



**CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, May 18, 2017 6:30 P.M.**

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**1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATIVE  
BUILDING**

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

**Staff Members Present:** Kyle McCormick, Planner  
Jennifer Almeida, Planner  
Daniel Lister, Planner

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

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**MOTION:** by Commissioner Scheuerer to change the order of the Agenda moving Item #2 to Item #3, moving Item # 3 to Item #2 Seconded by Commissioner Garrett. Voice vote motion carried

**NEW BUSINESS**

**ITEM #1 John Raff**

**CASE: PH2017-16**

John Raff is requesting a Rezone of approximately 7.76 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone for the purpose of creating three (3) residential parcels. The subject property, parcel #R30606-010 is located at 217 S. McDermott Rd., Nampa, Idaho, in a portion of the SE ¼ of Section 29, T3N, R1W, BM, Canyon County, Idaho.

**Commissioner Levi** will be recused

**Planner Jennifer Almeida:** Reviewed the staff report for the record.

**Chairman Hall:** Affirmed witnesses to testify.

**Testimony in Favor:** John Raff

**Testimony in Neutral:** None

**Testimony in Opposition:** None

John Raff – 217 S McDermott Nampa ID 83687 – Applicant Representative -in favor

- No testimony, will stand for questions.

**MOTION:** Commissioner Scheuerer moved to close public testimony on Case PH2017-16, seconded by Commissioner Carrell. Voice vote, motion carried.

**MOTION:** Commissioner Garrett moved to recommend approval of Case PH2017-16, as well as the recommended Findings of Facts and Conclusions of Law and Order and Conditions of Approval. Seconded by Commissioner Scheuerer. Roll Call vote, motion carried with 4 in favor and 0 opposed.

**ITEM #2 Victor Warr**

**CASE: PH2017-11 & 12**

Victor Warr is requesting a Comprehensive Plan Map Amendment to change the designation of parcel no. R29707 from "Agriculture" to "Residential." Also requested is a Rezone of R29707, approximately 60.27 acres, from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone. The subject property is located at 8737 Southside Blvd., Nampa, Idaho, in a portion of the NE ¼ of Section 23, T2N, R2W, BM, Canyon County, Idaho.

**Planner Jennifer Almeida:** Reviewed the staff report for the record.

**Chairman Hall:** Affirmed witnesses to testify.

**Testimony in Favor:** Victor Warr, Ron Cleverly

**Testimony in Neutral:** None

**Testimony in Opposition:** Dee Bingman, Jan McEnroe, John McEnroe, Bev Warn, Duane Warn, Dale Fairbanks

Victor Warr – 2050 Brandon Star ID 83669 – Applicant Representative – in favor

- Mr. Warr has owned the subject property since 2006, the idea with purchasing the property was to develop it. When we began the process we discovered that there was a legal issue which took two years to resolve. Upon the resolution of the legal issue we presented the development to the Planning and Zoning Commission and it was denied. We did not pursue the project further at that time due to the economic downturn.
- The map that was created by staff shows twelve subdivisions within a mile of the property, for a total of nearly 347 acres, including 100 lots with an average lot size of 3.47 acres. One half of a mile beyond that there are thirty subdivisions with a total of 785 acres, including 363 lots with an average size of 1.6 acres.
- Population goal #1 states there is no recent trend for residential development in this area, but there are 30 residential developments within that one and a half mile radius. Most of the subdivisions are northwest and south of the subject property, as well a subdivision north of Bennet Road that was platted some time ago and has recently been built on.
- Population goal #3 encourages locating areas of growth that recognize the economic benefit of Agricultural land in Canyon County. I believe that rural residential zoning does recognize that benefit, by allowing younger, and middle age families the ability to build more affordably while enjoying the benefits of a rural lifestyle.
- Economic policy #1, states that rural residential rezones will benefit Canyon County by increasing tax revenue.
- Land policy #6 allows the option to rezone to Rural Residential, Mr. Warr disagrees with the finding that there has not been a trend toward residential development warranting a comprehensive plan amendment, citing the number of subdivisions in the area as stated above.
- I would like to see this development approved, based on the need for rural residential designations, we will build according to the Highway District standards and also according to Southwest District Health standards.
- The property is currently rented to Ron Cleverly for farming purposes, with surface irrigation.

Ron Cleverly – Nampa ID – in favor

- Mr. Cleverly has been farming in the area since 1993 and has been farming forty nine of the sixty acres on the subject property since 2008, the area not used for farming is not prime

farm land. We have raised average crops on the property however there are many challenges to farming this land.

Dee Bingman – 7353 Deer Flat Road Nampa ID 83686 – in opposition

- Ms. Bingman is here representing the “Andy Rotation Irrigation”. They have a twenty foot ditch easement on the property with buried pipe, which is not represented in documentation. The concerns are that the plans for this project show the homes being built on this easement. Because the pipe was not buried or bedded properly there are large rocks in and around it. The concern is that we will not have access for repairs that may be needed.
- There are no provisions for the twenty foot easement in the plans.
- An average 2.4 acre lot with 35 inches of water allows six days of water per season. There isn’t much water out there, so we grow alfalfa and other crops needing minimal water. There will not be sufficient water to provide for the proposed lots. Septic systems and wells will be very difficult if not impossible to install due to the rock in the ground and the inability to drill.
- Some of the subdivisions in the area have been there since 1973, before the impact study was done by Planning & Zoning. There are people already complaining about the noise created by farming.

Jan McEnroe – 8502 Track Rd Nampa ID 83686 – in opposition

- If there is going to be residential subdivision development, the goal should be to have as much density as possible, as low density subdivisions create a long term financial burden to the County.
- Even with Agricultural exemptions the tax revenue from farm ground has a positive financial effect, regarding the County budget.
- Leapfrog development creates traffic burdens and congestion, making it more difficult for Agri-business to operate efficiently.
- Once indoor plumbing became common, all waste went into septic systems, which eventually enters the aquifer, subject to being pumped by our well, causing problems for our wells.
- Essential services will be difficult to obtain and will create a long term financial burden to the county and will reduce the benefit that agriculture brings to our community.

John McEnroe- 8502 Track Rd Nampa ID 83686 – in opposition

- Resided in the area for 33 years.
- Provided three studies, regarding urban sprawl and the cost to the county and tax payers for services not a part of the impact area.
- This project was denied in 2008, the notifications were not done properly for the neighborhood meetings and the applicant has not been honest with us.
- The additional wells and septic systems needed for this project will, draw down our wells and increasing nitrate problems.
- Traffic problems will be increased, there are already fatal accidents occurring on this road.

Bev Warn – 9053 Southside Blvd Nampa ID 83686 – in opposition

- Has lived in the area since 1972, family has been in the area over 70 years.
- Highway district one shows the average daily travel of Southside Blvd. East as 1102 trips, Deerflat Rd and Southside Blvd. West shows 1842 trips, this study was done in 2013. Southside Blvd. North shows 1778 trips from a 2014 study. Southside Blvd. South shows 2099 trips from a study done in 2013. The studies will be done again this year, the estimate in trips per household resulting from this project will add 300 to each of those studies. We

farm north and east of this property and the traffic will have an impact on our farming operations.

- Irrigation water is the only reason this land can be farmed, and we have had experience with property being subdivided and broken up next to us, people will often refuse to honor irrigation rights and practices. We have been cursed by owners following fence lines and shared ditches, there has been access denied on shared easements, damage has been done to property. Disputes have resulted in court cases and cost involved to insure access, more people moving in will make this problem worse.

Duane Warn – 9053 Southside Blvd Nampa ID 83686 – in opposition

- The drain ditch was a swamp until I cleaned it up and made it usable, in order to keep it operating properly. I need access to both sides. There have been many problems with neighbors not honoring access.

Dale Fairbanks – 8778 Southside Blvd Nampa ID 83686 – in opposition

**MOTION:** Commissioner Carrell moved to allow and additional five minutes for a total of 13 minutes, to Mr. Fairbanks as a representative for others in attendance, seconded by Commissioner Garrett. Voice vote, motion carried.

- Agree with the staff report, attended the neighborhood meeting in March, no one at the meeting was in favor of this project.
- This is outside of an expansion area of growth for Nampa, there are no services currently available and no expectation that services will be available.
- The people living in this area live in a rural living setting and disagree with Mr. Warr that 20 to 30 additional houses in an area creates a rural setting.
- This property was purchased for profit.
- The water, sewer and septic issues are a concern. Within a short distance there are wells with e-coli contamination documented. There has been no solution to that issue, except for the suggestion that people with the problem hook up to city water and those services are not available in that area.
- Reports from the Department of Environmental Quality, working with Southwest District Health have not come up with a solution to the problem, there are too many wells and septic systems in the area, and due to the poor ground quality there will be continuing issues.
- Traffic is a huge concern in the area, there is a large crest, with limited visual access on the roadway coming onto a 55 mile per hour highway, creating a dangerous traffic situation already, and adding to the traffic will only make the problem more dangerous.

**Rebuttal:** Victor Warr – 2050 Brandon Star ID 83669 – Applicant Representative – in favor

- The existing ditch easements will not be affected by this project.
- Economic impact will not be significant.
- Have been truthful throughout the process.
- Traffic count has increased and we will do our best to build access that will be safe and compatible with the area.
- Ingress and Egress will be determined with a plat.
- City services are too far away and are not an option.

**MOTION:** Commissioner Scheuerer moved to close public testimony on Case CU-PH2017-11 & 12, seconded by Commissioner Garrett. Voice vote, motion carried.

**Commissioner comments:**

- Commissioner Levi: Property rights on both sides need to be balanced. Comprehensive plans are not cemented and at times need to be adjusted. Water and irrigation for existing residents and the proposed development are concerning in this area. The highway district has stated that they will not allow access on Southside Blvd. for this project. The quality of the ground is a concern as well.
- Commissioner Carrell: While commending Mr. Warr on his desire to create affordable Rural Residential living, the increased traffic is a large concern as is the creation of a Rural Residential zone in the middle of an Agricultural zone.

**MOTION:** Commissioner Scheuerer moved to recommend denial of Case PH2017-11, based on the Finding of Facts, Conclusions of Law and Order. Seconded by Commissioner Carrell. Voice vote, motion carried with 5 in favor 0 opposed.

**MOTION:** Commissioner Scheuerer moved to recommend denial of Case PH2017-12, based on the Finding of Facts, Conclusions of Law and Order. Seconded by Commissioner Carrell. Voice vote, motion carried with 5 in favor 0 opposed.

**ITEM #3 Zoning Ordinance**

**CASE: ZOA-PH2017-15**

An ordinance amending Canyon County Code, chapter 7, section 07-02-03 to add a definition of aliquot, to modify the definition of original parcel and to add a definition of nonconforming property; to amend section 07-10-21(2) to add a note to table 2 providing for a calculation of lots in cases where public dedications are made when subdividing property and to provide a decrease of up to 15% of the required average minimum lot size when public dedications are provided when subdividing or through an administrative land division; and to delete section 07-01 and replace it with standards for the regulation of nonconforming properties, structures and uses.

**Planner Jennifer Almeida:** Reviewed the staff report for the record, including late exhibit #4. Mr. Lakey is not in attendance, however he has asked that this case be tabled to a later date, in order to have further clarification and discussion with staff.

**Testimony in Favor:** None  
**Testimony in Neutral:** None  
**Testimony in Opposition:** None

**Commission Discussion:**

**Commissioner Scheuerer:** Requesting clarification of the term “dedicating land for public use” the wording could be changed to make it more clear.

**Commissioner Garrett:** There is a problem with the average minimum lot size, it should state “not less than” in order to make this more definitive. Arterials and road statements need to be clarified.

**Commissioner Carrell:** Will tabling this allow for changes to be made before the case comes back to the Commission? Changes will be brought to the attention of the Director and Mr. Lakey.

**Chairman Hall:** The minimum lot size may not be a part of the Amendment.

**Planner Jennifer Almeida:** Lot size is not a part of this amendment, it may require a different Zoning Ordinance to address this issue.

**MOTION:** Commissioner Scheuerer moved to recommend denial of Case ZOA-PH2017-15, based on the lack of minimum lot size, seconded by Commissioner Carrell. ***Motion withdrawn by Commissioner Carrell and Commissioner Scheuerer.***

**MOTION:** Commissioner Scheuerer moved to table Case ZOA-PH2017-15 to date certain June 15, 2017 in order to bring back clarification on Item #3 and to strike footnote #3. Seconded by Commissioner Garrett. Roll Call vote 5 in favor 0 in opposed.

**ITEM 4: APPROVAL OF MINUTES:**

a. May 4, 2017

**MOTION:** Commissioner Carrell moved to approve the minutes of May 4, 2017 as presented, seconded by Commissioner Scheuerer. Voice vote motion carried.

**ITEM #5 PLANNER & COMMISSION COMMENTS: None**

**ITEM #6 ADJOURNMENT: 8:30 pm**

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

**Signed this 1st day of June, 2017**

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Richard Hall, Chairman

**ATTEST:**

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Kathy Frost, Recording Secretary