



CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, February 5, 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  
   Emily Bunn, Principal Planner  
   Arbay Mberwa, Associate 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. RZ2025-0003 – Brown:** Approve FCOs
- B.    **Case No. CR2023-0014 – Willoughby:** Approve FCOs
- C.    **Case No. CR2025-0004 – Smith:** Approve FCOs

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

**Item 2A:**

**Case No. CU2025-0030 – Highway District No. 4:** The applicant, Highway District No. 4, represented by Lenny Riccio, requests a conditional use permit modification/time extension to modify condition no. 4 regarding Case No. 011012L17-4N-2W, the approval of a long-term mineral extraction on approximately 38.14 acres in an “A” (Agricultural) zone. The applicant would like to extend the operations for another 30 years. The subject property is located Northwest of Lincoln Rd and Midland Blvd, also referenced as Parcel R34069010.

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

**Bruce Bayne (Applicant) IN FAVOR –15435 Hwy 44, Caldwell, ID 83607**

Mr. Bayne is the Director for Highway District No. 4. The highway district maintains a main office, storage yard, and gravel pits in Canyon County. They maintain 320 miles of road within the county. He discussed IDEQ’s exhibit (C.5) and stated they do have an active permit with the agency and are asking for another five-year extension.

**Lenny Riccio -Applicant) IN FAVOR –15435 Hwy 44, Caldwell, ID 83607**

Mr. Riccio is the Senior Assistant Engineer with Highway District No. 4. The request is for a CUP modification of one condition which would allow the continuation of mineral extraction at the gravel pit. The pit is located on approximately 40 acres. The area has multiple gravel pits that surround the subject property. For the past 25 years the district has not utilized all the materials in the pit, thus, the reason for the requested modification. Their pits are utilized based on project locations. Typically, the district rebuilds 7-8 miles of road per year and depending on where the rebuild is located the district may utilize this pit or a different pit. Mr. Riccio stated that the highway district is a good neighbor and is mindful of the operation. Crushing gravel typically occurs every 3-4 years. As the staff report indicates there have been no code violations. At the neighborhood meeting, there were no people in attendance primarily because this is an existing gravel pit and is not establishing a new use. The pit has been utilized for 25 years, and the district is requesting an extension of that use for an additional 30 years.

Commissioner Nevill asked for clarification as to the number of years being requested and the final date. Mr. Riccio stated they are requesting 30 years with a final date of February 5, 2056. Commissioner Nevill asked how much life was left in the pit and Bruce Bayne returned to the podium. Mr. Bayne stated that they have not used half of the pit yet. Commissioner Nevill asked if the reclamation plan is for 30 years. Mr. Riccio replied yes.

Mr. Riccio also noted this is a continued use. The surrounding neighbors understand the use and appears to not negatively affect them in any way.

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

Commissioner Nevill asked why there is a time frame, why can't it just be used until it is exhausted. Planner Adams stated that gravel pits are required by code to have an end date. Planning Supervisor Dan Lister stated that , yes, code requires a duration of extraction.

Chairman Sturgill noted a case approved in 2022 with 13 conditions. He asked if staff did an analysis of the current conditions applied to gravel pits vs what was applied to this 25-year-old permit and make an assessment or risks associated with not having updated conditions. Planning Supervisor Dan Lister stated that the findings used are for a time extension. Time extension states they just must provide a good reason as to why the use needs to be extended and to what date. They are not asking for a new gravel pit. The options this evening are to extend the use, finding that nothing has changed and that they meet the conditions or if there have been changes to where this use should not be extended the request could be denied. If the request were denied, the applicant would have to reapply for a CUP for mineral extraction. Chairman Sturgill hoped that there would have been some sort of analysis of conditions.

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

**Testimony:**

**Matt Newton- IN FAVOR – 25370 Volendam St., Caldwell, ID 83607**

Mr. Newton is a new Commissioner for Highway District No. 4. He is in favor of the approval.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. CU2025-0030 seconded by Commissioner Nevill. Voice vote, motion carried.

**Deliberation:**

Commissioner Sheets noted that this is an existing mineral resource use. It is for a governmental agency with an ongoing mission.

Commissioner Nevill asked if the Commission wanted to try to do anything about updating the conditions. He noted conditions concerning noise that are applied to gravel pits today.

Chairman Sturgill stated that there's been nothing about the way the pit has been operating that would suggest there is an issue or a challenge, and he is not inclined to deny the application. He is inclined to at least ask for some type of consideration or analysis of the best practices that we impose on the private industry for gravel pits in the area.

**MOTION:** Commissioner Nevill moved to **approve** Case No. CU2025-0030, and adopt the Findings of Fact, Conclusions of Law and order, with the completion date to be February 5, 2056. Seconded by Commissioner Sheets.

**Discussion on the Motion:**

None

Roll call vote: 5 in favor, 1 opposed, motion passes.

**Item 2B:**

**Case No. VAC2025-0001 – Phillips:** The applicant requests a plat vacation regarding the removal of an easement (approximately 12,150 square feet) on Lot 5, Block 1 of Two Towers Subdivision, parcel R33014104. The subject property is located at 12080 Rivendell Ct., Nampa.

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

**Frank Phillips – (Applicant) IN FAVOR – 12080 Rivendell Ct., Nampa, ID 83686**

Mr. Phillips stated he is trying to remove an E-2 designator on the plat. This was put on the plat in 2005 and was intended for an entrance sign for Rivendell Ct. into Two Towers Subdivision. Somewhere between 2005 and 2012 it was decided that it was not feasible and this area was never landscaped or irrigated. Mr. Phillips purchased his property in 2019 and found out about this easement. It was his understanding that this area was given back to lot 5 to the best of his knowledge. Mr. Phillips attempted to find the members of the HOA at the time & developers to no avail. There is only one home in the development that has residents that were there in 2012. Mr. Phillips would like the easement removed so he can take out the dead trees and clean them up and the HOA does not want it.

Commissioner Nevill asked if this portion of the property was included in his deed. Mr. Phillips said that the paperwork included in his deed was a legal description of lot 5 that was prepared and recorded in 2013. However, when Mr. Phillips visited the County, he found out that lot 5 was not part of his property. All easements and utilities would remain; he just wants control of that lot so he can clean it up.

**Planning Supervisor Dan Lister** reviewed the Staff Report for the record.

Commissioner Sheets asked for clarification and wanted to ensure that all they would be doing through this request is adjusting the plat. Planning Supervisor Lister replied, yes.

Commissioner Nevill asked if this is approved, will it show up in a title search. Planning Supervisor Lister replied, yes.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. VAC2025-0001, seconded by Commissioner Mathews. Voice vote, motion carried.

**Deliberation:**

None

**MOTION:** Commissioner Sheets moved to **recommend approval to the Board of County Commissioners for Case No. VAC2025-0001**, and adopt the Findings of Fact, Conclusions of Law & Order as presented by staff. Seconded by Commissioner Nevill.

**Discussion on the Motion:**

Commissioner Nevill noted that the FCOs should state “recommend approval” rather than “approval.”

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

**Item 2C:**

**Case No. CR2025-0001 – Ryshko:** The applicants, Oksana and Sergii Ryshko, request a conditional rezone of approximately 10.94 acres from an “A” (Agricultural) zone to a “CR-R-R” (Conditional Rezone – Rural Residential) zone. If approved, the applicant plans to proceed with an administrative land division application to split the parcel into three parcels. The subject property is located at 8478 Purple Sage Rd, Middleton, ID 83644, also referenced as Parcel R37492010.

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

**Sergi Ryshko – (Applicant) IN FAVOR – 8478 Purple Sage Rd., Middleton, ID 83644**

Mr. Ryshko is requesting a conditional rezone from agriculture to rural residential. The intent is to split the parcel into three lots. Two of the lots will be approximately two acres and one will be six acres. Access to the parcels will be from the current driveway. The road will be paved and privately maintained. Each lot will have an individual well and septic system and storm water will be retained with swales. The irrigation will be pressurized, and 9.5 shares of water will be split equally according to lot sizes. The conditional rezone is generally consistent with the 2030 Canyon County Comprehensive Plan, and the property is designated as rural residential. Surrounding lot sizes range from one to 2.5 acres and some have been conditionally rezoned to rural residential. Mr. Ryshko stated the conditional rezone will not negatively impact the character of the area. There will be no public street improvements required, and legal access exists. There will be no impact on essential services. Mr. Ryshko asked that there not be any prohibition of future division of the six-acre lot. They would like to have that option available for the future should the need arise.

Commissioner Nevill asked about recommended condition no. 4 and asked for clarification as to which Mr. Ryshko preferred. Mr. Ryshko’s preference is to have a chance to build a secondary dwelling on the lots.

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

Commissioner Nevill asked for clarification regarding the access point from Purple Sage and where it will be located. Emily provided the access location utilizing her PowerPoint presentation.

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

**Testimony:**

**Lisa Bertoni – IN OPPOSITION- 8366 Purple Sage Rd., Middleton, ID 83644**

Ms. Bertoni stated that this development would surround the side and full back of her property. The landowner built his home directly behind their dwelling. Typically, new construction is offset out of respect for current landowners. She is not opposed to growth, but most of the growth that is happening is on the

bottom side of Purple Sage, not outside of city limits. Ms. Bertoni's family established their home and business long before this development was proposed, specifically because of the peace, quiet, and open space this area provided. By approving this development, the new neighborhood would overpower the existing one. Their business provides an incredible opportunity for the community and approval of the rezone would have an impact on their business and home moving forward. Ms. Bertoni asked that the request be denied.

Commissioner Sheets asked for more information about Ms. Bertoni's venue. Ms. Bertoni replied that they are a commercial use venue and have gained approval for the use. She stated they do approximately 50 events per year. Ridleys held their Christmas party at their venue. Events can be up to and over 100 people, however, they choose to stay in the lower hundreds. They do weddings, events, charity events, etc. They are currently in their sixth year of operation.

Commissioner Nevill asked which way the view shed is from her house. Ms. Bertoni stated to the north. She added that the west is important to because of the sunset. If two or three homes go in there it will block everything. It has already affected them because people come to book a wedding and see construction going on. Mr. Nevill asked if she had a CUP for her events center. Ms. Bertoni stated yes.

Chairman Sturgill asked if the building Ms. Bertoni uses for special events was large enough for 100 people. She replied yes, and it is separate from her home. Her lot is an acre and a half.

**Annette Linan– IN OPPOSITION – PO Box 61, Horseshoe Bend, ID 83629**

Ms. Linan agreed with testimony from Ms. Bertoni. Growth can be positive, but it can also be suffocating in places. Growth does place increased strain on critical resources such as water, irrigation, sewer, landfills, power maintenance, fire protection, EMT services. She also noted the emotional quality of life strain that is also caused by excessive development. Ms. Linan stated that the Bernoni's chose this area specifically for its agricultural character and open space. She requested that the request be denied.

**Sonia Barrington– IN OPPOSITION – 8310 Purple Sage Rd., Middleton, ID 83644**

Ms. Barrington is opposed to the rezoning of the property. She questioned when the development would stop. The parcel was not intended to have this many dwellings. Ms. Barrington felt it was inconsistent with the goals of the Comprehensive Plan and doesn't serve the long-term interest of the community.

**Brynlee Madeiros– IN OPPOSITION – 10635 Avalon St., Nampa, ID 83687**

Ms. Madeiros is here this evening because the place that her grandparents developed shaped a lot of her childhood. Growing up in this area has shown her how important quiet and open space can be. When large neighborhoods move in next to land that has always been peaceful, that feeling disappears and can't be brought back. Her grandparents have put care into keeping their property beautiful and respectful of its surroundings. They chose this life intentionally, long before the development was proposed. Ms. Madeiros understood that change happens, but the people that were already here lose what they've built just because something bigger comes later. She respectfully requested that the long-term impacts be considered.

Chairman Sturgill noted that Ms. Madeiros' comments speak to criteria no. 4. Chairman Sturgill asked what the biggest noise source is in the area. Ms. Madeiros replied, car noise and birds.

**MaryLou Hokinson– IN OPPOSITION – 7780 Willow Creek Dr., Middleton, ID 83644**

Ms. Hokinson is concerned about traffic impacts, water tables, emergency response, and overcrowding of schools. When people move to an agricultural area they complain about animals, cows mooing and chickens roosting.

Chairman Sturgill asked Ms. Hokinson if she could quantify what the status is in terms of occupancy and potential overcrowding in the schools. Ms. Hokinson referenced the school district bonds due to

overcrowding.

**Sergi Ryshko – (Representative) REBUTTAL–8478 Purple Sage Rd., Middleton, ID 83644**

Mr. Ryshko referenced testimony that their home is located close to the property line, but they decided to build in the middle of the property, so it has a good setback. Their home is located further than any neighbor's house to the property line. Mr. Ryschko stated they do understand that their neighbors have a business venue, and they are trying to be respectful to them. Their intention when they bought the land was to build a house and possibly split the land. The land was for sale for quite some time and if people were interested in preserving the land, it was available to buy. Mr. Ryshko's well produces more than 100 gallons per minute. He stated that Middleton School has quite a few available spots.

Commissioner Nevill asked if Mill Creek was over capacity. Mr. Ryshko stated no, but they do have portables. Commissioner Nevill asked if there are any administrative splits left. Planner Bunn stated that the parcel is not an original parcel. She also noted that non-viable would not be an option because the land is viable.

A request was made by a member of the audience to come back up to the podium to provide testimony. Chairman Sturgill asked if there was a motion to allow this, also recognizing that Mr. Ryshko would also have an opportunity to provide rebuttal testimony.

**MOTION:** Commissioner Nevill moved to allow additional public testimony and rebuttal on Case No. CR2025-0001 seconded by Commissioner Werhanowicz. Voice vote, motion carried.

**Katie Bertoni– IN OPPOSITION – 10374 Mill Grain St., Nampa, ID 83687**

Ms. Bertoni stated that she and her husband went to Middleton High School when the new building opened. At the time it was empty because it was brand new. The old high school building is the middle school, and it has portables. Between 2013-2026 the schools are overcrowding. Ms. Bertoni stated that they had asked Mr. Ryshko to move his RV and tractors, and he doesn't always move them.

**Sergi Ryshko – (Representative) REBUTTAL–8478 Purple Sage Rd., Middleton, ID 83644**

Mr. Ryshko stated that the impact from his development on the schools would be minimal as only two additional lots would be added. He added that his equipment has been moved, and it is on the roundabout.

Chairman Sturgill asked if staff had any updates or additional information to provide based on testimony. Planner Bunn stated that the P&Z Commission can add conditions to limit the effects to the area such as restricting secondary residences or further divisions.

Commissioner Nevill asked if there was a condition restricting secondary residences. Planner Bunn stated that it wasn't added, but if the Commission chooses to add it would be an additional condition.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. CR2025-0001, seconded by Commissioner Nevill. Voice vote, motion carried.

**Deliberation:**

Commissioner Nevill stated that he is not in favor of the application as it has been presented. The only way that criteria 2, 3, and 4 could be answered in the affirmative is by restricting secondary residences. Commissioner Nevill is not convinced that he is entirely in favor of the concept of rezoning.

Commissioner Mathews understands the Bertoni's concerns. He stated that if this were to be approved, secondary residences would have to be restricted.

Commissioner Sheets stated that the future land use destination is residential, and the request is for a conditional rezone to rural residential. The proposed density is pretty similar to what is in the vicinity. Additional splits or additional secondary dwellings would not be appropriate. If that is not restricted, he would not be in favor of the application.

**MOTION:** Commissioner Nevill moved to **recommend denial** of Case No. CR2025-0001 to the Board of County Commissioners, as the use is not more appropriate (Criteria 2), the proposed use is not compatible with the area (Criteria 3) and would change the essential character (Criteria 4), noting testimony received on the record and exhibit E1 and E2. Seconded by Commissioner Werhanowicz.

**Discussion on the Motion:**

Commissioner Sheets stated that the project can be conditioned to minimize impacts by adding a condition prohibiting secondary residences and no additional land splits.

Roll call vote: 3 in favor, 3 opposed, motion fails.

**MOTION:** Commissioner Sheets moved to **recommend approval** of Case No. CR2025-0001 to the Board of County Commissioners and adopt Findings of Fact and Conclusions of law with the addition of conditions stating there shall be no secondary dwellings allowed and no subsequent land divisions. Seconded by Commissioner Mathews.

Roll call vote: 3 in favor, 3 opposed, motion fails.

Chairman Sturgill stated that this request will go to the Board of County Commissioners with essentially a “no recommendation.” The Board will conduct another public hearing on this request.

**Item 2D:**

**Case No. CU2024-0025 – Nevills:** The property owner, Richard Oester, represented by Elizabeth Nevills, requests a conditional use permit for a kennel in a “R-R” (Rural Residential) zone. The kennel will house a maximum of 35 dogs for sled dog racing, rescues, and public pet care engagement with youth organizations. The subject property is located at 8932 Foothill Road, Middleton Idaho 83644, also referenced as Parcel R23015502B.

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

**Liz Nevills – (Representative) IN FAVOR– 8932 Foothill Rd., Middleton, ID 83644**

Ms. Nevills is requesting a conditional use permit to house 16-35 sled dogs on site for racing, promoting engagement with the public and youth, as well as an occasional rescue. Ms. Nevills takes the sled dogs to races between October and April. Ms. Nevills volunteers her time working with youth organizations and schools to teach them about dogs, pet care, etc. The dogs are housed in kennels in her backyard, and all kennels have a tarp roof. Ms. Nevills referred to Exhibit B10 and stated that there is additional fencing to ensure the dogs are kept inside the yard. Bark collars are worn by the dogs to help mitigate noise. The property is zoned rural residential, and the use is allowed by conditional use permit. The proposed use will not be injurious to property in the immediate vicinity and will not negatively impact the essential character of the area with the proposed conditions of approval. Ms. Nevills stated that on training days, she never leaves before 8 a.m. to be courteous of noise. She is usually back by dark or shortly after. Typically, cages are scooped 3-4 times a day. Cages are washed daily to help keep the area sanitary and keep smell down. The proposed use is not open to the public, therefore, there will be no impact on traffic. Currently there are 24 dogs on site.

Commissioner Sheets asked what breed the dogs are. Ms. Nevills stated they are Alaskan Huskies or Husky mixes. Commissioner Sheets asked if Ms. Nevills planned on doing any dog breeding. Ms. Nevills stated that it is not planned. She noted that, according to the advice of her vet, the animals are kept intact until they are two. Any females in season are moved into the house.

Commissioner Nevill asked how the dogs get transported to Alaska. Ms. Nevills stated they are transported by truck and ferry to Juno.

Commissioner Johnston asked how the kennels are washed in freezing winter temperatures. Ms. Nevills stated a bucket of hot water and brushes.

Chairman Sturgill asked about the current use of bark collars. Ms. Nevills stated that currently they have the bark collars on the dogs outside and they are checked every other week. She also double checks the test method to make sure they are still working with the bark collars. Chairman Sturgill noted that typically kennels of this size are fixed hard wall kennels that reduce barking, flies, etc. He asked if that would be within the realm of possibility. Ms. Nevills stated that they would be willing to make any modifications that are requested to mitigate noise and smell. Chairman Sturgill asked if an enclosed building with drains etc. would be possible because he did not want to impose a condition that could not be met. Ms. Nevills stated that at the moment, she does not know what kind of price tag that would hold and where that would be placed.

Commissioner Mathews asked if concrete floors rather than pallet floors could be used. Ms. Nevills stated yes.

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

Chairman Sturgill asked if this case was a result of a code compliance case. Planner Mberwa replied, it did not. Chairman Sturgill asked if there was barking when Planner Mberwa conducted her site visit. Planner Mberwa stated that upon arrival there was barking, however, it settled down pretty quickly and they were able to have a conversation.

Commissioner Johnston asked how many dogs are legal without a permit in this area. Planner Mberwa stated that you can have five dogs without a conditional use permit. The sixth dog triggers the need for a permit.

**Shawna Staley – IN FAVOR– 7857 Bratton Dr., Nampa, ID 83687**

Ms. Staley stated that her daughter is part of the voluntary dog sled team, and she has known the applicant for six years. Her daughter has anxiety, and this has provided a healthy and supportive way to help her manage it. Ms. Staley stated that Ms. Nevills is deeply committed to the wellbeing of the dogs and education. Approval of the request would allow the volunteer program to continue to serve the community.

Commissioner Nevill asked if Ms. Staley had any thoughts about requiring a septic system. Ms. Staley stated that she doesn't, but when she has been to the property it is very clean. Commissioner Nevill asked if there would be a benefit to having concrete floors in the kennels. Ms. Staley stated that right now it is fine and was unsure what the benefit would be requiring concrete floors. Commissioner Nevill asked about noise. Ms. Staley stated that her daughter goes out early in the morning to train with the dogs, typically 9 a.m. to 9:30 a.m. The dogs typically bark when they're loading them, but that only takes 10 to 15 minutes. Once they are in the trailer, they are quiet again.

**Brianna Staley – IN FAVOR–7857 Bratton Dr., Nampa, ID 83687**

Ms. Staley stated that the dogs are well cared for based on what she has seen. The dogs are fed properly and exercised daily. They are kept in clean spaces and are watched to ensure they are healthy and conformable. Ms. Staley stated the kennel is important to her personally, as she struggles with anxiety which can make things feel overwhelming. Working with the sled dogs has helped her to feel calm and focused. Being around

the dogs provides her with a sense of routine and purpose. Dog sledding has been a positive and healthy outlet. Losing access to this program would be very hard for her and the others who benefit from it.

**Dayna Smith – IN FAVOR–8916 Foothill Rd., Middleton, ID 83644**

Ms. Smith lives east of Ms. Nevills home. Ms. Smith stated that she enjoys listening to the dogs, and they don't often bark, it is more than a howl. The applicant does a great job.

Commissioner Nevill asked if there were any issues with traffic and this use. Ms. Smith replied, no.

**Richard Oester – IN FAVOR–8932 Foothill Rd., Middleton, ID 83644**

Mr. Oester helps with cleaning the kennels. Mr. Oester stated they have not had any complaints of noise or smell coming from any of the close neighbors.

Chairman Sturgill asked for more information about the bark collars and how they work if the dogs are still able to bark at firetrucks. Mr. Oester stated that it depends on the sound level the dog is barking at. If it is low enough, it doesn't trip the sensor but if it is a high level then it does give them a shock.

**Donna Morton -IN FAVOR–11008 W. Mohawk Dr., Boise, ID 83709**

Ms. Morton is a friend of Ms. Nevills and has known her since 2019. Ms. Nevills' operation is clean. Ms. Morton has travelled with her to different dog sled races and to training runs. There is minimal noise, except when they are getting hooked up, they are excited and want to go. Ms. Nevills takes care of her dogs, and she has an extreme passion for them.

Chairman Sturgill asked if there was adequate room on the property for the dogs to get exercise. Ms. Morton stated, yes.

**Carleen Brehmer -IN FAVOR–2005 Hird Ave., Apt 1, Caldwell, ID 83605**

Ms. Brehmer has had many years in the sled dog community, starting when she was five or six years old. Ms. Brehmer has house sat for Ms. Nevills while she was out of town. Ms. Nevills is a top-notch musher and she offers community outreach and education. She is out taking care of her dogs four times a day.

**Amy Rupp – IN OPPOSITION–23991 Southview Ln., Middleton, ID 83644**

Ms. Rupp's property is north of the subject property. She has not signed anything in support of the plan. Ms. Nevills came to her home requesting her signature as an acknowledgement of her efforts to obtain a permit. Ms. Rupp stated she called animal control at least three times last year due to excessive barking. It has been escalating for some time. The final time, the police officer that came to check on the complaint told us there was nothing they could do but to sue, because the applicant was pursuing a permit. Ms. Rupp noted that they live in a rural residential neighborhood. The zoning is to protect the quiet enjoyment of their homes. 24 or 35 dogs crammed into a tiny half acre backyard does not work well in a residential neighborhood. The sound carries uphill, and she can hear the dogs every time they bark. Huskies are not quiet, and Ms. Rupp stated she is not able to sleep with the windows open because the dogs wake up with the sunrise. Ms. Rupp went on to explain that the dogs bark when she goes into her garden, when her kids are playing outside, and basically anytime they can sense them nearby. Ms. Rupp noted that the applicant has been operating the kennel in violation of the code for many years. Ms. Rupp noted there were other concerns noted in her emailed letter. She has also written to her commissioner but received no response. The P&Z Commission is the last chance the neighbors have to maintain the peace and their quality of life. Ms. Rupp has no issue with Ms. Nevills hobby, just the location.

Chairman Sturgill asked if there was ever a point in time where the number of dogs and noise level was acceptable and reasonable. Ms. Rupp stated probably before she started complaining about it. She did not know the number of dogs Ms. Nevills had at that point. Ms. Rupp added that Ms. Nevills stated she only had

five dogs over the summer, and that there was still an incredible amount of noise. Chairman Sturgill asked Ms. Rupp if it was her testimony that five huskies produce more noise than is reasonable for the neighborhood. Mr. Rupp stated if it was only five huskies she didn't think she'd be standing here this evening, but she is concerned if 35 huskies are allowed.

**Kathy Anderson – IN OPPOSITION–23980 Southview Ln., Middleton, ID 83644**

Ms. Anderson lives east of Ms. Rupp. She asked the Commission if they had any questions for her.

Chairman Sturgill asked if Ms. Anderson agreed with Ms. Rupp's testimony in regard to the noise being unacceptable even with only five dogs. Ms. Anderson replied, yes, when she and her husband worked night shift as healthcare workers they would come home in the morning and try to sleep. There were times when they got no sleep at all. Chairman Sturgill referred to testimony in regard to bark collars being used 24/7 and asked if the noise level is acceptable today? Ms. Anderson stated that there are times when it is not. It is very quiet where they live, and the noise is noticeable.

**Katie Westhorn – IN OPPOSITION–23659 Salinas Smt., Middleton, ID 83644**

Ms. Westhorn stated that she supports private property rights, but they have to be balanced with the rights of neighboring property owners and their right of quiet enjoyment. Her family and those in the area intentionally chose to live here for the peace and quiet and to be away from the city. Ms. Westhorn stated that the land in question is barely over an acre in size and is surrounded by existing residential homes. Noise travels upward and she can hear every bark, whether it is from a husky, or from someone down the hill from her. Ms. Westhorn looked up "Alaskan Huskies," and learned they are highly vocal dogs prone to howling, whining, screaming and other noises which can cause significant noise complaints in residential areas. Not only are there going to be an excessive number of dogs, but this breed in particular are known for being very noisy. Ms. Westhorn was surprised to learn that the kennels are made of simple chain link fences with tarps over them, so there is no noise mitigation. She noted that according to her research bark collars are not safe to wear 24/7 and are only made for training. Ms. Westhorn was concerned about the impact on neighboring property values.

Commissioner Nevill asked if there is a number of dogs that would be acceptable. Ms. Westhorn stated that if the code allows five dogs without a conditional use permit. She is concerned about 35 dogs on the property and stated that number is excessive.

Commissioner Werhanowicz asked if the noise might be mitigated if the dogs were housed differently in an enclosed building with walls. Ms. Westhorn stated that based on her research there are ways to construct buildings so the sound wouldn't travel, but that may be expensive to build.

**Marylou Hokinson– IN OPPOSITION–7780 Willow Creek Dr., Middleton, ID 83644**

Ms. Hokinson is concerned about noise and healthcare of the dogs. 35 dogs is quite a few dogs to be taken care of. She has experience with cat rescues.

**Liz Nevills – (Representative) REBUTTAL– 8932 Foothill Rd., Middleton, ID 83644**

Ms. Nevills addressed the concerns about bark collars. The dogs do not wear the bark collars when they are loaded in the truck or when they travel for races. They are just used at home to help mitigate noise. Ms. Nevills stated that, yes, Alaskan Huskies bark a lot but she does prefer quiet dogs that aren't super excitable. She gives the dogs a chance to see if they're willing to train with her barking methods, but she has re-homed some to other mushers that lived in different situations. Over the last year and a half, she has not had animal control call her or talk to her about anything that has been referred to in opposition testimony. Ms. Nevills added that all of her immediate neighbors have her cell phone number. She does her best to keep the dogs calm and quiet and they go out as soon as the dogs bark to it never lasts very long. It is very rare that there is no one at home, there's almost always someone there. When Ms. Nevills submitted her application, her plan

was for 35 dogs because at the time she had rescued 10 from a situation that was not ideal. She has a vet that comes out to the property to do chiropractic work on the dogs regularly. Ms. Nevills stated that she does not want to deal with any mass diseases either because it costs money and is not conducive to the dogs being able to complete.

Commissioner Nevill asked if Ms. Nevills had a chance to review the 12 recommended conditions of approval. She stated she had and agreed with them. Commissioner Nevill asked how many dogs she had currently, and Ms. Nevills stated 24. Commissioner Nevill asked what the minimum number of dogs was for a sled team. Ms. Nevills replied, 12 to complete in the 100–300-mile races. Commissioner Nevill asked what the most important the sled team, outreach, or rescue. Ms. Nevills stated the team and outreach.

Commissioner Werhanowicz asked how bark collars work on double coated dogs. Ms. Nevills stated that they are on fairly close to their necks.

Commissioner Mathews asked if there were two dogs in each kennel. Ms. Nevills stated yes. On the map there are two smaller 6x6 kennels that only house one dog. Commissioner Mathews asked if the dogs are fed in the kennels at the same time. Ms. Nevills stated that they put the dogs on a drop chain to separate them out. This helps prevent food aggression and fighting. Commissioner Mathews asked if there were any problems with them fighting in the kennels. Ms. Nevills stated not normally but there is the occasional tussle.

Commissioner Werhanowicz asked if the permit were not to be approved, what would happen to the dogs. Ms. Nevills stated she would need time to find appropriate homes for them, so they are not dumped at a shelter.

Commissioner Nevill asked if there was a long-range plan when her husband retires from the military. Ms. Nevills discussed some of the races she competes in. Commissioner Nevill asked if she goes down to sprint races, less dogs would be needed (6-8). She also stated that some of her dogs may age out by then, and they tend to live 12-15 years.

Chairman Sturgill asked if staff had any additional information to add. Planner Mberwa referred to condition 4a may not be applicable after hearing testimony.

**MOTION:** Commissioner Sheets moved to close public testimony on Case No. CU2024-0025. Seconded by Commissioner Nevill. Voice vote, motion carried.

**Deliberation:**

Commissioner Mathews stated that the outreach portion of the request is great, however, the property is too small. He does not see a way to condition the CUP in a manner that would be acceptable to the neighbors.

Commissioner Nevill stated that he does believe the Commission can condition the CUP to the point that they could approve it. The number of dogs would need to be limited, and the dogs would have to be in some sort of structure that is built specifically for that purpose. Commissioner Nevill concurred with staff's findings with the removal of condition 4a, change the number of dogs on condition 4b, and create a new condition for the building.

Commissioner Sheets referenced condition 4b and reducing the number of dogs would be appropriate based on the size of the property. He suggested 25 based on the testimony from the applicant. Commissioner Sheets was also in favor of a condition requiring a building to house the dogs.

Chairman Sturgill agreed with Commissioner Mathews. He invited a discussion regarding the building that has been mentioned.

Planner Mberwa stated that the Commission can be as specific on the building that they need to. Planning Supervisor Lister suggested adding a time frame as well. The structure may be located at the front of the structure to meet setbacks.

Commissioner Nevill asked if requiring a condition for a building would also necessitate a septic system. Planner Mberwa noted the condition that is currently being recommended.

Commissioner Mathews suggested adding a size requirement for the kennels and number of dogs in each kennel, 25 x 10 kennels.

Commissioner Nevill stated that the minimum size of the structure would be 1,250 ft. with the size of kennels Commissioner Mathews recommended. That doesn't include common areas and walkways.

Commissioner Sheets noted that if the Commission limits the number of dogs, the square footage should not be micromanaged. He just wants to see the dogs in an enclosed structure with sound minimization. If for some reason the building can't support 25 dogs, then the applicant would need to have less.

Planning Supervisor Lister recommended adding a timeframe.

Commissioner Nevill outlined a potential motion: Concurred with staff's findings, limit the number of dogs to 25, remove condition 4a, add a condition 13 requiring the dogs to be contained within a building that has sound minimization, add condition 14 that the building has to be completed within six months.

Chairman Sturgill suggested modifying condition no. 2.

Planning Supervisor Lister stated that condition 2 is standard code. There are other conditions that can suggest a time frame, such as a building permit.

Commissioner Sheets suggested allowing the applicant a time frame of twelve months as he felt six months was a little short.

**MOTION:** Commissioner Nevill moved to **approve** Case No. CU2024-0025, and adopting staff's findings, with the modification to condition 2 to add the phrase "unless otherwise specified," deletion of condition 4a, amending condition 4b to reduce the number of dogs to 25, adding condition 13 which will state that the dogs will be contained in a building that has sound minimization features, adding condition 14, that will require the building to be completed within 12 months. Seconded by Commissioner Sheets.

**Discussion on the Motion:**

Commissioner Nevill stated that property rights go both ways. Commissioner Nevill referred to testimony received from both sides.

Commissioner Werhanowicz suggested looking into a 5013C Non-Profit.

Chairman Sturgill noted that community benefit is not part of the criteria for a CUP.

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

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

Commissioner Nevill asked if the P&Z Commission vacancy would be filled. Planning Supervisor Lister stated that he did not have an update on that.

Chairman Sturgill asked staff to be mindful of the cases scheduled on the agendas. Planning Supervisor Lister stated they are trying to schedule 4 cases an evening and that is important until there is a Hearing Examiner in place. Planning Supervisor suggested questions that are tied to the decision criteria to be mindful of time. He did add that staff will be mindful of the cases on agendas.

Planning Supervisor Lister discussed a case that will be remanded back to the P&Z on the 26<sup>th</sup>. It will be the only hearing on the agenda.

Chairman Sturgill stated that he received a flyer in the mail about an upcoming case (Middleton 187). Planning Supervisor Lister stated that this is a new application/new owner. He also reminded the Commission that they can table cases to other dates if they need to.

**4. ADJOURNMENT:**

**MOTION:** Commissioner Nevill moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 10:16 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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Jennifer Almeida, Office Manager