Board of County Commissioners
Hearing Date: April 28, 2026
Canyon County Development Services Department

PLANNING DIVISION ADDENDUM

CASE NUMBER:	**CR2025-0004**
OWNER/APPLICANT:	**Josef Smith**
APPLICATION:	**Conditional Rezone from "A" to "CR-R-R"**
LOCATION:	**28049 Happy Hill Lane, Caldwell** **Parcel R37795011, 9.97 acres**
ANALYST:	**Dan Lister, Planning Supervisor**
P&Z RECOMMENDATION:	**Approval with Development Agreement Conditions**

SUMMARY:
The applicant requests a conditional rezone of Parcel R37795011, approximately 9.9 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 two residential lots.

On January 22, 2026, the Planning & Zoning Commission heard the case at a duly noticed public hearing. After deliberation, the Planning & Zoning Commission recommended approval of the request, subject to three conditions (**Exhibits 1 & 2**).

The staff report packet dated January 22, 2026, and all supporting material are contained in **Exhibit 3**. No additional comments were received after the Planning & Zoning Commission hearing, or before the comment deadline (April 18, 2026). A draft version of the Board's Findings of Fact, Conclusions of Law & Order (FCOs) may be found in **Exhibit 4**.

EXHIBITS:
1. **Planning & Zoning Commission Signed FCOs**
2. **Planning & Zoning Commission Minutes – January 22, 2026**
3. **Staff Report Packet dated January 22, 2026**
4. **Draft BOCC FCOs**

EXHIBIT 1

Planning & Zoning Commission Signed FCOs

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Board of County Commissioners

Case# CU2025-0004

Hearing date: April 28, 2026

PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:
Smith – CR2025-0004

The Canyon County Planning and Zoning Commission considers the following:

A conditional rezone of Parcel R37795011, approximately 9.9 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 two residential lots.

The subject property is located at 28049 Happy Lane, Caldwell, also referenced as a portion of the SE quarter of Section 10, T5N, R3W, 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 CR2025-0004.

      1. Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on December 18, 2025. Property owners within 600 feet of the subject property boundaries were notified on December 18, 2025. Full political notice was completed on December 18, 2025. A newspaper notice was published on December 18, 2025. The subject property was posted with a notice on December 22, 2025.
      2. All exhibits are located in the case staff report dated January 22, 2026.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezones), CCCO §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).

   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, CR2025-0004, was presented at a public hearing before the Canyon County Planning and Zoning Commission on January 22, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

Conditional Rezone 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:

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**1**	**Is the proposed conditional rezone generally consistent with the comprehensive plan?**
Analysis	The proposed conditional rezone is not generally consistent with the future land use map in the 2030 Canyon County Comprehensive Plan. However, as conditioned, the request is not anticipated to impact goals and visions for the planned area. • The future land use map designates the future land use as agriculture and is located near an intensive agricultural overlay (Exhibit B.2c). o *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.* Pg. 25 of the 2030 Comprehensive Plan. o Intensive Agriculture Overlay: *This overlay is applied to protect working lands and operations. These areas may have higher-quality soils, 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.* Pg. 28 of the 2030 Comprehensive Plan. • As conditioned, the request creates two lots. The proposed west lot has an existing dwelling and shop (BP2025-0137 & 0138). The proposed east lot has an existing dwelling currently used as a secondary dwelling (BP2025-0139). Due to the property abutting agricultural land to the south, a 250-foot setback from Sand Hollow Road is proposed, where agricultural uses or open space will be preserved and maintained. As conditioned, the applicant states the request promotes balanced rural living and agricultural preservation by transforming underutilized property into two smaller productive agricultural parcels while maintaining low density and open space (Exhibit A.2). • As conditioned (Attachment A), the request is consistent with the following goals and policies. o <u>Property Rights</u> ▪ *Protect the integrity of individual property rights while safeguarding public health, safety, and welfare. (G1.01.00)* ▪ *Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance. (G1.01.00)* o <u>Land Use & Community Design</u>	

	▪ *Maintain a balance between residential growth and agriculture that protects the rural character. (P4.01.01)* ▪ *Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns. (P4.03-02)* ▪ *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 (P4.03.03).* ▪ *Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area. (P4.05.02)* • As conditioned, the proposed lot sizes are commensurate with previously approved subdivisions and land divisions in the area (Exhibits B.2d, B.2f, and B.2j). • The request is located between parcels that have already been divided and where fragmentation has already occurred. Conditions include a buffer setback from large production farmland south of Sand Hollow Road (Exhibits A.2 & A.7). *See Attachment A for recommended development agreement conditions.* o <u>Natural Resources</u> ▪ *Encourage downward-facing lighting to improve public safety. (G5.06.00)* • As conditioned, the applicant will provide an exterior lighting plan to ensure all exterior lighting is shielded downward and directed away from other adjacent properties. *See Attachment A for recommended development agreement conditions.* o <u>Agriculture</u> ▪ *Protect agricultural operations from conflicts by providing buffers between proposed non-agricultural uses and adjacent farming operations. (P12-04-02)* • Conditions include a buffer setback from large production farmland south of Sand Hollow Road (Exhibit A.2 & A.7). *See Attachment A for recommended development agreement conditions.* • *See the supporting findings and evidence in criteria 2, 3 & 4.*
Criteria Met? **Yes**	**2** **When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?**
Analysis	In consideration of the surrounding land uses, the proposed conditional zone to "R-R" is not more appropriate than the current zoning designation of "A". However, as conditioned, the request is as appropriate because when considering the existing development on the property, it will align with lot sizes and uses existing in the area with minimum impact to agricultural uses and open space. <u>Existing</u> The subject parcel is zoned "A" (Agricultural). Per CCCO §07-10-25(1), the purposes of the "A" (Agricultural) Zone 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 the 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 majority of the area is zoned "A" (Agricultural). The average lot size within a 600-foot radius is 23.33 acres with a median lot size of 9.99 acres (Exhibit B.2f). The parcel is surrounded by parcels that are 10 acres to 80 acres (Exhibit B.2b). The soil classification of the parcel ranges from Class III (Moderately suited soil) to Class VI (Least suited soil) due to slopes (Exhibit B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits B.3 & B.4). Based on aerial history

Exhibit 1

	(Exhibit C), there has not been any productive agricultural uses on the property other than perhaps livestock. Parcels to the east and south contain best or moderately suited soils (Exhibit B.2g). Within a two-mile radius, there is one dairy, Vandenberg & Son Dairy, approximately 1.5 miles southwest of the request (Exhibit B.2i). <u>Proposed</u> The request is to zone the parcel "R-R" (Rural Residential). Per CCCO §07-10-25(2), the purpose of the "R-R" Zone is to *encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.* The 2030 Canyon County Comprehensive Plan determines that rural residential is appropriate in transitional areas between urban and agricultural uses (Pg. 28 of the 2030 Comprehensive Plan). As conditioned (Attachment A), the request creates two lots. The proposed west lot has an existing dwelling and shop (BP2025-0137 & 0138). A secondary dwelling will be prohibited on said lot. The proposed east lot has an existing dwelling currently used as a secondary dwelling (BP2025-0139) and requests that the lot be allowed a secondary dwelling. The Planning and Zoning Commission added a condition prohibiting secondary dwellings. *See Attachment A.* As conditioned, the request maintains the existing character while minimizing impacts. o There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit B.2f). The request maintains similar lot sizes as other subdivisions in the area. o Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit B.2j). The smaller lot sizes were created via land division or original parcels (created on or before September 6, 1979, CCCO §07-02-03). The request will allow for a four-acre or greater lot size commensurate with existing development in the area. o Within a one-mile radius, there are conditional rezones to "R-R" approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. The request is commensurate with other conditional rezone decisions in the area. o Conditions include limiting the divisions to a total of two lots. A 250-foot buffer setback from large production farmland south of Sand Hollow Road is included (Exhibit A.2 & A.7). Also, the applicant will provide an exterior lighting plan to ensure all exterior lighting is shielded downward and directed away from other adjacent properties. *See Attachment A for recommended development agreement conditions.*
Criteria Met? **Yes**	**3**	**Is the proposed conditional rezone compatible with surrounding land uses?**
Analysis	As conditioned, the proposed conditional rezone to "R-R" is compatible with surrounding land uses. Pursuant to Canyon County Ordinance 07-02-03, *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 services. A 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.* As proposed, the request will allow the creation of two lots. As conditioned (Attachment A), the request will be consistent with the surrounding area. o The property consists of Class III to Class VI soils (Exhibit B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits B.3 & B.4).	

	○ There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit B.2f). ○ Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit B.2j). The smaller lot sizes were created via land division or original parcels (created on or before September 6, 1979, CCCO §07-02-03). ○ Within a one-mile radius, there are conditional rezones to "R-R" approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. ○ As conditioned, the request maintains a lot size and use that exists in the area. The conditions also acknowledge the agricultural production on the parcel to the south by maintaining an agricultural buffer (Exhibit A.7). *See Attachment A for recommended development agreement conditions.* If approved, subdivision platting will be required, which will need to comply with the development agreement conditions.
Criteria Met? **Yes**	**4** **Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?**
Analysis	As conditioned, the proposed conditional rezone will not negatively affect the character of the area. • The area contains agricultural and rural residential type use (Exhibit B.2). ○ The property consists of Class III to Class VI soils (Exhibit B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits B.3 & B.4). Based on aerial history (Exhibit C), there has not been any productive agricultural uses on the property other than perhaps livestock. ○ There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit B.2f). ○ Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit B.2j) ○ Within a one-mile radius, there are conditional rezones to "R-R" approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. • As conditioned, the request maintains a lot size and use that exists in the area. *See Attachment A for recommended development agreement conditions.* If approved, subdivision platting will be required, which will need to comply with the development agreement conditions.
Criteria Met? **Yes**	**5** **Will adequate facilities and services, including sewer, water, drainage, irrigation, and utilities, be provided to accommodate the proposed conditional rezone?**
Analysis	The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein. **Sewer:** The parcel has two dwellings served by septic systems. Southwest District Health states the parcel is not in a nitrate priority area and is not concerned about the request (Exhibit D.5). Site evaluation and subdivision engineering report will be required at the time of platting. **Water:** The parcel has two dwellings served by domestic wells. The applicant states they will share the well with the future secondary dwelling on the proposed east lot (Exhibit A.2). The well, whether shared or not, must

	comply with Idaho Department of Water Resources requirements. At the time of platting, water rights for domestic use will need to be demonstrated. **Drainage:** Runoff is maintained onsite. The property has a slope less than 15% from north to south and has an existing drainage retention area located at the southwest corner of the parcel (Exhibits B.2a and B.2h). The subsequent subdivision plat will be required to demonstrate stormwater and runoff maintenance. **Irrigation:** The parcel does not have surface water rights through Black Canyon Irrigation District (Exhibit E.3). Therefore, irrigation will be provided through the Idaho Department of Water Resources (IDWR) via domestic wells or irrigation well water rights granted. At the time of platting, water rights for domestic and irrigation services will need to be provided. **Utility:** The parcel and the parcel to the north have existing dwellings served by utilities. The subsequent subdivision platting will be required to provide utility easements for utility connectivity (CCCO §07-17-09 & 13).	
Criteria Met? **Yes**	**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?**
Analysis	The request will not interfere with existing or future traffic patterns and can be mitigated through the local jurisdiction via adopted code. The request allows two existing dwellings to be located on separate lots. Secondary residences are prohibited (See Attachment A). Therefore, the request maintains the existing average daily trips of 19.04 trips. The private road is already constructed to construction standards, serving fewer than 100 average daily trips (Exhibit B.4). Highway District 4 (HD4) does not oppose and will require dedication at the time of platting (Exhibit D.1). Idaho Transportation Department (ITD) does not have any concerns regarding the request as it does not meet the threshold for a traffic study, nor does it pose any safety concerns (Exhibit D.2).	
Criteria Met? **Yes**	**7**	**Does legal access to the subject property for the conditional rezone exist, or will it exist at the time of development?**
Analysis	The subject property does have legal access for the conditional rezone. The subject property and parcel to the north are served by a private road, Happy Hill Lane (RD2024-0032). The private road has a road user's maintenance agreement (Instrument No. 2007-056827) and is built to private road construction standards (CCCO §07-10-03(3), Exhibit B.4). The request will require subsequent subdivision platting, which will require the private road to be located within a road lot (CCCO §07-17-31). HD4 approved an access permit for both existing dwellings and collected impact fees (Exhibit D.1).	
Criteria Met? **Yes**	**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?**
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. Any necessary measures to mitigate impacts are detailed below. **Schools:** The request, as conditioned, is not anticipated to impact the Middleton School District. No comments were received from the school district. If the rezone is approved, subdivision platting is required, which will require review by the school district. **Police:** The property is served by the Canyon County Sheriff's Office. As conditioned, the request is not anticipated to impact the County Sheriff's Office. No comments were received from the County Sheriff's Office.	

	Fire protection & Emergency Medical Services: The property is served by Middleton Fire and Canyon County Ambulance/EMS. No comments were received. The request, as conditioned, is not anticipated to impact these services. If the rezone is approved, subdivision platting is required, which will require review by these services. **Irrigation Services:** The property is in the district of Black Canyon Irrigation District (BCID). Based on comments received, the property does not have irrigation services from BCID (Exhibit D.3). If the rezone is approved, subdivision platting is required, which will require review by BCID and the Idaho Department of Water Resources (water rights)

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **approval** of Case #CR2025-0004, a conditional rezone of Parcel R37795011, approximately 9.9 acres, from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone subject to conditions of the development agreement (Attachment A).

DATED this 5 day of February, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 5 day of February, in the year 2026, 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

ATTACHMENT A

DRAFT CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The subject parcel, R37795011, shall be subdivided in compliance with Chapter 7, Article 17 of the Canyon County Code of Ordinances (CCCO), subject to the following restrictions:
   a. The parcel shall be divided in substantial compliance with the applicant's site plan (Exhibit A.7).
   b. Secondary residences per CCCO §07-02-03, §07-10-27, and §07-14-25 are prohibited.
   c. A 250-foot buffer along Sand Hollow Road in substantial compliance with the applicant's letter of intent (Exhibits A.2 & A.7) shall be provided where agricultural production and open space will be preserved.
   d. At the time of the preliminary plat, an exterior lighting plan shall be provided demonstrating that all existing and future exterior lighting will be shielded downward and directed away from adjacent properties.
3. The request 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."

EXHIBIT 2

Planning & Zoning Commission Minutes – January 22, 2026

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Board of County Commissioners

Case# CU2025-0004

Hearing date: April 28, 2026

CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, January 22, 2026
6:30 P.M.

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

Commissioners Present :	Brian Sheets, Vice Chairman Harold Nevill, Commission Secretary Geoff Mathews, Commissioner Holley Werhanowicz, Commissioner Anita Johnston, Commissioner
Staff Members Present:	Dan Lister, Planning Supervisor Michelle Barron, Principal Planner Amber Lewter, Associate Planner Caitlin Ross, Hearing Specialist

Acting Chairman Sheets 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. December 4, 2025 Minutes

Motion: Commissioner Nevill moved to approve the Consent Agenda, seconded by Commissioner Johnston. Voice vote, motion carried.

Item 2A:
Case No. CR2025-0004 – Smith: The applicant, Josef Smith, requests a conditional rezone of Parcel R37795011, approximately 9.9 acres, from an "A" (Agricultural) zone to an "CR-R-R" (Conditional Rezone - Rural Residential) zone. The request includes a development agreement limiting development to two residential lots. The subject property is located at 28049 Happy Hill Lane, Caldwell.

Acting Chairman Sheets affirmed the applicant to testify.

Josef Smith (Applicant) IN FAVOR – 28249 Happy Hill Ln., Caldwell, ID 83607
Mr. Smith purchased 10 acres a couple of years ago and built a home and a shop. His parents built a home as the ADU. He is happy that his family gets to share multi-generational living. Mr. Smith has worked with Development Services to design the property according to the 2030 Comprehensive Plan and standards. The five-acre splits are commensurate with the area. They are asking for two, five acre lots. His stepfather is a 22-year Navy veteran who has earned VA financing, and they just need to do a simple split. Their goal is to make the property even more agricultural than when it was purchased. They plan on installing a pick your own flower farm in the front 200 ft. area from Sand Hollow Road into the development. There will not be construction within 200 ft. of the road. They have met with the highway and irrigation district throughout this process. They have installed already installed a well and septic for the home. The goal is to get separate financing and separate mortgages.

Commissioner Nevill asked Mr. Smith if he has reviewed the recommended conditions of approval. Mr. Smith stated he had not. Mr. Smith will review the report while others speak.

Commissioner Mathews asked about the prohibiting of a secondary residence on the west parcel. Mr. Smith did not want to prohibit the secondary residence on the east parcel. However, he noted that there are no plans for additional homes.

Acting Chairman Sheets asked how the property was irrigated. Mr. Smith stated that currently they share one well and it is used for irrigation in small zones. They get 60 gallons a minute. Acting Chairman Sheets asked if the property has any water rights. Mr. Smith stated he did not believe they have any water rights.

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

Commissioner Mathews asked if the split occurs, if a new well would need to be drilled on the lot without one. Planning Supervisor Lister stated that in the end it is what the applicant decides to do, but they would need to meet Idaho Department of Water Resources' requirements. If they decide to share a well, an easement should be provided to allow access for servicing the well. A half an acre could be irrigated via the domestic well. Any additional usage would require an additional water right.

Commissioner Nevill asked for clarification on the site plan and lot location. Planning Supervisor Lister clarified the lot location and driveway that serves the property. Commissioner Nevill discussed secondary residences and development agreements with Planning Supervisor Lister.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

Grace Walborn- IN NEUTRAL – 14460 Sand Hollow Rd., Caldwell, Id 83607

Ms. Walborn signed up as neutral because they didn't understand everything that was planned. After listening to testimony, it appears that the development would be two residences just as it is now, which doesn't bother them at all. Ms. Walborn was concerned about future building and water rights, and she agreed with a condition not allowing additional residences.

Josef Smith (Applicant) REBUTTAL – 28249 Happy Hill Ln., Caldwell, ID 83607

Mr. Smith stated that from his perspective this is just an administrative split. He was not aware of the limitations of the water rights, so he will work on that. He worked with the agencies throughout this process. The road is built to fire district standards with a turnaround. They will prepare a shared well agreement. They have no plans on developing further but did not want to be limited.

Commissioner Mathews asked for more information about the flower farm and proposed scope/size. Mr. Smith stated it would be of a size that he and his wife could handle. It won't be a big business, rather, a hobby farm. Mr. Smith intends on doing concrete and rock to help keep water usage down.

Commissioner Nevill asked if Mr. Smith agreed to the conditions of approval. Mr. Smith agreed with the three conditions. Commissioner Nevill asked about the water usage and the limitations pursuant to Idaho Statute, and whether or not Mr. Smith would be able to adhere to the ½ acre limitation. Mr. Smith clarified that the houses would be served by one domestic well and a second well would mostly serve the flower farm. IDWR rules would be followed.

Commissioner Mathews asked if it would be a dealbreaker to prohibit a secondary residence on the east lot. Mr. Smith preferred to keep his options open. He doesn't have plans to, but he didn't want to limit it forever.

Exhibit 2

Planning Supervisor Dan Lister noted that the recommendation would go to the Board who has the final decision. If a condition was placed limiting the secondary residences, the applicant could request a modification in the future, which would require a public hearing.

MOTION: Commissioner Nevill moved to close public testimony on Case No. CR2025-0004 seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:
Commissioner Nevill considers the request spot zoning. He agrees that Mr. Smith has a plan for the property, however when you place an "R-R" zone in the middle of an intensive agricultural area it is significant, so he is not in favor.

Commissioner Mathews shared the concerns expressed by Commissioner Nevill. He stated he would only approve it with the restriction of secondary residences on both lots.

Acting Chairman Sheets stated he does not have an issue with maintaining the status quo on this property. He referred to page. 8 of Staff's presentation which reflects that there are some rural residential zoned areas. This request won't be adding anything to the parcel that isn't already there. Ultimately it does not change the density of the area. Adding a restriction to secondary residences should be a condition.

Commissioner Johnston agreed that secondary residences should be prohibited.

MOTION: Commissioner Mathews moved to **recommend approval to the Board of County Commissioners** of Case No. CR2025-0004, adding a restriction that would prohibit secondary residences on both lots. Seconded by Commissioner Werhanowicz.

Discussion on the Motion:
Commissioner Nevill reiterated that he is still not in favor of the request for the reasons he stated earlier. Commissioner Nevill added that the applicant stated that one of the reasons for the request was financing related, and this is typically taken into consideration in land use hearings. He stated there are quite a few questions in regard to irrigation.

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

Item 2B:
Case No. CU2025-0021 – Ortiz: The applicant, Alfonso Ortiz, represented by Veronica Sahagum, requests a Conditional Use Permit for a staging area and contractor shop on approximately 9.99 acres in an "A" (Agricultural) zone for a landscaping business. The applicant is proposing storage for the company equipment, including skid steers, boulders, and trees. The subject property is located at 8232 Purple Sage Road, Middleton.

Acting Chairman Sheets affirmed the applicant to testify.

Veronica Sahagun – (Representative) IN FAVOR – 5110 S. Happy Valley Rd., Nampa, ID 83686
Ms. Sahagun is representing Alfonso Ortiz for his Conditional Use Permit request. Mr. Ortiz is requesting approval for a staging area and contractor shop for his landscaping business. He has already obscured visual impact of the area from his neighbors. Approximately 3.5 acres of the 9.9 acres would be used for the business, and the remainder of the property contains Mr. Ortiz' home.

Commissioner Nevill asked if Ms. Sahagun had reviewed the 13 recommended conditions. Ms. Sahagun stated not thoroughly.

Exhibit 2

Acting Chairman Sheets asked about site obscuring fencing and what had been installed and where it had been installed. Ms. Sahagun stated there is a six-foot cedar fence that obscures from the road all the way to the back of the property. On the other side, there are trees and shrubs that also obscure on the east side. The rear portion of the property is open, and the front has trees and shrubbery.

Commissioner Mathews asked if the landscaping use would be located on the back of the property or the front. Ms. Sahagun stated it is on the front. Commissioner Mathews asked how many pieces of equipment the applicant has. Ms. Sahgun stated five skid steers and company trucks. The company trucks are taken by the employee's home. The hours of operation are from 8 a.m. to 6 p.m.

Associate Planner Amber Lewter reviewed the Staff Report for the record.

Commissioner Nevill asked Planner Lewter about site obstruction and the method that would work the best. Planner Lewter discussed the existing conditions and the staff recommendation for the front property line.

Commissioner Werhanowicz asked if the applicant would need to still acquire a permit for the shop. Planner Lewter noted the condition requiring the applicant to complete a change of occupancy for the shop.

Acting Chairman Sheets asked if the applicant would need to do anything further or if staff would be satisfied with the fence. Planner Lewter discussed the recommended condition requiring fencing. Acting Chairman Sheets referenced public comment regarding noise on the weekends. Planner Lewter stated that it was her understanding the events were personal and not related to the conditional use permit request.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

None

Veronica Sahagun – (Representative) REBUTTAL – 5110 S. Happy Valley Rd., Nampa, ID 83686
Ms. Sahagun requested approval of the request, and she knows that the applicant will comply with what needs to be done.

Commissioner Nevill asked if Ms. Sahgun agreed with the conditions of approval. She agreed.

Commissioner Johnston asked if the applicant had addressed the noise that was noted in public comment, whether personal or business. Ms. Sahagun stated yes, he has.

Planner Lewter added that the code enforcement violation was proactive by a member of staff. There is a code ordinance for noise through the Sherriff's office.

MOTION: Commissioner Nevill moved to close public testimony on Case No. CU2025-0021, seconded by Commissioner Werhanowicz. Voice vote, motion carried.

Deliberation:
Commissioner Werhanowicz stated it is hard to mix businesses with residential uses. There were three letters of complaint.

Commissioner Mathews stated the business fits well within an agricultural zone.

Acting Chairman Sheets stated the hours of operation are Monday-Friday from 7 a.m. to 6 p.m. and no weekends. Acting Chairman Sheets asked if there were any conditions that needed to be amended or modified. There were none.

MOTION: Commissioner Nevill moved to **approve** Case No. CU2025-0021, and adopt the Findings of Fact, Conclusions of Law & Order as presented by staff. Seconded by Commissioner Mathews.

Discussion on the Motion:
None

Roll call vote: 5 in favor, 0 opposed, motion passes.

Item 2C:
Case No. SD2022-0049 – Vineyard Gate Estates: The applicant, SS Karcher LLC, represented by Will Mason, Mason & Associates, requests approval of a preliminary plat for Vineyard Gate Estates, a phased mixed-use development subject to development agreement #DA20-147. The development includes approximately 15.78 acres of "CR-C-2" (CR-Service Commercial and approximately 35 acres of "CR-R-1" (CR-Single Family Residential) zone. The applicant proposes five (5) commercial lots and twenty (20) residential lots. The subject property is located adjacent to 16261 Karcher Road, Caldwell, at the southwest corner of Farmway and Karcher Roads. The property is also referenced as Parcel R32915.

Acting Chairman Sheets affirmed the applicant to testify.

Elizabeth Koeckeritz – (Representative) IN FAVOR – 601 Bannock St., Boise, ID 83702
Ms. Koeckeritz stated that the comprehensive plan map amendment and rezone approval was received bac k in 2018. That approval went up to district court, came back down, and received the rezone approval again in 2020. The Preliminary Plat was applied for in 2022 and they are hopeful this case will move forward. Vineyard Gate is adjacent to Farmway Estates which will be presented this evening as well. Vineyard Gate will be developed in substantial conformance with the site plan as required by the Development Agreement. The subdivision meets all the Development Agreement conditions and meets county requirements. Ms. Koeckeritz discussed the zoning of the property and noted it as being CR-R1 and CR-C1 and CR-C2. The project proposes 20 single family residential lots(1.31-acre net density) on 30 acres and five (5) commercial lots on 16.8 acres. The proposed access will be off Karcher Road at the north end of the project. A backage road being proposed along Karcher. There is a shared access agreement running through Farmway Estates which is adjacent to the subject property. All trash enclosures will be screened, lighting will be downward facing, and ITD & Highway District conditions will be met. Ms. Koeckeritz discussed Impact Fees that are charged per lot by Canyon Highway district and the fire district. She noted those fees will be approximately $114,300 assuming those fees don't go up. They agree with the conditions of approval except for the requirement for a landscaping buffer along Karcher Rd, as the property is not located within the Area of City Impact.

Commissioner Werhanowicz asked if the access to the whole subdivision will be from Karcher. Ms. Koeckeritz stated no. They anticipate initially it will be, but it depends on which developer goes first. The 20 residential lots will be coming in off Karcher Rd. as a right in/right out for now. The improvements at Riverside will have a northbound left turn lane and a northbound right turn lane.

Commissioner Nevill asked for the specific number of the condition she had objection to. Ms. Koeckeritz stated that it is no. 10. Commissioner Nevill asked if she knew the prices of the lots because that determines the average number of students that can be expected in the schools. Ms. Koeckeritz believed the homes with the lot are expected to be in the million to 1.5 million range. Commissioner Nevill referred to the land across Karcher Road that is in a conservation easement and asked if the development would impact this. Ms. Koeckeritz stated that the development would not have any meaningful impact. Commissioner Nevill asked

how far city services are from this property. Ms. Koeckeritz believed they were about a mile and a half away. Acting Chairman Sheets asked about the commencement of the project and if the timeclock begins from the decision of the Board or the signature on the development agreement. Ms. Koeckeritz believed that it was the date of the signature on the development agreement.

Principal Planner Michelle Barron reviewed the Staff Report for the record.

Commissioner Nevill asked about condition no. 10 and whether the wording could be changed to state that the landscaping could be placed when Highway 55 roadwork was complete or in the future when Karcher is complete. Planner Barron stated there is potential for expansion along the highway in the future. She added that if improvements are not completed at the final plat stage it would be difficult to hold the developers themselves to that after the project is complete. Commissioner Nevill asked how this project promotes affordable housing. Planner Barron noted that those are typically located in cities due to density and need for services.

Acting Chairman Sheets asked about the dates of approval on the plats. Planner Barron clarified that the iterations of the plat were a result of engineering reviews and agency comments. Acting Chairman Sheets requested clarification on the interpretation of commencement in the Development Agreement. Planner Barron stated that staff accepted the application within the two-year timeframe. The signature on the development adoption was interpreted to be the commencement.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

William Mason – IN FAVOR- 924 3RD St. S., Nampa, ID 83651
Mr. Mason testified that he worked on the Southwest District Health Subdivision Engineering Report for this project and the one to the east. Regarding the access to Karcher, the highway district asked them to create a private road from the leftmost cul-de-sac out to Karcher. When the connection in the middle of the development goes in, the residential access to Karcher will be discontinued.

Commissioner Mathews asked how far east the left turn lane was going to extend for those wanting access to the commercial areas. Mr. Mason deferred the question to the Traffic Engineer.

Tom Blaisdell– IN OPPOSITION – 15883 Canyon Lake St., Caldwell, ID 83607
Mr. Baisdell lives east of the project in Canyon Lake Estates Subdivision. He is concerned about the water table, and he would request that commercial properties cannot be developed until there are city services available. He also noted that there aren't any green space areas or walkways in the development. Moonstruck Subdivision has them, and it would be good for this development to have them as well. Mr. Blaisdell stated that the subdivision he lives in is within the Area of City Impact and has curb, gutter, sidewalk, & streetlights. He realizes that this project is just outside the impact area but should also be similar. He testified about the Comprehensive Plan and the agritourism area. Mr. Blaisdell felt that the commercial areas should host businesses that support agritourism operations.

Commissioner Nevill asked Mr. Blaisdell to point out where his subdivision is located. He also asked when Canyon Lake Subdivision was approved, and Mr. Blaisdell stated it was approved in 2008.

Samantha Wallace– IN OPPOSITION – 16261 Karcher Rd., Caldwell, ID 83607
Ms. Wallace is heartbroken this development is going in. When the original hearing with the Board was rescheduled, she stated she did not receive notice. She stated that the developer had offered for them to buy the acre behind their property so they would not be backed up to commercial, but they have not contacted

her since. She feels like communication is lacking. She is concerned that access to their irrigation will be impacted. She is also concerned that the proposed access on Karcher is too close to their driveway.

Commissioner Nevill asked Ms. Wallace to show on the map where she lives and where her driveway is located.

Commissioner Mathews asked if Ms. Wallace had talked to the highway district about her concerns with access. Ms. Wallace indicated she has not yet but has a meeting with them next month to discuss the expansion of Karcher.

Cheyne Weston– IN OPPOSITION – 16316 Orchard Ave., Caldwell, ID 83607

Mr. Weston stated that his property is south of the proposed development, right along the lake. His property has been flooded on various occasions and if flooding occurred, he would hold the County and developers accountable for the damage. He is concerned about his well as it went dry when Moonstruck Subdivision was put in. Mr. Weston is concerned about fugitive dust during the development, and he did not see a plan to mitigate it. His views are important, and he asked how scrap piles will be maintained. He does not want to see vinyl fencing and would appreciate greenspace and pathways for the kids. A covered bus stop should be set up for children. Mr. Weston requested that lights be screened and downward facing. Mr. Weston was concerned about the 600 ft. notification radius and felt it should be larger for more public hearing involvement. Mr. Weston felt the ordinance should be amended to clarify timelines on development agreements and conditional rezones.

Commissioner Nevill asked Mr. Weston to show on the map where he lives. Commissioner Nevill asked if his home was at a lower elevation than the project. He stated not so much from Vineyard Estates' proposal but definitely from the one to the east.

Andy Haumesser– IN OPPOSITION – 15981 Lunar Way, Caldwell, ID 83607

Mr. Haumesser referenced a memo from Idaho Water Engineering; the household wells divert a miniscule amount of water compared to the available supply. The average monthly residential property in Nampa uses 1400 cubic feet of water a month which totals 10,500 gallons. 60 residential structures over one year will consume 84,000 cubic feet or 628,000 gallons of water. Mr. Haumesser stated this is not a miniscule amount of water and that does not even include commercial usage. He asked where the scientific evidence was that there would be no impact. Mr. Haumesser stated that the developer should set up a trust fund designed to mitigate any adverse effect on neighboring wells for the next 20 years. Traffic mitigation is another issue that should be addressed. The entire east side of Farmway Road from Hwy 55 to Orchard Ave. is residential and construction traffic should be restricted to accessing the sites from the north via Hwy 55. Mr. Haumesser felt amenities should be installed, such as sidewalks, curbs, gutters, sidewalks, playgrounds, etc. He also questioned who would monitor the weed, dust, and sediment control while construction is taking place.

John Kernkamp– IN OPPOSITION – 15635 Riverside Rd., Caldwell, ID 83607

Mr. Kernkamp stated that the contour lines depict clearly that the drainage /runoff will not go towards the streets on the south end of the property and may end up on Mr. Weston's property. Mr. Kernkamp stated that the plat map does not show any source hydrants for fire suppression so he assumed fire sprinklers would be used. Whichever is decided, it should be clearly specified by an amendment to the development agreement.

Jeff Mills– IN OPPOSITION – 15955 Lunar Way Caldwell, ID 83607

Mr. Mills lives in the Moonstruck Development. He agreed with previous testimony, specifically in regard to the unspecified commercial development. The commercial area is approximately 20 acres, and they don't know what kind of businesses will be going in. He is concerned about traffic, impact on aquifers and wells, and the lack of planned amenities. Mr. Mills agreed with the 10 recommended conditions of approval from

staff. He encouraged the Commission to add some additional requirements in regard to fencing and requested all white rail fencing vs solid white fencing. This type of fencing would fit better with the rural area.
Mr. Mills stated the highway has already been extended to Farmway, so it wouldn't be hard to figure out if it will be extended further west and how wide that it will be for landscaping along Karcher.

Trevor Wallace– IN NEUTRAL – 16261 Karcher Rd., Caldwell, ID 83607
Mr. Wallace asked if the traffic study was six years old. He is concerned that the cart is being put before the horse.

Elizabeth Koeckeritz – (Representative) REBUTTAL– 601 Bannock St., Boise, ID 83702
Ms. Koeckeritz discussed fugitive dust and noted that there are items that are required such as an erosion sediment control plan and that is a condition of approval. They are required to provide an engineered grading and drainage plan and a stormwater management plan. Regarding access to Karcher Rd., it is the preferred location from Idaho Transportation Department and there is adequate spacing. Ms. Koeckeritz stated that it is entirely possible that the commercial property may not be developed until services are there. There is also a condition in place that requires Idaho Department of Water Resources and Southwest District Health Department sign off before they can develop commercial. The only planned commercial at this time is a Valley Wide Cooperative, which we can talk about with the next application. After the rezone approval many of the agencies were backed up, and there is documentation of the correspondence. Staff did accept the Preliminary Plat Application and deemed it complete at the time of submittal. Ms. Koeckeritz addressed the green space that was discussed in opposition testimony and noted that the lots will be large and there will be a lot of green space.

Commissioner Mathews asked if the left-hand turn lane would run from Farmway to Riverside. Ms. Koeckeritz replied that she did not believe ITD is requiring turn lanes because of all of their future planning, but they are required by the highway district. Commissioner Mathews stated that he drives that road almost every day and Riverside is a huge back up point. Adding commercial fronting Hwy 55 may cause additional backups. Ms. Koeckeritz said there would be a turn lane at the primary entrance and also a right-hand turn lane coming into the development. Once the two subdivisions develop most of the primary traffic will come off Farmway.

Commissioner Nevill asked if there would be any public green spaces within the development. Ms. Koeckeritz replied, no. Commissioner Nevill asked about adding curb, gutter, & sidewalks in this subdivision. Ms. Koeckeritz did not agree with a condition being added due to the size of the lots. Commissioner Nevill asked about city services and what their thoughts were about hooking up to them. Ms. Koeckeritz stated that typically the city won't let a development hook up without annexing, and if that were the case this subdivision would be built at a higher density. The development agreement allowed for the use of septic, water systems, and wells. Commissioner Nevill asked about adding a plat note requiring sprinklers. Ms. Koeckeritz addressed fire code and when sprinklers are required and added that both properties have water and plenty of water rights. Commissioner Nevill asked if there was an intention of commercial uses being agribusinesses. Ms. Koeckeritz replied that it is certainly anticipated.

Acting Chairman Sheets asked about the dark skies and fencing and what was proposed. Ms. Koeckeritz noted that the development agreement already has stipulations regarding the lighting types. She anticipates the fencing will be vinyl rail fencing, but it will be left up to individual homeowners and as stipulated in their CCRs. Acting Chairman Sheets asked why individual septic systems and individual wells were proposed instead of a community water system. Ms. Koeckeritz replied that this was a huge point of discussion during the rezone hearing, and Southwest District Health found that this was the preferable option and there is sufficient water. Ms. Koeckeritz stated the commercial uses must be approved separately.

Planner Barron added that the property had undergone a comprehensive plan map change to commercial and residential. She also noted that the property is not within an area of city impact.

Commissioner Werhanowicz asked if the traffic study was from 2020. Planner Barron replied yes, but she did communicate with Highway District 4 and Idaho Transportation Department, and they were both still comfortable that it hadn't changed enough to warrant a new traffic impact study.

MOTION: Commissioner Mathews moved to close public testimony on Case No. SD2022-0049, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:
Commissioner Nevill stated he did not like that there are no improvements, greenways, or that a commercial well wasn't being used.

Commissioner Johnston stated that the landscaping needs to be addressed but in the manner that it is far enough back that it wouldn't be impacted when the road widens.

Commissioner Werhanowicz is concerned for everyone that lives around the development and the impact on their wells. She is unsure how the 2020 study is still relevant.

Commissioner Mathews stated that the water situation is going to resolve itself fairly quickly once this gets developed. He suspects that Caldwell is going to extend down there pretty quickly, and they can tie into city services.

Acting Chairman Sheets stated that tying into city services requires annexation as well as getting the infrastructure put in. He discussed the rezone that was approved in 2020 and the acceptance of the application. Acting Chairman Sheets stated that the evidence provided states there is plenty of water there. He doesn't have evidence to the contrary that this will take people's wells out of commission. He discussed the commercial activities on the parcel and noted there would be subsequent applications/requirements as well for the type of use. He does not have enough evidence to merit a recommendation for denial. Acting Chairman Sheets suggested reviewing the proposed conditions so the Commission can discuss those.

MOTION: Commissioner Mathews moved to **recommend approval** of Case No. SD2022-0049 to the Board of County Commissioners, with the addition of condition no. 11. Seconded by Acting Chairman Sheets.

Discussion on the Motion:
Commissioner Nevill noted he was still opposed to it.

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

Item 2D:
Case No. SD2022-0051 – Farmway Estates: The applicant, Karcher Farm LLC & Valley Wide Cooperative Inc., represented by Kimley-Horn & Associates, requests approval of a preliminary plat for Farmway Estates, a phased mixed-use development subject to development agreement #DA20-147. The development includes approximately 19.5 acres of "CR-C-2" (CR-Service Commercial), approximately 2.41 acres of "CR-C-1" (CR-Neighborhood Commercial) zone, and approximately 56 acres of "CR--R1" (CR-Single Family Residential) zone. The applicant proposes nine (9) commercial lots and forty-one (41) residential lots. The subject property is located adjacent to 16169 Karcher Road, Caldwell, at the southwest corner of Farmway and Karcher Roads. The properties are also referenced as Parcels R32917011A, R32917011, and R32917010.

Acting Chairman Sheets affirmed the applicant to testify.

Elizabeth Koeckeritz – (Representative) IN FAVOR– 601 Bannock St., Boise, ID 83702

Ms. Koeckeritz noted that the presentation will look remarkably like the previous item, as this development is adjacent. This development is owned by separate entities and have different engineers. They are in substantial conformance with the site plan as required by the Development Agreement. The development is at the corner of Farmway and Karcher Rd. The property is zoned CR-R1, CR-C1 and CR-C2 that was approved in 2020. The plat encompasses approximately 82.3 acres and of that 54 acres are residential and 20 acres commercial. Farmway Estates offers 41 single family lots and nine commercial lots. There will not be a pass through between the commercial and residential lots in this development. Valley Cooperative owns the lot on the corner of Karcher and Farmway. Ms. Koekeritz noted the development agreement conditions that have been met with this project. She also noted that commercial would not develop until Southwest District Health and Idaho Department of Water Resources approvals were received. Ms. Koekeritz agreed with all conditions of approval set forth by the highway district. She noted the impact fees from the highway and fire district will total $234,000. Ms. Koeckeritz noted that the project is outside the area of impact, and it is difficult to establish where landscaping would start if buffers were added. They feel that sidewalk plus standard setbacks is sufficient along Farmway.

Commissioner Nevill asked about condition no. 10 and why it should be taken out for this application. Ms. Koekeritz stated that it remains their request to remove it as they are not in the city impact area.

Commissioner Mathews asked about landscaping on Farmway and whether they would be opposed to adding it. Ms. Koekeritz stated that they are not in the city impact area, they are asking that it not be required.

Acting Chairman Sheets asked about the timeframe and whether they were within the two-year time frame. Ms. Koekeritz stated that Planner Barron has a slide outlining this. Ms. Koekeritz noted, again, that the application was accepted by staff.

Commissioner Werhanowicz asked for clarification on the proposed access points for this development. Ms. Koekeritz discussed the access to commercial using the site plan displayed. She also explained that fire code requirements are met.

Principal Planner Michelle Barron reviewed the Staff Report for the record.

Acting Chairman Sheets asked about the timing of the application and commencement. Planner Barron stated that commencement is when the preliminary plat application was submitted. The development agreement was signed by the Board on October 23, 2020. The application was submitted on October 21, 2022. The application was accepted by staff and deemed complete.

Commissioner Nevill asked for confirmation that the land north of this parcel is in a conservation easement. Planner Barron stated that that was not part of the analysis and did not have that information.

Teller Bard – IN FAVOR– 1100 W. Idaho St. Ste. 210, Boise, ID 83702

Mr. Bard is the engineer on the project and is available to answer questions.

Acting Chairman Sheets asked about the rationale of using individual wells and septics rather than community services. Mr. Bard noted Elizabeth's testimony previously on this topic but added that it is just not a feasible solution here when individual systems are accepted and approved by the agencies.

Mike Wilson – IN OPPOSITION–15962 Palshaw Ct., Caldwell, ID 83607

Mr. Wilson referenced subtle impacts that people don't think about, for example headlights that hit his living room and master bedroom when cars turn on to Palshaw Ct. He stated that the traffic has increased tremendously over the past five years. The traffic study is from 2020 and doesn't consider the height of the

boom in 2022. Mr. Wilson noted that there is currently an existing sidewalk on Farmway that comes to the church and felt that there should be consistency. He is concerned about the water table during the summer, and he has noticed a decrease in water that he has at his house. His well is about 150 ft. away from the new development and he does not believe his well will not be impacted.

Commissioner Nevill asked if Mr. Wilson would rather have a commercial well for domestic water. Mr. Wilson replied, yes. Commissioner Nevill asked about the plan for traffic flow and access on Karcher. Mr. Wilson felt this was a flaw and would cause bottlenecks. Most of Karcher doesn't even have a pull off or a shoulder.

Andy Hasumesser – IN OPPOSITION–15981 Lunar Way., Caldwell, ID 83607

Mr. Hasumesser noted his water concerns as he had previously discussed in the previous hearing for Vineyard Estates. The two-page memorandum report from Idaho Water Engineering Company was insufficient and was concerned about water impacts. The commercial uses have yet to be determined so the impact is unknown. A trust fund should be established to mitigate any potential impacts on the neighboring wells for the next 20 years. Mr. Hasumesser was concerned about traffic mitigation. He also questioned who would be there to mitigate dust and weed control.

Commissioner Nevill asked if his concerns about water would be mitigated a little if they were using a community well. Mr. Hasumesser stated it would depend upon where the well was located. He also added that he does not think there should be any commercial development unless they are on city services.

John Kerncamp – IN OPPOSITION–15635 Riverside Rd., Caldwell, ID 83607

Mr. Kerncamp agreed with the proposal from Mr. Hasumesser in regard to a trust fund. He believes that the county has a responsibility to protect existing homeowners from being subject to problems from an unhappy outcome from this "experiment." It can cost $10,000 to $20,000 for a homeowner to deepen a well.

Cheyne Weston – IN OPPOSITION–16316 Orchard Rd., Caldwell, ID 83607

Mr. Weston stated his property has been flooded on various occasions. If flooding were to occur, he stated he would hold both the county and developer accountable for all damages, likewise if his well goes dry or becomes contaminated he will hold the same parties accountable. He is concerned about fugitive dust during the development as their property is adjacent to the site. Mr. Weston would like to see a dust mitigation plan for this project. He asked how scrap piles will be maintained and if they would be eradicated on a weekly schedule. They have lived in their home for 40 years and their views are important to them. They do not want to see a barrage of vinyl fencing and would like to see green space and connecting pathways and playgrounds for children. He also suggested a covered bus stop for the children to wait for the bus. Lighting should be screened and downward facing, and suggested this be a condition of approval.

Commissioner Nevill asked Mr. Weston where he would like the bus stop to be. Mr. Weston replied on Farmway near the proposed ingress/egress.

Jeff Mills – IN OPPOSITION–15955 Lunar Way., Caldwell, ID 83607

Mr. Mills stated Farmway Rd. serves residential uses from Karcher to Orchard. He stated that it is preposterous to not consider Farmway Rd. improvements (widening, setbacks, etc.) Improvements such as parks and pathways should be considered. He is concerned about the additional traffic on Farmway, as not all vehicles will be traveling north to Karcher. Without improvements there will be back up.

Tina Zimmerman – IN OPPOSITION–16169 Karcher Rd., Caldwell, ID 83607

Ms. Zimmerman moved to this location a year ago. She is concerned about having commercial buildings in her back hard. There will be a temporary road between the buildings and her home and that is a huge impact to her and will be in proximity. She was concerned about water as well and agreed with previous testimony. She noted she had no communication from anyone.

Commissioner Nevill asked how deep Ms. Zimmerman's well was. Ms. Zimmerman said she was told her well was 50 ft deep.

Commissioner Mathews asked if she received a disclosure from the realtor. She replied that yes, he touched on it but maybe somewhere down the line (10-15 years).

Acting Chairman Sheets asked about the easement and whether it was recorded. Ms. Zimmerman stated she was not sure. Acting Chairman Sheets stated he was concerned about the increase of use on the easement and that should be brought up / more information supplied at the Board of County Commissioners' hearing.

Elizabeth Koeckeritz – (Representative) REBUTTAL– 601 Bannock St., Boise, ID 83702

Ms. Koeckeritz stated the easement is being shut down completely, they are not allowed to access Karcher Road through it. Once the farming ceases, they will be installing their own entrances. There will not be trucks going through the easement on her property. Ms. Koeckeritz there is a condition of approval requiring them to work with the school district. She also noted that they are required to complete an erosion sediment and dust control plan per law. There is already a condition of approval for the engineered drainage plan and stormwater management plan. Ms. Koeckeritz stated that the water study during the rezone was prepared by David Tuthill who is extremely reputable and was the Director of IDWR for several years. They intend to have more information and if possible, have him at the hearing before the Board of County Commissioners. She stated they continue to advocate for not putting in a community system. Ms. Koeckeritz discussed the buffer along Farmway Rd. There is a 40 ft. right of way which leaves 8-9 ft of grassy areas before the edge of the subdivision fence. An additional 20 ft would far exceed any of the surrounding buffers on either side of Farmway. The highway district dictates where access locations need to be and the plat is designed that way. The traffic study was prepared by professionals who do consider proposed projects and add 4 % per year of additional traffic. In conclusion, Ms. Koeckeritz stated that this property has been approved to be developed pursuant to the development agreement and is asking for a recommendation of approval on the preliminary plat.

Commissioner Nevill stated that most likely a bus stop would be on Farmway due to school busses not going into subdivisions. Ms. Koeckeritz stated that they do understand that and there will be school bus access. Commissioner Nevill asked Ms. Koeckeritz to clarify her testimony about fugitive dust. Ms. Koeckeritz explained that it is a DEQ requirement. Commissioner Nevill asked if there was language regarding enforcement if someone was adversely affected by dust. She deferred the question to her engineer. Commissioner Nevill asked what side of Farmway Road the sidewalk would be on. Ms. Koeckeritz stated that the road will be widened, there would be a seven-foot sidewalk and an additional eight to nine feet of grassy landscaped area before the lots begin.

Commissioner Johnston asked if there would be a turn lane into the development and Ms. Koeckeritz replied yes. Commissioner Johnston asked if a pressurized irrigation system would be used, and Ms. Koeckeritz stated, yes. Domestic wells will be for domestic use only.

Acting Chairman Sheets asked where the prohibition of the use of the easement came from. Ms. Koeckeritz indicated that ITD will not let them use the easement. Acting Chairman Sheets asked if they would be opposed to a condition that states they cannot use any potential or existing easement access. She agreed. Acting Chairman Sheets referenced the traffic study that was completed during the rezone and asked why the data is not "stale" at this time. Ms. Koeckeritz stated that traffic engineers do consider all of the pipeline projects. ITD and the highway district have both indicated that the project still works based on the residential numbers.

The applicant's engineer came to the podium.

Teller Bard – REBUTTAL– 1100 W. Idaho St. Ste. 210, Boise, ID 83702
Mr. Bard addressed the fugitive dust and enforcement. He noted two separate processes the county should have in their code as part of a grading permit a SWPPP plan. Also, DEQ reviews the plans and approves it and issues an NOI, which is the permit that allows DEQ to enforce the plan. If neighbors have issues with mud or excessive dust, they can call the County or DEQ.

MOTION: Commissioner Nevill moved to close public testimony on Case No. SD2022-0051. Seconded by Commissioner Mathews. Mr. Jeff Mills from the audience asked for clarification on the widening of Farmway and asked to come to the podium. Commissioner Nevill withdrew his motion.

Jeff Mills – IN OPPOSITION–15955 Lunar Way., Caldwell, ID 83607
Mr. Mills asked for clarification on the widening of Farmway Road expansion and whether it stops at the end of the development or does it go all the way to Orchard. He is concerned if it stops at the end of the development that it will narrow down to a two-way street with no shoulders.

Elizabeth Koeckeritz – (Representative) REBUTTAL– 601 Bannock St., Boise, ID 83702
Ms. Koeckeritz stated that the improvements end at the property line. The traffic study did not request that they do anything further beyond that point. When adjacent properties develop, they would be required to so the same widening as each property develops, that is when improvements are made.

MOTION: Commissioner Nevill moved to close public testimony on Case No. SD2022-0051. Seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:
Commissioner Nevill stated that he is not in favor of the project, but if the Commission decides to approve it, that recommended condition no. 11 be added. Also, adding a 12th condition in regard to the Zimmerman easement. He stated there needs to be greenways, accesses, a community well, and it will interfere with the conservation easement to the north.

Commissioner Mathews referenced condition no. 10 and he stated they do not have the space to do the landscaping to meet Caldwell's standards, and he would be in favor of deleting it.

Commissioner Johnston agreed with Commissioner Mathews.

Commissioner Werhanowicz stated it is hard to listen to listen to the testimony regarding the negative impacts this development will have when construction starts.

Acting Chairman Sheets noted for the record that he still had issue with the timing of the application submittal and the development agreement. He stated he would keep condition no. 10 to be congruent with the prior application, add proposed condition 11, and add condition no. 12 to include the prohibition of use of any easement, ingress or egress from the identified parcel (Zimmerman property located at 16169 Karcher , Caldwell, ID)

MOTION: Commissioner Mathews moved to **recommend approval** for Case No. SD2022-0051 to the Board of County Commissioners, adding conditions no. 11 regarding ITD and Exhibit C3 and condition no 12 regarding the easement access off Karcher into the subject property. Seconded by Commissioner Johnston.

Discussion on the Motion:
None.

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

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Hearing Specialist Caitlin Ross reminded the Commission of the meeting that will be taking place on March 26th. Principal Planner Michelle Barron stated this case was remanded due to new or additional information and the case was remanded back to the P&Z Commission.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 11:43 P.M.

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

Approved this 5th day of March, 2026

Robert Sturgill, Chairman

ATTEST

Jennifer Almeida, Office Manager

Exhibit 2

EXHIBIT 3

Staff Report Packet Dated January 22, 2026

-

Board of County Commissioners

Case# CU2025-0004

Hearing date: April 28, 2026

Planning and Zoning Commission
Hearing Date: January 22, 2026
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER:	**CR2025-0004**
OWNER/APPLICANT:	**Josef Smith**
APPLICATION:	**Conditional Rezone from "A" to "CR-R-R"**
LOCATION:	**28049 Happy Hill Lane, Caldwell** **Parcel R37795011, 9.97 acres**
ANALYST:	**Dan Lister, Planning Supervisor**
STAFF RECOMMENDATION:	**Approval**

REQUEST:
The applicant, Josef Smith, requests a conditional rezone of Parcel R37795011, approximately 9.9 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 two residential lots. The subject property is located at 28049 Happy Lane, Caldwell, also referenced as a portion of the SE quarter of Section 10, T5N, R3W, BM, Canyon County, Idaho. *See Exhibit A for details*.

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

APPLICABLE CODE:
The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezone Criteria), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).

BACKGROUND:
Per PI2024-0327, the subject parcel was created via a conditional use permit in 2007 (CU2006-134, Exhibit B.3). Any further division of the subject parcel will require subdivision platting.

In 2025, a dwelling (BP2025-0137), a shop (BP2025-0138), and a secondary dwelling (BP2025-0139) were permitted on the subject parcel. *See Exhibit B.4.*

The applicant initially applied for a comprehensive plan map amendment to amend the future land use map to a rural residential designation and a conditional rezone to allow three lots on March 14, 2025. After discussion with DSD staff, the applicant amended their application by removing the comprehensive plan amendment and restricting the conditional rezone to create two lots (Exhibit A.2).

HEARING CRITERIA:

Conditional Rezone 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:

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**1**	**Is the proposed conditional rezone generally consistent with the comprehensive plan?**

Analysis

The proposed conditional rezone is not generally consistent with the future land use map in the 2030 Canyon County Comprehensive Plan. However, as conditioned, the request is not anticipated to impact goals and visions for the planned area.

- The future land use map designates the future land use as agriculture and is located near an intensive agricultural overlay (Exhibit B.2c).
  - *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.* Pg. 25 of the 2030 Comprehensive Plan.
  - Intensive Agriculture Overlay: *This overlay is applied to protect working lands and operations. These areas may have higher-quality soils, 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.* Pg. 28 of the 2030 Comprehensive Plan.
- As conditioned, the request creates two lots. The proposed west lot has an existing dwelling and shop (BP2025-0137 & 0138). A secondary dwelling will be prohibited on said lot. The proposed east lot has an existing dwelling currently used as a secondary dwelling (BP2025-0139) and requests that the lot be allowed a secondary dwelling. Due to the property abutting agricultural land to the south, a 250-foot setback from Sand Hollow Road is proposed, where agricultural uses or open space will be preserved and maintained. As conditioned, the applicant states the request promotes balanced rural living and agricultural preservation by transforming underutilized property into two smaller productive agricultural parcels while maintaining low density and open space (Exhibit A.2).
- As conditioned, the request is consistent with the following goals and policies.
  - Property Rights
    - *Protect the integrity of individual property rights while safeguarding public health, safety, and welfare. (G1.01.00)*
    - *Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance. (G1.01.00)*
  - Land Use & Community Design
    - *Maintain a balance between residential growth and agriculture that protects the rural character. (P4.01.01)*
    - *Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns. (P4.03-02)*
    - *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 (P4.03.03).*
    - *Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area. (P4.05.02)*
      - As conditioned, the proposed lot sizes are commensurate with previously approved subdivisions and land divisions in the area (Exhibits B.2d, B.2f, and B.2j).
      - The request is located between parcels that have already been divided and where fragmentation has already occurred. Conditions include a buffer setback from large production farmland south of Sand Hollow Road (Exhibits A.2 & A.7). *See the Recommendation and Decision Options Section of this report.*
  - Natural Resources

	▪ *Encourage downward-facing lighting to improve public safety. (G5.06.00)* • As conditioned, the applicant will provide an exterior lighting plan to ensure all exterior lighting is shielded downward and directed away from other adjacent properties. *See the Recommendation and Decision Options Section of this report.* o Agriculture ▪ *Protect agricultural operations from conflicts by providing buffers between proposed non-agricultural uses and adjacent farming operations. (P12-04-02)* • Conditions include a buffer setback from large production farmland south of Sand Hollow Road (Exhibit A.2 & A.7). *See the Recommendation and Decision Options Section of this report.* • *See the supporting findings and evidence in criteria 2, 3 & 4.*	
Criteria Met? **Yes**	**2**	**When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?**
Analysis	In consideration of the surrounding land uses, the proposed conditional zone to "R-R" is <u>not</u> more appropriate than the current zoning designation of "A". <u>However</u>, as conditioned, the request is as appropriate because when considering the existing development on the property, it will align with lot sizes and uses existing in the area with minimum impact to agricultural uses and open space. <u>Existing</u> The subject parcel is zoned "A" (Agricultural). Per CCCO §07-10-25(1), the purposes of the "A" (Agricultural) Zone 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 the 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 majority of the area is zoned "A" (Agricultural). The average lot size within a 600-foot radius is 23.33 acres with a median lot size of 9.99 acres (Exhibit B.2f). The parcel is surrounded by parcels that are 10 acres to 80 acres (Exhibit B.2b). The soil classification of the parcel ranges from Class III (Moderately suited soil) to Class VI (Least suited soil) due to slopes (Exhibit B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits B.3 & B.4). Based on aerial history (Exhibit C), there has not been any productive agricultural uses on the property other than perhaps livestock. Parcels to the east and south contain best or moderately suited soils (Exhibit B.2g). Within a two-mile radius, there is one dairy, Vandenberg & Son Dairy, approximately 1.5 miles southwest of the request (Exhibit B.2i). <u>Proposed</u> The request is to zone the parcel "R-R" (Rural Residential). Per CCCO §07-10-25(2), the purpose of the "R-R" Zone is to *encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.* The 2030 Canyon County Comprehensive Plan determines that rural residential is appropriate in transitional areas between urban and agricultural uses (Pg. 28 of the 2030 Comprehensive Plan). As conditioned, the request creates two lots. The proposed west lot has an existing dwelling and shop (BP2025-0137 & 0138). A secondary dwelling will be prohibited on said lot. The proposed east lot has an	

	existing dwelling currently used as a secondary dwelling (BP2025-0139) and requests that the lot be allowed a secondary dwelling. As conditioned, the applicant states the request promotes balanced rural living and agricultural preservation by transforming underutilized property into two smaller productive agricultural parcels while maintaining low density and open space (Exhibits A.2 & A.7). As conditioned, the request maintains the existing character while minimizing impacts. o There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit B.2f). The request maintains similar lot sizes as other subdivisions in the area. o Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit B.2j). The smaller lot sizes were created via land division or original parcels (created on or before September 6, 1979, CCCO §07-02-03). The request will allow for a four-acre or greater lot size commensurate with existing development in the area. o Within a one-mile radius, there are conditional rezones to "R-R" approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. The request is commensurate with other conditional rezone decisions in the area. o Conditions include limiting the divisions to a total of two lots. A 250-foot buffer setback from large production farmland south of Sand Hollow Road is included (Exhibit A.2 & A.7). Also, the applicant will provide an exterior lighting plan to ensure all exterior lighting is shielded downward and directed away from other adjacent properties. *See the Recommendation and Decision Options Section of this report.*	
Criteria Met? **Yes**	**3**	**Is the proposed conditional rezone compatible with surrounding land uses?**
Analysis	As conditioned, the proposed conditional rezone to "R-R" is compatible with surrounding land uses. Pursuant to Canyon County Ordinance 07-02-03, *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 services. A 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.* As proposed, the request will allow the creation of two lots. As conditioned, the request will be consistent with the surrounding area. o The property consists of Class III to Class VI soils (Exhibit B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits B.3 & B.4). o There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit B.2f). o Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit B.2j). The smaller lot sizes were created via land division or original parcels (created on or before September 6, 1979, CCCO §07-02-03). o Within a one-mile radius, there are conditional rezones to "R-R" approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit B.2d).	

	The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. o As conditioned, the request maintains a lot size and use that exists in the area. The conditions also acknowledge the agricultural production on the parcel to the south by maintaining an agricultural buffer (Exhibit A.7). *See the Recommendation and Decision Options Section of this report.* If approved, subdivision platting will be required, which will need to comply with the development agreement conditions.	
Criteria Met? **Yes**	**4**	**Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?**
Analysis	As conditioned, the proposed conditional rezone will not negatively affect the character of the area. • The area contains agricultural and rural residential type use (Exhibit B.2). o The property consists of Class III to Class VI soils (Exhibit B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits B.3 & B.4). Based on aerial history (Exhibit C), there has not been any productive agricultural uses on the property other than perhaps livestock. o There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit B.2f). o Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit B.2j) o Within a one-mile radius, there are conditional rezones to "R-R" approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. • As conditioned, the request maintains a lot size and use that exists in the area. *See the Recommendation and Decision Options Section of this report.* If approved, subdivision platting will be required, which will need to comply with the development agreement conditions.	
Criteria Met? **Yes**	**5**	**Will adequate facilities and services, including sewer, water, drainage, irrigation, and utilities, be provided to accommodate the proposed conditional rezone?**
Analysis	The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein. **Sewer:** The parcel has two dwellings served by septic systems. Southwest District Health states the parcel is not in a nitrate priority area and is not concerned about the request (Exhibit D.5). Site evaluation and subdivision engineering report will be required at the time of platting. **Water:** The parcel has two dwellings served by domestic wells. The applicant states they will share the well with the future secondary dwelling on the proposed east lot (Exhibit A.2). The well, whether shared or not, must comply with Idaho Department of Water Resources requirements. At the time of platting, water rights for domestic use will need to be demonstrated. **Drainage:**	

	Runoff is maintained onsite. The property has a slope less than 15% from north to south and has an existing drainage retention area located at the southwest corner of the parcel (Exhibits B.2a and B.2h). The subsequent subdivision plat will be required to demonstrate stormwater and runoff maintenance. **Irrigation:** The parcel does not have surface water rights through Black Canyon Irrigation District (Exhibit E.3). Therefore, irrigation will be provided through the Idaho Department of Water Resources (IDWR) via domestic wells or irrigation well water rights granted. At the time of platting, water rights for domestic and irrigation services will need to be provided. **Utility:** The parcel and the parcel to the north have existing dwellings served by utilities. The subsequent subdivision platting will be required to provide utility easements for utility connectivity (CCCO §07-17-09 & 13).	
Criteria Met? **Yes**	**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?**
Analysis	The request will not interfere with existing or future traffic patterns and can be mitigated through the local jurisdiction via adopted code. The request allows two existing dwellings to be located on separate lots. The proposed east lots will be allowed a secondary dwelling per CCCO §07-14-25 (*See the Recommendation and Decision Options Section of this report*). Therefore, the request allows for one more dwelling than what exists. The total average daily trips generated is 28.56 trips. The private road is already constructed to construction standards, serving fewer than 100 average daily trips (Exhibit B.4). Highway District 4 (HD4) does not oppose and will require dedication at the time of platting and payment of impact fees via an access permit prior to building permit issuance for a secondary dwelling to address any traffic impacts (Exhibit D.1). Idaho Transportation Department (ITD) does not have any concerns regarding the request as it does not meet the threshold for a traffic study, nor does it pose any safety concerns (Exhibit D.2).	
Criteria Met? **Yes**	**7**	**Does legal access to the subject property for the conditional rezone exist, or will it exist at the time of development?**
Analysis	The subject property does have legal access for the conditional rezone. The subject property and parcel to the north are served by a private road, Happy Hill Lane (RD2024-0032). The private road has a road user's maintenance agreement (Instrument No. 2007-056827) and is built to private road construction standards (CCCO §07-10-03(3), Exhibit B.4). The request will require subsequent subdivision platting, which will require the private road to be located within a road lot (CCCO §07-17-31). HD4 approved an access permit for both existing dwellings and collected impact fees (Exhibit D.1). Any future dwelling will be required to pay impact fees.	
Criteria Met? **Yes**	**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?**
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. Any necessary measures to mitigate impacts are detailed below. **Schools:** The request, as conditioned, is not anticipated to impact the Middleton School District. No comments were received from the school district. If the rezone is approved, subdivision platting is required, which will require review by the school district.	

	Police: The property is served by the Canyon County Sheriff's Office. As conditioned, the request is not anticipated to impact the County Sheriff's Office. No comments were received from the County Sheriff's Office. **Fire protection & Emergency Medical Services:** The property is served by Middleton Fire and Canyon County Ambulance/EMS. No comments were received. The request, as conditioned, is not anticipated to impact these services. If the rezone is approved, subdivision platting is required, which will require review by these services. **Irrigation Services:** The property is in the district of Black Canyon Irrigation District (BCID). Based on comments received, the property does not have irrigation services from BCID (Exhibit D.3). If the rezone is approved, subdivision platting is required, which will require review by BCID and the Idaho Department of Water Resources (water rights)

NOTIFICATION AND COMMENTS:
Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on December 18, 2025. Property owners within 300 feet of the subject property boundaries were notified on December 18, 2025. Full political notice was completed on December 18, 2025. A newspaper notice was published on December 18, 2025. The subject property was posted with a notice on December 22, 2025.

Pursuant to CCCO §01-17-07B - Materials Deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

AGENCY COMMENTS
All agency comments received by the materials deadline can be found in **Exhibit D**.

PUBLIC COMMENTS
No public comments were received.

RECOMMENDATION AND DECISION OPTIONS:
In consideration of the application and supporting materials, staff concludes that the proposed conditional rezone is compliant with Canyon County Code of Ordinances §07-06-07(6), subject to the recommended development agreement conditions:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The subject parcel, R37795011, shall be subdivided in compliance with Chapter 7, Article 17 of the Canyon County Code of Ordinances (CCCO), subject to the following restrictions:
    a. The parcel shall be divided in substantial compliance with the applicant's site plan (Exhibit A.7).
    b. Secondary residences per CCCO §07-02-03, §07-10-27, and §07-14-25 is prohibited on the west lot.
    c. A 250-foot buffer along Sand Hollow Road in substantial compliance with the applicant's letter of intent (Exhibits A.2 & A.7) shall be provided where agricultural production and open space will be preserved.
    d. At the time of the preliminary plat, an exterior lighting plan shall be provided demonstrating that all existing and future exterior lighting will be shielded downward and directed away from adjacent properties.
3. The request 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."

DECISION OPTIONS

- **Approval of the Application**: "I move to approve CR2025-0004, Smith, finding the application **does** meet the criteria for approval under Article 07-06-07(6) of Canyon County Zoning Ordinance, **with the conditions listed in the staff report, finding that**: [*Cite reasons for approval & insert any additional conditions of approval*].
- **Denial of the Application**: "I move to deny CR2025-0004, Smith, finding the application **does not** meet the criteria for approval under 07-06-07(6) of Canyon County Zoning Ordinance, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5)*].
- **Table the Application:** "I move to continue CR2025-0004, Smith, to a [*date certain or uncertain*]

EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
2. Letter of Intent
3. Land Use Worksheet
4. Agency Acknowledgement
5. Neighborhood Meeting
6. Deeds
7. Presentation Aerial/Site Plan

B. Supplemental Documents

1. Parcel Information Report
2. Cases Maps/Reports
    a. Aerial
    b. Vicinity
    c. Future Land Use
    d. Zoning
    e. Cases
    f. Subdivision
    g. Soils
    h. Contours/Slopes
    i. Dairy, Feedlot & Gravel Pit
    j. Lot Classification
3. CU2006-134
4. BP2025-0137, 0138, & 0139

C. Site Review

D. Comments Received by January 12, 2026

1. Highway District #4
2. Idaho Transportation Dept.
3. Black Canyon Irrigation District
4. Idaho Department of Environmental Quality
5. Southwest District Health
6. City of Nampa
7. IDWR – Floodplain

Exhibit 3
EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# CR2025-0004

Hearing date: January 22, 2026

ZONING AMENDMENT
PUBLIC HEARING - MASTER APPLICATION

PROPERTY OWNER	OWNER NAME: Josef Smith	
	MAILING ADDRESS: 19713 Susquehanna Way Caldwell ID 83605	
	PHONE: 6198382451	EMAIL: josefsmith888@gmail.com

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

Signature: _____ *Date:* 3/11/25

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

SITE INFO	STREET ADDRESS:	
	PARCEL NUMBER: R3779501 1	
	PARCEL SIZE: 9.57	
	CHECK THE APPLICABLE APPLICATION TYPE:	
	☐ REZONE	☒ CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT
	CURRENT ZONING: AG	PROPOSED ZONING: RR
	FLOOD ZONE (YES/NO)	ZONING DISTRICT:

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	CR2025-0004	DATE RECEIVED:	3-14-25
RECEIVED BY:	MBarron	APPLICATION FEE: 1400.00	CK MO CC CASH

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

RECEIVED
OCT 14 2025
RECEIVED

Conditional Rezone Narrative & Statement of Intent
Applicant: Josef Smith
Property Address: 28049 Happy Hill Lane, Caldwell, Idaho
Parcel ID: R37795011
Size: 9.87 acres
Request: Conditional Rezone to create two rural residential/agricultural parcels (~4.935 acres each)
Location: Southeast corner of Sand Hollow Road and Harvey Road
Current Zoning: Agricultural (AG)

Project Intent

The property currently contains **two existing residences**, both legally permitted by Canyon County:

- **Smith Lot (West):** Building Permit **BP2025-0139**
- **Baker Lot (East):** Building Permit **BP2025-0137** - less than 1,600 sq. ft.; residence of Jon Baker, a 100% disabled U.S. Navy Veteran.

Both dwellings were approved through the County's standard permitting process and are fully compliant with all building, septic, and well requirements.

This request does **not propose any new construction, added dwellings, or infrastructure expansion at this time**. The purpose of the Conditional Rezone is to **formally divide the existing 9.87-acre parcel into two separate lots**, allowing each permitted residence to obtain **independent mortgage financing and ownership**.

The rezone aligns the property's configuration with its **current lawful use pattern**, ensuring both homes remain compliant with zoning while maintaining the County's low-density, rural framework.

Existing Site Conditions

Parcel **R37795011** (9.87 acres) is located at **28049 Happy Hill Lane**, on Sand Hollow Rd between Freezeout and Harvey.
The site currently supports two legally permitted residences:

- **Smith Lot (West):** Permit **BP2025-0139**; single-family dwelling occupied by the applicant.
- **Baker Lot (East):** Permit **BP2025-0137**; single-family dwelling occupied by the applicant's mother.

Both homes are accessed from **Happy Hill Lane**, screened by existing vegetation, and served by individual private wells and septic systems.

The proposed rezone and lot split do **not** alter these conditions. The adjustment will simply assign each existing residence to its own parcel, enabling separate ownership and financial management while maintaining all agricultural buffers and open-space requirements under County standards.

Comparable Lot Sizes and Surrounding Pattern

The proposed parcels are consistent with, or larger than, several surrounding parcels in the Sand Hollow and Harvey Road corridor:

Parcel ID / Reference	Acreage	Approx. Distance / Relation	Current Use
R37795010A	**9.99 ac**	Immediately west (adjacent)	Rural residence + pasture
R37794100	**4.75 ac**	North of Harvey Rd intersection	Single-family residence
R37794101	**4.86 ac**	East across Sand Hollow Rd	Hobby farm/residence
R37849011A0	**3.02 ac**	~600 ft south along Sand Hollow Rd	Rural residence

R37849010 0	**2.18 ac**	Adjacent to 37849011A0 (south)	Residence + small pasture
R37846010 0	**1.12 ac**	Further south along Sand Hollow Rd	Single-family residence

Lot sizes in this area range **from 1 to 10 acres**, with a majority between **3 and 5 acres**. By creating two ~4.935-acre parcels, this proposal **matches the existing density** and maintains the rural pattern of development.

Consistency with the Canyon County 2030 Comprehensive Plan

Chapter 1 – Property Rights
This policy promotes responsible use of private land while protecting public welfare. This rezone preserves large lots, low density, and rural character in line with County goals.

Chapter 3 – Economic Development
Encourages diversified and heritage agriculture (*Policy 3.03.03*). The proposed lavender, flower cultivation for bouquet sales, and pasture uses advance small-scale rural enterprise and heritage farming.

Chapter 4 – Land Use & Community Design
Goals 4.01 & 4.05 promote balanced rural growth and agricultural diversity. Two 4.935-acre lots retain open views, low density, and agricultural character compatible with the neighborhood.

Chapter 5 – Natural Resources
Encourages soil conservation and stormwater management. Pasture, grass, and flower fields stabilize soils and preserve hydrology.

Chapter 12 – Agriculture
Goal 12.01 sustains agriculture as a defining County feature. Converts a non-productive parcel into two active agricultural homesteads consistent with the Plan's intent.

Proposed Conditions of Approval

1. Building Setback and Agricultural Buffer

- All residential or accessory structures shall maintain a **minimum 250-foot setback** from **Sand Hollow Road**.
- The setback area shall remain **open agricultural space** and may only be used for:
    - lavender, **flowers for bouquet production**, or forage crop cultivation;
    - **grass or pasture** used for livestock, feed, soil stabilization, or aesthetic enhancement; and/or
    - Native vegetation or pollinator-friendly plantings.
    - No buildings, pavement, or non-agricultural storage permitted within this buffer.

2. Water Resource Limitation

A maximum of **two (2) domestic wells** shall serve the combined parcels, consistent with IDWR standards.

3. Access Management

All vehicular access shall be via **Happy Hill Lane**.
No new driveways or direct access points shall be established along **Sand Hollow Road**.

4. Dwelling Unit and ADU Restrictions

- No **Accessory Dwelling Unit (ADU)** shall be permitted on the **Smith Lot (West)**.
- The **Baker Lot (East)** shall be limited to **one single-family dwelling not exceeding 1,600 sq. ft. of livable area.**
- No additional secondary dwellings on the Baker Lot are planned at this time; any future ADU shall be restricted to under 2,000 sq. ft. of livable space.

5. Agricultural / Hobby-Farm Commitment

Each parcel shall maintain a **productive agricultural or hobby-farm use**, such as lavender, **flowers for bouquet sales**, orchards, gardens, chickens, small livestock, or **grass/pasture** for feed or conservation.

At least **50% of the Sand Hollow Road frontage** shall remain in agricultural or open-space use.

6. Rural Design and Lighting

All exterior lighting shall be **downward-directed and fully shielded**.
All building exteriors shall use **natural tones and materials** compatible with the rural landscape.

7. Open-Space Maintenance

The **250-foot setback** and other open areas shall remain **free of non-agricultural storage or commercial activity**.
Vegetation shall be maintained by **mowing, grazing, or rotation** to control weeds and preserve the agricultural appearance.

Responses to the Eight Decision Criteria

1. Consistency with the Comprehensive Plan

This request is **fully consistent** with the Canyon County 2030 Comprehensive Plan, particularly Chapters 1, 3, 4, 5, and 12.
It promotes balanced rural living and agricultural preservation, transforming an underutilized property into two small, productive agricultural parcels while maintaining low density and open space.

2. Compatibility with Surrounding Land Uses

The surrounding parcels along Sand Hollow and Harvey Roads range from **1.12 to 9.99 acres**, with most between **3–5 acres**.
By creating two ~4.935-acre parcels, this project **matches the surrounding pattern**. The 250-foot buffer provides a visual and physical transition, ensuring **compatibility in character and scale** with existing agricultural and residential uses.

3. Protection of Public Health, Safety, and Welfare

This proposal promotes health and safety through **low density**, **controlled access**, and **limited groundwater draw**.
A cap of **two dwellings and two wells** minimizes impact on infrastructure and groundwater.
Limiting access to **Happy Hill Lane** protects the agricultural corridor along Sand Hollow Road and maintains clear sightlines and emergency access.

4. No Detriment to Existing Development

The two proposed parcels are **equal to or larger than** most surrounding lots, maintaining compatibility and property values.
Open-space buffers and agricultural uses complement the area's rural character.
No commercial or high-impact uses are proposed.

5. Availability and Adequacy of Public Services

All services are existing or privately managed.
The dwellings already have private wells, septic systems, and road access; **no new public infrastructure** is required.
This project adds **no burden** to County resources.

6. Compatibility with the Natural Environment

The project preserves the natural landscape and improves soil stability through lavender, flowers, and pasture cultivation.
No grading or vegetation removal is proposed, and native plantings will enhance biodiversity.

7. Best Interest of the County and the Public

This proposal upholds the County's public interest in preserving agricultural identity while supporting responsible, low-impact use of rural land.
It models how agricultural land can remain productive and beautiful while accommodating minimal residential use.

8. Orderly Development

This rezone represents **logical and orderly development**.
Both existing residences were lawfully approved under **BP2025-0137** and **BP2025-0139**, with infrastructure already in place.
No new construction or density increase is proposed.
The rezone simply creates two legal parcels reflecting existing use, allowing each to obtain its own mortgage and title.
This adjustment corrects the parcel configuration without altering land use intensity, aligning with the County's vision for **smart, incremental growth**.

Conclusion

This Conditional Rezone represents a **responsible, low-impact land adjustment** that:

- Preserves **250 feet of agricultural buffer** along Sand Hollow Road;
- Creates **two 4.935-acre parcels** consistent with the area's 1–10-acre pattern;
- Limits the **Baker Lot (East)** dwelling to **1,600 sq. ft.**.
- Recognizes **existing permitted homes (BP2025-0137 and BP2025-0139)**;
- Promotes **lavender, flower production, pasture, and grassland cultivation**; and
- Advances the Comprehensive Plan's vision to *"Preserve our agricultural heritage and plan for a smart-growth future through physical and fiscal management."*

Respectfully submitted,
Josef Smith

josefsmith888@gmail.com
28049 Happy Hill Lane • Caldwell, Idaho 83607

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)

_____

Revised 3/29/23

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

☐ Residential 3 ☐ Commercial _____ ☐ Industrial _____

☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

☐ Water supply source: Well + pressurized

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: 20

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: Solid waste

AGENCY ACKNOWLEDGMENT

Date: 1/23/2025
Applicant: Josef Smith
Parcel Number: R3479501
Site Address:

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: 02/07/2025 Signed: Anthony Lee
Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

Fire District: District: Middleton RFD
☒ Applicant submitted/met for informal review.
Date: 1-29-25 Signed:
Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

Highway District: District: Highway District 4
☒ Applicant submitted/met for informal review.
Date: 1/30/25 Signed:
Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

Irrigation District: District: Black Canyon
☒ Applicant submitted/met for informal review.
Date: 1/29/25 Signed: Heather Grubaugh
Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact City:
N/A ☐ Applicant submitted/met for informal review.
Date: 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

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: 0 Sand Hollow Rd	Parcel Number: R3779501 1	
City: Caldwell	State: ID	ZIP Code: 83607
Notices Mailed Date: Jan 4th 2025	Number of Acres:	Current Zoning:

Description of the Request:
Conditional use permit pre Application meeting. Split 9.97 ± and 2.5 ± 2

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Josef Smith		
Company Name: N/A		
Current address: 19713 Susquehanna Way		
City: Caldwell	State: ID	ZIP Code: 83605
Phone: 208-779 8530	Cell:	Fax:
Email: josefsmith 888 @gmail.com		

MEETING INFORMATION

DATE OF MEETING: 1/22/25	MEETING LOCATION: Site of project
MEETING START TIME: 4pm	MEETING END TIME: 530 pm

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Josef Smith		19713 Susquehanna Way
2. Jessica Smith		19713 Susquehanna Way
3. Jon Baker		2515 Spruce St Caldwell
4. Melissa Baker		2515 Spruce St Caldwell
5. Theresa Harris		15648 Aplomado Way Nampa
6. Will Harris		15648 Aplomado Way Nampa
7. Mike ?		
8.		
9.		

Revised 6/9/22

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): Josef Smith

APPLICANT/REPRESENTATIVE (Signature): _____

DATE: 1 / 22 / 2025

Notice of Neighborhood Meeting

Conditional Use Permit Pre-Application Requirement

For a Public Hearing

Date: January 22, 2025

Time: 4:00 PM

Location: 0 Sand Hollow Rd, Caldwell ID, Northside of Sand Hollow Rd between Freezeout Rd and Harvey Rd. Middle of Cul de sac. Parcel Number R37795011

Subject: Proposed Conditional Use Permit Application

Dear Neighbors,

This notice serves to inform you of a Neighborhood Meeting regarding a proposed Conditional Use Permit (CUP) and Conditional Rezone application as part of the pre-application process required under the Canyon County Zoning Ordinance 07-01-15. This meeting is an opportunity for you to learn about the proposed project, ask questions, and provide input before the application proceeds to the formal public hearing process.

Project Description:

The property is currently a vacant lot of 9.98 acres. Our plan is to divide the land into three parcels: one of 5 acres and two of 2.5 acres each. This will only add one more home to the existing allowable number of homes on this lot. We will be drilling only two wells. The homes will be built specifically for our senior parents, allowing us to be nearby and provide support as needed.

We have already constructed a road that has been approved by the local fire district. We are committed to being thoughtful and considerate neighbors and look forward to fostering a positive community.

Proposed Access: From existing easement off Sand Hollow Rd.

Property Location: 0 Sand Hollow Rd, Caldwell ID

Northside of Sand Hollow Rd between Freezeout Rd and Harvey Rd.

Applicant:
Josef Smith (208) 779-8530

Meeting Agenda:
1. Introduction and overview of the proposed project.

2. Explanation of the Conditional Use Permit process.

3. Opportunity for neighborhood questions and feedback.

4. Next steps in the application process.

Why Your Participation Matters:
This meeting is an important step in ensuring that neighbors are informed about the project and have an opportunity to share any concerns, ideas, or support. Your feedback will help shape the application before it is formally submitted to Canyon County for review.

If you have any questions or require special accommodations to attend this meeting, please contact Josef Smith, (208) 779-8530 or josefsmith888@gmail.com by 1/21/2025.

Thank you for your time and participation. We look forward to hearing your thoughts and addressing any concerns.

Sincerely,

Josef Smith and Family

We look forward to joining your wonderful neighborhood.

UNOFFICIAL COPY

Fidelity National Title

Escrow No.: 34602441166-NH

2024-033422
RECORDED
10/16/2024 02:05 PM
RICK HOGABOAM
CANYON COUNTY RECORDER
Pgs=6 JWINSLOW $15.00
TYPE DEED
VCR
ELECTRONICALLY RECORDED

2024-032870
RECORDED
10/11/2024 11:09 AM
RICK HOGABOAM
CANYON COUNTY RECORDER
Pgs=5 JWINSLOW $15.00
TYPE: DEED
VCR
ELECTRONICALLY RECORDED

WARRANTY DEED

being rerecorded to correct vesting

FOR VALUE RECEIVED

An undivided fifty percent (50%) interest to Jodi B. Reynolds, in her capacity as Trustee of Trust A of The Reynolds Family Trust, U/T/A dated October 14, 1997, as reformed and restated on April 20, 1999, June 13, 2001, April 26, 2007 and September 18, 2009 and an undivided fifty percent (50%) interest to Jodi B. Reynolds, in her capacity as Trustee of Trust B of The Reynolds Family Trust, U/T/A dated October 14, 1997, as reformed an restated on April 20, 1999, June 13, 2001, April 26, 2007 and September 18, 2009

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:

Josef Smith and Jessica Smith, husband and wife, as community property with rights of survivorship, as to an undivided 70 percent interest and Jon David Baker and Melissa L Baker, husband and wife, as community property with rights of survivorship, as to an undivided 30 percent interest * Malisa

GRANTEE(S), whose current address is: 19713 SUSQUEHANNA WY, CALDWELL ID 83605

the following described real property in Canyon County, Idaho, more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

UNOFFICIAL COPY

UNOFFICIAL COPY

Electronically Recorded
Stamped First Page Now
Incorporated As Part of
The Original Document

Fidelity National Title

Escrow No.: 34602441166-NH

WARRANTY DEED

FOR VALUE RECEIVED

**being rerecorded to correct vesting **

An undivided fifty percent (50%) interest to Jodi B. Reynolds, in her capacity as Trustee of Trust A of The Reynolds Family Trust, U/T/A dated October 14, 1997, as reformed and restated on April 20, 1999, June 13, 2001, April 26, 2007 and September 18, 2009 and an undivided fifty percent (50%) interest to Jodi B. Reynolds, in her capacity as Trustee of Trust B of The Reynolds Family Trust, U/T/A dated October 14, 1997, as reformed an restated on April 20, 1999, June 13, 2001, April 26, 2007 and September 18, 2009

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:

Josef Smith and Jessica Smith, husband and wife, as community property with rights of survivorship, as to an undivided 70 percent interest and Jon David Baker and ~~Melissa~~ *Malisa L Baker, husband and wife, as community property with rights of survivorship, as to an undivided 30 percent interest

GRANTEE(S), whose current address is: 19713 SUSQUEHANNA WY, CALDWELL ID 83605

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UNOFFICIAL COPY

UNOFFICIAL COPY

EXHIBIT "A"
Legal Description

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Effective this 11th day of October, 2024.

Gen Lee, Officer for U.S. Bank, N.A., as Agent for Jodi B. Reynolds, Trustee of Trust A of The Reynolds Family Trust, U/T/A dated October 14, 1997, as reformed and restated on April 20, 1999, June 13, 2001, April 26, 2007 and September 18, 2009

BY:_____
Gen Lee
Officer

Gen Lee, Officer for U.S. Bank, N.A., as Agent for Jodi B. Reynolds, Trustee of Trust B of The Reynolds Family Trust, U/T/A dated October 14, 1997, as reformed and restated on April 20, 1999, June 13, 2001, April 26, 2007 and September 18, 2009

BY:_____
Gen Lee,
Officer

STATE OF Idaho, COUNTY OF Ada, ss.

On this _____day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Gen Lee as Officer for U.S. Bank, N.A., as Agent for Jodi B. Reynolds, Trustee of Trust A of The Reynolds Family Trust, U/T/A dated October 14, 1997, as reformed and restated on April 20, 1999, June 13, 2001, April 26, 2007 and September 18, 2009 that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said Trust and that such Trust executed it.

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

Signature:_____
Name:_____
Residing at: _____
My Commission expires: _____

SEE ATTACHED NOTARY CERTIFICATE
10/09/24

STATE OF Idaho, COUNTY OF Ada, ss.

On this _____day of _____, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Gen Lee as Officer for U.S. Bank, N.A., as Agent for Jodi B. Reynolds, Trustee of Trust B of The Reynolds Family Trust, U/T/A dated October 14, 1997, as reformed and restated on April 20, 1999, June 13, 2001, April 26, 2007 and September 18, 2009 that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said Trust and that such Trust executed it.

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

Signature:_____
Name:_____
Residing at: _____
My Commission expires: _____

SEE ATTACHED NOTARY CERTIFICATE
10/09/24

UNOFFICIAL COPY

UNOFFICIAL COPY

EXHIBIT "A"

Legal Description

This parcel is the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of Section 10, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southeast corner of said South Half of the East Half of the Southwest Quarter of the Southeast Quarter; thence along the South boundary of said South Half of the East Half of the Southwest Quarter of the Southeast Quarter
North 89° 17' 12" West 661.25 feet to the Southwest corner of said South Half of the East Half of the Southwest Quarter of the Southeast Quarter; thence along the West boundary of said South Half of the East Half of the Southwest Quarter of the Southeast Quarter
North 00° 30' 33" East 657.67 feet to the Northwest corner of said South Half of the East Half of the Southwest Quarter of the Southeast Quarter; thence along the North boundary of said South Half of the East Half of the Southwest Quarter of the Southeast Quarter
South 89° 18' 28" East 659.90 feet to the Northeast corner of said South Half of the East Half of the Southwest Quarter of the Southeast Quarter; thence along the East boundary of said South Half of the East Half of the Southwest Quarter of the Southeast Quarter
South 00° 23' 31" West 657.92 feet to the POINT OF BEGINNING.

UNOFFICIAL COPY

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of LOS ANGELES)

On OCTOBER 9, 2024 before me, S.FILO, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared GEN LEE,
who proved to me on the basis of satisfactory evidence 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

S.FILO
COMM.# 2460407
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
MY COMM.EXPIRES:JAN.28,2028

Signature _____ (Seal)

UNOFFICIAL COPY

UNOFFICIAL COPY

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of LOS ANGELES)

On OCTOBER 9, 2024 before me, S.FILO, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared GEN LEE,
who proved to me on the basis of satisfactory evidence 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

S.FILO
COMM.# 2480407
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
MY COMM.EXPIRES:JAN.28,2028

WITNESS my hand and official seal.

Signature _____ (Seal)

UNOFFICIAL COPY

Canyon County Assessor



1/9/2026, 1:55:41 PM

Imagery 2025

Red: Band_1

Green: Band_2

Blue: Band_3

Taxparcels

Canyon County Roads

Canyon County Roads

Sections-Adjusted for Assessment

County

1:4,514

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Public

Maps and data are to be used for reference purposes only and Canyon County, Idaho is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

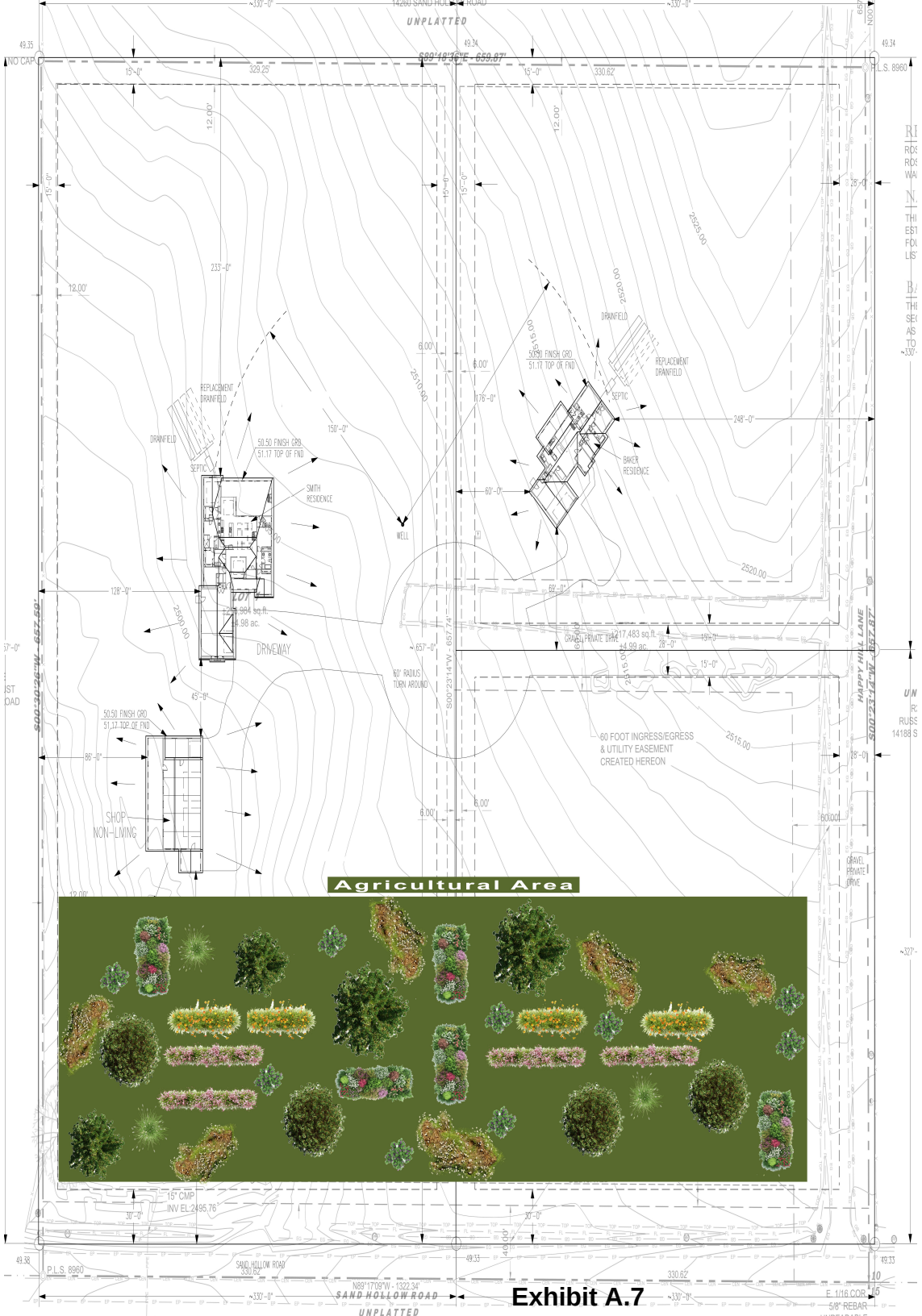

Agricultural Area
UNPLATTED
SAND HOLLOW ROAD
UNPLATTED
SMITH RESIDENCE
BAKER RESIDENCE
SHOP NON-LIVING
DRIVEWAY
GRAVEL PRIVATE DRIVE
60 FOOT INGRESS/EGRESS & UTILITY EASEMENT CREATED HEREON
60' RADIUS TURN AROUND
WELL
SEPTIC
DRAINFIELD
REPLACEMENT DRAINFIELD
50.50 FINISH GRD.
51.17 TOP OF FND
15" CMP
INV EL. 2495.76
P.L.S. 8960
N89°17'00"W - 1322.34'
S00°23'14"W - 657.74'
N00°23'14"E - 657.74'
S89°18'36"E - 659.87'

Exhibit A.7

Dear Members of the Caldwell County Planning Commission,

Thank you for the opportunity to present our request to divide our family-owned 10-acre agricultural parcel into two parcels of approximately five acres each.

My son and I purchased this property specifically because of its agricultural zoning, open space, and quiet rural setting. Although the land was not previously being actively farmed, we are committed to using and maintaining it in a manner consistent with its agricultural designation and the surrounding countryside.

Purpose of the Lot Split
The purpose of this request is not development or commercialization. Rather, it is to allow each family member to secure appropriate financing for their respective homes. As a 100% disabled veteran, I qualify for a VA loan with significantly better terms than conventional financing. A simple land split allows us to responsibly manage our homes while maintaining long-term family ownership of the land.

Agricultural Use & Stewardship
We intend to actively use the property in a manner consistent with agricultural zoning by:

- Growing **small gardens** with fruits and vegetables for personal and family use
- Maintaining **open areas with native grasses and naturally occurring wildflowers**
- Allowing unused portions of the land to remain open and undeveloped, preserving soil health and rural character

This approach supports agricultural use without introducing intensive farming, commercial operations, or additional structures beyond what already exists.

Consistency with Surrounding Properties
The proposed five-acre parcels are consistent with the existing rural pattern in the area. There are already nearby properties that are divided into parcels equal to or smaller than five acres, many of which retain agricultural zoning and rural uses. Our intent is to mirror the existing country lifestyle — not alter it.

Minimal Impact & Long-Term Stability
This land division will not increase population density beyond what is already established, nor will it place additional strain on county services or infrastructure. Both homes are already in place, access is established, and no further subdivision is planned.

This is a **family-only arrangement**. We are not developers, nor do we intend to sell the land outside of the family. Should one family member pass, the property and home will transfer to the remaining family member, ensuring continued responsible ownership and financial stability.

Commitment to Rural Character
We fell in love with this land because of its quiet surroundings and open space. Our goal is to live peacefully, maintain the agricultural feel of the property, and be respectful neighbors. Approving this request allows us to remain long-term stewards of the land while preserving the rural lifestyle Caldwell County values.

Conclusion
We respectfully request approval of this simple lot split. It preserves agricultural zoning intent, aligns with surrounding land uses, creates no new development pressure, and supports responsible family ownership.

Thank you for your time, service, and thoughtful consideration.

Exhibit 3
EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# CR2025-0004

Hearing date: January 22, 2026

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

R37795011 PARCEL INFORMATION REPORT

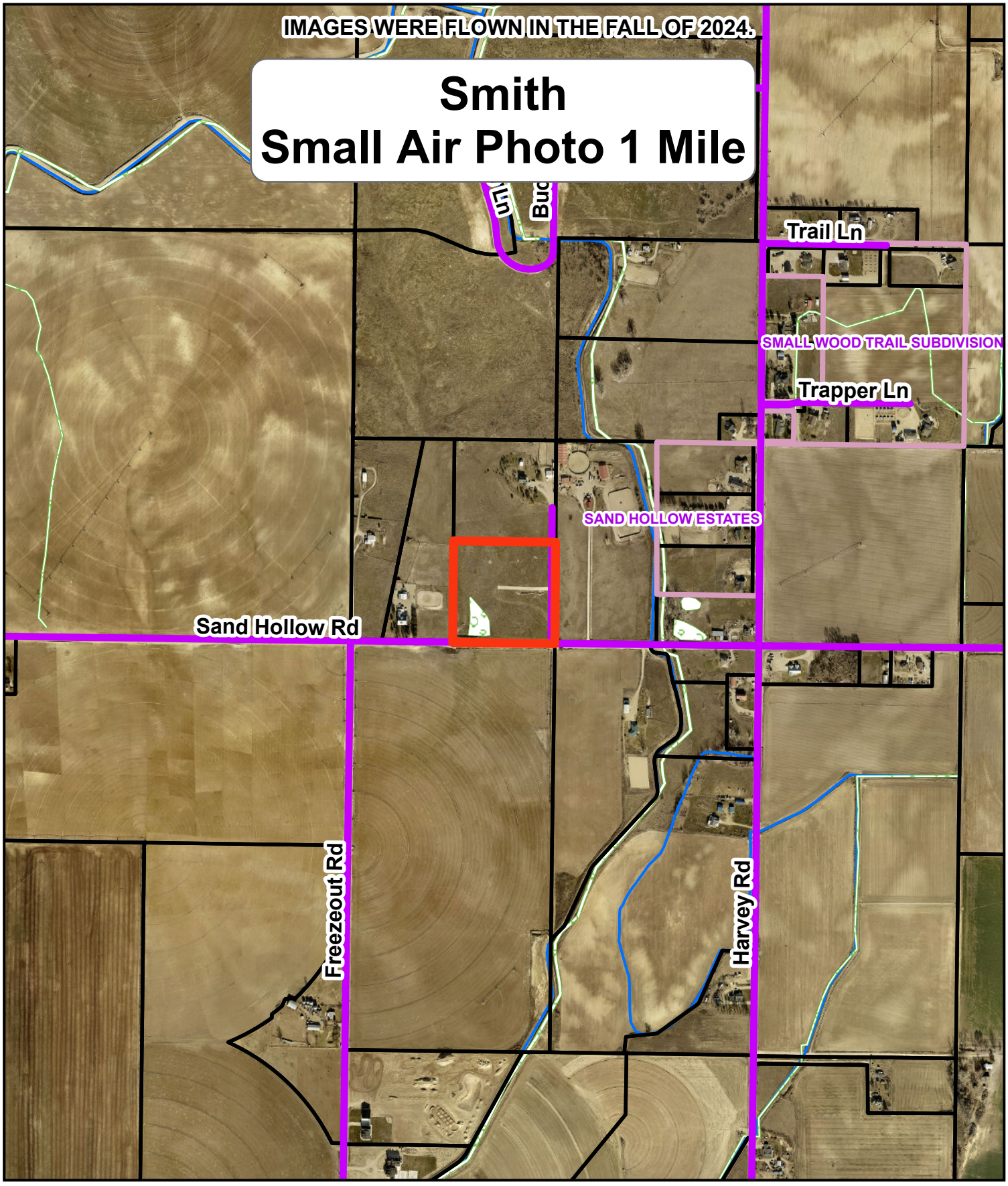
1/12/2026 2:25:17 PM

PARCEL NUMBER:	R37795011
OWNER NAME:	SMITH JOSEF
CO-OWNER:	BAKER MALISA L
MAILING ADDRESS:	19713 SUSQUEHANNA WAY CALDWELL ID 83605
SITE ADDRESS:	28049 HAPPY HILL LN
TAX CODE:	0320000
TWP:	5N **RNG:** 3W **SEC:** 10 **QUARTER:** SE
ACRES:	9.98
HOME OWNERS EXEMPTION:	No
AG-EXEMPT:	No
DRAIN DISTRICT:	NOT In Drain Dist
ZONING DESCRIPTION:	AG / AGRICULTURE
HIGHWAY DISTRICT:	HIGHWAY DISTRICT #4
FIRE DISTRICT:	MIDDLETON FIRE
SCHOOL DISTRICT:	MIDDLETON SCHOOL DIST #134
IMPACT AREA:	NOT In Impact Area
FUTURE LAND USE 2011-2022 :	AG
FLU Overlay Zone Desc 2030:	
FLU RR Zone Desc 2030:	
FUTURE LAND USE 2030:	AGRICULTURE
IRRIGATION DISTRICT:	BLACK CANYON IRRIGATION DIST
FEMA FLOOD ZONE:	X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0125F
WETLAND:	Freshwater Pond
NITRATE PRIORITY:	NO Nitrate Prio
FUNCTIONAL Classification:	COLLECTOR
INSTRUMENT NO. :	2024033422
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	10-5N-3W SE TX 07493 IN SWSE
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.

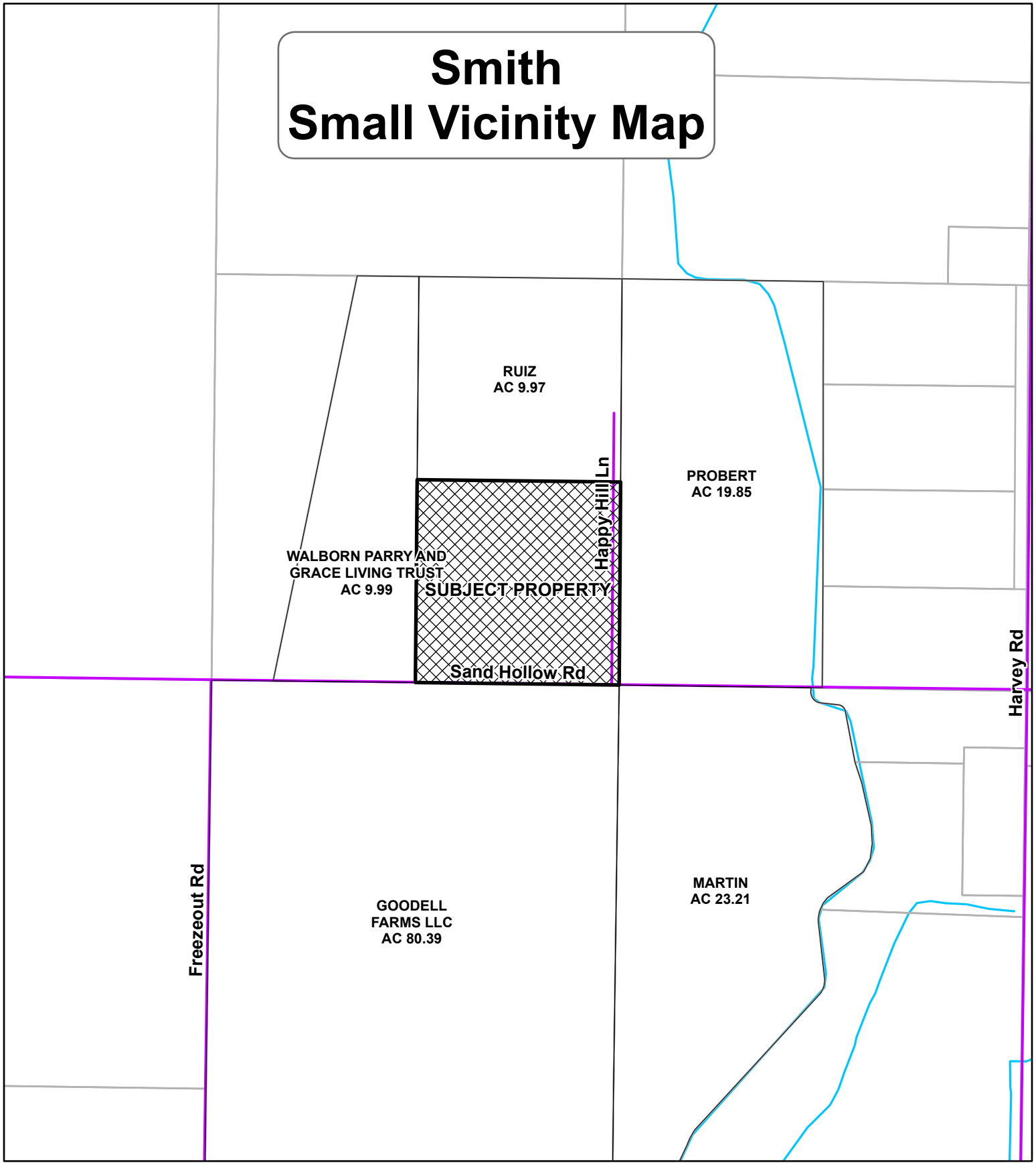
CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



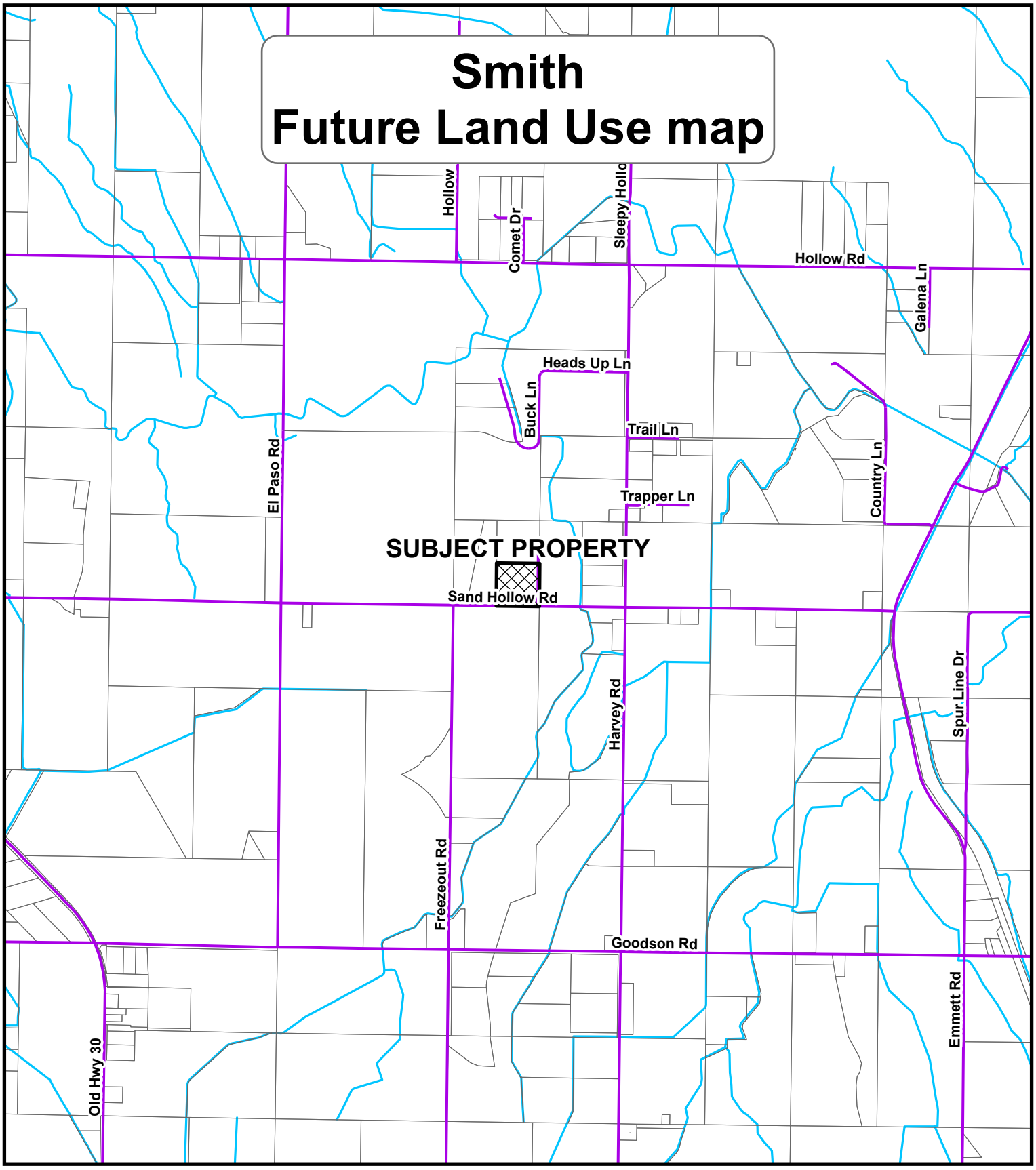
City_Limits
Wetlands

0 0.25 0.5 Miles

Smith
Small Vicinity Map



Smith
Future Land Use map



CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS

N W E S

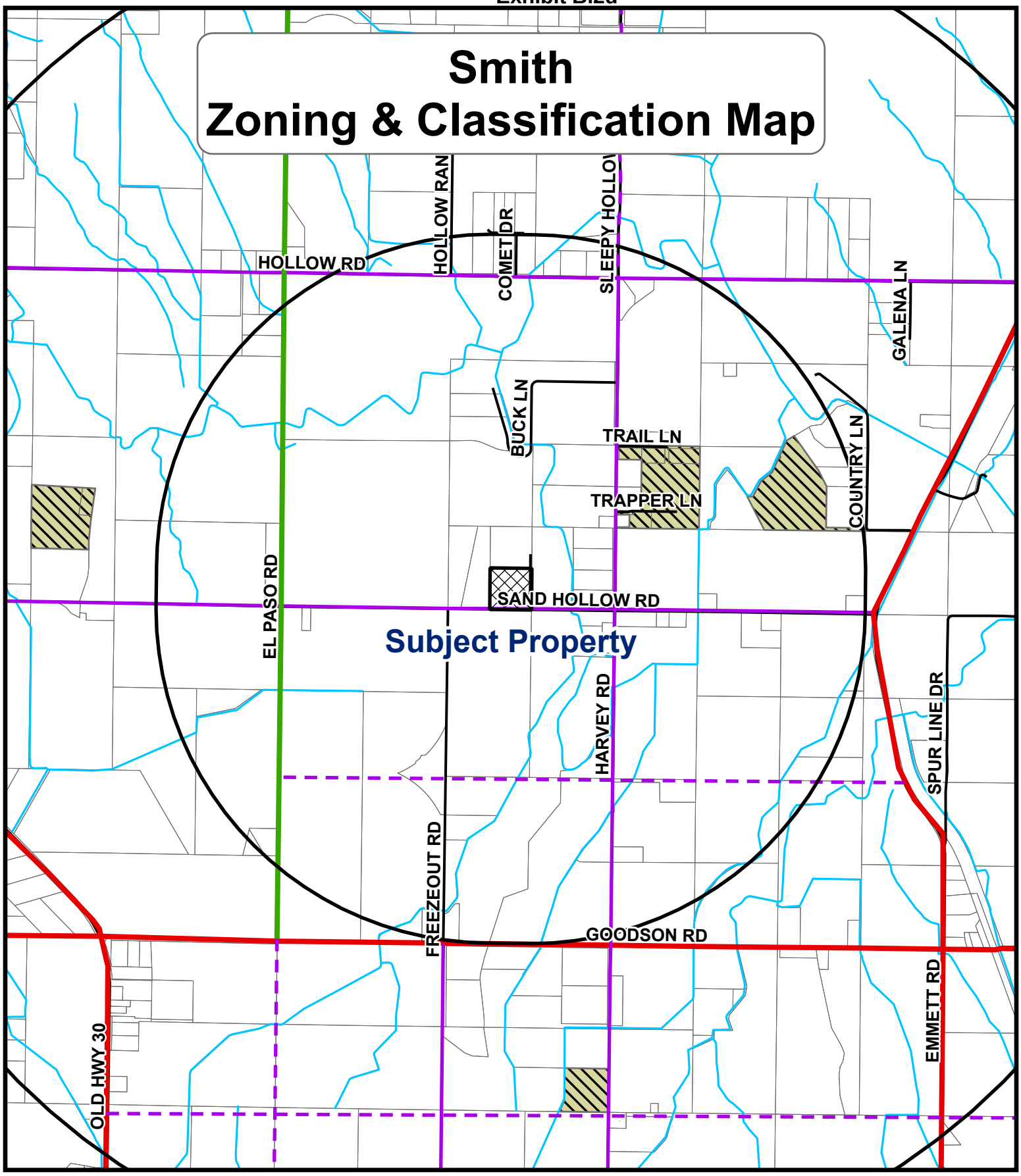
Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- RURAL RESIDENTIAL

0 0.5 1 Miles

Exhibit B.2d

Smith
Zoning & Classification Map

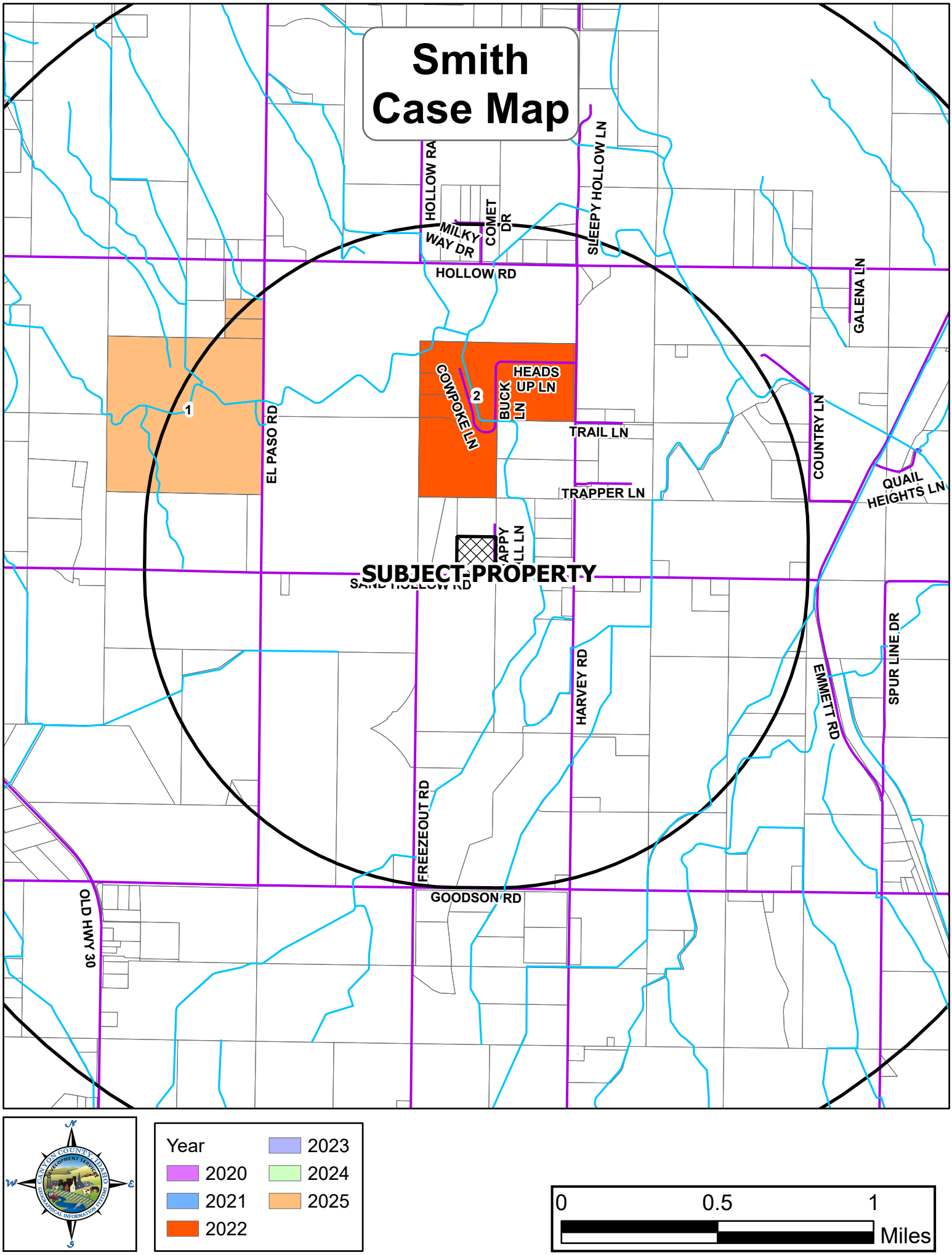


CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS

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

0 0.25 0.5 Miles

Exhibit B.2d


Smith
Case Map
HOLLOW RA
MILKY WAY DR
COMET DR
SLEEPY HOLLOW LN
HOLLOW RD
GALENA LN
EL PASO RD
COMPOKE LN
HEADS UP LN
BUCK LN
TRAIL LN
COUNTRY LN
QUAIL HEIGHTS LN
TRAPPER LN
APPY LL LN
SUBJECT PROPERTY
SAND HOLLOW RD
HARVEY RD
EMMETT RD
SPUR LINE DR
FREEZEOUT RD
GOODSON RD
OLD HWY 30
1
2
Year
2020
2021
2022
2023
2024
2025
0
0.5
1
Miles

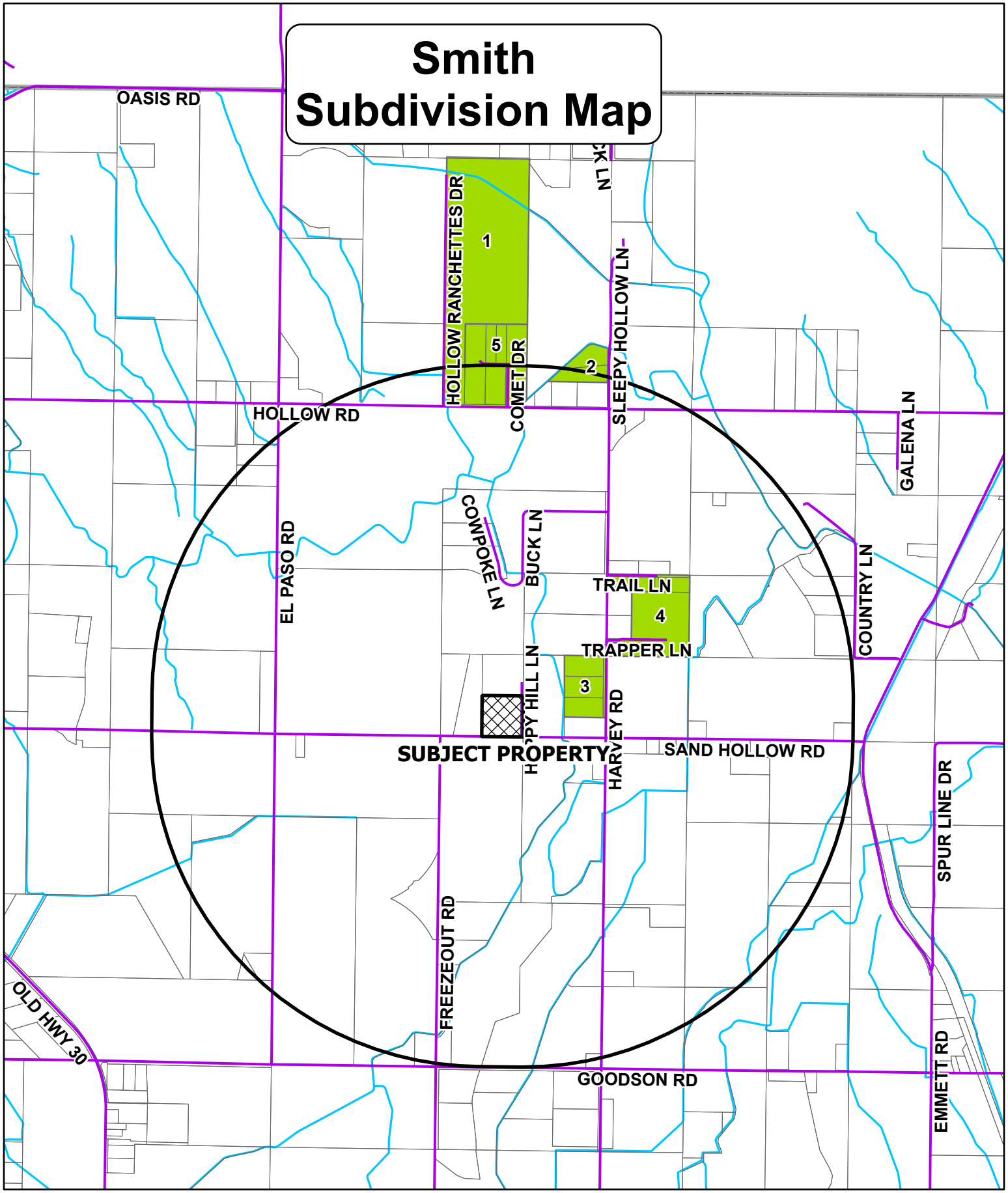
CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	PH2016-4-MOD	Arena, Caretaker Res, Group Home, Kennel, Quasi-Public Use, School, Special Evnt	Idaho Youth Ranch, LLC	APPROVED
2	CR2021-0008	Rezone AG to CR-RR	Treasure Valley LLC	DENIED

Exhibit B.2e

Exhibit B.2f

Smith Subdivision Map



SUBDIVISIONS

Plat Type,Plat Status

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

Exhibit B.2f

0 0.5 1 Miles

SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
5	175.83	22	7.99

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

NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
7	23.33	9.99	9.95	80.39

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

PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF…	Year
HOLLOW RD RANCHETTE	1	5N3W03	100.78	6	16.80	COUNTY (Canyon)	2001
QUAIL HAVEN SUB	2	5N3W03	8.65	2	4.32	COUNTY (Canyon)	2004
SAND HOLLOW ESTATES	3	5N3W10	14.99	3	5.00	COUNTY (Canyon)	2008
SMALL WOOD TRAIL SUBDIVISION	4	5N3W11	31.35	6	5.23	COUNTY (Canyon)	2017
STAR GAZERS ESTATES	5	0	20.06	5	4.01	COUNTY (Canyon)	2007

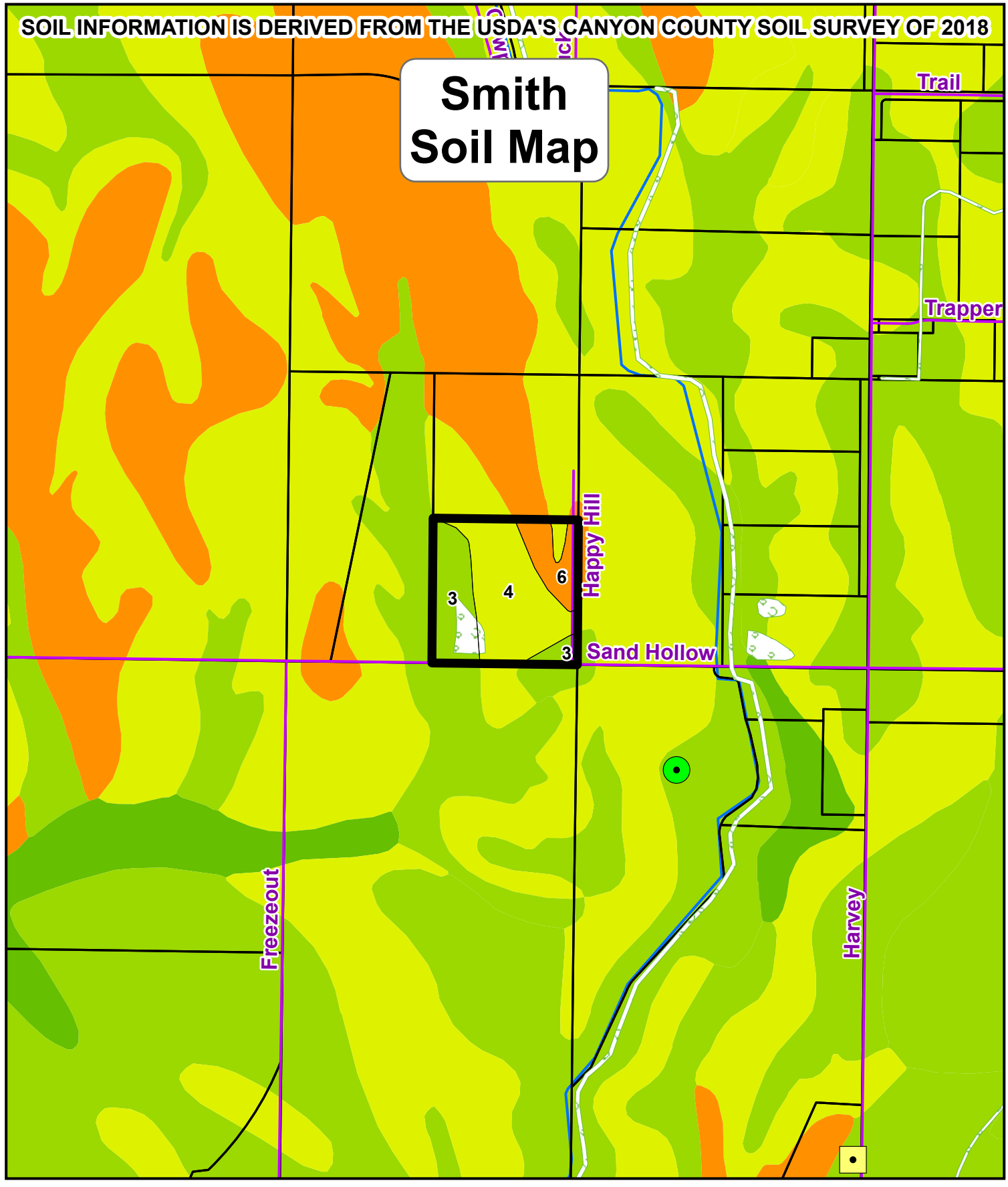
SUBDIVISIONS IN PLATTING

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…

Exhibit B.2f


SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018
Smith
Soil Map
Trail
Trapper
Happy Hill
Sand Hollow
Freezeout
Harvey
6
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
Miles

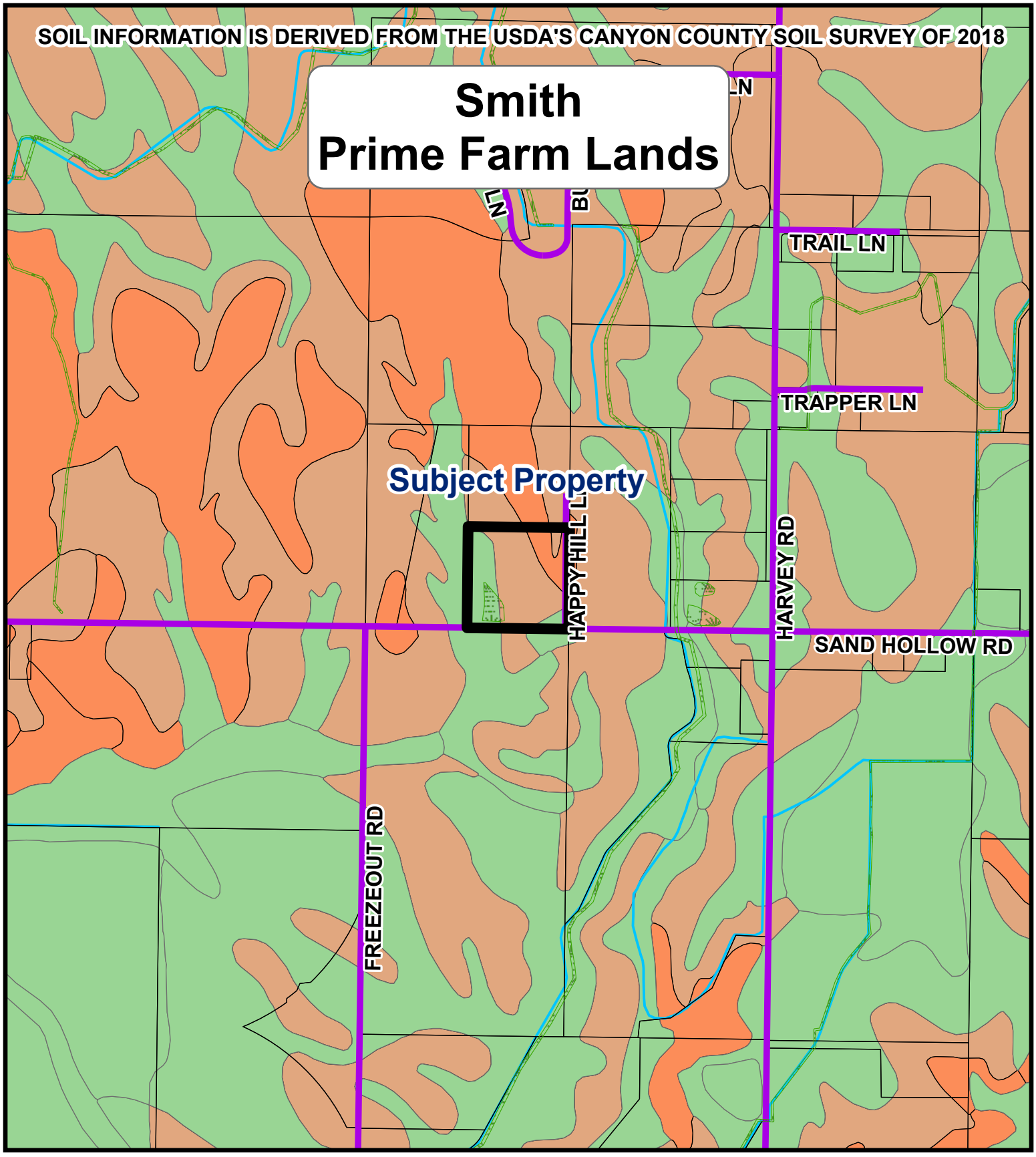

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018
Smith
Prime Farm Lands
TRAIL LN
TRAPPER LN
Subject Property
HAPPY HILL L
HARVEY RD
SAND HOLLOW RD
FREEZEOUT RD
TAXLOTS
City_Limits
WETLANDS
2C_Hydro
FARMLAND
Farmland of statewide importance
Farmland of statewide importance, 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 B.2g

Exhibit B.2g

SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
6	LEAST SUITED SOIL	68065.56	1.56	15.66%
4	MODERATELY SUITED SOIL	229950.99	5.28	52.92%
3	MODERATELY SUITED SOIL	116790.52	2.68	26.88%
3	MODERATELY SUITED SOIL	19711.33	0.45	4.54%
		434518.40	9.98	100%

FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
LkD	Not prime farmland	68065.56	1.56	15.66%
EvC	Farmland of statewide importance, if irrigated	229950.99	5.28	52.92%
PhB	Prime farmland if irrigated	116790.52	2.68	26.88%
EsB	Prime farmland if irrigated	19711.33	0.45	4.54%
		434518.40	9.98	100%

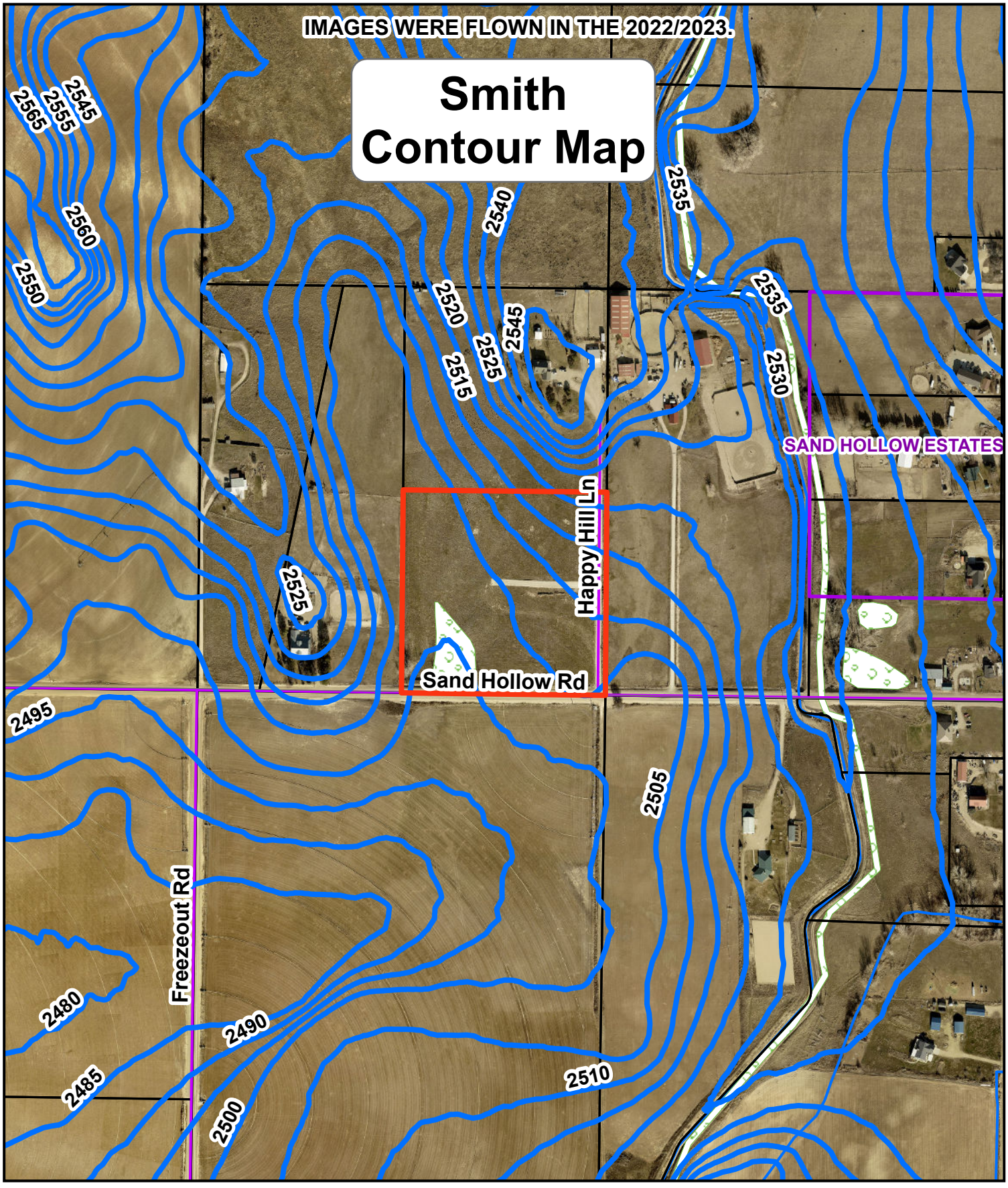
SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018

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

Exhibit B.2h

IMAGES WERE FLOWN IN THE 2022/2023.

Smith Contour Map



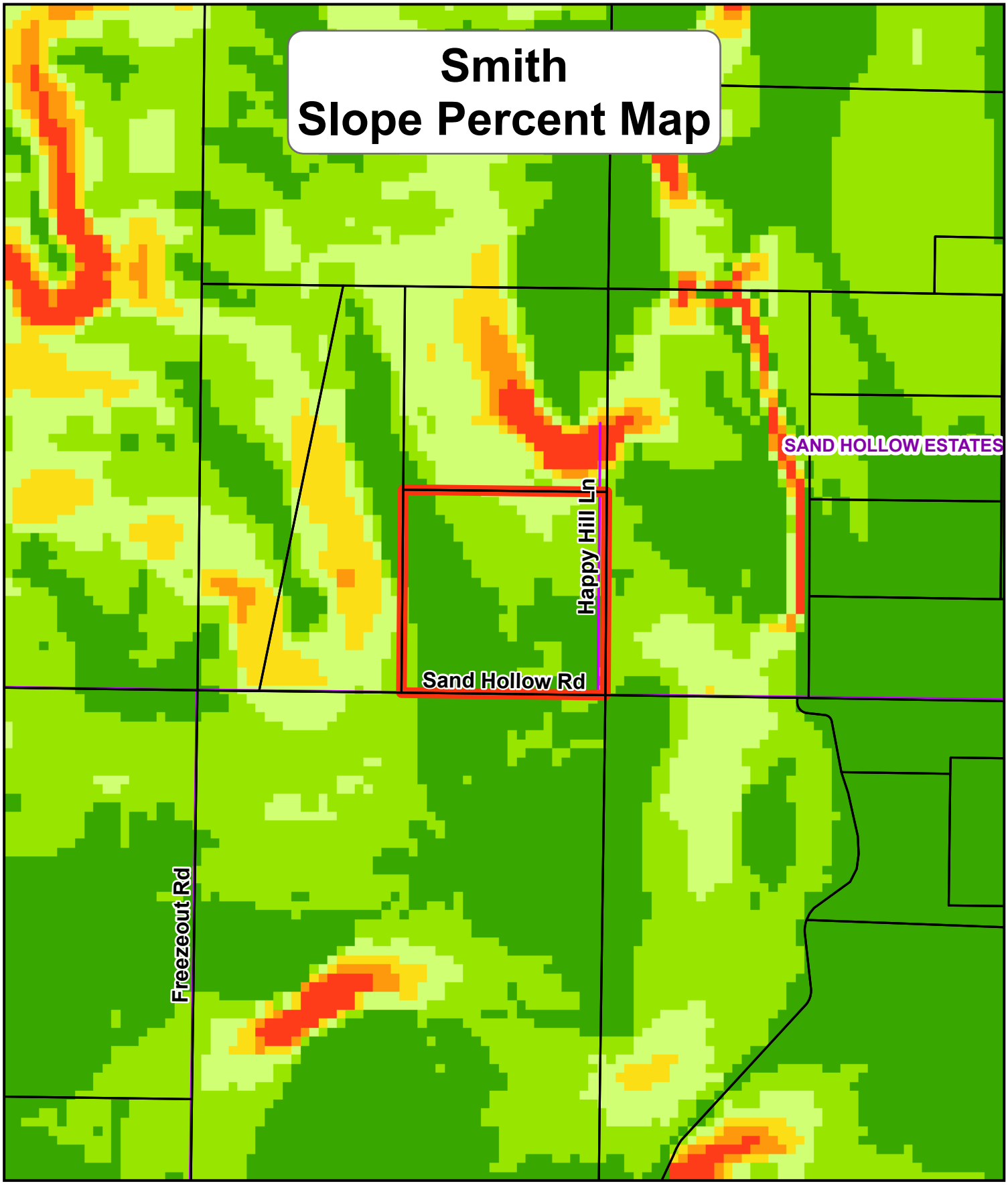
Legend

- SUBJECT_PROPERTY
- TaxParcels
- SectionContours
- Wetlands

0 200 400 600 Feet

Exhibit B.2h

Smith
Slope Percent Map



Slope Percent

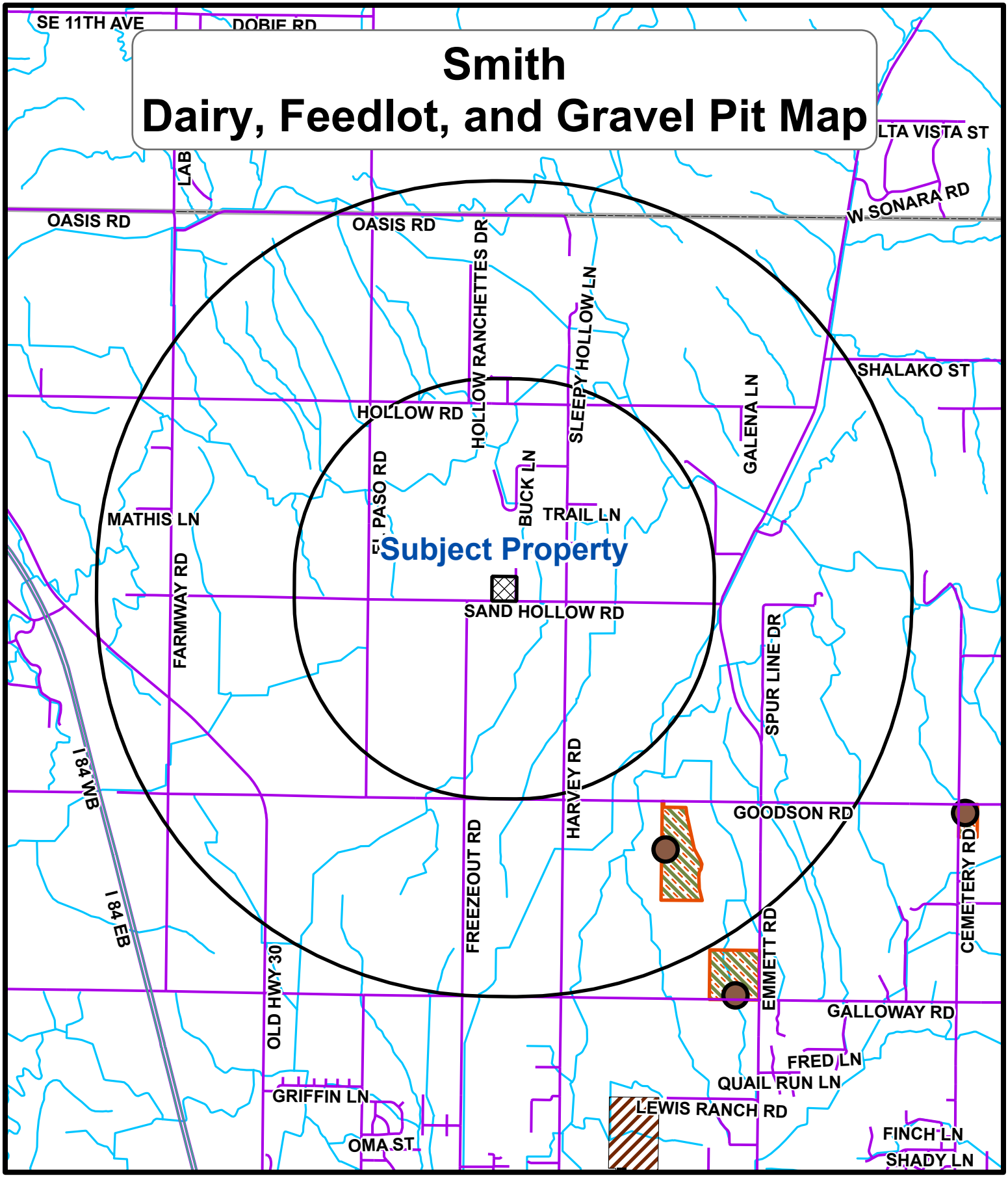
0.001 - 3	9.001 - 12
3.001 - 6	12.001 - 14.999
6.001 - 9	15 - 202.718

0 200 400 600 Feet

Exhibit B.2h

Exhibit B.2i

Smith
Dairy, Feedlot, and Gravel Pit Map



FEEDLOTS

DAIRIES

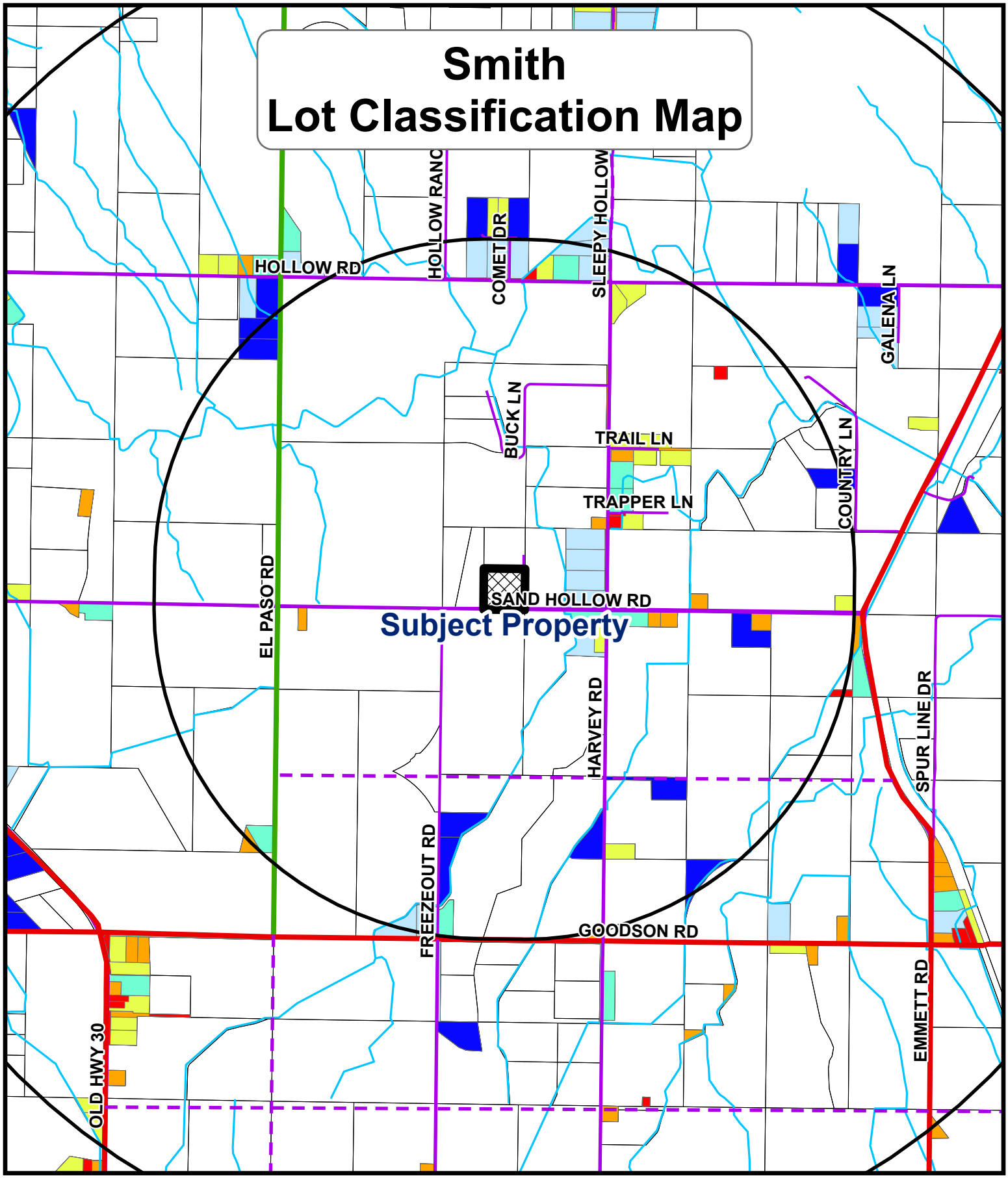
GRAVELPITS

Exhibit B.2i

0 1 2 Miles

Exhibit B.2j

Smith
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

Exhibit B.2j

0 0.25 0.5 Miles

BEFORE THE CANYON COUNTY PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

IN THE MATTER OF AN APPLICATION BY:	)	
	)	
ROBERT DEY	)	**CASE# CU2006-134**
	)	
FOR A CONDITIONAL USE PERMIT	)	**PARCEL # R37795**

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

1.1 LEGAL

Robert Dey is requesting a Conditional Use Permit to divide approximately 20 acres into two (2) residential lots in an "A" (Agricultural) Zone. The subject property is located on the north side of Sand Hollow Road, approximately ¼ mile west of the intersection of Harvey Road and Sand Hollow Road, Caldwell, Idaho, in a portion of the SE ¼ of Section 10, T5N, R3W, BM.

1.2 NOTIFICATION

7/11/06	Application Accepted
12/4/06	Agencies Notified
1/29/07	Legal notice published
1/26/07	Property owners notified (3/4 mile)
2/8/07	Property posted (on or before)

II. PROPERTY REVIEW

2.1 PROPERTY HISTORY

The subject property was once part of an original 40 acre parcel that was divided into two (2) twenty acre parcels in 1986, one of which is the subject property.

If this request is approved, platting will not be required per CCZO 05-002, Article 17.

III. PUBLIC HEARING

The Canyon County Planning and Zoning Commission heard this case on February 15, 2007.

Commissioner Wallace stated she lives close to Middleton so is familiar with the property and knows Mr. Benson; he is her health insurance provider. This should not affect her hearing the case.

Planner for Development Services Department, Jarom Wagoner reviewed the staff report for the record.

3.1 WITNESSES SIGNED UP IN FAVOR: Anne Marie Skinner, Robert Dey, and David Benson.

3.2 WITNESSES TESTIFYING IN FAVOR: Anne Marie Skinner.

Anne Marie Skinner - Representative

- Ms. Skinner stated this is a very simple request and the applicant does not want to change the character of the area.
- Stated the one additional lot will be the same size as the two lots adjacent to the west.
- Stated the applicant will continue to use the land in the same way.
- Stated his parents want to live next to him.
- Stated the Comprehensive Plan is to act as a guideline to direct the growth in Canyon County while preserving the best suited ground for agricultural purposes.
- Stated this request does preserve the area for agricultural purposes.
- Stated Property Right Policies No. 1 and 2; and Population Policy No. 1 and 3 are in support of this application.
- Stated the county is growing.
- Stated the parcel is not suited for farming because the property is dry ground.
- Stated the Agricultural and Residential Policies all aim at the protection of the prime agricultural land for the production of food.
- Stated the property to the west has been split into two (2) lots of 10 acres each.
- Stated the property to the east has sporadic residential use and is dry ground.
- Stated the property to the north is dry ground and the property to the south is being farmed.
- Stated Sand Hollow Road acts as a buffer to the south.
- Stated the neighbors at the neighborhood meeting did not have any objections as long as the lot size is similar to the lot sizes to the west.
- Stated approval will provide for additional tax base to the county.
- Stated one additional lot will have little to no affect to the surrounding properties and agricultural operations.
- Stated the Deys have some animals for 4H and as pets.
- Stated the existing access will be used as the access for the new house.
- Stated the highway district has not expressed any objections.
- Stated there will be an individual well and septic.
- The subject property is not located in a nitrate priority area, flood area or any other hazardous area.
- Stated Southwest District Health has not expressed any objections.
- Stated storm water will be retained on site.
- Stated the intent of the request is to maintain the large open feel of the area and not to develop a subdivision.
- Stated this request will not be injurious in the immediate vicinity or change the character of the area.
- Stated she concurs with the staff report and the conditions of approval.

3.3 NO NEUTRAL WITNESSES.

3.5 NO WITNESSES IN OPPOSITION.

Commissioner Glenn **moved**, seconded by Commissioner Mitchell to close public testimony.

The motion **carried** unanimously.

Exhibit B.3

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

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

Commissioner Glenn **moved**, seconded by Commissioner Zimmerman to **accept** the Findings of Fact on Case # CU2006-134 on pages 1 of 4 through 2 of 4 from the staff report dated January 31, 2007, as well as the public testimony.

The motion **carried** unanimously.

V. CONCLUSIONS OF LAW

Commissioner Wallace **moved**, seconded by Commissioner Glenn to **accept** the answers for each of the eight questions required by Canyon County Code of Ordinances 07-07-05, from the staff report.

The motion **carried** unanimously.

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

The following was cited from the staff report:

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

5.2 Statement of the nature of the request.

The following was cited from the staff report:

Request to divide 20 acres into two (2) residential lots.

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

The following was cited from the staff report:

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

Property Rights No. 2:

Encourage the protection of the property rights of landowners to the extent reasonably possible.

Population Policy No. 1:

Provide the planning base for an anticipated population of 167,141 by the year 2005, and 189,513 by the year 2010.

Overall Land Use Residential Policy No. 2:

Encourage residential development in areas where agricultural uses are not viable.

Public Services, Facilities and Utilities No. 5:

Encourage all new development to have adequate access to publicly maintained roads.

Public Services, Facilities and Utilities No. 6:

Encourage the establishment of all new development to be located within the boundaries of a rural fire protection district.

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

Property Rights No. 2:

Encourage the protection of the property rights of landowners to the extent reasonably possible.

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

The following was cited from the staff report:

If the proposed use is developed as described in the applicant's Letter of Intent, the development will not be injurious to property in the immediate vicinity nor will it change the essential character of the area as it will be adding one additional residence on an approximately 9.98 acre parcel.

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

The following was cited from the staff report:

A.	Sewer:	Individual Septic Systems
B.	Water:	Individual Domestic Wells
C.	Drainage:	No Changes Proposed
D.	Utilities:	Currently available to the subject property.

Southwest District Health (SWDH) stated their requirements and recommendations (Exhibit C.1).

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

The following was cited from the staff report:

Canyon Highway District No.4 has stated that access onto Sand Hollow Road for both parcels shall be via a shared access at the existing location proposed in the application (Exhibit C.2).

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

The following was cited from the staff report:

This proposal will not have undue interference with existing or future traffic patterns as it will be adding one (1) additional residence to the area.

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

The following was cited from the staff report:

Canyon County Ambulance District stated that they do not oppose the application, however, it must be noted that emergency response times to these areas will be greater than for an urban area (Exhibit C.3).

No other agencies have responded concerning the impact this use will have on the above-mentioned services.

Commissioner Wallace **moved**, seconded by Commissioner Glenn, to **approve** a request by Robert Dey for a **Conditional Use Permit** to divide approximately 20 acres into two (2) residential lots in an "A" (Agricultural) Zone, with the following **conditions:**

1. **The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.**
2. **The development shall comply with the rules and recommendations of:**
   - **Southwest District Health Department (Exhibit C.1)**
   - **Canyon Highway District No. 4 (Exhibit C.2)**
3. **Access for both parcels shall be via a shared access at the existing access location.**
4. **The project will commence within three (3) years and be completed within five (5) years.**

Commissioners Zimmerman, Glenn, Mitchell, Wallace, Kostka, Roe and Chairman Hetrick voted in **favor**.

The motion **carried** unanimously.

VI. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law, and the reasons stated, the Canyon County Planning and Zoning Commission orders that Case # **CU2006-134** a request by Robert Dey for a **Conditional Use Permit** to divide approximately 20 acres into two (2) residential lots in an "A" (Agricultural) Zone is **approved** with the following **conditions:**

1. **The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.**
2. **The development shall comply with the rules and recommendations of:**

- **Southwest District Health Department (Exhibit C.1)**
- **Canyon Highway District No. 4 (Exhibit C.2)**

3. **Access for both parcels shall be via a shared access at the existing access location.**
4. **The project will commence within three (3) years and be completed within five (5) years.**

Notice of Appellate Procedure

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

WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER WAS APPROVED BY THE CANYON COUNTY PLANNING AND ZONING COMMISSION AT A SCHEDULED MEETING HELD **MARCH 1, 2007.**

Tim Hetrick
Planning and Zoning Commission Chairman

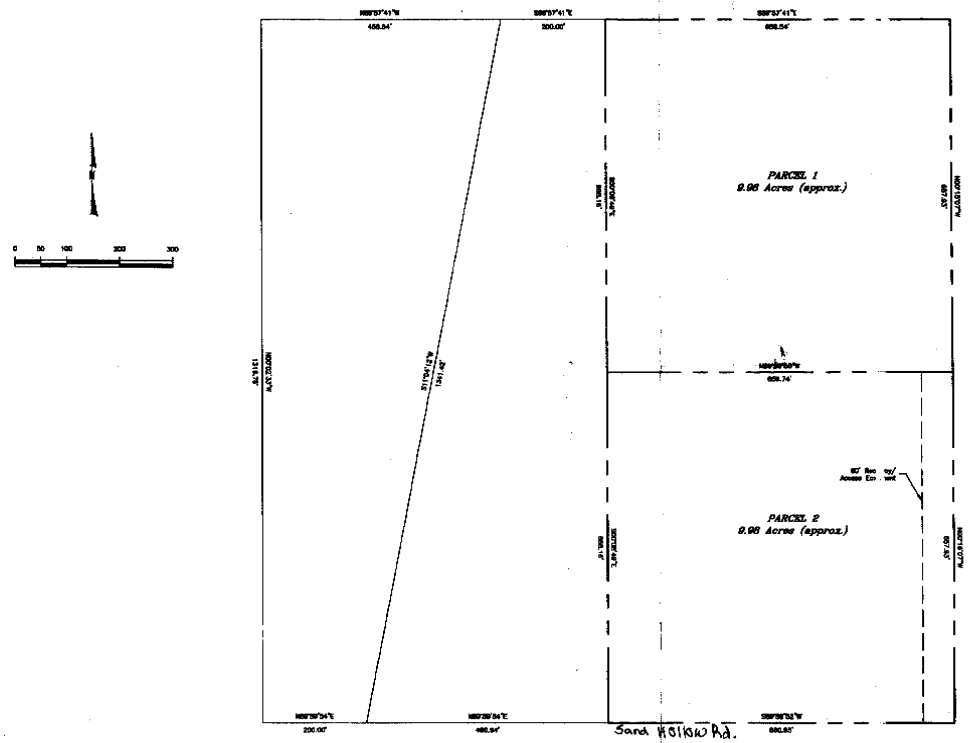
3-1-07
Dated

ATTEST:

Susan J. Hartley
Planner Technician

ROBERT DEY PROPERTY – PROPOSED LOT CONFIGURATION

THE E1/2 OF THE SW1/4 OF THE SE1/4 OF SECTION 10,
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO



ROBERT DEY
14280 SAND HOLLOW ROAD
CALDWELL, IDAHO 83607

TOOTHMAN-ORYON ENGINEERING COMPANY
CORNERSTONE BUILDING
524 CLEVELAND BOULEVARD, SUITE 227
CALDWELL, ID 83605-4080
(208) 795-5068

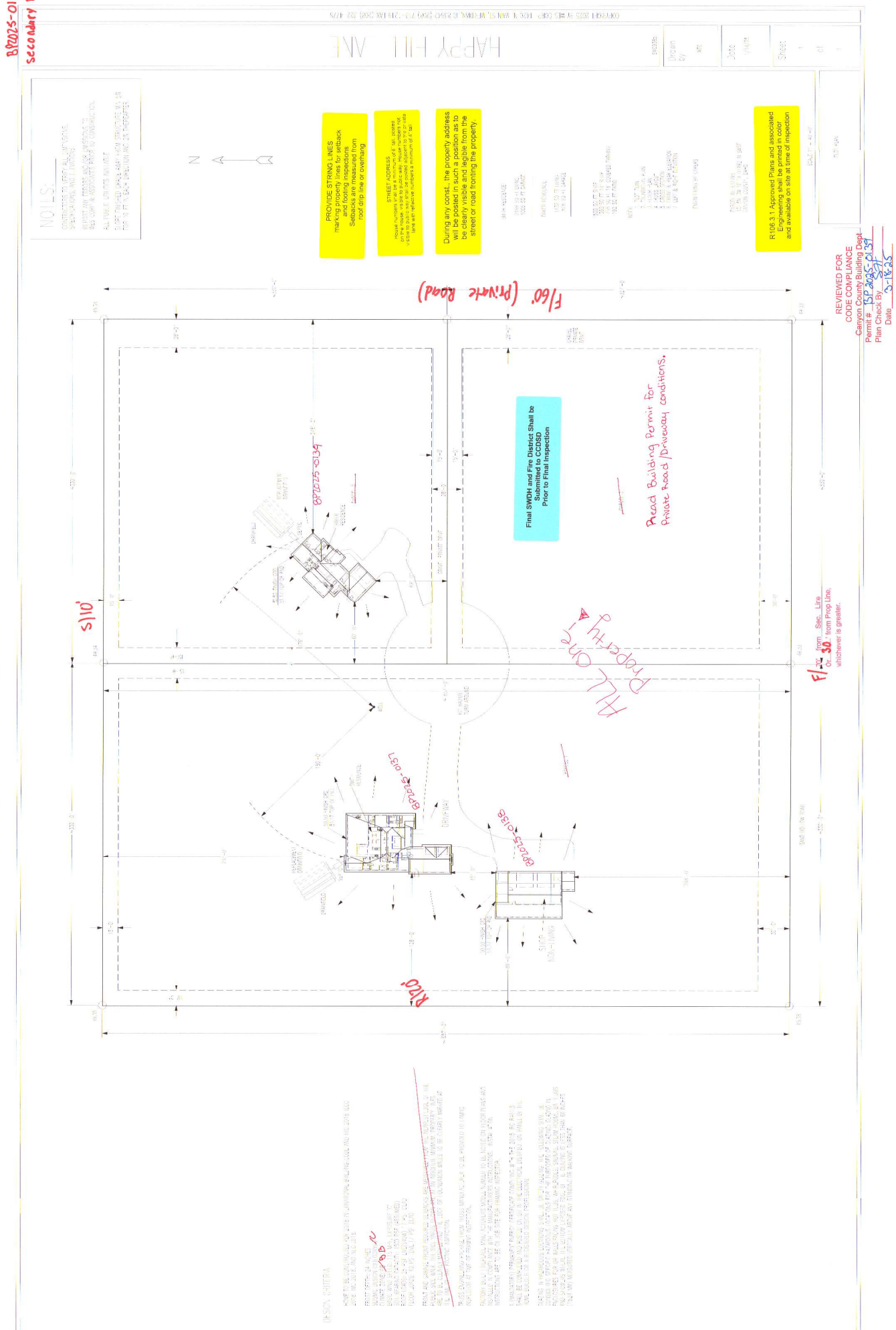
TOOTHMAN-ORYON ENGINEERING COMPANY
CONSULTING ENGINEERS, SURVEYORS AND PLANNERS
524 CLEVELAND BOULEVARD, SUITE 227
CALDWELL, IDAHO 83605-4080
PHONE: (208) 795-5068
FAX: (208) 795-5081
OFFICE LOCATED IN CODUR d'ALENE, IDAHO

ROB DEY PROPERTY
PROPOSED LOT CONFIGURATION

DATE: 05-31-2006
PROJECT: 05104

SHEET 1 OF 1

Exhibit B.3


BP2025-0134
Secondary Residence
PROVIDE STRING LINES marking property lines for setback inspections. Setbacks are measured from roof drip line or overhang
STREET ADDRESS
During any const., the property address will be posted in such a position as to be clearly visible and legible from the street or road fronting the property
R106.3.1 Approved Plans and associated Engineering shall be printed in color and available on site at time of inspection
REVIEWED FOR CODE COMPLIANCE
Canyon County Building Dept.
Permit # BP2025-0134
Plan Check By
Date 5-15-25
F/60' (Private Road)
S/10'
Final SWDH and Fire District Shall be Submitted to CCDSD Prior to Final Inspection
Read Building Permit for Private Road/Driveway conditions.
ALL Cnty Property
F/30' from Sec. Line Or 30' from Prop Line, whichever is greater.
BP2025-0135
BP2025-0133
R/10'

Building Permit

Development Services Department
111 North 11th Ave., Suite 310, Caldwell, ID 83605
For Inspections Call: (208) 454-7460
Fax: (208) 454-6633

Issued Date: 3/24/2025

Permit Number: BP2025-0137

Secondary Address: 28049 HAPPY HILL LN

Owner: SMITH JOSEF
19713 SUSQUEHANNA WAY
CALDWELL ID 83605

Applicant: INNOVATIVE CONSTRUCTION
905 SPRING VALLEY DR
NAMPA ID 83686

Contractor: INNOVATIVE CONSTRUCTION
905 SPRING VALLEY DR
NAMPA ID 83686
Registration No.: RCE-12702

Parcel Number: 37795011 0

Parcel Address: 28043 HAPPY HILL LN
Caldwell ID

Sec:	Twn:	Range:	Qtr:	Zoning:
10	5N	3W	SE	A

Sub:

Lot(s): **Blck:**

Item Num: Single Family Residence

Proj. Type: New

OCC Group: R-3 /U

OCCType: Garage Attached /Patio /Residential

CNST Type: VB

Proj. Value: $255,802.80

Code Edition: 2018 IRC

Description: NEW SFR W/ ATTACHED GARAGE

Auto Sprinkler: No

Project Notes:

1st Floor:	2499	**Porches\Patios:**	772
2nd Floor:		**Det Acc 2nd Flr:**	
Bonus Room:		**Det Acc:**	
Basement:		**Mfg Home:**	
Garage:	1005	**2nd Floor Add:**	
Carport:		**1st Floor Add:**	
Decks:		**All Other Res:**	

Fees

Date	Fee Item	Amount
02/25/2025	Certificate of Zoning Compliance (Over the Counter) - ZCB	$80.00
02/25/2025	Deposit for Plan Check	$180.00
03/18/2025	Residential Plan Check - Varies	$342.40
02/25/2025	Middleton Rural Fire District Impact Fee - Residential - Per Dwelling	$849.00
03/18/2025	Residential Permit Fee - Varies	$3,265.00
		$4,716.40

Standard Zoning / Building Condition(s)

- ✓ Approved residential address numbers a minimum of 6" in height and in a contrasting color shall be placed on all new buildings in such a position as to be clearly visible and legible from the street or road fronting the property. A building that is set back from the public way on a private lane and/or the address is not visible from the street or road fronting the property, must also post numbers adjacent to the private lane, numbers shall be a minimum of 4" in height and shall be reflective.
- ✓ Approved set of plans must be on-site for inspector or inspection will fail and a possible $50 fee will be charged for a re-inspection.

Exhibit B.4

- ✓ During any construction properties will be posted in such a position as to be clearly visible and legible from the street or road fronting the property.
- ✓ Final fire district approval of the required turn around, and certification that the road has been constructed to County private road/driveway standards, must be received by DSD prior to a final building inspection.
- ✓ Final SWDH Permit required in office or verified by inspector before final.
- ✓ Driveway to be constructed prior to final inspection. Private driveways 150 feet or greater:
  Sub-base or ballast; 9 inches of uncrushed aggregate (pit run)
  Base course; 4 inch thick 3/4 minus gravel base or equivalent recycled asphalt paving (RAP), graded and compacted
  Surface width; 12 foot wide all weather driving surface
- ✓ Private road to be constructed prior to final inspection , Base course; 4 inch thin 3/4 minus gravel base, graded and compacted surface width; 20 foot wide all weather driving surface.
- ✓ Private road & driveway construction to be verified by engineer prior to final inspection.
- ✓ Property owner is responsible for identification of all property boundaries to measure setbacks from. Property owners shall not build any structure on/in an easement and it shall be the owner's responsibility to locate those easements. Structures must be at least seventy (70) feet from a section line or quarter-section line, unless approved otherwise by the highway district having jurisdiction. Front Setbacks shall be measured from either the front property line, road right of way line, or road easement line, whichever is greatest.

Important Information: Inspection Request: It is the duty of the contractor or owner to notify this office when a work project is ready for required inspections. Persons making the request must provide the following information. **1) Permit Number; 2) Project Address; 3) Date and Time when the inspection is needed; 4) Type of inspection.** Separate Permits are required for electrical, mechanical and plumbing from DOPLP.

Permit Suspension/Expiration: The Building Official reserves the right to revoke any permit issued in error or on the basis of incorrect information. Per 105.5 IBC and R105.5 IRC every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

This permit is issued subject to the regulation contained in the building code and zoning regulations of Canyon County, ID and it is hereby agreed that work to be done as shown in the plans and specifications will be completed in accordance with the regulations pertaining and applicable there to.

Signature of Contractor or Authorized Agent	3/24/25 Date	Building Official/Staff	March 24, 2025 Date

BP2025-0137

Exhibit B.4

Building Permit

Development Services Department
111 North 11th Ave., Suite 310, Caldwell, ID 83605
For Inspections Call: (208) 454-7460
Fax: (208) 454-6633

Issued Date: 3/24/2025

Permit Number: BP2025-0138

Secondary Address: 28049 HAPPY HILL LN

Owner: SMITH JOSEF
19713 SUSQUEHANNA WAY
CALDWELL ID 83605

Applicant: INNOVATIVE CONSTRUCTION
905 SPRING VALLEY DR
NAMPA ID 83686

Contractor: INNOVATIVE CONSTRUCTION
905 SPRING VALLEY DR
NAMPA ID 83686
Registration No.: RCE-12702

Parcel Number: 37795011 0

Parcel Address: 28043 HAPPY HILL LN
Caldwell ID

Sec:	Twn:	Range:	Qtr:	Zoning:
10	5N	3W	SE	A

Sub:

Lot(s): **Blck:**

Item Num: Sheds, Barns, Storage

Proj. Type: New

OCC Group: S-1

OCCType: Shop

CNST Type: VB

Proj. Value: $44,416.80

Code Edition: 2018 IBC

Description: 42X74 SHOP

Auto Sprinkler: No

Project Notes:

1st Floor:		**Porches\Patios:**	
2nd Floor:		**Det Acc 2nd Flr:**	
Bonus Room:		**Det Acc:**	1860
Basement:		**Mfg Home:**	
Garage:		**2nd Floor Add:**	
Carport:	744	**1st Floor Add:**	
Decks:		**All Other Res:**	

Fees

Date	Fee Item	Amount
03/18/2025	Residential Plan Check - Varies	$92.80
03/18/2025	Residential Permit Fee - Varies	$580.00
		$672.80

Standard Zoning / Building Condition(s)

- ✓ Approved set of plans must be on-site for inspector or inspection will fail and a possible $50 fee will be charged for a re-inspection.
- ✓ Personal use only. Not to be used as a residence or used for a commercial or industrial activity.
- ✓ Property owner is responsible for identification of all property boundaries to measure setbacks from. Property owners shall not build any structure on/in an easement and it shall be the owner's responsibility to locate those easements. Structures must be at least seventy (70) feet from a section line or quarter-section line, unless approved otherwise by the highway district having jurisdiction. Front Setbacks shall be measured from either the front property line, road right of way line, or road easement line, whichever is greatest.
- ✓ This structure is to be used for storage only and is not to be used as a residence. If used as a residence Zoning Ordinance enforcement action may be pursued.

Exhibit B.4

Important Information: Inspection Request: It is the duty of the contractor or owner to notify this office when a work project is ready for required inspections. Persons making the request must provide the following information. **1) Permit Number; 2) Project Address; 3) Date and Time when the inspection is needed; 4) Type of inspection.** Separate Permits are required for electrical, mechanical and plumbing from DOPLP.

Permit Suspension/Expiration: The Building Official reserves the right to revoke any permit issued in error or on the basis of incorrect information. Per 105.5 IBC and R105.5 IRC every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

This permit is issued subject to the regulation contained in the building code and zoning regulations of Canyon County, ID and it is hereby agreed that work to be done as shown in the plans and specifications will be completed in accordance with the regulations pertaining and applicable there to.

Signature of Contractor or Authorized Agent	Date	Building Official/Staff	Date
	3/24/25		March 24, 2025

Building Permit

Development Services Department
111 North 11th Ave., Suite 310, Caldwell, ID 83605
For Inspections Call: (208) 454-7460
Fax: (208) 454-6633

Issued Date: 3/24/2025

Permit Number: BP2025-0139

Secondary Address: 28049 HAPPY HILL LN

Owner: SMITH JOSEF
19713 SUSQUEHANNA WAY
CALDWELL ID 83605

Applicant: INNOVATIVE CONSTRUCTION
905 SPRING VALLEY DR
NAMPA ID 83686

Contractor: INNOVATIVE CONSTRUCTION
905 SPRING VALLEY DR
NAMPA ID 83686
Registration No.: RCE-12702

Parcel Number: 37795011 0

Parcel Address: 28043 HAPPY HILL LN
Caldwell ID

Sec:	Twn:	Range:	Qtr:	Zoning:
10	5N	3W	SE	A

Sub:

Lot(s): **Blck:**

Item Num: Guest House

Proj. Type: New

OCC Group: R-3 /U

OCCType: Garage Attached /Patio /Residential

CNST Type: VB

Proj. Value: $144,470.16

Code Edition: 2018 IRC

Description: SECONDARY RESIDENCE W/ ATTACHED GARAGE
Address: 28049 Happy Hill Ln

Auto Sprinkler: No

Project Notes:

1st Floor:	1432	**Porches\Patios:**	288
2nd Floor:		**Det Acc 2nd Flr:**	
Bonus Room:		**Det Acc:**	
Basement:		**Mfg Home:**	
Garage:	606	**2nd Floor Add:**	
Carport:		**1st Floor Add:**	
Decks:		**All Other Res:**	

Fees

Date	Fee Item	Amount
02/25/2025	Deposit for Plan Check	$180.00
03/18/2025	Residential Plan Check - Varies	$300.80
02/25/2025	Middleton Rural Fire District Impact Fee - Residential - Per Dwelling	$849.00
03/18/2025	Residential Permit Fee - Varies	$1,880.00
		$3,209.80

Standard Zoning / Building Condition(s)

- ✓ Approved residential address numbers a minimum of 6" in height and in a contrasting color shall be placed on all new buildings in such a position as to be clearly visible and legible from the street or road fronting the property. A building that is set back from the public way on a private lane and/or the address is not visible from the street or road fronting the property, must also post numbers adjacent to the private lane, numbers shall be a minimum of 4" in height and shall be reflective.
- ✓ Approved set of plans must be on-site for inspector or inspection will fail and a possible $50 fee will be charged for a re-inspection.

Exhibit B.4

- ✓ During any construction properties will be posted in such a position as to be clearly visible and legible from the street or road fronting the property.
- ✓ Final fire district approval of the required turn around, and certification that the road has been constructed to County private road/driveway standards, must be received by DSD prior to a final building inspection.
- ✓ Final SWDH Permit required in office or verified by inspector before final.
- ✓ Driveway to be constructed prior to final inspection. Private driveways 150 feet or greater:
  Sub-base or ballast; 9 inches of uncrushed aggregate (pit run)
  Base course; 4 inch thick 3/4 minus gravel base or equivalent recycled asphalt paving (RAP), graded and compacted
  Surface width; 12 foot wide all weather driving surface
- ✓ Private road to be constructed prior to final inspection , Base course; 4 inch thin 3/4 minus gravel base, graded and compacted surface width; 20 foot wide all weather driving surface.
- ✓ Private road & driveway construction to be verified by engineer prior to final inspection.
- ✓ £ 07-14-25: SECONDARY RESIDENCE:
  (1) The owner of the lot or parcel containing the secondary residence must live on site.
  (2) The secondary residence must have its own address and address numbers shall be placed on the home for emergency purposes. (Ord. 16-001, 1-8-2016)
- ✓ Property owner is responsible for identification of all property boundaries to measure setbacks from. Property owners shall not build any structure on/in an easement and it shall be the owner's responsibility to locate those easements. Structures must be at least seventy (70) feet from a section line or quarter-section line, unless approved otherwise by the highway district having jurisdiction. Front Setbacks shall be measured from either the front property line, road right of way line, or road easement line, whichever is greatest.

Important Information: Inspection Request: It is the duty of the contractor or owner to notify this office when a work project is ready for required inspections. Persons making the request must provide the following information. **1) Permit Number; 2) Project Address; 3) Date and Time when the inspection is needed; 4) Type of inspection.** Separate Permits are required for electrical, mechanical and plumbing from DOPLP.

Permit Suspension/Expiration: The Building Official reserves the right to revoke any permit issued in error or on the basis of incorrect information. Per 105.5 IBC and R105.5 IRC every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

This permit is issued subject to the regulation contained in the building code and zoning regulations of Canyon County, ID and it is hereby agreed that work to be done as shown in the plans and specifications will be completed in accordance with the regulations pertaining and applicable there to.

Signature of Contractor or Authorized Agent	Date	Building Official/Staff	Date
	3/24/25		March 24, 2025

BP2025-0139

Exhibit B.4

INSTRUMENT NO. 200705682 7 7/20/07

AGREEMENT PROVIDING GRANT OF DRIVEWAY EASEMENT AND FOR JOINT USE AND MAINTENANCE

PARTIES:

Earl C. Reynolds Jr. and Jodi Reynolds	Grantors	2089 White Pine Lane, Boise ID. 83706
Robert Dey, D.V.M. and Mary Jane Dey	Grantees	14260 Sand Hollow Road, Caldwell ID 83607

This Agreement made effective as of the 2nd day of AUGUST, 2007 by and between Earl C. Reynolds Jr. and Jodi Reynolds, husband and wife, ("Grantees" herein) of 2089 White Pine Ln,Boise ID. 83706, and Robert A. Dey, D.V.M. and Mary Jane Dey, husband and wife, ("Grantors" herein) of 14260 Sand Hollow Road, Caldwell, Idaho 83607.

SECTION I.
DEFINITIONS

1.1 **Agreement:** used herein means and refers to this *Agreement Providing Grant of Driveway Easement and For Joint Use and Maintenance*.

1.2 **Dey:** used herein means and refers to Robert A. Dey, D.V.M. and Mary Jane Dey, husband and wife, of 14260 Sand Hollow Road, Caldwell, Idaho 83607, Grantees herein this Agreement.

1.3 **Dey Parcel:** used herein means and refers to that certain Parcel 1 consisting of 9.95 acres depicted on the Record of Survey as Parcel 1, and is more particularly described herein this Agreement in the Dey Real Property definition [section 1.4] as Parcel 1.

1.4 **Dey Real Property:** used herein means and refers to that certain real property more particularly described as follows:

PARCEL 1

This parcel is the N ½ of the E ½ of the SW ¼ of the SE ¼ of Section 10, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the northeast corner of said N ½ of the E ½ of the SW ¼ of the SE ¼; thence along the east boundary of said N ½ of the E ½ of the SW ¼ of the SE ¼,

A) S 00° 23' 31" W, 657.93 feet to the southeast corner of said N ½ of the E ½ of the SW ¼ of the SE ¼; thence along the south boundary of said N ½ of the E ½ of the SW ¼ of the SE ¼,

1) N 89° 18' 28" W, 659.90 feet to the southwest corner of said N ½ of the E ½ of the SW ¼ of the SE ¼; thence along the west boundary of said N ½ of the E ½ of the SW ¼ of the SE ¼,

Exhibit B.4

2) N 00° 30' 33" E, 657.67 feet to the northwest corner of said N ½ of the E ½ of the SW ¼ of the SE ¼; thence along the north boundary of said N ½ of the E ½ of the SW ¼ of the SE ¼,

3) S 89° 19' 49" E, 658.55 feet to the POINT OF BEGINNING.

CONTAINING 9.95 acres, more or less.

SUBJECT TO all Easements, Rights, Rights-of-way and all other Encumbrances of record or implied.

PARCEL 2

This parcel is the S ½ of the E ½ of the SW ¼ of the SE ¼ of Section 10, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the southeast corner of said S ½ of the E ½ of the SW ¼ of the SE ¼; thence along the south boundary of said S ½ of the E ½ of the SW ¼ of the SE ¼,

A) N 89° 17' 12" W, 661.25 feet to the southwest corner of said S ½ of the E ½ of the SW ¼ of the SE ¼; thence along the west boundary of said S ½ of the E ½ of the SW ¼ of the SE ¼,

1) N 00° 30' 33" E, 657.67 feet to the northwest corner of said S ½ of the E ½ of the SW ¼ of the SE ¼; thence along the north boundary of said S ½ of the E ½ of the SW ¼ of the SE ¼,

2) S 89° 18' 28" E, 659.90 feet to the northeast corner of said S ½ of the E ½ of the SW ¼ of the SE ¼; thence along the east boundary of said S ½ of the E ½ of the SW ¼ of the SE ¼,

3) S 00° 23' 31" W, 657.92 feet to the POINT OF BEGINNING.

CONTAINING 9.98 acres, more or less.

SUBJECT TO all Easements, Rights, Rights-of-way and all other Encumbrances of record or implied.

1.5 **Driveway Maintenance Agreement:** used herein means and refers to that certain Driveway Maintenance Agreement described and the terms and conditions of which are set forth in Section IV of this Agreement.

1.6 **Easement:** used herein means and refers to that certain legal description within which lays the Existing Driveway and within which lays a power line of Idaho Power Company and more particularly described as follows:

The eastern most sixty feet [60'] of Parcel 2 of the Dey Real Property as described in Section 1.4 of this Agreement.

1.7 **Existing Driveway:** used herein means and refers to that certain road mix gravel driveway which presently exists within the Easement and which driveway traverses the Reynolds' Real Property in a north and south direction within the Easement and which driveway serves as ingress and egress to the Dey Parcel and to the Reynolds Parcel from a publicly maintained road known as Sand Hollow Road.

1.8 **Parcels:** used herein means and refers collectively to the Dey Parcel and the Reynolds Parcel.

1.9 **Parties:** used herein means and refers collectively to Dey and Reynolds.

1.10 **Record of Survey:** used herein means and refers to that certain Record of Survey for Robert Dey prepared by Fritz Brownell [Idaho License No. 8960] of Toothman-Orton Engineering Company recorded in the records of Canyon County Recorder as Instrument No. 2007017893.

1.11 **Reynolds:** used herein means and refers to Earl C. Reynolds Jr. and Jodi Reynolds, husband and wife, of 2089 White Pine Ln., Boise, ID., Idaho 83706, "Grantors" herein this Agreement.

1.12 **Reynolds Parcel:** used herein means and refers to that certain Parcel 2 consisting of 9.98 acres depicted on the Record of Survey as Parcel 1, and is more particularly described herein this Agreement in the Dey Real Property definition [section 1.4] as Parcel 2.

SECTION II
RECITALS

The Parties recite and declare:

2.1 Dey is the owner of the Dey Real Property and has caused the Record of Survey to be prepared and recorded as a part of Dey's application for administrative lot split, which was granted by Canyon County for the creation of the Dey Parcel and the Reynolds Parcel; and

2.2 Dey has constructed within the Reynolds Parcel and within the Easement the road mix gravel Existing Driveway, and the Easement is necessary for ingress and egress to a publicly maintained road [Sand Hollow Road] for the use and enjoyment by the owners and possessors of the Dey Parcel and for the use and enjoyment of the owners and possessors of the Reynolds Parcel; and

2.3 Dey is transferring their right title and interest to Parcel 2 of the Dey Real Property to Reynolds subject to and contingent upon Reynolds entering into this Agreement to provide for the ingress and egress Easement and use of the Existing driveway and to provide for the joint maintenance of said Existing Driveway for the exclusive benefit of the Parties and future owners of the Reynolds Parcel and the Dey Parcel;

2.4 As part and parcel of the transfer by Dey to Reynolds of the Reynolds Parcel, Dey requires that the Parties enter into this Agreement to effect the grants and conveyances and acceptances of Easement, and the maintenance of the Existing Driveway Easement and to set forth the other various duties and responsibilities of the Parties in relation to the Easement and Existing Driveway as provided herein.

In consideration of the mutual covenants contained in this Agreement, THE PARTIES AGREE AS FOLLOWS:

SECTION III
GRANT OF EXCLUSIVE EASEMENT FOR INGRESS-EGRESS

3.1 Reynolds hereby grants, conveys and releases unto Dey, and Dey's assigns as hereinafter provided for from the effective date hereof, an ingress and egress Easement and use of the Existing Driveway for agricultural, residential and emergency vehicle access use and purposes over and across the Reynolds Parcel and Dey Parcel to and from Sand Hollow Road.

3.2 The Easement herein created and granted is to be used by farm equipment and other vehicles associated with agricultural, residential and emergency vehicle use and pedestrian ingress and egress for the exclusive use by the owners and/or possessors of the Dey Parcel and the Reynolds Parcel.

3.3 The use of the Easement as herein provided is subject to any right, title and interest of Idaho Power Company to a power line easement that exists upon the eastern boundaries of the Reynolds Parcel.

3.4 The easement granted in this instrument includes the right to reconstruct and maintain the Existing Driveway and/or new driveway within the Easement in a good and workmanlike manner.

SECTION IV
DRIVEWAY MAINTENANCE AGREEMENT

4.1 Any need to further construct and/or reconstruct the Existing Driveway shall be shared by the owners and possessors of the Dey Parcel and the Reynolds Parcel, which construction standard shall include sufficient sub base and gravel surface so as to support agricultural, residential and emergency vehicle use traffic for the Dey Parcel and the Reynolds Parcel as a reasonably maintained gravel driveway.

4.2 The costs of any additional construction and maintenance and repair of the Existing Driveway and Easement will be jointly shared by the property owners and possessors of the Dey Parcel and the Reynolds Parcel.

4.3 In the event the Existing Driveway and/or future constructed driveway within the Easement becomes impassible by two-wheel drive passenger vehicles by reason of the

accumulation of snow and/or ice, the owners and possessors of the Dey Parcel and the Reynolds Parcel shall be equally responsible for the payment of snow removal.

4.4 The Existing Driveway or any driveway constructed in the future within the Easement may be oiled periodically when the owners and possessors of the Dey Parcel and the Reynolds Parcel jointly agree, and the cost of oiling the road shall be divided equally between the owners and possessors of the Dey Parcel and the Reynolds Parcel.

4.5 The owners and possessors of the Dey Parcel and the Reynolds Parcel each may give notice to the other of the need for repair or maintenance or snow removal. In the event of conditions requiring repair and maintenance, unless an unreasonably dangerous condition exists, a ten (10) day notice shall be provided before repair and maintenance is undertaken. In the event of the need for snow removal, the ten (10) day notice shall not apply, but each Party shall be notified prior to the engagement of snow removal by the other Party. No Party shall unreasonably withhold consent to the proposed maintenance, repair or snow removal.

4.6 The owners and possessors of the Dey Parcel and the Reynolds Parcel shall be jointly and severally liable for any claims made by reason of the conditions of the Existing Driveway or any future constructed driveway within the Easement, and each shall have the right to remove and/or repair any obstruction or dangerous condition on the road and have the right to contribution against the other Party hereto. The owners and possessors of the Dey Parcel and the Reynolds Parcel shall be required to maintain premises liability insurance with minimum limits of liability of $500,000.00 for each occurrence for claims arising from maintenance, construction or possession within the Easement.

4.7 This Grant of Driveway Easement shall include the right to enter upon the Easement for the purpose of grading, leveling, filling, draining, building, maintaining, repairing and rebuilding of the Existing Driveway and/or construction of a new driveway if needed due to failure of Existing Driveway.

SECTION V
EASEMENT AND OBLIGATIONS AND DUTIES RUN WITH THE LAND

5.1 The easement described in this instrument is to and shall run with the lands hereinabove described and shall be for the benefit and use of the Parties and the subsequent owners and possessors of the Dey Parcel and the Reynolds Parcel, their heirs, executors, administrators and assigns.

5.2 The easement, rights, privileges and obligations granted under this instrument shall cease and terminate [except for any obligation which has accrued during parcel ownership] as to the Parties to this Agreement or any heirs, executors, administrators, successors and assigns of the respective Parties at such time as they transfer their interest in the Parcels which are the subject of this Agreement for the reason that the grant of easement and the rights, duties and

responsibilities as herein set forth shall be the responsibility of those persons who have ownership interest in said Parcels. In the event a Party, subject to the terms of this Agreement, transfers all their ownership interest of real properties to which this Agreement appertains, the obligations, liabilities and rights of the Party so transferring shall cease and they shall henceforth be relieved of any further liability, obligation and/or rights under this Agreement, except for liability occurring during the period of their ownership.

SECTION VI
GENERAL PROVISIONS

6.1 This Agreement is in accordance with the laws of the State of Idaho.

6.2 This Agreement shall be recorded in the County of Canyon, State of Idaho.

6.3 This Agreement shall be binding upon the successors and assigns, personal representatives, heirs and devisees of the Parties hereto.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed on the 13th day of AUGUST, 2007 with the intent that it shall be recorded in the Office of the Recorder of the County of Canyon, State of Idaho.

GRANTORS

Earl C. Reynolds Jr.

Jodi Reynolds

GRANTEES

Robert A. Dey

Mary Jane Dey

ACKNOWLEDGEMENTS

STATE OF IDAHO)
) ss.
County of Ada)

On this 13th day of August, in the year of 2007, before me Gloria J. Kasten, personally appeared **Earl Reynolds** and **Jodi Reynolds**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

(SEAL)

GLORIA J. EASTEN NOTARY PUBLIC STATE OF IDAHO

Gloria J. Kasten
Notary Public for Idaho
My Commission Expires: 6-30-2011

STATE OF IDAHO)
) ss.
County of Ada)

On this 13th day of August, in the year of 2007, before me Gloria J. Kasten, personally appeared **Robert A. Dey** and **Mary Jane Dey**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Gloria J. Kasten
Notary Public for Idaho
My Commission Expires: 6-30-2011

(SEAL)

GLORIA J. EASTEN NOTARY PUBLIC STATE OF IDAHO

RECORDED
2007 AUG 16 PM 1 41
WILLIAM H. HURST
CANYON CNTY RECORDER
REQUEST Robert A Dey
TYPE Easement FEE 21

2007056827

W:\Work\D\Dey,Rob and Mary Jane\Easementagr.doc

Exhibit B.4

KELLER ASSOCIATES

100 E Bower Street, Suite 110
Meridian, ID 83642
(208) 288-1992

November 3, 2025

Tom Crosby
Building Official
Building Department
111 North 11th Ave. #310
Caldwell, Idaho 83605

Re: 28049 Happy Hill Ln – BP2025-0137 & BP2025-0139 – Private Road and Driveway Spot Check

Dear Mr. Crosby,

Keller Associates, Inc. have completed an inspection of the private road and driveway located at 28049 Happy Hill Ln. We inspected the road and driveway for conformance with the Canyon County Code Ordinance 07-10-03 and standard construction practices.

The private road and private driveway appear to meet Canyon County Code and we recommend acceptance of the private road and private driveway. Any variance or waivers to the Canyon County standards, ordinances, or policies must be specifically approved in writing by the County.

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992.

Sincerely,
KELLER ASSOCIATES, INC.

Justin Walker, P.E.

cc: File

Exhibit 3
EXHIBIT C

Site Review

Planning & Zoning Commission

Case# CR2025-0004

Hearing date: January 22, 2026

Exhibit C

SITE REVIEW
CR20025-0004

Google Earth (8/2025)



Exhibit C


28049
28043

R37705
R37705010
R37705010A
R37705011
Happy Hill Dr
Sand Hollow Rd

Exhibit C

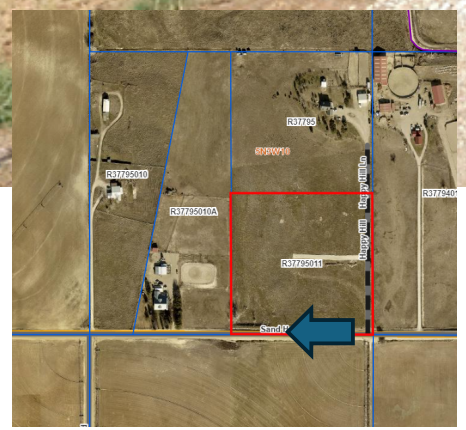

R37705
R37705010
R37705010A
R37705011
R3775940
Happy Hill Dr
Happy Hill Rd

Exhibit C


R37705
R37705010
R37705010A
R37705011
R777840
Happy Hill Dr
Sand Hollow Rd

Exhibit C


© 2025 Google

R37705
R37705010
R37705010A
R37705011
Happy Hill Dr
Sand Hollow Rd

Exhibit C


R37705
R37705010
R37705010A
R37705011
Happy Hill Dr
Sand Hollow Rd

Exhibit C

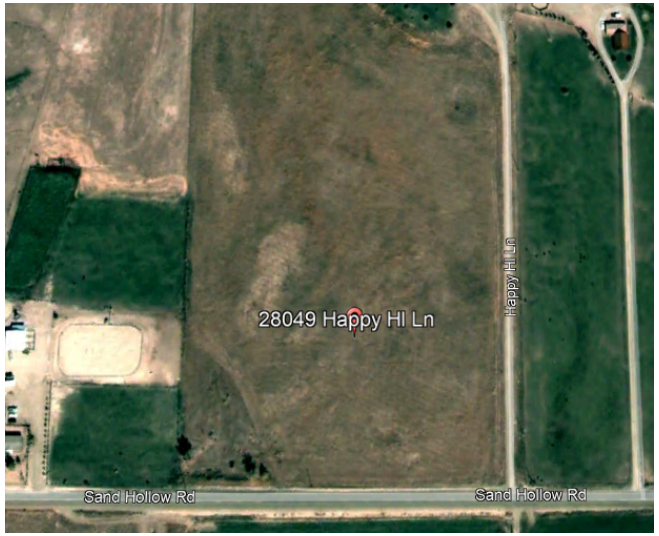

R37705
R37795010
R37795010A
R37795011
Happy Hill Dr
Sand Hollow Rd

Exhibit C

Aerial History



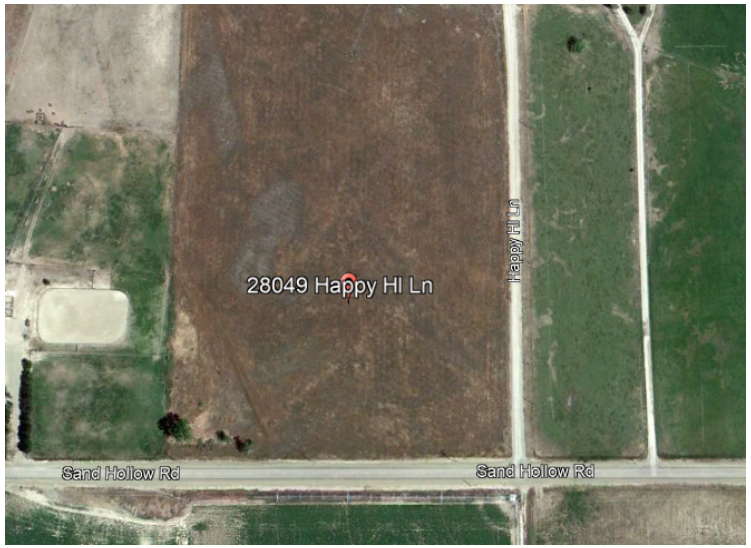
5/31/1992



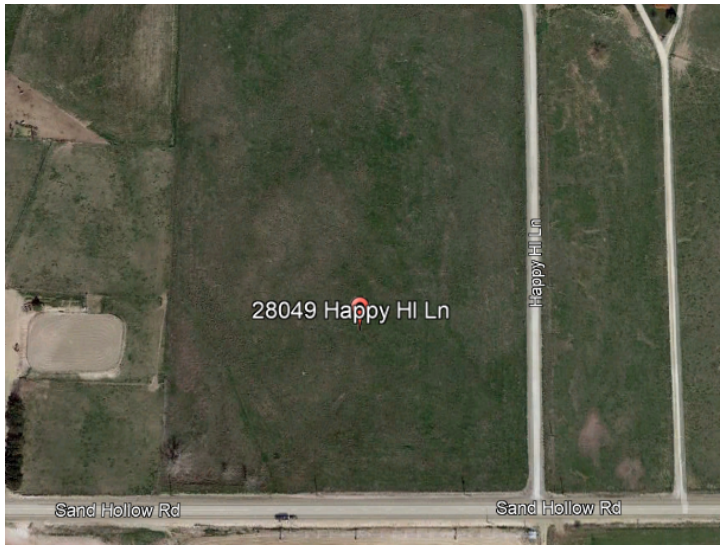
10/27/2002



6/15/2004



7/11/2010



4/1/2016



4/2/2025

Exhibit C

Exhibit 3
EXHIBIT D

Comments Received by January 12, 2026

Planning & Zoning Commission

Case# CU2025-0004

Hearing date: January 22, 2026

HIGHWAY DISTRICT No.4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208.454.8135
FAX 208.454.2008

November 11, 2025

Canyon County Board of Commissioners and Planning & Zoning Commission
111 N. 11th Street
Caldwell, Idaho 83605
Attention: Dan Lister, Planning Director

RE: CR2025-0004 Rezone from Agricultural to CR-R-R Rural Residential
Canyon County Parcel R377950113 aka 28049 Happy Lane

Dear Commissioners:

Highway District No. 4 has reviewed the application for Conditional Rezone of the above described parcel from Agricultural to CR-RR Rural Residential and offers the following comments on the proposed use:

General
The subject property consists of approximately 9.9 acres located north of Sand Hollow Rd between Freezeout Rd and Harvey Rd in the SE 1/4 Sec 10 T5N R3W. The subject property has approximately 665-feet of frontage on Sand Hollow Rd along the southerly boundary. Sand Hollow Rd is classified as a major collector on the functional classification maps adopted by the County and HD4. Existing right-of-way width is a 25-ft prescriptive easement measured from each existing roadway centerline. Ultimate right-of-way width for a collector is 40-ft half-width measured from the section line.

The application materials indicate the applicants are requesting a conditional rural residential zoning to allow the property to be split into two separate residential parcels. The two existing dwellings were permitted in 2025 as a new single family residence and a new accessory dwelling unit on one parcel.

Access
Existing access to the subject property is via a private road approach (Happy Lane) to Sand Hollow Rd approximately 1,350-feet west of Harvey Rd. This access location was approved by HD4 with an access permit for two dwelling units dated 11/21/24.

Transportation Impacts:
Traffic impacts from the new development were initially mitigated by collection of transportation impact fees at the time of building permit issuance as shown on the attached residential impact fee assessment for the property dated 12/9/24. At that time, impact fees for one new single family residential dwelling, and one new accessory dwelling unit were assessed, and paid by the homebuilder.

Accessory dwelling units are typically associated with family members of the primary residence, and have been measured to generate fewer new vehicle trips than individually owned residential properties. This rezone and subsequent parcel creation will generate additional new vehicle trips

Exhibit D.1

based on the residential land uses identified in the Mid-Star impact fee program. Additional traffic impact fees should be assessed to address this change in use, and are detailed as follows:

Original impact fee assessment:

1 new single family residence	$5,050
1 new accessory dwelling unit	$1,581
Total paid 12/9/24	$6,631

New impact fee assessment:

1 new single family residence	$5,050 less $1,581 previously paid	= $3,469

HD4 requests the County require the applicants obtain an access permit from HD4 for the accessory dwelling unit (easterly residence) to allow collection of the additional impact fee assessment.

HD4 does not opposed the requested zoning changes, but requests the Commission make these comments conditions of any approved land use action. Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Sand Hollow Rd- CR2025-0004 Smith Rezone

Exhibit D.1

Dan Lister

From: Caitlin Ross
Sent: Wednesday, October 15, 2025 1:24 PM
To: Dan Lister
Cc: 'D3Development.services@itd.idaho.gov'
Subject: FW: [External] RE: Agency Notice CR2025-0004 / Smith

FYI – thanks!

Caitlin

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Wednesday, October 15, 2025 12:25 PM
To: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Subject: [External] RE: Agency Notice CR2025-0004 / Smith

Hello,

After careful review of the transmittal submitted to ITD on October 15, 2025 regarding, CR2025-0004/Smith, the Department has no comments or concerns to make at this time. This application does not meet thresholds for a Traffic Impact Study nor does it pose any safety concerns. If you have any questions please contact 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: Wednesday, October 15, 2025 10:24 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>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; '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>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'Contract.Administration.Bid.Box@ziply.com' <Contract.Administration.Bid.Box@ziply.com>; '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>; 'brentc@brownbuscompany.com' <brentc@brownbuscompany.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'middletown.rich@gmail.com' <middletown.rich@gmail.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Lucy Ostyn <lucy.ostyn@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; '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>; 'makline2@marathonpetroleum.com'

<makline2@marathonpetroleum.com>; 'cenww-rd-boi-tv@usace.army.mil' <cenww-rd-boi-tv@usace.army.mil>
Subject: Agency Notice CR2025-0004 / Smith

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

Please see the attached agency notice. You are invited to provide written testimony or comments by **November 14, 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.

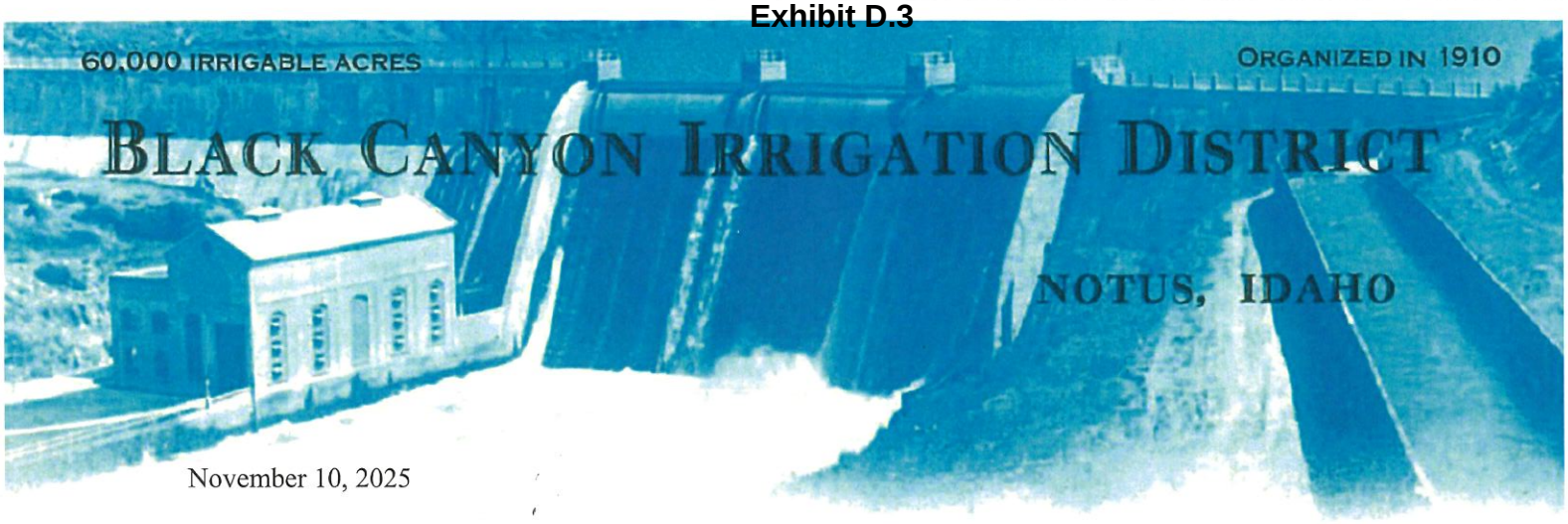
Thank you,

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)
Public office hours:
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.



November 10, 2025

Canyon County Development Services Department
111 North 11th Ave. Suite 140
Caldwell, ID 83605
(208) 454-7458

RE: Conditional Rezone – R37795011
Case Number: CR2025-0004
Applicant: Josef Smith
Property Owner: Josef Smith
Planner: Dan Lister

The parcel (R37795011) is located at 28049 Happy Hill Lane, Caldwell, Canyon County, Idaho. (T5N R3W S10). According to existing records, the parcel is within the Black Canyon Irrigation District (District) service boundary but does not receive surface water from the District.

The District has no comments on the land use change.

Thank You,

Mike Meyers
District Manager
Black Canyon Irrigation District

474 ELGIN AVE. – P.O. BOX 226 – NOTUS, ID 83656 – 208-459-4141 – FAX 208-459-3428

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

Brad Little, Governor
Jess Byrne, Director

October 20, 2025

Daniel Lister, Assistant Planning Manager
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
Daniel.Lister@canyoncounty.id.gov

Subject: Agency Notice CR2025-0004 / Smith

Dear Mr. Lister:

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

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

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), and trade waste burning (58.01.01.600-617).
- For new development projects, all property owners, developers, and their contractors 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 contractors 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 local public health district.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect groundwater.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

  For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

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

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

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 Emily Montague, IPDES Compliance Supervisor, at (208) 373-0433.

- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.

- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html

- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

  For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUNDWATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards.

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.24.060 and 58.01.24.061). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.24.060.01 and 58.01.24.061.04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Groundwater Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

  For questions, contact Matthew Pabich, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

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

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

Sincerely,



Troy Smith
Regional Administrator

Dan Lister

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Wednesday, October 15, 2025 12:45 PM
To: Dan Lister
Cc: Mitch Kiester
Subject: [External] RE: Agency Notice CR2025-0004 / Smith
Attachments: Pre.Development.Notes.Signed.02.07.2025.pdf

Hi Dan,

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? **A site evaluation and test holes have not been conducted on site.**
3.) Any concerns about the use or request for rezoning? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and the nearby city? **There are no concerns with the use or request for rezoning if the applicant meets all SWDH requirements.**

See the attached pre-development notes.

Please let me know if you have any questions.

Thank you,

SOUTHWEST DISTRICT HEALTH

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

Anthony Lee, RS/BS | Land Development Senior

o 208.455.5384 | c 208.899.1285 | f 208.455.5300

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

13307 Miami Ln., Caldwell, ID 83607

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Wednesday, October 15, 2025 10:24 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>; 'chopper@hwydistrict4.org' <chopper@hwydistrict4.org>; '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>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>;

Pre-Development Meeting

Name of Development: Comprehensive Plan Amendment - Land Division
Applicant: Josef Smith
P.E./P.G.:
All others in Attendance:

EHS #'s 035 Date 02/07/25

Number of Lots or Flow: 3 (Pending) Acreage of Proposed Development: 9.98
Location of Development: 14260 Sand Hollow Rd (Nearest Home)
Caldwell, ID 83607
R37795011

Project in Area of Concern: Pending Groundwater/Rock <10' >10'
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 ☐ Pending ☐
BRO meeting for PWS, Com: No

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

Additional Comments: The applicant discussed with SWDH the proposal for a land divison of 3 lots at 9.98 acres, along with the proposal to rezoning the property from Agricultural to Rural Residential. A septic permit has been issued for a proposed 3-bedroom house under permit #20308. The development is NOT in a designated Nitrate Priority Area and will not need to conduct an Nutrient Pathogen Study. If the county is requiring sanitary restrictions to be lifted and a final plat signed, the applicant must go through the subdivision approval process. At which point, the applicant must schedule a pre-development meeting with SWDH and a professional engineer to discuss the next steps in the process. The applicant proposes a shared well between the main house and the ADU, and a shared well agreement may be required prior to approving the subdivision. At this time, the applicant may proceed to the next steps in the Comprehensive Plan Amendment. 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

Dan Lister

From: Doug Critchfield <critchfieldd@cityofnampa.us>
Sent: Friday, December 19, 2025 12:16 PM
To: email@canyoncounty.id.gov; Dan Lister
Subject: [External] RE: Legal Notice CR2025-0004 / Smith

Dan – Nampa has no comment. Thanks

Doug Critchfield (ASLA)
Principal Planner | Planning & Zoning Department
Office: (208) 468-5442 | Cell: (208) 606-5799
500 12th Ave S | Nampa, ID 83651
cityofnampa.us | Stay Connected
Citizen's Guide to Planning – Learn More About Planning!
cityofnampa.us/2050 – Help us plan Nampa's future

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Thursday, December 18, 2025 11:32 AM
To: rcollins@cityofcaldwell.org; kbuchan@cityofcaldwell.org; dgeyer@cityofcaldwell.org; jdodson@cityofcaldwell.org; mbessaw@cityofcaldwell.org; amy@civildynamics.net; alicep@cityofhomedale.org; jgreen@marsingcity.com; mayor@cityofmelba.org; cityclerk@cityofmelba.org; jhutchison@middletoncity.org; mhobbs@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; clerk@cityofparmaidaho.org; mayor@cityofparmaidaho.org; publicworks@cityofparmaidaho.org; cityhalladmin@cityofparmaidaho.org; snickel@staridaho.org; jmckillican@cityofwilder.org; kbagley@cityofwilder.org; casanderson@caldwellschools.org; nicmiller@cwi.edu; ddenney@homedaleschools.org; bgraves@kunaschools.org; tejensen@kunaschools.org; nstewart@marsingschools.org; sadams@melbaschools.org; Horner.Marci@westada.org; lgrooms@msd134.org; mgee@msd134.org; cstauffer@nsd131.org; dleon@nsd131.org; colesr@notusschool.org; tkelly@parmaschools.org; jenny.titus@vallivue.org; lisa.boyd <lisa.boyd@vallivue.org>; joseph.palmer@vallivue.org; lshoemaker@wilderschools.org; lrichard@cityofcaldwell.org; aperry@cityofcaldwell.org; homedalefd@gmail.com; tlawrence@kunafire.com; Office@KunaFire.com; marsingfiredistrict@yahoo.com; marsingruralfire@gmail.com; brian.mccormack@melbafire.id.gov; kenny.hoagland@melbafire.id.gov; vislas@starfirerescue.org; permits@starfirerescue.org; eddy@heritagewifi.com; Elijah Effinger (Fire District) <effingere@nampafire.org>; prevention@nampafire.org; Jeff@parmafire.us; ParmaRuralFire@gmail.com; permits@starfirerescue.org; eddy@heritagewifi.com; wfdchief@wilderfire.org; jmaloney@wilderfire.org; knute.sandahl@doi.idaho.gov; chopper@hwydistrict4.org; lriccio@hwydistrict4.org; bobw@gghd3.org; office@gghd3.org; eddy@nampahighway1.com; gwatkins@nphd.net; admin1@kunalibrary.org; admin2@kunalibrary.org; lizardbuttelibrary@yahoo.com; brandy.walker@centurylink.com; eingram@idahopower.com; easements@idahopower.com; arobins@idahopower.com; monica.taylor@intgas.com; jessica.mansell@intgas.com; Contract.Administration.Bid.Box@ziply.com; developmentreview@blackcanyonirrigation.com; carl@blackcanyonirrigation.com; dpopoff@rh2.com; aflavel.bkirrdist@gmail.com; tritthaler@boiseproject.org; gashley@boiseproject.org; irr.water.3@gmail.com; kchamberlain.fcdc@gmail.com; office@idcpas.com; fcdc1875@gmail.com; farmers.union.ditch@gmail.com; irr.water.3@gmail.com; wilders04@msn.com; irrigation.mm.mi@gmail.com; tammy.middletonirrigation@gmail.com; nmid@nmid.org; eolvera@nmid.org; nyirrigation@nyid.org; kirk@pioneerirrigation.com; sheepmama25@gmail.com; fcdc1875@gmail.com; fcdc1875@gmail.com; Mack@settlersirrigation.org; kchamberlain.fcdc@gmail.com; mitch.kiester@phd3.idaho.gov;

Dan Lister

From: O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>
Sent: Thursday, December 18, 2025 2:37 PM
To: Dan Lister
Cc: Caitlin Ross
Subject: [External] re: Legal Notice CR2025-0004 / Smith - 28049 HAPPY HILL LN,
Attachments: NEW - P&Z Rezone full political agency notice.pdf

Dan,

The address on the notice is incorrect.
It should be: 28049 Happy Hill Lane, Caldwell

The site is not located in the floodplain, therefore I have no comments.

I am working part-time & generally available from 9:00 a.m. to noon Monday through Thursday.

Thank you,
Maureen O'Shea, CFM
Floodplain Specialist
Idaho Dept. of Water Resources
322 E. Front Street, PO Box 83720,
Boise, ID 83720-0098
Office # 208-287-4928
Cell # 208-830-4174
Maureen.OShea@idwr.idaho.gov
https://www.idwr.idaho.gov/floods/

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Thursday, December 18, 2025 11:32 AM
To: Jackson, Peter <Peter.Jackson@idwr.idaho.gov>; O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>;
Subject: Legal Notice CR2025-0004 / Smith

Dear Agencies,

Your agency is being notified pursuant to the Local Land Use Planning Act, Idaho Code 67-6509, to all political subdivisions providing services within the planning jurisdiction of Canyon County, including school districts and media.

No response is required from your agency unless you have input on the proposed project.

Contact the planner of record, **Dan Lister** at email@canyoncounty.id.gov with any questions or additional agency comments or concerns if applicable.

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)
Public office hours:
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.

EXHIBIT 4

Draft BOCC FCOs

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Board of County Commissioners

Case# CU2025-0004

Hearing date: April 28, 2026

BOARD OF COUNTY COMMISSIONERS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:
Smith – CR2025-0004

The Canyon County Board of County Commissioners considers the following:

A conditional rezone of Parcel R37795011, approximately 9.9 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 two residential lots.

The subject property is located at 28049 Happy Lane, Caldwell, also referenced as a portion of the SE quarter of Section 10, T5N, R3W, 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 CR2025-0004.

      1. Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on December 18, 2025 (P&Z) and March 24, 2026. Property owners within 600 feet of the subject property boundaries were notified on December 18, 2025 (P&Z) and March 24, 2026. Full political notice was completed on December 18, 2025. A newspaper notice was published on December 18, 2025 (P&Z) and March 24, 2026. The subject property was posted with a notice on December 22, 2025 (P&Z) and March 26, 2026.
      2. On January 21, 2026, the Planning and Zoning Commission (P&Z) heard the case at a duly noticed hearing. The P&Z recommended approval subject to conditions (Attachment A). *See Exhibits 1 & 2.*
      3. All exhibits are located in the case staff report dated April 28, 2026.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezones), CCCO §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).

   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 Board 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. *See* I.C. §67-6504, §67-6511.

3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 67-6511.

4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. The Board can sustain, modify, or reject the Commission's recommendations. *See 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, CR2025-0004, was presented at a public hearing before the Canyon County Board of County Commissioners on April 28, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

Conditional Rezone 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:

County Ordinance and Review

Criteria Met?	Code Section	Criteria
Yes	**1**	**Is the proposed conditional rezone generally consistent with the comprehensive plan?**
Analysis	The proposed conditional rezone is not generally consistent with the future land use map in the 2030 Canyon County Comprehensive Plan. However, as conditioned, the request is not anticipated to impact goals and visions for the planned area. • The future land use map designates the future land use as agriculture and is located near an intensive agricultural overlay (Exhibit 3.B.2c). o *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.* Pg. 25 of the 2030 Comprehensive Plan. o Intensive Agriculture Overlay: *This overlay is applied to protect working lands and operations. These areas may have higher-quality soils, 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.* Pg. 28 of the 2030 Comprehensive Plan. • As conditioned, the request creates two lots. The proposed west lot has an existing dwelling and shop (BP2025-0137 & 0138). The proposed east lot has an existing dwelling currently used as a secondary dwelling (BP2025-0139). Due to the property abutting agricultural land to the south, a 250-foot setback from Sand Hollow Road is proposed, where agricultural uses or open space will be preserved and maintained. As conditioned, the applicant states the request promotes balanced rural living and agricultural preservation by transforming underutilized property into two smaller productive agricultural parcels while maintaining low density and open space (Exhibit 3.A.2). • As conditioned (Attachment A), the request is consistent with the following goals and policies. o Property Rights ▪ *Protect the integrity of individual property rights while safeguarding public health, safety, and welfare. (G1.01.00)*	

	▪ *Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance. (G1.01.00)* o Land Use & Community Design ▪ *Maintain a balance between residential growth and agriculture that protects the rural character. (P4.01.01)* ▪ *Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns. (P4.03-02)* ▪ *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 (P4.03.03).* ▪ *Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area. (P4.05.02)* • As conditioned, the proposed lot sizes are commensurate with previously approved subdivisions and land divisions in the area (Exhibits 3.B.2d, 3.B.2f, and 3.B.2j). • The request is located between parcels that have already been divided and where fragmentation has already occurred. Conditions include a buffer setback from large production farmland south of Sand Hollow Road (Exhibits 3.A.2 & 3.A.7). *See Attachment A for recommended development agreement conditions.* o Natural Resources ▪ *Encourage downward-facing lighting to improve public safety. (G5.06.00)* • As conditioned, the applicant will provide an exterior lighting plan to ensure all exterior lighting is shielded downward and directed away from other adjacent properties. *See Attachment A for recommended development agreement conditions.* o Agriculture ▪ *Protect agricultural operations from conflicts by providing buffers between proposed non-agricultural uses and adjacent farming operations. (P12-04-02)* • Conditions include a buffer setback from large production farmland south of Sand Hollow Road (Exhibits 3.A.2 & 3.A.7). *See Attachment A for recommended development agreement conditions.* • *See the supporting findings and evidence in criteria 2, 3 & 4.*
Criteria Met? **Yes**	**2** **When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?**
Analysis	In consideration of the surrounding land uses, the proposed conditional zone to "R-R" is not more appropriate than the current zoning designation of "A". However, as conditioned, the request is as appropriate because when considering the existing development on the property, it will align with lot sizes and uses existing in the area with minimum impact to agricultural uses and open space. Existing The subject parcel is zoned "A" (Agricultural; Exhibit 3.B.2d). Per CCCO §07-10-25(1), the purposes of the "A" (Agricultural) Zone 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 the 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 majority of the area is zoned "A" (Agricultural). The average lot size within a 600-foot radius is 23.33 acres with a median lot size of 9.99 acres (Exhibit 3.B.2f). The parcel is surrounded by parcels that are 10 acres to 80 acres (Exhibit 3.B.2b). The soil classification of the parcel ranges from Class III (Moderately suited soil) to Class VI (Least suited soil) due to slopes (Exhibit 3.B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits 3.B.3 & 3.B.4). Based on aerial history (Exhibit 3.C), there has not been any productive agricultural uses on the property other than perhaps livestock. Parcels to the east and south contain best or moderately suited soils (Exhibit 3.B.2g). Within a two-mile radius, there is one dairy, Vandenberg & Son Dairy, approximately 1.5 miles southwest of the request (Exhibit 3.B.2i). <u>Proposed</u> The request is to zone the parcel "R-R" (Rural Residential). Per CCCO §07-10-25(2), the purpose of the "R-R" Zone is to *encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.* The 2030 Canyon County Comprehensive Plan determines that rural residential is appropriate in transitional areas between urban and agricultural uses (Pg. 28 of the 2030 Comprehensive Plan). As conditioned (Attachment A), the request creates two lots. The proposed west lot has an existing dwelling and shop (BP2025-0137 & 0138). A secondary dwelling will be prohibited on said lot. The proposed east lot has an existing dwelling currently used as a secondary dwelling (BP2025-0139) and requests that the lot be allowed a secondary dwelling. The Planning and Zoning Commission added a condition prohibiting secondary dwellings. *See Attachment A.* As conditioned, the request maintains the existing character while minimizing impacts. o There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit 3.B.2f). The request maintains similar lot sizes as other subdivisions in the area. o Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit 3.B.2j). The smaller lot sizes were created via land division or original parcels (created on or before September 6, 1979, CCCO §07-02-03). The request will allow for a four-acre or greater lot size commensurate with existing development in the area. o Within a one-mile radius, there are conditional rezones to "R-R" approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit 3.B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. The request is commensurate with other conditional rezone decisions in the area. o Conditions include limiting the divisions to a total of two lots. A 250-foot buffer setback from large production farmland south of Sand Hollow Road is included (Exhibits 3.A.2 & 3.A.7). Also, the applicant will provide an exterior lighting plan to ensure all exterior lighting is shielded downward and directed away from other adjacent properties. *See Attachment A for recommended development agreement conditions.*
Criteria Met? **Yes**	**3**	**Is the proposed conditional rezone compatible with surrounding land uses?**
Analysis	As conditioned, the proposed conditional rezone to "R-R" is compatible with surrounding land uses. Pursuant to CCCO §07-02-03, *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 services. A 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.*	

	As proposed, the request will allow the creation of two lots. As conditioned (Attachment A), the request will be consistent with the surrounding area. o The property consists of Class III to Class VI soils (Exhibit 3.B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits 3.B.3 & 3.B.4). o There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit 3.B.2f). o Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit 3.B.2j). The smaller lot sizes were created via land division or original parcels (created on or before September 6, 1979, CCCO §07-02-03). o Within a one-mile radius, there are conditional rezones to "R-R" approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit 3.B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. o As conditioned, the request maintains a lot size and use that exists in the area. The conditions also acknowledge the agricultural production on the parcel to the south by maintaining an agricultural buffer (Exhibit 3.A.7). *See Attachment A for recommended development agreement conditions.* If approved, subdivision platting will be required, which will need to comply with the development agreement conditions.	
Criteria Met? **Yes**	**4**	**Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?**
Analysis	As conditioned, the proposed conditional rezone will not negatively affect the character of the area. • The area contains agricultural and rural residential type use (Exhibit 3.B.2). o The property consists of Class III to Class VI soils (Exhibit B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits 3.B.3 & 3.B.4). Based on aerial history (Exhibit 3.C), there has not been any productive agricultural uses on the property other than perhaps livestock. o There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit 3.B.2f). o Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit 3.B.2j) o Within a one-mile radius, there are conditional rezones to "R-R" approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit 3.B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. • As conditioned, the request maintains a lot size and use that exists in the area. *See Attachment A for recommended development agreement conditions.* If approved, subdivision platting will be required, which will need to comply with the development agreement conditions.	
Criteria Met? **Yes**	**5**	**Will adequate facilities and services, including sewer, water, drainage, irrigation, and utilities, be provided to accommodate the proposed conditional rezone?**
Analysis	The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein. **Sewer:**	

	The parcel has two dwellings served by septic systems. Southwest District Health states the parcel is not in a nitrate priority area and is not concerned about the request (Exhibit 3.D.5). Site evaluation and subdivision engineering report will be required at the time of platting. **Water:** The parcel has two dwellings served by domestic wells. The applicant states they will share the well with the future secondary dwelling on the proposed east lot (Exhibit 3.A.2). The well, whether shared or not, must comply with Idaho Department of Water Resources requirements. At the time of platting, water rights for domestic use will need to be demonstrated. **Drainage:** Runoff is maintained onsite. The property has a slope less than 15% from north to south and has an existing drainage retention area located at the southwest corner of the parcel (Exhibits 3.B.2a and 3.B.2h). The subsequent subdivision plat will be required to demonstrate stormwater and runoff maintenance. **Irrigation:** The parcel does not have surface water rights through Black Canyon Irrigation District (Exhibit 3.E.3). Therefore, irrigation will be provided through the Idaho Department of Water Resources (IDWR) via domestic wells or irrigation well water rights granted. At the time of platting, water rights for domestic and irrigation services will need to be provided. **Utility:** The parcel and the parcel to the north have existing dwellings served by utilities. The subsequent subdivision platting will be required to provide utility easements for utility connectivity (CCCO §07-17-09 & 13).	
Criteria Met? **Yes**	**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?**
Analysis	The request will not interfere with existing or future traffic patterns and can be mitigated through the local jurisdiction via adopted code. The request allows two existing dwellings to be located on separate lots. Secondary residences are prohibited (See Attachment A). Therefore, the request maintains the existing average daily trips of 19.04 trips. The private road is already constructed to construction standards, serving fewer than 100 average daily trips (Exhibit 3.B.4). Highway District 4 (HD4) does not oppose and will require dedication at the time of platting (Exhibit 3.D.1). Idaho Transportation Department (ITD) does not have any concerns regarding the request as it does not meet the threshold for a traffic study, nor does it pose any safety concerns (Exhibit 3.D.2).	
Criteria Met? **Yes**	**7**	**Does legal access to the subject property for the conditional rezone exist, or will it exist at the time of development?**
Analysis	The subject property does have legal access for the conditional rezone. The subject property and parcel to the north are served by a private road, Happy Hill Lane (RD2024-0032). The private road has a road user's maintenance agreement (Instrument No. 2007-056827) and is built to private road construction standards (CCCO §07-10-03(3), Exhibit 3.B.4). The request will require subsequent subdivision platting, which will require the private road to be located within a road lot (CCCO §07-17-31). HD4 approved an access permit for both existing dwellings and collected impact fees (Exhibit 3.D.1).	
Criteria Met? **Yes**	**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?**
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. Any necessary measures to mitigate impacts are detailed below. **Schools:**	

	The request, as conditioned, is not anticipated to impact the Middleton School District. No comments were received from the school district. If the rezone is approved, subdivision platting is required, which will require review by the school district. **Police:** The property is served by the Canyon County Sheriff's Office. As conditioned, the request is not anticipated to impact the County Sheriff's Office. No comments were received from the County Sheriff's Office. **Fire protection & Emergency Medical Services:** The property is served by Middleton Fire and Canyon County Ambulance/EMS. No comments were received. The request, as conditioned, is not anticipated to impact these services. If the rezone is approved, subdivision platting is required, which will require review by these services. **Irrigation Services:** The property is in the district of Black Canyon Irrigation District (BCID). Based on comments received, the property does not have irrigation services from BCID (Exhibit 3.D.3). If the rezone is approved, subdivision platting is required, which will require review by BCID and the Idaho Department of Water Resources (water rights)

Order
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** Case #CR2025-0004, a conditional rezone of Parcel R37795011, approximately 9.9 acres, from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone subject to conditions of the development agreement (Attachment A).

DATED this _____ day of _____, 2026.

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	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Jess Urresti, Clerk

By: _____ Date: _____
Deputy

ATTACHMENT A

DEVELOPMENT AGREEMENT CONDITIONS

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The subject parcel, R37795011, shall be subdivided in compliance with Chapter 7, Article 17 of the Canyon County Code of Ordinances (CCCO), subject to the following restrictions:
   a. The parcel shall be divided in substantial compliance with the applicant's site plan (Exhibit 3.A.7).
   b. Secondary residences per CCCO §07-02-03, §07-10-27, and §07-14-25 are prohibited.
   c. A 250-foot buffer along Sand Hollow Road in substantial compliance with the applicant's letter of intent (Exhibits 3.A.2 & 3.A.7) shall be provided where agricultural production and open space will be preserved.
   d. At the time of the preliminary plat, an exterior lighting plan shall be provided demonstrating that all existing and future exterior lighting will be shielded downward and directed away from adjacent properties.
3. The request 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."