



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, April 18, 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 Arrived at 6:32 PM / Sworn in

Staff Members Present: Jay Gibbons, Assistant Director of Development Services
Carl Anderson, Planning Supervisor
Dan Lister, Principal Planner
Michelle Barron, Principal Planner Sworn in at 8:14 PM
Emily Kiester, Associate Planner
Arbay Mberwa, Associate Planner
Amber Lewter, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:31 p.m.

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

Item 1A:

Case No. CU2023-0013 / Knife River Corp – Mountain West– Approve revised FCO's.

Chairman Sturgill recused himself due to not being present during the hearing.

MOTION: Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Order. Motion seconded by Commissioner Sheets. Voice vote, motion carried.

Item 2A:

CU2020-0017-MOD / Caldwell Housing Authority – Caldwell Housing Authority is requesting to modify an existing conditional use permit to provide a time extension (CU2020-0017 allowed 219 recreational vehicle parking spaces) on property addressed as 22730 Farmway Road, Caldwell, on parcel number R34658000/8011/8010. The parcel is further known as NW TX 19406 IN NW SECTION 9, T4N, R3W, B.M. Canyon County, Idaho.

Commissioner Williamson declared last season he had a couple employees reside at the Caldwell Housing Authority. Commissioner Williamson stated it doesn't influence his decision capability.

Assistant Director Jay Gibbons reviewed the Staff report for the record.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Mike Dittenber (Applicant) – IN FAVOR – 22730 Farmway Rd, Caldwell, ID 83607

Mr. Dittenber introduced himself as the Director of Caldwell Housing Authority. Mr. Dittenber advised the water line is not completed, phase one was completed in October 2023, phase two was scheduled for September 2024 but there are some delays.

Commissioner Williamson asked how many phases there are for the water line. Mr. Dittenber stated there are three phases. The first phase brings the water line to Pond Lane and across Highway 20/26. Phase two circles the property. Phase three takes the water line to Purple Sage Golf Course.

MOTION: Commissioner Nevill moved to close public testimony on Case CU2020-0017-MOD, seconded by Commissioner Williamson, voice vote, motion carried.

MOTION: Commissioner Williamson moved to approve Case CU2020-0017-MOD based on the Findings of Fact and Conclusions of Law and conditions of approval. Seconded by Commissioner Mathews.

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

Item 2B:

Case No. CR2022-0007 / Payne - The applicant, Greg Payne, is requesting a Conditional Rezone of approximately 21.84 acres from an "A" (Agricultural) and "C-1" (Neighborhood Commercial) zone to a "CR-C-2" (Conditional Rezone - Service Commercial) zone. The request includes a development agreement limiting uses within the zone. The subject vacant property, Parcel R34456, is located adjacent to 13768 HWY 44, Caldwell; also referenced a portion of the SW¼ of Section 02, T4N, R3W, BM, Canyon County, Idaho.

Planner Dan Lister reviewed the Staff report for the record.

Commissioner Sheets asked for clarification on exhibit 6. Planner Dan Lister advised exhibit 6 is an example of a specific use that was adopted through a rezone to CR-C-2 within 4,000 ft of the subject property. Commissioner Sheets asked if there is a detailed development agreement. Planner Dan Lister advised there is not.

Commissioner Villafana asked besides the one CR-C-2 use within 4,000 ft if there are any others. Planner Dan Lister advised within a 1-mile radius there is only the one. Closer to City Limits there is one industrial area that was approved.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Carl Anderson (Applicant) – IN FAVOR – 1816 Idaho Ave, Caldwell, ID 83605

Mr. Anderson stated with the area growing the land is becoming difficult to farm, unsafe and not profitable. He is asking for the CR-C-2 zoning for more flexibility with businesses. They are considering a RV Park but they are not sure exactly. Mr. Anderson does know that with having a CR-C-2 zone it will create jobs in the area. Mr. Anderson suggested looking at the uses that are allowed in a CR-C-2 zone to get an idea of impact to the area.

Commissioner Nevill asked if the subject area is productive ag land. Mr. Anderson stated it is excellent

soil. Commissioner Nevill asked if the parcel can take access from Canyon Rd. Mr. Anderson stated it can.

Greg Payne – IN FAVOR – 24295 Farmway Rd, Caldwell, ID 83607

Mr. Payne stated he and his family has farmed the property for three generations and it is now time to change the use of the property. The traffic on Highway 44 makes it difficult to move the farm equipment in and out of the property.

Commissioner Williamson asked if the land was to continue to be farmed if there could be access through Canyon Rd. Mr. Payne stated they can only use Highway 44; Canyon Rd does not have any entrance.

Commissioner Villafana asked if the waste water all meets in the middle and has to cross the Highway. Mr. Payne confirmed that is correct. Commissioner Villafana asked if Mr. Payne has a narrowed down use for the property with the zone change request. Mr. Payne stated they are looking at RV storage and possibly have other options on the property to have multiple uses.

Chairman Sturgill asked other than economic interest what is the reasoning behind asking for CR-C-2 instead of C-1. Mr. Payne advised to have more options available.

Alan Mills – IN FAVOR – Box 206, Middleton, ID 83644

Mr. Mills stated less than 1% is commercial property in Canyon County according to the comprehensive plan. There isn't any available C-2 property available that Mr. Mills is aware of. Mr. Mills stated that waiting two years to get an answer on a CUP is not good business and having options available for businesses to come in is good business. Mr. Mills stated that commercial properties are high taxes, which would benefit the County.

Bill Werhane – IN FAVOR – 20968 Blossom Heights Ln, Caldwell, ID 83607

Mr. Werhane stated he is in favor because it takes to much time to try and get something done and if a business had to go through the process before setting up that would limit who would come into the space. Having CR-C-2 zoning it gives flexibility.

Ron Amarel – IN NEUTRAL– 26105 Amarel Way, Middleton, ID 83644

Mr. Amarel stated the area does need C-2 zoning but at the right time and place. With the proposal being a CR-C-2 what is the use going to be to make appropriate conditions. Mr. Amarel hopes to be better informed and know more information before a decision is made.

Carl Anderson (Applicant) – REBUTTAL – 1816 Idaho Ave, Caldwell, ID 83605

Mr. Anderson stated having a C-2 zoning allows for diversity and more opportunities available. With having the CR-C-2 zoning they have eliminated uses that they will not be privy to.

Commissioner Villafana asked if the rezone does occur where would the legal access be. Mr. Anderson stated on Canyon Lane. Commissioner Villafana asked Staff if there would be legal access. Planner Dan Lister advised there is legal access availabilities.

Commissioner Dorsey asked on the list of available businesses within C-2 if Mr. Anderson see's ones that may be more possible. Mr. Anderson stated they want to create opportunity for use as much as possible, he doesn't want to eliminate uses.

Commissioner Nevill asked if the best access would be Canyon Lane. Mr. Anderson stated they will have to work with ITD to find the best solution.

Commissioner Williamson asked Staff if a Plat would come forth in front of Planning and Zoning if the Conditional Rezone occurred. Planner Dan Lister advised a Plat would come forth if they wanted to divide the property.

Commissioner Nevill asked Staff why C-1 zoning is more appropriate. Planner Dan Lister advised the area is agricultural, residential and C-1. The purpose of C-1 is to restrict incompatible uses while C-2 allows services that are more intensive uses.

Commissioner Dorsey asked Staff if having C-1 is a hinderance to the applicant due to how long the process takes. Planner Dan Lister stated there is a lot of similarities the difference is with C-2 there isn't another process for a CUP, whereas in a C-1 they would need to go back through the process for a CUP. It takes longer but you can make sure the use doesn't impact the surrounding area.

MOTION: Commissioner Nevill moved to close public testimony on Case CR2022-0007, seconded by Commissioner Sheets, voice vote, motion carried.

DELIBERATION:

Commissioner Sheets stated for finding 3 he believes there will be significant impact to the area because without knowing what the exact use or impact will occur they cannot add conditions to mitigate any issues. Commissioner Sheets believes for finding 7 it does have legal access, it has access to Highway 44. Commissioner Sheets recommends denial.

Commissioner Nevill agrees with the Staff's findings and recommends denial.

MOTION: Commissioner Nevill moved to deny Case CR2022-0007 based on the Findings of Fact and Conclusions of Law and recommends denial to the Board of County Commissioners. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Villafana stated this is a C-1 vs C-2 and at this time there are too many unknowns with the C-2. He agrees with the denial.

Commissioner Sheets believes finding number 7 needs to say there is legal access to the property.

Commissioner Nevill agrees with adding that information to finding 7's conclusion and findings.

Commissioner Mathews second stands with the changes.

Chairman Sturgill recommends amending the findings with the word "unknown" impact and potentially negative.

Commissioner Nevill agrees for the changes in his motion.

Commissioner Mathews second stands with the changes.

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

Item 2C:

Case No. CU2023-0004 / AgEquity – The applicant, Jeff Bower/Kristen McNeill representing AgEquity Holdings LLC, is requesting a conditional use permit to allow a Mineral Extraction – Long Term (proposed 3 years) use within an “A” (Agricultural) Zoning District on approximately 56 acres. The subject property is located at 14533 River Rd, Caldwell Parcels, on parcels R34667011 and R34668; also referenced as a portion of the SW ¼ of Section 10, Township 4N, Range 3W; BM; Canyon County, Idaho.

On March 21, 2024, the Planning and Zoning Commission tabled the hearing to a date certain of April 18, 2024.

Planner Michelle Barron reviewed the Staff report for the record.

Chairman Sturgill asked the reasoning for asking for a continuance. Planner Michelle Barron advised a complete application was submitted, when the applicants heard the concerns by the neighbors they decided to conduct some additional studies to bring forth more information.

Commissioner Nevill asked for clarification on finding number 7 indicating ITD is asking for more time. Planner Michelle Barron stated the applicant reached out asking ITD what they would like to see, the applicant has done some evaluations and submitted them to ITD, ITD would like to get the evaluation complete. Commissioner Nevill expressed his concern that the application is incomplete because all the information isn't present. Planner Michelle Barron stated it is a recommendation to continue and the decision is up to the Commissioners to continue the case or hear it as scheduled. Commissioner Nevill asked if there was a topography map. Planner Michelle Barron advised she didn't have one available but could look into getting one. Commissioner Nevill asked about late exhibits. Planner Michelle Barron stated there is one from the City of Caldwell, the applicant and a member of the public.

Commissioner Sheets addressed exhibit F33, he believes it is a letter for a different project and moves to exclude the exhibit. Commissioner Sheets expressed he isn't in favor of continuing the case because it has already been continued to a date certain, noticed and members of the public have shown up. Planner Michelle Barron confirmed exhibit F33 is for another case.

MOTION: Commissioner Sheets moved to exclude exhibit F33, seconded by Commissioner Nevill, voice vote, motion carried.

Commissioner Sheets asked what the late exhibits entail. Planner Michelle Barron advised the Caldwell letter is updated and indicates they are now in neutral, with recommended conditions. The new site plan will be presented by the applicant with their recommended changes and reduction to the acreage. Commissioner Sheets expressed concern that the applicant is providing different information than in the staff report.

Commissioner Nevill asked if anyone has had the opportunity to review the new plan the applicant will be presenting. Planner Michelle Barron stated that the applicant will be presenting it and no one has had a chance to review it.

MOTION: Commissioner Nevill moved to postpone Case CU2023-0004 to a date uncertain. Seconded by Commissioner Sheets.

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

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Assistant Director Jay Gibbons stated he received comments in regards to the Commissioner Bylaw

updates and on the May 2nd hearing he will address the changes before making any final changes. Assistant Director Jay Gibbons gave an update on the hearing procedure ordinance changes.

Commissioner Nevill advised the hearing on May 2nd he will not be present.

Commissioner Sheets asked if he could make comments another way than email. Assistant Director Jay Gibbons stated it could be open meeting discussion, a phone call or email.

Planning Supervisor Carl Anderson introduced the new Associate Planner Arbay Mberwa.

Chairman Sturgill stated he was disappointed in the findings of a previous case that the Planning and Zoning Commission forwarded to the Board of County Commissioners. Chairman Sturgill recommended having a red line version when they make changes to the findings so the Commissioners can focus on the changes. Planning Supervisor Carl Anderson stated that can be done for the future FCO's.

Commissioner Nevill asked if Staff could prepare both approval and denial FCO's. Planning Supervisor Carl Anderson proposed Staff and Commissioners workshop different ideas together.

Commissioner Dorsey asked for clarification on the question for the finding if the proposed change will change the character of the area. Planning Supervisor Carl Anderson provided the code. Conversation ensued between the Commissioners in regards to recommending ways of gaining approval.

ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 9:11 PM.

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

Approved this 16th day of May, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist