



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, March 3, 2022
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
Harold Nevill, Commissioner
Ron Amarel, Commissioner

Staff Members Present: Steve Fultz, Director Development Services
Dan Lister, Planning Official
Elizabeth Allen, Planner
Kate Dahl, Planner
Bonnie Puleo, Recording Secretary

Chairman Robert Sturgill, called the meeting to order at 6:34 p.m.

Commissioner Sheets read the testimony guidelines and proceeded to the first business item on the agenda.

ACTION ITEMS

- **ACTION ITEM: Case No. OR2020-0013 & RZ2020-0028; table to a date uncertain.**

MOTION: Commissioner Williamson moved to table case OR2020-0013, RZ2020-0028 Sunroc/Newbill to date uncertain. Motion seconded by Commissioner Sheets. Voice vote, motion carried.

- **Case No. SD2021-0024: Windmill Ranch Subdivision** – The applicant, Mason & Associates Inc, representing the property owners, is requesting approval of a Preliminary Plat, Final Plat and Irrigation Plan for Windmill Ranch Subdivision. The six-lot subdivision is located on a 10.69-acre parcel (R30600011) and is located in an “R-1” residential zone. The subject property is located on the west side of McDermott Rd., approximately 867 ft. south of the intersection of E. Victory Rd. and McDermott Rd., Nampa, ID, in a portion of the NE ¼ of Section 29, T3N, R1W, BM, Canyon County, Idaho.

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

Chairman Robert Sturgill, entered the late exhibits into the record and affirmed the witnesses to testify.

TESTIMONY:

Angie Cuellar – Applicant (Representative) – IN FAVOR – 924 3rd Street South Nampa ID 83651

Ms. Cuellar is with Mason and Associates and represents the property owners. She has very little issue with the conditions of approval. Regarding Condition 9, the approval for an easement reduction for the shared driveway; she stated that this issue is no longer applicable because they have increased the size of the easement on the road. She also wondered if the fact they increased the road to 60 feet, meant Lots 2 and 3 could have secondary residences. Ms. Cuellar stated that they had never considered secondary residences on those properties so she didn't think it would be an issue, however she asked if the changes to the easement would change that condition also. With regards to the sheds on the adjoining property, she said the property owner, Matt Travis, would address what they were going to do about those. There was discussion about the revised plat which was provided to staff in February 2022 but was not included in the packet. Staff stated that a private road has to be a lot on the plat. This subdivision is not in the Nampa city limits, although a city water line does run down past the property to the west. They could hook into City of Nampa water if they wanted to pay for that. Ms. Cuellar said the City of Nampa did not require them to hook into the city water system because they would require future annexation into the city and for now, the customers in the subdivision would pay more for the water if they did. They plan to use wells.

Matt Travis – IN FAVOR – 2950 E. Snake River Drive Nampa ID 83686

Mr. Travis bought the property 10 years ago with the idea of subdividing it. Began working on this project two and a half years ago and they are still working on it. They want to be in the County and not part of the City of Nampa. They went through Southwest District Health for septic system review and did all the Nitrate studies. The subdivision will have pressurized irrigation. City of Nampa water actually feeds the subdivision below the Victory Heights subdivision directly south of Windmill Ranch. The sheds shown on the overhead photos do encroach on their property, however they built their access road around the sheds and buildings and see no need to make the adjoining property owner remove them. They also put their swales and landscaping around there.

Kristina Barinaga – IN NEUTRAL – 37 S. McDermott Nampa ID 83786

Ms. Barinaga's father owns/owned the property next to the subject property. Their property is the one that has the old sheds on it. She stated that she inherited the property from her father and is trying to take care of it. She had questions about the sheds, if they had to do anything about them. She asked if the development of the adjoining property means she has to do anything with hers or affects hers. Ms. Barinaga also said she didn't really understand this process and asked what if they wanted to build on their lot. Ms. Barinaga was directed to contact the Development Services Department if she wanted to discuss any development of her property. Staff also advised Ms. Barinaga that the structures were 'grandfathered' in because of the age of the structures (built in the 1960's), even though they don't meet current code, however if she decided to alter them in any way, they would have to be brought up to current Canyon County building code.

MOTION: Commissioner Nevill moved to close public testimony on Case SD2021-0024 seconded by Commissioner Sheets. Voice vote, motion carried.

DELIBERATION:

Commissioner Williamson brought up concerns about the structures encroaching on the applicant's property but indicated he was satisfied that the property owners didn't believe there was an issue and that if there was, the property owners could work it out. Commissioner Nevill was concerned about why the subdivision didn't connect to the City of Nampa water system as that would be less impactful on the homeowners in this subdivision when the City of Nampa annexes these lots.

MOTION: Commissioner Sheets moved to approve Case SD2021-0024 including the Findings of Facts, Conclusions of Law and Conditions of Approval, deleting condition 9. Motion seconded by Commissioner Williamson. Roll call vote: 5 in favor 0 opposed, motion passed.

- **Case No. OR2021-0025 / RZ2021-0050: Michael List** – Michael List is requesting a comprehensive plan amendment to amend the future land use designation of Parcel R33676 from “commercial” to “residential”. The request also includes a zoning map amendment of the subject parcel from an “C-2” (Service Commercial) Zone to an “R-R” (Rural Residential) Zone. The 5.2-acre parcel is located adjacent to 17317 Batt Corner Road, Wilder; also referenced as a portion of the SW¼ of Section 3, T3N, R5W, Canyon County, Idaho.

Planner Dan Lister, reviewed the Staff report for the record, including late exhibits (7, 8, 9).

Chairman Robert Sturgill, entered the late exhibits into the record and affirmed the witnesses to testify.

TESTIMONY:

Michael List – Applicant – IN FAVOR – 3625 E Park Ridge Drive Nampa ID 83687

Mr. List wants to building his retirement home on this property. He bought this lot because it is a very unique piece of property with lots of wildlife and it is all treed. He would hate to see commercial buildings built there. Mr. List discussed his plans to build his new home outside of the floodplain and to retain as many of the existing trees on the property as possible. Responding to a question from a Commissioner, he stated that there is an open ditch running down the property but that there is already a pipe installed to handle runoff. He discussed the drainage situation on the property and how it has been set up to drain runoff south, away from the river.

MOTION: Commissioner Williamson moved to close public testimony on Cases OR2021-0025 & RZ2021-0050, seconded by Commissioner Amarel. Voice vote, motion carried.

DELIBERATION:

Planning Official Dan Lister clarified that since this is a straight rezone, no conditions can be added to the approval. Currently zoned as commercial, there are various types of businesses that can be built there including auto repair shops, gas stations with mini marts or trucking businesses. Commissioner Sheets expressed the concern that as a straight rezone, what is to prevent someone from purchasing the property later and adding more homes. Commissioners Sheets, Nevill and Chairman Sturgill stated they would be more comfortable if a development agreement had been proposed. After further discussion, the Commissioners felt the applicant was being honest and that only the one home would be built on the property.

MOTION: Commissioner Sheets moved to approve Case OR2021-0025 including the Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Amarel. Roll call vote: 5 in favor 0 opposed, motion passed.

MOTION: Commissioner Sheets moved to approve Case RZ2021-0050 including the Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Williamson. Roll call vote: 5 in favor 0 opposed, motion passed.

- **Case No. SD2021-0070: Spring Hill Ranch, LLC** – Subdivision Maker LLC, representing Spring Hill Ranch LLC, submitted a modification to the Spring Hill Ranch Subdivision preliminary plat approved December 7, 2020 (SD2020-0010). The preliminary plat modification changes the subdivision access to Purple Sage Road instead of Freezeout Road. The modification does not change the approved number of lots (27 residential lots and 1 common lot). The 38.15-acre property is located at 14263 Purple Sage Road; also referenced as the NE¼ of Section 34, Township 4N, Range 3W, BM; Canyon County, Idaho.

Planner Dan Lister, reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

TESTIMONY:

Darin Taylor – Applicant (Representative) – IN FAVOR – 1434 New York St. Middleton ID 83644

Mr. Taylor is with Subdivision LLC. This rezone was approved in 2020 with the preliminary plat. The plans included subdivision access to Freezeout Road across Hartley Gulch per the letter from Highway District. The prior owner had applied for a hardship variance request because of the cost of putting the road over Hartley Gulch which was approved however this was in direct conflict with the preliminary plat already approved by Canyon County. All subdivision roads will become public roads, maintained by the Highway District. Mr. Taylor became involved in the project in June 2021, after all these changes. He stated the new Highway District process is that you must submit your construction plans to the Highway District to be approved and he feels they approved the variance with access directly onto Purple Sage Road because it means they wouldn't have to maintain the road over the Hartley Gulch. Mr. Taylor's request is that the

Planning and Zoning Commission find that following the Highway District's new approval of the variance with access directly onto Purple Sage Rd is not a material change to the plans, even though it is in conflict with the preliminary plat originally approved by the County. Mr. Taylor is ok with all the conditions of approval and explained that they were already required to extend the culvert on Purple Sage Rd another 15 feet because the Highway District has plans to widen Purple Sage Road in the next year or two. He feels that material changes mean the addition or remove of lots from the plat or additional acreage or property removed or added to the project and none of those have occurred.

Craig Grier – IN OPPOSITION – 24910 Falcon Lane Caldwell ID 83607

Mr. Grier felt that no one in the immediate vicinity of this subdivision was notified of this change. The new access out onto Purple Sage Road is at the bottom of a hill and in winter, the road/hill is slick. He lives in the Eagle's Nest Subdivision and explained how he avoids driving on Purple Sage. He stated that everyone will go down Freezeout Road anyway. There are stop signs on Freezeout Road, whereas there aren't any on Purple Sage Road. He doesn't see how putting the access on Freezeout Road is a hardship if they already put in the 15-foot culvert on Purple Sage Road. His main concern is the safety aspect of this new access onto Purple Sage Road.

Marilee Moores – IN OPPOSITION – 24950 Falcon Lane Caldwell ID 83607

Ms. Moores explained that she was initially concerned about this subdivision because of the number of homes they were putting in and the water table. This feels like they are asking her opinion after the fact. She also feels like the Highway District is pulling a fast one. She doesn't want to see any changes to Purple Sage Road, especially if the Highway District is not required to hold hearings on these matters.

Curt Guiles – IN OPPOSITION – 24613 Harvey Rd Caldwell ID 83607

Mr. Guiles thought the access was going to be on Freezeout Road. He was very concerned about the lack of visibility on Purple Sage Road; it's a 50 mph zone and if you were to come out onto Purple Sage Road, you can't see over that hill. The developer said it was a hardship to put in a culvert next to the road and it was his feeling that if he couldn't afford to do that, he shouldn't have bought the property. The farmer next to the property put a culvert in the Hartley Gulch; if he could do it, why couldn't the developer? He feels that traffic on Purple Sage is bad enough without adding this access road to it.

James Radford – IN OPPOSITION – 24770 Freezeout Rd Caldwell ID 83607

Mr. Radford is the farmer who owns the property immediately next to the subdivision property. He put in a culvert on Freezeout Road for the Hartley Gulch. He stated that Purple Sage is one of the busiest roads around. When asked by a Commissioner, he stated that he did not know why there was a stub road in the subdivision that goes to the edge of his property. He did not have any plans to sell it now but maybe they were planning on buying his property in the future.

Rebuttal - Darin Taylor – Applicant (Representative) – IN FAVOR – 1434 New York St. Middleton ID 83644

Mr. Taylor gave a complete chronology of the application and construction of this project up until present. He stated that Mr. Bowman, the prior developer on the project, submitted the request for the variance which was reviewed and approved by the Highway District. The variance was approved after the Preliminary Plat, which meant the construction plans didn't match the preliminary plat. He believes the Highway District doesn't want to incur the extra costs of maintaining a road over the Hartley Gulch. Mr. Taylor stated that the Highway District has determined that Purple Sage Road is designated as a future major arterial roadway. He doesn't agree that the access road onto Purple Sage Road is at the bottom of the hill but agrees that coming out onto Purple Sage, you can't see over that hill.

MOTION: Commissioner Williamson moved to close public testimony on Case SD2021-0070, seconded by Commissioner Amarel. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill wanted to know who asked for the variance? Was it the applicant? There was discussion with staff over the conflict of a condition requiring meeting Highway District conditions and obtaining Highway District standards, when that approval is in direct conflict with approved Preliminary Plat approved in the beginning by Canyon County.

Commissioner Williamson stated that this is a unique mixing of the pot and a strange case.

Commissioner Nevill brought up the idea of postponing the decision to get an opinion from

County Legal staff as he felt if they said 'put the road back', there could be a lawsuit as it would cost the developer money. Chairman Sturgill questioned Commissioner Nevill as to what he felt would be an actionable legal claim as the change in access was by the applicant. Chairman

Sturgill stated he felt the developer's construction was 'at risk' as they built according to a plat

that the county did not approve. Commissioner Sheets said he felt this all comes down to

transparency; why do we even hold public meetings if we don't listen to what the public says.

There was discussion with the applicant about the State of Idaho public meeting laws and the

lack of notice by the Highway District when they hold their public meetings. Commissioner

Sheets stated if Purple Sage is going to become a major arterial, you wouldn't want residential access.

MOTION: Commissioner Nevill moved to deny Case SD2021-0070 including the Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Amarel. Roll call vote: 5 in favor 0 opposed, motion passed.

- **Case No. CR2021-0007 / SD2021-0036: Bradford / Bradford Estates** – Gunner & Theresa Bradford, represented by Darin Taylor are requesting a Conditional Rezone of approximately 19.73 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. Also requested is a Preliminary Plat, Irrigation & Drainage Plan for Bradford Estates Subdivision. The plat includes 2 residential lots approximately 9-10 acres each. The subject property, R37372 is located at 28876 Crossfire Trail, Middleton, in the NW ¼ of the NW ¼ of Section 07, T5N, R2W, BM, Canyon County, Idaho.

Planner Dan Lister, reviewed the Staff report for the record, including late exhibits (9, 10, 11 & 12).

Chairman Robert Sturgill, entered the late exhibits into the record and affirmed the witnesses to testify.

TESTIMONY:

Darin Taylor – Applicant (Representative) – IN FAVOR – 1434 New York St. Middleton ID 83644

Mr. Taylor brought up late exhibit 10; pointed to several admin splits in 2004 which created the parcels that exist now. He stated, at the time, building permits were transferred to cluster homes together. Mr. Taylor described the state of the roads in the area. All properties in the area are 8 to 10-acre properties, except for the subject property which is almost 20 acres and Lot 14, which was 190 acres, which were set aside for future splits. Mr. Taylor stated it was a subdivision by administrative split and the Record of Survey was not recorded. Mr. Taylor described the existing layout of the homes and lots around the area and how this rezone would fit in with the existing character of the neighborhood. They submitted a request to reduce the width of the driveway. Mr. Taylor disputed a number of findings in the staff report and listed the comprehensive plan policies and goals he didn't agree with. He also disputed the statement that this is a high-risk area for wildland fires due to the proximity to BLM land (immediately adjacent to the property). Mr. Taylor recognized that the roads don't meet current road standards however they did meet road standards at the time they were put in. The Bradford's home would be the 23rd home out there when it was built; when the Ridgeline Estates development begins, that is when the road improvements would apply on Shalako Street. He said while the one photo appears to be a dirt road, it is paved past that. He confirmed that there is an HOA and the homeowners pay fees. His clients are members of the HOA.

Gunner Bradford – IN FAVOR – 28876 Crossfire Trail Caldwell ID 83607

Mr. Bradford stated that when he purchased the property, which backs up to BLM land, it was going to be their 'retirement plan'. They were told when they bought the land could be divided. He did go to the HOA Board and no one had a problem with his plan. With regards to the traffic issue; it is going to add one more home and that wouldn't be much more traffic. He does not have a buyer in mind; they had a buyer but then after doing some work on the land, they determined that he was not going to fit in and ended the agreement. He disputes that this should be designated as 'agricultural' land; there is nothing out there but sage brush and 'whistle pigs' and there is no irrigation. The drainage shown on the map is only rolling hills and no waterway.

Lynn Warin – IN NEUTRAL – 28815 Cahill Way Caldwell ID 83607

Mr. Warin is president of the HOA Board. He stated that some meetings did occur where they discussed this project however there is no record of approval.

Melissa Wieland – IN NEUTRAL – 29122 High Plains Road Caldwell ID 83607

Ms. Weyland has been the HOA Treasurer since December 2021. She stated there has been no

approval on this application. When questioned, she said there is some record of the HOA discussing improving the roads but nothing other than that. The HOA fees are only designed to pay for the road maintenance and weed control on the road. The HOA fee is \$550/year and there are no plans for road improvements.

Lola Lodigiani – IN OPPOSITION – 11733 Rio Lobo Caldwell ID 83607

Ms. Lodigiani stated the Bradfords did have meetings, however they only sent the notice to about 6 people who live in the immediate vicinity of the area. They were not told that the buyer was going to be living on the property while they worked on it. The buyer was camping out on the property. The street dead ends at the Bradfords' home and there is no turn around for emergency vehicles at the end. They also didn't know he was going to construct a 15,000 square foot outbuilding.

Nathan Coombs – IN OPPOSITION – 28902 Crossfire Trail Caldwell ID 83607

Mr. Coombs is against the rezone. They have a unique neighborhood and this will lead to further development. He is not excited about the lot configuration. He doesn't see how 300 feet is acceptable for the road. If they put this in, he would be the only neighbor who has roads on three sides of his property. Mr. Coombs stated that Crossfire Trail has never been maintained. There is a fire truck turnaround but that is not paved out. There is a plat that hasn't been recorded yet with another 30 homes for their neighborhood. Mr. Coombs also stated that there are already secondary homes on some of the lots in the neighborhood.

REBUTTAL - Darin Taylor – Applicant (Representative) – IN FAVOR – 1434 New York St. Middleton ID 83644

Mr. Taylor confirmed that there was a buyer who was living on the property in an RV. The individual had a company who cleaned immigration facilities on the border and so was not there all the time. He believes he might have had a girlfriend with a child occasionally living there. Mr. Taylor stated the HOA understands they are under the obligation to pave the turnaround, not the Bradfords. He reiterated that they are okay with a development agreement and they would like the development agreement to have a Fire-wise landscaping plan.

MOTION: Commissioner Nevill moved to close public testimony on Cases CR2021-0007 and SD2021-0036, seconded by Commissioner Amarel. Voice vote, motion carried.

DELIBERATION:

The Commissioners expressed concern about the door that this rezone would open; developers could point to this approval, with no development agreement and ask for more development in the area. They also discussed the general state and maintenance of the road.

Commissioner Williamson pointed out that despite its zoning, this is not viable agricultural land; it is basically all sagebrush with no irrigation and seems suited for this (rezone) use.

MOTION: Commissioner Sheets moved to deny Case CR2021-0007 including the Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Nevill. Roll call vote: 4 in favor 1 opposed, motion passed.

MOTION: Commissioner Sheets moved to deny Case SD2021-0036 including the Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Nevill. Roll call vote: 5 in favor 0 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 2/3/2022, seconded by Commissioner Amarel. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director Fultz discussed hiring a new engineer and additional Planning Staff as well as the Comprehensive Plan joint workshop with the Board of County Commissioners which will be held next week. This will be a workshop in which the public can attend but cannot comment.

ADJOURNMENT:

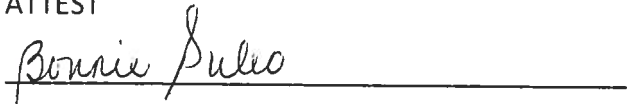
MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Williamson. Voice vote, motion carried. Hearing adjourned at 10:45 pm.

Approved this 7th day of April, 2022.



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Recording Secretary

Recording equipment failed. No audio is available.

