



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, April 3, 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
Geoffrey Mathews, Commissioner
Matt Dorsey, Commissioner

Staff Members Present: Jay Gibbons, Director of Development Services
Joshua Johnson, Assistant Director of Development Services
Aaron Williams, Director of Constituent Services
Zach Wesley, Deputy Prosecuting Attorney IV
Dan Lister, Principal Planner
Michelle Barron, Principal Planner
Amber Lewter, 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.

CONSENT AGENDA

- A. February 6, 2025 MINUTES**
- B. Case No. VAC2024-0001 - Thueson:** Approve revised FCO's
- C. Case No. CU2024-0003 - Garman:** Approve revised FCO's

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

Item 2A:

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.

On February 6, 2025, the case was continued to a date certain of April 3, 2025.

Chairman Sturgill asked Planner Lister to summarize what transpired at the last hearing and where they are in the process.

Planner Lister stated at the February 6, 2025 hearing testimony was received. At the conclusion of the testimony the P&Z Commission tabled the hearing to allow the applicant to work with Golden Gate Highway District to address the access location. The P&Z Commission also requested information from

Marsing Fire District. Although testimony was received at the prior hearing, public testimony remained open. Staff requested that testimony be limited to the new information.

Chairman Sturgill called the applicant to testify.

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

Mr. Hess stated that had talked to Planner Lister and Bob at Golden Gate Highway District it was decided that the access would be off of 1st St. with a private driveway parallel to Nancy Ln. The access would be separate from Nancy Ln. Mr. Hess sent an email to Marsing Rural Fire District and they indicated a 20 ft. access road would be required.

Commissioner Nevill asked about the construction of the private driveway. Mr. Hess understood it would just need to meet Marsing Rural Fire District standards.

Planner Dan Lister reviewed the updated information/staff report for the record.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Alan Laird – IN NEUTRAL – 20086 Nancy Ln., Caldwell, ID 83607

Mr. Laird stated that the arrows on the map depict 2nd Street not 1st.

Ben Newby – IN NEUTRAL – 14737 Sunnyslope, Caldwell, ID 83607

Mr. Newby discussed the map which depicts the access. He asked for clarification on the access.

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

Mr. Hess clarified the access to the property. From 1st Street they will cross into the 30 ft. easement and then into the driveway, parallel to Nancy Ln.

Commissioner Nevill asked for clarification on the maps utilized for access. Planner Lister explained the access. Platting is required for this development.

Commissioner Dorsey stated that he was not part of the first hearing for this development. He also indicated for the record that he used to farm this property before it started to be developed. Chairman Sturgill suggested that Commissioner Dorsey recuse himself as he was not part of the first hearing.

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

Deliberation:

Commissioner Nevill stated that it is easier to condition now to restrict no secondary residences.

Commissioner Sheets agreed to an addition of a condition.

MOTION: Commissioner Nevill moved to **recommend approval** of Case No. CR2022-0027 to the Board of County Commissioners, accepting staff's Findings of Fact, and adding condition no. 5 to state that no secondary residences are allowed. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

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

Item 2B:

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. On February 20, 2025, the case was proposed to be tabled to a date uncertain.

Chairman Sturgill called the applicant to testify.

Kristy Newkirk – (Applicant) IN FAVOR – 11939 W. Musket Dr., Boise, ID 83713

Ms. Newkirk stated the need for the conditional use permit has been triggered by the reconstruction project for the fish hatchery. The improvements will be restricted to the southeast side of the property. Fish & Game purchased the property in 1982. The property had been used as a hatchery since 1975. The hatchery needs infrastructure improvement. The current use predates the zoning code and has been operating as a legal non-conforming use. Approval of the conditional use permit to allow for the improvements will make the use legal conforming. The proposed changes will not change the day to day operations. The improvements will produce a healthier stock fish. All of the criteria for a conditional use permit have been met.

Commissioner Nevill asked about access to the site. Ms. Newkirk stated that the proposed access was depicted on their site plan.

Chairman Sturgill referred to Exhibit 7D4, in regards to a fence, which appeared to be a tradeoff for reducing a 70 ft. setback to 50 ft. Ms. Newkirk stated there is a 70 ft setback from the centerline of Locust Lane. The existing hatchery is approximately 18 ft. from centerline. They are proposing to bring it to 50 ft. They were not able to meet the 70 ft. setback. Screening will be added when the road is widened in the future.

Director of Development Services, Jay Gibbons reviewed the Staff Report for the record.

Chairman Sturgill asked about fencing and whether or not it would be appropriate to add a condition requiring that it be installed when the road is widened. DSD Director Gibbons replied, yes that would be appropriate.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Kenny Pfeifer – IN NEUTRAL – 1825 E. Locust Ln., Nampa, ID 83686

Mr. Pfeifer is not opposed to the request. He stated at the first meeting he had with the applicant's they had agreed that each of them would give up 10 ft. for right of way. The second meeting they weren't giving up 10 ft and it was all on him. They need to also provide 10 ft.

Kristy Newkirk – (Applicant) REBUTTAL – 11939 W. Musket Dr., Boise, ID 83713

Ms. Newkirk stated it was her understanding that the 50 ft. was for the entire right of way for expansion. If there is a road widening it will come onto the fish hatchery property.

Commissioner Nevill asked about the fence. If a condition was placed, what type of fence would be installed. She understood 6 ft. site obscuring. Commissioner Nevill asked for clarification on the 50 ft. right of way. Ms. Newkirk explained the right of way.

Assistant Director Johnson explained the setback from section line for the record and the reasons for the setback. He believed the discussions may have taken place before discussions with the highway district.

Director of Development Services discussed a potential condition regarding fencing & Nampa City Code.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2024-0018, seconded by Commissioner Dorsey. Voice vote, motion carried.

Deliberation:

Commissioner Sheets stated that in the long term a rezone may have been more appropriate, however, with the property history and use being in place for quite some time, he is in support. The fencing requirements are between the city and the highway district.

MOTION: Commissioner Sheets moved to **approve** Case No. CU2024-0018, and adopt the findings and conditions as recommended by staff. Seconded by Commissioner Dorsey.

Discussion on the Motion:

Commissioner Nevill suggested adding a condition no. 3 to require fencing when Locust Ln. is widened.

Commissioner Sheets to his motion an addition of condition no. 3, "A copy of the agreement between the City of Nampa and the highway district indicating fencing."

Commissioner Dorsey said his condition still stood however, felt the condition was redundant.

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

Item 2C:

Case No. CU2024-0013 – The Wild Oak, LLC: The applicant, Derek Olson, represented by Rafael Sanchez with Provost & Pritchard Consulting Group, is requesting a Conditional Use Permit for a special events facility named The Wild Oak on approximately 3.72 acres in an "A" (Agricultural) zone. The subject property is located at 19781 Middleton Rd, Caldwell, ID 83605, also referenced as Parcel R34316, a portion of the NE quarter of Section 30, T4N, R2W, BM, Canyon County, Idaho.

Chairman Sturgill called the applicant to testify.

Matthew Barnes – (Applicant) IN FAVOR – 1965 S. Eagle Rd., Ste. 140, Meridian, ID 83642

Mr. Barnes is representing Mr. Sanchez as he is not able to be in attendance this evening. They are asking for a special events facility. The proposed use is costent in the agricultural zoning district via a conditional use permit. There will be a bridal suite, grooms lounge, catering prep kitchen, ceremony sites, greenhouse, reception hall, & parking area. The facility will be open on weekends and select holidays for events with flexible consultation hours. The owner plans on participating in community outreach hoping that the facility could be used for that as well. Mr. Barnes stated they would comply with all County

Ordinances and conditions of approval with no outdoor music or amplified sound. Highway District 4 approved access onto Middleton Rd. The lighting will be fully shielded and directed downward. There will be alcoholic beverages per licensing requirements and compliant with all applicable laws. They will comply with standard construction hours and mitigate dust during the construction of the site.

Commissioner Matthews asked if the meal prep would be done onsite or catered out. It would be done mostly themselves and they will apply for the necessary permits and licenses.

Commissioner Sheets stated there are 16 recommended conditions and asked if Mr. Barnes and his client had had an opportunity to review those. Mr. Barnes indicated they had reviewed them and he had a couple of minor changes. The first change would be condition 8B, in regard to parking standards. They asked to utilize the County's definition of hard surface instead. The second change would be in regard to condition 11B, and asked that the timeframe required be adjusted to 12 months.

Chairman Sturgill asked about sewer service. Mr. Barnes stated that an individual system is proposed. The City would not provide service unless annexed. The septic system would be scaled for the use.

Commissioner Matthews asked where the drain field would be located. Mr. Barnes depicted where the drain field would be.

Associate Planner, Amber Lewter reviewed the Staff Report for the record.

Commissioner Nevill discussed an emergency plan and requiring it as a condition. Planner Lewter stated this condition can be added. Commissioner Nevill was concerned that the parking was over the septic drain field. Planner Lewter stated that Southwest District Health indicated that the drain field couldn't be under the driveway.

Commissioner Sheets asked Planner Lewter if there were any concerns with the requested condition modifications from the applicant. Planner Lewter did not have concerns regarding the modifications.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Marisa Foster – IN OPPOSITION – 19683 Alleghenny Way, Caldwell, ID 83605

Ms. Foster stated they live south of the proposed event center. Her concerns were in regard to long operating hours, number of events, traffic & safety, as well as loud noise. Noise also comes from venue patrons. Amplified sounds, even within a building, has impact. She is concerned about her property value. The property is surrounded by subdivisions and residential uses.

Commissioner Nevill asked if the trees between the properties would help with noise. Ms. Foster didn't feel that it would.

Peter Gowman – IN OPPOSITION – 19681 Alleghenny Way, Caldwell, ID 83605

Mr. Gowman lives in the Saddleback Subdivision. He stated that this is an event center not a small wedding venue. The events would not be limited to weddings. Noise, lights, and late-night operating hours can have an impact. Landscaping buffers do not control noise. In the wintertime, plants go dormant and don't provide any sort of buffer. Mr. Goman is concerned about the impact the late-night hours could have as the property is adjacent to residential uses. The property is approximately four acres in size, and the building is placed as far away from Middleton Rd. as possible, but by doing so, is located closer to the

subdivisions. He requested that the conditional use permit not be approved. If approved, please restrict the number of events and operating hours.

Commissioner Nevill asked what Mr. Gowman thinks is reasonable. Mr. Goman stated one event per week.

Leeah Merkert – IN OPPOSITION – 19673 Alleghenny Way, Caldwell, ID 83605

Ms. Merkert has concerns about the event center being located in a residential area. Traffic and safety must be considered. She is concerned about the noise associated with the event center. With these types of events, the use of alcohol must also be considered and the added risk of accidents. Property values are a major concern as most people would not want to live near an event center. She lives in the Saddleback community and if she would have known an event center was there/or to be located there, she would have re-considered. This type of use should not be forced on the community. The developer is the only one benefiting from this use. She requested that the P&Z listen to the community and deny the permit.

Matthew Barnes – (Applicant) REBUTTAL – 1965 S. Eagle Rd., Ste. 140, Meridian, ID 83642

Mr. Barnes stated many of the concerns were addressed in his previous testimony. They will comply with all applicable ordinances. The business is a family business. They currently live in Utah and many of their neighbors have complimented their existing facility in that state. There would be no neighborhood traffic, it would remain on Middleton Rd. Mr. Barnes referenced the landscaping plan and noted it is for visual appeal, not to control noise. Alcohol would comply with licensing requirements.

Commissioner Dorsey asked where the water for the water feature was coming from, and if that would be year-round. Mr. Barnes stated there is an existing well on site and water would be pumped for the feature and fire suppression. Commissioner Dorsey asked if the well was domestic. Mr. Barnes was not 100% sure. Commissioner Dorsey noted the changes that may be required to the site plan and it is likely that city services may have to be used. Mr. Barnes stated they would continue to work with Southwest District Health.

Commissioner Nevill asked for additional information about the landscape plan. Mr. Barnes stated that the plan would be aesthetic. Commissioner Nevill asked if a berm would be considered. Mr. Barnes replied, yes.

Chairman Sturgill asked if Mr. Barnes had been to the Utah location. He replied, no. Mr. Barnes clarified that this event center will be largely a wedding venue, but wanted the opportunity for community events.

Commissioner Matthews stated that in regard to the residents to the south that may be impacted by the noise. He stated that he is concerned that this is not appropriate for the site.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2024-0013 seconded by Commissioner Matthews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets had concerns in regard to the site plan and how that relates to the information from Southwest District Health. He understands the condition grants flexibility but he would like to know what the actual site plan will be. He would be amenable to postponing a decision on the case. He understands that the future land use for this property is commercial and a special event center is an allowed use if the property was commercial. He is in generally in favor.

Commissioner Matthews stated in regard to the commercial designation, if you look at what exists now as far as residential uses, a commercial area may not be compatible. He is opposed.

Commissioner Nevill stated that the late exhibits read into the record by Planner Lewter raise some concerns. The use could be conditioned, but in the end, he is still opposed.

Commissioner Dorsey is concerned about the sewer/water and location. He agreed with Commissioner Sheets.

MOTION: Commissioner Sheets moved to **continue** The Wild Oak, LLC, Case No. CU2024-0013 to a date certain of June 5, 2025. Seconded by Commissioner Dorsey.

Discussion on the Motion:

Commissioner Nevill asked if the Commission needs to delimitate what information needs to come back.

Commissioner Sheets noted he would like to see an updated site plan after the discussions with Southwest District Health and any other affected water jurisdiction/ sewer jurisdiction / or if city services will be utilized.

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

Chairman Sturgill stated he has reviewed the number of people signed up for each remaining item on the agenda. It appears that item 2F has the most people signed up. Chairman Sturgill invited a motion to move that item up on the agenda.

MOTION: Commissioner Sheets moved to move item 2F, Impact Fees Case No. OR2025-0003 next on the agenda. Seconded by Commissioner Matthews. Voice vote. Motion carried.

Item 2F:

Case No. OR2025-0003 – Impact Fees: An Amendment to Canyon County 2030 Comprehensive Plan to incorporate capital improvement plans for Parks Department, Sheriff Department and Coroner allowing collection of impact fees for each entity.

Director of Development Services, Jay Gibbons clarified that the discussion will be regarding fire district and highway districts into an Appendix B in the Comprehensive Plan.

Chairman Sturgill asked the Director to outline the process for Ordinance approval and the P&Z Commission's role. Zach Wesley explained the process for the record. Mr. Wesley stated that the original appendix in the 2020 Comprehensive Plan was not brought forward into the 2030 plan and that needs to be rectified. There is also a requirement that the capital improvement plans are updated from time to time. Impact Fee Committees evaluate capital improvement plans and make recommendations. All of the capital improvement plans have to be adopted as part of the County Comprehensive Plan. The recommendation of the P&Z Commission will then go to the Board of County Commissioners. The board will hear the Comprehensive Plan portion, request for fee changes, new fees, and also any changes to ordinances/procedures.

Chairman Sturgill asked about supplying feedback from the P&Z Commission as part of the Commission's recommendation. Zach Wesley stated that could be a part of any motion made for recommendation.

Director of Constituent Services, Aaron Williams stated that the applicants being represented this evening are Caldwell Rural Fire District, Highway District No. 4, Homedale Rural Fire Protection District, Kuna Rural Fire District, Marsing Rural Fire District, Middleton Rural Fire District, Nampa Fire Protection District, Parma Rural Fire District, Star Fire Protection District, and Wilder Rural Fire District. The applicants have submitted previously approved and new capital improvement plans prepared in conformance with Idaho Code §67-8208. Bill Gigray is representing the fire & highway districts.

Bill Gigray – (Applicant) IN FAVOR – 5700 E. Franklin Rd. Ste. 200, Nampa, ID 83651 – Via telephone

Mr. Gigray is representing all ten applicants. The purpose of the applications is to amend the 2030 County Comprehensive Plan by amending table 7 of the Public Services Facilities & Utilities goals, policies & actions. Also amending G7.01.00 with some additional verbiage to link it to the Comprehensive Plans which would be amended to be included.

Chairman Sturgill requested that Mr. Gigray be sworn in. **Chairman Sturgill** affirmed the applicant to testify. Once sworn in Mr. Gigray's testimony continued.

Mr. Gigray noted those who are in the audience that would be available to testify if there were questions. Chris Hopper would be available by phone. There are seven exhibits, CC-1 through CC-7, which our County Commissioner action documents that are necessary for the record of this proceeding to establish the history of what has happened up to date in regard to the capital improvement plans.

Chairman Sturgill affirmed the witnesses to testify.

Ron Johnson – IN FAVOR – 3140 E. Highball Ct. Meridian, ID 83642

Mr. Johnson is representing Nampa Fire Protection District.

Testimony was then provided by Mr. Gigray.

[Mr. Gigray noted:

- Exhibit CC1 is the Canyon County Commissioner Resolution which amended the 2020 Comprehensive Plan, June 22, 2020. Which includes all of the capital improvement plans of the 7 fire districts at the time. The City of Caldwell Fire Department and Caldwell Rural Fire District Impact Fee Capital Improvement Plan of July 2, 2019 and the Wilder Impact Fee of March 6, 2019.
- Mr. Gigray stated Exhibit CC2- Canyon County Commissioner's resolution of July 20, 2022 which amended the 2020 Comprehensive Plan and included appendices 10 and 11 which is Canyon Highway District No. 4's Capital Improvement Plan. Subsequent to that Capital Improvement Plan, the Highway District changed their name from Canyon Highway District 4. to Highway District 4.
- Exhibit CC3 is the Board of County Commissioner Resolution for Development Impact Fees from June 22, 2020 that provided for impact fees for fire districts.
- Exhibit CC4 was the Board of County Commissioner adoption of Highway District impact fee dated July 20, 2022
- Exhibit CC5 is Resolution #22-020, dated October 27, 2022, in which the comprehensive plan was amended to adopt the 2030 Comprehensive Plan. This eliminated any reference to CIP's.
- Exhibit CC6 are the Board of County Commissioner minutes from September 12, 2024 which approved all of the amended and updated intergovernmental agreements for highway & fire districts.
- Exhibit CC7 requested a change in the aforementioned agreement. February 18, 2025 which updated the Nampa Fire Protection District intergovernmental agreement.

Mr. Gigray requested that these be adopted into the record. Chairman Sturgill suggested these could be adopted at the end.] Mr. Gigray stated that Kuna's updated CIP somehow did not get included in the 2020 Comprehensive Plan.

A recent supreme court case rendered an opinion January 22, 2025 in which Findings must be supported by specific factual evidence on the record. Mr. Gigray asked that the agenda for tonight's meeting be included in the record as Exhibit N2.

Colin McAweeney – IN FAVOR – 999 W. Main St. Boise, ID

Mr. McAweeney provided information in regard to impact fees. Impact fees are critical to cities and fire districts. Impact fees are one-time payments that new growth pays to offset their new demand on infrastructure. The fees are collected when the building permit is issued. The fee has to be proportionate to the demand. In Idaho these funds are kept separate from the general fund. The impact fee is set in an escrow and mailed out. Mr. McAweeney discussed the process for adoption of impact fees. Demand factors are considered as part of the fees. He discussed plan-based approach (10 yr. CIP) what percent is growth related / demand factors.

Commissioner Sheets asked if the impact fees are a one-time fee. Mr. McAweeney stated, generally speaking, yes. If you're a commercial developer and changing uses, cities can capture that new net impact.

Commissioner Nevill asked about areas that aren't covered by a fire district. Mr. McAweeney stated that after adoption a majority of those areas would be covered by impact fees. Once an impact fee is collected, the fees must be used within eight years on capital expansion.

Kathryn Zaiss – IN NEUTRAL – 25508 Pet Ln., Parma, ID 83660

Ms. Zaiss is an employee of Parma Fire Department. According to their CIP they expect to have 780 homes in their area. This would be a 40% increase in residents. They need to be able to expand on what they are offering in their services.

Mark Wendelsdorf – IN FAVOR – 707 Notus Rd., Notus, ID 83656

He represents the Caldwell Rural Fire District and impact fees have been in place since 2022. They support the continuation of fees.

Chairman Sturgill asked what the biggest problem with impact fees is in his opinion. Mr. Wendelsdorf stated trying to project out the new cost of a station.

Steve Rhodes – IN FAVOR – 201 5th St. Wilder, ID

Wilder Fire has been collecting impact fees for approximately six years. The cost for apparatus that was in their CIP is going up faster than the fees they are collecting. Tax money is used for wages.

Greg Timinsky – IN FAVOR – 11665 W. State St. Star, ID

Agreed with previous testimony.

Chairman Sturgill asked about levies and how Middleton/Star is handling those. Mr. Timinsky stated that the highest percentage in favor they received in Middleton for levies was 46% and in Star 49% but was not enough to pass. The level of service has increased at least a minute a year. Call volume has increased as well. They also struggle with water supply when properties aren't in the city.

Commissioner Nevill stated comments regarding the wildland urban interface is helpful as evidence/conditions.

TJ Lawrence – IN FAVOR – 150 W. Boise St., Kuna, ID 83634

Agreed with previous testimony. (Kuna Fire)

Ron Johnson – IN FAVOR – 9 12th St. S. Nampa, ID 83651

Agreed with previous testimony. Impact fees are important in helping with buildings an apparatus. Without that it would not be possible. (Nampa Fire)

Commissioner Dorsey asked how the process could work better. Mr. Johnson stated once it is set up it works smoothly.

Jeff Rodgers – IN FAVOR – 33512 Apple Valley Rd., Parma, ID 83660

Mr. Rodgers agreed with previous testimony. (Parma Fire).

Chairman Sturgill asked what Parma Fire's unique challenges are. Mr. Rodgers stated growth and their rural location. They would love to be able to build a new station to help with response times.

Dennis Uria – IN FAVOR – 3709 River Rd., Homedale, ID

He works for Homedale Fire and the impact fees would benefit them greatly. His department is all volunteer.

Patrick Williamson – IN NEUTRAL – 19550 Eat A Bite Ln., Caldwell, ID 83607

Mr. Williamson had questions in regard to Marsing Fire. He asked what special events/ampatheaters fall under. In regard to highway district fees, a failing grade, should mean it gets priority.

Mr. Gigray stated there is no change in the capital improvement plan for Highway District 4 from the one previously approved by the Board of County Commissioners.

MOTION: Commissioner Sheets moved to close public testimony on Case No. OR2025-0003 seconded by Commissioner Matthews. Voice vote, motion carried.

MOTION: Commissioner Sheets moved to accept late exhibits CC1-CC7 and N-2 and include them in the record, seconded by Commissioner Matthews. Voice vote, motion carried.

Deliberation:

Commissioner Nevill noted testimony from Mr. Gigray in regard to findings.

Zach Wesley stated that his office has prepared findings / format for DSD Findings in the past. Mr. Wesley discussed motion verbiage with the Commission.

Chairman Sturgill asked if recommended findings were included in the staff report. Development Services Director, Jay Gibbons noted the criteria for a comprehensive plan were in the staff report.

MOTION: Commissioner Nevill moved to **recommend approval** of Case No. OR2025-0003 to the Board of County Commissioners, to amend Canyon County's Comprehensive plan and adopt the findings as outlined in the staff report. Seconded by Commissioner Dorsey.

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

Item 2D:

Case No. OR2025-0001 – Spring 2025 Ordinance: The applicant, Canyon County, represented by Josh Johnson, is requesting a zoning ordinance text amendment to the Canyon County Code, Chapter 7, Zoning Regulations to improve definitions, remove inconsistencies and insert a summary table of zoning processes.

Assistant Director of Development Services, Josh Johnson stated the purpose of the ordinance is to do some minor cleanup, alleviating confusion, & address one procedural conflict. An example of the changes is a summary matrix of the process. This does not change process it merely summarizes what is in the ordinance now. Definitions for clarity of who makes decisions. Cleaning up inconsistencies in the code in regard to Comprehensive Plan Changes to include delivery of services that is in state code.

Chairman Sturgill noted that the only witness to sign up to testify had previously been sworn in.

Patrick Williamson – IN NEUTRAL – 19550 Eat A Bite Ln., Caldwell, ID 83607

Mr. Williamson asked where the APA Ordinance would fit in with the summary table. The APA Board will be making some decisions related to zoning.

Director Gibbons stated that the APA would be a recommending body.

MOTION: Commissioner Sheets moved to close public testimony on Case No. OR2025-0001, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Chairman Sturgill invited comment on Exhibit A, text amendment, summary of zoning changes 7-01-11 through 07-02-03.

Commissioner Sheets stated he understood the intent of the change, but presiding party needs to be amended as well to be aligned with state code.

Chairman Sturgill referenced the definition of dwelling unit. As he went through the balance of the ordinance both dwelling and dwelling unit are used.

Commissioner Matthews referenced page 2, definition for Single Family Dwelling. He would like to strike the word “family” and replace with “household.” He referenced sub item 2, and he is concerned about the nature of how mental illness is defined. Zach Wesley stated that is derived from state law but was not sure if the federal law uses that term. Federal law requires a group home be treated the same as a single-family dwelling.

Commissioner Dorsey provided comment in regard to “acreage definitions.” He felt this was broad and vague. Assistant Director Josh Johnson stated it had more to do with the definition of original parcels and number of divisions. Planner Barron further clarified the divisions available based on acreage that is currently outlined in code. This is just clean up.

Chairman Sturgill asked if Exhibit B was part of the ordinance. Assistant Director Josh Johnson clarified that will be added in 07-05-11 and will be all new text.

Commissioner Nevill stated a column for APA should be added.

Commissioner Sheets asked about the column for Planning & Zoning Hearing, there is a question mark for

final plat. Assistant Director Josh Johnson stated that should be a recommendation. Chairman Sturgill asked what a blank space means in the table. Assistant Director Josh Johnson stated that would mean there is no role in that. The Hearing Examiner can hear cases other than a Preliminary plat. Assistant Director Josh Johnson will make those changes.

MOTION: Commissioner Nevill moved to **recommend approval** of Case No. OR2025-0001 to the Board of County Commissioners, with the recommended changes enumerated during deliberation, Seconded by Commissioner Dorsey.

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

Item 2E:

Case No. OR2025-0002 – Private Road Ordinance: An ordinance amending Canyon County Code, Chapter 7, Section 01-10-03 to provide standards for Private Road and Driveway requirements; add the requirement of improvements to occur and be certified by County Engineer prior to issuance of a building permit; provide minimum standards to be met; and to reduce the number of inhabited structures utilizing the private road for legal access prior to requiring pavement improvements from 100 ADT to 60 ADT.

Chairman Sturgill stated he lives on a private road and he has had discussions with the County regarding private roads last year. He wanted that disclosed for the record. His discussions have been documented and he believes they are part of the public record.

Zach Wesley stated that the ordinance amendment is initiated by the Board of County Commissioners. The Board has a desire to resolve a long-standing issue in regard to the “11th” household and improvements. Mr. Wesley discussed the high points and bigger changes in the ordinance for the record. Applications will be required and the road has to be approved and improved prior to issuance of a building permit. The current ordinance sets the limit at 100 ADT for paving. The proposed ordinance lowers the threshold.

Commissioner Sheets asked when the Board of County Commissioners started this process. Zach Wesley stated he thought it was early last year. Commissioner Sheets asked where the number of 60 ADT came from and wanted to understand the rationale. Zach Wesley stated this number came from the Board and during their discussions.

Commissioner Nevill referenced Exhibit 7-A3, pg. 2. He had concerns that a Road User’s Maintenance Agreement was only listed under item 4, but was needed for 2 or more. Zach Wesley stated that would be a good addition. Commissioner Nevill stated that one thing he has heard from the fire department is that even one home that doesn’t have a road they can drive on is a problem. Director Gibbons stated that a letter from the fire district is required with a building permit.

Commissioner Dorsey asked about the application for private road and whether the improvements are required to meet or exceed fire district requirements. Director Gibbons replied it meets the fire district.

Chairman Sturgill stated the movement from 100 daily trips to 60 ADT is meant to resolve the issue sooner than later. The code is silent on what happens if it is not resolved. Zach Wesley noted that is correct, however, he explained the changes in the code which now requires that the improvements are done before a building permit is issued.

Commissioner Dorsey stated asked if the roads that currently have 10 homes on them would be grandfathered in. If the private road construction is based on fire district standards why does it change

based on the number of homes. Director Gibbons, stated it is changing because the more homes that takes access the faster the road will break down if it is not constructed to accommodate it. Zach Wesley stated the ordinance will not be applied retroactively.

Chairman Sturgill affirmed the witnesses to testify.

David Ferdinand – IN NEUTRAL – 2419 W. Herron Loop, Nampa, ID 83686

Mr. Ferdinand complimented Development Services to update the ordinances. He is a licensed commercial real estate agent. What he doesn't see in the ordinance is apron access.

Director Gibbons stated aprons are not included because each new access/ private road requires an approach permit from the applicable highway district. The Highway Districts have their own application approval process.

Mr. Ferdinand asked about the two-home stipulation or a secondary residence. A Road User's Maintenance Agreement is valuable even for the second residence.

MOTION: Commissioner Sheets moved to close public testimony on Case No. OR2025-0002, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Chairman Sturgill asked if there were any proposed changes. Exhibit 7-A3. He had a recommendation on Item No. 5, the approval should be specific and state what kind approval that is. This is also under 2 sub bullet 5.

Commissioner Sheets referenced 3 sub 2, and felt that delineating what document or ownership form needs to be reconciled. Zach Wesley explained how that was arrived at. Driveways serving two inhabited structures would be a driveway. Three inhabited structures would mean it would need to be a private road. Mr. Wesley discussed easements and noted those administrative divisions that might not be platted. In that instance the only way to capture is within a perpetual recorded easement. A plat requires a road to be a lot. Commissioner Sheets' concern was having two separate forms of ownership (#8).

Commissioner Dorsey discussed the 28' easement. He noted that some existing roads don't have that size of an easement.

Planner Barron noted for the record that easements are much wider than the driving surface.

Commissioner Nevill stated that private driveways serving two inhabited structures should have a RUMA (Road User's Maintenance Agreement).

Chairman Sturgill suggested a change to the table. The last line before the notes, the verbiage "all weather driving surface" is not repeated. The size and width is noted but not the "all weather driving surface." Planner Barron noted that is due to the requirement to pave.

Commissioner Sheets suggested a change to sub 5, private road width and driveway reduction; to add the phrase "proposed easement." Zach Wesley noted that some of the reductions can be existing easements. All parties would have to be involved in the application. Planner Barron explained the process for an easement reduction, required submittals, and approval process. After explanation, Commissioner Sheets withdrew his suggestion. Commissioner Sheets was curious as to the impact for lowering the threshold to 60 ADT.

Assistant Director of Development Services, Josh Johnson, stated that a single-family home typically has 10 ADT per day. The 60 ADT strikes the balance of considering that admin splits were already taken and, on those splits, secondary residences can be built.

Commissioner Dorsey suggested going to 80 ADT. He understands that 100 ADT isn't working.

Zach Wesley indicated he had compiled the suggested changes and has them written down. Repeating them would not be necessary.

Commissioner Sheets referenced the private road & driveway thresholds and stated that you can have one lot that is under the same ownership that has two inhabited structures. He questioned how one can get an easement on the property. Zach Wesley stated that is how it is written now, and rarely is that secondary residence built without a lender involved or maintained by the same household. Those often get split.

MOTION: Commissioner Nevill moved to **recommend approval** of Case No. OR2025-0002, to the Board of County Commissioners with the recommended changes enumerated during deliberation, Seconded by Commissioner Matthews.

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

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Director of Development Services informed the Commission that Josh Johnson is now Assistant Director of Development Services and Dan Lister is the Planning Supervisor. Applications are being reviewed for vacant Planning positions within Development Services.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 11:34 P.M

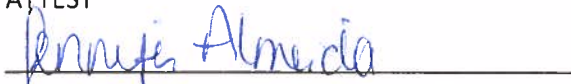
An audio recording is on file in the Development Services Departments' office.

Approved this 1st day of May, 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 "Jennifer Almeida", is written over a horizontal line.

Jennifer Almeida, Office Manager