



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, April 4, 2019
6:30 P.M.**

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

Commissioners Present: Richard Hall, Chairman
Rob 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
Stephanie Hailey
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

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, including late exhibits 16, 17, 18, 19.

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

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

Testimony:

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

- No testimony

Brent Orton – Engineer in favor – 17338 Sunnydale Place Caldwell ID 83607

- Mr. Orton presented a review of the Irrigation plan, including information on the drainage swales and irrigation wells.

Alan Mills – Applicant representative in favor - PO Box 206 Middleton ID 83644

- Mr. Mills created the irrigation plan, he reviewed his experience with the proposed type of irrigation and feels that this is the best system for this development.

Todd Lakey – Applicant represent12905 Venezia Ct Nampa ID 83651

- In response to questions regarding the maintenance of the swales in individual yards, Mr. Lakey stated that the HOA will place conditions in the CC&R's requiring residents to maintain the swales in their own yards.

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

MOTION: Commissioner Fried moved to recommend approval of Case SD2018-0002, including Findings of Fact, Conclusions of Law and Conditions of Approval as amended to include Item #10 to the Conditions of Approval. Seconded by Commissioner Williamson. Roll call vote, 4 in favor 3 opposed, motion carried.

AMERICAN HOMES CASE: RZ2019-0001

Spencer Crosland of American Homes LLC is requesting a rezone of approximately 39 acres of Parcel R38683 from "A" (Agricultural) to "R1" (Single Family Residential, 1 acre minimum lot size). The vacant parcel is located off Randolph Avenue, Melba; referenced as the NE ¼ of Section 36, Township 1N, Range 2W, Canyon County, BM, Idaho.

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

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony:

Spencer Crosland – Applicant in favor - 7800 W Alfalfa Rd. Melba ID 83641

- Mr. Crosland clarified details of the proposal.

John Stosich - in favor - 6579 Blue Ox Ln Melba Idaho 83641

- Mr. Stosich lives adjacent to the subject property and is in favor of the proposal, he is a real estate agent handling the sale of the property.

MOTION: Commissioner Sturgill moved to close public testimony on Case RZ2019-0001, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Sturgill moved to recommend approval of case RZ2019-0001, including the Development Agreement and the Findings of Fact, Conclusions of Law, seconded by Commissioner Carpenter. Roll call vote, 7 in favor 0 opposed, motion carried.

PREMIER LLC (BID LLC) CASE: CU2018-0014

Premier LLC, is requesting a conditional use permit to allow a long term mineral extraction and crushing operation on approximately 182 acres for a period of 20 years. The application includes an approved reclamation plan from Idaho Department of Lands (Plan No. S602958). The property is located at 26237 Deb Lane, Parma, Idaho and is further described as a portion of Section 23, Township 5N, Range 5W. The parcel is located within a mapped floodplain.

Planner Debbie Root, reviewed the staff report for the record including late exhibit #6.

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

Testimony:

Evan Buchert - Applicant in favor - 1860 W Sales Yard Rd Emmett ID 83617

- Mr. Buchert’s business is a small provider of sand and gravel. The goal of this project is to build ponds for future a home site, and provide a wildlife preserve, the best way to do that is to excavate the gravel. We wish to be good neighbors, the crushing operation is DEQ compliant. Noise is mitigated by instituting conservative hours of operation. Crushing will be done for two to four months per year. Traffic will be mitigated by a traffic study, Notus Parma Highway district and ITD will have requirements and we will comply with all conditions. A berm will be created to buffer site lines and mitigate noise. Dewatering will be done according to an agency report and recommendations. We will not have a batch plant at this facility and will not have night time operations. Hours of operation will be Monday through Saturday 7 am to 7 pm.

Doug Bates – Property owner in favor - 4333 E Wild Horse Ln Boise ID 83712

- Mr. Bates purchased the property because of the abundance of wildlife, He has created “Blue Sky Habitat” to create more habitat areas for wildlife. Mr. Bates has been working with agencies to reduce the amount of phosphates in the Boise River by installing pivots. The end result of this project is to make more habitat for wildlife, by extracting the gravel and building ponds through reclamation. 20 years is much longer than we are hoping, however the experts recommend that timeline.

Joe Pierson - Opposed - 505 Bates Ave Parma ID 83660

- Mr. Pierson is concerned about the roads in the area, specifically Deb Ln. and possible improvements that may need to be done, he does not want to be responsible for the costs of road improvements.

Rebuttal: Evan Buchert - Applicant in favor - 1860 W Sales Yard Rd Emmett ID 83617

- There are no plans to use Deb Ln. the 20 year timeline is an estimate we are asking for 20 years due to the variables that happen in the business but do not anticipate the project taking that long.

MOTION: Commissioner Sturgill moved to close public testimony on case CU2018-0014, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Sturgill moved to approve case CU2018-0014, including the Findings of Fact, Conclusions of Law and Conditions of Approval, seconded by Commissioner Levi. Roll call vote, 7 in 0 favor opposed, motion carried.

KOLO LLC (Jay Walker) CASE: RZ2018-0037 – OR2018-0007

Jay Walker representing Logan Patten of KOLO LLC, is requesting a Comprehensive Plan Amendment of Parcel R29797011A to change the future land use designation from “Agricultural” to “Residential”. The applicant also requests a rezone of Parcel R29797011A from “A” (Agricultural) to “RR” (Rural Residential, 2 acre average minimum lot size). The vacant 11.67 acre parcel is located off Sunrise Avenue, Nampa, and described as a portion of Section 25, Township 2N, Range 2W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record, including late exhibit #10.

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

Testimony:

Jay Walker - Applicant Representative in favor - 849 E State St Eagle Id 83616

- The applicant is seeking approval of this project from Ag to RR. This a 4 lot project with a 2 acre minimum lot size. The subject property was created by a land division by a neighbor in 2008 through a conditional use permit, that permit expired in 2011. The current owners are resurrecting the project in order to create hobby farms. A short plat, irrigation plan, and final plat have been submitted. Individual wells and septic systems will be utilized. An NP study will be completed. We will be in compliance with agency recommendations. Currently the area has 12 residential developments ranging from 1 acre lots to 2 acre plus lots and some larger agricultural lots. Sunrise has an average lot size of 2.54 acres. This proposal is similar to other uses in the area.

Paul Calverley – in favor – 9396 Pandion Ct Boise ID 83714

- Mr. Calverley owns three farms in the area. He reviewed his past experience as a soil expert. A historical soil study showed severe limitations for farming, and the property has not been farmed for a very long time. Irrigation is not easy on this parcel. The size and shape of the property also make it difficult for farming.

Steve Calverley – Applicant in favor – 247 N Bene Posto Pl Boise ID 83712

- Mr. Calverley is the property owner and is trying to be a good neighbor, this is not prime farmland, and there are similar lots in the immediate area.

Carol Huffman – opposed - 6470 Sunrise Ave Nampa ID 83686

- Ms. Huffman is opposed to this project. All property is able to be farmed, there are many methods that can be used to farm difficult properties. Ag use is not just farming. Increased traffic is a concern. We do not want to see our neighborhood changed.

Steve Huffman – opposed - 6470 Sunrise Ave Nampa ID 83686

- The people in favor of this proposal do not live in the area. Mr. Huffman is opposed to this development, he has a horse facility in the area which is a use that this property is zoned for.

The property in question has been farmed. An audio (Exhibit 11), with sounds from the dairy across the street, was played and entered into the record.

Laurie Smith – opposed - 8734 Bigfoot Rd Melba ID 83641

- Ms. Smith owns the property across from the subject property that the dairy is operated on. Complaints about the dairy smells, sounds and working hours required at a dairy are a concern. Barley was grown in the past on the subject property.

Rudy DeWinkle – opposed - 6623 Sunrise Ave Nampa ID 83686

- Mr. DeWinkle is the dairy farmer currently farming the dairy across the street and believes strongly in the value of the family farm, in order to preserve a family dairy operation Mr. DeWinkle approached Ms. Smith with the prospect of running the dairy. Currently there are 200 cows on the dairy, more will be added. There is a concern about residential people moving into the area and creating opposition to a currently running dairy. The subject property could be farmed.

Larry Crist – opposed – 6463 Sunrise Ave Nampa ID 83686

- Mr. Crist lives on the property to the east of the subject property. If the subdivision is approved the new residents should be required to sign the Right to Farm Act to preventing them from complaining about the current farming activity. The local economy will not be improved by this project. Farmland is disappearing.

Rebuttal: Jay Walker - Applicant Representative in favor - 849 E State St Eagle Id 83616

- The applicants do not want to disrupt the dairy operation or any other Ag use in the area. Traffic from the subdivision will have less of an impact than the dairy operation does. This proposal is not offensive to the area. CC& R's can address a non-complaint rule regarding the dairy. The property owners of the subject property should be considered.

MOTION: Commissioner Garrett moved to close public testimony on case RZ2018-0037 & OR2018-0007, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Garrett moved to recommend denial of case OR2018-0007, adopting the Findings of Fact and Conclusions of Law, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Sturgill. Roll call vote 7 in favor 0 opposed. Motion carried.

MOTION: Commissioner Garrett moved to recommend denial of case RZ2018-0037, adopting the Findings of Fact and Conclusions of Law, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Williamson. Roll call vote 7 in favor 0 opposed. Motion carried.

NEW BUSINESS – ACTION ITEMS

SUPERIOR SIGNS CASE: RZ2019-0002

MOTION: Commissioner Sturgill moved to table Case RZ2019-0002 to date certain April 18, 2019, seconded by Commissioner Williamson. Voice vote motion carried.

PELICAN LANE, LLC CASE RZ2019-0003

Pelican Lane, LLC, is requesting to rezone parcels R30062010B, R27277506, and R30064011 totaling approx. 32.87 acres from Agricultural to Rural Residential. The subject property is located south and east of 13477 Locust Lane, Nampa, ID and inclusive of Pelican Lane. The property is further described as a portion of the NE quarter of Section 11, Township 2N, Range 3W, BM, Canyon County, ID.

Planner Debbie Root, reviewed the staff report for the record including late exhibit 18.

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

Testimony:

Dan Larde - Applicant Representative in favor - 1324 1st St So Nampa ID 83651

- This project was previously approved with a Conditional Use Permit, however when the economic downturn hit, development was put on hold and the CUP expired in 2011. Development is ready to resume at this time. The property is currently being farmed. The private road is owned by Mr. Schatzel.

Mack Bachman – in neutral – 13411 Locust Nampa ID 83686

- Mr. Bachman is a neighbor to the subject parcel and does not agree that Mr. Schatzel owns the private road.

Planner Debbie Root clarified that according to assessors’ records, Mr. Schatzel does own the road, however there is shared user agreement, and easement in place.

MOTION: Commissioner Sturgill moved to close public testimony on case RZ2019-0003, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Garrett moved to recommend approval of Case RZ2019-0003, including the Findings of Fact, Conclusions of Law and Order and forward the recommendation to the Board of County Commissioners, seconded by Commissioner Sturgill. Roll call vote, 6 in favor 1 opposed, motion carried.

TACTICAL SPORTS PARK / SCOTT KRAEMER CASE: CU2019-0003

MOTION: Commissioner Garrett moved to table Case CU2019-0003 to date certain May 16, 2019. Seconded by Commissioner Carpenter. Voice vote motion carried.

CANYON COUNTY ORDINANCE AMENDMENT (Flood) CASE OR2019-0001

Summary of principal provisions of Ordinance:

- 1)** An Ordinance amending Chapter 7, Articles 2, 10, 14, 17, and 19, Zoning Regulations, of the Canyon County Code of Ordinances; and Severability Clauses; and Effective Dates.
- 2)** Chapter 7, Article 2, Section 3: Definitions Enumerated is amended replace the definition of “Accessory Building” to “Accessory Structure (Building)”, and the definition of “Recreational Vehicles (RV)” to meet state definition.
- 3)** Chapter 7, Article 10, Section 29 “F (Flood Hazard Overlay) Zone is repealed and replaced with the new overlay Section 07-10A to include revisions to statutory authorization, findings of fact, purpose and objectives, definitions, general provisions, administration, construction standards, variance and appeal

procedures, penalties for violation and conflicting provisions of the floodplain overlay zone in accordance with the adoption of the 2016 Flood Insurance Rate Maps.

4) Chapter 7, Article 10, Section 31 (Airport Overlay Zone) is repealed and replaced with the new overlay Section 07-10B.

5) Chapter 7, Article 14, Section 17 (Mineral Extraction Short Term) and Chapter 7, Article 14, Section 19 (Mineral Extraction Long Term) is revised to include floodway development standards.

6) Chapter 7, Article 17, Section 33(3) (Subdivision within a Floodplain) is repealed from Chapter 7, Article 17 and add a new overlay Section 07-10A-11(2)K (Floodplain Overlay Zone).

7) Chapter 7, Article 19, Section 1 (Penalties

Director Patricia Nilsson and Stephanie Hailey reviewed the staff report for the record and answered questions.

Testimony: No testimony

MOTION: Commissioner Garrett moved to approve Case OR2019-0001, including the Findings of Fact, Conclusions of Law and Order, and forward the recommendation to the Board of County Commissioners seconded by Commissioner Williamson. Roll call vote, 5 in favor 2 opposed, motion carried.

APPROVAL OF MINUTES:

- March 21, 2019

MOTION: Commissioner Williamson moved to approve minutes of March 21, 2019, seconded by Commissioner Garrett. Voice vote, motion carried.

COMMISSION, DIRECTOR, & PLANNER COMMENTS: No Comments

ADJOURNMENT:

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

Signed this 18th day of April, 2019

Chairman Richard Hall

ATTEST

Kathy Frost, Recording Secretary