



**CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, February 7, 2019  
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  
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  
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.

**Agenda amended to hear Badiola Case RZ2018-0034 first, minutes under new business.**

**OLD BUSINESS – ACTION ITEMS**

**TODD LAKEY / TONY ELORDI CASE: DA2018-0023 Case, Withdrawn at Applicants request**

**DAVIS / KINDRED VINEYARDS CASE: CU2018-0020**

Craig Davis with Kindred Vineyards is requesting a conditional use permit to allow special events at Kindred Vineyards, tax parcel R33466010. The parcel is zoned "A" (Agricultural). The 5.46 acre property is located at 14251 Frost Road; also referenced as the SW Quarter of Section 22, Township 3N, Range 4W; Canyon County, Idaho.

**Commissioner Williamson is recused**

**Planner Dan Lister**, reviewed the staff report for the record late exhibits, 7A, 7B, 7C, 7D

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

**Craig Davis - applicant in favor-14251 Frost Rd Caldwell ID 83607**

- Our intent is to have a small boutique size wedding / special events venue that will be family run with no more than 150 people at each event. The events will be outside. We have had only positive feedback from neighbors.

**MOTION:** Commissioner Sturgill moved to close public testimony on Case CU2018-0020, seconded by Commissioner Levi. Voice vote motion carried.

**MOTION:** Commissioner Carpenter moved to approve case CU2018-0020, amending the Findings of Fact, Conclusions of Law and Conditions of Approval, Item #4 to state that there will be no more than 150 people per event. Seconded by Commissioner Garrett. Roll call vote, motion carried.

**RODERIC LEWIS CASE: RZ2018-0028**

The applicant, Natalie Main of Century 21 Eagle Rock, representing owner, Roderic Lewis, is requesting a conditional rezone of tax parcel R30866 from “A” (Agricultural, 40 acre minimum lot size) to “M-1” (Light Industrial) and “M-2” (Heavy Industrial). The vacant 33.47 acre property is located near the intersection of Midland Boulevard and Ustick Road. The parcel is also referenced as the NW Quarter of Section 4, Township 3N, Range 2W; Canyon County, Idaho.

**Recused Commissioner Levi is recused**

**Planner Dan Lister**, reviewed the staff report for the record, including exhibits 13a, 13b, 13c, 13d, 13e and 13f. The request has been modified to M1 (light industrial) use.

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

**Testimony:**

**Hethe Clark - Applicant representative - 251 E Front street Boise Idaho 83701**

- The property is 33.47 acres, is in the area of Nampa City Impact and is currently zoned Agricultural. The proposed use is in accordance with the Nampa City and Canyon County Comprehensive plans. The original application was for “M2” heavy industrial, the request has been modified to “M1” (Light Industrial) with a Development Agreement. There will be a landscaping berm. A dedication of right of way will be given to the City of Nampa for a future roundabout. We would like allowed uses to include a batch plant, & mineral extraction. We would like Conditions of Approval, Item #4 and Item #5 amended. Traffic access has been approved onto adjoining arterials, Midland Blvd & Ustick Road.

**Natalie Main – Applicant representative – 2072 W Teano Dr. Meridian Idaho 83646**

- We reached out to the City of Nampa, there is not an hour of operations requirement, as we will be conforming to performance standards we prefer to not have restricted hours of operation.

**Dennis Parker – in favor- 2916 E Locust Ave Nampa Idaho 83686**

- Mr. Parker is a volunteer working to forward industrial growth in the area and has been working with several cities on their economic developments. Union Pacific Railroad has designated this area as future areas of operation with 200 rail cars per month servicing the area. There is a company intending to purchase another property in the area for commercial use that will also be using rail service. The City of Nampa is developing this area for industrial use.

**MOTION:** Commissioner Garrett moved to close public testimony on Case RZ2018-0028, seconded by Commissioner Williamson. Voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to recommend approval and forward the recommendation to the Board of County Commissioners, on Case RZ2018-0028, amending condition #5 to state that the project shall comply with all requirements of Nampa City Code Section 10-1-9, and amend Item #4 removing the need for a Conditional Use Permit to operate a Batch Plant. Seconded by Commissioner Carpenter. Roll call vote, motion carried.

**OBENDORF CASE: CU2018-0010**

T.O. Engineers on behalf of Greg and Ann Obendorf are requesting a conditional use permit for long term mineral extraction and crushing on approximately 66.9 acres for a period of 15 years. A reclamation plan approved by the Idaho Department of Lands, Plan NO. S602952, has been submitted with the application. The property is located west of 24805 Boise River Road, Parma, Idaho and is further described as a portion of Section 36, Township 5N, Range 5W.

**Commissioner Carpenter is recused**

**Planner Dan Lister**, reviewed the staff report for the record, including late exhibits 8, 9, 10, & 11.

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

**Testimony:**

**Julie Kline Fischer- Attorney for applicant in favor - 332 N Broadmore, Nampa Idaho**

- Ms. Fischer is representing the applicant in response to the letter sent earlier today to Development Services, from attorney's representing the applicants, requesting that the Commission table this case, allowing additional time to attain an independent engineering report that had been requested by the County. We were under the impression that it was complete and have not had sufficient opportunity to respond to the lack of a report. We feel that testimony should remain open allowing the applicants to attend at a later date. There is not an applicant representative here for testimony tonight.

**Gordon Bates - in neutral – 500 E Golden Gate Ave. Wilder Idaho 83676**

- Mr. Bates is representing the Golden Gate Highway District and is here to identify truck traffic and road improvements that may be required. The highway district is neutral on land use, we are solely interested in traffic impact. The applicant has decided to not submit a traffic study and we concur with staff that the application should be denied. Loaded gravel trucks will have a significant impact on the highway. Boise River Road is not currently safe for this operation to continue, it is not designed for a mining operation.

**Steve Burgos – opposed -150 N Capitol Blvd Boise Idaho 83702**

Mr. Burgos is requesting an additional ten minutes of testimony

**MOTION:** Commissioner Garrett moved to allow ten minutes of testimony to Mr. Burgos, seconded by Commissioner Williamson. Voice vote motion carried.

- Mr. Burgos is representing the City of Boise as the Public Works Director. The City of Boise owns and operates the Dixie Drain Phosphorus removal facility located just to the east of the applicant's project. We are opposed to the project as we believe there are too many potential negative impacts that remain unaddressed. Water quantity impacts, water quality impacts, and financial impacts to the neighbors have not been studied. We support staffs recommendation of denial on this project. Mr. Burgos reviewed the Dixie Drain Phosphorus facility plant in great

detail, and the negative impact that the proposed project will have on the Dixie Drain facility. The Clean Water Act requires that we remove a certain amount of phosphorus from our discharge to the Boise River, we have upgraded our facility to get about a 95 percent reduction in our total phosphorus. We need an additional 3 % to reach permit requirements. The additional 3% is very expensive. The proposed project will drawdown the water table and will impact our permit negatively, the ground water will also be negatively impacted, and the phosphorus being removed by our project will be reversed. The twenty one million dollar investment will be lost and could have a 100 million dollar negative impact on the City of Boise. There are too many unaddressed issues on this project we agree with staff to deny this project.

**Dan Erskine – opposed - 24788 Boise River Rd.**

- Mr. Erskine is representing 6 other people. We oppose this project, photos show little improvement in weeds and the applicants continue to work in violation. There should be an environmental study and a wildlife study. Outdoor use in the area will be negatively impacted as well as wildlife. There are 4 homes within 100 feet of the property, wells are not very deep and those wells could be impacted negatively. The roadway is bad now this project will be a hazard and will damage the road further. Equipment has run 24 hours a day at times, with no sound control. Canyon County has denied subdivisions in this area because of negative impact and we cannot understand why this project would even be considered. Property values are a concern.

**REBUTTAL:**

Applicant representative elected to have no rebuttal.

**MOTION:** Commissioner Sturgill moved to close public testimony on Case CU2018-0010, seconded by Commissioner Fried. Voice vote, motion carried.

**MOTION:** Commissioner Fried moved to deny case CU2018-0010 based on Findings of Facts & Conclusions of Law, the applicants could possibly get an approval with a completed traffic study, and details of water rights, possible solution to impact on the neighboring Dixie Drain project and be prepared to address neighbor concerns. Seconded by Commissioner Williamson. Commissioners request revised Findings of Fact and Conclusions of law be brought back to the Commissioners for signature on February 21, 2019. Roll call vote 6 in favor 0 opposed.

**NEW BUSINESS – ACTION ITEMS**

**LAKESIDE VENUES LLC CASE: CU2018-0023**

**MOTION:** Commissioner Sturgill moved to table Case CU2018-0023 to date certain 3/7/2019, seconded by Commissioner Carpenter. Voice vote motion carried.

**JOHN BADIOLA CASE: RZ2018-34**

John Badiola is requesting a **Rezone** of approximately 37.90 acres from an “A” (Agricultural) zone to an “M-1” (Light Industrial) zone. The subject property, Parcel No. R36355 is located on the east side of Pinto Rd., approximately 1273 ft. north of the intersection of Simplot Blvd., and Pinto Rd., Caldwell, ID in a portion of the NE ¼ of Section 23, T4N, R4W, BM, Canyon County, Idaho.

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

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

**Testimony:**

**Alan Mills – applicant representative - PO Box 206 Middleton Idaho**

- The subject property is in an industrial area, surrounded by businesses, indicating a need in the area. The use is compatible with the Comprehensive plans and Land Use Maps, and is more appropriate to the character of the area. There have been no complaints about the project and the use is compatible with the surrounding uses. The project will not change the character of the area and will impact public services in a good way, increasing the tax base.

**MOTION:** Commissioner Garrett moved to close public testimony on Case RZ2018-34, seconded by Commissioner Carpenter. Voice vote motion carried.

**MOTION:** Commissioner Sturgill moved to recommend approval of Case RZ2018-0034, seconded by Commissioner Fried, including the Findings of Fact Conclusions of Law and Order and forward the recommendation to the Board of County Commissioners. Roll call vote motion carried.

**MAVERICK TOWERS CASE: CU2018-0024, withdrawn by applicant**

**APPROVAL OF MINUTES:**

- January 17, 2019

**MOTION:** Commissioner Sturgill moved to approve the minutes of January 17, 2019, seconded by Commissioner Fried. Voice vote motion carried.

- January 24, 2019

**MOTION:** Commissioner Williamson moved to approve the minutes of January 24, 2019, seconded by Commissioner Fried. Voice vote motion carried.

**COMMISSION, DIRECTOR, & PLANNER COMMENTS:**

- Planner Dan Lister clarified commission on state statutes regarding applicants being present at hearings.
- Commissioner Williamson spoke to organizing a winery educational seminar to assist the commission on future cases regarding future winery cases, Director Nilsson thought it would be helpful to have a course available to those hoping to start a winery, giving them direction to proceed. Considering an informal session at Williamson’s vineyard.
- Director Nilsson informed the Commission that the two vacant planner positions have been filled. One of the new planners will be assigned to work on the comp plan.
- There was a review of the compass meeting that 3 of the commissioners attended.
- Commissioner Fried commented on the development going on and whether residential developers are taking the correct considerations when planning a location, in relation to the comprehensive plan in both the cities and county.
- Discussion of flood plain ordinance that is in progress and is scheduled to be heard on 4/4/2019, before the commissioners.

**ADJOURNMENT: 10:10**

**MOTION:** Commissioner Fried moved to adjourn, seconded by Commissioner Garrett.

**Signed this 21st day of February, 2019**

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Chairman Richard Hall

**ATTEST**

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Kathy Frost, Recording Secretary