



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, July 17, 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
Geoff Mathews, Commissioner

Staff Members Present: Jay Gibbons, Director of Development Services
Michelle Barron, Principal Planner
Deb Root, Principal Planner
Emily Bunn, Principal Planner
Karla Nelson, Principal Planner
Dane Adams, Associate Planner
Caitlin Ross, Hearing Specialist

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

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

Item 1: Consent Agenda – Action Items

A. Case No. CR2022-0031 – Werhane: Approve FCO's

Commissioner Nevill emphasized the significance of including Chairman Sturgill's written statement for this case in the FCO's, referencing the statement as necessary. There was further discussion on the county code and ordinances regarding the addition of the statement, as well as the utilization of the statement for the Board of County Commissioners in their final decision.

Motion: Commissioner Nevill moved to approve the Consent Agenda, with the addition of Chairman Sturgill's written statement that was read into the record on July 3, 2025. Seconded by Commissioner Mathews.

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

Item 2A:

Case No. SD2022-0011 – Cloud Nine Estates: The applicant, LWD Development, Inc. represented by Borton-Lakey Law, is requesting approval of a preliminary plat, drainage plan, grading plan and irrigation plan on approximately 72.8 acres of CR-R1 zoned property for 44 residential lots, 1 common lot and 3 storm drain lots with public roads. The subject parcels are located to the northeast of the intersection of Kingsbury Rd and Foothill Rd, Middleton, parcels R33827 and R37624.

Chairman Sturgill affirmed the applicant to testify.

Nate Mitchell – (Applicant) IN FAVOR – 1470 N Rook Way, Star, ID 83669

Mr. Mitchell explained the process of working with Highway District 4 and Canyon County Development Services to obtain an application that is compliant with county code and the previously approved conditional

rezone. He believes that their plan is well thought out and meets all required standards.

Commissioner Nevill asked if there were any comments or concerns on the proposed conditions. Mr. Mitchell stated they agreed with the original 11; however, they are opposed to conditions 12 and 13, arguing that individual wells and septic systems are more appropriate for the larger lots and preferable to community systems. Commissioner Nevill asked for clarification on irrigation water, to which Mr. Mitchell explained the complications with using ground water as it would be the same water that potable water is coming out of, although individuals could apply for enhanced individual water through IDWR. Commissioner Nevill asked about the firefighting plan. Mr. Mitchell explained the fire safety would be adequately addressed through a combination of a wildland urban interface plan and sprinklers in all homes. Commissioner Nevill also asked for further clarification on the proposed additional exit, to which Mr. Mitchell explained the different routes that were considered, ultimately resulting in access to the north on a previously closed, undeveloped public right of way, and on the western border.

Commissioner Sheets confirmed there would be an HOA associated with this subdivision.

Chairman Sturgill asked what organization SITE Consulting, LLC was. Mr. Mitchell said they are soils engineers. Chairman Sturgill asked if there were any lot specific geotechnical reports created. Mr. Mitchell stated there were soils tests completed for the test holes that were dug for the septic systems. Chairman Sturgill wanted to come back to that question after the staff report.

Planner Michelle Barron reviewed the Staff Report for the record.

Commissioner Nevill asked for clarification on staff finding compliance but adding conditions 12 and 13 regarding water and sewer. Planner Barron clarified that those conditions could be added with the Commission's decision if the Commission requires community systems. Commissioner Nevill asked where the nearest nitrate priority area was. Exhibit B4c showed the nitrate priority area about a mile away at Lansing and Purple Sage. There was further discussion on the rezone and subdivision process allowing building permits for the parcels in question.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Todd Lakey – IN FAVOR – 12905 Venezia Court, Nampa, ID 83651

Mr. Lakey clarified some of the older exhibits, explaining this application started as a joint preliminary plat and rezone. He also specified that individual wells and septic systems were originally proposed, but they were informed both community and individual wells were viable. IDWR noted there is a strong aquifer in this location, and the BOCC confirmed that adequate sewer, water and irrigation facilities would be provided based on the application. Mr. Lakey addressed some of the letters in opposition, stating roadway alignment and Geotech drainage were all addressed in the engineering and studies. He also addressed Commissioner Nevill's prior question regarding irrigation and explained IDWR's enforcement actions have been significantly strengthened.

Commissioner Nevill asked what the remedy might be regarding sprinkler systems in all of the houses and whether the builders actually install or the homeowners shut them off due to leakage. Mr. Lakey stated they could be included in the conditions, but is voluntary compliance. He suggested a review process to ensure it is included in the design of the home and part of the inspections, which could lead to code compliance issues if not installed according to the conditions.

Nate Mitchell – (Applicant) REBUTTAL – 1470 N Rook Way, Star, ID 83669

Mr. Mitchell addressed the one question on the 10% grade explaining they had three or four lots that would've required an individual Geotech report and found that it was easier to move the building pad on the lot to a less steep area. A lot of the lot lines were also moved to comply with historical drainage and storm water drainage. There's a couple of those ravines that go through the property that we had building lots in, which resulted in a reduced number of lots over time. Mr. Mitchell also addressed the question on Geotech reports for basements. The lots will be sold to builders, so it is unclear whether a basement would be going in on an individual lot or not. The building department will review for compliance. The director's decision was the property boundary adjustment associated with the separation and sale of the existing house.

Chairman Sturgill asked if requesting a development agreement condition or notation on the plat that any home with existing lot over 10% or with a basement needs a geotechnical report was appropriate. Mr. Mitchell confirmed and agreed that the more information they can give to a builder or individual owner would be beneficial.

Planner Barron confirmed that there is an existing plat note for sprinklers. She also suggested additional conditions of approval – to add the wildland urban interface plan into the CCNRs for maintenance and design and the individual engineering and drainage plans for lots over 10% slopes.

MOTION: Commissioner Sheets moved to close public testimony on Case No. SD2022-0011, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets stated he is in favor of having the additional plat notes regarding the geotechnical reports for basement and slope lots, but expressed concern on their extended discussions made a difference for the BOCC's decision. He is also in support of having the community water system.

Commissioner Nevill agrees with Commissioner Sheets.

Commissioner Mathews asked if the need for a public water system was discussed with the BOCC, and Planner Barron answered that there was discussion on the topic, but it was not required at that time.

MOTION: Commissioner Nevill moved to **recommend approval** for Case No. CU2024-0013 to the Board of County Commissioners, adopting the recommended FCOs that the application does meet criteria, and adding conditions 12, 13, and 14 regarding a community water system, plat notes for geotechnical engineering for 10% slopes and basements, and adding a wildland urban interface plan into the CCNRs. Seconded by Commissioner Sheets.

Discussion on the Motion:

Commissioner Sheet suggested the addition of condition 14, see above motion.

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

Item 2B:

Case No. CR2022-0030 – Paul Nay: The applicant, Paul Nay, is requesting a **Conditional Rezone** of parcel R30127 (42.40 acres). The request includes rezoning the "A" (Agricultural) zoned property as follows: 24.76 acres to "CR-RR" (CR-Rural Residential) for the purpose of developing three (3) residential parcels and 17.62

acres to "CR-C1" (Neighborhood Commercial) zone for the purpose of establishing an approximate 370-unit RV Storage Lot through the conditional use permit process if the requested rezone is approved. The subject property is located at 14602 Deer Flat Rd, Nampa.

Chairman Sturgill affirmed the applicant to testify.

Paul Nay – (Applicant) IN FAVOR – 14602 Deer Flat Rd, Nampa, ID 83686

Mr. Nay explained his history of obtaining this property. He decided the best plan for the property is to generate revenue. He explained the pit has been around longer than the houses surrounding it. He discovered that there is a lack of resources for parking RVs and boats, which is not keeping up with the high density in Nampa. Mr. Nay believes it's worth discussing and considering as a way to utilize that ground. His other option would be to turn it into a concrete and dirt dump site for the next 20 or 30 years and fill it back up, but feels the RV storage would be the best option.

Commissioner Sheets asked what the reclamation plan was for the original gravel pit. Mr. Nay said they possibly considered developing over the property and turning it into a pond, but that plan may have changed. Commissioner Sheets confirmed that the reclamation was completed.

Commissioner Nevill asked if the applicant had reviewed the conditions for both parts of the application. Mr. Nay answered yes, but that he primarily concentrated on the commercial aspect, and his biggest concern was regarding the addition of pine trees around the property. He wants to opportunity, if approved, to see how well his business operates prior to adding the trees. He would request 2 years for that condition to take effect. Commissioner Nevill asked why a pond would not work in this area. Mr. Nay did not find it productive for the nature of the property, stating only one lot would be able to use it and he believes his plan would reduce the waste of water resources. There was discussion on the proposed lots behind the gravel pit and the lack of a canal or anything that delivers water to the area.

Chairman Sturgill confirmed the size of the pit and asked if there were any alternative uses Mr. Nay had considered. Mr. Nay stated it would just turn into a landfill.

Commissioner Mathews asked if there would be cover for the RVs and boats. Mr. Nay said he would consider it if the business becomes viable enough to pay for it.

Planner Deb Root reviewed the Staff Report for the record.

Commissioner Nevill confirmed where the closest rural residential area was, and inquired about secondary dwellings. Planner Root stated that unless there was a condition placed prohibiting secondary dwellings, they are allowed. Commissioner Nevill asked if the requested commercial zoning could be changed to match the rural residential part of the application, and Planner Root explained if the Commission recommended denial of the commercial zoning, they could then provide an opportunity for the applicant to modify the application. Commissioner Nevill asked about dumping that was occurring in the pit, and Planner Root stated during the site visit she noticed broken up asphalt along the southern boundary, but does not know when that occurred, other than it may have been when the pit was operating.

Commissioner Sheets asked for clarification on the timeline of the application since there is documentation dating back to 2022. Planner Root explained that there is still a backlog of applications staff is working through, and unfortunately a few of the older applications got pushed back with staff changes and other internal processes, although the applicant has been very responsive throughout this application process.

Chairman Sturgill confirmed that the Commission could recommend approval on half of the rezone and recommend denial on the other half.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Jon Moldenhauer – IN FAVOR – 14716 Mountain Hawk Rd, Nampa, ID 83686

Mr. Moldenhauer testified that any property built in the gravel pit could be affected by valuation issues, and only 1 residence could benefit if a pond was put in place. He also mentioned that since he moved there in 2013, the gravel pit was already there, so the aerial map in 2016 is not accurate in showing the elevation changes. He agreed with Mr. Nay on the use that seems more appropriate, and requested the Commission vote in favor of both parts of the application.

Commissioner Nevill confirmed that Mr. Moldenhauer's property, which is northeast of the applicant's property, comes off of Farner Rd.

Gerald Kane – IN OPPOSITION – 9064 Crystal Quartz Dr, Nampa, ID 83686

Mr. Kane is a resident of the Crystal Lakes development, and requests denial for the RV storage lot. Introducing a commercial RV storage lot will diminish the value and character of the area, which undermines the efforts to preserve the agricultural heritage. He stated appraisals are not dependent on a gravel pit, and has not seen any recent dumping into the pit. Mr. Kane expressed his concerns regarding traffic. If the application were approved, he requests the land cannot be resold by Mr. Nay to be developed into other commercial uses, and that the property be rezoned back to agriculture.

Commissioner Nevill asked Mr. Kane to point where his house was located, and asked about typical traffic on Deer Flat. Mr. Kane stated there is minimal traffic that goes through daily. Commissioner Nevill asked about the surrounding property, and confirmed that is what Mr. Kane classifies as intensive agriculture.

Chairman Sturgill asked how water is inserted into the pond Mr. Kane lives by, to which Mr. Kane answered there is a community well and confirmed groundwater has to actively be removed on a regular basis.

Commissioner Mathews asked if filling the hole with concrete and asphalt was more appropriate. Mr. Kane stated it would if it was developed into large acre homes at some point.

Adriana Tsoharanyan – IN OPPOSITION – 14376 Quarry Ridge Dr, Nampa, ID 83686

Ms. Tsoharanyan strongly opposes to the rezone for RV storage, explaining that this area is predominantly agricultural surrounded by several homes with acreage and the extra noise would negatively impact the area. She also expressed concerns on traffic. There are no streetlights from Highway 45 to Farner Road, and there are several hills with limited visibility. The increase of traffic would cause safety concerns due to the close proximity to the neighborhood. There could be an increase in security concerns, especially considering it would take a sheriff unit longer to respond to this location. Ms. Tsoharanyan explained their electrical grid is already at capacity and have had several power outages. With the several storage units within proximity, this application does not make sense, and Ms. Tsoharanyan requests the Commission to consider the impact it would have on the surrounding properties.

Commissioner Nevill confirmed the location of Mr. Tsoharanyan's residence on Quarry Ridge Dr.

Commissioner Mathews asked if filling the hole with concrete and asphalt was more appropriate. Ms. Tsoharanyan stated it would if it was developed into residential properties.

John DeVenere – IN OPPOSITION – 9067 Crystal Quartz Dr, Nampa, ID 83686

Mr. DeVenere expressed he does not view the property how it currently sits as an eyesore, but would consider an RV storage to be. He stated it took over 30 minutes for responders to show up after a transformer caught on fire. He believes residential building would be more feasible, especially considering the surrounding agricultural areas and the addition of lights and traffic if the RV storage were approved.

Commissioner Nevill confirmed that intensive ag harvesting was acceptable over a 24/7 RV storage.

Paul Nay – (Applicant) REBUTTAL – 14602 Deer Flat Rd, Nampa, ID 83686

Mr. Nay addressed to comments on dumping, and stated he stopped it. He said the entire Mercy Medical Center that got tore down a couple years ago is in there, along with undocumented fill, which makes it challenging to build houses on it. He commented the dump is also visible, and doesn't believe anyone will even see the tops of the RVs, particularly if trees are planted. The intent is to closely monitor the location, and possibly build a caretaker facility. It is stipulated in the staff's recommendations that it be a daylight only facility, and cameras would be installed. Mr. Nay also addressed the traffic concerns, and argued that there has already been hundred or thousands of loads in big dump trucks, and he could decide to fill that back up and make it a field again.

Commissioner Mathews asked how much of the pit is covered with the hospital waste. Mr. Nay answered about half of it, and said it has already been leveled and covered with dirt.

Commissioner Nevill asked about the security plan and if there would be fences. Mr. Nay is not opposed to that, although it does make it challenging to mow and they catch a lot of debris. Commissioner Nevill confirmed the request is for an RV storage, not a livable RV park. Commissioner Nevill suggested turning the whole parcel into residential, to which Mr. Nay said he may just leave it agriculture if the commercial aspect is not approved, utilizing the split he has and not having to jump through all the hoops of turning any of it into residential.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2022-0030, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets noted that this is being reviewed under the 2020 comprehensive plan, so does not have an argument against the designated rural residential; however, the neighborhood commercial aspect is inappropriate for this area.

Commissioner Nevill and Commissioner Mathews concur, and Commissioner Mathews expressed his concern that this will never be agricultural again and is just a wasteland.

MOTION: Commissioner Sheets moved to **recommend approval** for Case No. CR2022-0030, for the 24.76 acres to CR-RR (CR-Rural Residential), to the Board of County Commissioners, adopting the recommended FCOs that the application does meet criteria. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

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

MOTION: Commissioner Nevill moved to **recommend denial** for Case No. CR2022-0030, for the 17.62 acres to CR-C1 (Neighborhood Commercial), to the Board of County Commissioners, finding that the application does not meet criteria. Seconded by Commissioner Sheets.

Discussion on the Motion:

None.

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

Item 2C:

Case No. CR2023-0013 – White Barn Ventures Inc.: The applicants, Sarah and Eric Hibbard, represented by Matt Wilke, request a Comprehensive Plan Map Amendment from “A” (Agricultural) to “RR” (Rural Residential) and Conditional Rezone of Parcel R36963013, approximately 8.44 acres, from an “A” (Agricultural) zone to a “CR-R-R” (Conditional Rezone - Rural Residential) zone. The request includes a Development Agreement restricting development to three (3) residential lots. The subject property is located at 20762 Gravelly Lane., Wilder, ID 83676.

After discussion on the possible exposure of this case, Commissioner Nevill recused due to being the president of the Snake River Canyon Scenic Byway and having seen their final stand in opposition of this application.

Chairman Sturgill called the applicant to testify.

Matt Wilke – (Representative) IN FAVOR – PO Box 7, Middleton, ID 83644

Mr. Wilke described the location of the home and the general proposed locations of the building sites on the property, along with the existing and proposed driveways. Although this area was previously denied for a CR-1 rezone, the BOCC gave an option to apply for a CR-R-R, which is the intent with a development agreement to three-acre average lots. He explained there is a similar plat on the other side of the Snake River in Owyhee County. The proposed development has a 1.33-acre average lot size. The soil was inspected and there is great drainage, pending a letter from SWDH. With less than 5 homes on the subdivision, there is not a worry about the nitrates. Every site on the property for building is going to be under 15% slope, and there is currently no irrigation water so it is not viable for agricultural use. The aquifer in the area seems really strong, and existing wells have good quality on the well log. Mr. Wilke described the surrounding areas, some with residential, some with agriculture.

Commissioner Mathews asked when the applicant bought their property. Mr. Wilke answered in 2022.

Chairman Sturgill confirmed the RV on site is just storage.

Planner Emily Bunn reviewed the Staff Report for the record.

Matt Wilke – (Representative) REBUTTAL – PO Box 7, Middleton, ID 83644

Mr. Wilke believes these are the types of lots to prove to the county. The net taxable value of rural residential properties is \$1.5 billion compared to the \$350 million for ag ground, which is a huge benefit to someone who wants to develop sites like this application depicts. He believes there is a great access to emergency services, and the view is really hard to find these days.

Planner Bunn suggested adding in a condition or provision regarding a no build zone on the 15% slopes.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2023-0013, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets and Commissioner Mathews agreed there is no reason to go against the comp plan for this application.

MOTION: Commissioner Sheets moved to **recommend denial** for Case No. CR2023-0013 to the Board of County Commissioners, adopting the recommended FCOs that the application does not meet criteria. Seconded by Commissioner Mathews.

Discussion on Motion:

None.

Roll call vote: 3 in favor, 0 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

There was discussion on the status of obtaining more commissioners and the subsequent training, as well as discussion on the Private Road Ordinance that is being presented to the BOCC. There is an administrative division code/ordinance update and are seeking public input on the update. There will be a public input session open house on August 14. All cases are assigned to a planner and applications are moving through.

Chairman Sturgill requested upgraded, printed copies where necessary for the Commissioner binders, and Director Gibbons stated there will be sufficient training for the new Commissioners.

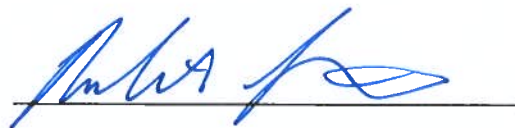
There was also discussion on minutes and the necessity of the conversations with the motions, and potentially considering a member of the voting majority assisting the planner to create a written document or enhanced FCOs to provide to the BOCC.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 10:23 P.M.

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

Approved this 4th day of September, 2025



Robert Sturgill, Chairman

ATTEST



Caitlin Ross, Hearing Specialist