



CANYON COUNTY HEARING EXAMINER  
MINUTES OF REGULAR MEETING HELD  
Wednesday, July 20, 2022  
1:30 P.M.

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

Hearing Examiner Present: Bruce Eggleston

Staff Members Present: Dan Lister, Planning Official  
Devin Krasowski, Engineer  
Elizabeth Allen, Planner  
Cassie Lamb, Planner  
Juli McCoy, Planner  
Bonnie Puleo, Recording Specialist

Hearing Examiner Bruce Eggleston, called the meeting to order at 1:30 p.m. and read the testimony guidelines.

Recording Secretary Bonnie Puleo called roll and swore in officials and staff.

- **Case SD2020-0036 / Ridgeland Estates Subdivision** - A request by Hess Properties, LLC. for approval of a Preliminary Plat (irrigation & drainage) for Ridgeland Estates Subdivision. The development contains 18 residential lots. The subject property, parcel no. R38199 is located approximately 152 ft. south of the intersection of Purple Sage Rd. and Kenridge Rd., Caldwell, ID. The site is located in the NE ¼ of Section 35, T5N, R3W, BM, Canyon County, Idaho.

Engineer Devin Krasowski reviewed the Staff report for the record including late exhibits.

Recording Secretary Bonnie Puleo affirmed the witnesses to testify.

**Testimony:**

**Stephanie Hopkins – Applicant (Representative) – IN FAVOR – 5725 N. Discovery Way, Boise ID 83713**

Ms. Hopkins is here representing Hess Properties on this project. She showed the project location on a map which is located next to another development by Hess Properties called Green Hills Landing. This property is 38.65 acres: there will be 18 single family lots and 1 common lot. That brings the development to a 1.77 acre average lot size. Ms. Hopkins said it will be gated. She said the revisions to the preliminary plat was to extend the queueing length from the gate to Ranch Road and there were some changes to the entry to the development. In addition, they worked with the United States Postal Service on the location of the mailboxes. They also coordinated with Canyon Highway District #4 on improvements which will be required to Ranch Road, including a 150 ft triangular piece at the NW corner of the site, which is reserved for future improvements to that intersection. The subdivision will be served by individual well and septic systems and in response to aquifer concerns, they will be evaluating a community drain field as an option. Ms. Hopkins said the water aquifer will also be evaluated for individual wells to make sure they won't be impacting the existing wells in the area. They completed a Nitrate Priority study in September 2021 and

the plan will be submitted to Southwest District Health for their approval. She said they coordinate with both Southwest District Health and the Department of Environmental Quality on the well and septic designs and they will include advanced treatment systems for each lot. This developer is familiar with Nitrate Priority areas in Canyon County and is used to coordinating with those agencies. They will make sure they are complying with all their standards. She stated they are amenable to conditions that staff has added to make sure the homeowners know they are purchasing a lot in a nutrient pathogen-specific area. Storm drainage will be collected in roadside swales and there is a pond in the middle of the subdivision for extra water storage which will also be an amenity for residents. She said this is almost like another phase of Green Hills Landing and complies with the Rural-Residential zoning that was done in 2007. They are working on all the studies required and will continue to coordinate with the agencies on water issues. She said they are in agreement with all the Conditions of Approval, including the new ones added. Ms. Hopkins said they will explore a community well and a community drain field as options.

**Tyler Hess – IN FAVOR – 15031 Spyglass Lane, Caldwell ID 83607**

Mr. Hess showed the area on the map where construction of the road would be between this subdivision and Green Hills Landing and said it would be a public right of way. They have already begun construction on the road and will be constructing a temporary gravel road for the neighboring subdivision to use for access as they build the permanent road. The temporary road will be wide enough for emergency vehicles. There is a utility easement; it is 10 feet along the public road. That utility easement will stay there and is a public access easement. He showed where the easement was on a map. He said they did the nutrient-pathogen study but haven't completed the SER study yet. He said they have completed test holes and looked at the well logs. They have done 7 – 10 subdivisions in Nitrate Priority areas and know how to put in the proper setbacks and easements so they don't contaminate. These are larger lots with more separation. They did look at a community well as well as connecting to city services but the development is up on a ridge and too far to connect to city services. The community well is deeper, with a bigger casing and the impact could be more than individual wells. He said by putting in the pond which will be 25 feet deep, they might be able to order half as much water, plus with surface water rights, they can use that to hold water and ask for less water from the irrigation district. The pond will also be used for pressurized irrigation.

**Brad Hobbs – IN NEUTRAL – 13481 Purple Sage Rd., Caldwell ID 83607**

Mr. Hobbs wanted to make sure that staff knew that Ranch Road is not Ranch Road right now. The Hobbs' own an easement and constructed a private road named Moonshine. He is concerned about the road; if they construct Ranch Road, it won't go all the way through and his road has a dogleg that doesn't go along the property line. He hasn't seen any plans but believes their road (Moonshine) will be disconnected because it goes off to the west. He has a farm with hundreds of tons of hay and with construction, they have routed them through a plowed field and that won't be sufficient (for their vehicles). He needs to see the specifications on the road so he knows he can drive his farm equipment and the semi-trucks on it. His address is Purple Sage right now and they get their trash and mail on Purple Sage: he doesn't know where his mail and trash will be in the future. He asked where would he get those? He would still like Moonshine to be a private road. He stated again his address is Purple Sage and he would like that to remain Purple Sage. Staff clarified that his address might change but will connect him with the County addressing staff to make sure he knows what his new address will be. He would like the specifications to the road because he wants to make sure that the roads, even the temporary road, will handle emergency access and his farm equipment and hay trucks. He is concerned that when Ranch Road is constructed, it will connect to his private road.

**Stephanie Hopkins – Applicant (Representative) – REBUTTAL – 5725 N. Discovery Way, Boise ID 83713**

Ms. Hopkins said in response to Mr. Hobbs' concerns, they are willing to submit the construction plans

with the temporary road and the final public road and show how it will transition from their private road to the future public road. The mail and trash service location will probably be pushed down to the south where Moonshine is. Moonshine will have a sign showing it is a private road.

**MOTION:** Hearing Examiner Eggleston closed public testimony on Case SD2020-0036.

**DELIBERATION:**

Hearing Examiner Eggleston said there was a lot of new information and questions presented. Looking at exhibit #9, he agrees with findings 1 – 9. He finds this is an accurate portrayal of the situation on the ground and the pertinent codes applying to this application. He also concurs with the Conclusions of Law. On page 2, there is the standard review for the subdivision plat. Numerous codes have been fulfilled, and Keller has provided a recommendation that it complies with Canyon County code. Hearing Examiner would like to include modifications to the Conditions of Approval: Condition #2 to include Exhibits 5 and 6. He would add a Condition #11: construction plans will include temporary access road to the property to the south of Ranch Lane and will also provide transition to the easement that exists with the property to the south.

**MOTION:** Hearing Examiner Eggleston moved to approve Case SD2020-0036 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners.

- **Case No. CU2022-0020 / Sunny Slope Farms** - The applicant, Sean Rowly, representing Sunny Slope Farms LLC, is requesting a conditional use permit for a special events center on parcel R33471010. The parcel is zoned "A" (Agricultural). The 20-acre property is located at the corner of Apricot Lane and Chicken Dinner Road, Caldwell; also referenced as a portion of the NE¼ of Section 23, Township 3N, Range 4W; BM; Canyon County, Idaho.

Planner **Cassie Lamb**, reviewed the Staff report for the record.

Recording Secretary **Bonnie Puleo** affirmed the witnesses to testify.

**Testimony:**

**Sean Rowley – Applicant (Representative) – IN FAVOR – 521 Morning Dove Way, Marsing ID 83639**

The presentation was thorough and represents everything they want to do. It is their goal to support agriculture and agriculture opportunities in the area along with agri-tourism. This will be a peach and apple u-pick orchard, pumpkin patch and u-pick garden with other vegetables. It is their goal to bring people to the farm to enjoy agricultural opportunities. They are not anticipating any other uses at this time; just agriculture-related uses.

**John Williamson – IN FAVOR – 19500 Eat A Bite Lane, Caldwell ID 83607**

Mr. Williamson is one of the closer neighbors to the property. He sold the property to them in 2012. Mr. Williamson said they are excellent neighbors and the Rowley's are doing a great job farming the land. They have had tours around the property and he is in support of what they are doing. He believes in private property rights. He doesn't think they will impact anyone else significantly. He is in favor of the application. They are multi-generational farmers from Utah and are good business people.

**MOTION:** Hearing Examiner Eggleston closed public testimony on Case CU2022-0020.

**DELIBERATION:**

Hearing Examiner concurs with the Findings of Fact and Conclusions of Law. There are eight considerations for a Conditional Use Permit; staff has provided convincing evidence that they have fulfilled those necessary criteria for a conditional use permit. He agrees with staff's conclusions and findings as detailed on pages 1 through 3. The Hearing Examiner made additions to conditions of approval. For Condition #7 he added 'in accordance with Boise Project Board of Control letter dated 4/20/22'. On Condition 8; he wanted 'Attachment A dated Feb 11, 2022 and Exhibit 1' added.

**MOTION:** Hearing Examiner Eggleston moved to approve Case CU2022-0020 including the Findings of Facts, Conclusions of Law and conditions of approval.

- **Case CU2021-0014 / Steele Special Events** - Jonathan Steele representing Todd Steele, and Denise Steele are requesting a conditional use permit to allow special events on parcels R36535, R36535010, R36535011, and R36535010A. The properties are zoned "A" (Agricultural). The properties are located at 18833 Tucker Road, Caldwell; also referenced as a portion of the NE ¼ of Section 32, T4N, R4W, Canyon County, Idaho.

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

Recording Secretary Bonnie Puleo affirmed the witnesses to testify.

**Testimony:**

**Jonathan Steele – Applicant – IN FAVOR – 21907 Upper Pleasant Ridge Rd., Caldwell ID 83607**

Mr. Steele is representing the Steele family and the Steele family farm. They are trying to keep the family farm in agriculture while still maintaining a profitable family business with all the costs of farming and fuel going up. The problem is with starting up their own farming business, when purchasing all the equipment, materials, insurance, irrigation bills, it doesn't pencil out. The easiest thing would be to take the current land splits (4 parcels) and sell each off but they don't want to do that. They tried to figure out how do they keep it in agriculture and but still make it profitable. He said one solution is to obtain a conditional use permit for a special events facility and use the beauty of the agricultural land to hold events. They will supplement the farming income with that revenue. They are not a corporation; it would just be their family. Mr. Steele said they bought their first 7 acres in 2015. In September 2020, they bought the old Vermeer Farm (33 acres) next door and leased it to the farmer who was farming it at the time. They realized how much money it would take to start their own farming operation and how little they earned from the leases, so they developed the idea for the special events facility. He said per the Golden Gate Highway District, they may need to take a little land for parking but other than that, the existing agriculture land will remain the same. They plan on renovating an existing older barn and a shed as event space. They will beautify it with landscaping including grass, concrete and pavers. Mr. Steele said they will have indoor event space and views; the plan is for the farmland to accentuate the events that are held there. They will renovate the buildings in accordance to Canyon County building code and the Fire Department codes. The majority of the change will be the restoration of the two buildings and the landscaping. He reiterated that they are not changing any of the agricultural land. He showed photos of the area and buildings and described the landscaping, building renovations and parking. Their plan is to hold holiday tree sales and a pumpkin patch. They would like to hold a few select holiday events through the year: pumpkin patch in October and Christmas tree farm from the end of November to the middle of December. Other events

would be weddings, reunions and business events. They will hold only one event per week; they are not “stacking” events, which is holding multiple different events during the same week. Mr. Steele said the main access will be off Tucker Road. Traffic is currently light on the road and additional traffic won’t interfere with any major intersections. They will work with Golden Gate Highway District to ensure ample parking on the property and proper egress. They want the facility to be a positive addition to the surrounding area and not a pain to deal with; they live there too. Event times will be 8:00 am to 10:00 pm, abiding by all Canyon County noise ordinances. They live on the premises and they don’t want to be a nuisance. He reiterated the limited schedule for events and the pumpkin patch will be in October, with Christmas tree sales in December. Regarding noise; there currently is a lot of noise in the area with a nearby dairy using tractors, trucks, a top rated golf course very close to them and local farms. They talked to Southwest District Health and had a pre-planning meeting with them to discuss privies or portable bathrooms. Whatever they require, he said they will make sure it happens. All bathrooms will be located in the dirt area. He said Golden Gate Highway District had no concerns about traffic and all parking will be in back. There will be strict guidelines for alcohol usage and they will make sure there is plenty of room for emergency services. He outlined the dates and steps required to build and open the special events facility.

**Todd Steele – IN FAVOR – 1075 Elsbree Lane, Windsor CA 95492**

Mr. Steele’s son (Jonathan) purchased the property across the street with the idea that he and his wife would retire and move up here to be by family. He is leasing it to a local farmer but it doesn’t pencil out (financially) and the family tried to come up with ideas on how to use it. They want to keep it agricultural land: they don’t want to develop it but were trying to look at other opportunities for revenue. They have Christmas tree farms and pumpkin patches where they currently live and thought that might be a good idea.

**Denise Steele – IN FAVOR – 1075 Elsbree Lane, Windsor CA 95492**

Ms. Steele wanted to impress upon people that they are family driven. They are from Sonoma County (California) which is an area with lots of farms. They would to preserve that in Idaho because it saddens them to see all the development here in Idaho. She said they see development creeping closer and closer. Their main focus is to keep it in agriculture. She appreciates people coming forward who are concerned about noise; it’s a beautiful area and they want to keep it that way. They don’t want to become a nuisance; their number one priority is quality of life for their family and the neighbors. This will be low-key place; not a huge event center.

**Kevin Glenn – IN FAVOR – 19141 Tucker Rd., Greenleaf ID 83626**

Mr. Glenn is one of the closest neighbors to the proposed event center. He farms and resides about 500 yards from the subject property in Canyon County. He and his family have been living and farming in Canyon County since 1976. He said the Steeles didn’t mention that they are ¼ mile from Timber Cove golf course. Things are changing and he feels they are changing for the better. He is here in support of the applicant. The Steeles have been very good neighbors and have taken good care of the property. He supports them in this application.

**MOTION:** Hearing Examiner Eggleston entered the applicant’s presentation, including the landscaping, parking and hours of operation as Exhibit 6. Hearing Examiner Eggleston also said he would like to see a detailed site plan that delineates the landscaping and parking and he will add that as a condition of approval.

**MOTION:** Hearing Examiner Eggleston closed public testimony on Case CU2021-0014.



**DELIBERATION:**

Hearing Examiner Eggleston concurs with the 10 items listed in the Finding of Facts that set the context for this application. He also concurs with the Conclusion of Law, items 1 through 8. He would like to add a condition of approval that states the applicant shall provide a more detailed site plan including dimensions, landscaping and parking and submit it to staff for approval by the Director of Development Services.

**MOTION:** Hearing Examiner Eggleston moved to approve Case CU2021-0014 including the Findings of Facts, Conclusions of Law and conditions of approval.

- **Case CR2022-0004 / Lela Brooks** - Zach and Lela Brooks are requesting a conditional rezone of Parcel R28940013 & 13A from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone – Rural Residential) Zone. The request includes a development agreement. The 10.71-acre property is located at 4102 Dye Lane, Kuna; also referenced as a portion of the NE¼ of Section 17, T2N, R1W, Canyon County, Idaho. On July 20, 2022, the County Hearing Examiner recommended approval of the request subject to the conditions of the development agreement.

**Planning Official Dan Lister** reviewed the Staff report for the record including one late exhibit.

**Recording Secretary Bonnie Puleo** affirmed the witnesses to testify.

**Testimony:**

**Zach Brooks – Applicant (Representative) – IN FAVOR – 4102 Dye Lane, Kuna ID 83634**

Mr. Brooks said he was there to clarify anything and to discuss the intent of the project. The northern property is where he would build his single family residence and the southern property is for his sister to build a home, if she chooses to move there. Hay is currently being farmed on the property. The southern parcel would remain in agriculture if his sister chooses not to move there. The access to the northern property is well over 30 feet wide and has been there longer than he has been alive. His parents bought the property in 1991 and moved out there in 1992. They spent the next four years building their house with the help of family members. He said that is the intent of this rezone. He addressed the concern that was brought up about the placement of the home on the northern parcel: he said it is because the main parcel has a view of the Owyhee Mountains and his mother doesn't want anyone building in front of her to block the view. The placement of his home is to be set back, be equidistant between his mother's house and the neighbor's house and not block the view. He agrees with the criteria listed in the development agreement.

**Lela Brooks – IN FAVOR – 4102 Dye Lane, Kuna ID 83634**

Ms. Brooks said she doesn't have much to add but that this is a true drawing of what they want to do. This rezone is just for them so her children can be there to help her as needed. She spoke to Brian about moving the parcel location but if they did, it would make it difficult for the current farmer to farm the land. She also said moving the parcel location would also break up her view. She explained the current irrigation is from a cement ditch along the neighbor's easement which also goes along the back and they irrigate from it. She said they would not change or move that.

**Walter Kimbrough – IN OPPOSITION – 4288 Dye Lane, Kuna ID 83634**

Mr. Kimbrough apologized to Lela Brooks for opposing her rezone. He has been there for a while and loves the lower density and the agriculture area. He thinks the sizes of the parcels are too small for what they

want to do and there are no services there. He doesn't know what they are going to do with water and septic and he thinks it is premature to do this until there are more services. He is opposed to increasing the density in the area. He thinks the staff report supports larger lot sizes.

**Zach Brooks – Applicant (Representative) – REBUTTAL – 4102 Dye Lane, Kuna ID 83634**

Mr. Brooks said that currently, the tax parcel (Brooks) is set at 1.46 acres, which is where they got the 1.5 acres. They would like to keep the land in agriculture as much as possible. He is exploring how to continue to serve the east end of the property with irrigation if he builds only on the west end of the property. He would like his six children to get into 4-H or hobby farming as he did as a child.

**MOTION:** Hearing Examiner Eggleston closed public testimony on Case CR2022-0004.

**DELIBERATION:**

Hearing Examiner reviewed the FCOs included in the staff report: the first section is the Finding of Facts. He concurs they adequately address the application. He reminded everyone that he makes a recommendation to the Board of County Commissioners who will make the decision on the zone change. Under the Conclusion of Law, items A through H, findings and conclusion which demonstrate compliance with the code as it relates to this application and he concurs with those. He noted that the City of Nampa wanted to see this area in R-2 Zoning which is a much higher density and he concurs with staff's findings that the R-2 does not fit the area. He stated when the City of Nampa annexes that area into the City, they can choose to rezone it at that time. Even across the road in Ada County, it is similar to this zoning. Hearing Examiner Eggleston noted a couple of modifications to the development agreement; corrected the acreage on the subject parcel and some small text changes.

**MOTION:** Hearing Examiner Eggleston moved to approve Case CR2022-0004 including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners.

- **Case RZ2022-0001 / Slender Paving, Inc.** - The applicant, Slender Paving Inc., is requesting a Rezone to change the zoning designation of parcel R34928, approximately 2.35 acres, from "A" (Agriculture) to M-1 (Light Industrial) zone. The subject property is located at 21677 Chicago St., Caldwell, ID; also referenced as a portion of the SW¼ of Section 15, T4N, R3W, Canyon County, Idaho.

**Planner Juli McCoy** reviewed the Staff report for the record.

**Recording Secretary Bonnie Puleo** affirmed the witnesses to testify.

**Testimony:**

**Leonard Slender – Applicant (Representative) – IN FAVOR – 4626 W. Vaquero Lane, Meridian ID 83642**

Mr. Slender stated that Planner Juli McCoy covered the application well. He wanted to say they were going to have a lot of pride of ownership in the place. If you saw the previous photos of the site, it was a junkyard. They have done a lot of clean up on the site: removing over 1000 tons of debris including garbage, wood and tires. They also graded the property and brought in gravel. The neighbors who showed up to the neighborhood meeting thanked them for what they have done for the neighborhood. This will be a family-run business; it will be run by his family. There is not much else you can do with the property and he feels what he is going to do with the property is going to be a benefit for both the neighborhood and for their family.

**MOTION:** Hearing Examiner Eggleston closed public testimony on Case RZ2022-0001.

**DELIBERATION:**

Hearing Examiner Eggleston said this a proposal to change the zoning from Agricultural to CR-M-1 (Light Industrial). He concurs with the Findings of Fact in Exhibit 1 (numbers 1 through 7). He also concurs with the Conclusions of Law, letters A through H. Staff provided a modified set of recommendations for a Development Agreement and those modified recommendations should be presented with his recommendation for approval to the Board of County Commissioners.

**MOTION:** Hearing Examiner Eggleston moved to approve Case RZ2022-0001 including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners.

**APPROVAL OF MINUTES:**

**MOTION:** Hearing Examiner Eggleston approved the minutes from June 15, 2022.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

None.

**ADJOURNMENT:**

**HEARING EXAMINER** Bruce Eggleston adjourned the meeting at 4:22 pm.

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

Approved this 17th day of August, 2022

  
Bruce Eggleston, Hearing Examiner

ATTEST



Bonnie Puleo, Recording Secretary