



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, February 15, 2024  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman  
Brian Sheets, Commissioner  
Harold Nevill, Commissioner  
Geoff Mathews, Commissioner

Staff Members Present: Jay Gibbons, Assistant Director of Development Services  
Carl Anderson, Planning Supervisor  
Dan Lister, Principal Planner  
Debbie Root, Principal Planner  
Amber Lewter, Hearing Specialist

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

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

**Item 1A:**

**Case No. RZ2023-0001 / Cold Steel Properties / Lurre Ln. LLC:** Case No. RZ2023-0001: The applicant, Lurre Ln LLC, represented by Alan Mills, is requesting a rezone of approximately 27.16 acres from an "A" (Agricultural) zone to an "M-1" zone (Light Industrial). The subject property is located at 18840 Simplot Rd also known as parcel number R36386 a portion of the NW quarter of Section 24, T4N, R 4W, BM, Canyon County, Idaho.

**Planner Dan Lister** reviewed the Staff report for the record.

Commissioner Nevill asked for clarification for access to the property. Planner Dan Lister stated there are access opportunities and at the time of development the appropriate process would have to be completed to obtain adequate access to the property. Commissioner Nevill asked if water for fire fighting would have to be available. Planner Dan Lister stated a permit through the Fire Department would have to take place before commencement of use.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Mike Greiner (Applicant) – IN FAVOR – 307 Badiola St, Caldwell, ID 83605**

Mr. Greiner stated the project fits well into the area. While developing the property to the east, he learned there is a lot of interest in properties that are already zoned light industrial.

Commissioner Sheets asked how the land is currently being used. Mr. Greiner stated most recently it was crop for a 4-H feed product for cattle. Commissioner Sheets asked the history of crops on the subject property. Mr. Greiner stated he believes alfalfa has been the primary crop.

Commissioner Nevill asked what the plan is for an access. Mr. Greiner stated he plans to gain direct access where it is shown on the site plan. Commissioner Nevill asked if there is an irrigation well on the property. Mr. Greiner stated it is a domestic well also used for irrigation. Commissioner Nevill asked if the land is difficult to farm because it is almost land locked. Mr. Greiner stated he was not aware of any extreme difficulties farming the property.

Chairman Sturgill asked if there is a manufacturer that plans to utilize the land once it is rezoned. Mr. Greiner stated there is a couple who are interested and is not able to share who they are.

**MOTION:** Commissioner Nevill moved to close public testimony on Case RZ2023-0001, seconded by Commissioner Sheets, voice vote, motion carried.

**DELIBERATION:**

Commissioner Sheets expressed he believes this is an appropriate request, it is infill into other light industrial uses.

Commissioner Nevill agrees with Commissioner Sheets and that the Comp Plan designates the property as light industrial.

**MOTION:** Commissioner Nevill moved to approve Case RZ2023-0001 based on the Findings of Fact and Conclusions of Law and conditions of approval and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Mathews.

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

**Item 1B:**

**Case No. CU2023-0015 / Robinson:** Case No. CU2023-0015: The applicant, Tanya Robinson is requesting a Conditional Use Permit for an animal hospital with a proposed caretaker residence on approximately ten (10) acres in an agricultural zone. The subject property is located on the northwest corner of the intersection of Van Slyke and Peckham Roads at 0 Peckham Road, Wilder ID, 83676 and is also known as parcel R36137010. This parcel is located in section 18, Township 4N, Range 4W.

Planner Debbie Root asked for a late exhibit from the Wilder Fire Department to be added into record.

**Planner Debbie Root** reviewed the Staff report for the record.

Commissioner Sheets asked what happens to the accessory dwelling if the Conditional Use Permit ceases to exist. Planner Debbie Root stated the Conditional Use Permit will need to be amended to address a condition for the accessory dwelling. Commissioner Sheets expressed not wanting the accessory dwelling to be a loop hole for a residential property down the road. Additional conversation ensued between Commissioner Sheets and Planner Debbie Root with different options.

Commissioner Nevill stated he has the same concerns for the accessory building and proposed having two CUP's, one for the animal hospital and one for the caretaker residence. Planner Debbie Root explained with the caretaker unit being allowed as an accessory building with a CUP in an agricultural zone, it has to be an accessory to something, therefore the animal hospital and caretaker residence go together in one CUP.

Chairman Sturgill proposed a condition of approval that the caretaker unit can only be occupied as long

as the hospital continues operation. Planner Debbie Root stated she is amendable to that condition.

**MOTION:** Commissioner Nevill moved to accept late exhibit 23 from the Wilder Fire Department, seconded by Commissioner Sheets, voice vote, motion carried.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Tanya Robinson (Applicant) – IN FAVOR – 27114 Lower Pleasant Ridge, Wilder, ID 83676**

Ms. Robinson stated the project maintains alignment with the future land use while providing needed services. Ms. Robinson provided the history of the subject property and explained the need for the animal horse hospital in the area. The caretaker residence is to insure the animals are monitored around the clock and medicine administered on time. The proposed use meets the map, goals, and policies in the 2030 Comprehensive Plan. The City of Greenleaf has designated a 200 ft band along the frontage of Peckham Rd. for Commercial. Ms. Robinson stated she agrees with the staff report and the conditions.

Commissioner Nevill asked where the planned location is for the caretaker residence. Ms. Robinson provided detailed information on the layout of the proposed facilities using her illustration on the screen. Commissioner Nevill asked if the caretaker residence will be stick built or a modular. Ms. Robinson stated it will not be a modular. Commissioner Nevill asked what the plan is for irrigation. Ms. Robinson explained there are four users on the irrigation ditch who will be rebuilding it, they will put a main line and gated pipe routed to the subject property. Commissioner Nevill asked Planner Debbie Root if a water user maintenance agreement should be added to the conditions. Planner Debbie Root confirmed a condition should be added. Commissioner Nevill asked if the caretaker house is a deal breaker. Ms. Robinson explained the horses they are dealing with are expensive and not sure the owners would want to have care without monitoring and having a caretaker residence is common. Not having a caretaker residence would be a deterrent for the overall goal.

Commissioner Sheets asked what the grade difference is on Van Slyke Road. Ms. Robinson stated the entrance is 325 feet away from the stop sign because the slope gets less. The slope gets less as you go further north. Ms. Robinson stated it is close to a 3 ft. grade difference after the 325 feet. Planner Debbie Root stated there is elevation difference but the fire district will have to sign off and they will have to have a ramp to make it safe for trucks and trailers to come in and out.

Chairman Sturgill asked what the number of horse occupancy is. Ms. Robinson stated they have it sited for 16 horses. Chairman Sturgill expressed concern for parking and asked if there is adequate parking for trailer space. Ms. Robinson stated there is plenty of room, the vehicles are coming and dropping off so will not be staying, and the parking spots are slanted diagonally. The Fire Department had no problems with the set up. Chairman Sturgill asked how many trailers will be able to be accommodated. Ms. Robinson stated she isn't sure of the exact amount but believes it will flow really well with the set up and not have a line waiting to park.

**Katherine DeHaan – IN FAVOR – 26519 Powers Rd, Parma, ID 83660**

Ms. DeHaan provided her history as a veterinarian and explained all the places she has worked and volunteered at she has been able to stay on site as well as other staff members of the hospital. Ms. DeHaan explained it is for the well being of the clients as well as for herself so she isn't driving in the middle of the night back and forth.

Commissioner Nevill asked if the caretaker house is more like staff quarters. Ms. DeHaan stated that was a good description. Commissioner Nevill asked Planner Debbie Root if they can call it staff quarters and not a house. Planner Debbie Root explained the caretaker building needs to be permitted as a residence and is the optimal way to address inhabitation with living on site. Ms. DeHaan stated it won't be a permanent housing situation for years, it is for an employee to stay overnight.

Chairman Sturgill asked what the occupancy for the caretaker residence will be. Ms. DeHaan stated to start it will be one employee and later will be 2-3 employees at the most.

**Marty Delk – IN FAVOR – 21074 Po Dunk Ln, Greenleaf, ID 83626**

Mr. Delk expressed some concerns after testimony in regards to the caretaker residence. If the business doesn't succeed, what happens to the property. As well as how many people will be staying in the house.

Chairman Sturgill asked clarification on testimony if it is in favor or opposed. Mr. Delk stated he doesn't have a problem with the program and explained his concerns only came up with what he heard from testimony. Chairman Sturgill explained the facility will only be able to operate within the scope of the conditions. If the animal hospital ceases to exist and another use was wanted then the process would begin again for a conditional use permit.

Commissioner Sheets explained the case is a conditional use permit and not a rezone.

**MOTION:** Commissioner Sheets moved to close public testimony on Case CU2023-0015, seconded by Commissioner Mathews, voice vote, motion carried.

**DELIBERATION:**

Planner Debbie Root stated she is reviewing additional conditions and amendments from what she heard during testimony.

Commissioner Nevill stated he is in favor and agrees with the conditions and findings. He would like additional conditions made to cover a water users' agreement, the caretaker house only operating if the animal hospital is in operation and a maximum occupancy on the caretaker house.

Planner Debbie Root asked if the applicant needed rebuttal. Chairman Sturgill asked the applicant if she would like rebuttal time. Ms. Robinson confirmed she did.

**MOTION:** Commissioner Sheets moved to open public testimony on Case CU2023-0015, seconded by Commissioner Mathews, voice vote, motion carried.

**Tanya Robinson (Applicant) – REBUTTAL – 27114 Lower Pleasant Ridge, Wilder, ID 83676**

Ms. Robinson stated the caretaker residence follows the CUP as an accessory building, she isn't attempting to go around the system and it is essential for the proposed use. Ms. Robinson stated if the animal hospital ceases to exist she will no longer have need for the caretaker residence so that ceasing to exist at the same time makes sense and is comfortable having that as a condition. Ms. Robinson stated she is unsure of the reason for a water user's agreement but isn't opposed to do one for mitigation.

Chairman Sturgill explained they want to make sure they adequately condition the use where there are no loop holes later on.

Commissioner Sheets and Commissioner Nevill explained the benefits of having a water user's agreement for the applicant. Commissioner Sheets asked if Ms. Robinson has any objections to having one with her neighbors. Ms. Robinson stated she agrees with having a condition for a water user's agreement.

Commissioner Mathews and Commissioner Nevill advised the easement will need to be included into the water user's agreement.

Commissioner Sheets asked if a condition for maximum occupancy was placed for the caretaker residence what would it be. Ms. Robinson stated four occupants would be safe.

**MOTION:** Commissioner Sheets moved to close public testimony on Case CU2023-0015, seconded by Commissioner Mathews, voice vote, motion carried.

**MOTION:** Commissioner Sheets moved to approve Case CU2023-0015 based on the Findings of Fact and Conclusions of Law and conditions of approval with the modification to condition 4 including a maximum overnight occupancy to the caretaker residence to four, adding condition 12 requiring the user's to enter into a water user's agreement and adding condition 13 to revoke all uses regarding the conditional use permit, reverting back to non-permitted ag use if the business ceases to exist. Seconded by Commissioner Mathews.

**Discussion on the Motion:**

Chairman, Commissioners and Planner Debbie Root wordsmithed the amended conditions together.

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

**APPROVAL OF MINUTES:**

**MOTION:** Commissioner Nevill moved to approve the minutes from January 18, 2024 with the approved revisions done via email, seconded by Commissioner Mathews. Voice vote, motion carried.

**MOTION:** Commissioner Sheets moved to approve the minutes from February 1, 2024 with the approved revisions done via email, seconded by Commissioner Mathews. Commissioner Nevill abstained. Voice vote, motion carried.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Assistant Director of Development Services Jay Gibbons stated staff is actively looking at the Commissioners Bylaw's and asked the Commissioners to review them and submit input to him.

Commissioner Sheets asked for a timeframe. Assistant Director of Development Services Jay Gibbons stated it is a high priority and hopefully within a months' time he will have a draft. Commissioner Sheets confirmed comments should be submitted within two weeks.

Chairman Sturgill provided insight into the process of a CUP appeal that occurred and invites the Commissioners to follow the process in the future.

**ADJOURNMENT:**

**MOTION:** Commissioner Mathews moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 8:39 PM.

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

Approved this 7<sup>th</sup> day of March, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist