



WASHINGTON COUNTY PLANNING & ZONING REGULAR COMMISSION MEETING MINUTES

May 18th, 2021

COMMISSION MEMBERS:

Connie-Roze Burr
Mark Moura

Jeri Soulier
Ron Jaeger
Tim Wrightman
Sherry Young

Lisa Horzen
John Jensen

ADMINISTRATION: ✓ Bonnie Brent, Planning & Zoning Administrator

P & Z ATTORNEY: ✓ Delton Walker, Washington County Legal Council

VISITORS:

- Mary Lundin • Margaret-Ann Border • Katelyn Barrera • Stephanie Lancaster
- Larry Lundin • Amanda Schaus • Anthony Barrera • Rod Johnson
- John Atnip • Marvin Williams • Tim Atwood • Darla Johnson
- K. Wyss • Nancy Williams • Darren Lee • Judy Beery
- Gene Wyss • Vern Lolley • Sam Lancaster • Viviane Van Duren
- Gene S. • George Soulier • Diana Noe • Cathy Kaech
- Mike Kaech • Bret Shepard • Duane Thiessen • Jay Border
- Tanya Moye • Terry Moye • Jeremy Moye • Jerod Odoms

MEETING CALLED TO ORDER:

The May 18th, 2021 regular meeting of the Washington County Planning and Zoning Commission, held at the Washington County Courthouse, District Court room in Weiser, Idaho was called to order at 7:01 PM by Chairman Tim Wrightman. The following proceedings took place:

PLEDGE OF ALLEGIANCE:

Led by Commission Chairman Tim Wrightman

ROLL CALL:

✓Connie-Roze Burr

✓Mark Moura

✓Lisa Horzen (ZOOM)

John Jensen - Absent

✓Jeri Soulier

✓Ron Jaeger

✓Tim Wrightman

✓Sherry Young

APPROVAL OF MINUTES:

- Chairman Wrightman asked for discussion and approval of the minutes of the April 20th, 2021 regular meeting.
- Floor opened for discussion – No discussion was presented.
- Connie-Roze Burr moved to approve the minutes as written.
- Seconded by Sherry Young.
- Motion carried unanimously.

HEARINGS & DISCUSSION:

LANCASTER REZONE HEARING – 2nd HEARING

- Hearing was opened by Commission Chairman Tim Wrightman.
- Chairman called for any conflicts or ex parte communications:
 - Jeri Soulier and Lisa Horzen both stated that they had ex parte communications. No conflict was found.
- Chairman asked if any of the Commission members had driven to the area in question.
 - Some members had been out there in the past but not for the purpose of this hearing.
- Bonnie Brent, P&Z Administrator, read the legal notice into the record.

TESTIMONY:

- Stephanie Lancaster:
 - Lancaster stated that her presentation was geared to the Board of County Commissioners and not the P&Z Commission.
 - Lancaster testified as to her, and her husband Sam's experience, and educational background.
 - Lancaster gave a PowerPoint presentation on the requested rezone.
 - Submitted a soil survey from the USDA, outlining the types of soils and characteristics in the area in question.
 - It was stated that the plan for the property was a subdivision consisting of six (6), twenty (20) acre parcels for agricultural use and wildlife habitat.
 - A memo from Dennis Owsley, Hydrologist with the Idaho Department of Water Resources was read. Mr. Owsley was on ZOOM during the hearing and answered questions.
 - Well logs from local existing wells were presented from the area showing 60, 30, 50, and 8 gpm
 - Lancaster spoke on land owner rights as applicable to the project.

- QUESTION FROM THE COMMISSION:
 - Ron Jaeger asked the location of the proposed subdivision on the Lancaster’s property. Reply: Past the residence.
 - Ron Jaeger – Is there access to the property? Reply: Road through Lancaster’s will be 20’ wide with gravel and will follow local fire department guidelines.
- Katherine Wyss:
 - Wyss testified that she is totally against the proposed rezone and subdivision and having six (6) added homes. She stated her concerns about fires and egress from the area as well as emergency vehicle access. She stated she has forty (40) acres with no livestock. She stated her home is 1.5 miles from the, “Bottle neck,” and that there is currently seven (7) homes in the area.
- Vern Lolley:
 - Lolley testified that he has, “Dowsed”, several wells in the area.
 - He stated that in his experience there is, “Adequate”, water for homes and yards but not agricultural irrigation.
 - Lolley explained the science behind what he does when witching a well. Using Einstein’s 1950’s electrostatic magnetism theory.
 - Stated that he identified potential water on all six (6) proposed lots, with an estimated 6-10 gpm production from each well.
 - He stated that he believes the water will be deeper than normal well depths, somewhere between 270’ to 350’ deep.
 - He stated that these new wells should not affect each other or existing wells if placed a, “reasonable distance” apart and not right on top of each other.
- Margaret Ann Border:
 - Border testified that she is concerned about the water availability and quality in the area and the affect six (6) new homes will have on this.
 - She stated that she has witnessed wells in the area decrease output over the years, and some even dry up in the summer months.
- Marvin Williams:
 - Williams testified that he has ran up to 35 pairs of cattle, on a good year, on the property in question for approximately eleven (11) years.
 - Testified that he ran cattle on the property from May 1st through the end of August.
 - Stated that he is concerned about water availability. He can pump his well dry within 4 hours.
 - Stated he was also concerned about future road conditions with the additional traffic added by six (6) new homes.
 - Testified his well is 40’ deep.
 - Stated he watered his cattle with springs in the area, and at Moye’s with a tank and garden hose.
 - Stated he has harvested hay from the ground in the past.
 - Stated that he rotates pastures for grazing.
- Nancy Williams:
 - Williams shared photos of the area.
 - Stated that there is, “Viable farmland nearby with wheel lines.”
 - Stated she is concerned about the possibility of up to 120 new homes on the land and what this could do to the area.

- Photos submitted showed beardless barley in fields beyond proposed development.
- She believes ground is farmable if water was available. Currently has pastures.
- Amanda Schaus:
 - Schaus stated that she is an attorney representing the land owners adjacent to the proposed development.
 - Stated that the rezone would pave the way to future development. Possibly up to 120 new homes.
 - Stated that area may be ready for development
 - Stated that location is away from community center and city services, shopping, business, etc.
 - Stated that there is approximately 23.5 acres of prime ag land on proposed area.
 - Urged the Commission to seek a development agreement with Lancaster's.
- Tim Atwood, Chief, Weiser Area Rural Fire:
 - Atwood stated that he was available and willing to answer any questions.
 - Stated concerning the roadway, that generally one (1) house requires a 16' wide roadway. Two (2) homes requires a 20' roadway with no more than a 10% grade.
 - Stated that the part of the roadway at Moye's needs to be widened or an alternative route needs to be built to comply.
- Gene Wyss:
 - Concerned about the roadway and traffic.
 - Concerned about fire danger and access for fire apparatus. Stated that he has had firetrucks parked on his property preparing to fight range fire.
 - Concerned about Sam Lancaster digging ditches across roadway to limit access by neighbors.
- Rod Johnson:
 - Johnson stated he farmed the location for years for his wife's grandfather, Tommy Carr.
 - Stated the land is not prime ag and he had to supplement his cattle on it.
 - Stated that the land could be prime ag if it had water available to it.
- Judy Beery:
 - Stated that she got 400-500 small bales of hay from ground with good rain and wet spring in the past.
 - Testified she is against additional traffic on the roadway.
 - Testified her wells are hand dug 15' and 135'. Hardly any pressure. Both wells contain red algae and arsenic.
- Bret Shepard:
 - Testified that he is against approval of the rezone and the possible development.
- Tanya Moye:
 - Testified that there is little to no water for stock March thru August.
 - Concerned about water availability, effects of new wells on existing wells, and additional traffic on the narrow roadway.
 - Stated they feed onions to the sheep to supplement pasture land.
 - Stated their well puts out approximately 8 gpm with low pressure.
 - Stated that she fears if the land is not used for pasture it will become a fire hazard.
 - Stated that she only has water to water pasture not lawn
 - Stated there is a total of three (3) homes on thirteen (13) acres.
- Terry Moye:
 - Tanya Moye read Terry Moye statement/testimony into the record.
 - Stated that well south of residence was 430' deep with blue clay and produced 1 gpm.

- Stated that a spring box produced 5-7 gpm.
- Stated that water for pasture came from Barton Reservoir from high ditch but that the ditch slid out.
- Stated when Gentry owned the property he leveled the land and was getting water from Mann Creek Reservoir. No longer able to get water from Mann Creek, thus not feasible to be irrigated.
- Jeremy Moye:
 - Stated he lives on twenty (20) acres
 - Concerned about water availability and additional traffic.
 - Stated that there is not enough water on the property presently
 - Stated many times he has to go to school without a shower or clean clothes due to lack of water for bathing and laundry.
 - Concerned about safety of grandfather (Terry Moye) due to trenches dug by Sam Lancaster, if he needs medical attention.
- Jay Border:
 - Testified that water level in his 100' well has decreased. Stated that when well was dug by former property owners, water was flowing over the top. Currently water is 22' from the top of the well.
 - Testified that as more houses were built in the area, his water level decreased.
 - Testified that his well output is 10 gpm.
 - Testified that he is concerned about added traffic in the area.
 - Stated that he believes there needs to be a new access road constructed.
- Dennis Owsley – IDWR – via ZOOM:
 - Testified that there are two (2) monitor wells in the Weiser area. These wells are monitored regularly.
 - Testified that these two (2) wells show an increase in the aquifer over the past twenty (20) years.
 - Testified that the local area has layers of clay that is not easily permeable, but does hold water. These layers release water much slower and thus more time is required to recharge a well.
 - Testified about the, “Cone of Depression”.
- Amanda Schaus:
 - Testified that County Code allows for restrictions/conditions to be placed on the rezone.
 - Testified that the applicants did not check the box for development agreement on the application. Thus if the Commission requires a development agreement, applicants would have to reapply.
 - Testified that a development agreement would be new information and not part of the current application.
 - Ron Jaeger: Chapter 11 of County Code allows the Board to impose restrictions on a rezone. Commission can only suggest this.
 - Delton Walker: Commission can make recommendations to the Board to request a development agreement. They can then leave the restriction(s) or have additional hearing on the issue.
 - Lisa Horzen: The Commission has made motions to include stipulations in the past.
 - Amanda Schaus: A development agreement is not part of the current notice and hearing. The Lancaster’s would have to reapply.
 - Delton Walker: The Commission needs to stay focused on the Boards questions.
 - Ron Jaeger: A development agreement will require another hearing.
- Jerod Odoms – Road & Bridge Supervisor:
 - Testified that the County road is only 633’ of Gentry Lane from U.S. Hwy. 95, to the first cattle guard.

- Stated that the road lacks eight (8) feet in width in places to be standard.
- Part of the private road, County has a, “Verbal Agreement” for snow removal and a turnaround at second cattle guard.
- Unsure of exact right-of-way on roadway.
- Sam Lancaster Rebuttal:
 - Testified that the spring that is used to water livestock is not part of the proposed rezone.
 - Stated that if he builds a fence on right-of-way, the road would be difficult to use under normal conditions. In an emergency would be much worse.
 - Testified that he has an emergency plan for first responders in place.
 - Testified that he has plotted the parcels as rectangles.
 - Testified that parcel sales will include deed restrictions.
 - Testified that there are 200 acres to the north that allows for seasonal grazing but is not part of the proposed rezone.
 - Testified that easement through his property is sixteen (16) feet.
 - Stated that he could not find easements on deeds of other property owners.
 - Testified that Jonathan Edwards of Amerititle stated that Gentry Road is a County road to the end.
 - Testified that Nikki from Assessor’s Office checked maps and advised him that the County road stops at the, “Bottleneck.”
- Hearing Closed
- Commission Discussion:
 - Ron Jaeger: Access is a big problem in the area. Recommended a County road with asphalt due to the access issues.
 - Sherry Young: Lancaster’s were honest about the planned subdivision development in the rezone application, and were not required to disclose this. They have the right to rezone from A1 to A2.
 - Connie-Roze Burr: Stated that this hearing is for a rezone and not the subdivision.
 - Jeri Soulier: Nothing can be proven about water availability or quality.
 - Lisa Horzen: Supports rezone request.
 - Tim Wrightman: Believes the Commission has clearly covered the three (3) questions from the Board.
- Lisa Horzen moved to send an approval recommendation to the Board with the condition that an emergency access and road easement be required.
- Seconded by Sherry Young
- Motion failed: 2 for, 4 against.
- Mark Moura moved to send a favorable recommendation to the Board of County Commissioners for the Samuel & Stefanie Lancaster rezone request, and a recommendation for a development agreement requirement.
- Seconded by Ron Jaeger.
- Motion passed unanimously.

PRESENTATION – PATTI NITZ – PAYETTE COUNTY P&Z ADMINISTRATOR:

- Presented the Payette County T.D.R. (Transfer of Development Rights) handbook.
- Stated that this is a very good tool if used correctly.

- Covered her experiences with the program, pros and cons, and took questions.

ADJOURNMENT:

- Mark Moura moved to Adjourn,
- Seconded by Ron Jaeger.
- Motion carried. Meeting adjourned at 10:50 PM.