**CANYON COUNTY PLANNING & ZONING COMMISSION**

**MINUTES OF REGULAR MEETING HELD**

**Thursday, July 1, 2020**

**6:00 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

John Carpenter, Commissioner

**Staff Members Present:** Kathy Frost, Lead Administrative Specialist

Dan Lister, Planner

Kellie George, Recording Secretary

**Chairman Robert Sturgill** called the meeting to order at 6:00 p.m.

**Vice Chairman Patrick Williamson** proceededto the business items on the Agenda.

**ACTION ITEMS**

**OLD BUSINESS**

**Case No. RZ2019-0042, Robert & Nancy Weikel:** sign revised findings recommending denial to the Board of County Commissioners.

**MOTION:** Commissioner Williamson moved to adopt the revised Findings of Fact and Conclusions of Law recommending denial of Case RZ2019-0042. Seconded by Commissioner Carpenter. Voice vote, motion carries.

**NEW BUSINESS**

**Case No. VAC2020-0001:** The applicant, Robert Hinshaw, is requesting the vacation of plat note #4 in the Lansing Meadows Subdivision final plat. The plat note restricts lots to a 26 foot front, side and rear setback. The applicant’s property is located at 8981 New Castle Road Drive, Middleton (Parcel R33835138). However, the vacation will affect all properties within Lansing Meadows Subdivision; a portion of the NE¼ of the SW¼ of Section 3, Township 4N, Range 2W, Boise-Meridian, Canyon County, Idaho.

Planner Dan Lister presented the case including late exhibits.

Chairman Sturgill entered the late exhibits into the record.

**Testimony:**

**Robert Hinshaw 8981 New Castle Dr. Middleton ID – Applicant in favor**

* Mr. Hinshaw stated that several homes in the area are not in compliance with the plat note, and the HOA has not held these people in compliance. If others are not held to the CC&R’s, they should not be either.

**Sharlene Hinshaw 8961 New Castle Dr. Middleton ID – Applicant in favor**

* Ms. Hinshaw stated that the same people who have the setbacks we are asking for, do not want us to go by the same rules that they do. We were told we could ask for a variance, but were not responded to when we asked. After we found that we could not build we put the house on the market. The situation of our lot does not allow us to maintain the setbacks as listed. We have been treated very shabbily by neighbors and are only asking for the same conditions that the majority of people in the subdivision have. We applied twice for a 15 foot setback and no one responded to our application.

**Glenn Seymore 8966 New Castle Dr. Middleton – in favor**

* Mr. Seymore is In agreement of the proposed case, it is hard on the inner lots to meet setbacks many do not meet setbacks. 2 original owners did build within 15 feet and some have been built within 10 feet.

**Kevin Bishop 8978 New Castle Dr. Middleton - neutral**

* Representing several people in opposition, The development was setup so that owners had 5 votes per lot, 40 lots had to be sold before the HOA had enough votes to gain control, prior to that time the CC&R’s were not upheld. The applicants never filed a formal application, there was only a letter. There are people questioning the validity of this case going forward. Two thirds of property owners were not represented in the noticing. The HOA has a meeting coming up the second week of August, we would like the case deferred until after that meeting.

**Eric Hymis 8965 New Castle Dr. - opposed**

* Mr. Hymis signed the document in favor because he thought it was requesting a 15 foot setback, he does not approve of a ten foot setback. He has a shop and it does adhere to the 26 foot setback.

**Rebuttal: Robert Hinshaw** **8961 New Castle Dr. Middleton ID – Applicant in favor**

* Mr. Hinshaw stated that they are trying to get the standards changed to comply with County setbacks. Many lots do not conform as it is. The HOA will still have to be consulted prior to building. The board still has the overriding authority.

**MOTION:** Commissioner Williamson moved to close public testimony on Case VAC2019-0001, seconded by Commissioner Carpenter.

**MOTION:** Commissioner Williamson moved to recommend approval of Case VAC2019-0001 to the Board of County Commissioners, including the Findings of Facts, Conclusions of Law & Conditions of approval. No second the motion dies.

**MOTION:** Commissioner Fried moved to continue case VAC2019-0001 to be heard at the conclusion of the first case on the nights 9pm hearing. (7-1-2020). Seconded by Commissioner Carpenter.

**Resume** **Case No. VAC2020-0001:** after public testimony was closed at the end of July 1, 2020 6:00 pm hearing, Commissioner deliberation resumed at 10:15pm.

**Commissioner Fried:** The original intent of the plat was to follow County standards, the interior lots have less to work with than exterior lots, causing violations. Why after 23 violations is it now such a contention? HOAs are a civil matter not part of County concerns, the vacation will reflect the original intent that follows County standards.

**Commissioner Carpenter:** The intent of the developer was specific to set up larger setbacks, and was clearly noted on final plat.

**Commissioner Williamson:** The letter from the Home Owner Association stated that they are having a meeting in early August, perhaps we can table to allow that meeting.

**Commissioner Carpenter:** We can make a recommendation of denial or approval, which will allow time for the HOA meeting prior to the Board hearing.

**MOTION:** Commissioner Carpenter moved to recommend denial stating that the plat note does not violate current zoning requirements and the plat note is in compliance and was approved as such, directing staff to bring back revised findings of fact and conclusions of law on July 16, 2020. Seconded by Commissioner Fried. Roll call vote 4 in favor 1 opposed.

**ADJOURNMENT**

Commissioner Carpenter moved to adjourn. Commissioner Williamson seconded the motion. Voice vote motion carried. Meeting adjourned at 11:08 pm

**Signed this 16th day of July, 2020**

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**ATTEST**

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Kellie George, Recording Secretary

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