



CANYON COUNTY HEARING EXAMINER
MINUTES OF REGULAR MEETING HELD
February 17, 2022
1:30 P.M.

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

Examiner Present: Bruce Eggleston
Staff Members Present: Elizabeth Allen, Planner III
Cassie Lamb, Planner I
Bonnie Puleo, Recording Secretary

Examiner Eggleston, called the meeting to order at 1:30 p.m.

Examiner Eggleston, read the testimony guidelines and proceeded to the first business item on the agenda.

Action item: Case No. CU2021-0019 / Idaho Materials & Construction

ORDER: Hearing Examiner Bruce Eggleston tabled Case No. CU2021-0019 to a date certain **April 7, 2022 at 6:30pm.**

Recording Secretary Bonnie Puleo called roll and swore in officials and staff.

➤ **Case No. CU2021-0024 / Claude & Nancy Miller**

The applicant, Claude and Nancy Miller, is requesting a conditional use permit to allow a secondary residence within an "R-2" (Combined Medium-Density Residential) Zoning District. The subject property is located at 11087 Hunt Ave, Nampa (Parcel R30949011); also referenced as a portion of the SE¼ of Section 07, Township 3N, Range 2W; Canyon County, Idaho.

Planner Cassie Lamb, reviewed Staff report for the record including late exhibits (6A, 6B, 6C)

TESTIMONY:

Claude Miller / Applicant – IN FAVOR – 11087 W. Hunt Ave. Nampa ID 83651

Mr. Miller is planning on building for his son, wife and their children on his property. They found out they had the ability to put the new house as well as their own home on the City of Nampa water system and will do that. It is their intent to put a 6-foot privacy fence around the property. Mr. Miller researched and found that the size of their property allows them to help their children get into a home and wanted to make it available to them. He just wants to build a residence for their children. He stated he followed every protocol to do that. They have been here in Nampa for 35 years; his kids went to school here. They now all have a desire to be together. Mr. Miller sees housing developments all around them. He stated it is his plan to make this house cosmetically similar to the subdivision behind them and with his existing home. It is not going to be a 2100 square foot home; will be 1600 square feet. He agrees with the conditions of approval from staff and agrees to add the 6-foot fence around the property as a condition

of approval.

Dennis Miller – IN FAVOR – 4655 Stamm Lane E202 Nampa ID 83687

Mr. Dennis Miller has worked in the labor industry his whole life; he has always had to work to provide for his family. This is a good opportunity to have something they can be proud of and be closer to their family. He stated that regarding the clean-up; they have already taken care of everything around the road and this project will take care of the weed issues in the back. It will be maintained. He said that he has taken all the garbage out of the front of the property.

Helen Baptiste – NEUTRAL – 2519 Middleton Rd. Nampa ID 83651

Ms. Baptiste owns the property next to the subject property but she lives in Oregon. She wanted to confirm whether there was a size limit of the home based on the current zoning. The County planner replied that Canyon County does not have a size restriction on a secondary dwelling. The City of Nampa does, however Canyon County's code supersedes Nampa City code. Ms. Baptiste asked if this project is approved, would some of these intentions be written down, be required and enforced? She would like those to be conditions of approval. Her main concern is if the property is going to be maintained. It is cleaned up now because they are applying for a special use permit and they want everyone to be happy. She questioned whether it will be maintained in the future as they haven't maintained the property in the past. She stated there is a boundary issue but will address that personally. If he is erecting a fence, she would like for the applicant to prove where the boundary is. She asked for clarifying information on the 'sunset law', which Planning Staff clarified for her.

Jerry Angell – NEUTRAL – 16164 Kootenni Place Nampa ID 83651

Mr. Angell said this has been difficult for him; he has been in his home for 20 years. He has 5 neighbors around him, including the applicant. He supports wholeheartedly helping family in these times and in an economy such as this. 20 years ago, when they moved to the area, they looked for space for their kids to live in the county. He pleaded with everyone to consider the impact. While he can understand the situation with the Millers and it makes perfect sense, he asked if the conditional use permit could request for different zoning? He wondered if this could happen all the way around him; meaning make it more dense an area? Is there anything Planning & Zoning could do that would protect the individual who purchased land 20 years ago to prevent that (more dense development)? Mr. Angell asked if everything, setbacks, water etc., is approved as part of the Conditional Use Permit.

Stephanie Peters – IN OPPOSITION – 2609 N. Middleton Rd. Nampa ID 83651

Ms. Peters came to express some concerns. She stated that not everyone agrees with the project; only two people attended the neighborhood meeting. She stated she told Mr. Miller that she hadn't made up her mind but that her initial response was no. She said he made statements and then backtracked on them. The Peters asked to see the plans but Mr. Miller didn't follow through on the promise to show them so she is no longer in support of it. Ms. Peters said Mr. Miller wrote in his letter that no one opposed the project which she said is wrong. She also feels this doesn't fit in with the neighborhood plan. Ms. Peters brought up another home in the neighborhood that became a rental after the family moved out and has been a problem for the area. She asked what happens when the Miller family or their children move on? She said the property will be allowed to become a rental and from their prior experience, they will have trouble again. Ms. Peters said that another problem is that although the property is clean now, it has been a mess for the last 20 years. It had overflowing dumpsters, weeds and trash blowing around; she stated no one could even walk along the edge of the road. She said it's clean now, but what is going to keep it clean? Ms. Peters asked if he is allowed to run his business out of the property. She stated that one of his sons is already living on the property in a motorhome and caused damage to her property. She is also concerned about the wells in the area and asked if hooking up to city water was going to be a requirement.

She read an email between her and Mr. Miller. Ms. Peters questioned staff on the amount of subdivisions in the area provided in the staff report. She said the additional home doesn't fit in the agricultural area that they are in.

Claude Miller / Applicant – REBUTTAL – 11087 W. Hunt Ave. Nampa ID 83651

Mr. Miller said they did have dumpster as he has been a carpet layer his whole life. The only time they have a problem with the dumpster is when neighbors come and take carpet out of the dumpster and they have to pick up after they go through it. He stated a lot of people have cars at their homes. Mr. Miller said his son does not live in the motorhome, he lives in the house. His son comes to the house every day to pick up the carpet van and drops it off at night. There will be no change in the amount of traffic that will come from the property and the van will probably be stored in the back in the future, not the front. Mr. Miller's wife sent Stephanie a letter which said she could make an appointment with them: they would be glad to see her. They wish to continue to live there; they have no plans to turn the property into a rental. Mr. Miller also stated the pins that are there now were there when they bought the property. At one point, they had the land surveyed and all of the pins were where the pins are. Mr. Miller stated that they are not running a business out of the home. They don't store carpet or pad at the location, they simply keep their work van there.

Examiner Eggleston closed public hearing.

Examiner Eggleston approved Case number CU2021-0024 including the Findings of Facts, Conclusions of Law and conditions of approval.

➤ **Case No. RZ2021-0049 / Wayne Lippert**

The applicant, Wayne Lippert, represented by Windermere Real Estate, is requesting a Conditional Rezone of Parcel R37431010 from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone. The request includes a Development Agreement limiting future development to no more than two (2) parcels. The property is located at 9626 Gilbert Road, Middleton; also referenced as a portion of the NE¼ Section 21, T5N, R2W, Canyon County, Idaho.

Planner Elizabeth Allen, reviewed Staff report for the record.

TESTIMONY:

Darin Kindrick / Applicant (Representative) – IN FAVOR – 3599 N. Park Lane Eagle ID 83616

Mr. Kindrick met the Lipperts about a year ago when they approached him to split off the northernmost 5 acres of their property. He found that they were out of administrative splits and had to go through this process. It was his understanding that this is in the Comprehensive Plan. The property to the west, which is landlocked, is asking for a right of way onto Gilbert Rd. His understanding was that it was sold as a landlocked property and was not sure how that property relates to Mr. Lippert giving up 5 acres of his unrelated property and building a road would be cost prohibitive for him. The 5 acres that Mr. Lippert is splitting off has a road agreement that they don't use; they would need to enjoin the private road used by the residences on the east and north sides. Mr. Lippert's main concern is the costs associated with the road in section C in the conditions of approval: he feels he would be responsible for improving the road for everyone, including the 20 homes coming in near him. He also is concerned Mr. Lippert would be giving up his rights of passage on the south side that doesn't have anything to do with this application. He just wants to put one residence up there. Mr. Kindrick feels there will be little or an insignificant impact.

Wayne Lippert – IN FAVOR – 9626 Gilbert Rd. Middleton ID 83644

Mr. Lippert bought his property in 1988 and has been living there the entire time. He is looking to sell 5 acres at the top of his property. Regarding fire danger; he is surrounded by homes up there and the wildfire would hit those homes before it hit them. With the economy the way it is and being on a limited income, they are just trying to sell 5 acres and make things work out. There was general discussion about the Highway District's request for a dedication of 20 feet of right of way so they can build a road as well as where the road access would be and what the road standards are.

Examiner Eggleston closed the public hearing.

Examiner Eggleston recommended **approval** of Case number RZ2021-0049 including the Findings of Facts, Conclusions of Law and conditions of approval, forwarding the recommendation to the Board of Canyon County Commissioners.


ACTION ITEM: Approval of Minutes

Examiner Bruce Eggleston approved the minutes from January 20, 2022.

ADJOURNMENT: Examiner Bruce Eggleston adjourned the hearing at 3:21 pm.

An audio recording is on file in the Development Services Departments' office.

Approved this 17th day of March, 2022


Bruce Eggleston, Hearing Examiner

ATTEST


Bonnie Puleo, Recording Secretary