



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, July 19, 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
John Carpenter, Commissioner
Rick Fried, Commissioner
Rod Garrett, Commissioner
Patrick Williamson, Commissioner

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

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

Secretary Sandi Levi proceeded to the business items on the Agenda.

OLD BUSINESS: ACTION ITEM

CANYON COUNTY, CASE OR2018-0003 & RZ2018-0009: sign revised FCO's

MOTION: Commissioner Garrett moved to accept the revised Findings of Facts and Conclusions of Law for Case OR2018-0003 and recommend approval to the Board of County Commissioners, for the Comprehensive Plan Text Amendment and recommend denial for the Comprehensive Plan Map Amendment. Case RZ2018-0009, recommend approval of a Zoning Ordinance Text Amendment and recommend denial of a Rezone. Commissioners, Levi, Sturgill, Carpenter abstaining from the vote as they were not in attendance for this case. Voice vote motion carried.

TAPESTRY SUBDIVISION, CASE SD2018-0001: A Preliminary Plat application for Tapestry Subdivision a 16 residential lot subdivision with public roads, individual wells and septic systems, and no surface irrigation water available. The subject property is zoned "R1" (Single Family Residential) with a one acre minimum average lot size. The subject property, Parcel No. R38224010 is located on the west side of Hartley Lane, at the intersection of Flower Lane and Hartley Lane, Middleton, Idaho, in a portion of the NW ¼ of Section 36, T5N, R3W, BM, Canyon County, Idaho.

Planner Debbie Root, reviewed the staff report for the record, including late exhibit 14

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

Amy Woodruff – Applicant representative in favor – 422 S 9th Caldwell ID 83607

- Road location has been determined by Canyon Hwy district #4. Right of ways were agreed upon between the City of Middleton and Canyon Hwy District #4. Irrigation has been coordinated with Black Canyon Irrigation District, it was determined that the irrigation rights would be better served by an Agricultural property and was transferred back to Black Canyon to make that determination. Irrigation will be provided by individual wells. Idaho Department of Water Resources, has approved wells.

Brad Abbott – opposed – 12615 Flower Ln Middleton ID 83644

- There will be a negative impact on our water and road access. My well is very close to the road and changes to that road will affect my well. They should use a different access point. There is a lack of focus on the present condition of the aquifer and what the impact of an additional 16 homes will be.

Jerardo Fuentes – opposed – 12667 Flower Ln Middleton ID 83644

- Not in favor of 1 acre parcels, it was our understanding that the development would be 2 acre parcels. Water and Roads are a concern.

Doug Norman – opposed – 12541 Flower Ln Middleton ID 83644

- Flower lane is a private road and is on my land, I am concerned that I will lose a large part of my land to allow for road improvements. Water is also a concern, in the winter it is fine, in the summer we have problems having enough water.

REBUTTAL: Amy Woodruff – Applicant representative in favor – 422 S 9th Caldwell ID 83607

- Clarified the history of this project. The plat was configured in 2007. Canyon Hwy #4 has approved the plan regarding the road, we discussed an alternative road configuration, however the Highway District would not approve other options. There is a scheduled meeting with Canyon County Highway District #4 and the neighbors on August 8th regarding Flower Lane.

MOTION: Commissioner Garrett moved to close public testimony on Case SD2018-0001, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Garrett moved to table this decision on Case SD2018-0001 to date certain, September 6, 2018, in order to hear the result of a meeting scheduled with Canyon County Highway District #4 and the neighbors. Seconded by Commissioner Sturgill. Roll call vote, 7 in favor and 0 opposed. Motion carried.

NEW BUSINESS- ACTION ITEMS

JR SIMPLOT CO, CASE ZV2018-0002: JR Simplot Co. is requesting a height Variance to vary the existing 75 ft. height limit in the M-1 zone, to accommodate the construction of a proposed high bay freezer that will be no more than 150 ft. tall. The subject property, R35023 is approximately 145.20 acres in size and is located at 16733 Simplot Blvd., Caldwell, Idaho, in a portion of the SW ¼ of section 20, T4N, R3W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record, including late exhibit 14

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

Commissioner Carpenter is recused

Connie Hendricks – Applicant representative in favor – 1099 W Front Boise ID 83602

- The applicant is requesting a height variance to construct a high bay freezer, this will not encroach on neighboring farmland. Building higher rather than wider will make operations more efficient. There will be no increase in traffic, noise or light pollution as a result of this project.

Gary Komrske – in favor - 9009 Coldwater Fort Wayne In 46825

- Lighting will not be any higher than it is currently, the FAA has not required flasher lights or markers on the structure.

MOTION: Commissioner Fried moved to close public testimony on Case ZV2018-0002, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Fried moved that we approve case ZV2018-0002 and adopt the recommended Findings of Fact, Conclusions of Law and Conditions of Approval as written. Seconded by Commissioner Sturgill. Roll call vote 6 in favor and 0 in opposition.

THE CITY OF CALDWELL CASE RZ2018-0011: The City of Caldwell is proposing to rezone approximately 88 acres, parcel R38131011, from “RR” (Rural Residential) to “R1” (Single Family Residential) zone. Parcel R38131011, is located on the west side of El Paso Road approx. 1460 feet north of the intersection of El Paso and Willis roads. The property is further described as portions of Section 33, Township 5N, Range 3W, Boise-Meridian, Canyon County, ID.

Planner Debbie Root, reviewed the staff report for the record

Chairman Richard Hall, affirmed the witnesses to testify

Brian Billingsley – Applicant representative in favor – 621 Cleveland Blvd Caldwell ID 83605

- This property was purchased in the 90’s in order to enlarge the Purple Sage Golf Course, the need to enlarge the golf course is no longer there, so we are ready to sell the property. The proposed buyer has requested that the rezone take place as a contingency to the purchase. This proposal is consistent with the Comprehensive plan.

Tyler Hess – in favor -15031 Spyglass Ln Caldwell ID 83607

- Currently developing other properties in the surrounding area and would like to purchase this property to continue developing the area. This is a great area for growth. The MP study recommended just above 1.2 acres, the preliminary plat map for the next phase that will show that 1.2 acre average. Lots in the surrounding area is ½ to 2 acres lots. We plan to have pressurized irrigation with a system large enough to accommodate all lots. There will be individual well and septic systems. We are proposing 71 lots.

MOTION: Commissioner Sturgill moved to close public testimony on Case ZV2018-0011, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Carpenter moved that we recommend approval of case ZV2018-0011 and adopt the recommended Findings of Fact, Conclusions of Law and Conditions of Approval as written, and forward our recommendation to the Board of County Commissioners. Seconded by Commissioner Sturgill. Roll call vote 7 in favor and 0 in opposition.

BOB AND JEANNE KELLEY, CASE RZ2018-0010: Bob and Jeanne Kelly are requesting a rezone of parcel R38157-011, approximately 19 acres from Agricultural (A) to Single Family Residential (R-1). The subject property is located at 14715 Purple Sage Road., Caldwell, ID, further described as a portion of the Northwest quarter of Section 34, Township 5N, Range 3W, Canyon County, ID.

Planner Kyle McCormick, reviewed the staff report for the record, including late exhibit 18, 19, 21.

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

Allen Johnson – Applicant representative in favor – 2511 San Marco Way Nampa ID 83686

- This is a 19 acre property and the proposal is to make 9 lots, 1.65 acres or larger, we are waiting for the results of an MP study to finalize the lot sizes. There is an existing home and barn on the property that will be on separate lots.

John Dingeldein – neutral – 521 10th Ave No Caldwell ID 83605

- Concerned that I may lose access to my property, currently it is not a buildable lot, however we are hoping to get it changed to a buildable lot and want to make sure we do not lose access.

REBUTTAL: The right of way on the road is 50 feet on each side, 50 foot setback, from IDWR for the septic system.

MOTION: Commissioner Fried moved to close public testimony on Case RZ2018-0010, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Garrett moved that we recommend approval of case RZ2018-0010 and adopt the recommended Findings of Fact, Conclusions of Law and Conditions of Approval as written, and forward our recommendation to the Board of County Commissioners. Seconded by Commissioner Sturgill. Roll call vote 6 in favor and 1 in opposed.

ION & MIHAELA STANCIU, CASE RZ2018-0007: Ion & Mihaela Stanciu are requesting a **Rezone** of approximately 2.50 acres from an “R-R” (Rural Residential) zone to an “R-1” (Single Family Residential) zone. The subject property, parcel no. R29624103 is described as Lot 4, Block 1 of Stanciu Subdivision and is located in the SW ¼ of Section 4, T2N, R2W, B.M., Canyon County.

Commissioner Levi is recused

Planner Jennifer Almeida, reviewed the staff report for the record, including late exhibit 18, 19, 21.

Chairman Richard Hall, affirmed the witness to testify

TJ Wellard – Applicant representative in favor – 21851 Upper Pleasant Ridge Road Caldwell ID 83607

- The applicant is requesting this rezone in order to obtain one building permit for their son to build a home.

MOTION: Commissioner Sturgill moved to close public testimony on Case RZ2018-0007, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Williamson moved that we recommend approval of case RZ2018-0007 and adopt the recommended Findings of Fact, Conclusions of Law and Order as written, and forward our recommendation to the Board of County Commissioners. Seconded by Commissioner Sturgill. Roll call vote 6 in favor and 0 in opposed.

ROBIN WALKER, CASE CU2018-0007: Robin Walker, dba Jukebox Party Express, are requesting a **Conditional Use Permit** to operate a staging area on approximately 6.42 acres. The subject property, parcel no. R30748012, is located at 6536 Cherry Ln., Nampa, Idaho, in a portion of the SW ¼ of Section 1, T3N, R2W, BM, Canyon County, Idaho.

Commissioner Levi is recused

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

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

Michael Walker – Applicant in favor – 6536 Cherry Ln Nampa ID 83687

- This is an Entertainment Equipment rental business, equipment is stored onsite and transported to customers for use. No customer business is conducted onsite. We do not have employees, we have sub-contractors. My father and I run the business and due to our disabilities it is in our best interest to have the business at our home. I am learning the business in order to take it over when my father is no longer able to conduct business.

Robin Walker – Applicant in favor – 6536 Cherry Ln Nampa ID 83687

- Due to a stroke and Parkinsons disease, over the last four years my health has deteriorated and I am less able to conduct business. Due to our disabilities it would be very difficult to conduct business offsite. We had a lease offsite and lost the lease due to the sale of the property and moved our equipment to our home. I have spoken to my neighbors, most have not seen an increase in traffic and our equipment is not visible from the road. We have positioned our equipment to use less than 1 acre of the 6.24 acres of our property. There is clutter on the property most of which belongs to my father in law and is not part of the business, we are trying to clean it up and dispose of it. I need to provide for my family and request this conditional use permit in order to do that. I need time to train Michael to take over the business.

Robbie Walker -11230 W Silver River Nampa ID 83686 - in favor

- Worked in the business with my Dad from the age of 12 until 2006, at that point he was providing for his family and growing the business. In his current condition he is unable to work at that pace and is no longer trying to grow the business, but trying to maintain and support his family. This Conditional Use Permit will allow him to do that, without it his future is uncertain.

Tyson Walker – 10642 Hackberry St Nampa ID 83687 – in favor

- Worked in the family business until six years ago. The business has located in various places throughout the years, they have tried to find appropriate places to locate offsite and have been unable to find a suitable location. My father is unable to drive due to his disabilities so having the business offsite is a hardship. Once Michael is able to run the business on his own it may be possible to locate offsite.

Jacob Hazard – 6698 Cherry Lane Nampa ID 83687 – in favor

- Live four properties to the west of this site. In favor of this family operating a business from their home, it has not caused a traffic problem, most of the increased traffic is from the growing subdivisions. I would recommend this CUP be conditioned in a way that would allow this family to continue their business. There is no noise and it is not an eyesore, the property has natural barriers to conceal it from the road.

Michael Gallup – 6472 Cherry Ln Nampa ID 83687 in favor

- Live two properties to the east of this site. I have not had problems with the applicants, they are good neighbors and we support them in this proposal.

Jim Lowe – 6650 Cherry Ln Nampa ID 83684 - in favor

- Live three doors down from the site. The Walkers' are good neighbors, traffic has not been a problem as a result of the business, and I have had no issues with them. I support their proposal.

Katie Hazzard – 6698 Cherry Ln Nampa ID 83687 – in favor

- Live four properties to the left of this site. I am a homemaker and am home a lot, I have a front window and see what is going on in the area, there has not been an increase in traffic from the business, the increase in traffic is from the subdivisions not this business. Animals have not been a problem. The neighbor who complained the most has issues with everyone and has been very extreme in her criticism.

Daniel Rebelle – 6744 Cherry Ln Nampa ID 83687 – in opposition

- Live to the west of the site. We live in this area because we wanted to be out with an acreage, I don't have a problem with the business, however the storage and the mess on the property needs to be cleaned up.

REBUTTAL: Michael Walker – Applicant in favor – 6536 Cherry Ln Nampa ID 83687

- The dogs that were complained about have been trained and are much better about barking now. From the street you cannot see any equipment because of the bushes and trees that we have placed there, there are trees that go back about half way through our property to obstruct view as well. We have 6.42 acres and we use less than an acre close to the house for storage of the equipment, it is not easily visible from off the property. We are working on getting non business related items cleaned up and removed from the property, we are also working on cutting down the weeds. Clarified what buildings and vehicles are onsite and what they are used for.

MOTION: Commissioner Garrett moved to close public testimony on Case CU2018-0007, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to deny case CU2018-0007 based upon the Findings of Fact, Conclusions of Law and Conditions of Approval a request for a Conditional Use Permit to operate a staging area. Seconded by Commissioner Sturgill. Roll call vote 3 in favor and 3 opposed, Motion failed.

MOTION: Commissioner Garrett moved to continue case CU2018-0007 to date certain August 16, 2018 and direct staff and applicants to bring back a scaled, detailed site plan, showing site obscuring landscaping or fencing, what percentage of the property is used for business related storage, and the number of vehicles used for business. Business related equipment should be in a contained, covered area with a gravel or other type of ground barrier to contain weeds. The

applicant should bring a plan to mitigate concerns. Testimony will be reopened specifically to the topics stated. Seconded by Commissioner Sturgill. Voice vote motion carried.

1. APPROVAL OF MINUTES:

a. June 21, 2018

MOTION: Commissioner Williamson moved to approve the Minutes from June 21, 2018 as written, seconded by Commissioner Garrett. Voice vote, motion carried.

2. COMMISSION, DIRECTOR, & PLANNER COMMENTS: none

3. ADJOURNMENT: 11:15 pm

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

Signed this 2nd day of August, 2018

Chairman Richard Hall

ATTEST:

Kathy Frost, Recording Secretary