



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, January 18, 2024
6:30 P.M.

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

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

Staff Members Present: Sabrina Minshall, Director of Development Services
 Carl Anderson, Planning Supervisor
 Michelle Barron, Principal Planner
 Debbie Root, Principal Planner
 Hether Hill, Principal Planner
 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.

Chairman Sturgill advised that the hearing is being broadcast live on the Canyon County YouTube page. There had been requests made for the second case RZ2021-0056 & SD2021-0059- Farmington Hills to be postponed. A request was made by the applicant as well as several of the public. Chairman Sturgill advised there is a letter from the applicant asking for the case to be postponed. Chairman Sturgill explained with how many people signed in for testimony the case will more than likely get continued. Director of Development Services Sabrina Minshall asked for the letter from the applicant to be read into the record. Secretary Commissioner Villafana read the letter requesting the hearing to be postponed to a date certain due to the representative being ill and is not able to make it to the hearing. Commissioner Nevill asked if he is able to ask questions to the applicant without starting the case. Chairman Sturgill stated the case would need to be started to get the applicant on the stand. Commissioner Nevill asked if they should proceed with the hearing and when it is time for that case make a motion for the case to be continued. Chairman Sturgill explained he is having the discussion now so that if the Commissioners decide to continue the case the people don't have to sit and wait for the first case. Commissioner Nevill stated he is not comfortable tabling the case without knowing who is present for the hearing that can represent and answer questions. Commissioner Sheets stated they can open the case and table it at anytime but he is comfortable moving forward with the case because they have the staff reports and the case will more than likely get continued to another date. Commissioner Williamson asked staff which date would the case get tabled to. Director of Development Services Sabrina Minshall stated March 7th would be the next available date. Chairman Sturgill asked if there was a motion to table case RZ2021-0056 & SD2021-0059. No motion was made, the case will continue as planned.

Item 1A:

Case No. SD2020-0023 – Kelly Ridge - Approval of revised FCO's.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Order. Motion seconded by Commissioner Sheets. Voice vote, motion carried.

Item 1B:

Case No. CU2023-0014 – York – Approval of revised FCO's.

MOTION: Commissioner Mathews moved to approve & sign the revised Findings of Facts, Conclusions of Law and Order. Motion seconded by Commissioner Williamson. Voice vote, motion carried.

Commissioner Nevill abstained.

Item 2A:

Case No. CU2023-0002-APL- Jimenez: The applicant, Bristlecone Land Use Consulting, representing JC Excavation, is appealing a Planning & Zoning Commission's decision regarding the denial of Case CU2023-0002 a conditional use permit to allow a Staging Area use within an "A" (Agricultural) Zoning District. The subject property is located 80 S. Robinson Rd. Nampa, ID. on Parcel R30624010; also referenced as a portion of NW ¼ of Section 29, Township 3N, Range 1W; BM; Canyon County, Idaho. On September 21, 2023, the Board of County Commissioners remanded this application back to the Planning and Zoning Commission.

Planner Michelle Barron reviewed the Staff report for the record.

Chairman Sturgill stated the County received a letter from Ms. Harris on December 29, 2023 exhibit 5, attachment B which were photos showing activity on site. Three of the photos appeared to show active work. In the staff report, it states that no work can be conducted on site. Chairman Sturgill asked for clarification on what work can or cannot be conducted onsite with a staging area CUP. Planner Michelle Barron stated the images are of them loading the supplies into their dump truck, that is considered supplies and falls within the staging area boundaries.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Elizabeth Allen (Representative) – IN FAVOR – 1830 Williams Lane, Nampa, ID 83686

Ms. Allen advised the applicant has had an Idaho business since 2017 providing services in construction to sites around the valley. Ms. Allen stated the staging area is for storing of equipment and materials including two bulldozers, excavators, skid steers, loaders, dump trucks, trailers, flat bed trailers, pickup trucks, hydraulic hammers, equipment buckets and dirt storage. All work is conducted off site but in order to get the material to the site you have to use the equipment, that is why there are pictures showing equipment moving dirt. Ms. Allen went over pictures showing the location of the equipment. Ms. Allen went over the background of the CUP with the neighborhood meeting, the first P&Z hearing and the appeal. Ms. Allen went over criteria 4, stating the proposed use will not negatively change the area. The character of the area is an agricultural zone, with a future land use of agriculture, primarily farm land. Ms. Allen stated there are staging areas that have been approved and staging areas that have not gone through the CUP process in the area. Ms. Allen showed pictures of the area showing other staging areas on the other properties. Ms. Allen went over criteria 7, stating the proposed use will not affect traffic patterns. Ms. Allen stated there is no evidence showing traffic will be impacted but there is evidence indicating it won't affect the traffic. For example, the Highway District responded that they had no

concerns, having a paved apron which the applicant has agreed upon and no traffic impact study is required. A traffic impact study is required if it meets their threshold of where the traffic could be impacted and this use doesn't meet the threshold. Ms. Allen stated the proposed use is almost a mile from Nampa City limits and by the time the city gets to this location, the use wouldn't be feasible. There is a proposed mitigation that the operation will cease once the City hits two sides of the property. Ms. Allen stated at the first hearing the applicant didn't get the opportunity to flush through the conditions because it was late. At this hearing they have proposed conditions. They are proposing a berm and a site obscuring fence along Robinson Rd and stockpiles of dust will be watered to prevent dust. Those are in addition to what staff is recommending and they are open to exploring other conditions as well to mitigate any concerns.

Commissioner Nevill asked if the applicant owns the parcel. Ms. Allen advised the applicant does not own the parcel but the property owner has agreed to allow the use and the conditions that are proposed. The owner was not able to make it to the hearing. Commissioner Nevill asked what proof there was that the owner is ok with the use and conditions. Ms. Allen stated the owner signed the document for the conditional use permit. Commissioner Nevill stated in the presentation there was mention of the statement he made that it was late and they shouldn't be asked to craft conditions at that time of night. He stands by that statement. Commissioner Nevill stated this is a much better application and asked why they didn't see the best application the first time. Ms. Allen stated a lot of the time it is a property owner or business owner who is told they need a CUP and they do not have the experience as a Planner or an Attorney, they don't have the knowledge of the code.

Commissioner Williamson asked about a letter from one of the neighbors made a comment about wanting fencing on the southern boundary would the client be ok with doing that. Ms. Allen stated they have discussed that and the applicant is open to putting a site obscuring fence along that boundary. Commissioner Williamson asked if there is residence on the property. Ms. Allen stated there is a house with residence on the eastern side of the property and they are a family member of the applicant. Commissioner Williamson asked if there will be fencing to separate the work area and the residential area. Ms. Allen stated they are not proposing fencing there and there is some landscaping in between. Commissioner Williamson asked how much dust the gravel driveway creates. Ms. Allen stated it is dirt and could explore some mitigation.

Commissioner Mathews asked how many equipment on the property has backup warning beepers. Ms. Allen deferred to the client.

Commissioner Sheets stated there is two grounds for appeal stating it isn't supportive or have substantial evidence and that they had an unfair hearing. In regards to the unfair hearing portion on page 5, section 2C references a statement Commissioner Sheets made in a separate case referencing to the City of Middleton. Commissioner Sheets reviewed the minutes and he didn't see anything related to the City of Nampa that he may have made to the particular case in question. Commissioner Sheets asked for clarification how a statement he made during another case impacts this case. Ms. Allen stated in the recording for the same hearing there was a case in Middleton where Commissioner Sheets made that comment. It was not brought up during this hearing because it is irrelevant. Ms. Allen stated she put it in the record knowingly and takes accountability. Commissioner Sheets clarified he did not contribute to an unfair hearing and that the statement in the report is irrelevant and unfair to him. Commissioner Sheets stated he will not be basing his decision on the statement he just wanted to clear up the record. Chairman Sturgill asked if the comment in the report was indicated that it was for a different case. Commissioner Sheets confirmed. Ms. Allen apologized.

Juan Carlos Nieves – IN FAVOR – 3812 E Clear Springs Dr, Nampa, ID 83686

Mr. Nieves stated Ms. Allen covered everything. The staging area Mr. Nieves is willing to add any conditions the Commissioners need. Mr. Nieves clarified the house behind the staging area is 100 ft away plus the house has 40 ft of yard that is fenced all around, another driveway, and another fence. The house and the staging area has a large separation. There is a shared driveway between the two that is all gravel. Mr. Nieves stated no work is done on site and they are not there every day, times they are there to load up varies from once a month, once a week or twice a week. Mr. Nieves stated he is willing to add any conditions such as fencing.

Commissioner Mathews asked how much of the equipment that is kept on site have backup beepers. Mr. Nieves stated they have five skid steers, two excavators, and two dozers. Most of them are on the trailer and not being used and rarely used in the mornings. Commissioner Mathews asked what they use to load the trucks. Mr. Nieves advised they use the skid steers or excavators and it takes about 3 minutes of time to load.

Commissioner Williamson asked if the campers that are on the property are the residence or if they will be moved. Mr. Nieves stated the campers are for his employees but is willing to have them take them elsewhere. Mr. Nieves clarified no one lives in the campers.

Commissioner Villafana asked how the hours change depending on the season. Mr. Nieves stated in the winter they hardly work and work mostly in the summer time.

Barbara Harris – IN OPPOSITION – 73 S Robinson Rd, Nampa, ID 83687

Ms. Harris stated the pictures that she submitted compared to staff's and the applicants look significantly different. Mr. Harris stated it isn't uncommon for trash to be on the ground, some of the trucks haven't been moved for nearly two years. Her front window is about 150 ft from this property. Ms. Harris advised that it is more than once or twice a week that the trucks are loaded with the backup alarms and creating dust. The issue is the noise, the dust and the large trucks. Ms. Harris stated that in the winter it is less but during the summer it is several times a week, occasionally as late as 7 or 8 pm. Ms. Harris stated they got evidence showing the disruption, she sent a picture on Thanksgiving morning from her window. There are seven homes that surround the subject property. Ms. Harris doesn't agree with the statement from the Highway District because it isn't just the frequency it is the size of the trucks.

Commissioner Nevill asked if the new conditions are an improvement. Ms. Harris stated they are, she see's what they will do but she would like to see what happens if they don't do what they say. Commissioner Nevill stated they lose their conditional use permit. Ms. Harris stated they don't have a CUP right now yet they are operating and have done so for the past two years. Commissioner Nevill asked if there are similar operations nearby. Ms. Harris stated there isn't any that is as busy, loud or dusty as the subject property.

Harry Robinson – IN OPPOSITION – 73 S Robinson Rd, Nampa, ID 83687

Mr. Robinson provided his background, he has over 50 years of construction experience and managing projects. In his opinion the subject property is 50% junk yard and 50% working construction yard, he wouldn't describe it as a staging area. Mr. Robinson stated for the conditions he would suggest an eight-foot berm in 16 layers. The berm should be evergreen, planted on both sides of the berm, staggered. The fence on the north side Mr. Robinson suggests to be eight feet high and completely screen off the property. Mr. Robinson believes the conditions need to be installed, inspected and approved before the conditional use permit is approved.

Commissioner Nevill asked if the conditions were crafted to include Mr. Robinson's words if that would be more of a mitigation. Mr. Robinson stated yes, he would work with them.

Commissioner Williamson asked where Mr. Robinson is getting his definition of a staging area. Mr. Robinson stated from his experience and codes through the United States.

Elizabeth Allen (Representative) – REBUTTAL – 1830 Williams Lane, Nampa, ID 83686

Ms. Allen advised she has already presented all the evidence and the neighbors have been nothing but hostile to her client. They have added the condition of the site obscuring fence and they have proposed the dust mitigation. Ms. Allen stated staging areas are common in this area.

Commissioner Sheets asked if there are any mitigations for noise making. Ms. Allen stated she isn't sure if the backup alarms can be turned off. The berms and fence will help somewhat for the noise but landscaping would help more.

Commissioner Mathews stated the equipment is all confined into a small two-acre lot and the shown areas nearby have larger lots with a larger setback from the road. His concern is the size of the property, the noise and the dust all compact on a small piece of property. Ms. Allen stated she is happy to explore any mitigations.

MOTION: Commissioner Nevill moved to close public testimony on Case CU2023-0002-APL, seconded by Commissioner Sheets, voice vote, motion carried.

DELIBERATION:

Planner Michelle Barron advised she has some possible conditions written down to explore such as adding removing the campers from the staging area and a site obscuring fence on the south property line if the Commissioners are headed towards approval.

Commissioner Nevill stated the application is better but could be even better with crafted conditions. Commissioner Nevill is uncomfortable crafting conditions themselves and asked if it would be appropriate to postpone the hearing and direct staff and the applicant to create conditions together.

Commissioner Mathews stated he agrees with Commissioner Nevill, he would also ask getting together with Mr. Robinson and Ms. Harris to craft conditions.

Commissioner Williamson stated for the condition of removing the RV's off the property he would take it further and condition they must remove all equipment that isn't used for the business.

Commissioner Nevill asked what date would be available to postpone the case to. Planner Michelle Barron stated the date certain could be February 15, 2024 but all the conditions would need to be in place by the 5th of February. Otherwise March 7th.

Planner Michelle Barron stated there is a County Engineer on staff to help with conditions.

MOTION: Commissioner Nevill moved to continue Case CU2023-0002-APL to a date certain of March 7, 2024 and direct staff, applicant and opposition to craft conditions. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Sheets is concerned with the lot size, there is no room for buffering between the properties.

Commissioner Dorsey doesn't agree that they need to get with opposition to craft conditions as well as removing the backup alarms isn't possible due to them going to offsite work areas where the backup alarms are mandated. Commissioner Dorsey is not in favor with continuing the case.

Commissioner Villafana agreed with Commissioner Dorsey. Condition 5 already mitigates the dust. The area is an agricultural area so the noise is warranted. Commissioner Villafana agrees with the added condition of removing the campers. Commissioner Villafana is not in favor of continuing the case and is ready to decide.

Commissioner Mathews stated the residents in opposition were in their homes before the applicant and backup beepers are a different noise than you get from farm equipment.

Chairman Sturgill stated he is not going to support a continuance he isn't convinced that this request can be conditioned properly to be appropriate and not negatively impact the area. As long as there is loading or unloading he believes it will negatively impact the area.

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

DELIBERATION:

Commissioner Williamson asked Commissioner Villafana if there was a motion to approve he would want to add the conditions from Mr. Robinson. Commissioner Villafana confirmed that to be correct.

MOTION: Commissioner Williamson moved to approve Case CU2023-0002-APL with amended condition no. 4 adding a fence to the southern border and adding a condition no. 12 to remove campers, equipment and machinery not related to the business. Seconded by Commissioner Villafana.

Discussion on the Motion:

Commissioner Nevill asked if there will be any specifics on the motion about the berm. Commissioner Williamson stated no because of spacing. Commissioner Nevill asked if there will be any conditions on noise mitigation. Commissioner Williamson stated that is in the realm of OSHA and he doesn't believe we can get the backup beepers to be shutoff, farming uses a lot of the same equipment and it is zoned ag.

Commissioner Nevill stated he is not in favor of crafting conditions he believes the case should be continued or denied.

Commissioner Mathews stated due to the size of the property and noise of the backup beepers within close proximity, he doesn't believe they can improve the quality of life.

Roll call vote: 3 in favor, 4 opposed, motion failed.

MOTION: Commissioner Nevill moved to deny Case CU2023-0002-APL and amending finding of facts 4 and 7 based on the Findings of Fact and Conclusions of Law and conditions of approval. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Sheets stated one of the reasons the case got remanded was because they didn't say what the applicant could do to gain approval. They would need to identify what hearing criteria they are using to change and what the applicant could do to gain approval.

Commissioner Nevill stated the denial is based on findings of facts 4 and 7. Due to pictures, testimony and exhibits that indicate that this is a use that will impact negatively the surrounding properties. Number 7 there is evidence provided that Robinson is already a disaster of a road and this would make it worse. To gain approval they could work on all the conditions that were mentioned in the hearing that they didn't have time to work on.

Commissioner Sheets stated to gain approval they could have a less intense use, different equipment that could be used on the property as well as a guarantee of how many fewer trips will be generated.

Commissioner Nevill stated he accepts Commissioner Sheets suggestion of approval.

Planner Michelle Barron asked for clarification. Commissioner Sheets stated the applicant could modify the operation to reduce the equipment impact of the area as well as identify a buffer area between the properties where activity is conducted.

Commissioner Mathews stated he isn't sure if they want to request lowering the equipment fleet because that could impact the applicant's ability to stay in business. Commissioner Mathews stated the applicant needs a bigger piece of property.

Chairman Sturgill asked staff if they could bullet point the ideas for approval for the Board of County Commissioners. Planner Michelle Barron stated it would be good to have that but if they don't feel like there is anyway to get approval on this particular property that can be stated. Planner Michelle Barron stated it is a conditional use permit and will not be going in front of the board unless it is appealed. Chairman Sturgill stated that is what they are preparing for. Planner Michelle Barron stated the FCO's will be drafted and they can look over them to ensure everyone is on the same page.

Planner Michelle Barron asked if Commissioner Nevill wanted to use the same FCO's as the original hearing. Commissioner Nevill stated the original answers to the FCO's are adequate for questions 4 and 7.

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

Chairman Sturgill set expectations for the next case. They will go through staff report, testimony in favor and then will see where they are at with time and if they have time to start opposition, they will.

Item 2B:

Case No. RZ2021-0056 & SD2021-0059- Farmington Hills: Middleton 187, LLC and TBC Land Holding, LLC are requesting a Conditional Rezone of approximately 217 acres from an "A" (Agricultural) zone to "CR-R1" (Single Family Residential) zone with municipal sewer and water subject to a pre-annexation agreement with the City of Middleton and development agreement with Canyon County. Also requested is approval of a preliminary plat, phasing plan, landscape, irrigation, drainage, and hillside development plans for Farmington Hills Subdivision. The proposed development contains 492 total lots: 421 residential lots with an average lot size of 12,780 sq. ft. and 71 common lots. The properties are designated "Residential" in the Canyon County 2020 Comprehensive Plan. The subject parcels R37605, R37605010,

R37602010, R37597 are located north of Foothill Road between Lansing Lane and Duff Lane, Middleton, in a portion of the SW ¼ and the SE ¼ of Section 33, T5N, R2W, BM, Canyon County, Idaho.

Planner Debbie Root viewed the Staff report for the record.

Commissioner Williamson asked for clarification about the bus stops in the subdivision. Planner Debbie Root stated as this development unfolds they will be providing collector roadways in the subdivision which the buses will be driving and bus stops will need to be provided. Commissioner Williamson asked if the density is as dense as it can get even if annexed into the city. Planner Debbie Root stated if it was annexed to the city the development could be proposed at a denser rate, the proposed subdivision is as dense as the county can provide for. Commissioner Williamson asked if there is an R2 zone. Planner Debbie Root stated the original application requested R2 zoning, she had them consider R1 zoning.

Commissioner Mathews asked for clarification for the numbers within a mile for the schools. Planner Debbie Root stated that is counting development that was platted from the 30's to now, the lots are already calculated into the capacity number for the schools. Planner Debbie Root advised the Superintendent of the school and City of Middleton were not able to come to the hearing. The Planning Director for the City of Middleton wrote a letter that provided numbers that are consistent with the numbers from the Superintendent from the school.

Commissioner Nevill asked how much an elementary school costs to build. Planner Debbie Root advised she doesn't have that information.

Chairman Sturgill asked for clarification on the wells. Planner Debbie Root explained the developer will construct the well but eventually will be owned by the City of Middleton. Chairman Sturgill asked if the \$1500 per lot to the school is intended to address buildings or operating expenses. Planner Debbie Root stated it provides for additional infrastructure.

Commissioner Mathews asked if the developer will be required to bond their obligation for the road construction. Planner Debbie Root advised all the roads within the development will be public roads and the Highway District will not bond for road construction, there is plans in place to get the roads completed and an agreement with the developer, Highway District 4 and the City of Middleton.

Commissioner Williamson asked where the nearest city water and sewer services from the subject property. Planner Debbie Root advised they are currently three-quarter mile south on Duff.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Zane Cradic (Representative) – IN FAVOR – 24715 Titanium Place, Meridian, ID, 83642

Mr. Cradic introduced himself as the engineer for the project. Mr. Cradic stated the property is in compliance with the comprehensive plan for 2020 and 2030. The area is trending towards residential development with the City of Middleton 1200 feet away of the property boundary. Mr. Cradic went over the details of density for the project as well as the amenities the subdivision will have. They will have collector size roads. The phasing plan is having 13 phases for 30-60 lots. The intent is to have 1-2 phases a year over 7-10 years. Mr. Cradic explained they cannot sell the lots without building the stop light, the municipal well, etc. The homes will be semi to customizable homes that fit the area. Mr. Cradic's testimony time ended. An additional 5 minutes was requested.

Motion: Commissioner Nevill moved to provide an additional 2 minutes of testimony time. Seconded by Commissioner Sheets. Voice vote, motioned passed.

Mr. Cradic continued his testimony stating they will be bringing city services to the project and will annex as soon as it can be annexed. Mr. Cradic stated the project is below the density the City would be asking for. Mr. Cradic explained when he spoke to the school district he was told there a \$1100 impact fee per lot, they are exceeding that amount and providing \$1500 to the school district per lot. The project will provide high quality housing to Canyon County with roadway improvements, and infrastructure improvements.

Commissioner Sheets asked for clarification for who on the team will be answering which questions. Mr. Cradic provided that information. Commissioner Sheets asked why they are proceeding with the development now. Mr. Cradic explained we are at a record low lot backlog. Commissioner Sheets asked about the Traffic Impact Study being done during school breaks and COVID. Mr. Cradic stated that is why they went back and re-issued a study and believes it to be realistic now. Commissioner Sheets asked what the mitigation is for 7-10 years of construction noise. Mr. Cradic stated that is why they are doing phases for the construction.

Commissioner Nevill asked if the land is rented or if the owner is farming. Mr. Cradic advised the land is currently leased to farmers. Commissioner Nevill asked what is being produced. Mr. Cradic stated corn on the eastern half and on the western half they rotate crops. Commissioner Nevill asked how many lots are available to split. Mr. Cradic stated he believes they can do four splits using Administrative Decision. Commissioner Nevill asked why take the property out of ag land and into production right now when 87% of the county that is saying to preserve ag land. Mr. Cradic stated the city is moving into that direction and they are not far from the city and residential properties are on all 5 sides of the property.

Commissioner Williamson asked if there will be any changes from the pipeline folks that will change what is shown. Mr. Cradic stated the pipeline gave their approval with no red flags. Commissioner Williamson asked for clarification of the number of homes. Mr. Cradic advised the project is 420 lots with 72 common lots. Commissioner Williamson asked if Mr. Cradic sat down with Black Canyon Irrigation District and explain the proposed changes will work. Mr. Cradic stated he has done extensive work and explanation.

Commissioner Mathews asked about the gas pipe. Mr. Cradic advised that William's Pipeline has certain requirements and have to update pipes based on development. They are working on updating the pipes prior to the development.

Chairman Sturgill asked how deep the pipeline is buried. Mr. Cradic stated it varies but typically has 6 feet of cover.

Commissioner Villafana asked why not to wait to annex through the city. Mr. Cradic advised initially they were planning on doing larger lots with private wells and sewer, as they went through the process they realized the needs for transportation, water, fire suppression outweighed what was feasible with the larger lot sizes. That is why they lowered the lot size so they had the funds to help the community as well.

Josh Leonard – IN FAVOR – 251 E Front #310, Boise, ID, 83701

Mr. Leonard introduced himself as the attorney. Mr. Leonard addressed the question of why now stating over the course of 10 years with 420 lots phased starting the process now they won't be selling any infrastructure for at least a year. The property is large and the construction will be contained and nobody

will be next to the construction for 10 years where it would impact them. Mr. Leonard stated he doesn't believe the neighbors would want them to wait to annex with the city because lot sizes would be smaller. Mr. Leonard stated the project is not causing deficiencies into the schools, deficiencies are already exist. The applicant worked with the school district for about a year to get the cost of per student and then exceeded the contribution amount. In the school's letter they mentioned the appreciation of the contribution as well as making the intersection safer before development occurred.

Commissioner Nevill asked if the school would ask for more money if they could. Mr. Leonard stated he is sure that is the case and it isn't the school's fault that they can't it is the failure of bonds.

Commissioner Sheets asked for clarification of the per student cost. Mr. Leonard stated Mr. Heath would have that information, he does know that was a number provided by the school district. Commissioner Sheets asked if they waited for the city if they would do the smaller density. Mr. Leonard stated he can't speak for the applicant but the applicant has proven he isn't just for the cash with the 75 feet of easement which isn't required.

Chairman Sturgill asked for clarification on the legality with the school deficiencies. Mr. Leonard provided information and explained that legally they need to take all infrastructure into account not just the schools.

Commissioner Williamson asked if Purple Sage and North Middleton Rd will be improved before infrastructure. Mr. Leonard stated Mr. Cradic would be best to answer that.

Todd Campbell – IN FAVOR – 13852 Meadow Lane, Boise, ID 83704

Mr. Campbell introduced himself as the land owner. Mr. Campbell stated the project that is before them includes three years of meetings with ITD, Canyon County Highway District, Canyon County Staff, and City of Middleton working diligently with them asking what they want. The project is improving the intersections, providing easements, roads, and mitigations of many things trying to be an asset to the community. The need for homes is present, they are sold as fast as they are built.

Commissioner Sheets asked if there are any conditions that Mr. Campbell would like removed. Mr. Campbell stated he is happy to do any and all of them.

Commissioner Nevill asked what is being raised on the land. Mr. Campbell stated his partner Mr. Dean works directly with the farmers and the leasing but he understands it is mostly corn.

Chairman Sturgill asked if everyone should get approved for development. Mr. Campbell stated he believes there is a comprehensive plan and codes for a reason and if everything is complied with then development should be approved.

Commissioner Dorsey asked if this isn't approved where would the 420 lots be put. Mr. Campbell stated he isn't sure.

Dean Waite – IN FAVOR – 2154 E Timber Trail St, Kuna, ID 83634

Mr. Waite introduced himself as an employee of the owner. Mr. Waite believes that Farmington Hills is providing many benefits to the community such as assisting financially to the schools for the students. Mr. Waite advised the price that was given to them by the school district is the price to temporarily house students. Another benefit is taking pressure of state street and having the Willis Rd collector, this helps with traffic and bussing for students. The intersections at Duff and 44 and Lansing and 44 are huge

problems and will not happen publicly for 10 years, the applicant is providing a private solution to the public problem. Mr. Waite advised he isn't sure of the current productivity of the farming on the land. He does know the rates paid by the farmers are significantly lower than other farm land and when asking them to get caught up to other rates, the farmer stated it isn't feasible for him to pay the rates and farm this land.

Commissioner Sheets confirmed the price per student is the cost to build temporary infrastructure.

Commissioner Nevill confirmed the temporary infrastructures is a modular.

Commissioner Williamson asked what the speed limit will be for the collector roads. Mr. Waite stated the speed will be determined by Highway District 4.

Joe Roth – IN FAVOR – 223 W Grandean Way, Eagle, ID, 83616

Mr. Roth stated he is in favor of the project because he has children starting to drive and the applicant is doing something about the dangerous roads. In his opinion they should already have traffic lights.

Commissioner Williamson asked why this location is important for his kids driving. Mr. Roth stated his children go to school in the area.

Chase Rowley – IN FAVOR – 1525 N Sea St, Middleton, ID, 83644

Mr. Rowley stated he is in favor of the project because of Mr. Campbells willingness to help the safety of the roads. His wife got into an accident and it was due to the infrastructure.

Chairman Sturgill advised the case is going to be continued. He entertained re-opening the public comment period. No motion followed.

Theresa Denham – IN OPPOSITION – 25381 Kimpton, Middleton, ID, 83644

Ms. Denham stated that the comprehensive plan speaks on behalf of preservation of agriculture and the map shows the area as agriculture or rural residential. Ms. Denham believes this is the beginning of an R3 zone stretching into agricultural land. Ms. Denham stated the project is violating many Canyon County Codes and is violating the Constitution. Ms. Denham's 3-minute testimony time ended, she requested an additional 6 minutes of testimony time.

Motion: Commissioner Nevill moved to provide an additional 3 minutes of testimony time. Seconded by Commissioner Sheets. Voice vote, motioned passed.

Ms. Denham continued testimony stating the project is in conflict with public interest primarily because of pipeline safety and violating 67.65.12 designated agricultural use in the comprehensive plan. Ms. Denham stated the contract that was created started some of the land use changes, this property is not contiguous to the City of Middleton and it is not in compliance with the AOI map. Ms. Denham stated the builder and the City of Middleton have a pre-agreement to annex through the city and change the land to R3.

Commissioner Nevill clarified the County does not have a R3 zone. Ms. Denham stated that is once the land gets annexed through the City it will be rezoned to R3. Commissioner Nevill asked for R3 definition. Ms. Denham stated lots as low as 8,000 sq. feet.

Commissioner Williamson asked if the codes Ms. Denham was listing off were based on the 2020 comp

plan or the 2030 comp plan. Ms. Denham stated she included both comp plans.

Antonio Conti – IN OPPOSITION – Middleton, ID, 83644

Mr. Conti stated he is in opposition because of the pre-annexation agreement, the size of the lots isn't compatible, and the water lines are more than they need which proves there are plans to grow further north.

Commissioner Dorsey asked if Mr. Conti is more in favor of having 1 acre lots with individual well and septic. Mr. Conti confirmed he is.

Marty Denham – IN OPPOSITION – 25381 Kimton, Middleton, ID, 83644

Mr. Denham is against the development because it states it will annex, an annex requires an ordinance which there hasn't been one. He believes they made an annex agreement without following the legal guidelines. Mr. Dunham is concerned about the depletion of the aquafer. The City of Middleton is asking for a well to help with water problems but it is out of the same aquafer. Mr. Denham stated the development is inconsistent with the comprehensive plan. Mr. Denham believes the project is stealth R3 zone. Mr. Denham states there are no underground waters, rivers or lakes, the aquafer is sand and gravel and having to many rooftops will dry out the aquafer.

Bob Ubry – IN OPPOSITION – 24106 Painted Horse Ct, Middleton, ID 83644

Mr. Ubry stated the development is violating several codes to the comprehensive plan for 2020 and 2030. Mr. Ubry doesn't believe adding a traffic light is going to mitigate the traffic. Mr. Ubry doesn't agree with the pre-annexation.

Suzanne Ubry – IN OPPOSITION – 24106 Painted Horse Ct, Middleton, ID, 83644

Ms. Ubry states the development is violating 1,2,3,4,5,6, and 8 of the findings. The properties in the impact area are agricultural or rural residential, the proposed project doesn't fit the area. There is no evidence that the impact studies were different from 2021 to 2023. Ms. Ubry's 3-minute testimony time ended, she requested an additional 2 minutes.

Motion: Commissioner Williamson moved to provide an additional 2 minutes of testimony time. Seconded by Commissioner Nevill. Voice vote, motioned passed.

Ms. Ubry continues testimony stating that roadways are getting built to Star which is not supporting agriculture and heading towards high density residential instead of following the comprehensive plan.

Kim Takagi – IN OPPOSITION – 24323 Duff Lane, Middleton, ID, 83644

Ms. Takagi stated the land produces about 40 tons of hay in a cutting and have about 150 cows in the under crop within the same year. Ms. Takagi stated it is prime farm land and state-wide importance. Ms. Takagi stated people go 60 down the road during the day and 100 at night, there is cows out all the time, that it is a rural area, this project will suck up the agricultural land.

Michael Wedman – IN OPPOSITION – 24085 Pheasant Ridge Ct, Middleton, ID, 83644

Mr. Wedman presented a late exhibit. No motion was made at this time to put the late exhibit into evidence.

Mr. Wedman stated he made a map because all the maps available didn't have the details of the subdivision inside. Mr. Wedman described how he made the map and where he got his information. The ending result is showing a demographic change in the area of 42,100% in the category of lots less than .4

acres. Mr. Wedman stated the proposed development doesn't meet the area.

Commissioner Sheets asked to preliminarily review the late exhibit. Commissioner Williamson asked for a copy as well.

Motion: Commissioner Sheets moved to approve the late exhibit as exhibit 59. Seconded by Commissioner Williamson. Voice vote, motioned passed.

Bret Cartier – IN OPPOSITION – 24602 Blaze Ave, Middleton, ID, 83644

Mr. Cartier stated the proposed development is inconsistent with the 2020 comp plan in relation to public schools in page 11 paragraph 2, it is also inconsistent with population section 2, goal 1 and 3 and policy 2, 3, 4, and 9. Mr. Cartier finds it troubling that the school district hasn't had a chance to speak to County officials. Mr. Cartier stated the schools are over capacity and provided information on growth. Mr. Cartier believes this is irresponsible growth.

Commissioner Dorsey asked the price tag of the portables for the schools. Mr. Cartier stated the portables are \$ 250,000 a piece and you get two classrooms per portable. Commissioner Dorsey stated the schools and roads are over capacity and asked what got us to this point and what will get us out. Mr. Cartier stated over development got us to this point and believes letting the infrastructure catch up is what will get us out.

Planner Deb Root stated they took Mr. Gee's offer seriously and it must be noticed on an agenda like a workshop presentation. He was going to come testify to the specific questions for this case but wasn't able to make it. Chairman Sturgill asked to extend the invitation for the March 7th continuation. Planner Debbie Root stated she would extend the invitation.

Greg Baker – IN OPPOSITION – 9863 Meadow Park Blvd, Middleton, ID, 83644

Mr. Baker stated the road in the immediate area of the development are all farm land roads. Both Lansing and Duff have blind hills, there are blind spots. Mr. Baker stated in July 2023 Highway District 4 measured the average speed was 69 mph and 85% of the drivers were exceeding the speed limit downhill. Mr. Baker believes that this development will add 2,526 trips every week day out of Farmington Hills. All the surrounding properties will decrease in value. Mr. Baker wishes the property to stay agricultural or changed to rural residential.

Jamie Sharpe – IN OPPOSITION – 9221 Willow View Dr, Middleton, ID, 83644

Ms. Sharpe stated it is heartbreaking to see how much of the farm land has disappeared because you can't get it back. Ms. Sharpe stated her quality of life will be impacted because her family is involved in 4H, and they moved out there to live in the country, not the city. Ms. Sharpe stated she has felt the effects of the overcrowded school district with her children in the school district. Ms. Sharpe is concerned if the temporary infrastructures are safe for the kids. Ms. Sharpe stated Canyon County is one of five major global seed producer regions in the world and if development continues at the rate it is going agriculture will be gone.

MOTION: Commissioner Sheets moved to continue Case RZ2021-0056 & SD2021-0059 to a date certain of March 7, 2024, seconded by Commissioner Williamson, voice vote, motion carried.

APPROVAL OF MINUTES:

Commissioner Villafana and Chairman Sturgill was not present for the December 21, 2023 hearing and abstained voting.

MOTION: Commissioner Nevill moved to approve the minutes from December 21, 2023 with the approved revisions done via email, seconded by Commissioner Mathews. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

No Comments at this time due to the late hour.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 11:59 PM.

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

Approved this 15th day of February, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist