



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, May 7, 2026
6:30 P.M.

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

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

Staff Members Present: Dan Lister, Planning Supervisor
Karla Nelson, Principal Planner
Arbay Mberwa, 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: Consent Agenda – Action Items

- A. March 5, 2026 MINUTES
- B. March 26, 2026 MINUTES
- C. Case No. CU2025-0026 – Ruff: Approve FCOs

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

Chairman Sturgill recused himself from the vote on item 1C as he was not present for that case.

Item 2A:

Case No. OR2025-0023: The applicant, Granite Companies LLC, represented by KM Engineering, requests a Comprehensive Plan Map Amendment of Parcel R29892010 from an “agriculture” future land use designation to a rural residential future land use designation. The 46.5-acre property is located at 7044 Rim Road, Nampa.

Commissioner Nevill stated that he does not request to be excused but wanted to disclose that he was on the Planning and Zoning Commission when the gravel pit was originally approved years ago. He also noted that he used to farm approximately a mile away from where the gravel pit was located. He sold the farm in 2021 but thought it was important to disclose he knows quite a bit about the area.

Chairman Sturgill affirmed the applicant to testify.

Connor Lindstrom – (Representative) IN FAVOR – 5725 N. Discovery Way, Boise, ID

Mr. Lindstrom stated they are requesting to change the future land use designation of the subject property from AG to Rural Residential. The property is 46.5 acres and is located off of Rim Road. The access for the

site is off of Rim Road, and the site has historically been a gravel pit. Mr. Lindstrom displayed the 2030 and the 2020 Comprehensive Plan Future Land Use Maps. The map also depicted the location of the site in relation to rural residential developments that have been approved over the years. The closest development being just over a mile away, Deer Sky Ranch. The developments have generally 2–4-acre average lot sizes, which is similar to what the applicant would like to see on this site. Mr. Lindstrom stated that there are difficulties with the site being productive for crops, specifically monoculture. The site contains non-prime farmland soils, with the exception of soil categorized as important, if it was irrigated. The subject property does not have water rights and is not within an irrigation district. The site also has challenges in regard to its topography. There is 70 ft. of elevation drop between the highest point of the property and the canal. Mr. Lindstrom displayed the site layout and stated that it is very conceptual at this time, but 20 rural residential lots are proposed. The average lot size is 2.27 acres, ranging in size from 1.5 to 4.58 acres. An internal private road is proposed. Mr. Lindstrom stated that the comprehensive plan supports the preservation of agriculture. The subject property does not function as productive farmland due to its history. They are looking for some other long-term solutions for the property. The proposed lot size will provide opportunities for larger lots/hobby farming. He noted that there is a lack of larger lots in the County.

Commissioner Sheets asked what the anticipated reclamation plan was for the particular site. Mr. Lindstrom stated that he does not know the ins and outs of it, but Mr. Davis can provide more information. Commissioner Sheets asked if the topsoil was maintained in the area. Mr. Lindstrom stated that the topsoil has been through mining activity as it has taken place. There is a lack of topsoil, which is another issue for active farming of the land. Commissioner Sheets stated that it may be hard for potential future owners to have a hobby farm with no topsoil. Mr. Lindstrom noted there's a multitude of different farming activities that could take place that don't necessarily require great soil or crops, such as livestock, chicken, sheep, etc.

Commissioner Nevill noted that there is no irrigation water available to the property and asked if the individual wells would be utilized to irrigate. Mr. Lindstrom stated that in Idaho you can only irrigate up to ½ acre from a domestic well. Commissioner Nevill referenced the IDWR five -year moratorium for any kind of irrigation and asked if Mr. Lindstrom stated that it may take years to get the development completed. Once lots are sold and developed, they would have to drill their own well, and five years is closer than it may seem. Commissioner Nevill stated that one of the criteria is in regard to the impact on public services and water has to be thought about.

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

Josh Davis– IN FAVOR – 8 San Ignacio Way, Cascade, ID 83611

Mr. Davis stated they have seven other active gravel operations in various counties and are very experienced in gravel extraction. The pit has been depleted, and all the usable minerals have been extracted. Mr. Davis stated the property was purchased from Mark Tracy and the reclamation plan is vague and is a one-page document. It illustrates that they have to seed the slopes, and the slopes can be no steeper than two to one. Mr. Davis noted testimony from staff in regard to a concrete batch plant and stated that request was not on behalf of Granite Companies, but rather, another contractor who sought to purchase the ground. That being said, they are pretty limited to options available to this site due to the topsoil. There is not a great amount of loam in it, and it doesn't grow anything but weeds. They believe the proposed use would be the most compatible.

Commissioner Nevill asked if following the reclamation plan would require some leveling and reseeding. Mr. Davis stated it would. Commissioner Nevill asked if the land could be used for pasture once it was leveled and reseeded. Mr. Davis stated it couldn't be used for pasture as it does not have irrigation water rights.

Chairman Sturgill asked why a rezone wasn't applied for at the same time as the comprehensive plan map amendment. Mr. Davis deferred this question to rebuttal with Mr. Lindstrom. Chairman Sturgill asked if the

plan was to sell the land once the use is in place or to create and sell the individual lots. Mr. Davis stated they would go through the subdivision process and sell the lots individually. Chairman Sturgill asked what would happen if the request was denied and the reclamation plan was followed. Mr. Davis stated that their goal is to be the least obtrusive than they can be.

Frankie Amen- IN OPPOSITION – 9125 Sky Ranch Rd., Nampa, ID 83686

Mr. Amen stated they are about two miles away from the subject property. He is speaking on behalf of the agricultural aviation in Canyon County, and how this proposal would impact the agricultural operations for the farmers in the area. The subject property is surrounded by agricultural farm fields that use aerial spraying. Mr. Amen flies over the subject property to enter and exit the 160 acres to the south and other fields. He has been a licensed commercial ag pilot since 1985 and for the last 41 years he has personally sprayed 160 acres south of the site over 100 times. 15 of those 100 times were in the last two years because it is currently in alfalfa seed and it gets sprayed 7-8 times a season, primarily at night. A subdivision at the end of the 160-acre pivot would be a no-fly zone according to the FAA and the Department of Agriculture. There are a lot of potential problems allowing 20 homes in a very active agricultural area, which is one of the reasons for the right to farm. Mr. Amen offered to show the flight paths if the Commission would like, because he does spray a lot of other fields in the area.

Jeanie Amen- IN OPPOSITION – 9125 Sky Ranch Rd., Nampa, ID 83686

Ms. Amen stated she does advocate for the protection of agricultural operations. She felt the staff report covered it well and so did the Growing Together letter. Ms. Amen felt that the request was spot zoning. Ms. Amen stated that pathway for spraying has been north and south on the particular field to the south. Ms. Amen stated that she has seen complaints from “new” residents. She has seen complaints from well-established subdivisions, but those complaints were found to be false complaints after an investigation with the Idaho Department of Agriculture and EPA. The complaints were filed to aggravate or intimidate the aerial applicator that was operating. Ms. Amen has been in contact with Idaho Department of Water Resources about this application and the five-year moratorium and this application couldn’t be feasibly processed in the time they allotted to do the studies in this area. Ms. Amen referenced the “Goldberg” application on Lewis Lane which is approximately three miles north of the property which is on hold pending a determination if there’s adequate water resources. She also referenced Beaumont Farms, Sunridge Dairy, Allen Noble Farms, which are also on hold. She stated that they have documented 150 ft. water fluctuations during the ag season. Ms. Amen questioned whether this application is circumventing the IDWR process by installing individual wells vs a community system.

Connor Lindstrom – REBUTTAL – 5725 N. Discovery Way, Boise, ID

Mr. Lindstrom stated they did not apply for the rezone at the same time as the comp plan amendment based on their discussions with staff and weighing all of their options. They decided to apply for the comp plan amendment and based on the feedback/decision; they would then apply for the rezone. The subject property is not viable crop ground and that is really what the comprehensive plan is trying to protect. Mr. Lindstrom stated they are not trying to bend the rules or avoid anything. The moratorium was initiated in March of this year, but this application was submitted last October. He stated they understand there are some water source issues in the area, but they recognize they’d need to complete a nutrient pathogen study as part of the platting process. He stated there are options for the site such as more industrial type uses with the batch plant or feedlot operations. However, that may be detrimental to the neighbors to the south downwind and on Alamo Lane. They felt that rural residential lots was a good solution.

Commissioner Werhanowicz asked if there was a positive response from the neighbors in regard to putting 20 homes on the site. Mr. Lindstrom stated that seven or eight people attended the neighborhood meeting with mixed feedback. The overwhelming feedback was they were happy that the proposal was for 2.5 acre lots and not high density residential. He also mentioned one attendee that was happy the gravel extraction was complete and would rather see houses than some other industrial-scale use operated on the site.

Commissioner Werhanowicz stated she is familiar with the area and noted that a precedence may be set for more homes in the area. Mr. Lindstrom noted the unique circumstances of this property, such as being non-viable. Commissioner Werhanowicz stated that water in the area is an issue, and some people in Deer Sky Ranch lost wells a couple of years ago. Mr. Lindstrom stated that they understand, and as part of the rezone and plat process more studies would have to be done to determine what is viable and how many lots they could actually have in the area.

MOTION: Commissioner Sheets moved to close public testimony on Case No. OR2025-0023 seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets considers this request to be island zoning based on the staff report and testimony received. The use is not appropriate for this area and is located far away from services. He agreed with the staff report and stated his recommendation would be for denial.

Commissioner Mathews stated he did not hear any testimony that would convince him that the applicant had met the burden of proof. The comprehensive plan is to protect ag everywhere. The neighboring properties definitely have an interest in keeping roads open for equipment and also aerial spraying. Commissioner Mathews agreed with Commissioner Sheets.

MOTION: Commissioner Sheets moved to **recommend denial** of Case No. OR2025-0023 to the Board of County Commissioners and adopting the Findings of Fact & Conclusions of Law as presented by staff. Seconded by Commissioner Nevill.

Discussion on the Motion:

Commissioner Nevill noted that there are 31 existing dwellings within a mile, adding 20 more is a 61% increase. Commissioner Nevill added that this would set a precedent for those wanting to do the same thing.

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

Item 2B:

Case No. CU2025-0014: The applicant, Billington Inspections and Services Inc., represented by Alysha & Matthew Billington is requesting a conditional use permit on Parcel R30795013, approximately 1.31 acres zoned "A" (Agricultural) for storing business equipment and inventory. The proposed use consists of a staging area for three parking spaces with a loading area, one (1) employee with hours of operations Monday to Friday 7 am to 5 pm and Saturday 8 am to 5 pm. The subject property is located at 17030 Madison Road, Nampa, ID, also referenced as Parcel R30795013.

Chairman Sturgill affirmed the applicant to testify.

Alysha Billington – (Applicant) IN FAVOR – 17080 Madison Rd., Nampa, ID 83687

Ms. Billington stated they purchased the property with the intent of storing their business equipment. They do not intend on operating the business out of it, but they have searched for land for storage. They were not aware at the time that they had to apply for a conditional use permit to store equipment. Ms. Billington stated there was access that was located on the side of the house and that had been utilized. They were not aware it was not approved at the time of property purchase. She stated they will cease usage of that access.

Matt Billington – (Applicant) IN FAVOR – 17080 Madison Rd., Nampa, ID 83687

Mr. Billington stated that they will be moving everything in the back off due to the rejection of Cherry Rd. access. He added that there will be a couple trailers up front.

Commissioner Nevill noted that the staff report indicates there is one criterion not compliant and suggested the applicant address this in rebuttal.

Commissioner Sheets asked the applicant to clarify the type of equipment that would be stored on the property. He also asked for additional information regarding access to the property.

Mr. Billington stated that the equipment stored on the property are enclosed trailers. He also noted their personal vehicles and a couple of containers on the back of the property that will be removed. He stated that the house entrance is off of Madison Rd. When they purchased the home there was access onto Cherry, that they learned was not approved. Commissioner Sheets asked what kind of business the applicant operates. Mr. Billington stated they do inspections on Idaho Power Equipment, which would be bucket trucks, cranes, etc. He added that they do not bring customers' equipment to the property. Mr. Billington stated that they sell filters and products that are stored in the containers on site. Customers do not come to the site and there are no people working at the home.

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

Commissioner Nevill asked for explanation in regard to the three criteria found to not be compliant. He asked about the setbacks for the storage containers, since they are movable. Planner Mberwa noted they are still considered to be a structure to setbacks and floodplain requirements. Commissioner Nevill asked about the findings in regard to the character of the area as well as access. Planner Mberwa provided clarification in and stated that the future land use is residential. In regard to access, Planner Mberwa noted that Cherry is classified as a Principal Arterial Road, where access is supposed to be limited, she also stated that these roads are for traffic traveling at higher speeds, and the proposed use with trucks/equipment turning into the site was a concern for safety.

Commissioner Sheets noted that the property is zoned ag, and asked how the future land use of residential fits in. Planner Mberwa noted the residential areas and subdivisions in the area and South of the site Nampa City Limits and there is one parcel zoned industrial.

Chairman Sturgill referenced Exhibit C6 and C7 and asked Planner Mberwa to clarify why they were included. Planner Mberwa noted the exhibits were FCOs for conditional use permits recently approved within a mile radius.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Alicia and Matt Billington – REBUTTAL – 17080 Madison Rd., Nampa, ID 83687

Ms. Billington stated they realize that access on Cherry cannot be used. They have added a fence to make the property fit better with the character of the area. Ms. Billington stated that no one would be working on the site. The containers would have to be unloaded, and equipment would be needed to move them. She did not think that their proposal would impact traffic in any way. Ms. Billington noted that they have submitted the floodplain permit. They also tried to submit a building permit for the shipping containers but was told he needed to figure out the waivers first. She went back and forth with the City of Nampa and the highway district because there was confusion as to who would provide a waiver. Eventually they were told that no waiver would be given.

Chairman Sturgill asked what the waiver was for. Ms. Billington stated it was for a setback.

Commissioner Sheets asked the applicant if they'd had a chance to review the potential conditions should this be approved. Ms. Billington stated she had not, and Commissioner Sheets referred her to page 10 & 11 of the staff report.

Commissioner Nevill noted that the applicant will need to review the potential conditions. He asked Ms. Billington if they would be amenable to a condition of approval that the shipping container would be moved in six months. Ms. Billington was fine with that condition. Commissioner Nevill asked if they would be ok with requiring an approach apron. Ms. Billington believed there was already one. Mr. Billington questioned why that would be required just to store trailers on their property. Commissioner Nevill stated that this is a highway district requirement. Planner Mberwa stated the highway district requirement was to improve the current access off of Madison. Commissioner Nevill asked the applicant how much time they'd need to meet this requirement. Ms. Billington stated that it depends on what is required because the entrance is already widened.

Commissioner Werhanowicz asked if there was any way to gain access to the back of the property. Ms. Billington stated, no, there are leach lines on that side of the property so they're not able to store anything over there. There are not a lot of options except where everything was.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2025-0014, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets stated that the Commission has held a lot of hearings on this type of use, and he's never seen a recommendation for denial. He believes the proposed use is consistent with the comprehensive plan. He stated the future residential land use has no bearing on the current ag zone. He believes that the applicant does have legal access off Madison (Criteria 6). In regard to Criteria 7, the testimony is that there is very limited activity on the property consisting of one person with occasional deliveries of filters and they're not going to be keeping other types of large containers there. He is in favor of the request with the proposed conditions as well as the addition of requiring the containers to be moved within six months and adherence to highway district conditions.

Commissioner Mathews stated this is a very low impact business. He's had concerns about putting these types of uses in residential areas, but this is a very low impact, and he is in favor.

Commissioner Nevill felt this permit could be approved with a few modifications to the conditions.

Chairman Sturgill suggested taking a break to allow the applicant time to review the proposed conditions.

MOTION: Commissioner Sheets moved to re-open public testimony on Case No. CU2025-0014, seconded by Commissioner Nevill. Voice vote, motion carried.

Chairman Sturgill asked if there were any conditions that they disagree with after their review.

Alicia and Matt Billington – (Applicant) – 17080 Madison Rd., Nampa, ID 83687

Mr. Billington stated no, he stated they'd already complied.

Commissioner Nevill referenced condition no. 5 and asked if there was any concern about inserting language requiring the shipping containers to be moved within six months. Mr. Billington stated that it was fine.

Commissioner Johnston asked who informed Billington's that they couldn't do a six-foot fence. Ms. Billington stated some of the companies that came out told them the fence had to be under three or four feet in front

of the house. Planning Supervisor Lister stated those requirements were from the city, and the county does not have that requirement.

Commissioner Sheets asked about the Cherry Lane access and if the city was requiring annexation to grant access. Ms. Billington stated that she did not think they'd grant access regardless.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2025-0014, seconded by Commissioner Nevill. Voice vote, motion carried.

MOTION: Commissioner Sheets moved to **approve** Case No. CU2025-0014 and directed staff to modify the findings for criteria 3, 6, and 7. Criteria no. 3 should state that the use is consistent with the comprehensive plan, and the use is allowed in the agricultural zone with a conditional use permit. Also stating that the area directly to the south is largely industrial. Criteria no. 6 should reflect that there is legal access off of Madison. Criteria no. 7, that there will be no undue interference with existing or future traffic patterns, based on testimony that there is very little traffic activity associated with the proposed use. Adding verbiage to condition no 5 that requires that the large containers be removed from the area within six months. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

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

Item 2C:

Case No. CR2025-0011: The applicant, Greg Payne, represented by Matt Wilke, is requesting a Conditional Rezone for a 6.46-acre portion of an approximately 70.89-acre parcel from an "A" (Agricultural) zone to a "CR-RR" (Conditional Rezone-Rural Residential) zone. The request includes a development agreement to limit the development to 3 buildable residential lots. If approved, a subsequent subdivision application will be applied for to create three (3) residential parcels out of the 6.46-acre portion in the northeast corner of the 70.89-acre parcel. The remaining 64.48 acres is proposed to be a non-buildable agricultural-only parcel. The subject property is located at 0 Middleton Road, Middleton, also referenced as Parcel R37423.

Chairman Sturgill affirmed the applicant to testify.

Matt Wilke (Representative) IN FAVOR –P.O. Box 7, Middleton, ID 83644

Mr. Wilke stated that the project site contains 6.46 acres, and they are proposing three lots in the northeast corner of the parcel. The subject property is 70.89 acres in total. The property is contiguous to Pheasant Landing Subdivision No. 1. There was a past approval for 30 residential lots on the parcel in 2006 that did not develop due to the market downturn. A private road will serve the development and will access Middleton Road. Mr. Wilke met with the highway district, and they requested the access be curved to the south approximately 130 ft to improve site distance for southbound traffic on Middleton Rd. They are proposing an average lot size of 2.14 acres. He stated there are approximately 98 homes and five subdivisions within one mile. Mr. Wilke referenced the letter of support from Black Canyon Irrigation District and noted when the subdivision was built next door, the water delivery pipe was compromised, and water was no longer deliverable to the corner of the parcel. The usable water shares were transferred to another farm owned by Nathan McKinney in 2023. The water delivery for the center pivot is sourced from a different lateral, and that is why they're still able to irrigate the farm ground to the south. Due to the lack of water, the site has not been cultivated and over the years weeds are naturally occurring. There was a complaint from a neighbor in the fall of 2025. His client was facing a \$21,265.80 charge to clean up the weeds if not complied with in seven days, so his client took his tractor over to cut down the weeds. Mr. Wilke stated that it is not economically viable to spend extra time and money to prevent the naturally occurring weeds in the dry corner. The goals

and policies of the 2030 Comprehensive Plan support the request. The development can be supported by adequate services and amenities. Fire and medical services posted appropriate response times of 6 minutes. Three homes will not affect the schools or police in any negative way. Canyon County recognizes that residential uses are a necessary component of economic stability. The proposal is to provide sufficient housing without fragmenting agricultural land and resources. Mr. Wilke note that they are not splitting up a farm to create the lots, rather, locating them on a dry corner. They are maintaining a balance that protects the rural character of the area. Mr. Wilke stated that a nutrient pathogen study would not be required because they will have less than five homes. He displayed a map that displayed monitoring wells (exhibit number not noted in testimony). Mr. Wilke stated that IDWR has shown that the monitoring well a half mile from the site has been consistent.

Commissioner Nevill asked if Mr. Wilke had an opportunity to review the recommended conditions of approval. Mr. Wilke indicated that he had and had no concerns. Commissioner Nevill asked if the ditch on the boundary line would remain. Mr. Wilke stated that it is the plan for now. Mr. Wilke noted that the split would be for the applicant's sons and potentially a neighbor interested in the 3rd lot.

Commissioner Sheets asked for more information about the water & transfer of water rights. Mr. Wilke stated that when the applicant took over farming when his father passed, he didn't have a way to deliver water to the site. It had been cut off from being delivered due to the irrigation district not wanting to deliver water and risk flooding a residential neighborhood, so it wasn't viable for them. He did continue to pay the assessments even though the water was not deliverable. Commissioner Sheets asked if there was an updated letter from the Irrigation District as there appears to be two different letters. Mr. Wilke stated the applicant did request that and noted the applicant did talk to the new superintendent and he agreed that the project made sense to him.

Commissioner Johnston stated that most people don't give their water rights up. She asked if a pipe would have fixed the delivery issue. Mr. Wilke stated the issue was going through other properties to get the water through a different route. There's no easements through the subdivision. Mr. Wilke added that pumping would have been expensive just for the dry corner that was cut off from irrigation.

Commissioner Nevill questioned why Mr. Payne didn't pursue action against the subdivision when water was denied/delivery impacted. Mr. Wilke did not know the backstory.

Commissioner Mathews asked if there would be any objection to a condition stating that the remaining 64.43-acre parcel shall be non-buildable agriculture. Mr. Wilke stated that Planner Nelson may have submitted something like that.

Planner Nelson stated that if the rezone is approved, the applicant will have the option to either do an amendment to the administrative land division that would make the 64.43 acres agricultural only and then they can come forward with the subdivision or they can include it all in the subdivision. The condition states that they have three buildable lots in substantial conformance with the site plan, which shows agricultural only and that the Commission could certainly add a condition to make it even clearer.

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

Commissioner Nevill asked if secondary residences would be available if approved. Planner Nelson stated yes, but the Commission could add a condition restricting them.

Chairman Sturgill stated that over the last several years, Middleton Superintendent Gee has been very responsive to applications and asked Planner Nelson if she had any insight as to why they were unresponsive in this case. Planner Nelson stated that the notification was sent to the school district, and they did not

respond. She presumed it may be due to the number of lots, but she did not know for sure. Chairman Sturgill asked what evidence was used to determine that there would be no impact to the district. Planner Nelson stated that it was based on lack of comments.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Alan Mills -IN FAVOR –P.O. Box 206, Middleton, ID 83644

Mr. Mills stated that he could clarify the difference between Black Canyon Irrigation and all of the other districts the Commission may be familiar with. None of the owners own the water, it's an unpaid project. They were very short of water in 1950 when it was created. The water was transferred to Nathan McKinney and is being used on more productive farm ground. There wasn't enough water to cover the district, so they did it by topography and whatever was below the ditches, they allotted water to. He did not see the concern of the water not being utilized on this site. Mr. Mills added that they were astounded to see the bid from weed control. Mr. Mills stated that Mr. Payne inherited the land from his father who passed away a few years ago. He added that it is amazing what you can do with ½ acre that could be irrigated from a domestic well. Mr. Mills stated that every comprehensive plan since 1979 called for a variety of homes and styles.

Chairman Sturgill asked if there was anything Mr. Wilke wished to add.

Matt Wilke (Representative) IN FAVOR –P.O. Box 7, Middleton, ID 83644

Mr. Wilke stated that Middleton City Council calculates .65 kids per home, so with three homes they are less than three kids generated and even with secondary residences they will have less than six kids. Mr. Wilke stated that the great thing about the rural residential lots they can grow a garden and have animals.

Commissioner Nevill asked Mr. Wilke if he would be opposed to a condition prohibiting secondary dwellings. Mr. Wilke stated he would hate to be limited on a county lot that is as large as two acres, and it is a nice thing to have for families. Commissioner Nevill stated his concern is setting a limit for the impact on surrounding agriculture. He also asked Mr. Wilke if he would be opposed to a condition specifically delineating the remaining 64.43-acre parcel as non-buildable. Mr. Wilke stated that he believed the applicant would be okay with that. Commissioner Nevill asked if Mr. Wilke would be amenable to a condition requiring a road user's maintenance agreement would be required. Mr. Wilke was not opposed and noted that is standard.

Commissioner Werhanowicz asked about the secondary dwelling condition and whether or not it would be implemented. Mr. Wilke stated that he didn't feel comfortable making a decision on that and he'd need to talk with the applicant before he agreed to that condition. He did not believe there would be an impact on traffic or schools and having the option for a secondary residence for the future is nice for families. He added that the subdivision to the east does not have a condition restricting secondary residences. Commissioner Werhanowicz asked if it came down to whether or not the project would be approved, if he thought that the applicant found forego the secondary dwelling in order to get the three lots. Mr. Wilke stated that he is sure they would prefer to get the three approved, but he did not understand why limiting secondary residences would be necessary. Commissioner Werhanowicz stated the concern is that three homes turns into six.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2025-0011, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets stated that the land is zoned ag and the future land use is ag. The applicant is asking for a conditional rezone to rural residential. He referenced criteria no. 2 and noted the list of subdivisions approved in the area. He added that the more approvals given, the easier it is to say that the area is moving

in a residential direction. The Comprehensive Plan states this area is to be agricultural, and for that reason he does not believe it is consistent with the plan. Commissioner Sheets did not believe that rural residential zoning in this area is supported. He added the request does not meet criteria one or two.

Commissioner Nevill concurred with Commissioner Sheets and added that the biggest problem is that this would be an island of rural residential zoning and recognized it is adjacent to a subdivision, but this is a line that needs to be drawn.

Chairman Sturgill agreed that the request is not compliant with criteria 1 and 2 and added that the proposed use is not compatible with surrounding land uses, criteria 3. He also noted that adequate evidence was not provided to support a finding in the affirmative of services for schools. Chairman Sturgill also added that in prior cases the Commission has talked about the risks of a developer attempting to skirt service issues, particularly school issues, by taking a large property and coming through with rezones piece by piece and he felt this is a precedent the Commission needs to be careful about adopting and setting.

MOTION: Commissioner Sheets moved to **recommend denial** of Case No. CR2025-0011 to the Board of County Commissioners and direct staff to provide revised Findings of Fact and Conclusions of Law. Modify criteria 1 to state that the rezone is not generally consistent with the comprehensive plan as it is designated as agriculture. A modification to criteria 2 that approval of the request could create “island zoning” in the area and the site can still have agricultural uses even though water has been voluntarily relinquished/transferred. Seconded by Commissioner Nevill.

Chairman Sturgill asked Commissioner Sheets to consider criteria 3 to include Exhibit B. 2.3 in terms of the use not being compatible with the surrounding land uses. Commissioner Sheets accepted. Chairman Sturgill also suggested that criteria 8 could not be answered in the affirmative that sufficient school resources exist to support the development. Commissioner Sheets accepted this as well.

Discussion on the Motion:

None.

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

Item 2D:

Case No. CU2025-0029: The applicant, Timothy Jackson, is requesting a Conditional Use Permit for a Livestock Trailer Washout Facility on approximately 5 acres of an approximately 16.42-acre parcel in the “A” (Agricultural) zone. The applicant proposes to have two (2) employees with the hours of operation being 24 hours, 7 days a week. The subject property is located at 24525 Boehner Rd, Wilder, ID, 83676, also referenced as Parcel R37280.

Chairman Sturgill affirmed the applicant to testify.

Matt Thompson– (Representative) IN FAVOR – 1993 Tamarack Loop, Twin Falls, ID 83301

Mr. Thompson is representing the applicant, Timothy Jackson, who is requesting a conditional use permit for a livestock truck wash facility. The facility is located off Boehner Rd. The nature of the site was predominantly agriculture and has been used as a dairy farm and most recently it was a hog farm. Mr. Jackson purchased the property with the intent of putting in a livestock truck wash. All of the hog and livestock buildings have been removed, as shown in staff’s pictures of the site. The site is predominantly fields and they’re not developing anything more than what the farm has been in the past. The concrete pads under the prior hog buildings would be utilized for the washout pad. The washout facility will consist of a washout pad and a pump pit. The pump pit separates solids that are washed out from the trucks. The pit will then be pumped to the storage pond and from there the liquids will be applied to the farm ground. The solids will be hauled

off site. Livestock truck wash facilities are overseen by the Idaho Department of Agriculture who have rules for this type of use. The facility will not be allowed to discharge to waters of the state and are required to have a nutrient management plan. The nutrient management plan is prepared in order to match the nutrients that are being collected out of the trucks with the farm ground and that is why solids would have to be trucked off site. Mr. Thompson stated there are some rural residential areas, however the primary land use is agricultural. There are feedlots and dairies located in the area and the washout facility is supporting ag. A commercial livestock truck wash is different than a commercial truck wash. The main difference is that they will not be washing the chassis they will be washing out the trailer. The applicant is proposing two (2) full-time employees, one for day and one for night. A neighborhood meeting was held in September and there were only three attendees including the property owner. The main issue that was brought up at that meeting was in regard to irrigation tail water and delivery. The applicant would not impede the irrigation water. Mr. Thomson noted that the applicant received all the appropriate comment letters from the Health District, Fire District, Drainage District and Irrigation District. The applicants do not have any issue with the proposed conditions. One clarification Mr. Thompson wanted to make was in regard to condition 1C, "applicant shall use non-toxic biodegradable washout chemicals." He noted that chemicals are not used in a commercial truck wash facility, and they don't use soap, it is strictly water washout. The use will follow NRCS waste containment standards, which are the standards that the dairy and beef industries have to follow in the state for containment of livestock waste and wastewater. Mr. Thompson noted there are quite a few people who are at the hearing this evening and he did want to point out Exhibit B.11, which is a traffic impact study that was completed to address traffic issues. He also referenced Exhibit E. 2.1, 2.2, and 2.3 to address those issues. He believed the highway district will require them to increase the width of the apron or the access onto the site.

Commissioner Nevill asked if Mr. Thompson wanted condition no. 1C removed? Mr. Thompson stated it can remain but wanted the Commission to know they don't use any chemicals. Commissioner Nevill asked if the 24-hour a day operation was negotiable? Mr. Thompson would need to discuss this with his client and can address it in rebuttal. Commissioner Nevill asked where the water for the facility came from. Mr. Thompson stated there were two wells on the site. They have also applied for a commercial water right to provide additional water for the truck wash. He noted they could wash one or two trucks out with their existing domestic, but in order to be able to do up to five trucks a day, they would need commercial water and that application is submitted to Idaho Department of Water Resources.

Commissioner Sheets asked why the 24-hour operation was necessary. Mr. Thompson stated the trucks don't just operate from 9-5 and they wanted to have the extended hours to have the ability to pick-up after-hours vehicles. Commissioner Sheets stated that he was trying to gauge the intensity of the use/ number of trucks daily. Mr. Thompson stated the initial purpose was to provide washout for the applicant's own trucks (10), so any day of the week it could be zero to 10 trucks. Trucks typically get washed out after three hauling cycles, so it could be 3-5 days between cycles. Most trucks are getting washed out twice a week.

Chairman Sturgill referenced case no. AD2019-0047 in which it was noted that a building did not meet setbacks and that it would need to be moved or torn down and asked if there was a reason that building was not torn down. Mr. Thompson believed that subsequent to that decision it was determined that it was a grandfathered building. Chairman Sturgill asked if it was found to not be grandfathered, how long it would take to move or tear down the building. Mr. Thompson stated that he believed that building to be in the northwest corner and he didn't feel it would take a ton of time to tear it down, but he did add that they would have to look at their legal avenues before tearing it down as it does serve value to the site. Chairman Sturgill stated that his concern is that if it was not grandfathered in, it was not moved or torn down within seven years, he was reluctant to accommodate a further legal process for a CUP in the interim. Mr. Thompson stated that based on Google images the structure has been there for 40 years, and depending on when setbacks / etc. came into play it would be a grandfathered structure.

Commissioner Johnston asked if the applicant and his family would be living on the site. Mr. Thompson stated that they live there now.

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

Commissioner Sheets asked if the nutrient application would be on this parcel or somewhere else. Planner Lewter stated she was not aware of the location.

Commissioner Nevill asked for clarification on the non-conforming structure and asked if a Variance would be required. Planner Lewter stated that the building may be considered non-conforming, however, the applicant is requesting to expand the use on the property, and due to that today's requirements would need to be met.

Planning Supervisor Lister referenced the non-conforming code and stated that a non-conforming use can remain until there's a change. In this case the use is being expanded /extended. Chairman Sturgill asked if the AD2019-0047 decision could be reviewed to determine if there was a change of use at the time of that approval.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Kasey Ketterling–IN OPPOSITION – 25044 Boehner Rd., Wilder, ID 83676

Mr. Ketterling stated that his dad's a third-generation farmer and he has lived on Boehner Rd for 24 years. He loves this area and can look over the Fargo Valley and Snake River. He stated he had submitted a letter in opposition. He is concerned about road safety and noted that Boehner Road is a series of chicane turns and during the turns you're also climbing 200 ft. He stated that the traffic study indicated that at 35 mph there is adequate site distance, but no one drives 35 mph heading west. The traffic study also shows truck-turning movements and Mr. Ketterling is concerned that trucks would have to turn into oncoming traffic to make the turn into the property. He does not have objection to what the applicant wants to do for a living but is opposed to it in this location. The proposed pond is located in a historic drainage path that runs through the site and onto the neighbor's property. If there is a major storm event the pond may be washed out, creating water quality concerns. Mr. Ketterling has lived at his home for 21 years and they have had to lower their well because they were running out of water. He is concerned about a commercial water right here that may cause more issues. He added that he does not feel this use is compatible with the surrounding land uses.

Commissioner Nevill asked if there have been a lot of accidents in the vicinity of the site. Mr. Ketterling stated the fence adjacent to his property has been rebuilt 3 times. He went on to describe accidents in the area using a displayed map.

Chairman Sturgill asked if the visibility was better during daylight or nighttime hours. Mr. Ketterling stated that the visibility may be better during nighttime hours because you can see headlights. Chairman Sturgill asked if anything could improve the situation from a traffic and risk reduction standpoint for trucks entering / leaving the facility. Mr. Ketterling stated that he did not know how it could be mitigated. He stated that if the building that doesn't meet setbacks were to be removed it may increase turning capacity, but he still did not know how trucks would get in without crossing the centerline. Chairman Sturgill asked if trucks are crossing the center line, if oncoming traffic would be able to see them. Mr. Ketterling stated that if you're headed east, you come across a bridge over a canal then you're going up a riser, and you wouldn't see a truck until you come to it.

Lois Tupy–IN OPPOSITION – 24830 Boehner Rd., Wilder, ID 83676

Ms. Tupy and her husband purchased their property in 1999. Boehner Rd. between Hwy 95 and Allendale

Road has sharp S Curves, one lane bridges, and steep inclines. In the 26 years they have lived at their home, they've had drivers that are unfamiliar with the road tear down their barbed wire fence, two cars have ended up in the canal, and two have driven off the ravine and flipped over by their mailbox. Ms. Tupyi felt it was dangerous to consider this stretch of Bohner Rd., for commercial traffic. Their land has a year round freshwater spring and there's others that flow through the property into a large retaining pond which they use for irrigation and recreation. The overflow then goes into another stream, drops to the neighbors below who have also built ponds, and they use it for recreation and irrigation as well. The original design for discharge from the water on Jackson's land flows under the canal directly onto Ms. Tupyi's property. Many years ago, Ms. Tupyi's husband put in three settling ponds to help reduce the amount of dirt that gets into the spring water and the larger pond. Every 3.5 years he hires someone to trench out the ponds at a cost of 5,000-10,000 every time they do it, depending on how much buildup has accumulated. Ms. Tupyi believes that the amount of water being discharged under the canal and onto their property is going to create problems she also believes that there is a high probability of organic pollutants will enter the spring water. If it is detrimental to their health, who is going to fix it?

Shelby Nicoletti—IN OPPOSITION – 24531 Bohner Rd., Wilder, ID 83676

Ms. Nicoletti has lived at their property for 7 years. She noted testimony from the applicant that he has 10-12 trucks or trailers and seems to run a successful trucking business. She stated she would be very upset if the value of one man's business was put over the quality of life for all in the area. She questioned how a domestic well could be used for a commercial washout facility if only ½ acre can be used from a domestic well. She questioned why the applicant did not choose a commercial or industrial site for his business and added there are four cattle truck washouts within a 15-mile radius that are accessible. Ms. Nicoletti has concerns about unknown drivers coming to the site at all hours of the night and not knowing who is coming in and out their community. Ms. Nicoletti pointed out that this use is not agritourism, not an event center, and not a winery or tasting room; this use will adversely affect the residents 24 hours a day, seven days a week, and 365 days a year. She referred to the criteria, whether or not the use is permitted in the zone by a conditional use permit and noted that commercially it is not. She noted that the proposed use is not consistent with the comprehensive plan, and the proposed use would impact the immediate vicinity and would negatively change the essential character of the area. She added that without question the proposed use will impact water, sewer, irrigation, drainage, etc., and stated that water is already a problem in the area.

Paul Nicoletti—IN OPPOSITION – 24531 Bohner Rd., Wilder, ID 83676

Mr. Nicoletti referenced Idaho Law and Tax Code and stated that a commercial livestock washout facility is generally regulated by the Idaho Department of Agriculture under agricultural related administrative rules. However, its status as agriculture for zoning or tax purposes often depends on whether it's considered a primary agricultural or a commercial service business. According to Idaho Law as of this month for tax and zoning considerations, it is a commercial use if a facility charges a fee for washout trucks and trailers, especially for non-owned livestock trailers, it is considered a commercial service. Agricultural exemptions do apply, but projects and CUPs may not qualify for automatic agricultural exemptions if it is treated as a commercial enterprise rather than an essential component to a specific farm operation. Mr. Nicoletti stated that according to the Idaho State Tax Commission, businesses that devote the majority of their operations to hauling or cleaning for hire, do not qualify for the farming and ranching production exemption. If a washout station is part of a larger agricultural facility such as a CAFO or dairy, and it is used primarily for the operator's vehicles, it may fall under broader agricultural zoning definitions. If it falls under the umbrella of agricultural service establishments, in many ordinances, it can provide and support agriculture, but exemptions are not permitted for personal use. If a standalone business is charging for a public wash, it is not considered land actively devoted to agriculture for tax assessment and zoning purposes. Mr. Nicoletti stated the bottom line is while the Idaho State Department of Agriculture regulates its agriculture-related facilities, based on the commercial for-profit business model presented by the application, this project is a violation of CUP standards and should be denied. Mr. Nicoletti stated that the applicant is attempting to skirt necessary commercial requirements and fees by intently purchasing ag properties at substandard rates and impacting neighbors he

does not care about for a profit. He stated that heavy equipment and cattle trucks will induce increased harm to passenger vehicle traffic and road deterioration and questioned who will cover the cost. The proposed use will negatively change the character of the area by introducing a 24/7 commercial activity into a quiet agricultural neighborhood. County maps and the applicant's map for traffic confirm that Boehner Road is a local road that is not classified. Mr. Nicoletti is not against the applicant having a cattle washout station but is against the location.

Commissioner Sheets stated that he believed that Mr. Nicoletti's testimony was in regard to an agricultural exemption from a tax assessor's point of view and also what the County has for a conditional use permit in the agricultural zone. Mr. Nicoletti stated that the proposed use does not qualify as an agricultural service

Russ Tackett—IN OPPOSITION – 25026 Boehner Rd., Wilder, ID

Mr. Tackett has lived in the area since 1978. He is concerned about safety and noted that Boehner Road is an old farm road. He stated that the tailwater from the subject property comes through the draw into the neighbor's pond. Mr. Tackett also has a pond on his property. He questioned where the water would go in case of an accident and concluded it would go down through all of the neighbors' properties. He added that this is just not a good area to locate this business.

Vicki Purdy—IN OPPOSITION – 3474 South End Rd., New Meadows, ID 83654

Ms. Purdy stated they purchased the land directly across the road from the applicant. One of the parcels she purchased is buildable, but noted that no one will want to build on it if the truck wash goes in. The entrance to her property is directly across from the entrance to the subject property. She stated she had a buyer who wanted to raise horses on the property, and she let him know about the proposed truck wash facility, and the buyer backed out. Ms. Purdy stated she lives in New Meadows but wanted to state that this use would negatively impact the neighborhood. The proposed use is being categorized as a farm implement sales or services, which according to the land use matrix is permitted with a conditional use permit but she felt it should be a trucking terminal and/or service facility. Ms. Purdy stated that semi cattle trucks do not fit the definition of farm implement. Farm implements are typically tractors, combines, sprayers, etc. for on farm work. Vehicles that are built to haul people or cargo on public highways are not farm implements. She added that the applicant does haul his cattle to other states. Ms. Purdy spoke with Jenny at Idaho State Department of Agriculture, and she stated the applicant does need a commercial use. Ms. Purdy stated that the proposed use is categorized incorrectly and due to that it is a prohibited use. She noted that this use will destroy the value of her property.

Jefferson Leach—IN OPPOSITION – 24744 Ustick Rd., Wilder, ID 83676

Mr. Leach stated that his concerns are in regard to criteria 4 and noted that the proposed use will very much affect them and their quality of life. The holding and settling pond are very similar to a dairy, and there are reasons people do not want to live right next to a dairy. He was concerned about flies from the use. He is concerned about the groundwater and contamination if the pond leaches down into the ground and the impact to wells. He noted concerns about traffic and the windy nature of Boehner Rd.

Robert Maurer- IN OPPOSITION – 25490 Hwy 19, Wilder, ID 83676

Mr. Maurer stated that he is attending this hearing representing his 86-year-old father. He noted that there were no flyers in the posting sign. He is also representing Mr. and Mrs. Morris Brown at 25931 Boehner Rd as well as Mr. and Mrs. Dan Grabber on Ustick Rd. Mr. and Mrs. Graber have all the farm ground between Boehner Rd and Ustick. He stated that this area is farm country, and not for commercial purposes. He is concerned about the traffic that will utilize Boehner Rd, which is a winding road. There is already heavy truck traffic seasonally attributed to agriculture. This use is commercial in nature and is not agriculturally related. He stated this is a right to farm state not right to commercial. Mr. Maurer stated that this is our last bit of ground in the area. His family came to this area in 1916 and had a farm on Boehner Rd. He described the businesses and farms his family have had and he intends on farming his father's farm in the future. He stated

that the Treasure Valley is named that due to agriculture. He is concerned about the opportunity for nitrates to get into the springs or shallow wells.

Matt Thompson– REBUTTAL– 1993 Tamarack Loop, Twin Falls, ID 83301

Mr. Thompson stated that the applicant spent money and completed a traffic study for the use, even though the number of trucks did not trigger the 100 trips per hour. The highway district has reviewed the study and found that there are no additional items that need to be completed on site except the approach permit. He agreed, people do speed and accidents happen, the applicant certainly doesn't want that to happen. His drivers will follow the law. Mr. Thompson stated that this is not a commercial truck wash, it is a commercial livestock wash subject to the Department of Agriculture rules. He stated it is not a trucking terminal because there is no repairing or servicing of trucks. Tax status and zoning are two different things. He stated that they may not be producing an agricultural product, but it is a business that supports agricultural uses. The rules from Department of Ag came about to support the industry because if there are not adequate truck washouts it causes full trucks to sosh out on the street. Mr. Thompson stated that the applicant's property has to allow wastewater runoff and the tailwater has to be able to go to the next user in the cycle. He stated that typically sprinkler applications match the field intake, so you don't get runoff. The livestock truck wash rules do not allow runoff. He added that they are not proposing to eliminate farm ground. The structure on the northwest corner has nothing to do with the truck wash, it is just part of the farm. They are not proposing to expand or enlarge it in any way. Mr. Thompson stated that the nutrient management process is to match the nutrients that you apply with the nutrients that are needed for the crops.

Commissioner Nevill asked if the 24/7 operations are negotiable. Mr. Thompson stated it might be a bit negotiable, but for the most part the haulers are hauling during the day, and they want to clean out at night, so nighttime operations are needed. Commissioner Nevill asked if nighttime operations could end at ten. Mr. Thompson stated they would have to go later than ten but could hold more discussion with the Commission if that is a root concern. Commissioner Nevill asked where the solid waste would go. Mr. Thompson stated it would be exported according to the nutrient management plan. Commissioner Nevill asked if it would be going to be hauled to a farmer nearby. Mr. Thompson noted that the applicant has relationships with a lot of the farms in the area and has quite a few options although at this time no contracts are in place. Commissioner Nevill referenced Exhibit C.2.11 and asked about the slopes on the property. Mr. Thompson noted that the site slopes to the northwest. Mr. Thompson added that in the scenario of a pond breach they could put secondary bur around the pond. They are anticipating an above ground pond, not in ground so no service runoff will go into the pond without it being pumped in. As far as the truck wash facility itself all the areas where trucks are going to be washed and manure will be stored, will all be collected into the containment system. There won't be any runoff from manure or contaminated surfaces that would go into the drainage. MR. Thompson stated the only water that will be going into the drainage is the drainage from the south, drainage from the house, yard, etc. Mr. Thompson stated that he understands the concerns and added that the Idaho State standard for containment requires a two-foot freeboard on a little pond like the one being proposed. They are not allowed to have truck runoff and go into the drain.

Commissioner Werhanowicz asked how the water from the trucks as they are being washed makes its way to the storage tank. Mr. Thompson stated that there is a decent slope to the site, a berm can be utilized to direct to the west and into the pump pit to be separated. Commissioner Werhanowicz asked if the five trucks included the applicants' trucks or if they were in addition. Mr. Thomson stated that it is total.

Chairman Sturgill asked if the applicant would be amenable to a condition limiting the use to five trucks a day. Mr. Thompson stated yes, on average. He stated that if it was limited to five, they would make it work but average would be more ideal. Chairman Sturgill asked if there was a hard limit what that number would be. Mr. Thompson stated that the applicant has ten trucks of his own, so if the limit was 10 that would be ideal. Commissioner Sturgill suggested an average of five but no more than 10 on any given day. Mr. Thompson states that it would be acceptable.

Commissioner Sheets asked if the liquids would be applied to the southern portion of the subject property. Mr. Thompson stated that it was correct. Commissioner Sheets asked how many times a year that happens. Mr. Thompson stated that during the frozen periods they have a pond because you can't apply when the ground is frozen due to runoff. During the summer his recommendation to the applicant is weekly or multiple times a week. From a nuisance standpoint, ponds don't smell if they're empty.

Commissioner Matthews asked if the ten trucks the applicant owns are dispatched from the subject property. Mr. Thompson replied, no. He added that sometimes the trucks get parked there but didn't believe all ten had been there at the same time. Commissioner Matthews stated he is trying to figure out if the applicant is running a business dispatch from that location. Mr. Thompson stated that he talked with the applicant and clarified that they own one tractor trailer & 10 trailers. Their drivers are independent drivers and when they're actively working their trailers come home with them and when they're not working the trailer is left at the farm. They are predominantly independent drivers and if they need to use their truck for some other use they'd bring the trailer to the site.

Chairman Sturgill asked what the maximum number of trailers would be on the site at any time. Mr. Thompson stated 10, but he doesn't anticipate that happening.

Commissioner Werhanowicz asked where they wash their trucks now and asked if there was a map of truck washes within a radius nearby. Mr. Thompson stated they don't have a map and there are a few truck washes in the area they utilize.

Planner Lewter stated the past Director deemed the structure as legal non-conforming. Because the structure is not involved in the proposed use, condition 2A could be stricken.

Planning Supervisor Lister stated that some of the testimony was based on tax code and noted that the zoning ordinance is different than Assessor's requirements. He referenced the land use matrix and noted there is not a definition for farming implementation. He added that 07-10-07 states that unspecified uses not specified are prohibited unless determined by the director to be similar or accessory to at least one of the allowed or permitted uses for that particular zone. If the proposed use is similar to our accessory, the applicant may only receive permission for the similar or accessory use through a conditional use permit. The Commission should consider if the request is truly a farm implementation sales or service or farm supply sales.

Chairman Sturgill clarified that the Commission would have to conclude, pending a director ruling, that transportation trailers for cattle is equivalent or similar to farm implements.

Planning Supervisor Lister stated that after hearing testimony, the Commission may disagree and find that the use is really a trucking terminal or something of that matter. At the same time, if the Commission cannot identify a similar or accessory use, then it is prohibited. Planning Supervisor Lister stated that a quick internet search of farm implement services bring up uses in the Caldwell and Middleton area for specialized tillage, planting and harvesting equipment. Truck wash stations that came up in a search were American Power Wash, Bluebird Truck Wash, etc.

Chairman Sturgill stated that hypothetically staff could have analyzed a truck terminal or truck wash station into the findings alternative to farm implement sales and service. Planning Supervisor Lister said that was correct. He added that even a truck terminal does not have a definition in our code. Chairman Sturgill asked if this was a truck terminal would it be an allowed use in the zone with a conditional use permit. Planning Supervisor Lister replied that it is not, it is prohibited.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2025-0029 seconded by

Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Mathews stated that he does not think that farm implement sales apply to this use and in his view, this is a non-specified, non-permitted use.

Commissioner Sheets asked if this would be an agriculturally related activity. Commissioner Mathews stated, yes, it is. Commissioner Sheets stated that if the use is an agriculturally related activity, it would be an allowed use in the agricultural zone. Commissioner Sheets stated that he is on the fence about the proposed use because there are potential impacts to the area, but at the same time, there are very specific rules for this kind of operation that have to be followed. If they are not followed, the conditional use permit could be revoked. He noted that there are also rules in place from Idaho Department of Agriculture. The land application is not something that they're used to in this particular area. If the land application was a longstanding process in the area and had been happening all the time, he would feel differently. Commissioner Sheets understands the traffic issues from testimony and there are concerns about the road handling this kind of activity. Commissioner Sheets added that currently the applicant himself can drive his trucks there as it is.

Commissioner Nevill stated that he has raised cattle for a long time, and this is an agriculturally related activity. CAFOs that are running lagoon systems, whether they are a feeding or dairy operation, apply liquid manure all of the time. Commissioner Nevill doesn't have problems with anything but the road and had concerns about this use at this location. He cannot support the use on the road at this time.

Commissioner Johnston believed this area is not conducive to large truck traffic on a regular basis and felt it was unsafe. There are blind corners, and she agreed with the testimony. Commissioner Johnston agreed with Commissioner Nevill as well. This use could change the character of the area and be injurious due to the constant spreading of manure and smells. This is not the correct location for this use.

Commissioner Matthews added that the road situation stuck out in his mind as the real problem with this application and the increase in use.

Commissioner Werhanowicz agreed with the concerns in regard to traffic and safety presented by the Commissioners

MOTION: Commissioner Nevill moved to **deny** Case No. CU2025-0029, and requested that staff modify the Findings of Fact, Conclusions of Law. Modify Criteria no. 7 to reflect a finding that there will be undue interference with existing and future traffic patterns noting testimony received at the public hearing. Seconded by Commissioner Werhanowicz.

Discussion on the Motion:

Commissioner Sheets added that the applicant did perform a traffic impact study and the highway district came to the conclusion that there wouldn't be any mitigation needed.

Commissioner Johnston added that the traffic study did not look at historical accidents.

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

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planning Supervisor Lister stated that a Hearing Examiner will begin hearing cases in July. He then described what a Hearing Examiner does pursuant to Idaho Statue.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 11:21 P.M.

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

Approved this 16th day of July, 2026



Brian Sheets, Acting Chairman

ATTEST



Jennifer Almeida, Office Manager