



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

In the matter of the application of:

CR2026-0005– Tapia

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of approximately 20.12 acres from the “A” (Agricultural) zone to the “CR-R-R” (Rural Residential) zone.
- 2) The request includes a development agreement limiting the project to three (3) residential parcels.

[Case No. CR2026-0005: Address: 17733 Mink Road, Caldwell, ID 83605 also referenced as Parcel R34578, a portion of the SW quarter of Section 6, T4N, R3W, 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 CR2026-0005.

1. 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), 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, CR2026-0005, 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:

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	Criteria
Does Not Meet Criteria	1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
Analysis		The proposed conditional rezone change is <u>not</u> generally consistent with the Comprehensive Plan. The Future Land Use Map in the 2030 Canyon County Comprehensive Plan designates the parcel as “industrial” (Staff Report Exhibits B1 and B2.10). The Comprehensive Plan states: “The industrial designation is for various industrial needs of the County. Land uses in this category may require a mix of commercial or industrial uses that consist of assembly, fabrication, manufacturing, or processing goods and materials.” (Page 26, 2030 Comprehensive Plan). The 2030 Canyon County Comprehensive Plan does not promote rural residential growth in the area. “The R-R district provides rural transitional areas to create a boundary between agricultural and urban areas. These areas are generally conducive to small-scale farming operations and compatible with non-agricultural uses” (Page 26, 2030 Comprehensive Plan). The property is not in an Area of City Impact or near an urban area that indicates the properties in the vicinity are in a residential transition area. The property better meets the 2030 Canyon County Comprehensive Plan by remaining in its current configuration, as creating parcels that are 6.7 acres in size would likely encourage more residential growth in the area that is currently predominately agricultural in nature and calls for a future land use designation of industrial which may not be compatible with residential uses (Staff Report Exhibits B1, B2.1, B2.3, and B2.10). The conditional rezone request is not in general conformance with the following policies and goals contained within the 2030 Canyon County Comprehensive Plan: • 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 P4.02.01: Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses. • Land Use and Community Design G4.03.00: Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land-use planning. • Land Use and Community Design P4.03.02: Encourage the development of individual developments and subdivisions that do not fragment existing land use patterns.

		• <u>Land Use and Community Design G4.04.00:</u> Concentrate future higher density residential growth in appropriate areas in and around existing communities while preserving and enhancing the County's agricultural and rural character. • <u>Land Use and Community Design P4.04.01:</u> Support development in locations where services, utilities, and amenities are or can be provided. • <u>Land Use and Community Design P4.05.01:</u> Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators. • <u>Agriculture G12.01.00:</u> Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses. • <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. • <u>Agriculture G12.04.00:</u> Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses
Criteria Met?		
Does Not Meet Criteria	2	When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?
Analysis		In consideration of the surrounding land uses, the proposed conditional zone change to Rural Residential is not more appropriate than the current zoning designation of Agriculture. The primary land use in the vicinity of the subject property is agriculture with some gravel pits further south. Within 1-mile of the subject property, there are parcels to the north, west, east, and south in active crop production. Additionally, to the south (mainly south of State Highway 20/26), there is a large number of gravel pits. There are a few residential homesites created through administrative land divisions in the surrounding area with smaller lot sizes (these lot sizes vary between 1-5 acres), but as evidenced by the average parcel size of approximately 36 acres and the lot classification map, these homesites are not common in the vicinity (Staff Report Exhibits B2.1, B2.2, B2.3, B2.4, and B2.11). Per USGS soil maps, the subject property is comprised of best suited Class II (60.70%), moderately suited Class III (33.56%), and least suited Class VI (5.74%) soils. The farmland report categorizes the soil as primarily farmland of statewide importance if irrigated (94.26%), with only a small portion near a canal on the subject property as not prime farmland (5.74%) (Staff Report Exhibit B2.5). Due to the majority of the property containing productive soil, Canyon County Soil Conservation District does not recommend a land use change (Staff Report Staff Report Exhibit D1). Pursuant to Canyon County ordinance 07-10-25 (1), the purpose of the "A" zoning district is to: - Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations; - Limit urban density development to Areas of City Impact in accordance with the comprehensive plan; - Protect fish, wildlife, and recreation resources, consistent with purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65; - Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and - Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan. Pursuant to CCCO §07-10-25 (2), the purpose of the "Rural Residential" zoning district is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable. The trends for the area do not support residential growth in this area at this time. Currently, the subject property is zoned agricultural and is surrounded by agriculturally zoned properties that are in agricultural production (mainly crop production and some animal-related uses) with some gravel pits further south of the State Highway 20/26. The subject property is contained within the Traffic Analysis Zone (TAZ) "2.45." As shown in Staff Report Exhibit B2.8 of the staff report, the data for the TAZ zone that contains the

	subject property does not forecast an increase in households in this zone by 2050. Both the existing land uses and the lack of forecasted growth in this area demonstrate that the proposed conditional rezone to rural residential is not appropriate at this time.			
	Adjacent Existing Conditions (Staff Report Exhibit B2.1 and B2.3):			
	Direction	Existing Use	Primary Zone	Other Zone
	N	Agricultural Uses with Scattered Homesites	Agriculture	N/A
	S	Agricultural Uses and Gravel Pits	Agriculture	N/A
	E	Agricultural Uses with Scattered Homesites	Agriculture	N/A
	W	Agricultural Uses	Agriculture	N/A
	"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):			
	There are no Canyon County land uses cases within 1-mile of the subject property in the past five years.			
Criteria Met?				
Does Not Meet Criteria	3	Is the proposed conditional rezone compatible with surrounding land uses?		
Analysis	The proposed conditional rezone to 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. The proposed conditional rezone is not compatible with the surrounding land uses. The primary land use in the vicinity of the subject property is agriculture (mainly crop production and some animal-related uses) with some gravel pits further south of State Highway 20/26. Within the notification radius of 600-feet, the average parcel size and median parcel sizes are 36 acres and 40 acres, respectively, demonstrating that this area contains agricultural uses and some gravel mining on large acreage properties. Due to these large agricultural operations and the gravel pits in the surrounding area, the proposed three (3) 6.7-acre parcels do not appear to be compatible with the surrounding land uses (Staff Report Exhibits A2, A3, B2.1, B2.3, B2.4, B2.6, and B2.11). Additionally, having a residential zoning designation outside of an area of city impact, adjacent to active agriculture, and that in an area identified with a future land use designation of industrial has the potential to create land use conflicts. See also §07-06-07(6)A2 for additional review.			
Criteria Met?				
Does Not Meet Criteria	4	Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?		
Analysis	The proposed conditional rezone may negatively affect the character of the area. Any measures to mitigate impacts proposed by the applicant are detailed below. Character of the Area: The character of the area is primarily agricultural in nature with gravel pits south of the subject property along State Highway 20/26. Within 1-mile of the subject property, there are parcels to the north, west, east, and south in active crop production. Additionally, to the south (mainly south of State Highway 20/26),			

	there is a large number of gravel pits. There are a few residential homesites created through administrative land divisions in the surrounding area with smaller lot sizes (these lot sizes vary between 1-5 acres), but as evidenced by the average parcel size of approximately 36 acres and the lot classification map, these homesites are not common in the vicinity (Staff Report Exhibits B2.1, B2.2, B2.3, B2.4, and B2.11). There is no residential zone located within 1-mile of the subject property. The following measures will be implemented to mitigate the impact The applicant has proposed restricting the division of the subject property into three (3) 6.7-acre parcels and is open to restricting secondary residences (Staff Report Exhibits A2, A2.1, and A3). Although these lot sizes may lend themselves to some agricultural uses, the proposed parcel sizes are not commensurate with the large agricultural parcels in this surrounding area and will likely not be compatible with the potential industrial zoning in this area.	
Criteria Met?	5	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?
Meets Criteria		
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 A4). Per Southwest District Health (SWDH), the project does not require a nitrate priority study. Additionally, a site evaluation has not been completed, and test holes have not been conducted to determine the feasibility of the proposed septic systems, but SWDH does not have any concerns with the use or request for rezoning if the applicant meets all Southwest District Health requirements (Staff Report Exhibits D2 and D2.1). Water: Per the applicant’s land use worksheet, three (3) individual domestic wells are proposed for the development (Staff Report Exhibit A4). Notice was given to the Idaho Department of Water Resources, but no comments were received. Individual domestic wells are anticipated to adequately provide services for potential residential dwellings. Future development shall comply with IDWR standards at the time of building permit, etc. Drainage: Per the applicant’s land use worksheet, stormwater is retained on site (Staff Report Exhibit A4). Irrigation: Per the applicant’s land use worksheet and additional correspondence from the applicant, irrigation water is provided to the property via surface water rights with a gravity irrigation system (Staff Report Exhibits A2.1 and A4). Black Canyon Irrigation District (BCID) gave the applicant an acknowledgement letter on May 1, 2026 which stated they have reviewed the project and “...have no concerns with the proposed split, nor do we have any irrigation structures on the parcel. BCID requests the landowner or project manager contact our office to split the irrigation water on the property after approval from the county” (Staff Report Exhibits A6.1, D8, and D8.1). T Utility: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on June 25, 2026 and September 10, 2026 and no comments were received. It is anticipated that the applicant will be able to work with utility providers to gain any utilities needed.	
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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/or future traffic patterns created by the proposed development. Any necessary measures to mitigate traffic impacts are detailed below. Notus-Parma Highway District No. 2 (NPHD#2) and Idaho Transportation Department are not requiring any public street improvements in order to provide adequate access to and from subject property to minimize undue interference with existing or future traffic patterns (Staff Report Exhibits D4 and D7).	
Criteria Met? Meets Criteria	7	Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?
Analysis	The subject property does have legal access off of Mink Road for the conditional rezone. Per Notus-Parma Highway District No. 2, an approach permit is required for all points of ingress/egress to the maintained public road right-of-way and new accesses must meet current ACCHD driveway spacing requirements and approach policies (ACCHD Section 3061). Mink Road is considered a Major Collector, so the minimum driveway spacing requirement is 330 ft (Staff Report Exhibit D7). Per additional correspondence from the applicant, each proposed 6.7-acre parcel is to have an individual access point off Mink Road subject to meeting highway district requirements (Staff Report Exhibit A2.1).	
Criteria Met? Meets Criteria	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?
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 Notus School District #135. It is not anticipated that any impacts or accommodations will be needed for this request. Agency comments were sent out on June 25, 2026 and September 10, 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 June 25, 2025 and September 10, 2026, and no comments were received by the Sheriff's Office. Fire Protection Caldwell Rural Fire Protection District sent a comment letter on July 8, 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 3.6 miles and the estimated response time is 4 minutes. Although the fire district does not object to the development, it does acknowledge that their "...department is currently operating with high resource utilization, and continued growth is contributing to increased service demand. Aligning staffing and resources with that demand will help maintain our current level of service" (Staff Report Exhibit D3). Emergency Medical Services: Canyon County Ambulance District sent estimated response times on September 25, 2026, for three (3) nearby stations: Station M51 has an estimated response time of 11.04 minutes, Station M52 has an estimated response time of 9.07 minutes, and Station M53 has an estimated response time of 11.24 minutes (Staff Report Exhibit D10).	

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case #CR2026-0005, a conditional rezone of an approximately 20.12-acre parcel (Parcel R34578) from the Agricultural (A) Zone to the Conditional Rezone – Rural Residential (CR-RR) Zone.

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

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