



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, June 20, 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

Staff Members Present: Patricia Nilsson, Director
Jennifer Almeida, Planner
Debbie Root, Planner
Dan Lister, Planner
Randall Falkner, 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

MAMLS LLC CASE CR2019-0001, sign FCOs

Commissioner Carpenter is recused

MOTION: Commissioner Garrett moved to adopt and sign the revised Findings of Fact and Conclusions of Law and Order, denying case CR2019-0001, seconded by Commissioner Sturgill. Voice vote motion carried.

NEW BUSINESS – ACTION ITEMS

STEVEN & VERTA BLACK: RZ2019-0019

MOTION: Commissioner Sturgill moved to table case RZ2019-0019, to a date certain of August 1, 2019, seconded by Commissioner Carpenter. Voice vote motion carried.

MARK BARBER CASE CU2019-0011

Mark Barber is requesting to modify condition #3 of CU2003-454 which restricts access to the subject property, R39065010, to Boise River Road. Currently there is no access to the 8.76 acre subject parcel from Boise River Road and therefore no building permit is available to the property. The subject property has road frontage on State Highway 95. The applicant has obtained an access permit to State Highway 95 from the Idaho Transportation Department and is requesting to remove condition #3

allowing for development of a single family residence on the property. The subject property is located 410 feet south of the intersection of Boise River Road and State Highway 95 on the east side of Hwy 95 and is further described as a portion of the SE quarter of Section 27, Township 5N, 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:

Mark Barber - Applicant in favor - 4858 Lake Shore Place Garden City ID

- There was a misunderstanding on the point of access when the original case was approved. We need to amend the permit in order to obtain access for a residential lot.

MOTION: Commissioner Garrett moved to close public testimony on case CU2019-0011, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Garrett moved to approve Case CU2019-0011 including the Findings of Fact, Conclusions of Law and Order, and Conditions of Approval, seconded by Commissioner Carpenter. Roll call vote, 6 in favor 0 opposed, motion carried.

DORIS FUENTES CASE ZV2019-0002

Doris Fuentes is requesting a Variance of 17 feet and six inches to the rear setback requirement of 20 feet in the Agricultural zone, to allow an existing structure to remain two feet and six inches from the rear property line. The subject property, R30718000 is approximately 1.44 acres in size and is located at 7004 Lake Hazel Rd., Nampa, Idaho, in a portion of the SW ¼ of section 32, T3N, R1W, BM, Canyon County, Idaho.

Commissioner Levi is recused

Planner Randall Falkner, reviewed the staff report for the record.

Chairman Richard Hall, affirmed the witnesses to testify.

Testimony:

Demetrio Zelayandia – Applicant in favor – 7004 Lake Hazel Rd Nampa ID

- The home was built too close to the property line, the wall of the house is almost 3 feet from the fence. Mr. Zelayandia pointed out where the septic system is, and described the other structures on the property. All of the structures, except the subject home were there when he bought the property in 2011, the secondary residence was built within the last year. Mr. Zelayandia stated that he has built homes before for other people.

Tim Tyree – representative in opposition - 618 W Franklin St Boise ID

- Mr. Tyree is an attorney representing the opposition, V&L Farming, they are requesting denial based on the fact that it does not meet the criteria of a hardship. This use is in violation of the Comprehensive Plan. There are hundreds of acres of farmland surrounding the subject property and this variance will not protect Agricultural farmland. The current setback creates a hardship to farming and negatively affects the surrounding property. We have not been contacted by the applicants to discuss this issue. The home could have been placed in a position that was in compliance, the lot is 1.44 acres and they could have put the home elsewhere on the property.

This request is in conflict with public interest, and conveys to the public that it is ok to come after the fact and ask forgiveness rather than permission prior to building. Granting this variance would not be in the public interest. We do not believe that the applicant did not know a building permit was required. Mr. Tyree stated other counties actions and codes.

Demetrio Zelayandia – Applicant in favor – 7004 Lake Hazel Rd Nampa ID

- Due to the location of the drain field there was no place else to put the home. We now realize that the home is too close to the fence. The back of the property is only a field there are no homes behind us.

MOTION: Commissioner Sturgill moved to close public testimony on case ZV2019-0002, seconded by Commissioner Carpenter Voice vote motion carried.

MOTION: Commissioner Sturgill moved deny Case ZV2019-0002 based on Property Rights Policy No. 11, which states that property owners shall not use their property without due process of law, and that the proposal conflicts with the public interest and deprives adjacent property owners of their property rights. Staff is directed to bring revised Findings of Fact and Conclusions of Law on July 11, 2019. Seconded by Commissioner Carpenter. Roll call vote, 5 in favor 0 opposed, motion carried.

ROBERT & SYBIL ARNETT CASE RZ2019-0018

Robert & Sybil Arnett, is requesting a rezone of Parcel R20798010 from “A” (Agricultural) to “R1” (Single Family Residential, one acre minimum lot size). The property is located at 25782 Emmett Road, Caldwell, a portion of the NW ¼ of Section 25, Township 5N, Range 3W, Caldwell, Idaho.

Planner Dan Lister, reviewed the staff report for the record

Chairman Richard Hall, affirmed the witness to testify

Testimony:

Robert Arnett – Applicant in favor – 25782 Emmett Rd Caldwell ID

- We live on 3 acres, this part of the acreage is off by itself and we don’t want to maintain it so it makes sense to sell it.

MOTION: Commissioner Fried moved to close public testimony on case RZ2019-0018 seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Fried moved to recommend approval on Case RZ2019-0018 including the Findings of Fact, Conclusions of Law and Order, and forward the recommendation to the Board of County Commissioners seconded by Commissioner Garrett. Roll call vote, 6 in favor 0 opposed, motion carried.

WILLIAM JENKINS CASE RZ2019-0012

Alan Mills, representing William Jenkins, is requesting a rezone of parcel R32870 from the “A” (Agricultural, 40 acre minimum lot size) zone to the “R1” (Single Family Residential, one acre average minimum lot size) zone. The 40.30 acre parcel is a vacant parcel (Orchard Avenue), Caldwell; referenced as the SE¼ of Section 16, Township 3N, Range 3W; Canyon county, Idaho.

Planner Dan Lister, reviewed the staff report for the record and submitted late exhibits.

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

Testimony:

TJ Wellard applicant representative in favor 17842 Sand Hollow Road Caldwell ID

- Mr. Wellard read the letter that was a late exhibit submitted by Alan Mills. This property is no longer able to be farmed, because of the number of homes in the area, an insurance claim has been filed due to cows getting out, resulting in insurance being dropped. Having this Agricultural property in a residential area makes farming incompatible in this area. The applicant is requesting an “R1” zone, the lots will not go below 1 acre in size.

Bill Trask – in favor - 15138 Kings Row Rd Caldwell ID

- Mr. Trask is supporting this project because it is compatible with the surrounding use, he would like Drury Ln to not be an access point. If Drury Ln were to be an access point he would be opposed to the project. This property will be developed in the future.

Stephanie Laws - opposed - 15151 Widgeon Ave Caldwell ID

- Please consider the devastating effect this will have on wildlife in the area. This property should be conserved as agricultural, the parcel is better served as agricultural. This rezone will negatively affect neighbors and wildlife. There are other areas that would be better served as residential.

Darin Mousal – opposed - 15358 Cupid Dr Caldwell ID

- Access is a concern, because Moonstruck appears to be an easy access point we are concerned that this could get the most increase in traffic. There are two to three acres that the applicant could have bought to use as access.

L. V. Buzz Beauchamp – opposed -15244 Bald Eagle Ave Caldwell ID

- Concerns include the access, traffic, and the aquifer. In agreement with the density.

Gregory Evans – opposed - 15150 Widgeon Ave Caldwell ID

- Opposed to the rezone. Access and traffic are the main concerns. The lots should be no smaller than 1 acre. This will be a safety hazard and will reduce the value of my home.

Arlene Evans – opposed -15150 widgeon Ave Caldwell ID

- The comprehensive plan is a guide to development, the Commission should preserve and protect Ag land and wildlife as stated in the comprehensive plan. Ms. Evans stated that she would prefer cattle to more homes in the neighborhood, she enjoys the noises from the wildlife.

Michael Robinson – opposed - 15410 Cupid Dr Caldwell ID

- Not opposed to development, but there is concern regarding the access point. This project should be denied until we know what the access is.

REBUTTAL

TJ Wellard applicant representative in favor 17842 Sand Hollow Road Caldwell ID

- The Highway district has reviewed the plan and have no objections to access points that were set up for future development, which is why the stub roads were put in. Mr. Jenkins is being forced out of farming because of the development surrounding the property and the property is in the comprehensive plan for development. The property is in the Caldwell impact area for residential estates. We understand that people may violate traffic rules, however Mr. Jenkins does not have control over people who violate traffic rules.

MOTION: Commissioner Sturgill moved to close public testimony on case RZ2019-0012, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Fried moved to recommend approval, on Case RZ2019-0012 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, 2 in favor 4 opposed, motion failed.

MOTION: Commissioner Sturgill moved to recommend denial, on Case RZ2019-0012, based on Item D, that the proposed use will negatively affect the character of the area, and Item E that there will not be adequate facilities and services including traffic and road access for the proposed use, including item G that the development will require road improvements. The Commission recommends a Development Agreement, stating that there will be nothing smaller than 1 acre lots. Staff is to bring revised findings back before the Commission on July 11, 2019. Seconded by Commissioner Carpenter. Roll call vote 3 in favor 3 opposed, motion failed.

MOTION: Commissioner Garrett, moved to recommend denial, on case RZ2019-0012, based on traffic and density an "RR" zone is more appropriate, due to traffic concerns. Directing Staff to bring revised findings on July 11, 2019, with no second the motion is a deemed denial.

STITES FARM SUBDIVISION CASE SD2019-0003

A request by Leigh Salisbury for approval of a Preliminary Plat and Final Plat for Stites Farm Subdivision. The development consists of four (4) residential lots and one (1) road lot and is located in an "R-R" (Rural Residential) zone. The subject property, parcel no. R32998010A is located at 12557 Smith Ave., Nampa, Idaho in a portion of the SW ¼ of Section 24, T3N, R3W, B.M., Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record

Chairman Richard Hall, affirmed the witness to testify

Testimony:

Richard Husflown - Applicant Representative in favor – 8268 E Water Stone Ct Nampa ID

- No testimony, agree with staff.

MOTION: Commissioner Levi moved to close public testimony on case SD2019-0003, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to recommend approval on Case SD2019-0003 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, 6 in favor 0 opposed, motion carried.

BRENT COMPTON CASE OR2019-0003 & RZ2019-0007

Brent Compton is requesting a Comprehensive Plan Map Amendment to change the designation of Parcel No. R34168010 from “Agriculture” to “Residential.” Also requested is a Rezone of approximately 3.97 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. The subject property is located at 8133 Joplin Rd., Nampa, Idaho, in a portion of the SE ¼ of Section 22, T4N, R2W, BM, Canyon County, Idaho.

COMPTON SUBDIVISION CASE SD2019-0007

A request by Brent Compton for approval of a **Preliminary & Final Plat for Compton Subdivision**. The development consists of two (2) residential lots. The subject property, parcel No. 34168010 is located at 8133 Joplin Rd., Nampa, ID in a portion of the SE ¼ of Section 22, T4N, R2W, BM, Canyon County, Idaho.

Commissioner Levi is recused.

Planner Jennifer Almeida reviewed the staff report for the record, submitted late exhibit 21.

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

Testimony:

Chip Kinzler – Applicant representative in favor - 3260 Ginger Ln Nampa, ID

- This is a family owned property they are splitting the property in order to allow their son to build a home next to them.

MOTION: Commissioner Garrett moved to close public testimony on cases RZ2019-0007 & OR2019-0003, seconded by Commissioner Sturgill. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to recommend approval on Case OR2019-0003 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, 5 in favor 0 opposed, motion carried.

MOTION: Commissioner Carpenter moved to recommend approval on Case RZ2019-0007 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 5 in favor 0 opposed, motion carried.

MOTION: Commissioner Carpenter moved to close public testimony on case SD2019-0007 seconded by Commissioner Garrett. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to recommend approval on Case SD2019-0007 including the Findings of Fact, Conclusions of Law and Order, and Conditions of Approval, and forward the recommendation to the Board of County Commissioners seconded by Commissioner Sturgill. Roll call vote 5 in favor 0 opposed, motion carried.

TRENTON WHITE CASE: ZV2019-0001

Trenton White is requesting a Variance of the 20 ft. rear setback for a pool that has been constructed. The pool is built along the fence line/property line, therefore a setback to zero would be required. The subject property is located at 6192 Sunrise Avenue, Kuna, ID, in a portion of the NE ¼ of Section 25, T2N, R2W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record. Late exhibits, 16 & 17

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

Testimony:

Trenton White - applicant in favor - 6192 Sunrise Ave Kuna ID

- We built the pool at the location based on information from SWDH, and to allow hay delivery on the property. We were unaware that the pool needed a building permit. The pool is 5 feet away from the property line. There is small shed onsite to house the pool pump and has been in the same location since 2012. We feel that it increases the value in the neighborhood as well as our property value. We were surprised that neighbors were opposed to the pool as they were involved in the process and gave no negative input, until the pool was finished. We have had a good relationship with neighbors in the past and hope to continue that.

Angela Hansen – opposed - 800 W Main St Suite 800 Boise ID

- This pool is inconsistent with Comprehensive plan. We have had to change irrigation and grazing practices because of the pool location. Photos taken at completion show the degradation of fencing. The overhang of mechanical equipment from the shed, housing equipment for the pool. There is a concern that the cows could cause damage the Whites property and we do not want to be responsible for that damage. The fencing that is suggested would encroach our property and infringe upon our irrigation access. Mr. White has ordered us off of his property when we try to manage irrigation. We feel that the drain field and septic system allow ample room for the pool to be moved meeting the setbacks. This pool is in conflict with public interest.

Lenora Bickel – opposed - 6168 Sunrise Ave Kuna ID 83634

- Mrs. Bickel is in objection of this project because she has had to get permits to tear down and rebuild a home, and feel that other people should have to follow the rules as well. There is not a fence around the pool and this is a danger to people and animals.

REBUTTAL: Trenton White - applicant in favor - 6192 Sunrise Ave Kuna ID

- The fence was removed by Mr. White and then put up with permission from Mr. Hansen. Mr. Hansen had input and gave permission for the fence. The fence will not be on the neighbor's property. Access was given to the neighbor to maintain the irrigation pipe. There is a fence still there. The pool has added value to my home and there is not a safety concern. The auto cover is safe and approved. Property values in the neighborhood are increasing.

MOTION: Commissioner Sturgill moved to close public testimony on case ZV2019-0001, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Garrett moved to approve Case ZV2019-0001, adopting the Findings of Fact, Conclusions of Law and Order, amending the findings to change item 4 to include a 6 foot vinyl privacy fence altered to allow the Hansen’s access to the head gate. The fence plan proposed by Mr. White should be submitted to DSD staff with approval from the Hansen’s. Completion of the fence should be within 90 days. The steel plate that was installed should be removed if Mr. Hansen wants it removed. Motion dies with no second.

MOTION: Commissioner Carpenter moved to table Case ZV2019-0001 to a date certain of July 18, 2019, keeping the record open regarding the fencing plan. Seconded by Commissioner Sturgill. Voice vote motion carried.

APPROVAL OF MINUTES:

- June 6, 2019

Commissioner Carpenter is recused from voting.

MOTION: Commissioner Levi moved to approve the minutes of June 6, 2019, seconded by Commissioner Garrett. Voice vote, motion carried.

COMMISSION, DIRECTOR, & PLANNER COMMENTS:

The Commissioners were updated on recent board decisions, staff changes, and the progress on the Comprehensive Plan. The commissioners suggest that it would be beneficial to encourage applicants to add a Development Agreement to rezone requests.

ADJOURNMENT: 11:30 p.m.

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

Signed this 11th day of July, 2019

Chairman Richard Hall

ATTEST

Kathy Frost, Recording Secretary