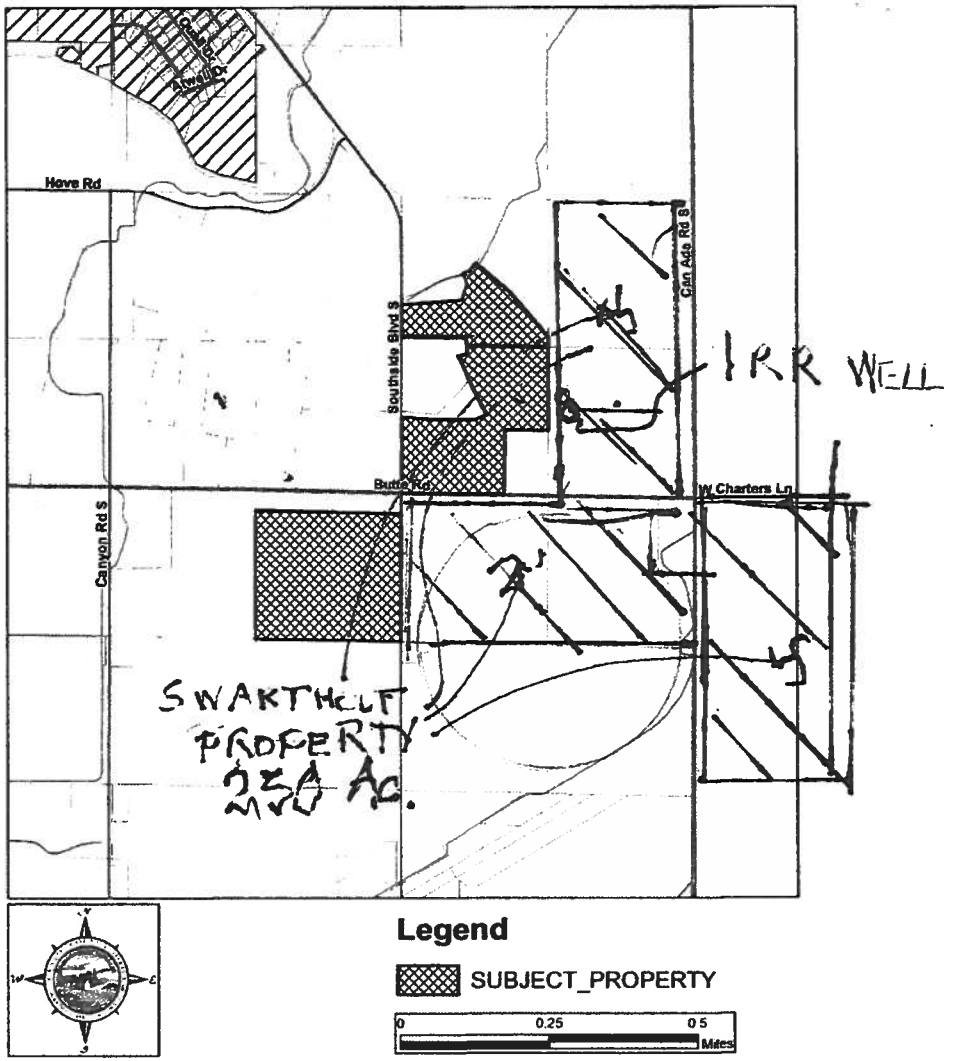
NOTICE IS HEREBY GIVEN that the Canyon County Planning & Zoning Commission is scheduled to hold a public hearing on **September 18, 2025** beginning at 6:30 p.m. on the following case. The hearing will be held in the Public Meeting Room on the 1st floor of the Canyon County Administration Building, located at 111 North 11th Avenue, Caldwell, Idaho.

Case No. CR2025-0002: The applicant, Cleon and Patti Hoagland, requests a conditional rezone of Parcels R28146010, R28146010D, and R28279010, approximately 70.7 acres, from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The request includes a development agreement limiting development to an average lot size of (5) five acres. The subject properties are adjacent to 746 and 1055 Southside Boulevard, also referenced as a portion of the SE¼ of Section 1 and NW¼ of Section 12, T1S, R2W, B-M, Canyon County, Idaho.

Exhibit H.4

Public comments are very important in evaluating this case. You are invited to provide written testimony by **September 8, 2025,** or oral testimony at the hearing. If the comment deadline is on a weekend or holiday, it will move to close of business 5 p.m. the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet – allowing the hearing body adequate time to review the submitted information. **Materials submissions must be received on or before the deadline. All written testimony or exhibits received after the deadline will need to be brought to the public hearing and read into the record by the person submitting the information.**

If you have questions, please contact the Case Planner, **Dan Lister** at daniel.lister@canyoncounty.id.gov. In all correspondence concerning this case, please refer to the case number noted.



Assistance is available for persons with disabilities. Please call the Development Services Department at 208-454-7458 at least two weeks prior to the hearing so that arrangements can be made.

Copies of all documents concerning public hearing items can be obtained from the county website https://www.canyoncounty.id.gov/land-hearings as they are available.

To the Development Services of Canyon County,

Regarding Case # CR2025-0002

I am all in favor - would be great to see those lands used by families or new blood. We need it down this way.

Sincerely,

Delores Hoagland

August 28, 2025

RECEIVED
SEP 03 2025
RECEIVED

9/8/2025

Canyon County Planning & Zoning
111 N. 11th Ave., Suite 310
Caldwell, ID 83605

RE: Opposition to Rezone 70.7 Acres of Agricultural Ground to Rural Residential – Case # CR2025-0002 Cleon & Patti Hoagland.

Dear Commissioners,

We are unable to attend the public hearing on 9/18/25 to testify so we are writing to formally oppose the rezone application for 70.7 acres of agricultural ground to rural residential by Cleon & Patti Hoagland. This property was recently removed from the City of Melba's Area of City Impact (AOCI) following the legislative mandate to re-evaluate and reduce AOC boundaries. The City's decision to exclude this ground from the AOCI was intentional and based on sound reasoning to preserve agricultural land in this area.

The citizens of Melba and surrounding rural communities rely on agriculture as the foundation of our economy, culture, and way of life. Rezoning this ground would directly undermine the City's decision and legislative intent, eroding valuable farmland that should remain in production.
In addition, the City of Melba does not have the services or infrastructure necessary to support development in outlying areas. Melba does not maintain fire, police or emergency services at a scale capable of handling the impacts that a rezone and subsequent development would bring. Burdening already-limited county resources with additional demand from development in this location would create safety risks and additional costs for taxpayers.

Lastly, we live near this property and the ground is beautiful and productive in agriculture. Converting it to residential development is a not what is wanted by many of the surrounding neighbors and those in the community that we have spoken with.

For these reasons, we respectfully urge Planning & Zoning to uphold the integrity of agricultural zoning in this area and deny the rezone request. Protecting farmland is not only a matter of preserving our local heritage, but also ensuring responsible growth that does not outpace available services or compromise community safety.

Thank you for your consideration of our concerns.

Respectfully,

Zack & Debbie Davis
7240 Butte Rd.
Melba, Idaho 83641

Dear Mr. Lister,

I would like to provide comments regarding the requested re-zone CR2025-0002 filed by Cleon & Patti Hoagland. My husband and I did not attend the neighborhood meeting as it was held during a work day from 9:00-9:45 am on Wednesday, February 5th.

We have looked through all of the documentation provided on the county website and have several comments and concerns.

Our first concern is really a question. Why are we addressing the rezone of different non-contiguous parcels on one application? Our response to the request for one of these parcels is very different than our response to the other parcel. The parcel of land that used to sit within the area of impact for the city of Melba would be suited to break into building parcels and is within the area that reasonably is being considered for the future growth of Melba. This rezone makes sense and is acceptable to us.

However, the rezone and splitting of the 33.87-acre parcel, directly to the south of our property, continues to have issues as far as we are concerned. This clearly agricultural parcel was farmed this year with both alfalfa and wheat being harvested off of this land. This land continues to be viable farmland in a large enough single block to support agricultural pursuits. The Hoagland's continued comments about the rocky soil fail to make the point they would like it to make considering a significant amount of the Melba farmland, in Canyon County, has areas of shallow dirt and lava rock. This land is not adjacent to the area of impact, as my land stands between this parcel and the old boundary and is far from the newly approved boundary as it was recently approved in June of 2025.

Also, in the response letter from the Hoagland's dated February 12, 2025, they mention an included "development agreement" attached to this parcel that would limit the acreage sizes of these parcels. A survey of potential lots does not limit the Hoagland's ability to subdivide this parcel if it is rezoned as Rural Residential. Rural Residential zoning allows parcels down to 2 acres in size. I see nothing on the posted documents that limits them to larger lots.

We do not believe this parcel should be approved for a rezone. If the planning and zoning commission does decide to approve this development, we have another issue regarding the statement made by the Hoagland's in the February 2025 response that this parcel only has 20 psi in the irrigation system. This system historically had a pump attached to it that was fed by power on the corner of our property located at 1055 Southside Blvd. This pump was removed sometime during the time frame that the Hoagland's either owned or leased this land. If they are truly only getting 20 psi for irrigation today, we would request that they be required to re-installation a pump and do upgrades to the irrigation system so the three lots they would be selling would be able to get sufficient water to cover these three separate irrigated parcels and that this upgrade would happen prior to the sale of any lot.

We recognize the difficult decisions that have to be made in the future development of the Melba area and appreciate your attention to our input.

Sincerely,

Randy Cussins Kari Cussins

Randy & Kari Cussins

Basic Information

Current Zone: Agricultural
Requested Zone: Rural Residential (RR)

Area of Impact: All areas not already within the city limits, in the area of impact, are currently zoned “Agricultural”.

Property requested: One property was originally within the area of impact; other property is outside the area of impact.

Property sizes/zone:

RR – Rural Residential – 1 unit/2 acres
R-1 – Single Family Residence – 1 unit/1 acre
R-2 – Medium Density – 1 unit/.5 acre

Objection to Rezoning from Agricultural to Rural Residential CASE NO: CR2025-0002

To Whom It May Concern,

I respectfully submit this letter to oppose the proposed rezoning of the parcel adjacent to my farm and rural residence from Agricultural to Rural Residential. I believe this change is not in the best interest of our community, nor is it consistent with long term land use planning.

Loss of Productive Farmland: The properties in question are currently zoned agricultural, which preserves land for food production and sustains our rural economy. Once farmland is lost to housing development, it cannot be recovered. We have seen this throughout the Treasure Valley in recent years and have to protect this rural community. Allowing residential development here sets a precedent for further encroachment on prime agricultural ground.

Incompatibility with Surrounding Land Uses: Rural residences or subdivisions next to active farm fields inevitably create conflicts - dust, noise, machinery traffic, odors, and necessary chemical applications often prompt complaints from new neighbors. These conflicts can restrict farming practices and threaten the viability of existing agricultural operations. I purchased my farm adjacent to one of the parcels in question with the intention to farm this land for generations to come.

Infrastructure, Service & Traffic Burden: Rural residential development often requires expanded roads, school bus routes, and emergency services that agricultural zoning was never intended to support. A cost that taxpayers will have to pick up. Increased residential traffic on rural roads poses safety risks for both farm machinery and residents. Additional driveways & intersections can create hazardous conditions on roads not engineered for higher traffic volumes.

Environmental Impacts: Converting farmland to housing disrupts wildlife corridors, reduces open space, and increases stormwater runoff and the risk of groundwater contamination. Agriculture is a sustainable and responsible use of this land; dense rural residential development is not.

Rezoning this parcel to Rural Residential would be short-sighted and detrimental to the long-term interests of our rural community. Preserving agricultural zoning protects farmland, maintains rural character, prevents costly infrastructure expansions, and avoids land-use conflicts. We have seen many rural towns in the valley turn to bustling suburbs. Melba is a special little community, if we start a precedent of rezoning and selling off farmland at astronomical prices then it will encourage others to follow suit, permanently ruining our Melba community.

For these reasons, I strongly urge the planning commission and county commissioners to uphold the existing agricultural zoning and deny the rezoning request.

Respectfully submitted,
Justin and Amy Fishell

EXHIBIT 4

Comments Received on or Before January 11, 2026

-

Board of County Commissioners

Case# CR2025-0002

Hearing date – January 21, 2026

1/10/26

Board of County Commissioners – Canyon County
111 N. 11th Ave., Suite 310
Caldwell, ID 83605

RE: Opposition to Rezone 70.7 Acres of Agricultural Ground to Rural Residential – Case # CR2025-0002 Cleon & Patti Hoagland.

Dear Commissioners,

We are writing to formally oppose the rezone application for 70.7 acres of agricultural ground to rural residential by Cleon & Patti Hoagland. Back on September 18, 2025, Canyon County Planning & Zoning recommended denial of this application and we respectfully request that you do the same. Prior to that, the Hoaglands also made an unsuccessful attempt to have the ground declared unviable in order to sell for development.

This property was recently removed from the City of Melba's Area of City Impact (AOCI) following the legislative mandate to re-evaluate and reduce AOC boundaries. The City's decision to exclude this ground from the AOCI was intentional and based on sound reasoning to preserve agricultural land in this area.

The citizens of Melba and surrounding rural communities rely on agriculture as the foundation of our economy, culture, and way of life. Rezoning this ground would directly undermine the City's decision and legislative intent, eroding valuable farmland that should remain in production. The entire surrounding area is zoned agriculture and a rezone to rural residential would be the textbook example of spot zoning. In addition, the City of Melba does not have the services or infrastructure necessary to support development in outlying areas. Melba does not maintain fire, police or emergency services at a scale capable of handling the impacts that a rezone and subsequent development would bring. Burdening already-limited county resources with additional demand from development in this location would create safety risks and additional costs for taxpayers.

Lastly, we live near this property and the ground is beautiful and productive in agriculture. Converting it to residential development is a not what is wanted by many of the surrounding neighbors and those in the community that we have spoken with.

For these reasons, we respectfully urge the Board of County Commissioners to uphold the integrity of agricultural zoning in this area and deny the rezone request. Protecting farmland is not only a matter of preserving our local heritage, but also ensuring responsible growth that does not outpace available services or compromise community safety.

Respectfully,

Zack & Debbie Davis
7240 Butte Rd.
Melba, Idaho 83641

Rezoning Opposition to Case No: CR2025-0002

To whom it may concern,

Please accept this letter as our formal objection to the proposed rezoning of the agricultural property located adjacent to our residence. As neighboring property owners, we have a direct and long-term interest in how this land is zoned and developed, and I believe the proposed change would have significant impacts on the surrounding area.

As previously expressed in our letter to the court dated September 2025, we strongly feel that rezoning these parcels from agriculture will have a negative effect on our community and we urge the planning commission and county commissioners to uphold the existing agricultural zoning and deny the rezoning request. I respectfully submit this letter to oppose the proposed rezoning of the parcel adjacent to my farm and rural residence from Agricultural to Rural Residential. I believe this change is not in the best interest of our community, nor is it consistent with long term land use planning.

The properties in question are currently zoned agricultural, which preserves land for food production and sustains our rural economy. Once farmland is lost to housing development, it cannot be recovered. We have seen this throughout the Treasure Valley in recent years and have to protect this rural community. Allowing residential development here sets a precedent for further encroachment on prime agricultural ground.

Rural residences or subdivisions next to active farm fields inevitably create conflicts - dust, noise, machinery traffic, odors, and necessary chemical applications often prompt complaints from new neighbors. These conflicts can restrict farming practices and threaten the viability of existing agricultural operations. I purchased my farm adjacent to one of the parcels in question with the intention to farm this land for generations to come. Agriculture is a sustainable and responsible use of this land; dense rural residential development is not.

Rezoning this parcel to Rural Residential would be short-sighted and detrimental to the long-term interests of our rural community. Preserving agricultural zoning protects farmland, maintains rural character, prevents costly infrastructure expansions, and avoids land-use conflicts. We have seen many rural towns in the valley turn to Boise suburbs. Melba is a special little community, if we start a precedent of rezoning and selling off farmland at astronomical prices then it will encourage others to follow suit, permanently ruining our Melba community.

For these reasons, we strongly urge the planning commission and county commissioners to uphold the existing agricultural zoning and deny the rezoning request. Thank you for your time, consideration, and service to our community. Please confirm receipt of this submission and advise if any additional information is needed.

Sincerely,

Justin & Amy Fishell

10 January 2026

RE: Hoagland CR2025-0002

Under the Canyon County Comprehensive Plan Chapter 12 Agriculture

Purpose

This element analyzes the area's agricultural base, including agricultural lands, farming activities, farming-related businesses, and the role of agriculture and agricultural uses in the community. THE COUNTY WILL PROTECT AND ENJANCE AGRICULTURE AS THE FOUNDATION OF OUR LIFESTYLE, ECONOMY, COMMUNITY CHARATER AND HERITAGE.

G12.O1.OO PROTECT AGRICULTURAL LANDS FOR LONG-TERM AGRICULTURAL PRODUCTION FROM THE ENCROACHMENT OF INCOMPATIBLE USES.

Melba is known as the SEED HEART OF AMERICA and this is the case with the southern area where this property is located. It is surrounded with seed crops.

It is the obligation of the Commissioners to protect the Rights for those who have invested in their farming operations based on the Zone in which they live. We like other farmers in the area have invested millions in our 50 plus years of farming, into purchasing farm ground, improvements on the land such as storage facilities, irrigation improvements, removal of rock, and upgrading equipment. It is a huge investment for farmers.

It is hard to compete with the county when you pass out building permits valued at $150,000 each, like our one acre lot is assessed by the county. The Hoaglands who call themselves Hobby farmers (P&Z Commission mtg) wants you to give them $1,200,000 in permits. As farmers we cannot compete with that. We have invested in the future of our lands to continue to produce crops that are valuable each year.

By rezoning this land, you then make it possible for not only 8 homes but many of these splits can be split numerous times. This just is the beginning. We are hoping this is an area of the county that can be preserved and respected as farm land. The rezone will have a devasting effect on agriculture. If you allow this, then you

will do to the Melba Valley what has happened to all of Nampa, Caldwell, and Middleton. Please maintain the Zone as is.

We are testifying as farmers whose soul income has been agricultural. We understand what the impact is of housing in the area does. It does impact every district including schools, fire and highways. To say it doesn't is just not true.

In our Melba valley we have had five tragic deaths on our highways in just the last few years. One did involve a farm truck. These eight homes represent 80 trips on the roads a day.

Once you rezone an area it does and will perpetuate. We are asking you to not allow this, the land was purchased as farmland and can easily be sold as farm ground.

I refer back to the Purpose of the Agriculture Zone. Melba's economy is agriculture, this is the Seed Heart of America and should be protected and preserved as such. Many farmers south of Melba have consistently sold their farms to other farmers, not investors. (Frisch, Navarro, Pancheri, Harris, Eberhart.)

The Hoagland parcels are not in the Melba impact area, the city is going West and North, not south.

As the Board of Canyon County Commissioners, our future is depending on your decision, the Planning and Zoning Commission has set a standard for you to uphold. We are asking for the denial of this application. If you are for agriculture, now is the time to protect it.

Thank you,

Kathryn Alder

208 495 2544

RECEIVED
JAN 08 2026
RECEIVED

Case #CR2025-0002

Attention: Canyon County Board of Commissioners

As neighbors of property in question, with the same lava outcroppings and thin rocky soil along the south rim of the lower Melba bench. we would share our observations

1. The rocky soil land is not farmable for crop production or even for good pasture.
2. The fractured basalt does not irrigate well with areas either not absorbing irrigation or swallows water volume through cracks to resurface downhill and cause problems.
3. The similar property along the southside of Tower hill north of Melba has been approved for residential 5+ acre homesites and it would seem reasonable to rule the same for the property in question.
4. The Hoagland property is already surrounded by less than 5 acre homesites.

Praying for a common sense ruling on this for those with rocky marginal land.

Respectfully,

Daniel & Laurie Temple
813 Southside Blvd.
Melba. ID.
83641

Dean Kearl
751 Southside Blvd. S.
Melba. ID.
83641

RECEIVED
JAN 08 2026
RECEIVED

Dear Commissioner,

I am writing in strong support of my son, Cleon Hoagland, and his wife, Patti, regarding their rezoning case, CR2025-0002.

I have lived in the Melba Valley for over 86 years. My father, grandfather, and great-grandfather all lived here as well. In all that time, I have never seen our county government create as much conflict and division between neighbors as I have seen under the current policy that allows surrounding property owners to influence what a private landowner can or cannot do with their own land.

I have personally testified before you in the past, only to walk away feeling as though my testimony was dismissed or that I was perceived as being dishonest. I have also witnessed certain neighbors repeatedly provide untrue or misleading statements—often without consequence or verification—while knowing their claims would not be checked.

In Cleon's rezoning case, neighbors were allowed to give testimony in front of the Planning and Zoning Board that was simply not true. Several of these individuals purchased land from me, from Cleon, and even from his brother. At the time of their purchase, there was never any guarantee that additional adjoining land would not later be sold or developed. That is an understood reality of owning private property.

What is deeply troubling is the growing message being sent to landowners in this county: that although we buy land, pay taxes every year, and maintain our properties, the only rights we truly have are to be taxed, told what we cannot do, and silenced when we object.

After living in Melba my entire life, it is heartbreaking to see our once close-knit community become so divided.

I respectfully urge you to consider these points carefully and to support Cleon and Patti Hoagland in their rezoning request.

Sincerely,
Mark Hoagland



RECEIVED
JAN
RECEIVED

Dear Commissioners.

I would like to express my support and respectfully encourage you to approve Cleon and Patti Hoagland's conditional rezone application. **CR2025-0002**

I feel there is no valid reason to deny this rezone, especially considering the amount of development already taking place in the Melba area and on surrounding parcels. I see no reason why Cleon and Patti's rezone should not be allowed.

Several of our neighbors have two to three homes on five to ten acres, and other neighbors have one to two homes on even fewer acres. If these properties are permitted, it is difficult to understand why Cleon and Patti are continually being denied, I do not feel they are being treated fairly by our county government.

Therefore, I respectfully ask that you approve this application for a conditional rezone.

Sincerely

Rochelle Jeske

Rochelle Jeske

CANYON COUNTY DEWVELOPEMENT SERVICES

December 29, 2025

111 N 12TH AVE - SUITE 320

CALDWELL , ID 83605-3522

RE: CASE NO. CR 2025-0002

WE ARE OPPOSED TO THIS DEVELOPMENT FOR THE SPECIFIC ITEMS LISTED IN OUR REPLY.

EVERY DAY 2000 ACRES OF AG LAND IS JEQPARDIZED OR FRAGMENTED. THIS IS NOT A PLACE

FOR NEW DEVELOPMENT AND THIS APPLICATION . APPEAL SHOULD NOT BE APPROVED.

THE COMMISION SHOUD PROMOTE SOUND FARMING PRACTICES FOR THIS AREA.

SWARTHOUT CLAUDE PE/SE

Claude Swarthout

CANYON COUNTY DEVELOPMENT SERVICES AUGUST 25, 2025

111 N 11TH AVE. , SUITE 310

CALDWELL, ID 83605 – 3522

RE CASE NO. CR2025 – 0002

I AM THE OWNER OF THE ADJACENT PARCELS PER THE ATTACHED PRPERTY MAP.

WE ((I)) AM OPPOSED TO THIS REZONE FOR THE SPECIFIC ITEMS LISTED.

1. THIS REZONE WILL ALLOW 14 ADDITIONAL LOTS, IN ADDITION TO THE EXISTING 7 LOTS .
2. THIS DESITY SHOULD NOT BE ALLOWED IN THIS AREA.
3. IF ALLOWED THERE SHOUD BE A CENTRAL SEWER SYSTEM AND A CENTRAL WATER SYSTEM,
4. TRAFFIC WILL BE INCREASED TO A UNACCEPTABLE LEVEL AT THJE INNTERSECTION OF BUTTE AND SOUTHSIDE./
5. WE HAVE A DEEP IRRIGATION WELL AT THE LOCATION SHOWN, AND IF THE REZONE IS APPROVE AND THE WATER LEVEL IN OUR DEEP IRRIGATION WELL DROPS SIGNIFICATLY, WE WIIL SEEK DAMAGES.
6. NORTH , WEST AND EAST OF THE TOWNSITE OF MELBA PROVIDES DEVELOPMENT AREAS.
7. THE DENSITY OF THIS AREA HAS BEEN ESTABLISHED BY EXISTING DEVELOPMENTS. IT LOOKS
8. LIKE THE AVERAGE DENSITY IS ABOUT 7.5 ACRES/LOT—MAYBE THIS SHOULD BE STIPULATED.? IF DEV. SERVICES APPROVES THIS REZONE.

SWARTHOUT CLAUDE PE/SE

4925 MTN. VIEW DR.

BOISE , ID. 83704

ATTACHED MAP IS ENCLOSED.

Exhibit 4.g

CANYON COUNTY
DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, Suite 310 • Caldwell, Idaho • 83605
Phone (208) 402-4164

Greetings Property Owner:

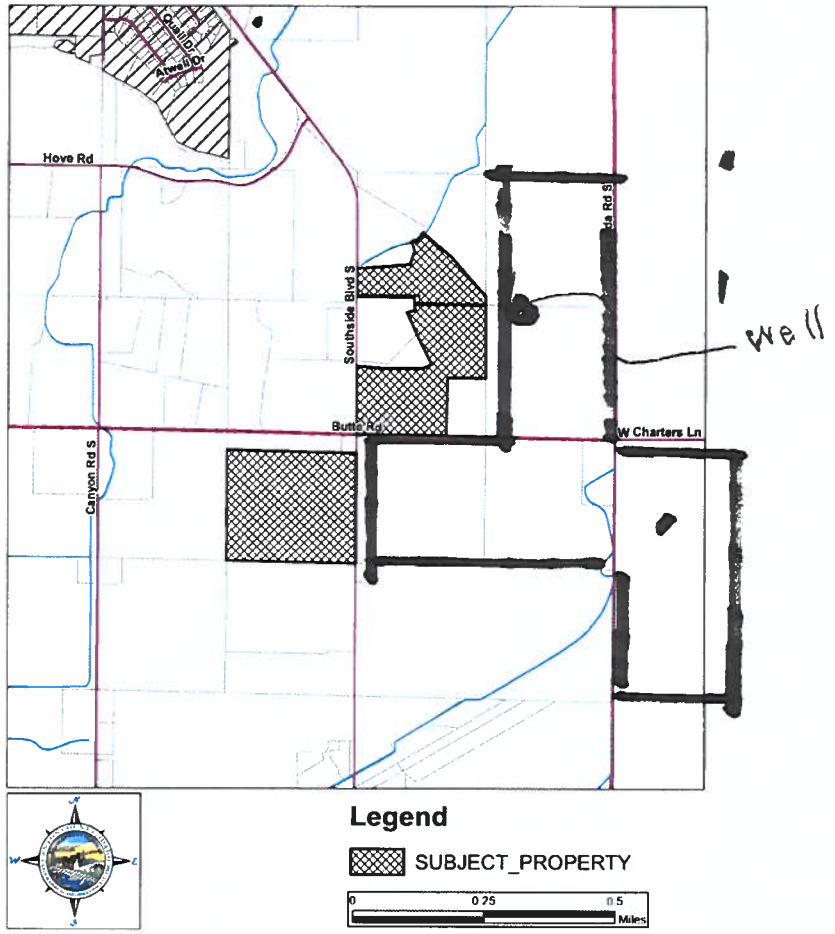
NOTICE IS HEREBY GIVEN that the Canyon County Board of County Commissioners is scheduled to hold a public hearing on **January 21, 2026** beginning at 1:30 p.m. on the following case. The hearing will be held in the Board of County Commissioners Meeting Room located at 1115 Albany Street, Caldwell, Idaho.

Case No. CR2025-0002: The applicant, Cleon and Patti Hoagland, requests a conditional rezone of Parcels R28146010, R28146010D, and R28279010, approximately 70.7 acres, from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The request includes a development agreement limiting development to a five-acre average lot size. The subject properties are adjacent to 746 and 1055 Southside Boulevard, also referenced as a portion of the SE¼ of Section 1 and NW¼ of Section 12, T1S, R2W, B-M, Canyon County, Idaho.

On September 18, 2025, the Planning and Zoning Commission recommended denial of the request.

Public comments are very important in evaluating this case. You are invited to provide written testimony by **January 11, 2026**, or oral testimony at the hearing. If the materials 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. **Materials submissions must be received on or before the deadline. All written testimony or exhibits received after the deadline will need to be brought to the public hearing and read into the record by the person submitting the information.**

If you have questions, please contact the Case Planner, **Dan Lister** at daniel.lister@canyoncounty.id.gov. In all correspondence concerning this case, please refer to the case number noted.



Assistance is available for persons with disabilities. Please call the Development Services Department at 208-454-7458 at least two weeks prior to the hearing so that arrangements can be made

Copies of all documents concerning public hearing items can be obtained from the county website https://www.canyoncounty.id.gov/land-hearings as they are available.

Dolores Hoagland
6740 Butte Road
Melba, Idaho 83641

January 2, 2026

Board of County Commissioners
Canyon County

Dear Commissioners,

I am writing to let you know that I strongly support the rezone application, Case No. CR2025-0002, for Cleon and Patti Hoagland.

I have lived in the Melba Valley for 87 years. Over that time, I have seen Melba as a very small, close-knit rural community where people knew one another, shopped locally, and supported each other. Melba was once a place where neighbors worked together and respected one another's livelihoods.

It is difficult for me to watch Melba gradually turn into just another bedroom community for the larger cities around us. I have also found it troubling to see long-time residents and working landowners opposed by newer neighbors—many of whom have only lived here a few years—who purchased farmland, built a house or two, and then decided they do not want anyone else to use their land in a similar way.

I have personally seen Cleon and Patti work hard to try to make their farm productive and successful. Like many before them, they have had to work full-time and part-time jobs to support the land. This ground has never been particularly productive as a large farming operation and would be better suited to smaller, hobby-type farms.

I have relatives throughout Canyon County who once owned property farther from city limits. Today, much of that land is completely covered by houses. Compared to those areas, Cleon and Patti's property is much closer to the Melba city limits, and they are not asking for high-density development. They are requesting approval for only a few home sites spread across the acreage.

For these reasons, I respectfully ask that you approve the rezone application for Cleon and Patti Hoagland. I believe this request is reasonable, appropriate for the area, and consistent with the way land has been used and transitioned throughout this county for many years.

Thank you for your time and consideration.

Sincerely,

Dolores Hoagland

Dolores Hoagland

Case No CR 2025 0002

Dan Lister

The request for a conditional rezone by Cleon and Patti Hoagland should be approved.

There are many non agriculture resident homes in the surrounding area. Four, less than five acre, homesites were approved recently a short distance away. Seems like justification for approval of those four homesites would apply to this case.

Robert B Tucker

Robert B Tucker

6751 Hove Rd

January 12, 2026

To: Canyon County Development Services Department

RE: Case No. CR2025-0002 / Hoagland Request for Conditional Rezone

We live at 854 Southside Blvd. S in Melba, parcel R28147000 0. Our property is surrounded by the land being considered for conditional rezone. We stand to be perhaps the most impacted by this proposed rezone. In general, we are opposed to changes in land usage that are outside the comprehensive plan. This is an area that is zoned ag with an intensive ag overlay. With current conditions in the Melba Valley, we are firmly opposed to a conditional rezone of this area. It is our contention the comprehensive planning process exists for a reason and should be allowed to work in the manner it is intended.

This land is and has always been used for agricultural purposes. We are both from small ag towns and the lifestyle and values that come along with that upbringing are invaluable. While some growth should be allowed to occur, in our minds it does not make sense in this setting. Recently, the city of Melba went through a comprehensive planning process and this area south of town was removed from the impact zone. Melba has decided growth will occur to the north of town, preserving ag land south of town. With that intention, it does not make sense for the county to turn around and rezone functioning ag ground for residential purposes, when the local citizens have expressed other desires.

While this forum and the previous planning and zoning meeting where the Hoaglands presented their plan do have an element of public input, it is our belief the comprehensive planning process is a more integrated approach to this kind of decision. In the commissioner meeting, a body of three people (who do not directly live in Melba) have the power to make a decision that will have a huge impact on the citizens in the Melba area. Conversely, the comprehensive planning process relies on the attitudes, perspectives, and desires of the citizens whose lives will be directly impacted by the planned land use designations.

We moved to Melba and chose our property specifically because we wanted the opportunity for space and to escape neighbors. We chose this specific location based on land use designations provided in the comprehensive plan—a document that was written to guide future land use designations for our community. While comprehensive plans do require updates and revisions over time, they should maintain their integrity in providing the foundation for the future of communities. **They should not be considered as documents that can be amended on a landowner-by-landowner basis.**

While the issues we're addressing in this letter are not necessarily any concern of the Hoaglands, the reality of the situation is that their proposal for rezone would impact the citizens who would remain as voting constituents and taxpayers in an outsize way. The benefit to this would be extremely lopsided; the Hoaglands would realize a large financial benefit and leave town, while we and others in our vicinity would have a raft of new neighbors, newly obstructed

sightlines, and we would live in the middle of an ongoing construction site, complete with the responsibility of all the costs associated with fence lines, water usage, shared agreements, etc.

As landowners who would be severely and directly impacted if the Hoaglands' proposal were approved, we've sat back time and time again and trusted the process and decisions made by our elected officials; we've trusted that the designated areas of impact would be respected. We've trusted the process every single time we've received a notification of the Hoaglands' attempt to develop, subdivide, claim non-viable farmland, and now rezone. Rezoning, developing, and allowing more land splits outside the designated area of impact does not align with what the Melba community has envisioned and adopted in their comprehensive plan.

We don't oppose smart and intentional growth—we know Canyon County is growing rapidly, and that it is unavoidable—but we do oppose changing designated areas of impact after a full community and public outreach process has suggested otherwise, and we would like to see the preservation of certain rural, agricultural areas within our great county.

We ask the development services department to recommend denial of this application, and we ask the commissioners to deny the application as well.

Sincerely,

Rebecca Coulter and Timothy Carroll
854 Southside Blvd. South, Melba, ID 83641
208-909-8110 / 208-899-5995

EXHIBIT 5

Materials Received on or Before January 11, 2026

-

Board of County Commissioners

Case# CR2025-0002

Hearing date – January 21, 2026

Supporting Evidence

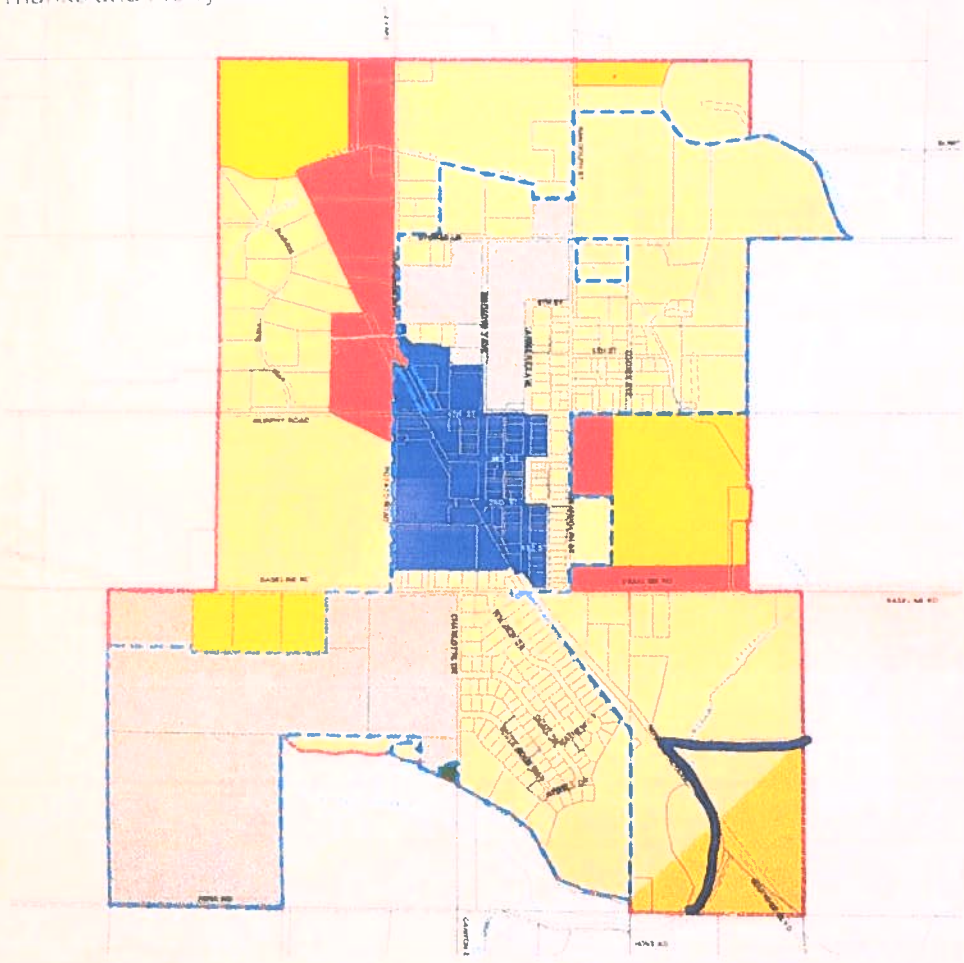
CR 2025-0002/Hoagland

1) Melba City Impact Area
2) McCormak & Swarthout
3) Hoagland & Renfro property's before being divided and homes built on ground
4) Hoagland & Renfro property's post selling
   a) Davis's house and buildings on previous pasture grounds
   b) Stein's house and buildings on farmland
   c) Fishell residential BP 2025-0645 (Barn/2nd residential dwelling)
5) Becky Alder's - Salon

Noni Stapleton

From: Kate M. Dahl - katedahl79@gmail.com -
Sent: Friday, December 19, 2025 10:06 AM
To: Cory Dickard
Cc: Chris Hinderliter; Noni Stapleton; Mike Davis (miked@hecoengineers.com)
Subject: Re: AOCI Options

Morning.
The BOCC approved the AOCI boundary, with the adjustment to the southeast corner, removing two parcels that were split by the line.
As shown below. The hearing went smoothly.
Thanks and Merry Christmas!



On Wed, Dec 17, 2025 at 9:30 AM Cory Dickard <mayor@cityofmelba.org> wrote:
Agreed

Get Outlook for iOS

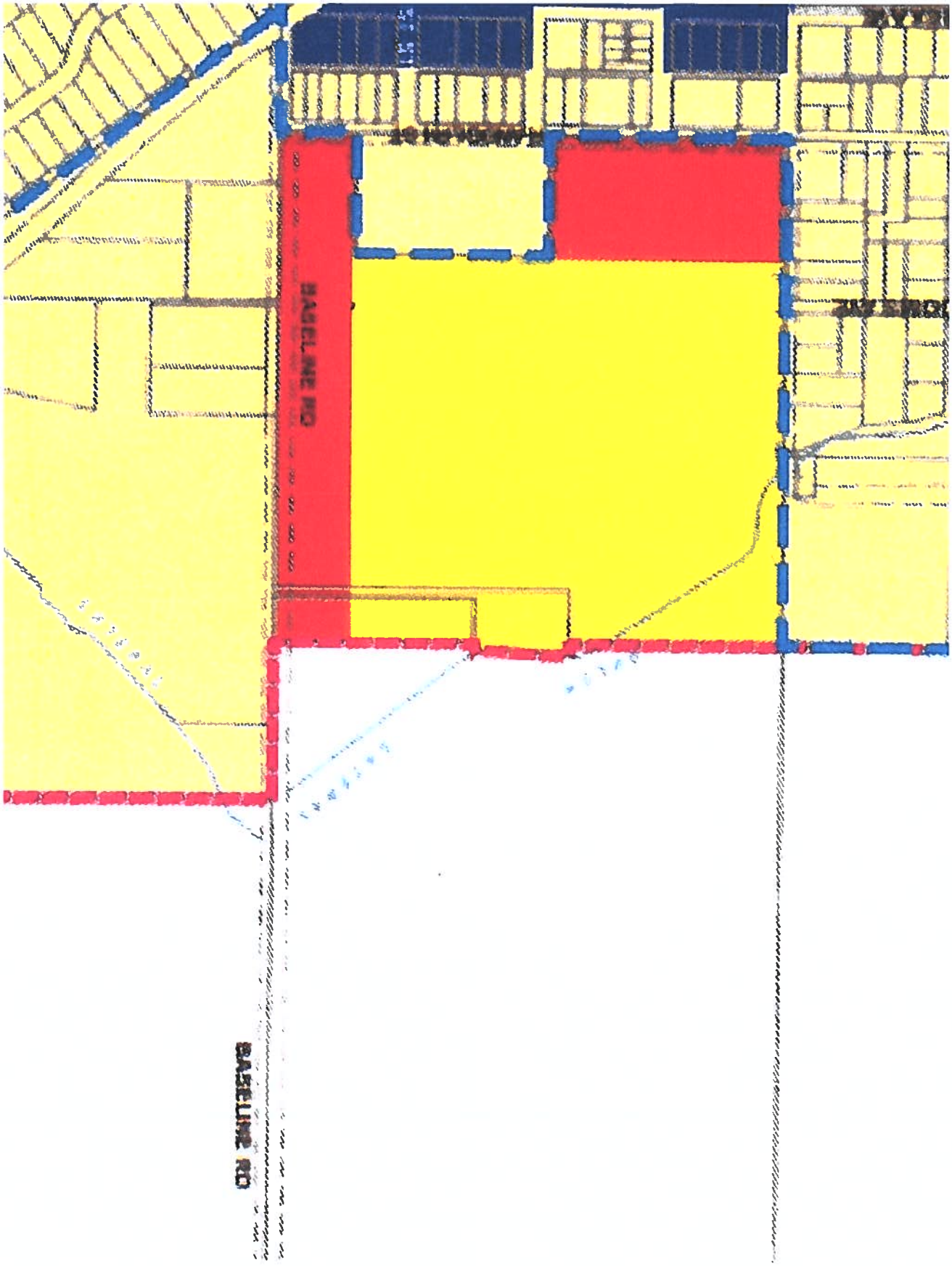


Exhibit 5.a.1



← McCormak

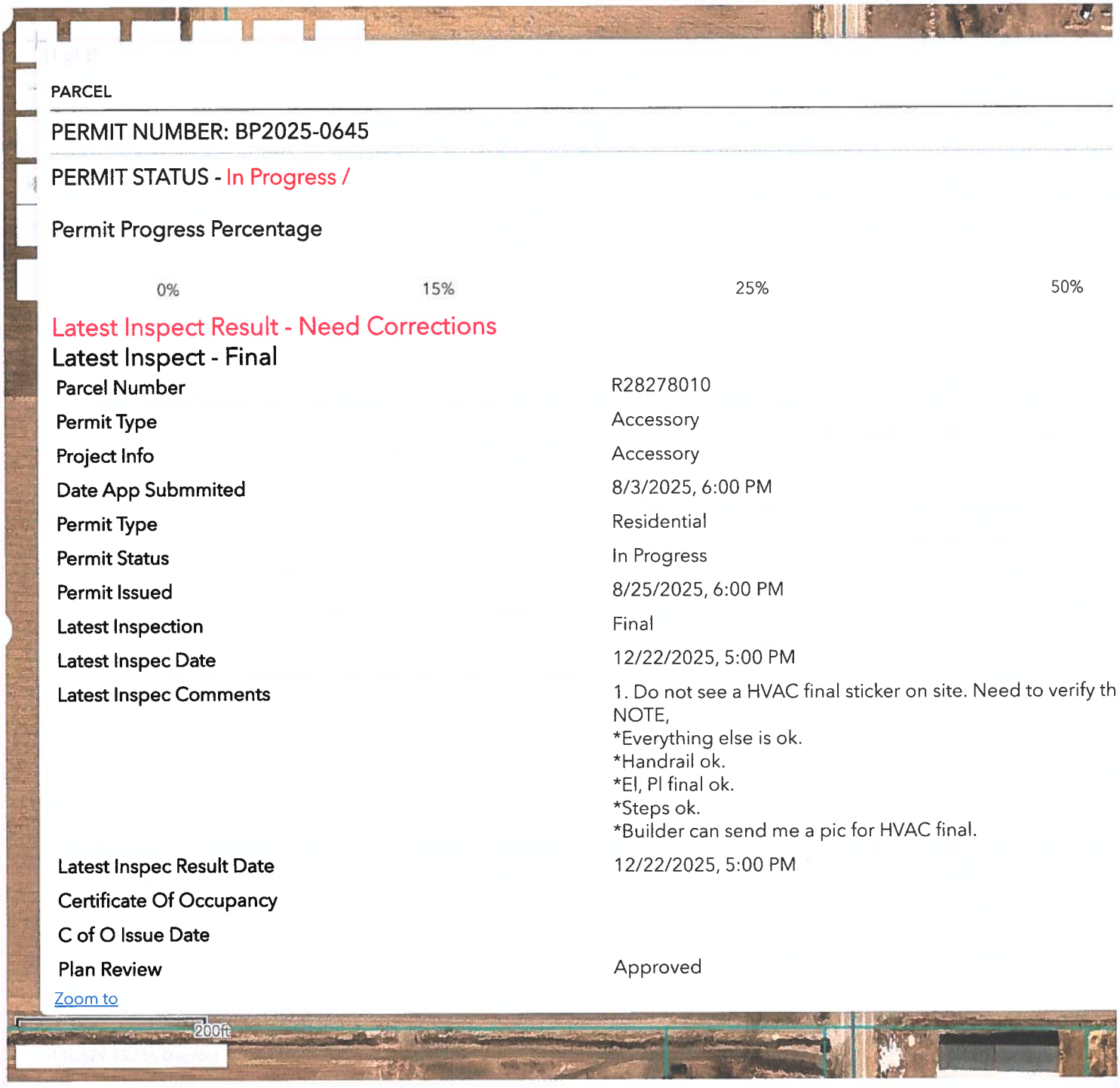
↑ Swarthout


Canyon Rd S
Butte Rd


4
Canyon Rd S
1A
Butte Rd
4B
4C
Canyon Rd S

Canyon County, ID Build Permit Web Map

Canyon County, ID DSD



PARCEL

PERMIT NUMBER: BP2025-0645

PERMIT STATUS - In Progress /

Permit Progress Percentage

0% 15% 25% 50%

Latest Inspect Result - Need Corrections

Latest Inspect - Final

Parcel Number	R28278010
Permit Type	Accessory
Project Info	Accessory
Date App Submmited	8/3/2025, 6:00 PM
Permit Type	Residential
Permit Status	In Progress
Permit Issued	8/25/2025, 6:00 PM
Latest Inspection	Final
Latest Inspec Date	12/22/2025, 5:00 PM
Latest Inspec Comments	1. Do not see a HVAC final sticker on site. Need to verify th NOTE, *Everything else is ok. *Handrail ok. *El, Pl final ok. *Steps ok. *Builder can send me a pic for HVAC final.
Latest Inspec Result Date	12/22/2025, 5:00 PM
Certificate Of Occupancy	
C of O Issue Date	
Plan Review	Approved

Zoom to

200ft

Canyon County, ID Build Permit Web Map

Canyon County, ID DSD

Parcel Number	R28278010
Permit Type	Accessory
Project Info	Accessory
Date App Submmited	8/3/2025, 6:00 PM
Permit Type	Residential
Permit Status	In Progress
Permit Issued	8/25/2025, 6:00 PM
Latest Inspection	Final
Latest Inspec Date	12/22/2025, 5:00 PM
Latest Inspec Comments	1. Do not see a HVAC final sticker on site. Need to verify th NOTE, *Everything else is ok. *Handrail ok. *El, Pl final ok. *Steps ok. *Builder can send me a pic for HVAC final.
Latest Inspec Result Date	12/22/2025, 5:00 PM
Certificate Of Occupancy	
C of O Issue Date	
Plan Review	Approved
Plan Review Comments	
Plan Review Date	8/3/2025, 6:00 PM
Zoning1 Review	Approved
BP Zoning 1 Review Comm	
BP Zoning 1 Review Date	8/3/2025, 6:00 PM
Zoning 2 Review	Approved
BP Zoning 2 Review Comm	SWDH: 0 Bed (put in new septic for this shop) LS2006-109 / PI2021-0037
BP Zoning 2 Review Date	8/13/2025, 6:00 PM

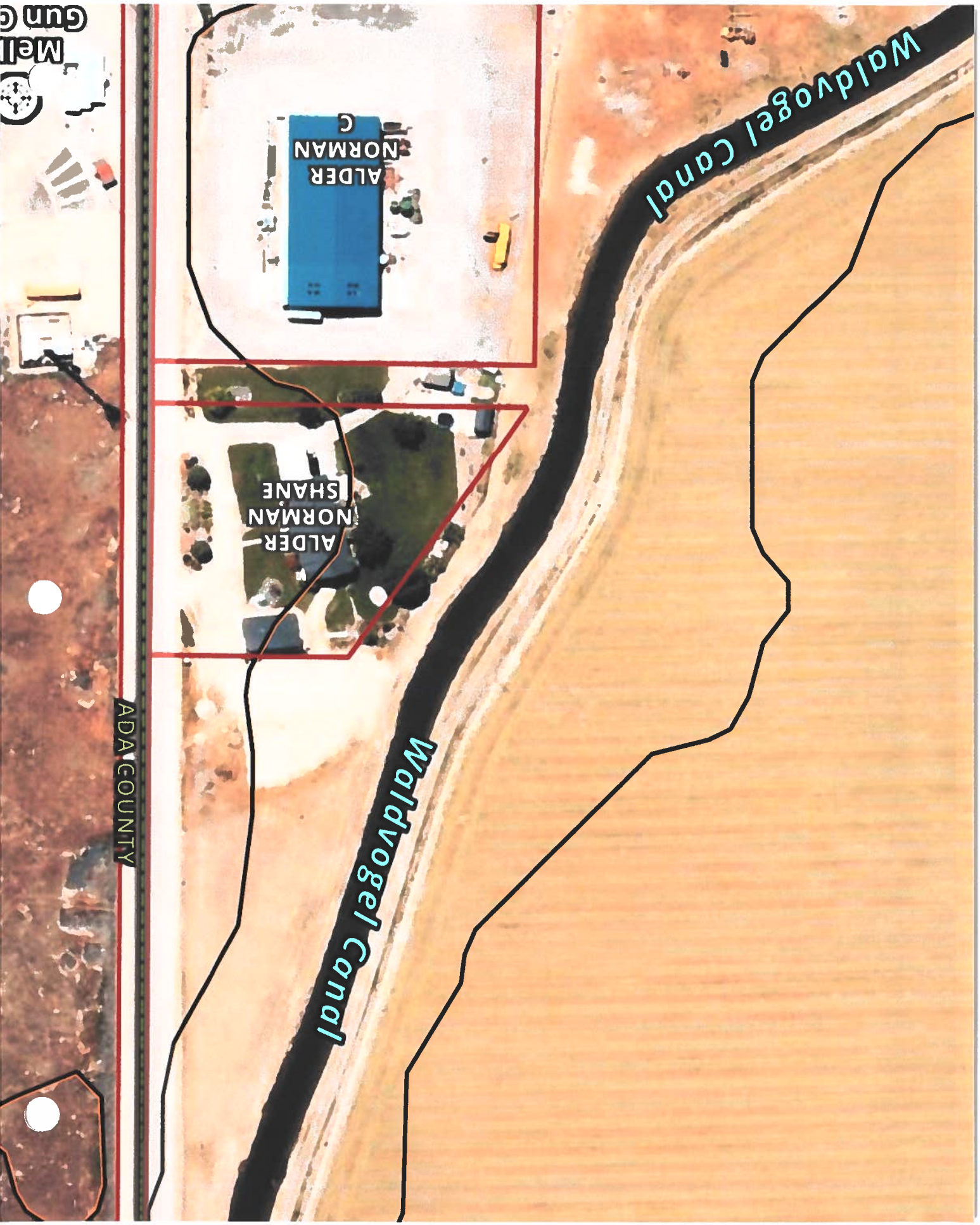
Zoom to



Exhibit 5.a.4



Exhibit 5.a.4


Waldvogel Canal
Waldvogel Canal
ALDER NORMAN C
ALDER NORMAN SHANE
ADA COUNTY

Development Services Department

Canyon County, 1115 Albany Street, Caldwell, ID 83605
(208) 454 7458 ▪ zoninginfo@canyoncounty.id.gov ▪ www.canyoncounty.id.gov/dsd

December 8, 2025

Case Name: Shane & Becky Alder
Case Number: AD2025-0151
Parcel #: R28685010

Dear Agencies:

You are hereby notified that the Canyon County Development Services Department has accepted an application submitted by Shane and Becky Alder to allow for a **home business** for a beauty salon and spa to provide massage, hair, skin, and nail services on parcel R28685010 located at 89 Can Ada Rd, Melba, ID, 83641. The 1.05-acre parcel is zoned "A" (Agricultural).

Pursuant to Canyon County Code of Ordinances Chapter 7 (§07-05-01), agencies will be **given 15 days** from the date of this notice to submit comments prior to the Director's decision. Copies of the request and associated information may be reviewed at the Development Services Department office during business hours. Please reference the case number (AD2025-0142) when submitting comments regarding this request.

Prior to making a final decision concerning this application the Director of Development Services will review all facts from the application and consider all comments from affected individuals and agencies. An approval will be issued if the application is found to comply with Canyon County Code.

Please feel free to contact me at amber.lewter@canyoncounty.id.gov and/or 208-454-6631.

Sincerely,

Amber Lewter
Associate Planner
Canyon County Development Services



From: chrawhide62@gmail.com
Date: Jan 7, 2026 at 20:55:38
To: Patti Hoagland cplazym@gmail.com

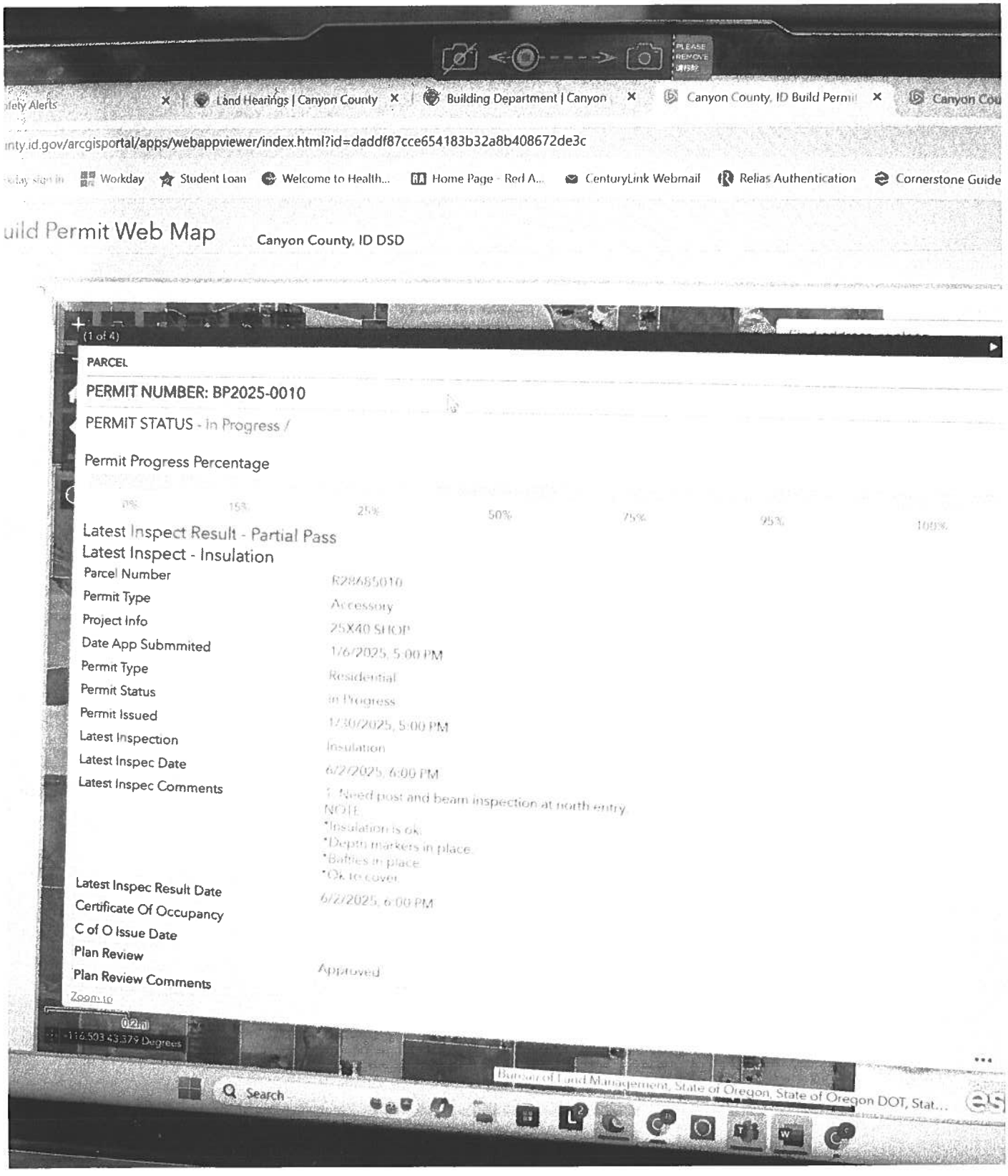


Exhibit 5.a.5