

# TABLE OF CONTENTS

## **General**

Application.....  
Affidavit (this only needs to be filled out if you do not own the property).....  
Detailed Letter Describing the Request .....  
Review Criteria 1- 9 .....

## **Legal Documents**

Copy of current deed or quit claim deed.....  
Legal Description.....

## **Maps (highlight your location and identify North on all maps)**

Detailed Site Plan with all proposed structures .....  
Vicinity Map .....  
Assessor Parcel Map .....  
Aerial Map .....  
Zone Map .....

## **Environmental**

Soil Classification .....

## **Correspondence – Letter to agency and their response back**

Applicant Letter requesting comments .....  
Fire District .....  
Irrigation District .....  
Road District .....  
School District .....

## **Appendix A – (If needed)**

Right to Farm .....  
Additional Information Pertinent to Application.....

**Owyhee County  
Planning & Zoning**

PO Box 128, Murphy, ID 83650

Phone (208) 495-2095 Fax (208) 495-2051

**Land Use Permit Application  
Requiring Public Hearing**

- SINGLE FAMILY RESIDENCE     COMMERCIAL     SUBDIVISION     CAFO     INDUSTRIAL
- REZONE     OTHER \_\_\_\_\_

Middle Mile Infrastructure / Dylan Devito  
APPLICANT/ APPLICANT REPRESENTATIVE

1601 Willow Road  
MAILING ADDRESS

Menlo Park                      CA                      94025  
CITY                                      STATE                                      ZIP CODE

833-348-3934                      rex@five9dg.com  
TELEPHONE                                      EMAIL OR FAX

B Jolene Miller  
OWNER'S NAME

6767 US-95  
OWNER'S MAILING ADDRESS

Marsing                      ID                      83639  
CITY                                      STATE                                      ZIP CODE

208-412-6318  
OWNER'S PHONE NUMBER                      EMAIL OR FAX

Unassigned US-95 Marsing, ID 83639  
PROJECT ADDRESS/LOCATION

6                      2N                      4W  
SECTION                      TOWNSHIP                      RANGE

Does this parcel border dry land/range land? Y N  
(If yes, please include fire mitigation measures on site plan)

RP02N04W062410  
TAX ASSESSOR'S PARCEL NUMBER(S)

Agricultural  
CURRENT ZONING OF THE SUBJECT PARCEL

Agricultural  
CURRENT USE OF THE SUBJECT PARCEL

Telecom  
PROPOSED USE

846 SF  
TOTAL SQ. FT OF ALL PROPOSED STRUCTURES

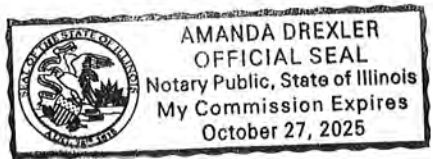
I DECLARE UNDER PENALTY OF PERJURY that I/we, Dylan Devito, being duly sworn, depose and say that I/we am/are the applicant(s) in the foregoing application, that I/we have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge. 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: 2/7/2024                      Signed: Dylan Devito

Dated: \_\_\_\_\_                      Signed: \_\_\_\_\_

On the 7<sup>TH</sup> day of February, 2024, 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.



Amanda Drexler  
Notary Public  
AMANDA DREXLER  
Residing at 1341 W FULLERTON AVE, CHICAGO, IL  
Commission Expires: 10/27/2025                      60614

FOR ADMINISTRATIVE USE  
File No. \_\_\_\_\_ Rec'd by: \_\_\_\_\_ Date: \_\_\_\_\_ Pd. \_\_\_\_\_ Check No. \_\_\_\_\_

# AFFIDAVIT

STATE OF IDAHO )  
COUNTY OF OWYHEE )

I, Dylan Devito, being duly sworn, depose and say that I am the applicant in the foregoing application, that I 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.

Dylan Devito

APPLICANT SIGNATURE

1601 Willow Road

ADDRESS

Menlo Park, CA 94025

CITY/STATE/ZIP

833-348-3934

TELEPHONE

Jolene Miller  
B Jolene Miller

I, Blanche Jolene Miller, the owner (if other than the applicant), of the real property involved in this application, do hereby consent to the filing of this application.

Blanche Jolene Miller  
Jolene Miller

OWNER SIGNATURE

6767 Highway 95

ADDRESS

Marsing Id 83639

CITY/STATE/ZIP

TELEPHONE

On the 17<sup>th</sup> day of February, 2014, before me, the undersigned Notary Public, personally appeared B. Jolene Miller, 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.



Jolyn E. Thompson  
Notary Public

Residing at Marsing, Idaho  
Commission Expires: May 23, 2025





## MMI Nampa, ID Project Letter

Parcel#RP02N04W062400

Location: Parent Parcel Address. 6767 US HWY 95 Marsing, ID 83639

GPS: 43.544953,-116.863675



### PURPOSE OF REQUEST

On behalf of the fiber-optic company MMI, Five Nine Design is requesting a Conditional Use Permit (CUP) for a new fiber-optic utility shelter. The shelter will be located next to an existing cell tower in Owyhee County. The shelter will be 846 square foot and will be unoccupied. The building will be factory produced in a factory for the storage of fiber-optic telecommunication utility equipment.

## **PROJECT DESCRIPTION**

MMI proposes to erect a new building that will act as an infrastructure component to their underground fiber-optic network. The building is an 846 SF pre-manufactured modular unit: 36'-0"x23'-4"x12'-10".

The building is a precast concrete building with exposed coarse aggregate finish, that is set on and anchored to a concrete foundation at the required frost depth for soil conditions. There will be no antennas, towers, or dishes at the site for this building.

The facility will be an unoccupied facility that is not open to the public and locked at all times. Access is only permitted by trained and authorized service personnel on a very infrequent basis. The building is surrounded by a 8'-0" chain-link security fence with 1'-0" of barbed wire. The outside lighting proposed on the site is (1) downward directed wall mounted 45W 900 Lumen Cutoff LED light fixture at each entry door (three total). Each light will have a dawn to dusk photocell control. There will be no signage at this location.

## **LOCATION AND ACCESS**

The location of the building has been chosen because of its proximity to the existing fiber-optic building and also because of fact that it will have little to no impact of the adjacent road. The building will be accessed from a new driveway off of Highway 95.

Visits to the site will be infrequent depending on the need to adjust equipment. There will be an estimated 1 visit per month to this site for maintenance and system operation. This will not impact the existing traffic patterns of this area. A parking area will be installed for a maintenance vehicle to park while onsite.

## **HERD DISTRICT**

The site is located inside the Gem Herd District. We will not have any livestock. However, the site is fenced off from the surroundings.

## **RELATIONSHIP TO SURROUNDING PROPERTIES**

The site is in a remote location next to a cell tower, and located in the corner of a field to cause the smallest impact. The placement of this building should cause no effect to the adjacent agricultural land.

The building is a benefit to both the adjacent properties and to the entire Owyhee County. The building provides regeneration for a long-haul fiber-optic line. This keeps the fiber line running quickly as possible.

## **DOMESTIC WATER**

The building is unmanned. No water is proposed for this project.

## **IRRIGATION**

The building is unmanned and does not grow anything. No irrigation is proposed for this project.

If you have any questions regarding this matter, please contact me.

Thank you,

Rex Atkinson, Five Nine Design Group



December 7, 2023

RE: Supporting Evidence Questionnaire

Project: MMI Nampa, ID  
Parcel: #RP02N04W062400

Responses in: **BOLD**

1. Whether the intended use is necessary or desirable to the public convenience and welfare.

**We are proposing a fiber-optic utility building. To support a backbone fiber-optic line. Fiber-Optic is an important public convenience and an important part of our modern lives.**

2. Whether the proposed use may create a hazard, nuisance, detriment or other injury to other property in the immediate vicinity or to the health or safety to the citizens of the county in general.

**The project should not create any hazards or nuisances. There are a few nuisances that we have taken into consideration in the design. Three are security lights at the doors that utilize cut-off fixtures to minimize any nuisance. There is a diesel generator that is tested weekly. For this reason, we have located the project away from sensitive residential areas.**

3. Whether essential public services, or the general public health or safety, or the general public environment may be negatively impacted by such use or whether there may be a requirement of additional public funding in order to meet the needs created by the requested use.

**The project will not have any negative effects to the environment or essential public services. There are no public funds that will be needed or requested as part of this project.**

4. Whether adequate sewer, water and drainage facilities, and utility and other service systems are to be provided by the applicant to accommodate said use.

**The facility is unmanned, as such no sewer facility is required. The project is small with a small disturbed area under 10,000 sf. The area was chosen because of the flat nature of the site. No significant changes to drainage are anticipated. The site was chosen because of the close proximity to electric, connection to the electric utility should be simple and straight forward.**

5. Whether the proposed use may have adverse impact on water supplies, both surface and underground.

**The proposed facility does not release or leach anything. The facility will keep the existing drainage pattern in tack. The facility does not use any water.**

6. Whether the geological base on which the use is to be placed may or may not support the proposed use.



**The soils for this job is NsA and NsB with a compaction of 90%-95% We have ordered a geotechnical report for the project, and do not anticipate any geological issues based on the history of the site and a visual evaluation.**

7. Whether the proposed use at the site may endanger human health, animal life and plant life in the surrounding area and/or the county in general. (i.e. species of animals or plants, or their habitats which might be harmed or interfered with by the proposed use.)

**No human, animal, or plant will be harmed or interfered by this project. The land that the building is going on is next to an existing telecom tower. The land itself is an active field for crops. There is no humans or animals that utilize the land for habitat.**

8. Whether the proposed use compliments, benefits, and is compatible with the surrounding land uses.

**The project site was chosen because of its small impact. It is next to an existing telecom site. The building is painted brown to blend in with the agricultural surrounding. The facility will not have any adverse effect to agriculture.**

9. Whether special conditions could be imposed upon the proposed use which would so minimize any adverse impact as to justify the granting of the conditional use permit. In responding to this point, please consider and propose any special conditions which the commission could issue which would minimize or mitigate any adverse impact as described in all of the above questions.

**There are no special conditions that we can think of that could be imposed upon the project. We have tried to take the surrounding conditions into account when choosing this site and designing our layout.**

Respectfully Submitted,



Rex Atkinson

Five Nine Design Group

Instrument # 315007

MURPHY, OWYHEE, IDAHO

6-11-2023 11:58:21 AM No. of Pages: 4

Recorded for : B JOLENE MILLER

ANGELA BARKELL

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED, QUIT-CLAIM

# QUITCLAIM DEED

For value received, C Roy Miller (aka Clifford Roy Miller) & B Jolene Miller, Grantor  
, 2nd Grantor does hereby

convey, release, and forever Clifford Roy Miller & B Jolene Miller, Grantee  
quitclaim unto: B Jolene Miller, Grantee

whose mailing address is: 6767 US Highway 95, Marsing, ID 83639

All right, title, and interest in and to the following described real property:

In Township 2 North, Range 4 West, Section 6, Boise Meridian, Owyhee County, Idaho: The Southeast Quarter of the Northwest Quarter of Township 2 North, Range 4 West, Boise Meridian, Owyhee County, Idaho.

HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: 5-11-2023

By: Clifford Roy Miller  
[Grantor's Name]

Date: 5-11-2023

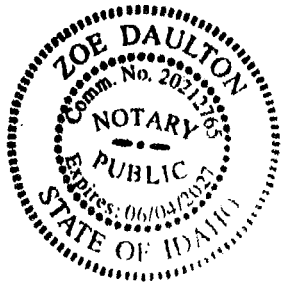
By: B Jolene Miller  
[2nd Grantor's Name if Applicable]

State of Idaho )

County of Owyhee )  
)ss

On this 11th day of May, in the year of 2023, before me Zoe Daulton  
(Notary Name)  
a notary public, personally appeared Clifford Roy Miller & B Jolene Miller  
[individual's names(s)]

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within instrument, and acknowledged that he (she) (they) executed the same.



Zoe Daulton  
Notary Public  
Residing at: McLba, ID  
My Commission Expires on 06/04/2027



2019

**Skinner**  
**Land Survey**  
*Precision Land Surveyors, P.C.*  
 21851 Upper Pleasant Ridge Rd.  
 Caldwell, Idaho 83607  
 (208)454-0933  
 WWW.SKINNERLANDSURVEY.COM  
 surveys@skinnerlandsurvey.com

Thomas J. Wellard, PLS  
Rodney Clark, PE

February 25, 2019

Legal Description for  
B. Jolene & C. Roy Miller  
Job No. NV1318

Parcel 1

This parcel is a portion of Government Lot 3 of Section 6 in Township 2 North, Range 4 West of the Boise Meridian, Owyhee County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 3, (N ¼ Corner, Section 6), a found 5/8 inch diameter rebar;

thence South 00°55'23" East along the East boundary of Government Lot 3 a distance of 33.00 feet to the **TRUE POINT OF BEGINNING**, said point being on the South boundary of U.S. Highway 95 right of way, a found magnail and aluminum washer;

thence continuing South 00°55'23" East along said East boundary a distance of 1272.55 feet to the Southeast corner of Government Lot 3, a found aluminum cap monument;

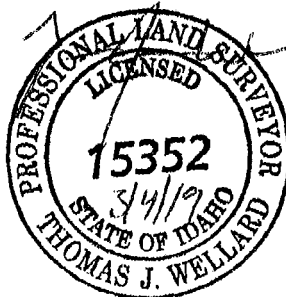
thence South 89°34'42" West along the South boundary of Government Lot 3 a distance of 169.01 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 00°55'23" West, parallel with the East boundary of Government Lot 3, a distance of 1091.11 feet to a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 89°46'26" West, parallel with the North boundary of Government Lot 3, a distance of 17.00 feet to a found ½ inch diameter rebar;

thence North 00°55'23" West, parallel with the East boundary of Government Lot 3, a distance of 182.01 feet to a found 5/8 inch diameter rebar;

thence North 89°46'26" East, parallel with the North boundary of Government Lot 3, a distance of 186.01 feet to the **TRUE POINT OF BEGINNING**, said parcel being 5.009 acres more or less, and being subject to any and all easements and rights of way of record of implied.



**Skinner**  
**Land Survey**  
Precision Land Surveyors, P.C.  
21851 Upper Pleasant Ridge Rd.  
Caldwell, Idaho 83607  
(208)454-0933  
WWW.SKINNERLANDSURVEY.COM  
surveys@skinnerlandsurvey.com

Thomas J. Wellard, PLS  
Rodney Clark, PE



February 25, 2019

Legal Description for  
B. Jolene & C. Roy Miller  
Job No. NV1318

Parcel 2

This parcel is a portion of Government Lot 3 of Section 6 in Township 2 North, Range 4 West of the Boise Meridian, Owyhee County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 3, (N ¼ Corner, Section 6), a found 5/8 inch diameter rebar;

thence South 00°55'23" East along the East boundary of Government Lot 3 a distance of 33.00 feet to a point on the South boundary of U.S. Highway 95 right of way, a found magnail and aluminum washer;

thence South 89°46'26" West, along said right of way being parallel with the North boundary of Government Lot 3, a distance of 186.01 feet to the **TRUE POINT OF BEGINNING**, a found 5/8 inch diameter rebar;

thence South 00°55'23" East, parallel with the East boundary of Government Lot 3, a distance of 182.01 feet to a found ½ inch diameter rebar;

thence North 89°46'26" East, parallel with the North boundary of Government Lot 3, a distance of 17.00 feet to a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 00°55'23" East, parallel with the East boundary of Government Lot 3, a distance of 135.51 feet to a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 89°46'26" West, parallel with the North boundary of Government Lot 3, a distance of 235.98 feet to a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 00°22'58" West a distance of 317.50 feet to a point on the South right of way of U.S. Highway 95, a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 89°46'26" East, along said south right of way being parallel with the North boundary of Government Lot 3, a distance of 215.99 feet to the **TRUE POINT OF BEGINNING**, said parcel being 1.638 acres more or less, and being subject to any and all easements and rights of way of record of implied.



**Skinner**  
**Land Survey**

*Precision Land Surveyors, P.C.*  
21851 Upper Pleasant Ridge Rd.  
Caldwell, Idaho 83607  
(208)454-0933  
WWW.SKINNERLANDSURVEY.COM  
surveys@skinnerlandsurvey.com

*Thomas J. Wellard, PLS*  
*Rodney Clark, PE*

February 25, 2019

Legal Description for  
B. Jolene & C. Roy Miller  
Job No. NV1318

Parcel 3

This parcel is a portion of Government Lot 3 of Section 6 in Township 2 North, Range 4 West of the Boise Meridian, Owyhee County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said Government Lot 3, (N ¼ Corner, Section 6), a found 5/8 inch diameter rebar;

thence South 00°55'23" East along the East boundary of Government Lot 3 a distance of 33.00 feet to a point on the South right of way of U.S. Highway 95, a found magnail and aluminum washer;

thence South 89°46'26" West, along said right of way being parallel with the North boundary of Government Lot 3, a distance of 402.00 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 00°22'58" East a distance of 317.50 feet to the **TRUE POINT OF BEGINNING**, a ½ x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 89°46'26" East, parallel with the North boundary of Government Lot 3, a distance of 235.98 feet a ½ x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 00°55'23" East, parallel with the East boundary of Government Lot 3, a distance of 955.61 feet to a point on the South boundary of Government Lot 3, a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 89°34'42" West along said South boundary a distance of 244.99 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 00°22'58" West a distance of 956.38 feet to the **TRUE POINT OF BEGINNING**, said parcel being 5.278 acres more or less, and being subject to any and all easements and rights of way of record of implied.







November 14, 2023

Project No.: 123162

**PERPETUAL EASEMENT**  
ENGINEERING SERVICES, INC.  
OWYHEE COUNTY

An easement being located in Government Lot 3 of Section 6, Township 2 North, Range 4 West, Boise Meridian, Owyhee County, Idaho, more particularly described as follows:

**COMMENCING** at the North One Quarter corner of said Section 6, thence on the north section line of said Section 6, North  $89^{\circ} 27' 34''$  West, 401.60 feet, (from which point the Northwest corner of said Section 6 bears, North  $89^{\circ} 27' 34''$  West, 2060.99 feet, distant); thence leaving said north section line, South  $00^{\circ} 32' 26''$  West, 33.00 feet, to a point on the southern right of way line of U.S. Highway 95 AND the **POINT OF BEGINNING:**

Thence South  $00^{\circ} 23' 03''$  West, 120.00 feet;

Thence North  $89^{\circ} 27' 34''$  West, 120.00 feet;

Thence North  $00^{\circ} 23' 03''$  East, 120.00 feet;

Thence South  $89^{\circ} 27' 34''$  East, 120.00 feet to the **POINT OF BEGINNING.**

The above-described easement contains 0.331 Acres (14,400 Ft<sup>2</sup>) more or less, subject to all existing easements and rights-of-way of record.

PREPARED BY:

**The Land Group, Inc.**

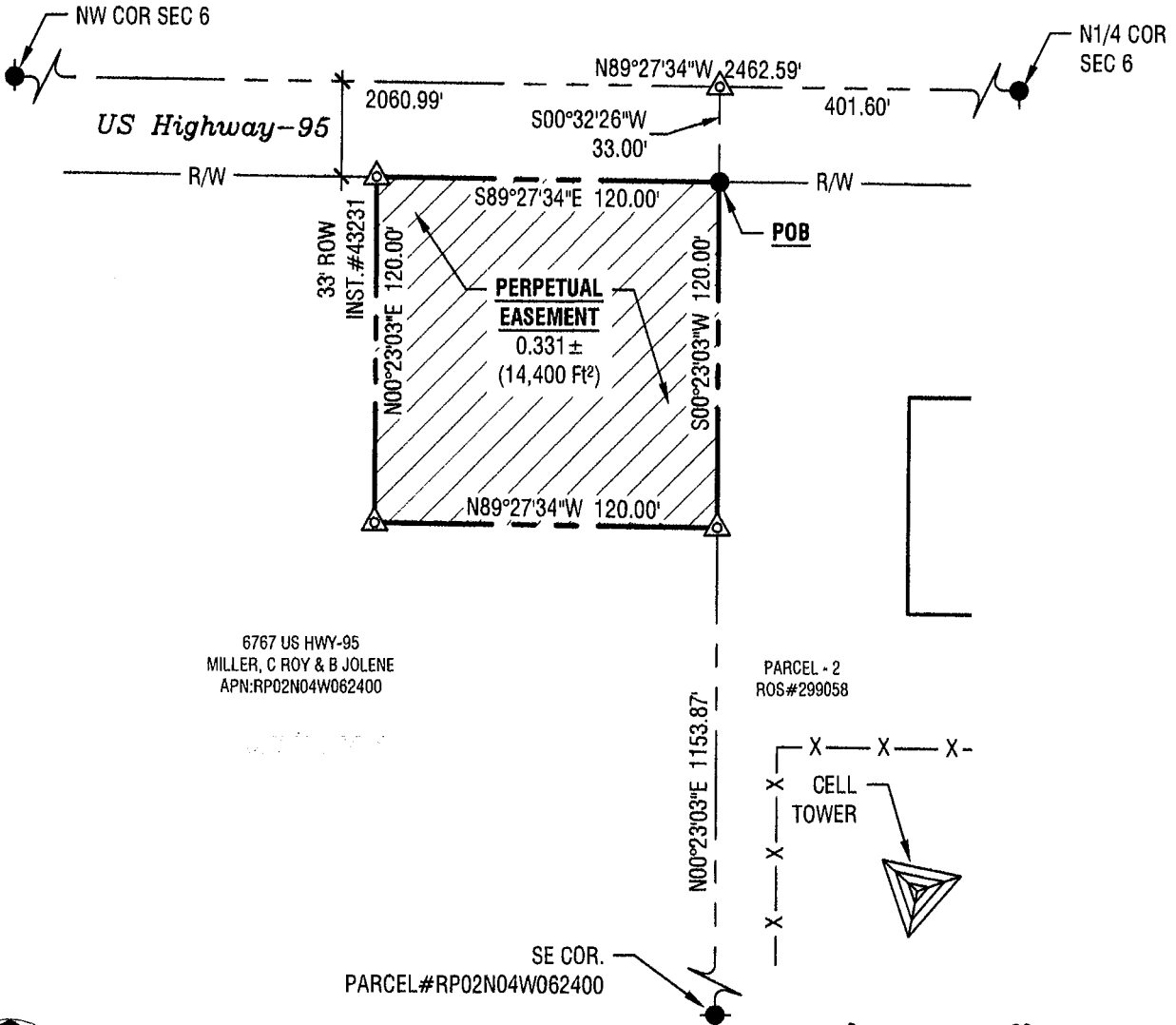
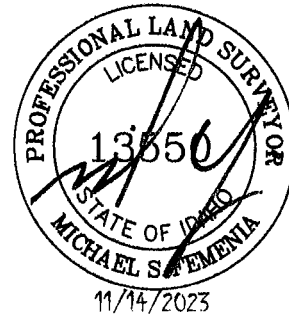
Michael Femenia, PLS



11/14/2023

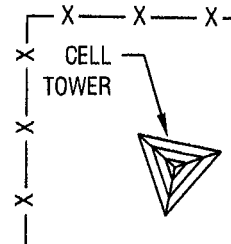
# Perpetual Easement for Engineering Services, Inc.

Situate in Government Lot 3 of Section 6  
Township 2 North, Range 4 West, Boise Meridian  
Owyhee County, Idaho  
2023

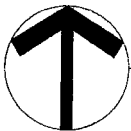
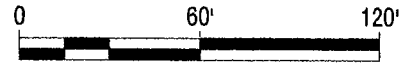


6767 US HWY-95  
MILLER, C ROY & B JOLENE  
APN:RP02N04W062400

PARCEL - 2  
ROS#299058



SE COR.  
PARCEL#RP02N04W062400



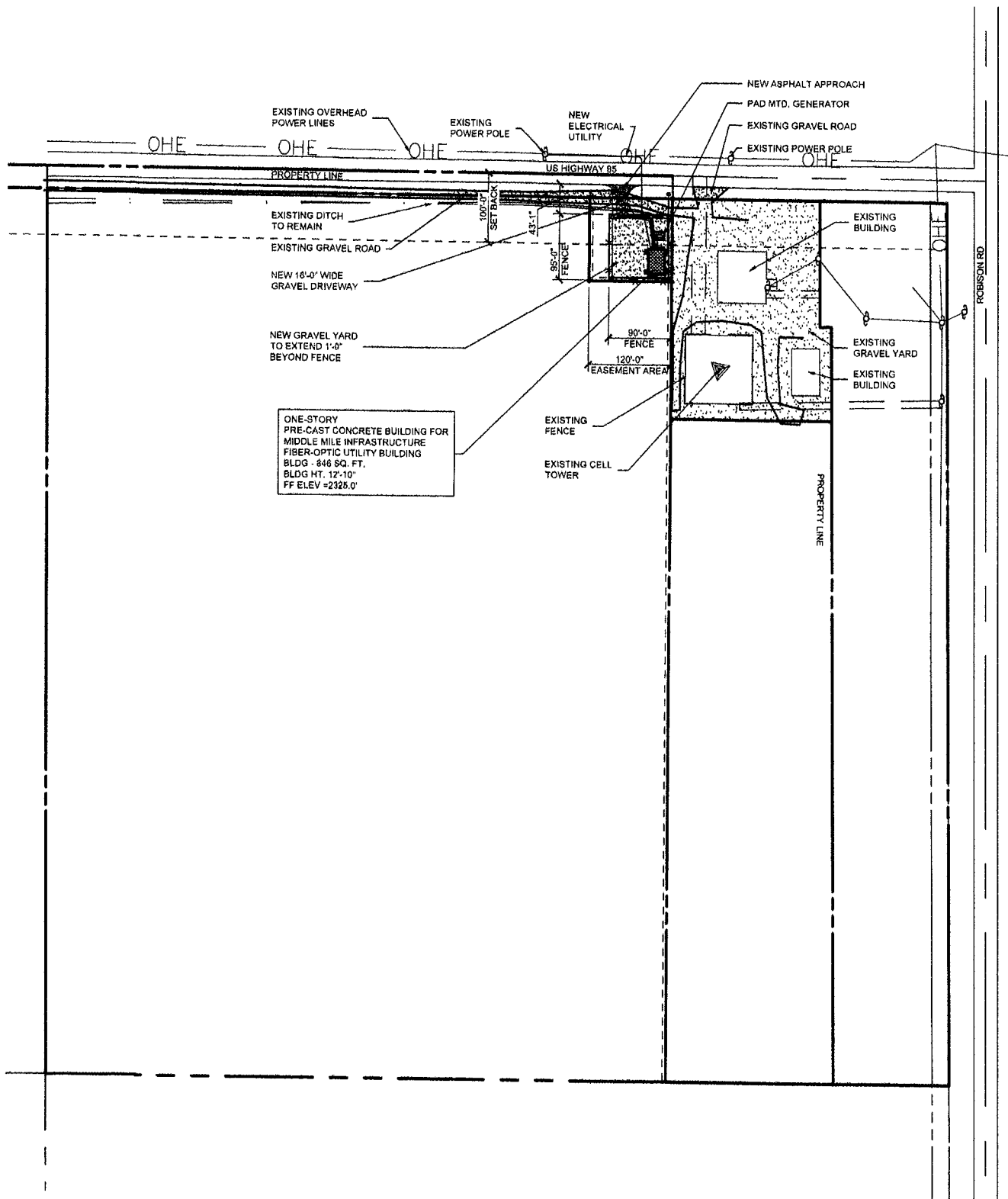
**Exhibit "B"**

Horizontal Scale: 1" = 60'

Project No.: 123162  
Date of Issuance: November 14, 2023



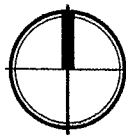
**Perpetual Easement  
Engineering Services, Inc.  
Marsing, Idaho - Owyhee County**



ONE-STORY  
 PRE-CAST CONCRETE BUILDING FOR  
 MIDDLE MILE INFRASTRUCTURE  
 FIBER-OPTIC UTILITY BUILDING  
 BLDG - 848 SQ. FT.  
 BLDG HT. 12'-10"  
 FF ELEV = +2326.0'

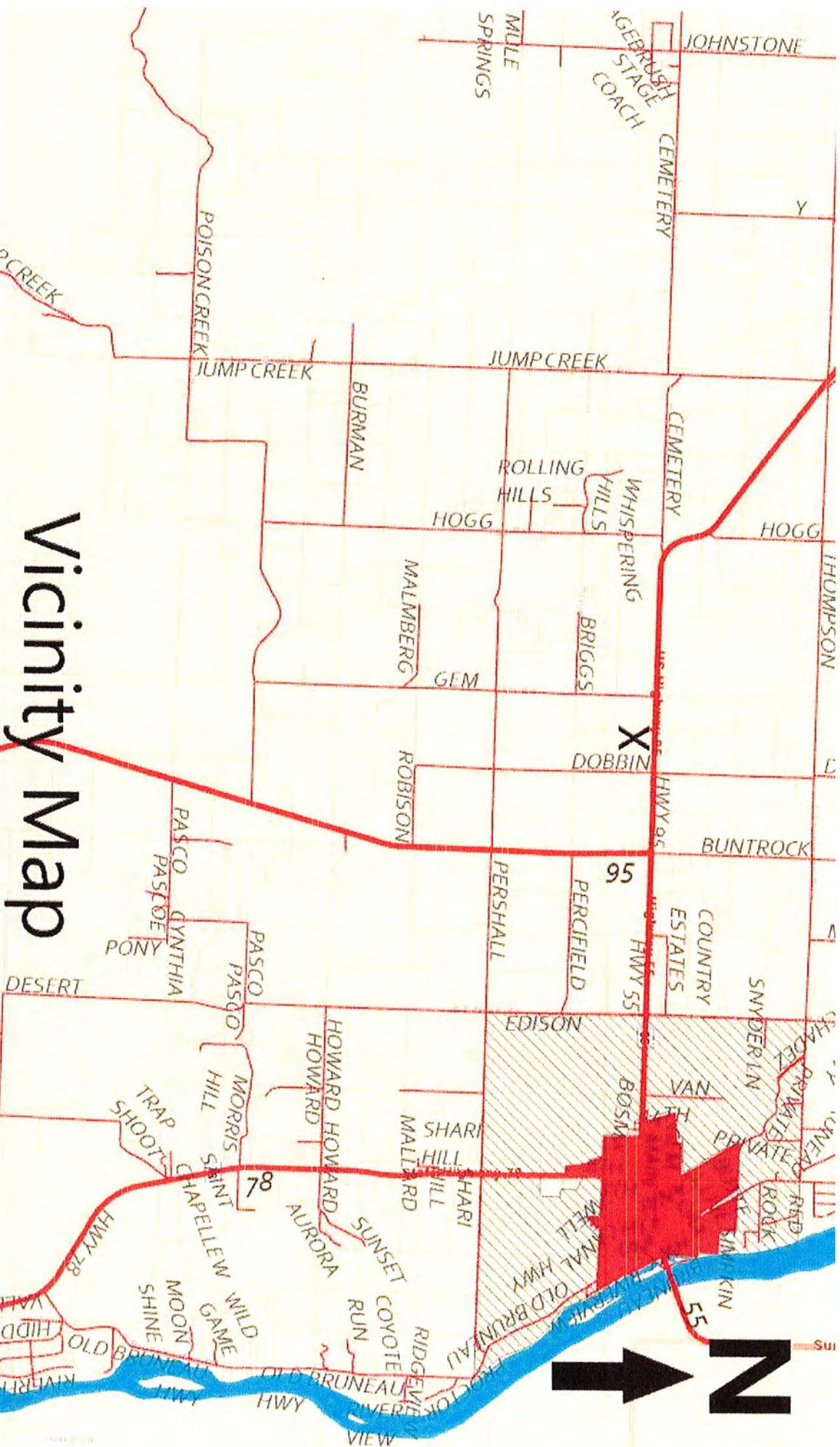
# OVERALL SITE PLAN

SCALE: 1" = 200'-0"









# Vicinity Map



N



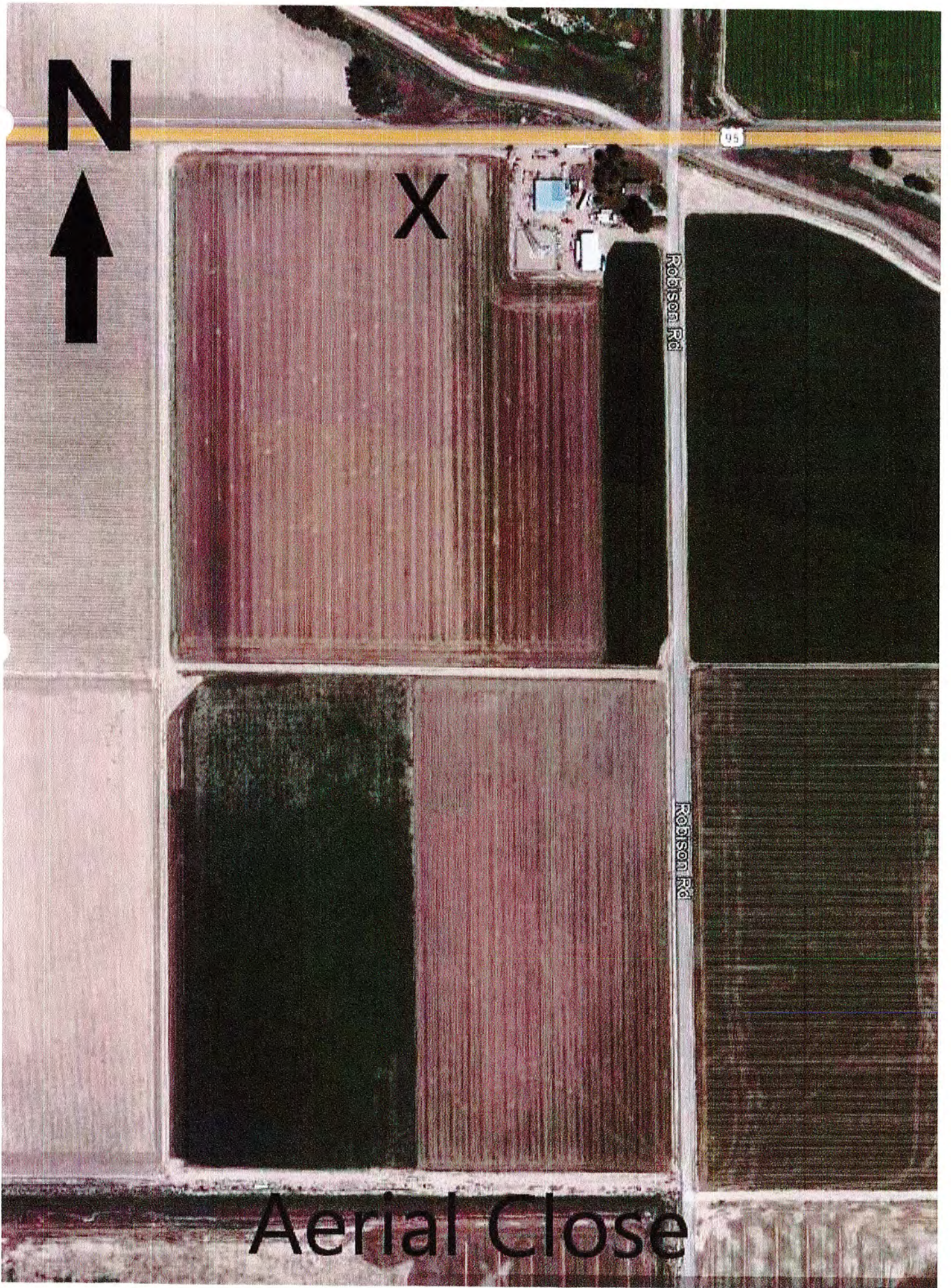
X

Robison Rd

Robison Rd

95

Aerial Close







Aerial Photo

U.S. Rt. 95

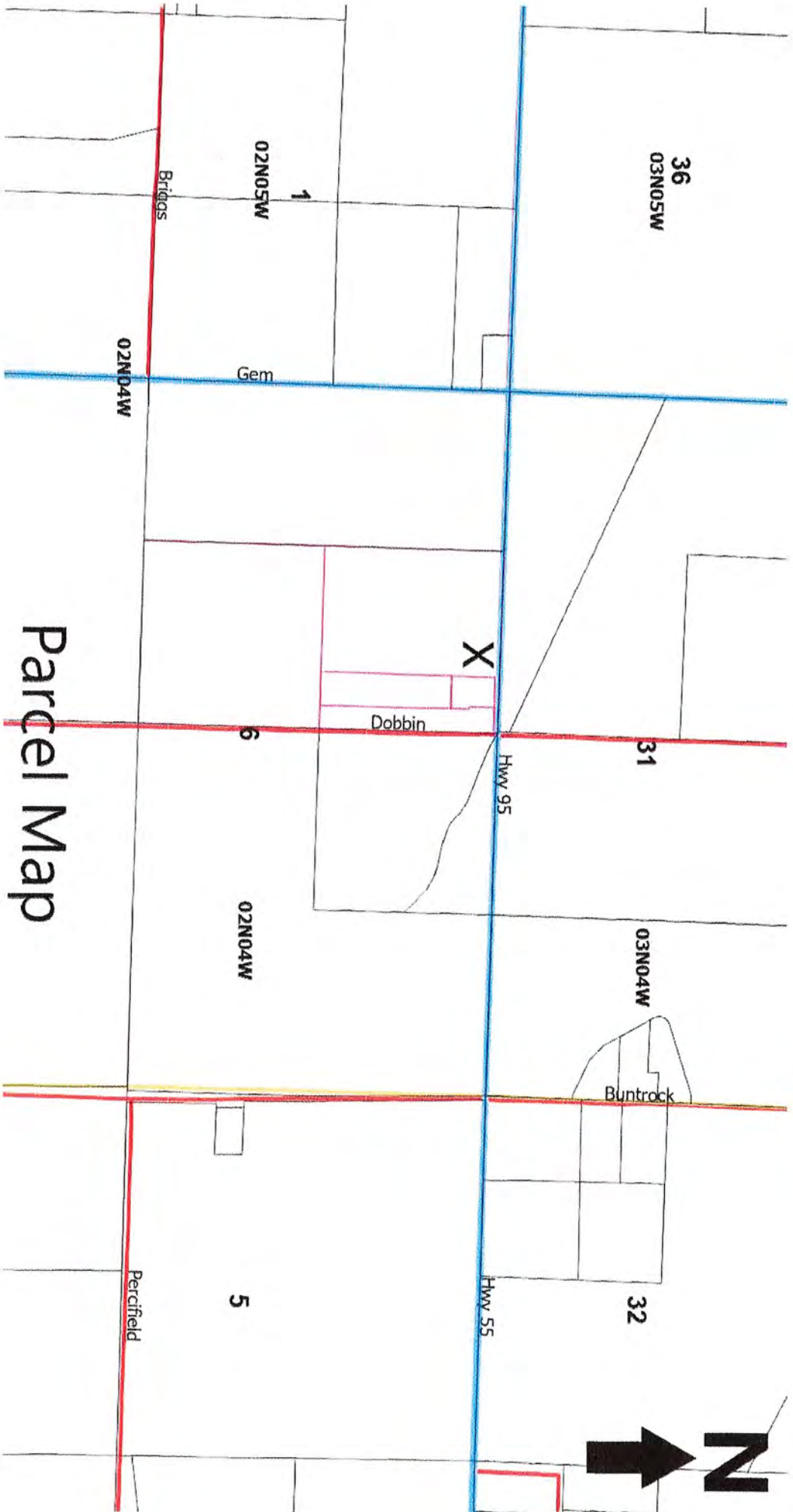
5

5

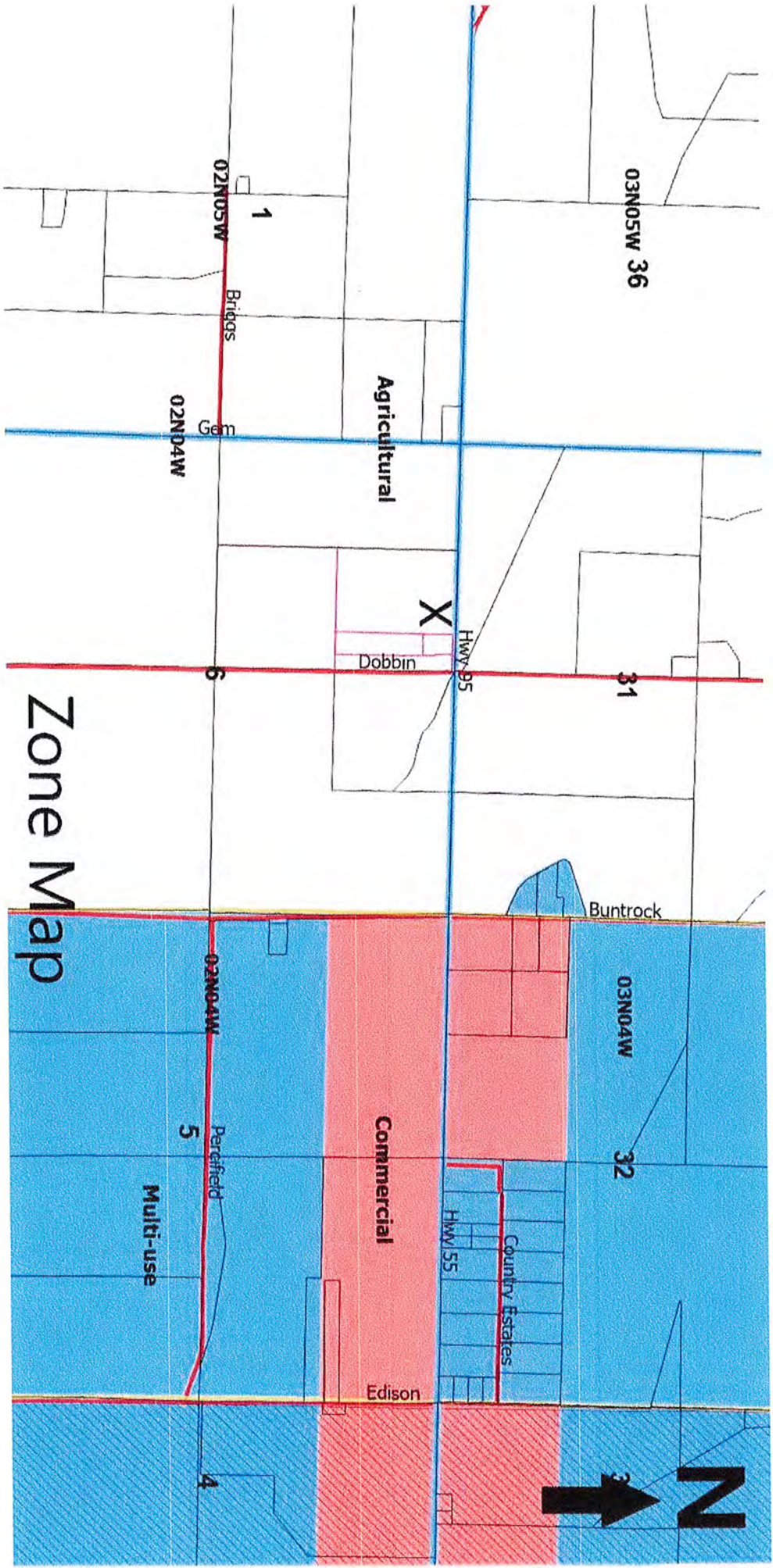
5







Parcel Map



# Zone Map



Small Commercial Buildings—Canyon Area, Idaho























Soil Map may not be valid at this scale.

Map Scale: 1:2,330 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84



MAP LEGEND		MAP INFORMATION	
 Area of Interest (AOI)	 Background	The soil surveys that comprise your AOI were mapped at 1:20,000.	
 Area of Interest (AOI)	 Aerial Photography	<p><b>Warning: Soil Map may not be valid at this scale.</b></p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service                      Web Soil Survey URL:                      Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Canyon Area, Idaho                      Survey Area Data: Version 20, Aug 31, 2023</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Apr 11, 2014—Apr 21, 2021</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>	
<b>Soils</b>			
<b>Soil Rating Polygons</b>			
 Very limited			
 Somewhat limited			
 Not limited			
 Not rated or not available			
<b>Soil Rating Lines</b>			
 Very limited			
 Somewhat limited			
 Not limited			
 Not rated or not available			
<b>Soil Rating Points</b>			
 Very limited			
 Somewhat limited			
 Not limited			
 Not rated or not available			
<b>Water Features</b>			
Streams and Canals			
<b>Transportation</b>			
+++ Rails			
 Interstate Highways			
 US Routes			
 Major Roads			
 Local Roads			

## Small Commercial Buildings

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
NsA	Nyssaton silt loam, 0 to 1 percent slopes	Not limited	Nyssaton (95%)		26.2	98.9%
NsB	Nyssaton silt loam, 1 to 3 percent slopes	Not limited	Nyssaton (90%)		0.3	1.1%
<b>Totals for Area of Interest</b>					<b>26.5</b>	<b>100.0%</b>

Rating	Acres in AOI	Percent of AOI
Not limited	26.5	100.0%
<b>Totals for Area of Interest</b>	<b>26.5</b>	<b>100.0%</b>

## Description

### ENG - Engineering

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification of the soil). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.



## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

The following letter was emailed to [gemhighwaydistrict@gmail.com](mailto:gemhighwaydistrict@gmail.com) on 12/07/2023 of the Gem Highway District. We have not received any comments back about the project. We followed up with the Gem Highway District on 12/26/2023.

Rex Atkinson

812-987-5316

Five Nine Design



Gem Highway District  
1016 Main Street  
PO Box 453  
Marsing, ID 83639  
Keith Berends – Roads Supervisor  
208-860-6918  
gemhighwaydistrict@gmail.com

### **MMI Nampa, ID Project Letter**

On behalf of the fiber-optic company MMI, Five Nine Design is sending this letter to describe a proposed fiber-optic utility project that will be going in from of Owyhee County for a Conditional Use Permit. MMI proposes to erect a new building that will act as an infrastructure component to their underground fiber-optic network. The shelter will be located next to an existing cell tower in Owyhee County. The building is an 846 SF pre-manufactured modular unit the exact size is: 36'-0"x23'-4"x12'-10". The building will be factory produced in a factory for the storage of fiber-optic telecommunication utility equipment. The 10,000 SF site will be surrounded by a 8'-0" fence with 1'-0" of barbed wire.

### **Property Information:**

Parcel: #RP02N04W062400

Parent Parcel Address:  
6767 US HWY 95  
Marsing, ID 83639

GPS: 43.544953,-116.863675



## PROJECT DESCRIPTION

The building is a precast concrete building with exposed coarse aggregate finish, that is set on and anchored to a concrete foundation at the required frost depth for soil conditions. There will be no antennas, towers, or dishes at the site for this building.

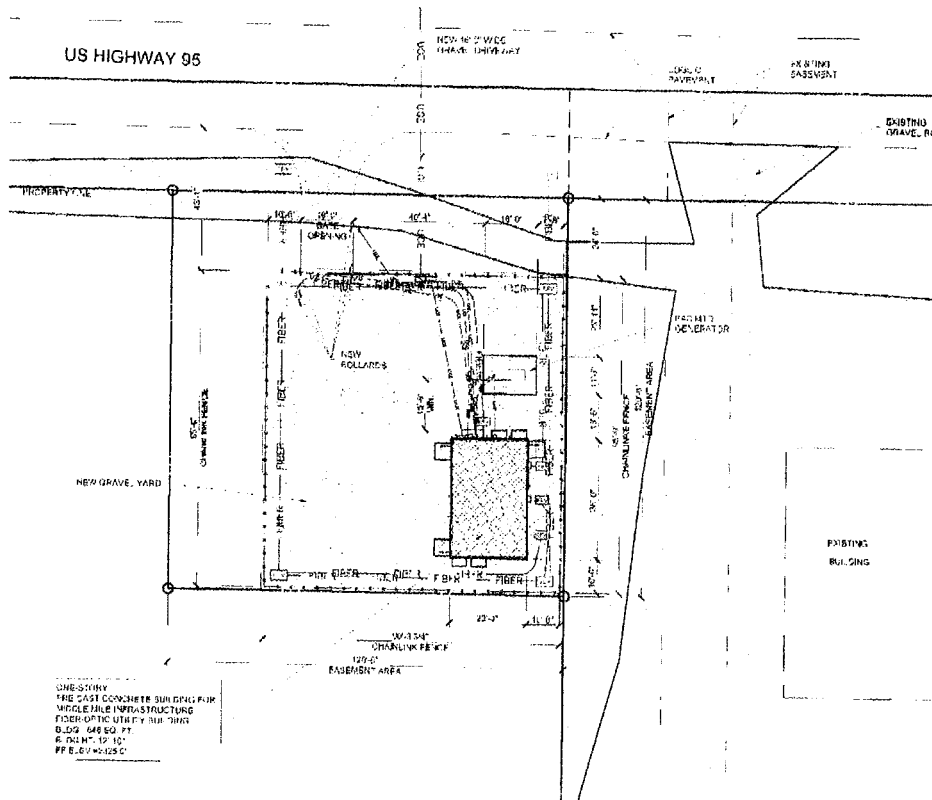
The facility will be an unoccupied facility that is not open to the public and locked at all times. Access is only permitted by trained and authorized service personnel on a very infrequent basis. The building is surrounded by a 8'-0" chain-link security fence with 1'-0" of barbed wire. The outside lighting proposed on the site is (1) downward directed wall mounted 45W 900 Lumen Cutoff LED light fixture at each entry door (three total). Each light will have a dawn to dusk photocell control. There will be no signage at this location.

## LOCATION AND ACCESS

The location of the building has been chosen because of its proximity to the existing fiber-optic building and also because of fact that it will have little to no impact of the adjacent road. The building will be accessed from a new gravel driveway off of Highway 95.

Visits to the site will be infrequent depending on the need to adjust equipment. There will be an estimated 1 visit per month to this site for maintenance and system operation. This will not impact the existing traffic patterns of this area. A parking area will be installed for a maintenance vehicle to park while onsite.

## Preliminary Site Plan



If you have any questions regarding this matter, please contact me.

Thank you,

Rex Atkinson  
Five Nine Design Group  
rex@five9dg.com



The following letter was emailed to [gemhighwaydistrict@gmail.com](mailto:gemhighwaydistrict@gmail.com) on 12/7/2023 of the Gem Irrigation District. We received a phone call from Carl on 12/11/2023 he questioned us about the existing ditch that runs along the road. We told him that will keep the existing flow of the ditch as before construction flow by the use of a culvert.

Rex Atkinson

812-987-5316

Five Nine Design



Gem Irrigation District  
South Board of Control  
PO Box 67  
Homedale, ID 83628  
208-337-3760  
office@southboardofcontrol.com

### **MMI Nampa, ID Project Letter**

On behalf of the fiber-optic company MMI, Five Nine Design is sending this letter to describe a proposed fiber-optic utility project that will be going in from of Owyhee County for a Conditional Use Permit. MMI proposes to erect a new building that will act as an infrastructure component to their underground fiber-optic network. The shelter will be located next to an existing cell tower in Owyhee County. The building is an 846 SF pre-manufactured modular unit the exact size is: 36'-0"x23'-4"x12'-10". The building will be factory produced in a factory for the storage of fiber-optic telecommunication utility equipment. The 10,000 SF site will be surrounded by a 8'-0" fence with 1'-0" of barbed wire.

### **Property Information:**

Parcel: #RP02N04W062400

Parent Parcel Address:  
6767 US HWY 95  
Marsing, ID 83639

GPS: 43.544953,-116.863675







The following letter was emailed to [marsingfiredistrict@yahoo.com](mailto:marsingfiredistrict@yahoo.com) on 12/07/2023 of the Marsing Fire Dept. We have not received any comments back about the project. We followed up with them on 12/11/2023. On 1/18/24 Chief Jerry Mayer emailed us their address and told us that we need to send them \$150.00 for a fire permit. From this email I assume that they have no comments and are good with the project. We paid the fee and on 2/6/2024 chief Jerry Mayer sent us the Fire Access Permit, I have added the permit to the binders.

Rex Atkinson

812-987-5316

Five Nine Design



Marsing Fire Dept.  
PO Box 299  
Marsing, ID 83639  
Jerry Mayer 208-550-6010  
marsingfiredistrict@yahoo.com

**MMI Nampa, ID Project Letter**

On behalf of the fiber-optic company MMI, Five Nine Design is sending this letter to describe a proposed fiber-optic utility project that will be going in from of Owyhee County for a Conditional Use Permit. MMI proposes to erect a new building that will act as an infrastructure component to their underground fiber-optic network. The shelter will be located next to an existing cell tower in Owyhee County. The building is an 846 SF pre-manufactured modular unit the exact size is: 36'-0"x23'-4"x12'-10". The building will be factory produced in a factory for the storage of fiber-optic telecommunication utility equipment. The 10,000 SF site will be surrounded by a 8'-0" fence with 1'-0" of barbed wire.

**Property Information:**

Parcel: #RP02N04W062400

Parent Parcel Address:  
6767 US HWY 95  
Marsing, ID 83639

GPS: 43.544953,-116.863675



## PROJECT DESCRIPTION

The building is a precast concrete building with exposed coarse aggregate finish, that is set on and anchored to a concrete foundation at the required frost depth for soil conditions. There will be no antennas, towers, or dishes at the site for this building.

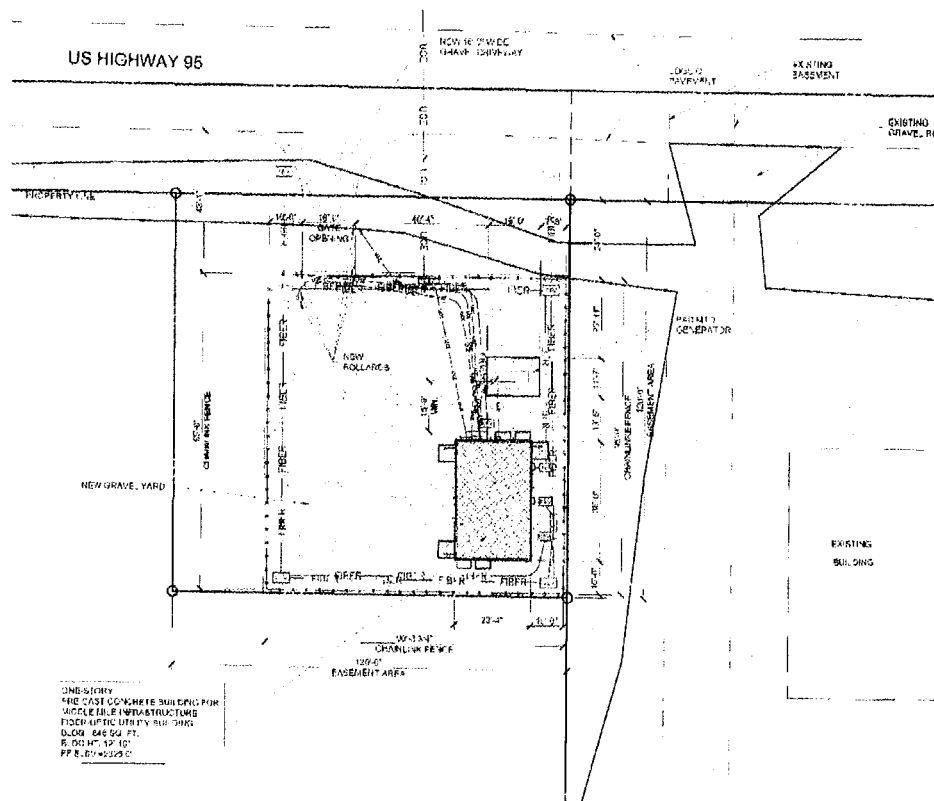
The facility will be an unoccupied facility that is not open to the public and locked at all times. Access is only permitted by trained and authorized service personnel on a very infrequent basis. The building is surrounded by a 8'-0" chain-link security fence with 1'-0" of barbed wire. The outside lighting proposed on the site is (1) downward directed wall mounted 45W 900 Lumen Cutoff LED light fixture at each entry door (three total). Each light will have a dawn to dusk photocell control. There will be no signage at this location.

## LOCATION AND ACCESS

The location of the building has been chosen because of its proximity to the existing fiber-optic building and also because of fact that it will have little to no impact of the adjacent road. The building will be accessed from a new gravel driveway off of Highway 95.

Visits to the site will be infrequent depending on the need to adjust equipment. There will be an estimated 1 visit per month to this site for maintenance and system operation. This will not impact the existing traffic patterns of this area. A parking area will be installed for a maintenance vehicle to park while onsite.

## Preliminary Site Plan



If you have any questions regarding this matter, please contact me.

Thank you,

Rex Atkinson  
Five Nine Design Group  
rex@five9dg.com



**From:** [Marsing Rural Fire](#)  
**To:** [Amanda Canada](#)  
**Subject:** FIRE ACCESS PERMIT  
**Date:** Thursday, January 18, 2024 11:06:02 AM

---

Our address is po box 299 Marsing Id 83639. Make the check to Marsing Rural Fire District for \$150.00 and i will get the access permit sent to you.

Jerry Mayer, Chief  
Marsing Rural Fire District

# ACCESS ROAD PERMIT

TO:

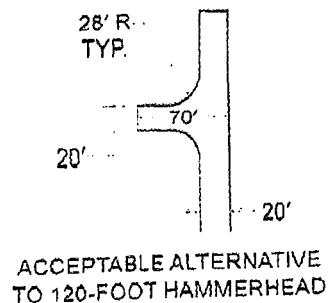
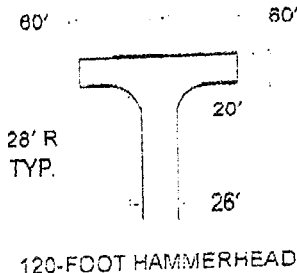
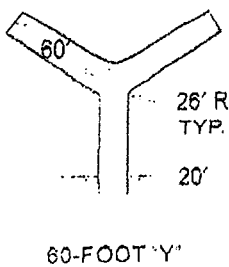
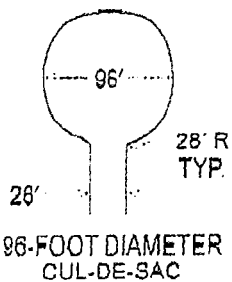
Canyon County Development Services

Owyhee County Planning and Zoning

The access road for the Marsing Fire District must be a minimum of 20' wide with a good gravel base.

One of the following turnarounds can be used but cannot be closer than 135' from the house.

## STEP 2 OF 2



Concerning the property of

Name of Owner Five Nine Design

Address of Property TBD Hwy 95 Marsing ID

- The access road and turnaround meets Marsing Fire District requirements.
- The access road and turnaround does NOT meet Marsing Fire District requirements.

Marsing Fire District  
Marsing, Idaho

Signed Jerry Meyer Date 2-5-24

We send the following letter to the Marsing School District Superintendent. We received a letter from them on 12/13/2023 that had no opposition to the project. Please see attached that letter.

Rex Atkinson

812-987-5316

Five Nine Design





Marsing School District Superintendent  
PO Box 340  
Marsing, ID 83639  
208-649-5411

**MMI Nampa, ID Project Letter**

On behalf of the fiber-optic company MMI, Five Nine Design is sending this letter to describe a proposed fiber-optic utility project that will be going in from of Owyhee County for a Conditional Use Permit. MMI proposes to erect a new building that will act as an infrastructure component to their underground fiber-optic network. The shelter will be located next to an existing cell tower in Owyhee County. The building is an 846 SF pre-manufactured modular unit the exact size is: 36'-0"x23'-4"x12'-10". The building will be factory produced in a factory for the storage of fiber-optic telecommunication utility equipment. The 10,000 SF site will be surrounded by a 8'-0" fence with 1'-0" of barbed wire.

**Property Information:**

Parcel: #RP02N04W062400

Parent Parcel Address:  
6767 US HWY 95  
Marsing, ID 83639

GPS: 43.544953,-116.863675







# MARSING JOINT SCHOOL DISTRICT No. 363

Owyhee & Canyon County  
P. O. Box 340  
205 8<sup>th</sup> Avenue West  
Marsing, Idaho 83639  
Phone 1-208-649-5411 Fax 1-208-649-5517

## OUR VISION

To provide effective schools that have the following characteristics:

Commitment to learning as the number one priority

Strong community involvement

Strong instructional leadership

High expectations for students and staff

Commitment to mastery of all basic skills by all Students

Clear and focused school mission

Positive school climate

Consistency among staff in the treatment of students

Frequent and careful monitoring of student progress

## OUR MISSION

To educate all students to lead productive, satisfying and responsible lives now and in the future.

December 13, 2023

Five Nine Design Group  
15925 Hargray Dr.  
Noblesville, IN 46062

Re: Conditional Use Permit

To Five Nine Group:

The purpose of this letter is to acknowledge receipt of and respond to a letter from Five Nine Design Group dated December 7, 2023. Based on this letter, it is my understanding that MMI is proposing to erect a new building that will act as an infrastructure to their underground fiber-optic network. The parcel number is: RP02N04W062400, Owyhee County.

Speaking on behalf of Marsing Joint School District No. 363, the School District is not opposed to this project in and of itself as it will not have a significant impact on the District.

Sincerely,

Norm Stewart  
Superintendent

NS/JS

cc: Board of Trustees, Marsing Joint School District No. 363  
Owyhee County



The following letter was emailed to [Brian.Duran@itd.idaho.gov](mailto:Brian.Duran@itd.idaho.gov) on 12/07/2023 of the Idaho Transportation Dept.. We followed up them on 12/26/2023 and Saran Becker with ITD emailed that from a development perspective nothing else is required. Please see attached a PDF of the correspondence. The did inform us that we will need a ITD access permit. Brian Duran emailed us the paper work for that permit.

Rex Atkinson

812-987-5316

Five Nine Design



Idaho Transportation Dept.  
8150 Chinden Boulevard  
PO Box 8028  
Boise, ID 83707  
208-334-8300 EX-2  
[Brian.Duran@itd.idaho.gov](mailto:Brian.Duran@itd.idaho.gov)  
[D3Development.Services@itd.idaho.gov](mailto:D3Development.Services@itd.idaho.gov)

### **MMI Nampa, ID Project Letter**

On behalf of the fiber-optic company MMI, Five Nine Design is sending this letter to describe a proposed fiber-optic utility project that will be going in from of Owyhee County for a Conditional Use Permit. MMI proposes to erect a new building that will act as an infrastructure component to their underground fiber-optic network. The shelter will be located next to an existing cell tower in Owyhee County. The building is an 846 SF pre-manufactured modular unit the exact size is: 36'-0"x23'-4"x12'-10". The building will be factory produced in a factory for the storage of fiber-optic telecommunication utility equipment. The 10,000 SF site will be surrounded by a 8'-0" fence with 1'-0" of barbed wire.

### **Property Information:**

Parcel: #RP02N04W062400

Parent Parcel Address:  
6767 US HWY 95  
Marsing, ID 83639

GPS: 43.544953,-116.863675







## Rex Atkinson

---

**From:** Saran Becker <Saran.Becker@itd.idaho.gov> on behalf of Saran Becker  
**Sent:** Tuesday, December 26, 2023 4:40 PM  
**To:** Amanda Canada  
**Cc:** Rex Atkinson; Josh Nopens  
**Subject:** RE: MMI Nampa, ID

Good afternoon Amanda,

My apologies for the delay in response. From a development perspective, there is nothing further that we require as your site traffic volumes are very low.

What you will need though is an ITD access permit as you propose to take direct access from an ITD Highway. I have cc'd our access permit coordinator, Josh Nopens, to this email.

Thank you,  
Saran

**From:** Amanda Canada <amanda@five9dg.com>  
**Sent:** Thursday, December 7, 2023 10:56 AM  
**To:** Brian Duran <Brian.Duran@itd.idaho.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>  
**Cc:** Rex Atkinson <rex@five9dg.com>  
**Subject:** MMI Nampa, ID

**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 day

We are planning a construction project in your area and was told we would need to send you a District Letter. Please see attached letter and let me know any questions or concerns you may have. Thank you and have a great day.

Thanks,  
Amanda Canada / Drafter



**Five Nine Design Group**  
15925 Hargray Dr  
Noblesville, IN 46062  
Office (P) [833.348.3934](tel:833.348.3934)  
Mobile (P) 765/418-5100  
[www.five9dg.com](http://www.five9dg.com)

**From:** [Brian Duran](#)  
**To:** [Amanda Canada](#)  
**Cc:** [Rex Atkinson](#); [Saran Becker](#); [Niki Benyakhlef](#)  
**Subject:** Re: MMI Nampa, ID  
**Date:** Thursday, December 28, 2023 3:48:40 PM  
**Attachments:** [image001.png](#)

---

Hi Amanda,

You will want to start with a permit application. It requests civil designs, but if you are not quite there yet that is okay. Submitting the application will allow us to get the process started and start looking at what access will look like for the site.

[ITD Permits \(idaho.gov\)](#)

Thanks,

**Brian Duran** | Development Services Manager  
Idaho Transportation Department | District 3

Work: (208) 334-8375 Cell: (208) 871-2842  
Email: [Brian.Duran@itd.idaho.gov](mailto:Brian.Duran@itd.idaho.gov) | [itd.idaho.gov](http://itd.idaho.gov)

*Enhancing quality of life through transportation*

---

**From:** Amanda Canada <[amanda@five9dg.com](mailto:amanda@five9dg.com)>  
**Sent:** Tuesday, December 26, 2023 12:41 PM  
**To:** Brian Duran <[Brian.Duran@itd.idaho.gov](mailto:Brian.Duran@itd.idaho.gov)>  
**Cc:** Rex Atkinson <[rex@five9dg.com](mailto:rex@five9dg.com)>  
**Subject:** FW: MMI Nampa, ID

**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 day

I am following up on an email I sent back on 12/7 for a Fiber optic utility hub. Please let me know if you have any questions or concerns.

Thanks,  
**Amanda Canada** / Drafter

February 1, 2023

RE: Agent Authorization for Permitting and Approvals for Proposed Fiber-Optic Utility Building

To Whom It May Concern,

This letter serves as written documentation authorizing Five Nine Design Group as authorized agent for Middle Mile Infrastructure to apply and submit for State, County and local land development permits to construct the proposed fiber-optic utility building located in Owyhee County Idaho.

Respectfully,



Dylan Devito  
Middle Mile Infrastructure  
1601 Willow Rd  
Menlo Park, CA 94025





Owyhee County, Idaho

RIGHT TO FARM Disclosure Statement

- A. It is the intent of the Legislature of the State of Idaho pursuant to IDAHO CODE Title 22 Chapter 45, RIGHT TO FARM ACT to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance.
B. It is the intent of the Owyhee County Board of Commissioners and the Planning and Zoning Commission to uphold, support, and enforce the RIGHT TO FARM ACT.
C. The County of Owyhee fully supports and permits "agricultural operations" as defined in IDAHO CODE 22-4502, Definitions, when operated in accordance with generally recognized agricultural practices which includes conformity with Federal, State, and local laws and regulations and when not adversely affecting public health and safety.

I acknowledge Idaho's RIGHT TO FARM, and I accept the agricultural environment they protect and do agree to live within said environment.

Name: \_\_\_\_\_

Name: B Jolene Miller

Address: 6767US-95 Marsing, ID 83639

Legal: Section: 6 Township: 2N Range: 4W

Assessor's Parcel Number: RP02N04W062400

Signature: B Jolene Miller Date: 1 24 2024

Signature: \_\_\_\_\_ Date: 1 24 24

STATE OF IDAHO, County of Owyhee ss.

On this 24th day of January, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared:

B. Jolene Miller

Known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Signature: J. E. Thompson

Name: Jolyn E. Thompson

Residing at: Marsing, ID 83639

My Commission expires: May 23, 2025



## ACKNOWLEDGEMENT OF APPLICANT

I, Dylan Devito, the undersigned applicant do hereby understand, acknowledge and agree that the fee in the amount of \$ 3000.00 which I am submitting to the Owyhee County Planning and Zoning Department associated with application file # 24-19, is **non-refundable**.

I further understand, acknowledge and agree that **no portion of such fee shall be returned** unless the application is withdrawn and a request for refund is made in writing by me, or my legal representative, within seven (7) days of application submittal.

I further acknowledge that by requesting a Conditional Use Permit, I am asking that I be excused from the law as it pertains to the subject parcel(s) of my application. This is not a request that is taken lightly by the Planning & Zoning Commission. Applications for conditional use permits are subject to a public hearing and the request can be approved or denied. I understand that there is no expectation of an approval.

Dated this 7<sup>th</sup> day of February, 2024.

  
\_\_\_\_\_  
Signature of Applicant

Witnessed: Ann DeVito

Date: 2/7/24



## PURCHASE RECEIPT

**Owyhee County Planning and Zoning**

PO Box 128

Murphy ID 83650

(208)495-2095

OTC Local Ref ID: 92321806

2/21/2024 03:59 PM

Your credit card or bank statement will show a charge from OwyheeP&Z.

Status: **APPROVED**  
 Customer Name: Rex Atkinson  
 Type: Visa  
 Credit Card Number: \*\*\*\* \* 9428

Items	Quantity	TPE Order ID	Total Amount
Land Use Application	1	39131161	\$3,000.00
Applicant Name: <b>Rex Atkinson</b>			
Total remitted to the Owyhee County Planning and Zoning			\$3,000.00
Access Idaho Fee	1	39131161	\$90.00
Total Amount Charged			\$3,090.00

---

 Signature

To offer the convenience of using your bank card, a service fee of 3% has been added to your transaction. This fee goes to our third-party provider, Idaho.gov. The County does not keep any portion of this fee.