



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, January 15, 2026  
6:30 P.M.

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1<sup>ST</sup> 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  
   Holley Werhanowicz, Commissioner  
   Anita Johnston, Commissioner

Staff Members Present:        Dan Lister, Planning Supervisor  
   Karla Nelson, Principal Planner  
   Emily Bunn, Principal Planner  
   Arbay Mberwa, Associate Planner  
   Dane Adams, Associate 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: Action Item – Election of Planning & Zoning Commission Officers**

**Motion:**

Commissioner Sheets nominated Robert Sturgill for Chairman for 2026. Chairman Sturgill accepted the nomination. Voice vote, motion carried.

Commissioner Mathews nominated Brian Sheets for Vice-Chairman for 2026. Commissioner Sheets accepted the nomination. Voice vote, motion carried.

Commissioner Sheets nominated Harold Nevill for Secretary for 2026. Commissioner Nevill accepted the nomination. Voice vote, motion carried.

**Item 2: Consent Agenda – Action Items**

- A. Case No. CU2025-0002 – Bighorn Traffic Services: Approve FCOs
- B. Case No. CU2025-0024 – Gomez: Approve FCOs
- C. Case No. SD2021-0061 – Victory Springs Subdivision: Approve FCOs

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

**Item 3A:**

**Case No. ZV2025-0001 – Emry:** The applicant, Austin Emry, requests a variance to reduce the front setback requirements in the “A” (Agricultural) zone from 30 feet to 3 feet to build an addition to the primary dwelling on approximately 0.66 acres. The subject property is located at 15949 Hill Top Circle, Wilder, also referenced as Parcel R26293.

**Chairman Sturgill** affirmed the applicant to testify.

**Austin Emry – (Applicant) IN FAVOR – 15949 Hill Top Cir, Wilder, ID 83676**

Mr. Emry is requesting approval for a setback variance of the 30 feet to 3 feet for an addition on the east side of his current residence. He is requesting approval for 3 reasons. The first reason is due to the house being non-conforming based on how and where it was built in 1978. The second reason is due to the location of the septic on the south side of the house, preventing any additions to the backside of the house. The third reason is due to the 15% or greater slope on 60% of the property, which leaves limited space for a septic system and any other additions or improvements.

Commissioner Nevill asked if the 2 proposed conditions of approval were acceptable. Mr. Emry agrees to the conditions. Commissioner Nevill inquired about the use of the addition to the house. Mr. Emry confirmed it will be living space.

Chairman Sturgill asked what the speed limit is on Hill Top Circle and if that speed limit is typically followed. Mr. Emry stated it is 15 miles an hour, and the speed of drivers range anywhere up to 35 mph.

**Associate Planner Dane Adams** reviewed the Staff Report for the record.

Commissioner Sheets asked what the distance is between the property line and the home as it stands now. Planner Adams is not aware of the exact distance.

Commissioner Nevill inquired about the code violation. Planner Adams explained the code violation was opened for an unpermitted addition to the home. Commissioner Nevill confirmed the approval of this application will clear that code violation and they can then apply for a building permit.

Planning Supervisor Dan Lister answered an earlier question regarding the distance between the property line and the home – the western portion meets a 50-foot setback but the area of the existing 1978 house is 11 feet from the setback.

Commissioner Nevill confirmed the history of the legal non-conforming house and the change of code regarding the setbacks.

Chairman Sturgill asked what the purpose of a setback from the road is. Planning Supervisor Lister explained the safety reasons for setbacks, including space for neighbors, fire safety to limit the jumping of a fire, and traffic safety.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. ZV2025-0001, seconded by Commissioner Mathews. Voice vote, motion carried.

**Deliberation:**

Commissioner Sheets is in favor of this request.

Commissioner Nevill explained he does not like using these types of applications to fix code violations; however, the addition is already built, so he is supportive.

Chairman Sturgill expressed concerns regarding a 3-foot setback when traffic traveling at high rate of speeds and swinging around the corner could be a liability; however, the road does end shortly after the turn. He also suggested modifying 2C in the findings to remove the other legal non-conforming home as there is no justification and it is inappropriate to include in the findings.

**MOTION:** Commissioner Sheets moved to **approve** Case No. ZV2025-0001, amending criteria 2C. Seconded by Commissioner Mathews.

**Discussion on the Motion:**

None.

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

**Item 3B:**

**Case No. CU2025-0017 – White Cloud Communication Inc:** The applicant, White Cloud Communication Inc., requests a conditional use permit for an unmanned telecommunication facility within a 10,000 square foot lease area on parcel R28634. The facility includes a 190-foot-tall tower with a 5-foot-tall lightning rod. The property is zoned the “A” (Agricultural) zone. The subject property, approximately 61.91 acres, is located at 0 Melba Road, Melba.

**Chairman Sturgill** affirmed the applicant to testify.

**Andrew Kittle – (Representative) IN FAVOR – 4732 Fenton St, Garden City, ID 83706 & Eric Smallwood – (Representative) IN FAVOR – 132 Fillmore St, Twin Falls, ID 83301**

Mr. Kittle explained the request for a tower for rural broadband use on property owned by the Nampa Highway District. This property is needed due to its proximity to Owyhee County, as well as being a low impact area. White Cloud Communication Inc is the recipient of a grant to provide rural broadband to the market area. Mr. Kittle stated there is a concern on the timeline of condition 1b regarding FAA approval prior to a building permit issuance, explaining that the FAA does not require that for a tower under 200 feet unless there are airport issues that would be affected, and the FAA has concerns about it. Getting that approval prior to obtaining a building permit would create undue pressure on the project, especially having 6 total to contend with, including towers in Owyhee County. Mr. Kittle explained a concern regarding condition 4 for fencing. He requested that this condition be amended to require fencing in a smaller area, which ultimately is just for protection of the asset, as fencing the full lease area of 100’ by 100’ would be expensive.

Mr. Smallwood provided a background on the project. There has been a large push to bring better internet to the citizens of Idaho, and this project comes out of the Idaho Office of Broadband to provide better internet. This tower will fill a huge need in an area that is an internet desert currently, and will offer affordable high-speed internet. It is a fiber and wireless mixed hybrid project, providing fiber to homes in areas with more density, such as Murphy, Bruno and Grandview, while serving licensed fix wireless to the rural residents. Mr. Smallwood addressed the FAA condition, stating he has never had to get approval for towers under 200 feet, but will still be lighting the tower although it is not required. Mr. Smallwood also agreed that it does not make sense to fence a bunch of desert, and the fencing that will be built will protect the asset while keeping wildlife and people from trespassing. This tower will also potentially provide the Nampa Highway District with better radio communications.

Commissioner Nevill confirmed that the request to modify condition 1B was to allow proof of the submittal for approval from the FAA rather than providing evidence of the approval. He also verified the request for a 7-foot fence closer to the tower rather than around the whole perimeter.

Commissioner Johnston asked what the rest of the property is used for. Mr. Kittle stated it is 100% agriculture and confirmed that it would be used for grazing if there were cattle.

Chairman Sturgill asked if White Cloud was the tower construction company or if they will be the carrier as well. Mr. Smallwood stated they will be using a subcontractor for the construction and White Cloud is the service provider. Chairman Sturgill asked if they will be hosting third parties on the tower, to which Mr. Smallwood stated there were no immediate plans to, but they would like to reserve that right if there was a need. Chairman Sturgill asked what frequency of operations was expected. Mr. Smallwood stated 3.5 gigahertz, and the communications for the highway district would be 450 megahertz. Chairman Sturgill noted that it would be preferred to accommodate permitting additional carriers or tenants as the county policy would rather have less towers.

**Associate Planner Arbay Mberwa** reviewed the Staff Report for the record.

Commissioner Nevill inquired about the proximity of the dairies to the north of the property. Planner Mberwa said she would look it up.

Commissioner Nevill asked what staff's thoughts were on modifying the aforementioned conditions. Planning Supervisor Dan Lister explained the requirements per code regarding FAA approval or confirmation that they don't care. Regarding the fencing, anything 7 feet or taller requires a building permit. Starting with 40 feet by 40 feet is amendable, but if White Cloud chooses to expand, they will need to come back for another building permit.

Planner Mberwa provided a map showing the proximity of the dairies, and it was determined the nearest dairy is about a mile away.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. CU2025-0017, seconded by Commissioner Mathews. Voice vote, motion carried.

**Deliberation:**

Commissioner Sheets believes this is an appropriate area for the request and would have minimal impact. It is going to provide services that are needed. He is amendable to modify condition 4 to reflect the 7-foot fencing with minimum dimensions of 40 by 40 feet and that it shall be submitted as part of the building permit, as well as modifying condition 1B to reflect submittal of proof of requesting FAA approval, with proof of approval prior to commencement.

Commissioner Nevill stated he is familiar with the area and believes residents will have more issues with the smell of the dairy than they will with this request, so he does not have any problems with the request and agrees with Commissioner Sheets on the suggested modifications to the conditions.

**MOTION:** Commissioner Sheets moved to **approve** Case No. CU2025-0017, amending condition 1B regarding FAA approval and condition 4 regarding fencing. Seconded by Commissioner Nevill.

**Discussion on the Motion:**

None.

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

**Item 3C:**

**Case No. RZ2025-0003 – Brown:** The applicant, Colby and Amy Brown, requests a rezone of approximately 6.19 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The subject property is located at 24403 Falcon Lane, Caldwell, also referenced as Parcel R38160011.

**Chairman Sturgill** affirmed the applicant to testify.

**Colby Brown – (Applicant) IN FAVOR – 24403 Falcon Lane, Caldwell, ID 83607**

Mr. Colby explained the request to divide the property so his son can build a house next to them, which would start as rezoning from agriculture to rural residential. Mr. Colby described a slide in his presentation showing the area that they want to split into a separate parcel. His next slide showed an overview of the subdivision and Mr. Colby described another nearby property that was split years ago and set a precedence for divisions in the area. He also showed a slide outlining the comprehensive plan, explaining they are in line with this area becoming residential. All essential services and facilities will be considered when designing the layout of the new home. Mr. Colby stated they want to keep their neighbors happy and haven't heard of any strong opposition. In conclusion, this application is consistent with the comprehensive plan, it is compatible with the development that is going on in the area, and adding a home for their son will not have a big impact.

Commissioner Nevill asked why this was applied as a straight rezone instead of a conditional rezone. Mr. Colby stated he didn't understand the difference and took the recommendations from Development Services staff. Commissioner Nevill asked for clarification on the property that was previously split. Mr. Colby stated he assumed it was rezoned, but it was a 6-acre parcel that was split in half and a house was built on each lot. Commissioner Nevill commented on how narrow the current parcel is and inquired about measurements for the new lot. Mr. Colby did not remember the exact number, but has already considered the measurements and how they align with setbacks and how the house would be built. Commissioner Nevill inquired about the access plan, to which Mr. Colby stated there will be a new access road off of Falcon Lane entering into that property.

**Principal Planner Karla Nelson** reviewed the Staff Report for the record.

Commissioner Sheets asked for clarification on the Call Family Revocable Trust that is listed on Exhibit B2.2 and Roger J. Donnay that is listed on the Warranty Deed in Exhibit A7. Planner Nelson deferred to the applicant to clarify who should be on the deed and trust. Commissioner Sheets confirmed that with a straight rezone, this property would not be restricted to the one new lot they are proposing, and with a 6-acre lot with a minimum 2-acre lot size, there could be up to 3 lots with possible secondary dwellings on each new lot. Planner Nelson confirmed, and clarified that there would be CC&R's, which Canyon County would not enforce, but it would limit it to one split.

**Colby Brown – (Applicant) REBUTTAL – 24403 Falcon Lane, Caldwell, ID 83607**

Mr. Brown confirmed that the Call Family Revocable Trust is listed correctly on the trust, and the only people that should be listed on the deed are Mr. Brown and his wife Amy Brown. Roger J. Donnay is his wife's father, but he is no longer on the property and is not in the trust.

Commissioner Sheets confirmed that the deed included in the staff report is not the most recent property transaction for this property.

**MOTION:** Commissioner Nevill moved to close public testimony on Case No. RZ2025-0003, seconded by Commissioner Sheets. Voice vote, motion carried.

**Deliberation:**

Commissioner Nevill commented that he is not in favor of straight rezones that gives no ability to apply conditions such as restricting secondary dwellings. This could potentially turn into 6 lots and there is no way to stop it if there is no ability to say no.

Commissioner Sheets agrees that having two lots with one house is not a problem; however, he is concerned about who is formally making the request. The property is held in a trust, but the request appears to be made outside of the owner, which is a legal issue since a trust is a separate entity. Commissioner Sheets also expressed a concern about the proposed rezone being too unrestricted, and would be more comfortable if it were limited to one additional parcel that meets the setback requirements and allows just one additional unit.

Planning Supervisor Lister found a correction to the trust in 2023 through property records that lists only Colby Scott Brown and Amy Leanne Brown, trustees of the Call Family Revocable Trust. Commissioner Sheets confirmed that the application was submitted correctly according to this information. Planning Supervisor Lister stated the instrument number for the record, 2023-394.

Chairman Sturgill reminded the Commission that the decision for this case will be a recommendation to the Board of County Commissioners and the reasons of denial should be reflected in the findings. He requested removing the sentence on page 7 of 12 of the staff report that reads “due to these privately enforced covenants, as well as the applicant’s expressed desire for only one split, the eventual average lot size with this change is anticipated to be three acres, similar in size to lots directly to the north and the east” as it should not be part of the findings.

**MOTION:** Commissioner Nevill moved to **recommend denial** for Case No. RZ2025-0003 to the Board of County Commissioners, finding that the application does not meet criteria, specifically regarding criterion B, C and D. Seconded by Commissioner Johnston.

To gain approval, the applicant could apply for a conditional rezone that would limit the development to a maximum of 2 lots and prohibit secondary dwellings.

**Discussion on the Motion:**

None.

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

**Item 3D:**

**Case No. CU2025-0018 – A&A Tires, LLC:** The applicant, Abraham Gonzalez, requests a Conditional Use Permit for a staging area and contractor shop for the applicant’s business, A&A Tires, LLC, which is a 24-hour mobile tire repair service. The applicant is proposing to store service trucks, equipment, and tires with a contractor shop on-site. The property is approximately 1.58 acres in an “A” (Agricultural) zone. The subject property is located at 23930 Stone Lane, Caldwell, also referenced as Parcel R22073.

**Chairman Sturgill** affirmed the applicant to testify.

**Victor Ferral – (Representative) IN FAVOR – 1010 S Allante Pl, #100, Boise, ID 83709**

Mr. Ferral stated that all 15 criteria items as presented by staff were met. The property is currently zoned agricultural but is in the process of being rezoned to rural residential. A code violation was issued on May 30, 2025 because operating a vehicle service facility is not permitted under the current agricultural zoning per Canyon County code; however, under the pending RR zoning designation, the use would be allowed with a conditional use permit. This zoning transition is supported by the 2030 Canyon County Comprehensive Plan approved in October 2022 and confirmed by county planning staff. Mr. Ferral described the business,

explaining it is a mobile tire repair service. The owner or an employee will travel to customer locations (highways, roads, interstates) to perform repairs onsite. While the service operates 24/7 offsite, activity at the property itself will be limited to standard business hours, 8:00 a.m. to 5:00 p.m. Mr. Ferral further described that the proposed future development includes an approximately 30 by 60 pre-engineered metal building for the shop. No roadside parking will occur and vehicles will go to the site improvements. Mr. Ferral explained that all required application materials and agency approvals were submitted on August 6, 2025. Operational commitments include limiting on-site noise and activity to business hours, implementing a dust mitigation plan, and scheduling deliveries during business hours only. Site improvements will include a new driveway meeting Highway District 4 standards and a fire apparatus turnaround as required by the Middleton Star Fire Department. The proposed shop will be located on the east side of the property, away from the existing residence, with vehicles and equipment stored on-site and screened similarly to a nearby landscaping business that completed a comparable approval process.

Commissioner Mathews asked if the 3 garage doors shown on the rendering of the building will be on the building and what the height of the doors will be. Mr. Ferral stated the applicant asked for a bid for a building with 3 overhead doors, and he believes they are 12 by 14. Commissioner Mathews asked how long the tires would be stored on the property. Mr. Ferral deferred the question to the applicant, but stated it would be limited to 2-4 weeks as old tires are quickly picked up for a tire reclaim service in Caldwell and new tires quickly go out the door.

Commissioner Nevill inquired about any changes to the 14 proposed conditions of approval. Mr. Ferral commented that the only one that they would request a change on is the condition regarding fencing. He asks that the timeframe be extended to 12 months to get that completed. Commissioner Nevill asked if the client would be amendable to a condition limiting the amount of time tires are to be kept on the property. Mr. Ferral believes they would be open to that suggestion as they already work closely with the tire reclaim service to get old tires offsite. He also noted that the 30 by 60-foot shop will be available to protect tires and prevent piles of tires being visible and a nuisance to the neighbors.

Commissioner Sheets asked if there would be any issues with old tires being stored within the proposed metal shop. Mr. Ferral does not believe so. He stated that he would take the opportunity before rebuttal to ask his clients about a timeframe for how long tires should be onsite and if all old tires could be stored in the shop. Commissioner Sheets asked how this particular use of the property melds with the agricultural zone. Mr. Ferral stated that although the property was previously zoned agricultural, the 2030 Comprehensive Plan designates it as rural residential, and according to the website, applications after October 27, 2022 should follow that plan. Commissioner Sheets clarified by asking how this use would meld into a residential zone. Mr. Ferral explained that the area maintains a rural character with widely spaced homes, where residents still see horses and service vehicles, though some small businesses also operate nearby. At a July 21, 2025 neighborhood meeting, nearby neighbors mainly requested that vehicles stay off the road and business operations remain within standard 8 a.m.–5 p.m. hours.

Commissioner Mathews asked if any impact guns will be used on the property. Mr. Ferral stated he will have an answer when he comes back for rebuttal.

Chairman Sturgill suggested coming up with a specific number of tires that are kept on site on a regular basis as that could be considered when modifying the conditions.

Commissioner Mathews also suggested finding out how frequently tire reclaim can pick up tires.

Mr. Ferral asked who enforces the conditions. Chairman Sturgill explained the Code Enforcement department would address any complaint calls from neighbors and continued violations could result in revocation of the conditional use permit.

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

Commissioner Sheets asked about the adjacent conditional use permit for a landscaping business and the metal fabrication business in the area. Planner Lewter stated staff recognized the conditional use permit for the staging area and contractor shop across the street, but there was not a conditional use permit for a metal fabrication business, although it could qualify under a home occupation. Commissioner Sheets is concerned about tire storage on the property and asked for suggestions on enforceable conditions relating to the storage of tires. Planner Lewter suggested adding a condition to store all tires within the aforementioned building. It is more easily recognized and enforceable if a tire is outside the building rather than how many tires are within the building.

Commissioner Nevill asked about the applicant's request of changing the time requirement for installing a fence from 6 months to 12 months. Planner Lewter stated she would be amendable to that change, and had suggested 6 months to begin with as that would be nice season by then.

Chairman Sturgill asked about limits on the number of employees, expressing concerns that this business could majorly expand in the future and become a commercial operation. Planner Lewter explained that adding more employees than what is detailed in the letter of intent and site plan would put the business out of conformance. Chairman Sturgill confirmed that staff is amendable to a condition that had a number of employees that could be serviced from the property.

Planning Supervisor Lister added that fire requirements should be considered if storing all tires inside the building.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Victor Ferral – (Representative) REBUTTAL – 1010 S Allante Pl, #100, Boise, ID 83709**

Mr. Ferral described the business as a small mom-and-pop tire operation that started a few years ago and plans only modest growth, possibly adding a few employees in the future. If the business ever expands to a larger staff size, they will likely relocate to a commercial or industrial location. They do use impact guns, but understand their limits concerning noise, and they also have quieter electric impact guns that are used later in the evening to help reduce noise. Mr. Ferral further explained that used tires are currently stored in a covered trailer provided by Tire Reclaim, which keeps them protected from weather until they are picked up, usually within 1-4 weeks. There is a small inventory of about 16–20 new tires, many of which go directly to vehicles and never return to the site. Mr. Ferral stated that final tire disposal is handled offsite by third-party companies.

Commissioner Nevill pointed out the pictures in staff's presentation that showed tires laying on the ground and not in a trailer, and confirmed that that will not continue to happen. He asked about the condition proposing keeping tires in the shop. Mr. Ferral believes that is fair and reasonable, and assured that tires removed from vehicles would be stored in an enclosed space and new tires would be stored to keep them out of the elements. Commissioner Nevill asked that if the condition stated that tires must be stored in the building or recycling trailer, would that cover all conditions and prevent tires being left out? Mr. Ferral agreed that tires are an environmental threat and does not believe it is unreasonable to place that condition. Commissioner Nevill asked about changing the language on the fencing requirement. Mr. Ferral stated costs add up, and the owner is already adding a fence around his house so adding another fence around the property is costly. Commissioner Nevill confirmed that 12 months is sufficient.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. CU2025-0018, seconded by Commissioner Mathews. Voice vote, motion carried.

**Deliberation:**

Planner Lewter presented verbiage for the tire storage condition, stating the applicant shall store all tires related to the use within the contractor shop. Tire storage shall be subject to the applicable fire district, DEQ, and building department regulations.

Commissioner Mathews asked if the wording could be modified to include storage in the shop or in a covered trailer. Planner Lewter approved the addition.

Commissioner Sheets stated this would need to be heavily conditioned to fit within an ag zone that is rural residential in nature, but is having a hard time figuring out how this use would not negatively change the essential character of the area or how it would fit in the current or future zoning. He believes that for criteria number 4, it will be injurious to the immediate vicinity and negatively change the essential character of the area.

Chairman Sturgill asked if there could be any conditions to mitigate Commissioner Sheets' concern; however, Commissioner Sheets believes any modifications would make this use a better fit for an industrial or commercial zone.

Commissioner Nevill appreciates Commissioner Sheets' thoughts, but does believe enough conditions, such as the previously discussed tire storage and extending the time limit on the building of the fence, could be placed for this use to fit within the ag zone. If it is found that the use becomes more than what is proposed, then it is relied upon the neighbors to call code enforcement.

Commissioner Johnston agrees with Commissioner Nevill.

Commissioner Mathews stated that with contractor shops and staging areas he always considers the size of the property as well as the proximity to neighbors, and this is a smaller lot with a commercial business, but because the majority of the work is being done elsewhere, he also agrees with Commissioner Nevill.

Commissioner Werhanowicz also agrees, and believes that if the owner takes pride in his property and keeps it clean with proper tire storage, this isn't a problem.

**MOTION:** Commissioner Nevill moved to **approve** Case No. CU2025-0018, amending condition 10 regarding a sight-obscuring fence and adding condition 15 regarding tire storage. Seconded by Commissioner Mathews.

**Discussion on the Motion:**

Chairman Sturgill noted that he will be voting in opposition because he does not believe the operations have not been constrained enough to not become a nuisance. He would only support this if there were further restrictions, such as number of trucks or number of employees.

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

**Item 3E:**

**Case No. CR2023-0014 – Willoughby:** The applicant, Eleanor Willoughby, requests a conditional rezone of an 18.03-acre parcel from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. The request includes a development agreement limiting the project to an approximately 3-acre building envelope area to build a single-family residence. The subject property is located at 0 Hove Road, Melba, also referenced as Parcel R28173012.

**Chairman Sturgill** affirmed the applicant to testify.

**Eleanor Willoughby – (Applicant) IN FAVOR – 1100 N 63<sup>rd</sup> St, Nampa, ID 83687**

Ms. Willoughby described the request for a conditional rezone from agricultural to rural residential for an 18-acre parcel in Melba, which is part of a combined 24 acres they own. The property was purchased in July 2023 with the goal of creating a family ranch focused on raising and training working ranch horses, maintaining cattle, and producing alfalfa. Since purchasing the property, their family has made extensive agricultural improvements, including building a large barn, installing a well and septic system, constructing sheds and fencing, improving irrigation systems, planting alfalfa, and developing arenas and cattle pens. Ms. Willoughby also described road improvements for access in coordination with the Nampa Highway District to minimize disruption to surrounding farmland and neighboring properties. Ms. Willoughby emphasized that the project is a family effort and part of a long-term lifestyle and retirement plan centered on livestock, horsemanship, and agricultural stewardship. They believe the conditional rezone aligns with the County's 2030 comprehensive plan and all 8 criteria as it supports agricultural use while allowing a single-family residence, similar to neighboring properties. This application is not intended to subdivide the property, and any future division by future owners would require a new rezone request, ensuring the land remains primarily agriculture. Ms. Willoughby requests approval so her family can live on the property they have already invested in and continue to contribute to the local agricultural community.

Commissioner Sheets asked who Sidewinder Ranch, LLC is. Ms. Willoughby stated it is the name of the business in her name. Commissioner Sheets confirmed Ms. Willoughby is the manager, with no members. Commissioner Sheets asked about E & K Enterprises LLC. Ms. Willoughby explained that was the previous owners. Commissioner Sheets asked if Ms. Willoughby was aware that this property did not have a building permit, to which Ms. Willoughby said yes. She explained that prior to purchasing the property, she came into the planning department and spoke with a planner regarding this type of application and to get a permit for the residence on the property. She was informed she was very likely to accomplish that because the goal was to continue the agricultural use of the property and not ask for a property split.

Commissioner Nevill asked if all 4 conditions had been reviewed and agreed on. Ms. Willoughby answered 100% yes. Commissioner Nevill asked Ms. Willoughby to point out where the house will go. Ms. Willoughby pointed out the building envelope of 3 acres where the agricultural barn and arena is currently located. Commissioner Nevill asked for clarification on the flag lot. Ms. Willoughby explained the 6 acres that is the most productive part of the land in relation to the placement of the ag building on the nonproductive land, and the access down the flag lot to get to the back part of the parcel, where there is an easement and already had farm access. They did have to develop it and add a culvert, but it was the least disruptive to the property.

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

Commissioner Nevill asked if there is any way to do this without a rezone. Planner Bunn stated there was a comment letter sent in about considering a conditional use permit instead. The code allows a caretaker's residence under a conditional use permit; however, it does not give an entitlement, and the conditional rezone was the best option to be able to divide it for a residential parcel to limit the effects to the agricultural uses. Commissioner Nevill asked how many houses would be allowed. Planner Bunn stated it is just one single family residence and it would be on the 3 acre building envelope they proposed. Commissioner Nevill questioned if the applicant could return requesting an auxiliary dwelling, and Planner Bunn explained the development agreement only applies to a necessity, so another hearing for an additional rezone process to change that condition would be required.

Commissioner Mathews expressed that he does not understand why this process is necessary when the county encourages agriculture and farmers need to live on their land. Planner Bunn explained the land division process and that this property did not have a permit, so it is part of the code allowances at this time.

Chairman Sturgill asked if it was fair to say the residential permits have already been utilized; it isn't that this is restricting a residence, but for the original plots of land, those were already allocated and used. Planner Bunn confirmed, and stated it was a 40-acre parcel and both permits were already used.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Debbie Davis – IN OPPOSITION – 7240 Butte Rd, Melba, ID 83641**

Ms. Davis opposes this conditional rezone application as this property is located in a consistently agricultural area. Rezoning would disrupt the established land-use pattern and set a precedent for spot zoning. Recent AOI boundary changes removed the property from the area of city impact, reinforcing its rural character. Ms. Davis is supportive of the applicant and her work, but believes rezoning is unnecessary because a caretaker residence is already allowed under agricultural zoning through a conditional use permit. She emphasized that keeping the property zoned agricultural aligns with Canyon County's comprehensive plan and Melba's 2025 comprehensive plan update, preserving the rural and agricultural character of the area and protecting the neighboring landowners who rely on zoning stability for their agricultural operations. Ms. Davis also referenced a similar rezone request that was previously denied and urges the commission to remain consistent to protect long-term agricultural stability.

Commissioner Nevill asked staff to explain why a conditional use permit with a caretaker residence is not feasible. Planner Bunn explained the history of the land division code and explained the prior owner already utilized both permits on 2 parcels, leaving the rest as agricultural only with no permits available. The request for a conditional use permit seems like a better option; however, it does not grant entitlements and it would not match the land division code. Planner Bunn reiterated that the conditions are very clear for one single family residence in a 3-acre building envelope.

**Shanna Nelson – IN OPPOSITION – 7240 Butte Rd, Melba, ID 83641**

Ms. Nelson stated the applicant has been a good neighbor and there have not been any complaints, and expressed concerns with the area turning into subdivision.

**Eleanor Willoughby – (Applicant) REBUTTAL – 1100 N 63<sup>rd</sup> St, Nampa, ID 83687**

Ms. Willoughby explained that they applied in 2023 for a rezone to allow construction of a single-family home on their property. A caretaker residence does not provide entitlement, could be revoked, and creates uncertainty for financing and long-term planning for family. Ms. Willoughby stated the goal is to have the same opportunity as neighboring landowners to build one home on their land, not to subdivide or develop multiple lots. She emphasized that they are willing to accept restrictions limiting the property to a single residence and protecting the agricultural character of the land. Ms. Willoughby indicated that the real threat to agriculture is investors turning properties into subdivisions, while their plan is intended as a long-term, agriculturally designed use of the property.

Commissioner Werhanowicz expressed concerns about this setting a precedent for future rezoning and development. Ms. Willoughby reiterated her intent and believes the conditions would prevent that.

Commissioner Nevill asked what the intention of a 3-acre envelope was. Ms. Willoughby explained that in working with the planners, narrowing it down to an envelope was a better idea than proposing building a house anywhere on the 18 acres, and she is amendable to a smaller parcel if necessary.

Commissioner Mathews confirmed that the applicant is amendable to limiting the conditional rezone to a 1, 2, or 3 acre envelope with one residence only.

Planner Bunn stated that the Commission could consider rezoning just a portion of the property instead of the whole thing. She also summarized the code that explains designation of a parcel as CR shall not constitute spot zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.

Commissioner Nevill asked for clarification on limiting the area of the rezone. Planning Supervisor Lister stated it can be restricted as much as the Commission wants. The original 3-acre envelope was suggested to ensure all structures, such as a shop or garage, are within that area. The applicant would need to amend their application to describe that specific area. Planning Supervisor Lister explained the stipulations of a land division and the restrictions with the conditions.

**MOTION:** Commissioner Nevill moved to close public testimony on Case No. CR2023-0014, seconded by Commissioner Sheets. Voice vote, motion carried.

**Deliberation:**

Commissioner Sheets summarized the history of this parcel and the administrative land division in 2021 that divided the original parcel into 4 parcels, 2 with a residential building permit and 2 designated as agricultural only. He stated he does not like changing ag use in an ag zone into a conditional rezone for residential, essentially bending the rules to do something that previously was not allowed.

Commissioner Nevill agrees, and believes the answers to criteria 1-3 should be changed. He is not in favor, and states this rezone is a foot in the door, whether the code says it or not.

Commissioner Mathews asked Commissioner Sheets to explain his position again. Commissioner Sheets stated the property was created in 2021 and the parcel did not have a building permit. Conditions have not changed that much since then, and he believes having an agricultural use in an agricultural zone that is conditionally rezoned to rural residential is bending the rules to find an exception.

Commissioner Mathews stated that this is a different owner and is being used almost entirely for ag except for a small piece, while also prohibiting secondary dwellings. This application is much different than the previous aforementioned request where they were wanting to turn it into multiple residences.

Chairman Sturgill weighed in with his concerns about water rights, stating that the person that purchased it understood that entitlement was not included with the property.

**MOTION:** Commissioner Nevill moved to **recommend denial** for Case No. CR2023-0014 to the Board of County Commissioners, finding that the application does not meet criteria, specifically regarding criterion 1-4. Seconded by Commissioner Johnston.

**Discussion on the Motion:**

Commissioner Sheets suggested adding in that to gain approval, the applicant must get a building permit transfer from a third party. Commissioner Nevill consented.

Planner Bunn added that the neighbor to the west potentially has permits. Commissioner Nevill asked if it has to be contiguous. Planner Bunn states yes, and also requested that the caretaker's residence was not added as a way to gain approval as she can't recommend approval for that.

Planning Supervisor Lister added that another option is to exercise the land division process.

Commissioner Sheets added that this is not about the applicant, but about the property.

Planner Bunn asked if the soil map should be used as evidence in that it is good soil for agriculture, and if considering the surrounding area being heavily agriculture should also be used as evidence. Commissioner Nevill consented.

Commissioner Nevill added that this has nothing to do with the applicant, but the potential long range impact.

Commissioner Mathews agrees with Chairman Sturgill's comments on water rights, and believes that if this could be narrowed down to a small piece or a building permit could be obtained, that would be a better way.

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

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

Planning Supervisor Lister confirmed that Commissioner Dorsey will be resigning from his position. There was discussion on the process and outcome of the AOI hearings with the BOCC.

**5. ADJOURNMENT:**

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

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

Approved this 19<sup>th</sup> day of March, 2026

  
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Robert Sturgill, Chairman

ATTEST

  
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Caitlin Ross, Hearing Specialist