



**CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, September 20, 2018 6:30 P.M.**

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**1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM, SUITE 130, CANYON COUNTY ADMINISTRATIVE BUILDING**

**Commissioners Present:** Richard Hall, Chairman  
Sandi Levi, Secretary  
Rod Garrett, Commissioner  
John Carpenter, Commissioner  
Rick Fried, Commissioner  
Patrick Williamson, Commissioner  
Robert Sturgil, Commissioner

**Staff Members Present:** Patricia Nilsson, Director  
Jennifer Almeida, Planner  
Debbie Root, Planner  
Kathy Frost, Recording Secretary

**Chairman Richard Hall** called the meeting to order at 6:30 p.m.

**Secretary Sandi Levi** proceeded to the business items on the Agenda.

**OLD BUSINESS – ACTION ITEMS**

1. Chairman Hall noted for the record that Case **OR2018-0004 & CR2018-0002**, Karcher Farms, LLC and SS Karcher, LLC, will be re-noticed and scheduled for a later date.

2. Planner Debbie Root stated that **Case RZ-PH2017-68**, Richard Dunning, needs to be continued to December 6, 2018. Rod Garrett.

**MOTION:** Commissioner Garrett moved to table Case **RZ-PH2017-68:** Richard Dunning, to date certain December 6, 2018. Seconded by Commissioner Williamson. Voice vote motion carried.

3. **Case OR2018-0002 & RZ2018-0008:** Refugio Vidales is requesting a **Comprehensive Plan Map Amendment** to change the designation of parcel no. R33161 & R33161011 from “Agriculture” to “Residential.” Also requested is a **Rezone** of R33161 and R33161011 that total approximately 20.30 acres from “A” Agricultural to “R-R” (Rural Residential) zone. The subject property is located at 20298 Lonkey Ln., Caldwell, ID, in a portion of the NE ¼ of Section 3, T3N, R4W, B.M., Canyon County, Idaho.

**Planner Jennifer Almeida**, reviewed the staff report for the record. Concerns with the applicant’s request include location within a nitrate priority area, the location within an area with prime agricultural soils, and the location of the proposed access. Late exhibits 19 & 20.

**Chairman Richard Hall:** affirmed the witnesses to testify and entered the late exhibits.

Gerardo Vidales, applicant representative, in favor: 10817 Cloudless St., Nampa  
His father is the owner of the property. They want to create a legacy for the family. He would like to build on his parents’ property. The property to the east is owned by his uncle. They would need

5-6' to put the easement on his property and he would still be able to have agricultural. They may remove buildings to resolve the access issue. They don't consider it prime farmland as it is very sandy and takes a lot of water to produce a cashable crop. They want to build three homes out there. The parcels will be 5 acres or more in size. There are 39 other home lots within a one mile radius.

Commissioner Garrett asked where the new homes would be.

Commissioner Williamson asked about the history of the land division on the property and whether the farm access would be combined with the new access. Mr. Vidales stated the history of the property and that access would be combined.

Commissioner Sturgill inquired whether the access is being addressed. Is the land currently farmed? Mr. Vidales stated it wasn't this year. Each proposed lot would be farmed. They have grown alfalfa in the past.

Commissioner Fried asked about the current configuration of the existing two parcels. Mr. Vidales said it was an administrative split. Fried asked how their land is unique from his neighbors' property regarding farming. Mr. Vidales replied that Mr. Platt can address that question.

Commissioner Hall inquired about the type of irrigation. He asked how the proposed lots will be irrigated and the status of the current domestic well. Mr. Vidales said the lots will use gravity irrigation and have individual domestic wells.

Fanny Reyes, in favor, 4722 Kadie Street, Caldwell

Mrs. Reyes read a written statement from a neighbor who lives at 17311 Pride Lane in Caldwell and was unable to attend tonight. There is a shortage of water for crops, poor soil, lack of organic matter, winds that damage the crops, expense of irrigation equipment (Exhibit 20). She is the daughter of the property owner and lived there from 1996-2006. They are looking for continuous stability for their families to have home they can live through retirement.

Blain Thomas, in favor, 20579 Ustick Road, Caldwell

Testified in favor of the application. He owns the property northwest of the Vidales property. He was pressured to sign a petition (Exhibit 18). He thinks it's unreasonable for one person to pressure others into signing a petition and feels that someone should check into that. He has a background in construction and does not think the proposed development would devalue his property. He would like to rescind his signature on Exhibit 18. Mr. Thomas said the soil quality on the southern portion of his property is poor and he has not observed productive crops on the Vidales property.

Ron Platt, in favor, 15521 Pride Lane, Caldwell

Mr. Platt is a director on Wilder Irrigation and the Boise Project boards and has recently farmed the property. This is not prime farmland as it is very sandy. During the construction of the Lowline Canal on the SW corner material was placed on this property. He believes this property is more appropriate for houses than farming. Mr. Platt stated that due to the sandy texture of the soil, it is difficult to keep water on the top soil layer and there is low organic matter to hold water. Regarding well history, Mr. Platt stated that some wells are 200-250 feet deep but recent wells can only be 80-100 feet due to the proximity to Lake Lowell. The irrigation drain is buried but there are easements on the property, if developed, Boise Project will insure their easements are taken care of and he does not foresee a problem.

**Rebuttal:** Mr. Vidales stated that the existing well is 76 feet deep. The proposed location of the road is clear of all irrigation easements.

**MOTION:** Commissioner Sturgill moved to close public testimony on Cases **OR2018-0002** and **RZ2018-0008**, seconded by Commissioner Carpenter. Voice vote motion carried.

**MOTION:** Commissioner Carpenter moved to recommend denial of case **OR2018-0002** and adopt the Findings of Fact and Conclusions of Law as written and forward our recommendation to the Board of County Commissioners. Seconded by Commissioner Sturgill. Roll call vote 7 in favor and 0 in opposition. The Commission stated that if a development agreement was part of the application that limited conversion of agricultural land, and resolving the access issue through the modification of the existing development agreement on the property to the east, it may be helpful to get an approval on this project.

**MOTION:** Commissioner Garrett moved to recommend denial of case **RZ2018-0008** and adopt the Findings of Fact and Conclusions of Law as written and forward our recommendation to the Board of County Commissioners. Seconded by Commissioner Williamson. Roll call vote 7 in favor and 0 in opposition.

### **NEW BUSINESS- ACTION ITEMS**

**1. Case RZ2018-0014:** Samuel Hopkins is requesting to rezone parcels R38211 and R38211012 containing approximately 20 acres from Agricultural to "R1" (Single Family Residential). R1 zoning will allow for development of one acre average residential lot size. Platting as a residential subdivision shall be required. The subject properties are located at 24358 Emmett Road, Caldwell, ID within the Middleton area of city impact and adjacent to Middleton City limits on the south boundary of parcel R38211012.

Commissioner Fried disclosed that the applicant does engage business with his employer but not directly with himself. The Commission did not consider this a conflict of interest.

Commissioner Carpenter disclosed that he performed work directly south of the subject property. The Commission did not consider this a conflict of interest.

**Planner Debbie Root**, reviewed the staff report for the record. No late exhibits.

Commissioner Carpenter asked about the position of the City of Middleton. Planner Root replied that no letter from the City was received on this application.

Commissioner Garrett inquired on the status of the subdivision to the south within city limits. Planner Root replied she did not know the status of West Highlands subdivision. She referred to the comments from Canyon Highway District regarding their design expectations when the property is platted.

**Chairman Richard Hall:** affirmed the witness to testify.

#### **Samuel Hopkins, Applicant in favor, 24358 Emmett Road, Caldwell, ID**

Mr. Hopkins and his wife purchased the property in 1998 and split the property into four parcels. Currently there are one-acre parcels surrounding them. The area farmed in the front is sloping. They did level some areas and add irrigation but the soils are Class IV and V. At the neighborhood meeting his neighbors supported his plan to develop lots that will be a minimum size of one acre. Approximately 10 people attended the neighborhood meeting. He intends to keep approximately 5 acres around his house. He has completed a nutrient pathogen study that recommends 9 lots be

developed with standard septic systems, with the possibility of an additional 3-4 lots if advanced systems were used.

Commissioner Carpenter asked if Mr. Hopkins knew the status of the subdivision to the south. Mr. Hopkins had asked Mr. Coleman for the sub about 8 years ago. Mr. Coleman currently has this phase for sale.

Commissioner Fried asked if nothing happened to the south, would he bring access off of Emmett Road. Mr. Hopkins replied that would be up to the highway district. They may provide a temporary access to Emmett Road until the subdivision to the south is developed.

**MOTION:** Commissioner Garrett moved to close public testimony on **Case RZ2018-0014**, seconded by Commissioner Fried. Voice vote motion carried.

**MOTION:** Commissioner Sturgill moved to approve case **RZ2018-0014** and adopt the Findings of Fact and Conclusions of Law as written and forward our recommendation to the Board of County Commissioners. Seconded by Commissioner Carpenter. Roll call vote 7 in favor and 0 in opposition.

**APPROVAL OF MINUTES:**

- September 6, 2018

**MOTION:** Commissioner Fried moved to approve the Minutes from September 6, 2018 as written, seconded by Commissioner Carpenter. Commissioners Williamson and Sturgill abstained as they were absent that date. Voice vote, motion carried.

**COMMISSION, DIRECTOR, & PLANNER COMMENTS:** Director Nilsson updated the Commissioners on recent Board hearings, and other agency and community activities.

**ADJOURNMENT: 8:40pm**

**MOTION:** Commissioner Sturgill moved to adjourn, seconded by Commissioner Garrett. Voice vote Motion carried.

**Signed this 4th<sup>th</sup> day of October, 2018**

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Chairman Richard Hall

**ATTEST:**

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Kathy Frost, Recording Secretary