



## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Ave., Ste. 140 • Caldwell, Idaho • 83605 • Phone (208) 454-7458

Fax: (208) 454-6633 [www.canyoncounty.org/dsd.aspx](http://www.canyoncounty.org/dsd.aspx)

### AGENCY NOTIFICATION- RESPONSE REQUESTED

<b>Case Number:</b>	<b>CP-PH2016-20 &amp; RZ-PH2016-21</b>	<b>Hearing Date:</b>	<b>May 19, 2016</b>
<b>Address:</b>	<b>17506 Goodson Road, Caldwell, ID</b>	<b>Hearing Body:</b>	<b>Planning and Zoning Commission</b>
<b>Applicant:</b>	<b>J.A.P.S. of Idaho, LLC &amp; Glen Olsen</b>	<b>Transmittal Date:</b>	<b>April 18, 2016</b>

Your agency is hereby notified that the Development Services Department has accepted applications from J.A.P.S. of Idaho, LLC and Glen Olsen regarding the following subject properties, R37887024 (104.536 acres), R37887024A (18.392 acres), R37887024B (107.148 acres), R37887 (27.164 acres), and R37889022 (99.679 acres), and a portion of R37900010 (16.488 acres) which are currently Conditionally Rezoned to Rural Residential (CR-RR) subject to Development Agreement 10-007 as amended by DA-12-147. **Case No. CP-PH2016-20**, J.A.P.S. of Idaho, LLC is requesting a Comprehensive Plan Future Land Use Map Amendment of an approx. 83.30 acre portion of parcel R37887024 and an approx. 80 acre portion of parcel R37887022 from the 'Agriculture' designation to the 'Residential' designation. Concurrently, **Case No. RZ-PH2016-21**, J.A.P.S. of Idaho, LLC, is requesting to rezone approximately 189.628 acres including the following properties from "CR-RR" (CR-Rural Residential) Zone to an "R-1" (Single Family Residential) Zone; parcels R37887024, R37887024A, and a portion of R37887022 (66.7 acres). J.A.P.S. of Idaho, LLC and Glen Olsen are further requesting to rezone 49.488 acres including a portion of R37887022 (33 acres) and a portion of R37900010 (16.488 acres) from "CR-RR" (CR-Rural Residential) to "RR" (Rural Residential) zone. Upon approval of the requested Comprehensive Plan Map Amendment and subsequent Rezones, the applicants are requesting to dissolve the **Development Agreement 10-007 as amended by DA-12-147**. If approved parcels R37887024B (107.148 acres) and R37887 (27.164 acres) totaling 134.312 acres owned by Glen C and Evelyn J Olsen Living Trust will revert to the original zoning designation of "A" (Agricultural). The subject properties are located on the north and south sides of Goodson Road approximately ½ mile west of the intersection of Goodson Road and Wagner Road, Caldwell, Idaho, in Section 18, T5N, R3W, and in a portion of the NW ¼ of Section 19, T5N, R3W, Canyon County, BM.

The property is not located within a floodplain. Zone \_\_\_\_\_ x \_\_\_\_\_

#### RESPONSE DEADLINE :

**May 6, 2016**

**Your response is critical to the evaluation of this proposal.** A copy of the intent letter and conceptual plan is enclosed for your review. In order for your response to be included in the Staff Report for this request, we need to receive it no later than the deadline noted above. Your response will be forwarded to the Canyon County Planning and Zoning Commission for review and may be incorporated into their recommendations to the Board of County Commissioners.

Please reference Case Nos. **CP-PH2016-20 and RZ-PH2016-21** in responses and/or correspondence regarding this case. You may respond to DSD in any of the following formats:

- Mail: 111 North 11<sup>th</sup> Ave., Ste. 140, Caldwell, Idaho 83605
- E-mail: [droot@canyonco.org](mailto:droot@canyonco.org)
- Fax: 454-6633

At a minimum, please address the questions specific to your agency listed below and any additional concerns from your agency regarding the requested use. Information submitted will be a part of the record as evidence of adequate or inadequate services.

**SOUTHWEST DISTRICT HEALTH DEPARTMENT**

- ✓ *Will adequate sewer systems be provided to accommodate the use?*

**IDAHO DEPARTMENT OF WATER RESOURCES**

- ✓ *Will adequate water be provided to accommodate said use?*

**IRRIGATION DISTRICTS**

- ✓ *Will adequate irrigation be provided to accommodate said use?*
- ✓ *Will any of the services provided by the irrigation district be negatively impacted by the requested use or require additional public funding to meet the needs created by the requested use?*

**HIGHWAY DISTRICTS**

- ✓ *Does legal access to the property exist for the requested use?*
- ✓ *Will there be any undue interference with existing or future traffic patterns created by the requested use?*

**SCHOOL FACILITIES**

- ✓ *Will essential services be provided to accommodate the requested use?*
- ✓ *Will any school services be negatively impacted by the requested or require additional public funding in order to meet the needs created by the requested use? (For example, what is the school's existing capacity and will it meet the demand of any additional growth created from the requested use?)*

**POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES**

- ✓ *Will essential services be provided to accommodate said use?*
- ✓ *Will services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?*
- ✓ *What is the estimated response time to the subject property? Is this response time adequate for life safety concerns?*

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Air Quality**

- ✓ *Will the use have a negative impact on air quality?*

**Waste Water & Drinking Water**

- ✓ *Will essential services accommodate said use?*

**Surface Water**

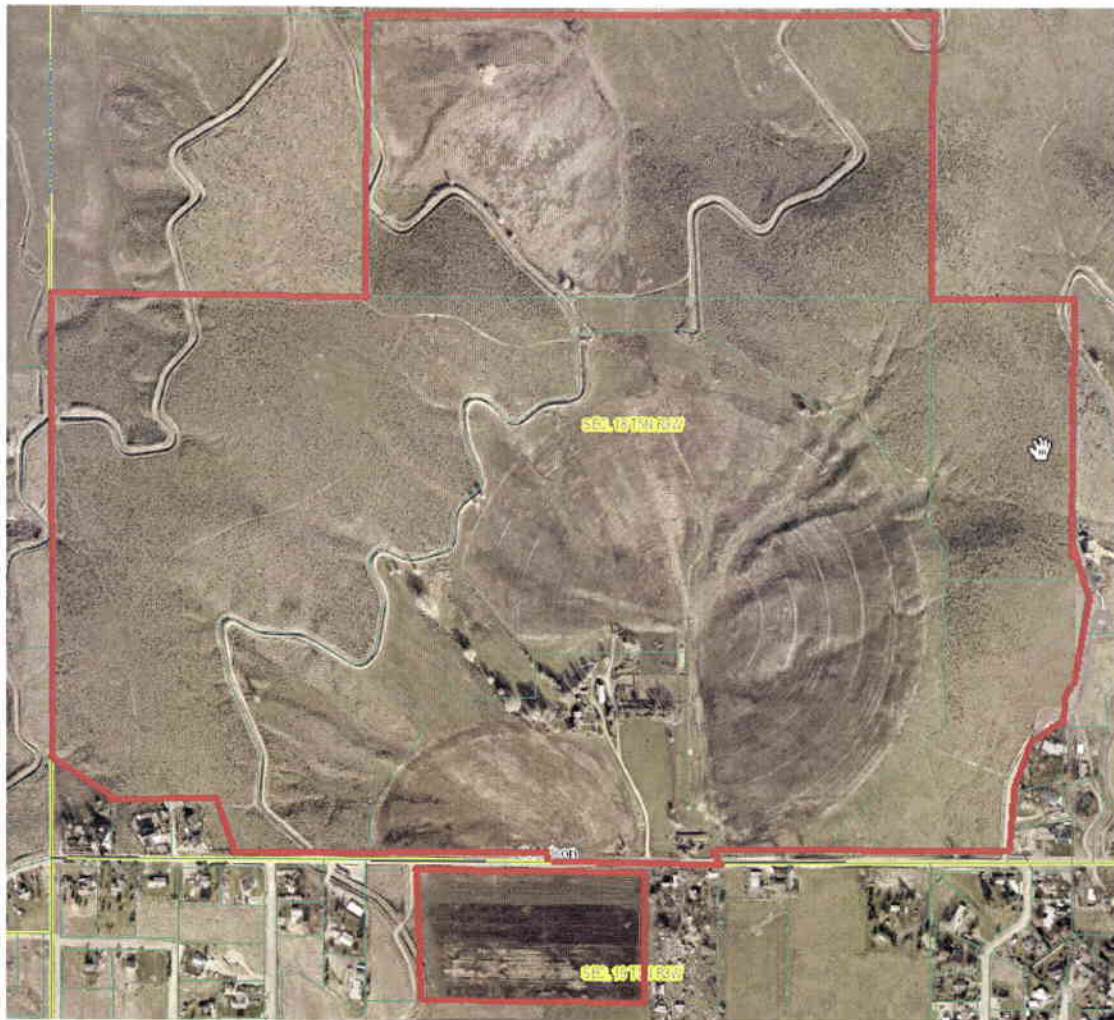
- ✓ *Will the use impact any nearby surface water sources?*

**Hazardous Water & Ground Water Contamination**

- ✓ ***Will the use negatively impact ground water?***
- ✓ ***Is there a hazardous waste concern?***

If you have questions regarding the application and/or materials received, you can contact Deb Root, the planner assigned to the case at 454-7340 or [droot@canyonco.org](mailto:droot@canyonco.org) .

Idaho Code 67-6509(a) requires notice of a public hearing to be sent to political subdivisions of the state that provide services within the planning jurisdiction at least fifteen (15) days prior to the public hearing scheduled by the Planning and Zoning Commission or Hearing Examiner.



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# BORTON - LAKEY

## LAW AND POLICY

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

March 14, 2016

Canyon County Development Services  
1115 Albany Street  
Caldwell, Idaho 83605

**Re: Updated Letter of Intent: J.A.P.S., LLC. and Glen Olsen: Rezone and Revocation of Development Agreement**

Dear Canyon County Development Services Office,

I am writing on behalf of the Applicants, J.A.P.S., LLC. ("LLC") and the Glen C. and Evelyn J Olsen Living Trust ("Olsen") regarding their request to rezone the property belonging to LLC from Conditional Rural Residential (CRR) to single family residential (R1), Rural Residential (RR) and Agricultural (A) as set forth in this letter. Should the requested rezoning to R1 and RR be approved then the parties correspondingly request a concurrent termination of the development agreement (DA) pertaining to their properties which would allow the Olsen property north of Goodson Road to revert back to its original Agricultural zoning that existed before the DA was executed. The Olsen Property south of Goodson Road would remain RR.

The landowners, LLC and Olsen, previously jointly applied and were approved for a conditional use permit and then subsequently a conditional rezone of their combined properties to Rural Residential (CRR) with the corresponding DA. Their Conditional Rezone and DA were approved in 2010. In 2012 LLC and Olsen applied to modify the DA to essentially move the development of the residential parcels from the entire property to the higher, mostly dry ground owned by LLC and provide for open space or agricultural uses on Olsen's property located in the middle of the site. Olsen and LLC currently work together well but Mr. Olsen is getting older and the parties both prefer to separate their interests in the entire property so LLC is not working with Mr. Olsen's estate or heirs down the road. This application accomplishes that. Although this proposal will result in a moderate increase in the maximum potential lots (approximately 15%) that could be located on the LLC property, this proposal most closely resembles the existing state of potential development on the property under the current approved zoning and DA.

LLC desires to develop its property for residential use. Olsen has invested in additional agricultural facilities on his property and does not desire to pursue residential development on his property north of Goodson Road. The landowners will continue to be good neighbors and support their respective plans for their properties but they each plan to do different things with their property. Approval of this proposed R1 and RR zoning and the revocation of the DA will

The Applicants are proposing to rezone approximately 33 acres in the northwest corner of the LLC property (Parcel R3788702200) to RR. This portion of the site is located north of the canal that traverses the site. The Applicant will utilize a pressurized irrigation system on this RR portion of the site.

Parcel R3790001000 South of Goodson Road belongs to Olsen. A portion of that Parcel is designated RR and the remaining approximately 16 acres is zoned CRR. We are requesting that those 16 acres also be zoned RR.

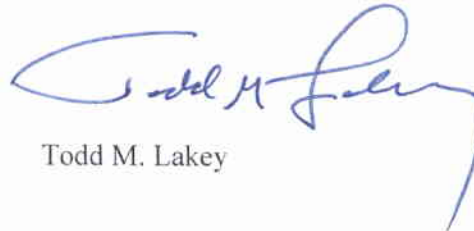
There are two portions of the subject property that are not designated as residential on the current future land use map but are contiguous to the remainder of the subject property that is zoned residential and designated for residential use on the map. We are requesting that the comprehensive plan future land use map be updated to reflect a residential use designation on those northern and western portions of the subject property.

This area and the area is designated for residential development on the comprehensive plan future land use map. The weight of the goals and policies of the Canyon County Comprehensive Plan continue to support this application as they have supported the previous approvals. Substantial residential development has occurred in the area including at least fourteen platted subdivisions within a mile. Nearby residential subdivisions have been developed dating back to the early 1970's.

This application provides for preservation of agricultural uses and zoning as well as residential growth in an area planned for that purpose. The Applicants' proposal is in conformance with the comprehensive plan and the zoning ordinance for Canyon County. We would respectfully ask that the County approve this application to rezone the LLC property to R1 and RR as noted herein and should the proposed rezoning be approved and then terminate the DA for the entire subject property and allow the Olsen property north of Goodson Road to revert back to agricultural zoning. I have included copies of the DA and corresponding amendments with this application. I would be happy to answer any questions you may have.

Sincerely,

BORTON-LAKEY LAW AND POLICY

A handwritten signature in blue ink, appearing to read "Todd M. Lakey", with a long, sweeping flourish extending to the right.

Todd M. Lakey

allow the respective landowners to pursue their different individual plans without both being tied to a DA that will likely involve different parties than those that originally agreed to work together. Different parties may or may not work well together and actions by one party on their property as a separate landowner can have negative consequences on both property owners under the same joint DA.

This application is a clean approach to allowing both landowners to pursue their respective uses of the property without the potential for conflicts between future land owners and landowners and the county.

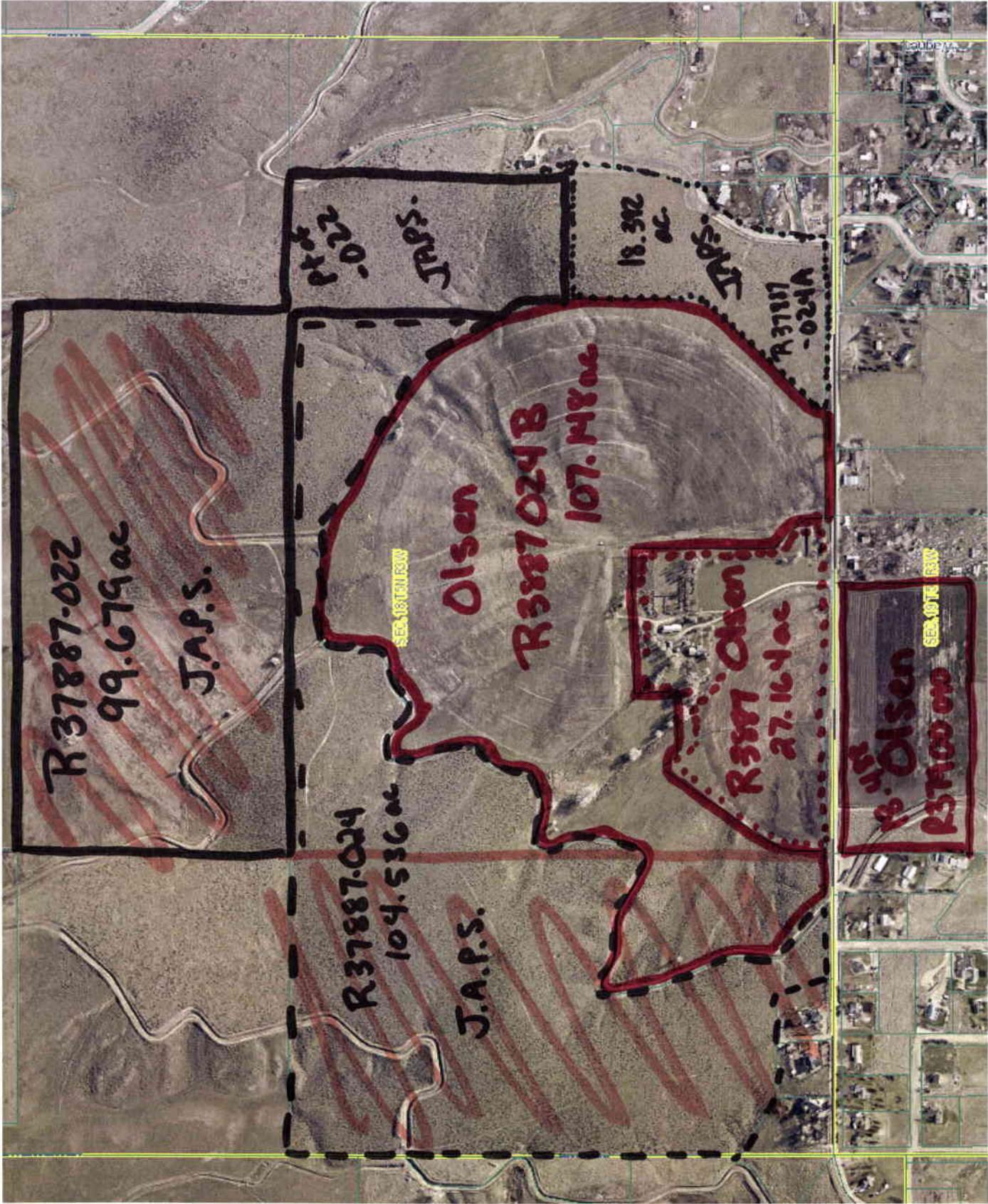
The Applicants propose to re-establish Agricultural zoning in the middle portion of the entire property and allow residential uses on the higher primarily dry ground around the outside of the entire property. See attached site plan. The Olsen property consists of approximately 134 acres and the LLC property consists of approximately 222 acres. The portion of the property dedicated for residential use is on the higher 222 acres of ground and consists primarily of rolling topography and varying elevations. A standard maximum cookie cutter lot layout is not feasible or desirable. The owner cannot simply layout lots on the site without including roads and the restrictions of the rolling topography.

The entire property including the Olsen and LLC portions consists of approximately ~~357~~ 375<sup>ac</sup> acres. The current CRR zoning for the entire property requires a minimum average lot size of 2 acres and yields a theoretical flat maximum of 178 residential lots. The current DA focuses those lots primarily on the 222 acres owned by LLC with Olsen's property north of Goodson Road being allowed two additional residential parcels in addition to the existing one for a total of 3. The proposal is to rezone the 189 acres of the 222 acres of LLC property to R1 (minimum average lot size of 1 acre), 33 acres of the 222 acres to RR (minimum average lot size of 2 acres) and then terminate the DA on the property North of Goodson Road and revert the Olsen zoning back to AG, which would yield a theoretical maximum of 207 lots on the LLC property if it were a perfectly flat piece of property with no roads. This proposal would result in an average lot size decrease on the LLC property from approximately 1.25 acres to 1.07 acres. Although the zoning may allow a certain maximum number of lots that number cannot be reached considering the required streets and rolling topography. This proposal results in an increase of the theoretical total maximum number lots from 178 to 207. The maximum of 207 lots is not reality; the estimated maximum actual number of lots is roughly between 170 to 190.

The application results in a moderate decrease in the average lot size and this application represents the current county zoning designation available to the Applicant that is the most similar to the existing zoning approvals and DA for the property. The project will still consist of large rurally oriented residential parcels with upper end homes.

As the Applicants have said since the beginning these properties will be high quality rural acre plus estate lots with many of them having excellent views. The well data for the area shows deep wells in a healthy aquifer. The wells on this site would also be deep wells. The property is not in a nitrate priority area and the design and location of septic systems for each lot has to be approved by Southwest District Health. Regarding traffic, the high levels of service in the area have not changed significantly since the first Conditional Use Permit in 2007. The Applicant has already met with the Notus Parma Highway District to discuss the project. The Highway District has certain improvements in their adopted plans for the area that were not yet designated in their plans back when the property was initially permitted and rezoned. The Highway District will address any required transportation improvements by the Applicant during the platting process when definitive numbers and plans are brought forward.

Parcel#	Current Acres	Current Owner	Current Comp Plan	Proposed Comp Plan	Current Zoning	Proposed Zoning
R37887024	104.536	J.A.P.S. of Idaho LLC	Agriculture 70.43 Residential 34.10	Residential	CR-RR	R1 (Single Family Residential)
R37887022	99.68	J.A.P.S. of Idaho LLC	Agriculture 79.88 Residential 19.7	Residential	CR-RR	R1 (Single Family Residential) 66.58 acres RR (Rural Residential) 33 acres
R37887024A	18.39	J.A.P.S. of Idaho LLC	Residential 18.39	Residential	CR-RR	R1 (Single Family Residential)
R37887024B	107.15	Glen Olsen Trust	Agriculture 12.12 Residential 95.03	Agriculture	CR-RR	Agriculture
R37887	27.164	Glen Olsen Trust	Residential 27.16	Agriculture	CR-RR	Agriculture
R37900010	18.49	Glen Olsen Trust	Residential 18.49	Residential	CR-RR 16.49 RR 2.00 acres	RR (Rural Residential)
Subject to Development Agreement: DA #: 10-104 and as amended by DA #: 12-147 "First Amended Development Agreement"						
Olsen	150.80 acres					
J.A.P.S. of Idaho LLC	222.606 acres					
Property Not subject to Development Agreement or conditional rezoning:						
Olsen	2 acres	Portion of R37900010				



*Not Res on Comp Plan*