

CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, June 4, 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
Geoff Mathews, Commissioner
Holley Werhanowicz, Commissioner
Anita Johnston, Commissioner

Staff Members Present: Dan Lister, Planning Supervisor
Karla Nelson, Principal Planner
Emily Bunn, Principal Planner
Caitlin Ross, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:30 p.m.

Commissioner Sheets read the testimony guidelines and proceeded to the first business item on the agenda.

Item 1: Consent Agenda – Action Items

- A. April 2, 2026, Minutes
- B. Case No. CU2025-0015 – Liudahl for Symms Fruit Ranch: Approve FCOs

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

Item 2A:

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.

On April 16, 2026, this case was continued to a date certain of June 4, 2026.

Chairman Sturgill stated that he was not present at the April 16th hearing so although he will facilitate the case, when it comes time to vote he will abstain.

Principal Planner Karla Nelson noted that the P&Z Commission initially heard this case on April 16th. The public hearing was closed on that date and during deliberation the Commission continued the case to a certain date to provide more time for the applicant to clarify septic setbacks and legal access. She stated the applicant provided documentation that Southwest District Health conducted a site evaluation on May 1st. This evaluation does not approve a particular septic system, but test holes indicate that a complex subsurface sewage system may be required. Southwest District Health wants to test the sites to monitor once a week until October. In addition, the Commission asked the applicant to provide additional details demonstrating legal access. Planner Nelson stated that the applicant has been working on obtaining an

easement. The easement language has been drafted by a surveyor, and the applicant has shared that they have been in conversation with the neighboring property owner who indicated that they are willing to execute the agreement, but to date it has not yet been executed.

Commissioner Mathews stated that the case should be tabled until the information/results from Southwest District health have been received.

Commissioner Sheets stated that one of the findings is in regard to whether or not there is legal access. This may come at some point in the future, or it may not. Also, in regard to findings about adequate services and Southwest District Health. Commissioner Sheets was in favor of tabling.

Chairman Sturgill asked staff if there was a target date if the Commission voted to table the case.

Planner Nelson indicated that Southwest District Health may not be complete with testing until October. Even then, Southwest District Health comments noted that the applicant could apply for an actual permit, but they won't indicate what the system will be. The Commission could deny the case and see what more the applicant could bring to the Board of County Commissioners' hearing or wait until the fall.

Commissioner Werhanowicz stated that perhaps the case should be denied, and the applicant could reapply when they've got everything they need to come forward with a strong case as to why it should be approved.

Commissioner Sheets is more in favor of tabling until fall to obtain more information. This will save the applicant money, and they won't have to re-apply.

MOTION: Commissioner Mathews **moved** to table Case No. RZ2025-0004 to a date uncertain and staff will re-schedule once the applicant is ready to move forward. The case will be re-noticed when scheduled. Seconded by Commissioner Werhanowicz.

Discussion on the Motion:

Planning Supervisor Lister stated that if the case is tabled to a date uncertain, the applicant will pay a re-notification fee when they are ready to move forward. This also allows a materials deadline to be provided so materials can be submitted.

Commissioner Sheets stated he would be more in favor of a date certain sometime in November. Commissioner Matthews indicated he would be amenable to this as well.

No vote was taken on the initial motion.

MOTION: Commissioner Mathews **moved** to table Case No. RZ2025-0004 to a date certain of November 5, 2026. Seconded by Commissioner Werhanowicz.

Discussion on the Motion:

Planning Supervisor Lister stated that tabling to a date certain the materials deadline is not re-opened. It would not allow for opening of comments or public testimony.

Roll call vote: 4 in favor, 0 opposed, motion passes. Chairman Sturgill abstained.

Item 2B:

Case No. SD2023-0012 – Bow Tie Estates: The applicant, Trespere Valley Planning, representing Jaggers Family Revocable Trust and Avery Family Revocable Trust, requests approval of the Bow-Tie Estates Subdivision preliminary plat consisting of two residential lots on Parcels R37468012A and R37468012A1. The subject properties, approximately 10.9 acres, are located at 25744 Kingsbury Lane, Middleton.

Chairman Sturgill affirmed the applicant to testify.

Keri Smith – (Representative) IN FAVOR – 17741 Linden Ln., Caldwell, ID 83607

Ms. Smith stated that the subject property is located in Middleton, within Star's Impact Area. The site is a 10.9-acre parcel that was divided into two parcels. The Jagers family and Avery family are longtime family friends. The Jagers wanted to build a new home and began the process to develop a portion of their property. A conditional rezone was approved last year. Ms. Smith stated that they do agree with staff's analysis and there has been extensive work over the last year, including a property boundary adjustment. Agency responses received noted items to be completed. The Highway District Commissioners recently approved the subdivision unanimously, and the subdivision is in compliance. They have had meetings with the Black Canyon Irrigation District Board, and they are on track with all of their requirements. The plat meets technical compliance with the ordinance. Ms. Smith requested that the Commission remove condition no. 7 in regard to requiring restrictions on secondary residences to be notated on the final plat. She stated that this is a condition on the conditional rezone and is part of the recorded development agreement. There was extensive discussion at the Board level regarding a potential future need for a secondary dwelling because of family circumstances. It was decided at that hearing that if a need arose, the applicant could go through the development agreement process to try and meet the requirements. This condition is already in the public record and recorded. Ms. Smith's concern is that if this condition was also added now, it would require the Jagers to apply for a development agreement and a plat amendment which is not in the public interest. She recommended a corrected condition that they comply with the development agreement, reference the development agreement number, and add the words "as amended." Ms. Smith stated that ADU's were a hot topic in the legislature this year and no city can pass any law that prohibits ADU's on any residential parcel. She acknowledged that this was specific to cities. Ms. Smith stated that they didn't have any opportunity to respond to the Floodplain Administrator's conditions of approval. Ms. Smith referenced the condition requiring essentially an HOA and CC&Rs for a two-lot rural subdivision with no improvements. It is the applicant's preference to not have to spend money to implement CCR's.

Chairman Sturgill asked what waterway this property is in the floodplain of. Ms. Smith stated it was Willow Creek. She added that the property/home would need to be elevated. Chairman Sturgill referenced Exhibit A.8, which discussed the preliminary plat not adding any new trips. Ms. Smith clarified that the analysis clarified that whether it was a home and ADU on ten acres or a home on two parcels, the trip generation would be the same.

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

Chairman Sturgill asked about the request from the applicant to not require an HOA or CCR's. Planning Supervisor Lister referenced condition no. 11, and suggested verbiage that states "applicable floodplain development requirements shall be met prior to final plat signature," instead of referencing the specific development agreement number.

MOTION: Commissioner Mathews moved to close public testimony on Case No. SD2023-0012, seconded by Commissioner Sheets. Voice vote, motion carried.

Deliberation:

Commissioner Sheets had no issue with the amendment to condition no. 7 but thought that condition 11 can be handled either way.

MOTION: Commissioner Sheets moved to **recommend approval** of Case No. SD2023-0012, to the Board of County Commissioners with modification to condition no. 7 as noted in deliberation. Seconded by Commissioner Johnston.

Discussion on the Motion:

None.

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

Item 2C:

Case No. SD2025-0002 – Pheasant Heights Subdivision: The applicant is requesting approval of the Pheasant Heights Subdivision preliminary plat, consisting of 30 residential lots and 2 commercial lots served by a private road and public roads. The property is zoned “R-1” (Single Family Residential) and “C-1” (Neighborhood Commercial). The subject property is 23854 Emmett Road, Caldwell (Parcels R34445012A, 012A2, and 012B).

Commissioner Sheets requested to be recused as he has participated in other jurisdictional land use hearings with the applicant and this particular parcel.

Chairman Sturgill affirmed the applicant to testify.

Connor Gray (Representative) IN FAVOR –505 S. 7th Ave., Caldwell, ID 83605

Mr. Gray stated he is with Ag Land Development and has been working as one of the Project Managers for Pheasant Heights Subdivision. Many of the broader land use discussions were addressed during the 2020 rezone and this application is simply implementing the land use rights that were approved at that time. The subject property is located on Emmett Road, just north of 9th St. and directly across from Middleton High School. The project consists of 30 residential lots ranging from approximately 1 acre to 1.3 acres consistent with the R-1 zoning designation. In addition, the project also includes two commercial lots located along Emmett Rd. that are permitted under the C-1 zoning designation. Mr. Gray stated that both the residential and commercial portions of the project will have access to Emmett Rd. via a right-in, right out entrance that includes Highway District 4 improvements. The design eliminates left turn movements from the site and directs traffic to the nearby roundabouts for safer circulation. This design has been reviewed and approved by Highway District 4, and they will continue to work closely with them as the project moves forward. The commercial frontage along Emmett Road will include curb, gutter, and sidewalk improvements. The residential portion of the development will also utilize private roads, which is common for the rural residential subdivisions within Canyon County as well as several nearby developments. A landscape plan is being drafted that will also provide an attractive buffer between the residential and commercial portions of the project. The project satisfies the applicable criteria for approval and complies with code. Mr. Gray stated that they are not requesting any waivers, variances, or exceptions. They have worked closely with the reviewing agencies to obtain the approvals required at this stage of development. The proposed lot size and development patterns is consistent with the surrounding area. This project continues the established character of development that already exists. Their goal is to create a high-quality residential community that compliments the surrounding area and provides an attractive place for future residents to live. They anticipate working with local builders throughout the build out of the subdivision. Any future commercial development will be limited to the permitted uses within the C-1 zoning district. Currently there are no specific tenants in mind, however, the vision is to pursue professional offices (medical or dental) that are going to be low impact. As commercial uses are identified, there will be an additional review that will occur with the access/permitting process with the highway district to ensure traffic impacts are appropriately evaluated and addressed.

Chairman Sturgill asked where stormwater would be stored. Mr. Gray stated that his understanding is that when this was a City of Middleton project, there was a proposal to connect to the Faison Point subdivision, which is a county subdivision. Chairman Sturgill asked if Mr. Gray could explain the background on that and why it is not a part of the proposal today? Mr. Gray stated that originally, he and his partner were part of an annexation application. This annexation was also pursuing higher density at about 150 homes. They were asking for higher density as part of that application because the city wanted to have a lift station installed and also the cost for the light at Hwy 44. With this project being heard this evening, they are asking for 30 lots.

Chairman Sturgill asked if the request that was originally before the city was for R3 zoning. Mr. Gray believed that it was. Chairman Sturgill asked if any of the surrounding properties met Middleton's medium density or was this going to be the first one. Mr. Gray stated as far as one acre lot sizes, he noted Faison Subdivision. Chairman Sturgill asked if there are any properties in the area with a higher density than one acre. Mr. Gray stated that he was not aware of a county development with higher density. There are city developments nearby with higher density than one acre.

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

Chairman Sturgill stated that the commercial property was rezoned in 2009, and it was his recollection that rezones granted in that time period had an expiration date, and asked Planning Supervisor Lister if that was the case. Planning Supervisor Lister noted that this rezone did not have a development agreement. Chairman Sturgill asked if the water supply for the commercial property would be determined when the uses are planned. Planning Supervisor Lister stated that was correct. Once the use is established DEQ would require a public water system if it is more than 25 persons as well as a higher type of septic system or possibly connect to city if available. Chairman Sturgill asked what the water source was for the irrigation water. Planning Supervisor Lister stated the project is within Black Canyon Irrigation District and the water comes off the lateral. Referring to the plat, Planning Supervisor Lister pointed out the delivery point (s) and noted that the plan is reviewed by the irrigation district to ensure that their services are not blocked. Chairman Sturgill asked if the note on Exhibit C5 was added to the plat (utility easement). Planning Supervisor Lister stated that the utility easements, per code, are 10 ft on the outside and 5 ft on the interior and those easements are shown. Chairman Sturgill noted that the Engineering Department recommended a community water system, but the project is utilizing individual well and septic. Planning Supervisor Lister stated that typically that is typically recommended for anything over 15 lots. He noted that there was not a lot of feedback from the applicant on that. He reminded the Commission that they can recommend improvements as part of their conditions. Chairman Sturgill stated that given the proximity of the City of Middleton that strikes him as appropriate. Chairman Sturgill stated that the staff report indicates that a TIS was not provided and asked if there was one. Planning Supervisor Lister stated that the TIS is complete, and it was reviewed by the highway district. Chairman Sturgill noted that the plat does not include spacing for bus stops or a signal crosswalk. Planning Supervisor Dan Lister stated that the letter from the school district was received after they started the hearing noticing process. The conditions were added afterwards, and the final plat will need to have these items included. Chairman Sturgill asked about utilizing private roads for a project that contains residential and commercial uses. Planning Supervisor Lister stated that the applicant wanted the ability to gate the residential area from the commercial, and the private roads would allow them to do so. Chairman Sturgill noted that private roads are typically maintained by the users and questioned if the cost would be also shared with the commercial uses that may have more wear and tear. Planning Supervisor Lister pointed out the accesses on the plat map. The applicant is proposing a buffer as it switches over to residential uses. Planning Supervisor Lister added that the code allows the Planning and Zoning commission to add improvements to the subdivision. Chairman Sturgill asked if the concerns expressed by Mr. & Mrs. Crosley at 13189 Willis Road addressed? Planning Supervisor Lister stated, yes, the concern was in regard to the concrete ditch at the front of Emmett Rd. The ditch would be piped and improved in a way that would not impact their services. Chairman Sturgill asked if the bike bath was separate from the main road adjacent to the property. Planning Supervisor Lister stated that it is an extension but deferred to the applicant for further clarification. Chairman Sturgill noted that road has a significant amount of traffic, and he would prefer some sort of buffer to protect cyclists. Planning Supervisor Lister stated that could be an improvement that the Commission could require.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Carl Anderson -IN FAVOR –505 S. 7th, Caldwell, ID 83605

Mr. Anderson referenced the letter received from Crosley's and noted that he met with them and shared the plan. Mr. Anderson felt that they had a positive resolution and the Crosley's were happy that he came to explain it. He added that they have met with Mark Gee, Middleton School District Superintendent and had a good conversation regarding the signalization of Emmett Road close to the school. Mr. Anderson stated they've had a good line of communication there.

Chairman Sturgill asked when Superintendent Gee indicate that there would be incremental elementary school capacity available for students from this subdivision. Mr. Anderson stated he couldn't say exactly, but there is some availability in the elementary school close to this project, but he believed it's a two-year build on the schools and put it out to 28. He also added that they do have 360 out of district students which are taking the place of existing landowners.

Ray Wolverton- IN FAVOR –13065 W. 9th St., Caldwell, ID 83607

Mr. Wolverton stated that the irrigation would be piped along Emmett Road. He wanted clarification whether or not everything that would be piped as he lives in the subdivision next to the site.

Roy Thweatt- IN NEUTRAL –13089 Willis Rd., Caldwell, ID 83607

Mr. Thweatt stated that his property is on the north end of this project. He spoke with five of his six neighbors, and everyone expressed an interest in a privacy fence between them and the development. Mr. Thweatt was concerned about the effect on the aquifer and was curious if there was a study that analyzed the impact on groundwater.

Planning Supervisor Lister stated that they do look at IDWR water monitoring for quality and quantity. There were some quality issues that the applicant would address, but there was no information that showed that the quantity has shifted much in this location. Idaho Department of Water Resources is the agency that monitors these issues and was unaware of a study in this location. The most recent review of water rights is south of the lake where a moratorium was put into place.

Mr. Thweatt stated that every year they deal with weed mitigation and hoped that something could be done before it is a fire hazard on the 4th of July.

Chairman Sturgill asked what kind of privacy fence the neighbors would like to see. Mr. Thweatt stated a six-foot, non-shared fence. Vinyl fences do not last long. He added that the neighbors do not want to have to maintain the fence but do want some privacy.

Connor Gray (REBUTTAL)–505 S. 7th Ave., Caldwell, ID 83605

Mr. Gray stated they have talked about a privacy fence, but it does get expensive to add around the entire perimeter. He noted that they did expect that the homeowners would do their own fencing through the HOA & CCR's if that is an absolute want from the neighbors. Mr. Gray stated that they'd be happy to work with them on that. In regard to the community system, at the end of the day, it comes down to cost not only for the developer but the landowners that purchase the lots. If the community well system goes down that is a cost shared across the development. If an individual's well or septic has an issue, that cost is just affecting one home. He added that they have found that most homeowners prefer to have their own well. He did not have additional information on the aquifer level but noted that he thought it was an ongoing debate, and they rely on the experts to be able to indicate if well systems would be allowed. He has not received notification of any issues when going through the soil test and nutrient pathogen test. He does recognize the problem of aquifers, particularly in the west, but could not speak to this one in particular. The storm water retention area is noted on lot 15. In regard to the bike pathway, they wished to match what the Faison Subdivision did.

There may be some confusion between city and county labels. In regard to weed mitigation, he stated that they apologize and will get that done immediately.

Chairman Sturgill asked if there would be a swale or depression to collect storm water. Mr. Gray believed that was correct. Chairman Sturgill asked how the right in / right out would be structured. Mr. Gray stated that he has met with Highway District 4 on this throughout the approval process. They want to be able to have a deceleration lane coming in and an acceleration lane coming out. They don't want anyone to take a left turn just because there are commercial uses. The road is currently only 2 lanes, and he assumes the city might expand later, and that is why they want the right in / right out. Chairman Sturgill asked if there was an updated Black Canyon Irrigation letter. Mr. Gray stated he believed there was. He added that there was a lot of confusion with the name of the subdivision as it had changed. Chairman Sturgill asked if the notes on exhibit C. 5 had been addressed. Mr. Gray believed so but noted that in regard to individual wells that is their preference due to cost for everyone. Chairman Sturgill asked what the process would be if the property was annexed into the City of Middleton later, would those homeowners then have to abandon their wells. Mr. Gray was not sure, but he did state there would need to be an entire new pre-annexation agreement filled out and the process completed with the city. Mr. Gray stated that the City of Middleton has had infrastructure problems and school capacity problems for quite some time that prevent annexations. Chairman Sturgill asked if the requested spacing for bus stops and signaled crosswalks were included on the plat. Mr. Gray stated that it is not included on the plat but is part of the conditions to work with them. Chairman Sturgill asked if Mr. Gray had anything to add in regard to the internal roads being private. Mr. Gray stated that with the residential lots, they want the development to be a rural residential community and felt that private roads were the most appropriate standard to use. Chairman Sturgill referenced the letter from IDEQ in which there were recommendations that he did not see in the application. Specifically, the dust prevention and control plan during construction. Mr. Gray stated that they would have no problem with doing that and assumed it was already required during construction. Chairman Sturgill stated there was a recommendation to verify adequate drinking water and asked how that was accomplished. Mr. Gray did not know the exact details of what Southwest District Health required but noted that if it was not accomplished through the 14-month period for the soil tests etc., they'd be happy to continue doing that.

Commissioner Werhanowicz asked how the right in/ right out would be enforced and asked if there would be a barrier. Mr. Gray noted the highway district comments and noted there would be signage. Commissioner Werhanowicz was concerned about the increase in traffic.

Planning Supervisor Lister stated that he looked up the property on Google Maps, and there is a concrete barrier in the center currently that would prevent a left-hand turn.

Chairman Sturgill noted that one of the people who testified had a question in regard to the piping. Mr. Gray stated that he was 99% certain that the piping was going to continue throughout the whole project and offered to verify that information with his Engineering Team and provide the information to the members of the public who testified on this issue.

MOTION: Commissioner Matthews moved to close public testimony on Case No. SD2025-0002, seconded by Commissioner Johnston. Voice vote, motion carried.

Deliberation:

Commissioner Johnston was in favor of fencing as well as dust mitigation during the construction process. She is in favor of one large well rather than individual and questioned what happens to the wells if the property was to be annexed into the city.

Planning Supervisor Lister stated that typically when a property is annexed, they wait until the wells fail before requiring connection to city services. Commissioner Johnston asked who would pay for that cost and Planning

Supervisor Lister noted it was the property owner. Commissioner Johnston asked if the cost to connect would be more than \$500.00 and Planning Supervisor Lister indicated that it would be.

Planning Supervisor Lister stated that when the property was rezoned back in 2019, staff and the P&Z recommended denial primarily due to the proximity of city services. The Board found that this was a great dividing line for the city. Also, the city would want much higher density which would create additional transportation impacts and school impacts. They felt lower density would be more appropriate. Chairman Sturgill added that was seven years ago, there is a new Board of County Commissioners, and the entire area has changed.

Commissioner Matthews stated that he lives in a small community with a community well and understands the costs involved.

Chairman Sturgill stated that a lot has changed from when the property was rezoned and felt there were a lot of open questions. He suggested tabling the case for a minimum of three months and asked for clarification and additional information on some of the topics that have been covered this evening. He agreed with Commissioner Werhanowicz in regard to right in / right out. He added that there is a failed intersection even without this development. He is reluctant to send this off to the Board of County Commissioners with a list of recommended conditions that the Commission never touches again. He would like to convert some of the conditions that were recommended into requiring the applicant to come back and present evidence so the Commission can affirm that these changes are the plan moving forward. He asked the Commission what they thought about that suggestion.

Commissioner Werhanowicz added it would be helpful if the applicant's Engineering team was at the hearing.

Commissioner Johnston stated she was fine with extending it because there are quite a few items that were answered as references to conversations. She also recognized that this would add to the applicant's timeline.

Chairman Sturgill expanded on his comments since he did not hear a great deal of disagreement from the Commission. He referenced that there is a failed elementary school system in Middleton. Mr. Gee resubmitted his comments that that portion of the school system is at 145% of capacity. There is a plan to provide capacity in the future, but he'd like to see a plan that mitigates between now and then. The other issue is that there is a projection based upon background traffic that the intersections nearby are not just crowded, they are going to fail. He added that even if this subdivision is not built, he was unsure how a recommendation of approval with conditions would not mitigate something that impacts intersections already destined to fail badly. He invited a motion from the Commission.

Commissioner Matthews asked if these could be resolution in a shorter timeframe. Chairman Sturgill stated that he checked state code and there is no constraint on how long a case can be tabled, but it needs to be fair to the applicant as well. Commissioner Matthews stated he does not like the access point off of Emmett Road across from the high school, and he is inclined to deny it.

Commissioner Werhanowicz stated that she finds it hard to believe that rezones get approved and let them go on so long and felt there should be some sort of review.

Chairman Sturgill agreed, and that was the genesis of his question as to whether the rezone had expired. In addition, that is the basis for asking the questions at rezone hearings to determine how many entitlements are already authorized in the region, especially when considering school overcrowding and intersections that are at or near failing. He also added that the government entities that provide advisories included in staff reports are never going to say they don't recommend something being approved. They will do their best to give the best possible recommendation, but the only thing that will fix this is time and infrastructure.

MOTION: Commissioner Matthews Moved to continue case no. SD2025-0002 for a period of not less than six months.

Before the motion was seconded, Planning Supervisor Lister stated that if the case was tabled to a date certain any information submitted won't be open to public testimony, as the public testimony was closed. It would be strictly for the Commission to get the information needed and make the decision. If the case is continued to a date uncertain, the applicant will bring back the information, and then the case will be scheduled on the next available agenda. The applicant would also have to pay a renotification fee, but it would reopen public testimony just for the items the Commission wants to review.

Chairman Sturgill asked for a second on Commissioner Mathews' motion. Motion failed for lack of a second.

Commissioner Werhanowicz stated that there are a lot of people that would like to be notified so they can come to the hearing.

Chairman Sturgill asked Commissioner Werhanowicz if she was suggesting tabling to a date uncertain. Commissioner Werhanowicz stated she did not understand why the case couldn't be continued to a date uncertain, have the applicant obtain the requested information, and then come back but also notify everyone so they can be a part of it as well.

Planning Supervisor stated that a date uncertain allows the applicant to get the information as fast or as slow as needed. Essentially, they get to choose their hearing date.

MOTION: Commissioner Johnston moved to continue case no. SD2025-0002 to a date certain of December 3, 2026, to allow the applicant to obtain additional information in regard to traffic, information regarding school crossings and ensuring safety.

Commissioner Johnston asked if there were any other topics the Commission would like to add before there was a second made on the motion.

Discussion on the Motion:

Chairman Sturgill suggested spacing for bus stops and crosswalks, further information on the feasibility of a community water system, a copy of the updated Black Canyon Irrigation District Letter, a plan to mitigate the concerns about elementary schools being over capacity, evidence that the proposed right in-right out plan will not disrupt traffic, evidence that the level of service for surrounding intersections will be acceptable when the project is complete, a response from IDEQ for dust prevention and control and verifying adequate drinking water, confirmation that an IPDES is not required, visual depiction on the plat of how the bike path would be continued from adjacent properties, fencing plan.

Commissioner Mathews asked if the catastrophic failure of the intersection be mentioned for emphasis. Chairman Sturgill stated yes.

Chairman Sturgill asked if Commissioner Johnston would like to include the aforementioned requests for additional information or should some be taken out?

Commissioner Johnston stated that some of what Chairman Sturgill suggested she shortened it up but was in agreement.

Commissioner Matthews then seconded the motion.

MOTION: Commissioner Johnston moved to continue case no. SD2025-0002 to a date certain of December 3, 2026, to allow the applicant to obtain additional information in regard to traffic, information regarding school crossings and ensuring safety. Seconded by Commissioner Matthews.

Roll call vote: 4 in favor, 0 opposed, motion passes.

Item 2D:

Case No. RZ2025-0001 – Jackman: The property owner, Jason Jackman, represented by Patty Clark, is requesting a conditional rezone of approximately 2.85 acres from the “A” (Agricultural) zone to the “CR-M-1” (Conditional Rezone –Light Industrial) zone. The subject property is located at 11583 Orchard Ave, Nampa, ID 83651 also referenced as Parcel R31482.

Commissioner Sheets re-joined the hearing.

Chairman Sturgill affirmed the applicant to testify.

Patty Clark– (Representative) IN FAVOR – 319 LoneStar Rd., Nampa, ID 83651

Ms. Clark stated that the purpose of the rezone is to be able to run a small family business that offers services of manufacturing custom UTV windshields and vehicle wrap services. She understands the concerns raised in the staff report and understand that the request may be unusual for the area, however, they believe the evidence shows that the application can meet the intent of the conditional rezone criteria when viewed in context. The actual operations should be considered as well as the substantial mitigation measures being proposed. The request is not for a large industrial complex, distribution center, or heavy manufacturing. It is a small owner-operated business that already exists on site and is conducted entirely inside an existing shop building. The business owner has only one employee, his son. The use generates virtually no customer traffic, and it ships products directly to customers rather than operating as a retail storefront. Ms. Clark’s understanding that the key issue before the Commission is compatibility. She believes that compatibility should be evaluated based on real world impacts, noise, traffic, visual appearance, hours of operation, and public safety not simply by the label of commercial or industrial. She believed the evidence strongly supports approval. There were no objections from the highway district regarding traffic impacts. Idaho Transportation Department determined that the project does not meet thresholds for the traffic impact study, and it identified no safety concerns. Standard septic system requirements are met, emergency services can adequately serve the property and after a site visit Nampa Fire Protection District withdrew its opposition. Ms. Clark stated that to her knowledge, no public opposition comments have been received. She noted that there were two separate neighborhood meetings held and the only individuals who attended in person or contacted the Timberline Surveying offices in response notice were neighboring property owners who were in support of the request. There were no property owners that appeared in opposition at those meetings, and no written opposition was submitted. Ms. Clark believed that the local support, especially those most directly affected, is an important indicator that the proposed use is compatible and does not negatively impact nearby property owners. The applicant has also suggested and agreed to substantial conditions, specifically designed to address compatibility concerns and preserve the character of the area. Ms. Clark stated that the proposed conditions will restrict operations, limit the hours of operations to weekdays 8 a.m. to 5 p.m., requiring all manufacturing activities to occur indoors, installing site obscuring fence and/or berm buffer, downward facing lighting, compliance with parking, circulation, and building code requirements. Ms. Clark noted that while the staff report states the area is trending residential, the property itself is still located in the county and is surrounded in part by a church, a school, agricultural uses, and larger parcels. The proposed conditional rezone process exists specifically for situations like this where tailored conditions can address concerns more effectively than a simple yes or no zoning classification. Approval of this application would support local entrepreneurship, protect existing investment in the property, and allow a low impact family business to continue operating under enforceable conditions that minimize effects on surrounding uses.

Commissioner Sheets asked what the maximum number of employees would be. Ms. Clark stated two, the owner and his son. The use is conducted in the shop.

Commissioner Werhanowicz asked why the applicant was applying for a rezone instead of a conditional use permit. Ms. Clark stated that initially they did apply for a conditional use. They were told that the use requested is not allowed through a CUP in the AG zone.

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

Commissioner Sheets referred to the building permit that closed in November of 2025 which had a reference to the "shear" not being verified and asked what the "shear" was. Planner Bunn stated that it was her understanding that part of the buildings' walls were covered up, so they didn't want to have the applicant tear it out to show for inspection. The permit was closed, and if the rezone were approved, the applicant would apply for a commercial permit and at that time the structure would need to meet that higher standard. Commissioner Sheets asked why this use couldn't be covered by a home business or home occupation. Planner Bunn stated that no more than a fourth of the square footage of your house or accessory structure can be utilized for the use in a home business, and a home occupation is a third.

Chairman Sturgill asked what activities are being conducted that would not be allowed with a conditional use permit. Planner Bunn stated that the manufacturing of the windshields. She also noted the vinyl wrapping business.

Planning Supervisor Lister read a portion of the definitions for home business and home occupations. He added that the intent of a contractor shop and staging area is running your contractor business and storing things on site. He referenced a case that was an ordinance text amendment that came through the P&Z for a machine shop, but that application has stalled. Staff looks at the most similar use in the code and unfortunately where our code has these types of uses is either heavy commercial or M-1. Chairman Sturgill stated that he followed everything that Planning Supervisor Lister explained and added that while he understands the character of the area may be residential, it's zoned agriculture. Planning Supervisor Lister stated that a residential dwelling is allowed on agriculturally zoned property. Agriculture parcels could be of many different sizes. In this case it is a smaller parcel and is located in an area with potential residential growth/city. Chairman Sturgill stated that in his view, the impact is limited particularly if there's only two employees total and questioned why this couldn't fall under a contractor shop and put a tight boundary around the number of employees and hours. The impact would be the same as a contractor's shop and the equipment would be very similar. Planning Supervisor Lister stated that it was his recollection of the application that there is more than what you would normally see with a contractor shop or staging area. He referenced several CUP's that were approved for contractor's shops that did not involve manufacturing on site.

Commissioner Mathews referred to a case where the applicant was assembling geothermal equipment. He understood that the scale was different but felt it was a slippery slope to allow one thing to happen by CUP and not another.

Commissioner Sheets referenced the definition of home business, which includes tax preparation, graphic design or web services, assembly parts, teaching music and other instructions. He asked if someone could apply for a variance with a director's decision. Planning Supervisor Lister stated no, those are code standards and did not believe there were any variance to vary those.

Chairman Sturgill asked Planner Bunn if she could direct him to the definition of contractor's shop in the code. Planner Bunn stated it was 07-02-03. She also read it for the record. She added that that the contractor's

shop was not used because of the manufacturing that is occurring. She understood that manufacturing happens on many levels. If there was no manufacturing happening and the applicant was just coordinating and storing his equipment there it could fit, but he does all of the work on site.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Jason Jackman–(Applicant) IN FAVOR – 11583 Orchard Ave., Nampa, ID 83651

Mr. Jackman stated he would like to address some of the concerns in regard to manufacturing and noted he really doesn't manufacture, it's a CNC machine. He orders 4x8 sheets of plastic from a company in Boise. He has a design on his computer; he cuts out the window for the particular model of UTV. The window is put in a box and shipped. He stated that his son does this 2-3 hours a day. The wraps include stickers and bike kits. He stated that initially there was a zoning concern about vehicle servicing that was on their website, however, they took that off and it is no longer there. He stated that they don't do any vehicle servicing there and no maintenance. Mr. Jackman stated that this is a family operation.

Chairman Sturgill asked if the property had three-phase power. Mr. Jackman was unsure. Chairman Sturgill asked if his machine 220 single phase. Mr. Jackman believed that it was. Chairman Sturgill asked if the CNC cutting element is rotary or laser. Mr. Jackman stated it was rotary for plastic only and was a small machine that had a 4x8 bed. Chairman Sturgill asked if it was vented to the outside. Mr. Jackman stated it was an enclosed venting tube that is dumped every day. Chairman Sturgill asked if there was any other machinery in the building that makes noise. Mr. Jackman stated no, and it is very low impact noise.

Commissioner Werhanowicz asked if the printers are for the stickers. Mr. Jackman stated they were like a home printer and are quiet.

Ms. Clark had a question and asked her to come back up to the podium.

Patty Clark– (Representative) IN FAVOR – 319 LoneStar Rd., Nampa, ID 83651

Ms. Clark referred to the home business /home occupation and square footage limitations. She stated that hypothetically, if they put the CNC equipment and the sticker printer into the garage, would he be able to run his business out of the garage? He currently has it in a separate building, but it would fit in his garage. His cars could be parked in the shop instead.

Planner Bunn stated that if a person has vehicles/ trailers that they store on the property for their business, the home occupation and business do not allow for that. In the past, there has been quite a few different vehicles and trailers stored on the property and that's part of the reason a staging area was requested.

Chairman Sturgill asked hypothetically if the trailers were part of a staging area for a CUP and the CNC machine and equipment were moved into the garage would that then meet the home business. Planning Supervisor Lister referred to the code that the home occupation / business can't exceed a certain size of the dwelling /structure and once you exceed that it is a higher intensity use requiring a CUP or rezone.

MOTION: Commissioner Sheets moved to close public testimony on Case No. RZ2025-0001 seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets wished there was a way to allow this use outside of a rezone. The rezone of M1 next to residential would be island zoning. The particular use has such low impact.

Commissioner Werhanowicz asked if the applicant could partition the garage.

Planner Bunn added that all of the trucks, trailers, etc. associated with the business would all have to be enclosed, and not more than 1/3 of the square footage of the house could be utilized. As far as she knows, the business is exceeding that.

Chairman Sturgill stated that he is hearing a consensus among the Commissioners who have spoken that they agree with staff's recommendation on the rezone but wished there was a way to help the applicant outside of the rezone process such as exploring other options.

MOTION: Commissioner Sheets moved to **recommend denial** of Case No. RZ2025-0001 to the Board of County Commissioners and adopt staff's Findings of Fact and Conclusions of Law., and requested that staff modify the Findings of Fact, Conclusions of Law. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

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

Chairman Sturgill stated that the case will go before the Board of County Commissioners, who could potentially reach a different conclusion. He encouraged the applicant to spend time with their Planner and Planning Supervisor Lister to see if there is an alternative.

Item 2E:

Case No. CR2025-0010 – Tabarini: The applicants, Carlos and Kimberley Tabarini, are requesting a conditional rezone of 5.9 acres from the "A" (Agricultural) zone to the "CR-R-1" (Conditional Rezone- Single-Family Residential) zone. The request includes a development agreement limiting the project to three residential lots. The subject property is located at 0 Stoffle Ln, Middleton, ID also referenced as Parcels R23913011A and R33968.

Chairman Sturgill affirmed the applicant to testify.

Carlos Tabarini– (Applicant) IN FAVOR – 9837 W. Patmore Ct., Star, ID 83669

Mr. Tabarini stated that they intend to split the 5.9 acres into three buildable lots consistent with the surrounding area. He has reviewed staff's proposed conditions and has no issue with them. He would like a bit more clarification on condition no. 6. Parcel 33968 was part of a different public access.

Chairman Sturgill asked for more information about the project.

Mr. Tabarini stated that he met with the County after purchase and the two smaller lots would be 1.25 acres. They are trying to keep the parcels similar to those in the area.

Chairman Sturgill asked if the intent was to have one house on each residential lots or one plus a mother-in-law suite. Mr. Tabarini stated that the lots would be sold, and he does not know what a future buyer would want. Chairman Sturgill referred back to previous hearings this evening in which there were discussions about infrastructure and asked Mr. Tabarini how the Commission should think about the rezone application in the context of infrastructure that is already overburdened. Mr. Tabarini stated that they have no younger children, and he can't speak for who will purchase the other two parcels in regard to traffic.

Commissioner Werhanowicz asked if the applicant intends on building one of the lots and selling the other two. Mr. Tabarini stated yes.

Chairman Sturgill stated he noticed that the Northwest Pipeline runs across the property. Mr. Tabarini stated that it is just a sliver of the subject property and that it only impacts the property by six inches.

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

Commissioner Sheets asked what the average and median lot sizes were in the area. Planner Bunn stated that the average is 2.46 and the median is 1.97 within 600 ft. of the subject property. Commissioner Sheets asked how the proposed 1.25 acres would change the average & median in the area. Planner Bunn stated she would research and would be covered at the end of testimony.

Chairman Sturgill affirmed the witnesses to testify.

Kimberly Tabarini– (Applicant) IN FAVOR – 9837 W. Patmore Ct., Star, ID 83669

Ms. Tabarini stated that the subject property is comprised of two (2) parcels. The split is being requested to assist them in building their family home. She noted there is a road user's maintenance agreement in place. She referenced the "Growing Together" letter that was in support of infill. Ms. Tabarini referenced the letter from Middleton which stated that property to the south is commercial, but she noted it is all residential. She added that they intend on keeping an agricultural feel to this area.

Commissioner Johnston asked Ms. Tabarini if not allowing secondary dwellings would be a deal breaker for her. Ms. Tabarini stated that they are not looking to build an ADU but that doesn't mean that a future purchaser of the lots wouldn't want one and would prefer not to have that limitation.

Chairman Sturgill stated that he is a big believer in property rights and stated that the area is going residential. The issue is the improvements, schools, roads, etc. is happening slower than the building and development that has already been authorized. Chairman Sturgill asked Ms. Tabarini how she felt the Commission should view her application. Ms. Tabarini stated that she understands the concern. She does not know if the impact will even arise, someone may want to purchase a lot to graze horses. She felt that limiting to just three parcels is reducing the impact. Chairman Sturgill stated that the City of Middleton has provided services to nearby properties and asked how Ms. Tabarini would feel about potentially being in the city and having access to services. Ms. Tabarini did not believe the subject property was not currently adjacent to city. Chairman Sturgill asked if she was adjacent what her preference would be. Ms. Tabarini would rather be on city but wasn't sure if her husband would prefer that. They have talked with Southwest District Health, and they may need an advanced system. Chairman Sturgill asked when the property was purchased. Ms. Tabarini stated it was purchased in 2024.

Troy Weeks– IN FAVOR – 22710 Stoffle Ln., Middleton, ID 83644

Mr. Weeks stated that he is adjacent to the subject property and will have the most impact from the development. He stated that when the Tabarini's purchased the property they had spoken with him about their vision for the site. Their vision was in line with what he wanted to see happen on the property and in the area. The previous owners of the subject property wanted to jam pack as many houses as they could without regard to the neighbors. Mr. Weeks stated that the Tabarinis have done a lot for the neighbors and gave an example of him purchasing equipment to clean up their property.

Commissioner Sheets asked if the property is currently in pasture. Mr. Weeks stated that he would describe it as low-quality pasture.

Chairman Sturgill asked Mr. Weeks if he knew the applicants before they purchased the property. He stated no.

Planner Bunn stated that the City of Middleton's Comprehensive Plan is referenced in Roberta's email. The city recently adopted a new plan, which may be the difference in designations. She added that it appears that the subject property may be adjacent to city limits and proceeded to circle the area in which the parcel touches city.

Commissioner Sheets asked when impact fees go into effect for the property, rezone or platting. Planner Bunn stated it is at the building permit phase.

Chairman Sturgill asked how wide the area adjacent to city limits is on the subject property. Planner Bunn noted it was approximately 7.78 feet.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2025-0010, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Matthews stated he is in favor of the rezone with no secondary residences.

Commissioner Sheets stated that he is not in favor of the request. He stated that small rezones are "one bite at a time." The more that are approved the more it turns into basically a city where everyone has a well/septic tank, and it is just adding to the issues without fixing the problems first. He believes that even with the restrictions on secondary residences, the rezone is too dense for the area already.

Commissioner Matthews stated that the smaller lots in this area made sense for the reason that building is not occurring on larger agricultural parcels. He added he understood the concerns about density.

Commissioner Sheets agreed that sprawl is an issue. He stated that two lots would be more amenable to him.

Chairman Sturgill stated he agreed with Commissioner Sheets and if this request was being made five years from now, when the two adjacent intersections on Highway 44 were improved and Superintendent Gee had a new elementary school up and running, he believed it would be a straightforward application. He has deep concerns and has heard concerns about residents that live in the area about how broken the infrastructure is. He shared a personal experience of coming to the hearing this evening, at Lansing Lane which was stacked 10 cars deep and took 13 minutes to get through the intersection.

MOTION: Commissioner Matthews moved to **recommend approval** of Case No. CR2025-0010, to the Board of County Commissioners and adopt the Findings of Fact, Conclusions of Law & Order as presented by staff with the addition of a condition restricting secondary dwellings. Seconded by Commissioner Johnston.

Discussion on the Motion:

None.

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

MOTION: Commissioner Sheets moved to **recommend denial** of Case No. CR2025-0010, to the Board of County Commissioners with changes to Criteria no. 2, that the proposed conditional rezone is not more appropriate than the current zoning designation. The proposed density is higher than the parcel lot sizes, and the allowance of secondary dwelling units would increase the density. Criteria no. 3, that the proposed conditional rezone is not more compatible. The current lot size is more compatible with the agricultural area. Criteria 8, that the proposed conditional rezone will impact essential public services. A cumulative effect of rezones in small amounts will impact over time. Seconded by Commissioner Johnston.

Discussion on the Motion:

Planning Supervisor Lister suggested noting what actions the applicant can take to try to get approval. Commissioner Sheets noted that the applicant could resubmit for two lots with no secondary dwellings.

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

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

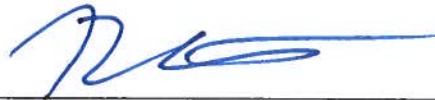
Planning Supervisor Lister stated that there are a couple of applications for the Commission to fill another seat, Jay will be in touch. Planning Supervisor Lister stated that a consultant is being sought for comprehensive plan implementation. He noted that July 2nd could be utilized for a feedback session. The Commission was agreeable to using this date.

4. ADJOURNMENT:

MOTION: Commissioner Sheets moved to adjourn, seconded by Commissioner Werhanowicz. Voice vote, motion carried. Hearing adjourned at 10:33 P.M.

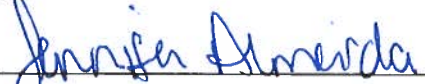
An audio recording is on file in the Development Services Department's office.

Approved this 16th day of July, 2026



Brian Sheets, Acting Chairman

ATTEST



Jennifer Almeida, Office Manager