

CR2023-0003

BCI Real Estate LLC

APPLICANT: KATIE BURFORD AND MICHAEL TORRES

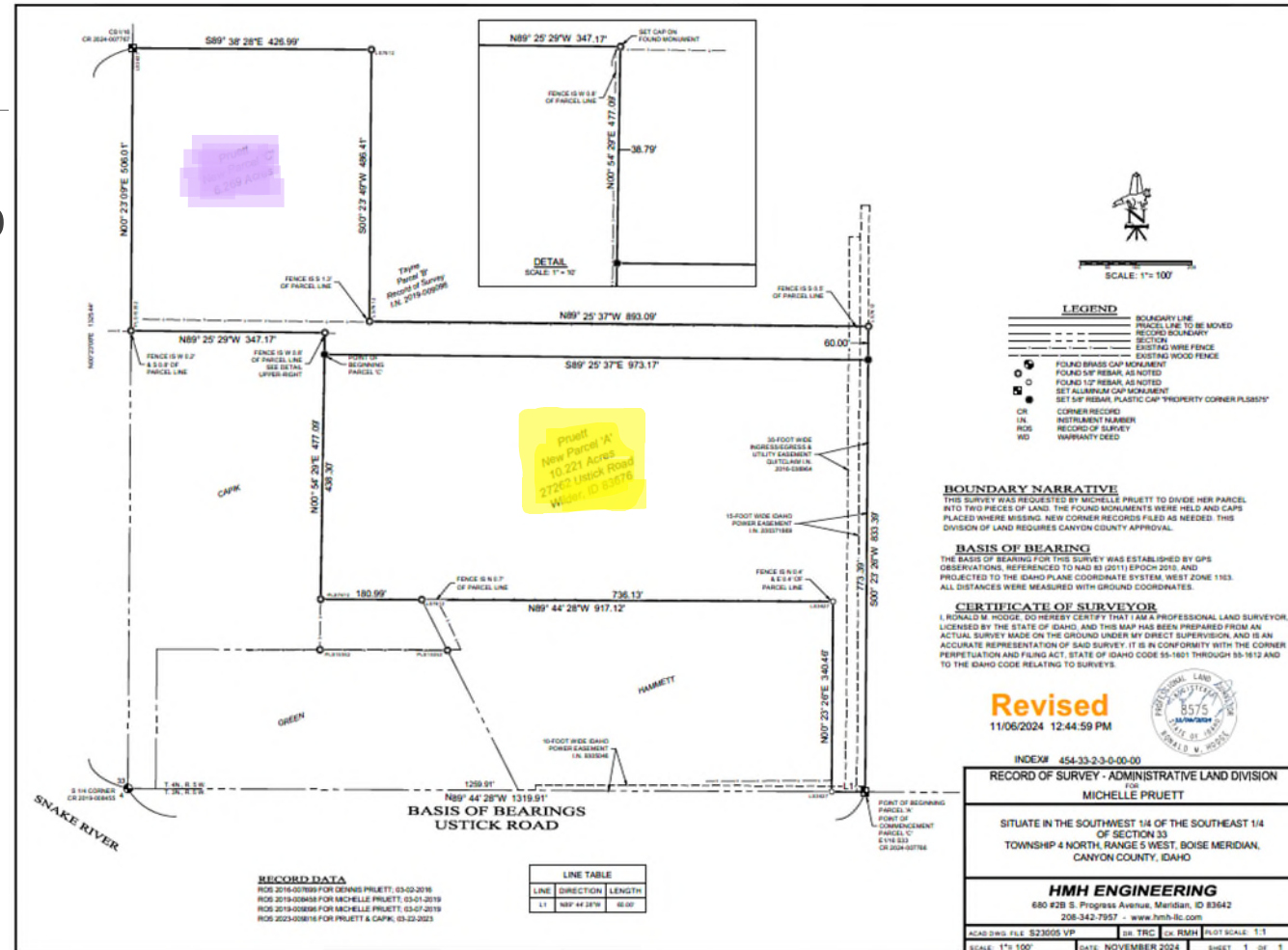
OWNER: BCI REAL ESTATE



REQUEST:

The applicants request an amendment to the official zoning map in order to conditionally rezone the property from Agricultural (“A”) to Rural Residential (“RR”) to create two (2) parcels each with a residential building permit available.

The request includes a Development Agreement to limit the number of parcels, one (1) parcel with 6.269 acres and one (1) parcel with 10.221 acres



GENERAL BACKGROUND:

- Parcel R37229010A is currently zoned Agricultural (“A”) with a future land use of Rural Residential.
- Through previous administrative land divisions and property boundary decisions, the subject property has been designated as agricultural-only with no residential building permit available.
- There was a code enforcement case opened on the property in November 2024, as it was established that the agricultural-exempt building on the property has a bedroom.
- The property changed ownership from Michelle Pruett to BCI Real Estate LLC in January 2025.



EVALUATION CRITERIA (07-06-07(6)A):

1. Is the proposed conditional rezone generally consistent with the comprehensive plan;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
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?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
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? (Ord. 16-007, 6-20-2016)

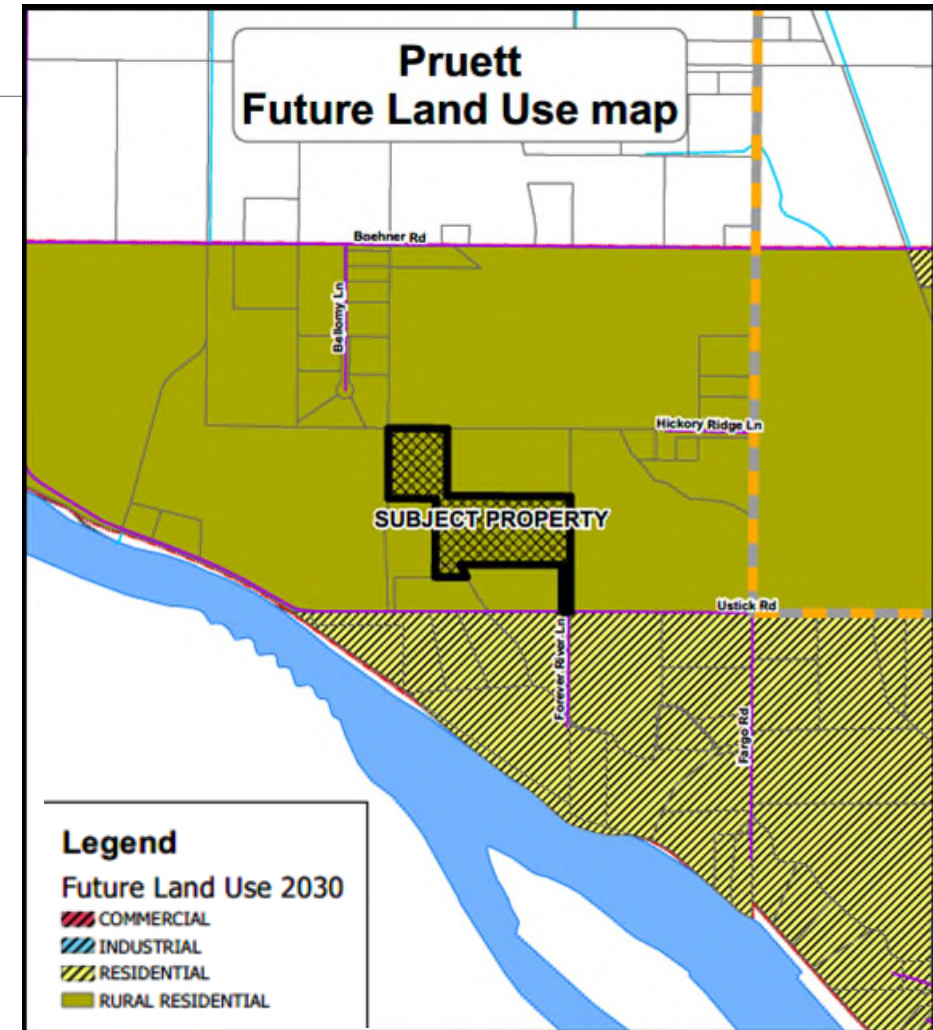


Planning and Zoning Commission Recommendation – Approval with 7 Conditions

2. The subject parcel, approximately 16.49 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Divisions) of the Canyon County Code of Ordinance (CCCO) in substantial compliance with the conceptual site plan (**Exhibit A6**).
 - a. Further divisions of the subject parcels are prohibited.
 - b. Secondary residences are prohibited.
4. Within 30-days of Canyon County's Board of Commissioners signature on the Findings of Fact, Conclusions of Law, and Order and prior to any new building permit being issued on the proposed parcels, the property owner shall bring the agricultural-exempt building into compliance via an approved change of occupancy permit.
7. The property owners shall only use their legal access off of Ustick Road to access their property unless legal access is obtained through a different access point in the future.

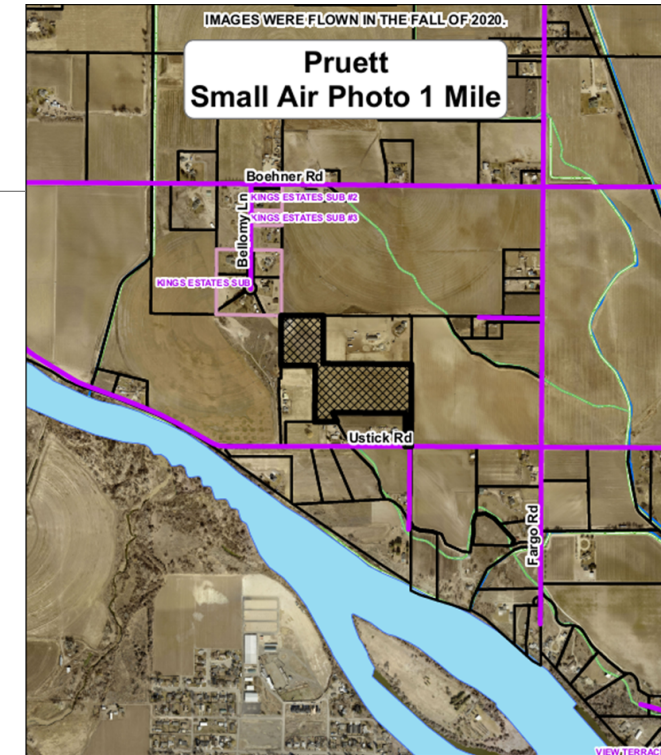
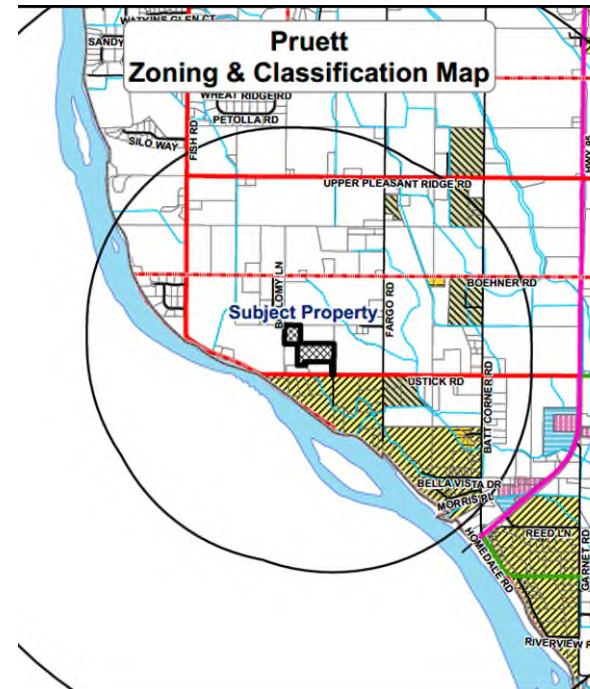
CONDITIONAL REZONE CRITERIA 1: COMPREHENSIVE PLAN CONSISTENCY

- The request is consistent with 8 goals, 3 policies, and 3 points of the 2030 Comprehensive Plan.
- Canyon County's 2030 Comprehensive Plan designates the area as Rural Residential.
- The parcel is within City of Homedale's Impact Area, but the City does not have plans for this area.



CONDITIONAL REZONE CRITERIA 2-4:

- The surrounding area primarily contains agricultural zoning and uses, but the land directly to the south and southeast predominately contains residential zoning and agricultural uses.
- This area appears to be a transition area between low-density residential and productive agricultural.
- The proposed parcels (6.269-acres and 10.221-acre) exceed the median acreage and is within 1.0 acre of the average size of the parcels in the surrounding area.



Agricultural Field Located on Site



Facing Northwest



Agricultural- Exempt Building



Facing South (Toward Ag Field on Site)



Stalls

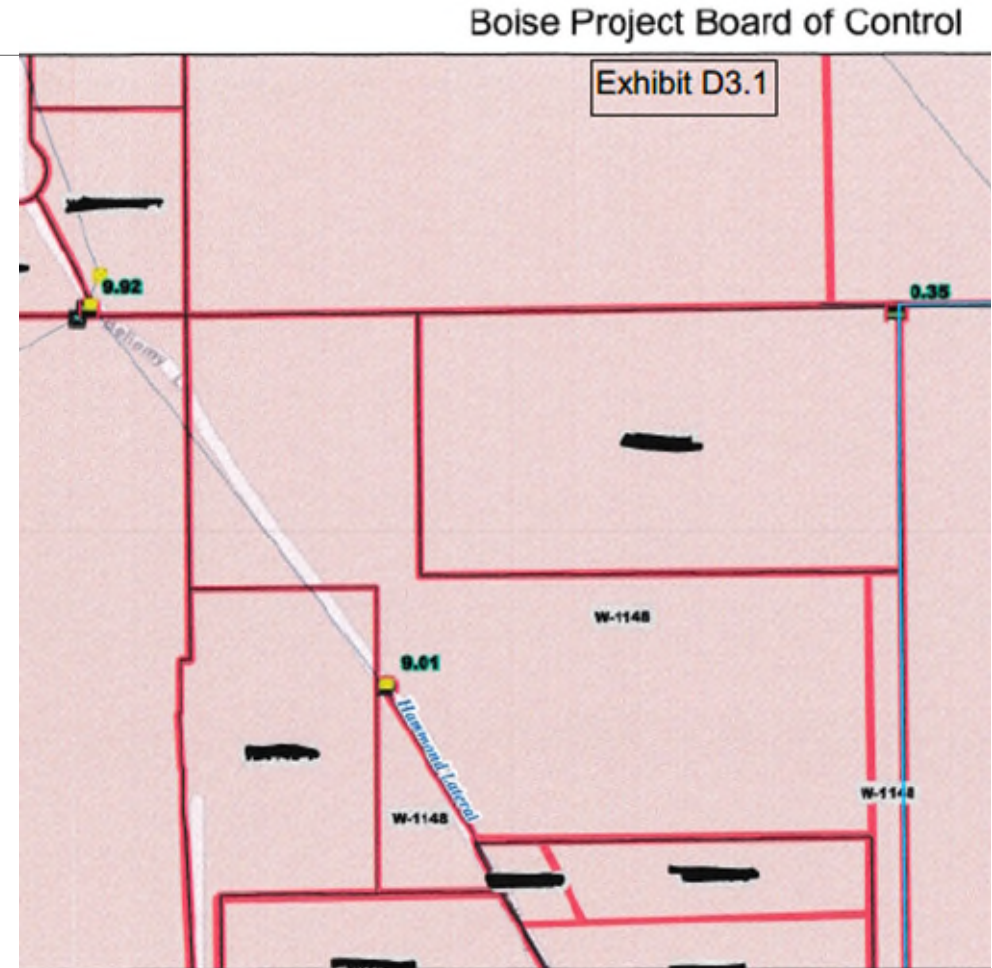


Shows Pasture On Site Facing North



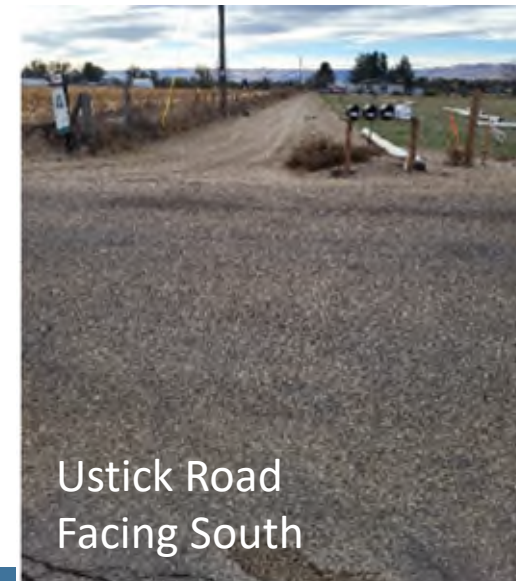
CONDITIONAL REZONE CRITERIA 5: ADEQUATE FACILITIES AND SERVICES

- Sewer: Individual septic exists on the proposed 6.269-acre parcel and is requested for the 10.221-acre parcel
- Water: Individual wells are requested for each lot
- Drainage: Stormwater drainage is currently retained by burrow ditches
- Irrigation: Served by Boise Project/Wilder Irrigation
 - Hammond Lateral is located on the property, which can be found on this slide.
- Utility agencies did not comment.



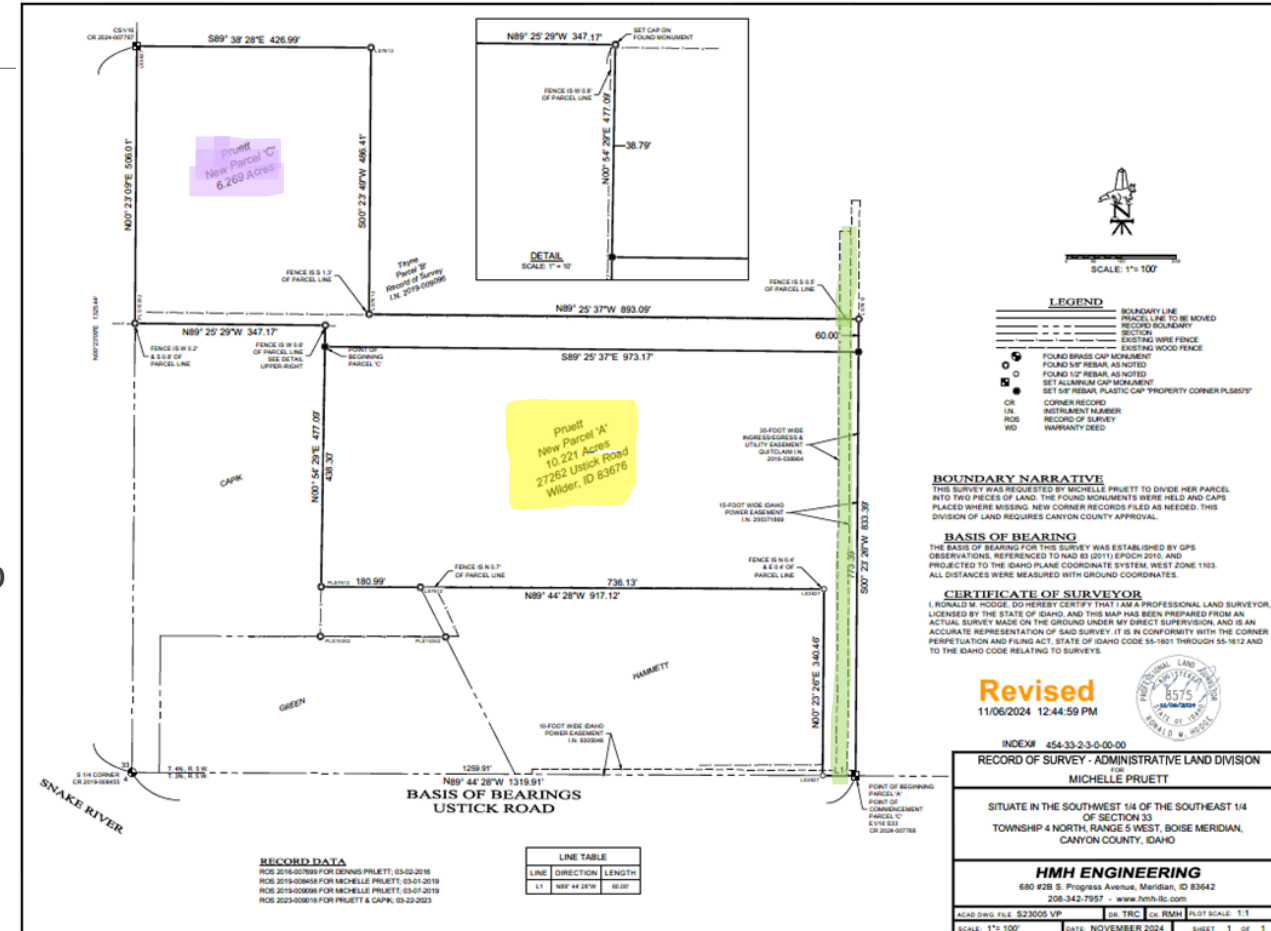
CONDITIONAL REZONE CRITERIA 6: PUBLIC STREET IMPROVEMENT AND TRAFFIC PATTERNS/IMPACTS

- Per Golden Gate Highway District No. 3, public street improvements will not be required to provide adequate access or to minimize interference with traffic patterns
- Due to only two (2) parcels being created with a residential building permit, there does not appear to be a need to implement mitigation of traffic impacts.



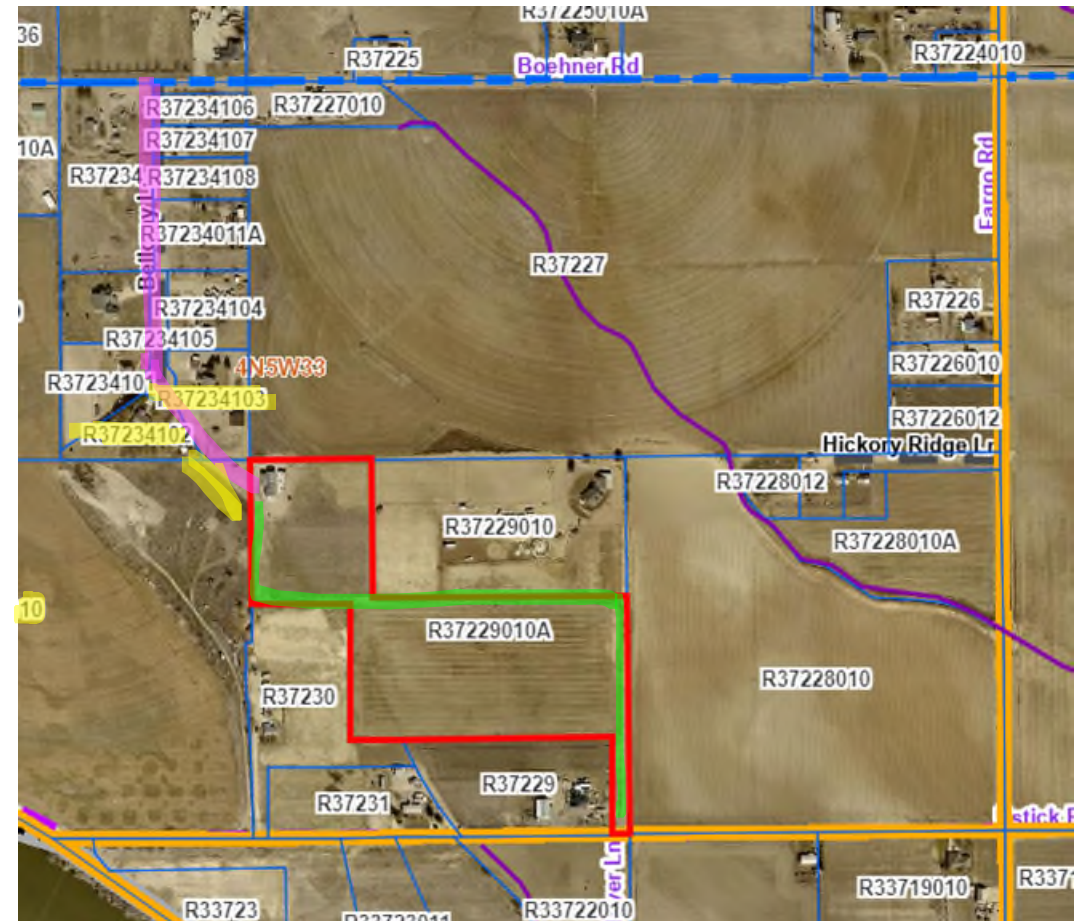
CONDITIONAL REZONE CRITERIA 7: LEGAL ACCESS

- The subject property has legal access via Ustick Road.
- Parcel A's proposed access is from Ustick Road. Parcel C's would be from the ingress, egress easement (highlighted in green) through Parcel A to Ustick Road.
- Golden Gate Highway District No. 3 states the following findings and conditions of approval apply:
 - Proposed access on Ustick Rd is to meet the rural roadway driveway spacing requirements of Section 3061.020 and applicable standard drawings of the ACCHD Standards
 - Provide a recorded easement prepared by an Idaho registered licensed land surveyor in accordance with ACCHD Standards for access to Parcel "C."
 - A site visit by GGHD and/or ITD representatives is required to address possible site distance issues, if any.
- If the application is approved, the private access would need to become a private road in compliance CCCO §07-10-03.



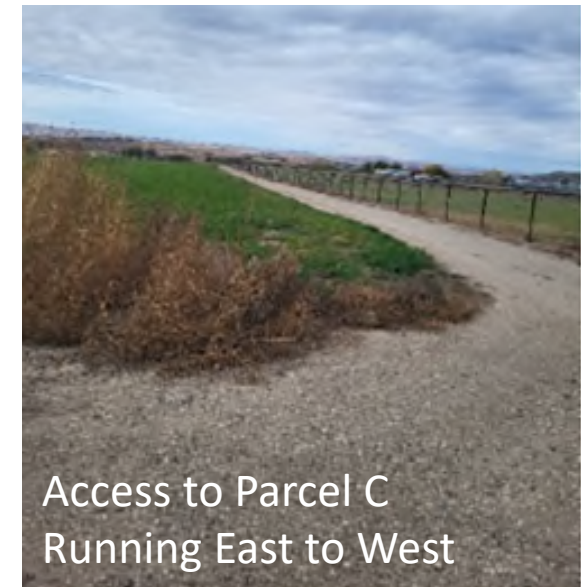
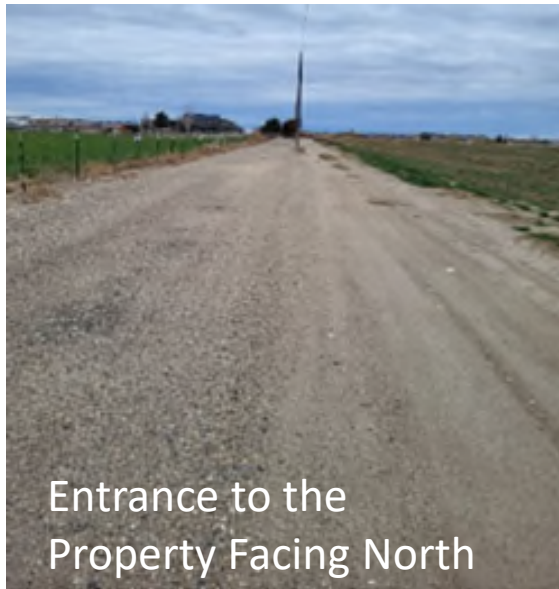
CONDITIONAL REZONE CRITERIA 7: LEGAL ACCESS Pt. 2

- A neighbor sent in a comment letter stating individuals accessing the subject property have used Bellomy Lane (highlighted in purple) to cut through Parcels R37234102, R37234103, and R37232010 instead of using the Ustick Road access (highlighted in green).
 - Exhibit E3
- Condition #7 was added to address this concern: The property owners shall only use their legal access off of Ustick Road to access their property unless legal access is obtained through a different access point in the future.



CONDITIONAL REZONE CRITERIA 8: PUBLIC SERVICES AND FACILITIES

- Schools: No comments were received
- Police: No comments were received.
- Fire Protection and EMS: No comments were received.



NOTIFICATION (07-05-01) & COMMENTS:

Neighbors within 600' were notified on January 2, 2025 for the P&Z Hearing and on June 10, 2025 for the BOCC Hearing

- Four (4) public comments were received for the Planning and Zoning Commission Hearing.
- Two (2) public comments were received for the Board of Canyon County Commissioners Hearing today.

Initial agency noticing and JEPA notice was sent on March 6, 2023 and November 6, 2023 due to the length of time that had passed between the initial noticing period. Agencies and a Full Political was sent out on June 10, 2025 with a materials deadline of July 7, 2025. Staff received comments from the following agencies:

Golden Gate Highway No. 3, Canyon Soil Conservation District, Boise Project Board of Control, Southwest District Health, Idaho Department of Environmental Quality, Idaho Transportation Department, City of Homedale City Clerk, and Canyon County's Building Department.



Decision Options:

The Board of County Commissioners may **approve** the conditional rezone with conditions and direct staff to make findings of fact to support this decision;

The Board of County Commissioners may **deny** the conditional rezone; or

The Board of County Commissioners may **table or continue** the hearing to a later date and request additional information on specific items.

Questions?

