



**CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, November 15, 2018  
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  
Sandi Levi, Secretary  
Rod Garrett, Commissioner  
Rick Fried, Commissioner  
John Carpenter, Commissioner  
Patrick Williamson, Commissioner

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

**OBENDORF MINERAL EXTRACTION Case No. CU2018-0010**

**MOTION:** Commissioner Garrett moved to table Case CU2018-0010 to date certain 12/20/2018, seconded by Commissioner Williamson. Voice vote motion carried.

**LINFIELD ESTATES CASE No. SD2018-0002**

**MOTION:** Commissioner Garrett moved to table Case SD2018-0002 to date certain 1/3/2019 seconded by Commissioner Carpenter. Voice vote motion carried.

**PALOMINOS SUBDIVISION Case No. SD2018-0007**

**MOTION:** Commissioner Williamson moved to table Case SD2018-0007 to date certain 1/3/2019 seconded by Commissioner Carpenter. Voice vote motion carried.

**NEW BUSINESS- ACTION ITEMS**

- **GYRO ENGINEERING Case No. RZ2018-0020**  
Alan Mowry is requesting a conditional use permit to allow a ham radio facility. The facility includes two towers with mast not exceeding 82 feet in height, two vertical antennas not exceed 66 feet in height and wire antenna not exceeding 35 feet in height. The property is located at

20228 Sunnyslope Road, Caldwell; also referenced as parcel R33590012D, the NE1/4 of Section 34, Township 3N, Range 4W; Canyon County, Idaho. A portion of the property, nearest to the Snake River, is located within a floodplain (Zone A).

**Planner Dan Lister**, reviewed the staff report for the record, including late exhibits 6, 7, 8, 9. Entering a corrected address and revised staff report.

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

**Alan Mowry, Applicant in favor – 20028 Sunnyslope, Caldwell ID 83686**

- Mr. Mowry entered an exhibit into the record a photo of the examples of antennas he will be using. The examples were displayed and explained by Mr. Mowry. Ham radios are governed by the FCC. In Canyon County ham radios fall under ordinances that are similar to cell towers, the ham radio towers are much smaller and less impactful. The cost and process should not be the same as a cell tower and it should not be considered a telecommunications facility, this is not reasonable. Our homes are full of devices that are radio transmitters but those are not required to have permits and are covered by the FCC. A flag pole is more visual than my antennas. County ordinances should be changed regarding the permitting process for ham radio antennas. Ham radios provide a service to the community, there are times in emergency situations that a ham radio is the only method of safe communication. Federal agencies recognize the value of ham radios and state that the process to permit them should not be discouraging. The PRB1 is an order from the FCC to governing bodies to encourage that they use the minimum amount of regulations to permit. The cost in Canyon County is much higher than surrounding counties for this process.

**John Kernkamp, in favor– 15635 Riverside Caldwell ID 83607**

- Ham radios were established to provide emergency communication. In most wide spread emergencies cell phones are shut off and the only method of communication is ham radio, it is used in all catastrophic situations by the government and private citizens. The conditions for antennas should be relaxed often they need to be moved a bit in order to work correctly.

**Nick Deruyter, in neutral – 13027 Sunnyslope Rd Caldwell ID 83607**

- Questioning where the antenna is going to be placed. It should be in a place that it is not seen from my home.

**Suzanne Deruyter, in opposition – 13027 Sunnyslope Rd Caldwell ID 83607**

- Live next door and the concern is that the site plan is not accurate enough for us to see where the antenna is going to be, we are concerned about the height and number of antennas, and the obstruction of our view.

**REBUTTAL: Alan Mowry – 20028 Sunnyslope Rd Caldwell ID 83686**

- The towers are not going to be near the Deruyter's property and the visual will be less impactful than his flagpole. One of the towers will be a flagpole and will be between my two houses.

**MOTION:** Commissioner Garrett moved to close public testimony on Case CU2018-0016, seconded by Commissioner Carpenter. Voice vote motion carried.

**MOTION:** Commissioner Garrett moved to approve Case CU2018-0016 and adopt the recommended Findings of Fact, Conclusions of Law, Conditions of Approval and Order as written. Seconded by Commissioner Fried. Roll call vote, motion carried with 6 in favor and 0 opposed.

**BETHEL ROMANIAN CHURCH CORP. Case No. RZ2018-0023**

Bethel Romanian Church Corp. is requesting to rezone parcel R25677505A from “A” (Agricultural) to “R1” (Single-Family Residential, 1 acre minimum lot size). The vacant property is located at the corner of Red Fox Drive and Lewis Road, Nampa Id. In a portion of the NE ¼ of Section 14, Township 2N, Range 2W; Canyon County, Idaho.

**Planner Dan Lister**, reviewed the staff report for the record, including late exhibits, 6 & 7.

**Commissioner Levi is recused.**

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

**Dorel Antimie, Applicant in favor – 9901 Salmon Ridge Nampa ID 83686**

- Originally we planned to build a church and had a Conditional Use Permit for that purpose, however it has expired, at the neighborhood meeting the neighbors stated they would not support a church but would support residential use.

**Kim Mackinnon, in opposition – 9835 Red Fox Dr Nampa ID 83686**

- The zoning in this area is Rural Residential and Agricultural, we have horses and barns and appreciate the rural feel of the neighborhood. We are not opposed to two homes but four is too many. No one in the neighborhood has a one acre lot. Concerned that the property values will go down. Increase traffic is also a concern.

**REBUTTAL: Dorel Antime, Applicant in favor – 9901 Salmon Ridge Nampa ID 83686**

- Traffic would not be an issue for the cul-de-sac because we are on the corner of the main road.

**MOTION:** Commissioner Garrett moved to close public testimony on Case RZ2018-0023, seconded by Commissioner Carpenter. Voice vote motion carried.

**MOTION:** Commissioner Williamson moved to recommend denial of a rezone from “Agricultural” zone to an “R1” zone on Case RZ2018-0023, and forward the recommendation to the Board of County Commissioners, directing staff to bring revised Findings of Fact, Conclusions of Law and Order on December 6, 2018. Seconded by Commissioner Carpenter. Roll call vote, motion carried with 5 in favor and 0 opposed.

**MOTION:** Commissioner Carpenter moved to recommend approval of a rezone from “Agricultural” zone to an “RR” zone on Case RZ2018-0023, and forward the recommendation to the Board of County Commissioners, directing staff to bring revised Findings of Fact, Conclusions of Law and Order on December 6, 2018. Seconded by Commissioner Williamson. Roll call vote, motion carried with 5 in favor and 0 opposed.

**JAMES BLAKE Case No. CR2018-0009**

James Blake is requesting to conditionally rezone parcels R34259011 and R34259011A, approximately 12.8 acres, from Agricultural to CR-Rural Residential for the purpose of creating one additional building site on the subject properties with the remaining acreage to remain in

agricultural production subject to a Development Agreement. The property is located in an “A” Flood Hazard zone. The subject properties are located at 19593 Madison Road, Nampa, Idaho.

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

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

**James Blake, Applicant if favor – 19593 Madison Road, Nampa ID 83687**

- Currently living on the property, we are asking for 1 additional building permit on 12 acres, with a building envelope would be on the south side of the current home. 75% of the land will remain Agricultural. We will comply with all ordinances. Currently we are trying to get a LOMA from FEMA.

**Jerry Taggart, opposed – 19493 Madison Road, Nampa ID 83687**

- Opposed to this project because the property has already been split once and I do not want another home by me.

**MOTION:** Commissioner Carpenter moved to close public testimony on Case CR2018-0009, seconded by Commissioner Fried. Voice vote motion carried.

**MOTION:** Commissioner Williamson moved to recommend approval of Case CR2018-0009, and adopt the Findings of Fact and Conclusions of Law as conditioned, and forward the recommendation to the Board of County Commissioners along with the Development Agreement. Seconded by Commissioner Carpenter. Roll call vote, motion passes with 6 in favor and 0 opposed.

**RICH PICKET Case No. CR2018-0004**

Rich Pickett is requesting to conditionally rezone parcels R33141 and R33141011, approximately 17 acres, from “A” (Agricultural) zoned property to “CR-RR” (CR-Rural Residential) zone for the purpose of creating THREE rural residential properties. The subject properties are located at 18968 Lonkey Lane, Caldwell, ID with approximately 1138 feet of road frontage on Chicken Dinner Road and are further described as a portion of the northwest quarter of Section 01, Township 3N, Range 4W, 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.

**Rich Pickett, Applicant if favor – 18968 Lonkey Ln, Caldwell ID 83687**

- The original 160 acres was my great grandfather’s land and he and my grandfather farmed the property and had horses. My grandfather willed 5 acre parcels to each grandchild in order to build a home, stipulating where each home would be, leaving the best land for farming. Currently we are growing hay on the property. The purpose of this proposal is to create two 5 acre parcels for my children to build a home on.

**MOTION:** Commissioner Garrett moved to close public testimony on Case CR2018-0004, seconded by Commissioner Carpenter. Voice vote motion carried.

**MOTION:** Commissioner Carpenter moved to recommend approval on Case CR2018-0004, directing staff to bring back revised Findings of Fact and Conclusions of Law, and Conditions of Approval, incorporating

the Development Agreement to include that each parcel be no less than 5 acres and shall be configured in substantial conformance with the site plan, property shall be platted as a rural subdivision and no secondary residences allowed on each parcel. Striking condition No. 6. Revised Findings will be brought back on December 6, 2018. Seconded by Commissioner Fried. Roll call vote motion carried with 6 in favor and 0 opposed.

**CANYON COUNTY Case No. RZ2018-0025**

Canyon County is proposing to amend the zoning map to assign a zone to subject properties R34063010, R34063010A, R34063011, R34063, R34062011, R34164010 de-annexed from the City of Caldwell by a Decree and Judgment of Separation recorded as instrument # 2017-054074 on December 12, 2017 and Ordinance No 3163 recorded as instrument 2018-039540 on September 5, 2018. The proposed zone to be applied to the approximate 155 acres is "A" (Agricultural). The subject properties, portions of the Sections 16 & 21 -4N-2W, are located at 21266 Midland Blvd., Caldwell, Idaho.

**Planner Debbie Root**, reviewed the staff report for the record as a representative for Canyon County, no late exhibits.

**MOTION:** Commissioner Carpenter moved to close public testimony on Case RZ2018-0025, seconded by Commissioner Levi. Voice vote motion carried.

**MOTION:** Commissioner Carpenter moved to recommend approval of Case RZ2018-0025, adopting the Findings of Fact. Conclusions of Law and Order and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Levi. Roll call vote motion carried with 6 in favor and 0 opposed.

**Karcher Farms LLC & SS Karcher Farms LLC Case No. OR2018-0004 & CR2018-0002:** Karcher Farms, LLC and SS Karcher, LLC are requesting a Comprehensive Plan Map Amendment to change the designation of approximately 44.9 acres from "Commercial" to "Residential designation and approximately 45.9 acres from "Agricultural" to "Residential" (Portions of R32915, R32917011, and all of R32917010). Karcher Farms, LLC and SS Karcher, LLC are also requesting a Conditional Rezone with a Development Agreement to change the zoning for approximately 2.2 acres from an "A" (Agricultural) zone to a CR-C-1 (Conditional Rezone-Neighborhood Commercial) zone, 36.8 acres from an "A" (Agricultural) zone to a CR- C-2 (Conditional Rezone-Service Commercial) zone, and 90.8 acres from an "A" (Agricultural) zone to an CR-R-1 (Conditional Rezone -Single Family Residential) zone. R32915 is located on the south Side of Karcher Rd., approximately 1597 ft. west of the intersection of Karcher Rd. and Farmway Rd, Caldwell, Id., in a portion of the NE ¼ of Section 17, T3N, R3W, BM, Canyon County, Idaho. R32917011 is located at the southwest corner of the intersection of Karcher Rd. and Farmway Rd., in a portion of the NE ¼ of Section 17, T3N, R3W, BM, Canyon County, Idaho. R32917010 is located approximately 280 ft. north of Orchard Avenue and approximately 2656 ft. south of Karcher Road, in a portion of the SE ¼ of Section 17-3N, R3W, BM, Canyon County, Idaho.

**Planner Jennifer Almeida**, reviewed the staff report for the record, including late exhibits 40. 41, 42. 43.

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

**John Sabala**, Applicant representative in favor – 4271 North Nines Ridge Lane Boise ID 83702

- Presented exhibit 43 for the Commissioners review, an outline of the presentation and a Canyon County land use map that the applicants reviewed prior to purchase of the property. Mr. Sabala

introduced the parties involved in the proposal. The application is for a Comprehensive Plan Amendment and Conditional Rezone with a Development Agreement to develop a residential and commercial project with multiple phases on 129.79 acres. The property is not in the city of Caldwell or in the area of city impact. Moonstruck Subdivision is in the area is also not in the area of city impact or in the City of Caldwell, they are on individual wells and septic systems. When we were looking to purchase the property we considered the future land use map that we were provided with, the south portion was designated residential and the front portion was designated as commercial, which it is today. In our application we will take some commercial away and make it residential. We are requesting that 46 acres be rezoned to residential, we feel that is consistent with the area on all sides. The corner of Farmway and Karcher currently has a commercial designation with a storage facility and RV storage on the west side, there are also other commercial uses. Canyon Lakes Subdivision has 16 lots. The forecast from agencies such as Compass do not seem realistic based on what is happening out there now. We are responsible developers and have worked with agencies including Canyon County, in order to make sure we are doing all that we need to do. The septic systems and wells will be in compliance with Southwest District Health. Uses will depend on the availability of services, some commercial can be developed using alternative services outside of municipal services. ITD and Highway district has been consulted the studies are not back yet, however we will comply with ITD and the Highway district regarding access and other issues. Neighborhood concerns are very important to us. We had two neighborhood meetings, we have listened to their concerns, and we have reconfigured our plans to mitigate some of the concerns. We submitted a letter to staff to impose conditions to work through concerns that the County has. Fire Department has not yet been consulted. We will make sure we have the necessary hydrants and other fire suppressant systems required by the fire department.

**Dan Thompson, representative in favor – 181 E 50<sup>th</sup> St Garden City ID 83719**

- We were retained to conduct a traffic impact study for this project as requested by Canyon Highway District #4, and ITD, we submitted that report over 2 weeks ago and have not yet received a response. ITD has stated a concern with access, we explained that we are not requesting access yet, as we are in the zoning portion of the project at this time. A detailed traffic study will be done during the platting process. Canyon Highway District has stated concerns about driveway spacing, we will continue to work with them as the project moves forward. Because we have not detailed the commercial part of the project yet the traffic study should be considered preliminary. The trip size estimate is based on national standards and is an average. We did hire an actual count on the traffic at the intersection. Primary access will be on Farmway.

**Shawn Nickel, representative in favor – 247 N Eagle Rd Eagle ID 83610**

- The comprehensive plan, future land use map designates the northern portion of this property as commercial, as stated before we were under the original impression that the south portion was designated as residential, however at some point it changed which is why we have to request the comprehensive map amendment from Agricultural to Residential. One of the key residential components in the comprehensive plan states, that residential development should be encouraged in or near areas of impact or within areas that demonstrate a development pattern of residential uses, further stating that residential designation is a zone set aside for residential development, a minimum lot size is established in order to accommodate well and septic systems on the same property. Residential development should occur within areas that represent a development pattern of residential land use. The staff report stated in several areas states that there is not a recent trend towards this type of development in the area. We argue

that the residential development currently happening in the east, shows that there is a development pattern in the area, immediately adjacent to this property. We believe that this project is compatible to the surrounding land uses in the area. Staff report states the predominate land use in the area is Agriculture and Residential, there is a large farm to the north of this property, however the residential uses to the east, west and south are non-agricultural with the exception of some vineyards and small hobby farms to the south. There is residential and commercial uses on each side of the property. We are only asking for a comprehensive plan designation change from Agricultural to Residential for 46 acres, or 35% of this property, the rest of the property is currently designated as Commercial. The commercial use is undetermined at this time, making it difficult to designate services. This is a multi-phased project also making it difficult to designate services that will be needed.

**Lamon Loucks, representative in favor – 5628 Old Bruneau Hwy Marsing ID 83639**

- The commercial property is very limited until services become available from the city. Any high impact commercial operation will need city services. There is an Ag well on the property, lending to fire suppression use. The fire department can hook directly to the Ag well. Irrigation will be utilized from the Ag well.

**Botie Magee, opposed - 15453 Moonstruck Dr. Caldwell ID 83607**

- Opposed to the rezoning of this land. This project will take away from the ascetics of the area, this is a gateway to the wine country, it is part of the country atmosphere that people enjoy. This is an agricultural area, the FFA kids use the area to learn about farming. We are very close to Lake Lowell and the animal refuge and this proposal will negatively affect that. We also enjoy star gazing this will be reduced by a commercial property. Opposed to additional commercial properties, there is no need for it in this area, we have enough commercial services that we can drive to. I would prefer residential over commercial zone in the area, but am opposed to both, it should remain agricultural.

**Diane Eldredge, opposed - 15425 Eclipse Caldwell ID 83607**

- Public notices are not accessible for people to get fliers. Developments in the area such as Shiraz point, and Cirrus View started development in 2004 – 2005, as the economy dropped the development stopped until 2017 before starting up again. I am not opposed to residential zone but am opposed to commercial, however it should be phased in so that the developers have the funding to complete rather than having it dormant.

**Dan McConnel, opposed - 15489 Eclipse Dr Caldwell ID 83607**

- Opposed to additional residential zoning, there needs to be city services before more homes are brought in, the wells are not good in the area now. We have gone through two wells. Adding wells and septic systems to one acre lots is not a good idea. Commercial zone is not appropriate for the area either. Traffic in the area is already terrible, with schools, a park, the lake, and homes, it is already a dangerous situation. The infrastructure is not in place for this project. Roads are not kept up as it is.

**Zach McGee, opposed - 15967 Canyon Lake St. Caldwell ID 83607**

- Agree with the staff report, the timing is not good, there is a lot of farmland sitting idle, and many homes for sale that are not selling. They do have access to city services. There is not a need for additional commercial or residential properties in the area. Making long term changes to the area is premature. Enough Ag land has been changed to residential already. Traffic has increased in the area already a commercial development will add even more traffic. Having been

to the neighborhood meetings, I feel that the applicants are very good at hype and trying to convince people that the commercial prospect will be good for the neighborhood, but I and my neighbors do not agree with a commercial development. The plans have changed substantially, they really do not have a plan in place.

**Cheyne Weston, opposed - 16316 Orchard Ave. Caldwell ID 83607**

- Blanket rezones without detail should not be allowed and should be addressed in the ordinance. Best suited farmland cannot ever be replaced. This is very productive farm ground. The traffic study was insufficient in the fact that the person doing the study is from Garden City, not this area. There needs to be a left turn lane, a right turn lane and a through traffic lane. Water in the area is a concern sufficient studies have not been done. There is a drainage facility in the middle of agricultural land and if that isn't contained it floods homes. Wells have failed because of additional growth in the area already. Are the applicants going to pay for replacement wells for us if the additional use causes our wells to fail? There is a concern about the overcrowding of area schools if new homes are built. Dust and debris during construction is a concern as well. City services should be in place for the development of a commercial project.

**Andy Haumesser, opposed – 15981 Lunar Way Caldwell ID 83607**

- Chapter 7 of the Canyon County standards, covering zoning includes 8 Conditional Rezone standards, I feel that the commercial zoning request in this case does not meet 7 of the 8 standards. A Conditional Rezone has to commence within 2 years of the approval. How will a phased in commercial zone commence in 2 years when the developers do not know what they are going to put on the property. Of all of the potential commercial uses that they have mentioned, all of them are currently available within 5 miles of the proposed development. There is no need for this development. Very opposed to the commercial zone on this project, the residential zone is more compatible than commercial but 74 more homes pumping 14 ½ million gallons of water a year and putting 14 ½ million gallons of waste into the septic system is a terrible impact on the aquifer. This development needs city services. The City of Caldwell is opposed to the project and feels it is premature and not needed.

**Tom Blaisdell, opposed – 15883 Canyon Lake St. Caldwell ID 83607**

- Growth in this area is not happening as fast as they think it is, homes are not selling very fast. We do not need 74 more lots right now. The dust from the empty lots is terrible. Exhibit 10 & 11 shows that this is prime farmland and should remain that way. We don't need more vacant lots. Traffic at Farmway and Karcher is very bad there are accidents all the time. Opposed to a commercial zone and the residential prospect needs work as well.

**John Kernkamp, opposed – 15635 Riverside Caldwell ID 83607**

- Unexpected consequences from a development this size are a concern and where will the responsibility of those consequences be. The list of conditions should all be met. The developers say they are responsible and as such they should adhere to all of the conditions.

**REBUTTAL: John Sabala, Applicant representative in favor – 4271 North Nines Ridge Lane Boise ID 83702**

- I appreciate the comments from the neighbors, and am sorry that they have the impression that we are a bait and switch company. As developers we are not that way, we are looking at what is happening in the area and after looking at the possibilities we believe this a good development for the area. We are trying to be responsible. We farmed the land last year, the farmer was concerned about continuing to farm that land because it is not viable. The commercial zone is in the future land use plan, it is far out in the future, and we don't know yet what will be best in

that area. A storage facility is in the area now and is a possibility for this property as well. We are also concerned about the wells and septic systems, and how to mitigate dust and weeds on the property. Fire suppression will be addressed as we move along. Conditions of approval have been put in place to address concerns. I considered the future land use based on the Land Use Map, as residential, however that changed after I purchased the property. This is a conditional rezone with a Development Agreement and we are open to conditions and we will follow the conditions.

**MOTION:** Commissioner Garrett moved to close public testimony on Case OR2018-0004, CR2018-0002, seconded by Commissioner Williamson. Voice vote motion carried.

**MOTION:** Commissioner Garrett moved to adopt the Findings of Fact and Conclusions of Law, as written, recommending denial of Case OR2018-0004, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Carpenter, Roll call vote motion carried with 5 in favor and 1 opposed.

**MOTION:** Commissioner Garrett moved to adopt the Findings of Fact and Conclusions of Law, as written, recommending denial of Case CR2018-0002, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Fried. Roll call vote motion carried with 6 in favor and 0 opposed.

**APPROVAL OF MINUTES:**

- November 1, 2018

**MOTION:** Commissioner Williamson moved to approve the Minutes from November 1, 2018, seconded by Commissioner Fried. Voice vote, motion carried.

**COMMISSION, DIRECTOR, & PLANNER COMMENTS:** Director Nilsson discussed scheduling a meeting with the County Commissioners and the Planning and Zoning Commissioners after the new Commissioner is sworn in, and discussed scheduling a workshop with the Idaho Transportation Department.

**ADJOURNMENT: 11:23 pm**

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

**Signed this 15<sup>th</sup> day of November, 2018**

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Chairman Richard Hall

**ATTEST**

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Kathy Frost, Recording Secretary