



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, March 21, 2019
6:30 P.M.**

1ST 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 6:34 p.m.

Secretary Sandi Levi proceeded to the business items on the Agenda.

OLD BUSINESS – ACTION ITEMS

HOPES LANDING Case: CU2018-0025, sign revised FCOs

MOTION: Commissioner Garrett moved to adopt the revised Findings of Fact and Conclusions of Law, & Conditions of Approval to deny Case CU2018-0025. Seconded by Commissioner Williamson. Commissioner Sturgill abstained. Voice vote, motion carried.

LINFIELD ESTATES SUBDIVISION CASE: SD2018-0002

TJ Wellard on behalf of DRK, LLC has submitted a Preliminary Plat, Preliminary Irrigation Plan, and Preliminary Drainage Plan for Linfield Estates Subdivision. The proposed 13 residential lot development is located on Stoffle Lane approximately 1280 feet north of the intersection of Stoffle Lane and State Highway 44 on parcel R33969010. The property is further described as a portion of the NE quarter of Section 10, Township 4N, Range 5W, BM, Canyon County, Idaho.

Planner Debbie Root, reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witness to testify

Testimony:

TJ Wellard Applicant Representative in favor - 17842 Sand Hollow Rd Caldwell ID 83607

Mr. Wellard Reviewed the project and discussed agency comments and concerns. Idaho Transportation Department had concerns about the turn lanes possibly needing to be lengthened, however it has been determined that they do not have jurisdiction and because the project is only 13 lots a study will not be ordered. Irrigation concerns have been met and approved by the Irrigation District. The developer is installing wells and property owners will install their own pumps.

MOTION: Commissioner Sturgill moved to close public testimony on case SD2018-0002, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Sturgill moved to table Case SD2018-0002 to date certain April 4, 2019, in order to allow Engineers to provide more information and a solution to the irrigation concerns that the Commission has. Seconded by Commissioner Carpenter. Roll call vote 5 in favor 2 opposed, motion carried.

NEW BUSINESS – ACTION ITEMS

MEHOLCHICK - JUNIPER RANCH CASE: CU2018-0022 Table to 4/18/2019

MOTION: Commissioner Sturgill moved to table Case CU2018-0022 to date certain April 18, 2019. Seconded by Commissioner Williamson. Voice vote motion carried.

MICHAEL STIPA “CIRCLE OF LIFE” CASE: CU2019-0001

Michael Stipa applied for a conditional use permit for an animal cremation service facility at 14180 Hollow Road, Caldwell, ID. The two (2) acre property is zoned agricultural. The subject property is further described as being a portion of Section 03, Township 5N, Range 3W, BM, Canyon County.

Planner Debbie Root, reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witness to testify

Testimony:

Michael Stipa - Applicant in favor - 14180 Hollow Rd Caldwell ID 83607

- Mr. Stipa stated that the property is their home and that his wife used to have a veterinarian business on site. Since she passed away they have discovered that there is not a facility anywhere in the area that provides pet cremation. Finding there is a need for this service, they have decided to start this business. Ashes are placed in a small wood urn, labeled and delivered back to the pet clinic who returns it to the customer.

MOTION: Commissioner Garrett moved to close public testimony on case CU2019-0001, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Sturgill moved to approve case CU2019-0001, including the Findings of Fact, Conclusions of Law and Conditions of Approval, seconded by Commissioner Levi. Roll call vote, 7 in favor 0 opposed, motion carried.

MIGUEL & MARIA ARROYO CASE: CR2018-0011

Miguel & Maria Arroyo are requesting a **Conditional Rezone** to rezone approximately 2.87 acres from an “A” (Agricultural) zone to a “CR-RR” (Conditional Rezone - Rural Residential) zone. Also requested is a **Development Agreement** which would restrict the development of the parcel to only one (1) residence. The subject property, parcel no. R37412014 is located at the southeast corner of Bullock Rd., Middleton, Idaho, in the SW ¼ of Section 19, T5N, R2W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony:

Keith Borup - Applicant Representative in favor – 2090 Freedom Lane Meridian ID 83646

- When the applicants purchased the property in 2005, they were told that they could build a home on the property. When applying for a building permit they found that there was not a permit available. They are requesting a Conditional Rezone in order to build one home on the property. The Highway district asked for a right of way agreement, the Arroyos will grant that request.

Nancy Baker - opposed - 11606 bullock Rd Middleton ID 83644

- Because all of the surrounding area is being farmed, Ms. Baker believes that this property should not have a home built on it, she does not want one more home built in the neighborhood.

Larry Haviland - opposed 11606 Bullock Rd Middleton ID 83644

- Mr. Haviland reviewed current county zoning and the future land use plan, and discussed the roads in the area and the changes that will take place in the future. The area is a high nitrate area. He feels that the Arroyo’s should have been more aware of the fact that a building permit was not available and a home should not be built on the property.

Rebuttal:

Keith Borup Applicant Representative in favor - 2090 Freedom Lane Meridian ID 83646

- There was a 2 hour neighborhood meeting and there was no negative feedback at that time. We agree that the property is rural, however there are other homes in the area. Ms. Baker and Mr. Haviland did offer to buy the property, but offered only about 1/6th of what the Arroyos paid for it in 2005, and that was not a feasible price.

MOTION: Commissioner Carpenter moved to close public testimony on case CR2018-0011, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Garrett moved to recommend approval of case CR2018-0011, including the Development Agreement Findings of Fact and Conclusions of Law, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Williamson. Roll call vote 5 in favor 0 opposed, motion carried.

ERIN & ELLIS BEUKELMAN CASE: CU2019-0002

Brindee Collins representing Erin and Ellis Beukelman, is requesting a conditional use permit on Parcel R36416010A to allow a small animal facility on less than five acres. The property is located at 19012 Upper Pleasant Ridge Road, Caldwell, and described as a portion of Section 26, Township 4N, Range 4W, BM, Canyon County, Idaho.

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

Chairman Richard Hall, affirmed the witness to testify.

Testimony:

Brindee Collins - representative in favor - 6126 W State St Boise ID 83617

- Staff review covers most points, of the project. The manure control was a concern, the Beukelman's will make sure that they are in compliance with the manure management plan. The number of horses is not necessarily what they will have it is just the maximum number that they can have. The professional training operation is mostly operated from May thru November. There are six horses on site permanently that belong to the owners of the property. This is not a commercial use it is a professional training facility. There has not been any charges for animal abuse brought against the applicants, the horses are in good health. The property is well kept and the arena is maintained and watered.

Brad Benke - in favor - 19222 Upper Pleasant Ridge Rd Caldwell ID 83607

- Mr. Benke stated that he is retired and at home most of the time, he did not know that the Beukelman's had that many horses. Feed storage is not an issue, fencing is pipe or wood where the horses are. Mr. Benke has never witnessed horses that have gotten out of the fenced area. This is a good agricultural business.

Adolfo Valdez - in favor 19077 Upper Pleasant Ridge Rd Caldwell ID 83607

- Mr. Valdez lives across the street from the Beukelman's and supports the project. Mr. Valdez son works for the Beukelman's, cleaning stalls daily, he feeds and waters the horses. The horses are well cared for. The property is well maintained and the horses have not gotten out. Other neighbors horses have gotten out but the Beukelman's have not. Odor has not been an issue.

Michelle Ellinger in favor 19827 Upper Pleasant Ridge Rd Caldwell ID 83607

- Fencing is adequate to keep horses contained. The property is well maintained and the horses are well maintained. Ms. Ellinger used to farm the house next door and there was never a problem with the horses. There is adequate storage for feed on the property. Odor has not been an issue.

Nathaniel Davis in favor 6851 Horse Heaven Ln Nampa ID 83687

- Mr. Davis is a contractor for a fence company and has constructed some pens for the Beukelman's, and has contracted twice to remove manure for them. Mr. Davis is also an active real estate agent in the area. This is a rural area and this should be an allowed use. The Beukelman's have trained a horse for Mr. Davis. Restricting animals on rural property is not a

good idea. Horses need to be allowed to graze and having more than one horse in a pen is not a problem.

Tanya Robinson - opposed 19098 Upper Pleasant Ridge Road Caldwell ID 83607

- Ms. Robinson is a neighbor on the fence line, and has lived on the property three years. The use on the subject property has changed since she has lived there. Mr. Beukelman has been in violation for 2 years and the number of horses is high, the horses are onsite all year long. The manure pile is a problem and it is not stored properly, the smell is a problem. Manure is spread on the property, and can cause diseases. The health of the animals is in question, and flies area a problem. The manure management plan may help. The pens are 12 feet from Ms. Robinson's fence line and there is a concern about the diseases that could filter onto her property affecting the health of her horses, the water system and groundwater. There is not enough land to handle the number of horses that are on the property. The property is not well maintained and this is a commercial business. Fencing is adequate but there are areas that could allow horses to get out. Ms. Robinson would like to see a privacy fence around the subject property and has witnessed mistreatment of animals by Mr. Beukelman.

Motion: Commissioner Carpenter moved to allow three minutes of additional testimony to Ms. Robinson, seconded by Commissioner Williamson. Voice vote motion carried.

Jessica Suits - opposed - 19082 Upper Pleasant Ridge Rd Caldwell ID 83607

- Ms. Suits shares a fence line with the subject property and is concerned about the way of life she enjoys being disrupted. Traffic is a concern resulting from the delivery of feed and horses. Manure stockpiling is a concern as well.

Rebuttal:

Brindee Collins - representative in favor - 6126 W State St Boise ID 83617

- This is a rural agricultural area and this is an Ag use. Traffic is typical for this area and will not be changed by this use. The surrounding neighbors also have horses and have feed delivered. ITD and Canyon highway district are not concerned with the traffic. The Beukelman's live onsite and want it to be a nice area. The violation notice was issued by code enforcement via a complaint and they are trying to be in compliance. Agree with limiting the number of horses to 20.

Testimony:

MOTION: Commissioner Williamson moved to close public testimony on case CU2019-0002, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Garrett moved to approve Case CU2019-0002, including the Findings of Fact, Conclusions of Law and Conditions of Approval, amending item #2 to not exceed 20 horses, amending item 4 allowing 60 days to have an approved manure management plan in place, and that all manure not used to fertilize the property will be removed on a regular basis, and amending condition # 7 to state that the owner shall maintain all property runoff on-site. Seconded by Commissioner Fried. Roll call vote, 7 in favor 0 opposed, motion carried.

APPROVAL OF MINUTES:

- March 7, 2019

MOTION: Commissioner Williamson moved to approve minutes of March 7, 2019, seconded by Commissioner Garrett. Commissioner Sturgill abstained. Voice vote, motion carried.

COMMISSION, DIRECTOR, & PLANNER COMMENTS: Director Nilsson informed Commission about new Planners on staff, Ag meetings and Agency happenings and recent board cases.

ADJOURNMENT: 10:16 pm

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

Signed this 4th day of April 2019

Chairman Richard Hall

ATTEST

Kathy Frost, Recording Secretary