



**Canyon County Board of Commissioners  
Sierra Vista Properties, Inc. – RZ2022-0011**

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**Findings of Fact, Conclusions of Law, and Order**

**Zoning Map Amendment “A” to “RR”**

**Findings of Fact**

1. The applicant, Sierra Vista Properties, Inc., is requesting a zoning map amendment (rezone) of Parcel R37496 ( $\pm$  90.57 acres) from an “A” (Agricultural) zone to a “R-R” (Rural Residential) zone. The subject property is located at 8718 Purple Sage, Rd., Caldwell; also referenced as a portion of the SW $\frac{1}{4}$  of Section 27, T5N, R2W, BM, Canyon County, Idaho.
2. The rezone is being considered concurrently with a preliminary plat (including irrigation and drainage) for Mint Farm Estates. The proposed plat includes 39 residential lots (SD2022-0034).
3. The subject property is designated “Residential” on the Canyon County Comprehensive Plan Future Land Use Map (Exhibit 5d of the staff report).
4. The site is not located within an area of city impact.
5. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, Middleton School District and Black Canyon Irrigation District.
6. A neighborhood meeting was conducted on June 29, 2022 pursuant to CCZO §07-10-15 (Exhibit 4 of the staff report).
7. Notice of the Planning and Zoning public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on July 18, 2022, newspaper notice was published on December 18, 2022, property owners within 600’ were notified by mail on December 15, 2022, and the property was posted on December 27, 2022.
8. The Planning and Zoning Commission heard cases RZ2022-0011 and SD2022-0034 on January 5, 2023 and forwarded a recommendation of denial to the Board of County Commissioners with the FCOs signed on January 19, 2023. (Exhibit E & F BOCC Addendum)
9. Notice of the BOCC hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on May 17, 2023, newspaper notice was published on June 1, 2023, property owners within 600’ were notified by mail on May 31, 2023, and the property was posted on June 8, 2023.
10. The Board of County Commissioners heard this case on July 12, 2023, took testimony, considered exhibits not previously submitted, and continued the hearing to a date certain of August 24, 2023. Late Exhibits were posted to the hearing case on the Canyon County website for public review. On August 24, 2023 the hearing was continued to August 31, 2023 at 1:30 p.m.
11. The record includes all testimony at the public hearing held on January 5, 2023 and July 12, 2023, the staff report, exhibits, and documents in Case File No. RZ2022-0011.

**Conclusions of Law**

For this request, the Board of County Commissioners find and conclude the following regarding the Standards of Review for a Zoning Map Amendment (CCZO §07-06-05):

**A. Is the proposed zone change generally consistent with the comprehensive plan?**

**Conclusion:** The proposed zoning map amendment is generally consistent with the 2020 Canyon County Comprehensive Plan.

**Finding:** The property is identified as “residential” on the 2020 Canyon County Comprehensive Plan - Future Land Use Map (Exhibit 5d of the staff report). The project aligns with the following goals and policies of the 2020 Comprehensive Plan:

**Chapter 1. Property Rights**

**Policy 1.** No person shall be deprived of private property without due process of law.

**Policy 8.** Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

**Chapter 2. Population**

**Policy 3.** Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.

**Chapter 4. Economic Development**

**Policy 7.** Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

**Chapter 5. Land Use**

**Land Use Goal 5.** Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

**Land Use Goal 6.** Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.

**Residential Land Use Policy 3.** Encourage compatible residential areas or zones within the county so that public services and facilities may be extended and provided in the most economical and efficient manner.

**Chapter 8. Public Services, Facilities and Utilities**

**Policy 3.** Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.

**Chapter 9. Transportation**

**Policy 13.** Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency service purposes.

**B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?**

Conclusion: The proposed zoning map amendment is more appropriate than the current zone.

Finding: The property is identified as “Residential” on the 2020 Canyon County Comprehensive Plan - Future Land Use Map (Exhibit 5d of the staff report). Although the property is active agricultural ground and near other large agricultural properties and uses, the property is also located near existing residential subdivisions (Exhibit 5e of the staff report) and similar zones (Exhibit 5f of the staff report) which supports a rural residential development and lifestyle. The property is adjacent to the Middleton Area of City Impact where residential development is promoted.

**C. Is the proposed zoning map amendment compatible with surrounding land uses?**

Conclusion: The proposed zoning map amendment is compatible with the surrounding land uses.

Finding: The applicant is proposing to rezone the 90.57 acre subject property to “R-R” (Rural Residential). Within a one (1) mile radius, there are 26 platted subdivisions for a total of 495 lots with a 2.35-acre average lot size (Exhibit 5e of the staff report). The following land use decisions have been made within the vicinity of the subject property:

- RZ2018-0006 – Edward Vance: Approval of a zoning map amendment from an “A” Zone to a “R-R” Zone.
- RZ2021-0012 – Reynolds Brothers, LLC: Denial of a zoning map amendment from an “A” Zone to a “R-1” (Single Family Residential – One-acre average minimum lot size) Zone. The Board of County Commissioner requested it be rezoned to an “R-R” Zone instead.
- RZ2021-0034 – John Cotner: Approval of a zoning map amendment from an “A” Zone to a “R-R” Zone.

- RZ2021-0036 – Richards/Larsen: Approval of a conditional rezone from an “A” Zone to a “CR-R-1” Zone.

**D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?**

Conclusion: The proposed zoning map amendment will not negatively affect the character of the area.

Finding: The request is located near existing residential subdivisions (Exhibit 5e of the staff report) and similar zones (Exhibit 5f of the staff report) which supports rural residential development and lifestyles. Therefore, the request is found to be compatible with the rural character of the area. Development mitigation will be applied at the time of platting.

**E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment?**

Conclusion: Adequate sewer, drainage, and storm water drainage facilities and utility systems will be provided to accommodate the proposed use at the time of development. Platting as a residential subdivision will be required.

Finding: The request includes a preliminary plat (SD2020-0034) which demonstrates future development proposes individual septic systems and domestic wells. The property is not located within nitrate priority area. Nitrates in wells within the area appear to be low (1.1-2.2mg/L). IDEQ (Idaho Dept. of Environmental Quality) nitrate threshold is 10mg/L. (Exhibit 5h of the staff report). No comments were received from IDWR (Idaho Dept. of Water Resources) or IDEQ (Idaho Dept. of Environmental Quality). SWDH (Southwest District Health) did not express concerns with the development. Therefore, compliance with agency requirements and standards will be implemented at the time of platting.

The county engineer provided comment in favor of a community drinking water system and a central wastewater system consistent with current department policies for groundwater protection. (Exhibit G1 BOCC Addendum)

Future development will utilize surface water rights from Black Canyon Irrigation District (BCID) via a pressurized irrigation system. At the time of platting, the development shall be required to meet BCID requirements and standards. Drainage will be addressed via the subdivision plat for this development through borrow ditches and retention ponds.

**F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?**

Conclusion: The property has legal access to Purple Sage Rd., at the existing home site location.

Finding: The property has frontage on Purple Sage Rd., a public road.

Canyon Highway District No. 4 does not oppose the use of the access subject to conditions of the subdivision plat.

**G. Does the proposed zoning map amendment 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 created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?**

Conclusion: Although Canyon Highway District #4 finds that traffic impacts can be addressed by requiring right-of-way dedications, frontage improvements, internal road improvements and development impact fees, cumulative impacts to the existing road system are not adequately addressed.

Finding: Canyon Highway District #4 finds the request does not warrant a TIS (Traffic Impact Study). Traffic impacts will be mitigated through impact fees, internal street improvements, frontage improvements, access improvements and right-of-way dedication that shall be completed prior to final plat approval.

Although, Canyon Highway District #4 finds mitigation measures through impact fees and other subdivision improvements, it does not address the cumulative traffic impacts found in the area. Between 2018-2022, land use decisions allowed approximately 215 residential lots within a one-mile radius (Exhibit 14). This request will allow 39 residential lots within the area. The September 2021 TIS provided by the applicant (Exhibit 13) states site access and Purple Sage Road requires a stop-controlled T-intersection by 2023 and that the Lansing Lane and SH-44 intersection is anticipated to operate at LOS F during PM peak hours by 2023 if improvements such as a single-lane roundabout or traffic signal with left-turn lanes on Lansing Lane approaches are not completed. Impact fees do not guarantee improvements will be completed within the 2023 timeframe as stated in the TIS. Until cumulative impacts can be adequately addressed, this finding cannot be supported.

**H. Will the proposed zoning map 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: Essential services will be impacted by the requested rezone.

Finding: The property is served by Middleton Fire District, Middleton School District and Canyon County Sheriffs.

Middleton School District finds the request will impact Mill Creek Elementary School which is over capacity by 123% (Exhibit 10). The development would potentially create 20-27 new students. Until the impact to the school district can be adequately addressed, this finding cannot be supported.

**Order**

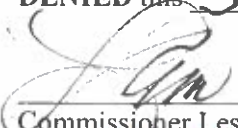
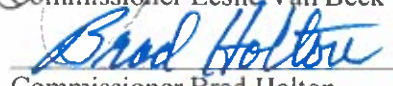
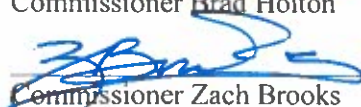
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners DENY Case #RZ2022-0011, a zoning map amendment from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone for Parcel No. R37496 containing approximately 90.57 acres.

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

1. Re-apply for a zoning map amendment or conditional rezone once the following has occurred:
  - a. Middleton School District capacity impacts are adequately addressed or minimized through Middleton School District-approved mitigation measures.
  - b. Site Access/Purple Sage Road and Lansing Lane/SH-44 improvements are constructed and completed to adequately address cumulative impacts.

This decision is final. Pursuant to Idaho Code Section 67-6535(b), the applicant or affected person may first seek reconsideration within 14 days prior to seeking judicial review.

DENIED this 31 day of Aug., 2023.

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	✓	_____	_____
 Commissioner Brad Holton	X	_____	_____
 Commissioner Zach Brooks	X	_____	_____

Attest: Chris Yamamoto, Clerk

By:   
Deputy

Date: 8-31-23