



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, February 16, 2017 6:30 P.M.**

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

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

Staff Members Present: Patricia Nilsson, Director
Jennifer Almeida, Planner
Dan Lister, Planner
Kathy Frost, Recording Secretary

Chairman Richard Hall called the meeting to order at 6:30 p.m.

Secretary Levi proceeded to the business items on the Agenda.

Agenda revised moving Item # 2 to Item # 1, Item # 1 to Item # 2

Motion: Commissioner Duspiva moved that Item# 2 Troy Demeyer #PH2017-1 be moved to Item #1 and Item #1 Treasure Valley Renewable LLC #PH2016-71 be moved to Item #2, seconded by Commissioner Carrell. Voice vote motion carried.

NEW BUSINESS

ITEM #1 Troy Demeyer

CASE #PH2017-1

Mr. Troy Demeyer is requesting a variance to reduce the 30 foot front setback required by Canyon County Code 07-10-21 to 15 feet to allow the construction of a garage. The property is zoned Agricultural (AG). The subject property is located at 17254 Elmcrest Drive, Caldwell. The 0.56 acre parcel is also known as tax parcel R21908 and located in a portion of the NE quarter of Section 19, Township 5N, Range 3W, BM, Canyon County, Idaho.

Planner Dan Lister reviewed the staff report for the record.

Chairman Hall affirmed Witnesses to testify.

Testimony in Favor: David Daniel

Neutral Witnesses: None

Testimony in Opposition: None

David Daniel 326 E Franklin Rd Meridian Idaho 83642- Applicant Representative in favor

- Concur with the staff report, the property has very limited space in which to build a garage, the garage will be used for storage and parking.

- There is no other location to build a garage, the home is located on a corner lot, which further restricts where the garage could be located.
- Highway district has granted a setback reduction, would like the County to match that allowance.

MOTION: Commissioner Scheuerer moved to close public testimony on Case #PH2017-1, seconded by Commissioner Garrett. Voice vote motion carried.

MOTION: Commissioner Scheuerer moved to approve of Case #PH2017-1 and accept the Findings of Fact and Conclusions of Law as presented, seconded by Commissioner Levi. Roll call vote, motion carried: 6 in favor, 0 in opposition.

ITEM #2 Treasure Valley Renewables LLC

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.

Planner Jennifer Almeida reviewed the staff report for the record, Including Late Exhibit # 19.

Chairman Hall affirmed Witnesses to testify.

Testimony in Favor: Neill Goodfellow, Tina Wilson

Neutral Witnesses: None

Testimony in Opposition: Matthew Johnson, Terry Fuhriman, Alan Weber, Jan Phillips, Harold Rohrabacher

Neill Goodfellow 8156 North Pennsylvania Fruitland Idaho 83619 – Applicant in favor

- The paper products portion of the project (Bio Ag Resources) is not relevant to the PUD request.
- The PUD is only relevant to Boise Bio Gas, for the ability to have digesters onsite and for Dual Fuels to have gas processing & cleaning equipment onsite to prepare Methane bio gas for injection into the existing pipe infrastructure.
- A bio swale is an area of landscaping that allows the drainage of water. Storm water and waste water will go into the ponds, not the bio swale.
- DEQ and Water Resources have been consulted regarding the need for water, there is no additional water needed, other than what is currently available at the site.
- Legal access to the property is from Highway 20-26, an access permit will be required from Idaho Transportation and Notus Parma Highway district to have access on Shelton Road. Both agencies have approved the plans for access.
- The term “Hazardous materials” is a scary term, however the reality is, there is already a considerable gas line going by the property and this project will not create additional risk. The risk is minimal.
- At full development the total number of employees will be 75 total, covering three shifts, the greatest number of employees per shift would be approximately 30. The number of truck/ vehicle trips per day would be approximately 75 over a 24 hour period.
- Exhibit 20 entered into the record, a traffic study the applicants have done on their own, indicating that this project will not create a significant increase in traffic.

- Some of the gas being produced will go into the existing pipeline, some will be trucked offsite, and some will be consumed into the production of the facility.
- This operation will not have any more risk than the hundreds of trucks currently hauling LP gas around the valley delivering it to various homes and businesses.
- There will be emergency plans in place to protect employees and surrounding areas.
- We are willing to work with the neighboring farmers to come up with solutions to crop spraying issues.

Rebuttal testimony

- Fumigation does not take place 12 times a year.
- This is an Agriculture business, many people as well as farmers will benefit from this operation.
- The location is well suited for this operation.
- There has not been an attempt to hide anything from the community, we have cooperated with Planning and Zoning, and met with the community numerous times and made changes based on that input. We have worked to mitigate any potential risk.

Tina Wilson 158 S Streamleaf Star Idaho – Applicant Representative in favor

- Have been working with the community and their concerns. The reason the project request was changed from an M2 to an M1 zone was to address concerns, this is also the reason a PUD is needed.
- The traffic study that was entered in as Exhibit 20 supports the initial documentation. ITD and Notus Parma Highway district have both reviewed the traffic plan and the number of truck / vehicle traffic estimated and have not foreseen an issue with it
- James Cook, Fire Marshall attended the neighborhood meeting and had discussions with the Treasure Valley Renewable team, and did not express a concern.
- Bio swales are lined to prevent leakage between the swales and the retention ponds.
- Half of the Gas produced will be used at the facility as power to run the facility, the other half will go into the pipeline, any remaining will go into explosion proof pods that will be trucked offsite.

Matthew Johnson- 5700 East Franklin Road, Nampa Idaho 83687- Attorney representing a number of citizens in opposition, requesting fifteen Minutes of testimony

- Exhibit 16 is a letter from the law firm of Evans and Keene on behalf of Treetop Ranches, this document covers, in great detail the concerns we have with the PUD request.
- Concerns still present are, the spraying issues that the farmers will have to deal with, the lack of a traffic study, water quality (page 13 of Exhibit 15 from the ditch company does express that additional information is required).
- The core of this project is based around the two facilities dealing with natural hazardous gasses, yet there has still not been a fire department review or evaluation, or a disaster/ emergency plan provided.
- The canyon county code regarding hazardous gasses specifically (Section 71415 sub-section 6) requires a fire district evaluation before proceeding on a PUD request.
- The rezone should have been settled before the PUD was brought before the Planning and Zoning Commission. The PUD is not currently allowed in the area due to it being in an Agricultural zone.
- PUD's are used to create flexibility in zoning to allow a variety of mixed uses, this does not apply to this case.
- There are a number of concerns on the merits of this case as well as the procedural aspect of the project.

- Suggest tabling this case to a later date in order to gather more information, place conditions based on further evaluation and find out the result of the rezone hearing that the Board of County Commissioners will hear on March 8, 2017.
- This use does not impact the Right to Farm Act.
- If this project is allowed in this area, it will place further restrictions on the farmers in the surrounding areas.

Allen Weber 25062 Market Road Parma Idaho – in opposition

- Department of Agriculture is an enforcement agency and they do not know all of the requirements on chemicals used for spraying,
- There are new regulations in place since January 2, 2017, however some chemicals do not have regulations in place yet.
- Impact to farmers is not fully known at this time, however there is anticipation that there will be more restrictions placed on farmers as a result of this project, including restriction of aerial spraying.

Terry Fuhriman 21996 Market Road Parma Idaho 83660 – in opposition

- There should be Worst case scenario measures in place in order to allow people to be prepared, rather than down playing the possibility of a disaster. Hazardous gas dangers should be a warning, not something that is ignored.
- Does the small rural fire department of Parma Idaho have the ability, staff and equipment to address a hazardous gas fire? Would smoke from a fire necessitate the need for an evacuation? What effect would those hazardous gasses have on the people as well as the cattle and other animals on the surrounding farms?
- Eliminate the risk or prepare for the worst case scenario.

Jan Phillips 25701 Market Road Parma Idaho 83660 – in opposition

- Not concerned about the gas lines that are currently in the area, the concern is the production of gas on the site and the possibility of an accident before it is put into the pipeline.
- Adding 75 – 80 trucks or vehicles and 75 employees coming and going, will have an impact on the two lane highway.
- We were assured in earlier meetings the waste product being produced would be mulch, not compost, now we are being told it is compost.
- The land is not level and there is a lack of concern for the neighbors who have lived in the area for many years.
- We were initially told this would be a 12 hour operation, now they are proposing a 24 hour operation.

Harold Rohrbacher 28253 Shelton Road Parma Idaho 83660 – in opposition

- Mr. Rohrbacher farms across the street from the proposed development.
- The buffer zone for some fumigants used on onions is 25 to 300 feet. The buffer zones are set by the EPA, and are vague based on what is planted and what is used for spaying. Weather can change conditions of spraying. There are already restrictions due to the housing in the area, more restrictions will not be helpful to the farming industry. Block spraying is not economically feasible.
- Concerned about property values.
- Concerned about the impact on the corn maze they have been operating on the property for the last two years and plan on continuing every year.

MOTION: Commissioner Levi moved to close public testimony on Case# PH2016-71; seconded by Commissioner Scheuerer. Voice Vote, motion Carried.

Commissioner comments:

- Commissioner Garret: does not see a change in the case from the last time it was heard, disappointed in the lack of response from agencies. The impact on farming is still an issue.
- Commissioner Scheuerer: This proposal on its own is a good idea, but this is not the right location based on the three components of the project. Would like to see this case presented after the March 8th decision by the Board of County Commissioners.
- Commissioner Duspiva: Not in favor due to the impact on the area farmers, there is more information needed before this project is approved. Would also like to see the Board of County Commissioners decision.
- Commissioner Levi: Infrastructure and public safety is a concern, would there be additional training required by the officers and fire fighters. Would additional equipment be needed? If so who would be purchasing that equipment. Could the City of Parma substantiate that cost alone? If the road access is not granted, the project would be null and void. There are safety concerns, as well as economic impact, both positive and negative. Negative impact specific to farmers is a concern. The location is a concern. This property is zoned Agriculture and has not yet been rezoned, without knowing the outcome of the rezone, we should think about tabling this case.
- Commissioner Hall: This is not a thoroughly thought out proposal, concerns are fire and impact on surrounding farms, there are too many questions to approve this request.

MOTION: Commissioner Duspiva moved to deny Case #PH2016-71 based on the lack of a Traffic Study, the project will be injurious to the neighborhood, the property is not currently properly zoned for this project, and the domestic well and septic system currently on the site are not allowed for this use. Seconded by Commissioner Scheuerer. Roll call vote, motion carried: 6 in favor, 0 in opposition.

MOTION: Commissioner Scheuerer moved to approve the revised Findings of Fact and Conclusions of Law as presented for Case #PH2016-71, seconded by Commissioner Garrett. Roll call vote, motion carried: 6 in favor 0 in opposition.

ITEM #3 APPROVAL OF MINUTES:

a. February 2, 2017

MOTION: Commissioner Carrell moved to approve the minutes of February 2, 2017 as presented, seconded by Commissioner Duspiva. Voice vote motion carried.

ITEM #5 PLANNER and COMMISSION COMMENTS:

- Director Nilsson: An expert in Farmland Preservation, Dr. Thomas Daniels is coming to the area the beginning of March, there is an evening presentation at Boise State University on Monday evening March 6th and on Tuesday Morning March 7th, there will be a 4 hour presentation regarding conservation easements to protect farmland.
- Would like to schedule a training session, possibly on the 20th of April, will send a poll out to get feedback from the Commissioners on topics they would like to focus on.

- Tiny Houses: the last legislation dealt with Park Model RV's involving Assessors and industry lobbyists to deal with the appropriate tax and registration. Concerns were brought forth regarding the use of "Vehicles" as permanent dwellings. Last week the Park Model bill moved forward, local regulations of dwellings will not be affected and local building codes will remain the same, you cannot live in a "Vehicle" permanently. Once a home is put on wheels it becomes a vehicle. Building code officials need to come up with codes to go along with the Tiny Home industry, to come up with national safety standards. Canyon County has a shortage of affordable housing.
- Canyon County has a need for 3200 additional affordable housing units, Canyon County is the only County in Idaho that has affordability issues based on not only income, but price as well.

ITEM #6 ADJOURNMENT: 9:37 PM

MOTION: Commissioner Carrell moved to adjourn, seconded by Commissioner Garrett. Voice Vote, motion carried.

Signed this 2nd day of March, 2017

Richard Hall, Chairman

ATTEST:

Kathy Frost, Recording Secretary