



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, July 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  
Scott Brock, Commissioner  
Sheena Wellard, Commissioner

Staff Members Present: Steve Fultz, Director  
Jennifer Almeida, Planner  
Kate Dahl, Planner  
Jenna Petroll, Recording Secretary

**Chairman Robert Sturgill**, called the meeting to order at 6:30 p.m.

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

➤ **Action item tabled from 5/20/2021 Case No. OR2021-0004 & RZ2021-0003 Werhane Family Trust: table to 8/19/2021**

**MOTION:** Commissioner Williamson moved to table Case no. OR2021-0004/RZ2021-0003 to date certain of August 19, 2021, seconded by Commissioner Brock. Voice vote motion carried.

➤ **Action item tabled from 5/20/2021 Case No. OR2021-0001 & CR2021-0014 4D LLC: table to 9/2/2021**

**MOTION:** Commissioner Williamson moved to table Case no. OR2021-0001/CR2021-0014 to date certain of September 2, 2021, seconded by Commissioner Brock. Voice vote motion carried.

➤ **Case No. RZ2020-0030 Alvord:** Jack & Kristen Alvord are requesting a zoning amendment (rezone) of Parcel R37984010 from "A" (Agricultural) to "R-R" (Rural Residential, two-acre average minimum lot size). The property is located on Cemetery Road, Middleton. The property is also referenced a portion of the NE  $\frac{1}{4}$  of Section 25, Township 5N, Range 3W; Canyon County, Idaho.

**Planner Kate Dahl**, reviewed Staff report for the record, including late exhibits

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

**Commissioner Wellard is recused.**

**TESTIMONY:**

**T.J. Wellard - Applicant (Representative) in favor – 17842 Sand Hollow Rd, Caldwell ID 83607**

Mr. Wellard explained that the owner's intent as of now is to create only 2 new lots off of their property. He stated that the area surrounding the property is getting developed into residential and there is a mix of residential and agricultural properties. They are requesting a straight rezone to set themselves up for the future, that even though as of now they do not plan on dividing all of their land

up, they want to be prepared to be able to in the future because that is how that area is being developed around them. He stated he believes there would not be any major impacts with this rezone. Mr. Wellard explained that the parcels would be created on the east side of the property. He stated they would like to wait to see if this rezone will be approved without a development agreement before attempting to do an agreement now.

**Jack Alvord - in favor – 25683 Cemetery Rd, Middleton ID 83644**

Mr. Alvord explained that he and his wife bought the property about 10 years ago and would like for their children to be able to live on their property.

**Kyle Oliveira - in favor – 25683 Cemetery Rd, Middleton ID 83644**

Mr. Oliveira explained that he is the applicant's son-in-law and he would be living on one of the lots being created from this rezone. He stated that he is a local firefighter and his wife is a registered nurse. They would like to live closer to family. He wanted to get up to show his support for this application.

**Kathy Anderson - in favor – 25532 Cemetery Rd, Middleton ID 83644**

Ms. Anderson explained that she is a neighbor of the Alvord property. She shared her reasons for why she believes this application should be approved. Ms. Anderson stated that she knows the Alvord family and they are trustworthy and will keep to their word and build only the 2 extra lots at this time. She wanted to get up and show her support for this application.

**Brody Miller - in favor – 25648 Cemetery Rd, Middleton ID 83644**

Mr. Miller explained that he is a neighbor of this property. He stated the Alvord's have been great neighbors. Mr. Miller explained he would like to see the area be kept as farmland and believes the applicants will keep to their word and only add the 2 lots. He wanted to get up to show his support for this application.

**Dustin Schiffler - in opposition – 26451 Hidden Valley Ln, Middleton ID 83644**

Mr. Schiffler explained that he believed the application was to add more than 2 lots and develop all of the property. He is concerned with the amount of growth happening in Middleton. Mr. Schiffler explained that now knowing the application is to only add the 2 lots, he is neutral with the rezone.

**Rebuttal: T.J. Wellard - Applicant (Representative) in favor – 17842 Sand Hollow Rd, Caldwell ID 83607**

Mr. Wellard stated the Alvord family is a trustworthy family. He believes that this rezone fits with the character of the area and creates no negative impacts for the area.

**MOTION:** Commissioner Williamson moved to close public testimony on Case RZ2020-0030, seconded by Commissioner Brock. Voice vote, motion carried.

**MOTION:** Commissioner Brock moved to recommend approval of Case RZ2020-0030, 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 1 in favor and 2 opposed, motion failed.

**MOTION:** Commissioner Williamson moved to recommend denial for Case RZ2020-0030, which would be a denial of the Findings of Facts, Conclusions of Law and conditions recommended by staff, and to bring back revised FCOs on August 5, 2021 – change item D, it will negatively impact the character of the area. Motion seconded by Chairman Sturgill. Roll call vote with 2 in favor and 1 opposed, motion passed.

- **Case No. RZ2021-0019 Verhoeks:** The applicant, Tanner Verhoeks, is requesting a zoning map amendment (rezone) of Parcels R20800, R20801 and R20803 from an “A” (Agricultural) zone to an “R-1” (Single Family Residential, one-acre average minimum lot size) zone. The properties are located at 12861, 12866 and 12835 Quail Run Lane, Middleton; also referenced as a portion of the NW<sup>1</sup>/<sub>4</sub>, Section 25, T5N, R3W; Canyon County, Idaho.

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

Chairman Sturgill, entered the late exhibits into the record.

#### TESTIMONY:

##### **Tanner Verhoeks - Applicant (Representative) in favor – 12835 Quail Run Ln, Caldwell ID 836047**

Mr. Verhoeks explained this rezone has been a collective effort by the surrounding neighbors. This rezone will improve the property and enhance the quality of the neighborhood. There are no negative impacts that would come from this rezone. During the neighborhood meeting, any suggestions that were made by residents were taken in and used for the development of this rezone. They are trying to limit the density of the area and believes the R-1 zoning protects the property from being zoned to smaller lots in the future. Mr. Verhoeks explained the amenities they will be enhancing are paving the dirt road, bringing in high speed internet, and a multi-use path throughout the properties. He stated they are looking to clean up the neighborhood and get rid of nuisance lots filled with weeds and are unmaintained and remove dilapidated houses. They have water supplied for the property and will work with the water district for setting up the irrigation system during the platting stage.

##### **Travis Taylor - in favor – 12840 Quail Run Ln, Caldwell ID 83607**

Mr. Taylor explained that he was born and raised near the area. He wants to raise his family in a nice area and believes this rezone will create that for their community. These lots for the rezone are not being maintained currently and are eyesores and potential fire hazard. He wanted to get up to show his support for this application.

##### **Emily Nied - in favor – 1297 Neldorado St, Boise ID 83704**

Ms. Nied explained she is looking to buy a house and has been looking for about a year. She would be buying one of the lots this rezone will provide. Ms. Nied that she is the sister of the applicant. She believes this rezone will be good for the community.

##### **Denise Burnett - in neutral – 25498 Emmett Rd, Caldwell ID 83602**

Ms. Burnett explained that her property is to the south of these properties. She agrees the properties have not been used for agriculture for quite a while. She is concerned with the growth of the area and would like to see it being rezoned to R-R. She is also concerned with the amount of traffic this rezone will create. Ms. Burnett is also concerned about having neighbors so close by to her property. She stated does see the advantages of this application. Ms. Burnett explained that she would like to see the land closer in town be developed before this property. She believes it has been about 5 years since it has been actively irrigated. Ms. Burnett notified the hearing body of a few CAFO and feedlots in the nearby area.

##### **Donald Gullledge - in opposition – 12895 Galloway Rd, Middleton ID 83644**

Mr. Gullledge explained he is concerned with the water usage each of the lots will use and with the wells and water levels. He explained the neighbors have to schedule alternate days for irrigation water usage. Mr. Gullledge stated he is also concerned with the septic systems and they should be on city sewer for

this amount of lots. His final concern is about the lack of transparency with this application. He would like to see an R-R zoning as he believes this zoning would be more reasonable.

**Dustin Schiffler - in opposition – 26451 Hidden Valley Ln, Middleton ID 83644**

Mr. Schiffler explained that he is concerned with the increase of traffic this rezone would create; there is a hill with a blind spot and it is concerning if more traffic is created. He explained he would like to see it rezoned to lower density lots.

**Meussa Mitchell - in opposition – 12903 Galloway Rd, Middleton ID 83644**

Ms. Mitchell explained she is concerned with the water levels and the functioning of the irrigation system. She would like to see an R-R zoning. She is also concerned with having neighbors so close to her property. Ms. Mitchell explained that she is also concerned with the new residents complaining about the livestock in the area.

**Rebuttal: Tanner Verhoeks - Applicant (Representative) in favor – 12835 Quail Run Ln, Caldwell ID 836047**

Mr. Verhoeks explained that if this rezone is approved, the next step would include to meet with the irrigation and highway districts and get approvals through them and upgrade any infrastructure as needed. He believes this rezone will be a positive impact for the area. He is trying to address and fix all of the concerns the neighbors have. He believes that the R-1 zoning will protect this property from being zoned into smaller lots in the future. Mr. Verhoeks explained that they made the lots as large as possible and are consistent with the area.

**MOTION:** Commissioner Williamson moved to close public testimony on Case RZ2021-0019, seconded by Commissioner Wellard. Voice vote, motion carried.

**MOTION:** Commissioner Brock moved to recommend approval of Case RZ2021-0019, 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 Wellard. Roll call vote with 4 in favor and 0 opposed, motion passed.

- **Case No. RZ2021-0010 & SD2021-0008:** Callister LLC/C4 Subdivision: Callister, LLC. is requesting a Rezone of approximately 31.43 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. The average minimum lot size in an R-1 zone is one (1) acre. Also requested is a Preliminary Plat, Irrigation & Drainage Plan for C4 Subdivision. The plat includes 24 residential lots and one (1) common lot. The subject property, R37617010A is located directly north of the intersection of Quail Haven Way and Lansing Lane, in the NW 1/4 of Section 34, 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.

**TESTIMONY:**

**Alec Egurrola - Applicant (Representative) in favor – 332 N Broadway Way, Nampa ID 83687**

Mr. Egurrola explained the surrounding properties and the uses for those properties. He believes this application complements the surrounding area. He stated that this property is zoned for future residential use in the Middleton Comprehensive Plan and Canyon County’s Comprehensive Plan. Mr. Egurrola explained the layout of the subdivision. He stated they have approved access through the highway district. He explained the existing pond will be kept and will be used by the residents for

recreation and will also be used for the irrigation system.

**Todd Lakey - in favor – 12905 Venezia Ct, Nampa ID 83651**

Mr. Lakey explained the pre-annexation agreement with the City of Middleton. He stated that their preference is to not be annexed into the city and not connect to city services at this time, they do not believe it is compatible with the surrounding area. Mr. Lakey explained that they do have a pre-annexation agreement with the city, which means they are providing the utility corridors for future annexation. They want to keep the density low for this property. Mr. Lakey explained that the future residents will be notified of the future annexation of these lots.

**Colin Ronhaar - in favor – 332 N Broadway Way, Nampa ID 83687**

Mr. Ronhaar stated that he is the engineer for this project. He explained that there is another proposed subdivision to the west of this property that the City of Middleton is going to be connecting utilities to.

**David Callister - in favor – 174 Kestrel, Eagle ID 83616**

Mr. Callister explained that if this project is delayed and city services get connected, he would be putting more houses per acre and increase the density.

**Rebuttal: Alec Egurrola - Applicant (Representative) in favor – 332 N Broadway Way, Nampa ID 83687**

Mr. Egurrola explained that this subdivision is neighboring another of their subdivisions currently in the platting process. He believes this subdivision is a good addition to the area and with it will protect higher density lots with the R-1 zoning and will create a buffer.

**MOTION:** Commissioner Wellard moved to close public testimony on Case RZ2021-0010/SD2021-0008, seconded by Commissioner Brock. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to recommend approval of Case RZ2021-0010, 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 4 in favor and 0 opposed, motion passed.

**MOTION:** Commissioner Williamson moved to recommend approval of Case SD2021-0008, 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 4 in favor and 0 opposed, motion passed.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Brock moved to approve the minutes from 6/17/2021, seconded by Commissioner Williamson. Voice Vote motion carried.

**MOTION:** Commissioner Williamson moved to approve the minutes from 7/1/2021, seconded by Commissioner Brock. Voice Vote motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Director Fultz updated the Commissioners on the County's Comprehensive Plan, on the Tom Daniels visit and presentation, the hearing examiner and on filling the vacant P&Z Commissioner seats.

**ADJOURNMENT:**

**MOTION:** Commissioner Wellard moved to adjourn, seconded by Commissioner Williamson. Voice vote motion carried. Hearing adjourned at 9pm.

Approved this 5th day of August, 2021

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Robert Sturgill, Chairman

ATTEST

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