



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

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

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

Staff Members Present: Director, Patricia Nilsson
Debbie Root, Planner
Kyle McCormick, Planner
Kathy Frost, Recording Secretary

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

OLD BUSINESS

ITEM # 1 Bert & Hailey Wyatt to be tabled **CASE: PH2017-23**

Bert and Hailey Wyatt are requesting a Conditional Use Permit to allow a recreational vehicle (RV) storage use in a "C-1" (Neighborhood Commercial) Zoning District. The properties are addressed at 22710 Lansing Lane, Middleton; also known as tax parcels R23934, R23934022, R23934023, R23934024 and R23934025 and located in a portion of the NW quarter of Section 10, Township 4N, Range 2W, BM, Canyon County, Idaho.

MOTION: Commissioner Scheuerer moved to table Case PH2017-23 to date certain August 17, 2017. Seconded by Commissioner Carrell. Voice vote, motion carried.

ITEM #2 Ordinance Amendment **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.

MOTION: Commissioner Carrell moved to move Item #2 Case ZOA-PH2017-15, to follow Item #5 on the Agenda. Seconded by Commissioner Scheuerer. Voice vote, motion carried.

ITEM # 3 JJ & T LLC, Mineral Extraction to be tabled

CASE: CU-PH2017-19

Todd Lakey on behalf of JJ&T, LLC has made application for a long term (15 year) mineral extraction permit on parcel R34595011B, a 42.65 acre parcel. No crushing or batching is requested with this permit. The subject property is located at 17575 Hwy 20/26 and is further described as a portion of the NW quarter of 07-4N-3W, BM, Canyon County, Idaho.

MOTION: Commissioner Carrell moved to table Case CU-PH2017-19 to date certain August 3, 2017. Seconded by Commissioner Duspiva. Voice vote, motion carried.

NEW BUSINESS

ITEM #4 Firefly Ranch LLC

CASE: PH2017-30

Rebekah Forsberg of Firefly Ranch LLC is requesting a conditional use permit to operate a special events facility on parcel R31801. The subject property is approximately 10.13 acres and is currently zoned Agricultural "A". The property is located at 3614 E. Amity Ave., Nampa, ID in a SW ¼ of Section 25, T3N, R2W, BM Canyon County, Idaho.

Commissioner Levi is recused.

Planner Kyle McCormick: Reviewed the staff report for the record, including Late Exhibits #22 & #23 & a correction to condition #2 relating to hours of operation.

Chairman Hall: Affirmed the witness to testify.

Testimony in Favor: Jason Bent

Testimony in Neutral: Brian Warrick, Curt Hensley

Testimony in Opposition: None

Jason Bent – 3614 Amity Ave Nampa ID –Applicant, in favor

- Recently married and have been working on this project with my wife. Working on updating the facility. Electrical service has been updated in the barn. We are trying to provide a nice facility for people to hold events. We are interested in running a fair business that is not a nuisance to the neighborhood.
- Occupancy of the barn according to the fire chief is 200, however we will try and cap it at 150 that will include outside events.
- There is a gate at the road we have considered shutting that gate once all of the attendees have arrived, in order to keep control of the crowd. Below the barn there is a dirt road that makes a right turn, there is gravel parking on both sides of the driveway.
- We will be widening the road and that will add parking.
- Lighting will be attached to the barn, it is a low intensity light, we will use light strips that are LED or Edison bulbs. None of the lighting will be extremely bright.
- We are going to put up a ranch style sign at the gate.
- Events may be held 15 days a month, but that will vary, I feel that is a high estimate.
- Mr. Bent will be available onsite to oversee events.
- The barn has two levels the lower level consists of nine stalls and a tack room with a stairway leading to the upper level, which is where events will be held. Currently we are only planning to use the upper level for events. The lower level is for animals and equipment, the stalls all have doors that will be closed during events to prevent access.

- Condition # 7 will require a licensed architect to meet with a building official to review plans and assure that they meet building codes for commercial occupancy. The barn will not be able to have a mixed use, such as Agriculture and Commercial.
- Mr. Bent and his family will provide security for the events, he has experience in security for events.

Brian Warrick PE – 305 Buckskin Nampa ID – in neutral

- Mr. Warrick is a licensed professional engineer and lives north of the proposed project.
- Attended the neighborhood meeting and reviewed reports.
- Noise and lighting is a concern, after reviewing the staff report we feel that with the conditions of approval, these issues will be resolved.
- Mr. Warrick’s parents live near Stillwater Hollow, another event such as this, with similar hours of operation, parents do not experience negative issues.
- Mr. Warrick and his wife do not have objections to this project.

Curt Hensley – 305 Buckskin Nampa ID – in neutral

- Concerned because this property has been before the City of Nampa, and was proposed for a commercial operation, this proposal was denied. I question the difference between that proposal and the one that is now before Canyon County. The same concerns still exist, mainly that the entrance is at the bottom of a hill, causing a traffic safety issue.
- Dust, lighting, and parking could be a mess.
- Concerned that this could open the door for more commercial development.
- Fifteen to twenty events is a lot and the noise could be a problem.

Rebuttal: Jason Bent – 3614 Amity Ave Nampa ID –Applicant, in favor

- After discussion with staff and commissioners, for safety reasons the gate will remain open during events, we may use a gate attendant to control those coming onto the property.
- Speakers will be inside the barn, not outside, the barn is insulated which will keep noise levels down, the barn doors can be closed as well.
- Dust can be mitigated by more gravel and water.
- We would welcome a right turn lane coming onto the property for safety.
- Not opposed to a condition requiring the CUP to be attached to owner of the property and not the land.
- We are proposing this project as a way to make enough money to buy the surrounding properties in order to stop more development in the area.

MOTION: Commissioner Garrett moved to close public testimony on CASE: PH2017-30, seconded by Commissioner Scheuerer. Roll call vote 5 in favor, 1 opposed, motion carried.

MOTION: Commissioner Carrell moved to add item #D under condition #20, keeping the gate open during events, to conditions of approval, seconded by Commissioner Scheuerer. Voice vote, motion carried.

MOTION: Commissioner Scheuerer moved that condition #21, (the Conditional Use permit shall terminate upon transfer of ownership of the property), be added to Conditions of Approval. Seconded by Commissioner Garrett. Voice vote, motion carried.

MOTION: Commissioner Scheuerer moved that Case PH2017-30 be approved, as well as the revised Findings of Fact, Conclusions of Law and Conditions of Approval as. Seconded by Commissioner Carrell. Roll call vote, 5 in favor 1 in opposition, motion carried.

ITEM #5 Maverick Towers - Jensen

CASE: PH2017-26

Maverick Towers on behalf of Beth Jensen has requested a conditional use permit for a 110 foot monopole multi-carrier communications tower within a fenced 60x60 leased area to be located at 22387 Blessinger Road, Star, ID on tax parcel R33877010.

Planner Debbie Root: Reviewed the staff report for the record, including Late Exhibit #14, #15, #16.

Chairman Hall: Affirmed the witnesses to testify.

Testimony in Favor: Nadine Bostwick

Testimony in Neutral: None

Testimony in Opposition: Stephen John Coyle, Gregory Casey, Jennifer Tuck, Terre Tuck, Sandy Smith, Gail Buchmann, Greg Buchmann, Julia Casey, Eileen Donnelly,

Nadine Bostwick- 6009 N Silver Maple Meridian ID – Applicant in favor

- The purpose for a tower at this location is to alleviate the anticipated increase in cellular and data communication needs in the area. It will improve service from existing towers. This location will allow up to 4 different carriers, eliminating the need for additional towers.
- Telecommunication facilities are an important aspect of infrastructure growth, not unlike highways, utilities and other community services. A recent corridor study prepared for the Idaho Transportation Department, indicates that the population in Middleton, Star and Eagle will double from 2013 census numbers in 2040. Along with population growth the traffic on Highway 44 will increase accordingly. Highway 44 will be widened to accommodate this increase.
- Our goal is to be proactive and to safely provide services that will continue to serve these communities, given the expected growth.
- Towers in the area are currently at full capacity, according to Engineer studies.
- One tower will not solve the problems, it will alleviate the need currently, however more towers will be needed in this area.
- Sites are chosen by the following criteria, a willing landlord, outside of populated areas and proximity to other towers.
- There are no tall enough structures in this area that would enable us to place a tower on an existing structure.
- The FCC regulates the industry and in 1966 they adopted updated guidelines, to evaluate human exposure of radio frequencies from fixed transmitting antennae's. They have concluded there are no health risks associated with cell tower transmission. We do not have to put warning labels on our towers.
- 12 - 15 people were at the neighborhood meeting that was held regarding this project. Exhibit #17 was entered into the record.

Stephen John Coyle – 7160 Highway 44, Star Idaho – in opposition

- Live about 840 feet from the proposed tower location.
- We are not opposed to powerlines, but we are opposed to a cell tower. There are 3 other towers not far from here going in already.
- Concerned about property values and health issues caused from radio frequencies.
- Exhibit 18, entered into the record to show where the other towers are going to be placed, according to a google search. Those sites are approximately 1½ miles away from this project.

Greg Casey – 7320 Southern Vista Court, Star ID – in opposition

- Blessinger road is the access point for my subdivision.
- Our front yard view will be obstructed by this tower.
- Walked the neighborhood and have not found anyone who supports placing the tower here.

Jennifer Tuck – 7365 Hwy 44, Star ID 83669 – in opposition

- Did not receive notice of the project, due to being outside of the noticing area.
- Concerned about the health risk, and the property values.

Terre Tuck – 7365 Hwy 44, Star ID 83669

- Live 1/3 of a mile from the proposed site, we were not noticed of the project.
- Concerned about the health risks. I have a friend who is moving away from a cell tower after recording radiation levels at his home, they were 100 times what is acceptable. Property values are also a concern.
- This project is only about money, not a concern for the neighborhood, there are seven towers currently within a four mile radius, plus three more that have been applied for, and we do not have any issues with our cell service and do not see a current need for more towers.

Sandy Smith – 23033 N Blessinger Star ID – in opposition

- Lived in my home over 30 years, there is a radio tower at the top of the hill that has been there since the early 80's. We were told it would not affect us at all, however it did affect our answer machines. We were also told there would not be an effect from the cell towers.
- On the east side of Blessinger there is an internet tower, why aren't those existing towers being utilized, instead of building new tower. We are going to have towers all over this valley.
- I went to the neighborhood meeting, it was not very informative. We were told to email questions, which I did and most were not responded to. Email exhibit was presented.
- Counties should look up where the towers are currently located and if they are registered or not. We have no way to stay informed of towers going up, the noticing area should be increased.

MOTION: Commissioner Carrell moved to allow an additional five minutes of testimony.

Seconded by Commissioner Garrett. Voice vote, motion carried.

- A radio tower tried to move in about 20 years ago, stating the reason to go in this area is because there are already several in the area, we do not want to become a tower Mecca.
- In the area that I was raised there was a power station on ten acres, 35 years later there 32 people who have had brain tumors and cancers. Cell towers are also a health risk.
- Posting sign should have been put up sooner than it was, and it was done on a holiday weekend.
- There is a petition signed by 40 people in opposition to this tower.
- We get nothing out of this but health risk, an ugly view and lower property values.
- Put the tower on the Southside of the street and let the people moving in there deal with it.

Gail Buckmann – 23084 Blessinger Rd Star ID – in opposition

- The letter from Andy Cockell, stated that the proposed tower would enhance the existing network and will offload traffic onto neighboring towers.
- Presented a legal decision with statistics relating to a tower that was denied by the city of Palo Verdes Estates, and a law suit brought to preserve the right to deny the tower.
- The vision of 23 years in the future is not something we need to worry about at this time, coverage is working fine now. Residents in the area are not having problems. The erection of this tower is not needed at this time.
- There are better places to put a tower.

- There are health concerns and data to support those concerns.

Greg Buckmann – 23084 Blessinger Rd. Star ID – in opposition

- Live 6/10 of a mile from this site.
- Do not believe that the current towers in the area are at capacity. The existing towers could be upgraded to improve their capability.
- We have lived in our home for 7 years, and chose this property because there is no substation near us. Property values are a critical factor.
- The Idaho code 62-701, the right to use highways, states that utilities can use roads but not at the expense of people who use the roads. The placement of this tower will create negative effects. Our property values will be reduced.

Julia Casey – 7320 Southern Vista Ct, Star Id – in opposition

- The answers given tonight have been very vague.
- Property values will be lowered.
- The hearing should not have been held on a holiday week.
- The need is not current, it is 23 years in the future, and there are better places to put this tower.
- The tower will be an eyesore.
- The noticing may be legal, but it is not adequate.

Eileen Donnelly – 22924 Blessinger Rd Star Id – in opposition

- I am a nurse and I do believe there are health concerns.
- A friend who is a real estate agent did confirm that a tower will reduce property values.
- Lived in the area for 39 years.

Rebuttal: Nadine Bostwick- 6009 N Silver Maple Meridian ID – Applicant in favor

- There is no evidence of lowering property values. As more and more people work from home remotely and need good service in order to conduct business.
- The road expansion is budgeted but not yet in progress.

MOTION: Commissioner Levi moved to close public testimony on CASE: PH2017-26, seconded by Commissioner Garrett. Voice vote, motion carried.

MOTION: Commissioner Scheuerer moved to deny Case: PH2017-26 and direct staff to bring revised Findings of Facts and Conclusions of Law and Conditions of Approval, amending finding #4, to state that the essential character of the area will be negatively changed, due to the fact that there are no other towers in the area and this is not an area well suited for a Cell Tower. Seconded by Commissioner Garrett. Roll call vote, 5 in favor 2 in opposition, motion carried.

ITEM # 2 Ordinance Amendment

CASE: ZOA-PH2017-15

MOTION: Commissioner Duspiva moved to table Case#ZOA-PH2017-15 to date certain August 3, 2017. Seconded by Commissioner Scheuerer. Voice vote, motion carried.

ITEM 6: APPROVAL OF MINUTES:

- a. June 15, 2017

MOTION: Commissioner Scheuerer moved to approve the minutes of June 15, 2017 as presented, seconded by Commissioner Garrett. Voice vote motion carried.

ITEM #7 PLANNER & COMMISSION COMMENTS:

Director Nilsson:

- We have a temporary employee starting Monday July 10, 2017 to help with Wineries and other Conditional Uses in the Ag zones. She will coordinate with other Agencies and streamline the processes.
- We are working with the Highway District on the section line set-backs that are in our Ordinance, which may result in a code amendment. They are also working on an update on the functional classification map that is part of the Comprehensive plan. They are related issues and we could do a comp plan amendment to adopt an updated map.
- Discussion on average minimum lot size.

ITEM #8 ADJOURNMENT: 10:00 pm

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

Signed this 20th day of July, 2017

David Scheuerer, Vice Chairman

ATTEST:

Kathy Frost, Recording Secretary