



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, May 15, 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 : Brian Sheets, Acting Chairman  
Harold Nevill, Commission Secretary  
Geoff Mathews, Commissioner  
Matt Dorsey, Commissioner

Staff Members Present: Jay Gibbons, Director of Development Services  
Dan Lister, Planning Supervisor  
Michelle Barron, Principal Planner  
Deb Root, Principal Planner  
Emily Bunn, Principal Planner  
Amber Lewter, Associate Planner  
Dane Adams, Associate Planner  
Caitlin Ross, Hearing Specialist

**Acting Chairman Sheets** 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 – Action Items**

- A. March 20, 2025 MINUTES**
- B. Case No. CR2023-0012 – Elordi:** Approve FCO's
- C. Case No. CU2023-0012 – Piatt:** Approve FCO's
- D. Case No. RZ2021-0047-MOD – CS2, LLC:** Approve FCO's

Commissioner Mathews abstained from voting on items 1C and 1D due to not being present for the May 1, 2025 hearing.

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

**Item 2A:**

**Case CR2022-0031 – Werhane:** The applicant, William and Gena Werhane, is requesting a conditional rezone of Parcels R33590012B and R33590012C, approximately 8.93 acres, to amend the County zoning map from an "A" (Agricultural) Zone to a "CR-C-1" (Conditional Rezone – Neighborhood Commercial) Zone. The request includes a development agreement. The property is located at 0 Hwy 55, Caldwell, southeast of the Hwy 55/Sunny Slope Road and Churruca Lane intersection. On March 20, 2025, this case was continued to a date certain of May 15, 2025.

**Acting Chairman Sheets** called the applicant to testify.

**Elizabeth Allen – (Representative) IN FAVOR – 1330 Williams Lane, Nampa, ID 83686**

Ms. Allen talked about the location of the property, a brief history of the site, the public outreaches that were conducted, and the conditions of the development agreement. The property has been vacant since

the early 2000s with a historic use as a commercial property. Ms. Allen explained that this property would not be suitable as residential, industrial, or agricultural, and that commercial would be the most realistic given the surrounding area, roadways, and historic use, and the ability to service Marsing. Ms. Allen provided statistics on the 2 public outreaches that were conducted, explaining the goal of honoring the history and character of the area, and provided proposed conditions for the conditional rezone.

Commissioner Nevill asked if there was consideration of a CUP for a microbrewery or something similar, which Ms. Allen had to defer to staff. Commissioner Nevill asked if Ms. Allen agreed with the development agreement. Ms. Allen said yes, and mentioned conversations with ITD regarding a TIS. She also explained the existing access and a potential slip lane for access onto the property from Hwy 55 to help mitigate traffic issues.

Commissioner Mathews asked for clarification of comments made by the highway district regarding access, and discussed the comments from the Canyon Highway District that the main access point could remain, as well as potential improvements if the TIS would be required and conducted.

Acting Chairman Sheets confirmed that the property could be irrigated as it is surface and groundwater. There was also further discussion on ITD's requirements and the trigger for a TIS. Acting Chairman Sheets asked about condition 4 and whether it would be an enforceable condition, to which Ms. Allen suggested changing the wording to fix that issue.

**Planner Michelle Barron** reviewed the Staff Report for the record.

Commissioner Nevill also questioned condition 4, and Planner Barron stated she incorporated this recommended condition from the applicant, and this condition could be tied to a compliance that has to be proven to the development services office when a use is decided upon. There was discussion on what proposed uses could be permitted with the ag overlay. Commissioner Nevill asked for clarification on condition 2. Planner Barron explained the purpose of a traffic approach and the decisions and conditions ITD could make based on the decided use.

Acting Chairman Sheets asked if there was a draft development agreement. Planner Barron confirmed that an agreement would be drafted based on the proposed conditions recommended to the Board.

**Acting Chairman Sheets** affirmed the witnesses to testify.

**Testimony:**

**Bill Werhane – IN FAVOR – 20968 Blossom Heights Ln, Caldwell, ID 83607**

Mr. Werhane explained the process it took to obtain Churruca Ln. He also stated his property was taxed as rural-other instead of agriculture, and found out it would have been less if it was taxed as agriculture.

Commissioner Dorsey asked if Mr. Werhane owned anything south of Churruca Ln. Mr. Werhane explained he did not, and further clarified the process of purchasing Churruca Ln from the owner of the property to the south.

**Elizabeth Allen – (Representative) REBUTTAL – 1330 Williams Lane, Nampa, ID 83686**

Ms. Allen explained what uses would be allowed compared to the community poll they conducted.

Commissioner Nevill confirmed that the statement from ITD would be close to condition 2 regarding a TIS and other highway district requirements.

Acting Chairman Sheets inquired on condition 4, proposing to reduce the wording while also ensuring to incorporate a local historical theme. Ms. Allen confirmed that would be appropriate.

Commissioner Nevill confirmed with Planner Barron what uses would be appropriate with a CUP or Director's Decision if this parcel was left in the Ag zone.

**MOTION:** Commissioner Nevill moved to close public testimony on Case No. CR2022-0031, seconded by Commissioner Dorsey. Voice vote, motion carried.

**Deliberation:**

Commissioner Nevill explained his concerns about rezoning, and would rather see the property left as agricultural and used for one of the approved Ag or CUP uses. A conditional rezone is a foot in the door for other zones and there is already a lot of pressure in this area for non-agriculture related uses.

Commissioner Mathews agreed with Commissioner Nevill, and added his concerns about traffic safety.

Commissioner Dorsey stated is not in agreement because the property can no longer be farmed, which would leave the parcel empty.

Acting Chairman Sheets added he is in agreement with the restricted uses proposed for the property, and believes it could be conditionally rezoned to provide a reasonable use for the property that is helpful to the community, with adjustments to condition 4.

Commissioner Mathews and Commissioner Nevill clarified that they don't believe the area needs to be returned to a field, but that the uses should be more limited to the uses of an agriculturally zoned area.

**MOTION:** Commissioner Nevill moved to **recommend denial** for Case No. CR2022-0031 to the Board of County Commissioners, and modify the Findings of Fact, Conclusions of Law & Order to revise findings for conditions 2 and 3. In regard to condition 2, the requested land use is not more appropriate, and in regard to condition 3, the request is not compatible with surrounding land uses. Seconded by Commissioner Mathews.

**Discussion on the Motion:**

None.

Roll call vote: 2 in favor, 2 opposed, motion failed.

**MOTION:** Acting Chairman Sheets moved to **recommend approval** for Case No. CR2022-0031, modifying conditions 2 and 4, seconded by Commissioner Dorsey.

**Discussion on the Motion:**

None.

Roll call vote: 2 in favor, 2 opposed, motion failed.

There was discussion on tabling the case, and concerns regarding the lack of commissioners present to be able to vote when the case is heard again. Acting Chairman Sheets stated that a commission member may

participate if they reviewed the minutes and listened to the hearing audio.

**MOTION:** Commissioner Nevill moved to **continue** Case No. CR2022-0031 to a date certain of July 3, 2025, seconded by Commissioner Mathews.

**Discussion on the Motion:**

Commissioner Dorsey wanted to add that this case has been ongoing for 3.5 years and an ag overlay has not been established yet.

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

**Item 2B:**

**Case No. CU2024-0009 – Sunroc Corporation:** The applicant, Sunroc Corporation, requests a conditional use permit to allow long-term mineral extraction with crushing, screening, sorting, and blending on Parcel R38552 for up to 20 years on approximately 34.93 acres in the “A” (Agricultural) zone. Stockpiling, crushing, screening, sorting, and blending associated with gravel pit operations on Parcel R38552 may also take place on the adjacent, previously approved mineral extraction and asphalt batch plant conditional use permits (CU2006-180, CU-PH2012-1011, and CU-PH2016-67) which have an end date of February 19, 2038. No concrete or asphalt batch plant is proposed for Parcel R38552. The subject property is located at 21702 Boise River Rd, Caldwell, ID 83607 also referenced as Parcel R38552.

**Acting Chairman Sheets** called the applicant to testify.

**Bill King – (Representative) IN FAVOR – 1864 E 2950 S, Wendell, ID 83355**

Mr. King is representing Sunroc Corporation in the application for a conditional use permit to extract sand and gravel on approximately 25 acres. There are surrounding properties with conditional use permits and they are hoping to implement similar conditions. After conducting a neighborhood meeting and listening to the concerns of the neighbors and employees, it was decided only extraction would be done on site, and processing would be completed on one of their other approved sites. Mr. King explained there would be no need for additional access sites and no increased traffic. Hours of operation would be 6:00 a.m. to 7:00 p.m., Monday to Saturday, with notice of nighttime operations as needed. There are no additional employees as they are just expanding onto the new site. They have complied with any necessary permitting, and air and water quality will be maintained through their current permits.

Commissioner Nevill confirmed that the representative was in agreement with all 12 conditions. He also confirmed that this site will be specifically for extraction, and that crushing will be done at another site. Commissioner Nevill asked for clarification on the truck traffic and how that applies with their existing projects. Mr. King specified that they are mining out an existing area and are almost complete, so moving into this new area will not change the traffic patterns.

Acting Chairman Sheets asked if the geology of this site was similar to their adjacent sites, and Mr. King stated it was very close to being the same. There was discussion on this site’s distance from the floodway and the requirements for permitting.

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

Acting Chairman Sheets asked why a new conditional use permit is being applied for instead of a modification to their existing conditional use permits. Planner Bunn explained it is a new property and the uses are not the same, and since it has been 9 years since the previous conditional use permit, some of the conditions have changed.

**Acting Chairman Sheets** affirmed the witnesses to testify.

**Testimony:**

**Ken Christensen – IN FAVOR – 21664 Boise River Rd, Caldwell, ID 83607**

Mr. Christensen explained the family history of this property, and stated the way things have changed, it is difficult to make a living off a farm. He has been in conversations with the neighbors about a small parcel the neighbor owns and blending the properties together, but that is still something they are working on as it is out of their hands. Mr. Christensen explained the process of the quick deed transfer for the parcel.

Commissioner Nevill wanted to clarify whose responsibility the property boundary adjustment would fall on. Planner Bunn explained a small parcel to the west of the applicant's property was sold to the neighbor, making both parcels become noncompliant, so at this point it is a matter of getting the legal description of all the divisions and merges documented and then the property owner and their neighbor could decide who would pay for it. Sunroc does not have to be involved; however, if the neighbor decides they do not want to participate, then the operation could not continue.

**Mike Houston – IN NEUTRAL – 23228 Boise River Rd, Caldwell, ID 83607**

Mr. Houston commented that there should be turn lanes on several of the surrounding main roads due to the amount of gravel pits in the area. He also expressed concerns regarding dewatering and the lack of landscaping maintenance.

Commissioner Nevill inquired on the dewatering and whether the drain ditch could handle it. Mr. Houston explained the canals fluctuate so much, but it wouldn't be a concern if it was a level discharge. Commissioner Nevill also asked for clarification on the landscaping, and to Mr. Houston's understanding, it was conditioned for grasses to be planted on the existing lots. Commissioner Nevill informed Mr. Houston that if it was a condition of approval and isn't happening, then he could call code enforcement.

Acting Chairman Sheets confirmed Mr. Houston was the chairman of the Drainage District #6, and that a written notice approving the discharge into the drainage ditch is given to the operator upon requested.

**John Hamilton – IN OPPOSITION – 23511 Boise River Rd, Caldwell, ID 83607**

Mr. Hamilton expressed concerns regarding the truck traffic and the uncovered loads. He said it's not just this site, but all over and it is creating issues on the surrounding roads.

Commissioner Mathews asked how long Mr. Hamilton has lived in his house and if he built it. Mr. Hamilton said since November of 2022 and they did have it built.

**Bill King – (Representative) REBUTTAL – 1864 E 2950 S, Wendell, ID 83355**

Mr. King addressed the comments regarding the drainage, stating they have had verbal agreements from the ditch companies in the past, but will adhere to the conditions for a written agreement. They also ensure the water that is discharged is clean and meets discharge sample requirements. In responding to the concerns about traffic, Mr. King ensured that all conditions for the previous CUPs still being followed, and there shouldn't be any increase in their truck traffic. He asked that condition 12, regarding the property boundary adjustment, be removed or be allocated a time limit as it is out of Sunroc's and the property owners' hands.

Commissioner Nevill asked if there could be information directing victims of fallen rocks to Sunroc Corporation, and Mr. King said they'd be happy to provide that information. They take pride in creating a good community and good relationships in the area. Commissioner Nevill asked about the landscaping

issue. Mr. King stated it is an ongoing issue with keeping the weeds down while keeping the grasses grown.

Commissioner Dorsey confirmed that water could be discharged into any drainage where someone accepts or will allow it, as long as it meets discharge standards.

Acting Chairman Sheets asked what the end use for this property would be. Mr. King responded that it would be ponds.

Commissioner Dorsey asked for clarification on rebuilding the area with top soil. Mr. King confirmed that the top soil would be placed at the bottom of the pit.

Planner Bunn added that the condition for landscaping is consistent with the adjacent gravel pits, and suggested perma-bark instead, which would alleviate the maintenance of grass/weeds. She also mentioned Principal Planner Deb Root talked with the property owner and they agreed they are willing to work with their neighbors regarding the property boundary adjustment.

Acting Chairman Sheets asked if it was the neighbor that was noncompliant, and Planner Bunn answered the property owner is also noncompliant due to dividing off and selling a piece of their property to the neighbor. Planner Bunn confirmed the applicant could request a modification to the conditional use permit if complying with condition 12 becomes a challenge.

**MOTION:** Commissioner Mathews moved to close public testimony on Case No. CU2024-0009, seconded by Commissioner Dorsey. Voice vote, motion carried.

**Deliberation:**

Commissioner Nevill asked if his understanding the mulch or perma-bark could be used instead of grass was correct. Acting Chairman Sheets confirmed, but thought that this conditional use permit should stay as consistent as possible with the adjacent properties. Commissioner Nevill also asked for clarification on the previous thoughts about keeping or removing condition 12. Acting Chairman Sheets believes it should be kept as a condition as all parties involved would benefit from getting the issue fixed.

Acting Chairman Sheets expressed he is in concurrence with this application, but would like to see something done about the roads and a new TIS as the previous one was conducted 9 years prior.

**MOTION:** Commissioner Nevill moved to **approve** Case No. CU2023-0012, adopting the FCOs that the application does meet criteria and approving all 12 conditions. Seconded by Commissioner Dorsey.

**Discussion on the Motion:**

None.

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

**Item 2C:**

**Case No. CU2024-0011 – Lanum:** The applicant, Betty Lanum, is requesting a Conditional Use Permit for a special events facility of approximately 6.72 acres in an “A” (Agricultural) zone. With a maximum number of 150 guests including staff. The applicant is proposing to be open during the spring, summer and fall months with the hours of operation being Monday – Sunday, 10am – 11pm. The subject property is located at 22306 Upper Pleasant Ridge Rd, Caldwell, also referenced as Parcel R36485010.

**Acting Chairman Sheets** called the applicant to testify.

**Betty Lanum – (Applicant) IN FAVOR – 22306 Upper Pleasant Ridge Rd, Caldwell, ID 83607**

Ms. Lanum described the history of her property and intended use of a portion of her property. She further described utilizing her late mother-in-law's converted home as an Airbnb and the areas she would use for parking, events, etc. She would like to provide a beautiful, inexpensive venue. Ms. Lanum explained she believes her outside venue would meet Idaho regulations regarding decibels for music. She is compliant with the proposed hours of operation.

Commissioner Nevill asked if there would be a significant difference in the income received for her Airbnb versus the venue. Ms. Lanum stated it would be a huge difference. Commissioner Nevill also confirmed that 25 events per year would be sufficient.

**Planner Amber Lewter** reviewed the Staff Report for the record.

Commissioner Mathews asked about the temporary use permit and RV's on site. Planner Lewter explained the temporary use permit was for a mobile home that has been removed, and confirmed the garage that was previously converted to a secondary residence was used as the Airbnb.

Commissioner Nevill asked for clarification on condition 1b regarding the property boundary adjustment. Planner Lewter clarified that the applicant was requesting 60 days to comply instead of 30 days.

Commissioner Dorsey what the purpose was of bringing the parcel MORE into compliance instead of fully in compliance. Planner Lewter explained her idea of combining Ms. Lanum's parcels to bring them both into compliance, and the neighbor could do the same with their 2 parcels which would also bring them into compliance.

Commissioner Mathews confirmed that both properties were split from the property in question.

**Acting Chairman Sheets** affirmed the witnesses to testify.

**Testimony:**

**Patrick Berger – IN FAVOR – 22486 Upper Pleasant Ridge Rd, Caldwell, ID 83607**

Mr. Berger talked about the other event center that was approved across the road from the proposed event center, and admitted their initial concerns with noise and traffic. He spoke with the applicant and she agreed to the request of strictly regulating these concerns.

Commissioner Nevill confirmed that Mr. Berger is the neighbor to the west that also needs to bring his 2 parcels into compliance.

**Mark Morell – IN OPPOSITION – 22589 Upper Pleasant Ridge Rd, Caldwell, ID 83607**

Mr. Morell stated the difference between this application and the other wedding venue across the road is the other one that was approved is indoors and ends at 10 instead of 11 for an outside venue. He also feels misled as the applicant informed him they would only be hosting 1 event per month. Mr. Morell believes the trees create more of an amphitheater, so overall his main concern is the noise, along with the alcohol being served.

Commissioner Nevill asked Mr. Morell to point out his property.

**Kevin Glenn – IN OPPOSITION – 19141 Tucker Rd, Greenleaf, ID 83626**

Mr. Glenn also expressed concerns regarding noise, and believes the sound could be tolerable with a structure. He believes approving this permit would be a massive invasion of privacy for the neighbors, and just a tent would not be sufficient for the proposed hours of operation. He also stated that this property has a long history of ordinance and permit violations.

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

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

Mr. Glenn continued with explaining the permit violations for this property, and the fact there are full time resident's living in RV's on site. He doesn't believe the applicant is concerned about ordinances or her neighbors, and does not think there is going to be a way to rectify any issues that arise. He is concerned about the potential struggles of trying to sell in the future due to these hindrances.

Commissioner Nevill asked Mr. Glenn to point out where his property was compared to the applicant's.

**Betty Lanum – (Applicant) IN FAVOR – 22306 Upper Pleasant Ridge Rd, Caldwell, ID 83607**

Ms. Lanum stated she does not believe she will interfere with keeping the neighbor's awake as one neighbor only rents their property. She argued that she can't even see one of the other neighbors on the other side of a ditch over the hill that was complaining about his wife seeing one of Ms. Lanum's resident's outside his trailer. Ms. Lanum shared statistics she found regarding decibels.

Acting Chairman Sheets asked what the plans for the RV's were. Ms. Lanum explained her brother-in-law lives on site as he helps with the upkeep of the property, and she plans to get rid of the motor home and fifth wheel that she currently owns.

Ms. Lanum explained the property split to the Berger's, and was under the impression a lot line adjustment would be sufficient, but is willing to comply and figure out how to incorporate the small parcel to the west of her property.

Commissioner Nevill asked if Ms. Lanum's event center would promote an agricultural way of life. Ms. Lanum answered that her property has been agriculture with different crops and animals, but stated she can't say that it does promote an agricultural way of life.

**MOTION:** Commissioner Nevill moved to close public testimony on Case No. CU2024-0011, seconded by Commissioner Mathews. Voice vote, motion carried.

**Deliberation:**

Commissioner Nevill expressed he is not in favor of this request. He does not like using conditional use permits or requiring lot line adjustments to fix code violations. There is already an approved event center across the street and there does not need to be 2 event centers that close in an agricultural area.

Commissioner Mathews is also not in favor due to the history of noncompliance.

Commissioner Dorsey agreed with Commissioner Nevill and Commissioner Mathews.

**MOTION:** Commissioner Nevill moved to **deny** Case No. CU2024-0011, finding that the application does not meet the criteria for approval under article 07-06-05, seconded by Commissioner Dorsey.



**Discussion on Motion:**

There was discussion regarding the history of the noncompliance and that there is no plan provided to bring the parcel back into compliance. The approval of this CUP would be injurious in regards to compounding the code violations that already exist and it would adversely affect the agricultural way of life. In order for the applicant to gain approval, everything needs to be brought into full compliance and the applicant would need to reapply.

Roll call vote: 3 in favor, 1 opposed, motion passed.

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

Director of Development Services thanked the Commissioners for their efforts and dedication to these hearings. There was discussion on the Boards' approval in moving forward with getting the word out for new commissioners. It was also discovered there would be no quorum for the June 5, 2025 hearing.

**4. ADJOURNMENT:**

**MOTION:** Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 10:17 P.M.

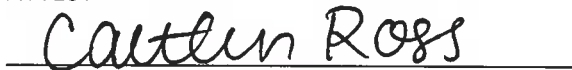
An audio recording is on file in the Development Services Departments' office.

Approved this 3<sup>rd</sup> day of July, 2025



Brian Sheets, Acting Chairman

ATTEST



Caitlin Ross, Hearing Specialist