



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, August 3, 2017 6:30 P.M.**

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

Commissioners Present: 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

Vice Chairman, David Scheuerer, called the meeting to order at 6:30 p.m.

OLD BUSINESS

JJ&T LLC

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 September 7, 2017. Seconded by Commissioner Duspiva. Roll call vote, motion carried.

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 table case ZOA-PH2017-15 to date certain September 21, 2017. Seconded by Commissioner Duspiva. Roll call vote, motion carried.

NEW BUSINESS

MOTION: Commissioner Carrell made a motion to move Item #4 case SD-PH2017-22 to New Business Item #1 and Item #3 case PH2017-44 to New Business Item #2. Seconded by Commissioner Garrett. Voice vote motion carried.

ITEM #1 Radford Ridges Subdivision

CASE: SD-PH2017-22

TJ Wellard, Skinner Land Survey, has submitted a preliminary plat and final plat for Radford Ridges Subdivision, a two residential lot development located in an “RR” (Rural Residential) zone. The subject property, R38178013, is approximately 4.6 acres. The subject property is further described as a portion of the NW quarter of Section 34, Township 5N, Range 3W, BM, Canyon County, ID.

Planner Debbie Root, reviewed the staff report for the record, including late exhibit #8.

Vice Chairman David Scheuerer, affirmed the witness to testify and entered the late exhibit into the record.

Testimony in favor:

T J Wellard – 21851 Upper Pleasant Ridge Rd Caldwell, Idaho- Applicant in favor

- This is a simple two lot subdivision, each lot will have separate septic systems and individual wells. Access will be taken from Freezeout road via a 28 foot easement. The area is currently flood irrigated and that will continue for both lots.
- We are in compliance with Canyon Highway district and Southwest District Health.

Testimony in neutral: None

Testimony in Opposition: None

MOTION: Commissioner Carrell moved to close public testimony on Case SD-PH2017-22, seconded by Commissioner Duspiva. Voice vote, motion carried.

MOTION: Commissioner Garrett moved to recommend approval of case SD-PH2017-22, to the Board of County Commissioners, as well as the Findings of Fact, Conclusions of Law and Conditions of Approval. Seconded by Commissioner Fried. Roll call vote, motion carried with 6 in favor and 0 opposed.

ITEM # 2 Nathan Piercey

CASE: PH2017-44

Development Services Department has accepted application CU-PH2017-44. Nathan & Stephanie Piercey are proposing a dog kennel with up to thirty five (35) dogs. The proposed kennel is located on parcel R33213 at 17491 Van Slyke Rd., Wilder, ID 83676. Further, the parcel is located in a portion of the SE quarter of Section 6, Township 3N, Range 4W, BM, Canyon County, Idaho. The property is zoned “A” (Agricultural) and assigned the Agricultural Designation of the Comprehensive Plan Future Land Use Map.

Planner Kyle McCormick: Reviewed the staff report for the record, including Late Exhibits 16, 17, 18.

Vice Chairman Scheuerer: Affirmed the witness to testify and entered the late exhibits into the record.

Testimony in Favor:

Nathan Piercey – 17491 Van Slyke Rd – Wilder Idaho – Applicant

- Mr. Piercey and his wife will be the sole owners of the kennel, they may add employees in the future. Customers will rarely travel to the site.
- This will be a breeding operation and will be built using a three phase approach over several years, the maximum capacity of dogs will be 35, although it will take many years to get to full capacity. Building permits will be obtained as needed and all conditions will be met. The property will be well maintained, additional wells and septic systems will be added as needed.
- Fencing will be 4 foot, no climb with hot wires along the top and the bottom. The buildings will be roughly 12x35 with kennels on the sides and an aisle in the center, the kennels will be constructed in compliance with the Animal Welfare Act. The buildings will be sound insulated.
- Currently the property is surrounded by a mint field, with other Ag related properties in the area.
- Mr. Piercey has a military background, and experience working with military canines. We will follow the guidelines and standards set forth by the Animal Welfare Act and the American Kennel Club.
- Dogs will wear bark collars when outside to keep the noise levels down.

Testimony in Neutral: Matthew Taylor – 23536 Homedale Rd Wilder, Idaho

- Mr. Taylors' property is within sight of the proposed kennel.
- Concerned about the noise level and if the operation will be run in a proper manner, regarding noise and maintenance of the property.
- Concerned about the possible negative effect on property values surrounding the project. The plans seem to be incomplete.

Testimony in Opposition: Tristan VanSlyke – 2614 West Woodlawn Ave, Boise Idaho

- Mr. VanSlyke is the president of the HOA for Garrett Ranch Ridge Subdivision and a representative for VanSlyke farms, which surround the property for the proposed dog kennel. We have divided 6 parcels for residential sale that have been on record since before Mr. Piercey purchased his property. With the sale of his property and the division of the other parcels there was an agreement that we would develop the road to provide access. With this development and the Garrett Ranch Ridge Subdivision, we disagree that this area is not planned for residential lots.
- Concerned about the noise, I am not convinced that the noise can be contained or controlled.
- The road is in the planning stages of being developed at a substantial cost to us, our opportunity to get a return on our investment is going to be diminished as a result of this project moving forward. We are developers and are very concerned about the negative financial impact this will have on us. Property values will go down in the area, which will be detrimental to our business plan as developers.
- Exhibit #19 was provided by Mr. VanSlyke and entered into the record.

Rebuttal: Nathan Piercey – 17491 VanSlyke Rd – Wilder Idaho – Applicant

- Regarding the noise, we currently have three dogs, two of them were barkers since we put high end bark collars on them, barking has stopped.
- We are trying to be in compliance with the County standards and The Animal Welfare Act standards. We want to be a good neighbor and have this be a positive experience.
- The parcels surrounding us are under contract to be farmed with mint, some parcels are up for sale.
- The road maintenance agreement, is a signed document stating that the VanSlyke's are responsible for improving and maintaining that road. The agreement states that none of the parcels are to be sold until that road is improved and completed.
- There is also a land use agreement signed between the VanSlyke's and myself, stating that our property must be maintained and that appropriate uses for the zoning must be maintained. This is an allowed use, if there is a conditional use approved.

Vice Chairman Scheuerer entered Exhibit 20 into the record

MOTION: Commissioner Duspiva moved to close public testimony for case CU-PH2017-44, seconded by Commissioner Carrell. Voice vote, motion carried.

MOTION: Commissioner Garrett moved to approve Case PH2017-44 as well as the Findings of Fact, Conclusions of Law and Conditions of Approval. Seconded by Commissioner Carrell. Roll call vote, motion carried with 6 in favor and 0 opposed.

ITEM 3: APPROVAL OF MINUTES:

a. July 20, 2017

MOTION: Commissioner Duspiva moved to approve the minutes of July 20, 2017 as written, seconded by Commissioner Carrell. Voice vote motion carried.

ITEM #4 PLANNER & COMMISSION COMMENTS:

Director Nilsson updated the Commission on recent actions by the Board of County Commissioners, and discussed the process involved in administrative lot splits.

ITEM #5 ADJOURNMENT: 9:10 pm

MOTION: Commissioner Duspiva moved to adjourn, seconded by Commissioner Carrell. Voice vote motion carried.

Signed this 17th day of August, 2017

Richard Hall, Chairman

ATTEST:

Kathy Frost, Recording Secretary