

Legal Transcript Analysis and Summary

General Overview

Hearing Summary

This transcript documented a Canyon County Board of Commissioners public hearing held on the afternoon of the recording date, concerning conditional rezone case CR2024-0010. The hearing addressed a request to rezone two parcels (6.25 acres and 1.65 acres) from agricultural to residential zones. The applicants sought approval for a development consisting of three residential lots with specific conditions limiting further subdivision and secondary residences. The hearing followed standard administrative procedures, including oath administration, testimony guidelines, and structured presentation order.

Speaker Background

Carrie Smith (Applicant's Representative): Identified herself as representing the property owners Brian and Nicole Bonner, as well as the Martins who were unable to attend. She described extensive experience in land use representation, particularly for agricultural clients, and had assisted with this case since 2024. She presented detailed technical information regarding water rights, irrigation systems, highway district negotiations, and site plan revisions.

Emily Bond (DSD Staff): Presented the staff report as a Canyon County development services staff member, providing technical analysis of the rezone request, Planning and Zoning Commission findings, and compliance with county code and comprehensive plan policies.

Commissioners: Chairman Brad Holton, Commissioner Zach Brooks, and Commissioner Leslie Van Beek presided over the hearing, with Commissioner Van Beek asking the majority of substantive questions.

Key Points

Case Background and Request

- Two parcels totaling approximately 7.9 acres requested rezone from agricultural to conditional residential zones ([5:59](#))
- Request originated in 2024 with multiple revisions to address neighbor concerns ([5:59](#))
- Development limited to three buildable parcels with restrictions on secondary residences ([28:05](#))
- Property surrounded by Osprey Estates subdivision to the north, west, and south ([6:29](#))
- Eastern boundary adjoins intensive agricultural area ([6:29](#))

Access and Highway District Issues

- Preferred access through Osprey Estates was pursued but unsuccessful due to cost negotiations ([7:08](#), [19:22](#))
- Nampa Highway District approved variance for two access points on Southside Boulevard ([8:24](#), [31:49](#))
- Applicant agreed to condition allowing potential future abandonment of access points if highway district mandates Osprey connection ([26:12](#))

Water Rights and Irrigation

- Existing irrigation well with significant water rights on lowest lot ([8:24](#))
- Applicant willing to convert agricultural well to domestic well to avoid new drilling ([8:24](#))
- Surface water rights adequate for residential use with parcels sized for rural lifestyle ([9:23](#))
- Coordination with Nampa Meridian Irrigation District confirmed no changes to watering patterns ([9:23](#))

Legal Irregularities

- Property was created via illegal land division in 2007 without county approval ([13:49](#), [28:05](#))
- Adjacent Babsky property also had non-compliant division ([13:49](#))
- Applicant attempted to include Babsky property in application but was unable to establish contact ([14:00](#))

Notable Quotes

On Access Negotiations with Osprey

"The highway district at one point asked us to take access from Osprey, and Osprey has been very slow to move, and they also tried to charge literally some unreasonable fees to cross the land." ([7:08](#))

"They would not provide that to us. Alls that they would provide was one email that was to me personally that they were hesitant to allow a rural subdivision access and that they would begin negotiations. I wanna say it was like around \$70,000 per lot just to access their road." ([19:22](#))

On Water Well Conversion

"We checked with Idaho Department of Water, and that is included in the record for you. They said that we could absolutely switch that well to a domestic well so that we're not punching another well in that area." ([8:24](#))

On Illegal Land Division History

"Maybe the elephant in the room is that this property was acquired. It was an illegal land division. And I wasn't a part of that sale. I didn't know them when it happened. And so part of this request is bringing the property into compliance." ([13:49](#))

On Contact Attempts with Neighbors

"We have tried significantly hard to reach out to them and work with them... We took letters by hand and mailed. And so, again, sorry, my point is we did really want to work with them ahead of time, and we have tried to do that for over a year." ([14:00](#))

Neighbor's Contradiction

"The lady behind me says she's tried to get in touch with me. She never has. I mean, I'm there 15 years. I've only met her once at a school parking lot for a meeting." ([39:21](#))

Commissioner Concerns on Highway District Variance

"For the life of me, can't see why they approved the variance... I don't understand why the highway district came and said there were no new approaches allowed and then later approved the variance." ([36:30](#))

"I have no idea why the Highway District approved that. That makes no sense to me either." ([38:31](#))

Detailed Insights

Main Arguments

Speaker	Argument	Timestamp
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Carrie Smith	Development provides needed buffer between Osprey Estates and intensive agriculture	6:29 , 10:25
Carrie Smith	Property has adequate water rights for residential conversion without new wells	8:24
Carrie Smith	Extensive efforts made to negotiate access through Osprey at reasonable cost	19:22
Carrie Smith	Illegal land division necessitates this rezone to achieve compliance	13:49
Staff (Emily Bond)	Conditional rezone consistent with surrounding residential development pattern	28:05
Staff (Emily Bond)	24 nearby subdivisions average 1.25 acres; Osprey averages 0.8 acres	29:07
John Babsky	Applicant made no meaningful contact attempts over 15-year residence	39:21
Jason Wong	Existing agricultural well degrades neighboring water quality per IDAPA 58.01.11	

[42:50](#) |

| Jason Wong | No pressurized irrigation exists—system is gravity-fed | [43:29](#) |

| Jason Wong | 12-inch irrigation pipe requires relocation or protection | [43:29](#) |

| Taylor Merrill | Osprey access denial was cost-based, not capacity-based; HOA did not formally object | [54:23](#), [56:41](#) |

Supporting Evidence

| Evidence | Description | Timestamp |

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| Highway District Variance | Approved June 25, 2026 for two access points with deed restrictions | [31:49](#) |

| Idaho Department of Water Communication | Confirmed well conversion feasibility | [8:24](#) |

| Nampa Meridian Irrigation District Consultation | Verified no changes to water delivery | [9:23](#) |

| Osprey Email Communication | Stated hesitation and \$70,000 per lot negotiation start | [0:19](#)22S |

| Bull and Bullet LLC Letter | Identified irrigation pipe and water access concerns | [16:12](#), [38:03](#) |

| Preliminary Plat Maps | Showed Osprey phasing and road connections | [22:52](#), [44:34](#) |

| Prime Farmland Designation | Class 3 and 4 soils, not prime farmland | [11:49](#) |

Context and Background

Contextual Information

The hearing occurred in a transitional area of Canyon County where agricultural land use is increasingly converting to residential development. The 2030 Future Land Use Map designates the area as agricultural, though the Osprey Estates approval in 2020 established a residential precedent immediately adjacent to the subject property. The case illustrates tensions between:

- Property owners seeking to legalize past non-compliant land divisions
- Agricultural neighbors concerned about water rights and livestock management
- Residential developers protecting infrastructure investments
- Highway districts balancing safety standards with practical access solutions

Related Events

- **2007:** Illegal land division created the subject parcels without county approval ([13:49](#))
- **2020:** Osprey Estates conditional rezone, preliminary plat, and comprehensive plan amendment approved ([28:05](#))

- **August 6, 2026:** Planning and Zoning Commission hearing with recommendation for approval and seven conditions ([26:54](#), [28:05](#))
- **June 25, 2026:** Nampa Highway District variance approval ([31:49](#))

Potential Impact

This hearing's outcome establishes precedent for:

- How the county processes rezone applications that simultaneously remediate illegal subdivisions
- The weight given to informal versus formal neighbor notification attempts
- Interpretation of "conditional" rezone standards when adjacent jurisdictions (highway districts) make seemingly inconsistent decisions
- The evidentiary standard for late-submitted materials in administrative hearings

Argumentative Behavior

No significant argumentative behavior was observed in this transcript. All participants maintained professional decorum consistent with administrative hearing standards. Some notable interaction patterns:

Interaction	Description	Timestamp
	Commissioner Van Beek's persistent questioning	Repeated follow-up on documentation gaps, particularly regarding Osprey access denial and highway district variance rationale 15:46 , 17:54 , 22:00
	Chairman Holton's procedural caution	Resisted accepting late documents without independent verification, citing precedent concerns 47:26 , 49:07
	Commissioner Brooks' informal observation	"Go ahead and finish" interjection during Merrill testimony, quickly self-corrected 55:19
	Audience disruption	Chairman noted background conversations and requested order restoration 42:01