



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, September 2, 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  
Brian Sheets, Commissioner  
Sheena Wellard, Commissioner  
Scott Brock, Commissioner

Staff Members Present: Steve Fultz, Director  
Dan Lister, Planning Official  
Elizabeth Allen, Planner  
Jennifer Almeida, Planner  
Richelle Kiyabu, 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 Case No. RZ2021-0003 / OR2021-0004 Werhane Family Trust: table to 09/16/2021.**  
**MOTION:** Commissioner Brock moved to table Case no. RZ2021-0003 / OR2021-0004 to date certain of September 16, 2021, seconded by Commissioner Williamson. Voice vote motion carried.
- **Action item Case No. OR2020-0009, CR2020-0013 & SD2020-0041- Elsberry / Berry Acres Subdivision:** Russ & Vicki Elsberry are requesting a comprehensive plan map amendment to change the designation of R2846602, R28466018, & R28466019 from “Agriculture” to “Residential.” A conditional rezone is also requested to change the zoning of the parcels from “A” (Agricultural) to “R-R” (Rural Residential) including a development agreement to restrict the development of the site to three (3) parcels. Also requested is a short plat for Berry Acres Subdivision, which contains three (3) residential lots. The subject properties are located at the southeast corner of the intersection of Track Road and Stage Coach Road, in a portion of the NE ¼ of Section 11, T1N, 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 with no objection.

**TESTIMONY:**

**Marc Bybee - Applicant (Representative) in favor – 5700 E. Franklin Rd. #200 Nampa, ID 83687**

Mr. Bybee is the City Attorney for Mebla, ID. Law Firm Rep applicant. Would like to explain the applicant’s reasons for restricted use AG. Land purchased in 2015. Sellers bought land believing they had purchased 3 buildable parcels, 5, 12, 13 acres parcel. When in truth the land is actually 3 accessor

parcels. Original owners “Gunnings” owner divided property extensively mostly by “CUP’s”. Did not plat. Land is not conducive to commercial AG. Slope is not conducive for water which make it extremely difficult to farm. Limited economic value as AG. Condition of limited AG / personal AG use is a more suitable use. Average density use is not AG. And the change would supply less density. Applicants would like to split the lots to deed to family and make the land size more manageable for personal / hobby farming. They are willing to adhere to land development agreement / building envelope to include restricting building permits to 1 on each parcel with designated AG land on each. Believes consist with comp plans and land use.

**Mike Engebretson- In Favor– 2251 S. Sumac St. Boise, ID 83706**

States he is a friend of family. States the mis understanding stated upon purchase of land and the title insurance issued was for 3 warranty deeds. Out of lack of understanding and clarity they did not know they were purchasing land with no building permits. They intend to sell to family. These owners are farmers, not out to make money. They would like to make three parcels that are manageable and keep the AG integrity of the land.

**MOTION:** Commissioner Williamson moved to close public testimony on Case SD2020-0041, OR2020-0009, CR2020-0013, seconded by Commissioner Fried. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to approve Case OR2020-0009, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Fried. Roll call vote with 4 in favor and 2 opposed, motion passes.

**MOTION:** Commissioner Sheets moved to Table CR2020-0013, suggesting the applicant return at a later date with a development agreement. Motion NOT seconded by Commissioner, Motion dies.

Commissioner Sheets withdraws the motion.

**MOTION:** Commissioner Wellard moved to approve CR2020-0013, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Fried. Roll call vote with 4 in favor and 2 opposed, motion passes.

**MOTION:** Commissioner Williamson moved to Table SD2020-0041, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner. Roll call vote within 5 favor and 1 opposed, motion passes.

- **Action item Case No. CU2021-0010 – Barnes / Black Oak Properties LLC:** The applicant is requesting a conditional use permit to allow a recreational vehicle (RV) resort on parcel R37707. The applicant is proposing approximately 181 RV units. The property is zoned “A” (Agricultural). The property is located at 29568 Market Road, Caldwell; also referenced as a portion of the NW ¼ of Section 06, T5N, R3W, Canyon County, Idaho.

Commissioner Wellard testifies she resides 1.50 miles from site. But does not believe her judgement will be affected to make a fair and balanced recommendation. No commission opposition.

**Planner Elizabeth Allen**, reviewed Staff report for the record, including late exhibits.

**Chairman Sturgill**, entered the late exhibits into the record with no objection.

## TESTIMONY

### **Chad Blankenship - Applicant (Co- Owner) in favor – 701 Rose Valley Rd. Kclso, WA 98626**

Purchased land with intentions to create a resort / high end RV park. Intend to create a destination park of 128 slots. With amonites like club house, dog park, water attractions. Potential to generated 98 million eco impact. Positive impact on community. Land is farmable but no one wanted to purchase as farm land.

### **Bill Driml - In opposition – 28980 Stafford Rd. Caldwell, ID 83607**

Owns a diary 1 mile away. Has cows in pasture during summer. Would like land to remain AG land as the comp plan states and all surrounding parcels support.

### **John Dominguez – In opposition – 28980 Stafford Rd. Caldwell, ID 83607**

Believes there will be significant issues with traffic and highway. Will not provide local income. Even the one gas station there struggles. It's not an area meant to be commercial. Believe it has negative impact on AG.

### **Callee Miller – In opposition – 301 Market Rd. Caldwell, ID 83607**

Very concerned about impact on traffic in front on property. Owns and operated a horse training farm. Concerned with safety of mixed unknown types of people. Fueling station is not up to standard for increase of large Rec / RV vehicles/ Does not feel the project contributes to local community or has even considered the local community. Concerned about the liability on her livestock and outside pets from project. Heavy farming traffic on roads pose a huge risk for safety.

### **Shane Hall – In opposition – 25884 Market Rd. Caldwell, ID 83607**

“Dumbest place this project could go.” The road is extremely dangerous. Services and food are at least 10 miles away. Concerned about water table. Are there going to be impact fees? Over taxed school district is already in trouble, what will be done to contribute to that?

### **Jennifer Riebe – In opposition – 6255 SE 10<sup>th</sup> Ave. Caldwell, ID 83607**

Ms. Riebe is a Planning and Zoning commissioner for Payette County as well as a AG / Farm Crop consultant. Would like to state that the engineering report states the bridge access to this project is no viable for excessive large vehicles. “Issue” with the curve. Nearby commercial area was approved under old comp plan in Payette County. It has not been successful and doubts any future project will be approved as they do not match current comp plan nor local economy. Also agrees project would have a negative impact on local AG land.

### **Brad Jensen – In opposition – 29091 Stafford Rd. Caldwell, ID 83607**

States the land is medium to prime AG ground and farms / leases himself. There is heavy Farm equipment traffic on the roads and not safe for unexperienced / not local traffic / drivers. City services are too far away including emergency services. This project would not contribute to the local public services, yet would add strain to those services. Believes this is a terrible use / plan for this land.

### **Chris Celland – In opposition – 27953 Cowway Rd. Caldwell, ID 83607**

Is a local Farmer. Land is prime farm ground. Would like the area to remain open spaces. The proposed plat and number is equal to high density impact on local AG ground. Concerned with public safety. Services to far away. Project poorly planned. No positive impact to community.

**Kurtis Funke – In Opposition – 28557 Market Rd. Caldwell, ID 83607**

Is a local Farmer. Does respect private property rights. Concerned include traffic impact and risks to public safety. This is farmer and families in the area. Trespassing issues will affect public safety resources cost farmer money and create a negative impact.

**Chad Blankenship – Rebuttal – Applicant (Co-Owner) – 701 Rose Valley Rd. Kclso, WA 98626**

Concerns are legit. Understands publics concerns. The project is still in very early planning stages. They intend address many of the concerns stated.

**MOTION:** Commissioner Williamson moved to close public testimony on Case CU2021-0010, seconded by Commissioner Fried. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to table Case CU2021-0010 including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Wellard. Roll call vote with 2 in favor and 4 opposed, motion Fails.

**MOTION:** Commissioner Sheets moved to deny Case CU2021-0010 including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Fried. Roll call vote with 5 in favor and 1 opposed, motion passes.

- **Action item Case No. RZ2021-0027, OR2021-0012 & SD2021-0016 - Van Slyke Farms LLC:** The applicant, Mason Associates Inc. representing Van Slyke Farms LLC, is requesting a **comprehensive plan map amendment** (Case No. OR2021-0012) to amend a 26.20-acre portion of parcels R33211 and R33212 from an “agricultural” designation to a “residential” designation, a **zoning map amendment** ( Case No. RZ2021-0027) to rezone a 26.20-acre portion of the subject parcels from an “A” (Agricultural) Zone to an “R-1” (Single Family Residential) Zone, and a **preliminary plat** with irrigation and drainage plat for Van Slyke Farms Ridge Subdivision (Case No. SD2021-0016), a 18 residential-lot subdivision with one (1) common lot. The parcels are located at 17553 Van Slyke Road, Wilder; also referenced as a portion of the NE¼ of Section 6, T3N, R4W, Canyon County, Idaho.

**Commissioner Patrick Williamson recused himself.**

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

**Chairman Sturgill**, entered the late exhibits into the record with no opposition.

**TESTIMONY:**

**Angie Cullen - Applicant (Representative) In favor – 924 3<sup>rd</sup> St So. Nampa, ID 83651 Mason & Assoc.**

Believes all research and due diligence on the applicant’s part shows that the project is compatible with current comp plan and future land use map. Does not believe the plat is complete. Believes though the future land use is to return the land to “AG” the current comp plan states otherwise and they have to be held to the current standard. The project is utilizing non-prime farm ground and match the project to each side of the land that already developed “RR” and “R1” projects. Water table has been tested with more the acceptable results.

**Brandon Van Slyke – Applicant (CFO Van Slyke Farms) – 22775 Homedale Rd. Wilder, ID 83676**

Van Slyke Farms is a family run Century Farm Certified, committed to the lineage of farm and the long-term AG use of land. The Van Slyke family is not intending to piece out and subdivide land. They are just seeking to make use of a small piece of useable land that cannot be farmed and has had no previous success with farm attempts.

**William Mason – In favor - Mason & Assoc. – 924 3<sup>rd</sup> St. SO. Nampa, ID 83651**

Engineer of proposed Plat. Does not believe the plat is incomplete as the county states, but in the event the board would like correction or adjustments made the applicants and the engineer is willing to comply. The hillside slope is not going to be effected.

**Triston Van Slyke – In favor – (President Van Slyke Farms) 2685 W. Adle Rapids St. Meridian, ID 83646**

Applicant restates that Van Slyke Farms is a family run Century Farm Certified, committed to the lineage of farm and the long-term AG use of land. Family believes this is the most responsible course of action for the subject parcel that is not farmable and considered an eye sore / nuisance for surrounding land owners due to weeds. The project is in line with current comp plan and land use maps and designed to flow with current development to each side of the property. All due diligence finds favorable results to proceed. Applicants request recommendation of approval.

**Jennifer Riebe – Neutral – 6255 SE 10<sup>th</sup> Ave. Caldwell, ID 83607**

Would like to stress the importance of protecting Ag land use. Both current and future. Preserving Ag land is important but also to be considered is the negative impact on Ag land that is being surrounded by development. Farmers are incurring negative impact expenses due to development to close to their farms. Such as golf balls “pollutants” damaging crops, crop dusting planes still have to dust this is not meant to be done over homes. This cost the farmers more money and work.

**Patrick Williamson – Neutral - 19550 Eat A Bite Ln. Caldwell, ID 83607**

Owns and operates farm connecting to property approx. 300 acres. Important to consider development impact on existing surrounding land. EPA now mandates that crop dusters notice all homes within 100yds of dusting area. This is another added expense that comes from the profit of them just trying to do their jobs.

Not in favor but not opposed as land owners’ rights to manage their land should be honored and protected.

**John Williamson – Neutral - 19500 Eat A Bite Ln. Caldwell, ID 83607**

Owns and operates farm connecting to property approx. 300 acres. Would be a hypocrite to oppose the Van Slyke project as he has a Conditional Rezone to “RR” from “A”. Though family intends to farm the land forever, the rezone was done in the event that ever becomes not possible. Believes the rights of the land owners must be protected as well as balancing the protection of Ag land.

**Mark Runyan - In opposition – 23289 Homedale Rd. Wilder, ID 83676**

States concerns over local road conditions, traffic already very unsafe. There is still a large amount of farming equipment on the roads. Concerns that this is just the beginning of the property owners slowly developing the to R1 piece by piece. Concerned with water table. Local wells are already going dry. The local community already upset with the established development and do not want to see more.

**Steve Meisker – In opposition – 23263 Everrose Rd. Wilder, ID 83676**

Testimony remarks re state previous remarks. See Above.

**Nathen – In opposition – 23171 Everrose Rd. Wilder, ID 83676**

Testimony remarks re state previous remarks. See Above.

**Shelley Skogsber – In opposition – 23191 Homedale Rd. Wilder, ID 83676**

Testimony remarks re state previous remarks. See Above.

**Frank Delacruz – In opposition – 17530 Van Slyke Rd. Wilder, ID 83676**

Testimony remarks re state previous remarks. See Above.

**Joe Mason – In opposition – 23602 Garriott Ranch Way Wilder, ID 83676**

Testimony remarks re state previous remarks. See Above.

**Bill Taylor – In opposition – 23125 Homedale Rd. Wilder, ID 83676**

Testimony remarks re state previous remarks. See Above.

**Matt Taylor – In opposition – 23536 Homedale Rd. Wilder, ID 83676**

Testimony remarks re state previous remarks. See Above.

**Angie Cullen - Applicant (Representative) Rebuttal – 924 3<sup>rd</sup> St So. Nampa, ID 83651 Mason & Assoc.**

Re-iterates that the water table has been tested and more then past standards. Will comply if development plan for engineering.

**Tristen Van Slyke - Rebuttal:**

Re-iterates family is not out to over develop land. They are just attempting to do the most responsible thing with unfarmable land.

**MOTION:** Commissioner Sheets moved to close public testimony on RZ2021-0027, OR2021-0012, SD2021-0016, seconded by Commissioner Fried. Voice vote, motion carried.

**MOTION:** Commissioner Brock moved to approve Case OR2021-0012, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Wellard. Roll call vote with 3 in favor and 2 opposed, motion passes.

**MOTION:** Commissioner Brock moved to approve Case SD2021-0016, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Wellard. Roll call vote with 3 in favor and 2 opposed, motion passes.

**MOTION:** Commissioner Brock moved to approve Case RZ2021-0027, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Wellard. Roll call vote with 3 in favor and 2 opposed, motion passes.

➤ **Action item Ordinance No. OR2021-0022, Table to 09/16/2021.**

**MOTION:** Commissioner Williamson table Case no. OR2021-0022 to date certain of September 16, 2021, seconded by Commissioner Brock. Voice vote motion carried.

➤ **Action item Election of Planning & Zoning Commission Secretary.**

**MOTION:** Commissioner Wellard elect Commissioner Brock as commission secretary, Motion seconded by Commissioner Sheets. Roll call vote with 5 in favor and 0 opposed, motion passes.

- **Action item:** Amendment to Planning and Zoning Commissions bylaws to include, Code of Conduct & Oath of Office. All members shall sign and adhere to a Code of Conduct and Oath of Office statement.

**MOTION:** Chairman Sturgill moved to approve, seconded by Commissioner Williamson. Voice vote motion carried.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Williamson moved to approve the minutes from 08/19/2021, seconded by Commissioner Fried. Voice Vote motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Director thanks commissioner Fried for his service and welcomes new commissioner Sheets. Interviews for commissioners will continue in September. Comp plan town hall meetings will proceed in September, Director looks forward to having Commissioner's present.

Planning Official Lister presents final draft revised of public hearing noticing standard operating procedures.

**MOTION:** Commissioner Brock moved to approve the revised public hearing noticing standards, seconded by Commissioner Sheets. Voice Vote motion carried.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote motion carried. Hearing adjourned at 12:11am.

Approved this 16th day of September, 2021

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Robert Sturgill, Chairman

ATTEST

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\_\_\_\_\_, Recording Secretary