



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, October 19, 2023
6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Vice Chairman
Harold Nevill, Commissioner
Miguel Villafana, Commissioner
Geoff Mathews, Commissioner

Arrived and joined the meeting at 7:20 pm:

Matt Dorsey, Commissioner
Patrick Williamson, Commissioner

Staff Members Present: Dan Lister, Principal Planner
Debbie Root, Planner
Amber Lewter, Hearing Specialist
Jennifer Almeida, Office Manager

Chairman Robert Sturgill called the meeting to order at 6:32 p.m.

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

Item 1A:

Case No. CU2023-0006- Babcock / Cope Sand and Gravel. - Approval of revised FCO's.

MOTION: Due to a technical error and audio equipment failure, no audio was recorded for this case. The signed FCO's were approved and are available on record for case CU2023-0006 Babcock / Cope Sand and Gravel.

Item 1B:

Case No. OR2022-0005 & CR2022-0001- Margaret Person / Steve Law- Margaret Person, being represented by Steve Law, is requesting a (1) Comprehensive Plan Map Amendment to amend the future land use designation of approximately 10.66 acres from "agriculture" to "residential, (2) Conditional Rezone of approximately 10.66 acres from an "A" (Agricultural) zone to an "CR-R-1" (Conditional Rezone - Single-Family Residential) zone, and (3) a Development Agreement limited future development to seven buildable lots, a 1.3 acre average lot size. The subject property, R36963020 is located at 28753 Peckham Rd, Wilder, in the NW ¼ of Section 20, T4N, R5W, BM, Canyon County, Idaho.

Planner Dan Lister reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

STEVE LAW – Applicant (Representative) – IN FAVOR – 28753 Peckham Rd, Wilder, ID

Mr. Law stated that the land does not have any current irrigation or water rights. Mr. Law feels that the land is a sandy hill and nothing will ever change unless his plan moves forward. Mr. Law addressed in regard to the area impact for growth, Mr. Law is aware of two other projects below his property, down by the river, that are currently going through the same process. Mr. Law explained that this is his second round going through this process, originally in 2005 – 2008 but the economy shut him down when he was on the final plat. Mr. Law wants to see the project move forward, he wants to live there himself and hopes to retire there.

Commissioner Nevill explained that staff recommended denial but did list a recommendation to get approval, the recommendation is to apply for a conditional rezone with a development agreement, agreeing to three lots. Commissioner Nevill asked Mr. Law how he felt about doing three 2-acre size lots. Mr. Law explained that it isn't feasible financially for him to proceed in the direction staff is recommending. Commissioner Nevill clarified the location of the access point for the property. Commissioner Nevill asked if the plan has another access point, Commissioner Nevill explained he is asking because the fire department normally likes to have two access points. Mr. Law stated there is not a plan for more than the one access point and that there isn't a capability either, due to a 7% incline that would be too steep for fire trucks. Commissioner Nevill asked Mr. Law if he saw the Fire District exhibit stating the Hammer Head is not acceptable and they would like a Cul-De-Sac. Mr. Law stated that he is fine doing a Cul-De-Sac and one is feasible.

Chairman Sturgill asked if Mr. Law were to do a Cul-De-Sac if it would reduce the lot size any further. Mr. Law stated that it would not.

Commissioner Sheets asked what the land is currently being used for. Mr. Law explained that the lot is not currently being used for anything, at the moment nothing is on the lot but weeds. Commissioner Sheets clarified with Mr. Law that the property doesn't have water rights and has never had water rights. Commissioner Sheets asked how Mr. Law plans on getting water to the properties. Mr. Law stated that it would be wells. Commissioner Sheets asked for clarification on the wells, if they will be individual wells used for domestic expanded use or limiting it to .5-acre irrigation ability. Mr. Law stated he is trying to keep the vegetation down only the lawns would need to be irrigated. Mr. Law stated that in the area there is existing wells.

BOB ARNOLD – IN FAVOR – 14355 Battenberg, Boise, ID

Mr. Arnold introduced himself as the Geotech of Record. Mr. Arnold made himself available for questions regarding soil or Geotech concerns.

MOTION: Commissioner Nevill moved to close public testimony on Case OR2022-0005 & CR2022-0001 seconded by Commissioner Sheets. Voice vote, motion carried.

DELIBERATION:

Commissioner Sheets stated while looking at the Comprehensive Plan he agrees with the staff's findings and based on the staff report and the findings found during testimony the plan is not in favor of the comprehensive plan as well as not in character of the area. Commissioner Sheets would not be in favor for OR2022-0005. Commissioner Sheets moves for recommendation of denial. Seconded by Commissioner Nevill.

Commissioner Nevill stated important testimony came from staff by supporting their findings. For example, it is 2-miles from the nearest similar zone, knowing that transportation upgrade is not planned in the area and with the size of the lots being predominantly 5-6 acre lots. Commissioner Nevill pointed out that staff did give the recommendation for larger lots to get approval.

MOTION: Commissioner Sheets moved to deny Case OR2022-0005 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 Nevill.

Roll call vote: 5 in favor, 0 opposed, motion passed.

MOTION: Commissioner Sheets moved to deny Case CR2022-0001 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 Mathews.

Roll call vote: 5 in favor, 0 opposed, motion passed.

Item 2A:

Case No. DA2023-0002- Dave & Cami Larsen and Terry Richards – The applicants, Dave & Cami Larsen and Terry Richards, are requesting a development agreement modification to terminate development agreement #22-031 and revert the zoning from a “CR-R-1” (Conditional Rezone – Single Family Residential) zone to an “A” (Agricultural) zone. The request affects Parcels R37619010, R37619010A and R37619010B, approximately 31.89 acres. The property is located at 8771 Purple Sage Road. Middleton, also referenced as a portion of the NW¼ quarter of Section 34, T5W, R2W, BM, Canyon County, Idaho.

Planner Debbie Root reviewed the Staff report for the record.

Commissioner Sheets asked if any ground breaking has taken place, ground structures put in, or hard construction initiated that would make it less applicable to an agricultural zone. Planner Debbie Root explained the preliminary plat was not approved, the road construction hasn’t been started, and the crossing agreements needed significant upgrading for irrigation which has not been completed. Planner Debbie Root stated the only things that has been done are a road lot size reduction from 60 to 50 for the long lane that comes into the property and believes some removal of buildings, Planner Debbie root recommends verifying with the applicant. Commissioner Sheets asked if utility installation or significant infrastructure change has been made on the property. Planner Debbie Root informed that to her knowledge no utility installation or significant infrastructure change has occurred on the property.

Testimony:

DAVE LARSEN – Applicant (Representative) – IN FAVOR – 24551 Benhaven Ln, Middleton, ID

Mr. Larsen explained that Jerry was a great friend and they bought and bundled the property together but unfortunately Jerry had an accident in April 2023. Mr. Larsen wants Jerry’s wife and kids to be able to get out of the debt and move forward with their lives. Mr. Larsen states he is trying to do what is right for them and unbundle the properties so Jerry’s wife can sell her portion to move forward. Nothing has been done to the property other than taking out a manufactured home that was in bad condition as well as testing was completed for a new septic.

Commissioner Sheets asked Mr. Larsen what his plans are with the property due to the other party

wanting to sell. Mr. Larsen stated he is staying. Commissioner Sheets asked if Mr. Larsen is wanting to partner with anyone else to move forward with the development. Mr. Larsen explained that he is not wanting to move forward with developing. Commissioner Sheets clarified with Mr. Larsen that the request is to unbundle the property and rezone back to Agriculture. Mr. Larsen confirmed and stated there is no opposition from the neighbors.

MOTION: Commissioner Nevill moved to close public testimony on Case DA2023-0002 seconded by Commissioner Mathews. Voice vote, motion carried.

Planner Debbie Root clarified once the property is reverted back to AG the property owners may come back through and request to change the zone.

DELIBERATION:

Chairman Sturgill inquired if this case is an action for Planning and Zoning or will go forward to the Board of Canyon County Commissioners. Planner Debbie Root advised this case will go in front of the Board of Canyon County Commissioners.

MOTION: Commissioner Nevill moved to approve Case OR2023-0002 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 Mathews.

Commissioner Sheets encouraged others to come forth if circumstances change and things aren't working for them.

Roll call vote: 5 in favor 0 opposed, motion passed.

Commissioner Dorsey and Commissioner Williamson sworn in at 7:20 pm

Item 2B:

Case No. VAC2023-0002 – Emil Michael Siron – The applicant, Emil Michael Siron, represented by Justin Smith of Sundown Woodwork, is requesting a plat vacation to remove a fifteen (15') access easement located on the east boundary of Parcel R37629103 (approx. 2.15 acres). The subject property is located at 24731 Blessinger Road, Star within Sage Canyon Estates Subdivision (Lot 4, Block 1), also referenced as a portion of the NW¼ of Section 36, T5N, R2W, BM, Canyon County, Idaho.

Planner Debbie Root reviewed the Staff report for the record.

Commissioner Sheets requested explanation on who the access benefits. Planner Debbie Root explained at the time of the development the Highway District required some shared access easement on certain lots. Planner Debbie Root stated that the Highway District provided access at a different location so the easement is not being used for the purpose intended. Commissioner Sheets asked if there is an easement document. Debbie Root confirmed that there is not and it is a platted easement reflected on the plat.

Commissioner Nevill had concerns regarding Idaho Power Transformer boxes. Planner Debbie Root advised there are a number of Idaho Power Transformer boxes for joint or shared use between the property owners and that the structure the applicant is trying to build still has to meet the setbacks and cannot build within five-foot easement of the transformer box.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

JUSTIN SMITH – Applicant (Representative) – IN FAVOR – 24735 Blessinger Rd, Star, ID

Mr. Smith explained the access isn't being utilized and the power box is off site some. Mr. Smith stated everything he wanted to address staff has already stated.

Chairman Sturgill wanted clarification that the shop is going to be used for personal or business. Mr. Smith stated it is a personal shop. Chairman Sturgill inquired where Mr. Smith's business operates. Mr. Smith advised he works on site at the different locations.

STEVE BURTON – IN FAVOR – 6915 Canyon Bird Ct, Star, ID

Mr. Burton introduced himself as part of the architectural committee. Mr. Burton stood for any questions.

MOTION: Commissioner Williamson moved to close public testimony on Case VAC2023-0002 seconded by Commissioner Sheets. Voice vote, motion carried.

DELIBERATION:

MOTION: Commissioner Sheets moved to approve Case VAC2023-0002 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 Mathews.

Roll call vote: 7 in favor 0 opposed, motion passed.

Item 2C:

Case No. SD2022-0024- Joe Rumsey / Hornet Cove Subdivision- The applicant, Joe Rumsey, is requesting approval of a preliminary plat, irrigation and drainage plans for Hornet Cove Subdivision, a seven (7) residential lot development with a 2.08-acre average residential lot size on parcel R37877011B containing approximately 16.19 acres. The property is zoned rural residential and is located on Monarch Road 200 feet south of the intersection of Swallowtail and Monarch Roads, Middleton, ID. and is a portion of section 7-5N-3W SW B.M; Canyon County, Idaho.

Due to a technical error and audio equipment failure, no audio was recorded for this case. The P&Z Commission is a recommending body to the Board of County Commissioners on this SD2022-0024 Joe Rumsey / Hornet Cove Subdivision and there will be another public hearing held by the Board of County Commissioners where the final decision is made.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 9/7/2023, seconded by Commissioner Dorsey. Voice vote, motion carried.

Due to a technical error and audio equipment failure, no audio was recorded for this case. The motion was recorded on paper by Hearing Specialist Amber Lewter.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Mathews. Voice vote motion carried. Hearing adjourned at 9:21pm.

Due to a technical error and audio equipment failure, no audio was recorded for this case. The motion was recorded on paper by Hearing Specialist Amber Lewter.

Approved this 21st day of December, 2023



Brian Sheets, Vice Chairman

ATTEST



Amber Lewter, Hearing Specialist