



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

In the matter of the application of:
Roe – CR2025-0008

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of an approximately 15.3-acre portion of the northeast corner of Parcel R36020 (approximately 71.1 acres) to the Conditional Rezone-Rural Residential (“CR-RR”) zone for the purpose of creating a rural residential parcel with one residential building permit.
- 2) The applicant’s request also includes a development agreement restricting the parcel to one (1) division, prohibiting secondary residences on the 15-acre parcel, and restricting the building of the single-family residence and accessory personal-use only structures to a 3-acre building envelope in the northwest corner of the proposed 15-acre parcel.

Case CR2025-0008: Address: 22692 Notus Road, Caldwell ID 83605 (Parcel R36020), a portion of the NE and SE quarters of Section 10, T4N, R4W, BM, Canyon County, Idaho

Summary of the Record

1. The record is comprised of the following:
 - A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2025-0008.
 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 §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 in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, CR2025-0008, was presented at a public hearing before the Canyon County Planning and Zoning Commission on August 6, 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:

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
No	1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
Analysis		The proposed conditional rezone is not generally consistent with the Comprehensive Plan.
		The Future Land Use Map in the 2030 Canyon County Comprehensive Plan designates the parcel 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). Per correspondence with the applicant, the property contains agricultural uses, including raising alfalfa and grazing cattle (Staff Report Exhibits A2, A10, and A11).
		The 2030 Canyon County Comprehensive Plan does not promote rural residential growth in the area (Staff Report Exhibits B2.9). “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 better meets the 2030 Canyon County Comprehensive Plan by remaining in its current configuration as conditionally rezoning the property could encourage more residential growth in an area that primarily contains agricultural uses and gravel pits (Staff Report Exhibits B2.1, B2.3, and B2.4)
		The conditional rezone is also not in general conformance with the following policies and goals contained within the 2030 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 P4.04.04: “Maintain a balance between residential growth and agriculture that protects the rural character.”

	• 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 parcels and subdivisions that do not fragment existing land use patterns.” • Housing G11.02.00: “Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural and natural resources.” • Agriculture P12.01.02: “Encourage non-agricultural related development to the cities, area of city impact, and other clearly defined and planned development areas.”																					
Criteria Met?	2	When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?																				
No																						
Analysis	In consideration of the surrounding land uses, the proposed conditional rezone to Conditional Rezone - Rural Residential (CR-RR) is not more appropriate than the current zoning designation of Agriculture (A). The surrounding area primarily contains agricultural uses and some gravel pits. To the west, south, east, and north of the subject property there are pastures and fields that appear to be used for grazing livestock (Staff Report Exhibits B2.1 and B2.3). Currently, there are gravel pits immediately north and east of the subject property but there are also several approved gravel pits in all directions of the property that have not yet commenced the mining operations (Staff Report Exhibits B2.4). To the south and southeast, there are some pockets of residential homesites on small acreages along Notus and Red Top Roads (Staff Report Exhibits B2.1, B2.6, and B2.10). Within 1-mile of the subject property, there is no other rural residential zone and no platted subdivisions. Additionally, the surrounding area primarily contains agricultural uses and gravel pits with only sporadic homesites in the area. Due to the surrounding land uses primarily containing agricultural uses and gravel pits and the lack of rural residential zoning and subdivisions, this conditional rezone to rural residential is not more appropriate than the current zoning designation of agriculture (Staff Report Exhibits B2.1, B2.3, B2.4, and B2.6). 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. Adjacent Existing Conditions (Staff Report Exhibits B2.1 and B2.3): <table><tr><th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zone</th></tr><tr><td>N, NE, NW</td><td>Gravel Pits and Agricultural Uses</td><td>A</td><td></td></tr><tr><td>S, SE, SW</td><td>Agricultural Uses, Small Pockets of Homesites, and Small RV Storage Facility</td><td>A</td><td>CR-C-1 and City of Greenleaf Limits</td></tr><tr><td>E</td><td>Gravel Pits and Agricultural Uses</td><td>A</td><td></td></tr><tr><td>W</td><td>Agricultural Uses</td><td>A</td><td></td></tr></table> “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)		Direction	Existing Use	Primary Zone	Other Zone	N, NE, NW	Gravel Pits and Agricultural Uses	A		S, SE, SW	Agricultural Uses, Small Pockets of Homesites, and Small RV Storage Facility	A	CR-C-1 and City of Greenleaf Limits	E	Gravel Pits and Agricultural Uses	A		W	Agricultural Uses	A	
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Surrounding Land Use Cases (Staff Report Exhibit B2.11): 1. OR2021-0009 – Comprehensive Map Amendment from Agriculture to Commercial - Denied 2. RZ2021-0003 - Conditional Rezone from Agriculture to Conditional Rezone – Neighborhood Commercial - Approved 3. CU2022-0021 – Conditional Use Permit for RV Storage Facility - Approved 4. CU2020-0005 – Conditional Use Permit for Long-Term Mineral Extraction - Approved 5. CU2024-0007 - Conditional Use Permit for Long-Term Mineral Extraction - Approved 6. CU2023-0019 - Conditional Use Permit for Long-Term Mineral Extraction – Approved 7. CU2024-0014 - Conditional Use Permit for Long-Term Mineral Extraction- Approved The land use cases approved in the past five (5) years within 1-mile of the subject property show a trend of increased gravel pits in the area and do not support residential growth at this time. <i>See further analysis located in 07-06-07(6)A3.</i>		
Criteria Met?	3	Is the proposed conditional rezone compatible with surrounding land uses?
No		
Analysis	The proposed conditional rezone to Conditional Rezone-Rural Residential (CR-R-R) is not compatible with surrounding land uses. 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. Per the applicant's letter of intent, site plan and email correspondence, the proposed conditional rezone is to provide for entitlements to create an approximately 15-acre parcel from an approximately 71-acre parcel for the purpose of building a single-family residence. The applicant's request includes a development agreement restricting the parcel to one (1) division, prohibiting secondary residences on the proposed 15-acre parcel, and restricting the building of the single-family residence and accessory structures to a 3-acre building envelope in the northwest corner of the proposed 15-acre parcel (Staff Report Exhibits A2, A3, A3.2, A10 and A11). The Planning and Zoning Commission acknowledges that although the applicant's conditions may help in limiting the effects to the area, due to the surrounding area primarily containing agricultural uses and gravel pits and no rural residential zoning or subdivisions found within 1-mile of the subject property, the conditional rezone will not be compatible with surrounding area (Staff Report Exhibits B2.1 and B2.4). <i>See further analysis located in 07-06-07(6)A2.</i>	
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 uses and some gravel pits. To the west, south, east, and north of the subject property there are pastures and fields that appear to be used for grazing livestock (Staff Report Exhibits B2.1 and B2.3). Currently, there are gravel pits immediately north and east of the subject property but there are also several approved gravel pits in all directions of the property that have not yet commenced the mining operations (Staff Report Exhibits B2.4). To the south and southeast, there are some pockets of residential homesites on small acreages along Notus and Red Top Roads, but there are no residential subdivisions located within 1-mile of the subject property (Staff Report Exhibits B2.1, B2.6, and B2.10). The following measures will be implemented to mitigate the impact	

	The applicant's request includes a development agreement restricting the parcel to one (1) division, prohibiting secondary residences on the proposed 15-acre parcel, and restricting the building of the single-family residence and accessory structures to a 3-acre building envelope in the northwest corner of the proposed 15-acre parcel so the agricultural uses on site (alfalfa production and grazing cattle) and in the area are limitedly affected (Staff Report Exhibits A2, A3, A3.2, A10 and A11).	
Criteria Met?	5	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?
Yes		
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 an individual septic system for the proposed single-family residence (Staff Report Exhibit A4). Per Southwest District Health (SWDH), a nutrient pathogen (N-P) study will not be required at this time. Additionally, SWDH does not have any concerns with the request for rezoning if the applicant meets all of SWDH's requirements at the time the applicant develops/builds on the property (Staff Report Exhibits D1 and D1.1). Water: Per the applicant's land use worksheet, one (1) individual well is proposed (Staff Report Exhibit A4). Notice was given to the Idaho Department of Water Resources, but no comments were received. An individual well is anticipated to adequately provide services to the proposed single-family dwelling. Future development shall comply with IDWR standards at the time of building permit, etc. Drainage: Stormwater drainage is currently retained by culverts that run alongside the western property line which then dump the stormwater water into a ditch to the north of the property (Staff Report Exhibit A10). The applicant is located within Drainage District No. 6 (DD6). The drainage district was notified of the application on April 9, 2026 and July 2, 2026 and no agency comments were provided. Irrigation: Per the applicant's land use worksheet, surface irrigation water is provided to the property with gravity irrigation (Staff Report Exhibit A4). Per email correspondence with the applicant, they plan to divide the current water rights available to the property to the proposed parcels (Staff Report Exhibit A10). The applicant is located within Eureka Ditch Co. No. 2. The irrigation district was notified of the application on April 9, 2026 and July 2, 2026 and no agency comments were provided. Utility: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply were notified of the application on April 9, 2026 and July 2, 2026. No agency comments were provided by those services at the time of the materials deadline. It is anticipated that the applicant will be able to work with utility providers to gain any utilities needed.	
	Criteria Met?	6
Yes		
Analysis	The proposed conditional rezone will not require public street improvements to provide adequate access to and from the subject property to minimize undue interference with existing and future traffic patterns created by the proposed development. Golden Gate Highway District No. 3 (GGHD#3) is not requiring public street improvements at this time and does not have any concerns over traffic patterns (Staff Report Exhibit D5).	

	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 D3)	
Criteria Met?	7	Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?
Yes		
Analysis	The subject property will have legal access available to the subject property at the time of the development. See the review and analysis detailed below.	
	Per email correspondence with the applicant, the driveway found immediately north of the property is currently utilized to access the property. The applicant did not provide an access easement for this driveway, so legal access may not be available to the property currently. However, on the applicants' proposed survey, they show a proposed 28' access easement located entirely on the applicant's property that will provide access to both the 55-acre and 15-acre parcels, so legal access appears it will exist at the time of development (Staff Report Exhibits A9 and A10).	
	Golden Gate Highway District No. 3's letter sent on May 12, 2026 states the proposed 15-acre parcel "...would access Notus Road through the north side of the remainder parcel in a 28' ingress/egress and utility easement. Notus Rd is a Minor Arterial according to GGHD's 2024 Functional Classification Map. Section 3061.020.A. Rural Roadway Driveway Spacing of the 2022 Association of Canyon County Highway District Highway Standards and Development Procedures (ACCHD Standards) does not allow new direct access for Minor Arterials" (Staff Report Exhibit D5). Although GGHD#3 does not allow new access points off of Notus Road, the highway district is agreeable with the applicant expanding/widening the access point immediately north of subject property so the access point used by the applicant would be entirely on the subject property (Staff Report Exhibit D5.1).	
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. Any necessary measures to mitigate impacts are detailed below.	
	Schools: The subject property is under the jurisdiction of Vallivue School District #139. It is not anticipated that any impacts or accommodations will be needed for this request. Agency comments were sent out on April 9, 2026 and July 2, 2026 and no comments were received by the school district. Police: The subject property 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 April 9, 2026 and July 2, 2026 and no comments were received by the Sheriff's Office. Fire Protection: Caldwell Rural Fire Protection District sent a comment letter on March 31, 2026 that outlined an overview of the building review process and relevant fire requirements (such as regarding water, access, and street identification). The letter also stated the distance from the nearest fire station is 2.3 miles and the estimated response time is 5 minutes. Although the fire district does not object to the development, it does acknowledge that the on-going population increases will directly affect service levels until CFD can enhance and expand its operational capabilities (Staff Report Exhibit D2). Emergency Medical Services: Emergency Medical Services are provided to the property. Canyon County Paramedics provided estimated response times from three (3) different stations – Station M51 would be approximately 11.63 minutes, Station M52 would be approximately 13.3 minutes, and Station M53 would be approximately 16.58 minutes (Staff Report Exhibit D7).	

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Planning and Zoning Commission **recommends denial** of Case #CR2025-0008, a conditional rezone of an approximately 15.3-acre portion of the northeast corner of Parcel R36020 (approximately 71.1 acres) to the Conditional Rezone-Rural Residential Zone.

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 Caithlin 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: Caithlin Ross
My Commission Expires: 5/7/2031