



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

In the matter of the application of:

Bohner – CR2024-0010

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of Parcel R29554014 (approximately 6.25 acres) from the Agricultural (A) zone to the Conditional Rezone – Rural Residential (CR-R-R) zone. The request includes a development agreement that limits the division of Parcel R29554014 into two (2) residential parcels and restricts secondary residences.
- 2) Conditional Rezone of Parcel R29554015 (approximately 1.65 acres) from the Agricultural (A) zone to the Conditional Rezone - Single-Family Residential (CR-R-1) zone. The request includes a development agreement allowing no division of Parcel R29554015 and restricts secondary residences.
- 3) Location: Parcels R29554014 (approximately 6.25 acres) and R29554015 (approximately 1.65 acres) are located in a portion of the SE quarter of Section 14, T2N, R2W, 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 CR2024-0010.
 1. All exhibits can be found in the case staff report dated August 6, 2026

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 Idaho Code §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See CCCO §07-06-07(1).*
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See CCCO §07-05-01*

2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the Local Land Use Planning Act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be made in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, CR2024-0010, was presented at a public hearing before the Canyon County Planning and Zoning Commission on August 6th, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

Conditional Rezone Standards of Evaluation

Standards of Evaluation – CCCO §07-06-07(6)A: The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:		
County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
Analysis		The proposed conditional rezone is generally consistent with the Comprehensive Plan. The Future Land Use Map in the 2030 Canyon County Comprehensive Plan designates the subject properties as “agriculture” (Staff Report Exhibits B1 and B2.9). “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). In August 2020, a conditional rezone from the agricultural zone to the conditional rezone-single-family residential zone and preliminary plat were approved for the multi-phase Osprey Estates subdivision found to the north, northwest, west, and south of the subject properties (SD2019-0036 and CR2019-0009). This request also included approval of a comprehensive plan map amendment from agriculture to residential on parcels directly to the west and south (Parcels R29554013A and R29554013). The rest of the development did not have a comprehensive map amendment approved because the Future Land Use Map in the 2020 Canyon County Comprehensive Plan called for residential growth in the area to the north of the subject properties. Although the 2030 Future Land Use Map does not reflect the residential future land use designation, the Osprey Estates development demonstrates that this is an area that is transitioning to contain more residential uses. It is also important to note that although the Comprehensive Plan does not contemplate residential zoning in this area, per Canyon County Code §07-06-07(3), a conditional rezone of a parcel does not set a precedent that adjacent property should be rezoned the same. The conditional nature of the rezone, which in this case will allow for three (3) buildable parcels (Parcel R29554014 is proposed to be divided into two (2) parcels) with the restriction of secondary residences, will align with the existing residential uses in the area and not set a precedent for further residential development for larger agricultural parcels found near the properties (Staff Report Exhibit A2).

	The conditional reconsideration is also in general conformance with the following policies and goals contained within the 2030 Comprehensive Plan: • <u>Property Rights G1.01.00</u>: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.” • <u>Property Rights P1.01.01</u>: “No person shall be deprived of private property without due process of law.” • <u>Property Rights P1.01.03</u>: “Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.” • <u>Population P2.01.01</u>: “Plan for anticipated population and households that the community can support with adequate services and amenities.” • <u>Population G2.02.00</u>: “Promote housing, business, and service types needed to meet the demand of the future existing population.” • <u>Land Use and Community Design P4.04.04</u>: “Maintain a balance between residential growth and agriculture that protects the rural character.” • <u>Land Use and Community Design P4.01.02</u>: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.” • <u>Land Use and Community Design G4.03.00</u>: “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.” • <u>Land Use and Community Design P4.03.02</u>: “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.” • <u>Land Use and Community Design P4.07.01</u>: “Plan land uses that are compatible with the surrounding community.” • <u>Housing G11.1.00</u>: “Encourage opportunities for a diversity of housing choices in the County.”	
Criteria Met?	2	When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?
Yes		
Analysis	In consideration of the surrounding land uses, the proposed conditional rezone change to Rural Residential (CR-R-R) and Single Family Residential (CR-R-1) is more appropriate than the current zoning designation of Agricultural (A). The surrounding area primarily contains agricultural and residential uses. There are residential subdivisions found north, northwest, and northeast of the properties. To the west, south, east, and north, there are productive agricultural fields, pastures, and homesites. Some of the agricultural properties to the west and northwest have been conditionally rezoned with a development agreement (such as Parcels R29554013A, R29554013, R29554010B, and R29569), which will add more residential uses in this area (Staff Report Exhibits B2.1, B2.3, and B2.6). The Rural Residential (R-R) and Single-Family Residential (R-1) zones would be more appropriate than the Agricultural (A) zone, as this area has been trending to contain more residential uses. Within 1-mile of the subject properties, there are 24 platted subdivisions with an average parcel size of 1.25 acres and three (3) subdivisions in the platting process with an average parcel size of 0.87 acres (Staff Report Exhibits B2.6 and B2.11). Osprey Estates Subdivision (Approved in 2020) is found directly to the north and west of the subject properties and has an average lot size of 0.80 acres (SD2019-0036 and CR2019-0009). The applicant’s request to rezone the subject properties to rural residential and single-family residential is consistent with the average lot sizes found within the subdivisions in the surrounding area (Staff Report Exhibits B2.1, B2.3, B2.6, and B2.11). The subject properties are contained within TAZ (Traffic Analysis Zone) “2842.” As shown on Staff Report Exhibit B2.8, the data for the TAZ zone that contains the subject properties forecast an increase of 46 households by the year 2050, demonstrating that this is an area expected to receive residential growth.	

Pursuant to Canyon County ordinance CCCO §07-10-25(2-3), the purpose of the R-R (Rural Residential) zoning district is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable, and the purpose of the R-1 (Single-Family Residential) zoning district is to promote and enhance predominantly single-family living areas at a low-density standard.

Adjacent Existing Conditions within 1-Mile of the Subject Properties (Staff Report Exhibits B2.1 and B2.3):

Direction	Existing Use	Primary Zone	Other Zone
N, NW, NE	Residential Uses with some Agricultural Uses	R-R, CR-R-1, and A	R-1 and City of Nampa Limits
S, SW, SE	Agricultural Uses with some Scattered Residences	A	-
E	Agricultural Uses with some Residences	A	R-R
W	Agricultural Uses with some Scattered Residences	A, CR-R-1	

"A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone)

Surrounding Land Use Cases (Staff Report Exhibit B2.12):

RZ2021-0004 – Rezone from A to R-R (Bates) – Approved
 RZ2021-0039 – Rezone from A to CR-R-1 (Bates) – Approved
 RZ2020-0026 – Rezone from A to R-R (Chambers) – Approved
 CR2021-0006 – Rezone from A to CR-R-R (Dembi) – Denied

Within the past five (5) years, land use case decisions indicate a trend toward increased residential uses in the area.

See further analysis located in 07-06-07(6)A3 and A4.

Criteria Met?

3

Is the proposed conditional rezone compatible with surrounding land uses?

Yes

Analysis

The proposed conditional rezone change to Rural Residential (CR-RR) and Single-Family Residential (R-1) is compatible with the surrounding land uses.

Pursuant to Canyon County Ordinance 07-02-03, land uses are compatible if: a) they do not directly or indirectly interfere with, 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.

Per the applicant's letter of intent and site plan, the proposed conditional rezone is intended to facilitate the division of Parcel R29554014 (6.25 acres) into two (2) parcels with a residential building permit on each and to allow a residential building permit on Parcel R29554015 (approximately 1.65 acres) (**Staff Report Exhibit A2**). This is a transitional area between medium-density subdivisions and larger production agricultural parcels. The applicant's request to create three (3) parcels between 3.48 acres and 1.68 acres in size is consistent and larger than the average lot sizes found within the subdivisions in the surrounding area (1.25 acres and 0.80 acres, respectively). The proposed development is not anticipated to interfere with adjacent agricultural production, nor detract from established residential uses (**Staff Report Exhibits B2.1, B2.3, B2.6, and B2.11**).

See further analysis located in 07-06-07(6)A2 and A4.

Criteria Met?

4

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

Yes

Analysis	The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below. Character of the Area: The surrounding area primarily contains agricultural and residential uses. There are residential subdivisions found north, northwest, and northeast of the properties. To the west, south, east, and north, there are productive agricultural fields, pastures, and homesites. Some of the agricultural properties to the west and northwest have been conditionally rezoned with a development agreement (such as Parcels R29554013A, R29554013, R29554010B, and R29569), which will add more residential uses in this area. (Staff Report Exhibits B2.1, B2.3, B2.6, and B2.11). The following measures will be implemented to mitigate the impact In order to limit the effects to the character of the area, the applicant is proposing to restrict Parcel R29554014 (6.25 acres) to one (1) division to create two (2) buildable parcels. Additionally, the applicant is not proposing to divide Parcel R29554015 (1.65 acres) as the applicant's intent is only to build a single-family residence on the property. Per the applicant's testimony at the August 6th, 2026 public hearing and the letter of intent, the applicant is also agreeable to restricting secondary residences on Parcels R29554014 and R29554015 (Staff Report Exhibit A2). <i>See further analysis located in 07-06-07(6)A2 and A3.</i>	
Criteria Met? Yes	5	Will adequate facilities and services, including sewer, water, drainage, irrigation and utilities, be provided to accommodate the proposed conditional rezone?
Analysis	The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein. Sewer: Per the applicant's land use worksheet, sewer will be provided with individual septic systems for the proposed single-family residences (Staff Report Exhibit A3). Per Southwest District Health (SWDH), this project does not meet the criteria for a nitrate priority (N-P) study. At this time, it has not been determined whether sufficient sanitary systems can be provided to accommodate the proposed development, but SWDH does not have concerns with the request if the applicant meets all of SWDH's requirements (Staff Report Exhibits D3 and D3.1). Water: Per the applicant's land use worksheet, three (3) individual domestic wells are proposed (Staff Report Exhibit A3). Notice was given to the Idaho Department of Water Resources, but no comments were received. (An) individual well(s) is anticipated to adequately provide services to the potential three (3) residential dwellings. Future development shall comply with IDWR standards at the time of the building permit, etc. Drainage: Per the land use worksheet, stormwater is retained on site (Staff Report Exhibit A3). Irrigation: Per the land use worksheet and the applicant's public testimony at the August 6th, 2026 public hearing, surface irrigation water is provided to the property via gravity irrigation (Staff Report Exhibit A3). To verify the applicant's irrigation plan is coordinated prior to division of the property and follows the local irrigation district's requirements, condition of approval #3 has been added which states: At the time of application for an administrative land division or preliminary plat, an irrigation plan that identifies ground and/or surface water rights available to the subject properties and the water delivery methodology must be submitted to Canyon County Development Services. The irrigation plan shall be reviewed and approved by the local irrigation district per Idaho Code §67-6537(1) prior to submittal to Canyon County's Development Services Department. Additionally, to verify all current and future property owners have access to the source of irrigation water on the property, the Planning and Zoning Commission has added condition of approval #4: At the time of an	

	application for an administrative land division or preliminary plat, (an) irrigation maintenance easement(s) must be established and recorded for all current and future property owners that have or will have access to the irrigation water source on the subject properties.	
	Utility: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on April 15, 2026, and July 2, 2026. 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.	
Criteria Met?	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?
Yes		
Analysis	The proposed conditional rezone will not require public street improvements to provide adequate access to and from the subject properties 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. Nampa Highway District No. 1 (NHD#1) is not requiring public street improvements at this time and does not have any concerns over traffic patterns (Staff Report Exhibits D1, D1.1, and D1.2). Idaho Transportation Department stated the application does not meet the thresholds for a Traffic Impact Study, nor does it pose a safety concern (Staff Report Exhibit D5)	
Criteria Met?	7	Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?
Yes		
Analysis	The subject properties do have legal access for the conditional rezone, and it will exist at the time of the development. See the review and analysis detailed below. On April 15 th , 2026, Nampa Highway District No. 1 sent a comment letter which stated that the subject properties front Southside Blvd and there "...is no new direct access to Southside Blvd per ACCD standards. An approved Application to Vary Standards from Nampa Highway District No. 1 Commissioners would be required for any new access to Southside Blvd" (Staff Report Exhibit D1). On June 25 th , 2026, the Nampa Highway District No. 1 (NHD#1) Commissioners approved a variance request for one point of access to each parcel subject to a deed restriction and paved apron being installed to each parcel (Staff Report Exhibits D1.1, and D1.2). To verify Nampa Highway District No. 1's requirements are met for the subject properties, the Planning and Zoning Commission has added Condition #1a. Compliance with Nampa Highway District's requirements will be met at the time of administrative land division or subdivision plat, whichever occurs first.	
Criteria Met?	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?
Yes		
Analysis	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. Schools: The subject properties are serviced by Nampa School District #131. It is not anticipated that any impacts or accommodations will be needed for this request. Agency comments were sent out on April 15, 2026, and July 2, 2026, and no comments were received by the school district. Police: The subject properties are 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 April 15, 2026, and July 2, 2026, and no comments were received by the Sheriff's Office. Fire Protection:	

The subject properties are under the jurisdiction of the Nampa Fire Protection District (NFPD). A comment letter was received from NFPD on April 29, 2026, which outlined fire code requirements and conditions of approval that must be met for the development. NFPD also stated in their comment letter that the project is located approximately 4 miles from Nampa Fire Station 4, with an approximate response time of 7 minutes (Staff Report Exhibit D6).

Emergency Medical Services:

Emergency Medical Services are provided to the property. Canyon County Paramedics sent over estimated responses from three (3) different stations: Station M41 has an approximately 9.01 minute response time, Station M45 has an approximately 13.5 minute response time, and Station 44 has an approximately 14.3 minute response time (Staff Report Exhibit D7).

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends approval** of Case #CR2024-0010, a conditional rezone of Parcel R29554014 (6.25 acres) from the Agricultural (A) Zone to the Conditional Rezone-Rural Residential (CR-R-R) Zone and a conditional rezone of Parcel R29554015 (1.25 acres) from the Agricultural (A) Zone to the Conditional Rezone-Single-Family Residential Zone (CR-R-1) Zone subject to the conditions of the development agreement (Attachment A).

DATED this 20 day of August, 2026.

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



Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 20 day of August, in the year 2026, 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

ATTACHMENT A
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 properties and the proposed uses, including, but not limited to, the following applicable agency requirements:
 - a. Nampa Highway District No. 1 (**Staff Report Exhibits D1, D1.1, and D1.2**).
2. Parcel R29554014, approximately 6.25 acres, shall be zoned Conditional Rezone-Rural Residential (CR-R-R) and be divided in compliance with Chapter 7, Article 18 (Administrative Land Divisions) or Chapter 7, Article 17 (Subdivisions) (whichever is applicable) of the Canyon County Code of Ordinances (CCCO) and shall not exceed two (2) residential parcels (**Staff Report Exhibit A2**).
 - a. Secondary residences are prohibited.
3. Parcel R29554015, approximately 1.65 acres, shall be zoned Conditional Rezone-Single Family Residential (CR-R-1) and the division shall be recognized through the provisions in Chapter 7, Article 18 (Administrative Land Divisions) or Chapter 7, Article 17 (Subdivisions) (whichever is applicable) of the Canyon County Code of Ordinances (CCCO) (**Staff Report Exhibit A2**).
 - a. No divisions shall occur.
 - b. Secondary residences are prohibited.
4. At the time of application for an administrative land division or preliminary plat, an irrigation plan that identifies ground and/or surface water rights available to the subject properties and the water delivery methodology must be submitted to Canyon County Development Services. The irrigation plan shall be reviewed and approved by the local irrigation district per Idaho Code §67-6537(1) prior to submittal to Canyon County's Development Services Department.
5. At the time of an application for an administrative land division or preliminary plat, (an) irrigation maintenance easement(s) must be established and recorded for all current and future property owners that have or will have access to the irrigation water source on the subject properties.
6. The developer shall comply with CCCO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
 - a. Commencement (or "commence") shall be the approval of an administrative land division or preliminary plat (whichever is applicable).
7. The Idaho Right to Farm Act language (Idaho Code §22-4503) shall appear on any future subdivision plats or recorded surveys associated with an administrative land division application to divide either Parcel R29554014 or Parcel R29554015.