



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Wednesday, June 17, 2020
7:00 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
Rick Fried, Commissioner
Richard Hall, Commissioner
John Carpenter, Commissioner

Staff Members Present: Director Patricia Nilsson
Planner, Dan Lister
Recording Secretary, Kellie George

Chairman Robert Sturgill called the meeting to order at 7:00 p.m.

Secretary Sandi Levi proceeded to the business item on the Agenda.

ACTION ITEMS

Case No. OR2019-0009, CR2019-0009, SD2019-0036: Westpark Company Inc. is requesting a Comprehensive Plan Amendment (OR2019-0009), Conditional Rezone (CR2019-0009) and Preliminary Plat (SD2019-0036) on Parcels R29554010B, R29552, R29554013A and R29554013. The Comprehensive Plan Amendment will amend the Future Land Use designation of Parcels R29554013 and R29554013A from "Agricultural" to "Residential". The Conditional Rezone will conditionally amend the zoning of the four subject parcels from "A" (Agricultural) to "R-1" (Single-Family Residential) The Preliminary Plat for Osprey Estates Subdivision proposes 202 lots (184 residential lots) to be served by city water and community sewer treatment facility and completed in four phases. The vacant properties, 146.04 acres, are located adjacent to 9601 Southside Boulevard and 2525 E. Lewis Lane, Nampa; also referenced as a portion of the NE & SE¼ of Section 14, Township 2N, Range 2W; Canyon County, Idaho.

The chair asked if any of the Commissioners needed to declare conflicts of interest. Commissioner Levi recused herself from this case as it is located in the Nampa area of city impact and would possible conflict with her elected position on the Nampa City Council. It was noted for the record that Commissioner Carpenter did not participate in this hearing.

Testimony:

Planner Dan Lister presented the staff report on the comprehensive plan amendment for a portion of the property, a rezone with a development agreement, and a preliminary plat to create 184 residential lots. The project will be served by Nampa city water and a private central community

sewer treatment facility. This project had previously been approved by a conditional use permit that has subsequently expired.

The public roads will be built to City of Nampa standards. The developer will enter into an agreement with the City of Nampa to agree to annex and pay city impact fees. He reviewed the letters from the City of Nampa. He reviewed the comments received from agencies and from the public. He is recommended approval of the applications, and reviewed the conditions in the development agreement and conditions on the preliminary plat.

Commissioner Williamson inquired about the irrigation system.

Commissioner Hall asked how the community system will be connected in the future to the Nampa system. Planner Lister explained the city and developer will have an agreement.

Commissioner Fried asked about the impact fees. Director Nilsson said in this case the agreement between the city and the developer would govern the collection of fee by the city.

Exhibits 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 were entered into the record as late exhibits.

Hethe Clark, Clark Wardle Law, 251 E. Front Street, Boise, ID, testified in support of the application as the applicant's representative. He presented a slide presentation (Exhibit 21). He provided an overview of development in the vicinity, previous development review, site and soil conditions, and New York Canal spoils which indicate a large amount of rock. He reviewed the improvements to the frontage along Lewis Lane. They placed larger lots along the western boundary of the site. The highest density is located along Lewis Lane to be near the transportation corridor. There will be 6.5 miles of pathways in the project. He described the updated traffic impact study and the timing of improvements to Southside and Locust Lane and the resulting conditions imposed by the Nampa Highway District and the City of Nampa. They are installing a segment of the Stoddard Public Pathway, hydrants will be installed every 400', and they are installing a sequencing batch reactor wastewater treatment plant. A storage pond will hold treated, disinfected water. Once connected to the Nampa system in the future, the community plant will go through a formal decommissioning process with DEQ. They will adhere to the requirements of the Nampa-Meridian Irrigation District.

Joshua Fry, T-O Engineers, 332 N. Broadmoor Way, Nampa, stood for questions. There were no questions from the Commission.

Jason King, Keller Associates, 131 SW 5th Avenue, Meridian, ID, stood for questions. Mr. King is designing the wastewater system. Commissioner Hall asked him to describe the decommissioning process. Mr. King responded that a decommissioning plan will be developed, all of the sewage will be pumped to the city system, and then all equipment will be removed.

Mike Black, 2930 E. Deer Flat Road, Kuna, ID, will be the wastewater system operator. He stood for questions. There were no questions from the Commission.

Caleb LaClair, City of Nampa Asst. City Engineer, 500 S. 12th Avenue, Nampa, ID. Commissioner Hall asked if there was anything he would add or subtract to the project. Mr. Leclair stated it meets the city's comprehensive plan for density and residential use, from an engineering

perspective they would prefer to see stub streets to adjacent properties but in this case they are unfeasible. The city is comfortable with the project design and requirements, including the landscaping.

Commissioner Williamson asked if Mr. LaClair about road improvement requirements in response to Lewis Lane and the Southside Blvd. intersection concerns. Mr. LaClair stated the city does not have at this time any plans for that intersection, but that intersection is wholly within the purview of Nampa Highway District. He said the district does monitor transportation concerns on an annual basis.

Robert Rudkin, 8772 Southside Boulevard, Nampa, ID, testified in opposition to the comprehensive plan amendment. That land is outside of the Nampa area of city impact and there is a lot of farming still active in that area. Residential use will have a negative impact on existing irrigation in that area.

Lori Steele submitted a letter of opposition and Planner Lister read it into the record (Exhibit 14).

Hethe Clark, 251 E. Front Street, Boise, ID, provided rebuttal testimony. He stated that traffic has been studied by several jurisdictions and they found the proposed traffic is within the capacity of the system.

Commissioner Williamson asked for an explanation of the image on slide 26. Mr. Clark described it as a backup slide of what the wastewater system would look like under construction.

Exhibit 21 was entered into the hearing record.

Kellie George read into the record a comment submitted by Terri Shadix that she is opposed to the project as the Southside/Lewis Lane safety improvements are not going to be made. Ms. Shadix could not get her audio to function at the time she was called to testify.

MOTION: Commissioner Hall moved to close public testimony on Case No. OR2019-0009, CR2019-0009 and SD2019-0036, seconded by Commissioner Williamson. Voice vote, motion carried.

The Commission deliberated on the comprehensive plan amendment.

MOTION: Commissioner Hall moved to recommend approval of Case No. OR2019-0009 based on the Findings of Fact and Conclusions of Law. Motion seconded by Commissioner Fried. Roll call vote with 4 in favor and 0 opposed, therefore the motion carried.

The Commission deliberated on the conditional rezone. Commissioner Hall commented that this reflects what they have asked growth to be like. There is an agreement to pay impact fees to the city which will help road improvements.

Commissioner Williamson stated that the comment about phase 3 being in area that is currently agriculture. He believes the area would not be easy to farm.

Commissioner Hall asked to review the condition regarding the amendment to the area of city impact boundary. Planner Lister read the condition that was imposed on the preliminary plat.

MOTION: Commissioner Hall moved to recommend approval of Case No. CR2019-0009 and the development agreement to the Board of Canyon County Commissioners based on the Findings of Fact and Conclusions of Law. Motion seconded by Commissioner Fried. Roll call vote with 4 in favor and 0 opposed, therefore the motion carried.

The Commission deliberated on the preliminary plat. Commissioner Hall does not see any issues with the plat.

MOTION: Commissioner Hall moved to recommend approval of Case No. SD2019-0036 to the Board of County Commissioners based on the Findings of Fact, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Williamson. Roll call vote with 4 in favor and 0 opposed, therefore the motion carried.

MINUTES:

Chairman Fried moved to approve the minutes of the Commission hearings on June 10, 2020, on the Leavitt Trust case, the June 10, 2020 hearing on the Eduardo Rivas case, the June 10, 2020, hearing on James Manning case, the June 11, 2020, hearing on the Country Club Water Association case and the June 11, 2020, hearing on the JTAP case. Seconded by Commissioner Hall. Motion passed (Williamson not voting as he was absent on those dates).

COMMISSION, DIRECTOR, & PLANNER COMMENTS:

Director Nilsson updated the Commission on the status of the impact fee adoption.

Commissioner Fried moved to adjourn. Commissioner Hall seconded the motion. Voice vote motion carried. Meeting adjourned at 8:57 pm.

Signed this 17th day of June, 2020

Chairman Robert Sturgill

ATTEST

Kellie George, Recording Secretary

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