



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, December 19, 2024  
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman  
Brian Sheets, Vice Chairman  
Miguel Villafana, Commission Secretary  
Matt Dorsey, Commissioner  
Harold Nevill, Commissioner  
Geoffrey Mathews, Commissioner

Staff Members Present: Jay Gibbons, Interim Director of Development Services  
Michelle Barron, Principal Planner  
Dan Lister, Principal Planner  
Arbay Mberwa, Associate Planner  
Amber Lewter, Associate Planner  
Caitlin Ross, Hearing Specialist

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

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

**Item 1A:**  
**APPROVAL OF MINUTES – October 17, 2024**

**MOTION:** Commissioner Nevill moved to approve the minutes of October 17, 2024, as amended and to include that Commissioner Villafana was absent. Motion seconded by Commissioner Dorsey. Voice vote, motion carried.

**Item 1B:**  
**Case No. CR2022-0016 – MDC LLC:** Approve FCOs for the recommendations of denial.

**MOTION:** Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Conditions of Approval for Case No. CR2022-0016. Motion seconded by Commissioner Sheets. Voice vote, motion carried. Commissioner Villafana recused due to not attending the December 5<sup>th</sup> hearing.

**Item 1C:**  
**Case No. CU2023-0027 – Harris:** The applicants, Rick and Laura Harris are requesting a conditional use permit of for a dog kennel on approximately 2.61 acres zoned "A" (Agricultural). The subject property is located at 13979 Hollow Rd. Caldwell, ID, also referenced as Parcel R37812011 a portion of the NW quarter of Section 11, T5N R3W BM, Canyon County, Idaho.

On October 17, 2024 the Planning and Zoning Commission continued this case to December 19, 2024.

**Chairman Sturgill** reviewed the minutes and stated public testimony was kept open. Staff was asked to provide any updates to the case.

**Planner Arbay Mberwa** gave a brief background on the case from the Staff Report reviewed at the October 17, 2024 hearing and added additional actions and comments from the applicant.

**Chairman Sturgill** called the applicant to testify.

**Laura Harris – (Applicant) IN FAVOR – 13979 Hollow Rd. Caldwell, ID 83607**

Ms. Harris stated the wire fencing will be 72 inches tall and she would attach wire to the bottom since dogs like to dig. She would use a thick mesh or hog panels with wires to attach them. Hot wire placement may need some adjustments, but believes the 72 inch no climb wire would suffice in keeping dogs from running at large rather than privacy fencing. Ms. Harris stated the pivot that runs along the Ag ground would just damage the privacy fencing. Ms. Harris has some rescue dogs that she is working on moving, and got delayed due to the weather, but pays attention to their barking. The timelines she expects to have the fencing completed would be in the spring, and 12 months to have the shed completed. Until then, they have been using the garage for cycling of the dogs.

Commissioner Sheets asked if there would still be 40 dogs, to which Ms. Harris replied it would be the same amount. Commissioner Sheets expressed concerns about 40 full-sized adult dogs. Ms. Harris explained there is a variation of ages between 3 months to adults, and that puppies take longer to sell, as well as a variation in the sizes of the dogs. Ms. Harris explained her concerns with placing bigger dogs and is trying to place larger dogs with smaller dogs, but understands the challenges in owning larger dogs. Ms. Harris expressed her desire to take sizing requirements down, and stated her ideal size range would be 8 to 35/40 pounds. Commissioner Sheets asked about the noise mitigation. Ms. Harris stated she brings the dogs in at 10:00 p.m. each night, and would implement bark collars as needed. Although there are a few noisier dogs than others, Ms. Harris stated once she can get them put away, the others calm down as well. Commissioner Sheets asked if Ms. Harris was the only one doing all this work, to which Ms. Harris responded that her husband helps and she has had various others help as well and hopes to hire someone full time.

Commissioner Mathews asked if there were other items that create the barking problem. Ms. Harris said they get excited if people are walking by with their dogs or if the neighbors to the west are outside or having a party. There have also been some problems with dogs getting out, but once they get the fence and the gates up, it should help reduce that problem. Commissioner Mathews asked if there were any other problems other than the barking and dogs getting out. Ms. Harris stated not that she was aware of.

Commissioner Nevill also expressed the same concern as Commissioner Sheets in the number of dogs, and suggested reducing the limit and asked what a reasonable timeline would be to reduce the limit. Ms. Harris stated she could reduce down to 30 within a year, considering the rehoming process and complications that could arise. Commissioner Nevill asked for clarification on the "spring" deadline for fencing. Ms. Harris said by June, and December for the shed. Commissioner Nevill asked what the solid waste disposal looks like. Ms. Harris stated it all goes out with the trash, but would consider the Southwest District Health's suggestions once a shop/kennel facility was added.

Commissioner Mathews asked about the breeding females. Ms. Harris said she has 23 stud dogs, some pets, some breeding females, and is currently working on contracts for payment for rehoming them.

Chairman Sturgill asked about the costs of improvements. Ms. Harris stated she can borrow cash if need be and have family help with building. Chairman Sturgill asked why the deadlines couldn't be sooner if cost wasn't an issue. Ms. Harris said it takes time, and wants to ensure projects are completed correctly.

Chairman Sturgill asked if there were any questions from staff based on Ms. Harris' testimony.

Commissioner Nevill asked Planner Mberwa if the previous staff findings on questions 3, 4, and 8 were still non-compliant. Planner Mberwa stated the only change was the memorandum that was added. Commissioner Nevill asked which conditions should be modified for number and age of dogs, as well as timelines of putting in the fence and shed. Planner Mberwa suggested conditions 2, 9A, 9B and 9C. Commissioner Nevill asked if adding bark collars should be added to 9C, to which Planner Mberwa agreed.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Carol McDonald – IN FAVOR – 28803 Farmway Road, Caldwell, ID 83607**

Ms. McDonald stated she has known the applicants for quite a while and knows they sincerely care for all of their dogs, and as a former breeder, she knows what it is like to love and care for each of the dogs.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. CU2023-0027, seconded by Commissioner Mathews. Voice vote, motion carried.

**Deliberation:**

Commissioner Nevill feels this application could be conditioned to minimize the potential impact to neighbors, and that it is important to add specific timelines considering there are already dogs on the property.

Commissioner Sheets agrees that this could be adequately conditioned to address the concerns.

Commissioner Nevill suggested changing condition 2 to include a 6-foot wire fence instead of a sight obscuring fence, to be completed by June 2025. He also recommended modifying condition 9a to include the dogs be above 3 months in age, and changing the time in condition 9c to 10 pm and adding bark collars be used to mitigate noise.

Commissioner Dorsey suggested evidence should be provided 90 days after the fence is constructed instead of after approval as stated in condition 3.

Commissioner Mathews wanted to clarify a date in June that the fencing should be completed. Commissioner Nevill suggested June 1, 2025.

Commissioner Dorsey asked if condition 8 should be eliminated as the septic tank is only being used for personal use at this time. Commissioner Nevill believes this condition applies to a new septic tank, and agrees the wording should be modified to read "additional" septic tanks, per Southwest District Health's comments.

Planner Mberwa relayed that all comments and suggestions were captured.

**MOTION:** Commissioner Nevill moved to approve Case CU2023-0027, adopting the revised FCOs that the application does meet criteria, with amendments to conditions 2, 8, 9a, and 9c. Seconded by Commissioner Sheets.

**Discussion on the Motion:**

Principal Planner Dan Lister asked if there were conditions listed for timing of adding the shed. Commissioner Nevill did not want to put conditions on the shed as the applicant was unsure about that addition.

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

**Item 2A:**

**Case No. SD2023-0015 – Freedom Acres:** The applicant, Freedom Acres LLC, represented by KM Engineering, LLP, is requesting a preliminary plat, Freedom Acres Subdivision on parcel R37627102, approximately 18.2 acres. The subdivision includes six buildable lots served by a private road (RD2023-0021). The applicant is requesting all subdivision improvements required by the City of Star per CCCO Section 09-19-08 be waived. The subject property is located at 24082 Blessinger Road, Star; also referenced as Lot 3, Block 1 of Rustic Acres Subdivision, a portion of the SW¼, Section 36, T5N, R2W, BM, Canyon County, Idaho.

**Case was withdrawn by Applicant.**

**Item 2B:**

**Case No. RZ2022-0016 – Goodwin:** The applicant, Gary Goodwin, requests a zoning map amendment (rezone) of Parcel R31008 from an “A” (Agricultural) zone to an “M-1” (Light Industrial) zone. The subject property, 1.31 acres, is located at 16982 Madison Ave, also referenced as a portion of the NE¼ of Section 10, T3N, R2W, BM, Canyon County, Idaho.

**Chairman Sturgill** called the applicant to testify.

**Gary Goodwin – (Applicant) IN FAVOR – 16982 Madison Rd, Nampa, ID 83687**

In 2017, Mr. Goodwin created an RV parking area on his personal property. After 1.5 years, the Assessor’s office informed Mr. Goodwin that they needed to adjust his property taxes for the addition. In December of 2022, Mr. Goodwin received a non-compliance letter for zoning, and was told to cease operations. After speaking with the person that sent the letter, a plan of action was created to address the violation. Mr. Goodwin had already put a 6-foot chain-link fence around the RV park on his property to not affect other properties. Mr. Goodwin was advised to do a straight rezone, and was given an application that crossed everything out they would not need to do, and that noted the items that would be applicable to them, and started the process of what they were instructed to do. Mr. Goodwin made a comment that none of the neighbors have ever cared what they do, and this is obvious by the lack of people that showed up to the hearing. Some neighbors were able to provide testimony that a driveway that was deemed inaccessible by Planning and Zoning was a driveway that has been used for years. It was further verified by the City there is a variance for all driveways to the property. Although Mr. Goodwin had only received one suggestion in March 2024 for a conditional use permit, they continued with finalizing the process of a straight rezone as originally instructed, considering the fees they’d already paid and steps they’d already taken, and asked for approval of the rezone.

Chairman Sturgill stated for the record that Planning and Zoning does not send cease and desist letters; that would’ve come from Development Services Department.

Commissioner Sheets verified that the variances came from the City of Nampa. Mr. Goodwin said yes, and also got a variance from the Nampa Highway District who controls Madison Road and Cherry Lane. Commissioner Sheets pointed out that the City of Nampa proposed to annex into the city, and asked if

there were any issues, other than hookup fees, with hooking into the City of Nampa. Mr. Goodwin verified, and pointed out they have their own well and septic systems and didn't see a need to hook into the City of Nampa, especially with the challenge of the extra fees associated with doing so.

Commissioner Nevill asked if anyone has addressed the floodplain standards. Mr. Goodwin verified, and noted his family nor a long-time neighbor and their family has never seen Mason Creek flood and does not have any concerns if there were any issues with flooding. Commissioner Nevill asked if there were any issues with Idaho Department of Water Resources verifying this themselves, to which Mr. Goodwin stated he would not have any issues with that, considering he's educated himself with these standards and regulations enough to know what is expected. Commissioner Nevill asked if the access to the property is off Madison Road, and Mr. Goodwin confirmed.

Chairman Sturgill asked staff to provide their staff report.

**Principal Planner Dan Lister** reviewed the Staff Report for the record.

Chairman Sturgill asked why a conditional use permit has not been more encouraged with the applicant throughout the process, as the application they were encouraged to apply for is now being ill-advised. Planner Lister stated there were 3 exhibits providing evidence that they tried to advise a CUP with the applicant, and does not believe staff guided them wrong. Chairman Sturgill noted in Exhibit A.2.8, the recommendation was for a rezone, and emphasized his sympathy with the applicant, and ultimately wants to help the applicant find an expeditious resolution. Planner Lister stated at the time of application there was an email that addressed options, and a disclosure was signed. Chairman Sturgill asked what the process would look like if this were transitioned to a conditional use permit. Planner Lister corrected to conditional rezone, and explained the process. Chairman Sturgill asked why a conditional rezone is more appropriate than a conditional use permit, to which Planner Lister stated the property is zoned Agricultural, so RV storage is use is not permitted.

Commissioner Nevill asked for clarification on the communication to the applicant for a conditional rezone. Planner Lister listed A.1.a, A.6, and A.7.

Commissioner Villafana wanted to clarify that the 2 options at this point would be a conditional rezone or for the applicant to annex into the City of Nampa. Planner Lister stated that if the application were denied, the applicant could try to gain approval for either option.

Chairman Sturgill mentioned that there was an option to table or continue this case so the applicant can apply for a conditional rezone.

**Chairman Sturgill** affirmed the witnesses to testify.

#### **Testimony:**

##### **Debra Goodwin – IN FAVOR – 16982 Madison Rd, Nampa, ID 83687**

Ms. Goodwin emphasized how upset she was at the waste of time and money on this process, and doesn't understand why they were targeted on the issue. She also stated there was a mix-up on the exhibits from the time they received them to when they were submitted to the County. Ms. Goodwin said they've operated for 7 years and never had a problem.

Commissioner Nevill clarified that a straight rezone would affect future owners and their ability to put anything light industrial on that site, whereas a conditional rezone would limit that to an RV storage only.

He asked what would have kept them from reconsidering a conditional rezone, and money and upkeep of personal amenities were the primary concerns.

Commissioner Dorsey asked if the rezone would cover what their current operations were. Ms. Goodwin stated they felt they were forced into the rezone, and explained her reluctance to the Nampa City ordinances.

Commissioner Sheets explained the options of a straight rezone versus the conditional rezone.

**Gary Goodwin – REBUTTAL – 16982 Madison Rd, Nampa, ID 83687**

Mr. Goodwin read the definition of rezoning, then reiterated that nothing they do on their property affects anyone else at this time. He further explained the light industrial use would not be feasible on that property, and the City agreed the RV storage was an appropriate and the most efficient use. Mr. Goodwin emphasized there was no clear communication on being able to apply what had already been paid on the application towards the conditional rezone, and was concerned on repaying the full \$1,400. He stated their only request is to be able to continue what they are already doing.

Commissioner Sheets asked if this case were to be continued in order for the applicant to apply for a conditional rezone, would that be an option? Mr. Goodwin asked what would be the most cost effective, and expressed his concern with needing to know how to move forward with what costs and efforts have already been applied. Commissioner Sheets explained the goal is to help the applicant be successful, while also adhering to Canyon County code and ensuring the conditions applied to the area would maintain its own character. He then restated the motion to table the case so the applicant can reapply for a conditional rezone rather than denying and starting the process over. Mr. Goodwin, with the help of his wife, said yes.

Chairman Sturgill reassured the applicant that DSD will find the shortest distance between this hearing and the conditional rezone application. He also clarified that Planning and Zoning can never guarantee approval of any application prior to discussion/review.

Commissioner Nevill asked if there was a date certain to continue the case. Planner Lister stated it would need to be continued to a date uncertain as it would require re-noticing. Commissioner Nevill asked if there would be additional costs to re-notice, to which Planner Lister said the additional fee of \$450 the applicant would pay for the conditional rezone would cover those costs.

Chairman Sturgill stated he hopes the applicant does not feel that they are being pressured to do anything they don't want, and reiterated the straight rezone is a tough sell, and the commission is genuinely trying to help the applicant to the shortest path to success. He asked if the applicant is still willing to move forward with the conditional rezone application, and Mr. Goodwin said yes.

**MOTION:** Commissioner Sheets moved to continue Case #RZ2022-0016 to a date uncertain, seconded by Nevill.

**Discussion on Motion:**

Commissioner Dorsey stated that he would've wished he voted for a straight rezone if any further conditions were applied.

Voice vote, motion carried.

**Item 2B:**

**Case No. RZ2021-0053 – Thornton Gallup LLC:** Mason & Associates Inc. is requesting a rezone on parcel number R34479, from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. The applicant has provided a concept plan containing 23 buildable residential lots and 4 common lots. The subject property is approximately 31.39 acres and is located at 14180 Gadsden Lane (formerly 23442 Freezeout Road), Caldwell, ID in a portion of the NE ¼ of Section 3, T4N, R3W, BM, Canyon County, Idaho.

Chairman Sturgill called the applicant to testify.

**Angie Cuellar – (Applicant) IN FAVOR – 924 3<sup>rd</sup> St S, Nampa, ID 83651**

Ms. Cuellar stated this used to be called Freezeout, but just kept the name of the subdivision. She said this was originally applied as a rezone and preliminary plat, but with the rule change is concentrating on the rezone first, then will come back for the preliminary plat. By 2023, the whole area around the property is viewed as residential for the future comprehensive plan. The current zone is agricultural. There is currently irrigation and sewer will be added. There is legal access to the roads; Highway District 4 has reviewed and sees no issues. The proposed map amendment will not impact public services, such as schools, police and fire, and the property is also being zoned for a future preliminary plat which will provide housing. Middleton Fire & Emergency, the Highway District, the irrigation company, Southwest District Health all commented and are not opposed. The applicant has done a nitrate nutrient pathogen study to show where the impacts will be and where to place nitrate reducing septic systems. The City of Middleton suggested higher density ½ acre lots; however, Southwest District Health did not agree, so the City of Middleton requested the property to be annexed since this is close to the Middleton City impact area. Idaho Department of Water Resources has a water monitoring well close to the property. Recent studies show the water levels fluctuate seasonally and based on irrigation. Ms. Cuellar showed images of the domestic, irrigation and municipal wells in the area, as well as the aquifer that this property would draw from. As a last comment, Ms. Cuellar reviewed the well drilling reports from the nutrient pathogen study.

Commissioner Sheets asked for clarification on the City of Middleton's comment for annexing. Ms. Cuellar explained she spoke with the City of Middleton as she was told the property was in their impact area. The City of Middleton said they wouldn't go against the proposal, but wanted the property annexed into the city as a project, in which the signed annexation agreement is now between the developer and the City of Middleton. Commissioner Sheets expressed his concerns with the agreement as it reduces the negotiation power of the properties hooking up to city water and sewer, as well as allows the city the ability to annex further into the county without the owner's consent. He asked what the developer benefited from signing the annexation agreement. Ms. Cuellar believes there were no benefits other than gaining their agreement on the rezone.

Commissioner Nevill asked for more information on the surrounding schools. Ms. Cuellar stated it would be within the Middleton School District and they had no comments. Commissioner Nevill asked what the plan for fire fighting water was. Ms. Cuellar said if a house is kept under a certain square footage, fire fighting water is not required by the fire departments. Commissioner Nevill reviewed the water well and irrigation slides and asked about where the pumps would be and what the average pump depth would be. Ms. Cuellar stated where the information in the staff report on those pumps are and the statistics on the studies.

Commissioner Sheets asked why the request was for R-1. Ms. Cuellar stated R-1 would allow better use of the ground, and believes 1-acre lots would fit best according to other surrounding areas.

Chairman Sturgill asked if the most current annexation agreement was September 2021. Ms. Cuellar

stated that is consistent with when the application for rezone was submitted.

**Principal Planner Michelle Barron** reviewed the Staff Report for the record.

Commissioner Nevill asked where the property was that the county quitclaimed to the highway district and if the county just quitclaimed the property and allowed the highway district do what they wanted with it. Planner Barron showed the small parcel at the western end of the private road near Freezeout Road and stated it made sense for the county to give future right of way to the highway district since a portion of Freezeout Road was built on the property. Commissioner Nevill asked how much the developer will pay for the impact fees, to which Planner Barron stated she did not know that answer. Commissioner Nevill asked how long ago the property was farmed. Planner Barron suggested the applicant answer this question during rebuttal.

Commissioner Villafana asked if there were any foreseen issues with the elevation of the dairy to the north of the property, especially concerning environmental issues with runoff. Planner Barron stated there would be a "right to farm" statement during the preliminary plat phase. She also reiterated the results of the environmental and nutrient pathogen studies that have gone through DEQ and Southwest District Health's approval.

Chairman Sturgill asked Planner Barron to repeat the statistics of the Purple Sage Elementary School. Planner Barron read Purple Sage Elementary School has not reached capacity as a school, although a few grade levels are over capacity. Chairman Sturgill asked if there were any studies on the number of children in new rezones or plats likely to attend schools in the area, and the corresponding Exhibit was located. He then asked how to differentiate what has already been built and what has not. Planner Barron stated she was unaware of anything that shows that specific request, other than what has and has not been platted.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Brian Falck – IN FAVOR – 464 3<sup>rd</sup> Ave N, Nampa, ID 83687**

Mr. Falck stated he is the co-owner of Pioneer Homes, with over 40 years' experience building homes, and a proponent of the Freezeout project. He stated he would respectfully request the consideration of approval for this case.

Commissioner Nevill asked how long it had been since the property was last farmed. Mr. Falck said to his understanding it had been 4-5 years since it had been farmed. Commissioner Nevill asked how much money Mr. Falck would have to pay for impact fees to the county. Mr. Falck stated he did not have an estimate at this time, and will be an ongoing process with the preliminary plat. Commissioner Nevill asked what the plan was to provide for firefighting water. Mr. Falck answered with individual wells on each lot.

**Rorque Wood – IN OPPOSITION – 14450 Chukar St, Caldwell, ID 83607**

Mr. Wood had 3 topics to touch on. The first is regarding the wetlands area on the west side of the property. There is an endangered species and a threatened plant, as well as other wildlife that are of concern, and the slope of the subdivision would bring runoff into the wetlands area. The second topic is regarding the impact areas and why there is a concern to act immediately on the annexation when no one knows exactly when that will happen. The last topic is concerning the proposed distance between subdivisions, and the distances are actually further than what is documented.



**Alice Hewey – IN OPPOSITION – 23189 Freezeout Rd, Caldwell, ID 83607**

Ms. Hewey has concerns about the negative impact regarding safety and traffic issues. The entrance of these lots is situated on a hazardous section of Freezeout Rd with visibility obstructions and blind corners. This location also lacks a safe spot for bus transport and stops for children. Ms. Hewey strongly disagrees that a traffic impact study is not warranted, and believes these concerns should be a clear candidate for rejection.

Commissioner Nevill asked how many years Ms. Hewey has lived on Freezeout Rd. Ms. Hewey stated since 2019. Commissioner Nevill asked if she knew the origin of the name of Freezeout Rd, to which Ms. Hewey said she does not.

**LeAnn Stephens – IN OPPOSITION – 14000 Gadsden Ln, Caldwell, ID 83607**

Ms. Stephens property will border this proposed development, and she has many concerns regarding water and natural resources, infrastructure issues, the character or use of the land, and schools. She stated there are many blind spots with the S curves and hills on Freezeout Rd from Hwy 44 to Willis. Ms. Stephens expressed concerns on the Middleton School Districts' comments and wondered if the new ordinance passed in April 2024 applied to this subdivision.

Planner Barron clarified that the new ordinance/resolution applied to parcels within the city limits, not the city impact area. Ms. Stephens asked if approval is then not needed for locations outside of city limits, in which Planner Barron confirmed and had reached out to the school district for their comments.

**Tim Hunihan – IN OPPOSITION – 10055 Gabica St, Middleton, ID 83644**

Mr. Hunihan asked if the information Ms. Cuellar provided was available anywhere for the public. Planner Barron stated it was in the Staff Report under applicant information. Mr. Hunihan does not believe the test well that was used for the survey, that is at a higher elevation, is sufficient for overall information for the subdivision, and also expressed concern regarding the distance issue for the annexation.

Commissioner Nevill asked for clarification on the distance from the test well to the subdivision. Planner Barron stated this was represented in Exhibit A 5.7a.

**Ben Schneider – IN OPPOSITION – 14000 Gadsden Ln, Caldwell, ID 83607**

Mr. Schneider recommends adding conditions and strongly encourages rezoning to R-R, and does not agree the surrounding area is congruent with R-1. He believes this impact is detrimental to the impact to the water and the rural Idaho way of life.

Commissioner Nevill asked how long Mr. Schneider has lived at his residence. Mr. Schneider answered since 2020.

**Debbie White – IN OPPOSITION – 23448 Freezeout Rd, Caldwell, ID 83607**

Ms. White expressed her concerns regarding the proposed development not being sensible, seamless or blending in with the current land use and existing community estates. She provided a map that showed the area is zoned rural residential within 2 miles, and stated she was considered as residential when she was not. Ms. White expressed she does not support the zoning request to become R-1.

Commissioner Nevill asked if Ms. White knew what was previously raised on the property. Ms. White answered straight alfalfa. Commissioner asked if this area is promoting an agricultural way of life. Ms. White mentioned a letter she sent in explaining R-1 residents are not able to have large animals, build a shop, etc., and does not believe the new development will fit in with the surrounding areas. Commissioner Nevill asked if Ms. White had lived there long enough to know why it is called Freezeout. Ms. White said

she bought her property in 1996, and explained Freezeout Rd used to be called Little Freezeout before the Emmett Hwy was named. The majority of the road on the north side of the hills would always freeze, which is why it is called Freezeout. Commissioner Nevill asked if it is still considered a dangerous road, to which Ms. White said no, but could be with the new houses being put in.

**Valerie Orr – IN OPPOSITION – 14050 Gadsden Ln, Caldwell, ID 83607**

Ms. Orr also expressed her concern regarding labeled as residential when her property is within the rural residential zone.

**Christopher Codde – IN OPPOSITION – 14074 Gadsden Ln, Caldwell, ID 83607**

Mr. Codde provided statistics on the additional average trips per household and for Freezeout Rd. Mr. Codde explained that although there are roughly 21 acres of water provided, it comes from Black Canyon during the growing season, and the rest of the year from the ground water out of the wells. He believes the dairy, which is only 1,000 feet from the corner of the development, is a perfect example of rural lifestyle, and that this area should be zoned no more than R-R.

**Juli Woods – IN OPPOSITION – 14346 Chukar St, Caldwell, ID 83607**

Ms. Woods quoted comments from Chief Timinsky that it should take less than 5 minutes to respond to a fire, and new houses are built with mostly synthetic materials, causing fires to expand faster. Ms. Woods explained it takes an average of 7 minutes currently, and will take longer if a new development is put in, especially considering that a small garage fire in that area recently pulled resources from Caldwell, Middleton, and Star.

Commissioner Nevill expressed his appreciation on speaking from a reference. Ms. Woods talked about her Star Spirit Magazine, and that this reference was in April 2024.

Chairman Sturgill asked if Ms. Woods could get a copy of the magazine she referenced to staff.

**Judy Cordeniz – IN OPPOSITION – 23464 Freezeout Rd, Caldwell, ID 83607**

Ms. Cordeniz expressed her concerns with the wildlife in the area, site and noise obstruction if a development goes in, who manages the common area and what kind of fencing would be installed to keep dogs in.

**Betsy Byerly – IN OPPOSITION – 23185 Freezeout Rd, Caldwell, ID 83607**

Ms. Byerly read a letter from Glen and John Cotch, accepted as a late exhibit, that could not attend the hearing. Their letter expressed concerns with well problems due to too many lots on the 23-acre parcel, as well as concerns with traffic and buses being able to load/unload children. Ms. Byerly continued with her testimony, explaining her challenges with the already growing area, including numerous animals being killed and not feeling safe walking or running anymore due to traffic. She encouraged a traffic accident report be presented as there are already many accidents that would only get worse. Ms. Byerly suggested keeping the area as either rural residential or agricultural to keep the current privacy and quality of life, as well as keep pollution down and prevent annexing into the City.

**Angie Cuellar – REBUTTAL – 924 3<sup>rd</sup> St S, Nampa, ID 83651**

Ms. Cuellar apologized to the residents that she labeled as residential instead of rural residential. She then explained that this hearing is specifically for a rezone, and that it is within the Comprehensive Plan as residential. Ms. Cuellar explained some of the concerns from the testimonies regarding buses, sidewalks, improving roads, etc. would be addressed during the preliminary plat phase. She also reminded the audience of the difference between straight rezone versus conditional rezone and believes they have done everything they could to prove they have mitigated all safety issues to the public.

Commissioner Nevill asked for clarification between an endangered species and a critically endangered species, and if an endangered species is something to be concerned about. Ms. Cuellar used the example of a Monarch butterfly – they are not extinct or on the verge of being extinct, but are on the radar as endangered, and endangered species are something to look out for.

Commissioner Dorsey asked for the difference between rural residential and residential in terms of lot sizes. Ms. Cuellar explained rural residential has a stipulation of 2 or more acre lots; whereas, residential lots are 1-acre. Commissioner Dorsey asked how that would affect a neighborhood and how to explain the impact to current homeowners on a 1-acre versus 2-acre lot split. Ms. Cuellar agreed that neighbors would love to see less homes added, but the property owner wants to get the most out of the property that they can. Instead of 23 homes, there would be 10-12 on 2-acre lot splits, and the impact varies depending on what the new homeowners are looking for.

**MOTION:** Commissioner Sheets moved to close public testimony on Case#RZ2021-0053, seconded by Commissioner Nevill. Voice vote, motion carried.

**Deliberation:**

Commissioner Nevill expressed his thoughts on this application being premature and not fitting the character of the area, and that he has never been in favor of unconditional rezones. He believes this will negatively impact the dairy and surrounding neighbors that are currently living an agricultural life. Chairman Sturgill asked what conditions could be applied if that was an option. Commissioner Nevill stated he would like there to be a condition to protect the wetland area as well as discussing an average lot size larger than what is proposed.

Commissioner Sheets agreed with Commissioner Nevill, and stated he would add a condition to keep the lots limited to one residential building permit per property, as an R-R zone. Commissioner Sheets further addressed his concerns with children going to their bus stops in that area and the general overall traffic, as well as the schools reaching or exceeding capacity.

Commissioner Dorsey also agreed that the schools are already overwhelmed, and would like to see conditions put on the residential area if it were rezoned.

Commissioner Mathews stated he was concerned about the traffic in the area, and believes it will create even more of a dangerous situation than there already is. He also agrees that R-R would be more appropriate.

Commissioner Villafana added his stance on wanting to keep agricultural lands, and agrees that the proposed area does not fit the residential, high-density lifestyle. The traffic issues and collisions are a concern, and Commissioner Villafana also suggested an R-R zone.

**MOTION:** Commissioner Nevill moved to **recommend denial** of Case No. RZ2021-0053 to the Board of County Commissioners, finding that the application does not meet the criteria for approval under article 07-06-05. He recommended modifying the Findings of Fact, Conclusions of Law & Order to revise findings for criteria B, C, D, and H. In regard to criteria B, the proposed zone change to R-1 is not more appropriate, and this type of development would interfere with the agricultural way of life. In regard to criteria C, the proposed site is not compatible with the surrounding land uses, and it would interfere and change the agricultural way of life for current residents. In regard to criteria D, the proposed use will negatively affect the character of the area, and it would interfere with the agricultural way of life in the area. It is also too

dense. In regard to criteria H, the proposed area is anticipated to impact the central services, specifically in regards to schools and fire departments. Seconded by Commissioner Dorsey.

**Discussion on Motion:**

Commissioner Dorsey mentioned that this area is in the Comprehensive Plan as residential, and was curious if this area could just simply be zoned as R-R. He further explained that he disagreed with the schools being an issue as although a few grades were over capacity in the area, the whole school was not, but did agree on the fire aspect.

Commissioner Nevill argued that if a few grades were over capacity, the whole school is over capacity, and would like to keep his proposed motion. He also stated that even though the Comp Plan says this area will *eventually* become residential, they can continue saying no to protect the agricultural way of life. He does not have any changes to his motion.

Commissioner Sheets added the applicant can resubmit this application as a conditional rezone as rural residential to improve their chance at approval. The second way they can gain approval is to annex into the City of Middleton when that becomes available. Chairman Sturgill asked if there were ways the applicant could mitigate the issues with the schools and fire, to which Commissioner Sheet said the applicant could present mitigation measures with the school district with the resubmitted application, and enumerate fire protection plans at the time of rezoning.

Commissioner Nevill agreed to include the ways to gain approval to his motion.

Chairman Sturgill assured the audience that this deliberation was important to specify details for the Board of County Commissioners as they do not have access to the audio. Addressing a few comments from the audience, he also mentioned if the application changes significantly, the Board of County Commissioners may remand the application back to Planning & Zoning to rehear the application.

Roll call vote: 6 in favor and 0 opposed. Motion passed.

**3. DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Interim Director Jay Gibbons mentioned the new consent agenda for minutes and FCOs, which would make approving these items quicker under one motion. Commissioner Nevill expressed his concern with someone proof-reading the items prior to the meeting, in which Interim Director Gibbons mentioned the script was also being revised to reflect the change.

Chairman Sturgill reflected the concern with receiving packets late, and Interim Director Gibbons commented it is challenging on DSD's end as well, and that although the desire is to go fully electronic, the current meeting room is not equipped for that to happen.

Chairman Sturgill wanted to share the mutual observations on the APA hearing. Interim Director Gibbons stated that the commissions' recommended amendments were carefully addressed and reviewed and if they were to approve, it is expected to anticipate amendments moving forward. There is a lot of work to do with the cities, and once negotiations are concluded, the APA ordinance can be appropriately amended. The only change was that P&Z will notify and add a 15-month "prior to expiration" notification to property owners, and that future APA properties were to be tracked to keep records current.

Commissioner Villafana asked if the application would still be treated as a Comp Plan amendment with same expenses. Interim Director Gibbons stated it may require a new map to be created for APA properties.

Commissioner Dorsey asked what Interim Director Gibbons meant by a "land map", and if there is going to be a map created to specify which properties can or can't apply. Interim Director Gibbons stated that anywhere outside of city impact is eligible to apply, so there will not be that sort of map created, and that the new map that would be added to the Comp Plan would be specific to the areas that are approved for APA protection.

Commissioner Sheets added for the record that what was written out for the purpose of the APA was overbroad and favored the cities for the exact reason the APA was created, and that the additional regulation goes against what the APA was meant to do. Interim Director Gibbons did not disagree, but stated that the law to review the areas of city impact put in more stipulations, and that it is a placeholder until it is understood what is expected of the cities.

Chairman Sturgill addressed Commissioner Dorsey's concern about the issues brought up with the disconnect on the understanding/approval of the APA ordinance. He spoke about the process rather than the logistics of the APA ordinance, and that it was challenging with no minutes provided to bring the recommendations to Board of County Commissioners.

Commissioner Mathews mentioned how critical it would be to have a joint meeting with BOCC and P&Z.

Commissioner Villafana was surprised to see how the report BOCC presented was so different than what P&Z recommended.

The Chairman and all Commissioners agreed there was a huge disconnect between the prior hearing of this ordinance and what was presented from the BOCC.

#### **4. ADJOURNMENT:**

**MOTION:** Commissioner Dorsey moved to adjourn, seconded by Commissioner Mathews. Voice vote motion carried. Hearing adjourned at 11:44 pm.

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

Approved this 20<sup>th</sup> day of March, 2025



Robert Sturgill, Chairman

ATTEST



Caitlin Ross – Hearing Specialist