

Speaker 1 ([00:02](#)):

Good afternoon. It's now 1:31 and it's time for today's Canyon County Board of Commissioners hearing, public hearing, and this will be regarding case CR2024-0010. I'm Chairman Brad Holton. To my left is Commissioner Zach Book - Brooks and Commissioner Leslie Van Beek. The DSD staff report and any additional exhibits received by the established materials deadline have been posted on the county's website on the land use hearing page for anyone to review. Potential conflicts of interest. Before we begin today, are there any declarations pertaining to this application such as conversations or meetings outside of this hearing received by any commissioner?

Speaker 2 ([00:48](#)):

Thank you, Chairman. No.

Speaker 3 ([00:49](#)):

No, Mr. Chairman.

Speaker 1 ([00:51](#)):

No for myself. Is there any commissioner who, for reasons of a conflict of interest, request to be excused from participating in this specific decision?

Speaker 2 ([01:00](#)):

Thank you, Chairman. No.

Speaker 3 ([01:01](#)):

No, Mr. Chairman.

Speaker 1 ([01:02](#)):

Okay. No for myself. All right. So testimony guidelines and order and process. , Please turn off your cell phones if you brought them into the room so they don't interrupt. , Commissioner's room electronically records all of the public hearings and it's a very sensitive system and it picks up your voices back in the audience. So if you don't want that, , recorded for all posterity, you might take your conversations out of the room if you need to be talking back and forth during the hearing. Chairman, I'll maintain order by restricting an appropriate discussion or disorderly conduct. And if necessary, we'll ask you to step outside in the event that you're disruptive or inappropriate. This time I'll explain the rules and procedures for today's hearing consistent with Canyon County Ordinances Chapter one, Article 17, and Chapter seven, Article one. The applicant has the burden of proof.

([01:57](#)):

The applicant or their representative will go first today with their testimony limited to 10 minutes. The board may have questions for the applicant, which will not count against their time. The DSD staff report will be next and the board may have questions for staff. Additional set questions by the board to staff could happen at any time during today's hearing.

Speaker 4 ([02:19](#)):

All right.

Speaker 1 ([02:20](#)):

At this point, individuals who have signed up after the, the applicant's representative and after the, the, , staff have, have presented will be, , they will already be sworn in and they will be called by name and you'll have three minutes of testimony time to give your, your thing that you need to tell us. Since the applicant has the burden of proof, they will go last after everybody has called up who has signed up. Once public comment is closed, we will deliberate and render a decision. So for those who have signed up to come up and speak, , please come up and have a chair and hold the microphone up to your mouth. , That's as much for the recorded, , testimony as it is for the people in the gallery to hear what they're saying to us, to the front of the room. So when you're called up, have a chair and start by saying your name and your address and then speak up clearly into the mic - into the, into the microphone.

([03:25](#)):

You'll have three minutes to address us and would like to make sure everybody has time for their testimony. So, , if somebody's gave the same testimony that you're planning to give, you can come up and just state for the record that you agree with the previous testimony. And then if there's any additional information you'd like to share with us, please do so. We will not be accepting any documents or other written materials at this hearing. All materials to be relied upon as part of the record were required to be submitted by the advertised deadline, which was a minimum of 10 days ago. Materials received by that deadline have automatically been included in the record and we have received them. This deadline is to provide ample time for inclusion in a staff report packet, hearing body review, and full transparency for the access to the public.

([04:14](#)):

The submission of late documents or other materials does not allow all parties time to address the material or allow sufficient time for public review. All right. With that, let's have the oath of affirmation for those who have signed.

Speaker 5 ([04:29](#)):

Emily Bond, Carrie Smith, John Gafsky, Jason Wong, Dylan Tannehill, Terry, Taylor Merrill. If I could have any raise your right hand. Do you swear or affirm that the testimony you give will be the truth, the whole truth, and nothing but the truth so help you God?

Speaker 6 ([04:43](#)):

Yes. Thank you.

Speaker 1 ([04:46](#)):

All right. So let's have the applicant's representative, please.

Speaker 6 ([04:54](#)):

Good afternoon, commissioners. I am Carrie Smith. , I know that you have the applicant listed as, , Mr. Martin, but he was unable to attend today and I have been helping him through this entire process, , on behalf of Brian and Nicole Bonner. And so we do, , appreciate the effort that staff has put into this and, , your time today as well as the Planning and Zoning Commission's, , recommendation to support our rezone requests. As you can tell from just the case number, this started back in 2024. And, , I helped, , start this case by having a neighborhood meeting with the neighbors, and of which, , a, a few of them

are, are here that were at the neighborhood meeting. And at the time, we were requesting even more lots, , that would fall in line with the one acre lots, , being requested in, , R1 single family residential zone.

(05:59):

You will see, , and staff, I think, covers it in the maps, there are, there is a lot of residential development in this area. And when we first looked at this, we felt like the single family residential zone was a good fit. , The neighbors felt like they wanted a little bit more of a buffer. And, , we have looked at this site plan multiple times and we have made multiple changes to this to reduce the impacts to the neighbors, but also to act as a transition and buffer to the area to the east that is predominantly large scale agriculture. , As you guys know, I represent a lot of agriculture and, , that's important to me, , , significantly. And so, , the area to the east is, , identified for intensive agriculture, and I think that that should be protected. That being said, this entire property was surrounded by Osprey Estates.

(07:08):

, I have also had conversations with Osprey. , Again, there's been so many revisions to this plan. We've tried to... 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. The highway district even looked at, like, trying to require them to allow us access, but, , it was honestly not something that they ended up wanting to tackle as a highway district. So, , we had a public hearing with the highway district and received, , approval of our access points and agreed to, , a development agreement with them. And it's also how we ended up with our site plan based off of the community feedback and then the agencies that we worked with. There was also, at the Planning and Zoning Commission, and staff also requested some information regarding irrigation, and, , what I will say is that we, we did do a ton of research.

(08:24):

There is incredible water rights on this property. There is a large, , water right that covers it from a irrigation well that exists on the lowest lot that we're requesting to be rezoned to R1. And, , it serves even a portion of Osprey, but, , that was vacated. It doesn't get used by Osprey and they, , it, it's not a part of their application for how they're providing water to that. 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, and so that it could be converted. And so we're willing to do that. We heard from the neighbors at the last hearing that when that agricultural well was in use, it, , changed their wa- water quality and quantity.

(09:23):

And so, , none of us want that for them. And so, , the property has very adequate surface water rights as well to the, , irrigation well, so it has, like, double the water rights on this property. And, , also visited with Nampa Meridian Irrigation District on two different occasions, as well as the water master. And, , there are not gonna be any changes, , to how that property is currently watered. , Obviously, it would have to be routed around residences, but the parcels are, , of adequate size to be able to maintain a rural lifestyle with a home and a small area for pasture and to be able to water, , the, , residential, like, yard area. And so, that is the intent of this, is to provide that buffer that really is needed from Osprey to the intensive agricultural area to the east.

(10:25):

And, , these lots are designated as not prime farmland. , In a way, I would argue that, , it is pasture land, which, , provides a lifestyle for many people in our community. And, , again, it, this proposal is a great transition to, , that dense subdivision to the west and north and south. , When you look at the case maps, I want to, , highlight that if you go to, , number one, I would say exhibit B210, the property is just south of the Nampa Future Land Use Map, which is, , a community, , or a residential mixed use. And so, , even though it is south of it, this does fit within, , that area. And with the conditional rezone status, , with the conditions that we have agreed to with staff and the Planning and Zoning Commission, I believe, , any of the incompatibility issues will be resolved through those conditions.

(11:49):

And we have resolved all the legal, , type of agency responses, like regarding we can, , apply for the two additional wells. , Southwest District Health, , gave us a process for what we would need to do for those septic systems. The, this would be an administrative division, so we wouldn't even have to do a subdivision plat for these lots, , based on what we were told by staff. , The average lot size of the subdivisions that are in platting around this are 0.87, and we are well above that. , And then of all of the subdivisions, , within the area, there's 24, and the average lot size of those is 1.25.

(12:37):

, And let's see. How much time do I have left too? , You can see on exhibit B26, that subdivision map that shows Osprey, , around it. And then as supporting evidence, you can see on the prime farmland map that most of the property is designated as not prime. It has class three and four soils. There are not any, , dairies or feedlots within a mile that we would be impacting. And the zoning map itself, B23, is very telling of, , this transitional area on the west side of south side, and specifically even the significant amount of zoning that is above Lewis Lane. , And I will, , I do see that the Babsky family is here. We and I can address any of their concerns in rebuttal, but we have, , tried significantly hard to reach out to them and work with them. , At one point, staff, , held up our application because, , the, maybe the elephant in the room is that this property was acquired.

(14:00):

It was an illegal land division. , And I, I wasn't a part of that cell. I wasn't, , I didn't know them when it happened. , And so part of this request is bringing the property into compliance. My point is, staff wanted to resolve all of the property. , The Babsky property was also not divided in accordance, and so we offered to bring them into this application and, , help them gain compliance. , But we were not able to, , get in touch 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. , I'm glad to see that they are here, and we are still very happy to, , work with any concerns that they have.

(14:58):

, They have been using the pasture land, , from the Bonners, , for years, and have enjoyed, , having that property available to them. The property to the north, , is owned by Bull and Bullet, and they had some concerns regarding, , access to their water. And, , I can guarantee you that no part of this development will prohibit them from having access to their water. And, , it's by law that we will, and by goodwill, that we will maintain, , all of their access to water. We're not gonna be inhibiting that, nor would we want to. So with that, I would stand for questions.

Speaker 2 (15:46):

Chairman? Yes. Yes, I have a couple of questions. And your last point you left off with was the Bull and Bullet, , property. They have a letter in here where they have identified several things. One of them that

you didn't touch on, you talked about water delivery, but there's an irrigation pipe that they indicate will need to be moved, , so that the vehicle traffic across the waterline isn't impacted.

Speaker 6 ([16:12](#)):

, There isn't any evidence of that. They didn't submit actual evidence of what that was. And so if the, that is, , there, and if it is impacted by this development, the, , Martins, , and Bonners would absolutely be correcting that because, again, we would have to by law. We do not want to impede their access.

Speaker 2 ([16:35](#)):

Okay. The other thing, a- and I heard you say that Nampa Highway District has granted a variance that's in the conditions of approval, but on exhibit D1, which is the letter from the Nampa Highway District 1.4 on their communication states that, , they will require proof of rejection. I don't have anything in there. I mean, I have the variance, but I don't have a letter of rejection. What I heard you say was that it could be achieved with a cost, but that the applicant didn't want - We did

Speaker 6 ([17:14](#)):

Provide them that. , This is an older letter prior to the hearing, and so, , we did provide the highway district that, , Osprey was not willing to work with us. And that was the part of the, maybe I wasn't clear enough, so sorry, where we, , we even explored with the highway district about there's a code that the highway district can require, , connection to neighboring parcels. And, , we would have loved that, but the highway district and their attorney decided that we were not going to take that route and mandate that, , hence why they moved forward with allowing us to have the variance.

Speaker 2 ([17:54](#)):

Right. And thank you for that additional information. It's inherent in the record, but there's no follow-up communication as far as I can tell from Nampa Highway District. I mean, we have the variance that's been granted, but I don't have s - anything specifically stating the reasons that they, that you've outlined today. So, , I guess I would have liked that to be part of the record. And then the other thing, Osprey was approved with sidewalks and some amendments or amenities like that. I didn't see anything in here that would require that on this. So what it means is that there'll be sidewalk, no sidewalk, sidewalk.

Speaker 6 ([18:35](#)):

Not for us. There's no sidewalk along Southside Boulevard. , It does exist, , north of the Bullet property. , But there's two parcels between us. , If you go even to the slope map, B12, it's the first map I, map I came to that shows the parcels, you can see where the right of way and the sidewalk stops. And so, , there's no connection to curb gutter and sidewalk to this property.

Speaker 2 ([19:10](#)):

Okay. And I'm gonna jump back to the last point. It would also have been nice to have something from the HOA at Osprey saying, "We won't do that. We don't want that." I don't have that either in the record.

Speaker 6 ([19:22](#)):

, They would not provide that to us. I, 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.

Speaker 2 ([19:50](#)):

Thank

Speaker 6 ([19:50](#)):

You. Yeah.

Speaker 2 ([19:51](#)):

Okay.

Speaker 6 ([19:52](#)):

So, and I, I mean, I, the evidence that I provided to the highway district, there was multiple emails that I sent back to, , I believe his name was Taylor Merrill. , He had replied, gave us a price, and then we sent multiple emails back to the same person trying to negotiate, and we received zero responses. So I provided those, , sent items. And we, we can't, and I, I called the office, , stopped by one time, and we can't force people to reply, , at the end of the day, , especially on a private development like that. Yeah. So, and again, we would've all loved that connection. It, I mean, they're gonna have to spend some significant money on, , driveway requirements and effort to that when there's literally a road right behind those two lots.

Speaker 2 ([20:47](#)):

Right.

Speaker 6 ([20:47](#)):

We would've loved it.

Speaker 2 ([20:48](#)):

Yeah. No, and I can, I see the logic of trying to make that access. I'm trying to, as you know, build the record - Yes. With the necessary documentation - Yeah. On what's been outlined. And there's, for me, a couple of missing pieces, but thank you.

Speaker 6 ([21:03](#)):

One thing that you can't see either, , this property line, , it has on the back, on this picture that you're looking at right now where the bulb, the cul-de-sac is, that cul-de-sac is going to go away and it'll be a straight road, but there was an old rail line, railroad that ran along the back of this property. And so there's a significant, , berm type of, , berm, I guess, , that blocks access also to that road. So naturally, when you're on the property, , it has a nice slope that blocks that. And so, , in a way, it's not really that connected because of the old rail line, but, , it still was our preferred method, , which we were not able to acquire, so.

Speaker 2 ([22:00](#)):

Yeah, thank you. Chairman, I have another question for staff. So Emily, on this map that we're looking at, it looks as if this is still in agriculture or pasture, but on the maps that have been provided in the staff report, it looks like these have been, are under a preliminary plat or, and that would be, you know, south of the largest parcel with the flag law. Can you provide any information about that or where it's at in the process?

Speaker 7 ([22:26](#)):

, Mr. Chair, Commissioner Manbeek, I don't, Osprey has multiple phases. I think this is one of their last phases. The either, I think they are turning another phase of this subdivision, but I don't think it's this one quite yet. I'd have to check, but they're still working through all their, , phases of their subdivision.

Speaker 2 ([22:40](#)):

Okay. And I know there's at least two and there could be more, but - Yeah. Yeah. I was curious because it's highlighted on what, well, it's exhibit B2. 3, and so -

Speaker 6 ([22:52](#)):

Go to six, B26, and you can see the pink, , indicates a preliminary plat has been applied for, , that remaining property. There's two phases left in that preliminary plat. , All of the green areas that have completed those plats, and then you can see, , the other two phases of Osprey that are still in pink. So the preliminary plat is done, the phasing was done, but the infrastructure and the expansion of those final plats has not been submitted.

Speaker 2 ([23:30](#)):

Okay. And this was specifically because theoretically there maybe is a nexus, Redkite Street is over that, but I didn't know if those are contiguous, , or touching at the corners from the Osprey, which is to the south and that, that extension, I didn't, but it's this piece that's under a preliminary plat where they were adamant that there was no access or they would not grant access on that.

Speaker 6 ([23:55](#)):

So, , I was trying to find the best map for you to look at. If you... I don't know, maybe look at the zoning map on B23, you can see the clear road plan for the final, like the, if you remember the other page that has the green, that's the final plat. You can see the road structure there. So you can see a lot or a road that is developed all the way to the purple dashed line, which is the impact area, and then it had the bulb into the preliminary plat area. So that bulb touches, , the Bonner property on the very northern most western portion of that property. And so part of the problem with the highway district is that the final plat had not been applied for, and they can only require a connection when the final plat has been submitted for their review.

([25:02](#)):

And, , they've only seen the preliminary plat and the master plan which shows those lots, which again, showed a road that went, , north and south on our property line. And so they could require the connection, but they, by law, couldn't require the connection until the final plat was being applied for, and it's not been.

Speaker 2 ([25:28](#)):

Okay. Thanks for that clarification. I appreciate it.

Speaker 1 ([25:40](#)):

Any other questions?

Speaker 2 ([25:41](#)):

Not at this time. Thank you.

Speaker 1 ([25:43](#)):

Carrie, I have a question. On, on the two lots, , why wasn't there a ruma, -

Speaker 6 ([25:51](#)):

There will be a ruma. , It, by, would, it would be required for the two. So, , when the road gets built, we would absolutely have a road users maintenance agreement.

Speaker 1 ([26:01](#)):

Are they, are you adverse to having that put in a condition of approval?

Speaker 6 ([26:06](#)):

No, not at all.

Speaker 1 ([26:09](#)):

Okay. ,

Speaker 6 ([26:12](#)):

I think - I wanna say that the highway district, by the way, require, is re - , we also agreed to a condition that if that road does go through, , the highway district can make us abandon our access and we can, , jump in on the other access, , if they choose to mandate that access for us. And, , we were agreeable to that too, because again, that was our preference. We just couldn't get it.

Speaker 1 ([26:41](#)):

Good, good. Okay. Any other questions?

Speaker 2 ([26:46](#)):

Not at this time, Chairman.

Speaker 1 ([26:47](#)):

All right. Thank you.

Speaker 4 ([26:48](#)):

Thank you.

Speaker 1 ([26:49](#)):

Staff, would you like to give your report, please?

Speaker 7 ([26:54](#)):

, Good afternoon, Board of Canyon County Commissioners. Today, I'm presenting a proposed conditional rezone with case number CR2024-0010. The applicants are requesting a conditional rezone of parcel 29554014, which is approximately 6.25 acres from the agricultural zone to the conditional rezone real residential zone, and a conditional rezone of parcel 2955-4014, approximately 1.65 acres from the agricultural zone to the conditional rezone, single family residential zone. The request includes a development agreement limiting the division of the 6.25 acre parcel into two residential parcels, allowing no division of the 1.2, 1.65 acre parcel and restricting secondary residences on both parcels. Both parcels are zoned agricultural with a future land use designation of agricultural. In 2007, the subject parcels were created via deed without Canyon County's approval. There are currently no buildings on site. The Planning and Zoning Commission heard the case on August 6th, 2026 and recommended approval of the case with seven conditions of approval, which are listed on this screen.

([28:05](#)):

This is the conditional rezone criteria found in Canyon County Zoning Code 0706076A. The next several slides identified the Planning and Zoning Commission's findings for this case. Canyon County's future land use map, for 2030 designates this area as agricultural. It is important to note that directly to the north of the property, a conditional rezone preliminary plat and comprehensive map amendment for the multi-phase Osprey State subdivision was approved in 2020. Although the 2030 future land use map does not reflect the residential future land use designation, the Osprey Estates development demonstrates that this is an area that is transitioning to contain more residential uses. Additionally, per Canyon County Zoning Code 0706073, a conditional rezone does not set a precedent that adjacent property should be rezoned the same. The conditional nature of this rezone, which in this case would allow for three buildable parcels with the restriction of secondary residences, will align with the existing residential uses in the area and not set a precedent for a few further residential development for larger agricultural parcels found near the properties.

([29:07](#)):

The request is also consistent with four goals and seven policies of the 2030 comprehensive plan. The surrounding area primarily contains agricultural and residential uses. Within one mile of the subject property, there are 24 platted subdivisions with an average parcel size of 1.25 acres and three subdivisions in platting with an average parcel size of 0.87 acres. Osprey State subdivision, which was approved in 2020, is found directly to the north and west of the subject properties and has an average lot size of 0.8 acres. The applicant's request to rezone the subject properties to rural residential and single family residential is consistent with the average lot size, lot sizes found within the subdivisions in the surrounding area. The subject property is also contained within the traffic analysis zone 2842, which calls for an increase of 46 households by the year 2050. Within the past five years, land use case decisions indicate a trend toward increased residential uses in the area.

([30:03](#)):

In order to limit the effects to the character of the area, the applicant has proposed the conditions on the screen which I stated earlier.

([30:10](#)):

These are some site photos of the properties. The photos on the slide starting on the top left show the 1.65 acre parcel facing northwest and north from the eastern boundary and the 6.25 acre parcel facing west and northwest from the eastern boundary. Individual septic systems and, and individual domestic wells are planned to be utilized for the project. Per Southwest District Health, no, no nitrate priority study is to be required. They also do not have any concerns as long as their, the applicant follows all of their requirements. Stormwater drainage is currently retained on site. Per the land use worksheet and the applicant's public testimony at the August 6th, 2026 public hearing, surface irrigation water is provided to the property via a pressurized irrigation system. To verify the applicant's irrigation plan is coordinated prior to the division of the property and follows the local irrigation district's requirements.

(31:00):

The Planning and Zoning Commission recommended adding condition number three, which is on the slide. Additionally, to verify all current and future property owners have access to the source of irrigation water on the property, the Planning Zoning Commission recommended adding condition number four. No utility agencies have commented. Napa High District number one in Idaho transportation department is not requiring public street improvements and does not have any traffic pattern concerns at this time. Nampa Highway District sent a comment letter, , earlier on in the process which stated that they, the property is front South Side Boulevard and there's no new access to Southside Boulevard per their standards unless a variance application was approved. On June 25th, 2026, the Napa High District commissioners approved a variance request for one point of access to each parcel subject to a deed restriction and a paved apron being installed on each.

(31:49):

To verify the applicant meets Nampa Highway District's requirements, the Planning and Zoning Commission has recommended con- condition number 1A be added.

(31:58):

The proposed use is not an anticipated to impact essential public services and facilities. There were no comments received by Napa - Nampa School District or Canyon County Sheriff's Office. NAPA Fire's comment letter outlined fire code requirements and conditions of approval that must be met for the development. They also stated their nearest fire, fire station is Nampa Fire Station number four with approximate response time of seven minutes. Canyon County's paramedics responded with three different response times with the closest being nine minutes under ideal driving conditions. At the expiration of the materials deadline for the planning and zoning commission hearing, a agency commented and two public comments were received which can be found in exhibits 3D and 3E. At the expiration of the materials deadline for the Board of Canyon County Commissioner's hearing, two agencies commented which can be found in exhibit four and no public comments were received.

(32:45):

The board of Canyon County commissioners may approve or deny the conditional rezone or table or continue the hearing to a later date and request additional information. Here is an aerial view of the property and I will stand for any questions you may have.

Speaker 3 (32:59):

Mr. Chairman? Yes. Emily is the Osprey... Do you have a map of the, like the next phase of Osprey that's going to be around this?

Speaker 7 (33:11):

, Mr. Chair, Commissioner Brooks, it, this is one option. It shows this would be like this phase down here, this brown.

Speaker 3 ([33:20](#)):

Yeah, I was hoping to see something like what, , you had while the applicant was presenting, but a little more of it, you know, where it had kind of the, where the lots were gonna be and where that road is going to come out.

Speaker 7 ([33:35](#)):

, Mr. Chair, Commissioner Brooks, I can look up the preliminary plat if you want and pull that. , I, I can also see, let me see if the subdivision map shows it better.

Speaker 3 ([34:03](#)):

And the, and the next phase already has a preliminary plat, I'm assuming because you said you could look it up. ,

Speaker 7 ([34:09](#)):

Mr. Chair, Commissioner Brooks, yes. When the rezone was approved, they did the preliminary rezoning comprehensive plan amendment all at once.

Speaker 1 ([34:26](#)):

Was that able to answer your question or not?

Speaker 7 ([34:29](#)):

Do you want me to pull the plat?

Speaker 3 ([34:33](#)):

Yeah, if you can find it, that'd be -

Speaker 7 ([34:35](#)):

Okay. Just give me a few minutes.

Speaker 1 ([35:33](#)):

So you're wanting to see this, right?

Speaker 3 ([35:38](#)):

Yes. So according to that, like what she had up there before the road came through here and then the map, the picture stopped. So I was just kind of more curious about the access to the, the south side. South

Speaker 1 ([35:53](#)):

Side? All right.

Speaker 3 ([35:55](#)):

And I guess, , Mr. Chairman, maybe it's a moot point. I'm kind of, , going off the rails here in a...

Speaker 1 ([36:07](#)):

There it shows.

Speaker 3 ([36:07](#)):

, Yeah. Oh my gosh. Going off the rails as far as diving into some other entity's jurisdiction. I, in looking this, for the life of me, can't see why they approved the variance, so.

Speaker 2 ([36:30](#)):

Agreed.

Speaker 3 ([36:32](#)):

Say again? I, I, I don't understand why the highway district came and said there were no new, , approaches allowed and then later app- approved the variance where -

Speaker 8 ([36:46](#)):

Ah.

Speaker 3 ([36:46](#)):

There's another entrance already right there.

Speaker 8 ([36:49](#)):

Okay.

Speaker 3 ([36:50](#)):

So...

Speaker 8 ([36:52](#)):

All right.

Speaker 3 ([36:54](#)):

But not my jurisdiction, I guess.

Speaker 1 ([36:58](#)):

Unfortunately. Any other questions for staff?

Speaker 2 ([37:06](#)):

No, go ahead.

Speaker 3 ([37:07](#)):

No. Yeah, I'm, I'm good for now. Go ahead, Commissioner Vanee.

Speaker 2 ([37:11](#)):

Thank you. , Emily, on exhibit E2, I'm back to the Bullet, Bull and Bullet LLC. Canyon County is not an open range county, but in the statement there, what it's indicating is that there's grazing and that to fence that on an ingress egress would, I guess, encroach on that. Was that addressed at all on either the fencing or how that would impact the property owner if that easement is allowed and we can't, or that there's no way to get access? It, it looks like it could stub at two places at least, which would eliminate direct access onto Southside Boulevard.

Speaker 7 ([38:03](#)):

Mr. Chair, Commissioner Van Beek, I think this is somewhat addressed by the Highway District's variance approval because there must be an existing access between the Bullen Bullet property and the 6.25 acre property is kind of what I'm reading. It seems like what they're referring to. , But, , they have a new access that got approved by the Highway District that would be entirely on their property. So I'm imagining it won't be a problem, , because they'd have to follow the Highway District's requirements on the variance. Yeah.

Speaker 2 ([38:31](#)):

Well, I'll restate it for the record. I have no idea why the Highway District approved that. That makes no sense to me either.

Speaker 1 ([38:48](#)):

All right. Anything else?

Speaker 2 ([38:50](#)):

No. Thank you, Emily. And thank you.

Speaker 1 ([38:52](#)):

All right, thank you. Thank you. All right, let's, , hear from the individuals. As your name's called, come on up and have a chair and pull the microphone up to your, close to your mouth and state your name and address and we'll give, you know, three minutes for your, your, , things you need to share to us. All right? Thank you.

Speaker 5 ([39:11](#)):

John Babsky.

Speaker 9 ([39:21](#)):

My name is, my name is John Babsky. I live in the property up front. I really don't have anything to say at this point, other than the fact that I've lived in the house for 15 years. 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. And as far as using Mr. Bonner's property behind me, that would be Jody Nelson. That was the guy that was leased, the gentleman that leased the property to run his cows

on. My cattle, my horse, nobody's ever been on his property at all. And if she would like to, she can knock on the gate, knock on the door anytime, but she never has.

Speaker 2 ([40:14](#)):

And Chairman, for clarification, you're speaking for Jodi Nelson or you're, you're just speaking for yourself?

Speaker 9 ([40:20](#)):

I'm speaking for myself for, for Jodi Nelson. He ran his cows on it.

Speaker 3 ([40:26](#)):

Okay.

Speaker 9 ([40:27](#)):

Because I fed the electricity and the water to that property to feed those cows. Yeah. And water those cows and run the hot fences.

Speaker 2 ([40:36](#)):

Okay.

Speaker 9 ([40:37](#)):

As far as I know, he had a legal, some type of a legal agreement with this gentleman to run his cows on.

Speaker 2 ([40:47](#)):

And he's been a long time person in that area doing that. I know Jody.

Speaker 9 ([40:50](#)):

Very long time. I mean, can I step up to that thing? Sure. There's no gates into this property. All the gates, this was all one huge property owned by Ted Marge Lewis 100 years ago. So the only way to get in here is there is a gate for my property into this. So what we'd do is the Offspray property is right here that they own, is Jody would bring the cows over, , February, March, every year, and they would run all through this thing. They just fed. And I, I would have to assume he had legal agreement to do it. And then on top of it, he paid me for the water and the electricity for the fencing. Mm-Hmm. But I never used it for my own personal.

Speaker 2 ([41:54](#)):

Okay. Thank you for the clarification.

Speaker 3 ([42:00](#)):

Mr. Chairman?

Speaker 4 ([42:01](#)):

Yes.

Speaker 3 ([42:03](#)):

, folks, the rules were read pretty clearly in the beginning, so if you guys could stop having a conversation while somebody's testifying, , we'll be able to keep order and good decorum here. Thank you.

Speaker 5 ([42:21](#)):

Next. Jason Wong.

Speaker 8 ([42:29](#)):

Good afternoon. Jason Wong, representative of Bullen Bullet, , located at 9601 Southside. , The six acre parcel is directly south of the Bullen Bullet parcel. , In my previous career, early in my career, I was a land use attorney and a litigator, and I assure you that my written comments for the previous hearing were not AI generated. , Earlier today I heard Ms. Smith agree to cap and restrict the existing ag well on the one acre parcel. She spoke of drilling two additional wells. I'd like to ask the commissioners to, , require the cap of the ag well as part of the conditional approval. , We have testified in the past that use of that ag well impacts water quality for the surrounding neighbors, including myself, , which I believe is in violation of ID- IDAPA 58.01.11. , Mr. Babs, he talked about pasture land being used by Jodi Nelson.

([43:29](#)):

, Ms. Smith referenced the irrigation pipe that crosses the easement. , I assure you it's there. It's a 12-inch pipe. , Within the notes we saw earlier on the screen, it talked about pressurized irrigation. There is no pressurized irrigation. It is all, it is all gravity fed. , Ms. Smith talked about, , the Napa Highway District, and as, , Commissioner Van Beek pointed out, we have not seen, , that written denial from Osprey. , If we look at the small vicinity map within the existing, , application, Osprey Estates phase four is adjacent to the six acre parcel. It does show that, that bulb there, , but in the earlier map we saw about five minutes ago, we know that it, that road continues down. , We did not get the, we did not get this in time for, , submission, but we do have a map of the planned use for Osprey that matches the preliminary plat.

([44:34](#)):

We also received a written communication from an Osprey representative saying that they know nothing about the project other than what they received from Nampa, advising the residents that they can attend the meeting on October 8th. And FYI, the roads through Osprey are public roads. We would ask that, a- and I, I understand that it's not within the purview of this commission, however, it would be much easier for Osprey to access the six acre lot through Osprey Estates, because if they utilize that easement, Mr. Babski has a horse, I have cows, as well as sheep that graze on Mr. Babsky's property. An easement does not allow for exclusive use. So if an easement is utilized, I'd ask the, , Bonners to install a fence at a minimum, a cow gate so that the livestock do not escape. , If there's an open gate there, I guarantee that cows and sheep are gonna be on south side.

([45:31](#)):

<Laugh> m. , I think that's all I have.

Speaker 2 ([45:38](#)):

Chairman? Yes. I move that we accept Mr. Wong's two documents into the record as they're relevant to the discussion.

Speaker 8 ([45:49](#)):

Let me also add, , ma'am, Mr. Merrill is in attendance today. , I believe he's here. He can, he didn't sign up. He arrived a little late, but certainly his testimony or his input may be important. , And, and also Ms. , The representative for the Bonners talked about a rail bed. , That railbed existed between Osprey Estates and the Bullen Bullet property. It was eliminated. It was a rail bed, right? It was about two feet tall. , But it was eliminated and it was graded and incorporated into, I got half of the railbed and, and Osprey Estates got the other half the railbed. , So certainly that railbed is not an impediment to ingress and egress to the six acre parcel. , It just means a little bit of dirt work. Okay. I welcome any questions. Any

Speaker 1 ([46:45](#)):

Questions?

Speaker 2 ([46:46](#)):

Any questions? E- except that there's a motion on the floor, Chairman.

Speaker 1 ([46:51](#)):

, Show me the two documents again. I think the one we sh - we had up on the screen -

Speaker 8 ([46:57](#)):

It was a version of... The one on your left is a version of the preliminary plat.

Speaker 4 ([47:01](#)):

Yeah.

Speaker 1 ([47:01](#)):

I'm... If you would just read into the record the one that's the writing.

Speaker 8 ([47:06](#)):

So then the communication that we received, quote, "Attached is a notice I emailed to the homeowners. You should have received it. I know nothing about this project other than the information I received from NAMPA. You can attend the meeting on October 8th to get all the information you need. FYI, the roads through Osprey are public roads."

Speaker 1 ([47:26](#)):

Okay. Very good. I'm okay with accepting the map because that was shown on our screen earlier. Mm- Hmm. But I'm not okay with accepting late documents on

Speaker 2 ([47:36](#)):

The other. And Chairman, I would just submit that the question I asked in the beginning, it, to Mr. Wong's point, that I requested some kind of communication that closes the gap for me. This creates more questions for me because it's not a no. It is a, it leaves an open-ended, this is a public road, and some question in my mind is if there's, , that there might be negotiation. We have already testimony on

the record from the adjacent landowner that he had not been approached. I, that's not my business to figure out, but it is our job to figure out safety for ingress, egress and access, and given Mr. Wong's credentials and that this is what I consider a vital part of the record and the testimony, he did a good job, in my humble opinion, , outlining the points of concern. He's also verified that there is an irrigation pipe.

(48:34):

It's a 12-inch pipe on this property. And so we are evaluating, that's our job to figure out how to mitigate and condition a request. And I think he's added to the record, and so I would submit, again, we have yet to hear from Commissioner Brooks that I would want that to be a part of the record.

Speaker 1 (48:56):

What say you, Commissioner Brooks?

Speaker 3 (48:59):

I... That wasn't convincing enough for you.

Speaker 1 (49:02):

What's that?

Speaker 3 (49:03):

That didn't convince you to wanna have it

Speaker 1 (49:07):

Included? I'm more concerned about the precedence of setting -

Speaker 3 (49:10):

I gotcha.

Speaker 1 (49:11):

Communications that I can't have staff independently confirm before it goes into the record. And I think that -

Speaker 8 (49:18):

Well, Mr. Merrill is here if, if he chooses to testify.

Speaker 1 (49:22):

Right.

Speaker 2 (49:23):

And can... Chairman, may I ask a clarifying question? Sure. Were you noticed in a timely way that, or I guess what prohibited you from being able to provide that information within the 10-day deadline?

Speaker 8 ([49:35](#)):

We did get the notice. However, I didn't receive the communication back until two days ago.

Speaker 2 ([49:41](#)):

Okay. And, and Chairman, I understand, and I would submit again that the credentials of the applicant and his explanation and the relevancy to the testimony, we're not setting precedent. We are allowing, , relevant testimony to be entered into the record.

Speaker 1 ([50:00](#)):

Okay. So a motion's been made. Is there a second?

Speaker 3 ([50:03](#)):

Mr. Chairman, I would rather the motion be tabled until we hear all of the testimony that's available to us today.

Speaker 1 ([50:10](#)):

Okay. So let's, let's table that then until, until the, we've heard the rest of the testimony.

Speaker 4 ([50:18](#)):

Thank you.

Speaker 2 ([50:18](#)):

Thank you for being here.

Speaker 1 ([50:20](#)):

Commissioner Van Beek, you're in charge of reminding

Speaker 2 ([50:23](#)):

Us. I surely will. Chairman, thank you.

Speaker 1 ([50:25](#)):

Thank you.

Speaker 5 ([50:26](#)):

Dylan Tannehill.

Speaker 10 ([50:34](#)):

My name is Dylan Tannehill, and I live at 9424 Southside Boulevard, which is across the street from the Babskies. , I do wanna agree with pretty much everything Jason said. , That well does change the water significantly when it is ran. , That's why one of the reasons Jodi Nelson kinda quit using it, except to fill up stock tanks. , Jody's the one that has been running the cows on that property, and he had agreement, from my understanding, to pay all of the Bonner's, , irrigation. And so he had been renting that property

from the Bonners, and that is what Jody has told me numerous times, and we had to segregate Bonner's water to Jodi Nelson. , And then... What else? There was something else I wanted to state, but I think that was pretty... Oh, as for... I would like to bring the fact that when this all started, I was never notified of the very first hearing.

(51:36):

The only way I even found out about the second hearing is because they went and put a notice in my front yard straight across the street, and this was addressed the last time I made that hearing to make sure I made it to find out what was going on. So I kinda have a feeling that they are not notifying people or actually talking to people like they say they are. And that was pretty much all I had to say. Okay.

Speaker 2 (52:00):

Thank you for your testimony. Thank you for being here. Thank you.

Speaker 5 (52:05):

Taylor Merrill.

Speaker 4 (52:16):

Commissioners, my name's Taylor Merrill. I'm with the West Park Company. We're the developer of Osprey Estates, and I'm also the president of the homeowners association. So I'm representing both parties in my statements today. We appreciate, , commissioners and your efforts, , in hearing this case. , We support, , what we've heard today, and, , we followed up with, , Eddie Thiel at the highway department, and looking at that variance and how they accessed the property, , as you guys know, commissioners know, there's access all along Southside. , And comments made before, , by the representative, , Carrie, I think it is, , the response we made was really due to the cost of the improvements that we did in there, and to the point that we heard before, these are public roads. , They've been dedicated to Napa Highway Department. The storm drain, in fact, is private, so we've got some unique conditions that, , the commissioners of, , is aware of that you have private storm drain, private sidewalks, private curb and gutter, and then you've got the common area that was required in here as well.

(53:26):

So along this future Red Kr - Red Kite, or what's been represented as this railroad spur, , it is a barrier, it's, , kind of a pathway that was required. , There was a lot of conversation about that, , when we conceived or did our original applications states how that would be a trailway through the community, , a connective point, , throughout to both sides, whether it was to the city of Napa or trails and ridges. There was all kinds of conversations when, , we caused that railroad to be abandoned, , in there and, and then received back the property on each side that the properties or the property owners, , realized. Back to the homeowner's association, I'm not sure what's been represented here, , but I know what the homeowner's presidency or the board has represented, and that's not anything to the neighbor there in regards to...

(54:23):

We have a lot of, we'll just say, outspoken neighbors in the community that may have reached out on the community's behalf, but it wasn't through the formal homeowners association. So back to the point of access, , again, we support what this project says, it makes sense to us, back to the access. The access is more about storm drain and the responsibility of the homeowner's association to maintain and be

responsible for that storm drain. And storm drain comes at, comes at great cost and great maintenance, where any streets adjoining to would have to drain into it or make adj- adjustments in order, you know, wherever those holding ponds or that storage was or how it was infiltrated or maintained, that was more the conversation of cost, , of what the streets and what the storm drain cost and what a share of those lots would be or is, in fact.

(55:19):

, So just to be clarified with that, that, that berm in the back or that border, that common area was a requirement of Osprey Estates, , access-wise, you know, we do support what - Go ahead and finish. , Napa Highway Department decided to do. We also have some sincere requirements on south side as well with deceleration lanes, acceleration lanes. , It was a real struggle to get all that put through, so... And then sidewalk and, and, and dressing up the front with landscape and that, that, , right of way that they ended up with that has landscape as well. So we do support what, what Napa Highway Department decided as far as that variance or that access. And then the restrictive point was really the storm drain concern and protecting what cost the homeowner's association had paid for that system and are responsible for in the future.

Speaker 2 (56:18):

Yep. Chairman, I'm gonna need some clarification because I hear two things. Okay. First, that, you know, there's a saying, a- anything's possible, it's just how much you want to pay. Mm-Hmm. And so what, what you're not saying is that you gave an elevated or inflated cost that... You gave a cost that was a prorated share of what the storm drain, the maintenance, and the installation of that would be. Is that correct?

Speaker 4 (56:41):

That's correct, Commissioner Van Beek.

Speaker 2 (56:43):

Okay. So the answer is not no, the answer is this is how much it costs.

Speaker 4 (56:47):

Correct.

Speaker 2 (56:47):

Okay. And so I guess I'll let that rest there. And for the Osprey, I would have been a part of that decision process, and you'll have to refresh my memory as that's now six years ago, you're... Did you say there is an acceleration and a deceleration lane or no?

Speaker 4 (57:12):

Yeah, just back to that, do we do appreciate your support in the approval of Osprey space, and you were intricately involved in that, and we, again, appreciated, , your participation in... Yes, there's an ac - a deceleration lane southbound for the right-hand lane, and there's an acceleration lane to the southbound on, on, on south side as well. They did some interesting striping that I though might not have been consistent with the original design, but in fact, that, that width, that dedication is, is there.

Okay. And they may reallocate it in the past, but yeah, there was significant compromise in our design and our construction in getting that width through there with the department.

Speaker 2 ([57:54](#)):

Okay. And I'm gonna say this, , at the risk of being repetitive, but it is not that you do not have capacity. It is that there is a desire for the developer to recoup costs to add additional homes on the storm drain if there's access granted through Osprey. Is that accurate?

Speaker 4 ([58:14](#)):

, To put it, , to respond to that, the cost, proportion- proportional cost of a lot in Osprey Estates reflects that improvement cost, which we're responsible, they are responsible for - Right. Draining those public streets that are now being drained publicly through a private system.

Speaker 2 ([58:37](#)):

Okay. But if, if an applicant were able to meet that cost, there would not be objection to them tying in if it were three lots?

Speaker 4 ([58:46](#)):

That would be conditionally discussed.

Speaker 2 ([58:49](#)):

Okay. Thank you.

Speaker 4 ([58:50](#)):

I, I'm not in a position to say yes or no, but -

Speaker 2 ([58:52](#)):

Okay.

Speaker 4 ([58:52](#)):

To your point, we're open to discussion. It, it's just protecting the investment now that we've caused to be to others -

Speaker 2 ([59:01](#)):

Sure.

Speaker 4 ([59:01](#)):

No, I understand. Versus as a developer.

Speaker 2 ([59:03](#)):

But it... Yes. And so I was trying to do two things, establish that they could join for a cost and that those three homes would not, , create an, an inability to serve with that storm doing.

Speaker 4 ([59:18](#)):

I guess part of my condition would be the capacity design that the engineers have designed for a certain allotment under a certain count of lots. Now to put something more on it, could it be done? We would, we would go look at that.

Speaker 2 ([59:30](#)):

That's a fair statement. Okay. Thank you so much. Appreciate your testimony. All

Speaker 4 ([59:34](#)):

Right. Thank you. Thank you.

Speaker 3 ([59:39](#)):

Mr. Chairman, I move that we take a 10-minute break.

Speaker 1 ([59:42](#)):

Okay. I'll

Speaker 2 ([59:43](#)):

Second. All

Speaker 1 ([59:44](#)):

Right. Motion's been made and seconded. All those in favor say aye.

Speaker 2 ([59:47](#)):

Aye.

Speaker 3 ([59:47](#)):

Aye.

Speaker 1 ([59:48](#)):

Aye. Motion carries. Let's take a break. Let's reconvene. , Let's... Sometime between 2:43 and 2:45.

Speaker 4 ([59:56](#)):

Question?