



**CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, September 5, 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:** Richard Hall, Chairman  
Robert Sturgill, Vice Chairman  
Sandi Levi, Secretary  
Rod Garrett, Commissioner  
Patrick Williamson, Commissioner

**Staff Members Present:** Patricia Nilsson, Director  
Dan Lister, 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**

**Steven & Verta Black: RZ2019-0019**

**MOTION:** Commissioner Sturgill moved to table Case RZ2019-0019 to a date certain of September 19, 2019, seconded by Commissioner Williamson. Voice vote motion carried.

**NEW BUSINESS – ACTION ITEMS**

**Burch Co LLC: CASE CU2019-0013**

**MOTION:** Commissioner Garrett moved to table Case CU2019-0013, to a date certain of October 17, 2019, seconded by Commissioner Williamson. Voice vote motion carried.

**Tactical Sports Park: CASE CU2019-0017 Case withdrawn by applicant.**

**Dan Richards: OR2019-0006 & RZ2019-0017**

**MOTION:** Commissioner Williamson moved to continue Case OR2019-0006 & RZ2019-0017, to be re-noticed for another hearing date, seconded by Commissioner Sturgill. Voice vote motion carried.

**Trinity Estates LLC: CASE OR2019-0008 & RZ2019-0024**

**MOTION:** Commissioner Garrett moved to table Cases OR2019-0008 & RZ2019-0024 to a date certain of November 21, 2019, seconded by Commissioner Sturgill. Voice vote motion carried.

**Naugle/Franz Witte Landscape & Construction: CU2019-0014**

**MOTION:** Commissioner Williamson moved to table Case CU2019-0014, to a date certain of September 19, 2019, seconded by Commissioner Garrett. Voice vote motion carried.

**Ed Bowman: CR2019-0008**

L. Kurt Smith, representing Ed Bowman, is requesting a conditional rezone of parcels R38158 and R38158010A, (38 acres) from an “A” (Agricultural) zone to “R-1” (Single Family Dwelling, one acre average minimum lot size). The parcels are located at 14261 Purple Sage Road, Middleton; a portion of the NE ¼ of Section 34, Township 5N, Range 3W, Canyon County, Idaho.

**Planner Dan Lister**, reviewed the staff report for the record, including late exhibit 6.

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

**Testimony:**

**Corinne Graham - Applicant representative in favor - 921 S Orchard Suite 200 Boise ID**

- Requesting a rezone to an R1 zone, the area is designated as future residential and is located in the City of Middleton’s area of impact area, and is also designated as residential in their future land use plan. The zoning request is consistent with 2020 Canyon County Comprehensive plan and is more compatible with the future land use. The project will not negatively impact traffic. The proposal is for 27 single family lots with an 1.13 average lot size. Access will be taken from Freezeout rd. All agency requirements will be complied with including FEMA requirements.

**L. Kurt Smith - Applicant representative civil engineer in favor – 2587 Southside Blvd Melba ID**

- Mr. Smith is a licensed civil engineer working on the project. Health district has been met with and test holes have been done, classifying the soil. Currently where drain is, we can meet the requirement for setbacks. Drainage easements have been proposed and will be done as directed, including an additional 50 feet to accommodate the possible future movement of the drain. We will work with SWDH to meet the separation requirements. An NP study has been done, we fall into the requirements of that study. There are flood concerns, and a preliminary study has been done. The preliminary study will move that zone to the west and will be contained in a fifty foot lot. The highway district requirements will be met and access has been approved from Freezeout Road. The development agreement has been added to the proposal in order to make the process to go more smoothly and give the Commission an opportunity to add conditions. Pressurized irrigation will be used.

**Desiree Brumley - in neutral - 14261 Purple Sage Rd Caldwell ID 83607**

- Ms. Brumley and her family recently purchased property adjacent the proposed development and is concerned about the lot size. Most other lot sizes in the area are an average two acre lots, she would prefer this development be a minimum 2 acre lot size.

**Pete Doornenbal – in neutral - 13146 Galloway Rd Caldwell ID**

- Mr. Doornenbal operates a dairy farm near this location, and raises cattle and farms about 1000 acres in the area. This is a changing area and we are trying to accommodate development. Mr. Doornenbal supports Mr. Bowman in his effort to develop this property so he can retire.

**Bonnie Sterling - in opposition - 24545 Falcon In Caldwell ID**

- Ms. Sterling stated that while her property is not directly affected, there is a concern about increased traffic that the development could bring to the area. Additional strain to the water table is also a concern. Most of the properties in the area are 2 acre lots and they would prefer two acre minimum lot sizes. Ms. Sterling and her family appreciate the farms in the area, along with the sounds and smells, they prefer that over more development. There is a concern that the development could cause negative issues for area farmers. Less homes would be better.

**Rebuttal: Corinne Graham - Applicant representative in favor - 921 S Orchard Suite 200 Boise ID**

- The current proposal is for 1 acre minimum lots, this is a conceptual plan and adjustments may need to be done as the development proceeds. Platting will follow the Rezone and will contain any adjustments and address Agency concerns. There are larger lots in the area, however two acre lots are more difficult to maintain.

**MOTION:** Commissioner Williamson moved to close public testimony on case CR2019-0008, seconded by Commissioner Sturgill. Voice vote motion carried.

**MOTION:** Commissioner Garrett moved to recommend denial of Case CR2019-0008, based on item B that the proposed zone change is not more appropriate than the current zoning designation, and item D that the proposed use will negatively affect the character of the area. Staff is directed to bring back revised Findings of Fact and Conclusions of Law and Order on September 19, 2019. Forwarding the recommendation to the Board of County Commissioners, seconded by Commissioner Levi. Roll call vote, 3 in favor 2 opposed. Motion carries

**APPROVAL OF MINUTES:**

- August 15, 2019

Commissioners Garrett and Sturgill, abstained due to absence at the meeting.

**MOTION:** Commissioner Levi moved to approve the minutes of August 15, 2019, seconded by Commissioner Williamson. Voice vote, motion carried.

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

Director Nilsson reviewed the progress on the Comp plan meetings and working groups that have been taking place. Work sessions may be scheduled at a later date for the Commissioners and ITD. Impact fees are still under discussion. Recent data from the Assessor shows a small amount of farmland was lost but a very insignificant amount of irrigated farmland.

**ADJOURNMENT: 8:13**

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

Signed this 19th day of September 2019

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Vice Chairman, Robert Sturgill

**ATTEST**

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Kathy Frost, Recording Secretary