



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, March 15, 2018 6:30 P.M.**

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

Commissioners Present: Richard Hall, Chairman
Rob Sturgill, Vice Chairman
Sandi Levi, Secretary
Rod Garrett, Commissioner
Patrick Williamson, Commissioner

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

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

Commissioner Sturgill proceeded to the business items on the Agenda.

OLD BUSINESS:

ITEM #1 Richard Dunning **CASE:RZ-PH2017-68**

Richard Dunning has requested to rezone parcel R33843, approx. 3.96 acres from "RR" (Rural Residential) to an "R1" (Single Family Residential) zone for the purpose of creating three (3) residential lots on the acreage. This property contains greater than 10% slope. The subject property is located at 8571 Latimore Drive, Middleton, Idaho and is further described as being a portion of the northwest quarter of Section 03, Township 4N, Range 2W, BM, Canyon County.

MOTION: Commissioner Garrett moved to table Case RZ-PH2017-68 to date certain 6/7/2018. Seconded by Commissioner Williamson, voice vote motion carried.

ITEM #2 Serenity Hill Ranch **CASE: PH2017-79**

MOTION: Commissioner Williamson moved to accept the revised Findings of Fact, Conclusions of Law and Conditions of Approval, as written, denying Case PH2017-79, a request for a Conditional Use Permit to operate a special events facility on approximately 8.33 Acres. Voice vote, motion carried.

NEW BUSINESS:

ITEM #3 David & Lorene Alley **CASE: PH2018-12**

The applicant, Jose Osuna, is requesting a Conditional Use Permit to allow staging area and contractor shop uses within an "A" (Agricultural) Zoning District. The subject property is located at 3406 Homedale Road, Caldwell, ID (Parcel R32728010); also referenced as the NE Quarter of Section 11, Township 3N, Range 3W, Canyon County, Idaho.

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

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony in favor:

Lorene Alley – 20885 Fish Rd Wilder ID – Applicant in favor

- Agree with staff summary. We want to make the 3 acres that are not being used available for sale with building permits.

Mike Fisher – 5696 N Eyansford, Meridian ID – in favor

- The purchaser of the 3 acres and will cover all of the cost of development. Will not have a problem getting the project done in the one year timeline.

Testimony in neutral: none

Testimony in opposition: none

MOTION: Commissioner Sturgill moved to close public testimony on Case PH2018-12, Seconded by Commissioner Williamson, voice vote motion carried.

MOTION: Commissioner Garrett moved to approve Case PH2018-12, including the Findings of Fact, Conclusions of Law and Order and Conditions of Approval. Seconded by Commissioner Sturgill. Roll Call vote, motion carried 5 in favor 0 opposed.

ITEM # 4 Cindy Greiner

CASE: PH2018-9&10

David Mark Stubblefield and Linda J. Stubblefield represented by Cindy Greiner are requesting a Comprehensive Plan Map Amendment of parcel R34129 from Residential to Industrial. The applicants are also requesting a Rezone of the same parcel from Agricultural (A) to Light Industrial (M-1). The subject property, R34129, is located in the SW ¼ of Section 20, T4N, R2W, BM, Canyon County, Idaho.

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

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony in favor:

Cindy Greiner – 2016 W Newberry Ct Eagle ID – Applicant in favor

- We have owned a precast company called Valley Precast for 20 years. Moved to this property 10 years ago and lease the property. We are on a year to year lease and are concerned about not having a place to do business if our lease is terminated. The proposed property is an ideal location. The rezone will make it possible to expand business to a batch plant in the future. We will work with ITD if we expand and need a new access point. We have 15 employees and make septic tanks and manholes.

Testimony in neutral: none

Testimony in opposition: none

MOTION: Commissioner Garrett moved to close public testimony on Case PH2018-9 & 10, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Garrett moved to recommend approval to the Board of County Commissioners Case PH2018-9, including the Findings of Fact, Conclusions of Law. Seconded by Commissioner Sturgill. Roll call vote, motion carried 5 in favor, 0 opposed.

MOTION: Commissioner Garrett moved to recommend approval to the Board of County Commissioners, Case PH2018-10, including the Findings of Fact, Conclusions of Law. Seconded by Commissioner Williamson. Roll call vote, motion carried 5 in favor, 0 opposed.

ITEM # 5 Grant Settle

CASE: PH2018-8

The applicant, Grant Settle, is requesting a conditional use permit to allow dog kennel uses within an "A" (Agricultural) Zoning District. The dog kennel will house a maximum of 20 dogs (retrievers). The subject property is located at 9903 Viewpoint Drive, Melba, ID (Parcel R28536-011); also referenced as the NE Quarter of Section 21, Township 1N, Range 2W, Canyon County, Idaho.

Planner Dan Lister, reviewed the staff report for the record, including a late exhibit, a change of terms to condition 1C.

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

Testimony in favor:

Grant Settle – 9903 View Point Dr Melba ID – Applicant in favor

- Was unaware that the shed needed a building permit, we will get a permit to be in compliance.
- Currently in Military and will be retiring next year. Have been in the retriever business for a long time, they are field trial retrievers, they will not run at large. I will be living onsite and do not want the facility to be a nuisance to me or my neighbors. The indoor facilities work the best, they are quiet and climate controlled. When the dogs are taken outside for exercise they wear bark collars.
- Clients come from all over the country and I want a high quality facility.

Testimony in neutral: none

Testimony in opposition: none

MOTION: Commissioner Williamson moved to close public testimony on Case PH2018-8, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Sturgill moved to approve Case PH2018-8, including the Findings of Fact, Conclusions of Law and Conditions of Approval, allowing a dog kennel for up to 20 dogs on parcel R28536011. Seconded by Commissioner Williamson. Roll call vote, motion carried 5 in favor, 0 opposed.

ITEM #6 Mabry Subdivision

CASE: PH2017-18

A request by Mark & Mabry Brice for approval of a Preliminary Plat, Irrigation Plan and Waivers of curb, gutter, sidewalk, and landscaping for Mabry Estates Subdivision. The development consists of three (3) residential lots and one (1) agricultural lot and is located in a "CR-R-1" (Conditional

Rezone -Single Family Residential zone). The subject property is located at 7244 Ustick Rd., Nampa, Idaho, in a portion of the SE ¼ of Section 35, T4N, R2W, BM, Canyon County, Idaho.

Commissioner Levi is recused

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

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony in favor:

Mark Brice 7244 Ustick Rd Nampa ID – Applicant in favor

- This property was purchased with the intent to divide into parcels for our family members to live, there will be 3 residential lots and one 13 acre agricultural lot. Currently living on the property. The agricultural lot is leased to a farmer.

Don Lardy – 1324 1st street south Nampa ID – in favor

- Clarification of where city services are currently.

Testimony in neutral: none

Testimony in opposition: none

MOTION: Commissioner Sturgill moved to close public testimony on Case PH2017-18, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Based upon the Findings of Fact, Conclusions of Law and Conditions of Approval, Commissioner Williamson moved to recommend approval to the Board of County Commissioner for Case PH2017-18. Seconded by Commissioner Garrett. Roll call vote, motion carried 4 in favor, 0 opposed.

ITEM #7 Virgil Iovu

CASE: PH2018-6

Virgil Iovu is requesting a Rezone of approximately 2.92 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. The subject property, R293032510 is described as Lot 2 Block 1 of Coyote Cove Subdivision No. 2 and is located in the NE ¼ of Section 6, T2N, R2W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record, including late exhibits #21, #22, #23

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

Testimony in favor:

T J Wellard - 21851 Upper Pleasant Ridge Road – Applicant Representative in favor

- Requesting a rezone to an R1, single family residential, Mr. Iovu currently resides in the subdivision on a 2.92 acre lot, and wants to split the property with a little over an acre and build a new home on the remaining acreage. They are caring for the entire property by themselves and have an in home care giving business, it is too much for them.

- The proposed zone change is more appropriate than the current zone because it is currently Ag but it is in a subdivision with no lots larger than 4 acres. The surrounding area is zoned residential.
- CCR's are not a part of this case, however this proposal does not violate the current CCR's. Property owner rights should supersede personal feelings. This rezone will not affect other lots in the subdivision.

Testimony in neutral: none

Testimony in opposition:

David Martin 11253 Greenhurst Nampa ID 83686 – in opposition

- Purchased the 45 acres that make up this subdivision 20 years ago, with the intent of building our house and subdividing the rest into large lots that preserve open space and protect people's views. We intended to not allow any additional subdivisions but were advised that it may not hold up in court in the event that the city expands into the area. This is why it is not in the CCR's.
- This rezone is a precursor to future splits, we have discouraged this type of process in the past and this could impact future requests. This will negatively affect the space and the views that we currently enjoy. There is not adequate irrigation water to add more members.

Daniel Ehnstrom 11951 Meredith Ct Nampa ID 83686 – in opposition

- Secretary-Treasurer of the Home Owners association which includes 17 properties.
- There are horses and cattle on some of the properties in the subdivision, the original developers designed the property in order to provide a view of the lake and the mountains. There is a rural feel that we would like to maintain, and do not want an increased density in the subdivision. We have had a request in the past to subdivide and we denied the request and they complied.
- This is against the CCR's and we do not want to set a precedence for the future.
- We have 22 users on the irrigation well, users are assigned 16 hours per week, and the pressure can be low.

Rebuttal:

T J Wellard - 21851 Upper Pleasant Ridge Road – Applicant Representative in favor

- The city of Nampa boundaries are a little over 600 feet from this property
- The property does have a current building envelope that will be followed if the rezone is approved.
- Nothing in the CCR's prohibit this process.
- Dividing the land will take less not more irrigation water.
- The lot is in the southeast corner of the subdivision and is not part of the community subdivision, it has a separate access point.

MOTION: Commissioner Sturgill moved to close public testimony on Case PH2018-6, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Sturgill moved to recommend denial of Case PH2018-6, and direct staff to bring revised Findings of Fact to the Commission at the next meeting (4/5/2018) based on Item C: that the proposed rezone is not compatible with the surrounding land uses. And Item D: that the

proposed use will negatively affect the character of the area. Roll call vote, motion passes with 5 in favor and 0 opposed.

ITEM #8 APPROVAL OF MINUTES:

a. March 1, 2018

MOTION: Commissioner Garrett moved to approve the Minutes of March 1, 2018 as written, seconded by Commissioner Sturgill. Voice vote motion carried.

ITEM #9 COMMISSIONER, DIRECTOR, PLANNER COMMENTS:

- Director Nilsson updated the Commissioners on BOCC cases, the Ag Forum, the Compass activities and staff changes within the DSD.

ITEM # 10 ADJOURNMENT: 8:50 PM

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

Signed this 5th day of April, 2018

Chairman Richard Hall

ATTEST:

Kathy Frost, Recording Secretary