

Speaker 1 ([00:00](#)):

We are on. Good morning. It's now 10:00 on this 12th day of August 2026. Time for today's Canyon County Board of Commissioners public hearing. This would be regarding case number RZ2021-0061. , It's a pretty old case. There you go. And so I am Chairman Brad Holton. To my left is Commissioner Zach Brooks, Commissioner Leslie Van Beek. The DSD staff report and any additional exhibits received by the established materials deadline have been posted on the county's website on the land use hearing page for anyone to review. Potential conflicts of interest before we begin today's testimony. Are there any declarations pertaining to this application, such as conversations or meetings outside of this hearing received by any commissioner?

Speaker 2 ([00:58](#)):

Thank you, Chairman. No.

Speaker 3 ([00:59](#)):

No, Mr. Chairman.

Speaker 1 ([01:00](#)):

Is there any commissioner who, for reasons of a conflict of interest, request to be excused from participating in this specific decision?

Speaker 2 ([01:07](#)):

Thank you, Chairman. No.

Speaker 3 ([01:09](#)):

No, Mr. Chairman.

Speaker 1 ([01:10](#)):

Okay. , Is it okay with the commissioners if I, , consolidate what I normally read at the beginning?

Speaker 3 ([01:18](#)):

Yes.

Speaker 1 ([01:18](#)):

Since in the gallery, there's only two, , people. All right. So as chairman, I'll maintain an order. And at this time, I'll explain that the rules of procedures for today's hearing consistent with Canyon County Ordinance is chapter one, Article seven and Chapter seven, Article one. The applicant has the burden of proof. The applicant or their representative will go first today with their testimony limited to 10 minutes. The board may have questions for the applicant, which will not count against their time. In this case, it's upside down from normal. Then this will be followed by anyone who wishes to speak, , , otherwise than the applicant. And then we will follow up with a rebuttal. The board may communicate to staff anytime during today's hearing. So with that, , if you do come up to speak, to sit in front of the microphone, , Josh, make sure that the light's on, that, and, and pull the mic up close to your mouth so we can be sure and get the audio recording.

([02:25](#)):

Other than that, let's go ahead and do the oath of affirmation, please.

Speaker 3 ([02:31](#)):

Dan Lister, Josh Johnson, Jesse Fair, could I have everybody raise your right hand? Do you swear or affirm that the testimony you give will be the truth, the whole truth, and nothing but the truth, so help you

Speaker 4 ([02:40](#)):

God? I do. I do.

Speaker 3 ([02:41](#)):

Thank

Speaker 1 ([02:42](#)):

You. All right. So in this case, , the applicant is the county, so I would ask them to go first.

Speaker 4 ([02:49](#)):

Thank you, commissioners. , Before you is the request to terminate DA23-123, part of rezone 20, , RZ20210061. This will revert the, the, the results of this would revert the property you see on the screen back to agricultural zone. , Quick history in tw - , September 14th, 2023, the board approved a conditional rezone to a C2 zone in this location. , Came with conditions restricting this to a mini storage RV storage facility with some flex commerc- commercial use with some strict, , fen- fencing, landscaping, and lighting requirements. However, , it expired on September 14th, 2025. As you see in Exhibit A, there was a lot of emails between the previous owner and staff, kind of what they can do with it. Can they amend it? Can they do o- other options? And at the end, they just never exercised those options. , Also, they've tried to sell the property a few times and just didn't work out because of the conditions being so strict that they, you know, the original owner, , agreed to.

([03:58](#)):

, So the owner at the t- that previous owner agreed to, , to, with a termination, finding that the A zone had more opportunities to sell the property. , So it did go through the pla - to the planning and zoning commission, which they unan- unanimously re - , agreed to the, or recommended approval of the termination of this development agreement. Between the PNZ hearing and the board, we did receive, , a letter from the new owner, , Jesse Furr. So he was the, the original applicant who, , was approved this application, sold it, now re - bought it to, to do this. And so in their letter, they're asking for a time extension to be able to do this as directed by the development agreement. , We are still holding on this. It, it is expired. However, if the board wants to entertain that, , time extension, staff recommends two things.

([04:58](#)):

One would be to remand it back to the PNZ to review that time extension and, and, but also give the applicant time to come up with a letter of intent and also pay for the fees. So this was done by the county to terminate, so it's supposed to be really quick. If the applicant wants to add a letter of intent now and try to make a case for a time extension, then the fees for the, the DA modification should be paid by the applicant and the time it took to, to go to the hearing. So that's the DSD, , request is to recoup the cost for that, , the, that, this process. But other than that, , that's what's before you. Staff

has, , findings of facts and conclusions of law drafted and also an ordinance if you want to carry forward with the termina - , the termination of the DA.

Speaker 1 ([05:50](#)):

Okay. Comments, questions?

Speaker 2 ([05:57](#)):

Not at this time.

Speaker 3 ([05:58](#)):

I don't have any right now, Mr. Chairman.

Speaker 1 ([06:00](#)):

Okay. All right. If there's none, is there anyone who would wish to speak, , about this from the audience? Would you state your name and address before you begin speaking, please?

Speaker 5 ([06:15](#)):

Jesse Pereira, , 1750 West Black Canyon Highway, Emmett, Idaho.

Speaker 1 ([06:19](#)):

Okay. All

Speaker 5 ([06:20](#)):

Right. Don't hold that against me.

Speaker 1 ([06:21](#)):

Have a chair. All right. Have a seat.

Speaker 5 ([06:23](#)):

Okay. Can you hear me?

Speaker 1 ([06:24](#)):

Oh, yeah. Cool.

Speaker 5 ([06:26](#)):

So we are the applicants. We're asking for an extension. We were actually the owners that sold it to Andrew Peterson, the applicant. , At the risk of speaking for him or anything like that, , I've, I've known the guy for four years. , We've been in communication with him for four years. I think the bottom line is he just lost interest. He, , he moved back to California, came back, and yes, he did try to sell the property. It was a pretty elevated price that he. I think he had a couple offers on it, but it never came through. , We got the property back from him. We carried paper on it. Okay. We got the property back from him. It just closed actually. He voluntarily gave it back to us. I think it was July 16th. And we would just like to get an extension and just.

(07:19):

It's a good project. It fits the neighborhood. , You know, we'd just like to get an extension and keep moving forward with it.

Speaker 1 (07:28):

What is, , a time factor that you consider an extension?

Speaker 5 (07:34):

Well, usually they go for two years, right? And it would be two year. I mean, you can. Even if you ex - even if you, , even if you granted it today, it would still take two years to be ready to break ground. I mean, it's just, that's just a nature. We're, we're contractors. , That, that's just the nature of the, of the beast.

Speaker 2 (07:57):

Sure.

Speaker 5 (08:00):

It's kinda good because it's not gonna be approved today. Right. We're gonna have to go back through - Right. All the process. So that's gonna buy us -

Speaker 1 (08:11):

Right.

Speaker 5 (08:11):

A couple of more months as well.

Speaker 1 (08:13):

Sure. Sure. Okay. Other questions? I

Speaker 2 (08:17):

Don't think I have any.

Speaker 1 (08:20):

You made a comment that, , it was, it was a good, , it was a good project. It doesn't disrupt the neighborhood. , So in your concept, you would be thinking that you're gonna do the same thing that the original thing was approved for to begin with.

Speaker 5 (08:42):

Yes. When. I don't think it's gonna change, , the concept. Mm-Hmm. I mean, the building layouts may change a little bit. Sure. Things like that. Yeah.

Speaker 1 (08:51):

Okay. But the concept of the use is, is still - Yeah.

Speaker 5 ([08:55](#)):

It's, it's not gonna be a commercial center.

Speaker 1 ([08:58](#)):

Right, right.

Speaker 5 ([08:58](#)):

Yeah. You know, and it's good because it's, it's, everything is shielded from 44. You don't see anything. Right. -

Speaker 1 ([09:06](#)):

Right. Okay. All right. Any, any questions?

Speaker 2 ([09:12](#)):

I don't have any. No, Mr. Chairman.

Speaker 1 ([09:14](#)):

Dan, do you have any follow-up rebuttal then?

Speaker 4 ([09:16](#)):

So just to go, , just to give a, kind of a added history to it. So this is a, a, , area that we have slated for commercial. So our future land use plan shows us as commercial. This got approved with a lot of limitations and a lot of a- added improvements such as landscaping, fencing. This because neighbors were concerned about this type of use. Also, , , based on the use in, in that area, it was more about also kind of having it blend in, but also hide it. And so there's a lot of restrictions on that. So it's still in, in line with our future land use plan, and it's more restrictive than possibly what somebody else would come in to ask for something that's commercial. So again, staff is not opposed to any time extension or re-look at this. But, , yeah.

([10:08](#)):

And so, again, this is a, a good development agreement. It's just the time ran out. Okay.

([10:19](#)):

And I do want to give you your options. So I, I provided that one option just so we can recoup our costs and also give the applicant time to provide some reasonings and timeframes and things like that to maybe make some, , provide evidence to, as to why this time extension makes sense or whatever. But your option, this has been heard or has been, , adequately noticed. , So you could make a decision today just to amend the development agreement and not go back to that process. So it's up to you. But staff is recommend re- remanding it so the PNZ gets to hear the change in the application.

Speaker 2 ([10:55](#)):

Okay. Yeah.

Speaker 4 ([10:57](#)):

Just wanna make sure you have all your options.

Speaker 2 ([11:02](#)):

Mm-Hmm.

Speaker 1 ([11:03](#)):

One of my personal goals is not to knee jerk real estate development around. To me, this, to remand it back and attempt to refresh the prior approval of the use of this land seems to be more consistent with staying consistent with real estate development in the area and not changing something. , That, that would be my, my, my initial thinking is that I, I wouldn't wanna just let this sunset and, and completely go away. I get that two years can be a heartbeat away in, in development world, especially if there, there was a purchaser of the, of the property that didn't have the vision or the heart and he just slept on it or they slept on it. Whatever the reasons were, they didn't, they didn't get it brought to fruition. , To me it seems more knee jerk for all of the, , people around this parcel to now, now it is, now it's not.

([12:19](#)):

It might be something else. We might change it. To send it back as the same thing to have it refreshed seems to be most consistent for the neighborhood.

Speaker 2 ([12:29](#)):

And Chairman, I would respectfully, , take the opposite position that county ordinance is really clear about the timeframes that are established, which were agreed on, and the applicant that made this presentation to the board that took considerations, , into, took things into consideration in the development agreement to mitigate effects, , was well crafted. I, as you state so many times, I do not wanna open Pandora's box on subjectively deciding who qualifies to be remanded and who should just go back and simply reapply. In that almost three years now, this is not two years. This is three years since this was, , things have changed in Middleton. There's been development of other commercial parcels. And I guess what I need to probably state, I have not had conversation regarding this termination agreement, but when this was approved initially, I, you know, I was friends with the then cer - city clerk.

Speaker 3 ([13:41](#)):

We're bringing in outside information again.

Speaker 1 ([13:45](#)):

Yeah, we gotta be careful about that. So.

Speaker 2 ([13:51](#)):

It, it could be seen as just a declaration of a position by the city of Middleton's leadership at that time. So I, you, you can allow me to say or not say, but I, I consider it relevant. And I also believe in fairness to every applicant on how we do this process and not requiring a new applicant where there is potentially change in a specified site plan. I'm, I'm not interested in that.

Speaker 1 ([14:27](#)):

Okay. Okay. So just to remind the commission, we're not in deliberation at the moment.

Speaker 2 ([14:35](#)):

Correct.

Speaker 1 ([14:36](#)):

We're just -

Speaker 2 ([14:37](#)):

And I was trying to stay out of that realm, but respond to your comments.

Speaker 1 ([14:41](#)):

I see. Okay.

Speaker 2 ([14:43](#)):

So I, if we want to deliberate, then we could close public testimony, but. True.

Speaker 1 ([14:49](#)):

True. Okay. Commissioner Brooks?

Speaker 3 ([14:53](#)):

I'm good to close public testimony, Mr. Chairman.

Speaker 1 ([14:56](#)):

Okay. All right. Go, I'd entertain a motion then.

Speaker 3 ([15:00](#)):

Mr. Chairman, I move that we close public testimony.

Speaker 2 ([15:02](#)):

I second.

Speaker 1 ([15:03](#)):

Okay. Motion's been made and seconded. All those in favor say aye. Aye.

Speaker 2 ([15:06](#)):

Aye.

Speaker 1 ([15:07](#)):

Aye. Motion carries. All right. Thank you. All right. So, , let's deliberate. How, how would, how would you see it, Commissioner Brooks? Mr.

Speaker 3 ([15:23](#)):

Chairman, I'm good with what, . I'm good with what staff has presented.

Speaker 1 ([15:28](#)):

Which is

Speaker 3 ([15:29](#)):

Extension, have them, , pay the application fees and send it back to P&Z to consider the extension of the request. This was a unanimous decision by the same board that's sitting here today. So, , I don't, I, I personally don't even like the two years, so that's my own personal bias against this, , having to come back in the first place, but I get the ordinance is what it is. , And we have a process that we can go back and amend it and give more time. So if somebody wants, the property owner wants to go back through that app- application process to get the time extension, then I'm willing to do that since I was one of the, one of those that voted in favor of the project in the first place.

Speaker 1 ([16:22](#)):

Okay. All right. I, I'm probably citing on, on, , Commissioner Brooks', , position. , What say you, Commissioner Venby?

Speaker 2 ([16:34](#)):

And thank you, Chairman. What we don't see, and, and I would like to put this on the record, the comments from Middleton at that time were that they had a number of these in their own city plan. And so to have the county develop additional, it's no secret that the city of Middleton needs additional commercial components to their portfolio. And they, I did not see comments, current comments from the city of Middleton about what that might look like for that property. It is prime commercial property on Highway 44. And then I object, , strenuously to deciding passively or, , whatever that looks like to ignoring our own code. That's an area I think if we want to establish a fair and unbiased platform, I appreciate that there's some sentiment, but how many of those do we decide we're going to remand? How many do we decide that we really didn't mean that you had two years?

([17:39](#)):

There's just a fundamental business sense in here that could be perceived as unfair by other applicants who look at, well, you allowed that one to go back and you ignore. We are ignoring our own code by allowing this to not terminate and just go back through a new application process. Again, we don't have current comments from the city of Middleton. I think to a certain extent, the public could feel, , just that the process is not working with due process to have another public hearing on a commercial land use. There's a lot of interest from Middleton residents and a lot of moving pieces at the Middleton City leadership level. And I would want to take that into consideration, , before moving forward.

Speaker 3 ([18:38](#)):

Mr. Chairman, this is my problem with, with my - , first objection is it's pretty obvious Commissioner Vambeek has had conversation with those in Middleton, , as somebody that was in favor of this and is now like so adamantly opposed to the applicant even requesting that the, , like further time be given. Like th- this, the, the. I got a, I got a big problem with that. So before I take that any further, , I, I would like to know from staff, have we had anyone else come back and actually apply for an extension on their two years?

Speaker 4 ([19:27](#)):

Through the chair, we don't have an extension process. It's called a DA modification and they have, have their proof of a necessity why they couldn't do it. And so what we typically look at is it, the request isn't,



hasn't changed so much in that area to where we really shouldn't allow this to happen. In this case, it hasn't. It's a commercial area, still, we still require that. But they have to still show a necessity why they need this extra time. So that's why staff gave the o- o- option of remanding it back, then providing an application with those fees so they can prove that up, ha- have the PNC hear that recommend, get your recommendation and come back with that information.

Speaker 3 ([20:03](#)):

So Mr. Chairman, we have a process for requesting these modifications. This isn't, that is the due process. The, there's no, . The way this board evaluates requests and app- applications, I have zero concerns that we are going to get, , accused of just willy-nilly saying yes or no to certain applications when people come in to, to request for a modify. I can't even think of another one. Like I think this is the first one that I've actually seen -

Speaker 1 ([20:43](#)):

Okay.

Speaker 3 ([20:44](#)):

In time. So I.

Speaker 1 ([20:47](#)):

I think that was the, , motivating logic behind my question to the individual before us from the public is he's, he's representing, , he, this is an upside down thing because of what we're doing, but typically he, in other cases, he would be the applicant today because of trying to vacate this. The county is the applicant. But he represented to me that there is no change in concept for the use or the property. And that to me is, is the important point. I don't know that I'm interested in, in, , remanding it back to P&Z if, , he's wanting to put in a, , animal carcass disposal site. I'm really not interested in that. But it, same form and factor is what he represented to me as what he's wanting to go back to P&Z with. So, , I, I'm, I've pondered a couple options, , to try to mitigate, , Commissioner Van Beek's, , concerns.

([22:02](#)):

And I don't know as to the legality of that. , One would be, I'm talking theoretical. I'm not talking this is what we would do. Theoretical, we could make it contingent for Commissioner Van Beek that the applicant has, , 90 days to file, , to redo the process starting back with PNZ, or this is, this would be heard back before us again and we would choose to vacate. So there's a time factor in there. I can't solve your problem, Commissioner Van Beek, about the three years, other than, , to me, if, if they're wanting to go ahead and go on with the concept that we fully vetted three years, almost three years ago, and keep with that concept, then I think that's the least change to the real estate market that's possible. , If I can't solve the city of Middleton, they are either going to, , say their voice and their position or they're not.

([23:15](#)):

And when they don't, their silence is deafening. And so I, I hear your concern about the city of Middleton, but I've been a city too, and when it's important to you, you darn well put your input in. You don't stay mute.

Speaker 2 ([23:31](#)):

And Chairman, can I ask a question?

Speaker 1 ([23:33](#)):

Sure.

Speaker 2 ([23:33](#)):

Based on your comments. Did we solicit new comments from the City of Middleton regarding this project? Through

Speaker 4 ([23:40](#)):

The chair, it is a hearing process, so we did have to go through our normal notice in which in this case, , since December 30th, there, this is not in an impact area anymore. We did give notice, but they don't have a JEPA with us anymore because it's now outside their impact

Speaker 2 ([23:56](#)):

Area. Yeah. Thank you. I appreciate that. And Chairman, I appreciate, , just the external processing on the hypotheticals, but I would still submit that in three years, given the growth in this valley, given the ordinance that Middleton passed, given the number of, , like, if this is a viable application, there shouldn't be a problem with going back through and just following our code and allowing the planning and zoning recommending body to, , just look at a new application. , As Dan indicated, this was done with some strict measures because of the objections that were raised the first time. I still think that's the right process. I appreciate your, , comments, but a- again, I'm, I'm on the fair and unbiased process of this was slated for termination. And I think if this application holds water, it will hold water again through that process. But things have changed with the growth and what's needed on a commercial base in Middleton.

([24:58](#)):

That would be where I was, would land.

Speaker 1 ([25:00](#)):

Okay. All right. All right. So I

Speaker 4 ([25:06](#)):

Would entertain a motion.

Speaker 1 ([25:07](#)):

See what we can pass. And

Speaker 4 ([25:09](#)):

Through the chair real quick before you make your motion, , I do recommend putting a timeframe as how fast an application needs to be submitted, because again, this is, the timeframe has expired. So time is of the essence to some degree.

Speaker 1 ([25:24](#)):

Okay. -

Speaker 3 ([25:25](#)):

Is that where you mentioned 90 days?

Speaker 1 ([25:27](#)):

Yeah.

Speaker 4 ([25:28](#)):

And so if 90 days passes, we can bring it back and look at it again.

Speaker 1 ([25:37](#)):

All right. , I would make a motion that, , we remand this back to PNZ, that the, , person or the applicant starts over with the fees that need to be paid and that that process occurs within the next 90 days. If not, staff is to bring this back, , for reconsideration to vacate.

Speaker 3 ([26:02](#)):

I second.

Speaker 1 ([26:03](#)):

Okay. Any discussion? Being that there's none, motion's been made and seconded. All those in favor say aye. Aye. Aye. All those opposed?

Speaker 2 ([26:12](#)):

Aye.

Speaker 1 ([26:13](#)):

Motion carries. All right. Thank you that. Thank you. There's no other business for this agenda item. , If it is okay with the commission, is it all right for us to adjourn in between? Yes. Let's consider ourselves in, to be adjourned. Thank you.