CANYON COUNTY PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD

Thursday, November 4, 2021

6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman

Scott Brock, Commissioner

Brian Sheets, Commissioner

Staff Members Present: Dan Lister, Planning Official

Elizabeth Allen, Planner

Kathy Frost, Recording Secretary

**Chairman Robert Sturgill,** called the meeting to order at 6:30 p.m.

**Secretary Scott Brock,** read the testimony guidelines and proceeded to the business item on the agenda.

**MOTION:** Commissioner Brock is recused. Commissioner Sheets moved to approve & sign the revised Findings of Facts, Conclusions of Law and conditions of approval for Case CR2021-0004, Monaghan. Motion seconded by Commissioner Sturgill. Voice vote, motion carried.

**MOTION:** Commissioner Sheets moved to table case OR2021-0006, RZ2021-0011, SD2021-0010, Springbok Development Inc. & Shoshone Falls Subdivision to date certain January 6, 2022. Motion seconded by Commissioner Brock. Voice vote motion carried.

**MOTION:** Commissioner Sheets moved to table case SD2020-0027 Stadium Subdivision No 2 to date certain December 2, 2021. Motion seconded by Commissioner Brock. Voice vote motion carried.

**MOTION:** Commissioner Sheets moved to table case OR2021-0018, RZ2021-0023 Guillermo Martinez, Collias Family Trust to date certain December 2, 2021. Motion seconded by Commissioner Brock. Voice vote motion carried.

**Case No. CU2021-0018**: Lee W. Wheeler is requesting a conditional use permit to allow dog kennel uses within an “A” (Agricultural) Zoning District. The dog kennel will house a maximum of twelve (12) dogs that occasionally are bred. The subject property is located at 1510 Farmway Road, Caldwell, ID (Parcel R22851010); also referenced as a portion of the NE¼ of Section 29, Township 4N, Range 3W, Canyon County, Idaho.

**Planner Elizabeth Allen,** reviewed the Staff report for the record, including late Exhibits. Standing for questions from the Commission.

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

**Testimony:**

**Lee Wheeler applicant in favor: 1510 Farmway rd. Caldwell 83607**

* Mr. Wheeler is here to request a conditional use permit so he can keep his 6 rat terriers, he was not aware the limit was 5 dogs. Mr. Wheeler provided 2 late exhibits # 5b, 5c & 6 to the commission. He needs the cup to keep his dogs who are his family, this is not a business, he has a full-time job. Dogs have room to roam they are allowed inside/outside access through a dog door throughout the day. They are very well provided for, Mr. Wheeler is single and the dogs are his family. Answered questions from Commissioner Brock regarding barking.

**MOTION:** Commissioner Sheets moved to close public testimony on Case CU2021-0018 seconded by Commissioner Brock. Voice vote, motion carried.

**Chairman Sturgill** entered additional late exhibits into the record.

**MOTION:** Commissioner Sheets moved to approve Case CU2021-0018 including the Findings of Facts, Conclusions of Law and Conditions of Approval as amended in condition 5, Motion seconded by Commissioner Brock Roll call vote 3 in favor 0 opposed, motion carried.

**Case No. RZ2021-0039 Norma Bates**: David Ferdinand representing Norma Bates, is requesting a conditional rezone of parcel R29569 from an “A” (Agricultural) Zone to an “R-1” (Single-Family Residential) Zone. The request includes a development agreement that restricts the number of residential lots to no more than 30 and requires future development to connect to Nampa municipal water services. The 33.16-acre property is located on the corner of Lake Shore Drive and S. Powerline Road, Nampa; also referenced as a portion of the NE¼ of Section 15, T2N, R2W, Canyon County, Idaho.

**Planner Dan Lister,** 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 Ferdinand 2419 W Heron Loop Nampa ID – Applicant Representative**

* The project was started during the pandemic outbreak making neighborhood meetings difficult, there were two neighborhood meetings, concerns from neighbors were considered. This is a transition/impact area. Issues came up, in order to abate concerns a development agreement was presented. In order to stay compatible with other projects in the area we altered the project. Nampa highway district has requested that we take access off of Lake Shore Drive. Traditions Capital Partners has been developing in the area for a long time and are quality builders. The project will be limited to 30 lots is in keeping with the area, will hook up to city water services, in accordance to the wishes of city of Nampa. Sewer from the city is not available but will be accessed when available. Nitrate priority study will dictate the number of lots. Pressurized irrigation will be utilized. Agree to right to farm disclosure. There will be a 25-foot landscape buffer and larger lots on the perimeter. The irrigation district will allow a bridge over the irrigation canal if necessary.

**Spenser Kofoed 8454 Brookhaven Pl Middleton ID – Applicant in favor**

* We build nice homes usually with larger lots. This property is in the Nampa are of impact and is designated as residential in the future land use. The city would like a higher density subdivision; however, we prefer less density. The high nitrate septic systems are very clean and will be utilized in the project.

**Alan Mills PO Box 206 Middleton ID – Applicant Representative in favor**

* We would like to request that Condition 2e, includes the statement that waiver may be granted by the city or the County Commissioners. We have a letter from Black Canyon Irrigation of approval. Fire district consistently agree that 30 lots are the max for a single access. This is consistent with the county comp plan. Should rely on county comp plan not city of Nampa. The right to farm act statement will be in the HOAs.

**Harness, Gregg Harness 9469 S Powerline Rd. Nampa ID -Opposed**

* Mr. Harness would like to acknowledge the openness of developers. He was concerned with the water and agrees that hooking up to city water is a good idea. Additional concerns are traffic people complaining about farm activities. Mr. Harness appreciates that potential owners will be educated on the right to farm act. The neighbors were felt that the land division on this property from a year or two ago assured that the property would not be developed further and that it would stay in Agriculture. We are happy they at least looked into the possibility of connecting to City services for sewer and understand it is not available. Developers have listened to our concerns and we appreciate that, but still opposed.

**David Ferdinand 2419 W Heron Loop Nampa ID – Applicant Representative**

* Appreciate Mr. Harness and his concerns, the ones that have not been concerned will be determined by the nitrogen priority study, dictating the number and size of lots. Right to farm will be strongly enforced. Will have to follow agency guidelines and study guidelines.

**MOTION:** Commissioner Brock moved to close public testimony on Case RZ2021-0039 seconded by Commissioner Sheets. Voice vote, motion carried.

**MOTION:** Commissioner Brock moved to recommend approval of Case RZ2021-0039 including the Findings of Facts, Conclusions of Law and Conditions of Approval amending condition 2e as requested, and forward the recommendation to the Board of County Commissioners. Motion seconded by Commissioner Sheets. Roll call vote 3 in favor 0 opposed, motion carried.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Sheets moved to approve the minutes of 10/07/2021, seconded by Chairman Sturgill. Voice Vote motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

We will miss Commissioner Brock, we thank him for his service.

**ADJOURNMENT:**

**MOTION:** Commissioner Sheets moved to adjourn, seconded by Commissioner Brock Voice vote motion carried. Hearing adjourned at 7:59 pm.

Approved this 2nd day of December, 2021

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Robert Sturgill, Chairman

ATTEST

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