



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, June 2, 2022
6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman
Patrick Williamson, Vice Chairman
Brian Sheets, Commissioner
Ron Amarel, Commissioner
Harold Nevill, Commissioner
Miguel Villafana, Commissioner
Robert Larison, Commissioner

Staff Members Present: Steve Fultz, Director
Elizabeth Allen, Planner
Juli McCoy, Planner
Bonnie Puleo, Recording Secretary

Chairman Sturgill called the meeting to order at 6:36 p.m.

Commissioner Sheets read the testimony guidelines.

Chairman Sturgill asked if there were any changes to the agenda. Planner Elizabeth Allen said the applicant for agenda item number RZ2021-0060, Middleton Land Investments, had requested to table their item until a date certain of June 16, 2022 because they need more time to review documents received under a public records request which included a number of cases highlighted in the staff report. Commissioner Nevill asked Planner Elizabeth Allen whether the recommendation for denial was a surprise to the applicant or if they had known for a while about the recommendation. Ms. Allen said they were informed of the recommendation of denial in April.

MOTION: Commissioner Nevill moved to deny the tabling request and hear case no. RZ2021-0060 for Middleton Land Investments as scheduled. Motion seconded by Commissioner Sheets. Voice vote; motion carried.

Commissioner Sheets read the first business item on the agenda.

- **Case no. CU2022-0002: Flaming Acres** – The applicant, Dion & Debra Flaming, are requesting a conditional use permit to allow a Special Event Facility use within an “A” (Agricultural) Zoning District. The use includes u-pick operations, corn/straw maze, educational tours/classes/demonstrations/exhibits, petting zoo, hayrides and other agricultural related events. The subject properties are located at 20171 Flaming Ln, Caldwell (Parcel R36323) and 20046 Lower Pleasant Ridge Rd, Caldwell (Parcel R36323012); also referenced as a portion of the SE ¼ SE ¼ of Section 22, Township 4N, Range 4W; BM; Canyon County, Idaho.

Planner Elizabeth Allen reviewed Staff report for the record.

Chairman Sturgill affirmed the witnesses to testify.

TESTIMONY:

Dion Flaming - Applicant in favor – 20046 Lower Pleasant Ridge Rd Caldwell, ID 83607

Mr. Flaming said his family moved to the property in 1968 and have farmed it for years. It was initially sold by his father but Mr. Flaming bought back 37 acres about 3 ½ years ago. He said they did that because the purchaser was going to develop it as light industrial and put asphalt on it. That wasn't his vision for the area. They have been farming it for the last 3 years and supplemented the farm with their teachers' salaries. He is now retired. Looking forward, he said they won't be able to supplement the farm with their retirement income so they asked themselves how they could keep it in agriculture. They took on a huge debt buying the farm back. They love working with people and originally thought about turning it into a wedding venue but changed their minds. He said they thought about creating a flower cutting farm, with farm festivals and hay mazes. They are educators at heart and want to keep the integrity of the farm with the cattle and livestock. They thought they would teach people about farming and if they did this, they could supplement the income of the farm and keep it. If they can't make this work, they may have to sell it to developers. He has lived on that property a long time and he doesn't want to see that happen. He said looking at the Canyon County 2020 plan, it says agriculture would be a priority. They would love to just keep it as a farm but they can't do that. With more and more people moving into subdivisions, they are losing their agricultural roots and he would like to give them an opportunity to be a part of their farm. Mr. Flaming read a statement written by his wife. She wrote this agritourism plan supports Goal 1 of the 2020 Comprehensive plan. Policy 2 says it encourages a self-sustaining community and the development of the rural lifestyle of the County. Mr. Flaming said there will be no alcohol on the property. They are growing corn, sunflowers, pumpkins and have pasture for sheep and cows. He said it is in alignment with Policy 3; trying to promote conservation of the agricultural land. They have noticed there are other people around, like the wine industry, trying to do the same thing. Mr. Flaming stated they are aware of the concerns about the added stress about bringing in the public into the area. They are following the advice of, and will work with all the agencies including Fire, Highway District and Southwest District Health to meet their requirements. They want to make it a positive impact on the community. The last thing he wants to see is our farms go industrial. He said he is willing to put in a short, hard packed road but is concerned about the hardscape parking: he doesn't want to asphalt the area because it will make it difficult if they want to move it. It also feels industrial. There was discussion about the amount of parking. Mr. Flaming said to help mediate the traffic, they will work with the Golden Gate Highway District. There was additional discussion about food vendors or trucks on site and if those will be allowed. He also discussed having pop up tents vs. a covered food seating area and if a requirement for building permits is necessary for them. Commissioner Williamson questioned whether other venues, like wineries, were going to be required to get building permits for a tent. Staff responded that a permit would be required for a permanent or larger membrane structure, not for tents. There was discussion about fire-fighting water supply and widening the access point for cars to enter and exit at the same time.

Kimberly Liston - in opposition – 19981 Lower Pleasant Ridge Rd Caldwell, ID 83607

Ms. Liston was speaking on behalf of her parents who live across the street from the subject property. She stated she actually liked the idea but wanted to bring her parents questions to the Commission. They are concerned about light and noise pollution. She did not know the operating hours of the farm. If this happens, she is not sure if their property values might go down. She also wanted to know who would enforce the parking. She said the road is a concern; the school bus picks up and drops off there every day. She asked if they need crosswalks. The site is located on the end of a hill, you can't see the entrance to it and people drive fast on the road. She also asked how many people would attend these events. Ms. Liston showed where her parents live on the area map.

Dion Flaming - Applicant in favor – REBUTTAL - 20046 Lower Pleasant Ridge Rd Caldwell, ID 83607

Mr. Flaming said Greenleaf suggested they use dark sky lighting to minimize the light pollution. They plan on using poles with solar lighting. After the final clean up, all lights will be turned off so it won't be lit up like an industrial area. He asked the question, what would happen to their property values if this area turned industrial? He agreed this will change the neighborhood and when they have their festivals, there will be people/cars coming and going. He doesn't see it impacting the neighborhood negatively though, he hopes it will be a positive impact. They will enforce no parking along the road and their intent is to put a flashing sign up on the hill warning people to slow down or perhaps an "Event" sign. They may have up to 200 – 300 people in attendance. They have no plans to have diesel or gas-powered generators and they plan on bringing a power source to the vendor area. They will have entertainment but not loud speakers. Mr. Flaming said they will be hiring people to help with parking.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2022-0002, seconded by Commissioner Nevill. Voice vote; motion carried.

DELIBERATION:

Chairman Sturgill explained the different options the Commissioners have to approve or deny the conditional use permit. Commissioner Sheets stated he didn't see any real issues with the conditions of approval. It is a decent use of the property and adjacent landowners could benefit from the economic activity by offering additional parking, etc. Commissioner Amarel stated he felt it was a good blend of education and farming. They are willing to follow all the conditions and rules so he has no issues with it.

MOTION: Commissioner Nevill moved to recommend approval of Case CU2022-0002, amending the Findings of Facts, Conclusions of Law and Conditions of Approval to include a modification of condition 14 (the second version) and insert the word "permanent" into condition 10 so it reads "permanent structures". Motion seconded by Commissioner Williamson. Roll call vote with 7 in favor and 0 opposed; motion passed.

- **Case No. CR2021-0013: Gary Stark:** The applicant, Gary Stark, is requesting a Conditional Rezone to change the zoning designation of parcel R38442011, approximately 23.15 acres, from "A" (Agriculture) to CR-RR (Conditional Rezone - Rural Residential) zone. The request includes a development agreement to limit residential development to three 2-acre lots. The subject property is located at 0 Hop Road, Caldwell, ID; also referenced as a portion of the NW¼ of Section 24, T5N, R4W, Canyon County, Idaho.

Planner Juli McCoy reviewed the Staff report for the record, including a late exhibit.

Chairman Sturgill entered the late exhibit into the record and affirmed the witnesses to testify.

TESTIMONY:

Gary Stark – Applicant – IN FAVOR – 26560 Hop Road Caldwell, ID 83607

Mr. Stark provided a late exhibit to Planner Elizabeth Allen that he said proved there was an error in the findings. He stated the only reason they are asking for the parcel splits, is because they initially agreed to purchase three parcels from the landowner to the south but because the price was increased twice, they were forced to look for an alternative plan. The Starks are long time Idahoans and have lived on Hop Rd for 16 years. Alfalfa hay grown on the property is for their horse training business as well as their own animals. Given the current price of hay, he said it is important to keep as much farmland as possible and that is why he is asking for 2-acre parcels instead of 5-acre parcels. It is hard to find good help, so it is

important to have family close, especially as they age. They are attempting to retain as much agricultural land as possible and are trying to minimize the impact. They are not trying to set a precedence with 2-acre parcels, just trying to minimize the impact on farmland and provide family with their forever homes. He disputed Finding 2 in the staff report that stated the land is prime farmland if irrigated. He felt the part of the farmland designated for building is the least productive and will have the least impact on the present irrigation system. It will also allow the current slope of the property to have proper storm drainage through existing ditches and culverts. After the parcel split, they will implement an irrigation agreement addressing the water allotment for each parcel and any further splits of the remaining 17-acres of farmland will not be allowed. He stressed the land splits are for family, not for sale. Mr. Stark understands his plan is not in compliance with the codes for 2-acre parcels but feel they have addressed all the findings noted in the report. When asked, he said these homes are for family and not for his hired employees. Mr. Stark explained where the existing irrigation system (canal water) is and how it runs on the property. He said the road access would be off Hop Rd and said would be willing to have a road maintenance agreement for the homes. He would agree that the development agreement could state the remaining 17 acres would remain zoned agriculture. The original lot division in 2006 was completed before his purchase of the property. Mr. Stark clarified that the person he said he knew when holding the neighborhood meeting was Commissioner Smith (referenced in Exhibit 9).

Kohl Hall – IN FAVOR – 877 Harvest Way Middleton, ID 83644

Mr. Hall is the vice president of Circle H Construction and is Mr. Stark's son-in-law. They would like this property which would allow their kids to grow up in the country and learn the value of a good work ethic. He also wanted to be close to family and said this will be their forever home. The excess ground will be farmed. He stated he knows how important it is to preserve Idaho's agricultural land/zone and understands the hesitance in rezoning to 2-acre parcels. He hopes they will allow them to raise their kids in the state they love.

Allen Kolson – IN FAVOR – 8802 Purple Sage Rd. Middleton, ID 83644

Mr. Kolson stated he is a long-time resident of this valley and has watched as agriculture has moved away and become non-existent. He has become familiar lately with the Canyon County Commissioners proceedings and their arguing against the developments. There is a major development by his home which is taking over 90-acres from a good farm field. He is very opposed to development but he said this is different and is in favor of this because it will keep agriculture in the valley and with the family. The biggest problem with agriculture is that families coming up don't want to continue to farm but he thinks Mr. Stark is ensuring that this property will be kept in the family and farmed. He feels they are being conservative in asking for RR zoning; he has seen some R1 zoning. He has an association with Mr. Stark because he needs a lot of hay. Mr. Stark also employs his 16-year old son; this gives an adolescent a place to learn a good work ethic while working on a farm. The 2-acre parcel size also provides for keeping farm animals, less than 2-acres would not. Lately, the Board of County Commissioners has preferred 2-acre parcels versus anything less. 5-acre parcel zoning here would take more farm land out of production.

Chairman Sturgill entered late exhibit 10 into the record.

Paul Thomas – IN FAVOR – 19114 Galloway Rd. Caldwell, ID 83607

Mr. Thomas said he is in favor of this for a couple of reasons. With 10 kids of his own, three of his children are trying to find a way to get homes built on the Goodson family trust land that just split their acreage. He applauds Mr. Stark on trying to keep as much land on the family farm and believes they should maintain as much of that as possible.

Jess Urresti – IN FAVOR – 15880 Riverside Rd. Caldwell, ID 83607

Mr. Urresti thanked everyone for their time. He is one of the three parties who would be buying one of the parcels. He is a long-time resident of Canyon County and has developed ties linking him to the area. He stated the land parcels are directly benefiting long-time residents of the area with pre-established roots who understand the agricultural importance of the land. This is for three small family homes and not for a behemoth subdivision. It will also help maintain its agricultural significance for years to come. Mr. Urresti said this is a volatile real estate market which prices many locals out.

Todd Wilcox – IN OPPOSITION – 18518 Galloway Rd. Caldwell, ID 83607

Mr. Wilcox stated that staff's report made most of his points. This isn't part of the plan; this isn't what the land is for. He drives around the area and sees the creeping housing developments. The project may not intend on setting a precedence, but it does. He has 8-acres that he doesn't intend on cutting up and he hates to see it going in this direction. He understands the goal/drive is personal for the Starks. Mr. Wilcox stated the problem is that zoning is forever: once it is changed, families come and go and they do. Unfortunately, people die and then he will probably have a subdivision next to him. The subdivision up on the hill just south of them is an abomination. He bought his land to look at farmland. It's a blessing to live where he does and he hates to see a precedence set with this zoning. He knows you can have the best of intentions but in 10-15 years, people move. It will never return to agricultural land once there is a house on it.

Laurie Smith – IN OPPOSITION – 26890 Hop Rd. Caldwell, ID 83607

Ms. Smith stated she has lived on Hop Road for 41 years. This has been a rural, agricultural area and while she is aware that she can't stop the invasion of housing developments, it needs to be managed. We need to preserve our farm ground. Her concerns are with traffic, the wells and the taxes. Even now, there are complaints about the aerial spraying, the harvesting and ground work and the moving of large equipment. New people moving in think the ditch banks and land that's not being occupied are theirs to enjoy. These people don't understand it is private property: there are boundaries and they must respect the law. Ms. Smith said housing is a big dilemma right now and three houses on 2-acres each is too congested for this agricultural area. The roads are already congested. She provided the number of vehicles in a given time period and date range on the road and said adding these homes plus the four new homes currently being built is too much for a small country road. The taxes will increase which is not acceptable to the people who have lived there for years. There will be stress on the school district and other public services. She said that Mr. Stark stated in the neighborhood meeting that he "knew someone on the board" who might help get this passed but did not specify who that was. She finds this is a conflict of interest and whomever he was referring to should withdraw from making any decisions on this matter. She said the application said they are dividing 10-15 acres; the correct acreage is 10. She stated her land meets his. She asked the Commissioners to please listen to the people who live in the area; we must preserve and manage our agricultural land. She described how she calculated the number of cars in the statistic she described earlier.

Monte Janicek – IN OPPOSITION – 27265 Hop Rd. Caldwell, ID 83607

Mr. Janicek stated that he agreed with the previous two speakers. His biggest concern is ag land: a lot of ag land in that area is being turned over into houses. This is a good piece of dirt with good water rights and has been productive ground for a lot of years. Once you put a house on it, that's the end of farming on there and it will cause trouble for people who do want to farm in the surrounding area. He said he is disappointed with Canyon County; it seems every time a hay field comes up in the area, they want to put houses on it. There is more to farming than just hay fields. He hates to see these ag lands go to housing.

Gary Stark – Applicant – REBUTTAL – 26560 Hop Road Caldwell, ID 83607

Mr. Stark stated regarding the taxes; he has been working with the school district because they do have

some high taxes in the area. The four 5-acre parcels (by him) were sold for \$330,000 each. On one parcel, they are putting up a two-story home which, in his estimation, it is worth \$750,000-\$800,000. The homes he is building wouldn't come close to that so as far as changing the taxes, they are already on the way. He was already told by the County that their appraisal values are going up 29%. The traffic right now is tractors and construction workers who are building those homes. When those homes are built, that traffic will change. He said yes, when our homes are built, they will add traffic but his property owners will be going north and not south. Life is changing, he can't deny that. He is trying to keep as much agricultural ground as possible and still letting his kids stay in Idaho instead of having to leave. Two of the four homes next to them are Ukrainians: one has 7 kids and the other has 10. Mr. Stark said he didn't know that they are going to be a significant part of that traffic. He said the irrigation will have to be worked out with someone. He said they will irrigate their half acre lawns with well water and the rest will be from the wheel line. They will be allotted only so many inches of water per their acres, just as the farm is.

MOTION: Commissioner Sheets moved to close public testimony on Case CR2021-0013, seconded by Commissioner Nevill. Voice vote; motion carried.

DELIBERATION:

Commissioners Sheets stated he appreciates the intent, the reason why they are doing it. He looks for what it does to the map and the future land use of the area. He doesn't put as much weight into the intent of the project because they have been burned before (with promises) so they need to look at what happens to the land on the map, looking forward. He does believe there is an issue with the Comprehensive Plan and doesn't see anything that makes him think the Comprehensive Plan needs to be amended to support this. His current feeling is to go with staff's recommendation. Commissioner Williamson asked Commissioner Sheets about the exhibits (10 vs. 5G) that show the maps with conflicting information on whether or not it is prime farmland. Development Services staff pointed out a table on exhibit (5G) on the farmland report showing where it states it is prime farm land. Commissioner Sheets responded that the exhibit on farmland had less evidentiary weight than did the issue about the Comprehensive Plan and spot zoning in ag land.

Commissioner Nevill spoke about how he sees a difference between the four lots to the south that were created by land division which was automatically given, and this project. Those four lots remain zoned Ag. This would be a conditional rezone and create a different zone. While he supports the desire of the family to stay together, he feels he has been consistent about not allowing the "foot in the door" of conditional rezones. Despite the fact they are not supposed to be used as justification for future rezones and continuing to develop Ag land, they have. 82% of the population of Canyon County have stated they want to protect agricultural land as a number one priority. Commissioner Nevill agrees with staff's recommendation to deny. Commissioner Villafana agrees with Commissioners Sheets and Nevill. He said even though one graph might say this is not exactly prime farm ground, it is Class 4 soil and you can produce good crops on Class 4 soil including onions and hops. At some point, he said, it has to stop somewhere. It's taking away from the character of the area. You might think three houses aren't much but it keeps adding up. We are taking farmland away. He reiterated Commissioner Nevill's statistic: Canyon County residents were surveyed and 87% believe it's important to preserve farmland.

MOTION: Commissioner Sheets moved to deny Case CR2021- 0013, 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 7 in favor and 0 opposed; motion passed.

- **Case No. CU2021-0021: Canyon Cattle Feeding LLC-** Canyon Cattle Feeding LLC is requesting a Conditional Use Permit to expand an existing Confined Animal Feeding Operation (CAFO) to allow a maximum of 8,000 head of cattle. The request would expand the current head of cattle (5,000). The CAFO has been in operation prior to the adoption of a zoning code in Canyon County. The facility is located at 7511 Warren Spur Road, Melba; also referenced as parcel R28328010, a portion of the NW¼ of Section 23, Township 1S, Range 2W, Canyon County, Idaho.

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

Chairman Sturgill entered the late exhibits for the record and affirmed the witness to testify.

TESTIMONY:

Robert Ohlensehlen – Applicant – IN FAVOR – 603 Woodland Dr. Twin Falls, ID 83301

Mr. Ohlensehlen is here representing the owner/operators of the facility, Sarah J. Smith and Margaret Reeves. He complimented staff on their thorough report. The site is located on 123 acres. This facility participated in a program called 'Gap' which one of the requirements of the program is a large amount of space for the animals; much more than is normally required in a feedlot operation. They would be adding feed bumps into the large corrals which would allow them to use them at a rate that is in alignment with good animal husbandry. He said the portion of the staff report that said State siting team report required an update to the nutrient management plan was not true. The (nutrient management) plan he wrote last December was for the expanded facility. Mr. Ohlensehlen showed the run off areas on the map including the high ground area, the berming and the containment ponds. He said there have been no problems or violations. He also showed the area where they compost the manure. They are asking for an increase in the number of cattle to 8000 because, in the beef cattle industry, there are peaks in Fall and Spring when calves come. There are some months when they have zero cows on site and sometimes it can be up to 8000. The average number of cattle over the entire year is 5333 head per month. This is an agricultural operation in an agricultural zone. Mr. Ohlensehlen said the first step they took in preparing for the application was to go to the Idaho Department of Water Resources and have their permit approved for the number of animals (8000). Then they developed their nutrient management plan, based on the new number. The nutrient management plan is based on the number of cows and their size (metabolic weight). The existing land areas will be what is used but they are looking at building some additional corrals and feed bump space to handle the additional animals. He said they are more than willing to work with the Highway District to make access points or whatever is required. The waste facility is inspected twice per year by the Department of Agriculture. He explained what the State siting team does and what they look at. He said the whole state of Idaho only has two to three low risk sites. Moderate risk is pretty good. The criteria for high risk includes high soil permeability, thickness of clay and unsaturated zone, and percentage of wells with over 5 milliliters with of nitrates in that area. He has reviewed the conditions of approval and the applicant agrees with all of them. The manure is cleaned out of the corrals when there are no animals there, composted and delivered to farms.

MOTION: Commissioner Nevill moved to close public testimony on Case CU2021-0021 seconded by Commissioner Sheets. Voice vote; motion carried.

DELIBERATION:

Commissioner Sheets stated when it comes to a land use decision, he knows CAFOs are heavily regulated by both federal and state governments. He would be in favor of increasing the use from 5000 to 8000 on the same footprint. Commissioner Nevill felt the fact that this was a female-owned agricultural operation should be applauded. Commissioner Amarel felt it was probably harder to get from zero to 5000, than to the next 3000 because of the infrastructure involved.

MOTION: Commissioner Sheets moved to recommend approval of Case CU2021-0021, including the Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Amarel. Roll call vote with 7 in favor and 0 opposed; motion passed.

- **Case No. RZ2021-0060: Middleton Land Investments:** Middleton Land Investments, LLC represented by Kimley-Horn are requesting a Conditional Rezone of parcel R38028, consisting of approximately 160.03 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The request includes a Development Agreement limiting residential development to no more than 49 buildable lots. The property is located at 25574 Harvey Road, Caldwell; also referenced as the NW ¼ of Section 26, T5N, R3W, B-M; Canyon County, Idaho.

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

Chairman Sturgill entered the late exhibits into the record and affirmed the witnesses to testify.

TESTIMONY:

Nicolette Womak – Applicant (Representative) – IN FAVOR – 1100 West Idaho Suite 210 Boise, ID 83702

Chad Hamel – Applicant (Representative) – IN FAVOR -435 East Shore Drive, Eagle ID

Ms. Womak said that Grossman Properties purchased the site in 2007. They are focused on a long-term approach with their properties and when the economy tanked after 2007, they were waiting for the appropriate time to develop it. In July 2021, they had their pre-application meeting with Canyon County staff. She said they don't move forward with applications if they don't feel like it will be supported and at that time, they felt the project would be supported. In November 2021, they held their neighborhood meeting. They received a lot of feedback; both in support of the development and against it. There was some emphasis in the neighborhood meeting with liking the 2.75 average acre lots. They waited their turn to appear in front of the Planning & Zoning Commission. She said Development Services staff told them straight rezones weren't happening so this project should be a Conditional Rezone because it gives them a bunch of options. Ms. Womak said they have a preliminary plat but are not processing it yet because there is more to be worked out. In May 2022, they received the staff report. They have had only 2 ½ weeks to look at it and the cases that were cited in it. This is an agricultural zone rezoned to a Rural residential, the lowest residential density with a development agreement. Ms. Womak showed the preliminary plat; it is 160 acres with 49 buildable lots with an average lot size of 2.75 acres. The larger lots are located on the outside and the denser lots are located on the inside of the development. She showed the zoning area map and said this follows what has come before. Adjacent to the east of their site is a conditional rezone to R-R that was done in 2007-2008. It was approved at that time because it was stated that the area is changing and Middleton was growing. She showed Canyon County's future land use map and Middleton's land use map. She talked about Middleton expanding its impact area and how residential development keeps moving. Ms. Womak discussed the Comprehensive Plan policies. She addressed the arguments against the development including the statement, 'ag is not compatible with residential' and said agricultural land is next to residential everywhere. She also provided some possible conditions to protect ag uses: a density cap, how to retain the irrigation and surface water, roadway buffers, the 'right to farm' laws and agricultural notification. Ms. Womak discussed the right to farm and having agricultural disclosures including a farm animal allowance.

She is requesting a recommendation for approval. Mr. Hamel stated they decided on 49 lots instead of 80 based on what they thought it was right for the development. She also discussed the request for a traffic impact study in relation to choosing only 49 lots. The property is currently being farmed. They requested to table the item because they haven't received all their public records requests and an understanding of

the decisions made around this property.

Douglas Levitt – IN NEUTRAL – 1838 Ridge Way Middleton, ID 83644

Mr. Levitt represents Aldren Canyon LLC who owns about 60 acres to the south of the property. He went to the neighborhood meeting; he appreciated all the information but felt while this development is great, it is too soon. He is neutral because he might be asking for the same thing for his property in the future. He had some questions on their plat. At the southeast corner, there is an unimproved road coming east to west towards that corner; is there any thought about bringing that through to Harvey? Secondly, Public Road F (in the center), he can't tell where it comes out. The property lines that are behind it, is that road lining up between the two property lines?

Mary Beumeler – IN OPPOSITION – 13379 Galloway Rd Caldwell, ID 83607

Ms. Beumeler stated that this proposed development doesn't fit the character of the surrounding use of the land. All the businesses and residences around it are agricultural: this is not subdivision land. In the Comprehensive plan, she thought everything north of Purple Sage was agricultural. Staff clarified that it was everything north of Galloway. She stated a subdivision slapped in the middle of agriculture doesn't fit. She said the policies for the Comprehensive Plan are to preserve and maintain farmland; this doesn't protect it. She also stated the policies state, 'to maintain rural character without fragmenting farmland'. She said this is plopping houses right in the middle of farm operations. Big farm trucks come up and down the road and they don't need someone pulling out in front of them because that will happen. She hears a lot of talk about preserving agriculture character of the County. If this farm goes down, it will cause a domino effect and take all the other farms down with it. Ms. Beumeler said it's really important to stop this now. These 49 lots are only the beginning.

Katie Vandenberg-Van Vliet – IN OPPOSITION – 1101 W. River St. Boise, ID 83702

Ms. Vandenberg-Van Vliet is an attorney with Sawtooth Law and represents Vandenberg & Sons Dairy which is a family owned and operated dairy that is less than half a mile from the proposed site. She provided written testimony, submitted in advance of the meeting, with additional reasons why they are asking for denial. The dairy owns multiple parcels near and adjacent to the site including some that are used to grow crops to support the dairy herd. They are exceptional dairy managers and stewards of the land. Despite best management practices to abate flies and caution drivers about heavy equipment, not all odors and flies can be abated. The roads are becoming increasingly dangerous. She said their experience with other residential subdivisions has not been positive with lots of complaints about smells, flies and normal ag and dairy practices. Irrigation becomes extremely difficult: they have had experience with developers and neighbors improperly piping private drainage ditches or failing to maintain them which causes water to back up and damage crops. They have also had problems with residential neighbors taking their irrigation water or letting their dogs run free on the ditch banks, knocking over siphon tubes and wasting water. The more subdivisions that are allowed, the harder it makes for farmers to do their job. This development is averse to the stated goals of Canyon County. It would be more appropriate if it was contiguous with the City and could use City services. She said she is worried about the impact 49 individual wells and septic systems would have on the ground water supply and the environmental impacts for that many septic systems. She said once the farm ground is lost, we can't get it back.

Marnie Vandenberg – IN OPPOSITION – 13349 Goodson Rd. Caldwell, ID 83607

Ms. Vandenberg had a nice prepared letter but said they have heard it all. In the last three or four months they have received letters from Planning and Zoning about hearings on subdivisions and it would be a full-time job to attend all the meetings. Their big concern is this one and another 66-home subdivision about a mile and a quarter up the road to the west of their property. They are in the Purple Sage School District. She spoke to a local teacher who said they are over capacity and are going to have to remove the computer

lab and replace it with portables. One new subdivision that was approved on Purple Sage will add more children to that overloaded school. She said they have 1000 acres as a buffer and it's not enough. Neighbors complain about silly things that are not relevant to them.

Aubrey Blough – IN OPPOSITION – 25574 Harvey Rd., Caldwell, ID 83607

Ms. Blough is located just west of the canal; they moved there nine years ago to raise their children and cattle with their current farming operations. They are now looking at making a hard decision whether they want to continue their dream of farming. She said the loss of this land is irreversible. You can't take the homes back off the land. Replacing the 30 acres on that side in today's market is unattainable. Lenders don't want to lend on land that doesn't pencil out which many farmers face when they try to expand, especially when the land is valued at twice as high as what it could produce. Homes do not make this land better. Ag is what this country needs. Ms. Blough said without ag there are no farms and no food. You lose all of it. She grows wheat as well as raising cattle on her property.

Randi McCallum – IN OPPOSITION – 13894 Galloway Rd., Caldwell, ID 83607

Ms. McCallum is the owner of McCallum Quarter Horses. They lease the property. The biggest worry for them is the traffic; it backs up all the time, almost to the next exit. She said that has been a big problem. They sit right on the road out front. There have been two wrecks outside their ranch and a few down the road on both Freezeout and Galloway. One involved someone running a stop sign into a truck with 30 head of cattle. She said the new road has now become a freeway and they have to call the Sheriff all the time but they (the Sheriff's department) don't have enough time to manage the road. She mentioned she came from the Salinas and Santa Barbara, California areas which used to be agricultural areas. She is here in Idaho because there is no water in California because of the growth, and the loss of farmland to houses. She has been here 30 years, she went to high school here and loves Idaho. She said she would hate to see that happen in our state because that is the way it is looking right now. She understands that people want to make money and develop. She feels the line should have been drawn a long time ago; they have so many issues out there with people getting hurt and animals getting run over.

Pete Doornenbal – IN OPPOSITION – 13146 Galloway Rd., Caldwell, ID 83607

Mr. Doornenbal owns and operates the Doornenbal Dairy which is a quarter of a mile from the proposed development. He has bought feed from the tenant who was farming that land. He said it is very important for their operation to be able to buy feed from as close by as you can because you can't haul high moisture corn silage a long way. He isn't in total opposition but feels like it is too early for this development. He always thought Purple Sage was the line. His family has sold land for development but used it to buy more ag ground. He is a big supporter of one acre lots; he feels that is a wise use of land because you can't farm 2 – 3 acre lots.

Carl Osterthaler – IN OPPOSITION – 25453 Arroyo Court, Caldwell, ID 83607

Mr. Osterthaler lives directly across from the cross street by the property. Everyone who has already spoken has said what he has observed. He worked for 33 years for the Los Angeles County Sheriff's Department and he realized there is a certain culture of individuals who you don't want in a rural area. They have no respect for anyone else's property. He has noticed an influx of that type of culture coming in. He spoke about the roads and the traffic. He said Harvey has a traffic problem: he comes out on Harvey every day to go to work. There is a hill on Harvey going towards Hwy 30, where if people are coming over the hill with any speed, you won't be able to see them. It is dangerous place during winter; there is a slight crown on Harvey which makes it hard to get a plow through there because of the 30' to 40' eucalyptus trees on the side of the road. People are always skidding and going off the road. He was wondering when enough was going to be enough.

Angelie Hoxie – IN OPPOSITION – 26103 Harvey Rd. Caldwell, ID 83607

Ms. Hoxie is specifically focusing on traffic. She lives on the northwest corner of the intersection and has observed several crashes and near crashes. She is a member of the law enforcement community and patrols these roads. She spoke about a serious injury crash on Freezeout Rd that occurred in the area with two girls on a 4 wheeler. Many children play on off-road vehicles nearby and is a significant factor. Traffic is affected on Old Hwy 30, Hwy 44 and Exit 25; it affects all the communities that live off Purple Sage, Galloway and Harvey. In 2016, ITD provided a list of the number of crashes, property damage and fatal (accidents) and it was 146. Last year (2021), it was 288. She said and that is in a very small radius (Interstate 84 Exit 17 to Exit 25; from Hwy 44 to Middleton Rd, up to Oasis Road.) Average response time for the Idaho state police to this area would be significant; up to 15 – 20 minutes.

James Williams – IN OPPOSITION – 13439 Galloway Rd. Caldwell, ID 83607

Mr. Williams said he doesn't need to echo what everyone else has said. He is on the pie shaped lot in the northeast corner. There are a lot of line of sight problems on Galloway Road. Because of the low portion on that road, Canyon County Highway District made him put in a right turn only sign from his driveway because of traffic and this property's approach is just below there. There is a small horse training facility there and are lot of open ditches. All the kids have 4 wheelers and bikes; that's a lot to think about in a rural setting. There are a lot of flies and smell around the dairies and people complain; they like it on the way out but then they get there and they want to change it. He is about to post "No Trespassing" signs around his ditches.

Kamelia Basir – IN OPPOSITION – 25300 Harvey Rd. Caldwell, ID 83607

Ms. Basir is the little house surrounded by 60 acres that Doug Levitt owns. They moved to Idaho in 2013. She moved to a home in Middleton on 2.5 acres. They had CC&R's and they hated it. They moved out where they are free to have animals, to garden, shoot and enjoy that lifestyle. There are already at least three other developments going up within a mile of them; everywhere she looks they are building. She believes the line should be at Purple Sage, it shouldn't go north any further. Putting up 49 homes next to them takes away the reasons they moved there. She is worried about the loss of privacy and is concerned about water. With the development around them, they may be looking at getting new (well) pumps. There is loss of land due to infrastructure; there is not enough room on the road to pass farm equipment. If you rezone the property, only certain types of people can afford them and those people won't be patient enough to wait for the farmers on the road. It also keeps farmers who are leasing their property from being able to buy their land. Ms. Basir said they need a study for traffic; it took her an hour today to drive 17 miles on Hwy 44 to Eagle. It's ridiculous. She thinks it should be denied because it is not a fit with the community.

Teresa Nelson – IN OPPOSITION – 26075 Freezeout Rd., Caldwell, ID 83607

Ms. Nelson lives at the intersection of Freezeout and Galloway. She described all the accidents in the area. She has seen trucks tipped over into fields and a car getting broadsided, ending up in their alfalfa field. She has seen tractors being passed by cars at intersections and has seen children on bicycles trying to turn with cars speeding past them. It has become a horrendous way of life for the children and people who live out there. She wouldn't drive a tractor on those streets because of the way people drive out there. She talked about the files and smells. They have put signs on their ditch roads and still the ATVs come. People move to the country and think they can do anything out there. The animals also get out of their pens and onto the road. She is tired of seeing auto accidents and they (police/ambulance) don't respond quickly. The applicants referred to a fire station that is less than 2 miles away; Ms. Nelson said it is red building with two roll up doors and no one there. It is not a fire station. The closest fire station is in Middleton. The schools are impacted and soon they are going to have trailers in the parking lots; it will be like California. They are not fixing the bridge on Galloway Rd; you are risking your life going over that

bridge. She said if you try to go to this area any time after 3 pm and get off on exit 25 or 26, you will be sitting on the freeway waiting to exit as all the large trucks zip past you. She said they have got to do something before they build any more houses.

Nicolette Womak – Applicant (Representative) – REBUTTAL – 1100 Idaho St. Suite 210 Boise, ID 83706

Ms. Womak began by discussing the road alignment; the road was moved in response to feedback from the neighborhood meeting. She said regarding protecting farmland, not all areas are the same but their theory is that by building in an area like Middleton with better roads, they are preserving the farmland in Notus. The development agreement included conditions that say no further divisions and they are fine with that condition. The area in the east has one less dairy than in 2007. This area is changing; ag is moving but they want to work through how to do this properly. She is happy to work through the regulation process with the irrigation and traffic agencies. She said generally, schools in Idaho aren't built empty. Schools are built using bonds and must be exceeding capacity before they will approve the bonds. The school districts remain neutral because they understand their funding limitations. She discussed a willingness to do traffic impact studies. Ms. Womak said the line was drawn and that line was Galloway. She discussed Middleton's area of city impact, annexation and where/when city services would be extended. She also stated they are trying to figure out transitional lot sizes so they can look forward to the future and try to address all the concerns. Middleton city services (water/sewer) are about 2.5 to 3 miles away.

MOTION: Commissioner Nevill moved to close public testimony on Case RZ2021-0060 seconded by Commissioner Amarel. Voice vote; motion carried.

DELIBERATION:

Commissioner Nevill is not interested in postponing the decision. He feels they can come to a decision tonight and the applicant will have another opportunity to present to the Board of County Commissioners. Regarding the Middleton Area of City Impact, he reminded everyone the wording is that the city extends services in "a reasonable time". That time is generally taken to mean 10 years. The City of Middleton might not get their extension to their area of impact because things have changed. Public attitude is changing and people are demanding they protect farmland. Commissioner Nevill cited a recent survey of the residents of the County that said 82% believed the number one priority was preserving farmland. He is in favor of accepting staff's recommendation of denial and not converting 160 acres of farmland into residential. Commissioner Sheets said he is also in agreement to come to a decision tonight. He doesn't believe two weeks of reviewing cases, made in different times with different contexts, will change it. His opinion is those are not relevant to today. He hasn't heard any evidence that would change his mind on the conflicts identified within the Comprehensive Plan. Despite the applicant being willing to work on some other conditions in the development agreement, he doesn't see how it resolves any underlying issues with the Comprehensive Plan. He is not going to be able to support it and will be voting for denial. Commissioner Williamson said they don't get a lot of feedback from schools, but they have heard from the public and all the schools are over capacity and that is still a problem. He understood from the application that the applicant was planning on leaving the canals open. He would want to see the development agreement include a requirement that the canals be fenced so children don't end up drowning in it. He sympathizes with the trespassing issues and said there are just so many issues. Commissioner Williamson does applaud them for being willing to do a traffic impact study when they are not required to but hasn't seen enough to change the recommendation. Commissioner Amarel said with regards to the Comprehensive Plan, it doesn't matter because this development is not a fit for the area. They have also heard about how the schools are full in the area.

MOTION: Commissioner Villafana moved to recommend denial of Case RZ2021-0060 and adopt 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 7 in favor and 0 opposed; motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 5/5/2022, seconded by Commissioner Sheets. Voice vote; motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

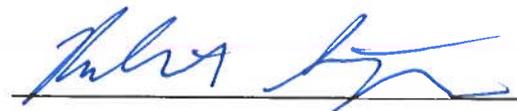
Development Services Director Fultz stated the Department is working on the Canyon Highway District 4 Impact fee ordinance which will be coming before the Commission in the next month or so. The Cities of Star and the Middleton have approved it along with the County Legal Department. He described a number of new industrial/distribution projects coming in the City of Caldwell Revenue Allocation area; those should be coming before the Commission within the next 3 – 4 months for land use decisions. He met with the City of Middleton; they are looking at doing an expanded Revenue Allocation area south and west of the city which requires them to declare the area as deteriorating. They are in the conceptual stage at this point. The Department is still looking to hire another planner. Director Fultz said we are still staying very busy and want to produce a quality product. The Engineering Division will be handling more of the preliminary and final plats. The Comprehensive Plan hearing date was discussed and Director Fultz said the department is looking for a venue which would hold more people. Commissioner Sheets attended the City of Middleton public hearing and discussed the building moratorium enacted because of lack of impact fee adoption by the County. Director Fultz stated the impact fee adoption was held up because of discussion between the County and the cities' Legal Departments. Planner Elizabeth Allen discussed the Comprehensive Plan date. Tentative date for the Comprehensive Plan was set for July 11th and there was discussion about having more than one hearing. Chairman Sturgill requested that if there are changes to the document between the time they receive it and the actual hearing, the changes be noted in the document using the change bar. Commissioner Nevill suggested using Vallivue high school auditorium to be able to handle the number of people who might attend the hearing. Planner Elizabeth Allen said that the Canyon Soil Conservation District would like to come and give a presentation in front of the Commission and the scheduling of the presentation was discussed.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Williamson. Voice vote; motion carried. Hearing adjourned at 11:17 pm.

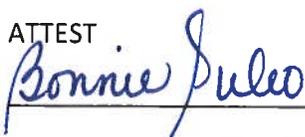
An audio recording is on file in the Development Services Departments' office.

Approved this 7th day of July, 2022



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Recording Secretary