



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, June 15, 2023
6:30 P.M.

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

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Vice Chairman
Patrick Williamson, Commissioner
Harold Nevill, Commissioner
Miguel Villafana, Commissioner
Geoff Mathews, Commissioner
Matt Dorsey, Commissioner

Staff Members Present: Dan Lister, Planning Official
Jenna Petroll, Planner
Sage Huggins, Planner
Samantha Hammond, Planner
Michelle Barron, Planner
Deb Root, Planner
Bonnie Puleo, Hearing Specialist

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

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

- **Case No. RZ2021-0061/AG Development, LLC:** AG Development LLC, represented by Hatch Design Architecture, is requesting a conditional rezone of parcel R33952010 from an "A" (Agricultural) zone to a "CR-C-2" (Conditional Rezone - Service Commercial). The request includes a development agreement limiting the types of uses that will be allowed on the property. The applicant is proposing to have a mixed-use storage facility and a business/flex (non-retail) complex on the subject property. The 11.41-acre parcel is located at 9145 Hwy 44, Middleton; also referenced as a portion of the NE¼ of Section 09, Township 4N, Range 2W; BM; Canyon County, Idaho.

Planner Jenna Petroll reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

Jeff Hatch – Applicant (Representative) – IN FAVOR – 200 W. 36th Street Boise ID 83714

Mr. Hatch said this project is just west of Lansing Lane in an area that is fairly rural but there is a lot of development in the vicinity. The proposed site plan has a series of self-storage buildings with a leasing office and that is the project for the County to consider at this time. He showed the additional three buildings that would not be built until the property is connected to Middleton city services. They did a similar project in Nampa about a year before this one and it was requested that they go talk to the city to

allow them to provide commentary and objectives as to what they would like to see and to buy off on their annexation. He said they didn't get a response from Nampa on that project so when AG Development came to them, they advised them to talk to Middleton to understand the city's objectives and the future needs for the area. They worked with them to develop a pre-annexation agreement with the city's conditions for the property. They feel this is a property that can stand on its own, both now while it is in the County and later when it is annexed into the city. The driveway area will be improved with landscaping. They also had some initial discussions with Idaho Transportation Department about access with the secondary driveway and ITD said they do not want it. He showed an email from the city of Middleton about the pre-annexation agreement which said they have no objections to the project. All proposed utilities on site are self-sustaining now and in the future. He said future land use will be in line with this development. They have been working with some of the neighbors and will continue work with them on landscaping and lighting issues to ensure it is cohesive and meets their expectations on buffering and screening.

Commissioner Villafana asked what the plan is for filling in the drainage ditch. Mr. Hatch said they are proposing to work with the irrigation company to tile the ditch so it is a drivable surface and vehicles can drive over it. Commissioner Villafana said the traffic study indicated there would be about 400 daily trips. What challenges do they see for retail offices with such low of daily trips passing down that road? Mr. Hatch said they will talk to the city of Middleton to re-evaluate the use for the rest of the project when the property is annexed into the city.

Planner Jenna Petroll said the types of uses used for the traffic generation study were non-retail which was why there were only 400 trips. It was conditioned it as non-retail.

Commissioner Williamson asked for clarification on the driveway. Was it going to be developed all the way through so that commercial customers and businesses would be able to use it or will they install landscaping to deter people from cutting through and using it? Mr. Hatch said they will put up a couple of trees to deter people from using it. Commissioner Williamson asked Mr. Hatch to explain the plan for the utility corridor shown in exhibit C of the pre-annexation agreement. Mr. Hatch said it was their intent to provide Middleton with the easements they are requesting. Property easements are on the site plan and they will maintain those or change them based on the city's needs.

Commissioner Sheets asked Mr. Hatch about the pre-annexation agreement and the utility corridor agreement. Commissioner Sheets said the city has designated the area as residential/special use; the County identifies it as future commercial. Was it a requirement from the city imposed upon them to sign the pre-annexation agreement and utility corridor? Commissioner Sheets wanted to know what the city of Middleton required of them and why. Mr. Hatch said they went to the city to tell them what they wanted to do and to validate some of their concerns. He said if they went to the city, told them what they wanted to do and it wasn't complimentary to the city's future land use but they still wanted it, they needed to substantiate that. Mr. Hatch said they established the pre-annexation agreement to prove to the County that the city supported the development and the utility infrastructure. Commissioner Sheets emphasized that this application is going through the County and not the city of Middleton.

Commissioner Nevill said there are 13 drafted conditions of approval and asked if they were okay with the conditions including the new suggested modification? Mr. Hatch said yes, they have reviewed the 13 conditions and are comfortable with them, including the modification. Commissioner Nevill said item number two asks if the proposed use is more appropriate than the existing use. The structures are in a flood plain; can he convince Commissioner Nevill that structures in a flood plain are more appropriate than flat land in a flood plain. Mr. Hatch said he has put more storage facilities in flood plains nationwide than anything else. They don't want to put hospital or residential there. He said for use in a flood plain, they are looking at FEMA maps and benchmarks for an elevation that is appropriate for content to be stored on the site. They feel they can coordinate with FEMA on that. Commissioner Nevill asked if it was conceivable that they might raise the elevation of the building pad. Mr. Hatch replied yes and provided an example of a project in Boise in which they raised the site seven feet. Commissioner Nevill asked what

agreements would be issued between the proposed site owner and the owner of the house with the utility easement that comes through the homeowner's property? He said what if the owner of the house says 'no', you can't use their land for an easement?

Planner Jenna Petroll said the access easement and the utility easement are in two different locations. The access easement does run through the home's property and there is a current road users' maintenance agreement. The utility easement will be 100% on the applicant's property. They are not the same easement.

Commissioner Sheets asked the applicant if the city of Middleton compensated them for the pre-annexation agreement or the utility corridor agreement. Mr. Hatch said no, they did not.

Andrew Peterson – IN FAVOR – 11865 W. Skyhaven Street Star ID 83669

Mr. Peterson said they have been working with Canyon County and Middleton because they know they are in their impact zone. They knew the city could give a recommendation of approval or denial for this project. They met with the mayor and showed him what they wanted to do; originally it was all a storage facility. They worked it out to find out what they could do to make everyone happy. They had the idea of a storage site in front and businesses in back just to mitigate that. They received a letter from the city with a pre-annexation letter and some requirements which were easements for future sewer and water lines. They drew three lines where the easements would be which was fine as that was not going to be where buildings were going to be placed. They plan on bringing the site two feet above the base flood elevation level. There are currently two entrances to the property and they worked with Idaho Transportation Department on the best solution for those.

Commissioner Sheets asked if during the discussions with the city of Middleton they indicated that it would be required to have their buy-off as part of the application? Mr. Peterson replied no, they wanted it and just wanted to make everyone happy. Commissioner Sheets said he didn't like what happened.

Rick York – IN FAVOR – 5340 N. Vercelli Way Meridian ID 83646

Mr. York works for the Bank of Idaho. They have recently partnered on several self-storage facilities in the Treasure Valley and most are leased at rates of over 90%. The demand has never been greater and they don't expect that to change in the immediate future. With the amount of new residential homes in the area, a self-storage facility such as this is almost a necessity. He said they did a project in the last year and within six months it was fully leased then everyone else was put on waiting lists. Based on the studies they have received, the tenants occupying these spaces are changing. It is not just residents, they are seeing small businesses using these facilities to store goods, documents and safeguard equipment. It is more cost effective for a business to lease a self-storage unit than try to lease commercial real estate space. By adding self-storage facility such as this they think they are saying 'yes' to small business and encouraging entrepreneurs. Community banks love projects like this: they feel they are providing a service they think the community needs now and well into the future.

Chairman Sturgill said that per the development agreement, warehousing is not allowed and Mr. York's testimony said that warehousing of some nature might be in these facilities. Can he explain how this facility will be different from the areas and properties where warehousing is permitted? Mr. York explained small business using these facilities for document or equipment storage is not on the same scale as the industrial or warehousing that he is referencing.

Steve Hammons – IN OPPOSITION – 9156 Jordan Lane Middleton ID 83644

Mr. Hammons owns the property directly to the south. He said he is not going to oppose this; he should but the owner has the right to sell that property and as long as it is a conforming use, he doesn't feel they should stop it. He doesn't know if he is really in opposition or not. He said the bank representative was right; Republic Storage down the street was at 97% capacity in less than two years and they are doubling its size now. He has had the owners at his kitchen table and they said they would do several things to

make it right for him. It is going to affect his property value and he is going hold them to what they have said and he is hoping the Commissioners will hold them to that also.

Commissioner Sheets asked Mr. Hammons if he looked at the conditions proposed for the project. Mr. Hammons said no. Commissioner Sheets asked if those promises had been put in writing? Mr. Hammons said Andrew and Greg wrote them down and he wrote them down. Commissioner Sheets said he wanted to know if they were making promises, that they were legally enforceable promises. Mr. Hammons said they might not be legally enforceable but that he was hoping they were good men. Commissioner Sheets asked Mr. Hammons if there was anything he wanted added into the list of conditions to ensure those promises were kept. Mr. Hammons said no, he had nothing at this point. He wouldn't mind putting his list in with the County's list. Commissioner Sheets said it will go in front of the Board of County Commissioners for another hearing.

Planning Official Dan Lister explained that County code requires interaction with cities if the project is in the area of city influence and they have 30 days to review it. Recommendations that are provided are required to be given 'great weight' but don't have to be adopted. He also provided historical information on the progression of the case and why the applicant spoke to the city. The city of Middleton does show it as future residential, however they also support mixed use in that area.

Jeff Hatch – Applicant (Representative) – REBUTTAL – 200 W. 36th Street Boise ID 83714

Mr. Hatch said the warehousing concern can be addressed in the CC&Rs and they would be open to a condition stating that. They will continue to work with the neighbor and prior to going to the Board of County Commissioners, they will review and provide the list to the planner. The ambiguity of feedback from a city they are eventually are going to annex into is confusing as he acknowledged they are currently in the County. They are trying to play nice with everyone. He said the value in the feedback is the need for the utility easements to be strategically located and now is the opportunity to do so, but it will take decades for them to have connections there. He is open to collaborations and considerations from both a city and county standpoint to improve those.

Commissioner Williamson asked if they should add the requirement to provide the (neighbor's) list to the conditions of approval. Planning Official Dan Lister said there was no list provided to the Planning and Zoning Commission, so there was nothing on the record to provide to the Board of County Commissioners. They didn't list the items in testimony on the record, so they would have another opportunity in front of the Board of County Commissioners to provide those specifics. Commissioner Williamson stated he was just trying to avoid having the application remanded back to the Planning and Zoning Commission if a new list was provided.

Commissioner Nevill asked if warehousing might happen on site. Mr. Hutch said no, if we apply a condition that warehousing be restricted in the CC&Rs, it gives Canyon County the chance to review those CC&Rs. Mr. Hutch confirmed that warehousing was not allowed and felt the condition of approval restricting warehousing covered it.

MOTION: Commissioner Nevill moved to close public testimony on Case RZ2021-0061, seconded by Commissioner Mathews. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill said he was comfortable moving forward with approval for the application as long as they get the correct wording down for draft condition #4, which he believes he can provide.

Commissioner Villafana said he agrees with Commissioner Nevill: one of his big concerns was the flood zone which Mr. Hatch answered. He would also like to emphasize the need for a strong liability and flood insurance policy.

Commissioner Sheets said based on the requirements provided for them to review, he believes it fits and is within the proposed land use zones. Idaho Transportation Department said it won't cause any

traffic impacts or require any mitigation. He said he was not too thrilled with the interaction that happened with the city of Middleton. Commissioner Sheets felt the city extorted the applicants into granting the city property rights without compensating them for it. He felt the city fed them a line that their blessing on this would affect their application. They had valuable property rights that could have been negotiated in the future and they were not subject to forced annexation. The applicants wanted to do mini-storage on the entire property but the city saying they wanted to do mixed use there transformed it into requiring city services. He was very unhappy with the way it went but that is irrelevant with what is before them right now. He thinks it doesn't conflict with the Comprehensive Plan and is appropriate for the zone. The agreement is already signed with Middleton. Commissioner Dorsey confirmed that the Planning and Zoning Commission has nothing to do with the city of Middleton annexation agreement.

MOTION: Commissioner Nevill moved to approve Case RZ2021-0061 including the Findings of Facts, Conclusions of Law and modified Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Commissioner Villafana. Roll call vote: 7 in favor 0 opposed, motion passed.

- **Case No. VAC2023-0001/Philip & Glenda Horton:** The applicants, Philip & Glenda Horton, are requesting a plat easement vacation to remove the 12 foot utility and irrigation easement along the northeast and south property boundaries located on Lot 4 Block 1 Kodiak Subdivisions. The 20 ft Easement for Kennedy Lateral will not be affected with this application. The applicant's property is located at 4832 Meadowlark Ln, Nampa, the request affects only parcel R30430103, Lot 4 Block 1 within Kodiak Subdivision); also referenced as a portion of the NW¼ of Section 08, Township 3N, Range 1W; Canyon County, Idaho.

Planner Sage Huggins reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

Phil Horton – Applicant – IN FAVOR – 4832 Meadowlark Lane Nampa ID 83687

He had no additional testimony and there were no questions from the Commissioners.

MOTION: Commissioner Sheets moved to close public testimony on Case VAC2023-0001, seconded by Commissioner Mathews. Voice vote, motion carried.

DELIBERATION:

No Commission deliberation.

MOTION: Commissioner Nevill moved to approve Case VAC2023-0001, 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 Sheets. Roll call vote: 7 in favor 0 opposed, motion passed.

- **Case No. CU2023-0002/Alejandro Jimenez–Juan Nieves:** The applicant, Juan Nieves, is requesting a conditional use permit to allow a staging area on parcel R30621010. The property is zoned "A" (Agricultural). The property is located at 80 S Robinson Rd, Nampa, Idaho; also referenced as a

portion of the NW¼ of Section 29, T3N, R1W, Canyon County, Idaho.

Planner Samantha Hammond reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

Juan Carlos Nieves – Applicant (Representative) – IN FAVOR – 3812 E. Clear Springs Dr. Nampa ID 83686

Mr. Nieves requested the conditional use permit; he owns the excavation company. He is renting the property to hold all his trucks and equipment. When he moved in, he didn't know he needed the conditional use permit. He said the neighbors told him he didn't belong to that place and want him out. He came to the county and just wanted to do everything right and doesn't want to be breaking any laws. Not all the employees have their cars there: some employees take company pickups home so there aren't always cars parked there. He only has 5 employee cars. He said his company trucks and equipment are mostly what is seen on the property. He put the hours of operation at 8 am – 8 pm; sometimes they get off a little earlier, sometimes they get off a little later. On the same property, there is a house in the back and there are other people living there. That house is not part of his rental. He wanted to clarify that if neighbors see people on weekends, driving onto the property, it's the people living in the house in the back. Sometimes his employees will be there on Saturdays to check the equipment. He said the most important thing here is that they want to do everything right.

Commissioner Williamson asked how long he has been renting and storing the equipment on the property? Mr. Nieves said since last May. Commissioner Williamson said he was concerned about the start time: they won't be able to leave until 8:00 am. Mr. Nieves said that most guys come in at 7:45- 7:50 am and leave by 9:00 am.

Commissioner Nevill asked who owns the trailers shown in one of the photographs? Mr. Nieves replied they belong to some of his employees who asked to keep them there. Commissioner Nevill said the trailers could become a problem; it's only for staging his excavation equipment. The trailers wouldn't be included in the permission. Mr. Nieves said that wasn't a problem and they could remove them. Commissioner Nevill said there are seven conditions of approval; has he seen them? Mr. Nieves said yes. Commissioner Nevill asked if he would be okay adding a condition that would state he has to remove the trailers. Mr. Nieves said yes. Commissioner Nevill asked what would happen to his business if the conditional use permit was denied. Mr. Nieves said he might struggle a little bit until he found another place to move to. It would be hard for him. Commissioner Nevill said that he said he checks trucks on Saturday; does he do maintenance on the trucks? Mr. Nieves said that the tires are taken care of by Les Schwab and for oil changes and bigger maintenance items, he takes it to a mechanic. He fixes small things on site. Mr. Nieves said he keeps all the equipment at the back of the property to minimize any noise. Planner Samantha Hammond suggested the cleanest way to handle that would be to state all operation maintenance must happen during operating hours.

Commissioner Mathews asked how long his lease was? Mr. Nieves said they never talked about length of time. Commissioner Mathews asked if this activity was for a particular project or is it for all of their work. Mr. Nieves said he was eventually hoping to purchase his own place away from everybody and move out. Planner Samantha Hammond clarified that this conditional use permit was for the operation of his entire business, not just one project.

Commissioner Villafana asked if a landscaping business is allowed in the agricultural zone? Staff replied yes. Commissioner Villafana asked if excavating was also allowed. Planner Samantha Hammond said code is vague on what excavation is; this request is for the staging area only. Commissioner Villafana asked how much of his business is excavating versus landscaping. Mr. Nieves said 30-40% is landscaping and the rest of the work is excavating.

Planning Official Dan Lister and Samantha Hammond explained County Code for long term staging versus overnight parking.

Mr. Nieves said within a mile of his property, there are six different landscaping companies and another two excavating companies, on Robinson Road.

Chairman Sturgill asked Planner Samantha Hammond about similar conditional use permits in the area. Ms. Hammond pointed to exhibit B(2c) which showed any conditional use permits but said the data was pulled from 2018 so it doesn't show anything since 2018. She also said there are a number of code enforcement violations in that area.

Commissioner Williamson asked Mr. Nieves if he did anything to mitigate dust when he stores dirt on the property. Mr. Nieves said not currently, because they don't haul in and out every day.

Commissioner Sheets asked the applicant if he had reviewed the staff report. Mr. Nieves responded yes. Commissioner Sheets said there are some potential impacts including movement of large vehicles and dust. There are suggested mitigations including a privacy fence; would he be willing to build a fence around the area? Mr. Nieves said he would be willing to build a berm around the area with the most noise. He didn't feel there was really heavy traffic in the morning. Commissioner Sheets asked if he would be willing to implement dust mitigation measures? Mr. Nieves said yes, he could have some of his guys water during the day.

Mario Nieves – IN FAVOR – 823 E. Hawaii Avenue Nampa ID 83686

Mr. Nieves said there is no work happening at the site unless they bring a dump truck to dump or pick up dirt on the site. There is no other work happening there. He said there is a lot of traffic anyway, especially because Robinson Road was closed due to a roundabout being built. That caused a lot of traffic in the area because it was closed for six months.

Joe Palmer – IN OPPOSITION – 104 South Robinson Road Nampa ID 83687

Mr. Palmer said he is in opposition to this because has to live next door to it. He has been in construction his whole life and he knows what it means to build a fence or a berm. A fence or berm isn't going to stop the backup alarms at 8:00 am. They have to have those because of an OSHA requirement. He said the property is an eyesore; they can't build a berm big enough to hide it. He said he didn't know how he ran the business out of two acres: it is jam packed. He doesn't want to listen to the noise. He said contamination will happen; fuel will get spilled on the ground and he doesn't want to drill another well. The roundabouts are finished on Robinson and he still had to sit for 10 minutes to get onto Robinson Road from his lane. Putting big trucks on the highway is asking for trouble.

Commissioner Nevill said the City of Nampa is recommending denial because they have a different plan for this area; what is his vision of the future of this property? Mr. Palmer said he moved to live in the country, for some peace and quiet and to raise some animals. They had no idea they would have some construction outfits move in and have to face that. He would like to see it stay the way it is. Commissioner Nevill asked if there were other construction companies on the street. Mr. Palmer said yes; Scott Construction gets a job and his equipment leaves for a couple of weeks. There isn't the coming and going every day. The former owner of that company had a conditional use permit and he thinks it transferred to the new owner.

Commissioner Williamson said it looks like he is disputing conditions #3, #4 and #7. Mr. Palmer said yes. Chairman Sturgill asked Mr. Palmer how long he had lived there. Mr. Palmer said 45 years. Chairman Sturgill asked what the subject property was used for in the past and Mr. Palmer said it was pasture.

Barbara Harris – IN OPPOSITION – 73 South Robinson Road Nampa ID 83687

Ms. Harris said she lives directly across the street from the subject property. She asked if they received her letter and photos. The Commissioners confirmed they did. She wanted to show them how it looked last week with photos. Planner Samantha Hammond said the new process is not to accept late exhibits

unless the Commission votes to accept them. Ms. Harris described the photos she took: there are higher weeds, additional piles of concrete and old stumps. The city of Nampa expects this to go more residential, not in the opposition direction. This business is located in a cluster of residential properties. It is noisy, dirty and dangerous. She said they do load up the equipment and leave in the morning and come back at night. The big problem, she said, is the big trucks that come and go are 15 cubic yard dump trucks and larger. Most days they bring material and dump it. They have compression brakes that slow in front of her house. She doesn't know what they are bringing in, but she is breathing it. There is all this noise including the slamming of tailgates and back up alarms. She said it is an eyesore.

MOTION: Commissioner Mathews moved to grant 2 more minutes of testimony to Barbara Harris, seconded by Commissioner Villafana. Voice vote, motion carried.

Ms. Harris continued: the traffic is bad and 50 mph is a minimum speed. Her real estate agent said there will be a significant change in their property values. It has changed the tenor of the neighborhood and impacted her lifestyle. She looks out her front window and sees a mess. She said this doesn't belong in the middle of a residential area and Nampa knows that. All the properties are small agricultural and residential. The traffic issue will be a huge one; if the Commissioners approve this, there will be an accident in front of her house. It is not an "if", it's a "when".

Commissioner Nevill asked if she agrees that it is low density residential. She said yes. Commissioner Nevill asked if she was aware of any other construction companies in the area. She said "Scott's" is down the road. She supported that business a few years ago but probably wouldn't now because businesses like that don't belong in a residential area. She said Scott's a totally different business: he stores his trucks at the back of the property and there is no coming and going on a daily basis.

Commissioner Williamson asked Ms. Harris about conditions of approval 3, 4 and 7. He asked if she didn't think there was any way to mitigate those issues. She said a perimeter fence isn't going to change the Comprehensive Plan and it won't affect the traffic issue. She believes it is injurious to her property and those in the immediate vicinity. She didn't have any information on the sanitary services for that property or any septic system approved for 23 employees. Her well is less than 150 feet from that property.

Chairman Sturgill asked if she was suggesting that this property is being used for more than a staging area with material was being dumped and re-loaded at the site. Ms. Harris said yes, not every day but often.

Diana Shelubay – IN OPPOSITION – 3447 W. Remembrance Drive Meridian ID 83642

Ms. Shelubay was there for her parents who live at 70 S. Robinson Road. She said they don't have anything against the applicants but her parents, who migrated from Ukraine decades ago, built their dream home four years ago to have it now be affected. As a realtor, she said these properties will be affected. The tenants dump a lot of concrete that doesn't get moved very often. Her kids go to her parents' house and they have to breathe the diesel fumes from the trucks. She expressed concerns about a farmer who grows corn right by the property and if diesel fuel spills, she asked what will happen to that corn?

Juan Carlos Nieves – Applicant (Representative) – REBUTTAL – 3812 E. Clear Springs Dr. Nampa ID 83686

Mr. Nieves said the backup alarms on the trucks only happen when they are working from that property. He said what Mrs. Parker said about the pictures, he felt like she was calling the planner a liar. He said trucks come and go and when the planner came to take the pictures, most of the trucks were gone. He acknowledged that he does have more trucks than is shown in the photos. He said he does start the trucks in the morning, but they don't run all day at that location.

Commissioner Dorsey asked him to explain the dumping and unloading on site. Is it just his trucks that are unloading? Mr. Nieves said when they are doing a job and they have extra dirt, they bring it to the yard. When they need it somewhere else, they haul it out. Commissioner Dorsey asked about other materials like concrete. Mr. Nieves said that he does dump concrete but he only dumps concrete on site when the dump is closed. Once it opens, he picks it up and hauls it off.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2023-0002, seconded by Commissioner Mathews. Voice vote, motion carried.

DELIBERATION:

Commissioner Villafana asked Planner Samantha Hammond how long would the business have to move if they were denied? Ms. Hammond replied she couldn't answer that question; the case would be turned over to Code Enforcement. Planning Official Dan Lister said it depends on how long the case has been active and how much time they have already given them to abate the situation. Commissioner Villafana asked if they could appeal to the Board of County Commissioners and the planner replied yes. Commissioner Nevill said they could put some additional conditions in the conditional use permit to mitigate all the issues but he felt this application was too flawed to fix. The biggest issue is that the City of Nampa has a different vision for the area and they have an agreement with the city to try to help each other. He didn't see overwhelming evidence that he would not want to help them with their plans for low density residential. He recognizes that by voting for denial, he is causing a significant problem for Mr. Nieves and he applauds his business ownership and that he employs people. He hopes that it is true that he moves and continues his business. He thinks the area is in transition and doesn't feel that either one of the construction outfits mentioned during testimony need to stay there. He said this is not the character of the area. He would be in favor of denial.

Commissioner Mathews said he agreed with Commissioner Nevill. He is concerned that there is no term to the lease which could mean it is a perpetual thing. He said it is inconsistent with what the city of Nampa is doing and where the area is headed. He doesn't think it is an appropriate use of the property.

Commissioner Villafana asked if they could put in a condition that as higher density of residential encroaches they would have a certain number of days to vacate, or a condition that will not allow any additional permanent structures to be put on the site. He said, as of now, Nampa doesn't have any houses out there yet. If we look at it as of right now, this business is allowed through a Conditional Use Permit. It could be years before houses are built in the area. Planner Samantha Hammond said any additional buildings put on the site would be out of the scope of the conditional use permit and they would need to come in for a building permit to do that. She said it was hard to condition city expansion as you don't know when or how that would happen. She doesn't know how code would allow that wording. There was discussion about traffic in the area.

Commissioner Williamson said this is Canyon County and while he appreciates the comments from the city of Nampa, this is the county. He was on the fence about this application. If approved, he would want see some form of mitigation for the dust and weeds.

Commissioner Dorsey asked the planner if when the city Nampa comes along, could they make another decision and say the use is no longer appropriate? The planner described the process if the property was annexed in and how the existing conditional use would be handled.

Commissioner Sheets said in the abstract, he agrees with the staff report. For this specific property, he disagrees with it. Based on the testimony heard tonight, the prior use was a pasture then the character of the property changed. He said the activities are relatively close to the other properties so he finds under condition of approval #4, it would be injurious to the area. He said that also goes with condition of approval #7; the traffic patterns. He understands they can't control what goes on down the road, but they can control what happens here. The staging area would increase the immediate area's traffic with large vehicles and equipment. He thinks there will be undue influence on current and future traffic patterns. Based on those observations and the testimony they heard, he is not in favor of this as presented.

MOTION: Commissioner Nevill moved to deny Case CU2023-0002 including the Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Mathews. Roll call vote: 4 in favor, 3 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 5/18/2023, seconded by Commissioner Villafana. **Commissioner Mathews, Commissioner Dorsey and Chairman Sturgill abstained from the vote.** Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planner Jenna Petroll announced that this would be her last hearing as she was moving to the East Coast. Planning Official Dan Lister listed off some future workshops with the Board of County Commissioners with local Fire Departments, the City of Middleton regarding their area of city impact and aligning the County and city's visions for the future, discussions about private roads and an outline on how they want to amend the private road county code. He summarized some past workshops with the Board of County Commissioners. Planner Michelle Barron pointed out that the Commissioners always have the decision option to table or continue the case and instruct the applicant to work with staff on any issues that may need to be addressed.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Williamson. Voice vote motion carried. Hearing adjourned at 9:56 pm.

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

Approved this 20th day of July, 2023



Robert Sturgill, Chairman

ATTEST



Bonnie Puleo, Hearing Specialist