



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, September 16, 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
Brian Sheets, Commissioner
Sheena Wellard, Commissioner
Scott Brock, Commissioner

Staff Members Present: Dan Lister, Planning Official
Elizabeth Allen, Planner
Richelle Kiyabu, Recording Secretary

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

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

- **Action item Case No. RZ2021-0003 / OR2021-0004 Werhane Family Trust: Application Withdrawn.**
- **Action item tabled from 9/2/2021 Case No. OR2021-0022 Non-Viable Ordinance:** AN ORDINANCE AMENDING CHAPTER 7, ARTICLES 3, 17, AND 18, ZONING REGULATIONS, OF THE CANYON COUNTY CODE OF ORDINANCES; AND SEVERABILITY CLAUSES; AND EFFECTIVE DATES. CHAPTER 7, ARTICLES 3, SECTION 1, SUBSECTION (1): PLANNING AND ZONING COMMISSION; MEMBERSHIP AND DUTIES: AMEND THE SET NUMBER OF MEMBERS TO COMPLY WITH IDAHO CODE. CHAPTER 7, ARTICLE 17, SECTION 3, SUBSECTION 3: JURISDICTION: AMEND AND RELOCATE PROVISIONS REGARDING LAND THAT IS DIVIDED INTO FEWER THAN FIVE (5) PARCELS FROM THE ORIGINAL PARCEL TO CHAPTER 7, ARTICLE 18: ADMINISTRATIVE LAND DIVISIONS. CHAPTER 7, ARTICLE 18: ADMINISTRATIVE LAND DIVISIONS: AMEND SECTION 1: ADMINISTRATIVE LAND DIVISIONS FOR ALL ZONE TO INCLUDE PROVISIONS REGARDING LAND THAT IS DIVIDED INTO FEWER THAN FIVE (5) PARCELS FROM THE ORIGINAL PARCEL PREVIOUSLY ARTICLE 17, SECTION 3, SUBSECTION 3, AS AMENDED; AMEND SECTION 3 TO ADD REGULATIONS FOR ADMINISTRATIVE DIVISION OF NONVIABLE PARCELS IN AN AGRICULTURAL ZONE; AMEND SECTION 5 TO BE ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE WHICH WAS PREVIOUSLY SECTION 3; AMEND SECTION 7 TO BE LAND DIVIDED BY JUDICIAL DIVISION (COURT ORDER) WHICH WAS PREVIOUSLY SECTION 5.

Planning Official Dan Lister, reviewed Staff report for the record, no late exhibits entered into record.

TESTIMONY:

Darin Taylor – Public opinion in favor – 1434 New York St. Middleton, ID 83644.

In favor of amendment. Concerns and recommendations expressed on wording and clarification of the changes.

Greg Harness – Public opinion in opposition - 9469 S. Powerline Rd. 83686.

Citizen consider the rights or the nearby citizens and not just the rights of the “land” owners.
Would like the commission to consider the process have more due diligence.

MOTION: Commissioner Williamson moved to close public testimony on Case OR2021-0022, seconded by Commissioner Sheets. Voice vote, motion carried.

MOTION: Commissioner Williamson moved to approve Case OR2021-0022, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Sheets. Roll call vote with 5 in favor and 0 opposed, motion passes.

- **Action item Case No. OR2021-0024 Code Enforcement Ordinance:** ORDINANCE NO. OR2021-0024: AN ORDINANCE OF CANYON COUNTY IDAHO AMENDING CHAPTERS 1, 2, 6 AND 7 OF CANYON COUNTY CODE OF ORDINANCES; DESIGNATING AN INFRACTION PENALTY FOR LAND USE ORDINANCE VIOLATIONS. AMENDS CANYON COUTNY ORDINANCES TO ESTABLISH A FIXED INFRACTION PENALTY FOR PUBLIC NUISANCE, BUILDING CODE, AND ZONING ORDINACE VIOALTIONS. AUTHORIZES AN ESCALTING INFRACTION PENALTY FOR FIRST 3 VIOLATIONS AND MISDEMEANOR PENALTIES THEREAFTER, PROVIDES UPDATED MISDEMEANOR PENALTIES AND DESIGNATES PERSONS EMPOWERED TO ENFORCE THE ORDINACE BY CITATION.

Planner Dan Lister, reviewed Staff report for the record, with no late exhibits.

TESTIMONY

Darin Taylor – Public opinion in favor – 1434 New York St. Middleton, ID 83644.

In favor of amendment. Concerns and recommendations expressed on wording and clarification of the changes.

MOTION: Commissioner Brock moved to close public testimony on Case OR2021-0024, seconded by Commissioner Sheets. Voice vote, motion carried.

MOTION: Commissioner Sheets moved to approve Case OR2021-0024 including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Williamson. Roll call vote with 4 in favor and 1 opposed, motion passes.

- **Action item Case No. SD2021-0006 Norse Landing Subdivision:** The applicant, Subdivision Maker LLC representing Trident Homes LLC, is requesting approval of a preliminary plat with irrigation, drainage and grading plan for Norse Landing Subdivision on Parcel R32870. The development consists of 34 residential lots and three common lots. The 40.30-acre parcel is located 200 feet from the intersection of Orchard Avenue and Widgeon Avenue, Caldwell; a portion of the SE ¼ of Section 16 Township 3N, 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 with no opposition.

TESTIMONY:

Darin Taylor – Applicant Representative - in favor – 1434 New York St. Middleton, ID 83644.

Current owner purchased property after the parcel had been rezoned. 300ft neighborhood meetings resulted in a difference in opinion regarding access points. Thus, they submitted two plans with a (2) and (3) access plan options. Application process with City and County resulted in the (2) access points plan. 34 lots of a city subdivision. Will connect to city water and irrigation.

Michael Robinson – In opposition – 15410 Cupid Dr. Caldwell, ID 83607.

Property connects to parcel. Concerns about traffic. Feels 3 access points is better than two. Doesn't feel like the public received adequate opportunity to be heard regarding the 2 or 3 access point decision. Would like storm drainage to be isolated to the subdivision. Areas around this parcel already have issues with storm drainage, they cannot take more. Also concerned that there is a county access road / turn around on his property for this parcel. Whom is responsible for this road and who does he deal with to have it removed?

Darin Taylor – Applicant Representative - Rebuttal – 1434 New York St. Middleton, ID 83644.

The applicants do not prefer 2 or 3 access points. They refer to agencies and have processed as advised. Storm water drainage should not be an issue and should be much improved as it is required to be retained and processed onsite. Contact canyon highway district to remove county access road.

MOTION: Commissioner Wellard moved to close public testimony on SD2021-0006 seconded by Commissioner Sheets. Voice vote, motion carried.

MOTION: Commissioner Wellard moved to approve Case SD2021-0006, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Sheets. Roll call vote with 5 in favor and 0 opposed, motion passes.

- **Action item Case No. CR2021-0005 Lee:** The applicant, Joseph and Andrea Lee, are requesting an amendment of Development Agreement #18-173, associated with case CR2018-0003, to extend the agreement to October 25, 2023 and relocate the building envelope to the southern portion of the parcel. The property is zoned CR-RR (Rural Residential with Development Agreement). The purpose of the conditional rezone was to create a residential lot with the remainder of the parcel maintained as agricultural. The subject property is located on the north side of Sand Hollow Road., approximately 2,028-feet from the intersection of Wagner Road and Sand Hollow Road., in a portion of the SW ¼ of Section 7, T5N, R3W, BM, Canyon County, Idaho.

Planner Elizabeth Allen, reviewed Staff report for the record, no late exhibits.

TESTIMONY:

Andrea Lee – Applicant – In favor – 19638 Tuckerman Way. Caldwell, ID 83605.

Applicant purchased the property 1 year into the "CR" time clock and then had personal health issues and then COVID happened, which is why they are seeking an extension. They are now ready build. They intend to move the building envelope to a more suitable location for the access due to the highway districts reports.

MOTION: Commissioner Williamson moved to close public testimony on CR2021-0005 seconded by Commissioner Sheets. Voice vote, motion carried.

MOTION: Commissioner Wellard moved to approve Case CR2021-0005, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Sheets. Roll call vote with 5 in favor and 0 opposed, motion passes.

- **Action item Case No. OR2021-0016/CR2021-0004 Monaghan:** The applicant, Mason & Associates INC., representing the property owners, Gene and Joann Monaghan, is requesting a comprehensive plan map amendment (Case OR2021-0016) to a 25.89-acre parcel (R29997) to amend the future land use designation from “A” (Agricultural) to “R-1” (Residential). The request includes a conditional rezone (Case CR2021-0004) with a development agreement to amend the County zoning map from an “A” Zone (Agricultural) to a “R-1” Zone (Residential) on a 25.89-acre parcel. The property is located at 15303 Lakeshore Drive, Caldwell, also referenced as a portion of Section 4, Township 2N, Range 3W; Canyon County, Idaho.

Planner Elizabeth Allen, reviewed Staff report for the record, including late exhibits.

Chairman Sturgill, entered the late exhibits into the record with no opposition.

TESTIMONY:

Daniel Schuster – Applicant representative - In favor – 4817 Southside Blvd. Nampa, ID 83656.

Applicant is shocked by the recommendation to deny. They are aware of the change in county changes of personnel and future direction of land use. This is not viable farm land. They have spent years trying to sell as AG but they are no water rights and no one would purchase. The land has not been farmed in 40 years. The best future land is to build.

SPF reports shows the wells will not affect other nearby wells. Neighboring 21 homes are not AG. The plan is to add 13 parcels. The impact to the surrounding area is low and the project matches the creator of the area. Impact on services is minimal. Access road would be added to east side of the parcel.

Gene Monaghan – Applicant – In favor – 15303 Lakeshore Dr. Caldwell, ID 83607.

Bought 40 acres of land 40 years ago. At that time, it had three tax lots with three splits on each. Plan was to build home for themselves and then split for family and friends. They were told if they could not split they could subdivide. This is waste land. It’s not AG. Even when bought 40 years ago it had not been farmed for more then 10 years then. Farming the land wouldn’t even pay for the taxes on the land. They are already living in a subdivision. A lot of money and time was spent to get to this point with the support P&Z. Applicant requests the decision be reconsidered.

William Mason (Mason & Assoc.) – Applicant representative – In favor – 924 3rd St, So. Nampa, ID 83651.

SPF water report states that the well impact in medium to low via various stats and tests.

Eric Lauritzen – In opposition – 15151 Lakeshore Dr. Caldwell, ID 83607.

Questions the water reports of the SPF testing. The well currently leaches from the lake, it kills the grass and the leaves sediments on the land. Concerns about the 60ft driveway being moved to the east side that will now go right up the back of his property. Would like fencing placed. There is a lot of questions and concerns that they do not have answers to and don’t believe the information has been provided.

Andrea Lauritzen – In opposition – 15151 Lakeshore Dr. Caldwell, ID 83607.

Concerns about wells. Reports states wells in the area are going dry. They are now looking at subdivision in their backyard. They purchased land in county AG area for a reason. They believed the land would remain as zoned.

Jan Caron – In opposition – 15155 Lakeshore Dr. Caldwell, ID 83607.

There has already been a large increase in traffic. This project will dramatically increase that yet again. Concerns on water as most wells do not go down 500ft like the applicants, most are 40-110ft and they will be the first to run dry. Cost to replace the dry wells are 40-50 thousand dollars. And the waiting period is almost one year out. Concerns about ordinances from new subdivisions changing their AG farm way of life and land rights.

Chad Beverage – In opposition – 15175 Lakeshore Dr. Caldwell, ID 83607.

Agrees with the testimony from Ms. Caron. Questions where the tests on the well testing was done. Understands the reasons for the application but cannot support it do to the effects on the wells which will then become their problem cost to re drill their wells. So, the applicant wins and they lose.

Ashley Beverage – In opposition – 15195 Lake Shore Dr. Caldwell, ID 83607.

Even without water on the land there is a lot of grass, not just weeds. There are two horses on the land now grassing. Monaghan family sold off land where the other 21 homes were developed. Concerns for the wells. They do use their land for AG, there are animals on the land. There is also heavy faming activity late into the night. They are concerned new homes will come in and want to pass ordinances to change all that. They also have a lot of traffic on their private lane and have to incur the cost to further maintain that.

Daniel Schuster – Applicant representative – Rebuttal – 4817 Southside Blvd. Nampa, ID 83656.

They will work with the neighbors. Highest and best use. Wells are not a problem. The reposts state that. The problem will be with the individual wells. Understands the concerns. Irrigation will not be affected. Highway district listed no concerns for traffic.

MOTION: Commissioner Williamson moved to close public testimony on CR2021-0004 & OR2021-0016, seconded by Commissioner Sheets. Voice vote, motion carried.

MOTION: Commissioner Sheets moved to deny Case OR2021-0016, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Williamson. Roll call vote with 2 in favor and 3 opposed, motion fails.

MOTION: Commissioner Brock moved to approve Case OR2021-0016, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Wellard. Roll call vote with 3 in favor and 2 opposed, motion passes.

MOTION: Commissioner Brock moved to table Case CR2021-0004, including the revised Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Wellard. Roll call vote with 3 in favor and 2 opposed, motion passes.

APPROVAL OF MINUTES:

MOTION: Commissioner Williamson moved to approve the minutes from 09/02/2021, seconded by Commissioner Sheets. Voice Vote motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Dan Lister, Planning Official:

Presents Property owner noticing procedures. Would like to change to omit plat vacations.
States comp plan meetings are going well and feedback is very valued and they are continuing to encourage more comments from the public.
Possible noticing to officially expired lapsed CUP's maybe coming as staff reviews cases and weighs options.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote motion carried. Hearing adjourned at 12:11am.

Approved this 7th day of October, 2021

Robert Sturgill, Chairman

ATTEST

_____, Recording Secretary