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# 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

	COMMERCIAL D SUBD	DIVISION 🗆 CAFO [	□ INDUSTRIAL
Howard & Tamara Tuc APPLICANT/APPLICANT REPRESENTATION	Ker- VE	TBD Jump ( PROJECT ADDRESS/LOG	Lreek Rd Cation
5574 Jump Creek Rd MAILING ADDRESS		34 3 SECTION TOWNSHIP	5 RANGE
Marsing ID CITY STATE 951-897-7211		(If yes, please include fire n	ry land/range land? Y (N) nitigation measures on site pla
208 918 9882 Tuch TELEPHONE EM	SHHIM Ramail	RPD3ND5W TAX ASSESSOR'S PARC	347み10 EL NUMBER(s)
Howard & Tamara Tu	cker	Irrigated far current zoning of t	HE SUBJECT PARCEL
5574 Jump Creek Rd OWNER'S MAILING ADDRESS		Alfalfa far CURRENT USE OF THE S	CY P I SUBJECT PARCEL
larsing ID CITY STATE	83639 ZIP CODE	Farm with PROPOSED USE	home
208 918 9882 Tuck OWNER'S PHONE NUMBER EM	(54) Hirriagmail Con	70 3000 TOTAL SQ. FT OF ALL PR	ROPOSED STRUCTURES
I DECLARE UNDER PENALTY OF PERJUR I/we am/are the applicant(s) in the foregoing ap state that the same is true and correct to the bessupport of my application is true and correct to or members of the planning and zoning commit understand that this will be done at an unannounderstand that the state of the planning and the state of the state	plication, that I/we have read the t of my knowledge. Furthermore the best of my knowledge. I/we a ssion may physically make a site	e foregoing application and ka , all information and data sub- acknowledge that by submitting e visit to the proposed site and	now the content thereof and nitted to Owyhee County in g this application a member d surrounding vicinity. I/we
Dated: 6-10-24 Signed:	Houl to	/	
Dated: 6-10-30-4 Signed: \(\sigma\)	Garnara Juck	er	14070
On the 18th day of June 918 person(s) whose name(s) is/are subscribed to the	24, before me, the undersigned beforegoing instrument, and acknowledge.	Notary Public, personally appe owledged to me that s/he execu	ared, known to me to be the nted the same.
IN WITNESS WHEREOF, I have set my hand a		e written.	
	OMITILA G GODINA COMM. NO. 65289 NOTARY PUBLIC State of Idaho	Notary Public  Residing at 3/47///  Commission Expires:	26-30 2027 836
	FOR ADMINISTRATIVE US	E	
File No Rec'd by:	Date:	Pd CI	neck No.

To Whom it May Concern,

The purpose of this letter is to formally request approval of a conditional permit to build a home on parcel number RP03N05W34721.

Our family has farmed in Owyhee County for over 20 years and worked within the agriculture industry nearly 50 years. We have built our operation through firm values of hard work, dedication, respect for others, and respect for the land which provides for our family. Not only is our family dependent on our farm and agriculture operations, but because of the commitment to our values in producing high quality alfalfa with dependable service, local dairy farmers have also come to rely on our annual production.

As the production of the land and operations is critical to our family well-being, our goal is to build on our success while ensuring long term sustainability. To further develop our operation, the need for the next generation to support our efforts have become apparent and necessary due to our aging bodies and the medical needs that have been associated.

My son, a graduate of Boise State, and daughter-in-law, a graduate of Northwest Nazarene University, are in a position to assist with our operations to ensure the land continues in production and would be an appropriate fit for our operation based on their past history working within agriculture, having previously worked on farms in Marsing and Parma, among others. Accordingly, we request to utilize approximately 1.5 acres of mostly unusable land to place a home on our farm allowing them to transition into our ag business which includes 120 acres of irrigated land and custom hay hauling.

We have recently completed extensive upgrades to the majority of our fields including extending overhead and underground utilities, installation of pump, valves, and wheel lines, along with the removal of the existing concrete ditches and gated pipe, expanding our farmable acreage. In review of the proposed home location, we have found the current area to be the least impactful to the overall agricultural use of our fields.

The proposed use of the parcel would be legally accessed from Jump Creek Road and will not require crossing over other private properties. The parcel is not located in a herd district and is compatible with the surrounding area consisting of farmland and other homes.

Regarding water supply, a well will need to be drilled for the home use. However, the landscaping will utilize the irrigation water delivered from Gem Irrigation District, with the point of diversion at A Canal, gate 51.6.

The goal of these measures are to sustain our family business, increase production, and reaffirms our commitment to supporting ag now and for future generations.

Thank you for dedication to the people and agriculture of Owyhee County. Please notify us if there is any additional information that may support your review.

Sincerely,

- 1. Whether the intended use is necessary or desirable to the public convenience and welfare.
  - a. The conditional use permit would be both desirable and beneficial the public. The county of Owyhee has adamantly fought to preserve the right to farm and continue developing the next generation or farmers and ranchers. The Tucker Family has farmed in Owyhee county for over 20 years and has worked within the agriculture industry for nearly 50 years. This home site will allow for another generation to continue building up the agricultural industry.
  - b. The benefits of housing opportunities on the farm enhance Work-Life Balance and improve the well being of those involved with the daily operations by reducing commute time, while minimizing effects on to the environment.
  - c. The children that grow up in this house will continue learning within the ag industry with hands on experience, noting the importance of caring for the land, and continue to build on strong moral family values
  - d. As family members continue to age, family can support one another while keeping the farm and operations in good repair, lessening the dependence on municipal, civil, and/or emergency services.
- 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.
  - a. In reviewing the location and neighboring land, homes, irrigation canals and infrastructure, the proposed use will not create a foreseeable hazard, nuisance, detriment, or other injury to other property in the immediate vicinity or to the health or safety of the citizens.
  - b. The intended use of the property actually mitigates the potential of safety issues to the citizens of the county, as nearby family and other neighbors are aging and are typically left to manage issues, heavy equipment, and long hours on their own. The home will allow for neighboring families to care and support for one another.
- 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.
  - a. Approval on the intended use would increase revenue for the County through increased property taxes, fees, etc.
  - b. Sustainable practices are to be incorporated within the design, construction, and use of the home.
  - c. The home allows for job creation and economic growth in the county to better support the next generation within ag.
  - d. No additional public funding would be required nor are there foreseeable negative impacts to the essential public services, or the general public health or safety, or the general public environment.
- 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.
  - a. Sewer, water, drainage facilities, and utilities will be provided by the applicant as required to comply with local codes and regulations. Adequate power is available along

Jump Creek Rd, soil has proven to be adequate for drainage, and water is available by well.

- 5. Whether the proposed use may have adverse impact on water supplies, both surface and underground.
  - a. Extensive upgrades to support more efficient and sustainable irrigation on the property has reduced the overall use of local water supplies.
  - b. There will be no adverse impacts on either surface or underground water supplies and there will be no change to the recent above ground water usage, while underground supplies has proven to be adequate for use.
- 6. Whether the geological base on which the use is to be placed may or may not support the proposed use.
  - a. The geological base aligns with the neighboring properties and is suitable for the proposed use.
  - b. The proposed use will also look to better address the existing weed control, minimizing the impact to adjacent field.
  - c. With continued improvements, an overall net increase to farmable acreage is expected while conserving irrigation water, demonstrating our passion and long term commitment.
- 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.)
  - a. The proposed use will be designed to comply with all applicable codes and will not endanger human health, animal life, or plant life in the surrounding area and/or county general. Human health will be increased because of additional family support and care of neighbors along with support of farming and agricultural services.
- 8. Whether the proposed use compliments, benefits, and is compatible with the surrounding land uses.
  - a. The proposed use compliments the surrounding land as there are various homes in the nearby vicinity that also do not impact the agricultural uses of the land. It benefits the surrounding land by increasing the focus and care of the farm land and continues to grow and develop new interest with the next generation of farmers.
- 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.
  - a. The standard special conditions have been reviewed and will be complied with.



100 10th Avenue South Nampa, ID 83651

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

Instrument # 280452
MURPHY, OWYHEE, IDAHO
2013-03-27 02:56:54 No. of Pages: 2
Recorded for: PIONEER TITLE COMPANY/OWYHEE
CHARLOTTE SHERBURN Fee: \$13.00
Ex-Officio Recorder Deputy: map
Index To: DEED WARRANTY
Electronically Recorded by Simplifile

File No. 523650

56/TG

WARRANTY DEED

For Value Received

William E. Watson and Mary E. Watson, husband and wife

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

Howard Tucker and Tamara Tucker, husband and wife

hereinafter referred to as Grantee, whose current address is 5574 Jump Creek Rd Marsing, ID 83639 The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: March 21, 2013

William & Walson
William E. Watson

Mary E. Watson D

State of ID, County of Adams

On this 25th day of March in the year of 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared William E. Watson and Mary E. Watson known or identified to me to be the person/persons whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Residing at: McCall 1D Commission Expires: 05/04/2018

DEANNA S. BLOXHAM NOTARY PUBLIC STATE OF IDAHO

### EXHIBIT A

### Parcel 1:

Beginning at the Northeast corner of the Southeast Quarter of Section 34, Township 3 North, Range 5 West, Boise Meridian, Owyhee County, Idaho, being the REAL POINT OF BEGINNING; thence

187 feet South along the East boundary line of the said Southeast Quarter; thence

South 46°28' West to the center of what is known as "A" No. 6 or Wood Lateral; thence

Down the center of said lateral in a Northwesterly direction to a point in the North boundary line of the said Southeast Quarter; thence

East along the North boundary line of the said Southeast Quarter to the POINT OF BEGINNING.

### EXCEPTING THEREFROM the following described parcel:

A parcel of land situate in the Northeast Quarter of the Southeast Quarter of Section 34, Township 3 North, Range 5 West, Boise Merdian, Owyhee County, Idaho, more particularly described as follows:

COMMENCING at the East one-quarter corner of Section 34, Township 3 North, Range 5 West, Boise Meridian, Owyhee County, Idaho, being the REAL POINT OF BEGINNING; thence

West a distance of 155 feet to a point; thence

South, parallel to the East line of said Northeast Quarter of the Southeast Quarter, a distance of 225 feet;

thence

East a distance of 155 feet to the East line of said Northeast Quarter of the Southeast Quarter; thence North along the East line of said Northeast Quarter of the Southeast Quarter, a distance of 225 feet to the REAL POINT OF BEGINNING.

### Parcel 2

BEGINNING at a point 187 feet South of the Northeast corner of the Southeast Quarter of Section 34, Township 3 North, Range 5 West, Boise Meridian, Owyhee County, Idaho; thence

South 46°28' West in the center of what is known as "A" No. 6 or Wood Lateral; thence

Up the center of said lateral in a southerly direction to a point in the center of the "A" Canal of the Gem Irrigation District; thence

Up the center of said "A" Canal in an easterly direction to the east line of said quarter Section; thence North along the east line of said quarter Section to the PLACE OF BEGINNING.

321 NOKTIA TXX ANDRESS OF B MOKES 68:41 Exit falt. ACRES 4/1.48 EX AIRCHER + NOTA  $\mathcal{U}^{i}$ 

NORTH

ACKES 11.48

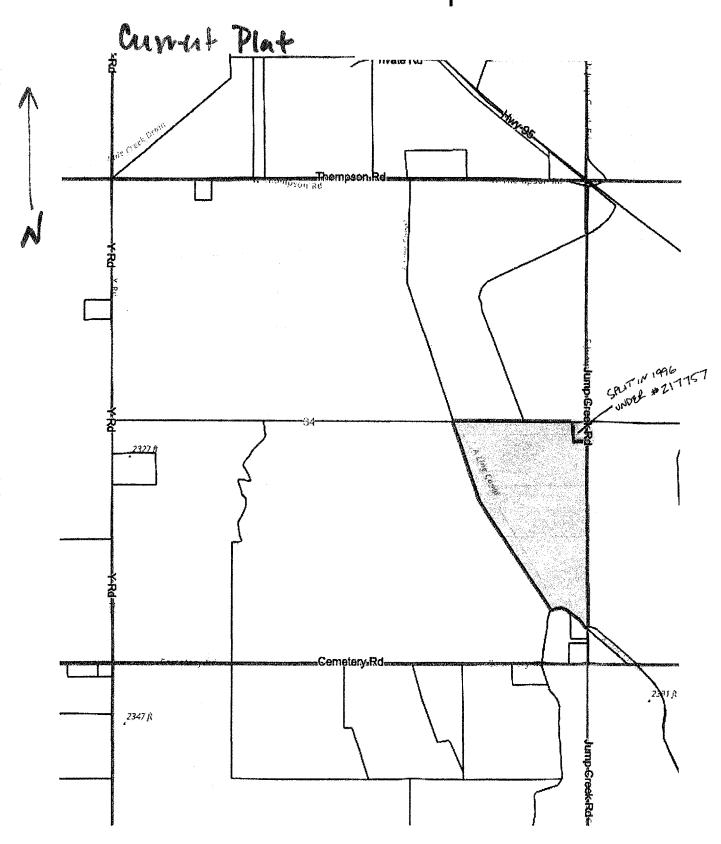
A. Cara

Proposed New Home

# W Thompson Rd Cemetery Rd Proposed Home Site W Thompson Rd Cemetery Rd neer 80 S Jump Creek Rd S Jump Creek Rd reek Rd E Thompson Rd Cemetery Rd ABRED SIN E Thompson Rd Cemetery Rd Marsing-Homedale Cemetery Bridgs Ln Cemetery Rd N Hogg Rd North E Thompson Rd U.S. Rte195

# Vicinity Map

# Parcel Map



THIS SKETCH IS MADE SOLELY TO ASSIST IN LOCATING THE PROPERTY. THE COMPANY ASSUMES NO LIABILITY FOR VARIATION IF ANY WITH ACTUAL SURVEY.

# Aerial Map (Far View)





# Aerial Map (Close View)



# I-nosib⊒ North

13VIA 9AUR

# Zone Map



# NAP LEGEND

### Transportation Water Features Area of Interest (AOI) Soil Rating Lines Soil Rating Polygons Soll Rating Points Rails Somewhat limited Major Roads US Routes Interstate Highways Streams and Canals Not rated or not available Very limited Not rated or not available Not limited Very limited Not rated or not available Not limited Somewhat limited Not limited Somewhat limited Very limited Area of Interest (AOI) Background Aerial Photography

# S P Z T O R N P T O Z

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

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.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho Survey Area Data: Version 20, Aug 31, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 9, 2023—Sep 14, 2023

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.

Local Roads

# **Dwellings With Basements**

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
MgC	Marsing loam, 3 to 7 percent slopes	Not limited	Marsing (90%)		14.9	34.0%
NsA	Nyssaton silt loam, 0 to 1 percent slopes	Not limited	Nyssaton (95%)		7.2	16.6%
NsB	Nyssaton silt loam, 1 to 3 percent slopes	Not limited	Nyssaton (90%)		21.7	49.5%
Totals for Area					43.8	100

Rating	Acres in AOI	Percent of AOI			
Not limited	43.8				
Totals for Area of Interest	43.8	100.0%			

### Description

**ENG** - Engineering

Dwellings are single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet.

The ratings for dwellings 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. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, 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

LSDA

Dear Homedale Fire Department,

The purpose of this letter is to formally request approval of a conditional permit to build a home on parcel number RP03N05W34721.

Our family has farmed in Owyhee County for over 20 years and worked within the agriculture industry nearly 50 years. We have built our operation through firm values of hard work, dedication, respect for others, and respect for the land which provides for our family. Not only is our family dependent on our farm and agriculture operations, but because of the commitment to our values in producing high quality alfalfa with dependable service, local dairy farmers have also come to rely on our annual production.

As the production of the land and operations is critical to our family well-being, our goal is to build on our success while ensuring long term sustainability. To further develop our operation, the need for the next generation to support our efforts have become apparent and necessary due to our aging bodies and the medical needs that have been associated.

My son, a graduate of Boise State, and daughter-in-law, a graduate of Northwest Nazarene University, are in a position to assist with our operations to ensure the land continues in production and would be an appropriate fit for our operation based on their past history working within agriculture, having previously worked on farms in Marsing and Parma, among others. Accordingly, we request to utilize approximately 1.5 acres of mostly unusable land to place a home on our farm allowing them to transition into our ag business which includes 120 acres of irrigated land and custom hay hauling.

We have recently completed extensive upgrades to the majority of our fields including extending overhead and underground utilities, installation of pump, valves, and wheel lines, along with the removal of the existing concrete ditches and gated pipe, expanding our farmable acreage. In review of the proposed home location, we have found the current area to be the least impactful to the overall agricultural use of our fields.

The proposed use of the parcel would be legally accessed from Jump Creek Road and will not require crossing over other private properties. The parcel is not located in a herd district and is compatible with the surrounding area consisting of farmland and other homes.

Regarding water supply, a well will need to be drilled for the home use. However, the landscaping will utilize the irrigation water delivered from Gem Irrigation District, with the point of diversion at A Canal, gate 51.6.

The goal of these measures are to sustain our family business, increase production, and reaffirms our commitment to supporting ag now and for future generations.

Thank you for dedication to the people and agriculture of Owyhee County. Please notify us if there is any additional information that may support your review.

Sincerely,

Dear Highway District,

The purpose of this letter is to formally request approval of a conditional permit to build a home on parcel number RP03N05W34721.

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Sincerely,

Dear Gem Irrigation District,

The purpose of this letter is to formally request approval of a conditional permit to build a home on parcel number RP03N05W34721.

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Sincerely,

Dear Homedale School District.

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Sincerely,



## 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: Howard Tucker	
Name: Tarriara Tucker	
Address: 5574 Jump Creek Rd, Marsing	ID 83639
Legal: Section: 34 Township: 3 Range: 5	
Assessor's Parcel Number: RPD3ND5W347210	
Signature Jamara Jucker	6-10-2024 Date
Signature	Date
Jamara Tucker	6-10-2024
Signature	Date
On this 10th day of 10th, before me, the undersigned. State, personally appeared:	a Notary Public in and for said
Known or identified to me to be the person(s) whose name(s) is/are subscrib acknowledged to me that he/she/they executed the same.	ed to the within instrument and
Signature: Aprila & Sool	
Name: /\muitilg (2: (00 di va	······
Residing at: 3/4/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/	IITILA G GODINA } MM. NO. 65289 }
My Commission expires: 4.30 20.27	OTARY PUBLIC State of Idaho