



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, December 15, 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
 Ron Amarel, Commissioner
 Harold Nevill, Commissioner
 Miguel Villafana, Commissioner

Staff Members Present: Sabrina Minshall, Director of Development Services
 Dan Lister, Planning Official
 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 first business item on the agenda.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Conditions of Approval for Case CU2022-0034, EW Real Estate. Motion seconded by Commissioner Sheets. ***Commissioner Williamson abstained from the vote.*** Voice vote, motion carried.

- **Case No. SD2022-0003/Hidden Legends Estates:** A request by Kent Bradshaw for approval of a Preliminary Plat for Hidden Legends Estates. The development consists of 8 residential lots and 1 private road lot. The subject property, Parcel No. R34502013, is located SW of Willis Road and adjacent to I-84, Caldwell, in the NE ¼ of Section 4, T4N, R3W, BM, Canyon County, Idaho. On December 15, 2022, the Planning and Zoning Commission recommended approval of the plat.

Planning Official Dan Lister reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

JESSE CHRISTENSEN – Applicant (Representative) – IN FAVOR – 2151 W. Willow Pointe Ave., Nampa ID 83651

Mr. Christensen is with HECO Engineers and he is the engineer on this project. HECO helped Mr. Bradshaw finish getting this project ready for platting. They met with Southwest District Health and did their test bits and have provided a subdivision engineering report for their review. He said they were not part of the roadway design in the beginning but are working on an overlay for it. They found the road section was

too shallow and they need to bring it up to code with gravel equivalence. They tried a bunch of different ways to get the existing road qualified but it just didn't work. They will be increasing it and get the final road drawings to the engineering department for review. Mr. Christensen said the irrigation comes in from the southwest corner. They are working with Black Canyon Irrigation and he said they are willing to take the stormwater runoff if necessary. As of right now he said, they are planning to keep runoff onsite. The lots are large enough for septic and drain fields and the road will be put in and improved. Commissioner Williamson asked how much of the 5-acre parcel (Lot 8) is going to be a pond. Mr. Christensen replied it is not going to be a large portion of the lot; well under an acre. It will not all be an open lot and will have a home on it. The septic will still fit. They will have to have an irrigation maintenance agreement and cross access easement for it. Mr. Christensen said the pond area could be fenced for safety, if necessary. Chairman Sturgill asked if the pond will hold the runoff for the entire subdivision. Mr. Christensen said the runoff for that portion of the subdivision can flow into Lot 8. He said everything flows down from the north to the south and the south to the north and meets in the middle. Runoff will be held there in roadside swales. Individual lots will keep 95% of the runoff through barrow ditches. Mr. Christensen stated that Black Canyon Irrigation District was willing to take the road runoff but that runoff from the individual lots will be retained on each lot. Commissioner Amarel asked if Black Canyon Irrigation District water will be used to fill the pond. Mr. Christensen said yes, the water will fill the pond and will be gravity fed from the canal. All surface irrigation for the lots will come from that pond. Commissioner Nevill asked how Black Canyon Irrigation was going to get the runoff water back. Mr. Christensen said there is a property above them that has an irrigation ditch that comes through that property, back under the freeway and dumps back into the Notus Canal. He said they haven't decided if it is going to be a concrete ditch or if they will allow it to be a grassy swale. They will work with Black Canyon Irrigation District to figure that out. Commissioner Williamson said he thought there was a Federal Law that wouldn't allow for drainage to go back into an Irrigation District's canal. Mr. Christensen said while talking to Black Canyon Irrigation, they initially told them they could. If not, he said there is still room on the lots for infiltration basins and some grassy areas to filter the contaminants out of it. They are still working on the irrigation plan engineering. Mr. Christensen was not sure if they were planning on having a singular Water Master for the subdivision.

KENT BRADSHAW – IN FAVOR – 15361 Willis Road Caldwell ID 83607

Mr. Bradshaw lives on the property touching Willis Road. It is 8 lots; the road going into the subdivision is asphalted and has a cul-de-sac. The width of the road is good, it's just the sub-base is not sufficient for County standards. Commissioner Villafana asked about the irrigation system: he was wondering about the pump size and the ability for all lots being to run or shut off at the same time as that could blow up the PVC pipe. He was also wondering about the ideas for their irrigation system. Mr. Bradshaw said he was working with Interwest Supply to handle the pump system and is still working through that. He said it will enter the back gate for Black Canyon Irrigation District on the most southern point of Lot 8. The pond will be on the back side of the cul-de-sac, 150 ft off the road and the Homeowner's Association will manage it, along with the President of the Homeowner's Association, who will be the point of contact for Black Canyon Irrigation District. Commissioner Villafana said the concept behind not allowing the water to drain back into the canal is that stormwater runoff can cause an already full canal to overflow and create problems down the line. Mr. Bradshaw said the corn field on the property above drains into the lowest point on his property and runs through the culvert under the freeway. He said they basically flood irrigate and he always has water going through the canal during the irrigation system. He said the Homeowner's Association fees will be going towards managing it and they will be in charge. Commissioner Williamson asked if they will be implementing a water users' agreement. Mr. Bradshaw answered yes. Commissioner Williamson asked if they are looking at putting in a variable frequency drive pump to avoid problems. Mr. Bradshaw said yes; they will probably oversize the pump so they don't have issues. Commissioner Williamson asked when he put in the private road, why didn't he double check that he was building it

correctly the first time? Mr. Bradshaw said he did administrative splits and his understanding (for road construction) was 9 inches of pit run, 4 inches of road mix and 2.5 inches of asphalt was the requirement. He said he should have done more because it would have saved him money. He showed his property on the map and which lots have been sold. Mr. Bradshaw said the smaller lots are 1 acre in size. Commissioner Nevill said the Boise Project Board of Control told him that no one could discharge back into the canal because people were putting Roundup on their lawns which was flowing back into the canal through that discharge. He said that could kill a field of beets and the homeowner would be held responsible. Commissioner Nevill said you may not want that water going back into the canal. Mr. Bradshaw said the only thing that would be going into the canal would be runoff from the road and anything overflowing from the pond. All other runoff would be situated on the lots. Commissioner Nevill asked how he would prevent irrigation run off from the upper lots from going into the barrow pit and working its way down? Mr. Bradshaw said they could retain their own water. Commissioner Nevill asked if he agreed with all 6 conditions of approval. Mr. Bradshaw answered yes. Commissioner Sheets said he was going to ask if he was okay with Condition 2 which talks about historic irrigation, drains and ditch flow being maintained, that any modification had to be approved by Black Canyon Irrigation District in writing and Black Canyon Irrigation shall provide written approval on the final plat before it is signed by the Board of County Commissioners. Mr. Bradshaw answered 'yes'. Chairman Sturgill asked about the current changes in the real estate market and whether he felt there would be any changes in the market might require plat changes in the future. Mr. Bradshaw said he didn't see any changes to what he has currently planned.

MOTION: Commissioner Williamson moved to close public testimony on Case SD2022-0003, seconded by Commissioner Sheets. Voice vote, motion carried.

DELIBERATION:

Commissioner Sheets reviewed the application and conditions. He said he is satisfied with the conditions. This is a preliminary plat and will require final plat approval. As presented, he would support it.

Commissioner Williamson said it might be a good idea to make the irrigation pond a separate lot and it should include a condition that a water users' agreement is recorded. It also sounded as though the applicant would be agreeable to a condition of having a fence around the pond to keep children out. Commissioner Sheets said if there is a Homeowner's Association, there should be conditions, covenants and restrictions that will most likely have those rules and regulations built into it. To have a water users' agreement on top of the CC&Rs could be a little burdensome and the CC&Rs are recorded with the County. He is not sure if a fence is necessary for the pond. If it is in the code, they should follow the code but he doesn't feel they have proven it is necessary. With regards to the pond being its own lot, he feels it might be a good idea to make it part of a common lot. Functionally, it might help. Commissioner Williamson said they wouldn't have to make it a requirement or a condition but more of a recommendation. Commissioner Sheets said it might be a practical thing but it is up to the developer. Commissioner Williamson said Black Canyon Irrigation might be okay with drainage from the corn field but not be ok with the road drainage and the applicant really needs to check with the Irrigation District to get in writing what they can and can't do.

Chairman Sturgill said this application seems a little light on irrigation specifics and runoff. While the applicants have demonstrated they understand the issues, he thinks often the Commission has the opportunity to discuss the plan and what can be improved and what concerns there are when they are provided more details. He is a little uncomfortable with waiting for that detail on the final plat when the Planning and Zoning Commission doesn't get to see it. The Commission has a lot of experience to leverage. He likes the practical approach the applicant has demonstrated but he likes to see those details in the application.

MOTION: Commissioner Sheets moved to approve Case SD2022-0003 including the Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Amarel. Roll call vote: 5 in favor 1 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Sheets moved to approve the minutes from 11/17/2022, seconded by Commissioner Nevill. *Chairman Sturgill abstained from the vote as he was not present at the meeting.* Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director of Development Services Minshall and Planning Official Dan Lister updated the Commission on process, staffing and where the department is at with development applications. She talked about some personnel moves and changes in the Development Services Department as well as the overall structure and status of the Planning Department.

As of November 1, 2022, Director Minshall said the Planning Department had 239 active cases: since then, there have been 50 closed and 6 withdrawn. As of December 15, 2022, there are 183 active cases. New ones have been added but active cases are coming down. 11 cases are at the Board of County Commissioners; 4 are scheduled for hearings. Some still need to be scheduled and will be scheduled for the new Board to hear. Two have been remanded back to the Planning and Zoning Commission and she expects to see that more often with the new Board. Dan Lister said there are 128 cases in process with the Planning Department and they are trying to figure out what is still needed and if we can move forward with them. They are committed to sending out letters to the applicants letting them know where they are in the process. Dan Lister and Director Minshall discussed the application process flow through the Planning Department to the Board of County Commissioners. Planning Official Dan Lister said they are going to be pushing for applications that go through substantial changes after a Planning and Zoning hearing but before the Board of County Commissioners to be remanded back to the Planning and Zoning Commission to be re-heard. The Board of County Commissioners is starting to realize that when applications change mid-stream between the two bodies, it is creating an undue burden on the Board's time. The Planning and Zoning should be able to use their power as a hearing body to vet everything out before it reaches the Board. He also stressed that the Planning and Zoning Commission does have the ability to table a case and ask for more information (studies, information) to ultimately recommend an approval, if an approval is warranted. There was discussion about how to review and evaluate criteria used to make decisions and how to specifically cite those they disagree with in the final decision, especially if changing a finding and/or reversing staff's recommendations. Planning Official Dan Lister said they would like to come up with a training program for the Planning & Zoning Commission, the Hearing Examiner and the Board of County Commissioners and get some ideas of some topics they would like more information on, to better understand their role in the process. There was discussion about implementation of the 2030 Comprehensive Plan and updating the Canyon County Code which will take some time as there are some important actions that have to happen.

Chairman Sturgill said he would like to see a more regimented new Planning and Zoning Commissioner training kit; something that the existing Planning & Zoning Commissioners could sit on it when a new Commissioner is going through it. Even the second time around, the Commissioners could learn from it. Director Minshall suggested some existing online courses for Planning and Zoning Commissioners but said she was impressed by the current Commissioners' level of knowledge and this might be useful for new Commissioners. Director Minshall requested that the Commissioners send emails to the Hearing Specialist with feedback on any patterns they are seeing that concern them in applications (water, state highways) and any trainings ideas that they might suggest (Traffic Impact Studies, Nitrate maps). She

also said as the DSD updates their staff report format, she would like to see them keep closely to the criteria they can use to make decisions. Director Minshall also talked about improving the process for over the counter requests and the change to office hours to be open during lunchtime. Planning Official Dan Lister showed software that would help the Planners see case statuses and where they are in the process. Commissioner Nevill said he would like to see standardized (boilerplate) conditions that they could use during the hearing process. He said it would give them a start and everyone would be on the same page regarding the condition they would like added. It would mean they won't have to spend time crafting the verbiage for the condition.

Commissioner Williamson would like to see some information explaining some of the Ag regulations that farmers have to deal with; specifically, with regulations they have to following on spraying distances, the area exclusion zone, etc. Director Minshall said that is a good example of a type of training they can do. Director Minshall suggested they send any suggestions to the Recording Specialist and she will compile them into a list.

Commissioner Villafana said one of the things they hear pretty often is that residents don't get notification of projects near them and suggested a more expansive notification distance as 600 feet (the current notification distance) is not much out in the country. ¼ mile to a ½ mile is more appropriate in rural areas. Planning Official Dan Lister said State Law says notification distance is only 300 feet "or as the Commission requests". About a year ago, they brought a policy to the Planning and Zoning Commission to change that to 600 feet however for some more substantial uses, they do 1000 ft. He said they will never hit everyone; that is why there is newspaper noticing and sign postings. He spoke about the one week prior that the staff report is ready and posted on the website and how they were trying to expand that timeframe. Director Minshall said they are working on some additional noticing for the website by the GIS team.

ADJOURNMENT:

MOTION: Commissioner Nevill 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 19th day of January, 2023.



Robert Sturgill, Chairman

ATTEST



Bonnie Puled, Recording Secretary