



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, November 20, 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
 Matt Dorsey, Commissioner
 Geoffrey Mathews, Commissioner
 Holley Werhanowicz, Commissioner
 Anita Johnston, Commissioner

Staff Members Present: Jay Gibbons, Director of Development Services
 Dan Lister, Planning Supervisor
 Emily Bunn, 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.

Item 1: Consent Agenda – Action Items

- A. Case No. CU2025-0009 – Knife River-Notus West Pit: Approve FCO's
- B. Case No. CR2024-0007 – Evans: Approve FCO's

Commissioner Mathews and Commissioner Dorsey abstained from voting on the Consent Agenda due to not being present for the November 6, 2025 hearing.

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

Item 2A:

Case No. RZ2022-0015 – Bublik: The applicant, Anatoliy and Vera Bublik, represented by Daniel Bublik, is requesting a conditional rezone from an "A" (Agricultural) zone to a "CR-C-2" (Service Commercial) zone. The requested rezone will cover approximately 0.72 acres of the western portion of the subject property. The remaining 0.28 acres on the eastern portion of the property will retain the "A" (Agricultural) zoning designation. The request includes a Development Agreement that would limit the rezoned area to a single allowed use of vehicle sales. The subject property is located at 8160 Hwy 20/26, Nampa, ID 83687, also referenced as Parcel R34170.

Case was withdrawn by Applicant.

Item 2B:

Case No. CU2025-0011 – Knife River Corp-Mountain West: The applicant, Knife River Corp. – Mountain West, represented by Megan Winter & Joseph Smith, is requesting a Conditional Use Permit to allow a long-term mineral extraction permit to include stockpiling, crushing, staging, and hauling the sand and gravel off the site

on approximately 59.55 acres in an "A" (Agricultural) zone for a period not to exceed ten (10) years. The proposed general hours of operation are 7am-5pm, Monday through Saturday, hauling of materials may take place 24 hours a day, seven days a week to support construction activity that requires nighttime operations. The subject property is located at 0 Centerpoint Rd, Caldwell, Idaho, also referenced as Parcels R35968010 and R35973010.

Chairman Sturgill affirmed the applicant to testify.

Megan Winter – (Applicant) IN FAVOR – 5450 W Gowen Rd, Boise, ID 83709

Ms. Winter explained this site will address a growing need for construction aggregates in the community, while also honoring the landowner's original goal of creating a water feature on their property. Once mining is complete, the reclamation plan is to transform the site into a 50-acre water feature. Ms. Winter stated that Knife River is currently the prime contractor on the Idaho Transportation Department State Highway 55 improvements project between Farmway Road and Middleton Road, which requires more than 1 million tons of aggregate. The subject property will supply Knife River with the aggregates needed for current and future phases of the State Highway 55 improvements project. Ms. Winter described the proposed haul routes, stating trucks will run south on Centerpoint Road, west on Howe Road, south on Notus Road, west on Highway 19 and then south on Farmway Road to State Highway 55. Understanding the concerns for improvements to the Highway 19 and Notus Road intersection, Ms. Winter stated Knife River is committed to addressing those improvements, and will provide a traffic impact study as requested by the Golden Gate Highway District upon approval, which is combined with a prior gravel pit approval. Ms. Winter emphasized a priority in community engagement, and stated this project will reflect some of the neighbor's concerns with lowering the berms to not obstruct the views. Road safety concerns were also addressed; loads will be covered and a 25 MPH speed limit will be enforced on Centerpoint. Ms. Winter talked about the water concerns, explaining that Knife River's geological studies and GSI environmental hydrology memo confirms that mining will occur within the superficial groundwater table with confining layers beneath the mine floor. These layers prevent any significant impact on the quantity or quality of water in nearby domestic wells. Ms. Winter concluded with they believe application and project is aligned with the policies outlined in the 2020 comprehensive plan.

Commissioner Nevill confirmed that the plan is to operate this pit at the same time as the prior 2 pits that were approved. Ms. Winter explained the prior West Notus pit that was approved supports the Notus pit a mile west of that site, while this site will be specifically for the ITD State Highway 55 project. Commissioner Nevill asked for clarification on the truck routes, and Ms. Winter confirmed the truck route for the currently proposed site will be different to alleviate the amount of truck traffic on Notus Road. Commissioner Nevill inquired on the proposed improvements for the Notus Road and Highway 19 intersection. Ms. Winter described the plan that was discussed at the prior hearing regarding expanding the shoulder of the turning radius and other improvements that may be brought up during the traffic impact study. Commissioner Nevill confirmed the conditions reflecting those improvements should be consistent with the prior approval.

Commissioner Mathews asked for clarification on the proposed water feature. Ms. Winter stated it would be a pond.

Commissioner Sheets asked how this application will affect the requirement of completing a traffic impact study. Ms. Winter confirmed the traffic impact study would not be completed until after this application was approved, and explained that it made sense to combine the traffic impact study to cover both sites as they are within a mile of each other.

Commissioner Dorsey asked what the alternate route will be until Farmway Road is opened back up. Ms. Winter offered to provide that information during rebuttal.

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

Chairman Sturgill confirmed that the FCOs that were provided to the Commission were the same as what is reflected in the staff report. Chairman Sturgill asked about the distance between the rock crushing sites and the nearest residence. Planner Lewter needed time to obtain that information.

Commissioner Nevill inquired on the 10-year proposal that was noticed and posted on the agenda versus the 20 years that was listed on the application. Planner Lewter confirmed the applicant did want to ensure this project was completed as quickly as possible, so they may be amendable to 10 years. Commissioner Nevill deferred the concern to the Director of Development Services, Jay Gibbons. Director Gibbons stated the code speaks to "long-term" being at least 10 years, and this shouldn't be a stumbling block considering the application and preliminary hearing materials have been available to the public since the case was scheduled for a hearing.

Commissioner Sheets asked if there were trip generation numbers available. Planner Lewter said there were not.

Planner Lewter found the information regarding the distance between rock crushing sites and the nearest residence. She stated it is approximately 100 feet to the nearest residence to the north. Chairman Sturgill asked for clarification to condition 9b regarding traffic impact study results and mitigation actions prior to gravel pit operations. Planner Lewter confirmed condition 9b is for the TIS and condition 10 is outlining Idaho Transportation Department requirements, which would include the improvement to the Hwy 19 and Notus Road intersection.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Brodie Lewis – IN FAVOR – 22283 Celebration Ln, Caldwell, ID 83607

Mr. Lewis is the owner of the subject property. After much consideration, Mr. Lewis believes this is the best use of the property. He explained that the simplicity of working hard and getting a first home has become more challenging with cost of affordable housing going up, so this project would help keep costs down with mining product within the community.

Commissioner Nevill asked what the current use of the land is. Mr. Lewis said it is currently alfalfa, they raise some triticale, and they plan on planting winter rye. They also have a few cows. Commissioner Nevill confirmed the farming has productive yields. Mr. Lewis specified that costs to operate go up every year and the amount they receive for the yields stays pretty close to the same each year.

Joseph Smith – IN FAVOR – 5450 W Gowen Rd, Boise, ID 83709

Mr. Smith agreed with Mr. Lewis on creating affordable housing by keeping resources local. Mr. Smith clarified conversations held with the highway district regarding the TIS, stating they decided to combine the 2 applications since they were being processed in similar timelines, and it allows them to look at the impacts of both projects. He stated that if this application does not get approved, the TIS for the other location would be implemented right away.

Commissioner Sheets asked how many trips this operation is going to generate. Mr. Smith stated 40-50, with some days where that will be less. Commissioner Sheets asked if there is a pending construction bid associated with this application. Mr. Smith said they are the prime contractor on this phase of Farmway and they anticipate several more phases in the near future, confirming that this will be depleted within the 10 years.

Commissioner Mathews inquired on any discussions with ITD regarding the improvements to Hwy 19 and Notus Road. Mr. Smith stated that they are waiting for a TIS to better address what type of improvements need to be made, but Knife River is committed to improving that intersection until the TIS comes back for any additional improvements. Commissioner Mathews asked for clarification on the 40-50 trips and whether that includes employees. Mr. Smith said that would not include employees, but the employees would get there in the morning and leave at the end of the shift, so the 40-50 trips would primarily be material leaving the site.

Mark Christensen – IN FAVOR – 21728 Boise River Rd, Caldwell, ID 83607

Mr. Christensen lives 1 mile from the subject property and would not have any negative impact from this project.

Megan Taylor – IN NEUTRAL – 23267 Centerpoint Rd, Caldwell, ID 83607

Ms. Taylor lives between the 2 subject parcels and will be directly impacted by this project. She expressed concerns about being told this project would be 5 years, then seeing 10 years on the noticing, but hearing 20 years at the hearing. Ms. Taylor wants clarification on where her irrigation will be drained as the drain canal goes directly through one of the subject parcels, as well as whether her source for irrigation will be affected. She would also like to confirm how far her house will be from the rock crusher and that the 10-foot berm on Centerpoint could be lowered.

Chairman Sturgill asked Ms. Taylor to point out her property in comparison to the site and proposed rock crusher locations. Chairman Sturgill asked what hours of operation, if approved, would be the most non-disruptive. Ms. Taylor stated she might be moving to night shifts as a CNA, which would be detrimental especially if this takes up to 20 years.

Commissioner Nevill confirmed that Ms. Taylor would rather have 10-foot berms surrounding her property if the operations were located as they are displayed in the staff report. Commissioner Nevill commented there is a condition that states the operations cannot interfere with the delivery of water, and asked if that alleviated the concerns regarding irrigation. Ms. Taylor stated it depends on where the berm is placed, and clarified it is currently an open ditch. Commissioner Nevill confirmed the differing timelines Ms. Taylor has heard/seen.

Planner Lewter clarified the distances from the nearby residences to the rock crushing locations, and confirmed they were further than she indicated in her staff report. She also clarified that the rock crusher locations were staff recommendations since there was not a designated area on the application.

Commissioner Dorsey confirmed Ms. Taylor's concerns regarding keeping the water runoff source open.

Greg Shaw – IN NEUTRAL – 22893 Howe Rd, Caldwell, ID 83607

Mr. Shaw stated they have had a cattle ranch in this area since 1959 and is concerned about how much disruption they will have for their business as they use the roads to move cattle constantly. He also expressed concerns about the 50 MPH speed limit on Howe Road with the bigger trucks with heavy loads going through. Mr. Shaw also mentioned that he has been the president of the Eureka Ditch Company for 20 years and no one has spoken to him about dewatering in the Eureka Ditch.

Chairman Sturgill asked if the cattle is moved in trailers or driven down the road, and also asked how long the cattle are on the road. Mr. Shaw said both, and they could be on the road for 30 minutes. Chairman Sturgill asked how traffic is managed. Mr. Shaw stated currently there isn't a lot of truck traffic, so any cars can either go through or they will pull over.

Commissioner Nevill asked how many cattle Shaw Cattle has. Mr. Shaw stated they run about 1600 mother cows. Commissioner Nevill asked if there was anything wrong with the subject property that it couldn't stay in agriculture. Mr. Shaw said irrigation has never been an issue for raising grass.

Sam Shaw – IN NEUTRAL – 22453 Howe Rd, Caldwell, ID 83607

Mr. Shaw clarified that in 2003 this area was open range then got changed to herd district. Shaw Cattle moves cows on the nearby roads frequently, and because it is not open range, any accidents with the cows is a liability. Mr. Shaw is concerned about the estimated trips per day the applicant's operation is going to cause.

Chairman Sturgill asked if cattle is on the road year-round. Mr. Shaw stated they are more so in the summertime, and the cows get run through the chute 5 times in 10 days and are moved each time. They try not to move the cattle more than $\frac{1}{2}$ a mile to a mile. Chairman Sturgill asked if Mr. Shaw had any proposed coordination that could be done with Knife River to prevent conflict. Mr. Shaw confirmed that there can be coordination with Knife River, and mentioned they already coordinate with the Sheriff's Office to stop traffic if they need to cross Highway 95, so this could be just another call to make prior to transporting cattle.

Commissioner Nevill asked Mr. Shaw to share the difference between herd district and open range. Mr. Shaw stated that open range is the responsibility of the driver, while herd district is the responsibility of the cattle owner in regard to accidents involving cattle.

Commissioner Mathews asked if there is another route Knife River could take for their hauls. Mr. Shaw suggested traveling up north to Boise River Road, but that could negatively affect the Christensens.

Chairman Sturgill asked if this alternative route for Knife River operations would be viable if prior arrangements were made when transporting cattle. Mr. Shaw believes that Centerpoint Road and Boise River Road will also need improvements if there will be a significant increase in truck traffic.

Commissioner Dorsey asked if asking Knife River to alternate their routes temporarily is feasible. Mr. Shaw agreed that it would be challenging.

Chairman Sturgill asked if there is another way to move the cattle down the path. Mr. Shaw stated the road runs east to west and part of the road is the Drain District 6, so it is difficult to build another fence to have an alleyway. They would have to bridge over the Eureka Ditch for a connection. Chairman Sturgill confirmed the road is their right of way.

Chris Taylor – IN OPPOSITION – 23267 Centerpoint Rd, Caldwell, ID 83607

Mr. Taylor clarified that the request for the 4-foot berm around their property was requested not knowing that the crusher placement could be on the northern parcel. Mr. Taylor talked about a plan to take care of any impacts to property wells within the area, and requested a TIS be completed prior to any approvals as there are concerns with the increase of truck traffic.

Commissioner Nevill asked for Mr. Taylor to describe the road conditions. Mr. Taylor explained there are no stripes and the grass is growing onto the road due to the high-water table. There are potholes and patches and dips where the pipes and ditches cross. Commissioner Nevill asked about the elevation of the roads and if they are typically built up above the ditches and fields. Mr. Taylor stated the water is within 6 inches of one of the crossings and the road shows signs of people cutting corners.

Chairman Sturgill asked if a traffic impact study should be done before discussing the roads to ensure what is recommended meets the needs of the uses on the roads. Mr. Taylor agreed, and explained that there is nothing holding anyone accountable to these requirements.

Taylor Wood – IN OPPOSITION – 23447 Centerpoint Rd, Caldwell, ID 83607

Ms. Taylor expressed concerns about the long-term impacts a 20-to-30-year gravel extraction operation will have on the surrounding community. There is a risk of fuel leaks, chemical spills and sediment entering the aquifer affecting the wells. The aforementioned hydrology memo is commissioned by the applicant, not an independent party, so there is no proof of protection of the wells and groundwater. The memo also acknowledges that mining will occur within the superficial groundwater table, which increases vulnerability. For that reason, Ms. Taylor urges the commission to not approve this case or require a truly independent hydrogeologic review, ongoing groundwater monitoring and clear action thresholds rather than relying solely on an applicant funded memo. Ms. Taylor explained this application states that the hauling of construction materials may take place 24 hours a day, which will have a big impact. Neighbors will constantly experience engine noises, vibration, and low impact headlight, which can probably still glare, affecting sleep health and overall quality of life. Ms. Taylor pointed out that while a berm may provide some visual screening, it is unlikely to fully mitigate noise from 24/7 hauling heavy trucks, crushing, vibrations, engine noises or the blight glare of headlights at night. Berms also do not control dust drifting from stockpiles or haul ropes onto neighboring properties. Ms. Taylor requests the commission to consider prohibiting 24/7 hauling and restrict nighttime operations unless absolutely necessary. Neighbors may face decreased home and land values, and this economic impact adds to the personal environmental concerns.

Commissioner Nevill confirmed that Ms. Taylor is at the northeast corner of the proposed development. Commissioner Nevill asked if the preference is for shorter or taller berms. Ms. Taylor answered taller if she didn't have a choice. Commissioner Nevill inquired on the well depth. Ms. Taylor was unsure as it is a community well shared between multiple properties.

Shane Garbarino – IN OPPOSITION – 23093 Centerpoint Rd, Caldwell, ID 83607

Mr. Garbarino is on the corner of Howe and Centerpoint. He restated Mr. Lewis' statement about providing quality of life for his kids and grandkids, but wondered about the quality of life of the immediate neighbors. Mr. Garbarino is not against growth and change as it is inevitable, but agriculture is being pushed out of the valley. He enjoys bringing his family to watch the cows go down the road and believes we need to tap the brakes on growth. Schools and infrastructure can't keep up.

Doug Sanders – IN OPPOSITION – 22165 Tucker Rd, Greenleaf, ID 83626

Mr. Sanders expressed concerns on semi-trucks destroying the roads, especially Tucker Road. He requests an impact study.

Commissioner Sheets asked for clarification on the type of vehicles traveling on the roads. Mr. Sanders confirmed there are a lot of Knife River utility vehicles, and although it's usually pick-ups and some semis, the road is not fit for semis. Mr. Sanders added that there are a lot of endangered and protected species in the waterway within a mile south of this area. Commissioner Sheets asked Mr. Sanders to elaborate. Mr. Sanders listed some protected species, including Redtail Hawks and Harris Hawks.

Megan Winter – (Applicant) REBUTTAL – 5450 W Gowen Rd, Boise, ID 83709

Ms. Winter addressed the concerns regarding the timeline, stating they are comfortable reducing the permit duration to 10 years. They usually ask for up to 20 years to allow time for a traffic impact study, any additional permitting required, and the reclamation. Ms. Winter confirmed the average daily trips of approximately 40 trips per day, which is very dependent on demand. Ms. Winter explained the rock crushing process, which includes bringing a crusher to operate for about 3 months of the year, and the materials would be stockpiled to then be processed and hauled. The 24-hour request is to appease ITD scheduling requirements as there are very strict timelines for these projects. Crushing will not be 24/7, it would only consist of hauling material to and from job sites. Ms. Winter confirmed there are 300-foot easements to the north and south of Ms. Taylor's property. She also explained that there is a 30-foot easement from Centerpoint Road, and although they will be exiting onto Centerpoint, they will not be mining up to it. The plan is to keep the crusher to the northwest

area of the site, which has been discovered to have the least impact on surrounding neighbors. Water will not be discharged into the Eureka Ditch, but to the north drain per staff's requirements. Ms. Winter agreed to keeping communication available in regard to moving cattle. Ms. Winter also clarified that the Impact Study GSI Environmental is an independent third party. They are only mining 20 feet down, and do not have any concerns with the quality or quantity impacts to local wells. Ms. Winter stated that they do not plan on using Tucker Road to haul material, and reiterated their proposed truck route.

Commissioner Mathews asked if there was a possibility of placing the crushers in an alternative pit to mitigate the impact on the neighbors. Ms. Winter confirmed that is doable, and stated that it is quicker to have the equipment onsite. Commissioner Mathews asked if Ms. Winter would be agree to a condition to replace any neighboring wells that are contaminated or depleted. Ms. Winter said yes, and asked that the radius is detailed in that condition to ensure it is directly connected to the operations.

Commissioner Dorsey asked if Knife River needed the gravel when they bid the project on Hwy 55. Ms. Winter stated this site was in the discussions when bidding on the project, and she submitted the application earlier in the spring. They have been anticipating the use of this site so they do not use up the reserves in other operations in the area. Commissioner Dorsey asked how much product in tons is anticipated to be pulled from both pits. Ms. Winter stated 1.6 million tons of aggregates would be pulled from this site, which would be about the same for both.

Commissioner Sheets requested a description of the reclamation area. Ms. Winter explained that the reclamation plan would be the entire mining site, with about 10 acres that will be used as a graded area into the pond.

Commissioner Mathews inquired on expanding the traffic impact study to include all potential haul routes. Ms. Winter is amendable to that request, and stated they would work with Golden Gate Highway District and the engineer to include a larger scope.

Chairman Sturgill asked how much the traffic impact study would cost. Ms. Winter answered \$30,000-\$35,000.

Commissioner Nevill asked how long it would take to conduct a traffic impact study, and emphasized that they may not be able to start operations until that is completed. Ms. Winter agreed they would not start operations until completed, and stated the last traffic impact study she had done took about 3 months.

Commissioner Dorsey asked why they were only digging 20 feet. Ms. Winter explained they dug test holes and found that is where the rock ends and they hit unnecessary material. Commissioner Dorsey asked if they would be requesting a 5-year window or 10-year window considering the amount of time it would take to haul the amount of material they anticipate with 50 trips a day. Commissioner Dorsey inquired on the desire to wait to do a traffic impact study, to which Ms. Winter explained they like to understand the full scope of the proposed project before doing any studies.

Commissioner Mathews inquired on studies that are done prior to operations or prior to applying for a CUP. Ms. Winter stated a reclamation plan approved by the Idaho Department of Lands is included, but there are no requirements or additional testing that is required for the CUP application.

Planner Lewter explained there are certain conditions that were proposed by the applicant that were not added due to the Code Enforcement supervisor stating he wouldn't be able to enforce them. Planner Lewter suggested adding a condition to E to only allow the rock crusher to be used for 3 months out of the year. She reminded the commission that the prior CUP that was approved had a condition that a TIS and pavement analyses would be conducted prior to operations, and Golden Gate Highway District request staff to include

this site as part of those studies. Planner Lewter suggested adding condition 9 to include an alternate route for the TIS. Property owners would be noticed if nighttime operations were required. Planner Lewter suggested modifying condition 4 to place 10-foot berms and modifying condition 2a to reduce the timeline to 10 years.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2025-0011, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Nevill stated he would not vote in favor due to the current production agricultural operations on this and surrounding properties. This would negatively impact those agricultural operations. Commissioner Nevill does not believe this application would be conditionable at this time.

Commissioner Sheets is unable to answer criteria 7 in regard to undue interference with existing or future traffic patterns. He proposes to table this request until a traffic impact study is completed.

Commissioner Mathews agrees with Commissioner Sheets.

Commissioner Werhanowicz agrees with Commissioner Nevill that this will negatively impact too many people and will compromise the character of the area.

Commissioner Dorsey agrees that the traffic impact study is important, and does not see a need for this pit. He does not believe it could be properly conditioned at this time.

MOTION: Commissioner Nevill moved to **deny** Case No. CU2025-0011, finding that the application does not meet the criteria for approval under article 07-06-05, specifically in regard to criterion 4 and 7 and exhibit D3, seconded by Commissioner Dorsey.

Discussion on the Motion:

To gain approval, the applicant may be able to present results on the traffic impact study, but at this time, there is not a way to mitigate the impact this project will have on the ag operations nearby.

Roll call vote: 4 in favor, 2 opposed, motion passes.

Item 2C:

Case No. CR2024-0002 – Huff: The applicants, Robert and Danielle Huff, represented by Elizabeth Allen, is requesting a conditional rezone of Parcel R21970509 (approximately 10.79 acres) from the "A" (Agricultural) zone to the "CR-R-1" (Conditional Rezone-Single-Family Residential) zone. The request includes a Development Agreement that restricts development to six (6) buildable lots. The subject property is located at 6828 Foothill Road, Star ID 83669, also referenced as Foster Heights Lot 10 in Block 1.

Chairman Sturgill affirmed the applicant to testify.

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

Ms. Allen described the request of a conditional rezone from agricultural to CR-R-1 for Quail Cooley. She described the location of this parcel and the details of the rezone and replat of Lot 10, Block 1 of Foster Heights subdivision. Ms. Allen reviewed the evaluation of criteria, explaining this proposal aligns with 5 goals and 7 policies in the comprehensive plan as well as the future land use of residential and Star's future land use designation. The lots will be served by individual septic systems and domestic wells, and there is legal access for public services and facilities. The applicant provided a condition requiring Firewise landscaping and fire sprinkler systems for fire mitigation. Ms. Allen reviewed the 10 proposed conditions of approval.

Commissioner Mathews asked for clarification on conditions 2 and 5 regarding a single-family residence with a garage and outbuildings. Ms. Allen agreed it could be confusing and suggested modifying the wording.

Commissioner Sheets inquired on the groundwater right, and asked if it is an irrigation groundwater right or domestic exemption. Ms. Allen answered that it was domestic. Commissioner Sheets asked how the rest of the parcel is irrigated, to which Ms. Allen stated everything would be served by a domestic well. Commissioner Sheets asked if there is an HOA associated with this subdivision. Ms. Allen stated since this was plotted in 1980, there wasn't an HOA or CC&Rs at the time, and there isn't a plan for either at this time. Commissioner Sheets asked why the request is for R-1. Ms. Allen mentioned the original request of RR, but had to go down to R-1 due to the private road reducing the size of the lots. Commissioner Sheets confirmed there are no restrictions on the original plat for this particular lot.

Commissioner Nevill asked whether Star was requesting higher density. Ms. Allen stated it has been over a year since starting this process, but after multiple meetings with Star they recommended it aligned with a nearby subdivision as far as lot sizes. She also mentioned a conversation about annexing, to which would not work as the owners to the south do not want to annex. Commissioner Nevill confirmed all 4 conditions proposed by staff were acceptable.

Commissioner Dorsey asked for clarification on groundwater rights versus domestic exemption, to which Ms. Allen deferred to staff.

Chairman Sturgill asked how many acres would be designated to the roads. Ms. Allen answered with 0.877 acres. Chairman Sturgill inquired on the average lot size, to which Ms. Allen stated 1.651 acres without the road. Chairman Sturgill asked how that is compatible with surrounding lot sizes as the lots that are only 600 feet away average at 2.41 acres. Ms. Allen answered the 1.651 is their average lot size.

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

Commissioner Sheets asked when this application changed from RR to R-1. Planner Bunn stated it was a couple of months prior to the hearing, and that was due to agency comments having evaluated the criteria for each and a 1 lot difference.

Commissioner Nevill verified slopes will be handled during the platting stage. Commissioner Nevill asked why the conditions that the applicant proposed were not appropriate. Planner Bunn stated they are not relevant to any zoning regulations or code for rezones, and would be restrictions seen in subdivision CC&Rs. Commissioner Nevill inquired on the Hwy 44 improvements, to which Planner Bunn did not have any information on. Commissioner Nevill verified the existing shop will need to be removed. Planner Bunn elaborated that would be during the platting stage.

Planning Supervisor Dan Lister also explained an accessory structure has to be with a primary use and has to meet current requirements of establishing a house.

Commissioner Nevill confirmed the irrigation plan and asked if there would be a subsequent code violation for water spreading. Planner Bunn stated Idaho Department of Water Resources would manage this, and Commissioner Nevill commented someone would need to report the issue.

Commissioner Nevill further inquired on firefighting water, but Planning Supervisor Lister explained this would be another topic discussed during the platting process, and the current application is regarding the rezone and whether or not it is more appropriate at this time.

Planning Supervisor Lister clarified that the average lot size within a 1-mile radius is 2.41 acres, and the average lot size within 600 feet is 6.2 acres.

Commissioner Dorsey requested clarifying the difference between groundwater rights and domestic exemptions. Planner Bunn specified that the reason it is noted as a groundwater right is that is how Idaho Department of Water Resources called it.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

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

Ms. Allen emphasized that this was a submission for a conditional rezone to allow conditions to ensure it was compatible with the area, otherwise they would have just applied for a rezone. The applicant accepts staff's conditions, and does not have a problem with removing their proposed conditions, with an exception of a condition to demolish the shop only when the lot is ready to be developed. If the Commission accepts the applicant's conditions, conditions 2 and 5 regarding outbuildings can be reworded to be consistent. Ms. Allen commented that the water right is a domestic exemption which was before state code was changed.

Commissioner Sheets asked if the road is going to be public. Ms. Allen answered that it would be private and there would be a road user's maintenance agreement. Commissioner Sheets asked who would own the road. Ms. Allen stated the subdivision, and Commissioner Sheets confirmed there would be an HOA and CC&Rs.

There was discussion on whether or not the existing shop could remain through the platting process, and if it could be considered an accessory building after building a house on the lot. It is stated in code that accessory structures are not allowed with a single-family residence.

Commissioner Nevill confirmed that the applicant's proposed conditions of approval were to make this conditional rezone request more compatible. Director of Development Services Jay Gibbons stated that whether or not P&Z wishes to add these conditions, these are conditions that can be proposed with the development agreement to the Board of County Commissioners.

Chairman Sturgill confirmed that the intent of the proposed condition in the development agreement for square footage is to increase the compatibility with surrounding properties.

Planner Bunn emphasized that it was just her suggestion to not include the applicant's conditions, but the Commission is welcome to include any of them if they wish, aside from keeping the shop.

Planning Supervisor Lister also stated that the condition regarding the shop can be presented at the time of platting if this application goes through, with respect to code.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2024-0002, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets is not in favor of this application, and believes this would be more appropriate as an RR zone based upon the acreage of the surrounding lots and the potential of reducing impact on the schools. Commissioner Mathews agrees.

Chairman Sturgill does not believe this is compatible with the surrounding area and is not compatible as R-1.

MOTION: Commissioner Sheets moved to **recommend denial** for Case No. CR2024-0002 to the Board of County Commissioners, finding that the application does not meet criteria, specifically criterion 2, 3, and 4. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Dorsey requested the irrigation section of criterion 5 be modified to just state there are no irrigation water rights. Commissioner Sheets believes the information listed is factually correct.

Commissioner Sheets suggested that the applicant change their zoning request to potentially gain approval. Planner Bunn confirmed that the RR designation would also restrict secondary dwellings.

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

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

There was discussion on the status of the Area of Impact hearings conducted through BOCC. The deadline for final decisions is December 31. Planning Supervisor Lister gave a shoutout to Planners Amber Lewter, Arbay Mberwa, and Michelle Barron for all of their hard work. There was discussion on working with legal staff to update code enforcement code to address code violations being fixed with conditional use permits. If this results in an ordinance change, that ordinance will be available for review.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 10:18 P.M.

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

Approved this 18th day of December, 2025



Robert Sturgill, Chairman

ATTEST

Caitlin Ross
Caitlin Ross, Hearing Specialist