



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, October 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  
   Ron Amarel, Commissioner  
   Harold Nevill, Commissioner  
   Miguel Villafana, Commissioner

Staff Members Present:        Dan Lister, Planning Official  
   Cassie Lamb, 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 first business item on the agenda.

- **Case No. CU2019-0022-MOD/Sam & Linda Lewis:** Sam and Linda Lewis are requesting a modification to conditional use permit CU2019-0022 regarding condition of approval No. 4, 5 and 8 (Parcels No. R29552010, 011 & 013). The property is located at 9905 Southside Boulevard, Nampa; also referenced as a portion of the NE ¼ of Section 14, Township 2N, Range 2W, Canyon County, Idaho.

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

**Chairman Robert Sturgill** affirmed the witness to testify.

**Testimony:**

**Sam Lewis – Applicant (Representative) – IN FAVOR – 9975 Southside Blvd., Nampa ID 83686**

Mr. Lewis stated the reason for the modification is to have more space for semi-trailer parking. Simplot is adding on Line 5 and is expected to start asking for an additional two to three semi loads a week. Mr. Lewis has 31 dry van trailers and one flatbed truck; everything they do is trailer swaps. He needs more semi-trailers and more space to store them, which will also give them more inventory space for pallets. Commissioner Nevill asked if there was an existing paved apron now and Mr. Lewis responded yes, there is a commercial access point out there now. Mr. Lewis said they can ingress and egress the property on both Lewis Road and Southside Blvd. The Highway District has already approved commercial access onto Southside but they also have access onto Lewis Road, which is helpful when there is construction on Southside Blvd. Commissioner Sheets asked if Mr. Lewis had reviewed the conditions of approval. Mr. Lewis said he assumed they would be the same conditions they are currently running under.

Commissioner Sheets said it is asking him to merge the properties and asked if he had a chance to review what staff was proposing. Mr. Lewis said that (merging parcels) was a condition on the last one and they did it. He has no objections to merging the parcels this time either. Planner Cassie Lamb confirmed that there were no other changes to the existing conditions other than merging the parcels.

**MOTION:** Commissioner Sheets moved to close public testimony on Case CU2019-0022-MOD seconded by Commissioner Amarel. Voice vote; motion carried.

**DELIBERATION:**

Commissioner Sheets stated that this application is pretty simple for him. It is just an expansion of the use in an area that has already been experiencing these types of operations. He is trying to think what kinds of impacts this would have based on what is already happening and if it would create any new impacts to the area.

**MOTION:** Commissioner Sheets moved to approve Case CU2019-0022-MOD including the Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Villafana. Roll call vote; 6 in favor 0 opposed. Motion passed.

- **Case No. CR2022-0014/Donald Gulledge:** Donald C. Gulledge is requesting a conditional rezone of Parcel R20804 from an "A" (Agriculture) zone to a "CR-R-R" (Conditional Rezone – Rural Residential) Zone. The request includes a development agreement, restricting division of the parcel into no more than three lots. The 8.56-acre property is located at 25894 Legacy Ln, Middleton; also referenced as a portion of the NW¼ of Section 25, T5N, R3W, BM, Canyon County, Idaho.

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

**Chairman Robert Sturgill** affirmed the witness to testify.

**Testimony:**

**Donald Gulledge – Applicant (Representative) – IN FAVOR – 25894 Legacy Lane Middleton ID 83644**

Mr. Gulledge said he moved to the property about a year and a half ago. His discussions with the realtor and all the neighbors before they even bought the property was to do what he is asking to do today. None of the lots are going to be sold; they are for his adult children. He said they have no desire to sell any of the properties or make money off them. The entire family is currently living in the original farmhouse on the property which is fairly old. He has talked to all the neighbors and their plan is when the house needs to be replaced, they will build the new home and tear down the old house. When it is torn down, they will put in a full 60 foot wide easement for Legacy Lane. In the interim, his agreement with his neighbor to the east is that he has signed and recorded a use agreement that allows them to go around the neighbor's house for access to the property. They took as little property from the neighbor as they were required to do by law and that property will go back to her when they improve Legacy Lane. He has discussed everything openly with his neighbors and no one had any questions or complaints. He feels they are doing what's fair for the neighborhood. He said he likes the dairy that is close by; that is why they are there. They want the dairy to stay there forever; it helps bring in the kind of neighbors they want. They are more than happy to sign any agreement stating they have no problem with the cows. Commissioner Nevill clarified that he was talking about the neighbor to the west, not the east. Mr. Gulledge agreed. Commissioner Nevill asked if he was okay if they included a 'Right to Farm' statement and Mr. Gulledge

said he has no problem with that. Commissioner Villafana asked about the existing irrigation rights and whether he would have ample irrigation rights for the property. Mr. Gulledge said Black Canyon Irrigation service ends at Galloway and the rest of the service line that runs through his property is privately maintained. It has irrigation boxes on it that the previous farmer used many years ago. They are still functional. The subdivision going in to the southwest also runs off that line and all the neighbors help take care of it. They replaced about 200 feet of the irrigation's steel pipe with PVC pipe this year. He said they have about 10 acres of surface water rights. Mr. Gulledge said they will bring the water to a central point and use a pressurized irrigation system for lawns, gardens and a bee yard. He said it should be an improvement to what is there now. Commissioner Williamson asked Development Services staff about whether there was a time limit on building on the rezoned parcel. Planner Cassie Lamb said the time limit was only for the administrative land division portion, not the actual building of homes. Chairman Sturgill asked Mr. Gulledge about the first administrative land division and asked why he didn't do the rezone at that time. Mr. Gulledge explained he didn't ask the right questions. A neighbor explained how to do it the right way and that is why he is here now.

**MOTION:** Commissioner Williamson moved to close public testimony on Case CR2022-0014 seconded by Commissioner Sheets. Voice vote; motion carried.

**DELIBERATION:**

Commissioner Sheets said the intent of the application and what the applicant is presenting before them is clear. However, he said they still need to consider the practical applications of the rezone because all kinds of things can happen so he feels they should think about the application as if it (the land) was being sold. There was nothing in particular that was of concern to him. Commissioner Williamson said that is where he was going with his concerns about a 'Right to Farm' statement. That disclosure should be instituted with the mindset that no one knows what the future is going to hold and one of these lots could be sold. He asked Planning Official Dan Lister if he had found any "Right to Farm" statements on subdivisions close to this property and if they could get an idea of the wording they used. Planning Official Dan Lister read off a short statement that was attached to a property close to the subject parcel. He said it was a note on their record of survey which would be pulled at the time of sale. Commissioner Amarel also clarified that there was not one but three dairies within a few miles of the property. Planning Official Dan Lister found an additional note attached to a much larger subdivision which showed the Board of County Commissioners required a plat note stating that an 'Ag disclosure shall be provided to all future owners at the time of sale'. Commissioner Nevill asked, which one of those options will be readily apparent to any future owners not of this family? Planning Official Dan Lister said the record of survey is part of the sale and the approval document that is recorded. He said the 'Right to Farm' Act is on all plats by state statute. Mr. Lister recommended adding a reminder that states 'The Right to Farm Act shall be disclosed to all parcel owners' to the approval of the land decision as Condition #5.

**MOTION:** Commissioner Williamson moved to approve Case CR2022-0014 including the Findings of Facts, Conclusions of Law and Conditions of Approval, with the addition of Condition #5, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Sheets. Roll call vote; 6 in favor, 0 opposed, motion passed.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Nevill moved to approve the minutes from 9/1/2022, seconded by Commissioner Amarel. Voice vote; motion carried.

**MOTION:** Commissioner Williamson moved to approve the minutes from 9/15/2022, seconded by Commissioner Nevill. Commissioner Villafana abstained from the vote as he was not present at the meeting. Voice vote; motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Planning Official Dan Lister said the Development Services Department has a new Director: Sabrina Minshall and provided her background and experience to the Commissioners. He outlined the number of cases/projects the Development Services Department was working on. He explained that the department was trying to focus on 'first come, first served' to address the backlog of cases. Chairman Sturgill asked if there was a slowdown in applications because of the rise in interest rates. Dan Lister said they have seen a little slow down in the Building Department and a little in the Land Division area as well. In Planning, they are still seeing the projects come in, albeit a little more slowly. There was a discussion about whether the Board of County Commissioners minutes for the Comprehensive Plan were available yet and the Board's removal of the overlay zones. The Development Services department is still understaffed and there was discussion about the types of positions and how to recruit new employees.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote motion carried. Hearing adjourned at 7:40 pm.

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

Approved this 3rd day of November, 2022



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Recording Secretary