CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, August 6, 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 Anita Johnston, Commissioner
Staff Members Present:	Jay Gibbons, Director of Development Services Karla Nelson, Principal Planner Emily Bunn, Principal 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. **June 18, 2026 MINUTES**
B. **Case No. CR2024-0006 – Machsie Investments, LLC:** Approve FCOs

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

Item 2A:

Case No. CU2025-0016 – Lakey for Olsen: The applicant, David Olsen, represented by Borton-Lakey Law, is requesting a Conditional Use Permit for an RV Park on approximately 3.35 acres in an "A" (Agricultural) zone. The subject property has an approved conditional use permit for 7 mobile homes on the property. The request allows up to eight (8) RVs in place of two (2) of the approved manufactured home sites. The subject property is located at 24938 Farmway Rd, Caldwell.

On June 18, 2026, this case was continued to a date certain of August 6, 2026.

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

Commissioner Nevill asked if the verbiage could be modified in condition 4a to better reflect the requirements for a public water system. Planner Lewter explained that the condition was added to determine whether or not a public water system would be required depending on the number of RV systems and people that were in the RV park, and confirmed that modifying the verbiage would not be a problem.

Commissioner Mathews asked if it was possible to amend a legal nonconforming conditional use permit. Planner Lewter stated the planned unit development (PUD) is legal nonconforming and is not permitted in an agricultural zone. It can be amended or reduced to make it more compliant, but the use cannot be expanded.

MOTION: Commissioner Sheets moved to reopen public testimony on Case No. CU2025-0016, seconded by Commissioner Nevill. Voice vote, motion carried.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Todd Lakey – (Representative) IN FAVOR – 12905 Venicia Ct, Nampa, ID 83651
Mr. Lakey is agreeable to the modified conditions of approval, including the restrictions on the length of stay as well as the public water system requirements. He is requesting approval with the amended conditions.

David Olsen – (Applicant) IN FAVOR – 10947 Wagon Trail Ln, Middleton, ID 83644
Mr. Olsen thanked the Commission for hearing this case, reiterating there is a definite need for this use.

Chairman Sturgill talked about prior discussions about the need for affordable housing, and asked if this organization will faithfully adhere to the conditions in the CUP if approved, including the 180-day restriction, especially having acknowledged that the current length of stay for residents was knowingly in violation of county ordinances. Mr. Olsen stated that it was never his intention for this use to be short term. He had done his research and based the stay on policies of other RV parks, but now knows that he needs to adhere to a time limit. Mr. Olsen said they will be pursuing changes regarding recreational vehicles and the determination on whether long term or short term stays are allowed.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CU2025-0016, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:
Commissioner Nevill will be voting in favor of this as the applicant has agreed to amend this use to follow the Commission's requests and requirements, including the requirements for a public water system and a limit of 180 day stays. The conditions placed will be fairly similar to what the city is offering.

Commissioner Mathews is concerned about there being 2 standing legal documents addressing the same property. This is conflicting and exposes the county to lawsuits for nonconformity. One document allows 7 mobile homes and the second takes away 2 mobile homes and adds 8 RVs. He is opposed to this application.

Commissioner Sheets understands there are issues with how the RV language is described; however, with the conditions as proposed it can get into compliance. Even though this is a layered conditional use permit on 2 different uses for the same property, he believes they can mesh. Commissioner Sheets appreciated the specificity of the layout of the units and the conditions regarding the public water system and length of stay. He is in favor and would modify criteria 1-4 to reflect criteria being met due to the imposed conditions.

Commissioner Johnston is in agreement with this application, as long as both CUPs can legally run congruently. She stated that the applicant has gone out of his way to bring the use into compliance and hopes he fights hard for rules that are similar to the city requirements. Commissioner Johnston agrees with the need and would vote yes.

Chairman Sturgill believes there has been substantial evidence to suggest the applicant and residents have no intention to follow current county code. They have acknowledged they have already been in violation of the code for more than a year, and Chairman Sturgill does not believe the conditions as presented will bring this property into compliance. This will put a great burden on the code compliance officials to enforce a very difficult to monitor situation.

MOTION: Commissioner Sheets moved to **approve** Case No. CU2025-0016, modifying criteria 1-4 and modifying condition 4 regarding Southwest District Health requirements. Seconded by Commissioner Nevill.

Discussion on the Motion:
Commissioner Sheets believes the previously enumerated concerns are valid. The approval should bring this development into compliance with code, and it is going to have minimal impact for the area as well as code compliance. If the applicant does not comply with the conditions, he will have to work with the county code enforcement. Commissioner Sheets emphasized that the emotional need that has been reflected in this case is not a criteria that is considered, but rather, the decision is based on the conditions that were placed and the changes that the applicant made according to the Commission's previous requests.

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

Item 2B:
Case No. CR2025-0013 – Rodriguez: The applicant, Jose Rodriguez, requests a conditional rezone from an "RR" (Rural Residential) zone to a "CR-C-2" (Conditional Rezone Service Commercial) zone. The requested rezone would allow for an auto body business/vehicle service facility and caretaker's residence on Parcel R27917011, approximately 1.345 acres. The subject property is located at 5903 E Orchard Avenue, Nampa.

Chairman Sturgill affirmed the applicant to testify.

Stephanie Ruiz – (Applicant) IN FAVOR – 1722 S Camas St, Nampa, ID 83686
Ms. Ruiz described her family background and their history in the collision repair industry. Although this explains why this property is important, she understands the request should be decided on whether the land use itself is appropriate. Ms. Ruiz explained that the evidence demonstrates this property is appropriate for a conditional rezone for 4 primary reasons. The first reason is that the use already exists and has demonstrated compatibility without documented adverse impacts to the surrounding properties. The second reason is that the impacts are limited. Repairs and painting are done inside the shops to further mitigate impacts to the neighbors, hours of operation are Monday through Friday, 8:00 a.m. to 6:00 p.m. and closed on all federal holidays, and trees have been added on the fence line. The third reason that this property is suited for a conditional rezone is because of its existing characteristics and the way it has functioned for 6.5 years. There are already existing shops necessary for the business, there is adequate space for customers' vehicles, and there is room for additional fencing and landscaping to further buffer neighboring properties. Ms. Ruiz believes this request represents a balance between protecting the rural residential character of the area while recognizing an existing business that has already operated with limited impacts. This request is intentionally limited in scope and does not seek unrestricted commercial development; therefore, the applicant is willing to accept any conditions that allow the business to operate to minimize impacts to the neighbors. Ms. Ruiz explained that there will be minimal traffic and no plans for expansion, and they are willing to work with the county to help preserve compatibility with the surrounding properties.

Commissioner Nevill asked if all 7 recommended conditions of approval were agreed upon, to which Ms. Ruiz answered yes. Commissioner Nevill asked about the significant amount of vehicles shown in the site pictures. Ms. Ruiz stated that some vehicles are personal and some are part of the operation. Commissioner Nevill asked for clarification on the size of the property for the conditional rezone. Planner Nelson explained that there was a property boundary adjustment that had not been reflected on the maps that were provided. Ms. Ruiz also added that her father, Jose Rodriguez, also owns Parcel R27917, which would extend the area for the conditional rezone. Planner Nelson clarified that the rezoned area would include an extension to the south, reflecting the appropriate 1.345 acres that is portrayed in the application. Commissioner Nevill asked what kind of collection systems there were for the paint booth. Ms. Ruiz answered with cross draft.

Chairman Sturgill asked for clarification on whether this will just be a repair facility or if there will be vehicle sales. Ms. Ruiz emphasized there will not be any vehicle sales. Chairman Sturgill confirmed that restricting the use to prohibit vehicle sales as a condition is acceptable.

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

Commissioner Nevill asked about the logistics on installing a hammerhead turnaround and a fire hydrant. Planner Nelson stated there could be a condition of approval tied to the change of occupancy with the building permit that would address this situation, but is unsure of what the distance to tie into the main line would be or how much it would cost the applicant.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Stephanie Ruiz – (Applicant) REBUTTAL – 1722 S Camas St, Nampa, ID 83686
Ms. Ruiz explained that they will comply with adding an apron per ITD or highway district requirements, as well as a fire hydrant, no matter what the cost is as keeping their family business in operation is what is important.

Commissioner Mathews asked if there is a water main running down Orchard or if they hydrant would be serviced by a well. Ms. Ruiz was not familiar with where the water source would come from.

Commissioner Nevill emphasized the significance of securing the water source for the hydrant as this could cause the family business to be shut down if they are not in compliance. Commissioner Nevill confirmed that the applicant will do whatever it takes to stay in business, and asked if that would include moving to another location. Ms. Ruiz admitted they hadn't looked into that option as they intend to stay in their current location. She reiterated that they would do whatever it takes.

Commissioner Johnston asked if all of the cars that are portrayed on the adjacent properties owned by Mr. Rodriguez are part of the company. Ms. Ruiz answered no and stated most of them are family vehicles.

Commissioner Nevill asked about commercial zoning in the area. Planner Nelson displayed a zoning map that portrayed the area as primarily residential with a small area off of Airport Road that is light industrial.

MOTION: Commissioner Nevill moved to close public testimony on Case No. CR2025-0013, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:
Commissioner Nevill is not in favor of this application. It is spot zoning in a residential area and is not an appropriate business for the location.

Commissioner Mathews stated the concern is consistency with the zoning ordinances, and the approval of one commercial rezone would be justification for adjacent rezones.

MOTION: Commissioner Nevill moved to **recommend denial** for Case No. CR2025-0013 to the Board of County Commissioners, adopting the recommended FCOs that the application does not meet criteria. Seconded by Commissioner Mathews.

Discussion on the Motion:
None.

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

Item 2C:

Case No. CR2024-0010 – Bohner: The applicants, Brian and Nichole Bohner, represented by Ryan Martin, is requesting a conditional rezone of Parcel R29554014 (approximately 6.25 acres) from the "A" (Agricultural) zone to the "CR-R-R" (Conditional Rezone - Rural Residential) zone and a conditional rezone of Parcel R29554015 (approximately 1.65 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 division of Parcel R29554014 into two (2) residential parcels and allowing no division of Parcel R29554015 and restricting secondary residences.

Chairman Sturgill affirmed the applicant to testify.

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

Ms. Smith explained that the request involves Ryan Martin and Brian and Nicole Bohner. The Bohner's purchased the property in 2017, years after an earlier illegal land division occurred. The owners have been working to resolve the property's development issues and establish a reasonable development plan. Ms. Smith stated that the process began with a 2014 neighborhood meeting at which six lots were initially proposed, and neighbors raised concerns about density, irrigation, access, and surrounding development. The applicants subsequently worked with the Nampa Highway District to address access and sight-distance concerns and obtained a variance allowing residential access subject to paved aprons. Ms. Smith addressed specific criterion as it relates to the application and final decision. In regard to criteria 1 concerning consistency with the Comprehensive Plan, the Future Land Use Map designates this property as agricultural; however, the Comprehensive Plan did contemplate rural residential development in agricultural areas, particularly in transitional areas. Ms. Smith emphasized that an intensive agricultural overlay exists immediately east of the property, while more urban-style residential development exists to the west. In regard to criteria 2 concerning lot size and surrounding development patterns, it is supported by comparing the proposed development with nearby properties. Surrounding subdivisions have average or median lot sizes ranging from approximately 0.81 to 1.25 acres, and the adjacent Osprey subdivision has an average lot size of approximately 0.87 acres and represents an established residential pattern in the area. There have been attempts to tie into Osprey's access and water system; however, that subdivision ultimately did not want this proposal to have access off of it. In regard to criteria 3 concerning compatibility with surrounding land uses, it is supported by arguing that the proposed three residential parcels would provide a transition or buffer between residential development and the intensive agricultural area. In regard to criteria 4 concerning whether the proposal would negatively affect the character of the area, Ms. Smith addressed this by arguing that residential development is already established through Osprey and that the smaller proposed development would create a more gradual transition rather than introducing a substantially different land use. In regard to criteria 5 concerning compliance with applicable agency requirements, this is addressed by stating that the applicants will comply with all required standards and that agency concerns had been resolved. In regard to criteria 6 concerning undue interference with surrounding properties or uses, is addressed by a statement that the Nampa Highway District found no undue interference after the access issues were addressed. In regard to criteria 8 concerning impacts on essential services, Ms. Smith stated there are no noted impacts to essential services. Ms. Smith concluded by offering to respond to the two letters received in opposition.

Commissioner Nevill asked if the 5 recommended conditions of approval had been considered. Ms. Smith answered yes and stated that although the applicant did not request no secondary residences, staff recommended adding that stipulation and the applicant would rather have approved land divisions than oppose that. She did emphasize considering BOCC's requirements on secondary residences or requiring a CUP to require an additional public hearing process. Commissioner Nevill asked about exhibit E2 regarding the access, water, and road impact concerns from Bull and Bullet, LLC. Ms. Smith addressed the concerns

regarding sidewalks and improvements to Southside Blvd, irrigation water, agricultural water access, ingress and egress, and groundwater that is mentioned in the letter. Commissioner Nevill asked for clarification on access to the 2 separate lots. The 2 northern parcels would take access from the flag lot that has frontage on Southside, while the southern parcel will have access directly from Southside. Commissioner Nevill asked if Mr. Bohner knew about the illegal land division. Ms. Smith had not been in contact with the applicants, so she is unaware of their knowledge of the split when they bought the property.

Commissioner Sheets asked if the surface water irrigation that is mentioned in the findings depicts the current source or what is proposed for the future. Ms. Smith deferred the answer to John.

Commissioner Johnston asked if the well on the property was approved for irrigation. Ms. Smith stated it is a documented water right for that well for agricultural uses.

Chairman Sturgill asked about the access variance that was granted. It is exhibit D1.2.

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

Commissioner Nevill asked if the Osprey development extends and wraps around the subject parcels. Planner Bunn displayed a map that depicts the different phases of the Osprey development, which does include the parcel in question. It was determined that the surrounding areas, outside of the Osprey development, is still agriculture. Commissioner Nevill asked if there are any building permits associated with the subject parcels. Planner Bunn they currently do not.

Chairman Sturgill asked if a condition could be added to reflect that the applicant needs to meet the requirements for the access variance. Planner Bunn said it was not originally included because it was not recorded properly, but it could be added as a condition.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Ryan Martin – IN FAVOR (Applicant) – 8369 Star Pass Ridge Rd, Nampa, ID 83686
Mr. Martin started this process a number of years ago and is seeking higher density on the northern parcel because it seemed to make sense with the surrounding properties. He reiterated that they agreed to the requested apron and would be fine with the added condition regarding those requirements.

Commissioner Nevill asked if the Bohner's knew about the illegal split when they purchased the property. Mr. Martin stated they did not, and described the background on previous owners and information that failed to be passed along.

Dylan Tannahill – IN FAVOR – 9424 Southside Blvd, Nampa, ID 83686
Mr. Tannahill expressed concerns about the lack of knowledge and noticing of the neighborhood meeting, the ag well changing the taste of their water every time it is ran, the junction box across the street that affects irrigation, the apron not being enough for an approach, and traffic.

Commissioner Nevill confirmed the location of Mr. Tannahill's property, which is directly east of the southern subject property, and asked about the irrigation box and irrigation well. Mr. Tannahill stated they are on the subject property and described the direction the box delivers water.

Keri Smith – (Representative) REBUTTAL – 17741 Linden, Caldwell, ID 83607

Ms. Smith agrees with staff on their testimony. She identified there are 3 weirs that are diversion dams to water properties, and stated they will ensure those are corrected, which is also identified in a proposed condition of approval. Ms. Smith emphasized that if the irrigation well provides trouble to the neighbors, that is something the applicants want to resolve while also ensuring enough water to the subject properties.

Commissioner Sheets repeated his previous question for John. Ms. Smith stated that was supposed to by Jody, who is the farmer and elected not to speak. She stated the surface water irrigation is not pressurized and is currently flood irrigated. Commissioner Sheets asked where the water comes from and how it is divided. Ms. Smith stated that this typically gets resolved at the platting process; however, this problem is not going through platting so staff recommended a condition of approval addressing the concern. Commissioner Sheets quoted criteria 5 regarding adequate facilities and services, including water. Ms. Smith stated there is a well and surface irrigation rights so there is adequate water. Commissioner Sheets stated there would be a water right associated with the property that is registered through IDWR and would clarify the difference between irrigation groundwater and surface water. There was further discussion on the water source and irrigation.

Commissioner Nevill quoted testimony that a center lane would be required since this is on top of a hill. Ms. Smith explained that through detailed conversations with the highway district, a center turn lane is not determined to be required. The highway district and ITD had no safety concerns and stated there are no improvements required. Commissioner Nevill asked if the applicant would be willing to accept a condition about a water user's maintenance agreement. Ms. Smith said sure, but there is no guarantee that all surrounding property owners would agree to and sign it. She emphasized that the irrigation district manages the irrigation and will have a system in place.

Planner Bunn offered to change the condition regarding the irrigation plan to reflect the areas of delivery. She also suggested modifying condition 4 to reflect current and future owners regarding their easement to irrigation water.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2024-0010, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets discussed his concerns regarding the water rights, stating that although the properties were due to a nonconforming land division, he is unsure if the water use was included. He does understand that these concerns will be addressed and resolved at the next hearing, and believes there is enough evidence and circumstantial evidence to suggest a positive finding on criteria 5 to move forward. Commissioner Sheets also expressed an issue with conditional rezones setting a precedent for surrounding properties. Commissioner Sheet suggested modifying condition 3 to include that water right authorizations for ground and surface water from IDWR shall be included in the irrigation plan.

Commissioner Nevill believes to make sure a buffer zone is maintained is to keep the proposed conditions regarding prohibiting secondary residences. He also suggested including condition 6 regarding meeting all highway district requirements for access and condition 7 regarding a right to farm statement.

Commissioner Johnston is conflicted due to no answers of any surface irrigation rights. She is hoping there is a recommendation that this be rectified prior to the next hearing.

Chairman Sturgill is disappointed with the emergency service response times, which is a lot higher than what is recommended.

Planner Bunn asked if changes if condition 4 should reflect current and future property owners, or just property owners as written.

MOTION: Commissioner Sheets moved to **recommend approval** for Case No. CR2024-0010 to the Board of County Commissioners, modifying condition 3 regarding water rights and adding conditions 6 and 7. Seconded by Commissioner Nevill.

Discussion on the Motion:
None.

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

Item 2D:
Case No. CR2025-0008 – Roe: The applicant is requesting to conditionally rezone an approximately 15.3-acre portion of the northeast corner of parcel R36020 (approximately 71.1 acres) to a "CR-RR" (Conditional Rezone-Rural Residential) zone for the purpose of creating a rural residential parcel with one residential building permit. The balance of the property (approximately 55.8 acres) will remain zoned "A" Agricultural. The subject property is located at 22692 Notus Rd, Caldwell, ID 83605.

Commissioner Mathews declared he lives up the hill from this parcel and drive by it almost daily. Chairman Sturgill asked if this would influence his decision, to which Commissioner Mathews answered no.

Chairman Sturgill affirmed the applicant to testify.

Sophie Scott – (Representative) IN FAVOR – 22660 Notus Rd, Caldwell, ID 83607
Ms. Scott is requesting a zoning amendment and land division. The subject property has been in her family for six generations and has been used for agriculture, including growing grass hay and grazing cattle. The proposal would create one 15-acre parcel that would be conditionally rezoned to rural residential, allowing for the construction of a single-family home. The remaining 56 acres would continue to be used for agricultural purposes. Ms. Scott emphasized that the conditional rezone would prohibit further subdivision and would not allow a secondary residence on the new parcel. The home and accessory structures would be limited to a three-acre building envelope, leaving the remaining 12 acres of the new parcel available for agricultural use. The proposed building location is designed to preserve the existing irrigation system and minimize impacts on the surrounding agricultural operations. Ms. Scott explained that existing access from Notus Road would be improved rather than creating a new access point, and the property would use a private well, septic system, and available electrical services. County staff and affected agencies reviewed the proposal and either supported it or provided no concerns, and the applicants have worked through the process for approximately two years. Ms. Scott stated the proposal is intended to remain consistent with the Canyon County Comprehensive Plan by balancing residential use with continued agricultural preservation and is considered compatible with surrounding land uses. Ultimately, the family believes the proposal will allow future generations to live on and care for the family farm while preserving its agricultural character, and MS. Scott respectfully requested a recommendation of approval.

Commissioner Nevill asked if all 5 recommended conditions of approval were acceptable. Ms. Scott said yes. After some discussion on the orientation of which part of the parcel is requested for the building envelope and the associated areas, Commissioner Nevill asked why 15 acres is being proposed to be rezoned instead of just the 3 for the building envelope. Ms. Scott answered that is where the fence lines are and the ditch runs diagonally through the property. Commissioner Nevill confirmed there are no plans to further subdivide. Ms. Scott confirmed and stated that is where they grow their best grass hay. Commissioner Nevill asked about the prior request for a commercial lot. Ms. Scott explained they weren't sure if a commercial split would go through and wanted to prioritize their family home and agricultural production. Commissioner Nevill asked

about access. Ms. Scott was recently made aware that the current access point is on Knife River's property, but the surveyor included a 28 foot ingress easement. Commissioner Nevill confirmed that the final access will serve Ms. Scott's property as well as her grandparents' house.

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

Commissioner Sheets asked about the necessity for a rezone if the intent is to only add one additional home. Planner Bunn explained there was only one land division available to the property that was already used. The other two options would be a building permit transfer or a non-viable land division. Most people don't like transferring building permits and the land is viable, so the only option remaining is a rezone. Commissioner Sheets asked how many residences are on the parcel. Planner Bunn said there is 1 house and a mobile home that also has an address, which takes away the option for a secondary dwelling.

Planner Bunn stated that the applicant would be required to get a road user's maintenance agreement recorded prior to the building permit issuance. She stated it can be added as a condition, but it is required through code either way.

Chairman Sturgill asked for insight on the letter received from Growing Together in exhibit E1 and the concerns portrayed regarding limiting uses that support the applicant's stated intent. Planner Bunn stated they are most likely concerned about uses other than ag happening, but most uses that would be impactful would require another rezone, CUP process, or director's decision.

Commissioner Mathews asked about the area on the northeast portion of the property. Planner Bunn stated that is an area the applicants don't farm and consists of trees and shrubs.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Bradley Scott – IN FAVOR – 22660 Notus Rd, Caldwell, ID 83607

Mr. Scott stated that parcel R36020010 has its own access off of Notus Road, as well as the dwelling that is on the subject parcel. The proposed easement for the additional home would not be shared for access.

Commissioner Nevill asked for clarification on the accesses. Mr. Scott reiterated that there are already the existing accesses, and the access that is extended to where the new house would be built is currently used for access for their farming equipment. Once the manufactured home is removed, the access can be widened.

Planner Bunn summarized the information received from Golden Gate Highway District on extending the access that is currently on Knife River's property and confirmed the potential 3 accesses.

Commissioner Sheets asked if the mobile home will go away or just be moved to a different place on the property. Mr. Scott stated it would be completely demolished.

Commissioner Nevill asked about the northeast portion of the property and asked if the new house could be built there instead of encroaching on the pasture. Mr. Scott stated that area is a 5-6 foot pit and is not ideal for a house to be placed.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2025-0008, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:
Commissioner Sheets has a concern with spot zoning and island zoning. If there was more residential development in the area, this request would be more appropriate. Commissioner Sheets believes that conditional rezones should be straight rezones because that is how they are analyzed.

Planner Bunn stated that the reason the applicant requested this application how they did was because they wanted to own separate property. Commissioner Sheets understands the financing aspect as well, but ultimately is concerned with rezoning when there are no other residential zones within a great distance. Commissioner Sheets believes there are other ways to add an additional home than rezoning the property.

Commissioner Nevill emphasized that there is specific criteria to consider. He agrees with Commissioner Sheets that this is spot zoning and that there isn't any other rural residential in the area. Commissioner Nevill also agrees that there are other ways to add the additional home, including demolishing the mobile home and building on the current building lot.

MOTION: Commissioner Nevill moved to **recommend denial** for Case No. CR2025-0008 to the Board of County Commissioners, finding the application does not meet criteria and modifying criteria 1, 2, and 3. Seconded by Commissioner Sheets.

Discussion on the Motion:
Commissioner Sheets clarified that he is not opposed to the applicant's intent and wants them to continue their family farming operations, but rather he does not want to encourage residential growth in the area.

Planner Bunn asked if criteria 4 regarding the character of the area should be changed as well. Commissioner Nevill did not see a need for that as swapping one residence for another would not change the area.

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

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:
Director of Development Services Jay Gibbons discussed the legislative committee survey. He reminded the Commission that August 20 is the Administrative Land Division public hearing and to be prepared.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 10:08 P.M.

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

Approved this 1st day of October, 2026

Robert Sturgill, Chairman

ATTEST
Caitlin Ross
Caitlin Ross, Hearing Specialist