



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

In the matter of the application of:

**Iovu – CR2022-0032**

The Canyon County Board of County Commissioners consider the following:

- 1) Conditional Rezone of Parcel R29303251 from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel and maintains the existing building envelope.

Case No. CR2022-0032, 2505 S Middleton Rd, Nampa (R29303251), a portion of the NE¼ of Section 06, T2N, R2W, BM, Canyon County, Idaho

### Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0032.

### Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).
  - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
  - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. See CCZO §07-06-07(1).
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. See I.C. §67-6504, §67-6511.
3. The Board has the authority to hear this case and make its own independent determination. See I.C. §67-6519, §67-6504, 67-6509 & 67-6511.
4. The Board can sustain, modify or reject the Commission’s recommendations. See CCZO §07-05-03.
5. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and

statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

**The application (CR2022-0032) was presented at a public hearing before the Canyon County Board of County Commissioners on July 26, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:**

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

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

**Conclusion:** The proposed conditional rezone is generally consistent with the comprehensive plan.

- Findings:** (1) The subject parcel is designated as Residential in the 2030 Canyon County Comprehensive Plan Future Land Use Map (Attachment C). It is not located within a city impact area.
- (2) The request aligns with the following goals and policies of the 2030 Canyon County Comprehensive Plan:

<b>Chapter 1: Property Rights</b>	
<b>G1.01.00</b>	<b>Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.</b>
P1.01.01	No person should be deprived of private property without due process of law.
P1.01.03	Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.

The applicant is being given due process of law through the hearing process.

<b>Chapter 2: Population</b>	
<b>G2.02.00</b>	<b>Promote housing, business, and service types needed to meet the demand of the future and existing population.</b>
<b>Chapter 4: Land Use and Community Design</b>	
<b>G4.01.00</b>	<b>Support livability and high quality of life as the community changes over time.</b>
P4.01.01	Maintain a balance between residential growth and agriculture that protects the rural character.
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
P4.02.01	Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.
P4.03.02	Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.

- P4.03.03 Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.
- P4.06.02 Encourage development design that accommodates topography and promotes the conservation of agricultural land.
- G4.07.00 Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.**
- P4.07.01 Plan land uses that are compatible with the surrounding community.
- G4.08.00 Maintain and enhance the aesthetic beauty of the County.**
- P4.08.01 Protect and enhance the rural landscape as an essential scenic feature of the County.

The conditional rezone will provide additional housing within an existing subdivision. It will not fragment agricultural land or natural resources. See Findings for Criteria No. 2, 3, and 4.

#### **Chapter 6: Schools**

- P6.01.01 Consider the cumulative impact residential development will have on the capacity of schools.

No comment was received from Nampa School District. See Findings for Criteria No. 8.

#### **Chapter 8: Transportation**

- P8.01.02 Consider the cumulative impact of rezones and subdivisions on road capacity and traffic congestion when making land-use decisions.

See Findings for Criteria No. 6 and 7.

#### **Chapter 11: Housing**

- G11.02.00 Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.**

The conditional rezone will provide additional housing within an existing subdivision. It will not fragment agricultural land or natural resources. See Findings for Criteria No. 4.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with attachments found in Case No. CR2022-0032.

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

**Conclusion:** The proposed zone is not more appropriate than the current zoning designation.

**Findings:** (1) Coyote Cove Subdivision No. 2 was created with large lots intended for rural lifestyles, open space, and small-scale agricultural use. According to testimony from neighbors in the subdivision, many of the property owners use their open space as pasture. The subject parcel is not in an Area of City Impact and is not proposed to be added to one in the near future. This is consistent with the purpose of the "A" (Agricultural) zone as stated in CCZO §07-10-25.

The current zoning is "A" (Agricultural). Pursuant to CCZO §07-10-25 (Purposes of Zones):

*"(1) The purposes of the A (Agricultural) Zone are to:*

- A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan."*

The proposed zoning is "CR-R-1" (Conditional Rezone – Single-Family Residential). Pursuant to CCZO §07-10-25 (Purposes of Zones):

*"(3) The purpose of the R-1 (Single-Family Residential) Zone is to promote and enhance predominantly single-family living areas at a low density standard."*

- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with attachments found in Case No. CR2022-0032.

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

**Conclusion:** As conditioned, the request is compatible with the surrounding land uses.

- Finding:**
- (1) Based on site photos (Attachment B), the parcel is currently used primarily for residential purposes and does not contain any active farmland. The parcels immediately adjacent to the subject parcel are also used primarily for residential purposes except for the parcels to the east which are used for mineral extraction and farmland.
  - (2) The parcel is in Coyote Cove Subdivision #2, which has lot sizes ranging from approximately 1-4 acres (Attachment F). If this rezone and subdivision is approved, the average lot size of the two lots would be 1.46 acres. All lots within Coyote Cove Subdivision #2 are currently larger than this average except Lot 1 Block 1, which is 0.89 acre. Nampa City subdivisions to the north and northeast have lot sizes under a quarter acre (Attachment E). There are 73 subdivisions within one mile of the subject property with an average lot size of 0.36 acres. Within 600 ft, the average lot size is 5.07 acres and the median is 1.99 acres.
  - (3) The request would result in potentially adding one additional dwelling. The parcel is currently allowed to add a secondary residence which would add the same number of trips per day. There are no proposed conditions for this case that would prohibit secondary dwellings after the subdivision is completed, but the existing building envelope would constrain the ability to fit two dwellings on either lot.
  - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.

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

**Conclusion:** The proposed conditional rezone will negatively affect the character of the area.

- Finding:**
- (1) The area is a mix of rural, agricultural, and residential. The parcel is in Coyote Cove Subdivision #2, which has lot sizes of approximately 1-4 acres (Attachment F). Nampa City subdivisions to the north and northeast have lot sizes under a quarter acre (Attachment E). Lake Lowell is approximately 1,700 ft south of the subject property. A gravel pit is located directly to the east (Attachment G). There are 73 subdivisions within 1 mile of the subject property with an

average lot size of 0.36 acres. Within 600 ft, the average lot size is 5.07 acres and the median is 1.99 acres.

- (2) All county parcels within one mile are zoned "A" (Agricultural) (Attachment D).
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Newspaper notice was published on June 14, 2023. Property owners within 600' were notified by mail on June 14, 2023. The property was posted on June 23, 2023. One written comment was accepted into record during the Planning & Zoning Commission hearing (Attachment K). The letter is from Timothy Rambo, president of Rambo Sand & Gravel, who is opposed to the request due to the possibility of traffic interfering with the gravel operation. Three public comments from neighbors opposed to the case as well as a statement signed by property owners from case PH2018-6 was submitted prior to the Board of County Commissioners hearing (Attachments L1-L4).
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.

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

**Conclusion:** Adequate facilities and services will be provided to accommodate the request at the time of development.

- Finding:**
- (1) Future development will require a domestic well and septic systems. Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of a well and septic system. Drainage and irrigation will be addressed at the time of subdivision.
  - (2) Based on public testimony from the secretary of Coyote Cove Homeowners' Association, the proposed lot would not be denied water, but the property owner would have to put in a connection to the community well. If water is not provided for any reason, the property owner would be allowed to irrigate 0.5 acre from the domestic well.
  - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on June 13, 2023.
  - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.

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

**Conclusion:** The request does not require public street improvements. No measures are necessary to mitigate traffic impacts.

- Finding:**
- (1) The request is not anticipated to create a significant impact to traffic patterns. This would add one additional dwelling, which would generate approximately 9.52 trips per day according to CCZO 07-10-03 Note 3. The parcel is currently allowed to add a secondary residence which would add the same number of trips per day.
  - (2) There are no proposed conditions for this case that would prohibit secondary dwellings after the subdivision is completed, but the existing building envelope would constrain the ability to fit two dwellings on either lot.
  - (3) No agencies stated they had concerns regarding traffic impacts. The request is not anticipated to cause undue interference with existing or future traffic patterns.

- (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on June 13, 2023.
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.

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

**Conclusion:** The property will have legal access at the time of development.

- Finding:**
- (1) According to the concept plan (Attachment A), the property will have 60 ft of frontage along S Middleton Rd, a public road. Nampa Highway District provided a copy of their approved land split application indicating that they would require an approach permit (Attachment H). The new approach will be required to meet highway district standards.
  - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on June 13, 2023.
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.

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

**Conclusion:** Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

- Finding:**
- (1) The property will be served by Nampa School District, Nampa Fire Department, and Canyon County Emergency Services. All essential services were notified. Nampa Fire District stated that they will provide the property with emergency services, the development will not have a negative impact on the department, and that they do not oppose the application (Attachment I).
  - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on June 13, 2023.
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **deny** Case # CR2022-0032, a conditional rezone of Parcel R29303251 from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone.

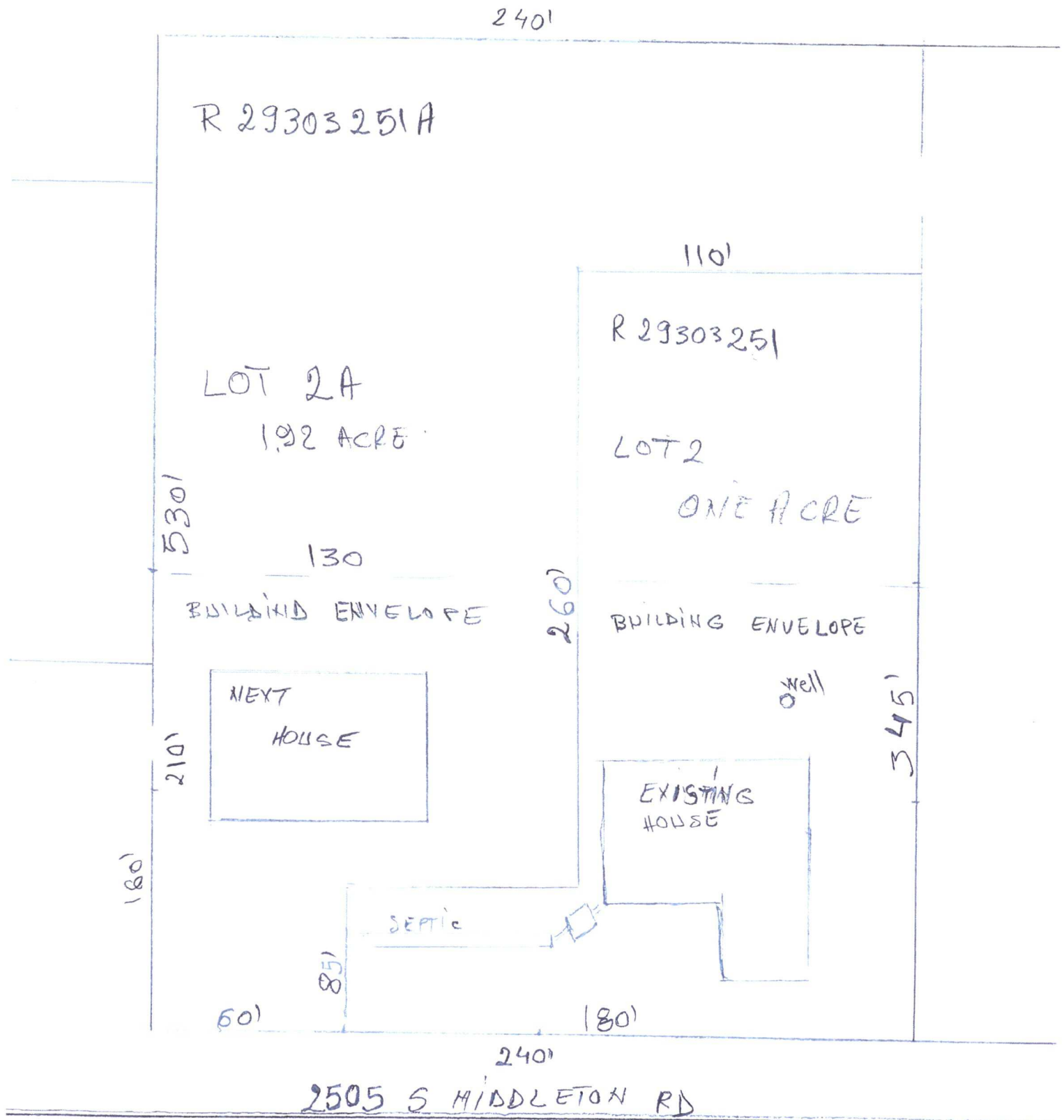
Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

DATED this 4<sup>th</sup> day of August, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

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

	Yes	No	Did Not Vote
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Site Photos: Taken March 21, 2023

Image 1: Taken from driveway facing west towards 2505 S Middleton Rd.



Image 2: Taken from driveway facing southwest.



Image 3: Taken from driveway facing south on to S Middleton Rd.





Image 4: Taken from driveway facing southeast towards the neighboring gravel pit.



Image 5: Taken from driveway facing east towards the neighboring gravel pit.



Image 6: Taken from driveway facing northeast.



Image 7: Taken from S Middleton Rd facing north.



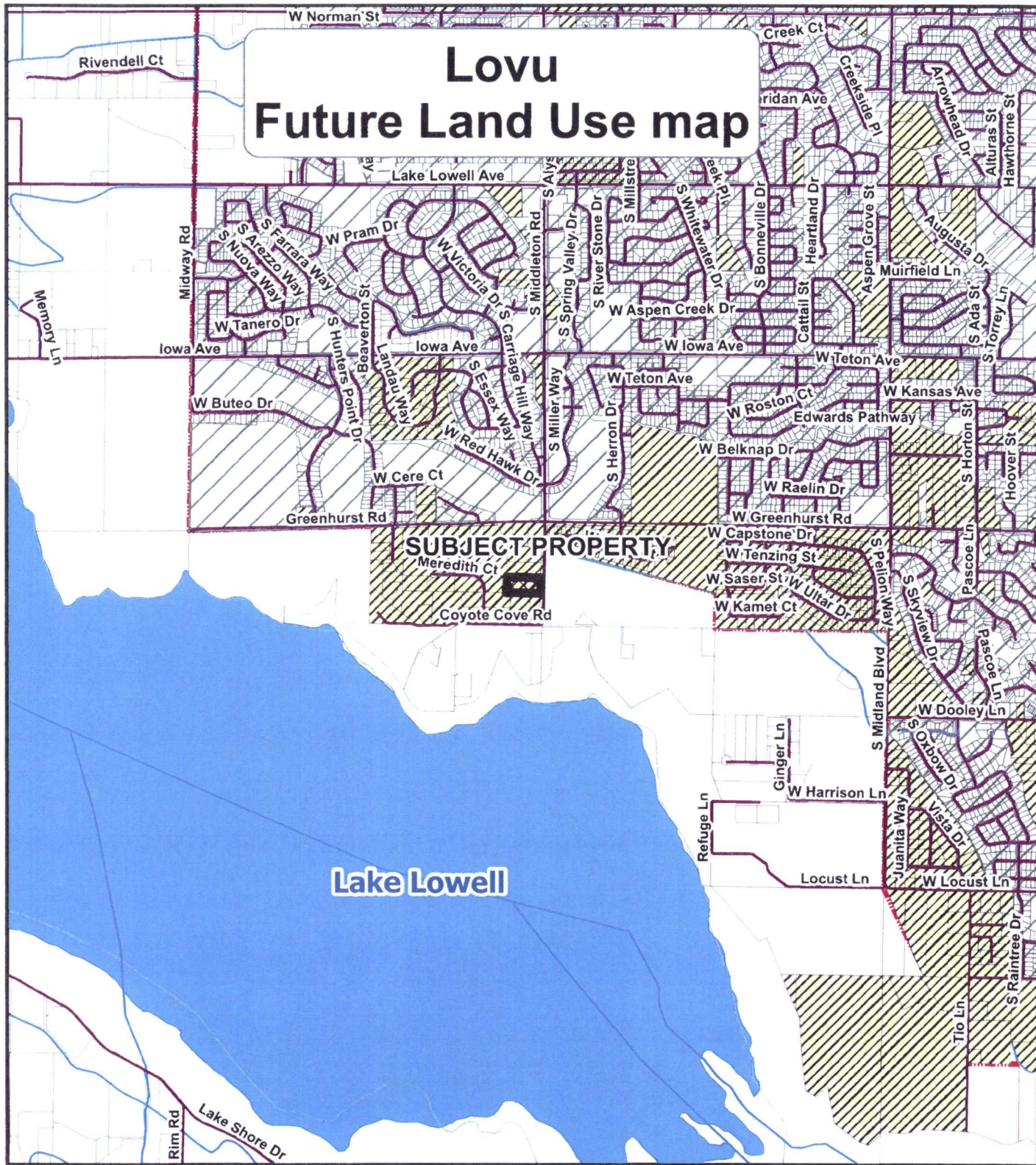
Image 8: Taken from S Middleton Rd facing west into the subject property.



Image 9: Taken from S Middleton Rd facing southwest into the subject property.



# Lovu Future Land Use map



**SUBJECT PROPERTY**

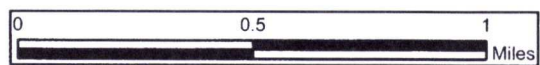
**Lake Lowell**



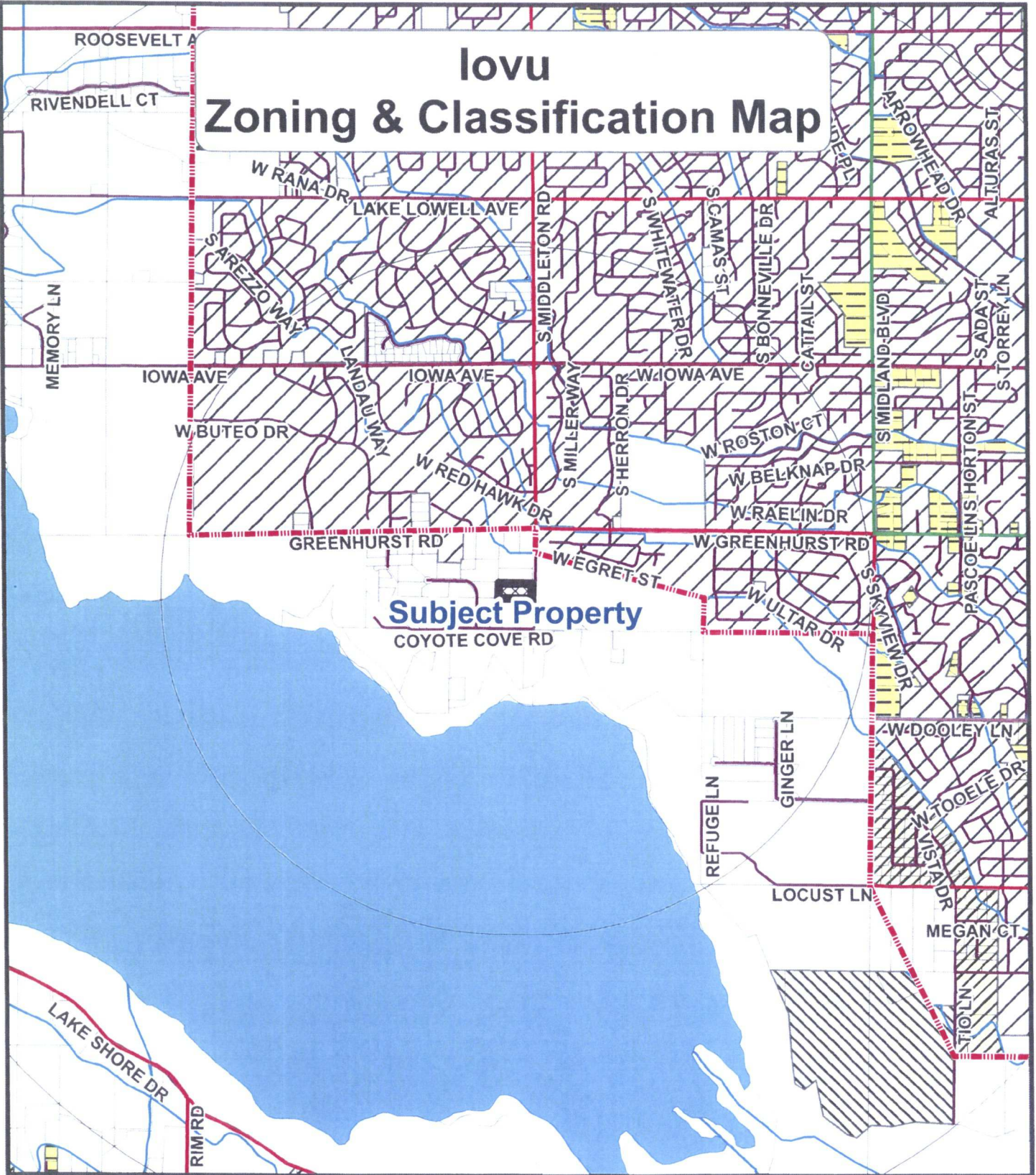
**Legend**  
 Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

**Attachment C**



# Iowa Zoning & Classification Map

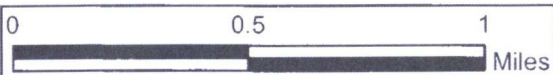


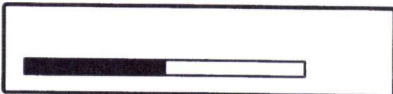
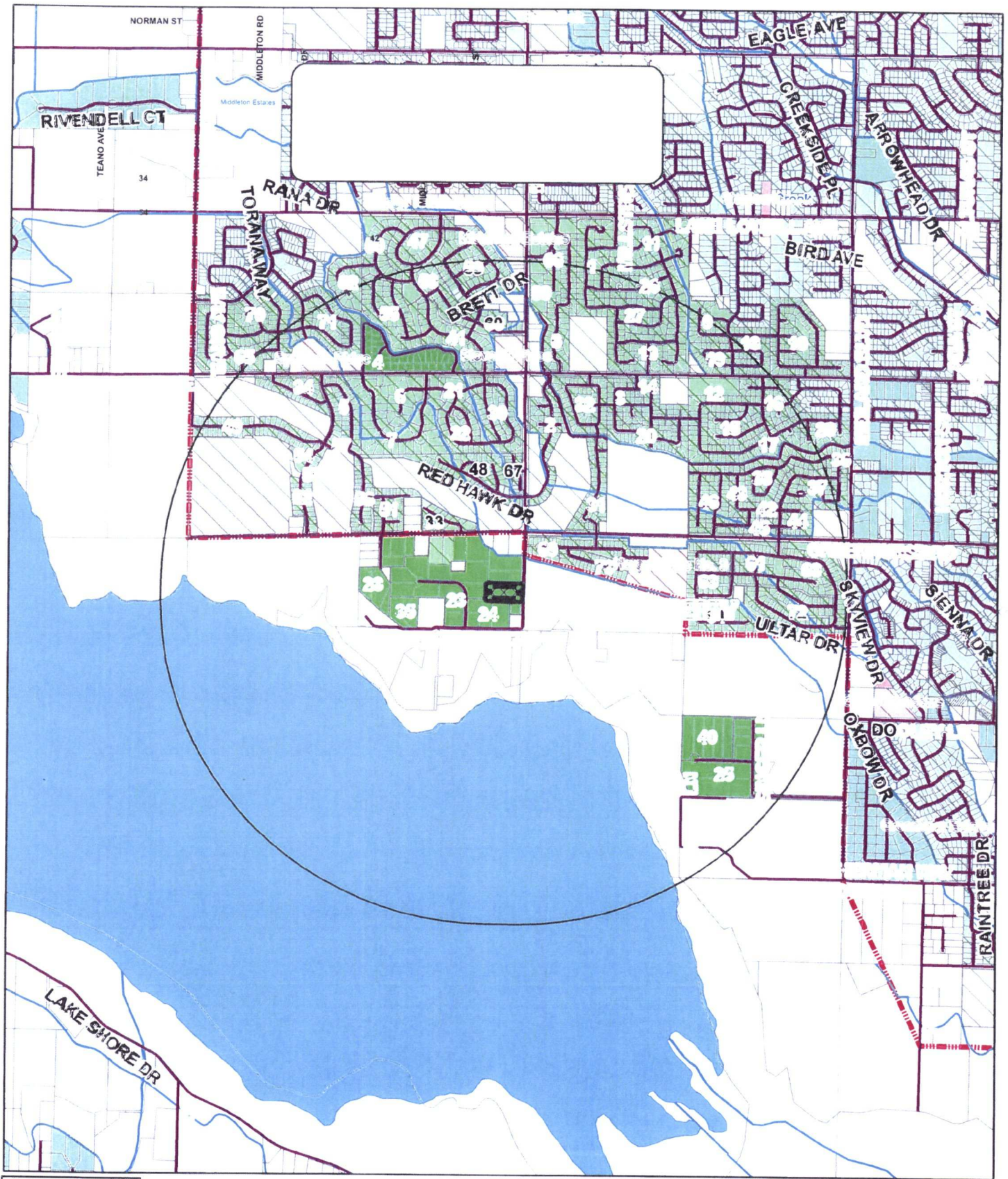
**Subject Property**  
COYOTE COVE RD



ZONING			

Attachment D





Attachment E

# SUBDIVISION & LOT REPORT

<b>NUMBER OF SUBS</b>	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
73	1012.25	2808	0.36
<b>NUMBER OF SUBS IN PLATTING</b>	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
3	28.86	130	0.22
<b>NUMBER OF LOTS NOTIFIED</b>	AVERAGE	MINIMUM	MAXIMUM
33	5.07	1.99	52.57
<b>NUMBER OF MOBILE HOME PARKS</b>		NUMBER OF SITES	AVG HOMES PER ACRE
		199	0.07
		MAXIMUM	

## PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
FALL RIVER ESTATES #5	1	3N2W32	19.84	54	0.37	NAMPA (CITY)	2006
MILLER CROSSING	2	3N2W32	14.12	53	0.27	NAMPA (CITY)	2006
OWYHEE ESTATES #2	3	3N2W32	8.18	32	0.26	NAMPA (CITY)	2005
VERDE HILLS SUB	4	3N2W31	18.24	34	0.54	COUNTY (Canyon)	1973
SUNRISE CROSSING	5	3N2W31	12.39	41	0.30	NAMPA (CITY)	2006
CARRIAGE HILL #1	6	3N2W31	24.16	42	0.58	NAMPA (CITY)	1989
CARRIAGE HILL #2	7	3N2W31	15.58	25	0.62	NAMPA (CITY)	2002
SPRING VALLEY SUB	8	3N2W32	10.27	25	0.41	NAMPA (CITY)	2004
VICTORY SUB #5	9	3N2W32	9.62	31	0.31	NAMPA (CITY)	1988
WILLOW CREEK SUB-INA	10	3N2W32	27.26	107	0.25	NAMPA (CITY)	1995
FALL RIVER ESTATES #4	11	3N2W32	27.43	88	0.31	NAMPA (CITY)	2005
MIDLAND PARK #4	12	3N2W32	14.13	51	0.46	NAMPA (CITY)	2001
FALL RIVER ESTATES	13	3N2W32	19.07	59	0.32	NAMPA (CITY)	2003
OWYHEE ESTATES #1	14	3N2W32	10.28	39	0.26	NAMPA (CITY)	2003
MIDLAND PARK #5	15	3N2W32	13.43	55	0.24	NAMPA (CITY)	2001
MIDLAND PARK #3	16	3N2W32	13.41	46	0.29	NAMPA (CITY)	2000
MIDLAND PARK #6	17	3N2W32	12.40	44	0.28	NAMPA (CITY)	2002
VICTORY SUB #4	18	3N2W32	8.45	35	0.24	NAMPA (CITY)	1997
VICTORY SUB #6	19	3N2W32	11.22	42	0.27	NAMPA (CITY)	1996
OWYHEE ESTATES #3	20	3N2W32	13.03	51	0.26	NAMPA (CITY)	2005
CARRIAGE HILL #3A	21	3N2W31	10.05	26	0.39	NAMPA (CITY)	2005
CARRIAGE HILL #3B	22	3N2W31	10.19	28	0.36	NAMPA (CITY)	2005
COYOTE COVE #2	23	2N2W06	45.80	18	2.54	COUNTY (Canyon)	2000
COYOTE COVE #3	24	2N2W06	7.92	4	1.98	COUNTY (Canyon)	2004
EAST LAKE ESTATES	25	2N2W05	27.76	18	1.54	COUNTY (Canyon)	1980
FALL RIVER ESTATES #3	26	3N2W32	17.28	50	0.35	NAMPA (CITY)	2005
FALL RIVER ESTATES #2	27	3N2W32	12.81	43	0.30	NAMPA (CITY)	2004
LYNACREST ESTATES	28	3N2W32	11.72	11	1.07	COUNTY (Canyon)	1973
MIDLAND PARK #2	29	3N2W32	10.97	40	0.27	NAMPA (CITY)	1999
CARRIAGE HILL #4	30	3N2W31	17.78	53	0.34	NAMPA (CITY)	2006
HERRON SPRINGS #2	31	3N2W05	13.50	49	0.28	NAMPA (CITY)	2006
HERRON SPRINGS #1	32	3N2W32	17.96	61	0.29	NAMPA (CITY)	2006
ROYAL RIDGE SUBDIVISION	33	2N2W06	7.02	19	0.37	NAMPA (CITY)	2006
NORTH SLOPE AT HUNTERS POINT SUB	34	3N2W31	10.03	37	0.27	NAMPA (CITY)	2006
PATNODE SUBDIVISION	35	2N2W06	4.86	2	2.43	COUNTY (Canyon)	2006
SANDS POINTE #1	36	3N2W32	9.42	32	0.29	NAMPA (CITY)	2007
SANDS POINTE #2	37	3N2W32	15.72	59	0.27	NAMPA (CITY)	2007
SANDS POINTE #3	38	3N2W32	9.98	37	0.27	NAMPA (CITY)	2007
FALL RIVER SOUTH SUBDIVISION	39	3N2W32	4.64	7	0.66	NAMPA (CITY)	2021
LAKESIDE SUB	40	2N2W05	13.48	5	2.70	COUNTY (Canyon)	2005
CARRIAGE HILL NORTH SUB NO 1	41	3N2W31	17.90	39	0.46	NAMPA (CITY)	2011
SANDS POINTE SUBDIVISION #4	42	3N2W32	2.10	10	0.21	NAMPA	2013
SANDS POINTE SUBDIVISION #7	43	3N2W32	6.38	26	0.25	NAMPA	2013
SANDS POINTE SUBDIVISION #5	44	3N2W32	6.52	27	0.24	NAMPA	2013
SANDS POINTE #6	45	3N2W32	4.08	15	0.27	NAMPA	2014
SANDS POINTE SUBDIVISION #8	46	3N2W32	19.64	74	0.27	NAMPA	2014
CARRIAGE HILL NORTH SUB NO 3	47	3N2W31	16.45	35	0.47	NAMPA (CITY)	2015
RED HAWK RIDGE SUBDIVISION NO. 2	48	3N2W31	18.18	51	0.36	NAMPA (CITY)	2016
RED HAWK RIDGE SUBDIVISION #3	49	3N2W31	14.21	51	0.28	NAMPA (CITY)	2017
CARRIAGE HILL NORTH SUBDIVISION NO. 5	50	3N2W31	12.81	26	0.48	NAMPA (CITY)	2018
RED HAWK RIDGE SUBDIVISION #4	51	3N2W31	8.92	39	0.23	NAMPA (CITY)	2018
RED HAWK RIDGE SUBDIVISION #1B	52	3N2W31	6.45	24	0.27	NAMPA (CITY)	2015
RED HAWK RIDGE SUBDIVISION #1A	53	3N2W31	1.10	5	0.22	NAMPA (CITY)	2015

2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500
RED HAWK RIDGE PARK SUBDIVISION	54	3N2W31	3.56	2	1.78	NAMPA (CITY)	2017																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
CARRIAGE HILL NORTH SUB NO 6	55	3N2W31	18.46	48	0.38	NAMPA (CITY)	2018																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
RED HAWK RIDGE SUBDIVISION # 5	56	3N2W31	9.09	36	0.25	NAMPA (CITY)	2018																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
RED HAWK RIDGE DOG PARK SUBDIVISION	57	3N2W31	2.41	2	1.21	NAMPA (CITY)	2019																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
CARRIAGE HILL NORTH SUB NO 2	58	3N2W31	13.29	0	#DNV/DI	NAMPA (CITY)	2014																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
CARRIAGE HILL NORTH SUBDIVISION NO. 4	59	3N2W31	28.01	78	0.36	NAMPA (CITY)	2016																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
CARRIAGE HILL NORTH SUBDIVISION NO. 7	60	3N2W31	5.89	12	0.49	NAMPA (CITY)	2019																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
SUMMIT RIDGE SUBDIVISION NO. 1	61	2N2W01	21.20	65	0.33	NAMPA	2019																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
CARRIAGE HOLLOW SUBDIVISION	62	3N2W31	9.06	26	0.35	NAMPA (CITY)	2019																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
SUMMIT RIDGE SUBDIVISION NO. 2	63	2N2W05	9.27	33	0.28	NAMPA	2020																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
SUMMIT RIDGE SUBDIVISION NO. 3	64	2N2W05	16.26	25	0.65	NAMPA	2020																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
CARRIAGE HILL WEST SUBDIVISION NO. 4	65	3N2W31	19.78	60	0.33	NAMPA (CITY)	2020																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
FALL RIVER WEST SUBDIVISION	66	3N2W32	22.55	57	0.40	NAMPA (CITY)	2008																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
RED HAWK RIDGE SUBDIVISION NO. 6	67	3N2W31	4.18	20	0.21	NAMPA (CITY)	2021																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
SUMMIT RIDGE SUBDIVISION NO. 4	68	2N2W05	21.41	66	0.32	NAMPA	2021																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
HERON RIDGE SUBDIVISION NO. 1	69	2N2W05	12.91	47	0.27	NAMPA	2021																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
CARRIAGE HILL WEST SUBDIVISION NO. 3	70	3N2W31	25.03	77	0.33	NAMPA (CITY)	2020																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
CARRIAGE HILL WEST SUBDIVISION NO. 6	71	3N2W31	22.97	85	0.27	NAMPA (CITY)	2021																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
SUMMIT RIDGE SUBDIVISION NO. 5	72	2N2W05	20.38	73	0.28	NAMPA	2022																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
HERON RIDGE SUBDIVISION NO. 2	73	2N2W05	10.39	41	0.25	NAMPA	2022																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												

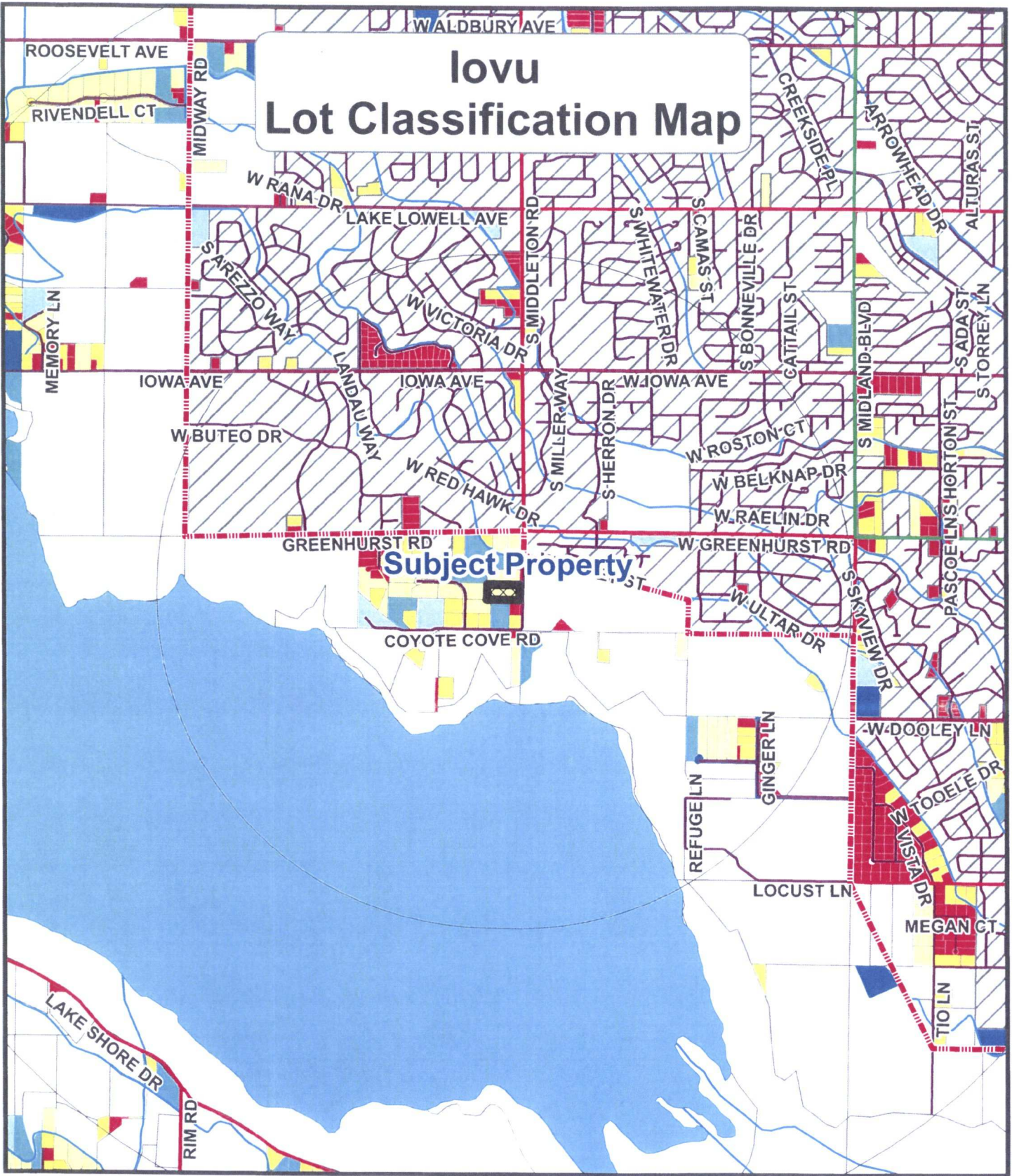
## SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE
Spyglass Ridge	8.84	56	0.16
Steven's Place	6.24	23	0.27
Heron Ridge No. 3	13.78	51	0.27

## MOBILE HOME & RV PARKS

SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF...
------------------	--------------	-------	---------------	----------------	------------

# Iovu Lot Classification Map

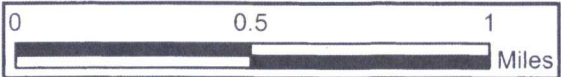


**Legend**

Red	0.0 - 1.0
Yellow	1.1 - 2.0
Light Yellow	2.1 - 3.0
Light Blue	3.1 - 4.0
Light Cyan	4.1 - 5.0
Dark Blue	5.1 - 6.0

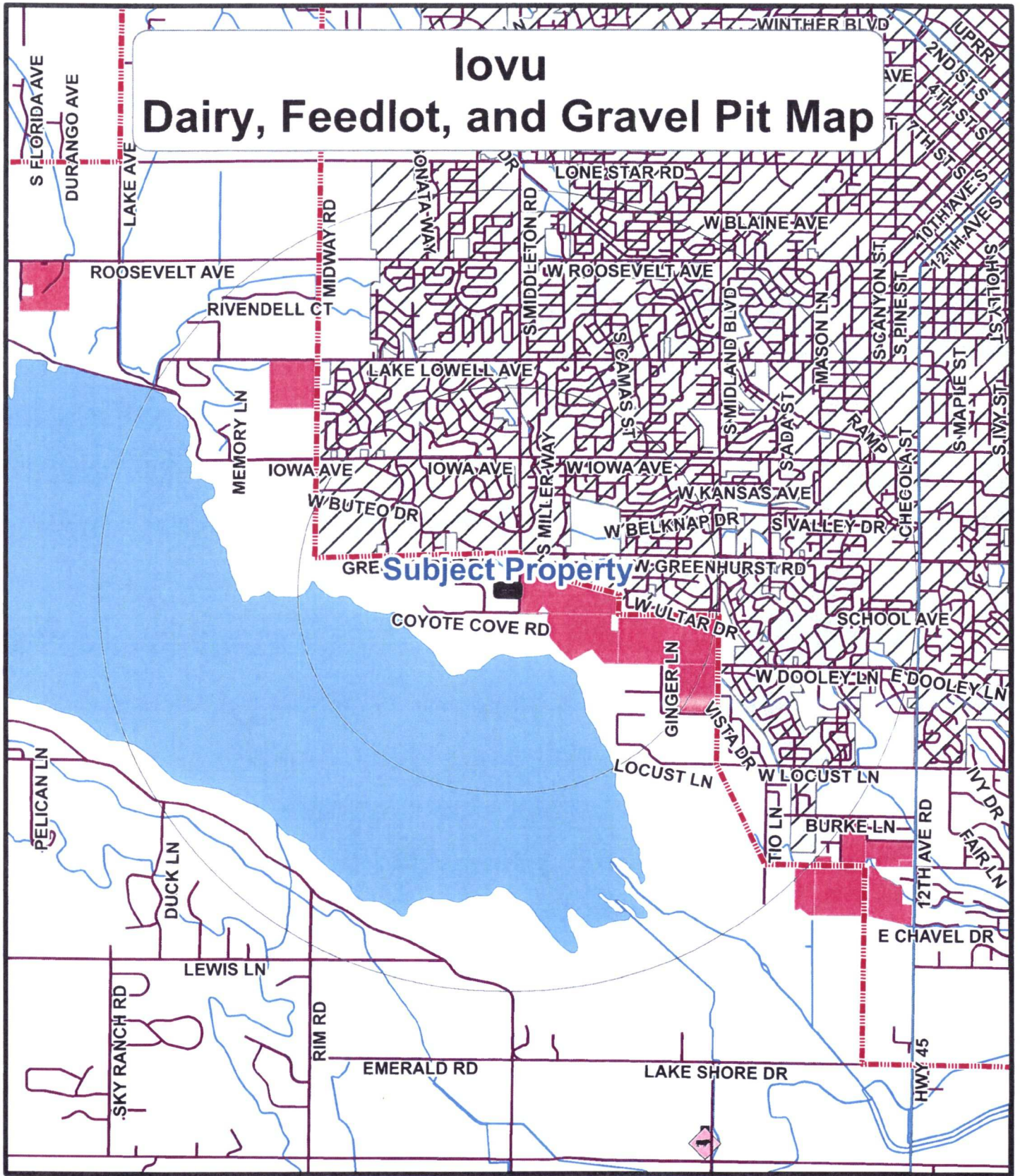
- Interstate
- Expressway
- Proposed Expressway
- Principal Arterial
- Proposed Principal Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector




Attachment F



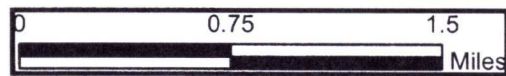


# Iovu Dairy, Feedlot, and Gravel Pit Map



-  FEEDLOTS
-  DAIRIES
-  GRAVELPITS

Attachment G





# LAND SPLIT APPLICATION

NHD-003  
Rev Jan 2015  
Page 1 of 1

## SECTION I - APPLICANT INFORMATION (TO BE COMPLETED BY APPLICANT)

I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.

SIRGIL IOVU  
 NAME OF APPLICANT  
2505 S. MIDDLETON RD  
 ADDRESS  
NAMPA ID 83686  
 CITY STATE ZIP  
208-204-7311  
 PHONE (CELL NUMBER PREFERRED)  
S. MIDDLETON RD BETWEEN OFF Greenhurst  
 ROAD NAME: FIRST CROSS STREET SECOND CROSS STREET  
 SIDE OF ROAD:  North  South  East  West  
 TOTAL NUMBER OF: New Lots: 1 New Access Points: 1  
 PLATTED SUBDIVISION?  No (attach sketch of proposed land split)  Yes (submit Conceptual Plan prepared by an Engineer)

## SECTION II - WORKSHEET/RECOMMENDATION (TO BE COMPLETED BY HIGHWAY DISTRICT)

APPLICATION FEE:  Paid  Not Paid ch#2236 85<sup>th</sup> PERCENTILE SPEED: 47 mph  
 ROAD NO. 218A SIGHT DISTANCE:  Sufficient  Insufficient  
 ROAD SURFACE:  Asphalt  Gravel  Dirt TRAFFIC VOLUME: 301 ADT  
 SHARED ACCESS:  Yes  No FUNCTIONAL CLASSIFICATION:  Arterial  Collector  Other  
 CULVERTS REQUIRED:  Yes  No  
 MEETS ACCESS CONTROL STANDARDS?:  Yes  No frentcl@yahoo.com & Niovu@yahoo.com  
 ADDITIONAL REMARKS/CONDITIONS: (IF NONE, SO STATE) Maddy w/ Canyon County  
New point of access must meet current spacing requirement of 75'. No circle drive permitted. Approach permit required for new access

THIS LAND SPLIT IS:

- Recommended for approval, subject to the above conditions
- Not recommended

Edward Thiel  
SIGNATURE - HIGHWAY DISTRICT OFFICIAL

2-1-23  
DATE

PRATT RICHARD AARON  
2341 S MIDDLETON RD

ELLIOTSON JOSEPH J  
11906 MEREDITH CT

BURRIS SCOTT L  
2411 S MIDDLETON RD

TAYLOR JOHN AND MARGARET FAM TRUST  
11870 MEREDITH CT

LOVD VIRGIL  
2505 S MIDDLETON RD

*New Lot*

*House*

*And Access*

*218A*

TAYLOR MARC B AND TALISHA J REVOCABLE LIVING TRUST  
11820 MEREDITH CT

STRACK SAMANTHA JO ESTATE  
11100 COYOTE COVE RD

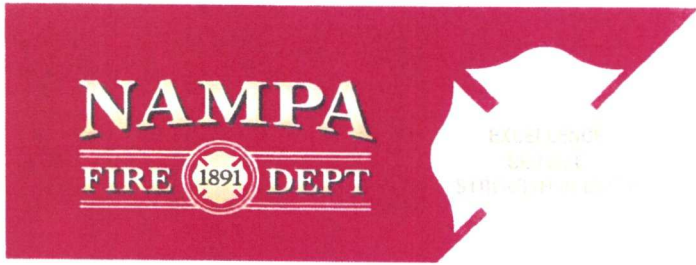
RAMBO ERYN CRUSHING CO  
2700 S MIDDLETON RD

SANCHEZ ALBERT A  
2505 S MIDDLETON RD

TOWERY TIMOTHY J  
11086 COYOTE COVE RD

HENNING HO D B D M  
11100 COYOTE COVE RD





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

208.468.5770 208.468.5780

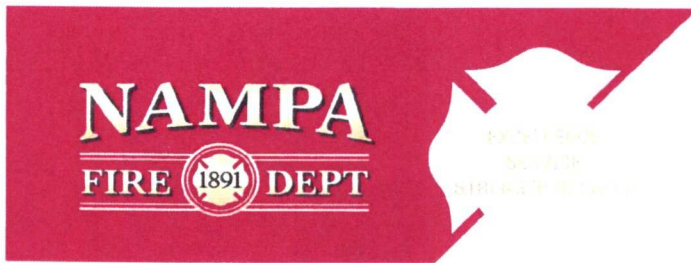
**DATE:** December 29, 2022  
**TO:** Canyon County Development Services Department  
**FROM:** Ron Johnson, Nampa Fire District, Fire Marshal  
**APPLICANT:** Claudia Frent  
**OWNER:** Virgil Iovu  
**ADDRESS:** 2505 S Middleton Rd. Nampa, ID  
**RE:** CRR2022-032

This application is for a conditional rezone from R-R to CR-R-1 with a development agreement limiting the divisions of the property.

The Nampa Fire District would provide this development with emergency services and does not have a negative impact on Nampa Fire District. Nampa Fire District does not oppose the application subject to compliance with all the following code requirements and conditions of approval.

Conditions:

1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105). There is an existing City fire hydrant about 600 feet to the north. This hydrant may be sufficient for this development depending on location and size of the new structure.
2. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
3. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
4. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
5. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
6. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of



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

208.468.5770 208.468.5780

- fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)
7. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)

Emergency Response Time Analysis and Service Impact:

1. The City of Nampa 2040 comprehensive 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 2.8 miles from Nampa Fire Station 2 with an approximate response time of 8 minutes. Nampa Fire Station 6 will be opening in August 2023 and will provide response times of approximately 6 minutes to this location.

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and City of Nampa Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, April 6, 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, Commissioner  
Harold Nevill, Commissioner  
Miguel Villafana, Commissioner

Staff Members Present: Dan Lister, Planning Official  
Jenna Petroll, Planner  
Madelyn Vander Veen, Planner  
Michelle Barron, Planner  
Deb Root, Planner  
Bonnie Puleo, Recording Secretary

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

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

- **Case No. CU2022-0045/Treasure Valley Transit:** The applicant, Treasure Valley Transit, is requesting a conditional use permit to allow a quasi-public use within an "R-R" (Rural Residential) Zoning District. The use includes office buildings, outbuildings, and employee and commercial vehicle parking for a private nonprofit public transportation company. The subject property is located at 3101 S Powerline Rd, Nampa on Parcels R29190; also referenced as a portion of the SE ¼ of Section 03, Township 2N, Range 2W; BM; Canyon County, Idaho.

**Planner Jenna Petroll** reviewed the Staff report for the record.

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

**Testimony:**

**Terri Lindenberg – Applicant (Representative) – IN FAVOR – 1136 W. Finch Drive Nampa ID 83651**

Ms. Lindenberg is the director of Treasure Valley Transit. She thanked staff for their work on this application. She wanted to give the history of Treasure Valley Transit; who they are, who they serve and their relationship with Canyon County. Treasure Valley Transit began in 1992 as a consortium of agencies. Ms. Lindenberg said they wanted to bring together resources for a foundation to address the unmet need for transportation. She listed the various agencies who worked with Treasure Valley Transit in the early days. Their goal was to coordinate vehicles and build the foundation for what would become Treasure Valley Transit in 1996 with the focus of providing transportation for healthcare, medical appointments, people with disabilities and seniors. In 1996, they became a standalone, non-profit, public transportation system supported by local cities, Canyon County as well as the organizations they serve. Ms. Lindenberg

said they are non-emergency medical transportation and are an 'on-demand' service. Their largest customer base is now are people with cognitive disabilities and they operate all over Canyon County as well as part of Owyhee County. In 2019, they provided approximately 46,000 rides with 10 vehicles. She said then came COVID. At the time they were recognized as an essential service; they never shut down during COVID although the number of rides declined. They are still operating a little lower than 2019 due to the widespread use of TeleHealth, labor shortages and other things. Ms. Lindenberg said they are sometimes confused with Valley Regional Transit Authority. When they began in 1992, Canyon County was considered rural and that designation did not change until the 2000 census. When it did change, Valley Regional Transit (Valley Ride) was voted in and they took over the rural routes. They also provide services in three other rural areas: Mountain Home, Payette County and McCall. Ms. Lindenberg said their offices have always been located in Nampa. Right now, they are in a very small location on .7 acres with a 1600 square foot building. For the last 10 years, they have been looking for another facility and as a non-profit she said that's difficult. Everything they looked at for the past 10 years, they were not successful at acquiring. She said this property was a government surplus sale and following the federal transportation guidelines, they had to get a categorical exclusion to make sure the property met all the Federal regulations. They entered into the competitive bid process and were successful. She said this is a 10,000 square foot building. They currently hold trainings in a hotel because of space issues. With this building, they will be able to hold trainings at their facility and have a driver's lounge, adequate office space and a board meeting room. They will utilize every square foot of the building. They have 33 employees including 10 drivers. Ms. Lindenberg talked about the neighborhood meeting and the questions that were brought up by the neighbors. She discussed the times the ten buses would leave the facility and said they do not all leave at the same time. She also wanted to address the 25 buses. She listed the amount of buses they currently have (5 buses, 5 vans 7 backup buses). She said the reason they have 7 back up buses is because when they ordered 8 new buses they were told that because of supply chain problems, it would be 2 – 4 years until the buses would be delivered. Those 7 back up buses are held in case a bus breaks down and needs to go in for repairs. This facility is perfect for them and meets their needs. They would be a very good neighbor and they would like to maintain the property in the condition it currently is in. She would like to be able to provide the beautiful surroundings for her staff.

Commissioner Williamson asked about doing vehicle repairs on site. Ms. Lindenberg said they contract with a repair shop in Meridian and that shop does all the maintenance. They would not do vehicle maintenance or repair on site. The only work they would do at the facility is replacing light bulbs or window wiper blades. No hazardous materials would be stored or heavy maintenance would be completed on site.

Commissioner Nevill asked if she had looked at all 16 conditions and asked if she agreed with them all. She responded that she has and they do agree with all conditions. They were surprised about the walking path but are going to work on that with the City of Nampa on construction and funding.

Commissioner Villafana asked about the limit of 25 vehicles. Would they be close to that 25 vehicle limit? Ms. Lindenberg said the only time they would get close to the 25 vehicle limit would be when the new replacement vehicles are delivered. In order to grow enough to require the 25 vehicle threshold, they would have to get the rural grant funding and have a local match. She did not see that happening.

**MOTION:** Commissioner Williamson moved to close public testimony on Case CU2022-0045 seconded by Commissioner Villafana. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill wanted to add a couple of items to the findings. For Finding #4 if it was injurious to other property or Wilson Pond, he would like to add that the Conditions of Approval will mitigate those concerns because there would be no vehicle maintenance on site which means there will be no oils used and so would not be injurious to the area. He said it is an additional finding that helps support the staff's

finding. For Findings of Fact #5 about adequate drainage; Commissioner Nevill said the drainage will be retained on site and again, as there will be no maintenance on site, so the drainage will be fine and it won't impact Wilson Ponds. He also said for Condition of Approval #7 on the interference of traffic; they found that the vehicles leave at staggered times and that additionally supports the finding.

**MOTION:** Commissioner Nevill moved to approve Case CU2022-0045 including the modified Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Williamson. Roll call vote: 4 in favor, 0 opposed, motion passed.

- **Case No. CR2022-0032/Claudia Frent & Virgil Iovu:** Claudia Frent, representing Virgil Iovu, is requesting a conditional rezone of Parcel R29303251 from a "R-R" (Rural Residential) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel and maintains the existing building envelope. The 2.92-acre property is located at 2505 S Middleton Road, Nampa; also referenced as a portion of the NE¼ of Section 06, T2N, R2W, BM, Canyon County, Idaho.

Planner Madelyn Vander Veen reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

**Testimony:**

**Claudia Frent – Applicant (Representative) – IN FAVOR – 12359 Rivendell Court Nampa ID 83686**

Ms. Frent wanted to be clear that she is not legally representing the Iovus's, she is speaking for them due to a language barrier. She is also happy to translate for them if the Commission wanted to ask them questions directly. She said the CC&R's do not prevent splitting the parcel; it states they must go through the County and that is why they are going through this process. The Iovus's want to split the property to downsize and build a second home. They are allowed to have the second home on the property now but she said building a second home doesn't make sense for them as they are aging and have no children. They would like to sell off the home they have now and downsize. They meet the criteria; they are not infringing on anyone, they are not creating excess traffic, noise and dust. They will stay within the building envelope and they have no infractions with the Homeowner's Association (HOA) or issues with their neighbors. Ms. Frent said the Iovus have property rights and their request is simple: they want to build another home. In the neighborhood meeting, the two concerns they heard were the neighbors didn't want the Iovus to split because others will want to do it and they were told they should sell, move and build another house. She said they shouldn't have to move in this economy and she said they have the right to split their property. No agencies are in opposition and they will follow all the rules and adhere to the building envelope. She said some neighbors are in favor of the Iovus splitting their property but they don't have the courage to come up and say it because they don't want to go against the HOA. Ms. Frent said the HOA does not have the final say and can't violate the Iovus private property rights: they have to have a valid reason to oppose a split. Up until this point, they have not been given a valid reason. Since the last time they were in front of the Commission (in 2018), the HOA has had the opportunity to amend their CC&Rs to prevent a split but they have not done that. They follow the 2030 Comprehensive plan which designated this area as residential. The Nampa city limits are close and while they are not in the city impact area now, she felt they would be soon.

Chairman Sturgill stated that the Commission doesn't enforce the CC&Rs and can't take the CC&R terms into their consideration. He said they have no bearing on their role in the process.

Commissioner Nevill said it was suggested by neighbors that they sell this home and buy a smaller home, which would maintain the character of the area whereas the Iovus want to split the lot, build a smaller



home and sell the originally home and lot which would change the area. He said in the end, it seems like the same thing to him and doesn't change the character of the area. He asked her to help him understand why she sees that as the same. Ms. Frent said they are not changing the character of the area anyway as there are smaller lots than the lovus's. She said one house near them in the Coyote Subdivision is on .89 of an acre. The house on .89 acre was shown on the map. Commissioner Nevill asked if they were okay with the four conditions of approval. Ms. Frent answered yes. When asked if she knew the future plans of the gravel pit, she said no. Ms. Frent said the lovus shouldn't have to leave the area they live in and it doesn't make sense for them financially to leave. She also said the lovus had always planned on splitting the property and building a second home when they aged, which is why they built the current house where it is.

Chairman Sturgill asked how do the four proposed development agreement conditions (today) impact the Board of County Commissioner's original decision in 2018? Ms. Frent said she didn't agree with the 2018 finding that it would change the character of the area and the lovus weren't able to adequately express what they wanted to do, due to the language barrier. Ms. Frent said Commissioner Dale made a comment after the 2018 decision when he came out and saw the property that he thought it would have been an 'okay split'.

**Susan Ray – IN OPPOSITION – 11980 Meredith Court Nampa ID 83686**

Ms. Ray is the secretary/treasurer of the Coyote Cove HOA and Coyote Cove water users. She said when the subdivision was developed, there were water rights involved. There is one (shared) irrigation well as well as each lot has an individual domestic well. The concerns that have been brought to her by almost two thirds of the property owners in the subdivision were if there is another well drilled on that property that hasn't been engineered, what will that do to everyone else's water use. She said she is not a water expert, she is just sharing the concerns. She wanted to go on the record as being opposed to the split.

Commissioner Nevill asked about a water users agreement with the HOA. Ms. Ray said the water users' group also encompasses property owners that were not part of the HOA. It was shown on the map where the well was located and the properties it services. Commissioner Nevill asked if the water users' agreement language states that individual lot owners can't split their property unless they have approval from the rest of the association or was there a process for that. She said the water agreement only lists the lots in the original development. He asked if anyone has applied to tap into the irrigation system since the agreement was initially started. Ms. Ray said no and she pointed out one of the property owners who was on the water agreement who then annexed into the City. She said he now uses City water. She said it is on for only part of the year. Commissioner Nevill asked if she was testifying that any new properties would have to tap into the irrigation system because that is the only way the split would have irrigation water. She said she didn't know because they have never had it happen; they would have to find out how to go about it legally. She said the Rambos live behind her and the gravel pit across the street is an actively producing gravel pit. She has not heard of any plans for the gravel pit to leave.

Commissioner Williamson said the existing water right on the current property, wouldn't that be grandfathered in with the lot split. Staff said if they have water rights, they don't just magically go away. During the platting process, they will have to demonstrate how they are getting water and how they are delivering it to that site. Planning Official Dan Lister said this case is to determine whether the zoning is appropriate for the area.

Commissioner Villafana said if the water is with an Irrigation District, the water right follows the property. They still would be able to irrigate lawfully. He asked if the parcel size was the issue or if it was the number of residences using water. Ms. Ray said they didn't know about the water; they would have to find out. They would do what they legally need to do. She said for the lot split itself and the way it affects the community, there are several other properties that have the potential to be split. That is what they are opposed to. Everyone bought into the Coyote Cove development and agreed with what the intent was and they feel this intent is not in alignment with what the rest of the subdivision wants.

**Jared Mansfield – IN OPPOSITION – 11951 Meredith Court Nampa ID 83686**

Mr. Mansfield is the President of Coyote Cove HOA. He said 95% of the community is against this split. They believe it will ruin the face of the community. He asks the Commission to decline the request and stick to the same reasons for the 2018 decision because nothing has changed.

Chairman Sturgill asked what would ruin the face of area? Mr. Mansfield said this is the start of the neighborhood. It would add a different feel. He feels it is the density of the additional house.

Commissioner Williamson asked if it was the lot size that would also be the issue? Mr. Mansfield said yes, they would kind of go together. Commissioner Williamson said they could still not split the lot but still build a secondary dwelling. Mr. Mansfield said the second home would have to be in the building envelope and still would have to be approved by the architectural committee which he is a member of. Commissioner Williamson reiterated that from the County's viewpoint, they could still do that. Mr. Mansfield said that was true. He said what people have done in the past with the building envelope is put up a barn or an in-law suite and is more in line with what the designers of the community had in mind.

**Marc Taylor – IN OPPOSITION – 11820 Meredith Court Nampa ID 83686**

Mr. Taylor showed his house on the map. He is a direct neighbor (of the Iovus). In 2004, one property owner would not allow the split of a parcel to go to the developer. Subsequently, Mr. Taylor bought the property which they split into like-sized properties to fit the continuity of the subdivision. They also adopted the covenants so this type of thing wouldn't happen. His realtor was adamant that they sign (documents) and the community agreed that they wouldn't split down the road. The Iovus built their home off to the side with the full intention of doing this (a split) and no one noticed until the first application in 2018. The community at large has been in opposition to this; they like them as neighbors and told them they could build a shop or mother-in-law quarters but do not set a new precedence in their community. He wonders how the Commission was going to stop this as he has zero building envelope and could put a subdivision there if they start this process. It's going to get really messy and he does not want this to happen. Mr. Taylor said they all get along but this one issue keeps haunting them. He would like the Commission to help this go away. If there is a loophole that needs to be changed, they have their attorney at the meeting and they will get that fixed. Everyone bought with the intention of keeping their properties this way so their values stay the same. He was the one who told the Iovus if they didn't like their property's size they should probably sell it and find something smaller. They (the community) have certain restrictions on square footage and they wouldn't be able to downsize that much. They will still have a large lot and he knows how much work it is to take care of the acreages. He asked the Commission not to break precedence in their subdivision and which would cause a lawsuit in the future.

Commissioner Nevill asked if he was saying that the zoning change from Ag to Conditional Rezone to rural residential is the precedence he is talking about. Mr. Taylor said it wasn't the current residents he was concerned about but instead, future buyers might come in and request to split their lots and wonder why they can't. Commissioner Nevill asked Mr. Taylor if he thought rural residential zoning being allowed in an Ag zone would be a foot in the door. Mr. Taylor said yes and that they had fought annexation into the City of Nampa because they wanted to stay in the County to remain rural and agricultural. They wish, as a community, to stay intact.

Commissioner Williamson confirmed with staff that a Conditional Rezone states it is not to be used as a precedence.

**Daniel Bower – IN OPPOSITION – 10421 Pheasant Lane Nampa ID 83686**

Mr. Bower is the attorney for the HOA. He had one late exhibit, a letter from Mr. Rambo, the owner of the gravel pit, that addressed the question about the gravel pit's future. He said the gravel pit is going to be an active gravel pit and the owner of the gravel pit opposes the conditional rezone. Mr. Bower said if they look at what happened in 2018, you have to look at the findings and ask, "What has changed?" He

read from part B of the 2018 Findings, specifically if the new zoning was more appropriate than the current zoning designation. He said the Commission is going to see testimony from the people who live there who say, 'it is changing'. He said it is about open space. Mr. Bower read another 2018 Finding: 'Is it compatible with surrounding land uses?' which determined it was not compatible because it would create the smaller lots. He said, as a lawyer, he appreciates precedence but we know how the real world works: this will create precedence. He said he appreciates land rights.

**MOTION:** Commissioner Nevill moved to give Mr. Bower one additional minute of testimony; seconded by Commissioner Villafana.

Mr. Bower continued: He said CC&Rs are important because they go to the character (of the development). They have very restrictive CC&Rs and there is a significant architectural committee requirement and they will be in litigation. He spoke to the architectural committee that morning and they said they will not approve any new construction. Mr. Bower said this is going to create a mess. The better course of action, he said, is to add a second home. There are different ways to protect the property rights. Commissioner Nevill asked if he had looked at the water user agreement. Mr. Bower said it will be a mess; dealing with the irrigation district, there are shares and who owns the shares. He thought they proposed to dig an irrigation well. He hesitates to bring the water issue up because the bigger issue they are concerned about is the character of the area.

Commissioner Williamson asked if was an irrigation well or surface irrigation as an irrigation well doesn't fall under an Irrigation District. Mr. Bower said it was an irrigation well. Commissioner Williamson said if it was a well, there was no Irrigation District involvement. Mr. Bower said he was not adequately prepared to address the legalities of that (water) and water was not the primary focus.

**Chairman Sturgill** asked staff for a late exhibit number for the letter from Rambo Sand and Gravel. Chairman Sturgill handed out copies of the letter to all Commissioners and asked if there was any objection to the late exhibit. There were no objections and Chairman Sturgill entered the late exhibit into the record.

**Ken Jorgensen – IN OPPOSITION – 11228 Coyote Cove Nampa ID 83686**

Mr. Jorgenson said he was not in the HOA but he is part of the water district. He came from the San Francisco Bay Area: he said he didn't come to change Idaho, he came to preserve it. He was fortunate to find their house in that neighborhood; there is lots of room around the houses and that is what he wants to keep. He said to say putting another house on that street isn't going to change the character is wrong. He grew up on the San Francisco peninsula so he knows what crowding is. He said the Commissioners need to speak to their counterparts in Fresno. Nampa Planning guy said we have an aquifer with lots of water but Mr. Jorgensen said they don't. He said this is a desert. There isn't lots of water; when they build houses, they channel the water onto the street and it runs away. It doesn't go into the ground. Big fields are being replaced left and right and we are losing that water. If nobody is thinking about what are we going to do in 20 years when the groundwater is gone, it will be like Fresno.

**Claudia Frent – Applicant (Representative) – REBUTTAL – 12359 Rivendell Court Nampa ID 83686**

Ms. Frent said she lives in a 2-acre subdivision and is the HOA president of that 18 home subdivision. They too have pressurized irrigation. She said splitting this lot will not affect the water; they can irrigate the one acre off its well and the 1.9 acres can be watered off the (existing) irrigation. She believes the Planning Official answered the question well: if approved, they can cross that bridge when they get there. There are checks and balances put in by the County, prohibiting any homeowner from taking water rights from another. She said this will not change the character of the area. If you look at the report that was prepared, the area is a mixed rural/agricultural area. Coyote Cove has lot sizes from 1-acre to 4-acres; the lot sizes

vary. Ms. Frent said according to the attorney and the architectural committee, they aren't even allowed to put up a second home because it won't be approved. She said HOAs do not dictate and override property rights. The CC&Rs state a split can be done if it is approved by the County or if they annex into the City. She provided an example of a neighbor who annexed into the City of Nampa and then completed a lot line adjustment or split. The downsizing refers to their home's size. Ms. Frent said the Iovu's home is 2700 square feet and they plan on downsizing to a 2000 square foot home which is the minimum (size for the subdivision). She said the Iovu's have property rights and are refugees from a communist county; they deserve to have their property rights upheld. When they were denied previously, the Iovus told Ms. Frent that this was more corrupt than Communist Romania.

Chairman Sturgill clarified with Ms. Frent that the 2000 square foot minimum was part of the development CC&Rs. He also asked about the former resident who annexed into the city and why the Iovus couldn't do the same. Ms. Frent said that your property has to be touching the City limits to be able to annex into the City of Nampa.

**MOTION:** Commissioner Nevill moved to close public testimony on Case CR2022-0032 seconded by Commissioner Williamson. Voice vote, motion carried.

**DELIBERATION:**

Chairman Sturgill reminded everyone that their decision will be a recommendation to the Board of County Commissioners who will make the final decision at a future public hearing.

Commissioner Williamson said he is mixed on how he leans on this issue. He said the issue seems to fall squarely on whether there are the same negative impacts as in 2018 or is it enough of a difference to have the building envelope along with a conditional rezone. The water issue would probably be worked out at the platting stage. He still hasn't reached a decision on how he leans on the case.

Commissioner Nevill said he is also struggling to figure out what has changed enough that they wouldn't lean heavily on the 2018 findings of non-compatibility. There has been testimony on both sides that it will and won't change the character of the area. He said they have to understand that in the code, a conditional rezone says it isn't a foot in the door and can't be used by future developers. But if you have an Ag zone and the zone changes, to him that is a change in the character of the area that winds up being a fact that supports the finding that it will negatively affect the character of the area. As far as the finding about adequate facilities, they may not have a clear understanding of the impact, but the testimony of HOA board members provided compelling testimony that there is a water users' agreement set for a certain number of users and when adding another house, they are going to have to figure out how to irrigate. He clarified that they can only irrigate 1/2 an acre off a domestic well and he felt they were reaching with this lot size to irrigate off a domestic well. Commissioner Nevill said they are going to have to come up with a solution to the irrigation problem or else it will become a weed pile and that will affect all the neighbors. He is currently not in favor because there are just too many questions and too many concerns.

Commissioner Villafana said he is undecided but he is leaning towards approval. He listed his reasons why: since 2018, there are 14 subdivisions that have gone in close to them and within a mile radius the average lot size is .36. He knows those are within city limits but the growth is rapidly surrounding them. The character of the area has significantly changed in the last 4 years; maybe not in their little bubble, but directly outside their little bubble everything has changed. He would rather see an additional parcel/house created from a 3 acre parcel than take out an area of productive farm ground. He said they are already in an area seeing immense growth so you could argue that this is an area that is already suited to a one acre parcel with a house on it. Commissioner Villafana said that is why he is leaning in favor although both sides have valid arguments.

Commissioner Williamson asked Commissioner Nevill about the testimony that one homeowner already annexed into the city. He believes that removes them off the water users' agreement. If Commissioner Nevill is concerned about capacity, if one or two users are no longer eligible for the well because of annexation, did that alleviate his concerns about the capacity of the irrigation well?

Commissioner Nevill said that no one testified that was the case. If someone had said two lots went off the well and they felt two lots coming on wouldn't make a difference, that would be one thing. But they didn't get any testimony about that and he doesn't have any facts.

Commissioner Williamson asked Commissioner Nevill if this were to be approved, would a condition that they need to clear up the water issue and concerns at the platting stage be something he would be agreeable to? Commissioner Nevill said he doesn't disagree with asking for that (condition) but he doesn't know whether that answers the question. What if they do a full investigation and determine that they can't put any more taps in? Commissioner Williamson said he is trying to see if there is any avenue to try to make things easier for everyone.

**MOTION:** Commissioner Nevill moved to recommend denial case CR2022-0032 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 Chairman Sturgill. Roll call vote: 3 in favor 1 opposed, motion passed.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Nevill moved to approve the minutes from 3/16/2023, seconded by Commissioner Villafana. Voice vote, motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

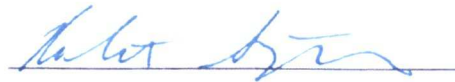
Planning Official Dan Lister said they are having weekly workshops with the Board of County Commissioners on topics they want to discuss as well as trainings. They will share the calendar with the Planning and Zoning Commissioners. Some workshops will be about the current Comprehensive Plan and in addition, there will be workshops with Water agencies, Fire Districts and Transportation. He mentioned the new Planning processes and new design of staff reports. He stated they wanted to come up with a form that has the specific case findings the Commissioners can use to change, add evidence or findings when listening to testimony during the hearing. There was discussion about adding two new Planning and Zoning Commissioners and the process involved.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Nevill. Voice vote motion carried. Hearing adjourned at 8:42 pm.

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

Approved this 4th day of May, 2023



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Recording Secretary

March 29, 2023

TO: Canyon County D.S.D. and Commissioners

From: Rambo Sand & Gravel, Inc.  
Timothy B. Rambo, President

RE: CR2022-032

I own and operate the mineral extraction operation directly to the east of the proposed rezone referenced above. I am opposed to the proposed rezone on the basis of traffic generation. My trucks and heavy equipment enter on to Middleton Road directly across from the proposed rezone. Truck traffic and car traffic are not a great mix and adding more traffic at the proposed location is not helpful. My operation has no time limit and will run into the foreseeable future. When and if my operation ceases it would eliminate my concerns regarding traffic.

Thank you for your consideration,

Rambo Sand & Gravel, Inc.,  
an Idaho corporation

  
By: Timothy B. Rambo, President

Attachment K

Al and Robin Sanchez  
2525 S. Middleton Rd.; Nampa, ID 83686  
(208) 866-3117



July 4, 2023

Board of Canyon County Commissioners  
1115 Albany St.  
Caldwell, ID 83605

**Re: Case #CR2022-0032**

Virgil and Tabita Iovu, property owners at 2505 S. Middleton Rd, Nampa, have applied to the county to have their property rezoned in order to split their property (parcel R29303251). Our home is adjacent to this property and **we oppose the proposed conditional rezoning request.**

This is the second time this general request is being made. As you may know, Coyote Cove is a unique subdivision in that all the property lots have been intentionally established to provide more open space than most of the subdivisions established in this area. Our subdivision is relatively small in the number of properties within the subdivision, when compared to many of the new subdivisions springing up around our area. However, the majority of property owners also oppose the requested conditional rezoning.

In our opinion the proposed changes will set precedent for changing the unique characteristics of Coyote Cove and ask that you deny the conditional rezone request. This is in direct violation of the existing restrictions/covenants that were in place at the time Virgil and Tabita purchased their property. These covenants were established to protect the unique characteristics of the Coyote Cove Subdivision. These unique characteristics are specifically the reason we built our home in this sub-division.

Respectfully Submitted

Al Sanchez

Robin Sanchez

Cc: Coyote Cove Homeowners and Water-users Committee

Susan & Doug Ray  
11980 Meredith Ct.  
Nampa, Idaho 83686

Canyon County Commissioners  
1115 Albany St.  
Caldwell, Idaho 83605

July 7, 2023

Re: Case # CR2022-0032

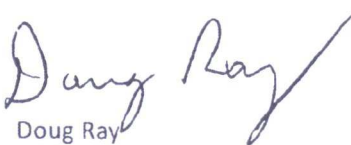
Doug and Susan Ray are opposed to the rezoning and subsequent land split of 2505 S. Middleton Rd. Coyote Cove #2 was developed with the intent of large lots for maintaining large animals, beef, horses, llamas and goats. Property owners are quiet and tend to stay out of each other's business. The owners requesting the change in zoning are the only property owners to do so, all other owners have abided by the CC&Rs of Coyote Cove #2.

Coyote Cove is an exception to the sprawl of the City of Nampa, an oasis next to the Federal Reserve and property owners have fought to remain outside of the City of Nampa's area of impact. Doug and I fear allowing a single lot to be rezoned and split will change the feel and landscape of the subdivision and open other lots to rezone and split.

We are asking the commission to carefully consider the decision in this matter.

Sincerely,

  
Susan Ray

  
Doug Ray

Attachment L2



Case# CR2022-0032

July 6, 2023

Canyon County Commissionner  
111 N 11th Room 40  
Caldwell ID 83605

RE: Rezone Application

To Whom It May Concern:

My name is Costin Pirvu, I live at 11998 Meredith Ct, Nampa ID 83686. My wife, Alisa Pirvu and I are part of the Coyote Cove Homeowner Association, my wife and I oppose the Rezoning and Plans to Split the property at 2505 Middleton Road, Nampa Idaho.

The subdivision was developed to create estate sized lots with preservation of sight lines and views. Further, subdividing of lots would jeopardize this goal. Therefore, the proposal is not compatible with surrounding land use and would negatively affect the character of the area.

Furthermore, the irrigation system does not have the capacity nor the provision for the delivery of water to the additional lot Mr. Iovu is trying to create. As the president of the Coyote Water Association, the Water Association will not provide water to any additional lots.

Thank you for your consideration of the above. Please advise if further information is required.

Sincerely,

The image shows two handwritten signatures in blue ink. The signature on the left is for Costin Pirvu, and the signature on the right is for Alisa Pirvu. Both signatures are fluid and cursive.

Costin Pirvu & Alisa Pirvu

Attachment L3

Case #1  
CH 2022-0032

I have included a memo, titled Case #PH2018-6, from the first time this matter came to the attention of the Canyon County Commissioners in 2018.

Jim Binns still lives in Coyote Cove #2, as does Costin Pirvu. The information within the memo is still correct and valid.

Thank you.

Susan Ray

Secretary, Coyote Cove Homeowners

March 1, 2018

Coyote Cove Home Owners Association.

Case # PH2018-6

To Canyon County Commission

On behalf of the property owners of this subdivision I would like point out some of the issues that have come to our attention.

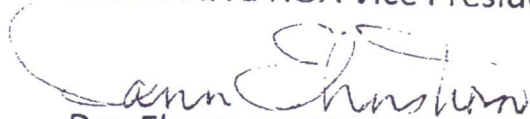
1. All the lots have been engineered with building envelopes, Well & Septic locations
2. People bought these lots at a premium price because of the size
3. The CC&Rs say the lots cannot be split and Virgil Iovu agreed with these conditions when he bought his lot.
4. All the people in the subdivision are against any change in the zoning (20 lots)
5. It will put an extra burden on the irrigation well



Jim Binns HOA President






Costin Pirvu HOA Vice President



Dan Ehnstrom HOA Secretary Treasurer

Name	Email	Postcode	Phone	Opt-in *	Processing consent **
MARC Taylor	marcbtaylor@gmail.com	83686	208-880-0409		
Talisha Taylor	marctalisha@gmail.com	83686	208-880-0366		
Nancy Downey	wlaning6@gmail.com	83686	208-761-7041		
Dennis Downey	djdwney50@gmail.com	83686	208-989-3866		
JARED MANSTFIELD	TJ00073@GMAIL.COM	83686	947-252-4869		
Margaret Lanfear	bobmargaret69@gmail.com	83686	208-989-7176		
Htn Burns	amburns7@hotmail.com	83686	208-860-9234		
Hannah Pray	hpray44@gmail.com	83686	208-965-6108		
S Prins	bjprins7@gmail.com	83686	208-860-8161		
R. Henning	11110 Coyote Cove	83686	208-466-4334		
Howard Henning	11110 Coyote Cove Rd.	83686	208-466-4334		
Janelle Nelson	11243 Greenhurst Rd	83686	208-371-3209		

\* Join Ekö Petitions  
 \*\* Process my data

Name	Email	Postcode	Phone	Opt-in *	Processing consent **
John Smith	john@smith.com	2000	0412374839	✓	✓
	c.pirvu10@gmail.com	83686	208-4072550		
	rsanchez554@gmail.com	83686	208-250-8598		
	asanchez54@gmail.com	83686	208-666-3117		

\* Join Ekö Petitions  
 \*\* Process my data

**Important** - don't forget to enter your new signatures on your petition page. You can do this at <http://petitions.eko.org/petitions/opposition-to-the-rezoning-of-2505-south-middleton-road/manage/offline>