



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, February 20, 2025  
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, Vice Chairman  
Harold Nevill, Commission Secretary  
Miguel Villafana, Commissioner  
Geoffrey Mathews, Commissioner  
Matt Dorsey, Commissioner

Staff Members Present: Jay Gibbons, Director of Development Services  
Dan Lister, Principal Planner  
Madelyn Vander Veen, Associate Planner  
Emily Bunn, Associate Planner  
Caitlin Ross, Hearing Specialist

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

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

**Item 1: Consent Agenda**

**A: Case No. CU2023-0021 – Sorley:** Approve revised FCO's.

**B: Case No. CR2023-0003 – Pruett:** Approve revised FCO's.

**C: Case No. CU2024-0007 – JMAC Resources, Inc.:** Approve revised FCO's.

**Motion:** Commissioner Sheets moved to approve the Consent Agenda, seconded by Commissioner Nevill. Voice vote, motion carried.

**Item 2A:**

**Case No. CU2024-0018 – Idaho Dept of Fish and Game:** The applicant, Idaho Dept. of Fish and Game, represented by Kristy Newkirk, is requesting a conditional use permit of approximately 11.14 acres for a fish rearing hatchery renovation in the R-R (Rural Residential) zone. The subject property is located at 3806 S. Powerline Rd, Nampa, Idaho, also referenced as Parcel R29144.

On January 16, 2025, the case was proposed to be tabled to a date certain of February 20, 2025.

**MOTION:** Commissioner Mathews moved to postpone Case No. CU2024-0018 to a date uncertain, seconded by Commissioner Dorsey. Voice vote, motion carried.

**Item 2B:**

**Case No. CU2023-0024 – Erlebach Properties, L.P.:** The property owner, Dave Erlebach of Erlebach Properties, L.P., represented by Todd Lakey, is requesting a Conditional Use Permit on approximately 11 acres to operate a staging area and contractor shop. The 11 acres will be 1,200 feet west of the intersection of Farmway Rd and Goodson Rd and is bordering 1-84 WB. The subject property is also

referenced as Parcel R37905.

**Chairman Sturgill** called the applicant to testify.

**Todd Lakey – (Applicant) IN FAVOR – 12905 Venezia Ct, Nampa, ID 83651**

Mr. Lakey stated there is one change to the conditions of approval in 17a; to change the timeframe from 60 days to 3 months to be consistent with the building permits within the conditions of approval. Mr. Lakey explained Mr. Erlebach's use of the parcel, to include storage of agricultural equipment and growing Jerusalem artichokes, and believes the usage is in compliance with the comprehensive plan and meets all agency requirements. He explained there will be around 15 employees with about 10 trips per day, and the highway district believes that is a low volume of trips. The hours of operation would be 7:00 am – 5:30 pm, and adequate well and septic amenities are available. Mr. Lakey and his client agree with staff's conditions of approval and urges the commissioners' approval.

Commissioner Nevill asked about the location of the artichokes compared to access to highway 44. Mr. Lakey explained his knowledge of the contractor yard equipment accessing I84 from Old Highway 30.

Chairman Sturgill inquired about the lack of a building permit for the building currently on the premises. Mr. Lakey confirmed a building permit would be dependent on the approval of the conditional use permit; otherwise, it would be limited to an agricultural use only. Chairman Sturgill verified there are current operations, and asked how many employees are on site throughout the day. Mr. Lakey deferred the answer to Mr. Erlebach. Chairman Sturgill asked why a condition for signage was proposed, to which Mr. Lakey stated Mr. Erlebach could answer that question as well. Chairman Sturgill clarified that there would be 10 trips total throughout the day, and asked about the impact fees. Mr. Lakey explained the highway district's calculations and their suggestion on a site-specific application for impact fees.

**Planner Emily Bunn** reviewed the Staff Report for the record.

Commissioner Nevill asked for a few clarifications on the conditions, and wanted to ensure the applicant's request for a 3-month timeframe was noted.

Commissioner Sheets asked who the access to the property is shared with, and confirmed that condition 16 is to acquire a road maintenance users' agreement with all owners within 6 months. Planner Bunn outlined the shared property owners, and explained she suggested the applicant to complete a title search, although she is unsure if they have already done so.

Chairman Sturgill asked about the signage condition. Planner Bunn explained that the signage condition is just a general condition for all conditional use permits, and that further restrictions can be discussed. Chairman Sturgill inquired on the process of ensuring the applicant is meeting all requirements, to which Planner Bunn described the plan on setting reminders and potential revocation if it is determined the applicant is noncompliant.

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

**Testimony:**

**Dave Erlebach – IN FAVOR – 17080 Stiehl Cr Dr, Nampa, ID 83687**

Mr. Erlebach explained his business and the processes for growing and distributing Jerusalem artichokes, and emphasized his business generating jobs and taxes in Idaho.

Commissioner Nevill wanted clarification on the main traffic route to and from the property. Mr. Erlebach explained the 2 main routes and the ultimate goal of getting to and from the freeway.

**Landon Brown – IN FAVOR – 877 W Main St, Boise, ID 83701**

Mr. Brown addressed the issue of legal access, explaining there will be 2 new easements allowing access from Farmway to the property line, although currently Mr. Erlebach does already have legal access. He also touched on the relationship with Mr. Erlebach, and edified his work ethic. Mr. Brown is in favor and requested approval.

Commissioner Sheets asked if the timeframe for legal access could be reduced to 4 weeks from 6 months. Mr. Brown explained that 6 months is crucial when it concerns any construction of the driveway, but emphasized that the condition could be divided to specific requirements, such as the access easements being recorded versus road construction.

Chairman Sturgill asked what work would be conducted in the contractor shop. Mr. Brown stated the intent was for a contractor shop and staging area, and there would be an office with an employee that deploys the equipment to various places.

**Sid Freeman – IN OPPOSITION – 27406 Farmway Rd, Caldwell, ID 83607**

Mr. Freeman emphasized he is speaking on behalf of his wife, his mother, and himself, reviewing their comments and also referring to a letter previously submitted by Sharron Braun. He agrees this property is not compliant with the comprehensive plan and stated the applicant is currently in violation of land use laws and building codes. This area is more of a light industrial use, and hours of operation have actually been personally observed from 5:00 am to 11:30 pm.

Mr. Freeman's three (3) minutes of testimony expired.

**MOTION:** Commissioner Nevill moved, seconded by Commissioner Villafana to give Mr. Freeman two (2) minutes of additional testimony. Voice vote, motion carried.

Mr. Freeman stated that although staff showed no negative impact to the area, there has been a significant increase in traffic and overall negative impact on the existing character of the area. He also continued to say the applicant would not clean the waste way, and a neighbor complained about threats to shut down a relative's septic system. He believes this should be a straight rezone instead of a conditional use permit.

Commissioner Nevill verified Mr. Freeman would still be in opposition if this were a light industrial rezone application.

Commissioner Villafana asked what is agricultural versus contractor shop use on this property. Mr. Freeman agreed the crops are very productive, and does not have a problem with any of the building permits, but rather is concerned about the change of use of the land.

Chairman Sturgill asked if Mr. Freeman was familiar with Canyon County's process for registering complaints/violations, and asked if he was prepared to monitor the use and hours of operation if this application was approved with such conditions. Mr. Freeman reiterated his current concerns and stated he could monitor that use moving forward.

**Natalie Levi – IN OPPOSITION – 26622 Farmway Rd, Caldwell, ID 83607**

Ms. Levi stated a comment received by the applicant that the whole area next to the freeway would

become industrial out of convenience. She doesn't believe the applicant is truthful in wanting this area to remain agricultural, and claimed there are lawsuits on both of his companies. Ms. Levi is hopeful to have the integrity of the land preserved and the current use of this property has not proven to lead in that direction.

**Michael Howard – IN OPPOSITION – 26512 Farmway Rd, Caldwell, ID 83607**

Mr. Howard expressed his concerns regarding safety and accountability.

**Adam Batteen – IN OPPOSITION – 27142 Farmway Rd, Caldwell, ID 83607**

Mr. Batteen is in opposition for 4 reasons. He expressed his concerns regarding the applicant being deceitful and dishonest, the spotlight on the side of the building being too bright, the unsafe drivers and work being conducted at all hours of the day and night, and that the area around Goodson and Farmway is not built for the amount of traffic that goes through every day.

Commissioner Dorsey asked for clarification on the type of trucks going in and out of the applicant's property. Mr. Batteen stated he believes it is the same semi-truck as shown in the staff report.

Commissioner Nevill clarified where Mr. Batteen's property is compared to the applicant's property and the intersection of Goodson and Farmway that is of concern.

**Pam Field – IN OPPOSITION – 25732 Goodson Rd, Caldwell, ID 83607**

Ms. Field explained the position of her home and the traffic she sees on Goodson. She was also told the property would have horses, and she has not seen anything that looks agricultural. Ms. Field also expressed concerns regarding the access onto Hwy 30 and is opposed to this application.

**Terrel McHenry – IN OPPOSITION – 16500 Goodson Rd, Caldwell, ID 83607**

Mr. McHenry also expressed his concerns with access onto Hwy 30 and the industrial work that is being conducted.

**Sid Freeman – IN OPPOSITION – 27406 Farmway Rd, Caldwell, ID 83607**

Mr. Freeman testified on behalf of Karl Herger. Mr. Herger expressed in his letter his concerns about the preservation of farm land.

**Todd Lakey – REBUTTAL – 12905 Venezia Ct, Nampa, ID 83651**

Mr. Lakey addressed the concerns around the type of equipment and use for the conditional use permit, mentioned the lawsuits mentioned in prior testimony were irrelevant, and stated the light issue could be fixed.

Commissioner Dorsey asked for a percentage of use of the contractor shop and staging area compared to farming and how it affected traffic in the area. Mr. Lakey deferred the questions to Mr. Erlebach, but also mentioned the minimal impact the proposed trips per day would have.

Commissioner Mathews asked if the 15 employees were assembling equipment in the contractor shop. Mr. Lakey stated that would be a better question for Mr. Erlebach, and mentioned there were no chemicals as prior testimony indicated.

**Dave Erlebach – REBUTTAL – 17080 Stiehl Cr Dr, Nampa, ID 83687**

Mr. Erlebach mentioned a report from the highway district regarding Goodson potentially becoming an off ramp in the future. He also addressed the concerns of chemicals and the lighting. He mentioned issues with theft in the past. Mr. Erlebach addressed Commissioner Dorsey's prior question on the percentage

of agriculture, and answered it was about 10%, but varies on the time of year for harvesting.

Commissioner Mathews repeated his prior question regarding assembling equipment. Mr. Erlebach said there was some assembling of equipment.

Commissioner Dorsey asked which of the applicant's vehicles were running stop signs. Mr. Erlebach stated there is not a stop sign running east on Goodson, but if one were added he would ensure his employees were conscientious of it. Commissioner Dorsey confirmed that farm trucks are running in November and March and construction and contractor trucks are running the rest of the year.

Commissioner Nevill confirmed the 10 trucks per day estimate was an average count over a year. Mr. Erlebach described the daily amount would depend on projects and other business on the property.

Chairman Sturgill clarified the maximum number of employees per day, which Mr. Erlebach stated 15, and Chairman Sturgill emphasized that the applicant would lose the conditional use permit if that maximum number that was conditioned was violated. He also verified the maximum of 10 trips per day was sufficient.

Commissioner Sheets asked what kind of theft the applicant was experiencing. Mr. Erlebach gave a couple of examples of items/equipment stolen.

Commissioner Villafana asked where the 2 additional buildings would go, to which Mr. Erlebach stated it was on the plan submitted. Commissioner Villafana clarified the existing building was 22,000 sq. ft.

**MOTION:** Commissioner Mathews moved to close public testimony on Case No. CU2023-0024 seconded by Commissioner Sheets. Voice vote, motion carried.

**Deliberation:**

Commissioner Mathews believes this property is more of an industrial use due to assembling equipment and believes it is inappropriate for the area. Commissioner Nevill agrees.

Commissioner Sheets believes the conditional use permit could be adequately conditioned for the area.

Commissioner Mathews mentioned there was comment that assembling equipment is happening, which is an industrial use.

**MOTION:** Commissioner Sheets moved to **approve** Case No. CU2023-0024 with modifications to conditions 16 and 17. Seconded by Commissioner Dorsey.

**Discussion on the Motion:**

Commissioner Dorsey stated he would not be in favor of this motion due to the current activities, but was still ok to second the motion.

Roll call vote: 1 in favor, 5 opposed, motion failed.

**MOTION:** Commissioner Nevill moved to **deny** Case No. CU2023-0024, finding that the application does not meet the criteria for approval under article 07-06-05, with a request for changes to staff findings for conditions 4, 6 and 7. Seconded by Commissioner Mathews.

**Discussion on the Motion:**

Chairman Sturgill asked if there is anything the applicant can do to achieve approval? Commissioner Nevill stated the applicant would have to apply to rezone to light industrial, although it would be a very hard application to gain approval on.

Commissioner Dorsey requested additional updates to condition 4.

Commissioner Sheets wanted to add to the record that he is concerned about the motion being based on speculation. Commissioner Villafana stated he appreciated Commissioner Sheets' comments, but sees this property as more industrial in nature based on the evidence presented and testimony, which sets a negative precedent on future purchases and use of similar properties.

Commissioner Mathews stated it was obvious that something more was going on than what the applicant was presenting, which is what brought up his earlier question regarding the 15 employees and what they were doing in the contractor shop.

Roll call vote: 5 in favor, 1 opposed, motion passed.

**Item 2C:**

**Case No. CU2024-0008 – Ransom:** The applicant, Jeff Ransom, is requesting a conditional use permit for a RV storage and ministorage facility on approximately 2 acres in the "C-1" (Neighborhood Commercial) zone. The subject property is located at 13461 Hwy 44, Caldwell ID 83607, also referenced as Parcel R34719010A. The applicant is proposing 39 RV storage spots, 99 storage units, 6 ft vinyl fencing, and hours of 8 AM to 5 PM, Monday through Saturday.

**Chairman Sturgill** called the applicant to testify.

**Josh Leonard – (Applicant) IN FAVOR – 251 E Front St, #310, Boise, ID 83702**

Mr. Leonard stated for the record the hours of operation presented on the agenda does not match what was in the application or in the staff report; it should read 8 AM to 10 PM. Mr. Leonard continued that this is a conditional use application for RV storage and storage units and is currently used for contractor shop/yard, excavation, and a well drilling business. The access would be from Ballard Ln, there will be no employees, and the 1 neighbor that showed up for the neighborhood meeting is supportive of the project. Mr. Leonard reviewed the criteria of articles 07-07-05, 07-14-21, and 09-09-13, and believes the location does meet criteria.

Commissioner Nevill expressed his concern with the access from Ballard Ln to Hwy 44 and confirmed that is the only way out of the property. He asked if there was anything that could be done to mitigate the RV traffic onto Hwy 44, to which Mr. Leonard responded if they had to wait for ITD to fix Hwy 44, the Ransom's would be out of business. He also added the proposed use was not intended for frequent storage, but rather storage during the off season, and there has actually been a new turn lane and deceleration lane added recently for the gravel pit.

Chairman Sturgill asked if there had been any discussion or concerns with the city of Middleton, and Mr. Leonard indicated no known issues.

**Planner Madelyn Vander Veen** reviewed the Staff Report for the record.

**MOTION:** Commissioner Nevill moved to close public testimony on Case No. CU2024-0008, seconded by Commissioner Matthews. Voice vote, motion carried.

**Deliberation:**

None.

**MOTION:** Commissioner Mathews moved to **approve** Case No. CU2024-0008, seconded by Commissioner Villafana.

**Discussion on Motion:**

Commissioner Dorsey commented that he believes traffic has already been impacted on Hwy 44.

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

**Item 2D:**

**Case No. RZ2023-0003 – Jagers:** The applicant requests an amendment to the official zoning map to conditionally rezone the properties, Parcel R37468012A and R3768012A1, from an “A” (Agricultural) zone to a “R-R” (Residential Rural). The request includes a development agreement limiting the parcels to meet a five-acre minimum lot size. The properties are located at 25744 Kingsbury Lane, Middleton.

**Chairman Sturgill** called the applicant to testify.

**Keri Smith – (Applicant) IN FAVOR – 17741 Linden Ln, Caldwell, ID 83607**

Ms. Smith explained this location already has an existing use as rural residential, and referenced the 2030 comprehensive plan that designates this land as agriculture. She described some of the surrounding areas as rural residential and that this area is supportive of and more compatible as rural residential and neighboring land uses. Ms. Smith described the Zone A floodplain criteria, and stated the applicant has complied with the requirements. She also described the area is not viable for commercial farming, but rather the ground is best suited for hobby farming and the current uses. Ms. Smith continued to explain her concern with the original application that was submitted in 2022, and that it was withdrawn and it and the agency comments previously received are no longer relevant to the current application. Although the Jagers did deed a portion of their property to the Avery Family Trust, the intent of the new application was to apply for 1-lot subdivision for the 5 acres, which would have left the Avery parcel out of compliance, so they did complete a subdivision plat to include both parcels. Ms. Smith addressed the reference about the Board denying the right to apply for a combined application and the first paragraph of the hearing body action as irrelevant, and stated this request is in line with the 2030 comprehensive plan. She further explained there have been no negative comments from agencies or the public and there is no proof of any concerns.

Ms. Smith’s ten (10) minutes of testimony expired.

**MOTION:** Commissioner Nevill moved, seconded by Commissioner Villafana to give Ms. Smith two (2) minutes of additional testimony. Voice vote, motion carried.

Ms. Smith continued to explain there was no evidence to suggest secondary dwellings should not be allowed, and described the Jagers’ need for that option. Ms. Smith also addressed the requirement for a property boundary adjustment and emphasized that if the neighbor on this parcel, that was not originally part of the application, did not comply, the application cannot move forward. She described the background on the steel fence that was put in by the neighbors and the process the Jagers took in deeding the land instead of suing.

Commissioner Mathews asked Ms. Smith to repeat the process of the land that was deeded to the neighbors due to the steel fence that was installed.

Commissioner Nevill also asked for clarification on the property boundary adjustment, to which Ms. Smith emphasized the Jaggers do not have an issue with complying with this request; however, it should not be added as a condition of approval in the event the neighbor does not comply.

Commissioner Mathews suggested that because the land in question was deeded, there should be legal description somewhere that indicates the land should not be an issue. Ms. Smith reiterated that the neighbors had not done their part in all of the legal aspects in doing a property line adjustment, which makes it a challenge to enforce that on the applicant moving forward.

Commissioner Nevill clarified that any new builds on the new parcel would be in compliance with the floodplain requirements.

Chairman Sturgill expressed his concern on the lack of agency responses for residential rezones for services and response times, and asked if Ms. Smith or her clients have attempted to gain information on what response times for these types of services would entail. Although Ms. Smith had received information on what the fire requirements for the area would be, she did not have an answer on why the fire department had not sent her their confirmation that the response time would not be an issue. Ms. Smith wanted to add for the record that there are no similarities between their property and the agency responses received for the bordering properties, and does not believe those comments should have been included in the staff report.

**Principal Planner Dan Lister** reviewed the Staff Report for the record.

Commissioner Sheets asked how the application got to Planning & Zoning with noncompliant lots, considering the requirement to do a property line adjustment is appropriate given all adjustments are out of compliance. Planner Lister explained this application was a way for the issue to be fixed, as far as getting the rezone approved and moving to the platting process to then focus on the property line adjustment.

Commissioner Villafana confirmed that there is no application for the property boundary adjustment completed for the 0.07-acre lot split, and that it does not meet Canyon County code, despite the tax parcel given to that deeded property.

Commissioner Nevill asked what steps should've been taken to avoid a future noncompliant application. Planner List explained the potential process to avoid the lot split and property deed. Commissioner Nevill asked if adding secondary dwellings would essentially destroy the potential of a future AC5 zone. Planner Lister mentioned although there is no code on the AC5 zoning yet, but the idea is to match the long-term goal of keeping the property consistent with surrounding properties and the nature of the area. Commissioner Nevill asked why exhibits from other properties were included, especially those that were denied. Planner Lister explained that is to give history and decisions of the surrounding areas. Commissioner Nevill confirmed the process of adding essential services to a secondary dwelling.

Commissioner Sheets asked if the applicant can revise their application should a condition prove to be difficult to meet. Planner Lister explained the process of a development agreement modification.

Chairman Sturgill verified that a few typos would be corrected in the FCOs.

Commissioner Dorsey asked what the process would be if the Avery's had purchased the empty parcel and wanted to build a house on it. Planner Lister explained the process of merging the parcels back together and acquiring a building permit for a secondary dwelling per current code.



**MOTION:** Commissioner Sheets moved to close public testimony on Case RZ2023-0003, seconded by Commissioner Dorsey. Voice vote, motion carried.

**Deliberation:**

Commissioner Sheets mentioned he is in favor of the current conditions, but wants to amend condition 2a to say "5-acre minimum." Planner Lister mentioned one of the lots does not meet the 5-acres, so "average" would be more appropriate.

Commissioner Mathews asked if the condition prohibiting secondary dwellings would be removed, and recommended doing so.

Commissioner Nevill stated he is not in favor of approving noncompliant land, no matter the conditions.

Commissioner Villafana verified the process if both parties agreed to the property boundary adjustment.

Commissioner Mathews was still confused why the neighbors that were deeded the 0.07-acre lot were even still required to agree to participate. Planner Lister reminded him that the sale violated Canyon County code.

**MOTION:** Commissioner Sheets moved to **recommend approval** for Case No. RZ2023-0003, with recommended conditions as drafted. Seconded by Commissioner Villafana.

**Discussion on Motion:**

Commissioner Dorsey explained his confusion on the lot split, to which Planner Lister explained the process of the applicant gaining approval or moving forward in putting in the appropriate applications for the 0.07-acres.

Roll call vote: 4 in favor and 2 opposed. Motion passed.

After a brief discussion with Director Jay Gibbons during the intermission, Chairman Sturgill brought forward the recommendation that Item 2A: Case No. CU2024-0018 - Idaho Dept of Fish and Game be proposed to be tabled to a date certain of March 6, 2025 instead of the prior motion to table to a date uncertain.

**MOTION:** Commissioner Mathews moved to table Case No. CU2024-0018 to a date certain of March 6, 2025. Seconded by Commissioner Dorsey.

**Discussion on Motion:**

Commissioner Sheets expressed his concerns about tabling the case without re-noticing, which would not allow those expecting to be present the opportunity to know the case was tabled and believes tabling the case to a date uncertain as previously voted on should be carried through.

Commissioner Dorsey did not believe it would make a difference if the prior motion was withdrawn.

Commissioner Nevill agrees with Commissioner Sheets.

Roll call vote: 0 in favor and 6 opposed. Motion fails.

**3. DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Director Jay Gibbons thanked Commissioner Villafana for his service as a commissioner. Commissioner

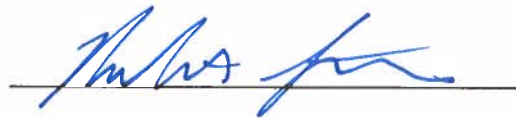
Villafana shared his appreciation. Commissioner Nevill asked if there was a date set for the combined meeting with BOCC. There was discussion on this topic.

**4. ADJOURNMENT:**

**MOTION:** Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 10:09 P.M

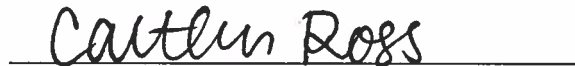
An audio recording is on file in the Development Services Departments' office.

Approved this 17<sup>th</sup> day of April, 2025



Robert Sturgill, Chairman

ATTEST



Caitlin Ross, Hearing Specialist