



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, April 21, 2022  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present :        Robert Sturgill, Chairman  
   Patrick Williamson, Vice Chairman  
   Brian Sheets, Commissioner  
   Ron Amarel, Commissioner  
   Harold Nevill, Commissioner  
   Robert Larison, Commissioner

Staff Members Present:        Dan Lister, Planning Official  
   Elizabeth Allen, Planner  
   Bonnie Puleo, Recording Secretary

**Chairman Robert Sturgill**, called the meeting to order at 6:32 p.m.

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

**MOTION:** Commissioner Nevill moved to table signing the revised FCO's for Case RZ2021-0030 / SD2021-0018 LGD Ventures/Goldberg/Lewis Heights Subdivision until after all the cases are heard to give all Commissioners the chance to review them; Commissioner Williamson seconded. Voice vote; motion carried.

- **Case No. CR2021-0011: TJM Properties** – The applicant, Designhaus Architecture representing TJM Properties, LLC., is requesting a conditional rezone to change the zoning designation of parcel R34194, approximately 9.99 acres, from an “A” (Agricultural) zone to a “CR-C-2” (Conditional Rezone - Service Commercial) zone. The request includes a development agreement to limit development to a self-storage facility. The subject property is located at 7832 Highway 20, Nampa, ID; also known as a portion of the SE ¼ of Section 23, T4N, R2W, BM; Canyon County, Idaho.

**Planner Elizabeth Allen**, reviewed the Staff report for the record including late exhibit (8).

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

**Testimony:**

**Joe Latozas – Applicant (Representative) – IN FAVOR – 3300 Auburn Road, Auburn Hills, MI 48326**

Mr. Latozas is with Design House Architecture and appeared on behalf of TJM Properties. He stated this project is different than traditional self-storage. It isn't drive up self-storage with a bunch of doors, it will be large carports used to store RVs or agriculture implements. Mr. Latozas said this is an underserved need; more RV storage is needed. Since COVID, RV sales have increased dramatically and with more dense residential subdivisions, multi-family housing, HOA restrictions and lack of local storage, this will fill a demand in an area that makes sense. It is a 10-acre site; they are proposing 7 large carport structures on

the site. They plan on keeping the existing home on the site. They will renovate it and it will serve as both an office and a residence for an on-site manager. He stated the business would be very low traffic impact to the area. They are offering a safe, secure and clean facility where people can keep their large vehicles and not worry about them. They are going to keep the area designed for a future Highway District Road as undeveloped but will maintain that portion of the site. There is no pond; it is a stormwater drainage area. He confirmed they are trying to preserve the night sky by installing downward facing lights; they will do a photometric study to ensure onsite light doesn't spill over into neighboring properties. They expect their high traffic periods to be mid-to-late afternoon or first thing in the morning. Mr. Latozas stated that this will be a 100% storage area; there will be no maintenance or cleaning facilities onsite. It will be concrete under the canopies and gravel or asphalt in the other areas. Their drive-in area will be widened to accommodate the turning radius of the larger vehicles. They expect the ditch will be piped.

**Steve Wensel – IN OPPOSITION – 7886 Joplin Road, Nampa, ID 83687**

Mr. Wensel owns a 110-acre farm directly north of this property and a 10-acre home site on Joplin Road where he has lived for 35 years. He read the proposal twice, looked at the Comprehensive Plan, attended the neighborhood meeting and he supports denial of this development. The main points that concern him are a lack of services in the area and loss of farmland. He had a neighbor who lost a metal storage shed and multiple vehicles to a fire and it was a long time until the Star Fire Department got there. There was no water in the ditches and no way to fight the fire except the water on the (fire) trucks. It was so hot it melted everything. Every RV has lots of plastic and each has a gas tank; he watched propane tanks explode in his neighbor's fire and there was no way to stop it. They are challenged out there with getting fire protection and having 248 spaces with fuel is a concern to him. Mr. Wensel also stated the project site is some of the best farmland in the County and he feels we have to protect that. He said, give up a little piece here, a little piece there and all of a sudden, it's gone and this (project) cuts the heart out of the parcel. He stated crops have grown on that land; good crops with good irrigation and it is a nice piece of ground.

**Joe Latozas – Applicant (Representative) – REBUTTAL – 3300 Auburn Road, Auburn Hills, MI 48326**

Mr. Latozas apologized for questions and emails that weren't answered. He offered his contact information for anyone who wants it. He said regarding the lack of services; these are very low impact structures; there is no electric and no plumbing or mechanical systems. If a fire were to happen, these are not suppressed structures so they would rely on the local fire department to put out the fire. As part of revitalizing the home on the lot, they will be installing a new well so there will be some water but probably not enough to supply the demand to fire a fire. He agrees that farmland is important. He believes this accessory use is needed in the area with the current development of the community. Mr. Latozas said they would be replacing farmland with a needed use. In response to the Chairman's question, he said the land was purchased in June 2021 and this was the sole purpose for purchasing the land.

**MOTION:** Commissioner Williamson moved to close public testimony on Case CR2021-0011 seconded by Commissioner Sheets. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Williamson said his biggest issue is the access; they want to change the existing residential access and there has been no comment from ITD. He feels this is an incomplete packet because they are missing the component from ITD and maybe they should table this item until they hear from ITD. Commissioner Nevill is not in favor of this proposal. He agrees with the staff and Nampa

recommendations; there may be a market for this but it doesn't override the need for agriculture. Commissioner Nevill also stated that access off Hwy 20/26 is a dangerous even if you put in acceleration/deceleration lanes: it is an accident waiting to happen. It looks like pristine farmland with no conditional rezones in that section. Commissioner Larison stated he agrees with the access issue: no turn lanes with bigger trailers. He likes the idea but he feels this is not the right place for this. Commissioner Amarel stated he wouldn't support this because of safety concerns, the access that is there and he feels we need to support agriculture. Commissioner Sheets said he agrees with his fellow commissioners; especially knowing how Highway 20/26 is during the morning and afternoon commute. It is a very risky operation to bring larger vehicles across Highway 20/26 during busy times.

**MOTION:** Commissioner Sheets moved to deny Case CU2021-0011 including the Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Nevill. Roll call vote; 6 in favor, 0 opposed. Motion passed.

- **Case No. CU2022-0005: Calvin Walsh** – The applicant, Calvin Walsh, is requesting a conditional use permit modification to modify Condition #3 of CU2004-68, also known as Case No. 962871L28-4N-2W, regarding a planned unit development allowing the development of Rosedown Subdivisions 1, 2 and 3. The request will remove the 150' setback requirement. The applicant's property is located at 19266 Flora Road within Rosedown Subdivision No. 2 in Nampa. The property is also referenced as a portion of the SW¼ of Section 28, T4N, R2W, Canyon County, Idaho.

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

**Chairman Robert Sturgill**, affirmed the witnesses to testify.

#### **Testimony:**

##### **Calvin Walsh – Applicant (Representative) – IN FAVOR – 19266 Flora Road, Nampa ID 83687**

Mr. Walsh moved into his house 12 years ago when they were young homeowners and weren't clear about the CC&Rs. He bought this land specifically because it had what he wanted. It wasn't until later when he was ready to build his shop that he realized there was more to the 150' setback than he thought. His lot is under an acre and the 150' setback cuts his lot in half. Mr. Walsh said 40% of the houses are affected by the setback. He started talking with his neighbors, asking why the setback was there and if they had any objections to trying to remove it. None of the surrounding landowners had any problem with it. He talked to Mark Bottles and asked what his intentions are with his adjacent property; Mr. Bottles did not have a problem with the removal of the setback. He also talked to Brighton, the property owner to the north and they don't have any issues with the removal either. Mr. Walsh also talked to the current farmer behind him and he didn't know why the setback was there. The farmer behind him doesn't know how long they will be farming that land and he doesn't have a problem with Mr. Walsh trying to get this completed. Mr. Walsh said he is just a landowner who wants full use of his property. With the size and type of shop he wants, the placement only makes sense if he puts it past the 150' line. Even if he moves it back and downsizes the shop, he won't have any backyard. He stated he would have to go back around behind the shop to enjoy any yard. Other people in the neighborhood have put in smaller shops or don't care about their yards and some of the properties are in a cul-de-sac so their property spreads out. He understands this decision would affect everyone in the neighborhood. Mr. Walsh would like to remove the 150' setback and go back to the required County setback of 25' off the back fence. There was

additional discussion about the change to the Plat and how that would affect the CCR's of the neighborhood.

**Layne Skogsburg – IN OPPOSITION – 15460 Pecan Lane, Caldwell ID 83607**

Mr. Skogsburg is speaking on behalf of other homeowners who couldn't be there and who are in opposition to this change. He pointed to page 76 of the staff report showing the 5 houses with shops that abided by the 150' setback. Pages 78 & 79 of the staff report shows a computer-generated drawing of their view with the proposed shop adhering to the 150' setback and the shop without the 150' setback. He said they are not in opposition to the shop, they are in opposition to changing the setback because it will affect their view. They are just south of the Walsh's and are worried about protecting their view and the value of their property. They have been there 17 years and when they bought their house, they were told the setback was to protect the view for the people on the east side because of the view of the Boise Mountains on that side.

**Calvin Walsh – Applicant (Representative) – REBUTTAL – 19266 Flora Road, Nampa ID 83687**

Mr. Walsh brought up the pictures from the prior testimony and showed what trees and area was his; he showed the area his shop would be in and what portion of the view would be blocked.

**MOTION:** Commissioner Williamson moved to close public testimony on Case CU2022-0005 seconded by Commissioner Nevill. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill stated he was on the Commission at the time and noted they were using PUD's (Planned Unit Developments) not just to protect farms, but also to protect everyone who bought into the neighborhood for the views and the open nature of the developments. There is no guarantee that the land around them is going to be developed. The applicants will have to come through the Planning and Zoning Commission and the Board of County Commissioners and the overwhelming majority of Canyon County residents want to protect farmland. Commissioner Nevill said that land could stay farmland and that setback remains viable for now. If he had letter from the Homeowner's Association stating the majority was willing to change the CC&Rs, he might consider it, but without that, Commissioner Nevill will have to deny it. Commissioner Williamson agreed with Commissioner Nevill; he is looking at the presentation and the land is still predominantly agriculture. If there was a project coming in the next few months in close proximity he might consider it, but looking at what was presented, the 150' setback is still pertinent and asking to remove it might be premature.

**MOTION:** Commissioner Nevill moved to deny Case CU2022-0005 including the Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Amarel. Roll call vote; 6 in favor, 0 opposed. Motion passed.

- **Case No. RZ2021-0038: Keith & Jana Moore** – Keith and Jana Moore are requesting a conditional rezone of Parcel R28678010 from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone – Rural Residential) zone. The request includes a development agreement to limit the development of the parcel to one division. The property is located at 580 S. Powerline Road, Melba; also referenced as a portion of the NW¼ of Section 35, T1N, R2W, Canyon County, Idaho.

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

Chairman Robert Sturgill, affirmed the witness to testify.

**Testimony:**

**Keith Moore – Applicant (Representative) – IN FAVOR – 580C S. Powerline Road Melba ID 83641**

Mr. Moore and his wife are the applicants for this project. He said he was going to simply speak from the heart; he showed the 80 acres his wife's grandfather starting farming 100 years ago which her parents subsequently bought. When Mrs. Moore's parents died, the land was left in a trust and split between the three children. He has an agriculture background and would have loved to buy out all the siblings but none of them could afford to buy everyone else out. He stated they changed the property boundaries to make it saleable and give them more land. He also showed on the map where the other extended family members live on the property. Mr. Moore said he would like to split their parcel and give his son and his daughter-in-law a portion of their land. There isn't any financial gain in this for them. He said can't do anything with their property and it makes sense to have their son build a house from a property tax standpoint. His son would build a home and a shop and some of the land would be used for pasture to keep horses. He described the irrigation process, the tailwater and stormwater runoff and showed the homes in the area around their property. Mr. Moore also stated his father-in-law was approved for a 17 home subdivision years ago but he never got it platted and the rezone 'went away'. The kind of home his son wants to build is consistent with the homes around them. He stated they are okay with the conditions of the development agreement including protecting the water rights for the properties around them.

**MOTION:** Commissioner Williamson moved to close public testimony on Case RZ2021-0038 seconded by Commissioner Sheets. Voice vote, motion carried.

**DELIBERATION:**

No deliberation.

**MOTION:** Commissioner Williamson moved to approve Case RZ2021-0038 including the Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Amarel. Roll call vote; 6 in favor, 0 opposed. Motion passed.

- **Case No. RZ2022-0003: Gary McCallister/Joseph & Leslie Franks** – Gary McCallister, representing Joseph and Leslie Franks, is requesting a conditional rezone of Parcel R38053, approximately 2.3 acres, from an "R-R" (Rural Residential, two-acre average minimum lot size) Zone to an "CR-R-1" (Conditional Rezone - Single Family Residential) Zone. The request includes a development agreement to limit future development to one division creating a total of two building parcels. The subject property is located at 25528 Old Highway 30, Caldwell; also referenced as a portion of the NE¼ of Section 28, T5N, R3W, Canyon County, Idaho.

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

Chairman Robert Sturgill, affirmed the witnesses to testify.

**Testimony:**

**Gary McAllister – Applicant (Representative) – IN FAVOR – 2115 E. Bowstring St. Meridian, ID 83641**

Mr. McAllister is here to represent the Franks. He felt staff covered the project well and would stand for

questions. In response to a Commissioner's question, he stated that both residences will have their own wells and septic systems. He believes that sometime in the future, they will replace the existing mobile home on the property with a regular home, but now, the applicants' newly married daughter will live in the mobile home on the property. Mr. McAllister also stated the Highway District approved moving access to Griffin Lane which is a nice safety feature.

**MOTION:** Commissioner Sheets moved to close public testimony on Case RZ2022-0003 seconded by Commissioner Amarel. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Sheets stated he tends to agree with staff's recommendation. He sees this as very little impact to the surrounding area and is consistent with what is on the ground there.

**MOTION:** Commissioner Sheets moved to approve Case RZ2022-0003 including the Findings of Facts, Conclusions of Law and conditions of approval. Motion seconded by Commissioner Williamson. Roll call vote; 6 in favor, 0 opposed. Motion passed.

**MOTION:** Commissioner Sheets moved to approve & sign the revised Findings of Facts, Conclusions of Law and conditions of approval for RZ2021-0030 / SD2021-0018 LGD Ventures/Goldberg/Lewis Heights Subdivision. Motion seconded by Commissioner Williamson. Voice vote, motion carried.

**APPROVAL OF MINUTES:**

**MOTION:** After discussion about adding the reason for tabling items to future Minutes and Agendas, Commissioner Sheets moved to approve the minutes from 3/17/2022, seconded by Commissioner Williamson. Voice Vote motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Planning Official Dan Lister introduced Juli McCoy, the DSD's new Planner II to the Commissioners.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote; motion carried. Hearing adjourned at 9:18 pm.

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

Approved this 19th day of May, 2022.



Patrick Williamson, Acting Chairman

ATTEST



Bonnie Puleo, Recording Secretary