



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, May 16, 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
Jennifer Almeida, Planner
Debbie Root, 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

TACTICAL SPORTS PARK: CU2019-0003

Scott Kraemer is applying to locate a Tactical Sports Park for outdoor sport activities including airsoft, laser tag, and paintball in War Eagle Subdivision Lots 1 & 2, Block 1 containing approximately 19 acres in the NW quarter of Section 15, Township 2N, Range 3W. The properties are located at 9602 and 9508 Farner Road, Nampa, ID. The hours of operation are proposed to be Monday through Saturday 9 am to 9 pm daily and Sunday 10 am to 5 pm. A 4x8 lighted sign is proposed for the facility.

Commissioner Levi is recused

Planner Debbie Root, reviewed the staff report for the record, including late exhibits 34, 35, 36

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

Testimony:

Dave Ferdinand - Applicant Representative in favor - 2419 W Herron Loop Nampa, ID 83686

- Currently the facility is operating on a 5 acre gravel pit, this location is near homes and is not an ideal location. Mr. Kraemer has been looking for better suited properties in the area, this is the best location we could find, and it is in an AG zone which was recommended by Development Services staff. All games are supervised by a referee. Some groups that use the facility are: The

Nampa Parks Department, The Boys & Girls Club, churches and other organizations. Access for the proposed site is on Farner Road. Mr. Ferdinand reviewed the site and gave an overview of how the site will be constructed and used. Any structure over 7-feet high will require a building permit. The applicant would like to have the hours of operation modified to include, Monday through Thursday reservation only 9am - 9pm, Friday & Saturday 9am - 9pm, and Sunday 10 am to 5 pm. Six foot privacy fencing is 88 % opaque and will be all around the facility. During games eighteen foot screens will be put up on top of the fence. Trees will be planted and a tree line will eventually line the entire property. There is a shop that will have additions made. We wish to be good neighbors and will comply with neighbors and staff concerns. The site is obscured from neighbors. The current facility will be dismantled before the new site is open, there will not be two facilities operating at one time. The current property is leased and the applicant wishes to purchase the property instead of leasing.

Rodney Ashby - in favor - 119 Rolling Green St. Nampa ID 83687

- Property rights should be considered on both sides. Mr. Ashby has known the applicant and knows the challenge he has had trying to find a suitable property, this property is far away from other residents, other operations in the area include, a gravel pit, dairy, landfill, gun range, and motorcycle park, all could be considered unsightly businesses. Mr. Kraemer has done due diligence to make the property work and be not a burden to neighbors. This project does match the zoning ordinance.

Eric Haskell - in opposition - 14478 Mountain Hawk Nampa ID 83686

- Mr. Haskell is concerned about the negative impact to the community and how this could be mitigated. Other operations in the area do not affect property values because they cannot be seen, this facility will be seen from the road and will be unsightly, there is no way to mitigate that and it will devalue the area. There is a feedlot on the property now and we prefer to keep it that way.

Ryan Goldsmith – in opposition - 9620 Farner Road Nampa ID 83686

- The site of the proposed field is visible from our house. Concerns include noise, which will be increased by increased hours of operation. This is an open area and noise carries. We would not have bought our property if there had been a paintball facility in the area. We live in the area because it is zoned AG and we do not feel that this use is compatible with the area, and is not compatible with the current Comp Plan. It will be detrimental to our life. Mr. Goldsmith reviewed the current Comp Plan for the County.

Jonathan Moldenhauer – in opposition - 14716 Mountain Hawk Nampa ID 83686

- Mr. Moldenhauer reviewed the staff report and reviewed the current site. The applicant has not been following the conditions of his current Conditional Use Permit. The fencing plans for the proposed site are not what was proposed at the neighborhood meeting. Mr. Moldenhauer feels that the fence needs to be re-engineered to better obscure the site, and the fence should be constructed inside the tree line. Permanent restroom facilities should be constructed prior to commencement of business, as well as an irrigation plan. There should be an expiration date on

the use. Reservations should have a limit to the number of people allowed and the facility should be closed on Tuesday as well as Sunday and Monday.

Gretchen Moldenhauer – in opposition – 14716 Mountain Hawk Nampa ID 83686

- The applicant stated that the use would stay the same as it is currently. Even staff stated that the site is unsightly and driving by it will be unsightly to me. The use is not consistent with the area, we like the area the way it is. There is no amount of visual barriers that will compensate for the loss of our current view. Safety of the road is also a concern.

Eric Williams – in opposition - 9620n Farner Road Nampa ID 83686

- Air soft guns with pellets can travel from 220 – 410 feet per second and can go through the fencing; mail boxes are within this zone and safety is a concern. Ag use in the area has been accepted, this is a commercial use and is not consistent with the area use. The Comp Plan paints an image of what should be developed, and this use does not fit.

REBUTTAL:

Dave Ferdinand - Applicant Representative in favor - 2419 W Herron Loop Nampa, ID 83686

- The trees that are proposed will be 6 feet when purchased and we have been advised that they will grow about 3 feet per year. Mr. Ferdinand discussed sound and distance of paintballs based on how the guns are calibrated which is 80 feet. All guns are checked and calibrated to the regulations set by the facility before use. This is an approved use in the AG zone, which is why we chose the site. Trees will be planted outside the fence line. Porta potties are an acceptable use for a site such as this and will require a privacy fence. The netting that is used is approved by insurance companies. Supplies are purchased during use, this is not a retail site where people just come to shop and leave. The Highway District approved the use. Idaho Power recommends LED lighting. Lighting is only used for security and will not create a problem to the neighbors. Air soft guns are utilized on the interior of the facility and will contain air pellets. The six foot fence is up all of the time, the heavy net fencing extending to 18 feet is only used during play time. Liability insurance is carried by the applicant.

MOTION: Commissioner Sturgill moved to close public testimony on case CU2019-0003, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Garrett moved to approve Case CU2019-0003, including the Findings of Fact, Conclusions of Law and Conditions of Approval, amending that the trees are specifically on the outside of the fence line. Amending the hours of operation to 9 am - 9 pm or dusk whichever comes first, the operation will be closed on Sunday and Monday. The Conditional Use Permit shall terminate upon change of ownership. Modifying Item 20 to require 5-6 foot trees be planted, and that the trees will be planted 25 feet from easement. Remove the requirement on condition 11 requiring mercury vapor lights. Seconded by Commissioner Fried. Roll call vote, 3 in favor 3 opposed, motion failed.

MOTION: Commissioner Carpenter move to deny Case CU2019-0003, based on the fact that it is not consistent with the Comp Plan, and is inconsistent with character of the area, and will have a negative impact on the neighbors. Seconded by Commissioner Sturgill. Roll call vote, 3 in favor 3 opposed, **Second motion failed creating a deemed denial.**

THREE FORKS SUBDIVISION: SD2018-0021

A request by Neil & Sherrie Fullmer for approval of a Preliminary Plat, Final Plat, and Irrigation Plan & Drainage Plan for Three Forks Estates Subdivision. The development consists of four (4) residential lots and is located in an “R-R” (Rural Residential) zone. The subject property is located on the north side of Lake Shore Dr. approximately 1130 ft. east of the intersection of Dearborn Rd. and Lake Shore Dr. in a portion of the NW ¼ of Section 17, T2N, R2W, BM, Canyon County, Idaho.

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

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony:

William Mason – applicant Representative in favor – 924 3rd Street S. Nampa ID 83651

- This property was rezoned last year and now we are bringing the short plat before the Commission. One lot will remain with the applicant for her son to build on, the remaining lots will be sold. There is a well on the property for pressurized irrigation. There is a fire hydrant on the property that hasn’t been tested, it will be tested and if the hydrant cannot be operational, automatic sprinklers will be installed in each house, per Upper Deer Flat fire department requirements.

MOTION: Commissioner Carpenter moved to close public testimony on case SD2018-0021, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to recommend approval of the Preliminary Plat, Irrigation & Drainage Plan, on Case SD2018-0021, including the Findings of Fact, Conclusions of Law and Order, forwarding 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

STANCIU SUBDIVISION 2: SD2019-0001

A request by Ion & Mihaela Stanciu for approval of a Preliminary Plat and Final Plat for Stanciu Subdivision No. 2. (A replat of Lot 4 Block 1 of Stanciu Subdivision). The development consists of two (2) residential lots and is located in an “R-1” (Single Family Residential) zone. The subject property, R29264103, is located at 3215 S. Stanford St., Nampa, Idaho, in a portion of the SW ¼ of Section 4, T2N, R2W, BM, Canyon County, Idaho.

Commissioner Levi is recused

Planner Jennifer Almeida, 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 Road Caldwell ID 83607

- The owner of the property, Mr. Stanciu, has a home on the property and is going through this process to allow his daughter to build a home on the property.

MOTION: Commissioner Sturgill moved to close public testimony on case SD2019-0001, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Williamson moved to recommend approval of the Preliminary Plat, Irrigation & Drainage Plan, on Case SD2019-0001, including the Findings of Fact, Conclusions of Law and Order and Conditions of Approval, forwarding the recommendation to the Board of County Commissioners seconded by Commissioner Garrett. Roll call vote, 6 in favor 0 opposed.

TRIGGER LAKE ESTATES SUBDIVISION: SD2018-0008

Breckon Land Design on behalf of Leighton, LLC, has submitted a preliminary plat, irrigation, and drainage plan for Trigger Lake Subdivision, a seventeen (17) residential lot development located in an “RR” (Rural Residential) zone. The subject properties, R33994 & R34054 & Pt of R33992010 lie within an “AE” Flood Hazard Area of Concern. The subject properties are located on Trigger Ranch Lane (formerly Goldie Lane) approximately 1682 feet east of the intersection of Hwy 44 and Kingsbury Road on the south side of Hwy 44, Star, Idaho.

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

Chairman Richard Hall, affirmed the witness to testify.

Testimony:

John Breckon – Applicant Representative in favor - 6661 N Glenwood Street Garden City ID 83714

- There is a gas line on the property with an easement. This is to be a private gated community, and the lakes will be a shared resource for the community. The road will be private and gated. Watercraft will be allowed on the lake. Lot 12 is dedicated to Canyon Highway District, there are also irrigation ditches on lot 12. Emergency vehicles will have access to the private drive with a turn around.

MOTION: Commissioner Garrett moved to close public testimony on case SD2018-0008, seconded by Commissioner Levi. Voice vote motion carried.

MOTION: Commissioner Sturgill moved to recommend approval of the preliminary plat, irrigation and drainage plan on Case SD2018-0008, including the Findings of Fact, Conclusions of Law and Order adding a Road Users Maintenance Agreement, forwarding the recommendation to the Board of County Commissioners seconded by Commissioner Williamson. Roll call vote, 3 in favor 4 opposed, motion failed.

MOTION: Commissioner Carpenter moved to table Case SD2018-0008 to date certain of July 18, 2019 allowing the applicant to bring a more detailed access plan, Seconded by Commissioner Sturgill. Roll call vote, 5 in favor 2 opposed. Motion carried.

RON AGUIRRE: CR2019-0002

TJ Wellard on behalf of Ron Aguirre is requesting a conditional rezone of parcel R36845012, 7.7 acres, from agricultural to conditionally zoned rural residential subject to a Development Agreement. The

subject property is located on the southeast corner of the intersection of Rodeo Lane and Red Top Road and is further described as a portion of Section 16-4N-5W-NE, 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 Road Caldwell ID 83607

- The Applicants are requesting a Conditional Rezone from “Agricultural” to “Rural Residential, in order to obtain one building permit, the property is not conducive to farming and is more suited to Rural Residential properties with small pastures, the applicant would like to have flexibility on where the house is located.

Phil Etter – in opposition - 21720 Rodeo Ln Wilder ID 83676

- Concerned about the availability of water. The property has been farmed, in the past. We are opposed to another home in the area, it was our understanding that this property would remain agricultural.

REBUTTAL:

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

- Properties surrounding this project have all been split, allowing homes, property rights should be considered, and when the property was purchased it was assumed that they could build a home on the property. The request is for one home only.

MOTION: Commissioner Carpenter moved to close public testimony on case CR2019-0002, seconded by Commissioner Fried. Voice vote motion carried.

MOTION: Commissioner Garrett moved to recommend approval on Case CR2019-0002, including the Development Agreement and Findings of Fact, Conclusions of Law and Order, forwarding the recommendation to the Board of County Commissioners seconded by Commissioner Fried. Roll call vote, 6 in favor 1 opposed. Motion carried.

TREVOR SOGGS: RZ2019-0009

Trevor Soggs is requesting a conditional rezone from agricultural to “R1” (Single Family Residential) for the purpose of replatting Lot 1 Block 1 Rustic Acres Subdivision to create a five residential lot development on 7.5 acres. The subject property is located adjacent to and north of 24103 Rustic Court, Star, Idaho and is further described as a portion of 36-5N-2W-SW, BM, Canyon County, Idaho.

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

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

Testimony:

Trevor Soggs - Applicant in favor - 11495 West Colony St Boise ID 83709

- Many area lots are of a similar size; there are 108 lots in the area that are less than 2 acres. This proposal is in keeping with the area. Access will be worked out with Canyon highway district 4.

There was a letter of concern from the Wageman's regarding the easement, it is a platted easement with growth in mind. Regarding concern about the airport in the area, there are other homes in the area that are closer and higher in elevation. This property is not adjacent to the airport and we do not believe there will be a problem with the airport.

Curtis Bodeubender – in favor – 24082 Blessinger Rd Star ID 83669

- Mr. Bodeubender is in favor of this project because he owns property adjacent to the subject property and is interested in doing a similar project with his property to allow lots for family members. The project will improve property values, the area is moving in that direction.

Jon Kelly – in opposition - 24005 N Can Ada Rd. Star ID 83669

- Mr. Kelly is the chief pilot with the skydiving operation in the area, it has been in operation for 51 years and is an approved airport by the FAA, there are complaints from neighbors regarding noise, and we are concerned about additional noise complaints. We don't want to lose our business because new homes are built.

Rebuttal:

Trevor Soggs - Applicant in favor - 11495 West Colony St Boise ID 83709

- We are not concerned about the airport, this is a residential area, we will put a non-complaint clause in the CC&Rs. The proposed property is not in the flight path.

MOTION: Commissioner Sturgill moved to close public testimony on case RZ2019-0009, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Williamson moved to recommend approval on Case RZ2019-0009 including the Development Agreement, and Findings of Fact, Conclusions of Law and Order, forwarding the recommendation to the Board of County Commissioners, seconded by Commissioner Carpenter. Roll call vote, 5 in favor 2 opposed. Motion carried.

APPROVAL OF MINUTES:

- May 2, 2019

MOTION: Commissioner Garrett moved to approve the minutes of May 2, 2019, seconded by Commissioner Levi. Voice vote, motion carried.

COMMISSION, DIRECTOR, & PLANNER COMMENTS:

- Reminder of the work session that is scheduled on May 23, 2019.
- The June agenda is very full. Director Nilsson discussed the possibilities of having an additional hearing on July 11, 2019, in the event that cases from June need to be tabled or revised FCOs to be signed.
- Kate Dahl and Director Nilsson have been out in the county discussing the comp plan with various agencies.
- The BOCC approved the Flood Ordinance.

ADJOURNMENT: 11: 07 PM

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

Signed this 6th day of June, 2019

Chairman Richard Hall

ATTEST:

Kathy Frost, Recording Secretary