



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, January 3, 2019
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
Rick Fried, Commissioner
John Carpenter, Commissioner
Patrick Williamson, Commissioner

Staff Members Present: Patricia Nilsson, Director
Debbie Root, 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

LUCHICH FAMILY LTD PARTNERSHIP LLC CASE NO. RZ2018-0018

MOTION: Commissioner Sturgill moved to adopt the revised Findings of Fact, Conclusions of Law and Order, recommending denial of Case RZ2018-0018 and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Williamson. Voice vote motion carried.

MICHAEL & HEIDI BLACK CASE NO. RZ2018-0024

MOTION: Commissioner Sturgill moved to adopt the revised Findings of Fact, Conclusions of Law and Order, recommending denial of Case RZ2018-0024 and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Fried. Voice vote motion carried with Commissioner Carpenter abstaining.

LANSING INVESTMENTS PARTNERS LLC CASE NO. RZ2018-0026

MOTION: Commissioner Fried moved to adopt the revised Findings of Fact, Conclusions of Law and Order, recommending denial of Case RZ2018-0026 and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Carpenter. Voice vote motion carried.

LINFIELD ESTATES SUBDIVISION CASE NO. SD2018-0002

MOTION: Commissioner Williamson moved to table Case SD2018-0002 to date certain February 21, 2019. Seconded by Commissioner Sturgill. Voice vote motion carried.

PALOMINOS SUBDIVISION CASE NO. SD2018-0007

Simon Palominos has submitted a preliminary plat and final plat for Palominos Subdivision, a two residential lot development located in an “RR” (Rural Residential) zone. The subject property, R34513013, contains 6.487 acres. The subject property is located approximately 2156 feet south of the intersection of Willis Road and Old Hwy 30 on the east side of Old Hwy 30 and is further described as a portion of the NE quarter of Section 4, Township 4N, Range 3W, BM, Canyon County, ID.

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

Chairman Richard Hall, affirmed the witness to testify.

David Johnson – Applicant Representative in favor – 13551 S Grey Bull St. Nampa ID 83651

- In order to split this property into two lots we were required to apply for a subdivision.

MOTION: Commissioner Sturgill moved to close public testimony on Case SD2018-0007, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Sturgill moved to recommend approval to the Board of County Commissioners on Case SD2018-0007 a Preliminary Plat and Irrigation Plan for Palominos Subdivision, including the Findings of Fact, Conclusions of Law and Conditions of Approval. Seconded by Commissioner Fried. Roll call vote 6 in favor 0 opposed. Motion carried.

NEW BUSINESS – ACTION ITEMS

RODERICK LEWIS CASE NO. RZ2018-0028

MOTION: Commissioner Williamson moved to table Case RZ2018-0028 to date certain February 7, 2019. Seconded by Commissioner Carpenter. Voice vote motion carried.

DAVIS / KINDRED VINEYARDS CASE NO. CU2018-0020

MOTION: Commissioner Carpenter moved to table Case CU2018-0020 to date certain February 7, 2019. Seconded by Commissioner Williamson. Voice voter motion carried.

TWO CLEGG SUBDIVISION CASE NO. SD2018-0024

Engebritson Land Surveys, PLLC on behalf of Sam and Denisse Clegg has submitted a preliminary and final plat for a two lot residential subdivision at 7200 Airport Road, Nampa, ID. The subject property, parcel R30550, is 5.24 acres zoned rural residential and is further described as a portion of the NE quarter of Section 20, Township 3N, Range 1W, Boise Meridian, Canyon County, Idaho.

Commissioner Levi is recused.

Planner Debbie Root, reviewed the staff report for the record, including late exhibit #12

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

Michael Engebritson - Applicant Representative in favor – 2251 S Sumac St Boise ID 83706.

- Agree with staff report. The irrigation will be pumped through an easement.

MOTION: Commissioner Williamson moved to close public testimony on Case SD2018-0024, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to recommend approval on Case SD2018-0024, a Preliminary Plat with Drainage & Irrigation plan for Two Clegg Subdivision, including the Findings of Fact, Conclusions of Law, forwarding the recommendation to the Board of County Commissioners. Seconded by Commissioner Williamson. Roll call vote 5 in favor 0 opposed.

RADFORD RIDGES NO. 2 SUBDIVISION CASE NO. SD2018-0006

TJ Wellard, Skinner Land Survey, has submitted a preliminary plat and final plat for Radford Ridges No. 2 Subdivision, a two residential lot development located in an "RR" (Rural Residential) zone. The 4.75 acre property, R38178013C, lies within an "A" Flood Hazard Area of Concern. The subject property is located approximately ¼ mile south of the intersection of Purple Sage Road and Freeze Out Road and is further described as a portion of the NW quarter of Section 34, Township 5N, Range 3W, BM, Canyon County, ID.

Planner Debbie Root, reviewed the staff report for the record including late exhibits #9, #10

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

TJ Wellard – Applicant Representative in favor – 17842 Sand Hollow Road Caldwell ID 83607

- This is a four acre parcel that was bi-sected by a driveway to appease neighbors, who did not want to share a road. Trading two lots in the subdivision formalizes that plan. Individual wells and septic's will be utilized, access will be from Simplicity lane.

MOTION: Commissioner Sturgill moved to close public testimony on Case SD2018-0006, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Williamson moved to adopt the Findings of Fact, and Conclusions of Law, recommending approval for Case SD2018-0006, a Preliminary Plat, Irrigation, & Drainage Plan for a two lot residential development, Radford Ridges No. 2 Subdivision, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Levi. Roll call vote 6 in favor 0 opposed. Motion carried.

NAMPA ASPHALT & PAVING CASE NO. CU2018-0015

Todd Lakey, Borten-Lakey Law and Policy, on behalf of Nampa Paving & Asphalt Co. has made application for a conditional use permit for long term mineral extraction to include sand and gravel extraction, staging, crushing, scale house, and potential batch plant operation for a 20 year period on approximately 155 acres located at 21266 Midland Blvd, Caldwell, ID. The properties, R34063010, R34063010A, R34063011, R34062011 and R34164011 are further identified as a portion of 16 & 21-4N-2W, BM, Canyon County, Idaho.

Planner Debbie Root, reviewed the staff report for the record, including late exhibits #25, #26, #27, #28, #29, #30, #31, #32, #33

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

Todd Lakey Applicant Representative in favor – 12905 Venezia Ct Nampa ID 83651

- The Comprehensive Plan and Future Land Use map in the City of Caldwell can be considered, however Canyon County Comprehensive Plan takes precedence over the City. This is an allowed use in the Agricultural zone, most gravel pits are located in the Ag zone. The City of Caldwell's comprehensive plan calls for low density residential development on all of the subject properties, which means up to 3 dwelling units per acre or up to 6 dwelling units if a PUD is utilized. Canyon County's comprehensive plan discourages that kind of residential density within the flood plain and the floodway. The long-term planned use, (Reclamation plan) is to have the gravel pits be an amenity for a high end residential development that will occur on the portion of the property that is in the city limits. There are many gravel pits in the immediate area. The property in question was de-annexed from the city at the District Court level, the City of Caldwell was involved in the process. Mr. Wood is a reputable operator that supports many employees, who are represented here tonight. There are also agricultural operations in the area. This portion of property is not prime farm ground. The access will be on Lincoln road on the side away from the neighboring home. We will obtain an approach permit and do a traffic impact study. Roadway improvements will be dictated by the study. The floodway issues will be addressed with FEMA and conditions will be met. Regarding Mason Creek irrigation concerns, we will be required to comply with all conditions from the agency as well as Canyon County staff conditions of approval. As operations move into the floodway we will comply with all conditions that are required at the time. Mason Creek operations will not be affected by this project.

Brett Cope – in favor- 12359 Moss Ln Nampa ID 83651

- Mr. Cope has been in the gravel business for many years. Gravel operations in the area are greatly needed, there are several operations that are depleting currently and every foundation and road creates a need for gravel. Gravel is only available where it is in Canyon County. The location of this operation is ideal for mining gravel.

Rick Grever – in favor – 613 N Kimball Ave Caldwell ID 83605

- Mr. Grever works for Randy Wood. This is a fine company and Mr. Wood is a fine man or I would not work for him. He will comply with all conditions, and is very professional in his business. He has been in business for a long time, this would not be the case if he did not conduct business in a professional manor and comply with all conditions.

Randy Wood – Applicant in favor -11896 Lincoln Rd Caldwell Idaho 83605

- This gravel pit employs a lot of people and impacts many lives. The current pit is near depletion and we need a new location. We are getting moved out further and further. Keeping operations more centrally located helps keep truck traffic down. I have a proven record with my neighbors, and try to be a good neighbor, I have been issued Conditional Use permits on several locations and have met all conditions. There were several people opposing the first pit and at the time of the second pit application three of those people who were opposed showed support of our application. We will comply with all conditions. Mason Creek will not be affected by our operation.

Alan Mills in favor – PO Box 206 Middleton Idaho 83644

- The neighbor to the North of the property, Brian Burnett is in favor of this project as well as the neighbor to the straight north, Flip Phillips. There is a large buffer between the River and the properties to the north and west, a sound test was conducted during our neighborhood

meeting, with an agricultural operation in progress and our pit crushing operation in progress, the attendees could not hear our operation but could hear the tractor plowing. Gravel is a necessary resource and location is key. As road improvements are done in the area, the need for this product will increase. This operation will be taxed as an industrial use and will add to the tax base. Gravel mining is done with the intent to reclaim, water rights go along with that. There is no intent to vary from normal hours of operation.

Martin Galvin- in opposition – PO Box 115 Middleton ID 83644

- An asphalt plant was not mentioned in this proposal. I have known the subject property for the last 70 years. Since I was 10 years old I have helped maintain Mason Creek ditch and 15 Mile Creek, the lateral runs west across Middleton road and has irrigated approximately 700 acres in the past. Now it is being eaten up by gravel pits to the west. The subject property has been for many years in sodded river bottom pasture and lays between the curve in the Boise River and 15 Mile Creek, the curve in the Boise River has historically eroded through its banks during flood events. Mining an 80 acre gravel pit 20 feet deep where the sodded pasture was, could let the entire Boise River run through the pit. Flooding is a concern in this area. Other operations in the area have had problems during flood events and not complied with conditions of approval.

Sherri Jarvis – in opposition – 9491 Lincoln Rd Caldwell ID 83605

- Concerned about the access point being across from my home. Mr. Wood has stated that he will move the access away from my property, I am hoping that happens.

Rebuttal: Todd Lakey Applicant Representative in favor – 12905 Venezia Ct Nampa ID 83651

- Mr. Sweet, an engineer from Quadrant Consulting and Flood District 10, is very familiar with the Boise River and the flood issues in the area. Mr. Sweet’s submission regarding the pit capture issue in the floodway analysis, mentions that mining in the floodway could actually increase the capacity of the area to handle flood waters in the flood plain. The aspect of pit capture was specifically addressed by Mr. Sweet in his analysis. We don’t minimize the concerns of Mason Creek Ditch Company, we are simply addressing them under Idaho Code or Canyon County Ordinance and we will not be impacting any of their facilities or their lateral or access. In a flood event Mr. Wood is prepared with equipment and resources to address that. Our intent is to not use the access along the eastern portion of Lincoln Road, but to move it over to the other side away from Ms. Jarvis’ home.

MOTION: Commissioner Sturgill moved to close public testimony on Case CU2018-0015, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to adopt the Findings of Fact, and Conclusions of Law, and Conditions of Approval as modified and approve Case CU2018-0015. Seconded by Commissioner Levi. Roll call vote 6 in favor 0 opposed. Motion carried.

HECK REZONE CASE NO. RZ2018-0029

Dennis and Chris Heck are requesting to rezone parcels R34499014 (40.64 acres) and R34513012 (8.95 acres) from “RR” (Rural Residential) to “R1” (Single Family Residential). The subject property is located on the SE corner of the intersection of Willis and El Paso Roads. The properties are located in Sections 3 & 4, Township 4N, Range 3W, BM, Canyon County, Idaho.

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

Chairman Richard Hall, affirmed the witnesses to testify.

George Tallabus – Applicant Representative in favor – 15143 Horseshoe Dr. Caldwell ID 83607

- Representing the owner of the property. This property was sold in 2007 as an RR zone, which at that time was a minimum 1 acre parcel, the Ordinance has since changed to indicate an RR zone as a 2 acre minimum property. We are asking that this property be zoned back to a 1 acre parcel as it was before. We have worked with an engineer and Southwest District Health. The neighborhood meeting showed some concern about traffic in the area, we are confident that the traffic from this property will go towards Highway 30 and not cause further impact. Economically it is not feasible to develop 2 acre parcels. It is difficult to farm this property because of the terrain and a 40 acre parcel is not attractive to farmers, they do not want to haul equipment back and forth to the property. There is no demand in this area for 2 acre parcels, buyers are interested in smaller lots.

Pete Doornenbal – in favor – 13146 Galloway Rd Caldwell ID 83607

- In support of this development. I own a 180 acre ranch ½ mile to the east, and have been a farmer in the area for 10 years. In the past I have been opposed to development, however now I am in support of smaller lots. 2 acre lots are not farmable. This particular area is more suited for residential than agricultural properties.

Pat Oller – in neutral – 18831 Stone Ln Caldwell ID 83607

- Not opposed to the development, I just have some concerns. I live adjacent to the east of the subject property. Concerned about the property being on a hillside and how the wells currently in the area will be affected. In the past when the subject property was irrigated it flooded our property, how will that not happen in the future. Access point is a concern.

Rebuttal: George Tallabus – Applicant Representative in favor – 15143 Horseshoe Dr Caldwell ID 83607

- Understand the concern about irrigation run off from this property, when the property is developed it will have a plan to keep water on the development and flooding will be eliminated. The owner of a property to the south would be more affected than anyone else in the neighborhood meeting and they have no opposition. Well drilling does not cause a negative impact to neighboring property unless they have very shallow wells. Road access will be determined at platting.

MOTION: Commissioner Williamson moved to close public testimony on Case RZ2018-0029, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to adopt the Findings of Fact, and Conclusions of Law and Order recommending approval for Case RZ2018-0029, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Williamson. Roll call vote 5 in favor 1 opposed. Motion carried.

ELECTION OF PLANNING AND ZONING OFFICERS:

MOTION: Commissioner Carpenter nominated Chairman Hall to continue as Chairman, seconded by Commissioner Fried. Voice vote, motion carried.

MOTION: Chairman Fried nominated Commissioner Sturgill for Vice Chairman, seconded by Commissioner Carpenter, motion carried.

SUBSTITUTE MOTION: Chairman Fried nominated Commissioner Sturgill for Vice Chairman. Substitute motion Commissioner Williamson nominated himself as Vice Chairman, no second motion failed.

MOTION: Commissioner Williamson nominated himself as Secretary, seconded by Chairman Hall. No majority, motion failed.

MOTION: Commissioner Sturgill nominated Commissioner Levi as Secretary, seconded by Commissioner Carpenter, motion carried.

APPROVAL OF MINUTES:

- December 20, 2018

MOTION: Commissioner Levi moved to approve the minutes of December 20, 2018. Seconded by Commissioner Williamson. Voice vote, motion carried.

COMMISSION, DIRECTOR, & PLANNER COMMENTS:

Director Patricia Nilsson distributed handouts showing the hearing actions of Planning and Zoning vs. Board of County Commissioners. Discussion on the results of that handout.

ADJOURNMENT: 10:40 pm

MOTION: Commissioner Carpenter moved to adjourn, seconded by Commissioner Levi. Voice vote, motion carried.

Signed this 17th day of January, 2019

Chairman Richard Hall

ATTEST

Kathy Frost, Recording Secretary