



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, June 3, 2021
6:30 P.M.

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

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

Staff Members Present: Steve Fultz, Director
Jennifer Almeida, Planner
Dan Lister, Planner
Elizabeth Allen, Planner
Jenna Petroll, Recording Secretary

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

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

➤ **Case No. CR2020-0013/SD2020-0041 Elsberry/Berry Acres Subdivision table to 7/1/2021**

MOTION: Commissioner Fried moved to table Case no. CR2020-0013/SD2020-0041 to date certain of July 1, 2021, seconded by Commissioner Wellard. Voice vote motion carried.

➤ **Case No. CU2006-185-MOD Robinson: application has been withdrawn.**

➤ **Case No. RZ2021-0005 Dudley:** Matt Dudley is requesting a Rezone of approximately 24.78 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The average minimum lot size in the "R-R" zone is two (2) acres. The subject property, R38656010 is located on the north side of Walker Rd. approximately 1700 ft. east of the intersection of Parma Rd. and Walker Rd., Parma ID, in a portion of the SW ¼ of Section 3, T5N, R5W, BM, Canyon County, Idaho.

Planner Jennifer Almeida, reviewed Staff report for the record, including late exhibits

Chairman Sturgill, entered the late exhibits into the record.

TESTIMONY:

Matt Dudley - Applicant (Representative) in favor – 18497 Midland Blvd, Nampa ID 83687

Mr. Dudley read through exhibit 2 of the staff report, the letter of intent. He also referred to the proposed site plan. Mr. Dudley also referenced exhibit 17 of the staff report; a letter of approval from a farmer in the community. He also referenced exhibit 18 of the staff report; a letter of approval from a resident in a neighboring property. He explained the previous owner is currently renting and farming the agricultural land attached to the property. Mr. Dudley hopes to maintain the 19 acres of farmland; which corn is the crop that is being farmed on the land currently.

Mike Dudley - in favor – 18497 Midland Blvd, Nampa ID 83687

Mr. Dudley explained he has lived in Nampa for 23 years, but due to traffic, they are wanting to move

out of Nampa and his son proposed for them to live on this property with his family. He explained that he grew up in Parma and would like to live there again.

Jerom Jemmett - in opposition – 26497 Walker Rd, Parma ID 83660

Mr. Jemmett explained where his properties are in relation to this property. He is concerned about his well and the water level and quality. He stated he is concerned about losing farmland in the county. Mr. Jemmett is also concerned about this project setting a precedent for more residential houses in the area.

Andy Grambo - in opposition – 26880 Walker Rd, Parma ID 83660

Mr. Grambo explained where his property is in relation to this property. He stated he is concerned about more lots being divided on the property; more than the amount that is proposed in the application. He is also concerned about losing farmland, well water and septic.

Rebuttal: Matt Dudley - Applicant in favor - 18497 Midland Blvd, Nampa ID 83687

Mr. Dudley stated he has been in communication with the neighbors. He explained that his dad bought a property from his cousin to develop another subdivision due to financial difficulties. He explained that he did not have any intention to divide the property more than 3 lots at this time. He also explained that there might be a chance that he divides the land later for his children. Mr. Dudley stated he has no intention of developing a subdivision.

MOTION: Commissioner Fried moved to close public testimony on Case RZ2021-0005, seconded by Commissioner Wellard. Voice vote, motion carried.

MOTION: Commissioner Wellard moved to recommend approval of Case RZ2021-0005, 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 3 in favor and 1 opposed, motion passed.

- **Case No. RZ2020-0023/SD2020-0042 Essex Holdings/Geneva Estates Subdivision:** The applicant, Mason & Associates representing Essex Holdings VI LLC, is requesting a zoning map amendment (rezone) of Parcels R32989 and R32989010 from an “A” Zone (Agricultural) to an R-1 Zone (Single Family Residential). The request includes a preliminary plat with irrigation and drainage plan for Geneva Estates Subdivision, a 28-lot residential subdivision. The 40.43-acre property is located at 12064 Lone Star Road, Nampa; also referenced as a portion of the SE ¼ of Section 24, T3N, R3W, 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.

TESTIMONY:

William Mason - Applicant (Representative) in favor – 924 3rd St So, Nampa ID 83651

Mr. Mason explained the surrounding properties and what their uses are. The client is not opposed to adding the sidewalk the school district is requesting. They are proposing individual wells and septic for each lot. He explained that they are not opposed to giving the piece of land across the canal to the park or other subdivision. Mr. Mason stated they will be doing the landscaping to the standards of the City of Nampa. Mr. Mason explained why they chose to go with individual wells and septic systems instead of bringing in city services.

Megan Dulin – in opposition – 11342 Orchard Ave, Nampa ID 83651

Ms. Dulin explained that her mom lives on and owns the property neighboring this property. She stated that her property will never be a subdivision and will keep her property agriculture and the neighbors around her feel the same way. She is concerned about the density of the lots proposed in the project.

Earlynn Chase – in opposition – 12317 Lonestar Rd, Nampa ID 83651

Ms. Chase is concerned about the density and traffic this subdivision will bring. She is also concerned about the loss of agriculture land. She is also concerned about the safety and well-being of herself and animals.

Rebuttal: William Mason - Applicant in favor – 924 3rd St So, Nampa ID 83651

Mr. Mason didn't have a rebuttal, but he stood for any questions.

MOTION: Commissioner Fried moved to close public testimony on Case RZ2020-0023/SD2020-0042, seconded by Commissioner Brock. Voice vote, motion carried.

MOTION: Commissioner Fried moved to recommend approval of Case RZ2020-0023, 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 Wellard. Roll call vote with 4 in favor and 0 opposed, motion passed.

MOTION: Commissioner Fried moved to recommend approval with conditions of Case SD2020-0042, 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.

- **Case No. VAC2021-0001 Merriam:** The applicant, Joel Merriam, representing Swainson's Pointe Subdivision, is requesting a plat vacation to remove Plat Note #15 regarding fire sprinkler requirements from the Swainson's Pointe Subdivision plat. The applicant's property is located at 12123 Swainson's Lane, Nampa, but the request affects all lots within Swainson's Point Subdivision (Parcels R30097100 through R30097112); also, as referenced as a portion of the NE¼ of Section 13, Township 2N, Range 3W; Canyon County, Idaho.

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

Chairman Sturgill, entered the late exhibits into the record.

TESTIMONY:

Joel Merriam - Applicant (Representative) in favor – 12123 Swainson Ln, Nampa ID 83686

Mr. Merriam stated that he has some correspondence with the fire inspector for their subdivision; he explained what was discussed in their conversation. He explained that his permanent residence is being held up because he does not have a fire sprinkler system. He further explained that at the time of building his residence, he understood that it was on the plat, but he also understood that it was not required by state law. Mr. Martin believes that some, not all, of the residents in the subdivision have a fire sprinkler system. He stated he contacted their insurance company and they would have to pay more in premiums if they had the fire sprinkler system.

Penny Wilding - in favor – 12089 Swainson Ln, Nampa ID 83686

Ms. Wilding stated that at the time of building her home, only 1 resident of the subdivision had a sprinkler system. She stated that once the first home that was built without a sprinkler system, it set a precedence for the houses that were built after that. She stated that she had a letter that was signed off by chief inspector for the fire district approving a home without a fire sprinkler system; the letter was entered as a late exhibit. Ms. Wilder stated that she also contacted her insurance agency and they told her that it would cost more if she had a fire sprinkler system in the home due to the possibility of water damage.

Kevin Huber - in favor – 12057 Swainson Ln, Nampa ID 83686

Mr. Huber explained where his property is located within the subdivision and that he is the HOA president. He explained that he was the first buyer in the subdivision. He stated that he approached Canyon County regarding the plat note and Canyon county told him to work it out with the fire district. He explained that he did some research and found that Idaho state law stated the fire sprinklers were not required for his type of property. Mr. Huber explained that he met with the fire chief for him to sign a letter acknowledging that he was opting out of having sprinklers, but Mr. Huber believes the previous fire didn't care about the state law.

Dale Jeffers - in opposition – 5691 Diamond Ridge Way, Nampa ID 83686

Mr. Jeffers believes this subdivision got started off on the wrong foot. He explained that signing off on the first house without fire sprinklers was an error and they thought they were signing off on a driveway issue. He stated that he has not seen any issues so far with the fire suppression sprinkler systems. Mr. Jeffers believe the nearest fire station is about 4.5 miles away with a minimum of 12 minutes response time for this subdivision.

Rebuttal: Joel Merriam - Applicant (Representative) in favor – 12123 Swainson Ln, Nampa ID 83686

Mr. Merriam stated that the City of Nampa's fire chief and she stated that the City of Nampa Fire Department is closer than the Deer Flat Fire Station and would be able to respond faster than them. He doubts that many of the residents who live in the Deer Flat area actually have fire sprinkler systems. He doesn't know how to rectify the mistake and that the residents of the subdivision are at a lose of what to do at this point.

MOTION: Commissioner Fried moved to close public testimony on Case VAC2021-0001, seconded by Commissioner Brock. Voice vote, motion carried.

MOTION: Commissioner Brock moved to recommend approval of Case VAC2021-0001, 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 Fried. Roll call vote with 4 in favor and 0 opposed, motion passed.

APPROVAL OF MINUTES:

Motion: Commissioner Brock moved to approve the minutes of 5/20/2021, seconded by Commissioner Wellard. Voice Vote motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director Fultz updated the commissioners on potentially acquiring a hearing examiner and updated them on staffing changes. The Board of County Commissioners has received multiple applications for the empty P & Z Commission seats and they are looking to fill them. Our department is working on the comprehensive plan and are hoping to finish it at the end of 2021 or beginning 2022. Mr. Fultz also updated the commissioners on bringing out a representative on preserving our farmland. Commissioner Fried discussed his concern with the confusion and conflict between state law and fire codes. Planner

Lister explained the BOCC has taken the stance of Idaho state law.

ADJOURNMENT:

MOTION: Commissioner Wellard moved to adjourn, seconded by Commissioner Brock. Voice vote motion carried. Hearing adjourned at 9:30pm.

Approved this 17th day of June, 2021

Robert Sturgill, Chairman

ATTEST

_____, Recording Secretary