



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, July 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  
   Harold Nevill, Commissioner  
   Miguel Villafana, Commissioner  
   Robert Larison, Commissioner

Staff Members Present:        Steve Fultz, Director of Development Services  
   Dan Lister, Planning Official  
   Elizabeth Allen, Planner  
   Cassie Lamb, Planner  
   Jenna Petroll, Planner  
   Bonnie Puleo, Recording Secretary

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

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

- **Soil Conservation District Presentation** – A presentation to the Planning and Zoning Commission titled 'Using Prime Farmland and Irrigated Capability Class as a tool for P&Z requests.

**Testimony:**

**Rich Sims – Canyon County Soil Conservation District - PRESENTER**

Mr. Sims, an Associate Supervisor at Canyon County Soil Conservation District, reviewed a presentation to the Planning and Zoning Commission titled "Using Prime Farmland and Irrigated Capability Class as a tool for Planning & Zoning requests". His background is in soils and he has worked for the Department of Agriculture at the federal level. He said about a year ago, the Planning & Zoning Commissioners requested that the Soil Conservation District provide information about what prime farmland is, as a part of the process of making Planning & Zoning decisions. He defined prime farmland as "the best combination of physical and chemical characteristics to provide food, fiber and feed forage." Even if it has those characteristics, he said farmers and managers have to use best management practices to get crops to grow. He said as the Commission can't ask those questions in a hearing, he wanted to propose new information the Soil Conservation District was going to provide in future reports. Mr. Sims said people in our state understand irrigation, so part of the new soil survey information was going to be an 'irrigation capability class'. This class or rating (1 through 8), would give an opportunity for the Commission to ask questions of the applicant regarding how they are managing their farmland. Rating 1 and 2 are the best irrigation capability class ratings. He provided some examples of land with different irrigation capability classes and how they would have to be managed. He said "Prime Farmland" is a

defined by Soil Survey USDA. "Farmland of Statewide Importance" is a decision made by the State of Idaho's legislators and indicates soil that is very important to the State and farmland production. In the past, the Soil Conservation District has not made recommendations on whether particular land should be changed from agriculture to residential but now, using 'irrigation capability class', they are going to be making recommendations in the future whether the land should remain in farming or not.

**DISCUSSION:**

Commissioner Williamson asked about the different crops that can be grown on moderately suited soils or lower classified soils and how they can be differentiated in land use applications. He said the wording seems to be geared toward row crops instead of products like fruit trees or grapes. Mr. Sims agreed that management of the ground and soil becomes more important for other types of products and that while the wording may seem vague, they have taken more of a generalist approach. Mr. Sims said soil surveys are made for all different types of aspects and there are different interpretations for different kinds of soils. He admitted that most of his reports have concentrated on crops because that is where most of the requests come from. Commissioner Nevill appreciated the Soil Conservation District providing recommendations. He said that when there are no recommendations on Class 3 or 4, applicants can use that information to leverage a change in zoning. Commissioner Nevill would appreciate it if they could broaden the definition or provide tools for class 3 or 4 soils, as they have seen perfectly good crops grown for years on those types of soils. Commissioner Villafana disagreed with the wording "severe limitations" in Class 3 or 4 soils as he can get good crops from that land. He said using wording like "severe limitations" gives people a reason to ask to develop the land. He would prefer "moderate limitations" or "some limitations" instead of "severe limitations". Commissioner Sheets said the information is valuable to understand what they are looking at when they get the reports. He asked if the Soil Conservation District has given this presentation to any other jurisdictions. Mr. Sims said his agency has not although each county in the state has its own Soil Conservation District and he does not know what other counties are doing. Commissioner Sheets said that this data and information is very helpful to make land decisions. In response to a question, staff said they will be providing the new information and descriptions in future staff reports.

**MOTION:** Commissioner Williamson moved to table case RZ2022-0007/Greg & Ann Obendorf to a date certain 8/4/2022 due to late agency comments and staff requiring more time to analyze them. Motion seconded by Commissioner Nevill. Voice vote; motion carried.

- **Case No. VAC2022-0001/Abner Ramirez & Lewis Crossing Subdivision:** The applicant, Abner Ramirez, representing Lewis Crossing Subdivision, is requesting a plat vacation to remove Plat Note #14 regarding fire sprinkler requirements from the Lewis Crossing Subdivision plat. The applicant's property is located at 5423 Lewis Crossing Way, Nampa, but the request affects all lots within Lewis Crossing Subdivision (Parcels R2948010 through R29480125); also referenced as a portion of the SW¼ of Section 11, Township 2N, Range 2W; Canyon County, Idaho.

**Planner Jenna Petroll**, reviewed the Staff report for the record.

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

**Testimony:**

**Robert Deleon – Applicant (Representative) – IN FAVOR – 712 3<sup>rd</sup> Street South, Nampa ID 83651**

Mr. Deleon is partners with Abner Ramirez: this is Mr. Ramirez's home. He has been working on this for a

long time and is here to make sure they can proceed. He said Mr. Ramirez's house is the last home in the subdivision and now that they have the new Greenhurst Fire Station, response time is a lot quicker. He showed where the home is on the map and where the closest fire hydrant was located (on Lewis Lane). Mr. Deleon said the Deputy Fire Marshal has been out there a couple of times and has said that it was okay. He trusts the Fire Department and didn't question their ability to reach the furthest home. When they were building the home, they saw the plat note and checked with the Fire Department. The Fire Department said it was not a problem. He said Mr. Ramirez does not have or plan to have a home business at the location.

**MOTION:** Commissioner Sheets moved to close public testimony on Case VAC2022-0001 seconded by Commissioner Williamson. Voice vote, motion carried.

**DELIBERATION:**

Commissioner Nevill understands what the applicant is saying. The applicant has written testimony from the Fire Department but Commissioner Nevill feels it is inadequate information to make a decision. The best he be willing to do is postpone the decision until they get more information, or check with all the other homeowners in the subdivision. If none of the other homeowners have sprinklers, what is their fire suppression system and why would the Fire Department say it is okay? Commissioner Sheets stated that this is within the Fire Department's jurisdiction and he doesn't want to second guess their determination as they are going to be the ones fighting the fires. If none of the homeowners have fire suppression, what is the alternative? Make them all put in fire sprinklers? He is in favor of granting the request. Commissioner Larison said it sounds like this is the last lot and everyone went around the decision to save money. He said they made their own choice(s). This subdivision is already built out and we are looking at just one house. We have one more building permit and he would be in favor of approving this. Commissioner Williamson agrees that the Commissioners have all brought up good points. His suggestion to staff is, in the future, ask the Fire Department to explain their reasoning and show some of their work. That might alleviate some of these questions in the future. Chairman Sturgill requested that staff get a quantified assessment and data as much as possible from the Fire Department. What is the minimum distance between the home and the fire hydrant? What is the response time that would eliminate the need for a fire hydrant? He would like to see some numbers so they have some sense of what they are looking at moving forward.

**MOTION:** Commissioner Williamson moved to approve Case VAC2022-0001 including the Findings of Facts and Conclusions of Law, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Sheets. Roll call vote 5 in favor 1 opposed, motion passed.

- **Case No. CU2022-0021/Ekart Holdings, LLP:** The applicant, Stephanie Hopkins, representing Ekart Holdings LLLC, is requesting a conditional use permit for a RV Storage Facility located on parcel R36103020. The parcel is zoned "CR-C-1" (Conditional Rezone - Neighborhood Commercial) and subject to development agreement conditions approved as part of Case No. CR2021-0003. The subject property is located at 21913 Notus Rd, Greenleaf; also referenced as a portion of the NW¼ of Section 15, Township 4N, Range 4W; BM; Canyon County, Idaho.

**Planner Cassie Lamb** reviewed the Staff report for the record including one late exhibit.

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

**Testimony:**

**Stephanie Hopkins – Applicant (Representative) – IN FAVOR – 5725 N Discovery Way, Boise ID 83713**

Ms. Hopkins said that in September 2021, they came before the Commission for a rezone of the property to C-1. Surrounding the property are a number of gravel pits and some agricultural and residential land. After the rezone was approved, they held their neighborhood meeting. A number of residents came and they discussed the project. She showed the proposed development plan. She said there are 122 RV spaces and they will be covered on the back and sides. They also submitted a light and landscape plan as a part of the development agreement. The spaces will be 14' by 40' and the circulation will go counterclockwise through the site: people will come in through the main access which will be paved, will back in to store their RV's or boats and then exit through the same entrance. She described the landscaping plan for the 100 foot landscape buffer on Notus Road. Ms. Hopkins said there aren't any existing storage facilities in this area. She said there is a pond on site; the current owner uses it to fish. It is well aerated and it is a recreational pond for his own use. They agree with all the conditions of approval. She said the pond is not used for irrigation, is landlocked and is filled by groundwater. They will continue to maintain it. Ms. Hopkins said the current property owner plans to live on site but in the future, if he decides to move, there is potential for future expansion.

**MOTION:** Commissioner Sheets moved to close public testimony on Case CU2022-0021 seconded by Commissioner Williamson. Voice vote, motion carried.

**DELIBERATION:**

None.

**MOTION:** Commissioner Williamson moved to approve Case CU2022-0021, including the Findings of Facts, Conclusions of Law and Conditions of Approval and Order. Motion seconded by Commissioner Sheets. Roll call vote 6 in favor 0 opposed, motion passed.

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Williamson moved to approve the minutes from 6/16/2022, seconded by Commissioner Sheets. Voice vote motion carried.

**MOTION:** Commissioner Williamson moved to approve the minutes from 6/29/2022, seconded by Commissioner Sheets. Voice vote motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Director of Development Services Steve Fultz thanked the Commissioners for the time they have allowed him to work with the Commission. He will be going back to work for the City of Caldwell. He stated that this is as good a Board as he has ever worked with and he has enjoyed working with them. He also discussed the upcoming Comprehensive Plan hearings. Planner Elizabeth Allen thanked the Commission for the feedback on the staff reports and said they are looking at improving those and will continue to adjust as they go. She also said that Rich Sims from the Soil Conservation District is interested in getting more feedback on what the Commission would like to see in the reports the District provides. She said Mr. Sims would like to make sure the information the District is providing is what the Commission wants and what will help with cases. There was additional discussion on the testimony order and rules, and the hearing logistics of the Comprehensive Plan hearings on August 10<sup>th</sup> and August 24<sup>th</sup>. There was discussion on the Capital Improvement Plan and Development Impact fee study and drafted letter from Commissioner Sheets. Commissioner Sheets researched Idaho Code and the CIP itself and the letter represented some of the concerns the Commissioners had about the impact fee eligibility

for projects identified within the CIP. He discussed the code that was referenced during the June 29, 2022 hearing, specifically Idaho Code chapter 67-82, which was used to establish eligibility on project funding using impact fees. He believes there were two errors. The first error was a too narrow reading of what is not considered a system improvement cost and the second error was ignoring another section of Idaho Code referenced in a citation in the definition. He believes they can and should prioritize the existing deficiencies. He agreed with Chairman Sturgill and Vice Chairman Williamson's edits. Commissioner Nevill thinks Commissioner Sheets is right (in his interpretation) and he likes the edits to the letter.

**MOTION:** Commissioner Williamson made a motion to submit Commissioner Sheets' drafted Development Impact Fee letter with suggested corrections to the Board of County Commissioners. Seconded by Commissioner Nevill. Roll call vote; 6 in favor, 0 opposed. Motion passed.

**ADJOURNMENT:**

**MOTION:** Commissioner Williamson moved to adjourn, seconded by Commissioner Sheets. Voice vote motion carried. Hearing adjourned at 8:24 pm.

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

Approved this 18th day of August, 2022



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Recording Secretary