



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, February 17, 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  
   Brian Sheets, Commissioner  
   Harold Nevill, Commissioner  
   Ron Amarel, Commissioner

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

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

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

**MOTION:** Commissioner Nevill moved to table case OR2021-0006, RZ2021-0011, SD2021-0010, Springbok Development Inc. & Shoshone Falls Subdivision to date certain March 17, 2022 at 6:30 pm. Motion seconded by Commissioner Amarel. Voice vote motion carried.

**MOTION:** Commissioner Nevill moved to table case RZ2021-0041, David Beniot to date certain March 17, 2022 at 6:30 pm. Motion seconded by Commissioner Amarel. Voice vote motion carried.

- **Case No. CU2021-0012: Gutierrez Family Farms, LLC** - The applicant, Gutierrez Family Farms LLC, is requesting a conditional use permit to allow a special events facility on two contiguous parcels. The subject parcels, R29842013 and R29843010, are located at 8422 Bennett Road, Nampa; also referenced as a portion of the SE ¼ of Section 27, T2N, R2W, Canyon County, Idaho.

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

**Chairman Robert Sturgill**, affirmed the witnesses to testify.

**Testimony:**

**Rick Gutierrez – Applicant – IN FAVOR – 8422 Bennett Rd. Nampa ID 83686**

Mr. Gutierrez gave a little background on the request. They have lived on the farm for over 25 years. They are trying to make it sustainable and a legacy farm and to do that, because of the limited space and restriction with irrigation access, they need to find other revenue sources. Mr. Gutierrez said they are trying to take advantage of their unique location, create agricultural tourism opportunities and use it as an event center to create secondary income to sustain the farm. Mr. Gutierrez has reviewed the conditions of approval and has no issues with them. He stated that irrigation water is delivered to a pond that they share with neighbors but they have their own pump out of that pond. He would have no problem with adding a condition that said "Historical irrigation/lateral ditch/ditch flow patterns and easements

would be maintained". Mr. Gutierrez discussed the gun club and the buffers between them and the farm. He has never had an issue with the gun club. He will not have a certified kitchen there right now; all food will be catered. If that changes, he plans to come back to the County for a change in the Conditional Use Permit.

**MOTION:** Commissioner Nevill moved to close public testimony on Case CU2021-0012 seconded by Commissioner Sheets. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill proposed adding conditions to include "Historic irrigation/lateral drain/ditch flow patterns and easements shall be maintained unless approved in writing by the local irrigation district or ditch company prior to final plat signature by the Board of County Commissioners", because others around the subject property were still farming.

**MOTION:** Commissioner Nevill moved to approve Case CU2021-0012 including the Findings of Facts, Conclusions of Law and conditions of approval, adding the irrigation conditions he proposed. Motion seconded by Commissioner Amarel.

Commissioner Sheets was not convinced that there was a need for the irrigation conditions be added to the conditional use permit before approval. To the extent that other people rely upon the irrigation, nothing they could do would preclude someone else from bringing an action or enforcing a requirement to maintain the existing irrigation; he feels it is an additional condition that might not be necessary. He stated he appreciates what the applicant is doing with the property: instead of just selling the property and building homes, they are trying to do something with the property. However, he reiterated that he feels the irrigation condition is not necessary. Commissioner Nevill suggested that if it the extra condition is not necessary, what is the harm? The condition might protect the landowners and their water rights. Commissioner Sheets appreciates the concern, but if there are water disagreements, it shouldn't be added as a condition that allows the revoking of their conditional use permit. He considers it a sub-matter that doesn't rise to the level of stopping the economic activity on their parcel. Decision was made to move forward with the current motion on the table and vote.

**CHAIRMAN STURGILL:** Roll call vote on prior motion. 3 in favor 1 opposed, motion passed.

- **Case No. SD2021-0046: Lansing Lane Subdivision** - The applicant, April Bibbins, is requesting approval of a preliminary plat for Lansing Lane Subdivision, three (3) residential lots, on Parcel R33835011. The property is zoned "R-1" (Single Family Residential). The subject property is located at 23412 Lansing Lane, Middleton; also referenced as a portion of the SW ¼ of Section 3, T4N, R2W, Canyon County, Idaho.

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

**Chairman Robert Sturgill**, entered the late exhibits into the record and affirmed the witnesses to testify.

**Testimony:**

**Jesse Christensen –Applicant (Representative) – IN FAVOR – 2151 W Willowpointe Ave. Nampa ID 83651**  
Mr. Christensen, with HECO Engineers, was present representing the applicants. The applicants are asking

to split the lot off into a couple of lots so their children can move up and be next to them. Mr. Christensen stated the 1 acre lots fit the area. He discussed the meeting with Canyon County Highway District 4; he said they went back and forth trying to figure out how to avoid applying for a variance to keep the access to the original house on Lansing Lane because the house faces the front. They were not able to find a way to do that so they applied for the variance with Canyon County Highway District and the new access road would feed the back two lots. He said the homeowners would like to keep the land area in the back for their animals and not add a larger access road. The extended road needed to provide access to three lots would mean the loss of land as the easement would have to be bigger and they would affect the existing drain field on the property as well as losing property. They hope the variance will be approved before the final plat. Mr. Christensen stated they have enough room for the Fire Department turnaround. The pump house is very close to them on the subdivision property. He does not know anything about the irrigation water issue. They have always had access to the water and he does not know whether they pay for the water.

**Kevin Bishop – IN NEUTRAL – 8978 Newcastle Dr Middleton ID 83644**

Mr. Bishop is here as the representative from the Lakes of Middleton, Lakes at Tolaga and Lansing Meadows shared services water association. He is also on the board of the HOA for Lansing Meadows subdivision. Mr. Bishop oversees the domestic and irrigation water for the subdivision. He said the Bibbins have always been upfront about what they were planning; he knew they were going to build there. As the representative of the shared water service, the Shared Services Water Association provides irrigation service to the property. Mr. Bishop discussed the history of the water issues on the subdivision and the pressurized irrigation. He is hoping they can work the irrigation issue out civilly.

**MOTION:** Commissioner Sheets moved to grant 2 more minutes of testimony to Kevin Bishop seconded by Commissioner Nevill. Voice vote, motion carried.

Mr. Bishop stated that the developer agreed when the Lansing Lane development was put in, that he would provide the pressurized irrigation service to the property but the property owner would pay at an acreage-based pro-rata rate of 5.4%. They have not coordinated how that will impact the HOA because everyone is billed based on the number of houses on the service. He also expressed concern about the easement with the Williams gas line across their property which is alongside their irrigation pipeline and he wants to make sure that isn't impacted by the development. If they stub off that line, he wants to be sure that (new) line isn't impacting the rest of the development as 150 residents use that line for irrigation service. There is also an irrigation line that goes through the landscaping area where they are going to build an access road which irrigates some of the development's landscaping.

Mr. Bishop stated he wants to know how they will come onto the system, how they will be billed for its use and how some of the irrigation will be replaced if they build a road. He clarified that the Bibbins pay for their own water through the ditch company but the development pays for the delivery of that water through the pressurized irrigation system. They are also on their own domestic water; they do not get it from the housing development.

**Jon White – IN NEUTRAL – 8964 Newcastle Dr Middleton ID 83644**

Mr. White is the president of the Lansing Meadows Homeowners Association. He said Mr. Bishop addressed most of the concerns about the water issues. In talking to the residents of the development, their concerns were about the possibility of a catering business being opened on the property. Staff confirmed that in an R-1 zone, there can be no commercial use, including use of a staging area. Mr. White asked if this request was for residential use only and the reply was yes. He also asked where the roadway access was going to be: he thought it seemed to be Newcastle Drive which the HOA maintains which brought up concerns about traffic through the neighborhood. This was determined not to be an issue as the access will be off Newcastle Drive. He had questions about the aesthetics of the new houses; will they

match the current neighborhood and are there certain standards they will have to adhere to? He was told the homes will not be a part of the current HOA, so the HOA has no jurisdiction over new houses that are going to be built. Staff said standards are dictated by County Ordinance but there is no aesthetic requirement in the ordinance.

**Julie Thomas – IN NEUTRAL – 23687 Lansing Lane Middleton ID 83644**

Ms. Thomas stated last July she thought the property owners were asking to be re-zoned commercial for their catering business. Ms. Thomas also expressed concern about how many people would be living in the house and how it would impact traffic on Lansing Lane.

**Phil Woodman –Applicant – REBUTTAL – 23412 Lansing Lane Middleton ID 83644**

Mr. Woodman bought the Lansing property three years ago with the intent to live there and put their daughters' families in houses in the back. He wanted to be part of the community and while they are not horse people, they had a barn so they envisioned inviting all their neighbors from the subdivision over for movie nights. Their first indication that there were problems when many people showed up to the neighborhood meeting. Since then, when they want to do anything, there are a lot of roadblocks put up by the people in the development. They were told they need to pay for their water but Mr. Woodman can prove they pay Middleton Mill Ditch for water every year. Mr. Woodman stated the development members talked to them about paying a large amount of money to hook up to the water. He said he is already hooked up to the water. He felt everyone is going off a lot of hearsay and he would like people to show him why he has to pay the fees. He owns a burger restaurant in town and a food truck company in California and he feels that is where the rumors started. He never planned on keeping food trucks or running the business out of his property.

**MOTION:** Commissioner Sheets moved to close public testimony on Case SD2021-0046 seconded by Commissioner Nevill. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Sheets stated there was so much back history and handshake deals or negotiations that he did not want water delivery for the high-pressure irrigation system to become a part of the conditions of approval for this item. Commissioner Nevill recalled in the past, when he was on the Commission, they were trying to figure out how to get water to the one remaining plot of land when the Lansing Lane subdivision was being approved. They wanted to prevent the new subdivision from blocking the remaining parcel's access to irrigation water. He is hopeful that this can be resolved between the parties and is willing to not put in any conditions in the permit about the irrigation system. Commissioner Nevill also stated, in fairness to the HOA, we need to be sure they don't adversely impact the landscaping of the subdivision. He believes the proposed conditions of approval take care of most of it but he questioned if there was adequate protection. Commissioner Sheets inquired what protection he was looking for. Commissioner Nevill talked about cutting through the fence; but Commissioner Sheets stated the fence is on either the applicants or Highway District's property which means the development put the fence on someone else's property. Staff clarified that access would be through an existing opening. The grass area is within the public right of way and the 12-foot driveway would be through the existing access. Commissioner Amarel asked and confirmed that the existing fence is the Bibbins' fence.

**MOTION:** Commissioner Sheets moved to approve Case SD2021-0046 including the Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Amarel. Roll call vote 3 in favor 1 opposed, motion passed.

- **Case No. CU2021-0023: Leighton LLC** - The applicant, Leslie Prendiville representing Leighton LLC, is requesting a conditional use permit to allow a contractor shop and staging area on parcel R33994010. The property is zoned "A" (Agricultural)/"C-1" (Commercial). The property is located at 22444 Trigger Ranch Ln, Star, ID; also referenced as a portion of the SW¼ of Section 11, T4N, R2W, Canyon County, Idaho.

**Planner Katie Phillips**, reviewed the Staff report for the record including late exhibits (5b and 5c).

**Chairman Robert Sturgill**, entered the late exhibits into the record and affirmed the witnesses to testify.

**Testimony:**

**Trace Leighton – Applicant – IN FAVOR – 21270 Trigger Ranch Ln, Star ID 83669**

Mr. Leighton stated when he applied for the building permit and the CUP permit, he was told that he would have to apply for an ITD access permit. He spoke to ITD and they sent him that letter which he forwarded to Canyon County staff. Right before the hearing, County staff reached out and said ITD sent them a letter which said something different than the initial letter. The individual at ITD who sent the original letter was on leave but Mr. Leighton spoke to the person who sent the second letter who wasn't sure why he was sent the first letter. ITD indicated the first letter was wrong but that they would change the access agreement but give him the access permit. Mr. Leighton stated they didn't have enough time to get it done before the hearing. There was one other condition on the permit which involved sewer. There are no plans to put in additional bathrooms on site at this time. Mr. Leighton said he believes Star Sewer and Water is going to be running the main line down State Street in the next year and he will hook into that system when it does, if he decides to put additional bathrooms on site. If he needs more bathrooms before that, he will bring in portable bathrooms. Stephen with South West District Health came onsite and dug a test hole and it was determined that he has room for a septic system, if he needs that. It meets all the spacing requirements. They are using existing fencing. Mr. Leighton showed on the map where the shop would go and discussed his abandoning the access onto State Highway 44. He put in the turn lane for Trigger Ranch Lane and explained the specs of the road. Mr. Leighton discussed what would go on in the contractor shop; cutting and framing and the number of employees who would be coming and going. He does not have any excavators that will be parked there; only one forklift, pick up trucks and trailers. He also confirmed the time of operation would be 6:00 am until 10:00 pm but most of the time, it wouldn't be that late. There also could be some lumber semi-trucks that would come to the site and deliver lumber but other than that, the largest truck would be a Chevy 4500. Mr. Leighton agrees with the conditions set forth; he confirmed that he will not be putting in any bathrooms until the sewer is hooked up and the vehicles will be hidden behind a sight-obscuring fence.

**MOTION:** Commissioner Sheets moved to close public testimony on Case CU2021-0023 seconded by Commissioner Nevill. Voice vote, motion carried.

**DELIBERATION:**

After the Commission's discussion how to add a condition that outlined the parameters of sewer/septic or portable bathroom installation, Commissioner Nevill and Commissioner Sheets worked out the wording to include the new condition that read, "The applicant shall obtain a permit from Southwest District Health if city facilities are unavailable and until that time, the applicate must use portable restroom facilities."

**MOTION:** Commissioner Nevill moved to approve Case CU2021-0023 including the Findings of Facts, Conclusions of Law and staff's conditions of approval plus the new condition on sewer/septic use. Motion seconded by Commissioner Sheets. Roll call vote 4 in favor 0 opposed, motion passed.

**APPROVAL OF MINUTES:**

There was discussion on adding a Deliberations section to the minutes to provide further insight on the Commission's decision-making process.

**MOTION:** Commissioner Nevill moved to approve the minutes as they were currently written from 1/19/2022, seconded by Commissioner Amarel. Voice Vote motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Planning Official Dan Lister explained that the Development Services Department is looking again for a department engineer. They continue to look for additional Planning positions. The Department will be up on the third floor beginning the following Tuesday, February 22<sup>nd</sup>.

Planner Elizabeth Allen stated the last Comprehensive Plan open house had 86 individuals attend; they have one more open house scheduled. March 9<sup>th</sup> is the joint workshop with the Board of County Commissioners and then adoption of the Plan. There have been some changes based on public comment and there will be time for the Planning and Zoning Commissioners to review the changes. Most changes are in the Land Use chapter and the Future Land Use map.

**ADJOURNMENT:**

**MOTION:** Commissioner Sheets moved to adjourn, seconded by Commissioner Nevill. Voice vote motion carried. Hearing adjourned at 8:48 pm.

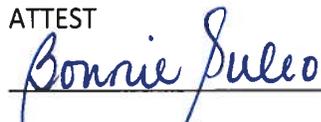
An audio recording is on file in the Development Services Departments' office.

Approved this 17th day of March, 2022.



Patrick Williamson, Acting Chairman

ATTEST



Bonnie Puleo, Recording Secretary