



**CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, February 20, 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, Kate Dahl
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

Brumbaugh / Marchbanks: RZ2019-0038 Sign Revised FCOS, recommending denial

MOTION: Commissioner Williamson moved to approve the revised Findings of Fact and Conclusions of Law and Order, recommending denial of Case RZ2019-0038. Forwarding the case to the Board of County Commissioners. Seconded by Commissioner Carpenter. Voice vote motion carried.

Green Hills Landing Subdivision: SD2018-0019

T-O Engineers, on behalf of Pete Doornenbal, submitted a Preliminary Plat with Irrigation and Drainage plans for Green Hills Landing Subdivision, a 40 residential lot subdivision on Parcel R38195. The vacant 57.4 acre parcel is located along Purple Sage Road and adjacent east of Vavold Heights Subdivision; referenced as a portion of the NW¼ of Section 35, Township 5N, Range 3W, Canyon County, Idaho.

Commissioner Carpenter is recused.

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:

Abbey Stover - Applicant representative in favor - 1998 W Judith Ln. Boise

- Ms. Stover reviewed the location of the project, it is in the Middleton Impact area. There will be 40 lots on 57 acres. The Rezone and Development Agreement have been approved and there have been no changes to the proposal since the rezone was approved. Ms. Stover gave an overview of the lots, sewer & wells. An MP study has been done, the wells are for domestic use only, not irrigation. The purpose of the phasing plan is to allow time to reroute the irrigation drainage system on Phase 2 while Phase 1 is being completed.

Tyler Hess - Applicant in favor -15031 Spyglass In Caldwell

- Mr. Hess is the developer on the project, the phasing plan is to accommodate the lateral rerouting as dictated by irrigation district. Mr. Hess has done other developments in the area, this is a desirable lot size for the area. Pressurized irrigation will be utilized.

MOTION: Commissioner Williamson moved to close public testimony on case SD2018-0019, seconded by Commissioner Garrett. Voice vote motion carried.

MOTION: Commissioner Hall moved to recommend approval of Case SD2018-0019, including the Findings of Fact, Conclusions of Law and Order and Conditions of Approval. Forwarding the case to the Board of County Commissioners. Seconded by Commissioner Williamson Roll call vote, 5 in favor 0 opposed, motion carried.

NEW BUSINESS – ACTION ITEMS

Jeremy Gordon: CR2019-0013

Case No. CR2019-0013: Jeremy Gordon is requesting a conditional rezone on Parcel R36132011A from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The request includes a development agreement to restrict future development on the parcel. The vacant 7.83 acre parcel is adjacent north of 21758 Van Slyke Road, Wilder; also referenced as a portion of the NW ¼ of Section 17, Township 4N, Range 4W, Canyon County, B-M, Idaho.

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

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

Testimony:

TJ Wellard - Applicant representative in favor - 17842 Sand Hollow Rd Caldwell

- A portion of the larger parcel has been used for a horse operation and is not suitable for farming, irrigation is difficult on that parcel. The applicant and family live in the area. The purpose of the Development Agreement is to keep the land from being further divided. One additional home is commensurate with the area. This is the best use for the property. Access will be taken off of Van Slyke Road.

MOTION: Commissioner Hall moved to close public testimony on case CR2019-0013, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to recommend approval of Case CR2019-0013 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 Hall. Roll call vote, 6 in favor 0 opposed, motion carried.

Becky Abbott: CU2019-0031

Abbott of Becky's Dance Company is requesting a conditional use permit to allow a school on Parcel R38214101. The permit will allow an expansion to the existing dance studio. The parcel is zoned "A" (Agricultural). The property is located 12615 Flower Lane, Middleton; within Flower Estates Subdivision. The property is also referenced as a portion of the SW ¼ of Section 36, Township 5N, Range 3W, B-M, Canyon County, Idaho.

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

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

Testimony:

Becky Abbott - applicant in favor - 12615 Flower In Middleton

- Ms. Abbott stated that they are adding on in order to allow more people to attend and to allow people that come from longer distances to have a place to wait for the students without having to drive home. Also the expansion will allow two classes to be taught at one time, eliminating some hours of operation. The trip average is a high estimate, currently the average is 20 trips per day. The studio operates from May to September, closing for summer. The building will look like a garage, not a commercial bldg. Ms. Abbott agrees with all conditions except the 40 foot access, as it crosses over her well, they have met with the Highway district. There is an irrigation pipe through that area as well. Also not in agreement with the Highway district demands of an apron. The parking area is at the end of the property along Flower Road, it is a roundabout entrance and exit. The residential feel is very important and the intent is to keep it that way. Ms. Abbot will continue to work with the Highway district and the Irrigation district.

MOTION: Commissioner Garrett moved to close public testimony on case CU2019-0031, seconded by Commissioner Hall. Voice vote motion carried.

MOTION: Commissioner Garrett moved to approve Case CU2019-0031 based upon the Findings of Fact, Conclusions of Law and Conditions of Approval, seconded by Commissioner Hall. Roll call vote, 6 in favor 0 opposed, motion carried.

Kathi Wangsgard: RZ2019-0040

Kathi Wangsgard is requesting a **Rezone** of approximately 2.37 acres from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. The subject property, parcel no. R22075 is located at 23774 Stone Ln., Caldwell, ID in a portion of the NW ¼ of Section 3, T4N, R3W, B.M. Canyon County, Idaho.

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

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

Testimony:

Kathi Wangsgard - applicant in favor - 23774 Stone In Caldwell

- Ms. Wangsgard would like to divide the property into one more lot in order to allow her son to build a home on the top portion. There are no water rights, the soil is mostly sand.

MOTION: Commissioner Hall moved to close public testimony on case RZ2019-0040, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Hall moved to recommend approval of Case RZ2019-0040 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 opposed, motion carried.

Dandrew Wine: CU2019-0028

Dandrew Wine, LLC is requesting to modify an existing conditional use permit, PH2016-54. The existing conditional use permit allowed for a Special Events Facility on site and Condition No. 2 required general conformance with the site plan. The applicant is requesting a modification to allow the construction of a 2500 sq. foot restaurant to service the existing tasting room(s) as well as the special events that already occur on the property. The intent of the restaurant is not to be a destination venue, but to provide a service to the events already conducted on site. The subject property, parcel no. R33479 is located at 19348 Lowell Rd., in a portion of the SE ¼ of Section 23, T3N, R4W, BM, Canyon County, Idaho.

Dandrew Wine: CU2019-0029

Dandrew Wine, LLC is requesting a conditional use permit for an “accessory use to a permitted use” of the “special events facility” that was approved via Case No. PH2016-54. The proposal is to operate a six (6) unit camping area (yurts) for short term overnight stays. The subject property, parcel no. R33479 is located at 19348 Lowell Rd., in a portion of the SE ¼ of Section 23, T3N, R4W, BM, Canyon County, Idaho.

Commissioner Williamson is recused.

Planner Jennifer Almeida, reviewed the staff reports for the record, including a late exhibit.

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

Testimony:

Michael Kuhn - applicant representative in favor - 9937 W Petit Ct Star

- The restaurant use will go along with the wine tasting venue that is currently operating. Currently they are using food trucks and they are noisy and smelly, the applicants would prefer to have their own restaurant instead of using food trucks. The Yurts will be for people to stay onsite if they wish. The existing operating hours for, concerts, weddings, and special events have been re-evaluated to make sure events are over by 10:00 pm. Existing conditions will be observed. Owners will provide 24 hour phone access in order to monitor events. Southwest District Health has been consulted. Yurts are designed for two people, however there is room for a family of 4.

Neutral

Patrick Williamson – neutral - 19550 Eat a Bite In Caldwell

- Mr. Williamson lives 650 feet north of the subject property and will see and smell all of the activity on the proposed property. If the restaurant is open people will be stopping in all day,

not just for events. Other venues in the area will direct the public to the site for a place to eat. The yurt usage is more of a concern, than the restaurant as the property is not fully enclosed with fencing. People visiting the site often wander into the Williamson's vineyard and have to be chased off. The yurts could generate more unwanted people on their property. Mr. Williamson's living room window faces the project and traffic will increase. There is no onsite manager to keep the order. The yurt area should be fenced off. The smells from the drainage pond on the northwest corner smells and the odor is strong on their property. Active farming in the area is not conducive to people staying in the yurts. The use may negatively impact the other area wineries. Mr. Williamson would like to see the notification radius increased as there were only 2 properties noticed.

MOTION: Commissioner Garrett moved to allow 3 minutes of additional testimony. Seconded by Commissioner Carpenter. Voice vote, motion carried.

- Mr. Williamson continued testimony, stating that the complaints his family have expressed to the owners of Dandrew Wines have not been addressed, it is nearly impossible to contact anyone regarding negative issues, including trespassing problems. There is a need for a reliable contact person to manage the facility. If the yurt area was completely fenced it would make the project less offensive.

John Williamson - neutral - 19500 Eat a Bite Ln Caldwell

- There needs to be a contact person with a cell phone and someone onsite, to respond to problems, having RVs parked onsite is a concern. It is not easy to be neighbors due to the issues that have been ongoing.

Rebuttal:

Michael Kuhn - applicant representative in favor - 9937 W Petit Ct Star

- Mr. Kuhn stated that chasing people out of the neighboring property has been going on longer than the tasting rooms have been there. The applicants do not want a fence around the yurts. Phone access needs to be onsite during events. The applicants are not expecting to have a manager stay onsite and babysit people, but will hire security to address issues with a 24 hour access phone number to the security company. We will agree to extend the fence on the property line on the north boundary.

MOTION: Commissioner Carpenter moved to close public testimony on case CU2019-0028 & CU2019-0029, seconded by Commissioner Hall. Voice vote motion carried.

MOTION: Commissioner Carpenter moved approve Case CU2019-0028, based upon the Findings of Fact, Conclusions of Law, and Conditions of Approval adding a condition to add 200 feet of fencing on the northwest boundary. Seconded by Commissioner Hall. Roll call vote, 5 in favor 0 opposed, motion carried.

MOTION: Commissioner Garrett moved to deny Case CU2019-0029, based upon item #D that the proposed use will be injurious to other properties in the area, and negatively change the character of the area. Directing staff to bring revised Findings of Fact, and Conclusions of Law and Order on March 5, 2020. Seconded by Commissioner Hall. Roll call vote, 5 in favor 0 opposed, motion carried.

Boulder Creek Subdivision: SD2019-0004

A request by Troy Young for approval of a **Preliminary Plat, Irrigation, & Drainage Plan for Boulder Creek Subdivision**. The development consists of seven (7) lots and is located in an “R-1” (Single Family Residential) zone. The subject property is located on the eastside of El Paso Rd., approximately 876 ft. north of the intersection of Hwy 44 and El Paso Rd., Caldwell, ID in a portion of the SW ¼ of Section 3, T4N, R3W, B.M. Canyon County, Idaho.

Planner Jennifer Almeida, reviewed the staff report for the record.

Chairman Robert Sturgill, affirmed the witnesses to testify.

Testimony:

Bruce Field - applicant in favor - 14031 Silver Ridge Rd Caldwell

- Mr. Field purchased the property with 2 other families, the intent is to build and live onsite. Each family purchased 2 lots, one to build a home on and one to keep clear of structures. We needed to increase the number of lots to accommodate the road improvement. The property will not be flood irrigated, the irrigation plan is to be pressurized to each lot.

Gary Wangsgard – in favor – 23131 Stone Ln Caldwell

- Mr. Wangsgard and his neighbor each own 5 acres bordering this property. They want a 6 foot privacy fence built on the property line.

Rebuttal:

Bruce Field - applicant in favor - 14031 Silver Ridge Rd Caldwell

- The property owners agree to build a privacy fence to shield the neighbors. Water runoff flows into a gravel pit and there has not been a problem with excessive water buildup.

MOTION: Commissioner Carpenter moved to close public testimony on case SD2019-0004, seconded by Commissioner Hall. Voice vote motion carried.

MOTION: Commissioner Carpenter moved to recommend approval of Case SD2019-0004 based upon the Findings of Fact, Conclusions of Law and Conditions of Approval, adding a water user’s maintenance agreement for irrigation drainage, and a 6 foot tall fence on east boundary. Forwarding the recommendation to the Board of County Commissioners. Seconded by Commissioner Williamson. Roll call vote, 6 in favor 0 opposed, motion carried.

Canyon County Ordinance Amendment: OR2020-0001

A comprehensive plan text amendment adding appendix 3: impact fee study and capital improvement plans to the Canyon County 2020 comprehensive plan table of contents; and adding a policy adopting capital improvement plans to Chapter 8 public services, facilities and utilities component; and adding a policy adopting a capital improvement plan to Chapter 10 special areas, sites and recreation component; and adopting capital improvement plans for the following fire districts; Nampa, Middleton, Caldwell, Star, Wilder, Kuna, Marsing; and adopting a capital improvement plan for the Middleton recreation district to appendix 3: impact fee study and capital improvement plans to the Canyon County 2020 comprehensive plan.

Planner Kate Dahl, reviewed the staff report for the record.

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

Testimony:

Anne Westcott – in favor - 1214 S Johnson Boise

- Ms. Westcott described the impact fee schedule and how it is determined. The Marsing fire district, needs a station and an engine, they are starting with just the engine to keep the cost lower.

Tim O’Meara – in favor – 501 N Dewey Middleton

- The Middleton Recreation district is separate from the city parks we operate to supply sports fields for the Middleton area. The Star impact fees for the Middleton Recreation district area are there because the city is growing into the district. No services are provided to the city of Star, it is for the surrounding patrons in Canyon County. Currently they are 80 acres behind the need for sports parks. A soccer club is losing their site because of development.

Bill Gigray – in favor - 5700 E Franklin Rd Nampa

- Mr. Gigray represents the fire districts in the proposal. The City of Star discussed laws regarding adoption of impact fees, intergovernmental ordinance authority of the County is for unincorporated areas. There is no proposal to impose fees in the City of Star for the recreational district. The CIP includes the area of star because of the service area defined by Canyon County. The recommendation will go before the Board of County Commissioners, to make a final decision on the Impact fees. The control and use of the impact fees will be under the direction of the County Commissioners in the unincorporated areas of the County and under the direction of the cities within the city limits.

MOTION: Commissioner Hall moved to close public testimony on case OR2020-0001, seconded by Commissioner Carpenter. Voice vote motion carried.

MOTION: Commissioner Hall moved to recommend approve Case OR2020-0001 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 Garrett. Roll call vote, 6 in favor 0 opposed, motion carried.

Canyon County Ordinance Amendment OR2020-0002

An ordinance amending Canyon County code, chapter 7, section 07-02-03 to add a definition of private tower with antenna; to amend chapter 7, section 07-10-21 to add private tower with antenna with 100 foot height allowance; to amend chapter 7, section 07-10-27 to add private tower with antenna to the zoning and land use matrix; and add a new section 07-14-30 to provide use standards for private tower with antenna.

Planner Kate Dahl, reviewed the staff report for the record

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

Testimony:

Don Lynn – in favor – 41 N Hastings Dr. Nampa

- Mr. Lynn practices and uses towers and is representing the Idaho section of the American radio relay league which is the National Association for amateur radio. We are in support of the Ordinance amendment, citing PRB1 as a reasonable accommodation for us to continue our emergency, hobby and services provided to the public. Ham radio operators are volunteers and not able to accept payment, we provide emergency communication in disaster events. This is not a commercial use, it is a private use and serves the public.

MOTION: Commissioner Garrett moved to close public testimony on case OR2020-0002, seconded by Commissioner Levi. Voice vote motion carried.

MOTION: Commissioner Hall moved to recommend approval of Case OR2020-0002 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 Williamson. Roll call vote, 6 in favor 0 opposed, motion carried.

APPROVAL OF MINUTES:

- February 6, 2020

MOTION: Commissioner Hall moved to approve the minutes of February 6, 2020, seconded by Commissioner Levi Voice vote, motion carried.

COMMISSION, DIRECTOR, & PLANNER COMMENTS:

- There was discussion on the open houses that were held last week on the comp plan. There have been about 700 responses so far on the surveys that are out. There will be a Hispanic open house scheduled. There is a meeting 2/21/2020 with BOCC on developing a scope of work, including a budget to hire a consultant to prepare a county wide CIP.
- Comments and takeaways from the Middleton open house.
- Ground water forum, and compass updates.

ADJOURNMENT: 10:15 pm

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

Signed this 5th day of March, 2020

Chairman Robert Sturgill

ATTEST

Kathy Frost, Recording Secretary