



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

In the matter of the application of:
CR2026-0012 – Surico

The Canyon County Planning and Zoning Commission considers the following:

The applicant requests a conditional rezone of Parcel R29634011B from an “A” zone to a “CR-R-1” zone. If approved, the request includes a development agreement restricting development to four lots served by a private road.

The property, approximately 4.93 acres, is located at 11223 Emerald Road, Nampa, also referenced as a portion of the SE¼ of Section 18, T2N, R2W, B-M, 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 CR2026-0012.

1. Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on September 10, 2026. Property owners within 600 feet of the subject property boundaries were notified on September 10, 2026. Full political notice was completed on September 10, 2026. A newspaper notice was published on September 15, 2026. The subject property was posted with a notice on or before September 15, 2026.
2. All exhibits can be found in the case staff report dated October 15, 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 §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, CR2026-0012, was presented at a public hearing before the Canyon County Planning and Zoning Commission on October 15, 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 <u>not</u> generally consistent with the Comprehensive Plan. While the applicant contends that the development encourages orderly growth in a transitional area that aligns with regional trends and matches surrounding land patterns (Exhibit B.2), the Comprehensive Plan formally designates the subject property and surrounding vicinity for “Agricultural” future land use and is not in a transitional area (boundary between agricultural and urban areas, Page 26 of the 2030 Comprehensive Plan). The 2030 Canyon County Comprehensive Plan designates the future land use of the property and area as “agriculture” (Exhibit C.2d). “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 of the 2030 Comprehensive Plan). The “R-1” (Single Family Residential) zone is planned in areas designated as “residential”. The nearest residential land use designation is located over 7,000 feet east of Lake Lowell and adjacent to the City of Nampa impact area. The subject property is located near the intensive agriculture overlay district (Exhibit C.2d.1). “This overlay is applied to protect working lands and operations. These areas may have higher-quality soils, water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, concentrated animal feeding operations, grazing, and other agriculturally based uses. This designation aims to protect agricultural operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety” (Page 28 of the 2030 Comprehensive Plan). The applicant states that they would be interested in pursuing a comprehensive plan map amendment to change the designation from “agriculture” to “residential” (Exhibit B.2). “The residential designation is for residential development. Residential development should promote compatibility with the existing agricultural activity” (Page 25 of the 2030 Comprehensive Plan). “The R-1 district promotes and enhances predominantly single-family living areas at a low-density standard” (Page 27 of the 2030 Comprehensive Plan). a. The “R-1” zoning designation is not supported in the agricultural designation (Page 25 of the 2030 Comprehensive Plan), and an amendment would create inconsistency with the Plan. The request

promotes residential growth (one-acre lot sizes or smaller if in an impact area) outside a planned growth area currently adjacent to existing agricultural parcels and productive grounds (**Exhibits C.2d & e**).

- b. Development trends have not changed in the area that would necessitate an amendment to the Comprehensive Plan (*See Criteria 2, 3 & 4 below for supporting evidence*). Also, the property is located in TAZ (Traffic Analysis Zone) No. 2886 (**Exhibit C.2k**), which forecasts 0-4 household growth in the area between now and 2050, which demonstrates no change in development trends in the area. The TAZ is used by COMPASS (Community Planning Association) and other agencies as a tool to plan growth and funding for future transportation needs.

The request does not align with the following goals and policies:

- **Population – P2.01.01:** “Plan for anticipated population and households that the community can support with adequate services and amenities.”
- **Economic Development – 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.”
- **Land Use & Community Design – P4.03.01:** “Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.”
 - Per the 2030 and 2020 Comprehensive Plans, the property and area south of Emerald Road have never been planned for residential growth (**Exhibit C.2d**).
- **Land Use & Community Design – P4.03.02:** “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.”
 - Prior to 2026, the subject property comprised approximately 2.5 acres, consistent with the surrounding rural land patterns and administrative land division standards (**Exhibit C.5**). In 2026, a boundary adjustment was finalized to establish the current 4.93-acre configuration, specifically facilitating the proposed rezone and density increase (**Exhibit C.3**).
- **Land Use & Community Design – P4.05.02:** “Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area.”
- **Agriculture – 12.01.05:** “Direct development to land with lower irrigable soil classifications as determined by Canyon Soil Conservation District or by the USDA Natural Resources Conservation Service.”
 - The property consists of best to moderately suited soils (**Exhibit C.2h**). Canyon County Soil Conservation District (SCD) states the subject parcel consists of 52 percent Irrigated Capability Class 2 (most productive soil in Canyon County with few limitations) and recommends denial of the request (**Exhibit E.3**).
- **Land Use & Community Design – P4.07.01:** “Plan land uses that are compatible with the surrounding community.”
 - *See finding and evidence in criteria 3.*
- **Natural Resources and Hazards – P5.01.03:** “Encourage the protection of groundwater and surface water quality and quantity in land use through drought-tolerant design and community systems.”
 - The property and properties south of Lake Lowell are under a five-year water moratorium limiting new water rights to residential use only, prohibiting wells from being used for irrigation or fire suppression (**Exhibit C.6**).
- **Housing – G11.02.00:** “Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.”
 - Prior to 2026, the subject property comprised approximately 2.5 acres, consistent with the surrounding rural land patterns and administrative land division standards (**Exhibit C.5**). In 2026, a boundary adjustment was finalized to establish the current 4.93-acre configuration, specifically facilitating the proposed rezone and density increase (**Exhibit C.3**).
- **Agriculture – Goal 12.01.00:** “Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.”

	▪ <u>Agriculture – P12.01.01</u>: “Preserve and maintain agriculturally designated lands for agricultural use.” ○ Per the 2030 and 2020 Comprehensive Plans, the property and area south of Emerald Road has never been planned for residential growth (Exhibit C.2d). ▪ <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.” ○ Per the 2030 and 2020 Comprehensive Plans, the property and area south of Emerald Road have never been planned for residential growth (Exhibit C.2d). If conditioned to meet the “R-R” (Rural Residential) standards (see recommendation on Page 7 of this report), the request may align with the following goals and policies: ▪ <u>Land Use & 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 & Community Design – P4.03.03</u>: “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>Land Use & Community Design – P4.05.03</u>: “Encourage uses on agricultural parcels to be planned and placed to limit interference with farming operations, which may include clustering of residences and other structures, placement near existing utilities and infrastructure, and placement to minimize conflicts with allowed agricultural uses on the proposed site and adjacent lands”. ▪ <u>Agriculture – P12.04.01</u>: “Encourage new development adjacent to agricultural areas to be designed to minimize conflicts with adjacent agricultural uses”. <i>See Findings and Evidence in Criteria 2 through 5 for additional support.</i>	
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 to “R-1” is <u>not</u> more appropriate than the current zoning designation of “A”. ▪ The 2030 Canyon County Comprehensive Plan designates the future land use of the property and area as “agriculture” (Exhibit C.2d). The “R-1” zoning designation is not allowed in the “agriculture” designation; only R-R (two acres, transitional areas only), AC-5 (five acres), AC-20 (20 acres), and AC-40 (Page 25 of the 2030 Comprehensive Plan). Upon review of the 2030 and 2020 comprehensive plans, residential land uses have never been planned south of Emerald Road. ▪ The property and majority of the area are zoned “A” (Agricultural). Adjacent to the parcel is a “CR-M-1” (Conditional Rezone – Light Industrial) zone, to support a vehicle service use which includes servicing agricultural vehicles and equipment. It was approved because it was adjacent to productive agricultural ground and service vehicles as well as agricultural equipment (CR2003-9, Exhibit C.4). This request places residential adjacent to the approved use and conditional rezone. ▪ The property is also adjacent to a “R-1” zone created in 2018 when the area north of Emerald Road was designated for residential future land uses in the 2020 Comprehensive Plan. Other residential zones found in the area promote rural residential zoning or lot size (Exhibit C.2e). ▪ The request is not consistent with the lot sizes or development trend found in the area. There are 15 subdivisions in a one-mile radius of the subject parcel with an average lot size of 5.96 acres. The most recent subdivision approvals are from 2020, all consisting of lot sizes greater than 2 acres (Valleyview Ranch Sub. No. 2 & 3 and Three Forks Estates). There has been no rezone or plat approved since 2020, well before the adoption of the 2030 Comprehensive Plan (Exhibits C.2f & g). ▪ The applicant finds there are many one-acre parcels in the immediate vicinity. Other than the two mentioned above approved via a rezone in 2018, the other one-acre parcels are with original parcels, created before the adoption of the county zoning ordinance (R29632 and R29631), or they were created via an administrative land division (R39635011). However, the majority of the divisions in the area	

	consist of larger than two-acre lot sizes (Exhibit C.2c). The subject parcel was approximately 2.5 acres prior to its recent adjustment in 2026 to the current configuration (Exhibit C.5). One opposition letter was received expressing concerns regarding the lack of agricultural buffering/spacing, inconsistencies with the 2030 Comprehensive Plan, inconsistencies with surrounding uses, suitable soils impact, and water service issues (IDWR Moratorium). See Exhibit F.1 for opposition letter. <i>See Findings and Evidence in Criteria 3 & 4 for additional support.</i>	
Criteria Met?	3	Is the proposed conditional rezone compatible with surrounding land uses?
No		
Analysis	The proposed conditional rezone to “R-1” is <u>not</u> 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. - The property was 2.5 acres before 2026, which is commensurate with the lot sizes found in the area (Exhibit C.5). In 2026, the property was adjusted to the current configuration to request the rezone and subsequent development (Exhibit C.3). - Adjacent to the parcel is a “CR-M-1 zone, approved because it was adjacent to productive agricultural ground and would provide a service to agricultural equipment (CR2003-9, Exhibit C.4). The request places residential development near an approved “M-1” use (Exhibit F.1). - The property is also adjacent to a “R-1” zone created in 2018 when the area north of Emerald Road was designated for residential future land uses in the 2020 Comprehensive Plan (Exhibit C.2d). Other residential zones found in the area promote a rural residential zone and lot size (Exhibits C.2c & e). Those approved rezones and uses were also completed when the 2020 Comprehensive Plan was in effect and do not reflect the plans and guidance provided in the 2030 Comprehensive Plan (Exhibit F.1). - The applicant finds there are many one-acre parcels in the immediate vicinity. Other than the two mentioned above approved via a rezone in 2018, the other one-acre parcels are with original parcels, created before the adoption of the county zoning ordinance (R29632 and R29631), or they were created via an administrative land division (R39635011). However, the majority of the divisions in the area are two acres or greater in lot sizes (Exhibits C.2c & f and F.1). - There are 15 subdivisions in a one-mile radius of the subject parcel with an average lot size of 5.96 acres. The most recent subdivision approvals are from 2020, all consisting of lot sizes greater than 2 acres (Valleyview Ranch Sub. No. 2 & 3 and Three Forks Estates). There has been no rezone or plat approved since 2020 (Exhibits C.2f & g). <i>See Findings and Evidence in Criteria 2 & 4 for additional support.</i>	
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. Character: The property and majority of the area are zoned “A” (Agricultural). Although there are existing residential dwellings and divisions in the area, there has been no residential growth planned or proposed in the area since 2020. Prior divisions in the area and existing parcels in the immediate vicinity consist of a 16.7-acre lot size, with a median of 3.88 acres (Exhibit C.2f). Impacts: The proposed residential density and subsequent subdivision would fragment viable farmland, which is neither planned for the area nor encouraged by the 2030 Comprehensive Plan (Exhibits C.2d &	

	F.1). Introducing a small-lot subdivision into an area predominantly characterized by large-scale agricultural operations establishes a precedent of encroachment. Furthermore, the applicants' proposed conditions of approval fail to create lot sizes commensurate with the area and do not offer sufficient buffers to mitigate residential conflicts with the adjacent agricultural parcels and the light industrial 'CR-M-1' use (Exhibits B.2 & F.1). <i>See Findings and Evidence in Criteria 2 & 3 for additional support.</i>	
Criteria Met?	5	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?
No		
Analysis		The project will have adequate sewer, drainage, irrigation, and utilities at the time of preliminary and final platting. However, water rights may not be available until after the Idaho Department of Water Resources' (IDWR) moratorium has expired. The applicant proposes individual wells (Exhibits B.2 & 4). The property currently has a dwelling served by an individual well (Exhibit C.5). If approved and subsequently platted, each lot will require a well. The subject parcel and area south of the lake are under a five-year water use/rights moratorium that became effective on February 17, 2026, which temporarily limits new water rights in the area to "in-home use" only. Wells used for irrigation or fire suppression are not considered an "in-home use" and require a new water right, which may not be approved at this time (Exhibit C.6). The applicant does not demonstrate that IDWR will approve the proposed development, which includes fire suppression requirements and may not meet the definition in the moratorium that allows for "in-home use only" (Exhibits B.2 & F.1). Therefore, it is unknown if the development will have adequate services. The following services can be provided at the time of platting: • Sewer: Individual Septic systems (Exhibits B.2 & 4). The property currently has a dwelling with an individual septic system. If approved and subsequently platted, each lot will require a septic system. Southwest District Health (SWDH) has no concerns regarding the rezone request. SWDH will review compliance with requirements at the time of platting and prior to building permit issuance (Exhibit E.2). • Irrigation: Surface water rights via gravity irrigation served by Nampa & Meridian Irrigation District (Exhibits B.2 & 4). Boise Project Board of Control states the property has irrigation water rights (Exhibit E.4). Per Idaho Code Section 67-6537, surface water rights must be utilized. • Drainage: Stormwater runoff will be retained on-site using swales and borrow ditches (Exhibits B.2 & 4). A drainage plan was not provided. A drainage plan will be provided at the time of platting, if approved. • Utilities: The property has existing utilities serving the dwelling on-site (BP2026-0022, Exhibit B.2 & C.5). If approved, the utilities will need to be provided to each lot and demonstrated through the subdivision platting process.
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 requested rezone and subsequent division proposes a total of four parcels that would allow primary and secondary dwellings on each lot (Exhibits B.2 & 3). The request would generate 76.16 average daily trips (ADT). The highway district does not require a traffic impact study unless trips generated exceed 500 ADT. Nampa Highway District #1 (NHD1) already approved access to the parcel as part of BP2026-0022 (Exhibit C.5). NHD1 has no concerns, but requests subdivision review at the time of platting (Exhibit E.1).
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 has existing legal access. Legal access was granted for the dwelling on the property (BP2026-0022, Exhibits B.2 & C.5).

	If the request is approved, the access will need to meet road lot requirements (CCCO §07-17-31) and private road naming and construction requirements (CCCO §07-10-03(4)) via the subdivision platting process (CCCO §07-17-09 and 13). The site visit photos show that the applicant has already begun construction for the private road (Exhibit D). Shared access will be reviewed by Nampa Highway District #1 at the time of platting (Exhibit E.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. School: The property is served by Nampa School District (Exhibit C.1). The property is served by Lake Ridge Elementary School, South Middle School, and Skyview High School (https://www.nsd131.org/110591_3). The school district was notified on August 7, 2026, and September 10, 2026. No comments were received. Police: The property is served by the Canyon County Sheriff's Department. The department was notified on August 7, 2026, and September 10, 2026. No comments were received. Fire District: The property is served by Upper Deer Flat Fire District (Exhibit C.1). The Nampa Fire District responded, stating it does not oppose the request, subject to meeting water supply and fire access comments and conditions (Exhibit E.7). The Upper Deer Flat Fire District station is located approximately 3.2 miles from the subject property. Emergency Services: Canyon County EMT/Ambulance serves the area. The service was notified on August 7, 2026, and September 10, 2026. No comments were received. Irrigation Facility: The property is served by Boise Project Board of Control/Nampa & Meridian Irrigation District (Exhibit C.1). Boise Project Board of Control and Nampa & Meridian Irrigation District find there are no irrigation facilities on the subject parcel (Exhibits E.4 & 5).	

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning recommends **denial** of Case # CR2026-0012, a zoning map amendment of a conditional rezone of Parcel R29634011B from an "A" zone to a "CR-R-1" zone.

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

1. Conditionally rezoned the property to "R-R" (Rural Residential), restricting the division to two lots served by a shared access easement via a subdivision plat per Chapter 7, Article 17 of the County Code. Secondary dwellings per CCCO §07-10-27 shall be prohibited.

DATED this 15th day of October, 2026.

PLANNING AND ZONING COMMISSION CANYON COUNTY, IDAHO


Brian Sheets, 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