



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, January 4, 2024
6:30 P.M.

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

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

Matt Dorsey, Commissioner joined the hearing at 7:21 PM

Staff Members Present: Sabrina Minshall, Director of Development Services
Carl Anderson, Planning Supervisor
Michelle Barron, Principal Planner
Dan Lister, Principal Planner
Hether Hill, Principal Planner
Amber Lewter, Hearing Specialist

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

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

Director of Development Services, Sabrina Minshall, requested an amendment to the agenda as follows:
1). move action item no. 4 to number 2 and 2). CU2023-0014, York will be 3rd in the order.

MOTION: Commissioner Williamson moved to amend the agenda as requested. Motion seconded by Commissioner Sheets. Voice vote, motion carried.

Item 1A:

Case No. CR2023-0008 – Zion Ventures LLC - Approval of revised FCO's.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts. Motion seconded by Commissioner Mathews. Voice vote, motion carried.

Item 1B:

Case No. RZ2021-0030 & SD2021-0018 – LGD Ventures / Goldberg / Lewis Heights – Approval of revised FCO's.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts. Motion seconded by Commissioner Mathews. Voice vote, motion carried.

Item 2A: DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director of Development Services Sabrina Minshall introduced some new employees. The new Planning Supervisor Carl Anderson and the new Principal Planner Hether Hill. Planning Supervisor Carl Anderson introduced himself and provided a brief background. He is coming from Pocatello and is a Boise state

graduate. Graduated with a Masters in Community Regional Planning. Has worked with the City of Ketchum, after that worked with the City of Pocatello for the past 6 years. Planner Hether Hill introduced herself and gave a brief background. She is coming from Bend, Oregon during her time there she did some land use planning for the County and project management for the City of Bend. She has a background in environmental management in forestry and natural resources planning.

Item 3A:

Case No. SD2020-0023- Kelly Ridge: A request has been submitted by Robert and Jeanne Kelly for approval of a **Preliminary Plat and Irrigation & Drainage Plan** for the Kelly Ridge Subdivision. The development consists of 9 residential lots and 1 private road lot. The subject property, Parcel No. 38157011 is located on the south side of Purple Sage Road, approximately 680 ft. west of the intersection of Freezeout Rd., and Purple Sage Rd., Caldwell, Idaho, in a portion of the NW 1/4 of Section 34, T5N, R3W, BM. Canyon County, Idaho.

Planner Michelle Barron reviewed the Staff report for the record.

Commissioner Williamson asked if the ditch along the northern boundary will be piped. Planner Michelle Barron advised part of the ditch runs off of their property so it will not all be piped. Black Canyon Irrigation did recommend that the southern part of the parcel not be piped and that is the one that runs through the back lots but they do recommend covering the ones that run up along Purple Sage.

Commissioner Nevill asked if they received any information regarding firefighting water. Planner Michelle Barron advised they didn't receive anything specific and the Fire Department did not respond. There is a condition to follow the International Fire Code as administered through the Fire District.

Chairman Sturgill stated in exhibit 3D it suggested there would be individual storm water retention ponds but didn't see any on the plat, it was asked if there has been any discussion where those would be in terms of the individual lots. Planner Michelle Barron advised she isn't sure and originally there was a different surveyor involved, the one that is actively involved now is present at the hearing and would be better able to address the questions.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Robert Kelly (Applicant) – IN FAVOR – 14715 Purple Sage Rd, Caldwell, ID, 83607

Mr. Kelly stated this has been a long journey that is going on 5 years. At the beginning they had a different surveyor and now they have Mr. Wellington. Mr. Kelly advised Mr. Dingeldein has some property along side his property and is requesting Mr. Kelly to give him access to his non-buildable lot. Mr. Kelly advised he is not going to give Mr. Dingeldein access to the lot.

Commissioner Williamson stated there are two lots with an open ditch on the lower side and the Irrigation District will require a crossing over to the other easement. Commissioner Williamson asked what the plan is for the piece on the west side of the canal. Mr. Kelly stated his son and a friend are going to take those two lots and put horses down there, that will keep that side of the ditch clean, and will be fenced off.

Commissioner Nevill stated staff had 8 original conditions of approval and is now adding a 9th condition to require a road users maintenance agreement. Commissioner Nevill confirmed Mr. Kelly agrees to all 9 conditions. Commissioner Nevill stated Black Canyon Irrigation District recommends fencing of the canal

lateral, he asked which part of the lateral do they want the fence. Mr. Kelly provided the location pointing to the location on the screen. Commissioner Nevill confirmed that Mr. Kelly is going to fence the canal lateral as recommended by the Black Canyon Irrigation District. Commissioner Nevill asked what the plan is for firefighting water. Mr. Kelly stated everyone is on an individual well, there is a proposed irrigation plan where there is a pond with a pressurized system that is going down to each one of the lots for irrigation water and that is what will be the firefighting water. Commissioner Nevill asked if it is one pump that will provide both irrigation and firefighting and if it will be on all the time. Mr. Kelly stated it is one pump and it will not be on all the time, you have to flip a switch. Commissioner Nevill asked if there is a fire they have to go turn on the pump. Mr. Kelly stated that was correct. Commissioner Nevill asked for clarification on the concern for Mr. Dingeldein's property. Mr. Kelly pointed out the location of the property. Commissioner Nevill confirmed it is outside Mr. Kelly's property line but inside where the canal sweeps around it. Mr. Kelly advised there is no access to Mr. Dingeldein's property and he has asked Mr. Kelly several times for access through his property. Mr. Kelly is not going to give him access. Mr. Kelly stated that the irrigation road goes through there and perhaps they will give Mr. Dingeldein access if he contacts them.

Steve Wellington – IN FAVOR – PO BOX 702, Meridian, ID, 83680

Mr. Wellington introduced himself as the surveyor and stood for question.

Commissioner Williamson asked for clarification where or how the storm water is going to be retained on each individual lot. Mr. Wellington stated he isn't the engineer who did the drainage and irrigation plan. He indicated that the private roads will have ditches along both sides to collect drainage. There will be some historical drainage the irrigation district will allow into their ditch anything excess must be retained on site. Commissioner Williamson asked if these are custom built homes where each property owner will have to get an engineer to design drainage for each lot. Mr. Wellington stated that is his understanding.

Commissioner Nevill asked if Mr. Wellington can describe the pump for the firefighting water and irrigation water. Mr. Wellington advised he isn't the engineer for the project and cannot provide details in regard to the pump.

Commissioner Sheets asked for clarification when it comes to outside parcels if there is any preexisting easements or roadways that are not on the plat. Mr. Wellington advised there is not.

John Dingeldein – IN OPPOSITION – 2021 Interlachen, Meridian, ID, 83646

Mr. Dingeldein stated he would just like access to his property. Mr. Dingeldein stated he feels there can be some remedy in the situation seems the parcels are getting subdivided, there could be a private road going to his property. What Mr. Dingeldein understands by the Sheriff's office is that Mr. Kelly has to file something to keep him off the land to stop Mr. Dingeldein from getting to his property. Mr. Dingeldein has materials on the property and hasn't been able to get to them.

Commissioner Williamson asked for clarification on where Mr. Dingeldein's property is located. Mr. Dingeldein pointed out the location on the screen. Commissioner Williamson asked if he is able to get to his property going along the canal road. Mr. Dingeldein advised he would have to put a covert in and drive over the top of it but that is a possibility.

Chairman Sturgill asked how big the lot size is. Mr. Dingeldein advised it is three quarters of an acre.

Commissioner Nevill asked what Mr. Dingeldein's business is. Mr. Dingeldein advised he is a masonry contractor, entertainer, songwriter and singer. Commissioner Nevill asked if what Mr. Dingeldein needs

access to is part of his masonry. Mr. Dingeldein confirmed that is correct. Mr. Nevill asked if the property is land locked. Mr. Dingeldein stated he wouldn't call it land locked but he will need to go through Black Canyon Irrigation and Black Canyon Highway District to gain access, he is willing to go that route he was just hoping Mr. Kelly could provide access to his property. Mr. Nevill confirmed that the private road that is proposed currently does not give him access. Mr. Dingeldein stated Mr. Kelly has denied him access to get to his property so when he goes to his property he has to go hop the ditch and go down ditch rider's road.

Robert Kelly (Applicant) – REBUTTAL – 14715 Purple Sage Rd, Caldwell, ID, 83607

Mr. Kelly stated he allowed Mr. Dingeldein access to his property for about 3 years but once others started gaining access without Mr. Kelly's knowledge is when he put a stop to Mr. Dingeldein getting to his property through Mr. Kelly's property. Mr. Kelly stated that Mr. Dingeldein can go through the correct channels.

Planner Michelle Barron stated all the irrigation and drainage has been approved through the County's engineer according to their standards. There is a plat note, number 5, which covers storm water and that it needs to be kept onsite. With fire suppression is handled under the condition for International Fire Code that is administered through the fire district. Chairman Sturgill asked if Mr. Dingeldein's property is a buildable lot. Planner Michelle Barron advised that is outside of this application and hasn't looked into that property. If Mr. Dingeldein files a parcel inquiry they will be able to answer that question.

MOTION: Commissioner Sheets moved to close public testimony on Case SD2020-0023, seconded by Commissioner Villafana, voice vote, motion carried.

DELIBERATION:

Commissioner Sheets stated they do not have the jurisdiction to put access to an outside parcel for this particular case, even if the property is land locked that is a matter for litigation. Commissioner Sheets is in favor for adding condition 9 but would also add a condition 10 stating prior from final plat the applicant shall indicate the final plat compliance with plat note number 5. It would be indicating the drainage and containment areas.

MOTION: Commissioner Williamson moves to approve Case SD2020-0023 based upon the Findings of Facts and Conclusions of Law and conditions of approval with the addition of conditions 9 and 10 and recommends approval to the Board of County Commissioners. Seconded by Commissioner Sheets.

Discussion on the Motion:

Chairman Sturgill confirmed Planner Michelle Barron was able to capture the additional conditions. Planner Michelle Barron advised she had condition 9 already typed up and for condition 10 she has prior to final plat applicant should indicate on the final plat compliance with plat note number 5 for drainage plans.

Commissioner Nevill stated he agrees with the additional conditions of 9 and 10. He also strongly suggest further conversation by Mr. Dingeldein and DSD to gain further knowledge into the situation.

Roll call vote: 6 in favor, 0 opposed, motion passed.

Item 3B:

Case No. CU2023-0008- Nampa Paving: The applicant, Quadrant Consulting, Inc., representing Nampa Paving, is requesting a conditional use permit modification to Case No. CU2022-0033 regarding a long-

term mineral extraction use on parcels R34061 & R34144. The modification updates the site plan increasing the footprint of gravel extraction areas. The subject properties, approximately 138.9 acres, is located at 9016 Lincoln Road, Caldwell, also referenced as a portion of the SE¼ of Section 16, T4N, R2W and a portion of the NE¼ of Section 21, T4N, R2W, BM, Canyon County, Idaho.

Commissioner Dorsey arrives at 7:21 PM. Chairman Sturgill swore Commissioner Dorsey in.

Planner Dan Lister viewed the Staff report for the record.

Chairman Sturgill affirmed the witnesses to testify.

Commissioner Nevill asked for clarification with how much the acreage will increase to with the Conditional Use Permit. Planner Dan Lister advised it will increase to 73 acres, that is coming from reclamation plan that was approved by the Idaho Department of Lands. Commissioner Nevill asked if they can move ahead with approval without the final answer from Army Corps of Engineers because conditions 8 and 9. Planner Dan Lister stated that is correct, the DSD Engineering Coordinator has worked with the applicant and discussed this item with the members of FEMA to come up with those conditions.

Testimony:

Nick Kraus (Representative) – IN FAVOR – 1442 S Tanager Way, Boise, ID, 83709

Mr. Kraus introduced himself as the engineer on the project. Mr. Kraus stated the owner has been working with the corps of engineers in length largely regarding a small wetlands area that he has offered to mitigate. While they were waiting on that they applied to the County for the expansion. Mr. Kraus stated they agree with the conditions and will not move ahead until they have worked with the corps for the permitting process.

Commissioner Williamson asked if the Army Corps of Engineers comes back and says no, will they go back to the default approval. Mr. Kraus stated that is correct.

Commissioner Nevill asked if Mr. Kraus agrees with conditions 8 and 9. Mr. Kraus stated they worked with staff and the County Engineer with those conditions and agrees with them. Commissioner Nevill asked if those conditions effect the reclamation plan. Mr. Kraus stated the reclamation plan is tied to what pit is getting developed.

Randy Wood – IN FAVOR – 11505 Bass Lane, Caldwell, ID, 83605

Mr. Wood stood for questions.

Chairman Sturgill asked how many months Nampa Paving has been in operation with the current footprint. Mr. Wood advised around 6 months. Chairman Sturgill asked if during that time have they had any complaints. Mr. Wood stated they haven't.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2023-0008, seconded by Commissioner Mathews, voice vote, motion carried.

DELIBERATION:

Commissioner Nevill stated he is pleased they took the time to work out the conditions with all the parties.

MOTION: Commissioner Nevill moves to approve Case CU20233-0008 based on the Findings of Fact and Conclusions of Law and conditions of approval. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Sheets stated he isn't a fan of "conditional" conditions and believes the timing is off without knowing with the Corps of Engineers is going to approve or disapprove of the expansion. Commissioner Sheets would not like to have County authorization out there that is dependent on others, he believes they should be the last stop. Commissioner Sheets is not in favor without the information.

Chairman Sturgill asked if Commissioner Sheets would recommend a continuance or a denial. Commissioner Sheets stated he would recommend to continue to a date uncertain because they are waiting for the Corps of Engineers.

Roll call vote: 3 in favor, 4 opposed, motion failed.

MOTION: Commissioner Sheets moves to continue Case CU20233-0008 to a date uncertain. Seconded by Commissioner Williamson.

Roll call vote: 6 in favor, 1 opposed, motion passed.

Item 3C:

Case No. CU2023-0014- York: The applicant, Riley Planning Services LLC representing James York, is requesting a conditional use permit to allow a group home on Parcel R28994011. The use will provide managed living amenities for up to 30 residents. The vacant 5.41-acre parcel is located south of 8979 Robinson Road and 5093 Deer Flat Road, Kuna, parcel R28994011, also referenced as a portion of the NE ¼ of Section 19, T2n, R1W, Canyon County, Idaho.

Planner Dan Lister viewed the Staff report for the record.

Commissioner Sheets asked for clarification on the access to the parcel from the easement from the parcel from the north. Planner Dan Lister advised when it got approved, the land division had to establish access so it wasn't land locked when they figured out they couldn't gain access from Robinson Rd. A 28' easement was created. The 28 ft access came with an approval for a reduction from 60 ft to 28 ft and as part of that they require a road users maintenance agreement. The owners at the time submitted a road users maintenance agreement but what is being disputed is not all owners were part of that. The code doesn't state all owners have to be a part of that the code states whoever is going to be responsible for the road needs to sign it. The property to the north is the one that created that division, they are the ones that created the easement and created the document. Commissioner Sheets stated that Staff has the paperwork whether or not it is valid is not Staff's concern. Planner Dan Lister advised it meets the letter of the code in the sense that it identifies who is taking access and who is taking maintenance.

Commissioner Williamson addressed exhibit 4A page 3 for Kuna Fire Districts comment, the image has a conflicting access point. Commissioner Williamson asked if at the time that was submitted had the fire district not said anything yet. Planner Dan Lister advised that prior to submittal they go to those agencies so a lot of those comments that are seen from Southwest District Health and the fire department those are before the application is submitted. The comments are based off an old conceptual plan, they did not comment back for the new conceptual plan and allowed Staff to use those comments as their response.

Chairman Sturgill asked if Planner Dan Lister can characterize the difference between the conceptual plan that they received agency comments from and the conceptual plan that is present today. Planner Dan Lister advised the building hasn't changed, the parking location changed, and the access is moved closer to the west side of the property. Chairman Sturgill asked if there is any public transportation or plans for public transportation in the near future. Planner Dan Lister stated they did not receive comments from VRT for their plans for public transportation. With the area being a rural location, it isn't likely to have public transportation. Chairman Sturgill asked with Staff recommending denial if Planning and Zoning head in that direction who provides action of approval. Planner Dan Lister stated Staff provides way to gain approval such as buffering, offering a site plan and operations plan, fencing and landscaping, reducing light pollution as well as establishing a single-family residence on the location first or demonstrate how that layout can be converted into a residential if it ceases to exist.

Chairman Sturgill emphasized that they cannot consider the individuals that will occupy the facility they will discuss the facility and the impact it will have on the area.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

William Dean (Representative) – IN FAVOR – 5700 E Franklin Rd, Suite 250, Nampa, ID, 83686

Mr. Dean expressed his surprise of denial from Staff because they are missing information. Mr. Dean stated the operation plan and mitigation plan were both submitted June 14th and isn't sure why it is not included in the staff report. Mr. Dean stated that when Ms. York comes up to testify she is going to go over the points for both the operational and mitigation plan. Mr. Dean asked for the Commissioners to keep in mind that it is the stated policy of Idaho to provide treatment for the types of residence that would be using the facility, citing the alcoholism and intoxication treatment act Idaho Code 39.300, "It is the policy of the state that alcoholics and intoxicated persons or drug addicts will not be subjected to criminal prosecution or incarceration solely based because of their consumption of alcoholic beverages or addiction to drugs but rather should be afforded treatment in order they may lead normal lives as productive members of society". Mr. Dean stated that the conditional use permit with reasonable conditions is compatible with Idaho Stated Policy, it is compatible with the County's comprehensive plan, and that there is a shortage of facilities. Mr. Dean stated the parcel is not an Ag parcel although zoned Ag. There has been acknowledgement from opposition and with an Administrative Decision from a year or two ago that the parcel has not been used for farming operations or Ag purposes for years. Mr. Dean believes the highest and best use for this land is what the applicant intends to use it for. Mr. Dean stated the applicant wants to better the community and it will be an immediate disqualifier to get into the facility if they are coming out of prison or sex offenders. Mr. Dean stated the conditions to do a test run in a residential home and to provide a plan to repurpose the building if the group home ceases to exist is to burdensome. Proposing conditions that are to burdensome and unreasonable can be a discrimination and a violation of the Fair Housing Act. People with the diseases that will be at the facility meet the legal definition of handicap and disabled under the Federal law. Mr. Dean concludes by saying they agree to reasonable conditions such as mitigating the light pollution, having a buffering arrangement of landscape or fencing, perhaps a combination of the two. They do not agree to having a strict condition that they fence the whole perimeter of the property and landscape it. Mr. Dean stated there is a canal that runs through the property and it is his understanding that the irrigation district has easement rights even when going through private property which they cannot encroach with fencing.

Commissioner Nevill asked for explanation on how they plan to mitigate and prevent the impact for the surrounding agricultural operations. Mr. Dean stated Ms. York would better answer that question.

Commissioner Sheets stated there is specific things on the Fair Housing Act they are not allowed to consider so asked Mr. Dean why he brought them up. Mr. Dean stated he wasn't saying that to be intimidating it was brought up to emphasize the importance. He wants to balance the interest of all parties including the Counties duty to provide reasonable commendations and access to affordable housing to these class of persons. Commissioner Sheets agrees that unreasonable and unrelated conditions can violate FHA along with other laws. Commissioner Sheets stated the nature of the clientele of the facility will not be considered when the Commissioners make their decision because it is irrelevant for this Conditional Use Permit the criteria doesn't speak on the character of the people.

Commissioner Williamson asked Planner Dan Lister about the ditch Mr. Dean testified on if it is under jurisdiction of any ditch company. Planner Dan Lister stated it is within Boise Kuna Irrigation District, they just didn't submit any comments. Commissioner Williamson stated the building plan has a touch of a rustic look but it looks like a commercial building and one of the comments from staff was if the building could look more residential. Mr. Dean stated that topic came up earlier and the applicants are open minded and going to go speak to the architect to see if there is anything that can be done with the look. Commissioner Williamson addressed the fire access, Kuna Fire District asked for the access to be on Robinson Road, the present conceptual plan is showing the access on Deer Flat, in the packet there is a contradicting conceptual plan. Commissioner Williamson asked for clarification. Mr. Dean stated Mr. or Ms. York can better answer that question. Commissioner Williamson asked about the administrative split. Mr. Dean stated he referenced that to emphasize this particular lot although zoned Ag that isn't the best use and is reflected in the administrative decision. Commissioner Williamson asked why this location is more preferable over being closer to the City with closer services. Mr. Dean stated this location is desirable because part of the plan is to have gardening, equestrian facilities, and other items that you cannot get closer to the City. Mr. Dean stated the capacity request is to have 30 residents but they are not all going to have vehicles so the traffic isn't going to be a 1:1 ratio.

Commissioner Villafana stated for a facility this large he saw Southwest District Health talked about the anticipated outflow and asked what kind of permit is required from the State of Idaho for a well that at any given day and what is the max that will be able to be pumped. Mr. Dean stated the standard is .5 CSF for domestic use and 1.04 Ag use during irrigation season. Mr. Dean believes the standard would be sufficient to meet the water needs for this facility. Commissioner Villafana addressed the comment on exhibit 2A-4 that states the applicant went through the process of visiting with the irrigation district and the water master indicated they would be able to get water delivered to the parcel. Mr. Dean advised that would be a question for Mr. York.

Penelope Constantikes – IN FAVOR – PO BOX 405, Boise, ID, 83701

Ms. Constantikes wanted to clear up that no zone change is being submitted or requested. Ms. Constantikes advised that she spends a lot of her professional time doing traffic impact work and both of the roads Deer Flat and Robinson Road near the property are classified roads and neither roads are running at capacity, therefore she doesn't believe there will be a traffic impact. Ms. Constantikes addressed the concerns of the fire access having two different layouts in the application. She explained they thought Robinson Road would be a better place to have access so she went to the fire department first but Nampa Highway District Number 1 declined access to Robinson Road, which is the reasoning for two different access points. Deer Flat Road does meet the International Fire Code and has sufficient right-of-way so having the fire access there should not be a problem. Ms. Constantikes stated the mitigation with the CAFCO operation doesn't need to happen because the Right to Farm protects the CAFCO and mitigates all concerns. Ms. Constantikes stated the property does have water rights and there is an easement. Ms. Constantikes mentioned that Canyon County has the dark sky provision so providing light

to the site that is appropriate without creating light pollution won't be a problem.

Commissioner Nevill stated the right to farm act will protect the farms in the surrounding area but he usually sees they need to mitigate things such as trash flying into the farmers land. Commissioner Nevill asked for clarification that Ms. Constantikes doesn't believe they need to do any mitigation due to the right to farm act. Ms. Constantikes stated that is partially correct, the discussion for landscaping Ms. Constantikes believes there is great drought resist plants that she would be willing to put up for mitigation. Ms. Constantikes stated that maintenance of the property will be conducted and is willing to put that into the site operation plan reading that the property will be policed carefully and regularly for any kind of debris that might blow over into the adjacent properties. Commissioner Nevill asked for clarification that a condition can be made for landscaping and it wouldn't be an over burdensome condition. Ms. Constantikes stated the over burdensome is when it is excessive and doing some landscape or fencing in certain locations is an acceptable condition. Commissioner Nevill asked how the water rights would get access. Ms. Constantikes stated the irrigation easement is in between the two parcels along Deer Flat Road her understanding is there an easement that is recorded.

Commissioner Dorsey asked why this location when it is right next to a composting yard. Ms. Constantikes stated it is her understanding that you need the people in these group homes in stable low-key environments.

Chairman Sturgill asked with the residence not all having vehicles when it comes to foot traffic and bike traffic, they are going to have needs such as meals, medical, shopping, employment, visiting friends and family, recreation, all these things require the residence to go outside the facility. Chairman Sturgill is concerned with them walking on rural roads without sidewalks or cycling without adequate lighting. Chairman Sturgill asked how they can mitigate those concerns for traffic and access. Ms. Constantikes stated there is commercial operators that provide transport and the groceries for meal preparation will be an organized activity that will happen once a week. Ms. Constantikes believes there is good quality options for residents to be able to get to work.

Commissioner Williamson asked if the 20-space parking lot will be mostly for the employees and caretakers. Ms. Constantikes stated she believe that is correct as well as the facility will have parking requirements for the residents to use spaces.

James York – IN FAVOR – 243210 Bay York, Nampa, ID, 83686

Mr. York addressed the traffic concerns stating most of the residence will not have vehicles. They will be providing them transportation to and from the grocery store, most of the residents will not be working but who does will carpool with others to their place of employment, they only have the ability to leave the facility 4 hours a day, and the residence keys, wallets and drivers licenses are kept by staff. Mr. York discussed the water easement stating there is a 5.14-acre field of water easement between the two neighbors and he is working with the water master to get a head gate on the property.

Commissioner Williamson asked about the residents that do have vehicles. Mr. York stated there is parking spaces for them. Commissioner Williamson clarified the vehicles are parked and the keys are locked up. Commissioner Williamson inquired if there will be enough parking spaces with staff and resident's vehicles. Mr. York stated they haven't had a chance to work with staff and is open to adding more parking and mitigating with reasonable conditions. Commissioner Williamson asked if they went back to the fire district with the new fire access plan after the Highway District declined access off Robinson Road. Mr. York advised they went to the Highway District first and the fire department has the correct plan which they approved saying the road needs to be 28 ft wide and have a turning radius in sync

with the highway districts requirements. Commissioner Williamson asked with being next to the composed if dust is a concern for the wellbeing of the residence. Mr. York stated he doesn't believe so because the majority of the day the residents are inside the house.

Commissioner Sheets asked if this facility is associated with other facilities or groups. Mr. York advised that they are a single associated treatment facility. Commissioner Sheets asked what kind of experience will the potential staff have. Mr. York stated that is what they do for a living. Mr. Sheets asked if Mr. York is part of that. Mr. York advised that his sister is, she is a registered nurse for 25 years and his role is the land owner, builder and running part of the business end.

Commissioner Nevill asked how many staff they are intending to have. Mr. York stated Ms. York will better be able to answer but the full staff will be about 15 people throughout the 24-hour period.

Commissioner Villafana stated trespassing has become a concern in this area and asked how they plan on ensuring the residents will not trespass into others properties without the landscaping and fencing. Mr. York stated the residents at the facility will want to follow the rules because the alternative is going to jail.

Commissioner Dorsey asked if they are privately funded or government funded. Mr. York stated they are privately funded. Commissioner Dorsey asked with it being a residential home but a business, why did they choose this location. Mr. York stated for the serenity and quiet atmosphere. He stated the property meets what they want to do with it. For example, with the creek they want to have a nice picnic area. The location is in the County and they do not want to be in the City. They want a location they can have horses, chickens and a garden. Commissioner Dorsey asked for clarification because the residents will only be allowed to be outside for 4 hours a day so how will they have time to do activities. Mr. York stated the residence have to do 24-30 hours of group in a week and then they have 1-2 hours a week for private one on one counseling which leaves time in the day to complete the yardwork around the house and outside activities. Mr. York expressed they are trying to teach the residents what it is like to live in a regular household with regular duties and chores.

Sherryl York – IN FAVOR – 48 N Granite Falls Dr, Nampa, ID, 83651

Ms. York stated she will answer the questions that have been brought up. Beginning with the question of why this location and the answer is, if not here than where, the City doesn't want the facility there because it would require a rezone plus they would like to have the horses, chickens and garden which was already discussed and the location is affordable. Ms. York explained the residence are at the facility for 30, 60 or 90 days and in that time frame she doesn't believe that manure dust will have any affects to their health. Ms. York stated it will be a 13-bedroom home with a community of people where they are understood and are there to help them get to the bottom of their trauma, the facility will also be a partial hospitalization program. Ms. York stated they have to get certified and follow strict guidelines. Without an address they are not able to proceed further. Ms. York's 3-minute testimony time ended she requested an additional 3 minutes.

Motion: Commissioner Williamson moved to grant an additional 3 minutes of testimony time. Seconded by Commissioner Mathews. Voice vote, motion carried

Ms. York continued testimony. Ms. York stated once they get certified by Medicaid then they get credentialed through Optum, Jayco and other governing boards. Ms. York stated they are under strict guidelines under Substance Abuse and the Mental Health Administration. Ms. York stated that she and Mr. York are negotiable to make the facility more home looking, they felt it was with the front porch and one door, they did a flat roof so they could put solar panels. Ms. York provided her experience as a

registered nurse that included several years of inpatient and outpatients that struggle with chemical dependency. Mr. York is registered as a general contractor in multiple states and has completed large projects in the past. Ms. York stated that not everyone they get will be from jail and they will have a forever pass to come back for counseling services after they graduate. Ms. York stated they are the first of their kind because they are merging counseling and sober living together. The compensation they receive will be put back into the program. The facility will be staffed 24/7 with high surveillance camera's inside and outside with limited visitation rights. Ms. York concluded that what sets them apart is they are going to integrate the residence into the community at a higher rate because they are going to hire specialist to teach if there is interest in a specific profession, they aren't going to stop at identifying mental illness, they are going to continue the progression to making them healthy members of the community.

Commissioner Williamson asked if the operating hours are going to be 24/7. Ms. York stated they will be staffed 24/7 so the clients are never alone and there will be quiet hour starting at 10 pm, lights out at 11 pm and between 7 am – 8 am they will wake up. They will have breakfast and then head to group. They will be in group until 4 or 5 PM. Commissioner Williamson asked about the recommendation from staff asking if the business model doesn't work out if they could show a conversion getting this large of a building back to residential use being over burdensome. Ms. York stated they constructed the inside of the facility as a 13-bedroom home, with dining rooms, meeting rooms, and a big kitchen, that way it is no different from a 3,000 sq. ft home. They are willing to change how the outside looks to make it look more like a home but she doesn't believe it is reasonable to ask for them to say they will take the roof off, cut it in half, etc. to change it if it doesn't work out.

Commissioner Mathews asked what kind of equestrian activities are they planning on having. Ms. York stated they would like to have a couple of horses, they know that horses and animal therapy have a calming effect. The residence will be caring for the horses and all the responsibilities, good and bad, if they want to ride the horse.

Commissioner Nevill asked if the goal is integration into the community why are they not closer to the community. Ms. York stated it is easier to teach them skills in a rural area, the land is affordable, and will have less impact for the surrounding area. Commissioner Nevill confirmed that they are going to bring in instructors to teach and bring their own equipment if they are teaching a trade.

Commissioner Sheets asked if Ms. York has the operational plan with her. Ms. York stated she does have the plan with her and available if the Commissioner's would like it.

Commissioner Dorsey stated the problem he is having with the proposal is it isn't a compatible use in an Ag zone and asked if they are going to try and sell the facility as a business. Ms. York stated she is confused on why it isn't compatible in an Ag zone. Commissioner Dorsey stated he is a farmer and the public and farming don't usually co-exist well together and the facility is really a business, it is a business of taking care of and rehabilitating in an Ag zone. Commissioner Dorsey asked if the business ceases to exist if the facility would be sold as a business or a home. Ms. York stated it could be sold as a home.

Chairman Sturgill stated he hasn't heard testimony that has convinced him with the traffic concern for example 30 people who are reliant on carpools, commercial transportation, walking or cycling on a rural road. His concern is a year from now they hear reports that someone got hit walking because they wanted a candy bar. Ms. York stated she is concerned about that too and they can make a rule or guideline that says you are not allowed to walk down the road, they will give them alternative ways of access and can put in a small convenience store in one of the storage rooms in the home. The medications will be provided for the residence and many appointments can be done via telehealth.

Tyler Reynolds – IN OPPOSITION – 4028 Bennett Rd, Kuna, ID, 83634

Mr. Reynolds stated he is a neighbor that farms adjacent to the property and has a similar facility within an eighth of a mile to his house. The facility doesn't have a permit and doesn't need one due to there being a total of 8 beds at the facility. Mr. Reynolds stated that the 8 beds total to 25 people walking down the road in front of his dairy anytime of the day, approaching cattle and children in their yards. Mr. Reynolds would like to know how you can put a 13-home house on an Ag exclusion land without getting rezoned. Mr. Reynolds stated the facility next to his house has eight beds yet there are 25-30 cars in and out all day and night.

Chairman Sturgill asked for clarification on the math when there are 8 beds but 25 people walking down the road. Mr. Reynolds stated the facility doesn't need a permit because there is 8 or less beds. Chairman Sturgill asked if he has seen a group of 25 people. Mr. Reynolds confirmed he has seen them walking down the road and that they live at the facility. Chairman Sturgill clarified they are all together.

Grant Lovett – IN OPPOSITION – 1030 S McDermott, Kuna, ID, 83634

Mr. Lovett advised he agrees with Mr. Reynolds testimony. Mr. Lovett stated one of the guys at the facility got kicked out and he asked his wife for a ride to Boise, when his wife went to go talk to the facility a man ordered her off the premises. Mr. Lovett stated that they are parking along the street and when winter hit they got stuck and hit some irrigation equipment, causing damage. After the guy asked his wife for a ride, shortly after someone loosened all the lug nuts off his wheels. Mr. Lovett's 3-minute testimony time ended, he requested an additional minute of testimony time.

Motion: Commissioner Nevill moved to grant an additional minute of testimony time. Seconded by Commissioner Sheets. Voice vote, motion carried.

Mr. Lovett continued testimony stating emergency services from Canyon County and Ada County are called at least every 1.5 weeks, the coroner has been there twice and the cops present every 1.5 months.

Scott Burn – IN OPPOSITION – 4747 W Deer Flat, Kuna, ID, 83634

Mr. Burn stated it is an admirable project but the decision that needs to be made is based on the rules. Mr. Burn stated he agrees with the previous testimony in opposition. He has driven down the road with a one-ton baler and have almost ran people over, his concern is the safety of the community. This year he has counted six wrecks within the current population in the area. Mr. Burns stated the applicants do not understand the way they live for example the creek they speak of is the waste water ditch from his irrigation. Mr. Burns stated he isn't saying not to have the facility he is saying this location is not the current place, they need to be closer to town and closer to resources. Mr. Burns suggests the project get declined.

Michael Fast – IN OPPOSITION – 8979 Robinson Rd, Kuna, ID, 83634

Mr. Fast stated he is representing 40 households from the surrounding area. Mr. Fast stated the operation plan was not submitted before the deadline and is important to view. Mr. Fast would like clarification if people from the jail or felons will be accepted into the facility. Mr. Fast stated the property is zoned Ag with an approved building lot for residential home and a 30-bed commercial facility does not meet the requirement for a residential home. Mr. Fast agrees that horses are therapeutic but states they are also dangerous. Mr. Fast states the plan does not fit into the comprehensive plan. He is concerned with the lack of detail that has been provided. Mr. Fast's 3-minute testimony time ended. Another 3 minutes of testimony time was requested.

Motion: Commissioner Williamson moved to grant an additional 3-minutes of testimony time. Seconded by Commissioner Mathews. Voice vote, motion carried.

Mr. Fast continued testimony providing examples of how the project does not fit the comprehensive plan for example policy 4:72 discourages incompatible development near Agriculture businesses. Mr. Fast stated water is an issue with residence having scarcity issues that have required deeper wells to be put in. Mr. Fast stated without transportation the residence will have a difficult time getting to appointments, buying groceries and getting to a job because the roads are not suitable to walk or bike on. Mr. Fast believes that although chores are good that doesn't provide the same connection to the community as a job would. Mr. Fast spoke with Lieutenant Chad Harrold of the Canyon County Sherriff's office regarding active patrols in the south Nampa / Melba area, he mentioned there is 2 deputies on patrol at any given shift. Mr. Fast stated the location is on the border of Canyon County and Ada County with a Kuna address, this has created complexity and confusion when calling emergency services, which has in turn caused response times to be 30 minutes more in the past.

Commissioner Williamson confirmed with Mr. Fast that part of the water concerns is that Southwest District Health is requiring a large well that meets City standards and the draw would be larger than a residential well.

Ronald Plummer – IN OPPOSITION – 5093 W Deer Flat Rd, Kuna, ID, 83634

Mr. Plummer advised his lawyer sent a letter stating there is no easement on the property. When he bought the property in 2013 a title search was completed and there were no easements. Mr. Plummer stated Steve Coulson whom he has never met came into DSD with a letter saying Mr. Plummer was allowing an easement onto his property. Mr. Plummer stated there is a dust problem in that area. Mr. Plummer believes that a fence around the proposed property would be needed for security to keep the residents from trespassing into others property. The concern with the kind of draw a facility with 30 residence and 15 employees would take on the water is a legitimate concern. Mr. Plummer's 3-minute testimony time ended, he requested an additional minute of testimony time.

Motion: Commissioner Sheets moved to grant an additional minute of testimony time. Seconded by Commissioner Villafana Voice vote, motion carried.

Mr. Plummer continued his testimony stating the proposed facility is going to dry up the surrounding wells. Mr. Plummer is concerned with the safety of the area with having an empty field nearby if any of the resident's smoke and the field catches fire, services would not be able to get there in time to put the fire out.

Josh Plummer – IN OPPOSITION – 709 Tallulah, Kuna, ID, 83634

Mr. Plummer stated he reached out to law enforcement to see how many calls have been made to the similar facilities in the past year. In the past 14 months they have had 61 calls for emergency services at one location. In another location since 2021 they have had 66 calls. There are only 2 sheriffs' patrolling the area and response times are bad as a result. The fire department is 14.9 miles away about 22 minutes away. Paramedics are 11.3 miles away which is 19 minutes. The Canyon County Sheriff's are 25 miles away which is 36 minutes away. Mr. Plummer does not believe this project would be considered a house.

Bethany Rogers – IN OPPOSITION – 7041 Red Sky Ln, Nampa, ID, 83686

Ms. Rogers stated her husband works in law enforcement and understands the drain on government resources with these types of establishments. Ms. Rogers believes the facility needs to be closer to resources that they require.

William Dean (Representative) – REBUTTAL – 5700 E Franklin Rd, Suite 250, Nampa, ID, 83686

Mr. Dean stated the common theme from those in opposition was based on negative experiences with these types of facilities in the past. There are also concerns with the water, safety and security. Mr. Dean stated generalizing an experience with one facility to all of them is not evidence that the previous experience will translate into the next. Mr. Dean stated a condition can be added stating that the applicant will be in compliance with Department of Health and Welfare standards for private treatment facilities. Mr. Dean believes that will alleviate a lot of the concerns with safety and security. Mr. Dean addressed the water concern and noticed that the applicant has to get a permit from Idaho Department of Water Resources. Mr. Dean requested approval and if the Commissioners are considering not approving the conditional use permit to continue the case to a date certain to give the applicant time to provide more information.

Commissioner Williamson asked what a date certain would work best with the group of applicants. Mr. Dean stated 45 days. Commissioner Williamson asked if there is a concern with the residents getting hit by traffic. Mr. Dean stated conceptually that is a concern but to mitigate that they will have rules set in place, carpooling and the Health and Welfare standards. Mr. Dean does not believe there will be a lot of foot traffic by the residents or the staff members.

Commissioner Villafana asked Planner Dan Lister if Mr. Coulson granted himself an easement. Planner Dan Lister advised that will need to be investigated further.

Commissioner Williamson asked Planner Dan Lister if the condition Mr. Dean had stated could be added with the Health and Welfare guidelines and would that be enforceable. Planner Dan Lister advised a standard condition is they have to meet all federal, state, local ordinances and standards so the Health and Welfare would fall under that condition.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2023-0014, seconded by Commissioner Mathews, voice vote, motion carried.

DELIBERATION:

Commissioner Nevill stated he agrees that there is a need for facilities such as the one being proposed but based on the evidence the facility could adversely affect the agricultural operations in this area. According to 87% of Canyon County residents the highest and best use for any parcel in the County is to aid in the preservation of agricultural operations and the agricultural way of life. Commissioner Nevill sees this project in direct conflict of the Ag operations and agrees with staff's recommendation of denial. Commissioner Nevill asks staff to review the incompatibility with ongoing Ag operations, looking specifically into traffic concerns, complaints, and water. Commissioner Nevill expressed his concern with the easement issue.

Commissioner Sheets stated when viewing criteria number 6, "does the legal access to the subject property exist or will it exist at the time of development." In the staff report, exhibit 2E, which is the maintenance agreement that references potential easement and then exhibit 7 is the DSD Director's Administrative Decision and that has some references but nothing definitive saying the access is there. Commissioner Sheets stated the instrument that shows the access exists needs to be present, without it he isn't able to say there is legal access to the development. Commissioner Sheets stated he finds the project in conflict with the comprehensive plan and will negatively impact the area. Commissioner Sheets believes it is too far away from services and resources that they need. Commissioner Sheets agrees with the staff's report with the exception of number 6.

Commissioner Williamson agrees with Commissioner Sheets and Commissioner Nevill, he likes the idea and concept because it is something that is needed but he is not sure with this location that this is the best use. Commissioner Williamson stated there was some conflicting testimony and information regarding the fire access, he would like to see proof the easement exists and that the fire department is ok with that location. Commissioner Williamson stated if they were to deny the case having condition 1 stating fencing and landscape could be a burden so would look into putting and/or.

Commissioner Mathews stated the issue for him is the location of the property and having a continuance wont fix that.

Commissioner Williamson stated he is leaning towards continuance although Commissioner Mathews makes a good point.

MOTION: Commissioner Sheets moves to deny Case CU2023-0014 to modify findings of fact number 6 to state that based upon testimony and the evidence of the record it is unclear to the extent of legal access to the parcel. Commissioner Nevill Seconded.

Discussion on the Motion:

Commissioner Nevill stated he would like staff to review the exhibits and testimony and see if they can improve the issue of incompatibility. Planner Dan Lister advised the hearing is a documented and a recorded item so it would be part of the record. Commissioner Sheets stated he agrees with the staff's report.

Roll call vote: 7 in favor, 0 opposed, motion passed.

ACTION ITEM – ELECTION OF PLANNING & ZONING COMMISSION OFFICERS

Chairman:

Commissioner Sheets nominated Chairman Sturgill for Chairman. Chairman Sturgill accepts nomination.

Commissioner Williamson nominated himself for Chairman.

Roll call vote: 5 in favor for Chairman Sturgill, 2 in favor for Commissioner Williamson, motion passed for Chairman Sturgill to remain as Chairman.

Vice Chairman:

Commissioner Nevill nominated Commissioner Sheets for Vice Chairman. Commissioner Sheets accepts nomination.

Commissioner Williamson nominated himself for Vice Chairman.

Roll call vote: 4 in favor for Chairman Sheets, 3 in favor for Commissioner Williamson, motion passed for Commissioner Sheets to remain as Vice Chairman.

Secretary:

Commissioner Nevill nominated Commissioner Villafana for Secretary. Commissioner Villafana accepts nomination.

Commissioner Sheets nominated Commissioner Williamson for Secretary. Commissioner Williamson declines nomination.

Roll call vote: 7 in favor for Commissioner Villafana, motion passed for Commissioner Villafana to remain as Secretary.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Villafana. Voice vote, motion carried. Hearing adjourned at 10:59 PM.

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

Approved this 1st day of February, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist