



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, January 13, 2022  
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  
Brian Sheets, Secretary  
Ron Amarel, Commissioner  
Harold Nevill, Commissioner

Staff Members Present: Stephen Fultz, Director of Development Services  
Zach Wesley, County Attorney  
Elizabeth Allen, Planner  
Kate Dahl, Planner  
Bonnie Puleo, Recording Secretary

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

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

**CASE NO. OR2021-0029:** AN ORDINANCE AMENDING CHAPTER 7, ARTICLES 2, 17, AND 18, ZONING REGULATIONS, OF THE CANYON COUNTY CODE OF ORDINANCES; AND SEVERABILITY CLAUSES; AND EFFECTIVE DATES TO INCLUDE PROVISIONS FOR THE LAND DIVISION OF PARCELS CREATED PRIOR TO SEPTEMBER 6, 2004 AND OTHER AMENDMENTS REGARDING THE DIVISION OF PROPERTY. THE AMENDMENT INCLUDES THE FOLLOWING:

- CHAPTER 7, ARTICLE 2, SECTION 3, DEFINITIONS: AMEND THE DEFINITION OF ORIGINAL PARCEL.
- CHAPTER 7, ARTICLE 17, SECTION 3, SUBSECTION 3: JURISDICTION: AMENDMENT TO SUBSECTIONS (A), (B), AND (F) REGARDING AGRICULTURAL PARCELS, PARCELS CREATED BY SETTLEMENT OR COURT DECREE AND DIVISION OF LAND FEWER THAN FIVE PARCELS FROM THE ORIGINAL.
- ARTICLE 18: ADMINISTRATIVE LAND DIVISIONS. CHAPTER 7, ARTICLE 18: AMENDMENT TO INCLUDE SEPARATE SECTIONS FOR PURPOSE, APPLICABILITY AND APPLICATION REQUIREMENTS AND PROVISIONS, SEPARATE AND AMEND PROVISIONS AND REQUIREMENTS FOR LAND DIVISION IN AN "A" ZONE AND DIVISIONS IN OTHER ZONES (SECTION 07-18-01), AMENDMENT TO SECTION 07-18-05 (ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE) REGARDING REMOVAL OF OWNERSHIPS OF CONTIGUOUS PARCELS REQUIREMENTS AND OTHER MINOR AMENDMENTS TO SUBSECTION (4), AMENDMENT TO SECTION 07-18-07 (LAND DIVISIONS BY JUDICIAL DIVISION) TO PROVIDE CLARIFICATION TO THE REQUIREMENTS, AND MINOR AMENDMENTS TO THE ARTICLE 18 WHICH INCLUDES REFORMATING AND NUMBERING.

**Planners Kate Dahl and Elizabeth Allen and County Attorney Zach Wesley** reviewed Staff report for the record, including a late exhibit.

**MOTION:** Commissioner Nevill moved to take a brief recess for 10 minutes to review the late exhibit (exhibit 4), seconded by Commissioner Williamson. Voice vote, motion carried.

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

**TESTIMONY:**

**IN FAVOR:**

**Alan Mills – In Favor – PO Box 206 Middleton ID 83644**

Mr. Mills discussed the ordinance and some of the positives of passing this ordinance. Currently most of the developments are 1 and 2 acre parcel platted subdivisions with many CC&Rs. Those CC&Rs eliminate many activities that are germane to Canyon County including hobby farming, FFA projects as well as building large, high end homes with multiple auxiliary structures. Current subdivisions wouldn't be able to allow those types of uses with HOAs but this new ordinance would.

**MOTION:** Commissioner Williamson motioned to grant 5 more minutes of testimony to Alan Mills seconded by Commissioner Sheets. Voice vote, motion carried.

Mr. Mills' concern and questions are with platted parcel divisions and ensuring that lots not divided before 1979 still retain their eligibility: there are several areas in the ordinance would need that clarification if they keep that language about maintaining their eligibility. He would also like them to tweak the definition of "original parcel". He would like to encourage the County to use the State Title 50 definition of 'subdivision' and not reinvent a new one. Mr. Mills is also confused about the CUP portion of the ordinance, especially the portion where you have to use a CUP to gain additional parcels. Mr. Mills had concerns that there were some places in the ordinance that used the September 6, 1979 date that should have been 2004. He found some typos in the ordinance that he thinks may be caught but will submit his edits to the County Commissioners for their review. Mr. Mills said "It's an Idaho thing": most people here want independence and don't want commonly shared land; they want their own land and to do their own activities. He feels that this new ordinance allows everyone to do what they want to do with their land.

**Matt Wilke – in Favor – PO Box 7 Middleton ID 83644**

Mr. Wilke changed his testimony from neutral to 'in favor'. Part of his confusion was with the Conditional Use Permit process but he feels they can iron out the issues before they get to the Board of County Commissioners and staff has already answered some of his questions. He agrees with the non-viable Ag farm ground portion of the ordinance; it will give some smaller owners use for their non-viable land. It still has a use even if it is not viable for farming anymore. He felt this change to the ordinance would help and not burden some of the landowners with the whole rezone process. He sees it as an advantage for the County and County staff too. Mr. Wilke agrees with the one acre minimum.

**NEUTRAL:**

**Chris Hopper – in Neutral – 15435 Highway 44 Caldwell ID**

Mr. Hopper is the District Engineer with the Canyon Highway 4 District. The Highway District is not

opposed to the idea of administering lot splits; historically, it has been limited to 4 splits per 120 acres. Prior to 2005, the Highway District did not receive any notice or request for comment on administrative land splits: they would just have people come in requesting access permits. They are still dealing with some of those splits today because they don't have viable access locations. At that time, they were dealing with a limited number of possible land divisions. Earlier this year (2021), the County amended that so properties that have been rezoned can have an additional 4 lot splits and this caused a new flood of applications for access permits which has created new problems and hindered their ability to plan for the transportation system. Mr. Hopper referred to a letter he provided which was entered as a late exhibit. He said this will create a bunch of new small parcels that will need to front onto what will need to be principle roadways and managing those will be a big challenge. They will start to see more clusters of 'subdivisions by lot split' developments and it will magnify the problems that already exist: they are already seeing new applications for multiple lot splits. The new lot splits that have been created act just like subdivisions and have the same impact on the transportation system and the same need for access controls but doesn't allow the Highway District the time to go through the requirements as regular subdivision process does.

**MOTION:** Commissioner Sheets motioned to grant 2 more minutes of testimony to Chris Hopper seconded by Commissioner Williamson. Voice vote, motion carried.

Mr. Hopper said regarding the scope of modifying the originality date; from the County tax parcel information, sorted by instrument number which is indicator of when the last deed on the property was recorded, he figures there are 9400 parcels haven't changed ownership since 2005. Not all those parcels would be eligible for a split but a large portion of them would be under this new policy. That would be 6400 new parcels; he admitted that was an imperfect number but it gives them an idea of the scope. In the staff report, the County said it processed 110 land divisions in 2021; 50 of those came through Canyon Highway District. He feels his Highway District is feeling the largest impact of these new divisions; more than any other Highway District. There used to be a process where the Highway District had to provide a letter of acknowledgement to the applicants which they had to submit with their application. This allowed the Highway District to specify any access conditions or any other conditions to that parcel. Right now, they have been able to meet the new 15-day timeframe for comment but they encourage applicants to come to them first before they pay for a record of survey because it can have a big impact on the shape and layout of the parcels. Mr. Hopper said one section of the proposed code: Page 11, 3C, section 7-18-13 (item 2): he thinks we need a reference to what the article referenced is. Mr. Hopper has been trying to get a quorum of the Highway Districts to lay out specifically what their concerns are and find some solutions but he has had a hard time doing that because they are all so busy. Mr. Hopper said that if they see more and more applications because of the larger number of parcels available, it will put more and more of a burden on their staff and this is only one small piece of all the development work they do. The 15-day comment period is enough, for most applications. He said they recoup their costs by charging a fee for reviewing the applications which was increased last summer. The fee is enough for a small parcel split but for more complicated, larger developments, the fee is not covering their costs. Mr. Hopper discussed setback requirements for roads and acquiring road right of ways. He also reviewed the roadway access challenges highlighted on the examples contained in his letter (which was the late exhibit).

**MOTION:** Commissioner Williamson moved to close public testimony on Case OR2021-0029 seconded by Commissioner Sheets. Voice vote, motion carried.

**MOTION:** Commissioner Nevill moved to deny Case OR2021-0029; no second. Motion died.

**MOTION:** Commissioner Sheets moved to approve and amend Case OR2021-0029 as follows;

- Exhibit 3c page 10 (b): maintain this section without modification.
- Exhibit 3c page 4 section 07-18-05.1 Subsection A: Water plan to include water source and use of water; Irrigation plan if applicable; Division of water rights if applicable
- Exhibit 3c page 4 section 07-18-05.2: Include notice to the Irrigation District and requiring a letter of acknowledgement from the appropriate Highway District.

Commissioner Williamson suggested a change on the land use map: he wanted to have some kind of color designation on the land use map for these applications to make it easier for County planners and Commissioners to keep track where some of these developments are. Felt it would identify where there are some of these administrative land splits versus rezones.

Motion seconded by Commissioner Amarel. Motion withdrawn by Commissioner Sheets.

**MOTION:** Commissioner Williamson moved to deny Case OR2021-0029, directing staff to revise the Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Nevill. Roll call vote 3 in favor, 2 opposed, motion passes.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

General discussion on directing staff to make changes to the language for the denial and the Findings of Facts, Conclusions of Law and Conditions of approval. Revised FCO's to be brought back to the Planning and Zoning Commission the following week for approval.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote motion carried. Hearing adjourned at 9:46 pm.

Approved this 3rd day of February, 2022.



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Recording Secretary