



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, April 15, 2021  
6:30 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  
Scott Brock, Commissioner  
Sheena Wellard, Commissioner

Staff Members Present: Patricia Nilsson, Director  
Julianne Shaw, Planner  
Jennifer Almeida, Planner  
Dan Lister, Planner  
Kellie George, Recording Secretary

**Chairman Robert Sturgill**, called the meeting to order at 6:31 p.m.

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

**Case no. RZ2020-0027 Schatzel:** table to 4/15.

MOTION: Commissioner Williamson moved to table Case RZ2020-0027 to approve revised FCOs, seconded by Commissioner Fried. Voice vote, motion carried.

**Case no. CU2020-0010:** Willow Creek Collective LLC is requesting a conditional use permit for a special event facility for the purpose of holding events for up to 150 people, May through October, not to exceed 12 events per month. The 14.98 acre agriculturally zoned property is located at 25300 Ember Road, Middleton, ID. Parcel No. R37530010, a portion of Section 29 Township 5 North, Range 2 West SE TX 18 in NWSE LS TX 0561, B.M. Canyon County, Idaho. – Continuation of public testimony/rebuttal.

**Commissioner Wellard**, recused – was not present and did not hear the first hearing.

**Planner Julianne Shaw**, reminded the board of where the last hearing ended. Chairman Sturgill indicated that rebuttal testimony would re-open public testimony.

**MOTION:** Commissioner Fried moved to reopen public testimony on Case CU2020-0010, Commissioner Brock seconded the motion. Voice vote; all in favor.

**Testimony in opposition - Bruce Jackson, 25354 Ember Rd, Middleton ID 83644**

Mr. Jackson reminded the board about the road w/road agreement and that he feels that the road should be improved by the party that wants to make the change. He also reminded the board that the event center should not be approved because of its rural setting. Mr. Jacksons stated that his home is directly west of the proposed event center. Mr. Jackson is opposed to the use as it is not appropriate for area, however if it is approved he would like a Road Users Maintenance agreement, that all parties can agree on.

**Rebuttal: Applicant in favor Patricia Slutz, 25300 Ember Rd, Middleton ID 83644**

Patricia Slutz stated that the number of dates per month would be 8 and the season would be June through September. She stated that Condition 14 is satisfied by the current RUMA. They are opposed to condition 25 regarding landscaping, the trees were planted 25 years ago and provide a visual block for parking. The trees are not in the easement. The fence is inside of the easement, two lanes of traffic are able to travel on the road. More discussion was made about who maintains the trees? The Slutz' stated they are prepared to take on full expense for up keeping the road. Events center would mostly use the road. Their fear is the neighbors can refuse to sign, and the applicants could not meet the condition. The Slutz also agree to start their event business in a phased approach. Ms. Slutz confirmed Willow Creek does have event insurance; also the clients would be required to have day of usage insurance for booking.

**MOTION:** Commissioner Williamson moved to close public testimony on Case no. CU2020-0010, seconded by Commissioner Brock.

**MOTION:** Commissioner Williamson moved to approve Case CU2020-0010, including the Findings of Fact and Conditions of Law and Conditions of approval as amended. Motion seconded by Commissioner Brock.

**Case no. RZ2020-0012 & SD2020-0039: Steadman & Steady Acres Subdivision:** A rezone and subdivision submittal on approximately 17.02 acres located north of Purple Sage Road and approximately 850 feet west of Freezeout Road, Caldwell. The project is proposed to create six (6) residential parcels, approximately 2.5 acres each, once the rezone is approved. The current zoning is "A" Agricultural, the proposed zoning is "R-R" Rural Residential. The property is also referenced as R38042010 or 27-5N-3W SW TAX 17 in SESW, B.M; Canyon County, Idaho.

**Planner Juliane Shaw**, reviewed Staff report for the record, including late exhibits

**Chairman Sturgill**, entered the late exhibits into the record.

**Jay Walker – Applicant Representative in favor - 849 E State St #104, Eagle ID 83616:**

Mr. Walker stated that the land was purchased for transition from one subdivision to another. The private drain is an irrigation facility, it is a dry historical drain, it is not a wetlands, all agencies have agreed. The property is being rezoned from Ag to RR, it is a great development, and there are 32 developments within a mile. It was a dilapated farm and now it has been cleaned up. Mr. Walker reviewed the project in detail, including agency input, access and easements.

**MOTION: Commissioner Fried moved to allow 5 extra minutes of testimony, seconded by Commissioner Williamson.**

SWDH requirements will be met according to test holes and water reports. Applicants have performed an NP study and have separated lots for good water access. Army Corp of Engineers & FEMA regulations will be followed. The flood zone is not near the drain, in answer to Commissioner Brock's questions, Mr. Walker discussed the fence line near the ditch, ditch riders will have access. Discussion with Commissioners regarding neighborhood meeting comments letters and Canyon Hwy 4 regarding access. Irrigation and water runoff will not flow to the Country Club Sub or the Golf course. In answer to Commissioner Williamson. Mr. Walker described the drainage plan, easement, and fencing.

**Lynn Steadman- Applicant – 345 N Yale Rd American Falls ID**

Mr. Stedman reviewed the history of the property and the development. Regarding the fence, they are proposing a post/pole three rail w/mesh, they feel grandkids will be safe. Mr. Steadman indicated he was an old farmer and knows most farms north of subject property and how the irrigation and run off works.

**Kyle Steadman – in favor – 19801 Wilderness Dr. Caldwell ID**

Mr. Steadman agrees with his father and appreciates the opportunity to have extra space for family, he grew up in a rural environment and would like raise his family in the same manner. They have done due diligence to get this point and will continue to work with neighbors and agencies to get it done. The house size restriction should be stricken. SWDH directs septic systems and drain fields.

**MOTION:** Commissioner Williamson moved to close public testimony on Case RZ2020-0012 & SD2020-0039, seconded by Commissioner Brock. Voice vote, motion carried.

**MOTION:** Commissioner Fried moved to recommend approval of Case RZ2020-0012, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Brock. Roll call vote with 5 in favor and 0 opposed, motion passed.

**MOTION:** Commissioner Fried moved to recommend approval of Case SD2020-0039, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Williamson. Roll call vote with 5 in favor and 0 opposed, motion passed.

**Case no. SD2019-0046: CR2019-0016 - Skyline Homes & Development** are requesting a conditional rezone of approximately 111.4 acres from an “A” (Agricultural) zone to a “CR-RR” (Conditional Rezone/ Rural Residential) zone. The average minimum lot size in the “RR” zone is two (2) acres. Also requested is approval of a development agreement. The subject properties, Parcel No. R37629012, R37629013, & R37629 are located at the northwest corner of the intersection of Windmill Rim Dr., and N. Can Ada Rd. in a portion of the NE ¼ of Section 36, T5N, R2W, BM, Canyon County, Idaho. **SD2019-0046** - A request by Skyline Homes & Development for approval of a Preliminary Plat, Grading & Drainage Plan for **Thunder Ridge Subdivision**. The development consists of 45 residential lots and nine (9) common lots. The subject property is located at the northwest corner of the intersection of N. Can Ada Rd. and Windmill Rim Dr., in a portion of the SE ¼ of Section 36, T5N, R2W, BM, Canyon County, Idaho.

**Planner Jennifer Almeida**, reviewed Staff report for the record, including late exhibits.

**Chairman Sturgill**, entered the late exhibits into the record.

**Thomas Hawkworth – Applicant representative – in favor 3313 W Cherry LN #517 Meridian ID**

Mr. Hawkworth is a Civil Engineer on the project, with the growing demand for homes, we are hoping to provide opportunity for people to build their dream home. There are over 200 names on a list of people wanting to build on this property. We have listened to neighbors and their feedback and have worked to meet their concerns in order to be good neighbors. The project is 111 acres we are proposing 45 single lots, 4 common lots for storm retention, 1 lot for Windmill Drive. Mr. Hawkworth described the landscaping and design of the entry. They have worked closely with Highway District for right way along Can-Ada Rd to accommodate the future plans to soften the curve and flatten the road, there will

be an extension on Willis Rd. The CCR&Rs will require a three rail fencing around perimeter. In response to a neighbor's concern and desire to limit the development to single story structures, Mr. Hawksworth stated the depth, distance from neighbors, and slope of the property to dispel the need to limit the development to single store residences. Adjustments to mitigate neighbors' concerns, include adding a notch out on the property to accommodate the go cart track that is existing on adjacent property, we will add a large berm to separate the property and alleviate noise, as well as put a stipulation in the CC&R's that the track was there first and will not be interfered with. Adding access and berms, and have agreed on fencing.

**Dale Newberry – Applicant representative – 2482 E Cyanite Dr. Meridian ID**

In conjunction with Mr. Hawksworth, Mr. Newberry stated that the neighbor concerns regarding the go cart track, the fencing and existing sky-diving operation will be addressed in the planning of the project as well as the CC&R's. Dust and wing mitigation has also been addressed.

**John White – in favor - 12675 W Ada Dr. Star ID**

Mr. White testified he lives directly east of the subject property, he is very thankful that the proposal is 44 and not 400. There is a concern regarding safety of the community surrounding the property, with hikers and traffic being a concern. Also, storm water drainage is a concern.

**Tricia Soper – in neutral – 314 N 9<sup>th</sup> St Boise ID 83709**

Ms. Soper is testifying on behalf of her clients and would like additional time for testimony.

**MOTION:** Commissioner Williamson moved that Ms. Soper be allowed five minutes of testimony, seconded by Commissioner Brock, voice vote in favor.

Ms. Soper indicated that she represents five lots and home owners, The Wright's, Hill's and Johnson's. We are not asking for a denial, we are asking for conditions of approval. Specifically that there be single story homes to preserve the views to the North. Requesting that Windmill Rim Drive is excluded from HOA rules and would like that stated in the CC&R's Ms. Soper's clients are requesting the fencing be a three rail split fence and that that be in the CC&R's prior to development. Would like dust mitigation be a condition of approval and that it be continuing. Dark sky should be a condition of approval. The drainage is an issue and should be addressed in the conditions of approval. They have heard that a water feature would be installed, we feel that is frivolous and should not be allowed.

**Craig Johnson – in neutral – 23986 Camadrie Ln. Star ID**

Mr. Johnson is not opposed to development of this area, however he wanted to bring to Commissions attention that the applicant and developers have used the property as a landfill, there is demolished concrete, asphalt and pipe, to use as a filler for the berm on Can Ada Road. This is not a good way to develop a relationship with the neighbors. Mr. Johnson has filed a code enforcement complaint.

**Rebuttal: Thomas Hawksworth – Applicant representative – in favor 3313 W Cherry LN #517 Meridian ID**

In response to the statement regarding garbage on the property, Mr. Hawksworth stated that there was some pit run brought in and some concrete was left behind and will be removed. They are in agreement of a condition to keep lighting downward facing to obtain the "dark sky" request. We are in agreement to the fencing request & the exclusion of Windmill Drive from the CC&R's. There are ordinances in place

regarding dust and weed mitigation and we will follow that ordinance. Historic drainage will be maintained there will not be any drainage from our property. Leaving the roads in the condition that it is, is not a possibility we have to grade for roads and follow Highway district conditions to maintain a higher standard for the development. The water feature will be at the entry and will have a recycling component requiring 400 gallons a year. The single story condition is not one that we agree with we have made concessions as far as distance and sloping.

**MOTION:** Commissioner Williamson moved to close public testimony on Case **SD2019-0046: CR2019-0016**, seconded by Commissioner Brock. Voice vote, motion carried.

**MOTION:** Commissioner Fried moved to recommend approval of Case RZ2020-0012, including the Findings of Facts, Conclusions of Law and conditions of approval, including the Development Agreement, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Williamson. Roll call vote with 5 in favor and 0 opposed, motion carried.

**MOTION:** Commissioner Fried moved to recommend approval of Case SD2020-0039, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Williamson. Roll call vote with 5 in favor and 0 opposed, motion carried.

**Case no. OR2021-0001 & CR2020-0014:** The applicant, Kyle Cooper of 4D LLC, is requesting a comprehensive plan amendment (Case #OR2021-0001) on Parcels R34614, R34589, R34588, R34598 and R34589013 to amend the future land use designation from “agricultural” to “residential”. The request includes a conditional rezone with development agreement (Case #CR2020-0014) to amend the zoning from an “A” Zone (Agricultural) to an “R-R” Zone (Rural Residential). The properties are located at 16989 HWY 20/26, Caldwell, ID; also referenced as a portion of Sections 7 and 8, Township 4N, Range 3W, B-M, Canyon County, Idaho.

**Planner Dan Lister**, reviewed Staff report for the record, including late exhibits.

**Chairman Sturgill**, entered the late exhibits into the record.

**Kyle Cooper – Applicant in favor - 16989 Highway 20/26 Caldwell ID 83607**

Mr. Cooper lives on the subject property. He stated that he has been before the board before for this type of project. The goal is to show people what a gravel pit can be when it is finished. We love boating and water skiing and want a property that we can enjoy that activity on. We have had extreme opposition on other proposed projects and feel that this property is an ideal location because there are no neighbors to disrupt, there is Hwy 20-26 on one side, a rail road track and a gravel pit on other sides. We purchased the land in 2017. There are 4 very nice million dollar homes in the project. Will spend more time on the Development agreement. We are asking for 10 lots, the best use after gravel is extracted is residential. Mr. Cooper reviewed that area and the uses that are in the area. There is 50,000 cubic yards of gravel material in the ponds currently, we are about at the end of the process and should be done at the end of May 2021.

Planner Dan Lister discussed the current state of the project, that the CUP is in place now and the property cannot be rezoned and still allow the CUP to continue, if it does continue it becomes a Code Violation. When DSD accepted the application, it was thought the extraction was done.

The applicant does not believe he has to have water rights. Director Nilsson stated Idaho law regarding Water rights, Mr. Cooper is not concerned about the water rights at this time. There was discussion on

how to proceed. Phase one is complete. At the end of the gravel operation the reclamation plan must be completed. There are six lots sold on the property currently. The property was a rundown farm when it was purchased. After discussion with staff, the Commission and Mr. Cooper he would like to work with staff to come up with a better plan to move forward.

**MOTION:** Commissioner Williamson moved to table Case OR2021-0001 & CR2020-001 to date certain of May 20, 2021, to allow agency comment and input and allow staff and Mr. Cooper time to complete the plan. Seconded by Commissioner Brock voice vote; all in favor.

**Case no. CR2020-0015 Calvin & Rebecca Gordon:** The applicants, Calvin and Rebecca Gordon, are requesting a conditional rezone of Parcels R36131012A0, R36131012A2, and R36131012 from "A" (Agricultural) to "R-R" (Rural Residential). The parcels total approximately 22 acres, and the request includes a development agreement that will allow the subject parcels to be adjusted to allow building permits on four parcels of approximately five acres in size each. The properties are located south and east of the intersection of Red Top Road and Tucker Road, Greenleaf; R36131012 is also referenced as a portion of the NW NENW LS THAT PRT LYING N&E OF BEN-SON GULCH DRAIN & LS TX5, LS THAT PRT LYING W OF TUCKER RD & LS S628' Section 17, T4N, R4W BM; Canyon County, Idaho. – (to be tabled 4/15)

**MOTION:** Commissioner Williamson moved to table Case CR2020-0015 to a date certain of April 15, 2021. Motion seconded by Commissioner Wellard. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to approve the minutes of the 3/4/2021 6pm and 3/4/2021 8pm minutes, as written. Motion seconded by Commissioner Wellard. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to approve the minutes of the 3/4/2021 7pm and 3/4/2021 9pm minutes, as written. Motion seconded by Commissioner Fried. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to approve the minutes of the 3/11/2021 minutes, as written. Motion seconded by Commissioner Wellard. Voice vote, motion carried.

**Director Nilsson** updated the Board on general department activities.

**MOTION:** Commissioner Williamson moved to adjourn. Commissioner Wellard seconded the motion. Voice vote, motion carried. Meeting adjourned at 11:50pm.

Approved this 15th day of April, 2021

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Robert Sturgill, Chairman

ATTEST

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