



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, December 21, 2023  
6:30 P.M.

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

Commissioners Present : Brian Sheets, Acting Chairman  
Patrick Williamson, Commissioner  
Harold Nevill, Commissioner  
Geoff Mathews, Commissioner  
Matt Dorsey, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services  
Jay Gibbons, Assistant Director of Development Services  
Debbie Root, Principal Planner  
Dan Lister, Principal Planner  
Michelle Barron, Principal Planner  
Emily Keister, Associate Planner  
Amber Lewter, Hearing Specialist

**Acting Chairman Sheets** called the meeting to order at 6:30 p.m.

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

Director of Development Services Sabrina Minshall advised there is a request for a continuance on an item and the Commissioner can amend the agenda or address it when they get to that case. Acting Chairman Sheets asked if there was a motion to amend the agenda. Commissioner Nevill stated they could amend the agenda to discuss if they are going to continue it and if the decision is they will hear the case then put the case back to where it originally was on the agenda. Acting Chairman Sheets stated the agenda has been set and noticed and would not be in favor of amending the agenda, if there is good reason to continue the case, those will be brought up during that portion of the hearing. The issue of continuance died due to lack of a motion by the commission.

**Item 1A:**

**Case No. CU2022-0036- AK Feeders** - Approval of revised FCO's.

Commissioner Nevill stated he has a suggested change on page 13 finding 9, it is a quote, there needs to be a closed quotation mark. Acting Chairman Sheets agrees.

**MOTION:** Commissioner Nevill moved to approve & sign the revised Findings of Facts. Motion seconded by Commissioner Dorsey. Commissioner Williamson and Commissioner Mathews abstained. Voice vote, motion carried.

**Item 2A:**

**Case No. SD2021-0058- Ridgeline Vistas Subdivision:** The applicant, Ridgeline Vistas, LLC, represented by KM Engineering, LLP, is requesting approval for a Preliminary Plat, Irrigation Plan, Grading and Drainage Plan, and Hillside Development Plan subject to conditions of development in DA-21-033 recorded as instrument #2021034824. The proposed development, Ridgeline Vistas Subdivision on

approximately 189.84 acres of conditionally zoned "CR-R-R" (Rural Residential) property. The proposed development consists of twenty (20) residential lots with an average lot size of 8.92 acres and one (1) common road lot. The subject property is located to the east of 11509 Shalako Street, Caldwell, Idaho and is also referenced as Parcels R37369 (a portion of the SE ¼ of Section 06, Township 5N, Range 2W) and R37368 (a portion of the SW quarter of Section 05, T5N, R2W, BM, Canyon County, Idaho).

**Planner Debbie Root** viewed the Staff report for the record.

Commissioner Nevill stated he is concerned that 10 years from now the homeowners in High Plains and Ridgeline will be in trouble when these things fall apart because it is difficult for the County to enforce some conditions. Commissioner Nevill asked if they transfer to their own domestic well will they still be upheld to the rule of Idaho's code that says you can only irrigate a half acre. Planner Debbie Root advised these are legitimate ground water rights and they will be transferred to the wells. Commissioner Nevill expressed they have had issues in the past enforcing sprinklers in the home and asked if the developer is going to build every home. Planner Debbie Root advised she is not sure but the condition indicates that they must comply with the agency requirements and every building permit is approved by the fire district. Commissioner Nevill stated that the applicant is willing to meet the development agreement through the CC&R's, that is a concern because CC&R's go away. Commissioner Nevill asked if this will be on the plat. Planner Debbie Root stated we cannot enforce the CC&R's but they can do their best to enforce the conditions on the preliminary plat and development agreement that applies to the development. Commissioner Nevill asked for clarification that there is an agreement between High Plains and Ridgeline that exists already or a proposed agreement. Planner Debbie Root advised that would be a question for the applicant. Commissioner Nevill asked if the individual owner has to come up with drainage on their own lot. Planner Debbie Root advised every lot will have to retain their storm water drainage and irrigation.

Commissioner Williamson asked for clarification on irrigation ground water and domestic well water rights. Planner Debbie Root states it is her understanding that the half acre is a domestic water right but not a deeded water right and then the ground water right is an addition.

Acting Chairman Sheets asked if there is an existing agreement between High Plains and Ridgeline for shared access. Planner Debbie Root stated she is not aware of a recorded agreement but would be a better question for the developer.

**Acting Chairman Sheets** affirmed the witnesses to testify.

**Testimony:**

**Stephanie Hopkins (Representative) – IN FAVOR – 5725 N Discovery Way, Boise, ID, 83713**

Ms. Hopkins stated that Planner Debbie Root explained everything well. Ms. Hopkins stated the property was originally rezoned in 2021 to rural residential. The average lot size will be 9 acres, they are proposing individual well and septic for each lot in the development. They met with Southwest District health and will keep coordinating with them. A portion of the lot is zoned A, they did a flood study which was provided and they will work with FEMA. Irrigation water will be threaded into the individual wells. Ms. Hopkins stated preservation of land was a large topic, although some of the lots are steep and will be difficult to be used for agricultural purposes they still have some options, 119 acres which accounts for approximately 60% of the development can be used for agricultural purposes such as, crop cultivation, livestock grazing, orchards, vineyards, nurseries and bee keeping. A water study was completed for the water rights and how they would be elevated to different lots within the development, there are two water irrigation

rights, each water rights can be distributed to the lots differently for example the steeper lots will receive less water whereas the flatter lots will receive more water to irrigate. Ms. Hopkins stated she agrees with Staff and the conditions.

Commissioner Dorsey asked with the water rights getting broken up per parcel will the existing irrigation well be the fire well. Ms. Hopkins confirmed that is correct. Commissioner Dorsey asked what water right the existing well have. Ms. Hopkins advised .11 csf not to exceed 13 thousand gallons per day from the existing well. Commissioner Dorsey asked if each lots owner is the one that needs to come up with a plan on how they are going to incorporate agriculture use. Ms. Hopkins stated that is correct the CC&R's encourage agriculture use but doesn't dictate what use they do. Commissioner Dorsey asked if it is the same land owner that transferred all the building lots off to the highland subdivision. Ms. Hopkins stated she doesn't believe so.

Acting Chairman Sheets asked how the lots on the north east side are going to get up to their property with the slope. Ms. Hopkins advised Mr. McCarthy can better answer.

**Matt Drown – IN FAVOR – 2150 W Pacific Ridge St, Eagle, ID, 83616**

Mr. Drown explained they applied and got approved for a specific fire flow permit for fire protection back in 2022. Mr. Drown stood for questions.

Commissioner Dorsey asked how long a thousand gallons per minute can go. Mr. Drown stated until the fire goes out.

Commissioner Nevill stated he has concerns about the sprinklers being in the homes and asked if Mr. Drown is going to be the developer and the builder. Mr. Drown explained he may build some of the homes, but in order to get approved it is in the plans to have the fire suppression sprinklers. Commissioner Nevill expressed he isn't in favor of stating something is going to happen because he has seen in the past the houses get built without the sprinklers.

Acting Chairman Sheets asked if Mr. Drown has got to review the conditions of approval and if he has any issues with them. Mr. Drown stated he has reviewed them and has no issues.

**Todd Lakey – IN FAVOR – 12905 Venezia Ct, Nampa, ID, 83651**

Mr. Lakey explained as part of the conditions of approval they developed the Ag plan which is exhibit 9, it notes several things such as how they are handling irrigation water for each lot, utilizing 2 acre building envelopes, and describes some of the potential uses. Mr. Lakey stated this land is a lot in the original High Plains project so they are subject to their CC&R's and HOA but they are also doing their own CC&R's and HOA for the 20 subject properties. Mr. Lakey explained that the original High Plains residence will not be subject to the new CC&R's and HOA such as the fire hydrant in question.

Mr. Lakey's 3-minutes of testimony time ended. He requested an additional minute.

**Motion:** Commissioner Nevill moved to grant an additional minute of testimony time. Seconded by Commissioner Williamson. Voice vote, motion carried.

Mr. Lakey continued testimony. Mr. Lakey advised it is up to the land owner to submit an Ag plan and they are required within the CC&R's to implement and maintain that plan. The plans will be reviewed and approved by the HOA.

Commissioner Nevill clarified the High Plains HOA already exists, the new development Ridgeline will be subject to the existing CC&R's and HOA as well as their own CC&R's and HOA. Commissioner Nevill asked about having a road user's agreement. Mr. Lakey stated a road user's agreement is already part of the CC&R's in High Plains. Commissioner Nevill asked how they are going to resolve the issue of having 41 lots with one access. Mr. Lakey stated that was a subject of discussion with the fire district and they agreed to the conditions that are in the CC&R's. Mr. Lakey pointed out that under state code these lots are exempt but they still came up with an agreement with the fire department to widen and improve the road, include the sprinklers in the homes, as well as having a fire hydrant. Commissioner Nevill clarified that it is Mr. Lakey's testimony that the sprinklers will mitigate the concerns with the response time being distant.

Acting Chairman Sheets stated he knows there are fires out there and difficulty getting fire equipment to the lots with the slopes. Acting Chairman Sheets asked Mr. Lakey if it is his testimony that the agreements they have made with the fire district will mitigate the risk to those potential properties. Mr. Lakey confirmed that it is his belief that the widening of the road, sprinkler requirement, hydrant requirement, and the requirements of the homes and landscape being constructed with materials from the wildlife interface standards will mitigate the concerns.

**Kevin McCarthy – IN FAVOR – 5725 N Discovery Way, Boise, ID 83713**

Mr. McCarthy stood for questions.

Commissioner Nevill asked how he is going to get homeowners to the lots that are on a high slope. Mr. McCarthy stated they will need to look at different ways to get a road there that comply with the code, which will require some grating. Commissioner Nevill asked about turn arounds for the fire district. Mr. McCarthy stated that will be incorporated into the building plan. Planner Debbie Root advised that is why the County Engineer required as a condition that the grating and drainage plans will be required for everyone of the lots at the time of development. Commissioner Nevill asked what the plan is for the natural drain going through lot 1, if it is going to be stopped or conveyed. Mr. McCarthy stated it can't be stopped but they have to contain all the drainage on their lots. Mr. McCarthy explained the lot next to theirs has an existing home in High Plains that was built in a flood plain, they will be able to improve the flooding going to that property from the property they can control.

**Andrea Vance – NEUTRAL – 12101 Shalako Rd, Caldwell, ID, 83607**

Ms. Vance requested to go after Opposition testimony.

Acting Chairman Sheets agreed to move Ms. Vance testimony to after Opposition.

**Eileen Gardiner – IN OPPOSITION – 12181 Shalako Rd, Caldwell, ID, 83607**

Ms. Gardiner expressed her concerns with 20 additional homes being added to the already 21 homes in the subdivision because there is only one access to the public road. Another concern is the irrigation plan for the proposed development not having water rights to all the properties. Ms. Gardiner questions how the 20 proposed homes can be a part of High Plains development and a separate development as well.

Ms. Gardiner's 3-minutes of testimony time ended. She requested an additional 2 minutes.

**Motion:** Commissioner Nevill moved to grant an additional 2 minutes of testimony time. Seconded by Commissioner Dorsey. Voice vote, motion carried.

Ms. Gardiner continued testimony. Ms. Gardiner advised historically the lot has been a potato field. Ms. Gardiner went over the natural wildlife in the area that would be affected with the additional homes being added. They include the long-billed curlews, deer, elk, antelope, golden eagles, and bald eagles.

**Bill McFarland – IN OPPOSITION – 11791 Rio Lobo Rd, Caldwell, ID, 83607**

Mr. McFarland expressed that it would be nice to see what Mr. Lakey said in writing. Mr. McFarland provided his history of 30 years as a captain in the fire department and has been to wildlife fires in California, so he is aware that this is a bad area for fires. Mr. McFarland stated the fire hydrant will never be used as an attack engine hydrant, it will be used to fill up the tank after. With the delayed response times for fire services he believes the hydrant and the sprinklers in the homes are a good idea. Mr. McFarland stated he has seen the flooding on the property and doesn't know how they are going to contain it. He expressed that if the pump were to break it would flood a lot of homes. Mr. McFarland stated that the pump house and pump is in bad condition, it has been shot at and will not last much longer.

Acting Chairman Sheets asked if the pump is a drainage pump or a well pump. Mr. McFarland advised it is a well pump.

**Mike Wieland – IN OPPOSITION – 29122 High Plains Rd, Caldwell, ID, 83607**

Mr. Wieland clarified that the Idaho Code that was being referred to is 41-253 that exempts them from the secondary access road and the hydrant. The International Fire Code Appendix D also exempts them. Mr. Wieland referred to exhibit 8 where the fire department did not ask for a hydrant, he doesn't understand if the hydrant isn't required why they are proceeding with one. Mr. Wieland believes having two separate HOA's in addition to all being a part of one HOA is going to be an issue with paying for the well.

Commissioner Nevill clarified that Mr. Wieland does not want a hydrant because it is not required. Mr. Wieland confirmed he also doesn't want to incur the cost for one. Commissioner Nevill asked if there was an existing fire suppression system and if there is, if Mr. Wieland is comfortable with it. Mr. Wieland stated there isn't one other than the fact that their properties are large and the weeds are so low that the fire would go out before getting to their properties. Commissioner Nevill asked if it was Mr. Wieland's testimony that there is no need for the pump. Mr. Wieland confirmed.

Commissioner Williamson stated it is his understanding that Ridgeline Development would have their own sub set of rules that only apply to them and the High Plains Development would be grandfathered in to their set of rules that Ridgeline also has to abide by. Mr. Wieland stated that is his understanding as well but he is concerned about the legality how that would work.

**Melissa Wieland – IN OPPOSITION – 29122 High Plans Rd, Caldwell, ID 83607**

Ms. Wieland stated there was a late exhibit from Lynn Warren who is the HOA president, she is the treasurer. Ms. Wieland read the late exhibit into testimony, "The private road and driveway requirements were a topic of discussion at the Canyon County access workshop that occurred on August 17, 2023. The October minutes also captured references below", Ms. Wieland stated she doesn't have time to read all of it but Mr. Warren's questions are, "If the current requirements are revised or a new code adopted will the developer still be required to update Shalako to the 24-foot width and the current minimum standards and what is the timing for the requirements to bring Shalako (the existing private road) to the minimum requirement".

**Andrea Vance – NEUTRAL – 12101 Shalako Rd, Caldwell, ID, 83607**

Ms. Vance believes having two HOA's within the community will create division with confusing guidelines,



that it doesn't build a community, it tears it down. Ms. Vance would like clarification if the hydrant is or isn't required as well as the necessity of having two HOA's.

Commissioner Dorsey asked if Ms. Vance would be opposed to the hydrant if they would not have to pay for it. Ms. Vance stated she would still be opposed because it tears down the responsibilities who everyone shares within a community, they are going to be a part of the community but then also have a separate fee imposed to them and it isn't required.

Commissioner Nevill stated he believes in the fire departments exhibit they say that the fire hydrant has to be present or they will not approve the development, he is interested in the rebuttal to see if it is required. Ms. Vance stated she is asking for it to get reviewed because it is not required by state code and law. Ms. Vance is also concerned with the end of Shalako Road showing that it is a temporary turn around because the land beyond that is not public land, it is owned by Little Enterprises. If Shalako were to be extended at a future date, this would increase traffic. Ms. Vance would like that turn around to be a permanent end point.

Commissioner Williamson clarified if the fire district says they need a fire hydrant, regardless of state code, that is the fire districts determination and the Commissioners cannot pull that out. Ms. Vance stated she just wants it clarified if the fire district is requiring the hydrant or not.

**Todd Lakey – REBUTTAL – 12905 Venezia Ct, Nampa, ID, 83651**

Mr. Lakey stated some of the opposition testimony was related to the land use which already has been decided. Mr. Lakey explained they are required to improve the entire existing road, this will need to be done before final plat and in performance with code. Mr. Lakey expressed there is no confusion regarding HOA's and CC&R's, they are subject to High Plains CC&R's and they cannot change them. However, there will be additional requirements for the additional 20 lots. The owners understand the sub set when they purchase a lot. Mr. Lakey addressed the fact that they are exempt but regardless they met with the fire district to gain their support. In the fire districts letter, exhibit 16, notes that it is exempt, it also notes that the drivable surface for the road needs to be 24 feet per the fire code, residential homes will be equipped with the sprinklers and one hydrant will provide at least one thousand gallons per minute and that the 2018 Wild Land Urban Interface code needs to be complied with. Mr. Lakey expressed these are all conditions of approval. Mr. Lakey stated the well has been there a long time and the pump was put in 2014, it has been tested and works fine, but they are required to establish that it does work before the project can move forward.

Commissioner Williamson asked if the code changes would they need to follow the old code or the new code for the road width concern. Mr. Lakey stated they are subject to the code that exists at the time they apply. Commissioner Williamson asked about the temporary termination of Shalako Road. Mr. Lakey stated that road has to be to the fire district code and will not be temporary.

Commissioner Nevill asked what the process will be to certify the pump. Mr. Lakey stated he has to provide proof that it is operational and meets the gallons per minute for the County's requirements. He isn't sure of the process itself on who signs off on it.

Commissioner Dorsey asked who owns Shalako Road because it is a private road. Mr. Lakey stated the road lot is owned by his client and once the road is improved it will get turned over to the HOA so the maintenance and shared cost would get turned over to the HOA and they will be owners of the road lot. Commissioner Dorsey asked for clarification on which HOA would own the road. Mr. Lakey advised the ownership would be turned over to the High Plains development of the portion of the road that they all

share, the part of the road that goes to Ridgeline would go to Ridgeline to obtain ownership of, unless High Plains wants to own the whole thing. Commissioner Dorsey asked who would make the determination if the end of Shalako would allow use for the Little Enterprises. Mr. Lakey stated it is a private road therefore the owners of the private road would make that determination.

Planner Debbie Root stated that the rebuttal covered all the questions that came up during testimony.

Acting Chairman Sheets asked if the Little Enterprises access their properties from a different road. Planner Debbie Root advised many of the properties would be considered land locked and that they do have other access points.

**MOTION:** Commissioner Williamson moved to close public testimony on Case SD2021-0058, seconded by Commissioner Mathews, voice vote, motion carried.

**DELIBERATION:**

Acting Chairman Sheets asked if the Commissioners had any changes or discussions.

Commissioner Nevill stated the land use has already been decided and restricted to specific development agreement and staff has provided an additional 14 conditions of approval, the applicant agrees to all the conditions. Commissioner Nevill has concerns about CC&R's and HOA's because they can change but with what they have in front of them he is satisfied that they have done their due diligence and comfortable recommending approval.

Commissioner Mathews stated he is concerned with having two HOA's because it is going to create problems. Acting Chairman Sheets asked if he had any recommendations. Commissioner Mathews expressed he would like to see it all under one HOA. Acting Chairman Sheets stated it is his understanding that having the separate HOA's is a way to deal with infrastructure there related to specific proportional use of water use and fire suppression. Commissioner Sheets doesn't believe the County has the capability or jurisdiction to enforce the organization of distribution of costs. Commissioner Mathews agrees he doesn't believe they can either, he believes the applicant needs to figure that out upon themselves.

Commissioner Dorsey agrees they have done everything they can with the codes they have to follow. Commissioner Dorsey made a statement that he doesn't believe having rural subdivisions is preserving Ag land.

Commissioner Williamson recalled when the rezone came through preserving Ag land was on the top of the agenda and the concerns brought forward are valid, he just doesn't see a way that the Commissioners can mitigate them so recommends everyone involved having more communication. Commissioner Williamson stated by the codes they have to follow the development meets all of them.

**MOTION:** Commissioner Williamson moved to approve Case SD2021-0058 based on the Findings of Fact and Conclusions of Law and conditions of approval and recommends approval to the Board of County Commissioners. Seconded by Commissioner Dorsey.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**Item 2B:**

**Case No. CR2023-0008- Zion Ventures, LLC:** The applicant, Zion Ventures, LLC, is requesting a

conditional rezone of a 30.42-acre parcel from an "A" (Agricultural) zone to a "CR-C-2" Zone. The request includes a development agreement limiting the use to an outdoor storage facility for the storage of recreational vehicles, campers, boats, trailers, and trucks. The subject property is located at 19933 Midland Blvd., Caldwell, also referenced as Parcel R34295, a portion of the NE¼ of Section 29, T4N, R2W, BM, Canyon County, Idaho.

**Planner Dan Lister** reviewed the Staff report for the record.

Commissioner Nevill stated on exhibit 4C1 the Caldwell Rural Fire District stated there should be fire hydrants out there and he isn't seeing a plan for one. Commissioner Nevill asked if there is a plan for fire fighting water anywhere. Planner Dan Lister stated he hasn't seen one. Planner Dan Lister stated there is a condition to work with Caldwell Rural Fire District to meet international fire code for this request. Commissioner Nevill asked if there is an international fire code for fire hydrants. Planner Dan Lister expressed not that he knows of. Commissioner Nevill asked if there is any condition that they have to come up with a drainage plan. Planner Dan Lister stated there is a comment letter with one of the consulting engineers asking one of the conditions to be providing an engineered storm water collection disposal plan and demonstrate applicable DEQ requirements and standards, which has been included in as one of the conditions. Commissioner Nevill stated the City of Caldwell doesn't allow the requested use on the highway corridor and recommend denial. Commissioner Nevill asked how we got to approval with the City recommends denial. Planner Dan Lister stated one of the reasons staff is recommending approval is because the County's Comprehensive Plan applies to the impact area in addition the City's Comprehensive Plan it supports a community commercial which would support this use if it was annexed into the City. Commissioner Nevill stated our comprehensive plan states we need to preserve agriculture. Commissioner Nevill asked if this is still in productive agriculture. Planner Dan Lister confirmed the land is still in productive agriculture as well as surrounded by agriculture. The plan does show this is a growth area for commercial and industrial uses. There are industrial uses that have been approved across the street. Planner Dan Lister stated the applicant has agreed that the type of use they are doing won't require a lot of improvements as well as not hindering other improvements such as widening the highway or allowing the City to provide services.

Acting Chairman Sheets asked about City of Caldwell's highway corridor designation on exhibit 3E-1 and it is surrounded by subdivision on both sides, how does this work with the plan for a highway corridor. As well as if you look at the aerial maps they are still in Ag production but in there is preliminary subdivisions that have been approved. Planner Dan Lister stated when doing the analysis, they were looking at the future plan and again services are not out there and there is no time frame on when services will be available, the property is adjacent to railroad tracks and industrial uses and therefore staff was looking at this as a potential buffer for in between use of the high density residential to the industrial. Acting Chairman Sheets asked if this is a rezone request only and a conditional use permit would follow. Planner Dan Lister advised the rezone into a C2 zone allows storage use as an allowed use.

Commissioner Williamson asked when the adjacent properties were annexed into the City. Planner Dan Lister advised 2006 and services are still three thousand feet away.

**Acting Chairman Sheets** affirmed the witnesses to testify.

**Testimony:**

**Riley Verner (Representative) – IN FAVOR – 19933 Midland, Caldwell, ID, 83605**

Mr. Verner requested a power point to be submitted as a late exhibit.



Commissioner Williamson asked if there was anything they didn't see during Planner Dan Lister's presentation. Mr. Verner stated it is a lot of the same. No motion was made to accept the late exhibit. Mr. Verner proceeded with testimony.

Mr. Verner stated the project will be completed in two phases, the Northside being the first and the Southern half being the second phase. They have one neighboring parcel who they met during the neighborhood meeting and intentionally did not put any parking stalls in the design next to their property line and instead landscaped. Mr. Verner stated it will be owned and operated by himself, there will be entrance keypad gate, the house on the property will remain as an onsite. The middle access will be primary and the access to the south will be secondary emergency access. Mr. Verner agrees with Highway Department District 4. Mr. Verner stated they are one of the few designated areas in Canyon County's comprehensive plan that is designated for commercial, the proposed storage units are allowed in the C2 zoning. Mr. Verner understands Caldwell asked for the rezone to not be approved but they are not providing any services and they are meeting what Canyon County has designated the area as. Mr. Verner is agreeable to the conditions and is willing to annex to the City of Caldwell once services are available. Mr. Verner believes this plan is agreeable to the comprehensive plan.

Commissioner Williamson asked if the plan is to eventually switch from having an office space to storage units, where are people going to go to get a storage unit and talk with someone. Mr. Verner explained it will be remote with someone answering a phone line, online with a code generated, or someone meeting onsite by appointment.

Commissioner Nevill asked what the solution is going to be to provide fire fighting capability. Mr. Verner advised he will sit down with the Fire Department to work out the details and that he is agreeable to Staff's condition to meet the International Fire Code. Commissioner Nevill asked what the demand is for RV storage currently. Mr. Verner stated the demand is significant, the current RV storages are at capacity or close to it because a lot of people are moving to Canyon County and not a lot of homes are built with RV space, plus you have CC&R's that restrict the parking of recreational vehicles at your residence. Commissioner Nevill brought the attention to the Soil Conservation District having the land classified as class 2, he asked what the justification is of taking prime Ag land. Mr. Verner advised the land is in Caldwell's impact area and right for development with it pushing in that direction and with Canyon County's Comprehensive Plan they have designated area to protect and preserve farmland and this land was not one of those areas, it was designated commercial. Commissioner Nevill asked if Mr. Verner agrees that the development should occur when it is time because the area still has a lot of active agriculture. Mr. Verner agreed that a lot of the land in the area is productive Ag land, he pointed out most of the land isn't owned by farmers and instead leased out to farmers, so he doesn't foresee the area being farmed in the nearby future. Commissioner Nevill asked if Mr. Verner owns the property and leasing it out to a farmer and if he is if the farmer will continue to farm as long as possible. Mr. Verner confirmed and agreed the land needs to be farmed as long as possible, he stated the land is a priority growth area.

Commissioner Williamson asked if Mr. Verner understands he has to follow the conditions in exhibit 4C the letter from the Caldwell Fire District stating fire hydrants need to be present. Mr. Verner stated the condition in the development agreement is they meet the International Fire Code and agrees with meeting the International Fire Code. Commissioner Williamson asked for confirmation that the fire hydrants will be put in and the well can withstand the per minute requirements. Mr. Verner stated he will if the International Fire Code requires it.

Commissioner Dorsey confirmed Mr. Verner is going to follow the International fire code, not what

Caldwell Fire Department is asking for. Mr. Verner confirmed that is correct.

Acting Chairman Sheets asked if Mr. Verner is going to be operating the business and if he has other storage facilities he operates. Mr. Verner confirmed he will be operating the business and this is his first storage project.

**Kevin Chester – NEUTRAL – 19757 Midland Blvd, Caldwell, ID 83605**

Mr. Chester stated he is concerned with fire because RV's can be a tinder box and requests that there is adequate protection. He is also concerned with exhibit 2C, it looks as if there is a road close to his house and would like confirmation if it is an emergency exit or something else. Mr. Chester stated if this project gets approved his property will be surrounded on 3 sides by commercial properties and one of the reasons he bought the property was being surrounded by Ag land. Mr. Chester believes it is too soon to develop and remove the Ag land at this time.

Commissioner Nevill asked how long Mr. Chester has lived at his property and in that time what kind of crops has been produced on this site. Mr. Chester advised he has lived on his property for 5 years and he has seen them rotate between corn, wheat and beets. Mr. Chester stated it has been very productive crops. Commissioner Nevill asked for confirmation that Mr. Chester is surrounded by active agriculture. Mr. Chester confirmed. Commissioner Nevill asked if the farmers are still able to go down the roads and move equipment. Mr. Chester stated he hasn't seen anything to oppose that so he assumes it is fine. Mr. Chester expressed he has heard concerns from farmers about the shrinking of Ag land.

**Riley Verner (Representative) – REBUTTAL – 19933 Midland, Caldwell, ID, 83605**

Mr. Riley stated that Winco Foods is in the planning process, big box retail and apartment complexes have all been approved in this area which will change the nature of the area as well as ITD expanding to 5 lanes within the next 2-3 years. The area is primarily Ag currently, but Mr. Verner believes that will all quickly change. Mr. Verner confirmed that the access to the north is an emergency access.

Commissioner Dorsey asked for clarification because Mr. Verner is stating this is not Ag land, yet he received the Ag land exemption, doesn't want to pay City taxes for any infrastructure and with the development he still wouldn't want to be annexed into the City to pay those taxes. Mr. Verner stated his project doesn't require utilities or sewer hook ups so there is no desire to pay for services they aren't connecting to. His desire is to have it be commercial which is designated in the Comprehensive Plan. Commissioner Dorsey asked if he would be paying commercial taxes. Mr. Verner stated his assessment value would go up significantly.

**MOTION:** Commissioner Williamson moved to close public testimony on Case CR2023-0008, seconded by Commissioner Mathews, voice vote, motion carried.

**DELIBERATION:**

Commissioner Mathews stated with the City of Caldwell surrounding the development and their intent for the property with our working agreement with them he is in opposition, he believes this project is premature and would like to see the property stay in Ag for as long as it can.

Commissioner Williamson agrees with Commissioner Mathews but also questions the future land use, that the City of Caldwell wants to put there is potentially residential so having commercial as a buffer makes more sense. His understanding is this area is very productive seed crop ground and Idaho is an international producer of a lot of seed crops. Commissioner Williamson believes this project is too early and the surrounding area still has a lot of productive Ag.

Commissioner Nevill stated he is not in favor and believes it is too soon. The land is still in productive agriculture.

Acting Chairman Sheets stated he knows the area and it is not going to stay in Ag very long, it is going to turn into apartment buildings, and houses, he doesn't believe they will be able to keep it in Ag very long and understanding that he believes that this is a good use for the land. Acting Chairman Sheets would approve as is.

**MOTION:** Commissioner Nevill moved to deny Case CR2023-0008 to modify findings of fact number 2 to state that it is not a more appropriate use, number 3 that it is not more compatible with the surrounding land uses, and number 4 stating that it will negatively affect the character of the area. Commissioner Mathews Seconded.

**Discussion on the motion:**

Planner Dan Lister asked the Commissioners to provide the evidence for each one of the findings they want modified.

Commissioner Nevill stated the evidence for findings 2 is it is currently productive Ag land and until it is unable to be active Ag land because it is encroached upon, the answer is it is not more appropriate. Findings 3 the evidence from the staff report and testimony that all of those productive fields in that area are still in Ag production and if anything would detract the farmers ability to move machinery and to farm would make it not compatible. For Findings 4 the evidence is from the pictures they have viewed and testimony received, that the land is surrounded by productive agriculture and anything not conducive to production agriculture would negatively affect the character of the area.

Roll call vote: 3 in favor, 2 opposed, motion passed.

**Item 2C:**

**Case No. RZ2021-0030 & SD2021-0018- LGD Ventures / Goldberg / Lewis Heights:** The applicant, Darren Goldberg, LGD Ventures, LLC, is requesting a conditional rezone of parcel R30117 from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. Included with the conditional rezone is a development agreement. The request also includes a preliminary plat (with irrigation and drainage plan) for Lewis Heights Subdivision. The subdivision consists of 31 buildable lots and 9 common lots. The 78.5-acre property is located on the south side of Lewis Lane, approximately 1300 feet east of the intersection of Sky Ranch Road and Lewis Lane, Nampa, Idaho. The property is located in a portion of the NE1/4 of Section 13, T2N, R3W, B.M., Canyon County, Idaho.

**Declaration:** Commissioner Nevill declared he lives within 1 mile of the subject property and familiar with the roads but has not had any discussion with the applicant or spoke to any parties regarding the case.

**Planner Michelle Barron** viewed the Staff report for the record.

Commissioner Williamson confirmed the only comment they have from Highway Nampa District or the School District is exhibit E, attachment 5. Planner Michelle Barron confirmed that is correct.

Commissioner Nevill confirmed what has changed from the last time they heard the case is that there is fewer lots, there is a community domestic well proposal and they are proposing a combined irrigation firefighting system that has gained the Fire Districts approval. Planner Michelle Barron advised that is

correct. Commissioner Nevill confirmed that this land is still in productive Ag land. Planner Michelle Barron stated she hasn't been out there recently but believes there is an operation that is active. Commissioner Nevill asked which access is proposed for the bus stop. Planner Michelle Barron advised the applicant can address that and one of the conditions is that they work with the school district. Commissioner Nevill asked if we know where the closest intact 80-acre field is in this area. Planner Michelle Barron stated she is unsure.

Commissioner Williamson asked about the land nearby that is going through a rezone. Planner Michelle Barron advised it was recently approved. Commissioner Williamson clarified that the property in question is almost completely surrounded by residential use.

Commissioner Mathews asked if we asked for comments from Deerflat Wildlife Sanctuary. Planner Michelle Barron advised this is a conditional rezone so a full political was sent out and they would have been one of the entities that was noticed.

**Acting Chairman Sheets** affirmed the witnesses to testify.

**Testimony:**

**Becky Yzaguirre (Representative) – IN FAVOR – 2471 S Titanium Place, Meridian, ID, 83642**

Ms. Yzaguirre stated this property is encircled by residential development making it a text book example of where development should occur. Ms. Yzaguirre went into the details of the development plan. The property has one existing well with irrigation ground water rights. Adjacent to the canal the property is uphill and has no surface water rights. The project consists of 31 buildable lots and 9 common lots with a minimum lot size of 1.6 acres and a max of 2.79 acres with an average of 2.3 acres. The lot sizes are compatible with the adjacent properties which average 2.2 acres. The development will have a community well and a community fire suppression system, each home will have fire sprinklers and individual septic systems. Ms. Yzaguirre advised the design has been updated from the last Planning and Zoning hearing to address the feedback that was received, key changes include, reduction in lots, community water system, fire suppression system with home sprinklers, the storm water management plan has been reevaluated to insure it can hold the 100-year flood event, the common lot south of the canal they plan to sell it to the Taylor Dean property owners. Ms. Yzaguirre stated in the common area, the landscaping will be minimum and consist of drought resistant plants and trees. Most of the landscaping will be located along Lewis Lane to provide a screen for the neighbors to the north. There is also a plan to install a 6-foot safety fence around the canal. The community fire suppression system will be set up on common lot 17 delivering 500 gallons per minute to a hydrant across the development. There will be two wells, one will be running at all times and the second will serve as a backup. The existing well on the property will be used for fire flow and pressurized irrigation. Ms. Yzaguirre advised the reason for wells drying up South of Lake Lowell is due to high capacity agricultural wells. They operate around the clock which temporarily lowers the water in the area and the shallow wells in the area may run dry during irrigation system. The development plan will be using less water. Ms. Yzaguirre believes the development aligns with Canyon County's comprehensive plan for rural residential development.

Commissioner Williamson asked for clarification that Ag is the cause for wells going dry in the area. Ms. Yzaguirre deferred the question. Commissioner Williamson asked where the bus stop will be located. Ms. Yzaguirre advised they will work with the bus company to determine the location of the bus stop. Commissioner Williamson asked the location of the hydrant. Ms. Yzaguirre deferred the question. Commissioner Williamson stated they are being proactive with the fence around the canal.

Commissioner Nevill asked for confirmation that they are proposing a combined irrigation and fire fighting water system. Ms. Yzaguirre stated that is correct. Commissioner Nevill asked if it is intended there will be enough flow so they will always be able to meet the fire fighting need even if it is at the height of the irrigation season or if there is a switch from one to the other. Ms. Yzaguirre deferred the question. Commissioner Nevill stated there has been issues with combined systems in the area. Commissioner Nevill confirmed they will have the home fire sprinkler requirement on the plat. Ms. Yzaguirre confirmed that is correct and will be enforceable by going through the building department and occupancy code, through the County process. Commissioner Nevill asked if this is still productive Ag land. Ms. Yzaguirre stated no, it is moderately, as well as surrounded by homes on all four sides so it makes sense to cluster the development.

Commissioner Mathews stated in 2022 when it was denied, it was denied because it would have a negative effect of the character of the area, even though it is designated as residential on the future land use map, however there is areas of agriculture including a large dairy operation. Commissioner Mathews asked what has changed since the denial. Ms. Yzaguirre stated there is going to be more residential homes now in that area. There will be conflicting uses in the area if this land continues to be farmed, it makes sense to cluster the development. Commissioner Mathews asked where the dairy is located. Ms. Yzaguirre stated that it is farther south.

Commissioner Dorsey asked for clarification about the testimony stating the homes will use less than Ag land if that was based upon the consumption of the home and disregarding the landscape. Ms. Yzaguirre deferred the question.

Planner Michelle Barron supplied the map for the location of the Dairy. It was presented to be further than 2 miles away.

**Zane Cradic - IN FAVOR – 332 N Broadmore Way, Nampa, ID, 83687**

Mr. Cradic addressed the questions regarding the fire hydrant. Stating the fire hydrants are going to have a minimum spacing of 500 ft throughout the development but the locations are subject to change while they do final design. Mr. Cradic addressed the changes from when they were before Planning and Zoning previously. They increased lot sizes, added the community well system, added the fire hydrant suppression system, verified they have ample room for the storm water storage, and added the “thumb” to the HOA agreement that they will maintain that area until it is sold off.

Commissioner Nevill asked for explanation on how the combined fire suppression and water irrigation system is going to work. Mr. Cradic deferred the question.

Commissioner Williamson asked about common lot 21C, “the thumb”, that it was requested not to be a part of the HOA. Mr. Cradic stated it will be maintained by the HOA until it gets sold off. Commissioner Williamson asked if they can’t have a bridge to access the lot but they have to maintain it, how do they have access to the lot. Mr. Cradic stated the road for the canal is on the south side of the canal, they would have to get permission through the irrigation district to do so.

Commissioner Mathews asked about the wells. Mr. Cradic advised there will be 3 working wells on the property and in any given time only 2 actively working.

**Darren Goldberg – IN FAVOR – 35 Greenhorn Rd, Hailey, ID, 83333**

Mr. Goldberg introduced himself as part of the managing team of LGD Ventures and owner of the current property in question. Mr. Goldberg explained when the future comp plan came out showing the parcel as



residential and with the land getting harder to farm and no longer to get market rent for the farm, he decided to proceed with the rezone process. The intent is to create a subdivision that is consistent with the surrounding rural residential in the area. Mr. Goldberg asked to consider the development on facts and the recommendation from staff.

**Terry Scanlan- IN NEUTRAL – 412 E Parkcenter Blvd, Boise, ID, 83706**

Mr. Scanlan stood for questions.

Commissioner Nevill asked how the combined fire and irrigation system works. Mr. Scanlan stated the well is going to be able to produce 500 gallons a minute of pressure and two water lines going away from the well. One that goes to pressurized irrigation will have a pressure sustaining valve on it so that it is always maintains an upstream pressure on the well side. The other line will be a deep buried line that can stay active during the winter and go to the fire hydrants, if the fire hydrants open, it will lower the pressure on the well side causing the pressure sustaining valve to close, causing all the water from the irrigation to go to fire protection. Commissioner Nevill asked for confirmation that it is one or the other and that both sides aren't going to be running at the same time. Mr. Scanlan stated it is 500 gallons of pressure per minute and typically when using a fire hydrant, it will take all 500. Commissioner Nevill confirmed it is all automatic and no one has to change it manually. Commissioner Nevill asked what the testing frequency is. Mr. Scanlan advised that would be up to the fire district but typically once a year.

Commissioner Dorsey asked if the claim stating they will be saving more water than the Ag land if that is based on the house usage or based upon overall house plus the 2-acre lot. Mr. Scanlan stated it is based on the overall and gave an example stating it is about 77 acres irrigated now and post development it will be about 55-60 acres irrigated because you lose irrigated land to the roads, driveways and houses. Commissioner Dorsey stated it doesn't account for the grass landscape that is going to use more water than other crops because it is going to be irrigated all the time to keep the grass green. Mr. Scanlan stated blue grass uses the same amount of water as alfalfa. Commissioner Dorsey stated it is his experience that although they are not going to use as much irrigation as a farmer at one time, a homeowner is going to use more water on their grass.

Commissioner Williamson asked if the irrigation and fire suppression well is going to be VFD. Mr. Scanlan stated it would. Commissioner Williamson asked how many inches of water 31 homes will use with domestic and lawn irrigation compared to a farmer running the whole thing for land irrigation. Mr. Scanlan stated it will be reduced in irrigation water by 21 million gallons and the domestic in-home use will add 3 million gallons so the net savings is going to be 18 million gallons. Comparing the different crops against grass will differ, grain there won't be a savings, comparing against alfalfa there will be water savings. Commissioner Williamson stated there is comments using some of Mr. Scanlan's previous testimony from past hearings talking about conflicting information. Mr. Scanlan stated he isn't sure what Commissioner Williamson is referring to but he does know a year or two ago, it was the year wells were going dry at Deer Sky Ranch, there was a comment from Department of Water Resources of what they thought was going on but since that time they have been monitoring water levels.

**Kim Yanecko – IN OPPOSITION – 13038 Skyview St, Nampa, ID, 83686**

Ms. Yanecko stated she represents a lot of people so will request 10-minutes of testimony. Acting Chairman Sheets stated everyone has 3 minutes. Ms. Yanecko stated she has always had 10 minutes and has done her presentation based on the fact that at BOCC she has always had 10 minutes. Acting Chairman Sheets advised besides the applicant and the rebuttal, everyone gets 3 minutes, if more time is needed, additional time can be requested. Ms. Yanecko advised the order of testimony she would prefer. Ms. Yanecko asked for additional exhibits. Acting Chairman Sheets when they are presented they will decide

if they want to enter them into the record.

**Claudia Haynes – IN OPPOSITION – Deersky Ranch Rd, Nampa, ID 83686**

Ms. Haynes introduced herself as one of the directors of Canyon County Alliance for Responsible Growth, representing 65 families of the area. Ms. Haynes stated she submitted an exhibit which is in the staff report, at the time she did not know she also had to turn in the evidence of what she stated in her exhibit. Ms. Haynes asked to submit a late exhibit which is the evidence to her previous written statement. Acting Chairman Sheets asked what the evidence contains. Ms. Haynes advised there is a map from water resources, rules, laws and documentation for evidence of her written statement that was provided.

Commissioner Williamson stated this is a 762-page document and asked how many pages and how long will it take to process the additional exhibit. Ms. Haynes stated no time because everything in there is already written in her exhibit she originally provided. Acting Chairman Sheets advised if they accept the exhibit they are still deciding tonight, they will not be able to review the documents. Ms. Haynes stated she understands and there is no new information that the Commissioners haven't read, just proof of what she wrote is true.

Planner Michelle Barron advised the exhibit would be exhibit J.

**Motion:** Commissioner Nevill moved to accept exhibit J. Seconded by Commissioner Dorsey. Voice vote, motion carried.

Ms. Haynes stated the map from the Department Water Resources has an area that indicates there is a problem with water south of Lake Lowell and it has to do with agricultural wells. The hydrologist report is saying there is poor soil in the area, the season fluctuation is 150 feet, the wells are to close together in the subdivision, the clay soil is not permeable, there are pits and tectonic cracks in the ground, there was a drought this year, the zones are collapsing, there are large scale farms in the area, the engineer Devin put in exhibit C2. Ms. Haynes 3 minutes testimony time ended, she asked for an additional 2 minutes of testimony time.

**Motion:** Commissioner Nevill moved to allow two additional minutes of testimony time. Seconded by Commissioner Williamson. Voice vote, motion carried.

Ms. Haynes continued testimony stating in exhibit C2, the engineer indicated when you approve subdivisions in an area and you do average acreage, wells and sewer systems are becoming too close together causing a problem with the quality of water.

Commissioner Dorsey stated water is an issue in the area and with the developers saying they are going to use less water by converting into houses and Ms. Haynes testimony stating the farms are drying up the wells. Commissioner Dorsey asked what Ms. Haynes recommends. Ms. Haynes stated she recommends the land staying how it is. Ms. Haynes stated a lot of people in the area have had to pay to drill their wells deeper.

Commissioner Nevill asked besides the water issues if there are any other issues that should prevent the development from occurring. Ms. Haynes stated the land is producing a good crop of hay. Commissioner Nevill asked if it is productive Ag land. Ms. Haynes stated the land is productive and have been so for the past 23 years that she knows of.

**Kim Yanecko – IN OPPOSITION – 13038 Skyview St, Nampa, ID, 83686**

Ms. Yanecko requested her Powerpoint to be submitted as a late exhibit. Acting Chairman Sheets advised she is able to pull the Powerpoint up and reference it but it may not be submitted into evidence. Ms. Yanecko requested additional late exhibits. Acting Chairman Sheets asked for a brief description. Ms. Yanecko stated one is an email from IDWR received on December 12<sup>th</sup>, 2023 and it is from the director summarizing the well issues in the area. Acting Chairman Sheets offered for Ms. Yanecko to read it allowed in her testimony. Ms. Yanecko would still like it submitted into evidence. Acting Chairman Sheets explained they have deadlines because it makes it difficult to analyze the information when presented late. Ms. Yanecko stated if the Commissioners do not approve it, it will be excluded from the record. Acting Chairman Sheets stated that is correct and the deadlines are there so they have time to review them.

Director of Development Services Sabrina Minshall clarified that testimony can be with a Powerpoint but if the Commissioners are going to reference it, the Powerpoint would need to be submitted into evidence.

Ms. Yanecko advised Commissioner Williamson to ask her about the Taylor Jene parcel to the south, there staff admits there is water availability issues in the summer. The solution from IDWR is to turn your water off for a few hours or few days and it should resolve itself. Ms. Yanecko advised she could give information about her community well in the area. Ms. Yanecko stated there is one monitoring well in the area and drops about 85 feet, it takes 6.5 months to recover and it is only doing so during the summer and spring time. The former County Engineer Devin Krasowski is concerned about the arsenic in the area and there could possibly be interference with the septic that are higher than lower well locations. There has been admittance that the wells run dry but no solution to the problem. Ms. Yanecko would like to know the status of the water study done of the Treasure Valley Aquafer System for the ground water. Ms. Yanecko's 3-minute testimony time ended and requested an additional 7 minutes of testimony time.

**Motion:** Commissioner Nevill moved to allow 7 additional minutes of testimony time. Seconded by Acting Chairman Sheets. Voice vote, motion carried.

Ms. Yanecko continued her testimony stating the email to Claudia Haynes from Nick Miller says, "there appears to be season fluctuations. The water doesn't quickly move into the area. That the pits slowly refill once the homeowners reduce their pumping at the end of the irrigation season and water is able to flow through the clay soils. Pit may be deeper in the last few years maybe due to drought or additional development." Ms. Yanecko stated this was previously denied due to water availability and she hasn't seen any documentation for the contrary. The comments from Nick Miller are concerning to Ms. Yanecko because they contradict what the applicants are saying that there is plenty of water and the aquafer is recharging. In July 2021 engineer Woodward testified that HOA's have a hard time maintaining community wells because it is an expensive infrastructure, in Ms. Yanecko's own community, they do not have how much they are supposed to for maintenance and repairs. The County states this area is not in a high nitrate area but if you look at the 2023 map from DEQ goes one mile beyond calling in stratus 2, they still consider it contaminated soils. In January 2021 Leslie Vanbeck stated, "there is all kinds of conflicting information and I cannot in good faith approve something that might render someone without water and the county does place value in Ag especially when we are in the midst of a transition from one comprehensive plan to another the Ag component will be a valuable part of the comprehensive plan and another one that does have a negative affect of the character of the area, I was very surprised in hearing that South and Southwest of lakeshore which is a large scale agricultural potato, dairy farm, onions, sugar beets, all those high dollar crops they are falling one by one because farmers cannot continue to farm around that kind of residential development." Ms. Yanecko is concerned we are not protecting our Ag.

Commissioner Nevill asked about Taylor Jene. Ms. Yanecko stated Taylor Jean was recently approved, it was originally denied, but it is currently in Judicial review so you cannot consider that property until there

is a final decision. Director of Development Services Sabrina Minshall clarified as far as the County is concerned on a legal perspective, Taylor Jene is approved, if something changes during the judicial review that will get changed depending on what that is. Commissioner Nevill asked about Ms. Yanecko's community well. Ms. Yanecko advised they have two community wells because you have to have the redundant well, they have been in for 20 years, last year there was no water coming out of the faucet, one of the neighbors sent an email out asking everyone to stop water the lawns so she could take a shower. These are half million to a million-dollar homes and having to ask to take a shower. Commissioner Nevill asked about the green area on the map.

Acting Chairman Sheets paused to discuss adding the Powerpoint into evidence. Planner Michelle Barron advised if anymore exhibits will be added she will change Ms. Haynes exhibit number to J1 and then just increase in number each exhibit. With the Powerpoint being J2.

**Motion:** Commissioner Williamson motioned to approve the Powerpoint as exhibit J2 and entered into the record. Seconded by Commissioner Nevill. Voice vote, motion carried.

Commissioner Nevill asked about the green area on the map. Ms. Yanecko stated IDWR in 2013 did an order in state of processing because they wanted to know the impact from 5 open applications from 2008. The green area is the impact area. Noble Farms pull water from the river, they are concerned that they will not be able to do that in the future.

Commissioner Williamson stated he is going to play devil's advocate and with having residential all around the lot, that makes it hard to do a lot of farming practices. Commissioner Williamson asked if consideration has been made about the cost that is being incurred by the farmer because they have to go around the homes and not being able to get as close as they used to with their spray applications. Commissioner Williamson asked how it is beneficial or productive for a farmer to continue to farm this land. Ms. Yanecko stated if you look at the bigger picture the area is surrounded by farm land. Commissioner Williamson stated if you look at a 5000-foot view it is a solid fence of residential. Ms. Yanecko expressed she doesn't want the area to be allow the grow until there is water for everybody daily and year-round. Ms. Yanecko is not opposed to growth she is opposed to irresponsible growth and feels the County doesn't have enough answers and it would negatively affect the surrounding Ag land. Commissioner Williamson asked Ms. Yanecko's thoughts on Nampa School District and 30 plus more homes. Ms. Yanecko stated she believes the Nampa school district is failing students because having a bus stop on a major roadway that is 55 mph and hope that the kids are safe is irresponsible.

**Beverly Cavazos – IN OPPOSITION – 11968 Deer Flat Rd, Nampa, ID, 83686**

Ms. Cavazos stated there is a lot of traffic in the area right now, going 30 mph in a 55 mph, she sees people going around buses when loading and unloading the kids instead of stopping behind them, they do not have the resources to have patrol vehicles out there and with the new traffic that would be added she will not be able to pull out of her driveway safely. Ms. Cavazos expressed she doesn't want to live in downtown Los Angeles and believes that is what this area will turn into if the homes are allowed to be built. Ms. Cavazos stated there was a development that guaranteed there would be sprinkler systems in the homes, when the homes were built, most of them did not have the sprinkler systems, then Canyon County did not make them go back and put them in. Ms. Cavazos does not have confidence in stating there will be sprinkler systems in the homes.

**Wes Weidner – IN OPPOSITION – 12575 Anakate Ln, Nampa, ID, 83686**

Mr. Weidner stated most of what he wanted to discuss has been said but he isn't sure the accumulated effects are being understood, Commissioner Williamson touched on effects of having 30 houses in this



area, the area is productive farmland, the road structure is not capable of handling this type of traffic and the law enforcement is in the state of crisis because of the lack of personnel that they have, the national average is 2.4 officers per a thousand people, Canyon County last summer had .7 officers per thousand, they have hired 6 deputies since then, the law enforcement problem has not been solved. Mr. Weider stated for question 8 the answer is the area infrastructure is not anywhere close to being capable of handling the amount of development that is being proposed. Mr. Weidner asked why we are still looking at the 2020 Comp plan.

Acting Chairman Sheets advised the 2020 Comp plan is still in play because that is when the application was submitted.

**Jeanie Amen – IN OPPOSITION – 9125 Sky Ranch Rd, Nampa, ID, 83686**

Ms. Amen expressed her position is to emphasize the Agricultural interference. Ms. Amen's husband is a crop duster. Last season they lost their well at the end of July and the driller stated that the water went down to a level that prevented the pump from being submerged so it burned up the pump. They got the part replaced but for three weeks the farmers were bringing them water in tanker trucks so they could finish the season. Ms. Amen believes rezones and subdivisions are harming the agriculture operations, her husband has lost two fields that he provided services to and lost thirty thousand dollars as a result. Ms. Amen asks to get a stop light put in before anything gets approved to make the roads safer.

**Dawn Schwab – IN OPPOSITION – 10146 Vista Del Lago, Nampa, ID, 83686**

Ms. Schwab stated everyone has spoken to what she had to say about the water and the roads not being wide enough. Ms. Schwab stated they live in the county so they don't have replenishable resources if you put someone there that doesn't understand that, they don't respect the resources or understand the conservation necessity. Ms. Schwab stated that the traffic is already congested with people passing, including buses when they are stopped at the 3 different bus stops. Ms. Schwab believes adding more people will cause fatalities on the road.

**Amy Weidner – IN OPPOSITION – 12575 Anakate Ln, Nampa, ID, 83686**

Ms. Weidner stated she agrees with the testimony on lack of law enforcement. Ms. Weidner would like to speak on conditional use permits, conditional rezones and homeowners' associations and how ineffective and terrible it is to rely on them. There was a conditional use permit that was approved in 2001, the developer agreed to everything Planning and Zoning said the Board of County Commissioners said, and then did what he wanted regardless. Ms. Weidner has a conditional use permit on a deed restriction that prohibits the challenging of any agricultural activities and that deed restriction is on all 30 lots in her subdivision, then in the CCR's they prohibited livestock. The CCR's stated the community well was to be used for pasture irrigation and fire suppression only, everyone started hooking up and watering their lawns, when Ms. Weidner pointed that out she was told by the HOA Board Directors to mind her own business and leave it alone. Ms. Weidner believes CCR's are just a piece of paper and some will abide by them but most will not. Ms. Weidner has lawsuits against her because she has a farm but she is using her conditional use permit. Ms. Weidner expressed there are no regulatory actions set in place to make sure the conditions are being met.

**Gianni Ramani – IN OPPOSITION – 12605 Anakate Ln, Nampa, ID, 83686**

Mr. Ramani stated the consequences from the proposed subdivision was already covered for the water rights and response times for emergency services. The fire department in the area is volunteers only and at best it takes 20 minutes to respond. Mr. Ramani believes services need to be available before the development because at this time it is the cart before the horse, there will be overcrowding in the already crowded schools and the traffic will be affected, potentially causing serious accidents and fatalities. Mr.



Ramani doesn't believe the 600ft requirement for notifications are effective and believes that the notifications should be sent to everyone in the area.

**Kerry Greenfield – IN OPPOSITION – 102243 Lewis Lane, Nampa, ID, 83686**

Ms. Greenfield stated about two months after she moved into her home they had pump problems. At that time the well driller told her that the whole area is historically plagued with inadequate water and the problem isn't going to go away. Ms. Greenfield referenced a letter that was provided last year from a well driller named Carl Davis, "In his 35 years of experience he witnessed everything southwest of Lake Lowell and specifically Rim Rd going west and Lakeshore going south to be an area of concern when it comes to future growth. The aquifer will not sustain the growth being proposed. More wells will go dry, new wells will have to go deeper and, in the end, whoever has the deepest straw wins." Ms. Greenfield stated the current residence do not have the deepest straws so the burden gets put on them to re-drill there well. Ms. Greenfield stated this area was removed from the impact area on the comprehensive plan which is proof that this area is not conducive to growth.

**Beverly Cavazos – IN OPPOSITION – 11968 Deer Flat Rd, Nampa, ID, 83686**

Ms. Cavazos came forward requesting an additional testimony. Commissioner Nevill advised that there are rules regarding testimony. Director of Development Services Sabrina Minshall clarified to allow another testimony would be a violation of the normal procedures to re-introduce someone. Acting Chairman Sheets agrees and advised Ms. Cavazos she would not get an additional testimony. Commissioner Nevill advised that this is a recommendation and the case will be heard by the Board of County Commissioners so Ms. Cavazos will have another opportunity there to give testimony.

**Zane Cradic – REBUTTAL – 332 N Broadmore, Nampa, ID, 83687**

Mr. Cradic advised the application was submitted in 2021 before the new comprehensive plan was out. Originally it was denied and the complaints were water with too many wells, they came back with a community well and now the complaint is the community well system is too expensive, as a developer they are doing everything they can to meet the requirements. One of the complaints was the wells being too close together and with eliminating 33 wells, that is no longer an issue. Mr. Cradic stated the community well is a benefit even to the surrounding neighbors because of the fact that they are providing fire hydrants that will be accessible to everyone in the area. Mr. Cradic addressed the nitrate area of concern stating that is the buffer that DEQ puts out to monitor from 2014-2020 that line closes to the subdivision hasn't moved. Mr. Cradic stated the biggest concern is water from opposition and with their development they are not going to increase water, they are trying to decrease water. The land has historically had irrigation on this lot and at most they will use what has historically been used for the last 30 years. Mr. Cradic stated the people who would be moving in would be expecting country living with the large lot sizes. The Nampa school district closed four different schools because they don't have enough students so the Nampa school district in general doesn't have the overcrowding issue. In regards to the traffic, anytime there is growth there will be more traffic, they are working with the highway district and providing 50 ft ride away on Lewis Lane for future widening, the intersection at highway 45 is too far away to have ability to do anything there. With the fluctuating ground water, that fluctuation has been known for a long time and they have two years of data showing that the water replenishes. Mr. Cradic believes this is a responsible growth, you wouldn't be able to crop dust this land because of the houses around, it makes sense to have more houses there.

Commissioner Williamson asked if the existing well onsite has had any issues of it running dry. Mr. Cradic advised the farmer has not had any issues on the well construction or the well itself, he did have issues with the pump. Commissioner Williamson stated his understanding on why Nampa School District shut the schools down is due to funding which is different from Mr. Cradic stating it was due to low occupancy.

Mr. Cradic stated to his understanding they had four schools with 50% occupancy and they couldn't afford to keep them open, so it is both. Commissioner Williamson stated that IDWR says to wait a couple hours or days to get the water going again but the graph shows the level gets back up in 6.5 months which is a lot longer than a few days. Mr. Cradic stated that comes down to proper design of the well for the area.

Planner Michelle Barron provided a reminder that this case is based on the 2020 comprehensive plan. If the Commissioners are going towards approval Planner Michelle Barron has some additional conditions that could be added that addresses some of the concerns from testimony.

**MOTION:** Commissioner Nevill moved to close public testimony on Case RZ2021-0030 and SD2021-0018, seconded by Commissioner Williamson. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill stated this is a better application than the previous one, they did try to address the concerns. The one concern that remains is this is productive Ag land and 87% of the population of the County wants preservation. Commissioner Nevill expressed the County cannot afford to lose anymore Ag land even if it is surrounded by houses, this is an intact 80 acres and they have pictures and testimony proving that it is productive. Commissioner Nevill is not in favor.

Commissioner Mathews agrees with Commissioner Nevill. The traffic that comes with development causes conflict for farmers. Commissioner Mathews believes they need to stop approving spot developments and they need to go to areas they need to go. Commissioner Mathews is not in favor.

Commissioner Williamson stated he is still unsure about the adequacy of water. With findings number 5, Commissioner Williamson is leaning toward opposition, there is overwhelming evidence in opposition that the water is not adequate. Commissioner Williamson is still unsure about the school district and hopes that the Board of County Commissioners receive a letter from the school district elaborating if they have the space.

**MOTION:** Commissioner Nevill moved to deny Case RZ2021-0030 based on the Findings of Fact and Conclusions of Law and change the findings for question 2 that it is not more appropriate because it is productive ag land with evidence being photos and testimony, question 3 that it is not compatible based on the evidence (photos and testimony) the land is still in productive ag land, question 4 that it will negatively affect the character of the area with the water issues through testimony and that it is productive agriculture through photos and testimony, and question 8 that it does impact essential services such as schools and emergency services through testimony. Seconded by Commissioner Dorsey.

**Discussion on Motion:**

Commissioner Williamson stated he would put the water in question 5 because it specifically talks about adequate facilities and services including sewer, water, drainage, irrigation and utilities. Commissioner Williamson asked Commissioner Nevill if in his motion he is not having 5 being changed. Commissioner Nevill stated for him question 5 is what is the proposed solution and they have a community well, their proposal should provide adequate amounts, with evidence and testimony from both sides he doesn't want to say the solution won't work. Commissioner Nevill stated they know from other testimony that there are water issues all around the area. Commissioner Williamson stated he understands but while they can't say the community well won't work, they also can't say the community well will work. Commissioner Nevill stated he is fine with adjusting it if Commissioner Williamson wanted to get the wording.

Acting Chairman Sheets advised there is a motion on the floor with proposed changes and asked if there is a second. Seconded by Commissioner Dorsey.

Director of Development Services Sabrina Minshall asked for clarification on which changes are being proposed due to discussion before seconded. Acting Chairman Sheets clarified it was the original motion that Commissioner Nevill proposed and not including question 5 proposal. Planner Michelle Barron asked for details on the proposed changes. Commissioner Nevill provided the details of the proposed changes to Planner Michelle Barron.

Commissioner Dorsey stated for question 4, he doesn't believe there is anyway to mitigate the water issues in the area. The area is predominantly Ag, Commissioner Dorsey knows there are dairies within three quarters of a mile and even a half a mile in the area. Having more houses out there does not make sense.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**Discussion on Motion:**

Acting Chairman Sheets addressed Commissioner Nevill asking to provide what the applicant can do to gain approval. Commissioner Nevill stated the land is productive agriculture and there will come a time where it is no longer productive and will have to become residential, until that time, they wait. Acting Chairman Sheets rephrased that the applicant to gain approval could be to apply at a later time when there is no longer any other use in the area but residential use.

Commissioner Dorsey stated the area is historically bad for water and believes it didn't get mitigated. Acting Chairman Sheets stated offering water management practices will be a way to get approval. Commissioner Dorsey agrees. Commissioner Nevill stated there is intentional recharge. Acting Chairman Sheets asked if there was objection to adding that as a way to seek approval. No objection.

**MOTION:** Commissioner Williamson moved to deny Case SD2021-0018 based on the Findings of Fact and Conclusions of Law. Seconded by Commissioner Mathews.

Roll call vote: 5 in favor, 0 opposed, motion passed.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Nevill moved to approve the minutes from 10/19/2023 with the approved revisions done via email, seconded by Commissioner Dorsey. Voice vote, motion carried.

**MOTION:** Commissioner Nevill moved to approve the minutes from 11/2/2023 with the approved revisions done via email, seconded by Commissioner Williamson. Voice vote, motion carried.

**MOTION:** Commissioner Nevill moved to approve the minutes from 11/16/2023 with the approved revisions done via email, seconded by Commissioner Dorsey. Voice vote, motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Acting Chairman Sheets advised he is seeing more crosses on old Highway 30 and doesn't like the increase of fatal accidents. Commissioner Williamson states there is an impact with the cumulative effects. Acting Chairman Sheets agrees such as developments being approved in the past but not being built yet and not being captured correctly. Acting Chairman Sheets believes if that data could get captured it would be helpful to understanding what is around areas. Commissioner Dorsey stated he

isn't sure why the dairies weren't on the map staff provided. Commissioner Williamson advised that not all dairies are reported.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Dorsey. Voice vote, motion carried. Hearing adjourned at 12:51 am.

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

Approved this 18<sup>th</sup> day of January, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist