



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, October 3, 2024  
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  
Miguel Villafana, Commissioner  
Patrick Williamson, Commissioner  
Harold Nevill, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services  
Jay Gibbons, Assistant Director of Development Services  
Dan Lister, Principal Planner  
Deb Root, Principal Planner  
Arbay Mberwa, Associate Planner  
Amber Lewter, Associate Planner

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

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

**Item 1A:**

**Case No. CR2022-0020 & SD2022-0030 – Eells / Landing Spot** – Approve revised FCO's.

Commissioner Nevill noted a typo on the FCOS for SD2022-0030, page 2 of 4, condition no. 11 should state "A water user's maintenance shall be created."

**MOTION:** Commissioner Nevill moved to approve revised FCOs for Case CR2022-0020 and SD2022-0030, with the requested correction, seconded by Commissioner Sheets voice vote, motion carried.

**Item 1B:**

**Case No. OR2021-0006 & RZ2021-0011 – Sand Creek Investments 3, LLC / Springbok Development Inc.**  
– Approve revised FCO's.

Commissioner Sheets noted corrections on the FCOs for OR2021-0006 and RZ2021-0011 to fix the spelling Commissioner Villafana's name.

**MOTION:** Commissioner Sheets moved to approve revised FCOs for Case OR2021-0006 and RZ2021-0011, with the requested correction, seconded by Commissioner Nevill voice vote, motion carried.

**Item 2A:**

**Case No. SD2023-0006 – Lippert Subdivision:** The applicant is requesting approval of a short plat (preliminary and final plat) for Lippert Subdivision, a two-lot subdivision, on parcel R37431010, 20.06 acres. The subject parcel is zoned "CR-R-R" (Conditional Rezone - Rural Residential) and subject to an approved development agreement (DA #22-025) The subdivision will utilize Breezy Lane, an open, unmaintained public right-of-way, for access. The subject property is located at 9626 E. Gilbert Road,

Middleton, also referenced as a portion of the NE¼ of Section 21, T5N, R2W, Canyon County, Idaho. Planner Dan Lister reviewed the Staff report for the record.

Commissioner Nevill asked for clarification between Exhibit 4 A and 4 B. Planner Lister clarified for the record. Commissioner Nevill asked what the access plan is for the development. Planner Lister described the access plan for the record. Breezy Ln is the main access for the project. A 70 ft. easement was provided to provide access to the property to the west. The applicant has worked with the highway district.

Commissioner Williamson asked about the 70 ft easement along the southern boundary and whether or not it would be an extension of Gilbert Rd. Dan Lister stated that the access easement has been worked out with the highway district and it just supplies access to serve the property to the west.

Chairman Sturgill affirmed the witnesses to testify.

**Testimony:**

**Darin Taylor (Representative) – IN FAVOR – 9175 W. Black Eagle Dr., Boise, ID 83709**

Mr. Taylor stated that the request is consistent with the parcels and sizes in the area. The property does not have irrigation water available to it. Mr. Taylor discussed the access to Lippert's property. The 70 ft easement along the south boundary was the preferred option to provide access to the property to the west. Highway District 4 has approved the preliminary plat. Mr. Taylor and his clients have reviewed the conditions of approval and development agreement and agreed with them.

Commissioner Williamson asked if the applicants had talked to the fire department about fire suppression since the property does not have water. Mr. Taylor stated not yet. Mr. Taylor discussed fire turnarounds and fire district requirements.

**Derritt Kerner – IN FAVOR– 9175 W. Black Eagle Dr., Boise, ID 83709**

Mr. Kerner stated that the applicants would only allow one house on the additional lot.

**MOTION:** Commissioner Sheets moved to close public testimony on Case SD2023-0006, seconded by Commissioner Nevill, voice vote, motion carried.

**DELIBERATION:**

Commissioner Sheets noted for the record that the applicant had reviewed the conditions of approval and the development agreement.

**MOTION:** Commissioner Sheets moved to adopt the Findings of Fact, Conclusions of Law & Order as written and recommend approval to the Board of County Commissioners for Case No. SD2023-0006. Seconded by Commissioner Nevill.

**Discussion on the Motion:**

None

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

**Item 2B:**

**Case No. SD2023-0008 – Sleepy Hollow 2 Subdivision:** The applicants, Kathryn & Christopher Phoenix, are requesting a subdivision of approximately 2.72 acres to two (2) parcels with a 1.36-acre average lot size. The subject property was rezoned to CR-R1 (Conditional Rezone – Single Family Residential) in 2022. The subject property is located at 23117 White Oak Drive, Caldwell, ID 83607, also referenced as Parcel R34484104, a portion of the SE quarter of Section 03, T4N, R3W, BM, Canyon County, Idaho.

**Assistant Director of Development Services, Jay Gibbons** reviewed the Staff Report for the record.

Commissioner Nevill asked if there were secondary dwellings allowed on either lot. Assistant Director, Jay Gibbons replied that there is a restriction not allowing a secondary dwelling on the new proposed lot. Commissioner Nevill asked if the development would have a water user's maintenance agreement. Assistant Director noted that a pressurized system would be provided.

Chairman Sturgill asked about the access road reduction noted in the letter of intent. Assistant Director Jay Gibbons, noted that the ordinance required 60 ft. and the requested road would be 30 ft., thus the request to reduce.

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

**Testimony:**

**Kathryn Phoenix –(Applicant) IN FAVOR – 23117 White Oak Dr., Caldwell, ID 83607**

Ms. Phoenix discussed the existing pressurized irrigation system that exists. Ms. Phoenix stood for questions.

Commissioner Nevill asked about the road access and whether or not there is a road user's maintenance agreement. Ms. Phoenix replied yes, and any new lot owner will have to sign into the agreement. Commissioner Nevill asked if there was a water user's agreement. Ms. Phoenix stated yes with Black Canyon Irrigation District. Ms. Phoenix stated the new lot owner would be added. It is based on percentages and it is already in place. The HOA takes care of the payments for water.

Commissioner Sheets asked about the HOA and whether or not the new parcel would be subject to the HOA. Ms. Phoenix replied yes, the CCRs will be updated. Commissioner Sheets noted that he sees the possibility of three (3) homes utilizing the access. Ms. Phoenix stated that is why there is not a secondary allowed.

**MOTION:** Commissioner Sheets moved to close public testimony on Case SD2023-0008, seconded by Commissioner Nevill, voice vote, motion carried.

**DELIBERATION:**

Commissioner Sheets did not see any issues with the proposed conditions or what has been presented in the staff report.

**MOTION:** Commissioner Sheets moved to recommend approval to the Board of County Commissioners and adopt the Findings of Fact, Conclusions of Law & Order for Case SD2023-0008. Seconded by Commissioner Nevill.

**Discussion on the Motion:**

None.

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

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Director Sabrina Minshall noted that Amber Lewter has accepted a promotion as an Associate Planner. The County is working on the Agricultural Protection Areas Ordinance. The ordinance has to be adopted by the end of the year. Director Minshall discussed contracts with Hearing Examiner (s).

**ADJOURNMENT:**

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

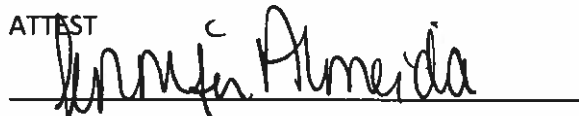
An audio recording is on file in the Development Services Departments' office.

Approved this 7<sup>th</sup> day of November, 2024



Robert Sturgill, Chairman

ATTEST



Jennifer Almeida – Office Manager