



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, October 19, 2017 6:30 P.M.**

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

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

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

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

Secretary Levi proceeded to the business items on the Agenda.

OLD BUSINESS

ITEM #1 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.

Commissioner Scheuerer moved to approve case CU-PH2017-19 and adopt the Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written. Seconded by Commissioner Duspiva, Roll call vote, 5 in favor, 0 opposed.

ITEM #2 Baker Land Management LLC

CASE: RZ-PH2017-41

Baker Land Management, LLC is requesting a Conditional Rezone with a Development Agreement to conditionally rezone parcel R29597, approximately 25.378 acres, from "A" (Agricultural) to "CR-C2" (CR-Service Commercial). 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.

Planner Debbie Root, reviewed the staff report for the record including late exhibit #18.

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

Testimony in favor:

Todd Lakey - 12905 Venecia Ct Nampa ID - Applicant representative in favor

- This area is designated for, and is a good location for commercial use and will not change the character of the area. It has long standing commercial use and industrial use.
- The applicant has agreed to put protections in place in order to meet compatibility and infrastructure standards and requirements.
- This application was started as a straight rezone which is appropriate based on the designation of the comprehensive plan, however DSD staff and the neighbor had some concerns regarding compatibility, after listening to those concerns the applicant took them into consideration and agreed to a conditional rezone with a development agreement.
- Site design review by the Director of Development Services has been added as a condition.
- Economic development states that the County should identify suitable areas for industrial use, and set aside sites for economic growth and expansion and establish appropriate commercial and industrial zones to encourage that economic development. Canyon County does not have a lot of areas designated as commercial on its comprehensive plan. With the limited number of sites suitable for commercial development it is important that we support and promote commercial development in those designated areas in the comp plan.
- When businesses come to look at Canyon County, they are looking for things that are similar to what they are currently doing in order to have those entitlements in place. Making their process more certain and making them more inclined to bring business in.
- The subject property has been designated for commercial use for a long time.
- Mr. Lakey pointed out many commercial operations currently in the area and new development in progress. This shows that the use is compatible with the area.

Testimony in neutral:

Reese Verner – PO Box 830 Nampa ID 83653 – in neutral

- Mr. Verner is in the process of building a new residence on the property adjacent to the subject property.
- Concerned about the manner that the Bakers have used the property in the past. It has been used for various things that were not permitted, raw sewage was dumped on the property.
- Mr. Dave Baker made a statement threatening to use the property for a hog farm if he did not get the zoning he was seeking in the past case, after it was denied he did put a hog farm on the property.
- If the rezone is approved, I would ask that it be a C1 zone instead of a straight commercial zone. In view of the history of this property and the nature of the surrounding area I feel that C1 would be more appropriate. I would also request that a buffer be provided along the entire west boundary of the property. If lighting is a part of the development it should be downward and inward facing. Please consider making Mr. Baker clean up the property as a condition of approval. The corner residence that is not a part of this case should also be included in the request.

Testimony in opposition: None

Rebuttal:

Todd Lakey – 12905 Venecia Ct Nampa ID – Applicant representative in favor

- This area is currently designated for commercial development, the historic uses and existing uses are in line with the C2 zoning that is being proposed.

- The Bakers strongly dispute that raw sewage was dumped on the property, they do have hogs on the property, it is an Ag zone and that is an allowed use. That will be removed if the commercial zone is approved.
- Current use in the area, supports the fact that this rezone is compatible with the area. Most other non-commercial uses in the area are Agriculture. Agricultural and Commercial use are compatible with each other. The residential development in the area is rural, large parcels.
- The conditions placed on the proposal will give neighbors, agencies, and the County an opportunity to review uses and determine if the proposed uses fit the criteria of future use.
- The owners of the corner lot that was mentioned do not wish to be rezoned, we should not force them to do so.

MOTION: Commissioner Carrell moved to close public testimony in case RZ-PH2017-41, seconded by Commissioner Duspiva. Voice vote, motion carried.

MOTION: Commissioner Carrell made a motion to direct Code enforcement to visit the subject property (parcel R29597), seconded by Commissioner Scheuerer. Voice vote, motion carried.

MOTION: Commissioner Scheuerer moved to recommend denial to the Board of County Commissioners on case RZ-PH2017-41 based on Item B that the proposed rezone is not more appropriate than the current zoning and Item D that this proposal will negatively affect the character of the area, seconded by Commissioner Duspiva. Roll call vote, 4 in favor, 1 in opposition, motion carried.

NEW BUSINESS

ITEM #3 David & Marsha Patterson

CASE: CPR PH2017-57

David and Marsha Patterson are requesting to amend the Canyon County Comprehensive Plan Future Land Use Map to change the land use designation from “Residential” to “Commercial” for parcel R35132 (4.04 acres) located at 621 Sunrise Lane Caldwell, ID. The applicant is also requesting a concurrent rezone “A” (Agricultural) to “C1” (Neighborhood Commercial). The applicants are proposing to establish a funeral home and crematorium in their residence at the subject property location.

MOTION: Commissioner Scheuerer moved to table case CPR-PH2017-57 to date certain 12/7/2017, seconded by Commissioner Levi. Voice vote, motion carried.

ITEM #4 Michael Byers & Camille Douthit

CASE: CU MOD- PH2017-54

Case No. CU Mod-PH2017-54: Michael Byers and Camille Douthit are requesting to modify Conditional Use Permit CU2004-31 Condition #5 which restricts the minimum lot size within Jaialdi Estates Subdivision to one (1) acre. The requested amendment is for the purpose of adjusting the property boundary between Lots 4 & 5, Block 1 which would cause Lot 5, Block 1 to be less than one acre but allows for a more efficient design and utilization of the two lots within the development. The amendment would not allow for any lots but Lot 5, Block 1 to be less than one acre within this development. The subject properties are located at 124 and 130 Sebastian Place, Nampa, Idaho.

Commissioner Levi: is recused

MOTION: Commissioner Scheuerer moved to table case CU Mod-PH2017-54 to date certain 11/2/2017, seconded by Commissioner Duspiva. Voice vote, motion carried.

ITEM #5 Jeff Arant

CASE: PH2017-55

Case No. PH2017-55 – Jeff Arant is requesting a Conditional Use Permit to operate a Contractor’s shop on approximately 5.15 acres. The subject property, Parcel No. R30429 is located at 4741 Cherry Ln., Nampa, ID, in a portion of the NW ¼ of Section 8, T3N, R1W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record including late exhibit #17.

Commissioner Levi: is recused

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

Testimony in favor:

Jeff Arant – 9660 N Broadwood Ln Eagle Idaho – applicant in favor

- The proposed property has been used as a small engine shop in the past, this use is similar to that use.
- There will not be any lighting on the property that would concern neighbors, there are very few neighbors. The property is surrounded with Ag properties and a few residences. There is a canal that buffers the property. The shop and equipment will be totally fenced.
- There will be 2 – 3 people on the property per day, customers seldom come to the property.
- Currently there are a lot of weeds on the property, we will be cleaning that up and replacing it with gravel or reseeding the grassy area and having cattle or horses on it to keep it grazed down.

Robin Shay – 12316 N Humphries Boise Idaho – in favor

- This will be a good improvement to the property, there are no significant changes to the property, except the fencing.
- There has been no objections to the proposal.
- The entrance would be better served with the horseshoe style instead of the single entrance that is conditioned in the staff report. There will not be much change in traffic due to this project.
- The current structure is suited for an office building.

Testimony in neutral: None

Testimony in opposition: None

MOTION: Commissioner Scheuerer moved to close public testimony on case PH2017-55, seconded by Commissioner Duspiva. Voice vote, motion carried.

MOTION: Commissioner Scheuerer moved to approve case PH2017-55 and adopt the recommended Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written, seconded by Commissioner Carrell. Roll call vote 4 in favor and 0 opposed.

ITEM #6 JJ Hess LLC

CASE: PH2017-28

Case No. PH2017-28 – JJ Hess, LLC is requesting a Rezone of approximately 11.29 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. The subject property, R30795 is located at 17178 Madison Rd., Nampa Idaho, in a portion of the SE ¼ of Section 3, T3N, R2W, BM, Canyon County, Idaho.

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

Commissioner Levi: is recused

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony in favor:

William Mason – 826 3rd st so Nampa Idaho – applicant representative in favor

- Mr. Mason is with Mason and Associates, representing the applicants and agrees with the staff report and agency requirements.

Testimony in neutral: None

Testimony in opposition: None

MOTION: Commissioner Scheuerer moved to close public testimony on case PH2017-28, seconded by Commissioner Carrell, voice vote, motion carried.

MOTION: Commissioner Scheuerer moved that we recommend approval of case PH2017-28 and adopt the Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written and forward our recommendation to the Board of County Commissioners. Seconded by Commissioner Duspiva. Roll call vote, 4 in favor, 0 opposed, motion carried.

ITEM #7 JJ Hess Living Trust

CASE: PH2017-29

JJ Hess Living Trust is requesting a **Rezone** of approximately 34 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. The subject property, R30807-010 is located on the west side of Madison Road, approximately 1320 feet north of the intersection of Madison Road and Cherry Lane, Nampa, Idaho, in the SW ¼ of Section 3, T3N, R2W, BM, Canyon County, Idaho.

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

Commissioner Levi: is recused

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony in favor:

William Mason – 826 3rd st so Nampa Idaho – applicant representative in favor

- Mr. Mason is with Mason and Associates, representing the applicants and agrees with the staff report and agency requirements.
- This proposal will include the development of two lots on a five acre piece, leaving the rest that is on the other side of Mason creek as farm ground. Even though the intention is to leave the farm ground, the entire property has to be rezoned.
- City services are not going to be available in this area for many years.

Testimony in neutral: None

Testimony in opposition: None

MOTION: Commissioner Scheuerer moved to close public testimony on case PH2017-29, seconded by Commissioner Duspiva, voice vote, motion carried.

MOTION: Commissioner Scheuerer moved that we recommend approval of case PH2017-29 and adopt the Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written and

forward our recommendation to the Board of County Commissioners. Seconded by Commissioner Duspiva. Roll call vote, 4 in favor, 0 opposed, motion carried.

ITEM #8 APPROVAL OF MINUTES:

a. October 5, 2017

MOTION: Commissioner Carrell moved to approve the minutes of October 5, 2017 as written, seconded by Commissioner Scheuerer. Voice vote, motion carried.

ITEM #9 PLANNER & COMMISSION COMMENTS:

- Director Patricia Nilsson briefed the Commissioners on the applications currently being accepted by the BOCC for P&Z commission candidates.
- There is an upcoming meeting with FEMA regarding Hazard mitigation, the commissioners are invited to attend.

ITEM #10 ADJOURNMENT: 8:53 pm

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

Signed this 2nd day of November, 2017

Richard Hall, Chairman

ATTEST:

Kathy Frost, Recording Secretary