



CANYON COUNTY HEARING EXAMINER
MINUTES OF REGULAR MEETING HELD
Wednesday, February 15, 2023
1:30 P.M.

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

Hearing Examiner Present: Bruce Eggleston

Staff Members Present: Michelle Barron, Planner
Madelyn Vander Veen, Planner
Bonnie Puleo, Recording Secretary

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 the Hearing Examiner and staff.

- **Case CR2022-0013/Otoniel Guzman:** The applicant, Otoniel Guzman, is requesting a conditional rezone of Parcel R27939 from a “R-R” (Rural Residential) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel. The 2.76-acre property is located at 73 N Robinson Road, Nampa; also referenced as a portion of the SE¼ of Section 19, T3N, R1W, BM, Canyon County, Idaho. On February 22, 2023, the Hearing Examiner recommended approval of the request subject to the conditions of the development agreement.

Planner Madelyn Vander Veen reviewed the Staff report for the record (including late exhibits).

Recording Secretary Bonnie Puleo affirmed the witnesses to testify.

Testimony:

Rudy Guzman – Applicant (Representative) – IN FAVOR – 73 N. Robinson Road Nampa ID 83687

Mr. Guzman said he is speaking on behalf of his father, Otoniel Guzman. They are proposing this split for their family to expand; it is for another home for their family. They have already spoken to the Highway District who has let them know how far they could go with the easement and the Highway District has no issue with it. He said this is not for business or agriculture. They are simply proposing another residential home not a subdivision. He said this is for them (the Guzmans), so they can stay there for a long time.

Vadim Bukhantsov – IN FAVOR – 65 N. Robinson Road Nampa ID 83687

Mr. Bukhantsov said he lives with his father-in-law, Vyacheslaw Derkach at 65 N. Robinson Road. The Guzman’s lot was previously subdivided and they purchased their lot from the Guzmans. They do have an existing easement for the road with the Guzmans. He was at the hearing because he just wanted to get clarification on what the new lot was going to look like and what the power requirements were going to be because the Derkachs put in a larger transformer for a future shop which is still in the plans for their

property. They want to know what the process will be and if they will need to upgrade the transformer or (the Guzmas will) use a different power source for the new home. He would like to make sure the road is paved to eliminate any kind of dust in the future. Mr. Bukhantsov said they have an existing cross access easement agreement and it is already signed. They had to sign that before they could pull a building permit with the County a few years ago.

Rudy Guzman – Applicant (Representative) – REBUTTAL – 73 N. Robinson Road Nampa ID 83687

Mr. Guzman said he would be willing to track down the cross access easement agreement or make a new agreement towards the maintenance of the easement access.

MOTION: Hearing Examiner Eggleston closed public testimony on Case CR2022-0013.

DELIBERATION:

Hearing Examiner Eggleston said he concurs with the Finding of Facts 1 - 7. They are sufficient to direct the examination of the code and fulfillment of the recommendations. The Conclusions of Law, pages 1 – 4, he concurs with them as proposed. They are adequate to substantiate a recommendation of the conditional rezone from Rural-Residential to CR-R-1.

DECISION: Hearing Examiner Eggleston recommended approval of Case CR2022-0013 including the Findings of Facts, Conclusions of Law and Conditions of Approval subject to the conditions of the Development Agreement with attachments A & B, forwarding the recommendation to the Board of Canyon County Commissioners. He recommended that they change the conditions on Attachment A to include that the road users’ agreement is required prior to the lot split with a map showing the ingress and egress.

APPROVAL OF MINUTES:

MOTION: Hearing Examiner Eggleston approved the minutes from January 18, 2023.

ADJOURNMENT:

HEARING EXAMINER Bruce Eggleston adjourned the meeting at 2:15 pm.

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

Approved this 15th day of March, 2023

Bruce Eggleston, Hearing Examiner

ATTEST

Bonnie Puleo, Recording Secretary