



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, August 15, 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  
Miguel Villafana, Commissioner  
Patrick Williamson, Commissioner  
Harold Nevill, Commissioner  
Geoff Mathews, Commissioner  
Brian Sheets, Commissioner

Staff Members Present: Jay Gibbons, Assistant Director of Development Services  
Michelle Barron, Principal Planner  
Dan Lister, Principal Planner  
Amber Lewter, Hearing Specialist

**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. SD2022-0005 / Bad River**– Approve revised FCO's.

**MOTION:** Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Order. Motion seconded by Commissioner Mathews. Chairman Sturgill and Commissioner Villafana abstained. Voice vote, motion carried.

**Item 2A:**

**Case No. CR2022-0022 / Vermaas:** The applicant, KM Engineering representing owner Bonnie Vance Vermaas, is requesting a conditional rezone of Parcels R37517 & R37519 from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone subject to a development agreement restricting development to 13 residential lots. The subject property is located at 9713 Galloway Road, Middleton; also referenced as a portion of the NW ¼ of Section 28, T5N, R2W, Canyon County, Idaho.

**Staff proposed to be tabled to a date certain of October 17, 2024.**

Commissioner Nevill asked if the applicant asked to postpone after seeing the recommendation of denial. Planner Dan Lister stated that Staff sent an email saying they thought a different zone would be more appropriate but if they didn't hear back from the applicant they would schedule the hearing. The applicant had some questions about rural residential zoning but never gave a solid answer about the hearing. The hearing was scheduled and then the applicant asked for a postponement so they could work on the application to a different zone. Planner Dan Lister explained if it gets heard as is and goes in front of the Board of County Commissioners then more than likely it will get remanded back to Planning and Zoning to be reheard. Commissioner Nevill asked how many people are present for the case. Chairman Sturgill advised there is the applicant and 12 in opposition.

Commissioner Williamson asked if the case is going off the 2020 Comp Plan or the 2030 Comp Plan. Planner Dan Lister advised it is the 2020 Comp Plan.

**MOTION:** Commissioner Sheets moved to postpone Case CR2022-0022 to a date certain of October 17, 2024. Motion seconded by Commissioner Villafana.

**Discussion on the Motion:**

Commissioner Nevill is not in favor because they often see the recommendation of denial and then want to change the application. He believes the best application should be brought forward first.

Commissioner Mathews agrees with Commissioner Nevill.

Roll call vote: 3 in favor, 3 opposed, motion failed.

**Planner Dan Lister** reviewed the Staff report for the record.

Commissioner Nevill asked if the applicant does change the zoning to RR where would they get the irrigation water. Planner Dan Lister advised each lot would have a half acre through their domestic well they could irrigate with or they would work with IDWR to get additional water rights. Commissioner Nevill asked about exhibit 2A if it would be more appropriate to call it developed for agriculture instead of undeveloped. Planner Dan Lister stated the applicant could better answer.

Commissioner Williamson asked about exhibit 3D if those subdivisions were approved before having to change the zoning maps. Planner Dan Lister stated a lot of the lots are still zoned agricultural and the subdivisions in question happened with conditional use permits in the past. Planner Dan Lister referred to exhibit 3E showing the decision years for the surrounding area.

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

**Testimony:**

**Stephanie Hopkins (Representative) – IN FAVOR – 5725 N Discovery Way, Boise, ID 83713**

Ms. Hopkins stated the neighborhood meeting happened in 2022 and in the last 2 years there has been coordination with engineering a few others for changes to the preliminary plat, the first comments she remembers seeing about the zoning was this year in early July. It was her opinion that the hearing date was talked about but not scheduled and thought she had time to revise the preliminary plat. Ms. Hopkins stated at the time of submitting the applications rezones were being heard at the same time as the preliminary plats. Her client wanted to pursue the R1 zone because of the Kelley rezone approved in 2021. Ms. Hopkins stated they want to work with staff and that was the reason for asking for the continuance so they can revise the preliminary plat to fit a rural residential zoning. Ms. Hopkins responded to Commissioner Nevill's question and stated the term undeveloped just means the lot is undeveloped from homes. Ms. Hopkins stated the owner used to raise and train horses but has aged so her son is now trying to help her develop the property so she can live in her current lot and have money for retirement. Ms. Hopkins stated staff is recommending 2.5 acre lots which is above what RR zoning states so they are going to look at the preliminary plat design and see what they can do. Ms. Hopkins provided details on the current proposal of the preliminary plat.

Commissioner Williamson asked why they were focusing on the plat before the rezone. Ms. Hopkins stated in general they focus on the layout of the lots to see if it will work for the zone and that is how

clients will see if their project is viable.

Commissioner Nevill asked what the agricultural use is on the lot. Ms. Hopkins stated it hasn't been irrigated for about 20 years and is not prime farm ground. Commissioner Nevill asked if they have considered providing a school bus stop. Ms. Hopkins stated they haven't considered that yet. She believes this is a small project and the subdivisions to the west may be better suited to put one up but is willing to have those conversations.

Commissioner Sheets asked if it is her intent to rework the application and resubmit it after the hearing. Ms. Hopkins stated she was working with Staff to revise the preliminary plat to align with a rural residential zone. Her intent is to change the zoning request. Commissioner Sheets asked about the excess water rights. Ms. Hopkins stated she would need to speak with her engineer.

**Lyle Zufelt – IN OPPOSITION – 9965 Grand Tarahee, Middleton, ID 83644**

Mr. Zufelt stated he lives in the Grand Estates Subdivision to the west of the proposed development. His subdivision is zoned RR and would have no problem if this project was zoned RR. His current concern is there is a property to the east of the 18 acres and believes this to be a first phase to a two-part phase development. Mr. Zufelt stated his subdivision attempt to keep the watering to a half acre and the other acreage has natural grasses or goats. He knows of other locations where wells are running dry because houses are too close together and that is why he would be ok with an RR zone.

**Joe Strongone – IN OPPOSITION – 9617 Golden Willow St, Middleton, ID 83644**

Mr. Strongone stated his property is adjacent directly south of the proposed development. He moved to the area because of the master plan saying this is an area for Ag and open country and he would like to keep it that way. Mr. Strongone stated during the neighborhood meeting most of the neighbors expressed wanting a minimum of 2.5 acres. Mr. Strongone stated it would be unfair for him to say he wants no development so he would be comfortable with 2.5 acres because it would then be consistent with the area. Mr. Strongone agrees with all of Staff's recommendation. He is against using well water for landscaping and is concerned about the neighborhood needing to drop their wells in the future.

Commissioner Nevill asked how long Mr. Strongone has lived there. Mr. Strongone advised he has lived there for 3 years. Commissioner Nevill asked if the larger lots preserve the agricultural way of life. Mr. Strongone stated they do for example there is lots with cows, goats, sheep, and llamas.

**John McComb – IN OPPOSITION – 9612 Golden Willow, Middleton, ID 83644**

Mr. McComb stated he is in agreement with Staff's recommendation. He is mostly concerned about the impact the schools will have. There is also concern with the water wells running dry and where the water drainage will go.

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

Mr. Todd stated the schools are full, the fire department is tapped and the area is left without paramedic services almost on a daily basis. Mr. Todd stated the irrigation water is less than adequate for the existing homes.

Commissioner Williamson asked for more information on the irrigation water. Mr. Todd stated Black Canyon Water Irrigation is who supplies the area and almost on a daily basis there is pressurization problems where they have to stagger watering times.

Chairman Sturgill asked if a Rural Residential with 2-acre minimum lots is better than 1 acre lots. Mr. Todd

stated people have the right to develop their property but the property should fit the area which are all 2 acres or more with livestock.

**Richard Trudeau – IN OPPOSITION – 9810 Grand Teton Trail, Middleton, ID 83644**

Mr. Trudeau stated he reviewed the application, staff report and comprehensive plan and knows that it doesn't meet two criteria. One the proposal doesn't meet the comprehensive plan and secondly it isn't consistent with the surrounding area. Mr. Trudeau is also concerned about the water. Recently there has been more intrusion on the aquifer than in the past. Mr. Trudeau stated he believes the rural residential zone would be acceptable in the area.

**Stephanie Hopkins (Representative) – REBUTTAL – 5725 N Discovery Way, Boise, ID 83713**

Ms. Hopkins stated she believes if the revision is made to the project changing it to rural residential the project will meet the surrounding area. Ms. Hopkins stated the irrigation concerns are related to the preliminary plat.

Commissioner Williamson asked if there was consideration for a communal water well for the development. Ms. Hopkins stated there wasn't for this development because that is usually considered for larger developments. Ms. Hopkins stated after speaking with her engineer it is her understanding that the wells will be dug deeper to not affect the surrounding wells.

**MOTION:** Commissioner Nevill moved to close public testimony on Case CR2022-0022, seconded by Commissioner Sheets, voice vote, motion carried.

**DELIBERATION:**

Commissioner Mathews stated there is already overcrowding of the schools in the area and he is concerned if they approve smaller developments they aren't helping the problem they would be exasperating it. Commissioner Mathews is in favor for denial and doesn't believe a change in zoning would change his mind.

Commissioner Nevill stated he agrees with staff's recommendation, that the proposal doesn't fit the surrounding area for question 4 and for question 8 the proposal would negatively impact the schools. Commissioner Nevill is in favor of denial.

Commissioner Mathews stated for question 8 the word not needs to be deleted in the first sentence.

Commissioner Williamson stated there was testimony about EMS services being rerouted and might want to add that in the findings. As well as the fire department being stretched.

Chairman Sturgill invited consideration to continue the case to allow the applicant to come back with what they plan to ultimately present to the Board of County Commissioners.

**MOTION:** Commissioner Williamson moved to table Case CR2022-0022 to a date certain of October 17, 2024. Seconded by Commissioner Sheets.

**Discussion on the Motion:**

Commissioner Sheets stated based upon the testimony and the intent of the applicant he doesn't see any other reasonable way to handle the case other than to continue it.

Roll call vote: 5 in favor, 1 opposed, motion passed.

**Item 2B:**

**Case No. SD2021-0039 / Alyson Meadows Subdivision:** A request by Elwin Butler, PE for Cory Swain, CS2, LLC, for approval of a Preliminary Plat, irrigation and drainage plan for Alyson Meadows Subdivision. The development consists of 18 residential lots and 4 common lots, including a private road lot on approximately 40.84 acres. The average lot size is 2.00 acres. The subject property, parcel number R35590, is located at 0 Linden Road in the NW ¼ of Section 32, T4N, R3W, BM, Canyon County, Idaho.

Commissioner Villafana disclosed he farms near the parcel but has had no contact with the owners.

**Planner Michelle Barron** reviewed the Staff report for the record.

Chairman Sturgill asked what events would have to occur before the parcel gets annexed into the City of Caldwell. Planner Michelle Barron stated it has to be touching the city, it would then be up to the City and the owner to work out the details. Chairman Sturgill asked currently how far away from the city is the property. Planner Michelle Barron stated she doesn't currently have that information. Chairman Sturgill asked if the water infrastructure was available could they connect to the city immediately. Planner Michelle Barron stated if the structures are available and a pre-annexation agreement was signed she believes they could.

Commissioner Williamson asked if the EMS access is granted if the property to the east has an easement recorded to have EMS go in and out. Planner Michelle Barron stated the property to the east, Tranquil Place does have a turn around.

Commissioner Nevill asked about condition 6. Planner Michelle Barron stated in the rezone process the city requested they put in the infrastructure and connect to city water, they will not be connecting to city water yet but they will be putting in the infrastructure.

Commissioner Sheets asked if the annexation in the future could be involuntary. Planner Michelle Barron stated she is unsure. Commissioner Sheets asked if there is an HOA planned for the project. Planner Michelle Barron deferred to the applicant. Commissioner Sheets asked who will be owning the private road lot. Planner Michelle Barron stated it will be maintained by the people on the Road User's Maintenance Agreement (RUMA). Commissioner Sheets asked who will own the private road lot. Planner Michelle Barron deferred to the applicant.

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

**Testimony:**

**Elwin Butler (Representative) – IN FAVOR – 3122 Suntree St, Caldwell, ID 83605**

Mr. Butler stated he understands the neighbors are concerned with the project looking like city streets. The closest city utilities are located at Farmway Road which is still far away and would cost about \$500,000 to get the water lines to the property. Mr. Butler showed the future water lines from the City of Caldwell. Mr. Butler stated he wants to keep the project as a rural residential and to look rural. He has been working with the City of Caldwell to not require all the subdivision requirements such as putting in the dry line for the water. There is a ditch that feeds Pheasant Ridge Subdivision and he plans to pipe that line and the city will require that to be on a separate easement. Mr. Butler showed the location where the easement goes onto the property. There is an agreement with Rett's Acres to allow emergency vehicles onto Tranquil Place.

Chairman Sturgill asked for clarification on why the city would need to sign off. Mr. Butler stated he understands the City of Caldwell is on the final plat.

Commissioner Nevill asked if Mr. Butler agrees with the conditions of approval. Mr. Butler stated he does but would like to limit the amount of say the city has over the development. Commissioner Nevill asked who will own the road lot. Mr. Butler stated the plat says the HOA will own it.

Commissioner Williamson asked if the open ditch will be maintained by the irrigation district or privately maintained. Mr. Butler stated it will be privately maintained. Commissioner Williamson asked if the city has an idea of when they will have services there or will annex that area. Mr. Butler stated it is going to take a significant amount of effort.

Chairman Sturgill asked the estimated cost to install the dry lines. Mr. Butler stated roughly 1700 feet at about \$175 per feet.

Commissioner Sheets asked if the RUMA is going to be filed with the County or separate documentation. Mr. Butler stated it is a separate documentation.

**Gary Beers – IN FAVOR– 16840 W Linden St, Caldwell, ID 83607**

Mr. Beers stated he is in support of the proposed plan. Mr. Beers is wondering at what point during the process is the irrigation schedule done for joint responsibility and an enforcement process made. He is against the sewer extension requirement, the 12-inch water main, and the sidewalks. There are no sidewalks, sewer, water or anything down Linden Street. Mr. Beers feels like putting the city requirements on this project will make it stand out differently than the surrounding area. Mr. Beers doesn't see the area getting annexed for years.

Commissioner Nevill asked about the water lines. Mr. Beers stated he would like something in writing that says who is responsible for working with him and his subdivision on turning the water lines on and the water distribution between the proposed subdivision and his. Commissioner Williamson recommended speaking with a ditch rider. Commissioner Nevill asked if Mr. Beers is ok with the striping instead of sidewalks. Mr. Beers stated he just doesn't think sidewalks should be required. Commissioner Nevill confirmed it is striping and not sidewalks that is proposed.

**Elwin Butler (Representative) – REBUTTAL – 3122 Suntree St, Caldwell, ID 83605**

Mr. Butler stated he will deliver the water to the edge of his property at the same volume that historically been delivered and the HOA will be responsible for maintaining the pipeline and delivering the water to the property lines.

Chairman Sturgill asked about condition 6. Planner Michelle Barron explained the Board of County Commissioners previously waived the requirement to connect to city water. Chairman Sturgill asked for the list of what the city is asking from the developer. Commissioner Williamson found some information on exhibit 6G.

**MOTION:** Commissioner Williamson moved to close public testimony on Case SD2021-0039, seconded by Commissioner Villafana, voice vote, motion carried.

**DELIBERATION:**

Commissioner Sheets stated he would be supportive of the waivers on condition 6.

Chairman Sturgill suspects it would remain a rural area for a long period of time.

Commissioner Nevill believes they should recommend waiving the cities' requirements on water, sewer, irrigation and landscaping.

Planner Michelle Barron provided the ordinance for city requirements. Assistant Director of Development Services Jay Gibbons stated the ordinance is an agreement with the city and county in 2005. The city has had updates in their ordinance since then. Conversation ensued between Commissioners and Assistant Director of Development Services Jay Gibbons in regards to the waivers.

Commissioner Sheets recommends that the Commissioner recommend to the Board of County Commissioners that they waive the City of Caldwell requirements.

Conversation ensued between Commissioners in regards to the waiver condition and findings.

**MOTION:** Commissioner Sheets moved to recommend approval for Case SD2021-0039 with revised condition number 6 and an additional finding number 13. Seconded by Commissioner Mathews.

Roll call vote: 6 in favor, 0 opposed, motion passed.

**ACTION ITEM – APPROVAL OF MINUTES**

**MOTION:** Commissioner Nevill moved to approve July 11, 2024 minutes. Seconded by Chairman Mathews. Commissioner Sheets abstained. Voice vote, motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Assistant Director of Development Services Jay Gibbons stated they are finalizing updated staff reports and should start seeing them in September.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 9:38 PM.

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

Approved this 19<sup>th</sup> day of September, 2024



Brian Sheets, Acting Chairman

ATTEST



Amber Lewter – Hearing Specialist