



Board of County Commissioners
Hearing Date: November 13, 2025
Canyon County Development Services Department

PLANNING DIVISION ADDENDUM

CASE NUMBER: CR2022-0031

APPLICANT/REPRESENTATIVE: Elizabeth Allen, Bristlecone Consulting
PROPERTY OWNER: Werhane Family Living Trust

APPLICATION: Conditional Rezone

LOCATION: 0 Highway 55, Caldwell
Also referenced as a portion of Government lot 3 and lying in the SE ¼ of Section 34, T3N, R4W, BM, Canyon County, Idaho. Parcel R33590012B and R33590012C (8.93 acres)

ANALYST: Michelle Barron, Principal Planner

P&Z RECOMMENDATION: Denial

SUMMARY:

The applicant, Elizabeth Allen, Bristlecone Land Use Consulting, representing William and Gena Werhane, requests an amendment to the official zoning map to conditionally rezone the property from Agricultural "A" to Neighborhood Commercial "CR-C-1". The request includes a development agreement with conditions.

The Planning & Zoning Commission heard the case at a public hearing held on May 15, 2025. The case was a tie vote at the public hearing and was continued to July 3, 2025, to allow a Commission member who was absent to review the record and participate in the deliberation. After deliberation, the Planning & Zoning Commission recommended denial of the request (Exhibit I & II).

The Staff report packet dated May 15, 2025, and all supporting material are contained in Exhibit III. Any additional agency & public comments received for the subject public hearing or received as a late exhibit at the previous public hearing can be found in Exhibits V & VI. Any Additional supporting documentation provided by the applicant to be considered by the Planning & Zoning Commission can be found in Exhibit VII.

EXHIBITS:

- I. **Planning & Zoning Commission FCOs Dated: July 17, 2025**
- II. **Planning and Zoning Commission Minutes**
 - a. **Minutes Dated: May 15, 2025**
 - b. **Minutes Dated: July 3, 2025**
 - c. **Minutes Dated: July 17, 2025**
- III. **Staff Report Packet Dated May 15, 2025**
- IV. **Staff P & Z PowerPoint Presentation Dated: May 15, 2025**
- V. **Agency Comments Received by November 3, 2025**
 - a. DEQ; Received: October 15, 2025
 - b. City of Marsing; Received: November 3, 2025

VI. Public Comments Received by November 3, 2025

- a. Ciera Buhler; Received: November 3, 2025
- b. Gerri Smith; Received: November 3, 2025

VII. Applicant Additional Supporting Documents Received by November 3, 2025

- a. Applicant Letter; Received: October 31, 2025
- b. Second Community Poll Results from January 25, 2025; Received October 29, 2025
- c. Applicant PowerPoint Presentation; Received: October 30, 2025

EXHIBIT I
P&Z Signed FCOs



PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:

William & Gena Werhane – CR2022-0031

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of approximately 8.93 acres from an “A” Agricultural to “CR-C1” Neighborhood Commercial zone on Parcel No. R33590012B and R33590012C.
- 2) Development Agreement to limit the uses in a C1 zone.

Case CR2022-0031 The property is located at 0 Hwy 55, Caldwell, southeast of the Hwy 55/Sunny Slope Road and Churruca Lane intersection; also referenced as a portion of Section 34, Township 3N, Range 4W; 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 CR2022-0031.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §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 CCZO §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* CCZO §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* CCZO §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. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §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. CCZO 07-05-03(1)(I).

The application Case Number CR2022-0031, was presented at a public hearing before the Canyon County Planning and Zoning Commission on May 15, 2025 and continued to July 3, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

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

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

Findings: (1) The Future Land Use Map indicates that the parcels are in the Agritourism Business Use/Agritourism Farm Use, however there is no specific zoning designation for this use. The applicant is proposing uses that fall into alignment with Agritourism Business Use or Agritourism Farm Use. **(Exhibit A3 and A3.1)**

- (2) The goals and policies of the 2030 Comprehensive Plan that this application is generally consistent with follow:

POPULATION P2.01.01

Plan for anticipated population and households that the community can support

POPULATION G2.02.00

Promote housing, business, and service types needed to meet the demand of the Future and existing population.

ECONOMIC DEVELOPMENT G3.01.00

Promote a healthy and sustainable regional economy by retaining, expanding, And recruiting businesses to favorable locations.

ECONOMIC DEVELOPMENT P3.01.01

Support suitable sites for economic growth and expansion compatible with the Surrounding area.

ECONOMIC DEVELOPMENT G3.05.00

Support a diverse economy in Canyon County and recognize that residential, Commercial and industrial uses are necessary components of overall economic stability

LAND USE AND COMMUNITY DESIGN P4.01.02

Planning, zoning and land-use decisions should balance the community's Interests and protect private property rights.

LAND USE AND COMMUNITY DESIGN P4.02.01

Consider site capability and characteristics when determining the appropriate Locations and intensities of various land uses.

LAND USE AND COMMUNITY DESIGN G4.03.00

Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.

LAND USE AND COMMUNITY DESIGN P4.03.01

Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.

LAND USE AND COMMUNITY DESIGN P4.03.03

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.

LAND USE AND COMMUNITY DESIGN P4.05.01

Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.

TRANSPORTATION P8.01.01

Coordinate land use and transportation planning to locate development near appropriate transportation corridors and services.

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0031.
- (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: In consideration of the surrounding land uses, the proposed conditional zone change to “C-1” – Neighborhood Commercial is not more appropriate than the current zoning designation of “A” - Agricultural.

- Findings:**
- (1) The parcel is located between a production agriculture use and a state highway. The land use is agricultural in nature on the Canyon County side of the river. Across the river, in Owyhee County and City of Marsing, the use is parks along the river and a commercial downtown area beyond the parks.
 - (2) The land is not agricultural land, but it is surrounded by agricultural land. Testimony and exhibits show surrounding area is in production agriculture.
 - (3) The Commission feels that Commercial use in the Agricultural zone is inappropriate and that the uses proposed are way too broad.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0031.
 - (5) Evidence includes statement read into the record by Chairman Sturgill (Attachment 1).
 - (6) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed conditional rezone change to C-1 is not compatible with surrounding land uses.

- Findings:**
- (1) The surrounding land uses are agricultural in nature. The subject property is set apart from the Agricultural uses by State Highway 55 (Sunny Slope Rd), Marsing Road and Churruca Lane.
 - (2) The land is not agricultural land, but it is surrounded by agricultural land. Testimony and exhibits show surrounding area is in production agriculture and a Commercial zone is not compatible with the area.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0031.
 - (4) Evidence includes statement read into the record by Chairman Sturgill (Attachment 1).

(5) Evidence includes associated findings and evidence supported within this document.

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

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

- Findings:**
- (1) The character of the area is predominantly agricultural with city commercial across the river. This area leads into the fruit production and winery area of Sunny Slope Road.
 - (2) The Commission feels that the Commercial use would adversely impact the character of the area as pointed out in the written exhibits.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 18, 2025. Newspaper notice was published on February 18, 2025. Property owners within 600' were notified by mail on February 18, 2025. Full political notice was provided on February 18, 2025. The property was posted on February 18, 2025.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0031.
 - (5) Evidence includes statement read into the record by Chairman Sturgill (Attachment 1).
 - (6) Evidence includes associated findings and evidence supported within this document.

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

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

- Findings:**
- (1) The parcel has the capability to provide appropriate wastewater disposal, water, irrigation and utilities. The requirements would be based on the actual use when the development moves forward. Drainage would also be handled at the time of development according to requirements noted in Boise Project Board of Control's letter in Exhibit D1.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 18, 2025. Newspaper notice was published on February 18, 2025. Property owners within 600' were notified by mail on February 18, 2025. Full political notice was provided on February 18, 2025. The property was posted on February 18, 2025.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0031.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed conditional rezone may require public street improvements in order to provide adequate access to and from the subject property in order to minimize undue interference with existing and/or future traffic patterns created by the proposed development. Any necessary measures to mitigate traffic impacts are detailed below.

- Findings:**
- (1) There are three agencies that have jurisdiction in this area (Golden Gate Highway District, Highway District 4 and Idaho Transportation District). All three agencies reserve the right to require further Traffic Impact Studies and other analysis at the time of the application for an access permit, once the use is determined.

- (2) Mitigation for the use that is established will be determined by the highway district at the time of an approach permit application. Traffic Impact Studies may be required and any improvements that need to be made after those studies have been analyzed shall be the responsibility of the developer.
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 18, 2025. Newspaper notice was published on February 18, 2025. Property owners within 600' were notified by mail on February 18, 2025. Full political notice was provided on February 18, 2025. The property was posted on February 18, 2025.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0031.
- (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The subject property does have legal access for the conditional rezone and will exist at the time of the development.

- Findings:**
- (1) The subject property has an existing access onto Marsing Road and with the addition of parcel R335490012C (Churruca Lane) an approach permit would be applied for through Highway District 4 and Golden Gate Highway District No. 3. (Exhibit D6) If the applicant wants to access from State Highway 55, an approach permit process will need to be applied for through Idaho Transportation Department. (Exhibit D6.2)
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 18, 2025. Newspaper notice was published on February 18, 2025. Property owners within 600' were notified by mail on February 18, 2025. Full political notice was provided on February 18, 2025. The property was posted on February 18, 2025.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0031.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed uses 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.

- Findings:**
- (1) The proposed uses 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.
 - (2) The proposed rezone is for Neighborhood Commercial, so schools will not be impacted. The Canyon County Sheriff's Office was noticed but no response was received. No impact is expected with the proposed uses. At the time of building permit, Marsing Fire District would be contacted for access approval. Marsing Fire District did respond to a request from staff for response times and stated that response time should be 5 to 8 minutes. (Exhibit D8)
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 18, 2025. Newspaper notice was published on February 18, 2025. Property owners

within 600' were notified by mail on February 18, 2025. Full political notice was provided on February 18, 2025. The property was posted on February 18, 2025.

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0031.
- (5) Evidence includes associated findings and evidence supported within this document.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case # CR2022-0031, a conditional rezone of R33590012B and R33590012C.

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

1. Resubmit with a refined list of allowed uses. No retail or financial institutions and limited restaurant venues.

DATED this 17 day of July, 2025.

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 17th day of July, in the year 2025, before me CAITLIN ROSS, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: Caitlin Ross

My Commission Expires: 5/7/2031

Rob Sturgill's Thoughts – July 3, 2025

I'd like to thank the applicant for their patience and my fellow commissioners for their thoughtful discussion during the May 15 hearing. I listened to your questions and deliberations several times.

This is a very important case as the applicant's property occupies the gateway to the jewel of Canyon County - the Sunnyslope wine region. A wise decision here will enhance the value of agriculture and agritourism for future generations of county residents. A poorly considered decision by ourselves or by the Board of County Commissioners could spark a catastrophic commercialization of the entire region over the next 20 years.

I think I heard consensus that this land is largely unsuitable for agricultural production and the commission agrees with the applicant that some productive use is warranted.

I also heard concerns from some commissioners that rezoning for a commercial use, even if restrictively conditioned, is a foot in the door for incremental commercial activities encroaching upon this important agritourism region.

I agree with the consensus expressed by this Commission on May 15. For a variety of geographic and historical reasons, the property has limited suitability for most agricultural production activities. Our decision should encourage the applicant to develop or sell his property in a manner that's consistent with the Comprehensive Plan and the surrounding uses and lead the inevitable development of the area in a manner that's consistent with the agritourism theme. And I'm enthusiastic in my support of the applicant's desire to enable that development. The applicant has endured a review and approval process longer than three years. This process has taken too long and the unique location of this property is too valuable to delay his development any longer.

Where my view departs from some of my fellow commissioners is that some proposed uses in the application are NOT consistent with the area, particularly given the definition of the term 'agritourism' provided in Title 6, Chapter 6 of the Idaho Statutes. I do not believe that a Financial Institution and Retail (in an unrestricted sense) are consistent with the character of the area on the north side of the river. I'm also not convinced that a historical theme is relevant to the site's use. The public input provided by the applicant didn't request a historical theme, and even if they did, it's not clear how a rezone could be conditioned to insist the applicant implement it. I would leave that marketing dimension to the eventual owner/operator of the businesses located on the site. But, I don't blame the applicant. Our code doesn't provide finer granularity of uses for the applicant to propose.

My assessment is that proposed uses such as a restaurant and a microbrewery/tasting room could be consistent with the surrounding area if implemented on a limited scale, deeply consistent with the agritourism theme, and would provide visitors to Canyon County with amenities that would be highly appreciated to enhance the Sunnyslope experience. I'll specifically note how the folks down the road at Peaceful Belly have threaded the needle between functioning agricultural production and a profitable, commercial eatery rather than a tawdry restaurant chain. Likewise, the The Orchard House fits well with the area and the parking lot is always full. In comparison, I doubt any of us would be comfortable that

we'd fulfilled our planning roles if we drove past a Burger King or Sizzler on the property in question as we enter the Sunnyslope region from the South. Adding uses that are consistent with the agritourism theme will add value to the county and provide property owners, including tonight's applicant, exceptional financial returns. It's quite unfortunate that we do not have more a more refined set of appropriate agritourism uses to guide today's decision, as this location is exceptionally well suited for the implementation of that definition.

I do agree with concerns expressed by members of this Commission that a Commercial rezone, even if highly conditioned, will likely lead to incremental development that ultimately moves the area further away from the agritourism vision established through a long series of public hearings for the region in the 2030 Comprehensive Plan. Nonetheless, I share the Commission's desire to find a way to expeditiously assist the applicant in realizing their desire to see the property developed and benefit from its use.

Having said all that, I cannot support the existing rezone application with the current, proposed list of uses as some are demonstrably incompatible with the area north of the river. Since some of the proposed uses which ARE compatible, are not currently permissible in an Ag zone, I concede that a more limited array of uses with a Conditional Rezone would align this property with the surrounding area, albeit at the risk of opening the door to future incompatible Commercial uses in the future. Given the unique and irreplaceable value of this region to the entire County, I'm quite reluctant to approve the concession of a Commercial rezone at this time. I'm convinced that if the County ultimately authorizes a Commercial rezone in this location, even one highly conditioned as proposed, 15 years from now the unique value of this area will be diluted or lost to the County's residents and visitors forever.

On a related note, I'm troubled that Canyon County has not defined the specific uses that fit within the Comprehensive Plan's agritourism map. A thoughtful articulation of those uses is long overdue. As a result, we're now faced with a property owner who would materially benefit from the expeditious application process that a pre-approved list of uses would provide, and has instead patiently endured the grinding wheels of incremental progress while his land lies fallow, unsold, and under-utilized. I believe that the Planning and Zoning Commission could do the County a great favor by sponsoring a working group to either define agritourism-compatible uses, or propose a very limited set of additional allowed uses in the Ag zone to facilitate developments such as being proposed here without the negative impacts of Commercial zoning.

Agritourism: <https://legislature.idaho.gov/statutesrules/idstat/title6/t6ch30/sect6-3003/>

EXHIBIT II
P&Z Minutes



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, May 15, 2025
6:30 P.M.

Exhibit II.a.
Highlight area only

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

Commissioners Present : Brian Sheets, Acting Chairman
Harold Nevill, Commission Secretary
Geoff Mathews, Commissioner
Matt Dorsey, Commissioner

Staff Members Present: Jay Gibbons, Director of Development Services
Dan Lister, Planning Supervisor
Michelle Barron, Principal Planner
Deb Root, Principal Planner
Emily Bunn, Principal Planner
Amber Lewter, Associate Planner
Dane Adams, Associate Planner
Caitlin Ross, Hearing Specialist

Acting Chairman Sheets called the meeting to order at 6:32 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. March 20, 2025 MINUTES**
- B. Case No. CR2023-0012 – Elordi:** Approve FCO's
- C. Case No. CU2023-0012 – Piatt:** Approve FCO's
- D. Case No. RZ2021-0047-MOD – CS2, LLC:** Approve FCO's

Commissioner Mathews abstained from voting on items 1C and 1D due to not being present for the May 1, 2025 hearing.

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

Item 2A:

Case CR2022-0031 – Werhane: The applicant, William and Gena Werhane, is requesting a conditional rezone of Parcels R33590012B and R33590012C, approximately 8.93 acres, to amend the County zoning map from an "A" (Agricultural) Zone to a "CR-C-1" (Conditional Rezone – Neighborhood Commercial) Zone. The request includes a development agreement. The property is located at 0 Hwy 55, Caldwell, southeast of the Hwy 55/Sunny Slope Road and Churruca Lane intersection. On March 20, 2025, this case was continued to a date certain of May 15, 2025.

Acting Chairman Sheets called the applicant to testify.

Elizabeth Allen – (Representative) IN FAVOR – 1330 Williams Lane, Nampa, ID 83686

Ms. Allen talked about the location of the property, a brief history of the site, the public outreaches that were conducted, and the conditions of the development agreement. The property has been vacant since

the early 2000s with a historic use as a commercial property. Ms. Allen explained that this property would not be suitable as residential, industrial, or agricultural, and that commercial would be the most realistic given the surrounding area, roadways, and historic use, and the ability to service Marsing. Ms. Allen provided statistics on the 2 public outreaches that were conducted, explaining the goal of honoring the history and character of the area, and provided proposed conditions for the conditional rezone.

Commissioner Nevill asked if there was consideration of a CUP for a microbrewery or something similar, which Ms. Allen had to defer to staff. Commissioner Nevill asked if Ms. Allen agreed with the development agreement. Ms. Allen said yes, and mentioned conversations with ITD regarding a TIS. She also explained the existing access and a potential slip lane for access onto the property from Hwy 55 to help mitigate traffic issues.

Commissioner Mathews asked for clarification of comments made by the highway district regarding access, and discussed the comments from the Canyon Highway District that the main access point could remain, as well as potential improvements if the TIS would be required and conducted.

Acting Chairman Sheets confirmed that the property could be irrigated as it is surface and groundwater. There was also further discussion on ITD's requirements and the trigger for a TIS. Acting Chairman Sheets asked about condition 4 and whether it would be an enforceable condition, to which Ms. Allen suggested changing the wording to fix that issue.

Planner Michelle Barron reviewed the Staff Report for the record.

Commissioner Nevill also questioned condition 4, and Planner Barron stated she incorporated this recommended condition from the applicant, and this condition could be tied to a compliance that has to be proven to the development services office when a use is decided upon. There was discussion on what proposed uses could be permitted with the ag overlay. Commissioner Nevill asked for clarification on condition 2. Planner Barron explained the purpose of a traffic approach and the decisions and conditions ITD could make based on the decided use.

Acting Chairman Sheets asked if there was a draft development agreement. Planner Barron confirmed that an agreement would be drafted based on the proposed conditions recommended to the Board.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

Bill Werhane – IN FAVOR – 20968 Blossom Heights Ln, Caldwell, ID 83607

Mr. Werhane explained the process it took to obtain Churruca Ln. He also stated his property was taxed as rural-other instead of agriculture, and found out it would have been less if it was taxed as agriculture.

Commissioner Dorsey asked if Mr. Werhane owned anything south of Churruca Ln. Mr. Werhane explained he did not, and further clarified the process of purchasing Churruca Ln from the owner of the property to the south.

Elizabeth Allen – (Representative) REBUTTAL – 1330 Williams Lane, Nampa, ID 83686

Ms. Allen explained what uses would be allowed compared to the community poll they conducted.

Commissioner Nevill confirmed that the statement from ITD would be close to condition 2 regarding a TIS and other highway district requirements.

Acting Chairman Sheets inquired on condition 4, proposing to reduce the wording while also ensuring to incorporate a local historical theme. Ms. Allen confirmed that would be appropriate.

Commissioner Nevill confirmed with Planner Barron what uses would be appropriate with a CUP or Director's Decision if this parcel was left in the Ag zone.

MOTION: Commissioner Nevill moved to close public testimony on Case No. CR2022-0031, seconded by Commissioner Dorsey. Voice vote, motion carried.

Deliberation:

Commissioner Nevill explained his concerns about rezoning, and would rather see the property left as agricultural and used for one of the approved Ag or CUP uses. A conditional rezone is a foot in the door for other zones and there is already a lot of pressure in this area for non-agriculture related uses.

Commissioner Mathews agreed with Commissioner Nevill, and added his concerns about traffic safety.

Commissioner Dorsey stated is not in agreement because the property can no longer be farmed, which would leave the parcel empty.

Acting Chairman Sheets added he is in agreement with the restricted uses proposed for the property, and believes it could be conditionally rezoned to provide a reasonable use for the property that is helpful to the community, with adjustments to condition 4.

Commissioner Mathews and Commissioner Nevill clarified that they don't believe the area needs to be returned to a field, but that the uses should be more limited to the uses of an agriculturally zoned area.

MOTION: Commissioner Nevill moved to **recommend denial** for Case No. CR2022-0031 to the Board of County Commissioners, and modify the Findings of Fact, Conclusions of Law & Order to revise findings for conditions 2 and 3. In regard to condition 2, the requested land use is not more appropriate, and in regard to condition 3, the request is not compatible with surrounding land uses. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

Roll call vote: 2 in favor, 2 opposed, motion failed.

MOTION: Acting Chairman Sheets moved to **recommend approval** for Case No. CR2022-0031, modifying conditions 2 and 4, seconded by Commissioner Dorsey.

Discussion on the Motion:

None.

Roll call vote: 2 in favor, 2 opposed, motion failed.

There was discussion on tabling the case, and concerns regarding the lack of commissioners present to be able to vote when the case is heard again. Acting Chairman Sheets stated that a commission member may

participate if they reviewed the minutes and listened to the hearing audio.

MOTION: Commissioner Nevill moved to **continue** Case No. CR2022-0031 to a date certain of July 3, 2025, seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Dorsey wanted to add that this case has been ongoing for 3.5 years and an ag overlay has not been established yet.

Roll call vote: 4 in favor, 0 opposed, motion passed.

Item 2B:

Case No. CU2024-0009 – Sunroc Corporation: The applicant, Sunroc Corporation, requests a conditional use permit to allow long-term mineral extraction with crushing, screening, sorting, and blending on Parcel R38552 for up to 20 years on approximately 34.93 acres in the “A” (Agricultural) zone. Stockpiling, crushing, screening, sorting, and blending associated with gravel pit operations on Parcel R38552 may also take place on the adjacent, previously approved mineral extraction and asphalt batch plant conditional use permits (CU2006-180, CU-PH2012-1011, and CU-PH2016-67) which have an end date of February 19, 2038. No concrete or asphalt batch plant is proposed for Parcel R38552. The subject property is located at 21702 Boise River Rd, Caldwell, ID 83607 also referenced as Parcel R38552.

Acting Chairman Sheets called the applicant to testify.

Bill King – (Representative) IN FAVOR – 1864 E 2950 S, Wendell, ID 83355

Mr. King is representing Sunroc Corporation in the application for a conditional use permit to extract sand and gravel on approximately 25 acres. There are surrounding properties with conditional use permits and they are hoping to implement similar conditions. After conducting a neighborhood meeting and listening to the concerns of the neighbors and employees, it was decided only extraction would be done on site, and processing would be completed on one of their other approved sites. Mr. King explained there would be no need for additional access sites and no increased traffic. Hours of operation would be 6:00 a.m. to 7:00 p.m., Monday to Saturday, with notice of nighttime operations as needed. There are no additional employees as they are just expanding onto the new site. They have complied with any necessary permitting, and air and water quality will be maintained through their current permits.

Commissioner Nevill confirmed that the representative was in agreement with all 12 conditions. He also confirmed that this site will be specifically for extraction, and that crushing will be done at another site. Commissioner Nevill asked for clarification on the truck traffic and how that applies with their existing projects. Mr. King specified that they are mining out an existing area and are almost complete, so moving into this new area will not change the traffic patterns.

Acting Chairman Sheets asked if the geology of this site was similar to their adjacent sites, and Mr. King stated it was very close to being the same. There was discussion on this site’s distance from the floodway and the requirements for permitting.

Planner Emily Bunn reviewed the Staff Report for the record.

Acting Chairman Sheets asked why a new conditional use permit is being applied for instead of a modification to their existing conditional use permits. Planner Bunn explained it is a new property and the uses are not the same, and since it has been 9 years since the previous conditional use permit, some of the conditions have changed.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

Ken Christensen – IN FAVOR – 21664 Boise River Rd, Caldwell, ID 83607

Mr. Christensen explained the family history of this property, and stated the way things have changed, it is difficult to make a living off a farm. He has been in conversations with the neighbors about a small parcel the neighbor owns and blending the properties together, but that is still something they are working on as it is out of their hands. Mr. Christensen explained the process of the quick deed transfer for the parcel.

Commissioner Nevill wanted to clarify whose responsibility the property boundary adjustment would fall on. Planner Bunn explained a small parcel to the west of the applicant's property was sold to the neighbor, making both parcels become noncompliant, so at this point it is a matter of getting the legal description of all the divisions and merges documented and then the property owner and their neighbor could decide who would pay for it. Sunroc does not have to be involved; however, if the neighbor decides they do not want to participate, then the operation could not continue.

Mike Houston – IN NEUTRAL – 23228 Boise River Rd, Caldwell, ID 83607

Mr. Houston commented that there should be turn lanes on several of the surrounding main roads due to the amount of gravel pits in the area. He also expressed concerns regarding dewatering and the lack of landscaping maintenance.

Commissioner Nevill inquired on the dewatering and whether the drain ditch could handle it. Mr. Houston explained the canals fluctuate so much, but it wouldn't be a concern if it was a level discharge. Commissioner Nevill also asked for clarification on the landscaping, and to Mr. Houston's understanding, it was conditioned for grasses to be planted on the existing lots. Commissioner Nevill informed Mr. Houston that if it was a condition of approval and isn't happening, then he could call code enforcement.

Acting Chairman Sheets confirmed Mr. Houston was the chairman of the Drainage District #6, and that a written notice approving the discharge into the drainage ditch is given to the operator upon requested.

John Hamilton – IN OPPOSITION – 23511 Boise River Rd, Caldwell, ID 83607

Mr. Hamilton expressed concerns regarding the truck traffic and the uncovered loads. He said it's not just this site, but all over and it is creating issues on the surrounding roads.

Commissioner Mathews asked how long Mr. Hamilton has lived in his house and if he built it. Mr. Hamilton said since November of 2022 and they did have it built.

Bill King – (Representative) REBUTTAL – 1864 E 2950 S, Wendell, ID 83355

Mr. King addressed the comments regarding the drainage, stating they have had verbal agreements from the ditch companies in the past, but will adhere to the conditions for a written agreement. They also ensure the water that is discharged is clean and meets discharge sample requirements. In responding to the concerns about traffic, Mr. King ensured that all conditions for the previous CUPs still being followed, and there shouldn't be any increase in their truck traffic. He asked that condition 12, regarding the property boundary adjustment, be removed or be allocated a time limit as it is out of Sunroc's and the property owners' hands.

Commissioner Nevill asked if there could be information directing victims of fallen rocks to Sunroc Corporation, and Mr. King said they'd be happy to provide that information. They take pride in creating a good community and good relationships in the area. Commissioner Nevill asked about the landscaping

issue. Mr. King stated it is an ongoing issue with keeping the weeds down while keeping the grasses grown.

Commissioner Dorsey confirmed that water could be discharged into any drainage where someone accepts or will allow it, as long as it meets discharge standards.

Acting Chairman Sheets asked what the end use for this property would be. Mr. King responded that it would be ponds.

Commissioner Dorsey asked for clarification on rebuilding the area with top soil. Mr. King confirmed that the top soil would be placed at the bottom of the pit.

Planner Bunn added that the condition for landscaping is consistent with the adjacent gravel pits, and suggested perma-bark instead, which would alleviate the maintenance of grass/weeds. She also mentioned Principal Planner Deb Root talked with the property owner and they agreed they are willing to work with their neighbors regarding the property boundary adjustment.

Acting Chairman Sheets asked if it was the neighbor that was noncompliant, and Planner Bunn answered the property owner is also noncompliant due to dividing off and selling a piece of their property to the neighbor. Planner Bunn confirmed the applicant could request a modification to the conditional use permit if complying with condition 12 becomes a challenge.

MOTION: Commissioner Mathews moved to close public testimony on Case No. CU2024-0009, seconded by Commissioner Dorsey. Voice vote, motion carried.

Deliberation:

Commissioner Nevill asked if his understanding the mulch or perma-bark could be used instead of grass was correct. Acting Chairman Sheets confirmed, but thought that this conditional use permit should stay as consistent as possible with the adjacent properties. Commissioner Nevill also asked for clarification on the previous thoughts about keeping or removing condition 12. Acting Chairman Sheets believes it should be kept as a condition as all parties involved would benefit from getting the issue fixed.

Acting Chairman Sheets expressed he is in concurrence with this application, but would like to see something done about the roads and a new TIS as the previous one was conducted 9 years prior.

MOTION: Commissioner Nevill moved to **approve** Case No. CU2023-0012, adopting the FCOs that the application does meet criteria and approving all 12 conditions. Seconded by Commissioner Dorsey.

Discussion on the Motion:

None.

Roll call vote: 4 in favor, 0 opposed, motion passed.

Item 2C:

Case No. CU2024-0011 – Lanum: The applicant, Betty Lanum, is requesting a Conditional Use Permit for a special events facility of approximately 6.72 acres in an “A” (Agricultural) zone. With a maximum number of 150 guests including staff. The applicant is proposing to be open during the spring, summer and fall months with the hours of operation being Monday – Sunday, 10am – 11pm. The subject property is located at 22306 Upper Pleasant Ridge Rd, Caldwell, also referenced as Parcel R36485010.

Acting Chairman Sheets called the applicant to testify.

Betty Lanum – (Applicant) IN FAVOR – 22306 Upper Pleasant Ridge Rd, Caldwell, ID 83607

Ms. Lanum described the history of her property and intended use of a portion of her property. She further described utilizing her late mother-in-law's converted home as an Airbnb and the areas she would use for parking, events, etc. She would like to provide a beautiful, inexpensive venue. Ms. Lanum explained she believes her outside venue would meet Idaho regulations regarding decibels for music. She is compliant with the proposed hours of operation.

Commissioner Nevill asked if there would be a significant difference in the income received for her Airbnb versus the venue. Ms. Lanum stated it would be a huge difference. Commissioner Nevill also confirmed that 25 events per year would be sufficient.

Planner Amber Lewter reviewed the Staff Report for the record.

Commissioner Mathews asked about the temporary use permit and RV's on site. Planner Lewter explained the temporary use permit was for a mobile home that has been removed, and confirmed the garage that was previously converted to a secondary residence was used as the Airbnb.

Commissioner Nevill asked for clarification on condition 1b regarding the property boundary adjustment. Planner Lewter clarified that the applicant was requesting 60 days to comply instead of 30 days.

Commissioner Dorsey what the purpose was of bringing the parcel MORE into compliance instead of fully in compliance. Planner Lewter explained her idea of combining Ms. Lanum's parcels to bring them both into compliance, and the neighbor could do the same with their 2 parcels which would also bring them into compliance.

Commissioner Mathews confirmed that both properties were split from the property in question.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

Patrick Berger – IN FAVOR – 22486 Upper Pleasant Ridge Rd, Caldwell, ID 83607

Mr. Berger talked about the other event center that was approved across the road from the proposed event center, and admitted their initial concerns with noise and traffic. He spoke with the applicant and she agreed to the request of strictly regulating these concerns.

Commissioner Nevill confirmed that Mr. Berger is the neighbor to the west that also needs to bring his 2 parcels into compliance.

Mark Morell – IN OPPOSITION – 22589 Upper Pleasant Ridge Rd, Caldwell, ID 83607

Mr. Morell stated the difference between this application and the other wedding venue across the road is the other one that was approved is indoors and ends at 10 instead of 11 for an outside venue. He also feels misled as the applicant informed him they would only be hosting 1 event per month. Mr. Morell believes the trees create more of an amphitheater, so overall his main concern is the noise, along with the alcohol being served.

Commissioner Nevill asked Mr. Morell to point out his property.

Kevin Glenn – IN OPPOSITION – 19141 Tucker Rd, Greenleaf, ID 83626

Mr. Glenn also expressed concerns regarding noise, and believes the sound could be tolerable with a structure. He believes approving this permit would be a massive invasion of privacy for the neighbors, and just a tent would not be sufficient for the proposed hours of operation. He also stated that this property has a long history of ordinance and permit violations.

Mr. Glenn's three (3) minutes of testimony expired.

MOTION: Commissioner Nevill moved, seconded by Commissioner Mathews to give Mr. Glenn two (2) minutes of additional testimony. Voice vote, motion carried.

Mr. Glenn continued with explaining the permit violations for this property, and the fact there are full time resident's living in RV's on site. He doesn't believe the applicant is concerned about ordinances or her neighbors, and does not think there is going to be a way to rectify any issues that arise. He is concerned about the potential struggles of trying to sell in the future due to these hindrances.

Commissioner Nevill asked Mr. Glenn to point out where his property was compared to the applicant's.

Betty Lanum – (Applicant) IN FAVOR – 22306 Upper Pleasant Ridge Rd, Caldwell, ID 83607

Ms. Lanum stated she does not believe she will interfere with keeping the neighbor's awake as one neighbor only rents their property. She argued that she can't even see one of the other neighbors on the other side of a ditch over the hill that was complaining about his wife seeing one of Ms. Lanum's resident's outside his trailer. Ms. Lanum shared statistics she found regarding decibels.

Acting Chairman Sheets asked what the plans for the RV's were. Ms. Lanum explained her brother-in-law lives on site as he helps with the upkeep of the property, and she plans to get rid of the motor home and fifth wheel that she currently owns.

Ms. Lanum explained the property split to the Berger's, and was under the impression a lot line adjustment would be sufficient, but is willing to comply and figure out how to incorporate the small parcel to the west of her property.

Commissioner Nevill asked if Ms. Lanum's event center would promote an agricultural way of life. Ms. Lanum answered that her property has been agriculture with different crops and animals, but stated she can't say that it does promote an agricultural way of life.

MOTION: Commissioner Nevill moved to close public testimony on Case No. CU2024-0011, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Nevill expressed he is not in favor of this request. He does not like using conditional use permits or requiring lot line adjustments to fix code violations. There is already an approved event center across the street and there does not need to be 2 event centers that close in an agricultural area.

Commissioner Mathews is also not in favor due to the history of noncompliance.

Commissioner Dorsey agreed with Commissioner Nevill and Commissioner Mathews.

MOTION: Commissioner Nevill moved to **deny** Case No. CU2024-0011, finding that the application does not meet the criteria for approval under article 07-06-05, seconded by Commissioner Dorsey.

Discussion on Motion:

There was discussion regarding the history of the noncompliance and that there is no plan provided to bring the parcel back into compliance. The approval of this CUP would be injurious in regards to compounding the code violations that already exist and it would adversely affect the agricultural way of life. In order for the applicant to gain approval, everything needs to be brought into full compliance and the applicant would need to reapply.

Roll call vote: 3 in favor, 1 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director of Development Services thanked the Commissioners for their efforts and dedication to these hearings. There was discussion on the Boards' approval in moving forward with getting the word out for new commissioners. It was also discovered there would be no quorum for the June 5, 2025 hearing.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 10:17 P.M.

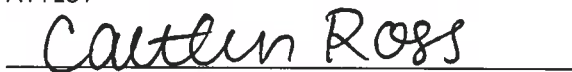
An audio recording is on file in the Development Services Departments' office.

Approved this 3rd day of July, 2025



Brian Sheets, Acting Chairman

ATTEST



Caitlin Ross, Hearing Specialist



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, July 3, 2025
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Vice Chairman
Harold Nevill, Commission Secretary
Geoff Mathews, Commissioner
Matt Dorsey, Commissioner

Staff Members Present: Dan Lister, Planning Supervisor
Michelle Barron, Principal Planner
Ryan Varon, Associate Planner
Caitlin Ross, Hearing Specialist

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

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

Item 1: Consent Agenda – Action Items

- A. May 15, 2025 MINUTES**
- B. June 12, 2025 MINUTES**
- C. Case No. CU2024-0013 – The Wild Oak, LLC: Approve FCO's**
- D. Case No. CR2022-0025 – Callister: Approve FCO's**

Chairman Sturgill abstained from voting on item 1A due to not being present for the May 15, 2025 hearing. It was noted that the changes Commissioner Mathews and Commissioner Nevill suggested were adjusted accordingly.

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

Item 2A:

Case CR2022-0031 – Werhane: The applicant, William and Gena Werhane, is requesting a conditional rezone of Parcels R33590012B and R33590012C, approximately 8.93 acres, to amend the County zoning map from an "A" (Agricultural) Zone to a "CR-C-1" (Conditional Rezone – Neighborhood Commercial) Zone. The request includes a development agreement. The property is located at 0 Hwy 55, Caldwell, southeast of the Hwy 55/Sunny Slope Road and Churruca Lane intersection.

On March 20, 2025, this case was continued to a date certain of May 15, 2025. On May 15, 2025, this case was continued to a date certain of July 3, 2025.

Planner Michelle Barron described the events leading to the aforementioned case being continued to July 3, 2025.

Deliberation:

Commissioner Nevill asked for clarification on what uses were allowed, compared to the proposed development agreement, if this case was denied and the property remained in the agricultural zone. Planner Barron reviewed the uses that could be applied through a conditional use permit or director's decision, including animal hospitals, wineries, distilleries, breweries, or farm implement or supply sales.

Commissioner Sheets reiterated his concern regarding condition 4, stating there could be constitutional issues with dictating exactly what wording could be used. He suggested striking everything after the second sentence. He also suggested modifying condition 2 to include a TIS should be required at the time of use designation. Commissioner Sheets also stated he believes the conditional rezone is appropriate for this area.

Commissioner Dorsey asked for clarification on the highway districts listed. Planner Barron explained there are 3 jurisdictions for that specific parcel that overlap. Commissioner Dorsey also commented that this piece of land is not going to be productive agriculture land again.

Commissioner Mathews stated he is opposed to this request. If Highway 55 is widened all the way to Marsing, there won't be much left of this parcel to do anything with, so a commercial operation is not appropriate.

Chairman Sturgill read into the record his thoughts after reviewing the audio, minutes, and appropriate documentation for this case. He started by thanking the applicant, and expressed his understanding of the lengthy process to get to this point. Chairman Sturgill continued to read that this case is important as this property is the gateway to the jewel of Canyon County Sunny Slope wine region. A wise decision will enhance the value of agricultural and agritourism, while a poorly considered decision could spark a catastrophic commercialization of the entire region. He agrees with the consensus expressed by the commission on May 15th as the property has limited suitability for most agricultural production activities and some of the proposed uses in the application are not consistent with the area, including the irrelevance of a historical theme. Some of the proposed uses could be consistent with the surrounded area if implemented on a limited scale, are consistent with the agritourism theme and would provide valuable amenities. Chairman Sturgill agrees with concerns of the commission that a commercial rezone will lead to incremental development that moves the area further away from the agritourism vision, and stated he cannot support the existing rezone application as it's conditioned with the current proposed list of uses. He further stated he is troubled that Canyon County has not defined the specific uses that fit within the comprehensive plans' Agritourism map, and a thoughtful articulation of those uses is long overdue.

MOTION: Commissioner Nevill moved to **recommend denial** for Case No. CR2022-0031 to the Board of County Commissioners, and modify the Findings of Fact, Conclusions of Law & Order to revise findings for conditions 2, 3, and 4. In regard to condition 2, the requested land use is not more appropriate; in regard to condition 3, the request is not compatible with surrounding land uses; in regard to condition 4, the requested land use will negatively affect the character of the area. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Mathews reiterated it is a dangerous intersection, and whatever use is allowed should be something with a low impact to traffic.

Commissioner Nevill expressed he had no issues with approving a use that is already allowed and does not take away from the agricultural nature of the area.

Chairman Sturgill stated there are a number of commercial enterprises in the area that are consistent with the theme of the area, and suggested that any proposed uses are carefully refined and developed.

Commissioner Dorsey expressed his concerns on the lack of clear direction to move forward with applications and requests similar to this.

Chairman Sturgill concurred, and reiterated the significance of developing a more specific list of approved uses that would be consistent with the agritourism theme.

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

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planning Supervisor Dan Lister stated there were 3 applications for P&Z Commission members and interviews would start soon.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 7:16 P.M.

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

Approved this 7th day of August, 2025



Robert Sturgill, Chairman

ATTEST



Caitlin Ross, Hearing Specialist



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, July 17, 2025
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Vice Chairman
Harold Nevill, Commission Secretary
Geoff Mathews, Commissioner

Staff Members Present: Jay Gibbons, Director of Development Services
Michelle Barron, Principal Planner
Deb Root, Principal Planner
Emily Bunn, Principal Planner
Karla Nelson, Principal Planner
Dane Adams, Associate Planner
Caitlin Ross, Hearing Specialist

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

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

Item 1: Consent Agenda – Action Items

A. Case No. CR2022-0031 – Werhane: Approve FCO's

Commissioner Nevill emphasized the significance of including Chairman Sturgill's written statement for this case in the FCO's, referencing the statement as necessary. There was further discussion on the county code and ordinances regarding the addition of the statement, as well as the utilization of the statement for the Board of County Commissioners in their final decision.

Motion: Commissioner Nevill moved to approve the Consent Agenda, with the addition of Chairman Sturgill's written statement that was read into the record on July 3, 2025. Seconded by Commissioner Mathews.

Roll call vote: 4 in favor, 0 opposed, motion passes.

Item 2A:

Case No. SD2022-0011 – Cloud Nine Estates: The applicant, LWD Development, Inc. represented by Borton-Lakey Law, is requesting approval of a preliminary plat, drainage plan, grading plan and irrigation plan on approximately 72.8 acres of CR-R1 zoned property for 44 residential lots, 1 common lot and 3 storm drain lots with public roads. The subject parcels are located to the northeast of the intersection of Kingsbury Rd and Foothill Rd, Middleton, parcels R33827 and R37624.

Chairman Sturgill affirmed the applicant to testify.

Nate Mitchell – (Applicant) IN FAVOR – 1470 N Rook Way, Star, ID 83669

Mr. Mitchell explained the process of working with Highway District 4 and Canyon County Development Services to obtain an application that is compliant with county code and the previously approved conditional

rezone. He believes that their plan is well thought out and meets all required standards.

Commissioner Nevill asked if there were any comments or concerns on the proposed conditions. Mr. Mitchell stated they agreed with the original 11; however, they are opposed to conditions 12 and 13, arguing that individual wells and septic systems are more appropriate for the larger lots and preferable to community systems. Commissioner Nevill asked for clarification on irrigation water, to which Mr. Mitchell explained the complications with using ground water as it would be the same water that potable water is coming out of, although individuals could apply for enhanced individual water through IDWR. Commissioner Nevill asked about the firefighting plan. Mr. Mitchell explained the fire safety would be adequately addressed through a combination of a wildland urban interface plan and sprinklers in all homes. Commissioner Nevill also asked for further clarification on the proposed additional exit, to which Mr. Mitchell explained the different routes that were considered, ultimately resulting in access to the north on a previously closed, undeveloped public right of way, and on the western border.

Commissioner Sheets confirmed there would be an HOA associated with this subdivision.

Chairman Sturgill asked what organization SITE Consulting, LLC was. Mr. Mitchell said they are soils engineers. Chairman Sturgill asked if there were any lot specific geotechnical reports created. Mr. Mitchell stated there were soils tests completed for the test holes that were dug for the septic systems. Chairman Sturgill wanted to come back to that question after the staff report.

Planner Michelle Barron reviewed the Staff Report for the record.

Commissioner Nevill asked for clarification on staff finding compliance but adding conditions 12 and 13 regarding water and sewer. Planner Barron clarified that those conditions could be added with the Commission's decision if the Commission requires community systems. Commissioner Nevill asked where the nearest nitrate priority area was. Exhibit B4c showed the nitrate priority area about a mile away at Lansing and Purple Sage. There was further discussion on the rezone and subdivision process allowing building permits for the parcels in question.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Todd Lakey – IN FAVOR – 12905 Venezia Court, Nampa, ID 83651

Mr. Lakey clarified some of the older exhibits, explaining this application started as a joint preliminary plat and rezone. He also specified that individual wells and septic systems were originally proposed, but they were informed both community and individual wells were viable. IDWR noted there is a strong aquifer in this location, and the BOCC confirmed that adequate sewer, water and irrigation facilities would be provided based on the application. Mr. Lakey addressed some of the letters in opposition, stating roadway alignment and Geotech drainage were all addressed in the engineering and studies. He also addressed Commissioner Nevill's prior question regarding irrigation and explained IDWR's enforcement actions have been significantly strengthened.

Commissioner Nevill asked what the remedy might be regarding sprinkler systems in all of the houses and whether the builders actually install or the homeowners shut them off due to leakage. Mr. Lakey stated they could be included in the conditions, but is voluntary compliance. He suggested a review process to ensure it is included in the design of the home and part of the inspections, which could lead to code compliance issues if not installed according to the conditions.

Nate Mitchell – (Applicant) REBUTTAL – 1470 N Rook Way, Star, ID 83669

Mr. Mitchell addressed the one question on the 10% grade explaining they had three or four lots that would've required an individual Geotech report and found that it was easier to move the building pad on the lot to a less steep area. A lot of the lot lines were also moved to comply with historical drainage and storm water drainage. There's a couple of those ravines that go through the property that we had building lots in, which resulted in a reduced number of lots over time. Mr. Mitchell also addressed the question on Geotech reports for basements. The lots will be sold to builders, so it is unclear whether a basement would be going in on an individual lot or not. The building department will review for compliance. The director's decision was the property boundary adjustment associated with the separation and sale of the existing house.

Chairman Sturgill asked if requesting a development agreement condition or notation on the plat that any home with existing lot over 10% or with a basement needs a geotechnical report was appropriate. Mr. Mitchell confirmed and agreed that the more information they can give to a builder or individual owner would be beneficial.

Planner Barron confirmed that there is an existing plat note for sprinklers. She also suggested additional conditions of approval – to add the wildland urban interface plan into the CCNRs for maintenance and design and the individual engineering and drainage plans for lots over 10% slopes.

MOTION: Commissioner Sheets moved to close public testimony on Case No. SD2022-0011, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets stated he is in favor of having the additional plat notes regarding the geotechnical reports for basement and slope lots, but expressed concern on their extended discussions made a difference for the BOCC's decision. He is also in support of having the community water system.

Commissioner Nevill agrees with Commissioner Sheets.

Commissioner Mathews asked if the need for a public water system was discussed with the BOCC, and Planner Barron answered that there was discussion on the topic, but it was not required at that time.

MOTION: Commissioner Nevill moved to **recommend approval** for Case No. CU2024-0013 to the Board of County Commissioners, adopting the recommended FCOs that the application does meet criteria, and adding conditions 12, 13, and 14 regarding a community water system, plat notes for geotechnical engineering for 10% slopes and basements, and adding a wildland urban interface plan into the CCNRs. Seconded by Commissioner Sheets.

Discussion on the Motion:

Commissioner Sheet suggested the addition of condition 14, see above motion.

Roll call vote: 4 in favor, 0 opposed, motion passes.

Item 2B:

Case No. CR2022-0030 – Paul Nay: The applicant, Paul Nay, is requesting a **Conditional Rezone** of parcel R30127 (42.40 acres). The request includes rezoning the "A" (Agricultural) zoned property as follows: 24.76 acres to "CR-RR" (CR-Rural Residential) for the purpose of developing three (3) residential parcels and 17.62

acres to "CR-C1" (Neighborhood Commercial) zone for the purpose of establishing an approximate 370-unit RV Storage Lot through the conditional use permit process if the requested rezone is approved. The subject property is located at 14602 Deer Flat Rd, Nampa.

Chairman Sturgill affirmed the applicant to testify.

Paul Nay – (Applicant) IN FAVOR – 14602 Deer Flat Rd, Nampa, ID 83686

Mr. Nay explained his history of obtaining this property. He decided the best plan for the property is to generate revenue. He explained the pit has been around longer than the houses surrounding it. He discovered that there is a lack of resources for parking RVs and boats, which is not keeping up with the high density in Nampa. Mr. Nay believes it's worth discussing and considering as a way to utilize that ground. His other option would be to turn it into a concrete and dirt dump site for the next 20 or 30 years and fill it back up, but feels the RV storage would be the best option.

Commissioner Sheets asked what the reclamation plan was for the original gravel pit. Mr. Nay said they possibly considered developing over the property and turning it into a pond, but that plan may have changed. Commissioner Sheets confirmed that the reclamation was completed.

Commissioner Nevill asked if the applicant had reviewed the conditions for both parts of the application. Mr. Nay answered yes, but that he primarily concentrated on the commercial aspect, and his biggest concern was regarding the addition of pine trees around the property. He wants to opportunity, if approved, to see how well his business operates prior to adding the trees. He would request 2 years for that condition to take effect. Commissioner Nevill asked why a pond would not work in this area. Mr. Nay did not find it productive for the nature of the property, stating only one lot would be able to use it and he believes his plan would reduce the waste of water resources. There was discussion on the proposed lots behind the gravel pit and the lack of a canal or anything that delivers water to the area.

Chairman Sturgill confirmed the size of the pit and asked if there were any alternative uses Mr. Nay had considered. Mr. Nay stated it would just turn into a landfill.

Commissioner Mathews asked if there would be cover for the RVs and boats. Mr. Nay said he would consider it if the business becomes viable enough to pay for it.

Planner Deb Root reviewed the Staff Report for the record.

Commissioner Nevill confirmed where the closest rural residential area was, and inquired about secondary dwellings. Planner Root stated that unless there was a condition placed prohibiting secondary dwellings, they are allowed. Commissioner Nevill asked if the requested commercial zoning could be changed to match the rural residential part of the application, and Planner Root explained if the Commission recommended denial of the commercial zoning, they could then provide an opportunity for the applicant to modify the application. Commissioner Nevill asked about dumping that was occurring in the pit, and Planner Root stated during the site visit she noticed broken up asphalt along the southern boundary, but does not know when that occurred, other than it may have been when the pit was operating.

Commissioner Sheets asked for clarification on the timeline of the application since there is documentation dating back to 2022. Planner Root explained that there is still a backlog of applications staff is working through, and unfortunately a few of the older applications got pushed back with staff changes and other internal processes, although the applicant has been very responsive throughout this application process.

Chairman Sturgill confirmed that the Commission could recommend approval on half of the rezone and recommend denial on the other half.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Jon Moldenhauer – IN FAVOR – 14716 Mountain Hawk Rd, Nampa, ID 83686

Mr. Moldenhauer testified that any property built in the gravel pit could be affected by valuation issues, and only 1 residence could benefit if a pond was put in place. He also mentioned that since he moved there in 2013, the gravel pit was already there, so the aerial map in 2016 is not accurate in showing the elevation changes. He agreed with Mr. Nay on the use that seems more appropriate, and requested the Commission vote in favor of both parts of the application.

Commissioner Nevill confirmed that Mr. Moldenhauer's property, which is northeast of the applicant's property, comes off of Farner Rd.

Gerald Kane – IN OPPOSITION – 9064 Crystal Quartz Dr, Nampa, ID 83686

Mr. Kane is a resident of the Crystal Lakes development, and requests denial for the RV storage lot. Introducing a commercial RV storage lot will diminish the value and character of the area, which undermines the efforts to preserve the agricultural heritage. He stated appraisals are not dependent on a gravel pit, and has not seen any recent dumping into the pit. Mr. Kane expressed his concerns regarding traffic. If the application were approved, he requests the land cannot be resold by Mr. Nay to be developed into other commercial uses, and that the property be rezoned back to agriculture.

Commissioner Nevill asked Mr. Kane to point where his house was located, and asked about typical traffic on Deer Flat. Mr. Kane stated there is minimal traffic that goes through daily. Commissioner Nevill asked about the surrounding property, and confirmed that is what Mr. Kane classifies as intensive agriculture.

Chairman Sturgill asked how water is inserted into the pond Mr. Kane lives by, to which Mr. Kane answered there is a community well and confirmed groundwater has to actively be removed on a regular basis.

Commissioner Mathews asked if filling the hole with concrete and asphalt was more appropriate. Mr. Kane stated it would if it was developed into large acre homes at some point.

Adriana Tsoharanyan – IN OPPOSITION – 14376 Quarry Ridge Dr, Nampa, ID 83686

Ms. Tsoharanyan strongly opposes to the rezone for RV storage, explaining that this area is predominantly agricultural surrounded by several homes with acreage and the extra noise would negatively impact the area. She also expressed concerns on traffic. There are no streetlights from Highway 45 to Farner Road, and there are several hills with limited visibility. The increase of traffic would cause safety concerns due to the close proximity to the neighborhood. There could be an increase in security concerns, especially considering it would take a sheriff unit longer to respond to this location. Ms. Tsoharanyan explained their electrical grid is already at capacity and have had several power outages. With the several storage units within proximity, this application does not make sense, and Ms. Tsoharanyan requests the Commission to consider the impact it would have on the surrounding properties.

Commissioner Nevill confirmed the location of Mr. Tsoharanyan's residence on Quarry Ridge Dr.

Commissioner Mathews asked if filling the hole with concrete and asphalt was more appropriate. Ms. Tsoharanyan stated it would if it was developed into residential properties.

John DeVenere – IN OPPOSITION – 9067 Crystal Quartz Dr, Nampa, ID 83686

Mr. DeVenere expressed he does not view the property how it currently sits as an eyesore, but would consider an RV storage to be. He stated it took over 30 minutes for responders to show up after a transformer caught on fire. He believes residential building would be more feasible, especially considering the surrounding agricultural areas and the addition of lights and traffic if the RV storage were approved.

Commissioner Nevill confirmed that intensive ag harvesting was acceptable over a 24/7 RV storage.

Paul Nay – (Applicant) REBUTTAL – 14602 Deer Flat Rd, Nampa, ID 83686

Mr. Nay addressed to comments on dumping, and stated he stopped it. He said the entire Mercy Medical Center that got tore down a couple years ago is in there, along with undocumented fill, which makes it challenging to build houses on it. He commented the dump is also visible, and doesn't believe anyone will even see the tops of the RVs, particularly if trees are planted. The intent is to closely monitor the location, and possibly build a caretaker facility. It is stipulated in the staff's recommendations that it be a daylight only facility, and cameras would be installed. Mr. Nay also addressed the traffic concerns, and argued that there has already been hundred or thousands of loads in big dump trucks, and he could decide to fill that back up and make it a field again.

Commissioner Mathews asked how much of the pit is covered with the hospital waste. Mr. Nay answered about half of it, and said it has already been leveled and covered with dirt.

Commissioner Nevill asked about the security plan and if there would be fences. Mr. Nay is not opposed to that, although it does make it challenging to mow and they catch a lot of debris. Commissioner Nevill confirmed the request is for an RV storage, not a livable RV park. Commissioner Nevill suggested turning the whole parcel into residential, to which Mr. Nay said he may just leave it agriculture if the commercial aspect is not approved, utilizing the split he has and not having to jump through all the hoops of turning any of it into residential.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2022-0030, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets noted that this is being reviewed under the 2020 comprehensive plan, so does not have an argument against the designated rural residential; however, the neighborhood commercial aspect is inappropriate for this area.

Commissioner Nevill and Commissioner Mathews concur, and Commissioner Mathews expressed his concern that this will never be agricultural again and is just a wasteland.

MOTION: Commissioner Sheets moved to **recommend approval** for Case No. CR2022-0030, for the 24.76 acres to CR-RR (CR-Rural Residential), to the Board of County Commissioners, adopting the recommended FCOs that the application does meet criteria. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

Roll call vote: 4 in favor, 0 opposed, motion passed.

MOTION: Commissioner Nevill moved to **recommend denial** for Case No. CR2022-0030, for the 17.62 acres to CR-C1 (Neighborhood Commercial), to the Board of County Commissioners, finding that the application does not meet criteria. Seconded by Commissioner Sheets.

Discussion on the Motion:

None.

Roll call vote: 4 in favor, 0 opposed, motion passed.

Item 2C:

Case No. CR2023-0013 – White Barn Ventures Inc.: The applicants, Sarah and Eric Hibbard, represented by Matt Wilke, request a Comprehensive Plan Map Amendment from “A” (Agricultural) to “RR” (Rural Residential) and Conditional Rezone of Parcel R36963013, approximately 8.44 acres, from an “A” (Agricultural) zone to a “CR-R-R” (Conditional Rezone - Rural Residential) zone. The request includes a Development Agreement restricting development to three (3) residential lots. The subject property is located at 20762 Gravelly Lane., Wilder, ID 83676.

After discussion on the possible exposure of this case, Commissioner Nevill recused due to being the president of the Snake River Canyon Scenic Byway and having seen their final stand in opposition of this application.

Chairman Sturgill called the applicant to testify.

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

Mr. Wilke described the location of the home and the general proposed locations of the building sites on the property, along with the existing and proposed driveways. Although this area was previously denied for a CR-1 rezone, the BOCC gave an option to apply for a CR-R-R, which is the intent with a development agreement to three-acre average lots. He explained there is a similar plat on the other side of the Snake River in Owyhee County. The proposed development has a 1.33-acre average lot size. The soil was inspected and there is great drainage, pending a letter from SWDH. With less than 5 homes on the subdivision, there is not a worry about the nitrates. Every site on the property for building is going to be under 15% slope, and there is currently no irrigation water so it is not viable for agricultural use. The aquifer in the area seems really strong, and existing wells have good quality on the well log. Mr. Wilke described the surrounding areas, some with residential, some with agriculture.

Commissioner Mathews asked when the applicant bought their property. Mr. Wilke answered in 2022.

Chairman Sturgill confirmed the RV on site is just storage.

Planner Emily Bunn reviewed the Staff Report for the record.

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

Mr. Wilke believes these are the types of lots to prove to the county. The net taxable value of rural residential properties is \$1.5 billion compared to the \$350 million for ag ground, which is a huge benefit to someone who wants to develop sites like this application depicts. He believes there is a great access to emergency services, and the view is really hard to find these days.

Planner Bunn suggested adding in a condition or provision regarding a no build zone on the 15% slopes.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2023-0013, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets and Commissioner Mathews agreed there is no reason to go against the comp plan for this application.

MOTION: Commissioner Sheets moved to **recommend denial** for Case No. CR2023-0013 to the Board of County Commissioners, adopting the recommended FCOs that the application does not meet criteria. Seconded by Commissioner Mathews.

Discussion on Motion:

None.

Roll call vote: 3 in favor, 0 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

There was discussion on the status of obtaining more commissioners and the subsequent training, as well as discussion on the Private Road Ordinance that is being presented to the BOCC. There is an administrative division code/ordinance update and are seeking public input on the update. There will be a public input session open house on August 14. All cases are assigned to a planner and applications are moving through.

Chairman Sturgill requested upgraded, printed copies where necessary for the Commissioner binders, and Director Gibbons stated there will be sufficient training for the new Commissioners.

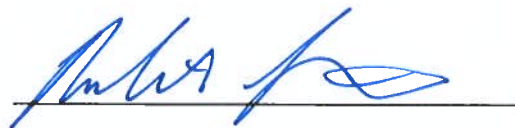
There was also discussion on minutes and the necessity of the conversations with the motions, and potentially considering a member of the voting majority assisting the planner to create a written document or enhanced FCOs to provide to the BOCC.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 10:23 P.M.

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

Approved this 4th day of September, 2025



Robert Sturgill, Chairman

ATTEST



Caitlin Ross, Hearing Specialist

EXHIBIT III
Staff Report Packet



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

PLANNING DIVISION STAFF REPORT

CASE NUMBER: CR2022-0031
APPLICANT/REPRESENTATIVE: Elizabeth Allen, Bristlecone Consulting
PROPERTY OWNER: Werhane Family Living Trust

APPLICATION: Conditional Rezone

LOCATION: 0 Highway 55, Caldwell
Also referenced as a portion of Government lot 3 and lying in the SE ¼ of Section 34, T3N, R4W, BM, Canyon County, Idaho. Parcel R33590012B and R33590012C (8.93 acres)

ANALYST: Michelle Barron, Principal Planner
REVIEWED BY: Dan Lister, Planning Supervisor

REQUEST:

The applicant, Elizabeth Allen, Bristlecone Land Use Consulting, representing William and Gina Werhane, requests an amendment to the official zoning map to conditionally rezone the property from Agricultural “A” to Neighborhood Commercial “CR-C-1”. The request includes a development agreement with conditions.

The applicant is applying for a Conditional Rezone and has provided the uses that they would like to have allowed on the property (**Exhibit A.3.2**). They would like to limit the uses to Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution and Retail.

PUBLIC NOTIFICATION:

Neighborhood meeting conducted on:	October 20, 2022
Agency and Full Political notice:	February 18, 2025
Neighbor notification within 600 feet mailed on:	February 18, 2025
Newspaper notice published on:	February 18, 2025
Notice posted on site on:	February 18, 2025

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1. BACKGROUND:

The hearing that was scheduled for March 20, 2025, was tabled by request of staff to collect more information from the Highway Districts and the Fire District.

Parcel R33590012B was deemed an original parcel according to county records (PI2013-274). Parcel R33590012C is Churruca Lane, which was abandoned by the Idaho Transportation Department when Highway 55 was improved.

Although zoned Agricultural "A", the parcel has been used for depositing and storing excess fill from the Highway 55 road and bridge project for several years. The applicant has had a Phase One Environmental Assessment and a Geotechnical Investigation completed. **(Exhibit A6.1 and 6.2)**

The applicant has met with the Idaho Transportation Department and Highway District 4 regarding commercial access for this property. **(Exhibits A6.3 and D6)**

2. HEARING BODY ACTION:

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

Additionally, pursuant to Canyon County Ordinance Article 07-06-07(3) Conditional Rezoning Designation: Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone" shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat in accordance with this chapter before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel as CR shall not constitute "spot" zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.

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

The commission should consider the procedures outlined above within Canyon County Ordinance 07-06-01(3).

OPTIONAL MOTIONS:

Approval of the Application: “I move to approve CR2022-0031 – Werhane **does** meet the criteria for approval under Article 07.07.05 of Canyon County zoning Regulations, **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 CR2022-0031 – Werhane finding the application **does not** meet the criteria for approval under Article 07.06.05 of Canyon County zoning Regulations, **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 CR2022-0031 – Werhane to a [date certain or uncertain]

3. HEARING CRITERIA

Table 1. Conditional Rezone Standards of Evaluation Analysis

Standards of Evaluation (07-06-07(6)A): The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
			07-06-07(6)A1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
			Staff Analysis	<p>The proposed conditional rezone change is generally consistent with the Comprehensive Plan.</p> <p>The Future Land Use Map indicates that the parcels are in the Agritourism Business Use/Agritourism Farm Use, however, there is no specific zoning designation for this use. The applicant is proposing uses that fall into alignment with Agritourism Business Use or Agritourism Farm Use. (Exhibit A3 and A3.1)</p> <p>The application aligns with the following goals and policies of the 2030 Comprehensive Plan :</p> <p>POPULATION P2.01.01 Plan for the anticipated population and households that the community can support</p> <p>POPULATION G2.02.00 Promote housing, business, and service types needed to meet the demand of the Future and existing population.</p> <p>ECONOMIC DEVELOPMENT G3.01.00 Promote a healthy and sustainable regional economy by retaining, expanding, And recruiting businesses to favorable locations.</p> <p>ECONOMIC DEVELOPMENT P3.01.01 Support suitable sites for economic growth and expansion, compatible with the Surrounding area.</p> <p>ECONOMIC DEVELOPMENT G3.05.00 Support a diverse economy in Canyon County and recognize that residential, Commercial and industrial uses are necessary components of the overall economic stability</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

				<p>LAND USE AND COMMUNITY DESIGN P4.01.02 Planning, zoning and land-use decisions should balance the community's Interests and protect private property rights.</p> <p>LAND USE AND COMMUNITY DESIGN P4.02.01 Consider site capability and characteristics when determining the appropriate Locations and intensities of various land uses.</p> <p>LAND USE AND COMMUNITY DESIGN G4.03.00 Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.</p> <p>LAND USE AND COMMUNITY DESIGN P4.03.01 Designate areas that may be appropriate for industrial, commercial, and residential land use protecting and conserving farmland and natural resources.</p> <p>LAND USE AND COMMUNITY DESIGN P4.03.03 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.</p> <p>LAND USE AND COMMUNITY DESIGN P4.05.01 Promote future development and land-use decisions that do not create hardship For farmers and agricultural operators.</p> <p>TRANSPORTATION P8.01.01 Coordinate land use and transportation planning to locate development near Appropriate transportation corridors and services.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A2	When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?
			Staff Analysis	<p>In consideration of the surrounding land uses, the proposed conditional zone to "C-1" – Neighborhood Commercial is more appropriate than the current zoning designation of "A" - Agricultural.</p> <p>The parcel is located between a production agriculture use and a state highway. The land use is agricultural on the Canyon County side of the river. Across the river, in Owyhee County and the City of Marsing, the use is parks along the river and a commercial downtown area beyond the parks.</p> <p>The Canyon Soil Conservation District had no comment on this parcel. (Exhibit D2) The soil classification is mostly Class IV and Class V.</p> <p>The size and location of the parcel, as well as the topography of the parcel, would be a challenge to utilize this parcel as an agricultural operation. The location of the parcel right off the state highway that leads to the commercial district of Marsing across the river provides a suitable location for a limited neighborhood commercial use. Sunny Slope, which has many wineries and small agritourism-related shops, is located just to the Northeast of this property.</p> <p>Pursuant to Canyon County Code of Ordinances (CCCO) §07-10-25(1), the purposes of the "A" – Agricultural zoning district are to:</p>

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				<p>The surrounding land uses are agricultural in nature. The subject property is set apart from the agricultural uses by State Highway 55 (Sunny Slope Road), Marsing Road, and Churruca Lane (Exhibit 3.2 page 1).</p> <p>The parcels are at the entrance into Canyon County from Owyhee County/Marsing's commercial district. Having a "C-1" zoning district in this area would blend in fairly seamlessly, considering its location and the orientation of the property.</p> <p>The applicant is asking for a "C-1" zoning designation with the restriction of uses that include Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution, and Retail.</p> <p><i>See Staff Analysis of 07-07-05(1)D & B for additional review.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A4	Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
			Staff Analysis	<p>The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below.</p> <p>Character of the Area: The character of the area is predominantly agricultural, with city commercial across the river (Exhibit 3.2 page 1). This area leads into the fruit production and winery area of Sunny Slope Road.</p> <p>As conditioned, the proposed rezone will not negatively affect the character of the area. The applicant is proposing a condition that the development of the site blends in with the surrounding area. (Exhibit A.3 and A3.1)</p> <p>The applicant conducted some public outreach and spoke to the residents in the area about what their vision would be. This is an area that is rich in history, and it is important to the community that the history is honored.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A5	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?
			Staff Analysis	<p>The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.</p> <p>Sewer: The Department of Environmental Quality (DEQ) commented with generalized comments regarding wastewater. At the time of development, prior to an application for a building permit for the use, the developer will be required to meet the requirements of DEQ and Southwest District Health Department for wastewater treatment facilities. (Exhibit D4 and D5)</p> <p>Water: The applicant had a meeting with the Southwest District Health Department regarding water requirements. DEQ commented on the rezone application and stated depending on the use, a public water system may be required according to</p>

				<p>IDAPA 58.01.08. The developer will need to follow the requirements of DEQ and SWDH at the time of building permit. (Exhibit D4 and D5)</p> <p>Drainage: Historic drainage shall remain in place. According to the Boise Project Board of Control, the United States' Munsey Drain and Gray Drain lie within the boundary of the subject parcels. Storm Drainage and/or Street Runoff must be retained on site. The BPBC asserts the federal easement of 25 feet from the center both directions of the drain's centerline. They have also listed several other requirements that must happen at time of build out of any development. (Exhibit D1)</p> <p>Irrigation: Per the applicant's Land Use Worksheet, irrigation is surface water that is gravity-fed. (Exhibit A2)</p> <p>Utility: Utilities are available in the area as there is a residence nearby.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A6	<p>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?</p>
			Staff Analysis	<p>The proposed conditional rezone may require public street improvements in order to provide adequate access to and from the subject property in order to minimize undue interference with existing and/or future traffic patterns created by the proposed development. Any necessary measures to mitigate traffic impacts are detailed below.</p> <p>There are three agencies that have jurisdiction in this area (Golden Gate Highway District, Highway District 4, and Idaho Transportation District). Their comments follow:</p> <p>Highway District 4 commented that they will not require a Traffic Impact Study as part of the rezone, but under their standards, they can require a TIS at the time of access permitting if one is needed. (Exhibit D6) Highway District 4 also stated that conditions from a 2021 letter written by the Golden Gate Highway District are still applicable. They do not oppose the use of the existing Churruca Lane approach to Marsing Road for access to the property. Golden Gate Highway District is the underlying jurisdiction, and they would have the final say on whether that access location is acceptable. (Exhibit D6.1)</p> <p>Idaho Transportation Department does not object to the proposed application as presented, however when conceptual development plans are available, ITD would like the opportunity to review and provide further comments. (Exhibit D6) They then stated that once a user has been identified, ITD will require time to evaluate the development's impact on the state highway system. A Traffic Generation and Distribution (TG&D) report will be required, and a Traffic Impact Study (TIS) may also be necessary. ITD requests the opportunity to review all required documents</p>

				<p>prior to the submission of building permits. Any necessary mitigation for the traffic impacts identified by the TIS shall be the responsibility of the applicant to install. (Exhibit D6.2)</p> <p>Although the parcel is within the boundary of the Golden Gate Highway District No. 3, Marsing Road is under the jurisdiction of Highway District No. 4, and Highway 55 is under the jurisdiction of the Idaho Transportation Department. Golden Gate Highway District No. 3 provided comments with some conditions as shown in Exhibit D7. They note that Highway 55 access is subject to ITD approval. No direct access onto Marsing Road, and 50-foot right-of-way dedication along the subject parcel frontage on Marsing Road.</p> <p>The following measures will be implemented to mitigate impacts: Mitigation for the use that is established will be determined by the highway district at the time of an approach permit application. Traffic Impact Studies may be required, and any improvements that need to be made after those studies have been analyzed shall be the responsibility of the developer.</p> <p>The applicant has had a discussion with both Highway District 4 and Idaho Transportation District regarding a right-in only access for Highway 55, with the main access being restricted to Marsing Road.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A7	Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?
			Staff Analysis	<p>The subject property does have legal access for the conditional rezone and will exist at the time of the development.</p> <p>The subject property has an existing access onto Marsing Road, and with the addition of parcel R335490012C (Churruca Lane), an approach permit would be applied for through Highway District 4 and Golden Gate Highway District No. 3. (Exhibit D.6) If the applicant wants to access from State Highway 55, an approach permit process will need to be applied for through the Idaho Transportation Department. (Exhibit D6.2)</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	07-06-07(6)A8	Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?
			Staff Analysis	<p>The proposed uses are 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.</p> <p>Schools: As this proposed rezone is for a "C-1" zone, schools will not be impacted.</p> <p>Police: The Canyon County Sheriff's Office was notified, but no response was received. No impact is expected with the proposed uses.</p> <p>Fire Protection & Emergency Medical Services:</p>

				<p>Marsing Fire District and Canyon County Emergency Medical Services were notified, and no response was received from Canyon County EMS. At the time of building permit, Marsing Fire District would be contacted for access approval. Marsing Fire District responded to a request from staff for response times and stated that response time should be 5 to 8 minutes. (Exhibit D8)</p>
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4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Marsing Rural Fire District, Boise Project Board of Control, Highway District No. 4, Marsing School District, Idaho Transportation Department, Idaho Power, Intermountain Gas, CenturyLink, Ziply, Canyon County Building Department, Canyon County Code Enforcement Department, Canyon County Engineering Department, Canyon County GIS Department, Idaho Department of Environmental Quality, Idaho Department of Water Resources (Water Rights), State Fire Marshall, Canyon Soil Conservation District, Marsing Ambulance, COMPASS, and Southwest District Health were notified of the subject application. A full political notice also went out for this proposed rezone.

Staff received agency comments from Boise Project Board of Control, Canyon Soil Conservation District, COMPASS, DEQ, Highway District 4, Golden Gate Highway District No. 3, Marsing Rural Fire, and Idaho Transportation Department. All agency comments received by the aforementioned materials deadline are located in **Exhibit D**.

Pursuant to Canyon County Ordinance 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.

5. PUBLIC COMMENTS:

Staff received two (2) total written public comment by the materials deadline of May 5, 2025. One comment received was neutral the other was in opposition. There was also a drone video that was submitted. All public comments received by the aforementioned materials deadline are located in **Exhibit E**.

Pursuant to Canyon County Ordinance 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.

6. SUMMARY & RECOMMENDED CONDITIONS:

In consideration of the application and supporting materials, staff concludes that the proposed conditional rezone is **compliant** with Canyon County Ordinance 07-06-07(6). A full analysis is detailed within the staff report.

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

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The development shall comply with any requirements for an approach permit, commission any required Traffic Impact Studies, and install any necessary mitigation for traffic impacts identified by the TIS as required by the Idaho Transportation Department and/or Highway District 4 and/or Golden Gate Highway District No. 3.
3. The subject parcel shall only be used for the following, as allowed in the "C-1" (Neighborhood Commercial) zoning district: Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution, and Retail.
4. Incorporate a historical theme into the project, to be developed and designed by the developer. The theme can be a specific orientation, such as Lizard Butte, Oregon Trail, POW Internment Camp, Snake River Corridor, Agricultural significance of the area (soil, irrigation, seed production, wine production), or an overview of all aspects of the region. To sustain the historical significance, future development would include a specific display or commentary. The display would include an outside plaque or signage pertaining to the subject, along with interior pictures and displays. For example, if a Microbrewery is planned, an obvious IPA could be LIZARD BUTTE IPA with a label designed with a drawing of Lizard Butte and a description of the feature. This would segue into demonstrating the geographical significance of Lizard Butte during the mid-1800s.
5. The developer shall comply with CCZO §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."

7. EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
2. Land Use Worksheet
3. Original Letter of Intent
 - 3.1. Revised Letter of Intent
 - 3.2. Revised Letter of Intent #2
4. Site Plan
5. Neighborhood Meeting
6. Studies and additional materials provided by the applicant
 - 6.1. Phase I Environmental Site Assessment
 - 6.2. Geotechnical Investigation
 - 6.3. Communication and details from applicant with ITD
 - 6.4. Applicant Presentation

B. Supplemental Documents

1. Parcel Tool
2. Cases Maps
 - 2.1. Aerial Map

- 2.2. Zoning Map
- 2.3. Subdivisions and Plats Map
- 2.4. Subdivision Lot Report
- 2.5. Case Map
- 2.6. Canyon County Future Land Use Map
- 2.7. Gravel Pits, Feedlots, Dairies Map
- 2.8. Soil Classification Map

C. Site Visit Photos: March 10, 2025 and Google Earth Images

D. Agency Comments Received by: May 5, 2025

- 1. Boise Project Board of Control; Received: February 13, 2023
- 2. Canyon Soil Conservation District; Received: March 13, 2023
- 3. COMPASS; Received: March 27, 2023
- 4. DEQ; Received: February 15, 2023
 - 4.1 DEQ; Received: February 21, 2025
- 5. Highway District 4; Received: May 3, 2023
 - 5.1 Highway District 4: Received April 29, 2025
- 6. Idaho Transportation Department; Received: March 6, 2023
 - 6.1 Idaho Transportation Department; Received: March 18, 2025
 - 6.2 Idaho Transportation Department; Received: April 25, 2025
- 7. Golden Gate Highway District; Received: May 5, 2025
- 8. Marsing Rural Fire District; Received: April 30, 2025

E. Public Comments Received by: May 5, 2025

- 1. Anne Delgado; Received: March 6, 2025
- 2. Connie Lou Aebischer and Growing Together LLC; Received: March 20, 2025
- 3. Drone footage submitted by Connie Lou Aebischer; Received: March 14, 2025

EXHIBIT A

Application Packet & Supporting Materials

Planning & Zoning Commission

Case# CR2022-0031

Hearing date: May 15, 2025

MASTER APPLICATION**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11th Avenue, #310, Caldwell, ID 83605zoninginfo@canyoncounty.id.gov

Phone: 208-454-7458

Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME: <u>William & Gena Werhane</u>
	MAILING ADDRESS: <u>20948 Blossom Heights Ln., Caldwell, Id. 83607</u>
	PHONE: [REDACTED] EMAIL: [REDACTED]
I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign. Signature: <u>W. Werhane</u> Date: <u>25 Oct '22</u>	
(AGENT)	CONTACT NAME:
ARCHITECT ENGINEER BUILDER	COMPANY NAME: <u>The Werhane Family Living Trust</u>
	MAILING ADDRESS: <u>Same as above</u>
	PHONE: EMAIL:
SITE INFO	STREET ADDRESS: <u>0 Hwy 55</u>
	PARCEL #: <u>R 33590012B</u> LOT SIZE/AREA: <u>7.67</u>
	LOT: BLOCK: SUBDIVISION:
	QUARTER: <u>3E</u> SECTION: <u>34</u> TOWNSHIP: <u>3N</u> RANGE: <u>4W</u>
	ZONING DISTRICT: FLOODZONE (YES/NO):
HEARING LEVEL APPS	<input type="checkbox"/> CONDITIONAL USE <input checked="" type="checkbox"/> COMP PLAN AMENDMENT <input checked="" type="checkbox"/> CONDITIONAL REZONE <input type="checkbox"/> ZONING AMENDMENT (REZONE) <input type="checkbox"/> DEV. AGREEMENT MODIFICATION <input type="checkbox"/> VARIANCE > 33% <input type="checkbox"/> MINOR REPLAT <input type="checkbox"/> VACATION <input type="checkbox"/> APPEAL <input type="checkbox"/> SHORT PLAT SUBDIVISION <input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION <input type="checkbox"/> FINAL PLAT SUBDIVISION
	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION <input type="checkbox"/> EASEMENT REDUCTION <input type="checkbox"/> SIGN PERMIT <input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT <input type="checkbox"/> HOME BUSINESS <input type="checkbox"/> VARIANCE 33% > <input type="checkbox"/> PRIVATE ROAD NAME <input type="checkbox"/> TEMPORARY USE <input type="checkbox"/> DAY CARE <input type="checkbox"/> OTHER _____
CASE NUMBER: <u>CA2022-0031</u> / [REDACTED] DATE RECEIVED: <u>10-27-22</u>	
RECEIVED BY: <u>E Allen</u> APPLICATION FEE: <input checked="" type="checkbox"/> MO <input type="checkbox"/> CC <input type="checkbox"/> CASH	

LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633

Exhibit A2



Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

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. # _____

** as per joint Easement Agreement*

6. **INTERNAL ROADS:**

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

7. **FENCING**

☒ Fencing will be provided (Please show location on site plan)

Type: *As per specific design* 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)

None at present time

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- ☐ Residential _____ ☒ Commercial 2 ☐ Industrial _____
☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

- ☒ Water supply source: Marsing City - nonpotable water source w/in 300' of the Parcel

3. INCLUDED IN YOUR PROPOSED PLAN?

- ☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☒ None

NON-RESIDENTIAL USES

1. SPECIFIC USE: C-2 with development conditions (agreement)

2. DAYS AND HOURS OF OPERATION: - T.B.D.

- ☐ Monday _____ to _____
☐ Tuesday _____ to _____
☐ Wednesday _____ to _____
☐ Thursday _____ to _____
☐ Friday _____ to _____
☐ Saturday _____ to _____
☐ Sunday _____ to _____

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

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

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

What type of sign: _____ Wall _____ Freestanding _____ Other _____

5. PARKING AND LOADING: - T.B.D.

How many parking spaces? _____

Is there is a loading or unloading area? _____

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: None Planned

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION? n.a.

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE? n.a.

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL n.a.

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System
☐ Other: _____

28 Oct 2022

Mr. Dan Lister (and entire planning staff, Ms. Elizabeth Allen and Ms. Jenna Petroll)

Canyon County Development Services Department
111 North 11th Ave #310, Caldwell, Idaho 83605

Dear Dan and staff,

I am submitting this letter and application package with much apprehension, realizing the understaffed situation in your department on top of the compounding effects of the revision of the 2020 comprehensive Plan, i.e. 2030 Comprehensive Plan.

I have participated in the development of the 'new' 2030 Plan for +-3 years and have witnessed the professional attitude you and your team have provided to this continuing endeavor. Personally, I have witnessed an almost impossible positive attitude you and 'The Team' have demonstrated. In short, your work has not gone unnoticed!

To assist in the overall completion of this 2030 Plan effort, I am submitting my name to be considered for the panel to hear and advise on further submissions and/or changes to the 2030 Plan. This 'panel' was suggested by one of the commissioners, I believe it was Ms. Van Beek during the 12 Oct. '22 final hearing.

Continuing; any suggestions, concerns or questions you have on this conditional rezone and Comprehensive Plan amendment, I am certainly available.

Sincerely, William L. (Bill) Werhane

A handwritten signature in blue ink that reads "Wm L. Werhane". The signature is written in a cursive, flowing style.

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- B. Detailed Letter
 - 1. Request Description
 - 2. Reasoning
 - a. History
 - b. Additional Reasoning
 - 1. Residential Use
 - 2. Manufacturing Use
 - 3. Agricultural Use
 - 4. Commercial Use
 - 3. Development Agreement
- C. Site Plan
- D. Neighborhood Meeting Letter and Sign-in Sheets
- E. Warranty Deed and Certificate of Trust
- F. Fees, receipts attached

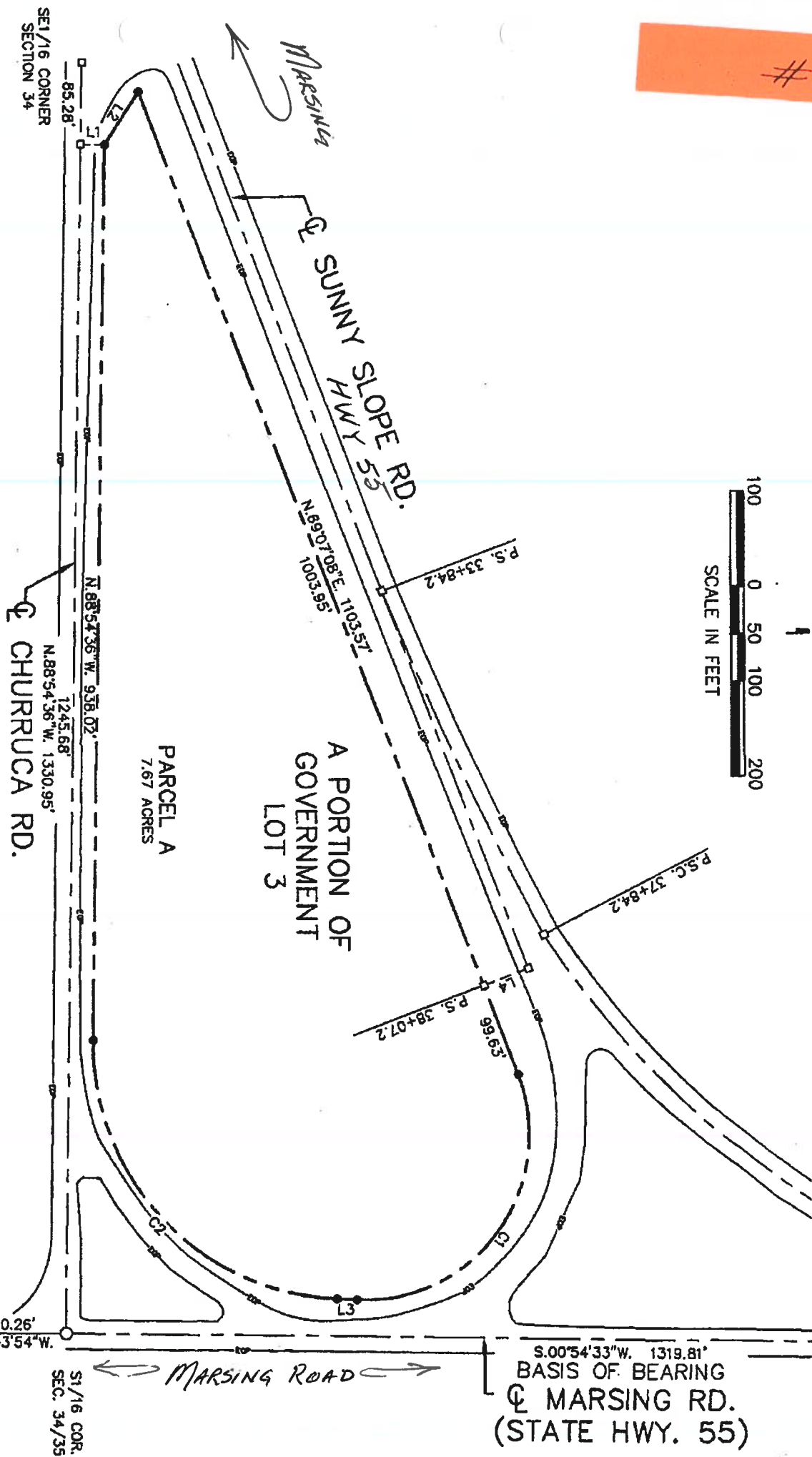
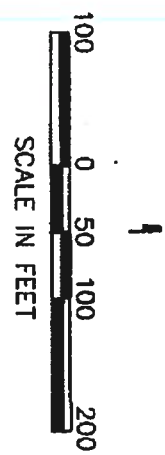
ATTACHMENTS

- #1. 1955 Marsing Bridge Dedication
- #2. Aerial View of Highway Arterial Placement
- #3. IDT Correspondence of Churruca Lane Abandonment
- #4. Future Land Use Maps
- #5. Aerial View of Parcel Showing Fill Deposits
- #6. List of Property Transfers
- #7. Photos of Churruca Service
- #8. Phase I Environmental Site Assessment
- #9. Geotechnical Investigation
- #10. IDT Design for 'Slip' (deceleration) Ramp

**Dedication
of the new
bridge
1955**



#2



T.3N., R.4W. 34 35
T.2N., R.4W. 3 2
CP&F NO. 200439147

OFFICIAL MINUTES

WHEREAS, construction of 0.348 mile of State Highway No. 72 on new location beginning at a point in Sec. 34, T. 3 N., R. 4 W., 0.272 mile east of Marsing and ending at a point in Sec. 34, T. 3 N., R. 4 W., 0.620 mile east of Marsing has made continuance of the original road as a portion of the State Highway System no longer essential, all as shown on the sketch map attached hereto.

NOW THEREFORE BE IT RESOLVED, that this portion of the old road, 0.452 mile in length, is hereby removed from the State Highway System,

effective this date.

Recommended:

Division Head

Approved:

State Highway Engineer

Approved as to Form:

Attorney

BOARD OF HIGHWAY DIRECTORS

Chairman

Vice-Chairman

Member

ATTEST:

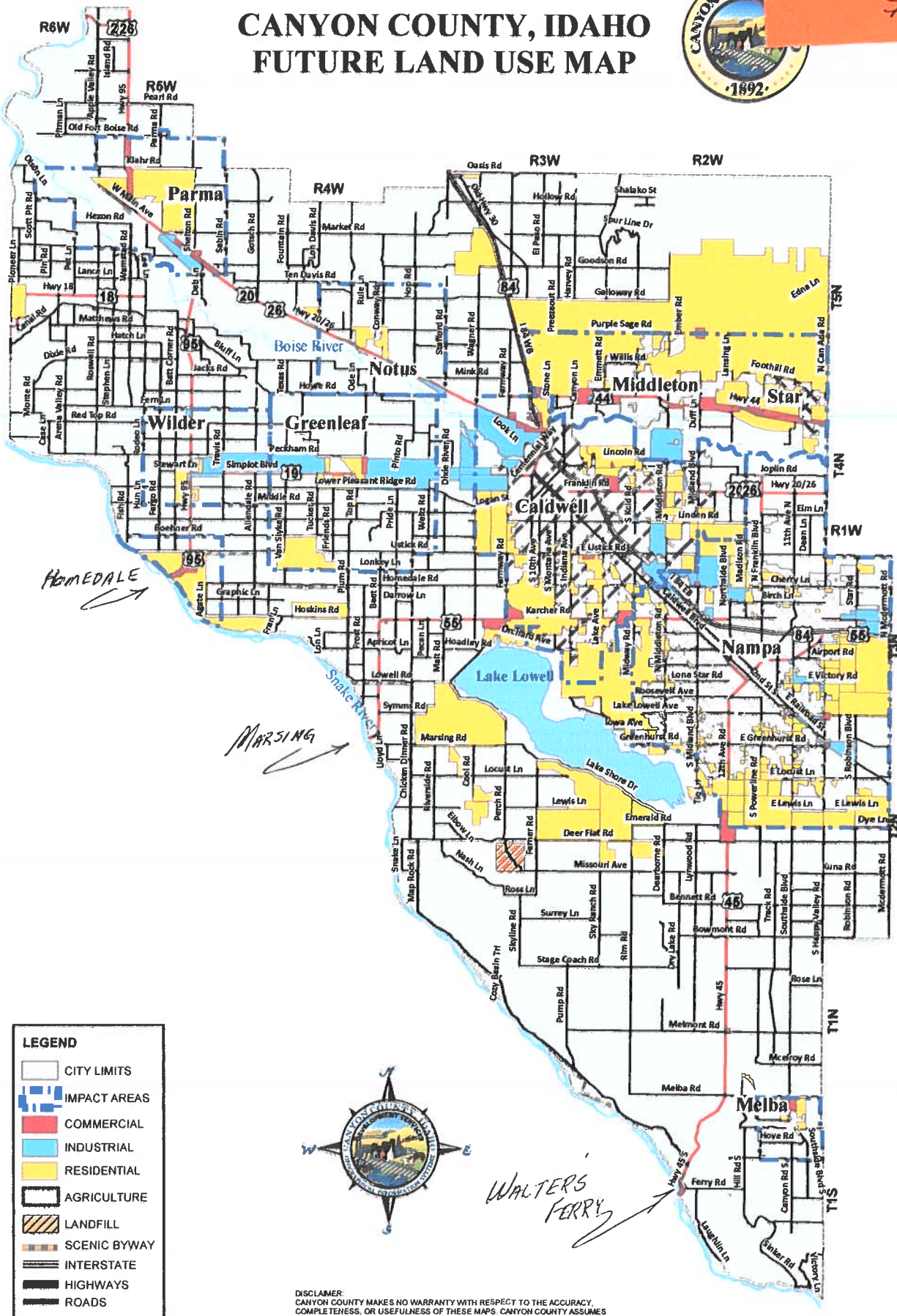
Secretary

Date April 23, 1957

CANYON COUNTY, IDAHO FUTURE LAND USE MAP



#4



LEGEND

- CITY LIMITS
- IMPACT AREAS
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- AGRICULTURE
- LANDFILL
- SCENIC BYWAY
- INTERSTATE
- HIGHWAYS
- ROADS

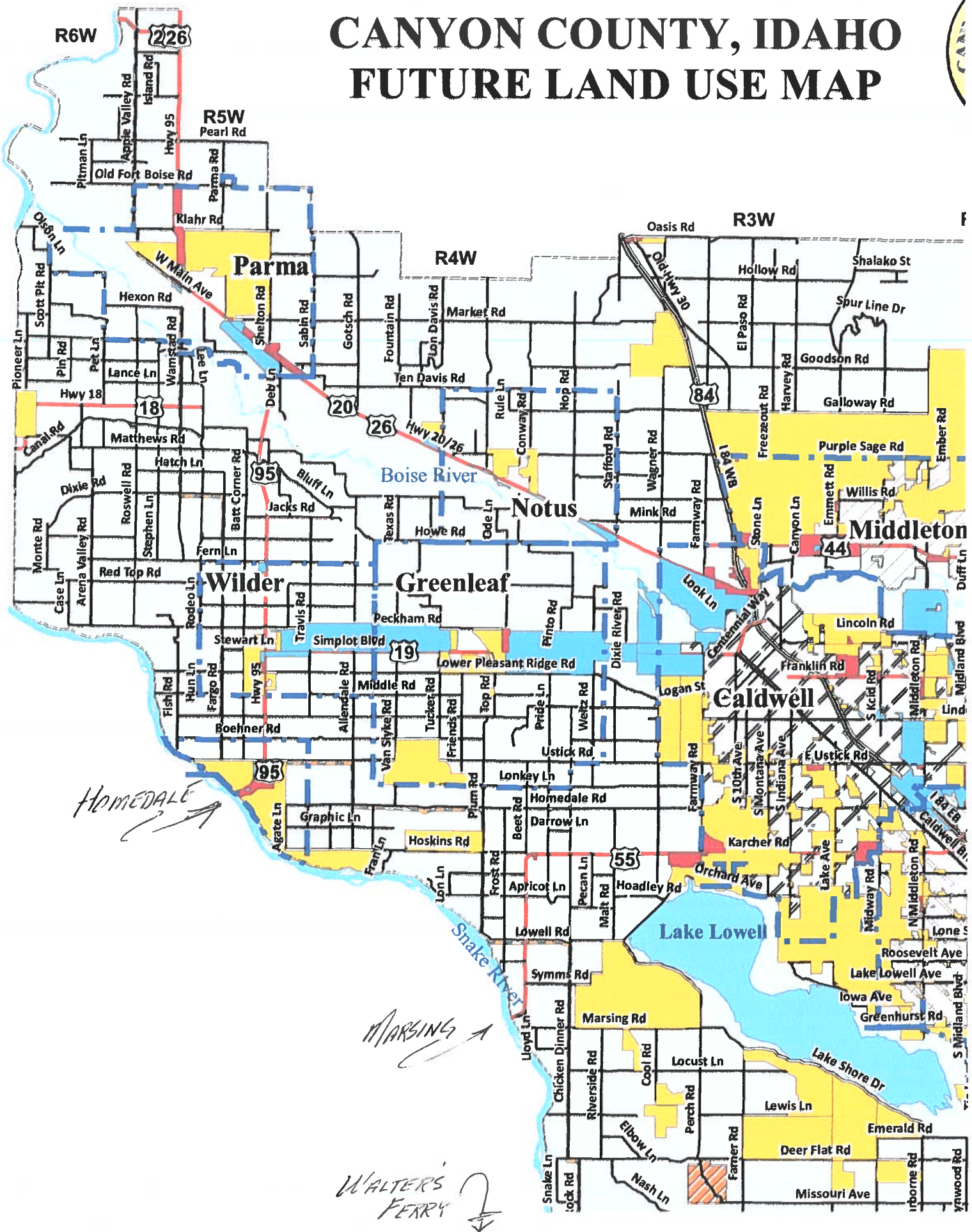


DISCLAIMER:
CANYON COUNTY MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THESE MAPS. CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THESE MAPS OR ANY OF THE INFORMATION CONTAINED HEREIN. PORTIONS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

CREATED/REVISED Date: 6/22/2018 - AAA

Document Path: D:\GIS\Folder\Tricia\Planning Areas Maps\Planning Areas Future Land Use Map.mxd

CANYON COUNTY, IDAHO FUTURE LAND USE MAP



#5

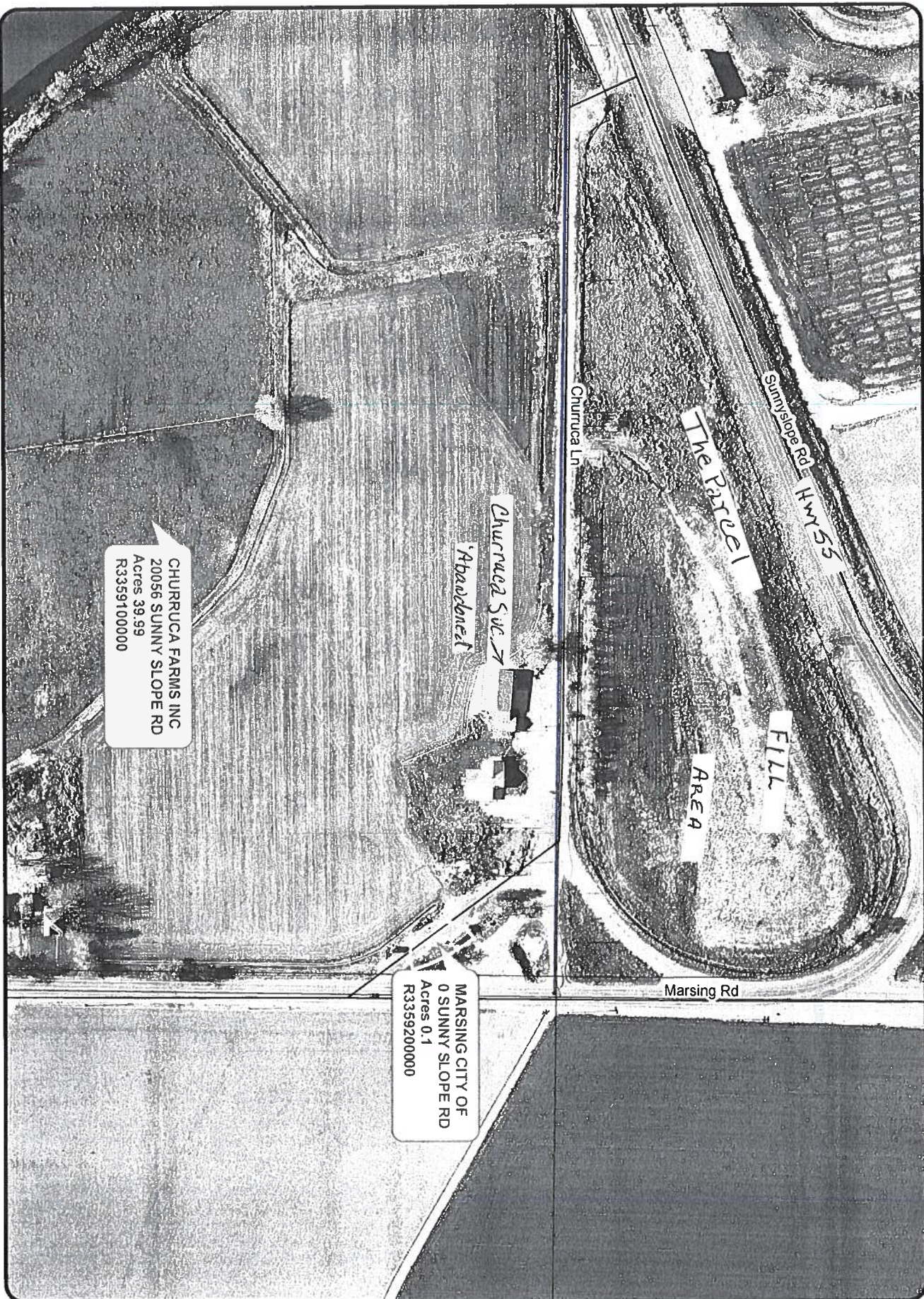
HWY 55, Caldwell

The Parcel

FILL
AREA

N

5000 SLOAN RD



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

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PTC
Pioneer
Pioneer Co.



100 10th Avenue South / Nampa, Idaho
83651 / (208) 466-6100

2006 DEC 1 PM 4 17
RECORDED
CANYON CNTY RECORDER
BY *[Signature]*
PIONEER - NAMPA
REQUEST
TYPE *Deed* FEE *6-*

2006095635

#60

200612125

WARRANTY DEED

For Value Received The Betty L. Kent Family Trust

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

K.S. Standley Land and Investments, LLC

hereinafter referred to as Grantee, whose current address is P.O. Box 14, Twin Falls ID 83303-0014
the following described premises, 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 Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 14, 2006

The Betty L. Kent Family Trust

By: *Patricia L. Kiester*
Patricia L. Kiester, Trustee

Corey D. Kent Trustee
Corey D. Kent, Trustee

State of Idaho

ss.

County of Canyon

On this 15 day of November, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared *Patricia L. Kiester* *Corey D. Kent* *Trustee*, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument as *Trustee* and acknowledged to me that he/she/they executed the same as such *Trustee*.

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)

[Signature]
Notary Public
Residing at:
Commission Expires:

66457DI

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

2014-042070	
RECORDED	
11/19/2014 02:50 PM	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=2 JCRANE	\$13.00
TYPE DEED	
TITLEFACT, INC.	
ELECTRONICALLY RECORDED	

**** SPACE ABOVE FOR RECORDER ****

WARRANTY DEED

FOR VALUE RECEIVED STANDLEY LAND AND INVESTMENTS, L.L.C., an Idaho Limited Liability Company, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto THE AMA LEE BROCKMAN TRUST DATED JANUARY 30, 2012, hereinafter called Grantee, whose address is: 20 East Frontage Rd. North, Jerome, ID 83338, the following described premises in Canyon County, Idaho; to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 19, 2014

STANDLEY LAND AND INVESTMENTS, L.L.C.

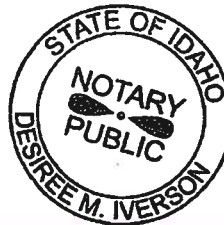
BY: Kurt Standley
KURT STANDLEY, Member

STATE OF IDAHO
County of Twin Falls

On this 19th day of November, 2014, before me, a Notary Public in and for said State, personally appeared Kurt Standley, known or identified to me to be member of the limited liability company of Standley Land and Investments, L.L.C., and the member who subscribed said limited liability company name to the foregoing instrument and acknowledged to me that he executed the same in said limited liability company name.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Desiree Iverson
Notary Public for Idaho
Residing in Twin Falls
Commission Expires 1-18-2017



AFTER RECORDING MAIL TO:

The Werhane Family Living Trust
20968 Blossom Heights Ln.
Caldwell, ID 83607

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

2020-007051	
RECORDED	
02/07/2020 01:36 PM	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=3 EHOWELL	\$15.00
TYPE: DEED	
FIRST AMERICAN TITLE INSURANCE	
ELECTRONICALLY RECORDED	

WARRANTY DEED

File No.: 4120-3365761 (KD)

Date: **December 17, 2019**

For Value Received, **Steve Brockman and Gene D. Lawley, Co-Trustees of The Ama Lee Brockman Trust dated January 30, 2012**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **William L. Werhane and Gina L. Werhane, Co-Trustees of The Werhane Family Living Trust, dated January 30, 2012**, hereinafter referred to as Grantee, whose current address is **20968 Blossom Heights Ln., Caldwell, ID 83607**, the following described premises, situated in **Canyon County, Idaho**, to wit:

LEGAL DESCRIPTION: Real property in the County of Canyon, State of Idaho, described as follows:

(See Exhibit "A" attached hereto and made a part hereof by reference.)

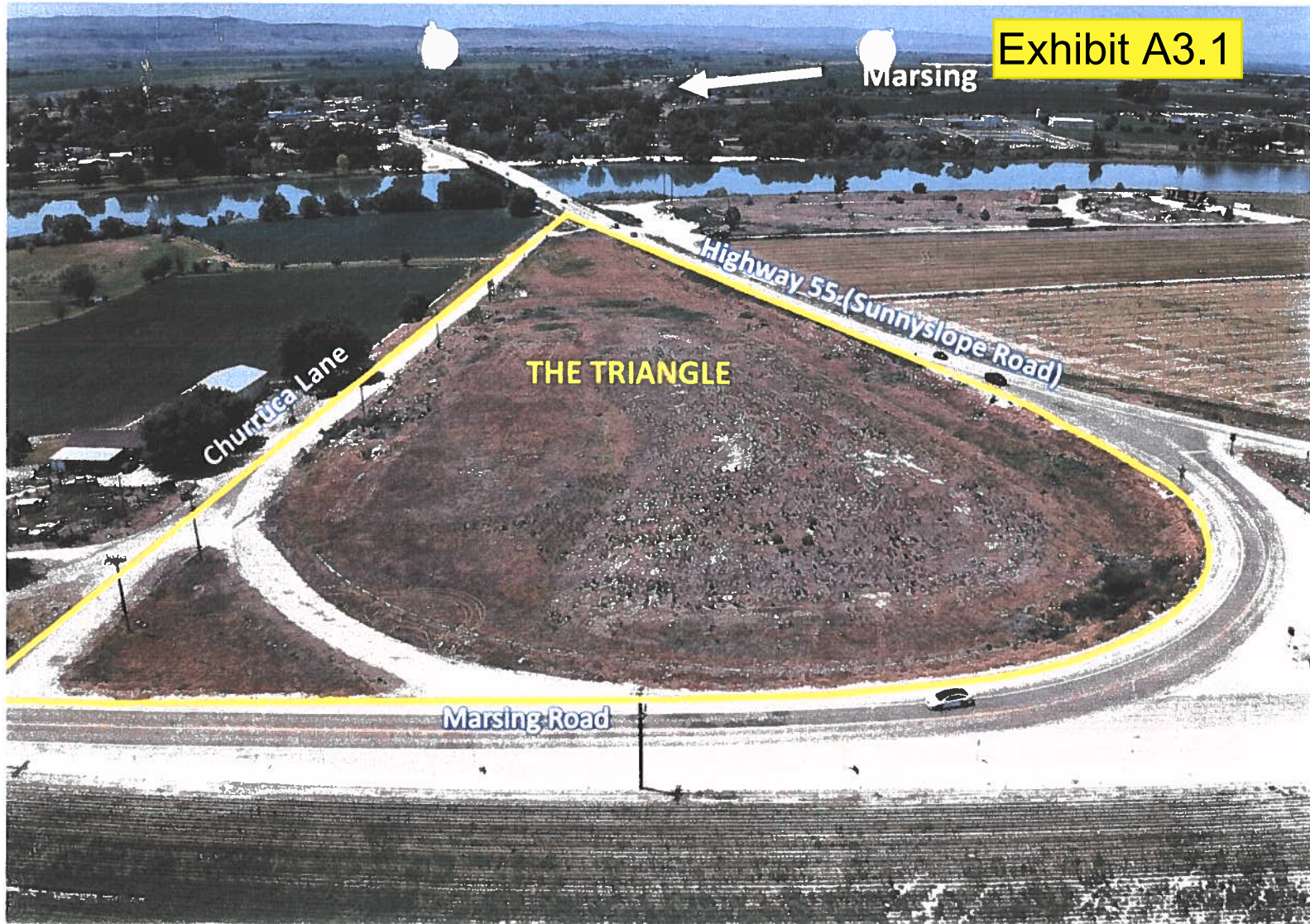
APN: 33590012B0

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.



#7





CR2022-0031

**Werhane Conditional Rezone of The Triangle parcel
Supplemental Application Material**

RECEIVED
▶ DEC 14 2023 ◀
RECEIVED



Bristlecone

LAND USE CONSULTING

Canyon County
Development Services Department
111 N. 11th Avenue #310
Caldwell, ID 83605

December 11, 2023

Re: Supplemental Application Narrative for CR2022-0031

Dear Planning Staff, Planning and Zoning Commission, and Board of County Commissioners,

Bristlecone Land Use Consulting, on behalf of the property owner, Werhane Family Living Trust, is pleased to submit this supplemental application narrative for CR2022-0031. The subject property, as shown in the image on the cover, parcel R33590012B0 and R33590012C0 (referenced as one parcel), is located on the south side of Highway 55 and the north side of Churruca Lane to the west of Marsing Road on the east side of the Snake River.

The request is to rezone the approximate 8.93-acre property from "A" (Agricultural) to "C-2" (Service Commercial). The original request included a Comprehensive Plan Map Amendment from Agriculture to Commercial. Per recommendation by staff the Comprehensive Plan Map Amendment has been withdrawn. A Development Agreement is requested as part of this request, and we have identified conditions to ensure that the site develops in a manner that is compatible with the character of the area. This application was originally submitted in October of 2022. The information below was carried over from the original narrative with additional information added, including public outreach and an analysis of the criteria.

History of the Site

The area of the site has a unique history that many are not aware of. Going back to WWII, the Marsing POW Camp was located adjacent to the site, to the south. The camp was constructed between 1942 and 1943 and held up to 1,500 POWs who worked the sugar beet fields and orchards until WWII ended. Many local residents still have personal and interesting stories. Prior to the rebuilding of the Marsing Bridge in 1955 (image to the right), Marsing Road and Highway 55 were the arterial crossing of the Snake River into Marsing. Now abandoned, a gas/service station was operated on Churruca Lane, known as Churruca Service. Continuing; when the new Marsing Bridge was completed, Highway 55 was rerouted and straightened, heading south towards the new bridge. Marsing Road was then connected to Highway 55 via a radius approximately 2000 feet north of the bridge. Churruca Lane (.452 miles of Marsing Road) was abandoned by ITD, isolating Churruca Service, causing a loss of business and eventually shutting down in the early 1970s. After more recent roadway improvements occurred between 2018 and 2020, the only major uses of the property were to deposit and store excess fill that is currently located on the property.



Land Uses

Residential, Industrial, Agricultural, and Commercial uses were taken into consideration for the subject property. Taking into consideration the impact of the rerouting of Highway 55 and Marsing Road and the abandonment of Churruca Lane in the mid-1950s, the following explores why a Conditional Rezone to C-2 is the most appropriate:

1. Residential? It is not realistic as the location is in between two arterials, and the traffic count as of 2019 for Highway 55 was 7,000 daily. In 2019, the new Marsing Bridge construction was underway. Therefore, the traffic count might not reflect accurate numbers. The frontage of the two arterial roadways is not conducive to residential uses due to the environmental impact the noise would have on residents.
2. Industrial? Possibly, the property has power readily available as per the existing Idaho Power easement and access to roadways, which make it a good location for an industrial user. Due to the small acreage and distance from industrial hubs, industrial users may be limited.
3. Commercial? A realistic and logical option. The parcel is located adjacent to the City of Marsing, Owyhee County's second-largest town with a population of 1,200¹. There is growth occurring on both sides of the Snake River in the form of small to medium-sized single-family developments. Considering that Homedale, with a population of 2,902,² sits adjacent to approximately 15 acres

¹ <https://censusreporter.org/profiles/16000US1650950-marsing-id/>

² <https://censusreporter.org/profiles/40000US39646-homedale-id-urban-cluster/>

of commercial uses across the Snake River (Hwy 95, Canyon County) with a vehicle traffic county of 8500 daily and at Walter's Ferry (Hwy 45) with approximately 10 acres of commercial zoning in Canyon County with a traffic count of 1850, it would seem logical that the Marsing Crossing would be appropriate for commercial zoning.

Dating back to at least 2006, the property has not been used for agriculture. In 2006 it was sold by Betty L. Kent Family Trust to Standley Land and Investments LLC, then sold to Brockman Ama Lee Trust in 2014, and purchased by Werhane Family Living Trust in 2020.

As evidenced by the Churruca Service Station, although abandoned, is still located on the south side of Churruca Lane, and there is historical usage of commercial. Initial investigation and parcel preparation indicate that the parcel is appropriate for commercial use: Phase I Environmental Site Assessment and Geotechnical Investigation. Discussions with Southwest District Health indicate that with proper design and certification, there would be no negative effect on the environment. Meeting with District 4, ITD, for the design and location for the northbound 'slip/off ramp' is possible and logical for access to the parcel.

Public Outreach

Ensuring the development of this property is in the best interest of the community is of utmost importance; in November of 2023, a public outreach regarding the potential uses for the property. A community poll was posted on the Facebook Marsing Community Awareness group, and paper copies were distributed to businesses in Sunnyslope and Marsing. The poll listed 17 potential uses and an

Top 3 Preferred Uses

Restaurant	45.57%
Microbrewery	27.22%
Animal Hospital	24.05%

"other" use option to learn more about what the community would want to see developed on the property and to help identify concerns. On November 15th and 16th, Mr. Werhane hosted an open house in the Sand Bar Room of Marsing City Hall to discuss the Triangle Parcel. A total of 158 responses were received. The community poll and results are attached. Out of the total responses for preferred uses, shown in the table above, the top three (3) were Restaurant, Microbrewery, and Animal Hospital. The results and comments were factored into the vision for the development of the parcel and added as a supplemental document to this application.

The Vision

Thoughtfully develop the Triangle parcel with a use/s that provides an amenity or service for residents and visitors. The Triangle will be developed in a manner that blends in with the farming character and honors the area's history while ensuring that the use of the property will not become a detriment to public health, safety, and welfare.

As previously mentioned, a development agreement is part of this request with the intent to paint the picture of what the development of the parcel should look like to complement the region. The proposed C-2 designation with conditions of approval would provide a transitional option at the entrance of the unique and identified region of Canyon County. Recognizing that the Comprehensive Plan designates an Agritourism Overlay for the area, a commercial use is suitable for this parcel.

Before the CCZO Section 07-06-03 and 07 are addressed, the following condition is proposed:

- Uses on the subject property will be limited to Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution, and Retail.

In addition to this limited list of uses, the following condition is also proposed to ensure that the development of the site honors the past, present, and future of Marsing and the Sunny Slope community:

- Incorporate a historical theme into their project, to be developed and designed by the developer. The theme can be a specific orientation such as Lizard Butte, Oregon Trail, POW Internment Camp, Snake River Corridor, Agricultural significance of the area (soil, irrigation, seed production, wine production), or an overview of all aspects of the region. To sustain the historical significance, future development would include a specific display or commentary. The display would include an outside plaque or signage pertaining to the subject, along with interior pictures and displays. For example, if a Microbrewery is planned, an obvious IPA could be LIZARD BUTTE IPA with a label designed with a drawing of Lizard Butte and a description of the feature. This would segue into demonstrating the geographical significance of Lizard Butte during the mid-1800s.

The only thrust of this process is to emphasize the uniqueness of this area. The long-time locals and new arrivals recognize these special attributes and wish them to continue. Any new 'business' should emphasize this uniqueness and usher the present community and travelers into this region.

Addressing the CCZO concerns:

CCZO Section 07-06-03

The type of supportive business, as outlined above, will conform with the Comprehensive Plan as a transitional use at the entrance of into the Agritourism Overlay. Historically, this parcel has been recognized as having a commercial use, i.e. Churruca Service Station as a crossroad location. The compatible recognition is enhanced by emphasizing the historical and geographical qualities of the area during the development of the parcel. The development trends are obvious, not only in the Sunny Slope area but in the whole State of Idaho. Services will be developed for the increasing population.

Evaluation of Criteria: Conditional Rezone to C-2

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

The proposed conditional rezone aligns with the following goals and policies of the Comprehensive Plan.

- *POPULATION P2.01.01 Plan for anticipated population and households that the community can support with adequate services and amenities.*
- *POPULATION G2.02.00 Promote housing, business, and service types needed to meet the demand of the future and existing population.*

The rezoning will allow the property to develop and provide services or amenities to help meet the needs of the existing population in the area.

- *ECONOMIC DEVELOPMENT G3.01.00 Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.*
- *ECONOMIC DEVELOPMENT P3.01.02 Support suitable sites for economic growth and expansion compatible with the surrounding area.*
- *ECONOMIC DEVELOPMENT G3.05.00 Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.*

The unique location and configuration of the subject property is suitable for commercial land use that is separated from the agricultural uses of the area. The development of this site would be compatible with the adjacent roadways and properties and will benefit the local economy.

- *LAND USE AND COMMUNITY DESIGN G4.01.00 Support livability and high quality of life as the community changes over time.*
- *LAND USE AND COMMUNITY DESIGN P4.01.02 Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.*
- *LAND USE AND COMMUNITY DESIGN P4.02.01 Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.*
- *LAND USE AND COMMUNITY DESIGN G4.03.00 Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.*
- *LAND USE AND COMMUNITY DESIGN P4.03.01 Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.*
- *LAND USE AND COMMUNITY DESIGN P4.03.02 Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.*

The subject property has been shaped by Churruca Lane and by changes in the design of Highway 55 and Marsing Road; as such, the development of the site will not fragment the existing land use patterns.

- *LAND USE AND COMMUNITY DESIGN G4.02.00 Ensure that growth maintains and enhances the unique character throughout the County.*
- *LAND USE AND COMMUNITY DESIGN G4.06.00 Development design should improve the area's character and be compatible with the community's visual appearance and the natural environment.*
- *LAND USE AND COMMUNITY DESIGN P4.07.01 Plan land uses that are compatible with the surrounding community.*
- *LAND USE AND COMMUNITY DESIGN P4.08.02 Encourage developments to incorporate place-making as part of the design of a site.*
- *SPECIAL AREAS AND SITES G10.01.00 Honor the power of place in Canyon County by preserving our history and landscapes and linking our past to our future.*
- *SPECIAL AREAS AND SITES P10.01.03 Protect the County's history and vistas as a critical component of our sense of place and community character.*

The intent of the property owner is to create a development that fits with the existing farming character through building design and honors the history with an interpretative area to provide education about the history of the site and surrounding area.

- *TRANSPORTATION P8.01.01 Coordinate land use and transportation planning to locate development near appropriate transportation corridors and services.*

The subject parcel is surrounded on all three sides by roadways: Highway 55 on the north, Marsing Road on the east, and Churruca Lane on the south and access and mitigation will be provided in accordance with transportation agency requirements.

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

As previously explained, the subject parcel is a triangle shape that has been shaped by Highway 55, Sunny Slope Road, and Churruca Lane. The size, shape, and surrounding roadways make the property unsuitable for agricultural and residential land uses. The unique configuration and size of the parcel make it more suitable for a commercial designation than an Agricultural designation. It would provide the opportunity for land use as an amenity to residents, farmers, businesses, and visitors. The development of the site provides an opportunity to create a pleasing entry point to Marsing and the Sunnyslope.

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

The proposed conditional rezone is compatible with the surrounding land uses of agriculture. As explained in Criteria 1, the site is surrounded by three roads that create a separation between uses. The uses proposed to be permitted for the rezone are Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution, and Retail that as conditioned will be developed in a manner that is compatible with the surrounding uses and buffered from farmland via the adjacent roadways.

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

The proposal will not negatively affect the character of the area. Through the public outreach conducted, uses have been identified that the community is supportive of. The comments received through this process identified that the small-town farming character of the area is important for the development of the site. A condition is proposed to ensure that the development of the site will blend in and not look out of place. In addition, the historic focus planned for the property will enhance the character of the area by honoring the past and providing education on the unique history of the area.

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

Development of the site will provide adequate facilities and services. Sewer and water will be provided based on the requirements of Southwest District Health and Idaho Department of Environmental Quality.

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?

Adequate access and public street improvements will be provided at the time that the site develops in accordance with transportation agency requirements. To mitigate traffic impacts, the main access will be restricted to Marsing Road, and access on Highway 55 will be restricted to right-in.

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

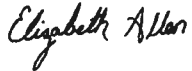
The subject property has existing access to Marsing Road. When the site develops, the legal access will be changed in accordance with transportation agency requirements.

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? (Ord. 16-007, 6-20-2016)

The proposed rezoning will not impact essential public services and facilities. No residential uses are proposed. Therefore, schools in the area will not be impacted. The area is served by Marsing Fire District, 653 Ambulance District, and Canyon County Sheriff.

Thank you for your time and consideration of the proposed conditional rezone request.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Allen". The script is cursive and fluid.

Elizabeth Allen
Principal Planner
Bristlecone Land Use Consulting

B. Detailed Letter

1. Request Description:

This request is to place into the Comprehensive Planning Process a map change from agricultural to commercial. Specifically parcel # R-33590012B, i.e. The Parcel.

As per Canyon County Planners, both applications, i.e. Comprehensive Plan Amendment & Conditional Rezone can be submitted at the same time. Noting that the amendments' checklists are identical and for the same property. Hopefully this effort will increase effectiveness and efficiency. Therefore, please accept this package to conform to the Comprehensive Plan and Zoning Ordinance.

2. Reasoning:

a. History

Prior to the rebuilding of the Marsing Bridge in 1955, Marsing Road /Hwy 55 was the arterial crossing the Snake River into Marsing – Attachment #1-. Just prior to the crossing is a gas/service station, i.e. Churruca Service, now abandoned. An interesting note here is that just behind (South) of Churruca service was the Marsing POW camp. The camp was constructed in 1942 – 1943, held up to 1500 POWs, that worked the sugar beet fields and orchards until WWII was over. Many locals still have personal and interesting stories. Continuing; when the new Marsing Bridge was completed, the highway was rerouted. Hwy 55 was straightened, heading South straight to the new bridge. Marsing Road was connected to Hwy 55 via a radius approx. 2000 feet North of the Bridge -Attachment #2-. Churruca Lane (.452 miles of Marsing Road) was abandoned by ITD -Attachment #3 - and Churruca Service was isolated, lost business and eventually shut down in the early 1970s. The Parcel was also isolated between Hwy 55 and Marsing Road. The only major use in nearly five decades was to deposit excess fill when Hwy 55 (Sunny Slope Road) was again improved to a four Lane with a center lane about 18 years ago. The deteriorated barb wire, fencing and 'T' posts have been removed from the Parcel and the available irrigation line requires extensive improvements to regain useability.

b. Additional Reasoning

Restating, after the rerouting of Hwy 55 and Marsing Road and abandoning Churruca Lane in the mid 1950s The Parcel was cut off. Considering;

1. Residential? Not realistic as the location is between two major arterials and the traffic count as of 2019 for Hwy 55 was 7000 daily. This count is probably low considering that the count was during the 2019 new Marsing Bridge construction.
2. Manufacturing? Possible, however the size is small and water usage maybe limiting. Power is readily available as per Idaho Power easement across The Parcel.
3. Agricultural? The opportunity was there after the 1955 bridge construction but in five decades agricultural use was not seriously attempted. Because of the fill placement from the Sunny Slope Road improvement -Attachments #4- small size, irrigation improvement requirements and increasing traffic counts, future Ag use is not realistic.
4. Commercial? Realistic and the logical alternative.

The Parcel is located adjacent to Marsing, Owhyee County's second largest town, ~1200 population. There is rapid growth on both sides of the Snake River in the form of small to medium single family developments. Considering that Homedale with a population of ~2500 is adjacent to ~15 acres of commercial use across the Snake River (Hwy 95, Canyon County) with a vehicle traffic count of 8500 daily and at Walter's Ferry (Hwy 45) with ~10 acres of commercial zone in Canyon County with a traffic count of 1850, it would seem logical that the Marsing Crossing would be placed into a similar comprehensive mapping plan, i.e commercial -Attachments #5-.

The recognized non-agricultural use was further evident because it was sold in 2006 by Betty L. Kent Family Trust to Standley Land and Investments, LLC, then again sold in 2014 to Brockman Ama Lee Trust and finally to Werhane Family Living Trust in 2020 - Attachments #6-. No attempt was attempted to place the Parcel back into agricultural use.

As evidence from the still existing Churruca Service, now abandoned, there is historical usage as commercial -Attachment #7-.

Initial investigation and parcel preparation indicates that The Parcel is adaptable for commercial use: Phase I Environmental Site Assessment -Attachment #8-, Geotechnical Investigation -Attachment #9.

Conference with SWDH as per water and affluent treatment indicates that with proper design and certification there would be unrestrictive effects to the environment.

Meeting with District 3, IDT for design and location for northbound 'slip/off ramp' is possible and logical for access to The Parcel for north bound traffic -Attachments # 10-.

I.C. Site Plan

The mapping of The Parcel from Agricultural to Commercial would be the only change to the Site Plan.

I.D. Neighborhood Meeting Sign Up Sheet

1. Copy of letter and signup sheets, attached
2. List of property owners that the letter was sent to, attached

I.E. Warranty Deed and Certificate of Trust, attached

I.E. Fees, receipts attached

DEVELOPMENT AGREEMENT FOR PARCEL R33590012B

The intent of this development agreement is to paint the picture of what I see would be a compliment to this region, on this +- 7 acres.

The historical use was Ag, commercial and a POW internment camp prior to 1957. After the Sunny Slope Road (Hwy 55) was rerouted, isolating the parcel and dumping excess material there has been no specific use other than a utility corridor to Owyhee County.

The proposed "C-2" classification with stated restrictions and conditions would provide a transitional option at the entrance of this unique and identified region of Canyon County. Recognizing that the Comprehensive Plan is revised to include an Ag/Tourism option, the recognition of this classification is uniquely suited for this Parcel.

Before CCZO sections 07-06-03 and 07 are addressed, the following zoning classifications would ONLY be allowed as per current land use matrix, C-2 zoning, i.e. restrictions:

- Equipment rentals, Farm supply sales, Ministorage and RV storage facility (only with proper screening), RV park with appropriate landscaping, Retail stores, banks, microbrewery and restaurants (to include landscaping and screening), Vehicle fueling station with convenient store.

In addition to this restricted list of uses, the following condition would be mandated in the future development:

Incorporate a historical theme into their project, to be developed and designed by the developer. The 'theme' can be a specific orientation, eg Lizard Butte, POW Internment Camp, Snake River Corridor, Agricultural significance of area (soil, irrigation, wine production), Oregon Trail or an overview of all the aspects of the region. To sustain the historical significance, future development of this relatively small area would include a specific display and commentary. The display would include an outside plaque or signage pertaining to the subject along with interior pictures and displays. For an example, if a microbrewery is planned, an obvious IPA maybe LIZARD BUTTE IPA. This would segue into demonstrating the geographical significance of Lizard Butte during the mid 1800's.

The only thrust of this process is to emphasis the uniqueness of this area. The residences and the new arrivals recognize these special attributes and wish them to continue. Any new 'business' should emphasize this uniqueness and usher the present community and travelers into the region.

Addressing the CCZO concerns:

CCZO Section 07-06-03

The type of and supportive business, as outlined above will conform with the comprehensive plan as a transitional use at the entrance into the Ag/Tourism classification. Historically this

Parcel was recognized as having a commercial use, i.e. Churruca Garage, a crossroad location. The compatible recognition is enhanced by emphasizing the historical and geographical qualities of the area during the development of the Parcel. The development trends are obvious, not only in the Sunny Slope Area but in the whole State of Idaho. Services will be developed for the increasing population. Is it going to turn into Eagle Road or retain the historical and environmental aspects of years gone by? Public services will be impacted. One obvious impact is traffic flow. With the engineering advancements and options that are available it is only a matter of designing and constructing the right ingress and egress approaches. Anticipating this, a joint access agreement among the property owners will be recorded to enhance the engineering options available. The current use and design of ingress and egress can be observed on Hwy 95 and 45. It is evident that the design of Marsing Road and Hwy 55 merger was lacking. There are traffic issues that need to be addressed, with or without the development of this Parcel. As per the original submission, documentation of environmental (stage 1) issues and initial meeting with District Health addressed mitigation measures with water and disposal concerns. There is enough area to treat waste water and obtain potable water on site. There is an irrigation source at the parcel and will be developed as per a water box prior to actual development.

I realize that a revised – new comprehensive plan has been developed for this unique area in Idaho and Canyon County. We live and work here and the vision that I attempted to layout is a gateway or transitional opportunity when crossing the Snake River into Canyon County, Idaho's premier agricultural region. The ultimate result is to compliment and contribute to the uniqueness of this region.



CR2022-0031

**Werhane Conditional Rezone of The Triangle parcel
Supplemental Application Material**



Bristlecone

LAND USE CONSULTING

Canyon County
Development Services Department
111 N. 11th Avenue #310
Caldwell, ID 83605

December 11, 2023

Re: Supplemental Application Narrative for CR2022-0031

Dear Planning Staff, Planning and Zoning Commission, and Board of County Commissioners,

Bristlecone Land Use Consulting, on behalf of the property owner, Werhane Family Living Trust, is pleased to submit this supplemental application narrative for CR2022-0031. The subject property, as shown in the image on the cover, parcel R33590012B0 and R33590012C0 (referenced as one parcel), is located on the south side of Highway 55 and the north side of Churruca Lane to the west of Marsing Road on the east side of the Snake River.

The request is to conditionally rezone the approximate 8.93-acre property from "A" (Agricultural) to "C-1" (Neighborhood Commercial). The original request included a Comprehensive Plan Map Amendment from Agriculture to Commercial. Per staff recommendation, the Comprehensive Plan Map Amendment has been withdrawn. A Development Agreement is requested as part of this request, and we have identified conditions to ensure that the site develops in a manner that is compatible with the area's character. This application was originally submitted in October of 2022. The information below was carried over from the original narrative, with additional information added, including public outreach and an analysis of the criteria.

History of the Site

The area of the site has a unique history that many are not aware of. Going back to WWII, the Marsing POW Camp was located adjacent to the site, to the south. The camp was constructed between 1942 and 1943 and held up to 1,500 POWs who worked the sugar beet fields and orchards until WWII ended. Many local residents still have personal and interesting stories. Prior to the rebuilding of the Marsing Bridge in 1955 (image to the right), Marsing Road and Highway 55 were the arterial crossing of the Snake River into Marsing. Now abandoned, a gas/service station was operated on Churruca Lane, known as Churruca Service. Continuing; when the new Marsing Bridge was completed, Highway 55 was rerouted and straightened, heading south towards the new bridge. Marsing Road was then connected to Highway 55 via a radius approximately 2000 feet north of the bridge. Churruca Lane (.452 miles of Marsing Road) was abandoned by ITD, isolating Churruca Service, causing a loss of business and eventually shutting down in the early 1970s. After more recent roadway improvements occurred between 2018 and 2020, the only major uses of the property were to deposit and store excess fill that is currently located on the property.



Land Uses

Residential, Industrial, Agricultural, and Commercial uses were considered for the subject property. Taking into consideration the impact of the rerouting of Highway 55 and Marsing Road and the abandonment of Churruca Lane in the mid-1950s, the following explores why a Conditional Rezone to C-1 is the most appropriate:

1. Residential? It is not realistic as the location is in between two arterials, and the traffic county as of 2019 for Highway 55 was 7,000 daily. In 2019, the new Marsing Bridge construction was underway. Therefore, the traffic count might not reflect accurate numbers. The frontage of the two arterial roadways is not conducive to residential uses due to the environmental impact the noise would have on residents.
2. Industrial? Possibly, the property has power readily available as per the existing Idaho Power easement and access to roadways, which make it a good location for an industrial user. Due to the small acreage and distance from industrial hubs, industrial users may be limited.
3. Commercial? A realistic and logical option. The parcel is located adjacent to the City of Marsing, Owyhee County's second-largest town with a population of 1,200¹. There is growth occurring on both sides of the Snake River in the form of small to medium-sized single-family developments. Considering that Homedale, with a population of 2,902,² sits adjacent to approximately 15 acres

¹ <https://censusreporter.org/profiles/16000US1650950-marsing-id/>

² <https://censusreporter.org/profiles/40000US39646-homedale-id-urban-cluster/>

of commercial uses across the Snake River (Hwy 95, Canyon County) with a vehicle traffic county of 8500 daily and at Walter’s Ferry (Hwy 45) with approximately 10 acres of commercial zoning in Canyon County with a traffic count of 1850, it would seem logical that the Marsing Crossing would be appropriate for commercial zoning.

Dating back to at least 2006, the property has not been used for agriculture. In 2006 it was sold by Betty L. Kent Family Trust to Standley Land and Investments LLC, then sold to Brockman Ama Lee Trust in 2014, and purchased by Werhane Family Living Trust in 2020.

As evidenced by the Churruca Service Station, although abandoned, is still located on the south side of Churruca Lane, and there is historical usage of commercial. Initial investigation and parcel preparation indicate that the parcel is appropriate for commercial use: Phase I Environmental Site Assessment and Geotechnical Investigation. Discussions with Southwest District Health indicate that with proper design and certification, there would be no negative effect on the environment. Meeting with District 4, ITD, for the design and location for the northbound ‘slip/off ramp’ is possible and logical for access to the parcel.

Public Outreach

Ensuring the development of this property is in the best interest of the community is of utmost importance; in November of 2023, a public outreach regarding the potential uses for the property. A community poll was posted on the Facebook Marsing Community Awareness group, and paper copies were distributed to businesses in Sunnyslope and Marsing. The poll listed 17 potential uses and an

“other” use option to learn more about what the community would want to see developed on the property and to help identify concerns. On November 15th and 16th, Mr. Werhane hosted an open house in the Sand Bar Room of Marsing City Hall to discuss the Triangle Parcel. A total of 158 responses were received. The community poll and results are attached. Out of the total responses for preferred uses, shown in the table above, the top three (3) were Restaurant, Microbrewery, and Animal Hospital. The results and comments were factored into the vision for the development of the parcel and added as a supplemental document to this application.

Top 3 Preferred Uses	
Restaurant	45.57%
Microbrewery	27.22%
Animal Hospital	24.05%

The Vision

Thoughtfully develop the Triangle parcel with a use/s that provides an amenity or service for residents and visitors. The Triangle will be developed in a manner that blends in with the farming character and honors the area's history while ensuring that the use of the property will not become a detriment to public health, safety, and welfare.

As previously mentioned, a development agreement is part of this request with the intent to paint the picture of what the development of the parcel should look like to complement the region. The proposed C-1 designation with conditions of approval would provide a transitional option at the entrance of the unique and identified region of Canyon County. Recognizing that the Comprehensive Plan designates an Agritourism Overlay for the area, a commercial use is suitable for this parcel.

Before the CCZO Section 07-06-03 and 07 are addressed, the following condition is proposed:

- Uses on the subject property will be limited to Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution, and Retail.

In addition to this limited list of uses, the following condition is also proposed to ensure that the development of the site honors the past, present, and future of Marsing and the Sunny Slope community:

- Incorporate a historical theme into their project, to be developed and designed by the developer. The theme can be a specific orientation such as Lizard Butte, Oregon Trail, POW Internment Camp, Snake River Corridor, Agricultural significance of the area (soil, irrigation, seed production, wine production), or an overview of all aspects of the region. To sustain the historical significance, future development would include a specific display or commentary. The display would include an outside plaque or signage pertaining to the subject, along with interior pictures and displays. For example, if a Microbrewery is planned, an obvious IPA could be LIZARD BUTTE IPA with a label designed with a drawing of Lizard Butte and a description of the feature. This would segue into demonstrating the geographical significance of Lizard Butte during the mid-1800s.

The only thrust of this process is to emphasize the uniqueness of this area. The long-time locals and new arrivals recognize these special attributes and wish them to continue. Any new 'business' should emphasize this uniqueness and usher the present community and travelers into this region.

Addressing the CCZO concerns:

CCZO Section 07-06-03

The type of supportive business, as outlined above, will conform with the Comprehensive Plan as a transitional use at the entrance of into the Agritourism Overlay. Historically, this parcel has been recognized as having a commercial use, i.e. Churruca Service Station as a crossroad location. The compatible recognition is enhanced by emphasizing the historical and geographical qualities of the area during the development of the parcel. The development trends are obvious, not only in the Sunny Slope area but in the whole State of Idaho. Services will be developed for the increasing population.

Evaluation of Criteria: Conditional Rezone to C-1

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

The proposed conditional rezone aligns with the following goals and policies of the Comprehensive Plan.

- *POPULATION P2.01.01 Plan for anticipated population and households that the community can support with adequate services and amenities.*
- *POPULATION G2.02.00 Promote housing, business, and service types needed to meet the demand of the future and existing population.*

The rezoning will allow the property to develop and provide services or amenities to help meet the needs of the existing population in the area.

- *ECONOMIC DEVELOPMENT G3.01.00 Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.*
- *ECONOMIC DEVELOPMENT P3.01.02 Support suitable sites for economic growth and expansion compatible with the surrounding area.*
- *ECONOMIC DEVELOPMENT G3.05.00 Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.*

The unique location and configuration of the subject property is suitable for commercial land use that is separated from the agricultural uses of the area. The development of this site would be compatible with the adjacent roadways and properties and will benefit the local economy.

- *LAND USE AND COMMUNITY DESIGN G4.01.00 Support livability and high quality of life as the community changes over time.*
- *LAND USE AND COMMUNITY DESIGN P4.01.02 Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.*
- *LAND USE AND COMMUNITY DESIGN P4.02.01 Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.*
- *LAND USE AND COMMUNITY DESIGN G4.03.00 Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.*
- *LAND USE AND COMMUNITY DESIGN P4.03.01 Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.*
- *LAND USE AND COMMUNITY DESIGN P4.03.02 Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.*

The subject property has been shaped by Churruca Lane and by changes in the design of Highway 55 and Marsing Road; as such, the development of the site will not fragment the existing land use patterns.

- *LAND USE AND COMMUNITY DESIGN G4.02.00 Ensure that growth maintains and enhances the unique character throughout the County.*
- *LAND USE AND COMMUNITY DESIGN G4.06.00 Development design should improve the area's character and be compatible with the community's visual appearance and the natural environment.*
- *LAND USE AND COMMUNITY DESIGN P4.07.01 Plan land uses that are compatible with the surrounding community.*
- *LAND USE AND COMMUNITY DESIGN P4.08.02 Encourage developments to incorporate place-making as part of the design of a site.*
- *SPECIAL AREAS AND SITES G10.01.00 Honor the power of place in Canyon County by preserving our history and landscapes and linking our past to our future.*
- *SPECIAL AREAS AND SITES P10.01.03 Protect the County's history and vistas as a critical component of our sense of place and community character.*

The intent of the property owner is to create a development that fits with the existing farming character through building design and honors the history with an interpretative area to provide education about the history of the site and surrounding area.

- *TRANSPORTATION P8.01.01 Coordinate land use and transportation planning to locate development near appropriate transportation corridors and services.*

The subject parcel is surrounded on all three sides by roadways: Highway 55 on the north, Marsing Road on the east, and Churruca Lane on the south and access and mitigation will be provided in accordance with transportation agency requirements.

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

As previously explained, the subject parcel is a triangle shape that has been shaped by Highway 55, Sunny Slope Road, and Churruca Lane. The size, shape, and surrounding roadways make the property unsuitable for agricultural and residential land uses. The unique configuration and size of the parcel make it more suitable for a commercial designation than an Agricultural designation. It would provide the opportunity for land use as an amenity to residents, farmers, businesses, and visitors. The development of the site provides an opportunity to create a pleasing entry point to Marsing and the Sunnyslope.

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

The proposed conditional rezone is compatible with the surrounding land uses of agriculture. As explained in Criteria 1, the site is surrounded by three roads that create a separation between uses. The uses proposed to be permitted for the rezone are Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution, and Retail that as conditioned will be developed in a manner that is compatible with the surrounding uses and buffered from farmland via the adjacent roadways.

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

The proposal will not negatively affect the character of the area. Through the public outreach conducted, uses have been identified that the community is supportive of. The comments received through this process identified that the small-town farming character of the area is important for the development of the site. A condition is proposed to ensure that the development of the site will blend in and not look out of place. In addition, the historic focus planned for the property will enhance the character of the area by honoring the past and providing education on the unique history of the area.

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

Development of the site will provide adequate facilities and services. Sewer and water will be provided based on the requirements of Southwest District Health and Idaho Department of Environmental Quality.

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?

Adequate access and public street improvements will be provided at the time that the site develops in accordance with transportation agency requirements. To mitigate traffic impacts, the main access will be restricted to Marsing Road, and access on Highway 55 will be restricted to right-in.

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

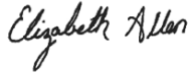
The subject property has existing access to Marsing Road. When the site develops, the legal access will be changed in accordance with transportation agency requirements.

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? (Ord. 16-007, 6-20-2016)

The proposed rezoning will not impact essential public services and facilities. No residential uses are proposed. Therefore, schools in the area will not be impacted. The area is served by Marsing Fire District, 653 Ambulance District, and Canyon County Sheriff.

Thank you for your time and consideration of the proposed conditional rezone request.

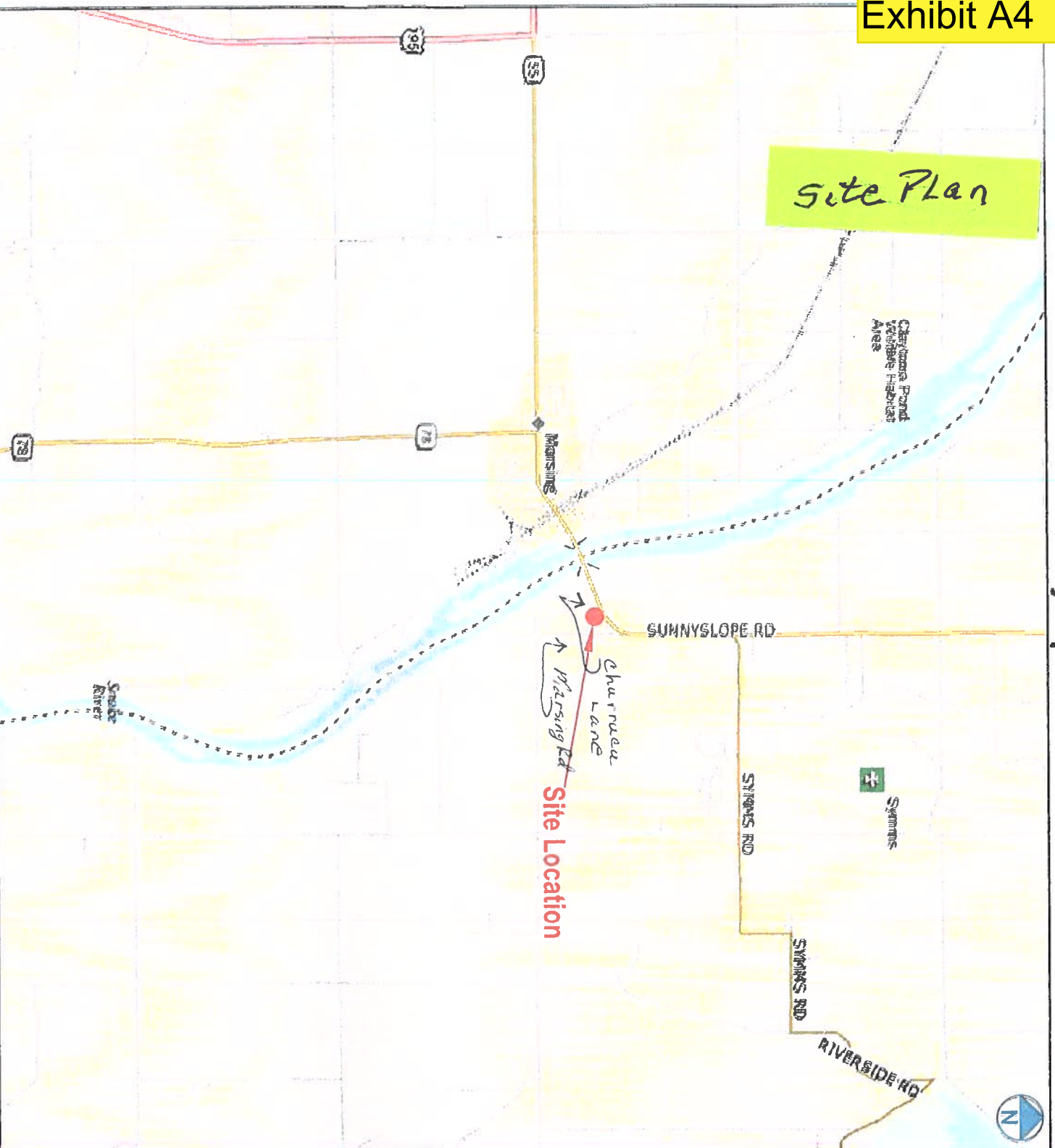
Sincerely,

A handwritten signature in black ink that reads "Elizabeth Allen". The script is cursive and fluid.

Elizabeth Allen
Principal Planner
Bristlecone Land Use Consulting

Vicinity Map

Figure 1



MAP NOTES:

- Delorme Street Atlas
- Not to Scale

LEGEND

Approximate Site Location



Proposed Commercial Development
SEC of Highway 55 & Churnee Lane
Caldwell, ID

Modified from Delorme by: JBS
December 21, 2020
Drawing: B202034g



27911 S. Victory View Way Phone: (208) 576-4777
Boise, ID 83709 Fax: (208) 322-1111
Website: www.atias.com

Neighborhood
letter

October 4, 2022

Dear Property Owner,

I want to invite you to a meeting to discuss the rezoning and plat of the acreage on the curve of Highway 55 and Marsing Lane. I will have information pertaining to the projects size and proposed layout. We are looking forward to sharing our vision on this project. We are looking forward to seeing you on October 20, 2022 from 4:00 pm – 6:00. Please bring your questions for us. The meeting will be held on site at Churruca Lane AKA the triangle off Marsing Road.

Best Regards,

Bill Werhane

Developer

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633



Neighborhood Meeting
Sign up Sheet

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 (TBD) Hwy 55	Parcel Number: R33590012B	
City: Caldwell	State: Id	ZIP Code: 83607
Notices Mailed Date: 4 OCT '22	Number of Acres: 7.67	Current Zoning: AG
Description of the Request: Request current of AG to C-2 zoning. Zoning map amendment (rezone)		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: William L. & Gina K. Werhane		
Company Name: Werhane Family Living Trust		
Current address: 20968 Blossom Heights Ln.		
City: Caldwell	State: Id.	ZIP Code: 83607
Phone: n2.	Cell: [REDACTED]	Fax: n2.
Email: [REDACTED]		

MEETING INFORMATION

DATE OF MEETING: 20 OCT 22	MEETING LOCATION: 0 Hwy 55, Churruca Ln.	
MEETING START TIME: 4:00 pm	MEETING END TIME: 6:00 pm	
ATTENDEES:		
NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Alex Biron	[Signature]	332 N. Broadmore Way, Nampa, ID 83687
2. Jewel Fouts	[Signature]	2215 Carl Cir Caldwell ID 83605
3. JENIFER HILL	[Signature]	3320 MARBLE FRONT. ME. 83605
4. Marv Quenzer	[Signature]	" " " "
5.		
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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):

William L. Werhane

APPLICANT/REPRESENTATIVE (Signature): Wm L. Werhane

DATE: 20 / OCT / 2022



**MATERIALS
TESTING &
INSPECTION**

AN ATLAS COMPANY

☐ Environmental Services ☐ Geotechnical Engineering ☐ Construction Materials Testing ☐ Special Inspections

Exhibit A6.1

PAGE
REVISION DATE 2/20/2020
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PARCEL R33590012B, MARSING, ID -
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HS

**PHASE I ENVIRONMENTAL SITE
ASSESSMENT**

**for
Parcel R33590012B
Marsing, Idaho**

prepared for:

**Bill Werhane
20968 Blossom Heights Lane
Caldwell, Idaho 83607**

**MTI File Number: B200224E
Date: February 20, 2020**



**MATERIALS
TESTING &
INSPECTION**

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PAGE #6 OF 20
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☐ Environmental Services ☐ Geotechnical Engineering ☐ Construction Materials Testing ☐ Special Inspections

INTRODUCTION

General

This report presents the findings and conclusions of the Phase I Environmental Site Assessment (Phase I ESA) conducted for Bill Werhane on Parcel R33590012B, Marsing, Idaho.

Purpose

The purpose of this Phase I ESA is to identify, to the extent feasible pursuant to the processes prescribed in ASTM Standard E1527-13, recognized environmental conditions (RECs) in connection with the subject Property. The purpose of ASTM Standard E1527-13 is to define good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and petroleum products. As such, ASTM E1527-13 is intended to permit the user to satisfy one of the requirements to qualify for the innocent landowner defense to CERCLA liability: That is, the practices that constitute "all appropriate inquiries into the previous ownership and uses of the Property consistent with good commercial and customary practice" as defined in 42 USC § 9601(35)(B).

In defining a standard of good commercial and customary practice for conducting an environmental site assessment of a parcel of property, the goal of the processes established by ASTM E1527-13 is to attempt to identify recognized environmental conditions. The term recognized environmental conditions means "the presence or likely presence of any *hazardous substances* or *petroleum products* in, on, or at a *property*: 1) due to *release* to the *environment*; 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a *material threat* of a future *release* to the environment". The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

The term "presence of any *hazardous substances* or *petroleum products* in, on, or at a *property*" is self-defined. The term "likely presence of any *hazardous substances* or *petroleum products* in, on, or at a *property*" reflects the potential for contamination from the federal and state standard environmental record sources that are required to be reviewed under ASTM E1527. ASTM E1527 requires the review of standard sources with a minimum search distance (radius) realizing that there is potential for contamination from these types of sources to extend to the subject Property.

Scope of Services

The research consisted of obtaining information from sources including governmental agencies, public utilities and where possible, the current property owners. Federal, state, and local government records were reviewed to identify reports of environmental conditions on the subject and adjacent properties that may affect the subject Property. A complete listing of the databases reviewed can be found in the *Records Review* section of this report. A description of these databases can be found in the *Glossary of Terms Used* section in the appendix of this report.

Under ASTM E1527-13, the User has an obligation to report to the preparer of the Phase I ESA any environmental liens encumbering the subject Property or any specialized knowledge or experience of the User that would provide important information about previous ownership or uses of the subject Property that may be material to identifying

recognized environmental conditions (RECs). As a matter of routine, MTI asks the Owner or other individual(s) with *actual knowledge* of the Property to complete our Environmental Questionnaire. *Actual knowledge* is defined by ASTM E1527 as — *the knowledge actually possessed by an individual who is a real person, rather than an entity. Actual knowledge is to be distinguished from constructive knowledge as that knowledge imputed to an individual or entity.* MTI's questionnaire is modeled from the ASTM E 1528 Transaction Screen Process with some additions. An Environmental Questionnaire and Disclosure Statement was emailed to the property owner and/or User of this document to obtain pertinent environmental information regarding the present and past use of the subject Property. This document, completed by Mr. Bill Werhane and dated February 11, 2020, has been received and is discussed herein. Where available, additional information was obtained from interviews with people having *actual knowledge* of the site that might reveal recognized environmental conditions on the Property.

Significant Assumptions

During our site reconnaissance and subsequent research, MTI assumed the following:

1. The land included for assessment, as defined by the client in the form of a site plan, plat map, legal description or other mechanism, coincides with the actual property boundaries recorded at the county assessor's office.
2. Local groundwater flow is similar to regional groundwater gradient.

Limitations and Exceptions of Assessment

The site reconnaissance conducted on February 11, 2020, encountered no interference to the observance of surface conditions or access.

Warranty and Limiting Conditions

The field observations and research reported herein are considered sufficient in detail and scope to form a reasonable basis for a general environmental assessment of the subject Property within the context of ASTM E1527. MTI warrants that the findings and conclusions contained herein have been promulgated in accordance with generally accepted environmental engineering methods, only for the subject Property described in this report.

These environmental methods are necessarily limited to the conditions observed at the time of the reconnaissance and research. The report is also limited to the information available at the time it was prepared. In the event additional information is provided to MTI following the report, it may, but is not required to, be forwarded to the client in the form received for evaluation by the client. There is a distinct possibility that conditions may exist that could not be identified within the scope of the assessment or that were not apparent during the site reconnaissance. MTI cannot warrant or guarantee that the information provided is complete or accurate. MTI prepared this report for the use of Bill Werhane ("Client"), and the conclusions and recommendations presented in this report are based upon the agreed upon scope of work outlined in the report and the Contract for Professional Services between the Client and MTI ("Consultant"). Use or misuse of this report, or reliance upon the findings hereof by any parties other than the Client, is at their own risk. Neither Client nor Consultant makes any representation of warranty to such other parties as to the accuracy or completeness of this report or the suitability of its use by such other parties for any purpose whatsoever, known or unknown to Client or Consultant. Neither Client nor Consultant shall have any liability to indemnify or hold harmless third parties for any losses incurred by the actual or purported use or misuse of this report. This report represents the opinion of MTI, and no other warranties are implied or expressed.

Authorization, Special Terms, and Conditions

Authorization to perform this assessment was given in the form of a written notice to proceed from Bill Werhane to Monica Daggett of MTI on February 7, 2020, and is subject to all of the terms, conditions, and limitations described in the Contract/Purchase Order entered into between Bill Werhane and MTI. As per the Client's instructions, MTI did not perform any additional screenings, investigations, surveys, or assessments, such as the following: radon, asbestos-containing material, lead-based paint, lead-in-drinking water, wetland, PCB sampling, regulatory compliance, ecological/natural resources or impacts, endangered species, indoor air quality, cultural and historical resources, industrial hygiene, health and safety, or high-voltage power lines.

User Reliance

The User understands and agrees that the document listed above is a copyrighted document, which MTI is the copyrighted owner, and that unauthorized use or copying this document is strictly prohibited without the express written permission of MTI. The User understands that MTI may withhold such permission at its sole discretion or grant such permission upon such terms and conditions as it deems acceptable, such as the execution of a Hold Harmless Agreement or the payment of a re-use fee. Third parties may obtain a "Letter of Reliance" or "Read and Rely" letter from MTI if agreed to by the User.

This ESA report is prepared for the exclusive use and reliance of Bill Werhane use or reliance by any other party is prohibited without the written authorization of Bill Werhane and MTI.

Reliance on the ESA by the client and all authorized parties will be subject to the terms, conditions and limitations stated in the proposal, ESA report, and MTI's Agreement for Services. The limitation of liability defined in the Agreement for Services is the aggregate limit of MTI's liability to the client and all relying parties.

Continued viability of this report is subject to ASTM E1527-13 Sections 4.6 and 4.8. If the ESA will be used by a different user (third party) than the user for whom the ESA was originally prepared, the third party must also satisfy the user's responsibilities in Section 6 of ASTM E1527-13.



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REVISION DATE 2/20/2020
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PARCEL R33590012B, MARSING, ID -
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SUBJECT PROPERTY

Subject Property Location and Legal Description

The subject Property was located in the NE¼ Section 34, Township 3 North, Range 4 West of the Boise Meridian and was generally situated at the intersection of Highway 55 and Sunnyslope Road in rural Caldwell at the Marsing border, Canyon County, State of Idaho. Additional information describing the subject Property is included in the appendix of this report.

Subject Property and Vicinity Characteristics

The subject Property comprised a 7.67-acre undeveloped parcel. The Canyon County Assessor provided the following information pertaining to the subject Property:

- 1) The property owner was Werhane Family Living Trust.
- 2) The parcel number was R33590012B.
- 3) Parcel zoning was other non-agricultural land (518).

Vegetation consisted of native and volunteer grasses and shrubs, as well as mature trees along the southern and northeastern Property boundaries. Access to the site was gained by the two-lane, asphalt-paved Churruca Lane, which was located adjacent to the south side of the Property. The subject Property was located within an agricultural area of the Marsing/Caldwell border, and agricultural sites were located within the general vicinity of the subject Property.

Current Uses of the Subject Property

At the time of site reconnaissance, the subject Property was undeveloped.

Descriptions of Structures, Roads, and Other Improvements on the Subject Property

MTI observed dilapidated wood fencing on the northern Property boundary. In addition, irrigation ditches followed the Property boundaries on all sides. A cleared gravel road led from the southern Property boundary north toward the center of the Property. No other structures or improvements were observed or reported.

Current Use of Adjoining Properties

The adjacent site to the north was occupied by Highway 55. The adjacent sites to the east and south were agricultural in nature. In addition, a residence was present on the adjacent site to the south, along with a former gas station. The adjacent site to the west was under development in conjunction with the developments on the Snake River Bridge.



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USER PROVIDED INFORMATION

Under the standards as outlined in the ASTM E1527-13 the User of the Phase I ESA has certain responsibilities regarding notification to the preparer of the report. Specifically, the User must notify the preparer of the report of any environmental liens encumbering the subject Property or any specialized knowledge or information about previous ownership or uses of the subject Property that may be material to identifying RECs.

Title Records

The Client did not request nor provide a chain-of-title as part of the scope of this Phase I ESA. MTI determined prior use of the subject Property with the aid of other records sources and interviews.

Environmental Liens or Activity and Use Limitations

No past or current environmental liens, deed restrictions, consent agreements, or government actions were reported by the User.

Specialized Knowledge

The Client/User did not report any specialized knowledge or provide any specialized documentation to MTI for review.

Commonly Known or Reasonably Ascertainable Information

The Client/User reported that a gas station occupied the adjacent property to the south over thirty years prior to the printing of this report. No other documentation was reasonably ascertainable related to this site; however, due to the age of the site and time passed since active use as a gas station, MTI has determined that this information does not constitute a REC for the subject Property. In addition, the subject Property was used for relocation of fill dirt from the construction and improvements of Highway 55, which as of the printing of this report was adjacent to the northern property boundary.

Valuation Reduction for Environmental Issues

No unexpected RECs were discovered by performing this ESA.

Owner, Property Manager, and Occupant Information

Information provided by the property owner, property manager, or occupant did not indicate a REC in connection with the Property.

Reason for Performing the Phase I Environmental Site Assessment

It is MTI's understanding that the Property is being developed by Bill Werhane. This Phase I ESA fulfills one requirement of the innocent landowner defense to CERCLA liability.

RECORDS REVIEW

The purpose of the records review is to obtain and review records that will help identify recognized environmental conditions in connection with the Property.

Standard Environmental Record Sources, Federal, and State

The review of the available federal and state environmental information included those properties or incident reports within an area not smaller than the ASTM 1527-13 minimum search distance (radius). The records review indicates the following summary of state and federal environmental data, which identifies potential environmental problem sites and other activities from the records of the State of Idaho and the United States Environmental Protection Agency (US EPA):

STANDARD ENVIRONMENTAL RECORD SOURCES REVIEWED	APPROXIMATE MINIMUM SEARCH DISTANCE IN MILES (KM)	IDENTIFIED ON PROPERTY
Federal NPL site list	1.0 (1.6)	No
Federal delisted NPL site list	0.5 (0.8)	No
Federal CERCLIS list	0.5 (0.8)	No
Federal CERCLIS NFRAP site list	0.5 (0.8)	No
Federal RCRA CORRACTS facilities list	1.0 (1.6)	No
Federal RCRA non-CORRACTS TSD facilities list	0.5 (0.8)	No
Federal RCRA (small and large-quantity) generators list	Property and adjoining properties	No
Federal institutional/engineering control registries	Property only	No
Federal ERNS list	Property only	No
State or tribal lists of hazardous waste sites identified for investigation or remediation (NPL and CERCLIS equivalents)	NPL equivalent – 1.0 (1.6) CERCLIS equivalent – 0.5 (0.8)	No No
State or tribal landfill and/or solid waste disposal site lists	0.5 (0.8)	No
State or tribal leaking UST lists	0.5 (0.8)	No
State or tribal registered UST lists	Property and adjoining properties	No
State or tribal institutional/engineering control registries	Property only	No
State or tribal voluntary cleanup sites	0.5 (0.8)	No
State or tribal Brownfield sites	0.5 (0.8)	No

I. STATE OF IDAHO ASTM DATABASE INFORMATION

- | | |
|---|---|
| 1. State Priority List | State of Idaho uses US EPA CERCLIS List |
| 2. Leaking Underground Storage Tank Facility List | 01 LUST sites within a 0.5 Mile Radius. |
| 3. Solid Waste Landfill Capacity Inventory | 00 SWF sites within a 0.5 Mile Radius. |
| 4. Underground Storage Tank Facility List | 00 UST sites within a 0.25 Mile Radius. |
| 5. Voluntary Cleanup Sites | 00 Voluntary cleanup sites within a 0.5 Mile Radius |
| 6. Brownfield Sites | 00 Brownfield sites within a 0.5 Mile Radius. |

II. FEDERAL ASTM DATABASE INFORMATION

- | | |
|--|--|
| 1. National Priorities List (NPL) | 00 NPL sites within a 1.0 Mile Radius. |
| 2. Delisted NPL | 00 delisted NPL sites within a 0.5 Mile Radius. |
| 3. Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) / CERCLIS NFRAP | 01 CERCLIS / CERCLIS NFRAP sites within a 0.5 Mile Radius. |
| 4. Resource Conservation and Recovery Act (RCRA) Corrective Action Report | 00 CORRACTS sites within a 1.0 Mile Radius. |
| 5. RCRA small- and large-quantity generators | 00 RCRA facilities within a 0.25 Mile Radius. |
| 6. RCRA Treatment, Storage, and Disposal (TSD) | 00 RCRA-TSD facilities within a 0.5 Mile Radius. |



MTI reviewed those sites that were listed within the ASTM 1527-13 minimum search distance and researched only those sites from the report that posed a potential environmental impact to or were located on the subject Property. A copy of the database report, provided by Environmental Risk Information Services (ERIS), is included in the appendix.

ASTM E1527-13 defines the following conditions in connection with the subject Property: Recognized Environmental Conditions (REC), Controlled Recognized Environmental Conditions (CREC), or Historical Recognized Environmental Conditions (HREC). A REC represented a past, current or material threat of release of petroleum products or hazardous substances into the environment. A CREC represented a past release that had been addressed to the satisfaction of the applicable regulatory authority resulting in required controls (e.g. *property use restrictions, activity and use limitations, institutional controls, or engineering controls*). An HREC represented a past release that had been remediated to the satisfaction of the applicable regulatory authority or has met unrestricted use criteria established by a regulatory authority without subjecting the property to any required controls.

All of the sites listed within the ASTM E1527-13 Minimum Search Distance from the Property were located down groundwater gradient and across the Snake River from the subject Property and do not represent an environmental impact to the subject Property. Therefore, based on information obtained from the database report, no sites were found that represent an environmental impact to the subject Property.

Additional Environmental Records Sources

MTI inquired with the Marsing Rural Fire District regarding any environmental records associated with the subject Property, such as USTs. The Marsing Rural Fire District does not have a record keeping system, but according to MTI's phone interview with Fire Chief Brian Showalter, no environmental incidents have occurred on the subject Property. MTI determined that the review of the above standard environmental record sources was sufficient, and it is MTI's opinion that this data gap does not impact MTI's ability to recognize a REC in connection with the subject Property.

Physical Setting and Source(s)

The project site is located within the western Snake River Plain of southwestern Idaho and eastern Oregon. The plain is a northwest trending rift basin, about 45 miles wide and 200 miles long, that developed about 14 million years ago (Ma) and has since been occupied sporadically by large inland lakes. Geologic materials found within and along the plain's margins reflect volcanic and fluvial/lacustrine sedimentary processes that have led to an accumulation of approximately 1 to 2 km of interbedded volcanic and sedimentary deposits within the plain. Along the margins of the plain, streams that drained the highlands to the north and south provided coarse to fine-grained sediments eroded from granitic and volcanic rocks, respectively. About 2 million years ago the last of the lakes was drained and since that time fluvial erosion and deposition has dominated the evolution of the landscape. Pleistocene Lake Bonneville occupied much of northeast Utah until about 14,000 years ago when it drained in a catastrophic flood that modified much of the landscape near the Snake River of southwestern Idaho. The project site is underlain by "Gravel of the Bonneville Flood-scoured Whitney Terrace" as mapped by Othberg and Stanford (1993). This deposit consists of sandy pebble gravel remnants of the Whitney terrace scoured by late stages of the Bonneville Flood and includes abandoned flood channels. As a result of flood activity loess that once covered these gravels have been mostly removed. Local remnants of duripans developed in these gravels are similar to those on the older Whitney terrace.

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Two soil types were identified on the subject Property. The western-most third of the subject Property consisted of Garbutt silt loam, formed from silty alluvium. The rest of the subject Property consisted of some variation of Cencove fine sandy loam, formed from mixed alluvium. Both soil types were considered to be moderately deep and well-drained.

The subject Property was located in the Boise River Valley roughly one-quarter mile east of the Snake River. Based on regional groundwater gradient, topography, and local surface water flow, the overall groundwater gradient in this area is west.

The subject Property and vicinity were characterized in part through the use of the following literature resources:

- Idaho Department of Water-Resources draft map, Treasure Valley Ground Water Elevations Spring, 1998, dated September 1998.
- U. S. Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey Database, <http://websoilsurvey.sc.egov.usda.gov>.

Historical Use Information

The objective of consulting historical sources is to develop a history of the previous uses or occupancies of the Property and surrounding area in order to identify those uses or occupancies that are likely to have led to recognized environmental conditions in connection with the Property. During our research, MTI reviewed as many of the ASTM listed record sources that were reasonably ascertainable and likely to be useful that include the following: (1) aerial photographs, (2) fire insurance maps, (3) property tax files, (4) recorded land title records, (5) USGS topographic maps, (6) local street directories, (7) building department records, and (8) zoning / land use records.

Aerial Photographs

MTI reviewed aerial photographs for the subject Property and surrounding area from ERIS. Copies of the aerial photographs are included in the appendix of this report. The Property was visible primarily as irrigated agricultural land until Highway 55 was developed to the north in 1971. A structure was visible on the subject Property only in the 1954 photograph. In 2006, it appeared that the subject Property was cleared and used for vehicle parking and fill dirt related to improvements on Highway 55. No significant changes were depicted on the subject Property between 2009 and 2019. No RECs were indicated by our review of the aerial photographs.

Fire Insurance Maps

The fire insurance maps did not provide coverage for the subject Property.

Property Tax Files

MTI did not review property tax files as a part of this assessment.

Recorded Land Title Records

The Client did not request nor provide a chain-of-title to include as part of the scope of this Phase I ESA. MTI determined prior use of the subject Property with the aid of other historical records sources and interviews.

USGS Topographic Map(s)

The 1971 USGS 7.5 Minute Quadrangle depicted the subject Property in a rural area of Marsing. Two structures were depicted on the adjacent property to the south. The map depicted Highway 55 immediately north of the subject Property. The Snake River was depicted as approximately one-quarter mile to the west of the subject Property. A copy of the topographic map is included in the appendix of this report. No RECs were indicated by our review of the topographic maps.

Local Street Directories

MTI reviewed the Historical Directory Report for the subject Property and surrounding properties from ERIS. The directories provided coverage from 2000 through 2018, and the subject Property was not listed. The surrounding properties listed in the directories were entirely agricultural in nature, and no listing provided for the adjacent properties were a concern. A copy of this ERIS report is included in the appendix of this report.

Building Department Records

MTI did not review building department records as part of this assessment.

Zoning and Land Use Records

During our research, MTI consulted various record sources such as the Canyon County Assessor's office and the 1940 Metsker's Atlas. The Canyon County Assessor's website indicated that the subject Property consisted of 7.67-acre parcel, which was zoned as other non-agricultural land (518). The 1940 Metsker's Atlas identified the subject Property as owned by C.M. Munsey.

Historical Use Information on the Property

The Property was historically used for pasture. No RECs were noted during the historical records review.

Historical Use Information on Adjoining Properties

Historical land use of surrounding sites from the subject Property included agricultural and undeveloped land prior to 1939. In 1954, a residence was depicted on the property adjacent to the south, and the owner reported in the questionnaire that this residence had an associated operating gas station until the 1980s. In 1971, Highway 55 was developed along the northern property boundary.

SITE RECONNAISSANCE

The objective of site reconnaissance is to obtain information indicating the likelihood of identifying RECs in connection with the Property.

Methodology and Limiting Conditions

Visual reconnaissance was conducted February 11, 2020, in general accordance with MTI's standard environmental assessment procedures. This reconnaissance consisted of systematically walking the Property to provide an overlapping field of view and noting recognized environmental conditions as encountered. Photographic documentation of pertinent recognized environmental conditions, improvements, and adjacent properties was made and has been included in the appendix of this report. The reconnaissance of the adjacent properties was performed by walking the perimeter of the subject Property, by observing and photographing the readily accessible and visible areas bordering or adjacent to the subject Property, and by noting potential environmental conditions. At the time of the reconnaissance, all required areas were accessible. The scope of work did not include sampling of items such as soil, groundwater, surface water, drum contents, tanks, other containers, etc., for chemical laboratory analysis.

General Site Setting

At the time of site reconnaissance, the subject Property was undeveloped. Vegetation consisted of native and volunteer grasses and shrubs, as well as mature trees along the southern and northeastern property boundaries. MTI observed dilapidated wooden fencing on the northern Property boundary. In addition, irrigation ditched followed the Property boundaries on all sides. A cleared gravel road led from the southern property boundary up toward the center of the subject Property. No other structures or improvements were observed or reported.

Hazardous Substances and Petroleum Products

No hazardous substances were observed during the site reconnaissance.

Unidentified Substances

No unidentified substances were observed during the site reconnaissance.

Storage Tanks

No evidence of storage tanks was observed during the site reconnaissance.

Odors

No odors were discovered during the site reconnaissance.

Pools of Liquid

No pools of liquid were observed during the site reconnaissance.

Drums

No drums were observed during the site reconnaissance.

Staining

No staining was observed during the site reconnaissance.

ASTs

No evidence of aboveground storage tanks was observed during the site reconnaissance.

Lack of Secondary Containment

Since no evidence of aboveground storage tanks was observed during the site reconnaissance, secondary containment is not applicable to the subject Property.

USTs

No evidence of underground storage tanks was observed during the site reconnaissance.

PCBs

Three pole-mounted transformers, owned and operated by Idaho Power Company, were located at the southern edge of the subject Property and displayed blue-NonPCB sticker. To the east along the southern Property boundary, two other pole-mounted transformers without blue Non-PCB stickers were also observed. All five of the transformers appeared to be in good condition and did not show any signs of leakage. Power companies are allowed to place Non-PCB containing stickers on transformers and other electrical equipment that contains less than or equal to 50 parts per million (PPM) PCBs.

Solid Waste Disposal

There was no evidence found of waste disposal on the subject Property.

Surface Water Observations

No surface water was observed on the Property at the time of the site reconnaissance. The lot is graded such that it is not likely to receive offsite drainage. Storm water accumulating on the Property infiltrates surface soils.

Exterior Observations

The following subsections list the observations noted during the site reconnaissance specific to the accessed exterior spaces on the subject Property.

Stressed Vegetation

De minimis stressed vegetation was observed at the southwest corner of the subject Property.

Pits, Ponds, and Lagoons

No pits, ponds, or lagoons were found on the subject Property.

Wells

No wells were found on the subject Property. If any wells or well structures that are not to remain in use are discovered during the development of the Property, they should be abandoned in accordance with the Administrative Rules of the Idaho Water Resource Board Well Construction Standards Rules IDAPA 37, Title 03, Chapter 09, Rule 25.

Septic Systems

No treatment plants or septic systems were observed on the subject Property. If during future development any existing tanks are discovered and are to be abandoned, they should be properly closed or removed. The Idaho DEQ recommends the following procedures for septic tank abandonment: 1) disconnect the inlet and outlet



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pipings; 2) pump the scum and septage with approved disposal; 3) fill the septic tank with earthen material or physically destroy the septic tank or remove the septic tank from the ground.

Discharge Features

No drains, catch basins, or oil/water separator vaults were observed on the subject Property.

Soil Contamination

No evidence of soil contamination was observed on the subject Property during the site reconnaissance, and no indication of soil contamination was reported by the Idaho DEQ.

Groundwater Contamination

No evidence of groundwater contamination was found on the subject Property during the site reconnaissance, and no indication of groundwater contamination was reported by the Idaho DEQ.

Use of Pesticides

No evidence of pesticide usage was observed on the subject Property. As of the printing of this report, there was no evidence that past usage of pesticides, herbicides, or other agricultural chemicals were mixed, formulated, or disposed of at the Property.

Vapor Intrusion

Migrating contaminated groundwater is not a concern up groundwater gradient from the subject Property, and vapor intrusion is not likely to occur from the subject Property.

Interior Observations

Since the subject Property lacked buildings or structures, no interior observations were noted.

INFORMATION FROM INTERVIEWS

Interview with Owner/Site Manager

The property owner, Mr. Bill Werhane, was interviewed using the standard MTI Questionnaire, which is modeled after the Transaction Screening Questionnaire from ASTM E 1528-14. A copy of the completed questionnaire is included in the appendix of this report. No RECs were reported or identified in connection with the subject Property from the completed questionnaire. Specific information reported to MTI from this questionnaire is summarized below:

- A gas station was present on the adjacent property to the south over thirty years prior to the printing of this report.
- The site was used for relocation of fill dirt from the construction and improvements of Highway 55, which as of the printing of this report was adjacent to the northern property boundary.

Interview with Local Government Officials

MTI submitted a public records request to the Marsing Rural Fire Department and the DEQ. No RECs were identified during these public records requests.

MTI discussed the subject Property in a telephone interview with Mr. Brian Showalter of the Marsing Rural Fire Department on February 12, 2020, and no records were available for the subject Property.

Interview with Others

No other persons were interviewed during this assessment.

DATA GAPS

MTI attempted to identify all obvious uses of the subject Property since the first developed use, or back to 1940, whichever was earlier. Despite good faith efforts to determine historical use of the subject Property, an aerial photograph from 1939 was the earliest date that MTI obtained information regarding property use. Historical data prior to 1939 was not reasonably ascertainable; therefore, a data failure exists for the subject Property. It is MTI's opinion that this does not represent a significant data gap, and therefore, does not impact MTI's ability to recognize a REC in connection with the subject Property.

DEVIATIONS

During our performance of this Phase I ESA, MTI did not deviate from ASTM E1527-13.

NON-SCOPE CONSIDERATIONS

There may be additional environmental issues or conditions at a property that parties may wish to assess in connection with commercial real estate that are outside the scope of ASTM E1527. Some substances may be present on a property in quantities and under conditions that may lead to contamination of the property or of nearby properties that are not included in the CERCLA definition of hazardous substances (42 USC § 9601 (14)) or that do not otherwise present potential CERCLA liability. As per the Client's instructions, MTI did not perform any additional screenings, investigations, surveys, or assessments for the subject Property, such as the following:

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radon, asbestos-containing material, lead-based paint, lead-in-drinking water, wetland, PCB sampling, regulatory compliance, ecological/natural resources or impacts, endangered species, indoor air quality, cultural and historical resources, industrial hygiene, health and safety, or high-voltage power lines.

FINDINGS

As noted in the warranty section, this report is limited to the information available or known to MTI as of the date of the report, and if any additional information becomes available, it will be forwarded to you for your evaluation.

The following known or suspect RECs, CRECs, HRECs, or *de minimis* conditions were identified on the subject Property:

- *De minimis* stressed vegetation was observed at the southwest corner of the subject Property.
- The owner reported that a gas station occupied the adjacent property to the south over thirty years prior to the printing of this report.
- The subject Property was used for relocation of fill dirt from the construction and improvements of Highway 55 in 2006.

OPINION

Although *de minimis* stressed vegetation was observed at the southwest corner of the subject Property, MTI determined that the cause was likely oversaturation of the soil due the slope and the proximity of the Snake River. As a result, it is MTI's opinion that this does not constitute a REC for the subject Property.

Although the owner reported that a gas station occupied the adjacent property to the south over thirty years prior to the printing of this report, due to the age of the site and time passed since active use as a gas station, MTI has determined that this information does not constitute a REC for the subject Property.

Although the subject Property was used for relocation of fill dirt from the construction and improvements of Highway 55 directly adjacent to the north of the subject Property, the health of the vegetation at the time of site reconnaissance indicates that soil contamination is unlikely. As such, MTI has determined that the presence of fill dirt on the subject Property does not constitute a REC for the subject Property.

CONCLUSIONS

MTI has conducted a Phase I ESA in conformance with the scope and limitations of ASTM International, E1527-13 of Parcel R33590012B, Marsing, Idaho, the subject Property. Any exception to, or deletions from, this practice are described in the Limitations and Exceptions of Assessment section of this report. This assessment has revealed no evidence of a REC in connection with the subject Property, and MTI recommends no additional investigation based on our findings.



Exhibit 6.2

#9

ATLAS

GEOTECHNICAL INVESTIGATION

PROPOSED COMMERCIAL DEVELOPMENT

SEC of Highway 55 & Churruca Lane
Caldwell, ID

PREPARED FOR:

Mr. Bill Werhane
20968 Blossom Heights Lane
Caldwell, ID 83607

PREPARED BY:

Atlas Technical Consultants, LLC
2791 South Victory View Way
Boise, ID 83709

December 22, 2020
B202034g



December 22, 2020

Atlas No. B202034g

Mr. Bill Werhane
20968 Blossom Heights Lane
Caldwell, ID 83607

**Subject: Geotechnical Investigation
Proposed Commercial Development
SEC of Highway 55 & Churruca Lane
Caldwell, ID**

Dear Mr. Werhane:

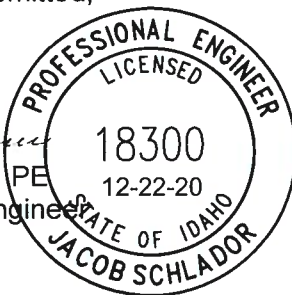
In compliance with your instructions, Atlas has conducted a soils exploration and foundation evaluation for the above referenced development. Fieldwork for this investigation was conducted on 10 December, 2020. Data have been analyzed to evaluate pertinent geotechnical conditions. Results of this investigation, together with our recommendations, are to be found in the following report. We have provided a PDF copy for your review and distribution.

Often, questions arise concerning soil conditions because of design and construction details that occur on a project. Atlas would be pleased to continue our role as geotechnical engineers during project implementation.

If you have any questions, please call us at (208) 376-4748.

Respectfully submitted,

Jacob Schlador
Jacob Schlador, PE
Geotechnical Engineer



Elizabeth Brown
Elizabeth Brown, PE
Geotechnical Services Manager



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1. INTRODUCTION

This report presents results of a geotechnical investigation and analysis in support of data utilized in design of structures as defined in the 2015 International Building Code (IBC). Information in support of groundwater and stormwater issues pertinent to the practice of Civil Engineering is included. Observations and recommendations relevant to the earthwork phase of the project are also presented. Revisions in plans or drawings for the proposed development from those enumerated in this report should be brought to the attention of the soils engineer to determine whether changes in the provided recommendations are required. Deviations from noted subsurface conditions, if encountered during construction, should also be brought to the attention of the soils engineer.

1.1 Project Description

The proposed development is southwest of the City of Caldwell, Canyon County, ID, and occupies a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 3 North, Range 4 West, Boise Meridian. This project will consist of construction of a commercial development with an unknown number of structures. The site to be developed is approximately 7.67 acres. Total settlements are limited to 1 inch. Loads of up to 4,000 pounds per lineal foot for wall footings, and column loads of up to 50,000 pounds were assumed for settlement calculations. Additionally, assumptions have been made for traffic loading of pavements. Retaining walls are not anticipated as part of the project. Atlas has not been informed of the proposed grading plan; however, Atlas was informed that the eastern portion of the site will consist of some cut to level of the project site.

1.2 Authorization

Authorization to perform this exploration and analysis was given in the form of a written authorization to proceed from Mr. Bill Werhane to Monica Saculles of Atlas Technical Consultants (Atlas), on December 2, 2020. Said authorization is subject to terms, conditions, and limitations described in the Professional Services Contract entered into between and Atlas. Our scope of services for the proposed development has been provided in our proposal dated April 10, 2020 and repeated below.

1.3 Scope of Investigation

The scope of this investigation included review of geologic literature and existing available geotechnical studies of the area, visual site reconnaissance of the immediate site, subsurface exploration of the site, field and laboratory testing of materials collected, and engineering analysis and evaluation of foundation materials.



2. SITE DESCRIPTION

2.1 Site Access

Access to the site may be gained via Interstate 84 to the Karcher Road exit. Proceed west on Karcher Road/Highway 55 for approximately 9.5 miles where Highway 55 turns south. Continue south on Highway 55 for about 3.5 miles to its intersection with Sunny Slope Road. The site occupies the southwest corner of this intersection. The location is depicted on site maps included in the **Appendix**.

2.2 Regional Geology

The project site is located within the western Snake River Plain of southwestern Idaho and eastern Oregon. The plain is a northwest trending rift basin, about 45 miles wide and 200 miles long, that developed about 14 million years ago (Ma) and has since been occupied sporadically by large inland lakes. Geologic materials found within and along the plain's margins reflect volcanic and fluvial/lacustrine sedimentary processes that have led to an accumulation of approximately 1 to 2 km of interbedded volcanic and sedimentary deposits within the plain. Along the margins of the plain, streams that drained the highlands to the north and south provided coarse to fine-grained sediments eroded from granitic and volcanic rocks, respectively. About 2 million years ago the last of the lakes was drained and since that time fluvial erosion and deposition has dominated the evolution of the landscape. Pleistocene Lake Bonneville occupied much of northeast Utah until about 14,000 years ago when it drained in a catastrophic flood that modified much of the landscape near the Snake River of southwestern Idaho. The project site is underlain by "Gravel of the Bonneville Flood-scoured Whitney Terrace" as mapped by Othberg and Stanford (1993). This deposit consists of sandy pebble gravel remnants of the Whitney terrace scoured by late stages of the Bonneville Flood and includes abandoned flood channels. As a result of flood activity loess that once covered these gravels have been mostly removed. Local remnants of duripans developed in these gravels are similar to those on the older Whitney terrace.

2.3 General Site Characteristics

The site to be developed is approximately 7.67 acres in size. The site currently exists as an undeveloped property. Through a verbal conversation with the Mr. Bill Werhane, Atlas was informed that excess roadway materials had been placed in the eastern portion of the project site. Atlas also reviewed aerial photographs of the site and noted that earth working operations appeared to occur on the project site between 2005 and 2006. To the east, north, and south of the site are agricultural fields. To the west of the site are the Snake River and the City of Melba.

Vegetation on the site consists primarily of bunchgrass and other native weeds and grasses. The eastern two thirds of the site tended to gradually slope downward from east to west at approximately 10 feet horizontal to 1 foot vertical. The western third of the site was relatively flat and level. Highway 55 was also noted to be higher in elevation than the project site on the western half of the project site.



Regional drainage is west toward the Snake River. Regional drainage is north and west toward the Boise River. Stormwater drainage for the site is achieved by both sheet runoff and percolation through surficial soils. Runoff predominates for the steeper slopes while percolation prevails across the gently sloping and near level areas. From the north and west, intermittent off-site stormwater may drain onto the project site. Stormwater drainage collection and retention systems are not in place on the project site and were not noted within the vicinity of the project site.

2.4 Regional Site Climatology and Geochemistry

According to the Western Regional Climate Center, the average precipitation for the Treasure Valley is on the order of 10 to 12 inches per year, with an annual snowfall of approximately 20 inches and a range from 3 to 49 inches. The monthly mean daily temperatures range from 21°F to 95°F, with daily extremes ranging from roughly -25°F to 111°F. Winds are generally from the northwest or southeast with an annual average wind speed of approximately 9 miles per hour (mph) and a maximum of 62 mph. Soils and sediments in the area are primarily derived from siliceous materials and exhibit low electro-chemical potential for corrosion of metals or concretes. Local aggregates are generally appropriate for Portland cement and lime cement mixtures. Surface water, groundwater, and soils in the region typically have pH levels ranging from 7.2 to 8.2.

3. SEISMIC SITE EVALUATION

3.1 Geoseismic Setting

Soil on site are classed as Site Class D in accordance with Chapter 20 of the American Society of Civil Engineers (ASCE) publication ASCE/SEI 7-10. Structures constructed on this site should be designed per IBC requirements for such a seismic classification. Our investigation did not reveal hazards resulting from potential earthquake motions including: slope instability, liquefaction, and surface rupture caused by faulting or lateral spreading. Incidence and anticipated acceleration of seismic activity in the area is low.

3.2 Seismic Design Parameter Values

The United States Geological Survey National Seismic Hazard Maps (2008), includes a peak ground acceleration map. The map for 2% probability of exceedance in 50 years in the Western United States in standard gravity (g) indicates that a peak ground acceleration of 0.171 is appropriate for the project site based on a Site Class D.

The following section provides an assessment of the earthquake-induced earthquake loads for the site based on the Risk-Targeted Maximum Considered Earthquake (MCE_R). The MCE_R spectral response acceleration for short periods, S_{MS} , and at 1-second period, S_{M1} , are adjusted for site class effects as required by the 2015 IBC. Design spectral response acceleration parameters as presented in the 2015 IBC are defined as a 5% damped design spectral response acceleration at short periods, S_{DS} , and at 1-second period, S_{D1} .



The USGS National Seismic Hazards Mapping Project includes a program that provides values for ground motion at a selected site based on the same data that were used to prepare the USGS ground motion maps. The maps were developed using attenuation relationships for soft rock sites; the source model, assumptions, and empirical relationships used in preparation of the maps are described in Petersen and others (1996).

Table 1 – Seismic Design Values

Seismic Design Parameter	Design Value
Site Class	D "Stiff Soil"
S _s	0.269 (g)
S ₁	0.098 (g)
F _a	1.585
F _v	2.400
S _{MS}	0.426
S _{M1}	0.235
S _{DS}	0.284
S _{D1}	0.157

4. SOILS EXPLORATION

4.1 Exploration and Sampling Procedures

Field exploration conducted to determine engineering characteristics of subsurface materials included a reconnaissance of the project site and investigation by test pit. Test pit sites were located in the field by means of a Global Positioning System (GPS) device and are reportedly accurate to within ten feet. Upon completion of investigation, each test pit was backfilled with loose excavated materials. Re-excavation and compaction of these test pit areas are required prior to construction of overlying structures.

In addition, samples were obtained from representative soil strata encountered. Samples obtained have been visually classified in the field by professional staff, identified according to test pit number and depth, placed in sealed containers, and transported to our laboratory for additional testing. Subsurface materials have been described in detail on logs provided in the **Appendix**. Results of field and laboratory tests are also presented in the **Appendix**. Atlas recommends that these logs **not** be used to estimate fill material quantities.

4.2 Laboratory Testing Program

Along with our field investigation, a supplemental laboratory testing program was conducted to determine additional pertinent engineering characteristics of subsurface materials necessary in an analysis of anticipated behavior of the proposed structures. Laboratory tests were conducted in accordance with current applicable American Society for Testing and Materials (ASTM) specifications, and results of these tests are to be found in the **Appendix**. The laboratory testing program for this report included: Atterberg Limits Testing – ASTM D4318 and Grain Size Analysis – ASTM C117/C136.



4.3 Soil and Sediment Profile

The profile below represents a generalized interpretation for the project site. Note that on site soils strata, encountered between test pit locations, may vary from the individual soil profiles presented in the logs, which can be found in the **Appendix**.

At ground surface within test pit 1 were silt with sand soils. Silts with sand were brown to light brown, dry, and stiff to very stiff, with fine-grained sand. Throughout test pits 2 and 3 were silty sand with gravel fill materials. These fill materials were brown to light brown, dry, medium dense to dense, and contained fine to coarse-grained sand, fine to coarse gravel, intermittent cementation debris, and two to three foot boulders. Underlying the surficial silt soils in test pit 1 and throughout test pit 4 were silty sand sediments. Silty sands were brown to light brown, dry to moist, medium dense to dense, and contained fine to medium-grained sand. Organic materials were encountered to depths up to 1.3 feet bgs.

Competency of test pit sidewalls varied little across the site. In general, fine grained soils remained stable while more granular sediments and fill materials readily sloughed. However, moisture contents will also affect wall competency with saturated soils having a tendency to readily slough when under load and unsupported.

4.4 Volatile Organic Scan

No environmental concerns were identified prior to commencement of the investigation. Therefore, soils obtained during on-site activities were not assessed for volatile organic compounds by portable photoionization detector. Samples obtained during our exploration activities exhibited no odors or discoloration typically associated with this type of contamination. No groundwater was encountered.

5. SITE HYDROLOGY

Existing surface drainage conditions are defined in the **General Site Characteristics** section. Information provided in this section is limited to observations made at the time of the investigation. Either regional or local ordinances may require information beyond the scope of this report.

5.1 Groundwater

During this field investigation, groundwater was not encountered in test pits advanced to a maximum depth of 10.4 feet bgs. Soil moistures in the test pits were generally dry to moist throughout. In the vicinity of the project site, groundwater levels are controlled in large part by agricultural and residential irrigation activity and leakage from nearby canals. Maximum groundwater elevations likely occur during the later portion of the irrigation season. Furthermore, according to Idaho Department of Water Resources (IDWR) monitoring well data within approximately ½-mile of the project site, groundwater was measured at depths ranging between 14 and 60 feet bgs.



Based on evidence of this investigation and background knowledge of the area, Atlas estimates groundwater depths to remain greater than approximately 11 feet bgs throughout the year in the lower portions of the site.

5.2 Soil Infiltration Rates

Soil permeability, which is a measure of the ability of a soil to transmit a fluid, was not tested in the field. Given the absence of direct measurements, for this report an estimation of infiltration is presented using generally recognized values for each soil type and gradation. Infiltration rates through fill materials can be highly variable based on level of compaction and type of soil matrix. It is typically undesirable to direct storm water drainage to fill materials, as the addition of water into uncontrolled fill material can promote void spaces and settlement. Of soils comprising the generalized soil profile for this study, silt soils generally offer little permeability, with typical hydraulic infiltration rates of less than 2 inches per hour. Silty sand sediments usually display rates of 4 to 8 inches per hour.

It is recommended that infiltration facilities constructed on the site be extended into native silty sand sediments. Excavation depths of approximately 2.9 to greater than 10.1 feet bgs should be anticipated to expose these silty sand sediments. Because of the high soil permeability, ASTM C33 filter sand, or equivalent, should be incorporated into design of infiltration facilities. An infiltration rate of 2 inches per hour should be used in design. Actual infiltration rates should be confirmed at the time of construction.

6. SLOPES AND SETBACKS

Native slopes on the site were roughly 10 feet horizontal to 1 foot vertical (10:1). Therefore, slope setback requirements as outlined in the 2015 IBC are not applicable. Our investigation did not reveal any potential slope instabilities.

7. PRELIMINARY FOUNDATION AND SLAB DISCUSSION AND RECOMMENDATIONS

Various foundation types have been considered for support of the proposed development. Two requirements must be met in the design of foundations. First, the applied bearing stress must be less than the ultimate bearing capacity of foundation soils to maintain stability. Second, total and differential settlement must not exceed an amount that will produce an adverse behavior of the superstructure. Allowable settlement is usually exceeded before bearing capacity considerations become important; thus, allowable bearing pressure is normally controlled by settlement considerations.

Considering subsurface conditions and the proposed construction, it is recommended that the development be founded upon conventional spread footings and continuous wall footings. However, due to the presence of deep fill zones within portions of the project site a deep foundation option may be considered. These options include, but are not limited to, micropiles, h-piles, concrete caissons, and rammed earth aggregate piers. Atlas is available to provide further recommendations upon request. Total settlements should not exceed 1 inch if the following design and construction recommendations are observed.



Presently, there are an unknown number of structures proposed for the project site. Due to the presence of various fill depths and changes of general grading on the project site, Atlas recommends that structure specific subsurface investigations be conducted. The following recommendations are not specific to the individual structures, but rather should be viewed as guidelines for the subdivision-wide development.

7.1 Preliminary Foundation Design Recommendations

Based on data obtained from the site and test results from various laboratory tests performed, Atlas recommends the following guidelines for the net allowable soil bearing capacity:

Table 2 – Soil Bearing Capacity

Footing Depth	ASTM D1557 Subgrade Compaction	Net Allowable Soil Bearing Capacity
Footings must bear on competent, undisturbed, native silty sand sediments or compacted structural fill. Existing silt with sand soils, organic materials, and fill materials must be completely removed from below foundation elements. ¹ Excavation depths ranging from roughly 1.2 to greater than 10.1 feet bgs should be anticipated to expose proper bearing soils. ²	Not Required for Native Soil 95% for Structural Fill	2,000 lbs/ft ² A ½ increase is allowable for short-term loading, which is defined by seismic events or designed wind speeds.

¹It will be required for Atlas personnel to verify the bearing soil suitability for each structure at the time of construction.

²Depending on the time of year construction takes place, the subgrade soils may be unstable because of high moisture contents. If unstable conditions are encountered, over-excavation and replacement with granular structural fill and/or use of geotextiles may be required.

The following sliding frictional coefficient values should be used: 1) 0.35 for footings bearing on native silty sand sediments and 2) 0.45 for footings bearing on granular structural fill. A passive lateral earth pressure of 354 pounds per square foot per foot (psf/ft) should be used for silty sand sediments. For compacted sandy gravel fill, a passive lateral earth pressure of 496 psf/ft should be used.

Footings should be proportioned to meet either the stated soil bearing capacity or the 2015 IBC minimum requirements. Total settlement should be limited to approximately 1 inch, and differential settlement should be limited to approximately ½ inch. Objectionable soil types encountered at the bottom of footing excavations should be removed and replaced with structural fill. Excessively loose or soft areas that are encountered in the footings subgrade will require over-excavation and backfilling with structural fill. To minimize the effects of slight differential movement that may occur because of variations in the character of supporting soils and seasonal moisture content, Atlas recommends continuous footings be suitably reinforced to make them as rigid as possible. For frost protection, the bottom of external footings should be 30 inches below finished grade. Based on the soil types encountered onsite, foundation drains are not needed.



7.2 Preliminary Floor Slab-on-Grade

Uncontrolled fill was encountered in portions of the site. Atlas recommends that these fill materials be removed to a depth of at least 4 feet below existing grade. If fill materials remain after excavation, the exposed subgrade must be compacted to at least 95 percent of the maximum dry density as determined by ASTM D1557. The excavated fill materials can be replaced in accordance with the **Structural Fill** section provided that all organic material and/or debris is completely removed. Once final grades have been determined, Atlas is available to provide additional recommendations.

It should be noted that uncontrolled fill materials will remain below the improved 4 foot zone (specified above). If water or increased moisture conditions occur within these fill materials, settlement or vertical movement may occur. This risk must be recognized and accepted by the project owner. Otherwise, complete removal of the fill zone will be required.

Organic, loose, or obviously compressive materials must be removed prior to placement of concrete floors or floor-supporting fill. In addition, the remaining subgrade should be treated in accordance with guidelines presented in the **Earthwork** section. Areas of excessive yielding should be excavated and backfilled with structural fill. Fill used to increase the elevation of the floor slab should meet requirements detailed in the **Structural Fill** section. Fill materials must be compacted to a minimum 95 percent of the maximum dry density as determined by ASTM D1557.

A free-draining granular mat should be provided below slabs-on-grade to provide drainage and a uniform and stable bearing surface. This should be a minimum of 4 inches in thickness and properly compacted. The mat should consist of a sand and gravel mixture, complying with Idaho Standards for Public Works Construction (ISPWC) specifications for ¾-inch (Type 1) crushed aggregate. The granular mat should be compacted to no less than 95 percent of the maximum dry density as determined by ASTM D1557. A moisture-retarder should be placed beneath floor slabs to minimize potential ground moisture effects on moisture-sensitive floor coverings. The moisture-retarder should be at least 15-mil in thickness and have a permeance of less than 0.01 US perms as determined by ASTM E96. Placement of the moisture-retarder will require special consideration with regard to effects on the slab-on-grade and should adhere to recommendations outlined in the ACI 302.1R and ASTM E1745 publications. Upon request, Atlas can provide further consultation regarding installation.

8. PAVEMENT DISCUSSION AND RECOMMENDATIONS

Atlas has made assumptions for traffic loading variables based on the character of the proposed construction. The Client shall review and understand these assumptions to make sure they reflect intended use and loading of pavements both now and in the future. Based on experience with soils in the region, a subgrade California Bearing Ratio (CBR) value of 5 has been assumed for near-surface silt soils and recompacted existing fill materials on site. The following are minimum thickness requirements for assured pavement function. Depending on site conditions, additional work, e.g. soil preparation, may be required to support construction equipment. These have been listed within the **Soft Subgrade Soils** section.



8.1 Flexible Pavement Sections

The American Association of State Highway and Transportation Officials (AASHTO) design method has been used to calculate the following pavement sections. Calculation sheets provided in the **Appendix** indicate the soils constant, traffic loading, traffic projections, and material constants used to calculate the pavement sections. Atlas recommends that materials used in the construction of asphaltic concrete pavements meet requirements of the ISPWC Standard Specification for Highway Construction. Construction of the pavement section should be in accordance with these specifications and should adhere to guidelines recommended in the section on **Construction Considerations**.

Table 3 – AASHTO Flexible Pavement Specifications

Pavement Section Component	Driveways and Parking Light Duty	Driveways and Parking Heavy Duty
Asphaltic Concrete	2.5 Inches	3.0 Inches
Crushed Aggregate Base	4.0 Inches	4.0 Inches
Structural Subbase	8.0 Inches	10.0 Inches
Compacted Subgrade	See Pavement Subgrade Preparation Section	See Pavement Subgrade Preparation Section

¹It will be required for Atlas personnel to verify subgrade competency at the time of construction.

- Asphaltic Concrete: Asphalt mix design shall meet the requirements of ISPWC, Section 810 Class III plant mix. Materials shall be placed in accordance with ISPWC Standard Specifications for Highway Construction.
- Aggregate Base: Material complying with ISPWC Standards for Crushed Aggregate Materials.
- Structural Subbase: Granular structural fill material complying with the requirements detailed in the **Structural Fill** section of this report except that the maximum material diameter is no more than $\frac{2}{3}$ the component thickness. Gradation and suitability requirements shall be per ISPWC Section 801, Table 1.

8.2 Pavement Subgrade Preparation

Uncontrolled fill was encountered in portions of the site. Atlas recommends that these fill materials be removed to a depth of at least 4 feet below existing grade. If fill materials remain after excavation, the exposed subgrade must be compacted to at least 95 percent of the maximum dry density as determined by ASTM D698. The excavated fill materials can be replaced in accordance with the **Structural Fill** section provided that all organic material and/or debris is completely removed. Once final grades have been determined, Atlas is available to provide additional recommendations.

It should be noted that uncontrolled fill materials will remain below the improved 4 foot zone (specified above). If water or increased moisture conditions occur within these fill materials, settlement or vertical movement may occur. This risk must be recognized and accepted by the project owner. Otherwise, complete removal of the fill zone will be required.



8.3 Common Pavement Section Construction Issues

The subgrade upon which above pavement sections are to be constructed must be properly stripped, compacted (if indicated), inspected, and proof-rolled. Proof rolling of subgrade soils should be accomplished using a heavy rubber-tired, fully loaded, tandem-axle dump truck or equivalent. Verification of subgrade competence by Atlas personnel at the time of construction is required. Fill materials on the site must demonstrate the indicated compaction prior to placing material in support of the pavement section. Atlas anticipated that pavement areas will be subjected to moderate traffic. Atlas does not anticipate pumping material to become evident during compaction, but subgrade clays and silts near and above optimum moisture contents may tend to pump. Pumping or soft areas must be removed and replaced with structural fill.

Fill material and aggregates in support of the pavement section must be compacted to no less than 95 percent of the maximum dry density as determined by ASTM D698 for flexible pavements and by ASTM D1557 for rigid pavements. If a material placed as a pavement section component cannot be tested by usual compaction testing methods, then compaction of that material must be approved by observed proof rolling. Minor deflections from proof rolling for flexible pavements are allowable. Deflections from proof rolling of rigid pavement support courses should not be visually detectable.

Atlas recommends that rigid concrete pavement be provided for heavy garbage receptacles. This will eliminate damage caused by the considerable loading transferred through the small steel wheels onto asphaltic concrete. Rigid concrete pavement should consist of Portland Cement Concrete Pavement (PCCP) generally adhering to ITD specifications for Urban Concrete. PCCP should be 6 inches thick on a 4-inch drainage fill course (see **Floor Slab-on-Grade** section), and should be reinforced with welded wire fabric. Control joints must be on 12-foot centers or less.

9. CONSTRUCTION CONSIDERATIONS

Recommendations in this report are based upon structural elements of the project being founded on competent, native silty sand sediments or compacted structural fill. Structural areas should be stripped to an elevation that exposes these soil types.

9.1 Earthwork

Excessively organic soils, deleterious materials, or disturbed soils generally undergo high volume changes when subjected to loads, which is detrimental to subgrade behavior in the area of pavements, floor slabs, structural fills, and foundations. Brush and thick grasses with associated root systems were noted at the time of our investigation. It is recommended that organic or disturbed soils, if encountered, be removed to depths of 1 foot (minimum), and wasted or stockpiled for later use. Stripping depths should be adjusted in the field to assure that the entire root zone or disturbed zone or topsoil are removed prior to placement and compaction of structural fill materials. Exact removal depths should be determined during grading operations by Atlas personnel, and should be based upon subgrade soil type, composition, and firmness or soil stability.



If underground storage tanks, underground utilities, wells, or septic systems are discovered during construction activities, they must be decommissioned then removed or abandoned in accordance with governing Federal, State, and local agencies. Excavations developed as the result of such removal must be backfilled with structural fill materials as defined in the **Structural Fill** section.

Atlas should oversee subgrade conditions (i.e., moisture content) as well as placement and compaction of new fill (if required) after native soils are excavated to design grade. Recommendations for structural fill presented in this report can be used to minimize volume changes and differential settlements that are detrimental to the behavior of footings, pavements, and floor slabs. Sufficient density tests should be performed to properly monitor compaction. For structural fill beneath building structures, one in-place density test per lift for every 5,000 square feet is recommended. In parking and driveway areas, this can be decreased to one test per lift for every 10,000 square feet.

9.2 Dry Weather

If construction is to be conducted during dry seasonal conditions, many problems associated with soft soils may be avoided. However, some rutting of subgrade soils may be induced by shallow groundwater conditions related to springtime runoff or irrigation activities during late summer through early fall. Solutions to problems associated with soft subgrade soils are outlined in the **Soft Subgrade Soils** section. Problems may also arise because of lack of moisture in native and fill soils at time of placement. This will require the addition of water to achieve near-optimum moisture levels. Low-cohesion soils exposed in excavations may become friable, increasing chances of sloughing or caving. Measures to control excessive dust should be considered as part of the overall health and safety management plan.

9.3 Wet Weather

If construction is to be conducted during wet seasonal conditions (commonly from mid-November through May), problems associated with soft soils must be considered as part of the construction plan. During this time of year, fine-grained soils such as silts and clays will become unstable with increased moisture content, and eventually deform or rut. Additionally, constant low temperatures reduce the possibility of drying soils to near optimum conditions.

9.4 Soft Subgrade Soils

Shallow fine-grained subgrade soils that are high in moisture content should be expected to pump and rut under construction traffic. During periods of wet weather, construction may become very difficult if not impossible. The following recommendations and options have been included for dealing with soft subgrade conditions:

- Track-mounted vehicles should be used to strip the subgrade of root matter and other deleterious debris. Heavy rubber-tired equipment should be prohibited from operating directly on the native subgrade and areas in which structural fill materials have been placed. Construction traffic should be restricted to designated roadways that do not cross, or cross on a limited basis, proposed roadway or parking areas.



- Soft areas can be over-excavated and replaced with granular structural fill.
- Construction roadways on soft subgrade soils should consist of a minimum 2-foot thickness of large cobbles of 4 to 6 inches in diameter with sufficient sand and fines to fill voids. Construction entrances should consist of a 6-inch thickness of clean, 2-inch minimum, angular drain-rock and must be a minimum of 10 feet wide and 30 to 50 feet long. During the construction process, top dressing of the entrance may be required for maintenance.
- Scarification and aeration of subgrade soils can be employed to reduce the moisture content of wet subgrade soils. After stripping is complete, the exposed subgrade should be ripped or disked to a depth of 1½ feet and allowed to air dry for 2 to 4 weeks. Further diskings should be performed on a weekly basis to aid the aeration process.
- Alternative soil stabilization methods include use of geotextiles, lime, and cement stabilization. Atlas is available to provide recommendations and guidelines at your request.

9.5 Frozen Subgrade Soils

Prior to placement of structural fill materials or foundation elements, frozen subgrade soils must either be allowed to thaw or be stripped to depths that expose non-frozen soils and wasted or stockpiled for later use. Stockpiled materials must be allowed to thaw and return to near-optimal conditions prior to use as structural fill.

The onsite, shallow silty soils are susceptible to frost heave during freezing temperatures. For exterior flatwork and other structural elements, adequate drainage away from subgrades is critical. Compaction and use of structural fill will also help to mitigate the potential for frost heave. Complete removal of frost susceptible soils for the full frost depth, followed by replacement with a non-frost susceptible structural fill, can also be used to mitigate the potential for frost heave. Atlas is available to provide further guidance/assistance upon request.

9.6 Structural Fill

Soils recommended for use as structural fill are those classified as GW, GP, SW, and SP in accordance with the Unified Soil Classification System (USCS) (ASTM D2487). Use of silty soils (USCS designation of GM, SM, and ML) as structural fill may be acceptable. However, use of silty soils (GM, SM, and ML) as structural fill below footings is prohibited. These materials require very high moisture contents for compaction and require a long time to dry out if natural moisture contents are too high and may also be susceptible to frost heave under certain conditions. Therefore, these materials can be quite difficult to work with as moisture content, lift thickness, and compactive effort becomes difficult to control. If silty soil is used for structural fill, lift thicknesses should not exceed 6 inches (loose), and fill material moisture must be closely monitored at both the working elevation and the elevations of materials already placed. Following placement, silty soils must be protected from degradation resulting from construction traffic or subsequent construction.



Recommended granular structural fill materials, those classified as GW, GP, SW, and SP, should consist of a 6-inch minus select, clean, granular soil with no more than 50 percent oversize (greater than $\frac{3}{4}$ -inch) material and no more than 12 percent fines (passing No. 200 sieve). These fill materials should be placed in layers not to exceed 12 inches in loose thickness. Prior to placement of structural fill materials, surfaces must be prepared as outlined in the **Construction Considerations** section. Structural fill material should be moisture-conditioned to achieve optimum moisture content prior to compaction. For structural fill below footings, areas of compacted backfill must extend outside the perimeter of the footings for a distance equal to the thickness of fill between the bottom of foundation and underlying soils, or 5 feet, whichever is less. All fill materials must be monitored during placement and tested to confirm compaction requirements, outlined below, have been achieved.

Each layer of structural fill must be compacted, as outlined below:

- Below Structures and Rigid Pavements: A minimum of 95 percent of the maximum dry density as determined by ASTM D1557.
- Below Flexible Pavements: A minimum of 92 percent of the maximum dry density as determined by ASTM D1557 or 95 percent of the maximum dry density as determined by ASTM D698.

The ASTM D1557 test method must be used for samples containing up to 40 percent oversize (greater than $\frac{3}{4}$ -inch) particles. If material contains more than 40 percent but less than 50 percent oversize particles, compaction of fill must be confirmed by proof rolling each lift with a 10-ton vibratory roller (or equivalent) until the maximum density has been achieved. Density testing must be performed after each proof rolling pass until the in-place density test results indicate a drop (or no increase) in the dry density, defined as maximum density or "break over" point. The number of required passes should be used as the requirements on the remainder of fill placement. Material should contain sufficient fines to fill void spaces, and must not contain more than 50 percent oversize particles.

9.7 Backfill of Walls

Backfill materials must conform to the requirements of structural fill, as defined in this report. For wall heights greater than 2.5 feet, the maximum material size should not exceed 4 inches in diameter. Placing oversized material against rigid surfaces interferes with proper compaction, and can induce excessive point loads on walls. Backfill shall not commence until the wall has gained sufficient strength to resist placement and compaction forces. Further, retaining walls above 2.5 feet in height shall be backfilled in a manner that will limit the potential for damage from compaction methods and/or equipment. It is recommended that only small hand-operated compaction equipment be used for compaction of backfill within a horizontal distance equal to the height of the wall, measured from the back face of the wall.

Backfill should be compacted in accordance with the specifications for structural fill, except in those areas where it is determined that future settlement is not a concern, such as planter areas. In nonstructural areas, backfill must be compacted to a firm and unyielding condition.



9.8 Excavations

Shallow excavations that do not exceed 4 feet in depth may be constructed with side slopes approaching vertical. Below this depth, it is recommended that slopes be constructed in accordance with Occupational Safety and Health Administration (OSHA) regulations, Section 1926, Subpart P. Based on these regulations, on-site soils are classified as type "C" soil, and as such, excavations within these soils should be constructed at a maximum slope of 1½ feet horizontal to 1 foot vertical (1½:1) for excavations up to 20 feet in height. Excavations in excess of 20 feet will require additional analysis. Note that these slope angles are considered stable for short-term conditions only, and will not be stable for long-term conditions.

During the subsurface exploration, test pit sidewalls generally exhibited little indication of collapse. For deep excavations, native granular sediments and fill materials cannot be expected to remain in position. These materials are prone to failure and may collapse, thereby undermining upper soil layers. This is especially true when excavations approach depths near the water table. Care must be taken to ensure that excavations are properly backfilled in accordance with procedures outlined in this report.

9.9 Groundwater Control

Groundwater was not encountered during the investigation but is anticipated to be below the depth of most construction. Excavations below the water table will require a dewatering program. Dewatering will be required prior to placement of fill materials. Placement of concrete can be accomplished through water by the use of a tremie. It may be possible to discharge dewatering effluent to remote portions of the site, to a sump, or to a pit. This will essentially recycle effluent, thus eliminating the need to enter into agreements with local drainage authorities. Should the scope of the proposed project change, Atlas should be contacted to provide more detailed groundwater control measures.

Special precautions may be required for control of surface runoff and subsurface seepage. It is recommended that runoff be directed away from open excavations. Silty soils may become soft and pump if subjected to excessive traffic during time of surface runoff. Ponded water in construction areas should be drained through methods such as trenching, sloping, crowning grades, nightly smooth drum rolling, or installing a French drain system. Additionally, temporary or permanent driveway sections should be constructed if extended wet weather is forecasted.



10. GENERAL COMMENTS

Based on the subsurface conditions encountered during this investigation and available information regarding the proposed development, the site is adequate for the planned construction. When plans and specifications are complete, and if significant changes are made in the character or location of the proposed structure, consultation with Atlas must be arranged as supplementary recommendations may be required. Suitability of subgrade soils and compaction of structural fill materials must be verified by Atlas personnel prior to placement of structural elements. Additionally, monitoring and testing should be performed to verify that suitable materials are used for structural fill and that proper placement and compaction techniques are utilized.



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Appendix I **WARRANTY AND LIMITING CONDITIONS**

Atlas warrants that findings and conclusions contained herein have been formulated in accordance with generally accepted professional engineering practice in the fields of foundation engineering, soil mechanics, and engineering geology only for the site and project described in this report. These engineering methods have been developed to provide the client with information regarding apparent or potential engineering conditions relating to the site within the scope cited above and are necessarily limited to conditions observed at the time of the site visit and research. Field observations and research reported herein are considered sufficient in detail and scope to form a reasonable basis for the purposes cited above.

Limitations

Test pit depths were limited to a maximum depth of 10.4 feet bgs because of equipment limitations.

Exclusive Use

This report was prepared for exclusive use of the property owner(s), at the time of the report, and their retained design consultants ("Client"). Conclusions and recommendations presented in this report are based on the agreed-upon scope of work outlined in this report together with the Contract for Professional Services between the Client and Materials Testing and Inspection ("Consultant"). Use or misuse of this report, or reliance upon findings hereof, by parties other than the Client is at their own risk. Neither Client nor Consultant make representation of warranty to such other parties as to accuracy or completeness of this report or suitability of its use by such other parties for purposes whatsoever, known or unknown, to Client or Consultant. Neither Client nor Consultant shall have liability to indemnify or hold harmless third parties for losses incurred by actual or purported use or misuse of this report. No other warranties are implied or expressed.

Report Recommendations are Limited and Subject to Misinterpretation

There is a distinct possibility that conditions may exist that could not be identified within the scope of the investigation or that were not apparent during our site investigation. Findings of this report are limited to data collected from noted explorations advanced and do not account for unidentified fill zones, unsuitable soil types or conditions, and variability in soil moisture and groundwater conditions. To avoid possible misinterpretations of findings, conclusions, and implications of this report, Atlas should be retained to explain the report contents to other design professionals as well as construction professionals.

Since actual subsurface conditions on the site can only be verified by earthwork, note that construction recommendations are based on general assumptions from selective observations and selective field exploratory sampling. Upon commencement of construction, such conditions may be identified that require corrective actions, and these required corrective actions may impact the project budget. Therefore, construction recommendations in this report should be considered



preliminary, and Atlas should be retained to observe actual subsurface conditions during earthwork construction activities to provide additional construction recommendations as needed.

Since geotechnical reports are subject to misinterpretation, **do not** separate the soil logs from the report. Rather, provide a copy of, or authorize for their use, the complete report to other design professionals or contractors. Locations of exploratory sites referenced within this report should be considered approximate locations only. For more accurate locations, services of a professional land surveyor are recommended.

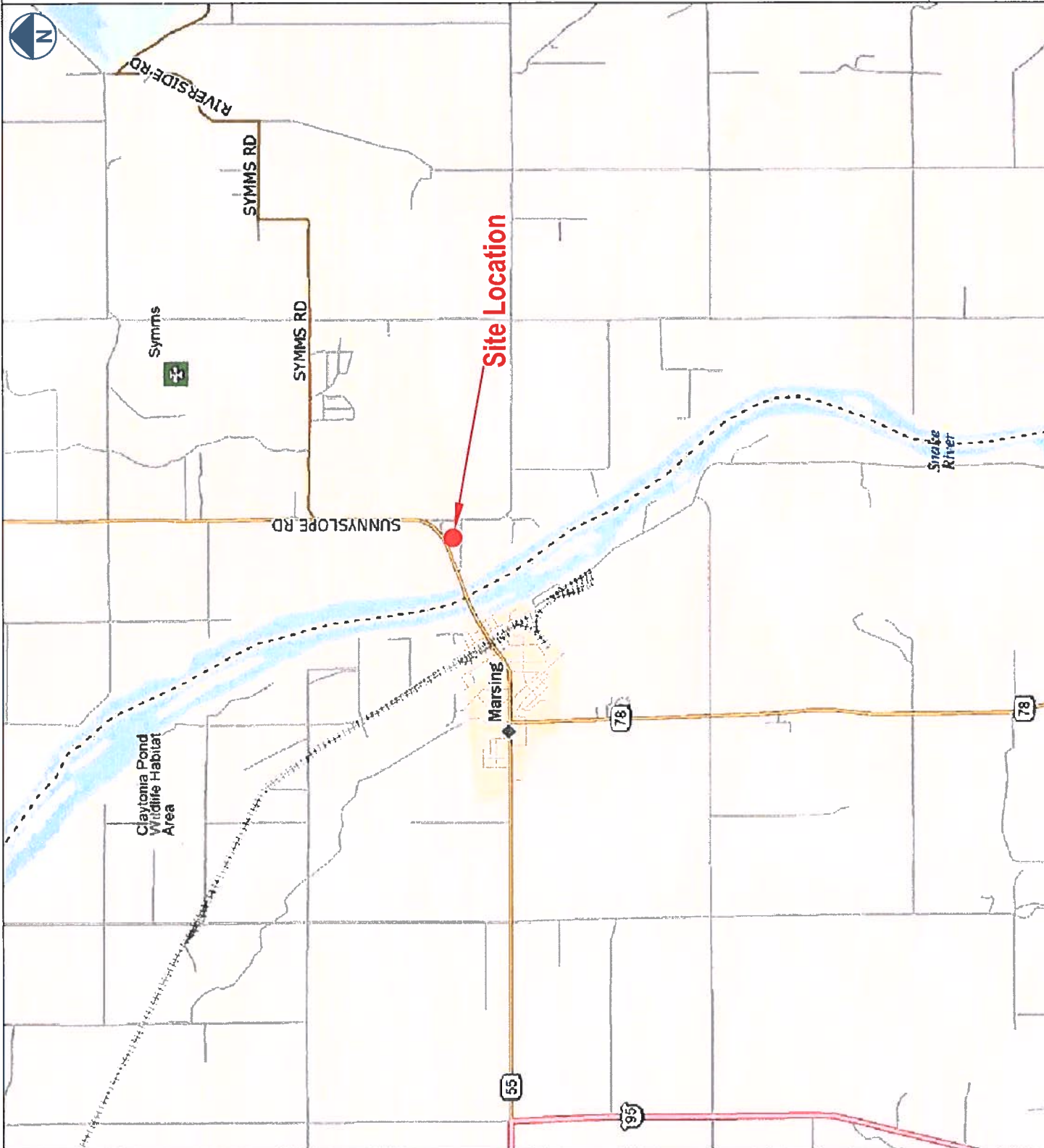
This report is also limited to information available at the time it was prepared. In the event additional information is provided to Atlas following publication of our report, it will be forwarded to the client for evaluation in the form received.

Environmental Concerns

Comments in this report concerning either onsite conditions or observations, including soil appearances and odors, are provided as general information. These comments are not intended to describe, quantify, or evaluate environmental concerns or situations. Since personnel, skills, procedures, standards, and equipment differ, a geotechnical investigation report is not intended to substitute for a geoenvironmental investigation or a Phase II/III Environmental Site Assessment. If environmental services are needed, Atlas can provide, via a separate contract, those personnel who are trained to investigate and delineate soil and water contamination.

Vicinity Map

Figure 1



MAP NOTES:

- Delorme Street Atlas
- Not to Scale

LEGEND

Approximate Site Location



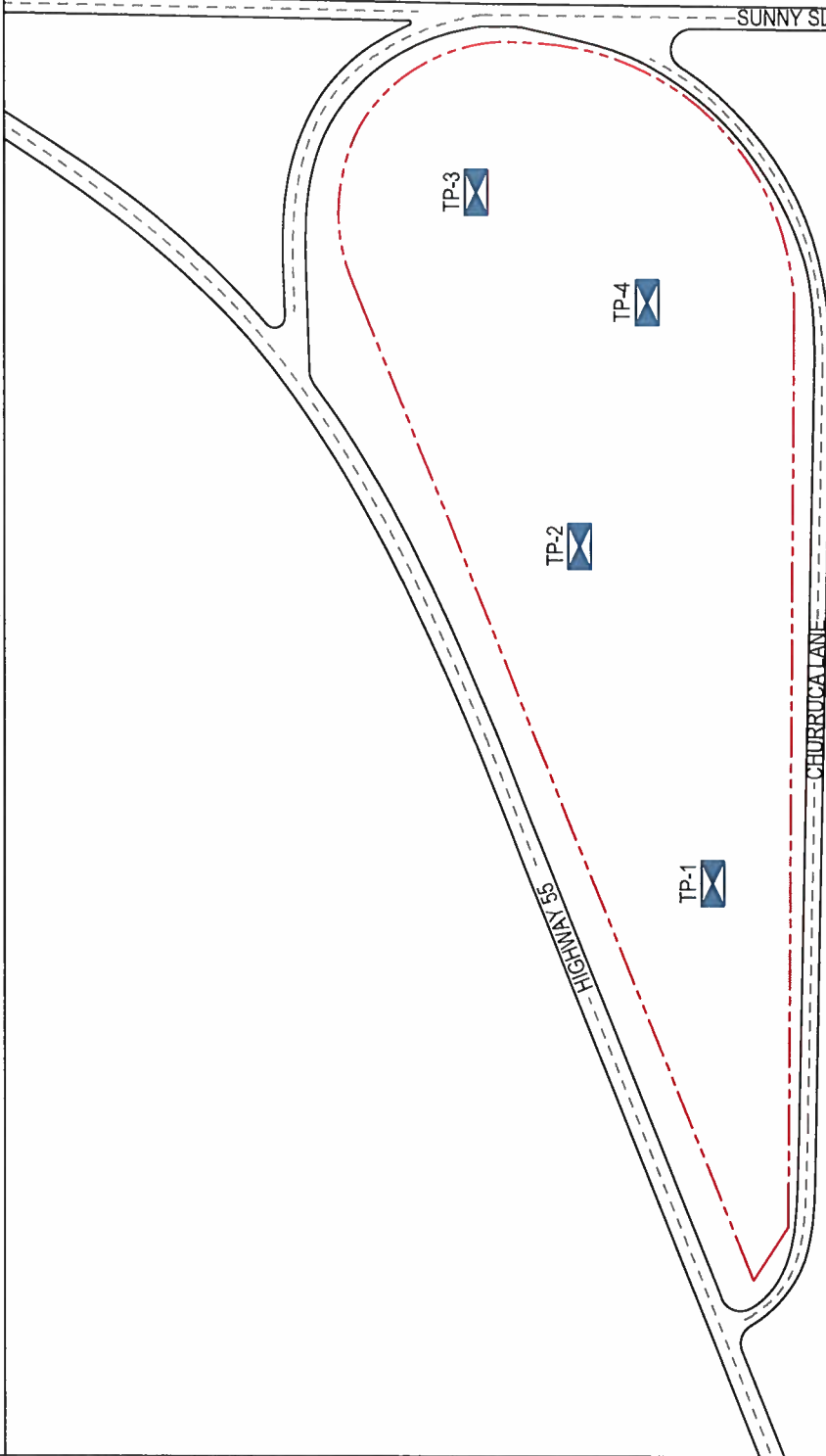
Proposed Commercial Development

SEC of Highway 55 & Churruca Lane
Caldwell, ID

Modified from Delorme by: JBS
December 21, 2020
Drawing: B202034g

ATLAS

2791 S. Victory View Way Phone: (208) 376-4748
Boise, ID 83709 Fax: (208) 322-6515
Web: oneatlas.com



NOTES:
• Not to Scale

LEGEND

Approximate Site
Boundary

Approximate Atlas Test
Pit Location



Proposed Commercial Development
SEC of Highway 55 & Churruca Lane
Caldwell, ID

Drawn by: JBS
December 21, 2020
Drawing: B202034g



2791 S. Victory View Way Phone: (208) 376-4748
Boise, ID 83709 Fax: (208) 322-6515
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Appendix IV GEOTECHNICAL INVESTIGATION TEST PIT LOG

Test Pit Log #: TP-1

Date Advanced: December 10, 2020

Excavated by: Client Supplied Excavator

Logged by: Jacob Schlador, PE

Latitude: 43.54911

Longitude: -116.79555

Depth to Water Table: Not Encountered

Total Depth: 10.4 feet bgs

Depth (feet bgs)	Field Description and USCS Soil and Sediment Classification	Sample Type	Sample Depth (feet bgs)	Qp	Lab Test ID
0.0-2.9	Silt with Sand (ML): Brown to light brown, dry, stiff to very stiff, with fine-grained sand. --Organics to a depth of 1.3 feet bgs.			1.5-2.5	
2.9-10.4	Silty Sand (SM): Light brown, dry to moist, medium dense, with fine to medium-grained sand.	GS	3.0-3.5		A

Notes: See Site Map for test pit location.

Lab Test ID	Moisture (%)	LL	PI	Sieve Analysis (% Passing)				
				#4	#10	#40	#100	#200
A	9.7	NP	NP	100	100	99	77	41.2



GEOTECHNICAL INVESTIGATION TEST PIT LOG

Test Pit Log #: TP-2

Date Advanced: December 10, 2020

Excavated by: Client Supplied Excavator

Logged by: Jacob Schlador, PE

Latitude: 43.54952

Longitude: -116.79472

Depth to Water Table: Not Encountered

Total Depth: 10.1 feet bgs

Depth (feet bgs)	Field Description and USCS Soil and Sediment Classification	Sample Type	Sample Depth (feet bgs)	Qp	Lab Test ID
0.0-10.1	Silty Sand with Gravel Fill (SM-FILL): Brown to light brown, dry, medium dense to dense, with fine to coarse-grained sand, fine to coarse gravel, and intermittent cementation debris. --Organics to a depth of 1.1 feet bgs.				

Notes: See Site Map for test pit location.



GEOTECHNICAL INVESTIGATION TEST PIT LOG

Test Pit Log #: TP-3

Date Advanced: December 10, 2020

Excavated by: Client Supplied Excavator

Logged by: Jacob Schlador, PE

Latitude: 43.54979

Longitude: -116.79314

Depth to Water Table: Not Encountered

Total Depth: 9.9 feet bgs

Depth (feet bgs)	Field Description and USCS Soil and Sediment Classification	Sample Type	Sample Depth (feet bgs)	Qp	Lab Test ID
0.0-9.9	Silty Sand with Gravel Fill (SM-FILL): Brown to light brown, dry, medium dense to dense, with fine to coarse-grained sand, fine to coarse gravel, and intermittent 2 to 3 foot boulders. --Organics to a depth of 0.8 foot bgs.				

Notes: See Site Map for test pit location.



GEOTECHNICAL INVESTIGATION TEST PIT LOG

Test Pit Log #: TP-4

Date Advanced: December 10, 2020

Excavated by: Client Supplied Excavator

Logged by: Jacob Schlador, PE

Latitude: 43.54936

Longitude: -116.79239

Depth to Water Table: Not Encountered

Total Depth: 8.9 feet bgs

Depth (feet bgs)	Field Description and USCS Soil and Sediment Classification	Sample Type	Sample Depth (feet bgs)	Qp	Lab Test ID
0.0-8.9	Silty Sand (SM): Brown to light brown, dry, medium dense to dense, with fine to medium- grained sand. --Organics to a depth of 1.2 feet bgs. --Increase in sand content at a depth of 6.3 feet bgs.				

Notes: See Site Map for test pit location.



Appendix V GEOTECHNICAL GENERAL NOTES

Unified Soil Classification System			
Major Divisions		Symbol	Soil Descriptions
Coarse-Grained Soils < 50% passes No.200 sieve	Gravel & Gravelly Soils < 50% coarse	GW	Well-graded gravels; gravel/sand mixtures with little or no fines
		GP	Poorly-graded gravels; gravel/sand mixtures with little or no fines
		GM	Silty gravels; poorly-graded gravel/sand/silt mixtures
		GC	Clayey gravels; poorly-graded gravel/sand/clay mixtures
	Sand & Sandy Soils > 50% coarse fraction	SW	Well-graded sands; gravelly sands with little or no fines
		SP	Poorly-graded sands; gravelly sands with little or no fines
		SM	Silty sands; poorly-graded sand/gravel/silt mixtures
		SC	Clayey sands; poorly-graded sand/gravel/clay mixtures
Fine-Grained Soils > 50% passes No.200 sieve	Silts & Clays LL < 50	ML	Inorganic silts; sandy, gravelly or clayey silts
		CL	Lean clays; inorganic, gravelly, sandy, or silty, low to medium-plasticity clays
		OL	Organic, low-plasticity clays and silts
	Silts & Clays LL > 50	MH	Inorganic, elastic silts; sandy, gravelly or clayey elastic silts
		CH	Fat clays; high-plasticity, inorganic clays
		OH	Organic, medium to high-plasticity clays and silts
Highly Organic Soils		PT	Peat, humus, hydric soils with high organic content

Relative Density and Consistency Classification	
Coarse-Grained Soils	SPT Blow Counts (N)
Very Loose:	< 4
Loose:	4-10
Medium Dense:	10-30
Dense:	30-50
Very Dense:	> 50
Fine-Grained Soils	SPT Blow Counts (N)
Very Soft:	< 2
Soft:	2-4
Medium Stiff:	4-8
Stiff:	8-15
Very Stiff:	15-30
Hard:	> 30

Moisture Content and Cementation Classification	
Description	Field Test
Dry	Absence of moisture, dry to touch
Slightly Moist	Damp, but no visible moisture
Moist	Visible moisture
Wet	Visible free water
Saturated	Soil is usually below water table
Description	Field Test
Weak	Crumbles or breaks with handling or slight finger pressure
Moderate	Crumbles or breaks with considerable finger pressure
Strong	Will not crumble or break with finger pressure

Particle Size	
Boulders:	> 12 in.
Cobbles:	12 to 3 in.
Gravel:	3 in. to 5 mm
Coarse-Grained Sand:	5 to 0.6 mm
Medium-Grained Sand:	0.6 to 0.2 mm
Fine-Grained Sand:	0.2 to 0.075 mm
Silts:	0.075 to 0.005 mm
Clays:	< 0.005 mm

Acronym List	
GS	grab sample
LL	Liquid Limit
M	moisture content
NP	non-plastic
PI	Plasticity Index
Q _p	penetrometer value, unconfined compressive strength, tsf
V	vane value, ultimate shearing strength, tsf



Appendix VI AASHTO PAVEMENT DESIGN

Pavement Section Design Location: Proposed Commercial Development, Light Duty

Average Daily Traffic Count:	300	All Lanes & Both Directions
Design Life:	20	Years
Percent of Traffic in Design Lane:	50%	
Terminal Serviceability Index (Pt):	2.5	
Level of Reliability:	95	
Subgrade CBR Value:	5	Subgrade Mr: 7,500

Calculation of Design-18 kip ESALs

	Daily Traffic	Growth Rate	Load Factors	Design ESALs
Passenger Cars:	80	2.0%	0.0008	568
Buses:	0	2.0%	0.6806	0
Panel & Pickup Trucks:	64	2.0%	0.0122	6,925
2-Axle, 6-Tire Trucks:	5	2.0%	0.1890	8,381
Emergency Vehicles:	1.0	2.0%	4.4800	39,731
Dump Trucks:	0	2.0%	3.6300	0
Tractor Semi Trailer Trucks:	0	2.0%	2.3719	0
Double Trailer Trucks:	0	2.0%	2.3187	0
Heavy Tractor Trailer Combo Trucks:	0	2.0%	2.9760	0
Average Daily Traffic in Design Lane:	150			

Total Design Life 18-kip ESALs: 55,604

Actual Log (ESALs): 4.745

Trial SN: 2.30

Trial Log (ESALs): 4.757

Pavement Section Design SN: 2.41

	Design Depth Inches	Structural Coefficient	Drainage Coefficient
Asphaltic Concrete:	2.50	0.42	n/a
Asphalt-Treated Base:	0.00	0.25	n/a
Cement-Treated Base:	0.00	0.17	n/a
Crushed Aggregate Base:	4.00	0.14	1.0
Subbase:	8.00	0.10	1.0
Special Aggregate Subgrade:	0.00	0.09	0.9



AASHTO PAVEMENT DESIGN

Pavement Section Design Location: Proposed Commercial Development, Heavy Duty

Average Daily Traffic Count:	300	All Lanes & Both Directions
Design Life:	20	Years
Percent of Traffic in Design Lane:	50%	
Terminal Serviceability Index (P _t):	2.5	
Level of Reliability:	95	
Subgrade CBR Value:	5	
		Subgrade Mr: 7,500

Calculation of Design-18 kip ESALs

	Daily Traffic	Growth Rate	Load Factors	Design ESALs
Passenger Cars:	75	2.0%	0.0008	532
Buses:	1	2.0%	0.6806	6,036
Panel & Pickup Trucks:	55	2.0%	0.0122	5,951
2-Axle, 6-Tire Trucks:	15	2.0%	0.1890	25,142
Emergency Vehicles:	1.0	2.0%	4.4800	39,731
Dump Trucks:	1	2.0%	3.6300	32,193
Tractor Semi Trailer Trucks:	1	2.0%	2.3719	21,035
Double Trailer Trucks	1	2.0%	2.3187	20,563
Heavy Tractor Trailer Combo Trucks:	0	2.0%	2.9760	0
Average Daily Traffic in Design Lane:	150			

Total Design Life 18-kip ESALs: 151,184

Actual Log (ESALs): 5.180

Trial SN: 2.71

Trial Log (ESALs): 5.185

Pavement Section Design SN: 2.82

	Design Depth Inches	Structural Coefficient	Drainage Coefficient
Asphaltic Concrete:	3.00	0.42	n/a
Asphalt-Treated Base:	0.00	0.25	n/a
Cement-Treated Base:	0.00	0.17	n/a
Crushed Aggregate Base:	4.00	0.14	1.0
Subbase:	10.00	0.10	1.0
Special Aggregate Subgrade:	0.00	0.09	0.9

Important Information about This Geotechnical-Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.

While you cannot eliminate all such risks, you can manage them. The following information is provided to help.

The Geoprofessional Business Association (GBA) has prepared this advisory to help you – assumedly a client representative – interpret and apply this geotechnical-engineering report as effectively as possible. In that way, you can benefit from a lowered exposure to problems associated with subsurface conditions at project sites and development of them that, for decades, have been a principal cause of construction delays, cost overruns, claims, and disputes. If you have questions or want more information about any of the issues discussed herein, contact your GBA-member geotechnical engineer. Active engagement in GBA exposes geotechnical engineers to a wide array of risk-confrontation techniques that can be of genuine benefit for everyone involved with a construction project.

Understand the Geotechnical-Engineering Services Provided for this Report

Geotechnical-engineering services typically include the planning, collection, interpretation, and analysis of exploratory data from widely spaced borings and/or test pits. Field data are combined with results from laboratory tests of soil and rock samples obtained from field exploration (if applicable), observations made during site reconnaissance, and historical information to form one or more models of the expected subsurface conditions beneath the site. Local geology and alterations of the site surface and subsurface by previous and proposed construction are also important considerations. Geotechnical engineers apply their engineering training, experience, and judgment to adapt the requirements of the prospective project to the subsurface model(s). Estimates are made of the subsurface conditions that will likely be exposed during construction as well as the expected performance of foundations and other structures being planned and/or affected by construction activities.

The culmination of these geotechnical-engineering services is typically a geotechnical-engineering report providing the data obtained, a discussion of the subsurface model(s), the engineering and geologic engineering assessments and analyses made, and the recommendations developed to satisfy the given requirements of the project. These reports may be titled investigations, explorations, studies, assessments, or evaluations. Regardless of the title used, the geotechnical-engineering report is an engineering interpretation of the subsurface conditions within the context of the project and does not represent a close examination, systematic inquiry, or thorough investigation of all site and subsurface conditions.

Geotechnical-Engineering Services are Performed for Specific Purposes, Persons, and Projects, and At Specific Times

Geotechnical engineers structure their services to meet the specific needs, goals, and risk management preferences of their clients. A geotechnical-engineering study conducted for a given civil engineer

will not likely meet the needs of a civil-works constructor or even a different civil engineer. Because each geotechnical-engineering study is unique, each geotechnical-engineering report is unique, prepared *solely* for the client.

Likewise, geotechnical-engineering services are performed for a specific project and purpose. For example, it is unlikely that a geotechnical-engineering study for a refrigerated warehouse will be the same as one prepared for a parking garage; and a few borings drilled during a preliminary study to evaluate site feasibility will not be adequate to develop geotechnical design recommendations for the project.

Do not rely on this report if your geotechnical engineer prepared it:

- for a different client;
- for a different project or purpose;
- for a different site (that may or may not include all or a portion of the original site); or
- before important events occurred at the site or adjacent to it; e.g., man-made events like construction or environmental remediation, or natural events like floods, droughts, earthquakes, or groundwater fluctuations.

Note, too, the reliability of a geotechnical-engineering report can be affected by the passage of time, because of factors like changed subsurface conditions; new or modified codes, standards, or regulations; or new techniques or tools. *If you are the least bit uncertain about the continued reliability of this report, contact your geotechnical engineer before applying the recommendations in it. A minor amount of additional testing or analysis after the passage of time – if any is required at all – could prevent major problems.*

Read this Report in Full

Costly problems have occurred because those relying on a geotechnical-engineering report did not read the report in its entirety. Do not rely on an executive summary. Do not read selective elements only. *Read and refer to the report in full.*

You Need to Inform Your Geotechnical Engineer About Change

Your geotechnical engineer considered unique, project-specific factors when developing the scope of study behind this report and developing the confirmation-dependent recommendations the report conveys. Typical changes that could erode the reliability of this report include those that affect:

- the site's size or shape;
- the elevation, configuration, location, orientation, function or weight of the proposed structure and the desired performance criteria;
- the composition of the design team; or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project or site changes – even minor ones – and request an assessment of their impact. *The geotechnical engineer who prepared this report cannot accept*

responsibility or liability for problems that arise because the geotechnical engineer was not informed about developments the engineer otherwise would have considered.

Most of the "Findings" Related in This Report Are Professional Opinions

Before construction begins, geotechnical engineers explore a site's subsurface using various sampling and testing procedures. *Geotechnical engineers can observe actual subsurface conditions only at those specific locations where sampling and testing is performed.* The data derived from that sampling and testing were reviewed by your geotechnical engineer, who then applied professional judgement to form opinions about subsurface conditions throughout the site. Actual sitewide-subsurface conditions may differ – maybe significantly – from those indicated in this report. Confront that risk by retaining your geotechnical engineer to serve on the design team through project completion to obtain informed guidance quickly, whenever needed.

This Report's Recommendations Are Confirmation-Dependent

The recommendations included in this report – including any options or alternatives – are confirmation-dependent. In other words, they are not final, because the geotechnical engineer who developed them relied heavily on judgement and opinion to do so. Your geotechnical engineer can finalize the recommendations *only after observing actual subsurface conditions* exposed during construction. If through observation your geotechnical engineer confirms that the conditions assumed to exist actually do exist, the recommendations can be relied upon, assuming no other changes have occurred. *The geotechnical engineer who prepared this report cannot assume responsibility or liability for confirmation-dependent recommendations if you fail to retain that engineer to perform construction observation.*

This Report Could Be Misinterpreted

Other design professionals' misinterpretation of geotechnical-engineering reports has resulted in costly problems. Confront that risk by having your geotechnical engineer serve as a continuing member of the design team, to:

- confer with other design-team members;
- help develop specifications;
- review pertinent elements of other design professionals' plans and specifications; and
- be available whenever geotechnical-engineering guidance is needed.

You should also confront the risk of constructors misinterpreting this report. Do so by retaining your geotechnical engineer to participate in prebid and preconstruction conferences and to perform construction-phase observations.

Give Constructors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can shift unanticipated-subsurface-conditions liability to constructors by limiting the information they provide for bid preparation. To help prevent the costly, contentious problems this practice has caused, include the complete geotechnical-engineering report, along with any attachments or appendices, with your contract documents, *but be certain to note*

conspicuously that you've included the material for information purposes only. To avoid misunderstanding, you may also want to note that "informational purposes" means constructors have no right to rely on the interpretations, opinions, conclusions, or recommendations in the report. Be certain that constructors know they may learn about specific project requirements, including options selected from the report, *only from the design drawings and specifications.* Remind constructors that they may perform their own studies if they want to, and *be sure to allow enough time* to permit them to do so. Only then might you be in a position to give constructors the information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions. Conducting prebid and preconstruction conferences can also be valuable in this respect.

Read Responsibility Provisions Closely

Some client representatives, design professionals, and constructors do not realize that geotechnical engineering is far less exact than other engineering disciplines. This happens in part because soil and rock on project sites are typically heterogeneous and not manufactured materials with well-defined engineering properties like steel and concrete. That lack of understanding has nurtured unrealistic expectations that have resulted in disappointments, delays, cost overruns, claims, and disputes. To confront that risk, geotechnical engineers commonly include explanatory provisions in their reports. Sometimes labeled "limitations," many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

Geoenvironmental Concerns Are Not Covered

The personnel, equipment, and techniques used to perform an environmental study – e.g., a "phase-one" or "phase-two" environmental site assessment – differ significantly from those used to perform a geotechnical-engineering study. For that reason, a geotechnical-engineering report does not usually provide environmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated subsurface environmental problems have led to project failures.* If you have not obtained your own environmental information about the project site, ask your geotechnical consultant for a recommendation on how to find environmental risk-management guidance.

Obtain Professional Assistance to Deal with Moisture Infiltration and Mold

While your geotechnical engineer may have addressed groundwater, water infiltration, or similar issues in this report, the engineer's services were not designed, conducted, or intended to prevent migration of moisture – including water vapor – from the soil through building slabs and walls and into the building interior, where it can cause mold growth and material-performance deficiencies. Accordingly, *proper implementation of the geotechnical engineer's recommendations will not of itself be sufficient to prevent moisture infiltration.* Confront the risk of moisture infiltration by including building-envelope or mold specialists on the design team. *Geotechnical engineers are not building-envelope or mold specialists.*



**GEOPROFESSIONAL
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Telephone: 301/565-2733

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From: Ken Couch
Sent: Tuesday, June 2, 2020 5:21 PM
To: William Werhane
Cc: Erika Bowen; Sarah Arjona
Subject: RE: [EXTERNAL] Off ramp to parcel R33590012b

10

Hi Bill!

I have attached a Snip-it of the parcels to verify I am looking at the correct site. I have also attached a copy of the permit application, a copy of the ITD standard drawing for approaches, a copy of the excavation and paving requirements, and a list of requirements for the Traffic Control Plan. Once the application is completed the property owner or their authorized representative will need to sign the application it and submit it along with the following:

1. Copy of the latest deed for the parcel.
2. If parcel is split you will need to provide a recorded cross access or access easement documentation for all parcels showing they will be utilizing the requested access point.
3. Site plan for the full site.
4. Civil drawings for the approach.
5. Photos looking each direction away from the proposed approach as if you were a driver exiting the approach.
6. \$100 non-refundable application fee (Payable by phone at 208-332-7187 between 8 am and 3 pm Monday through Friday, \$1.50 electronic payment fee).
7. Traffic Impact Study (TIS) to include a turn lane warrant. Please contact ITD for scope of work for the TIS.
8. You will need to submit a Traffic Control Plan designed by a certified Traffic Control Supervisor (must include signature, certification number, and contact information) or designed and stamped by an Engineer licensed in Idaho. This may be done at any point prior to beginning any work within the ITD right-of-way. No work is allowed within the ITD right-of-way without an approved traffic control plan.

The proposed uses will generate enough trip to require the installation of a right turn lane. Total length of the right turn lane will be 385' and must be completely within the parcel limits. Property dedication may also be required.

All documents may be submitted electronically.

Once the application is completed and signed by the property owner it can then be submitted by email.

It will likely take about 30 days to process your application once we have all the correct documents. Please make sure the application is signed by the property owner or an authorized

representative. If it is signed by an authorized representative we will need a legal document from the owner certifying that the individual has the right to represent the owner.

Please be sure that all work within the Right-of Way is designed and constructed to meet current ITD Standards and Specifications.

If you have any questions please feel free to contact me.

Thanks!

Ken Couch

Permits Coordinator

Idaho Transportation Department

District 3

208-332-7190 Office

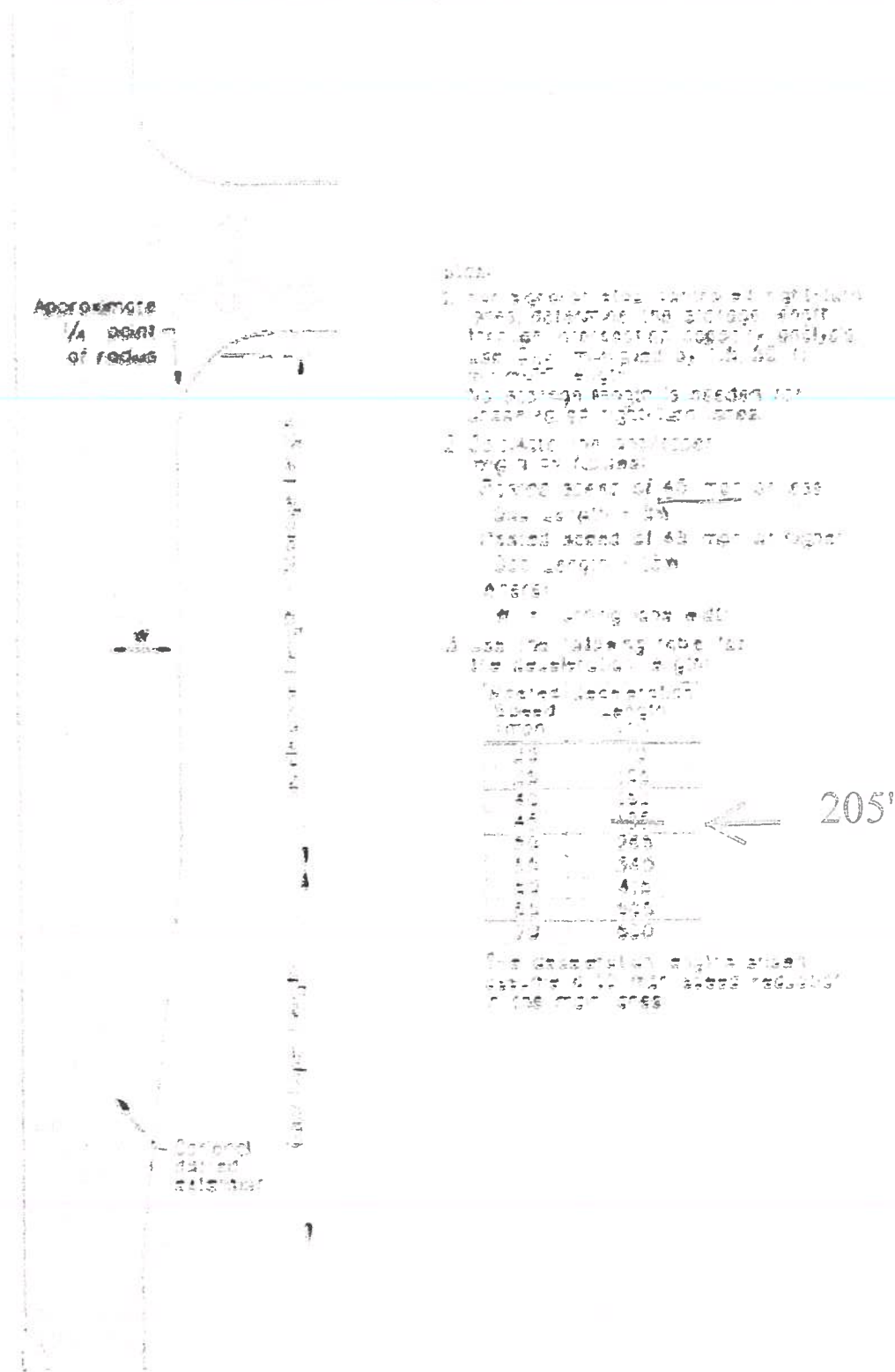
Ken.Couch@itd.idaho.gov

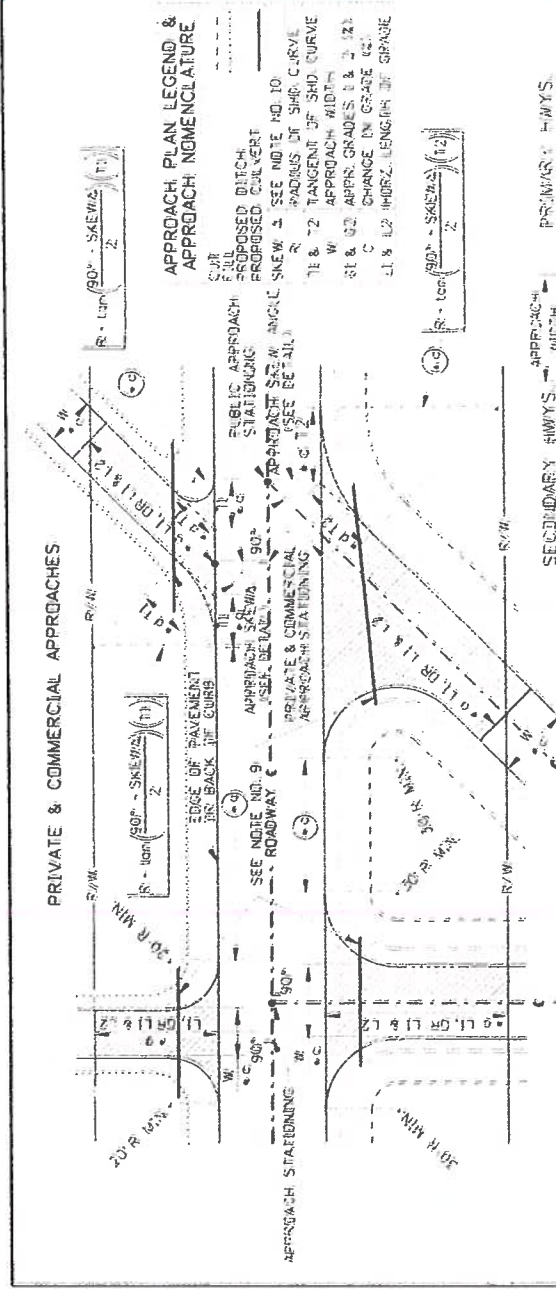
***CONFIDENTIALITY NOTICE: This e-mail message may contain legally privileged and confidential information exempt or prohibited from disclosure under applicable law. If you are not the intended recipient of this e-mail, please notify this sender immediately and do not deliver, distribute or copy this e-mail, or disclose its contents or take any action in reliance on the information it contains.

From: William Werhane [REDACTED]
Sent: Monday, June 1, 2020 3:01 PM
To: Ken Couch <Ken.Couch@itd.idaho.gov>
Subject: [EXTERNAL] Off ramp to parcel R33590012b

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Figure 3B-4, Example Right-Turn Lane Markings





APPROACH SKREW ANGLE
(SEE NOTE NO. 10)
NOTES

PRIVATE, COMMERCIAL, AND PUBLIC APPROACHES SHALL BE MAINTAINED TO THE IF-WAITING LIST. THE FACT OF THE SHOULDER CURE APPROACH BEING ANYWAY AND FIELD APPROACHES THAT ARE OCCASIONALLY USED MAY HAVE A MINIMUM OF 5 FEET IN THE SHOULDER LINE. APPROACHES ON EXISTING HIGHWAYS ARE EQUAL.

PUBLIC ROAD APPROACHES

USE NOTE NO. 50

WATER

10

APPROACH PLAN TYPICALS

APPROACH TYPICAL - CLEARZONE SLOPES

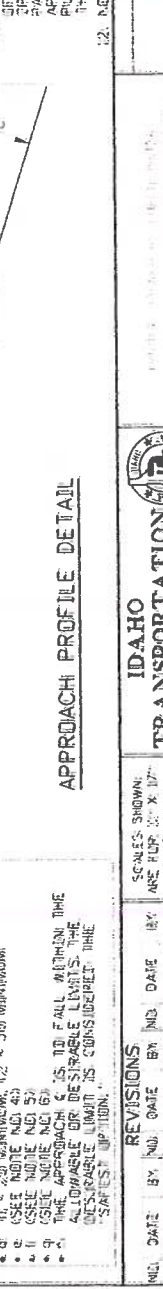
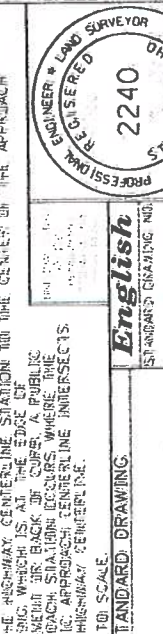
(PUBLIC & PRIVATE)

IN THE CLEARZONE THE SIDE SLOPES OF APPROACHES SHALL BE A MINIMUM 1:1 OF SECONDARY HIGHWAYS AND A MINIMUM OF 12:1 ON PRIMARY HIGHWAYS. THE MAXIMUM CHANGE IN GRADE (APPROACH GRADE TABLE "C" IS USED), A MINIMUM 10% VERTICAL CURVE SHALL BE USED IN THE APPROACH TO THE BRIDGE. A MAXIMUM OF 7% PER FOOT TERRAIN, BUT FOR EACH TERRAIN OR 1% FOR MOUNTAINS.


APPROACH GRADE TABLE			
TRAFFIC TYPE	GRADE PARABOLA (H)		MAX. CHANGE IN GRADE
	G1 (RANGE)	G2 (MAX.)	
HIGH VOLUME COMMERCIAL, INDUSTRIAL	.22 TO .34	.52	
LOW VOLUME COMMERCIAL, INDUSTRIAL	.22 TO .52	.82	
SINGLE RESIDENTIAL, FARM AND FIELD	.22 TO .82	.152 + .4	
MULTIPLE RESIDENTIAL	.22 TO .82	.152 + .4	
PUBLIC ROAD	.22		

STANDARD APPROACH WIDTH TABLE			
TRAFFIC TYPE	POSTED SPEED (MPH)		MIN. MAX. WIDTH
	MIN.	MAX.	
MULTIPLE RESIDENTIAL	25	40	26' 40"
SINGLE RESIDENTIAL, FARM AND FIELD	32	40	20' 40"
COMMERCIAL (ONE-WAY)	25	50	20' 50"
COMMERCIAL (TWO-WAY)	25	40	25' 40"
PUBLIC ROAD	25	N/A	23' N/A

2. IS PREQUORER.



RAL APPROACHES	405-1	
	Sheet 1 of 1	

TRANS. DIVISION DEPARTMENT ROAD FILE NAME 425 "I. 065" apr DRAWING DATE SEPTEMBER, 1946	 BOISE IDAHO
--	---

The Triangle Parcel Conditional Rezone

Planning and Zoning Commission

Presented by: Elizabeth Allen, Bristlecone Land Use Consulting and
Bill Werhane, Property Owner

Outline

- Location
- History of Site
- Public Outreach
- Development Agreement Condi





Marsing

Highway 55 (Sunnyslope Road)

THE TRIANGLE

Churruca Lane

Marsing Road



Marsing Road

Highway 55 (Sunnyslope Road)

Churruca Lane

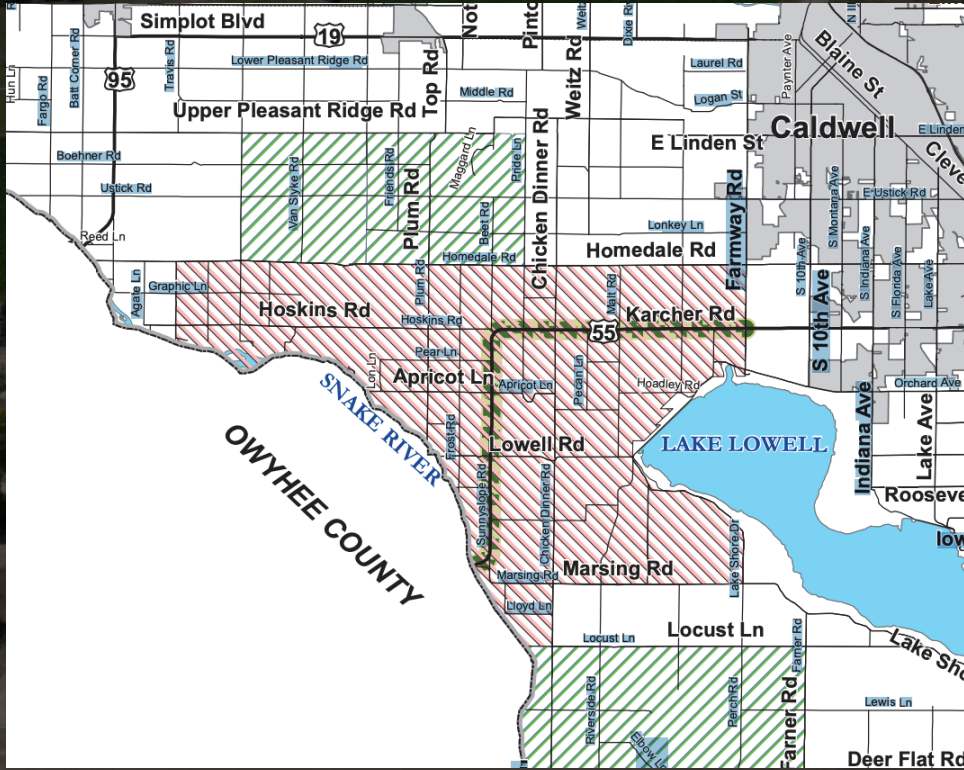


History of the Site

- WWII POW Camp was located adjacent to the site
- Marsing Bridge rebuilt in 1955
- Churruca Lane gas and service station operated
- Marsing Bridge rebuilt in 2020
- Churruca Lane abandoned by ITD
- Roadway improvements leaving excess fill on the site

- Vacant with a hill of fill dirt

- Vacant with a hill of fill dirt



The Triangle Parcel

- Zones considered: residential, industrial, agriculture, and commercial
 - Residential? The surrounding roadways and the shape of the parcel are not conducive for residential uses. Residential was not identified as a desirable use.
 - Industrial? Site is suitable for industrial uses but does not have nearby resources that industrial users like and was not identified as a desirable use.
 - Agriculture? Could be leased to a farmer but the fill dirt would need to be removed.
 - Commercial? It is the most realistic and logical choice and has a history of commercial use. Commercial uses were identified as desirable.

Public Outreach

- Two community polls
- Four open houses at Marsing City Hall
- A combined total of 355 responses received

Shaping the Future Community Poll for the TRIANGLE parcel

The purpose of this POLL is to involve us, the residents of the City of Marsing, Owyhee and Canyon Counties, and the greater Sunnyslope area, to identify possible developments for the TRIANGLE that would emphasize our special location in Southwest Idaho. We have highlighted the area's history below, followed by a short poll.

To emphasize: our beautiful and unique area IS being developed. The development and passing of the 2030 Canyon County Comprehensive Plan provided a blueprint to preserve and enhance our unique environment. Your involvement will be for all our benefit, and this POLL is a step in that direction. This POLL specifically identifies THE TRIANGLE. We have passed this + - 9 acres every time we drive over the new Marsing Bridge.



Have you ever thought, "I wonder what will happen there and Churruca Lane"? Well, You are traveling through an area that has been a 'crossroads' for centuries. Beginning with the Bonneville Flood, shaping the Snake River plains, aboriginal peoples living along the Snake (Celebration Park), the pioneer migration along the Oregon Trail (mid-1800s), settlers and discovery of gold in the Owyhees (1862), commercial ferries across the Snake in 1887 (Froman's and Henderson's Ferries), the WW II POW camp, Churruca Lane and Churruca Service Station through the 40s, 50s, 60s and into the 70s, and finally the construction of the 'new' bridge' at Marsing and rerouting of Hwy 55 in 1955. The current phase of Marsing and Sunny Slope has continued to morph agriculturally into the premier wine region of Idaho and the Northwest. In order to emphasize our uniqueness and support agriculture, your input is requested.



Please complete the following poll and place it in the drop-box in the Sand Bar Room at the Marsing City Hall by 4:00 p.m. on Friday, November 17, or mail it to PO Box 3953, Nampa, Idaho 83653.

The poll can also be filled out online using the QR code & at <https://forms.gle/uBibUckiAQ1ymYXMA>

Community Poll 1 – November 1 – 30, 2023

158 responses received

Top 3 Preferred Uses



Restaurant



Microbrewery



Animal Hospital

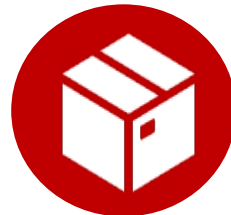
Top 3 Least Preferred Use



Personal Service Shops



Farm Supply Sales



Ministorage

Community Poll 2 – January 5 – February 5, 2025

197 responses

Preferred Use



Restaurant

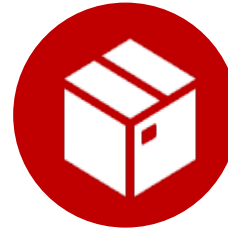


Microbrewery



Other

Least Preferred Use



Ministorage



Auction Establishment



Vehicle Service Facility

Vision

Thoughtfully develop the Triangle parcel with a use/s that provides an amenity or service for residents and visitors. The Triangle will be developed in a manner that blends in with the farming character and honors the area's history while ensuring that the use of the property will not become a detriment to public health, safety, and welfare.

Development Agreement Conditions

- Conditional Rezone to C-1
- Uses limited to Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution, and Retail.
- Incorporate a historical theme into their project, to be developed and designed by the developer. The theme can be a specific orientation such as Lizard Butte, Oregon Trail, POW Internment Camp, Snake River Corridor, Agricultural significance of the area (soil, irrigation, seed production, wine production), or an overview of all aspects of the region. To sustain the historical significance, future development would include a specific display or commentary. The display would include an outside plaque or signage pertaining to the subject, along with interior pictures and displays. For example, if a Microbrewery is planned, an obvious IPA could be LIZARD BUTTE IPA with a label designed with a drawing of Lizard Butte and a description of the feature. This would segue into demonstrating the geographical significance of Lizard Butte during the mid-1800s.

Development Agreement Conditions

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Thank you for your time and consideration!



EXHIBIT B

Supplemental Documents

Planning & Zoning Commission

Case# CR2022-0031

Hearing date: May 15, 2025

R33590012B PARCEL INFORMATION REPORT

3/13/2025 12:27:31 AM

PARCEL NUMBER: **R33590012B**

OWNER NAME: **WERHANE FAMILY LIVING TRUST**

CO-OWNER: **WERHANE GINA L TRUSTEE**

MAILING ADDRESS: **20968 BLOSSOM HEIGHTS LN CALDWELL ID 83607**

SITE ADDRESS: **0 HWY 55**

TAX CODE: **1550000**

TWP: **3N** RNG: **4W** SEC: **34** QUARTER: **NE**

ACRES: **7.67**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **GOLDEN-GATE HWY #3**

FIRE DISTRICT: **MARSING FIRE**

SCHOOL DISTRICT: **MARSING SCHOOL DIST #363**

IMPACT AREA: **NOT In Impact Area**

FUTURE LAND USE 2011-2022 : **AG**

FLU Overlay Zone Desc 2030: **AGRI-TOURISM BUSINESS USE \ AGRI-TOURISM EXCLUSIVE FARM USE**

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AGRI-TOURISM BUSINESS USE \ AGRI-TOURISM EXCLUSIVE FARM USE \ AG**

IRRIGATION DISTRICT: **BOISE PROJECT BOARD OF CONTROL \ WILDER IRRIGATION DISTRICT**

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY FIRM PANEL: 16027C0350F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **NO Nitrate Prio**

FUNCTIONAL Classification: **Other Principal Arterials**

INSTRUMENT NO. : **2020007051**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **34-3N-4W NE TX 06957 IN SENESE**

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 SHERIFFS 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.

R33590012C PARCEL INFORMATION REPORT

3/13/2025 12:28:12 AM

PARCEL NUMBER: **R33590012C**

OWNER NAME: **WERHANE FAMILY LIVING TRUST**

CO-OWNER: **WERHANE GINA L TRUSTEE**

MAILING ADDRESS: **20968 BLOSSOM HEIGHTS LN CALDWELL ID 83607**

SITE ADDRESS: **0 HWY 55**

TAX CODE: **1550000**

TWP: **3N** RNG: **4W** SEC: **34** QUARTER: **NE**

ACRES: **1.26**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **No**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **GOLDEN-GATE HWY #3**

FIRE DISTRICT: **MARSING FIRE**

SCHOOL DISTRICT: **MARSING SCHOOL DIST #363**

IMPACT AREA: **NOT In Impact Area**

FUTURE LAND USE 2011-2022 : **AG**

FLU Overlay Zone Desc 2030: **AGRI-TOURISM BUSINESS USE \ AGRI-TOURISM EXCLUSIVE FARM USE**

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **AGRI-TOURISM BUSINESS USE \ AGRI-TOURISM EXCLUSIVE FARM USE \ AG**

IRRIGATION DISTRICT: **BOISE PROJECT BOARD OF CONTROL \ WILDER IRRIGATION DISTRICT**

FEMA FLOOD ZONE: **X \ A FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0350F**

WETLAND: **NOT In WETLAND**

NITRATE PRIORITY: **NO Nitrate Prio**

FUNCTIONAL Classification: **Other Principal Arterials**

INSTRUMENT NO. : **2023009992**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **34-3N-4W NE PORTION IN SENESE LYING S & E OF TX 06957**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

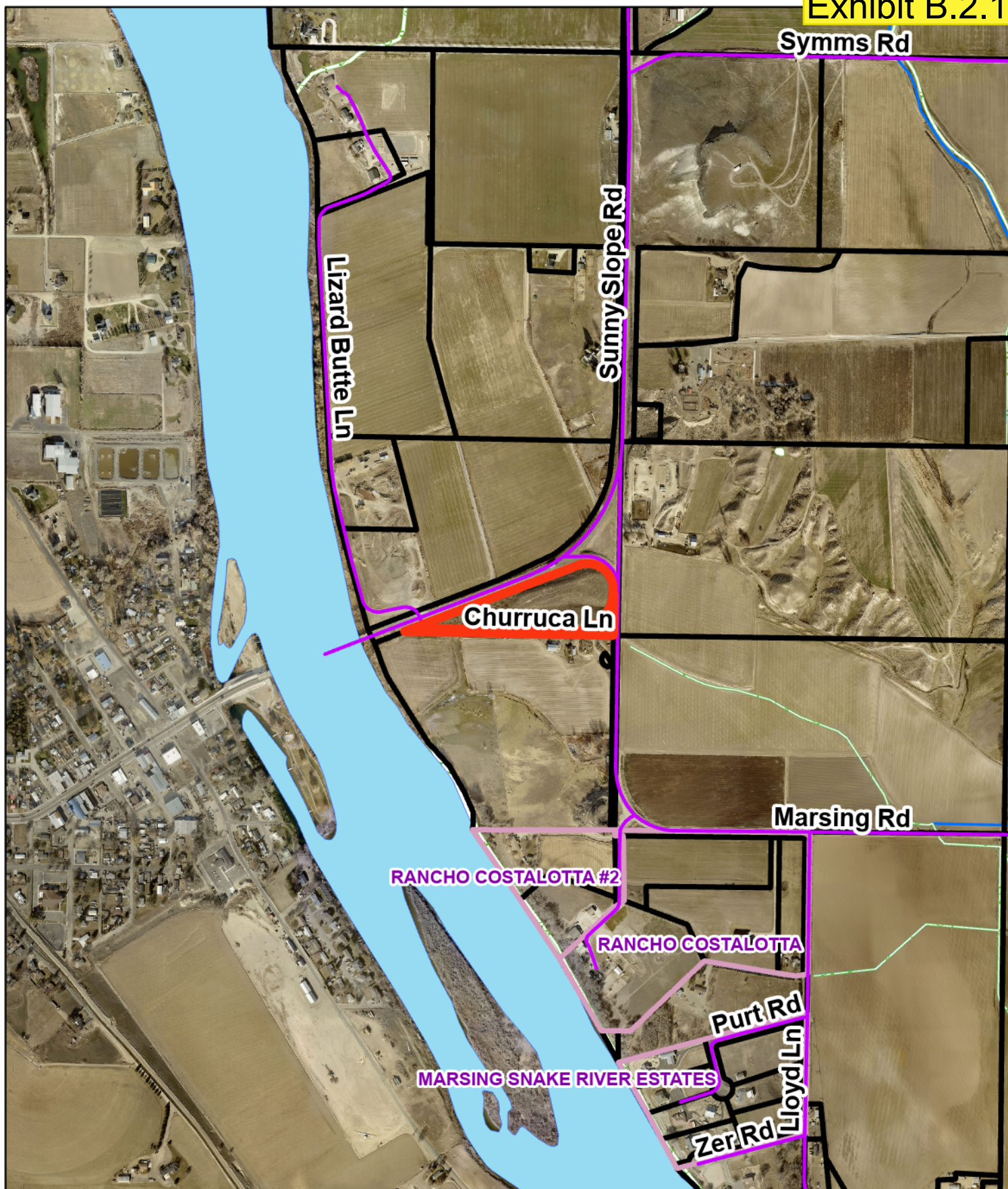
SMALL CITY ZONING TYPE:



DISCLAIMER:

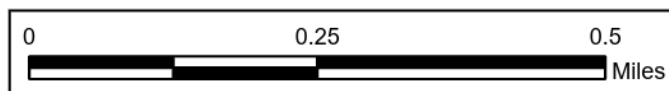
1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS, POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED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

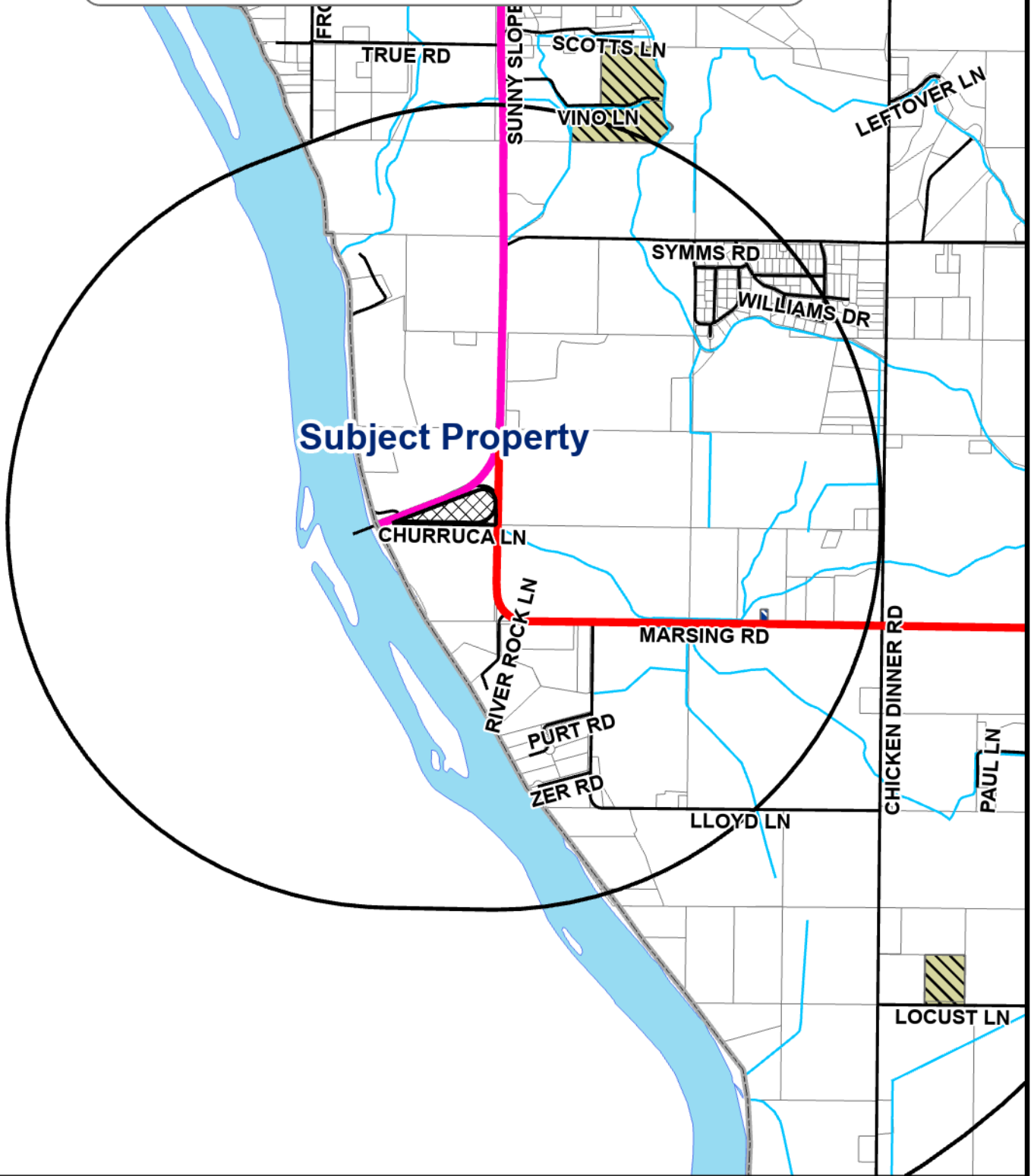


Legend

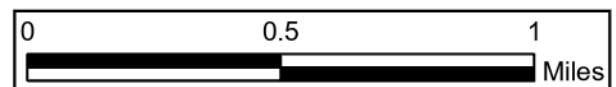
-  Wetlands
-  City_Limits



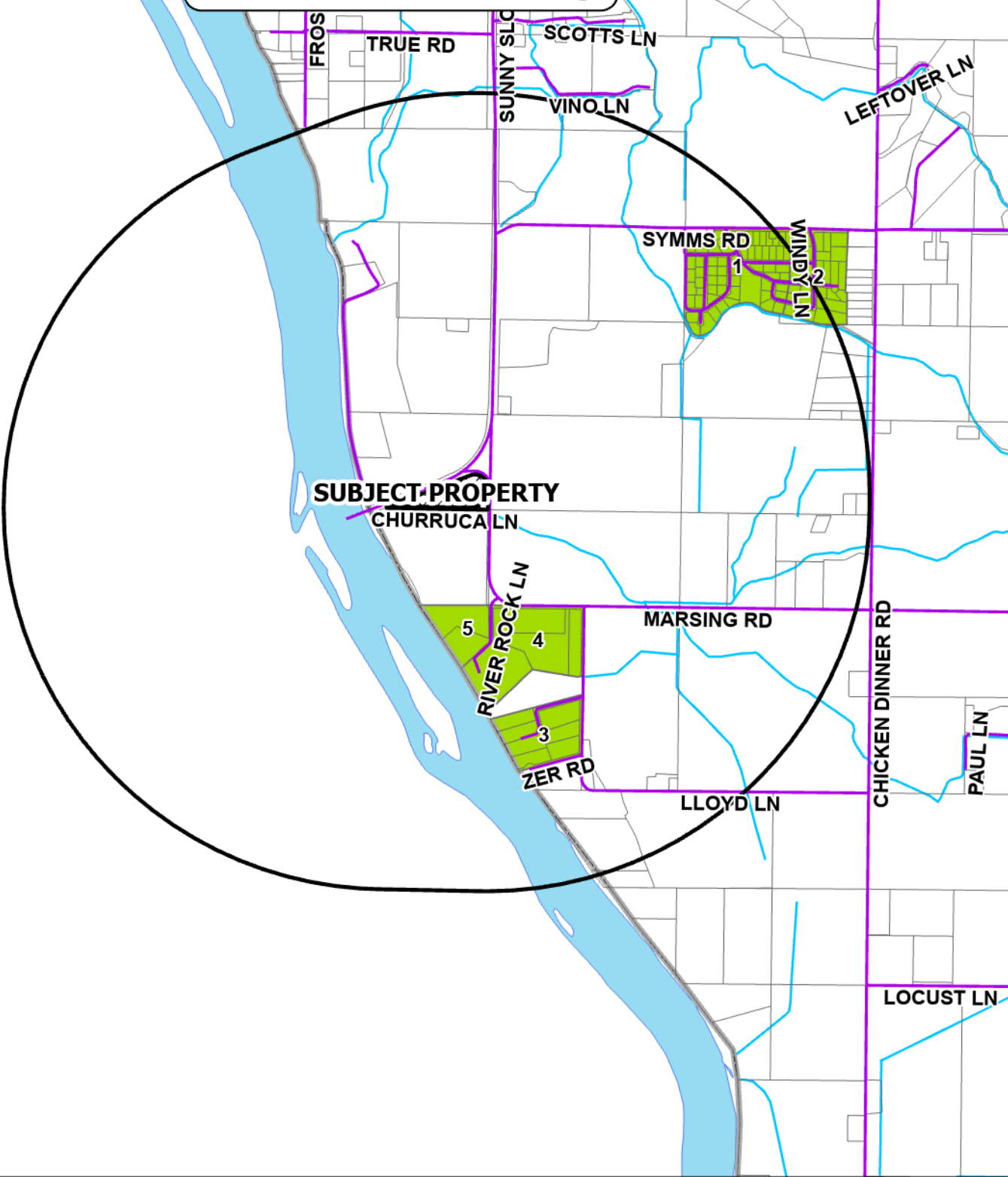
Werhane Zoning & Classification Map



Current Zoning		ITD Functional Classification	
	RR		C1
	CR-RR		CR-C1
	R1		C2
	CR-R1		CR-C2
	R2		M1
	C		CR-M1
			M2
			AG
			Interstate
			Major Collector
			Minor Arterial
			Minor Collector
			Other Principal Arterials

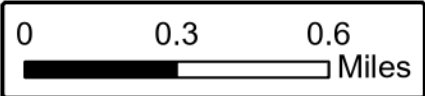


Werhane Subdivision Map



SUBDIVISIONS
Plat Type,Plat Status

- Preliminary,Approved
- Preliminary,Pending



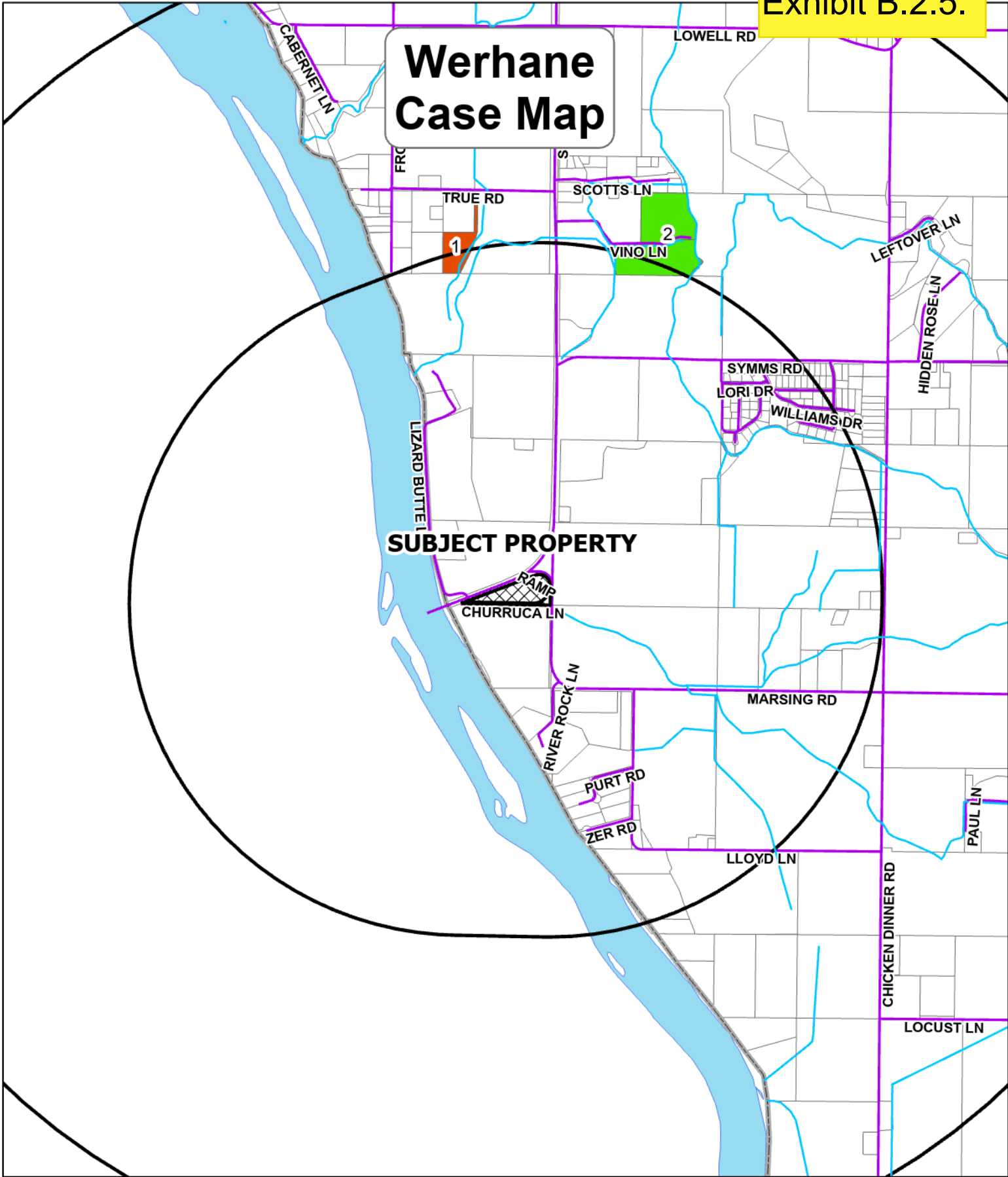
SUBDIVISION & LOT REPORT				
NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
5	129.83	105	1.24	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
7	34.46	33.49	0.09	79.94
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM

PLATTED SUBDIVISIONS							
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
HAGEN'S MOBILE ESTATES #1	1	3N4W35	38.37	64	0.60	COUNTY (Canyon)	1971
HAGEN'S MOBILE ESTATES #2	2	3N4W35	23.52	27	0.87	COUNTY (Canyon)	1972
MARSING SNAKE RIVER ESTATES	3	2N4W02	20.36	7	2.91	COUNTY (Canyon)	2007
RANCHO COSTALOTTA	4	2N4W02	34.99	4	8.75	COUNTY (Canyon)	1985
RANCHO COSTALOTTA #2	5	2N4W03	12.59	3	4.20	COUNTY (Canyon)	2004

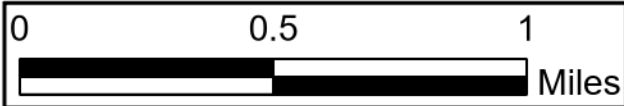
SUBDIVISIONS IN PLATTING			
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

MOBILE HOME & RV PARKS					
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...

Werhane Case Map

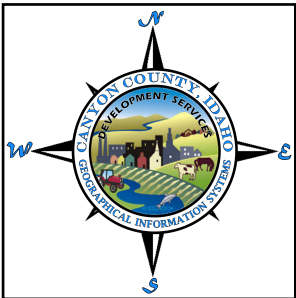
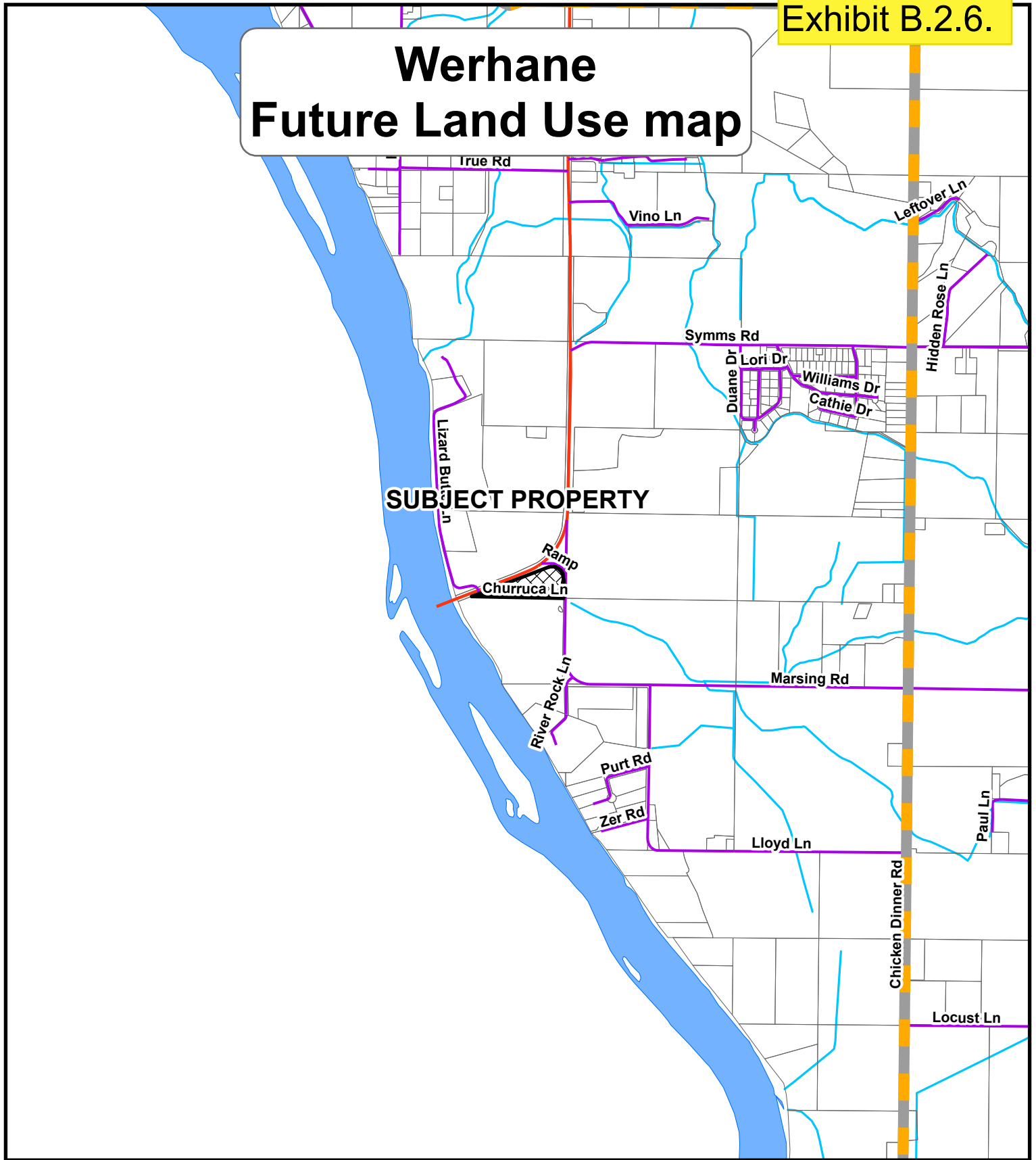


YEAR			
2023	2020	2019	2018
2022	2021		



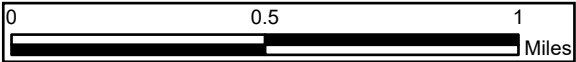
Werhane Future Land Use map

SUBJECT PROPERTY

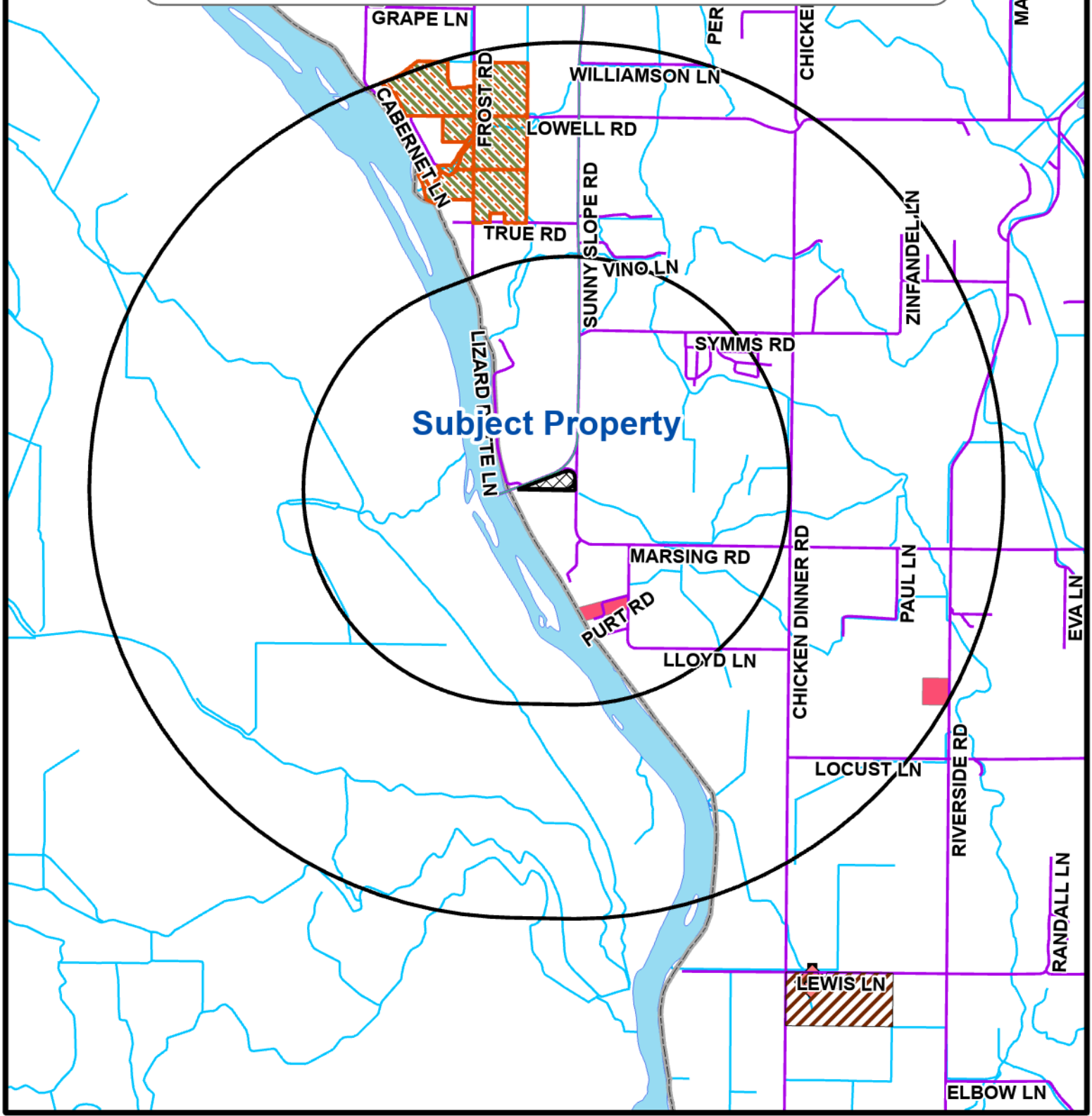


Legend Future Land Use 2030

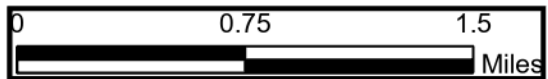
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL



Werhane Dairy, Feedlot, and Gravel Pit Map



	FEEDLOTS
	DAIRIES
	GRAVELPITS



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

Exhibit B.2.8.

Werhane Soil Map

Lizard Butte

Sunny Slope

Ramp

Marsing

3 Churruca

3

4

River Rock

Purt

Lloyd

Zer



Nitrate Priority Wells

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



IDWR_2C_Geothermal_



Wetlands

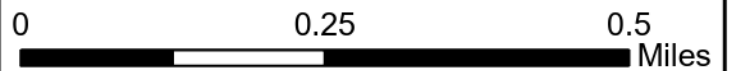


EXHIBIT C

Site Visit Photos:

March 10, 2025

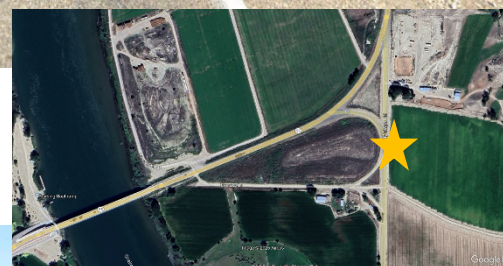
Planning & Zoning Commission

Case# CR2022-0031

Hearing date: May 15, 2025



At Marsing Rd and Charruca Ln looking North



At Marsing Rd and Charruca Ln looking South



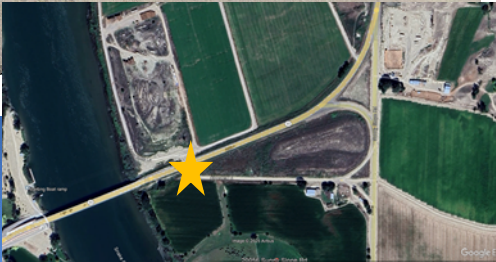
On State Highway 55 (Sunny Slope Rd) looking Northeast at intersection of Hwy 55 and Marsing Rd.



On State Highway 55 looking West towards the bridge and city of Marsing.



State Hwy 55 at bridge looking Northeast



At Charruca Ln and State Hwy 55 looking onto the triangle property.

EXHIBIT D

Agency Comments Received by: May 5, 2025

Planning & Zoning Commission

Case# CR2022-0031

Hearing date: May 15, 2025

DONALD BARKSDALE
CHAIRMAN OF THE BOARD

FRED BUTLER
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

13 February 2023

Canyon County Development Services
111 North 11th Ave., Ste. 140
Caldwell, Idaho 83605

RE: Werhane Family Living Trust
Hwy 55 and Churruca Ln. intersection
Caldwell, Idaho
Wilder Irrigation District
Sunnyslope #2 Lateral 72+50
Sec.34, T3N, R4W, BM.

OR2022-0010/CR2022-0031

W-485-0-2

Jenna Petrol, Planner II:

The United States' Munsey Drain and Gray Drain lies within the boundary of the above-mentioned location. The easement for this lateral is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain these drains. We assert the federal easement of 25 feet from center both directions of the drain's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

The Boise Project does not approve of landscaping (other than grass or gravel) within its easements, as this will certainly increase our cost of maintenance. All easements must remain a flat drivable surface.

Fencing/pathways (as may be required) must be constructed just off the drain easement, to ensure public safety and prevent encroachments.

Parking lots, curbing, light poles, signs, etc. and the placing of asphalt and/or cement over Project facility easements must be approved by Boise Project Board of Control prior to construction.

RECEIVED
FEB 15 2023
RECEIVED

Project facilities and/or easements that parallel, and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated outside of road right-of-ways. The easements of Boise Project facilities will remain the same unless agreed upon and/or approved with written permission from Boise Project Board of Control.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the canal is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case, no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

Crossing agreements must be secured and signed by all parties prior to March 1st of each year. A time schedule for the construction to be done during the non-irrigation season must be approved by Boise Project prior to any activity within Project easements. No construction will be allowed within the easement boundaries of the Boise Project Board of Control facilities after March 15th of each year.

The piping and relocation of any Lateral, Canal and/or Drain must be reviewed and approved by the Project and Bureau of Reclamation and is (to include all appurtenant boxes and/or structures) and must be warranted by the landowner for a period of (5) five-years. The Warrantee Agreement must be secured prior to ANY disturbance of that facility.

Storm Drainage and/or Street Runoff must be retained on site.

NO DISCHARGE into any live irrigation system is permitted.

Per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors.

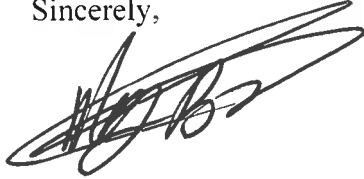
This development is subject to Idaho Code 31-3805, in accordance, this office is requesting a full-size hard copy of the plans to include all irrigation and drainage plans.

Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statutes, Title 42-1209.

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors even during the construction phase.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Ritthaler', with a large, sweeping flourish at the end.

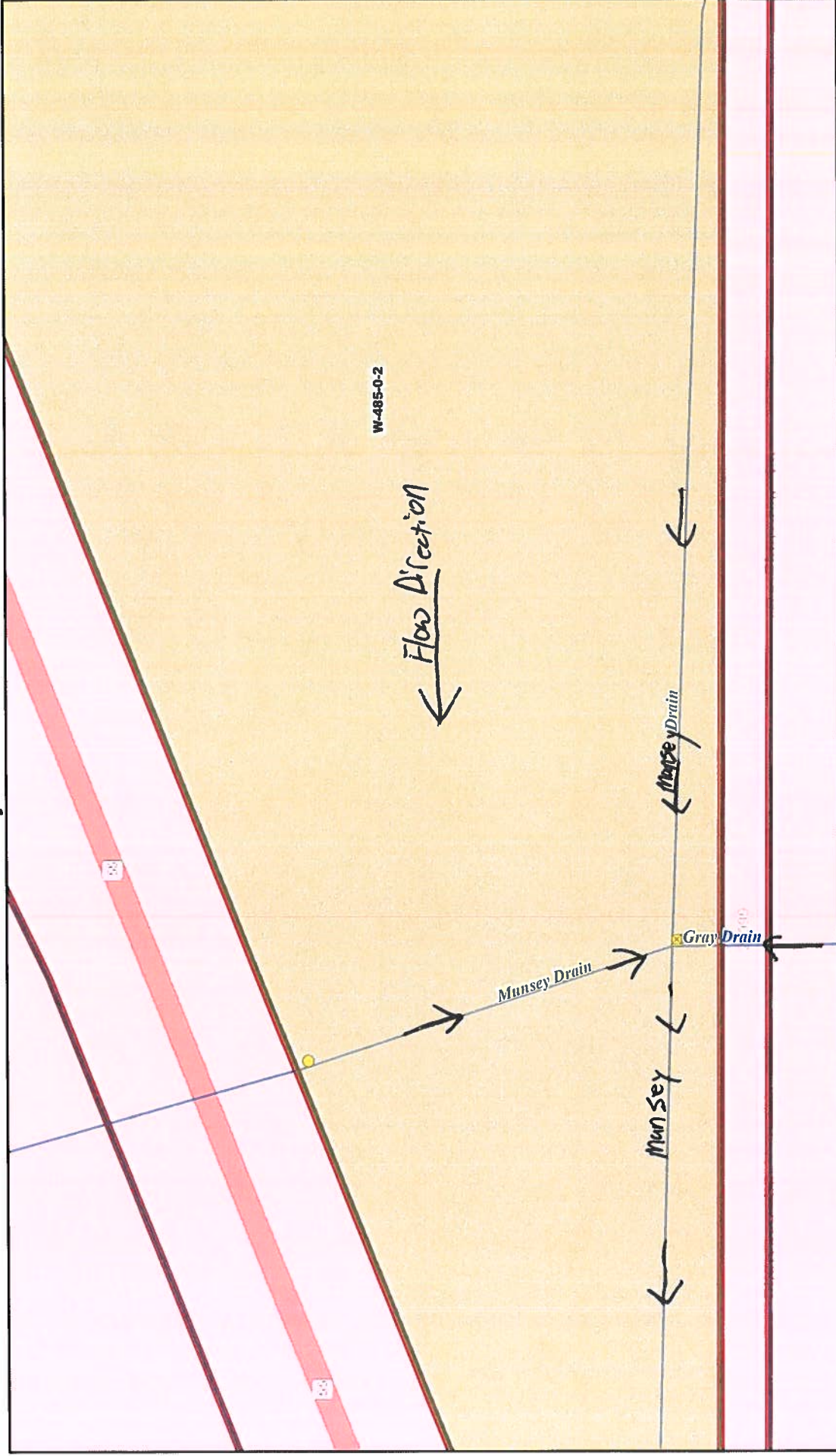
Thomas Ritthaler
Assistant Project Manager, BPBC

Tbr/tr

cc: Tony Averman Watermaster, Div.; 4 BPBC
Lisa Sweet Secretary – Treasurer, WID

File

Boise Project Board of Control



2/13/2023, 8:49:50 AM

Hydro - Canals, Laterals

Boise Project Accounts_ Query result

Facility Point Features

Cleanout Box

Irrigation Districts

WILDER IRRIGATION DISTRICT

Township, Range, Section

Generic Point

County Parcel Data

Boise Project Accounts

Boise Project Accounts

1:1,128

0 0.01 0.01 0.02 0.02 0.04 km

0.04 km

Bureau of Land Management, State of Oregon GEO, State of Oregon, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, U.S. Forest Service

GIS Mapping

Please Note: Boise Project Board of Control cannot guarantee the accuracy of the information contained on this map. Each user of this map is responsible for determining its suitability for his or her intended use or purpose. No liability is assumed for the accuracy of the data delineated on this

A hand-drawn map of a property, likely a golf course green or fairway, showing drainage features. The central area is a large, irregularly shaped yellow-green field. To the left, a red line runs diagonally, possibly representing a path or boundary. A blue line runs horizontally across the middle of the map. Several labels and arrows indicate drainage: 'Munsey Drain' is written vertically on the right side with arrows pointing left; 'Gray Drain' is written on the right with an arrow pointing left; 'Munsey Drain' is written horizontally near the center with an arrow pointing right. A small yellow square is located at the intersection of the blue line and the vertical 'Munsey Drain' line. A black rectangular mark is also present near this intersection. Two brown crosses are marked on the right side of the yellow-green area. The top of the map shows a road labeled 'Munsey Rd' and '12219'. A small semi-circle is drawn in the top right corner.

Bureau of Land Management, State of Oregon GEO, State of Oregon, Esni,
HERE, Garmin, INCREMENT P, NGA, USGS, U.S. Forest Service

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CANYON SOIL CONSERVATION DISTRICT

Exhibit D2



2208 E. Chicago, Suite A
Caldwell, ID 83605
Phone 208-779-3443
Fax 1-877-504-6752

SUPERVISORS: Mike Swartz, Chairman; Robert McKellip Vice Chairman;
Dave Dixon, Secretary/Treasurer; Mike Somerville, Supervisor; & Rex Runkle, Supervisor

ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood

SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

March 13, 2023

**To: Dan Lister Planner of Record
Canyon County Development Services**

From: Canyon Soil Conservation District (Canyon SCD)

Subject: Notification to Canyon pursuant to the local use Planning Act

Thank you for sending Canyon Soil Conservation District (SCD) several zoning requests.

They are: CR2023-0003/Pruett, CR2022-0027 & SD2022-0043/Dave Hess, CR2022-0029/Gross Trust, RZ2021-0056 & SD2021-0059/Ardurra, CR2022-0025/ Molenaar-Schram, CR2022-0003/LWD Development Inc. , CR2021-0006 & SD2021-0032/Dembi EStates Subdivision, CR2022-0032/Virgil Iovu, OR2022-0010 & CR2022-0031/Werhane

Comments from Canyon County SCD:

The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.

CR2023-0003/Pruett- 100% of the soils are class III. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0027 & SD2022-0043/Dave Hess- Appropriate aerial photography was not provided with the zoning request. In order for Soil Conservation District to perform our responsibility it is your responsibility to provide the aerial photography. If you provide the map we will respond with our recommendation.

CR2022-0029/Gross Trust- 81% of the soils are class II and 12% are class III and 4% are class IV. Class II are best suited productive soils in Canyon County with few limitations. Class III have moderate limitations and

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.

CANYON SOIL CONSERVATION DISTRICT



2208 E. Chicago, Suite A
Caldwell, ID 83605
Phone 208-779-3443
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SUPERVISORS: Mike Swartz, Chairman; Robert McKellip Vice Chairman;
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SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

RZ2021-0056 & SD2021-0059/Ardurra-54% of the soils are Class III, 31% are Class IV and 13% are Class VI and 2% water. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0025/ Molenaar-Schram-80% are Class III soils, 10% class IV soils, 2% Class VI and 8% with no Classification. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0003/LWD Development Inc.-Soil Conservation District has no comments.

CR2021-0006 & SD2021-0032/Dembi Estates Subdivision-35% are Class II soils and 65% are Class III. Class II are best suited productive soils in Canyon County with few limitations. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0032/Virgil Iovu-Soil Conservation District has no comments.

OR2022-0010 & CR2022-0031/Werhane-Soil Conservation District has no comments.

Continued Partnership and Conservation.

Sincerely,

A handwritten signature in black ink that reads "Rich Sims acting for". The signature is written in a cursive, flowing style.

Mike Swartz, Canyon SCD Chairman

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.

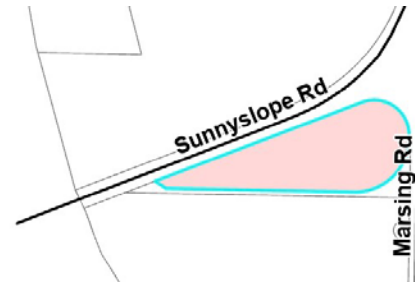
Communities in Motion (CIM) Development Review Checklist

Development Name: OR2022-0010/CR2022-0031

CIM Vision Category: Rural

Consistent with **CIM Vision**? NO

New Households: 0 New Jobs: ±90



Safety

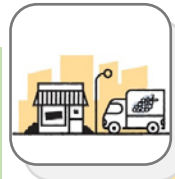
How safe and comfortable is the nearest major road (minor arterial or above) for bicyclists and pedestrians? Analysis is limited to existing roadway conditions.

State Highway 55 (Sunny Slope Road)

Pedestrian level of stress



Bicycle level of stress



Economic Vitality

To what extent does the project enable people, government, and businesses to prosper?

Economic Activity Center Access



Impact on Existing Surrounding Farmland



Net Fiscal Impact



Convenience

What services are available within 0.5 miles (green) or 1 mile (yellow) of the project?

Nearest bus stop



Nearest public school



Nearest public park



Quality of Life

Checked boxes indicate that additional information is attached.

Active Transportation



Automobile Transportation



Public Transportation



Roadway Projects



Improves performance



Does not improve or reduce performance



Reduces performance

Comments:

The project proposes commercial development near the City of Marsing's downtown. The estimated number of jobs exceeds growth forecasted for this area which may affect transportation facilities in the area. The [COMPASS Complete Network Policy](#) identifies State Highway 55 (Sunny Slope Road) as a primary freight corridor. When developing the site plan consider how to accommodate freight movement and encourage walking/biking in the area (see Complete Network Appendix for more information).

Who we are: The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization for Ada and Canyon Counties. This review evaluates whether land developments are consistent with [Communities in Motion](#), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document. Past checklists are available [online](#). See the [Development Review User Guide](#) for more information on the red, yellow, and green checklist thresholds.



www.compassidaho.org



info@compassidaho.org



COMPASS
COMMUNITY PLANNING ASSOCIATION
of Southwest Idaho

Complete Network Appendix

Checkmarks (✓) below indicate suggested changes to a site plan, based on the [COMPASS Complete Network Policy \(No. 2022-01\)](#). Both the Complete Network Policy and site-specific suggestions are intended to better align land use with identified transportation uses in the corridor. Please see the Complete Network [map](#) for primary and secondary uses for roadways (minor arterial and above) in Ada and Canyon Counties.

Corridor Name:	Sunny Slope Road (State Highway 55)
Primary Use:	Freight
Secondary Use:	None

Access Management

- ✓ Provide cross or shared access to reduce the need for excessive access on major roads
- ✓ Ensure access points are designed with a turning radius that accommodates freight access where appropriate

More information is available in the [COMPASS Access Management Toolkit](#) and the [COMPASS Access Management Business Guide](#).

Parking Management

- ✓ Improve walking and cycling infrastructure to make them feasible alternatives to driving and parking


Fiscal Impact Analysis


Below are the expected revenues and costs to local governments from this project. The purpose of this analysis is to help the public, stakeholders, and the decision-makers better manage growth.

Capital and operating expenditures are determined based on service and infrastructure needs, including persons per household, student generation rates, lot sizes, street frontages, vehicle trip and trip adjustment factors, average trip lengths, construction values, income, discretionary spending, and employment densities.

Net Fiscal Impact by Agency

N/A City

 County

 Highway District

N/A School District

Breakeven point across all agencies: 1 year

Additional Information:

- Fiscal Impact Analysis was run using a mix of retail (shops or restaurant) as well as a storage type use. Retail alone was estimated to reduce County gross revenue with the largest County expense being the Sheriff's Office.

Disclaimer: This tool only looks out 20 years and does not include replacement costs for infrastructure, public utilities, or unfunded transportation needs in the project area. More information about the COMPASS Fiscal Impact Tool is available at:

www.compassidaho.org/prodserv/fiscalimpact.htm

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



Brad Little, Governor
Jess Byrne, Director

February 15, 2023

Jenna Petroll, Case Planner
Canyon County
111 N. 11th Ave ROOM 310
Caldwell, ID 83605
jenna.petroll@canyoncounty.id.gov

Subject: OR2022-0010/CR2022-0031 Werhane

Dear Ms. Petroll:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for 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.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells 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 ground water 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 Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate 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 GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material 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.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

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

6. ADDITIONAL NOTES

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

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

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK

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



Brad Little, Governor
Jess Byrne, Director

February 21, 2025

Michelle Barron, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
michelle.barron@canyoncounty.id.gov

Subject: Agency Notice of CR2022-0031

Dear Ms. Barron:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

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- 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.

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

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate 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 GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material 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.

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

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

6. ADDITIONAL NOTES

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Troy Smith", with a stylized flourish at the end.

Troy Smith
Regional Administrator

Michelle Barron

From: Chris Hopper <CHopper@canyonhd4.org>
Sent: Wednesday, May 3, 2023 3:59 PM
To: Jenna Petroll; 'Bob Watkins'
Subject: [External] RE: Werhane Rezone

Jenna-

The access shown on the exhibit is not what we discussed with the applicant, and is not acceptable. We can approve an access to Marsing Rd at the south boundary of the parcel, where existing Charruca Lane is located. Applicant indicated he was securing a road maint agreement with the property to the south, this would function as a shared approach. We do not recommend a TIS as part of the rezone. Commercial uses vary widely in traffic demand, and we can't make accurate requirements for traffic mitigation until the specific use and facility size is known. We can under our standards require a TIS at the time of access permitting if one is needed.

Respectfully,

Chris Hopper, P.E.
 District Engineer

Canyon Highway District No. 4
 15435 Hwy 44
 Caldwell, Idaho 83607
 208-454-8135

From: Jenna Petroll <Jenna.Petroll@canyoncounty.id.gov>
Sent: Wednesday, May 3, 2023 10:56 AM
To: 'Bob Watkins' <bobw@gghd3.org>
Cc: Chris Hopper <CHopper@canyonhd4.org>
Subject: Werhane Rezone

Good Morning,

I am reaching out regarding the conditional rezone application on parcel R33590012B on the corner of Hwy 55 and Charruca Ln. The applicant has purchased the parcel Charruca Ln is located in and is proposing access from there. I have attached a snippet of where he is proposing access and what the flow of traffic would look like. Would this access be acceptable?

Also, would you recommend a traffic impact study prior to going to hearing? This is the finding we have to make in order to approve the rezone: **"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?"** If we don't get the TIS done before the hearing we would only be able to say the applicant will comply with Highway District standards and requirements. If they got the TIS done with your review completed and traffic mitigation measures identified then we would be able to add those to our findings. I have also attached your original comment to see if this changes any of those items stated in your comment.

Thank you,

Jenna Petroll

Planner II
Planning and Zoning Division
Canyon County Development Services
jenna.petroll@canyoncounty.id.gov
208-454-6632

Development Services Department (DSD)

NEW public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

***We will not be closed during lunch hour ***

Michelle Barron

From: Chris Hopper <chopper@hwydistrict4.org>
Sent: Tuesday, April 29, 2025 2:58 PM
To: Michelle Barron; 'Bob Watkins'
Subject: [External] RE: CR2022-0031 Werhane Conditional Rezone
Attachments: OR2021-004 RZ2021-003 HWY DIST FINAL comments Werhane Family Trust R3359....pdf

Michelle-

Conditions from the attached 2021 letter are still applicable. As the permitting agency for access to Marsing Rd, HD4 does not oppose the use of the existing Churruca Lane approach to Marsing Rd for access to the property. Golden Gate Highway District is the underlying jurisdiction and they would have the final say on whether that access location is acceptable.

Respectfully,

Chris Hopper, P.E.
 District Engineer



Highway District No. 4
 15435 Hwy 44
 Caldwell, Idaho 83607
 208-454-8135 Ext. 104

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Tuesday, April 29, 2025 2:25 PM
To: Chris Hopper <chopper@hwydistrict4.org>; 'Bob Watkins' <bobw@gghd3.org>
Subject: FW: CR2022-0031 Werhane Conditional Rezone

Good afternoon Chris and Bob,

I am checking in to see if you could update your comments, or let me know if they still remain from the original comments that your agencies have made. I have a May 5th deadline to add any comments to my staff report. Thanks for your help!

Thanks,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
 Direct Line: 208-455-6033
 DSD Office Phone: 208-454-7458
 Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

From: Michelle Barron

Sent: Monday, March 17, 2025 3:51 PM

To: 'Chris Hopper' <chopper@hwydistrict4.org>; 'Niki Benyakhlef' <Niki.Benyakhlef@itd.idaho.gov>; Bob Watkins <bobw@gghd3.org>

Subject: CR2022-0031 Werhane Conditional Rezone

Good Afternoon,

I was working through the Staff Report for the above-mentioned application. I realized that I haven't received any comments prior to 2023 on this case. When it was first noticed to agencies, it was for a conditional rezone to C-2 and didn't have recommended conditions restricting uses. Today, the application has been changed to a Conditional Rezone to C-1 (Neighborhood Commercial) with the following uses only: Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution, and Retail.

I was hoping to get updated comments from your respective agencies. I will attach the application along with the updated letter of intent. If you need anything else, please let me know. I have postponed the hearing until I have some additional information from your agencies.

Thank you,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

Golden Gate Highway District No. 3

Commissioners: Virgil Holsclaw, David Lincoln, Fred Sarceda

February 25, 2021

To: Dan Lister, Planner II
Canyon Co. Development Services

From: Gordon Bates, P.E.
Director of Highways

Cc: Chris Hopper, P.E., District Engineer
Canyon Highway District #4

**Subject: OR2021-0004 & RZ2021-0003 – Werhane Family Trust, Parcel R33590012B
SWC Marsing Road and HWY 55**

I have reviewed the Rezone and Comprehensive Plan Map amendment application with a transmittal date of 2/5/21. This includes several attachments by the Applicant.

The subject parcel is within the boundary of Golden Gate Highway District No. 3 (GGHD). The subject parcel has frontage along the easterly boundary to Marsing Road which is under the jurisdiction of Canyon Highway District No. 4 (CHD). Therefore, concurrent comments are provided representing both GGHD and CHD.

The subject parcel also abuts Sunny Slope Road which is HWY 55 and is under the jurisdiction of the Idaho Transportation Department (ITD). This location is within the City of Marsing area of impact. These comments in no way represent ITD nor the City of Marsing.

Transportation Impacts: Specific uses proposed within the C-1 zoning could generate sufficient trips to warrant at TIS, which may be required with access permit application at the discretion of the Highway Districts.

General: Functional Classification for Marsing Road is Principal Arterial at the date of application. Existing right-of-way (R/W) for Marsing Road is not clear from available information. CHD4 has no deeds on file for right-of-way along the subject property Marsing Rd frontage. The Canyon County Assessors maps show approximately 30-feet of right-of-way west of the Section 35 T3N R4W westerly boundary. At a minimum, a prescriptive right-of-way 50-feet wide exists (centered on the existing roadway) based on more than 20-years of public maintenance of Marsing Rd. 2017 Edition of the Highway Standards and Development Procedures (HSDP) Section 3030 Right-of-Way is applicable. HSPD lists 100-ft wide (50-ft half width) ultimate R/W for a Principal Arterial.

Churruca Lane is a private road that borders the subject parcel on the south and east. This private roadway appears to be located on a separate parcel R33590012C that the Applicant does not own. A right-of-way deed was granted in 1941 that is located south of parcel R33590012C and does not front



Address
500 E. Golden Gate Ave.
Wilder, ID 83676

Phone 208. 482.6267
Fax 208. 482.6100
Email office@gghd3.org

Golden Gate Highway District No. 3

Commissioners: Virgil Holsclaw, David Lincoln, Fred Sarceda

the subject parcel. No information is provided regarding private access rights, if any, onto Churruca Lane.

Access: Current access is undefined and may also have occurred from Churruca Lane in the past. HSDP Section 3061.20.B Urban Roadway Driveway Spacing does not allow new access onto Marsing Road, a Principal Arterial. The subject parcel enjoys limited frontage onto Marsing road near the northwest corner. This is too close to the intersections and any new driveway would not meet HSDP requirements. The Applicant provided Attachment #10 which is correspondence from ITD regarding the process to get an ITD access permit onto HWY 55.

The Highway District does not oppose the rezone subject to the following Conditions of Approval:

1. HWY 55 access subject to ITD approval,
2. No access onto Marsing Road, and
3. 50-ft R/W dedication along the subject parcel frontage on Marsing Road.

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

GGHD requests that Development Services incorporates these comments into proposed Conditions of Approval for consideration/approval by the Planning & Zoning Commission and the Canyon County Commissioners in the event that the Rezone is granted.



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500 E. Golden Gate Ave.
Wilder, ID 83676

Phone 208. 482.6267
Fax 208. 482.6100
Email office@gghd3.org



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IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

March 6, 2023

Jenna Petroll
Planner II
Canyon County Development Services Department
111 North 11th Ave., Ste. 140
Caldwell, ID 83605

VIA EMAIL

Development Application	OR2022-0010/CR2022-0031
Project Name	Werhane Family Trust
Project Location	S side of SH-55 MP 2.8 at Churruca Ln
Project Description	Conditional Rezone w/potential commercial agreements
Applicant	William & Gena Werhane

The Idaho Transportation Department (ITD) reviewed the referenced applications and has the following comments:

1. This parcel abuts the State Highway system.
2. Traffic generation numbers were not provided with this application. ITD needs more information to determine how this proposed use will impact the State Highway system. A Traffic Impact Study (TIS) may be required. Any necessary mitigation for traffic impacts identified by the TIS shall be the responsibility of the applicant to install.
3. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State Highway.
4. The Idaho Administrative Procedure Act (IDAPA) 39.03.60 governs advertising along the State Highway system. The applicant may contact Justin Pond, Program Manager for ITD's Headquarters Right-of-Way Section at (208)334-8832 for more information.
5. ITD does not object to the proposed application as presented at this time, however when conceptual development plans are available, ITD would like the opportunity to review and provide further comments.

If you have any questions, you may contact me at (208)334-8337.

Sincerely,

Niki Benyakhlef
Development Services Coordinator
Niki.Benyakhlef@itd.idaho.gov

Michelle Barron

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Tuesday, March 18, 2025 8:44 AM
To: Michelle Barron
Cc: 'Chris Hopper'; Bob Watkins
Subject: [External] RE: CR2022-0031 Werhane Conditional Rezone
Attachments: TR_Werhane 031825.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Michelle,

Thank you for sending this over with your explanation.

Please see attached document for ITD's updated comments. Let me know if you have any questions.

Thank you!



Niki Benyakhlef
Development Services Coordinator

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

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Monday, March 17, 2025 3:51 PM
To: 'Chris Hopper' <chopper@hwydistrict4.org>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Bob Watkins <bobw@gghd3.org>
Subject: CR2022-0031 Werhane Conditional Rezone

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

Good Afternoon,

I was working through the Staff Report for the above-mentioned application. I realized that I haven't received any comments prior to 2023 on this case. When it was first noticed to agencies, it was for a conditional rezone to C-2 and didn't have recommended conditions restricting uses. Today, the application has been changed to a Conditional Rezone to C-1 (Neighborhood Commercial) with the following uses only: Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution, and Retail.

I was hoping to get updated comments from your respective agencies. I will attach the application along with the updated letter of intent. If you need anything else, please let me know. I have postponed the hearing until I have some additional information from your agencies.

Thank you,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov



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(208) 334-8300 • itd.idaho.gov

March 18, 2025

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310
Caldwell, Idaho 83605

VIA EMAIL

Development Application	CR2022-0031
Project Name	Werhane Family Trust
Project Location	SH-55 MP 2.8 right (Churruca Lane)
Project Description	C-1 Commercial (<i>Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution or Retail</i>)
Applicant	Elizabeth Allan, Representative for William & Gena Werhane

The Idaho Transportation Department (ITD) reviewed the referenced application(s) and has the following comments:

1. This project abuts the state highway system.
2. Traffic generation numbers were not provided with this application due to unknown commercial use. As such, ITD needs more information to determine how the proposed use will impact the state highway system.
3. Until such use is identified, ITD will withhold approval of application. If approval from ITD is needed prior to the County's approval of the application, ITD will require a Traffic Impact Study (TIS) studying the highest impact for a C-1 Commercial zone.
4. Any necessary mitigation for the traffic impacts identified by the TIS shall be the responsibility of the applicant to install.

If you have questions regarding this application, you may contact Niki Benyakhlef at Niki.Benyakhlef@itd.idaho.gov or (208)334-8337.

Sincerely,

Niki Benyakhlef

Niki Benyakhlef
Development Services Coordinator
ITD District 3
Niki.Benyakhlef@itd.idaho.gov

Michelle Barron

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Friday, April 25, 2025 5:58 AM
To: Michelle Barron
Cc: 'Chris Hopper'; Bob Watkins
Subject: [External] RE: CR2022-0031 Werhane Conditional Rezone
Attachments: TR_Werhane 042525.pdf

Good Morning, Michelle –

I've updated my comments further. Please see attached document.

Let me know if you have any questions!

Thank you,



Niki Benyakhlef
Development Services Coordinator

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

From: Niki Benyakhlef
Sent: Tuesday, March 18, 2025 8:44 AM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Cc: 'Chris Hopper' <chopper@hwydistrict4.org>; Bob Watkins <bobw@gghd3.org>
Subject: RE: CR2022-0031 Werhane Conditional Rezone

Hello Michelle,

Thank you for sending this over with your explanation.

Please see attached document for ITD's updated comments. Let me know if you have any questions.

Thank you!



Niki Benyakhlef
Development Services Coordinator

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

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>

Sent: Monday, March 17, 2025 3:51 PM

To: 'Chris Hopper' <chopper@hwydistrict4.org>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Bob Watkins <bobw@gghd3.org>

Subject: CR2022-0031 Werhane Conditional Rezone

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I was hoping to get updated comments from your respective agencies. I will attach the application along with the updated letter of intent. If you need anything else, please let me know. I have postponed the hearing until I have some additional information from your agencies.

Thank you,

Michelle Barron

Principal Planner

Canyon County Development Services Department

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(208) 334-8300 • itd.idaho.gov

April 25, 2025

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310
Caldwell, Idaho 83605

VIA EMAIL

Development Application	CR2022-0031
Project Name	Werhane Family Trust
Project Location	SH-55 MP 2.8 right (Churruca Lane)
Project Description	C-1 Commercial (<i>Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution or Retail</i>)
Applicant	Elizabeth Allan, Representative for William & Gena Werhane

The Idaho Transportation Department (ITD) reviewed the referenced application(s) and has the following comments:

1. This project abuts the state highway system.
2. Once a user has been identified, ITD will require time to evaluate the development's impact on the state highway system. A Traffic Generation and Distribution (TG&D) report will be required, and a Traffic Impact Study (TIS) may also be necessary.
3. ITD requests the opportunity to review all required documents prior to the submission of building permits. Upon completion of a thorough review, the Department will issue a Staff Memo to Canyon County Development Services outlining any necessary mitigation measures.
4. Any necessary mitigation for the traffic impacts identified by the TIS shall be the responsibility of the applicant to install.

If you have questions regarding this application, you may contact Niki Benyakhlef at Niki.Benyakhlef@itd.idaho.gov or (208)334-8337.

Sincerely,

Niki Benyakhlef

Niki Benyakhlef
Development Services Coordinator
ITD District 3
Niki.Benyakhlef@itd.idaho.gov

Michelle Barron

From: Bob Watkins <bobw@gghd3.org>
Sent: Monday, May 5, 2025 7:04 AM
To: Chris Hopper; Michelle Barron
Subject: [External] RE: CR2022-0031 Werhane Conditional Rezone

Michelle, all original comments still apply. No change on our end.

Best,

Bob Watkins
Director of Highways
Golden Gate Highway Dist.#3

From: Chris Hopper <chopper@hwydistrict4.org>
Sent: Tuesday, April 29, 2025 2:58 PM
To: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>; Bob Watkins <bobw@gghd3.org>
Subject: RE: CR2022-0031 Werhane Conditional Rezone

Michelle-

Conditions from the attached 2021 letter are still applicable. As the permitting agency for access to Marsing Rd, HD4 does not oppose the use of the existing Churruca Lane approach to Marsing Rd for access to the property. Golden Gate Highway District is the underlying jurisdiction and they would have the final say on whether that access location is acceptable.

Respectfully,

Chris Hopper, P.E.
District Engineer



Highway District No. 4
15435 Hwy 44
Caldwell, Idaho 83607
208-454-8135 Ext. 104

From: Michelle Barron <Michelle.Barron@canyoncounty.id.gov>
Sent: Tuesday, April 29, 2025 2:25 PM
To: Chris Hopper <chopper@hwydistrict4.org>; 'Bob Watkins' <bobw@gghd3.org>
Subject: FW: CR2022-0031 Werhane Conditional Rezone

Good afternoon Chris and Bob,

I am checking in to see if you could update your comments, or let me know if they still remain from the original comments that your agencies have made. I have a May 5th deadline to add any comments to my staff report. Thanks for your help!

Thanks,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
DSD Office Phone: 208-454-7458
Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

From: Michelle Barron
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Subject: CR2022-0031 Werhane Conditional Rezone

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Thank you,

Michelle Barron
Principal Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6033
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Email: Michelle.Barron@canyoncounty.id.gov
Website: www.canyoncounty.id.gov

Golden Gate Highway District No. 3

Commissioners: Virgil Holsclaw, David Lincoln, Fred Sarceda

February 25, 2021

To: Dan Lister, Planner II
Canyon Co. Development Services

From: Gordon Bates, P.E.
Director of Highways

Cc: Chris Hopper, P.E., District Engineer
Canyon Highway District #4

**Subject: OR2021-0004 & RZ2021-0003 – Werhane Family Trust, Parcel R33590012B
SWC Marsing Road and HWY 55**

I have reviewed the Rezone and Comprehensive Plan Map amendment application with a transmittal date of 2/5/21. This includes several attachments by the Applicant.

The subject parcel is within the boundary of Golden Gate Highway District No. 3 (GGHD). The subject parcel has frontage along the easterly boundary to Marsing Road which is under the jurisdiction of Canyon Highway District No. 4 (CHD). Therefore, concurrent comments are provided representing both GGHD and CHD.

The subject parcel also abuts Sunny Slope Road which is HWY 55 and is under the jurisdiction of the Idaho Transportation Department (ITD). This location is within the City of Marsing area of impact. These comments in no way represent ITD nor the City of Marsing.

Transportation Impacts: Specific uses proposed within the C-1 zoning could generate sufficient trips to warrant at TIS, which may be required with access permit application at the discretion of the Highway Districts.

General: Functional Classification for Marsing Road is Principal Arterial at the date of application. Existing right-of-way (R/W) for Marsing Road is not clear from available information. CHD4 has no deeds on file for right-of-way along the subject property Marsing Rd frontage. The Canyon County Assessors maps show approximately 30-feet of right-of-way west of the Section 35 T3N R4W westerly boundary. At a minimum, a prescriptive right-of-way 50-feet wide exists (centered on the existing roadway) based on more than 20-years of public maintenance of Marsing Rd. 2017 Edition of the Highway Standards and Development Procedures (HSDP) Section 3030 Right-of-Way is applicable. HSPD lists 100-ft wide (50-ft half width) ultimate R/W for a Principal Arterial.

Churruca Lane is a private road that borders the subject parcel on the south and east. This private roadway appears to be located on a separate parcel R33590012C that the Applicant does not own. A right-of-way deed was granted in 1941 that is located south of parcel R33590012C and does not front



Address
500 E. Golden Gate Ave.
Wilder, ID 83676

Phone 208. 482.6267
Fax 208. 482.6100
Email office@gghd3.org

Golden Gate Highway District No. 3

Commissioners: Virgil Holsclaw, David Lincoln, Fred Sarceda

the subject parcel. No information is provided regarding private access rights, if any, onto Churruca Lane.

Access: Current access is undefined and may also have occurred from Churruca Lane in the past. HSDP Section 3061.20.B Urban Roadway Driveway Spacing does not allow new access onto Marsing Road, a Principal Arterial. The subject parcel enjoys limited frontage onto Marsing road near the northwest corner. This is too close to the intersections and any new driveway would not meet HSDP requirements. The Applicant provided Attachment #10 which is correspondence from ITD regarding the process to get an ITD access permit onto HWY 55.

The Highway District does not oppose the rezone subject to the following Conditions of Approval:

1. HWY 55 access subject to ITD approval,
2. No access onto Marsing Road, and
3. 50-ft R/W dedication along the subject parcel frontage on Marsing Road.

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

GGHD requests that Development Services incorporates these comments into proposed Conditions of Approval for consideration/approval by the Planning & Zoning Commission and the Canyon County Commissioners in the event that the Rezone is granted.



Address
500 E. Golden Gate Ave.
Wilder, ID 83676

Phone 208. 482.6267
Fax 208. 482.6100
Email office@gghd3.org

Michelle Barron

From: Marsing Rural Fire <marsingruralfire@gmail.com>
Sent: Wednesday, April 30, 2025 8:04 AM
To: Michelle Barron
Subject: [External] Re: FW: CR2022-0031 Werhane Conditional Rezone

Response time should be 5 to 8 minutes.

Jerry Mayer, Chief
Marsing Rural Fire District

On Tue, Apr 29, 2025 at 2:28 PM Michelle Barron <Michelle.Barron@canyoncounty.id.gov> wrote:

Good afternoon,

I am sending this directly to you in hopes that you could provide an estimated response time for the parcels noted on the attached application. It is just across the river on the Canyon County side. I have a comment deadline of May 5th. Anything would help!

Thank you,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

From: Michelle Barron
Sent: Monday, March 17, 2025 4:36 PM

To: 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>

Subject: CR2022-0031 Werhane Conditional Rezone

Good afternoon,

I am attaching an application in hopes that you would let me know if you have any comments. Could you please provide a response time for the parcels noted in the application? I have postponed the hearing for this case until I receive some additional information from some agencies. I look forward to hearing from you.

Thanks,

Michelle Barron

Principal Planner

Canyon County Development Services Department

111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-455-6033

DSD Office Phone: 208-454-7458

Email: Michelle.Barron@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

EXHIBIT E

Public Comments Received by: May 5, 2025

Planning & Zoning Commission

Case# CR2022-0031

Hearing date: May 15, 2025

Michelle Barron

From: Anne Delgado <hiphome1@gmail.com>
Sent: Thursday, March 6, 2025 12:14 PM
To: Michelle Barron
Subject: [External] Case CR2022 - 0031
Attachments: 030625 CR2022-0031.doc

Hi Michelle,

Attached is my letter pertaining to Case CR2022-0031 with Public Hearing on March 20, 2025 at 6:30PM at Canyon County Administration Building.

Thank you for your service to the people of Canyon County.

Kind regards,

Anne Delgado
Caldwell, ID

March 6, 2025

Canyon County Development Services Department

Attn: Michelle Barron

CASE No. CR2022-0031

Dear Michelle,

Regarding Case CR2022-0031 requesting a conditional rezone of Parcels R3350012B & R3350012C, approximately 8.93 acres, to amend to County zoning map from an "A" (Agricultural) Zone to a "CR-C-1" (Conditional Rezone – Neighborhood Commercial) Zone.

CONCERNS:

This area is well within the 2030 plan to preserve our Agricultural in Canyon County for the Sunny Slope region. Rezoning to Commercial has a few concerns:

- Roadway: Hwy55/Sunny Slope Road & Churruca Lane Intersection has a blind spot when turning left onto Marsing Road, from Churruca Lane to get to Hwy 55. The existing "Y" intersection is not scheduled for improvement by Idaho Department of Transportation, until well after 2027, as their focus is on current road improvements made from I-84 to Farmway. A redesign of roadway to enter & exit property will need to be determined to minimize the blind spot at the triangle for those turning to/from Hwy 55/ onto Sunny Slope Road/Marsing Rd (both entry/exit) and to reduce traffic accidents. Traffic studies have determined our increase of traffic along Hwy 55 in this area, along with increased accidents and further roadway development with IDT is not final in design for improvement.
- Ag Tourism: I spoke with the owner at the interest meeting in Marsing about ideas for the use of this parcel. It's limited in its use. The best use would be that of either a "cell tower" to minimize its use for parking or a "historical center." A Historic Center would complement our Ag Region. Septic may be limited in capacity of a restaurant, brewery or other commercial business use: bank, etc.

There is rich history in the Marsing area that the owner has to offer our surrounding community for the use of a History Center, with hours of operation 9-5PM. Of course this also depends on parking spaces & what the capacity will be of such a historic center.

Thank you for your time.

Kind regards,

Anne Delgado

15451 Syrah Ct

Caldwell, ID 83607

Michelle Barron

From: Connie Lou Aebischer <connielou@tvpidaho.com>
Sent: Thursday, March 20, 2025 3:33 PM
To: Michelle Barron
Cc: George Crookham
Subject: [External] Letter of Opposition for Werhane Case OR2022-0010 & CR2022-0031
Attachments: Werhane Letter of Opposition from Growing Together LLC.pdf

Michelle,

Please find the attached letter of opposition for the above referenced case signed by George Crookham, representing Growing Together LLC and the Growing Together Advisory Board.

I will also be stopping by the office to drop off a thumb drive with Drone footage to support our letter and show the agriculture nature of the area.

Thank you for adding this letter and the coming drone footage to the case file for the Werhane application that has been postponed to May 15th.

Kind Regards,
Connie Lou

Connie Lou Aebischer
Independent Consultant
for Treasure Valley Planning, LLC



Victory in life isn't about personal success; it is about helping others who have a need that you can fill. ~Ellen Cole Landreth

Growing Together LLC
301 Warehouse St.
Caldwell, ID 83605

Canyon County Planning and Zoning Commission
Canyon County Development Services
111 N 11th Ave, Suite 203
Caldwell, ID 83686

Subject: Opposition to Conditional Rezone of property zoned Agriculture to C-2 Service Commercial. Applicant: Werhane

Dear Commissioners,

On behalf of Growing Together LLC and the GT Advisory Board, I am writing to express our opposition to the proposed conditional rezone of the property located at R33590-010-B tbd Hwy 55 Marsing from Agricultural (Ag) to C-2 Service Commercial. This proposal is inconsistent with the Canyon County 2030 Comprehensive Plan and contradicts the Future Land Use Map classification, which designates this area as part of the Agri-Tourism Overlay.

Inconsistencies with the Comprehensive Plan

1. Preservation of Agricultural Lands

The Canyon County 2030 Comprehensive Plan prioritizes the protection of agricultural lands to sustain local farming operations and the county's rural character. A C-2 Service Commercial designation would facilitate urban-style development, leading to the gradual erosion of viable agricultural land.

2. Future Land Use Map & Agri-Tourism Overlay

The Future Land Use Map clearly designates this area for Agri-Tourism. This classification encourages agricultural-based tourism, such as farm stays, wineries, and local farm markets, rather than high-intensity commercial developments. The proposed C-2 zoning is incompatible with this designation and would undermine the intent of the Agri-Tourism Overlay.

3. Infrastructure and Traffic Concerns

The existing infrastructure in this rural area is not equipped to handle the increased traffic and commercial activity associated with a C-2 designation. Such a change

could lead to road safety issues, increased maintenance costs, and potential conflicts with neighboring agricultural operations.

4. **Quality of Life & Community Character**

Residents and property owners in the area have chosen to live in a rural setting, valuing open spaces and agricultural activities. The introduction of commercial services in this location would diminish the character of the community and could set a precedent for further commercial encroachment.

Alternative Zoning & Land Use Suggestions

Rather than approving a C-2 Service Commercial rezone, I urge the Board to consider alternatives that align with the Comprehensive Plan, such as:

- **Agri-Tourism Business Permit:** Encourage development that complements agricultural uses, such as farm-to-table restaurants, seasonal markets, or guest farm stays, which would align with the Agri-Tourism Overlay.
- **Conditional Use Permit (CUP) for Limited Commercial Use:** If some commercial activity is necessary, a CUP could allow specific, low-impact operations that directly support agriculture without permanently altering the zoning.

I respectfully urge the Board to reject the proposed rezone and instead support development that aligns with the county's long-term vision for agriculture and rural preservation.

Thank you for your time and consideration.

Sincerely,



George Crookham

for the Growing Together Advisory Board

Growing Together (GT) LLC

Mission Statement: *To improve citizens knowledge of local land use planning and to support good economic land use decisions.*

EXHIBIT IV.

Staff P & Z PowerPoint

Werhane CR2022-0031

OWNER/APPLICANT: WILLIAM WERHANE

REPRESENTATIVE: ELIZABETH ALLEN, BRISTLECONE LAND USE
CONSULTING

CANYON COUNTY- PLANNING DIVISION, MAY 15, 2025



Good evening Mr. Chair and Commissioners, tonight I will present CR2022-0031 by William Werhane for a Conditional Rezone

OVERVIEW

- Request/ Location/ Background & Context
- Criteria for Evaluation
- Recommendation
- Draft Conditions



REQUEST:

CONDITIONAL REZONE TO NEIGHBORHOOD COMMERCIAL

Parcels: R33590012B, R33590012C

Approximately 8.93 acres total

Conditional Rezone from Agricultural to Neighborhood Commercial with Development Agreement limiting development to the specific uses of:

Restaurant, Microbrewer/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution and Retail



The applicant is requesting a Conditional Rezone to Neighborhood Commercial from Agricultural. The request also includes a Development Agreement limiting development to the specific uses of **Restaurant, Microbrewer/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution and Retail**

GENERAL BACKGROUND

Parcel R33590012B was deemed an original parcel according to county records (PI2013-274). Parcel R33590012C is Churruca Lane that was abandoned by Idaho Transportation Department when Highway 55 was improved.

Although zoned agricultural, the parcel has been used for depositing and storing excess fill from the Highway 55 road and bridge project for several years. The applicant has had a Phase One Environmental Assessment and a Geotechnical Investigation completed. (**Exhibit A6.1 and 6.2**)



Parcel R33590012B was deemed an original parcel according to county records (PI2013-274). Parcel R33590012C is Churruca Lane that was abandoned by Idaho Transportation Department when Highway 55 was improved.

Although zoned agricultural, the parcel has been used for depositing and storing excess fill from the Highway 55 road and bridge project for several years. The applicant has had a Phase One Environmental Assessment and a Geotechnical

Investigation completed. (**Exhibit A6.1 and 6.2**)

EVALUATION CRITERIA (07-06-07(6)):

Standards Of Evaluation: 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:

1. Is the proposed conditional rezone generally consistent with the comprehensive plan;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
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?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
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? (Ord. 16-007, 6-20-2016)



For the Conditional Rezone, the criteria that must be met is noted in Canyon County Zoning ordinance 07-06-07(6).

EVALUATION CRITERIA (07-06-07(6)):

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

Generally consistent with the Comprehensive plan.

Future Land Use Map - Agritourism Business Use/Agritourism Farm Use

Proposing uses that fall into alignment with Agritourism Business Use or Agritourism Farm Use. **(Exhibit A3 and A3.1)**



The proposed conditional rezone change is generally consistent with the Comprehensive plan as shown on page 3 of the Staff Report.

The Future Land Use Map indicates that the parcels are in the Agritourism Business Use/Agritourism Farm Use overlay, however there is no specific zoning

designation for this use. The applicant is proposing uses that fall into alignment with Agritourism Business Use or Agritourism Farm Use. **(Exhibit A3 and A3.1)**

EVALUATION CRITERIA (07-06-07(6)):

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?
3. Is the proposed conditional rezone compatible with surrounding land uses?
4. Will the proposed conditional rezone will not negatively affect the character of the area? What measures will be implemented to mitigate impacts?



The parcel is located between a production agriculture use and a state highway. The surrounding land use is predominantly agriculture with a downtown commercial area across the river in Marsing. The size and location of the parcel as well as the topography of the parcel would be a challenge to utilize this parcel as an agriculture operation. The parcels are at

the entrance into Canyon County from Marsing's commercial district and is set apart from agriculture by roads on all sides. The character of the area is agricultural that leads into the fruit production and winery area of Sunny Slope Road. As conditioned, the proposed rezone will not negatively affect the character of the area. Analysis can be found on pages 4-6 of the staff report.

EVALUATION CRITERIA (07-06-07(6)):

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?
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 measure have been taken to mitigate traffic impacts?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?
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?



The applicant met with Southwest District Health regarding water and sewer requirements. Prior to building permit, the developer will need to meet requirements from Southwest District Health and DEQ depending on the use of the parcel with the potential of a public water system if the use requires it. The rezone may require public street improvements. Highway District 4

does not object but may require a Traffic Impact Study at the time of access permitting if one is needed. Idaho Transportation Department will require a Traffic Generation and Distribution report and potentially require a TIS at time of submission of building permits. Mitigation for the use that is established will be determined by the authority and will be required to build out any required improvements.

Legal access does exist at Churruca Lane and Marsing Road. Any other access will need to be established through the jurisdictional agency after the use is determined.

The Commercial designation would not impact schools. Police, fire and EMS were notified. Fire commented that response time should be 5 to 8 minutes. Full analysis

can be seen on pages 6-9



The first photo is from State Highway 55 looking Northeast at the point of the triangle.
The second is from Marsing Road looking South at the Churruca Lane entrance. This image is from Google Earth



This is Google Earth aerial imagery.

NOTIFICATION (07-05-01) & COMMENTS:

All property owners within a 600-foot radius of the existing property boundaries of the property have been provided notice of the public hearing in order that they may provide comment on the application. Notice was also published in the newspaper of general circulation on February 18, 2025, and a sign was posted on the subject property also February 18, 2025. All notices herein described have been provided at least fifteen (15) days prior to the public hearing. **At the time of the expiration of the materials deadline, three (3) written comments from the public were received in opposition to the proposed application. There was also a drone video that was submitted.**



Property owners within 600 feet of the existing property boundaries were noticed as well as the newspaper and a posting was made at the property location on February 18, 2025. 3 written comments and a drone video was submitted in opposition to the proposal. I mistakenly left one public comment out, but sent it to the Commission via email and have provided it in writing tonight.

RECOMMENDATION:

In consideration of the application, staff concludes that the proposed zoning amendment is compliant with Canyon County Ordinance Section 07-06-07. Draft conditions of approval are on page 10 of the staff report. A full analysis is detailed within the staff report.



In consideration of the application, staff concludes that the proposed zoning amendment is compliant with Canyon County Ordinance Section 07-06-07. Draft conditions of approval are on page 10 of the staff report. A full analysis is detailed within the staff report.

Draft 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 any requirements for an approach permit, commission any required Traffic Impact Studies, and install any necessary mitigation for traffic impacts identified by the TIS as required by Idaho Transportation Department and/or Highway District 4 and/or Golden Gate Highway District No. 3.
3. The subject parcel shall only be used for the following as allowed in the C-1 (Neighborhood Commercial) zoning district: Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution and Retail.
4. Incorporate a historical theme into the project, to be developed and designed by the developer. The theme can be a specific orientation such as Lizard Butte, Oregon Trail, POW Internment Camp, Snake River Corridor, Agricultural significance of the area (soil, irrigation, seed production, wine production), or an overview of all aspects of the region. To sustain the historical significance, future development would include a specific display or commentary. The display would include an outside plaque or signage pertaining to the subject, along with interior pictures and displays. For example, if a Microbrewery is planned, an obvious IPA could be LIZARD BUTTE IPA with a label designed with a drawing of Lizard Butte and a description of the feature. This would segue into demonstrating the geographical significance of Lizard Butte during the mid-1800s.
5. The developer shall comply with CCZO §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."



Draft conditions of approval are on page 10 of the staff report. There are the standard conditions for condition 1 and 5. Condition 2 refers to the requirements from the highway districts and ITD. Condition 3 restricts the use of the C_1 zone and 4 as recommended by the applicant to tie in the historical theme.

Summary:

- Request/ Location/ Background & Context
- Criteria for Evaluation
- Recommendation
- Conditions



I have presented the request, the criteria for evaluation and the recommendation for approval as well as draft conditions.

I do have the drone footage available if you would like to see it.

Do you have any questions?

EXHIBIT V.
Agency Comments

Michelle Barron

From: BRO Admin <BRO.Admin@deq.idaho.gov>
Sent: Wednesday, October 15, 2025 9:39 AM
To: Michelle Barron
Cc: Jennifer Lahmon
Subject: [External] RE: Agency Notice CR2022-0031 / Werhane

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

Sincerely,

**Carlene Oberg**

Administrative Assistant I

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

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Thursday, October 9, 2025 11:04 AM
To: Knute Sandahl <Knute.Sandahl@doi.idaho.gov>; Mitch Kiester <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'Contract.Administration.Bid.Box@ziplay.com' <Contract.Administration.Bid.Box@ziplay.com>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Lucy Ostyn <lucy.ostyn@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>; BRO Admin <BRO.Admin@deq.idaho.gov>
Subject: Agency Notice CR2022-0031 / Werhane

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

Dear Agencies,

Please see the attached agency notice regarding the scheduled Board of County Commissioners' hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments received, they were included in the Staff review.

No response is required unless there is an update to your original comments. Written testimony is due by **November 3, 2025**. If the comment deadline is on a weekend or holiday, it will move to close of business 5pm the next business day. Please direct your comments or questions to planner **Michelle Barron** at michelle.barron@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.

Michelle Barron

From: Jolyn Thompson <jthompson@marsingcity.com>
Sent: Monday, November 3, 2025 12:51 PM
To: Michelle Barron
Subject: [External] RE: Werhane CR2022-0031
Attachments: City of Marsing comments in regards to CR2022-0031 Werhane.pdf

Hello Ms. Barron,

Please find the City of Marsing's comments and concerns in the written letter from Mayor Hayzen Corder attached. If you have any questions, please feel free to contact me at any time.

Regards,

Jolyn E. Thompson
City Clerk-Treasurer
City of Marsing
jthompson@marsingcity.com
P O Box 125
Marsing, ID 83639
Office (208) 896-4122 Cell (208) 812-2073





Dear Board of County Commissioners,

Thank you for the opportunity to comment on the rezone application known as CR2022-031. Please understand this parcel is the front porch of the Marsing community and the public's first view of our home. A standalone, neighborhood commercial "spot zone" here would be inconsistent with our vision of the community in this area, invite leap-frog development, and set a precedent that makes this type of future request very difficult to deny. Marsing wants to grow across the Snake River and has a great probability of doing so. If this rezone is granted, Marsing's future may forever be changed. Commercial intensity at this location may also create avoidable safety and service issues: new driveways and turning movements in an area of limited sight distance and congestion, pressure for police/fire/Marsing support without a financial plan, and piecemeal signage and lighting that erode the ag based, rural gateway character we're working toward, including the Sunnyslope Wine Trail.

The site's proximity to the river makes the possible impacts more acute. How would development of this intensity be supported with sewer and water? Impervious surfacing, night lighting, large signs, and parking lots not only chip away at scenic views, dark skies, and habitat; they also increase risk to water quality from stormwater runoff and accidental spills. Once lost, a viewshed like this cannot be reclaimed.

We would like to better understand how the County Code is set up to manage and permit neighborhood commercial similar to this. For these reasons, Marsing respectfully requests the Board deny the rezone - or at minimum, defer it - until the City and County complete a joint gateway/river-corridor plan and, if urban uses are ever considered here, they occur only by development agreement with annexation that fully contemplates the long term impacts and ramifications of intense commercial development in this area. This is the right place to be careful and think long term.

On behalf of the City of Marsing, thank you for your consideration.

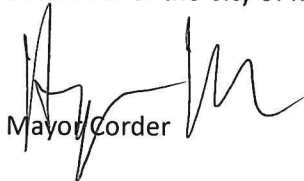

Mayor Corder

EXHIBIT VI.
Public Comments

Michelle Barron

From: Ciera Buhler [REDACTED]
Sent: Monday, November 3, 2025 10:14 AM
To: Michelle Barron
Subject: [External] Werhane hearing 11/13/25

To whom it may concern,

I am a born and raised Caldwell (county) resident who grew up within 5 square miles of this very area. I remember when this area was farmed, I remember when 55 was made bigger and all the dirt that is now humped up on this property was placed there. I remember when cows were ran on the ground and that is the reason for the large tube under 55 for cows to get safely from one side to the other. I now as an adult farm with my father near by. My father who has farmed his whole life and dedicates his time to the Caldwell and Marsing communities as a volunteer firefighter has shared his fair share of stories to warn his kids what to be on the lookout for. Let me tell you the amount of wrecks he has attended at the corner of 55 and Marsing Road right there at the triangle is bad. The winter area is terrible, harvest season is really bad trying to get on 55. This area being right on a major trucking route for most companies makes traffic already bad. I have 1 teenage driver who has to get through that intersection in order to get to school and it is stressful knowing she is dealing with that. The amount of times myself pulling out onto 55 to enter marsing with a clear roadway just to find someone had come around the corner by Lizard Butte so fast that there was no one in site to them being right on my rear. I have helped with an accident a that intersection personally where someone thought they had enough time and space to get into the west bound lane and in fact they didn't because the east bound person was speeding and clipped their back end flipping the vehicle in the field on the north west side of the curve. She was going to homecoming! I have assisted with searching for a kid who wrecked near the bridge and was running from the police and ended up breaking his leg in the ditch at the top of the property in question having to hold this person down for paramedic to get him on the backboard. The Marsing bus barn had to redo the entire bus route because traffic had gotten bad enough they couldn't pick up the kids at the top of Churruca lane the way they had been because it was no longer safe for them to cross the road to get on the bus because so many people couldn't see the bus stopped and blew through at one point almost hitting a kid. Now that bus picks up on the side they live and it puts the bus in danger of being hit when someone doesn't pay attention to the bus being stopped.

Long story short this corner and location has already been bad for years and year. Placing this into anything but agriculture would not be safe. Any added buildings, businesses (even if the entrance is off Marsing road) will increase the traffic flow and accidents. This area is Marsing rural fire and emt zone and they are on volunteer basis, most are farmers who give up precious farm time to help those in need adding more to their plates would be a negative thing to do. This land should be leveled out, and a proper irrigation system put in place and it could easily be farmed or pasture. I understand idaho is growing, but we dont need growth in every single agricultural area. I implore you to take public safety into account with this already bad and dangerous corner. The amount of vehicles (semis included) that blow the stop sign right there at the corner getting on 55 and the stop sign after you have come off 55 onto Marsing road is astronomical and is going to lead to more fatalities.

Thank you for your time and attention.

please redact my email address as retaliation for speaking truth is a fear

Michelle Barron

From: Gerri Smith <gesmith00@gmail.com>
Sent: Monday, November 3, 2025 12:51 PM
To: Michelle Barron
Subject: [External] R33590012 R3359012C

Canyon County Commissioners

I respectfully ask you to deny this request to rezone property.

I agree totally with all of the comments made by Rob Sturgil. We need to stop until a clear definition has been put into place in the 2030 Comprehensive Plan. All points made by Mr. Sturgil are valid.

In addition this area has only volunteer fire, Canyon Cotunty Paramedics and Sherrif all of which are stretched to the max.

In our area, Sunnyslope, it is easy to verify the lack of services. Canyon County Paramedics list every month for the public the number of calls they had no personnel available. This will get worse rather than better.

We all know that corner and all along 55 is a danger zone. Winter is even worse.

Please follow the P and Z recommendations to deny.

Sincerely,

Gerri Smith
22517 Bauman RD
Wilder ID 83676

EXHIBIT VII.

Applicant Additional Information

Michelle Barron

From: Elizabeth Allen <elizabeth@bristleconelanduseconsulting.com>
Sent: Friday, October 31, 2025 6:31 PM
To: Michelle Barron
Cc: William Werhane
Subject: [External] Letter for BOCC
Attachments: Response Letter.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Michelle,

I have attached a letter we drafted for the BOCC to include in the record for the upcoming hearing.

Thank you,

Elizabeth Allen
Owner/Principal Planner
Bristlecone Land Use Consulting
907-978-3439



Date: October 31, 2025

To: Board of County Commissioners

From: William Werhane (Applicant) and Elizabeth Allen (Representative)

Subject: CR2022-0031

During the Planning and Zoning Commission public hearing process, our conditional rezone case (CR2022-0031) for parcel R33590012B, referred to as the Triangle parcel, experienced an unusual process. At the initial hearing, the Planning and Zoning Commission had a split vote and chose to continue the hearing until such date that Commissioner Sturgill, who was on vacation, would be available to break the tie vote. The continued hearing was held two months later. During those two months, Commissioner Sturgill reviewed the application, staff report, and associated documents, public hearing minutes, and listened to the public hearing recording. The continued public hearing was not open to public testimony; therefore, the applicant team was not given an opportunity to answer any questions or rebut the discussion. We are not requesting a reconsideration with the Planning and Zoning Commission, but would like to put our response to the items brought up during the continued hearing on the record.

1. Point of Clarification

During the Planning and Zoning Commission deliberations on May 15, Commissioner Nevill justified his vote to deny the Conditional Rezone (CR) request based on oral testimony. Planning staff member Michelle Barron clarified at that time that no negative oral testimony had been submitted into the record. Following this clarification, Commissioner Nevill indicated that he would rely instead on comments made during commissioner deliberations, specifically noting concerns that the CR could negatively affect the character, appropriateness, and capability of the surrounding area.

However, testimony and exhibits presented during the public hearing demonstrated that recent and existing commercial activities are evident within the vicinity. Examples include the Churruca Garage, rental properties, commercial boat racing, and areas used for truck and material staging. These uses suggest that the site's transition toward limited commercial activity is consistent with its surroundings.

If statements made during commissioner deliberations—when the public hearing is closed and rebuttal is not permitted—are introduced as factual justification for a decision, would it be reasonable to provide an opportunity for the applicant to respond? We do not wish to return to the Planning and Zoning Commission and use the Board of County Commissioners' public hearing as a chance to respond to the items brought up.

2. Points of Observation

A. Commissioner Discussion

During deliberations, Commissioner Nevill's questions to Planning and Zoning staff appeared to seek justification for maintaining Agricultural zoning rather than supporting the proposed Commercial (C-1) zoning. While the decision must rely upon the Findings of Fact and evidence in the record, the materials presented demonstrate that rezoning this parcel to C-1 is logical and reasonable. It is important to note that the Agritourism/Business designation identified in the 2030 Comprehensive Plan does not preclude compatible commercial development within designated transition areas. Policy 4.03.03 of the Comprehensive Plan states, "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 the same instances may require conditions of approval to promote compatibility". Evidence has been provided showing that the Triangle is not suitable for agriculture and has historically been used for commercial land use, in which it was compatible and co-existed with the surrounding area. Furthermore, based on thorough public outreach, we identified uses that the public found to be appropriate to develop on the Triangle that we have requested be incorporated into the conditions of approval.

B. Tax Assessment Classification

Contact with Canyon County Assessor's Office (Attachment #1) confirmed that the parcel known as "The Triangle" is classified under Category 18 – Rural Other. This designation applies to land not used for homesites but rather recognized for development value—often applied to properties preparing for or suitable for future development (e.g., excavation, surveying, or utility installation).

C. Comparative Property Assessment

A review of tax assessment data illustrates the unique developmental recognition of the Triangle parcel:

Property	Category	Acreage	Total Assessed Value	Assessed Value per Acre
Adjacent Property	01 – Irrigated Agriculture	36.4 ac	\$64,940	\$1,784/ac
The Triangle	18 – Rural Other	7.67 ac	\$184,080	\$24,000/ac

(Attachments #2 and #3)

This comparison indicates that the Triangle parcel has been taxed at development value since 2007, reflecting its unique position as a property intended for eventual development. To address Chairman Sturgill's stated concerns, the applicant confirms that no high-intensity commercial uses, such as a Sizzler or Burger King, are proposed.

Furthermore, per Applicable Law, Section 1(b):

“The presiding party may establish conditions, stipulations, restrictions, or limitations that restrict and limit the use of the rezoned property to reduce potential damage, hazard, nuisance, or other detriment, and to ensure compatibility with neighboring land uses.”

The record supports that the Triangle parcel already holds characteristics and recognition consistent with a developmental designation. Based on the testimony, exhibits, and tax records, rezoning to C-1 aligns with both the Comprehensive Plan and the parcel’s established developmental status.

Attachments:

1. Canyon County Assessor Classification – Category 18 Description
2. Adjacent Property Assessment Summary
3. Triangle Property Assessment Summary



Attachment 1

Elizabeth Allen <elizabeth@bristleconelanduseconsulting.com>

Fwd: [External] The Triangle (0 HWY 55, #33590012B, 7.67acs)

Elizabeth Allen <elizabeth@bristleconelanduseconsulting.com>
Draft

Thu, Oct 30, 2025 at 10:32 PM

From: Katrina Ponce <Katrina.Ponce@canyoncounty.id.gov>
Date: September 29, 2025 at 3:59:50 PM MDT
To: William Werhane <wmwerhanewys@gmail.com>
Subject: RE: [External] The Triangle (0 HWY 55, #33590012B, 7.67acs)

Bill,

Hopefully I have answered all of your questions.

Katrina Ponce

Sr. Certified Appraiser

Canyon County Assessor's Office

208-454-7264

From: William Werhane <wmwerhanewys@gmail.com>
Sent: Monday, September 29, 2025 12:38 PM
To: Katrina Ponce <Katrina.Ponce@canyoncounty.id.gov>
Subject: [External] The Triangle (0 HWY 55, #33590012B, 7.67acs)

To follow up on our phone conversation earlier this month, 2 sep '25:

First off, thank you for clearing up my initial question on the determination of assessed values.

Q1, What was considered in the 18 Rural - other Category and Description? **Category 18 is for other rural land, in other words, it does not apply to homesites or land where a home would be built. This category, specifically for this parcel is a development value. It is on properties scattered over the county that are meant to be developed at a future date, or in the process of developing (i.e. excavation, surveying, utilities being brought to the site, etc)**

Q2, When was this Category and Description for The Triangle identified as 18 Rural - other? **On our current system, it has been in Category 18 since 2007.**

Q3, Are there other properties near The Triangle classified as 18 Rural - other? **Where are they located? There are not currently properties that fall into the same category as this property nearby, as all of the**

properties proposing development nearby are currently in agricultural production, and receive the ag exemption.

Q4, Are there C1 or C2 zoned properties near The Triangle? Where are they located? The closest commercially zoned properties to this one are across the Snake River in Marsing. On our side of the river, the closest would be The Orchard House and The Sunny Slope Market.

Q5, Is there a listing on the Canyon County website for the Category and Description of assessed value of property? No, the description is explained in our state statutes on taxation. You can look here: [Title 63 – Idaho State Legislature](#). The Categories we use are dictated by the Idaho State Tax Commission, and are used by all of the counties in the state. The Tax Commission use these categories to determine equitability in assessments. I recommend you check their website for more information.

Thanking you in advance,

Bill Werhane (208-861-7897)

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

2023 ANNUAL	2022 ANNUAL	DECEASED	DATE OF BIRTH
2023 ANNUAL	2022 ANNUAL	DECEASED	DATE OF BIRTH

Attachment 3



Brian R Stender
Canyon County Assessor
111 N 11th Ave.
Caldwell, ID 83605
www.canyoncounty.id.gov/assessor

34-3N-4W NE
SENESE

PARCEL DESCRIPTION:
TX 06957 IN

2025

ASSESSMENT NOTICE

Annual Real Property
For any questions, please notify the Assessor's Office immediately

**THIS IS NOT A BILL.
DO NOT PAY.**

Assessor's Telephone Number: (208) 454-7431

Parcel Address:

0 HWY 55

WERHANE FAMILY LIVING TRUST
20968 BLOSSOM HEIGHTS LN
CALDWELL ID 83607-5515

Appeals of your property value must be filed in writing,
on a form provided by the County by: 6/23/2025

Tax Code Area: 155-00

Neighborhood: 310000

Parcel Number: 33590012B0

AIN: 03N04W347700

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	2025 ACRES	2023 VALUE	2024 VALUE	2025 VALUE
18 Rural other	7.670	175,280	184,080	184,080
SUBTOTAL:	7.670	175,280	184,080	184,080
LESS HOMEOWNER'S EXEMPTION:		0	0	0
LESS MARKET ADJUSTMENTS:		0	0	0
NET TAXABLE VALUE:	7.670	175,280	184,080	184,080

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

TAXING DISTRICT INFORMATION

TAXING DISTRICTS	2023 ANNUAL GROSS TAX*	2024 ANNUAL GROSS TAX*	PERCENT OF CHANGE	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
112 PEST CONTROL	4.40	4.46	1%	208-454-7507	8/13/2025 For Info - Call District
653 CANYON AMBULANCE DISTRICT	17.78	18.14	2%	208-795-6920	8/13/2025 For Info - Call District
668 MOSQUITO ABATEMENT	16.70	17.24	3%	208-461-8633	8/19/2025 For Info - Call District
696 GOLDEN-GATE HWY #3	177.01	185.40	5%	208-482-6267	8/25/2025 For Info - Call District
717 MARSING FIRE	100.55	105.49	5%	208-477-4600	8/11/2025 For Info - Call District
751 LIZARD BUTTE LIBRARY	30.97	31.64	2%	208-896-4690	8/19/2025 For Info - Call District
771 MARSING SCHOOL DIST #363	388.06	426.43	10%	208-649-5411	6/10/2025 For Info - Call District
775 COLLEGE OF WESTERN IDAHO	15.34	15.68	2%	208-562-2752	6/12/2025 For Info - Call District
998 CANYON COUNTY	283.04	286.58	1%	208-454-7507	8/13/2025 For Info - Call District
TOTAL:	\$1,033.85	\$1,091.06	6%		

You can sign up for E-Notices at www.canyoncounty.id.gov/assessor

*Additional Fees and Credits may apply

*Current year tax charges not known until November

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

THE TRIANGLE PARCEL LAND USES SECOND COMMUNITY POLL

Summary Results / January 2025

A second community poll was conducted from January 5 through February 5, 2025, seeking additional feedback on potential land uses to be developed on the TRIANGLE parcel. A total of 197 responses were received. An online version of the poll was shared on the Marsing Community Awareness Facebook Page, and a paper version was distributed to businesses in Marsing and the Sunnyslope area.

The poll included 17 land uses including Animal Hospital, Auction Establishment, Equipment Rentals, Farm Implement Sales/Services, Farm Supply Sales, Landscape Business, Ministorage and/or RV Storage, Retail Store, Personal Service Shops (salon, chiropractor, etc.), Business Office, Bank, Small Hotel, Microbrewery, Restaurant, Telecommunication Facility, Vehicle Fueling Station with Convenience Store, and Vehicle Service Facility with an additional option of Other for uses that were not listed. Respondents were asked to select Preferred, Acceptable, or Least Preferred for each land use with a comment box for Other Options. The second question asked participants to list the top one to three uses from the uses they selected as Preferred. The final question asked respondents to share their thoughts regarding the future development of the Triangle parcel.

Survey Results

The following are the high-level takeaways from the survey.

- A total of 197 responses were collected.
- The top uses selected as preferred were Restaurant, Microbrewery, and Other; followed by Farm Supply Sales, Animal Hospital, Small Hotel, Bank, and Retail Store.
- The top uses selected as least preferred were Ministorage and/or RV Storage, Auction Establishment, and Vehicle Service Facility.
- Various other uses were identified under “other”, such as a park, visitor center, arcade, ax throwing, farmers market, meeting space, agriculture museum, seasonal uses, church, sports complex, daycare, garden or conservation area, rodeo grounds, post office, gym, food truck court, and more.
- Consistent with the first community poll, most of the comments received supported developing a use/s on the Triangle parcel. Respondents wanted to see the site develop in a manner that complements the area's character.
- As was identified in the first community poll, traffic was identified as a concern. Traffic mitigation measures would be addressed at the time of development

The poll results are presented on the following pages. Each use had the option of preferred, acceptable, or least preferred/less acceptable. The percentage for each use is calculated from selecting the three options (i.e., Retail Preferred + Retail Acceptable + Retail Least Preferred = 100%).

The community poll results are included on the following pages.

Question 1. Please select preferred, acceptable, or least preferred for each land use.

Preferred		Acceptable		Least Preferred	
Restaurant	47.7%	Animal Hospital	49.2%	Ministorage and/or RV Storage	84.3%
Microbrewery	30.5%	Farm Implement Sales/Services	43.7%	Auction Establishment	74.1%
Other	27.9%	Farm Supply Sales	41.6%	Vehicle Service Facility	73.6%
Farm Supply Sales	26.9%	Landscape Business	39.6%	Telecommunication Facility	67.0%
Animal Hospital	23.4%	Personal Service Shops	36.0%	Business Office	65.5%
Small Hotel	19.8%	Retail Store	33.5%	Small Hotel	60.4%
Bank	16.8%	Bank	33.0%	Equipment Rentals	59.9%
Retail Store	16.2%	Equipment Rentals	33.0%	Vehicle Fueling Station with Convenience Store	58.9%
Vehicle Fueling Station with Convenience Store	15.2%	Business Office	31.0%	Landscape Business	54.3%
Personal Service Shops	13.7%	Restaurant	27.4%	Other	52.8%
Farm Implement Sales/Services	12.2%	Microbrewery	27.4%	Personal Service Shops	50.3%
Telecommunication Facility	10.2%	Vehicle Fueling Station with Convenience Store	25.9%	Retail Store	50.3%
Equipment Rentals	6.6%	Vehicle Service Facility	25.9%	Bank	50.3%
Landscape Business	6.1%	Telecommunication Facility	22.8%	Farm Implement Sales/Services	44.2%
Auction Establishment	4.6%	Auction Establishment	21.3%	Microbrewery	42.1%
Business Office	3.6%	Small Hotel	19.8%	Farm Supply Sales	31.5%
Ministorage and/or RV Storage	3.0%	Other	19.3%	Animal Hospital	26.9%
Vehicle Service Facility	0.5%	Ministorage and/or RV Storage	12.7%	Restaurant	24.9%

Other Options

None
It will ruin the area if a mini storage or another gas station is there!
Cider barn like the Apple Barn in Gatlinburg TN
Visitor Center with picnic area
Historical information and viewing location
Nothing
Leave it empty.
Arcade, ax throwing, something family fun
Farmers market spot, local farm sales, small businesses
Nice restaurant
Field of flowers or animals
Small group meeting space not to price out local use
Large grocery store such as Winco
Go kart track
A playground for families
A beautiful park with lots of trees and paths. Parking along one of the straight roads. An open area in the middle that can be rented out (think weddings, birthdays, etc) and also used as a farmer's market.
Skate park
Bus station
Something seasonally Ag related such as the Canyon Gardens facility, Ag museum, winery, fruit stand, etc. that would fit the culture of the area and not cause great traffic impediments with cross traffic, etc.
Hotel with restaurant
Landscape it and dont build anything
Could be turned into fruit stand area
Turn this into a sports complex for the kids of marsing to practice and enjoy for years to come. Marsing thrives on our sports. That would really help the community. Businesses and gas stations set houses up near by to be robbed and cause other issues.
Church
Not sure
Strip club or pot shop
Daycare facility
No suggestion but the form made me click it. It would be nice to have a pharmacy in town though.
Native plant garden
Recreational sports
Wildland refuge/conservation district

Leave it. I feel putting anything in there will produce even more accidents and make that area worse for more accidents.
Animal hospital, small hotel
Plant nursery, retail prioritizing local/small businesses rather than commercial chain stores, landscaping business, or indoor recreation center
Rodeo grounds
Leave empty
Not sure if this area is safe to develop due to traffic pattern and road access
Doesnt provide adequate parking & traffic is an issue with this space.
Doesnt provide adequate parking & traffic is an issue with this space.
Grow native plants there and sell seeds, or do nothing
Low traffic government office
Park or event center
Not sure what else but the list provided didn't get me very excited. A fruit stand or something ag centric
No idea
Grocery store
This goes with microbrewery but a small wine tasting room would be nice too
Please consider traffic flow entrance/ exit to any business can cause great confusion/ congestion and possible
Traffic hazards
Nothing
Nothing, something that doesn't require More Buildings
Del Taco!
Create extra parking for the local events. July 3rd is a nightmare. We can't hold wine festivals because there isn't enough parking. Make it have art installations and beautiful trees. Then our town will stand out
,farm supply
A business that would appreciate and utilize the beauty of this region and compliment this rural/ wine region while not creating a traffic nightmare on the curve.
dog park walking path
leave it as farm ground
Post office
Post office
Dog park or skate park
Gym
Nothing. Plant wildflowers!
Park

Literally anything but bringing more people this way!
Housing - small single family homes.
Farm supply
Grocery store specifically. Much needed in the area.
Reeducation camp for Californians
I really think a small hotel would be beneficial to the area as there are many people touring the vineyards and distillery.
Park
You should put whatever is best for you, the landowner.
Museum
Tiny home/Small air bnb
Fast food drive thru
Food truck court
Neighborhood Walmart or Other large grocery store
Senior Apartments
Community garden with 10 parking spots
Senior apartments
Grocery Store - Ridleys or Albertsons
Not something that will bring a lot of constant traffic. Its a dangerous intersection
Year-round farmers and craft market
The property seems large enough for more than one business, eg bank and convenient / fuel store. Traffic pattern would have to be designed accordingly. Requires redesign now because of accidents that are occurring.
Sports/Recreation Center
A park with the river view and a clubhouse that ppl can rent for special events
Pharmacy
High-end rest stop with historical signage and views of the area
RESTAURANT
Food trucks

Question 2. Out of the uses you selected as "preferred," what would be your top one to three uses to develop on the TRIANGLE parcel.

Bank
Gas station, shops, salon
Some business park to enhance the aesthetic promotion of the wine region.
Restaurant or personal shops
See above
Farm Supply Sales
None
Boutique hotel or restaurant
A cider house to show off our local orchard crops
Visitor Center with picnic area
Microbrewery WITH a small restaurant.
Animal hospital or personal service shop
Nothing
Gas station, restaurant, microbrewery
Microbrewery
If you must build on it, make it something that isn't already available in the town of Marsing. We don't need another gas station on this end of town with the new Jackson's going in across from Family Dollar. We already have several auto shops. Add to the community, not the competition.
A service for the community but not something high traffic
Small hotel
Microbrewery/restaurant
Restaurant
Retail store
Anything small local farm stuff
A nice sit down restaurant, something new for the area to give us more selection
Fun spot Airbnb
Anything Ag
Cell tower
Convenience store
Restaurant, farm supply, bank
Fuel station
Large grocery store, restaurant, Micro brewery,

Restaurant, brewery, retail
A recreational park
Microbrewery
Restaurant, Hotel, or storage facility
I understand developing but I feel any retail space at all will fail here.
Cell phone tower AT&T
Restaurant, small hotel, or other
Bank
Farm Supply shop, animal hospital, landscaping company
Animal hospital or small hotel
Farm supply store
The only 3 I have
Animal hospital
Other - ag museum explaining the history of the area, the River crossing here, history of the fruit ranches, area farming, etc.
Something similar to the Bown House museum in Boise for all area schools. Second would be either a tasting room, winery, brewery, etc.
Third might be a fancy River restaurant similar to what the Sandbar used to be, making use of the areas natural beauty.
Hotel
Retail/business
Anything low traffic
Microbrewery restaurant farm store
Nothing.
Farm supply
Microbrewery, Personal service place, farm supply
Animal hospital
Marsing sports complex
Small hotel
Convenience store/ gas station
Cell tower; equipment rental; mini storage
Strip club
Daycare, hotel, restaurant
Gas station
Gas station with easy access for boats and trailers to fuel up or a restaurant that would be open at night. Orchard house is great but closes early and isn't open on Sunday.
B&B / Motel
Restaurant, small hotel, micro brewery

Animal hospital
Microbrewery
Native plant garden, animal hospital, restaurant
A hotel would be nice, recreational sports venue would be preferred
Farm store
Animal hospital
Small Hotel
Farm supply and equipment rental would be nice, but so would another option out here for eating/drinking
Nothing, park, leave it
Veterinarian
Restaurant
Microbrewery
An animal hospital would be beneficial to the area as the closest one in Owyhee County Vet of which is not open as an emergency vet clinic. An emergency animal hospital would help Owyhee county residents along as those that are close from canyon county.
Convenient store
Restaurant, microbrewery, gas station
Na
Family Restraint
Restaurant
Animal hospital or restaurant
Sports complex
Animal hospital
Bank, microbrewery, restaurant
Bank, microbrewery/restaurant, animal hospital
A restaurant would be the best! Or something farm related
Animal hospital
Equipment service center
1. Retail prioritizing LOCAL/small businesses
2. Plant nursery/Landscape Business
3. Family restaurant
Brewery
Small animal hospital, there isn't one in Marsing and if there is an emergency homedale is the closest and still a 15+ minute drive and hardly does emergency calls. It would be good to have one closer to town and help the elderly not take too far a drive
Leave it alone
No development there survey safety but restaurant if it must be denoted
Restaurant or microbrewery

Cell tower
Cell tower
Animal Hospital
Restaurant
Grow native plants
Restaurant
1. Farm Supply Sale
2. Restaurant
3. Animal Hospital
Animal hospital
Restaurant
Restaurant or brewery
Cell tower or auction - something in keeping with the agricultural dynamic of the region.
Animal Hospital or restaurant
We need more places to buy farm supplies.
personal shops , restaurant, bank
Farm supply store, bank
Something very heavily affiliated with ag and fruit production
Equipment rental
I worry about the road development and traffic. It is already a dangerous intersection at both ends.
Other (grocery store), retail store, restaurant
Landscape
Restaurant, shops
Hotel
Animal hospital, landscape business, restaurant
1. animal Hospital 2. Restaurant 3. Microbrewery or wine tasting
Farm
Animal hospital or farm supply I noticed 2 of your options would allow me to mark them as not preferred? Is this intentional? Landscaping and Vehicle services Business
Bank
Leave empty
Animal hospital, restaurant and fuel place
Whatever includes the least Infastructure and least traffic
Animal Hospital, Del Taco, Retail store
My other, hotel, bank
Animal hospital for cattle and horses
Telecommunications

Restaurant, retail, farm supply
Bank
Auction, farm supply, micro brewery
Winery, restaurant, farm store
Small hotel, microbrewery, Restaurant
Animal hospital, farm implement sales, farm supply sales
Brewery/Restaunt, Gas station, shops
Bank, retail, personal services
Bank, retail, personal services
Farm store, vet clinic or restaurant
Something to help our farming community
Cell tower ,Animal hospital ,equipment rentals,
Animal hospital
The three selected
Microbrewery
Flowers
Park
Storage, rentals, animal hospital
Housing
Bank, small hotel, personal service shops
Auction or farm supplies or restaurant
Landscaping
Restaurant
Personal Service Shops, Restaurants, or Microbrewery
Microbrewery. restaurant, grocery store
More apartments why not
Farm supply or landscaping
Cafe with decent breakfast
Park
Retail, convenience store/fueling station, personal services
Retail
brewery and restaurant
Brewery/taphouse
Fast food, microbrewery, hotel
Micro brewery
Grocery store

Restaurant, SMALL hotel, shop
Senior Apartments
Senior apartments
#1 Grocery Store, #2 Restaurants ##3 Farm Supply D&B or Tractor Supply or Valley Wide
Cell Tower
Restaurant, farm supply
Cell tower
Restaurant, grocery store
Retail store
Gas station
Small hotel
Small motel/hotel
Microbrewery with restaurant, farmers/craft market, then restaurant
Service station/convenient store, bank, vet hospital/ farm store.
Retail Store, Small Hotel, Restaurant
Fuelling station
animal hospital, farm equipment/rental, microbrewery/cafe
Farm supply, restaurant, business office
Pharmacy
Restaurant (not fast food), personal services, bank
Microbrewery
Gas station
Restaurant, retail store, fuel station
Animal hospital, farm supply ,tractor supply
Marsing could use some more restaurant food options, farming feed stores are always great in this area.
I didn't "prefer" any of the choices
A landscaping business would be most acceptable.
Vet.
Restaurant, microbrewery, retail
RESTAURANT
Convenience store, animal hospital, restaurant
Small motel, bank, food trucks
Bank, small motel, restaurant
Restaurant, bank, personal service shops

Question 3. Please share your thoughts regarding future development on the TRIANGLE parcel.

Please no Cell/communication towers
Elevate and create, preserve the farming around here.
I think that the pice of land just needs to be left alone we dont need anymore development
I don't want anything there with high traffic. That corner is very dangerous, especially during foggy and icy times. Having additional traffic in and out of there will only make the situation worse for those of us in Marsing and on The Slope
Visitor Center could also sell locally made goods
I think it would be great. Good luck with your rental neighbor behind you. She seems to think she owns the public road.
Safe entrance and exit for traffic to avoid more accidents.
Nothing
Microbrewery would fit with all the winery traffic
The intersection there can already be dangerous, increased traffic on that location is going to be a nightmare.
Thank you for asking the public our opinion
The community needs growth, Im excited for this change
We don't need another fuel stop/ convenient store
Something appealing to all !!
Something to help our community but not necessarily bring more traffic. Something we don't have to go to town for.
Not tourism related
The flow of traffic and visibility is a major concern regardless of the type of business that goes in. The blind corner coming from HWY to Marsing is extremely concerning as is.
Development is unwanted
Many odd corners within the valley have businesses that fail over and over. I think utilizing the space with something that is very neutral will be a better option. A park would be a great option. You could have parking along one of the straight roads and then an open space in the center for events. I think it would work great for a farmers market during the spring, summer and fall. It could host weddings, birthday parties, and other special events. The view of the river is gorgeous from here as well.
A park would be a great place
Excited for growth in Marsing!
No apartments
Having lived out here for 22 years, Id love to maintain the beauty of the area but provide the smaller community conciencia without having to travel into the bigger cities.
Animal Hospital or Small Hotel

Might as well do something with it and use it.

I would hate to see more traffic trying to cross the bridge

This is a very dangerous traffic corner. It needs something that will not impede the flow of traffic or cause slowing while waiting for numerous people to turn into a business, especially with it being a major truck route. Convenience stores, year round businesses, etc. are a very poor fit for this area due to traffic flow and speed.

Hotel

I just dont want it to be ugly

Traffic getting in and out right there will be a mess and its the first look coming into marsing. We are a small town.

Id prefer to keep it ag based

I think personally there is already too much development and people are buying land just to sell to make money and take farm land. Idaho is dying.

There are already a lot of traffic accidents at these intersections.

Grow crops

Something to keep the nice calm community but also give residents of the area more to look forward to when having family over or when they start a family

I think it is sad but it is what it is. I hope it doesnt ruin the nice view as you drive into town.

Id rather see it be a landscaped, entrance to wine region

Stop developing rural counties Jesus!

It would be best suited to serve existing residents and not further populating the area. It is important to keep sunny slopes existing beuty intact

Should definitely use it in a way to bring people in.

I think we should not put anything on that plot as I think we will be seeing a disruption in traffic and future wrecks

A small hotel would be nice for families that come to visit in the holidays because then we dont have to drive all the way to Caldwell or Nampa or even Boise for our families that dont live done here. It would be nice to have a hotel in a small town!

Leave it or a park

Traffic is a great concern.

A brewery with a restaurant would be great

Do something

Na

Usable for the community, not clutter

Not just anything but something our region is missing AND wont be an eyesore. Auction house means crap all over laying around. Storage facility is a controlled area for extra crap all around.

My only concern would be reduced visibility when pulling out onto the highway so just be mindful of that when developing that area

I think it will be good if its something that will benefit the community

I understand that development is inevitable. I'd love for the Marsing area to stay true to their agricultural roots and family traditions. We drive past the Triangle parcel several times a day. My parents live off of Lizard Butte Lane, the new road just opposite Churruca Ln. I think any type of development in that area should 1) add value and benefit to the local residents, 2) respect the agricultural community, and 3) encourage positive economic growth in our area.

Marsing is a small close knit town that does not want to see a lot of expansions and bring in more foot traffic. Farm equipment and or an animal hospital would be useful to the community to help it grow in itself without causing too much change. Our neighboring towns are already facing new developments that are taking away our fields for housing or convenience stores. We have our convenience store and our gas stations and don't need to add more to the mix

Save this town!!

Traffic safety study needed and community meeting

Service industry preferred

Limited space for parking & traffic is an issue with this triangle parcel.

Limited space for parking & traffic is an issue with this triangle parcel.

The food choices in this area are horrible would love a good sit down restaurant in this area

I'm tired of every little piece of land getting developed. We are quickly losing what makes our area so beautiful and special. Also that's a terrible location to increase traffic. There are already lots of accidents there

Due to the angles of the roads high traffic business will cause hazards

It's a good idea

I prefer it to be farmland or something that will not cause more traffic issues there. With the winter weather that is always a dangerous location.

developing this parcel would increase the beauty of the town.

I would prefer that the Triangle parcel be turned into something beneficial for the economy of the town that could attract travelers as they pass through Marsing rather than a small niche business that only a few people may use

Do your best

My Concerns are with traffic congestion and the infrastructure supporting that area .services like Fire/ Emt and police will be my concerns as well as the effects it may have on our water fowl and other wildlife and migrating birds turtles frogs etc.

That is such a dangerous area. Anything that is put there needs to have plenty of visual clearance in all directions.

Leave it as it is.

More infrastructure, more development, more traffic, worse for everyone

Keep it small town and not something that's gonna be an eyesore in a few years

You really need to put in a light. That cross over is dangerous

Would put housing there water table is too high

Its not enough to accommodate most of these suggestions.

Restaurant

Traffic is a huge concern along with keeping the rural aesthetic appearance and community atmosphere.

Traveling East the majority of traffic is heading to I-84 or Caldwell or S Nampa, 2 routes. I believe the TRIANGLE parcel offer a destination ethically pleasing stop.

Access should be off of Churruca Lane not highway 55. Whatever is allowed there should represent the agriculture community.

It will NEED traffic management planning if it,Ãs going to be busy - that is a busy hard to see corner especially in an icy hill in the fog

I am happy to see it's development

Do we really need more buildings, Marsing is growing already as it is so we need really need more.

It would be nice if it can be useful for the community.

Keep consistent with local land uses. It is a prominent location so keep it attractive.

That's not a safe intersection for car to merge onto 55. Should not add visual obstructions.

Like I said above... Leave it how it is or do whatever will bring in the absolute MINIMAL amount of people this way.

Any development is good. Single family housing would be top choice.

I would love to see it developed and useful

I think the woman living next to it will try scaring people off.

We need something to emphasize small town and the beautiful country we have.

This is stupid

I would hope no banks or storage facilities go up in that spot. It's such a beautiful rural area. It needs to be appreciated truly

Too unsecured for a bank

As a land owner in Owyhee County, I understand your wanting to make people happy, but I also understand that some people are going to hate your decision, no matter what. I support whatever decision you make.

To keep the beauty of the sunnyslope area and its focus of wine region, the triangle ought to reflect the same. Equipment rental, auction, trailer park or automotive repair brings a cluttered look that detracts from the beauty of the area. Small container air bnb's or a brewery/taphouse/restaurant might bring more patrons to Marsing near the boat launch and park while enjoying the wineries. Whatever ends up here should blend in with the agricultural beauty of the Sunnyslope and the early to bed hours of the local farming lifestyle as the wineries do.

It's a good idea

Should not be an eyesore as the entrance to Marsing/Owyhee County.

We are lacking in grocery stores, restaurants, gas stations etc.

Prefer to leave it as is

Senior apartments

I think a grocery store is the biggest need. The only options available are the M&W Mart or to drive to either Homedale or all the way in to Caldwell or Nampa. It would benefit not just the Marsing community but also everyone on the Caldwell side. This would also come with a pharmacy typically, which is also a big need in the area.

As long as the access to whatever business is from Churruca Lane.

Driver safety need

A microbrewery, restaurant, or farmers market would be great in that location; however, the speed should be reduced on HWY55 to decrease the risk for speed related accidents on the curve.

A good plan is required as location is the gateway to Idahos premier wine region and (heading south) to the Owyhee Mountains

I think it would be a good idea to add a Marsing Sports/Recreation Center, where youth and adults could go to practice sports, get in a workout, swim, or just hang out, without having to drive into town.

No drive through fast food; I prefer to keep it empty, turn it into a park of sorts

Thank you for seeking input from the community. Since Marsing is a small town, it would be nice to gain useful establishments for the community but also keep the small town feel. In other words, I would prefer not to have a large retail store or fast food restaurants.

Concerns regarding infrastructure. Emergency services, traffic concerns , effect on wildlife migratory birds.

Traffic is always a concern in that area.

Can still b used for viewing fireworks

I would love to see more dining out options in the area!

Thank you for considering the wishes of us residents! Much appreciated!

RESTAURANT

Prime real estate. Absolutely no reason to leave it vacant, as many great uses for it.

The Triangle Parcel Conditional Rezone

Board of County Commissioners

Presented by: Elizabeth Allen, Bristlecone Land Use Consulting and
Bill Werhane, Property Owner

Outline

- Location
- History of Site
- Public Outreach
- Development Agreement Conditions





Marsing

Highway 55 (Sunnyslope Road)

Churruca Lane

THE TRIANGLE

Marsing Road



Marsing Road

Highway 55 (Sunnyslope Road)

Churrucal Lane

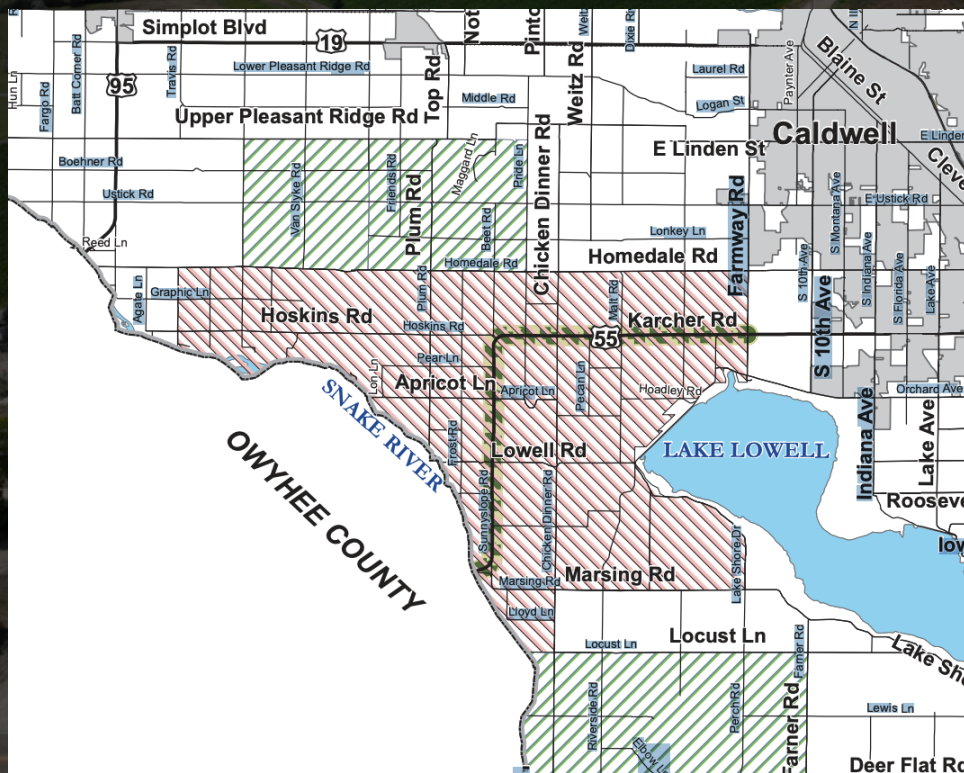


History of the Site

- WWII POW Camp was located adjacent to the site
- Marsing Bridge rebuilt in 1955
- Churruca Lane gas and service station operated
- Marsing Bridge rebuilt in 2020
- Churruca Lane abandoned by ITD
- Roadway improvements leaving excess fill on the site

The Triangle Parcel

- Vacant with a hill of fill dirt



Assessor Data

Taxing Category: <18 Rural other

- "Category 18 is for other rural land, in other words, it does not apply to homesites or land where a home would be built. This category specifically for this parcel is a development value. It is on properties scattered over the County that are meant to be developed at a future date, or in the process of developing, (i.e. excavation, surveying, utilities being into site, etc.)".

!

The Triangle Parcel

- Zones considered: residential, industrial, agriculture, and commercial
 - Residential? The surrounding roadways and the shape of the parcel are not conducive for residential uses. Residential was not identified as a desirable use.
 - Industrial? Site is suitable for industrial uses but does not have nearby resources that industrial users like and was not identified as a desirable use.
 - Agriculture? Could be leased to a farmer but the fill dirt would need to be removed.
 - Commercial? It is the most realistic and logical choice and has a history of commercial use. Commercial uses were identified as desirable.

Public Outreach

- Two community polls
- Four open houses at Marsing City Hall
- A combined total of 355 responses received

Shaping the Future Community Poll for the TRIANGLE parcel

The purpose of this POLL is to involve us, the residents of the City of Marsing, Owyhee and Canyon Counties, and the greater Sunnyslope area, to identify possible developments for the TRIANGLE that would emphasize our special location in Southwest Idaho. We have highlighted the area's history below, followed by a short poll.

To emphasize: our beautiful and unique area IS being developed. The development and passing of the 2030 Canyon County Comprehensive Plan provided a blueprint to preserve and enhance our unique environment. Your involvement will be for all our benefit, and this POLL is a step in that direction. This POLL specifically identifies THE TRIANGLE. We have passed this + - 9 acres every time we drive over the new Marsing Bridge.



Have you ever thought, "I wonder what will happen there and Churruca Lane"? Well, You are traveling through an area that has been a 'crossroads' for centuries. Beginning with the Bonneville Flood, shaping the Snake River plains, aboriginal peoples living along the Snake (Celebration Park), the pioneer migration along the Oregon Trail (mid-1800s), settlers and discovery of gold in the Owyhees (1862), commercial ferries across the Snake in 1887 (Froman's and Henderson's Ferries), the WW II POW camp, Churruca Lane and Churruca Service Station through the 40s, 50s, 60s and into the 70s, and finally the construction of the 'new' bridge' at Marsing and rerouting of Hwy 55 in 1955. The current phase of Marsing and Sunny Slope has continued to morph agriculturally into the premier wine region of Idaho and the Northwest. In order to emphasize our uniqueness and support agriculture, your input is requested.



Please complete the following poll and place it in the drop-box in the Sand Bar Room at the Marsing City Hall by 4:00 p.m. on Friday, November 17, or mail it to PO Box 3953, Nampa, Idaho 83653.

The poll can also be filled out online using the QR code & at <https://forms.gle/uBibUckiAQ1ymYXMA>

Community Poll 1 – November 1 – 30, 2023

158 responses received

Top 3 Preferred Uses



Restaurant



Microbrewery



Animal Hospital

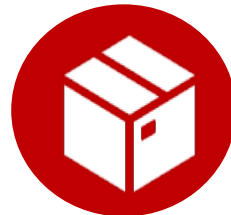
Top 3 Least Preferred Use



Personal Service Shops



Farm Supply Sales



Ministorage

Community Poll 2 – January 5 – February 5, 2025

197 responses

Preferred Use



Restaurant



Microbrewery



Other

Least Preferred Use



Ministorage



Auction Establishment



Vehicle Service Facility

Vision

Thoughtfully develop the Triangle parcel with a use/s that provides an amenity or service for residents and visitors. The Triangle will be developed in a manner that blends in with the farming character and honors the area's history while ensuring that the use of the property will not become a detriment to public health, safety, and welfare.

Development Agreement Conditions

- Conditional Rezone to C-1
- Uses limited to Restaurant, Microbrewery/Tasting Room, Animal Hospital, Farm Supply Sales, Farm Implement Sales/Service, Financial Institution, and Retail.
- “Incorporate a historical theme into their project, to be developed and designed by the developer.” The theme can be a specific orientation such as Lizard Butte, Oregon Trail, POW Internment Camp, Snake River Corridor, Agricultural significance of the area (soil, irrigation, seed production, wine production), or an overview of all aspects of the region. To sustain the historical significance, future development would include a specific display or commentary. The display would include an outside plaque or signage pertaining to the subject, along with interior pictures and displays. For example, if a Microbrewery is planned, an obvious IPA could be LIZARD BUTTE IPA with a label designed with a drawing of Lizard Butte and a description of the feature. This would segue into demonstrating the geographical significance of Lizard Butte during the mid-1800s.

Thank you for your time and consideration!

