



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

In the matter of the application of:

[CR2022-0030] – [Paul and Michelle Nay]

The Canyon County Planning and Zoning Commission considers the following:

CR2022-0030: The applicants, Paul and Michelle Nay, are requesting A **Conditional Rezone** subject to a **Development Agreement** for parcel R30127 (42.40 acres). The conditional rezone from "A" (Agricultural) includes 24.76 acres to "CR-RR" (CR-Rural Residential) for the purpose of creating three (3) residential lots and 17.62 acres to "CR-C1" (Neighborhood Commercial) zone for the purpose of creating a 370 unit storage facility for RVs/Boats/Automobiles. The application was filed under the 2020 Comprehensive Plan.

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 CR2022-0030.

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 §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-09-17 (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.
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).

July 17, 2025: CR2022-0030 was presented at a public hearing before the Canyon County Planning and Zoning Commission. 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:

§07-06-07(6)A Standards of Evaluation:

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

CONCLUSION: The proposed conditional rezone from "A" (Agricultural) to "CR-RR" (CR-Rural Residential) is **generally consistent** with the 2020 Canyon County Comprehensive Plan (2020 Plan hereafter).

The proposed conditional rezone from "A" (Agricultural) to "CR-C1" (CR-Neighborhood Commercial) is **NOT consistent** with the 2020 Canyon County Comprehensive Plan (2020 Plan hereafter) and would require an amendment to designate the property Commercial on the Comprehensive Plan for the proposed rezone and use.

FINDINGS:

- 1) The Future Land Use (FLU) plan in the 2020 Comprehensive Plan designates the parcel as "Residential" (Exhibit B2c). There are rural residential subdivisions and large lot agriculturally zoned residential subdivisions entitled by conditional use permit (CUP) adjacent to the property boundaries to the north, east, and west. The request to rezone to rural residential for the purpose of creating three parcels greater than six acres in size is consistent with the residential development in the area and the 2020 Plan designation of residential.
- 2) The request generally complies with the following goals and policies of the 2020 Plan:
 - a) Property Rights – Policy 1: *No person shall be deprived of private property without due process of law.*
 - o The request was processed per 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 §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).

- b) Property Rights – Policy 8: Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - See Section 6 of this report for recommended conditions of the development agreement.
- c) Property Rights – Policy 11: Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.
 - The Future Land Use plan in the 2020 Canyon County Plan designates the parcels as “Residential” (Exhibit B2b).
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - See Section 6 of this report for recommended conditions of the development agreement.
- d) Population – Policy 3: Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
- e) School Facilities & Transportation – Policy 2: Provide information regarding land development proposals with all affected school districts. School districts should be given the opportunity to participate in pre-application processes and planning.
 - See criteria 07-06-07(6)A8 for evidence and details.
- f) Land Use – Goal 1: To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure, and services.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
- g) Land Use – Goal 5: Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details. See Section 6 of this report for recommended conditions of the development agreement.
 - See Section 6 of this report for recommended conditions of the development agreement.
- h) Land Use – Goal 6: Designate areas where rural-type residential development will likely occur and recognize areas where agricultural development will likely occur.
 - The Future Land Use plan in the 2020 Canyon County Comp. Plan designates the parcels as “Residential” (Exhibit B2b).
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - See Section 6 of this report for recommended conditions of the development agreement.
- i) Land Use – Policy 1: Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact on surrounding areas.
 - The future land use plan in the 2020 Canyon County Comp. Plan designates the parcels as “Residential” (Exhibit B2b).
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - See Section 6 of this report for recommended conditions of the development agreement.
- j) Land Use – Policy 2: Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.
 - See Section 6 of this report for recommended conditions of the development agreement.
- k) Land Use – Policy 6: Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.

- See criteria 07-06-07(6)A5 for evidence and details.
 - l) Natural Resources - Water – Goal 1: Water is an essential and limited natural resource. Groundwater and surface water should be preserved and protected.
 - See criteria 07-06-07(6)A5 for evidence and details.
 - m) Hazardous Areas – Goal 1: To ensure the safety of residents and the protection of property.
 - The subject property contains areas of slope greater than 15% and will be required to meet ordinance requirements for Hillside Development. (Exhibit B2g & B2g1)
 - See Section 6 of this report for recommended conditions of the development agreement.
 - n) Public Services, Facilities, and Utilities – Policy 3: Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.
 - The property lies within the Upper Deer Flat Fire District (Exhibit B1).
 - See criteria 07-06-07(6)A8 for evidence and details.
 - o) Housing – Policy 1: Encourage a variety of housing choices that meet the needs of families, various age groups, and incomes.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - p) Community Design – Policy 2: Encourage development of self-sustaining communities that maintain the rural lifestyle and good quality of life of the county.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - q) Community Design – Policy 5: Encourage each development to address concerns regarding roads, lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.
 - See criteria 07-06-07(6)A3, A5, A6, and A7 for evidence and details.
 - r) Agriculture – Policy 3: Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - s) Agriculture – Policy 4: Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
 - See criteria 07-06-07(6)A5 for evidence and details.
- 3) The proposed conditional rezone from **“A” (Agricultural)** to **“CR-C1” (CR-Neighborhood Commercial)** for the purpose of establishing an RV, boat & automobile storage facility **is not** consistent with the Plan designation of ‘Residential’ and does not maintain the overall use as residential or agricultural. The request is not consistent with the following goals and policies of the comprehensive plan:
- a) Economic Development-Policy 6: Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.
 - b) Economic Development-Policy 7: Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

- There is no commercial zoning in the area and the property is not located on a major arterial. There is no nexus of population or development supporting the need for an RV storage facility in the area.
- c) Economic Development-Policy 12: Establish appropriate industrial and commercial zones to further increase business and economic development in various areas of Canyon County.
 - There are no commercial or industrial zoning designations in this area of the county. The area is primarily intensive agriculture and rural residential. The nearest groupings of commercial and industrial are located approximately 5.6 miles to the east along the Hwy 45 corridor (see Exhibit B6).
- d) Land Use-Commercial and Industrial-Policy 3: Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure and with approval from the appropriate regulatory agencies concerning water and sewer.
 - The nearest groupings of commercial and industrial are located approximately 5.6 miles to the east along the Hwy 45 corridor (see Exhibit B6). This area of the county is not currently contemplated for commercial development. The 2020 Plan designates the property as 'Residential' and the 2030 Plan designates the area as 'Agricultural'.
- e) Natural Resources-Agricultural Land-Policy 3: Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.
 - Applicant is proposing approximately 370 RV, Boat, and automobile storage spaces (approximate as the design is not set) and proposes in the letter of intent that this facility will serve the development that is occurring in the City of Nampa bringing additional vehicle trips into an active agricultural area. (Exhibits A4, A3)

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

CONCLUSION: RESIDENTIAL: In consideration of the surrounding land uses, the proposed conditional rezone of 24.76 acres to **"CR-RR" (CR-Rural Residential) is as appropriate as the current zoning designation of "A" (Agricultural).** The immediate vicinity is comprised of large lot platted rural residential and agriculturally zoned subdivisions (Exhibit B2e and B2d). The subject property is identified as 'Residential' in the 2020 Plan. The applicant is proposing three residential parcels with a minimum six (6) acre average lot size for the property. The property is not and has not been in agricultural production or utilized for grazing for many years however, there is some evidence that portions of the property were cultivated at various times in a Google Earth aerial review (Exhibit B3).

COMMERCIAL: In consideration of the surrounding land uses, the proposed conditional rezone of 17.64 acres from "A" (Agricultural) to **"CR-C1" (CR Neighborhood Commercial) is not more appropriate** than the current zoning designation of Agricultural. The request to conditionally rezone 17.64 acres of the 42.40 acre subject property to **"CR-C1" (CR-Neighborhood Commercial)** for the purpose of developing a commercial RV, boat, and automobile storage facility which **is not consistent with the Plan** nor the agricultural and residential uses in the area. Therefore, the request for commercial development is not more appropriate than the current zoning designation of "A" (Agricultural). The nearest

commercial zoning designation is more than five miles to the east on Hwy 45 (Exhibit B6). Currently the large lot development in the area does not appear to warrant a large storage facility for use by area residents and the area is not planned for commercial development (Exhibits B2a, c, d, e and I).

The Commission notes that the 17.64 acres could be included in the request to rezone from "A" (Agricultural) to "CR-RR" (CR-Rural Residential) which would be as appropriate as the current agricultural designation under the 2020 Plan. Mineral extraction sites can be redeveloped for residential purposes as evidenced by Crystal Lakes Subdivision to the east of the subject property (Exhibit B7).

FINDINGS:

- 1) The subject parcel is zoned "A" (Agricultural) see Exhibit B2d. CCZO Section 07-10-25(1) states the purpose of the "A" Zone is to: *"A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations; B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan; C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65; D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan."* The property is currently zoned agricultural and could be utilized for agricultural purposes including crop production or grazing. There are intensive agricultural operations in the vicinity of the proposed development including large farm crop production and the Beranna Dairy CAFO. The Pickles Butte Landfill is also located to the southwest of the property. The "A" (Agricultural) zoning is appropriate for the area.
- 2) Pursuant to Canyon County ordinance 07-10-25 (2) the purpose of the "RR" (Rural Residential) zoning district *is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable*. The 2020 Plan designates the future land use for the property as 'Residential' and there are eleven (11) rural residential developments within one mile of the property (Exhibit B2d&e). Note that many of the developments are small "large lot" agriculturally zoned subdivisions created through a legacy conditional use permit process. The property is designated 'Residential' on the 2020 Plan and there is rural residential development and residential zoned properties in the immediate vicinity. The property is sloping and primarily unirrigated although limited ground water rights are available.
- 3) Pursuant to Canyon County ordinance 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*. The 2020 Plan designates the future land use for the property as 'Residential' with surrounding properties designated 'Residential' and 'Agricultural'. The applicant indicates that the proposed storage facility will primarily serve residents from the City of Nampa (Exhibit A.4). The nearest planned commercial/industrial zoning is 5.6 miles to the east along the State Highway 45 (12th Avenue) corridor (Exhibit B6). The 'Commercial' designation is not more appropriate than the current zoning designation of "A" (Agricultural).

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

CONCLUSION: The proposed conditional rezone of **24.76 acres to "CR-RR" (CR-Rural Residential)** for the purpose of developing three (3) large residential parcels **is compatible** with surrounding land uses as conditioned.

The proposed conditional rezone of **17.62 acres to "CR-C1" (CR-Neighborhood Commercial)** for the purpose of creating an RV, boat, and automobile storage facility is incompatible with the surrounding residential and agricultural development. The storage facility, being at the lowest elevation in the area, cannot be easily shielded from view of existing residential development (see Exhibit C: Site Photos); therefore, **is not compatible** with surrounding land uses having potential impacts to the existing and future residential properties

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. A compatibility determination requires a site-specific analysis of potential interactions between uses and potential impacts of existing and proposed uses on one another. Ensuring compatibility may require mitigation from or conditions upon a proposed use to minimize interference and conflicts with existing uses.
- 2) The 42 acre property is currently zoned agricultural and contains a single family residence (CU2004-519 & BP2006-1266) and a depleted mineral extraction site (CU2005-56). The property is not in agricultural production. The applicant confirmed by email (Exhibit B4) that the property is not in agricultural production nor is it being utilized for livestock grazing.
- 3) The property to the east is currently zoned "RR" (Rural Residential) (Ord. No. 12-001, inst. #2012000306) and is platted as a residential subdivision, Crystal Lakes Subdivision Phases 1 and 2. The residential development incorporated a reclaimed mineral extraction site in the southeast portion of the property (Exhibit B7). The 2020 Plan designates this property and area as Residential and Agriculture.
- 4) To the west is an agriculturally zoned residential subdivision, Meadow Vista Ranch (CU2004-212/SD2005-14) containing eight lots with an average lot size of 9.42 acres. No lots within the development contain residential structures. This eight (8) lot development is currently under sanitary restrictions by Southwest District Health (SWDH) and the reclamation plan must be completed for a mineral extraction site in accordance with conditions of approval on the properties through CU2010-1 (expired July 7, 2021).
- 5) The properties to the south and further west are in agricultural crop production and confined animal feeding operation (CAFO) for a very large dairy, Beranna Dairy. Further to the southwest is the Pickles Butte Landfill. There are no commercially zoned operations within five miles or more of the properties.
- 6) The property is zoned agricultural and designated residential in the 2020 Plan. The requested conditional rezone of 17.62 acres as commercial for the intended use as an RV, boat and automobile storage facility is not consistent with the surrounding agricultural and residential uses in the area. CCZO §07-06-07(3) indicates that *"Designation of a parcel as CR shall not constitute "spot" zoning and shall not*

be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.” There is no evidence that the surrounding properties should be zoned commercial.

- 7) The property owner could consider redeveloping the mineral extraction site for residential purposes. Staff Report Exhibit B7 demonstrates a mineral extraction site redevelopment. This is the Crystal Lakes development adjacent to the subject property.

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 of 24.76 acres to “CR-RR” (CR-Rural Residential) as proposed **will not negatively** affect the character of the area.

The proposed conditional rezone of 17.62 acres from “A” (Agricultural) to “CR-C1” (CR-Neighborhood Commercial) **may have a negative affect** on the character of the area as there is no nexus of neighborhood population or need for the proposed RV, boat, and automobile storage area at in this proposed location. The proposed conditional rezone to commercial for the proposed use is not consistent with the 2020 Plan. Many of the area residences will look over the storage area from their elevated locations. Placement of commercial activity/development in a residential/agricultural area provides for potential growth of commercial development that was not contemplated or intended in the Plan. No mitigation measures were proposed. See also Exhibits E1 and E2 for neighborhood concerns with storage facility.

FINDINGS:

- 1) The character of the area is agricultural, intensive agriculture, and large lot rural residential (agricultural zoning and rural residential zoning). The average lot size within the eleven platted developments in the vicinity of the development is 6.73 acres. Of the seventeen (17) lots notified within 600 feet of the property the average lot size is 28.81 acres with the median lot size of 9.78 acres.
- 2) There is currently no commercial development or zoning within 5.6 miles of the subject property.
- 3) If commercial zoning request is approved: Recommend that conditions be placed to mitigate potential impacts to surrounding properties to include landscaping for a visual barrier, limiting the number of spaces, providing appropriate access and circulation throughout the facility, cannot be utilized as an impound yard, all vehicles must be in running/roadworthy condition, no vehicle repair/maintenance on the property, a wastewater/RV dump shall be installed, property maintained in weed free condition and kept in compliance with public nuisance ordinance requirements, lighting restrictions and hours of operation should be established to limit impacts to neighborhood.

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

CONCLUSION: Adequate facilities and services will be provided to accommodate the proposed conditional rezone and proposed development.

FINDINGS:

The applicant proposed the following to demonstrate adequate facilities will be available for the future development:

1) Sewer:

Large lot residential development as restricted by conditions will require permitting from Southwest District Health for residential development to occur. The development does not reside within a nitrate priority area. Southwest District Health is concerned with how the developer proposes to ensure that proper disposal of RV wastewater is to occur. (Exhibit D3) A condition requiring the installation and maintenance of an RV wastewater dump should be included if the request for commercial zoning of 17.62 acres is approved.

2) Water:

The proposed large lot residential development will utilize individual well and septic as approved through permitting with Idaho Department of Water Resources and Southwest District Health (Exhibits D3 & D4). The fire district indicates that the storage facility should have a water supply and appropriate access (Exhibit D6.1) the residential lots exceeding five acres are 'exempt' from water supply requirements (Exhibit D6).

3) Drainage:

The site contains areas of 15% slope or greater and will be required to comply with CCZO §07-17-33 (1) Hillside Development code. All drainage shall be maintained on individual parcels.

4) Irrigation:

The subject property does not lie within an irrigation district but does have ground water rights available (Exhibit A4). Groundwater rights should be conditioned to distribute the groundwater rights to individual properties through IDWR application process. The subject property is not currently being irrigated.

5) Utility:

Utility companies were notified of the application. No agency comments were received. There is overhead power in the vicinity.

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 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. Any necessary measures to mitigate traffic impacts are detailed below. The following measures will be implemented to mitigate impacts:

Nampa Highway District #1 indicates that Deer Flat Road is a Rural Minor Arterial roadway. No additional (new) accesses will be granted to the subject property. (Exhibit D1)

Applicant must submit the required highway district land split application and a sketch that identifies the accesses to Nampa Highway District #1 prior to dividing the subject property. (Exhibit D1)

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

CONCLUSION: The subject property has legal access and will have adequate access at the time of the development.

FINDINGS:

- 1) Currently the subject property has a shared residential access at the southeast corner of the property and an access at the southwest corner of the property constructed to serve the two mineral extraction sites. Nampa Highway District indicates that no new direct accesses will be provided to Deer Flat Road (Exhibit D1).

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. Any necessary measures to mitigate impacts are detailed below. The services will not be negatively impacted by the proposed residential use nor by the proposed commercial use storage facility and are not anticipated to require additional public funding in order to meet the needs created by the requested uses.

FINDINGS:

- 1) Schools:
Vallivue School District was notified of the application-no response was received from the school district. The proposed residential development is limited to three (3) large lots (Exhibit A4) commensurate with surrounding development and therefore is anticipated to have minimal impact to the schools in this district.
- 2) Police:
The Canyon County Sheriff's office was notified of the application and no response was received.
- 3) Fire protection & Emergency Medical Services:
Upper Deer Flat Fire District and Emergency Services were notified of the application. Nampa Fire District provided a review on behalf of Upper Deer Flat Fire (Exhibit D6 & D6.1). No responses or concerns were received from Emergency Medical Services.

The following measures could be implemented to mitigate impacts:

If approved for commercial zoning for the purpose of developing an RV, boat, automobile storage facility a conditional use permit application is required providing agencies an additional review opportunity of the commercial facility. Should the properties be developed other than proposed, the applicant is required to submit a development agreement modification application which will be noticed and reviewed by agencies for additional impacts and compliance with district requirements.

RECOMMENDATIONS FOR CONDITIONAL REZONES:

Recommended Order: Conditional Rezone from "Agricultural" to "CR-Rural Residential"

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission forwards this case to the Board of County Commissioners with a **recommendation of approval** for a portion of Case #CR2022-0030, to conditionally rezone 24.76 acres of parcel R30127 (45.20 acres) from "A" (Agricultural) to "CR-RR" (CR-Rural Residential) subject to the conditions herein to be enumerated in a development agreement.

Recommended Order: Conditional Rezone from "Agricultural" to "CR-Neighborhood Commercial"


Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission forwards this case to the Board of County Commissioners with a **recommendation of denial** for a portion of Case #CR2022-0030, to conditionally rezone 17.64 acres of parcel R30127 (45.20 acres) from "A" (Agricultural) to "CR-C1" (CR-Neighborhood Commercial).

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

1. Commercial development and zoning is not planned nor appropriate for this area.
2. Consider requesting to modify the application to rezone the entirety of the property to "CR-Rural Residential" which is consistent with the 2020 Plan and existing development in the area under the current application. The 2030 Comprehensive Plan identifies that subject property as Agriculture with the surrounding properties to the south of Deer Flat Road and north of Farner Road as Intensive Agriculture Overlay. Developer should consider development value under the current application for residential.

DATED this 7 day of August, 2025.

PLANNING AND ZONING
CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 7th day of August, in the year 2025, before me CAITLIN ROSS, a notary public, personally appeared Robert Sturgill, 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: Caitlin Ross

My Commission Expires: 5/7/2031

CONDITIONAL REZONE RURAL RESIDENTIAL OF 24.76 ACRES OF R30127 (42.40 ACRES)

RECOMMENDED CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The development contains slopes exceeding 15% and shall comply with the Hillside Development section of 07-17-33 (1).
3. The development shall not exceed three residential parcels with a minimum acreage of six (6) acres.
4. Development exceeding four total parcels on the 42.4 acres will require a modification of the development agreement and shall be platted as a subdivision in accordance with Article 17 or as amended at the time of application and development.
5. The development and placement of secondary residences, if allowed at time of development, shall be located within 200 feet of the primary residence and shall be subordinate to the primary residence in total living area square feet. The secondary residence shall utilize the primary residence well. The secondary residence shall not be divided from the primary residence parcel without receiving approval through application with Development Services inclusive of development agreement modification and platting as a residential subdivision.
6. All conditional rezones for a land use shall commence (see definition of "commence", section 07-02-03: of this chapter) 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. All subsequent developments on the property shall reapply for land use approval.
 - a. Commencement shall be an approved land division application in substantial compliance with the site plan along with recorded deeds for each property.