



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, March 7, 2024
6:30 P.M.

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

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

Staff Members Present: Sabrina Minshall, Director of Development Services
Jay Gibbons, Assistant Director of Development Services
Carl Anderson, Planning Supervisor
Debbie Root, Principal Planner
Amber Lewter, Hearing Specialist

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

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

Item 1A:

Case No. RZ2021-0056 & SD2021-0059 – Farmington Hills:
Continuance of January 18, 2024 hearing

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 reviewed the Staff report updates for the record.

Commissioner Nevill asked if the pre-annexation through a city is something that needs to be reviewed by the county. Director of Development Services Sabrina Minshall advised that pre-annexations are legal and how the Commissioners need to view them is if essential services are available.

Commissioner Sheets asked about exhibit 15 if they have a copy of the fully executed pre-annexation agreement. Planner Debbie Root advised they do not have the fully executed one, the mayor has signed

it and now the developer needs to sign it before she receives the fully executed version. Commissioner Sheets asked about once the pre-annexation takes place who will have jurisdiction over the roads. Planner Debbie Root advised the City of Middleton would have jurisdiction if the annexation occurs.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Hethe Clark (Representative) – IN FAVOR – 251 E Front St, Boise, ID 83702

Mr. Clark began by reviewing the area that is in transition to residential. The site has already been designated as residential in the County and City Comprehensive Plans. Middleton has prepared sewer and water plans that go along with their Comprehensive Plan for the area, which is more preferable than doing well and septic. Mr. Clark stated the pre-annexation agreement with Middleton doesn't authorize the subdivision and they still have to go through all of the requirements with Canyon County. The project is helping with things that the area needs, that includes two intersections at Duff and Lansing, a new municipal well, a water booster station and a new lift station. The City didn't have to approve the pre-annexation agreement but with them approving it, that shows the project is in line with the area.

Commissioner Sheets asked if the applicant has entered into the pre-annexation agreement. Mr. Clark stated they have signed and delivered their signature.

Chairman Sturgill asked what the background is with the \$1500 a lot figure for the school. Mr. Clark stated a bond will address the issue that Middleton already has which is capacity. With working with the school district to identify mitigation that they need to accommodate students in the meantime, that is where the cost came from. Improving the intersections at Duff and Lansing will also help the safety of the students. Those are both voluntarily contributions.

Commissioner Williamson stated as the applicant team, they are required to show the proof for the need of the project. Commissioner Williamson asked what the housing inventory looks like to prove the need. Mr. Clark stated there is a historic need for lots in the valley and doesn't have the exact numbers but isn't aware of a code that states they need to prove the market. Mr. Clark stated there is a lot of talk about preservation of Ag ground and it is important to remember if they built the whole community as one-acre homes that will eat up all the Ag ground. For example, the proposed project is on 219 acres proposing 400 lots on one-acre parcels, that would be about 650 acres. Mr. Clark stated that density is appropriate where City services are available and where the County and City have planned for it. This project checks those boxes.

Commissioner Mathews asked the estimated student impact per home. Mr. Clark advised it is .4 or .5 per home and the number makes sense because each residence may not have children. Commissioner Mathews asked how many temporary modulars the \$1500 per lot would build. Mr. Clark stated he doesn't have those exact numbers, he is aware that the number Middleton School District came up with as a per student to put them into a modular was the approximately \$1200 and they offered to go above that amount at the \$1500.

Commissioner Nevill asked why do they need to do the project now instead of waiting to take the land out of productive Ag land that is still producing. Mr. Clark stated his team isn't the one that came up with the Comprehensive Plan that states this is going to be residential in both the 2020 and 2030 plan with the County and an even higher density residential in Middleton. The area already has residential lots so really

do you do it now or wait and then it will be even higher density lots. Also, the soil levels prove that it isn't prime farm soils on the North piece of the property. The only prime irrigated areas are in the South and it is difficult to farm this area because it is already developed. Due to the access to facilities and existing residential development, this is where you would want density to be that way other locations that can be farmed can stay in productive agriculture.

Commissioner Dorsey asked clarification on the \$1500 amount that it is just meant to be a stop gap until the property tax and bond are collected. Mr. Clark explained the \$1500 is a slush fund so if the bond doesn't pass they can help keep students in the modular. Commissioner Dorsey asked the difference in property tax from Ag ground to residential ground. Mr. Clark stated he doesn't have those numbers.

Commissioner Williamson addressed the code he mentioned previously about the applicant having the Burden to prove the need. Mr. Clark stated his understanding is that isn't a code but a summary for the other eight factors that do apply. Director of Development Services Sabrina Minshall explained the applicant has the burden of proof to address all these eight factors. Commissioner Williamson asked how deep the Williams pipeline is currently. Mr. Clark stated about 6 ft of clearance and has been in contact with them to handle the procedures. Commissioner Williamson asked if the boundary easement is standard guidelines. Mr. Clark stated it is the boundary easement and then standard setbacks.

Sharon Urrutia – IN FAVOR – 27773 Cemetery Rd, Middleton, ID 83644

Ms. Urrutia introduced herself as a Middleton resident for 19 years. She loved the welcoming nature she received and has seen a lot of growth. Ms. Urrutia is in favor of the project because of the road improvements because they are currently dangerous with accidents occurring. The agriculture and land in the area is not great. Ms. Urrutia doesn't believe welcoming more people is a bad thing, having growth is going to happen and it should be controlled. The developer is helping pay for the growth.

Chairman Sturgill asked what Ms. Urrutia's profession is. Ms. Urrutia advised she is a CFO.

Jaime Snyder – IN FAVOR – 332 N Broadmore Way, Nampa, ID 83687

Ms. Snyder had a presentation that walked through what the neighborhood at Farmington Hills would look like. The presentation began on Duff lane, showing buffers with landscaping, the clubhouse, a park area with a pool, lawn area with soccer fields, walking pathways, play areas, and showed architectural views of the houses.

Chairman Sturgill asked about fencing in between the houses. Ms. Snyder stated she believes the fencing will be the responsibility of the property owner.

Frank Aragona – IN FAVOR – 5022 N Decatur Dr, Boise, ID 83704

Mr. Aragona read a letter from a trade partner in support of the development. Stating the benefits of the highway improvements, the school contribution, and the residential project will be one of the finest developments in the area, adding value to the community.

Tamara Rowley – IN FAVOR – 585 S Winthrop, Boise, ID 83707

Ms. Rowley is in favor of the project for the improvements of roads, the smaller lots to easier maintain, enhancing the schools, and the water being available.

Tracy Conklin – IN FAVOR – 6046 S Wayland, Meridian, ID 83642

Ms. Conklin introduced herself as a real estate agent in the treasure valley. Ms. Conklin stated affordable housing is needed and believes Agriculture is important but growth isn't a matter of if but when and

having a developer willing to invest in the community and the infrastructure is why she is on board with the project.

Commissioner Sheets asked for clarification for the not if but when statement. Ms. Conklin explained she has seen growth in the area her entire life and see's the benefits of growth such as job opportunities and amenities.

Commissioner Villafana asked what they can do to provide more affordable housing instead of high-end homes. Ms. Conklin stated having homes without all the upgrades, having different options in different price points is what can make them affordable.

Jim Grey – IN FAVOR – 23557 Duff Ln, Middleton, ID 83644

Mr. Grey stated he is in favor because the project addresses the intersection of Duff Lane and Highway 44. He has been asking since 2020 to get that intersection improved. Mr. Grey expressed concern if the development is going to affect his well water and asked the engineer to address that.

Robert Mickelsen – IN FAVOR – 9502 Ustick Rd, Nampa, ID 83687

Mr. Mickelsen stated he works for the developer and that he has worked for many developers and thinks this area is fortunate to have this developer working on the project. Mr. Mickelsen stated if this was affordable housing it would be multi-family housing. Mr. Mickelsen believes this project is good for the community.

Marc Gee – IN NEUTRAL – 18213 N Orchid Way, Nampa, ID 83687

Mr. Gee advised the general rule as the school district when working with other public agencies is presenting the impact the project will have on the school district and any other pertinent facts. Mr. Gee stood for questions.

Chairman Sturgill asked what the current capacity of the schools are. Mr. Gee provided the capacity numbers as of December 11, 2023 of the schools in the area of impact. The elementary is currently over capacity. Chairman Sturgill asked the average number of children per home. Mr. Gee advised .569 is the number that is used and explained how they get that number. Chairman Sturgill asked if there are any funds from bonds to build a new school. Mr. Gee advised there isn't.

Commissioner Sheets asked why the bonds are failing. Mr. Gee explained it is the conditions at the time, most recently he believes it is the assessed values of homes and the public being unsure of how those values would affect their taxes.

Commissioner Dorsey asked the tax base one the Ag land vs the Residential land. Mr. Gee stated he knows the tax base typically increases and offered to research more. Commissioner Dorsey asked if there was no increase of development how would that affect the school district. Mr. Gee addressed that question to the elementary school. The need was clear in 2015 that an elementary school was needed and the need keeps growing, if a bond was passed today it would be about two years before they put students into the school. Commissioner Dorsey asked where the \$1500 came from. Mr. Gee explained the \$1149 price they gave the developers. Commissioner Dorsey asked if the \$1500 is a good contribution. Mr. Gee stated no other developer has offered funding.

Commissioner Williamson asked if it would be possible to have bathroom facilities in the portable. Mr. Gee explained it isn't the cost it is the location to make it work with the exception of one that was placed right next to the building for special need students.

Commissioner Villafana asked how long until the middle school and high school are over capacity. Mr. Gee stated the middle school they anticipate will reach full capacity in 2030 and the high school this year but it didn't because it leveled off some.

Lyle Zufelt – IN OPPOSITION – 9965 Grand Targitee Dr, Middleton, ID 83644

Mr. Zufelt stated his main concern is on page 510 of the developer's information packet. Mr. Zufelt stated the City of Middleton needs two municipal wells and is concerned his residential well won't have a chance to pull water.

Allen Colson – IN OPPOSITION – 8802 Purple Sage Rd, Middleton, ID 83641

Mr. Colson stated he hasn't heard anything about the intersection of Duff and Purple Sage and the intersection of Lansing and Purple Sage, stating they are both dangerous. Mr. Colson wants to know what Ag land will be saved. He is also concerned with Emergency Services being able to handle the increase of calls that would happen with more residents.

Commissioner Nevill asked where the emergency services are coming from. Mr. Colson stated from Middleton and Kingsbury and the only way up there right now is up Lansing Rd. Commissioner Nevill asked if having a Fire station or EMS station in the development would help. Mr. Colson stated it would.

Austin Colson – IN OPPOSITION – 8802 Purple Sage Rd, Middleton, ID 83644

Mr. Colson introduced himself as a member of FFA and 4H club. Mr. Colson explained his concern is the quality of the school system if the project is built due to the overcrowding. Classes are over capacity and electives are filling up quickly where you may not get the classes you want. His other concern is Ag classes falling out of favor and not being available.

Ron Saunders – IN OPPOSITION – 24123 Lansing Lane, Middleton, ID 83644

Mr. Saunders stated he represents 626 people who object to the proposed development. Mr. Saunders stated with being 70 years old if the plan is approved he will be faced with construction for the rest of his life. Mr. Saunders stated the plan creates high density and they live in a rural agricultural area which makes this project incompatibl. Mr. Saunders three minutes of testimony time ended, he requested an additional two minutes.

MOTION:Commissioner Sheets moved to give an additional two minutes of testimony time, seconded by Commissioner Nevill, voice vote, motion carried.

Mr. Saunders stated there needs to be a balance of the builders' profits and the quality of life for the citizens. The pre-annexation was completed with the previous mayor and the new mayor, in his opinion, is not supportive of this development.

Commissioner Williamson asked what conditions Mr. Saunders and the people he represents would suggest, if any. Mr. Saunders stated he isn't opposed to growth, he would suggest 2-5 acre lots like most of the surrounding properties.

Commissioner Nevill asked if the people he represents would be ok with the 2-5 acre lots. Mr. Saunders stated they didn't discuss that but there is a working group of about 30 and they are ok with the 2-5 acres. Commissioner Nevill asked how Mr. Saunders feels about everyone having their own well if they went to 2-5 acre lots. Mr. Saunders stated he is fine with that and has no concerns.

Angela Kehrer – IN OPPOSITION – 23487 Tombstone Ridge Ct, Middleton, ID 83644

Ms. Kehrer stated traffic from all of the homes would increase on Purple Sage where the farmers often have heavy farm equipment, and haul large loads. Often times there are stray cows in that area. The lands in this area is agricultural. Ms. Kehrer went over the definitions of low-density housing in the City of Middleton. Ms. Kehrer stated the character of the area would change with the traffic, smaller lots and loss of agriculture land.

Commissioner Williamson asked if the definitions of low-density was found on the City of Middleton's website. Ms. Kehrer confirmed that to be true.

Mark Cook – IN OPPOSITION – 24387 Tombstone Ridge Ct, Middleton, ID 83644

Mr. Cook finds it interesting that the one person in favor of the development that lives in the area is in favor because of the betterment of the intersection. Mr. Cook stated the past comprehensive plan has the area as agriculture and the current comprehensive plan is rural residential. Mr. Cook believes once the city annexes the project will convert to R3 which is not compatible with the area.

Greg Jones – IN OPPOSITION – 8850 Buckshot, Middleton, ID 83644

Mr. Jones lives adjacent to the property. Mr. Jones stated when reviewing need, the only people saying the development is needed is the ones that don't live in the area. Mr. Jones stated the roads have trailers in the middle of the road and reduced the road to one lane. Mr. Jones stated to if the development gets approved the area's property tax will increase.

Matthew Watkins – IN OPPOSITION – 10038 Turner Drive, Middleton, ID 83644

Mr. Watkins stated the land has been farmed his entire life and has always produced a good yield. He is aware growth is inevitable but doesn't believe this development is good for the area with the smaller lots and would recommend larger lots of 2-5 acre lots if it has to go through. Mr. Watkins is concerned with the pre-annexation.

Philip Goelz – IN OPPOSITION – 9142 Willow View Dr, Middleton, ID 83644

Mr. Goelz stated he agrees with those before him in opposition, the area is agriculture with large lots. If you drive down Middleton there is tons of construction happening so Mr. Goelz doesn't agree that the need for more housing is there. The development is a beautiful development but does not match what is in the area.

Commission Villafana asked if there are active large farming parcels of 30-80 acres between this development and the City of Middleton. Mr. Goelz stated he believes there is some but cannot say for sure.

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

Mr. Sharpe stated he has kids that ride horses and can't anymore because of traffic. Mr. Sharpe stated his child is already on the bus for an hour each day to go to school. His concern is quality of life.

Commissioner Williamson asked if the hour is round trip or one way. Mr. Sharpe stated it is one way.

Denise Rhodes – IN OPPOSITION – 24750 N Gray Hawk, Middleton, ID 83644

Ms. Rhodes stated she is opposed to the project because it fails on all the facts and conclusions. She agrees with everything everyone else has said before her. Ms. Rhodes is also concerned with Williams pipeline being 3ft down and the traffic study being outdated because it was done during a COVID year. Ms. Rhodes stated on January 30th the City of Middleton's council meeting they discovered the sewer system is not

sufficient for the growth and is an eight-year project, it was recommended by the City Engineer to stop annexing until the project is complete.

Chairman Sturgill asked if Ms. Rhodes is anticipating people will cut through from Duff to Lansing at high speeds. Ms. Rhodes confirmed that is correct.

Kim Carson – IN OPPOSITION – 9895 Meadow Park Blvd, Middleton, ID 83644

Ms. Carson stated the application is not consistent with the comprehensive plan, not more appropriate that the current zoning, not compatible with surrounding land uses, it will negatively impact the area, it will negatively impact essential services. Ms. Carson stated the land is on County land and is concerned with the pre-annexation with the City of Middleton. Ms. Carson stated the two large wells will deplete the aquifer and when addressing this with a City official the response was to join the City and get services. Ms. Carson expressed her and her neighbors do not want to be on City services.

Janet Gibson – IN OPPOSITION – 945 Harvest Way, Middleton, ID 83644

Ms. Gibson stated late last year a development came forward and offered \$1500 per property to the school, offered most of the same things and was in pre-annexation, it was denied because it didn't fit the density and land use of the area.

Sam Thomas – IN OPPOSITION – 23687 Lansing Lane, Middleton, ID 83644

Mr. Thomas stated he doesn't believe the project is appropriate for the area because the soils of the subject property have 85% of the land being considered prime farm land and 1/3 of it is listed as state importance. Mr. Thomas cited parts of the Comprehensive plan addressed protection of agricultural land. Mr. Thomas provided Commissioner Villafana with the farming lots within the area.

Josef Smith – IN OPPOSITION – 24667 Blaze Ave, Middleton, ID 83644

Mr. Smith stated his well would be affected by the project and his children go to the already overcrowded school. Mr. Smith cited parts of the Comprehensive Plan for smart growth in areas that make sense. Mr. Smith had a diagram for a new plan for the community with larger lots to have a compromise.

Commissioner Nevill asked what the lot size is Mr. Smith used on the diagram. Mr. Smith stated the lot sizes are maximum 1 house per acre.

Cheryl Palange – IN OPPOSITION – 9155 Pursuit Dr, Middleton, ID 83644

Ms. Palange stated there was corn being farmed on the subject property. She read the marketing language from a development nearby pointing out the scenic farmland nearby. Ms. Palange addressed the need, pointing out that Mr. Campbell has two homes for sale nearby and twenty-five active listings in the valley, showing availability. Another concern is having construction in phases and associated construction traffic.

Julie Thomas – IN OPPOSITION – 23687 Lansing Lane, Middleton, ID 83644

Ms. Thomas stated Canyon County produces 65% of the countries' sweet corn seed market that represents 60% of the seeds state income. Ms. Thomas addressed the lands water stating there is ditch irrigation on the south end and on the north side there is pivot irrigation. Ms. Thomas stated the project is not compatible to the area and gave examples for lot sizes and agriculture.

Commissioner Nevill asked what her farm is raising. Ms. Thomas stated they farm grass hay and then they run cattle on it.

Kassie Strohmeier – IN OPPOSITION – 26525 Middleton Rd, Middleton, ID 83644

Ms. Strohmeyer stated she runs cattle and has almost been hit on her tractor, side by side and four-wheeler from traffic coming down Lansing. There is also concern about Foothill.

Commissioner Williamson asked how wide the bridges on Duff are and the weight capacity. Ms. Strohmeyer stated she doesn't know the specifications but you cannot drive a combine and vehicle at the same time on them and provided the weight restrictions found online.

Bart Grayson – IN OPPOSITION – 24503 Lansing Ln, Middleton, ID 83644

Mr. Grayson agreed with everything that was said previously with the addition of having a concern that Meadow Park Rd is planned to be expanded from Duff to Lansing and that will go through his five acres. At this time the subdivision doesn't have any access to it without going through his property.

Commissioner Nevill asked Mr. Grayson to use the pointer to give a visual. Mr. Grayson gave the explanation with the visual.

Planner Debbie Root advised in the Highway District 4 document it states there is monies in lieu of if the developer is not able to obtain the property for that section of Meadow Park Rd. there is a figure within the development document. Chairman Sturgill asked if there is no legal access than the road is stubbed. Planner Debbie Root stated that Meadow Park Rd. is part of the master transportation plan. Chairman Sturgill asked they would require access through eminent domain. Planner Debbie Root stated that is possible. Chairman Sturgill stated part of the criteria is if there is access to the property and asked Planner Debbie Root for comment. Planner Debbie Root advised the developer could reconfigure but there is a master transportation plan that is to be implemented in this area.

Rodger Hawker – IN OPPOSITION – 9542 Purple Sage Rd, Middleton, ID 83644

Mr. Hawker stated he is opposed to the development because the density of the homes do not match the surrounding area. Mr. Hawker believes Purple Sage has become a bypass for the City of Middleton, the speed limit being 50 mph seems like a suggestion. Mr. Hawker is concerned about his well because his static level has already dropped.

Commissioner Nevill asked if Mr. Hawker has had to re-drill his well. Mr. Hawker stated he has had to drop his pump but not re-drill.

Donna Goelz – IN OPPOSITION – 9142 Willow View Dr, Middleton, ID 83644

Ms. Goelz stated the project will negatively affect the area and quality of life of the nearby residents. Ms. Goelz stated one of her concerns is the impact to Purple Sage. There have been more than 18 car accidents in the past 5 years, one of those accidents was fatal and with the proposed project that would create more traffic. Ms. Goelz other concerns have to do with the already crowded school, the draw down of water resources and the impact to essential services. Ms. Goelz stated having construction in stages could be the rest of a lifetime for many in the area.

Kim Takugi / Rose Varguson – IN OPPOSITION – 24295 Duff Lane, Middleton, ID 83644

Ms. Takugi spoke on behalf of Rose Varguson. Ms. Takugi provided pictures of the area. One of the pictures showed an area for homes ready to be built and Ms. Takugi stated it is to show there is housing availability.

Marc Rehberger – IN OPPOSITION – 9992 Story Brook Way, Middleton, ID 83644

Mr. Rehberger stated he agrees with everything that has been said before him. Mr. Rehberger believes the letter from the County attorney was clouded and didn't directly answer the question. Mr. Rehberger stated there are vacant lots south of Foothill Rd. Then going up Foothill, the road cannot be widened and

is private property. Mr. Rehberger stated most that testified in favor do not live in the area with the exception of those in favor due to the traffic lights being put in. He agrees they need to be there but believes that should be the Idaho Transportation Department's job to put those in. Mr. Rehberger stated the land is active farm land that is producing.

Clayton Cramel – IN OPPOSITION – 24408 Tombstone Ridge, Middleton, ID 83644

Mr. Cramel stated the proposed development will negative affect the area. When he moved into the area he could see the sky at night.

Rick Francis – IN OPPOSITION – 24654 Blaze Ave, Middleton, ID 83644

Mr. Francis stated the issues with wells drying up is not hypothetical it happened a few years ago in the South Nampa in the Lake Lowell area, he wants to see the County be preventive.

Kirsten Higginson – IN OPPOSITION – 9047 Kemp Rd, Middleton, ID 83644

Ms. Higginson stated that the proposed project that would add more than a thousand cars on the road. She is a substitute teacher and the overcrowded schools are a concern. With large classroom sizes of 38, kids sitting on tables because there are not enough seats, this has evened out with adding portables but with adding more students she is concerned of the outcome.

Richard Trudeau – IN OPPOSITION – 9810 Ground Teton Trail, Middleton, ID 83644

Mr. Trudeau is concerned about water because his well has dropped down 14 feet in the past 20 years. When he spoke with Department of Water Resources, they informed him the plateau above the foothills has been dropping about a half a foot a year for the last 20 years. Mr. Trudeau's three-minute testimony time ended, Mr. Trudeau state he wanted to go over a constitution issue he has. No motion for more time was given.

Commissioner Sheets asked Mr. Trudeau what his constitutional issue is. Mr. Trudeau stated the State Constitution obligates the Department of Water Resources to utilize the water resources of the state of Idaho for economic development at the same time obligates the Department of Water Resources to protect his water rights. Mr. Trudeau stated that is a conflict.

Richard Beery – IN OPPOSITION – 8088 Rustin Road, Middleton, ID 83644

Mr. Beery stated he agrees with everything that has been said previously. Mr. Beery stated he was at a community meeting in Star and there will be a proposal for 917 houses within a mile of this proposed project, next to that one there will be another 900 houses. On the north side they are talking about 4400 houses. All of those are in the Middleton School District.

Commissioner Dorsey asked the density of the projects. Mr. Beery stated within two 296 acre lots there will be 455 single family homes, 250 town homes, and 112 fourplexes.

Brett Eversmann – IN OPPOSITION – 23319 Duff Lane, Middleton, ID 83644

Mr. Eversmann stated he agrees with everything everyone has said. He looks at the developer who is trying to help the traffic and the schools in this area but they are from Ada County, Mr. Eversmann believes they should work on bettering the area in Ada County where they are located.

Randy Hetteema – IN OPPOSITION – 8639 Quail Hollow, Middleton, ID 83644

Mr. Hetteema stated he moved in the area for the rural atmosphere and that would change if the project gets approved. He is concerned about the school buses stopping on Lansing and Duff to pick up kids. Mr. Hetteema expressed his concern about the wells in the area. Mr. Hetteema stated he sees the financial gain

for the City of Middleton to annex the project.

Commissioner Williamson asked what Mr. Hetteema would want for a condition of approval. Mr. Hetteema stated he would hate to lose agriculture land but if he had to keeping the rural atmosphere and requiring 2-5 acre lots.

Brad Wellman – IN OPPOSITION – 24058 Pheasant Ridge Ct, Middleton, ID 83644

Mr. Wellman doesn't believe the traffic area in the Lansing area is up to date because there are other developments coming in and should consider the construction traffic.

Christine Hitchner – IN OPPOSITION – 9308 Kemp Rd, Middleton, ID 83644

Ms. Hitchner stated she can recognize when developments are carefully planned for the area, she doesn't want to see agriculture land go but if growth has to happen she is happy to see thoughtful developments. Ms. Hitchner believes with the density of this project it doesn't fit in the area and isn't thoughtful.

Commissioner Dorsey asked what she means by thoughtful. Ms. Hitchner stated when the developer looks at the area around the development and makes it blend in to the area.

Lillian Moore – IN OPPOSITION – 9056 Kemp Road, Middleton, ID 83644

Ms. Moore stated she is on the HOA board for Willow Creek Ranch Estates, the board and HOA members are opposed to the project for the same reasons everyone has already testified.

Chairman Sturgill asked how many homes are in the HOA and lot sizes. Ms. Moore stated there are 28 homes on two streets with lot sizes over an acre.

Chris Pohl – IN OPPOSITION – 9104 Tula Dr, Middleton, ID 83644

Mr. Pohl stated he lives in Cascade Hills on over two acre lots and with individual wells. Mr. Pohl is concerned about traffic, he emailed the new Mayor of Middleton to get some facts for the light on Duff. He read her letter into record stating there are studies occurring now on the intersection of 44 and Duff and will take about 2 years.

Todd Ognibene – IN OPPOSITION – 1973 Scotch Pine Dr, Middleton, ID 83644

Mr. Ognibene stated he agrees with everything that has been said. He presented a map showing developments that have been approved in the area. Mr. Ognibene stated he is concerned about the water as well as the development getting re-platted through the city and becoming even lower density.

Mike McDougall – IN OPPOSITION – 13037 Greenwell, Caldwell, ID 83607

Mr. McDougall stated the meeting on January 30th with Middleton Sewer System stating they are at capacity and it will cost 80 million dollars to make it work. The document for the pre-annexation was signed on December 29th when the Mayor's last day was on January 3rd.

Chairman Sturgill asked where the information is for the overcapacity. Mr. McDougall stated it is on the City website on YouTube.

Gary Brown – IN OPPOSITION – 23593 Lansing Lane, Middleton, ID 83644

Mr. Brown stated if you try to cross on Foothill Rd it is terrifying and even with traffic lights that will create a new hazard going down the steep hills. Mr. Brown believes it is not compatible for the area because it is high density housing put in the middle of rural housing. He doesn't believe that County should be dealing with high density housing and the Cities should do that.

Tamara Sloviaczek – IN OPPOSITION – 11741 Bullock Rd, Middleton, ID 83644

Ms. Sloviaczek stated the Comprehensive Plan is to protect agriculture lands and this development does not support that. Small acreage farms have been forced to sell their land and 20 million of farm land has been lost since 2017. Ms. Sloviaczek stated the Farmington Hills project is not compatible with the area or the Comprehensive Plan.

Hethe Clark – REBUTTAL – 251 E Front St, Boise & Zane Cradic – 332 N Broadmore way, Nampa

Mr. Clark suggested a continuance and completing the rebuttal at the continuance. Chairman Sturgill advised unless there is a motion to continue they are moving forward.

Mr. Clark stated the Comprehensive Plan for the County and the City has deemed this area residential. Mr. Clark touched on a few things that had been mentioned during testimony stating each lot will have vinyl fencing, pathways will be available to the public, the clubhouse will be HOA only. The Fire District in their letter noted a 5-minute response time, they also met with the Fire District and offered property to them, they indicated that they weren't interested in that. Mr. Clark addressed Meadow Park Lane stating Meadow Park Lane continues on the west side of the neighbor's property, they worked with Highway District 4 to go around his property, they have legal access on Duff, they are not going through the neighbor's property and they are paying into the funds for the frontage improvements if that goes through in the future. In regards to the Duff and Lansing traffic lights, he understands the two years that was quoted is for study alone, that is why they are saying it is going to take a decade. Mr. Clark's five minutes testimony time ended, he requested an additional five to ten minutes.

MOTION: Commissioner Sheets moved to give an additional three minutes of testimony time, seconded by Commissioner Mathews, voice vote, motion carried.

Mr. Clark continued testimony stating the reason for the density they have is because they are going to be conducting 15 million in repairs. The code states you can do 12,000 sq. foot lots in R1 if you have access to urban services. The intersections have been placed where it is required by the Highway District. The contributions for Duff and Lansing were so high that additional mitigation was not required. The other intersections have impact fees so those weren't of focus. Mr. Clark went over the rezone criteria showing how he thinks this project is compatible for the area. Additional testimony time ended.

Commissioner Sheets asked if Mr. Clark needed additional time. Mr. Clark stated he will stand for questions.

Commissioner Williamson asked about the City of Middleton's sewage capacity. Mr. Clark had Mr. Cradic come up to answer the question. Mr. Cradic stated they were locked into allocated units for the sewage plant and have set aside those EDU's for this development. Commissioner Williamson asked what would happen if they gave to many EDU's. Mr. Cradic stated he isn't directly involved but they know they track very well with what EDU's are out there. Mr. Clark advised the pre-annexation was not approved by the Mayor but unanimously by the City Council. Commissioner Williamson asked best guess for annexation. Mr. Clark stated he isn't aware of a timeframe. Commissioner Williamson asked about the testimony in regards to saying the area should be low density and Mr. Clark saying the area should be residential. Mr. Clark stated the Middleton Comprehensive plan shows the area as residential, they don't have a high density or low-density residential distinction. Commissioner Williamson asked if Mr. Clark believes the Comprehensive Plan is set in stone. Mr. Clark stated the Comprehensive Plan promotes preservation of Ag but it also puts this area as residential, it is basically saying to preserve Ag where you can that are intended to be Ag.

Commissioner Sheets asked about exhibit 15 if it is accurate or if it has been revised. Mr. Clark stated it is his understanding that the EDU's have been set aside but it will be confirmed upon recording of phase one of final plat.

Commissioner Dorsey asked why they are oversizing the water lines. Mr. Clark stated it is only one well and the oversizing is fairly standard when Cities do pre-annexation to accommodate the future development the City foresees in that area.

Commissioner Williamson asked about a redundant backup. Mr. Clark stated it would be in a network of wells for the City of Middleton.

Commissioner Dorsey asked if the irrigation water will be separate than the surface water rights. Mr. Clark had Mr. Cradic come up to answer the question. Mr. Cradic stated that is correct. It will be pressurized irrigation system based on surface water rights. The shares of the un-irrigatable acre shares will be redistributed to the irrigation district to be redirected elsewhere.

Planner Debbie Root advised that Staff conducted a meeting with the City of Middleton to verify that the waste treatment would be able support this project and that it is part of the allocated units, which they verified that to be true.

MOTION: Commissioner Nevill moved to close public testimony on Case RZ2021-0056 & SD2021-0059, seconded by Commissioner Mathews, voice vote, motion carried.

DELIBERATION:

Commissioner Nevill stated they are charged with reviewing the questions the County asks and do what is best for the County residents and he is concerned that the City of Middleton has overreached in the past and is over reaching now, he doesn't know when an annexation will occur and thinks the density size is not appropriate for County land. He stated the intersection infrastructure needs to be improved but if the roads don't support the already existing traffic. There is evidence that the land is productive agriculture and land of state-wide importance that needs protected. The Comprehensive Plan doesn't say it has to be residential right now.

Commissioner Villafana agrees with what Commissioner Nevill said in regards that the Comprehensive Plan says it is residential, that doesn't mean it is residential right now and needs to be compatible with what is going on. The lot sizes are too small for the area. The schools will be impacted and that is one of the criteria. Commissioner Villafana doesn't believe it is compatible and the negative impacts outweigh the positive impacts.

Commissioner Dorsey stated Ag is important to him and for him he feels like it is a waste of County resources to have 2-5-acre lot sizes and if you want to save agricultural ground then they should follow the comprehensive plan and in order to get the City services it needs to have higher density. He understands the infrastructure need to be caught up first.

Commissioner Mathews agrees with Commissioner Dorsey to save Ag you need to start going denser but when you look at the big picture in this area, there are large parcels, and it doesn't fit with the area. The schools are already overcrowded.

Commissioner Sheets commended the applicant and team for their hard work and effort. But this is a City project that is ahead of its time in the County, appropriate for the City and out of place for this area at this time. Criteria number 4 he believes it will negatively impact the area because it is too dense, it isn't compatible with the surrounding land use, he is concerned with the exporting of local ground water and having testimony of well draws, based upon those questions findings 3 and 4 he would change.

MOTION: Commissioner Nevill moved to recommend denial of Case RZ2021-0056 based on the Revised Findings of Fact and Conclusions of Law and conditions of approval with the modification to findings 2, 3, 4 and 8. Seconded by Commissioner Mathews.

Discussion on the Motion:

Chairman, Commissioners and Planner Debbie Root wordsmithed the modifications to findings 2, 3, 4 and 8. Also discussed, were the actions the applicant could take to try to obtain approval being lower density and/ or time to wait for the City to get to that area.

Roll call vote: 6 in favor, 1 opposed, motion passed.

MOTION: Commissioner Sheets moved to recommend denial of Case SD2021-0059 based on the Revised Findings of Fact and Conclusions of Law and conditions of approval. Seconded by Commissioner Mathews.

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

ACTION ITEM – APPROVAL OF MINUTES

MOTION: Commissioner Nevill moved to approve February 15, 2024 minutes. Seconded by Commissioner Sheets. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Due to the late hour no comments were made.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 12:32 AM.

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

Approved this 4th day of April, 2024



Brian Sheets, Vice Chairman

ATTEST



Amber Lewter – Hearing Specialist