




The Canyon County Board of Commissioners considered and adopted the following Resolution which shall be effective on the 9th day of October, 2025.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek the Board resolves as follows:

At the recommendation of the Development Services Department, the Board hereby resolves to issue a refund of \$ 2100.00 to Josef Smith, Case No. OR2025-0004. Supporting documentation from the Development Services Department is attached.

- ☒ Motion Carried Unanimously
☐ Motion Carried/Split Vote Below
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: RICK HOGABOAM, CLERK



Deputy Clerk

Date: 10/9/25

Resolution No. 25- 199



CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue Ste. 310 • Caldwell, Idaho • 83605 • (208) 454-7458

INTERDEPARTMENT MEMORANDUM

FOR YOUR: ☐ Review ☒ Action ☐ Information

DATE: October 2, 2025

TO: Board of County Commissioners

FROM: Jennifer Almeida, Office Manager

SUBJECT: Refund request – Josef Smith
Case No. OR2025-0004

DIRECTOR SIGNATURE: _____

Joshua Johnson

Background:

The applicant applied for a Comprehensive Plan Map amendment and conditional rezone on 3/14/25 (OR2025-0004 & CR2025-0004).

Work Completed:

The case file was prepared, scanned, and entered into database. The case was assigned to a Planner. Upon review of the application and criteria, it was determined that staff would be recommending denial of the request. The applicant opted to withdraw the Comprehensive Plan Map Amendment and move forward only with the conditional rezone.

There were no notifications sent out for this case and no map sets created. See attached progress chart & information.

Recommendation:

A refund in the amount of \$2100.00 is recommended.

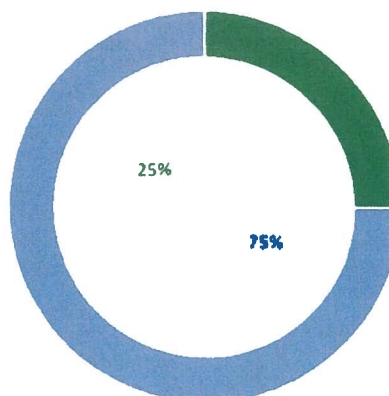
	Actual		25%
	Level Max	Data Series	
Level 1		25%	25%
Level 2		50%	
Level 3		75%	
Level 4		100%	
	Remainder		75%

Case Notes: See memo for work completed details.

Fees paid \$2800.00

Refund amount \$ 2100.00

OR2025-0004



Checklist

Admin Cases:

- *Consult & Intake
- *Make Folder, Assign Case
- *Research & Notice if necessary
- *Approval
- *Action letter, completion, filing

Checklist

P&Z or HE Cases:

- *Consult & Intake
- *Make Folder, Assign Case
- *Notice Agencies
- *Create maps, property owners
- *Ongoing research, & communication
- *Noticing, posting, newspaper
- *Staff Reports
- *Commissioner packets mail and email
- *Hearing prep
- *Hearing
- *Action letter
- *Completion, filing

Checklist

P&Z with BOCC Cases:

- *Consult & Intake
- *Make Folder, Assign Case
- *Notice Agencies
- *Create maps, property owners
- *Ongoing research, & communication
- *Noticing, posting, newspaper
- *Staff Reports
- *Commissioner packets mail and email
- *Hearing prep
- *Hearing
- *Action letter
- *BOCC, get hearing date
- *Ongoing research, & communication
- *Noticing, posting, newspaper
- *Staff Reports
- *Commissioner packets mail and email
- *Hearing prep
- *Hearing

Jennifer Almeida

From: Dan Lister
Sent: Tuesday, September 30, 2025 11:29 AM
To: Jennifer Almeida
Subject: FW: [External] Re: Case No. OR2025-0004 - Withdrawn

Jenn,

Below is the request to withdraw case OR2025-0004. The applicant requests a refund. I think we can refund 75% of the \$2,800. It was submitted on 3/14/2025 with no review completed by a planner. I assigned it to myself on 9/15 and quickly let the applicant know that the request would not be supported, which is why he's withdrawing the case. I have not done any work on the case except provide an email with options, and that the case could not be supported.

Sincerely,

Dan Lister, Planning Supervisor
DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959
Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)
Public office hours
Monday, Tuesday, Thursday, and Friday
8 am – 5 pm
Wednesday
1 pm – 5 pm
**We will not be closed during lunch hour **

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and, as such, may be copied and reproduced by members of the public.

From: Dan Lister
Sent: Tuesday, September 30, 2025 11:17 AM
To: 'Josef Smith' <josefsmith888@gmail.com>
Subject: RE: [External] Re: Case No. CR2025-0004 - Update

Josef,

Thanks for the update. Regarding the refund of fees for OR2025-0004, it will need to go to the Board of County Commissioners. I'll update you once that is completed.

Sincerely,

Dan Lister, Planning Supervisor
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Daniel.Lister@canyoncounty.id.gov

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From: Josef Smith <josefsmith888@gmail.com>

Sent: Tuesday, September 30, 2025 11:13 AM

To: Dan Lister <Dan.Lister@canyoncounty.id.gov>

Subject: Re: [External] Re: Case No. CR2025-0004 - Update

Hi Dan,

I would like to withdraw my Comprehensive Plan Amendment OR 2025-0004. I would respectfully request a refund as no notices were sent to agencies or much work done on this matter.

Thank you

Josef Smith

Sent from my iPhone

On Sep 25, 2025, at 8:37 AM, Dan Lister <Dan.Lister@canyoncounty.id.gov> wrote:

Sounds good. See you then!

Sincerely,

Dan Lister, Planning Supervisor

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Daniel.Lister@canyoncounty.id.gov

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From: Josef Smith <josefsmith888@gmail.com>

Sent: Thursday, September 25, 2025 8:12 AM

To: Dan Lister <Dan.Lister@canyoncounty.id.gov>
Subject: Re: [External] Re: Case No. CR2025-0004 - Update

Hi Dan,

Does 130 on the 29th still work for you?
Grateful for your assistance.

Josef
Sent from my iPhone

On Sep 22, 2025, at 11:56 AM, Josef Smith <josefsmith888@gmail.com> wrote:

Thank you Dan,

Can we meet at 1pm on September 29th?
I'm very grateful for your time and your help through this process.

On Sep 19, 2025, at 9:47 AM, Dan Lister
<Dan.Lister@canyoncounty.id.gov> wrote:

Josef,

The next available time I have to meet at the office is anytime between 1:30 and 4 pm today (9/19), anytime between 1:30 and 4 pm September 29th, and anytime between 8:30 and 11 am on September 30th. I'm also available over the phone anytime today if that's easier for you.

Let me know what works for you.

Sincerely,

Dan Lister, Planning Supervisor
DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959
Daniel.Lister@canyoncounty.id.gov

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From: Josef Smith <josefsmith888@gmail.com>
Sent: Thursday, September 18, 2025 4:14 PM
To: Dan Lister <Dan.Lister@canyoncounty.id.gov>
Subject: [External] Re: Case No. CR2025-0004 - Update

Dear Mr. Lister,

Thank you for your thorough review and detailed response regarding my family's comprehensive plan amendment and conditional rezone applications (OR2025-0004/CR2025-0004). I sincerely appreciate the time and consideration that you and your team have given to this matter.

I fully understand the concerns you've outlined with respect to the Comprehensive Plan, agricultural protections, and recent precedents. My family and I want to approach this process with humility and respect for the County's goals, while also being thoughtful and persistent in seeking a path forward that balances both community values and our family's needs.

Given the complexity of this request and the importance of aligning with the County's long-term planning framework, I would like to kindly request an in-person planning meeting with you (and any other appropriate staff) to further discuss the application, potential alternatives, and any avenues that might exist for collaboration. My goal is to better understand the County's perspective and explore whether adjustments to our proposal or additional commitments from us could allow for a solution that is both feasible and compliant.

Please let me know if there is availability in the coming weeks for such a meeting. I am happy to

adjust to your schedule and come to your office at your convenience.

Thank you again for your time, guidance, and the professional manner in which you and your department have handled this process. I look forward to the opportunity to continue the conversation.

Respectfully,

Josef Smith

Sent from my iPhone

On Sep 18, 2025, at 12:04 PM, Dan Lister
<Dan.Lister@canyoncounty.id.gov> wrote:

Mr. Smith,

I've been reassigned your comprehensive plan amendment and conditional rezone applications (OR2025-0004/CR2025-0004). Upon review, DSD staff will be recommending denial of the requests. Why?

1. The area is not a residential growth area; it supports/protects agricultural and intensive agricultural uses (per the 2030 County Comprehensive Plan).
2. No urban/agricultural transition is found in the area to meet the intent to support a rural residential district. The nearest urban area is Middleton, which is over 3 miles away.
3. No recent similar decisions have been approved in the area. Therefore, there is no evidence that the area has changed to support rural residential growth. The last two similar decisions in the area were (1) in 2013, which allowed rural residential uses conditionally subject to 21 acres remaining in agricultural use (PH2013-11); and (2) in 2014, allowing one more dwelling conditionally on a 28.8-acre piece of ground (PH2014-10). Conditional

approval does not prove the area has changed (CCCO 07-06-07(3)).

4. The only subdivisions in the area are from 2008 (Sand Hollow Estates with a 4.5-acre average lot size) and 2017 (Small Wood Trail, part of PH2013-11, with a 5.21-acre average lot size). The proposal does not meet the average lot size found in the area.

1. Alternative to gain DSD support of the request:
Amend the conditional rezone request to create only two lots (4.9-acre average lot size). Development must be located in a building envelope no larger than one acre to maintain the open space/agricultural uses of the property. No structures can be located outside the building envelope. Additionally, no secondary dwellings; only primary dwellings on each lot. If you go with this alternative, a comprehensive plan amendment is not required and can be withdrawn.

Before I proceed with processing these cases, here are your following options:

1. **Proceed as submitted:** If you wish to proceed, the staff will send out a 30-day courtesy notice to affected agencies to get their comments. During the 30 days, staff will complete a site visit and work on the staff report. After the 30 days, the staff will find the next available hearing and schedule the cases with a recommendation for denial. The first hearing is before the P&Z Commission, which makes a recommendation to the final hearing body, the Board of County Commissioners.
 1. If a response is not received by October 2nd, staff will take that as you wanting to proceed.
2. **Amend the application to match the alternative:** Provide an updated letter of intent and site plan requesting the alternative option stated above. Once received, the staff will send out a 30-day courtesy notice to affected agencies to get their comments. During the 30 days, staff will complete a site visit and work on the staff report. After the 30 days, the staff will find the next available hearing and schedule the cases with a recommendation for denial.

1. If you go with this option, please let me know how much time you need to amend the application.
3. **Withdraw both applications.** Submit an email requesting that the cases be withdrawn, keeping the current zone.
1. If a response is not received by October 2nd, staff will take that as you wanting to proceed.

Please contact me if you have any questions.

Sincerely,

Dan Lister, Planning Supervisor

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Daniel.Lister@canyoncounty.id.gov

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Canyon County Development Services
111 N. 11th Ave. Room 310, Caldwell, ID 83605
(208) 454-7458

Building Divsn Email: buildinginfo@canyoncounty.id.gov **Planning Divsn Email:** zoninginfo@canyoncounty.id.gov

Receipt Number: 84874

Date: 10/1/2025

Date Created: 3/14/2025

Receipt Type: Normal Receipt

Status: Active

Customer's Name: Josef Smith

Comments: CR2025-0004 and OR2025-0004

Site Address: 0 SAND HOLLOW RD, Caldwell ID / **Parcel Number:** 37795011 0

CHARGES

<u>Item Being Paid For:</u>	<u>Application Number:</u>	<u>Amount Paid:</u>	<u>Prevs Pymnts:</u>	<u>Unpaid Amnt:</u>
Planning - Conditional Rezone with Development Agreement	CR2025-0004	\$1,400.00	\$0.00	\$0.00
Planning - Comprehensive Plan Map Amendment	OR2025-0004 <i>Withdrawn</i>	\$2,800.00	\$0.00	\$0.00

Sub Total: \$4,200.00

Sales Tax: \$0.00

Total Charges: \$4,200.00

PAYMENTS

<u>Type of Payment:</u>	<u>Check/Ref Number:</u>	<u>Amount:</u>
Credit Card	172683788	\$4,200.00

Total Payments: \$4,200.00

ADJUSTMENTS

Receipt Balance: \$0.00

*75% Refund for OR2025-0004
\$ 2100.00*

Canyon County Development Services

- 015

Date: 10/1/2025

CASH SALES

ACCOUNT NAME	G/L #	TOTALS
Zoning Compliance	001-341608	\$80.00
Total Cash Sales:		\$80.00

CHECK SALES

ACCOUNT NAME	G/L #	TOTALS
Building Permits	001-322201	\$6,327.00
Parcel Inquiry	001-322205	\$280.00
Plan Review Fees	001-322208	\$1,012.32
Zoning Compliance	001-341608	\$160.00
Fire District Impact Fee	620-354100	\$560.00
Total Check Sales:		\$8,339.32

CREDIT CARD SALES

ACCOUNT NAME	G/L #	TOTALS
Building Permits	001-322201	\$50.00
Parcel Inquiry	001-322205	\$80.00
Administrative Lot Splits	001-341607	\$330.00
Zoning Ord Amendment - Rezone	001-341613	\$4,200.00
Total Credit Card Sales:		\$4,660.00

\$2100.00
Refund from
this line
item #

ON LINE SALES

ACCOUNT NAME	G/L #	TOTALS
Zoning Compliance	001-341608	\$160.00
Total On Line Sales:		\$160.00

Grand Total: \$13,239.32

If there are any adjustments shown in the list below they have already been subtracted from the totals above.

Canyon County Development Services

- 015

Dep. Date: 10/1/2025
Receipts Of: 3/14/2025

Building Permits - 001-322201

<u>Receipt #</u>	<u>Name</u>	<u>Cash</u>	<u>Check</u>	<u>Sub-Total</u>	<u>Credit Card</u>	<u>On Line</u>	<u>Total</u>
84873	AJB Contractors LLC	\$0.00	\$282.00	\$282.00	\$0.00	\$0.00	\$282.00
84869	Cotner Building Company LLC	\$0.00	\$5,205.00	\$5,205.00	\$0.00	\$0.00	\$5,205.00
84871	Jennifer Lee Flores	\$0.00	\$470.00	\$470.00	\$0.00	\$0.00	\$470.00
84877	Douglas Hamrick	\$0.00	\$370.00	\$370.00	\$0.00	\$0.00	\$370.00
84879	Viktoriya Ivakhov	\$0.00	\$0.00	\$0.00	\$50.00	\$0.00	\$50.00
Building Permits Totals:		\$0.00	\$6,327.00	\$6,327.00	\$50.00	\$0.00	\$6,377.00

Parcel Inquiry - 001-322205

<u>Receipt #</u>	<u>Name</u>	<u>Cash</u>	<u>Check</u>	<u>Sub-Total</u>	<u>Credit Card</u>	<u>On Line</u>	<u>Total</u>
84872	Millis & Co Realty Inc	\$0.00	\$280.00	\$280.00	\$0.00	\$0.00	\$280.00
84875	Stephanie Hopkins	\$0.00	\$0.00	\$0.00	\$80.00	\$0.00	\$80.00
Parcel Inquiry Totals:		\$0.00	\$280.00	\$280.00	\$80.00	\$0.00	\$360.00

Plan Review Fees - 001-322208

<u>Receipt #</u>	<u>Name</u>	<u>Cash</u>	<u>Check</u>	<u>Sub-Total</u>	<u>Credit Card</u>	<u>On Line</u>	<u>Total</u>
84873	AJB Contractors LLC	\$0.00	\$45.12	\$45.12	\$0.00	\$0.00	\$45.12
84877	Douglas Hamrick	\$0.00	\$59.20	\$59.20	\$0.00	\$0.00	\$59.20
84878	Covenant Home Builders LLC	\$0.00	\$180.00	\$180.00	\$0.00	\$0.00	\$180.00
84869	Cotner Building Company LLC	\$0.00	\$652.80	\$652.80	\$0.00	\$0.00	\$652.80
84871	Jennifer Lee Flores	\$0.00	\$75.20	\$75.20	\$0.00	\$0.00	\$75.20
Plan Review Fees Totals:		\$0.00	\$1,012.32	\$1,012.32	\$0.00	\$0.00	\$1,012.32

Administrative Lot Splits - 001-341607

<u>Receipt #</u>	<u>Name</u>	<u>Cash</u>	<u>Check</u>	<u>Sub-Total</u>	<u>Credit Card</u>	<u>On Line</u>	<u>Total</u>
84868	Alyse & Vaughn Christensen	\$0.00	\$0.00	\$0.00	\$330.00	\$0.00	\$330.00
Administrative Lot Splits Totals:		\$0.00	\$0.00	\$0.00	\$330.00	\$0.00	\$330.00

Zoning Compliance - 001-341608

<u>Receipt #</u>	<u>Name</u>	<u>Cash</u>	<u>Check</u>	<u>Sub-Total</u>	<u>Credit Card</u>	<u>On Line</u>	<u>Total</u>
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84876	Shannon Boepple	\$80.00	\$0.00	\$80.00	\$0.00	\$0.00	\$80.00
84866	Erin Christopher EGT Solar	\$0.00	\$0.00	\$0.00	\$0.00	\$80.00	\$80.00
84870	Colby Bernard	\$0.00	\$0.00	\$0.00	\$0.00	\$80.00	\$80.00
84878	Covenant Home Builders LLC	\$0.00	\$80.00	\$80.00	\$0.00	\$0.00	\$80.00
84867	Patio Covers Unlimited of Idaho	\$0.00	\$80.00	\$80.00	\$0.00	\$0.00	\$80.00
Zoning Compliance Totals:		\$80.00	\$160.00	\$240.00	\$0.00	\$160.00	\$400.00

Zoning Ord Amendment - Rezone - 001-341613

Receipt #	Name	Cash	Check	Sub-Total	Credit Card	On Line	Total
84874	Josef Smith	\$0.00	\$0.00	\$0.00	\$4,200.00	\$0.00	\$4,200.00
Zoning Ord Amendment - Rezone Totals:		\$0.00	\$0.00	\$0.00	\$4,200.00	\$0.00	\$4,200.00

Fire District Impact Fee - 620-354100

Receipt #	Name	Cash	Check	Sub-Total	Credit Card	On Line	Total
84869	Cotner Building Company LLC	\$0.00	\$560.00	\$560.00	\$0.00	\$0.00	\$560.00
Fire District Impact Fee Totals:		\$0.00	\$560.00	\$560.00	\$0.00	\$0.00	\$560.00
Grand Totals:		\$80.00	\$8,339.32	\$8,419.32	\$4,660.00	\$160.00	\$13,239.32

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