



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, December 5, 2024
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Commissioner
Harold Nevill, Commissioner
Geoffrey Mathews, Commissioner

Staff Members Present: Jay Gibbons, Interim Director of Development Services
Carl Anderson, Planning Supervisor
Dan Lister, Principal Planner
Amber Lewter, Associate Planner

Chairman 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.

Item 1A:

Case No. CR2022-0022 – Vermas: Approve revised FCO's.

MOTION: Commissioner Nevill moved to approve the revised FCO's for case no. CR2022-0022, seconded by Commissioner Matthews voice vote, motion carried.

Item 2A:

Case No. CR2022-0016 – MDC LLC. / Doug Carnahan: The owner, MDC, LLC/Joseph Carter, represented by RiveRidge Engineering Company, requests a conditional rezone of parcels R37511 & R37510112 from "A" (Agricultural) to "CR-R-R" (Conditional Rezone – Rural Residential). The request includes a development agreement restricting future development to no more than 76 lots. The subject parcels, approximately 164 acres, are located at 25455 Lansing Ln., Middleton, ID; also referred to as the NE¼, of Section 28 T5N, R2W Canyon County, Idaho.

Chairman Sturgill affirmed the applicant to testify.

Applicant's Testimony:

Douglas Carnahan – IN FAVOR – (Applicant) 7270 N. Tree Haven Pl., Meridian, ID 83641

Mr. Carnahan stated the property was purchased in 2002 (200 acres). The goal was to grow plants and eventually develop subdivisions. Discussed portions of the 200 acres that have been developed. They started planting trees in the area in 2003 (harvesting and planting). This process can only be cycled so many times due to topsoil loss. There is a container growing operation (plants) on the property (block 5). The primary access would be off of Lansing Lane. Kemp Rd. is a private road that is in a subdivision with one point of access. They would connect their roads to that but only for emergency access. The access on Duff Ln. is a natural connection that would run from the east through the subject property to Duff Ln. A traffic study was completed which showed minimal impact. Individual septic systems are proposed. Irrigation would be provided by a pressurized irrigation system. A community water system is proposed

for the development. Some of the areas are in the floodplain and fill would be used to meet requirements. He met with the Superintendent of the Middleton School District. Mr. Carnahan stated they will be donating trees to the district.

Commissioner Nevill asked if the property had surface water rights. Mr. Carnahan stated, yes. Commissioner Neill inquired about the proposed fire suppression system for the development. Mr. Carnahan stated a system would be built that had distribution lines throughout the property with hydrants. He deferred to Kent Adamson to clarify in his testimony.

Chairman Sturgill asked if there was a response time supplied by the fire district. Mr. Carnahan deferred to Kent Adamson to answer during his testimony. Chairman Sturgill asked how many trees were going to be donated. Mr. Adamson said about 100 at an estimated cost of \$500 each due to the size of the trees.

Chairman Sturgill asked staff to provide their staff report.

Planner Dan Lister reviewed the Staff Report for the record.

Commissioner Nevill asked how many additional portable units at Mill Creek would be required. Planner Lister stated that information was not provided by Middleton School District. Commissioner Nevill asked if Planner Lister knew the cost for a portable. He replied, no he does not.

Chairman Sturgill asked how much development is already approved around this property that has not been built yet. Planner Lister referenced the subdivision map in the staff report to discuss what has been approved / developed in the vicinity of the subject property. Chairman Sturgill asked about the temporary traffic light that would be installed at Lansing and Hwy 44. Planner Lister deferred to the engineer of the project. Chairman Sturgill asked how that light would be financed and whether or not the developer would be required to pay for it. Planner Lister read from Highway District 4's letter.

Chairman Sturgill affirmed the witnesses to testify.

Joe Carter – IN FAVOR – 25455 N. Lansing, Middleton, ID 83644

Mr. Carter is the co-applicant for the case. The property has surface water rights, and also an irrigation well. The staff report indicates Class 1 soil which was based on the soil survey. He has farmed the property for many years and it is basically river bottom. There are pockets of soil that won't grow Russian Olives.

Commissioner Sheets asked how the applicant got involved with the City of Middleton since the property was outside of the area of city impact. Mr. Carter deferred to Kent Adamson.

Kent Adamson – IN NEUTRAL – 2447 S. Vista Ave., Boise, ID 83705

Mr. Adamson stated that HDR prepared a well drawdown study for the project. The community system would have two (2) wells; primary and secondary. This system would furnish hydrants with fire flow. The response time to the project was approximately six (6) minutes.

Commissioner Nevill asked about the irrigation system and whether or not that would be separate. Mr. Adamson stated yes, it would be separate and would be surface water. Commissioner Nevill asked about the two wells and how it would work with the draw demand for fire suppression. Mr. Adamson stated that they haven't got that far in the design.

Mark Press – IN NEUTRAL – 23762 Amble Way, Middleton, ID 83644

Mr. Press stated that his property adjoins the northwest corner of the subject property. His concern was in regard to City of Middleton, and using developments as an opportunity to have wells installed that are far in excess of what the development needs but are a resource for the City of Middleton. A signal on Lansing and Hwy 44 should be guaranteed and in writing and they should be requirements as well as any turn lanes.

Ted Todd – IN OPPOSITION – 9564 Golden Willow St., Middleton, ID 83644

Mr. Todd stated that his concerns were in regard to infrastructure. Fire services are inadequate and their bond failed. Canyon County Paramedics have times when ambulances aren't available and that is becoming more frequent. Kids are riding on the floors of the busses. Mr. Todd has concerns about the fire fighting well, and the water being pulled out of the same aquifer. Truck traffic in the area is a problem on Lansing and on Hwy 44.

Chairman Sturgill asked how the services not available to the property be developed and financed so the developer can realize their vision for the land. Mr. Todd replied, impact fees. He said that Impact fees in Idaho are tens of thousands of dollars less than those in other states. Levies impact existing homeowners by increasing taxes to account for future development. There are 3800 approved homes in Middleton that haven't broke ground yet. Chairman Sturgill asked where that number came from. Mr. Todd stated the internet and committee members.

Joe Strongone – IN OPPOSITION – 9619 Golden Willow St., Middleton, ID 83644

Mr. Strongone said their subdivision backs up to the north end of the tree farm. Doug Carnahan also developed their subdivision. The lots in the area that are active in farmland, horses, cows, sheep, etc. The surrounding area is really Ag as noted in the 2030 plan. The formula the County uses opens the door to skew the intent. If you look at the plan, it is higher density with many narrow lots. The average is way less than two acres. There are quite a few one acre lots. Annexation is a no. He moved to the county for a reason. He does question why the applicant approached the city when it is not in the impact area. The soil is classified as best suited. The tree farm contributes to about 1-2 ft. high of seasonal water flow to Willow Creek. Needing to raise the lots from the flood zone will change the groundwater absorption and recharge. The Black Willow tree is unique and native to creeks and floodplains. Mammals, birds of prey, and honeybees utilize these trees. The trees along the tree farm span nearly 100 ft. tall due to the supply of irrigation water. He is concerned about the impact on the trees. We need to be strategic in conserving open space and meeting the 2030 Comprehensive Plan. He is not anti-development, but the proposed lots should be larger.

Christine Hitchner – IN OPPOSITION – 9308 Kemp Rd., Middleton, ID 83644

Ms. Hitchner referred to Exhibit A .10. Using that Exhibit, she indicated where her home was located. They have 2.14 acres. There are a total of seven (7) homes that have property that border the south boundary of the tree farm. There are (17) one acre lots proposed that will border their properties. Kemp Road is a private road and the members of the HOA pay for its maintenance. She is not sure where the information came from that Kemp Rd. could be used for emergency access.

Melissa Stead – IN OPPOSITION – 9265 Tula Dr., Middleton, ID 83644

Ms. Stead is concerned with the traffic impacts from this development but all that have been approved in this area. She has two teenage drivers who go to school and work. Traffic to Middleton High School is already dangerous. Access to Hwy 44 can easily be 10 minutes to take a left. People take changes and are more aggressive. There have been many accidents at the intersection of Lansing and Hwy 44. She is concerned about lack of infrastructure and constrained resources in the area. When you look at the return

on investment, is it the best interest of the overall area to continue to increase the demands.

Chairman Sturgill asked if the residents won't pass levies to finance the infrastructure and property can't be developed economically; How does a person develop their property. Ms. Stead said there could be restructuring with larger lots to reduce impact and still get a return. It is not in the best interest of the city or residents to take on the additional infrastructure costs.

Jeff Creamer – IN OPPOSITION – 9921 Stony Brook Way, Middleton, ID 83644

Mr. Creamer stated he is representing most of the folks that live on Stony Brook Way. Stony Brook Way is currently a dead-end street with fourteen homes. The proposed subdivision would change Stony Brook Way to a through road connecting Duff Ln. to Lansing Ln. He has an autistic son who has anxiety with traffic noise, traffic, and crowds. They chose Stony Brook Way to reduce his exposure to these triggers. Two other residents along Stony Brook way have PTSD and chose this to reduce their triggers as well. The traffic on Stony Brook is already unsafe due to low visibility and speed issues. In 2021 they requested a speed limit change, which was rejected. The proposed application has a traffic study which considers the sole access to be from Lansing. No other evaluations were considered. The proposed subdivision is anticipated to trigger 748 trips daily with 40 percent heading west. It is reasonable to assume that most westbound traffic would do so through Stony Brook to Duff rather than driving east through the subdivision to Lansing. Because Stony Brook would be a through road it is safe to assume that it would not just be residents of the subdivision utilizing the access. Changing Stony Brook to a through road would cause his home to be unlivable and would force his family to relocate. Mr. Creamer stated the application fails to meet Property rights policy No. 8 and 11, Land Use Goal No. 1, Hazardous Areas Goal No. 1, and Transportation Policy No. 19. If access is absolutely necessary for emergency services, they propose the installation of bollards or gating at the end of Stony Brook to allow EMS access only. This is also consistent with the traffic study evaluations. He is also concerned about the overcrowding at schools, EMS response times, well water depletion and recharge rates. A property owner does have the right to develop their land but not at the expense of his family and the safety of the Stony Brook neighborhood. Last year, Mr. Carnahan opposed the development of a school near his home in Sun Valley, noting traffic concerns. The residents of Stony Brook would like to be afforded the same consideration.

Commissioner Nevill asked Mr. Creamer if it was his understanding that the road was going to remain a cul-de-sac when he purchased it. Mr. Creamer stated, yes. Commissioner Nevill asked if he attended the neighborhood meeting. Mr. Creamer stated, yes.

Chairman Sturgill asked what Mr. Creamers' proposal would be for access. Mr. Creamer referenced the traffic study had all of the traffic going to Lansing. No traffic was considered moving through Stony Brook. They are not opposed to EMS access only, with a limitation to public access.

Cheryl Palange – IN OPPOSITION – 9155 Pursuit Dr., Middleton, ID 83644

Ms. Palange stated the intersection of Lansing Lane and Purple Sage was noted in the traffic study as being not impacted, however, it is a deadly intersection. The study had 65% of the traffic going down Lansing and the remaining 35% split going east and west on Purple Sage. The intersection of Lansing and Purple Sage is a two way stop and 50 mph. Lansing Lane is already full of trucks and cars and the addition of 748 daily trips would have an impact. She referenced testimony from the spring on this matter, in which the price of a portable was estimated to be \$250,000. Each portable has two (2) rooms. School impact is a concern as well as EMS. Disagreed with pre-annexation.

Commissioner Nevill asked what subdivision she lived in. She replied Cascade Hills.

Craig Hardin – IN OPPOSITION – 9713 Golden Willow, Middleton, ID 83644

Mr. Hardin stated his property is directly across from the tree farm. He sent in written comments on this project. The traffic is already a concern on Lansing, even with a light, there will still be a huge impact. Traffic is getting dangerous already and more school busses would also be required. The property is currently below the floodplain and adjacent to Willow Creek. If the water in Willow Creek gets contaminated, it will appear we haven't done our due diligence by adding 76 septic systems on 164 acres. He asked how big of a ripple effect adding more homes will have to the schools. It is not just the elementary school; what about the other schools? He agreed with Mr. Todd's testimony in regard to the costs. Is Canyon County going to become one big septic field? Infrastructure solutions need to be considered.

Lyle Zufelt – IN OPPOSITION – 9965 Grand Targhee, Middleton, ID 83644

Mr. Zufelt does not want to diminish the generous offering of 100 trees to Middleton School District. They don't need more trees, what they need is more room for students. Bonds for schools and levies for fire or EMS because the citizens of Middleton are opposed to encouraging more development. They said the impact from Stony Brook would be minimal and that should be a red flag. The speed limit is higher on Duff than it is Lansing, which means everyone going west will use Duff. He is concerned about the increase in population in the area and the impact on wells. He stated they have heard anecdotal reports of wells dropping the static level 12 ft in the last 20 years. What about the wells drilled 40 years ago. How is the addition of 76 more homes going to affect the established wells in the area? He is concerned about the day that the fire hydrants in the development won't work due to lack of water.

Douglas Carnahan – IN FAVOR – (REBUTTAL) 7270 N. Tree Haven Pl., Meridian, ID 83641

Mr. Carnahan stated that he is an engineer and they hire engineers to look at studies and look at all of the facts. They did a drawdown study on how much the well water would be drawn down if we had all individual wells. It was a positive outcome. The professionals put together the plans and traffic studies. He questioned why they didn't want an emergency access; he is fine with not doing it. He stated that the Stony Brook extension was made by the county. The firefighting well provide the capacity. He went to the City of Middleton years ago because they were shown in their Area of City Impact and they wanted to know what their plans were in that area. Over time, Middleton has now taken the posture that they don't think they'll get out this far. It would be nice to be able to use impact fees for schools, but you can't. The marketplace determines the size of lots based on who wants to buy them. People like a mix of lot sizes and that is what sells. Mr. Carnahan stated there is good engineering behind the plans and they try to help the community where they can.

Commissioner Nevill asked the school district had provided him with any information as to how many portables would need to be added. Mr. Carnahan did not have an exact number but could get it if needed. Commissioner Nevill asked if he had a cost of the portables. Mr. Carnahan did not have an exact number but could get it if needed.

Commissioner Sheets asked if the plan was still to have the pre-annexation and utility easement was still in the plan moving forward. Mr. Carnahan stated that if they don't need the utility easement they won't provide it.

Chairman Sturgill asked if he knew what the minimum lot size on was on the conceptual plat. Mr. Carnahan stated one (1) acre. Chairman Sturgill asked if he would be amenable to a condition requiring a minimum lot size. Mr. Carnahan said they would need to think about it as it is market driven. Chairman Sturgill asked if he would be amenable to a coming up with a formula in which the cost of a new school, the number of students it would accommodate, and what the advertised cost per student and allocate

that cost as a voluntary contribution as a condition of approval? Mr. Carnahan stated yes, so long as everyone else was treated the same. They have talked about cash contributions. Chairman Sturgill stated that school overcrowding has been an issue for development in this area.

Planning Supervisor, Carl Anderson, provided information from minutes in regard to a prior case that was heard by the P&Z in regard to cash contributions to Middleton School District. The numbers that were discussed as part of that hearing per lot was \$1149. He recommended that if a condition was added, rather than an arbitrary number, that the applicant work with the school district to determine what the number would be.

MOTION: Commissioner Nevill moved to close public testimony on the CR2022-0016, seconded by Commissioner Matthews. Voice vote, motion carried.

Deliberation:

Commissioner Matthews stated there are some items that could be mitigated with conditions. He did not agree with the solution to utilize Stony Brook Way. The temporary traffic measures could all be conditioned. However, he still comes back to the overcrowding at Middleton School District.

Commissioner Nevill stated this is a better plan than they see most of the time, but in the end, he is not in favor, until the Middleton School District has the ability to build new schools. He is concerned about the “temporary” traffic signal as well.

Commissioner Sheets referenced 07-06-07 (6) A 8 – “Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?” Commissioner Sheets noted evidence from the school district stating the percentages of capacity as well as the testimony received in regard to children riding on the floor of the busses. The county is not in a position to make a recommendation for cash contribution conditions. He agrees with the evidence provided in regard to the lot sizes being not congruent with the area. One acre lots are much better suited for areas near city services.

Chairman Sturgill agreed with Commissioner Sheets’ comments. However, he noted that developers have come to the Commission with an agreement with the school district. He is not recommending a condition, but could be provided as suggestion as to what the applicant can do to try to gain approval.

MOTION: Commissioner Sheets moved to **recommend denial** of Case No. CR2022-0016, finding that the application does not meet the criteria 07-07-07 (6) A 8 – impact of essential public services, specifically schools and 07-07-07 (6) A 3- the proposed lot sizes are too small, noting the information provided in the staff report in regard to lot sizes in the area and compatibility. The actions that the applicant could possibly take to gain approval, would be to increase lot size and work with the school district to find adequate medication to address school impacts. Seconded by Commissioner Nevill.

Discussion on the Motion:

None.

Roll call vote: 4 in favor, 0 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS

Interim Director Gibbons stated he appreciates the Commissions service and their deliberation. Chairman Sturgill asked what the preference would be for feedback on the new hearing process. Interim Director Gibbons stated an email would be fine and it can also be discussed after the next hearing.

Planning Supervisor also stated that feedback could be provided to him anytime.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Matthews. Voice vote, motion carried. Hearing adjourned at 12:00 a.m.

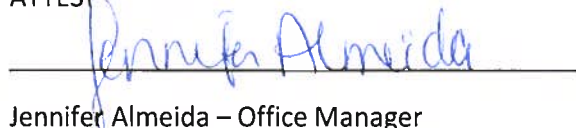
An audio recording is on file in the Development Services Departments' office.

Approved this 6th day of February, 2025.



Robert Sturgill, Chairman

ATTEST



Jennifer Almeida – Office Manager