



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, April 16, 2026
6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Brian Sheets, Acting Chairman
 Harold Nevill, Commission Secretary
 Geoff Mathews, Commissioner
 Holley Werhanowicz, Commissioner
 Anita Johnston, Commissioner

Staff Members Present: Dan Lister, Planning Supervisor
 Deb Root, Principal Planner
 Karla Nelson, Principal Planner
 Emily Bunn, Principal Planner
 Dane Adams, Associate Planner
 Caitlin Ross, Hearing Specialist

Acting Chairman Sheets 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. February 19, 2026 MINUTES

B. March 5, 2026 MINUTES

MOTION: Commissioner Nevill moved to approve the Consent Agenda as amended, seconded by Commissioner Mathews. Voice vote, motion carried.

Item 2A:

Case No. RZ2025-0005 – Whiting: The applicant, Shelley Whiting, requests a rezone of approximately 3.17 acres, Parcel R27949, from the “R-R” (Rural Residential) zone to an “R-1” (Single-Family Residential) zone. The subject property is located at 74 N Pit Lane, Nampa.

Acting Chairman Sheets affirmed the applicant to testify.

Shelley Whiting – (Applicant) IN FAVOR – 74 N. Pit Ln., Nampa, ID 83687

Ms. Whiting turned over her time to her representative Joe Sweet.

Joe Sweet – (Representative) IN FAVOR – 74 N. Pit Ln., Nampa, ID 83687

Mr. Sweet stated that the property is approximately 3.15 acres, that is 134 ft. wide and 1,021 ft. long. The property is located within the impact area and does not have city services. The site is located in Nampa Meridian Irrigation District. The request to rezone fits within the comprehensive plan. Mr. Sweet noted that there are properties that are zoned residential that are smaller in size. The intent is to create a 1.15-acre parcel and two (2) one-acre parcels, although, they are not certain they want to go with a total of three. Providing irrigation water from the ditch would be relatively simple because the ditch runs the entire length of the property. There is currently a pond that contains irrigation water that is pumped into a sprinkler system.

The access will be via the existing approach. Mr. Sweet stated there is a fire station located approximately 1.2 miles away and a hospital within 2 miles.

Commissioner Nevill asked if the applicant considered a conditional rezone. Mr. Sweet stated he was not coached for a conditional rezone. Commissioner Nevill asked whether the request is for two or three lots. Mr. Sweet stated they are leaning more towards two, but it hasn't been decided.

Commissioner Werhanowicz asked if there is a home business on the property. Mr. Sweet stated that he had talked with code enforcement about his mobile business that has no storefront, and there is no violation. He is still talking with Code Enforcement and will rectify any issues.

Acting Chairman Sheets referenced Exhibit D3 and asked if Mr. Sweet had opportunity to talk to the City of Nampa about a pre-annexation agreement. Mr. Sweet stated that they are in the impact zone, but it could be many years before they would be able to annex. He did not reach out to the city himself but has had discussions with Development Services.

Commissioner Johnston asked about the removal of an old Idaho Power easement and if that was completed. Mr. Sweet stated that he has talked with Idaho Power, and the easement doesn't affect their property at all. The easement only comes into the property about five feet. The easement is old and not needed.

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

Commissioner Nevill asked about the business on site. Planner Bunn stated that on the site visit, it appeared to be a staging area. Commissioner Nevill asked why this was not conditional. Planner Bunn stated that rezone vs conditional rezone depends on the case. Commissioner Nevill asked about the width of the road and whether a turnaround would be required. Planner Bunn stated that the width for fire code is typically 20 ft. and the requirements for a turnaround would have to be met. Planning Supervisor Lister added that at the time of creating the private road a road user's maintenance agreement will be required. This has to be in place before they can build.

Acting Chairman Sheets asked if the administrative land division process will dictate where easements, well, septic, etc. will be located. Planner Bunn stated that well and septic is handled at the building stage but easements and agreements, yes.

Commissioner Nevill asked about administrative divisions not in residential zoned areas and questioned how roads get put in with no agreements. Planner Bunn stated that land divisions have been occurring since the 80's and the requirements were different. There are currently standards in place requiring road users' agreements.

Commissioner Werhanowicz referenced Exhibit D3 and asked why the city was recommending denial. Planner Bunn stated that Nampa has a new part of their code in which they won't send a letter of approval without a pre-annexation agreement.

Arlynn Hacker – IN OPPOSITION – 43 S. Pit Ln., Nampa, ID 83687

Ms. Hacker stated this area should remain rural agricultural. There are numerous small family farms with livestock. Approval of this request will set a precedent. Ms. Hacker does not want to be annexed by Nampa. She asked the Commission to consider the character of the area. Approval of the request would change the nature of the community.

Commissioner Nevill asked about the rural nature of the area and small farms. He asked if those were hobby farms with animals. Ms. Hacker stated you could designate it as such. Many of the acreages have homes and livestock. Commissioner Nevill asked if the property had good soil or not. Ms. Hacker stated she did not know. Commissioner Nevill asked how long Ms. Hacker had lived at her residence. She replied that they have owned the property since 1982.

Shelley Whiting – (Applicant) REBUTTAL – 74 N. Pit Ln., Nampa, ID 83687

Ms. Whiting stated there are a lot of people who have a lot less acreage than the subject property. The proposal is still very conducive to animals.

Commissioner Nevill asked Planner Bunn to display where the nearest residential zone is located, which was approximately 500 ft.

MOTION: Commissioner Nevill moved to close public testimony on Case No. RZ2025-0005, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Mathews stated that the proposed rezone fits and does not think it will affect the area. He initially had concerns about secondary residences, but the size of the lots may not accommodate them anyway.

Commissioner Johnston stated she did not have an issue with the proposal. She wanted to ensure that easements are in place for irrigation/ access to irrigation water.

Commissioner Nevill stated that he is not in favor of the rezone and felt it should be a conditional rezone so conditions can be placed for water users' agreements and road users' agreements.

Commissioner Werhanowicz stated she was in agreement with Commissioner Nevill and added that this area is a majority rural residential and agriculture.

Acting Chairman Sheets stated that the Commission is really deciding whether the density is appropriate. He has not heard anything that demonstrates that the density is not appropriate. He was concerned about maintenance agreements but added that based on staff's testimony these will be handled through administrative processes and building permit process.

MOTION: Commissioner Mathews moved to **recommend approval** of Case No. RZ2025-0005 to the Board of County Commissioners and adopting the Findings of Fact & Conclusions of law as presented by staff. Seconded by Acting Chairman Sheets.

Discussion on the Motion:

None.

Roll call vote: 3 in favor, 2 opposed, motion passes.

Item 2B:

Case No. CU2025-0026 – Ruff: The applicant, Tanner Ruff, represented by RIVHAB, PLLC, requests a Conditional Use Permit to expand an existing RV Park on parcel R36962010. The applicant is proposing to add twenty-four (24) RV sites, two (2) shops, a caretaker's residence, a 3-car garage, four (4) rental cabins, an RV wastewater dump station, and two (2) gazebos. The subject property is located at 28522 Lower Pleasant Ridge Road, Wilder.

Acting Chairman Sheets affirmed the applicant to testify.

Madison Socha – (Representative) IN FAVOR – 12644 W. Rosette Dr., Star, ID 83669

Mr. Socha is a licensed Civil Engineer and the representative for the applicants. The location of the property is about 14 miles west of Caldwell adjacent to the Snake River on the west side. On the east side is farmland, to the north and south there are residential parcels. The previous landowner made some alterations and changes to the site that brought the property out of compliance with Canyon County. This occurred before his client purchased the property in late January. They recognize it is out of compliance and have applied for permits. Since his clients purchased the property, they haven't allowed anyone to stay in the non-compliant facilities. He noted similar properties in the area that are RV parks along waterways, Sand Hollow Creek and Martins Landing and Decoy RV Park. He noted that it is not uncommon to see RV parks in the flood zone. He referenced the site plan and noted that there are 13 full RV hookups and those are not in the floodplain. There are five rental cabins, one of which is in the floodplain. Three electrical RV hookups are located in the floodplain. Also, on site there are two gazebos, one bathhouse, a home for the groundskeeper, one metal shop and a dock. They would like to add an RV dump station on site. Mr. Socha stated that they want to be compliant with code. There is currently a wastewater vault in the floodplain which will be capped and removed. He also stated that they would remove the rental cabin from the floodplain. All electrical RV hookups that are in the floodplain would be raised to the correct elevation. They understand that a floodplain development permit would be required for all structures along with a flood evacuation plan. They have been in contact with Southwest District Health, and the site is suitable for the drain field being proposed. A septic permit would be required for the tank and a tank only permit would be required for the dump station. Golden Gate Highway District has noted that a traffic impact study is not required. An approach permit and minimum driveway spacing requirements will need to be met. Mr. Socha has been in contact with Chelsea Dame, Historic Preservation Officer, and will continue that coordination. They are proposing new signage closer to the road along the fence line to assist people to the site. Safer access to the Snake River will also be provided.

Commissioner Nevill asked Mr. Socha if they agreed with the recommended conditions of approval. Mr. Socha requested that condition no. 10 be removed and noted other RV parks in the County that encourage long-term stays. He also had questions about 7 a, b, & c. and stated that they already have an easement. He also noted condition 11 in regard to rental agreements/noise. He does not see a need for this. There will be emergency contacts on site. He also stated that the cabin would be removed from the floodplain but wanted to keep it on site if possible. There would be a total of five rental cabins. Commissioner Nevill asked if there had ever been any kind of rip rap to prevent erosion. Mr. Socha did not. He did note that he is a Water Resource Engineer, and he does not see erosion being an issue at this point. Commissioner Nevill asked if the applicant would have any issue with allowing the Historical Society to complete investigations/inspections. Mr. Socha noted that currently they are not impacting much on the site.

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

Commissioner Nevill asked Planner Adams to discuss the conditions noted in Mr. Socha's testimony and the rationale for recommendation. Planner Adams noted Article 4 of Canyon County Code and it being the closest code to address time limits and stays for RV parks. Planner Adams addressed condition no. 7 that a road user's maintenance agreement would still be required. Planning Supervisor stated that the finalized and approved parking and circulation plan will be signed by the fire district. Planner Adams stated that condition no. 11 is a standard condition used on RV parks. Planning Supervisor noted the conditions are recommended and the Commission can modify them. He also noted that RVs are short term (recreational) in the code not long term. Commissioner Nevill asked about the abatement of code violations. Planning Supervisor noted that as part of the abatement the applicant has applied for a CUP to attempt to get compliance. The CUP code does not allow the Commission to review the violation, rather, to determine whether or not the CUP request meets code. Commissioner Nevill stated he was trying to determine sequence. Planning Supervisor stated that the findings are to determine whether the use should be approved.

Commissioner Mathews asked about condition 2A and what constituted modification. Planner Adams stated this would be increasing the number of RV sites or increasing the intensity of the use.

Acting Chairman Sheets asked for clarification on the time limits and the number of cabins. He asked staff if they had any problem with the potential relocation of the fifth cabin. Staff did not have issue with the number of cabins. Acting Chairman Sheets asked about the time frames/ length of stays for the RV park. Planner Adams noted the condition was written in accordance with article four of the code and the time limits were added so the use would not become a mobile home park.

Planning Supervisor Lister stated that part of this is a legal non-conforming use. If the conditional use permit were to be denied they could still have 13 units. It's when they expand or extend the use that all of it would have to come into compliance.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

Russell Ruff – IN FAVOR– 200 Clear Creek Dr., Meridian, ID 83646

Mr. Ruff stated that when they purchased the property in January of 2025, he spent a great deal of time with Deb Root as well as Dan Lister who helped them get up to speed about all the non-compliance issues. They have been working for the past 14 months to get to this point. Mr. Ruff stated that he is concerned about the condition regarding the length of stay. The verbiage copied out of chapter four is in regard to county owned RV parks not privately owned parks which fall under chapter seven. Mr. Ruff has called every single RV park that is privately owned and none of them have a length of stay restriction. If this is imposed, they won't be able to operate as an RV park. The cabins would be affordable, and they'd have something for everyone. A privately owned park has to generate a profit and the restriction on the amount of stay would impact that.

Commissioner Werhanowicz asked Mr. Ruff if he had article 7 in front of him and what it stated. Mr. Ruff stated in the definitions of 07-02-03 it contains no length of stay limit. The word "temporary" is in the RV definition but it is not numerically defined. He noted that they already have a self-imposed length of stay restriction because there are only 12 sites with full connections (water, sewer, and power). The additional sites being requested would only have power. Tanks get full after a few days, and you'd have to hook up and move. His vision for the full connection sites would be a temporary and affordable place to stay, for example, someone who has experienced flood damage and need a place to stay or grandparents in town visiting grandkids over the summer. Weekenders needing a short-term stay would be in the electric only sites.

Acting Chairman Sheets asked what the minimum length of stay would be that they would be willing to accept. Mr. Ruff stated that it would be best to have no restrictions at all. There is a restriction by FEMA on the sites that are located in the floodplain, which is 180 days. The remaining power only sites are just not conducive for long-term stays. Mr. Ruff does not want to deny a long-term stay.

Commissioner Nevill asked Planning Supervisor Lister if the other RV parks mentioned were set up before code changes. Planning Supervisor Lister stated that there was a point in time when they were allowed. He also noted that some of them are in city which operated under a different code. The Decoy RV Park is an old legal non-conforming use, and they can't expand or extend. Today's code doesn't allow for those types of densities.

Commissioner Mathews asked if the length of stay was increased to 180 if it would still fit. Planning Supervisor Lister stated that the code provides a baseline for the length of 90 days per calendar year, after that you would have to wait a year before you get another 90 days.

MOTION: Commissioner Nevill moved to close public testimony on Case No. CU2025-0026, seconded by Commissioner Mathews Voice vote, motion carried.

Deliberation:

Commissioner Mathews suggested a change to condition 8a, to state five proposed rental units and changing the length of stay from 90 days to 180 days on condition no. 10.

Commissioner Nevill stated he was okay with most of the recommended conditions and suggested addition of verbiage that states any increase would require a modification to the conditional use permit.

Planning Supervisor Lister recommended 7A and 7B be removed because condition no. 1 takes care of it all. The development has to be compliant with federal, state, and county laws. When they come in for a building permit, if it's off a private road, the permit won't be issued until they've met every requirement for the road.

Commissioner Nevill agreed with the removal of 7A and 7B and the modification to condition no. 10 noted by Commissioner Matthews.

Commissioner Johnston wanted to make sure they aren't being more restrictive than they need to be. She referenced condition 2B and suggested a word change from "remove" to "relocate."

Planner Adams clarified if the Commission wanted to state within 90 days the applicant shall relocate the rental cabin that is located within the FEMA floodplain to a location outside of the floodplain. Acting Chairman Sheets stated that makes sense to him.

MOTION: Commissioner Mathews moved to **approve** Case No. CU2026-0026, with modifications to conditions as follows: Condition 2A to state no more than 36 RV's, two shops, a manufactured home, three car garage, five rental cabins, an RV dump station and two gazebos on site and any increase in the number of RV's or rental cabins shall require a modification to the conditional use permit. Change the wording from "remove" to "relocate" outside of the floodplain. Delete condition 7a and 7b. Change condition 8a to state five rental cabins. Condition 10, to state no person, party, or organization shall be permitted to camp more than 180 days within a calendar year. Seconded by Commissioner Nevill.

Discussion on the Motion:

None.

Roll call vote: 5 in favor, 0 opposed, motion passes.

Item 2C:

Case No. RZ2025-0004 – Slazas: The applicant, Kevin and Kimberly Slazas, requests to conditionally rezone approximately 7.83 acres, Parcel R33822102, from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single Family Residential) zone. The request includes a development agreement limiting the future subdivision into no more than three (3) residential lots and prohibiting secondary dwellings on the two (2) lots that are proposed to be approximately 1.25 acres in size. The subject property is located at 7718 Elko Lane, Middleton, also referenced as Lot 3, Block 1 of Blue Heron Subdivision.

Acting Chairman Sheets affirmed the applicant to testify.

Kevin Slazas (Applicant) IN FAVOR –7718 Elko Ln., Middleton, ID 83644

Mr. Slazas stated they purchased their property in 2020. The approach to the property is through the Solitude Creek Subdivision. The lots within Solitude Creek range from a half-acre to roughly one acre in size. The property is currently irrigated with surface water. A portion of the property is in hay. When they purchased

the property, they brought in over and underground power. Mr. Slazas stated that they are requesting to parcel off a couple lots. They have spoken with Idaho Power, and they have determined there is enough power for two lots. Each lot would have a private well and septic system. They currently utilize propane. Mr. Slazas noted that there is a year around ditch that flows the length of their property on the south. There is a bridge that crosses over the canal. They have spoken with Middleton Mill Ditch Company and they don't have any problem with the usage of the road with the understanding that the ditch company would need access for clean-up. Mr. Slazas stated that as of February 25 the setbacks for wastewater has changed and they are fine as far as wastewater goes. They currently have eight water shares that would be assigned to new neighbors. A new pump would need to be put in to irrigate out of the canal.

Commissioner Nevill asked if a private road would be required. Planner Nelson stated it would have to be a private road up to the point where a shared driveway would extend to the two new lots. There is an existing private road through Solitude Creek Subdivision. A road user's maintenance agreement would be required as well. Commissioner Nevill asked the applicant to further explain the irrigation of the property. Mr. Slazas stated it is very convoluted, but they get their water through a pump, it goes through the neighbor's property, and it pumps to the far east of his property. From there it is piped underground to the subject property. It is flood irrigated through 12-inch gated pipe, which does not work well. Flood irrigation would not be adequate for the new lots. The proposal is to draw water out of the canal. The canal is 40 ft wide, and a pump would have to be used to get the water out. A pressurized irrigation system with a water user's maintenance agreement would be used.

Commissioner Mathews asked for clarification in regard to the easement for the two lots. Mr. Slazas stated there is a ditch on both sides of the canal. The irrigation district does not care how it is used so long as it is kept available. They did suggest that it not be paved as they do run heavy equipment on it.

Acting Chairman Sheets asked if there was anything documented in regard to the agreement with the irrigation district. Mr. Slazas stated that he thought the rezone needed to be approved first. Acting Chairman Sheets asked if the setbacks noted in testimony were Southwest District Health setbacks. Mr. Slazas stated they were. Acting Chairman Sheets noted that the only documentation in the packet was in regard to the possible use of an incinerator back in 2024. Mr. Slazas noted that the bridge was approved by the ditch company and fire district when it was built.

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

Commissioner Nevill stated he is concerned about access and asked Planner Nelson to clarify the colored map in their packet. Planner Nelson described the colored areas / access. She also noted that during the Preliminary Plat process access would have to be determined and shown along with the necessary agency approvals.

Acting Chairman Sheets asked about the setbacks with Southwest District Health. Planner Nelson stated a lot depends on the soil testing which has not been completed yet. This would determine if 100 ft would be enough or if it needed to be 200 ft. If 200 ft was required, they would not have enough room therefore an incinerator or easement would be used. The 200 ft would be from the bank of the canal. Acting Chairman Sheets stated he is concerned about the potential of heavy equipment on the bridge. Also, if the bridge was to go out there is not alternative access. Planning Supervisor noted the request is a rezone, and the plat would require the access to shown.

Acting Chairman Sheets affirmed the witnesses to testify.

Testimony:

Craig Lee – IN NEUTRAL– 189 W. Claire, Meridian, ID 83646

Mr. Lee stated he is the owner to the south of the site and was also the developer of Solitude Creek. He states that the density fits with the character and the nature of the area, however he does think that most of the issues will be down the road and conditions do matter. They looked at purchasing this property but were told by Southwest District Health that you cannot locate a septic system on the west side because the lot is deep enough to meet setbacks. Mr. Lee stated that they completed soils tests on the south, and you can't put them closer than 200 ft. They tried to get that changed this year and Southwest District Health wouldn't do it. If the property was developed on the east side, there would be enough room and there would be better access. Mr. Lee also noted that their view would not be blocked if the property was developed on the east side. He noted that the bridge crossing is more like a culvert.

Commissioner Nevill asked if both accesses onto the subject property go over the culvert crossing, and not an actual bridge. Mr. Lee stated that it was correct.

Kevin Slazas (Applicant) REBUTTAL –7718 Elko Ln., Middleton, ID 83644

Mr. Slazas stated that the culvert is fully engineered, and they've had fire trucks over it as well as full concrete trucks. He has no concern about the suitability of the structure.

Commissioner Johnston asked if an incinerator would be used if it doesn't meet septic requirements. Mr. Slazas stated that if they can't meet septic requirements, they won't go any further with the project. Commissioner Johnston asked if he would be willing to locate the development to the other side of the property. Mr. Slazas stated not at this time and that the idea was Mr. Lee's, not his.

Acting Chairman Sheets asked about the access to the bridge and asked for clarity. Mr. Slazas stated they have a shared road use agreement, and they share access equally over that road. If he needs to tighten it up legally, he can, but it has worked up to this point. Acting Chairman Sheets noted that the lot stops at the edge of the adjacent subdivision, then the bridge, and asked about the legal access to the bridge over the water. Mr. Slazas stated that he has an access agreement with Middleton Mill Irrigation. Planner Nelson stated there is an agreement allowing the construction of the bridge, but she did not see it to be an easement across the property. Planner Nelson stated that a condition could be added that detailed easement information be provided prior to the Board of County Commissioners' hearing.

Commissioner Werhanowicz asked staff if the deed defined Mr. Slazas as being the dominant easement holder. Planner Nelson stated that the deed describes a 30 ft. easement but her reading of the deed appears to put the easement on the eastern side of the parcel based on the Blue Heron Subdivision plat. Planner Nelson referenced the mention of having to widen the culvert bridge. The private road standards only require the road to be 20 ft. wide physically so the bridge itself wouldn't necessarily need to widen, but the easement needs to be 50 ft. wide.

MOTION: Commissioner Mathews moved to close public testimony on Case No. RZ2025-0004, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Mathews stated that before a recommendation is made to the Board, the question of proof of access hasn't been answered. He wished to table the case to obtain that information.

Commissioner Nevill said he is not opposed to tabling but noted a condition could be added that the information be provided prior to the Board's hearing.

Acting Chairman Sheets referenced Commissioner Mathews' comments and stated findings have to be made for the rezone that support their recommendation. He needs more information for this application in regard to setbacks for septic systems, legal access, or any potential alternative access. He also noted concerns about the plans to use the irrigation company's ditch road as a shared driveway.

Planning Supervisor Lister provided a potential date of June 4th.

MOTION: Commissioner Sheets moved to **table to a date certain of June 4th, 2026** for Case No. RZ2025-0004, to allow time for more information to get gathered in regard to legal access and Southwest District Health setbacks. Seconded by Commissioner Werhanowicz.

Discussion on the Motion:

None.

Roll call vote: 5 in favor, 0 opposed, motion passes.

Item 2D:

Case No. OR2023-0001 & CR2023-0004 – Lacy: The applicant requests a comprehensive plan map amendment for Parcel R38435011, approximately 6.4 acres, to change the future land use designation from "agriculture" to "rural residential" (OR2023-0001). The request includes a conditional rezone of the subject parcel from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone (CR20023-0004). The conditional rezone request includes a development agreement. The subject property is located at 18247 Goodson Road, Caldwell.

Planner Deb Root noted that the applicant's representative withdrew the Comprehensive Plan Amendment portion of the request and only the conditional rezone will be heard.

Acting Chairman Sheets affirmed the applicant to testify.

Tanya Orton– (Representative) IN FAVOR – 17338 Sunnydale Pl., Caldwell, ID 83607

Ms. Orton stated this property was originally part of a 28-acre parcel that has been split over the years. She proceeded to read the property history from the staff report. She noted that there has been a pattern of this area being divided through administrative splits or conditional rezones. The site is agricultural in the comprehensive plan, but the area is unique in that it is up on a knoll and there are no irrigation water rights to the properties. The subject property is located higher than the irrigation canals and is non-viable. They are only able to water enough of their property to grow their garden and the immediate area around their home. During the last conditional use or conditional rezone, two access points were created. One serves as the driveway to their home, and one serves as access to the parcel to the south. The applicants have a shop on the front corner of the parcel that will be an ADU. The proposed lots will be a size that will allow for well and septic and will also conform to the agricultural zone. 40 ft. along Goodson will be dedicated to the highway district during the platting stage. They are also creating a 28 ft. ingress/egress for a private road on the west side. Because of the constraints of the site, they will request a width variance of the private road.

Commissioner Nevill noted that staff is recommending denial, but provided conditions of approval should the Commission vote to approve. He asked if she had the opportunity to review those proposed conditions and if there were any issues with them. Ms. Orton stated they have been reviewed and asked if condition no. 6 could be reworded. The ingress/egress on the west side was originally created with the previous conditional rezone that easement was grandfathered at the 25 ft. The request would be to maintain that.

Acting Chairman Sheets asked why the Comprehensive Plan Map amendment was removed. Ms. Orton stated that staff was recommending denial of the Comprehensive Plan Map Amendment but not for the conditional rezoning and they wanted to remove the barrier.

Principal Planner Deb Root reviewed the Staff Report for the record.

Commissioner Werhanowicz asked how far the shop would sit from the easement. Planner Root stated that the shop appears to be approximately 56 ft. from the property line.

Commissioner Matthews asked if the current owner of the property is the owner that developed the other sites from the original. Planner Root stated the current owner is the developer of the 12 acres. She is also the owner asking to develop the 6.43 acres.

Planning Supervisor Dan Lister noted that if non-conforming uses are expanded or extended, they have to meet today's requirements. This is expanding the use, so today's access requirements have to be met.

Testimony:

Tanya Orton--REBUTTAL -- 17338 Sunnydale Pl., Caldwell, ID 83607

Ms. Orton stated that they would like to comply with the 28 ft. wide easement. They are also willing to work with the highway district to seek any variances and comply with any legal access needs there. This is a transitional area, and they believe that actually allowing the two acre lots will make it more productive as they will now have more water available to it from a domestic well (up to ½ acre). The well on site is currently shared, so an easement will be created for that. The test holes have been dug for the septic systems. Right now, there are two existing septic systems that have been approved through Southwest District Health. The applicant is working on completing the full approval for the change of occupancy in the living quarters in the shop.

Commissioner Nevill asked if the water was shared from the primary residence to the shop. Ms. Orton stated, yes. Commissioner Nevill referenced the proposed lot layout and pointed out that the water from the house which is in lot 3 has to cross property lines to get to the shop which is on lot 1. Ms. Orton stated that was correct, so that is why the easement would be critical to have in place. Commissioner Nevill also suggested a water user's maintenance agreement.

Planner Root suggested a condition that there be a shared well agreement put into place as well as an easement over the pipeline with sufficient area to maintain access and maintain the wellhead to the shop.

Ms. Orton wanted to ensure that they understood the road requirements/standards. Planning Supervisor Lister indicated that he would speak with the representative after the hearing.

MOTION: Commissioner Mathews moved to close public testimony on Case No. CR2023-0004 seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Mathews stated that the aerials appear to show a transitional property separating residential sites from larger agricultural properties. He noted a concern about rezoning this parcel to residential may encourage further rezones westward. He is in favor of denial.

Commissioner Nevill agreed with Commissioner Matthews and stated he is also not in favor. He stated that it is zoned for agriculture, and it should be kept as agriculture.

Commissioner Johnston stated she does not necessarily believe that this property could ever be in agriculture due to lack of water and the location being on a hill. She stated that they can't farm it, and they should be allowed to do something else with it.

Acting Chairman Sheets stated that the proposal is not in line with the Comprehensive Plan. The proposed zone is not more appropriate than the current zone. There are opportunities for non-irrigated land to be used for agricultural purposes. If that were the case every acre of land in sagebrush would be designated as residential. He understands the reason for the request, but it is not in the plan. It is not within the plan to continue residential growth in this area. He also noted that the rezone is not compatible with the surrounding land uses and would negatively affect the character of the area by continuing residential sprawl in agriculture areas.

MOTION: Commissioner Nevill moved to **recommend denial** to the Board of County Commissioners, for Case No. CR2023-0004, finding that the proposed use is not consistent with the comprehensive plan. Criteria no. 2, that the use is not more appropriate. Criteria no. 3, that the proposed use is not compatible. Criteria no. 4, that the proposed use will negatively affect the character of the area. Seconded by Commissioner Mathews.

Discussion on the Motion:

Commissioner Mathews added that the subject property is a transition between more dense residential properties and large parcels of land to the west. It should remain a transition zone as rezoning to residential would result in the rezoned properties serving as justification to rezone existing ag properties to the west.

Commissioner Nevill agreed with the added justification provided by Commissioner Matthews.

Roll call vote: 4 in favor, 1 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planning Supervisor Lister stated that there are applications for filling Commissioner Dorsey's seat, and they are being reviewed.

Commissioner Nevill stated that he will not be in attendance at the second hearing in May and the first hearing in June.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Werhanowicz. Voice vote, motion carried. Hearing adjourned at 11:05 P.M.

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

Approved this 18th day of June, 2026



Robert Sturgill, Chairman

ATTEST



Jennifer Almeida, Office Manager