



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, August 05, 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, Planning Official
Elizabeth Allen, Planner
Jenna Petroll, Planner
Richelle Kiyabu, Recording Secretary

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

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

- **Action item tabled from 07/15/2021 Case No. RZ2020-0030 Alvord: sign revised FCO's**
MOTION: Commissioner Williamson moved to approve revised Findings of Fact, Conclusions of Law, Conditions of Approval for Case no. RZ2020-0030, seconded by Commissioner Brock. Voice vote motion carried.
- **Action item Case No. RZ2021-0024 Delmas LLC. table to 8/19/2021.**
MOTION: Commissioner Williamson moved to table Case no. RZ2021-0024 to date certain of August 19, 2021, seconded by Commissioner Fried. Voice vote motion carried.
- **Action item Case No. CU2021-0008 Wheeler: table to 11/4/2021**
MOTION: Commissioner Williamson moved to table Case no. CU2021-0008 to date certain of November 4, 2021, seconded by Commissioner Fried. Voice vote motion carried.
- **Action item Case No. CU2021-0006 Idaho Backhoe Inc:** The applicant, Anthony and Tammy Shuyler representing Idaho Backhoe Inc., is requesting a conditional use permit to allow a contractor shop on parcel R30661013. The property is zoned "A" (Agricultural). The property is located at 419 S. Robinson Boulevard, Nampa; also referenced as a portion of the SE¼ of Section 30, T3N, R1W, 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:

Tony Shuyler - Applicant (Representative) in favor – 415 S Robinson Blvd, Nampa, ID 83687

Mr. Schuyler explained the history and the layout of his shop and property. He also explained why having a fence on his property line would be trouble due to him burning the area of the fence every year to abate the weeds. Mr. Shuyler stated the shop was built in 1997 and when they first started to run the shop all of the neighbors were good with it. He explained they fluctuate between 7-9 employees.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2021-0006, seconded by Commissioner Brock. Voice vote, motion carried.

MOTION: Commissioner Fried moved to approve Case CU2021-0006, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Wellard. Roll call vote with 5 in favor and 0 opposed, motion passed.

- **Action item Case No. RZ2021-0018 Kelly:** The applicant, Matt Wilke representing Kelly Family Revocable Living Trust, is requesting a zoning map amendment (rezone) of parcels R37527011 from an “A” (Agricultural) zone to an “R-1” (Single Family Residential, one-acre average minimum lot size). The property is located 25683 Duff Lane, Middleton; also referenced as a portion of the NE ¼, Section 29, T5N, R2W; Canyon County, Idaho.

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

Chairman Sturgill, entered the late exhibits into the record.

Chairman Brock is recused.

TESTIMONY:

Matt Wilke - Applicant (Representative) in favor – PO Box 7, Middleton ID 83644

Mr. Wilke went over the layout of the surrounding area. He also explained the layout of the property and the slopes in the property and the surrounding area. Mr. Wilke stated the property is not viable farm ground; a neighbor tried to irrigate and farm this property but was not successful. Mr. Wilke explained the soil classifications map he found on the USDA’s website and how they differ from the Development Services map. They are proposing an R-1 zone to protect the density for the potential of this property being rezoned at a higher density in the future. Mr. Wilke stated he believes the size of the lots they are proposing are compatible with the surrounding area. He also explained the Nutrient Pathogen study limits them to make 26 lots on this property due to there only being 26 septic permits available for the property.

Alan Mills - in favor – PO Box 206, Middleton ID 83644

Mr. Mills explained the neighboring subdivision has a larger average lot size due to larger non-buildable lots due to flood zone in the subdivision. He also explained the surrounding area and the land uses. Mr. Mills stated a neighbor who specializes in farming supports this rezone due to the property being non-viable farm ground. He believes this rezone is compatible with the County’s Comprehensive Plan. He stated a 9-year water study from Idaho Water Resources states the water level has increased in the area. Mr. Mills explained the proposed future improvements to the roads surrounding the property and the traffic created by this rezone will not be an issue. Mr. Mills wants to create lots where people have the ability to farm and produce their own food.

Barb Leonard - in favor – 9876 Thoroughbred Dr, Middleton ID 83644

Ms. Leonard lives in a neighboring subdivision. She stated she is happy with the lot size proposed for this

rezone. Ms. Leonard explained she lives on a 1.3-acre lot and is satisfied with the size. She believes the property is non-viable farm ground and creates more weeds for her subdivision. She also believes city services will be available soon.

Spencer Kofoed - in favor – 8454 Brookhaven Pl, Middleton ID 83644

Mr. Kofoed stated he was the developer for some of the subdivisions in the surrounding area. He explained the larger average lot sizes are due to the floodplain. He believes we should preserve agriculture and put housing on non-viable farm ground. Mr. Kofoed stated the city sewer and water will be in the vicinity to this subdivision. He believes the zone of R-1 is appropriate for this property and the surrounding area. Mr. Kofoed does not believe this piece of property will ever be farmed again.

Gilzanne Asay - in favor – 25474 Ember, Middleton ID 83644

Ms. Asay believes the average person does not want more than 1-acre lots. She believes 1-acre lots are in higher demand and are easier to maintain. The bigger lot sizes cost more money and makes it unaffordable for people.

Deanna Brock - in favor – 9966 Thoroughbred Ln, Middleton ID 83644

Mrs. Brock explained where her property is located in relation to the subject property. She believes the density of R-1 is the best fit for the area and does not want to see higher density. Mrs. Brock stated she does not remember a time when this property was successfully farmed. She does not believe this rezone will create much traffic concerns.

Lyle Zufelt - in opposition – 9965 Grand Targhee, Middleton ID 83644

Mr. Zufelt stated he is concerned about the water levels in the area and is concerned about over development and the issues that would create. He explained the he is not opposed to growth and further development but does want to see over-population. He is concerned about his well going dry and not being able to fix it right away with the current wait times. He is also concerned about this rezone setting a precedent of future development for 1-acre lots for this area. My. Zufelt stated he is not concerned with city services being available any time soon to be able to put higher density lots in the near future. He stated he supports the Development Services staff's recommendation.

Michael Morcom - in opposition – 9960 Grand Targhee Trail, Middleton ID 83644

Mr. Morcom explained he is not opposed to growth but not overgrowth. He stated he is concerned with traffic that this rezone will create in the area. He does not believe the city services being available in the future should be a factor. Mr. Morcom believes lower density lots with fewer wells is better for the area.

Bryan Rowe - in opposition – 25705 Duff Ln, Middleton ID 83644

Mr. Rowe explained his property is neighboring the subject property. He explained that he believes this property could potentially be farmed. Mr. Rowe stated he would like to see an R-R zone to keep the density lower. He is concerned with the water levels and traffic issues an R-1 zone would create. He believes the 2 acre lots are in high demand as well as the smaller lots.

Rebuttal: Matt Wilke - Applicant (Representative) in favor – PO Box 7, Middleton ID 83644

Mr. Wilke explained the aquifer level has been increasing over the years. He also explained surface water will be used for irrigation before the wells are used. Mr. Wilke stated the wells they are digging now are basically the same distance as the wells that were drilled 13 years ago, so not much of a difference.

Rebuttal: Alan Mills - Applicant (Representative) in favor – PO Box 206, Middleton ID 83644

Mr. Mills referenced the 9-year study done by IDWR and gave a copy to Planner Lister and the Commissioners. Mr. Mills believes the proposed lot sizes is compatible with the surrounding lot sizes. He stated they are willing to work with the neighbors of this property to mitigate their concerns.

MOTION: Commissioner Williamson moved to close public testimony on Case RZ2021-0018, seconded by Commissioner Fried. Voice vote, motion carried.

MOTION: Commissioner Williamson moved to recommend denial of Case RZ2021-0018, 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 Chairman Sturgill. Roll call vote with 1 in favor and 3 opposed, motion failed.

MOTION: Commissioner Williamson moved to recommend approval for Case RZ2021-0018, which would be a denial of the Findings of Facts, Conclusions of Law and conditions recommended by staff, and to bring back revised FCO's on August 19, 2021 – change item 2, the proposed zone is more appropriate than the current zone; change item 3, the proposed use is compatible with the surrounding land uses; change item 4, the proposed use will not negatively affect the character of the area. Motion seconded by Commissioner Wellard. Roll call vote with 3 in favor and 1 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Brock moved to approve the minutes from 07/15/2021, seconded by Commissioner Williamson. Voice Vote motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planning Official Lister updated the commissioners on possibly updating our ordinance for noticing and wanted to get their initial thoughts and opinions on the matter. He gave the commissioners some of the history of the way we notice the public now and how we have in the past for applications. The commissioners seemed to want more time to deliberate and think it over and Director Fultz suggested to do a workshop to discuss it further. Director Fultz updated the commissioners on the hearing examiner and his start date. He also updated the commissioners on interviewing new commissioners for the empty P&Z commissioner seats and a potential hiring of 1 candidate. Director Fultz also updated the commissioners on the progression of the County's Comprehensive Plan.

ADJOURNMENT:

MOTION: Commissioner Brock moved to adjourn, seconded by Commissioner Wellard. Voice vote motion carried. Hearing adjourned at 9:23pm.

Approved this 19th day of August, 2021

Robert Sturgill, Chairman

ATTEST

_____, Recording Secretary