



**Board of County Commissioners**  
**Rawdan – CU2022-0004 - APL**  
Development Services Department

**Findings of Fact, Conclusions of Law, and Order**  
Conditional Use Permit - Appeal

**Findings of Fact**

1. The applicant, Chris Carpenter, representing Michael Rawdan/Easy Heating and Air, is appealing a Planning & Zoning Commission's decision regarding the denial of Case CU2022-0004, a conditional use permit to allow a Contractor Shop within an "A" (Agricultural) Zoning District on parcel R22694. The property is located at 4541 Hemlock Way, Nampa, Idaho; also referenced as a portion of the NW¼ of Section 8, T3N, R1W, Canyon County, Idaho.
2. The Planning and Zoning Commission denied Case CU2022-0004 on January 5, 2022 (Exhibit 2 & 3). The Planning and Zoning Commission signed Findings of Fact, Conclusions of Law, and Order on January 19, 2023.
3. The subject property is designated as "Agricultural" in the 2020 Canyon County Comprehensive Plan (Exhibit 1, Attachment 6iv).
4. The subject parcel is located within the Nampa Area of City Impact and is designated as "Medium-Density Residential" (Exhibit 1, Attachment 6v and Exhibit 5, Attachment 1).
5. The application was noticed in accordance with Canyon County Code §07-05-01. Property owners were noticed on March 10, 2023. Affected agencies and the City of Nampa were noticed on February 23, 2023. Legal noticing was published on March 10, 2023. A notice was posted on the subject property on March 17, 2023.
6. All recorded herein consists of exhibits provided in the public hearing staff report, testimony and exhibits provided during the public hearing on May 16, 2023 and all information in case file CU2022-0004-APL.

**Conclusions of Law**

For this request, the Board of County Commissioners agrees with the Planning and Zoning Commission's findings and conclusions per the Standards of Review for Conditional Use Permit (CCZO §07-07-05):

**1. Is the proposed use permitted in the zone by conditional use permit?**

The parcel is zoned "A" (Agricultural). Pursuant to CCZO §07-10-27, a contractor shop is allowed in an "A" Zone subject to a conditional use permit. Per CCZO Section 07-02-03, A contractor's shop is defined as *"May include, but not be limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking."*

The applicants submitted a conditional use permit application on February 2, 2022, in accordance with CCZO §07-07-03. Upon denial by the Planning and Zoning Commission on January 19, 2023, the applicant submitted an appeal of the decision per CCZO Section 07-05-05 on February 3, 2023.

**2. What is the nature of the request?**

According to the applicant's letter of intent (Exhibit 1, Attachment 3), the operation will be Monday-Friday from 8:00 a.m. to 5:00 p.m. with company vehicle parking to be utilized after hours and on the weekends. The approximate 22' x 45' shop will hold all other equipment needed by the company, and all work shall be conducted within the shop. There will be a main office located within the residence

that will have one (1) to five (5) employees daily, the entire property is enclosed by a six-foot privacy fence to create a barrier between the contractor shop and the surrounding properties.

The following conditions were considered by the Planning and Zoning Commission on January 19, 2023:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property, including the following:
  - a. Prior to the commencement of use, an approach permit is required from Nampa Highway District #1.
2. The applicant must apply with the Canyon County Development Services Building Department for a change of use occupancy and meet all requirements placed by the Building Official in compliance with the Canyon County Building Code.
3. The use shall be in substantial compliance with the letter of intent and site plan provided by the applicant (Attachment A) subject to the following restrictions:
  - a. Hours of operation shall not exceed 8:00 am to 5:00 pm, Monday through Friday. Employees working on-site daily shall not exceed five. All employee vehicles shall be parked on-site. Employee parking is prohibited on the public right-of-way
  - b. All vehicles and equipment shall be parked within the existing shop or enclosed by sight-obscuring fencing. Employee parking shall be located behind existing structures, landscaping, and/or fencing.
  - c. Structures and fences shall be maintained in good repair. Equipment, weeds, and trash shall be maintained to not become a public nuisance (Canyon County Code §02-01-05).
  - d. All exterior lighting shall be downward facing and directed away from adjacent properties.
4. Any expansion or modification of the approved use shall require approval through a conditional use permit modification.
5. This permit shall not be transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission.
6. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
7. Any major changes in the proposed plan must get Fire District Approval from the Nampa Fire Department.

On February 3, 2023, the applicant submitted an appeal of the denial by the Planning and Zoning Commission regarding the request. The letter of appeal (Exhibit 4) states the denial was based on testimony that was not reviewed or verified to be true. The applicant believes the contractor shop including fabrication is not injurious to the character of the area, and that conditions of approval can restrict access to Hemlock Way addressing traffic issues.

### **3. Is the proposed use consistent with the Comprehensive Plan?**

The subject property is designated as "agricultural" on the future land use plan within the 2020 Canyon County Comprehensive Plan. The request is generally consistent with the following policies and goals of the Comprehensive Plan:

#### Chapter 1. Property Rights:

- Policy 1. No person shall be deprived of private property without due process of law.
  - o CU2022-0004 was heard and noticed in accordance with CCZO Chapter 7, Article 5 (Noticing, Hearing, and Appeal Procedures) and Chapter 1, Article 17 of the Canyon County Code (Land Use/Land Division Hearing Procedures).
  - o CU2022-0004-APL was heard and noticed in accordance with CCZO Chapter 7, Article 5 (Noticing, Hearing, and Appeal Procedures) and Chapter 1, Article 17 of the Canyon County Code (Land Use/Land Division Hearing Procedures).

#### Chapter 2. Population:

- Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.
  - o See Applicant's Letter of Intent (Exhibit 1, Attachment 3 & 4) and Letter of Appeal (Exhibit 4).

#### Chapter 4. Economic Development:

- Goal 3. Create new jobs that are sustainable and lasting.
- Goal 4. Provide an economically viable environment that builds and maintains a diverse base of business.
- Policy 2. Support existing business and industry in the county.
  - o See Applicant's Letter of Intent (Exhibit 1, Attachment 3 & 4) and Letter of Appeal (Exhibit 4).

#### Chapter 5. Land Use:

- Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.
- Policy 3. Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential, and industrial zoning districts to help attract development.
  - o See Applicant's Letter of Intent (Exhibit 1, Attachment 3 & 4) and Letter of Appeal (Exhibit 4).

However, after the review of all information and testimony, the Board finds the request is not in general conformance 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.
  - o The proposed use has been in violation since March 2021 (CDEF2021-0022).
  - o Letters of opposition (Exhibits 6, Attachment 1, 3-8), petitions (Exhibit 6, Attachment 9), and testimony (Exhibit 3) demonstrate the use creates impactful noise and traffic incompatible with the residential character of the subdivision.

#### Chapter 4. Economic Development:

- Policy 6. Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.
  - o Letters of opposition (Exhibits 6, Attachment 1,3-8), petitions (Exhibit 6, Attachment 9), and testimony (Exhibit 3) demonstrate the use creates impactful noise and traffic incompatible with the residential character of the subdivision.

Chapter 5. Land Use:

- Policy 1. Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
- Residential 1. Encourage residential development in areas where agricultural uses are not viable.
- Commercial and Industrial 1. Encourage commercial and industrial development where there is adequate access to the following services, if applicable: a. sufficient water; b. a system to discharge used water; c. power; d. transportation.
- Commercial and Industrial 2. Encourage industrial development that minimizes adverse impacts on adjacent non-industrial land uses.
- Commercial and Industrial 3. Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure, and with approval from the appropriate regulatory agencies concerning sewer and water.
  - o Letters of opposition (Exhibits 6, Attachment 1,3-8), petitions (Exhibit 6, Attachment 9), and testimony (Exhibit 3) demonstrate the use creates impactful noise and traffic incompatible with the residential character of the subdivision.
  - o The City of Nampa provided a comment letter requesting that the contractor shop use be denied, thus supporting the Planning and Zoning Commissioner's decision (Exhibit 5, Attachment 1). The subject parcel is located within the Nampa Area of City Impact and designated as "Medium-Density Residential".

**4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

The property is located within the Hill Creek Subdivision, a residential subdivision. Hill Creek Subdivision was approved in 1973 prior to the 1979 Zoning Ordinance; therefore, the property is zoned "A" (Agricultural, Exhibit 1n Attachment 6iii). The primary use is residential with smaller lot sizes (0.81 average lot size, Exhibit 1, Attachment 6vi). The contractor shop/fabrication use has been in violation since March 2021 (CDEF2021-0022).

The property is also very close to city limits and within the City of Nampa City Impact Area. The subject parcel is located within the Nampa Area of City Impact and designated as "Medium-Density Residential". For the initial application, the City of Nampa was noticed and did not provide a comment on this application. Notice sent, November 22, 2022, per Canyon County Code §09-11-25(5). On February 23, 2023, the City of Nampa provided a comment letter requesting that the contractor shop use be denied, thus supporting the Planning and Zoning Commissioner's decision (Exhibit 5, Attachment 1)

The proposed request is injurious to other property owners and the character of the neighborhood. Although the property is zoned "A" (Agricultural), it is located within an established residential subdivision that has been in residential use since 1973 (Exhibit 1, Attachment 6vi). Letters of opposition (Exhibits 6, Attachment 1,3-8), petitions (Exhibit 6, Attachment 9), and testimony (Exhibit 3) demonstrate the use creates impactful noise and traffic incompatible with the residential character of the subdivision.

**5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?**

The property has an existing septic system and well that will be utilized inside the home for those employees, but there will be no water or sewer connections within the shop. Nampa's City Services are not available to the property. Southwest District Health does not oppose the proposed use as long



as additional sewage or pressurized irrigation within the shop connects to city services or conducts an on-site evaluation to determine suitability (Exhibit 1, Attachment 7ii).

**6. Does legal access to the subject property for the development exist or will it exist at the time of development?**

The property has access to Hemlock Way, a Rural Local Roadway. The applicant will require a Commercial Access approach permit from Nampa Highway District #1 which will include a paved apron on the existing access point (Exhibit 1, Attachment 7i). However, the applicant has been accessing the property via the cul-de-sac which is injurious to the neighboring property (Exhibit 6). This entrance is the residential driveway for residential use of the property and has not been reviewed or approved by Nampa Highway District #1.

**7. Will there be undue interference with existing or future traffic patterns?**

The property has access to Hemlock Way which is classified as Rural Local Roadway per the Nampa Highway District #1 (Exhibit 1, Attachment 7i). However, the applicant has residential access to the property via the cul-de-sac which is injurious to the neighboring property (Exhibit 6). This access point was not clear in the application and was not reviewed by the Highway District.

**8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

The property is served by the Nampa Fire Protection District (Exhibit 1, Attachment 7iii). The request is approximately 3.5 miles from Nampa's Fire Station with an approximate response time of 8 minutes. The request will not create an increased personnel demand.

Essential services such as the County Sheriff, County Paramedics/EMT, Nampa Police Department, Boise Project Board of Control, and Nampa School District were notified initially on November 22, 2022, and again for the appeal on February 23, 2023. No comments were received. Therefore, the use is not anticipated to impact essential services.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **deny** the appeal approving the Planning and Zoning Commission's **denial** of Case #CU2022-0004, a Conditional Use Permit for a Contractor Shop for Parcel No. R22694.

Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:



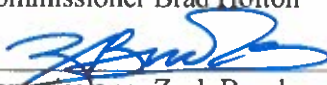
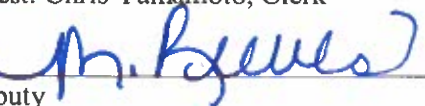
1. Relocate the business to a more compatible location such as commercial or industrial.

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

DATED this 16 day of May, 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	<u>          </u>	<u>          </u>	<u>          </u>
 _____ Commissioner Brad Holton	<u>  X  </u>	<u>          </u>	<u>          </u>
 _____ Commissioner Zach Brooks	<u>  X  </u>	<u>          </u>	<u>          </u>
Attest: Chris Yamamoto, Clerk			
By:  _____ Deputy	Date: <u>5-16-23</u>		



# **BOARD OF COUNTY COMMISSIONERS**

## **STAFF REPORT ADDENDUM**

**APPEAL: CU2022-0004-APL**

**HEARING DATE:** 05/16/2023

**OWNER:** Michael Rawdan

**APPLICANT/REP:** Chris Carpenter

**PLANNER:** Samantha Hammond, Planner I  
Dan Lister, Planning Official

**CASE NUMBER:** CU2022-0004-APL



### **EXECUTIVE SUMMARY:**

- The applicant, Chris Carpenter, representing Michael Rawdan/Easy Heating and Air, is appealing a Planning & Zoning Commission's decision regarding the **denial** of Case CU2022-0004, a conditional use permit to allow a Contractor Shop within an "A" (Agricultural) Zoning District.
- The applicant provided a letter of appeal which can be seen in *Exhibit Four*.
- There was one agency comment (*Exhibit 5*) and eight public comments (*Exhibit 6*) received between the Planning and Zoning decision to the Board of County Commissioners hearing.

### **EXHIBITS:**

Exhibit 1: Planning and Zoning: Staff Report

Attachment 1: FCOs

Attachment 2: Land Use Worksheet

Attachment 3: Letter of Intent

i: Site Plan

Attachment 4: Additional Information-

i: Information from Applicant

ii: Applicant's response to Southwest District Health

iii: Requested Information

Attachment 5: Neighborhood Meeting Information

Attachment 6: Maps-

i: Aerial

ii: Vicinity

iii: Zoning

iv: Canyon County Future Land Use

v: City of Nampa Future Land Use

vi: Lot Report

Attachment 7: Agency Comments-

i: Nampa Highway

ii: Southwest District Health

iii: Nampa Fire District

Exhibit 2: Planning and Zoning: Signed FCOs Exhibit

3: Planning and Zoning: Minutes

Exhibit 4: Applicants Appeal Application Letter Exhibit

5: Agency Comments-

Attachment 1: City of Nampa

Exhibit 6: Public Comments-

Attachment 1: Kevin Werlinger

Attachment 2: Lee Axelsen

Attachment 3: Tim Caldwell

Attachment 4: Jaymie Lint

Attachment 5: Gary Kendall

Attachment 6: Andre S Zivkovic

Attachment 7: Mrs. & Mr. Crispelle

Attachment 8: **David Dieffenbach**

Attachment 9: **Petition**

Exhibit 7: Parcel Tool Report

**Late Exhibits:**

Exhibit 8: Draft BOCC FCOs

Exhibit 9: Staff's PowerPoint Slides

Exhibit 10: Three Videos Played during the hearing -  
Craig Wartman

Exhibit 11: Photos submitted to the Board during  
the hearing - Craig Wartman

Exhibit 12: Videos and photos shown to the Board at  
the hearing - R. Crumb



Planning and Zoning Commission

Rawdan – CU2022-0004

Development Services Department

Staff: Samantha Hammond, Planner I

Samantha.hammond@canyoncounty.id.gov

Submittal Date:

02/02/2022

Public Hearing Date:

01/05/2023

Applicant/Representative:

Michael Rawdan

Summary of Request:

The applicant, Michael Rawdan, is requesting a conditional use permit to allow a contractor shop on parcel R22694. The property is zoned “A” (Agricultural).

Property Address & Location:

The property is located at 4541 Hemlock Way, Nampa, Idaho; also referenced as a portion of the NW¼ of Section 8, T3N, R1W, Canyon County, Idaho.

Background:

Parcel R22694 is an original lot and was platted in the Hill Creek Subdivision in 1973. There is a current code enforcement violation on the property for the operation of a business without a Conditional Use Permit. This application is the avenue being take to resolve that with the county and come in compliance



Exhibits/Attachments:

Exhibit 1: FCOS

Exhibit 2: Land Use Worksheet

Exhibit 3: Letter of Intent

- Exhibit 3A: Site Plan

Exhibit 4: Additional Information

- Exhibit 4A: Provided from Applicant

- Exhibit 4B: Applicant response to SWDH.

- Exhibit 4C: Requested information.

Exhibit 5: Neighborhood Meeting

Exhibit 6: Maps-

- 6A: Aerial

- 6B: Vicinity

- 6C: Zoning

- 6D: CC Future Land Use

- 6E: Nampa- Future Land Use

- 6F: Lot Report

Exhibit 7: Agencies-

- 7A: Nampa Highway

- 7B: Southwest District Health

- 7C: Nampa Fire District

Current Zoning:

Existing Zoning:

Agricultural

Existing Land Use

Residential

Future Land Use

Agricultural

2020:

Size of Property:

~0.61 acres

Area of City Impact:

Nampa

Notifications:

Agencies:

11/22/2022

Property Owners:

12/15/2022

Publication:

12/18/2022

Property Posting:

12/27/2022



## Planning and Zoning Commission Rawdan – CU2022-0004

Development Services Department

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### REQUEST BREAKDOWN/PROJECT INFORMATION

Michael Rawdan, the applicant/owner is requesting a conditional use permit to have a contractor shop on their property at 4541 Hemlock Way, Nampa, ID, within the Hill Creek Subdivision.

The applicant is proposing the following on Parcel R22694:

- **Main Office:** The main office will be within the home with a total of one (1) to four (4) employees working throughout the day.
- **Parking Area (Working Hours):** The parking area will encompass those vehicles for the employees working within the office and a few individuals that will pick up their company cars each morning. The usual number of cars in this area daily would be five (5).
- **Parking Area (Non-Working Hours):** The non-working hours for the parking area will only include one (1) to two (2) vehicles left overnight/at non-working hours at the location. Most of the employees drive their company vehicles home each night.
- **Contractor Shop Use:** The only work that will be conducted at the shop will be the drop off and pick up of materials each day by the employees before going out to their jobs. Typically, three (3) to four (4) cars coming and loading/dropping off each morning/evening, as well as any deliveries received.
- **Visibility:** All work will be done inside the enclosed contractor shop and any vehicles parked throughout the day/throughout non-working hours will be located behind a fence and not in direct sight.

See *Exhibits 3, 4A, 4B, 4C* for the letter of intent and extra requested information from the applicant. As well as *Exhibit 3A*, which is the site plan to better represent what the proposed use will look like.

### SITE/LOCATION ANALYSIS:

The subject parcel is zoned “A” (Agricultural) and located within the Hill Creek Subdivision.

Currently there are a total of 19 subdivisions, with a total of 531 lots with an average of one acre in the vicinity. The property is primarily surrounded by agriculturally zoned land with city limits within the vicinity; see *Exhibit 6C* for the current zoning and classification map. The lots report can be seen in *Exhibit 6F* and the surrounding vicinities lot sizes can be seen in *Exhibit 6B*.





***Planning and Zoning Commission***  
***Rawdan – CU2022-0004***

*Development Services Department*

Area of City Impact: The property is within the City of Nampa's Area of City Impact. The city was noticed and no comments were received.

The following site photos were taken December 20<sup>th</sup> 2022.

Photo Taken: Northern Entrance looking East



Photo Taken: Northern Entrance looking Southeast







***Planning and Zoning Commission  
Rawdan – CU2022-0004***

*Development Services Department*

Photo Taken: Northern Entrance looking South.



Photo Taken: Northern Entrance looking Southwest.







***Planning and Zoning Commission  
Rawdan – CU2022-0004***

*Development Services Department*

Photo Taken: Panoramic overview at the Northern Entrance looking South.



Photo Taken: Inside the Northern Entrance Towards the Southwest- Parking.







***Planning and Zoning Commission  
Rawdan – CU2022-0004***

*Development Services Department*

Photo Taken: Southern portion of the property looking North at the Northern Entrance.



Photo Taken: Southern portion of the property looking Northeast.







***Planning and Zoning Commission  
Rawdan – CU2022-0004***

*Development Services Department*

Photo Taken: Within the col-de-sac in the Southwestern Corner looking Northeast at the front of the property.



Photo Taken: The Northwestern Corner of the property looking East, this is the outside of the property.





## Planning and Zoning Commission Rawdan – CU2022-0004

Development Services Department

### COMMENTS

#### Public Comments:

- There are no public comments received at this time.

#### Agency Comments:

- Nampa Highway: Required to bring access up to commercial standards.
- Southwest District Health: Required that an on-site evaluation be done if the shop were to be utilizing pressurized water or septic. (The shop will not be utilizing either of these).
- Nampa Fire District: Has approved this plan with the stipulation that if there are any major changes to the proposed request the applicant must get fire department approval.

### STAFF ANALYSIS

The staff analysis consists of analyzing this request through the alignment with the Canyon County Code and the Hearing Criteria for a Conditional Use Permit (07-07-05) and a Contractor Shop (07-14-09).

#### Hearing Criteria for a Conditional Use Permit (07-07-05):

##### (1) Is the proposed use permitted in the zone by conditional use permit;

- a. The parcel is zoned “A” (Agricultural). Pursuant to CCZO §07-10-27, a contractor shop is allowed in an “A” Zone subject to a conditional use permit. The applicants submitted a conditional use permit application on February 2, 2022 in accordance with CCZO §07-07-03.

##### (2) What is the nature of the request;

- a. Pursuant to the applicant’s letter of intent, the operation will be Monday-Friday from 8:00a.m. to 5:00p.m. with company vehicle parking to be utilized afterhours and on the weekends. The 22’x45’ shop will hold all other equipment needed by the company, all work shall be conducted within the shop. There will be a main office located within the residence that will have one (1) to four (4) employees daily, the entire property is enclosed by a six-foot privacy fence to create a barrier between the contractor shop and the surrounding properties.

##### (3) Is the proposed use consistent with the comprehensive plan;

- a. The subject property is designated as residential on the future land use plan within the 2020 Canyon County Comprehensive Plan. The proposed plan aligns with seven (7) goals and four (4) policies.

##### (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;

- a. The property is located within the Hill Creek Subdivision and is primarily surrounded by agricultural with some light industrial to the south. The property is also very close to city limits and within the City of Nampa City Impact Area. The most impacted individuals will be those residents that boarder or are near the property in question the following conditions of approval have been applied to minimize impacts to the surrounding residential uses:



**Planning and Zoning Commission**  
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*Development Services Department*

- Hours of operation shall not exceed 8:00am to 5:00pm, Monday through Friday. Employees working on site daily shall not exceed four. All employee vehicles shall be parked on-site. Employee parking is prohibited on the public right-of-way.
- Consistent with CCZO §07-14-11 (Use Standard – Contractor Shop), all excavation equipment shall be parked within the existing shop or enclosed by sight-obscuring fencing. Employee parking shall be located behind existing structures, landscaping and/or fencing.
- Structures and fences shall be maintained in good repair. Equipment, weeds and trash shall be maintained on-site to not become a public nuisance (Canyon County Code §02-01-05).
- All exterior lighting shall be downward facing and directed away from adjacent properties.

The subject parcel is located within the Nampa Area of City Impact and designated as “Medium-Density Residential”. The City of Nampa was noticed and did not provide a comment on this application.

**(5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;**

- a. The property has an existing septic system and well that will be utilized inside the home for those employees but there will be no water or sewer connection within the shop. Nampa city services are not available to the property. Southwest District Health was okay with the proposed use as long as if there was ever a need for sewage or pressurized irrigation within the shop they connect to city serviced or conduct an on-site evaluation from Southwest District Health to determine suitability.

**(6) Does legal access to the subject property for the development exist or will it exist at the time of development;**

- a. The property has access onto Hemlock Way, a Rural Local Roadway. The applicant will require a Commercial Access approach permit from Nampa Highway District #1 which will include a paved apron on the existing access point.

**(7) Will there be undue interference with existing or future traffic patterns;**

- a. The property has access onto Hemlock Way which is classified as Rural Local Roadway. Nampa Highway District #1 has no objection to the Hemlock Way for access with the required improvements and does not require a traffic impact study.

**(8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)**

- a. County services are currently available to the parcel, including police and emergency medical services. The use is not anticipated to impact essential services.

**Contractor Shop Criteria (07-14-09):**

**(1) The use shall be contained within a building or behind a sight obscuring fence:**

- a. All vehicles will be parked within the fenced in property and all tools/equipment will be stored and stay within the shop.





## Planning and Zoning Commission Rawdan – CU2022-0004

Development Services Department

### COMPREHENSIVE PLAN ALIGNMENT

#### Chapter 1. Property Rights:

**Policy 1.** No person shall be deprived of private property without due process of law.

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

#### Chapter 2. Population:

**Goal 2.** To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

#### Chapter 4. Economic Development:

**Goal 1.** To diversify and improve the economy of Canyon County in ways that are compatible with community values.

**Goal 3.** Create new jobs that are sustainable and lasting.

**Goal 4.** Provide an economically viable environment that builds and maintains a diverse base of business.

**Policy 2.** Support existing business and industry in the county.

#### Chapter 5. Land Use

**Goal 4.** To encourage development in those areas of the county which provide the most favorable conditions for future community services.

**Goal 5.** Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

**Goal 8.** Consider adjacent county land uses when reviewing county-line development proposals.

**Policy 3.** Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential and industrial zoning districts to help attract development.

### APPLICABLE STANDARDS AND REGULATION, CANYON COUNTY CODE

#### 07-07-05 HEARING CRITERIA

The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:

- (1) Is the proposed use permitted in the zone by conditional use permit;
- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)



## Planning and Zoning Commission Rawdan – CU2022-0004

Development Services Department

### 07-07-17: SPECIAL CONDITIONS:

Special conditions may be attached to a conditional use permit including, but not limited to, conditions which:

- (1) Minimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity;
- (2) Control the sequence and timing of development;
- (3) Control the duration of development;
- (4) Designate the exact location and nature of development;
- (5) Require the provision for on site or off-site public facilities or services;
- (6) Require more restrictive standards than those generally required in this chapter; or
- (7) Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

### 07-14-09: CONTRACTOR SHOP:

- (1) The use shall be contained within a building or behind a sight obscuring fence. (Ord. 16-001, 1-8-2016).

### HEARING BODY OPTIONS

Planning and Zoning Commission may **approve** the Conditional Use Permit with conditions; or

The Planning and Zoning Commission may **deny** the Conditional Use Permit and direct staff to make findings of fact to support this decision; or

The Planning and Zoning Commission may **continue the discussion** and request additional information of specific items

### STAFF RECOMMENDATION OF CODE COMPATIBILITY

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Conditional Use Permit for a Contractor Shop.

Staff is **recommending approval** of the request as provided in the draft Findings of Fact, Conclusions of Law, and Order found in *Exhibit 1*.



**Planning and Zoning Commission**  
**Rawdan – CU2022-0004**  
Development Services Department

**Findings of Fact, Conclusions of Law, and Order**  
Conditional Use Permit

**Findings of Fact**

1. The applicant, Michael Rawdan, is requesting a conditional use permit to allow a contractor shop on parcel R22694. The property is zoned “A” (Agricultural). The property is located at 4541 Hemlock Way, Nampa, Idaho; also referenced as a portion of the NW¼ of Section 8, T3N, R1W, Canyon County, Idaho.
2. The subject property is located in the “A” (Agricultural) Zoning District. The subject property is designated as “Agricultural” in the 2020 Canyon County Comprehensive Plan.
3. The subject parcel is located within the Nampa Area of City Impact and is designated as “Medium Density Residential”.
4. A neighborhood meeting was held on January 1, 2022 in accordance with CCZO §07-01-15.
5. The application was noticed in accordance with Canyon County Code §07-05-01. Property owners were noticed on December 15, 2022. Affected agencies and City of Nampa were noticed on November 22, 2022. Legal noticing was published on December 30, 2022. A notice was posted on the subject property on December 27, 2022.

**Conclusions of Law**

For this request, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05):

**1. Is the proposed use permitted in the zone by conditional use permit?**

The parcel is zoned “A” (Agricultural). Pursuant to CCZO §07-10-27, a contractor shop is allowed in an “A” Zone subject to a conditional use permit. The applicants submitted a conditional use permit application on February 2, 2022 in accordance with CCZO §07-07-03.

**2. What is the nature of the request?**

Pursuant to the applicant’s letter of intent, the operation will be Monday-Friday from 8:00a.m. to 5:00p.m. with company vehicle parking to be utilized afterhours and on the weekends. The 22’x45’ shop will hold all other equipment needed by the company, all work shall be conducted within the shop. There will be a main office located within the residence that will have one (1) to four (4) employees daily, the entire property is enclosed by a six-foot privacy fence to create a barrier between the contractor shop and the surrounding properties.

**3. Is the proposed use consistent with the Comprehensive Plan?**

The subject property is designated as residential on the future land use plan within the **2020 Canyon County Comprehensive Plan**. The request is generally consistent with the following policies and goals of the Comprehensive Plan:

Chapter 1. Property Rights:

- Policy 1. No person shall be deprived of private property without due process of law.
- Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.



Chapter 2. Population:

- Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Chapter 4. Economic Development:

- Goal 1. To diversify and improve the economy of Canyon County in ways that are compatible with community values.
- Goal 3. Create new jobs that are sustainable and lasting.
- Goal 4. Provide an economically viable environment that builds and maintains a diverse base of business.
- Policy 2. Support existing business and industry in the county.

Chapter 5. Land Use

- Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.
- Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
- Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.
- Policy 3. Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential and industrial zoning districts to help attract development.

**4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

The property is located within the Hill Creek Subdivision and is primarily surrounded by agricultural with some light industrial to the south. The property is also very close to city limits and within the City of Nampa City Impact Area. The most impacted individuals will be those residents that boarder or are near the property in question the following conditions of approval have been applied to minimize impacts to the surrounding residential uses:

- Hours of operation shall not exceed 8:00am to 5:00pm, Monday through Friday. Employees working on site daily shall not exceed four. All employee vehicles shall be parked on-site. Employee parking is prohibited on the public right-of-way.
- Consistent with CCZO §07-14-11 (Use Standard – Contractor Shop), all excavation equipment shall be parked within the existing shop or enclosed by sight-obscuring fencing. Employee parking shall be located behind existing structures, landscaping and/or fencing.
- Structures and fences shall be maintained in good repair. Equipment, weeds and trash shall be maintained on-site to not become a public nuisance (Canyon County Code §02-01-05).
- All exterior lighting shall be downward facing and directed away from adjacent properties.

The subject parcel is located within the Nampa Area of City Impact and designated as “Medium-Density Residential”. The City of Nampa was noticed and did not provide a comment on this application.

**5. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use?**

The property has an existing septic system and well that will be utilized inside the home for those employees but there will be no water or sewer connection within the shop. Nampa city services are not available to the property. Southwest District Health was okay with the proposed use as long as if

there was ever a need for sewage or pressurized irrigation within the shop they connect to city serviced or conduct an on-site evaluation from Southwest District Health to determine suitability.

**6. Does legal access to the subject property for the development exist or will it exist at the time of development?**

The property has access onto Hemlock Way, a Rural Local Roadway. The applicant will require a Commercial Access approach permit from Nampa Highway District #1 which will include a paved apron on the existing access point.

**7. Will there be undue interference with existing or future traffic patterns?**

The property has access onto Hemlock Way which is classified as Rural Local Roadway Nampa Highway District #1 has no objection to the Hemlock Way for access with the required improvements and does not require a traffic impact study.

**8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

County services are currently available to the parcel, including police and emergency medical services. The use is not anticipated to impact essential services.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein, the Planning and Zoning Commission **approves** the conditional use permit to allow a contractor shop on Parcel R30661013 subject to the following conditions of approval:

1. The development shall comply with all applicable federal, state and county laws, ordinances, rules and regulations that pertain to the property, including the following:
  - a. Prior to commencement of use, an approach permit is required from Nampa Highway District #1.
2. The use shall be in substantial compliance with the letter of intent and site plan provided by the applicant (Attachment A) subject to the following restrictions:
  - a. Hours of operation shall not exceed 8:00am to 5:00pm, Monday through Friday. Employees working on site daily shall not exceed four. All employee vehicles shall be parked on-site. Employee parking is prohibited on the public right-of-way
  - b. All vehicles and equipment shall be parked within the existing shop or enclosed by sight-obscuring fencing. Employee parking shall be located behind existing structures, landscaping and/or fencing.
  - c. Structures and fences shall be maintained in good repair. Equipment, weeds and trash shall be maintained to not become a public nuisance (Canyon County Code §02-01-05).
  - d. All exterior lighting shall be downward facing and directed away from adjacent properties.
3. Any expansion or modification of the approved use shall require approval through a conditional use permit modification.
4. This permit shall not be transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission.
5. This conditional use permit must follow land use time limitation as states in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the

application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.

6. Any major changes in the proposed plan must get a Fire District Approval.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 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 2022, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he(she) executed the same.

Notary: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

.

**LAND USE WORKSHEET****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605[www.canyonco.org/dsd.aspx](http://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? \_\_\_\_\_

**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: WOOD Height: 6'

**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 \_\_\_\_\_
 ☐ Commercial \_\_\_\_\_
 ☐ Industrial \_\_\_\_\_
- ☐ Common \_\_\_\_\_
 ☐ Non-Buildable \_\_\_\_\_

**2. FIRE SUPPRESSION:**

- ☒ Water supply source: Well

**3. INCLUDED IN YOUR PROPOSED PLAN?**

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

**NON-RESIDENTIAL USES****1. SPECIFIC USE:**

Office & storage for HVAC

**2. DAYS AND HOURS OF OPERATION:**

Business

- ☒ Monday 8am to 5pm  
☒ Tuesday 8am to 5pm  
☒ Wednesday 8am to 5pm  
☒ Thursday 8am to 5pm  
☒ Friday 8am to 5pm  
☐ Saturday \_\_\_\_\_ to \_\_\_\_\_  
☐ Sunday \_\_\_\_\_ to \_\_\_\_\_

**3. WILL YOU HAVE EMPLOYEES?** ☒ Yes If so, how many? 5 ☐ 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? 8

Is there is a loading or unloading area? yes

**ANIMAL CARE RELATED USES****1. MAXIMUM NUMBER OF ANIMALS:** 0**2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?**☐ Building    ☐ Kennel    ☐ Individual Housing    ☐ Other \_\_\_\_\_**3. HOW DO YOU PROPOSE TO MITIGATE NOISE?**☐ Building    ☐ Enclosure    ☐ Barrier/Berm    ☐ Bark Collars**4. ANIMAL WASTE DISPOSAL**☐ Individual Domestic Septic System    ☐ Animal Waste Only Septic System☐ Other: \_\_\_\_\_

October 10, 2022

To: Canyon County Development Services Department  
111 North 11<sup>th</sup> Ave, #140  
Caldwell, ID 83605

From: Michael Rawdan  
2158 S Chipper Way  
Eagle, ID 83616

RE: Letter of Intent for Conditional Use Permit for the property located at  
4541 Hemlock Way, Nampa, ID 83687

This letter concerns the intended conditional use of the property at 4541 Hemlock Way in Nampa as the office and storage location for the HVAC business, Easy Heating & Air.

Easy Heating & Air provides service, sales, and installation for residential and smaller commercial heating and air conditioning needs. All transactional, maintenance, and installation services are provided at the client's property. The property at 4541 Hemlock Way would service as the primary location for their administrative, bookkeeping, and clerical offices. The site would also provide storage for parts, materials, and mechanical units. Company vehicles and trailers would be stored on site when not in use.

Operating hours for Easy Heating & Air are Monday through Friday from 8:00am to 5:00pm. They are closed on weekends and for major holidays. Office staff is onsite for all working hours. Installation and service technicians are on site each morning to load their service vehicles with necessary parts and equipment for the day's jobs. Technicians return company vehicles to the property each day.

A six foot fence surrounds the perimeter of the property. All storage and business related activities are within fenced areas and all parts and equipment are stored inside enclosed structures. Legal access to the property currently exists and allows the business to function without creating undue interference with existing or future traffic patterns.

All current water, sewer, irrigation, drainage, and utility systems are adequate for the proposed conditional use of the property.

Contact me if any further information is needed.

Best Regards,

Michael Rawdan, Property Owner  
[michaelrawdan@gmail.com](mailto:michaelrawdan@gmail.com)



*Site Plan for*  
**4541 Hemlock Way,  
Nampa, ID 83687**





Business use of property (with additional details):

- Easy Heating plans on having 2 admin staff on site during Business hours.
- Remainder of installation staff will load truck + trailers in the AM and be on job sites throughout the day.
- At the end of the day, approximately 3 trucks + 3 trailers will be parked on the property overnight + on weekends.
- No weekend business to be conducted on property.
- A dumpster is located on the property, but will only be used in afternoon to avoid noise issues in the mornings.

**Samantha Hammond**

---

**From:** Chris Carpenter <chris@myccre.com>  
**Sent:** Monday, November 21, 2022 11:53 AM  
**To:** Samantha Hammond  
**Cc:** Michael Rawdan  
**Subject:** Re: [External] Re: Conditional Use Permit: CU2022-0004

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Per the business owner it varies at 3 to 4 vehicles every morning and evening Monday - Friday.

Thank you,

**Chris Carpenter**

Lead Agent  
SuperHeroHomes.com  
@ Keller Williams Realty Boise  
O: 208.472.5341  
M: 208.284.8758

On Mon, Nov 21, 2022 at 11:43 AM Samantha Hammond <[Samantha.Hammond@canyoncounty.id.gov](mailto:Samantha.Hammond@canyoncounty.id.gov)> wrote:

Hi there,

Quick question,

How many vehicles/employees will be coming each morning/evening to load equipment/materials?

I am working through the staff report to get this schedules and I know that the impact on traffic in and out of the location will be a question.

Thank you,

Samantha Hammond

Canyon County Planner I

**Samantha Hammond**

---

**From:** Chris Carpenter <chris@myccre.com>  
**Sent:** Tuesday, November 22, 2022 4:23 PM  
**To:** Samantha Hammond  
**Cc:** Michael Rawdan  
**Subject:** Re: FW: [External] Agency Notification CU2022-0004 / Michael Rawdan

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

The contractor shop is not supplied with any pressurized water service. It is used for storage only.

Thank you,

**Chris Carpenter**

Lead Agent  
SuperHeroHomes.com  
@ Keller Williams Realty Boise  
O: 208.472.5341  
M: 208.284.8758

On Tue, Nov 22, 2022 at 10:48 AM Samantha Hammond <[Samantha.Hammond@canyoncounty.id.gov](mailto:Samantha.Hammond@canyoncounty.id.gov)> wrote:

Here are some questions we have received from Southwest District Health, if you could send me an email back clarifying these things I will forward that information to him as well as include it in the staff report.

Thank you,

Samantha Hammond

Canyon County Planner I

[Samantha.Hammond@canyoncounty.id.gov](mailto:Samantha.Hammond@canyoncounty.id.gov)

(208)455-6039

---

**From:** Jack Nygaard <[Jack.Nygarrd@phd3.idaho.gov](mailto:Jack.Nygarrd@phd3.idaho.gov)>  
**Sent:** Tuesday, November 22, 2022 10:39 AM  
**To:** Samantha Hammond <[Samantha.Hammond@canyoncounty.id.gov](mailto:Samantha.Hammond@canyoncounty.id.gov)>  
**Cc:** Mitch Kiester <[Mitch.Kiester@phd3.idaho.gov](mailto:Mitch.Kiester@phd3.idaho.gov)>  
**Subject:** [External] Agency Notification CU2022-0004 / Michael Rawdan

Good morning, Samantha,

Will the proposed contractor shop on the parcel be supplied with pressurized water to a restroom, shower, kitchen area, etc.? If so, will the shop be connected to an existing subsurface sewage disposal system, or will there be connections to city services?

If there is not a subsurface sewage disposal system or city connections available, and there is pressurized plumbing to the shop, then this will require an on-site evaluation conducted by SWDH to determine if the site is suitable for a septic system.

Thank you,

## Samantha Hammond

---

**From:** Chris Carpenter <chris@myccre.com>  
**Sent:** Friday, October 28, 2022 10:26 AM  
**To:** Samantha Hammond  
**Cc:** Michael Rawdan  
**Subject:** Re: [External] Re: Conditional Use Permit: CU2022-0004

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello Samantha,

Answers to your questions are provided in blue below:

1. What is the number of employee that will be in the Main Office throughout the day? **One to four.**
2. How many employees will be coming to the property in the morning to pick up the company vehicles/materials? **Most of the company vehicles are driven home by employees daily. Only one to two company vehicles are left overnight so one to two employee's return to the property for their vehicle in the morning.**
3. How many company vehicles will be on site when the company is closed? **One to two.**
4. How many employee cars will be on site during the work day? Is there an adequate amount of space for this number? **Plenty of parking and usually five.**
5. Will any work be conducted on site that is not located in the Main Office? **Service vehicles are loaded with equipment and materials needed for jobs and deliveries are received throughout the day.**
6. Will the only thing that will remain visible outside are the company cars? **Yes, however, all company vehicles are parked behind a fence and are not immediately visible.**

Thank you,

### Chris Carpenter

Lead Agent  
 SuperHeroHomes.com  
 @ Keller Williams Realty Boise  
 O: 208.472.5341  
 M: 208.284.8758

On Thu, Oct 20, 2022 at 12:55 PM Samantha Hammond <[Samantha.Hammond@canyoncounty.id.gov](mailto:Samantha.Hammond@canyoncounty.id.gov)> wrote:

I appreciate the updated version of the site plan and letter of intent however I still have some further questions that are important to build a case and understand if this fits the property.

1. What is the number of employee that will be in the Main Office throughout the day?

**NEIGHBORHOOD MEETING SIGN-UP****CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605[www.canyonco.org/dsd.aspx](http://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: <u>4541 Hemlock Way</u>	Parcel Number: <u>R2269400000</u>	
City: <u>Nampa</u>	State: <u>ID</u>	ZIP Code: <u>83687-8435</u>
Notices Mailed Date: <u>1-20-2022</u>	Number of Acres: <u>.61</u>	Current Zoning: <u>Res</u>
Description of the Request: <u>Zoning change to allow business operation M-F from 8-5 or conditional use</u>		

**APPLICANT / REPRESENTATIVE INFORMATION**

Contact Name: <u>Michael Rawdan</u>		
Company Name:		
Current address: <u>2158 S Chipper Way</u>		
City: <u>Eagle</u>	State: <u>ID</u>	ZIP Code: <u>83616</u>
Phone: <u>208-631-3899</u>	Cell:	Fax:
Email: <u>michaelrawdan@yahoo.com</u>		

**MEETING INFORMATION**

DATE OF MEETING: <u>2-1-2022</u>	MEETING LOCATION: <u>4541 Hemlock Way, Nampa</u>
MEETING START TIME: <u>4:00 pm</u>	MEETING END TIME: <u>4:10 pm</u>

**ATTENDEES:**

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. <u>Trina Patterson</u>	<u>4545 Hemlock Way Nampa ID 83687</u>	<u>(opposed to)</u>
2. <u>Kenneth Miller</u>	<u>4573 Hemlock Way Nampa ID 83687</u>	<u>(opposed to)</u>
3. <u>Dave J. Miller</u>	<u>4573 Hemlock Way Nampa ID 83687</u>	<u>(opposed to)</u>
4. <u>Fraig Wirtman</u>	<u>4568 Hemlock Way</u>	<u>(opposed to)</u>
5.		
6.		
7.		
8.		
9.		

10.
11.
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):

Michael Rando

APPLICANT/REPRESENTATIVE (Signature): 

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Pre-application requirement for a Public Hearing

January 20, 2022

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use 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: February 1, 2022

Time: 4:00pm

Location: 4541 Hemlock Way, Nampa, ID 83687

Property description: 08-3N-1W NW Hill Creek Sub Lot 29 Block 1

The project is summarized below:

*A conditional use application is being submitted for the purpose of allowing Easy Heating & Air to use the property at 4541 Hemlock Way in Nampa, Idaho for the operation of their business. Most of the onsite use will be for product and vehicle storage as well as office space for desk employees. The business would operate Monday – Friday.*

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 (phone, email, written correspondence).

Sincerely,



Michael Rawdan  
Property Owner



IMAGES WERE FLOWN IN THE FALL OF 2020.

# Rawdan Small Air Photo

CHERRY & STAR SUB

KODIAK SUBDIVISION

Anderson Way

CAROL MANOR SUB

Heath Way

HILL CREEK SUB

Hemlock Way

HILL CREEK SUB #2

INPR



Wetlands



City Limits

0.125

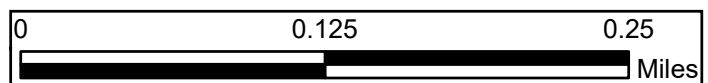
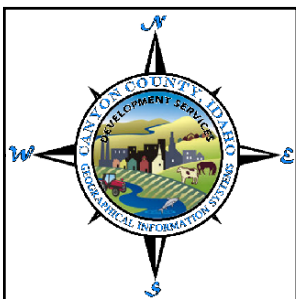
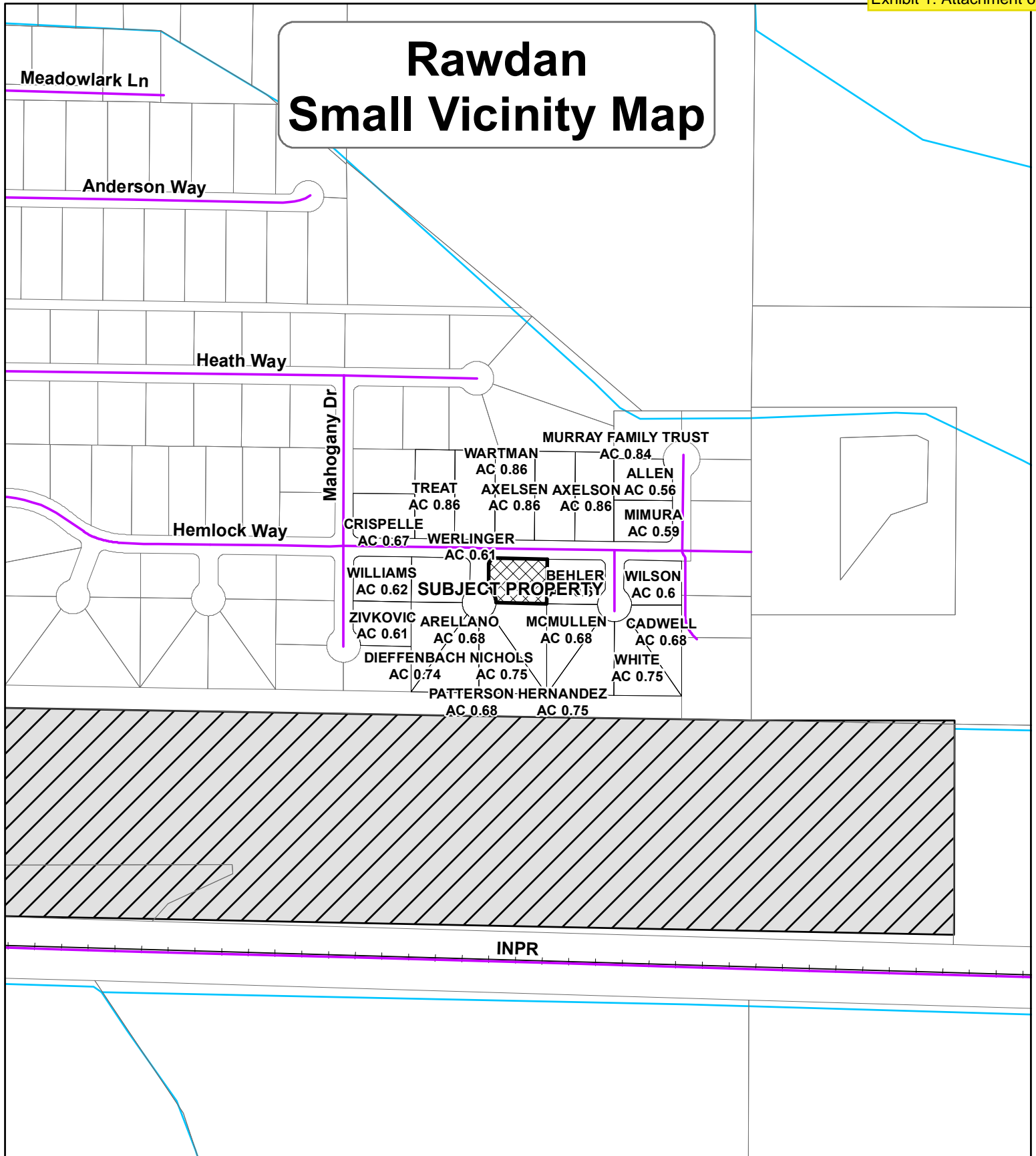
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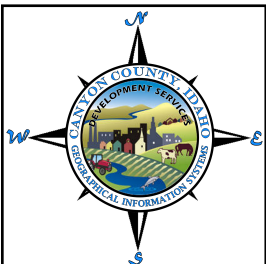
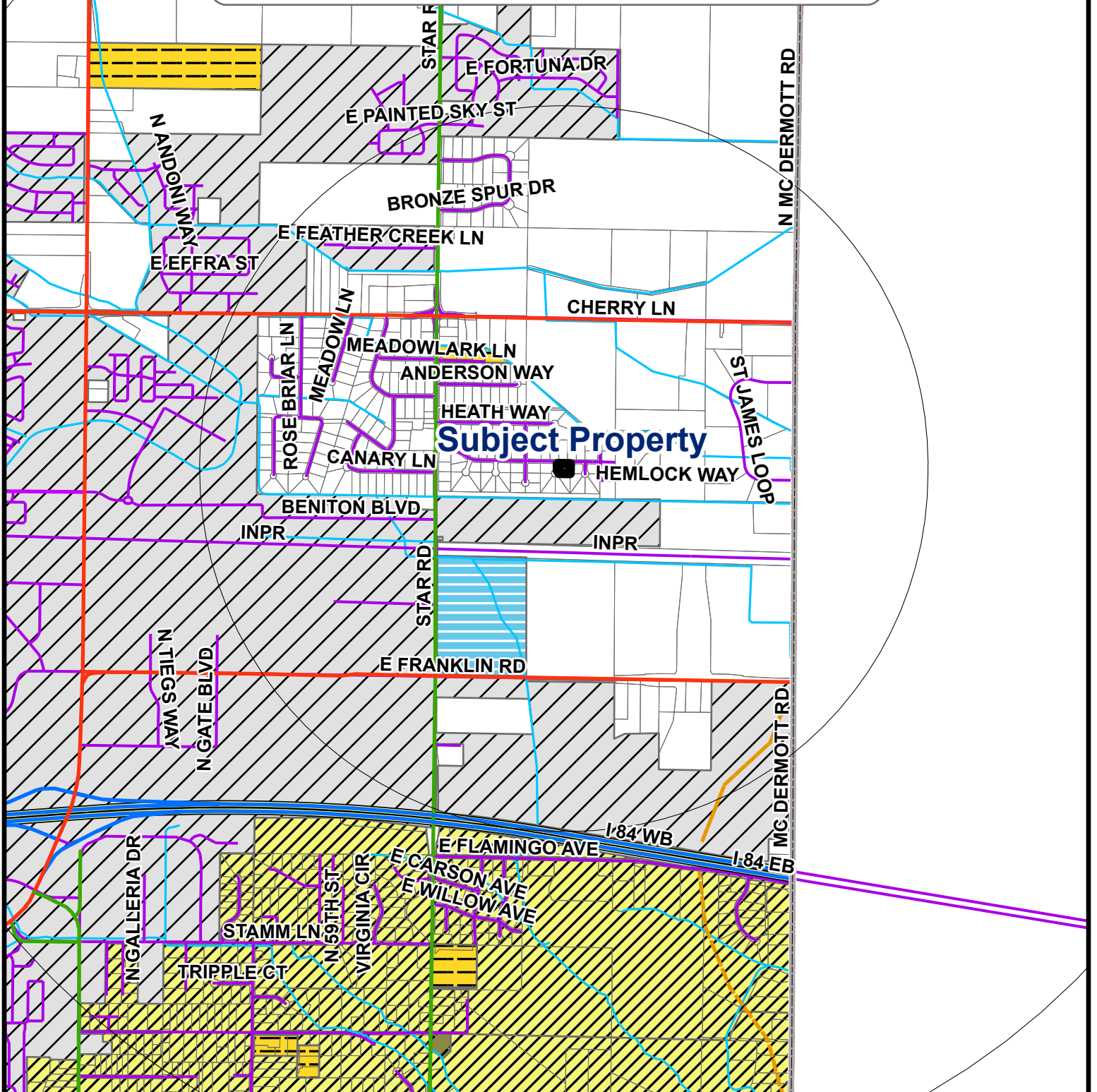
Miles

# Rawdan Small Vicinity Map

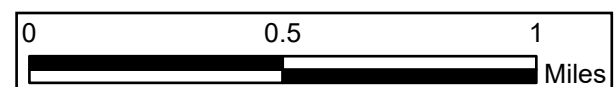




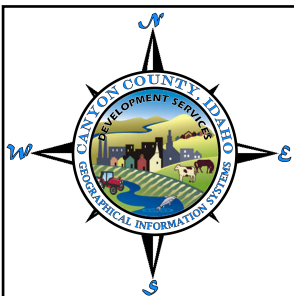
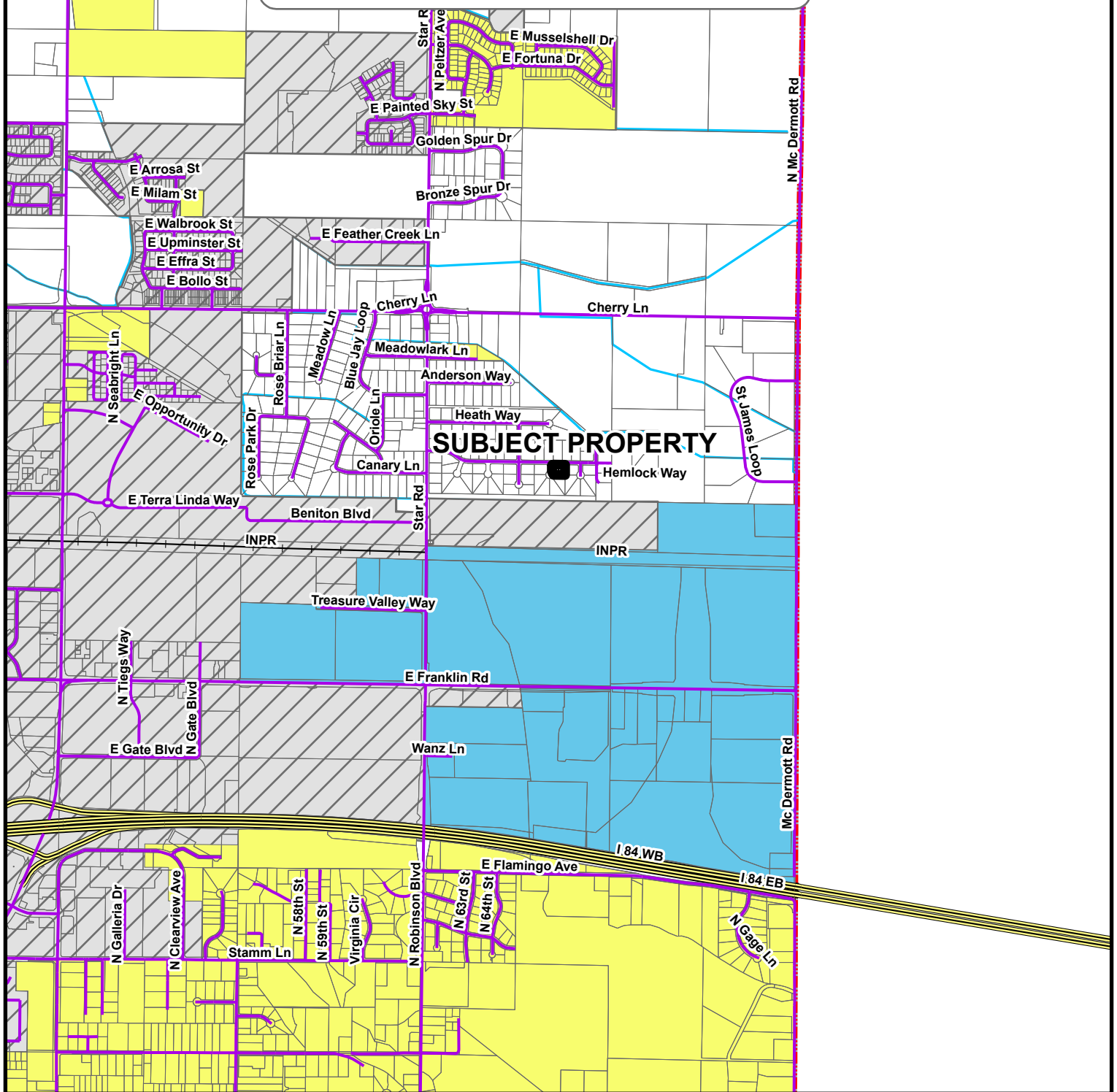
# Rawdan Zoning & Classification Map



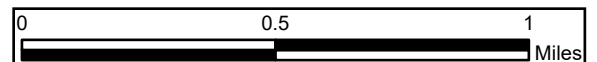
ZONING			
	RR		R2
	CR-RR		C
	R1		C1
	CR-R1		CR-C1
	C2		CR-C2
	M1		CR-M1
	M2		AG



# Rawdan Future Land Use map

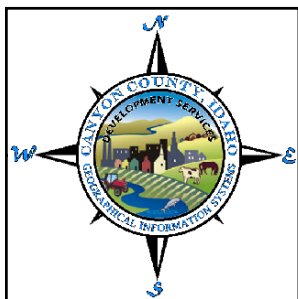
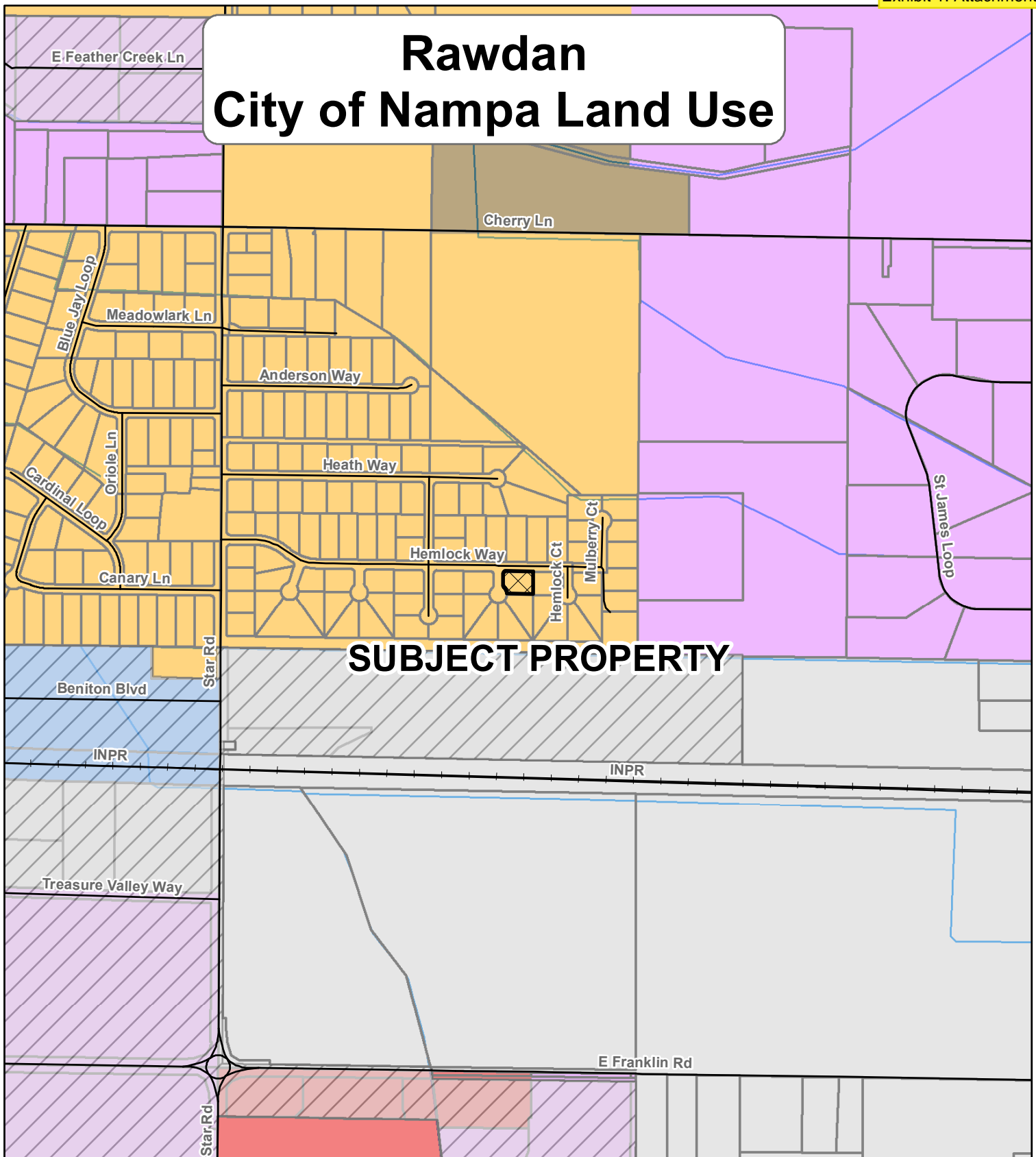


- Legend**
- COMMERCIAL
  - INDUSTRIAL
  - RESIDENTIAL
  - Scenic\_Byway

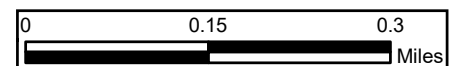




# Rawdan City of Nampa Land Use



NampaCompPlan	
	Agricultural
	Airport
	Commercial
	Downtown
	Education, Public Administration, Healthcare and Other Institutions
	Industrial
	Parks
	Low Density Residential
	Medium Density Residential
	High Density Residential
	Residential Mixed Use
	Community Mixed Use



## SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
21	587.41	660	0.89	
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE	
1	86.05	263	0.33	
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
43	2.82	0.69	0.56	48.85
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM

## PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
THE IDAHO CENTER	1	3N1W07	102.98	18	5.72	NAMPA (CITY)	1996
SILVER SPUR RANCH	2	3N1W05	39.31	36	1.09	COUNTY (Canyon)	2003
ST. JAMES PLACE ESTATES	3	3N1W08	75.38	14	5.38	COUNTY (Canyon)	2002
CAROL MANOR SUB	4	3N1W08	19.37	19	1.02	COUNTY (Canyon)	1973
CHERRY & STAR SUB	5	3N1W08	3.21	4	0.80	COUNTY (Canyon)	1986
CHERRY CREEK ESTATES	6	3N1W07	20.20	18	1.12	COUNTY (Canyon)	1990
CHERRY CREEK ESTATES #2	7	3N1W07	20.75	19	1.09	COUNTY (Canyon)	1992
CHERRY CREEK ESTATES #3	8	3N1W07	36.18	32	1.13	COUNTY (Canyon)	1993
CHERRY LANE MEADOWS	9	3N1W07	78.14	66	1.18	COUNTY (Canyon)	1974
HILL CREEK SUB	10	3N1W08	68.31	84	0.81	COUNTY (Canyon)	1973
GATEWAY CONDOMINIUMS	11	3N1W17	3.78	1	3.78	NAMPA (CITY)	2009
HILL CREEK SUB #2	12	3N1W08	8.35	10	0.84	COUNTY (Canyon)	1992
LOW ANGLE SUBDIVISION	13	3N1W06	7.63	4	1.91	NAMPA	2017
KODIAK SUBDIVISION	14	3N1W08	5.00	5	1.00	COUNTY (Canyon)	2017
ATKINSON ACRES SUBDIVISION	15	3N1W06	5.00	3	1.67	NAMPA	2019
LOST RIVER SUBDIVISION NO. 2	16	3N1W06	17.37	67	0.26	NAMPA	2020
LOST RIVER TOWNHOMES SUBDIVISION NO. 2	17	3N1W06	1.99	26	0.08	NAMPA	2021
LAGUNA FARMS SUBDIVISION NO. 2	18	3N1W07	10.07	39	0.26	NAMPA	2021
WINDING HOLLOW RANCH SUBDIVISION NO. 2	19	3N1W06	25.70	66	0.39	NAMPA	2021
SILVER STAR SUBDIVISION NO. 2	20	3N1W05	16.57	55	0.30	NAMPA	2022
SILVER STAR SUBDIVISION NO. 3	21	3N1W05	22.10	74	0.30	NAMPA	2022

## SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	
Silver Star	86.05	263	0.33	

## MOBILE HOME & RV PARKS

SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...
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# NAMPA HIGHWAY DISTRICT NO. 1

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November 22, 2022

To: Samantha Hammond. Planner  
Canyon County Development Services

From: Eddy Thiel  
Right-of-way Tech

Re; CU2022-0004 Michael Rawdan Conditional Use Permit

I have reviewed the request from Michael Rawdan for a Conditional Use Permit to allow a contractor shop on Parcel R22694 at 4541 Hemlock Wy., Nampa, with no date of Transmittal, received on 11/22/2022.

Comments are based upon information provided to the Highway District by Canyon County Development Services and from the Patron. Nampa Highway District #1 has no objection to the request subject to the following information:

1. The Subject property is adjacent to Hemlock Wy.
2. NHD#1 Functional Classification of Hemlock Wy. is Rural Local Roadway.
3. Commercial Accesses are required to have a paved apron installed per ACCHD Standard Drawing #ACCHD-106. Patron will need to permit for upgrading the existing access to the shop to a paved apron to meet Highway District Commercial Access Standards.

All comments above are based on the ACCHD Standards Manual and Nampa Highway District #1 Supplementals.

Nampa Highway District #1 reserves the right to provide amended comments/conditions of approval subject to the formal review by the Highway District, plan revisions, and/or revisions to the ACCHD Standards Manual or NHD#1 Supplementals.



**Samantha Hammond**

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**From:** Jack Nygaard <Jack.Nygarrd@phd3.idaho.gov>  
**Sent:** Tuesday, November 22, 2022 10:39 AM  
**To:** Samantha Hammond  
**Cc:** Mitch Kiester  
**Subject:** [External] Agency Notification CU2022-0004 / Michael Rawdan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning, Samantha,

Will the proposed contractor shop on the parcel be supplied with pressurized water to a restroom, shower, kitchen area, etc.? If so, will the shop be connected to an existing subsurface sewage disposal system, or will there be connections to city services?

If there is not a subsurface sewage disposal system or city connections available, and there is pressurized plumbing to the shop, then this will require an on-site evaluation conducted by SWDH to determine if the site is suitable for a septic system.

Thank you,





EXCELLENCE  
SERVICE  
STRENGTH IN UNITY

ADMINISTRATIVE OFFICE  
9 – 12th Avenue South Nampa, ID 83651

p 208.468.5770 f 208.468.5780

December 21, 2022

To: Canyon County Development Services

Re: Conditional Use Permit for a Contractor Shop at 4541 Hemlock Way, Nampa.

The Nampa Fire Protection District has reviewed and can approve the application with the following comments. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by The State of Idaho.

Comments:

1. This property is within and served by the Nampa Fire Protection district.

Emergency Response Time Analysis and Service Impact:

1. The Nampa Fire Department Strategic plan states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1 ½ miles from the nearest fire station. This development is located approximately **3.5** miles from Nampa Fire Station 5 with an approximate response time of **8** minutes.
2. To properly serve the public for an all-hazards response, the Nampa Fire Protection District should have 1 firefighter for every 1,000 residents served. This project will not create an increased personnel demand.

Regards,

Ron Johnson  
Fire Marshal  
Nampa Fire Protection District



**Planning and Zoning Commission**  
**Rawdan – CU2022-0004**

Development Services Department

**Findings of Fact, Conclusions of Law, and Order**

Conditional Use Permit

**Findings of Fact**

1. The applicant, Michael Rawdan, is requesting a conditional use permit to allow a contractor shop on parcel R22694. The property is zoned “A” (Agricultural). The property is located at 4541 Hemlock Way, Nampa, Idaho; also referenced as a portion of the NW¼ of Section 8, T3N, R1W, Canyon County, Idaho.
2. The subject property is designated as “Agricultural” in the 2020 Canyon County Comprehensive Plan.
3. The subject parcel is located within the Nampa Area of City Impact and is designated as “Medium Density Residential”.
4. A neighborhood meeting was held on January 1, 2022 in accordance with CCZO §07-01-15.
5. The application was noticed in accordance with Canyon County Code §07-05-01. Property owners were noticed on December 15, 2022. Affected agencies and City of Nampa were noticed on November 22, 2022. Legal noticing was published on December 30, 2022. A notice was posted on the subject property on December 27, 2022.
6. All recorded herein consists of exhibits provided in the public hearing staff report, testimony and exhibits provided during the public hearing on January 05, 2023 and all information in case file CU2022-0004.

**Conclusions of Law**

For this request, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05):

**1. Is the proposed use permitted in the zone by conditional use permit?**

The parcel is zoned “A” (Agricultural). Pursuant to CCZO §07-10-27, a contractor shop is allowed in an “A” Zone subject to a conditional use permit. The applicants submitted a conditional use permit application on February 2, 2022 in accordance with CCZO §07-07-03.

**2. What is the nature of the request?**

Pursuant to the applicant’s letter of intent, the operation will be Monday-Friday from 8:00a.m. to 5:00p.m. with company vehicle parking to be utilized afterhours and on the weekends. The approximate 22’x45’ shop will hold all other equipment needed by the company, and all work shall be conducted within the shop. There will be a main office located within the residence that will have one (1) to five (5) employees daily, the entire property is enclosed by a six-foot privacy fence to create a barrier between the contractor shop and the surrounding properties.

**3. Is the proposed use consistent with the Comprehensive Plan?**

The subject property is designated as residential on the future land use plan within the **2020 Canyon County Comprehensive Plan**. The request is generally consistent with the following policies and goals of the Comprehensive Plan:

Chapter 1. Property Rights:

Rawdan (CU2022-0004)

- Policy 1. No person shall be deprived of private property without due process of law.
- Policy 11. Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.

Chapter 2. Population:

- Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Chapter 4. Economic Development:

- Goal 1. To diversify and improve the economy of Canyon County in ways that are compatible with community values.
- Goal 3. Create new jobs that are sustainable and lasting.
- Goal 4. Provide an economically viable environment that builds and maintains a diverse base of business.
- Policy 2. Support existing business and industry in the county.

Chapter 5. Land Use

- Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.
- Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
- Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.
- Policy 3. Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential and industrial zoning districts to help attract development.

**4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

The property is located within the Hill Creek Subdivision while zoned Agricultural the primary use is residential with smaller lot sizes. The property is also very close to city limits and within the City of Nampa City Impact Area. The proposed request is injurious to other property owners as the request provides an impactful level of noise, hazardous traffic/poor access through the cul-de-sac and is not compatible with the residential feel of the subdivision.

The subject parcel is located within the Nampa Area of City Impact and designated as "Medium-Density Residential". The City of Nampa was noticed and did not provide a comment on this application. Notice sent, November 22, 2022 per Canyon County Code §09-11-25(5).

**5. Will adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems be provided to accommodate the use?**

The property has an existing septic system and well that will be utilized inside the home for those employees but there will be no water or sewer connections within the shop. Nampa's City Services are not available to the property. Southwest District Health does not oppose the proposed use as long as additional sewage or pressurized irrigation within the shop connects to city services or conducts an on-site evaluation to determine suitability.

**6. Does legal access to the subject property for the development exist or will it exist at the time of development?**

The property has access onto Hemlock Way, a Rural Local Roadway. The applicant will require a Commercial Access approach permit from Nampa Highway District #1 which will include a paved apron on the existing access point. however, the applicant has been accessing the property via the cul-



de-sac that is injurious the neighboring property. This entrance is the residential driveway for the property and is not suitable for this use.

**7. Will there be undue interference with existing or future traffic patterns?**

The property has access onto Hemlock Way which is classified as Rural Local Roadway Nampa Highway District #1 however the applicant has been using residential access to the property via the cul-de-sac that is injurious the neighboring property. This access point was not clear in the application and not reviewed by the Highway District.

**8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

County services are currently available to the parcel, including police and emergency medical services. The use is not anticipated to impact essential services.

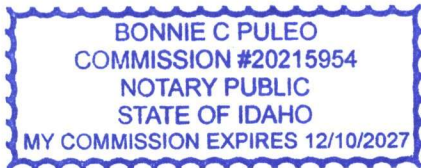
**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **has denied** Case #CU2022-0004, a Conditional Use Permit for a Contractor Shop for Parcel No. R22694.


Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

1. Relocate the business to another location that is more compatible.

APPROVED this 19 day of January, 2023.



PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO

  
Robert Sturgill, Chairman

State of Idaho )

SS

County of Canyon County )

On this 19<sup>th</sup> day of January, in the year 2023, before me Bonnie Puleo, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

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





CANYON COUNTY PLANNING & ZONING COMMISSION  
 MINUTES OF REGULAR MEETING HELD  
 Thursday, January 5, 2023  
 6:30 P.M.

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

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

Staff Members Present:      Dan Lister, Planning Official  
    Samantha Hammond, Planner  
    Bonnie Puleo, Recording Secretary

**Chairman Robert Sturgill** called the meeting to order at 6:30 p.m.

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

- **Case No. CU2022-0004/Michael Rawden:** The applicant, Michael Rawdan, is requesting a conditional use permit to allow a contractor shop on parcel R22694. The property is zoned "A" (Agricultural). The property is located at 4541 Hemlock Way, Nampa, Idaho; also referenced as a portion of the NW¼ of Section 8, T3N, R1W, Canyon County, Idaho.

**Planner Samantha Hammond** reviewed the Staff report for the record.

**Chairman Robert Sturgill** affirmed the witnesses to testify.

**Commissioner Sheets was absent during this case/portion of the hearing.**

**Testimony:**

**\*\*No one had signed up as applicant/in favor of project\*\***

**Kevin Werlinger – IN OPPOSITION – 4573 Hemlock Way Nampa ID 83687**

Mr. Werlinger wanted to bring up some of his concerns. He is worried about the safety of his family due to the high traffic volume from employees and delivery trucks constantly speeding down the road. He is also concerned about his quality of life as he feels he can't enjoy his own yard without hearing back up alarms or the fear that his son may be hit by one of the cars while riding his bike in the cul-de-sac. There is a blind curve coming out of one side of their driveway. This business is supplying equipment to other HVAC businesses who also speed in and out of the property. They are bringing in other people from other businesses and not just their employees. Mr. Werlinger said they are starting at 7:00 am and he knows

this because he and his son were awakened by a loud car radio from one of the workers arriving. He has talked to them about it a couple of times and nothing has changed. They can't control the drivers of the delivery trucks and how they speed in and out. He said no one has lived at the property since they moved in. There is also a sheet metal employee who works onsite and they are doing manufacturing out of that property for other businesses as well. There are other businesses on the street but the owners all live there and respect the neighborhood by driving the speed limit and improving their properties. He said this property looks like a junk yard. Commissioner Nevill asked Mr. Werlinger how firefighting water is provided to the neighborhood. Mr. Werlinger replied as far as he knows there is none, other than the fire trucks that show up. There are no hydrants in the neighborhood. Commissioner Nevill asked if he knew what products are stored on the site and if they were flammable. Mr. Werlinger replied that they have HVAC machines that have freon in them on the property but he didn't know about flammables. Commissioner Amarel asked what size are the trucks that come in and out. Mr. Werlinger answered that they are 26-foot box trucks delivering sheet metal. Commissioner Amarel asked if there was room for the trucks to turn around and Mr. Werlinger said 'no' and one of the trucks damaged some reflectors on his property when turning around. He also said the garbage truck emptying the metal bin on the property completely blocks the street when it's dumping the bin and that's typical. He said there were 1 to 2 delivery trucks every day. Commissioner Nevill asked about the trash truck for the (scrap) metal bin. Mr. Werlinger said they must have two bins because one is for recycling metal waste. Throwing the scraps in the bin also makes a lot of noise. Commissioner Williamson asked Mr. Werlinger to show where his house was on the map and asked if there was any signage on the north entrance where people were supposed to enter and exit. Mr. Werlinger showed where his house was and said there were no signs, and he didn't want any signs outside his window. He said he had also heard they also wanted to expand and rent the property across the street. He is sure they aren't going to tell anybody they want to do that. He said he submitted a complaint to Code Enforcement along with someone else. He said there was a whole list of non-compliance issues but the prosecutor dropped it. They were issued a cease and desist order but that didn't stop them. Mr. Werlinger said maybe he doesn't understand the (Code Enforcement) process. His Code Enforcement complaint was issued in 2019 and was about the speeding, the noise and that they don't maintain the property. They never shovel their snow.

**Trina Patterson – IN OPPOSITION – 4545 Hemlock Way Nampa ID 83687**

Ms. Patterson is impacted the most by this business as she lives right next door to them. She believes she is the one who took the complaint to Canyon County in March 2019. She worked with Eric in Code Enforcement who reached out to the owner, warned them (multiple times) and filed the cease and desist order. Eric told her the cease and desist order was dismissed by the Prosecutor's office because their remedy was to file for this conditional use permit. The property has never been occupied: the person who owns the business does not own the house. She said they don't maintain the property. Property trucks are in and out of there and they don't use the northside entrance. It is not enclosed by a 6-foot privacy fence as shown by the photos which shows her backyard. There are overgrown weeds and overgrown trees. Ms. Patterson asked Kelly, the owner of the business and the drivers to slow down. They have delivery trucks blocking both the street and her driveway and they can't get out until the truck is finished unloading. They have the north entrance and don't use it. She has tried to work with them and they have not been cooperative at all. It is a safety issue with the big trucks coming in and out. She said there is a tent city in their driveway they use to store items contrary to what is stated in the application which says all materials will be stored in an enclosed contractor's shop. Commissioner Nevill said he doesn't see another entrance (besides the north entrance) and asked how they get material onto the property. Ms. Patterson said they come in through the cul-de-sac, using their driveway which is next to her driveway. She showed the cul-de-sac entrance on the aerial map. She talked about how overgrown the trees were which hides the entrance to the property in the cul-de-sac. She said they have to back out of their driveway very slowly to be sure none of the business employees are coming into the cul-de-sac to go into that



entrance. She also showed where the sheet metal employee works on the property and where delivery trucks pull up. Commissioner Villafana asked how many tents were there. Ms. Patterson said there was one big tent. She said they have taken PVC piping and created a large tent by covering it with tarps. Commissioner Villafana confirmed with Ms. Patterson that the property owner does not own the business. Commissioner Williamson asked Ms. Patterson if they had talked to the Highway District and asked them to come out and say something to the business owner about the trees. Ms. Patterson responded that she didn't know she could do that. Planning Official Dan Lister clarified that the Code Enforcement violation would be sent to the property owner, not the business owner as it is the property owner's violation.

**Planner Samantha Hammond** told Chairman Sturgill that the business owner and his agent were present at the hearing. They did not sign in to speak because they thought only the property owner was allowed to speak. They did not sign in but want to testify. Chairman Sturgill stated they would finish testimony in opposition and then give the business owner and agent time to testify.

**David Diffenbach – IN OPPOSITION – 4553 Hemlock Way Nampa ID 83687**

Mr. Diffenbach said that Hillcreek Subdivision consists of 80 homes. All the homes are occupied by families except for one; the one in question. Hemlock Way is the subdivision's road. There are a few small home businesses that operate in the subdivision but none as big as EZ Heating. They have three pickup trucks, three trailers, a commercial van and a commercial vehicle they use. The intended purpose of the residence is for living; for a family. He said this is a light industrial business and doesn't seem like it fits at all. Commissioner Williamson asked about another business which used to be located across the street. Mr. Diffenbach said it used to be a concrete business but they shut down last year. He thinks that property is the one EZ Heating wants to rent for expansion.

**Ron Crumb – IN OPPOSITION – 4545 Hemlock Way Nampa ID 83687**

Mr. Crumb began testifying and said he had pictures that he wanted to show. Chairman Sturgill suggested that he send the photos to Samantha and delay his testimony until she can display the photos on the monitors and he can speak about them.

**Kraig Wartman – IN OPPOSITION – 4668 Hemlock Way Nampa ID 83687**

Mr. Wartman said he has only lived in this subdivision for 2 years but it has been two years that they have been operating EZ Heating and Air. He said it looks like the application is to bring them into compliance; it was his opinion they are essentially asking for forgiveness because they got caught when they should have been asking for permission initially. They didn't always operate under the proposed conditions of approval, but since the neighborhood made complaints, they are playing nice. He said if approved, they will go back to doing whatever they want because they (the business owners) don't live in the area; it's only a job, leaving the residents to suffer the consequences. The initial neighborhood meeting was February 1<sup>st</sup> and at a crazy time and after the meeting, four of the residents were talking in the cul-de-sac and almost got run over by one of their truck and trailers. Mr. Wartman said deliveries are coming from big trucks as well as for pick up and drop off of the trash. He said the application says there are only 4 – 5 parked cars but that's only since October because they knew the application was coming. Employees speed down the road. He asked what kind of chemicals are they storing? They solder and weld on site and are using freon. He asked are there gas, solvents and soldering materials and is that appropriate for a residential subdivision? He said tonight the Commission has heard from residents and homeowners who value the serenity of the residential subdivision. He said the Commissioners are there to represent and protect the legal voting residents, not the applicant or business interests. Everyone has seen a huge increase in the tax values and he prays they defend the residents of the area/subdivision. He reminded the Commission that the applicant doesn't live there, nor does the business owner.

Commissioner Amaral asked Mr. Wartman if there were only four people at the neighborhood meeting.



Mr. Wartman said yes, the four people they have heard from tonight. The meeting was held at a difficult time and he felt it was a checkbox for the applicant. There was no information given; there was a sign in sheet and they said they were doing it just so they can operate the business.

**Kevin Vink – IN OPPOSITION – 16526 Mahogany Drive Nampa ID 83687**

Mr. Vink said he and his wife have lived in the neighborhood for over 47 years. He said this started as a small neighborhood and he is not going to deny that there were businesses that were operated by homeowners out of the neighborhood for years. Some of the businesses are gone now but the residents are still there, but the homeowners themselves were operating the businesses. He said those homeowners took a portion of their money every year and reinvested that back into their properties which improved the neighborhood. This business doesn't do that; they don't care what that place looks like. All they want to do is operate it as a business and that's not fair to them as property owners. Mr. Vink said the impact of their trucks has an adverse effect on the neighborhood. Their property doesn't look like a neighborhood lot anymore. It used to be all grass with picnic tables in the backyard but now it's just one large parking lot. He said they don't have any interest in what goes on in the neighborhood; they are just there to make money. That isn't fair to the homeowners.

**Ron Crumb – IN OPPOSITION – 4545 Hemlock Way Nampa ID 83687**

Mr. Crumb discussed the photos he has on his phone of the property (which he was unable to display). He said on numerous times he has shoveled snow from the business' driveway so it won't melt into his driveway. When they did have a major snowfall a few years ago, no one came out to shovel. He called Kelly to clear his driveway which he did with a Bobcat. He pushed all the snow against the Crumb's fence and bent it. Last night with the heavy wind, the tent city, with the tarp flapping in the wind, sounded like a 50 caliber machine gun going off. He said they have made it a little nicer but in years past, it was an eyesore. He has worked in a sheet metal machine shop and knows there is a press break and a bead roller there.

**Chairman Robert Sturgill** had the applicants sign in and swore them in to give testimony.

**Kelly Martin – Applicant (Representative) – IN FAVOR – 9296 Chelan Ave. Garden City ID 83714**

Mr. Martin requested staff pull up a map of the property and expanded the view. He said they were mostly correct on a lot of facts; they mostly come in on Hemlock in the morning, the employees come in through the narrow driveway through the cul-de-sac but it mainly used for employee access in the morning and at night to drop the trailers. All deliveries come in from the north; they poured a concrete pad in that area because they were having a difficult time pulling through. They do hear back up alarms because the trucks back up to their delivery door. The structure was not an improved structure when he first moved in and he did a lot of work to frame it and box it in. He was not sure where they were getting the 3-foot tall grass as he has receipts from companies doing the landscaping and picking up the recycling and debris every week. They have a family picnic for employees at the property two times a year and there is a big grass area on the property (which he showed on the map). Mr. Martin said no one lives in the house; it is an office and a meeting room. He doesn't live on the property and never intended to live on the property. He showed where the trash bin was and said it is picked up every Friday but if they are overloaded, they will come twice a week. He said employees used to unload the trailer into the garbage bin early in the morning but he changed that. It could happen every once in a while as he is not there every day but for the most part, it is happening between 8:00 am and no later than 4:00 or 5:00 pm. He has 13 – 14 company vehicles which are not stored on site. They are all 'drive home' vehicles. Most of his employees don't even come onsite; they are out in the field. He explained which employees come onto the property and what their schedules are. There is a total of 5 job trucks that will come in every day in the morning and leave at night. There might be a meeting once a quarter that he has everyone attend but they all park in the yard



and not on the street. Mr. Martin addressed the tent city; he said he doesn't like it either but they had to erect the tent to protect \$8-\$10,000 worth of sheet metal. There are worse (sights) than their one tent in the neighborhood. Nobody works in the tent; they may pull and rip a piece of sheet metal really quickly and then it goes into the shop where the work is done. He does bend sheet metal for other people and will deliver it to them but the majority of the sheet metal work he does are for his projects. The overgrown trees were there when he moved in to the location. He did get the call from the neighbor about the snow and cleaned it up by pushing it to the back of the property but he doesn't know how he could have damaged the neighbor's fence as there was a 2-foot dirt berm along that fence line at that time. He said it looks like a home with a shop and they do park in there but it is clean and it is not a neighborhood eyesore.

Commissioner Williamson asked how early employees arrive to pick up trailers. Mr. Martin replied he has workers that pull in there early but he doesn't like them to arrive earlier than 6:45 am. They get there and stand around and talk but don't go into the office until 7:00 am. He gets there at 7:00 am. Commissioner Williamson asked if he was aware that 8:00 am is the start time on the conditional use permit. Mr. Martin said he would prefer it changed to be 7:00 am. They don't really work until 7:30 am and the employees get on the road at 8:00 am. Commissioner Williamson said he counted 8 cars in the photos that were taken at about noon. Mr. Martin went through the cars shown in the photos and talked about the cars that could be moved off the site. He does not work out of this office full time and just goes there to pay bills. Commissioner Williamson asked about storing chemicals onsite. Mr. Martin said he has a couple of bottles of R410A refrigeration (chemical) that they keep and are used to restock the trailers in the morning; they are recycled on a daily or every other day basis. He said R410A is not a chemical that leaches in to the ground: it is a gas and they have an EPA license for it. He mentioned the neighbor who works from his home tearing apart HVAC units and the possible oils that could leach into the ground from his work. Mr. Martin has to reclaim all his refrigeration; they have to account for it, report it and he could be fined. He said his neighbor doesn't have an EPA license that he knows of, to do that work. Mr. Martin has a license for all the work he does. They walk in their recycled metal as the bin has a swinging door as they want to stack it. He said they have expensive silver sticks that they use to braise and the trailers have small bottles of oxygen and acetylene torches. They are not liquid chemicals that can fall onto the ground and they are not large tanks. If they don't secure it properly on the trucks or store it properly, they can be fined.

Commissioner Nevill asked about the fire fighting system in the neighborhood; it doesn't sound like the community has one. He asked, if there is a fire, what is their plan? Mr. Martin said they have fire extinguishers in all their vehicles and in every buildings. If there was a fire, they would do what everybody else would and call 911. They aren't causing any arcing and don't weld onsite. They don't do any braising on this property. They don't keep material onsite for long periods of time and he explained about why he had to buy extra material during a supply shortage and how he stored it. Commissioner Nevill said staff recommended 7 conditions of approval and asked if Mr. Martin had seen them. Mr. Martin said they don't work on the weekend and when asked about the 8 am start time, Mr. Martin replied that 7:00 to 7:30 am time period is about paperwork and he wants everyone to be out by 8:00 am. He asked if they could change that condition. They provide 24-hour service but not out of that location.

Commissioner Amarel clarified that Mr. Martin is the business operator and not the property owner. Commissioner Amarel asked when he was notified of the (code enforcement) violation in 2019. Mr. Martin said he put \$30,000 into the property to improve it because it wasn't in good position for any use. If anything, he has improved it. He found out about the non-compliance when they got the letter from Michael Rawden and then he started the conditional use permit process. Commissioner Amarel brought up the hours of operations and confirmed that there are no office hours after 5:00 pm.

Commissioner Williamson asked if he was aware of the cease and desist letter. Mr. Martin replied that when he received the letter, he contacted Michael (Rawden) and said there was a problem. He acknowledged that there were some employees who sped through the neighborhood and played loud



music early in the morning but he addressed that with them.

In response to Chairman Sturgill's question he said they began operations in 2018 - 2019 and at that time, it was his understanding that no additional permits were required to operate there. Mr. Martin said at that time, a concrete company had been running their business across the street for 40 years. He confirmed that they are looking at renting the land across the street and moving their recycling bin and storage shop there. That would be the staging area for him. He has not filed for a conditional use permit nor has he done any work on the property across the street.

**Chris Carpenter – Applicant (Representative) – REBUTTAL – 10173 W. Virginia City St., Star ID 83669**

Mr. Carpenter is the real estate agent from Michael Rawden. He said Mr. Rawden did not own the property in 2019 when the original cease and desist order came out. He purchased the property in June or July of 2020. Upon purchasing it and upon review of the CC&R's which Mr. Carpenter said haven't been enforced in years, he didn't see any issues with owning the property and allowing Mr. Martin to remain a tenant on the property. Mr. Rawden saw other businesses were being run in the neighborhood. When the complaint was issued, Mr. Rawden sent the information to his attorney who spoke to the County office and was told to apply for the conditional use permit. He applied for the conditional use permit in October 2020 and it has taken them this long to get here.

Chairman Sturgill asked Mr. Carpenter if the conditional use permit was denied, what will happen with the property? Mr. Carpenter said the property would probably be sold or rented to another tenant which probably wouldn't be a business.

Commissioner Amarel confirmed that the process to obtain the conditional use permit started in October 2020. Commissioner Williamson asked Mr. Carpenter about Condition #5, the non-transferability of the conditional use permit. Mr. Carpenter said they were aware of the terms of the conditional use permit and it seemed prudent to wait to see how this process went before moving to another step.

**MOTION:** Commissioner Nevill moved to close public testimony on Case Number CU2022-0004 seconded by Commissioner Amarel. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill said he disagrees with staff. He doesn't think this is an appropriate use for the area. This is an agricultural area but is certainly residential. He said they can split hairs and say that this type of use is allowed in an ag zone but this isn't agriculture anymore. He said he knows there are some efforts to look at what is zoned in the County because there are a lot of conditional use permits out there but if the county made it R-R to match or the city made it residential, light industrial is not appropriate for either one of those. In order to avoid a big problem in the future, the most appropriate thing to do is to deny.

Commissioner Amarel agreed this is not agricultural anymore and we have a business that is a misfit they are not in compliance with code or neighbors. He disagrees with staff as well.

Chairman Sturgill reminded the Commissioners that if they were going to rule against staff's recommendations, they were going to need to help direct staff to change their findings.

Commissioner Nevill stated for this case, he moved to deny the conditional use permit and suggested the following changes: while it is allowed in an ag zone, he argued that this is no longer an ag zone and would be not be compatible if the area was re-zoned in the future; it is injurious to the area; the legal access is questionable as they don't use the north entrance; there is interference with traffic with the loading and unloading of trucks. Planning Official Dan Lister said he thought item one, the zoning argument can't be made as it is currently zoned Agriculture.

Commissioner Williamson said that Commissioner Nevill made the argument when they are annexed in to the City of Nampa but they don't have any evidence when Nampa will annex that area into the city.



Commissioner Villafana asked if they deny the conditional use permit, how long does the business has to vacate the property. Planning Official Dan Lister said if the conditional use permit is denied they could appeal, but if the appeal is denied, violations would begin to be sent out again. Commissioner Villafana is sympathetic to the business owner and the employees and was concerned how this would impact their business with layoffs and the recession.

Commissioner Williamson asked Staff if the Commission could add a condition to give them some time to vacate the property. Planning Official Dan Lister said that was up to the Code Enforcement officer but also reminded the Commissioners state law states they have to give the applicant ways to obtain approval for the conditional use permit. Suggestions included demonstrating how it was more consistent with the area, demonstrating adequate access and how they would mitigate traffic impacts.

**MOTION:** Commissioner Nevill moved to deny Case CU2022-0004 including modified Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Amarel. Roll call vote: 3 in favor 2 opposed, motion passed.

**Chairman Sturgill** swore in Commissioner Sheets at 8:29 pm.

- **Case No. RZ2022-0011 & SD2022-0034/Sierra Vista Properties-Mint Farm Estates:** The applicant, Sierra Vista Properties, Inc., is requesting a zoning map amendment (rezone) of Parcel R37496 from an "A" (Agricultural) zone to a "R-R" (Rural Residential) zone. The request includes a Preliminary Plat, Irrigation, & Drainage Plan for Mint Farm Estates Subdivision, 39 residential lots. The subject property is located at 8718 Purple Sage, Rd., Caldwell; also referenced as a portion of the SW¼ of Section 27, T5N, R2W, BM, Canyon County, Idaho.

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

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

#### **Testimony:**

##### **Ammon Andelin – Applicant (Representative) – IN FAVOR – 2195 Cherry Lane Emmett ID 83617**

Mr. Andelin is representing the applicant. In 2021, they applied for an R-1 rezone. They tried to put together a careful, clean project. They met with all the districts and parties and it was consistent with the 2020 Comprehensive Plan and the future land use map. The Board of County Commissioners denied their rezone and plat and said they would approve it with R-R zoning as it was more compatible with the area. They have corrected their rezone and plat to R-R zoning and they are fine with all conditions of approval. Commissioner Nevill asked if Mr. Andelin had read through the conditions of approval and are they okay with them. Mr. Andelin said 'yes'. Commissioner Nevill said there seemed to be a pivot at one time and asked how productive was the farmland. Mr. Andelin said it is being farmed now and he believes it is productive. Commissioner Nevill asked how is this a more appropriate use than agriculture? Mr. Andelin said with people moving to Idaho, there is a shortage of homes. Rather than putting in high density housing in city limits, there is a great appeal to having large 2-acre lots. Mr. Andelin admitted that demand has decreased in 2022, although it is still there. He said the owners have decided to sell the ag land. Commissioner Nevill asked if other testimony says there are a lot of empty lots, that might counter his contention that there is a heavy demand for this type of lot. Mr. Andelin clarified what Commissioner Nevill was saying and said he could see his point. Commissioner Williamson said they have received a letter of opposition which cites the rural lifestyle and people on ditch banks and the loss of green spaces. He said there is no designated green space in this proposal; was green space or a trail loop considered?



Mr. Andelin said they are not trying to squeeze in as many homes as they can and proof of that is their prior application for R-1 zoning didn't have only 1-acre lots. Commissioner Williamson asked Mr. Andelin if he intended on putting in fencing along the ditch banks. Mr. Andelin said they are working with Black Canyon Irrigation District on their ditch and they will either pipe it or fence it. Commissioner Williamson said they will still need to provide an easement and Mr. Andelin agreed. Commissioner Amarel asked if Mr. Andelin knew when the center pivot was put on the property. Mr. Andelin said he did not. Commissioner Amarel asked if the current owner put the pivot on the property. Mr. Andelin said he did not know. Commissioner Villafana said recently local television station had a news story about the disappearance of farm ground in the Treasure Valley and how it is difficult for farmers to move their equipment, etc. He said when you look at the aerial view (photograph), there is a lot of farm ground in there and asked Mr. Andelin how a new residential subdivision with the people, children and cars, taking over this 90-acre piece of farm ground is going to be compatible the area. Mr. Andelin answered that growth is good and bad. Growth and change can be good. In terms of this area, the future land use is residential both for the 2020 Comprehensive Plan and the 2030 Comprehensive Plan. Both is deemed residential and growth is happening. Commissioner Sheets said one of the things they are trying to evaluate are the impacts and how to mitigate those. They got a letter from the school district that says some places are pretty overcrowded. He is pretty sure the last bond measure failed and there is another development already approved for R-1 zoning directly south which looks to be double the acreage of Mr. Andelin's proposal. There are also some impacts to the intersection of Lansing Lane and Purple Sage. Commissioner Sheets clarified if development impact fees would be charged for this development and asked Mr. Andeline how was going to mitigate the impacts to the school. Mr. Andelin said those are heavy topics and the Engineer can address the bus stop and adequate spacing there. Mr. Andelin said he lives in Emmett and it has a similar situation with the need for increased funding for their school district and a recent bond that didn't pass. He said growth can help that by bringing in more people who care about the schools. The opposite could be true also. He said development is happening and hopefully more funding will be approved in the future with bonds. Commissioner Williamson said this property has 90 acres of surface water irrigation rights. He said when 11 acres becomes a road, what will happen with those water rights? Mr. Andelin said he didn't know the answer and the engineer could answer that. Chairman Sturgill asked Mr. Andelin what his relationship to the project. Mr. Andelin said he is the son of the property owner and the owner asked him to be the planner on this project. He is not from an engineering company.

**Derritt Kerner – IN FAVOR – 9175 W. Black Eagle Drive Boise ID 83705**

Mr. Kerner is the civil engineer on the project and has been working on it since the beginning. He said the last project went in front of the Hearing Examiner. He worked with staff the first time on the conditional rezone and felt it was a good project. He reviewed the past project and said staff told them they wanted an R-R zone. The property was planned residential on the maps and the roads were going to be connected to the subdivision to the west and the east and then out to the road according to what the Highway District requested. After the denial, they started over again. Mr. Kerner said Black Canyon Irrigation restricts the water rights and will only give a certain amount and reserve the rest for other people. They will have a convenient spot for the bus stop which will be by the mailbox cluster.

**MOTION:** Commissioner Sheets motioned to grant 3 more minutes of testimony to Derritt Kerner, seconded by Commissioner Williamson. Voice vote, motion carried.

Mr. Kerner continued: He said they will be piping in pressurized irrigation with a pump station located in the southwest corner along with direct access to the road for one existing residence. They will provide one driveway/access to the road for rest of the subdivision. He showed the laterals on the map. They would like to relocate one large lateral on the property with Black Canyon Irrigation District's approval and the other straddles the property line. They would like to pipe both. However, the Irrigation District's policy is that although they want the lateral that straddles the property line piped, Mr. Kerner's project



will have to design and pay for 60% of the costs. When the land is developed on the other side, those funds will be used to help pay for the piping of the lateral. He thinks the pivot existed before this owner bought the property. Mr. Kerner said the property owner would sell the property to anyone for a certain price but the decision to develop would generate more revenue than someone using it for Ag would pay. It is steep terrain but the pivot flexes over the terrain. The area with over 15% slope has been blocked out from development.

Commissioner Williamson asked about irrigation rights versus the annual water allotment that can vary according to snowfall and rainfall. There was discussion about the Irrigation District changing the amount of their water rights. Mr. Kerner believes the Irrigation District would take the water rights back for the road acreage. Planning Official Dan Lister clarified that State Law requires them to determine water supply and at the time of platting, they have to show how they are using it or if they are giving it up. Because of the change in land use, the Irrigation District can change the amount of water rights they provide.

**DECLARATION:** Chairman Sturgill asked Commissioner Williamson if he had a relationship with the prior witness (Mr. Kerner). Commissioner Williamson said they were in high school together and they had not spoken for a long time. Commissioner Williamson said they have not spoken about the case and his personal relationship with Mr. Kerner would not influence his ability to make an unbiased decision in this case.

**Jill Jenkins – IN OPPOSITION – 8251 Edna Lane Middleton ID 83644**

Ms. Jenkins is a member of Western Land LLC with her son and owns a small ranch in the northeast corner next to this development. Their small ranch is irrigated with agricultural ground water rights and BCI has an easement through their property for the Willowcreek pump lateral which will be hard piped. They don't have surface water rights from the canal but she said it is necessary to keep the irrigation water running in an open ditch to recharge the ground water which they rely on. The irrigation of this agricultural property of 90 acres also contributes to the recharge of the ground water. She believes the sprinklers running on the individual lots would not be enough to recharge the system. Having groundwater rights allows them to start their irrigation season about a month sooner than the Black Canyon Irrigation ditch users can and she thinks residents may think they can use their household use wells for irrigation further depleting the ground water. She said the Canyon County Commissioners recently asked for a deeper community well in a development south of Lake Lowell because of concerns of groundwater resources and wells drying up. That is a similar story she is hearing regarding other developments around the valley and should be cause for great concern. She is also concerned about cross contamination from the sewer leach fields. She discussed minimum lot size versus average lot size. Ms. Jenkins discussed Middle Creek Elementary school overcrowding and their lack of classroom space. She said the Commissioners were previously notified about the school overcrowding issue. The traffic has also become impossible between Star and Middleton because of all the housing developments with no infrastructure improvements. The developer's family bought the property knowing it was zoned for agricultural use. The reason she and all her neighbors bought their properties was because they were zoned for agricultural use, not rural residential or residential. She said plan growth in areas that have little agricultural uses and are close to infrastructure and city services. Eventually, she said, we will have no more land that is able can sustain or support agricultural uses. Then we will all lose. She also expressed concerns that they have no sidewalks or places for children except the entire back of her property which is a canal easement.

**Allen Colson – IN OPPOSITION – 8802 Purple Sage Road Middleton ID 83644**

Mr. Colson lives in the southwest corner and is not right on the edge of the property. He has been there for 20 years and he stated the pivot was there before he was there. He said it is prime agricultural land and has been farmed every year since he has been there. They grow quite a harvest off of it all the time.



It was his understanding that in the last hearing, the County Commissioners asked for a minimum of 2 acre lots, not an average. During the community meeting, it was brought up if the applicant would increase the lots (size), we might be amenable to it, The applicant said they also could do high density and then what would you get? He felt like that was a threat. Ag land use is a big issue right now. Mr. Colson said you take out these 90 acres and that corn goes to dairies to feed livestock. He raises horses and his 30-foot horse trailer has come close to being hit on Purple Sage Road trying to get into his own driveway because of the traffic that is already there. They are talking about a nice school bus stop for their development; what about the bus stop for his 6 year old who is down the road (from the development)? They did have community meetings but he said they never asked if we were for or against the project. When they claimed there was no opposition, Mr. Colson said they were never asked if they were for or against the project; they just went to the meetings and gathered the information. With regards to the Black Canyon Irrigation District change, he tried to contact the Black Canyon Irrigation District and they would not confirm or deny that the change was resubmitted.

**Debbie Millsaps – IN OPPOSITION – 8770 Purple Sage Road Middleton ID 83644**

Ms. Millsaps lives on the property just west of the line and she wanted to discuss infrastructure. She is also an employee of the school district. She described the overcrowding in the schools and how classrooms have taken over all available space including the staff lounge and the library. The computer teacher and music teacher push carts around because they have lost their rooms to classrooms. She has a microwave in her office so employees can heat up their lunches there. They still don't have another school. She said the statement was if we bring more people in, maybe we will get a bond passed but even if a bond is passed, that is many years out. As the registrar for the school, she knows that many of the families who are coming into the area are from out of state: California, Oregon and Washington. The majority of these homes will be occupied by families with children entering our schools. She said at 134% over capacity now, we don't have the infrastructure to support what we need to provide to the families who are moving here. Ms. Millsaps said the pivot was there before 2001 when she moved into her home. She is also concerned about homes with wells going in by her home; a number of the wells in the area have been re-dug because of the water table.

Commissioner Nevill brought up that a recent school bond measure on the ballot which failed and asked will the school district try again? She believes they will but does not know when. She said local election turnout was very low last time.

**Shannon Colson – IN OPPOSITION – 8802 Purple Sage Road Middleton ID 83644**

Ms. Colson spoke about her daughter having to stand out at the bus stop when it is pitch dark and cars are racing by. She is glad the proposed development will have a safe bus stop; she wishes they did. She said there was discussion about a traffic intersection with a grade of "F"; she assumes that is the intersection of Purple Sage and Lansing Lane. There have been at least 3 fatal accidents at that intersection in the last two years. She said Mr. Andelin said there was a shortage of homes: that morning there were currently 216 homes for sale in Middleton so she didn't see how that was a shortage. She said Ms. Millsaps forgot to mention there is no more library at the elementary school: the library comes around the school on a cart. She didn't think that these would be affordable homes, as homes on 2 acres right now are selling for over a million dollars. There are already a number of empty lots waiting (for development) and are going to end up attending Mill Creek Elementary. She listed some developments in the area that were currently in the process of being developed.

**Derritt Kerner – Applicant (Representative) – REBUTTAL – 9175 W. Black Eagle Drive Boise ID 83705**

Mr. Kerner is the civil engineer on this project. He spoke about open pipe vs. open ditch for the canal. They are required to pipe ditches and he is guessing it is because of less liability and less loss of water. He acknowledged that charging the aquifer is a concern but they want it piped because they don't want to



lose that water. They are not in a nitrate priority area and as long as they can demonstrate wells can be 100 feet apart from neighbors' as well as your own, it is approvable. 2-acre lots are not a problem because there is plenty of room. There will be no sidewalks because people will want the rural feel with a 2-acre lot. He expects people to have enough room on their own with 2-acres and won't want a city park in the subdivision. Most of the lots are 2-acres; the smallest lot is 1.65 acres which is an existing residence. They are above the 2-acre average minimum lot size which is what the code says. Mr. Kerner said they are dedicating 50 feet of right of way to the Highway District. Mr. Kerner said development is the only way the Highway District can get free land dedications. It means the Highway District doesn't have to buy land and it will allow them to build roads wider in the future. He said the Highway District is not planning on building anything in the near future. Bonds need to be passed for schools and that is a bigger issue than one project. The Legislature needs to help out with bonds. He said rural lots are very desirable and are getting harder and harder to find. Cities only have the smaller lots and the only way you can get 1 or 2-acre lot is in the County setting. 2-acre lots are going to cost more than a 1-acre lot. Commissioner Williamson asked about the 40-foot pull out for the bus stop and putting it in a different location. Will there be a sidewalk or an enclosure? Mr. Kerner said right now it is just a large concrete pull out by the mailbox cluster and it works well where they have it. He thinks an enclosure is a good idea. Commissioner Nevill confirmed that the bus stop is going to be inside the subdivision and said most buses will not go inside a subdivision unless some very specific conditions are met. He said the bus is going to want to stop in a pull out on Purple Sage. Mr. Kerner said he will have to work with the school on that issue.

**MOTION:** Commissioner Nevill moved to close public testimony on Case RZ2022-0011 & SD2022-0034 seconded by Commissioner Williamson. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill said he thinks they still have problems with this. He understands that the Board of County Commissioners said come back with a rezone and it might be considered but they aren't bound to that. Commissioner Nevill said with regards to Finding of Fact B: is this a more appropriate use? The folks in the area say no; agriculture is the more appropriate use. Finding of Facts C: is this compatible with the area? Testimony from those in the area say it is not compatible with their lifestyles. Finding of Facts H is a significant one: Essential Services. They received a letter from the Middleton School District saying Mill Creek is over capacity already. He believes this is an okay plan but this development is ahead of its time and other impacted entities aren't ready for this growth. He would say they have to wait. Commissioner Williamson asked Planning Official Dan Lister about Finding of Facts H: to get approval they would have to work with the school district to mitigate the issue; maybe push the school to for bond? How would they phrase that? Planning Official Dan Lister said they would put on the denial to work with that agency to see if they can find a solution or wait for the area to change. Commissioner Williamson said Condition C says other people's lifestyles are impacted but he believes they have to find a balance between what the property owners can do and what the neighbors want. He can see it on the map as a transition area.

Commissioner Nevill said bringing in more people isn't the solution. More expensive homes bring in people without kids in school and they don't pass bonds. Commissioner Williamson agreed with Commissioner Nevill's statements.

Commissioner Sheets brought up Finding of Fact G: traffic impacts to the area. He agrees that Canyon Highway District #4 doesn't require a traffic impact study because of the number of lots but stated that traffic impact fees won't go directly to the deficient intersection in the area. He felt that mitigation is questionable as to when and if it is going to happen. He feels that finding would not be met.

Commissioner Villafana stated he believes it will be inevitable that the surroundings will be residential at some point but the country roads are becoming increasingly dangerous, especially from March to

October when there is a lot of farming is going on. The roads weren't built to handle a lot of traffic. They are narrow. He does feel it is their responsibility to look at that and ask if the infrastructure is there yet and it's absolutely not. He doesn't feel it's right, being in favor of something like this, knowing the current conditions out there. The school is important but the infrastructure can't handle the additional traffic. Commissioner Sheets offered the following changes to gain approval: when the traffic facilities are adequate to handle these impacts and the school facilities are able to accept additional students and not be over capacity.

**MOTION:** Commissioner Williamson moved to deny Case RZ2022-0011, 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: 6 in favor 0 opposed, motion passed.

**MOTION:** Commissioner Nevill moved to deny Case SD2022-0034 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 Williamson. Roll call vote: 6 in favor, 0 opposed, motion passed.

#### **APPROVAL OF MINUTES:**

**MOTION:** Commissioner Nevill moved to approve the minutes from 12/1/2022, seconded by Commissioner Amarel. Voice vote, motion carried.

#### **ELECTION OF PLANNING AND ZONING COMMISSION OFFICERS:**

**MOTION:** Commissioner Nevill nominated Robert Sturgill for Chairman. Chairman Sturgill accepted the nomination. Roll call vote: 6 in favor, 0 in opposition. Chairman Sturgill was voted Commission Chairman.

**MOTION:** Commissioner Williamson nominated himself for Vice Chairman.

**MOTION:** Commissioner Sheets nominated himself for Vice Chairman.

Roll call vote: 4 votes in favor of Commissioner Sheets, 2 votes in favor of Commissioner Williamson. Commissioner Sheets was voted Commission Vice Chairman.

**MOTION:** Commissioner Nevill nominated Commissioner Williamson for Secretary. Commissioner Williamson refused the nomination.

**MOTION:** Commissioner Nevill nominated Commissioner Villafana for Secretary. Commissioner Villafana accepted the nomination.

**MOTION:** Commissioner Williamson nominated Commissioner Amarel for Secretary. Commissioner Amarel refused the nomination.

**MOTION:** Commissioner Sheets nominated Commissioner Nevill for Secretary. Commissioner Nevill refused the nomination.

Roll call vote for Commissioner Villafana as Secretary: 6 in favor, 0 in opposition. Commissioner Villafana was voted Commission Secretary.

#### **DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Planning Official Dan Lister thanked the Commissioners for training suggestions and said they would continue to accept any ideas if the Commissioners had them. There was discussion about the meeting held by the Idaho Department of Water Resources and training items that may come out of that




meeting. There is also a training being planned for the Commission by the Canyon Highway District #4.

**ADJOURNMENT:**

**MOTION:** Commissioner Sheets moved to adjourn, seconded by Commissioner Williamson. Voice vote, motion carried. Hearing adjourned at 10:22 pm.

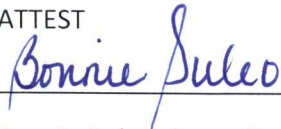
An audio recording is on file in the Development Services Departments' office.

Approved this 2nd day of February, 2023



Brian Sheets, Acting Chairman

ATTEST



Bonnie Puleo, Recording Secretary



February 2, 2022

To: Canyon County Development Services Department  
111 North 11<sup>th</sup> Ave, #310  
Caldwell, ID 83605

From: Michael Rawdan  
1448 Shoreline Dr  
Eagle, ID 83616

RE: Appeal of Finding of Fact, Conclusions of Law, and Order for Rawdan – CU2022-0004

ATT: Canyon County Board of Commissioners

Per the FCO signed on January 19<sup>th</sup> the request for a Conditional Use Permit for a Contractor Shop, Case #CU2022-0004, was denied for two primary reasons:

1. The purposed use was considered injurious to other property in the immediate vicinity and/or negatively change the essential character of the area.
2. The use of a residential access via the cul-de-sac which is not suitable.

These determinations were not based upon the findings and analysis completed and reported on by County Planner, Sammantha Hammond. The Commissions denial of the Conditional Use Permit was based upon the shared testimony that was not reviewed or verified to be true and correct.

Concerning item 1: The purposed use of the property does fit within its current zoning and does not introduce any situations that would be “injurious” to other property in the vicinity that wouldn’t also be present on a property that is solely utilized for domestic purposes. All business activities executed on the property are completed within specified business hours. The primary use for the shop is storage of mechanical equipment for heating and air conditioning. Most of the onsite business presence is office staff and a sheet metal manager. Sheet metal is used for the making of ducts using bending equipment and rivets. To suggest that this property does not match the character of the area would further suggest that individual has not been in the area.

Concerning item 2: Much attention was given to the paved driveway that is accessed using the cul-de-sac as it is currently used for property access. It is true that access point wasn’t reviewed by ACHD. The property does have an adequate access point off Hemlock Way that was reviewed by ACHD and would only require a paved apron. It seems that it would make more sense to provide opportunity for access to be limited to the Hemlock Way access point instead of denying a permit because a paved driveway was used for access.

Thank you for your time and consideration of this appeal. Easy Heating and Air is providing jobs to the community and has been a positive contributor to many in the Hill Creek Community. Their intent is to continue to be a positive presence in the neighborhood and be open to making any reasonable adjustments that would allow their business to operate from this location.

Respectively Submitted,



Michael Rawdan  
Owner, 4541 Hemlock Way, Nampa, Idaho

**Samantha Hammond**

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**From:** Doug Critchfield <critchfieldd@cityofnampa.us>  
**Sent:** Thursday, February 23, 2023 11:53 AM  
**To:** Samantha Hammond  
**Cc:** Rodney Ashby; Caleb Laclair  
**Subject:** [External] RE: [External]Agency Notification CU2022-0004-APL / Michael Rawdan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Samantha – Regarding the appeal for a contractor shop in an “A” Agricultural Zoning District (County). The proposed use is in a Medium Density Residential land use designation in the Nampa Comprehensive Plan’s Future Land Use Map. This land use designation is established for residential development. A provision in the Comprehensive Plan allows for neighborhood commercial development in the Medium Density Residential, but only for neighborhood grocery/convenience stores, medical offices, or other similar neighborhood commercial uses. Nampa Planning and Zoning opposes this appeal.

Thank you - Doug

---

**From:** Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>  
**Sent:** Thursday, February 23, 2023 11:15 AM  
**To:** Robyn Sellers <sellersr@cityofnampa.us>; Caleb Laclair <laclairc@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfieldd@cityofnampa.us>; Nathan Haveman <havemann@cityofnampa.us>; Char Tim <timc@cityofnampa.us>; Cortney Stauffer <cstauffer@nsd131.org>; Darlene Leon <dleon@nsd131.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; Jack Nygaard <jack.nygarrd@phd3.idaho.gov>; johnsonre <johnsonre@nampafire.org>; Ron Johnson <johnsonrl@nampafire.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>; 'TRitthaler@boiseproject.org' <TRitthaler@boiseproject.org>; 'gashley@boiseproject.org' <gashley@boiseproject.org>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; Joe Huff <huffj@cityofnampa.us>  
**Subject:** [External]Agency Notification CU2022-0004-APL / Michael Rawdan

**Caution:** This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using your Phish Button or call the helpdesk at 208-468-5454

Dear Agencies:

Please see the attached agency notice regarding the Board of County Commissioners’ hearing on the appeal of the Planning and Zoning decision on this project. No response is required.

Thank you,

## Samantha Hammond

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**From:** Kevin Werlinger <kwerlinger1@gmail.com>  
**Sent:** Wednesday, March 22, 2023 4:54 PM  
**To:** Samantha Hammond  
**Subject:** Re: [External] Case Number CU2022-0004

Here's an example of what we are putting up, one of easys employee just flipped me off while I was pushing a wheelbarrow in my front yard



Mach 20, 2023

Board Of Canyon County Commissioners

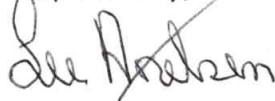
Case # CU2202-0004-APL

My name is Lee Axelsen and I live at 4640 Hemlock Way, directly across the street from Michael Rawdans property a 4541 Hemlock Way. It is my understanding that he is seeking a permit to build a shop on his property. Case #CU2022-004-APL. It is my opinion that this permit should be granted. He has been an excellent neighbor. I have never had a problem with traffic, noise, clutter or any other activity on the property. There is a 6 ft. high privacy fence around his property which is respectful to the neighborhood. Also there are other shops nearby that were granted permits.

I respectfully request that you carefully consider Mr. Rawdans request and grant him a permit to construct his shop.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Lee Axelsen", written over a light blue horizontal line.

Lee Axelsen

## Samantha Hammond

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**From:** Tim Cadwell <cadwellt@slhs.org>  
**Sent:** Friday, March 31, 2023 3:30 PM  
**To:** Samantha Hammond  
**Subject:** RE: [External] Case # CU2022-0004-APL

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Samantha,

Thank you for your response. Below are my concerns/questions regarding Michael Rawdan's conditional use request CU2022-0004-APL. I have a feeling you already know there are a few other home businesses within our residential neighborhood and for the record, I have no qualms with them what-so-ever. Actually, on my cull-d-sac there are three home businesses and I have no complaints at all with how they operate, but Mr. Rawdan's venture is a little bit different.

1. No one resides at the home on this property. A home business is just that, you operate out of your home. The property in question is a residential dwelling turned into a commercial business. This area is residential. I would prefer not set a precedent of allowing industrial businesses to randomly come into our neighborhood, buy a residential property, and then open shop. Even offering business hours of 8-5 and to throw out trash in the afternoon still degrades the residential atmosphere. Besides, many people are home during the day as we no longer live in an 8-5 world. As a quick example, there are four retired, one schoolteacher, two stay at home moms, and myself who works 0630-3 that live close to his property. Offering to have vehicle activity, onsite work, and employees from only 8-5 Mon-Fri has no basis.
2. He is requesting a permit for a contractor shop but mentions it is to store machinery. Based on his business model and the fact that he states he will have a sheet metal manager onsite from 8-5 Mon-Fri leads me to suspect that this shop and equipment will be used as a sheet metal fabrication facility for heating and air conditioning. His neighbors, my neighbors, have already mentioned to me the amount of debris and noise coming from the other side of their fences. If this shop will be doing increased fabrication, I suspect the amount of noise will increase thus affecting those of us who live around the property.
3. In his response for appeal, Mr. Rawdan makes a point that his property is no more "injurious" than a residential property. Possibly true, yet as an example of risk, there is a large waste sheet metal dumpster with debris around it sitting along Hemlock Ct which may become too inviting for one of the children in the subdivision. It is not enclosed. This could be an area of concern and liability. The increased truck and trailer traffic also increases risk of injury in a residential area. Again, these are narrow streets without sidewalks and in a couple of months it's summer break and all those kids are home from school.
4. The shop in question was already there when the prior owner put the property up for sale. It was more of a large open two-bay car port. Since moving in Mr. Rawdan has enclosed the carport and added a roll up door and regular access door. It appeared that they were using it for storage but now that he has enclosed the structure and is asking for a conditional use permit it makes me suspicious that this building will be used as a fabrication facility, which I do not agree with.
5. Over a short period of time this business as noticeable grown. His application shows an ample area for all his equipment/supplies along with employee parking, but I've been told that they are now renting additional space within our neighborhood to accommodate all his assets. This lot is directly north of his property across the street, Hemlock Way, from where he has an entrance into his property. I believe this is why we no longer have employee cars parked along Hemlock. I have a suspicion that someone talked to him because these cars, particularly trucks, were sticking out into the roadway. Lately this has resolved. But the increased need for

space could be construed as a sign of growth which, as a home business, should be confined to the property where the business owner lives.

Now to be proactive, here are some suggestions:

1. Maintain the fence around entire property and keep all gates closed and waste dumpsters out of sight.
2. Continue to provide ample parking for his employees.
3. Ensure that the residential atmosphere is maintained and noise levels to do not interfere with the activities and lives of Mr. Rawdan's neighbors. Even during the hours of 8:00 to 5:00pm.
4. Be a good neighbor by being tidy and ensuring his waste does not end up on someone else's property.
5. Finally, the owner should be residing on the property to qualify as a home business.

To summarize Samantha, I am concerned about a growing commercial business right in the middle of my neighborhood. Not a home business, an actually heating and air conditioning facility. If the owner were living there, working for themselves, and maintaining a residential atmosphere, I would not have a care and you and I would not be communicating. But this not that situation. I feel Mr. Rawdan may have outgrown his house and should consider a more appropriate location. Thank you for the opportunity to voice my concerns. If you have any questions please feel free to reach out.

Thank you,  
Tim Cadwell  
208-869-8757  
16562 Hemlock Ct  
Nampa, ID 83687

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Tim,

Emailing me is perfect, any format is acceptable as well!

Let me know if I can help in any way.

Thank you,

***Samantha Hammond, M.P.A***  
Canyon County Planner I  
[Samantha.Hammond@canyoncounty.id.gov](mailto:Samantha.Hammond@canyoncounty.id.gov)  
(208)455-6039  
Monday, Tuesday, Thursday and Friday  
8am – 5pm  
Wednesday  
1pm – 5pm  
\*\*We will not be closed during lunch hour \*\*

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**From:** Tim Cadwell <[cadwellt@slhs.org](mailto:cadwellt@slhs.org)>  
**Sent:** Thursday, March 30, 2023 12:47 PM



Jaymie Lint  
4559 Hemlock Way  
Nampa ID 83687

March 28, 2023

CANYON COUNTY, BOARD OF COUNTY COMMISSIONERS  
1115 Albany St. Caldwell, ID 83605

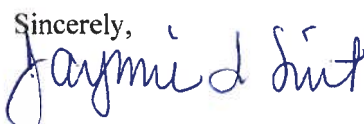
RE: Resident testimony on Case No.: CU 2022-0004-APL, Applicant: Mr. Michael Rawden, Parcel No. R22694, 4541 Hemlock Way, Nampa ID 83687.

COMMISSIONERS, fellow residents and to whom it may concern,

I make my voice heard as a vote of no for the construction of a contractor's shop within the residential neighborhood and I hope Mr. Rawden bears no hard feelings after hearing my reasons. We live in the same neighborhood, and I want to see him succeed, just not at the expense of the neighborhood.

- 1) The parcel is zoned residential, look at the parcel number "R". Despite the commissions notification stating that the property is zones "A" (Agricultural), the Parcel No. R22694 clearly indicates that the County intended that the parcel be rezoned and WAS APPROVED as a RESIDENTIAL parcel at the time the application was made for the right to place a home on the parcel, therefore; the property is residential.
- 2) The property is located in a quiet residential neighborhood. With the construction of a contractor's shop, the safety and quietness of the neighborhood will be compromised with increased traffic and noise.
- 3) As a parent and grandparent, I am very concerned about the safety of the children and people who daily walk on the roads in our neighborhoods. Having increased traffic and large trucks rumbling in and out daily could lead to accidents and we all know that little children don't have safety awareness to watch out for moving vehicles.
- 4) I was never asked by Mr. Rawden my opinion about him putting up a contractor's shop. I am concerned that there will be a lot of vehicles parked around blocking the roads and traffic disrupting the neighborhood.
- 5) The parcel may be listed as "A" Agricultural, but the parcel has not been used for any commercial agricultural purposes for over twenty years. In fact; the parcel has been residential for over twenty years. Why hasn't the commission changed the zoning to Residential?

Thank you for taking the time to read my letter of concerns.

Sincerely,  
  
Jaymie Lint

Gary Kendall  
4559 Hemlock Way  
Nampa, Idaho 83687

03/28/2023 Pg. 1 of 1

CANYON COUNTY, BOARD OF COUNTY COMMISSIONERS  
1115 Albany St., Caldwell, ID 83605

RE: Resident Testimony on Case No.: CU2022-0004-APL, Applicant: Mr. Michael Rawden,  
Parcel No." R22694, 4541 Hemlock Way, Nampa, ID.

COMMISSIONERS, fellow Residents, and Whom it May Concern:

My response is that there SHALL NOT BE any commercial or "contractor shop" within this residential neighborhood. My apologies to Mr. Rawden, whom I hope can understand when he hears my reasoning.

1st.: The parcel is zoned "Residential", look at the parcel number = "R...". Despite the commissions' notification stating that the property is zoned "A" (Agricultural), the Parcel No.: R22694 clearly indicates that the County intended that the parcel be rezoned AND WAS APPROVED as a RESIDENTIAL parcel at the time the application was made for the right to place a home on the parcel, therefore; the property is residential – period.

2<sup>nd</sup>.: The property is situated in a quiet residential neighborhood. A "contractor shop" will destroy the residential quiet and peace of the neighborhood. Which is why a county applies "Residential" zoning as opposed to making everything "Commercial" or otherwise – to segregate to noise and traffic load away from homes as much as possible.

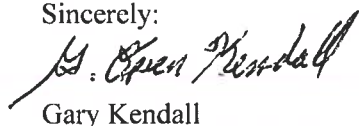
3rd.: To access a "contractor shop" mid to heavy weight commercial trucks will be commuting Hemlock Way (and adjacent streets) from Star Rd. to the shop, dramatically increasing traffic noise and damage to a road that was constructed to be a residential access road. In addition, should at any time there be more trucks than Mr. Rawden supplies parking spaces, there will be overflow blocking the roadways. Is the county willing to place into writing a contract to immediately repair any damage to the streets?

4<sup>th</sup>.: This permit request by Mr. Rawden brings forth the question: Why didn't the County, when it issued the Residential permit on that parcel, complete it's responsibilities and change the zoning listing of the property to "Residential"? Why didn't the County match that one property's zoning to that of ALL the other properties on this Cul de Sac? Could it be that some one was unlawfully MORE entitled than the rest of the property owners or residents on this Cul de Sac?

5th.: The parcel may be listed as "A" Agricultural, but; the parcel has not been used for any commercial agricultural purpose for over twenty years, in fact; the parcel has been Residential for over twenty years! Why hasn't the zoning been changed to Residential?

6<sup>th</sup>.: Do we residents need to instigate an investigation of the County's handling of this Hemlock Way Cul de Sac on such issues as: A. Why the County refuses to remove snow from this one Cul de Sac while it does so for the adjacent Cul de Sacs off Hemlock Way. B. Why the County refuses to place a street name sign so that deliverers and emergency responders can find it faster. And C. Why the County refused to change the listed property's zoning to Residential when it issued the Residential zoning permit to authorize the building of a home, and; when the size of the parcel reduced to less than could be used for Commercial Agriculture.

Sincerely:

  
Gary Kendall

RECEIVED  
▶ MAR 24 2023 ↓  
RECEIVED

March 21, 2023

Canyon County Commissioners,

I am writing this letter concerning Case No. CU2022-0004-APL. As a resident of the Hillcreek Subdivision for the last 41 years, I am in opposition to the granting of a conditional use permit to Michael Rawdan for the purpose of a contractor shop on parcel R22694. A commercial business has no place in this subdivision Zoned Agricultural. Hemlock Way has no sidewalk, and all activities, be they walking, jogging, biking, and even playing, take place on this street that is fairly narrow.

The various trucks, vans, and larger trucks associated with this commercial enterprise ignore the 20-mph speed limit. The drivers go as fast as they please.

If this request is granted their traffic will get worse as their supplier's vehicles will join them in the increase of commercial vehicles on the road, which will make the road an extremely dangerous place. The incessant noise of said vehicles intrudes on this quiet area.

Another concern is what other activities will this person attempt without proper permits, as they have shown, unless they are caught. I am sure the rent is considerably less than a commercial property of equal size, which has made this lot so attractive to them. I wonder if the absentee property owner is aware of this use of a residential dwelling.

In conclusion I have but one thing to say, no, to any commercial use of property in the Hillcreek Subdivision.

Thank you,



Andre S Zivkovic



Date: March 21,2023

Re: CU2022-0004-APL

RECEIVED  
▶ MAR 24 2023 ◀  
RECEIVED

To Whom It May Concern: Applicant Michael Rawdan is requesting a conditionals use permit to allow a contractor shop on parcel R22694.

We are residents of this community and we strongly oppose to allowing this contractor shop in our community.

A primary concern is the amount of vehicles that speed through the roads on a daily bases. The community is home to Seniors, children and to pets. There are no side walks in this community, so resident use the road to walk on. Adding more vehicles to the already busy road will be creating an unsafe environment for the residents of this community.

Mr. & Mrs. Robert Crispelle

16618 Mahogany Dr.

Nampa, ID. 83687

Testimony for County Commissioners Meeting on May 16, 2023  
**Case No.: CU2022-0004-APL**

Name: David Dieffenbach

Address: 4553 Hemlock Way, Hill Creek Subdivision

I live in Hill Creek subdivision. **Hill Creek subdivision is a residential subdivision** consisting of 80 homes. These 80 homes are designed for use as single family residences and every one of these residences (except the one) are occupied by families, many with children. These families appreciate having a quiet neighborhood to live in and to raise their children.

There are a few home businesses (as allowed by zoning code) in the subdivision. These small home businesses are owned and operated by the owner of the residence who lives in the residence with their family. They use their personal truck and may have one trailer. These residences are being used for their intended purpose, as single-family residences.

Easy Heating and Air has moved in and rented the residential property at 4541 Hemlock Way in Hill Creek subdivision. The property is now used 100% for their business operation; no one lives in the residence. The living room is used for office administration desks and the bed rooms for other offices. This business consists of 10 people: the owner and 9 employees which greatly exceeds the number of employees for a home business per the zoning code. In addition, this business has 3 company trucks, 3 company trailers, a company van and one company car (all identified by their company art/logo). This family residence is not being used as residence; no one lives there. The property is not being used for its' "intended use" as stated in the zoning code and does not belong in a residential subdivision.

In addition, Easy Heating and Air wants to expand their business to an additional location in the subdivision which is definitely not acceptable for our residential subdivision.

This business is way to large for a residential subdivision. Due to its' large size ( nonconformity to zoning codes) and the residence not being used as a residence ( nonconformity to zoning code) this business should NOT be located in a residential subdivision; It should be located in a business district ( like other similar businesses). Please support the county's zoning codes for Hill Creek subdivision and deny this conditional use.

The residents of Hill Creek subdivision do not want light industrial businesses in out subdivision. Please see the attached neighborhood petition **against** permitting the contractor shop conditional use.

Thanks  
David Dieffenbach  
Resident of Hill Creek Subdivision

# Petition Against the Approval of a Contractor Shop at 4541 Hemlock Way , Hill Creek Subdivision

Date: April 2023

**Subject: Case No.:** CU2022-0004-APL, proposed Contractor Shop

The following residential home owners of Hill Creek subdivision (a portion of NW1/4 of Section 8, T3N, R1W, Canyon County) disapprove allowing a contractor shop in our residential subdivision.

## Home Owners:

Name	Address
David Dieffenbach	4553 Hemlock Way
David Dieffenbach	208 440-2284
Kevin Werling	4573 Hemlock way
Kevin Werling	
Kraig Wortman	4668 Hemlock way
Kraig Wortman	
Trina Patterson	4545 Hemlock way
Trina Patterson	
Mike Cloyer	4847 Hemlock way
Mike Cloyer	
JAMILYN BARRETT	16539 MANOGANY DRIVE
Jamilyn Barrett	
Sharon L Williams	16582 Manogany Dr.
Sharon L Williams	
HUGHLYN H ANDERSON	16589 MANOGANY DR
Hughlyn H Anderson	
Angie S. Zirkovic	16560 Manogany Dr.
Angie S. Zirkovic	
VICKIE KERSTEN	4893 Hemlock Way
Vickie Kersten	
Vickie Kersten	16526 manogany dr
Vickie Kersten	



## Home Owners cont.:

	Name	Address
12	Jessica Glover <del>Jessie Glover</del>	16547 Mahogany Dr Nampa ID 83687
13	Carol Lewis <del>Carol Lewis</del>	4926 Hemlock Nampa Id.
14	Margaret Sedlacek <del>Margaret Sedlacek</del>	16450 Star Rd Nampa Id
15	Shawn Bell <del>Shawn Bell</del>	4921 Hemlock Way Nampa ID 83683
16	Scarlette Bessen <del>Scarlette Bessen</del>	4822 Hemlock Way Nampa ID 83687
17	William Ford <del>William Ford</del>	4851 Hemlock Way Nampa, ID 83687
18	Larry E. Bennett <del>Larry E. Bennett</del>	4848 Hemlock Way Nampa, Id. 83687
19	Shelly Casillas - Grady <del>Shelly Casillas - Grady</del>	4891 Hemlock Way Nampa, ID 83687
20	ROBERT CRISPELL <del>Robert Crispell</del>	16618 MAHOGANY DR. 83687 CELL HOME 208-369-8732
21	Tony Ropelato <del>Tony Ropelato</del>	4640 Heath Way Nampa Idaho 83687
22	Richard Dyer <del>Richard Dyer</del>	4658 Heath Way Nampa Idaho 83687
23	Ken Walsh <del>Ken Walsh</del>	4657 Heath Way Nampa ID 83687.
24	Angel Wofford <del>Angel Wofford</del>	4750 Heath Way Nampa Id 83687
25	Dan Higgs <del>Dan Higgs</del>	4795 Heath Way

## Home Owners cont.:

Name

Address

26	Kirby White	16588 Hemlock Ct.
27	Shari Glat	4557 Hemlock Way
28	Debra Dilworth	16600 Mulberry Ln
29	Remond Geller	4599 Hemlock Way
30	Caroline Chavez	4955 Heath Way
31	Caroline Chavez	4955 Heath Way
32	Diane E. Clark	4911 Heath Way
33	Emma Ruschman	4910 Heath Way
34	MANDY CALDEIRA	4829 HEATH WAY, 83687
35	Sharon Waymont	4845 Heath Way
36	Wayne Albright	4830 HEATH WAY
37	GREG Cervenka	4857 HEATH WAY
38	Christine Johnson	4858 Heath Way
39	Christine Johnson	Nampa Idaho 83687
		4846 HEATH WAY Nampa

### Home Owners cont.:

[illegible]





**R22694****PARCEL INFORMATION REPORT**

5/5/2023 10:09:01 AM

**PARCEL NUMBER: R22694****OWNER NAME: RAWDAN MICHAEL****CO-OWNER:****MAILING ADDRESS: 201 FAIRVIEW LN CASCADE ID 83611****SITE ADDRESS: 4541 HEMLOCK WAY****TAX CODE: 0090000****TWP: 3N RNG: 1W SEC: 08 QUARTER: NW****ACRES: 0.61****HOME OWNERS EXEMPTION: No****AG-EXEMPT: No****DRAIN DISTRICT: NOT In Drain Dist****ZONING DESCRIPTION: AG / AGRICULTURAL****HIGHWAY DISTRICT: NAMPA HWY DIST****FIRE DISTRICT: NAMPA FIRE****SCHOOL DISTRICT: WEST ADA SCHOOL DISTRICT****IMPACT AREA: NAMPA****FUTURE LAND USE 2011-2022 : AG****FLU Overlay Zone Desc 2030:****FLU RR Zone Desc 2030:****FUTURE LAND USE 2030: AG****IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL****FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0401F****WETLAND: NOT In WETLAND****NITRATE PRIORITY: NO Nitrate Prio****FUNCTIONAL Classification: NOT In COLLECTOR****INSTRUMENT NO. : 2022035381****SCENIC BYWAY: NOT In Scenic Byway****LEGAL DESCRIPTION: 08-3N-1W NW HILL CREEK SUB LOT 29 BLK 1****PLATTED SUBDIVISION: HILL CREEK SUB****SMALL CITY ZONING:****SMALL CITY ZONING TYPE:****DISCLAIMER:**

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS, POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



**Board of County Commissioners**  
**Rawdan – CU2022-0004 - APL**  
Development Services Department

**Findings of Fact, Conclusions of Law, and Order**  
Conditional Use Permit - Appeal

**Findings of Fact**

1. The applicant, Chris Carpenter, representing Michael Rawdan/Easy Heating and Air, is appealing a Planning & Zoning Commission's decision regarding the denial of Case CU2022-0004, a conditional use permit to allow a Contractor Shop within an "A" (Agricultural) Zoning District on parcel R22694. The property is located at 4541 Hemlock Way, Nampa, Idaho; also referenced as a portion of the NW¼ of Section 8, T3N, R1W, Canyon County, Idaho.
2. The Planning and Zoning Commission denied Case CU2022-0004 on January 5, 2022 (Exhibit 2 & 3). The Planning and Zoning Commission signed Findings of Fact, Conclusions of Law, and Order on January 19, 2023.
3. The subject property is designated as "Agricultural" in the 2020 Canyon County Comprehensive Plan (Exhibit 1, Attachment 6iv).
4. The subject parcel is located within the Nampa Area of City Impact and is designated as "Medium-Density Residential" (Exhibit 1, Attachment 6v and Exhibit 5, Attachment 1).
5. The application was noticed in accordance with Canyon County Code §07-05-01. Property owners were noticed on March 10, 2023. Affected agencies and the City of Nampa were noticed on February 23, 2023. Legal noticing was published on March 10, 2023. A notice was posted on the subject property on March 17, 2023.
6. All recorded herein consists of exhibits provided in the public hearing staff report, testimony and exhibits provided during the public hearing on May 16, 2023 and all information in case file CU2022-0004-APL.

**Conclusions of Law**

For this request, the Board of County Commissioners agrees with the Planning and Zoning Commission's findings and conclusions per the Standards of Review for Conditional Use Permit (CCZO §07-07-05):

**1. Is the proposed use permitted in the zone by conditional use permit?**

The parcel is zoned "A" (Agricultural). Pursuant to CCZO §07-10-27, a contractor shop is allowed in an "A" Zone subject to a conditional use permit. Per CCZO Section 07-02-03, A contractor's shop is defined as *"May include, but not be limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking."*

The applicants submitted a conditional use permit application on February 2, 2022, in accordance with CCZO §07-07-03. Upon denial by the Planning and Zoning Commission on January 19, 2023, the applicant submitted an appeal of the decision per CCZO Section 07-05-05 on February 3, 2023.

**2. What is the nature of the request?**

According to the applicant's letter of intent (Exhibit 1, Attachment 3), the operation will be Monday-Friday from 8:00 a.m. to 5:00 p.m. with company vehicle parking to be utilized after hours and on the weekends. The approximate 22' x 45' shop will hold all other equipment needed by the company, and all work shall be conducted within the shop. There will be a main office located within the residence



that will have one (1) to five (5) employees daily, the entire property is enclosed by a six-foot privacy fence to create a barrier between the contractor shop and the surrounding properties.

The following conditions were considered by the Planning and Zoning Commission on January 19, 2023:

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property, including the following:
  - a. Prior to the commencement of use, an approach permit is required from Nampa Highway District #1.
2. The applicant must apply with the Canyon County Development Services Building Department for a change of use occupancy and meet all requirements placed by the Building Official in compliance with the Canyon County Building Code.
3. The use shall be in substantial compliance with the letter of intent and site plan provided by the applicant (Attachment A) subject to the following restrictions:
  - a. Hours of operation shall not exceed 8:00 am to 5:00 pm, Monday through Friday. Employees working on-site daily shall not exceed five. All employee vehicles shall be parked on-site. Employee parking is prohibited on the public right-of-way
  - b. All vehicles and equipment shall be parked within the existing shop or enclosed by sight-obscuring fencing. Employee parking shall be located behind existing structures, landscaping, and/or fencing.
  - c. Structures and fences shall be maintained in good repair. Equipment, weeds, and trash shall be maintained to not become a public nuisance (Canyon County Code §02-01-05).
  - d. All exterior lighting shall be downward facing and directed away from adjacent properties.
4. Any expansion or modification of the approved use shall require approval through a conditional use permit modification.
5. This permit shall not be transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission.
6. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: “When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
7. Any major changes in the proposed plan must get Fire District Approval from the Nampa Fire Department.

On February 3, 2023, the applicant submitted an appeal of the denial by the Planning and Zoning Commission regarding the request. The letter of appeal (Exhibit 4) states the denial was based on testimony that was not reviewed or verified to be true. The applicant believes the contractor shop including fabrication is not injurious to the character of the area, and that conditions of approval can restrict access to Hemlock Way addressing traffic issues.

### **3. Is the proposed use consistent with the Comprehensive Plan?**

The subject property is designated as “agricultural” on the future land use plan within the 2020 Canyon County Comprehensive Plan. The request is generally consistent with the following policies and goals of the Comprehensive Plan:

#### Chapter 1. Property Rights:

- Policy 1. No person shall be deprived of private property without due process of law.
  - o CU2022-0004 was heard and noticed in accordance with CCZO Chapter 7, Article 5 (Noticing, Hearing, and Appeal Procedures) and Chapter 1, Article 17 of the Canyon County Code (Land Use/Land Division Hearing Procedures).
  - o CU2022-0004-APL was heard and noticed in accordance with CCZO Chapter 7, Article 5 (Noticing, Hearing, and Appeal Procedures) and Chapter 1, Article 17 of the Canyon County Code (Land Use/Land Division Hearing Procedures).

#### Chapter 2. Population:

- Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.
  - o See Applicant's Letter of Intent (Exhibit 1, Attachment 3 & 4) and Letter of Appeal (Exhibit 4).

#### Chapter 4. Economic Development:

- Goal 3. Create new jobs that are sustainable and lasting.
- Goal 4. Provide an economically viable environment that builds and maintains a diverse base of business.
- Policy 2. Support existing business and industry in the county.
  - o See Applicant's Letter of Intent (Exhibit 1, Attachment 3 & 4) and Letter of Appeal (Exhibit 4).

#### Chapter 5. Land Use:

- Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.
- Policy 3. Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential, and industrial zoning districts to help attract development.
  - o See Applicant's Letter of Intent (Exhibit 1, Attachment 3 & 4) and Letter of Appeal (Exhibit 4).

However, after the review of all information and testimony, the Board finds the request is not in general conformance 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.
  - o The proposed use has been in violation since March 2021 (CDEF2021-0022).
  - o Letters of opposition (Exhibits 6, Attachment 1, 3-8), petitions (Exhibit 6, Attachment 9), and testimony (Exhibit 3) demonstrate the use creates impactful noise and traffic incompatible with the residential character of the subdivision.

#### Chapter 4. Economic Development:

- Policy 6. Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.
  - o Letters of opposition (Exhibits 6, Attachment 1,3-8), petitions (Exhibit 6, Attachment 9), and testimony (Exhibit 3) demonstrate the use creates impactful noise and traffic incompatible with the residential character of the subdivision.

#### Chapter 5. Land Use:

- Policy 1. Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
- Residential 1. Encourage residential development in areas where agricultural uses are not viable.
- Commercial and Industrial 1. Encourage commercial and industrial development where there is adequate access to the following services, if applicable: a. sufficient water; b. a system to discharge used water; c. power; d. transportation.
- Commercial and Industrial 2. Encourage industrial development that minimizes adverse impacts on adjacent non-industrial land uses.
- Commercial and Industrial 3. Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure, and with approval from the appropriate regulatory agencies concerning sewer and water.
  - o Letters of opposition (Exhibits 6, Attachment 1,3-8), petitions (Exhibit 6, Attachment 9), and testimony (Exhibit 3) demonstrate the use creates impactful noise and traffic incompatible with the residential character of the subdivision.
  - o The City of Nampa provided a comment letter requesting that the contractor shop use be denied, thus supporting the Planning and Zoning Commissioner's decision (Exhibit 5, Attachment 1). The subject parcel is located within the Nampa Area of City Impact and designated as "Medium-Density Residential".

#### **4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

The property is located within the Hill Creek Subdivision, a residential subdivision. Hill Creek Subdivision was approved in 1973 prior to the 1979 Zoning Ordinance; therefore, the property is zoned "A" (Agricultural, Exhibit In Attachment 6iii). The primary use is residential with smaller lot sizes (0.81 average lot size, Exhibit 1, Attachment 6vi). The contractor shop/fabrication use has been in violation since March 2021 (CDEF2021-0022).

The property is also very close to city limits and within the City of Nampa City Impact Area. The subject parcel is located within the Nampa Area of City Impact and designated as "Medium-Density Residential". For the initial application, the City of Nampa was noticed and did not provide a comment on this application. Notice sent, November 22, 2022, per Canyon County Code §09-11-25(5). On February 23, 2023, the City of Nampa provided a comment letter requesting that the contractor shop use be denied, thus supporting the Planning and Zoning Commissioner's decision (Exhibit 5, Attachment 1)

The proposed request is injurious to other property owners and the character of the neighborhood. Although the property is zoned "A" (Agricultural), it is located within an established residential subdivision that has been in residential use since 1973 (Exhibit 1, Attachment 6vi). Letters of opposition (Exhibits 6, Attachment 1,3-8), petitions (Exhibit 6, Attachment 9), and testimony (Exhibit 3) demonstrate the use creates impactful noise and traffic incompatible with the residential character of the subdivision.

#### **5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?**

The property has an existing septic system and well that will be utilized inside the home for those employees, but there will be no water or sewer connections within the shop. Nampa's City Services are not available to the property. Southwest District Health does not oppose the proposed use as long



as additional sewage or pressurized irrigation within the shop connects to city services or conducts an on-site evaluation to determine suitability (Exhibit 1, Attachment 7ii).

**6. Does legal access to the subject property for the development exist or will it exist at the time of development?**

The property has access to Hemlock Way, a Rural Local Roadway. The applicant will require a Commercial Access approach permit from Nampa Highway District #1 which will include a paved apron on the existing access point (Exhibit 1, Attachment 7i). However, the applicant has been accessing the property via the cul-de-sac which is injurious to the neighboring property (Exhibit 6). This entrance is the residential driveway for residential use of the property and has not been reviewed or approved by Nampa Highway District #1.

**7. Will there be undue interference with existing or future traffic patterns?**

The property has access to Hemlock Way which is classified as Rural Local Roadway per the Nampa Highway District #1 (Exhibit 1, Attachment 7i). However, the applicant has residential access to the property via the cul-de-sac which is injurious to the neighboring property (Exhibit 6). This access point was not clear in the application and was not reviewed by the Highway District.

**8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

The property is served by the Nampa Fire Protection District (Exhibit 1, Attachment 7iii). The request is approximately 3.5 miles from Nampa's Fire Station with an approximate response time of 8 minutes. The request will not create an increased personnel demand.

Essential services such as the County Sheriff, County Paramedics/EMT, Nampa Police Department, Boise Project Board of Control, and Nampa School District were notified initially on November 22, 2022, and again for the appeal on February 23, 2023. No comments were received. Therefore, the use is not anticipated to impact essential services.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **deny** the appeal approving the Planning and Zoning Commission's **denial** of Case #CU2022-0004, a Conditional Use Permit for a Contractor Shop for Parcel No. R22694.

Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

1. Relocate the business to a more compatible location such as commercial or industrial.

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before 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: \_\_\_\_\_

# **RAWDAN APPEAL: CUP CU2022-0004-APL**

**Board of County Commissioners  
May 16, 2023**



# OVERVIEW:

- Request
- Property Location /History
- Site Photos
- Planning and Zoning  
Commission Decision
- Comments Received
- Comp. Plan Alignment
- Board's Decision Options





# REQUEST:

- The applicant, Michael Rawdan, is requesting a Conditional Use Permit to allow a Contractor Shop for the HAVC Business , Easy Heating and Air.
- The Proposal includes:
  - Monday-Friday, 8:00 a.m. to 5:00 p.m.
  - Storage for Materials & Parts
  - Light fabrication (ducts)
  - Offices for Admin Staff
  - Parking for daily Employees and off-duty vehicles.
  - Location for Trash Collection
  - There is a 6ft fence surrounding the property enclosing the parked vehicles and shop.



# PROPERTY LOCATION/HISTORY

Exhibit 9

Hemlock Way

R22689

R22694

R22695

3N1W08



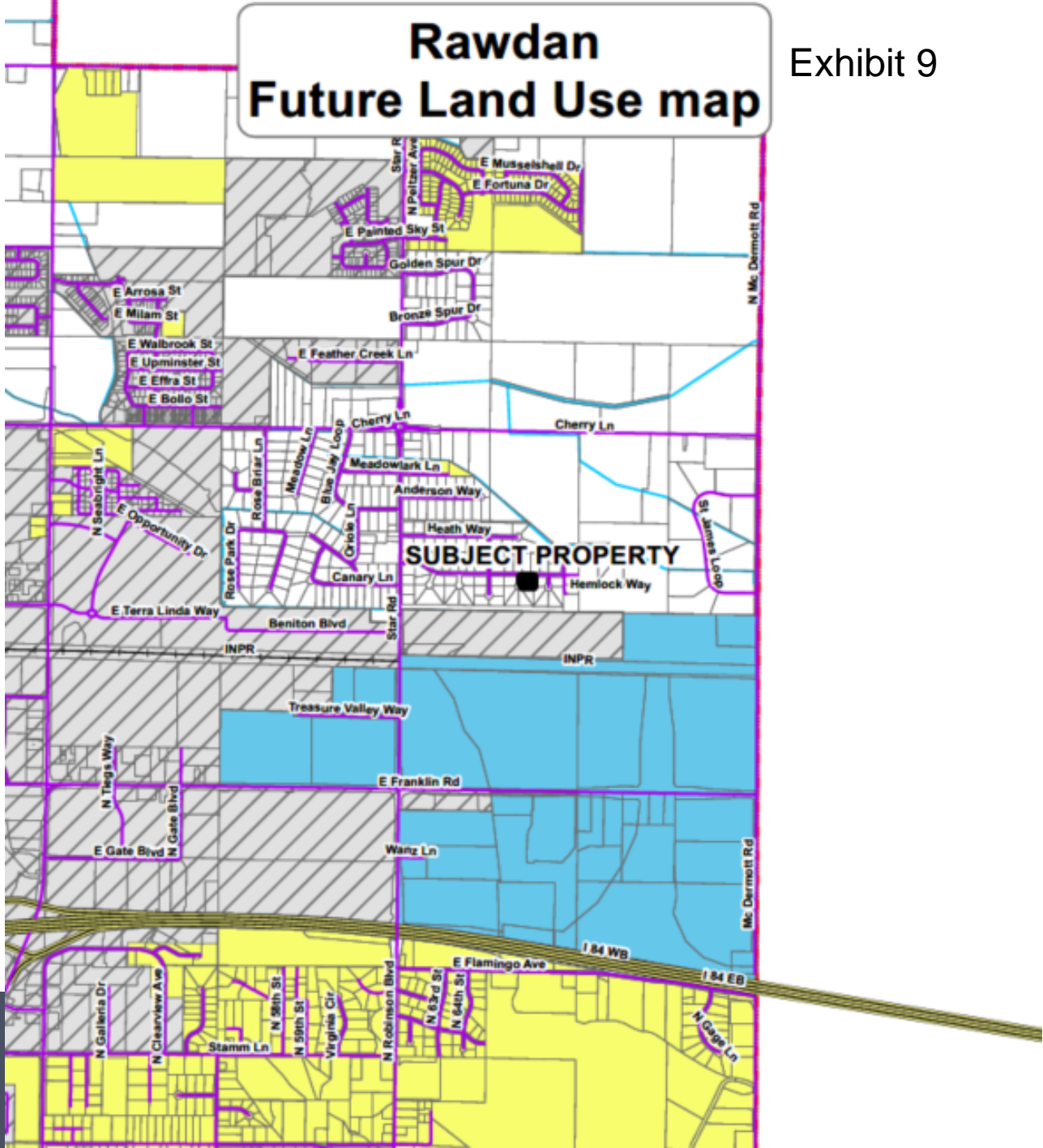
# FUTURE LAND USE

The future land use designation in the Canyon County 2020 Comprehensive Plan is “Agricultural”.

## Legend

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- Scenic\_Byway

## Rawdan Future Land Use map



# CITY OF NAMPA LAND USE

- This property is within close proximity to the City of Nampa city limits, and is within the Area of City Impact.
- The Future Land Use Designation from Nampa is: **Medium Density Residential**

## NampaCompPlan

- Agricultural
- Airport
- Commercial
- Downtown
- Education, Public Administration, Healthcare and Other Institutions

- Industrial
- Parks
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Residential Mixed Use
- Community Mixed Use

Exhibit 9

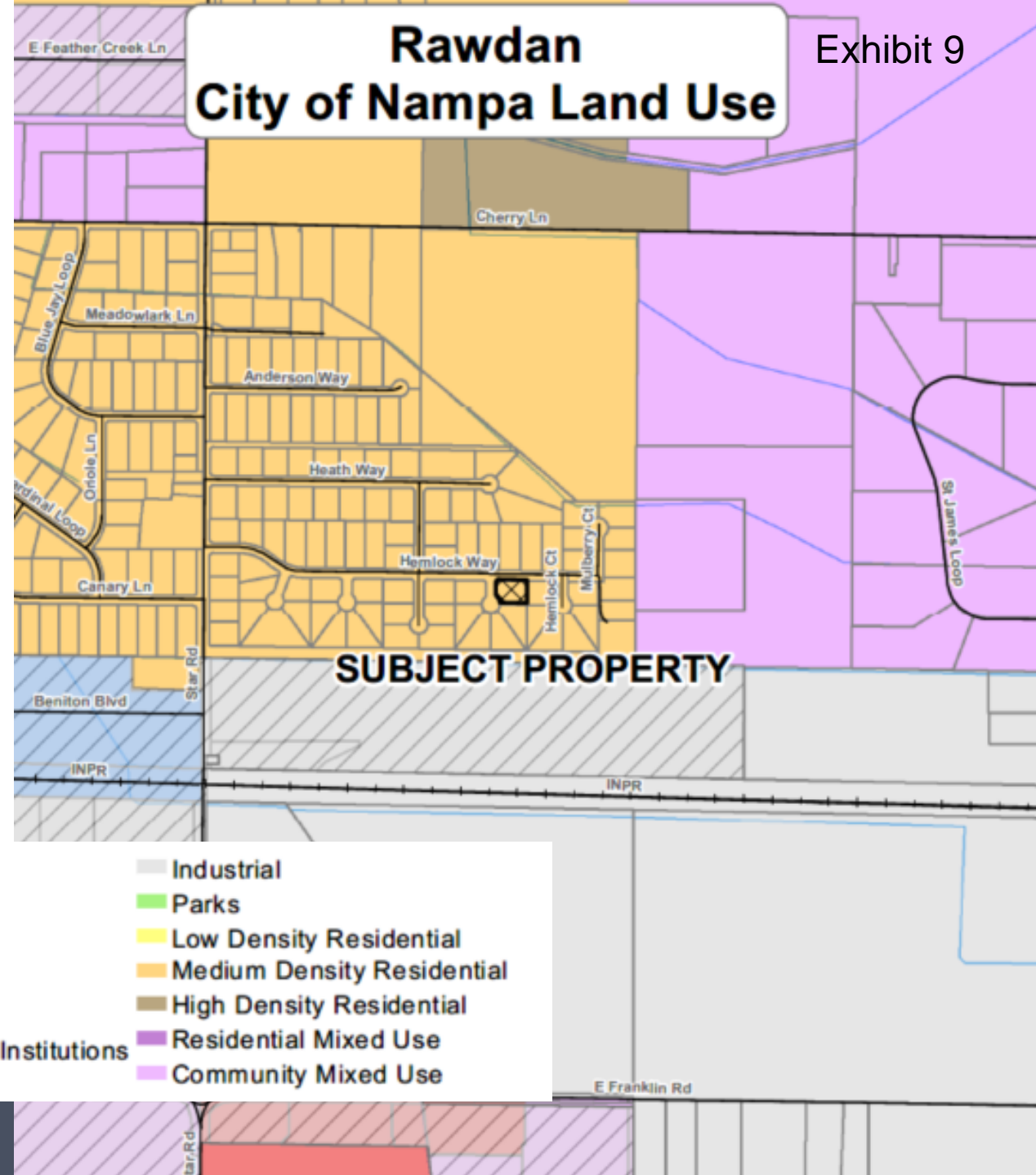




Exhibit 9





Exhibit 9









Exhibit 9













Exhibit 9





# HEARING CRITERIA - CUP :

- (1) Is the proposed use permitted in the zone by conditional use permit;
- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?



# PLANNING AND ZONING DECISION

Exhibit 9

On January 5, 2023, after considering all information and testimony at a noticed public hearing, the Planning and Zoning Commission denied CU2022-0004 for the following reasons:

- The use is out of character when considering the surrounding existing residential subdivision.
- Based on numerous testimony (6 in opposition, 1 in favor), the use is commercial/industrial and generates noise and traffic impactful to the existing residential uses.
- Criteria 4, 6, and 7 could not be made. FCOs signed on January 19<sup>th</sup>



# COMPREHENSIVE PLAN ALIGNMENT

## **Chapter 1. Property Rights:**

**Policy 1.** No person shall be deprived of private property without due process of law.

## **Chapter 2. Population:**

**Goal 2.** To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

## **Chapter 4. Economic Development:**

**Goal 3.** Create new jobs that are sustainable and lasting.

**Goal 4.** Provide an economically viable environment that builds and maintains a diverse base of business.

**Policy 2.** Support existing business and industry in the county.

## **Chapter 5. Land Use**

**Goal 4.** To encourage development in those areas of the county which provide the most favorable conditions for future community services.

**Policy 3.** Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential and industrial zoning districts to help attract development.





# COMPREHENSIVE PLAN NOT ALIGNED

## 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 4. Economic Development:

Policy 6. Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.

## Chapter 5. Land Use:

Policy 1. Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Residential 1. Encourage residential development in areas where agricultural uses are not viable.



# AGENCY COMMENTS:

## Nampa Highway District #1 (Ex. 1, Att. 7i):

- Hemlock Way is a Rural Local Roadway.
- Commercial access require a paved apron.
- This letter does not consider the access from the cul-de-sac.

## Southwest District Health (Ex. 1, Att. 7ii):

- Any plumbing to the shop will require SWDH evaluation or connection to city services.

## Nampa Fire District (Ex. 1, Att. 7iii):

- The use can be served.

## City of Nampa (Ex. 5, Attachment 1):

- Future use – Medium-density residential
- The City opposes the use as it would not be allowed in medium-density residential is annexed into the city.



# PUBLIC COMMENTS:

- Kevin Werlinger (Ex. 6, Att. 1): Opposed
- Lee Axelsen (Ex. 6, Att. 2): Supported: Good neighbor; no issues.
- Tim Caldwell (Ex. 6, Att. 3): Concerned
- Jaymie Lint (Ex. 6, Att. 4): Opposed
- Gary Kendall (Ex. 6, Att. 5): Opposed
- Andre Zivkovic (Ex. 6, Att. 6): Opposed
- Robert Crispelle (Ex. 6, Att. 7): Opposed
- David Dieffenbach (Ex. 6, Att. 8): Opposed
- Petition Opposing CU2022-0004 (Ex. 6, Att. 9): 42 signatures





# BOARD OF COUNTY COMMISSIONERS COMMISSION DECISION OPTIONS

- Deny the appeal, upholding the Planning and Zoning Commission's denial of CU2022-0004,
- Approve the appeal, overturning the Planning and Zoning Commissioner's denial of CU2022-0004; or
  - Revised FCOs will be required.
- Continue the hearing to request additional information from the applicant or staff to bring back at a later hearing.
- Staff Recommendation: Uphold the Planning and Zoning Commission's denial of CU2022-0004.



Hemlock Way

689

R22694

3N1W08

R22695

Hemlock Ct

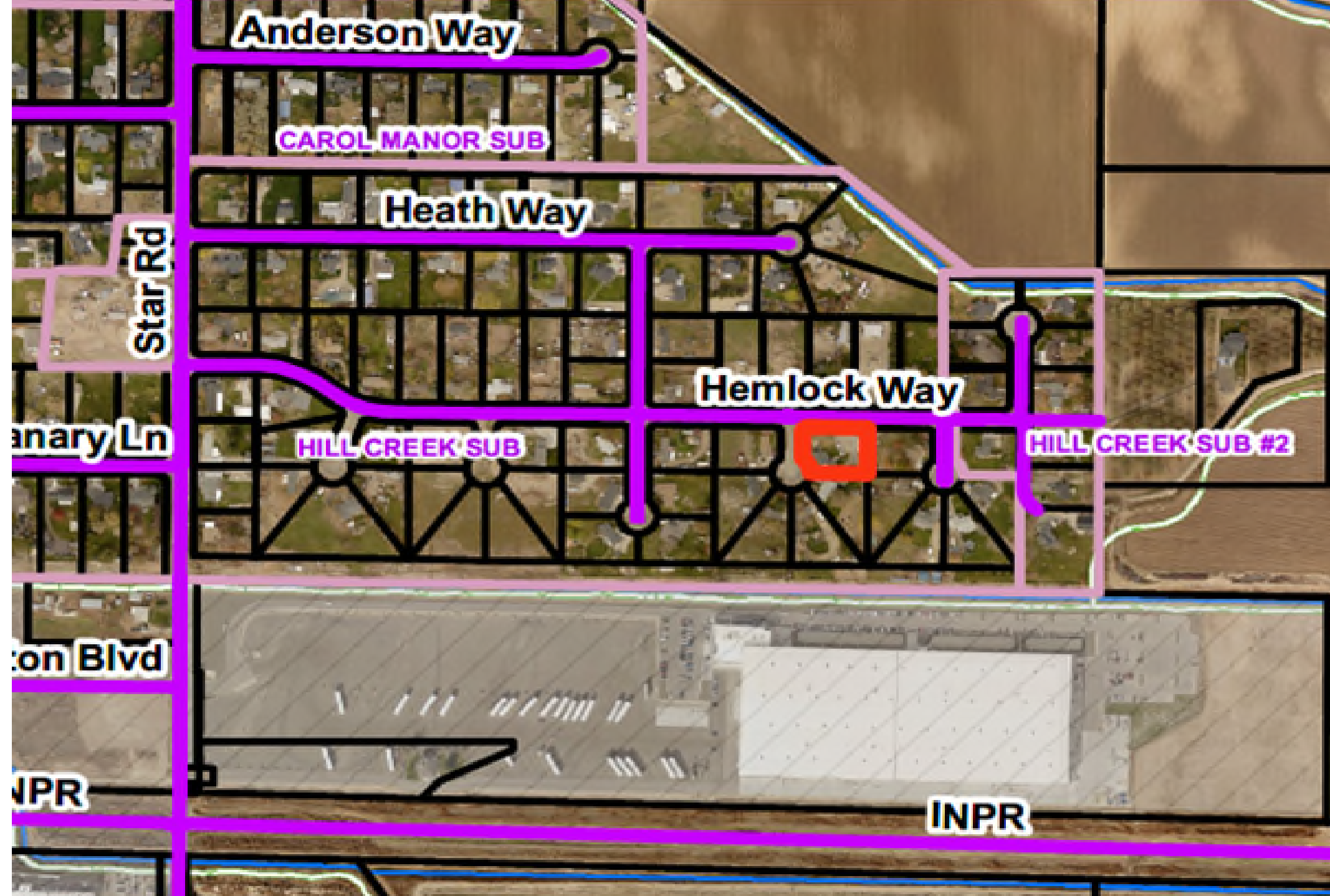


Exhibit 9



## **EXHIBIT 10**

Video 1: 30,490 KB

Video 2: 250,680 KB

Video 3: 51,281 KB







Exhibit 11





Exhibit 11





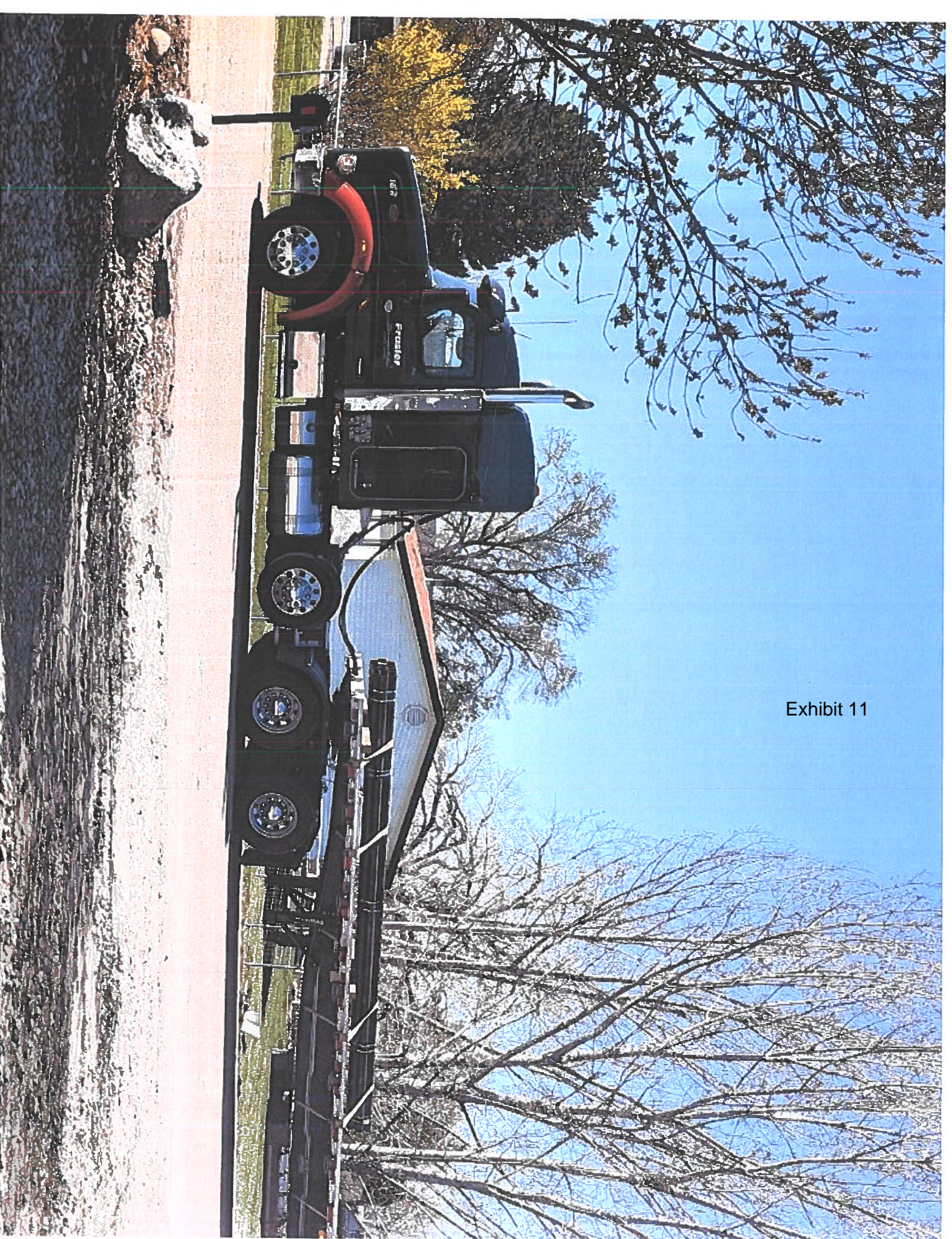


Exhibit 11



## **EXHIBIT 12**

**-10 Photos**

**-Video #1: 117,212 KB**

**-Video #2: 50,887 KB**

































