



PLANNING AND ZONING COMMISSION

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:
[Sand Creek Investments/Springbok Development] –
[Case # RZ2021-0011]

The Canyon County Planning and Zoning Commission
considers the following:

- 1) A Conditional Rezone for parcel R28991 (73.34 acres) from “Agricultural” to “CR-Single Family Residential” and parcels R28990 and R28988, (approximately 41.06 acres) from “Agricultural” to “CR-Rural Residential” at address 9466 S Happy Valley Road, Nampa, ID. Also described as a portion of the SW quarter of Section 18, T2N, R1W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:
 - A. The record includes all testimony, the staff report, exhibits, and documents in Case File RZ2021-0011 and OR2021-0006.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-25 (Purposes of Zones), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-11-25 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. See CCZO §07-06-07(1).
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. See CCZO §07-05-01
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use, including subdivision permits. See I.C. §67-6504, §67-6511.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-

01, 07-06-05. Or Any hearing examiner appointed by the board shall perform such duties as assigned by the board pursuant to Idaho Code section 67-6520. See CCZO §07-03-07.

4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application RZ2021-0011 was presented at a public hearing before the Canyon County Planning and Zoning Commission on September 19, 2024. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is not consistent with the comprehensive plan goals and policies. R28991(72+ acres) is identified as Residential on the future land use map, however, the primary zoning district and land use within the vicinity is agriculture. The additional 41+ acres is designated as Agriculture consistent with the goals and policies of the 2020 Plan. Commissioner Villafana noted that the proposed development is not consistent with the surrounding area and plan as evidenced by surrounding parcel sizes and the wide variance of parcel sizes in the radius of the property not being consistent with the proposed development. Commissioner Dorsey stated that five acre lots do impact agriculture and that this development proposal is not timely. Services need to be available to enable much greater density.

Findings: The conditional rezone is not in general conformance with the following goals and policies contained within the 2020 Canyon County Comprehensive Plan:

- Property Rights Policy No. 8: *"Promote orderly development that benefits the public good and protects the individual with a minimum of conflict."*
- Population Goal No. 1: *"Consider population growth trends when making land use decisions."*
- Population Policy No. 3: *"Encourage future population to locate in areas that are conducive for residential living and do not pose an incompatible land use to other land uses."*
- Economic Goal No. 2: *"To support the agriculture industries by encouraging the maintenance of continued agricultural land uses and related agricultural activities."*
- Economic Policy No. 1: *"Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community."*
- Land Use Goal No. 2: *"To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area."*
- Land Use Policy No. 1: *"Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas."*

- Land Use Agricultural Policy No. 1: *“Encourage the protection of agricultural land for the production of food.”*
- Land Use Agricultural Policy No. 2: *“Consider the use of voluntary mechanisms for the protection of agricultural land.”*
- Land Use Residential Policy No. 2: *“Encourage residential development in areas where agricultural uses are not viable.”*
- Natural Resources: Agricultural Land Goal No. 1: *“To support the agricultural industry and preservation of agricultural land.”*
- Natural Resources: Agricultural Land Policy No. 1: *“Protect agricultural activities from land use conflicts or undue interference created by non-agricultural development.”*
- Natural Resources: Agricultural Land Policy No. 3: *“Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.”*
- Public Services, Facilities, & Utilities Policy No. 2: *“Encourage the establishment of expanded sewer infrastructure and wastewater treatment in areas of city impact.”*
- Agriculture Goal No. 1: *“Acknowledge, support and preserve the essential role of agriculture in Canyon County.”*
- Agriculture Goal No. 2: *“Support and encourage the agricultural use of agricultural lands.”*
- Agriculture Goal No. 3: *“Protect agricultural lands and land uses from incompatible development.”*
- Agriculture Policy No. 1: *“Preserve agricultural lands and zoning classifications.”*
- Agriculture Policy No. 3: *“Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.”*

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0011 and OR2021-0006.

Evidence includes associated findings and evidence supported within this document.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: In consideration of the surrounding land uses, the proposed conditional zoning amendments to “Single Family Residential” and “Rural Residential” are not more appropriate than the current zoning designation of “Agricultural”. Commissioner Villafana noted that the proposed development is not consistent with the surrounding area and Plan as evidenced by surrounding parcel sizes and the wide variance of parcel sizes in the radius of the property not being consistent with the proposed potential density of the development. Commissioner Dorsey stated that the discussed alternative five acre lots do impact agriculture and that this development proposal is not timely. Services need to be available to enable much greater density at the time of development.

Findings: The primary use and zoning designations within the vicinity of the properties is agriculture. A portion of the property lies within the Nampa area of city impact while the southern parcels are not located within the impact area. The average lot size for properties within 600 feet of the subject property is 19.92 acres with a median property size of 6.18 acres.

Within one mile of the site, there are two (2) large dairies (**Exhibit B.2.4**). Within the two mile radius there are five dairies in this area of the county to the south of the subject properties. There are also feedlots within the one-mile radius inclusive of a small feedlot on the immediately adjacent property (R28988010). The proposed development property is also located adjacent to a seed research company, Vision Bioenergy (Parcels R28992 and R28992010, approx. 80 acres).

Canyon Soil Conservation District provided information regarding the soils & farmland on the site and indicated the property contains the following for parcel R28990. *"The property is comprised of 9% Irrigation Class II, 65% Irrigation Class III and 26% Irrigation Class IV. Class II is the best suited productive soils in Canyon County with few limitations. Class III has moderate limitations and appropriate management practices can make any irrigated soil productive. We do not recommend a land use change."* (**Exhibit D.9.**)

The addition of a residential zoning districts where none currently exist and where the primary use of properties in the area is agriculture and intensive agriculture has the potential to create land use conflicts. The 2020 Canyon County Comprehensive Plan encourages the preservation of agricultural designations and zoning as indicated in Finding 1.

The average lot size for the 15 platted subdivisions within one mile of the properties is 1.44 acres. The average lot size for the 13 county subdivisions within one mile is 4.05 acres (see Exhibit B.2.8). The proposed zoning would provide for platted lots that are not consistent with parcel sizes in the immediate vicinity. Further, the development should be required to provide community services including both water and wastewater systems which could provide for the 74+ acre parcel to be developed with 12,000 square foot lots if not conditioned properly to restrict the minimum lot size to a more compatible acreage minimum.

Currently the properties are zoned Agricultural and are surrounded by agriculturally zoned properties that are in agricultural production (See Exhibit C Site Photos). The subject properties were in agricultural production through the year 2018 when the first development application for Happy Valley Place was submitted-then withdrawn. The Soil Conservation District states that the properties are primarily comprised of productive agricultural soils and does not support a land use change (Exhibit D.9.). Development trends for the area do not support residential growth in this area at this time. The subject property is contained within TAZ (Traffic Analysis Zone) "2856 and 2857" As shown on Exhibit B.2.10. of the staff report, the data for the TAZ zone that contains the subject property does not forecast a significant increase in households in this TAZ zone. Household forecasts project an increase of one (1) household by the year 2040. This is an area that is not currently forecasted to receive residential growth. Although this area may be suitable for a rural lifestyle and also for single family living at a low density standard it is not appropriate at this time given the existing conditions and agricultural nature of the area.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0011 and OR2021-0006.

Evidence includes associated findings and evidence supported within this document.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: The proposed conditional rezone amendment from "Agricultural" to "Rural Residential" and "Single Family Residential" is not compatible with surrounding land uses.

Findings: The proposed zoning map amendment is not compatible with the surrounding land uses. The land uses surrounding the site are primarily agriculture in nature with some sporadic residential uses. There are two (2) dairies within one mile of R28988 and R28990. Stewart Dairy is closest to the subject property, and is located approximately 2700 ft. south of the property. The property is also located adjacent to a seed company, S and W Seed Company (Parcels R28992 and

R28992010, approx. 80 acres). Within the notification radius of 600 ft. The median parcel size is 6.14 acres and the average parcel size is 19.92 acres. The addition of a residential designation outside of an area of city impact adjacent to active agriculture has the potential to create land use conflicts. The introduction of "R-1" (Single Family Residential) and "R-R" zoning adjacent to agricultural uses, along with the subsequent subdivision, will introduce an incompatible land use. The 2020 Canyon County Comprehensive Plan encourages the preservation of agricultural designations and zoning. See also §07-06-07(6)A2 for additional review.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0011 and OR2021-0006.

Evidence includes associated findings and evidence supported within this document.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed conditional rezone will negatively affect the agricultural character of the area. Any necessary measures to mitigate impacts are detailed below. Commissioner Villafana noted that the proposed development is not consistent with the surrounding area and Plan as evidenced by surrounding parcel sizes and the wide variance of parcel sizes in the radius of the property not being consistent with the proposed potential density of the development. Commissioner Dorsey stated that the discussed alternative five acre lots do impact agriculture and that this development proposal is not timely. Services need to be available to enable much greater density at the time of development.

Findings: The introduction of residential zoning and uses adjacent to active agriculture has the potential to create land use conflicts. The 2020 Canyon County Comprehensive Plan goals and policies encourage the preservation of agricultural zoning for agricultural activities.

The character of the area is agricultural with intensive agricultural uses in the near vicinity and ag-residential properties that are in agricultural production with the median parcel size being 6.18 acres. There are dairies, feedlots, and agri-businesses in the immediate vicinity as discussed and shown in case maps in Exhibit B.2.4. There are a few properties that have been zoned to residential within the mile radius of the subject property (see Exhibit B.2.3 and B.2.14). Those properties also have a minimum five (5) acre parcel size consistent with the older county developments that are adjacent. The subject property is surrounded by agricultural properties that are in agricultural production. The proposed development is not consistent with current land use in the area.

The following measures will be implemented to mitigate impacts:

The applicant has agreed to enter into a development agreement to place conditions on the development in an effort to potentially mitigate impacts.

Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 9/23/21, 4/6/2022 and 8/20/24. City of Nampa was notified on 9/23/21, 2/13/24. Newspaper notice was published on 8/26/24, Property owners within 600' were notified by mail on 10/8/21 & 12/17/21, 8/20/24, and the property was posted on or before 9/12/24.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0011 and OR2021-0006.

Evidence includes associated findings and evidence supported within this document.

5. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate proposed conditional rezone?

Conclusion: It is unclear if the properties have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein. Additional mitigation through conditions and engineering studies may be required to ensure that adequate facilities and services can be provided.

Findings: Sewer:

The applicant proposes in a subsequent subdivision application (SD2021-0010) to have individual septic systems for all residential parcels on the subject property. The properties lie within the Ada Canyon high nitrate priority area (**Exhibit B.2.9**). This is also an area where there are shallow soils and high bedrock. Southwest District Health has not provided comment for the proposed rezones. The former County Engineer, Devin Krasowski, recommended that the development be on a community wastewater treatment system. Staff recommended that if the hearing body approves the rezones that the development be conditioned to provide community wastewater treatment facility. The City of Nampa does not have municipal wastewater in the area at this time. (**Exhibit D.7.**)

Water:

The applicant requested to connect to City of Nampa municipal water. The City denied the request due to incompatible densities with their comprehensive plan at the time of application (**Exhibit D.7.**). On the current city Plan, the property within the impact area is designated residential mixed use. The applicant has not reapplied for city water services. Staff recommended that if the hearing body approves the rezones that the development be conditioned to provide community water to service the future development.

Drainage:

Stormwater must be retained on site. A grading and drainage plan for the development will be required at the time of application for a preliminary plat (or as revised) and during the construction drawing phase of development should the rezones be approved.

Irrigation:

A pressurized irrigation system is proposed for the development in subsequent application SD2021-0010 and in conformance with state statutes with regards to irrigation requirements. Irrigation water is available to the subject properties and existing irrigation structures must be protected. Development of the properties cannot impede or disrupt upstream or downstream users of the irrigation facilities. (**See Exhibits D.1. Boise Projects and D.2. NMID**)

Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 9/23/21, 4/6/2022 and 8/20/24. City of Nampa was notified on 9/23/21, 2/13/24. Newspaper notice was published on 8/26/24, Property owners within 600' were notified by mail on 10/8/21 & 12/17/21, 8/20/24, and the property was posted on or before 9/12/24.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0011 and OR2021-0006.

Evidence includes associated findings and evidence supported within this document.

6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The proposed conditional rezone may require public street improvements in order to provide adequate access to and from the subject property in order to minimize undue interference with existing and future traffic patterns created by the proposed development. Any necessary measures to mitigate traffic impacts are detailed below.

Findings: The conditional rezone may require public street improvements to provide adequate access to and from the subject property. If approved for development with required community water and wastewater that applicant could apply to increase the density of the 73+ acre parcel. The traffic study was completed in 2021 during the winter months and during a period when covid may have affected traffic counts. The traffic impact study draft notes that a southbound right turn lane at Robinson Rd and Lewis Ln. when 2023 background traffic was considered. Nampa Highway District provide a review of the submitted preliminary plat but did not comment on the traffic impact study. Staff inquired if a new or updated study would be required prior to preliminary plat approval should the rezones be approved. Nampa Highway District, Eddy Thiel, indicated that due to the TIS being two years old, the applicant will be required to update the study.

The following measures will be implemented to mitigate impacts:

The applicant proposes two access points to Happy Valley Road. The development must comply with Nampa Highway District No. 1 requirements at the time of development.

Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 9/23/21, 4/6/2022 and 8/20/24. City of Nampa was notified on 9/23/21, 2/13/24. Newspaper notice was published on 8/26/24, Property owners within 600' were notified by mail on 10/8/21 & 12/17/21, 8/20/24, and the property was posted on or before 9/12/24.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0011 and OR2021-0006.

Evidence includes associated findings and evidence supported within this document.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The subject property currently has road frontage onto Happy Valley Road. Legal access for the conditional rezone will exist at the time of the development.

- Findings:**
- (1) Exhibit D.3. NHD1. Applicant must meet access requirements at time of development.
 - (2) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 9/23/21, 4/6/2022 and 8/20/24. City of Nampa was notified on 9/23/21, 2/13/24. Newspaper notice was published on 8/26/24, Property owners within 600' were notified by mail on 10/8/21 & 12/17/21, 8/20/24, and the property was posted on or before 9/12/24.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0011 and OR2021-0006.
 - (4) Evidence includes associated findings and evidence supported within this document.

8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: The proposed uses may impact essential public services and facilities including, but not limited to schools, police, fire and emergency medical services. The services may be negatively impacted by such use, and/or require additional public funding in order to meet the needs created by the requested use. It is unclear as to what the density of the project may be unless conditions are placed to restrict the density on one or all of the properties. The Commission finds that the rezone would impact public school facilities for a portion of the property based upon Kuna School District representative, Tim Jensen, testimony that the school district would be negatively impacted by additional residential development as the district is at or above capacity in the area schools in Kuna's district. No mitigation measures were provided at the time of application or in the public testimony.

Findings: Schools:

The subject properties lie within the Nampa School District and the Kuna School District. Staff has not received specific comments from the school districts with regards to capacity and impacts of the potential development should the proposed rezones be approved. Public Comment from Lauri Moncrief, **Exhibit E.1**, provided Kuna school capacities and concerns regarding the proposed development, the mixed nature of students attending the different districts, etc. The Kuna School District requested the case maps for the development via email but did not provide written comments.

The Kuna School District Coordinator of Planning and Development, Tim Jensen, provided oral testimony at the September 19, 2024 public hearing indicating that the Kuna School District would be negatively impacted by additional residential development in their district citing that some of the schools impacted by this development currently are over capacity at 101%. Mr. Jensen testified that concerns may be mitigated through mutual agreements between the district and developer or with the passing of school bonds required to meet capacity needs.

Police:

No comments were received from the Canyon County Sherriff.

Fire protection & Emergency Medical Services:

Kuna Fire District provided comments regarding the proposed development plan not meeting separation distance between access points on Happy Valley Road and that the homes would need to have approved automatic sprinkler systems in accordance with Idaho State adopted fire code. Additional code requirements identified in Exhibit D.5. dated 2-20-2024. Staff did not receive comments from the ambulance district, however, Rita Jo Devlin, Exhibit E.3. dated 9-9-2024, provided an email from Michael Stowell, CC Paramedics that specifically identifies response times from each ambulance service citing response times to this area of 13.84 minutes to 17.85 minutes dependent upon availability and coverage.

The following measures could be implemented to mitigate impacts:

- (1) The development shall be conditioned to comply with the requirements of Kuna Rural Fire District as evidenced by an approval letter from the district at the time of development.
- (2) The development shall be conditioned to provide school bus stops in accordance with the requirements of Kuna School District and Nampa School District. The applicant shall be required to provide letters from the school district indicating that the development plans

meet the district's requirements for bus stops and bus turn-arounds if the buses must enter the proposed development and /or a turn out along Happy Valley Road.

Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 9/23/21, 4/6/2022 and 8/20/24. City of Nampa was notified on 9/23/21, 2/13/24. Newspaper notice was published on 8/26/24, Property owners within 600' were notified by mail on 10/8/21 & 12/17/21, 8/20/24, and the property was posted on or before 9/12/24.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0011 and OR2021-0006.

Evidence includes associated findings and evidence supported within this document.

Canyon County Code §09-11-25 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Nampa Area of City Impact. A notice was sent to the City of Nampa per Canyon County Code Section 09-11-25. Conditions applied require future development to work with the City of Nampa.

Findings: The City of Nampa was notified on 9/23/21 and 2/13/24 (see Exhibits D.6. and D.7.).

The City of Nampa Planning and Zoning Division and Engineering Division have provided comments on the proposed applications. The proposed applications do not comply with the future land use plans and expected density requirements of the city.

Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2021-0011 and OR2021-0006.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends denial of Case # RZ2021-0011, a conditional rezone for parcel R28991 (73.34 acres) from "Agricultural" to "CR-Single Family Residential" and for parcels R28990 and R28988, (approximately 41.06 acres) from "Agricultural" to "CR-Rural Residential".

Pursuant to Idaho Code Section 67-6519, the following actions may be taken to potentially obtain approval:

1. Propose development of lot sizes consistent with existing development in the area. The current median lot size is 6.18 acres in the vicinity of the property.
2. The applicant may also consider waiting until the area development trends support the residential development of the properties and/or annexation to the City of Nampa becomes available.

DATED this 3rd day of October, 2024.

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**



Brian Sheets, Acting Chairman

State of Idaho)

SS

County of Canyon County)

On this 3rd day of October, in the year 2024, before me Amber Lewter, a notary public, personally appeared Brian Sheets, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: Amber Lewter

My Commission Expires: 10/20/2029