



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

In the matter of the application of:

Hibbard – OR2025-0016 and CR2023-0013

The Canyon County Planning and Zoning Commission considers the following:

- 1) Comprehensive Plan Map Amendment of approximately 8.44 acres from the “A” (Agricultural) to the “RR” (Rural Residential) zone.
- 2) Conditional Rezone of approximately 8.44 acres from the “A” (Agriculture) zone to the “CR-RR” (Conditional Rezone- Rural Residential) zone.
- 3) This request includes a Development Agreement to restrict the development to three (3) lots.

[Cases OR2025-0016 and CR2023-0013, Address: 20762 Gravelly Lane., Wilder, ID (Parcel Number: R36963013), a portion of the NW¼ of Section 20, T4N, R5W, 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 OR2025-0016 and CR2023-0013

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 Rezone), Canyon County Code §07-06-03 (Comprehensive Plan Amendment Criteria), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Idaho Code §67-6509 (Recommendation and Adoption, Amendment and Repeal of the Plan),
 - 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).
6. No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk. See I.C. §67-6509(c).

The applications with Case Nos. OR2025-0016 and CR2023-0003 was presented at a public hearing before the Canyon County Planning and Zoning Commission July 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:

COMPREHENSIVE PLAN AMENDMENT CRITERIA – CCZO §07-06-03

1. Is the requested type of growth generally in conformance with the comprehensive plan?

Conclusion: The requested type of growth is not generally in conformance with the 2030 Comprehensive Plan.

- Findings:**
- (1) The Future Land Use Plan in the 2030 (and 2020) Canyon County Comprehensive Plan designates the parcel as "agriculture" (**Staff Report Exhibit B1**). "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) The 2030 Canyon County Comprehensive Plan does not promote rural residential growth in the area. "The R-R district provides rural transitional areas to create a boundary between agricultural and urban areas. These areas are generally conducive to small-scale farming operations and compatible with non-agricultural uses" (Page 26, 2030 Comprehensive Plan). The property is not in an Area of City Impact or near an urban area that indicates the properties in the vicinity are in a residential transition area. The property better meets the 2030 Canyon County Comprehensive Plan by remaining in its current configuration, as creating parcels that are 2.5-acre and 3.46-acre in size do not match the current average lot size of the area (6.40 acres) and would likely encourage more residential growth in the area that is predominately agricultural in nature (**Staff Report Exhibit B2.6**).
 - (3) The comprehensive plan amendment request is not in general conformance with the following policies and goals contained within the 2030 Canyon County Comprehensive Plan:
 - **Population P2.01.01:** Plan for anticipated population and households that the community can support with adequate services and amenities
 - **Population G2.02.00:** Promote, housing, business, and service types needed to meet the demand of the future existing population.
 - **Land Use and Community Design G4.02.00:** Ensure that growth maintains and enhances the unique character throughout the County.
 - **Land Use and Community Design P4.02.01:** Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.

- **Land Use and Community Design G4.03.00:** Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land-use planning.
- **Land Use and Community Design P4.03.02:** Encourage the development of individual developments and subdivisions that do not fragment existing land use patterns.
- **Land Use and Community Design G4.04.00:** Concentrate future higher density residential growth in appropriate areas in and around existing communities while preserving and enhancing the County's agricultural and rural character.
- **Land Use and Community Design P4.04.01:** Support development in locations where services, utilities, and amenities are or can be provided.
- **Land Use and Community Design P4.04.02:** Align planning efforts in areas of city impact.
- **Land Use and Community Design P4.05.01:** Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.
- **Natural Resources and Hazardous Areas P5.04.02:** Reduce and prevent erosion.
- **Natural Resources and Hazardous Areas G5.05.00:** Protect Canyon County's inhabitants' health, safety, and welfare by reducing the risk and effects of natural and human-made hazards.
- **Natural Resources and Hazardous Areas P5.05.01:** Mitigate development in hazardous areas or require site planning or construction techniques to mitigate the hazard.
- **Agriculture G12.01.00:** Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.
- **Agriculture P12.01.02:** Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.
- **Agriculture G12.04.00:** Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2025-0016.

(5) Evidence includes associated findings and evidence supported within this document.

2. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation?

Conclusion: In consideration of the surrounding land uses, the proposed comprehensive plan amendment to "Rural Residential" is not more appropriate than the current comprehensive plan designation of "Agricultural".

Findings: (1) The primary land use in the vicinity of the subject property is agriculture. There are parcels to the north, west, east, and south in active crop production and a dairy and feed lot each located within approximately 1 mile of the subject property, which demonstrates the area is primarily agricultural (**Staff Report Exhibits B2.1 and B2.4**). There are also agricultural residential parcels (meaning they are zoned agricultural but have primarily residential uses), mainly to the west but are also located immediately to the north and south of the subject property that were created via conditional use permits or administrative land division applications, mainly in the 1990s-2000s (**Staff Report Exhibit B3**).

(2) 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 2030 Canyon County Comprehensive Plan encourages the preservation of agricultural designations and zoning and Rural Residential Zoning to be in transition areas.

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2025-0016.
- (4) Evidence includes associated findings and evidence supported within this document.

3. Is the proposed comprehensive plan amendment compatible with surrounding land uses?

Conclusion: The proposed comprehensive plan amendment is not compatible with surrounding land uses.

- Findings:** (1) Pursuant to Canyon County Code of Ordinances §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 proposed comprehensive plan amendment is not compatible with surrounding land uses. The primary use and zoning designations within the vicinity of the property is agriculture.
 - (3) There is a dairy and feedlot located within approximately 1-mile of the property along with active crop production throughout the area. Within the notification radius of 600 ft., the average is 6.40 acres and median parcel size is 3.99 acres (**Staff Report Exhibit B2.4 and B2.6**). 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 2030 Canyon County Comprehensive Plan encourages the preservation of agricultural designations and zoning.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2025-0016.
 - (5) Evidence includes associated findings and evidence supported within this document.

4. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted?

Conclusion: Development trends in the general area do not indicate that the current designation and circumstances have changed since the comprehensive plan was adopted.

- Findings:** (1) Within one (1) mile of the site, there have been two (2) county subdivision plats approved. Trunnell Acres was approved in 2002 to create five (5) lots (immediately north of the property). The Swartz Family Trust Subdivision was approved in 2010 to adjust the property lines of two (2) lots in Trunnell Acres, so no additional lots were created (**Staff Report Exhibit B2.6**). The area remains primarily agricultural in nature with both agricultural zoning and uses adjacent and in the immediate vicinity of the subject property (**Staff Report Exhibits B2.1, B2.3, and B2.4**).
- (2) Based on the TAZ forecasts (see below for TAZ chart) used by the state and/or local transportation officials and COMPASS for tabulating traffic-related data for future plans, needs, and improvements of the community, it does not show this as a planned growth area between now and 2050 (**Staff Report Exhibits B2.7 and B2.7a**). The subject property is contained within the Traffic Analysis Zone (TAZ) "2776." As shown in **Staff Report Exhibits B2.7 and B2.7a** of the staff report, the data for the TAZ zone that contains the subject property forecasts a small increase in households in this zone. Household forecasts project an increase of seven (7) households by the year 2050.

TAZ	2025 Pop	2025 HH	2050 Pop	2050 HH
2776 (approximately 2,000 acres)	273	119	291	126

- (3) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 3, 2025. Newspaper notice was published on June 17, 2025. Property owners within 600' were notified by mail on June 13, 2025. Full political notice was provided on June 13, 2025. The property was posted on June 18, 2025.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2025-0016.
- (5) Evidence includes associated findings and evidence supported within this document.

5. Will the proposed comprehensive plan amendment impact public services and facilities. What measures will be implemented to mitigate impacts?

Conclusion: The proposed comprehensive plan amendment is not anticipated to impact public services and facilities.

- Findings:**
- (1) A comprehensive plan amendment does not directly impact public services and facilities however it provides a path to obtaining entitlements for development that may impact services. This subject property is located within the Wilder Rural Fire Protection District and the Wilder School District. No mitigation measures are proposed at this time. See Analysis of 07-06-07(6)A8 of this document for additional review of this topic.
 - (2) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 3, 2025. Newspaper notice was published on June 17, 2025. Property owners within 600' were notified by mail on June 13, 2025. Full political notice was provided on June 13, 2025. The property was posted on June 18, 2025.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2025-0016.
 - (4) Evidence includes associated findings and evidence supported within this document.

Per Idaho Code §67-6537(4): When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

Conclusion: The proposed amendment would allow for residential uses. Any uses allowed or conditionally permitted in accordance with CCCO must comply with all applicable federal, state, and local laws with regard to water quantity and quality.

- Findings:**
- (1) The applicant provided well logs for the monitoring well, the property owner's well, and two additional wells drilled off Trunnell Court (these wells are found north of the property. The applicant states regarding the quantity of water in the well logs: "The Hibbard well shows 183ft depth, 111 ft to first water, and 25 GPM. The Trunnell Court wells showed 40 GPM, and 50 GPM respectively, and similar depths to first water (110-115ft) and drilling depths (160-163ft) indicating ample water and a consistent depth to water in the aquifer at this location. The newer wells actually produce more, and the depth to water is almost identical 11 years after the Hibbard well was drilled. Furthermore, the amount of water being used out of the aquifer is de minimis in use, and utilizing septic injects water used in the home back into the ground, which would make it back to the aquifer at some point. The small amount of potential ½ acre

irrigation use is not anticipated to affect the aquifer in any negative way. The IDWR Monitoring Well is actually a 12.75" Irrigation Well. Even with the large amount of irrigation water being used for crops, it still has a very constant depth to water over the 56-year history the well has been in use" (**Staff Report Exhibits A10.2 and A10.2a**). The applicant stated regarding water quality in the area that the property owner's well log showed light sulfur and that the other neighboring well logs did not make note of this information (**Staff Report Exhibit A10.2**)

- (2) Staff obtained three (3) Ground Water Monitoring Reports for three (3) wells near the subject property (See **Staff Report Exhibit B4.1** for the reports and **Staff Report Exhibit B4** to show the ground water monitoring well locations). It appears for two (2) of the ground water monitoring wells that there are elevated nitrate levels (over 10 mg/l) (see **Staff Report Exhibit B4.2** to review the Ground Water Quality Standards as enforced by Idaho Department of Environmental Quality).
- (3) This area of the county is located within the Ada Canyon high nitrate priority area. The addition of residential waste treatment facilities and potentially individual wells could have a negative impact on the quality of groundwater in the area.
- (4) Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 3, 2025. Newspaper notice was published on June 17, 2025. Property owners within 600' were notified by mail on June 13, 2025. Full political notice was provided on June 13, 2025. The property was posted on June 18, 2025.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. OR2025-0016.
- (6) Evidence includes associated findings and evidence supported within this document.

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 change is not generally consistent with the Canyon County Comprehensive Plan for 2030.

- Findings:**
- (1) The proposed conditional rezone is not consistent with the comprehensive plan goals and policies. R36963013 (8.47+ acres) is identified as Agriculture and is consistent with the goals and policies of the 2030 Plan with its current and future zoning designation.
 - (2) The comprehensive plan amendment request is not in general conformance with the following policies and goals contained within the 2030 Canyon County Comprehensive Plan:
 - **Population P2.01.01:** Plan for anticipated population and households that the community can support with adequate services and amenities
 - **Population G2.02.00:** Promote, housing, business, and service types needed to meet the demand of the future existing population.
 - **Land Use and Community Design G4.02.00:** Ensure that growth maintains and enhances the unique character throughout the County.
 - **Land Use and Community Design P4.02.01:** Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.

- **Land Use and Community Design G4.03.00**: Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land-use planning.
- **Land Use and Community Design P4.03.02**: Encourage the development of individual developments and subdivisions that do not fragment existing land use patterns.
- **Land Use and Community Design G4.04.00**: Concentrate future higher density residential growth in appropriate areas in and around existing communities while preserving and enhancing the County's agricultural and rural character.
- **Land Use and Community Design P4.04.01**: Support development in locations where services, utilities, and amenities are or can be provided.
- **Land Use and Community Design P4.04.02**: Align planning efforts in areas of city impact.
- **Land Use and Community Design P4.05.01**: Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.
- **Natural Resources and Hazardous Areas P5.04.02**: Reduce and prevent erosion.
- **Natural Resources and Hazardous Areas G5.05.00**: Protect Canyon County's inhabitants' health, safety, and welfare by reducing the risk and effects of natural and human-made hazards.
- **Natural Resources and Hazardous Areas P5.05.01**: Mitigate development in hazardous areas or require site planning or construction techniques to mitigate the hazard.
- **Agriculture G12.01.00**: Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.
- **Agriculture P12.01.02**: Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.
- **Agriculture G12.04.00**: Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0013.

(4) 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 zone change to "Rural Residential" is not more appropriate than the current zoning designation of "Agriculture."

Findings: (1) The primary land use in the vicinity of the subject property is agriculture. There are parcels to the north, west, east, and south in active crop production and a dairy and feed lot within approximately 1 mile of the subject property, which demonstrates the area is primarily agricultural (**Staff Report Exhibits B2.1 and B2.4**). The property is not located within an area of city impact. There are also agricultural residential parcels (meaning they are zoned agricultural but have primarily residential uses), mainly to the west but are also located immediately to the north and south of the subject property that were created via conditional use permits or administrative land division applications, mainly in the 1990s-2000s (**Staff Report Exhibit B3**).

(2) Based on Canyon County's Soil Survey of 2018, the property contains Soil Capacity Classes 4 and 8. Class 8 makes up approximately 28.73% of the property, which is not prime farmland if irrigated. Class 4 makes up approximately 71.26% of the property, which is also not prime

farmland if irrigated (**Staff Report Exhibit B2.5**). This property also contains over 15% slopes on the southern part of this property (**Staff Report Exhibit B2.12**). The slopes and poor soils have likely contributed to why this parcel has not been used for agricultural purposes. However, the surrounding area primarily contains agricultural zoning and uses (**Staff Report Exhibits B2.1, B2.3, and B2.4**).

- (3) Pursuant to CCCO §07-10-25 (1), the purpose of the “Agricultural” zoning district 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.
- (4) Pursuant to CCCO §07-10-25 (2), the purpose of the “Rural Residential” zoning district is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable. In accordance with §07-10-21(2), the minimum average residential parcel size is 2.0 acres for this zone.
- (5) Currently, the property is zoned Agriculture and is surrounded by agriculturally zoned properties that are in agricultural production (both crop production and animal-related production) or agricultural-residential parcels created from previous land use decisions. The trends for the area do not support residential growth in this area at this time (**Staff Report Exhibits B2.1, B2.3, B2.4, and B3**). The subject property is contained within the Traffic Analysis Zone (TAZ) “2776.” As shown in **Staff Report Exhibits B2.7 and B2.7a** of the staff report, the data for the TAZ zone that contains the subject property forecasts a small increase in households in this zone. Household forecasts project an increase of seven (7) households by the year 2050. This is an area that is not currently forecasted to receive residential growth. Although this area may be suitable for a rural lifestyle, it is not appropriate at this time given the existing conditions and agricultural nature of the area.
- (6) The surrounding land use cases do not indicate this area is trending towards residential (**Staff Report Exhibit B2.10**).
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0013.
- (8) 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 is not more compatible with the 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 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 proposed zoning map amendment is not compatible with the surrounding land uses. The land uses surrounding the site are primarily agricultural in nature, with some sporadic residential uses. Within the notification radius of 600 ft., the average is 6.40 acres, and the median parcel size is 3.99 acres. The addition of a residential designation outside of an area of

city impact and in the immediate vicinity of active agriculture has the potential to create land use conflicts (**Staff Report Exhibits B2.1, B2.3, B2.4, and B2.6**). The introduction of “R-R” zoning adjacent to agricultural uses, along with the subsequent subdivision, will introduce an incompatible land use. The 2030 Canyon County Comprehensive Plan encourages the preservation of agricultural designations and zoning. See also §07-06-07(6)A2 for additional review.

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0013.
- (4) 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.

Findings: (1) The character of the area is agricultural, with intensive agricultural uses in the near vicinity and ag-residential properties, with the average parcel size being 6.40 acres. There is a dairy and feedlot located within one (1) mile of the property, and crop production in all directions. There is no residential zoning located within one (1) mile of the subject property (**Staff Report Exhibits B2.1, B2.3, B2.4, and B2.6**). Many of the smaller lot sizes in the vicinity are from past administrative land divisions and conditional use permits that were approved in the 1990s and 2000s (**Staff Report Exhibit B3**).

- (2) The applicant has agreed to enter into a development agreement to place conditions on the development in an effort to potentially mitigate impacts, including restricting the number of lots to three (3) (**Staff Report Exhibit A2**).
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 3, 2025. Newspaper notice was published on June 17, 2025. Property owners within 600’ were notified by mail on June 13, 2025. Full political notice was provided on June 13, 2025. The property was posted on June 18, 2025.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0013.
- (5) 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: The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.

Findings: (1) Per the applicant’s letter of intent and land use matrix, there is an individual septic system on site, and proposed lots would have sewer provided via individual septic tanks (**Staff Exhibit A2 and A3**). Per Southwest District Health’s comment letter, the development is in the designated Ada Canyon Nitrate Priority Area. A level 1 N-P Study and subdivision engineering report will be required if it goes through the subdivision platting process (**Staff Report Exhibits D3 and D3.1**).

- (2) Per the applicant’s letter of intent and land use matrix, there is an individual domestic well on site, and the proposed lots would have water provided via domestic wells (**Staff Report**

Exhibit A2 and A3). See Idaho Code §67-6537(4) section of these Findings of Fact, Conclusions of Law, and Order of Decision for analysis on water quality and quantity.

- (3) Stormwater is proposed to be retained on site (**Staff Report Exhibit A3**).
- (4) Per Wilder Irrigation District, the subject property does not have surface water rights (**Staff Report Exhibit D7**). Per the applicant's land use matrix, irrigation of the land shall be done by a domestic well (**Staff Report Exhibit A3**).
- (5) Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply were notified of the application on February 3, 2025 and June 13, 2025. No agency comments were provided by those services. It is anticipated that the applicant will be able to work with utility providers to gain any utilities needed.
- (6) Notice of the public hearing was provided per CCZO §07-05-01. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 3, 2025. Newspaper notice was published on June 17, 2025. Property owners within 600' were notified by mail on June 13, 2025. Full political notice was provided on June 13, 2025. The property was posted on June 18, 2025.
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0013.
- (8) 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 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 or future traffic patterns created by the proposed development (**Staff Report Exhibit D1**).

- Findings:**
- (1) Golden Gate Highway District No. 3 will not require public street improvements for Gravelly Lane or any other public in order to minimize undue interference with existing or future traffic patterns (**Staff Report Exhibit D1**).
 - (2) Idaho Transportation Department does not have any traffic concerns as the project does not meet the thresholds for a Traffic Impact Study or pose any safety concern (**Staff Report Exhibit D2**).
 - (3) Due to only three (3) parcels being created with a residential building permit, there does not appear to be a need to implement mitigation of traffic impacts.
 - (4) Notice of the public hearing was provided per CCZO §07-05-01. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 3, 2025. Newspaper notice was published on June 17, 2025. Property owners within 600' were notified by mail on June 13, 2025. Full political notice was provided on June 13, 2025. The property was posted on June 18, 2025.
 - (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0013.
 - (6) 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 does have legal access for the conditional rezone and will exist at the time of the development via Gravelly Lane (a public road).

Findings: (1) Per Golden Gate Highway District No. 3, “Lot 1 is proposed in the north portion of the parcel, Lot 2 is the southeast portion, and Lot 3 is the southwest portion. Gravelly Ln runs along the east sides of Lots 1 and 2. Access for all lots would be from Gravelly Ln. Lot 1 would utilize an existing driveway currently serving an existing house in Lot 3. Lot 2 would access Gravelly Ln from a proposed new access. Lot 3 would utilize the existing driveway to Gravelly Ln. Gravelly Ln is a Local Road according to GGHD’s 2024 Functional Classification Map” (**Staff Report Exhibit D1**). Additionally, Golden Gate Highway District No. 3 states the following findings and conditions of approval apply:

1. Provide recorded easement(s) prepared by an Idaho registered licensed land surveyor in accordance with ACCHD Standards for access to Lot 3.
 2. Obtain an Approach Permit for a Standard Residential Approach in accordance with the ACCHD Standards Standard Drawing ACCHD-105 for any new approaches.
 3. A site visit by GGHD and/or ITD representatives is required to address possible site distance issues, if any.
- (2) If secondary residences are applied for at a later date on the proposed parcels, the private access would need to become a private road in compliance with CCCO §07-10-03. See Analysis for 07-06-07(6)A6, of this document for additional review.
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 3, 2025. Newspaper notice was published on June 17, 2025. Property owners within 600’ were notified by mail on June 13, 2025. Full political notice was provided on June 13, 2025. The property was posted on June 18, 2025.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0013.
- (5) 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 use is 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.

- Findings:** (1) Parcel R36963013 is serviced by Wilder School District, it’s not anticipated that any impacts or accommodations will be needed, as two additional lots are requested. Agency comments were sent out on February 3, 2025 and June 13, 2025 and no comments were received by the school district.
- (2) Parcel R36963013 is under the jurisdiction of the Canyon County Sheriff’s Office. The Canyon County Sheriff’s Office is required to provide services to the parcel. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency comments were sent out on February 3, 2025 and June 13, 2025, and no comments were received by the Sheriff’s Office.
- (3) Parcel R36963013 is under the jurisdiction of Wilder Rural Fire Protection District (WRFPD). A comment letter was received from WRFPD on February 18, 2025, that stated the fire district

will require "...the applicant meets all roadway requirements. In addition, homes that are greater than 3,600 square feet will require the minimum fire suppression water supply." The fire district also sent an "Access & Water Supply Permit Application" form that the applicant would need to fill out at the building permit stage. Staff inquired about the response time in May 2025, and WFRPD stated the estimated response time would be 6-8 minutes (**Staff Report Exhibits D5, D5.1, and D5.2**).

- (4) Emergency Medical Services are provided to the property. Canyon County Paramedics sent over estimated response times from three (3) different stations – Station ALS58 would be approximately 7.17 minutes, Station M51 would be approximately 22.83 minutes, and Station M52 would be approximately 25.47 minutes (**Staff Report Exhibit D6**).
- (5) Notice of the public hearing was provided per CCZO §07-05-01. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 3, 2025. Newspaper notice was published on June 17, 2025. Property owners within 600' were notified by mail on June 13, 2025. Full political notice was provided on June 13, 2025. The property was posted on June 18, 2025.
- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0013.
- (7) Evidence includes associated findings and evidence supported within this document.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case #OR2025-0016, a comprehensive plan map amendment to amend the 2030 Comprehensive Plan future land use map for an 8.44-acre parcel, R36963013, from "agricultural" to "rural residential."

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case #CR2023-0013, a conditional rezone for an 8.44-acre parcel, R36963013, from "agriculture" to "rural residential."

For denial:

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

1. The applicant may consider waiting until the area development trends and Comprehensive Plan support residential development of the property.

DATED this 7 day of August, 2025.

PLANNING AND ZONING COMMISSION
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