



BOARD OF COUNTY COMMISSIONERS

STAFF REPORT ADDENDUM

CASE NO: OR2022-0007/CR2022-0015

HEARING DATE: June 20, 2023

OWNER: Richard Albisu

APPLICANT/REP: KM Engineer, LLP

PLANNER: Jenna Petroll, Planner II

CASE NUMBER: OR2022-0007/CR2022-0015



EXECUTIVE SUMMARY:

- OR2022-0007 - Amend the future land use designation from “Agriculture” to “Residential”.
- CR2022-0015 - Conditional rezone to amend the County zoning map from an “A” Zone (Agricultural) to a “CR-R-1” Zone (Conditional Rezone - Single-Family Residential). The request includes a development agreement to restrict residential development within the “R-1” zone to no more than 54 residential lots and one (1) common lot.

EXHIBITS:

Exhibit 1: BOCC FCOs – OR2022-0007 & CR2022-0015

Exhibit 2: Planning and Zoning Staff Report

Attachment 1: Planning and Zoning Late Exhibits

Exhibit 3: Planning and Zoning Minutes – 2/2/2022

Exhibit 4: Planning and Zoning FCOs – OR2022-0007 & CR2022-0015

Exhibit 5: Agency Comments (for BOCC hearing, received after the P&Z hearing)

5a. Idaho Department of Environmental Quality

5b. Idaho Transportation Department

Exhibit 6: Public Comments (for BOCC hearing, received after the P&Z hearing)

6a. Ivanna Rook

6b. Sid Freeman

6c. John and Gina Ihli

6d. Lyle Zufelt

- 6e. Barney Lyons
- 6f. Emery Meeks
- 6g. Keri Smith Photos
- 6h. Opposition Petition
- 6i. Barbara Albiston
- 6j. Mary Beumeler



BOARD OF COUNTY COMMISSIONERS

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Albisu – OR2022-0007

The Board of County Commissioners considered the following:

1) Comprehensive Plan Amendment

Case OR2022-0007, The applicant, KM Engineering LLP representing Richard Albisu, is requesting a comprehensive plan map amendment (Case #OR2022-0007) of a 71.63-acre Parcel R37934011 to amend the future land use designation from “agricultural” to “residential”. The property is located at 0 Galloway Road, Northeast of the Galloway Rd and Old Hwy 30 intersection; also referenced as a portion of Section 21, Township 5N, Range 3W; Canyon County, Idaho. On February 2, 2023, the Planning and Zoning Commission recommended denial of the request.

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File OR2022-0007.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-03 (Comprehensive Plan Amendment Criteria), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6509 (Recommendation and Adoption, Amendment and Repeal of the Plan), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided in accordance with CCZO §07-05-01 and Idaho Code §67-6509.
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”), and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6509(b).
3. The Board can sustain, modify or reject the Commission’s recommendations. *See* I.C. §67-6509(b).
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
5. No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk. *See* I.C. §67-6509(c).

The application (OR2022-0007) came on for a public hearing before the Canyon County Board of County Commissioners on June 20, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence presented, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

COMPREHENSIVE PLAN AMENDMENT CRITERIA – CCZO §07-06-03

A. Is the requested type of growth generally in conformance with the comprehensive plan?

Conclusion: The request is generally not in conformance with the Canyon County Comprehensive Plan and growth trends in the surrounding area.

- Findings:** (1) The Future Land Use map identifies the site and surrounding area as “Agriculture.” A residential designation and rezone in the area is not consistent with the vision of the 2020 Comprehensive Plan and Future Land Use Map.
- (2) The proposed zone change is generally not consistent with the following 2020 Comprehensive Plan and the proposal does not align with the following goals and policies:

Chapter 1. Property Rights
Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.
Chapter 2. Population
Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.
Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 3. School Facilities
Policy 3. The adequacy of school facilities may be considered by the hearing bodies in reviewing proposed residential subdivision and planned developments based on recommendations from the affected districts.
Policy 9. Ensure adequate school facilities and services that meet the educational, social and recreational needs of the community.
Chapter 4. Economic Development
Policy 1. Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Chapter 5. Land Use
Goal 1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
Policy 2. Encourage orderly development of subdivisions and individual land parcels.
Policy 6. Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.
Agriculture The County’s policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide, fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.
Policy 1. Encourage the protection of agricultural land for the production of food.

Residential This policy recognizes that population growth and the resulting residential development should occur where public infrastructure, services and facilities are available or where there is a development pattern already established.
Policy 1. Encourage high-density development in areas of city impact.
Policy 2. Encourage residential development in areas where agricultural uses are not viable.
Chapter 6. Natural Resources
Agricultural Land
Goal 1. To support the agricultural industry and preservation of agricultural land.
Policy 1. Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development.
Chapter 7. Hazardous Areas
Goal 2. Carefully consider limiting development in hazardous areas.
Policy 3. Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: <ul style="list-style-type: none"> i. Flood hazards ii. Unstable soil and/or geologic conditions iii. Contaminated groundwater
Chapter 13. Agriculture
Goal 1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.
Goal 2. Support and encourage the agricultural use of agricultural lands.
Goal 3. Protect agricultural lands and land uses from incompatible development.
Policy 1. Preserve agricultural lands and zoning classifications.
Policy 3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0007.
- (4) Evidence includes associated findings and evidence supported within this document.

B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation?

Conclusion: The proposed “Residential” designation is not more appropriate than the current comprehensive plan designation as “Agriculture.”

- Findings:**
- (1) The surrounding land uses are primarily agricultural with some sporadic residential uses. A rezone of residential in this area will create spot zoning of more intensive use that will be a detriment to the surrounding land uses and create inconsistent zoning that leads to nuisance concerns. There are intensive agricultural uses in the area including feedlots, dairies, and the Amalgamated Sugar Co. beet dump.
 - (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0007.
 - (3) Evidence includes associated findings and evidence supported within this document.

C. Is the proposed comprehensive plan amendment compatible with surrounding land use?

Conclusion: The proposed comprehensive plan amendment is not compatible with the surrounding land uses.

- Findings:**
- (1) The surrounding land uses are primarily agricultural. Active agriculture is located immediately surrounding the subject parcel, including the Amalgamated Sugar Co beet dump which is located immediately to the south. The north, east, south, and west properties are actively being

farmed. Assigning the residential designation to the subject property would create more fragmentation of agricultural land.

- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0007.
- (3) Evidence includes associated findings and evidence supported within this document.

D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted?

Conclusion: The development trends in the general area have not changed to support the requested comprehensive plan map amendment from “Agriculture” to “Residential”.

- Findings:**
- (1) Sporadic Rural Residential, Conditional Rezone – Rural Residential, and Single-Family Residential zones are located primarily outside of the one (1)-mile perimeter of the property.
 - (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0007.
 - (3) Evidence includes associated findings and evidence supported within this document.

E. Will the proposed comprehensive plan amendment impact public services and facilities. What measures will be implemented to mitigate impacts?

Conclusion: The proposed comprehensive plan amendment will impact public services or facilities.

- Findings:**
- (1) This proposal exceeds the growth forecasted by the COMPASS TAZ report for this area and transportation infrastructure may not be able to support the new transportation demands created by this development. However, Canyon Highway District No. 4 stated the immediately affected intersections are operating at acceptable levels.
 - (2) The proposed development is estimated to add 35 – 49 students to the Middleton School District. Current conditions have caused an immediate need for additional facilities and it is found that adding more students will negatively impact school services.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0007.
 - (4) Evidence includes associated findings and evidence supported within this document.

Per Idaho Code §67-6537(4): When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

Conclusion: This property is currently being irrigated with surface water and there are multiple laterals and supply irrigation structures traversing the property. Concerns were noted by Black Canyon Irrigation District that this project has the potential to disrupt the irrigation water delivery system. This property is also located in a nitrate priority area.

- Findings:**
- (1) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2022-0007.
 - (2) Evidence includes associated findings and evidence supported within this document.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **denies** Case # OR2022-0007, a Comprehensive Plan Future Land Use Map Amendment to amend the future land use designation of parcel R37934011 from “Agriculture” to “Residential”.

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration prior to seeking judicial review.

DATED this _____ day of _____, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

_____ Motion Carried Unanimously
_____ Motion Carried/Split Vote Below
_____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Chris Yamamoto, Clerk

By: _____
Deputy

Date: _____



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Albisu – CR2022-0015

The Board of County Commissioners considered the following:

1) Conditional Rezone

CR2022-0015 The applicant, KM Engineering LLP representing Richard Albisu, is requesting a conditional rezone with a development agreement to amend the County zoning map from an “A” Zone (Agricultural) to a “CR-R-1” Zone (Conditional Rezone - Single-Family Residential). The property is located at 0 Galloway Road, Northeast of the Galloway Rd and Old Hwy 30 intersection; also referenced as a portion of Section 21, Township 5N, Range 3W; Canyon County, Idaho. On February 2, 2023, the Planning and Zoning Commission recommended denial of the request.

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0015.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 16, 2023. Newspaper notice was published on May 10, 2023. Property owners within 600’ were notified by mail on April 24, 2023. Full political notice was provided on February 16, 2023. The property was posted on April 25, 2023.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions or limitations may be imposed to promote the public health, safety and welfare, or to reduce any potential damage, hazard, nuisance or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See CCZO §07-06-07(1).*
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”), and can establish its own ordinances regarding land use, including subdivision permits. *See I.C. §67-6504, §67-6513.*
3. The Board has the authority to hear this case and make its own independent determination. *See I.C. §67-6519, §67-6503; CCZO 07-17-09(5).*
4. The Board can sustain, modify or reject the Commission’s recommendations. *See CCZO §07-05-03.*

5. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions and orders. CCZO 07-05-03(1)(I).

The application CR2022-0015 came on for a public hearing before the Canyon County Board of County Commissioners on June 20, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence presented, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed zone change is generally not consistent with the Canyon County Comprehensive Plan Future Land Use Map or the following goals and policies.

Findings: (1) The Future Land Use map identifies the site and surrounding area as “Agriculture”. A spot rezone in the area is not consistent with the vision of the 2020 Comprehensive Plan and Future Land Use Map.

(2) The proposed zone change is generally not consistent with the following Comprehensive Plan goals and policies:

Chapter 1. Property Rights
Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.
Chapter 2. Population
Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.
Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 3. School Facilities
Policy 3. The adequacy of school facilities may be considered by the hearing bodies in reviewing proposed residential subdivision and planned developments based on recommendations from the affected districts.
Policy 9. Ensure adequate school facilities and services that meet the educational, social and recreational needs of the community.
Chapter 4. Economic Development
Policy 1. Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Chapter 5. Land Use
Goal 1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 2. Encourage orderly development of subdivisions and individual land parcels.
Policy 6. Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.
Agriculture The County’s policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide, fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.
Policy 1. Encourage the protection of agricultural land for the production of food.
Residential This policy recognizes that population growth and the resulting residential development should occur where public infrastructure, services and facilities are available or where there is a development pattern already established.
Policy 1. Encourage high-density development in areas of city impact.
Policy 2. Encourage residential development in areas where agricultural uses are not viable.
Chapter 6. Natural Resources
Agricultural Land
Goal 1. To support the agricultural industry and preservation of agricultural land.
Policy 1. Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development.
Chapter 7. Hazardous Areas
Goal 2. Carefully consider limiting development in hazardous areas.
Policy 3. Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: <ul style="list-style-type: none"> i. Flood hazards ii. Unstable soil and/or geologic conditions iii. Contaminated groundwater
Chapter 13. Agriculture
Goal 1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.
Goal 2. Support and encourage the agricultural use of agricultural lands.
Goal 3. Protect agricultural lands and land uses from incompatible development.
Policy 1. Preserve agricultural lands and zoning classifications.
Policy 3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0015.
- (4) Evidence includes associated findings and evidence supported within this document.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The proposed conditional rezone to “CR-R-1” (Single-Family Residential) is not more appropriate than the current zone of “A” (Agricultural).

Findings: (1) The proposed conditional rezone is not more appropriate than the current zoning designation of agricultural. The surrounding land uses are primarily agricultural. Sporadic Rural Residential, Conditional Rezone – Rural Residential, and Single-Family Residential zones are located

primarily outside of the one (1)-mile perimeter of the property. A rezone of residential in this area will create spot zoning of more intensive use that will be a detriment to the surrounding land uses and create inconsistent zoning that leads to nuisance concerns.

- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0015.
- (3) Evidence includes associated findings and evidence supported within this document.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: The proposed conditional rezone is not compatible with the surrounding land uses.

- Findings:**
- (1) The proposed conditional rezone is not compatible with the surrounding land uses. The surrounding land uses are primarily agricultural with an average lot size of 27.72 acres. The proposed conditional rezoning to “R-1” would allow the property to be developed into higher-density lots that have an average minimum lot size of one (1) acre, which is not compatible with the surrounding area as it currently exists. Active agriculture is located immediately surrounding the subject parcel, including the Amalgamated Sugar Co beet dump which is located immediately to the south. Properties to the north, east, south, and west are being actively farmed. Rezoning the parcel would create more fragmentation of agricultural land.
 - (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0015.
 - (3) Evidence includes associated findings and evidence supported within this document.

4. Will the proposed use negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed conditional rezone will have a negative impact on the agricultural character of the area.

- Findings:**
- (1) The property is surrounded by intensive agricultural uses and sporadic residential uses. The “R-1” (single-family residential) zoning designation is not compatible with the farming uses that are classified as intensive agriculture, with operations occurring at all hours and heavy truck traffic during harvest and again once the beets are ready for processing. A rezone to residential will alter the area's character by adding more traffic and further fragmenting active agricultural land.
 - (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0015.
 - (3) Evidence includes associated findings and evidence supported within this document.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed use?

Conclusion: Adequate facilities and services will be provided to accommodate the use.

- Findings:**
- (1) Individual domestic wells and individual septic systems are proposed for the development. The proposed development will be served by pressurized irrigation. Stormwater will be contained onsite. Development of the site will be required to meet agency standards to ensure adequate water, sewer, irrigation, drainage, stormwater drainage, and utility systems will be provided to accommodate the use.
 - (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0015.
 - (3) Evidence includes associated findings and evidence supported within this document.

6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The proposed conditional rezone is not anticipated to require public street improvements to minimize undue interference with existing or future traffic patterns. The proposed conditional rezone is not anticipated to require public street improvements to minimize undue interference with existing or future traffic patterns.

- Findings:**
- (1) The proposed development is estimated to create 55 new peak-hour trips which are not anticipated to create undue interference with existing or future traffic patterns. According to Canyon Highway District No. 4, current traffic conditions do not appear to warrant a study of the adjacent intersections, as all public road intersections within one mile of the proposed development operate at an acceptable level of service (A or B) in the peak hour. Traffic impacts from the proposed development shall be mitigated through the dedication of public right-of-way, frontage improvements, and/or development impact fees for transportation system improvements.
 - (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0015.
 - (3) Evidence includes associated findings and evidence supported within this document.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property has frontage and access to Galloway Road and Old Highway 30.

- Findings:**
- (1) The property has frontage along Galloway Road and Old Highway 30. There is existing access on Galloway Road. The proposed development will utilize the existing access on Galloway and will be adding an existing access point on Old Highway 30. According to Canyon Highway District No. 4, the proposed access points as shown on the site plan appear to be consistent with their access management policy (HSDP Manual Section 3061). An access permit from Canyon Highway District No. 4 will be required for any new access points, or for modification to any existing access points.
 - (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0015.
 - (3) Evidence includes associated findings and evidence supported within this document.

8. Will the proposed zone change amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: The proposed conditional rezone amendment will impact essential public services and facilities.

- Findings:**
- (1) Middleton Fire Department, Canyon County Sheriff, Canyon County Ambulance, and Middleton School District were notified of the request.
 - (2) The closest fire station is located approximately 7.2 road miles southeast of the site in Middleton.
 - (3) The proposed development is estimated to add 35 – 49 students to the Middleton School District. Current conditions have caused an immediate need for additional facilities and it is found that adding more students will negatively impact school services.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0015.

(5) Evidence includes associated findings and evidence supported within this document.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **Denies** Case CR2022-0015 a Conditional Rezone of parcel R37934011 from an “A” (Agricultural) zone to a “CR-R1” (Conditional Rezone – Single-Family Residential) zone.

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of final decision to seek reconsideration prior to seeking judicial review.

DATED this _____ day of _____, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

- _____ Motion Carried Unanimously
- _____ Motion Carried/Split Vote Below
- _____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Chris Yamamoto, Clerk

By: _____
Deputy

Date: _____



**PLANNING AND ZONING COMMISSION
DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT – ZONING CASE**

Staff: Jenna Petoll, Planner II
Jenna.petroll@canyoncounty.id.gov

Case Number and Name

OR2022-0007/CR2022-0015 Albisu

Public Hearing Date Submittal Date

February 2, 2023 May 26, 2022

Brief Summary of Request

OR2022-0007 - Amend the future land use designation from “Agriculture” to “Residential”.

CR2022-0015 - Conditional rezone to amend the County zoning map from an “A” Zone (Agricultural) to a “CR-R-1” Zone (Conditional Rezone - Single-Family Residential). The request includes a development agreement to restrict residential development within the “R-1” zone to no more than 54 residential lots and one (1) common lot.

Background

The subject property, R37934011 was created via an approved administrative land division (Case No. AD2019-0115).

Application/Property Owner

Richard Albisu

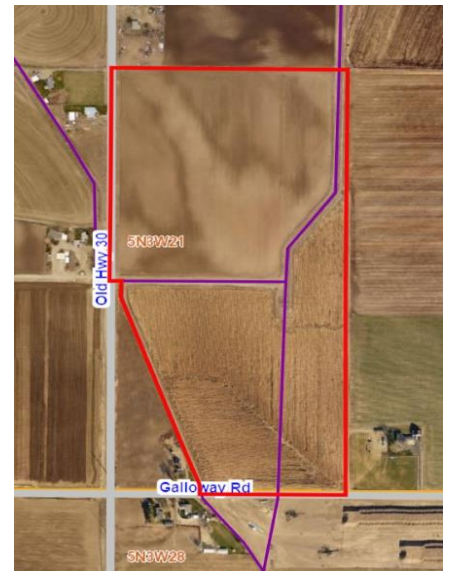
Representative

KM Engineer, LLP

Property Address/Location

0 Galloway Road,
Northeast of the
Galloway Rd and Old
Hwy 30 intersection
(Parcel R37934011).

Also referenced as a
portion of Section 21,
Township 5N, Range
3W; Canyon County,
Idaho.



**Existing
Zoning**

Agricultural

**Existing
Land Use**

Agriculture –
Row Crops

**Future Land
Use**

Agriculture

**Requested Average
Minimum Lot Size**

1 acre

Size of Property

71.63 acres

AOCI

N/A

STAFF RECOMMENDATION

DENY

COMPATIBILITY with the COMPREHENSIVE PLAN

The proposed Comprehensive Plan Amendment and conditional rezone is generally not consistent with multiple goals and policies 2020 Canyon County Comprehensive Plan. The proposed amendment also does not align with the Future Land Use map of the 2020 Canyon County Comprehensive Plan.

COMPATIBILITY with the EXISTING AREA

Staff has found that the proposed conditional rezone is not compatible with the area’s existing agricultural character:

- Outside of Middleton’s Area of City Impact
- Multiple irrigation laterals cross the property
- Agricultural beet dump on the adjacent property to the south
- Primarily agricultural crop production on surrounding parcels

Attachments

1. Draft FCOs
 - a. OR2022-0007
 - b. CR2022-0015
2. Letter of Intent
3. Site Plan
4. Site Photos
5. Land Use Worksheet
6. Neighborhood Meeting
7. Maps
 - a. Aerials
 - b. Vicinity
 - c. Zoning
 - d. Future Land Use Map
 - e. Case Map and Summary
 - f. Subdivision Map/Lot Report
 - g. Dairy/Feedlot/Gravel Map
 - h. Soils and Prime Farmland Map and Report
 - i. Nitrate Priority & Well Map
 - j. TAZ Household
8. Agency Comment
 - a. Canyon Highway District No.4
 - b. Black Canyon Irrigation District
 - c. COMPASS
 - d. DEQ
 - e. Idaho Transportation Department
 - f. Southwest District Health
 - g. Canyon Soil Conservation District
 - h. Middleton School District
9. Public Comment
 - a. Mary Beumeler

CRITERIA CHAPTER 7 ARTICLE 6 CANYON COUNTY CODE

Comprehensive Plan Amendment (CCZO §07-06-03):

The amendment is required to meet the following amendment criteria:

- A. Is the requested type of growth generally in conformance with the comprehensive plan;
- B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation;
- C. Is the proposed comprehensive plan amendment compatible with surrounding land uses;
- D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted; and
- E. Will the proposed comprehensive plan amendment impact public services and facilities. What measures will be implemented to mitigate impacts?

Idaho Statutes: Title 67 Chapter 65 §67-6537 USE OF SURFACE AND GROUNDWATER: (4) “When considering amending, repealing, or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal, or adoption of the comprehensive plan would have on the source, quantity, and quality of groundwater in the area.”

Conditional Rezone (CCZO §07-06-07(6)(A)):

A request is required to meet the following standards of evaluation:

1. Is the proposed conditional rezone generally consistent with the comprehensive plan;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts? (Ord. 16-007, 6-20-2016)

PROJECT AND SITE INFORMATION

PROPOSAL/SUMMARY

The applicant, Stephanie Hopkins of KM Engineering LLP, representing Richard Albisu, is requesting a comprehensive plan map amendment (Case #OR2022-0007) of a 71.63-acre Parcel R37934011 to amend the future land use designation from “Agricultural” to “Residential”. The request also includes a conditional rezone (Case #CR2022-0015) to amend the County zoning map from an “A” Zone (Agricultural) to a “CR-R-1” Zone (Conditional Rezone - Single-Family Residential). The request includes a development agreement to restrict residential development within the “R-1” zone to no more than 54 residential lots and one (1) common lot.

Minimum Lot Size	
Agricultural Zone	40 acres or in accordance with the administrative land division requirements.
Single-Family Residential (R-1) Zone	Average minimum lot size of one (1) acre.

ZONING AND CHARACTER OF THE SURROUNDING AREA

The subject parcel is zoned Agricultural (“A”). Properties within the vicinity are also zoned “A” with an average lot size of 27.72 acres. The site is not in an area of city impact. The nearest residential zones are located approximately 2,023 feet south and 5,527 feet northwest of the site (Exhibit 7c). Sporadic Rural Residential, Conditional Rezone – Rural Residential, and Single-Family Residential zones are located primarily outside of the one (1)-mile perimeter of the property. The rural residential zoning district has a two (2) acre average minimum lot size.

There are fifteen platted subdivisions located within one (1) mile of the subject property (Exhibit 7f). Although there are fifteen platted subdivisions in the area, most of these developments are clustered together abutting Middleton’s Area of City Impact southeast of the subject property and surrounding Purple Sage Golf Course. Twelve of the fifteen were platted before 2004.

Within a one (1)-mile radius, the following applications have been recently considered (Exhibit 7e):

Case	Request	Case Name	Final Decision	# of Lots
RZ2018-0032/ SD2019-0028	Rezone AG to R1/ Oak Ridge Estates Subdivision	Walker, Jay/ Oak Ridge Estates Subdivision	APPROVED	27 lots
RZ2019-0037	Rezone RR to R2	County Clube Water Association, Inc.	APPROVED	1 lot
RZ2020-0012/ SD2020-0039	Rezone AG to RR/ Plat	Steadman Land, LLC/ Steady Acres	APPROVED	6 lots
RZ2022-0003	Rezone RR to CR-R1	Franks	APPROVED	2 lots

AGRICULTURE

Soil and Farmland (Exhibit 7h)

The property consists of 79% Class 3 - moderately suited soil that is considered prime farmland if irrigated and 21% Class 4 – moderately suited soil that is considered farmland of statewide importance if irrigated. Canyon Soil Conservation District stated they do not recommend a land use change.

Dairies, Feedlots, and Gravel Pits (Exhibit 7g)

There is one (1) dairy and two (2) feedlots located in the general vicinity of the site. The approximate distance from the project site is shown below.

Use	Approximate distance from project site
Dairy	1.5 ± miles east
Feedlot	1.5 ± miles southwest
Feedlot	1.75 ± miles southeast

Also located in the immediate vicinity, the adjacent property to the south, is the Amalgamated Sugar Co. beet dump. This use is classified as intensive agriculture with operations occurring at all hours and heavy truck traffic during harvest and again once the beets are ready for processing.

FACILITIES

The property is not located in an area of city impact and is not located near city services. Site development will require review by Idaho Department of Water Resources, Southwest District Health, Idaho Department of Environmental Quality (IDEQ), Idaho Power, and other agencies to ensure water, sewer, irrigation, gas, power, and other facilities are provided. Development of the site will be required to meet agency standards to accommodate the use.

Water/Irrigation

Based on the applicant's land use worksheet (Exhibit 5), individual domestic wells are proposed for the development.

Based on the applicant's land use worksheet (Exhibit 5), pressurized irrigation is proposed to serve the proposed development.

Conway Gulch Lateral runs through the subject property. Black Canyon Irrigation District stated that they will require that any lateral affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to surrounding properties.

According to Black Canyon Irrigation District, significant district infrastructure is located on or adjacent to the proposed development, including a large siphon which the current site plan does not address.

Sewer

Based on the applicant's land use worksheet (Exhibit 5), individual septic systems are proposed for the development.

Stormwater

Based on the applicant's land use worksheet (Exhibit 5), stormwater will be contained onsite.

Roads, Access, and Traffic

The proposed development will utilize the existing access on Galloway and will be adding an existing access point on Old Highway 30. According to Canyon Highway District No. 4, the proposed access points as shown on the site plan attached as Exhibit 3 of the staff report appear to be consistent with their access management policy (HSDP Manual Section 3061). An access permit from Canyon Highway District No. 4 will be required for any new access points, or for modification to any existing access points.

The proposed development is estimated to create 55 new peak-hour trips which are not anticipated to create undue interference with existing or future traffic patterns. According to Canyon Highway District No. 4, current traffic conditions do not appear to warrant a study of the adjacent intersections, as all public road intersections within one mile of the proposed development operate at an acceptable level of service (A or B) in the peak hour. Traffic impacts from the proposed development shall be mitigated through the dedication of public right-of-way, frontage improvements, and/or development impact fees for transportation system improvements.

The Community Planning Association of Southwest Idaho (COMPASS) provides regional long-range transportation planning as the Metropolitan Planning Organization for the Treasure Valley. The agency establishes Traffic Analysis Zones (TAZ) which are areas tabulated for traffic-related data. TAZ data generates forecasts of future populations, households, and jobs. As shown in Exhibit 7j, the TAZ for the subject area forecasts a range of -4 to 50 households. COMPASS stated in their comment (Exhibit 8c) that this proposal exceeds the growth forecasted for this area and transportation infrastructure may not be able to support the new transportation demands created by this development. They also stated, "The proposal is in a primarily farmland area without nearby public parks or nearby employment."

SERVICES

Emergency Services

All essential services were notified of the request. No comments were received at the time of drafting the staff report. The area is served by Canyon County Sheriff and Middleton Fire District. The closest fire station is located approximately 7.2 road miles southeast of the site in Middleton.

Schools

The subject property is within the Middleton School District. They estimate 35-49 students would need educational services based on the applicant's site plan. Middleton School District stated in a comment received, "As it stands now, there is an immediate need for additional facilities in our school district, primarily elementary grades. However, we have significant concerns of the continued growth and our ability to meet the future facility needs of our district at the secondary level."

HAZARDS

Nitrate Priority Area

The site is located within a nitrate-priority area.

COMPREHENSIVE PLAN

The 2020 Comprehensive Plan Future Land Use map identifies the site as Agriculture (Exhibit 7d). The proposal does **not** align with the following goals and policies:

Chapter 1. Property Rights
Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.
Chapter 2. Population
Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.
Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 3. School Facilities
Policy 3. The adequacy of school facilities may be considered by the hearing bodies in reviewing proposed residential subdivision and planned developments based on recommendations from the affected districts.
Policy 9. Ensure adequate school facilities and services that meet the educational, social and recreational needs of the community.
Chapter 4. Economic Development
Policy 1. Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Chapter 5. Land Use
Goal 1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
Policy 2. Encourage orderly development of subdivisions and individual land parcels.
Policy 6. Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.
Agriculture The County's policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and

aerial applicator noise, pesticide/herbicide, fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.
Policy 1. Encourage the protection of agricultural land for the production of food.
Residential This policy recognizes that population growth and the resulting residential development should occur where public infrastructure, services and facilities are available or where there is a development pattern already established.
Policy 1. Encourage high density development in areas of city impact.
Policy 2. Encourage residential development in areas where agricultural uses are not viable.
Chapter 6. Natural Resources
Agricultural Land
Goal 1. To support the agricultural industry and preservation of agricultural land.
Policy 1. Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development.
Chapter 7. Hazardous Areas
Goal 2. Carefully consider limiting development in hazardous areas.
Policy 3. Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: <ul style="list-style-type: none"> i. Flood hazards ii. Unstable soil and/or geologic conditions iii. Contaminated groundwater
Chapter 13. Agriculture
Goal 1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.
Goal 2. Support and encourage the agricultural use of agricultural lands.
Goal 3. Protect agricultural lands and land uses from incompatible development.
Policy 1. Preserve agricultural lands and zoning classifications.
Policy 3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

COMMENTS

Agency Comments

- Canyon Highway District No.4 (Exhibit 8a)
- Black Canyon Irrigation District (Exhibit 8b)
- COMPASS (Exhibit 8c)
- DEQ (Exhibit 8d)
- Idaho Transportation Department (Exhibit 8e)
- Southwest District Health (Exhibit 8f)

Public Comments

- Letter in Opposition – Mary Beumeler (Exhibit 9a)

STAFF ANALYSIS

Character of the Area

Staff has found that the Comprehensive Plan Amendment and requested conditional rezone are not compatible with the area's existing agricultural character. The immediate surrounding area is characterized by agriculture. Properties within the vicinity are also zoned "A" with an average lot size of 27.72 acres.

The proposed zoning is not compatible with the surrounding land uses. The surrounding land uses are primarily agricultural. The proposed conditional rezoning to "R-1" would allow the property to be developed into higher-density lots that have an average minimum lot size of one (1) acre, which is not compatible with the surrounding area as it currently exists. Active agriculture is located immediately surrounding the subject parcel, including the Amalgamated Sugar Co beet dump which is located immediately to the south. Properties to the north, east, south, and west are being

actively farmed with intensive agricultural activities occurring at all hours of the day and throughout the year. Rezoning the parcel would create more fragmentation of agricultural land.

Conformance to the Comprehensive Plan

The proposed zoning is generally not consistent with multiple goals and policies 2020 Canyon County Comprehensive Plan. The proposed zoning also does not align with the Future Land Use map of the 2020 Canyon County Comprehensive Plan.

STAFF RECOMMENDATION

Decision Options

OR2022-0007:

- The Planning and Zoning Commission may recommend approval of OR2022-0007; or
- The Planning and Zoning Commission may recommend denial of OR2022-0007; or
- The Planning and Zoning Commission may continue the hearing and request additional information on specific items.

CR2022-0015:

- The Planning and Zoning Commission may recommend approval of CR2022-0015; or
- The Planning and Zoning Commission may recommend denial of CR2022-0015; or
- The Planning and Zoning Commission may continue the hearing and request additional information on specific items.

***07-06-01 (3) Comprehensive Plan Changes: Requests for comprehensive plan changes and ordinance amendments may be consolidated for notice and hearing purposes. Although these procedures can be considered in tandem, pursuant to Idaho Code section 67-6511(b), the commission, and subsequently the board, shall deliberate first on the proposed amendment to the comprehensive plan; then, once the commission, and subsequently the board, has made that determination, the commission, and the board, should decide the appropriateness of a rezone within that area. This procedure provides that the commission, and subsequently the board, considers the overall development scheme of the county prior to consideration of individual requests for amendments to zoning ordinances. The commission, and subsequently the board, should make clear which of its findings relate to the proposed amendment to the comprehensive plan and which of its findings relate to the request for an amendment to the zoning ordinance.*

Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing to discuss the requests.

Staff recommends that the Planning and Zoning Commission recommend denial of the requested comprehensive plan amendment to the Board of County Commissioners as provided in the findings of fact, conclusions of law, and order found in Exhibit 1a.

Staff recommends that the Planning and Zoning Commission recommend denial of the requested conditional rezone to the Board of County Commissioners as provided in the findings of fact, conclusions of law, and order found in Exhibit 1b.



FINDINGS, CONCLUSIONS, & ORDER
Comprehensive Plan Amendment OR2022-0007

Findings of Fact

1. The applicant, KM Engineering, representing the property owner Richard Albisu, is requesting a comprehensive plan map amendment to change the future land use designation of parcel R37934011 from “Agriculture” to “Residential”. The 71.63-acre parcel is located at 0 Galloway Rd, Middleton, on the northeast corner of Galloway Rd and Old Highway 30, also referenced as a portion of Section 21, Township 5N, Range 3W; Canyon County, Idaho.
2. The request is being considered concurrently with a conditional rezone (CR2022-0015) to rezone approximately 71.63 acres from an “A” zone (Agricultural) to a “CR-R-1” zone (Conditional Rezone - Residential Single Family). The request includes a development agreement to restrict residential development within the “R-1” zone to no more than 54 residential lots and one (1) common lot.
3. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, Black Canyon Irrigation District, and Middleton School District.
4. The subject property is designated “Agriculture” on the 2020 Canyon County Comprehensive Plan Future Land Use Map.
5. The subject property is not located within an area of city impact.
6. The neighborhood meeting was held on May 9, 2022, pursuant to CCZO §07-01-15.
7. Notice of public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on December 29, 2022. Property owners within 600 feet of the subject property were notified by mail on January 11, 2023. Newspaper notice was provided on January 10, 2023. The property was posted by January 24, 2023.
8. The record herein consists of exhibits provided as part of the public hearing staff report and all information in case file OR2022-0007.

Conclusions of Law

For case file OR2022-0007, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Comprehensive Plan Map Amendment CCZO §07-06-03:

A. Is the requested type of growth generally in conformance with the Comprehensive Plan?

Conclusion: The request is generally not in conformance with the Canyon County Comprehensive Plan and growth trends in the surrounding area.

Finding: The Future Land Use map identifies the site and surrounding area as “Agriculture.” A residential designation and rezone in the area is not consistent with the vision of the 2020 Comprehensive Plan and Future Land Use Map.

The proposed zone change is generally **not** consistent with the following 2020 Comprehensive Plan and the proposal does **not** align with the following goals and policies:

Chapter 1. Property Rights
Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.
Chapter 2. Population
Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 3. School Facilities
Policy 3. The adequacy of school facilities may be considered by the hearing bodies in reviewing proposed residential subdivision and planned developments based on recommendations from the affected districts.
Policy 9. Ensure adequate school facilities and services that meet the educational, social and recreational needs of the community.
Chapter 4. Economic Development
Policy 1. Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Chapter 5. Land Use
Goal 1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
Policy 2. Encourage orderly development of subdivisions and individual land parcels.
Policy 6. Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.
Agriculture The County's policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide, fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.
Policy 1. Encourage the protection of agricultural land for the production of food.
Residential This policy recognizes that population growth and the resulting residential development should occur where public infrastructure, services and facilities are available or where there is a development pattern already established.
Policy 1. Encourage high-density development in areas of city impact.
Policy 2. Encourage residential development in areas where agricultural uses are not viable.
Chapter 6. Natural Resources
Agricultural Land
Goal 1. To support the agricultural industry and preservation of agricultural land.
Policy 1. Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development.
Chapter 7. Hazardous Areas
Goal 2. Carefully consider limiting development in hazardous areas.
Policy 3. Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: <ul style="list-style-type: none"> iv. Flood hazards v. Unstable soil and/or geologic conditions vi. Contaminated groundwater

Chapter 13. Agriculture
Goal 1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.
Goal 2. Support and encourage the agricultural use of agricultural lands.
Goal 3. Protect agricultural lands and land uses from incompatible development.
Policy 1. Preserve agricultural lands and zoning classifications.
Policy 3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation?

Conclusion: The proposed “Residential” designation is not more appropriate than the current comprehensive plan designation as “Agriculture.”

Finding: The surrounding land uses are primarily agricultural with some sporadic residential uses. A rezone of residential in this area will create spot zoning of more intensive use that will be a detriment to the surrounding land uses and create inconsistent zoning that leads to nuisance concerns. There are intensive agricultural uses in the area including feedlots, dairies, and the Amalgamated Sugar Co. beet dump.

C. Is the proposed comprehensive plan amendment compatible with surrounding land uses?

Conclusion: The proposed comprehensive plan amendment is not compatible with the surrounding land uses.

Finding: The surrounding land uses are primarily agricultural. Active agriculture is located immediately surrounding the subject parcel, including the Amalgamated Sugar Co beet dump which is located immediately to the south. The north, east, south, and west properties are actively being farmed. Assigning the residential designation to the subject property would create more fragmentation of agricultural land.

D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted?

Conclusion: The development trends in the general area have not changed to support the requested comprehensive plan map amendment from “Agriculture” to “Residential”.

Finding: Sporadic Rural Residential, Conditional Rezone – Rural Residential, and Single-Family Residential zones are located primarily outside of the one (1)-mile perimeter of the property.

E. Will the proposed comprehensive plan amendment impact public services and facilities? What measures will be implemented to mitigate impacts?

Conclusion: The proposed comprehensive plan amendment will impact public services or facilities.

Finding: This proposal exceeds the growth forecasted by the COMPASS TAZ report for this area and transportation infrastructure may not be able to support the new transportation demands created by this development. However, Canyon Highway District No. 4 stated the immediately affected intersections are operating at acceptable levels.

The proposed development is estimated to add 35 – 49 students to the Middleton School District. Current conditions have caused an immediate need for additional facilities and it is found that adding more students will negatively impact school services.

**F. Idaho Statutes: Title 67 Chapter 65 §67-6537 USE OF SURFACE AND GROUNDWATER:
(4) “When considering amending, repealing, or adopting a comprehensive plan, the local**

governing board shall consider the effect the proposed amendment, repeal, or adoption of the comprehensive plan would have on the source, quantity, and quality of groundwater in the area.”

This property is currently being irrigated with surface water and there are multiple laterals and supply irrigation structures traversing the property. Concerns were noted by Black Canyon Irrigation District that this project has the potential to disrupt the irrigation water delivery system. This property is also located in a nitrate priority area.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein, the Planning and Zoning Commission **recommends denial** of case OR2022-0007, a **Comprehensive Plan Future Land Use Map Amendment** to amend the future land use designation of parcel R37934011 from “Agriculture” to “Residential”.

Denied this 2nd day of February 2023.

PLANNING AND ZONING COMMISSION CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)
) SS
County of Canyon County)

On this ____ day of _____ in the year of 2023, before me _____, a notary public, personally appeared _____, who is personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary: _____

My Commission Expires: _____



FINDINGS, CONCLUSIONS, & ORDER

Conditional Rezone CR2022-0015

Findings of Fact

1. The applicant, KM Engineering, representing the property owner Richard Albisu, is requesting a conditional rezone of parcel R37934011 from an “A” (Agricultural) zone to an “CR-R-1” (Conditional Rezone - Residential Single Family) zone. The request includes a development agreement to restrict residential development within the “R-1” zone to no more than 55 lots (54 residential lots and 1 common lot).
2. The 71.63-acre parcel is located at 0 Galloway Rd, Middleton, on the northeast corner of Galloway Rd and Old Highway 30, also referenced as a portion of Section 21, Township 5N, Range 3W; Canyon County, Idaho.
3. The request is being considered concurrently with a comprehensive plan amendment (OR2022-0007) to change the future land use designation of parcel R37934011 from “Agriculture” to “Residential”.
4. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, Black Canyon Irrigation District, and Middleton School District.
5. The subject property is designated “Agriculture” on the 2020 Canyon County Comprehensive Plan Future Land Use Map.
6. The subject property is not located within an area of city impact.
7. The neighborhood meeting was held on May 9, 2022 pursuant to CCZO §07-01-15.
8. Notice of public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on December 29, 2022. Property owners within 600 feet of the subject property were notified by mail on January 11, 2023. Newspaper notice was provided on January 10, 2023. The property was posted by January 24, 2023.
9. The record herein consists of exhibits provided as part of the public hearing staff report and all information in case file CR2022-0015.

Conclusions of Law

For case file CR2022-0015, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Conditional Rezone CCZO §07-06-07(6)(A):

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed zone change is generally not consistent with the Canyon County Comprehensive Plan Future Land Use Map or the following goals and policies.

Finding: The Future Land Use map identifies the site and surrounding area as “Agriculture”. A spot rezone in the area is not consistent with the vision of the 2020 Comprehensive Plan and Future Land Use Map.

The proposed zone change is generally **not** consistent with the following Comprehensive Plan goals and policies:

Chapter 1. Property Rights
Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.
Chapter 2. Population

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.
Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 3. School Facilities
Policy 3. The adequacy of school facilities may be considered by the hearing bodies in reviewing proposed residential subdivision and planned developments based on recommendations from the affected districts.
Policy 9. Ensure adequate school facilities and services that meet the educational, social and recreational needs of the community.
Chapter 4. Economic Development
Policy 1. Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Chapter 5. Land Use
Goal 1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
Policy 2. Encourage orderly development of subdivisions and individual land parcels.
Policy 6. Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.
Agriculture The County's policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide, fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.
Policy 1. Encourage the protection of agricultural land for the production of food.
Residential This policy recognizes that population growth and the resulting residential development should occur where public infrastructure, services and facilities are available or where there is a development pattern already established.
Policy 1. Encourage high-density development in areas of city impact.
Policy 2. Encourage residential development in areas where agricultural uses are not viable.
Chapter 6. Natural Resources
Agricultural Land

Goal 1. To support the agricultural industry and preservation of agricultural land.
Policy 1. Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development.
Chapter 7. Hazardous Areas
Goal 2. Carefully consider limiting development in hazardous areas.
Policy 3. Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: <ul style="list-style-type: none"> i. Flood hazards ii. Unstable soil and/or geologic conditions iii. Contaminated groundwater
Chapter 13. Agriculture
Goal 1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.
Goal 2. Support and encourage the agricultural use of agricultural lands.
Goal 3. Protect agricultural lands and land uses from incompatible development.
Policy 1. Preserve agricultural lands and zoning classifications.
Policy 3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The proposed conditional rezone to “CR-R-1” (Single-Family Residential) is not more appropriate than the current zone of “A” (Agricultural).

Finding: The proposed conditional rezone is not more appropriate than the current zoning designation of agricultural. The surrounding land uses are primarily agricultural. Sporadic Rural Residential, Conditional Rezone – Rural Residential, and Single-Family Residential zones are located primarily outside of the one (1)-mile perimeter of the property. A rezone of residential in this area will create spot zoning of more intensive use that will be a detriment to the surrounding land uses and create inconsistent zoning that leads to nuisance concerns.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: The proposed conditional rezone is not compatible with the surrounding land uses.

Finding: The proposed conditional rezone is not compatible with the surrounding land uses. The surrounding land uses are primarily agricultural with an average lot size of 27.72 acres. The proposed conditional rezoning to “R-1” would allow the property to be developed into higher-density lots that have an average minimum lot size of one (1) acre, which is not compatible with the surrounding area as it currently exists. Active agriculture is located immediately surrounding the subject parcel, including the Amalgamated Sugar Co beet dump which is located immediately to the south. Properties to the north, east, south, and west are being actively farmed. Rezoning the parcel would create more fragmentation of agricultural land.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed conditional rezone will have a negative impact on the agricultural character of the area.

Finding: The property is surrounded by intensive agricultural uses and sporadic residential uses. The “R-1” (single-family residential) zoning designation is not compatible with the farming uses that are classified as intensive agriculture, with operations occurring at all hours and heavy truck traffic during harvest and again once the beets are ready for processing. A rezone to residential will alter the area's character by adding more traffic and further fragmenting active agricultural land.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate facilities and services will be provided to accommodate the use.

Finding: Individual domestic wells and individual septic systems are proposed for the development. The proposed development will be served by pressurized irrigation. Stormwater will be contained onsite. Development of the site will be required to meet agency standards to ensure adequate water, sewer, irrigation, drainage, stormwater drainage, and utility systems will be provided to accommodate the use.

6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The proposed conditional rezone is not anticipated to require public street improvements to minimize undue interference with existing or future traffic patterns.

Finding: The proposed development is estimated to create 55 new peak-hour trips which are not anticipated to create undue interference with existing or future traffic patterns. According to Canyon Highway District No. 4, current traffic conditions do not appear to warrant a study of the adjacent intersections, as all public road intersections within one mile of the proposed development operate at an acceptable level of service (A or B) in the peak hour. Traffic impacts from the proposed development shall be mitigated through the dedication of public right-of-way, frontage improvements, and/or development impact fees for transportation system improvements.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property has frontage and access to Galloway Road and Old Highway 30.

Finding: The property has frontage along Galloway Road and Old Highway 30. There is existing access on Galloway Road. The proposed development will utilize the existing access on Galloway and will be adding an existing access point on Old Highway 30. According to Canyon Highway District No. 4, the proposed access points as shown on the site plan appear to be consistent with their access management policy (HSDP Manual Section 3061). An access permit from Canyon Highway District No. 4 will be required for any new access points, or for modification to any existing access points.

8. **Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?**

Conclusion: The proposed conditional rezone amendment will impact essential public services and facilities.

Finding: Middleton Fire Department, Canyon County Sheriff, Canyon County Ambulance, and Middleton School District were notified of the request.

The closest fire station is located approximately 7.2 road miles southeast of the site in Middleton.

The proposed development is estimated to add 35 – 49 students to the Middleton School District. Current conditions have caused an immediate need for additional facilities and it is found that adding more students will negatively impact school services.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein the Planning and Zoning Commission **recommends denial** of Case CR2022-0015 a **Conditional Rezone** of parcel R37934011 from an “A” (Agricultural) zone to a “CR-R1” (Conditional Rezone – Single-Family Residential) zone.

DENIED this 2nd day of February 2023

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Robert Sturgill, Chairman

State of Idaho)
) SS
County of Canyon County)

On this ____ day of _____ in the year of 2023, before me _____, a notary public, personally appeared _____ personally know to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary: _____

My Commission Expires: _____

May 25, 2022
Project No.: 21-071

Mr. Dan Lister
Canyon County Development Services
111 North 11th Avenue
Caldwell, ID 83605

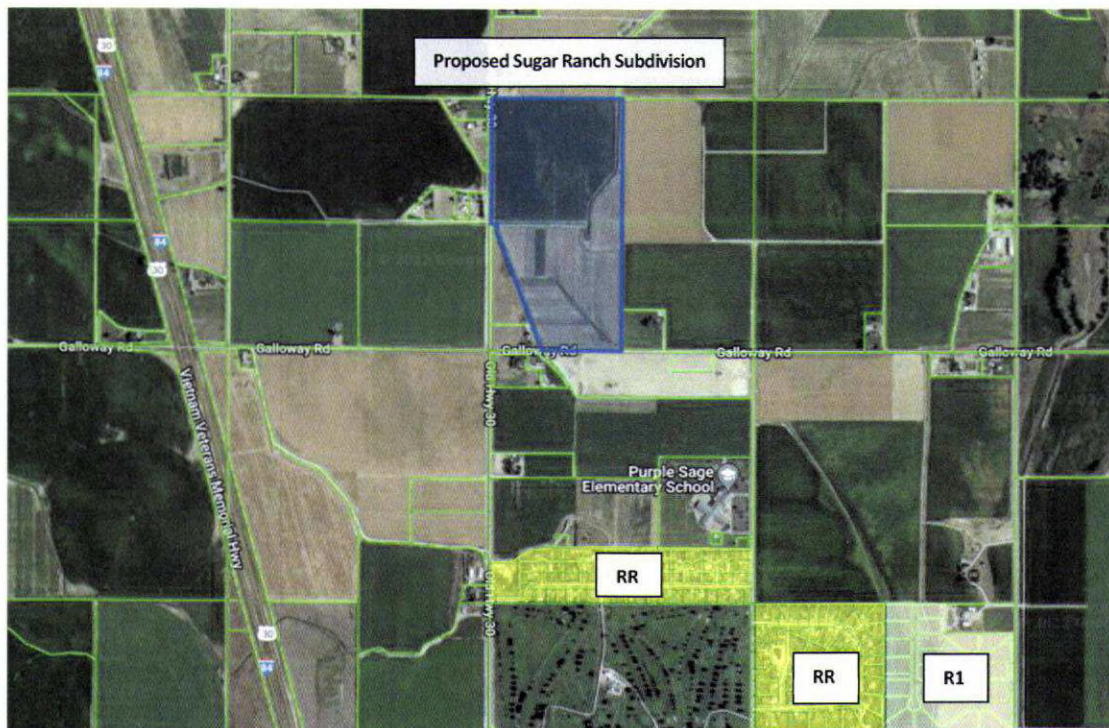
**RE: Sugar Ranch – Canyon County, ID
Comprehensive Plan Map Amendment and Zoning Map Amendment Narrative**

Dear Mr. Lister:

On behalf of Hess Properties, LLC., we are pleased to submit the attached applications and required supplements for a comprehensive plan map amendment and zoning map amendment to allow for the future development of Sugar Ranch, a single-family residential subdivision in Canyon County.

Site Information

The subject property is approximately 71.7 acres and is located north of Galloway Road and east of Old Highway 30 in Canyon County. The property is in close proximity to a mixture of rural residences, agricultural uses, the Purple Sage Golf Course and Purple Sage Elementary School. Residentially zoned property in Canyon County exists less than a ½ mile to the south.



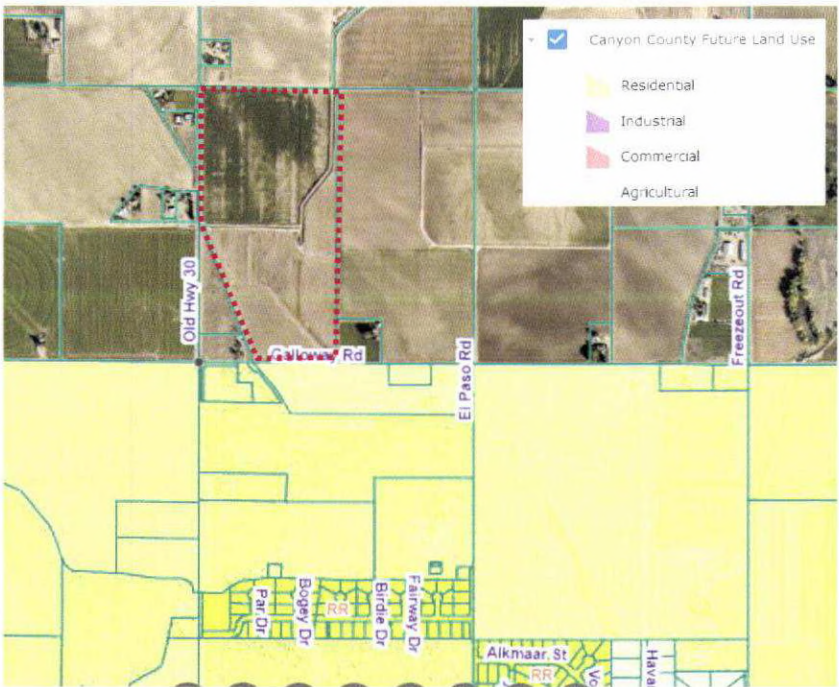
Applications for this project include a comprehensive plan map amendment from agricultural to residential; and conditional rezone from agriculture to R1, single-family residential. We have held one neighborhood meeting and participated in discussions with County staff to understand the applications and process necessary to propose a single-family residential subdivision on the site. Should the subject comprehensive plan map amendment and rezone request be approved, the applicant will submit a preliminary plat application depicting the planned subdivision.

Compliance with the Comprehensive Plan

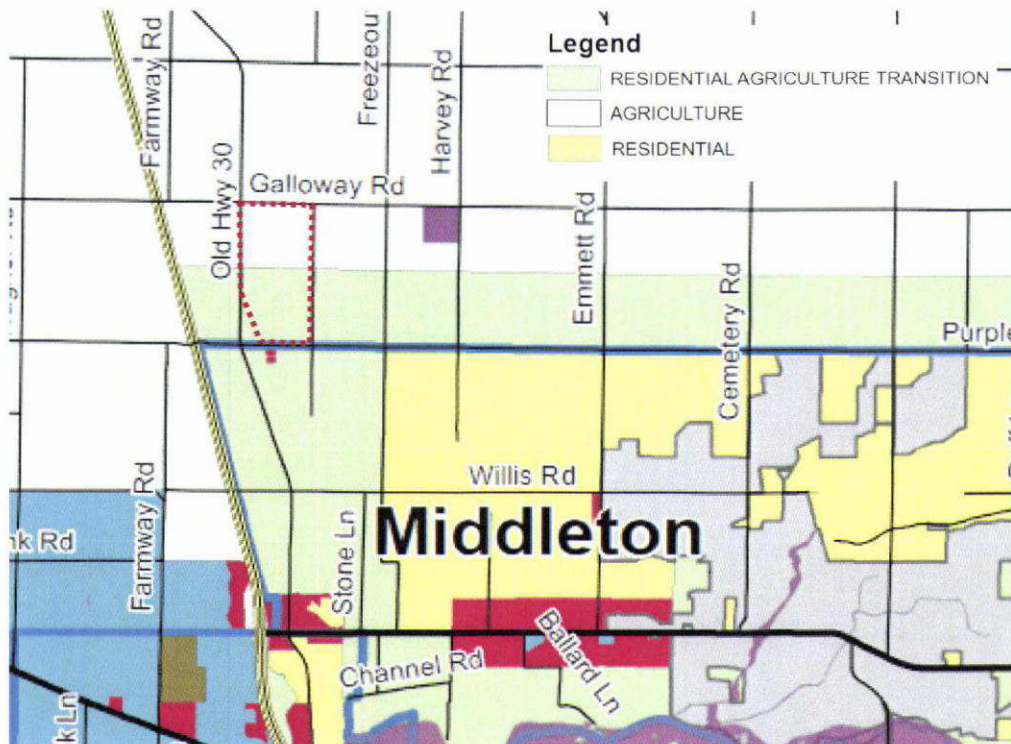
The subject site is currently undeveloped and has historically been used as agricultural land. The applicant is interested in pursuing a residential subdivision to provide housing for Canyon County residents in close proximity to the City of Middleton's impact area, existing services including Purple Sage Elementary School, and existing single-family residences.

In coordinating with Canyon County Development Services, it was determined that a comprehensive plan map amendment and rezone would be required to allow for the proposed single-family residential use. As such, we are requesting to amend the Comprehensive Plan Future Land Use Map from *Agriculture* for the +/- 71.7 acre parcel to the *Residential* land use to allow for our request to rezone the property from Agriculture to the R1 district. A conceptual layout of the residential subdivision proposed has been included with this application to provide a point of reference for the type of development anticipated.

Canyon County's comprehensive plan is currently being revised. The current future land use map depicts the residential land use directly south of the subject property, as depicted on the graphic below.



A draft of the plan and associated future land use map available online shows that this property is within an area slated to accommodate development tailored toward a transition between residential and agricultural land uses, as shown on the image below. The proposed single-family residential subdivision will include a minimum of 1-acre average lot sizes which will provide an appropriate transition to future land uses in alignment with the future land use map. The large lot sizes will provide a transition from existing agricultural uses to future residential uses, especially as the city of Middleton continues to grow.



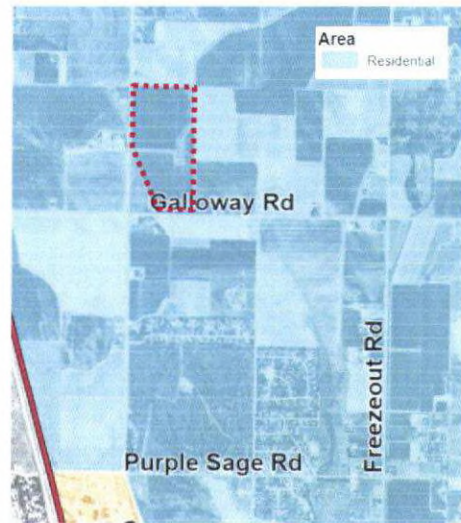
Developing residential lots in a location close to an existing school, existing and planned residential subdivisions and transit corridors aligns with several policies in Canyon County's current comprehensive plan. A residential subdivision in this location will support *Policy 7* in establishing a new development near existing infrastructure. Sugar Ranch will also work toward fulfilling the intent of *Policy 3* within *Section 2* by encouraging future population to locate in an area that is conducive for residential living and that does not pose an incompatible land use to other land uses.

Comprehensive Plan Map Amendment

The Canyon County Future Land Use Map indicates that this property is within the agriculture future land use. In order to accommodate the proposed residential use of the property, we request to amend this land use to the residential land use.

This request is consistent with the current Canyon County Comprehensive Plan in that it will allow for a residential use adjacent to existing infrastructure, services and residential uses in the vicinity. This project will encourage residential development in a controlled, planned and constructive manner, which will enhance the existing lifestyle and environmental beauty of Canyon County, as is a policy within the Comprehensive Plan.

In addition, the property is located within the residential land use in Middleton's future land use map. Development of a large lot residential subdivision will be consistent with that land use as the city of Middleton starts to expand its city limits. The 1-acre lots contemplated will provide a transition in density from agricultural land uses to future residential uses.



Conditional Rezone & Development Agreement

As mentioned, the current zoning for the project site is Agriculture in Canyon County, we propose to rezone the property to the R1 district for the purpose of developing a single-family residential subdivision. This rezone is consistent with the intent and goals of the Canyon County Zoning Ordinance, the Comprehensive Plan, and the City of Middleton's Comprehensive Plan.

When considering the adjacent existing uses, a residential subdivision is consistent and appropriate for this area. The proposed R1 zoning designation for the subject property is more appropriate than the current zoning designation and will be consistent as this area develops in the future. The R1 district allows single-family residential subdivisions with a minimum average lot size of 1-acre. A preliminary plat application will be required to ensure compliance with County Code, which will allow us to work further with Canyon County to determine details related to the site design and required improvements.

In conjunction with rezoning the property, we propose to enter into a development agreement to guide future development of the site. We are proposing a conceptual site plan and legal description to provide an understanding of the R1 boundary requested and future development anticipated. Further detail will be provided with a subsequent preliminary plat application, should the subject request be approved.

Access, Transportation and Services

Sugar Ranch will take access via Galloway Road and will complete a ½ width section of Sparks Street, a collector roadway that will connect to Old Highway 30 on the north boundary of the site. The future residential subdivision will include public roadways improved to Canyon Highway District No 4's (CHD4) standards. Direct access will be prohibited via Old Highway 30 and Galloway Road.

The subdivision will be served by on-site septic and well, future development plans will indicate more detail. Fire suppression requirements will be coordinated with the fire district.

Roadway requirements and specifications will be coordinated with the CHD4 as we prepare and finalize the preliminary plat. As the project progresses, we will work with other applicable public utilities and associated agencies to ensure that adequate services are provided, and improvements are made as required.

Conclusion

With the proposals discussed herein, we believe that the Sugar Ranch project complements and is consistent with the surrounding residential and agricultural uses in this area of Canyon County and in accord with the goals and objectives found in both the Canyon County and Middleton Comprehensive Plans.

We appreciate the time the Canyon County Development Services staff members have spent to help us understand the steps needed to accomplish this project. Should you have questions or require further information in order to process these applications, please feel free to contact me.

Sincerely,
KM Engineering, LLP



Stephanie Hopkins
Land Planner

cc: Sugar Ranch
Hess Properties, LLC.

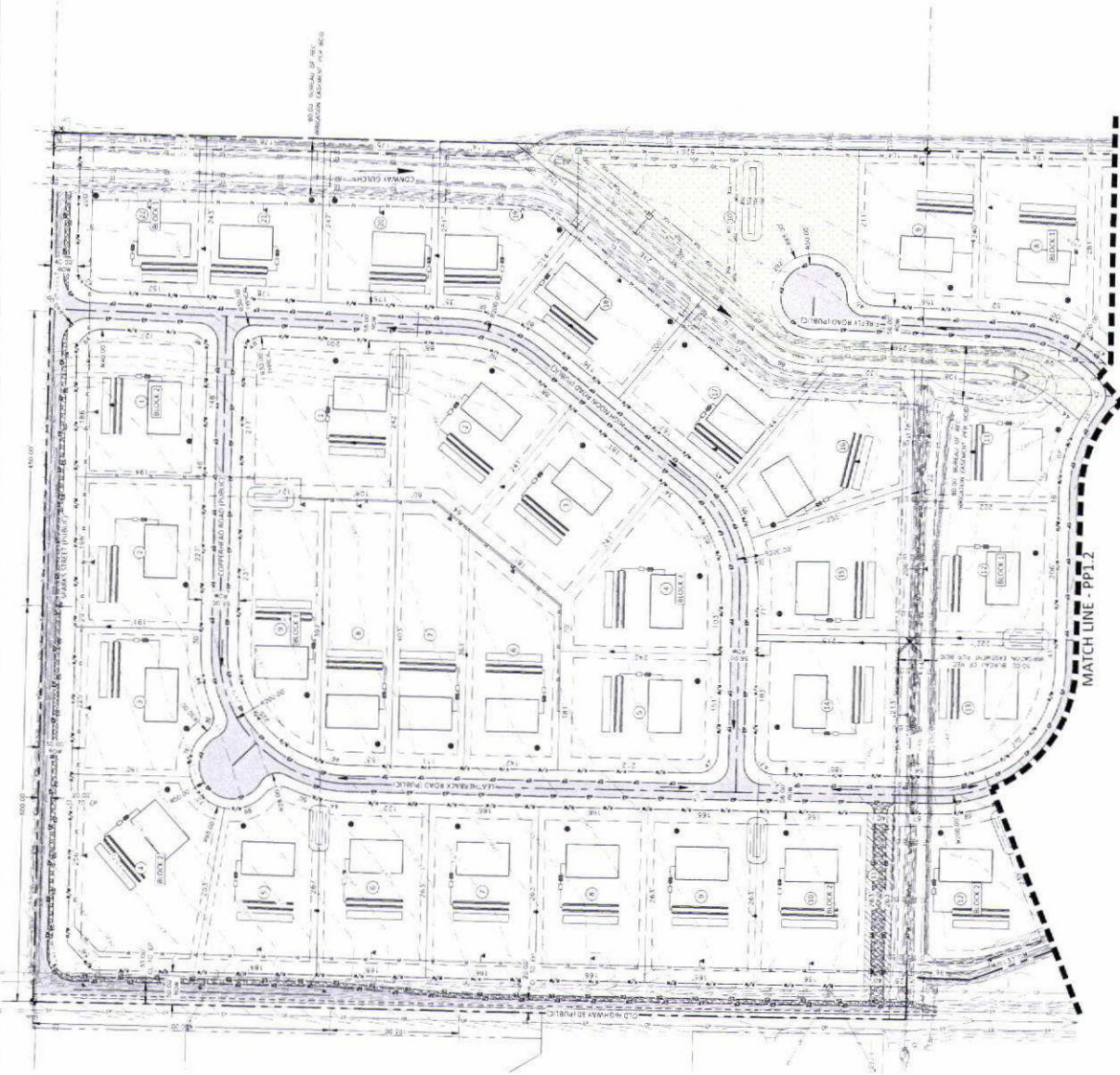


REVISIONS	
NO.	DATE

SUGAR RANCH
CANYON COUNTY, IDAHO
PRELIMINARY PLAT
NORTH LAYOUT
80 SCALE



PROJECT NO.	2009-001
DATE	08/28/2011
DESIGNED BY	BOB/BOB
CHECKED BY	BOB/BOB
IN CHARGE	BOB/BOB
SCALE	AS SHOWN
SHEET NO.	PP1.1





REVISIONS	DATE	BY

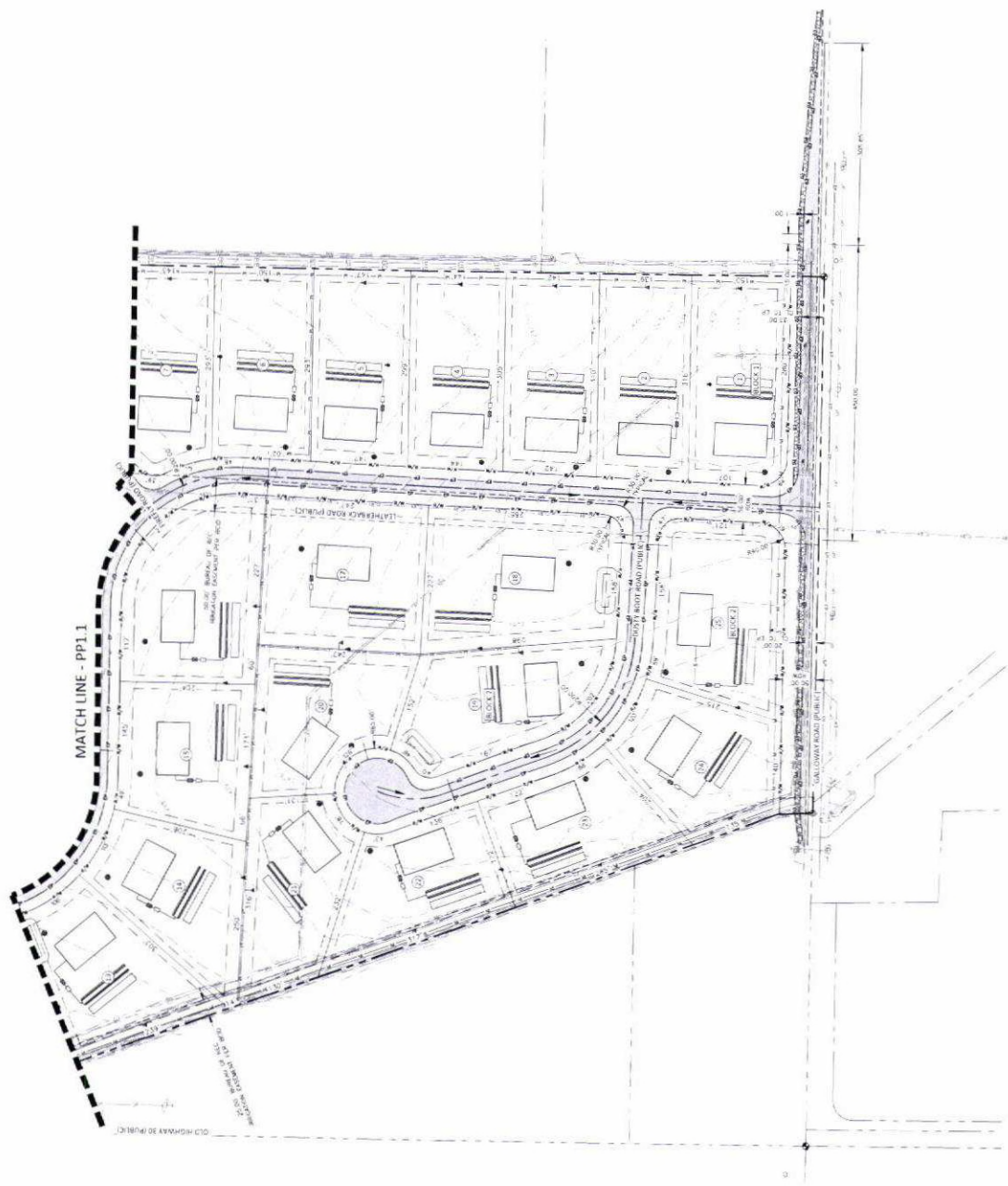
SUGAR RANCH
CANYON COUNTY, IDAHO
PRELIMINARY PLAT
SOUTH LAYOUT
80 SCALE



KEVIN L. KOPP
P.E.
1175 N. HARRIS BLVD. SUITE 200
BOISE, IDAHO 83702
PHONE: (208) 333-4444
FAX: (208) 333-4445
WWW.KMENGINEERS.COM

PROJECT NO.	1802
DATE	06/28/2017
BY	KLK
CHECKED BY	KLK
DATE	07/11/17
SCALE	AS SHOWN

pp1.2



Site Photos taken 12/29/2022

Photo 1. Southeast corner looking north



Photo 2. Southeast corner looking east



Photo 3. Southeast corner looking south



Photo 4. Southeast corner looking west



Photo 5. Western boundary looking north



Photo 6. Western boundary looking east



Photo 7. Western boundary looking south



Photo 8. Western boundary looking west



Photo 9. Northwest corner looking north



Photo 10. Northwest corner looking east



Photo 11. Northwest corner looking south



Photo 12. Northwest corner looking west



LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

- 1. DOMESTIC WATER:** ☒ Individual Domestic Well ☐ Centralized Public Water System ☐ City
☐ N/A – Explain why this is not applicable: _____
☐ How many Individual Domestic Wells are proposed? 54

- 2. SEWER (Wastewater)** ☒ Individual Septic ☐ Centralized Sewer system
☐ N/A – Explain why this is not applicable: _____

3. IRRIGATION WATER PROVIDED VIA:

- ☐ Surface ☐ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION:

- ☒ Pressurized ☐ Gravity

5. ACCESS:

- ☒ Frontage ☐ Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:

- ☒ Public ☐ Private Road User's Maintenance Agreement Inst # _____

7. FENCING

- ☐ Fencing will be provided (Please show location on site plan)

Type: To be determined with preliminary plat Height: _____

8. STORMWATER:

- ☒ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☐ Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- ☒ Residential 54 ☐ Commercial _____ ☐ Industrial _____
☒ Common 1 ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

- ☐ Water supply source: To be determined with preliminary plat

3. INCLUDED IN YOUR PROPOSED PLAN?

- ☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☒ None

NON-RESIDENTIAL USES

1. SPECIFIC USE: _____

2. DAYS AND HOURS OF OPERATION:

- ☐ Monday _____ to _____
☐ Tuesday _____ to _____
☐ Wednesday _____ to _____
☐ Thursday _____ to _____
☐ Friday _____ to _____
☐ Saturday _____ to _____
☐ Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? ☐ Yes If so, how many? _____ ☐ No

4. WILL YOU HAVE A SIGN? ☐ Yes ☐ No ☐ Lighted ☐ Non-Lighted

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

What type of sign: _____ Wall _____ Freestanding _____ Other _____

5. PARKING AND LOADING:

How many parking spaces? _____

Is there a loading or unloading area? _____

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 0 Galloway Road Parcel Number: R3793401100
City: Caldwell State: Idaho ZIP Code: 83607
Notices Mailed Date: April 26, 2022 Number of Acres: +/- 71.7 Current Zoning: Ag
Description of the Request: Request for a comprehensive plan map amendment and rezone to accommodate future single-family residential development

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Stephanie Hopkins
Company Name: KM Engineering, LLP.
Current address: 5725 North Discovery Way
City: Boise State: Idaho ZIP Code: 83713
Phone: 208.639.6939 Cell: Fax:
Email: shopkins@kmengllp.com

MEETING INFORMATION

DATE OF MEETING: May 9, 2022 MEETING LOCATION: Project Site - NE corner of Galloway and Old Hwy 30
MEETING START TIME: 6 pm MEETING END TIME: 6:45 pm

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Doug Caldwell		26217 Old Hwy 30
2. Don Caldwell		26295 Hwy 30
3. Marnie Vandenberg		14205 Galloway / 13319
4. Rich Albisa		2495 Sandhollow RP Caldwell, ID 83607
5. Bill Vandenberg		4705 Galloway Rd
6. DENNIS EVANS		15178 Galloway Rd
7. Donna Evans		15178 Galloway Rd
8. THER HESS		15031 SP46433 rd.
9. Casey Crow		26494 Old Hwy 30 Caldwell
Sid Freeman		27406 Farmway Rd

Revised 11/25/20

10.	Cindy Cray	Cindy Cray	26494 018 Hwy 30 Colville
11.	LARRY Smith	Debra Smith	26552 018 Hwy 30 Colville
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Stephanie Hopkins

APPLICANT/REPRESENTATIVE (Signature): Stephanie Hopkins

DATE: ____/____/____

Notice of Neighborhood Meeting
Comprehensive Plan Map Amendment & Rezone Application
Pre-application requirement for a Public Hearing

April 26, 2022

Dear Neighbor,

We are in the process of submitting an application for a Comprehensive Plan Map Amendment and Zoning Ordinance Map Amendment (rezone) to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit (or other case type) is applied.

The Neighborhood Meeting details are as follows:

Date: May 9, 2022

Time: 6 p.m.

Location: Project site – NE Corner of Galloway Road and Old Highway 30 (meeting location indicated with a yellow star on the attached vicinity map)

Property description: Located north of Galloway Road and east of Old Highway 30

The project is summarized below:

Site Location: NE Corner of Galloway Road and Old Highway 30

Proposed access: Via Galloway Road

Total acreage: +/- 71.70 acres

Proposed lots: 56 (55 single-family lots and 1 common lot)

We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project.

If you have any questions prior to the meeting, please contact me at 208.639.6939 or shopkins@kmengllp.com.

Sincerely,

Stephanie Hopkins, KM Engineering, LLP.

IMAGES WERE FLOWN IN THE FALL OF 2020.

Albisu Small Air Photo 1 Mile

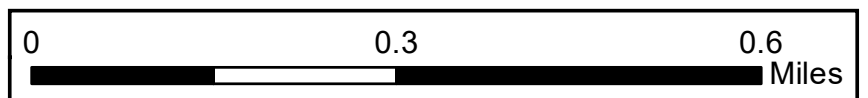
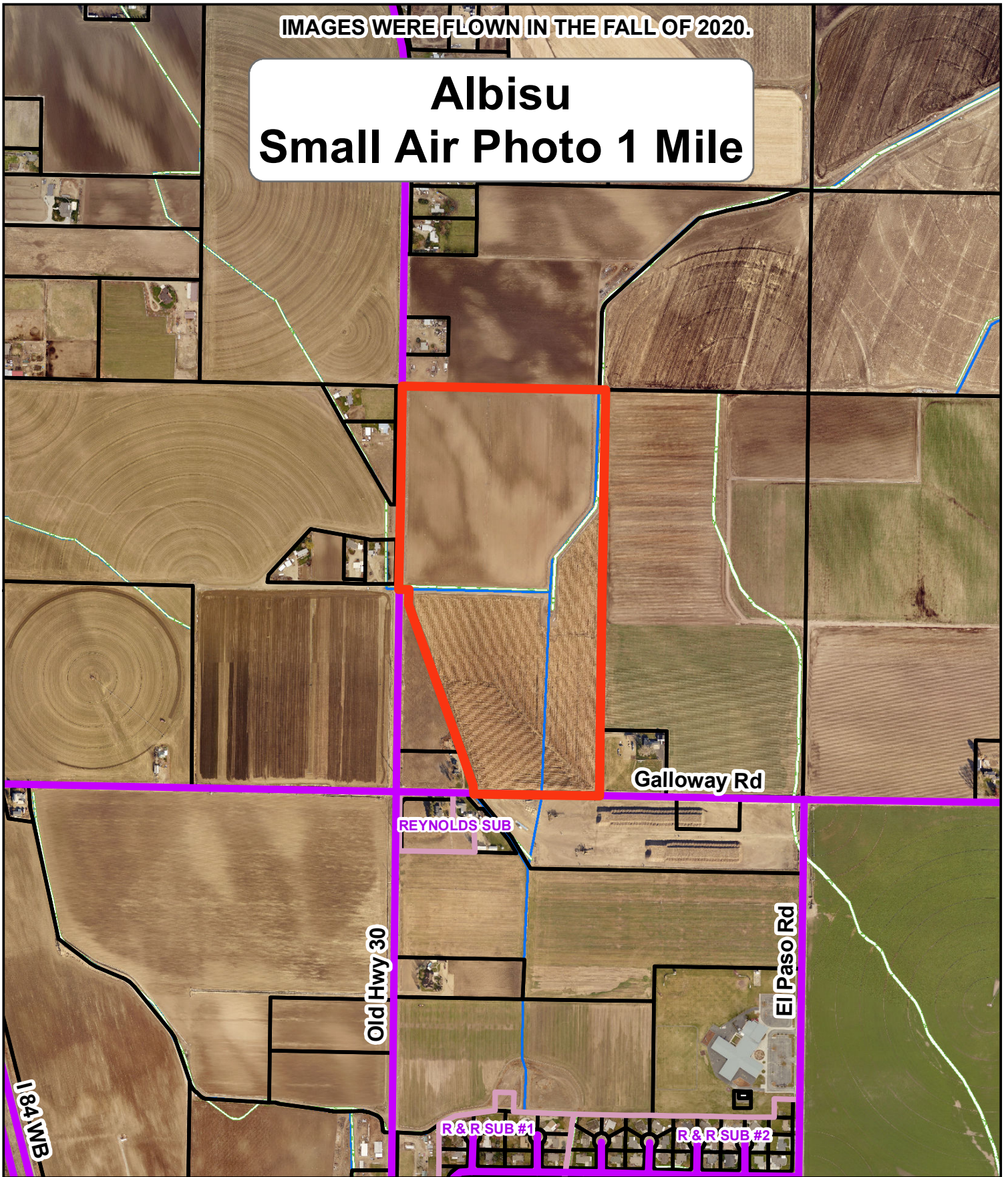


Exhibit 7a

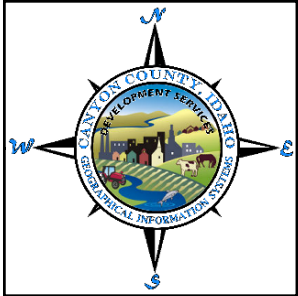
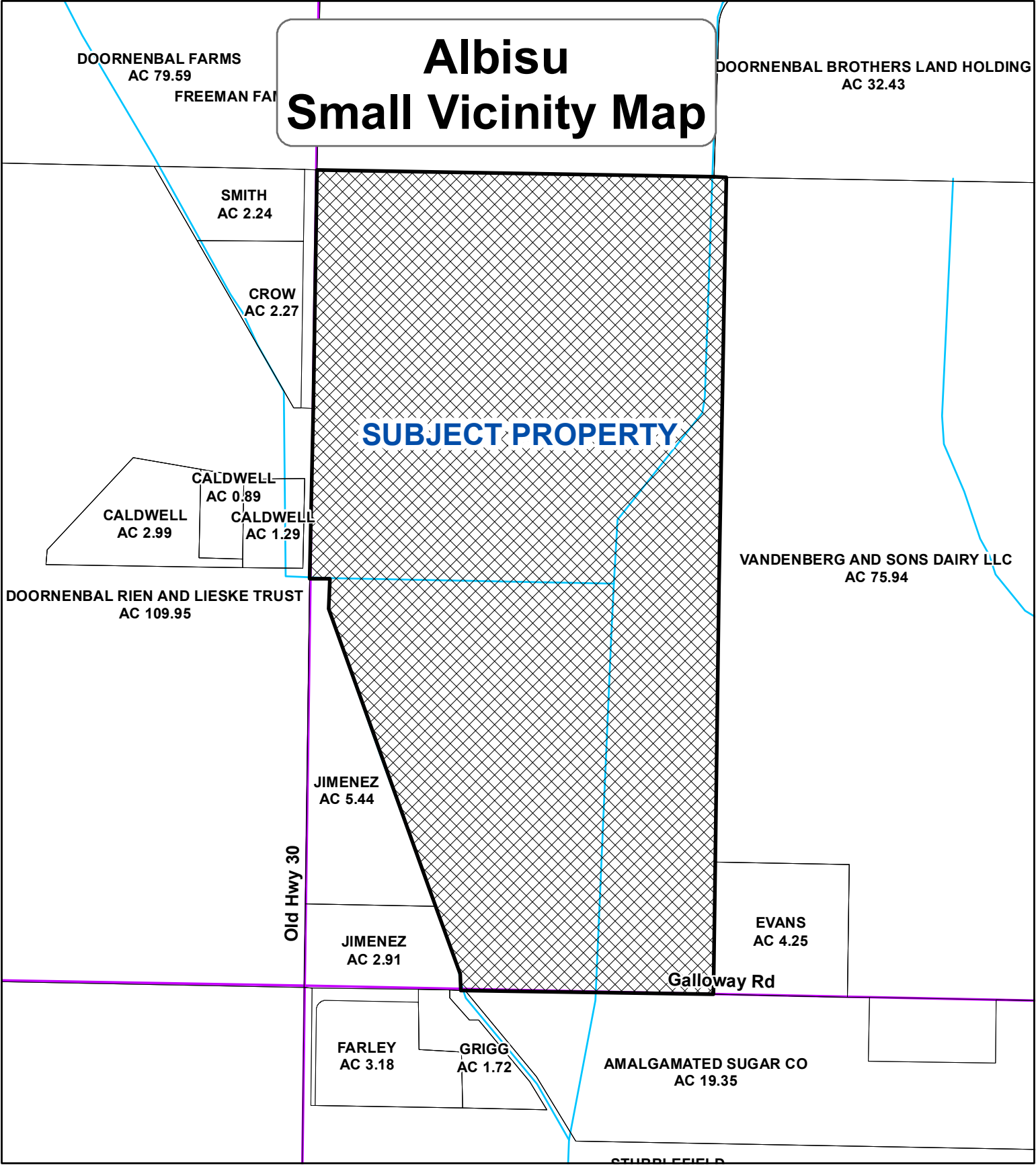
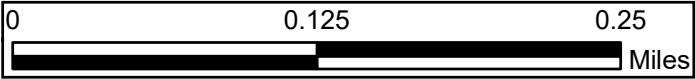
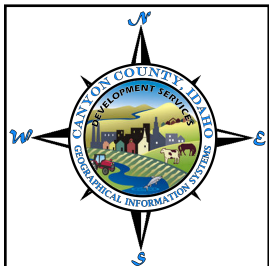
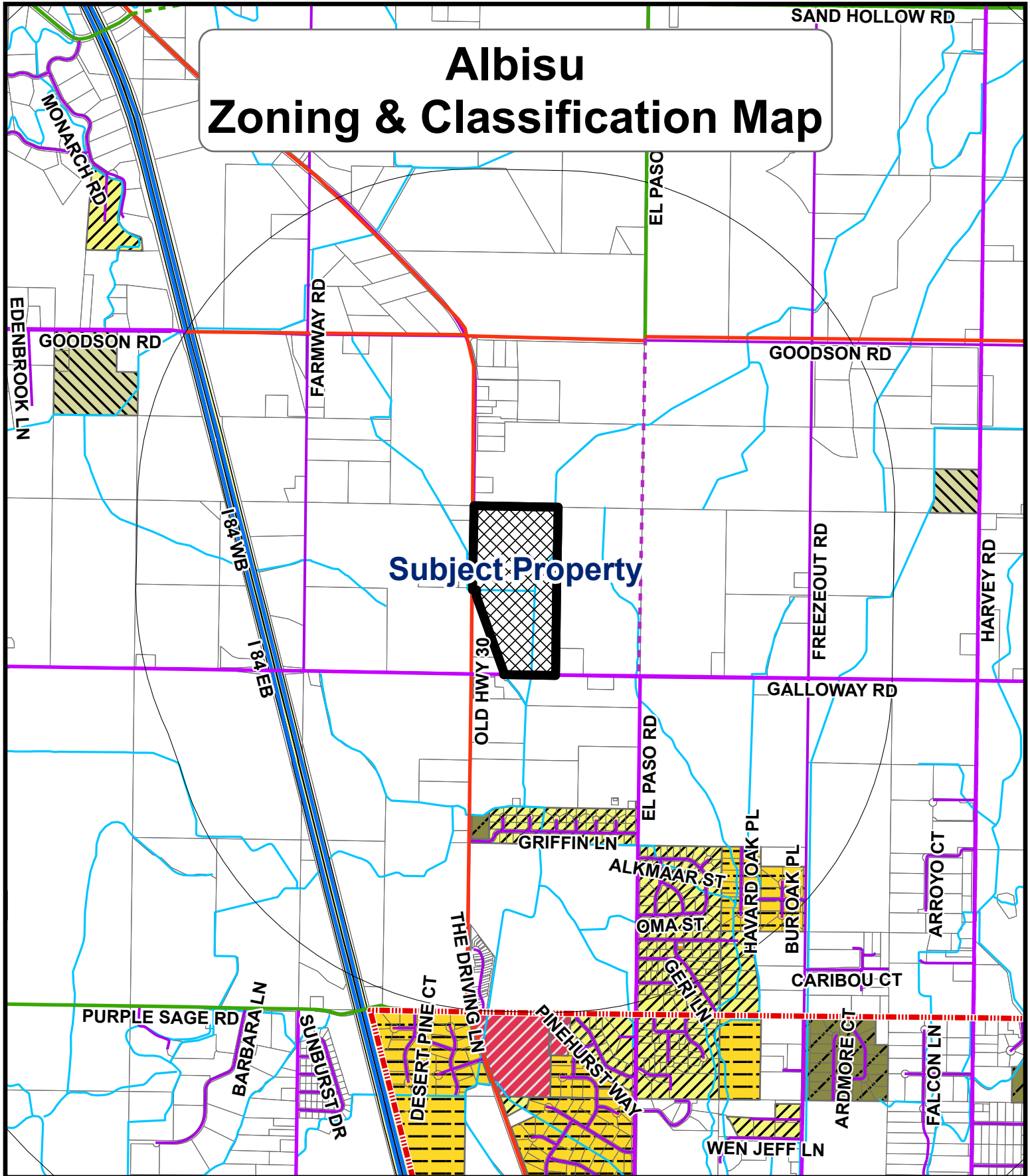


Exhibit 7b

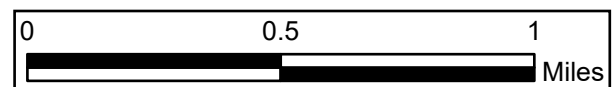


Albisu Zoning & Classification Map



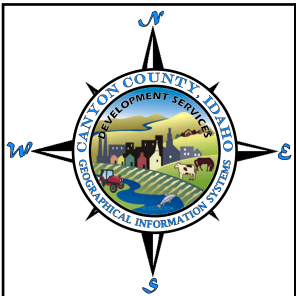
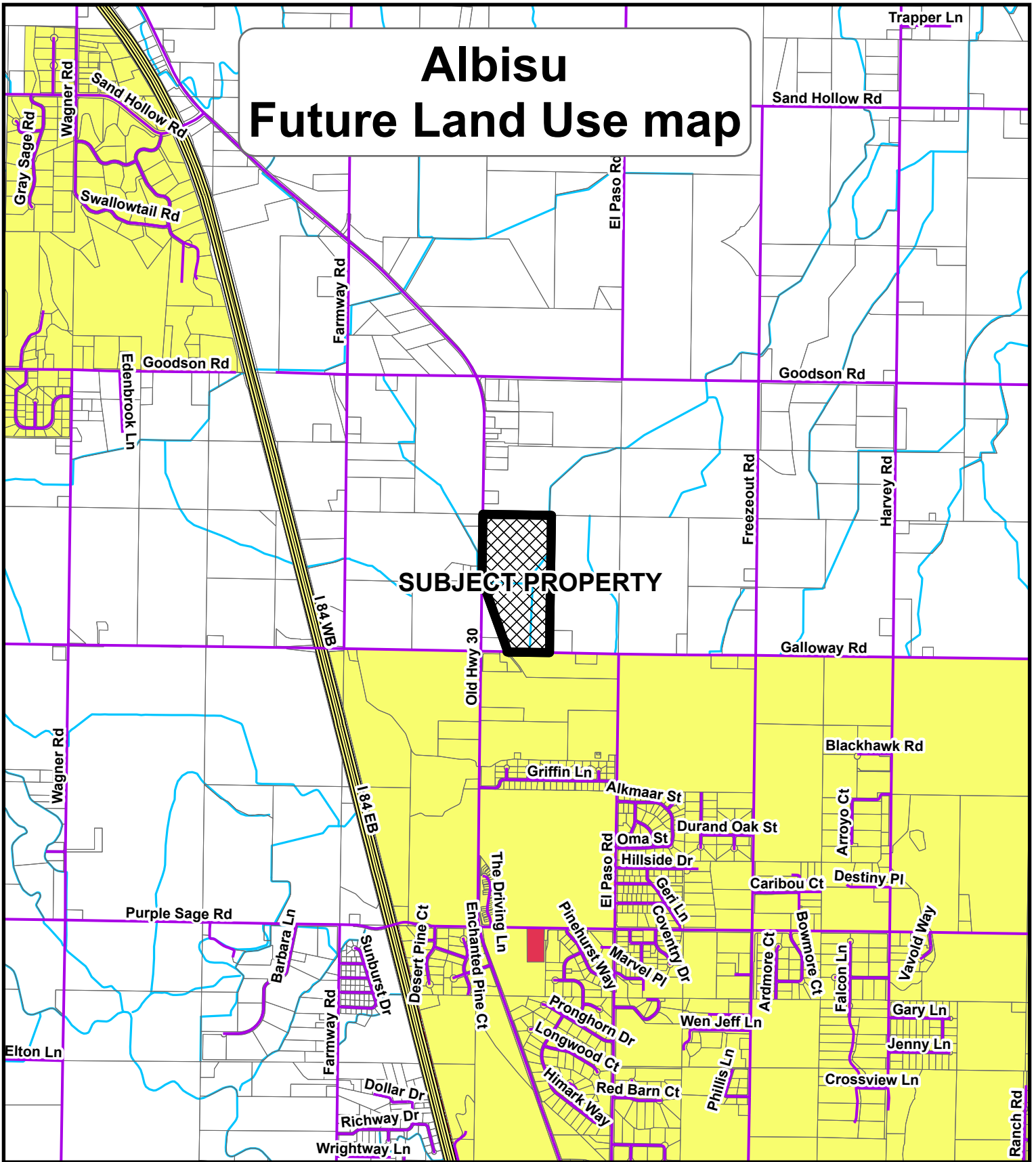
ZONING			
	RR		R2
	CR-RR		C
	R1		C1
	CR-R1		CR-C1
	C2		CR-C2
	M2		M1
	CR-M1		AG

Exhibit 7c



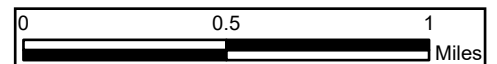
Albisu Future Land Use map

SUBJECT PROPERTY



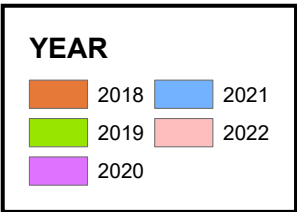
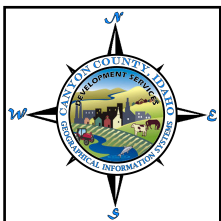
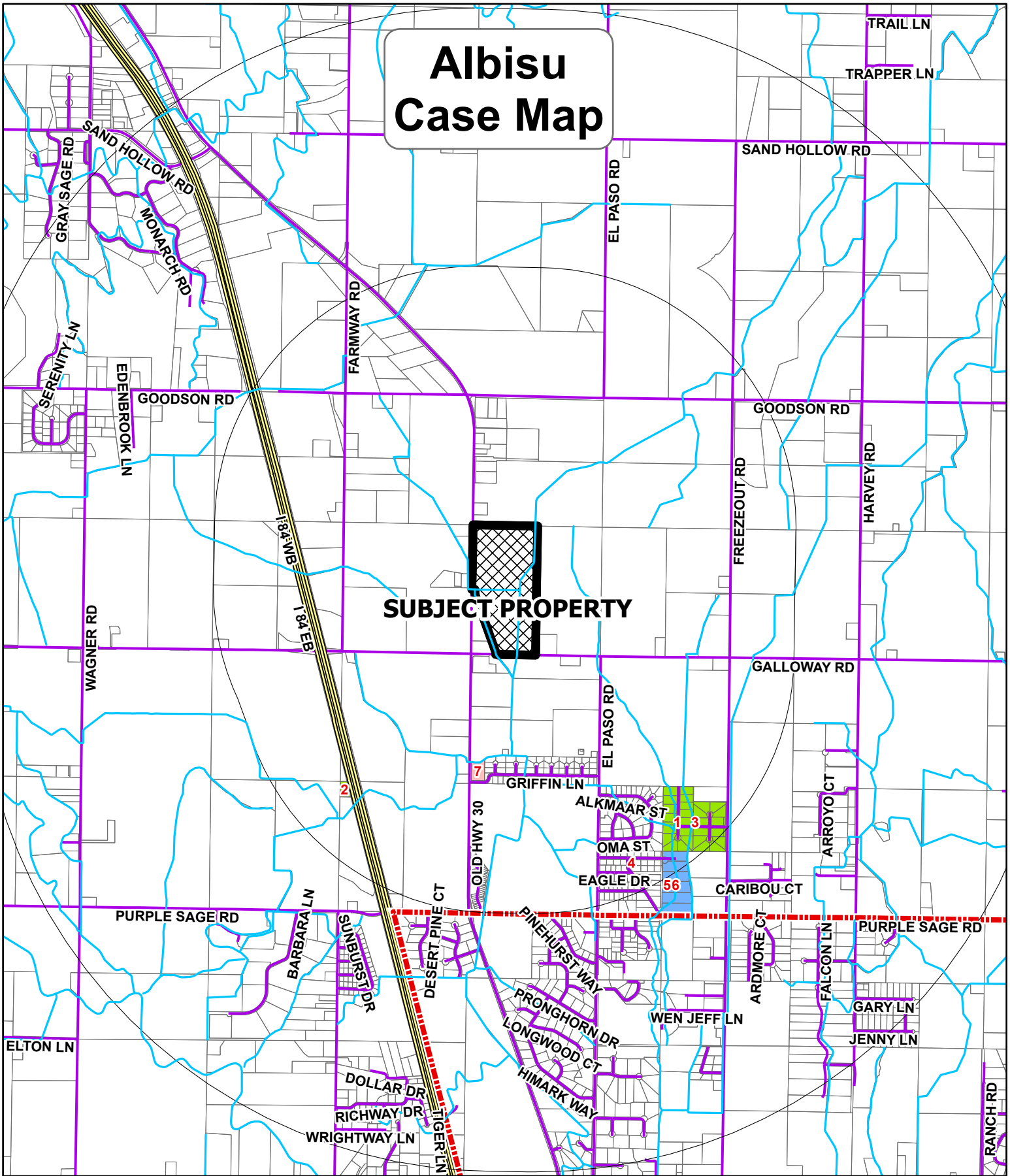
- Legend**
- COMMERCIAL
 - INDUSTRIAL
 - RESIDENTIAL
 - Scenic_Byway

Exhibit 7d



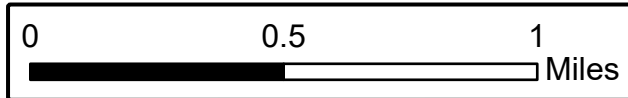
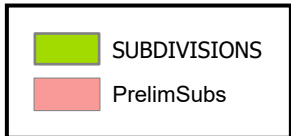
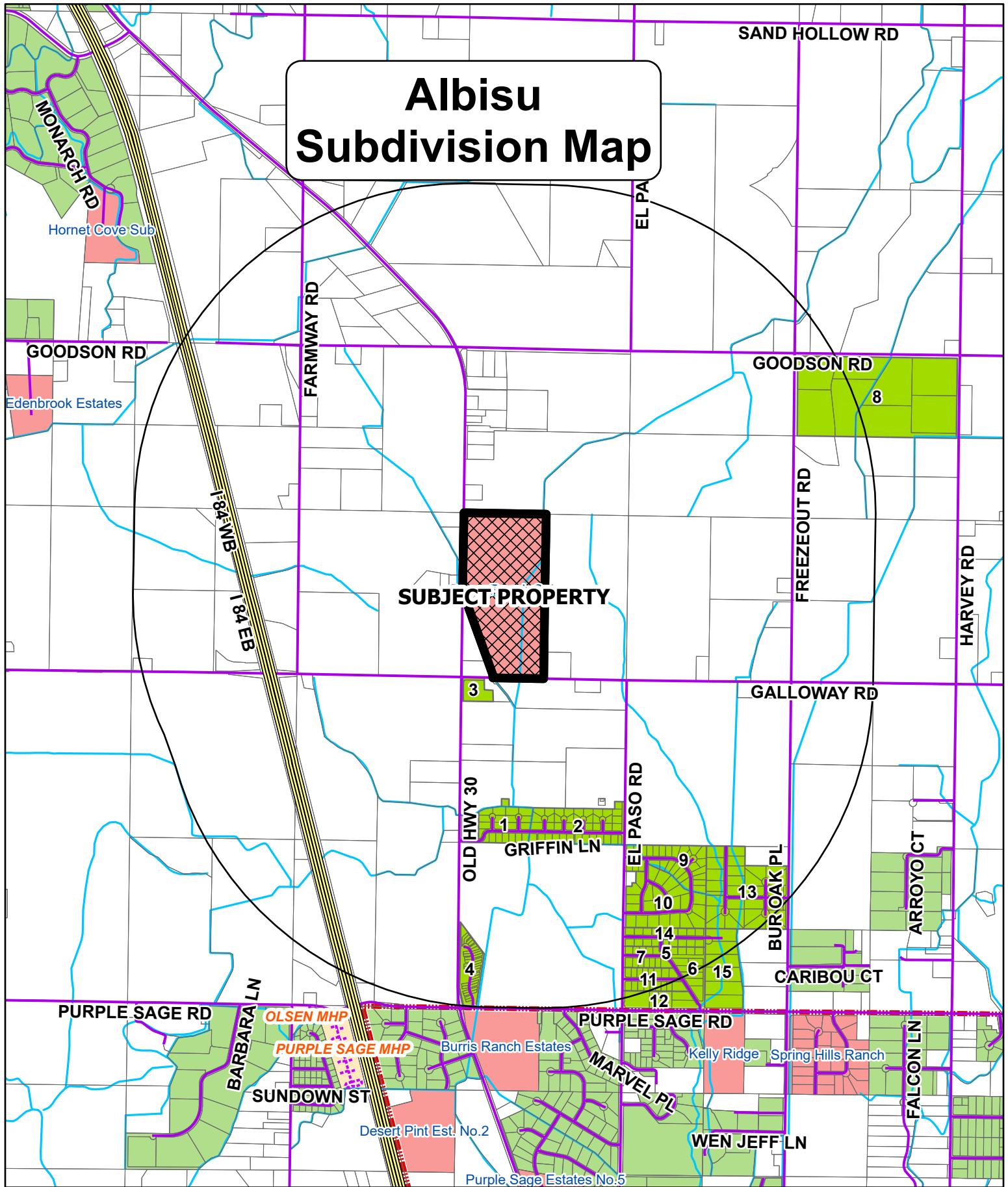
Albisu Case Map

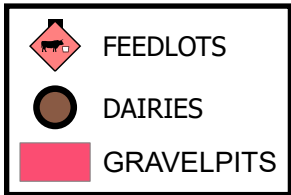
SUBJECT PROPERTY



CASE SUMMARY				
ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	RZ2018-0032	Rezone AG to R1	Walker, Jay	APPROVED
2	OR2019-0005,RZ2019-0016	Rezone / Variance	Bayes Wendy	WITHDRAWN
3	SD2019-0028	Oak Ridge Estates Subdivision	Oak Ridge Estates Subdivision	APPROVED
4	RZ2019-0037	Rezone RR to R2	County Clube Wate Association, Inc.	APPROVED
5	RZ2020-0012	Rezone AG to RR	Steadman Land, LLC	APPROVED
6	SD2020-0039	Plat 6 lots	Steady Acres	APPROVED
7	RZ2022	Rezone RR to CR-R1	Franks	APRPOVED

Albisu Subdivision Map

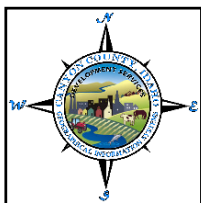
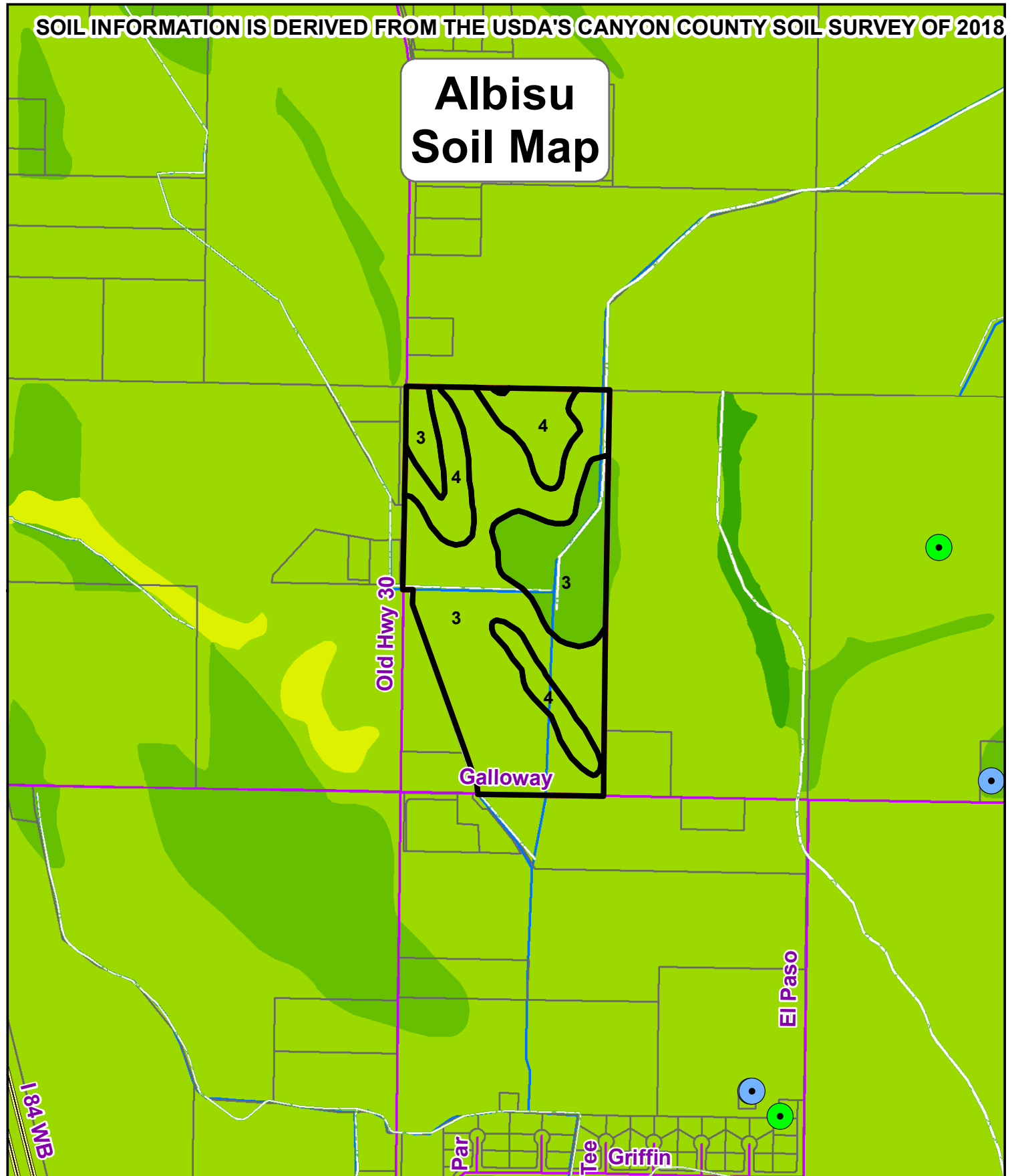


[illegible]

A horizontal scale bar with a black border. It is divided into three segments by two vertical tick marks. The first segment is labeled '0' at its left end. The second segment is labeled '1.25' at its right end. The third segment is labeled '2.5' at its right end. The word 'Miles' is written at the far right end of the bar.

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

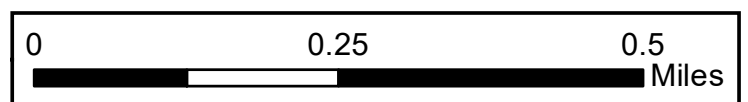
Albisu Soil Map



- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- 10.000001 - 49.800000

- GEO-THERMAL LOCATIONS
- Wetlands

Exhibit 7h



SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Albisu Prime Farm Lands

Subject Property

FARMWAY RD

OLD HWY 30

GALLOWAY RD

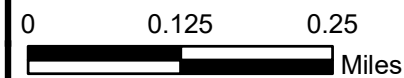
EL PASO RD

SOILS

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed



- TAXLOTS
- City_Limits
- WETLANDS
- 2C_Hydro



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
4	MODERATELY SUITED SOIL	164046.96	3.77	5.26%
3	MODERATELY SUITED SOIL	532825.92	12.23	17.08%
3	MODERATELY SUITED SOIL	1832961.24	42.08	58.75%
3	MODERATELY SUITED SOIL	118613.88	2.72	3.80%
4	MODERATELY SUITED SOIL	471667.68	10.83	15.12%
		3120115.68	71.63	100%

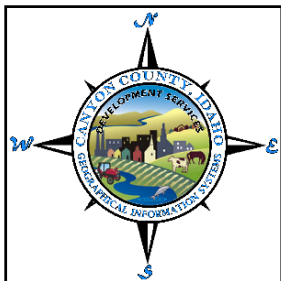
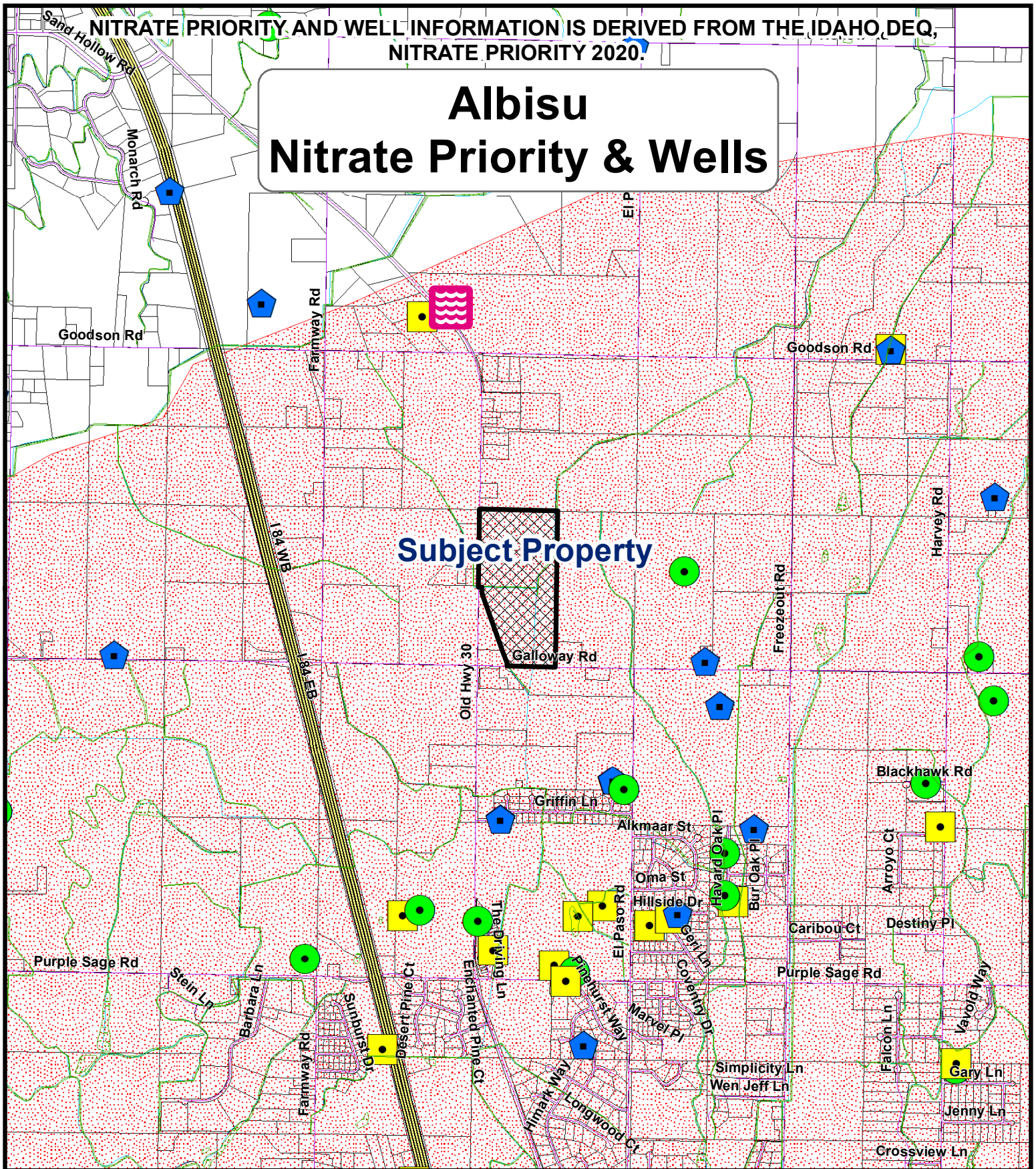
FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
EvC	Farmland of statewide importance, if irrigated	164046.96	3.77	5.26%
EsA	Prime farmland if irrigated	532825.92	12.23	17.08%
EsB	Prime farmland if irrigated	1832961.24	42.08	58.75%
EsB	Prime farmland if irrigated	118613.88	2.72	3.80%
EvC	Farmland of statewide importance, if irrigated	471667.68	10.83	15.12%
		3120115.68	71.63	100%

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018

NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ,
NITRATE PRIORITY 2020.

Albisu Nitrate Priority & Wells



GEO-THERMAL LOCATIONS



WETLANDS



NITRATE_PRIORITY

DEQ WELLS
N03_MGL

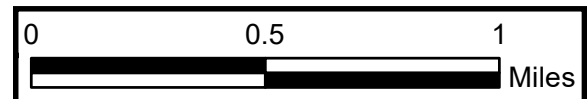
0.005 - 2.00

2.00 - 5.00

5.00 - 10.00

10.00 - 49.80

Exhibit 7i



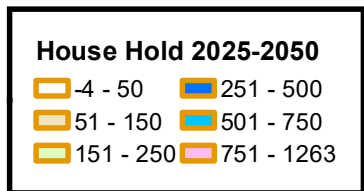
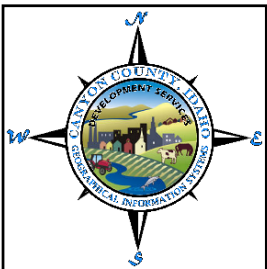
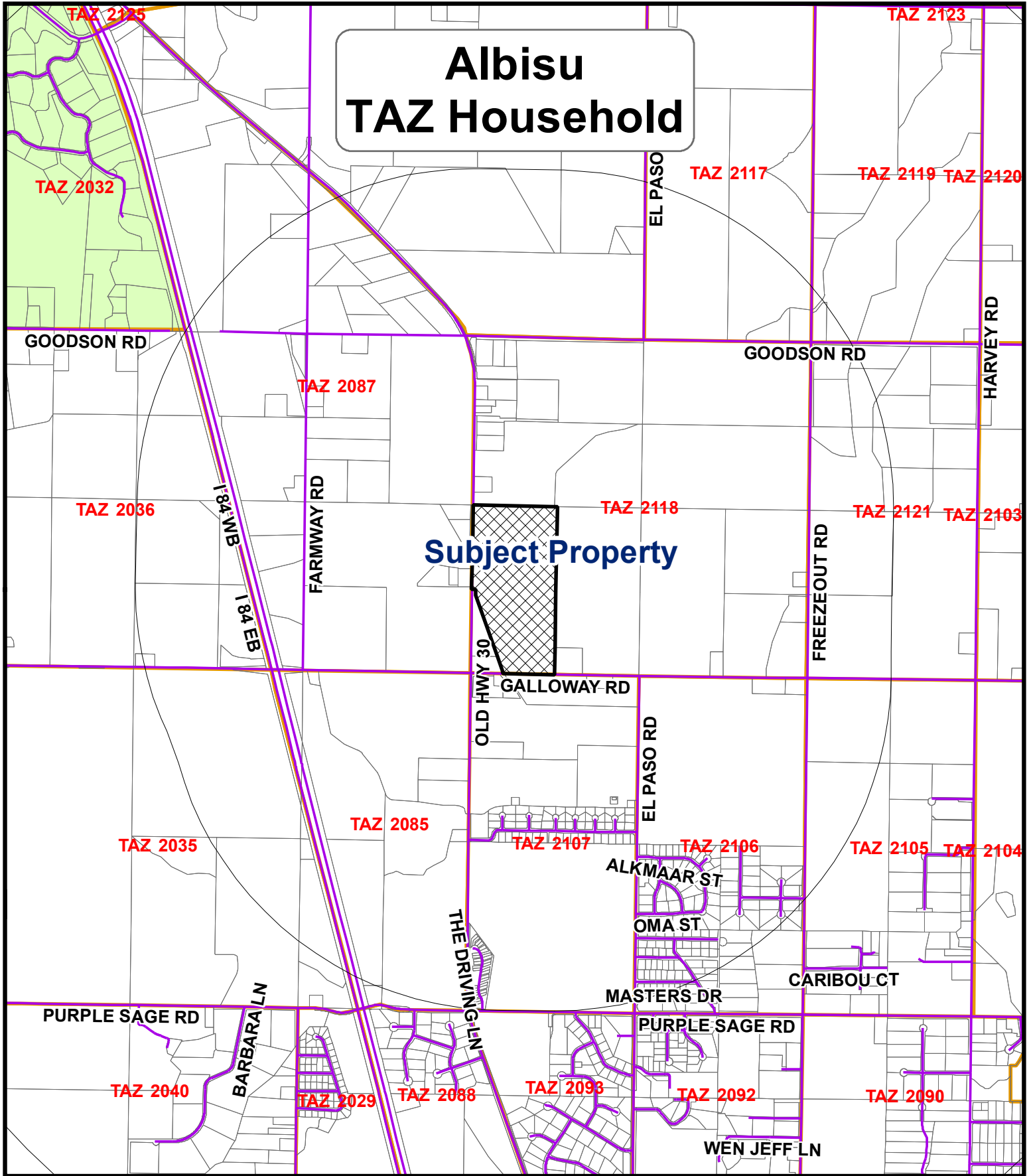
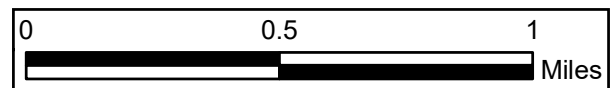
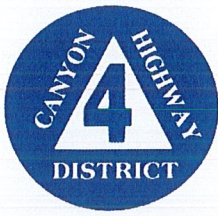


Exhibit 7j





CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

August 1, 2022

Canyon County Development Services Department
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605
Attention: zoninginfo@canyoncounty.id.gov

KM Engineering, Applicant's Representative
5725 N. Discovery Way
Boise, Idaho 83713
Attention: Stephannie Hopkins, Planner

**RE: OR2022-0007 & CR2022-0015: Conditional Rezone from Ag to CR-R-1
Parcel R37934011 aka 0 Galloway Rd**

In the matters above Canyon Highway District No. 4 (CHD4) has reviewed the application for a comprehensive map amendment and conditional rezone for Parcel R37934011, consisting of approximately 71 acres near the northeast corner of Hwy 30 and Galloway Road. CHD4 provides the following comments on the proposed use:

General:

The subject property consists of a single parcel, 71.6 acres, lying in the W ½ SE ¼ Section 21 T5N R3W, at the northeast corner of Old Hwy 30 and Galloway Rd. Two parcels totaling approximately 8 acres appear to have been split previously at the extreme southwest corner of the parcel. The subject property is located more than two miles from Middleton city limits, and is considered rural for purposes of development.

The Canyon County Functional Classification Map (Jan 12, 2011) designates Old Hwy 30 as a principal arterial, and Galloway Road as a rural major collector road classification in the vicinity of the subject property. The existing right-of-way for Old Hwy 30 is a 25-foot prescriptive right-of-way (a 40-foot dedicated r/w is believed to exist, but cannot be confirmed); ultimate r/w width for a principal arterial is 50-feet measured from the ¼ section line. Existing right-of-way for Galloway Rd is a 25-foot prescriptive r/w, measured from the existing road centerline; ultimate r/w width for a major collector is 40-feet half width measured from the section line.

Existing Access:

The subject property currently appears to take access to the public highway system via several unimproved field access, along Old Hwy 30 ¼ mile and ½ mile north of Galloway, and off of Galloway Rd near the southeast corner of the property.

Outparcels

The two parcels at the southwest corner of the subject property appear to have been created by administrative land division in 2019. In accordance with the Highway Standards and Development

Procedures Manual (HSDP) adopted by CHD4, parcel divisions may be considered as outparcels for any future development of the subject property if the criteria established in HSDP Section 2030.030 are satisfied, and may be subject to requirements for right-of-way dedication and/or frontage improvements. Criteria for requiring right-of-way dedication and/or frontage improvements appears to be met for Parcels R37934 and 37934010 at the time of this report. Final requirements for improvements to the two outparcels shall be determined at the time of preliminary plat approval by the highway district.

Future Access for Residential Development:

Access management policy adopted by CHD4 (HSDP Manual Section 3061) provides the following for the public highways fronting the subject property:

1. Principal Arterial (Old Hwy 30)- no direct residential access. New public road access only at ½ mile intervals (north boundary of subject property).
2. Major Collector (Galloway Rd)- no direct residential access from new subdivisions. New public or private road access at 660-foot minimum spacing.

The preliminary plat for Sugar Ranch Subdivision dated 12/21/21 provided to CHD4 appears to be consistent with this policy, providing a single public road access to Galloway Rd, and a single collector access to Old Hwy 30 at the north property line. The proposed emergency access to Old Hwy 30 approximately ¼ mile north of Galloway may be approved (except as noted below) as a temporary approach by variance at the time of preliminary plat approval.

Approach Sight Distance

The proposed access locations are subject to the following intersection sight distance conditions:

1. Collector access to Old Hwy 30: no restriction, intersection sight distance of >720 feet for the 65 mph average speed (55 mph posted) is available both north and south on Old Hwy 30.
2. Local road access to Galloway Rd: approach should be located to provide a minimum of 610-feet of intersection sight distance to the west for the measured 55 mph 85th percentile speed. The location shown on the preliminary plat dated 12/21/21 appears to be located to far west to meet this requirement.
3. Emergency access to Old Hwy 30: Approximate 650-feet of intersection sight distance is available to the north along Old Hwy 30 at the proposed location, acceptable for the 55 mph posted speed but approximately 70-feet less than the desirable 720-feet for the 65 mph measured operating speeds. This is acceptable for use as a temporary emergency access; use should be restricted by gates or other physical means to restrict the access to essential use. Alternative locations for this emergency access may be considered to provide better sight distance.

An access permit from CHD4 is required for any new approach construction, or for modification to any existing access, including temporary construction access, to public roads under CHD4 jurisdiction.

Traffic Impacts

Although no specific density is identified in the application materials, the site plan/prelim plat dated 12/21/21 shows approximately 55 new residential lots. This is at the threshold of requiring a Traffic Impact Study (TIS), which is warranted for new developments creating 500 or more daily trips, or 50 peak hour trips. The 55 new lots would be estimated to create 55 new peak hour trips using standard trip generation methods.

CHD4 may require a TIS for the project depending on several factors: timing of submittal of a preliminary plat application, and/or existing/background traffic volumes at Galloway/Old Hwy 30 at the

time of submittal. Current traffic conditions do not appear to warrant a study of the adjacent intersections, as all public road intersections within one mile of the subject property operate an acceptable level of service (A or B) in the peak hour. If a TIS is required due to conditions at the time of application, it should be submitted with and approved with the preliminary plat for the project. Traffic impacts from the development will be mitigated through dedication of public right-of-way, frontage improvements, and/or development impact fees for transportation system improvements.

Current CHD4 access and development related policy is found in the latest edition of the Highway Standards and Development Procedures Manual (HSDP Manual) available on the CHD4 website at www.canyonhd4.org/planning. These comments are intended to highlight those portions of CHD4 policy relevant to the proposed land use described in the materials submitted for review. For additional information on highway district policies for specific development proposals, please see the HSDP manual, or feel free to contact me with questions.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chris Hopper", with a stylized flourish at the end.

Chris Hopper, P.E.
District Engineer

File: Galloway Rd- CR2022-0015 Sugar Ranch Subdivision

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

August 5, 2022

Canyon County Development Services Department
111 North 11th Ave. Suite 140
Caldwell, ID 83605
(208) 454-7458

RE: Comprehensive Map Amendment, Conditional Rezone. Parcel R37934011
Case No. OR2022-0007 & CR2022-0015
Applicant: Richard Albisu
Planner: Canyon County Planning Department

The property is located at north of Galloway Road and east of Old Highway 30 in Canyon County, Idaho.

The Black Canyon Irrigation District (District) has the following initial comments regarding this proposed land use change.

Any and all **maintenance road right-of ways, lateral right-of ways and drainage right-of ways** will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.

The District will require that the laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons.

Furthermore, as long as this property has irrigation water attached to it, an irrigation system with an adequate overflow needs to be installed to ensure the delivery of irrigation water to each lot and/or parcel of land entitled to receive irrigation water.

Runoff and drainage from the proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

The District and Reclamation will require a signed agreement be in place prior to any changes being made to the sections of the Conway Gulch Lateral, C.G. 4.4, C.G. 4.4-0.2, C.G. lateral siphon and any appurtenant irrigation facilities that are affected by the proposed land changes not listed in this letter. NOTE: The District and Reclamation will require that this section be piped meeting all District and Reclamation standards. Furthermore, the District and Reclamation may require additional modifications to ensure irrigation water is made available to patrons as this proposed project proceeds.

All of the above requirements shall be met, including any others that arise during future review. Please fill out and submit Development Intake Sheet Form found on our website (www.blackcanyonirrigation.com/development). It is recommended that the proponent apply using the attached form for their proposed project to help identify any additional project requirements.

Thank You,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District

Exhibit 8b

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

January 3, 2023

Canyon County Development Services Department
111 North 11th Ave. Suite 140
Caldwell, ID 83605
(208) 454-7458

RE: Comprehensive Map Amendment, Conditional Rezone. Parcel R37934011
Case No. OR2022-0007 & CR2022-0015
Applicant: Richard Albisu
Planner: Jenna Petroll

The property is located north of Galloway Road and east of Old Highway 30 in Canyon County, Idaho.

The Black Canyon Irrigation District (District) has the following initial comments regarding this proposed land use change. A response was initially provided to this same request and was sent to the County on August 5, 2022

Any and all **maintenance road right-of ways, lateral right-of ways and drainage right-of ways** will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.

The District will require that the laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons.

Furthermore, as long as this property has irrigation water attached to it, an irrigation system with an adequate overflow needs to be installed to ensure the delivery of irrigation water to each lot and/or parcel of land entitled to receive irrigation water.

Runoff and drainage from the proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

Significant District infrastructure is located on or adjacent to the proposed development (including a large siphon). The current preliminary plat submitted does not appear to address several of the District's infrastructure components that will need to be addressed prior any approval by the District.

The District and Reclamation will require a signed agreement be in place prior to any changes being made to the sections of the Conway Gulch Lateral, C.G. 4.4, C.G. 4.4-0.2, C.G. lateral siphon and any appurtenant irrigation facilities that are affected by the proposed land changes not listed in this letter. NOTE: The District and Reclamation will require that this section be piped meeting all District and Reclamation standards. Furthermore, the District and Reclamation may require additional modifications to ensure irrigation water is made available to patrons as this proposed project proceeds.

All of the above requirements shall be met, including any others that arise during future review. You can find the District's Project Application form and development process at <https://blackcanyonirrigation.com/development>. It is recommended that the proponent apply following the outlined process for their proposed project to help identify any additional project requirements.

Thank You,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District

Communities in Motion 2050 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of *Communities in Motion 2050* (CIM 2050), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2050 goals.

Development Name:

CIM Vision Category:

New Jobs:

CIM Corridor:

New Households:



Safety

Level of Stress measures how safe and comfortable a bicyclist or pedestrian would feel on a corridor and considers multimodal infrastructure number of vehicle lanes, and travel speeds.

Pedestrian level of stress
Bicycle level of stress



Economic Vitality

These tools evaluate whether the location of the proposal supports economic vitality by growing near existing public services.

Activity Center Access
Farmland Preservation
Net Fiscal Impact
Within CIM Forecast



Convenience

Residents who live or work less than 1/2 mile from critical services have more transportation choices, especially for vulnerable populations.

Nearest bus stop
Nearest public school
Nearest public park



Quality of Life

Checked boxes indicate that additional information is attached.

Active Transportation

Automobile Transportation
Public Transportation
Roadway Capacity



Improves performance



Does not improve or reduce performance



Reduces performance

Comments:

Communities in Motion 2050
[2020 Change in Motion Report](#)
[Development Review Process](#)

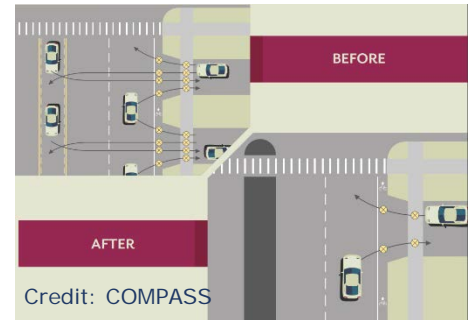
Web: www.compassidaho.org
Email: info@compassidaho.org



Access Management

Access management is a set of techniques to control vehicular access to roadways. The benefits of access management include improved traffic efficiency, fewer vehicle conflicts, and reduced crashes. Access management can help to improve the safety of cyclists and pedestrians by limiting the number of conflict points and separating the conflict points.

Several steps can be taken to improve efficiency and safety of the transportation network using access management:



- Space access (driveways or cross streets) to increase the distance between potential conflict points.

- Provide more access on lower functionally classified roads, such as collectors, instead of arterials, to facilitate efficiency and safety.

- Provide cross or shared access to reduce the need for excessive access on major roads.

- ✓ Provide stub roads to help enable future connections between properties and reduce the need for access to high-speed, high-volume roadways.

- Provide adequate driveways and drive-through queues to ensure that when a vehicle leaves a roadway it does not affect traffic on the roadway or access to businesses.

More information is available in the [COMPASS Access Management Toolkit](#) and the [COMPASS Access Management Business Guide](#).

Fiscal Impact Analysis Supplemental for the Development Review Checklist

The purpose of the fiscal impact analysis is to better estimate expected revenues and costs to local governments as a result of new development so that the public, stakeholders, and the decision-makers can better manage growth. Capital and operating expenditures are determined by various factors that determine service and infrastructure needs, including persons per household, student generation rates, lot sizes, street frontages, vehicle trip and trip adjustment factors, average trip lengths, construction values, income, discretionary spending, and employment densities.

The COMPASS Development Checklist considers the level of fiscal benefits, how many public agencies benefit or are burdened by additional growth, and how long the proposal will take to achieve a fiscal break-even point, if at all. More information about the COMPASS Fiscal Impact Tool is available at: www.compassidaho.org/prodserv/fiscalimpact.htm.

Overall Net Fiscal Impact

Net Fiscal Impact, by Agency

City

County

Highway District

School District

Break Even:

Communities in Motion 2050 Development Checklist

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of Communities in Motion 2050 (CIM 2050), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2050 goals.

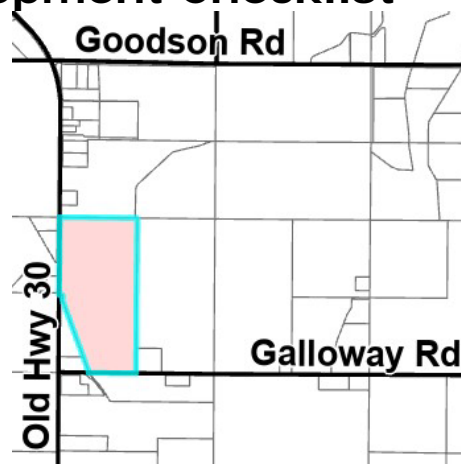
Development Name: Sugar Ranch

CIM Vision Category: Rural

New Jobs: 0

CIM Corridor: None

New Households: 54



Safety

Level of Stress measures how safe and comfortable a bicyclist or pedestrian would feel on a corridor and considers multimodal infrastructure such as number of vehicle lanes and travel speeds.

Pedestrian level of stress



Bicycle level of stress



Economic Vitality

These tools evaluate whether the location of the proposal supports economic vitality by growing near existing public services.

Activity Center Access



Farmland Preservation



Net Fiscal Impact



Within CIM Forecast



Convenience

Residents who live or work less than 1/2 mile from critical services have more transportation choices, especially for vulnerable populations

Nearest bus stop



Nearest public school



Nearest public park



Quality of Life

Checked boxes indicate that additional information is attached.

Active Transportation



Automobile Transportation



Public Transportation



Roadway Capacity



Improves performance



Does not improve or reduce performance



Reduces performance

Comments:

The proposal is in a primarily farmland area without nearby public parks or nearby employment. Consider long-term impacts to farmland, as farmland preservation is a goal in the regional long-range transportation plan, *Communities in Motion 2050*.

Communities in Motion 2050
[2020 Change in Motion Report](#)
[Development Review Process](#)

Web: www.compassidaho.org

Email: info@compassidaho.org



Roadway Capacity

The COMPASS transportation improvement program (TIP) is a short-range (seven-year) budget of transportation projects for which federal funds are anticipated, along with non-federally funded projects that are regionally significant. Many projects help implement the Complete Network Policy, including adding additional travel lanes to existing roads and building new roadways.

The [COMPASS TIP](#) contains additional information about short-range capital projects.

Highway 30, Sand Hollow Road to SH-44, Canyon County

Regionally Significant: ☐ ☒ Inflated

TIP Achievement:

Key #: 19951

Asset Management

Requesting Agency: Canyon Highway District

Safety

Project Year: 2027

Total Previous Allocations: \$419

Total Programmed Budget: \$3,687

Total Cost (Prev. + Prog.): \$4,106

Project Description

Rehabilitate Old Highway 30 from State Highway 44 to Galloway Road, and Goodson Road to south of Sand Hollow Road. Work also includes improvements to the intersections at Farmway Road and Goodson Road.



Funding Source STBG-R			Program Local Hwy - Rural				Local Match 7.34%		
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share
2023	0	0	50	0	0	0	50	46	4
2027	0	0	0	0	527	3,110	3,637	3,370	267
Fund Totals:	\$0	\$0	\$50	\$0	\$527	\$3,110	\$3,687	\$3,416	\$271

Fiscal Impact Analysis Supplemental for the Development Review Checklist

The purpose of the fiscal impact analysis is to better estimate expected revenues and costs to local governments as a result of new development so that the public, stakeholders, and the decision- makers can better manage growth. Capital and operating expenditures are determined by various factors that determine service and infrastructure needs, including persons per household, student generation rates, lot sizes, street frontages, vehicle trip and trip adjustment factors, average trip lengths, construction values, income, discretionary spending, and employment densities.

The COMPASS Development Checklist considers the level of fiscal benefits, how many public agencies benefit or are burdened by additional growth, and how long the proposal will take to achieve a fiscal break-even point, if at all.

More information about the COMPASS Fiscal Impact Tool is available at:

www.compassidaho.org/prodserv/fiscalimpact.htm

Overall Net Fiscal Impact Net Fiscal Impact by Agency

N/A City



County



Highway District

N/A School District

Break Even: 1 year



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 N. Orchard Street, Boise ID 83706
(208) 373-0550

Brad Little, Governor
Jess Byrne, Director

January 4, 2023

By e-mail: jenna.petroll@canyoncounty.id.gov

Jenna Petroll
Associate Planner
Canyon County
111 N 11th Ave Ste 140
Caldwell, ID 83605

Subject: Albisu / OR2022-0007 & CR2022-0015

Dear Ms. Petroll:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Response to Request for Comment

January 4, 2023

Page 5

Aaron Scheff

Regional Administrator

EDMS#: 2021AEK

Jenna Petroll

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Friday, December 30, 2022 9:43 AM
To: Jenna Petroll
Cc: Bonnie Puleo
Subject: [External] RE: Agency Notice Albisu / OR2022-0007 & CR2022-0015

Good Morning, Jenna.

After careful review of the transmittal submitted to ITD on December 29, 2022, regarding Albisu / OR2022-0007 & CR2022-0015, the Department has no comments or concerns to make at this time.

Thank you and have a Happy New Year!



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337
C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Thursday, December 29, 2022 2:31 PM
To: 'lgrooms@msd134.org' <lgrooms@msd134.org>; Marc Gee <mgee@msd134.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrrd@phd3.idaho.gov>; 'PERMITS@STARFIRERESCUE.ORG' <PERMITS@STARFIRERESCUE.ORG>; 'CHOPPER@CANYONHD4.ORG' <CHOPPER@CANYONHD4.ORG>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'CARL@BLACKCANYONIRRIGATION.COM' <CARL@BLACKCANYONIRRIGATION.COM>; dpopoff@rh2.com; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; COMPASS <gis@compassidaho.org>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'Kent, Lori - NRCS-CD, Caldwell, ID' <Lori.Kent@id.nacdnet.net>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'cdillon@usbr.gov' <cdillon@usbr.gov>; Brandon Flack <brandon.flack@idfg.idaho.gov>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>; 'GMPRDJENNIFER@GMAIL.COM' <GMPRDJENNIFER@GMAIL.COM>
Subject: Agency Notice Albisu / OR2022-0007 & CR2022-0015

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good afternoon:

Please see the attached agency notice. Please direct your comments or questions to Planner Jenna Petroll at jenna.petroll@canyoncounty.id.gov

Thank you,



Bonnie Puleo
Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

NEW public office hours **effective January 3, 2023**

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour****

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Jenna Petroll

From: Jack Nygaard <Jack.Nygarrrd@phd3.idaho.gov>
Sent: Friday, December 30, 2022 8:30 AM
To: Jenna Petroll
Cc: Mitch Kiester
Subject: [External] Agency Notice Albisu / OR2022-0007 & CR2022-0015

Hi Jenna,

Southwest District Health's comments on the proposed project are as follows:

- A site evaluation of the parcel is required before SWDH may comment on the ability to install subsurface sewage disposal systems.

Thanks,

Jack

CANYON SOIL CONSERVATION DISTRICT



2208 E. Chicago, Suite A
Caldwell, ID 83605
Phone 208-779-3443
Fax 1-877-504-6752

SUPERVISORS: Mike Swartz, Chairman; Rex Runkle, Vice Chairman; Robert McKellip, Secretary/Treasurer;
Chris Gross, Supervisor, Brad McIntyre, Supervisor & Clay Erskine, Supervisor

ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood

SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

January 19, 2023

**To: Dan Lister Planner of Record
Canyon County Development Services**

From: Canyon Soil Conservation District (Canyon SCD)

Subject: Subject: Notification to Canyon pursuant to the local use Planning Act

This report is more specific/complete information per the soil physical properties.

Thank you for sending Canyon Soil Conservation District (SCD) a zoning request.

It is: OR2022-0007 & CR2022-0015 Richard Albisu / Stephanie Hopkins (KM Engineering) .

Comments from Canyon SCD:

The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.

OR2022-0007 & CR2022-0015 Richard Albisu / Stephanie Hopkins (KM Engineering).

79% of the soils are class III. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. 21% of the soils are Class IV. We do NOT recommend a land use change.

Continued Partnership and Conservation.

Sincerely,

Rich Sims acting for

Mike Swartz, Canyon SCD Chairman

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Canyon Area, Idaho**

OR2022-0007 & CR2022-0015



January 17, 2023

Custom Soil Resource Report
 Map—Irrigated Capability Class (OR2022-0007 & CR2022-0015 Richard Albisu/KM ...



MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

Capability Class - I

Capability Class - II

Capability Class - III

Capability Class - IV

Capability Class - V

Capability Class - VI

Capability Class - VII

Capability Class - VIII

Not rated or not available

Soil Rating Lines

Capability Class - I

Capability Class - II

Capability Class - III

Capability Class - IV

Capability Class - V

Capability Class - VI

Capability Class - VII

Capability Class - VIII

Not rated or not available

Soil Rating Points

Capability Class - I

Capability Class - II

Capability Class - III

Capability Class - IV

Capability Class - V

Capability Class - VI

Capability Class - VII

Capability Class - VIII

Not rated or not available

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

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

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

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

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

Soil Survey Area: Canyon Area, Idaho
Survey Area Data: Version 19, Sep 2, 2022

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

Date(s) aerial images were photographed: Apr 19, 2021—Apr 21, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Custom Soil Resource Report

**Table—Irrigated Capability Class (OR2022-0007 & CR2022-0015
Richard Albisu/KM Engineering)**

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
EsA	Elijah-Chilcott silt loams, 0 to 1 percent slopes	3	11.3	16.7%
EsB	Elijah-Chilcott silt loams, 1 to 3 percent slopes	3	42.2	62.4%
EvC	Elijah-Vickery silt loams, 3 to 7 percent slopes	4	14.1	20.9%
Totals for Area of Interest			67.6	100.0%

**Rating Options—Irrigated Capability Class (OR2022-0007 &
CR2022-0015 Richard Albisu/KM Engineering)**

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



Middleton School District #134

Every Child Learning Every Day

Middleton School District #134

Canyon County --Public Hearing Notice Response

General Response for New Development

Middleton School District is currently experiencing significant growth in its student population. Currently Middleton School District has 2 of our 3 elementary schools over capacity. Heights Elementary is at 134% of capacity with three portable units. Mill Creek Elementary is at 123% of capacity with 4 portable classroom units totaling 8 classrooms. We are nearing capacity, but have not superseded at this point, at our high school (91%) and middle school (85%) or Purple Sage Elementary (85%). As it stands now there is an immediate need for additional facilities in our school district, primarily at the elementary grades. However, we have significant concerns of the continued growth and our ability to meet the future facility needs of our district at the secondary level (Middleton Middle School and Middleton High School).

We have completed demographic study performed for our school district boundaries and data suggests that for every new home we could expect between 0.5 and 0.7 (with an average of .569) students to come to our schools. That is the factor/rate we use to make our projection of student impact for each development.

Sugar Ranch Subdivision

Elementary students living in the subdivision as planned would be in the attendance zone for Purple Sage Elementary School, Middleton Middle School, and Middleton High School whose capacities are listed above. With the potential for a maximum of roughly 70 proposed lots we anticipate approximately 35-49 students will need educational services provided by our district. This equates roughly to 2 new classrooms of students as a result of this development.

In addition to the increase in student population and its impact on facilities, bussing would be provided for all students. As such, it would be important that the developer include plans for appropriate spacing for bus stops as well as safe routes to those stops.

As a school district we would ask that Canyon County Planning and Zoning commission take these factors into consideration as you make your decision. Any questions regarding this response should be directed to Marc Gee at the contact information shared below.

A handwritten signature in dark ink, appearing to read 'Marc C. Gee'.

Marc C. Gee, Superintendent

January 19, 2023

Date

Exhibit 8h

Middleton School District Office: 5 S. Viking Ave, Middleton, ID 83644

Phone: 208-585-3027

Marc C. Gee, Superintendent

Lisa Pennington, Asst. Superintendent

Alicia Krantz, Business Manager

mgee@msd134.org

lpennington@msd134.org

akrantz@msd134.org

Case # 2022-0007 and CR2022-0015

Canyon County P & Z

1-25-2023

Dear P & Z Commissioner

I strongly OPPOSE approval of Case #'s OR2022-0007 and CR2022-0015 (site located at the NE corner of Galloway Road and State Hwy 30) for these reasons:

- 1)The development is well outside the residential area as designated by the current Canyon County Land Use Map.
- 2)There are no services such as city, sewer, and fire at the location. There are no traffic lights at that corner.
- 3)The intersection where this development is proposed is a high traffic corner where a state highway meets a busy collector. Traffic moves at speeds from 55 to 65 mph. This is not a safe area to have an additional 100 + cars entering the roads from the subdivision. According to the Idaho Transportation Dept., each car in a household generates an average of 5 trips per day, making those 100 extra cars an extra 500 vehicles on those already crowded roads every day.
- 4)The proposed subdivision is located in the middle of a production farming area. There are 3 dairies within a couple of miles. There is a regional sugar beet dump (storage area) directly across Galloway Road. Both of these industries require constant driving of large semi-trucks on the road to haul their products. These trucks are very big, noisy, and drag mud onto the roads from the fields. They also move along as fast as the speed limit allows all day long, all year long. This is simply not compatible with a residential development where moms are pushing baby carriages, strolling along the streets with their children, and pulling out onto highspeed highways with their mini-vans.
- 5)There are no subdivisions contiguous to this proposed one. Other uses in this area besides the high production farming operations are beef ranches, horse training and boarding facilities, and fruit and vegetable farms. Again, a residential development DOES NOT FIT HERE!!

I urge you to DENY this proposal and take this opportunity to follow the 2023 Canyon County Comp Plan which seeks to STOP FRAGMENTATION OF FARMLAND and TO PRESERVE AG LANDS here in Canyon County. Our open space and farmland are a rare and precious resource. We must protect them for future generations!

Thank you for your consideration,

Mary Beumeler-13379 Galloway Road, Caldwell, ID 83607

January 26, 2023

Canyon County Development Services Department
111 North 11th Avenue, Suite 140
Caldwell, ID 83605

Dennis Evans
15178 Galloway Road
Caldwell, ID 83607

Case #OR2022-0007 & CR2022-0015

To whom it may concern,

I am Dennis Evans. My wife Donna and I own the property directly east of the property proposal referenced above.

I am opposed to the rezone for the following reasons:

- The Conway Canal runs right through the proposed property. There is a large pipeline that connects the canal to the property south of the proposed property. We have had two dogs drown by going through the pipeline. I worry about curious children finding themselves in the canal and not being able to get out in time to avoid the pipeline and meeting a terrible fate.
- The schools in the Middleton School district are at or near capacity. You will probably hear from the developer of the property that Purple Sage Elementary is not at capacity. That is a true statement but not the whole truth. It is my understanding from visiting the district office that the reason that the school's capacity is held below capacity is to service the special needs children of the area and those numbers can fluctuate.
- Traffic is becoming more and more of a problem on Galloway Road and Old Hiway 30. There have been numerous accidents within the last few years. Drivers are becoming more aggressive. Adding another 100 cars to the mix will only make matters worse. Until the infrastructure is improved it would be ill advised to add to the traffic.
- I am concerned about my well with that many proposed houses. The water table will probably drop if that many houses are added. Who will pay for a new well once that happens?
- The Amalgamated Sugar Company has a piling ground directly across to the south. During certain times of the year as many as 200-500 loads of sugar beets come into the piling ground. During the winter the beets are hauled out with semi-trucks. Dust, noise, and dirt on the road are just some of the problems that I am sure will create upset people that are not used to such things.
- There are farms on all sides of the proposed property development. There will be smells from manure, dust, and noise from farming at many hours of the day and night. Crop



dusting is severely hampered by subdivisions and that is something that is needed at certain times of the year. Farmers need to be assured of the right to farm.

- Lastly I would appeal to your sense of what is right and necessary if we are to continue to be a country that can sustain its way of life. I believe that we are stewards of the land that has been given to us by God. I do not believe that haphazard use by housing is good stewardship. We have become dependent on other countries for our petroleum. If we get to the time of needing food from other countries we will be in sad shape. It would be difficult to eat petroleum if food would be withheld for political purposes. We need to be able to continue to raise food. Farms are also very good for our economy.

I appreciate the time you have taken to listen to my concerns. I pray that you will make wise decisions as our county continues to grow.

Sincerely,

A handwritten signature in dark ink, appearing to read 'DE Evans', with a stylized flourish at the end.

Dennis E. Evans

January 26, 2023

Development Services Department

Case # OR2022-0007 and CR2022-0015 R37932

KM Engineering LLP representing Richard Albisu

My name is Donna Evans. I live at 15178 Galloway Road. The proposed Sugar Ranch subdivision will run parallel to our property off Galloway. I do have some concerns about the development. The following are some of those concerns:

- Elementary aged children from the subdivision would be attending Purple Sage Elementary that is located on El Paso Road off Galloway. This school provides space for the special education program in the district and is why the school is only currently at 85% capacity. Increased attendance could create over-population in this building impacting where the elementary special education students will be placed.
- Traffic on Galloway Road, especially during harvest time, can be heavy with trucks entering the beet dump. Safety is a concern should a bus stop be needed on Galloway Road.
- Traffic on both Highway 30 and Galloway Road has increased over the last 40 years we have lived at our current address. More vehicles traveling on these two roads will increase the need for road repair and possibly lead to more accidents.
- It appears there may be a turn lane needed off Galloway Road into the subdivision. This turn lane will be located along our property and my concern is the county will use some of our property to create the turn lane.

I would be lying to give the impression that the development of this subdivision doesn't evoke strong emotions. Seeing the agricultural land turned into subdivisions is alarming. It should make us question where our food supply will come from should the growth in our area continue. Thank you for considering my concerns.

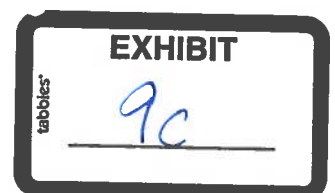
Sincerely,

Donna Evans

Donna Evans

15178 Galloway Road

Caldwell, Idaho 83607



To:

Canyon County PZ Commissioners

PZ Case No. OR2022-0007/CR2022-0015 Albisu

From:

Rolf Kilchenmann

26628 Hidden Valley Lane

Middleton, ID 83644

Planning and Zoning Commissioners,

I am requesting denial of the requested zoning change. Main reasons for my opposition are:

- 1.) While both Galloway and Old Hwy 30 can handle additional traffic, the real problems are on Hwy 44 and I-84. Merging from the old Hwy 30 onto Hwy 44 East Bound is next to impossible now and will only get more difficult in the future. During rush hour traffic, the I-84 Middleton exit West bound, regularly has traffic backed up in the emergency lane past the Notus exit which creates a traffic hazard. The recently added traffic signal has done nothing to alleviate this.
- 2.) There are one dairy and two feedlots less than two miles from the property in question. All of them have been here longer than any potential new residents. Anytime you approve additional residences this close to them, there is potential for conflict and law suits over smell, flies etc etc. Denial of this zoning change request will eliminate that threat.
- 3.) An Amalgamated Sugar Company beet dump is located directly across Galloway Road from the property in question. This beet dump creates a substantial amount of noise: Pilers, loaders, trucks bringing in and hauling off beets using their exhaust brakes six days per week creates the potential for more conflict. Dust and mud are additional side effect of this beet dump.
- 4.) Growth in the greater Middleton area is out of control and has been for a while. Impact fees do not cover actual cost of growth and property tax payers end up footing long term bills while developers are making fortunes.

5.) I have seen farm ground disappear in this valley and county at an alarming rate. If we want to have a viable agricultural sector in Canyon County, we have to draw the line somewhere and preserve what is left. Your decision matters and sets precedent. If you approve this rezone request, 71 acres will forever be lost to the production of food and others will follow in a Domino effect.

I respectfully request that you deny this zoning change.

Thank you.

Rolf Kilchenmann

Canyon County Planning and Zoning Commissioners,

Thank you for your time and consideration.

I am strongly in opposition of rezoning parcel R37934011 to Rural Residential and the request to amend the comprehensive plan map, for many reasons. Some of which you have already heard.

Being a member of our Law Enforcement Community, I am aware of the increased number of crashes near the proposed development. For example, Idaho Transportation Department advised within a 5 mile radius of the proposed development, in 2018 there were 177 crashes, in 2019 there were 237 crashes, in 2020 there were 257 and in 2021 there were 288 (which was not the most up-to-date number due to receiving more data).

With the Dairies and farm land surrounding this parcel, there is a significant amount of agriculture traffic. With the significant amount of Tractors, farm equipment and farm trucks working around the proposed development, it makes the roadway increasingly dangerous. With the increase in road rage, short-tempered individuals that get in a hurry home from work or in a rush to pick children up from school, they display zero patience for Farm/Agriculture vehicles. I have been to many scenes which the results of them are fatal. Changing this land to Rural Residential would invite more traffic to this area which would result in more injury and fatal crashes. The rural roadways are the most dangerous because people run stop signs, conduct illegal u-turns, blind spots due to hills, passing illegally, high speeds, etc.

The response time for any Law Enforcement, Fire and EMS is significantly high. It would take Middleton Police Department approximately 10 minutes to arrive with lights and sirens. For Canyon County Sheriff's Office, their response time is approximately 10 minutes. The Idaho State Police would take over 20 minutes. 10 minutes is not fast enough to save someone's life if they are unresponsive and unconscious. Increasing the population will increase the crime rate. I have first-hand experience being involved in several felony pursuits, driving while under the influence, high-speed traffic stops, and several injury crashes in this area.

Also, as everyone is aware in the Middleton area, the Middleton School District \$59 Million bond was denied. The schools are beyond overcrowded and the roadways are too! Approving this application would invite more overcrowding that we are just not ready or could sustain right now.

I urge you to DENY this application.

Sincerely,



Angelie Hoxie

26103 Harvey Road, Caldwell, Idaho, 83607

Jenna Petroll

From: Tyson Meeks <meekstfarm@gmail.com>
Sent: Wednesday, February 1, 2023 9:29 PM
To: Jenna Petroll
Subject: [External] OR2022-0007 CR2022-0015 Opposition Letter

My family has farmed at the NE corner of Cemetery and Goodson Roads since 1950. Some farms have changed hands over the years, mostly in the 70's and 80's, to others who valued the lifestyle over the likelihood of becoming wealthy. More recently it is the investors who have driven the price out of reach of farmers, with the sole intention of becoming wealthy.

As a farm the land is a renewable resource. By tilling the soil, planting the seeds, utilizing the river flow during the critical summer months, and constant supervision and sweat, these lands provide essential commodities to our people. As a community I believe we should consider ourselves fortunate that we have people willing to farm.

Farmland becomes a non-renewable resource when we diminish its limited quantity. At present every acre possible to farm is being farmed. This valley does not have another 71 acres of suitable land in one block to produce food.

Our consideration today, whether to change productive farmland, a renewable, into housing, a non-renewable. Currently the 71 acres contributes to the needs of everyone by growing food year in and year out. No, not food ready to eat, but typically needing another value added process; the sugar beet factory, blending with other commodities to feed cows, or in the case of onions and potatoes, sorted, bagged then distributed. All of these examples represent jobs, income that county residents can depend on year after year. It has been calculated that every \$1 worth of commodity grown on the farm generates \$7 by the time it has been consumed.

To allow a modification to the Comp Plan and a zoning change would move development one mile further north of Purple Sage road, and across Galloway road. Currently any concentrated development is being held at Purple Sage, thanks

I believe to concerned citizens at many levels. This 71 acres is surrounded by the original farms from 1950, all intact and producing, on all four sides. Any change in the Comp Plan or zoning would open the last remaining block of farmland in the entire North of Hwy 44 East of Hwy 30 to development.

My family would like to see our 4th generation have the chance to continue as food producers.

Thank you board members for your service

Emery Meeks



February 2, 2023

Canyon County Development Services
111 North 11th Avenue, Suite 140
Caldwell, ID 83605

RE: Case No. OR2022-0007 & CR2022-0015, Albisu/KM Engineering R37934011

Planning & Zoning Commission,

I am writing on behalf of Amalgamated Sugar Company (“Amalgamated”) to state opposition to the applications for Conditional Rezone and Comprehensive Plan Amendment for Parcel R37934011 near Middleton in Canyon County.

Amalgamated owns property immediately south of the subject parcel across Galloway Road and utilizes the property for a sugarbeet receiving and transfer station. During the harvest months of September and October there is significant truck traffic generated by our cooperative members delivering their sugarbeet crop to the station for stockpiling. Harvest operations run 12 hours per day, and an average of 200 daily loads occurs during the harvest months. During the months of November through February, Amalgamated manages contract haulers to reload the stockpiles and deliver sugarbeets to the Nampa Factory for processing. Reload operations run 24 hours per day, and an average of 80 daily loads occurs during the reload months.

Public safety is a major concern for both our cooperative members and Amalgamated. The site entrance of the proposed subdivision off Galloway Road creates a concentration of passenger car and truck turning movements in very close proximity. If the applications for Conditional Rezone and Comprehensive Plan Amendment are successful, Amalgamated suggests a traffic impact study be required by the applicant during the months of September and October to quantify the traffic counts and needed improvements to the roadway to ensure public safety.

We respectfully ask that the above items be considered in the decision on these applications, and appreciate the opportunity to state concerns with the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Wheeler', is written over a light blue horizontal line.

Matt Wheeler
Agriculture Operations Manager

Exhibit 9g

Nicole Albisu

0 Galloway Rd
Caldwell, Idaho 83607
(208) 739-0635
rnalbisu@msn.com

February 2, 2023

Planning & Zoning Commission

111 N. 11th Ave ROOM 310
Caldwell, ID 83605

Dear Commissioners,

I'm here tonight to request this commission to consider the rezoning of our parcel located on Galloway Road.

Both my husband and I are 3rd and 4th generation farmers/ranchers. Outside of our professional careers we enjoy raising, training, and competing on our equine athletes and growing and selling quality alfalfa hay.

We purchased this property in the fall of 2019. To put it plainly... it was a mess. Although we understood that this land was not stellar farm ground from the beginning, we hoped we could make it work. In the end, we realized that this property is much better suited to this county and the community as rural residential space due to its convenient location, soil composition, irrigation challenges, and surface leveling. This unique location is the perfect place for people like us to retire to. A space in the country, among our fellow agriculturists, to enjoy all of the things that rural living allows.

Approving this rezone will help Canyon County to achieve its own goal of having more of a land use balance, which recognizes that existing large agricultural uses and rural residential development can co-exist successfully and provide families with living and lifestyle choices. This location is the perfect buffer between larger conglomerate farming operations and more dense developments.

Although we are asking to designate this property residential, the overall aesthetic and character of the land will enable its owners to engage in agrarian practices such as raising a steer, goat, or sheep for 4H or FFA, growing a large garden or small pasture, or even raising chickens to sell eggs.

Exhibit 9h

Rezoning this non-prime land will increase the availability of homes and help support the Idaho housing market, particularly with rural housing options, and be more affordable, especially for native Idahoans.

This rezone will do more to enhance the quality of life and to meet the unique needs of our rural and agricultural communities than it will to harm it. Approving this rezone will also support Canyon County's vision that rural communities can flourish and improve the quality of life for its residents, supporting businesses as they work to recruit and retain quality staff. Additional housing options will strengthen our labor pool by supplying critical housing during this severe workforce shortage.

I've served as a school superintendent in Oregon for the past 11 years. Oregon Land use laws have irrevocably stifled both the economy and growth of Ontario. Recruiting and retaining quality staff is one of our primary challenges due in part to such limited housing options. Ontario has built approximately 15 houses in the last three years. I am a Chamber of Commerce board member in Ontario and the consequences of such restrictive policies has resulted in Ontario's failure to attract (and retain) both business and a stable workforce. To help mitigate this Ontario City Council legalized marijuana within city limits. They now rely heavily on the tax revenue from its local pot-shop sales. Unfortunately, this has resulted in an alarming increase in marijuana use among our students.

This parcel is ideal for a residential rezone. Not only does it sit across the street from an elementary school (that is under capacity at 86% due to its rural location), it's less than two miles from major thoroughfare I-84, less than one minute from Purple Sage golf course, and has direct access to a feeder route and future thoroughfare. These new homes will utilize water from Black Canyon District to irrigate their property, reducing their water usage and having minimal impact on an already plentiful local aquifer.

Property rights are the foundation of liberty and one of the fundamental rights guaranteed by the United States Constitution. The right to own, enjoy, and put property to its most productive use is the foundation not only of prosperity but of freedom itself. Property rights are human rights and any limitations as price controls and restrictions on the right to sell or utilize as seen fit are reductions of these rights.

I understand that there are a multiplicity of issues implicated in rezoning— however, I respectfully disagree with the arguments made by Canyon County staff. They are simply not sufficient enough to deny this application. We have met the requirements set forth by this county and its ordinances. The Right to Farm Act will undeniably protect our agriculturalists. Black Canyon Irrigation will benefit from the system upgrades we provide. Emergency services have no concerns and traffic impacts will be mitigated through the dedication of

public right-of-way and frontage improvements. Middleton schools do have sufficient space to serve these families. According to the Middleton School District's Demographic study completed this past April, Purple Sage Elementary is at 86% capacity. Middleton Middle school is at 82% capacity, and Middleton High School is at 85% capacity. Additionally, 11% of Middleton High School students are from outside of the district and attending through interdistrict transfers. Most notable is that student population density and active construction zones continue to be centered and concentrated around the central part of the school district, not in the area we are looking to build homes. This is even more of a reason to disperse developments outside of the city's impact area. There is simply no threat to health or safety that would compel your denial.

Inevitably there will be a few objections by our neighbors to this rezone. I'm sorry for that. However, simply being resistant to change, feeling inconvenienced by having more cars on the road, or holding on to the "not in my back yard" mindset are just not compelling enough reasons.

Your comprehensive plan states that the ability to manage and control the use of one's property as well as privacy and enjoyment of land, without unreasonable interference are the values that the Canyon County community was built on. I hope you help us prove this to be true. Thank you for your consideration.

Respectfully,

Nicole Albisu

Richard Albisu

0 Galloway Rd
Caldwell, Idaho 83607
(208) 453-8152
rnalbisu@msn.com

February 2, 2023

Planning & Zoning Commission

111 N. 11th Ave ROOM 310
Caldwell, ID 83605

Dear Commissioners,

I was born and raised on a ranch in Southwest Oregon where we raised cattle, horses and grew hay. In the spring of 1995 I graduated from Oregon State University with my Bachelors degree in Crop & Soil Science. In 1999 I purchased my first farm and have added acreages since. I have farmed locally for the past 24 years. Although I've specialized in premium dairy quality hay in the past, my niche crop is growing, harvesting, and marketing high quality alfalfa for performance horses.

As a farmer, knowing your soil is vital to how you use your land. It comes down to three things; experience, intuition, and science.

In the fall of 2019 we bought the Galloway property in hopes of adding it to our current farming operations. Honestly, it was in pretty tough shape. I started working the ground and found the depth of the soil very alarming due to the ground being leveled for surface irrigation. The high spots have had at least four feet of soil moved, making the field more level but leaving only four to six inches of topsoil until you hit caliche (or hardpan). Caliche severely limits water infiltration, increases erosion, and limits root growth, especially for a plant like alfalfa. Soil in this condition is marginal at best because very little topsoil is left, leaving much of the white dirt exposed. Not all soils absorb and reflect sunlight at the same rate. Dark soil absorbs as much as 86% of sunlight while light soil absorbs only 20% of sunlight, reflecting the rest into the atmosphere. As a result, soil temperature is compromised which affects plant growth. Additionally, caliche ties up much of the fertilizer so it cannot be absorbed by the crops being grown.

Also problematic is that the south field is surface irrigated three different ways including cement ditch, gated pipe, and dirt ditch (siphon tubes). The water is hard to control which means you get a lot of erosion and nitrate run-off that likely ends up in the Boise River. To

Exhibit 9i

try to help mitigate this I had several quotes for pivots. Unfortunately, the shape of the field and price of the project was simply not cost effective per acre. There are also leaks in Black Canyon's siphon that have been just too costly for them to repair. Unfortunately, these leaks drown out and kill the crops in those locations.

After consulting with my crop advisor we made the decision to lease the ground because we both agreed that I simply would not be able to produce the tonnage required for profit or to maintain a quality stand for five years. My lessee has had very marginal crop production, at best, and is only willing to continue with a lease at a very low rate (\$150 per acre). Farms with better ground lease for between \$275 and \$500 per acre for specialty crops.

Canyon Soil Conservation recommended that the land use not change on this property. In their letter they stated that their report is specific to the soil's physical properties and that class III has only moderate limitations and appropriate management practices can make any irrigated soil productive. Their assessment of the soil was based on a review of the maps and pictures of the land.

As the farmer who has literally had feet on the ground and hands in the dirt, I respectfully disagree. Experienced farmers know you can't just look at a map to determine a soil's quality. It comes down to texture, color, composition, nutrient content, capacity to retain water, fertilizer, and more.

In fact, the U.S. Land Use and Soil Classification study states that Class III (3) soils have **severe** limitations that reduce the choice of plants or require special conservation practices, or both. Class IV (4) soils have **very severe** limitations that restrict the choice of plants or require very careful management, or both.

In the end I realized that this property is much better suited as rural residential space because of the soil composition, irrigation challenges, and surface leveling.

Below I have attached some pictures of the property that illustrate its challenges.

Respectfully,

Richard Albisu

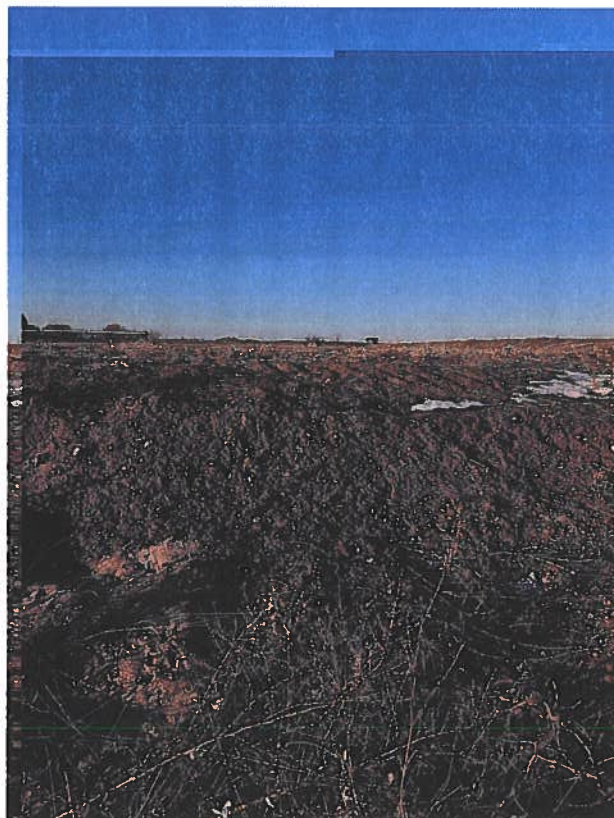
Pictures 1 - 3 shows the large amount of caliche (hardpan) in comparison to minimal top-soil throughout the property.



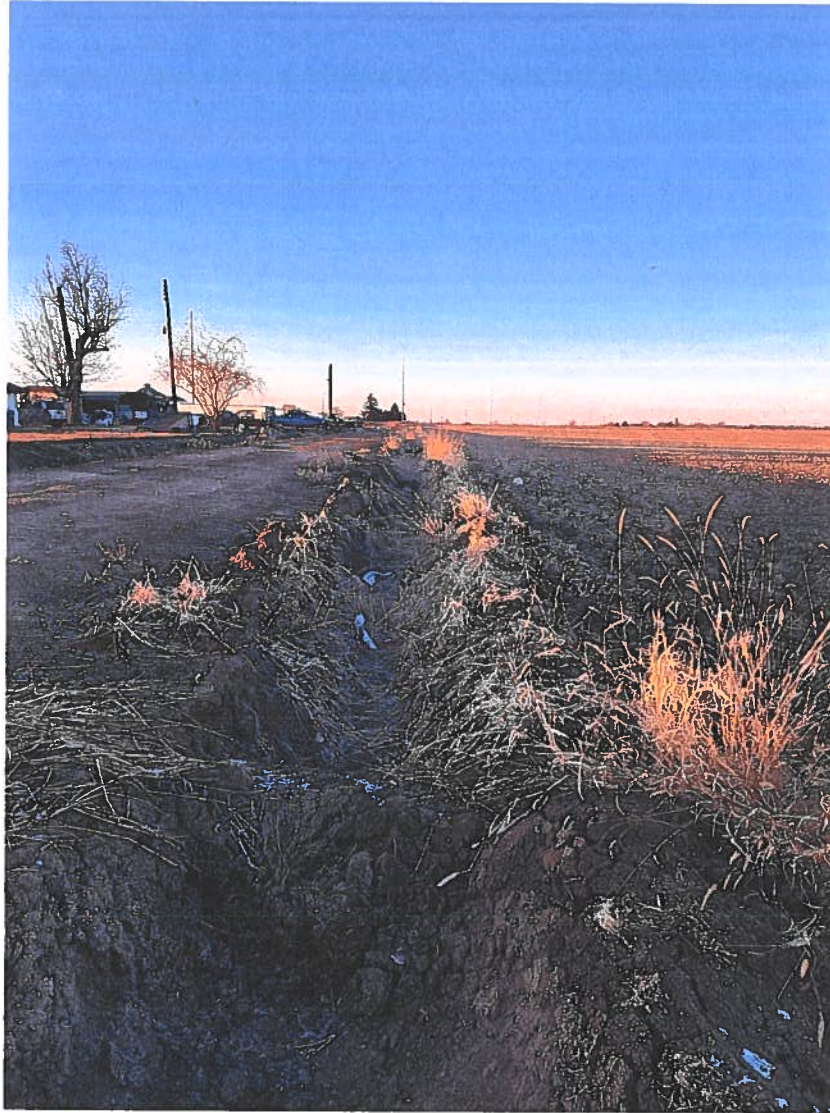


Pictures 4-7 shows how much of the topsoil has been removed and leveled. The property (neighbors) with the wheel lines is in its natural state and has not been leveled as compared to the lower portion (our property) which has been leveled.





Pictures 8 shows the dirt irrigation ditch on the property.



Petition To Oppose Sugar Ranch

Petition summary and background	
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to [Enter action item(s) for which you are petitioning]

Printed Name	Signature	Address	Comment	Date
Rick L. Young	<i>Rick L. Young</i>	Caldwell 23186 Forest Hills Lp		06-29-22
RANDALL ERICKSON	<i>Randall Erickson</i>	CALDWELL 23242 FOREST HILLS LOOP		06-29-22
Ramona Erickson	<i>Ramona Erickson</i>	23242 Forest Hills Loop	Proposed Subdivision would put too heavy traffic on Hwy 30.	7/8/22
Susan Gomez	<i>Susan Gomez</i>	23087 Forest Hills Lp	NO	7-9-22
Marisa Hernandez	<i>Marisa Hernandez</i>	23088 Forest Hills Lp	Caldwell, ID	7/9/22
Tim Berckhoff	<i>Tim Berckhoff</i>	23158 Forest Hills Loop	Caldwell	7/9/22
Oralia	<i>Oralia</i>	23172 Forest Hills	Caldwell	7-9-22
John Annes	<i>John Annes</i>	23200 Forest Hill	Caldwell	7-9-22
Nicole Hay	<i>Nicole Hay</i>	23200 Forest Hills Lp	Caldwell	7-9-22
Vicki Lewis	<i>Vicki Lewis</i>	23228 Forest Hills Loop	Caldwell	7-9-22

Printed Name	Signature	Address	Comment	Date
David Lewis	<i>David Lewis</i>	23228 Forest Hills Loop	Caldwell	7-9-22
Beth Duffel	<i>Beth Duffel</i>	23250 Forest Hills Loop	Caldwell	7-9-22
Nick Duffel	<i>Nick Duffel</i>	23250 Forest Hills Loop	Caldwell	7-9-22
David Robertson	<i>David Robertson</i>	23193 Forest Hills Loop	Caldwell	7-9-22
ALAN CHAMBERS	<i>Alan E. Chambers</i>	23143 Forest Hills Loop	Caldwell	7-10-22
DAVE BROWN	<i>DAVE BROWN</i>	23214 Forest Hills Loop	Caldwell	7-14-22
Jeff Phillips	<i>Jeff Phillips</i>	23201 Forest Hills Loop	Caldwell	7/14/22
Paul Pugmire	<i>PAUL PUGMIRE</i>	23172 Forest Hills Loop	Caldwell	7/14/22
Rex Pugmire	<i>Rex Pugmire</i>	23171 Forest Hills	Caldwell	7/14/22
John Leaty	<i>John Leaty</i>	23121 Forest Hills Loop	Caldwell ID	7/14/22
Anna M. Leaty	<i>Anna M. Leaty</i>	23121 Forest Hills Loop	Caldwell ID	7/14/22
Chalen Grist	<i>Chalen Grist</i>	23101 Forest Hills Loop	Caldwell ID	7/14/22
Thomas Shaw	<i>Thomas Shaw</i>	23102 Forest Hills Loop	Caldwell ID	7/14/22
Skyler Shaw	<i>Skyler Shaw</i>	23102 Forest Hills Loop	Caldwell ID	7-14-22

Exhibit 10

Petion To Oppose Sugar Ranch

Petition summary and background	
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to [Enter action item(s) for which you are petitioning]

Printed Name	Signature	Address	Comment	Date
Donald	F Caldwell	26291 Old Hwy 30		6-25-2022
Don	A. Caldwell	26295 Old Hwy 30		6-30-
DENNIS	EVANS	15178 GALLOWAY ROAD		6/30/22
Donna	EVANS	15178 Galloway Rd		6-30-22
Laurie	Ruffo-Kopel	14623 Galloway -		7-18-22
FRED KOPAL	F. K. K.	14623 GALLOWAY RD	"NO"	7-18-22
ACK LYMAN	A. Lyman	14557 Galloway	NO	7-18-22
TOM NELSON	Tom Nelson	26075 FREEZOUT RD	NO!	7/18/22
TERESA NELSON	Teresa Nelson	26075 FREEZE-OUT RD	NO NO NO!	7-18-22
William	William	14748 Galloway Rd	NO	7-25-22

[illegible]

Petion To Oppose Sugar Ranch

Petition summary and background	CASE # OR 2022-0007 & CR 2022-0015
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to [Enter action item(s) for which you are petitioning]

Printed Name	Signature	Address	Comment	Date
LARRY Smith	Larry Smith	26552 Old Highway 30	No	7-10-22
Debra Middleton	Debra Middleton	26552 Old Hwy 30	No	7-10-22
Brendan Freeman	Brendan Freeman	26590 Old Hwy 30	No	7-10-22
Daryl Albiston	Daryl Albiston	26736 Old Highway 30	No	7-10-22
Barbara Albiston	Barbara Albiston	26736 Old Hwy 30	No	7-10-22
Phil G. Keck	Phil G. Keck	26778 Old Hwy 30	No	7-10-22
Sid Freeman	Sid Freeman	27406 Farmway Rd Caldwell ID	No	7-10-22
Pam Freeman	Pam Freeman	27406 Farmway Rd Caldwell ID	No	7-10-22
Samantha Peterson	Samantha Peterson	211 Dorra Dr. Middleton, ID	No	7-13-22
Carol Murphy	Carol Murphy	211 Dorra Dr. Middleton, ID	No	7-13-22

[illegible]

Petion To Oppose Sugar Ranch

Petition summary and background	
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to [Enter action item(s) for which you are petitioning]

[illegible][illegible]



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, February 2, 2023
6:30 P.M.

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

Commissioners Present : Brian Sheets, Acting Chairman
 Patrick Williamson, Commissioner
 Ron Amarel, Commissioner
 Harold Nevill, Commissioner
 Miguel Villafana, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services
 Dan Lister, Planning Official
 Jenna Petroll, Planner
 Michelle Barron, Planner
 Debbie Root, Planner
 Samantha Hammond, Planner
 Devin Krasowski, Engineer
 Bonnie Puleo, Recording Secretary

Acting Chairman Brian Sheets called the meeting to order at 6:32 p.m.

Commissioner Villafana read the testimony guidelines and proceeded to the first business item on the agenda.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Conditions of Approval for Case CU2022-0038/Manuel Gutierrez. Motion seconded by Commissioner Villafana. Voice vote, motion carried.

Commissioner Villafana read agenda item number 2A: **OR2022-0011/City of Middleton Area of City Influence**. The application was withdrawn by staff as the Map Amendment is not required.

- **Case No. OR2022-0007 & CR2022-0015/Richard Albisu:** The applicant, Stephanie Hopkins of KM Engineering LLP, representing Richard Albisu, is requesting a comprehensive plan map amendment (Case #OR2022-0007) of a 71.63-acre Parcel R37934011 to amend the future land use designation from "agricultural" to "residential". The request also includes a conditional rezone with a development agreement (Case #CR2022-0015) to amend the County zoning map from an "A" Zone (Agricultural) to a "CR-R-1" Zone (Conditional Rezone - Single-Family Residential). The property is located at 0 Galloway Road, Northeast of the Galloway Rd and Old Hwy 30 intersection-; also referenced as a portion of Section 21, Township 5N, Range 3W; Canyon County, Idaho.

Planner Jenna Petroll reviewed the Staff report for the record including late exhibits.

Acting Chairman Brian Sheets entered the late exhibits into the record and affirmed the witnesses to testify.

DECLARATIONS:

Commissioner Williamson stated that he knew Mr. Ihli as he is a chemical representative. He has not spoken to him about this case.

Commissioner Villafana stated that he knew a lot of the people in attendance on a first name basis but he has not spoken to any of them about the case.

Commissioner Amarel said he needed to make the same declaration as Commissioner Villafana.

Commissioner Sheets asked all three Commissioners if they felt their personal relationships might influence their decisions on the case in front of them and they all replied, 'no'.

Testimony:

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

Ms. Hopkins said she has been working on this project for a couple of years. She is there representing both the property owners and the developer. They are asking for a Comprehensive Plan Amendment and a rezone to R1 zoning. She showed where the Black Canyon Irrigation District siphon was on the map and said it is in pretty bad disrepair. The proposed development would tile and repair it. Ms. Hopkins showed the property on a map and its close proximity to Purple Sage Elementary School and Purple Sage Golf Course. She said the Comprehensive Plan is a guiding document and each project is reviewed on a case-by-case basis. Ms. Hopkins said they think the proposed project of single family residential (lots) makes sense and the decision to request this change was because there are some challenges with the site and with the soil. There are several laterals which bisect and make the property hard to farm and this motivated the owners to request the changes. She talked about the neighborhood meeting last spring which was attended by quite a few residents expressing their concerns. She said she believes the traffic impact will be minimal. They will discuss the traffic and its impacts at the preliminary plat stage. There are several residential rezones nearby. Ms. Hopkins said the Canyon County Comprehensive Plan does not have this area as residential which is why they are there asking to incorporate into that land use. They are close to 15,000 – 21,000 acres of residential land use and they are asking to add an additional 71 acres into it that is not easy to farm. She said the Comprehensive Plan is a guiding document and does support private property rights. It will also encourage residential development where agricultural uses are non-viable. She showed the City of Middleton future land use map and the subject property was well within their area of city impact. She said it will be less dense than what the City of Middleton would develop in the future and would be a nice transition between agriculture and single family residential. She showed various maps and zoning nearby which included both more and less dense zoning. Ms. Hopkins showed the conceptual layout of the subdivision. She said they wouldn't have direct access to Old Highway 30 and they would complete the public road through the center of the subdivision to Galloway to the south. Each lot will have individual well and septic and they will do a Nitrate Priority study. She said this developer is used to developing in Canyon County and they would have advanced treatment systems to ensure they wouldn't be impacting the water in the area. They would incorporate a pond on site to be used for stormwater. She said they believe it is the best use of the land considering the challenges the owners have in farming it.

Commissioner Nevill asked if the beet trucks go by the school when they leave the beet dump. Ms. Hopkins did not know.

Commissioner Amarel said, in your opinion, there will be no traffic impact? Ms. Hopkins replied Not "any" impact but it will be minimal compared to a larger subdivision. Any impacts to the transportation network will be reviewed by Canyon Highway District 4 and they will have to install mitigations. There would be impacts and it would be a change. Amarel asked if she believed the maps she showed with the residential areas was accurate. Ms. Hopkins said her map did not show current residential sites but instead showed future residential sites which were based on the Comprehensive Plan. Commissioner Amarel clarified with staff what the map showed and what the boundaries (of the areas) currently were.

Commissioner Williamson asked if the intent is that northern boundary would have future access to Highway 30. Ms. Hopkins replied that there would be a road there in the future so they wouldn't have direct access to Highway 30. They discussed the common lot on the proposed plat which would be used as irrigation access. He clarified that this application is for an R-1 zoning.

Commissioner Villafana said she mentioned property rights which is important but it is also important for the neighbors. The property is surrounded by agricultural properties; he asked what would you do to keep recreational activities within the subdivision? Ms. Hopkins answered they would use CC&Rs to restrict the types of things that happen in subdivisions and that mechanism would work well. She said 1 acre lot size is pretty big so there usually enough land for the homeowners to do what they need to do there. She said it provides a nice transition to adjacent uses. The developer specializes in these types of projects and is familiar with coordinating with existing residences.

Acting Chairman Sheets asked when did the owners start working on this project? Ms. Hopkins replied around 2021. Commissioner asked why they are asking to rezone to R1 instead of RR (rural residential)? Ms. Hopkins said the developer has done both types of projects. She said the developer said a 1-acre lot is more desirable, manageable and marketable.

Commissioner Williamson said the owner mentioned 4H/FFA and he could see a 1 acre lot running out of room for a steer or two. He asked for the range of lot sizes. Ms. Hopkins said the lot sizes go up to 1.4 to 1.5 acres but most are 1 acre. They are going with the minimum requirements for the R1. Commissioner Williamson said it is almost straight across from the access point to the beet dump. Did she see the letter from Amalgamated Sugar that expressed safety concerns? Ms. Hopkins said she didn't see the letter. They located the entrance based on Canyon Highway District 4's access requirements.

Commissioner Nevill said she mentioned the developer: the Albisu's are not the developers? Ms. Hopkins said no, her client is the developer and he is partnering with owners.

Commissioner Amarel asked if it was possible to offset the entrance to the development. Ms. Hopkins said it probably was but that sometimes Canyon Highway District 4 likes to align driveways to make less vehicular conflict.

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

Mr. Hess said he has been working on this project for a little over 18 months. He wanted to develop something that is great for the area and that is needed. He has three other developments in the area. The biggest concern is the canal that is piped. They met with Black Canyon Irrigation District and identified what their concerns were. The pipe was inspected and it is failing. He said they asked Black Canyon Irrigation how can we help you solve this. Black Canyon Irrigation said if they could take it out and replace it, it would help them so MR. Hess said part of their development plan is to take it out and replace it with a new culvert. Mr. Hess and his family grew up in Middleton; he takes pride in making good developments. He said this property is contiguous with the future Comprehensive Plan for land use and is in Middleton's future area of city impact. They like doing larger lots and they would be open to 2-acre properties. Their research shows that people like 1 acre; residents could have a shop and they could have two large animals.

MOTION: Commissioner Nevill moved to give 1 more minute of testimony to Tyler Hess, seconded by Commissioner Villafana. Voice vote, motion carried.

Mr. Hess continued: they walked the site with Canyon Highway District 4. They want a turn in/turn out into the development. He said they are close to the school which is good for future development. Canyon Highway District 4 and Idaho Transportation Department is looking at doing a future collector road out that way which would make it a unique area.

Commissioner Villafana wanted to get his thoughts about kids waiting for the school bus next to a beet dump with big trucks coming in and out. Mr. Hess said the school bus would come into the subdivision to

pick up children at a common area. They have learned in past developments to make common areas with ponds that will hold water. By creating the pond onsite, they are using half their water rights and would give their remaining water shares to other farmers. Commissioner Villafana said a representative from the Middleton School District told the Commission that school buses don't go into developments and must stay on the road.

Commissioner Nevill said he mentioned that Canyon Highway District 4 wants a turn in and turn out: will there be some deeding of land for that? Mr. Hess said yes, depending on what the Highway District wants and requires. They could shift the entry to the left: it just has to be 300 feet from the (existing) entry for another home. Commissioner Nevill asked about the siphon and Mr. Hess said it goes under the road and showed where the siphon in question was on a map.

Commissioner Williamson asked what their recourse was if the case was denied? Mr. Hess said they would re-visit the project to address the Commission's concerns. Commissioner Williamson asked what was currently available for sale for similar size lots? Mr. Hess said he was the only developer that has 1-acre lots and all the lots were already reserved. He said they are in high demand. When Commissioner Williamson asked about local school capacity, Mr. Hess said the owner/applicant would have more information on the capacity of the local schools.

Nicole Albisu – IN FAVOR – 0 Galloway Road Caldwell ID 83607

Ms. Albisu said one of the reasons they are in partnership with Mr. Hess is because the Albisu's are third generation farmers and they care about the environment and farm ground. They wanted to do it right, honor their fellow agriculturalists and have some control over the decision-making. She said approving this project will allow Canyon County to have more of a land use balance. She feels existing large agricultural uses and rural residential can co-exist successfully and this location will be a perfect buffer. She said she hopes the overall character will allow owners engage in agrarian practices and 4H/FFA. Ms. Albisu said rezoning this farmland will help with the availability of homes and help the housing market by making housing more affordable. She said it will help also strengthen the labor pool. She has served as a superintendent for 11 years and discussed Oregon land use policies which she said has irrevocably stifled the economy and growth in Ontario. This property is ideal for a re-zone.

MOTION: Commissioner Nevill moved to give 1 more minute of testimony to Nicole Albisu, seconded by Commissioner Williamson. Voice vote, motion carried.

Ms. Albisu continued: She said the property is across the street from an elementary school and 2 miles from the Interstate. She feels they met many of the requirements for this. The Right to Farm Act will protect the agriculturalists and the local schools are have sufficient space. They will help the Black Canyon Irrigation District with rebuilding some infrastructure. She is sorry this upsets the neighbors but extra traffic and 'not in my backyard' are not strong enough reasons (to deny this). She believes property rights are the foundation of liberty.

Commissioner Nevill said they have received a letter from the Middleton School District which says they need 2 more classrooms for the number of students they are projecting (in the future). He asked if she was saying those classrooms exist. Ms. Albisu said the School District was basing that on an estimate 70 lots which is more than they are proposing and that overestimated the total number of students. She quoted the capacity of some of the local schools. She said Purple Sage is under its maximum enrollment. Commissioner Nevill asked if it's her testimony that the schools won't re-balance? Ms. Albisu said she couldn't answer that.

Commissioner Villafana said Ms. Albisu mentioned this would help affordable housing. How much would these houses cost? Ms. Albisu said she didn't know but with such limited housing options it can't help but improve it because there (will be) more options.

Commissioner Williamson said you need a lot of space for feed for a large animal did she think there will

be enough space to store feed for a large animal? Ms. Albisu said she did or they could have sheep or goats.

Acting Chairman Sheets asked how Ontario and its marijuana laws were relevant to this case? Ms. Albisu stated when you restrict housing options, you restrict business and that is not good for the economy. She felt the biggest issue was workforce; you can't hire people if they can't find a place to live.

Richard Albisu – IN FAVOR – 0 Galloway Road Caldwell ID 83607

Mr. Albisu bought the Galloway property in the fall of 2019 in hopes of adding it to their current farming operations. He discussed the amount of topsoil, trying to improve the farm ground, soil temperature and the type of soil on the property. He said the surface irrigation irrigates from three different directions, the water was hard to control and there was erosion and nitrate runoff. He added three pivots but the shape of the field and the price of the project per acre was not cost effective. He said there is also a leak in the Black Canyon siphon that is too costly for the Irrigation District to repair. As a farmer, he disagrees with the Soil Conservation District's take on the soil: he said you can't just look on a map to know a soil's quality. He said Class 3 soils have severe limitations which reduce the choice of plants and Class 4 soils have very severe limitations.

Commissioner Nevill asked Mr. Albisu how they have worked the soil. Mr. Albisu said he brought his crop advisor in who told him it was a rough situation. He decided he would lease it for the first year and see how the ground worked out. After that first year, he decided he wasn't going to try to farm it. They didn't think it would be economical for them to farm it. Commissioner Nevill asked when the trucks leave the beet dump, which direction do they go? Mr. Albisu said they turn onto Galloway and head west to Highway 30.

Commissioner Williamson said in Mr. Albisu's letter, he had said 4 feet of soil was removed; did he have proof of that? Mr. Albisu directed Commissioner Williamson to a photo with a tape measure.

Commissioner Amarel asked if the removal of soil was before or after they bought it? Mr. Albisu said it was done before they bought the land.

Acting Chairman Sheets asked if he had a chance to check the property before he bought it? Mr. Albisu said he walked the property but it is hard to check the soil depth. Commissioner Sheets asked if Mr. Albisu's main purpose in purchasing the property was for farming and not development. Mr. Albisu said yes. He said he had put it up for sale in 2021 for 45 days and they didn't get any offers besides developers. They priced it at the going rate for farm ground in Canyon County.

Katie Van Vliet – IN OPPOSITION – 1101 W. River Street Suite 110 Boise ID 83702

Ms. Van Vliet is an attorney whose firm represents the Vandenburg and Sons Dairy. They are asking for a denial consistent with staff's recommendation. The dairy is less than two miles from the proposed site and has been in operation nearly 42 years. The dairy owns 217 acres that sits adjacent to and shares a property line with this site plus another 154 acres less than a half mile away. She assures the Commissioners that the 217 acres that shares a property line with the subject property is very fertile and grows a great crop. As she has told the Commission before, the Vandenburg's experience with other developments have not been positive. Many neighbors complain about normal Ag practices including dust when fields are being worked and the smell of manure being applied on the land in accordance with ISDA nutrient management plans. They have also experienced trespassing on their land, neighbors taking water they aren't entitled to and developers improperly piping or altering drainage ditches or canals. Subdivisions and agriculture are not compatible, rather they are a direct threat to the success of Ag in this County and the Right to Farm Act is too narrow and not protective enough for these agricultural operations and the local food supply. She quoted the application which stated the request is consistent with the current Canyon County Comprehensive Plan and is adjacent to existing infrastructure services and residential uses in the vicinity. She said if it was true that it was consistent with the Comprehensive

Plan, the applicant wouldn't be here asking for a Comprehensive Plan amendment and if it was adjacent to services and infrastructure, they would connect to city services and not drop 54 new wells and septic systems. Ms. Van Vliet spoke about LUPA and Idaho state statute 67-6502 and said approving this application would be contrary to that law. She pointed out that CC&R's can be amended by the lot owners at any time, do not have to be approved by the County and would not protect the surrounding farmland. She addressed private property rights; it used to be a free for all. Because it was discovered that they were losing things like fields and factories, important things to the economy, it was decided that they needed to address those issues through land use planning.

Commissioner Nevill asked if CC&Rs are worthless. Ms. Van Vliet said they aren't always worthless but these, as proposed, are worthless because they don't have to prove they will protect surrounding Ag uses and the landowners can vote within themselves to change or eliminate those provisions. She confirmed that the County can't enforce those CC&Rs. Ms. Van Vliet said the hearing is considered 'due process' when addressing private property rights. She said these property owners' rights don't supersede everyone else's.

Commissioner Amarel asked if the project land borders the dairy. Ms. Van Vliet said it borders farm ground the dairy owns and showed the land on the map.

Commissioner Nevill asked if the dairy uses that land bordering the subject property to apply waste. Ms. Van Vliet said they call it nutrients but yes, they do.

Commissioner Williamson asked if they knew why there was a 4 foot difference in the soil height? Ms. Van Vliet answered 'no'. He also asked what kind of crop they grew on the (subject property) land, she said no.

Sharron Braun – IN OPPOSITION – 26101 Farmway Road Caldwell ID 83607

Ms. Braun lives straight across old Highway 30 from this property. She has farmed there and now rents the ground out. Her farmer spreads nutrients on their ground. She has witnessed numerous wrecks at Old Highway 30 and Galloway Road intersection. She sees the beets come in at harvest time to the beet dump. She witnesses a lot of those semis come up Old Highway 30 and cross the center line to make it up the hill to get to the beet dump. They run 24/7, loading trucks during their operating times. Trucks used to be 8 minutes apart. The sound doesn't bother her as she is used to it but she doesn't know if the residents of the subdivision are going to like it. She spoke to the Highway District and Idaho Transportation Department and if they have to expand that intersection, state taxes will have to pay for it. She said there is quite an incline to come down Galloway Road to the highway.

Marnie Vandenberg – IN OPPOSITION – 13451 Goodson Road Caldwell ID 83607

Ms. Vandenberg said she helps with the farming. The last couple of years, they have had corn silage on the fields which means there are a lot of trucks and noise. There is slow moving traffic and no place to walk. She said people who are late picking up or getting their kids to school don't understand that their big equipment can only move so quickly. They get cut off and get flipped off. There is another dairy directly to the north and there will be a lot of 'nutrients' close this subdivision. Everyone makes a big deal about the "Right to Farm" but the dairies really don't have any protections. There are homes sporadically out there but those are old homes created by splits a long time ago and they are still farming around those homes. She said if you let a kid have a horse on 1-acre, where are they going to ride that horse? They are going to go over to the beet dump or ride on the dairy's fields and it's a burden on them. They want people to be able to ride but with liabilities, you can't do that anymore.

Commissioner Williamson asked about the farming on the subject property and Ms. Vandenberg said it has always had a crop on it. They have no problems farming their ground.

Leonard Andrew – IN OPPOSITION – 25529 Old Highway 30 Caldwell ID 83607

Mr. Andrew agrees with staff's recommendation. He said the property in question is usable ground. His

father drew a G.I. homestead on the property in 1954 and farmed it for 65 years. In the last three years, there have been many traffic accidents on Galloway and Old Highway 30, including two fatalities. There have been more accidents (recently) than in the past 50 years. In 2010, he served on a committee trying to develop an 'Ag harmony' zone. They were able to convince the Commissioners that there is no such thing as 'Ag harmony'. Either you're going to develop the ground or not; eventually the small zones will meet the large zones. He said 'Ag harmony' is not a viable theory. Mr. Andrew wanted to mention that the posting (of notices for the project) was poor. It might have been by the letter of the law but not in the spirit. The sign was only posted on Galloway Road and should have been posted on all abutting roads. The surface irrigation has been on the property but the pressurized irrigation water source was not mentioned in the plan (surface or 'other').

Commissioner Amarel asked Mr. Andrew about the road conditions during the beet campaign. Mr. Andrew said there is increased truck traffic from September through January. They aren't the most experienced truck drivers. He said that corner is a bad corner. It used to be if there was a car a quarter of a mile away, you would wait for it. He said you can't anymore; if you don't pull out, you'll be waiting all day. He has seen people pass him on a double yellow line, single yellow lines. It's scary out there.

Commissioner Nevill asked Mr. Andrew what kind of crops he raised on that land. Mr. Andrew listed his crops including sugar beets, dried beets, barley corn and seed corn. He said it wasn't the best piece of ground but it is not bad. He listed his crop yields for the land. Mr. Andrew said in the late 60's, his father leveled the ground on the north portion. In those days, they moved the dirt and didn't stockpile the topsoil and bring it back. There are some problems but they have grown decent crops out there. His father gravity irrigated the whole parcel and later, Mr. Andrew changed the north forty to wheel-line irrigation.

Teresa Nelson – IN OPPOSITION – 26075 Freezeout Road Caldwell ID 83607

Ms. Nelson lives on the corner of Freezeout Road and Galloway Road; east of this property. She has lived in her home for quite some time. This land has always been farmland. The Vandenburg dairy does put "nutrients" on the field, sometimes in large piles, fresh out of the cows. She thinks this development of 59 houses will have at least 60 kids and there is no place to wait for a school bus. The beet trucks come in and out; there is no place to cross the street to get to the school; you will have to take a bus. She wouldn't let her child stand on that street and wait for a bus. Turn lanes will only exacerbate the situation; cars will be slowing down to go in there when there are already slow farm vehicles. She sees farm vehicles being passed in intersections, people who don't stop and people get run into. She has also seen tipped over trucks and a Prius in her alfalfa field. She said they are not going to be able to have a cow on an acre; it will have a house on it and a driveway, a shop; there is no land left. She asked how are you going to store 2 tons of alfalfa on that lot? That is 50 bales. Are you going to ride your horse down the road with the beet trucks? She said half of the harvest trucks don't have brakes. They are spreading manure on the fields and that brings insects and bugs and they haven't even talked about the crop dusters/sprayers.

Shannon Forrester – IN OPPOSITION – 7888 Redmon Road Caldwell ID 83607

Ms. Forrester is here in opposition to the project. She has been an Idaho educator for over 30 years. She has been teaching at Purple Sage Elementary, right next to the proposed development, for 20 years. They are at 85% capacity with an allowance of 85 more students. With the current developments in process, they will be at full capacity or over before this development is finished. The other two elementary schools in their district are over capacity at 123% and 134%. The number one factor that impacts quality education is overcrowded classrooms. They have tried to pass bonds for new elementary over the past 5 years and they have failed. That tells her that that community does not support funding new schools. She has been told by patrons that they do not support growth in our community. She said there are no sidewalks or safe walking paths to the school. They will have to be bused which will cause more traffic issues. Galloway is a major traffic route for the high schools students. She sees students speeding down that road constantly. There is a problem with speeding on that road.

MOTION: Commissioner Nevill moved to give 1 more minute of testimony to Shannon Forrester, seconded by Commissioner Villafana. Voice vote, motion carried.

Ms. Forrester continued: The high school is currently at 91% capacity and the middle school is at 85% capacity. She said with the new developments in process, they will be over capacity in no time at all. It doesn't matter that they are open enrollment; the current development is their problem.

Commissioner Williamson asked if she was there representing the school district and she replied that she was there at an individual, a teacher and a member of the community.

Commissioner Nevill asked if re-balancing the schools was on the table. Ms. Forrester said the former Superintendent was not a fan of that because it would cause problems with the busing. As of right now, she was not aware of any discussions about re-balancing the schools. Ms. Forrester said none of the buses pull into the subdivisions that she is aware of.

Commissioner Villafana asked if she was getting any kids from Notus going to the Middleton School District. Ms. Forrester said they are not taking out of district students at this time.

Acting Chairman Sheets asked if she knew why bonds weren't passing. Ms. Forrester said their community wouldn't support a bond because they don't want growth. She said she explains how it impacts the children and their education but they say no. She said they have portable classrooms and they have classrooms in the teacher's lounge. They have some separate Title I classrooms for Special Ed but they are using all the classrooms.

Larry Smith – IN OPPOSITION – 26552 Old Highway 30 Caldwell ID 83607

Mr. Smith owns the property located at the northwest corner of the subdivision. He showed his property on the map. He has been there for close to 30 years. He has always had a couple of horses on his two and a half acres but he has no water rights. He and his neighbor split the property in the 1990's and they use their well water to irrigate the grass. Every August, there have been times when he thought the pump was not working right because the water table gets so low. The water also gets very acidic. He said 53 new wells across the street from him is ludicrous. His well is at about 140 feet now but it goes down every August/September. He doesn't know if he will have water if that project goes through especially in the latter part of the summer. This is a big concern for him. Last year, the subject property grew beans on the front side and it was a pretty good crop. He is also concerned about motorcycles coming down the hill going about 80 miles per hour. Anyone coming out of the fire exit is going to get nailed. He had a petition against this project with 51 signatures which he provided to staff.

Commissioner Nevill asked about his petition; how he got the signatures and if the applicant/representative had seen the petition. Mr. Smith explained how he obtained the signatures and said the applicant had not seen the petition.

Don Caldwell – IN OPPOSITION – 26295 Old Highway 30 Caldwell ID 83607

Mr. Caldwell lives directly across the street from this property and has lived there since 1984. He thinks this (project) is all wrong. This will push more traffic down Highway 30 and 44 by the Shell station. There have been a lot of severe accidents down there. They are being fooled by Idaho Transportation Department and Canyon Highway District 4 saying they are going to do stuff for that intersection. He talked to them ten years ago and they said were going to improve the intersection but then moved the funds to Karcher Road improvements. Nothing has happened now for a few years. After the subdivision is put in they say "ITD dropped the ball"; how many people have to get killed?

Lyle Zufelt – IN OPPOSITION – 9965 Grand Targhee Trail Middleton ID 83644

Mr. Zufelt said the address "O Galloway Road" doesn't exist and it is a shame that no one asked if the owner/developer would be living in the area after the development is put in. Property rights are important

but without water, they are pretty worthless. For the past several years, they have talked about the drought this area is in. A holding pond will not mitigate the effect of 54 wells. The neighbors' property rights need to be considered. The owners aren't going to live here after the development is put in; the neighbors are the ones you should be concerned about. Idaho statute says the local governing board shall consider the effect the proposal will have on the source, quality and quantity of the water. That needs to be a priority because water is a concern. There was no report from the Department of Water Resources. In a prior hearing with regards to development in Canyon County, an Idaho Department of Water Resources representative said wells are going dry because we are building houses too close together. Rural residential should be a place to start and they should see how the neighborhood reacts to that. She said water rights don't guarantee water.

Commissioner Williamson asked whether a community well would be better. Mr. Zufelt said it was the same difference; it has the same impact on the aquifer. No one knows the capacity of the aquifer; we do know we are in a drought and wells are going dry. If his well goes dry, what property rights does he have? He said we don't monitor ground water levels. We don't talk about the drought very much in February, but we talk a lot about it in June, July and August. Water is life.

Sid Freeman – IN OPPOSITION – 27406 Farmway Road Caldwell ID 83607

Mr. Freeman asked about public noticing requirements and the entering of exhibits into the record. Mr. Freeman is a farmer who has farmed all around this place. He currently grows onions. Mr. Freeman wanted to discuss the Food Safety Modernization Act and its restrictions on garbage blowing into his fields, people trespassing and all the things that could cause him to lose contracts. Federal law says they can't have garbage, other peoples' run off and trespassers on his fields. He said this land is not prime farmland but it is viable. Mr. Freeman farmed a place to the north for 50 years. It is viable for farmers but Mr. Albisu didn't buy the property to farm it; he bought it to develop it. He bought it at farm prices to develop it. He should have bought development land at development prices. Mr. Freeman said they are there because of greed and greed is going to put them under a lot of duress. This is not good for anyone's business within a mile radius. He said they all farm for a living and this is a food safety issue. Mr. Freeman said Highway 30 is a dangerous road. There have been two traffic fatalities at Galloway Rd and Highway 30 in the last 5 years.

MOTION: Commissioner Villafana moved to give 1 more minute of testimony to Sid Freeman, seconded by Commissioner Williamson. Voice vote, motion carried.

Mr. Freeman continued: The applicant does not have the right to put a development there but they do have a right to due process. In the neighborhood meeting, the applicant said they have the right to do this but Mr. Freeman said they do not. It adversely affects everyone else's property rights. He said the CC&Rs only apply to the land inside the subdivision and not the land outside the subdivision so that is a bogus point. He asked if they have a permit from the Bureau of Land Management to put the road on the easement of that pipeline. He hasn't seen anything that says they are going to take care of that.

Commissioner Villafana asked what it is like to deliver sugar beets to that beet dump. Mr. Freeman said it is very dangerous. Trying to be more efficient they are going to bigger and bigger trucks which are harder to maneuver. Someone makes a bad decision in front of you and you have a truck with 30 tons of beets, it can make a little problem larger in a hurry.

Commissioner Nevill asked about crop dusting. Mr. Freeman said they are still aerial applications in the area as well as ground application also. He has to have 100-foot or more distance depending on what he is putting on his fields. The implications are that it will be a huge burden on him and all his neighbors. It is not good for business.

Commissioner Amarel asked Mr. Freeman to describe the road around the beet dump. Mr. Freeman said the intersection isn't really suitable for what they are currently using it for, much less adding 54 more

homes to the area.

Acting Chairman Sheets entered exhibit 10 into the record.

Natalie Levi – IN OPPOSITION – 26622 Farmway Road Caldwell ID 83607

Ms. Levi said we the people, as farmers, are definitely in opposition. One of their arguments is that Middleton is aiming to expand so why don't we just expand already. There needs to be respect to holding boundaries. She said they want to hold these boundaries. They aren't sitting back doing nothing; they are farming land. Farming is hard. They said they weren't doing Rural Residential because 'what are people going to do with 2 acres?' She said farmers are on hundreds of acres and in the summer, they are begging for water. Just because there is a golf course doesn't mean that farmers have to surrender their occupations, their family heritage and transfer to another location and shed their lifestyles. In the last few years, she said we have been under attack internally; every city has been under attack with growth. The farmers are begging for water to make food to keep animals alive. They have developers come in like a parasite asking to expand 'a little here'. Ms. Levi said the moment we say this is okay, they point to a subdivision a quarter of a mile away and use that to justify adding another. The next thing you know, there's no water, no food, no animals. She asked them to oppose this. She became a farmer 5 years ago with the help from a lot of people and it is hard work. It's a lifestyle and what the people are asking for is for their lifestyle (to continue).

Lance Pitcher – IN OPPOSITION – 15519 Blue Sky Avenue Caldwell ID 83607

Mr. Pitcher is with Amalgamated Sugar and referenced a letter sent by the Ag operations manager earlier. Amalgamated Sugar owns the property immediately south of the subject property and uses as a sugar beet receiving/transfer station. During the harvest months of September and October, there is significant truck traffic and their operation is 12 hours a day with 200 loads a day. Mr. Pitcher said during the months of November thru February they manage contract haulers who load and deliver sugar beets to the factory in Nampa. Those re-load operations run 24/7. He said during the peak harvest in October, there are 450 loads per day at the receiving station. The biggest problem for Amalgamated Sugar is public safety. The site entrance for the proposed subdivision off Galloway Road creates a concentration of passenger cars and trucks turning in opposition directions. If the application is successful, Amalgamated Sugar requests a traffic impact study be required and done during September – October to quantify the traffic counts and needed improvements to the roadway for public safety.

Dennis Evans – IN OPPOSITION – 15178 Galloway Road Caldwell ID 83607

Mr. Evans' property borders the proposed subdivision to the east. He is concerned about the ground water with that many houses going in. He asked if it is a drought as they say, how is their aquifer be replenished if it goes dry? This site has been productive farmland for 65 years and he has been actively farming his place for 40 years. His dad has been farming ground just east of Mr. Evans' since 1956 and he doesn't understand why they think it would be better utilized for houses. Before he retired in 2017, he tried to buy farm ground and it was hard to find. He believes they need to keep agriculture ground productive to ensure the livelihood of those who want to farm in the future. He said if we continue to allow encroachment by subdivisions, those who farm will lose control over their right to do business. Complaints about dust, hours of operations, smells, dirt on the road and aerial spraying soon turn into fines and then laws. Agriculture, not houses are the backbone of our community. Allowing too much residential development will cause stifling restrictions on what a farmer can and cannot do. He is not convinced that planning houses on this property is good stewardship. Agriculture is and will continue to be what matters. He also said the sounds of the sugar beet trucks are loud at times and he can't imagine people not being annoyed by that.

Mary Beumeler – IN OPPOSITION – 13379 Galloway Road Caldwell ID 83607

Ms. Beumeler is an Idaho native. Her family has farmed for 4-5 generations. She said this proposed development doesn't fit the area. It is a high production farming region and it is not just the beet trucks but the dairies which are a huge economic contributor to the state. The dairies' big trucks are in addition to the beet trucks; every day, all day long and sometimes at night. They will all be adversely affected by this development. They stated that they wanted to provide more homes for people to afford to live here: the median home in the valley is \$500,000 and that's on a little lot. These homes on 2 acres will cost \$700,000 to \$1 million or more. She said this won't provide affordable housing for teachers and janitors. It may bring in revenue for the year they are building but that's it; then we are replacing producers with consumers and we need to protect our producers. She said the issue is not just ground water. She said we are blessed with Black Canyon Irrigation water which is the finest and most plentiful irrigation water in the Valley. It is a rare and precious resource and we can't toss it aside for houses. Once they start this fragmentation of farmland, it will continue. She said we have this Comprehensive Plan for a reason.

John Ihli – IN OPPOSITION – 15612 Sand Hollow Road Caldwell ID 83607

Mr. Ihli said he was born and raised on a farm two miles north of the subject property. There are many reasons to deny the amendment to the land use designation and rezone including traffic safety, infrastructure inadequacies but he is going to focus on agriculture. The burden of proof is on the applicant to show the property is better suited as houses rather than farm ground. He said they have heard the argument that this is not prime or viable farm ground and should be rezoned to residential. For the last 35 years, he has worked in the agri-business industry in Idaho. He has observed how technologically advanced this ag industry is; farmland that was challenging 30 years ago has numerous new tools that can be used today. Not only can it be more productive, it can be productive in a more efficient manner. Mr. Ihli said 30 years ago, most onions in this valley used to be furrow irrigated and now almost all are drip irrigated. This has enabled better water efficiency and better pest and fertilizer management. It also maximizes land use. He said we don't know the extent or capability of the farmland in the Valley because of the technology. The production opportunities are vast but if it is turned into houses, we will never know.

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

Ms. Hopkins said the applicant and the property owner believe this site is better used as a residential subdivision because it is not easily farmable for the type of farming they would like to pursue. It is not optimal agricultural ground. The property owner wants to grow alfalfa and that is not possible on this ground in its current condition. She said there is probably not a perfect use to make it harmonious with agriculture but they are making every effort to make it harmonious with adjacent development. That would be done through putting conditions on it and could be achieved through CC&Rs or a development agreement enforced by the County. They will coordinate with Middleton School District to make sure they are locating a school bus stop in a safe place for the kids. They will also be coordinating with Black Canyon Irrigation District and Canyon Highway District 4 on all the traffic and irrigation concerns that brought up. Ms. Hopkins said any of the new wells would be studied heavily and they will coordinate with Southwest District Health and Black Canyon Irrigation to make sure there is capacity. They would be willing to reach out to Idaho Department of Water Resources to see if they could provide information based on existing wells to check their depths and see how their development may or may not impact them. She said overall, this use could be compatible with adjacent uses.

Commissioner Williamson asked whether they have considered doing a community well. Ms. Hopkins said it would be an option and they haven't looked into the engineering on the project yet. The applicant would be amendable to that. She said they would be using pressurized irrigation, using the water rights available to the property and mentioned the pond which she said would help re-charge the groundwater.

Commissioner Amarel asked about the easement needed on the property. Ms. Hopkins said they have

coordinated with Bureau of Reclamation in the past with their facilities. She believes they located the road there so they could relocate the siphon and improve the facility.

MOTION: Commissioner Williamson moved to close public testimony on Case OR2022-0007 & CR2022-0015, seconded by Commissioner Nevill. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill stated he was not in favor of either the comprehensive plan amendment or the rezone. He feels this is not compatible with the area, and he feels it is going to have a significant negative impact on the schools, farms and dairies and the water. He is concerned about externalities; there are costs to some actions not borne by the parties of the action. Instead, it is borne by the community. If wells go dry or if schools have to be built, that cost is borne by the community by an action taken they were not a part of. He doesn't believe Middleton's mistakes need to be Canyon County's mistakes. They don't need to look at what is being proposed as an extension of the Middleton city limits and say it is a done deal. It is not a done deal at all and looking at the character of the area, it would be a mistake to say we need to extend residences out there. Commissioner Nevill said we have heard a contradiction tonight about who is going to live there. If they are going to be half a million dollar homes, there won't be kids there; it will be retirees from California. The contradiction is that they (retirees) don't vote for the school bonds. All in all, he feels it is way too soon for a subdivision and hopefully it will remain active farmland.

Commissioner Amarel said he agrees with Commissioner Nevill but he wanted to bring up water and public safety. He knows the road conditions during the sugar beet campaign and putting a turn right at that beet dump will be a public safety issue. Given the road conditions and all the other things, he is going to have to go along with the recommendation of staff.

MOTION: Commissioner Williamson moved to deny Case OR2022-0007 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 Villafana. Roll call vote: 5 in favor 0 opposed, motion passed.

MOTION: Commissioner Williamson moved to deny Case CR2022-0015 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: 5 in favor 0 opposed, motion passed.

- **Case No. CR2022-0005/Tanner Verhoeks – Haven Creek Subdivision:** The applicant, Tanner Verhoeks of Haven Idaho, is requesting a Conditional Rezone of parcels R28963, R2891010, R2891011 and, R28961, approximately 43.95 acres, from "A" (Agriculture) to CR-R-1 (Conditional Rezone – R-1 Residential) zone. The request includes a development agreement to limit residential development to 26 lots with an average size of 1.69 acres. The subject property is located at 9814 Robinson, Nampa; also referenced as a portion of the NW¼ of Section 17, T2N, R1W, Canyon County, Idaho.

Planner Michelle Barron reviewed the Staff report for the record including late exhibits.

Acting Chairman Brian Sheets entered the late exhibits into the record and affirmed the witnesses to testify.

Testimony:

Tanner Verhoeks – Applicant (Representative) – IN FAVOR – 25530 Gooseberry Lane Caldwell ID 83607

Mr. Verhoeks thanked staff and talked about a prior project that was brought in front of the Commission. He stated his commitment to the neighbors and said he followed through on his commitments on the prior project. He has the same commitment with this project. He said he is a resident of the area and shares some of the same concerns about growth including traffic, groundwater, septic and schools. He understands that development has to happen in certain areas and the land is in Nampa's area of city impact. The project property is surrounded by subdivided residential land. If locals don't do the thoughtful, purpose-driven, rural developments someone else will come in and do something very different. He said they believe this development is part of the solution. They held a neighborhood meeting and held a voluntary, second neighborhood meeting. They listened to the community, agencies and County staff. He talked about some of the specific concerns of the neighbors to the property. In the end, he said some will support the project and some will not; not everyone will be happy. He asked that they judge the project not based on what others have done but what he has done and is proposing that night. He is asking for approval of the rezone the 44 acres and some feedback on which subdivision layout/direction would be preferred.

Commissioner Nevill asked if he agrees with the five conditions of approval? Mr. Verhoeks said he would like some discussion about those conditions, specifically the number of lots in the subdivision and the community water system. Commissioner Nevill asked how would he protect the canals from people? Mr. Verhoeks said Nampa Meridian Irrigation District has easements in place to protect the canals and said they have discussed options about fencing. Commissioner Nevill said some of the runoff drains to another neighbor's property and would he negotiate an agreement with the neighbor? Mr. Verhoeks explained the drainage and said he was discussing options with the neighbor and they would figure that out on the preliminary plat. Commissioner Nevill said lots that are already developed are much larger and asked how many administrative splits are available for the property. Staff did not know the answer.

Commissioner Williamson asked if he had discussed the proposal with the Fire Department. Mr. Verhoeks said yes, he has discussed solutions on water supply requirements and house sprinklers with the Kuna Fire District. Commissioner Williamson said there were some comments about the Kuna School District capacity issues. Mr. Verhoeks said he just got the information today and they are going to sit down with them to find solutions. Commissioner Williamson asked if he has he thought about the bus stop. Mr. Verhoeks said it will be in their discussions.

Becky Yzaguirre – IN FAVOR – 332 N. Broadmore Way Nampa ID 83687

Ms. Yzaguirre said they are requesting a conditional rezone and development agreement for a 43-acre property which is currently zoned agricultural. They are proposing an R-1, low density residential with 26 or 29 lots with a minimum lot size of 1-acre and an average lot size of 1.41 acres. To help it blend with the surrounding area, they would have no curbs, gutters, sidewalks and street lights or landscaping. She said the original proposal was 26 lots with individual wells and septic systems but the County asked them to consider a community well instead of individual wells. After consultation with agencies, she said they decided that the 29 lot option with the community well and individual septic was preferred by the County. At the request of County staff, they are asking for only the rezone at this time, instead of the conditional rezone with the plat. They are asking for a 29 lot maximum, instead of the 26 lot (design). It complies with the County's current Comprehensive Plan and the City of Nampa's Area of City Impact designation of low density residential. They feel this is a good compromise with what the County wants and the City of Nampa has envisioned for the future.

MOTION: Commissioner Nevill moved to give 1 more minute of testimony to Becky Aguirre, seconded by

Commissioner Williamson. Voice vote, motion carried.

Ms. Yzaguirre continued: The zoning designation is appropriate for the area as the adjacent properties are zoned residential. Many subdivisions around the subject property were approved with a conditional use permit because the process was different at the time. They would like the 'Right to Farm' verbiage on the face of the plat and the plat notes as well as the 'Right to Farm' acknowledgement in the closing documents. They ask that R-1 zoning be restricted to no more than 29 lots and that the condition be added to the staff report.

Commissioner Williamson asked about a small portion of the property and Ms. Yzaguirre said that small piece of land was owned by the ditch company.

Acting Chairman Sheets stated it was 11:00 pm and took an informal poll on whether they should continue with the hearing or table the agenda item. It was decided to continue with the hearing despite the late hour.

Acting Chairman Sheets entered late exhibit into the record with Commissioners Nevill and Amarel voting against entering late exhibit 14M into the record because the opposition had not had time to review it.

Isaac Josifek – IN FAVOR – 104 Fern Court Parma ID 83660

Mr. Josifek is the engineer on the project. He spoke about the drainage on the northeast part of the property. There is an existing drainage ditch that runs along the east boundary of the property and crosses underneath the Bridenbach canal out to Lewis Lane. The plan is to improve the siphon if needed and pipe drainage across Lewis Lane or use grading to keep it onsite. An alternative would be to have an agreement with the neighbor so they (the neighbor) could use the drainage.

Commissioner Nevill said most subdivisions say specifically that drainage must be retained onsite; are they unable to retain all drainage onsite? Mr. Josifek said all drainage can be maintained onsite or conveyed through pipes.

Commissioner Williamson asked if was an irrigation drain maintained by the irrigation company or a private drain from tailwater. Mr. Josifek said it is a private drain and not part of the irrigation system. He said it has waste irrigation water during irrigation season and in the in the winter months, it collects runoff.

Colby Lampman – IN FAVOR – 10361 Sumpter St. Nampa ID 83687

Mr. Lampman is a real estate broker. He cares about the community and the city. He serves on an impact fee advisory committee for the City of Caldwell so he deals with a lot of discussions on growth. He was not involved in the purchase of this property. He doesn't endorse developers often but he is here as a supporter of Haven Idaho and of the development in Middleton. His perspective is that seeing people moving here and the need for housing because of the shortage, he believes there has to be mindful development. He endorses Haven Idaho because they are mindful of their developments. They want to be sure neighbors are happy and not just maximizing the number of lots and profit. They do public parks in their communities; they are great developers. He doesn't endorse many developers as many are greedy.

Terry Scanlan – IN NEUTRAL – 412 E Parkcenter Blvd. #100 Boise ID 83706

Mr. Scanlan is an engineer with HDR Engineering and is an engineer/geologist. He has reviewed two previous groundwater studies. The aquifer is strong and water levels are stable. Productive wells can be obtained.

Commissioner Nevill asked about the community well versus individual wells. Mr. Scanlan said the impact on the aquifer is about the same. Commissioner Nevill asked if it could it be a different aquifer. Mr. Scanlan said it could be deeper. He said they do have to have a water right and these get worked out in the Department of Water Resources. The disadvantage is that you have 29 homeowners running a water

company.

Sue Marostica – IN OPPOSITION – 4596 Dye Lane Kuna ID 83634

Ms. Marostica's property backs up to the subject property. She farms 16 acres. Many of the neighbors bought these large plots to live in the country. Their biggest concern is water. She said their well went dry even though the reports say the aquifer is stable and that it hasn't dropped in 20 years. When their well went dry, they couldn't get anyone out so all they could do is drop to the end of their casing. Now they have to have a lot of filtration because of the sand. They have had 2 neighbors who had to drop their wells another 150 feet because their wells also went dry. She said now they get by until the end of the drought years when their pumps are sucking air again. The neighbors directly behind them had a well go dry last May and they had to re-drill. She said there are severe water issues in the area and there is caliche. She was also concerned about the property behind this one that doesn't have road access. She believes that property will also want to subdivide if this rezone goes through. She is also concerned about fire. Commissioner Nevill asked if she had any conversations with the well driller about the aquifer re-charging. She said her original well casing was originally set at 85 feet and it went dry in 1995. They couldn't get anyone out to drill them but someone could pull the pump and drop it farther. They pumped sand for about 6 weeks; both neighbors then went dry and had to go down another 150 feet. They don't water their pasture with the well water. She believes her neighbors paid between \$50,000 and \$63,000 to re-drill their wells.

Larry Peterson – IN OPPOSITION – 6411 E. Lewis Lane Nampa ID 83686

Mr. Peterson said the major concerns of the residents in the area are incompatibility of the development and the increase in traffic congestion on Robinson Road. They have detailed those concerns in letters they submitted. His greatest concern is that he and his neighbor will be left holding the bag if the development is permitted. Drilling new wells is expensive. He read a statement off Haven Idaho's LinkedIn profile which indicated they only do projects that they can create financial excess which they use to improve the lives of neighbors or the local community. Based on the neighborhood meetings Haven Idaho held, he said they have made it abundantly clear that they will not be using their financial excess to improve the lives of neighbors. He said they have stated repeatedly that they have no responsibility nor liability if the neighbors' wells go dry as a result of the impact on groundwater. They don't care if this is incompatible with current land use and don't care if it creates more congestion. These impacts will not improve neighbors or the local community. He said the principals of Haven Idaho won't be living there nor will any of those testifying in favor of the project. He is not against capitalism but he is against it when it has great expense to those who remain the area. He asks that the zoning change be denied. They have made it clear to Haven Idaho that if they develop the 43 acre parcel, ask for 5-acre parcels and leave the zoning as it currently stands, they would not take exception to that.

Cynthia Atnip – IN OPPOSITION – 9886 Robinson Road Nampa ID 83686

Ms. Atnip is concerned about water also. The road is busy with milk and feed trucks and that it is hazardous. She said there are going to be many students and that will impact the school district. She has seen vehicles run through the stop sign many times. Twice in the last two years, cars have ended up in her field and 29 houses are going to have an impact on the traffic. She said it's already horrible and that stop sign gets a lot of traffic. She has had a fire at her house and it took Kuna Fire Department an hour to get out to her house. She also had a tree fire and because Kuna Fire wasn't available, Boise Fire Department came and put that fire out. She asked about the rights of her animals; people have been known to throw waste over her fence. People aren't mindful when they come from the city. The land next to her (subject property) is very arable. It has always had a crop on it until the last 4 years when she said he used it for his horses. They have grown grapes, beets and corn.

Kimberley Smith – IN OPPOSITION – 6715 E. Lewis Lane Nampa ID 83686

Ms. Smith lives in the 'runoff house'. She is worried about the large draw down in the water table in dry years. She called the Department of Water Resources; she showed on a map where there is a 17-foot drop and where the wells are very shallow. Their property is on its 2nd well: the initial well was at 65-feet and it went dry. Their neighbors live in older homes and have very shallow wells that were drilled a long time ago. She is worried about their wells in drought years because there is a large drawdown in the aquifer during that time. The Department of Water Resources said there is very little data for the area because the closest monitoring wells are 2-3 miles away from them. When she offered to become a monitoring station, they told her that other agencies do that and they couldn't help. She is also concerned about the septic because there is a large drop off to the north and west. She is concerned about contamination that could be caused by a septic failure or a large congestion of homes.

MOTION: Commissioner Nevill moved to give 2 more minutes of testimony to Kimberley Smith, seconded by Commissioner Villafana. Voice vote, motion carried.

Ms. Smith continued: She is worried about the drought years when they turn the irrigation off: what if they use their wells to irrigate their lawns. There is an access road that runs behind their property. Boise – Meridian owns the land and they do not use it. They run a sheep farm and have lots of chickens, roosters and turkeys. It can be pretty smelly and they make lots of noise. She doesn't think the Right to Farm Act clause is going to provide protection for them after the rooster wakes the new homeowners up night after night. She is very concerned about the canal; they have wire fences along it but she is worried if all these people have access to that greenway, there is going to be a problem.

Brad Smith – IN OPPOSITION – 6715 E. Lewis Lane Nampa ID 83686

Mr. Smith spoke about the walkways along the canal and is concerned about strangers walking behind their house. Last fall he caught some people out there with pellet guns wandering around on his property looking for things to shoot. He said they are concerned about neighbors walking along back there with an attractive nuisance like a canal. They have also lost several sheep and other animals because of dogs. Even though the canal is on his property, they have no rights to it. His irrigation comes from the southeast corner and there is 1000' of pipe that runs down, under the field and into his yard. While they have talked about burying the pipe, that could be a problem because when the irrigation starts up, he has to clean it out which is a problem if they bury it. He also needs to have access to that southeast corner so he can turn his irrigation on. He doesn't have rights to the drainage ditch but he does use it. His neighbor across Lewis Lane just spent \$10,000 to put in small catch pond and a pump system in so he could irrigate his property from it. He talked about flooding on the property. They would like to add more livestock in the form of cows and pigs to their property. He just doesn't think this (development) is in harmony with the area.

Commissioner Williamson asked how he was accessing the portion of his property across the canal. Mr. Smith said he built a small bridge.

Commissioner Nevill asked how he accesses his water and where the weir was located. He confirmed that they were a part of the Boise-Kuna Irrigation District. He asked if the condition maintaining the historical drains, laterals and ditches made him more comfortable about the protection of his water rights. Mr. Smith said he was still concerned.

Commissioner Williamson asked how often does the drainage ditch run? Mr. Smith said he only saw it during the irrigation season and it can become pretty swampy.

Jim Danes – IN OPPOSITION – 9731 Robinson Road Nampa ID 83686

Mr. Danes owns the property right across Robinson Road from the proposed property and would like to add his testimony to Mr. Smith's about the ditch. He said once you bury it, the entire distance is your

responsibility even if someone else breaks it. He has had that happen to him. He believes the principals don't have their interests at heart. He said the prior witness who said they (Haven Idaho) told us they don't care and it wasn't their problem, he said was there and they said that. He said they don't have our interests at heart; they have their pocketbook at heart. He is worried about the water levels and septic systems. He is worried about Reed's Dairy down the road; a 3 generation family dairy. They have been there longer than he has lived there, which is 35 years. The dairy milks over 800 – 1200 cows a day. They own 10 acres on the east side of their property which is where they put all their manure. He said there is a statute says you can't put a subdivision within a mile of a dairy or a dairy within a mile of a subdivision. This is the third time someone has proposed to put multiple homes out there and each time it is shut down before it has gotten to this point. He showed where the dairy is and said it is 7/10 to 8/10 of a mile to the dairy as the crow flies.

Commissioner Nevill said the staff said the dairy was within .8 of a mile of the subdivision. He asked for staff to show a map showing the property and the dairy.

Ray Moore – IN OPPOSITION – 7016 East Lewis Lane Nampa ID 83686

Mr. Moore said they spread manure on the property across Dye Lane. He has farmed the property for several years for the previous owner. The water that supplies the subject property supplies 5 or 6 other properties with water. He is afraid if the subdivision is off for a week while everyone else is irrigating, how are they going to handle that? He is afraid they will use their well water to irrigate their properties. He is concerned that they are not the only people using that irrigation water; there are 5 or 6 other people off that head gate which is a major concern for him. There is one pipeline; an 8-inch pipe and he said you can't add any more capacity to it. He has seen 2 cfs/900 gallons per minute running in the drainage ditch multiple times. There is no way they can maintain the water on site; it's too much water.

Commissioner Villafana asked Mr. Moore how productive the farm ground is (on the subject property). Mr. Moore said it is normal soil for this area; it's not the best soil in the world but the people farming there have grown sweet corn, sugar beets, grain on it. Mr. Moore said he would like 5 acre lots.

Dewight Higel – IN OPPOSITION – 9832 S. Locknane Court Nampa ID 83686

Mr. Higel said his concern is water: it's all about the water. Houses are worthless without water. He doesn't know how many people there can write a \$50,000 check for a new well. He feels they are going to develop, get their money and run. He said they don't care. It's going to set a precedence. The traffic, water, sewer, community well; that (community well) is a concept he doesn't understand. He said if you put one big straw or a bunch of little ones, what's the difference?

Brandon Richards – IN OPPOSITION – 9529 Robinson Road Nampa ID 83686

Mr. Richards is kitty corner from the southern side of this proposed development. He asked whether Nampa Fire Department was considered in all the studies they have done. He said when they pay their taxes, it goes to both Nampa and Kuna. When they call 911, they get Kuna FD and the Canyon County paramedics. The International Association of Fire Fighters sets the standards for response times and they are supposed to average 5 ½ minutes. Right now, their property is a 10 minute drive and that doesn't include dispatch times, time for them to put on their gear and get out the door. Their response times are pretty delayed. With Robinson Road being so windy, there are quite a few accidents. He has seen one right outside his driveway and his neighbor's driveway. The speed limit is 50 mph and with school buses stopping on the road and it being poorly lit; he sees a lot of accidents happening. If his mother in law's well goes dry, he knows she doesn't have the funds to drill a new well.

Justin Ruthenback – Applicant (Representative) – REBUTTAL – 521 N. 10th Ave. North Caldwell ID 83605

Mr. Ruthenback said they have heard the feedback tonight and it is the same that they heard at the neighborhood meeting. They have said 'yes' they can fix and take care of a lot of problems and are happy

to do it and work through the details. Mr. Ruthenback said, regarding the groundwater, the staff report has detailed information about the local hydrology based on the Department of Water Resources monitoring wells. It is information from best experts they could find on the local water situation. The science and data show the ground water level is stable and the recharge rate is healthy. Some of the wells have static water levels at 47 feet; others have static water level at 80 feet. They already have a well on the site and would be happy to monitor it as well as other neighbors' wells. Their application would be 26 lots with individual wells or 29 lots with a community well. There are multiple options on the issue of fire. Mr. Ruthenback said Kuna Fire has told them what they would like; they will engineer a year round pond and are willing to discuss sprinklers. He said they will work with them and are adaptable. This land is 1 ½ miles from Nampa's city limits and is in Nampa's area of impact. Nampa is growing in this direction and both Nampa and the County have it designated as low density residential. Nampa wants 60 – 90 lots instead of the 29 they are proposing. He said they are fine with the fencing. They are well within the limits with their septic systems from their NP study. They are willing to go up to 65% systems to alleviate that. Commissioner Williamson asked Mr. Ruthenback about being willing to do a local monitoring well and said doesn't Idaho Department of Water Resources usually prefer to use the larger irrigation wells or community wells to monitor because it's easier than an individual well. Mr. Ruthenback said yes, but there is a willingness to work on that together and the thought is, the more data they have, the better. Commissioner Nevill asked about the impact of putting the firefighting pond on a lot and wouldn't that take away a lot? Mr. Ruthenback said no, the combination irrigation/fire suppression pond has been put in the existing design. There was additional discussion about the design and engineering of the fire suppression pond and its location. Commissioner Nevill asked if there was any appetite for 5-acre parcels. Mr. Ruthenback said the 26 lots is where the cost of roads and other requirements pencils out. Commissioner Nevill asked about the weir located at the southeast corner that a resident needs access to; is he going to replace that or will it stay and allow access via an easement? Mr. Ruthenback said he is willing to move it up to the north for the one neighbor who needs access. Commissioner Nevill asked staff what the requirements were for the location of the dairy and subdivision. Planning Official Dan Lister said it was his understanding that their code says that dairies have to look at the distance from housing, not the other way around.

MOTION: Commissioner Williamson moved to close public testimony on Case CR2022-0005 seconded by Commissioner Amarel. Voice vote, motion carried.

DELIBERATION:

Commissioner Villafana was concerned with compatibility. The lot sizes close by and to the south are big Ag; big Agricultural properties and multiple dairies. It is not compatible to him. It is in agricultural production and is a good piece of ground. Traffic is a concern as some people have mentioned there have been accidents and he has noticed some additional crosses recently appear on Robinson Road. There are more accidents happening due to the traffic. Water is a continuing concern and people have mentioned multiple wells drying up. If City of Nampa is getting close and they are suggesting smaller lot sizes, maybe it makes sense to wait for the city to get to this area. He can't support it as it has been presented.

Commissioner Nevill said he agrees with everything Commissioner Villafana has said. He said he is not interested in trying to craft a whole slew of conditions to try to make it so they can approve it. He understands the tradeoff between 26 lots and 29 but there are so many other issues, he doesn't want to make it try to work because he just doesn't feel like it is compatible.

Commissioner Williamson wanted to point out Exhibit 14F which is a letter from the Kuna School District talking about overcrowding in their schools with developments in Ada County. Any children in this subdivision will be going there.

MOTION: Commissioner Williamson moved to deny Case CR2022-0005 including modified 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: 5 in favor 0 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 1/5/2023, seconded by Commissioner Amarel. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director Sabrina Minshall said they are still finalizing when and how to have the joint meeting with the Board of County Commissioner. They will talk at the next meeting whether to cancel the regularly scheduled Planning and Zoning meeting. The next scheduled hearing (2/16) they will bring back the revised FCO's for the prior case and focusing on some training topics (like a workshop). The next meeting with any public hearing items will be 3/16.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Amarel. Voice vote motion carried. Hearing adjourned at 12:35 am.

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

Approved this 16th day of March, 2023



Brian Sheets, Acting Chairman

ATTEST



Bonnie Puleo, Recording Secretary



FINDINGS, CONCLUSIONS, & ORDER
Comprehensive Plan Amendment OR2022-0007

Findings of Fact

1. The applicant, KM Engineering, representing the property owner Richard Albisu, is requesting a comprehensive plan map amendment to change the future land use designation of parcel R37934011 from “Agriculture” to “Residential”. The 71.63-acre parcel is located at 0 Galloway Rd, Middleton, on the northeast corner of Galloway Rd and Old Highway 30, also referenced as a portion of Section 21, Township 5N, Range 3W; Canyon County, Idaho.
2. The request is being considered concurrently with a conditional rezone (CR2022-0015) to rezone approximately 71.63 acres from an “A” zone (Agricultural) to a “CR-R-1” zone (Conditional Rezone - Residential Single Family). The request includes a development agreement to restrict residential development within the “R-1” zone to no more than 54 residential lots and one (1) common lot.
3. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, Black Canyon Irrigation District, and Middleton School District.
4. The subject property is designated “Agriculture” on the 2020 Canyon County Comprehensive Plan Future Land Use Map.
5. The subject property is not located within an area of city impact.
6. The neighborhood meeting was held on May 9, 2022, pursuant to CCZO §07-01-15.
7. Notice of public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on December 29, 2022. Property owners within 600 feet of the subject property were notified by mail on January 11, 2023. Newspaper notice was provided on January 10, 2023. The property was posted by January 24, 2023.
8. The record herein consists of exhibits provided as part of the public hearing staff report and all information in case file OR2022-0007.

Conclusions of Law

For case file OR2022-0007, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Comprehensive Plan Map Amendment CCZO §07-06-03:

A. Is the requested type of growth generally in conformance with the Comprehensive Plan?

Conclusion: The request is generally not in conformance with the Canyon County Comprehensive Plan and growth trends in the surrounding area.

Finding: The Future Land Use map identifies the site and surrounding area as “Agriculture.” A residential designation and rezone in the area is not consistent with the vision of the 2020 Comprehensive Plan and Future Land Use Map.

The proposed zone change is generally **not** consistent with the following 2020 Comprehensive Plan and the proposal does **not** align with the following goals and policies:

Chapter 1. Property Rights

Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.

Chapter 2. Population
Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.
Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 3. School Facilities
Policy 3. The adequacy of school facilities may be considered by the hearing bodies in reviewing proposed residential subdivision and planned developments based on recommendations from the affected districts.
Policy 9. Ensure adequate school facilities and services that meet the educational, social and recreational needs of the community.
Chapter 4. Economic Development
Policy 1. Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Chapter 5. Land Use
Goal 1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
Policy 2. Encourage orderly development of subdivisions and individual land parcels.
Policy 6. Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.
Agriculture The County's policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide, fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.
Policy 1. Encourage the protection of agricultural land for the production of food.
Residential This policy recognizes that population growth and the resulting residential development should occur where public infrastructure, services and facilities are available or where there is a development pattern already established.
Policy 1. Encourage high-density development in areas of city impact.
Policy 2. Encourage residential development in areas where agricultural uses are not viable.
Chapter 6. Natural Resources
Agricultural Land
Goal 1. To support the agricultural industry and preservation of agricultural land.
Policy 1. Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development.
Chapter 7. Hazardous Areas
Goal 2. Carefully consider limiting development in hazardous areas.

Policy 3. Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following:

- i. Flood hazards
- ii. Unstable soil and/or geologic conditions
- iii. Contaminated groundwater

Chapter 13. Agriculture

Goal 1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.

Goal 2. Support and encourage the agricultural use of agricultural lands.

Goal 3. Protect agricultural lands and land uses from incompatible development.

Policy 1. Preserve agricultural lands and zoning classifications.

Policy 3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation?

Conclusion: The proposed “Residential” designation is not more appropriate than the current comprehensive plan designation as “Agriculture.”

Finding: The surrounding land uses are primarily agricultural with some sporadic residential uses. A rezone of residential in this area will create spot zoning of more intensive use that will be a detriment to the surrounding land uses and create inconsistent zoning that leads to nuisance concerns. There are intensive agricultural uses in the area including feedlots, dairies, and the Amalgamated Sugar Co. beet dump.

C. Is the proposed comprehensive plan amendment compatible with surrounding land uses?

Conclusion: The proposed comprehensive plan amendment is not compatible with the surrounding land uses.

Finding: The surrounding land uses are primarily agricultural. Active agriculture is located immediately surrounding the subject parcel, including the Amalgamated Sugar Co beet dump which is located immediately to the south. The north, east, south, and west properties are actively being farmed. Assigning the residential designation to the subject property would create more fragmentation of agricultural land.

D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted?

Conclusion: The development trends in the general area have not changed to support the requested comprehensive plan map amendment from “Agriculture” to “Residential”.

Finding: Sporadic Rural Residential, Conditional Rezone – Rural Residential, and Single-Family Residential zones are located primarily outside of the one (1)-mile perimeter of the property.

E. Will the proposed comprehensive plan amendment impact public services and facilities? What measures will be implemented to mitigate impacts?

Conclusion: The proposed comprehensive plan amendment will impact public services or facilities.

Finding: This proposal exceeds the growth forecasted by the COMPASS TAZ report for this area and transportation infrastructure may not be able to support the new transportation

demands created by this development. However, Canyon Highway District No. 4 stated the immediately affected intersections are operating at acceptable levels.

The proposed development is estimated to add 35 – 49 students to the Middleton School District. Current conditions have caused an immediate need for additional facilities and it is found that adding more students will negatively impact school services.

F. Idaho Statutes: Title 67 Chapter 65 §67-6537 USE OF SURFACE AND GROUNDWATER: (4) “When considering amending, repealing, or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal, or adoption of the comprehensive plan would have on the source, quantity, and quality of groundwater in the area.”

This property is currently being irrigated with surface water and there are multiple laterals and supply irrigation structures traversing the property. Concerns were noted by Black Canyon Irrigation District that this project has the potential to disrupt the irrigation water delivery system. This property is also located in a nitrate priority area.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein, the Planning and Zoning Commission **recommends denial** of case OR2022-0007, a **Comprehensive Plan Future Land Use Map Amendment** to amend the future land use designation of parcel R37934011 from “Agriculture” to “Residential”.

Denied this 2nd day of February 2023.



**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Brian Sheets, Acting Chairman

State of Idaho)
) SS
County of Canyon County)

On this 2nd day of February in the year of 2023, before me Bonnie Puleo, a notary public, personally appeared Brian Sheets personally know to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary: Bonnie C. Puleo
My Commission Expires: 12/10/2027



Planning and Zoning Commission
Albisu – Conditional Rezone – CR2022-0015

Development Services Department

FINDINGS, CONCLUSIONS, & ORDER

Conditional Rezone CR2022-0015

Findings of Fact

1. The applicant, KM Engineering, representing the property owner Richard Albisu, is requesting a conditional rezone of parcel R37934011 from an “A” (Agricultural) zone to an “CR-R-1” (Conditional Rezone - Residential Single Family) zone. The request includes a development agreement to restrict residential development within the “R-1” zone to no more than 55 lots (54 residential lots and 1 common lot).
2. The 71.63-acre parcel is located at 0 Galloway Rd, Middleton, on the northeast corner of Galloway Rd and Old Highway 30, also referenced as a portion of Section 21, Township 5N, Range 3W; Canyon County, Idaho.
3. The request is being considered concurrently with a comprehensive plan amendment (OR2022-0007) to change the future land use designation of parcel R37934011 from “Agriculture” to “Residential”.
4. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, Black Canyon Irrigation District, and Middleton School District.
5. The subject property is designated “Agriculture” on the 2020 Canyon County Comprehensive Plan Future Land Use Map.
6. The subject property is not located within an area of city impact.
7. The neighborhood meeting was held on May 9, 2022 pursuant to CCZO §07-01-15.
8. Notice of public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on December 29, 2022. Property owners within 600 feet of the subject property were notified by mail on January 11, 2023. Newspaper notice was provided on January 10, 2023. The property was posted by January 24, 2023.
9. The record herein consists of exhibits provided as part of the public hearing staff report and all information in case file CR2022-0015.

Conclusions of Law

For case file CR2022-0015, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Conditional Rezone CCZO §07-06-07(6)(A):

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed zone change is generally not consistent with the Canyon County Comprehensive Plan Future Land Use Map or the following goals and policies.

Finding: The Future Land Use map identifies the site and surrounding area as “Agriculture”. A spot rezone in the area is not consistent with the vision of the 2020 Comprehensive Plan and Future Land Use Map.

The proposed zone change is generally **not** consistent with the following Comprehensive Plan goals and policies:

Chapter 1. Property Rights

Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.

Chapter 2. Population

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.
Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
Chapter 3. School Facilities
Policy 3. The adequacy of school facilities may be considered by the hearing bodies in reviewing proposed residential subdivision and planned developments based on recommendations from the affected districts.
Policy 9. Ensure adequate school facilities and services that meet the educational, social and recreational needs of the community.
Chapter 4. Economic Development
Policy 1. Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.
Chapter 5. Land Use
Goal 1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.
Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
Policy 2. Encourage orderly development of subdivisions and individual land parcels.
Policy 6. Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.
Agriculture The County's policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide, fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.
Policy 1. Encourage the protection of agricultural land for the production of food.
Residential This policy recognizes that population growth and the resulting residential development should occur where public infrastructure, services and facilities are available or where there is a development pattern already established.
Policy 1. Encourage high-density development in areas of city impact.
Policy 2. Encourage residential development in areas where agricultural uses are not viable.
Chapter 6. Natural Resources
Agricultural Land

Goal 1. To support the agricultural industry and preservation of agricultural land.
Policy 1. Protect agricultural activities from land use conflicts or undue interference created by nonagricultural development.
Chapter 7. Hazardous Areas
Goal 2. Carefully consider limiting development in hazardous areas.
Policy 3. Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: <ul style="list-style-type: none"> i. Flood hazards ii. Unstable soil and/or geologic conditions iii. Contaminated groundwater
Chapter 13. Agriculture
Goal 1. Acknowledge, support and preserve the essential role of agriculture in Canyon County.
Goal 2. Support and encourage the agricultural use of agricultural lands.
Goal 3. Protect agricultural lands and land uses from incompatible development.
Policy 1. Preserve agricultural lands and zoning classifications.
Policy 3. Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.

2. **When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?**

Conclusion: The proposed conditional rezone to “CR-R-1” (Single-Family Residential) is not more appropriate than the current zone of “A” (Agricultural).

Finding: The proposed conditional rezone is not more appropriate than the current zoning designation of agricultural. The surrounding land uses are primarily agricultural. Sporadic Rural Residential, Conditional Rezone – Rural Residential, and Single-Family Residential zones are located primarily outside of the one (1)-mile perimeter of the property. A rezone of residential in this area will create spot zoning of more intensive use that will be a detriment to the surrounding land uses and create inconsistent zoning that leads to nuisance concerns.

3. **Is the proposed conditional rezone compatible with surrounding land uses?**

Conclusion: The proposed conditional rezone is not compatible with the surrounding land uses.

Finding: The proposed conditional rezone is not compatible with the surrounding land uses. The surrounding land uses are primarily agricultural with an average lot size of 27.72 acres. The proposed conditional rezoning to “R-1” would allow the property to be developed into higher-density lots that have an average minimum lot size of one (1) acre, which is not compatible with the surrounding area as it currently exists. Active agriculture is located immediately surrounding the subject parcel, including the Amalgamated Sugar Co beet dump which is located immediately to the south. Properties to the north, east, south, and west are being actively farmed. Rezoning the parcel would create more fragmentation of agricultural land.

4. **Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?**

Conclusion: The proposed conditional rezone will have a negative impact on the agricultural character of the area.

Finding: The property is surrounded by intensive agricultural uses and sporadic residential uses. The "R-1" (single-family residential) zoning designation is not compatible with the farming uses that are classified as intensive agriculture, with operations occurring at all hours and heavy truck traffic during harvest and again once the beets are ready for processing. A rezone to residential will alter the area's character by adding more traffic and further fragmenting active agricultural land.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate facilities and services will be provided to accommodate the use.

Finding: Individual domestic wells and individual septic systems are proposed for the development. The proposed development will be served by pressurized irrigation. Stormwater will be contained onsite. Development of the site will be required to meet agency standards to ensure adequate water, sewer, irrigation, drainage, stormwater drainage, and utility systems will be provided to accommodate the use.

6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The proposed conditional rezone is not anticipated to require public street improvements to minimize undue interference with existing or future traffic patterns.

Finding: The proposed development is estimated to create 55 new peak-hour trips which are not anticipated to create undue interference with existing or future traffic patterns. According to Canyon Highway District No. 4, current traffic conditions do not appear to warrant a study of the adjacent intersections, as all public road intersections within one mile of the proposed development operate at an acceptable level of service (A or B) in the peak hour. Traffic impacts from the proposed development shall be mitigated through the dedication of public right-of-way, frontage improvements, and/or development impact fees for transportation system improvements.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property has frontage and access to Galloway Road and Old Highway 30.

Finding: The property has frontage along Galloway Road and Old Highway 30. There is existing access on Galloway Road. The proposed development will utilize the existing access on Galloway and will be adding an existing access point on Old Highway 30. According to Canyon Highway District No. 4, the proposed access points as shown on the site plan appear to be consistent with their access management policy (HSDP Manual Section 3061). An access permit from Canyon Highway District No. 4 will be required for any new access points, or for modification to any existing access points.

8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: The proposed conditional rezone amendment will impact essential public services and facilities.

Finding: Middleton Fire Department, Canyon County Sheriff, Canyon County Ambulance, and Middleton School District were notified of the request.

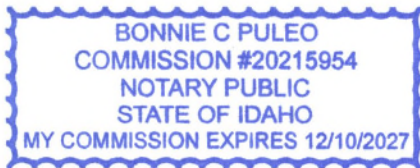
The closest fire station is located approximately 7.2 road miles southeast of the site in Middleton.

The proposed development is estimated to add 35 – 49 students to the Middleton School District. Current conditions have caused an immediate need for additional facilities and it is found that adding more students will negatively impact school services.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein the Planning and Zoning Commission **recommends denial** of Case CR2022-0015 a **Conditional Rezone** of parcel R37934011 from an “A” (Agricultural) zone to a “CR-R1” (Conditional Rezone – Single-Family Residential) zone.

DENIED this 2nd day of February 2023



**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

A handwritten signature in blue ink, appearing to read "Brian Sheets".

Brian Sheets, Acting Chairman

State of Idaho)
) SS
County of Canyon County)

On this 2nd day of February in the year of 2023, before me Bonnie Puleo, a notary public, personally appeared Brian Sheets personally know to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary: Bonnie Puleo
My Commission Expires: 12/10/2027

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550



Brad Little, Governor
Jess Byrne, Director

March 10, 2023

Jenna Petroll, Case Planner
Canyon County
111 N. 11th Ave ROOM 310
Caldwell, ID 83605
jenna.petroll@canyoncounty.id.gov

Subject: Case No. OR2022-0007 & CR2022-0015, Albisu Plan Map Amendment & Conditional Rezone

Dear Ms. Petroll:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK

Jenna Petroll

From: Bonnie Puleo
Sent: Wednesday, February 22, 2023 4:14 PM
To: Jenna Petroll
Subject: FW: [External] RE: Agency Notification OR2022-0007 & CR2022-0015 / Albisu

FYI.....



Bonnie Puleo
Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

NEW public office hours **effective January 3, 2023**

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour****

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Wednesday, February 22, 2023 3:19 PM
To: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Subject: [External] RE: Agency Notification OR2022-0007 & CR2022-0015 / Albisu

Good afternoon, Bonnie.

After careful review of the transmittal submitted to ITD on 02/16/2023 regarding OR2022-0007 & CR2022-0015 / Albisu, the Department has no comments or concerns to make at this time. Based on the distance this development is to the nearest state highway facility, little impact is anticipated.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services

O: 208.334.8337 | C: 208.296.9750

Email: niki.benyakhlef@itd.idaho.gov

Website: itd.idaho.gov

Jenna Petroll

From: Ivanna Rook <ivannarook@gmail.com>
Sent: Tuesday, March 21, 2023 9:17 PM
To: Jenna Petroll
Subject: [External] Only Hwy 30 and Goodson case no. 2022-0007 & CR2022-0015

Ms. Jenna Petroll,

Thank you for your time. I have many concerns about the explosive growth in our area. I drive by this potential development each time I go into town. I'm deeply concerned that we don't have the infrastructure to handle another subdivision. This is agriculture area and we all depend on the water replenishing the aquifer from irrigation. If we continue adding subdivisions and wells and removing irrigated land, we will at some point, and probably in the near future, have our wells run dry.

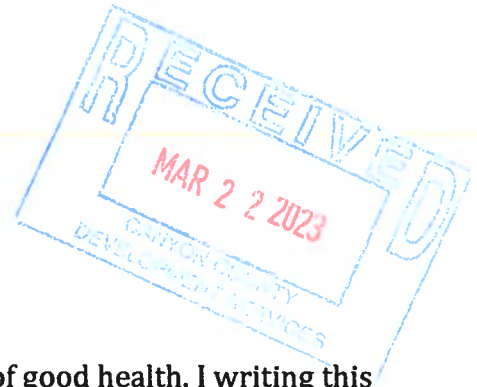
If we could make sure we have enough infrastructure in place, long term water resources, road ways, traffic control etc. I'm not fully opposed to a new subdivision, but I don't think that we are growing in a wise way and am deeply concerned that we will see dreadful consequences of over development.

Ivanna Rook
28023 Harvey Rd, Caldwell, ID 83607
831.566.6402

Date: 03/22/23

To: Canyon County Commissioners

From: Sid Freeman



Commissioners,

I hope this letter finds you and your families in a state of good health. I writing this quick note to you to accompany a cover page to a petition that my neighbors and I were taking around to get signed by others in regards to a hearing being held on April 11th. Unfortunately, those of us who picked up the fliers on the signs by the road were never told of a deadline for written comments, and other materials that we wish to enter into record, as it was not mentioned in the fliers. I only found out yesterday there is one and it is today 3/22/23. So I am sending you this note with the cover page to our petition with out the signature pages. I will bring those with me to the hearing as they are still in the process at this point in time. Apparently the County is in the middle of changing the process by which these things are done. And as the manner in which the gals in DSD explained them to me, it does sound like when everything is fully implemented and the kinks are worked out it will be a positive move.

Attached with this note you should find the cover page of our petition and the incident report on Old Hwy 30 from the Sheriffs Office.

Thank you for your time and consideration in this matter.

Sid Freeman
208-941-3584
sunnyviewfarms@q.com

Citizens Petition Against Canyon County

Case No.: OR2022-0007 & CR2022-0015

Public hearing date is Tuesday April 11, 2023, at 1:30 pm.

The hearing will be held in the Commissioner's Meeting Room on the first floor of the Canyon County Courthouse located at 1115 Albany Street, Caldwell, Idaho.

We the under signed citizens are not at all in favor of, and are in fact adamantly against any approval of any part of Case No.: OR2022-0007 & CR2022-0015. We take this position for many reason's, some of them are listed here below but are not limited to;

This property and proposal is outside the boundaries of the impact area and is not in compliance with the current or past comprehensive plans.

The roadways are already terribly unsafe. Especially all along the Old Hwy 30 corridor both north and south of Galloway Rd. for several miles, especially south to the Hwy 44 intersection. The number of collisions on Old Hwy 30 has increased dramatically in resented years with several fatalities, as show in the report on file from Canyon County Sherriff's Office. This is an agricultural area and there are many very large and very slow moving tractors pulling even larger implements, combines, swathers, hay stackers, and other ag vehicles driving down these roads.

It is directly across from a sugar beet delivery station, which will severely interfere with a multi million-dollar sugar beet harvest every year, and cause a terrible risk to our farmers and others on the roadways. According Amalgamated Sugar Co. there are approximately 70,000 tons of sugar beets going into and out of this station per year worth \$105/per ton, with an estimated value of \$7,350,000 per year. The noise from facility can be heard literally from miles away.

This proposal is not at all compatible, and is in great conflict, with the current zoning and land uses directly next to it and in the surrounding area. There are large diaries that apply manure and compost on their fields. The onion and potato growers who have to abide by the federal law called Food Safety Modernization Act, which prohibits any trespass of any kind, human or domestic animals, and any littering of any kind, in or next to areas where food produce is being grown. There are hay growers harvesting crops four to five times a year. Many farming operations run all through the night at different times of the year. Aerial and ground application of fertilizer and chemicals will be greatly prohibited because of flight regulations and buffer zones. The pollination of seed crops from bees will be very problematic. And then the potential of cross-pollination of vegetable seed crops from gardens in back yards. Some isolation distances are more than a mile in any direction. The value of the seed industry in Canyon County is estimated into the tens of millions of dollars per year. From which seed is sent to every continent on the globe except Antarctica. It does in fact become a global food security issue.

A BYU of Idaho study has data that shows rural residents in Canyon County only pay 80% of the value of the taxable services that they receive, agriculture pays 154% of the value of taxable services that they receive, like wise with commercial businesses they pay 156% of the value of taxable services that they receive. Historically economist nationally have recognized that revenues generated from gate receipts from agricultural will roll over seven times creating a massive amount of economic value to the commercial industry in our county.

The best use of this land is and always has been agriculture production, which is a renewable resource to our county every year. Just in the surrounding area it is worth tens of millions of dollars per year in gate receipts. Over a ten-year period it is worth hundreds of millions of dollars in gate receipts. The applicant clams "The soil on this land is not good enough to make money farming it. It won't even grow a good crop of hay". The Andrews family who took this land out of sagebrush has farmed this land for 65 years. Onions, one of the most valuable crops in gate receipts per acre, have been grown directly next to this farm all along the eastside, in the northeast corner, on the north end, in the northwest corner, and in the southwest corner. All with yields far above the county average, and some of them as high as 1, 450 cwt per acre, almost double county average. This property itself would have been rented out for onions had the Andrews not got it sold.

As far as property rights go, the applicants knew when they purchase this property that it only had one building permit. That is in fact the only property right that they currently have as far as building permits go. They **do not** have the right to interfere with the property rights of the surrounding landowners to continue to do the business that they do, with the methods that they do it with.

We believe the best use of this land is agriculture!



CANYON COUNTY SHERIFF

Kieran Donahue

Sheriff

February 8, 2023

Douglas S. Hart

Chief Deputy

Sid Freeman
27406 Farmway Rd.
Caldwell, ID 83607
sunnyviewfarms@q.com

Sid Freeman

How we handled your request	
Request date. We received your request on: February 1, 2023	
Request content. Your full request is attached. We understood you to be asking for: Accidents at Old Highway 30 and Galloway for past 15 years.	
Legal review.	<input checked="" type="checkbox"/> The Civil Division of the Canyon County Prosecuting Attorney's Office reviewed your request and the legal authority for redactions and denials in our response, if any, on February 7, 2023 <input type="checkbox"/> We had the opportunity and chose not to consult a county attorney.
<input type="checkbox"/> Compilation. Because the records you requested pertained to a pending case, we did not compile responsive media records.	
CCSO provided the Canyon County Prosecutor's Office with: 6 pages of potentially responsive information for review, some of which may have been removed or redacted as noted below.	
<input type="checkbox"/> Discovery response from the Prosecutor's office. As a courtesy, we have directly routed your request to the Canyon County Deputy Prosecuting Attorney assigned to your case to process as a discovery request in accordance with the requirements of Idaho Criminal Rule 16.	
Why you received unredacted information	
<input type="checkbox"/> Government entity. Although the information you requested may typically be exempt from disclosure, as a government entity, you are subject to the same or similar legal obligations as our office regarding the dissemination of these records.	
<input type="checkbox"/> Court order. You need the requested records in order to comply with a court order (e.g., domestic violence evaluator, mental health evaluator, pre-sentence investigator).	
<input type="checkbox"/> Involved party. You have provided satisfactory information that you are requesting records about yourself or about an involved party for whom you are either an insurer, legal representative, parent (of a minor), or other authorized agent. Idaho Code ("I.C.") §§ 74-113, 74-105(1), and 74-124(2) for records involving a motor vehicle collision; I.C. § 74-113 only for all other record types.	
<input checked="" type="checkbox"/> Other. No redaction necessary.	
Why information was redacted or omitted – (Section 1 of 2)	
<input type="checkbox"/> No responsive records. No responsive records were found within the parameters of your request.	<input type="checkbox"/> Private information. For investigatory records, I.C. §§ 74-105(1), 74-124(1)(c). For all other records, I.C. § 74-106(4)(h).
<input type="checkbox"/> No date range specified. Your request did not provide a date range. I.C. § 74-102(4).	<input type="checkbox"/> Pending investigation or case. I.C. §§ 74-105(1), 74-124(1).

Public Safety, Teamwork, Community

1115 Albany Street * Caldwell, Idaho 83605 * phone (208)454-7510 * fax (208)454-7476 * Website www.canyonco.org/sheriff
Civil Email: ccsccivil@canyoncounty.id.gov * Records Email: ccsorecords@canyoncounty.id.gov
Equal Opportunity Employer

Why information was redacted or omitted – (Section 2 of 2)	
<input type="checkbox"/> Social security number. I.C. § 74-106(4)(g), 74-104(1); 42 U.S.C. 405(c)(2)(C)(viii)(I).	<input type="checkbox"/> Motor vehicle information, and/or driver records. I.C. §§ 74-106(15), 49-203.
<input type="checkbox"/> Juvenile information. I.C. §§ 16-1626, 74-104(2); Idaho Court Administrative Rule 32(g)(9); Idaho Juvenile Rule 53.	<input type="checkbox"/> National criminal history database information. I.C. §§ 74-105(12), 74-104(1); 28 U.S.C. § 534(f)(1).
<input type="checkbox"/> Medical records. I.C. §§ 74-106(6), 74-106(13).	<input type="checkbox"/> Jail inmate records by current inmate. I.C. § 74-113(3)(e).
<input type="checkbox"/> Medical records (as a provider). I.C. §§ 74-106(6), 74-106(13), 74-104(1); 42 U.S.C. § 1320d-6; 45 C.F.R. § 164.502.	<input type="checkbox"/> Attorney-client communication or attorney work-product. I.C. § 74-104(1); Idaho Rule of Professional Conduct 1.6; Idaho Rules of Civil Procedure 26(b)(1), (5); and Idaho Criminal Rule 16(g).
<input type="checkbox"/> Psychiatric records. I.C. §§ 74-124(1), 74-106(6), and 74-106(13).	<input type="checkbox"/> Destroyed record. See county records retention requirements in I.C. § 31-871.
<input type="checkbox"/> Critical infrastructure. I.C. § 74-105(4)(b).	<input type="checkbox"/> Additional grounds for the denial and/or redactions of your request may exist, and are not waived by our office.
<input type="checkbox"/> Other.	

How you <i>MAY</i> be able to obtain additional information
<input type="checkbox"/> Proof of identity or release. Provide our office with (a) a copy of government-issued photo identification (b) information proving your relationship to an individual in the requested records, or (c) a notarized release of information or power of attorney for such individual.
<input type="checkbox"/> Subpoena. Provide our office with a subpoena issued in a criminal case or a civil case.
<input type="checkbox"/> Discovery request. Submit a request for discovery to the handling prosecuting attorney's office.
<input type="checkbox"/> Court order. If you need the requested information because you are preparing a report pursuant to a court order (e.g., evaluation), provide us with a copy of the order.
<input checked="" type="checkbox"/> iCourt. Visit the iCourt Portal online at https://mycourts.idaho.gov .
<input type="checkbox"/> Victim services. If you are a victim, speak with a victim-witness coordinator or restitution coordinator with the Canyon County Sheriff's Office, (208) 455-5970, or the Canyon County Prosecuting Attorney's Office, (208) 454-7391.
<input checked="" type="checkbox"/> Court. Contact Canyon County Court Records, cdclerk@canyoncounty.id.gov , (208) 454-7495.
<input type="checkbox"/> Resubmission. Resubmit your request once the case is adjudicated.
<input checked="" type="checkbox"/> Other government entity. Contact the government entity listed below, as it may have some or all of the requested information: Middleton Police Department, 1103 W. Main St. Middleton, ID 83644 (208) 585-0008

If you believe that you have been improperly denied the information you requested, you may contact our office or you have the right to institute proceedings in the district court of this county within 180 days from the date of the mailing of this letter to attempt to compel disclosure of that information.

Sincerely,


CCSO Records Section

OSK/srh
attachment

Sheriff's Office Public Records Request

NOTICE FOR PUBLIC RECORDS REQUEST

IDAHO REPOSITORY

REQUESTOR INFORMATION

Name/Organization:

Sid Freeman

Address:

27406 Farmway Rd
Caldwell, ID 83607
United States

Date of birth:

01/18/1961

Driver's license number:

AA107855F

Phone:

(208) 941-3584

Email:

sunnyviewfarms@q.com

Preferred method of delivery (please check one):

In-person pick-up

Name of Client / Insured (if applicable)

N/A

ID, Releases / Authorization, Etc (if applicable)

RECORDS REQUESTED

Police/accident report number(s):

unknown

Court case number:

unknown

Date of incident:

Subject's name:

no subject



Subject's date of birth:

Records requested:

Accident Reports

Description of requested information:

I would like to get an accounting of any and all vehicle accidents at the intersection of Old Hwy 30 and Galloway Rd, out north of Caldwell. I would like all of them going back at least 15 years, including fatalities and non fatalities. Thank you very much for your time and consideration of this matter. Please feel free to call me regarding any clarifications, my phone number is 208-941-3584.

Signature

A handwritten signature in black ink, appearing to read "Sid Korman".

Date

02/01/2023

Record List - Total:7

Incident	Nature	Area	Agency	Reported	Disposition	Complainant
M21-02081	1050	17	MIPD	07:53:55 04/21/21		
C20-22658	1050	17	CCS	12:44:39 08/12/20	SER	
M20-04186	1050	17	MIPD	12:44:39 08/12/20		
M19-05285	1050	17	MIPD	15:47:19 10/24/19		
M15-03025	1050	17	MIPD	21:14:00 11/11/15	RTF	
C14-28798	1050	17	CCS	15:24:51 11/16/14	SER	
C12-22545	1050	17	CCS	11:00:51 09/23/12	SER	

Record List - Total:1

Incident	Nature	Area	Agency	Reported	Disposition	Complainant
C15-28504	Hit and Run	17	CCS	18:34:42 12/24/15	INA	

Record List - Total:19

Incident	Nature	Area	Agency	Reported	Disposition	Complainant
C22-34362	PD Accident	17	CCS	16:10:37 11/21/22	CCA	
C22-32436	PD Accident	17	CCS	13:54:53 11/02/22	INF	
C22-08806	PD Accident	17	CCS	18:34:13 03/25/22	CCA	
C21-40087	PD Accident	17	CCS	20:01:59 12/26/21	CCA	
C21-15724	PD Accident	17	CCS	02:00:02 05/17/21	CCA	
C20-34065	PD Accident	17	CCS	04:29:45 12/04/20	INA	
C19-32962	PD Accident	17	CCS	12:48:32 10/07/19	CCA	
C17-19545	PD Accident	17	CCS	20:07:47 09/14/17	CCA	
C16-26423	PD Accident	17	CCS	12:31:34 12/09/16	INA	
C15-20086	PD Accident	17	CCS	16:59:06 09/08/15	INA	
C15-03311	PD Accident	17	CCS	13:36:42 02/16/15	CCA	
C15-00459	PD Accident	17	CCS	20:53:39 01/07/15	CCA	
C14-01547	PD Accident	17	CCS	10:49:45 01/18/14	INA	
C13-21157	PD Accident	17	CCS	15:30:05 08/24/13	SER	
C11-03721	PD Accident	17	CCS	08:12:08 02/24/11	INA	
C10-08283	PD Accident	16	CCS	12:06:22 03/24/10	CAA	
C09-06972	PD Accident	17	CCS	15:33:28 03/16/09	SER	
C08-25995	PD Accident	17	CCS	15:20:26 09/30/08	INA	
C08-25042	PD Accident	17	CCS	09:38:00 09/20/08	SER	

Record List - Total:14

Incident	Nature	Area	Agency	Reported	Disposition	Complainant
C22-09016	PI Accident	17	CCS	18:19:50 03/27/22	CCA	
C21-12730	PI Accident	17	CCS	07:53:55 04/21/21	CCA	
C20-31940	PI Accident	17	CCS	07:36:41 11/11/20	CCA	
C20-24414	PI Accident	17	CCS	05:01:58 08/28/20	CCA	
C19-29112	PI Accident	17	CCS	12:50:44 09/04/19	CCA	
C18-09667	PI Accident	17	CCS	10:44:46 05/03/18	CCA	
M16-02823	PI Accident	17	MIPD	12:31:34 12/09/16		
C15-25241	PI Accident	17	CCS	21:14:00 11/11/15	CCJ	
C14-01542	PI Accident	17	CCS	09:37:21 01/18/14	INA	
C13-28751	PI Accident	17	CCS	20:32:37 11/24/13	CCA	
C13-22708	PI Accident	17	CCS	07:30:59 09/12/13	CCA	
C13-15748	PI Accident	17	CCS	05:54:33 06/29/13	CCA	
C13-15004	PI Accident	17	CCS	08:42:41 06/21/13	INA	
C11-01442	PI Accident	17	CCS	09:53:18 01/22/11	CAA	

Record List - Total:2

Incident	Nature	Area	Agency	Reported	Disposition	Complainant
C17-04901	Reckless Driver	17	CCS	17:56:14 03/10/17	SER	
C14-00943	Reckless Driver	17	CCS	16:53:12 01/11/14	SER	

Record List - Total:5

Incident	Nature	Area	Agency	Reported	Disposition	Complainant
C21-16682	Slide Off	17	CCS	11:31:41 05/25/21	SER	
C17-01307	Slide Off	17	CCS	17:32:25 01/18/17	SER	
C16-26180	Slide Off	17	CCS	10:12:12 12/06/16	SER	
C14-28796	Slide Off	17	CCS	15:13:26 11/16/14	SER	
C14-02817	Slide Off	17	CCS	06:59:48 02/03/14	SER	

Sabrina Bowman

From: Sabrina Bowman
Sent: Wednesday, February 8, 2023 9:20 AM
To: 'sunnyviewfarms@q.com'
Subject: 23-00596 Records Request
Attachments: 23-00596_TO_RP.pdf

Please open the attachment to view the response to your request.
Thank you,

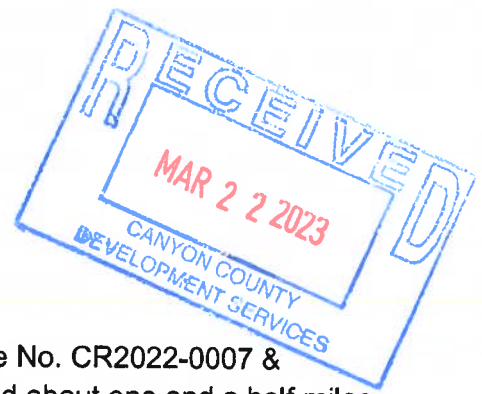
Sabrina Bowman

Canyon County Sheriff's Office
Records/Civil Section
(208) 454-7510

Please be aware that our email addresses have changed, see below:

Records – ccsorecords@canyoncounty.id.gov

March 21, 2023



Commissioners

We would like to express our opposition to the building project case No. CR2022-0007 & CR2022-0015. We, John and Gina Ihli, live on a family farm located about one and a half miles north of the proposed subdivision. The land we live on is where John grew up. We are both Idaho natives who appreciate the deep agricultural roots of our beautiful state. While we have many concerns, the three largest ones are the impact on agricultural practices in the surrounding area, additional traffic on highway 30, and net cost to the county in services.

We are deeply concerned about the impact that a residential subdivision would have on the surrounding agricultural community. Within miles there are farms, dairies, cattle and horse operations. Farms and dairies use agricultural chemicals necessary for maintaining production. Their equipment moves on rural roads, not as fast as other vehicles. The sugar beet dump directly across the road during harvest is noisy, dusty and smelly, but an important part of the local economy. These all can be seen as a nuisance to those moving in, which leaves farmers vulnerable to lawsuits and other litigation. This subdivision provides opportunity for those who do not appreciate the nuances of ag-life to make farming undesirable or unaffordable. These beliefs are not unfounded. In 2020 agriculture accounted for 28 percent of Idaho's economic output, in 2023 (same website: <https://agri.idaho.gov/main/idaho-agriculture-facts-and-statistics>) we are down to 17 percent. We are asking you to use your power to protect one slice of Idaho agriculture by rejecting these proposals.

In addition we ask that you consider the safety of those who currently use highway 30. The highway is already heavy with morning and evening traffic. In the last few weeks we have come across two bad accidents on the highway. Adding 50 plus homes could easily increase traffic by 100 cars on this road only making it more dangerous to drive. Our concern is for our safety and the safety of all those who currently use highway 30.

Finally, a study done by BYU-Idaho in 2019 shows that land zoned for agriculture requires far less money in county services than is paid in taxes while the inverse is true of land zoned for residential use. While agricultural tax amounts exceed the cost of services provided, residential areas do not. While we realize this is just one portion of the big picture, we believe it is relevant and should be considered.

Thank you for considering our opinion and hearing our concerns. Again, we ask that you please say no to this subdivision.

Respectfully,

John and Gina Ihli

Jenna Petroll

From: Dan Lister
Sent: Friday, April 14, 2023 7:53 AM
To: Jenna Petroll
Subject: FW: Contact from Website: Lyle C Zufelt

Albisu

From: Monica Reeves <Monica.Reeves@canyoncounty.id.gov>
Sent: Thursday, April 13, 2023 9:38 PM
To: Dan Lister <Daniel.Lister@canyoncounty.id.gov>; Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>
Subject: Fw: Contact from Website: Lyle C Zufelt

From: Lyle C Zufelt <noreply@canyoncounty.id.gov>
Sent: Thursday, April 13, 2023 8:25:52 PM
To: BOCC
Subject: Contact from Website: Lyle C Zufelt

Contact

Board of County Commissioners

Name

Lyle C Zufelt

Email

zufeltco@netzero.net

Message

I was planning to attend the hearing regarding Case OR2022-0007 and CR2022-0015 on Tuesday, April 11. Since it was postponed and I will be unable to attend the rescheduled meeting I want to tell you my perspective on this proposed rezoning. In regards to the question "When considering the surrounding land uses, is the proposed land use more appropriate?" Considering the dairy located to the east of this property routinely uses the adjacent acreage to spread manure several times a year I think that any residential development in this area would be ill-advised. Potentially unfavorable interactions could be expected and the dairy owners should be able to continue using their acreage as they have for decades. On the second and much more serious concern- "When considering amending, repealing, or adopting a comprehensive plan, the governing board shall consider the effect ..the plan would have on the source, quantity and quality of groundwater in the area". Adding 50 homes/wells to this area would not be beneficial in any manner. When the developer talks of a holding pond in the development he should be reminded that the wells around Lake Lowell (the largest "holding pond" in Canyon County) have had difficulties. The representative for the Idaho Department of Water Resources stated "The reason your wells are going dry is that your homes are being built too close together". David Hoekema, the Idaho state hydrologist said in June 2022 "overall across the state, we're expecting the drought to continue". We appeal to your wisdom and prudence in considering this proposed rezone that was recommended for disapproval by the P&Z commission. A hearing in April at the end of a single season of moderate precipitation should not lead anyone to believe that every year will be as good going forward. We are not opposed to development, but we must oppose overdevelopment. In an area where the average lot size is 27+ acres an R-1 rezone would be preposterous. Bear in mind that neither the current property owners or developer will live anywhere near this proposed rezone/development. Thank you for your time. Lyle Zufelt 9965 Grand Targhee Trail Middleton, ID

Canyon County Board of Commissioners
115 Albany Street
Caldwell, ID 83605

Case OR2022-0007/CR2022--0015

I have been involved in the Canyon County Comprehensive plan that was approved last October.

I am opposed to the Master Application that involves 71.65 Acres that is presently zoned Agricultural and is proposed to be rezoned to R1 for development. (Parcel R3793401100, owner Richard Albisu) I do not think this is consistent to the Comprehensive plan that so many people worked hard to agree with.

I feel that these high-density housing areas need to be connected to the city water and waste water systems. I am very concerned about the water resources especially the number of wells that went dry in Ada and Canyon Counties over the past few years, due to over development. In recent articles, data from the Department of Water Resources shows the water levels in the aquifer system in the southwest Boise drop about a foot every year. This area is not looking 25 to 50 years into the future to provide water for the citizens. We need to protect our ground water supply. One example is the number of wells that have been drilled in the Purple Sage area along Highway 30 and the County lists as a Nitrate Priority area in a map. This area is next to the Nitrate Priority area.

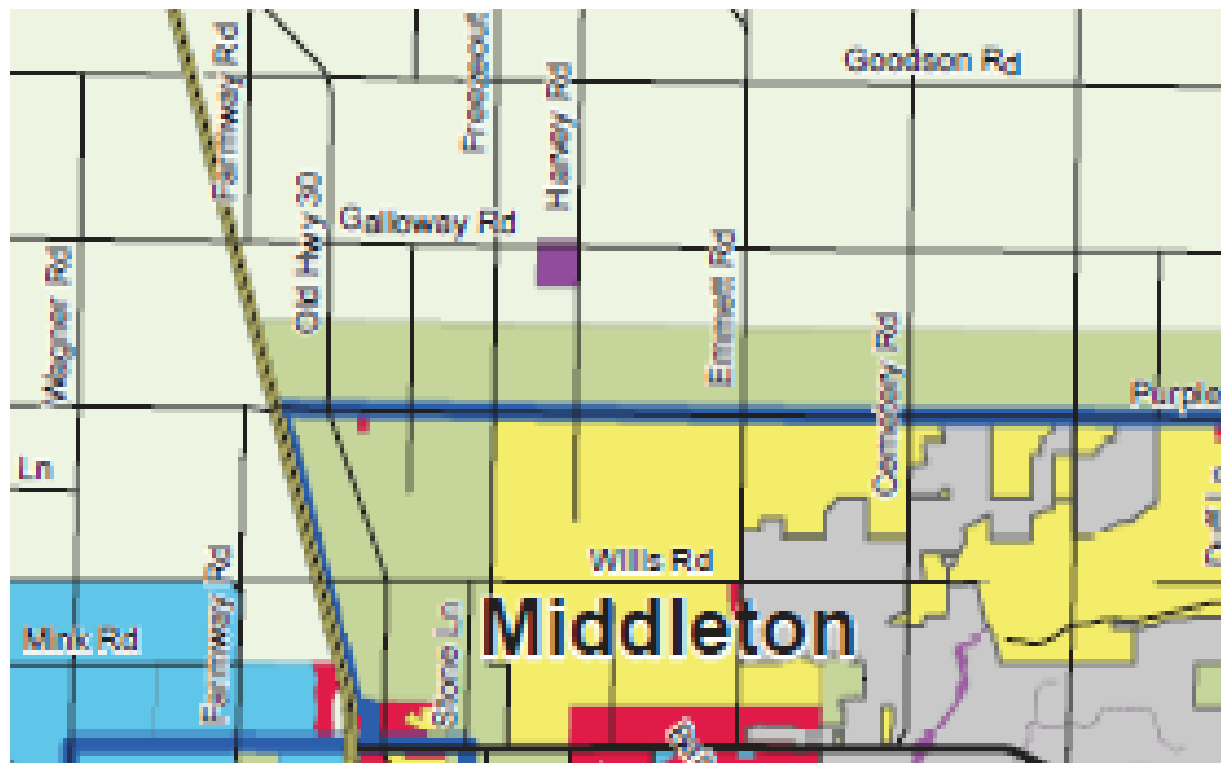
Idaho lost agricultural acreage larger than the city of Boise in just 15 years. Between 2001 and 2016, 68,823 acres of Idaho farmland was developed for non-agricultural purposes. Projections in 2017 urban growth model created by Boise State University projects 240,000 acres of agriculture land in Ada and Canyon counties will be lost to development by 2100. Those two counties currently have only 360,000 acres of ag land combined. (Idaho Press 8/14/20). Having this subdivision surrounded by agricultural land limits farmers from night and air operations.

In an October 2019, the Press Tribute article reported that the Treasure Valley produces 60% of the world's temperate sweet corn. The Treasure Valley, Magic Valley and Eastern Oregon produces 95% of the seed crop for dry beans. Southwest Idaho is a leading supplier of seed for vegetables, e.g., carrot, turnip onion and lettuce. I feel the importance of seed production is downplayed in the plan and decision on the conversion of farmland will have national and global consequences. We have agreed to this future plan to protect agricultural acreages and I hope you will continue to to so.

The intersection of Galloway and Highway 30 has been a dangerous intersection with many vehicle accidents and increased traffic to this area must be addressed. I travel Highway 30 daily. See attached map.

Thank you

Barney Lyons
208-899-0356
16921 Oasis Rd. Caldwell, ID 83607



Legend

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- MIXED USE
- CONSERVATION/ OPEN SPACE
- RURAL RESIDENTIAL
- AGRICULTURE
- LANDFILL
- CURRENT IMPACT AREAS
- WATER FEATURES
- CITY LIMITS
- STATE/US HWY
- INTERSTATE

Jenna Petroll

From: Emery Meeks <meeks_farm@msn.com>
Sent: Sunday, April 2, 2023 8:03 PM
To: Jenna Petroll; Paul Little; Tyson Meeks
Subject: [External] Fw: OR2022-0007 CR2022-0015

Subject: OR2022-0007 CR2022-0015 -----Opposition

My family has farmed at the corner of Cemetery and Goodson Roads since 1950. Some farms have changed hands over the years, mostly in the 70's and 80's, from one farmer to another, at prices based on what crop production could afford. More recently it is the investors who have driven the price out of reach of farmers, based on the housing and investment market.

As a farm the land is a renewable resource. By tilling the soil, planting the seeds, utilizing the river flow during the critical summer months, and constant supervision and sweat, these lands provide essential commodities to our people.

As a community I believe we should consider ourselves fortunate that we have people willing to farm.

Farmland becomes a non-renewable resource when we diminish its limited quantity. At present every acre possible to farm is being farmed. This valley does not have another 71 acres of suitable land in one block to produce food.

Our consideration today, whether to change productive farmland, a renewable, into housing, a non-renewable.

Currently the 71 acres contributes to the needs of everyone by growing food year in and year out. No, not food ready

to eat, but typically needing another value added process; the sugar beet factory, blending with other commodities

to feed cows, or in the case of onions and potatoes, sorted, bagged then distributed. All of these examples represent

jobs, income that county residents can depend on year after year. It has been calculated that every \$1 worth of commodity

grown on the farm generates \$7 by the time it has been consumed.

To allow a modification to the Comp Plan and a zoning change would move development one mile further north of

Purple Sage road, and across Galloway road. Currently any concentrated development is being held at Purple Sage, thanks

I believe to concerned citizens at many levels. This 71 acres is surrounded by the original farms from 1950, all intact and producing, on all four sides. Any change in the Comp Plan or zoning would open the last remaining block of farmland in the entire North of Hwy 44 East of Hwy 30 to development.

But lets remember that if the zoning were to remain ag then farming would continue. It doesn't matter who owns the land if the zoning stays ag exclusively farmers will offer to rent and keep it producing food.

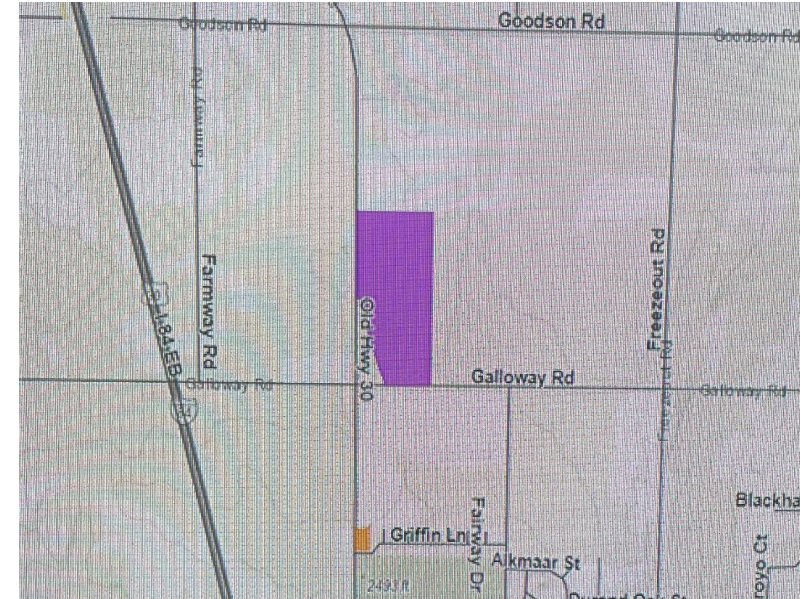
In my opinion the key to maintaining the vision of mixed land use with agriculture predominating has already been achieved in the Galloway-Hi Way 30 area. This area has large productive fields mostly irrigated with center pivot sprinklers, improvements that all farmers need to survive. Farmers in that community, as everywhere, need the assurance of stability in order to justify long term plans and financial arrangements. The future crops for many fields are planned and the preparation begun at least 3 years in advance of putting the seed in the soil. Stability over time is essential to maintaining a community. Please stop the spread of development beyond the comp plan guidelines.

Thank you board members for your service

Emery Meeks

Planning and Zoning Apps Tracker Public: CR2022-0015/ R37934011

Parcel No. R37934011
ACRES 71.63
Permit Num CR2022-0015
Parcel Num1 R3793401100
App Submitted 5/25/2022, 6:00 PM
App Type Comprehensive Plan Map Amendment
Sub Type Comprehensive Plan Change
Description Ag to residential. Sugar Ranch Sub
Main Applicant KM ENGINEERING, LLP
Parcel Address 0 GALLOWAY RD Caldwell ID
Status Active
Approval Status In Progress
Decision Date
Perm COUNT 1.00
Parcels R3793401100
Permits OR2022-0007;CR2022-0015



**Photos taken 4/1/23

Northernly



Northernly



Westerly



Southernly

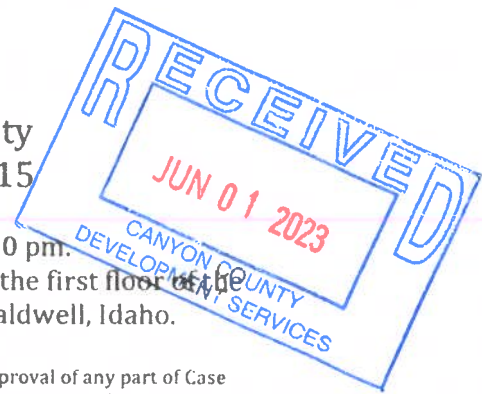


Easterly





Citizens Petition Against Canyon County
Case No.: OR2022-0007 & CR2022-0015



Public hearing date is Tuesday April 11, 2023, at 1:30 pm.
The hearing will be held in the Commissioner's Meeting Room on the first floor of the
Canyon County Courthouse located at 1115 Albany Street, Caldwell, Idaho.

We the under signed citizens are not at all in favor of, and are in fact adamantly against any approval of any part of Case No.: OR2022-0007 & CR2022-0015. We take this position for many reason's, some of them are listed here below but are not limited to;

This property and proposal is outside the boundaries of the impact area and is not in compliance with the current or past comprehensive plans.

The roadways are already terribly unsafe. Especially all along the Old Hwy 30 corridor both north and south of Galloway Rd. for several miles, especially south to the Hwy 44 intersection. The number of collisions on Old Hwy 30 has increased dramatically in resnet years with several fatalities, as show in the report on file from Canyon County Sherriff's Office. This is an agricultural area and there are many very large and very slow moving tractors pulling even larger implements. combines, swathers, hay stackers, and other ag vehicles driving down these roads.

It is directly across from a sugar beet delivery station, which will severely interfere with a multi million-dollar sugar beet harvest every year, and cause a terrible risk to our farmers and others on the roadways. According Amalgamated Sugar Co. there are approximately 70,000 tons of sugar beets going into and out of this station per year worth \$105/per ton, with an estimated value of \$7,350,000 per year. The noise from facility can be heard literally from miles away.

This proposal is not at all compatible, and is in great conflict, with the current zoning and land uses directly next to it and in the surrounding area. There are large diaries that apply manure and compost on their fields. The onion and potato growers who have to abide by the federal law called Food Safety Modernization Act, which prohibits any trespass of any kind, human or domestic animals, and any littering of any kind, in or next to areas where food produce is being grown. There are hay growers harvesting crops four to five times a year. Many farming operations run all through the night at different times of the year. Aerial and ground application of fertilizer and chemicals will be greatly prohibited because of flight regulations and buffer zones. The pollination of seed crops from bees will be very problematic. And then the potential of cross-pollination of vegetable seed crops from gardens in back yards. Some Isolation distances are more than a mile in any direction. The value of the seed industry in Canyon County is estimated into the tens of millions of dollars per year. From which seed is sent to every continent on the globe except Antarctica. It does in fact become a global food security issue.

A BYU of Idaho study has data that shows rural residents in Canyon County only pay 80% of the value of the taxable services that they receive, agriculture pays 154% of the value of taxable services that they receive, like wise with commercial businesses they pay 156% of the value of taxable services that they receive. Historically economist nationally have recognized that revenues generated from gate receipts from agricultural will roll over seven times creating a massive amount of economic value to the commercial industry in our county.

The best use of this land is and always has been agriculture production, which is a renewable resource to our county every year. Just in the surrounding area it is worth tens of millions of dollars per year in gate receipts. Over a ten-year period it is worth hundreds of millions of dollars in gate receipts. The applicant clams "The soil on this land is not good enough to make money farming it. It won't even grow a good crop of hay". The Andrews family who took this land out of sagebrush has farmed this land for 65 years. Onions, one of the most valuable crops in gate receipts per acre, have been grown directly next to this farm all along the eastside, in the northeast corner, on the north end, in the northwest corner, and in the southwest corner. All with yields far above the county average, and some of them as high as 1, 450 cwt per acre, almost double county average. This property itself would have been rented out for onions had the Andrews not got it sold.

As far as property rights go, the applicants knew when they purchase this property that it only had one building permit. That is in fact the only property right that they currently have as far as building permits go. They **do not** have the right to interfere with the property rights of the surrounding landowners to continue to do the business that they do, with the methods that they do it with.

We believe the best use of this land is agriculture!

Petition to Oppose Sugar Ranch Sub
Case No: OR 2022-0007 & CR 2022-0015

0

4th of
April
At 30

Andy Bower (208) 89-1152

DENNIS WINGETT 530-305-0500

~~James Gordon~~ 208-861-4344

MIKE McCLUE 619 922 1475

Mike Bolts 847-910-5250

Robert Williams 208-841-5020

Robert W. Munger 760-457-6597

Jennie A. Munger 2559 Par Dr. Caldwell 87607

Earl Ankenauer 619-507-4459

25572 PAR - 208-870-9331

Blaine Lindley 208-457-1737

Amycah Juicato 208-607-4854

Teresa Brown 208-870-5163

JOEL ROGERS 208-985-4898

31 May 2023

Canyon County
Board of County Commissioners
1115 Albany Street
Caldwell, Idaho 83605



RE: Case No. OR2022-0007/CR2022-0015
Comprehensive plan map amendment and rezoning

I, Barbara E. Albiston, living at 26736 Old Highway 30 Caldwell Idaho, am writing this letter in OPPOSITION TO said plan amendment and rezoning proposed by Ms. Stephanie Hopkins/Richard Albisu. My reasons are based on the Planning and Zoning Report which was correct on most points.

1. Finding #4: Although it was only generally touched upon, it is Common Knowledge to anyone who lives around or near Galloway Road that Amalgamated Sugar has a **very Busy and Noisy sugar beet dump** which is directly across from the proposed subdivision. Amalgamated is NOT going to change this considering current land prices and disruption of already negotiated contracts. If the beet dump is forced to move due to complaints from the proposed subdivision inhabitants – because of EXISTING noise and road traffic – producers will have added costs, including fuel, more drivers needed, and other expenses related to harvest. The farmers who sell their sugar beets to Amalgamated are stockholders as well. This is part and/or all of their livelihood – not just a sideline venture!
2. Finding #5: Fifty-five properties with individual wells and septic systems is Ludicrous! It has already been shown, countless times in Ada and Canyon counties, that **excessive new wells for subdivisions just puts an unnecessary strain on nearby existing wells** – often to the point of drying up and/or the extra expense of drilling deeper to maintain existing flows. Also, as is the case for the new subdivisions off of Purple Sage Road, it is my belief that a community septic system was stipulated. At a little over a proposed acre per lot, placing both well and septic in accessible spots for maintenance could create problems in the future.
3. Finding #6: I **DISAGREE** with the Planning and Zoning Commission and Highway District #4 concerning “No Impact”. The Galloway Road/Old Highway 30 intersection has already had two (2) fatal accidents from people failing to stop at the bottom of Galloway (going west) after coming over the hill. There is also, in my opinion, an “unauthorized” access point that enters Galloway not more than 8-10 feet from said intersection. My husband sent an e-mail to Highway District 4 about this issue, but NEVER received a reply. This “unauthorized” road is still in use as I observed a car coming off it yesterday (May 30) which NEITHER stopped or looked up the hill for oncoming traffic before doing a “California stop” (rolling stop) at the stop sign before turning left onto Old Highway 30.
The posted 55 mile per hour (mph) speed limit on Old Highway 30 is **regularly exceeded by 5-15 mph**, between my house (26736) and the hill cresting just before Galloway (heading South) **from 6:30 am to around 9 am all week** as people hurry to work. When sugar beet harvest is in full swing, Amalgamated Sugar beet haulers are lined up to turn left from Galloway while trucks heading towards the dump must swing wide to miss hitting (yet again) the utility infrastructure on the right hand corner of Galloway.

Lastly, the idea of one (1) car per household is unreasonable. The stated count of "drivers during peak hours" is 55, whereas it should be closer to 100 as most families have two cars. If there are teenagers, that number could increase even more. Plus, one must take into account access for school buses and what their ingress/egress patterns would be.

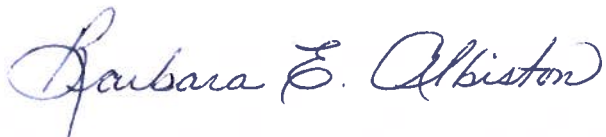
4. Finding #7: The proposed access from the subdivision onto Old Highway 30 is at the very crest of the hill mentioned above when heading **south**. That very spot was the scene of a fatal accident on May 19, 2023 when a car going north-bound failed to stop for an approaching motorcycle and turned left into the vehicle. Traffic was closed for three hours while the scene was investigated and cleared.
5. Finding #8: Middleton School District (MSD) is already over capacity especially in its elementary schools, with temporary classrooms the norm. When MSD asked for \$59 million (over 20 years) for school renovations/improvements on August 30, 2022, the levy fell short of the 66.67% supermajority needed by 13.15%. Only 53.52% voted Yes, while 46.48% voted No. **The cost to taxpayers would have been \$140 per year for each \$100,000 of taxable assessed value for the term of the loan.** If people want to move into Idaho, they should accept the fact that money will be required for existing "services".

Finally, I would like to express my displeasure at how the original hearings were conducted.

1. Even though only those people living with 600 feet of the affected property has to be notified, I think a **greater distance would signify in a rural, agricultural area where fields outnumber the houses.** I live 825 feet from this property, but only found out through my neighbor, Sid Freeman, after the fact of any meetings.
2. The original signs on Old Highway 30 and Galloway Road gave the **Impression** that just the small triangular piece between Galloway and the northern alfalfa field was involved UNTIL one tried to figure out the parcel using the map. This was very misleading.
The second sign posting on Old Highway 30, sometime in late April 2023, would have been more appropriate (and telling) if it had been placed another 100 feet or so **north** so one could see it encompassed the alfalfa field.

Thank you for allowing me to express my thoughts on the proposed Comprehensive plan map amendment and rezoning and place this letter into the public record.

Sincerely,



Barbara E. Albiston

Case # OR2022-0007 and CR2022-0015

Canyon County Board of Commissioners

05-26-2023

Dear Canyon County Commissioners,



I strongly OPPOSE approval for Case #'s OR2022-0007 and CR2022-0015. There are many reasons to deny this application, but I will focus on the preservation of a valuable natural resource — WATER. The proposed development lies squarely within the Purple Sage Nitrate Priority Area as defined by the Department of Environmental Quality. (Map attached.) Exposure to arsenic is known to cause serious health issues in humans, especially respiratory problems in newborn infants. There are several sources that generate nitrate: private septic sewer systems, plants, waste from animals, nitrogen-based fertilizers, and other organic matter that returns nitrate to the soil as it decomposes. Of all these, private septic sewer systems are the worst offenders! This is according to Rebecca Goehring, Water Quality Analyst at the Boise DEQ office. Because of this, the DEQ DOES NOT APPROVE residential developments with lot sizes SMALLER than FIVE ACRES when the proposed subdivision lies within a Nitrate Priority Area. Since this proposed subdivision's lots are approximately 1 to 1.5 acres in size, they do not qualify for approval.

In addition to my concern about our ground water, I am also very concerned about the preservation of our precious surface water. This proposed subdivision lies in the Black Canyon Irrigation District, one of the most plentiful and dependable irrigation systems in the Treasure Valley. I remember a severe drought in the early 1990's in which the farmers who receive their irrigation water from the Boise River system had their water shut off in early August, severely damaging their crops for that season. The same drought year, my brother (who has farmed in the Black Canyon Irrigation District for decades) had water into mid-September, and was able to harvest his crops. According to David Hoekema, drought manager at the Idaho Water Resource Board, "It is fairly common for Boise River diversions to be cut in dry years--during the big drought of 1992, diversions down the New York Canal and the Ridenbaugh Canal were cut on August 5 and 6 respectively." "Fairly common in dry years"!!!!...that should be a clear warning to all of us that we cannot take irrigation water for our food for granted. Dry years are becoming the new normal in Canyon County. Remember last summer with more than 30 days over triple digits in temperatures and little to no rainfall!?

It is irresponsible to allow cement, pavement, and buildings to cover up our permeable soil that is needed to allow water to recharge our aquifer. It is irresponsible to allow residential developments whose septic systems pollute our drinking water in an area which is already challenged by high nitrate levels. It is also irresponsible to take our rare and precious irrigation water away from agriculture to wash off cement driveways, and to green up a patch of residential backyards.

Please take this opportunity to uphold the 2022 Land Use Plan for Canyon County, and to continue preservation of our Ag lands as outlined in the new 2023 Land Use Plan. Please DENY both the applications before you.

Thank you for your attention,

Mary Beumeler, Galloway Road, Caldwell, ID

Mary Beumeler 5-26-2023

4-4