



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, February 6, 2025
6:30 P.M.

1ST 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

Staff Members Present: Jay Gibbons, Interim Director of Development Services
Michelle Barron, Principal Planner
Dan Lister, Principal Planner
Arbay Mberwa, Associate Planner
Emily Bunn, Associate Planner
Amber Lewter, Associate Planner
Caitlin Ross, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:32 p.m.

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

Item 1: Consent Agenda

A: November 21, 2024 Minutes

B: December 5, 2024 Minutes

C: Case No. CU2024-0001 - Gutierrez: Approve revised FCOs.

D: Case No. CU2023-0019 - Nampa Paving: Approve revised FCOs.

E: Case No. CU2023-0020 - Martin: Approve revised FCOs.

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

Item 2A:

Case No. CU2023-0021 – Sorley: The applicant, Daniel Sorley, is requesting a Conditional Use Permit for a private airstrip on approximately 34.5 acres of an “A” (Agricultural) zone. The subject property is located at (19744 Middle Rd. Caldwell Id. 83607), also referenced as Parcel R36439, a portion of the NW quarter of Section 25, T4N, R4W, BM, Canyon County, Idaho.

Chairman Sturgill called the applicant to testify.

Dan Sorley – (Applicant) IN FAVOR – 19744 Middle Rd, Caldwell, ID 83607

Mr. Sorley is requesting a conditional use permit for a small grass airstrip on his property to be able to keep his personal airplane at home. He stated he agreed with what was portrayed in the Staff Report, other than the new occupancy permit request for the building he had engineered, which is primarily used for farm equipment, tools, etc. The airplane only takes up about 10% of the building.

Commissioner Sheets asked what kind of aircraft Mr. Sorley owned and if it were the only aircraft anticipated to be on the property. Mr. Sorley stated it was a 2-seat, taildragger Fibercut, and yes, it would be the only aircraft based on the property, with the exception of an occasional guest.

Commissioner Nevill asked if the applicant agreed to all 9 conditions listed in the Staff Report, and clarified he has already met condition 4 in regards to having that storage building engineered. Mr. Sorley responded yes, and that it was required for the building permit.

Chairman Sturgill asked if Mr. Sorley provided the documentation for the engineered building as part of the application, in which Mr. Sorley stated he thought it would've been part of the building permit portion, but does have that documentation and the County has records of it.

Commissioner Villafana asked about winter maintenance on the airstrip. Mr. Sorley agreed it would be his responsibility – his aircraft isn't an all-weather machine; however, he plans to keep the grass strip mowed and maintained as needed. There was also clarification that it is only a day airstrip.

Planner Arbay Mberwa reviewed the Staff Report for the record.

Chairman Sturgill asked if there were any changes that needed to be made to the building from its Agricultural status. Planner Mberwa stated it would be in the building permit review. Chairman Sturgill asked if there was an application fee for the inspection, to which Planner Lister commented there may be a fee for the change of occupancy, but the existing plans may suffice. Chairman Sturgill asked for clarification of Greenleaf's high-density area, but Planner Mberwa was unaware of the specific statistics.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Steve John – IN OPPOSITION – 19936 Middle Rd, Caldwell, ID 83607

Mr. John stated he is not against airplanes or personal use of an airstrip, but is confused and concerned on what the actual use is intended for since it has been approved by the FAA, which allows the airstrip to be on the map for others to be aware of and use in case of emergency.

Commissioner Nevill recapped the condition in which the permit for this airstrip is limited to the applicant/one aircraft and is not transferrable. He asked if this permit is approved with that specific condition, would it satisfy Mr. John's concerns? Mr. John asked if that condition could be applied over FAA regulations. Commissioner Nevill mentioned there are things P&Z can control while there are other conditions the FAA would control.

Chairman Sturgill said as conditioned, both criteria would apply to this conditional use permit, and reiterated that an additional application would be required if the applicant wished to fly a second plane. Mr. John stated he was concerned about the houses across from Middle Rd. Chairman Sturgill clarified Mr. John's concern of the direction of the airstrip, and that it would affect the buildings in the flight path.

Mike Johnston – IN OPPOSITION – 19735 Middle Rd, Caldwell, ID 83607

Mr. Johnston stated he is not opposed to the airstrip, but agreed on the concern of the direction of the flight path. He also mentioned he did not want this to lead to the area turning into a sky park.

Commissioner Nevill restated the condition of one aircraft, and that any other type of operation would need to be reapplied for.

Dan Sorley – REBUTTAL – 19744 Middle Rd, Caldwell, ID 83607

Mr. Sorley stated there are no splits available and with the maximum of 2 residences, there is no possibility of this property turning into an airport. Mr. Sorley explained he tried to align his airstrip with the Caldwell airport, which is also conducive with the wind. He also went through the lineage of approval he has received, including the City Developer in Greenleaf, which has brought him to this conditional use application through the County.

Chairman Sturgill asked if the additional building inspection needed any further comments, to which Mr. Sorley said he had the engineered plans and could present them if needed.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2023-0021, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets expressed his potential motion for approval, and explained prevailing winds and crosswind landings do come into account with safety and orientation of the runway. Commissioner Sheets also added to condition 3 to include occasional use by 1 guest aircraft, and does not believe it would negatively impact the character of the conditional use permit.

Commissioner Mathews agreed with both the applicant and Commissioner Sheets in regards to the direction of the airstrip.

MOTION: Commissioner Sheets moved to **approve** Case No. CU2023-0021 with the previously discussed modification to condition 3. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

Roll call vote: 5 in favor, 0 opposed, motion passed.

Item 2B:

Case No. CR2023-0003 – Pruett: The applicant, Michelle Pruett, represented by Katie Burford, is requesting a conditional rezone of approximately 16.49 acres from an “A” (Agricultural) zone to a “CR-RR” (Conditional Rezone –Rural Residential) zone. If approved, the applicant will proceed with an administrative land division application to split the parcel into 2 parcels. The subject property is located adjacent to 27262 Ustick Rd, Wilder, ID 83676 also referenced as Parcel R37229010A, a portion of the Southwest quarter of the Southeast quarter in Section 33, T4N, R5W, BM, Canyon County, Idaho.

Chairman Sturgill called the applicant to testify.

Michael Torres – (Applicant) IN FAVOR – 15288 Greenwing St, Caldwell, ID 83628

Mr. Torres presented the report with findings he put together. He explained there should be no negative impacts to the farming community, with minimal traffic patterns, and would request only 2 building permits; 1 for the 10 acres, 1 for the 6 acres. Mr. Torres said there will not be any new accesses or easements required. He believes the proposed use is going to mimic the surrounding land uses, and understands the future plan for this area is residential-rural. Mr. Torres further explained there are adequate utilities, and there will not be many changes with the currently maintained road and no interference with the irrigation. There will be minimal impact to central public services with only 2 potential new homes on the property.

Commissioner Nevill asked if there were any rural residential zones near this property. Mr. Torres did not know.

Commissioner Mathews asked what the purpose of dividing the property into the 2 parcels, and expressed his concern about the properties being further subdivided. Mr. Torres explained there would one be 1 home on 6 acres and 1 home on 10 acres. Commissioner Mathews asked if there was a condition to prevent the lots being subdivided in the future, would that be acceptable by the applicant, to which Mr. Torres did not have any issues with that.

Chairman Sturgill asked the applicant how he felt about secondary residences. Mr. Torres said he understands the concerns if it were not possible.

Commissioner Villafana asked if both accesses to one of the lots was still going to be off of Ustick. Mr. Torres stated that was correct, and an easement would be needed for the other lot. Commissioner asked why a conditional rezone was need to add homes to the property. Mr. Torres responded he didn't think it was possible to build any homes with the current zoning.

Planner Emily Bunn reviewed the Staff Report for the record.

Commissioner Nevill asked if the nonconforming building on the property was going to become one of the residences if this application was approved. Planner Bunn explained the applicant would need to either bring that building down to agricultural exempt standards, or up to residential standards, in which the latter would take one of the building permits. Commissioner Nevill asked if there was still an option to do a secondary dwelling, to which Planner Bunn answered yes. Commissioner Nevill clarified that there could then be up to 5 houses total on this property, counting the potential agricultural building, and if each home could be sold in the future. Planner Bunn confirmed, and specified each parcel could be sold, but to split the primary and secondary dwellings, the applicant/buyer would need to reapply and go through the application process again. Commissioner Nevill asked why a road users maintenance agreement was not required with the potential of different owners in the future. Planner Bunn explained the policy and process in the applicant applying for a road users maintenance agreement.

Commissioner Sheets asked if the current building has well and septic amenities, to which Planner Bunn stated she knew there was a septic system but referred to the applicant for an answer for the well. Commissioner Sheets asked if anyone was living in that building. Planner Bunn said a neighbor called stating there were lights on at night, but there is no further information.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2023-0003 seconded by Commissioner Matthews. Voice vote, motion carried.

Deliberation:

Commissioner Nevill is not in favor of rezoning this area to rural residential as this is a foot in the door for future rezoning and further development. Chairman Sturgill asked which criteria would need to be changed to deny the case. Commissioner Nevill explained his thoughts on questions 1, 2, 4 and 7 of the staff analyses.

Commissioner Sheets explained this application is presented for 2 lots with 1 house each, and recommends adding a condition that each parcel should prohibit secondary residences. He also recommended making the appropriate adjustments to the current building as mentioned previously.

Commissioner Mathews agreed with Commissioner Sheets, and requested to add that neither property could be further subdivided.

Commissioner Villafana also agreed with Commissioners Sheets and Commissioner Mathews, and agreed the addition of just the 2 homes within the 16 acres will be of minimal impact and will not change the character of the area too much.

MOTION: Commissioner Sheets moved to **recommend approval** for Case No. CR2023-0003 with a recommended additional condition that each building permit is restricted to 1 residential building, and no secondary dwellings. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Nevill reiterated his concern about how a rezone could open the door for future rezones, and expressed his desire to vote against the motion.

Chairman Sturgill explained he would move to continue this case until there was evidence on whether there would be an impact on central public services; and therefore, would also vote against Commissioner Sheets' motion.

Roll call vote: 3 in favor, 2 opposed, motion passed.

Item 2C:

Case No. CR2022-0027 – Hess: The applicant, David Hess, is requesting a conditional rezone of parcels R33459010 and R33459010B from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone-Rural Residential) zone. The request includes a development agreement limiting development to a five-acre average minimum lot size. The subject parcel is located directly south of 20208 Nancy Ln Caldwell, ID 83607; also referenced as a portion of the NE¼ of Section 22, T3N, R4W, BM, Canyon County, Idaho.

Chairman Sturgill called the applicant to testify.

David Hess – (Applicant) IN FAVOR – 116 Arabian Way, Nampa, ID 83687

Mr. Hess is requesting a rezone of his property to then acquire a building permit. This property was approved of a conditional use permit in 2002, but the original applicant failed to follow the conditions, so Mr. Hess was encouraged to reapply for a new application. He believes the rezone and their vision fits within the goals of the 2030 Comprehensive Plan and the surrounding areas.

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

Commissioner Nevill asked if secondary dwellings were allowed. Planner Lister stated if the owner lived on site, they can have a secondary dwelling in an Agricultural zone. Commissioner Nevill commented that there could be up to 4 houses between the 2 parcels. Planner Lister explained there was not much impact on whether it would meet the private road standards, but the applicant was not opposed to prohibiting secondary dwellings. Commissioner Nevill asked why this application would've gone through without a road user's maintenance agreement. Planner Lister answered that this application will go through the platting requirements, which would address the road user's maintenance agreement requirements.

Commissioner Sheets asked if this property would meet the private road standards and wanted to ensure future development is aware of those standards. Planner Lister explained the access requirements and conflicts with adjusting the current easement, and that there was a recommended easement through Carl Glaettli's property to meet access requirements.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Carl Glaettli – IN FAVOR – 183 N. Stinson St, Nampa, ID 83651

Mr. Glaettli stated he is in support of Mr. Hess.

Rick Burton – IN NEUTRAL – 14737 Sunny Slope Rd, Caldwell, ID 83607

Mr. Burton explained the process Mr. Newby went through to obtain a 60-foot easement through his property on Newby Subdivision, as well as the stipulations for access on Nancy Lane.

Planner Lister clarified the applicant is proposing access through Newby Subdivision, but this site could use the easement on Newby Subdivision or the access on Nancy Lane.

Commissioner Sheets asked who the parties were to the easement. Mr. Burton answered the Nancy Lane right-of-way was added prior to Mr. Newby purchasing the land for future development and access to current subdivision to the north side. After Commissioner Sheets explained how an easement is documented, Mr. Burton stated he was unaware of the specific details.

Ben Newby – IN NEUTRAL – 2041 N. Rubine Ln, Kuna, ID 83634

Mr. Newby wanted to clarify that the easement is a driveway and not meant for traffic, and stated access could be obtained through Nancy Lane.

Allan Laird – IN NEUTRAL – 20086 Nancy Ln, Caldwell, ID 83607

Mr. Laird mentioned the fire department documented in the staff report, Caldwell Rural, may be incorrect, due to his family working with Marsing Fire when his son's house was built. He also mentioned the public easement on 1st and Nancy Lane is only 25 feet but has room to add to; however, his son was informed by Golden Gate Hwy that he has no access to that road due to the size.

Patrick Williamson – IN NEUTRAL – 14807 Sunny Slope Rd, Caldwell, ID 83607

Mr. Williamson wanted to specify that the record should show Williamson Vineyards instead of Williamson Winery due to trademark issues. He also wanted to understand the noticing distance as he does not recall receiving a letter for his parcel. Mr. Williamson stated that when his family added their tasting room, it was determined access to Nancy Lane would be too costly as they would need to pave and level it. He also mentioned concerns/inquired about a potential wildlife sanctuary on the property. Mr. Williamson stated for the record he would like to see a water users' agreement if approved.

David Hess – REBUTTAL – 116 Arabian Way, Nampa, ID 83687

Mr. Hess added that the parcel is taxed as rural residential and that there is a well on the property. He also mentioned after speaking with engineers with the Golden Gate Hwy District, it was determined the easement on Mr. Newby's property was originally determined as the legal access to 4 parcels, including 2 of Mr. Newby's parcels, 1 for Mr. Glaettli, and Mr. Hess' parcel. All 4 parcels would have to give right-of-way to Golden Gate Hwy District to make Nancy Lane an access for the parcels.

Commissioner Mathews asked about an alternate access off of Myrtle Lane and 1st or 2nd St. Mr. Hess didn't oppose, but stated the Golden Gate Hwy District indicated that wasn't an option and there would need to be a road users' agreement for that private road.

Commissioner Nevill asked if Mr. Hess would be compliant with a condition that prohibits secondary dwellings. Mr. Hess stated he would. Commissioner Nevill asked about the testimony regarding a wildlife

refuge and if supervision, such as IDFG, was required, to which Mr. Hess agreed he was aware of Mr. Glaettli planting trees for birds, but did not have any information on IDFG or others being involved. Commissioner Nevill inquired about access for a fire truck if necessary, and Mr. Hess explained the potential requirements for that access. Commissioner Nevill asked Planner Lister if that would meet private road standards. Planner Lister said it could, or Mr. Hess could work with the highway district to gain access off Nancy Ln, but they would need to show which option they decide to move forward with at the preliminary plat stage.

Planner Lister addressed the question regarding fire departments; the applicant could not get a response from Marsing, which is why Caldwell Rural is listed on the staff report. He also explained the process in adding Mr. Glaettli to the application, and stated there were no comments from IDFG regarding the potential wildlife sanctuary on site.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2022-0027, seconded by Commissioner Matthews. Voice vote, motion carried.

Deliberation:

Commissioner Nevill believes whatever the motion is moving forward that all of the raised issues be addressed. Commissioner Nevill suggested adding a 5th condition of approval that prohibits secondary dwellings.

Commissioner Sheets also has concerns about the access. He does not feel comfortable approving a conditional rezone with so many questions and conflicts regarding improvements for the access unanswered.

Commissioner Mathews and Commissioner Nevill agreed with Commissioner Sheets.

Chairman Sturgill reiterated his concerns he had for the prior case, in that there is no evidence suggesting any impact on central public services, and would request further information on this subject in addition to the access issues.

MOTION: Commissioner Sheets moved to continue Case No. CR2022-0027 to a date certain of April 3, 2025, seconded by Commissioner Nevill.

Roll call vote: 5 in favor, 0 opposed, motion passed.

Item 2D:

Case No. CU2024-0007 – JMAC Resources, Inc.: The applicant, JMAC Resources, Inc., requests a conditional use permit to allow a long-term mineral extraction expansion and concrete batch plant use for up to 40 years on Parcels R36106, R36106010, and R36107, approximately 237.5 acres. The subject properties are located approximately 2,600 north of Peckham Road adjacent to the Riverside Canal and Dixie Slough; also referenced as a portion of the NW & NE quarters of Section 16, T4N, R4W, BM, Canyon County, Idaho.

Chairman Sturgill called the applicant to testify.

Brent Orton – (Applicant) IN FAVOR – 17338 Sunnydale Pl, Caldwell, ID 83607

Mr. Orton noted that JMAC Resources is the mineral extraction company, but there are representatives present for the Redmon Family Trust's property, which is the proposed site. On a presentation Mr. Orton provided, he pointed out an area where a concrete ready-mix batch plant would be added. Operation

hours would be 6 am to 4 pm for the washing and crushing hours, 4 am to 10 pm for rush projects, and 24 hours a day for 6 days a week for bigger highway projects, which would require more night work to meet requirements. Mr. Orton also explained there would be 15 concrete trucks and 5 aggregate trucks, with up to 5 concrete deliveries per day per concrete truck. Mr. Orton addressed potential impact areas on each side of this property, as well as the increased traffic, which was calculated as up to 300 trips per day including what is already present. Mr. Orton stated they were unaware of noise or dust complaints, and dust is and will continue to be mitigated. He also added the concrete batch plant would require an air quality permit with DEQ, which is addressed in agency comments.

Commissioner Nevill clarified with Mr. Orton that there was currently no batch plant. He then asked how much noise the proposed batch plant would add. Mr. Orton stated it would be no noisier than crushing.

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

Commissioner Nevill asked for clarification of the operation hours. Planner Lister stated the conditional use permit in 1999 did not have a restriction on hours, so although the expansion could be conditioned if approved, the existing pit would not have any time restrictions. He further explained the hours of operation proposed by the applicant were mimicking what recent hours of operation have been in this location.

Commissioner Mathews asked for the distance between the batch plant and the Greenleaf airpark. Planner Lister explained from his calculations to determine the closest residence, the initial airstrip of the airpark was over 1,000 feet away.

Chairman Sturgill asked if there were any code violations or reports of the existing operation. Planner Lister confirmed there were no records.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Justin Ekert – IN FAVOR – 18129 Charley Lane, Caldwell, ID 83607

Mr. Ekert clarified the hours of operation, and explained he does not intend to go outside of what is normal hours of operation, but wants the ability to if needed. Typically, the gravel pit would run 6 am to 4 pm, but the ready-mix aspect would require starting around 4 am. He is conscientious of mitigating noise and light pollution.

Commissioner Nevill asked if there was communication between the operator and IMC to address the intersection of Notus Rd and Hwy 19, and what the stipulations would be to wait to operate until it was addressed. Mr. Ekert explained there have not been any communication with IMC; however, the amount of traffic in the area has not negatively impacted their operations. He also added that any further delay than the already 2.5-year process for this application would be more of a burden and they would like to operate as soon as possible.

Chairman Sturgill asked what the depth of the new batch plant would be compared to the surface level of the whole operation. Mr. Ekert answered the batch plant is at surface level. He explained the crushing is noisier than the batch plant, and believes the berms they have in place would help alleviate any noise issues.

Jerry Stevenson – IN NEUTRAL – 21494 Tucker Rd, Greenleaf, ID 83626

Mr. Stevenson addressed his concerns regarding the late evening hours and the additional noise after certain times, as well as the potential of lighting shining towards his house.

Commissioner Sheets asked how far his property was from the property. Mr. Stevenson answered about a quarter mile away and a little over 100 feet in elevation above the operation.

Commissioner Nevill asked if the map showed Mr. Stevenson's property, but it was determined it was west of the proposed site and not shown on the map.

Chairman Sturgill asked if the new batch plant, and therefore the additional lighting, would be further away from Mr. Stevenson's property. Planner Lister clarified the distance of 3,400 feet away.

Brent Orton – IN FAVOR (REBUTTAL) – 17338 Sunnydale Pl, Caldwell, ID 83607

Mr. Orton found that crushing operations is 85 decibels and a batch plant is 83 decibels. He also explained the stipulation for mitigation factors, especially concerning sound and light. Mr. Orton addressed Mr. Stevenson's concerns on hours of operation, and reassured that the late evenings are minimal.

Commissioner Mathews reiterated the concern for noise and suggested finding an additional way to mitigate that complaint. Mr. Orton stated he knew the operator's intent was to have the batch plant as far away from other residences as possible.

Commissioner Sheets mentioned the normal conditions on hours of operation for a conditional use permit are more specific than what this application is seeking, and recommended adding a condition to the 24 hours a day, 6 days a week, to only be for up to 21 days, or something similar.

Commissioner Nevill agreed that the 21-day condition is appropriate.

Chairman Sturgill confirmed with Commissioner Sheets that it would consist of 21 consecutive days.

Commissioner Mathews suggested building rapport with the neighbors in events where there will be additional night-time work and noise by doing something nice for them, essentially to thank them for their understanding and patience.

Planner Lister clarified with the Commission that it would be 21 consecutive days per month, on occasion and as needed.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2024-0007, seconded by Commissioner Villafana. Voice vote, motion carried.

Deliberation:

None.

MOTION: Commissioner Sheets moved to **approve** Case No. CU2024-0007, with the amendment of condition number 2 to include the hours of operation as 4 am to 6 pm, with occasional 24 hours a day not to exceed 21 consecutive days. Seconded by Commissioner Mathews.

Discussion on Motion:

None.

Roll call vote: 5 in favor and 0 opposed. Motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Interim Director of Development Services Jay Gibbons stated he is coordinating a joint meeting between P&Z, BOCC, and Hearing Examiners for input and discussion. He also mentioned upcoming staff changes; there was discussion on the topic.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 10:05 P.M

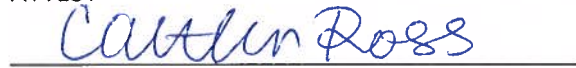
An audio recording is on file in the Development Services Departments' office.

Approved this 3rd day of April, 2025

A handwritten signature in blue ink, appearing to read "Robert Sturgill", is written over a horizontal line.

Robert Sturgill, Chairman

ATTEST

A handwritten signature in blue ink, appearing to read "Caitlin Ross", is written over a horizontal line.

Caitlin Ross, Hearing Specialist