



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, September 21, 2017 6:30 P.M.**

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

Commissioners Present: Richard Hall, Chairman
Sandi Levi, Secretary
Shannon Carrell, Commissioner
Rod Garrett, Commissioner
Rick Fried, Commissioner

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

OLD BUSINESS

ITEM #1 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 11/2/2017, seconded by Commissioner Garrett. Voice vote, motion carried.

ITEM # 2 MS & MB Farms LLC (Blue Barn Produce)

CASE: PH2017-42 & 43

MS & MB Farms LLC (Blue Barn Produce) is requesting a Comprehensive Plan Map Change to change the Future Land Use Designation of parcel no. R34600, approximately 7 acres, from "Agriculture" to "Commercial". Also requested is a Rezone of the same parcel, parcel no. R34600, approximately 7 acres from an "A" (Agricultural) zone to a "C-2" (Service Commercial) Zone. The subject property is located at 16356 Hwy 20 26, Caldwell, ID, in the SE ¼ of Section 08, T4N, R3W, BM.

MOTION: Commissioner Carrell moved to table case PH2017-42 & 43 to date certain 11/2/2017, seconded by Commissioner Garrett. Voice vote, motion carried.

ITEM # 3 Daniel Uranga

CASE: PH2017-37

Daniel Uranga is requesting a Conditional Rezone of approximately 13.16 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. Also requested is approval of a Development Agreement which would restrict the development of the subject property into two (2) residential parcels. The subject property, R33648-010D is located at 25090 Applewood Rd., Wilder, Idaho, in a portion of the NE ¼ of Section 2, T3N, R5W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record including late exhibits #17 & #18.

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

Testimony in favor:

Daniel Uranga – 25090 Applewood Rd Wilder ID – Applicant in favor

- Mr. Uranga purchased property in 1999, now he is retired and would like to reduce the size of his land and sell seven acres, the properties will have separate access points. Wider irrigation has stipulated irrigation issues.

Testimony in neutral: None

Testimony in opposition: None

MOTION: Commissioner Carrell moved to close public testimony in case PH2017-37, seconded by Commissioner Levi. Voice vote, motion carried.

MOTION: Commissioner Carrell moved to approve the Conditional Rezone of case PH2017-37, and adopt the recommended “Findings of Fact, Conclusions of Law, Conditions of Approval and Order” as amended and forward our recommendations to the Board of County Commissioners for consideration. Seconded by Commissioner Garrett. Roll call vote motion carried.

MOTION: Commissioner Carrell moved to recommend approval of the Development Agreement for case PH2017-37 to the Board of County Commissioners, with six conditions as stated in the Conditional rezone. Seconded by Commissioner Garrett. Roll call vote motion carried.

ITEM # 4 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 10/19/2017, seconded by Commissioner Garrett. Voice vote, motion carried.

ITEM # 5 Baker Land Management LLC

CASE: RZ-PH2017-41

Scott Baker on behalf of Baker Land Management, LLC is requesting to rezone parcel R29597, approximately 25.378 acres, from “A” (Agricultural) to “C2” (Service Commercial). No specific land use was provided. The subject property is located in a portion of the SE quarter of Section 16, Township 2N, Range 3W, approximately 380 feet west of the intersection of Deer Flat Road and State Highway 45.

MOTION: Commissioner Carrell moved to table case RZ-PH2017-41 to date certain 10/19/2017, seconded by Commissioner Garrett. Voice vote, motion carried.

ITEM # 6 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.

MOTION: Commissioner Carrell moved to table case PH2017-23 to date certain 10/5/2017, seconded by Commissioner Garrett. Voice vote, motion carried.

NEW BUSINESS

ITEM #7 Jubilee Paradise

CASE: PH2016-29

A request by Julie Degitz for approval of a Preliminary Plat and Irrigation Plan or Jubilee Paradise Subdivision. The development consists of two (2) residential lots. The property is located in a Rural Residential zone. The subject property is located at 24796 Middleton Road, Middleton, Idaho, in a portion of the NW ¼ of Section 32, T5N, R2W, BM.

Planner Jennifer Almeida, reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witness to testify.

Testimony in favor:

Carl Porter – 2030 S Washington Ave. Emmett ID – Applicant Representative in favor

- Agree with staff report and agree to all conditions of approval.

Testimony in neutral: none

Testimony in opposition: none

MOTION: Commissioner Levi moved to close public testimony, seconded by Commissioner Carrell. Voice vote, motion carried.

MOTION: Commissioner Garrett moved to approve case PH2017-29 and adopt the recommended "Findings of Fact, Conclusions of Law, Conditions of Approval and Order" as written and forward our recommendations to the Board of County Commissioners for consideration. Seconded by Commissioner Carrell. Roll call vote, motion carried

ITEM #8 Ken Volovsek

CASE: PH2017-51

Case No. PH2017-51: The applicant, Ken Volovsek, is requesting a variance to reduce the required 20 foot front yard setback to 0 feet (City of Nampa Zoning Ordinance Section 10-8-6C). Section 07-10-23 of the Canyon County Zoning Ordinance allows the applicant to apply the applicable city setbacks within the adopted city impact areas. The property is located at 17540 11th Avenue Nampa, ID 83687. The property is also known as tax parcel R30763 in the NW quarter of Section 1, Township 3N, Range 2W, BM, Canyon County, Idaho.

Commissioner Levi will be recused.

Planner Kyle McCormick, reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony in favor:

Jennifer Cullinane – 17540 11th Ave N Ext Nampa ID applicant representative in favor

- Requesting a variance to reduce the required setback to zero feet to allow an attached garage. Agree with all staff findings.

Testimony in neutral: none

Testimony in opposition:

Vanessa Sleight – 17520 11th Ave N Ext Nampa ID – in opposition

- The property was purchased knowing the rules and setbacks, my concern is that they bypassed the rules in order to create the need for this variance. The County ordinances and setbacks should be followed.
- Fill dirt was brought in next to the fence, making a three foot grade, which could cause water to come onto our property in the event of a pipe burst.

Rebuttal - Jennifer Cullinane – 17540 11th Ave N Ext Nampa ID applicant representative in favor

- The building permit has been issued and the plans have been approved.

MOTION: Commissioner Carrell moved to close public testimony, seconded by Commissioner Garrett. Voice vote motion carried.

MOTION: Commissioner Garrett moved to approve case PH2017-51 and adopt the recommended “Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written. Seconded by Commissioner Fried. Roll call vote, motion carried.

ITEM #9 Robert Cooper

CASE: CPR-PH2017-50

Mr. Robert Cooper is requesting to amend the Canyon County Comprehensive Plan Future Land Use Map to change the land use designation from “Agriculture” to “Residential” for parcel R37244010 (2.989 acres) located at 26749 Boehner Road, Wilder, ID. The applicant is also requesting a concurrent rezone “A” (Agricultural) to “R1” (Single Family Residential). The subject property is located in a portion of the SE quarter of Section 34, Township 4N, Range 5W, approximately 1100 feet west of the intersection of Batt Corner Road and Boehner Road, Wilder, ID.

Planner Debbie Root, reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony in favor:

Kim Cooper – 26749 Boehner Rd - applicant in favor

- Requesting a split for the purpose of selling the lot.

Testimony in neutral: none

Testimony in opposition: none

MOTION: Commissioner Garrett moved to close public testimony on case CPR-PH2017-50. Seconded by Commissioner Carrell. Roll call vote, motion carried.

MOTION: Commissioner Garrett moved to approve the Comprehensive plan change on case CPR-PH2017-50 and adopt the recommended “Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written and forward our recommendations to the Board of County Commissioners for consideration. Seconded by Commissioner Fried. Roll call vote, motion carried.

MOTION: Commissioner Garrett moved to approve the Rezone on case CPR-PH2017-50 and adopt the recommended “Findings of Fact, Conclusions of Law, Conditions of Approval and Order” as written and forward our recommendations to the Board of County Commissioners for consideration. Seconded by Commissioner Carrell. Roll call vote, motion carried.

ITEM 10: APPROVAL OF MINUTES:

- a. September 7, 2017

MOTION: Commissioner Carrell moved to approve the minutes of September 7, 2017 as written, seconded by Commissioner Levi. Voice vote motion carried.

ITEM #11 PLANNER & COMMISSION COMMENTS:

- Discussion on the Ordinance Amendment, requesting specific cases.
- Director Nilsson mentioned an upcoming meeting with the Board of County Commissioners and the Prosecutors on an annexation request by the city of Star involving the city of Middleton. There are also upcoming meetings with the Parks department regarding historic preservation, we will inform the Commission on those dates.

ITEM #12 ADJOURNMENT: 8:20 pm

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

Signed this 5th day of October, 2017

Richard Hall, Chairman

ATTEST:

Kathy Frost, Recording Secretary