



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

In the matter of the application of:
CR2025-0014 – VIP Compounding, LLC

The Canyon County Planning and Zoning Commission considers the following:

A **conditional rezone** of Parcel R29577011, approximately 10.2 acres, from the “A” (Agricultural) zone to the “CR-C-2” (Conditional Rezone-Service Commercial) zone, subject to a development agreement. The subject property is located at 0 Deer Flat Rd, Nampa, also referenced as a portion of the SW¼ of Section 15, 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 CR2025-0014.
 - 1. All exhibits can be found in the case staff report dated October 1, 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), CCCO, 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, CR2025-0014, was presented at a public hearing before the Canyon County Planning and Zoning Commission on October 1, 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:

Table 1. 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	Analysis
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 2030 Comprehensive Plan calls for future commercial use on the subject property and the surrounding area north of Deer Flat Road along Highway 45 (Staff Report Exhibit B2.4). “The commercial designation is intended to encourage commercial uses which can provide goods and services to businesses, travelers, and residents of the County” (page 25, 2030 Comprehensive Plan). The property is approximately 0.37 miles south of the Nampa Area of Impact on the northeast corner of the Highway 45 and Deer Flat intersection. As conditioned, the requested service commercial zone aligns with the following goals and policies of the 2030 Comprehensive Plan: <u>Property Rights – Chapter 1</u> The request was processed per the following laws and ordinances, Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures). • Goal G1.01.00: Protect the integrity of individual property rights while safeguarding public health, safety, and welfare. • Policy P1.01.01: No person shall be deprived of private property without due process of law. • Policy P1.01.03: Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals. <u>Population – Chapter 2</u> COMPASS forecasts an increase of 128,070 people in Canyon County, including an increase of 52,281 people in the City of Nampa between 2020 and 2050 (Staff Report Exhibit B3). Commercial zoning and uses are needed to meet the demands of the future and the existing population. • Goal G2.02.00: Promote housing, business, and service types needed to meet the demand of the future existing population. <u>Economic – Chapter 3</u> The property is located along Highway 45, where the Idaho Transportation Department estimates an annual average daily traffic count of 9,500 vehicles between Deer Flat Rd. and Lake Shore Dr. (Staff Report Exhibit B4). The traffic volume and commercial future land use designation make the subject property a favorable location for commercial zoning and use. • Goal G3.01.00: Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.

	• Goal G3.05.00: Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability. <u>Land Use – Chapter 4</u> The proposed conditional rezone to service commercial aligns with the 2030 Comprehensive Plan Future Land Use Map. Conditions of approval can help to mitigate compatibility concerns with nearby residential and agricultural land uses. • Policy P4.03.01: Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources. • Policy P4.03.03: Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and, in some instances, may require conditions of approval to promote compatibility. <u>Transportation – Chapter 8</u> The subject property is located on Highway 45, an important transportation corridor, in an area where commercial land uses are envisioned. • Policy P8.01.01: Coordinate land use and transportation planning to locate development near appropriate transportation corridors and services. <u>Agriculture – Chapter 12</u> The proposed conditional rezone to service commercial is near the Nampa Area of Impact along a transportation corridor where commercial uses are planned. • <u>Agriculture P12.01.02:</u> Encourage non-agricultural related development to the cities, areas 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 zone change to “C-2” Service Commercial is not more appropriate than the current zoning designation of “A” Agricultural. Existing Conditions Directly adjacent land uses are residential and agricultural. The subject property is currently used for agricultural purposes and receives an agricultural tax exemption (Staff Report Exhibit B1). The purpose of the existing “A” (Agricultural) zone is to: A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations; B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan; C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65; D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan. Existing Conditions within 1-mile (Exhibit 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</td><td>Agriculture, Light Industrial, then Commercial</td><td>A</td><td>CR-M1, C-1, C-2 RR, CR-R1</td></tr><tr><td>S</td><td>Residential then Agriculture</td><td>A</td><td>R1</td></tr><tr><td>E</td><td>Residential and Agriculture</td><td>A</td><td></td></tr><tr><td>W</td><td>Agriculture and some Residential</td><td>A</td><td></td></tr></table>			Direction	Existing Use	Primary Zone	Other Zone	N	Agriculture, Light Industrial, then Commercial	A	CR-M1, C-1, C-2 RR, CR-R1	S	Residential then Agriculture	A	R1	E	Residential and Agriculture	A		W	Agriculture and some Residential	A	
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<u>"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)</u> While the property is designated for future commercial use, directly adjacent land uses are agricultural and residential. Agricultural fields, two residential parcels and the New York Canal separate the subject property from commercial development found approximately 600 feet to the north where "C-1" (Neighborhood Commercial), C-2 (Service Commercial), and "M-1" (Light Industrial) zoned properties surround the Highway 45 and Lake Shore Dr. intersection. Due to the directly adjacent agricultural and residential land uses, the Planning and Zoning Commission finds the request for service commercial zoning premature. Request The applicant requests "CR-C-2" Service Commercial zoning with a Development Agreement in order to construct four (4) 10,000-square-foot commercial buildings. Pursuant to Canyon County Ordinance 07-10-25 (6), the purpose of the "C-2" Service Commercial zoning district is to provide areas where activities of a service nature, which are more intensive in character than in other commercial zones, may be carried out. The subject property is on a corner lot on the north side of Deer Flat Road, adjacent to Highway 45, where future commercial use is envisioned but directly adjacent parcels have not yet converted to commercial use. The proposed conditions of approval within the Development Agreement are not expected to fully mitigate negative impacts on nearby residential and agricultural uses primarily found to the west, south, and east. The applicant has not identified future tenets for the development and has left open the opportunity for a wide array of uses within the service commercial zone. Public testimony regarding traffic safety concerns at the Deer Flat and Highway 45 intersection is difficult to mitigate without a clearer understanding of the future use. Given that the node of commercial use along Highway 45 is more than 600 feet-north of the subject property the proposed service commercial zone is not yet more appropriate than the current agricultural zoning. Recent land use decisions from the past five years in the area include only one rezone to the requested service commercial "C-2" zone, further demonstrating that commercial zoning is premature for the subject property. Recent Land Use Cases within a One-Mile Radius (Exhibit B2.14): • RZ2021-0004 – Rezone from "A" to "RR" – Approved • RZ2021-0003 – Rezone from "A" to "CR-R1" – Approved • CR2021-0006 – Rezone from "A" to "CR-RR" – Denied • SD2020-0006- Preliminary Plat – Approved • RZ2019-00039 – Rezone "A" & "C-2" to CR-M1 and Comprehensive Plan Map Amendment – Approved • SD2023-0021 – Final Plat – Approved • CU2022-00029-APL – Telecommunications Facility – Approved • CU2019-0008 – Cell Tower – Approved		
Criteria Met?	3	Is the proposed conditional rezone compatible with surrounding land uses?
No		
Analysis	The proposed conditional rezone to "CR-C-2" 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. Land uses along Highway 45 between Lewis Lane and Deer Flat are primarily a mix of agricultural, commercial, and light industrial uses. Commercial uses, including self-storage, a convenience store, a seed supplier company, a flooring company, retail, restaurants, an animal hospital, and auto services are found	

	approximately 600 feet north of the subject property (Staff Report Exhibit B5). Agricultural fields and residences separate the subject property from commercial development. Residential uses are found directly to the east and on the south side of Deer Flat Road, followed by agricultural fields. In order to encourage compatibility with surrounding land uses, the applicant proposes to prohibit certain allowed and conditionally allowed uses within the C-2 zone, and the development will be held to substantial conformance with the updated site plan (Staff Report Exhibits A4 and A5). The proposed Development Agreement will prohibit some of the more intensive uses within the C-2 zone, including amusement parks, taverns, vehicle fueling stations/convenience stores, and theaters, however, many service commercial uses which could be incompatible with residences and agriculture are proposed to remain allowed or conditionally allowed. The applicants' proposed changes to the use matrix for this property are found in Staff Report Exhibit A4; allowed or conditionally allowed uses are highlighted. The applicant anticipates hours of operation will be 6 am to 7 pm daily, but due to the multi-tenant nature of the development, the applicant does not wish to be conditioned to specific hours of operation (Staff Report Exhibit A2.1). The Planning and Zoning Commission found the requested service commercial zone to be premature for the subject property which is still surrounded by agricultural and residential uses. Furthermore, the Vern Underdahl No. 1 Subdivision is found on the south side of Deer Flat Road across from the subject property. These residential properties could be harmed by uses within the proposed "C-2" service commercial zone in the form of increased traffic, traffic safety issues, noise, and development that is out of character with these large residential lots.	
Criteria Met?	4	Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
No		
Analysis	The proposed conditional rezone will negatively affect the character of the area. The applicant requests a conditional rezone to the service commercial zone in order to develop four (4) buildings, each 10,000 square feet in size. The development is anticipated to lease space to businesses allowed by the Development Agreement within the C-2 zone (Staff Report Exhibit A4). The application details that hours of operation would generally be from 6 am to 7 pm daily (Staff Report Exhibit A2). Character of the Area: The character of the area is a mix of residential and agricultural uses, with commercial and industrial uses found approximately 600 feet to the north, clustered around the Highway 45 and Lake Shore Dr. intersection. The Canyon County 2030 Comprehensive Plan Future Land Use Map designates the subject property for future commercial use. The requested service commercial zone aligns with the future land use map and is in character with land uses along Highway 45 surrounding the Lake Shore Drive intersection but is premature for the subject property which is still in agricultural production and is surrounded by agricultural and residential uses. The following measures will be implemented to mitigate the impact The applicant has agreed to enter into a development agreement to place conditions on the development to mitigate impacts to nearby residential and agricultural uses. The applicant is proposing to prohibit certain intensive uses within the C-2 zone, including vehicle fueling stations; see the proposed prohibited uses in Staff Report Exhibit A4. If approved the applicant would also be held to all agency requirements. Despite these proposed mitigation measures the Planning and Zoning Commission found public testimony regarding traffic safety, congestion and the agricultural and residential character of the area directly surrounding the subject property to be compelling and found that the concerns would not be fully mitigated with the proposed conditions. Public testimony detailed that according to AASHTO (American Association of State Highway and Transportation Officials) there have been approximately 21 accidents at the Deer Flat and Highway 45 intersection over the past five years, half of the accidents according to testimony were injury accidents. Testimony further stated that without significant roadway improvements the proposed development would exacerbate safety concerns.	
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: Individual septic systems are proposed. Southwest District Health provided comments stating that the property is within a designated Nitrate Priority Area and if the projected wastewater flow meets or exceeds 600 gallons per day, a Nutrient Pathogen Study shall be required. A site evaluation with test holes will need to be conducted to determine adequate sanitary systems. Southwest District Health has no concerns with the use if the applicant meets all SWDH requirements (Staff Report Exhibits D.2 and D.2.1).	
	Water: Per the applicant's land use worksheet, individual domestic well(s) are proposed for the commercial development (Staff Report Exhibit A.2). Idaho Department of Water Resources was notified of the request, but no comments were received. Future development shall comply with IDWR standards at the time of building permits.	
	Drainage: Per the land use worksheet, stormwater drainage is proposed to be retained on-site (Staff Report Exhibit A.2).	
	Irrigation: Per the land use worksheet, the property is irrigated with surface irrigation water via gravity irrigation (Staff Report Exhibit A.2). Comments were received from the Boise Project Board of Control detailing that the United States' New York Southside Canal and Garland Wasteway lie within the subject property and that a federal easement exists 60 feet in both directions from the canal's centerline and 35 feet in both directions from the Wasteway's centerline. Excavation near the canal will require the canal/lateral to be piped/concrete lined by the developer. No landscaping except gravel is allowed within the easements, and no discharge into the irrigation system is permitted. See Staff Report Exhibit D.4 for Boise Project's comment letter and condition of approval no. 1 to address the Boise Project's requirements. Nampa and Meridian Irrigation District stated in correspondence that all private laterals and waste ways must be protected, and if any surface drainage leaves the site, the district will need to review drainage plans. The developer must comply with Idaho Code 31-3805 (Staff Report Exhibit D.8).	
Utility: Overhead transmission lines diagonally bisect the property and are also found along the frontage (Staff Report Exhibits C and D.7). Idaho Power provided comments regarding their transmission line easement and construction requirements near their transmission line (#920 – LLJN – BOMT, Staff Report Exhibit D.7). No vehicles or equipment over 14 feet in height should be brought under the transmission line. The ground surface elevation below the transmission lines should not be altered through excavations, grading, installation of berms, or other changes without Idaho Power approval. Idaho Power requires at least a 14-foot-wide clear path or roadway to each Transmission Line structure and requests a 60-foot radius around each pole for Idaho Power's heavy equipment. Easement areas can be used for agriculture, roads, parking, restricted-height landscaping, and other similar uses that will not interfere with the transmission line (Staff Report Exhibit D.7). Additional Idaho Power comments were provided detailing that an old easement without facilities may encumber the property. The applicant can work with the Idaho Power easement team to release or relocate the easement if needed (Staff Report Exhibit D.7.1).		
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?
No		
Analysis	The proposed conditional rezone will require public street improvements to provide adequate access to and from the subject property to minimize undue interference with existing and/or future traffic patterns created by the proposed development. Comments from Nampa Highway District No. 1 state that no new direct access is permitted to arterial roadways per ACCHD standards. The applicant will be required to apply for a variance to create a new	

	commercial access onto Deer Flat Road, and they will need to submit plans for the commercial development to Nampa Highway District No. 1 along with a Traffic Impact Study for formal review. Correspondence from the Idaho Transportation Department states that Nampa Highway District No. 1 plans to install turn lanes at SH-45/Deer Flat Road in 2028 and, as a result, the initial comments from ITD regarding turn lane warrants are no longer applicable. ITD does request an opportunity to review the Traffic Impact Study required by the Highway District (Staff Report Exhibits D6 and D6.2). Public testimony at the Planning and Zoning Commission hearing from property owners living on Deer Flat Road near State Highway 45 consistently raised concerns about traffic safety and congestion under current conditions. Introducing four (4) 10,000 square foot multi-tenant commercial buildings could heighten traffic safety concerns. The Planning and Zoning Commission found that without a detailed Traffic Impact Study they could not determine if a conditional rezone to service commercial can be accommodated on the subject property without causing undue traffic impacts.	
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 does not currently have legal access for the conditional rezone, but it will exist at the time of the development. See the review and analysis detailed below. The subject property has frontage on Highway 45 and Deer Flat Road. Deer Flat Road is classified as a Rural Minor Arterial Roadway; no new direct access is permitted to arterial roadways per ACCHD standards. Comments from Nampa Highway District No. 1 detail that the applicant will need to apply for a variance to create a commercial access onto Deer Flat Road, and they will need to submit commercial development plans along with a Traffic Impact Study for the Highway District to review (Staff Report Exhibit D.1). Nampa Highway District No. 1 has indicated that the variance and TIS can be included as conditions of approval for the conditional rezone (Staff Report Exhibit D.1.1).	
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: Nampa School District No. 131 was notified of the request on October 28, 2025, and September 1, 2026, but no comments were received. The proposed commercial development is not expected to impact 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 October 28, 2025, and September 1, 2026, and no comments were received by the Sheriff's Office. Fire Protection: The subject property is under the jurisdiction of the Upper Deer Flat Fire District (UDF). UDF provides services to this parcel in partnership with Nampa Fire District. Nampa Fire District provided a comment letter detailing water supply, fire access road requirements, and general conditions that will apply for commercial building permits. Overall, the use is not anticipated to cause a negative impact. The development is located approximately 3.8 miles from Nampa Fire Station 2 with an approximate response time of 7 minutes. The response objective is to arrive at 90 percent of emergency medical incidents within 5 minutes of alarm time and within 5 minutes and 20 seconds to fire incidents. Emergency Medical Services:	

Canyon County Ambulance District sent estimated response times on July 27, 2026, for three (3) nearby stations: Station M41 has an estimated response time of 6.47 minutes, Station M45 has an estimated response time of 10.7 minutes, and Station M42 has an estimated response time of 14.4 minutes (Staff Report Exhibit D9).

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends denial of Case # CR2025-0014, a zoning map amendment of Parcel R29577011 (+/-10.2 acres) from the "A" (Agricultural) zone to the "CR-C-2" (Conditional Rezone-Service Commercial) zone.

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

1. The applicant could conduct a Traffic Impact Study in coordination with the Nampa Highway District prior to seeking a conditional rezone and pay for all necessary road improvements.
2. The applicant could narrow the allowed and conditionally allowed uses on the property to be less impactful to nearby agricultural and residential properties.
3. The applicant could wait for commercial development to extend to the subject property.

DATED this 15th day of October, 2026.

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



Brian Sheets, Acting Chairman

State of Idaho)

SS

County of Canyon County)

On this 15th day of October, in the year 2026, before me CAITLIN ROSS, a notary public, personally appeared Brian Sheets, 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