

Commissioners Minutes

February 8, 2024 – 1:35 p.m. to 4:53 p.m.

**PUBLIC HEARING – REQUEST BY TANNER VERHOEKS OF HAVEN IDAHO FOR A CONDITIONAL REZONE FROM AN “A” (AGRICULTURAL) ZONE TO A “CR-R-1” (CONDITIONAL REZONE - R-1 RESIDENTIAL) ZONE, CASE NO. CR2022-0005**

Commissioners Brad Holton and Leslie Van Beek

Deputy PA Zach Wesley, DSD Planner Michelle Barron, DSD Assistant Director Jay Gibbons, DSD Director Sabrina Minshall, In favor: Tanner Verhoeks, Joe Stewart, Robbie Reno, Rick Brown, Justin Ruthenbeck, Hethe Clark, Samantha Hammond, Todd Lowell, Julia Ruis, Emily Niel, Nathan Orchard, Kyle Belknap, Jena Cloy; Neutral: Terry Scanlan; Opposition: Sue Marostica, Victor Marostica, Ted Zahradnicek, Tom Zahradnicek, Ronald Plummer, Jim Danes, Irene Chavolla, Doug Stittsworth, Cynthia Atnip, Polly Plummer, Linda Emry, Roxanne Geyer, Dewight Higel, Gary Geyer, Larry Peterson, Russ Johnson, Curtis Kessel, Mike Fast, Brad Smith, Kimberly Smith, and other interested citizens

Deputy Clerk Monica Reeves



PUBLIC HEARING – REQUEST BY TANNER VERHOEKS OF HAVEN IDAHO FOR A CONDITIONAL REZONE FROM AN “A” (AGRICULTURAL) ZONE TO A CR-R-1 (CONDITIONAL REZONE- R-1 RESIDENTIAL) ZONE, CASE NO. CR2022-0005

The Board met today at 1:35 p.m. to conduct a public hearing in the matter of a request by Tanner Verhoeks of Haven Idaho for a conditional rezone of parcels R28963, R2891010, R2891011 and, R28961, approximately 43.95 acres, from “A” (Agriculture) to CR-R-1 (Conditional Rezone – R-1 Residential), Case No. CR2022-0005. The subject property is located at 9814 Robinson, Nampa. Present were: Commissioners Brad Holton and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planner Michelle Barron, DSD Assistant Director Jay Gibbons, DSD Director Sabrina Minshall, In Favor: Tanner Verhoeks, Joe Stewart, Robbie Reno, Rick Brown, Justin Ruthenbeck, Hethe Clark, Samantha Hammond, Todd Lowell, Julia Ruis, Emily Niel, Nathan Orchard, Kyle Belknap, Jena Cloy, Neutral: Terry Scanlan, In Opposition: Sue Marostica, Victor Marostica, Ted Zahradnicek, Tom Zahradnicek, Ronald Plummer, Jim Danes, Irene Chavolla, Doug Stittsworth, Cynthia Atnip, Polly Plummer, Linda Emry, Roxanne Geyer, Dewight Higel, Gary Geyer, Larry Peterson, Russ Johnson, Curtis Kessel, Mike Fast, Brad Smith, Kimberly Smith, and other interested citizens; and Deputy Clerk Monica Reeves. As part of Commissioner Holton’s opening statements, he informed the audience that Commissioner Zach Brooks felt he had too much conflict of interest to attend today’s hearing, although he didn’t give any specifics or allude to what that was he is a very fair man and Commissioner Holton said he will honor his decision not to attend. Neither Commissioner Van Beek nor Commissioner Holton had any conflicts of interest or declarations to make pertaining to this hearing.

DSD Principal Planner Michelle Barron gave the oral staff report. The request includes a development agreement to limit residential development to 29 lots with a public water system. On February of 2023, the P&Z Commission recommended denial of the application. On September 14, 2023, the Board remanded the case back to the P&Z Commission so they could consider the updated information. On November 2, 2023, the P&Z Commission heard the case again with updated information and evidence and they recommended denial of the application. The items the Commission had not seen or used in their decision included a new recommendation from the Kuna School District, an agreement to place a monitoring well that has been made between the applicant and Idaho Department of Water Resources (IDWR). A pumping test was conducted to gain information about the impact on groundwater from the development. The applicant has also firmed up irrigation and drainage issues, along with a landscaping plan that will be addressed at the time of platting. The developer also had a traffic threshold analysis completed. Principal Planner Barron reviewed the parcel and land division history. A preliminary plat for Haven Creek Subdivision was submitted concurrently with the conditional rezone application, but it has been on hold until the conditional rezone conditions are decided upon. The future land use designation in the 2020 comprehensive plan is residential. The property is located within the Nampa impact area and has a future land use designation of low-density residential. The City of Nampa recommended denial because they would like to see smaller lots sizes with a maximum of 32,000 square feet. There was a review of the soil information, and it was noted there are 13 subdivisions in the area. The proposed plan aligns with three goals and six policies of the comprehensive plan. The City of Nampa has said connection to city water is not feasible at this time and current city sewer capacity would be insufficient to serve the development. There was a review of the concerns related to water and sewage disposal. Concerns from neighboring property owners include water quantity for the proposed use, additional traffic, smaller lot sizes and the loss of productive agriculture in the area. The applicant submitted possible conditions to add to a development agreement if the request is approved.

The following people testified in support of the request:

The applicant, Tanner Verhoeks of Haven Idaho, testified the property is located on Robinson Road, south of Lewis Lane and is very close to Kuna and is designated by both the County and the City of Nampa as low-density residential. There are 140 existing homes surrounding the subject property to the north, south, east, and west. The most common lot size is 0 to 1 acre; there are 27 small parcels in the staff report, the remainder are from 1 acre to 5 acres. The lots in the project are between 1 and 2 acres. Mr. Verhoeks said the project could propose R-R zoning, R-1 zoning, or urban density, but they are proposing somewhere between R-R and R-1 suited for the transitional character of the area. He reviewed the concept plan which includes a pressurized irrigation system with a storage pond along with a community well system. There will be meandering curved roads, and three protected cul-de-sacs which are meant to keep the rural character without lining up houses cookie cutter style. They invited neighbors to brainstorm the 6 areas of concern and they took the best ideas and included them in their plan. The single biggest concern was the potential impact to wells, so they adopted a community water system to have

one shared system instead of 29 individual wells. It will be over 200 feet for a reliable arsenic-free water system, and they have started thinking how to invite neighbors to connect to the system if they are worried about their shallow wells. Residential use will use drastically less water than existing irrigation water rights let them use. The largest agricultural production nearby is Stewart Dairy, and they support the project as it creates a transitional buffer between city density and production agricultural areas. The developer has a signed agreement with Kuna School District that will allow students at Swan Falls High to design and construct a home at Haven Creek as part of their construction trades education program and they are giving one of their lots to the school and will donate time to help the students learn practical skills in the trades. Mr. Verhoeks reviewed images of what Community of the Country looks like, it will be an artistic inspiration with the rural rustic feel with extra setbacks with a landscape buffer and median planting at the entrance to the subdivision, and it consist of small acreage homes. Staff originally determined the project met all eight standards of the code, but the P&Z Commission made a different recommendation. The comprehensive plan directs residential development to property like this which is already surrounded by housing. It's appropriate and compatible with the area. The proposed water and septic approaches have been measured and shown to be compatible, and the traffic is compatible. He spoke about the lot sizes in the area and said having a variety of housing options in a large area is healthy and will meet the housing needs. If we cannot build houses at a location that is consistent with the comprehensive plan, inside of an area of impact, consistent with the future land use maps, in an area of transition already surrounded by houses, supported by production agriculture, including community water with mitigations included for impacts, and with lot sizes larger than others in the vicinity, how we will build anywhere? Following his testimony, Mr. Verhoeks responded to questions from the Board. In regard to questions about the school district, Mr. Verhoeks said by donating a lot, having a house built, and the school district being allowed to sell that lot, they will surpass the district's voluntary mitigation fee of \$90,000 they request from developers. They are providing funds for capital improvements, but also of a large educational impact. Hethe Clark, the applicant's counsel, responded to questions regarding their communication with the Kuna School District and they have indicated they can serve the project's students.

Joe Stewart, who represents Stewart Dairy and farms in the property, believes the applicant has presented a thorough plan and said if it fits the comprehensive plan he does not oppose it. He said as a neighboring landowner, you want the rights of your property and the best value and opportunity. He said he opposed a different application due to a rights issue through access of property and because it was building a home of rehabilitation that was a risk to the neighborhood. Mr. Stewart said the valley is growing and homes are part of that growth.

Robbie Reno offered testimony on behalf of the Kuna School District regarding the overcrowding and failed bond issues the school district faces. The school board has asked him to meet with developers because they are coming and there has been no mitigation to help that. Idaho is one of two states that have zero impact fees and require a supermajority of bond passage. With current enrollment this development will feed into Crimson Point Elementary which is at 86%

education capacity, and Kuna Middle School which is at 96% capacity, and eventually into Kuna High and Swan Falls High Schools which are at 103% capacity. He said this development team has asked how they can help and what mitigation measures they can take. The district is proud to partner with this developer because it will provide some mitigation and learning opportunities for the kids, and there is an opportunity where the revenues created will go into a capital improvement fund. Following his testimony, Mr. Reno responded to questions from the Board regarding the school district's capital needs.

Rick Brown is the construction trades teacher at Swan Falls High School, and he will be working on the partnership where students will work on the construction of a house, and he spoke of the benefits in terms of planning, budget, and being involved in the development project on the subject property. They are looking at having a builder and developer involved where the students can work a day or two on site and return to the classroom and study for the next phase. They will be involved in the processes, but not responsible for the processes taking place. Following his testimony, Mr. Brown responded to questions from the Board.

Justin Ruthenbeck testified about the hours the development team has spent speaking with neighbors, consultants, and other stakeholders discussing the issues in the community such as shallow wells, grading, drainage, water quality, schools, and traffic. The project developers are motivated to help solve the problems and allow the neighbors to be part of the community water system. The project says yes to the school district and to production agriculture. The project says no to people who claim this farmland should be saved. Those who farmed it said they will only rent it at 60% of comparable market value because the yields are only 60% of what they can get elsewhere due to its shape, and water, and being bisected by the canal. The project says no to people who do not want houses next to their houses. There are 140 homes surrounding the property and the developers feel as long as what they are doing is consistent with the comprehensive plan and is consistent with transitional uses they should have the same right to use their property as those around them. Following his testimony, Mr. Ruthenbeck responded to questions from the Board.

Neutral testimony was offered as follows:

Terry Scanlan with HDR Engineering testified the developers asked him to do several studies, and their initial study said there will be very little impact on surrounding wells. It also showed the water levels and although they fluctuate, they are stable in this area and are not falling or rising year over year. The developers want a public drinking water system so they provided what that would entail; two redundant community wells to serve the property with minimum capacity of 72 gallons per minute, with a maximum of 112 gallons per minute by IDWR standards. They will design a system with 100 gallons per minute. The average demand for 29 homes is much less because homes do not use that much water, they will use approximately 10-acre feet per year compared to the amount of water used for 3 acres of irrigation. There is not much use and most of it returns to the aquifer through septic drain fields. Monitoring shows that water levels rise from spring to fall, this is a surface water irrigated area and is the dominant driving factor on

ground water supply. They hit a low point in April and hit a peak in September. Domestic-type demands will not impact neighboring wells. Water samples show naturally occurring arsenic concentrations exceed drinking water standards so they will go deeper and find lower concentrations. Following his testimony, Mr. Scanlan responded to questions from the Board. The uses by development do not really drive down water levels, but what does drive down levels is the reduction of recharge and as this area develops over time you will see reduced recharge. As farms go away there will be less and less recharge, there is still the same amount of water available but how that water is managed and where it provides recharge is going to change and water levels will probably go down in areas like this. Historically, before the irrigation came in the water levels in this area were 100-150 feet lower than they are now and they came up responding to irrigation recharge and as that irrigation goes away over the next 100 years they will start to decline. There is a permit for an agricultural well authorizing irrigation of 40 acres at 360 gallons permit and it's supplemental to the to the Boise Project water that's delivered from the Nampa and Meridian Irrigation District. There is an existing domestic well that is around 105 feet deep. There was further discussion regarding well monitoring and well construction.

The following people testified in opposition to the request:

DeWight Higel said despite being denied the applicants keep coming back with different proposals and now they are now proposing to give a building lot to the school district which seems like a quid pro quo situation. Other concerns include traffic, lot size, groundwater levels, and who will be the controlling authority over the community well to make sure it is operated and maintained properly. He is also concerned about the impact 29 septic systems will have on the soil where in an area that already has a problem with nitrates.

Larry Peterson lives adjacent to the subject property and his concerns include impacts to water, traffic, schools, and congestion. He said the developer has indicated they have overcome the water issues and there will be no impact traffic and the schools are happy, and the neighbors are happy, but nothing could be further from the truth. The pump study was done in late spring or early summer when the recharge was at its highest, and they only pump the well enough for domestic use, but that is the best case scenario - they need to pump a worst case scenario which is late summer early fall when the irrigation has been turned off and when the large lots want to continue watering their landscaping and they will pump 30-40 times more water than for domestic use. There are another 85 wells in the area that are pumping hard as well and there is a bigger problem. Mr. Peterson said the developer's proposal to the school helps very few students and the offer doesn't come close to mitigating the impact of the additional students this subdivision could add. There are 90 neighbors who are opposed to the development. Lastly, the P&Z Commission unanimously rejected this twice and he wants the Board to deny it as well.

Russ Johnson testified he has lived near the subject property for 17 years and is the HOA President of his subdivision and he is representing 9 property owners today. The average lot size in his development ranges from 2.8 acres to 6 acres and he believes the proposed lot size of 1.2+ acres

is too small, and he would like to see the lot size at 3 to 5 acres to maintain the rural character of the area.

Mike Fast testified about his concerns regarding impacts to water, schools, traffic, and EMS response times. There are a number of items on the comprehensive plan regarding having services available at the property already for water, sewer, and gas but that is miles away and it will be at great expense before services reach the area. He feels the proposed lot size should be larger.

Curtis Kessel is strongly opposed to the project and is concerned about impacts to water and the potential of 29 septic systems being placed in a small area. He said the developer has proposed the neighbors could connect to the community well but gave no provision for how to accomplish that.

Jim Danes testified that he spent 44 years in the fire protection industry working with fire departments and said they will have specific requirements the developer will have to comply with. He agrees with the opposition testimony that has been given in relation to water and contaminants and said even though he is opposed to the request, we need to look at possible solutions. He said there is a neighborhood between Robinson and McDermott, on the north side of Amity does not have septic tanks or sewer, but they have a system with several tanks next to each other and it's self-contained and the homes are piped to that system, and it goes through a process of breaking everything down so that when it goes back into the ground it's clean water. It has been said the City of Nampa will someday take it over and so that is a possibility for the area.

Ron Plummer said it seems like all of the problems that have been brought up could be solved if you could pass funding for the schools, and if they could have the water and sewage set up ahead of time, but they have 29 septic tanks and that's scary for those who have shallow wells. Given the funding and staffing problems the school district faces he questions whether they will be able to find people to help build the house referred to in the partnership. He said the infrastructure should be in place before development is allowed.

Tom Zahradnicek testified about the impacts to irrigation that will affect his father's property and the concern with placing septic tanks on solid lava. He has been in communication with the Nampa Highway District about putting a roundabout on the corner of Robinson and Locust where he owns 20 acres, and he said he would be willing to sell it and take this farm ground in the trade because he does not need all the money the land is worth at this time, there is plenty of land to build on. If the developers are hurting for land they could present a plan to him and take some of their land in trade because he wouldn't mind giving some to his son or grandson, and 15 years year down the road when the land is ready for development then they can develop it but at this point it's not ready and it will hurt the neighbors and everybody around it by putting this kind of density on property that sits on a lava field.

Ted Zahradnicek, whose property borders the subject property, submitted a letter of concern and he wanted to make sure the Board read it because it outlines his concerns about water, environmental issues, and transportation issues. (The letter is identified as Exhibit 13G that was

received on February 1<sup>st</sup>). The field next to his property grows beets, corn, and, alfalfa. Irrigation is provided by the Pioneer Irrigation District, and he is not aware of any test holes or perc tests being performed. The well on the subject property has gone dry in the past and he is concerned about placing 29 septic tanks on a lava field because they will run through his property and will create problems. Mr. Zahradnicek says the developer has been denied several times and he asked when does no mean no, and how many more times do the neighbors have to spend time testifying at hearings?

Sue Marostica testified that she sent an email requesting 10 minutes of testimony since she is representing a group. (*Staff did not indicate whether her email was received.*) With all of the comprehensive plans these are speculations and the property they want to build on is at the very edge of the impact areas so when the County puts together speculations they are making a best guess as to how things are going to develop and what's going to happen, but to bring in businesses or homes and plop them down in the middle of farmland when there are no services like water and sewer, and not allowing the schools to catch up, it doesn't seem fair to those who have to suffer the consequences. Another subdivision was approved behind her property about 15 years ago and those are 4-5 acre lots, but her well dropped and she had to lower it and they were fine for another 10 years, but 5 years before that both neighbors lost their wells and they had to go over 250 feet to reach water again. It goes up and down with the irrigation season, they are fine in the summer, but in January and February they are at the lowest. She put together maps from IDWR and said KRON4 News did a national advertisement saying Idaho is one of the toxic states that is facing massive underground water issues. There are 60 aquifers in Idaho that are under groundwater watch and for 11% of them their decline has more than doubled in the last century. The Mountain Home area is critical, and Micron in Boise pumps 48 million gallons of water per day and so all of Boise and Garden City are in dire need. There is a spot between Boise and Meridian that used to be rural, and they allowed people to drop wells and septic tanks, but no one can drill a well now because the water is contaminated. Up to within a half mile of her house are marked areas of concern where the withdrawals are causing or expected to cause serious problems. Almost all the neighbors are struggling with water and there is a water problem and a subdivision like this should not go in before city services are available. Commissioner Holton asked if the Board wanted to give her more time to speak, and Commissioner Van Beek asked if she has other nonrepetitive testimony she would like to share. Ms. Marostica said the only other testimony she had dealt with the schools, and she spoke to the Kuna City Council about it why are some developments approved and others are denied, and their response was when they write a letter to Kuna School District they do not get a response which means nobody cares and yet the school district cannot keep up with all the developments. Idaho is ranked 47<sup>th</sup> and it is dire, and the problem is not going to be fixed by bringing in more developments.

Brad Smith testified about his concerns with drinking water and contamination from 29 new septic tanks affecting those with shallow wells. The cost of drilling a new well can cost upwards of \$75,000 and he and the neighbors are concerned about that because they have had dry years where they've had to bring water in during droughts. Mr. Smith is concerned about the impacts

to irrigation and access to/maintenance of his irrigation source as well as the health of his farm and the ability to keep feeding his animals and producing livestock.

Kimberly Smith testified that her concerns are about there being only one access into the subdivision, the safety of kids waiting at the bus stop, and the potential for noise that could be upsetting to farm animals. She has arsenic in her well and she filters it. Her well is 102 feet deep and was dug deeper by the previous owner because it went dry.

The Board took a break from 3:45 p.m. to 3:51 p.m.

Rebuttal testimony was offered by Hethe Clark:

Pressurized irrigation comes out of a canal, and there are two lines into a holding pond that charges over time which is what charges the irrigation system that avoids the fluctuation. The law requires them to maintain any historic conveyance of irrigation water to the neighboring properties, so they are not going to interfere with any of the neighbors. They've had some conversations with Mr. Smith about his connection point and there's been a willingness on the developer's part to look at whether they can bring it closer to him. The Kuna Fire District has reviewed the proposal and provided initial comments. The developer will do an enhanced septic system, and they will have a nutrient pathogen study that will be reviewed by SWDH and DEQ. Regarding the bus stop, they have started conversations with the school and will provide a turnout that will allow for a waiting area. The subdivision at buildout will add 16 students. It's a small project with small impacts and that's why a traffic impact study has not been required but they have done the additional work to provide counts to prove up the lack of impact on area roadways. Regarding the water system, they will be much deeper and not in the same aquifer so if there's an impact on area wells it won't be because of their community water system. The pump testing was done as irrigation came on and the worst-case scenario comes in August/September and the monitoring shows that after April the water levels went up 15-20 inches so when you hit the worst-case scenario later on in the irrigation season there is already 15-20 inches above what's shown on the tests. A community water system triggers additional DEQ regulations, and they have to go through the technical financial managerial process and identify a qualified operator to operate the system. It adds a level of complexity but also provides an additional layer of safety for the residents. As a showing of good will they have offered to allow the neighbors to connect to the system which they see as a similar model to what the cities use. The developer believes the proposed density preserves agricultural ground and notes that the City of Nampa wants the lot sizes to be smaller. Mr. Clark said forcing the property to remain in agriculture would be inconsistent with the comprehensive plan which says the area is designated as residential. The character of the area is mixed; there are 140 residential lots within the area, and the future planning in the area is residential. The project is also compatible with the agricultural uses in the area. The character of the area already has significant residential use, and this project is going to be low-density when the City of Nampa gets there. The developer has mitigated the impact with the community water system, and they have gone above and beyond with the voluntary commitment that they've made to the Kuna Scholl District. The developer has provided proposed



conditions of approval that could be attached to a development agreement. If approved, they will bring the preliminary plat for the Board's review. Commissioner Holton said there was testimony about the basalt lava flow in the area and septic tanks are not viable in his opinion. Mr. Clark said this is a matter that DEQ and Southwest District Health will weigh in heavily on including the siting of each septic tank.

Tanner Verhoeks said they have completed a geotechnical study, and they have advanced test pits 10-12 feet deep in a couple dozen areas across the sites and they know the soil conditions. They've had a predevelopment meeting with SWDH who has reviewed the geotechnical report and their plan, and Atlas has prepared a level one nutrient pathogen study that has been given to DEQ for review. SWDH will also see it. In the case where you find a lot and you advance a septic and hit lava there are a few solutions: mounted systems, or you can blast the rock to get your percolation rates, and there is advanced treatment. There are solutions that are heavily regulated and so they felt comfortable pursuing this project after doing their due diligence early on to know that septic systems will be regulated and safe. There has not been testimony about septic fields failing in this area.

Mr. Clark said there will be multiple layers of protection and SWDH is also a signing authority on the plat.

DSD Director Minshall said the Board could table the decision and request more information, or additional time to review the geotechnical report or get confirmation from SWDH. Those items could be a condition of approval prior to the preliminary plat, we would have to have more detail which is when they work out the exact siting. If we say septic has to be in compliance with SWDH that would come up during the plat phase. The Board can also ask for an expert to provide additional information about the soil to locate septic tanks in this area.

Mr. Clark said as part of the conditional rezone they are signing a development agreement and it runs with the property and it's important to get the conditions right at the appropriate stage and the type of data Chairman Holton is looking for is probably the type that doesn't typically come along until the preliminary plat phase and that's why the issue he is pointing to would be handled with a condition of approval that says SWDH has to sign off on the septic systems.

Commissioner Holton said the request is for a higher density than anything immediately around it and he doesn't have the data to know if the area can support 29 septic tanks.

Samantha Hammond testified that at the preliminary plat stage they have to go through SWDH, and beyond that when it gets to the final plat they have to write subdivision engineering reports and go through multiple levels of checklists and reports, and they have to clarify that data.

Director Minshall said there is criteria in a conditional rezone, and you have to address the ability to have essential services and if you do not feel there is enough evidence or you have conflicting evidence from testimony the Board can ask for additional information. She agrees with the applicant that it typically comes up at the preliminary plat phase, but what she hears the Chairman saying is it is a concern because of that essential services criteria and if we don't have enough

information at that point it's within the Board's purview to ask for more. If there is uncertainty it's her preference it be tabled so staff can work with the developer and see what type of additional information or type of experts we could get to make sure before the Board makes a finding of that certainty it's found at the right rezone process.

Commissioner Holton wants the information before he goes into discussion. Commissioner Van Beek said she's heard enough testimony that she thinks the Board will either come to a decision after hearing the comments or it's going to be a moot decision because there won't be agreement and there will be a de novo hearing at that point.

Mr. Clark said they have provided a lot of the information the Chairman is looking for and it sounds like they should spend some time with staff and make sure it's packaged in a way that easier to digest. They would like to have a complete list of the items the Board would hold the public hearing process open for so they can make sure all the questions are answered. It would be cleaner to have the hearing closed after, or have it held open only for the purpose of that one report and then have the deliberation but if there are specific items they would like to have that back and forth with the Board today so they have the complete list of things to come back with.

Commissioner Holton is okay with closing testimony and instructing staff to work with the applicant on getting the information about soil depth and the viability of the septic systems and make sure it's a viable facility of service that's available on the property. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony.

Commissioner Holton made a motion to request DSD staff and engineering to work with the applicant to provide viable information about the viability of 29 septic systems on this property, and how far they will migrate to any of the other surface wells that are immediately adjacent.

Commissioner Van Beek said the Board has to make positive findings for all eight criteria and she has concerns about two of them. Having lots sized so people can manage them does save agricultural ground. The purpose of the R-1 zone is promote and enhance predominately single-family living areas in a low-density standard but she doesn't think the Board can make an argument that this is a low-density residential area because most of the lots in the area would classify as rural living. She likes Mr. Verhoeks plan because he presented examples of what he would build in the area but said the secondary dwelling units are problematic. She said Canyon County is facing a crisis with EMS including our ambulance district. The Canyon County Sheriff's Office manages all 604 square miles and for these areas that are farther out the response times are of concern and if this becomes a subdivision this is potentially the beginning of the domino effect that would change the nature and character of the area. She recognized the concern about water, well issues, and sending kids into a crowded school environment and she doesn't believe the \$100,000 donation is going to cover what is required for the school infrastructure. There is no validation that going deeper into another aquifer is going to be better or worse, it's a point that's an unknown variable. She agrees you can make a rural transitional area, but she would eliminate the secondary

homes. The County does not have jurisdiction over CC&Rs. There was no testimony about a failproof water system that would ensure that if that system goes down everybody in the subdivision is affected. Commissioner Van Beek said this is better than a high-density development, but she cannot overcome the fact that we cannot meet all eight criteria. The Kuna School District clearly stated they are at capacity.

Mr. Clark said some of the items Commissioner Van Beek brought up are not items they had an opportunity to discuss so would those items be part of the additional information Chairman Holton is requesting. Following discussion Commissioner Van Beek said she would like input from Kuna Fire, the irrigation district, Canyon County Sheriff's Office and the Canyon County Ambulance District as to what their resources are. Deputy PA Wesley said we need to lay out what questions we want to ask regarding the septic and other essential services and have those narrowed down in the motion. We are going to instruct DSD to send out request letters to fire, police, ambulance about their response times and we'll have the applicant respond to the septic issue and we will allow testimony on those limited areas to the public.

Commissioner Holton made a motion to continue the hearing to a date uncertain to obtain engineering details on the viability of septic systems with the concern of basalt, lava, or other form of rock that is just under the surface, and to solicit information from fire, police, and ambulance on the viability of their response times to this location. We will reopen the public hearing for only those topics. The motion was seconded by Commissioner Van Beek. Director Minshall said the Board also brought up other items related to schools and the surrounding area. Commissioner Holton amended the motion to include the viability of the applicant's impact on the school district and we would keep it broad. Commissioner Van Beek said she wants the secondary houses to be completely off the table, we should not allow a higher density. Commissioner Holton amended his motion to include further discussion about the development agreement. The amended motion was seconded by Commissioner Van Beek and carried unanimously. Deputy PA Wesley said at the next hearing we will hear testimony on the limited issues and allow public comment on those issues, and we will go through the process. The hearing will be re-noticed. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn to an unknown date certain that will be advertised and listed for a future date. The hearing concluded at 4:52 p.m. An audio recording is on file in the Commissioners' Office.