



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

In the matter of the application of:
Karen Desimini – CR2025-0006

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of Parcel R14970202 from the “A” (Agricultural) zone to the “CR-R-1” (Conditional Rezone-Single-Family Residential) zone. The request includes a development agreement to allow only one (1) additional parcel and prohibits secondary dwellings.
- 2) Location: Case CR2025-0006: The subject property is located at 29672 Grandview Road, Parma, ID 83660 also referenced as Lot 3, Block 1 of Stutheit Subdivision, Parcel R14970202, a portion of the SW ¼ of Section 18, T6N, R5W, 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 CR2025-0006.
 1. All exhibits are located in the case staff report dated February 19, 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)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).
 - 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, CR2025-0006, was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 19, 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 Staff Review		
Criteria Met?	Code Section	Analysis
No	1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
		The proposed conditional rezone change is not generally consistent with the Comprehensive Plan. The Plan does not contemplate residential zoning in this area. The parcel is located in an area designated for agricultural use by the 2030 Comprehensive Plan Future Land Use Map. Page 25 of the plan describes the 'Agricultural' designation as follows: “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.” The property and the surrounding area are further designated as an intensive agricultural overlay. Page 28 of the Plan describes the intensive agricultural overlay as follows: “This overlay is applied to protect working lands and operations. These areas may have higher-quality soils, greater 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 agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety.” The request generally does not comply with the following goals and policies of the 2030 Comprehensive Plan: <u>Economic Development</u> Introducing residential zoning in an area that is zoned and planned for agricultural use has the potential to negatively impact nearby agricultural-based businesses and operations by encouraging additional residential growth. • <u>Policy No. 4.1:</u> Build Canyon County as the premier location for agricultural-based businesses of all sizes. <u>Land Use and Community Design</u> Canyon County identifies the area for agricultural use, not residential growth. • <u>Policy No. 3.1:</u> Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.

	• <u>Policy No. 5.1</u>: Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators. • <u>Goal No. 7</u>: Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to the good quality of life. • <u>Policy No. 7.1</u>: Plan land uses that are compatible with the surrounding community. <u>Housing Goals</u> Canyon County designates the area for agricultural, not residential use. The existing agricultural zone allows for the existing home and secondary dwelling. Changing the zoning to residential could encourage housing in incompatible areas. • <u>Goal No. 2</u>: Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural and natural resources. • <u>Goal No. 3</u>: Discourage housing in incompatible areas. <u>Agriculture</u> Canyon County identifies the area for agriculture, not residential growth. The property is not within an impact area or a defined growth area. Approving the rezone could encourage division of nearby farmland. • <u>Policy No. 1.1</u>: Preserve and maintain agriculturally designated lands for agricultural use. • <u>Policy No. 1.2</u>: Encourage non-agricultural related development in the cities, areas of city impact, and other clearly defined and planned development areas. • <u>Policy No. 1.4</u>: Prioritize the protection of agriculture and farmlands in Canyon County as an essential part of the County’s economy, identity, and sense of place.																						
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 zone change to “CR-R-1” is not more appropriate than the current zoning designation of “A”. <u>Existing Conditions:</u> The surrounding area contains residential and agricultural uses. While Rural Residential (R-R) zoning is found less than 600 feet to the west (Staff Report Exhibit B2.3), the closest single-family residential zoning (R-1) is four (4) miles to the southeast near the city of Parma. The average lot size of subdivisions within a one-mile radius of the subject property is 9.56 acres, which is greater than the proposed approximately 1.3-acre lots (Staff Report Exhibit B2.7). The subject property consists of class 3 moderately suited soil that is considered prime farmland if irrigated (Staff Report Exhibit B2.6). The property does not have surface irrigation water rights, but groundwater irrigation is allowed with the domestic well (Staff Report Exhibits A6, D5, and D3). There are two (2) feedlots within a two-mile radius of the property (Staff Report Exhibit B2.5). The property contains a primary (BP2022-0725) and secondary residence (BP2022-0726), accessory structures (BP2022-1185, BP2022-1137), gardens, and small animals such as chickens, ducks, and goats (Staff Report Exhibit A2). <u>Adjacent Existing Conditions:</u> <table><tr><th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zone</th></tr><tr><td>N</td><td>Residential and Agricultural</td><td>A</td><td></td></tr><tr><td>S</td><td>Residential</td><td>A</td><td></td></tr><tr><td>E</td><td>Residential and Agricultural</td><td>A</td><td></td></tr><tr><td>W</td><td>Residential, River, and Agricultural</td><td>RR and A</td><td></td></tr></table> “A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)			Direction	Existing Use	Primary Zone	Other Zone	N	Residential and Agricultural	A		S	Residential	A		E	Residential and Agricultural	A		W	Residential, River, and Agricultural	RR and A	
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	Surrounding Land Use Cases: There are no recent land use cases within a one-mile radius of the property. <u>Rezoning Request</u> The request is to conditionally rezone the subject property to the CR-R-1 Zone, subject to the conditions of a development agreement. Pursuant to Canyon County Ordinance 07-10-25(3), the purpose of the R-1 Single-Family Residential zoning district is to promote and enhance predominantly single-family living areas at a low-density standard. Agricultural crop production is located approximately 400 feet to the east, adjacent to the river, and along Apple Valley Road (Staff Report Exhibit B2.1). Comments received from the Growing Together Advisory Board note that approval of the rezone would create an isolated zoning pocket that would open the door to further spot zoning requests in the County (Staff Report Exhibit E.1). The Snake River Canyon Scenic Byway Board provided comments expressing concern that the rezone could result in higher-density residential development in the surrounding agricultural area that would negatively impact Idaho's only "agriculturally themed" Byway (Staff Report Exhibit E2). The 2030 Comprehensive Plan envisions agricultural use for the area, and zoning and development trends do not indicate that single-family residential zoning is appropriate (Staff Report Exhibits B2.1, B2.3, and B2.4).	
Criteria Met? Yes	3	Is the proposed conditional rezone compatible with surrounding land uses?
Analysis	The proposed conditional rezone to "CR-R-1" is 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 to Single-Family Residential (R-1) with a prohibition on secondary dwellings is compatible with the density of nearby lots (Staff Report Exhibit B2.1). The proposed rezone is intended to facilitate the subdivision of the property into two (2) lots, each greater than one (1) acre in size. The applicant legally built a secondary residence on the property, and the proposed rezone will allow for that residence to be separately owned. The letter of intent details that the request for the rezone pertains to matters of inheritance and will allow the property to be held in two separate trusts (Staff Report Exhibit A2). No additional development is planned on the property, and a condition of approval will prohibit secondary residences. The use will maintain its existing compatibility with surrounding land uses, as surrounding properties will not experience any physical changes on the land. No additional traffic, noise, construction, or activity is anticipated with this rezone request. There are nine subdivisions within a one-mile radius of the subject property with an average lot size of 9.56 acres (Staff Report Exhibit B2.7). While the proposed lots at just over one acre will be smaller than the surrounding average lot sizes, there are other similarly sized parcels in the area. Within the 600-foot notification radius, there are three lots smaller than those proposed, and aerial imagery, as well as the lot classification map of the surrounding one-mile area, show several other similar-sized lots (Staff Report Exhibits B2.2, B2.1, and B2.10). Furthermore, not all the underlying 1900s subdivision lots have been resurrected. If property owners choose to exercise currently allowed administrative processes within the Canyon County Code, residential lots between 1 and 5 acres in size could become more prevalent in the surrounding area. While this proposal will require a rezone and subdivision, the proposed lot sizes are commensurate with previous land divisions within half a mile of the subject parcel:	

	• R23079010B0/B2 – CU2004-599 & LS2004-956: 1.01 & 1.11 acres • R23071010/11 – LS2004-950: 0.60 & 1.26 acres • R23065010 – LS2005-68: 1.51 acres • R23079010C/C1 – LS2004-955: 0.28 & 1.38 acres • R23101010A/B – LS2004-944: 0.6 & 0.57 acres • R23079010A/A1 – LS2006-129: 2.3 & 2.32 acres <i>See further analysis in sections 2 and 4 for additional evidence.</i>	
Criteria Met?	4	Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
Yes		
Analysis	The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below. Character of the Area: The character of the area is rural with large residential lots and nearby fields in crop production. The Snake River is approximately 330 feet to the west, and recreational opportunities are found approximately 2 miles south at the Fort Boise Wildlife Management Area. The community of Nyssa, Oregon, is a six-minute drive to the northwest. Large agricultural fields are found nearby, but the immediate area surrounding the subject property and south of Grandview Road is defined by lots approximately 0.5 to 5 acres in size (Staff Report Exhibits B2.10, B2.1, and B2.2). The proposed rezone will not increase density or development in the area. If approved, the property will be subsequently subdivided, allowing the existing single-family home and secondary residence to be placed on their own lots under separate ownership. No additional development is planned, secondary residences will be prohibited, and the character of the area will be unchanged. The following measures will be implemented to mitigate the impact To ensure that the character of the area remains unchanged, a proposed condition of approval will prohibit secondary residences, and the property will be divided in substantial conformance with the site plan (Staff Report Exhibit A3). See recommended conditions beginning on page 8. <i>See further analysis in sections 2 and 3 for additional evidence.</i>	
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. The applicant's letter of intent states that adequate facilities are already in place for the residences on the parcel, with no additional services needed for water, sewer, or irrigation (Staff Report Exhibit A2). Sewer: A shared septic system is in place to serve the primary and secondary residences on the property. Comment from Southwest District Health states that they are not concerned with the rezone, provided the future subdivision does not impact the location of the existing septic system and that all required separation distances to features of concern comply with IDAPA 58.01.0 (Staff Report Exhibit D4). Water: The property has an existing domestic well that the applicant intends to share between the two future lots (Staff Report Exhibits A2, A4, and A9). The subdivision plat will require compliance with Idaho Department of Water Resources standards, including a shared well agreement. The property is not within a nitrate priority area. The nearest well with known nitrate levels elevated to the water standard of 10 milligrams per liter is approximately 0.7 miles to the south (Staff Report Exhibit B2.8).	

	Drainage: Existing drainage patterns will be maintained and retained on site (Staff Report Exhibit A4). The subsequent subdivision plat will be required to demonstrate that stormwater runoff will be maintained onsite. Irrigation: Correspondence with the Farmers' Cooperative Ditch Company confirms that the property does not have surface irrigation water rights (Staff Report Exhibits A6 and D5). Irrigation will be provided through the Idaho Department of Water Resources (IDWR) via a domestic well or irrigation well water rights. Comments from IDWR state that the property does currently have groundwater rights with permit 63-34887 that allows for two (2) acres of irrigation for one home. Water can be shared and split equally between the lots if a shared well agreement is provided to IDWR. Without a shared well agreement, the owner of the second home/property would need to drill a new well (Staff Report Exhibit D3). Utility: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on June 4, 2025, and January 20, 2026. No agency comments were provided by those services at the time the staff report was written. The existing homes are served by utilities, and no changes are anticipated with this request.	
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 proposed conditional rezone will not require public street improvements to provide adequate access to and from the subject property or to minimize undue interference with existing and/or future traffic patterns created by the proposed development. The request allows two existing dwellings to be located on separate lots. Condition number 3 prohibits secondary dwellings, and as a result, the request will not increase vehicle trips. Idaho Transportation Department (ITD) does not have any concerns regarding the request as it does not meet the threshold for a traffic study, nor does it pose any safety concerns (Staff Report Exhibit D1). Comment from Notus Parma Highway District No. 2 further details that the proposal is not expected to generate additional traffic and that a traffic impact study is not required (Staff Report Exhibit D6).	
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 have legal access for the conditional rezone and will continue to have legal access if the property is subdivided. See the review and analysis detailed below. Access to the homes comes from a shared driveway onto Grandview Road, a local public road. Notus Parma Highway District No. 2 provided a comment stating that no additional approaches shall be permitted as a result of the rezone or subdivision and that a shared access easement or deed restriction shall be recorded with the subdivision plat, ensuring both parcels have legal access via the existing approach (Staff Report Exhibit D6).	
Criteria Met?	8	Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?
Yes		
Analysis	The proposed use is not anticipated to impact essential public services and facilities, including, but not limited to, schools, police, fire, and emergency medical services. Any necessary measures to mitigate impacts are detailed below. Schools:	

The request will not increase the student population and is not anticipated to impact Parma School District #137. Notice was provided to the school district on June 4, 2025, and January 20, 2026; no comments were received.

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. The rezone will not result in additional dwelling units and is not anticipated to cause a negative impact or require additional public funding. Agency comments were sent out on June 4, 2025, and January 20, 2026, and no comments were received by the Sheriff's Office.

Fire protection & Emergency Medical Services:

Correspondence with the Parma Fire Department confirmed that no fire department conditions will be required (**Staff Report Exhibit D2**). The fire department signed off on the residences and driveway when the primary and secondary residence building permits were approved. No additional residences will be allowed if the conditional rezone and subsequent subdivision are approved.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends denial of Case # CR2025-0006, a conditional rezone of 2.6.

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 the Comprehensive Plan support residential zoning on the property.

DATED this 5 day of March, 2026.

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


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 5 day of March, in the year 2026, 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