



**CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, July 18, 2019  
6:30 P.M.**

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

**Commissioners Present:** Rick Hall, Chairman  
Rob Sturgill, Vice Chairman  
Sandi Levi, Secretary  
Rick Fried, Commissioner  
John Carpenter, Commissioner  
Patrick Williamson, Commissioner

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

**Chairman Rick 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**

**TRENTON WHITE: CASE ZC2019-0001**

**MOTION:** Commissioner Sturgill moved to table case ZV2019-0001, to a date certain of August 1, 2019, seconded by Commissioner Carpenter. Voice vote motion carried.

**LEIGHTON LAKE ESTATES FORMERLY TRIGGER LAKE SUBDIVISION: SD2018-0008**

Breckon Land Design on behalf of Leighton, LLC, has submitted a preliminary plat, irrigation, and drainage plan for Trigger Lake Subdivision, a seventeen (17) residential lot development located in an “RR” (Rural Residential) zone. The subject properties, R33994 & R34054 & Pt of 33992010 lie within an “AE” Flood Hazard Area of Concern. The subject properties are located on Trigger Ranch Lane (formerly Goldie Lane) approximately 1682 feet east of the intersection of Hwy 44 and Kingsbury Road on the south side of Hwy 44, Star, Idaho.

**MOTION:** Commissioner Carpenter moved to reopen public testimony on Case SD2018-0008, seconded by Commissioner Williamson. Voice vote, motion carried.

**Planner Debbie Root** reviewed the staff report for the record, including late exhibits 9, 10. The applicant has requested and been granted a name change from Trigger Lake Estates to Leighton Lake Estates Subdivision.

**Chairman Richard Hall**, affirmed the witnesses to testify and entered the late exhibits into the record.

**Testimony:**

**Jon Breckon – Applicant representative in favor – 661 N Glen Wood St Garden City ID**

- Mr. Breckon reviewed the steps taken to comply with the Commissioners request for further information from ITD and other agencies regarding access.

**Trace Leighton – Applicant in favor- 21270 Trigger Ranch Ln Star ID**

- no testimony

**MOTION:** Commissioner Carpenter moved to close public testimony on case SD2018-0008 seconded by Commissioner Williamson. Voice vote motion carried.

**MOTION:** Commissioner Carpenter moved to recommend approval of Case SD2018-0008, a Preliminary Plat, and Preliminary Drainage & Irrigation Plan. Including the Findings of Fact, Conclusions of Law and Order, and Conditions of Approval. Forwarding the recommendation to the Board of County Commissioners seconded by Commissioner Fried. Roll call vote, 6 in favor 0 opposed, motion carried.

**SUPERIOR SIGNS: RZ2019-0002**

**Case withdrawn at Applicants request.**

**NEW BUSINESS – ACTION ITEMS**

**TRIPLE S LAND LLC / SAFELINK: CU2019-0008**

**MOTION:** Commissioner Williamson moved to table case CU2019-0008, to a date certain of August 1, 2019, seconded by Commissioner Carpenter. Voice vote motion carried.

**BRIAN GOOD / SAFELINK: CU2019-0009**

Brian Good is requesting a **Conditional Use Permit** for a telecommunications facility. The property is located at 0 Melmont Rd., Melba, Idaho, in a portion of the SE ¼ of section 20, T1N, R2W, BM, Canyon County, Idaho.

**Planner Randall Falkner**, reviewed the staff report for the record, exhibit 2b photo has been updated

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

**Testimony:**

**Chad Shanics - Applicant representative in favor - 906 S Oneida St Rupert ID**

- The current tower is a safety hazard and will be replaced with one that requires less upkeep and will be safer.

**MOTION:** Commissioner Levi moved to close public testimony on case CU2019-0009 seconded by Commissioner Williamson. Voice vote motion carried.

**MOTION:** Commissioner Sturgill moved to approve Case CU2019-0009 including the Findings of Fact, Conclusions of Law and Conditions of Approval. Seconded by Commissioner Carpenter. Roll call vote, 6 in favor 0 opposed. Motion carried.

**TREASURE VALLEY RENEWABLES: DA2019-0006**

Treasure Valley Renewables, LLC. is requesting to modify a development agreement for Case No. PH2016-56 & PH2016-71 (Instrument # 2017-042798). The applicant is requesting to modify condition (s) 7, 9, 17, 18, 21, 22, 36 & 37. The request for modification does not change the requirements for each condition, but rather clarifies timing for building permits for enclosed structures for each condition that is requested to be modified. The subject properties, R38904 & R38904010 are located at 27349 Shelton Rd., Parma, ID in a portion of the SW ¼ of Section 14, T5N, R5W, BM, and Canyon County, Idaho.

**Planner Jennifer Almeida**, reviewed the staff report for the record, including late exhibits 18, 19.

**Chairman Richard Hall**, affirmed the witnesses to testify, and entered the late exhibits into the record.

**Testimony:**

**Dave Jones – Applicant in favor – 3072 N Sharon Dr Meridian ID**

- Mr. Jones is an owner of Boise Bio Gas, who is developing this facility, he stated that the project will move forward and be built. This is not a request to rezone, that has already been done and approved. We are seeking a simplification of the process making sure all the proper steps are taken. The security fence is the first structure that will be built.

**Tina Wilson – in favor – 20523 N Whittier Dr Greenleaf ID 83626**

- Ms. Wilson with Western Alliance, has been working with Treasure Valley Renewables, making sure the Development Agreement is being followed as directed. Three other companies plan to co-locate on this property as approved by the BOCC. The fence was requested by the neighbors. We are asking to clarify the timing to continue with this development.

**Jan Phillips - opposed - 25701 Market Rd Parma ID**

- Ms. Phillips stated that they have heard different stories relating to this development, so they are confused as to what is happening. Farmers cannot spray within 300 feet. Concerned that the property values will go down. We were told that they had 2 years to commence this project and we feel that they are trying to get around that time line.

**Rebuttal: Dave Jones - Applicant in favor - 3072 N Sharon Ave Meridian ID**

- The scope of the project is not changing, we are here to make sure that we are doing it responsibly.

**MOTION:** Commissioner Sturgill moved to close public testimony on Case DA 2019-0006, seconded by Commissioner Carpenter Voice vote motion carried.

**MOTION:** Commissioner Carpenter moved to approve Case DA2019-0006 and adopt the recommended Findings of Fact and Conclusions of Law and Order and forward a recommendation to the Board of County Commissioners. Seconded by Commissioner Williamson. Roll call vote, 2 in favor, 4 opposed. Motion fails.

**MOTION:** Commissioner Sturgill move to continue Case DA2019-0006 to the end of the agenda, in order to allow staff to revise the FCOs, denying the case because it is not a necessary modification. Seconded by Commissioner Williamson. Voice vote motion Carried.

**MOTION:** Commissioner Sturgill moved to adopt the revised Findings of Fact, Conclusions of Law, recommending denial of Case DA2019-0006, and the reasons contained herein, forwarding the recommendation to the Board of County Commissioners seconded by Commissioner Williamson. Voice vote, motion carried.

**REFUGIO VIDALES: CASE CR2019-0003**

Refugio Vidales is requesting a **Conditional Rezone** of approximately 20.30 acres from an “A” (Agricultural) zone to a “CR-RR” (Conditional Rezone/ Rural Residential) zone. Also requested is a **Development Agreement**. The subject properties, parcel no.’s R33161011 & R33161 are located at 20298 Lonkey Ln., Caldwell, ID, in a portion of the NE ¼ of Section 3, T3N, R4W, BM, Canyon County, Idaho.

**Planner Jennifer Almeida**, reviewed the staff report for the record, including late exhibit 21.

**Chairman Richard Hall**, affirmed the witness to testify and entered the late exhibit into the record.

**Testimony:**

**Gary Vidales – Applicant Representative in favor – 533 North Copper tree Dr. Nampa ID**

- After coming before the Commission previously, we have changed the project to follow the recommendations of the Commission in order to seek approval.

**MOTION:** Commissioner Carpenter moved to close public testimony on case CR2019-0003, seconded by Commissioner Williamson. Voice vote motion carried.

**MOTION:** Commissioner Carpenter moved to recommend approval on Case CR2019-0003 including the Findings of Fact, Conclusions of Law and Order, including the Development Agreement and forward the recommendation to the Board of County Commissioners seconded by Commissioner Sturgill. Roll call vote, 6 in favor 0 opposed. Motion carried.

**FAISAN SUBDIVISION: CASE SD2018-0011**

The applicant, All-Terra Consulting, representing the property owner, Pheasant Point Middleton LLC (Mike Provost), is requesting a Short Plat (Preliminary Plat, Irrigation Plan, Drainage Plan and Final Plat) for Faisan Pointe Estates Subdivision on Parcel R34445014. The subdivision includes 11 residential lots and 2 common lots. The parcel is zoned “R1” (Single Family Residential, 1 acre average minimum lot size). The vacant property is located near the roundabout on Emmett Road and 9<sup>th</sup> Street, Middleton; also referenced as a portion of the NE ¼ of Section 2, Township 4N, Range 3W, Canyon County, Idaho.

**Commissioner Fried is recused**

**Planner Dan Lister**, reviewed the staff report for the record including late exhibits 6, 7, 8, 9, 10, 11.

**Chairman Richard Hall**, affirmed the witnesses to testify, and entered the late exhibits into the record.

**Testimony**

**Jay Walker - Applicant Representative in favor - 849 E State St Eagle ID**

- The Applicants are Community builders, they do great projects with the community in mind. The property is zoned R1, we are seeking approval of a Preliminary Plat, Irrigation and Drainage Plan. There was a private road application submitted. This project will have 11 residential lots with 2 common lot and meets zoning and land use requirements. Neighbors are in agreement of the

project and it is compatible with the area. Canyon Highway district has approved access and improvements. Individual well and septic systems are planned. Irrigation options will meet state statutes. Soil reports are good. We are surprised that agency opposition letters have come in at this point after the application has been in for 16 months. We have been given conditions by the fire district and irrigation district. Mr. Walker discussed agency input on the project. They do not want to annex because of the cost, it is not feasible.

**MOTION:** Commissioner Carpenter moved to allow 5 additional minutes of testimony, to Mr. Walker. Seconded by Commissioner Levi. Voice vote motion denied.

**Jared Fuhriman - Applicant in favor - 9603 w Chinden Boise ID**

- Mr. Fuhriman is one of the property owners, and stated that property rights of owners should be respected. They do not want to be annexed into the City of Middleton. The property was zoned R1 and we want to use our property the way it was zoned. The email to the Mayor of Middleton stated that we were going to begin road construction and the city was aware of that. We should not be forced into annexation, it would be a violation of our property rights.

**Adam Furman - in favor - 8250 West Springcreek Boise ID**

- Mr. Fuhriman is one of the property owners and owns Greencastle Homes. He builds mostly on one acre lots with individual wells and septic system. The property owners do not want to annex into the City of Middleton as if would make the property un-marketable. The property was purchased because it was already zoned R1. County lots are less expensive to build on than City lots. Irrigation agreements have been discussed. Homes in the county do not have hydrants or fire flow. Idaho legislature states that building codes are exempt from automatic fire sprinklers.

**Molly Chan – In favor - 1557 Mustang Mesa Ave. Middleton ID**

- Ms. Chan is in support of this project, because it allows private septic and wells, it is a bonus to the city of Middleton and brings families closer to schools, which may help school funding.

**Nick Hilton – In favor - 13075 Willis Rd Middleton ID**

- Mr. Hilton is in support of this project because he likes living in the County. The neighbors around him are also in support of this project. Middleton City does not provide adequate city services as far as shopping and other amenities. Mr. Hilton shares a well with his neighbor and there is adequate water and good flow in the area.

**Garren Apple - in favor - 24596 Shautza Ln Caldwell ID**

- Mr. Apple is a real estate broker of farms and appreciates the rural feel of Canyon County properties and wants to raise his kids in a farm area. There are over 1000 homes currently proposed in the City of Middleton. Due to the over approved properties in the City of Middleton, traffic and density are causing safety issues. Mr. Apple represents people to the West of this property, they do not want to be annexed into the City.

**Brian Sheets - in favor - 24184 Willis Creek St Caldwell ID**

- Mr. Sheets is concerned about annexation, it is being done in small steps taking more and more rural properties, resulting in possible forced annexation. He is opposed to all annexation past

Emmett Road and did attend the Comprehensive plan review for the City of Middleton. Mr. Sheets feels that as a County resident he should be represented by the County not the City.

**Brent Heck – in favor – 13168 Greenwell Caldwell ID**

- Mr. Heck’s property borders this property and is in the County, he wants it to stay in the County and is opposed to annexation into the City of Middleton. Traffic is a concern.

**Richard Kimmel - opposed - 13036 Willis rd Caldwell ID**

- When construction began on the proposed property we were concerned about additional wells, septic system and irrigation in the area.

**Bruce Bain - opposed -1103 W Main St ID**

- Mr. Bain is representing the City of Middleton and has submitted a letter stating that this property is in the area of impact, and the city strongly objects to this property being in the County. The City of Middleton feels that this property should be hooked up to city services. The developer is responsible for the cost of services. Services are immediately adjacent to city services. The City of Middleton would like a development agreement requiring the developer to connect to city services.

**REBUTTAL**

**Jay Walker - Applicant Representative in favor - 849 E State St Eagle ID**

- The consumer ultimately pays for city services. Neighbors are concerned about forced annexation. The application before the Commission is for a preliminary plat, irrigation, drainage plan, not an application for city annexation. We are asking that our project be recommended for approval and kept in the County.

**MOTION:** Commissioner Sturgill moved to close public testimony on Case **SD2018-0011**, seconded by Commissioner Carpenter. Voice vote motion carried.

**MOTION:** Commissioner Sturgill moved to recommend denial on Case **SD2018-0011** including the Findings of Fact, Conclusions of Law and Order, and forward the recommendation to the Board of County Commissioners seconded by Commissioner Williamson. Roll call vote, 5 in favor 0 opposed. Motion carried.

**KEN & CHEYENNE MORTENSEN RZ2019-0011**

Jessica Skinner, representing Ken and Cheyenne Mortensen, is requesting a rezone of Parcel R34445012A (1.27 acres), R34445012A1 (7.08 acres) and a 33.38 acre portion of R3445012A2 from an “A” (Agricultural) zone to “R1” (Single Family Residential, 1 acre average minimum lot size) zone. The properties are located at 23854 Emmett Road, Caldwell; a portion of the NE ¼ of Section 2, Township 4N, Range 3W, Canyon County, Idaho.

**MOTION:** Commissioner Carpenter moved to hear case RZ2019-0011 as scheduled, seconded by Commissioner Sturgill. Voice vote, carried.

**Commissioner Fried is recused**

**Planner Dan Lister**, reviewed the staff report for the record, including late exhibits 7, 8, 9, 10.

Chairman Richard Hall, affirmed the witnesses to testify and entered the late exhibits into the record.

**Testimony:**

**Jessica Skinner – Applicant Representative - 1107 Sunset Caldwell ID**

- We feel that this rezone request is consistent with the current area, and is more appropriate than the current zoning. This project will not negatively affect the character or the area and adequate services are available through individual well and septic systems. The property is not contiguous to the City of Middleton and will encourage housing choices. We will work with irrigation district and other agencies. There is a buyer for the property, contingent on the rezone being approved, if not approved it will infringe on the Mortensen's property rights. Annexation cost will be passed on to the home owners.

**Nick Hilton – in favor - 13075 Willis Rd Caldwell ID**

- There is concern about the project because the city wants 4 homes per acre on this property if it is annexed, adding that many more homes will add to traffic and congestion issues. Mr. Hilton is not opposed to the property being rezoned to R1 and restricted to 1 acre lots. Mr. Hilton believes that the city of Middleton is struggling with its sewer system and wants to annex more properties to pay for the improvements.

**Richard Kimmell – opposed - 13036 Willis Rd. Caldwell ID**

- A traffic study needs to be done before this project is approved. Opposed to more wells and septic systems in the area. Mr. Kimmell would like to have an escrow account set up, to cover costs involved if this projects is approved and causes current wells to fail. Drainage from the subject property has come onto Mr. Kimmels property, and he is concerned that sewage would also drain onto my property if septic systems fail.

**Brian Sheets – opposed - 24184 Willis creek St Caldwell ID**

- We can stop growth, each project before the board does not have to be approved. Please look at projects that will add to the livability of the area, and restrict those that don't.

**Bruce Bain - opposed - 1103 W Main St Middleton ID**

- Middleton is not having problems with the sewer system. This property is in a nitrate priority area which is another reason it should be annexed into the City of Middleton. It is contiguous because the same person owns the commercial property that is adjacent to it. Growth needs to happen in an orderly manner. The City of Middleton has had discussions with Mr. Mortensen explaining the reasons why the property should be a part of Middleton City.

**REBUTTAL:**

**Jessica Skinner – Applicant Representative - 1107 Sunset Caldwell ID**

- We have done a nitrate priority study. Property rights are important, people are being told what they can do with their property, causing us to lose our property rights. R1 is much better zoning than the higher density a city property would cause. The County Comprehensive plan should prevail over the wishes of the City.

**MOTION:** Commissioner Williamson moved to close public testimony on case RZ2019-0011, seconded by Commissioner Carpenter. Voice vote motion carried.

**MOTION:** Commissioner Carpenter moved to recommend denial on Case RZ2019-0011 including the Findings of Fact, Conclusions of Law and Order, and forward the recommendation to the Board of County Commissioners seconded by Commissioner Williamson. Roll call vote, 5 in favor 0 opposed, motion carried.

**APPROVAL OF MINUTES:**

- July 11, 2019

Commissioner Levi and Chairman Hall abstained from voting, due to absence at the July 11 hearing.

**MOTION:** Commissioner Sturgill moved to approve the minutes of July 11, 2019, seconded by Commissioner Williamson. Voice vote, motion carried.

**COMMISSION, DIRECTOR, & PLANNER COMMENTS:**

Planner Kate Dahl will summarize in an email to the Commissioners, the progress being made with the working groups being formed for the Comprehensive Plan update. Compass is starting development on the 2050 population household and jobs forecast. Impact fees in the County are being discussed.

**ADJOURNMENT: 11:56**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Carpenter. Voice vote motion carried.

**Signed this 1st day of August 2019**

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Chairman Richard Hall

**ATTEST**

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Kathy Frost, Recording Secretary