Owyhee County
Planning & Zoning

PO Box 128, Murphy Id. 83650
Phone (208) 495-2095 Fax (208) 495-2051

TIME EXTENSION APPLICATION

Requiring Public Hearing

Dave & Shelley Shenk
APPLICANT/ APPLICANT REPRESENTATIVE

3996 Market Rd
MAILING ADDRESS

Homedale Id 83628
CITY STATE ZIP CODE

(208) 249-2448 shenkagenterprises@gmail.com
TELEPHONE EMAIL

Dave Shenk
OWNER'S NAME

3993 Market Rd
OWNER'S MAILING ADDRESS

Homedale Id 83628
CITY STATE ZIP CODE

(208) 249-2448
OWNER'S TELEPHONE NUMBER

TBD Market Rd Homedale Id.
PROJECT ADDRESS/LOCATION

14 3N 5W
SECTION TOWNSHIP RANGE

RP03N05W144800
TAX ASSESSOR'S PARCEL NUMBER(s)

Multi use
CURRENT ZONING OF THE SUBJECT PARCEL

Jump Creek Acres
SUBDIVISION OR PROJECT NAME

Z 21-32
ORIGINAL PERMIT FILE NUMBER

2 Years
LENGTH OF EXTENSION REQUESTED

I DECLARE UNDER PENALTY OF PERJURY that I/we, Dave & Shelley Shenk, being duly sworn, depose and say that I/we am/are the applicant(s) in the foregoing application, that I/we have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge. Furthermore, all information and data submitted to Owyhee County in support of my application is true and correct to the best of my knowledge. I/we acknowledge that by submitting this application a member or members of the planning and zoning commission may physically make a site visit to the proposed site and surrounding vicinity. I/we understand that this will be done at an unannounced time without conversation with owners, applicants, or the public.

Dated: 12/4/23 Signed: David Shenk

Dated: 12/4/23 Signed: Shelley Shenk

On the 4 day of December, 2023, before me, the undersigned Notary Public, personally appeared, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

LOLLY MUNOZ
Notary Public - State of Idaho
Commission Number 20233016
My Commission Expires Jul 21, 2029

Notary Public

Residing at Umpqua Bank
Commission Expires: Jul 21, 2029

FOR ADMINISTRATIVE USE

File No. _____ Date: _____ NOTES: _____
Received by: _____
Pd. _____ Check No. _____ Timely filed: ____

Owyhee County
Planning & Zoning

PO Box 128, Murphy Id. 83650
Phone (208) 495-2095 Fax (208) 495-2051

TIME EXTENSION APPLICATION

I have OR have not (circle one) already received one extension for the permit noted above.

Original Expiration Date: December 15, 2023

Subsequent Extension Permit number(s): _____

Modified Extension Date(s): _____

Area of City Impact: Marsing Homedale None

APPLICATION REQUIREMENTS:

Time extension application must be complete, paid, and filed prior to the date of expiration of the original approval. The items listed in the checklist below must be submitted as part of the application package in order for the application to be considered complete for processing. Your application will not be accepted if all of the required items are not submitted.

SUBMITTAL REQUIREMENTS:

FEE: Filing fee according to the current fee schedule

Submit six (6) copies and one original of each of the following, assembled into seven (7) identical packets.

- DETAILED LETTER: A written narrative to address the need for the time extension and the expected date of completion. The letter must also indicate what progress you have made, and what has prevented you from completing the project or the conditions of approval.
- Copy of original decision(s) of approval.
- Approved site plan from your original application.
- Copy of approved preliminary plat if this is for a subdivision project.

Office use only **STAFF:** _____

Comments:

_____

_____

SHENK AG ENTERPRISES LLC

11/25/23

To: Owyhee County Planning and Zoning Commission

RE: JUMP CREEK ACRES

We would like to request a time extension of our conditional use permit Z-21-32.

Our Creek Place is still for sale and we have had some people view it. One of them asked our Realtor about the upcoming expiration date.

We are still actively trying to sell our property as we would like to retire. Having the ability to have the subdivision as part of it really makes it more attractive as a way to make it more affordable.

We have made some improvements like planting more pasture and adding some fencing. We have also continued to spruce it up by controlling weeds and doing some leveling.

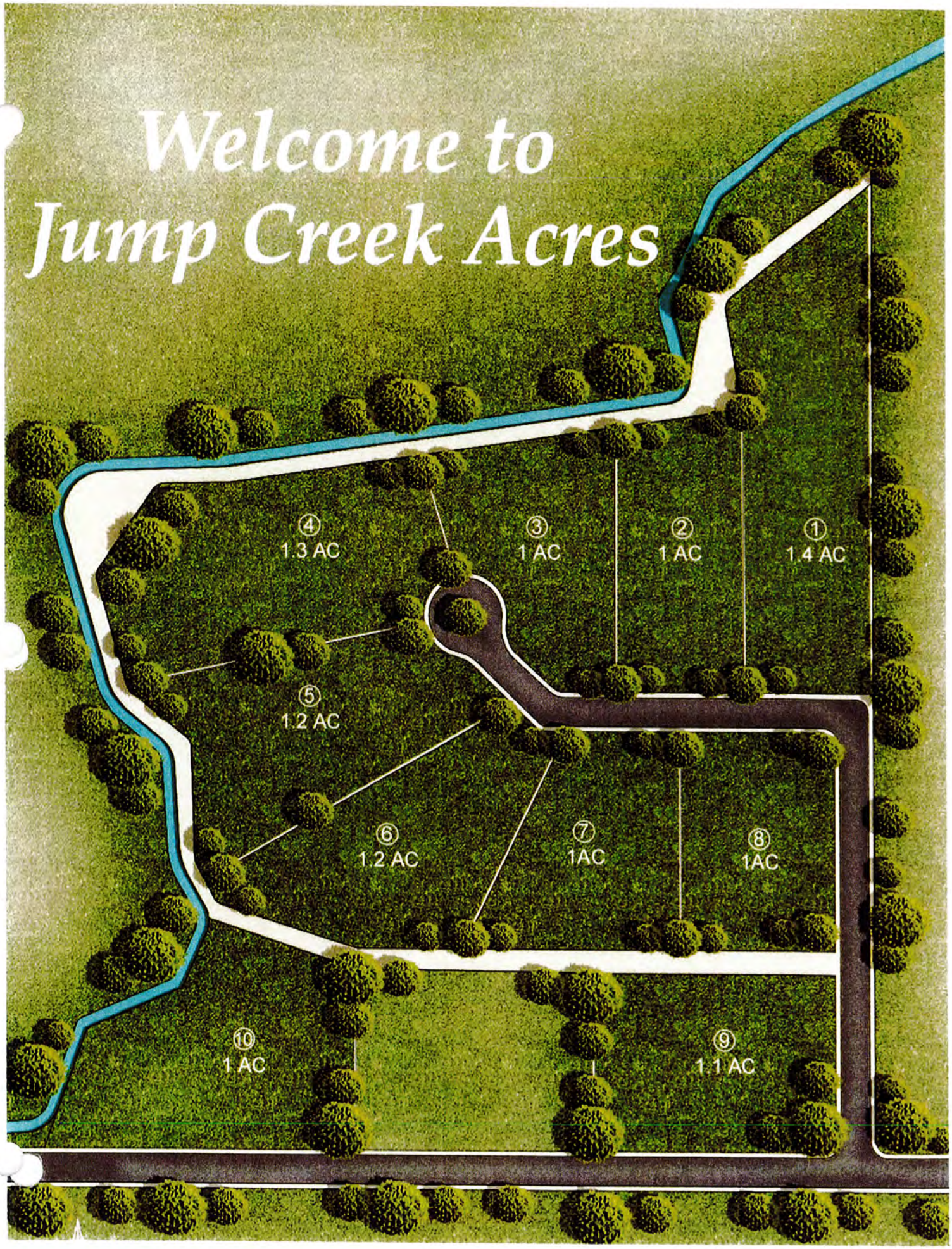
We have since purchased the property bordering the southeast corner and continue to plant more trees and add landscaping to make the area look attractive.

We feel that when the economy improves there will be even more need for nice housing in Owyhee County.

Thank you for your consideration.

Shelley Shenk
David Shenk

Welcome to Jump Creek Acres



BEFORE THE OWYHEE COUNTY PLANNING AND ZONING COMMISSION

Re: Application for Conditional Use Permit)	No. Z21-32
)	Memorandum of Decision
Filed by)	
)	
Dave & Shelley Shenk)	
)	

SUMMARY

Dave & Shelley Shenk, (hereinafter "Applicants") applied for a conditional use permit seeking approval to develop a 10-lot residential subdivision on a portion of an approximately 114-acre parcel located on the northeast corner of Market and Jump Creek Roads, approximately 2 miles southeast of Homedale. The subject parcel, RP03N05W144800, is located in a multi-use zone in a portion of the SW¼ of Section 14, Township 3 North, Range 5 West, Boise Meridian, Owyhee County, Idaho. After a duly noticed hearing conducted on October 27, 2021, the Commission enters the following decision:

FINDINGS

All statements in this narrative summary of the evidence are findings of fact made by the Commission after the hearing, and considering evidence admitted in the case. The statements of fact contained herein are "Findings of Fact" made by the Commission, even absent the phrase "The Commission finds." The same applies to narrative statements. All facts contained therein are "Findings of Fact."

1. The Commission finds that the Applicant proposed a ten-lot residential subdivision on a portion of an approximately 114-acre parcel.
2. The Commission finds that Colin Rooney was the original applicant but decided to not pursue this project and turned over all rights to the application to Dave Shenk.
3. The Commissions finds that the property is located on the northeast corner of Market and Jump Creek Roads approximately 2 miles southeast of Homedale and the north border of the parcel touches the Homedale area of city impact.
4. The Commission finds that the subject parcel is located in an area of Owyhee County that has been designated a Multi-use District (hereinafter "District M"). Owyhee County Code, Title 9, Chapter 5, Article B., Section 9-5B-3 sets forth allowed uses in District M. Contained therein, "Uses allowed in the R district except residential subdivisions." Therefore, a residential subdivision requires a conditional use permit.

5. The Commission finds that access to the proposed subdivision is from Market Road, a public road in Homedale Highway District.
6. The Commission finds that the subject parcel is in Gem Herd District and the Applicant is aware that all livestock must be fenced in.
7. The Commission finds that the parcel has irrigation water rights from Gem Irrigation District and those water rights will be delivered to one point and then divided among the subdivision parcels with infrastructure installed by the Applicant.
8. The Commission finds credible the Applicant's testimony that domestic water for the lots will be by individual wells.
9. The Commission finds credible the Applicant's testimony that they are aware that Southwest District Health regulates septic systems and that they must meet the requirements of SWDH for the new septic systems and a subdivision engineering report for the subdivision.
10. The Commission finds the subject parcel is in Homedale Fire District. The Applicant is aware that access to the lots must meet the fire access road standards for subdivisions.
11. The Commission finds that the Applicant provided a soil classification from the Natural Resources Conservation Service, which indicates that the geological base is sufficient for the proposed use.
12. The Commission finds credible the Applicant's testimony that he will address the southern portion of the agricultural ground currently irrigated by the pivot that the subdivision's design could affect.
13. The Commission finds that two neighbors signed in as neutral to the proposed use.
14. The Commission finds credible that the Applicant will impose restrictive covenants to guide and regulate development within the subdivision.
15. The Commission finds it necessary that a draft copy of the CC&Rs be provided with the preliminary plat application and be recorded before any lots are sold.
16. The Commission finds that the Applicant is aware of the standard special conditions that are placed on all conditional use permits and that the Applicants agrees to the imposition of these.

CONCLUSION

Based on the information contained in the application and the testimony provided in the hearing, and the findings above, the Commission concludes that the conditional use permit should be granted with the following special conditions.

SPECIAL CONDITIONS

1. Access to the new use must be constructed with an all-weather driving surface at least twenty (20) feet wide with a six (6) inch gravel base, graded and compacted, and a turnaround space provided pursuant to the 2012 International Fire Code (Attachment A). Written approval of the access from the local fire district must be provided prior to the

issuance of a building permit. If subject property is not within the boundaries of a fire district, the access shall be constructed as previously stated, and approved by the Building Official prior to the issuance of a building permit.

2. Applicant must recognize, and any future occupant or purchaser of subject parcel must be advised, through recorded marketing disclosure and /or deed restrictions, that any agricultural activity, which is in existence on lands adjoining or in the vicinity of the subject property, may not be considered a nuisance pursuant to the Idaho Right to Farm Act. A signed and recorded Right to Farm affidavit must be provided to the Administrator prior to the issuance of a Certificate of Occupancy.
3. Approval by Southwest District Health of the septic system and well site must be submitted prior to the issuance of a certificate of occupancy for the new use.
4. This decision will be recorded by the Administrator prior to the issuance of a certificate of compliance, recording fee having been included in the application fee.
5. The Applicant must comply with all applicable laws and regulations.
6. All structures, improvements, and construction must be developed according to the presentation given under oath at the public hearing for which the conditional use permit was approved.
7. Any new exterior lighting must be shielded. The bulb shall not be visible below a horizontal plane running through the lowest point of the fixture, and no light shall be emitted from the sides of the fixture.
8. Abandoned and/or junk vehicles, debris, rubbish, or other solid waste will not be allowed to accumulate on the property.
9. A containment area for trashcans must be constructed to minimize the occurrence of wind, animals, or other uncontrollable sources spreading trash to surrounding areas.
10. Applicant will control weeds and pests (including, but not limited to, gophers) on the parcel for which the permit is granted.
11. Subdivision roads shall be constructed to the subdivision standards prior to final plat.
12. A road users' agreement must be developed, recorded, and submitted with the preliminary plat application.
13. An irrigation plan and irrigation water users' agreement must be developed, and submitted with the preliminary plat.
14. Covenants, Conditions, and Restrictions (CC&Rs) must be developed, and submitted with the preliminary plat application with a restriction that the CC&Rs do not expire and can never be less restrictive than what is submitted with the plat.
15. This conditional use permit will expire twenty-four (24) months from the date the written decision is signed if the preliminary plat application and submittals have not been filed with the Administrator.

ORDER

Conditional use permit Z21-32 is granted to Dave and Shelley Shenk, subject to the conditions set forth in the Conclusion above. Notice is hereby given that the Applicant has a right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

Issued: This 15th day of December, 2021

Yes:

Chad Nettleton

Attest: _____

Appeal Deadline: January 4, 2022

Date: 10/22/21

Assignment of Conditional Use Permit Application

I, Colin Rooney of 4303 Rhineriver Dr, Nampa, Idaho 83686, on behalf of Rooney Family Trust, do hereby assign all rights and interests to the Owyhee County Conditional Use Permit Application for TBD Market Rd, Section 14, 03N, 05W, Parcel Number RP03N05W144800 to Dave and Shelley Shenk of 3993 Market Rd, Homedale, ID 83628.

On the 22 day of October, 2021, before me the undersigned Notary Public personally appeared, known to me to be the person(s) whose name(s) is are subscribed to the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

Colin Rooney Date: 10/22/21

Barbara Ehle Date: 10-22-2021
Notary

Notary Public

Residing at: Middleton, Idaho

Commission Expires: 6-18-2027

BARBARA A EHLE
Notary Public - State of Idaho
Commission Number 1725
My Commission Expires Jun 18, 2027

EXHIBIT
App 2