



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, December 20, 2018
6:30 P.M.**

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

Commissioners Present: Richard Hall, Chairman
Robert Sturgill, Vice 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

RICH PICKETT CASE NO. CR2018-0004

MOTION: Commissioner Garrett moved to adopt the revised Findings of Fact, and Conclusions of Law, and Conditions of Approval, **recommending approval** of Case CR2018-0004, and forward the recommendation to the Board of County Commissioners, seconded by Commissioner Williamson. Voice vote, motion carried.

BETHEL ROMANIAN CHURCH CASE NO. RZ2018-0023

MOTION: Commissioner Garrett moved to adopt the revised Findings of Fact, and Conclusions of Law and Order, **recommending denial** of Case RZ2018-0023, and forward the recommendation to the Board of County Commissioners, seconded by Commissioner Carpenter. Voice vote, motion carried with Commissioner Levi and Commissioner Sturgill abstaining.

DOORNENBALL CASE NO. RZ2018-0021

MOTION: Commissioner Fried moved to adopt the revised Findings of Fact, and Conclusions of Law and Order, **recommending denial** of Case RZ2018-0021, and forward the recommendation to the Board of County Commissioners, seconded by Commissioner Sturgill. Voice vote, motion carried with Commissioner Carpenter and Chairman Hall abstaining.

OBENDORF CASE NO. CU2018-0028

MOTION: Commissioner Williamson moved to table Case CU2018-0028 to date certain of February 7, 2019, seconded by Commissioner Sturgill. Voice vote, motion carried.

LUCICH FAMILY LTD PARTNERSHIP LLC CASE NO. RZ2018-0018

Lucich Family LTD Partnership, is requesting to rezone Lots 1&2, Block 1 of Blue Heron Subdivision, approximately 16.55 acres, from "A" (Agricultural) to "R1" (Single Family Residential) zone for the purpose of developing a 15 lot subdivision. The subject properties are located at 7927 Elko Lane, Middleton, ID.

Planner Debbie Root reviewed the staff report for the record, including late exhibit 20.

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

Bruce Bayne, Applicant representative in favor – 23936 View Crest Ln Middleton ID 83644

- We have met with the city of Middleton, Highway District 4, Southwest District Health, and the utility companies many times regarding services that may be available and what we must do to be in compliance. Currently city services are not available, they may be available when we get to Phase 2. Southwest District Health is in agreement with this project. Access will be approved by Canyon Highway District #4 at platting. Powerlines and fencing that is in place now will not be affected by the road improvements. We have tried to address the neighbors' concerns that were brought forth at the neighborhood meeting.

Michelle Bennett, in favor – 7590 Elko Lane Middleton ID 83644

- As a neighbor to this property we are in favor of the rezone, the property is not best suited for farming, single family residential is a better use. One acre lots are a good option for this area, bringing affordable housing close to Star and Middleton.

Chris Dempsey, in neutral - 23122 Kingsbury Ln. Middleton ID 83644

- Concerned about adding 15 septic systems and wells to the area and how they will impact us, and the surrounding area.

Linda Friesz-Martin, in opposition – 7639 Elko Ln Middleton ID 83644

- This development will have adverse impacts to our property, we live adjacent to the subject property. The agreements that are currently in place regarding easements, and irrigation will have to be renegotiated.

Cindy Marino, in opposition – 23122 Kingsbury Ln Middleton ID 83644

- The road is not unnamed it is Kingsbury Ln, I am opposed to any lot size smaller than 1 acre as it will cause too much additional traffic and the density would have a negative impact on us.

Donna Bernardelli, in opposition – 23128 Kingsbury Rd Middleton ID 83644

- Not opposed to the project, but concerned about the increase in traffic. We drive mini horses and the increased traffic could change the way we enjoy our horses. It could be too dangerous to drive the horses off our property. The proposed homes are not going to be affordable and will increase the taxes on my home. If city services come to the area and we are required to hook up to city services, we will not be able to afford to do that.

Brian Martin, in opposition – 7369 Elko Ln Middleton ID 83644

- Clarification on current irrigation and access easements and how they may change with this project.

Gary Luchich, applicant – 11334 Meadowriver Star ID 83669

- Briefly identified himself as owner of the subject property.

REBUTTAL: Bruce Bayne, Applicant representative in favor – 23936 View Crest Ln Middleton ID 83644

- One acre lots are planned with individual wells and septic as allowed by the County and approved by Southwest District Health. An agreement will be made with the neighbors regarding irrigation and easements. The road will be paved. One acre lots is what we have proposed and what we want to do, if the city of Middleton annexes the property they are asking for smaller lots and we will have to comply.

MOTION: Commissioner Sturgill moved to close public testimony on Case RZ2018-0018, seconded by Commissioner Carpenter.

MOTION: Commissioner Williamson moved to recommend **approval** of Case RZ2018-0018 to the Board of County Commissioners and adopt the recommended Findings of Fact, Conclusions of Law & Order. Seconded by Commissioner Carpenter. Roll call vote with 2 in favor and 5 opposed. Motion failed.

MOTION: Commissioner Garrett moved to recommend **denial** of Case RZ2018-0018 to the Board of County Commissioners citing item #2, that the density is not more appropriate than the current zoning designation, and item #3, that the proposed use is not compatible with the surrounding land use. Directing staff to bring back revised Findings of Facts and Conclusions of Law & Order on January 3, 2019. Seconded by Commissioner Levi. Roll call vote 6 in favor and 1 opposed. Motion passes.

NEW BUSINESS- ACTION ITEMS

MICHAEL & HEIDI BLACK CASE NO: RZ2018-0024

Michael & Heidi Black are requesting a **Rezone** of approximately 27.55 acres from an “R-R” (Rural Residential) zone to an “R-1” (Single Family Residential) zone. The subject property, R38152010A, is located south of Enchanted Pine Ct., and approximately 462 ft. west of Old Hwy 30, in a portion of the NW ¼ of Section 33, T5N, R3W, BM, Canyon County, Idaho.

Commissioner Carpenter is recused.

Planner Jennifer Almeida, reviewed the staff report for the record, including late exhibits, #20, #21, and #22.

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

Mike Black, Applicant representative in favor – 23477 Whale Bay Ln Caldwell ID 83607.

- Agree with the staff report. The proposal is for 1 acre lots, depending on the results of the N.P. study. My family will occupy one of the homes. One acre lots are more affordable and easier to maintain. Neighbors are in favor of the project. Originally this was part of Phase 2, Desert Pine Subdivision, however that phase did not commence. It was designated at that time for 1 acre lots, due to the Comprehensive Plan change in 2010 the designation was changed to 2 acre minimum lot size. We are now trying to put it back to 1 acre lot size. Tax revenues will be increased with a more homes, increasing the funds to improve infrastructure.

MOTION: Commissioner Garrett moved to close public testimony on Case RZ2018-0024, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Williamson moved to recommend **approval**, to the Board of County Commissioners on Case RZ2018-0024, and adopt the recommended Findings of Fact, Conclusions of Law & Order. Seconded by Chairman Hall. Roll call vote 2 in favor and 4 opposed. Motion failed.

MOTION: Commissioner Sturgill moved to recommend **denial** of Case RZ2018-0024 to the Board of County Commissioners citing item “G” that the proposal will cause interference with existing or future traffic patterns and Item “H” that the proposed zone change will have a negative impact on public services. Directing staff to bring back revised Findings of Facts and Conclusions of Law & Order on January 3, 2019. Seconded by Commissioner Garrett. Roll call vote 4 in favor and 2 opposed. Motion passes.

LANSING INVESTMENTS PARTNERS LLC CASE NO. RZ2018-0026

Lansing Investment Partners, LLC is requesting a **Rezoning** of approximately 69.95 acres from an “R-R” (Rural Residential) zone to an “R-1” Single Family residential zone. The subject property, parcel no. R37595, is located on the west side of Lansing Ln., approximately 1322 ft. south of the intersection of Purple Sage Rd. and Lansing Ln., Middleton, ID, in a portion of the NE ¼ of Section 33, T5N, R2W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record, no late exhibits.

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

Alan Mills, Applicant Representative in favor – Box 206 Middleton ID 83644

- The parcel was zoned RR in 2006, which was a 1 acre minimum lot size, the property was not developed at that time and when the Comprehensive Plan was changed in 2010, RR became a 2 acre minimum lot size. The Nutrient Pathogen study determined that 52 lots would be suitable, however we may do less. The property owners are asking that the one acre parcel status be reinstated for the 52 lots. This area is moving towards a higher density and this project fits well with the trend. Many builders are looking for smaller lots, they are more affordable and attractive to buyers. The water levels have come up 10 feet since 1969, and the water quality is good. Working with Black Canyon Irrigation District, the irrigation lines will be piped and straightened to lessen the amount of water loss. We have given up 10 acres as easements to several agencies. These homes are high end homes and will provide a high tax base.

Tyler Hess, in favor – 15031 Spyglass Ln. Caldwell ID 83607

- Mr. Hess is the developer on the proposed project, and represents builders in the area looking for parcels of this size. Higher income homes will bring in more tax revenues for schools. Schools in this area need more tax revenue. Two acre developments are not selling well they are harder to maintain, people looking for large parcels are more interested in 3-5 acres.

MOTION: Commissioner Garrett moved to close public testimony on Case RZ2018-0026, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Garrett moved to recommend **denial**, to the Board of County Commissioners on Case RZ2018-0026, citing Item “C” that the proposal is not compatible with the surrounding land use,

and Item “D” that the proposal will negatively affect the character of the area. Directing staff to bring back revised Findings of Fact and Conclusions of Law and Order on January 3, 2019. Seconded by Commissioner Sturgill. Roll call vote 5 in favor and 2 opposed. Motion passed.

YAKOB DAMYAN CASE NO. RZ2018-0027

The applicants, Yakob & Lyudmila Damyan, are requesting the rezone from “RR” (Rural Residential, 2 acre average minimum lot size) to “R1” (Single-Family Residential, 1 acre average minimum lot size) of tax parcel R27916010. The vacant parcel is located adjacent to 5725 E. Orchard Avenue; also referenced as the NE¼ of Section 19, Township 3N, Range 1W; Canyon County, Idaho.

Commissioner Levi is recused

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.

Russ Damyon Applicant representative in favor – PO Box 16728 Boise ID 83715

- We are not developers, we purchased this property a year ago with the intent to build 3 homes, for Dad, myself and future heirs. After meeting with Idaho Transportation Department it was determined that we have a 28 foot easement with a hammerhead for emergency access. We plan on 3 parcels averaging 1.18 acres, we are working with an engineer regarding an irrigation plan. Currently there is one building permit available, we are requesting 2 more.

MOTION: Commissioner Williamson moved to close public testimony on Case RZ2018-0027, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Sturgill moved to recommend **approval** of Case RZ2018-0027, including Findings of Fact, Conclusions of Law and Order, and forward that recommendation to the Board of County Commissioners. Seconded by Commissioner Fried. Roll call vote 6 in favor and 0 opposed. Motion passed.

JANICA HANOVER CASE NO. CU2018-0019

Janica Hanover is requesting a **Conditional Use Permit** for a staging area and contractor shop on parcel R36040-010 for the purpose of a traffic control business. The subject property is located at 19032 Red Top Rd., Caldwell, ID 83602, in section 11, T4N, R4W, BM, Canyon County.

Planner Dan Lister, reviewed the staff report for the record, including late exhibit #9

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

Janica Hanover Applicant in favor – 4293 West Peak Cloud Dr. Meridian ID 83642

- Ms. Hanover is the owner of the property and has worked with the company for 14 years, the business has been on this site for 7-8 years. Nearby property owners did attend the neighborhood meeting. Seeking a Conditional Use to come into compliance and continue to operate a traffic control business onsite. Southwest District Health has approved a proposed shop allowing one bathroom only. The septic will have to be replaced if any further use is added.

MOTION: Commissioner Sturgill moved to close public testimony on Case CU2018-0019, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Williamson moved to approve Case CU2018-0019, including Findings of Fact, Conclusions of Law and Order and Conditions of Approval as written. Seconded by Commissioner Fried. Roll call vote 7 in favor and 0 opposed. Motion passed.

APPROVAL OF MINUTES:

- December 6, 2018

MOTION: Commissioner Fried moved to approve the Minutes of December 6, 2018, seconded by Commissioner Sturgill. Voice vote, motion carried. Chairman Hall abstaining.

COMMISSION, DIRECTOR, & PLANNER COMMENTS: Discussion on upcoming workshops and meetings. Reviewed hearings that the board has heard recently forwarded from the Planning & Zoning Commission. Discussion on having a workshop for the Commission to help guide the discussion making process regarding policy and future growth

ADJOURNMENT: 11:15 pm

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

Signed this 3rd day of January, 2018

Chairman Richard Hall

ATTEST

Kathy Frost, Recording Secretary