



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, January 19, 2017 6:30 P.M.**

**1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATIVE
BUILDING**

Commissioners Present: Gary Duspiva, Chairman
Richard Hall, Secretary
Shannon Carrell, Vice Chairman
Sandi Levi, Commissioner
David Scheuerer, Commissioner
Rod Garrett, Commissioner

Staff Members Present: Kyle McCormick, Planner
Jennifer Almeida, Planner
Kathy Frost, Recording Secretary

Chairman Gary Duspiva called the meeting to order at 6:30 p.m.

Secretary Hall proceeded to the business items on the Agenda.

Motion: Commissioner Carrell moved to modify the Agenda in order to move Item #2 the Election of Officers to Item # 5, also moving Item #3 to Item #2, Item #4 To Item #3 and Item #5 to New Business Item #4, seconded by Commissioner Scheuerer. Voice Vote, motion carried.

OLD BUSINESS

ITEM #1 Treasure Valley Renewables **CASE #PH2016-55 & 56**

Adopt revised Findings of Facts & Conclusions of Law, public hearing closed

Treasure Valley Renewables, LLC is requesting a **Comprehensive Plan Map Amendment** to change the designation of R38904 & R38904-010 from "Agriculture" to "Industrial." and a portion of the property that is designated "Commercial" is requested to be changed to "Industrial." Also requested is a **Conditional Rezone** to change the zoning designation from "A" (Agricultural) to "CR-M-1" (Conditional Rezone /Light Industrial), along with a request for a **Development Agreement** which will limit land uses on site and place conditions on the development.

MOTION: Commissioner Carrell moved to approve the Revised Findings of Fact and Conclusions of Law Recommending Denial on Case# PH2016-55 & 56; seconded by Commissioner Scheuerer. Roll call vote, motion carried: 6 in favor, 0 in opposition.

ITEM #2 Rocketchun Holden **CASE #RZ-PH2016-62**

Rocketchun Holden has applied for a rezone of parcel R29542-011F, approximately 10 acres, from "A" (Agricultural) to "RR" (Rural Residential). The subject property is located on south side of Lewis Lane approximately 700 feet east of the intersection of Southside Blvd and Lewis Lane and is further described as a portion of the NW quarter of Section 13, Township 2N, Range 2W, Nampa, ID 83686.

Commissioner Levi recused herself due to a conflict of interest.

Planner Kyle McCormick reviewed the staff report for the record.

- Additional comments: The current driveway serves two properties and the applicants will be required to submit a Road Users Maintenance agreement upon platting. It will be improved to current road standards and the road will have to be named.

Chairman Duspiva affirmed Witnesses to testify.

Testimony in Favor: Mashaide Holden

Neutral Witnesses: None

Testimony in Opposition: None

Mashaide Holden – 3303 E Lewis Ln Nampa ID – Applicant Representative

- Neighbors in the area are in agreement with the project as long as the road is paved, which it will be.
- Wells and septic systems will be individual to each property.
- Canals on the property are flat, not elevated. A Road Users Maintenance agreement will be required upon platting. It will be improved to current road standards and the road will have to be named.

MOTION: Commissioner Carrell moved to close public testimony on Case# RZ-PH2016-62; seconded by Commissioner Scheuerer. Voice Vote, motion Carried.

MOTION: Commissioner Scheuerer moved to approve Case #RZ-PH2016-62 and accept the Findings of Fact and Conclusions of Law, seconded by Commissioner Hall. Roll call vote, motion carried: 5 in favor, 0 in opposition.

ITEM #3 Dale & Kathy Lee

CASE #RZ-PH2016-65

Darin Taylor on behalf of Dale and Kathy Lee have applied for a rezone of parcels R37513, R37513-013, R37513-013A and R37513-014 approximately 61 acres, from “A” (Agricultural) to “R1” (Single Family Residential). The subject property is located on north side of Purple Sage Road approximately ½ mile east of the intersection of Duff and Purple Sage Roads and is further described as a portion of SE SWSE, SESW of Section 28, Township 5N, Range 2W.

Planner Kyle McCormick reviewed the staff report for the record, including Late Exhibits #23 & # 24

Chairman Duspiva affirmed Witnesses to testify.

Testimony in Favor: Darin Taylor

Neutral Witnesses: Lillian Moore

Testimony in Opposition: Colleen Matosich, Jamie Sharpe

Darin Taylor– PO Box 1041 Middleton ID – Applicant Representative

- Concur with the staff report.
- Agency responses will be addressed during the platting process.
- Purple Sage road is the primary access point. If there are more than 50 lots, a secondary access will be required and that will be coordinated with the Highway District.
- Kemp road is privately owned and maintained, currently Kemp road is the center of a dispute between the Homeowners Association that privately owns and maintains Kemp Road, and the Applicants. That dispute has had many conversations and is now in the court

system to determine the validity of a 1999 agreement that was never recorded. The outcome of this dispute will affect the number of lots and the access options. The Applicants have been advised to wait to begin the platting process until the courts decide on the case. The point of contention in this case is whether or not the agreement is valid.

- City water and sewer is not an option because they are two miles to the Southwest of the project, making the cost prohibitive.
- Minimum lot size allowed in R1 zone is one acre, there may be some one acre lots in this project however the vast majority will be as the surrounding subdivisions, which is a wide variety of lot sizes.
- RR was considered the R1 was applied for because of the slope of the land, and the configuration of the property in some areas will not allow a two acre lot.

Rebuttal testimony – Darin Taylor

- Applicant has no intention of accessing Kemp road before the court process is decided.
- Willow View and JR Way are not a consideration as an access road.
- The proposed density is consistent with other subdivisions in the area. The plan is to have 50 lots in the project.
- The Middleton area has some of the best water quality and quantity, ground water is at three feet on the lower bench. Southwest District health will work with the septic subjects, determining the lot size and configurations.
- The high school is not overcrowded, however the elementary schools are overcrowded, and Mr. Taylor will go and speak to the fire district and the school district in the area and get a report from them.
- There has not been a discussion regarding a barrier or buffer between the new project and existing subdivisions.
- Surface water rights are available for the project, and it is in the Black Canyon Irrigation district.

Lillian Moore – 9056 Kemp Road Middleton ID 83644 – Neutral

- Currently Ms. Moore is the Secretary of the Willow Creek Ranch Estates #2 & #3 Subdivisions HOA and access to Kemp Road is not granted.

Colleen Matosich – 9222 Willow View Dr. Middleton ID 83644 – Opposed

- Approval is not granted for a stub road from their subdivision.
- The density of the project is not suited for the area, it is too many lots, which causes concerns about the water, wells, septic, traffic.
- Resolution to some of these concerns should be met, prior to the platting process.

Jamie Sharpe – 9221 Willow View Dr. Middleton ID 83644 – Opposed

- Concerns include, overcrowding at the elementary school, fire protection. Water is a concern as well
- Are there plans for a barrier between the private road and the new subdivision?
- Very against granting access to their road.

MOTION: Commissioner Scheuerer moved to close public testimony on Case #RZ-PH2016-65, seconded by Commissioner Hall. Voice Vote, motion carried.

COMMISSIONER COMMENTS:

Commissioner Scheuerer: Consider restricting this project to RR instead of R1. Possibly this project should be tabled, allowing the applicant to revise to a RR designation.

Commissioner Hall: A development agreement might be in order to limit the number of lots.

Commissioner Carrell: Would not have a problem with an RR zone, however R1 is not appropriate.

Commissioner Levi: The majority of the requested section falls under “not prime farmland”. While multi-family lots of a smaller size are needed, out of the 19 subdivisions in this area, only 8 of them fall into the less than two acre lot size. Taking that into consideration along with the water, sewer, & irrigation concerns, as well as the infrastructure issues, including schools, fire and other safety issues there is a valid concern. The access to Kemp road and the recommendations of the Highway district will limit the size of the project, however the dispute regarding Kemp road is not resolved. A traffic study should be done to determine if a second access point will be required. In favor of an RR designation over an R1.

MOTION: Commissioner Scheuerer moved to deny Case #RZ-PH2016-65 citing that an R1 designation is not compatible with the surrounding area, this project is not compatible with the surrounding area lot sizes, and does not blend well with surrounding areas, the infrastructure of the community is not able to support a project of this size and road access has not yet been decided. Seconded by Commissioner Hall. Roll call vote, motion carried: 6 in favor, 0 in opposition.

NEW BUSINESS

ITEM #4 Treasure Valley Renewables (to be tabled)

CASE #PH2016-71

Treasure Valley Renewables, LLC is requesting a Planned Unit Development (PUD) to allow for the manufacturing/production of hazardous materials or gasses on parcel #'s R38904 & R38904-010. Approval of a PUD is required to allow for industrial uses not allowed individually within the M-1 zone (specifically Manufacturing/Processing of hazardous materials or gasses). The subject property is located at 27349 Shelton Rd., Parma, Idaho, in a portion of the SW ¼ of Section 14, T5N, R5W, BM, Canyon County, Idaho.

MOTION: Commissioner Scheuerer move to table case # PH2016-71 to date certain, February 16, 2017. Seconded by Commissioner Levi. Voice Vote motion carried

ITEM #5 APPROVAL OF MINUTES

- a. December 15, 2016

MOTION: Commissioner Levi moved to approve the minutes of December 15, 2016, as amended, seconded by Commissioner Carrell. Voice vote motion carried.

ITEM #6 PLANNER AND COMMISSION COMMENTS:

- No comments

ITEM # 7 Election of Planning & Zoning Officers

CHAIRPERSON:

Commissioner Hall volunteered to be Chairman

VICE CHAIRPERSON

Commissioner Scheuerer volunteered to be Vice Chairperson

SECRETARY:

Commissioner Levi volunteered to be Secretary

Motion: Commissioner Carrell moved to appoint Commissioner Hall as Chairperson, Commissioner Scheuerer as Vice Chairperson, and Commissioner Levi as Secretary, seconded by Commissioner Garrett. Voice Vote motion carried

ITEM #8 ADJOURNMENT: 8:13 p.m.

MOTION: Commissioner Scheuerer moved to adjourn, seconded by Commissioner Levi. Voice Vote, motion carried.

Signed this 2nd day of February, 2017

Richard Hall, Chairman

ATTEST:

Kathy Frost, Recording Secretary