



# Development Services Department

Canyon County, 111 North 11<sup>th</sup> Avenue, Caldwell, ID 83605

(208) 454 7458 ▪ [ZoningInfo@canyoncounty.id.gov](mailto:ZoningInfo@canyoncounty.id.gov) ▪ [www.canyoncounty.id.gov/dsd](http://www.canyoncounty.id.gov/dsd)

January 18, 2024

RE: Parcel Inquiry for R28190 and R28190-010– PI2023-0270

**Question: How many land divisions are available for these two parcels? Can the portion of the parcels that are “non-farmable” have a home put on it for a residential residence? Can the property lines be adjusted to allow a more even division of the two parcels? Are there any water rights available on these parcels?**

Parcel R28190 was considered an original parcel\* with approximately 40-acres (see highlighted parcel on Plat Map attached). In 1982, a conditional use permit approved the original 40-acre parcel to be split into one (1) 5-acre parcel and two (2) approximately 17.5-acre parcels, but the owners actually only divided the 40-acre parcel into two (2) parcels, which created R28190 and R28190-010. The conditional use permit that approved the three (3) parcel land division has since expired, so there are no more administrative land divisions available for either parcel as the one (1) land division (2 residential parcels) allowed for original parcels under 80 acres in an agricultural zone has been taken (Canyon County Zoning Code (CCZO) §07-18-07).

If the property owners want to subdivide R28190 and R28190-010 into three to four (3-4) total residential parcels (between the two (2) parcels), applying for a rezone/conditional rezone and comprehensive plan amendment to a residential zoning district would be required. If the rezone/conditional rezone and comprehensive plan amendment are approved, R28190 and R28190-010 could be divided into up to four (4) total parcels via the administrative land division process. If the property owners want to subdivide the parcels into more than four (4) total parcels, then in addition to the rezone/conditional rezone and comprehensive plan amendment process, the parcel would then be required to plat through the subdivision platting process. Attached is the rezone/conditional rezone, comprehensive plan amendment, and short plat applications with submittal requirements and application fees. Please note that it appears it may be challenging for staff to make affirmative findings that meet the criteria for a comprehensive plan amendment and rezone/conditional rezone as outlined in CCZO §07-06-03 and §07-06-05.

An alternative option would be to apply for (a) nonviable land division(s) (CCZO §07-18-09). In order to apply and be approved for (a) nonviable land division(s), there must be evidence demonstrating the land, in whole or in part, is nonviable for agricultural use (such as the parcels, in whole or in part, consists of land with site constraints and/or resource issues, such as lack of water, suitable soils, topography, land compatibility, lot size or configuration, that makes productive agricultural use extremely difficult) and the result of the request will minimize potential negative impacts to adjacent agriculture uses. With approval of (a) nonviable land division(s), R28190 and R28190-010 could potentially be split into four (4) total residential parcels. Additionally, the proposed parcel(s) created and its remnant shall be at least one (1) acre in size (§07-18-09). Attached is the administrative land division packet with submittal requirements and application fees.

**Planning • Zoning • Building • Code Enforcement**

*Dedicated to providing quality, efficient and equitable service to the citizens of Canyon County by planning for orderly growth and development through consistent administration and enforcement of County Ordinances.*

The property owners could apply for a property boundary adjustment through this office so R28190 and R28190-010 could have a more even acreage distribution between the two (2) parcels (CCZO §07-10-17). *Attached is the property boundary adjustment packet with submittal requirements and application fees.*

For any questions on water rights, please contact Boise Project Board of Control/Boise Kuna Irrigation District.

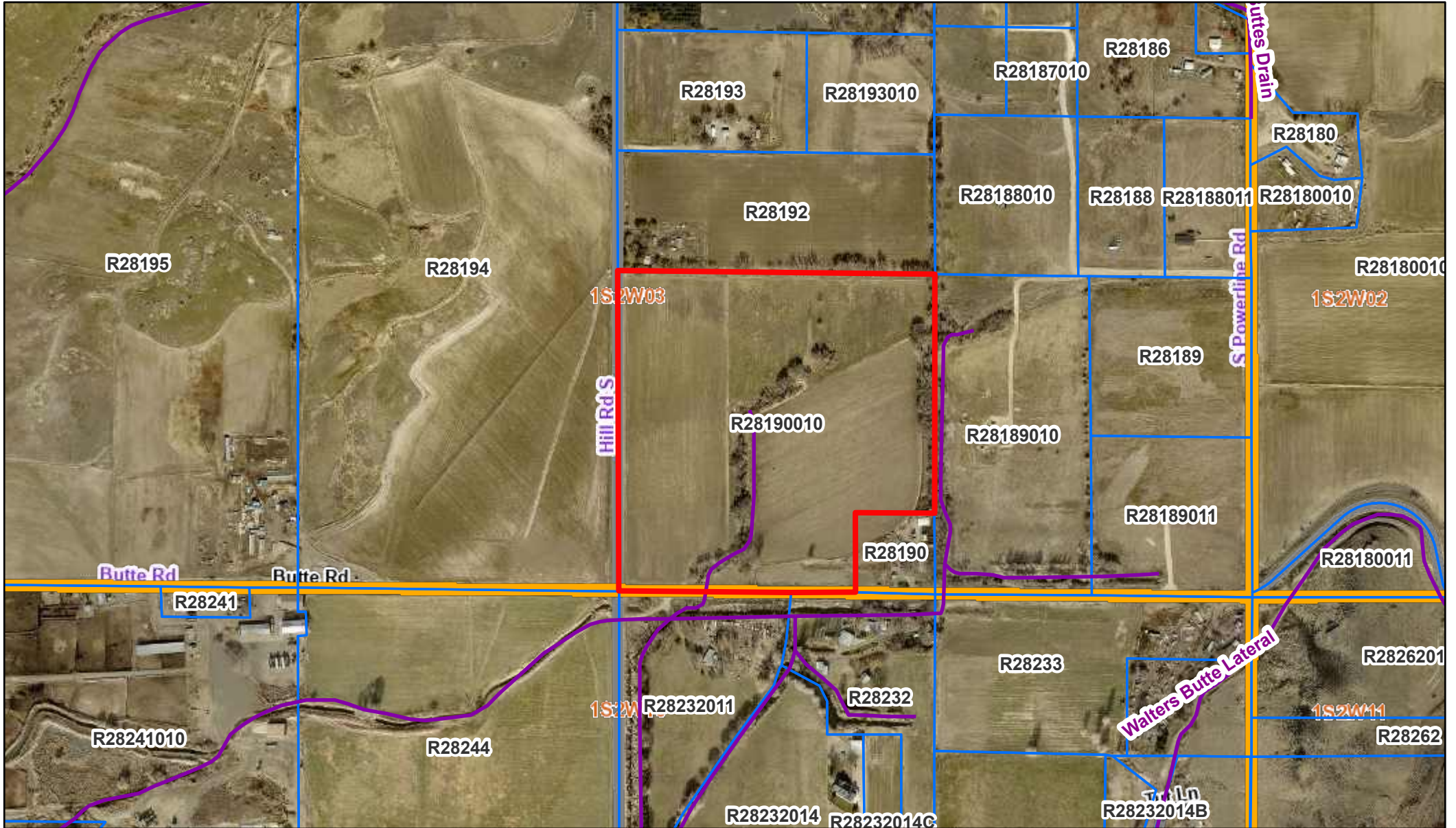
Please let me know if you have questions,

Emily Kiester  
Associate Planner  
[emily.kiester@canyoncounty.id.gov](mailto:emily.kiester@canyoncounty.id.gov)  
208-454-6632

\*ORIGINAL PARCEL: A parcel of platted or unplatted land as it existed on September 6, 1979 (the effective date of the Zoning Ordinance 79-008), including any property boundary adjustments as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency. (CCZO §07-02-03)

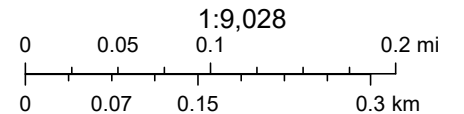
Note: The property research information presented today by the Development Service Department (DSD) is based on the current ordinance and policies, in effect on the date of the summary, and based on your representations and information you have provided about the subject property. This information is valid only at the time of the inquiry and may change when the subject property, ordinances, or policies change. Then information becomes certain, and not subject to change, when DSD accepts an application and fees are paid. Changes to the subject property may invalidate this information.

# Canyon County, ID Web Map



1/8/2024, 4:58:14 PM

- Parcel Number Search\_Query result
- Hydro\_NHDFlowline
- County Boundary
- Current Impact Area
- City Limits
- Sections
- CanyonCountyRoads
- Roads
- CC\_PrivateRoads
- Imagery\_2022
- Red: Band\_1
- Green: Band\_2



Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA



**R28190**

**PARCEL INFORMATION REPORT**

1/18/2024 10:56:40 AM

**PARCEL NUMBER: R28190**

**OWNER NAME: MITCHELL JACK**

**CO-OWNER: MITCHELL GLORIA H/W**

**MAILING ADDRESS: 8240 BUTTE RD MELBA ID 83641-5267**

**SITE ADDRESS: 8240 BUTTE RD**

**TAX CODE: 0930000**

**TWP: 1S RNG: 2W SEC: 03 QUARTER: SE**

**ACRES: 2.49**

**HOME OWNERS EXEMPTION: No**

**AG-EXEMPT: Yes**

**DRAIN DISTRICT: NOT In Drain Dist**

**ZONING DESCRIPTION: AG / AGRICULTURAL**

**HIGHWAY DISTRICT: NAMPA HWY DIST**

**FIRE DISTRICT: MELBA FIRE**

**SCHOOL DISTRICT: MELBA SCHOOL DIST**

**IMPACT AREA: NOT In Impact Area**

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

**FLU Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY**

**FLU RR Zone Desc 2030:**

**FUTURE LAND USE 2030: INTENSIVE AGRICULTURE OVERLAY \ AG**

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

**FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0575F**

**WETLAND: NOT In WETLAND**

**NITRATE PRIORITY: ADA CANYON**

**FUNCTIONAL Classification: NOT In COLLECTOR**

**INSTRUMENT NO. : 9737324**

**SCENIC BYWAY: NOT In Scenic Byway**

**LEGAL DESCRIPTION: 03-1S-2W SE SESEWSE**

**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 SHERRIFFS 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.

# R28190010 PARCEL INFORMATION REPORT

1/8/2024 4:58:21 PM

PARCEL NUMBER: **R28190010**

OWNER NAME: **MITCHELL JACK**

CO-OWNER: **MITCHELL GLORIA H/W**

MAILING ADDRESS: **8240 BUTTE RD MELBA ID 83641-5267**

SITE ADDRESS: **0 BUTTE RD**

TAX CODE: **0930000**

TWP: **1S** RNG: **2W** SEC: **03** QUARTER: **SE**

ACRES: **37.40**

HOME OWNERS EXEMPTION: **No**

AG-EXEMPT: **Yes**

DRAIN DISTRICT: **NOT In Drain Dist**

ZONING DESCRIPTION: **AG / AGRICULTURAL**

HIGHWAY DISTRICT: **NAMPA HWY DIST**

FIRE DISTRICT: **MELBA FIRE**

SCHOOL DISTRICT: **MELBA SCHOOL DIST**

IMPACT AREA: **NOT In Impact Area**

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

FLU Overlay Zone Desc 2030: **INTENSIVE AGRICULTURE OVERLAY**

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: **INTENSIVE AGRICULTURE OVERLAY \ AG**

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

FEMA FLOOD ZONE: **X** FLOODWAY: **NOT In FLOODWAY FIRM PANEL: 16027C0575F**

WETLAND: **Riverine**

NITRATE PRIORITY: **ADA CANYON**

FUNCTIONAL Classification: **NOT In COLLECTOR**

INSTRUMENT NO. : **9511846**

SCENIC BYWAY: **NOT In Scenic Byway**

LEGAL DESCRIPTION: **03-1S-2W SE SWSE LS SESESWSE**

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



## DISCLAIMER:

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CANYON COUNTY PLAT BOOK

SECTION 8

TOWNSHIP 15

RANGE 2W



All in Miller's Fire

Miller's Fire

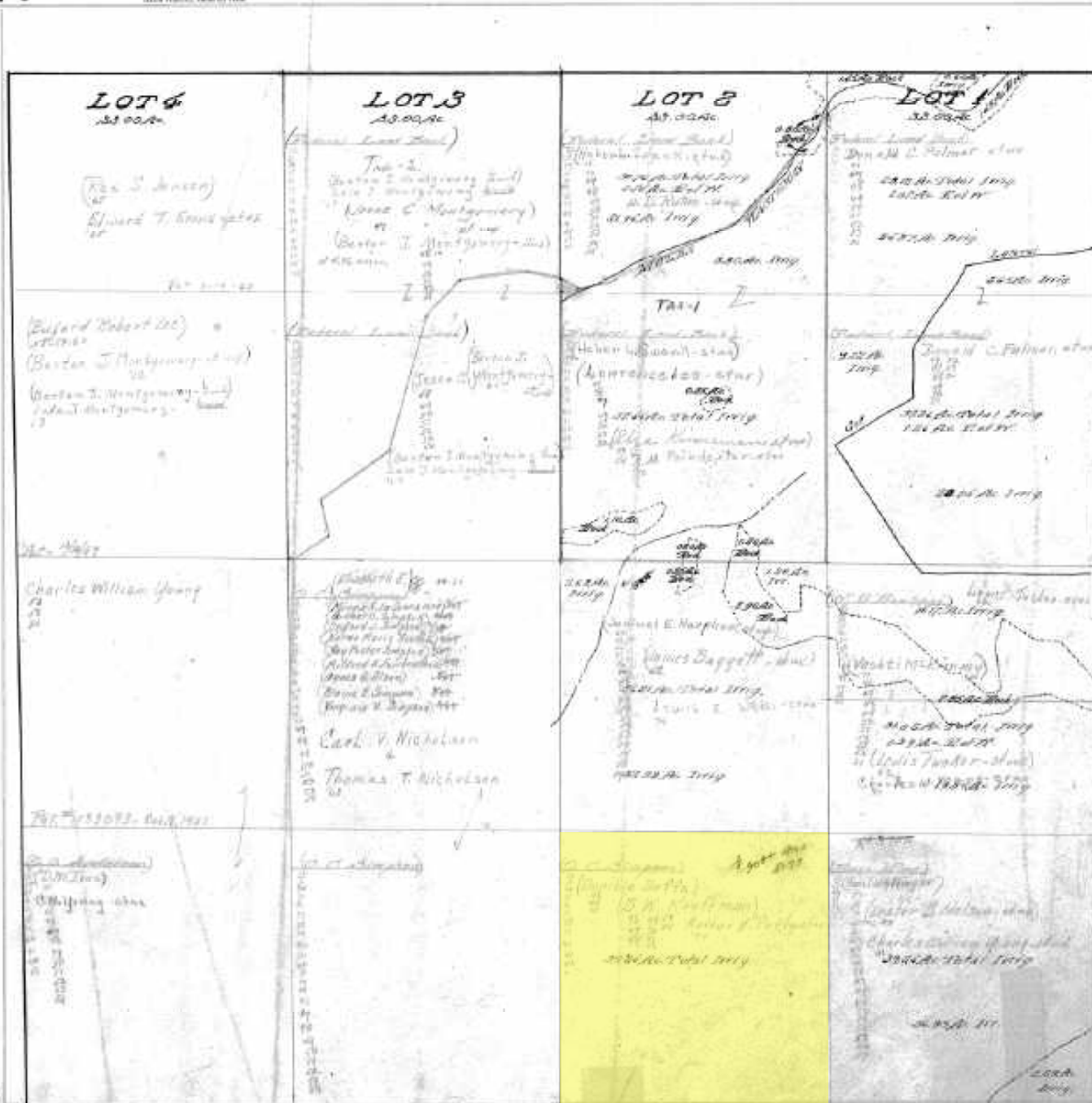
01112

SCHOOL 28 1367

ROAD NAMPA HIGHWAY

SCALE 400 FEET, ONE INCH

01109



0111

0110

CANYON COUNTY  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
MAY 19, 1982

MEMBERS PRESENT: Julie Hyslop                      Marilyn Bauman  
Fred Houston                                      Robert Robinson  
Rex Engelking                                      Sumner Johnson  
Carl Chase    Lloyd Bowen

MEMBERS ABSENT: George Rosandick              Ronald Abbott  
Larry Ragains

OTHERS PRESENT: George A. Ottens, Administrator  
Bill Morrow, Prosecuting Attorney  
Approximately 15 others.

PUBLIC HEARING

ITEM 1: Request by Mr. Leroy McBride for a Conditional Use Permit to allow for De La Pins Meat Processors and to utilize an existing building. Located on the west side of Highway 95, North of Red Top Road.

Mr. McBride stated his plans are to utilize the existing building as it has been used before as a custom meat packing plant. The building was last used in June of 1979, because of financial problems the operation was shut down. Mr. McBride stated the building has passed inspection by the Health Department and Federal meat inspectors. There is adequate parking facilities and he would employ 11 persons on a daytime shift only.

Commission member Houston asked if the slaughtering would be done on the premises? Mr. McBride stated it would.

Mr. Ottens stated the existing building has been approved for this type of operation by the Planning Commission in 1975.

Commission member Johnson stated that since the nearest competitor is in Homedale, this would be providing a local service.

Commission member Bowen stated that having no objections and considering this type of operation existing before, he would move that the request be approved. The motion was seconded by Commission member Johnson and passed by unanimous vote.

ITEM 2: Request by Mr. Joe Wilson for a Conditional Use Permit to allow for a mobile home to be used as a Parsonage. Located on the East side of Middleton Road, 1/4 mile North of Orchard Avenue.

Mr. Wilson stated he would like to place a double wide manufactured home on this property for a church parsonage. The home would meet all the requirements of Nampa's Manufactured Housing Ordinance. Mr. Wilson also stated there are some restrictive covenants in the subdivision but none he could find that pertained to the lot the church is on. Mr. Wilson stated he would prefer to locate the home on the same lot as the church and directly behind it, therefore, he could hook up on the same water and sewer as the church.

Mr. Ottens stated he found no covenants recorded with the original plat, yet they could be filed with other documents.

Commission member Bauman read a letter from the City of Nampa in favor of this request.

Mr. Vernon Orr, adjacent property owner, stated he has a contract of sale for Lot 6 Block 1 and Lot 6 Block 2 which states, "The use of this property is hereby limited to new residence construction inclusive of Boise Cascade homes or similar prefabricated residences and no mobile homes or house trailers shall be set up or used, or otherwise occupied upon the property. Mr. Orr stated the other property owners in the subdivision have the same contract.

Commission member Engelking stated his opinion is that this request meets the requirements of the contract.

Mr. Vern Cooper, adjacent property owner, stated he is opposed to this request. There are very expensive homes in the area and this would devalue the properties.

Mr. Edwin Reeder, property owner, also spoke in opposition to this request since it was the intent of the restrictive covenants to pertain to each lot in the J.J. Jenkins Subdivision.

Mr. Albert Pilch, property owner, stated he was opposed to this request.

Commission member Engelking suggested the request not be approved until the County has adopted the Manufactured Housing Ordinance. He also suggested that Mr. Ottens do more research regarding the restrictive covenants to see if there are covenants on this lot that we are not aware of.

Commission member Chase stated he could not make a decision on this request until substantiating all the restrictive covenants.

Commission member Houston made a motion this request be tabled until such a time the Commission has more information on the restrictive covenants. There seems to be conflicting reports and



from the testimony that has been heard the Commission is not ready to make a decision. The motion was seconded by Commission member Robinson.

Commission member Johnson suggested Mr. Wilson supply the Commission with a preliminary title report. He then made a motion that if this is removed from the table by ~~accident~~ <sup>action</sup> of the commission it be done under the auspicy it will not be acted on until a subsequent meeting. Commission member Bauman stated we will examine the information and then set a time to have a hearing. Commission member Johnson stated we will remove it from the table and then set a time to have a hearing so that there is a two week period between. The motion was seconded by Commission member Engelking and passed by unanimous vote.

ITEM 3: Request by Mr. Arthur Petty for a Conditional Use Permit to allow for the subdividing of 40 acres. Located on the SW Corner of Butte Road and Hill Road.

Maggie Bradshaw, representing Mr. & Mrs. Arthur Petty, stated that the Petty's own 40 acres. Their intent is to keep 5 acres with the existing home and split the remaining 35 acres in half.

Commission member Robinson stated this has been nothing but a weed patch for the last 3 years and is sandy and rocky soil, therefore, he felt it would be an improvement to the property.

Mr. Alvin Race, adjacent property owner, stated he would be in favor of this request provided there is no further splitting.

Commission member Johnson then made a motion this request be approved. The motion was seconded by Commission member Robinson and passed by unanimous vote.

#### REGULAR MEETING

Commission member Engelking made a motion the minutes of May 5, 1982 be approved. The motion was seconded and passed by unanimous vote.

#### Committees to be Appointed:

ITEM 1: Request by Mr. Jesse Lawson for a Conditional Use Permit for a mobile home for a rental or caretaker. Located on the North side of Pearl Road, 1/2 mile west of Apple Valley Road.

Chairman Hyslop appointed Commission members Ragains, Abbott and Bowen for the viewing committee.

ITEM 2: Request by Leone Dimler for a Conditional Use Permit for a mobile home to be located on her property for health care purposes. Located on the North side of Airport Road, 405' West of North 39th Street.

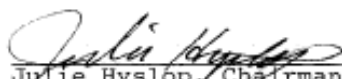
Chairman Hyslop appointed Commission members Chase, Johnson, Engelking, and Robinson for the viewing committee.

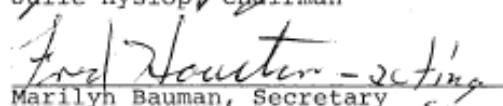
ITEM 3: Request by Mr. Bobby James for a Conditional Use Permit to allow for a home occupation for small engine and automobile repair. Located on the South side of Amity Road, 1/4 mile East of Robinson Boulevard.

Chairman Hyslop appointed Commission members Robinson, Bowen and Houston for the viewing committee.

There being no further business the Canyon County Planning and Zoning Meeting was adjourned at 10:00 p.m.

APPROVED BY:

  
Julie Hyslop, Chairman

  
Marilyn Bauman, Secretary *Sec.*

# Bill Thompson & Co.

 Realtors

623 - 11th Ave. So.  
Nampa, Idaho 83651  
Phone 467-3352



April 12, 1982

Canyon County Planning & Zoning  
1115 Albany  
Caldwell, Idaho 83605

Dear Sirs;

Mr. & Mrs. Arthur Petty of Nampa, would like to sell 35 acres of their Melba farm, located at the corner of Hill Road & Butte Road. They are retired from farming and do not intend to go into that again. They would like to keep 5 acres including the house.

The family that would purchase the 35 acre parcel would then need to sell half (17½ acres) to another family that needs a homesite.

Since this land is very marginal and has not given the Petty's any farm income for the past few years, we feel that this would be a better use. It would also take much expense to tile a large drain ditch that runs through the middle of the property.


These families would not have to rely on this land to pay for itself. They both earn good incomes and intend to build nice homes.

If I can answer any questions you may call me at any time.

Sincerely,

Maggie Bradshaw  
Bill Thompson & Co.  
467-3352, 495-2556



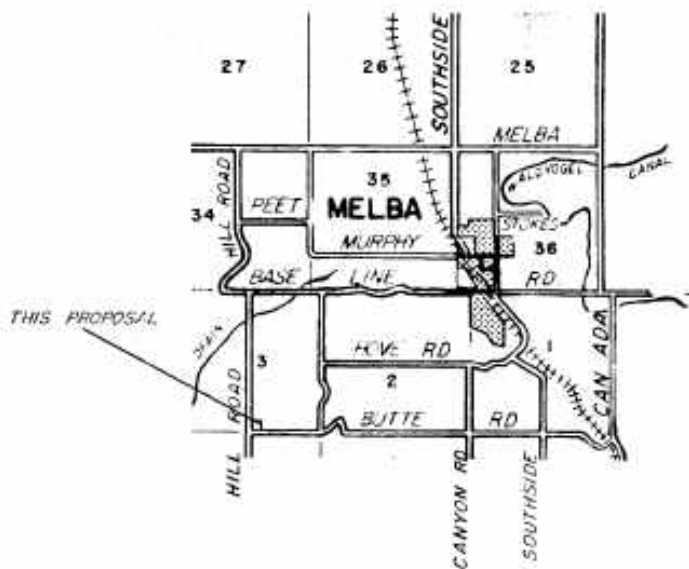
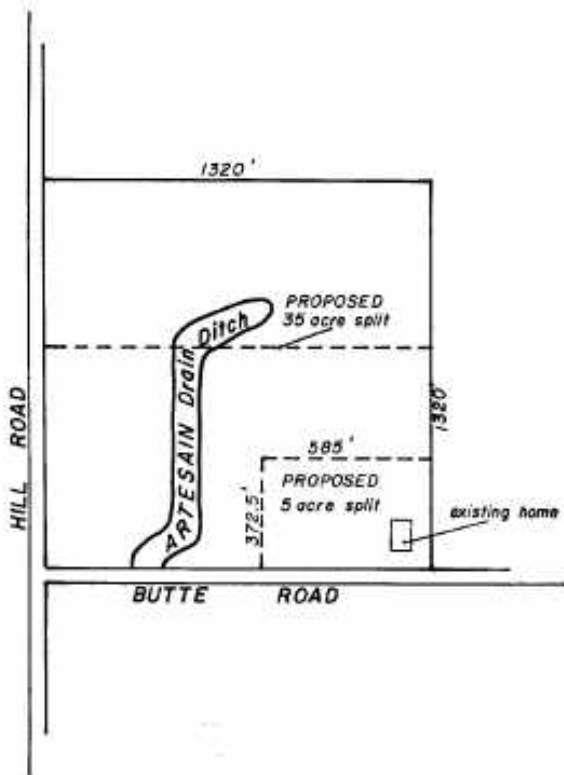
 Nampa Multiple Listing Service

CONDITIONAL USE PERMIT

for 3 parcels

by

Mr. & Mrs. Arthur Petty



SCALE - 1" = 1 Mile