



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, September 19, 2024
6:30 P.M.

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

Commissioners Present : Brian Sheets, Acting Chairman
Harold Nevill, Commissioner
Patrick Williamson, Commissioner
Miguel Villafana, Commissioner
Matt Dorsey, Commissioner *Joined the hearing after item 1A.*

Staff Members Present: Sabrina Minshall, Director of Development Services
Carl Anderson, Planning Supervisor
Michelle Barron, Principal Planner
Deb Root, Principal Planner
Jennifer Almeida, Office Manager

Acting Chairman Sheets called the meeting to order at 6:35 p.m.

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

Item 1A:

Case No. CR2022-0020 & SD2022-0030– Eels / Landing Spot: The applicant, Jeremy Eells, is requesting a conditional rezone of parcel R32703 from an “A” (Agricultural) zone to a “CR-R-R” (Conditional Rezone-Rural Residential) zone and Short Plat subdivision (The Landing Spot – 3-lot subdivision) to create two additional lots for family members to build homes on. The request will also include a Development Agreement to place conditions on the rezone. The subject parcel is located at 16695 Marshall Ln., Caldwell, ID 83607; also referenced as a portion of the SW¼ of Section 9, T3N, R3W, BM, Canyon County, Idaho.

Planner Michelle Barron reviewed the Staff report for the record.

Commissioner Williamson asked about the applicant’s suggested conditions listed in their letter of intent in regard to pressurized irrigation and whether or not that would be a rezone condition or a plat condition. Planner Michelle Barron noted the plat had been reviewed by the County Engineer and that condition would be more appropriate as a plat condition.

Commissioner Nevill discussed the plat recommended condition no. 8 and a needed correction in regard to the road. He also inquired whether or not secondary residences would be allowed after the lots were split. Planner Barron stated that it is an allowed use in the zone. If the Commission would like to place a restriction on secondary residences, and if the evidence supported it, it would require an added condition.

Commissioner Villafana asked for clarification regarding the structures on the property. Planner Barron clarified the number and type of structures.

Acting Chairman Sheets asked if there is an existing road user’s maintenance agreement for the road. Planner Barron indicated there was, and described the existing agreement.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

Jeremy Eells (Applicant) – IN FAVOR –16695 Marshall Ln. Caldwell, ID 83607

Mr. Eells discussed his plans for splitting the property as part of this request. He stated he was splitting lots for his family.

Commissioner Nevill asked about the irrigation plan and number of weirs for the site. Mr. Eells stated two weirs provide water to the property. Commissioner Nevill asked if Mr. Eells had water user's agreement, Mr. Eells indicated he does not currently have one. Commissioner Nevill asked if the applicant was agreeable to the conditions recommended by staff. Mr. Eells indicated that he was.

Commissioner Williamson discussed the proposed irrigation and delivery to the subject property. Mr. Eells discussed the irrigation and existing weirs. Commissioner Williamson asked if the pressurized irrigation was currently in existence. Mr. Eells indicated that is not currently provided to the site. Commissioner Williamson referenced the applicant's letter of intent, Exhibit 2 A, and asked the applicant to provide testimony explaining why the requested zone is more appropriate than the current zoning designation. Mr. Eells stated that he wanted his family close by.

Betty Jo King – IN FAVOR– 16793 Marshall, Ln. Caldwell, ID 83607

Ms. King stated she lives next door to the applicant. Her husband used to own and farm the property. Ms. King is glad that only three additional homes would be built.

Commissioner Nevill noted that allowing secondary residences would have the potential of up to six homes.

Jacob Pruitt – IN FAVOR– 16697 Marshall Ln., Caldwell, ID 83607

Mr. Pruitt stated he would be purchasing Lot 3. He would like to build a home for his family. He would bring the shop up to code and obtain proper permits.

Commissioner Villafana asked if the shop was custom built for the current business. Mr. Pruitt stated as far as he knows it was.

Elden Winslow – IN OPPOSITION – 16752 Farmway Rd., Caldwell, ID 83607

Mr. Winslow stated his property adjoins the applicant's property. He stated that he was told that Mr. Pruitt already owned Lot 3. Stated that there are 12 property owners north of Mr. Eells property that use the irrigation water. Mr. Winslow was concerned about secondary residences and the increased number of homes. He stated he has not seen the plat or where roads would be located. Mr. Winslow indicated there was someone living in the shop on the property.

Commissioner Nevill asked Mr. Winslow to discuss the location of the irrigation lines and who along that line uses the irrigation water. Mr. Winslow verified that there is not currently a water user's maintenance agreement. Commissioner Nevill asked if a condition was added requiring a water user's maintenance agreement if the neighbors would sign it. Mr. Winslow stated not everyone would.

Commissioner Villafana noted that the applicant cannot block irrigation water from reaching other properties.

Jeanette Kroes- IN OPPOSITION – 16895 Marshall Ln., Caldwell, ID 83607

Ms. Kroes stated that Marshall Ln. is a single lane, dirt road. Ms. Kroes discussed the road user's agreement that exists for Marshall Ln. She was concerned about the increase in traffic on the road as Mr. Eells property is located at the very end of Marshall Ln. Ms. Kroes was concerned about more wells being drilled.

Commissioner Nevill asked which shop (s) had people living in them. Ms. Kroes replied, both. Discussion ensued in regard to road width and increase in traffic on the lane.

Jeremy Eells (Applicant) – REBUTTAL – 16695 Marshall Ln. Caldwell, ID 83607

Mr. Eells stated that he does try to keep everyone driving down the lane at 10 mph, but he does not have control over Amazon drivers or other delivery drivers. Mr. Pruitt did provide money to buy the property. He will not cut off irrigation water to anyone and he wants to be a good neighbor.

Commissioner Williamson asked about shops being utilized as residences. Mr. Eells noted which shops are being lived in. Commissioner Williamson asked about a condition that would not allow secondary residences and whether or not Mr. Eells would be ok with such an addition. Mr. Eells stated he would be fine with that limitation.

MOTION: Commissioner Williamson moved to close public testimony on Case CR2022-0020 & SD2022-0030, seconded by Commissioner Villafana, voice vote, motion carried.

DELIBERATION:

Commissioner Nevill suggested additional conditions may be required for this project and he had concerns regarding the water and not having a water user's agreement.

Acting Chairman Sheets reminded the Commission that the water user's agreement would only be for the additional three (3) parcels. He also noted that the applicant consented to restrict secondary residences.

Planning Supervisor, Carl Anderson, suggested an additional condition requiring that the building code violations for the accessory structures be brought into compliance.

Acting Chairman Sheets noted that the affect to the surrounding area will be low with conditions that could mitigate any potential issues.

MOTION: Commissioner Nevill moved to recommend approval to the Board of County Commissioners for Case CR2022-0020, and add Condition No. 5, which restricts lots to having one residence per lot, Seconded by Commissioner Villafana.

Discussion on the Motion:

Planner Barron asked for clarification on which lots the Commission wished to have the restriction of one residence added. Lot 1 already has an existing secondary dwelling. Acting Chairman Sheets stated the restriction would apply to lots 2 and 3.

Roll call vote: 4 in favor, 0 opposed, motion passed.

MOTION: Commissioner Nevill moved to recommend approval to the Board of County Commissioners for Case SD2022-0030, and accept staff's findings. Amend condition no. 8 to add the additional three lots to the road user's maintenance agreement. Addition of condition no. 9 to make sure accessory dwellings/buildings follow Canyon County Code. Addition of condition no. 10 that a water user's maintenance agreement be created for the three lots. Addition of condition no. 11 that pressurized irrigation be provided for the subdivision. Addition of condition no. 12, confirms the reduction of shared driveway width to 28 ft. Seconded by Commissioner Williamson.

Discussion on the Motion:

None.

Roll call vote: 4 in favor, 0 opposed, motion passed.

Item 2B:

Case No. SD2023-0011 – Sage Gate Subdivision: The applicant, Blue Terra Development, represented by Focus Engineering, is requesting approval of a preliminary plat, irrigation and drainage plan on approximately 20.8 acres of “C1” (Neighborhood Commercial) zoned property. The subject properties, parcels R34535 and R34542, are located on the west side of Old Highway 30 approximately 865 feet north of State Hwy 44, Caldwell, ID in a portion of the SE quarter of Section 04, T4N, R3W, BM, Canyon County, Idaho. The development is proposed for 89 storage condominiums, a 428 unit mini-storage facility, and five lot business park with a community water system and individual septic systems.

Commissioner Dorsey joined the hearing and was sworn in.

Principal Planner, Deb Root reviewed the Staff Report for the record.

Commissioner Nevill asked if anything had changed in regard to the intersection. Planner Root discussed traffic numbers based on use and information from the highway district.

Commissioner Williamson asked for clarification in regard to irrigation lines and where they are located. Planner Root depicted on the plat where the lateral and lines are.

Acting Chairman Sheets asked who would own lot 108. Planner Root deferred to the applicant. He discussed plat notes with Planner Root and clarified a public water system would be utilized.

Commissioner Williamson asked how many business lots are located on the plat. Planner Root noted there are 5 business lots.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

Paul Hilbig (Representative) – IN FAVOR – 1707 N. Palmer Ln., Eagle, ID 83616

Mr. Hilbig stated there would be a business association that would maintain the road. As the lots sell they will be included in the association. The condo lots will have their own association to make sure standards are kept they will also contribute to maintenance of the road.

Commissioner Nevill asked Mr. Hilbig if he had reviewed the conditions of approval recommended by staff. Mr. Hilbig has reviewed the conditions and agrees to them all. Commissioner Nevill asked if there would be management on site. Mr. Hilbig stated there would not be management on site but there would be people to contact if there were issues.

Commissioner Williamson asked Mr. Hilbig to discuss the irrigation system and where lines are located. Mr. Hilbig used the plat map and outlined where irrigation lines are located. Commissioner Williamson asked who condo owners would contact. Mr. Hilbig stated there is a management firm to contact.

John Leatty- IN OPPOSITION- 23121 Forrest Hills Loop, Caldwell, Id 83607

Mr. Leatty is concerned about traffic and noise. He is located across the street from the project. In peak hours it is difficult to get out onto Hwy 30. Adding five businesses to the site is concerning. Jake brakes are used often in the area.

Anne Maria Leatty – IN OPPOSITION – 23121 Forrest Hills Loop, Caldwell, ID 83607

Ms. Leatty agreed with John Leatty's testimony. They were opposed to the rezone of the property to commercial. Concerned that there is no stop light at the intersection. Concerned about noise and the high-speed limit in the residential area.

Acting Chairman Sheets asked Ms. Leatty if it would be difficult to make a left hand turn into the subject property when traffic is backed up at the stop sign. Ms. Leatty stated that it would be.

Paul Hilbig (Representative) – REBUTTAL – 1707 N. Palmer Ln., Eagle, ID 83616

Mr. Hilbig stated the access was placed farther north to help when traffic is stacked.

Commissioner Dorsey asked if each condo would be individually owned and if there were legal descriptions for each one. Mr. Hilbig stated yes, but asked staff to further clarify. Planner Root stated that there are specific state statutes regarding condo developments, and there are also specific building requirements that would need to be met.

Commissioner Nevill asked Mr. Hilbig about discussions with ITD and Highway District 4 regarding impact fees and the intersection of Hwy 30 and 44. Mr. Hilbig stated the intersection is already planned for improvements. A center turn lane will be added.

Commissioner Williamson asked if there were specific hours of operation for the mini storage. Planner Root stated the property is zoned C1 and she did not see any conditions specific to hours of operation. The request before the Commission is in regard to the plat.

MOTION: Commissioner Williamson moved to close public testimony on Case SD2023-0011, seconded by Commissioner Dorsey, voice vote, motion carried.

DELIBERATION:

Acting Chairman sheets noted that the request is in regard to the design and preliminary plat. He opened up discussion on the case.

Commissioner Nevill felt the underlying case and approval was premature but understood the request was in regard to the plat.

Acting Chairman Sheets stated he had no changes to the plat or design that has been presented.

MOTION: Commissioner Williamson moved to recommend approval to the Board of County Commissioners for Case SD2023-0011. Seconded by Commissioner Villafana.

Discussion on the Motion:

Commissioner Williamson agreed with Commissioner Nevill in regard to the previous determination the P&Z Commission made on the CUP.

Roll call vote: 4 in favor, 1 opposed, motion passed.

Item 2C:

Case No. OR2021-0006 & RZ2021-0011 – Sand Creek Investments 3 LLC / Springbok Development Inc: Is requesting a [OR2021-0006] 2020 Comprehensive Plan Map Amendment to change the designation of parcels R28988 (0.61 acres) and R28990 (40.45 acres) from "Agriculture" to "Residential." The applicant also requests a [RZ2021-0011] Conditional Rezone of parcel R28991 (73.4 acres) from "A" (Agricultural) zone to "CR-R1" (CR-Single Family Residential) zone and parcels R28988 (0.61 acres) and R28990 (40.45 acres) from "A" (Agricultural) to "CR-RR"

(CR-Rural Residential) zone. The properties shall be subject to a development agreement with the County. Parcel R28991 (73.4 acres) lies within the Nampa area of city impact. The subject properties, parcels R28991, R28988, & R28990, are located on the east side of Happy Valley Road, approximately 1542 ft. south of the intersection of E. Lewis Ln. and S. Happy Valley Rd., Nampa, Idaho, in a portion of the NW ¼ and SW ¼ of Section 18, T2N, R1W, B.M., Canyon County, Idaho.

Principal Planner, Deb Root reviewed the Staff Report for the record.

Commissioner Nevill noted for the record that he used to work with Mr. Jensen in the audience, who was not the applicant. Acting Chairman Sheets asked if there had been any discussions regarding the case. Commissioner Nevill replied, no.

Commissioner Nevill asked Planner Root if Stewart Dairy still land applies manure. Planner Root stated the last time she was in the area they were.

Commissioner Villafana asked if the applicant moved water off the property or if they are just not farming it. Planner Root stated that Nampa Meridian Irrigation did not indicate that the water had been transferred off of the property.

Acting Chairman Sheets asked who owns the property. Planner Root discussed the ownership of the property for the record.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

Jeffery Holt (Applicant) – IN FAVOR – 398 S. 9th St. Ste 250, Boise, ID 83702

Mr. Holt indicated that this application was submitted under the 2020 Comprehensive Plan. He has met with the neighbors extensively. They reduced the lot count to 67. Mr. Holt discussed the Nampa Comprehensive Plan and what could be allowed on the property. Mr. Holt stated that a soils report was completed and it was determined that the soil quality was insufficient for farming and ranching. Mr. Holt acquired the property in 2017 and it had not been farmed for many years with the exception of approximately 10 acres. Mr. Holt felt the property was more conducive to larger lot residential use. Mr. Holt stated there is not significant agricultural development in the area and it is more residential. Mr. Holt stated there is a lot of high density residential on Happy Valley. They want to be good neighbors and consistent with the larger lot development in the vicinity.

Commissioner Nevill asked if any part of the land had been offered for sale to a farmer or rancher. Mr. Holt replied yes when it was for sale. Commissioner Nevill asked Mr. Holt about seed and isolation and how that would be handled. Mr. Holt said the seed farm company was supportive of his project and he didn't see any issue with cross pollination. Commissioner Nevill asked about the proposal for individual well and septic rather than community systems. Mr. Holt stated that Southwest District Health has determined that well and septic could work for the site. Commissioner Nevill asked if there were any reason the property couldn't go back to farm production. Mr. Holt stated that the property is basalt rock and topography.

Commissioner Williamson asked Mr. Holt for information regard to soil depth. Mr. Holt stated that the rock is sporadic throughout the area. Commissioner Williamson discussed the dairies in the area. Mr. Holt said the nearest dairy is on Deer Flat (Stewart's) and he didn't see any impact to them. Mr. Holt said they have spent a lot of time and money to clean up the property.

Dominic Lavatti – (IN NEUTRAL) – 199 N. Capital Blvd. Ste. 200, Boise, ID 83702

Mr. Lavatti indicated that Sand Creek is not for or against this project.

Richard Jewell – (IN OPPOSITION) – 9485 S. Happy Valley Rd., Nampa, ID

Mr. Jewell discussed survey results that were gathered as part of the 2030 Comprehensive Plan outreach. Challenges to farming operations are a direct result of further encroaching residential development. Mr. Jewell noted that the respondents and comments expressed a strong concern about the continued residential development eating up farmland. The subject property is surrounded by agriculturally zoned properties and he is agreement with staff's recommendation of denial.

Commissioner Nevill noted the project would be a gated community and asked Mr. Jewell how this would impact surrounding agricultural uses. Mr. Jewell replied he had not heard that it would be a gated community in previous neighborhood meetings.

Barry Dubkowski- (IN OPPOSITION) – 9555 Happy Valley Rd., Nampa, ID

Mr. Dubkowski has lived at his residence for 31 years which is across the road from the development. Mr. Dubkowski indicated that when he met with neighbors no one was in favor of the project. Five acre lots would be better supported by the area residents. He agrees with staff's recommendation of denial and it is not compatible with the surrounding land uses. Mr. Dubkowski noted areas of the staff report that discuss agricultural production and the seed operator to the north.

Commissioner Williamson asked if the property had been farmed. Mr. Dubkowski replied that the property had historically been irrigated and farmed at least on the front part of the property.

Tim Jensen (IN OPPOSITION) – 711 N. Porter St., Kuna, ID 83634

Kuna School District has experienced rapid growth over the past ten years. The most recent bond measure in March of 2023 did not pass. Given the current approvals within City of Kuna, the school district cannot serve this development. An independent study that was completed which indicated the square feet necessary for each student within the schools as well as the associated costs. The schools this development would impact are already over capacity. Mr. Jensen discussed partnerships with developers to help mitigate the impact on the schools. This has been a process the school district has followed for approximately two years.

Commissioner Williamson asked if the busses go into subdivisions or if this would be a pick up on Happy Valley Rd. Mr. Jensen replied it would be a pick up on Happy Valley. Mr. Jensen noted for the record that he is only speaking in regard to the property that is located within Kuna School District.

Jennine Hammer-Huber- (IN OPPOSITION) -612 E. Locust Ln., Nampa, ID

Ms. Hammer- Huber is opposed to the development and stated that the additional lots would impact traffic on Happy Valley Rd. which is already busy. The property they currently own is agricultural, and they are getting ready to plant. When they purchased their property, it hadn't been farmed for many years. They have flattened the land so it could be farmed. She disagreed with the applicant's assertion that the subject property couldn't be farmed.

Rita Jo Develin – (IN OPPOSITION) – 9681 Happy Valley Rd., Nampa, ID 83686

She has lived at her residence since 1996 and she has seen the subject property farmed in wheat and there have been sheep on the property. She stated she has lava rock on her property but she does farm 12 acres. She agrees with staff's recommendation of denial because it does not fit with the agricultural area.

Commissioner Williamson asked if Ms. Devlin would be more in favor of five acre lots. She indicated no.

Julie Sipes – (IN OPPOSITION) – 4415 E. Lewis Ln., Nampa, ID 83686

Ms. Sikes is concerned about adding an additional 67 wells to the area. She is concerned about the increase in traffic. She has agriculture on her property with six acres of hay. There is farm equipment that travel the roadways. She agrees with staff's recommendation of denial.

Commissioner Williamson stated that one of staff's recommended conditions, if approved, would require a community well. He asked if that would alleviate her concern for wells. She felt it would still draw the same amount of water, but she would need to read documentation.

Robert Robinson– (IN OPPOSITION) – 9505 Happy Valley Rd., Nampa, ID 83686

Mr. Robinson stated that the area is rural. The subject property has been farmed in the past. He is concerned about the traffic on Happy Valley Rd. He is concerned about 67 additional wells to the area. The proposed lot sizes are not conducive to the area. The current owners have not taken care of the property and it has impacted those surrounding it.

Yancy Sipes- (IN OPPOSITION)- 4415 E. Lewis Ln., Nampa, ID 83686

They moved to the area to enjoy the rural area and they grow hay. Agreed with staff's recommendation of denial.

Margaret Goppini – (IN OPPOSITION)- 5528 Deer Flat Rd. Nampa, ID 83686

They farm on Canyon County and Ada County side. The Canyon County property is adjacent to the subject property. She is concerned about any change to residential development, even on larger lots. She is concerned about farm equipment on the roadways.

David Trejo – (IN OPPOSITION) – 9464 S. Happy Valley Rd., Nampa, ID 83686

Trejo farms is a 40-acre angus ranch which grows hay and pasture. The proposed development borders his property. He is concerned about irrigation and wastewater and the impacts to his property.

Jeffery Holt (REBUTTAL) – 398 S. 9th St . Ste 250, Boise, ID 83702

Mr. Holt stated that each potential lot owner will sign an affidavit that they are aware of the seed farm and other agricultural uses. The ingress/egress was located to maintain line of sight. He understands that there are impacts to traffic. He is happy to cooperate with the school district (s).

Commissioner Nevill asked Mr. Holt if the Treasure Valley needs a gated multi-million-dollar home community. Mr. Holt stated that at this location with the size of the lots there is a market. Commissioner Nevill asked if there was a market for five-acre parcels and whether or not the applicant would consider it. Mr. Holt replied that he would consider it to make the project work but five-acre parcels are large and a lot to take care of.

MOTION: Commissioner Williamson moved to close public testimony on Case OR2021-0006, RZ2021-0011 seconded by Commissioner Nevill, voice vote, motion carried.

DELIBERATION:

Commissioner Nevill concurred with the staff's findings and recommendation.

Commissioner Villafana agreed with Commissioner Nevill but added the parcel size (s) in the area do not support a comprehensive plan map change at this time.

MOTION: Commissioner Williamson moved to recommend denial to the Board of County Commissioners for Case No. OR2021-0006. Seconded by Commissioner Dorsey.

Discussion on the Motion:

Commissioner Nevill requested that staff add testimony from the Kuna School District for criteria “E”, in regard to essential services.

Acting Chairman Sheets added that the testimony received from the public that reinforces what is in the staff report.

Commissioner Dorsey discussed the testimony in regard to the five acre lots. They do impact agriculture also. The proposal is premature and city services are not available to the property.

Roll call vote: 5 in favor, motion passed.

MOTION: Commissioner Williamson moved to recommend denial to the Board of County Commissioners for Case No. RZ2021-0011, with the addition of testimony from the Kuna School District in criteria “E”, Seconded by Commissioner Nevill.

Discussion on the Motion:

None

Roll call vote: 5 in favor, motion passed.

ACTION ITEM – APPROVAL OF MINUTES- August 15, 2024:

MOTION: Commissioner Nevill moved to approve the minutes of August 15, 2024. Seconded by Commissioner Villafana. Commissioner Dorsey abstained for not being present. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Carl Anderson, Planning Supervisor, informed the Commission that the month of October the Commission will have a total of six (6) cases. Mr. Anderson also noted that the Commission will begin seeing the new staff report templates. Commissioner Williamson requested having the checkbox table headings carry over to the next page.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Nevill . Voice vote, motion carried. Hearing adjourned at 10:53 PM.

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

Approved this 7th day of November, 2024



Brian Sheets, Acting Chairman

ATTEST



Jennifer Almeida – Office Manager