



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, May 6, 2021
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Patrick Williamson, Vice Chairman
Rick Fried, Commissioner
Scott Brock, Commissioner
Sheena Wellard, Commissioner

Staff Members Present: Steve Fultz, Director
Dan Lister, Planner
Jenna Petroll, Recording Secretary

Chairman Robert Sturgill, called the meeting to order at 6:40 p.m.

Commissioner Williamson, read the testimony guidelines and proceeded to the business item on the agenda.

Case No. OR2020-0013 /RZ2020-0028: Sunroc/Newbill table to 8/19/21

MOTION: Commissioner Williamson moved to table Case no. OR2020-0013 / RZ2020-0028 to date certain of August 19, 2021, seconded by Commissioner Fried. Voice vote motion carried.

Action item tabled from 1/21/21 Case No. CU2020-0012 Rise Broadband: Rise Broadband is requesting a conditional use permit to emplace an 80-foot-tall by 4-foot-wide, cell tower behind the existing buildings on a 34.01-acre parcel, located north of address 8340 Hwy 20/26, on parcel number R34171. There is no generator proposed and no employees. The facility will not have lighting on the tower or any signage.

Planner Dan Lister, reviewed staff report for the record

TESTIMONY:

Matthew Martin - Applicant (Representative) in favor – 1388 N 39th St, Nampa, ID 83696

Mr. Martin didn't have a testimony, but was there to answer any questions. Rise broadband purchased Heritage Wireless and inherited the existing internet tower. They have a receipt for the tower and it shows the sale took place on 1/31/2005. He isn't aware how it was installed without the appropriate permits. The tower will have 5GHz frequency bands with power levels of 36 DBMS. The tower will also have an 18GHz radio licensed with the FCC.

Daniel Public – in opposition – 8160 HWY 20/26, Nampa ID

Mr. Public explained his family owns the property east of the tower. His family and he are concerned with health issues that may be associated with living near the tower. He read an article stating that being near a tower could cause multiple health issues. He has older parents who he is concerned for. That location is their vacation home and are there about 1 month at a time.

Rebuttal: Matthew Martin - Applicant in favor - 1388 N 39th St, Nampa, ID 83696

Mr. Martin reiterated that the frequencies they are using are within the FCC recommendation. He has not read anything about any health issues caused by an internet tower. He clarified that this tower is not a cell tower but an internet only tower. The tower is not putting out major power. The gear that will serve the residential customers will be 80 feet tall.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2020-0012, seconded by Commissioner Brock. Voice vote, motion carried.

MOTION: Commissioner Williamson moved to recommend approval of Case CU2020-0012, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Brock. Roll call vote with 5 in favor and 0 opposed, motion passed.

Action item Case No. OR2021-0003/RZ2021-0002 Lovelace Kido Lakeside Venues: application has been withdrawn.

Action item Case No. SD2021-0001 Marlia Subdivision: A request by Skinner Land Survey, representing Gene King, for approval of **Marlia Subdivision**. The development consists of one (1) residential lot. The subject property, Parcel No. R36132011A, is located adjacent to 21758 Van Slyke Road, Wilder; also referenced as a portion of the NW¼ of Section 17, T4N, R4W, B-M; Canyon County, Idaho.

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

Chairman Sturgill, entered the late exhibits into the record.

Commissioner Wellard is recused.

TESTIMONY:

TJ Wellard - Applicant (Representative) in favor – 17842 Sand Hollow Rd, Caldwell ID 83607

Mr. Wellard explained there is currently pressurized irrigation. The owner of this property is also the owner of the property to the north, and the irrigation to this property is tied in to the irrigation of their other property. If the property is sold, then the new owner will be responsible for installing new irrigation system. He explained why this is considered a subdivision.

MOTION: Commissioner Fried moved to close public testimony on Case SD2021-0001, seconded by Commissioner Brock. Voice vote, motion carried.

MOTION: Commissioner Williamson moved to recommend approval of Case SD2021-0001, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Brock. Roll call vote with 4 in favor and 0 opposed, motion passed.

Action item Case No. RZ2020-0029 Troost: Troost Family Living Trust & Best Investments, LLC are requesting a Rezone of three (3) parcels that total 24.31 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The average minimum lot size in an “R-R” zone is two (2) acres. The subject properties, parcel no.s R35590012, R35598010A, & R35598014 are located in the NW ¼ of Section 32, T4N, R3W, BM, Canyon County, Idaho

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

Chairman Sturgill, entered the late exhibits into the record.

Commissioner Wellard is recused.

TESTIMONY:

TJ Wellard - Applicant (Representative) in favor – 17842 Sand Hollow Rd, Caldwell ID 83607

Mr. Wellard explained the verbiage of the application and stated the legal description has not changed and all appropriate residents were notified. This property is in the city of Caldwell impact area for residential land use and falls within the county's comprehensive plan for residential land use. Mr. Wellard stated he met with the highway district about changing Tranquil Place, the private road this property lies on, to a public road, but the neighboring residents want to keep private road. They have decided to keep it as a private road, as requested by residents. The lots will be on individual well and septic systems. This property is not nitrate priority area. This property is more appropriate to be residential to match surrounding area rather than agricultural. The average lot size will be 2.2 acres to keep the characteristic of the surrounding area. There will be 11 lots total. The property has legal access, and the private road needs updating which the applicant will be doing.

Greg Bullock - in favor – 504 Bayhill Dr, Nampa ID 83686

Mr. Bullock went over the history and layout of the property. The property to the west is 40 acres of farmland. The road, Tranquil Place, is being paved whether this application gets approved or not. If this application does not get approved, the City of Caldwell will most likely be putting in more lots than what is being proposed now.

Sarah Laurenson - in opposition – 18532 Tranquil Pl, Caldwell ID 83607

Ms. Laurenson wants to keep their neighborhood tranquil and peaceful. She is concerned that zone changing is taking away from farmer's livelihood. She is also concerned that this project will affect the character of the area in a negative way. Ms. Laurenson stated that she is not opposed to new development, but would like to see responsible development. If this project is approved, she would like an HOA with CC&R's as a condition to a subdivision.

Surine Greenway - in opposition – 18725 Tranquil Pl, Caldwell ID 83607

Ms. Greenway is concerned with the traffic impacts this development will have on their community. She would like to see a drainage test be done. She explained that the farmlands that are in that area are still being actively farmed. Ms. Greenway has lived there since 2012.

Louis Gonzales - in opposition – 19030 Birchwood Dr, Caldwell ID 83607

Mr. Gonzalez is concerned with the poor visibility on the road, Tranquil Place. He is also concerned with the access for emergency vehicles as there is only one way in and one way out. He is also concerned that the road is not big enough to handle the traffic this development will bring. Mr. Gonzalez is concerned about the water levels and contaminations in the area.

Theresa Di Mauro - in opposition – 17118 Upper Pleasant Rd, Caldwell ID 83607

Ms. Di Mauro is concerned with the traffic this development will create; Upper Pleasant Rd is already too busy. She is concerned with schools and overpopulating classrooms. She is also concerned with decreasing road conditions. Ms. Di Maura is also concerned with losing farmlands.

Rebuttal: TJ Wellard - Applicant (Representative) in favor – 17842 Sand Hollow Rd, Caldwell ID 83607

Mr. Wellard explained that the use of the land surrounding is not actively being farmed. The owners of these properties maintain the properties but not farming it. He explained that the issues the residents raised will be addressed when the project goes to platting. Tranquil Place will be widened and paved. Mr. Wellard explained that he also lives in the area and doesn't want to see the area grow too fast, but he won't tell other people what they can and cannot do with their property. Other areas of Canyon County are being opened up for more farm ground.

MOTION: Commissioner Williamson moved to close public testimony on Case RZ2020-0029, seconded by Commissioner Brock. Voice vote, motion carried.

MOTION: Commissioner Brock moved to recommend approval of Case RZ2020-0029, including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Fried. Roll call vote with 2 in favor and 2 opposed, motion failed.

Action item tabled from 3/18/21 Case No. RZ2020-0027 Schatzel: sign corrected FCO.

APPROVAL OF MINUTES:

Motion: Commissioner Fried moved to approve the minutes of 4/15/2021, seconded by Commissioner Williamson. Voice Vote motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director Fultz introduced himself and went over his background. He updated the commissioners on staffing and office updates. His top priority is working on the comprehensive plan. The Development Services office is working on bringing in an expert to assist with preserving farmlands. Director Fultz gave an update on getting new commissioners; potentially replacing the 2 vacant spots. Planner Lister updated the commissioners on an existing case, Ridgeline Vista.

Adjournment:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Wellard. Voice vote motion carried. Hearing adjourned at 8:51pm

Approved this 20th day of May, 2021

Robert Sturgill, Chairman

ATTEST

_____, Recording Secretary