
BORTON - LAKEY

LAW AND POLICY

141 E. CARLTON AVE., MERIDIAN, IDAHO 83642
(208) 908-4415 (OFFICE) (208) 493-4610 (FAX)

June 20, 2025

Brad Holton
Zach Brooks
Leslie Van Beek
Canyon County Commissioners
1115 Albany St.
Caldwell, ID 83605

RE: Cover Letter and Addendum to Letter of Intent – First Amendment to DA 2017-000927

Dear Commissioners,

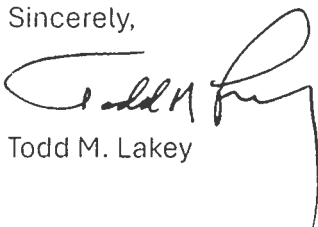
I represent Tradition Capital Partners and am submitting this cover letter as an addendum to the letter of intent pertaining to my client's application for a Development Agreement (DA) modification in this case. I am submitting our proposed development agreement amendment which is attached hereto and entitled First Amendment to Amended and Restated Development Agreement. The subject property in this case was approved to be rezoned to CR-RR to allow the previous owners to develop residential lots primarily on the land that is non-viable for farming while preserving the ground that had been and was being farmed. The original owners applied for a modification of their development agreement to amend and restate the agreement so that the property owners maintained their cooperative and supportive relationship but the properties and the owners and properties were separated for accountability and control purposes. Property One contained the majority of the non-viable dry ground and most of the development. Property Two has the original home, some dry ground and two areas being farmed under pivots. In total Property One and Two were approved for 182 lots – 178 on Property One and 3 on Property Two.

This amendment to the DA is in conformance with the intent of the agreement in that it maintains the residential parcels on the dry lands that are not viable for farming and preserves the ground that was and has been farmed. Eleven residential parcels that could be developed on Property One are being transferred to Property Two so there is no increase in the total number of parcels approved under the DA. This amendment transfers the 11 residential parcels from Property One to the non-farm dry ground on a portion of Property Two – again maintaining the original purpose and intent of the DA. This portion of Property Two containing the residential parcels is approximately 35 acres in size. The average minimum lot size for residential lots on Property One is 1.25 acres. The proposed minimum average lot size on Property Two after the lots are transferred is greater at 2 acres – so the eleven transferred lots will be larger with less density. The DA amendment requires substantial compliance with the attached site plan (Exhibit C) which shows this proposal is not just a handful of 2.0 acre parcels. The proposed amendment results in a decrease in the overall number of residential parcels approved on the property subject to the DA. As described above this proposed amendment retains the intent of the DA and therefore this amendment conforms with CCZO 07-06-07(4).

The current owners support a reduction in the overall number of residential parcels that are allowed on the property that is subject to the DA. The total number of residential parcels allowed on Property One is 178 and 3 on Property Two. Transferring the 11 lots from Property One to Property Two has no net effect on the number of lots approved under the DA. However, the current property owners are willing to reduce the number of residential parcels allowed on Property One to 138. This results in an overall reduction of 29 lots following the transfer of the 11 lots. Based on testimony at previous hearings over the years, some of those that reside in the area would prefer to see fewer residential lots on the subject property. For the proposed reduction in the total number of lots to be binding on these current willing owners as well as future owners, the DA must be amended to establish a reduction in the maximum number of lots. Since the proposed amendment is necessary to make the proposed reduction binding and effective this amendment conforms with CCZO 07-06-07(7)(A).

I look forward to answering any questions you may have regarding this First Amendment to the DA.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd M. Lakey", with a stylized flourish extending from the end.

Todd M. Lakey



Karla Nelson

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Monday, July 28, 2025 6:59 AM
To: Karla Nelson
Cc: Mitch Kiester
Subject: [External] RE: Agency Notice PH2016-61-MOD
Attachments: Pre.Development.Notes.Signed.06.18.2025.pdf

Hi Karla,

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

See the attached pre-development notes.

Let me know if you have any questions.

Thank you,



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, July 25, 2025 9:06 AM
To: 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>;

'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; Mitch Kiester <Mitch.Kiester@swdh.id.gov>; Anthony Lee <Anthony.Lee@swdh.id.gov>; 'D3Development.services@itd.idaho.gov' <D3Development.services@itd.idaho.gov>; 'niki.benyakhlef@itd.idaho.gov' <niki.benyakhlef@itd.idaho.gov>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Lucy Ostyn <lucy.ostyn@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; 'makline2@marathonpetroleum.com' <makline2@marathonpetroleum.com>

Subject: Agency Notice PH2016-61-MOD

CAUTION: This email originated outside Southwest District Health's network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact IT with any concerns.

Please see the attached agency notice. You are invited to provide written testimony or comments by **August 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 **Karla Nelson** at karla.nelson@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****

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Pre-Development Meeting

Name of Development: Amendment to Phase 4 of Stadium Subdivision
Applicant: Allen Mills
P.E./P.G.: _____
All others in Attendance: _____

_____ EHS#035 Date 06/18/2025

Number of Lots or Flow: Unknown Acreage of Proposed Development: 127.91
Location of Development: TBD Goodson Rd
Caldwell, ID 83607
R37887101 0

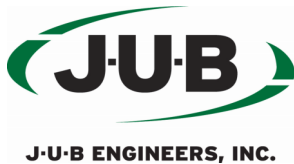
Project in Area of Concern: No Groundwater/Rock <10' >10' GW
Level 1 NP Necessary for N: No

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

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

Additional Comments: The applicant discussed with SWDH the proposed amendment to
phase 4 of Stadium Subdivision to increase or decrease the number of
lots on 127.91 acres. The applicant will need to schedule an additional
pre-development meeting once the preliminary plat has been approved
by Canyon County and may move forward with the conditional use
approvals. 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.



J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

September 19, 2025

Canyon County Development Services Department

Attn: Karla Nelson

Karla.Nelson@canyoncounty.id.gov

111 North 11th Ave., Ste. 140

Caldwell, ID 83605

RE: **CASE NO. PH2016-61-MOD**

To whom it may concern:

On behalf of the Notus Parma Highway District No. 2 (NPHD), I have reviewed the application for PH2016-61-MOD dated July 25, 2025, for the parcels R37887100, R37887101, R37887102, R37887103, a portion of the SW¼ of Section 18, T5N, R3W, BM, Canyon County, located on the north side of Goodson Road.

Goodson Road along this segment is under the jurisdiction of the NPHD. The functional classification for Goodson Road per NPHD's 2017 Transportation Plan is "Major Collector". Existing prescriptive right-of-way (R/W) along the centerline of Goodson Road is 50-ft wide (25-ft each side of roadway centerline).

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

1. Application requirements shall meet 2022 ACCHD Standards.
2. NPHD requires a minimum of 80-ft width (40-ft half width) R/W dedicated from the centerline of a collector road or the Section/Quarter Section Line, whichever is greater, from the applicant per ACCHD Section 3030 Right-of-Way.
 - a. 80 to 100-ft of R/W may be required in extreme cut and fill locations and is subject to catch limits.
 - b. Local Road intersections shall have a minimum 30-foot radius curve connecting intersection right-of-way lines.
 - c. Local Roads at cul-de-sac bulbs shall have a minimum 20-foot radius curve.
 - d. Maximum length of a cul-de-sac on a rural roadway is 1,320-feet, servicing no more than 20 lots.
3. Roadway design shall meet ACCHD Section 3040 Alignment.
 - a. The following roadway information will need to be provide in order to verify compliance with the AASHTO green book:
 - i. Horizontal Alignments
 1. Stationing
 2. PC/PT's
 3. Tangent Lengths & Bearings
 4. Curve Information
 - ii. Vertical Alignments (Profiles)

1. Grades
 2. Vertical Curves
 3. Intersection Stations
- b. Intersection Site Distance shall meet Standard Drawing ACCHD-107A & 107B.
- c. Local Road intersections shall have a minimum 30-foot radius curve connecting intersection right-of-way lines.
- d. Local Roads at cul-de-sac bulbs shall have a minimum 20-foot radius curve.
- e. Maximum length of a cul-de-sac on a rural roadway is 1,320-feet, servicing no more than 20 lots.
4. Rural Roadway Spacing shall be per ACCHD Section 3061 Intersection and Approach Policy per the intended use.
 - a. Minimum rural roadway spacing for a major collector on same side of the through roadway is 1/8-mile (660-ft). Minimum rural roadway spacing for a major collector on opposite side of the through roadway is 1/16-mile (330-ft).
5. Cul-de-sac at the terminal ends of all public streets designed in accordance with Standard Drawing ACCHD-104.
6. Two Lane Rural Road Section shall meet Standard Drawing ACCHD-101.
7. Drainage design will be required per ACCHD Section 3070.
 - a. All drainage features for the development shall be designed by an Idaho Registered Professional Engineer and approved by the NPHD in conjunction with the roadway plans.
 - b. Drainage easements shall be sized in accordance with an approved drainage report. The drainage report will need to address the following:
 - i. Design Storm
 - ii. Conveyance Systems (Ditches, Pipes, Inlets, Curb & Gutter, and other facilities)
 - iii. Secondary Conveyance Systems
 - iv. Detention Basins
 - v. Retention Basins / Subsurface Disposal Systems
 - c. The Homeowner's Association, underlying property owner or adjacent property owner is responsible for all storm drainage facilities outside the public right-of-way, including all routine and heavy maintenance.
8. Detention/Retention Facilities shall be sized in accordance with ACCHD Section 3070.
 - a. Design infiltration rates shall be based on percolation tests conducted by the Applicant's Engineer at the location of the proposed subsurface drainage facility, but in no case shall a rate exceeding eight (8) inches/hour be used.

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

NPHD requests Canyon County Development Services incorporate these comments into proposed Conditions of Approval for consideration/approval by the Planning & Zoning Commission and the Canyon County Commissioners in the event the CUP is approved.

Sincerely,

J-U-B ENGINEERS, Inc.

Timothy Blair, PE
Area Manager

CC:

- Lynn Troxel, NPHD#2 Director of Highways



Middleton School District #134

Every Child Learning Every Day

Middleton School District #134

Canyon County--Public Hearing Notice Response

General Response for New Development

Middleton School District has experienced significant growth in its student population over the past years. Currently, Middleton School District has 2 of our 3 elementary schools over capacity. Heights Elementary is at 117% of capacity with five portable units totaling 10 classrooms. Mill Creek Elementary is at 113% of capacity with 6 portable classroom units totaling 12 classrooms. Purple Sage Elementary is at 96% of capacity with 4 of the six grade levels over capacity. Middleton High School is at 102% of capacity and middle school is at 100% of capacity. As it stands now there is an immediate need for additional facilities in our school district, primarily in the elementary grades

We have completed a demographic study performed for our school district boundaries, and data suggests that for every new home, we could expect between 0.5 and 0.7 (with an average of .569) students to come to our schools. That is the factor/rate we use to make our projection of student impact for each development.

Case No. PH2016-61-MOD (Tradition Capital Partners, LLC)

Students living in the subdivision as planned would be in the attendance zone for Purple Sage Elementary School, Middleton Middle School, and Middleton High School. With the 162 proposed lots, we anticipate that approximately 81 to 113 K-12 students will need educational services provided by our district.

In addition to the increase in student population and its impact on facilities, busing would be provided for all students. As such, it would be important that the developer include plans for appropriate spacing for bus stops for elementary and middle school students. Typically, buses do not enter subdivisions. As such, safe routes to planned stops would be an important consideration.

As a school district, we would ask that the Canyon County Planning and Zoning Commission take these factors into consideration as you make your decision. Any questions regarding this response should be directed to Marc Gee at the contact information shared below.

A handwritten signature in dark ink, appearing to read 'Marc C. Gee', is written over a horizontal line.

Marc C. Gee, Superintendent

September 12th, 2025

Date

Karla Nelson

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Monday, August 4, 2025 8:21 AM
To: Karla Nelson
Cc: Caitlin Ross
Subject: [External] RE: Agency Notice PH2016-61-MOD

After careful review of the transmittal submitted to ITD on July 25, 2025, regarding Agency Notice PH2016-61-MOD, the Department has no comments or concerns to make at this time. This proposed development is greater than 4 miles north of US-20/26 and is not near an I-84 Interchange, therefore minor impact can be anticipated to the state highway system.

Please let me know if you have any questions.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

[Book a Meeting with Me!](#)

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Friday, July 25, 2025 9:06 AM
To: 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'Contract.Administration.Bid.Box@ziplay.com' <Contract.Administration.Bid.Box@ziplay.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Lucy Ostyn <lucy.ostyn@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; 'makline2@marathonpetroleum.com' <makline2@marathonpetroleum.com>
Subject: Agency Notice PH2016-61-MOD

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Please direct your comments or questions to Planner **Karla Nelson** at karla.nelson@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

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