

Legal Transcript Analysis and Summary

Case Summary

This transcript documented a Canyon County Board of Commissioners public hearing held on September 2, 2026, at 1:34 PM, regarding case number PH2016-61-MOD. The hearing concerned a modification to Development Agreement (DA) number 17-001, associated with the Stadium Subdivision in Canyon County, Idaho. The applicant, Spencer Kofed, sought to modify two specific conditions of the existing development agreement: Condition 5B (governing the maximum number of residential lots on Property One) and Condition 3B (governing the maximum number of residential lots on Property Two, the former Olsen property). The Planning and Zoning Commission had previously recommended denial of the application, finding that the applicant had not demonstrated a necessity for the modification. Following testimony from the applicant, DSD staff, and two public witnesses, the Board of Commissioners deliberated and voted unanimously to approve the modification with specific conditions.

Speaker Backgrounds

- **Chairman Brett Holton (Speaker 1):** Presiding commissioner who chaired the hearing, guided procedural matters, and participated in deliberation.
- **Commissioner Leslie Van Beek (Speaker 2):** Elected commissioner who asked clarifying questions, summarized key conditions during deliberation, and seconded the final motion.
- **Commissioner Zach Brooks (Speaker 3):** Elected commissioner who raised concerns about the undefined nature of the term "necessity" within the DA modification criteria.
- **Spencer Kofed (Speaker 5):** The applicant and property owner. A developer with roots in the Treasure Valley farming community who purchased the subject property and sought the DA modification primarily to allow the Myers family to purchase the farmhouse parcel and to develop additional lots on dry land areas.
- **Carla Nelson (Speaker 6):** DSD (Development Services Department) staff presenter who delivered the staff report, summarized the history of the development agreement, and provided procedural guidance to the board.
- **JD (Speaker 7):** Identified as legal counsel or a senior staff member who provided legal and procedural clarifications to the board.
- **Sara Lynn Myers (Speaker 9):** A current tenant at 17506 Goodson Road, identified as a nurse, who testified in support of the application and requested the ability to purchase a smaller portion of the property including the farmhouse.

- **Tony Myers (Speaker 8):** Husband of Sara Lynn Myers, identified as a teacher, who testified briefly in support of the application and the applicant's community contributions.
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Key Points

- The hearing concerned a modification to DA 17-001, specifically Conditions 5B and 3B, related to the Stadium Subdivision and the adjacent Olsen property (Property Two).
- The existing DA allowed a maximum of 178 residential lots on Property One and no more than three residential lots on Property Two, for a combined maximum of 181 lots.
- The applicant requested a reduction to 138 lots on Property One (later clarified to 136, consistent with the approved preliminary plat) and an increase to 14 lots on Property Two (later reduced to 13 buildable lots, with Lot 14 designated as an agricultural-use-only parcel).
- The total proposed lot count of 149 was below the 181 allowed under the existing DA.
- The Planning and Zoning Commission had recommended denial, finding that the applicant had not demonstrated a compelling necessity for the modification beyond a desire to increase residential development on Property Two.
- Staff noted that the 178-lot maximum on Property One was never a realistic build-out figure, as it was calculated based on gross acreage without accounting for roads or infrastructure.
- The applicant committed to preserving the 84 acres of irrigated farmland (two pivot fields) and expressed willingness to sell that land to an active farmer.
- The applicant proposed designating Lot 14 as a non-buildable agricultural staging area to maintain contiguous access between the two pivot fields.
- The applicant proposed a community riding arena and irrigation pond on approximately seven to eight acres of non-farmable land at the top of the larger pivot field, to be made accessible to the broader Stadium Subdivision community via easement.
- The applicant agreed to eliminate accessory dwelling units (ADUs) on the 13 new lots in Property Two.
- All proposed lots on Property Two were confirmed to be no less than two acres, consistent with rural residential zoning standards.
- Commissioner Brooks raised a concern that the term "necessity," required to be demonstrated for a DA modification, was undefined in county ordinances, making the evaluation criteria ambiguous.

- The board voted unanimously to approve the modification, subject to DSD staff rewriting the findings of fact and conclusions of law (FCOs) and the applicant's legal counsel redrafting the DA for signature.
 - The board directed that approval would not be complete until the revised DA was signed following execution of the FCOs.
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Notable Quotes

- **Spencer Kofed (4:21):** "I relied on kind of Alan's information on, on this land. He thought it'd be fairly easy to get a few more lots in the, uh, the, the non-farmable areas of this property and be able to split off, uh, the house so that the Myers could buy it and close on it and stuff."
- **Spencer Kofed (7:12):** "We want to leave the 84 acres. The, the two pivots are about 84 acres and we wanna leave that productive, and I'm willing to put that in a conservation, whatever easement for ag - for long-term agricultural."
- **Spencer Kofed (10:41):** "I really want to do what's best for the community. I know you guys have a much higher view than I do, and so I'm willing to listen to your feedback and, uh, make modifications to our, our request and application if you guys desire that."
- **Carla Nelson (17:40):** "The development of 178 lots in property one was never feasible, as it would not have left any land for roads, and it did not consider subdivision ordinance requirements."
- **Carla Nelson (18:34):** "The original proposal allowed, again, for only 103 lots over the entire development north of Goodson Road. The 2012 and 2017 agreements allowed for increased development with the understanding that it would be clustered and farmland and open space and what is now property two would be preserved."
- **Carla Nelson (19:10):** "The planning and zoning commission found that the applicant has not demonstrated a compelling need or necessity to amend the development agreement beyond a desire to increase, um, the amount of land available for residential development."
- **Commissioner Brooks (20:59):** "So it's as ambiguous as I thought. It's basically up to whoever the decision makers are at the time."
- **Sara Lynn Myers (32:17):** "Due to our income limitations, we are unable to purchase the entire parcel at its full acreage. For this reason, we are requesting approval to divide the property so that we may purchase a smaller manageable portion that includes the farmhouse and the immediate land we have been maintaining."

- **Commissioner Brooks (53:19):** "I am troubled that we are, we're making opinions based upon a term that is not defined, nor does it have any criteria to meet the threshold of that term, because it is completely undefined."
 - **Commissioner Van Beek (52:05):** "If this were a builder without the altruistic nature and the philanthropic development of the community, that would be a different story for this commissioner, but I think this is a good proposal."
 - **Chairman Holton (56:20):** "This is modifying this development concept to, to, to attempt to do less impact on ag than the way it was set up to do. And I think that's, overall, is a win-win for Canyon County."
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Detailed Insights

1. Main Arguments

Applicant (Spencer Kofed):

- (4:21) Kofed stated that he purchased the property relying on his realtor's guidance and did not fully understand the existing development agreement, which led to the need for the modification process.
- (5:17) He argued that the Myers family, who had lived on the property since 2022 and invested significantly in restoring the farmhouse and surrounding land, needed the ability to purchase a smaller, affordable portion of the property.
- (6:05) He contended that the proposed modification resulted in a net reduction of lots compared to what was allowed under the existing DA, with 149 total lots proposed versus 181 allowed.
- (7:12) He committed to preserving the 84 acres of irrigated farmland under the two pivot systems and expressed a preference for selling that land to an active farmer.
- (8:11) He proposed designating Lot 14 as a non-buildable agricultural staging area to ensure contiguous access between the two pivot fields.
- (8:46) He proposed a community riding arena and irrigation pond on non-farmable land, to be made available to the Stadium Subdivision community via easement.
- (9:40) He argued that the modification reflected changed circumstances, remained under the total lot allocation of the DA, added a community amenity, and committed to continued agricultural operations.

- (10:41) He offered to scale back the request to only what was necessary to allow the Myers family to purchase the farmhouse parcel if the full modification was not acceptable to the board.

DSD Staff (Carla Nelson):

- (17:40) Staff argued that the 178-lot maximum on Property One was never a realistic figure and was calculated based solely on gross acreage divided by the minimum lot size, without accounting for roads or infrastructure.
- (18:34) Staff noted that the approved 2022 preliminary plat for Property One, with 136 lots, already exceeded the original 2007 approval of 103 lots for the entire development.
- (19:10) Staff reported that the Planning and Zoning Commission found the applicant had not demonstrated a compelling necessity for the modification and recommended denial.
- (19:34) Staff noted that the applicant could utilize the replat process to allow the Myers family to purchase a smaller parcel without modifying the DA.

Commissioners:

- (48:40) Chairman Holton expressed support for the modification, noting that the higher density originally contemplated would never have been approvable under current standards.
- (51:15) Commissioner Van Beek expressed support, citing the reduction in lots, the maintenance of rural residential lot sizes, and the applicant's demonstrated community contributions.
- (53:19) Commissioner Brooks expressed support for the proposal while noting concern about the undefined nature of the "necessity" standard used to evaluate DA modifications.

2. Supporting Evidence

- (5:17) Kofed referenced the Myers family's four years of residence and their work restoring the farmhouse and cleaning up the adjacent Stern property over approximately one and a half years.
- (6:05) Kofed presented a slide deck showing the lot count history, the existing pivot fields, and the proposed lot layout.
- (15:04) Staff referenced Exhibit 3A.8 (existing 2017 DA) and Exhibit 3A.6 (proposed DA changes) as documentary evidence in the record.
- (16:06) Staff provided a chronological summary of past development approvals: 2007 CUP for 103 lots, 2010 comprehensive plan amendment and rezone, 2012 DA modification

allowing clustering, 2017 DA modification delineating property-specific requirements, and 2022 preliminary plat approval for 136 lots on Property One.

- (16:37) Staff presented a lot count summary table showing the evolution of approved lot counts across all prior development agreements.
 - (17:40) Staff noted that the 178-lot figure was a mathematical maximum based on gross acreage and did not reflect a feasible build-out.
 - (18:34) Staff noted that a concept design showing 168 lots on Property One had been submitted by the applicant but had not been reviewed by applicable agencies.
 - (19:34) Staff noted that four agency comments and two public comments were received prior to the Planning and Zoning Commission hearing, with no additional public comments received for the board hearing. The applicant submitted additional supporting documentation in Exhibit 7.
 - (35:24) Kofed confirmed that the farmable acreage would remain at 84 acres under the proposed modification.
 - (35:32) Kofed confirmed that the 138-lot figure in the submitted DA language was a drafting error and should have read 136.
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Context and Background

1. Contextual Information

The subject property consisted of approximately 133 acres known as the former Olsen property (Property Two), surrounded by the Stadium Subdivision (Property One), which encompassed a larger area north of Goodson Road in Canyon County, Idaho. The development had a lengthy regulatory history dating to 2007, with multiple development agreement modifications over the years. The 2012 modification introduced a clustering concept under which increased density was permitted on Property One in exchange for preserving farmland and open space on Property Two, which was restricted to three residential lots. The 2017 modification further delineated requirements for each property. The Stadium Subdivision Number Two preliminary plat was approved in 2022 with 136 lots on Property One, and phases one and two were in advanced stages of development at the time of the hearing. The subject modification sought to increase the allowable lots on Property Two from three to 13 buildable lots plus one agricultural-use-only parcel, while reducing the maximum on Property One from 178 to 136.

2. Related Events

- (5:17) The Myers family moved onto the property in 2022 and undertook extensive restoration of the farmhouse and surrounding land.

- (5:17) The Myers family, along with the applicant's children and other teenagers, spent approximately one and a half years cleaning up the adjacent Stern property across the road, with some assistance from the county in the form of reduced dump fees.
- (38:51) The applicant referenced ongoing construction of a roundabout for the City of Middleton and cleanup efforts at the Hanson property on Eel Lane and a former junkyard behind Star River Ranch.
- (35:41) The applicant noted that Tony Myers was a teacher at Mill Creek Elementary who had been considering relocating to Eastern Idaho due to land costs, and that the proposed arrangement was intended to allow him to remain in the area.
- (36:27) The applicant noted that cleanup of the Stern property had enabled other community members, including Amy Woodruff and her daughter, to sell and purchase land in the area.

3. Potential Impact

The board's unanimous approval of the DA modification had several potential impacts on the case and its stakeholders:

- The Myers family gained a pathway to purchase the farmhouse parcel on Property Two, resolving their housing and financial concerns.
- The modification reduced the theoretical maximum lot count for the overall development from 181 to 149, representing a net reduction of 32 lots, which the board viewed as a positive outcome for agricultural preservation.
- The designation of Lot 14 as an agricultural-use-only parcel preserved contiguous access between the two pivot fields, supporting the continued viability of the farming operation.
- The inclusion of a riding arena easement in the DA provided a binding community amenity for the Stadium Subdivision.
- The elimination of ADUs on the 13 new lots in Property Two limited future density increases on that portion of the property.
- Commissioner Brooks's on-record concern about the undefined nature of the "necessity" standard signaled a potential future effort to define that term in county ordinances, which could affect how future DA modification requests are evaluated.
- The board's discussion of time-limited agricultural commitments, rather than permanent conservation easements, reflected an awareness of the rapidly changing land use environment in Canyon County and left open the possibility of future modifications to the agricultural preservation conditions.

- The requirement that the FCOs be executed and the revised DA be signed before the approval was considered complete introduced a procedural step that could delay finalization.

Argumentative Behavior

No argumentative behavior was identified in this transcript. All participants, including the applicant, staff, commissioners, and public witnesses, engaged in a cooperative and respectful manner throughout the hearing. The applicant proactively offered to reduce the scope of his request and deferred to the board's judgment on multiple occasions. Staff presented findings, including a recommendation of denial from the Planning and Zoning Commission, in a neutral and professional manner. Commissioners asked clarifying questions and raised procedural concerns without hostility or defiance. No participant challenged the legitimacy or motives of the proceedings, refused to cooperate, or attempted to redirect the hearing away from its central subject.