



PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:
CR2023-0012 – Elordi/Cowan

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of parcels R30262104 and R30262104A, approximately 42 acres, from an “CR-R-R” zone to a “CR-R-R” (Conditional Rezone - Rural Residential) zone. The request includes a request for a new Development Agreement restricting development to two lots.
 - a. The legal description stated the rezone was from an “A” zone, which was corrected on the record.
- 2) The property is adjacent to 18121 Andorra Lane, Caldwell. The subject parcel is also referenced as Andorra Estates Subdivision, Block 1, Lot 5, a portion of the NW¼ of Section 6, T2N, R3W, and a portion of the NE¼ of Section 1, T2N, R4W, 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 CR2023-0012.
 - (1) All exhibits are attached to the staff report dated April 17, 2025.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezones), CCCO §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures)
 - a. Notice of the public hearing was provided per CCCO §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* CCCO §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* CCCO §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. CCCO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §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. CCCO 07-05-03(1)(I).

The application CR2023-0012 was presented at a public hearing before the Canyon County Planning and Zoning Commission on April 17, 2025. 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 – CCCO §07-06-07(6)

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

Conclusion: The proposed conditional rezone change is not generally consistent with the Comprehensive Plan.

Findings: (1) The Future Land Use Plan in the 2030 Canyon County Comprehensive Plan designates the parcel as "agriculture" (Exhibit B.2c). *"The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value"* (Page 25, 2030 Comprehensive Plan).

- (2) Per the applicant's letter of intent, the request, as conditioned, will allow the parcel to be divided (21-acre average lot size) and add residential development within a two-acre building envelope on each lot, while the property outside of the envelope will stay in agricultural production (Exhibit A.2).

The 2030 Canyon County Comprehensive Plan includes agricultural future land use designations such as AC-20 (Commercial Agriculture, 20 acres per unit). "The AC-20 district encourages agricultural development through the maximum cultivation of lands by restricting incompatible uses within such areas. It also aims to protect and promote existing and future agricultural operations as viable, permanent land use and acknowledge the importance of agricultural lands and activities to their livelihood. Production of food, fiber, and associated support activities are the primary land uses in this district." Regulations for the AC-20 designation have not been adopted by ordinance. Therefore, the locations and requirements for AC-20 are unknown.

The 2030 Canyon County Comprehensive Plan does not promote rural residential growth in the area. Unless the comprehensive plan is amended to promote residential growth or establishes an AC-20 land use designation in the area, the property better meets the 2030 Canyon County Comprehensive Plan by remaining in agricultural production as conditioned by the 2016 development agreement between the applicant and county for the development of Andorra Estates Subdivision (DA #16-229, Exhibit B.7).

- (3) The existing development agreement regarding the subject parcel aligns with the following policies of the 2030 Canyon County Comprehensive Plan:

1. Agriculture Policy P12.01.01: Preserve and maintain agriculturally designated lands for agricultural use.
 2. Agriculture Policy P12.01.02: Encourage non-agricultural related development in the cities, areas of city impact, and other clearly defined and planned development areas.
 - a. The request is located outside of a city impact area. The request is not designated to support future residential growth (Exhibit B.2c).
 3. Agriculture Policy P12.01.03: Support farmland through zoning, purchasing, and transferring development rights, clustered development, conservation easements, and other opportunities to guide development to more suitable areas.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0012.

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

Conclusion: When considering the surrounding land uses, the proposed conditional zoning to “R-R” is not more appropriate than the current zoning designation as conditioned by DA #16-229.

- Findings:**
- (1) The parcel is zoned “R-R” (Rural Residential, two-acre average minimum lot size, Exhibit B.2d). The purpose of the “R-R” zone *“is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable”* (CCCO Section 07-10-25(2)).
 - (2) The applicant requests a rezoning to “R-R” subject to a new development agreement that supersedes DA #16-229 for the subject parcel only (Exhibit A.2). The request will allow the property to be divided into two parcels. The development would allow each parcel to have residential development with a two-acre building envelope. The area outside of the building envelopes will remain in agricultural production (no structures).
 - (3) The subject property is Block 1, Lot 5 of Andorra Estates Subdivision in 2017 (Exhibit B.5). The parcel was rezoned to “R-R” to allow the development of Parcel R30262 subject to an agreement that the subject parcel and another identified portion of ground remain in agricultural production (Exhibit B.5). With the agreement, development was clustered near existing parcels created by land division (AD2015-47, Exhibit B.4) while preserving irrigated agricultural grounds. The “R-R” zone was approved subject to the preservation of agricultural land. Without the agreement, the “R-R” zone would not have been approved.
 - (4) The parcel is and has been in agricultural production and received an agricultural tax exemption (Exhibit B.1). Before the rezoning in 2016, the applicant made the subject parcel an agricultural-only parcel (no entitlements) by relocating the building permits to Parcel R30326 (AD2015-47, Exhibit B.4). Per the USGS soil maps surveyed in 1975, the subject property is not considered prime farmland, mostly consisting of least-suited soils due to slopes (Exhibits B.2g, A.2, and D.4). Aerial photos from before 2017 show the east half of the parcel in agricultural production. In 2017, the property was regraded, and pivot irrigation was installed to make the full 40 acres of active agricultural production (Exhibit B.3). Therefore, the applicant has made the 40 acres viable prime farmland as agreed per DA16-229 (Exhibits A.2, B.3, B.4, and B.5).
 - (5) The property is located between large agricultural properties and existing residential subdivisions (Exhibit B.2). To the north and south are large agricultural parcels. To the west is Andorra Estates Subdivision, which includes the subject parcel (Exhibit B.5). To the east are Knighten Hills Subdivision, approved in 1972 (created before County Code in 1979) with 43 lots, and West River Subdivision, approved in 2006 via conditional use permit with 38 lots (Exhibit B.2e). The average lot size within a 1,000 radius is 6.2 acres. Since the development of

Andorra Estates Subdivision, there have been no recent land use decisions in the area promoting residential growth (Exhibit B.2f).

- (6) When considering the 2030 Canyon County Comprehensive Plan, surrounding land uses, and the 2016 agreement (DA16-229, Exhibit B.7), the request is not more appropriate than the current conditional rezone.
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0012.

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

Conclusion: As conditioned, the proposed conditional rezone to "R-R" is compatible with surrounding land uses.

- Findings:**
- (1) Pursuant to Canyon County Ordinance 07-02-03: *"Land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another, and b) they do not exclude or diminish one another's use of public and private services."*
 - (2) The property is located between large agricultural properties and existing residential subdivisions (Exhibit B.2). To the north and south are large agricultural parcels. To the west is Andorra Estates Subdivision, which includes the subject parcel (Exhibit B.5). To the east are Knighten Hills Subdivision, approved in 1972 (created before County Code in 1979) with 43 lots, and West River Subdivision, approved in 2006 via conditional use permit with 38 lots (Exhibit B.2e). The average lot size within a 1,000 radius is 6.2 acres.
 - (3) As conditioned, the request will allow the property to be divided into two parcels. The development would allow each parcel to have residential development with a two-acre building envelope (Exhibit A.2). The area outside of the building envelopes will remain in agricultural production (no structures). The location of the proposed building envelopes allows development to be commensurate with the residential lots in Andorra Estates Subdivision while still maintaining an agricultural buffer from adjacent agricultural ground and existing subdivision, Knighten Hills Subdivision. Therefore, the request is compatible with the surrounding land uses.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0012.
 - (5) Evidence includes associated findings and evidence supported within this document.
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

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

Conclusion: As conditioned, the proposed conditional rezone will not negatively affect the character of the area.

- Findings:**
- (1) The request is not anticipated to significantly impact the existing rural and agricultural character of the area.

The property is located between large agricultural properties and existing residential subdivisions (Exhibit B.2). To the north and south are large agricultural parcels. To the west is Andorra Estates Subdivision, which includes the subject parcel (Exhibit B.5). To the east are Knighten Hills Subdivision, approved in 1972 (created before County Code in 1979) with 43

lots, and West River Subdivision, approved in 2006 via conditional use permit with 38 lots (Exhibit B.2e). The average lot size within a 1,000 radius is 6.2 acres.

The request, as conditioned, will allow the property to be divided into two parcels. The development would allow each parcel to have residential development with a two-acre building envelope. The area outside of the building envelopes will remain in agricultural production (no structures). The location of the proposed building envelopes allows development to be commensurate with the residential lots in Andorra Estates Subdivision while still maintaining an agricultural buffer from adjacent agricultural ground and existing subdivision, Knighten Hills Subdivision.

- (2) Evidence includes associated findings and evidence supported within this document.
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

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

Conclusion: The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone.

- Findings:**
- (1) **Sewer:** Similar to other lots in Andorra Estates Subdivision (Exhibit B.5, Plat Note #4), the proposed development will be served by individual septic systems.
 - a. Southwest District Health commented that the request does not require a nutrient pathogen study and does not have concerns regarding the request, subject to meeting all Southwest District Health requirements (Exhibit D.5).
 - (2) **Water:** Similar to other lots in Andorra Estates Subdivision (Exhibit B.5, Plat Note #5), the proposed development will be served by individual domestic wells.
 - a. Idaho Dept. of Water Resources was notified on January 22, 2025, and March 14, 2025. No comment was received.
 - (3) **Drainage:** Similar to other lots in Andorra Estates Subdivision (Exhibit B.5, Plat Note #7 & 17), the proposed development will retain stormwater on-site and cannot allow any discharge onto the highway district right-of-way.
 - (4) **Irrigation:** The subject parcels and Andorra Estates Subdivision are served by Wilder Irrigation District via a pressurized irrigation system (Exhibit B.5, Plat Note #8).
 - (5) **Utility:** Per Plat Note #2 of Andorra Estates Subdivision (Exhibit B.5), the parcel and other lots in the subdivision have a 5' utility easement along the sides, a 10' utility easement along the front and rear, and a 12' utility easement along the subdivision boundary.
 - (6) Subsequent subdivision platting is required upon rezoning approval. Adequate facilities must be demonstrated as part of the preliminary platting application process, which requires review by all affected agencies such as Southwest District Health, Idaho Dept. of Water Resources, Idaho Dept. of Environmental Quality, Wilder Irrigation District, and Boise Project Board of Control.
 - (7) Evidence includes associated findings and evidence supported within this document.
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments

received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

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 will not 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/or future traffic patterns created by the proposed development.

- Findings:**
- (1) The subject parcels are Lot 5, Block 1 of Andorra Estates Subdivision (Exhibit B.5). The parcel is accessible from Riverside Road via a 60-foot wide private road lot, Andorra Lane. The paved private road ceases at the subject parcel's west boundary. The lot is noted on the plat as having no building permits/farmable land; and therefore, it does not contribute to the trip generation within the existing subdivision.
 - (2) Per CCCO Section 07-10-03(3)A3: "*Trip generation per dwelling is 9.52 trips/day per ITE, "Trip Generation 9th Edition" rates for single-family detached housing. Total ADT for a private road is the total daily trips for the total dwellings entitled on properties using any segment of a private road.*"

Andorra Estates Subdivision currently generates 57.12 average daily trips (114.24 average daily trips if secondary dwellings are included). The request will add approximately 19.04 average daily trips (38.08 average daily trips if secondary dwellings are included).

- (3) Comments received from Nampa Highway District #1 and the Idaho Transportation Department do not find the request to create a traffic impact (Exhibits D.2 & D.3). Subsequent subdivision platting is required upon rezone approval, where traffic generated by the resubdivision of Andorra Estates will be reviewed by the local highway district.
- (4) Evidence includes associated findings and evidence supported within this document.
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

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

Conclusion: The subject property does have legal access, and access to the subject parcel can be improved at the time of the development.

- Findings:**
- (1) The subject parcels are Lot 5, Block 1 of Andorra Estates Subdivision (Exhibit B.5). The parcel is accessible from Riverside Road (public road) via a 60-foot-wide private road lot, Andorra Lane. The paved private road ceases at the subject parcel's west boundary (Exhibit B.2a).
 - (2) If the rezone is approved, subdivision platting will be required where access to two parcels must meet County access requirements (CCCO §07-10-03, 07-17-09, and 07-17-31).
 - (3) Nampa Highway District #1 requires future development within Andorra Estates Subdivision to use the existing private road access. No new access to Riverside Road is allowed (Exhibit D.3).
 - (4) Evidence includes associated findings and evidence supported within this document.
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments

received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

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 use is not anticipated to impact essential public services and facilities, including, but not limited to, schools, police, fire, and emergency medical services.

- Findings:**
- (1) **Schools:** Vallivue School District (Exhibit B.1). The District was notified on January 22, 2025, and March 14, 2025. No comment was received.
 - (2) **Police:** Canyon County Sheriff Department. The department was notified on January 22, 2025, and March 14, 2025. No comment was received.
 - (3) **Fire District:** Marsing Fire (Exhibit B.1). The Marsing Fire Station appears to be over 3 miles west of the subject parcel. The applicant met with the Marsing Fire District prior to the application submittal (Exhibit A.6). Marsing Fire was notified on January 22, 2025, and March 14, 2025. No comment was received.
 - (4) **Emergency Medical Services:** Canyon County Ambulance/EMT. The agency was notified on January 22, 2025, and March 14, 2025. No comment was received.
 - (5) **Irrigation District:** Boise Project Board of Control/Wilder Irrigation (Exhibit B.1). The applicant met with Wilder Irrigation District prior to the application submittal (Exhibit A.6). Boise Project Board of Control and Wilder Irrigation were notified on January 22, 2025, and March 14, 2025. No comment was received.
 - (6) The request to allow the creation of two parcels within an existing subdivision served by the essential services (Andorra Estates Subdivision, Exhibit B.5) is not anticipated to create significant impacts. Subsequent subdivision platting is required upon rezoning approval. Affected essential services will be provided adequate time for review and to provide comments.
 - (7) Evidence includes associated findings and evidence supported within this document.
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509. See Exhibit E for all comments received from the public. Generally, of the comments received, two (2) were in favor, and eight (8) were opposed. See Exhibit D for all agency comments.

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case #CR2023-0012.

DATED this 15th day of May, 2025.

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



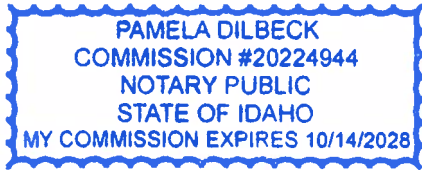
Brian Sheets, Acting Chairman

State of Idaho)

SS

County of Canyon County)

On this 15th day of May, in the year 2025, before me Pamela Dilbeck, 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: Pamela Dilbeck

My Commission Expires: 10 /14 /2028