



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, September 4, 2025
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
 Brian Sheets, Vice Chairman
 Harold Nevill, Commission Secretary
 Geoff Mathews, Commissioner

Staff Members Present: Jay Gibbons, Director of Development Services
 Dan Lister, Planning Supervisor
 Michelle Barron, Principal Planner
 Karla Nelson, Principal Planner
 Caitlin Ross, Hearing Specialist

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

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

Item 1: Consent Agenda – Action Items

- A. July 17, 2025 MINUTES**
- B. Case No. CU2025-0006 – McCracken:** Approve FCO's
- C. Case No. SD2021-0029 – Ranch El Lucerito:** Approve FCO's
- D. Case No. RZ2024-0002 – Salinas:** Approve FCO's
- E. Case Nos. OR2022-0002 and RZ2022-0002 – Christensen:** Approve FCO's

Motion: Commissioner Sheets moved to approve the Consent Agenda items, seconded by Commissioner Matthews. Voice vote, motion carried.

Item 2A:

Case No. OR2023-0005 & CR2023-0011 – Q2 LLC: he applicant, Q2 LLC, represented by Ardurra, is requesting a **(1)** Comprehensive Plan Map Amendment of Parcels R33590012G, R33590012A and R33590012I, approximately 70 acres, from an agriculture designation to a rural residential designation, and **(2)** Conditional Rezone of Parcels R33590012G, R33590012A and R33590012I, approximately 70 acres, from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The rezone includes a development agreement limiting development to 25 residential lots, a 2.8-acre average lot size. The subject property is located between 12639 Sunny Slope Road, Caldwell, and the Snake River.

The case was tabled per a request of the applicant at the April 17, 2025 P & Z hearing.

Commissioner Nevill disclosed that there was an exhibit in the packet which he didn't see until tonight from the Snake River Scenic Byway. Commissioner Nevill is a member of the Snake River Scenic Byway.

Chairman Sturgill asked if there were any concerns from the Commissioners and there were no concerns voiced.

Chairman Sturgill affirmed the applicant to testify.

Mathew Parks – (Representative) IN FAVOR – 251 E Front St, Boise, ID 83701

Mr. Parks described the location of the subject parcel. There are approximately 12 subdivisions within 2 ½ miles of the proposed development. The development is for 25 buildable lots on 70 acres. There will be four common area lots. The average lot size is approximately 2.15 acres with a minimum lot size of two acres. Mr. Parks displayed the location of the existing 28 ft. easement and stated that it would not be disturbed for the adjacent property owner. Access to the lots will be via a road through the main portion of the parcel. There will be a pond for irrigation and fire suppression use. Mr. Parks felt there was a misunderstanding as to whether or not a comprehensive plan map amendment is required. In short, he felt there is an agritourism overlay that hasn't been adopted by Canyon County as of yet, so with no zoning requirement, he didn't feel a comprehensive plan map amendment was needed. Mr. Parks discussed the rezone criteria and felt the proposed use meets all of them and fits with the comprehensive plan.

Commissioner Nevill asked staff what the distance is between the entrance and the Marsing Bridge. Planner Barron replied approximately 250 ft. Commissioner Nevill asked what the site distance was from the entrance to the curve Highway 55 makes as it heads north. Planner Barron did not have that specific information but noted the communication from ITD and that there may be a need for a deceleration or right turn lane. Commissioner Nevill asked the applicant if they would be willing to deed property to the highway district. Mr. Parks replied they would work with ITD or the highway district for safety purposes.

Commissioner Nevill asked how taking the land out of production and placing homes on the property is compatible with the area. Mr. Parks noted that only a portion of the property is utilized for agriculture presently. This will be a transition area. Commissioner Nevill inquired about the pond and whether or not the water would be stagnant; he was concerned about mosquitoes. Mr. Park noted that the pond is not public so he did not think the Mosquito Abatement would have jurisdiction over it but they would figure out a remedy that would be of benefit for the residents.

Commissioner Matthews was concerned that adding residential zoning in an area that has been labeled as a unique area of the county in the comprehensive plan would open up the floodgates, and asked how to prevent this being a catalyst for a much larger development in that area of the county. Mr. Parks noted that an increase of 130,000 residents are coming in and this project would only be 25 lots.

Commissioner Sheets asked if the pond would be open to the public. Mr. Parks stated the public uses the property for birdwatching and other opportunities along the river. Commissioner Sheets asked if the property extends all the way down to the river and whether or not property owners will have access to the river. Mr. Parks replied that yes, the property extends to the river, pretty steeply. The recreational opportunities to get to the river itself will be limited.

Chairman Sturgill asked Mr. Parks to provide the background for the initial request to table this case, and what has changed since April. Mr. Parks stated that the request was to have a comprehensive plan amendment because of the issue with the agritourism overlay. When they discovered there was no overlay, there were discussions with staff and it was decided to just move forward with the application as provided.

Chairman Sturgill asked Mr. Parks to describe the features that make the development rural in character per his letter dated July 25th, page 12. Mr. Parks replied that it is the size of the lots and there will be no changes to topography. Chairman Sturgill referenced the aforementioned letter, page 16 and the use of

properties along Highway 55 being developed for commercial uses & retail spaces. Mr. Parks discussed the comprehensive plan map and agritourism overlays. He also referenced a pending application that has not been to hearing.

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

Commissioner Nevill asked if the rezone is approved and they move forward would that solve the illegal land divisions if that would solve those issues. Planner Barron stated in theory, yes.

Chairman Sturgill asked about the agritourism overlay designation and what it really means. Planner Barron stated that the designation was promoted and recognized as applicable in that area. Exclusive farm use would mean anything that is working toward agribusiness.

Planning Supervisor Dan Lister noted that these areas were for providing agritourism type businesses. An overlay was placed to eventually implement it. Implementation would be a specific area plan that would be adopted via ordinance.

Chairman Sturgill referenced a case heard on May 15th with similar characteristics, and asked if there was any active work underway to develop that specific area plan. Planning Supervisor Lister replied that staff hopes to start looking into implementation next year. Chairman Sturgill asked if the agritourism designation is enforceable based on it being in the comprehensive plan? Planning Supervisor Lister replied that the plan is a guide and it lets us know there's a future design.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

John Starr – IN FAVOR – 6474 N Hillsborough Pl, Boise, ID 83703

Mr. Starr stated that he visited with neighboring landowners this afternoon and they discussed the application and some of the implications of it. They found that in general, the county should allow rural residential on land that does not have surface water rights. The subject property is irrigated from the Snake River by a pump. It is class three and four soils and is a very poor piece of farm land. Irrigating out of agricultural ditches and canal systems is more efficient and serves better quality farm ground. Another topic was high value seed crops. A majority of the row crop land in Sunnyslope today is dedicated towards raising cattle feed, whether it's alfalfa, grain, or corn. The subject property, due to slopes, has always struggled to grow any kind of row crop at all.

Chairman Sturgill asked Mr. Starr to explain his relationship to the applicant. Mr. Starr stated he is in the land real estate business. He has known the Quenzer's for 20 years and also knows landowners in the area.

Commissioner Sheets asked if the property has surface water rights. Mr. Starr replied it has a water rights from the Snake River. Discussion ensued regarding the cost of pumping water vs delivery from canal systems. Commissioner Nevill also asked for additional information about the cost of pumping water.

Bill Werhane – IN FAVOR – 20968 Blossom Heights Ln., Caldwell, ID 83605

Mr. Werhane was surprised there wasn't more questions about the traffic. His experience with ITD is that they're not going to do anything about the problem that is out there right now. Mr. Werhane noted there are trees that block the view from the corner. He felt that the problems with traffic may be alleviated with development because it will ensure the changes and deceleration lanes.

Commissioner Sheets asked if Mr. Werhane was aware of any plans to improve Highway 55 in this area. Mr. Werhane was not aware of any plans. The information that he received from ITD was that they're not going to do anything until there is a reason to, such as a serious accident.

Tiffany Olsen – IN NEUTRAL– 12661 Lizard Butte Ln., Caldwell, ID 83607

Ms. Olsen stated that her residence is accessed by Lizard Butte, which is through the parcels involved in the proposed development. There are currently four homes that use this road. She was concerned how it would affect both the pre-existing access road and the surrounding area. This development will diminish both the quality of life for existing residents and the overall aesthetic of the area. Ms. Olsen requested that the developer, along with future homeowner's association bear the responsibility of maintaining the road in a manner that mitigates the dust and keeps it in acceptable condition. She is concerned about the increased traffic the development will bring. The current access point on Hwy 55 is a blind curve.

Commissioner Sheets asked about the existing roadway and whether Ms. Olsen knew how many times people travel up and down that road per day. Ms. Olsen replied that they have a horse barn and equine facility that they recently got approval of a conditional use permit for. There are multiple horse trailers coming up and down the road multiple times a day. Ms. Olson noted that traffic to and from Marsing has increased greatly over the years.

Chairman Sturgill asked what the vertical distance of the surface of the river up to the access road was. Ms. Olson replied 10 to 15 feet.

Commissioner Nevill asked Ms. Olson to point out the location of Lizard Butte Ln, and asked if there was a road user's maintenance agreement for the road. Ms. Olson said yes, and added that her main concern is the potential to go from a private road, utilized by four people that agree to the nature of the maintenance, to 25 homes. They are trying to avoid any problems in the future.

Claudia Haynes – IN OPPOSITION – 2139 W Egret St, Nampa, ID 83683

Ms. Haynes stated she is with Canyon County Alliance for Responsible Growth. Ms. Haynes referenced an exhibit letter from Mrs. Hill that provided accident numbers on this corridor. Ms. Haynes referenced the July 27th exhibit which discussed septic tanks on the subject property. Southwest District Health has said that the land in this area would not hold a septic tank and its leach fields due to the amount of water from the river that has soaked into the ground. The ground is not deep enough to accommodate a septic tank. There are arsenic readings up to 34. Ms. Haynes has provided the information in her exhibits.

Rene Bine – IN OPPOSITION – 12251 Riverside Rd, Caldwell, ID 83607

Mr. Bine is the President of Canyon County Alliance for Responsible Growth. He has lived within two miles of the subject property for 25 years. The proposed development does not comply with the Comprehensive Plan in any manner. The area is designated as Agritourism. There is no water or sewer that comes across the river of Marsing. Most of the examples of housing that were shown don't apply, as they are older. There are many distilleries and wineries in the area that support the items that are grown locally. There are no major housing developments in any of the Agritourism area since it was created and would definitely have an adverse impact to the entire area and set a precedence for the future. All of the property, with the exception of a small piece along the river has been farmed and produces viable crops since he has lived in the area. Mr. Bine noted that there is a description of the overlay and intent on page 28 of the Comprehensive Plan. There is also a map that shows the business corridor on Highway 55.

Mathew Parks – (Representative) REBUTTAL – 251 E Front St, Boise, ID 83701

Mr. Parks stated that Agritourism is a zoning classification, not a future land use designation. Mr. Park stated that initially the comment provided from ITD indicated that a turn lane may be required, and last week there

was a comment that stated that the applicants had not reached out. As far as the traffic concerns and what the solution may be, Mr. Parks will rely on ITD for their expertise; however, Mr. Parks noted that based on his experience, it will likely be a deceleration lane or something similar. As far as emergency services, it's a bit of a double-edged sword because of funding. If development is brought in, you'll have funding for those services. Mr. Parks stated the property is not suitable for grapes or for high value crops. Mr. Parks discussed secondary homes on the lots and stated that if it were a condition of approval, they would not have a problem with restricting those on the property.

Commissioner Sheets asked about the plan for providing irrigation to the lots, and if they will be irrigated from domestic wells or the water rights from the Snake River. Mr. Parks stated that the water right would be used for irrigation purposes and fire suppression needs. He believes there are three water rights and the most expensive one would not be utilized. Commissioner Sheets asked what the sources for the other water rights are. Mr. Parks stated that they do have irrigation water from Wilder Irrigation, water rights from the Snake River and a water right from a spring. He believes the initial plan is to utilize water from the spring, but that is not set in stone.

Commissioner Nevill asked if the spring water would flow into the pond and then be pumped out for irrigation and firefighting water. Mr. Parks stated, yes, it would be a combination. Commissioner Nevill asked about the elevation of the subject property. Mr. Parks stated he would have to guess, but a portion of the property is below the frost line. The building pads would have to be away from the Snake River due to the floodplain.

MOTION: Commissioner Sheets moved to close public testimony on Case No. OR2023-0005 & CR2023-0011, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets stated that based on the testimony received tonight from the applicant as well as the public, he hasn't found a reason to go against what was proposed by staff in regard to the conclusions. The land is currently zoned agricultural and is shown to be agricultural on the future land use map. To the extent that the Commission is considering the Agritourism overlay, he doesn't consider it right now because there is nothing to enforce it. The character of the area is agriculture, and a change to residential is not more appropriate at this time.

Commissioner Nevill concurred with staff's findings on both cases. He urged the commission to adopt staff's findings and noted that the answers to question 1, 2 & 3 cannot be met.

Commissioner Mathews agreed with the previous Commissioners. Commissioner Matthews was concerned that allowing residential in this area would encourage more residential/commercial growth.

Chairman Sturgill stated that another question the Commission has to consider is if there's anything the applicant can do to gain approval.

Commissioner Nevill referenced testimony in regard to proposed population increase of 128,000. However, that is not inevitable.

MOTION: Commissioner Sheets moved to **recommend denial** to the Board of County Commissioners, for Case No. OR2023-0005, Comprehensive Plan Map Amendment, and adopt the Findings of Fact and Conclusions of Law as presented by staff. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

Roll call vote: 4 in favor, 0 opposed, motion passes.

MOTION: Commissioner Sheets moved to **recommend denial** to the Board of County Commissioners, for Case No. CR2023-0011, a Conditional Rezone, and adopt the Findings of Fact and Conclusions of Law as presented by staff. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

Roll call vote: 4 in favor, 0 opposed, motion passes.

Item 2B:

Case No. CR2024-0005 – Young: The applicants, Joseph and Joy Young, request an amendment to the official zoning map to conditionally rezone approximately 13.79 acres from the “A” (Agricultural) zone to the “RR” (Rural Residential) zone. The request includes a Development Agreement that restricts lot sizes to a minimum of five (5) acres. A subdivision creating one (1) additional residential parcel will be applied for if the rezone is approved. The subject property is located at 9121 Chaparral Ranch Rd, also referenced as Parcel R30121120, Lot 9, Block 2 of Chaparral Ranch Subdivision.

Chairman Sturgill affirmed the applicant to testify.

Joy Young – (Applicant) IN FAVOR – 9121 Chaparral Ranch Rd, Nampa, ID 83686

Ms. Young reviewed the staff report over the weekend and found that many of the Amen’s concerns have been incorporated into possible restrictions or conditions. Ms. Young stated that their request is not about making a quick buck as has been assumed, it is about finding a sustainable way to preserve their hobby farm. Ms. Young would much rather keep the parcel zoned agriculture, but in order to split the property a rezone and plat is required. Ms. Young referenced condition no. 5 which discusses secondary residences, and did not feel that this restriction was necessary so long as codes are met and they meet FAA requirements. Ms. Young also referenced condition no. 6 with the recommendation that the lot size be over 5 acres and the impact this would have on their existing livestock paddocks. Ms. Young referenced condition no. 7, which would restrict the height of structures. There are already restrictions in place in county code and additional restrictions are in place to ensure the safety of navigable airspace.

Ms. Young referenced condition no. 8 which discusses a restriction for placement of residential and accessory structures, and stated they are hoping for another hobby farm. Ms. Young noted the Amen’s testimony in CU2004-16 in which the Schelhorns and Amens successfully argued that there was no safety issue with placing the runway in its location. Ms. Young referenced testimony which included an FAA study in CU2012-3. This conditional use permit requested to move the Amen airstrip to within 50 feet of their northern property line. Also included was an affidavit from John Walker who was the former FAA safety inspector who concluded that the proposed relocation of the Amen airstrip posed no safety issue to either the adjacent airstrip or the surrounding property owners. Ms. Young referenced proposed condition no. 9 which discussed residential and accessory structures having a setback of 200 feet from their eastern property boundary. Ms. Young noted there’s already a 200 foot no build area.

Ms. Young referenced proposed condition no. 10 which prohibits the operation of any manned or unmanned aircraft, drones, or remotely controlled aircraft within the subject property. Once again, there are already FAA policies and procedures in place and this serves only to limit the use of our property. The Amen’s airstrip is located in Class G airspace, which is uncontrolled. In this class of airspace, air traffic control

servers are not provided and no flight clearance is required. Pilots flying within this airspace are responsible for their own navigation and maintaining separation from other aircraft. In documents submitted for the record, the Amens state that a friend flew over their landing strip at just 10 feet above the ground, which is not true. Ms. Young discussed the FAA requirements for flying under powerlines. Ms. Young discussed recommended condition no. 12 in regard to downward facing lighting. She stated this requirement would have to be passed on to every other property owner in the area to have a measurable impact. The lighting that is currently on their property is to deter animals, vandalism, theft, trespassing and illegal dumping. Better lighting allows for better camera pictures. Ms. Young referenced Mr. Walkers affidavit in the aforementioned conditional use permit, in which he noted that the FAA airport design standards have no applicability to the Amen's airstrip. Ms. Young questioned how the Amens can argue that everyone else should be held to the regulations that don't apply to their airstrip. Ms. Young discussed a complaint that she filed in regard to flights over her livestock and the rules that apply to when an aircraft can be operated below 500 feet.

Chairman Sturgill asked if the exhibit referenced in Ms. Young's testimony was submitted for this record. Ms. Young stated it was not.

Commissioner Nevill asked if there were two airstrips. Ms. Young stated there were two airstrips. However, the northern airstrip no longer exists and has been developed into residential lots.

Commissioner Sheets asked about proposed condition no. 6 and increasing the size of the southern lot to 7 acres rather than 5 acres. Ms. Young clarified that ideally this would be kept in the family, and described the use of the land and summer grazing after the first cut of hay. By extending to seven acres the entire paddock would be lost.

Principal Planner Karla Nelson reviewed the Staff Report for the record.

Commissioner Nevill asked for more explanation on the plan for irrigation water. Planner Nelson answered that the applicant proposed to place an easement on the western portion of their property so they can access the riser. Commissioner Nevill asked if the other houses in Chaparral Ranch Subdivision have fire hydrants. Planner Nelson stated that they do; there are two hydrants existing that were built at the time of the subdivision.

Chairman Sturgill asked about the conditions noted in the applicant's testimony and why the conditions were recommended. Planner Nelson stated that conditions 1-4 are fairly standard, the condition in regard to lot size was proposed by the applicants, and conditions 5-12 are proposed by the neighboring airstrip operators. The conditions are for the Commission's consideration whether or not they are warranted.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Steve Allmer – IN NEUTRAL – 13663 Santa Rita Dr, Nampa, ID 83686

Mr. Allmer wanted to make sure that the Commissioners understood that there are HOA's and CC&R's that exist. The CC&R's have a pretty elaborate layout as far as what is required. The five acres is on the south side of lot 9 which is straight across the south airstrip as discussed. Mr. Allmer stated that he did not see the purpose for a rezone from Ag to RR. He stated that when they procured the property they were well aware of what was happening in the area.

Chairman Sturgill noted that the CC&R's are civil agreements.

Commissioner Nevill asked if the property has a split. Staff stated a rezone was required in order to split, and the land has already gone through a subdivision process. The parcel is not an original parcel.

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

Ms. Amen stated they are not in support of this application. When she inquired about how to present their opposition, they were advised to prepare with conditions if an approval was granted. This proposed development will hurt them and there is no neutral position. Ms. Amen noted that no other subdivisions that have come before the commission have had a navigation easement and this is really germane to the subject. The applicants knew the property was encumbered when it was purchased and are bound to upholding a covenant that was made with Dave Washburn. The Amens were granted the navigation easement by the developer in exchange for not objecting to his development through verbal agreements and written covenants and restrictions. The FAA recommendations are being minimized by the applicant; they are enforceable and highly recommended. Ms. Amen referenced page 140 of the staff report and stated the ultimate threat to them is that the ITD Division of Aeronautics stated that the FAA does regulate the airspace even if they don't have zoning authority. The FAA will recommend a "go or no go" for the parcel or remove the private airstrip designation and it can no longer be operated legally. Ms. Amen stated when the original airstrip was approved there were no houses. The larger lots are used as the buffer zone for the agricultural properties. Ms. Amen reminded the Commission that the County & Chaparral Ranch Subdivision must uphold the covenants that are stated on the plat map and within the declaration of covenants. Ms. Amen referred to page 158, which shows how the RPZ still has to be complied with even though they aren't regulated like a public funded airport. The purpose of it is to protect people on the ground. On page 159 Ms. Amen directed the Commission to the FAA policy that if a study were done, they'd object to the incompatible land uses. Residences are listed as incompatible land uses. Currently the conversations that the planner had with ITD and FAA both support the bond and repercussions of the agreement.

Ms. Amen's two (2) minutes of testimony expired.

MOTION: Commissioner Nevill moved, seconded by Commissioner Mathews to give Ms. Amen two (2) minutes of additional testimony. Voice vote, motion carried.

Ms. Amen continued by discussing the legal aspects of not upholding the covenant that was established in the original agreement with Chaparral Ranch. Due to the lack of a safety study by the FAA, Ms. Amen does not believe there is adequate information to be able to proceed.

Chairman Sturgill asked if the Planning & Zoning cannot make a decision based on what Ms. Amen testified, what would her response be? Ms. Amen mentioned having discussions on this topic with the planner, and was initially unclear on who would enforce the aforementioned regulations and covenant. The plat map falls under Canyon County guidelines, so it would be up to Planning & Zoning and Code Enforcement. The point is that these are recommendations that they are bound to, the covenant represents and is binding on Canyon County.

Commissioner Sheets asked for clarification on the easement and if it was provided to Canyon County for this application. Ms. Amen stated the navigation easement, also known as the approach zone, has the purpose of protecting both people and the pilot. It is part of the contract that Chaparral Ranch made with the County, and covers anything that could interfere with the existing approach and safety. Commissioner Sheets asked for something more verifiable than what is on the plat map, and Ms. Amen further described the navigation easement contract.

Commissioner Nevill summarized and confirmed Ms. Amen's testimony that she believes the Chaparral Subdivision is limited to what currently exists and if the rezoning were allowed, a house could be built on

the southern lot interfering with the aviation operation. Ms. Amen also noted the FAA prefers agricultural zoning, and there could be four structures at the foot of the airstrip if secondary dwellings are not prohibited. There was further discussion on the height restrictions and flight planning and guidelines.

Frankie Amen – IN OPPOSITION – 9125 Sky Ranch Rd., Nampa, ID 83686

Mr. Amen has been a crop duster pilot in the valley for over 41 years and has constructed at least six private airstrips, several with FAA studies. His concern is safety for himself and people on the ground. He is curious as to how flight operations can be safely continued and how the FAA will evaluate new structures in the flight path. Part of his operations include mosquito control, and night flights with the lights would not be in the best interest of new homes along the flight path. Mr. Amen noted the applicants complained to the FAA about their operational flights, and there have been complaints and threats from the resident in the approach zone. He reiterated the FAA has not conducted a safety study for the proposed rezone or the location of any new structures, and should be required as this property lies below the navigation easement. Mr. Amen explained what an RPZ was, a runway protection zone, which is the direct flight path. This area is from the end of the runway approximately 1200 feet straight west onto the subject property and restricts takeoff and landing to the west due to the conditional use permit. These are not just numbers, it is about not placing an additional hazard in an already high risk area and how the FAA will handle future complaints.

Claudia Haynes – IN OPPOSITION – 2139 W Egret St, Nampa, ID 83683

Ms. Haynes stated she is with Canyon County Alliance for Responsible Growth. She referenced an exhibit she submitted, and described the drilling well IDWR has on the south side of Lake Lowell. There is a stay in this area called South Canyon Area of Drilling Concern, and IDWR has shut all of this application business off. Many reports received over 23 years show this area has very low transmission and there are faults in the area where water drops in. There has been indication that this should be an area of groundwater management. Ms. Haynes explained there is no process in place with ordinances or in the comprehensive plan that follow a five acre parcel created in an agricultural area, and she believes the applicant should come back at a later time when the BOCC has made a decision on that process.

Commissioner Sheets asked if the four applications IDWR have on hold are for well drilling or water rights permits. Ms. Haynes stated they are water right permit applications that have been submitted and IDWR has held onto them to do a better analysis of the area to determine how the water can be properly divvied up. Commissioner Sheets confirmed this applies to agricultural and domestic wells.

Rene Bine – IN OPPOSITION – 12251 Riverside Rd, Caldwell, ID 83607

Mr. Bines stated he holds a private pilot's license and has flown all over the Western United States and has never incurred a situation on final approach to fly over a house in this proximity. This puts a burden on the county because the sheriff will be called for complaints from the homeowners on the flying operations. Mr. Bines recalled a BOCC hearing he attended where the Commissioners felt restricted on the inability to create smaller Ag laws. He believes rezoning would be a mistake and also believes the applicant should come back when it is more appropriate.

Joy Young – (Applicant) REBUTTAL – 9121 Chaparral Ranch Rd, Nampa, ID 83686

Ms. Young addressed Ms. Amen's testimony on the easement, referring to the aviation approach boundary on the plat map. She stated all of the houses within 1,000 feet are within the approach boundary. She also noted the Amen's were concerned about safety, although they argued it was safe to put a second runway on the northern property in line with Ms. Young's home. Ms. Young described a text message conversation between her husband and Mr. Amen that got pretty heated, involving the Young's cows. She stated her husband had just recently had surgery and although his message to Mr. Amen was rude, it was unintentional and he has been friendly with Mr. Amen since. Ms. Young continued to address the allegations against her husband, and explained his service in the Army.

Commissioner Nevill asked when the Youngs bought their property. Ms. Young answered in 2017. Commissioner Nevill confirmed they were aware of the runway and the associated deed when purchasing their property, and Ms. Young went on to explain the northern airstrip was already in operation. She said she never had any problems other than a couple of instances, but was concerned about safety. The previous safety studies done by the FAA indicated that airstrip was appropriate even though it would put the approach and takeoff zone 88 feet from their front door. Ms. Young acknowledged Boundary 14, CFR part 77 that gives a gradient threshold, but another stipulation is the pilot has to keep an additional distance beyond that.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2024-0005, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets mentioned that character of a person is not one of the criteria that is considered when evaluating and making a decision. He stated the plat notes apply and should be enforced when appropriate. Commissioner Sheets is generally in favor of this application. He suggested a recommendation of a condition or part of a development agreement that classifies this as AC-5 if appropriate, which would address the criteria regarding whether the land use is more appropriate for the current zoning. He agrees with condition 5 in prohibiting secondary residences, but is not in favor of conditions outside of the plat notes.

Commissioner Nevill does not concur with staff's findings, specifically on criteria 3 regarding compatibility and criteria 4 regarding affecting the character of the area. There is an existing ag aviation operation; therefore, he will not vote in favor, especially if some conditions, such as condition 5 regarding prohibiting secondary residences, could not be implemented. Commissioner Nevill believes the application is not compliant for the above reasons, including the fact that there is a plat map note that protects the airstrip.

Commissioner Mathews agrees with Commissioner Nevill, and stated he is concerned the approval of this application will only result in additional nuisance lawsuits and problems.

MOTION: Commissioner Nevill moved to **recommend denial** for Case No. CR2024-0005 to the Board of County Commissioners, finding that the application does not meet criteria. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Sheets is not going to be in favor of this motion due to it condemning this property outside the use that has been restricted within the plat notes. Although the plat notes are adequate in addressing the concerns, they are in response to conditions and appropriate factors that can be used to minimize the impacts, which turn this property into a secondary airstrip that can be used as wished.

Commissioner Nevill respected Commissioner Sheets' concerns, but does not agree. He emphasized and agreed with an earlier comment from Commissioner Sheets, in that land decisions are based around criteria and questions that have to be answered in the county ordinance, and not by character of individuals.

Roll call vote: 3 in favor, 1 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

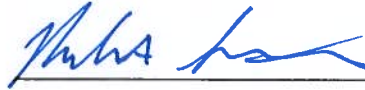
Director of Development Services Jay Gibbons mentioned there have not been any appointments for new Commissioners yet. There was discussion on filling positions within Development Services. There was also discussion on statutes and an implementation plan, as well as guidance for the agritourism overlay.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 10:07 P.M.

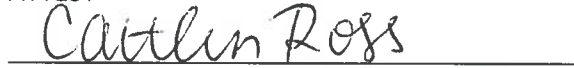
An audio recording is on file in the Development Services Departments' office.

Approved this 16th day of October, 2025



Robert Sturgill, Chairman

ATTEST



Caitlin Ross, Hearing Specialist