



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, May 3, 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
Rick Fried, Commissioner
Rod Garrett, Commissioner
Patrick Williamson, Commissioner
John Carpenter, Commissioner

Staff Members Present: Patricia Nilsson, Director
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.

OLD BUSINESS:

ITEM #1 Joe Rodriguez

CASE: PH2018-5

Joe Rodriguez is requesting a Rezone of approximately 9.00 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The subject property, parcel R32703010 is located approximately 681 ft. east of Farmway Rd., at the end of the cul-de-sac for Buckaroo Circle, in a portion of the SW ¼ of Section 9, T3N, R3W, BM, Canyon County, Idaho.

MOTION: Commissioner Garrett moved to table Case PH2018-5 to date certain May 17, 2018. Seconded by Commissioner Sturgill. Voice vote, motion carried.

ITEM #2 Maverick Towers

CASE: PH2018-17

The applicant, Maverick Towers, is requesting a Conditional Use Permit to allow the installation and operation of an unmanned telecommunications co-location facility which includes a 110 foot monopole tower. The property is located at 22245 Can Ada Road, Star (Parcel R34007), also known as the portion of the SE quarter of Section 12, Township 4N, Range 2W, BM, Canyon County, Idaho.

Planner Dan Lister, reviewed the staff report for the record, including late exhibits 8, 9, 10

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

Testimony in favor:

Nadine Bostwick – 10492 W Cory St Boise ID 83686 – Applicant representative in favor

- The proposed property is zoned Agricultural, this is an approved use in the Ag zone.
- 24 notices were mailed to neighbors, with 5 attending. There was no opposition attending the neighborhood meeting.
- We develop sites that can accommodate up to 4 carriers. Site builds are not speculative, a lot goes into selecting a site to determine the need in an area. Testing is done according to Agency requirements. Coverage in this area is poor and very limited and with the growth that is happening in this area it is only going to get worse. Safety is impacted when service is poor relating to 911 calls.
- Carriers are responsible for putting their equipment on the tower and maintaining their equipment.

Paul Van Wassenhove – 22245 N Can Ada Road, Star ID 83669 – in favor

- I live in the area, the cell service in proposed area, is poor. My home has good service, however just up the road it is non-existent, people pull into my driveway or stop in front of my home to get service.

Deejay Ballon – 958 Crews way, Star ID 83669 – in favor

- I live in an area that has almost no service, we use Verizon and AT&T in our home and we have very poor signal, the growth in the area is eating up the bandwidth. We need this tower. I notice that service is worse when traffic is higher.

Testimony in neutral: none

Testimony in opposition:

Kay Cherry – 22349 N Can Ada Rd, Star ID 83669 – in opposition

- We were out of town when the neighborhood meeting was held. We requested information from Nadine Bostwick and it was provided to us.
- We do not have trouble with our cell service and we are concerned about the health issues resulting from radiation emitted from cell towers.
- This tower would be located right next to our property and we are opposed to it.

Kim Cherry – 22349 N Can Ada Rd, Star ID 83669 – in opposition

- The proposed site is 80 feet from our property line.
- I have ALS and my health has improved by using natural remedies, concerned about the effect the radio waves will have on my health.
- I know the need for better service exists and I have no suggestions as to where it should go, but I am opposed to having it here.

Steve Givens – 22445 N Can Ada Rd, Star ID 83669 – in opposition

- I have had my property since 1946, the tower site is directly in front of us and we do not want to see it. It should be located closer to more dense property. The tower is not needed, there are enough towers in the area already.

Rebuttal: Nadine Bostwick – 10492 W Cory St Boise ID 83686 – Applicant representative in favor

- Towers are highly regulated by the Federal Communications Commission. Relating to health concerns, local jurisdictions cannot deny due to health concerns because that is federally regulated. While people do not want to see the towers the service they provide is necessary. There is a significant need for the tower in this area.

MOTION: Commissioner Sturgill moved to close public testimony on Case PH2018-17 Seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Garrett moved to deny Case PH2018-17, and direct staff to bring back revised Findings of Fact and Conclusions of Law on May 17, 2018. Siting Item #4, that approval would be injurious to other property owners in the immediate vicinity and that the design of a tower is not consistent with the area. Seconded by Commissioner Levi. Roll call vote, 4 in favor 3 opposed. Motion carried.

NEW BUSINESS:

ITEM #3 Newby Subdivision

CASE: SD-PH2018-4

A request by Ben Newby for approval of a Preliminary Plat, Irrigation & Drainage Plan for Newby Subdivision. The development consists of two lots including one residential lot and one restricted agricultural only lot and is conditionally zoned Rural Residential (CR-RR) subject to Development Agreement 17-119. The subject property is located in a portion of the NE quarter of Section 22, Township 3N, Range 4W, approximately 1330 feet south and west of the intersection of Apricot Road and State Highway 55.

Commissioner Williamson is recused.

Planner Debbie Root, reviewed the staff report for the record, including late exhibit #10.

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

Testimony in favor:

William Mason with Mason and Associates – 826 3rd St So Nampa ID 83651 – Applicant representative

- ITD has requested that we change the access permit and update it to reflect that it is a residential approach. We are complying with ITD and Highway District requirements.

Testimony in neutral: none

Testimony in opposition: none

MOTION: Commissioner Sturgill moved to close public testimony on Case SD-PH2018-4, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to approve Case SD-PH2018-4, including the Findings of Fact, Conclusions of Law and Conditions of Approval, and forward our recommendation to the Board of County Commissioners. Seconded by Commissioner Garrett. Roll call vote, 6 in favor and 0 opposed.

ITEM #4 Marsing Rural Fire District Sub Station

CASE: CU2018-0003

Case No. CU2018-0003: Hummel Architects on behalf of the Marsing Rural Fire District is requesting to locate a fire sub-station on parcel R33082012 located at the northwest corner of Marsing Road and Walker Lake Road intersection. The 1.67 acre subject property is further described as a portion of the SW quarter of Section 31, Township 3N, Range 3W, BM, Canyon County, Idaho.

Planner Debbie Root, reviewed the staff report for the record, no late exhibits

Chairman Richard Hall, affirmed the witness to testify

Testimony in favor:

Brian Coleman – 2785 N Bogus basin Rd, Boise ID 83702- Applicant representative in favor

- Marsing Rural Fire District is 90 square miles, between Owyhee County and Canyon County. This proposal stems from the need to decrease response time. There was a levy increase passed that allowed this project to proceed. The property was donated to allow us to build a substation. Entrance will be Walker Rd and exit will be onto Marsing Road. The only other station is located in the City of Marsing.

Testimony in neutral: None

Testimony in opposition: None

MOTION: Commissioner Sturgill moved to close public testimony on Case CU2018-0003, seconded by Commissioner Fried. Voice vote motion carried.

MOTION: Commissioner Levi moved to approve Case CU2018-0003, including the Findings of Fact, Conclusions of Law and Conditions of Approval. Seconded by Commissioner Williamson. Roll call vote, 7 in favor and 0 opposed.

ITEM #5 David Babbel

CASE: PH2018-21

The applicants, David and Leslie Babbel, are requesting a variance to reduce the required side yard setback (CCZO §07-10-21) from 10 feet to 5 feet and the required rear yard setback from 20 feet to 5 feet. The subject parcel (R21552-528) is zoned "A" (Agricultural). The subject property is located at 15180 Trinity Lane, Caldwell, ID; also referenced as Lot 28 of Block 2 within the Dublin Lakeside Estates.

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

Chairman Richard Hall, affirmed the witness to testify.

Testimony in favor:

David Babbel –15180 Trinity Ln Caldwell ID 83607 - Applicant in favor

- We would like to put in a pool, the size of our lot and the location of the septic system and drain field require a variance. There are no objections from the neighbors.

Testimony in neutral: None
Testimony in opposition: None

MOTION: Commissioner Garrett moved to close public testimony on Case PH2018-21, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Garrett moved to approve Case PH2018-21, including the Findings of Fact, and Conclusions of Law. Seconded by Commissioner Sturgill. Roll call vote, 7 in favor and 0 opposed.

ITEM #6 Hopster Beverage Company **CASE: CU2018-0001**

Hopster Beverage Company (Christian Obendorf) is requesting a **Conditional Use Permit** for a food processing facility to produce tea on parcel no. R39028. The subject property is located at 26496 Deb Lane, Parma, Idaho, in Section 23, T5N, R5W, BM, Canyon County.

CASE: CU2018-0001, is withdrawn.

ITEM #7 James & Kerri Ekard **CASE: CU2018-0002**

The applicants, James and Kerri Ekard, are requesting a conditional use permit to allow a commercial dog kennel use within an "A" (Agricultural) Zoning District. The dog kennel will house a maximum of 25 dogs. The subject property is located at 3023 HWY 45, Melba, ID (Parcel R28516-010); also referenced as the SE Quarter of Section 16, Township 1N, Range 2W, Canyon County, Idaho.

Planner Dan Lister, reviewed the staff report for the record, including late exhibit #6.

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

Testimony in favor:

Kerri Ekard – 3023 Hwy 45 Melba ID 83641 - Applicant in favor

- This will be a small commercial boarding kennel with indoor and outdoor runs, with a solid fence. Hours of operation will be set to maintain a quiet environment for neighbors and dogs will be inside at night. Dogs will not be running loose. There has been no opposition from neighbors.

MOTION: Commissioner Levi moved to close public testimony on Case CU2018-0002, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Levi moved to approve Case CU2018-0002, including the Findings of Fact, and Conclusions of Law adding that a building permit be obtained prior to commencement of business. Seconded by Commissioner Sturgill. Roll call vote, 7 in favor and 0 opposed.

ITEM #8 Linda Jo Puffe **CASE: ZV2018-0001**

The applicant, Linda Jo Puffe, is requesting a variance to reduce the required side yard setback (CCZO §07-10-21) from 10 feet to 3 feet. The subject parcel (R35575010A) is zoned "A" (Agricultural). The subject property is located at 18234 Wagner Road, Caldwell, ID; also referenced as the SW Quarter of Section 32, Township 4N, Range 3W; Canyon County, Idaho.

Planner Dan Lister, reviewed the staff report for the record, including late exhibit #6.

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

Testimony in favor:

Linda Jo Puffe – 18234 Wagner Rd Caldwell ID 83607 – Applicant in favor

- When the structure was completed in 2015, the property owner was not aware that a permit was required. Now that we know it is out of compliance we are trying to correct that.

Stephanie Tally – 18111 Wagner Rd Caldwell ID 83607 – in favor

- We are neighbors that are in favor of this proposal.

MOTION: Commissioner Williamson moved to close public testimony on Case ZV2018-0001, seconded by Commissioner Levi. Voice vote motion carried.

MOTION: Commissioner Levi moved to approve Case ZV2018-0001, including the Findings of Fact, and Conclusions of Law. Seconded by Commissioner Williamson. Roll call vote, 7 in favor and 0 opposed.

ITEM #9 APPROVAL OF MINUTES:

a. April 19, 2018

MOTION: Commissioner Garrett moved to approve the Minutes of April 19, 2018 as amended, seconded by Commissioner Carpenter. Voice vote motion carried.

ITEM #10 COMMISSIONER, DIRECTOR, and PLANNER COMMENTS:

General discussion on cell tower procedures and codes, rules relating to variance requests, and BOCC rulings vs. P&Z rulings.

ITEM # 11 ADJOURNMENT: 10:15 PM

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

Signed this 17th day of May, 2018

Chairman Richard Hall

ATTEST:

Kathy Frost, Recording Secretary