



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, February 6, 2020
6:30 P.M.**

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

Commissioners Present: Robert Sturgill, Chairman
Patrick Williamson, Vice Chairman
Sandi Levi, Secretary
Rod Garrett, Commissioner
Richard Hall, Commissioner
John Carpenter, Commissioner

Staff Members Present: Director Patricia Nilsson
Planner, Jennifer Almeida
Planner, Dan Lister
Planner, Randall Falkner
Recording Secretary, Kathy Frost

Chairman Robert Sturgill 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

Mary Hibbs - Friends Community Church: CU2019-0026

Marcy Hibbs, representing Friends Community Church, is requesting a modification to a conditional use permit to allow a preschool for children ages 3-5 in one of the rooms at Friends Community Church. The property is located at 17434 Hwy 95, Wilder, Idaho, 83676; also referenced as Parcel R33670010, a portion of the SE ¼ of Section 3, Township 3N, Range 5W, BM, Canyon County, Idaho.

Planner Randall Falkner, reviewed the staff report for the record

Chairman Robert Sturgill, affirmed the witness to testify.

Testimony:

Stuart Emery - Applicant Representative in favor - 18130 McIntyre Ln Wilder Id

- Mr. Stuart is representing the applicant, he stated in response to Commissioners questions regarding security, that the doors are locked to the outside, alarms are in place if the door is opened from the inside. The Septic system has been inspected. A playground will be installed with a fence before the children will be allowed outside. There is a high demand for the service in the area, Marcy Hibbs is a certified teacher.

MOTION: Commissioner Williamson moved to close public testimony on case CU2019-0026, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Garrett moved to approve Case CU2019-0026, including the Findings of Fact, Conclusions of Law and Order and Conditions of Approval and Order as modified. Seconded by Commissioner Williamson. Roll call vote, 6 in favor 0 opposed, motion carried.

Trinity Estates LLC: OR2019-0008 & RZ2019-0024

Trinity Estates, LLC is requesting a Comprehensive Plan Map Amendment to change the designation of parcel No. R33102 from “Agriculture” to “Residential.” Also requested is a Rezone of approximately 24.38 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. The subject property, R33102 is located at the northeast corner of the intersection of Perch Rd. and Lake Shore Dr., Caldwell, ID in a portion of the SW ¼ of Section 33, T3N, R3W, B.M. Canyon County, Idaho.

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

Chairman Robert Sturgill, affirmed the witnesses to testify and entered the late exhibits into the record.

Testimony:

Todd Lakey - Applicant representative in favor - 12905 Venezia Ct, Nampa ID

- Mr. Lakey represents Mr. Schatzel, the property owner. This property was approved with a Conditional Use permit prior to the housing crash in 2008, the CUP expired due to non-development. The applicant is now proposing fewer lots (9) and a Rural Residential zone. They are proposing high quality homes. The Comprehensive plan intent is to strive for a balance where Rural Residential and Agriculture can co-exist. Two acre lots are in high demand. Population growth is driving this type of development. The future land use and the comp plan are guidelines not a strict plan. The proposed development is contiguous to another residential area. Mr. Lakey discussed other properties in the area that have been rezoned to Rural Residential stating that it is consistent with the area. This is not prime farm ground. The farmers in the area are not opposed to the development, however they do have requests for CC & R’s and the right to farm being stated on the plat. We will comply with their requests and the Agency demands.

Amy Woodruff – Applicant representative in favor - 305 Cornell Middleton ID

- Ms. Woodruff worked on the original project that has expired. The current proposal is to have 9 lots on 24.5 acres. There will be right of ways dedicated to Canyon Highway District 4. There will be individual wells and septic systems. Ground water and wells will not be negatively affected.

Greg Schatzel - Applicant in favor - 1484 N Weldon Pl Eagle ID

- no testimony

Thomas Starley – opposed - 16248 Lake Shore Dr. Caldwell ID

- Mr. Starley lives north of property. There should be an impact study regarding the impact the project will have on existing wells. Additional septic systems will have a negative impact. There is not a high demand for additional lots in the area. The refuge should be considered, the development is too close to the refuge, there is already too much traffic in the area.

Delila Martinez Roberts – opposed - 13702 South Shore Ln. Nampa ID

- We chose to live in this area because of the agricultural feel. Do not want more homes in the area, it is affecting the lighting, the view, and the water. We received a report that there is brown water seepage, not a huge concern but it is there. More wells maybe causing the change in the water quality. My view will be negatively affected. The land can be farmed. Additional traffic will negatively affect the wildlife and the neighborhood.

Rebuttal:

Todd Lakey - Applicant representative in favor - 12905 Venezia Ct, Nampa ID

- The water issues have been addressed and there is no concern. The refuge has separation distance from our property. The Highway district is not concerned about additional traffic. Ms. Martinez lives a mile away and there is no guarantee of views. The homes will be custom built homes and RV's will not be allowed. This is not prime farm ground. The project will not negatively affect the area. This is not a designated scenic byway, it is used as a corridor for recreation and it fits with the comprehensive plan and zoning.

MOTION: Commissioner Garrett moved to close public testimony on case OR2019-0008 & RZ2019-0024, seconded by Commissioner Williamson. Voice vote motion carried.

MOTION: Commissioner Garrett moved to recommend denial of Case OR2019-0008 based upon the Findings of Fact, Conclusions of Law, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Hall. Roll call vote, 6 in favor 0 opposed, motion carried.

MOTION: Commissioner Hall moved to recommend denial of Case RZ2019-0024 based upon the Findings of Fact, Conclusions of Law, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Carpenter. Roll call vote, 6 in favor 0 opposed, motion carried.

Green Hills Landing Subdivision: SD2018-0019

MOTION: Commissioner Garrett moved to table Case SD2018-0019, to a date certain of 2/20/2020, seconded by Commissioner Williamson. Roll call vote, in favor opposed, motion carried.

NEW BUSINESS – ACTION ITEMS

Justin Burdick: CR2019-0015

Justin Burdick is requesting a Conditional Rezone of approximately 26.24 acres from an "A" (Agricultural) zone to a "CR-RR" (Conditional Rezone- Rural Residential). Also requested is a Development Agreement which will restrict the development of the site into a five (5) acre parcel and a 21.17 acre parcel. The subject property, parcel no. R28292102C is described as a portion of Lot 3 Block 1 Muchow Acres Subdivision. The property is located is located approximately 500 ft. south of Glendale Road and approximately 700 ft. east of Canyon Rd. S, in a portion of the NW ¼ of Section 13, T1S, R2W, BM, Canyon County, Idaho.

Burdick Subdivision: SD2019-0044

A request by Justin Burdick for approval of a Preliminary Plat & Final Plat for Burdick Subdivision. The development consists of two (2) lots. The subject property, parcel no. R28292102C0, is located

approximately 500 ft. south of Glendale Road and approximately 700 ft. east of Canyon Rd. S, in a portion of the NW ¼ of Section 13, T1S, R2W, BM, Canyon County, Idaho.

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

Chairman Robert Sturgill, affirmed the witnesses to testify and entered the late exhibits into the record.

Testimony:

David Crawford - Applicant representative in favor - 5505 W Franklin Rd. Boise ID

- Mr. Crawford agrees with the staff summary and the conditions of approval. The applicants wish to retain 21 acres of farm ground and build a home on that 21 acres. One home will be built on the 5 acre lot. Agency comments have been complied with.

Justin Burdick - Applicant in favor – PO Box 306 Kuna ID

- Mr. Burdick and his family will retain and reside on the property.

MOTION: Commissioner Williamson moved to close public testimony on case CR2019-0015, and SD2019-0044, seconded by Commissioner Hall. Voice vote motion carried.

MOTION: Commissioner Hall moved to recommend approval of Case CR2019-0015 based upon the Findings of Fact, Conclusions of Law and Conditions of Approval, including the Development Agreement, and forward the recommendation to the Board of County Commissioners seconded by Commissioner Carpenter. Roll call vote, 6 in favor 0 opposed, motion carried.

MOTION: Commissioner Hall moved to recommend approval of Case SD2019-0044 based upon the Findings of Fact, Conclusions of Law and Conditions of Approval, and forward the recommendation to the Board of County Commissioners, seconded by Commissioner Carpenter. Roll call vote, 6 in favor 0 opposed, motion carried.

Brumbaugh / Marchbanks RZ2019-0038

Melanie Steinhaus, representing Roy Brumbaugh and Sheila Marchbanks, is requesting a zoning amendment (rezone) of Parcel R29982010 from “A” (Agricultural) to R-R (Rural Residential, two acre minimum average lot size). The vacant 30.35 acre property is located adjacent to the Pump Road and Locust Lane intersection; referenced as a portion of the SE¼ of Section 2, Township 2N, Range 2W, Canyon County, Boise-Meridian, Idaho

Planner Dan Lister, reviewed the staff report for the record, including late exhibit 7.

Chairman Robert Sturgill, affirmed the witnesses to testify, and entered the late exhibit into the record.

Testimony:

Melanie Steinhaus - Applicant representative in favor- 3902 Idaho Ave. Caldwell ID

- Ms. Steinhaus is representing the owners, who inherited the property. They do not live in the area. The property owners wish to sell the property and believe it will sell better if it is rezoned. The previous owner did have the property rezoned with a CUP but the property was not developed and the CUP expired.

Matthew Johnson – opposed - 5700 E Franklin Rd Nampa ID

- Mr. Johnson is representing another property owner, who owns an adjacent property, not in attendance. He presented a letter of opposition, they understand the property is slated to be developed, however they feel that the proposed zone change is not more appropriate than the current zoning. A desire to sell the property is not a good reason to rezone, the property owners can sell the property without rezoning. There is no plan to go with the rezone, therefore is not orderly growth. The neighbors have not been successful in their attempts to contact the owners to discuss the project. This proposal needs to go back to the drawing board and bring a plan.

Kennard Cooper - opposed - 13486 South Shore Ln Nampa

- There has not been a study to determine the impact additional homes would have on school children in the area including bus traffic. The refuge has not been consulted. There is no plan as to what will happen and how the property will be developed. Mr. Cooper believes the property should remain and Ag zone.

Dalila Martinez Roberts – opposed – 13702 South Shore Ln Nampa ID

- Ms. Martinez Roberts is opposed to the rezone, it will change her view. They live in Agricultural area and want to keep it that way. The wildlife refuge is a concern as are the additional wells. Traffic will increase and there is already a lot of traffic. There is no clear plan for the project and it should be denied. There is also a concern that a new road will go through their cul-de-sac.

Rebuttal:

- The farmers lease has expired on the land and it may or may not be farmed in the future. This is a residential area and we seek approval on the project.

MOTION: Commissioner Garrett moved to close public testimony on case RZ2019-0038, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Garrett moved to recommend denial of Case RZ2019-0038 based on item A – Property Rights policy #8, promoting orderly development with a minimum conflicts and item B, the proposed zone change is not more appropriate than the current zoning. Directing staff to bring revised Findings and Facts back to the Commission on February 20, 2020. Seconded by Commissioner Williamson. Roll call vote, 6 in favor 0 opposed, motion carried.

Ken Mortensen: RZ2019-0034

Jessica Skinner, representing Ken and Cheyenne Mortensen, is requesting a rezone of Parcel R34445012A (1.27 acres), R34445012A1 (7.08 acres). R34445012B (and a 33.38 acre portion of R34445012A2 from an “A” (Agricultural) zone to “R-1” (Single Family Residential, 1 acre average minimum lot size) zone. The properties are located at 23854 Emmett Road, Caldwell; a portion of the NE ¼ of Section 2, Township 4N, Range 3W, Canyon County, Idaho.

Planner Dan Lister, reviewed the staff report for the record, including late exhibits, 9 & 10.

Chairman Robert Sturgill, affirmed the witnesses to testify and entered the late exhibits into the record.

Testimony:

Daniel Bower - Applicant Representative in favor - 10421 Pheasant Ln Nampa ID

- Mr. Bower is an attorney representing the Applicant, he addressed legal issues, stating laws and statutes relating how the City is influencing the County. It is an infringement on the Counties jurisdiction. There are many references to what the City of Middleton wants and is demanding. The statement that the property is contiguous to the City of Middleton is not true. Article 9 of the Middleton area of impact states that annexation by the City of Middleton shall be limited to those lands in the area of impact and being contiguous to the boundaries of the City of Middleton. The conclusions of law state that the proposed rezone is more appropriate than the current designation, however the City of Middleton requests that the rezone and future development be approved as part of annexation into the City of Middleton. That language and other language in the staff report are problematic.

Jessica Skinner - Applicant representative in favor - 1107 Sunset Ave Caldwell ID

- The rezone request is more appropriate for the area, located in a residential area according to the Comprehensive Plan and the future land use map. The proposal is for 1 acre minimum lot size, and is more reasonable than a more dense development. The rezone is the first step to development. City sewer services are not adjacent and the cost is exorbitant and not reasonable. The MP study approved up to 45 homes. The Mortensen's have done everything they could to obtain the rezone and it is their within their property rights to rezone. The lot sizes will be commensurate with the area.

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

- Mr. Mills asked that exhibit #11 be entered into the record. Mr. Mills stated the history of the property, he has many family members living in the area of the purposed development. No one in the area is interested in annexing into the city. It would be problematic to get sewer services to the property. There will be an allowance for future city services to move through the development. Larger lots are better suited to living without impacting neighbors and a better way of life for families. There is a lack of lots this size in the area.

Chairman Sturgill entered the late exhibit #11 into the record.

MOTION: Commissioner Garrett moved to give 3 more minutes to Alan Mills, seconded by Commissioner Hall. Voice vote, motion carried.

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

- Wells and septic are not a problem in this area. Six other developments in the area have been approved. Successfully arbitrated against the city of Middleton dictating county development. Discussed the cost of bringing city services into the development. People in this area do not want to be annexed into the city or hooked up to city services. Hooking up to city services implies that you will annex into the city. Access will go through the commercial area. The MP study shows that this is a good area for water, the water table has risen. Traffic Impact Study will be done at platting. This project will create less traffic.

Nick Hylton - in favor – 13075 Willis Caldwell ID

- Mr. Hylton represents several people in the area, concerned about forced annexation. The land is not being used for agriculture and the rezone is appropriate for the area. 9th street is a cull-d-sac. The sewer is 1380 feet from roundabout, from Emmett Rd west it is too expensive to bring

sewer service to that area. The water runs under the property and there is 55 feet of static water running west that flushes everything.

Terry Mccoy - in favor - 24122 Willis Creek St Caldwell ID

- There was an HOA meeting regarding the project, no one wants a higher density than 1 acre. This will create less traffic than a higher density development. A neighbor put in a new well and found an artesian well flowing 200 gallons per minute. Middleton is trying to force annexation to this area, all but 2 states do not allow forced annexation. A smaller development like this cannot afford to install city water and sewer. Fire department stated that they are fully capable of handling the area in the event of a fire.

MOTION: Commissioner Hall moved to close public testimony on case RZ2019-0034, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to recommend denial of Case RZ2019-0034, based upon the Findings of Fact, Conclusions of Law, and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Garrett. Roll call vote, 5 in favor 1 opposed, motion carried.

APPROVAL OF MINUTES:

- January 16, 2020

MOTION: Commissioner Garrett moved to approve the minutes of January 16, 2020, seconded by Commissioner Williamson Voice vote, motion carried. Commissioner Hall abstained from voting.

COMMISSION, DIRECTOR, & PLANNER COMMENTS:

- Director Patricia Nilsson discussed the open house coming up on the Comprehensive Plan update, and the survey that Kate Dahl sent out on farming, and other topics. Director gave some results of the survey so far. Discussed the workshop that was conducted with newly elected officials.
- Commissioner Carpenter brought up discussion of one of the rezone cases of the night and the approval process. Also the possibility of PZ Commissioners have a meeting / workshop with BOCC.

ADJOURNMENT:

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

Signed this 20th day of February, 2020

Chairman Robert Sturgill

ATTEST

Kathy Frost, Recording Secretary