



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

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

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Commissioner
Patrick Williamson, Commissioner
Harold Nevill, Commissioner
Miguel Villafana, Commissioner
Geoff Mathews, Commissioner
Matt Dorsey, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services
Dan Lister, Planner
Michelle Barron, Planner
Jennifer Almeida, Office Manager
Amber Lewter, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:32 p.m.

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

Item 1A:

Case No. CU2022-0041- Randy Reams / Dobro, LLC. – The applicant, Reams/Dobro LLC, is requesting a conditional use permit to allow a Church on parcel R36074011. The property is zoned “A” (Agricultural). The property is located at 21985 Dixie River Rd, Caldwell, ID. 83605; also referenced as a portion of the NE¼ of Section 14, T4N, R4W, Canyon County, Idaho.

Declaration: Commissioner Nevill declared the subject land used to be the site of Centerpoint Academy High School which was a COSSA Alternative School. Commissioner Nevill was a superintendent for COSSA. The land was sold and the use has changed.

Planner Michelle Barron reviewed the Staff report for the record

Commissioner Williamson asked for clarification on Exhibit B, Image 3 of the Northern Property where the basketball court and a couple parking spaces lie, if this area was addressed in the property boundary adjustment and if there are any issues or concerns regarding this area. Planner Michelle Barron explained the property line falls there, that originally when the application was submitted it was the entirety of the parcel and then it got adjusted. Planner Michelle Barron stated for more clarification the applicant would be better able to answer if there are any arrangements or concerns in regards to the area in question. Commissioner Williamson questioned if the hours of operation are for the public or business hours. Planner Michelle Barron stated that she believes they are the church related hours but the applicant would be better able to clarify. Commissioner Williamson asked if any office work needed to be conducted for the church if the office work needed to be done during the hours of operation. Planner Michelle Barron explained if the hours of operation are defined then all work would need to be conducted at the defined hours.

Commissioner Sheets asked if the hours of operation were determined by staff and if any less or more hours would impact staff's recommendation. Planner Michelle Barron explained that the hours were requested on the application and the impact is much less than when it was a school, so even if the hours were expanded the recommendation would stay.

Commissioner Nevill asked if the hours of operation for the surrounding gravel pits extends or overlaps the churches hours of operation. Planner Michelle Barron stated that there are several gravel pits in the area and the research for their hours was not administered. Commissioner Nevill stated he will direct that question towards the applicant.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

RANDY REAMS – Applicant (Representative) – IN FAVOR – 641 NORWOOD LN, NAMPA, ID 83651

Mr. Reams began with explaining that the process started last year, they chose this location because it was a school previously, therefore it has all the requirements for a church. Mr. Reams stated at this time they are a small church with the average attendees at around forty. Mr. Reams addressed the property line concern, stating that originally it was a request for the full lot but 3 weeks before the first hearing the owners decided to break up the property. Mr. Reams stated he is fine with the property adjustment. Mr. Reams addressed the hours of operation concerns. Mr. Reams explained the hours of operation that was requested are scheduled service hours, they do not need office hours because Mr. Reams has an office in his home. Mr. Reams stated that there will be times outside of those hours they will be at the church, for special events such as pray meetings or men's breakfasts, Mr. Reams doesn't have a schedule for those so he didn't include them. Mr. Reams explained on Sundays the gravel trucks are not running much and during the evenings he has noticed they occasionally do run after 6 pm. Mr. Reams stated that the church currently is renting the Nampa Grange and have been doing so for the last 5-6 years but due to some of the people from the congregation moving, they started looking in this area to meet the needs of the congregation, but most of all it is the legal requirements for a church such as a fire alarm, ADD bathrooms, ADD ramps, etc. that make them want this particular location, not to mention the price is right for them. Mr. Reams stood for questions.

Commissioner Williamson addressed the special events, asking Mr. Reams for his best guess how many events a month or year would the church hold. Mr. Reams stated they hold special events and church work days mostly Friday evenings or Saturdays, maybe twice a month. Commissioner Williamson clarified about 24 special events in the year. Commissioner Williamson addressed staff asking if there were any limitations the County allows. Planner Michelle Barron explained that there is not a standard and each Conditional Use Permit differs per individual and parcel use. Commissioner Williamson asked if staff included any special events in the C.U.P. outside of normal hours of operation. Planner Michelle Barron explained she did not add any special events but they can be added if Commissioner Williamson wishes. Mr. Reams stated once he has a building he would be able to schedule the events so they are no longer special events. Commissioner Williamson explained that he is just making sure Mr. Reams is asking for what he actually needs so that there aren't any issues with the Conditional Use Permit down the road.

Commissioner Nevill asked for clarification if Mr. Reams is renting or owning. Mr. Reams clarified he is renting. Commissioner Nevill asked if Mr. Reams is aware of what the other building is going to be used for and if he thinks it may interfere with the church. Mr. Reams stated he has heard rumors but can't say for sure, but he would hope the owners would let them know if there would be any interference. Commissioner Nevill stated he is concerned with the hours of operation because as it stands now they

will only be able to operate Wednesday evenings and Sunday mornings. Commissioner Nevill asked if Mr. Reams has read the Five Conditions of Approval. Mr. Reams stated he read them a year ago when this all began. Commissioner Nevill asked if Mr. Reams is fine with all of them or if he would like to review them. Mr. Reams said he would like to amend the hours if that is allowable. Commissioner Nevill explained that the Commissioners would need details of what hours to put in the C.U.P. Chairman Sturgill explained this is the reason for the dialog and if Mr. Reams needs time to think of what hours he needs he can do that, just before they conclude the Commissioners would like to know what Mr. Reams needs for hours of operation. Commissioner Nevill explained he doesn't believe the congregation would complain but for example if they needed to reschedule something for a different night and neighbors complained it could become a hassle if the hours are not listed correctly in the C.U.P. Commissioner Nevill suggested to take some time to think about the hours of operation and let the Commissioners know what he needs. Commissioner Nevill asked if Mr. Reams had any concerns about the gravel trucks running during Wednesday night sermons. Mr. Reams stated that he believes any conflict with the gravel pits and the church would be less significant than it was with a school.

Commissioner Sheets brought up the concern of the hours of operation bringing up the fact that some churches have midnight services on special occasions. Mr. Reams stated they have done New Years Eve services before and plans on sitting down with some of the congregation that is present at the hearing and discussing the hours of operation. Commissioner Sheets advised to make sure Mr. Reams has the operations of what they intend to do and when they intend to do them so they are adequately covered because as the condition stands they are inadequate.

Mr. Reams addressed a previous concern about the property line at the park and picnic tables. Mr. Reams stated that they have discussed putting a fence up to create separation of space. Mr. Reams stated that they have two parking spaces that are paved.

Chairman Sturgill mentioned that staff indicated that the County Code for parking requirements is based on the capacity of the building. Chairman Sturgill asked how many parking spots exist today. Mr. Reams stated he could get a written agreement from the owners now that it is a different parcel that they can park all the way down the front side. Mr. Reams explained that Ada County Highway District advised Mr. Ream that if you put a 20-foot-wide paved portion into the space where the boxcar is that could be used for parking if you put the one-foot perimeter down onto the pavement. Mr. Reams advised they are already working on bids for that so they know what it will cost, open that space up for more parking, which would add about 16-20 more parking spots. Chairman Sturgill asked before the additional 16-20 parking spots, how many parking spots are currently onsite. Mr. Reams stated that 25 parking spots exist today. Chairman Sturgill asked if Mr. Reams knows what the capacity for the building is. Mr. Reams stated that the capacity in the front room was 65, plus the classrooms. Chairman Sturgill confirmed they have more than adequate parking available. Chairman Sturgill advised Mr. Reams that they will bring him back up later to discuss the hours of operations.

The others testifying in favor wanted to stay and speak to Mr. Reams. There was discussion between the Commissioners on how to proceed with the hearing. Chairman Sturgill asked how long they would need. Mr. Reams stated he was ready to proceed. Mr. Reams advised they are asking for hours of operation to be amended to 8am-12am 7 days a week. In the past they had gone to a park for certain events and with this location there is grass so they would be able to do these events onsite.

Commissioner Nevill clarified they are looking at changing Condition of Approval Number 2 the hours of operation to 7 days a week 8am-12am. Commissioner Nevill asked Mr. Reams if he is aware some of his events will happen during the same time as heavy traffic of gravel trucks. Mr. Reams stated that one of

the board members drives the gravel trucks and let Mr. Reams know the hours are 7am-6pm. Commissioner Nevill stated there is an overlap of hours of operation and asked Mr. Reams if he is ok with that. Mr. Reams expressed the overlap is acceptable.

Commissioner Williamson addressed the hours of operation in relation to the New Year's Eve service. Commissioner Williamson asked if everyone is out the door by midnight or if it needs to be 1am to give people to leave and cleanup. Mr. Reams stated that 24 hours a day 7 days a week would work best to cover everything because the church works on volunteers and the hours differ. Mr. Reams expressed not wanting to break any rules. Commissioner Williamson explained the Commissioners want to make sure Mr. Reams has the accurate requests for no future issues.

The other witnesses present stated they had nothing more to add for testimony.

Chairman Sturgill asked staff if they had anything they wanted to discuss. Planner Michelle Barron advised once deliberation occurs if the Commissioners want to change the condition.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2022-0041, seconded by Commissioner Williamson, voice vote, motion carried.

DELIBERATION:

Commissioner Williamson addressed Condition 2 letter A stating he is comfortable changing the condition to 7 days a week 24 hours a day. Chairman Sturgill asked if there were any objections. Commissioner Nevill asked for clarification of the change in condition. Commissioner Williamson proposed striking out the rest of the sentence after hours of operation are and replacing it with 7 days a week, 24 hours a day. Chairman Sturgill proposed putting there are no restrictions for hours of operation. Chairman Sturgill asked if there are any other concerns or modifications for the proposed conditions of approval.

MOTION: Commissioner Williamson moved to approve case CU2022-0041 to adopt the recommended Findings of Facts and Conclusions of Law and amended conditions of approval in order. Seconded by Commissioner Villafana.

Discussion on the motion:

Commissioner Nevill proposed noting information the staff provided is an answer to question 7, "will there be any undue interference with existing or future traffic patterns" that it should note that the applicant and the board of the church acknowledged they are willing to take the chance meeting at the same time there is gravel truck traffic on the road.

Chairman Sturgill asked Commissioner Williamson if he wishes to include the proposal from Commissioner Nevill in his motion. Commissioner Williamson expressed he would. Commissioner Villafana's second still stands. Chairman Sturgill advised Commissioner Nevill to work with staff for the wording of his proposal.

Commissioner Nevill and Planner Michelle Barron discussed wording for the proposed addition to question 7. Planner Michelle Barron read the addition, "The applicant and the board members of the church have acknowledged there is a possible interference with concurrent truck traffic in the area." Commissioner Sheets expressed that he didn't see anything in the evidence that suggested that there was interference or possible interference. Commissioner Nevill stated that the applicant was very

forthright by stating he understood there was going to be concurrent operation of their operation and that of the gravel pit operations with truck traffic on the road. Commissioner Sheets stated the change is not in line with the finding the Highway District made when they stated that the proposed use is expected to make similar traffic volume as previous uses of school. Commissioner Sheets doesn't believe this modification is necessary because it goes against the evidence. Chairman Sturgill addressed Commissioner Williamson and Commissioner Villafana, asking if the motion and second includes the amendment. Planner Michelle Barron brought up the point that the criteria are based on the application and what interference it may cause with traffic. Chairman Sturgill clarified if the use would interfere with existing traffic. Commissioner Williamson stated with the information provided he is going to proceed with the original proposal of having the only modification to Condition 2, A. Commissioner Williamson stated he had seen in the findings that the proposed use may generate less traffic than the school that was there previously. Commissioner Villafana's second stands with the amendment. Chairman Sturgill moves to voting for the motion of approval with modified conditions of approval.

Roll call vote: 7 in favor, 0 opposed, motion passed.

Item 2A:

Case No. CR2022-0005- Tanner Verhoeks / Haven Creek – The applicant, Tanner Verhoeks of Haven Idaho, is requesting a Conditional Rezone of parcels R28963, R2891010, R2891011 and, R28961, approximately 43.95 acres, from "A" (Agriculture) to CR-R-1 (Conditional Rezone – R-1 Residential) zone. The request includes a development agreement to limit residential development to 29 lots with a public water system. The subject property is located at 9814 Robinson, Nampa; also referenced as a portion of the NW¼ of Section 17, T2N, R1W, Canyon County, Idaho. On February 16, 2023, the Planning and Zoning Commission recommended denial of this application. On September 14, 2023, the Board of County Commissioners remanded the case back to Planning and Zoning Commission.

Planner Michelle Barron reviewed the Staff report for the record.

Commissioner Sheets asked if Planner Michelle Barron could summarize the comments from Kuna School District as well as the Fire Department to their ultimate conclusions. Planner Michelle Barron explained that it is her understanding that Kuna School Districts decision and capacity changed because Kuna School District is allowing development if there is a voluntary, monetary donation or some kind of partnership, Kuna School district will then be willing to support the development. Planner Michelle Barron informed the Commissioners in this situation there was a partnership between the developer and the School District and the developer would be able to speak more in depth towards the partnership. Planner Michelle Barron stated Kuna Fire said they are able to meet the needs whereas in the public hearing portion there was a lot of people concerned about the response time in the area.

Commissioner Williamson inquired about a statement from Kuna School District about having a bus area for kids to gather and didn't see it on the concept plan on the case. Commissioner Williamson asked if Planner Michelle Barron was able to get a standard from the school district to add it to the conditions. Planner Michelle Barron stated if the Rezone is considered for a recommendation for approval that a condition could be added. Planner Michelle Barron advised that the school district typically likes to have a say so they can also talk to the managers to the buses. Planner Michelle Barron suggested if recommendation for approval goes forward they can add a condition to work with Kuna School District regarding a bus stop area for the development.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

TANNER VERHOEKS- Applicant (Representative)- IN FAVOR- 25580 GOOSEBERRY LN, CALDWELL, ID

Mr. Verhoeks addressed the fact that the case was remanded from the Board of County Commissioners because of new information Planning and Zoning had not heard at the first hearing in February. Mr. Verhoeks stated he has incorporated changes based on the comments and public testimony while still complying with the requirements for the Conditional Rezone. Mr. Verhoeks believes this location is an excellent location for a rural single-family project because it offers quick access to the City of Nampa and Kuna while giving residence a peaceful country side look, feel and lifestyle. Mr. Verhoeks stated he is requesting an approval of a Conditional Rezone comprising 43.95 acres to R1 Single Family, the proposed concept plan includes 29 single family lots with a gross average lot size of 1.52 acres, the concept also includes a community water system and individual septic systems. Mr. Verhoeks mentioned they would maintain rambling roads and keep the rural feel with a roadside ditch. Mr. Verhoeks explained the concept places the larger lots along the perimeter of the project while keeping the smaller lots in the interior. Mr. Verhoeks understands there are 8 standards of evaluation which are judged upon per code, he believes they are complying to all 8 findings and have worked on mitigations for the past 7-9 months. Mr. Verhoeks stated he agrees with the current draft FCO's for A, E, F, G, and H, Mr. Verhoeks believes the concerns around these standards have all been resolved before the hearing. Mr. Verhoeks does not agree with the current draft FCO's for B, C, and D. Mr. Verhoeks addressed standard B, the standard asks "is the proposed Conditional Rezone more appropriate than the current zoning destination". Mr. Verhoeks stated that the previous draft FCO that was prepared for the Board of County Commissioners stated that the request is more appropriate due to being consistent with the future land use map and that there are older subdivisions in the area that are zoned agricultural that are for residential uses and were approved but not required to rezone at the time. Mr. Verhoeks stated it is difficult to base this decision purely off of an inaccurate outdated zoning map so he believes focus needs to be on actual land uses on the ground today. Mr. Verhoeks stated that having mixed lot sizes makes sense because growth is slated in this area and it will bring a variety of demographics to the area as well as peoples wants and lifestyles change. Mr. Verhoeks addressed standard C, the standard asks "is residential use compatible for the surrounding land uses". Mr. Verhoeks believes R1 Zoning designation as they have conditioned is compatible with the surrounding land uses when considering land use on the ground. Mr. Verhoeks stated at the P & Z hearing in February someone mentioned Stewart Dairy Operation and how more homes would be incompatible with it, Mr. Verhoeks went and spoke to Joe at the Dairy, Joe made pointed questions and made suggestions, he also made his assessment in a letter stating, "The proposed homes are compatible with even the most intense Ag use in the area". Mr. Verhoeks mentioned in February, Planning and Zoning did not get to hear testimony from Commercial Ag about the project, their testimony is available now. Mr. Verhoeks states there are ample reasons to find this project compatible with surrounding land uses under standard C. Mr. Verhoeks addressed standard D, the standard asks "would this rezone negatively effect the character of the area and if so how is it mitigated". Mr. Verhoeks made a point that anyone can say any change they don't like will negatively affect the character of the area, but effects can be mitigated and change can bring positives as well. Mr. Verhoeks went into detail surrounding the seven areas that needed mitigated from the Planning and Zoning hearing in February and have been mitigated with accordingly. The first being drainage and irrigation, the project is proposing a pressurized irrigation system while maintaining all existing run off flows. The second mitigation was for substandard wells, some adjacent neighbors have old shallow wells, the project now allows them to hook up to the new community water system that gives the adjacent at-risk neighbors water security. The third was traffic, Mr. Verhoeks provided traffic data that was collected after the first Planning and Zoning hearing, the data states the fact that additional traffic is minimal and wont impact nearby intersections level of service. The forth concern that needed mitigated was in regards to emergency services, after the first hearing in February

Kuna Rural Fire confirmed the response times to the proposed site is adequate. The fifth was ground water and with making a partnership with Department of Water Resources, there is data measuring the level of impact the proposed home water use will be on neighboring wells. With three monitoring wells, the data confirmed the model shared previously with Planning and Zoning. The sixth concern was upkeep, neighboring homes had concerns about neighbors maintaining their land, Mr. Verhoeks believes the proposed lot size with a one to two-acre range are large enough to attract residence that are seeking the country style living but small enough to maintain without expensive equipment. HOA covenants will also reinforce the upkeep. Lastly, the seventh was design, all the roads, ditches, fencing, homestyle and other esthetic elements will echo the homes in the surrounding residential streets such as Gunsmoke, Diane and Dundee, the design will fit the character of the neighborhood. Mr. Verhoeks believes the basis of the decision is clear, having a wealth of information that wasn't available in February, issues that were raised at the first Planning and Zoning hearing have now been factually dismissed in the staff report or have been mitigated. Mr. Verhoeks stated if there are any new issues he is happy to address them now or at the plat, he welcomes conditions that they feel appropriate either tonight or to be worked out in the future with staff. Mr. Verhoeks expressed he hopes it is clear with the attention to detail and with following through so everyone benefits is a commitment that he has kept in the past and one he presents for the Commissioners to review for the Haven Creek Community to continue following through. Mr. Verhoeks stated he is not only the applicant and one of the civil engineers on the project, he is also a Canyon County local and lives just outside Middleton so he deeply shares the same concerns as many, he just understands that development has to happen in certain areas. Mr. Verhoeks stated this particular area has dense city subdivisions that are one county block away, the comprehensive plan for this application is residential, it is in the area of impact for Nampa, which they have indicated this should be residential, Kuna is growing in this area, everyone agrees this area is slated for residential, and that nearby prime farmland south of Dilane is intentionally excluded from the comprehensive plan from residential development. Mr. Verhoeks addressed a map on the screen showing the property already surrounded by subdivided residential land with an island of farmland inside. Mr. Verhoeks believes as a local if he doesn't create rural development someone else will do something very different and he wants to be a part of the solution. Mr. Verhoeks stated he has personally invited neighbors to his house, he personally sat in the offices and talked to Water Resources, Southwest district Health, DEQ, Nampa and Meridian, he personally enlisted a well-respected hydrologist and engineers, collaborated with Canyon County Engineer and Kuna Fire District, he also commissioned a level nutritious study, because this is a personal commitment for him and cares that this project is positive for the community. Mr. Verhoeks concludes there is new information that wasn't there previously, there is inclusion of a community water system, daily well monitoring data, traffic threshold analysis study, well pumping test, detailed information from the largest Agricultural user in the area regarding the impact these homes will have on operations, and a new agreement with Kuna School District. Mr. Verhoeks stated he hopes the Commissioners will see that he took their feedback and incorporated it and that he isn't asking for anything that hasn't been done in this area before, that the land use is compatible with land use on the ground today and the surrounding area may show agricultural use but many of the subdivisions were approved with a conditional use permit because the process was different at that time. Mr. Verhoeks asked the Commissioners to consider that Mr. Verhoeks is meeting code through the eight standards of evaluation and that the comprehensive plan as well as the mitigations address all the previous concerns. Mr. Verhoeks stated he will continue to listen and be open to anyone's ideas and incorporate ideas to the preliminary plat when they get to that point. Mr. Verhoeks declared there are some agreements to note between Stewart's Dairy, Kuna School District, and neighbors that are not written in the proposal that is presented at the present hearing but he is willing to include them in the development agreement and if the Commissioners are interested will discuss the agreements. Mr. Verhoeks stood for questions.

Commissioner Nevill explained the fundamental issue is land use and that he understands Mr. Verhoeks

is saying that growth is inevitable so the best solution is putting houses next to houses for this piece of land. Commissioner Nevill asked Mr. Verhoeks if this piece of land is still productive. Mr. Verhoeks expressed the land is currently being farmed by a tenant farmer who was leasing it under the previous owner. Mr. Verhoeks stated the land is difficult to farm because it has a few different parcels not shaped well, a canal running through the middle of it, and rocks shells through the property. Commissioner Nevill stated the fact that the Soil Conservation found the soils are class two and three, and for Canyon County that soil level is pretty good because there is not a lot of level twos and threes left. Commissioner Nevill asked Mr. Verhoeks if he has ever farmed this piece of land. Mr. Verhoeks stated he has not farmed this land.

Commissioner Dorsey mentioned that Nampa City wants the lot sizes smaller and asked how Mr. Verhoeks would address that. Mr. Verhoeks stated that isn't the type of projects he likes to pursue and likes the one to two-acre lot product, he thinks it is what the market wants now, easy to maintain and a good property size. Mr. Verhoeks stated he isn't interested in packing in more houses but instead taking the land they have now within impact areas and putting it to its best use so the farmland can be preserved instead of growing past the impact areas with larger lots. Commissioner Dorsey commented that if more houses were put into this property it wouldn't push out into surrounding properties. Mr. Verhoeks agrees with Commissioner Dorsey's comment.

Commissioner Mathews asked how much it costs to replace the well for the pressurized irrigation system. Mr. Verhoeks stated they are proposing a storage pond, running pressurized pipe and a pump house, it would cost hundreds of thousands of dollars to replace. Commissioner Williamson asked if Mr. Verhoeks is including that cost into the HOA sufficiently to replace it if needed. Mr. Verhoeks stated he would.

Commissioner Williamson asked for clarification regarding the neighbors tying into the community water system. Mr. Verhoeks stated the idea is to help the neighbors because they are concerned, some neighbors have shallow wells even as shallow as 50 feet. Studies and the project have found to have no impact based on the actual data but as a gesture of goodwill if we can help a neighbor we will so when an adjacent neighbor is concerned they can join the water user's association then they will stub them a hookup to the community water system so they no longer have to worry about the shallow well. Commissioner Williamson clarified there may be easements going out to the stubs and would need to be included in with the Plat. Mr. Verhoeks agreed that if agreements were made with the neighbors that would be figured out at the Plat stage.

Commissioner Sheets reviewed the Evaluation of Standards letter B on staff's conclusion that this project is not more appropriate for the zone because the lots aren't big enough the current median in the area is 4.88 acres and the average lot size is 5.35 acres with Mr. Verhoeks suggesting 1-2-acre lot sizes. Commissioner sheets asked for understanding on why Mr. Verhoeks believes this project is more appropriate when you look at the map and he is requesting something 5 times denser than everything around it. Mr. Verhoeks stated the numbers Commissioner Sheets were referring to are an average and that there are properties around 5-10 acres in the area but there is also half acre lots nearby and that brought the average down, he feels with the mixed lot sizes the plan fits into the general average in the residential neighborhood. Mr. Sheets wanted clarification on what sustainability means. Mr. Verhoeks explained the idea is sustainability of farmland. He explained the comprehensive plan has called this a residential area of impact which provides what areas should be developed and he wants to take the areas marked for development to a higher and better use so a different comprehensive plan or areas of impact doesn't need to change later to meet needs. Commissioner Sheets stated that no one is arguing there isn't a potential for residential but he is curious why Mr. Verhoeks is doing 1-2 acre lots instead of something similar to what is around the area. Mr. Verhoeks stated they have been asked to do a lot in this

project, they have been asked for community water, pressurized irrigation, grading issues, fence issues, and the Swan Fall Project with Kuna School District, all of these things puts burden on a project so Mr. Verhoeks is attempting to find a balance to saying yes but still making the project profitable, the lot size allows them to say yes to a lot of things and Mr. Verhoeks believes it still fits the area. Commissioner Sheets asked for a brief summary of the agreement with Kuna School District. Mr. Verhoeks stated there is an agreement with the school district that was approved by the Board of Trustees. The agreement is that Mr. Verhoeks will donate a lot to Kuna School District, that lot will be for the school district to use. Kuna School District has a construction trade education program so the idea is the kids will be helping in the design and development of a house and then the school district will be able to sell the house and profit from the sell. The project gives an educational impact on the kids and plus the profit from the sell should be two to three times more than the donation the school district asks per door from other developers. Commissioner Sheets asked who suggested the donation of the property. Mr. Verhoeks stated there was discussion with Kuna School District after the comment in February stating they didn't support the project because they were at capacity, the school district asked for a donation but Mr. Verhoeks wanted something more tangible, once Mr. Verhoeks learned about the construction trade program him and the school district agreed they thought this project would be the best thing for the educational piece and financial impact.

JUSTIN RUTHENBECK – IN FAVOR – 521 N 10th ST, CALDWELL, ID 83605

Mr. Ruthenbeck began with stating he is one of the team members working on Haven Creek and he is going to discuss ground water. Mr. Ruthenbeck stated in February about 80% of the time was spent speaking about ground water where they received a lot of comments from the public, since February there is now five pieces of new information related to water. Mr. Ruthenbeck described the five pieces of new information. New item number one is the community water, which means the water will be served to the homes in a similar way that city services are, there will be a central well and water pump to the homes through pipes. Mr. Ruthenbeck performed a cost analysis to figure out what it would cost for this project, he found out the breakeven point for a project like this is thirty-eight lots, below thirty-eight lots is a cost burden and above thirty-eight lots is a savings compared to doing individual wells, the project is proposing twenty-nine lots which means including the community water will be a cost burden, however after talking to county engineering and knowing what the preferences are for people, that it is a burden Mr. Ruthenbeck states he is willing to bare and he thinks it is a benefit for the future people living there as well as current neighbors. Mr. Ruthenbeck discusses information item number two, well monitoring. Mr. Ruthenbeck stated in April several neighbors that were concerned about water access partnered with them and IDWR to start monitoring their wells. Mr. Ruthenbeck stated they have been collecting daily measurements since April and stated that he has the data available. With this data Mr. Ruthenbeck stated he now understands specifically and exactly how local ground water behaves and any decisions can now be based on the directed data instead of what ifs. Mr. Ruthenbeck discussed new information number three, pumping test results. Mr. Ruthenbeck stated they performed a multiple day pumping test in April of this year that simulated sustained ground water use for twenty-nine homes and due to having the monitoring in place he was able to see exactly how the ground water use would impact neighboring wells, Mr. Ruthenbeck stated the data is in the staff report and it shows there is no meaningful impact on neighboring wells. Mr. Ruthenbeck discussed item number four, stubbing community water. Mr. Ruthenbeck stated in reality some people are scared because they have substandard or shallow wells so by doing this they will have access to guaranteed water and won't have to pay some big bill to drill their well deeper. Mr. Ruthenbeck discussed action item number five, existing water rights. Mr. Ruthenbeck explained this information wasn't discussed in February but they have an existing water right on the property, they have the right to pump 359 gallons per minute for supplemental irrigation. Mr. Ruthenbeck stated he isn't asking for access or use of any water which they don't already have a legal right to and that the existing legal rights are more than they will ever need for the residential project. Mr. Ruthenbeck

stated he is willing to give some of the water rights back to the public if anyone wants it. Mr. Ruthenbeck stated the two things he hopes the Commissioners get from his testimony, one is compared to earlier this year the Commissioners have a ton more information about the single issue that was discussed the most in February and that is water. Second the change to adding community water does solve a lot of concerns, such as water quality concerns and concerns the neighbors had. Mr. Ruthenbeck stated if he had concerns about ground water he would advise us, he is working off the data that has been received and the data shows there is not any concerns with neighboring wells.

Commissioner Williamson asked for clarification on the irrigation water, if it is surface water or well water. Mr. Ruthenbeck advised the land has sufficient surface water irrigation rights the proposal is to let it flow into the retaining pond. Commissioner Williamsons asked how many gallons that was. Mr. Ruthenbeck stated the property has a supplemental irrigation right for 359 gallons per minute. Commissioner Williamsons asked if it was coming from a well. Mr. Ruthenbeck confirmed it was coming from a well.

Commissioner Nevill asked for explanation on how they are going to control the individuals who are adjacent but outside the development who wants to hook-up to the community water system, if they are becoming a member of the Water User's Association. Mr. Ruthenbeck stated they will install the system and the cost associated with running the system will be shared by all the users of that system. Anyone who wants to join the association will hook up to it and then share the cost. Commissioner Nevill confirmed in order to use the community water they have to join the Water User's Association. Mr. Ruthenbeck advised they wouldn't have to join the HOA but they would need to join the Water User's Association.

Commissioner Sheets asked how the land is presently being used what the method of irrigating is. Mr. Ruthenbeck advised the land is currently flood irrigated. Commissioner Sheets confirmed this is surface water. Commissioner Sheets asked when the pumping tests were conducted if they used the well that is in existence right now. Mr. Ruthenbeck stated that is correct. Commissioner Sheets asked if that is the proposed well for the community water system. Mr. Ruthenbeck stated the Community Water System includes two new large diameter wells and a large infrastructure.

Commissioner Williamson commented that he noticed on the concept plan the two community wells look to be in close proximity. Commissioner Williamson asked if there are any concern with both wells drawing at the same time or is one primary and one a backup. Mr. Ruthenbeck stated they are 50 feet from each other and one is primary and one is secondary, they are located in the northwest corner because the intention is that once city services comes out there may be a possibility that the city will take it over and run it with their own infrastructure. Mr. Ruthenbeck stated two wells are more than they need.

JOE STEWART – IN FAVOR – 5459 DEER FLAT, NAMPA, ID 83686

Mr. Stewart began with advising the Commissioners they have a letter he wrote earlier this year to support this project in their packets. Mr. Stewart stated as someone who's livelihood is farming in the area he appreciates this project. Mr. Stewart believes the project it is well thought out and that the plots are nice sizes for development. Mr. Stewart addressed the discussion about lot sizes. Mr. Stewart stated he has a lot of neighbors around the Dairy that have larger sizes and they struggle to maintain them. Mr. Stewart stated that it is frustrating for him personally and for his operations. Mr. Stewart addressed the question about the land and if he would farm on it. Mr. Stewart stated the answer is no, he knows it is zoned two and three but it is small fields so from an Ag point of view it is difficult and not productive. Mr. Stewart stated Agriculture is becoming more consolidated and that these small fields are not viable economically unless it is your secondary job. Mr. Stewart stated he is in support of the project and he doesn't see this project affecting him or his operations because the growth is already there. Mr. Stewarts stated he is

going to be affected at some point no matter what, so he would like to see it for good growth and a good plan for the community.

Commissioner Mathews asked how far away the Dairy is from the project. Mr. Stewart stated he has one field of 65-acres about a quarter mile straight south of this subdivision and the Dairy itself is within a line of site within a mile.

Commissioner Sheets asked for clarification on why it is frustrating for Mr. Stewart's operation not seeing people maintain their property. Mr. Stewart explained it is frustrating for him because on larger lots there are more weed growth, then weeds can travel and he is usually a recipient of the travel, once that happens it becomes more of a burden on him. Mr. Stewart stated it is nicer to see properties better maintained and once you get to a certain lot size you need equipment to maintain them.

ROBBIE RENO – IN FAVOR – 711 EAST PORTER ST, KUNA, ID 83634

Mr. Reno began with introducing himself as an agent for the Kuna School Board. Mr. Reno explained that the School Board has seen growth come in substantially in the City of Kuna and a huge concern for them is number 8 on Conditions of Approval, the mitigation. Mr. Reno stated many developers come into the community and build tons of homes with no mitigation. Mr. Reno explained Idaho is one of two states that has no impact fees and has sixty-six and two thirds bond approval. Mr. Reno stated that the School Board recognizes that there needs to be a solution and also that there is an upfront cost when a new house is built and a new kid shows up so the School Board has taxed him and one other to work on mitigation with developers as they come into the district. Mr. Reno stated that very few developers meet the request because they are not mandated by law but the school board is allowed to ask under law. Mr. Reno explained that the developers that do mitigate make an impact and that this development is also creating an educational impact. Mr. Reno stated he is not only the planner for the district to help them mitigate but also the principle of the Swan Falls High School where they have a construction trade class. Mr. Reno explained the Haven group came forward with an exciting opportunity to give a real-world experience to a class of kids when this project happens, to donate a house and learn all the behind the scenes process such as, how to go to planning and zoning, getting involved with the government, what is a building permit and that process, all things that they wouldn't see in a classroom environment. Mr. Reno stated he and the Kuna School Board do support this project because they are mitigating.

Commissioner Sheets asked how much mitigation Haven Creek is providing. Mr. Reno advised what they are providing is hard to quantify because the kids would not get the experience otherwise, they also don't know how much the lot is going to sell for, they are not sure of the end results but they anticipate over the amount they ask for. Commissioner Sheets asked if their support is contingent on the mitigation. Mr. Reno stated that it was. Commissioner Sheets asked how long the difficulty of getting bonds to pass has been occurring. Mr. Reno stated the last bond they got passed was in 2017 and this year was in March, 2023 which failed. Commissioner Sheets asked if there is a correlation with bonds not passing and the increased growth. Mr. Reno stated there is that he hears from the community that developers should pay for development and why should they have the burden. Mr. Reno explained the Board has listened to the community and they are trying to do their part and have developers mitigate towards that. Mr. Reno knows it isn't the answer and it won't be the answer, but it helps. Commissioner Sheets asked if people are expressing in their bond vote patterns that they don't want more development. Mr. Reno stated that is correct but bonds are always behind and development has already been approved.

Commissioner Williamson commented that this is the first time he has heard of a School District doing something like this. Commissioner Williamson asked if other districts are doing something similar. Mr. Reno stated he is not aware of anyone else doing this, that Kuna School District tries to be innovative and

that they were the first school district to have full day kindergarten before the state did. Commissioner Williamson asked if Kuna School District is hoping to eventually get state legislation to do impact fees. Mr. Reno stated he knows the past few years the school district has brought it up to state legislation. Mr. Reno knows that it doesn't solve the problem but it does help it.

Commissioner Nevill stated that he believes the opportunity of having the kids build a house and work through the process is phenomenal but when talking about land use, Commissioner Nevill asked Mr. Reno his opinion if the land would be better staying agricultural and no houses there or if Mr. Reno thinks it's inevitable so has the mindset of taking the lesser of the evils and at least get one of the lots that the program can build a house. Mr. Reno stated in the City of Kuna the prominent zoning is R6, they have hundreds of acres zoned R6, the Board Chair has asked if they can get more R1, R2, R3, R4, to attract different families and different things. Mr. Reno knows the boards would say yes, growth is coming, it's inevitable so let's have some diversity. Commissioner Nevill asked about having a bus stop. Mr. Reno advised collaboration had been done to have space at the end of the subdivision for parents to park and wait for the kids to get on the bus and enough space for kids to congregate. Commissioner Nevill asked about a bus stop with a roof on it for climate weather for the kids. Mr. Reno stated they have explored that standard but haven't set that standard for a covered structure. Commissioner Nevill asked if they use their own school buses. Mr. Reno stated they have their own school buses and hire their own bus drivers. Commissioner Nevill stated that the School Board could make that decision if they wanted to move forward with a bus stop. Mr. Reno confirmed yes.

Chairman Sturgill commented back in February the Commissioners heard from Kuna School District that they were at capacity. Chairman Sturgill asked what impact would this project have on Kuna School District. Mr. Reno stated that is the hard part, because this project is said to average about 16 kids, he doesn't know if they will be high school, elementary, or even the timeline, they also don't know if a bond will be passed by then. Mr. Reno explained that a school isn't like an airplane that once the seats are full you are sold out, they are like a concert house where the capacity is 6000 but if a star is coming in they will bump it up to 7000 and break fire code. Mr. Reno stated that is where they are now, they will accommodate because they have to. Chairman Sturgill stated the partnership is innovative and he can see a lot of good come out of it but he also sees what is going to happen is another row of seats being added at the back of the classroom and then the school district goes back to the voters and saying we are over capacity who is going to pay for this. At that point the voters go why didn't someone stop this process when we had the opportunity. Chairman Sturgill asked Mr. Reno how he would respond. Mr. Reno stated the laws of Idaho don't support education because if they did they would support the funding mechanisms making it easier to pass bonds.

DON GULLEDGE – IN FAVOR – 25894 LEGACY LN, MIDDLETON, ID 83644

Mr. Gulledge began with the information that he resides at a property that is adjacent to and boarding Mr. Verhoeks previous development. Mr. Gulledge stated the first time he met Mr. Verhoeks was at a Planning and Zoning hearing testifying against him to stop him from building a subdivision next to his house. Mr. Gulledge stated since that night at the hearing he and Mr. Verhoeks have become good friends, Mr. Verhoeks has helped him out with a lot of things as a neighbor and Mr. Gulledge in return has helped Mr. Verhoeks out as a neighbor. Mr. Gulledge explained he is testifying to Mr. Verhoeks character. Mr. Gulledge stated that Mr. Verhoeks compromises, he tries to find winning ground for everybody and that is why you heard the word mitigated from him so much. Mr. Gulledge stated that he heard staff recommend the lots to be larger whereas Nampa City is asking for the lots to be smaller. Mr. Gulledge believes the smaller lots are what is coming next grab if Mr. Verhoeks doesn't get approved. Mr. Gulledge stated that we can postpone development but it is inevitable. Mr. Gulledge stated as a tax payer he would love to see infrastructure proceed growth but the school is already bursting, nothing is going to change

that. Mr. Gulledge stated if you want someone that is good on their word and sticks to what he promises and that is going to do everything he can to work with the neighbors to make them happy and adjust make the next person happy, that is Mr. Verhoeks. Mr. Gulledge didn't believe that at first but now he does, he has only known Mr. Verhoeks a couple years, so he doesn't know him well, he just knows he is a good neighbor. Mr. Gulledge believes you couldn't have a better development for around here and he knows that by looking on the map, there is going to be residential all around. Mr. Gulledge stated that in a perfect system it would be a single well for all the homes because when the City does expand and the city services become available, they can tap into the well, they would have the resource of another pump and a whole water system to hook into, they wouldn't have to do it resident by resident. Mr. Gulledge stated he doesn't know about the plan, he is just a character witness, but if Mr. Verhoeks was his neighbor, Mr. Gulledge would vote for him.

BRANDON LINDAUES – IN FAVOR – 12861 QUAIL RUN LN, CALDWELL, ID 83607

Mr. Lindaues explained he moved into the Haven Ridge development almost two years ago, which is another subdivision led by Mr. Verhoeks and Mr. Ruthenbeck, he is testifying as a character witness. Mr. Lindaues stated there is no better neighbor to have and no body better to work with through this, the mitigations they are doing go above and beyond some of the asks. Mr. Lindaues stated from his experience in his development that Mr. Verhoeks and Mr. Ruthenbeck produce elegant and visual appealing developments. Mr. Lindaues has had great interactions with Mr. Verhoeks for example as Mr. Verhoeks continued to develop the neighborhood with landscape Mr. Lindaues expressed wanting to do the same and Mr. Verhoeks offered to split the cost and do the landscaping. Mr. Lindaues addressed the discussion earlier about larger lot sizes not looking great. Mr. Lindaues stated that is what his property was before it got developed, it was larger lots with overgrowth and trash in some cases, Mr. Verhoeks and Mr. Ruthenbeck took the property and beautified it by putting it into manageable lot sizes. Mr. Lindaues stated it is a great place to be with great neighbors and great people to work with. Mr. Lindaues advised at his development there is a Dairy up the road. Mr. Lindaues addressed the school situation stating you get the kids first and then the money at least Mr. Verhoeks team is willing to not only give the school money but a learning experience as well.

Commissioner Sheets asked if all the houses are sold on Haven Ridge yet. Mr. Lindaues advised they are not. Commissioner Sheets asked how functional the HOA is. Mr. Lindaues stated there is no HOA. Commissioner Sheets asked if there are any shared community assets. Mr. Lindaues advised there are some shared community resources, there is a walking / running track, a sport court, sports center and picnic area. Commissioner Sheets asked how people maintain those common resources. Mr. Lindaues stated it is a new community so maintenance has not been an issue as of yet but there are agreements in place for those in the community that benefit from the resources that will share the cost of maintenance.

TERRY SCANLAN – NEUTRAL – 412 E PARKCENTER #100, BOISE, ID 83706

Mr. Scanlan provided his credentials, Mr. Scanlan is a professional engineer and a professional geologist, who has worked as a hydrogeologist in Southwest Idaho since 1986. Mr. Scanlan stated he was originally hired by the Haven Group to look at this project. Mr. Scanlan conducted a study on what the potential impact would be from individual wells, he did this based on theoretical information that was based on regional aquifer hydraulics, Mr. Scanlan made some conservative assumptions and it all came back with some projections of vary little impact to neighboring wells. Mr. Scanlan stated since then they have actually done an aquifer pumping test on the aquifer there so they now have real onsite data, that data shows it is a lot more productive than the original assumptions so the impact went down. Mr. Scanlan explained the impact was for the domestic pumping at a quarter mile and the projected draw down on other wells would be about one inch. For the irrigation pumping if supplemental irrigation occurred then the impact for the supplemental pump would be about two feet or a quarter mile. Mr. Scanlan stated the

community water system would be two wells, one completely redundant, would have a public drinking water system which is regulated by the Department of Environmental Quality, they require management documentation showing how the system is going to be managed, how the Water User's Association is going to operate the system, and how they will establish a reserve fund for replacement of pump.

Commissioner Sheets asked if the test is using the current supplemental irrigation well. Mr. Scanlan advised that was using an existing domestic well that is 109 feet deep, it was pumped for 3 days at 19 gallons per minute and the draw down on that well and two other surrounding wells on neighboring properties was monitored. Mr. Scanlan advised the monitoring was done by the Department of Water Resources. Commissioner Sheets asked if Mr. Scanlan is familiar with the planned community water system. Mr. Scanlan advised that he is familiar with it and that it is planned at a conceptual level. Commissioner Sheets asked how deep the wells would go. Mr. Scanlan stated it is two wells probably around the area of 150-200 feet deep and the static water level is about 70. Commissioner Sheets asked if 19 gallons per minute is what is estimated to be the draw on the community well. Mr. Scanlan stated the draw on a community well for 24 hours domestic purposes will be about 5 gallons per minute. Commissioner Sheets clarified that the actual draw is estimated to be about a quarter of what they did on the test. Commissioner Sheets asked if Mr. Scanlan is familiar with the irrigation plan. Mr. Scanlan stated he is vaguely familiar with it, he understands it is Boise Project Water that will be delivered to a pond but that they have a permit for supplemental water irrigation for 40 acres so if this development doesn't go through they can put in an irrigation well to do 40 acres, if development does go through the irrigation area will shrink because of roads and that sort of thing.

Commissioner Nevill asked if there is a plan for firefighters to be drawing water from the same aquifers. Mr. Scanlan understands the fire district gave three options but he doesn't have the details.

Commissioner Dorsey asked if after running the 29-hour test if they have a projection for months or years of pulling that kind of water out. Mr. Scanlan stated it was a three-day test and the water level went down an inch at that time. Mr. Scanlan stated the draw down stabilized in about 6 hours and stayed stable so the projections going to be what they got during the test and what they are going to get in sustained pumping. Commissioner Dorsey asked if the supplemental irrigation water had more of an impact. Mr. Scanlan stated the supplemental irrigation well hasn't been drilled yet, if a supplemental irrigation use occurs then yes, there will be more impact because irrigation is really the driver on ground water and with the seasonal use that might occur would draw about 150 gallons per minute. Commissioner Dorsey clarified they have a permit for the supplemental irrigation but not a well. Commissioner Dorsey asked when the permit was obtained. Mr. Scanlan stated this year. Commissioner Dorsey asked if the supplemental irrigation well is going to be turned on when the surface water right has been stopped. Mr. Scanlan advised that is correct.

Commissioner Mathews asked how long they have to drill the well before they lose the supplemental water right. Mr. Scanlan stated they have 5 years with a potential for a 5-year extension.

JIM DANES – IN OPPOSITION – 9731 ROBINSON DR, NAMPA, ID 83686

Mr. Danes stated he lives across the street from where the entrance for the subdivision is proposed. Mr. Danes expressed the thing that concerns him is what Mr. Verhoeks stated earlier about when you look at the map and there is a circle around the area with all these other subdivisions around and this area is an island. Mr. Danes stated everyone is right when they say that area is going to develop in the next few years but he believes they are getting the cart before the horse because there are not any services to that area yet. Mr. Danes stated Mr. Verhoeks is trying to develop first and then services will come later, Mr. Danes believes this is backwards. Mr. Danes stated that many of his neighbors have gone dry in their wells,

Mr. Danes haven't had that experience but all the other neighbors surrounding him have. Mr. Danes addressed there would be 29 more septic systems going to these properties which effect the nitrates. Mr. Danes stated that the water in the area has chloroforms and it is his opinion that will also get effected. Mr. Danes expressed that Mr. Verhoeks comment made him feel like they are getting pushed out because all of a sudden it is wrong for them to live on a piece of property that they bought when they were young and put a lot of blood sweat and tears to pay their property off. Mr. Danes has lived across the street to his neighbor for 36 years and his neighbor has the same concerns. Mr. Danes stated he can't afford to just go out and buy another home but he feels like he is being pushed out. Mr. Danes believes this project is about money and not having a good development.

Commissioner Nevill asked Mr. Danes if he would prefer City services come and then development occur. Mr. Danes stated they need to be congealed together. Commissioner Nevill clarified as the services come development occurs as well. Commissioner Nevill stated when the City comes it is going to be denser. Mr. Danes stated when the City comes the difference is all the people that are feeling like they are being pushed out would then have all the same services available. Mr. Danes stated he lives across the street from the development and nobody has come to his home or talked to him about his concerns. Commissioner Nevill stated with City services sometimes they say you have to pay a hook up fee. Mr. Danes stated he lived in Kuna for 10 years and was living there when they put the city services sewer down and the sidewalk systems and yes, Mr. Danes had to pay to get that done. Commissioner Nevill clarified the thought is development will happen, it might be inevitable but it is not time yet to happen. Mr. Danes stated not until services are provided to everyone that lives in that area.

LARRY PETERSON – IN OPPOSITION – 6411 E LEWIS LANE, NAMPA, ID 83686

Mr. Peterson advised that he and 90 of his neighbors are still adamantly opposed to the rezoning of this property. Mr. Peterson believes the issues have not been mitigated. Mr. Peterson stated the project is not compatible with the current land use and it will negatively impact the character of the area as well as negatively impact the Kuna School District. Mr. Peterson stated water is still an issue, he understands a pump test was done and has the utmost respect for Mr. Scanlan because Mr. Peterson is an engineer as well, but Mr. Peterson thinks Mr. Scanlan would agree that pumping a domestic well is not the same as doing a pump test on the wells that they propose to put in. Mr. Peterson stated there is a similar situation going on in South Boise where developers were allowed to put in large deep wells and now most of the people over there are having to re-drill their wells. Mr. Peterson stated that the septic system is an issue, with having 29 septic systems in that small area there is going to be some kind of impact on the shallow water. Mr. Peterson believes the transportation infrastructure, Emergency Services infrastructure and Kuna School District infrastructure, is inadequate to make this project compatible for current land use. Mr. Peterson believes that Mr. Verhoeks did a great job of making a sales pitch to the Board of Kuna School District but offering them up to \$100,000 will not cover the capital improvement costs of two students let alone how ever many students the project brings in. Mr. Peterson stated if you talk to the Kuna administrators they are against anymore development in the Kuna School District with the exception of Mr. Reno because it benefits his students directly. Mr. Peterson stated they are going to sell these lots for a couple hundred thousand dollars, people are going to build million-dollar homes and it is not going to be people from Kuna that are going to be buying these homes, the people buying the homes are going to be used to dense urban areas, they are not going to be accustomed to agricultural. Mr. Peterson believes the people buying the homes are not going to like the smell, the sounds, the sights, and when they get upset they will call the sheriffs to complain and then things will spiral out of control. Mr. Peterson stated he knows this happens because he has had friends from Canyon County that have had that happen to them when development came right up to their small agricultural operations.

Commissioner Villafana asked why Mr. Peterson doesn't believe Emergency Services are not adequate in

the area, how close to the project Mr. Peterson lives and most recently when having to call 911 what he hears from the neighbors in regards to response time. Mr. Peterson stated he has never had to call 911 himself. Mr. Peterson explained the closest Kuna service is about 7 miles away and they are on the other side of very busy railroad track. Mr. Peterson expressed that you have to wait for a train to go by daily and a lot of the times the train will sit on those crossings anywhere from 5 to 30 minutes. Mr. Peterson stated if you are trying to get emergency services to the site and they are on the other side of the train tracks, who knows how long it could be until they get there. Commissioner Villafana asked if the backup emergency services were Nampa on Greenhurst. Mr. Peterson stated he isn't sure but he believes it is the one by Skyview High School which is 3-4 miles away.

Commissioner Williamson stated the Commissioners have documentation from Kuna Fire District saying they have adequate response time so he is trying to understand because what they are saying is different than what Mr. Peterson is saying. Mr. Peterson stated maybe in a perfect situation the response time would be 10-15 minute. Commissioner Williamson stated that is what Kuna Fire District was saying, they also said at the plat stage there would need to be approval for a fire hydrant, sprinkler suppression or a 3rd fire suppression option to help mitigate that 15-minute rough response time. Mr. Peterson stated 15 minutes would be best case if they didn't have to wait for a train.

RAY MOORE – IN OPPOSITION – 7016 EAST LEWIS LANE, NAMPA, ID 83686

Mr. Moore addressed the topic of Emergency Services Response Time. Mr. Moore stated a year ago he had a horse wreck and it took 25 minutes for Kuna to get to him, he had a punctured lung and ended up going to the hospital. Mr. Moore addressed the topic about farming on the property. Mr. Moore farmed this lot for several years from the previous owner, Mr. Moore agrees it is small fields but that is what is normal for the area. Mr. Moore stated he knows Mr. Stewart and not everyone is as lucky as him to have several hundred acres in one spot with pivots, that is a luxury. Mr. Moore stated the current people farming this property also farm approximately 25 hundred acres, have a dairy, and they are farming this lot profitably so Mr. Moore disagrees with Mr. Stewart. Mr. Moore explained this property has had sugar beets, corn seed, silage corn, hay, wheat, barley, it has been productively farmed on and the soil is equal to the soils in that area, Mr. Moore he doesn't see a reason why the property can't continue to be farmed. Mr. Moore stated he doesn't see a run off in the plans and the reason why that is a concern is because there is about 100 inches of runoff water that runs through the property that comes from several properties above it. Mr. Moore stated he is cautious of the water test that was conducted because the testing was done during water season when the wells are running full, it was also done on a record irrigation year so the aquafer is continuously being recharged. Mr. Moore pointed out it wasn't done during the winter when the wells are running dry and no irrigation is going on. Mr. Moore stated if the water goes off in August they are going to turn the supplemental water on and then they are going to have a short aquafer, that is Mr. Moore's opinion with being a farmer his whole life and working around irrigation. Mr. Moore does not believe the development fits in the area and although he feels for Kuna School District he believes it isn't mitigation it is a bribe that is occurring.

Commissioner Williamson asked if Mr. Moore would want larger lot sizes if it was to be developed. Mr. Moore stated he would want one of two things, either larger lot sizes to make it more fitting to what is there now or bring the services out, Mr. Moore understands that would be denser but then that doesn't put the pressure on their wells and the possibility of the wells getting contaminated by the sewer. Mr. Moore stated they would have his support with either of those options but how it is looking right now it is to many lots for sewer and using the water with the same depth a lot of the wells are. Mr. Moore stated he doesn't care if there is one well or twenty-nine wells, you are still using the same water out of the aquafer.

SUE MOROSTACA – IN OPPOSITION – 4596 DYEHECCA, KUNA, ID 83634

Ms. Morostaca provided the information that after she was at the last hearing in February her well went dry in March so she had to drop it down another ten feet, Ms. Morostaca's well is now at a hundred feet. Ms. Morostaca stated a month after the irrigation water came in and everyone was irrigating, she was fine and fine all summer but come January she believes she is going to run dry again because January has low aquifers. Ms. Morostaca stated she is with everyone else, the development either needs to be 3-5 acres to match the area or go with City of Nampa who wants quarter of an acre. Ms. Morostaca believes at one and a half acres it is all going to be grass and it takes a lot of water to keep grass green. Ms. Morostaca stated they will be using all their irrigation water and then go to the well and there well is only going down 150-200 feet, which is the same level as both of her neighbors on either side of her. Ms. Morostaca stated her neighbors aren't having problems now but they probably would. Ms. Morostaca stated she is arranging a meeting with the Kuna School District because so many people are losing faith in the public-school system due to them packing the kids in. Ms. Morostaca stated more people are starting to homeschool or go to charter schools because the public schools are 30 plus kids in a classroom. Ms. Morostaca addressed the calculations of how many kids would come out of this development. Ms. Morostaca stated Kuna School District is figuring .5 kids per home whereas the state average is 2.5 kids per home, so at 29 homes, it would be more like 50 kids not 16. Ms. Morostaca stated she is too far away to tie into the community well and feels they need to wait for City services.

Commissioner Nevill asked how much it cost to drop Ms. Morostaca's well another 10 feet. Ms. Morostaca stated it cost her about three thousand but that wasn't including any pipe because the circumference of the pipe, they can't go down farther through it because she thinks it is only a four inch well casing so now she is below the case. Commissioner Nevill asked if her pump was sitting in uncased well. Ms. Morostaca stated that is correct.

JUSTIN RUTHENBECK – REBUTTAL – 521 N 10th ST, CALDWELL, ID 83605

Mr. Ruthenbeck states he has prepared remarks but there is also at least six things people have brought up so he won't be able to cover all of it therefore he will leave it to the Commissioners to ask questions at the end. Mr. Ruthenbeck expressed this process has been frustrating coming from Planning and Zoning to Board of County Commissioners back to Planning and Zoning, but he thinks it has been good and he is glad it was done because the project has become a lot better and he hopes they have provided more real hard data for people. Mr. Ruthenbeck went into the history of the area. Mr. Ruthenbeck stated sixty years ago the entire area was productive farm land and in 1972 the first significant subdivision went in for 30 homes, at that time people wanted half acre to one-acre home sizes so that is what the subdivision has, then in 1990, the next subdivision was approved for 24 homes at three to four-acre home, then in 2000 there was Conditional Use Permits and several subdivisions at two to four acre lots. Mr. Ruthenbeck explained over time demands have changed in the community and that is why the lot sizes range from half acre to ten-acre lots. Mr. Ruthenbeck stated if you add up the homes there are currently 140 homes surrounding this property with this being the last primary piece of land that doesn't have a home on it. Mr. Ruthenbeck stated at the last hearing there was seven specific concerns that were raised and from his perspective their concerns are all mitigated. Mr. Ruthenbeck addressed Standards B and C. Mr. Ruthenbeck stated the question asks, "is the residential use compatible with the surrounding land uses" what Mr. Ruthenbeck understand with that question is it really is asking, "what is the land primary used for". Mr. Ruthenbeck stated people may have pastures but to figure out what the land is used for look at the map that shows the surrounding land use, at the bottom you'll notice beyond that is all agricultural, that is outside the area of impact and then above that there are all these red dots, those red dots are homes. Mr. Ruthenbeck stated every single one of those parcels with the red dots, the primary purpose of the parcels is to be a primary residence to live at. Mr. Ruthenbeck stated that people have hobby agriculture but the purpose of the land is residential. Mr. Ruthenbeck stated there are variable lot sizes

but even on those larger lots they are used primarily as a residential home. Mr. Ruthenbeck explained you can have a residential land and have accessory agricultural activity at the same time, Mr. Ruthenbeck believes this is what is happening in this area. Mr. Ruthenbeck had staff zoom into the map where the green star is. Mr. Ruthenbeck stated this is north of the land and on the left you'll see two cul-de-sacs and those are the same two cul-de-sacs you'll see on the right. Mr. Ruthenbeck stated on the left there are 10 parcels with 10 houses at half an acre to three quarter acres whereas on the right those lots average 2.2 acres. Mr. Ruthenbeck stated eight of ten houses with the smaller lots are fully utilizing their land and maintaining the entirety of it but on the right side, only three of ten houses are maintaining and fully using their land. Mr. Ruthenbeck believes in the valley larger lots tend to result in more used and more unmaintained land. Mr. Ruthenbeck believes the one to two-acre lot sizes they are proposing is ideal for people, compatible for rural use and they will stay maintained and attractive. Mr. Ruthenbeck addressed Standard D, "would the rezone negatively impact the character of the area". Mr. Ruthenbeck stated it seems to him that locals think with others moving into the area somehow the area will be incompatible with the uses and the locals, when Mr. Ruthenbeck hears this he wonders if the locals have interacted with people that buy these homes. Mr. Ruthenbeck stated he works with the people moving in. Mr. Ruthenbeck presented information on a woman that bought a piece of land from them, her name is Pam, Pam and her husband live in Rural Illinois and they live on a pretty big piece of land. Mr. Ruthenbeck stated Pam and her husband want to move to this area because their son, daughter, and three grandkids live here, the grandkids are all under the age of 6 so they want to help raise them. Mr. Ruthenbeck stated Pam and her husband are accustomed to living in a rural community, they are used to land and use to taking care of it but as they get older they also don't want too much to take care of, that is why they purchased a lot in the one to two-acre lot size. Mr. Ruthenbeck stated if you knew Pam, you would realize Pam is not going to be inconsistent in this neighborhood, Pam is not going to try and change anything, she wants to live in a neighborhood like this and the things the current residence love about it is what Pam wants, she doesn't want to change anything. Mr. Ruthenbeck stated as leaders you have to look at what exists today but also at what is coming. Mr. Ruthenbeck stated the 140 homes that surround the area are benefitting from a 60-year trend to turning land into residential use and he is asking for the same right all the neighboring lands has enjoyed. Mr. Ruthenbeck stated this rezone doesn't hurt anyone else, it doesn't hurt the water, it doesn't hurt the lifestyle and they believe they have mitigations for every concern raised under FCO's B, C and D. Mr. Ruthenbeck welcomes questions and conditions that the Commissioners see is appropriate and he will continue to be available even after this to any neighbor who wants to discuss things with him.

Commissioner Williamson asked out of the 140 homes in the vicinity how many homes have gone through the rezone process, not a conditional rezone or conditional use permit. Mr. Ruthenbeck stated it is his understanding the entire area is still zoned Agricultural even though the residential is down to half an acre lots but staff can probably give details. Commissioner Williamson asked Planner Michelle Barron if that information is available and if it is too difficult he can withdraw the question. While Planner Michelle Barron was looking Mr. Ruthenbeck stated there was some misinformation provided for the supplemental irrigation on when the permit was applied for, Mr. Ruthenbeck clarified when they purchases the property the previous owner told him the property had a supplemental irrigation water right and has had that permit for the last 15 years or so but it lapsed right before they purchased the land so what they did was reinstate the permit that has been on the property for the last 15 years. Commissioner Williamson asked if they got an extension. Mr. Ruthenbeck stated the extension expired so they had to apply for a new one but it is the details that was already in place. Commissioner Williamson clarified this is a new permit. Planner Michelle Barron came back with an answer to the previous question, she stated it is mostly zoned agricultural and provided a map. Commissioner Williamson stated it looks as if it was done prior to zoning law so they are grandfathered in. Mr. Ruthenbeck stated it is his understanding you need to look at the land use and not the zoning in these instances.

Commissioner Mathews asked if they are looking to drill the supplemental irrigation well soon after getting approved. Mr. Ruthenbeck stated if the plan gets approved it is his understanding they can use the wells for the community water for that water draw so in that case yes because they would need to have it drilled as part of the construction. Commissioner Mathews asked if the supplemental well is for irrigation. Mr. Ruthenbeck stated he doesn't know the law details for the difference of the two, his understanding of it is that it is access to a certain amount of water so whether that water comes from one of these community water wells or a separate supplemental well it is still the same impact on the aquifer so you can take it from either.

Commissioner Villafana stated on one of the opposing testimonies they discussed 100 inches of drain water and on the preliminary plat all he sees is the highline canal. Commissioner Villafana asked if that would be the drainage lateral or if they are going to bury it and if they are have they talked to Nampa or Meridian Irrigation District about the process of burying it. Mr. Ruthenbeck stated the main canal would stay as the lateral and what Commissioner Villafana is referring to would be piped. Mr. Ruthenbeck stated that the pipe was a request from the Irrigation District. Mr. Ruthenbeck stated the east side waste water flows they are going to let that flow without any interruption because the people on the north side rely on that waste water for use.

Commissioner Dorsey asked if there are any other institutions or neighbors that the development has an arrangement to pay or trade in kind other than the Kuna School District. Mr. Ruthenbeck stated they have made agreements with Kuna School District to provide the educational opportunity, the bus stop and donate the lot, they made an agreement with Stewarts Dairy to have specific language they would like to see provided to all the homeowners to let them know what the Dairy's operations are and what to expect, they have agreed with some neighbors to provide the stubs to them for the water, they also made the agreement with the neighbors and IDWR to have those monitoring wells in place, those are the agreements Mr. Ruthenbeck and team have made, no other monetary money is changing hands. Commissioner Dorsey asked for the stubbed domestic water going to the neighbors if there is a cost to the neighbors you who agreed to do the stub and if there is a cost to the other neighbors that want to hook up later. Mr. Ruthenbeck stated he is willing to put in the work and put in the easement for the stub and to also put in the pipe to get to the property line as part of the development but from there the neighbors would need to hook it up to their domestic service, how ever they are going to do that, so that cost would be up to them and then after they are hooked up the shared cost of maintenance. Mr. Ruthenbeck stated it will be a lot cheaper than city hook up fees. Commissioner Dorsey asked if there has been any arrangement for neighbors that don't boarder the property in order to get water to them. Mr. Ruthenbeck stated he would be happy to stub it to his water line but he doesn't want to become a mimicable water company by going under roads and all that. Mr. Ruthenbeck stated if he could he would because the goal is to give people piece of mind. Mr. Ruthenbeck stated this is the best solution him and his team were able to find. Commissioner Dorsey stated he is a little concerned about the supplemental irrigation right and the mixing of the domestic use and the supplemental irrigation well. Mr. Dorsey stated he is not in favor with allowing a supplemental irrigation well for a neighborhood, he understand Mr. Ruthenbeck wants to maintain the green yards. Commissioner Dorsey asked if it is a deal breaker for Mr. Ruthenbeck if the Commissioners didn't allow a supplemental irrigation well for irrigation services. Mr. Ruthenbeck stated that would not be a deal breaker and the reason they have the supplemental irrigation right is for the water suppression to pump out of the holding pond which means the holding pond has to be kept year-round even including the ice level during the winter time, at that time they would use the supplemental irrigation to refill the pond in order to provide the fire suppression. Mr. Ruthenbeck explained that was one of the three options that they had for fire. Mr. Ruthenbeck stated if the Commissioners were really concerned and wanted to make a condition based on that then Mr.

Ruthenbeck could choose one of the other fire suppression approaches and just shut off irrigation at the same time surface irrigation is shut off.

MOTION: Commissioner Nevill moved to close public testimony on Case CR2022-0005, seconded by Commissioner Mathews, voice vote, motion carried.

DELIBERATION:

Chairman Sturgill made a few comments on where the Commissioners stand and where they need to go next. Chairman Sturgill stated this case was remanded back to Planning and Zoning after a recommendation for denial to the Board of County Commissioners, the Commissioners have heard a considerable amount of mitigation from the applicant during this hearing. Chairman Sturgill pointed out they have some draft findings that are probably not as well developed because of the unusual nature of this case so there is going to be some work that is required to integrate the evidence the Commissioners heard during the hearing to put into the findings. Chairman Sturgill believes the Commissioners need to begin with whether it is a recommendation for approval or recommendation for denial and then he is going to ask that whoever makes the motion in that direction to help direct the findings to help support that decision. Chairman Sturgill stated he hopes the Commissioners have been consolidating evidence in each of these criteria to support their motion. Chairman Sturgill reminded the Commissioners this case will go to the Board of County Commissioners with their updated and revised findings. Chairman Sturgill invited anyone who wants to go first to comment, outline where they stand or give thoughts.

Commissioner Nevill stated there are things to like about this project. Commissioner Nevill believes it is great they are going to work with Kuna School District and that they are proposing the community well, however, he agrees with the staff's analysis. Commissioner Nevill stated specifically for question number two, that it is not more appropriate because it is still in productive agriculture and for question number three, that it is not compatible because it is still in productive agriculture and question number four, it will negatively affect the area because as the Soil Conservation District just pointed out it is soil two and three class. Commissioner Nevill stated the people in favor are saying build it because it will get developed anyways and they want to control that. Commissioner Nevill believes if you don't build it maybe they will stay away. Commissioner Nevill stated we have 87% of Canyon County that tells the Commissioners in the surveys that they want to protect Ag land and this is Ag land. Chairman Sturgill clarified when Commissioner Nevill says 2,3, and 4 he is referring to B, C, and D.

Commissioner Villafana stated when looking at the Conclusions of Law A, the comprehensive plan does designate this area as residential. Commissioner Villafana stated when you look at B "when considering the surrounding land uses is the proposed conditional rezone more appropriate" Commissioner Villafana stated no, not only is the land productive agriculture, it is not appropriate to change the land use because the infrastructure is not there. Commissioner Villafana commented that they heard from the Kuna School District that they are at capacity. Commissioner Villafana covered Condition C, "is the proposed conditional rezone compatible with the surrounding land use", although there are a lot of houses in the area Commissioner Villafana agrees with staff on what they wrote. Commissioner Villafana stated for Condition D, "will the proposed conditional rezone affect the character of the area", from listening to opposing testimony Commissioner Villafana does believe it will affect the character. Commissioner Villafana commented that they heard from a dairyman who was in favor that he wouldn't farm the land and they heard from a farmer in opposition who would farm the land, that proves to him that there is someone that would want to farm pieces even if they are small. Commissioner Villafana explained he started farming a 20-acre parcel and he started farming it because nobody else wanted it, that was his opportunity to get into agriculture as a small farmer so with that being said there is

somebody that would want to farm this piece. Commissioner Villafana is supportive of what staff has mentioned.

Chairman Sturgill made note that they have heard two Commissioners express concerns about three criteria. Chairman Sturgill asked if anyone would like to construct an argument in favor and address those three criteria.

Commissioner Williamson stated he is torn because he has heard good evidence from both sides so he is going to play the role of devil's advocate. Commissioner Williamson pointed out they heard in rebuttal a lot of the surrounding land, the adjacent neighbors and in the vicinity are primarily residential use, they are not rezoned but the use is for residential. Chairman Sturgill pointed out Commissioner Williamson is speaking of Criteria C. Commissioner Williamson stated with Criteria C he believes the development could be compatible. Commissioner Williamson covered Criteria D stating the conditional rezone would not negatively affect the character of the area because it is already residential, although the development is proposing a slightly higher density residential when considering the current land uses. Commissioner Williamson read the Condition, "is the conditional rezone more appropriate than the current designation", Commissioner Williamson is on the fence on that one and doesn't believe he could argue different. Commissioner Williamson addressed one of the applicable laws from County Ordinance CCZO section 07-0503 that basically states that the applicant is burdened to provide the proof of everything. Commissioner Williamson pointed out that the applicant covered a lot and showed a lot of mitigation but Commissioner Williamson is still not seeing evidence for the need. Chairman Sturgill asked when Commissioner Williamson says need which criteria would that refer to. Commissioner Williamson stated it is one of the applicable laws they are required to follow not necessarily part of the 8 conditions. Commissioner Sheets asked if this was a devil advocate or if this was Commissioner Williamson's position. Commissioner Williamson stated it is a little bit of both.

Chairman Sturgill commented there is concerns about criteria B, C, and D asked for input for approval or denial.

Commissioner Sheets stated by looking at the testimony they got in relation to specifically Criteria B, when it talks about the property being classified as prime farmland in the area consisting of larger size parcels that do not support R1 zone, Commissioner Sheets agrees with that and the reason is because they heard evidence from the applicant themselves that the reason they are doing this density is because how it penciled out. Commissioner Sheets understands that but it is not supportive of the R1 zone. Commissioner Sheets saw the evidence of the larger parcels that are laying fallow but he believes people buy distance from their neighbors, that is something people think about quite a bit and that is a valuable consideration so to that extent Commissioner Sheets finds it is not appropriate. Commissioner Sheets would agree with the findings from staff when asking "Is it compatible with surrounding land use" and "would the conditional rezone negatively impact the character of the area".

Chairman Sturgill commented that he is sensing a move to agree with staff's position on Criteria B, C, and D which is not finding in favor of the application. Chairman Sturgill asked if anyone has a different view they would like to reflect on those findings and if not if they could start moving toward a motion.

Commissioner Nevill for case number CR2022-0005 Tanner Verhoeks / Haven Creek moves that the Commission recommend denial to the Board of County Commissioners and accept the staff's findings of Facts and Conclusion of Law and Order. Commissioner Nevill agrees with Commissioner Sheets findings and invites Commissioner Sheets to word his justifications so they can be captured by staff.

Commissioner Dorsey Seconds to recommend denial and accept the Findings of Facts Conclusion of Law and Order and submit a recommendation of denial to the Board of County Commissioners.

MOTION: Commissioner Nevill moves to deny Case CR2022-0005. Commissioner Dorsey Seconded.

Discussion on the motion:

Chairman Sturgill gave Commissioner Sheets the opportunity to add to criteria B as requested by Commissioner Nevill.

Commissioner Sheets would add to the finding based upon testimony received at the hearing related to the use of residential land in larger areas being appropriate in the area that the Commission finds that larger parcels are more appropriate in the area. There was some discussion between Planner Michelle Barron and Commissioner Sheets to get the wording correct. They concluded to the wording, based upon testimony received at the hearing about the use of residential land and larger areas being appropriate in the area the Commission finds that larger parcels are more appropriate than the proposed residential use.

Director of Development Services Sabrina Minshall stated she appreciates how the Commissioners are making the decision based on the evidence but she would suggest that if there are other evidence that is making the Commissioners decide their decision to give those to staff. She encourages to move backwards with it and bring it back to the Commissioners as an itinerary. Director of Development Services Sabrina Minshall stated if there is any other evidence the Commissioners feel need to be sited, staff can handle that. Chairman Sturgill confirmed whether it was on those the three criteria they are looking at or any others.

Commissioner Nevill stated his motion was based on the land being productive farmland so that would be a statement that should go into evidence for B and C. Commissioner Nevill stated for finding B it isn't just that it is the soil is classified as prime farmland it is also under productive agriculture and for finding C he is concerned that it is active productive agriculture right now.

Director of Development Services Sabrina Minshall clarified that the new evidence is based on the staff's report, the applicants report and testimony. Commissioner Nevill agreed.

Chairman Sturgill stated they have evidence for Criteria H that they heard from Kuna School District that they do not have capacity for additional students. Chairman Sturgill made a comment that he thinks the work that was done with the applicant and Kuna School District is allotable and he loves it but it doesn't solve the capacity problem.

Commissioner Williamson stated additional evidence for Condition H was there was testimony about railroad traffic potentially delaying Emergency Services from Kuna. Commissioner Williamson asked if that should be something to have included. Chairman Sturgill addressed Commissioner Nevill to see if he wanted to add it to his motion. Commissioner Nevill stated they also heard if Kuna can't make it they can call Nampa and Nampa is closer, he isn't sure if they have sufficient evidence one way or another.

Chairman Sturgill asked the Commissioners if there was any more evidence they wanted to insert whether it was for findings in favor or findings not in favor.

Commissioner Dorsey stated they have evidence under section E for bigger lot sizes but they also received evidence that the lot sizes should be smaller, that the City sewer should be available. Chairman Sturgill asked if they heard opinion or evidence. Commissioner Dorsey stated it was an opinion.

Chairman Sturgill asked if there is any other evidence that needed to be submitted into the findings and if not then he directed his question to Director of Development Services Sabrina Minshall to ask if what they submitted is adequate. Director of Development Services Sabrina Minshall stated what they submitted was good and appreciates the Commissioners giving specific citations for them. Director of Development Services Sabrina Minshall recommended while the Commissioners make the decision, staff has the notations and auto hearing, they will use those to draft the language that matches and bring it back on the 16th to make sure it is accurate. Director of Development Services Sabrina Minshall stated the only item she would ask the Commissioners to address, which is required by state law, is if there is anything the applicant could do by having a different application to achieve approval. Director of Development Services Sabrina Minshall stated they need to make sure that gets cited as part of the FCO's and if the answer to that is no, then that is ok too but at least make sure to address it.

Commissioner Sheets stated he thinks residential development will take place at some point and thinks it would be more appropriate to match the existing surrounding areas to be zoned at RR level. Chairman Sturgill asked if that is sufficient or if that would get them part way there. Commissioner Sheets stated it would get them partway there. Commissioner Sheets stated average lot size found within the vicinity of the subject parcel is 5.35 acres, the median is 4.88, and the average lot size within the approved subdivisions is 3.32 so Commissioner Sheets would say a minimum of 3 acres.

Chairman Sturgill asked if there was anything else the applicant could do to get approval.

Commissioner Nevill stated with adding the evidence that it is productive agriculture that he believes time. Commissioner Nevill believes it may eventually get developed into houses but it probably shouldn't develop until it is the last thing that can happen because it is productive agriculture. Chairman Sturgill clarified the applicant cannot fully mitigate the concerns they have outlined. Chairman Sturgill asked Director of Development Services Sabrina Minshall if that was adequate. Director of Development Services Sabrina Minshall stated yes both comments are good language. Director of Development Services Sabrina Minshall read the language she has stating, "this area is still currently productive agricultural and it would be premature to develop into housing at this time that the applicant cannot fully mitigate at this time but at future time as development reaches it or changes".

Roll call vote: 7 in favor, 0 opposed, motion passed.

Chairman Sturgill provided a personal comment saying he applauds the work the applicants have put into this and it is just a recommendation to Board of County Commissioners. Chairman Sturgill stated this has been one of the most significant improvements he has ever witnessed in the 6 years on the Planning and Zoning where someone tried to address the concerns. Chairman Sturgill thanked the applicants and stated he hope this doesn't attenuate their enthusiasm for developing properties in Canyon County because the County need developers like them putting this kind of work in.

Item 2B:

Case No. CR2023-0006 & SD2023-0009 – Maestrejuan/Flying Arrow Subdivision – The applicant, Martin Maestrejuan, represented by Kurt L. Smith, is requesting a Conditional Rezone of approximately 27.17 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The subject property is located at 18257 Batt Corner Rd, also referenced as Parcel R37244011, a portion

of the SW ¼ of Section 34, T4N, R5W, BM, Canyon County, Idaho.

The applicant requests a conditional rezone of approximately 27.17 acres from "A" Agricultural to "R-R" (Rural Residential) zone. The applicant has submitted a subdivision preliminary plat and irrigation plan for approval (SD2023-0009). Each residential lot will have individual well and septic systems. The applicant intends to have twelve (12) residential lots and one private road lot on the property. The property is located within the Homedale impact area and will be serviced by the Homedale School District, Wilder Fire Department and Canyon County Sheriffs will provide emergency services. Irrigation is to be provided by Wilder Irrigation District and the property does have valid water rights.

Declarations-

Commissioner Villafana disclosed two years ago prior to being on the Planning and Zoning Commission he provided written testimony in opposition of this case and his property where he lives is kitty corner or this property and so a conflict of interest. Commissioner Villafana recused himself to hearing the case.

Commissioner Dorsey several years ago he did some custom work for this fellow on this property but it will not impair his judgement.

Planner Dan Lister viewed the Staff report for the record.

Commissioner Sheets asked for clarification that the only real change from the January 22 hearing is the comprehensive plan of 2020 vs the 2030. Planner Dan Lister confirmed that is the only change.

Commissioner Nevill asked if the irrigation storm water retention maintenance plan is the same as an irrigation water users' agreement. Planner Dan Lister stated they have a standard condition for a water users maintenance agreement and in this instance, he combined them together because he just wanted to make sure they are maintained, both the irrigation system that would be shared by this subdivision as well as the storm water drainage to make sure they are maintained; therefore, he didn't separate them out. Planner Dan Lister stated he could separate them if need be. Commissioner Nevill asked if it is basically the water users association where they have to figure out a way for the irrigation water, if they come off of Boise Project and they come in there and everyone has their own head gate, they have to figure out who acts as water master. Planner Dan Lister confirmed that is correct.

Commissioner Williamson clarified the private road width reduction was approved and asked due to this still being a new case if the reduction still applies to the property. Planner Dan Lister stated that although the subdivision, comprehensive plan amendment and the conditional rezone did get denied, the private road name and reduction never got denied, it was approved previously so that was established and the applicant never withdrew that application so they could utilize that still.

Commissioner Mathews asked if they are going to require a pressurized irrigation system. Planner Dan Lister stated that is what the applicant is saying they are providing. Commissioner Mathews has a concern because pressurized irrigation systems are pretty expensive to replace as well as the pumps or any other parts in the system if they need replaced. Commissioner Mathews stated that is a pretty large burden on 12 households to deal with.

Commissioner Dorsey asked why they are able to put a CCNR to block the second dairy home and in

previous hearings they couldn't. Planner Dan Lister advised the code allows Planning and Zoning Commissioner to provide mitigation measures or restrictions as part of the code to mitigate potential impacts to a level less significant to find approval for the request. Director of Development Services Sabrina Minshall clarified these are the conditions, whether they put it in the CCNR or not. Commissioner Dorsey clarified as long as it is a conditional rezone. Director of Development Services Sabrina Minshall and Planner Dan Lister confirmed that is correct. Commissioner Dorsey asked if it is a straight rezone there are no conditions. Director of Development Services Sabrina Minshall clarified even if the applicant didn't put it in the CCNR and if it was a condition in the conditional rezone, then someone wanted to come in and have a secondary residence, they would not be allowed, they were just providing that is the way it will be communicated is in there CCNR. Planner Dan Lister explained that if the development agreement gets signed by both the County and the applicant then it runs with the land, in that instance the owners could change out but the conditions would still remain until they were modified or terminated.

Commissioner Nevill requested more explanation because he remembers there was a subdivision request where the applicant said he would rather have one dwelling and the Commissioners were told they were not able to put that condition in. Planner Dan Lister explained in that hearing it was at the plat stage and the difference is during the rezone process you are determining if the rezone is appropriate for the area, in a conditional rezone you can come up with restrictions and modifications to make it more appropriate for the area and at plat stage it has to be based on only a certain number of standards, so it is a difference between use and what is acceptable for that land division.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

TODD LAKEY – Applicant (Representative) – IN FAVOR – 12905 VENEZIA CT, NAMPA, ID 83651

Mr. Lakey agrees with Planner Dan Lister's recommendation for approval with the exception of a few things. Mr. Lakey understands the request based on previous approvals for the building envelope, but Mr. Lakey is requesting the envelope to be an acre and a half instead of an acre to provide a little more flexibility. Mr. Lakey stated he doesn't mind if it is an acre and a half building envelope with a half-acre no build envelope in the back. Mr. Lakey stated this is a small project rezoning the property to Rural Residential within the City of Impact, the City of Homedale and that Mr. Maestresjuan has done his homework by meeting with various agencies, which is reflected in the staff report and those agencies' responses. Mr. Lakey stated this project is compatible with the character of the area, that it will not be a negative change and that it is under the new comprehensive plan. Mr. Lakey doesn't believe the new comprehensive plan should be undervalued, he believes it is substantial that the area of impact has been expanded to include this property where previously it was not. The new comprehensive plan has new goals, new factors, new policies and a new future land use map. Mr. Lakey stated with the new comprehensive plan it seeks to locate development within impact areas and also seeks to limit development outside those areas of impact, this proposal is in the area of impact within that designation. Mr. Lakey commented that part of the philosophy behind that approach for the comprehensive plan is to allow transition development in the impact area to help reduce the demand and pressure outside the area of impact. Mr. Lakey stated his client applied a couple years ago, under the old comprehensive plan and it was denied. Mr. Lakey stated at that time part of how to obtain approval was to demonstrate how the proposal complied with the comprehensive plan and the character of the area, with the new comprehensive plan, that has all changed because the new comprehensive plan supports the application. Mr. Lakey stated this area is where most growth should occur, it is supposed to occur, it is designated as Rural Residential in the comprehensive plan and this is a Rural Residential request for zoning. Mr. Lakey mentioned the Commissioners also have the preliminary plat so they know what the project is going to

look like. Mr. Lakey presented the old comprehensive plan on the screen indicating you can see the area of impact is mostly residential with some light industrial and commercial properties, Mr. Lakey pointed out Mr. Maestresjuan's property is just outside the area of impact to the North. Mr. Lakey then presented the new comprehensive plan and Homedale's City of impact map, Mr. Lakey pointed out you can see it has been increased and now encompasses Mr. Maestresjuan's property which now designates the property as Rural Residential. Mr. Lakey advised City of Homedale uses the same comprehensive plan so they also see this is rural residential and have no objections to this project. Mr. Lakey mentioned the area does have some existing Rural Residential zoning, conditional rezones, commercial, light industrial and some smaller R1. Mr. Lakey stated the area of impact is where growth is supposed to occur because that is what is on the comprehensive plan but the comprehensive plan also talks about the RR designation being a transition area. Mr. Lakey explained that means it calls for a transition between the denser development and the smaller lots sizes, which this impact area has to the south and the agricultural ground to the north. Mr. Lakey stated this project is specifically called out to have 2 acre lots in this particular location to satisfy that transitional area of the RR district. Mr. Lakey stated there is a city well just to the south of this property and the City of Homedale has said they have no concerns with this proposal, they frankly would like to use their well capacity for the commercial and industrial rather than for higher density residential and Mr. Lakey is complying for their request for curb gutter. Mr. Lakey stated not only is this project exactly what the comprehensive plan contemplates for this location but also the purpose of a rural residential district is to provide the rural life styles. Mr. Lakey believes these 2-acre lots fit nicely for that purpose because it provides the option for small scale agriculture such as people having animals, 4H projects, large gardens. Mr. Lakey stated there are 7 platted subdivisions in the area, 48 lots and the average lot size because of the smaller lots to the south are just over an acre so the project is almost double the residential lot size for the rural residential request and then there are also other non-platted lots that conform with the project lot size in the 2 to 3-acre range. Mr. Lakey addressed some of the specific goals and policies in the new plan that support the application. The first one is the comprehensive plan speaks about promoting housing to meet demand, Mr. Lakey stated the Commissioners have letters in the file that demonstrates there is a demand for these lot sizes. Secondly the comprehensive plan talks about balancing residential growth and agriculture that maintains that rural character, Mr. Lakey stated that is the purpose of the designation being a Rural Residential zone. Third the comprehensive plan has agriculture and residential co-existing, the area of impact establishes that those two things particularly can be focused and coexist and it also calls out for the need for diversity and housing choice and because not everyone wants to live on a city size lot with their neighbors 10 feet away, this provides for that. Mr. Lakey discussed a letter of support in the file from the Rudders who are a long time Ag family and have a lot of operations in Canyon County one of which is the 40 acres adjacent to the north. A portion of the letter reads, "while some growth may conflict to our farm and it's operations at time, some growth may be compatible, we do not view Mr. Maestresjuan's proposal to be extreme nor do we think this is something that will drastically change the integrity of the location, for that reason we would like to support Mardin's proposal". Mr. Lakey stated the IDWR water city map in the file show they are in a strong aquifer and they will probably use less irrigation water than what is currently being used on the property. Mr. Lakey has performed an MP study that demonstrates the lots are appropriate for individual septic and well. Mr. Lakey stated he and his team have worked with the Highway District and this project is too small for a transportation impact study and they specifically stated it is not expected to adversely impact that corner of banner road. Mr. Lakey spoke with the Fire District and is willing to meet all their requirements with one exception. In one of the Fire Districts letters they talked about what the fire flow requirements were, Mr. Lakey stated they are satisfied with those potential sprinklers in homes larger than 3600 sq. ft but in another letter the Fire District talks about a secondary access. Mr. Lakey believes this twelve-lot project is too small for a secondary access and typically you see a secondary access at 20 lots. Mr. Lakey stated fire code is 30 residences or less. Mr. Lakey concluded this will be a nice rural residential project that fits squarely within the purpose of the comprehensive plan in the rural residential

impact zone that will also be consistent with the other residential homes in the area.

Commissioner Nevill clarified Mr. Lakey is asking to change the condition that says a one-acre envelope to an acre and a half. Mr. Lakey confirmed that is his preference. Commissioner Nevill asked Planner Dan Lister if he has any conditions that states the development has to meet Wilder Fire Department requirements. Planner Dan Lister explained at the Plat stage it requires prior to signing at the final plat to get a letter from the fire district saying they reviewed it and accepted it. Commissioner Nevill asked if they need to change the language of anything or if Mr. Lakey is just letting us know he doesn't want the Commissioners to put it in the conditions. Mr. Lakey believes it is good to be specific those submissions and what would not be required by the County, Mr. Lakey expressed that is his request. Mr. Lakey stated if need be, they can incorporate an easement but, in his experience, it is not consistent with the fire code and the numbers that they are presenting.

Commissioner Williamson commented with the plots being around two acres, the requested building envelope encompasses 75% of the lots and with that they can build almost anywhere. Mr. Lakey stated it would result in a half acre in the back that is unusable except for Ag buildings. Mr. Lakey believes the people who would be purchasing these properties want flexibility on where their home is located but also, they are going to be the type that wants a pasture with some animals and that is built into the CCR in the description. Commissioner Williamson asked how much flexibility would you be gaining with an additional half acre. Commissioner Williamson commented if they wanted to put their vintage car collection on their property and have a couple tractors that is considered an Ag building. Mr. Lakey stated that perhaps the definition of an Ag building gives them enough flexibility but they just want to make sure the extra flexibility.

Commissioner Sheets asked what happened in the last 20 months, if it was the change in the comprehensive plan or other things as well. Mr. Lakey stated they spent a long time going back and forth on the comprehensive plan so he believes the change is getting undervalued by saying just the comprehensive plan. Mr. Lakey advised a change in the comprehensive plan is a major thing it impacts the use of the property and how you apply for things, the goals and policies are also different, plus the area of impact has expanded, those are what is different from 20 months ago. Commissioner Sheets asked if the application from 2022 to this particular application are fundamentally the same. Mr. Lakey stated to a large degree they are the same although some of the conditions may be a little different to help mitigate some concerns.

Commissioner Mathews stated they just denied a request that was dealing with prime farm land, had a city of impact, and was also listed as residential in the comprehensive plan. Commissioner Mathews asked what is different with this case from that one. Mr. Lakey stated all cases are different, he doesn't know the exact designation for the City of Nampa if it was zoned residential or rural residential but with this case the designation is rural residential which talks about a transition area from Ag and higher density residential that already exists. This is a request for RR not R1, and the cities position is different, the City of Nampa was opposed to the previous case and wanted services extended whereas the City of Homedale in this case has no objection and doesn't mind the development doing two acre lots with individual wells with not tying in to there well. Mr. Lakey stated those are some of the differences.

KURT SMITH - IN FAVOR – 2581 SOUTHSIDE BLVD, MELBA, ID 83641

Mr. Smith introduced himself as the project engineer. Mr. Smith brought to the attention lot 1 is where Mr. Maestresjuan currently lives and his house is toward the south side of the lot with the house being outside the envelope. Mr. Smith stated he would like the Commissioners to consider lot 1 and the existing situation when looking at conditions. Mr. Smith stated he and Mr. Maestresjuan worked with the health

district, they requested an MP study and it came back that the lots could be handled with a regular septic system, they ran a water monitor study to make sure the regular septic would work, they also dug test holes on each lot and as the project engineer Mr. Smith did not see any issues or red flags for the septic systems working or not being in performance with Southwest District Health requirements. Mr. Smith advised they are planning on private wells. Mr. Smith stated when speaking with the City of Homedale they requested the curb and gutter and for the non-rural road section, which the development plan is complying with by providing agriculture access to the west. Mr. Smith advised they have an agreement to the neighbor to the west to provide irrigation water as well as a pump station for him. Mr. Smith addressed the mailbox cluster discussion required by the post office. Mr. Smith stated he wouldn't have any issues installing a mailbox cluster near the entrance or wherever the postal office would like. Mr. Smith stated they are going to provide a pressure irrigation system that pressure irrigation system will have distribution piping to every lot and every lot will have a service that pressure system will be monitored by a variable frequency drive so they will be able to provide the pressure and flow to the individual lots.

Commissioner Nevill asked if the applicants house on lot 1 is outside of the proposed building envelope. Mr. Smith stated it is further south than the language of the current condition that the County has requested, they have requested that north half of the lot basically the north one acre be where the buildings are. Commissioner Nevill asked if lot 1 fits into the envelope that they are proposing to change to. Mr. Smith stated it does not, that the existing house is further south than that. Mr. Smith stated he wanted the Commissioners to be aware of the existing condition so when they come up with their decision that lot was either excluded or was considered so if Mr. Maestrejuan wants to add a building he can do so near his home. Commissioner Nevill asked where the pump station for the neighbor irrigation will be located. Mr. Smith stated it will be in the northwest corner, where the current supply is. Mr. Smith explained it goes through the property and goes to the northwest corner where that station will be proposed and then will run pipes south to Mr. Maestrejuan's farmland which is south of his home at the west side of lot 7. Commissioner Nevill asked that is getting the irrigation water to the neighbor. Mr. Smith, the neighbor to the west, yes. Commissioner Nevill asked if the irrigation internal to the subdivision it will be pressurized. Mr. Smith confirmed it would. Commissioner Nevill asked is there is a second head gate that supplies it. Mr. Smith advised that is correct, that right at the midpoint to the north side of lot 8. Commissioner Nevill clarified there is a head gate there and then there is going to be distribution piping that goes out that is providing pressurized irrigation to all the lots. Mr. Smith confirmed that is correct and that the piping itself will travel along the perimeter of the development. Commissioner Nevill asked if there is going to have to be a water users' agreement. Mr. Smith stated there will be either a water user's agreement or some kind of agreement because the road is also a private road so that will need to be maintained. Mr. Smith believes all the details are spelled out in the CCNR's.

MARDIN MAESTREJUAN – IN FAVOR – PO BOX 250, WILDER, ID 83676

Mr. Maestrejuan made himself available for questions because he knows the details for all aspects of the project. Mr. Maestrejuan stated he agrees with everything that has been said and with staff's findings, he believes he has been transparent by paying for the City of Homedale water's engineer study so they could see what the water pressure was like in their city water system.

Commissioner Sheets asked what is on the property right now. Mr. Maestrejuan advised currently on the property is where he lives and he has owned the property for nine years. Mr. Maestrejuan stated he comes from an agriculture background, raised on a cattle ranch and has he has farmed this land for years himself. Mr. Maestrejuan stated he is knowledgeable about living in the city and growing up on a ranch so he tries to look at everything with balance. Mr. Maestrejuan advised the property is in current agriculture use. Commissioner Sheets asked if the use a pasture for animals. Mr. Maestrejuan advised the use is hay for animals, that the property was leased out this last year as a rotation crop to another farmer.

Commissioner Mathews stated that having a pressurized irrigation system for a 12-home subdivision the replacement can be very expensive. Commissioner Mathews asked if Mr. Maestresjuan has thought about the expense, if there is going to be an HOA and if there is if he is going to capitalize enough in the beginning so that pump can be replaced. Mr. Maestresjuan stated the pump currently has a 25-horse power pump that will pump 400 gallons a minute. Mr. Maestresjuan advised he is a journeyman electrician that used to work for Agri-Lines Irrigation so he has the background and knowledge in installing VFD's. Mr. Maestresjuan explained each property is going to get an individual pipe in the individual lot, each service can also have an electric solenoid valve with wires running back to the VFD. The amount of water is also going to be appropriated to each lot owner. Commissioner Mathews commented he understands but if the pump itself needs to be replaced it would be a significant expense. Mr. Maestresjuan stated the pump is 25 horse powers right now it is going to pump 400 gallons per minute, if someone is running for something that calls for 400 gallons a minute on an acre, they are going to have a 6 inch pipe coming out of the ground, you don't need a 6 inch pipe coming out of the ground to water an acre, you only need a 2-3 inch pipe, the drive is going to maintain the pressure. Commissioner Mathews stated he is asking if Mr. Maestresjuan had to replace the pump if it fails. Mr. Maestresjuan stated he is sure the HOA is going to have to divide it up. Mr. Maestresjuan advised there will also be a watering schedule that is provided for Wilder Irrigation so there is no discrepancy or dispute about who can use water and when.

Commissioner Williamson rephrased Commissioner Mathews question. Commissioner Williamson explained he thinks the idea is as part of the development as lots are sold. Commissioner Williamson asked if Mr. Maestresjuan is going to leave some funds for the HOA to have a seed money if the pump has to be replaced someday down the road. Mr. Maestresjuan stated he would. Mr. Maestresjuan advised he is going to be the one that puts in the neighbor's water lines to his existing risers and his pump station. Commissioner Williamson confirmed that Mr. Maestresjuan plans on having the HOA get some kind of funds in the event of some kind of failure of the VFD to replace it. Mr. Maestresjuan advised he would and in his CCNR's the HOA is also going to be responsible for weed maintenance where they collectively pay to have someone come out to spray the whole subdivision. Mr. Maestresjuan stated perhaps in the final plat an HOA should be established that will fine people that don't live up to their obligations.

GAIL DELIHANT- IN OPPOSITION – 19761 WHITECAP CT, WILDER, ID 83676

Ms. Delihant introduced herself and advised she represents an Ag organization and has for over 30 years. Ms. Delihant does not believe this project is consistent with the entire agricultural community that is out there because in this area it is all Ag with a few homes dotted around. Ms. Delihant stated in the past rezoning of the land has allowed development, that doesn't mean that's good or prudent for the area. Ms. Delihant advised this is prime farm land and farm land is shrinking, with the Treasure Valley being a prime Ag area. Ms. Delihant advised her background is water and agriculture has come up against a lot of problems, especially in California and she sees Idaho doing the same thing for example with the septic tanks in a small confined area. Ms. Delihant addressed with 12 septic tanks that leach nitrates, nitrates of 10 parts per million below the root zone is a violation of federal drinking water laws and farmers could be liable for providing alternative drinking water once that is reached. Ms. Delihant stated she has pressurized irrigation on her property and she has Wilder Irrigation water and it is inconsistent. Ms. Delihant stated she gets the water last and taken away which she is fine with because she wants the farmers to have it first and last but Wilder Irrigation District has a lot of problems and if the problems were investigated you'd see adding 12 more houses with a lot of grass could put a lot of pressure on their irrigation system as far as Homedale is concerned and Wilder. Ms. Delihant advised she saw the notice on the street so she didn't analyze the full 240 pages of the application but she noticed Homedale didn't write a letter of support so they are neutral as far as she is concerned, the fire department didn't write a letter, they are neutral, they didn't support it or oppose it. Ms. Delihant believes if the development is

going to get approved then it should be no less than 5-acre parcels if you are going to want to transition this area to comply with the comprehensive plan. Ms. Delihant advised she opposed this area being in the comprehensive plan but politically it wasn't in the cards so she would recommend 5-acre separations instead of two.

DAVID DELIHANT – IN OPPOSITION – 19761 WHITECAP CT, WILDER, ID 83676

Mr. Delihant addressed the previous case and testimony is similar to this one. Mr. Delihant stated he moved here to be in a rural area, not to have a bunch of houses. Mr. Delihant believes this project is too dense and needs to be 5-acre parcels. Mr. Delihant expressed his concerns about water draw contamination or the septic tanks contamination. Mr. Delihant stated he doesn't want more traffic. Mr. Delihant expressed how important agriculture is. Mr. Delihant believes the CCNR's won't be enforced, especially number 1 because people will get together and they will mitigate any farmers issues with pesticides, he has seen this first hand with being in the real estate business. Another concern Mr. Delihant has is the funding of the HOA in order to support the pub that Commissioner Mathews asked about because there is HOA's in Wilder that have completely resolved, they just quite paying dues and dissolved. Mr. Delihant asks if the project gets approved to make sure that they are going to have the proper reserves in place for the community. Mr. Delihant expressed he is aware that ADU's is a big thing but that the parcels are too small. Mr. Delihant asked what the price points of these homes are going to be because he doesn't believe it is going to be affordable housing. Mr. Delihant stated there is no housing shortage there is an affordability issue.

PAUL KLOSTER – IN OPPOSITION – PO BOX 3, WILDER, ID 83676

Mr. Kloster stated his wife Mrs. Kloster would like to donate her 3 minutes to him so he can read their testimony. There was no objection. Mr. Kloster stated he and his wife are farm kids and they believe that rezoning gives up agricultural land and that plotting it for a subdivision is typical of the valley at this time. Mr. Kloster stated that Canyon County land is being returned to agricultural production. Mr. Kloster addressed that the applicant bought the subject parcel as farm land 9 years ago and it was surrounded by farm land which the applicant installed an irrigation pivot system that returned the parcel to production. Mr. Kloster stated there is nearby farmland that is now in production there is one to the west that was difficult to till irrigate that just produced a crop of onions as well as an abandoned section across the road is in production along with many other parcels that are in the area that is in active production. Mr. Kloster stated that rural residential subdivision developments are difficult to find, they are clustered either along the snake river or the snake river bluff in areas that are extremely difficult to till, irrigate or have poor soil. Mr. Kloster believes the neighbors will be running water irrigation, storm irrigation and drain water on each other which to his knowledge is illegal in the state of Idaho. Mr. Kloster stated that domestic water under the subject parcel is extremely hard and it taste like sulfur but there is a deep aquafer well less than a half mile south that is the City of Homedale's. Mr. Kloster stated that the road that goes down the center of the property is on a burn so it gathers storm water and he believes flowing it to the drain on the west side of the subject property is impossible by gravity flow. Mr. Kloster also addressed the storm water from the borrowed ditches that is behind the northeastern corner of the subject parcel will exasperate current flooding on the southwest corner of Beener and Bat corner Rd which currently floods north over the road. Mr. Kloster stated that storm slide offs at winter are normal for this location due to the ice and that landscaping the burns along Beener and Bat Corner Rd would help mitigate the subdivision flooding public property and public road ways but not solve it. Mr. Kloster stated that having the individual septic systems is problematic for the subject parcel because the Canyon County Treatment Plant is over capacity and they are now making the public aware that the plant is over capacity. Whereas the City of Homedale is currently increasing their sewage pond capacity to receive raw sewage. Mr. Kloster stated that Beener and Bat Corner Rd, west of I-95 which serves the subject property don't have center lanes, fog lines or snow poles. Ustick Rd has center lines but no snow poles or fog lines. Mr. Kloster stated with this being

farm country, tractors often block roadways by the subject property. Mr. Kloster stated that due to increased traffic that entering or existing Highway 95 can become hazardous requiring driving on the shoulder to avoid being run off the road, Mr. Kloster asked if there is a plan with the Highway District to provide entrance and exit lanes. Mr. Kloster stated he and his wife have not seen a Homedale policeman north of the Snake River, a Wilder Greenleaf patrol policeman below Garman Hill and that the Wilder Canyon County Sheriff's Department respond late when called. Mr. Kloster stated that pets in subdivisions tend to wonder and in Idaho if the pet is disturbing farmers livestock they can legally put them down. Mr. Kloster pointed out that in the application there is no provision for a covered school bus stop, the school bus stop remains by Fargo and Beener.

TODD LAKEY – REBUTTAL – 12905 VENEZIA CT, NAMPA, ID 83651

Mr. Lakey began with addressing the traffic concern, he stated the experts are the Highway District, they are the ones familiar with the road capacities, have created the standards and designed the access locations based on their safety site requirements. Mr. Lakey stated the project is adding 11 more residential lots to this area and the Highway District stated there would be no significant impact to the road system. Mr. Lakey stated that a couple of the people who testified aren't their neighbors, they are a couple of miles away at least so Mr. Lakey believes that we should listen to the neighbors such as the Rutters that have a farm north of the property in which they say there isn't going to be a negative impact to their agricultural operations. Mr. Lakey expressed that the property is designated rural residential and that the purpose of that zoning is to transition between the higher density residential and the agricultural that exists outside of the area of impact. Mr. Lakey stated they meet that requirement because the comprehensive plan talks about Ag and residential co-existing and then with the property being designated for rural residential, the project is where it is supposed to be. Mr. Lakey stated he forgot to mention the exemption for lot 1 where Mr. Maestresjuan lives, Mr. Lakey stated the way to address that property is for that lot to be exempt from the setback requirements. Mr. Lakey addressed the funds for replacement of the pump. Mr. Lakey stated those funds could be put in the HOA fund that would also be collected periodically to maintain things. Mr. Lakey stated they got the MP study approved and meet the requirements for Southwest District Health, that they have a drainage plan and storm water has to be retained onsite which is designed for a 100-year storm. Mr. Lakey does not believe the comments are credible. Mr. Lakey expressed they are satisfied with the CCNR conditions and that the conditions will be included into the development agreement. Mr. Lakey believes this is the right type of proposal being brought forward for this location based on the comprehensive plan to provide that transition.

Commissioner Nevill confirmed with Mr. Lakey if the project were to get approved he would like the wording to say that Lot 1 is exempt from the building envelope condition. Mr. Lakey stated that is the easiest way instead of having to try and craft new verbiage because they already have an existing home on the property but the other 11 lots would be subject to the setback requirement.

Planner Dan Lister commented on Commissioner Nevill's discussion about the Fire District. Planner Dan Lister stated that they could add a condition if the condition is appropriate. Planner Dan Lister stated looked at the condition staff has in the plat FCO's and one of the changes they could make is "development should comply with Fire District requirements applicable by Idaho state adoption of the international fire code, evidence shall include written approval from the fire district prior to Board of County Commissioners hearing of the final plat."

Commissioner Dorsey asked for clarification on why the road change was approved. Planner Dan Lister advised when the first application came through for a comprehensive plan amendment rezone and plat as part of the review process, the private road name requirement and the easement reduction was already approved as part of that process and when the 3 applications were denied that road reduction and private

road name didn't get denied it wasn't withdrawn, it was an approved name and approved width reduction and so the applicant is using the previous approval to tie it into the new request.

Commissioner Nevill asked if those approvals were part of the hearing process Directors Decision. Planner Dan Lister advised it is a Director's Decision to come up with street names and if there is an easement reduction required no less than 50 foot can be at the discretion of the Director. Planner Dan Lister advised the Director at that time did approve the name and easement reduction.

MOTION: Commissioner Sheets moved to close public testimony on Case CR2023-0006 and SD2023-0009, seconded by Commissioner Williamson, voice vote, motion carried.

DELIBERATION:

Chairman Sturgill advised these are two cases and both will go in front of Board of County Commissioners. They will start with the conditional rezone.

Commissioner Williamson stated by looking at the evidence before them and the staff report he kind of agrees but he also thinks Condition 2, sub portion B, number 1, he is fine with adding the exception of lot 1 of the building envelope seems it is an existing structure that would be grandfathered in and would not change the 1 acre building envelope as recommended by staff.

Commissioner Nevill expressed he does not agree. Commissioner Nevill stated the concern is the parcel is still in production agriculture land and he believes the Commissioners need to change the findings in condition 2 saying it is not more appropriate because it is in production agriculture, change the findings number 3 saying it is not compatible because it is in production agriculture, and change the findings condition number 4 saying it will negatively impact the character of the area especially considering evidence says and the soil conservation district says this is high class soil.

Commissioner Mathews expressed he agrees with Commissioner Nevill.

Commissioner Sheets stated he has a few issues with some of the findings and at least some of the comprehensive plan consistencies it talks for example when they talk about encouraging development with individual parcels subdivision it does not fragment existing land use patterns, then you go into the actual findings for 2 it talks about residential zoning prominence south of Ustick road that is repeated in finding 2,3, and 4 it talks about things being much more residential at that point, Commissioner Sheets stated when they talk about the timing of this, there is an issue when it comes to the 2030 comp plan and the timing of this because they have the buffer areas and the intent to do that but they don't have supporting evidence for that. Commissioner Sheets believes it is to the extent that they are trying to follow through with the 2030 comp plan but they haven't been handed those tools yet, so based upon the character of the area being prominently agriculture north of Ustick Road and secondarily the inability to fully implement the 2030 comp plan Commissioner Sheets stated he is not in favor of this as proposed.

Chairman Sturgill asked Commissioner Williamson seems he began the motion in favor if he had any thoughts or response. Commissioner Williamson stated they are all valid arguments and a few he hadn't processed through, he wanted to preference what he said is if it were to be in favor he is not necessarily in favor, he was just leaning towards in favor.

Chairman Sturgill asked if Commissioner Dorsey had any thoughts or anything to add. Commissioner Dorsey stated everyone has expressed his concerns. Commissioner Dorsey's concern is what a buffer

zone is, how they are buffering, and the idea that a two-acre lot is still Ag. He understands it is in the comprehensive plan but he doesn't agree.

Planner Dan Lister stated there is one late exhibit he wants to put into exhibit and it is his power point presentation as Exhibit 10. Exhibit 10 was approved into record.

Chairman Sturgill paused to see if there was a motion in favor or not.

Commissioner Nevill moved to recommend denial for the Board of County Commissioners for case number CR2023-0006 and that they change the staff's FCO's and indicate for the standards of evaluation for question 2, that the proposed conditional rezone is not more appropriate and then site as evidence the testimony and all of the exhibits indicating this is still in production agriculture for question number 3, indicate it is not compatible with surrounding land use again siting evidence of testimony that it is in production agriculture and change the findings for question number 4 saying that it will negatively effect the character of the area especially because this is prime soil as identified by the Canyon County soil conservation district.

Commissioner Sheets reminded to state if there is something they could do to make this approvable.

Commissioner Nevill stated he would add to gain approval they have to wait because there may be a time when this is an area that should be developed but at the moment it should be farmed.

Chairman Sturgill asked staff if those proposed changes to the FCO's are adequate. Planner Dan Lister clarified and Commissioner Nevill discussed the verbiage.

Seconded by Commissioner Dorsey.

MOTION: Commissioner Nevill moved to recommend denial Case CR2023-0006 to the Board of County Commissioners and direct staff to provide revised Findings of Fact Conclusion of Law and forward a recommendation for denial to the Board of County Commissioners. Seconded by Commissioner Dorsey.

Roll call vote: 6 in favor, 0 opposed, motion passed.

Commissioner Nevill moves to recommend denial for Case SD2023-0009 to the Board of County Commissioners based on the fact that it doesn't match the zoning.

Planner Dan Lister asked what the applicant can do to gain approval.

Commissioner Nevill stated to give it time.

Commissioner Sheets stated it would have to match the zoning to gain approval for the plat.

Commissioner Mathews commented giving recommendation to wait isn't really that helpful but there isn't much else to say.

Chairman Sturgill stated to his assumption the character of the area will change but not on this property, it will change from other areas and then extend to this property. Commissioner Mathews stated his problem is how the comprehensive plan looks at this even though it is prime farmland and asked why it

is listed as residential. Chairman Sturgill stated that question it is out of the scope for this hearing but a valid question.

Commissioner Sheets seconded.

Motion: Commissioner Nevill moves to recommend denial for Case SD2023-0009 and direct staff to return with revised Findings of Facts and Conclusion of Law and forward recommendation of denial to the Board of County Commissioners. Seconded by Commissioner Sheets.

Roll call vote: 6 in favor, 0 opposed, motion passed.

Item 2C:

Case. No. CR2023-0001- Johns - The applicant, Mark Johns, represented by Richard Green, is requesting a conditional rezone of approximately 2.9 acres from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone – Single-Family Residential) zone. If approved, the applicant will proceed with a subdivision application to split the parcel into 2 lots. The subject property is located at 25220 Kingsbury Rd, also referenced as Parcel R37463010A, a portion of the SW quarter of Section 26, T5N, R2W, BM, Canyon County, Idaho.

Director of Development Services Sabrina Minshall viewed the Staff report for the record.

Late Exhibit Request- Exhibit G7 would be the City of Star letter as well as Exhibit H which is the staff's PowerPoint presentation.

Commissioner Nevill clarified the plan says 1.45 acres but that is not the buildable area because there is an easement. Director of Development Services Sabrina Minshall confirmed that is correct but with the property being zoned 2 it may already have an easement as part of that if it is a private drive, it is only a driveway so it doesn't have to be on a separate lot but that would be covered under plat if they so choose. Director of Development Services Sabrina Minshall stated the applicant didn't present a plat yet because staff recommended to wait to see if this was approved first.

Motion for Late Exhibit: Commissioner Williamson moved to accept staff's presentation as an exhibit into record. Seconded by Commissioner Dorsey

Voice vote, motion carried.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

MARK JOHNS- Applicant (Representative)– IN FAVOR– 25220 KINGSBURY RD, MIDDLETON, ID 83644

Mr. Johns stated he has lived on this property for seven years, he started this process by having his preapplication meeting with the County in 2022. Mr. Johns stated he received an email from Middleton saying they won't oppose the development after he went to all the places that was suggested such as the Fire Department and the Highway Department and nobody was in opposition, he asked Star for an email as well and he never received one. Mr. Johns believes he is meeting all the criteria except the comprehensive plan. Mr. Johns explained he is on the edge of City of Star's area of impact, and when Mr. Johns started this process, that wasn't the case. Mr. Johns expressed he has almost 3 acres and he is able to build a secondary dwelling on the property, he is asking to divide the property so he can irrigate

both properties adequately. Mr. Johns stated he has a cute manufacture home up front that he will probably keep as a rental he just wants to take the field in the back and turn it into a nice beautiful home. Mr. Johns stated as of now the back is field of weeds and before that he used it as a dirt bike track. Mr. Johns stated his neighbors fine with it and there won't be any impact to the area other than beautifying it. Mr. Johns stated he has a subdivision going in right behind him that are doing one acre lots as well. Mr. Johns addressed the lot size and with the easement the front lot will be about 1.29 acres of buildable area and 1.49 acres of buildable area for the back lot. Mr. Johns expressed he just wants to build himself a beautiful house and that he has parcels behind him as well as subdivisions across the street that are all around 1 acre so Mr. Johns believes he fits into the area with what he wants to do.

Commissioner Williamson asked that there is a recent development where the preliminary plat just got approved. Mr. Johns confirmed that they just put in the road. Commissioner Williamson asked if that is Canyon County or Ada County. Mr. Johns stated it is Canyon County. Commissioner Williamson asked if we still have a Hearing Examiner or if it was a case that came before Planning and Zoning. Director of Development Services Sabrina Minshall stated on the staff report on the subdivision lot report it does show preliminary subdivision of Eagle Cap Subdivision next to the property. Director of Development Services Sabrina Minshall stated it is a preliminary plat but not a final plat and advised the subdivision lot sizes were already referenced into the average, the average is 2.05 acre lots, the subdivision is also included into the 36 parcels within the 600 ft.

Chairman Sturgill asked if it is Mr. Johns intention to keep both lots or sell one. Mr. Johns stated he intends to keep them, he wants the front one to be a rental but he also isn't sure what life is going to do and he sells homes for a living so there is that chance. Mr. Johns stated he doesn't know what he wants to do all he wants right now is to divide the property because it is just a dry field with a bunch of weeds in it and he can make it a beautiful nice home. Chairman Sturgill asked for clarification on why dividing the lot allows Mr. John to irrigate the back half of the property. Mr. Johns stated if it is one parcel and he has two homes he is only allowed to irrigate so much, if he splits it he can get the same rights and half enough irrigation for both properties. Chairman Sturgill expressed he is aware he can build a second home and asked if this request is purely to be able to put a lawn in the back half of the lot. Mr. Johns stated it also has to do with ownership because someday he may sell or he may keep the back one and sell the front one. Chairman Sturgill clarified it is for irrigation and the opportunity to sell if Mr. Johns chooses too. Mr. Johns confirmed that is correct. Chairman Sturgill asked if there was any other motivation to go through this process. Mr. Johns stated he went through the process because it is required, he had to go through the plat because it already has the administrative split so he is going through this process. Mr. Johns stated right now he doesn't have irrigation rights to the property so he can't irrigate it to do anything with it, Mr. Johns expressed it is nice to have the space but all the buildings around him are building beautiful homes and he wants to make the area nice too. Mr. Johns stated the back half of his property is a fire hazard with the weeds but he can't really water them so this will better the area.

Commissioner Sheets asked if Mr. Johns has explored a water rights application for domestic expanded use. Mr. Johns stated it is available and it is possible he could get approved over time.

Director of Development Services Sabrina Minshall stated for the record a secondary dwelling unit could be a way to build a second home but the person has to reside on the property it just wouldn't split the lot for that to be the case and as the applicant has eluded to the reason why it requires the process is in comparison to the comprehensive plan is this property has already been split once.

Chairman Sturgill asked if staff recommended to the applicant to have a comprehensive plan amendment. Director of Development Services Sabrina Minshall stated she does not know the answer to that but in this case, it would be for a specific lot vs an entire area. Director of Development Services Sabrina Minshall explained it would be a different conversation in front of the Commissioners and it wouldn't be a conditional rezone it would be a comprehensive plan with an actual rezone. Director of Development Services Sabrina Minshall stated that typically people don't start with that because it is two steps and more expensive. Director of Development Services Sabrina Minshall stated if the Commissioners choose to deny then a way someone can gain approval is to go through that process which would take the evaluation and require additional comment from the City of Star being in their comprehensive plan.

MOTION: Commissioner Sheets moved to close public testimony on Case CR2023-0001, seconded by Commissioner Mathews, voice vote, motion carried.

DELIBERATION:

Commissioner Sheets stated based upon the testimony they heard tonight there is plenty of reason for the goals that can be achieved that doesn't necessarily upset the comprehensive plan. Commissioner Sheets moved to recommend denial to the Board of Canyon County Commissioners based on the findings of facts conclusions of law for case CR2023-0001 and adopt the findings of facts and conclusions of law as presented.

Seconded by Commissioner Nevill.

Commissioner Dorsey stated he is more inclined to approve this case because that piece of ground would be good for another house and that would take a house out of the County and a little closer.

Commissioner Nevill stated the reason he concurs with the motion is because there is an alternative way to do this and it has been stated by a little bit of investigation that a secondary unit can be placed with water permits without having to split the lot size and change the character of the area.

Director of Development Services Sabrina Minshall confirmed that a way to get approval would be to go through a comprehensive plan amendment process.

Commissioner Sheets amends his motion to include going through the comprehensive plan amendment process as a way to gain approval.

Commissioner Nevill's second stands.

MOTION: Commissioner Sheets moved to recommend denial for Case CR2023-0001 to the Board of Canyon County Commissioners and adopt the findings of facts and conclusion of law as presented with a way to gain approval of going through the comprehensive plan amendment. Seconded by Commissioner Nevill.

Roll call vote: 5 in favor, 2 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Sheets moved to approve the minutes from 9/21/2023, seconded by Commissioner Dorsey. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director stated there is no comments at this time.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Villafana. Voice vote, motion carried. Hearing adjourned at 12:25 am.

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

Approved this 21st day of December, 2023



Brian Sheets, Vice Chairman

ATTEST



Amber Lewter – Hearing Specialist