



CANYON COUNTY HEARING EXAMINER  
MINUTES OF REGULAR MEETING HELD  
January 20, 2022  
1:30 P.M.

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

Examiner Present: Bruce Eggleston  
Staff Members Present: Dan Lister, Planner Official  
Katie Phillips, Planner II  
Cassie Lamb, Planner I  
Bonnie Puleo, Recording Secretary

**Examiner Eggleston**, called the meeting to order at 1:30 p.m.

**Examiner Eggleston**, read the testimony guidelines and proceeded to the first business item on the agenda.

**Action item: Case No. RZ2021-0047 & SD2021-0039 / Alyson Meadows Subdivision**

**ORDER:** Hearing Examiner Bruce Eggleston tabled Case No. RZ2021-0047 & SD2021-0039 to a date certain **March 17, 2022 at 1:30pm.**

**Action item: Case No. CU2021-0012 / Gutierrez Family Farms**

**ORDER:** Hearing Examiner Bruce Eggleston tabled Case No. CU2021-0012 to a date certain **February 17, 2022 at 6:30 pm.**

**Recording Secretary Bonnie Puleo** called roll and swore in officials and staff.

- **Case No. RZ2021-0046 & SD2021-0038 / Sierra Vista Properties/Mint Farm Estates**  
Sierra Vista Properties, Inc. is requesting approval of a Conditional Rezone of approximately 90 acres from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone/Single Family Residential) zone including a Development Agreement. Also requested is approval of a Preliminary Plat, Irrigation, & Drainage Plan for Mint Farm Estates Subdivision (53 residential lots). The subject property, parcel no. R37496 is located at 8718 Purple Sage, Rd., Caldwell, Idaho, in a portion of the SW ¼ of Section 27, T5N, R2W, BM, Canyon County, Idaho.

**Planner Katie Phillips**, reviewed Staff report for the record, including late exhibits (12B).

**TESTIMONY:**

**Ammon Andelin / Applicant – IN FAVOR – 2195 Cherry Lane Emmett ID 83617**

Mr. Andelin and his family have owned the property for ten years and now would like to develop it. He said they have gone through all the requirements and have taken some extra measures to be able to

develop this property. He has met with engineers, the County, the City, Southwest District Health and the Irrigation District to get their input and put that into the development. Mr. Andelin stated they also had a neighborhood meeting last July. Per the requirements of Southwest District Health, they did test holes to do an analysis of the soils, although they are not required to do an NP study because it is outside the Nitrate Priority area. Mr. Andelin stated the conditional rezone falls in line with the Canyon County future land use map but rather than develop a high-density project, they would like to develop a mixture of one and two acre lots. He said while they want to rezone to an "R-1" designation, they are not going to develop as dense as they could; he respects the County and its rural feel. Mr. Andelin feels there is a shortage of homes in Idaho and he thinks that is why the mixture of 1 & 2 acre lots makes sense. The development will have public paved access at three different points on the Plat. The late exhibit is a future road map from the Highway District and shows their development is in line with future growth and use of the area. The exhibit shows future roads going into the area and their subdivision is in line with future road locations. Mr. Andelin is willing to enter into a development agreement to develop the Plat as presented and not change the density at a future date. They did not consider a community septic system; while they did consider bringing in Middleton city services (sewer and water), those services are over two miles away as of today and they felt that would be too expensive. Because of the high cost, they decided on individual well and septic. He said they also did not consider advanced well treatment because the proposed development falls outside the Nitrate Priority area.

**Derritt Kerner – IN FAVOR – 270 N. 27<sup>th</sup> St. Boise, ID 83702**

Mr. Kerner is the engineer on the project; he said none of the land exceeded the 15% grade, however some were up to a 10% grade in slope on the land. They did road profiles on the entire project for the Highway District to prove the 10% maximum roadway slope would work and it does. They are prepared to do a slope/utility easement to ensure the roadway network would work. Mr. Kerner stated they dug test holes on every single lot, which is required now. Their land is not in Nitrate Priority area so advanced treatment systems are not required. The development will be using traditional septic systems: they never considered community well or community septic. Mr. Kerner stated that to do a community well and septic, there would have to be more density (of homes) to pay for it. There are monitoring requirements and additional costs with those systems and here, people don't want to share wells and septic. The applicants came to him to develop the property and asked him to tell them what is best way to do that. He said they did not want to develop to the maximum limit; they have the luxury with 90 acres to create the bigger lots. Larger lots are set around the perimeter as a buffer between the neighbors; smaller lots in the interior. The number, 53 lots, has never changed. He said they also worked with Highway District to move the stub roads. They have water rights and worked with the Bureau of Reclamation to figure out how the irrigation system will be modified. They will have pressurized irrigation. Mr. Kerner stated they did an environmental study because they are moving an easement/open ditch and nothing of concern was found in that study. They wanted to be outside the Middleton Area of City of Impact because they wanted it to be rural residential. The City of Middleton and City of Star would want a higher density subdivision. Mr. Kerner emphasized they are not asking for the maximum number of lots and the number of lots wouldn't change.

**Allen Colson – IN OPPOSITION – 8802 Purple Sage Rd Middleton ID 83644**

Mr. Colson lives two lots down from this proposed development. He has concerns: this is an agricultural area and those Ag operations are going on all the time. One of his concerns is whether it meets or is compatible with what is currently going on in the area. There is large equipment that crosses the roads and they are bringing 53 residential homes with one to two cars for each home. Those people may not understand agricultural operations. Mr. Colson brings large vehicles across Purple Sage Rd himself and it is hard enough now as it is; the only access to this development will be Lansing Rd and Purple Sage Rd.

There are other roads that residents can take but they won't use them. People will take the shortest route. Mr. Colson is also concerned about irrigation. His property draws irrigation that comes directly through this proposed development and no Bureau of Reclamation information has been shared with him or any of his neighbors. Another concern of his is the traffic flow: specifically, incidences and accidents. The report cites all the accidents that have occurred at Lansing Lane and Purple Sage Rd and it is incorrect. In the last year, there have been two fatalities in that location; he states living near that intersection, he can hear screeching of tires. Mr. Colson was asked by the school bus company to meet his young child at the bus stop so she could be safely escorted across the road and more homes will mean more traffic. There are multiple intersections on Purple Sage which are not four way stops; he personally slows down when he approaches those roads so he won't have an accident, even when he doesn't have a stop sign. Mr. Colson is also concerned about the 53 wells that are going to be put in; he is afraid that somewhere down the road, he is going to have to put in a new well. He couldn't find the information on how much the draw down would be on 53 wells. He is concerned about his pastureland getting irrigated and hasn't seen any plans on how that would be done. He is also concerned about the schools; Middleton schools are overcrowded as it is. This development exceeds what the area capacity is right now. He and the other neighbors thought 5 and 10 acre lots would fit better. He feels you can't support a horse on one or two acres as they are stating.

**Jill Jenkins – IN OPPOSITION – 8251 Edna Lane Middleton ID 83644**

Ms. Jenkins' property borders the northeast side of the proposed development. A canal runs behind them; she doesn't have surface water rights but she has ground water rights that they use for their farm fields. The proposed development of 53 homes on 90 acres as well as another 48 additional homes next to this one is a concern to her. 100 homes on their own wells and septic systems; she feels high density development needs to be on a municipal water system because otherwise it will dry up the existing wells. Ms. Jenkins stated there is no guarantee that the water resources will be there to sustain them. She said wells are drying up across the Valley because the agriculture fields, which used to recharge the groundwater, are being replaced by homes and impervious surfaces. She feels new homes need to be on municipal water systems.

**Derritt Kerner – REBUTTAL -- IN FAVOR – 270 N. 27<sup>th</sup> St. Boise, ID 83702**

Mr. Kerner stressed that they have something worked out with the Bureau of Reclamation so the neighbors' service will not be interrupted and he will share the information with them. He said they are called "improvements" and that means the water should get there more reliably and faster/better. Mr. Kerner stated they did a traffic impact study and per ITD, this project doesn't trigger any additional upgrades for State Street, other than what they are planning now. Similarly, with Purple Sage Rd, the Highway District has existing plans to upgrade it and their development doesn't change that. Mr. Kerner said they are giving ITD 50 feet of right of way and are also widening the road in front of their development. Mr. Kerner said when you have a septic system, it automatically recharges the groundwater system. City developments pump water from wells but it goes into a sewer system and that doesn't recharge the groundwater as septic systems do. He stated they will be using their surface water rights to irrigate the land and that will also recharge the groundwater. The cost of a 5 to 10-acre lot is not affordable for most people these days. He emphasized if they were having this conversation with the City of Middleton at some future date, the city would be asking for denser development.

**Examiner Eggleston** closed the public hearing.

**Examiner Eggleston** recommended **denial** of Case number RZ2021-0046 & SD2021-0038 including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners.

➤ **Case No. CU2021-0025 / James & Robin Cathey**

The applicants, James & Robin Cathey, are requesting a conditional use permit to allow a commercial equestrian arena use within an "A" (Agricultural) Zoning District. The arena uses includes boarding, training and facility events. The subject property is located at 24126 & 0 Middleton Road, Middleton (Parcel R37589 & R37590010); also referenced as a portion of the SW N1/2 of Section 32, Township 5N, Range 2W; Canyon County, Idaho.

**Planner Cassie Lamb**, reviewed Staff report for the record.

**TESTIMONY:**

**Wyatt Johnson / Applicant (Representative) – IN FAVOR – 199 N. Capitol Suite 200, Boise ID 83702**

Mr. Johnson wanted to cede his time to the owner so she could come up and clarify the kind of events they would hold at the facility and talk about the number of daily trips that would occur at the location.

**Robin Cathey – IN FAVOR – 24126 Middleton Rd., Middleton ID 83644**

Mrs. Cathey showed a video about what the facility would be like and how it will be used. They are striving for quality in their facility. They want higher caliber horses and trainers, who they hope will be drawn to the facility because of its uniqueness. The facility is only 24 stalls to hold the 24 horses full time however they want to have the ability to bring in horses for the day to attend clinics. The road coming into the facility will be moved out of the flood zone. The facility itself is on 20 of the 40 acres; the other 20 acres will be used to raise hay to offset costs. There may be an extra 8 to 10 horses per day for a clinic. The hours of operation will be 7 am to 7 pm for events and clinics. Exterior lighting will be directional and focused only on the one outside arena. They can also move into the indoor arena after 7 pm which will be lit. The public address (PA) system will be in the indoor arena only and when giving one on one lessons outdoors, headsets will be used.

**Kyle Petersen – IN FAVOR – 24122 Middleton Rd., Middleton ID 83644**

Mr. Petersen owns the property that is surrounded on the East and North by this property. He is very happy this is coming in. He expected a subdivision so he is ecstatic that this is coming. He feels the town of Middleton needs something like this. He stated there is not much for the youth to do and not everyone can keep a horse on their property so this will be a positive addition to the community.

**Examiner Eggleston** closed public hearing.

**Examiner Eggleston** recommended **approval** of Case number CU2021-0025 including the Findings of Facts, Conclusions of Law and conditions of approval.

**ACTION ITEM: Approval of Minutes**

**Examiner Bruce Eggleston** approved the minutes from December 16, 2021.

**ADJOURNMENT: Examiner Bruce Eggleston** adjourned the hearing at 2:59 pm.

An audio recording is on file in the Development Services Departments' office

Approved this 17th day of February, 2022



Bruce Eggleston, Hearing Examiner

ATTEST



Bonnie Puleo, Recording Secretary