



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, January 17, 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
Rick Fried, Commissioner
John Carpenter, Commissioner
Patrick Williamson, Commissioner

Staff Members Present: Patricia Nilsson, Director
Jennifer Almeida, Planner
Dan Lister, Planner
Kathy Frost, Recording Secretary

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

Vice Chairman Robert Sturgill proceeded to the business items on the Agenda.

OLD BUSINESS – ACTION ITEMS

FKH LLC CASE RZ2018-0013: Case withdrawn at applicant’s request.

PROVOST / ALLTERRA CONSULTING CASE RZ2018-0017

MOTION: Commissioner Williamson moved to table Case RZ2018-0017 to date certain February 21, 2019. Seconded by Commissioner Carpenter. Voice vote motion carried.

HAPPY VALLEY PLACE LLC CASE CR2018-0006: Case withdrawn at applicant’s request.

NEW BUSINESS – ACTION ITEMS

JASON KNOPP CASE OR2018-0006 & RZ2018-0031

The applicant, Jason Knopp, is requesting to rezone Tax Parcel R28681010 from “A” (Agricultural) to “RR” (Rural Residential). The request includes an amendment to the 2020 Canyon County Comprehensive Plan to modify the future land use designation from “Agricultural” to “Residential”. The property is located at 6385 Melba Road, Melba; also referenced as the NE ¼ of Section 36, T1N, R2W; Canyon County, Idaho.

Planner Dan Lister reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witness to testify.

Jason Knopp – Applicant in favor – 6385 Melba Rd Melba ID 83641

- Agree with staff and will stand for questions.

MOTION: Commissioner Sturgill moved to close public testimony on Case OR2018-0006 & RZ2018-0031, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Fried moved to recommend approval, including the Findings of Fact and Conclusions of Law as written for Case OR2018-0006 and forward the recommendation to the Board of County Commissioners, seconded by Commissioner Carpenter. Roll call vote motion carried.

MOTION: Commissioner Williamson moved to recommend approval, including the Findings of Fact and Conclusions of Law as written for Case RZ2018-0031 and forward the recommendation to the Board of County Commissioners, seconded by Commissioner Sturgill. Roll call vote motion carried.

SHANNAN & LATRICIA MAYS CASE CU2018-0021

Shannan & Latricia Mays are requesting a **Conditional Use Permit** for an RV Park to allow two (2) park model RV's to be located on the property which is approximately 1.36 acres in size. The subject property, R39348 is located at 29396 Pearl Rd., Parma, Idaho, in a portion of the SE ¼ of Section 19, T6N, R5W, BM, Canyon County, Idaho.

Planner Jennifer Almeida reviewed the staff report for the record including late exhibit #16.

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

Shannan Mays – Applicant in favor – 29396 Pearl Rd Parma ID 83660

- Ms. Mays and her sister purchased the property with the intent to downsize, retire and live on the property for the rest of their lives. There will not be more than the two park model RV's on the property and they are not on permanent foundations. The property was in very bad shape and has been significantly cleaned up, most of the neighbors are happy with the improvements that have made. All agency conditions will be followed.

Helen Simineo – opposed – 29498 Coach Rd Parma ID 83660

- Ms. Simineo lives on the neighboring property and is concerned about the placement of the propane tanks, they are close to the property boundary and may be a risk to her horses. An air horn has been used to try and stop her dog from barking, this is a concern. Ms Simineo is not in agreement with the type of fence that the May's want to install and will install her own fence.

J. Allen Timmons – opposed – 29498 Coach Rd Parma ID 83660

- Mr. Timmons was concerned that an "RV Park" meant many RV's being moved onto the property, knowing that it is limited to two RV's removes that concern.

Nola Campbell – opposed – 29463 Coach Rd Parma ID 83660

- Ms. Campbell is concerned about the use on the property if it changes ownership, and would like to see the number of homes limited to two.

Rebuttal: Shannan Mays – Applicant in favor – 29396 Pearl Rd Parma ID 83660

- There will not be more than two homes on the property, we plan to stay there until we die. We did offer to share the cost of a fence, however we are not in agreement on the type of fence, we will make sure the fence we put up is not close to the road and will not hinder sight lines at the

access point. The propane tanks were placed by professionals at the time of the Park Model set up.

MOTION: Commissioner Sturgill moved to close public testimony, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to approve Case CU2018-0021 including the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Seconded by Commissioner Sturgill. Roll call vote 5 in favor 0 opposed. Motion carried.

SADDLEBACK RIDGE ESTATES CASE SD2018-0015

R&C Development LLC has submitted a **Preliminary Plat** for **Saddleback Ridge Estates**. The plat consists of 15 residential lots and is zoned "RR" (Rural Residential, 2 acre average minimum lot size). The plat is proposed on Parcel R34484011, a 35.86 acre property located approximately 600 feet east of Freezeout Road; also referenced as the SE ¼ of Section 3, Township 3N, Range 4W; Canyon County, Idaho.

Planner Dan Lister, reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witnesses to testify.

Derritt Kerner – Applicant representative in favor – 270 N 27th St Boise ID 83702

- An NP study has been done and we are in compliance with Southwest District Health Department. The neighboring pond will be outside of the required setbacks. There was a Geo tek report done. There will be 15 lots in the subdivision. The Bureau of Reclamation and Black Canyon Irrigation District is requiring that the entire ditch will be tiled, we will comply with this requirement.

Charles McGuffey – neutral - 23446 Freezeout Rd Caldwell ID 83607

- Mr. McGuffey is questioning how the tile ditch will be accomplished and concerned about his private driveway being used as an access point. Currently construction crews are using the private driveway that Mr. McGuffey pays to maintain and he is not sure how he can stop people from using it. Would like a dog proof fence built on the border of the subdivision.

Jeanne Cridebring – neutral - 13843 red Tide Lane Caldwell ID 83607

- Ms. Cridebring would like clarification that there will not be access to Saddleback Ridge Estates from her Subdivision.

Jonathan Koch – opposed - 23382 Freezeout Rd Caldwell ID 83607

- Mr. Koch is concerned about the water rights and how existing wells will be affected, twelve property owners in the area have had wells fail. Adding 15 more wells is a concern. There is a wildlife refuge that Mr. Kochs' father has built and there is a concern that this subdivision could have a negative effect on the wildlife. There are ponds at the bottom of the slope from Saddleback Ridge Estates and the run off will go into our ponds. Septic failures will end up in our ponds. Exhibit #9 entered into the record.

Eric Newman – opposed - 23241 Freezeout Rd Caldwell ID 83607

- Concerned about the number of wells going in and would like to see more studies done.

Glenn Koch – opposed - 23306 Freezeout Rd Caldwell ID 83607

- Mr. Koch is concerned about protecting their water rights, the residential domestic wells and the existing ponds. Twelve property owners living on Freezeout road near the proposed subdivision have signed a letter of concern regarding their existing wells and the impact that 15 additional wells and septic systems will have. Mr. Koch has witnessed the contamination of water in Germany and is concerned that it could happen here. Traffic in the area is already too heavy and the subdivision will make it worse. Ag land should be preserved and growth should be connected to city services.

Bill Whitely – opposed - 23414 Freezeout Rd Caldwell ID 83607

- Mr. Whitely is concerned about increased traffic and the access points for the subdivision.

Genevieve Kelly – opposed - 11119 Chicken Dinner Road – Caldwell ID 83607

- Ms. Kelly would like to give additional time to Mr. Koch, the Commission declined to allow testimony to be traded back to a previous speaker.

REBUTTAL: Derritt Kerner – Applicant representative in favor – 270 N 27th St Boise ID 83702

- The ditch will be tiled and will be underground with boxes every 400 feet. The road will be paved, there is a private road bordering to the north and while it is used currently we are hoping that once our paved roads are completed it will eliminate traffic on the private road. On the east side of the development we had to give 40 feet for a future road, this caused us to lose one lot making this a 15 lot subdivision. There is not through traffic roads it is dead-end as determined by the highway district. We are trying to respect the existing features in the area and the terrain. We also have well concerns and have done studies to alleviate concerns, we are above the minimum lot size to use individual wells and septic systems. We have received approval from the Bureau of Reclamation. Wells and septic systems do recharge the aquifers. We have coordinated with the fire district and one access point has been approved.

MOTION: Commissioner Williamson moved to close public testimony on Case SD2018-0015, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to recommend approval of the Preliminary Plat, Irrigation, and Drainage Plan, for Case SD2018-0015, Saddleback Ridge Subdivision, including the Findings of Fact and Conclusions of Law modifying Item 9 to include environmental studies in the final plat. Forwarding the recommendation to the Board of County Commissioners. Seconded by Commissioner Fried. Roll call vote, 5 in favor 0 opposed. Motion carried.

RYAN MYHRE CASE RZ2018-0030 & OR2018-0005

The applicant, Ryan Myhre, is requesting to rezone Tax Parcels R34409 and R34417010A from “A” (Agricultural) to “R1” (Single Family Residential). The request includes an amendment to the 2020 Canyon County Comprehensive Plan to modify the future land use designation from “Agricultural” to “Residential”. Parcel R34409 is a vacant parcel adjacent to Dean Lane, Nampa. Parcel R34417010A is a vacant parcel adjacent to Can-Ada Road, Nampa. The parcels are also referenced as the SE ¼ of Section 36, Township 4N, Range 2W; Canyon County, Idaho.

Planner Dan Lister, reviewed the staff report for the record including late exhibits #7, #8.

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

Ryan Myhre – Applicant in favor - 545 Crestview Dr. Meridian ID 83646

- Mr. Myhre stated that there is a subdivision with 256 lots approximately .08 miles down the road from the proposed development. City services are not currently available for this development, we will utilize community wells and individual septic systems. There is a need in the area for additional housing to keep up with growth. Mr. Myhre questions how current and accurate the traffic studies in the area are. Three miles away is an Amazon facility being built this will increase the need for more housing in the area. Exhibit 9 shows the subdivisions that have been approved in Canyon County throughout the years including the lot sizes.

Steve Vreeland – neutral - 3634 N Can Ada Rd Nampa ID 83687

- Mr. Vreeland lives across from the proposed project and is not opposed to growth, the concern is a project of this size, with the small lots and the number of wells and septic systems. There is a high water table in the area.

Leland Swensen – opposed - 18822 Dean Ln Nampa ID 83687

- Mr. Swensen has been farming the parcel next to this parcel, and believes that the area should remain Agricultural, concerned about opening the floodgates to everyone wanting to do the same thing and losing farm ground. The ground cannot handle that many wells and septic systems, if city services were available it would be different.

MOTION: Commissioner Williamson moved to allow Ms. Cleverdon 10 minutes of testimony, seconded by Commissioner Sturgill. Voice vote motion carried.

Margie Cleverdon – Representative for the opposition - 18083 Can Ada Rd Nampa ID 83687

- Ms. Cleverdon read a list of sixteen people that she is representing in opposition to this project, all live within ½ mile of the proposed development. Exhibit 2 of the staff report states that more than 100 people a day are moving into the area and homes are needed. We disagree with rezoning Ag property to residential, once this is done it will not go back and farm land is lost. We do not agree with business goals stated in staff report, specifically relating to Amazon. The proposed number of people moving into the area is a statewide number not specific to just one area. Idaho and Canyon County do have goals for growth but stating that there will be 2000 people moving to the area for one specific company and needing housing for that is sensationalism. Local residents already have housing here and should be the ones getting the new jobs that come to the area. Agriculture and the comp plan should not be kicked to the curb to allow for commercial growth. Following the comprehensive plan is important, Economic and financial impacts are to be considered, however money is not the only consideration. The proposed use should not go against the comprehensive plan. Agricultural uses should be preserved. The projected tax dollars that Mr. Myhre stated do not add up to actual numbers. The opposition requests that the Commission deny both the Plan Amendment and the Rezone. 55 to 63 homes set in the middle of agricultural land on all sides is not compatible with the area and we feel this type of development is premature. Opposition does not agree that there is no evidence of a negative impact. The highway district states that there will be an impact on traffic possibly 500 additional car trips per day. Schools and public services will be negatively impacted as well as ground water. Development in this area should wait until city services are available. Ms. Cleverdon prefers this property to remain Agricultural.

Jerry Beukelman – opposed - 3398 N Can Ada Road Nampa ID 83687

- Mr. Beukelman is opposed to this project and feels that 55 additional wells and septic systems are not good for the area.

REBUTTAL: Ryan Myhre – Applicant in favor - 545 Crestview Dr. Meridian ID 83646

- Mr. Myhre stated that he has discussed the septic system with Tim Wright from Southwest District Health and he stated that they will have to use an upgraded system. He has also met with an engineer who stated that they may have to set aside an acre for a water treatment facility that would be ready to hook up to city services when they become available. City water is less than a mile away, sewer is farther away.

MOTION: Commissioner Sturgill moved to close public testimony on Case RZ2018-0030 & OR2018-0005, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Sturgill moved to recommend denial of Case OR2018-0005 a Comprehensive Plan Map amendment, including the Findings of Fact, and Conclusions of Law, forwarding that recommendation to the Board of County Commissioners. Seconded by Commissioner Fried. Roll call vote 5 in favor 0 opposed. Motion carried.

MOTION: Commissioner Williamson moved to recommend denial of Case RZ2018-0030, a Rezone request, including the Findings of Fact and Conclusions of Law, forwarding that recommendation to the Board of County Commissioners. Seconded by Commissioner Sturgill. Roll call vote 5 in favor 0 opposed. Motion carried.

JAY WALKER / ALL TERRA CONSULTING CASE RZ2018-0032

Jay Walker, All Terra Consulting is requesting a **Rezone** of approximately 35.22 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. The subject property, R38046010 is located on the west side of Freezeout Rd., approximately 1300 ft. north of the intersection of Purple Sage Rd. and Freezeout Rd., Caldwell, Idaho, in a portion of the SW ¼ of Section 27, T5N, R3W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record, including late exhibits, 17, 18, 19, 20, 21, 22 and review of letter from Canyon Hwy District #4.

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

Jay Walker – Applicant representative in favor – 849 E State St Eagle ID 83616

- Mr. Walker stated that the property is near other subdivisions that have been approved and this project is consistent with the area. This is a good transitional development, and is within the Compass projection of growth. Access is still under consideration. 27 single family estate lots are proposed. Comp plan and Future Land Use is designated as residential. Working with Canyon Highway District #4 on road access and dedication. The 30 foot road dedication, and access road is in the flood zone, making the rest of the property completely out of the flood way. The NP study has been done and we will comply with the resulting recommendations. Geo tek report shows no environmental soil or groundwater concerns. The drain will be tiled. All agencies have been consulted.

Cory Blaine – Owner in favor – 1164 E Beacon Light Rd Eagle ID 83616

- Mr. Blaine is the owner of the property. Plans are to have a high end development. He has worked with the neighboring subdivision in order to help clean up the drainage and water problems on the west.

Bill Schultz – in favor - 25460 Rembrandt In Caldwell ID 83607

- Mr. Schultz is on the board of the Hollandia Estates HOA, (a neighboring subdivision) and chairman of the irrigation committee. After speaking with Mr. Walker about this project he is in support. The current drainage system is not working properly, we are working with the developers on the proposed development and feel this will benefit our subdivision as well, by correcting our drainage problems.

Steven Squellanti – opposed - 25109 Elk Way Caldwell ID 83607

- Mr. Squellanti is opposed to this project, it will take away the view. There is crop dusting in the area and it is not compatible with the area. There are water drainage issues, some of the land is a swamp. This should be 5-8 acre lots. This project will destroy the character of the area.

Larry Biederman – opposed -25111 Freezeout Rd Caldwell ID 83607

- Mr. Biederman’s property is .10 miles from the proposed development and feels that 1 acres lots will change the character of the area. Freezeout road is a valley road with hills on both sides. The proposal first showed 2 acre lots and the neighbors were okay with that, but would prefer 5 acre lots. This would be an Island development out of character with the area. 2 acre lots are more consistent and we would not have a problem with that.

Linda Overman – opposed - 25454 Freezeout Rd Caldwell ID 83607

- Ms. Overman farms property in the area and would not be opposed to 5 acre lots, however 1 acre lots are not consistent with the area. We crop dust that area, water issues are improving due to ground work being done in the area by us and others in the area, prior to repairs there was a lot of water/ flooding problems. We are concerned about individual wells and septic systems. Traffic is a concern, there are farm vehicles in the area. There are smells associated with farming that residential neighbors will not like.

REBUTTAL: Jay Walker – Applicant representative in favor – 849 E State St Eagle ID 83616

- We are not concerned with crop dusting in the area and there are 1 acre lots in the area. We are excited about this project and do not feel that 27 lots will be a significant traffic increase.

MOTION: Commissioner Carpenter moved to close public testimony, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Williamson moved to recommend approval on Case RZ2018-0032, including the Findings of Fact, Conclusions of Law and Order, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Carpenter. Roll call vote 4 in favor and 1 opposed.

APPROVAL OF MINUTES:

- JANUARY 3, 2019

MOTION: Commissioner Sturgill moved to approve the Minutes as written for January 3, 2019. Seconded by Commissioner Carpenter. Voice vote motion carried.

COMMISSION, DIRECTOR, & PLANNER COMMENTS:

Discussion on rezone policies regarding decision making, Commissioner Carpenter would like to see conditions of approval added to rezones. Director Nilsson informed the Commission that the Ordinance amendment was adopted and signed.

ADJOURNMENT: 11:15 PM

MOTION: Commissioner Williamson moved that the meeting be adjourned, seconded by Commissioner Carpenter. Voice vote motion carried.

Signed this 7th day of February, 2019

Chairman Richard Hall

ATTEST

Kathy Frost, Recording Secretary