



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, February 3, 2022  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman  
Patrick Williamson, Vice Chairman  
Harold Nevill, Commissioner  
Ron Amarel, Commissioner

Staff Members Present: Dan Lister, Planning Official  
Elizabeth Allen, Planner  
Bonnie Puleo, Recording Secretary

**Chairman Robert Sturgill**, called the meeting to order at 6:30 pm

**Commissioner Williamson**, read the testimony guidelines and proceeded to the business item on the agenda.

**Planning Official Dan Lister** requested on behalf of an applicant, Callahan, that item 2(b) be moved up on the agenda and be heard first due to some family issues.

**MOTION:** Commissioner Nevill moved to move item 2(b) to 1(c), seconded by Commissioner Amarel. Voice vote, motion carried.

**ACTION ITEMS**

- **ACTION ITEM: Case No. RZ2021-0036: Richards/Larsen Rezone** - - Sign revised FCO's.

**MOTION:** Commissioner Williamson moved to approve and sign the revised FCO's for Case No. RZ2021-0036; Commissioner Amarel seconded. Commissioner Nevill abstained. Voice vote; motion carried.

- **ACTION ITEM: Case No. OR2021-0031: Star AOCI** – Sign revised FCO's.

**MOTION:** Commissioner Nevill moved to approve and sign the revised FCO's for Case No. OR2021-0031; Commissioner Amarel seconded. Voice vote; motion carried.

- **Case No. OR2021-0020 & RZ2021-0043: Callahan Rezone** – Eagle Land Surveying representing the property owner, Dan Callahan, is requesting a Comprehensive Plan Map Amendment to change the future land use designation of parcel No. R37410 from Agriculture to Residential. Also requested is a Rezone of 39.98-acres from the current zoning designation of "A" (Agriculture) to an "R-R" (Rural-Residential) zone. The subject property is located at 0 Galloway Road, Middleton, Idaho, in a portion of the SE ¼ of Section 19, T5N, R2W, BM, Canyon County, Idaho.

Planner Elizabeth Allen reviewed Staff report for the record, including late exhibits (7A – 7F)

Chairman Sturgill, entered the late exhibits into the record.

Commissioner Nevill moved to take a 10-minute recess to read the late exhibits. Commissioner Amarel seconded. Voice vote; motion carried.

**TESTIMONY:**

**Jeremy Fielding - Applicant (Representative) in favor – 25670 Dapple Place Middleton ID 83644**

Mr. Fielding was approached by the Callahan's last year because they were looking to divide their properties to create a little community for their family. It's in an agricultural area which allows for 5-acre parcels but they only have one split available. This was the only avenue they had to split the parcel into four. The surrounding 1-mile radius has varied lot sizes; from 2 to 70 acre lots. The homes (they build) would be located so they could still have farm animals and farm the land.

**Scott Brock - in favor – 9966 Thoroughbred Dr. Middleton ID 83644**

Mr. Brock is a friend of the Callahans. The Callahans have been on the property since 1977 and Dan and Robin Callahan have been farming the property since 1987. They are a multi-generational family who has been farming the land for years. He stated that the City of Middleton asked them to annex into the city, and they didn't want to do that. Mr. Brock addressed one of the letters in the staff report (7A) and stated the Callahan's request has no impact on that individual's ability to farm. There are no developers who are behind this request; no hidden agenda. The reason why they chose not to go with a development agreement is because he felt when you enter into a development agreement, there are thousands of dollars added in extras (example: fencing) and the Callahans don't have that kind of money. Mr. Brock objected to the onerous conditions of a development agreement. He also objected to the letters included with no signature and feels they should have been removed from consideration. The Callahans want only four 10-acre lots but a re-zone is the mechanism that they need to use. He feels the Comp Plan is so far behind the market because the market is changing so much and he feels it can't catch up.

**Robin Callahan - in favor – 27005 Cemetery Rd Middleton ID 83644**

Mrs. Callahan is a 2<sup>nd</sup> generation Idaho resident. She would like to take the land that they have owned since 1981 and split it four ways. They would like to continue to farm and expand their herd. Agriculture runs deep in their family and she reiterated they would like to continue to farm the land. Mrs. Callahan said that many people around them have split their land and built on it. She estimated that each lot would have 1 acre for a home and a large shop with the balance of 9 acres for farming. They have been farming and baling hay for over 40 years.

**Robert Tunison (Wagner) - in opposition – 110 N. 9<sup>th</sup> Ave Caldwell ID 83605**

Mr. Tunison had reviewed the staff report and focused on what the agreement would be. His concern was that he felt if they built more than four homes and the issue ended up in court, the court would have to go by what is written or agreed to which would be the rezone. He feels the County has rules in place and everyone should have to play by those rules.

**Rolf Kilchermann - in opposition – 26628 Hidden Valley Lane Middleton ID 83644**

Mr. Kilchermann farms in the area and was also concerned about the agreement to only build 4 homes and pointed to page 10 of the staff report where it states the applicant/property owner is not locked in

through a development agreement to 10-acre lot sizes. If something happens tomorrow that changes everything, they could develop at the higher density. He objected to the argument about the additional costs that a development agreement would bring; everyone else has to abide by those requirements. He is opposed to both scenarios: both the development agreement, 4 homes on 10 acre lots and a rezone, 20 homes on 2 acre lots.

He stated that this parcel is a nice square lot which is easy to farm. There is easy access and there are two good roads next to it. It also has a pivot on it. He feels this is prime farm land.

**Dustin Schiffler - in opposition – 26451 Hidden Valley Lane Middleton ID 83644**

Mr. Schiffler stated he is in opposition to the application for the same reasons everyone else is; it doesn't fit the land use agreements that are currently there. One thing that does stand out to him is that there was a 'For Sale' sign on that land up until recently. If they wanted to keep it in the family, what changed to make them want to sell it? He said something doesn't add up. Mr. Schiffler has 6 acres nearby and raises cattle, goats, ducks and chickens.

**Vincent Von Wolfe - in opposition – 10880 Galloway Rd Middleton ID 83644**

Mr. Von Wolfe has lived there since 2005; his house was built in 1985. He said they have been having some water problems and the area is having density problems. He hates to see the area change; he has seen this happen before. They moved once but they can't move again. He is currently having arsenic problems with his water and doesn't see a way to fix that. When you add development, the water quality goes down. He is also concerned about the dairy nearby adding cows because the of the water quality. Mr. Von Wolfe said that at some point, they might be forced to change but that time is not now.

**Michael Nickerson - in opposition – 27497 Middleton Rd Middleton ID 83644**

Mr. Nickerson owns 35 acres near the subject property. Mr. Nickerson thought the staff's proposal was a good one and that the administrative split with primary and secondary dwellings was the way to proceed.

**Rebuttal: Robin Callahan - Applicant in favor – 27005 Cemetery Rd Middleton ID 83644**

Mrs. Callahan addressed the concern that the property is currently surrounded by farmland; she said that currently it is. However, she believes the property a quarter of a mile to the south has been sold and may be developed; she was not sure if that had been approved yet. She believes development is coming and four 10-acre parcels is better rather than letting the City of Middleton develop it in the future and put more dense development there. She stated the property had been up for sale until recently when her mother died. Mrs. Callahan said that changed the perspective of the family and they decided to take the opportunity to bring their family all together. She stated that they took Mr. Scott Brock's opinion as the expert on development agreements. They did not want to sign a blanket agreement and not understand what they were agreeing to. They are willing to do just four 10-acre lots. The most recent Middleton Comp plan, still unapproved, goes to Goodson Road, a mile farther north from where they are. This would be a buffer between some of the growth and seems more desirable than the City requiring sewer and water and multiple homes per site. There was additional discussion about administrative splits and primary/secondary dwellings. There was also discussion about the difficulty of obtaining bank financing on primary vs. secondary dwellings.

**MOTION:** Commissioner Williamson moved to close public testimony on Case OR2021-0020/ RZ2021-0043, seconded by Commissioner Nevill. Voice vote, motion carried.

**MOTION:** Commissioner Amarel moved to recommend denial of Case OR2021-0020, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the

Board of Canyon County Commissioners. Motion seconded by Commissioner Nevill. Roll call vote with 3 in favor and 1 opposed, motion passed.

**MOTION:** Commissioner Nevill moved to recommend denial of Case RZ2021-0043, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Amarel. Roll call vote with 3 in favor and 1 opposed, motion passed.

- **Case No. OR2021-0018 & RZ2021-0023: Guillermo Martinez & Collias Family Trust**  
Guillermo Martinez & Collias Family Trust are requesting a Comprehensive Plan Map Amendment to change the designation of the southwest portion of parcel no. R29983 from Agriculture to Residential. Also requested is a Conditional Rezone with Development Agreement of approximately 89.74 acres from "A" (Agricultural) to "R-R" (Rural Residential) The subject properties, R23591010 & R29983 are located at the northwest corner of the intersection of Pump Road & Locust Lane, in a portion of the SE ¼ of Section 3, T2N, R3W, BM, Canyon County, Idaho.

**Planner Dan Lister**, reviewed Staff report for the record, including late exhibits.

**Chairman Sturgill**, entered the late exhibits into the record.

**TESTIMONY:**

**Tamara Thompson - Applicant (Representative) in favor – 462 E. Shore Drive #100 Eagle ID 83712**

Ms. Thompson represents the applicants. The Collias family has owned the property since 1942. The property consists of two parcels totaling almost 90 acres. They are proposing 33 two acre lots. Lake Vista Estates, recently approved, is immediately to the west of the property. The Martinez parcel is located in the area designated on the future land use map as residential whereas the Collias property is split; partially in residential and partially in agricultural. The development pattern of "R-R" has been established in the area as shown by the zoning of surrounding parcels. Ms. Thompson said they completed a Conditional rezone application at the request of County staff to codify the community water system and some other items in the development agreement.

They have buffers built in with existing roads and canals; they would agree to move the access road to Locust Rd to create a buffer and move the larger lots to the west to create a transition area. Ms. Thompson showed a map with the lot sizes of the Lake Vista Estates and aligned access points. She stated this would meet Canyon County's goal to encourage orderly growth and that residential growth should occur in areas that have a development pattern established. They are asking for a rezone from "A" to 'R-R' to encourage the rural lifestyle. Their project has a centralized water system, pressurized irrigation system and individual septic systems. They did perform a water use assessment report; she stated that 33 new lots will not have an impact to the groundwater levels. Homes that are having water issues in the area are on a different aquifer. Ms. Thompson said they would do calculations with the lots to determine what to do with any excess water rights.

**Claudia Haynes - in opposition – 8830 Deer Sky Ranch Rd. Nampa ID 83686**

Ms. Haynes represents the organization "Canyon County Alliance for Responsible Growth". She provided two exhibits with information on traffic and water (wells). She has worked with Idaho Water Resources in the past year and a half and one of the maps shows locations of all the wells in the area that have had to drill lower for water. She also provided a list of names and addresses providing information on what



they spent on their wells. She just spent \$20,000 lowering her well 20 feet. She believed this was because of subdivisions and other people dropping wells in the area. Ms. Haynes spoke about the cost and depth of wells in the vicinity; both domestic and commercial. She discussed COMPASS' data that showed they thought there would be an additional 50 homes in the area in the next 10 years. Ms. Haynes stated the County has already approved 450 houses in that area. Ms. Hayes also said that traffic and farm equipment do not mix.

**MOTION:** Commissioner Williamson moved to grant 3 more minutes of testimony to Claudia Haynes seconded by Commissioner Amarel. Voice vote, motion carried.

Ms. Hayes stated the Highway District will not give any approval for more access points off Locust Road and have underestimated the number of houses that are going to be built in the area. The seed industry and growers in the area doesn't want any more cars in the area because there has been over 7 accidents this year in the area between cars and farm equipment. It would have a negative impact on the character in the area. The dairy in the area, which is within two miles of the proposed housing development, spreads their manure on all their land, which is over 2000 acres. Ms. Haynes also mentioned the local crop duster who has been operating in the area for over 20 years, has difficulty getting in and out of their own runway now with all the houses around them. There is also arsenic in the area wells; 7 more wells by the Lake have recently tested positive for arsenic.

**Paul Haylett - in opposition – 14501 Locust Lane, Nampa ID 83686**

Mr. Haylett owns the adjacent properties to the project property. He referenced a petition of 29 people; each signature is from someone who lives very close to the subject property. He states it could have been a bigger list. He said no one talks about the wildlife. The property is a winter resting and feeding ground for geese. The birds have been there in the thousands when the winter is harsh. He also discussed his concern over trespassers: because he has a giant open space and a canal, the kids in the local subdivisions ride on his land with their 4 wheelers. He used to farm the land around the local dairy and said the aquifers are in veins and flow to the Snake River. People can't just drill anywhere to find water.

**MOTION:** Commissioner Nevill moved to grant 5 more minutes of testimony to Paul Haylett seconded by Commissioner Amarel. Voice vote, motion carried.

One of his wells produces less than half what it used to produce and he also has had to lower his other well. Even now, people call the State to complain about the dairy. Mr. Haylett feels that if this is approved, it will eliminate all aerial crop dusting on his land because of the FAA's flyover rules. He also said that at any given evening, starting at 5 or 6 pm, he has 70 mph traffic in front of his house. Any access that would come out on Locust would be uphill access and wouldn't be a good road to live on. Mr. Haylett also discussed the topography of the area, how it changes and what areas are viable farmland vs. what land should be developed. He discussed his concern about maintaining shared access to the land and questioned what their definition of "mitigation" was. Mr. Haylett also talked about the FAA rules for crop dusters and flying over homes.

**Kim Yanecko - in opposition – 13038 Skyview St. Nampa ID 83686**

Kim discussed some of the documentation on wells in the staff report, specifically, exhibit 6 page 3. East of the property, there are 11 new domestic wells that are not identified because they haven't been drilled yet which is a concern. She identified a subdivision that had been approved/zoned in perpetuity but not yet built with over 100 homes. With no end date on that development agreement, she said they do not know what the repercussions of those wells will be. She also pointed out a few farms that have 3 pull junction boxes because the wells are drawing so much water and those amounts also aren't

included in the report. Ms. Yanecko also stated she wasn't sure where the numbers for service water supplies were coming from because when she talked to IDWR about drawdown numbers, they said the formulas were so difficult, there is no way to give you numbers on the drawdowns.

**MOTION:** Commissioner Williamson moved to grant 4 more minutes of testimony to Kim Yanecko seconded by Commissioner Nevill. Voice vote, motion carried.

Ms. Yanecko continued discussing what happens when you drop down into the well casings and her concern that IDWR's numbers aren't accurate. She also discussed how the fire department has to have their own well for fire suppression and she didn't see anything about a well for the fire hydrant. Ms. Yanecko discussed what having a community well is like and how the testing of the water falls on the community well owners. She said there doesn't seem to be enough consistency in how they protect the water they do have, they don't have enough historical data to project for the growth and they didn't plan ahead for the supplies needed for fire suppression. Ms. Yanecko explained the map she brought; it showed the applications that came in, what homes were being built and how many wells were being put in. She discussed the naturally occurring arsenic and how that affects the water supply. She also talked about the challenges in allowing individual homeowners to be responsible for their own shared irrigation water; after it is all gone, they resort to using their well water. She also spoke about the effect on the wildlife in the area and the amount of traffic that this development could create.

**Jeanie Amen - in opposition – 9125 Sky Ranch Rd. Nampa ID 83686**

Ms. Amen lives just south of the property in question. She has an aerial application business operating from their property for the last 10 years. The project property goes right up to the edge of the lake; when they spray for the mosquito abatement district, the application requires her husband turn and maneuver right over the subject property. If this development goes through, he will have to take an alternate flight route. They were flying fields for the dairy and this is going to encroach on the flight path, requiring the pilot to make a tighter, more dangerous turn. She stated that is against the rules to fly over a subdivision and the number of homes that comprise a subdivision is subjective. It could be as little as 4 houses. The FAA and the Department of Agriculture are trying to work with both the community coming and the farmers to keep everyone safe. Power lines, cell phone towers and meteorological towers account for up to 40% of the fatalities the crop dusting industry has; the more people who come into the area, the more distractions there are.

**MOTION:** Commissioner Nevill moved to grant 3 more minutes of testimony to Jeanie Amen seconded by Commissioner Williamson. Voice vote, motion carried.

Ms. Amen spoke about lighting incidents; she would like to incorporate the Dark Sky Ordinance as part of the Comprehensive Plan. They fly seed crop which they fly at night; light is a distractor and can interfere with his accommodation (adjusting to the dark night) and is a hazard. She stated he more people who come into the area, the more people complain about their crop dusting. They have also had two drone incidences at their airstrip and these can cause collisions. The pilot has been both spotlighted and lasered in his cockpit also; that can be catastrophic and fatal. Ms. Amen said it's been a lulling effect over the years; the question is always 'will this subdivision put you out of business?' It is no one specific subdivision, but rather the cumulation of all of them. Some areas they won't spray anymore because they are now boxed in by subdivisions.

**Rebuttal: Tamara Thompson - Applicant in favor - 462 E. Shore Drive #100 Eagle ID 83712**

Ms. Thompson emphasized the SPF report summary stated the subdivision's community well will not negatively affect water levels in the area. She pointed out that some of the data reports in Ms. Hayne's

packet were dated 2008, 2015; their report was done in November 2021, so the opponents' data is considerably older. For questions on access on Locust, they would have talk to Highway District 1 for answers. Ms. Thompson pointed out that they do have to have 2 access points but both don't have to be access for residents. They could make Locust an emergency access only, not for residents. Regarding fencing; they do have perimeter fencing in their concept plan and would be happy to put that in the development agreement. Fire suppression would be from the community well; irrigation would be a pressurized system that would come off the Deerflat Highland canal. An HOA would be developed and the HOA would maintain the community well and pressurized irrigation. They do have the dark sky ordinance down lighting already as part of the project. She stated again that there is already a development pattern established in the area. Ms. Thompson spoke about the 'Right To Farm Act': any farming activities will have the right to continue. She also said they could look at doing disclosures about the Right to Farm during the title company signing process.

**MOTION:** Commissioner Williamson moved to close public testimony on Cases OR2021-0018 & RZ2021-0023, seconded by Commissioner Nevill. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to recommend denial of Case OR2021-0018, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Nevill. Roll call vote with 4 in favor and 0 opposed, motion passed.

**MOTION:** Commissioner Nevill moved to recommend denial of Case RZ2021-0023, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Williamson. Roll call vote with 4 in favor and 0 opposed, motion passed.

- **Case No. OR2021-0014 / RZ2021-0029 / SD2021-0017: Lavier / Burris Ranch Estates**  
T-O. Engineers, representing the applicant are requesting a Comprehensive Plan Amendment to change the designation of parcel no. R38127 from Residential and Commercial to Residential. Also requested is a Conditional Rezone with Development Agreement of approximately 31.11 acres from "R-R" (Rural-Residential) and "C-1" (Neighborhood Commercial) to "R-1" (Residential). Also requested is an approval of a Preliminary Plat for Burris Ranch Estates Subdivision proposes 30 lots consisting of 27 buildable lots and three common lots with an average parcel size of 0.96 acres to be served by individual well and septic. The property is located on the southeast corner of Old Highway 30 and Purple Sage Road; also referenced as a portion of the NE ¼ of Section 33, Township 5N, Range 3W; Canyon County, Idaho.

**Planner Elizabeth Allen**, reviewed Staff report for the record, including late exhibits

**Chairman Sturgill**, entered the late exhibits into the record.

**TESTIMONY:**

**Alec Egurrola - Applicant (Representative) in favor – 332 N. Broadmore Way Nampa ID 83687**

Mr. Egurrola is with T-O Engineers, representing Idaho Development LLC, the owner. This project is about 3 miles outside Middleton city limits but within the city's impact area. The existing zoning is "R-R" with a sliver of "C-1" (Neighborhood Commercial). There are several residential land use types within the vicinity, with the Purple Sage Golf Course (denser development) across the street. The City of

Middleton Comprehensive Plan shows the future use is residential. Per Canyon County Comprehensive Plan, the land use is residential and commercial. They are proposing to go from "R-R" and "C-1" to "R-1". Average lot size is 1.01 without dedicated right of way; with dedicated right of way, the average lot size is .96 acre. Currently, the parcel is surrounded by development, making it difficult to farm on an "agricultural island". They will have minimal impact to existing utilities and transportation. They feel this development meets the intent of the Comprehensive Plan, helping to achieve the county-wide goal of preserving agricultural land outside impact areas by facilitating residential development in city impact areas. The development has great accessibility to what the area has to offer and it is more family oriented zoned as "R-1". Mr. Egurrola showed a rendering of the plat with 30 lots; 27 which are buildable. They are dedicating a 25-foot landscape easement along Purple Sage Road and Old Highway 30 as a landscape buffer between the homes and the roads. They will have an entryway corridor with landscaping. All internal roads are to be dedicated to the public and designed to Canyon County Highway District standards. All lots will have individual wells and septic. They will also have a secondary emergency access easement and received variance approval from the highway district; it will be strictly for emergency access. Mr. Egurrola said the emergency access point will also provide access to the irrigation pump for the development. They revised the pre-plat to shift some septic fields on one side so it doesn't cross the irrigation easement. They will work with the Irrigation District to ensure that their construction drawing and platting meets their specifications with regards to the septic fields. They will also work with Middleton Fire to ensure emergency vehicles have proper access by the pump house on the emergency access road. He clarified that there is only one public access point to the development.

**Colin Ronhaar - in favor – 332 N. Broadmore Way Nampa ID 83687**

Mr. Ronhaar spoke about the pump house and pump station lot: gave specific measurements for both the lot and the pump house on the emergency access road.

**MOTION:** Commissioner Nevill moved to close public testimony on Case OR2021-0014 / RZ2021-0029 / SD2021-0017, seconded by Commissioner Amarel. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to recommend approval of Case OR2021-0014, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Amarel. Roll call vote with 4 in favor and 0 opposed, motion passed.

**MOTION:** Commissioner Williamson moved to recommend approval of Case RZ2021-0029, including the Findings of Facts, Conclusions of Law and amended conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Amarel. Roll call vote with 4 in favor and 0 opposed, motion passed.

**MOTION:** Commissioner Williamson moved to recommend approval of Case SD2021-0017, including the Findings of Facts, Conclusions of Law and amended conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Amarel. Roll call vote with 4 in favor and 0 opposed, motion passed.

- **Case No. CU2021-0018: Maple Landscaping** – Gonzolo Patlan is requesting a conditional use permit to allow staging area for, Maple Landscaping, a landscaping business on parcel R30386. The property is zoned "A" (Agricultural). The property is located at 5328 Cherry Lane Road, Nampa; also referenced as a portion of the SE ¼ of Section 6, T3N, R1W, Canyon County, Idaho. NW ¼ and SW ¼ of Section 18, T2N, R1W, B.M., Canyon County, Idaho.



**Planner Elizabeth Allen**, reviewed Staff report for the record, including late exhibits

**Chairman Sturgill**, entered the late exhibits into the record.

**TESTIMONY:**

**Gonzolo Patlan - Applicant (Representative) in favor – 16943 Abram Ave. Caldwell ID 83607**

Mr. Patlan is representing his father and is also an employee of the business. They have been running this business for awhile and did not understand what was involved with running the business out of their home. Their neighbor came over and explained the process; they are willing to do everything they can to make it more private and comply with taking care of the things lying around. They do pull trailers from the property but they don't store fuel on site and they don't service vehicles (other than minor repairs) on site. Mr. Patlan discussed how they have been improving the site; they agree with all the proposed conditions. They still have six cows on the property and are willing to reduce that number.

**John Low - in opposition – 5280 E. Feather Creek Lane Nampa ID 83687**

Mr. Low lives directly north of the property and stated he really wants the business to succeed. The issue he has is that every day they dump their trucks on the property. The pile of trash collects on the property. Cows are only 75 feet from his house; last summer he set 5 fly bags and they would fill up in 2 – 3 days. He would ask that the number of cows change because the smell is right in his house plus the flies are a problem. He thought the code stated a commercial business couldn't bring trash or debris to their property. Mr. Low reiterated that he wants them to succeed but they need to stand up and be a good neighbor. Once in awhile they burn trash with plastic and he has had to call the County on that issue. In summer, the smell gets very bad. As long as they live by the code and conditions as stated, he has no problem with them.

**James Shull - in opposition – 16850 Meadow Lane Nampa ID 83687**

Mr. Shull has lived in his house for 43 years and has seen a lot of change. It used to be the country but he has seen the City of Nampa push everything out there, mainly industrial. He agrees that you need to take into account there will be changes but once you break the zoning it sets the state for future development. Between Amazon and high-density apartments, the big developers get it done and don't get rejected. MR. Shull expressed concern with the new roundabout; the traffic is flying down there and it seems cars are using the roundabout as a takeoff point to go faster. He sees the applicant come out of their property with their trucks and trailers; it's a sharp turn whichever direction they are going. Accidents are going to happen because the traffic doesn't slow down: those are his two main concerns. His worry is the City is taking everything around them and its only a matter of time before they take him. It's going to ruin the whole area.

**Rodney Goertzen - in opposition – 5315 N. Feather Creek Ln. Nampa ID 83687**

He is across Ten Mile to the north. He has no problem with anything but the odor and he had a question about how many animals are allowed per acre. The green waste that was on the property last year, when the breeze came through, they would have the flies and the odor. He has no problem with the staging area and parking the vehicles there. If they come in at the end of the day and they come in with the green waste and sits there overnight, that's not a big deal but if it sits there a week, then it is a problem.

**Rebuttal: Gonzolo Patlan - Applicant in favor – 16943 Abram Ave. Caldwell ID 83607**

Mr. Patlan said they didn't know about the limit on the number of animals. Once he heard about the

animals from the neighbor behind them but even that neighbor said he would like a couple of cows himself and that would cause odor. But they are going to try to get rid of them and will work with everything else. Regarding them causing an accident: there are speed limits everyone has to obey. They look both ways before they pull out and they have cameras on the property to secure it all. They started with one truck and have grown the business over the years. They would be willing to have a condition added to the permit that states they have to move the green waste off the property by a certain number of days.

**MOTION:** Commissioner Nevill moved to close public testimony on Case CU2021-0018, seconded by Commissioner Williamson. Voice vote, motion carried.

**MOTION:** Commissioner Nevill moved to recommend approval of Case CU2021-0018, including the Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Williamson. Roll call vote with 4 in favor and 0 opposed, motion passed.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Williamson moved to approve the minutes from 01/06/2022, seconded by Commissioner Sturgill. Voice Vote motion carried.

**MOTION:** Commissioner Williamson moved to approve the minutes from 01/13/2022, seconded by Commissioner Nevill. Voice Vote motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Planning Official Dan Lister told the Commissioners that as of February 23, 2022, the Development Services Department will have an inhouse engineer who can do flood plain review and all subdivision review. He will also be able to attend public hearing as needed.

Planner Elizabeth Allen spoke about the two more Comp Plan open houses on February 8th and February 23rd. It will be a different layout than before. Each station has one goal/policy of the Comprehensive Plan with questions about it and room for comments. They are focusing on goals and policies and on the bulk of the comprehensive plan instead of just the maps.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Nevill. Voice vote motion carried. Hearing adjourned at 12:09 am.

Approved this 3rd day of March, 2022



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Recording Secretary