



**CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, October 5, 2017 6:30 P.M.**

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

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

**Staff Members Present:** Director, Patricia Nilsson  
Planner, Daniel Lister  
Planner, Jennifer Almeida  
Planner Kyle McCormick  
Kathy Frost, Recording Secretary

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**OLD BUSINESS**

**ITEM #1 Bert & Hailey Wyatt Case: PH2017-23, will be heard after Item #3**

**NEW BUSINESS**

**ITEM #2 Cope Sand & Gravel**

**CASE: PH2017-52**

The applicant, Cope Sand and Gravel, is requesting a long term (20 years) mineral extraction use on a 40.69 acre property (parcel R33106) pursuant to Sections 07-14-19 and 07-07-05 of the Canyon County Zoning Ordinance. The requested use is an expansion of an existing mineral extraction use contiguous to the subject parcel (R33107). The use includes sand and gravel mining, operation of a portable crusher and gravel transportation. The subject property is located at 12475 Lake Lowell Avenue, Nampa, and is further described as a portion of the NE Quarter of Section 36, Township 3N, Range 3W, Boise Meridian, Canyon County, Idaho.

**MOTION:** Commissioner Scheuerer moved to table case PH2017-52 to date certain November 2, 2017. Seconded by Commissioner Duspiva. Voice vote motion carried.

**ITEM #3 Michael Freer**

**CASE: PH2017-56**

Michael Freer with Evans Creek Property LLC represented by Alan Mills are requesting a rezone of Parcel R33969-010, approximately 19 acres, from Agricultural (A) to Single Family Residential (R-1). The subject parcel is located within Middleton's Area of City Impact and designated Residential on Canyon County's Future Land Use Map. The subject property is located at 0 Stoffle Lane, Middleton, ID in NE ¼ of Section 10, T4N, R2W, BM.

**Planner Kyle McCormick**, reviewed the staff report for the record, no late exhibits.

**Chairman Richard Hall**, affirmed the witnesses to testify.

**Testimony in favor:**

Alan Mills – PO Box 206 Middleton ID -Applicant representative, in favor

- Farming history is pasture and it is river bottom. Cattle from the neighbor is on the pasture at this time. It is also good property for hobby farming.
- The proposed development is conducive to what is in the surrounding areas.
- Highway district and the City of Middleton were consulted regarding access roads, we will dedicate a portion of a corner to the Burnett property in order to maintain their access.
- The Fire district is requiring a fire hydrant, which will help the neighbors in reducing insurance costs. Currently irrigation runs straight through the property from the Burnett property. We are going to change that to individual irrigation systems in order to not disturb neighboring properties. The water table fluctuates in this area.

**Testimony in neutral: none**

**Testimony in opposition: none**

**MOTION:** Commissioner Carrell moved to close public testimony on Case: PH2017-56, seconded by Commissioner Scheuerer. Voice vote, motion carried.

**MOTION:** Commissioner Scheuerer moved to approve Case PH2017-56 and adopt the recommended Findings of Fact, Conclusions of Law, Conditions of Approval and Order, as written and forward to the Board of County Commissioner's. Seconded by Commissioner Carrell. Roll call vote, motion carried with 6 in favor and 0 opposed.

**ITEM #1 Bert & Hailey Wyatt**

**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.

**Planner Dan Lister**, reviewed the staff report for the record, including late exhibits #11, #12, #13

**Chairman Richard Hall**, affirmed the witnesses to testify, and entered the late exhibits into the record.

**Testimony in favor:**

Todd Lakey – 12905 Venecia Ct Nampa ID – Representative in favor

- Agree with the staff report and conditions, this is a request for an RV storage park, the comprehensive plan designates this property for commercial use on a commercial corridor. This is an area that has been planned for commercial use and has been used as commercial historically, with a C1 zone. C1 is designed for local type commercial users, this proposal fits well.
- The applicants were unaware that a conditional use permit was needed, they were under the impression that this was an approved use. As soon as they became aware it

was not an allowed use they stopped taking new clients and stopped advertising, however they did have existing contracts that needed to be honored. The demand they have had up to this point is demonstrative of the fact that it is a needed use in the area.

- Hours of operation are proposed to be 8 am to 5 pm office hours with 24-7 access via keypad for customers or appointment.
- We would like to get the CUP approved for all three phases at this time, however we are willing to accept the condition of approval of Phase 1 & 2 tonight with Phase 3 to follow with modifications later. We are accepting of the fencing and landscaping requirements with a few changes.
- Access requirements as stated by the Highway district will be met, as well as the Fire district requirements. We have had communications with the Fire District about the emergency access, they do not require an emergency access until Phase 3.
- There is a disagreement with the neighbors regarding Dan's road, we believe we do have an easement, however this will not be an issue until we get to phase 3. The history of Dan's road with the original owner of the property shows that access was granted, reserving his right to use it in the future for commercial purposes. The legal description is in question.

Alan Mills – PO Box 206 Middleton ID 83644 – representative in favor

- There will be a retention pond onsite to be used for fire suppression and a draft fire hydrant will be installed. This may benefit the neighbors by possibly lowering their insurance premiums.
- If it becomes necessary we have an option of access across a ditch, however we are looking at better access options. That crossing agreement is subject to the Fire Districts approval.
- Regarding condition #6, we are working with Drainage district #2 and Canyon Water district, they have water in a channel on the property and they have not decided whose jurisdiction it is, it is used for drainage and irrigation. They have approved of us using the access over the ditch in that 50 foot area, as long as there are no permanent structures constructed there. We will maintain access to the agencies so they can maintain the ditch.
- The easement to the drain is 50 feet, which only leaves 1 foot up to the fence, so landscaping is not practical on the west side, we would like landscaping in that specific area to be at the Directors discretion.

**Testimony in neutral:**

Mary Rengal Yawczack – 22400 Dans Rd Middleton ID – representative in neutral

- Representing the Clear Water Ranch Estates HOA.
- Added a late exhibit of the home owners not present.
- The Association is taking a neutral stance on this proposal, provided certain conditions are imposed.
- There has been a history of poor communication with the applicants as well as a lack of timely follow through involving some issues. We are concerned that proper permitting was not done prior to the business commencing operation.
- We are mostly concerned about the phase 3 portion of this plan, regarding the use of our private road, (Dan's road). We would like them to find other access. Based on past

experience with the applicant we anticipate difficulties concerning the use of the private road.

- We do not oppose this CUP as long as the following conditions are ordered and enforced, that only phase 1 is approved now, followed by phase 2 if all conditions of phase 1 are completed in 90 days. The emergency access road is not clear. The visual barrier needs to be maintained on the Eastern boundary, we don't agree with chain link fencing, we would prefer wood or vinyl fencing. The landscaping should consist of mature trees and bushes, however we want the height of those mature trees designated. Our neighborhood association does expect enforcement of all conditions as stated in the Findings of Facts, Conclusions of Law and Order dated today, as well as any conditions that may be added by the Commission. The 90 day time line related to Phase 1 must be monitored closely and we ask that no new RVs be added other than the ones already stored there until all of phase 1 conditions are met.
- We are opposed to the many postponements this case has had up to this point.

Alexander Purcell – 8680 Kingston Way Middleton ID 83644- in neutral

- Mr. Purcell is a resident in Dan's Road Acres, while this may be a C1 zoned property, there are no other RV storage facilities near the surrounding homes.
- We do not agree with them using Dan's road as an access point. We are already considered a high risk area for fire danger and we are adding more fire danger with this proposal.

**Testimony in opposition: None**

**Rebuttal:** Todd Lakey – 12905 Venecia Ct Nampa ID – Representative in favor

- Emergency access on Dan's road is not an issue at this point. If the entire process is approved, we are still looking at a phased approach to get to Dan's road. Dan's road would be an emergency access point only.  
The road belongs to Dan's Acres residents, who are members of the Road Users Maintenance agreement, participating in the easement and use, and this includes the Wyatt's.
- Regarding the landscaping, this is a commercial zoned property in a commercially designated area, we are next to a very low density area with a lot of natural separation between the commercial use and the surrounding residences. The goal of fencing is security, it needs to be durable and adequate for security purposes, and the landscaping is outside of the fence. We ask for the ability to use chain link fencing with slats.
- We can meet the technical aspects of the 90 day requirements for the entire project, but the landscaping for the entire property would not be able to be done within that period due to the phasing aspect of the project.
- Hours of operation, are office hours 8:00 am to 5:00 pm, and customer access will be via a code 24 hours a day, 7 days a week.

**MOTION:** Commissioner Scheuerer moved to close public testimony on Case: PH2017-23 seconded by Commissioner Levi. Voice vote, motion carried.

**MOTION:** Commissioner Scheuerer moved to approve case #PH2017-23 and adopt the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended to include additional conditions to Item #2, #3, 3A ii, add Item # 8 office hours, and require a site plan to

be approved by DSD Director and Agencies involved. Seconded by Commissioner Levi. Roll call vote 5 in favor, 1 in opposition. Motion carried.

**MOTION:** Commissioner Carrell moved to approve the revised Findings of Fact, Conclusions of Law, and Conditions of Approval for case #PH2017-23. Seconded by Commissioner Duspiva. Voice vote, motion carried.

**ITEM #4 Lost Acres Motorcycle Park**

**CASE: CPR-PH2017-45**

Lost Acres Motorcycle Park is requesting a Conditional Use Permit to operate a commercial racetrack on approximately 60.36 acres. The applicant is also requesting overnight camping as an Accessory Use. Camping would be temporary for racers to stay the night before and after a race event. The subject property, parcel no. R28682 is located at 6247 Melba Road, Melba, Idaho in a portion of the NE ¼ of Section 36, T1N, R2W, BM, Canyon County, Idaho.

**Planner Jennifer Almeida**, reviewed the staff report for the record, late exhibits #33, #34, #35, #36, #37, #38.

**Chairman Richard Hall**, affirmed the witnesses to testify and entered the late exhibits into the record.

**Testimony in favor:**

Steve Pline – 1515 N 18<sup>th</sup> St Boise ID – applicant in favor

- About 20 acres of the 60 acre parcel is proposed as the track. The track is on rocky ground not suitable for farming. We have had a track on the property since the “70’s” used by our family and friends. At one time it was used by crop dusters as an airstrip.
- We are required to have a full water truck onsite at all times, for dust mitigation, and emergencies. Riders are required to have a fuel mat to contain spills while they refuel.
- Our goal is to make the track self-supporting, in order to do this we would like to have paid events. Events will not be year round, it will be scheduled around farming activities. This will give people a place to push the limits with their riding, getting them off the streets. We would like to improve the property and set up a scholarship with the high school 4H. We will use local law enforcement, and EMT’s whenever possible, if that is not possible we will use private parties.
- We will cater to ATV’s and motorcycles this will create shorter ride times. Overnight stays will be for out of town racers to have a place to stay during the race. Staff will always be onsite if there are camper’s onsite. We have families come together, and will not allow rowdy behavior. We will have practice events and teaching events.
- Alcohol will not be sold on-site, people are allowed to bring alcohol onsite for their own consumption, however we will not allow bad behavior, if they are causing a problem they will be removed from the property. There is an exhibit including the “Rules of Conduct” in the Commissioners packet. We will have security onsite for every event and we have a black list and if people have to be removed for behavior they will go on that list and not allowed back on the property in the future.
- We have waivers in place that racers and visitors have to sign, we have Insurance directed rules to follow. Grounds are policed by staff regarding safety, security, and grounds clean up.

- This will also bring people into the community of Melba to spend money, the town needs it.
- We will have limited hours, we have determined a better way to park the trailers to help direct the noise away from the neighbors.
- On large events we will hire additional security as needed. Events will be preregistered, which will give us an idea ahead of time on the amount of security and EMT's needed.

Jake Pline – 300 E Dooley Nampa ID – in favor

- Mr. Pline was born and raised on this property, and is now farming it. I have ridden on this track all of my life, we want to open this up to provide family fun. It is not a club, it is a private facility. We will not have weekly events, this is a working farm first. It is our intent to have paid events to help pay for the track and to get dangerous riders off the streets.
- Mr. Pline did the sound tests to check the decibel levels, from all sides of the track, and on surrounding properties. The decibel levels are not as loud as you would think. Some bikes are louder than others.

Marley Fite – 19838 Kennebec way Caldwell ID – in favor

- As a 3<sup>rd</sup> generation racer, I have learned the value of fair play, this is flat track, equipment for this type of racing is expensive and people take care of their equipment.
- Racing is a family activity, people attend these type of events with the intent to have fun with their families.
- It will bring money into the area.

John Pline – 5309 Mamer Lane Nampa ID – in favor

- I am not a rider, I farm the property, this will help fund the farm. I run the cows on the farm, the decibel reading when the calves were being weaned was 70. Agricultural sounds are loud. The majority of the property is farmed, the area that the track is located is not desirable farmland. The racing helps keeps weeds down.
- Benefits to the community will include, bringing business to the community, which will help the local economy.

Rebuttal: Steve Pline – 1515 N 18<sup>th</sup> St Boise ID – applicant in favor

- Rules of conduct were presented to show the type of behavior that will be tolerated onsite and what will not be tolerated.
- The number of races has been modified since the neighborhood meeting.
- EMT's will be onsite for every event.
- Gate entrance on Can Ada has been approved by the Highway district, we will put an apron in per their requirements.
- Bikes and ATV's will be allowed, UTV's will not be allowed.
- The farm ground is sprinkled, we will not allow the ground to be destroyed.
- Sound test distances, were specifically chosen to reflect the loudest possible coverage, it will be heard by the neighbors, however we are doing our best to mitigate the sound. The bikes will be shut down at 10:00 pm.

- Lighting is most often not needed, if it is needed we would use a temporary downward facing light. Most races are during the day.
- Willing to accept a limit to 10 on the number of events per year. Also willing to have EMT's and security personnel as a condition for every event.

**Testimony in neutral: none**

**Testimony in opposition:**

Kathleen Mallory – 1171 Can Ada Rd Melba ID – in opposition

- Lives 470 feet away from the subject property. We can hear the racing in the house with all doors and windows shut.
- We have an issue with private safety personnel and private law enforcement. Traffic mitigation is also a concern the speed on Can-Ada rd. is 55 MPH with a blind hill.
- The CU permit is for the entire property, meaning they could decide to expand the operation.
- Noise mitigation is a concern, hearing loss starts at 80 decibels, and it will be a nuisance. The hours of operation are a problem. The number of races expected is a concern. We do not want overnight camping.

Deanna Ratcliff – 6848 Melba rd. Melba ID – in opposition

- Moved to the area 20 years ago, occasional riders in the area is not a problem, however regular races, will cause dust and noise and will affect my life.
- I enjoy races, but they need to be further away from town.

Steve Hylton 6068 Melba Rd Melba ID – in opposition

- Live north of the proposed area, this is a money making venture. My concern is the theft we have had on our property, we have called the police and nothing was done, I am worried about my property.

John Stosich – 6579 Blue Ox Ln – in opposition

- Concerned that this is in the area of impact for Melba city and is designed for residential living. Trash is a concern. The fencing is inadequate around the facility and needs to be addressed.
- Stipulations should be put in place as to the timing and the number of events that are held.
- Dust control is a concern, as is the noise levels, the tests were not adequate, none were done in the direction of Melba city. Quiet times need to be set in place.
- Property values could go down as a result of this project.
- Lighting should be addressed as well as quiet time and landscaping that might help with the noise.

**MOTION:** Commissioner Duspiva moved to close public testimony on Case: PH2017-45 seconded by Commissioner Scheuerer. Voice vote, motion carried.

**MOTION:** Commissioner Scheuerer moved to approve Case: PH2017-45 with additional conditions as stated in the amended Findings of Fact, Conclusions of Law, Conclusions of

Approval and Order. Seconded by Commissioner Duspiva. Roll call vote 6 in favor 0 opposed, motion carried.

**MOTION:** Commissioner Carrell moved to approve the revised Findings of Fact, Conclusions of Law, and Conditions of Approval for case #PH2017-45. Seconded by Commissioner Scheuerer. Voice vote, motion carried.

**ITEM #5 Stilwell**

**CASE: PH2017-36**

The applicants, Ray & Keith Stilwell, are requesting a Conditional Use Permit to operation and maintain a recreational vehicle (RV) park on parcel R29039-010. The use will include eight (8) RV sites and eight (8) future RV sites. The subject property is approximately 3.17 acres and is zoned Agricultural "A". The property is located at 4959 Kuna Road, Kuna, ID in the NW ¼ of Section 25, T2N, R1W, BM Canyon County, Idaho.

**Planner Dan Lister**, reviewed the staff report for the record, including late exhibit #18

**Chairman Richard Hall**, affirmed the witness to testify, and entered the late exhibit into the record.

**Testimony in favor:**

Ray Stilwell – 4959 Kuna Rd Nampa ID – applicant in favor

- Purchasing this property from Corrie Forrey. The septic system has been inspected by a private inspector.
- We are going to get the water tested.
- Have talked with the Highway district regarding the entrances, we can make changes to comply with the Highway district.
- Electricians have inspected everything and it is legal.

Keith Stilwell – 4959 Kuna Rd Nampa ID – applicant in favor

- We had a licensed septic inspector come and inspected the septic system and pumped the septic system, he said it had no problems and is up to standards.
- In order to add 8 units we will have to add a new septic system.
- There are two wells on the property with good drinking water.

**Testimony in neutral: none.**

**Testimony in opposition:**

Simon Vander Woude – 4250 Kuna Rd Nampa ID – in opposition

- This is an illegal RV park, with substandard conditions. The RV's were removed in 2015 because they were non-compliant, however they have returned and are still non-compliant. There are tarps covering some of the RV's to keep rain out.
- This is rural Canyon County, Agricultural area, there are no services in this area as far emergency services.

Lavar Thornton – 2800 Forrey Rd Kuna ID – in opposition

- Mr. Thornton purchased farmland from the Forrey's 35 years ago. The Forrey's kept 3 acres for themselves, which had the main house and 3 trailers for family members and hired help. 15 years ago they started adding more RV's.
- At the neighborhood meeting we were told there would be 8 RV's, the notice stated 16. 8 may have been ok however 16 is too many. After hearing testimony it seems that they are a long way from meeting requirements.
- This is an Agricultural area. Adequate fencing is not around the property.
- The applicants have no realization of the cost or what is involved in becoming compliant.

Brad Thornton – 4497 Kuna Rd Kuna ID – in opposition

- Live ½ mile to the east of this proposed project.
- The illegal RV's were moved off but then returned without being in compliance.
- There are many inadequacies with the property that need to be met, these conditions should be met before approval is given. 16 is too many and even 8 is too many for the area.

Rebuttal – Ray Stillwell – 4959 Kuna Rd Kuna ID

- We have a lot to learn and we want to do it in a legal way, we intend to do what it takes to make it right.
- People live there because they have come from dangerous situations and are looking for a safer place. One RV has a tarp over it due to a leaky roof, the others are all from the 80's or newer.
- Would consider having fewer RV's onsite.

**MOTION:** Commissioner Duspiva moved to close public testimony on Case: PH2017-36 seconded by Commissioner Scheuerer. Voice vote, motion carried.

**MOTION:** Commissioner Duspiva moved to deny case #PH2017-36 based on the Findings of Fact, Conclusions of Law, and Conditions of Approval and Order. Seconded by Commissioner Scheuerer. Roll call vote, 6 in favor 0 opposed. Motion carried.

**ITEM 6: APPROVAL OF MINUTES:**

- a. September 21, 2017

**MOTION:** Commissioner Carrell moved to approve the minutes of September 21, 2017 as written, seconded by Commissioner Levi. Voice vote motion carried.

**ITEM #7 PLANNER & COMMISSION COMMENTS: none**

**ITEM #8 ADJOURNMENT: 12:15 pm**

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

**Signed this 19th day of October, 2017**

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Richard Hall, Chairman

**ATTEST:**

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Kathy Frost, Recording Secretary