



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

In the matter of the application of:

Hoagland – CR2025-0002

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of Parcels R28146010 (11.94 acres), R28146010D (24.92 acres), and R28279010 (33.87 acres) from an “A” (agricultural) zone to an “CR-R-R” (Conditional Rezone - Rural Residential) zone, subject to a development agreement limiting development to an average lot size of five acres.
- 2) Location: Parcels R28146010 and R281046010D are adjacent to 746 Southside Blvd., Melba, also referenced as a portion of the SE¼ of Section 01, T1S, R2W. Parcel R28279010 is adjacent to 6627 Butte Road, Melba, also referenced as a portion of the NW¼ of Section 12, T1S, R2W, Canyon County, ID.

Summary of the Record

- I. The record is comprised of the following:
 - A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2025-0002
 1. All exhibits are located in the Planning and Zoning Commission staff report dated September 18, 2025.
 2. Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on July 14, 2025. A newspaper notice was published on July 19, 2025. Property owners within 600’ were notified by mail on July 14, 2025. Full political notice was provided on July 14, 2025. The property was posted on July 19, 2025.

Applicable Law

- I. 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 Rezone), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and CCCO §09-09-07 (Melba Area of City Impact Agreement).
 - 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, CR2025-0002, was presented at a public hearing before the Canyon County Planning and Zoning Commission on September 18, 2025. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

CONDITIONAL REZONE CRITERIA – CCCO §07-06-07(6)A

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

- Findings:**
- (1) The applicant requests a conditional rezone to "CR-R-R" (Conditional Rezone – Rural Residential) with a development agreement that will restrict the land division to a five-acre average minimum lot size in alignment with (1) the AC-5 vision from the Comprehensive Plan, and (2) the definition of rural residential in the 2030 Comprehensive Plan.
 - a. *"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 of the Plan).
 - (2) The parcels, located approximately 0.33 miles southeast of the City of Melba, are designated as agriculture in the 2030 Canyon County Comprehensive Plan (**Exhibit E.2d**). While parcels R28146010 and R28146010D are located in the Melba area of city impact (**Exhibit G.5**), Parcel R28279010 is not and includes an intensive agriculture overlay. The Plan further describes applicable districts for the agriculture designation, including Commercial Agriculture (R-R, AC-5, AC-20, and AC-40). The Commercial Agriculture (AC-5) district *"provides a variety of rural and farming lifestyles, including hobby farms, while protecting the commercial agricultural activities in the vicinity"* (Page 26 of the Plan). Appropriate locations for the AC-5 District have not yet been identified, and the associated zone has not been implemented or incorporated into the County Code.
 - (3) Per CCCO §07-06-07(3), a conditional rezone of a parcel does not set a precedent that adjacent property should be rezoned the same. The conditional nature of the rezone, which in this case will restrict the average minimum lot size to no less than 5 acres, allows for some agricultural uses on the property while not impacting agricultural activities in the vicinity.
 - (4) The request generally complies with the following goals and policies of the 2030 Comprehensive Plan:

Property Rights Goals and Policies

The request was processed per the following laws and ordinances: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07

(Conditional Rezone), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and CCCO 09-07-07, Melba Area of City Impact agreement.

- Goal No. 1: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.”
- *Policy No. 1: “No person shall be deprived of private property without due process of law.”*

Population Component Policy and Goal

COMPASS forecasts a small residential increase of households in the area due to (Traffic Analysis Zone No. 2906 & 2934). This may be due to the proximity of the properties to the City of Melba (Traffic Analysis Zone No. 2933, **Exhibit E.2I**). The request includes conditions that create development that transitions *between urban areas and agriculture*.

- *Goal No. 2: “Promote housing, business, and service types needed to meet the demand of the future and existing population.”*

Economic Development Goal

- *Goal No. 5: “Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.”*

Land Use Policies and Goals:

The proposed conditional rezone ensures an average minimum lot size of five 5 acres. The applicant has provided a conceptual plan showing a total of eight lots (a 7.362-acre average lot size for Parcels R28146010/010D and a 11.32-acre average lot size on Parcel R28279010, **Exhibits A.6**). This limited scale aligns with nearby development occurring in the City of Melba while protecting the rural character of the area, which allows for continued small-scale agricultural uses and agricultural exemption on the property, and balances residential growth with nearby agricultural production.

- *Policy No. 1.1: “Maintain a balance between residential growth and agriculture that protects the rural character.”*
- *Policy No. 1.2: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.”*
- *Goal No. 2: “Ensure that growth maintains and enhances the unique character throughout the County.”*
- *Goal No. 3: “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.”*
- *Policy No. 3.2: “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.”*
- *Policy No. 3.3: “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.”*
- *Goal No. 7: “Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to the good quality of life.”*
- *Policy No. 7.1: “Plan land uses that are compatible with the surrounding community.”*

Housing Goals

- *Goal 1: “Encourage opportunities for a diversity of housing choices in the County.”*
- *Goal 2: “Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural and natural resources.”*

(5) See analysis in the following criteria sections 2 - 8 for supporting evidence.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: In consideration of the surrounding land uses, the proposed conditional zone to “CR-R-R” is not more appropriate than the current zoning designation “A” (Agricultural).

Findings:

- (1) The subject parcels are zoned “A” (Agricultural). According to Canyon County Code of Ordinances (CCCO) §07-10-25 (1), the purposes of the existing “A” zoning district are 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 purposes of the “Local Land Use Planning Act”, Idaho Code title 67, chapter 65;*
 - D. Protect agricultural land uses, 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.*

The property and surrounding area consist of class 3 & 4 soils – moderately suited soils, and considered farmland of statewide importance or prime farmland (**Exhibit E.2h**). The property is currently irrigated and produces crops and contains livestock (**Exhibits F & E.2a**). Canyon Soils Conservation District recommends denial (**Exhibit G.3**). Six letters of opposition find the request threatens to impact existing agricultural uses and properties (**Exhibit H**).

The surrounding area contains agricultural zoning and uses. Aerial and site visit photos show that the area consists of large agricultural property and appears to be in irrigated row crop that receives an agricultural tax exemption (**Exhibits E.1, E.2a & F**).

- (2) Six letters of opposition received are concerned about the number of dwellings per acre that the request allows, without connection to existing city services. The opposition states that the area is prime farmland and is concerned that the request is out of character and may impact existing agricultural operations (**Exhibit H**).
- (3) Although the request results in eight residential parcels with an 8.97-acre average lot size, which could still be used for agricultural purposes (**Exhibit A.6**), the request has the potential to promote growth in an area that has no similar zones or land decisions (**Exhibit E.2f**), no subdivision decisions since 2006, and within an area still in agricultural production with a 21.72-acre average lot size (**Exhibit E.2e**). The request would be more appropriate when the city develops in close proximity to the subject properties. Until then, the request creates spot development outside a planned residential growth area.
- (4) *See further analysis located in sections A1, A3 & A4 for additional evidence.*

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: The proposed conditional rezone to “CR-R-R” is not compatible with surrounding land uses.

Findings:

- (1) The surrounding area contains agricultural zoning and uses. Aerial and site visit photos show that the area consists of large agricultural property and appears to be in irrigated row crop that receives an agricultural tax exemption (**Exhibits E.1, E.2a & F**).

Adjacent Existing Conditions: 21.71-acre average lot size (**Exhibit E.2e**).

Direction	Existing Use	Primary Zone	Another Zone
N	Agricultural with dwellings; City of Melba jurisdiction	A	-

S	Agricultural with dwellings	A	-
E	Agricultural with dwellings	A	-
W	Agricultural with dwellings	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)			

- (2) The property and surrounding area consist of class 3 & 4 soils – moderately suited soils, and considered farmland of statewide importance or prime farmland (**Exhibit E.2h**). The property is currently irrigated and produces crops and contains livestock (**Exhibits F & E.2a**). Canyon Soils Conservation District recommends denial (**Exhibit G.3**). Six letters of opposition find the request threatens to impact existing agricultural uses and properties (**Exhibit H**).
- (3) There are no similar zones in the area except the Melba city jurisdiction. The applicant provided other similar land divisions and land use case decisions, but they are not located in close proximity to the request (**Exhibit B & C**).
- (4) Within a one-mile radius are 10 plats consisting of 261 lots (0.88-acre lot size). Seven of the subdivisions are located within the City of Melba (**Exhibit E.2e**). The three subdivisions located in the county’s jurisdiction were completed between 2003 and 2009, creating 9 lots (12.21-acre average lot size).
- (5) *See further analysis located in sections A1, A3 & A4 for additional evidence.*

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

Conclusion: The proposed conditional rezone will negatively affect the character of the area.

Findings:

- (1) The surrounding area contains agricultural zoning and uses. Aerial and site visit photos show that the area consists of large agricultural property and appears to be in irrigated row crop that receives an agricultural tax exemption (**Exhibits E.1, E.2a & F**).
- (2) Six letters of opposition received are concerned about the number of dwellings per acre that the request allows, without connection to existing city services. The opposition states that the area is prime farmland and is concerned that the request is out of character and may impact existing agricultural operations (**Exhibit H**).
- (3) The applicant’s request includes conditions to restrict parcels to a five-acre average minimum lot size. Per the conceptual site plan (**Exhibit A.6**), Parcels R28146010 and 10D will be five parcels, with a 7.36-acre average lot size. Three of the parcels will have access via a private road, Little Bit Lane. The other parcel has frontage off Butte Road. Parcel R28279010 will be three parcels, a 11.3-acre average lot size. All lots will have access to existing irrigation via an irrigation easement (**Exhibit A.8**). The conceptual site plan (**Exhibit A.6/D.8**) shows lot sizes that are commensurate with the area (**Exhibit E.2i**) while still providing area and irrigation to maintain agricultural ground.

Even with restrictions that allow for agricultural uses to remain on each proposed parcel, the request has the potential to promote growth in an area that has no similar zones or land decisions (**Exhibit E.2f**), no subdivision decisions since 2006, and within an area still in agricultural production with a 21.72-acre average lot size (**Exhibit E.2e**). The request would be more commensurate with the character when the city develops in close proximity to the subject properties. Until then, the request creates spot development outside a planned residential growth area, which will negatively impact the character of the area.

- (4) *See further analysis located in sections A2 & A3 for additional evidence*

5. Will adequate facilities and services, including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed conditional rezone?

Conclusion: The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.

Findings:

- (1) Sewer: Per the applicant's letter of intent and land use worksheet, sewer would be provided with individual septic systems (Exhibits A.2, A.3 & A.5). Southwest District Health does not have concerns regarding the rezoning (Exhibit G.2). The parcels are located in a nitrate priority area, but don't need a study unless divided into five or more lots where the minimum buildable lot size is less than five acres. A site evaluation will be required at the time of the building permit.
- (2) Water: Per the applicant's letter of intent and land use worksheet, domestic water would be provided with individual wells (Exhibits A.3 & A.8). Notice was given to the Idaho Department of Water Resources, but no comments were received. Future development shall comply with IDWR standards at the time of subdivision/building permit, etc. Per the Nitrate Priority Well Map, there are no wells within the area with nitrate levels elevated to the water standard of 10 milligrams per liter (Exhibit E.2i).
- (3) Drainage: Per the land use worksheet, stormwater is proposed to be retained on-site. (Exhibit A.3).
- (4) Irrigation: Per the land use worksheet, irrigation plan, and letter of intent, irrigation will be provided to each parcel from existing irrigation wells and surface water rights (Exhibits A.2 & A.3). The Boise Project Board of Control does not oppose the request, subject to the protection of the Midway, Lyons, and Sanford laterals (Exhibit G.1).
- (5) Utility: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on April 25, 2025, and July 14, 2025. No agency comments were provided by those services at the time the staff report was written. Utility poles exist along the frontage of the parcel (Exhibit F). There are also residences in the general vicinity that are indicative of utility services being available. It is anticipated that the applicant will be able to work with utility providers to gain any needed utilities.

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?

Conclusion: The request is not anticipated to impact Southside Boulevard or Butte Road. Access and approach requirements will be met at the time of divisions and building permits.

Findings:

- (1) The rezone, conditioned to create eight parcels, is not anticipated to create a significant traffic impact on the area. Three of the eight parcels will have shared access via a private road, Little Bit Lane (Exhibit A.8). The other parcels have frontage on Southside Boulevard and Butte Road. The proposed parcels on Butte Road will require shared access.
- (2) The request is anticipated to create 76.16 average daily trips (152.32 average daily trips if secondary dwellings are allowed). Idaho Transportation Department and Nampa Highway District comments do not indicate the request would require a traffic impact study (Exhibits G.4 & G.7).
- (3) Nampa Highway District #1 will require shared access as part of the subsequent land division process (Exhibit G.4). Also, an access/approach permit will be required at the time of building permits.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?

Conclusion: The subject property does have legal access for the conditional rezone, and access will exist at the time of the development. See the review and analysis detailed below.

Findings:

- (1) The rezone is conditioned to create eight parcels. Three of the eight parcels will have shared access via a private road, Little Bit Lane (Exhibit A.8). The other parcels have frontage on

Southside Boulevard and Butte Road. The proposed parcels on Butte Road will require shared access.

- (2) Nampa Highway District #1 will require shared access as part of the subsequent land division process (**Exhibit G.4**). Also, an access/approach permit will be required at the time of building permits.

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?

Conclusion: 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. No issues were identified to mitigate.

- Findings:**
- (1) Schools: The subject property is within the Melba Joint School District #136. The school district commented that there is adequate capacity within the school district to accommodate eight residences (**Exhibit B.2**).
 - (2) Police: The subject parcels are under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the parcel. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency comments were sent out on April 25, 2025, and July 14, 2025, and no comments were received by the Sheriff's Office.
 - (3) Fire protection: The Melba Fire Department does not oppose the request (**Exhibit B.2**). The letter states Melba Fire has no issue with the request as it will not affect the department. The letter supports the growth in the area and the potential benefits to the department.
 - (4) Emergency Medical Services: Canyon County Paramedics, Melba Quick Response, and Canyon County's Emergency Management Coordinator were notified of the request and did not provide comment.
 - (5) Irrigation District: The Boise Project Board of Control finds Midway, Lyons, and Sanford laterals within the boundaries of the parcel. The laterals have a federal easement of 25 feet from the centerline. Any encroachment/crossing is prohibited unless approved by the Bureau of Reclamation. The subsequent land division must show the lateral easement on the record of survey (**Exhibit G.1**).

Canyon County Code §09-09-07 – MELBA AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Melba Area of City Impact. A notice was sent to the City of Melba per Canyon County Code Section 09-09-07. The City of Melba supports the request.

- Findings:**
- (1) Parcels R28146010 and R28146010D are located in the Melba Area of the City Impact Area. A notice was sent to the City of Melba on April 25, 2025, and July 14, 2025, regarding the conditional rezone request to gain input on the application from the city and give such input due consideration.
 - (2) On June 7, 2025, the City of Melba submitted comments supporting the request (**Exhibit G.5**). The city finds that the proposed lot sizes are appreciated by Melba residents, as the sizes allow agriculture to be maintained. The proximity to Melba promotes a natural extension of the community.
 - a. The city also identified that the subject parcel will not be located in the city's impact area once the new boundaries are adopted. Due to topography and lava rock issues, it is unlikely the city will extend service to the proposed area.

Order

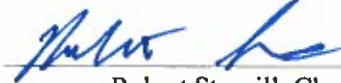
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case #CR2025-0002, a conditional rezone of Parcel R28146010 (11.94 acres), R28146010D (24.92 acres), and R28279010 (33.87 acres) from "A" to "CR-R-R".

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

1. The applicant should reapply for the request when the City of Melba development and growth is located closer to the subject parcels.

DATED this 16 day of October, 2025.

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



Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 16th day of October, in the year 2025, before me CAITLIN ROSS, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: Caitlin Ross

My Commission Expires: 5/7/2031