



PLANNING & ZONING COMMISSION
Christensen/Indart – Comprehensive Plan Amendment –OR2022-0002 REMANDED
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of
Christensen/Indart – Case No. OR2022-0002
The Canyon County Planning and Zoning
Commission consider the following:

A Comprehensive Plan Amendment changing the Future Land Use designation from “Agriculture” to “Residential” for approximately 151.56 total acres including the following parcels R36523 (73.06 acres), R36525 (36.79 acres), R33209 (41.21 acres) and R33210 (0.50 acres). The properties are located at and adjacent to 23422 Ustick Road along Ustick and Van Slyke Roads and are further described as being a portion of 4N-4W-31 SE and 3N-4W-06-NE, Boise-Meridian, Canyon County, Idaho.

Summary of the Record:

1. The applicant is requesting a Comprehensive Plan Amendment to amend the future land use designation from “Agriculture” to “Residential” for approximately 151.56 total acres including the following parcels: R36523 (73.06 acres), R36525 (36.79 acres), R33209 (41.21 acres) and R33210 (0.50 acres). The properties are located at and adjacent to 23422 Ustick Road along Ustick and Van Slyke Roads and are further described as being a portion of 4N-4W-31 SE and 3N-4W-06-NE, Boise-Meridian, Canyon County, Idaho.
2. The application was filed February 2022. The applicable Comprehensive Plan is the 2020 Plan. The subject properties are designated as “Agriculture” on the 2020 Canyon County Future Land Use Map.
3. The property is located within the Greenleaf Area of City Impact. Greenleaf designates the subject properties as “Agricultural” within the City’s Comprehensive Plan.
4. The subject property is located within Golden Gate Highway District, Wilder and Homedale Fire Districts, Vallivue and Homedale School Districts, and Wilder Irrigation District along with the Boise Project Board of Control.
5. The neighborhood meeting for the revised application was held on August 15, 2024 pursuant to CCZO §07-01-15. The revised application and draft concept plan was submitted on August 23, 2024.
6. Notice of the public hearing was provided on in accordance with CCZO §07-05-01. Agency and City of Greenleaf notice was provided on December 10, 2024 and July 17, 2025. A full political notice was provided on July 22, 2025. Newspaper notice was provided on July 22, 2025. Property owners within 300 feet were notified by mail on July 22, 2025. The property was posted on July 22, 2025.

7. The record herein consists of exhibits provided as part of the public hearing staff report, public testimony, and all information in case file OR2022-0002 and RZ2022-0002-CR.
8. On January 12, 2026 the Board of County Commissioners vacated the scheduled hearing date for this case and remanded it back to the Planning and Zoning Commission for consideration of the substantial amount of new materials including a draft traffic impact study, revised letters of intent, a letter of interest from the City of Greenleaf to investigate the feasibility of entering into an extraterritorial agreement to provide for sewer services to the property, and other documents. The Board cited ordinance Chapter 1, Article 17 adopted in 2024, which provides the Board the ability to decide (hear), to table, or remand a case. The change in approach is due to many applications not providing sufficient information/evidence at the Planning and Zoning Commission hearing(s) and providing substantial additional materials prior to the Board hearing not previously considered by the Planning and Zoning Commission.
9. A special hearing was scheduled for the Planning and Zoning Commission to hear the remanded case on March 26, 2026. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency and City of Greenleaf notice was provided on February 19, 2026. A full political notice was provided on February 19, 2026. Newspaper notice was provided on February 24, 2026. Property owners within 300 feet were notified by mail on February 19, 2026. The property was posted on February 25, 2026.
10. The Planning and Zoning Commission was provided all hearing materials in the record for consideration at the remanded hearing and on March 26, 2026 took testimony, deliberated and unanimously voted to recommend denial of the case to the Board of County Commissioners with a revised FCOs to revise criteria 6 & 7 indicating that the applicant submitted a traffic impact study and noting that the study had not been reviewed and approved by the Golden Gate Highway District Board of Commissioners at the time of the hearing.

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 §07-06-03 (Comprehensive Plan Amendment), CCCO §09-03 Greenleaf Impact Area, Title 67 Chapter 65 §67-6537(Use of Surface and Groundwater), (CCCO §07-06-07 (Conditional Rezones), 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. §07-06-01(3): Comprehensive Plan Changes: Requests for comprehensive plan changes and ordinance amendments may be consolidated for notice and hearing purposes. Although these procedures can be considered in tandem, pursuant to Idaho Code section 67-6511(b), the commission, and subsequently the board, shall deliberate first on the proposed amendment to the comprehensive plan; then, once the commission, and subsequently the board, has made that determination, the commission, and the board, should decide the appropriateness of a rezone within that area. This procedure provides that the commission, and subsequently the board, considers the overall development scheme of the county prior to consideration of individual requests for amendments to zoning ordinances. The commission, and subsequently the board, should make clear which of its findings relate to the proposed amendment to the comprehensive plan and which of its findings relate to the request for an amendment to the zoning ordinance.
3. 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.
4. 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.
5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
6. 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)(l).

The remanded application, OR2022-0002, was presented at a public hearing before the Canyon County Planning and Zoning Commission on March 26, 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:

Conclusions of Law

For Case File OR2022-0002, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Comprehensive Plan Amendment (§07-06-03 CCZO):

07-06-03: COMPREHENSIVE PLAN AMENDMENT CRITERIA:

- (1) The commission shall review the particular facts and circumstances of each proposed comprehensive plan amendment and make a recommendation regarding the same to the board. The commission and the board shall determine whether the proposed amendment meets the

requirements of the local land use planning act, Idaho Code title 67, chapter 65, and is consistent with the comprehensive plan's purposes, goals and policies

A. Is the requested type of growth generally in conformance with the comprehensive plan?

CONCLUSION: The requested type of growth is not in conformance with the comprehensive plan. The 2020 Comprehensive Plan designates the properties as Agriculture on the Future Land Use Map. The Plan generally “...encourages the protection of agricultural lands and land uses for the production of food and fiber...” The Commission acknowledges that there is residential development in the area but that this area of the county consists primarily of agriculture and intensive agricultural operations and the Plan does not support residential growth in this area of the county.

FINDING:

1. The Future Land Use Map designates the properties as ‘Agriculture’ (Exhibit B2e).
2. The property lies within the City of Greenleaf area of city impact. The property is designated agricultural on the Greenleaf future land use map (Exhibit B2f).
3. The properties are currently and have historically been in agricultural production including crops and livestock (B2a, C1).
4. The area is not trending toward residential development. There are some residential developments in the area created through conditional use permit approvals from 1998-2011. Those developments are zoned agricultural. There are conditionally zoned properties in the area, CPR2008-2, subject to a development agreement DA#08-111 recorded as instrument #2008051339. The properties have been and remain in agricultural crop production including corn and orchards (Exhibit B2a & Exhibit C).
5. The request is inconsistent with, but not limited to, the following goals and policies of the 2020 Canyon County Comprehensive Plan:
 - Property Rights Policy #8: “Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.”
 - Population Goal No. 1: “Consider population growth trends when making land use decisions.”
 - Population Policy No. 3: “Encourage future population to locate in areas that are conducive for residential living and do not pose an incompatible land use to other land uses.”
 - Land Use Goal No. 2: “To provide for the orderly growth and accompanying development of the resources within the County that is compatible with their surrounding area.”
 - Land Use – Residential Policy #2: “Encourage residential development in areas where agricultural uses are not viable.”
 - Agricultural Policy #1: “Preserve agricultural lands and zoning classifications.”
 - Agricultural Policy #3: “Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial or industrial development.”

- Natural Resources Goals #1: *"To support the agricultural industry and preservation of agricultural land."*
- Natural Resources Policy #3: *"Protect agricultural activities from land use conflicts or undue inference created by existing or proposed residential, commercial or industrial development."*

B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation;

CONCLUSION: The proposed land use amendment is not more appropriate than the current comprehensive plan designation of Agriculture. Although there are pockets of development in the vicinity, inclusive of the Timberstone Golf Course which is laid out in such a manner that it provides a great deal of open space; the subject properties and the surrounding land uses are predominantly agricultural consistent with the Comprehensive Plan designation of Agriculture.

FINDING:

1. The subject parcels are zoned "A" (Agricultural). The land use is predominantly agricultural. Properties within the immediate vicinity are predominantly zoned "A" with the average lot size of 19.13 acres for properties within the 600 foot notification area (Exhibits B1, B2a, B2c, B2d, B6, C1, and C2).
2. The golf course associated and nearby developments have an average lot size of 2.28 acres for 146 lots on 311 acres. Summerwind at Orchard Hills has greater than 50% of the developed property in open space providing a natural barrier between the residential uses and agricultural lands. The developments in the area are not urban density subdivisions. The properties to the north, south and west are agricultural and designated agricultural on the future land use map.
3. The property consists of moderately-suited soils and that are considered prime farmland and farmland of statewide importance, if irrigated. An approximate 9 acres of parcel R33209 is not considered prime farmland (Exhibits B2k).
4. Within the vicinity, the following residential zones have been approved or pending final approval:
 - CPR2008-2 (Williamson): Comprehensive Plan Amendment to "Residential" and conditional rezone to a "CR-RR" (Rural Residential) Zone of 311 acres approved in 2008 subject to development agreement DA#08-111 (Exhibit B8). Although 311 acres was conditionally zoned "CR-RR", the 311 acres remains in agricultural use. The development agreement included landscaping, exterior lighting, open space and subdivision requirements which have not been met; and therefore, it is unknown if the zone and agreement are vested or expired which would revert the 311 acres back to an agricultural zone (Exhibit B2c Zoning Map)
 - OR2021-0012 and RZ2021-0027-CR (Van Slyke Farms): [pending final signature on FCOs and Development Agreement] Comprehensive Plan Amendment to "Residential" for approximately 4.66 acres (the balance of the 26 acres was

identified as Residential in 2020 Plan) and a conditional rezone of 26 acres from "Agricultural" to "CR-Rural Residential" with a minimum lot size of two (2) acres and no secondary residences. Due to water quality and safety concerns, wells must be drilled, cased and sealed to a minimum depth of 350 feet.

4. The subject property is located within a one-mile radius of eight residential subdivisions, 146 total lots on a total of 333.38 acres with an average lot size of 2.28 acres (Exhibit B2d). The applicants are proposing 135 residential lots on 151 acres with an average lot size of 0.82 acres. All of the existing subdivisions are zoned agricultural and were approved under a different ordinance and comprehensive plan; and therefore, do not reflect current goals and policies. These development final plats were recorded from 1998 with the most recent being 2011. A replat of a common lot to adjust for setback requirements was completed in 2022.

C. Is the proposed comprehensive plan amendment compatible with surrounding land uses;

CONCLUSION: The proposed comprehensive plan amendment is not compatible with surrounding land uses. The predominant zone and land use is agricultural. Although there is residential development in the area the predominant land use is agricultural with an average lot size of 19.3 acres within the 600 foot notification area. The proposed 135 residential lot development will nearly double the current residential development (146 platted lots) in the area with urban transition sized lots of 0.82 acres and very little planned open space or transition areas. The current average lot size of 2.28 in this area of the county, doubling the residential units in an intensive agricultural area has the potential for conflict with agricultural operations and traffic. Creating further development sprawl may have the devastating affect of encouraging additional creep of residential development in an area that currently does not have planned urban services now or into the future.

FINDING:

1. The subject properties are zoned "A" (Agricultural) (Exhibit B1 and B2c).
2. There are eight platted subdivisions within one mile of the development with an average lot size of 2.28 acres (Exhibit B2d). The majority of the subdivision development is immediately within or surrounding the Timberstone Golf Course located adjacent to the subject properties and east of Van Slyke Road. All of the platted developments are zoned agricultural and created through the former conditional use process.
3. In 2008 a conditional rezone to "CR-Rural Residential" of 311 acres was approved (Williamson properties). To date the properties have not been developed and are in agricultural production including crops and orchards. (Exhibit B2a, B2c, and C2) No development plan has been submitted or approved for these properties.
4. The predominant use of the properties in the area is agricultural crop production with sporadic ag-residential homes on farms. (Exhibits B2a, C1, C2)
5. The property is located within the Greenleaf area of city impact but is located more than two (2) miles from the Greenleaf city limits (Exhibit B2p.)

6. Friends Dairy CAFO is located just over one mile to the north and east of the subject properties at Tucker Road and Boehner Road intersection. The dairy has a large composting operation and also applies nutrients to area fields. (Exhibit B2l, C1).

D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted;

CONCLUSION: The development trends in the general area have not changed to support the requested comprehensive amendment from an "Agriculture" designation to a "Residential" designation.

FINDING:

1. The future land use map within the 2020 Canyon County Comprehensive Plan designates the subject property as "Agriculture". Most of the residential designation came from the 2008 approval (CPR2008-2, Williamson).
2. The properties and surrounding area are not growth areas. The parcels are located within Traffic Analysis Zones (TAZ) #2718 comprising an area of 616 acres and #2731 comprising an area of approximately 2,012 acres. The forecasted household growth for TAZ #2731 is for two households and for TAZ #2718 no additional household growth is forecasted (Exhibit B2g). COMPASS (Community Planning Association of Southwest Idaho) maintains and uses the data as part of the Communities in Motion Regional Transportation Plan which uses future population, households and jobs forecasts to determine future transportation needs for the Treasure Valley. COMPASS forecasts do not indicate a population or household growth in the area due to large farmlands and agricultural uses and lack of infrastructures and amenities necessary to support residential growth.
3. The property is located within Greenleaf's Area of City Impact which designates the property as "Agricultural" (Exhibit B2f).
4. There has been one recent approval (pending signature) of a comprehensive plan amendment to residential for 4.66 acres on the Van Slyke Farms properties to the south. No other amendments to the 2020 Plan have been submitted or approved for this area of the county. The conditional rezone was changed from requested "CR-R1" (Single Family Residential) with a one acre average minimum lot sizes to "CR-RR" (CR-Rural Residential) with a minimum lot size of two (2) acres with no secondary residences allowed (pending BOCC signature on FCOs and Development Agreement).
5. The majority of lots created through the subdivision approvals 1998- 2011 remained generally undeveloped through 2019. Residential construction primarily occurred in the last five to six years (Exhibit B6 Google review and GIS imagery2020/2025).

E. Will the proposed comprehensive plan amendment impact public services and facilities. What measures will be implemented to mitigate impacts? (Ord. 11-003, 3-16-2011)

CONCLUSION: The proposed comprehensive plan amendment may impact public services or facilities. Golden Gate Highway District will require a traffic impact study specific to the proposed development to determine impacts if any (Exhibit D6 and D7). The applicant submitted a traffic study for review and approval by GGHG 2-2-26. At the time of the hearing the TIS had not been approved by the Highway District Board of Commissioners. Vallivue School District expressed

concerns with adding development because projections indicate that existing and new schools will reach or exceed capacity by 2029 considering currently approved but not yet constructed development in their district (Exhibit D3 and D3a). Longer response times are expected from all services including police, fire and EMS.

FINDING:

1. Agencies were notified of the application through a full political notification 07-17-25 and specific requests for comment were sent to affected agencies 12-10-25 (see case file OR2022-0002). Agencies were sent additional notices for the remand hearing on February 19, 2026.
2. The following agencies commented: Idaho Department of Environmental Quality, Southwest District Health, Golden Gate Highway District, Vallivue School District, Idaho Transportation Department, DSD Engineering, and the Boise Project Board of Control (Exhibits D1-D6).
3. For the Comprehensive Plan Amendment the notified agencies providing comment did not provide comments that indicate significant concerns regarding impact on public services and facilities. However, Vallivue School District did express concerns with continued growth on school capacity (Exhibit D3 and D3a). Golden Gate Highway District requires a traffic study, accesses may require a variance due to sight distance concerns due to topography of the road ways and required access spacing (D6).
4. Mitigation through conditions of approval regarding traffic, access, irrigation, water and sanitary services could potentially be addressed at the time of future development if the Comprehensive Plan Amendment and Conditional Rezone are approved.
5. The applicants submitted a revised traffic study dated 2-2-26 (Exhibit K14) to Golden Gate Highway District (GGHD) and the revised study has been reviewed by JUB Engineers for compliance with ACCHD standards. JUB Engineers provided a memorandum to GGHD dated 3-10-26 summarizing the findings and recommendations provided in the TIS report completed by CR Engineering with additional recommendations and comments from JUB (Exhibit K13). The memorandum has not been reviewed by the Golden Gate Highway District Board of Commissioners per email response from Bob Watkins, Director of Highways (Exhibit I.1)
6. Exhibit I.1 also indicates that the variances for accesses to the development have not been reviewed and approved.

- F. Idaho Statutes: Title 67 Chapter 65 §67-6537 USE OF SURFACE AND GROUNDWATER: (4)**
“When considering amending, repealing, or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal, or adoption of the comprehensive plan would have on the source, quantity, and quality of groundwater in the area.”

CONCLUSION: The proposed amendment would allow for the use of the property for residential uses. Any uses allowed or conditionally permitted in accordance with CCZO, must comply with all applicable federal, state, and local laws with regard to water quantity and quality. The development application proposes and shall be subject to conditions of approval to install community well(s) for potable water and connection to the City of Greenleaf waste treatment system (Exhibit A2). The

