



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

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

**Commissioners Present:** Richard Hall, Chairman  
Rick Fried, Vice Chairman  
Sandi Levi, Secretary  
John Carpenter, Commissioner  
Rob Sturgill, Commissioner  
Patrick Williamson, Commissioner

**Staff Members Present:** Patricia Nilsson, Director  
Jennifer Almeida, Planner  
Debbie Root, Planner  
Kyle McCormick, Planner  
Dan Lister, 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.

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**OLD BUSINESS:** None

**NEW BUSINESS**

**ITEM #1 Curtis & Sharon Urrutia** **CASE: PH2017-65 & 66**  
Case PH2017-65 & 66 is withdrawn by the applicant.

**ITEM#2 Audrey Bath** **CASE: CU-PH2017-71**  
Case No. CU Mod-PH2017-71: Audrey Bath is requesting a conditional use permit for a private kennel housing a maximum of 16 dogs on parcel R29992011 (0.99 acres). The proposed location is 15283 Lake Shore Drive, Caldwell, Idaho.

**MOTION:** Commissioner Fried moved to table Case CU-PH2017-71 to date certain, February 1, 2018. Seconded by Commissioner Sturgill. Voice vote, motion carried.

**ITEM #3 Josh & Rebecca Knott** **CASE: PH2017-67**  
Josh & Rebecca Knott are requesting a Conditional Rezone of approximately 47.42 acres from an "A" (Agricultural) zone to a "CR-RR" (Conditional Rezone- Rural Residential) zone. Also requested is approval of a Development Agreement which would restrict the development of the site to one (1) residential building permit on 47.42 acres. The subject property is located approximately 1325 ft. east of Hwy 95 and approximately 1118 ft. north of Old Fort Boise Rd., Parma, Idaho in a portion of the SW ¼ of Section 28, T6N, R5W, BM, Canyon County, Idaho.

**Planner Jennifer Almeida**, reviewed the staff report for the record, including late exhibit #15.

**Chairman Richard Hall**, affirmed the witnesses to testify and entered late exhibit #15 into the record.

**Testimony in favor:**

**Josh Knott- PO Box 294 Parma ID 83660- Applicant in favor**

- Our proposal is to build on the Northwest corner, shown in exhibit #14, this is dry land and is not being farmed. We want to build a home on the property.

**Testimony in neutral: none**

**Testimony in opposition: none**

**MOTION:** Commissioner Levi moved to close public testimony on Case PH2017-67, seconded by Commissioner Williamson. Voice vote motion carried.

**MOTION:** Commissioner Carpenter moved to recommend approval to the Board of County Commissioners Case PH2017- 67, the Conditional Rezone and adopt the Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written. Seconded by Commissioner Sturgill. Roll call vote, 6 in favor 0 opposed. Motion carried.

**MOTION:** Commissioner Fried moved to recommend approval to the Board of County Commissioners Case PH2017-67, the Development Agreement and adopt the Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written. Seconded by Commissioner Sturgill. Roll call vote, 6 in favor 0 opposed. Motion carried

**ITEM #4 Muffin Subdivision**

**CASE: PH2017-38**

Dan Robertson for approval of a Preliminary Plat, Final Plat and Irrigation Plan for Muffin Subdivision. Also requested are Waivers of curb, gutter, sidewalks, landscape, and streetlights. The development consists of six (6) residential lots and one (1) road lot and is located in an R-2 (combined medium-density zone). The subject properties are located at 3519 Muffin Ln., Caldwell, Idaho, in a portion of the SE ¼ of Section 36, T4N, R3W, BM.

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

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

**Testimony in favor:**

**T J Wellard – 21851 Upper Pleasant Ridge Rd Caldwell - Applicant representative – in favor**

- The property currently consists of three parcels with 5 homes, the owner is moving off the property and wants to sell the property as five parcels each with one home. Roads, wells, septic are already in place.
- The City of Caldwell has stated that they are in agreement with the waiver on curbs, gutters and sidewalks.
- Portions of the property are flood irrigated, there is a collection ditch for run off. Each lot owner will determine how they will irrigate their lawns.
- Currently wells & septic systems are shared, there will be a realignment coordinating with Southwest District Health, this will be done before the final plat is signed.
- Eventually this property will be annexed into the city of Caldwell, at that time irrigation will be pressurized and city services will be brought in.
- Most infrastructure is in place and is working.

**Testimony in neutral: none**  
**Testimony in opposition: none**

**MOTION:** Commissioner Levi moved to close public testimony on Case PH2017-38, seconded by Commissioner Williamson. Voice vote motion carried.

**MOTION:** Commissioner Carpenter moved to recommend approval of Case PH2017-38 to the Board of County Commissioners, a request for approval of the Preliminary Plat, Irrigation Plan, and Waivers for Muffin Subdivision and adopt the Findings of Fact, Conclusions of Law, Conditions of Approval and Order with additional Conditions #5, #6, #7. Seconded by Commissioner Fried. Roll call vote, 6 in favor 0 opposed. Motion carried.

**ITEM#5 Idaho Materials & Construction** **CASE: CU-PH2017-49**

Idaho Materials and Construction is requesting a long term (10 year) mineral extraction permit on approximately 23 acres of parcel R34595010. The property lies within an AE special flood hazard area and within the Boise River Floodway. The subject property is located adjacent to the west boundary of 21943 Look Lane, Caldwell, ID and is further described as a portion of the NW quarter of 07-4N-3W, BM, Canyon County, Idaho.

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

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

**Testimony in favor:**

**Todd Lakey** – 141 E Carlton Meridian –Applicant representative in favor

- Agree with staff report, there has been no opposition to the extension by neighbors.
- This is an extension not an intensification, there will not be any extraction in the floodway.
- The character of the area is well established as a gravel operation.
- Access is from Hwy 20-26.

**Testimony in neutral: none**  
**Testimony in opposition: none**

**MOTION:** Commissioner Fried moved to close public testimony on Case PH2017-49, seconded by Commissioner Levi. Voice vote motion carried.

**MOTION:** Commissioner Fried moved to approve case CU-PH2017-49 based upon the Findings of Fact and Conclusions of Law, and Conditions of Approval and Attachments “A” and “B”. Seconded by Commissioner Williamson. Roll call vote, 6 in favor, 0 opposed. Motion carried.

**ITEM #6 James & Patricia Gibson** **CASE: CU-PH2017-46 & SD-PH2017-47**

James and Patricia Gibson are requesting a conditional use permit to operate an RV and mini-storage facility on parcel R32900-100 & R32900-011. The applicants are also requesting approval of a Preliminary Plat, Final Plat and Irrigation & Drainage Plan for Canyon Lakes Estates Subdivision Phase 2 on the same parcels, R32900-100 & R32900-011. The subdivision consists of one (1) lot. The subject properties are zoned C-1 (Neighborhood Commercial) and located at 15885 & 15903 Karcher Road. They can further be described as a portion of the NW ¼ of the NW ¼ of Section 16 Township 3 North Range 3 West, BM, Canyon County, ID.

**Planner Kyle McCormick**, reviewed the staff report for the record, including late exhibits #30, 31, & 32.

## **Commissioner Carpenter is recused**

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

### **Testimony in favor:**

#### **Caleb LaClair – 332 N Broadmore Way – Applicant representative in favor**

- Agree with staff report and conditions of approval. We have worked with all agencies involved in the process. Adjustments have been made in response to the traffic study that was conducted. The fire district has approved the fire protection plan.
- Fencing materials and setbacks of buildings have been adjusted in response to neighbor concerns. The location of the septic dump station has been moved to meet concerns, however the applicant has made a decision to not create a dump station at this time, due to costs and other options that are available currently for dumping. That may be revisited when city services are available in the area.
- There is an easement requirement in place in the event of future road improvements if the property is annexed into the city of Caldwell.
- Approximately 1 out of the 6 plus acres will be irrigated, for landscaping purposes. Landscaping is not determined yet. The exterior surface will be heavy gravel.

#### **James Wieting – 348 W Parkcenter Blvd Boise ID – Applicant representative – in favor**

- Mr. Wieting is the builder on the project, based out of Boise. The buildings are not over 18 feet high at the tallest peak. The facility will be aesthetically pleasing, we work hard to make sure storage facilities we build are low impact and beautiful.

**MOTION:** Commissioner Levi moved to allow additional time to view a video Exhibit # 34, provided by Mr. Wieting. Seconded by Commissioner Fried. Voice vote, motion carried.

- Video of storage facilities in the surrounding areas built by Forage builders.

### **Testimony in neutral:**

#### **Troy Hale – 15838 Canyon Lake Caldwell -in neutral**

- Home owner association president for the Subdivision behind the proposed facility. We are concerned about the fencing on the south and east side of the facility, which is against our property lines. The six foot vinyl fencing we have is residential fencing and is not suitable for this type of facility. It should be an adequate commercial fence that will provide security and safety, for the neighboring properties as well as the facility.
- The original location of the sewer dump was an issue, however since they are abandoning that for now it is not a concern.

#### **Steve Bain – 15964 Canyon Lake, Caldwell – in neutral**

- Concerns are the fencing, do not feel vinyl is adequate, and it should be higher than 6 feet, closer to 8 to 10 feet would be better. Also concerned that the entrance is not going to be adequately landscaped to provide a visual barrier to my property.

#### **Zac McGee – 15967 Canyon Lake St, Caldwell – in neutral**

- Agree with previous speakers concerns.

**Testimony in opposition:**

**Lee Roberson – 15761 Eclipse Dr. Caldwell ID – in opposition**

- The 90 foot setback may not be enough to accommodate the future widening of the road. Concerned about people blocking traffic at the intersection, when they are trying to get into the facility.
- Landscaping should be on the south side of the facility as well as the front. The dump station is a concern, it should not be a part of the facility. I do not feel we need another storage facility.

**David Statner – 15813 Riverside Rd. Caldwell – in opposition**

- Mr. Statner owns and operates a storage facility in the area, that is about half built out. Having another storage facility will damage my business, and the others in the area.

**Rebuttal:**

**Caleb LeClair – 332 N Broadmore way – Applicant Representative in favor**

- The road widening is taking place on Farmway road, not Karcher Road. The building setback on Karcher road is 90 feet and will accommodate 70 feet of future right of way for Idaho Transportation Department, from the center of the road.
- The main entry into the site is on Farmway road, approximately 400 feet south of Karcher road, leaving a large distance for an RV to stop and make a left turn into the site. There is adequate turn lanes and the gate is setback far enough to allow RV's to be completely off of the road when accessing the site.
- Landscaping is minimal on the south side because there will be a solid fence built on that boundary.
- The dump station is not in the picture now, so will not create an issue.
- There will be a caretaker living onsite fulltime, as well as cameras to provide security.

**MOTION:** Commissioner Fried Moved to close public testimony on Case CU-PH2017-46 & SD-PH2017-47, seconded by Commissioner Sturgill. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to recommend approval of Case SD-PH2017-47 to the Board of County Commissioners, a request for approval a Preliminary Plat, Final Plat and Irrigation and Drainage Plan, for Canyon Lakes Estates Subdivision as well as the Findings of Fact, Conclusions of Law, Conditions of Approval. Seconded by Commissioner Fried. Roll call vote, 5 in favor 0 opposed. Motion carried.

**MOTION:** Commissioner Levi moved to table Case CU-PH2017-46 to follow Item #7 on the Agenda, allowing staff to bring back revised Findings of Fact and Conclusions of Law and Conditions of Approval. Seconded by Commissioner Williamson. Voice vote motion carried.

**MOTION:** Commissioner Fried moved to approve the revised Findings of Fact and Conclusions of Law and Conditions of Approval & Order for Case #CU-PH2017-46, specifically Item # 15. Seconded by Commissioner Sturgill. Roll call vote, 5 in favor, 0 opposed. Motion carried.

**ITEM#7 Kevin & Elizabeth Garland**

**CASE: PH2017-76**

The applicant, Elizabeth Garland, is requesting a Conditional Use Permit to allow a temporary non-commercial dog kennel in an "A" (Agricultural) Zoning District. The property is addressed at 9152

Northview Road, Middleton, also known as tax parcel R23751, and located in a portion of the SE quarter of Section 21, Township 5N, Range 2W, BM, Canyon County, Idaho.

**Planner Dan Lister**, reviewed the staff report for the record, including late exhibits 17, 18, 19, 20, 21, 22, 23.

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

**Testimony in favor:**

**Elizabeth Garland - 9152 Northview Middleton, Idaho - Applicant in favor**

- Originally we had planned to put in invisible fencing, to make sure the dogs stayed within boundaries. 5 of the dogs are personal pets, of different mixed breeds, including pit bull. They are between 9 & 11 years old except for two, and most of them are rescue dogs, the goal is to let them live out the rest of their lives. They have various medical conditions. I am a registered Vet Tech, working in emergency medicine and have the ability to provide the medical care that they need.
- Our goal is to retire and spend summers overseas, therefore we have no plans to replace the dogs as they expire.
- We plan to install an "Old Hickory" barn to house the dogs. I am moving my job to Idaho and my husband is home during the day. Someone will always be home with the dogs. We have taken steps to keep the dogs contained, depending on their abilities.
- We were not aware that we could not have the dogs on our property and as soon as we were aware we began the process to be in compliance. We are waiting for this process to be completed before we move forward and spend money making the necessary changes. We have addressed and made changes necessary to keep the dogs in the yard.

**Kevin Garland - 9152 Northview Middleton, Idaho - Applicant in favor**

- Live onsite and am home most of the time.

**Testimony in neutral:**

**Kari Points - 26600 Gail Ln Middleton, Idaho - in neutral**

- Concerned about the existing zoning, which is Agricultural however this area has more of a residential feel. This should be considered when making a decision on this project.
- The future structures, noise and safety are all a concern. The existing structures are makeshift and not in good repair for adequate shelter. Dog collars are not a good remedy as they cause aggression in dogs.
- There is a bus stop located across from the proposed site, the property has been sold multiple times and is transient in nature as I feel the current owners are. I question the financial ability of the owners to build and maintain a new structure?

**Carol Billing - 26645 Gail Ln Middleton Idaho - in opposition**

- Agree with previous speaker, the conditions that the dogs have been living in is not good.
- I run in front of the property as do four other people in the neighborhood, there is no other area to run. The dogs bark every time someone passes by and they are scary dogs. The other

dogs in the neighborhood are not as threatening. I have witnessed the dogs fighting with each other.

**Rebuttal:**

**Elizabeth Garland - 9152 Northview Middleton, Idaho - Applicant in favor**

- I have 20 years of experience with dogs and know that bark collars do not cause aggression.
- If there had been two dogs fighting to the degree mentioned there would have been evidence on the dogs, I have not seen any marks on the dogs to indicate fighting.
- We have enough money to make the required improvements, we have not done so yet, pending the outcome of this case. We do not want to put money into the project if we are denied, resulting in us having to move. I do believe the concern is due to the breed. There is no bite history with any of my dogs. They live with cats, they have lived with ferrets and a variety of other animals and have never killed anything. They are not especially big, most are within 45 -60 lbs. The dog with the biggest barking issue has no ears and I believe he does not know he is making noise, he is not at the home often, as he is usually with me in California or inside the home.
- The sheds onsite currently are horse loafing sheds that were professionally installed. The ramshackle shed that was mentioned is a chicken coop that was on the property when we purchased it, we are in process of taking it down and it will not be used for housing animals.
- Agree to conditions of fencing and placement of fence.

**MOTION:** Commissioner Fried moved to close public testimony on Case #PH2017-76, seconded by Commissioner Sturgill. Voice vote, motion carried.

**Exhibit #24 entered into the record.**

**MOTION:** Commissioner Carpenter moved to approve Case PH2017-76 with modified conditions, Item #1, if compliance is not obtained by April 30, 2018, that 5 dogs will be removed. Item # 3 dogs will not be replaced once they expire. Item # 4 all fencing around the property shall be maintained so dogs do not run at large. Item #5 a minimum 50 foot setback from the street side property line, with a 6.5 foot chain link or better fence causing a closed perimeter. Item #6 there shall be no loose dogs in the setback area. Seconded by Commissioner Fried. Roll call vote 5 in favor, 1 opposed. Motion carried.

**MOTION:** Commissioner Carpenter moved to approve the revised Findings of Fact and Conclusions of Law and Conditions of Approval for Case #PH2017-76, seconded by Commissioner Fried. Roll call vote, 5 in favor 1 opposed. Motion carried.

**ITEM #8 APPROVAL OF MINUTES:**

**a. December 7, 2017**

**MOTION:** Commissioner Sturgill moved to approve the Minutes of December 7, 2017 as written, seconded by Commissioner Williamson. Voice vote motion carried.

**ITEM #9 DIRECTOR, PLANNER, & COMMISION COMMENTS: None**

**ITEM #10 ADJOURNMENT: 11:57 PM**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Levi. Voice vote Motion carried.

**Signed this 18<sup>th</sup> day of January, 2018**

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Chairman

**ATTEST:**

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Kathy Frost, Recording Secretary