Commissioner Minutes
September 2, 2026 – 1:34 p.m. to 2:34 p.m.
PUBLIC HEARING TO CONSIDER A REQUEST BY TRADITION CAPITAL PARTNERS, LLC AND AUSTIN ACRES, LLC FOR A DEVELOPMENT AGREEMENT MODIFICATION TO AMEND CONDITION 5.B FOR PROPERTY 1 AND 3.B FOR PROPERTY 2 OF AGREEMENT NO. 17-001; CASE NO. PH2016-61-MOD
Commissioners Leslie Van Beek, Brad Holton and Zach Brooks
DSD Principal Planner Karla Nelson
DSD Director Jay Gibbons
Spencer Kofoed
Saralyn Myers
Tony Myers

Deputy Clerk Jenen Ross Jenen Ross

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The Board met today at 1:34 p.m. for a public hearing to consider a request by Tradition Capital Partners, LLC and Austin Acres, LLC for a development agreement modification to amend condition 5.B for property 1 and condition 3.B for property 2 of agreement no. 17-001, Case no. PH2016-61-MOD. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, DSD Principal Planner Karla Nelson, DSD Director Jay Gibbons, Spencer Kofoed, Saralyn Myers, Tony Myers, and Deputy Clerk Jenen Ross.

Spencer Kofoed offered testimony on behalf of the application stating that the main reason for this request is to split off the house for they Myers and utilize the unfarmable land to build. This property abuts the Stadium Subdivision which was approved for 178 lots and then the subject parcel had an approved 3 lots for a total of 181. The Stadium Subdivision ended up only being developed into 136 lots and today they are requesting 13 buildable lots for a total of 149. Their goal is to keep small acreage farms, build houses on less desirable land, and keep the two pivots operable forever. The two pivots are about 84 acres which they want to leave productive, and he is willing to put protections in place for. Access to the 13 non-farmable lots would route through the historical access to the old Olsen home and would not be taken from Goodson Road. They would like to add a community riding arena at the top of larger pivot as that ground is unusable due to the pivot not being able to get to this portion of ground. They feel that this development agreement modification reflects the changes in the lots – it's under the total allocation of lots allowed, adds a new community amenity, increases accessibility of farming activity, and commits to continued agricultural operations.

Karla Neslson presented on behalf of Development Services as follows:
The applicant is requesting a modification to DA no.17-001, conditions 5.B and 3.B. Condition 5.B is currently written to allow for a maximum of 178 residential lots with a minimum average lot size of 1.25 acres on property one. The proposed modification will limit the maximum number to 138 residential lots on property one. Condition 3.B is currently written to limit the property to no more than three residential lots. The proposed changes will allow for a total of 14 residential lots in this area which is in substantial conformance with the site plan. That is as the DA was written as it was submitted, as the applicant indicated today, he is willing to draw back the number of lots from 14 to 13, but the DA would need to be rewritten to revise that number prior to Board signatures. The existing 2017 development agreement can be viewed in exhibit 3A.8 and proposed changes are included in exhibit 3A6. The lots would be located in dry land areas and positioned to preserve the existing pivots. For some background on past approvals, the development was first approved in 2007 with a conditional use permit for 103 residential lots with a minimum lot size of three acres. In 2010, the request was amended with a comprehensive plan map amendment and a conditional rezone to rural residential. The associated development agreement at that time limited development north of Goodson Road to 103 residential lots. In 2012, the DA was modified to cluster development. Additional development beyond the 103 lots was allowed on property one in exchange for more open space and farmland preserved on property two, where only three residential lots were permitted. In 2017, the DA was again modified to delineate specific requirements for each property interest. The Stadium Subdivision no. 2 preliminary plat was approved by the Board of County Commissioners in 2022, and then in July 2025, the applicant applied for this development agreement modification that's before you today. The request must come in the form of a revised development agreement, and it must be accompanied by a statement demonstrating the necessity for the requested modification. Hearing provisions of Idaho code have been followed, the applicant did provide a revised development agreement, a statement and additional supporting materials. However, the Planning and Zoning Commission did not find that the applicant demonstrated a necessity for the requested modification, and for that reason, they recommended a denial. The applicant's statement demonstrating the necessity of the request speaks to neighbor concerns about the number of lots in the development. The applicant contends in their initial letter that the modification will result in a reduction of 29 residential lots across the entire property, and that the development agreement modification would be necessary to make those changes binding. The development of 178 lots on property one was never feasible, as it would not have left any land for roads, and it did not consider subdivision ordinance requirements. It was a maximum number strictly based on the total area north of Goodson Road divided by the rural residential two acre minimum lot size. All of that gross development potential north of Goodson Road was written as a lot maximum for property one, while property two was restricted to three residential lots. The Stadium Subdivision no. 2 preliminary plat was approved in 2022 with 136 residential lots on property one. The approved preliminary plat incorporates roadways and other needed infrastructure and was approved by all of the applicable agencies, and that likely reflects a more realistic build out of that property under the current development agreement. The applicant did provide a potential concept design with 168 lots in property one. However, that design has not been submitted as a preliminary plat and has not been reviewed by applicable agencies, so it's difficult to know if it could be developed to that extent. The original proposal allowed 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. The approved preliminary plat for property one, which conforms to the 2017 DA includes 33 more residential lots than were originally approved for the entire development. While the applicant still intends to preserve the existing irrigation pivots, the clustered development intent of the previous agreements would be eroded by the, the proposed modification. Regarding the existing farmhouse, the applicant could utilize the replat process to sell a smaller property to the current tenants while still restricting the development to no more than three residential lots in property two. 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 the amount of land available for residential development. Prior to the Planning and Zoning Commission hearing, four agencies commented and two public comments were received, which can be found in exhibit 3D and 3E of the staff report. No additional comments were received for the Board hearing. However, the applicant did provide additional supporting documentation which can be found in exhibit seven. The Planning and Zoning Commission again concluded that a necessity for the requested modification had not been established and therefore they recommended denial. If the Board does move to recommend approval, they can choose to change the conditions as proposed by the applicant; only condition 5B for property one and condition 3B for property two can be modified. The applicant's proposed community riding arena and the farm staging area are not included in the proposed DA modifications, so those would need to be added as conditions if the Board wanted them to be binding. Ms. Nelson and Director Gibbon addressed Board questions regarding conditions, lot sizes, aggregate number of lots, and number of farmable acres.

Saralyn Myers read a letter(written by her and her husband) into the record as follows:
Dear Commissioners, we are writing to respectfully request your consideration in allowing a split of the property located at 17506 Goodson Road where we have lived for the past four years. We have lived in the Middleton area for the past 20 years, and my wife is a long-term, a lifelong native of the Boise area. Our roots in the community run deep and we have always valued contributing to the long-term stability and character of Canyon County. Over the past four years at this property, we have worked extensively to restore the old farmhouse and reclaim the surrounding land, investing time, labor, and care into making it a functional and well-maintained home. As a teacher and a nurse, we are committed members of the community and intend to continue contributing positively to the area. However, 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. We appreciate your time and consideration of this request. This property has become our home, and we hope to find a path forward that allows us to remain here while respecting county procedures and long-term land use planning. Thank you for your attention. We welcome any guidance or next steps that you may recommend.

Tony Myers offered testimony in favor of the application stating that he really feels Mr. Kofoed's goal is to clean-up and enhance the area. He stated there is a lot of dry land behind the property that is

not usable and feels a better use would be to allow people to establish it and create their own small farm lots.

As part of his rebuttal, Mr. Kofoed addressed ADUs stating that they would be willing eliminate those. He also noted that he kept the lots above two acres in order to meet the rural residential zoning. He said there really hasn't been any opposition and believes that in general the community supports this project. In response to Commissioner Holton's question about lot 14 being designated as a non-buildable/ag only lot, Director Gibbons said that an ag structure would still be allowed.

Commissioner Van Beek made a motion to close public testimony. The motion was seconded by Commissioner Brooks and carried unanimously.

Board discussion and deliberation ensued. The items to be included as part of the FCOs and revised DA include the following:

- Lot 14 will be a non-residential lot for ag use only (property 2)
- No ADUs (property 2)
- Lot sizes will not be less than 2 acres (property 2)
- Maximum of 136 lots (property 1) and 13 lots (property 2)
- The easement for the riding arena (property 2)

Commissioner Holton made a motion that the Board approve the modification to the DA as discussed; upon Board review and signing of the FCOs, the revised DA could be considered for Board signatures. The motion was seconded by Commissioner Van Beek and carried unanimously.

Upon the motion of Commissioner Holton and second by Commissioner Van Beek the Board voted unanimously to adjourn the hearing at 2:34 p.m. An audio recording and supporting documents are on file in the Commissioners' Office.