



**CANYON COUNTY PLANNING & ZONING COMMISSION**  
**MINUTES OF REGULAR MEETING HELD**  
**Thursday, November 19, 2020**  
**6:00 P.M.**

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

**Commissioners Present:** Robert Sturgill, Chairman  
Patrick Williamson, Vice Chairman  
Rick Fried, Commissioner  
John Carpenter, Commissioner  
Sheena Wellard, Commissioner

**Staff Members Present:** Patricia Nilsson, Director  
Jennifer Almeida, Planner  
Kellie George, Recording Secretary

**Chairman Robert Sturgill** called the meeting to order at 6:07p.m.

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

**Action Item Case No. CR2020-0009: Mark Russell** is requesting a conditional rezone of approximately 40.17 acres from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone/ Single Family Residential) zone. Also requested is a development agreement. The subject property, parcel no. R28574 is located at 6650 McElroy Rd., Melba, ID, in a portion of the SW ¼ of Section 24, T1N, R2W, B.M., Canyon County Idaho.

No declarations or conflicts were stated.

Planner Jenn Almeida reviewed the late exhibits 19, 20, 21, 22, 23, 24, 25, 26 and 27. She presented the staff report.

The late exhibits were entered into the record.

Mark Russell, 936 Conifer Lane, McCall, ID, testified in support of the application as the applicant and property owner. They bought this farm from bankruptcy and have installed a pivot and planted a wheat crop. They wish to have their children live on the property. They will sign a development agreement for 4 building sites.

Commissioner Williamson asked to review the image on slide 12. Mr. Russell explained his request.

Jon Stosich, 6579 Blue Ox Lane, Melba, ID, testified in support of the application. He has provided his testimony in writing. If the P&Z would like larger lots they could increase the lot size to 10 acres and have a user's agreement for irrigation purposes.

Travis Hulet, 9418 S. Can Ada Road, Melba, ID, testified in opposition to the request. Mr. Hulet stated he has lived in the area his entire life. He stated there are existing houses on McElroy Road that are on larger properties. He is a farmer and is opposed to the request. Keeping it as a farm is consistent with the Melba community.

Latisha Hulet, 9418 S. Can-Ada Road, Melba, ID, testified in opposition to the application. She is concerned that people moving in and out of the Melba area may start complaining about the pivot and create concerns in the AG community. She is concerned with school overcrowding and traffic, especially the need to get around farm equipment. The property has been farmed in recent years.

Commissioner Wellard asked if Ms. Hulet was in opposition due to the number of homes or the lot size. Ms. Hulet she is opposed to 4 lots regardless of the lot size.

Commissioner Williamson asked if Ms. Hulet was aware of the right to farm law and people can't prevent farmers from farming. She thanked him for explaining that. She just thinks people will change their opinion over time.

Dustin Kukla, 7643 Melmont Road, Melba, ID, testified in opposition to the request. He had farmed the property up to a year ago. The corners have always been irrigated. He is concerned with school capacity and traffic and is concerned in the future the farm will be divided into 1 acre lots. It is fertile property.

Commissioner Williamson asked, if while farming the property, what were the structures that used to be on the property. Mr. Kukla replied the property was a dairy and the area where the house and barn did have concrete. He stated that Mr. Russell has burned one house and the dairy barn and has stripped the tin off of the loafing shed. Once the land is cleared Mr. Kukla stated the land could be made productive. It used to have a ditch adjacent to the fence line and the land was in pasture so it could be again.

Mark Russell, 936 Conifer Lane, McCall, Idaho, provided rebuttal testimony. He stated that the farm was in several smaller fields. He has 32 acres in production. He has had a crew of 4 high school students remove scrap. He has put in 40 tons of compost to rejuvenate the farmstead area. One house has been donated to Melba Fire for training. He stated that we are all living on subdivided ground and stated his wife was a Mayflower descendent. They had a farm in Meridian that they sold and moved to McCall. He thanked the Commission for their time.

Commissioner Wellard asked if there was 8 acres not in current production. Mr. Russell replied that they are looking at rehabilitating 8 acres to get back into production.

**MOTION:** Commissioner Carpenter moved to close public testimony on Case CR2020-0009, seconded by Commissioner Fried. Voice vote, motion carried.

Commissioner Williamson commented that a development agreement is not permanent.

Commissioner Wellard commented that if he used the land division he could put secondary dwellings on each parcel and still have four houses.

Commissioner Fried commented that the applicant recognizes the main use of the property is agriculture.

Commissioner Carpenter noted that each of the proposed corners are close to adjacent farmed land and conflicts arise. He thinks those are the worst places for neighboring farmers. It is harder to farm near houses. He sees a potential for setting a bad precedent.

**MOTION:** Commissioner Fried moved to recommend denial for Case CR2020-0009 to the Board of Canyon County Commissioners based on the findings of fact and conclusions of law. He thinks a layout of homes on 2, 20-acre parcels could mitigate concerns. Commissioner Williamson said he hadn't thought about the impact of houses on the corners would have to adjacent agriculture. Commissioner Wellard asked if staff had thought of conditions that would mitigate concern. Commissioner Williamson said he could ask they would work with an AG conservation organization to place a conservation easement on the property. Motion seconded by Commissioner Carpenter. Roll call vote with 4 in favor and 1 opposed, motion carried.

Commissioner Carpenter moved to adjourn. Commissioner Williamson seconded the motion. Voice vote, motion carried. Meeting adjourned at 7:05p.m.

**Approved this 3<sup>rd</sup> day of December, 2020**

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Patrick Williamson, Vice-Chairman

**ATTEST**

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Kellie George, Recording Secretary

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