

Commissioner Minutes

July 15, 2025 – 1:30 p.m. to 2:57 p.m.

**PUBLIC HEARING: REQUEST BY BCI REAL ESTATE LLC, REPRESENTED BY KATIE BURFORD AND MICHAEL TORRES FOR A CONDITIONAL REZONE OF APPROXIMATELY 16.49 ACRES FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-RR" (CONDITIONAL REZONE –RURAL RESIDENTIAL) ZONE; CASE NO. CR2023-0003**

Commissioners Leslie Van Beek and Zach Brooks

DSD Planner Emily Bunn

Planning Supervisor Dan Lister

Leslie Capik

Linda Tayne

Paul Tayne

Michael Torres

Deputy Clerk Jenen Ross\_\_\_\_\_

PUBLIC HEARING: REQUEST BY BCI REAL ESTATE LLC, REPRESENTED BY KATIE BURFORD AND MICHAEL TORRES FOR A CONDITIONAL REZONE OF APPROXIMATELY 16.49 ACRES FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-RR" (CONDITIONAL REZONE –RURAL RESIDENTIAL) ZONE; CASE NO. CR2023-0003

The Board met today at 1:30 p.m. for a public hearing to consider a request by BCI Real Estate LLC, represented by Katie Burford and Michael Torres for a conditional rezone of approximately 16.49 acres from an "A" (agricultural) zone to a "CR-RR" (conditional rezone –rural residential) zone; Case no. CR2023-0003. Present were: Commissioners Leslie Van Beek and Zach Brooks, DSD Planner Emily Bunn, Planning Supervisor Dan Lister, Leslie Capik, Linda Tayne, Paul Tayne, Michael Torres, and Deputy Clerk Jenen Ross.

Michael Torres offered testimony in favor of the application stating they would like to split the 16-acre property into two building sites. He addressed the evaluation criteria as follows:

1. *Is the proposed conditional rezone generally consistent with the comprehensive plan?*  
They are not converting large farm ground to residential. This is small acreage which, realistically is too small to farm and is surrounded by residential properties that are close to the same acreage. There are no negative impacts to the farming community. Minimal to no changes to traffic patterns. Currently there are about 10-acres being farmed and those will continue to be farmed. Access from Ustick is currently used for the 16-acres and the property to the north and maintained by the land-owner.

2. *When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?* They believe with residential homes surrounding the property a new designation would be better suited for this property.
3. *Is the proposed condition rezone compatible with surround land uses?*
4. *Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?*
5. *Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?* The subject properties will be on well and septic and there is ample room to comply with the SWDH requirements.
6. *Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?* There will be little to no impact to traffic patterns.
7. *Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?* Access will be taken from Ustick. All local agencies have signed off on the proposed plans.
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?* It is not believed there will be any additional impact to essential services.

The intention is to build two homes on the property, one on the 10-acre parcel and one on the 6-acre parcel.

Ms. Bunn gave the staff report stating that the applicants are requesting an amendment to the official zoning map in order to conditionally rezone the property from Agricultural "A" to Rural Residential "RR" to create two (2) parcels each with a residential building permit available.

The request does include a development agreement which will ensure the limited number of parcels. In the 2030 comprehensive plan the parcel has a future zoning designation of Rural Residential. The planning and zoning commission recommended approval with 7 conditions of approval which can be found with the FCOs in exhibit 1 of the staff report. Those conditions are as follows:

- Condition no. 2 states that further divisions of the subject property are prohibited and that secondary residences are prohibited.
- Condition no. 4 was added to address the agricultural exempt building on site that is likely being used as a residence without the appropriate change of occupancy permit.
- Condition no. 7 was added to address a neighbor's concerns about use of neighboring subdivision to access the parcel (exhibit E3 of the P&Z staff report). This condition will limit access from Ustick Road only unless an additional legal access is granted in the future.

The request is consistent with 8 goals, 3 policies, and 3 points of the 2030 comprehensive plan. The parcel is within the City of Homedale's Impact Area but the city does not have plans for this area at this time. The surrounding area primarily contains agricultural zoning and uses, but the land directly to the south and southeast predominately contain residential zoning and agricultural uses. This area appears to be a transition area between low-density residential and productive agricultural. The proposed parcels (6.269-acres and 10.221-acres) exceed the median acreage and is within 1.0 acre of the average size of the parcels in the surrounding area. An individual septic is already onsite for the 6.269-acre parcel and is requested for the 10.221-acre parcel. Water will be provided by individual wells and stormwater drainage is currently retained by burrow ditches. Boise Project/ Wilder Irrigation will provide irrigation water. No comments were received from any utility agencies but utilities appear to be located in the general vicinity. Per Golden Gate Highway District No. 3 public street improvements will not be required. With only 2 parcels being created there does not appear to be a need to implement mitigation of traffic impacts. Legal access will be taken from Ustick Road with based on requirements from Golden Gate Highway District. No comments were received regarding essential services from schools, police, fire protection or EMS.

Ms. Bunn and Mr. Lister answered Board questions regarding the structure that is currently on the property and provided and noted this will be considered a private road because it serves more than two houses.

Leslie Capik expressed concerns about the weir for her irrigation water. Nobody seems to know the impact of what putting a house on the 16 acres will have on her house water and well. There hasn't been any information on the size of the house to be built, how much water it will draw, where the well will be located and what the impact on her residential water will be. At the initial planning and zoning meeting there was a stipulation that there could only be one house on each parcel, the shop on the property has a bathroom, kitchen, bedroom and it was lived in by the prior owner. She doesn't care what they do with the building, but is concerned about the impact to her residential water.

Linda Tayne has concerns about water, both irrigation and residential. She is not opposed to one house per property but doesn't want to be impacted by additional noise and traffic.

Paul Tayne has concerns about having to change his address if this is approved. He is okay with one building permit per parcel.

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to close public testimony.

As part of the Board's deliberation there was an evaluation of the criteria (07-06-05), and a review of the Planning and Zoning Commission's FCO's. (The audio portion of the discussion can be found at the 53:00 mark).

In regard to planning and zoning recommendation no. 4, Commissioner Brooks would like slightly more vague language to state something like *"...the appropriate permit determined by the building official"*. The ag building currently on the property needs to be brought into compliance or torn down.

The Board would also like language as follows for the irrigation plan condition – *"...at the time of administrative land division irrigation plan shall be submitted to DSD. The plan shall be reviewed and approved by the local irrigation district per Idaho Code 67-6537 (1) (this is the requirement to use surface water rights). If any of the irrigation plan is shared by other owners a draft Water Users Maintenance Agreement shall be submitted for review and must be recorded prior to building permit issuance."*

Commissioner Van Beek motioned that based on the Findings of Fact and Conclusions of law contained herein, that the Board of County Commissioners approves case no. CR2023-0003 which is a conditional rezone of 16.49 acres subject to the conditions of the development agreement which is attachment 'A' with the items that have been discussed and that the staff report be amended for removal of the secondary dwelling and add the irrigation plan language. The motion was seconded by Commissioner Brooks and carried unanimously.

Mr. Lister noted that the FCOs, development agreement, and ordinance will be brought back for Board consideration at a later time.

Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to adjourn the hearing.

The hearing concluded at 2:57 p.m. and an audio recording is on file in the Commissioners' Office.