



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, March 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      Patrick Williamson, Acting Chairman  
   Brian Sheets, Commissioner  
   Harold Nevill, Commissioner  
   Ron Amarel, Commissioner  
   Miguel Villafana, Commissioner  
   Robert Larison, Commissioner

Staff Members Present:      Steve Fultz, Director Development Services  
   Dan Lister, Planning Official  
   Kate Dahl, Planner  
   Bonnie Puleo, Recording Secretary

**Acting Chairman Patrick Williamson**, called the meeting to order at 6:30 p.m.

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

**ACTION ITEMS**

- **ACTION ITEM: Case No. SD2021-0070: Spring Hill Ranch, LLC** – Sign revised FCO’s.

**MOTION:** Commissioner Nevill moved to approve the revised FCO’s for Case No. SD2021-0070; no second. Commissioners discussed wanting to read the revised FCO’s of which only Acting Chairman Williamson had a copy.

**MOTION:** Commissioner Sheets moved to table signing the revised FCO’s for Case No. SD2021-0070 until after the case to be heard to give Commissioners the chance to review them; Commissioner Amarel seconded. Voice vote; motion carried.

- **ACTION ITEM: Case No. OR2021-0006/RZ2021-0011/SD2021-0010: Springbok Development/Shoshone Falls Sub** – Springbok Development, Inc. is requesting a Comprehensive Plan Map Amendment to change the designation of approximately 41.06 acres from “Agriculture” to “Residential.” Also requested is a Conditional Rezone including a Development Agreement of one (1) parcel, no. R28991, that totals approximately 73.34 acres from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone/Single Family Residential) zone and two (2) parcels, R28998 & R28990 that total approximately 40.86 acres from an “A” (Agricultural zone to a “CR-R-R (Conditional Rezone/Rural Residential zone). The request includes a Preliminary Plat (*including*

*Irrigation, Drainage, & Grading*) for Shoshone Falls Subdivision. The proposed plat contains 62 residential lots. The subject properties, parcel no's R28991, R28988, & R28990 are located on the east side of Happy Valley Road, and approximately 1542 ft. south of the intersection of E. Lewis Ln. and S. Happy Valley Rd., Nampa, Idaho, in a portion of the NW ¼ and SW ¼ of Section 18, T2N, R1W, B.M., Canyon County, Idaho.

**MOTION:** Commissioner Nevill moved to table Case OR2021-0006/RZ2021-0011/SD2021-0010 to a date certain 5/5/2022. Motion seconded by Commissioner Sheets. Voice vote; motion carried.

- **ACTION ITEM: Case No. CR2021-0011: TJM Properties** – The applicant, Designhaus Architecture representing TJM Properties, LLC., is requesting a conditional rezone to change the zoning designation of parcel R34194, approximately 9.99 acres, from an “A” (Agricultural) zone to a “CR-C-2” (Conditional Rezone - Service Commercial) zone. The request includes a development agreement to limit development to a self-storage facility. The subject property is located at 7832 Highway 20, Nampa, ID; also known as a portion of the SE ¼ of Section 23, T4N, R2W, BM; Canyon County, Idaho.

**MOTION:** Commissioner Nevill moved to table Case CR2021-0011 to a date certain 4/21/22. Motion seconded by Commissioner Amarel. Voice vote; motion carried.

**ACTION ITEM: Case No. SD2020-0036: Ridgeland Estates Subdivision** – A request by Hess Properties, LLC. for approval of a Preliminary Plat (irrigation & drainage) for Ridgeland Estates Subdivision. The development contains 18 residential lots. The subject property, parcel no. R38199 is located approximately 152 ft. south of the intersection of Purple Sage Rd. and Kenridge Rd., Caldwell, ID. The site is located in the NE ¼ of Section 35, T5N, R3W, BM, Canyon County, Idaho.

**MOTION:** Commissioner Nevill moved to table Case SD2020-0036 to a date certain 5/5/2022. Motion seconded by Commissioner Sheets. Voice vote; motion carried.

- **ACTION ITEM: Case No. RZ2021-0041: David Benoit/Broadway Preservation Project** - The applicant, David Benoit is requesting a zoning map amendment (rezone) of Parcel R37886010 from an “A” (Agricultural) Zone to an “R-1” (Single-Family Residential) Zone. The purpose is to divide 8.33 acres into 6 residential lots. The property is located at 17010 Goodson Road, Caldwell; also referenced as a portion of the SE ¼ of Section 18, T5N, R3W, Canyon County, Idaho.

**Planner Kate Dahl**, reviewed the Staff report for the record, including late exhibits (18d).

**Acting Chairman Patrick Williamson**, entered the late exhibits into the record and affirmed the witnesses to testify.

## TESTIMONY:

### **Lori Marsh – Applicant (Representative) – IN FAVOR – 70 South 2<sup>nd</sup> St. #104, Eagle ID 83616**

Ms. Marsh and her husband are the new owners of the property and stated they are carrying forward the request the previous owner had made. She recognized that the property is zoned for agriculture and while preserving good farmland is important to them, she said this is not prime farmland which made them want to look at other uses which were a good fit for the neighborhood. They could see development coming into the area. Their goal was to rent the property out for a while but they wanted the option to develop it later. She has horses and acknowledged that they may never develop the land but were attracted to it because of the potential for future development. They are not developers themselves and would have to ask for help if they went down the road of development. It was her understanding that the land did not have water rights but she did not know the history of the water rights on the property. She is familiar with the different zoning/lot sizes and would consider developing larger lots. She stated that her husband wanted to have all their options open. She did not attend the neighborhood meeting and did not have any information on any representations made at that meeting.

### **R. Mark Ottens – IN OPPOSITION – 17949 Goodson Rd. Caldwell ID 83607**

Mr. Ottens lives approximately one mile west of the project property. He stated there were water rights on the property as he remembers wheat and hay being grown on the property in the past, but he doesn't know when they were sold. He thought there were nitrate issues a half mile from the property. He stated there have been two traffic fatalities in the area; one about 150 feet from the access point to this property. The Elmcrest subdivision across the road, which has smaller lots, has a community well and individual septic systems. Mr. Ottens stated Elmcrest has poor water pressure and feels that Southwest District Health is forced to approve these for 1 acre lots even if it is not up to current standards. Mr. Ottens was also concerned about the size of the lots and fire issues. He feels the lots will be about 20 feet apart. If there is a fire, the fire department will come and won't attempt to put the fire out, they will just stop the spread of the fire. With lack of water supply, they may not be able to even stop the spread. A home 3 lots from this property burned to the ground in the past. He stated there was nothing in this application that addresses fire concerns.

### **Teri Ottens – IN OPPOSITION – 17949 Goodson Rd. Caldwell ID 83607**

Ms. Ottens said this is the tenth time she has been here in 10 years because she feels Canyon County is on a downward cycle. She discussed the two subdivisions that were built in the area 30 years ago. They were approved because they were on rocky soil; they were two and three acres lots. When the County decided it was okay for residents to split their lots, it increased the number of lots in the area. Then they allowed the farmers have their 1 acre lots and all of a sudden, the area changed from agricultural to residential. Ms. Ottens stated it only happened because past Planning & Zoning Commission and the Board allowed it to happen. They are 7 miles on narrow, substandard roads from the closest way to get out to the interstate. She said this will add another 80-100 trips per day, in addition to all the cars/trips from the recently approved Stadium Subdivision. She stated people think they if they own property, they should be able to make money on that property. When the Ottens purchased their 2.5 acres, they knew they couldn't

make money by splitting it. She stated not even farmers are owed more money off their property by rezoning it if it doesn't make sense. She also said the bridge over Galloway, the main way out of their area may or may not be fixed this summer, per ITD.

**Rick Munsen – IN OPPOSITION – 27204 Serenity Lane Caldwell ID 83607**

Mr. Munsen lives just above the property where this new subdivision is being proposed. When this property was being sold it was marketed as "This can be split". This is not flat land; it is rolling hills. Mr. Munsen spoke about the new Stadium Subdivision, the "curve" sign, the blind hill and people who go 50 mph over that blind hill. He spoke about a recent fatality in that area and people driving right through stop signs because they don't know how to drive on those roads. This would be adding 10 more cars. He also is concerned about the additional wells. Last year was a drought; this year we are not getting the water. He said all their wells are going to dry up. He is sorry that they bought the property with the promise they could develop it; that was the fault of the former owner and the realtor.

**DeVon Knutson – IN OPPOSITION – 27030 Serenity Lane Caldwell ID 83607**

Mr. Knutson stated if the wells that are out there go dry, they are opening themselves up for a lawsuit. He said, what's going to happen when those wells go dry? Some wells by Lake Lowell went dry last year and while they are aren't as deep as their wells, there is only so much underground water.

**Lori Marsh – Applicant (Representative) – REBUTTAL – 70 South 2<sup>nd</sup> St. #104, Eagle ID 83616**

Ms. Marsh said she has listened to everyone and can relate to their concerns. She understands that adding 6 more houses is 6 more houses; has anything been done to address the roads and the signs? She reiterated that this development is in the future; hopefully she will just get to live on the land. She thought that the domestic wells would provide irrigation for the lots. She said she was open to any considerations when it comes to water issues and a community well.

**MOTION:** Commissioner Nevill moved to close public testimony on Case RZ2021-0041; motion seconded by Commissioner Sheets. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill felt this was an incomplete application and there were too many questions. He doesn't believe in waiting and hoping that all the agencies will do everything they are required to do at the platting stage for their approval. Without having a development agreement or being able to put conditions on the rezone regarding irrigation and fire-fighting, he couldn't support the application. Commissioner Amarel agreed with some of the things that were said: they aren't voting on larger lots, it's an R-1 application. After taking into account the water and the fire considerations, he felt he couldn't support it either. Commissioner Sheets expressed concerns about the traffic. With the cumulative effects of the subdivision going in and without any identification to address the cumulative impacts of the traffic and concerns about Goodson Road and the intersection, he feels she might have been sold something she can't satisfy. Commissioner Villafana had concerns about the groundwater being enough to

supply the lots, the number of lots and the traffic coming out of the subdivision. Commissioner Larison felt that the larger lots without irrigation become weed patches or a parking lot for other issues. The R-1 zoning concerned him; it would be the first R-1 rezone out in that area. He didn't feel he can support it at this time.

**MOTION:** Commissioner Sheets moved to deny Case RZ2021-0041 and have staff bring revised Findings of Facts, Conclusions of Law and Conditions of Approval; finding that the R-1 Rezone in the area is inappropriate and addressing the water and traffic safety concerns. Motion seconded by Commissioner Nevill. Roll call vote: 6 in favor 0 opposed, motion passed.

➤ **ACTION ITEM: Case No. SD2021-0070: Spring Hill Ranch, LLC** – Sign revised FCO's.

**MOTION:** Commissioner Sheets moved to approve and sign the revised FCO's for Case No. SD2021-0070; Commissioner Nevill seconded. Voice vote; motion carried.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Sheets moved to approve the minutes from 2/17/2022, seconded by Commissioner Nevill. Voice vote; motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Director Fultz introduced Development Services two new Planning Techs, Sage Huggins and Madelyn Vander Veen. They are interviewing for another Planner II in another couple of weeks and are hoping to be fully staffed in preparation for a very busy time. Director Fultz attended the first meeting of the Caldwell Urban Renewal Agency. They have several business leads that are looking into that area; a food processing business that is 1.1 million square feet and another 600,000 square foot facility. If those projects come to fruition, those projects will be coming before the Board. He also stated they are continuing to work with the City of Parma on their comprehensive plan and have been under contract with them for a little while. Development Services is still working on getting a civil engineer.

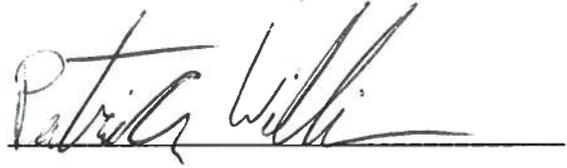
Director Fultz stated there will be another workshop for the Canyon County Comprehensive Plan as they continue working on it. They are hoping for adoption of the Comprehensive Plan sometime this summer. He also described for Commissioner Sheets the area that comprises the Caldwell Revenue Allocation Area and the Caldwell Area of City Impact.

Commissioner Sheets commented about the potential future global disruption in the food and fertilizer markets. He stated that this grow season is going to be one of the most important grow seasons of the next five years and to have a good grow seasons, you have to have good places to grow things. Those are his considerations when making decisions that come through the County. He said we need to understand that there may be some hard times ahead of us economically, and we need to be prepared for what could possibly happen and keep our community as well prepared as possible.

**ADJOURNMENT:**

**MOTION:** Commissioner Sheets moved to adjourn, seconded by Commissioner Nevill. Voice vote; motion carried. Hearing adjourned at 7:52 pm.

Approved this 21st day of April, 2022.

A handwritten signature in black ink, appearing to read "Patrick Williamson", written over a horizontal line.

Patrick Williamson, (Acting) Chairman

ATTEST

A handwritten signature in blue ink, appearing to read "Bonnie Puleo", written over a horizontal line.

Bonnie Puleo, Recording Secretary

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