



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, January 6, 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, Commissioner

Staff Members Present: Dan Lister, Planning Official  
Kate Dahl, Planner  
Katie Phillips, Planner  
Bonnie Puleo, Recording Secretary

Chairman Robert Sturgill, called the meeting to order at 6:30 pm

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

- **Action item Case No. OR2021-0006, RZ2021-0011, & SD2021-0010: Shoshone Falls Subdivision tabled to a date certain 2/17/2022**  
**MOTION:** Commissioner Williamson moved to table Case OR2021-0006/RZ2021-0011/SD2021-0010, Shoshone Subdivision to date certain of February 17, 2022. Motion seconded by Commissioner Sheets. Voice vote, motion carried.
- **Action item Case No. RZ2021-0041 Benoit Rezone tabled to a date certain of 2/17/2022**  
**MOTION:** Commissioner Williamson moved to table case RZ2021-0041 Benoit Rezone to date certain February 17, 2022. Motion seconded by Commissioner Sheets. Voice vote motion carried.
- **Case no. SD2021-0033: Eagle Cap Subdivision:** The applicant, Gary Johnston, is requesting the approval of the Preliminary Plat with irrigation and drainage plans for Eagle Cap Subdivision on Parcels R37463010B1, R37463010B and R37463010C. The development consists of 11 residential lots served by a public road. The subject property is located at 25158 and 25250 Kingsbury Road, Middleton, also referenced as a portion of the SW $\frac{1}{4}$  of Section 26, T5N, R2W, BM, Canyon County, Idaho.

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

Chairman Sturgill, entered the late exhibits into the record.

**TESTIMONY:**

**Gary Johnston - Applicant (Representative) in favor – PO Box 220, Star ID 83669**

Mr. Johnston doesn't have anything to add, he is just open for any questions. He stated they had good conversations with the Highway District and worked through several proposals they would accept and this result seemed to be the best one for the lot layout, the attractiveness of the subdivision and what

the Highway District would accept.

**MOTION:** Commissioner Williamson moved to close public testimony on Case SD2021-0033, seconded by Commissioner Sheets. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to recommend approval of Case SD2021-0033, 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 Sheets. Roll call vote with 3 in favor and 0 opposed, motion passed.

- **Case no. SD2020-0027: Stadium Subdivision 2:** A request by J.A.P.S of Idaho, LLC for approval of a Preliminary Plat, Irrigation, Grading & Drainage Plan for Stadium Subdivision No. 2. The property is zoned "CR-RR" (Conditional Rezone/Rural Residential). The subject property, parcel No. R37887100 is located on the north side of Goodson Rd., approximately 986 ft. west of the intersection of Wagner Rd. and Goodson Rd., in a portion of the SW ¼ of Section 18, T5N, R3W, 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.

**TESTIMONY:**

**Todd Lakey (went first) - in favor – 12905 Venezia Ct. Nampa ID 83651**

Mr. Lakey stated this project has a long history (he has been involved since 2006/2007). It started out as a conditional use permit, which is the way things were done back then. The conditional rezone was obtained with a development agreement in 2010. The RR zone had a 1 acre lot size at that time. The initial plan which is still demonstrated as part of the project, was to maintain the open space and ag ground in the middle and put the development on the dry ridge surrounding the property. That plan has been maintained by the plat. They have addressed all the density, number of lots, well and septic, groundwater and traffic issues in the preliminary plat. Mr. Lakey said they are doing fewer lots than the developer agreement permits and have done all the technical studies necessary. They are also willing to put in the fire sprinklers that the fire district requested.

**Scott Duffin - Applicant (spoke second) in favor – 1802 W Rattlesnake Dr. Meridian ID 83646**

Mr. Duffin is a professional engineer licensed by the State of Idaho. He reviewed zoning maps and phasing plans that is on the preliminary plat. He showed where the equestrian trail is, which was one of the comments that came from the public. Mr. Duffin clarified that there are actually 4 common lots and are 8 or 9 potential retention areas to take care of the drainage for the roadways and that each owner would be responsible for the drainage on their own lot. Mr. Duffin said the applicant is fully meeting the intent of the development agreement; 178 lots were approved in the development agreement but they are only building on 136 which is a 24% reduction. The average lot size is 16% bigger than what was agreed to in the development agreement. He stated that they will follow all the conditions of approval so they are abiding by the standards. He also discussed the traffic impacts: some of the recommendations of the traffic impact study would require acquiring additional right of way which is out of the control of JAPS and would have to be a Notus/Parma Highway District project. Mr. Duffin discussed that the traffic impact study was deficient in that it didn't meet a 45 mile per hour design speed; some of the road would be posted at a 20 mile per hour speed and if people follow that, it will be safe and functions ok. They would comply with whatever the Notus/Parma Highway district wanted and

would work with them but it would have to be spearheaded by the highway district as the right of way is out of J.A.P.S control.

**Jay Gibbons – in favor – 10167 Willis Rd Middleton ID**

Mr. Gibbons did not have anything to add but would answer any questions. Regarding the roads; they have worked with the Notus/Parma Highway District regarding access to the property and the curves that are brought up in the traffic impact study. The Highway District would have to add those projects to their Capital Improvement plan and J.A.P.S would be more than willing to share costs to acquire right of way and correct the alignment of the road. Those two curves don't meet AASHTO (American Association of State Highway and Transportation Officials) standards and that happened long ago; they do meet the sight distance requirements at 20 mph. Rebuilding those roads will take some time but in the meantime, they can strengthen the 20 mph requirement by adding more signs. There is no accident history with those curves. Mr. Gibbons would be happy to have an additional condition added to the project to work with the Highway District.

**Teri Ottens - in neutral – 17949 Goodson Rd. Caldwell ID 83607**

Mrs. Ottens lives directly across the street from this subdivision; they have spent the last 15 years opposed to this subdivision but were overruled. She represents 6 or 7 of her neighbors and submitted a letter addressing their water and sewer concerns. She is hoping that Southwest District Health takes care of any issues there. She still has a couple of other concerns. They were originally told they were 3 acre lots with luxury homes and equestrian trails, not sidewalks next to the road so she objects to those being the trail system. But her biggest concern is traffic and one concern are the curves to the west. Mrs. Ottens' major concern is Galloway. The traffic study looked at Galloway and Wagner. Galloway is the way they all get out: they are 7 miles away from Interstate access. Galloway is a narrow road: it is unmarked with steep banks. There have been many slide offs. It has a bridge over I84 that was damaged a year ago and hasn't been repaired. They are concerned that Galloway is not being addressed in the traffic study and it is the major problem.

**Mark Ottens - in neutral – 17949 Goodson Rd. Caldwell ID 83607**

Mr. Ottens lives directly across the street from the property; he wanted to talk about the fire sprinkler issue. There have been two house fires and a shed burned recently. One of those was a log home that burned to the ground in which there was a fatality. The Fire District recommended two separate fire apparatus access roads; JAPS' response was they would mandate fire sprinklers provided they were allowed more than 30 homes per phase with a single access point. This is in direct opposition to what the Fire Department requested. He wanted to be sure the CCRs would include that the Fire District would review each house to verify the fire sprinkler systems would be installed. The distance to the nearest fire station is about 15 miles and there is about 20-25 minutes response time.

**DeVon Knutson - in opposition – 27030 Serenity Lane Caldwell ID 83607**

Mr. Knutson's first concern is the underground water; they have had wells go dry this last year because they had a very dry summer and that underground water won't be resupplied with the kind of weather they are having. Mr. Knutson cited the Ogallala system in Nebraska that can no longer irrigate areas in Texas because they have pumped so much out of it. He is concerned that if they put 135 new wells in that area, what will that do to his water supply? There hasn't been a feasibility study done. His second concern is the roads: a week ago, they put a stripe down the center of Wagner. The roads need to be widened and stripes need to be put down the center and the sides and not just on Galloway but on Goodson and Wagner. Regardless of what they said earlier, there are a lot of ups and downs on the road and you can't see someone coming. Mr. Knutson is also concerned about taxes: his taxes have gone up from \$1200 to \$3200 since he moved there in 2011. Is this going to raise his taxes again? If it

continues to go up, he won't be able to afford to live there. He is not opposed to development but doesn't feel that JAPS has done a very good job with the various studies.

**David Taylor – in opposition – 18057 Goodson Rd. Caldwell 83607**

Mr. Taylor is concerned about his well and water; what is 136 homes going to do to the water table? He is also worried about the traffic; he can't believe it isn't going to turn into a freeway, especially going west. At the two dog legs to the west, they put in four new houses. How is that going to impact them? What about the (undeveloped) horseshoe area? That is another 130 houses they can put in there, in the future. That will degrade his quality of life. He is paying over double in property taxes now; he feels they are approaching California rates which is also a quality of life issue. Condemning property will also cost them more. Galloway Road, the bridge and the doglegs to the west; there are livestock along the road farther to the west; how is that going to affect the owner of the livestock? Mr. Taylor doesn't feel like the roads can handle it and if they improve the roads, there go his taxes.

**Wes Jennings - in opposition – 17571 Goodson Rd Caldwell ID 83607**

Mr. Jennings lives directly south of the straightaway: not very many people go 20 mph on that road. He won't repeat everything everyone has said although he agrees with it wholeheartedly. He has major concerns on almost everything they have brought up today. He would like them to consider requiring a community system for the well both for the groundwater decline issue and the potential contamination issue with both fecal matter and Round up. It would also regulate the usage on them so they wouldn't have 135 unchecked wells getting pumped; everyone is going irrigate their 1.25 acres. If you look at use on agricultural use vs. domestic use; domestic use greatly surpasses the use of water on agricultural land. The costs will be the big push but either way, the costs are going to be diverted to the landowner. He feels it would be beneficial for the entire area.

**Rebuttal: in favor -- Todd Lakey -- 12905 Venezia Ct. Nampa ID**

Mr. Lakey said that a lot of the issues that have been raised have been their concerns also. They feel the neighbors' concerns and the County Commissioners concerns have been addressed repeatedly over the past few years. Project is approved for well and septic; we have Southwest District Health who will address any issues with those and we will comply with their requirements. He recognizes that the Galloway bridge isn't repaired; he stated that it's on ITD's list of projects for next year. It will take them at least a year before anyone will start to see a house being built. Mr. Lakey said the development has four drainage areas that are designed: they can require that the swales are maintained as swales in the CCRs and enforced by the homeowner's association. The center area is limited by the development agreement. The traffic issue is a highway district issue. We are willing to participate with the highway district. On the fire sprinklers: they are willing to have the condition of fire sprinklers imposed. Ground water issues have been addressed: this is a strong stable aquifer and they are not in an area of concern. Mr. Lakey reviewed the past, historical information on the IDWR water studies. He believes the community well issue has been raised in the past, but looking at the cost benefits and additional requirements, it was felt that the individual well and septic met the standards and it didn't necessitate a community well.

**MOTION:** Commissioner Williamson moved to close public testimony on Case SD2020-0027, seconded by Commissioner Sheets. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to recommend approval of Case SD2020-0027, including the updated Findings of Facts, Conclusions of Law and amended conditions of approval, to include fire district review of fire suppression plans and collaboration with the Highway District, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Sheets. Roll call vote with 3 in favor and 0 opposed, motion passed.

**Case No. RZ2021-0042: Robinson Rezone** - The applicants, Ryan and Tanya Robinson, are requesting a conditional rezone of parcel R36137010 from an "A" (Agricultural) Zone to an "CR-M-1" (Conditional Rezone - Light Industrial) Zone. The request includes a development agreement that restrict uses and minimizes impacts to surrounding agricultural uses and properties. The 19.82-acre property is located on the corner of Van Slyke Road and Peckham Road, Wilder; also referenced as a portion of the SE¼ of Section 18, T4N, R4W, Canyon County, Idaho.

Planner Dan Lister, reviewed Staff report for the record.

#### **TESTIMONY:**

**Tanya Robinson - Applicant in favor – 27114 Lower Pleasant Ridge Rd. Wilder ID 83676**

Mrs. Robinson, owner of the property, feels they have drafted a development agreement that holds the property to the highest and best use while maintaining a balance between both zoning uses of ag and industrial. She believes this project will promote orderly development while contributing to economic growth and protecting the individual homeowner on small acreage parcels with minimal conflict. It is identified as industrial on the future land use map and is in Greenleaf's area of impact.

Within the development agreement, they have limited the uses to support and maintain the ag industry. She agrees with the limits contained in the development agreement. Mrs. Robinson does not know yet what she is going to put there: not sure what would be approved or allowed to be developed there. Originally bought the property to build a house but was scared off by the light industrial businesses in the area. They had thought about an animal hospital or a commercial arena. She is trying to be a good neighbor.

**Marty Delk - in opposition – 21074 PoDunk Lane Greenleaf ID 83626**

Mr. Delk is concerned about what this property will become: every step of the way, they are very vague about what is going to happen with that property. He believes she is getting it rezoned just to sell it and then they will have to go through more of this. The water line issue under the property hasn't been addressed. The roads are already jacked up because of Valley Ag and the road still hasn't been redone. Everything north of Peckham road is agricultural and private homes for those farms. The light industrial they are talking about is in Wilder. He feels that since there are only a few of them out there, they aren't heard. Mr. Delk talked about concerns with Valley Ag: who has been out to Valley Ag and how many more storage tanks can they put in that place? He wanted to know if they all have been approved. He also wanted to know why they are using Peckham Road as the tractor trailer operation for the facility when they have Hwy 19 less than a mile away? The trucks could come up Van Slyke. Mr. Delk said the noise during the season (which is now), is ongoing. The seed dryer runs all night long. He has concerns about all the various uses this property could become without knowing exactly what it is.

**Paul Calverley – in opposition – 9396 W. Pandion Ct., Garden City ID 83714**

Mr. Calverley owns the property directly to the west of the applicant's property and grows hops on it. Mr. Calverley states the property being rezoned is Class 1 soil. He is opposed to the rezoning because the

zoning change will allow 40 different uses, many of which aren't compatible with the area. Mr. Calverley listed some of the businesses the property might be used for; none that are used for agriculture and many would not be approved for use in an ag area, even with a conditional use permit. It's over a mile from city services for sewer or water. Mr. Calverley stated growth is not pressured in that area and there is no need for additional zoning of light industrial. Many of the light industrial allowed uses would have a negative affect on his hops farm and any industrial use which has a lot of people involved would be a problem when he sprays his pesticides.

**Rebuttal: Tanya Robinson - Applicant in favor - 27114 Lower Pleasant Ridge Rd. Wilder ID 83676**

Mrs. Robinson understands not knowing what type of business is going to be put on the property is a concern for the neighbors. If there is a specific use that is a concern, she thought they could work on adding it to the list of restricted uses. There are additional light industrial parcels to the north of Van Slyke. Mrs. Robinson said the main reason Peckham is a freight corridor is because the cities of Wilder/Greenleaf want it used for heavy equipment and tractors. There was an old Conditional Use Permit that had expired and Tanya was going to try to use that to split the property but she stated that it was probably going to be denied. The future Comprehensive Plan showed that future land use was light industrial, not residential so the Robinsons most likely weren't going to be able to use the old Conditional Use Permit. With the use of pesticides, it wouldn't have been a good idea to put residential homes there.

**MOTION:** Commissioner Sheets moved to close public testimony on Case RZ2021-0042, seconded by Commissioner Williamson. Voice vote, motion carried.

**MOTION:** Commissioner Sheets moved to recommend approval of Case RZ2021-0042 adding the condition that any further splits of the property must include platting, 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 3 favor and 0 opposed, motion passed.

**Case No. OR2021-0027, CR2021-0010, & SD2021-0049: Flying Arrow Landing Subdivision** - Martin Maestrejuan is requesting a Comprehensive Plan Map Amendment to change the designation of parcel no. R37244011 from agriculture to residential. Also requested is a Conditional Rezone and Development Agreement for approximately 27.17 acres, to change the zoning district from an "A" (Agricultural) zone to "CR-RR" (Conditional Rezone/Rural Residential). The request includes a Preliminary Plat, Irrigation, & Grading/Drainage plan for Flying Arrow Landing Subdivision. The proposed plat contains 11 residential lots. The subject property, parcel no. R37244011 is located at the southwest corner of the intersection of Boehner Rd. and Batt Corner Rd., Wilder, Idaho in a portion of the SW ¼ of Section 34, T4N, R5W, BM, Canyon County, Idaho.

**Planner Katie Phillips**, reviewed Staff report for the record, including late exhibits

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

**TESTIMONY:**

**Kurt Smith - Applicant (Representative) in favor – 2587 Southside Blvd. Melba ID 83641**

Mr. Smith is a registered engineer in the state of Idaho and has been retained as the engineer on this project. He reviewed some issues brought up in the staff report: he felt that since this project is in the

City of Homedale impact area, they do meet the requirements of the comprehensive plan. There are a lot of small lots south of their property in the area that are a result of administrative splits. City of Homedale simply asked us to install curb and gutter on our private road, which we did. The new Comprehensive Plan slates this as an area of transition. Mr. Smith spoke about the development of Noah's Landing, another subdivision southwest of their property and how that was built, which makes this development compatible with the area. Mr. Smith believes that because of the influx of people into the state, we have to put people somewhere. Growth has changed things in the Valley and he believes this fits the surrounding land uses. They did speak with all the agencies and followed their requirements including changing the lot numbers per the Highway District requirements. This land is in a nitrate priority area; a study showed this land is not able to absorb the nitrates. Mr. Smith stated there was no issue with the health district about their (housing) density and no issues with well capacity or septic.

**Martin Maestrejuan -- in Favor – 18257 Batt Corner Rd. Wilder ID 83676**

Mr. Maestrejuan is the landowner who has applied for the changes to the property. He understands the agricultural lifestyle and its many benefits. He was lucky to find his property as a first-time homeowner in Idaho and would like to develop this property to allow others to live a rural, agricultural lifestyle. He would like to develop homes on 2 acre lots, a lower density average compared to the surrounding subdivisions, and allow residents to have livestock, pastures, gardens and raise families. He felt not everyone wants to live close to the person next to them or in city limits. Most farmers, including himself, have second sources of income to make ends meet as farming is not always profitable. Mr. Maestrejuan discussed the 2020 Comprehensive Plan and the areas of city impact. He believes in the 2030 Comprehensive plan, this will be a "transitional area" and is offering this development as a buffer between the agricultural area and residential. Mr. Maestrejuan also discussed how HOA policies would be put in place, restricting future property splits and land use.

**Steve Truesdale - in Neutral – 25502 Upper Pleasant Rd Wilder ID 83676**

Mr. Truesdale owns the property kitty corner from Mr. Maestrejuan. He has been there all his life. He farmed up until a few years ago. He doesn't actively farm right now; he rents his land out. He is torn about this because he wants to preserve farm ground. Asphalt, concrete and houses don't feed people. Mr. Truesdale is also worried about water rights and septic. He understands property rights: the applicant has a right to do this. Mr. Truesdale might want to do this one day—he isn't thinking about that now but he wouldn't like to be told he couldn't do it with his property. However, he also doesn't want his renter to come to him one day and tell him that he doesn't want to rent his property because the neighbors in the subdivision are giving him grief. He said again that he does believe in property rights.

**Chester Mervin – in Opposition – 26747 Bohner Rd Wilder ID 83676**

Mr. Mervin owns the property directly west of this property: developing this property would landlock his and prevent his farm equipment from accessing his land. He has owned his land for 20 years. When Martin bought his property, he installed a pivot which is what Mr. Mervin uses to irrigate his land. If there are houses there, the pivot goes away and the only access would be through his pressurized pump.

**Kyle Beaver - in Opposition – 26289 Bohner Rd Wilder ID 83676**

Mr. Beaver and his wife purchased their property nine years ago directly east from the proposed project and farms hay there. He strongly suggests that staff not let this project go through. Mr. Beaver is concerned because the landowner right next to Noah's Landing is in litigation now with the property owners of that subdivision because of noise (cows bawling). He doesn't want to end up in the same shoes. There are also groundwater issues and wells; he is concerned about more traffic and the load it

will put on their road.

**Rebuttal: Kurt Smith - Applicant (Representative) in favor – 2587 Southside Blvd. Melba ID 83641**

Mr. Smith feels they have dealt with Southwest District Health's concerns; the water aquifer in that area is in good standing as it is directly connected to the Snake River. With regards to the septic; they meet the requirements of Southwest District Health. They will include a 'right to farm' statement on their plat; they asking for conditional rezone so any requirements that the county wants to add to protect the surrounding farmers can be added. He believes that Mr. Mervin has his own tap; he also has access to his property on Boehner Road. Regarding traffic on Batt Road: the Highway District has asked for 100 feet of right of way on Batt Road as it is slated as an arterial and they have long range plans for it.

**MOTION:** Commissioner Sheets moved to close public testimony on Case OR2021-0027, CR2021-0010, & SD2021-0049, seconded by Commissioner Williamson. Voice vote, motion carried.

**MOTION:** Commissioner Sheets moved to recommend denial of Case OR2021-0027, including the Findings of Facts, Conclusions of Law and Order, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Williamson. Roll call vote with 3 in favor and 0 opposed, motion passed.

**MOTION:** Commissioner Sheets moved to recommend denial of Case CR2021-0010 including the Findings of Facts, Conclusions of Law and Order, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Williamson. Roll call vote with 3 in favor and 0 opposed, motion passed.

**MOTION:** Commissioner Williamson moved to recommend denial of Case SD2021-0049, including the Findings of Facts, Conclusions of Law and Order, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Sheets. Roll call vote with 3 in favor and 0 opposed, motion passed.

**Case No. RZ2021-0036: Richards/Larsen Rezone** - Terry Richards, Dave & Cami Larsen are requesting a Rezone from "A" Agriculture zoning district to "R-1" single family residential zoning district on 32 acres. The subject parcels include R37619010, R37619010A, and R37619010B are located at 24551 Benhaven Lane and 8771 Purple Sage Road in a portion of the NW ¼ Section 34, T5N, R2W, B.M. Canyon County, Idaho.

**Planner Kate Dahl**, reviewed Staff report for the record.

**TESTIMONY:**

**Matt Wilke - Applicant (Representative) in favor – PO Box 7 Middleton ID 83644**

Mr. Wilke said they started their application process in May and are looking for an R1 rezone. They feel this rezone matches the surrounding development even down to the average lot size. They have 32 acres; a couple of those acres are a part of the road. They are proposing 18 lots with an average lot size of 1.77. Neighboring developments are average lot size of 1.69 so their development fits in well. Mr. Wilke showed the recent rezones in the area that have been approved. Mr. Wilke showed the private driveway that is proposed and explained why they are constructing it the way they are. They have a meeting with Chris Hopper from the Canyon Highway District next week to discuss the roads and the private driveway placement. Mr. Wilke showed the soil classifications map; if it is not irrigated, it is Class

6 soils. 70% of soils on the property is Class 4 or worse. The area is of minimal flood concern; there is some seasonal water from irrigation. Mr. Wilke discussed the depth of the groundwater and showed groundwater measurement information from IDWR. In response to questions from the Commissioners, Mr. Wilke discussed the reasoning behind the 1.77 acre size vs. larger RR zoned lot size. He also discussed the access point from the road.

**Jacob Linderman - in opposition – 8775 Purple Sage Rd Middleton ID 83644**

Mr. Linderman is the parcel that sits in the bottom left corner of the parcel. He moved out there from Nampa because he wanted something small and safe. The problem is that it has changed; he has homes to the south and 80+ homes to the west of him. Instead of getting away from people, he is back where he started: too many people and not enough grass and animals. Mr. Linderman is concerned about the water table; the water is ok now, but that is because it is all used to irrigate agriculture. Mr. Linderman is also concerned with access to his property: he has a written easement for the lane and he believes that he and future residents of his property could have access issues with rights and access to the property. He is also concerned that the HOA and residents of the million dollar subdivision may get upset that he doesn't have to abide by any rules and has chickens and pigs; he could get the cops called on him because he is a farmer. He is opposed to this because he feels his luxuries of life and what he moved and worked for is going to be taken because there isn't a big enough reason not to. He worked hard to leave the city and get his family out and now he will be forced to start over again. Mr. Linderman would like to continue to have unrestricted access to his lane.

**Rebuttal: Matt Wilke - Applicant (Representative) in favor – PO Box 7 Middleton ID 83644**

Reducing the road to 300 feet is not their plan, it is the Highway District's. They would love to keep it a private driveway. Mr. Wilke said the applicants are working closely and well with the neighbors. The land is not viable to farm anymore; the only thing left to do is develop it. Mr. Wilke feels he is saving the neighborhood by going into the County instead of the City. Neighbors can keep their farm animals if they remain in the County instead of being zoned by the City. Mr. Wilke discussed the aquifer and the amount of water that would be pulled out of it if they zoned the property more densely.

**MOTION:** Commissioner Williamson moved to close public testimony on Case RZ2021-0036, seconded by Commissioner Sheets. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to recommend approval of Case RZ2021-0036, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. No second. Motion failed.

**MOTION:** Commissioner Sheets moved to amend the Findings of Facts, Conclusions of Law and Order conditions of approval, for Case RZ2021-0036 specifically; Finding B that the rezone is not more appropriate than the current zoning designation, Finding D that the zoning map will negatively affect the character of the area and Finding G find that it will create undue interference with existing or future patterns created by the development and bring those revised findings back at the next Planning and Zoning hearing, then forwarding the recommendation of denial to the Board of Canyon County Commissioners. Motion seconded by Commissioner Sturgill. Roll call vote with 2 in favor and 1 opposed, motion passed.

**ELECTION OF ZONING COMMISSION OFFICERS:**

**MOTION:** Commissioner Sheets moved to nominate Chairman Sturgill for the position of Chairman for 2022, seconded by Commissioner Williamson. Voice Vote motion carried.

**MOTION:** Commissioner Sheets moved to nominate Commissioner Williamson for the position of Vice

Chairman for 2022, seconded by Commissioner Sturgill. Voice Vote motion carried.

**MOTION:** Commissioner Sturgill moved to nominate Commissioner Sheets for the position of Secretary for 2022, seconded by Commissioner Williamson. Voice Vote motion carried.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Sheets moved to approve the minutes from the hearing on 12/2/2021, seconded by Commissioner Williamson. Voice Vote motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:** Planning Official Dan Lister told the Commissioners that there will be a new Planning & Zoning Commissioner for the January 13, 2022 hearing, Harold Nevill. They are still interviewing for other candidates.

Planner Kate Dahl discussed Long Range Planning and meetings with the Agricultural community for feedback on the 2030 proposed Canyon County Comprehensive Plan. They are also planning another round of open houses in February on the Comprehensive Plan. All the highway districts are working on Capital Improvement plans so they can institute impact fees; Canyon Highway District is the only one who is very far along in the process. The Commission should begin to see them come through hearings in the next year as we may have to start collecting those fees on their behalf.

**ADJOURNMENT:**

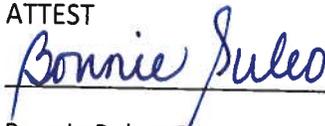
**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote motion carried. Hearing adjourned at 11:15 pm.

Approved this 3rd day of February, 2022



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Recording Secretary