



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, February 21, 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
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.

OLD BUSINESS – ACTION ITEMS

OBENDORF Case: CU2018:0010, sign revised FCOs

MOTION: Commissioner Garrett moved to adopt the revised Findings of Fact and Conclusions of Law and Order and Conditions of approval, to deny Case CU2018-0010. Seconded by Commissioner Levi. Commissioner Carpenter abstained, voice vote, motion carried.

LINFIELD ESTATES SUBDIVISION CASE: SD2018-0002

MOTION: Commissioner Sturgill moved to table Case SD2018-0002 to date certain 3/7/2019. Seconded by Commissioner Carpenter. Voice vote motion carried.

PROVOST / ALL TERRA CONSULTING CASE: RZ2018-0017

MOTION: Commissioner Sturgill moved to table Case RZ2018-0017 to date certain 3/7/2019. Seconded by Commissioner Fried. Voice vote motion carried.

NEW BUSINESS – ACTION ITEMS

PAUL SLEIGHT CASE: DA2019-0001

The applicant, Paul Sleight, is requesting a Development Agreement to conditionally rezone parcel R29370 from an "RR" (Rural Residential) zone to an "R1" (Single Family Residential) zone for the purpose of dividing the 3.34 acre parcel into two parcels (related to RZ2018-0022). The subject property is located at 840 Sage Creek Road, Nampa, Idaho.

Commissioner is Levi recused.

Planner Dan Lister, reviewed the staff report for the record, no late exhibits.

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony:

Paul Sleight - Applicant in favor - 840 sage creek Rd Nampa ID 83686

- Mr. Sleight agrees with the staff report and is here to comply with the recommendation of Board of County Commissioners to come back to the Planning and Zoning Commission with a development agreement to go along with the Rezone that the Commission approved last November.

Andrew Castagneto - opposed - 920 Sage Creek Rd Nampa ID 83686

- Mr. Castagneto is opposed to more lots in the neighborhood, this was a planned estate type development and this seems like spot development.

Dave Dykstra – opposed - 1104 Sage Creek Rd Nampa Id 83686

- Mr. Dykstra stated that people bought property in this area because it was 2 acres parcels or more, he wants to see it stay that way. This is spot zoning and this is a negative situation for our subdivision.

REBUTTAL: Paul Sleight - Applicant in favor - 840 sage creek Rd Nampa ID 83686

- Some concerns were about the narrow access, we feel this is not an issue. Mr. Sleight has been there 15 years, the CC&Rs have not been enforced since 2000. Another lot has been split in the area to less than 2 acres. The association is not in force any longer. The intent is to build a smaller home on the back of this lot to live in and sell the front lot.

MOTION: Commissioner Sturgill moved to close public testimony on case DA2019-0001, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Sturgill, moved to recommend approval of case DA2019-0001, including the Findings of Fact, Conclusions of Law and Order and forward the recommendation to the Board of County Commissioners, seconded by Commissioner Fried. Roll call vote, motion carried.

WILLIAM JENKINS & ROBERT JENKINS CASE: RZ2018-0033

William & Robert Jenkins are requesting a Rezone of four (4) parcels that total approximately 78.22 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The subject properties are located on the west side of Indiana Avenue, in the southwest corner of the intersection of Indiana and Orchard Ave, in a portion of the NE ¼ of Section 22, T3N, R3W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record, including late exhibits 20, 21, 23

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

Testimony:

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

- This is a very close knit family and they want to keep the property in the family, allowing other family members to build on the property. The parents have been there since 1961, and the family wants to keep the family legacy with this property. Additional wells will be added as needed. City services are ½ mile away and it is not cost effective for one family to pay the cost involved to hook up to city services. In the future city services may be utilized.

Tracy Casselman – Opposed – 13751 Upper Embankment Rd Nampa Id 83686

- Mr. Casselman is a representative for the Deer Flat National Wildlife Refuge. Mr. Casselman read a statement (exhibit 24) explaining the history and function of the Refuge and expressing concerns, including the risk of this development encouraging further development, drainage from the development onto the refuge is a concern and should be regulated to drain away from the refuge. Additional homes should be connected to city services, a farmland preservation plan should be in place. Setbacks should be included in the conditions of approval. The refuge staff was not aware of neighborhood meeting and were not noticed about the project. Algae growth is a problem with the refuge and increased housing runoff could contribute to the problem.

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

- Setbacks are currently 30 – 50 feet away from the refuge. The property utilizes sprinkle irrigation and will not create runoff. Lake Lowell was created for irrigation. Mr. Mills will be available to refuge staff to address and discuss concerns that they may have.

Late exhibit 24, was entered into the record.

MOTION: Commissioner Williamson moved to close public testimony on case RZ2018-0033, seconded by Commissioner Levi. Voice vote motion carried.

MOTION: Commissioner Garrett moved to recommend approval including the Findings of Fact, and Conclusions of Law and Order on case RZ2018-0033, and forward the recommendation to the Board of County Commissioners, seconded by Commissioner Sturgill. Roll call vote, motion carried.

TRADITION CAPITAL PARTNERS CASE: OR2018-0009 & RZ2018-0038

Tradition Capital Partners is requesting a Comprehensive Plan Map Amendment to change the designation of R34037 from "Agriculture" to "Residential" Also requested is a Rezone of approximately 4.80 acres from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. The subject property, R34037, is located on the west side of River Ranch Ln., approximately 257 ft. south of the intersection of Bent Ln. and River Ranch Ln., Star, ID, in a portion of the NE ¼ of Section 13, T4N, R2W, BM., Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record including late exhibits 22, 23

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

Testimony:

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

- The property is in a corridor for highway 44, the majority is commercial. The City of Star has annexed some neighboring land but they have had no interest in this property. The City of Star and Star City Water are not connected agencies. Rezoning this piece of land fits with the area very well, it is not good farmland. Residential zoning is the best fit for the area and the homes will be high end. The approach has been approved by Canyon Highway district.

Spencer Kofoed - Applicant in favor - 8454 Brookhaven Place Middleton ID 83644

- The property is in the county but next to the City of Star, we have chosen to stay in the county and not try to annex into City of Star, because we are more familiar with the County. Pressurized irrigation, sewer, water and power is in place because the property was to be developed in the past however the development did not go forward and went into bankruptcy. This development is planned to be higher density possibly 10 lots. The plan is to annex into Star City Water for sewer and water service, this will not annex us into the City of Star. The development will be similar to the Star River Ranch subdivision.

MOTION: Commissioner Levi moved to close public testimony on case OR2018-0009 & RZ2018-0038, seconded by Commissioner Williamson. Voice vote motion carried.

Discussion between Commissioners directed that public testimony be reopened to allow the Applicant to answer questions.

MOTION: Commissioner Williamson moved to reopen public testimony, seconded by Commissioner Levi, voice vote motion carried. 5 in favor 2 opposed.

Alan Mills - Applicant Representative in favor - PO Box 206 Middleton Idaho

- Regarding delaying the project to create a Development Agreement, Mr. Mills and the Applicant would prefer to settle the case tonight and answer the concerns during the platting process.

MOTION: Commissioner Sturgill moved to close public testimony on Case RZ2018-0038 and Case OR2018-0009, seconded by Commissioner Fried. Voice vote motion carried.

Commissioners discussed the case and possible motions.

MOTION: Commissioner Sturgill moved to recommend denial of case OR2018-0009, due to incompatibilities in the area and lack of input from the City of Star. Seconded by Commissioner Carpenter. Motion failed.

SUBSTITUTE MOTION: Commissioner Carpenter moved to recommend approval of Case OR2018-0009, including the Findings of Fact and Conclusions of Law and forward the recommendation to Commissioner Fried. Roll call vote. 7 in favor 0 opposed. Motion carried.

MOTION: Commissioner Garrett moved to recommend approval of Case RZ2018-0038, including the Findings of Fact and Conclusions of Law and Order and forward the recommendation to the Board of County Commissioners, seconded by Commissioner Fried. Roll call vote, 3 in favor 4 opposed. Motion failed.

MOTION: Commissioner Carpenter moved to recommend denial of Case RZ2018-0038, and forward the recommendation to the Board of County Commissioners, based on policy # 3 that this use is not compatible with the surrounding area, due to differing standards between the City of Star and the County. Seconded by Commissioner Sturgill. Roll call vote 3 in favor, 4 opposed. Motion failed.

Case RZ2018-0038 is deemed a denial based on the fact that a motion to approve and a motion to deny both failed, the case will move to the Board of County Commissioner for a decision.

Revised FCOs will be brought to the Commissioners for signature on March 7, 2019.

TOM & KARI POINTS CASE: RZ2018-0035

Tom

& Kari Points are requesting a Rezone of approximately 8.30 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The subject property is located at 26600 Gail Lane, Middleton, ID, in a portion of the NE ¼ of Section 21, T5N, R2W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record including late exhibits 27, 28, 29, 30, 31

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

Testimony:

Tom Points - Applicant in favor - 26600 Gail In Middleton ID

- We plan to split the property into 3 pieces, one parcel would have the existing home and the barn, one for a home and the larger parcel would be the vineyard. We plan to sell our current home and maintain ownership of the vineyard. This is a compatible use with the area. The vineyard has been in place since 2010, we want to keep it and maintain it. It is a good addition to the area. Mr. Points reviewed the current area and the vineyard. The department of water resources has stated that the water table in the area has maintained, and more irrigation rights will be issued in the area. We have a water right and are not seeking additional rights. The plan is to add one additional well and this will not negatively impact water in the area. Current traffic will not be negatively impacted. We will meet highway district requirements. We are planning to lease the operation of the vineyard to another party but will maintain ownership.

MOTION: Commissioner Sturgill moved to close public testimony on case RZ2018-0035, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to recommend approval of Case RZ2018-0035 including 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 7 in favor 0 opposed.

APPROVAL OF MINUTES:

- February 7, 2019

MOTION: Commissioner Sturgill move to approve minutes of 2/7/2019, seconded by Commissioner Carpenter. Voice vote motion carried.

COMMISSION, DIRECTOR, & PLANNER COMMENTS:

- Director Nilsson shared a letter from the City of Boise commending the Commissions actions on the Obendorf case.
- Commissioners were given a hand out reviewing the progress on the flood plain ordinance that is in progress and will be before the Commissioner on April 4, 2019.
- Update on the hiring of two new Planners for the department.

ADJOURNMENT: 9:55

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Levi

Signed this 7th day of March, 2019



Chairman Richard Hall

ATTEST



Kathy Frost, Recording Secretary