



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:

Bowery – CR2023-0005

The Canyon County Board of County Commissioners considers the following:

- 1) Conditional Rezone of Parcel R24645, approximately 1.05 acres, from an “R-R” (Rural Residential) zone to a C-1 (Neighborhood Commercial) zone.
- 2) Development agreement to limit commercial use to a contractor shop, staging area, and caretaker unit.
- 3) Location: 6019 Stamm Lane, Nampa (Parcel R24645), also referenced as a portion of the SE¼ of Section 18, T3N, R1W, 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 CR2023-0005.
 1. See Board of County Commissioners Staff Report Addendum dated June 11, 2025, for all exhibits.

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)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and CCCO §09-11-25(Area of City Impact Agreement).
 - 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 Board 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. *See I.C. §67-6504, §67-6511.*
3. The Board has the authority to hear this case and make its own independent determination. *See I.C. §67-6519, §67-6504, 67-6509 & 67-6511.*
4. The Board can sustain, modify or reject the Commission’s recommendations. *See CCCO §07-05-03.*
5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
6. 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, CR2023-0005, was presented at a public hearing before the Canyon County Board of County Commissioners on June 11, 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 Board of County Commissioners 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 2030 Canyon County Comprehensive Plan designates the parcel and area as “residential” (Exhibit 3.B.2c). The residential designation is described as follows: “The residential designation is for residential development. Residential development should promote compatibility with the existing agricultural activity” (page 25, 2030 Comp. Plan).
 - (2) The parcel and surrounding area are located in the Nampa Area of City Impact. Nampa designates the future land use of the parcel and area as “Low-Density Residential” (Exhibit 3.B.2d). However, at the time the applicant applied, Nampa’s 2040 Comprehensive Plan designated the area as commercial (Exhibit 3.A.2).
 - (3) On March 6, 2025, the Planning and Zoning Commission recommended denial of the request due to the request not being generally consistent with the 2030 Canyon County Comprehensive Plan (Exhibits 1 and 2). The Board of County Commissioners concurs and finds that the requested commercial zone and uses do not align with the following goals and policies of the 2030 Comprehensive Plan:
 - a. Population G2.02.00: “Promote housing, business, and service types needed to meet the demand of the future and existing population.”
 - i. The Traffic Analysis Zone (TAZ) forecasts the area for residential household growth in the area between 2024 and 2050 (Exhibit 3.B.2h). The TAZ is used by COMPASS (Community Planning Association) as a tool to plan funding for future transportation needs.
 - b. Economic Development G3.05.00: “Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.”
 - i. The County and City of Nampa both identify the area for residential growth, not commercial growth (Exhibits 3.B.2c & d).
 - c. Land Use & Community Design P4.03.01: Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.
 - i. The County and City of Nampa both identify the area for residential growth, not commercial growth (Exhibits 3.B.2c & d).
 - d. Land Use & Community Design P4.03.02: Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.
 - i. The County and City of Nampa both identify the area for residential growth, not commercial growth (Exhibits 3.B.2c & d).
 - e. Land Use & Community Design P4.04.02: Align planning efforts in areas of city impact.
 - i. The parcel and surrounding area are located in the Nampa Area of City Impact. Nampa designates the future land use of the parcel and area as “Low-Density Residential” (Exhibit 3.B.2d). The City of Nampa opposes the request (Exhibit 3.D.1).

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0005.
- (5) Evidence includes subsequent findings and evidence found in criteria 2 and 3.

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 rezone to a “CR-C-1” (Conditional Rezone – Neighborhood Commercial) is not more appropriate than the current zoning designation of “R-R” (Rural Residential).

Findings: (1) Existing/Current Conditions

- A. The parcel and surrounding area are zoned “R-R” (Rural Residential, two-acre average minimum lot size, Exhibit 3.B.2e). According to CCCO §07-10-25(2), “the purpose of the R-R (Rural Residential) Zone is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.” The zoning is commensurate with the 2030 Canyon County Comprehensive Plan, which designates the parcel and area as “residential” (Exhibit 3.B.2c).
- B. The parcel and area are in the Nampa Area of City Impact. The city designates the future land use of the area as “low-density residential” (Exhibits 3.B.2d & 3.D.1). City jurisdiction is located approximately 2,000 feet west of the subject parcel (Exhibit 3.B.2d).
- C. The area consists of parcels with an average lot size of 1.78 acres and a median of 1.05 acres. There are 46 residential subdivisions within a one-mile radius consisting of 844 lots and an average lot size of 1.38 acres (Exhibit 3.B.2g). 13 of the 46 subdivisions are located in the City of Nampa.
- D. The following land use decisions were found in the vicinity between 2016 and 2024, demonstrating the support of residential growth in the area:
 - (1) PH2016-10 – Parcel R30461: Rezone from “R-R” to “R-1” (Single Family Residential, one-acre average minimum lot sizes, 12,000 square foot lot sizes if connected to city water/sewer).
 - (2) RZ2022-0008 – Parcel R30591: Rezone from “A” to a “CR-R-1”.
 - (3) RZ2018-0027 – Parcel R247916010: Rezone from “R-R” to “R-1”.
 - (4) PH2018-64 – Parcel R27925: Rezone from “R-R” to “R-1”.

(2) Request

- A. The applicants request a “C-1” (Neighborhood Commercial) zone. Pursuant to CCCO §07-10-25(5), “the purpose of the C-1 (Neighborhood Commercial) Zone is to provide for local commercial service needs and to restrict incompatible uses.”
- B. There are no commercial zones or similar land use decisions within the vicinity of the subject parcel (Exhibit 3.B.2f). The applicant states the area has similar businesses within the vicinity (Exhibit 3.A.2). Businesses found within the immediate area (Nick’s Custom Designs, Gem Swim, Holistic Alchemist Wellness and Bodywork, and Zeguro Tax and Accounting, Exhibit 3.B.6) are allowed in the “R-R” zone subject to meeting home business or home occupation requirements per CCCO Section 07-02-03, 07-10-27, and 07-14-11 & 13 (Exhibit 3.B.5). Based on the site visit (Exhibit 3.C), staff did not find any contractor shops/staging area uses in the immediate area.
- C. The nearest commercial use and designation is the Nampa Gateway Center within Nampa city jurisdiction, approximately 2,500 feet west of the subject parcel. The City of Nampa opposes the request and requested uses due to the city’s future land use designation

supporting low-density residential zones, and that the uses proposed are not supported in a low-density residential zone (Exhibit 3.D.1).

D. On March 6, 2025, the Planning and Zoning Commission recommended denial of the request due to the requested zoned not being more appropriate than the current zoning designation of “R-R” (Exhibits 1 and 2). The Board of County Commissioners concurs.

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0005.

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

Conclusion: The proposed conditional rezone to “CR-C-1” (Conditional Rezone – Neighborhood Commercial) is not compatible with surrounding land uses.

Findings: (1) Pursuant to CCCO § 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.”

- A. The parcel and surrounding area are zoned “R-R” (Rural Residential, two-acre average minimum lot size, Exhibit 3.B.2e). The parcel and area are in the Nampa Area of City Impact. The city designates the future land use of the area as “low-density residential” (Exhibits 3.D.1 and 3.B.2d).
- B. The area consists of parcels with an average lot size of 1.78 acres and a median of 1.05 acres. There are 46 residential subdivisions within a one-mile radius consisting of 844 lots and an average lot size of 1.38 acres (Exhibit 3.B.2g). 13 of the 46 subdivisions are located in the City of Nampa.
- C. The following land use decisions were found in the vicinity between 2016 and 2024, demonstrating the support of residential growth in the area:
 - PH2016-10 – Parcel R30461: Rezone from “R-R” to “R-1” (Single Family Residential, one-acre average minimum lot sizes, 12,000 square foot lot sizes if connected to city water/sewer).
 - RZ2022-0008 – Parcel R30591: Rezone from “A” to a “CR-R-1”.
 - RZ2018-0027 – Parcel R247916010: Rezone from “R-R” to “R-1”.
 - PH2018-64 – Parcel R27925: Rezone from “R-R” to “R-1”.
- D. There are no commercial zones or similar land use decisions within the vicinity of the subject parcel except Nampa Gateway Center approximately 2,500 feet west of the parcel in Nampa city limits and some home business and home occupation uses that are allowed in an “R-R” Zone (Exhibits 3.B.2f & 3.B.6).
- E. On March 6, 2025, the Planning and Zoning Commission recommended denial of the request due to the requested zoned not being compatible with surrounding land uses (Exhibits 1 and 2). The Board of County Commissioners concurs.

(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0005.

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 character of the area. However, the applicants propose conditions such as hours of operation and site-obscuring fencing to minimize the impacts on the surrounding residential uses.

Findings:

- (1) The area consists predominantly of residential uses. Staging areas, contractor shops, and caretaker residences are prohibited in all residential zoning districts (Exhibit 3.B.5). In the “A” (Agricultural) zone, the next closest designation (Exhibit 3.B.2e), the requested uses require a conditional use permit due to the uses possessing “characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriments to persons or property in the vicinity” (CCCO §07-07-01: Conditional Use Permit – Purpose).
- (2) There are no commercial zones or similar approved uses within the vicinity of the subject parcel (Exhibit 3.B.2).
- (3) The applicants propose conditions such as hours of operation and site-obscuring fencing to minimize the impacts on the surrounding residential uses. The letter of intent (Exhibit 3.A.2) states the property is used for their business, CBI Insulation, which includes the parking of six box trucks and employee parking for nine employees (Exhibit 3.A.4). The parking area is enclosed by vinyl fencing. Business hours are approximately 7 am to 5 pm (box truck parking 5 pm to 7 am). The existing detached garage has a restroom that may be for employees.
- (4) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were notified on May 7, 2025. A newspaper notice was published on May 12, 2025. Property owners within 1,000’ were notified by mail on May 7, 2025. The property was posted on May 7, 2025.
 - a. No public comments.
 - b. A comment was received from the City of Nampa’s Planning and Zoning Division on October 9, 2024 (Exhibit 3.D.1). The city opposes the request due to the proposed commercial zone and requested uses not being compatible with the Low-Density Residential designation.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0005.

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: The existing dwelling is served by a septic system. The staging area/contractor shop uses requested as part of the conditional rezone application do not require a new septic system (Exhibit 3.A.4). The existing garage restroom may be used for employees (Exhibit 3.A.2). Southwest District Health requests the applicant meet regarding the request (Exhibit 3.D.4). No information was submitted demonstrating a meeting was completed.
- (2) Water: The existing dwelling is served by a domestic well. The staging area/contractor shop uses requested as part of the conditional rezone application do not require a new well. The existing well can be used for fire suppression (Exhibit 3.A.4).
- (3) Drainage: It appears that drainage is maintained on-site (Exhibit 3.B.2a and 3.C). Nampa-Meridian Irrigation District requests that all drainage be maintained on-site (Exhibit 3.D.2).
- (4) Irrigation: The applicant does not say if they have irrigation water rights or if the property is irrigated by a well. The letter from the Nampa-Meridian Irrigation District does not indicate if the property has water rights from the district (Exhibit 3.D.2). The property only has approximately 0.26 acres of grass/tree areas. The rest of the property is gravel (Exhibit 3.B.2a). Therefore, the property could be irrigated by a domestic well per Idaho Code Section 42-111.
- (5) Utility: The property appears to have utilities established for the existing dwelling (Exhibit 3.C).

(6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0005.

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 request is not anticipated to create undue interference with existing or future traffic patterns.

Findings: (1) The subject property has access to Stamm Lane, a rural local roadway. Nampa Highway District #1 does not state any concerns regarding the request and future traffic subject to meeting access requirements (Exhibit 3.D.6).
(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0005.

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 to the existing residential development.

Findings: (1) The subject property has access to Stamm Lane, a rural local roadway. Nampa Highway District #1 requires commercial accesses to have a paved apron installed per ACCHD Standard Drawing #ACCHD-106. The applicants will need to upgrade the existing residential access to a paved apron to meet Highway District Commercial Access standards (Exhibit 3.D.6).
(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0005.

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

Findings: (1) Schools: The property is served by the Nampa School District (Exhibit 3.B.1). The request with limited uses is not anticipated to impact the school district. No comment was received from the district.
(2) Police: The property is served by the Canyon County Sheriff's Office. No comment or concerns were received from the Sheriff's Office.
(3) Fire Protection & Emergency Medical Services: The property is served by Nampa Fire District and Canyon County Paramedics/EMT. No comments or concerns were received from Canyon County Paramedics/EMT. Nampa Fire District is not opposed to the request (Exhibit 3.D.5). The request does not negatively impact response time. The property is 1.6 miles from Nampa Fire Station 5 with a response time of approximately four minutes.
(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0005.

**Canyon County Code of Ordinances §09-11-25
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 of Ordinances (CCCO) §09-11-25 (09-11-17(3)).

Findings: (1) The City of Nampa was noticed on October 9, 2024, January 29, 2025, and May 7, 2025. A comment was received from the City of Nampa's Planning and Zoning Division on October 9, 2024 (Exhibit 3.D.1).

- (2) The City of Nampa's comprehensive plan designates the parcel and surrounding area as "Low-Density Residential" on the future land use map (Exhibit 3.D.1). When considering the City of Nampa's future land use map, the request is not compatible. A comment was received from the City of Nampa's Planning and Zoning Division on October 9, 2024 (Exhibit 3.D.1). The city opposes the request due to the proposed commercial zone and requested uses not being compatible with the Low-Density Residential designation.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0005.




Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Board of County Commissioners **deny** Case # CR2023-0005, a conditional rezone of Parcel R24645 from an "R-R" (Rural Residential) zone to a C-1 (Neighborhood Commercial) zone.

DATED this 17th day of June, 2025.

CANYON COUNTY BOARD OF COMMISSIONERS

☒ Motion Carried Unanimously
☐ Motion Carried/Split Vote Below
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogaboam, Clerk

By: J Ross
Deputy

Date: 06.17.25