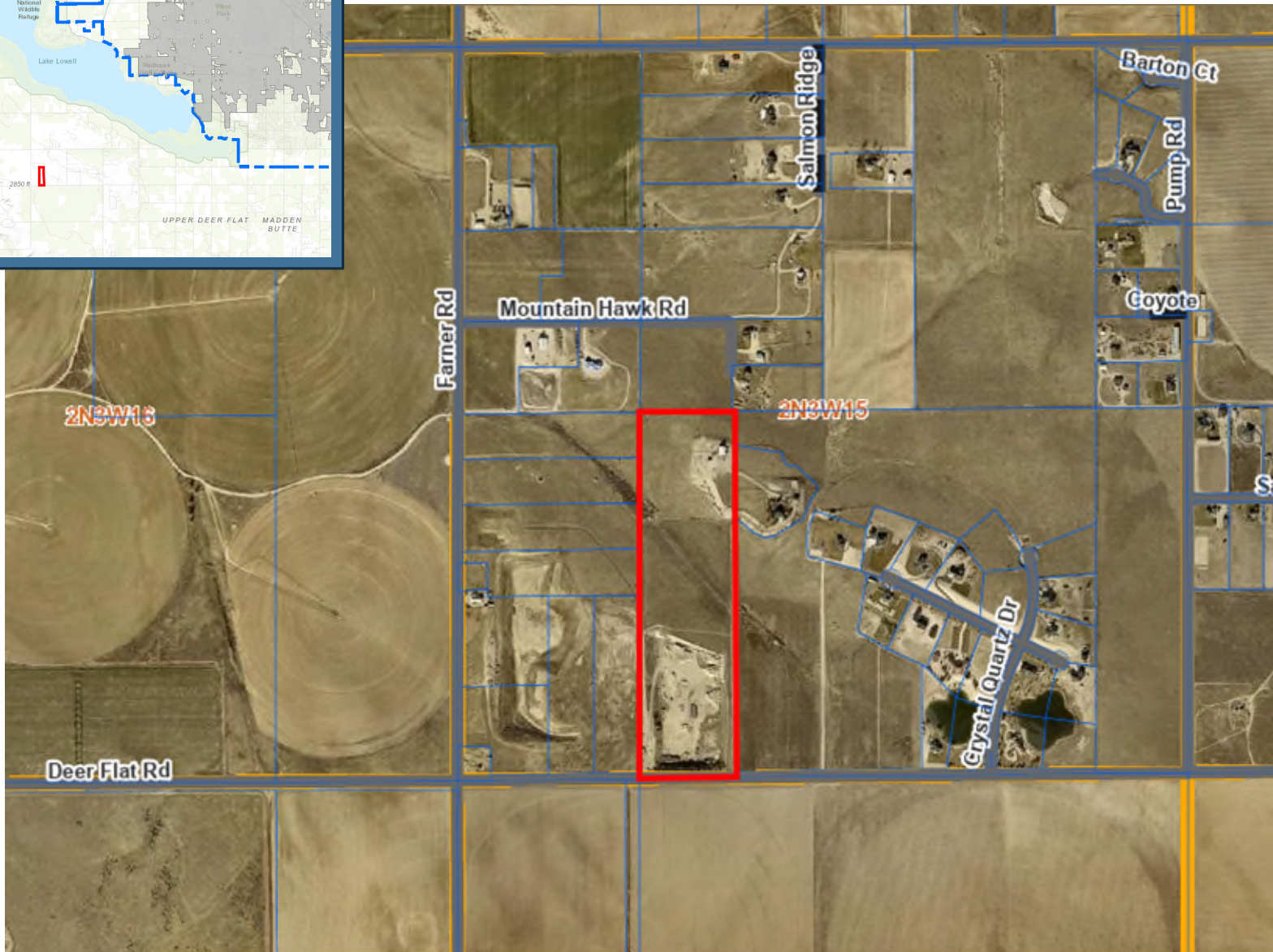
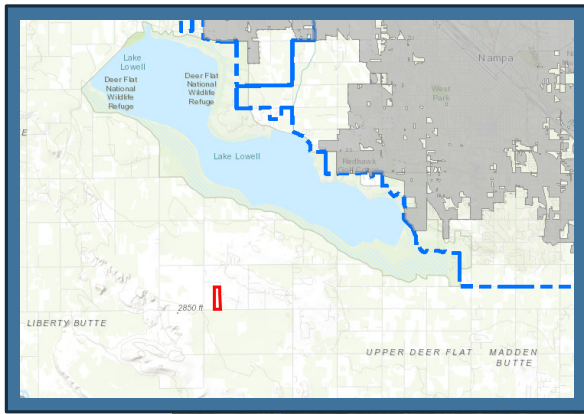


CR2022-0030

Paul and Michelle Nay

APPLICANT: PAUL AND MICHELLE NAY





Parcel R30127:

- Current Zoning: “A” (Agricultural).
- One home on the property near the northeast corner.
- Depleted mineral extraction area in the southern portion of the property adjacent to Deer Flat Road.
- Large lot platted residential development on three sides of the subject property.
- Most of the developments are zoned agricultural and were entitled through the legacy CUP process

PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 17, 2025 the Planning and Zoning Commission heard the original request to conditionally rezone the subject property to “CR-RR” (CR-Rural Residential) and “CR-C1” (CR-Neighborhood Commercial).

1. The PZ recommended approval of request to conditionally rezone approximately 24.76 acres of the property to rural residential for the purpose of developing three large residential parcels.
2. The PZ recommended denial of the request to conditionally rezone approximately 17.62 acres to neighborhood commercial for the purpose of developing an RV, boat and automobile storage facility.
 - The PZ indicated that they were in favor of the applicant amending the application to rezone the entire 42.40 acres to CR-Rural Residential prior to going before the Board of County Commissioners.
 - The application request was revised removing the request for commercial zoning and to conditionally rezone the entirety of the 42.40 acre property to CR-Rural Residential; the 2020 Comprehensive Plan identified this property as ‘Residential’ on the Future Land Use Map.

BACKGROUND

The subject property, R30127, is approximately 42.40 acres.

There is currently one home/shop on the property near the northeast corner.

A portion of the property was mined for sand and gravel. The mining operation office trailer (unpermitted) remains on the property in the southwest corner but must be permitted or removed.

The application was filed under the 2020 Comprehensive Plan.



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

CONDITIONAL REZONE

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 the 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 the time of development?
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?



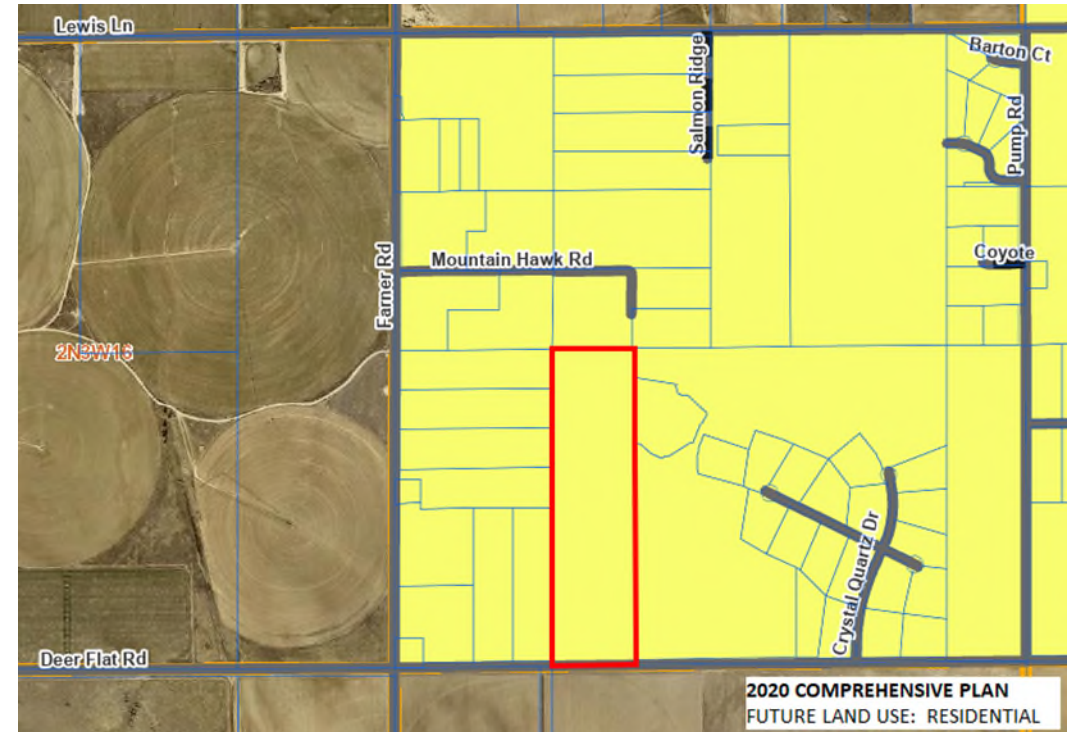
SUMMARY: Consistency with Plan

“CR-RR”

In consideration of the application to Conditionally Rezone 42.40 acres to “**CR-RR**” (**CR-Rural Residential**) zone for the purpose of developing the property consistent with large lot development in the area, staff concludes that the proposed conditional rezone is compliant with CCCO §07-06-07 (6)A subject to conditions to be enumerated in a Development Agreement.

As conditioned, the request is generally consistent with the 2020 Canyon County Comprehensive Plan and Future Land Use Designation.

The property is designated ‘Residential’ in the 2020 PLAN, as proposed is consistent with development in the area, and the large lot developments are compatible with the predominant agricultural character and zoning of the area. The proposed rural residential development is consistent with many goals and policies of the 2020 PLAN as conditioned.

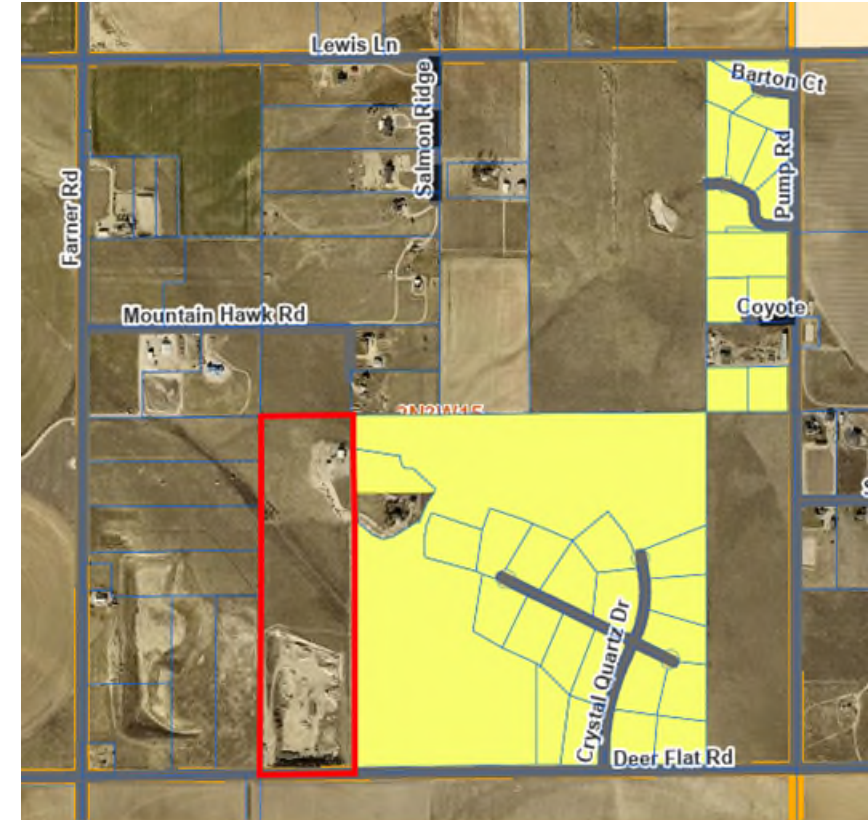


SUMMARY: More appropriate than current designation?

The Subject Property, parcel R30127 (42.40 acres) is zoned “A” (Agricultural).

1. Rezoning 42.40 acres to “CR-RR” (CR-Rural Residential) zone for the purpose of developing large residential parcels is **AS APPROPRIATE** as the current zoning designation.
 - The 2020 Plan designates the property as Residential
 - The property is not and has not been in agricultural production although has had some irrigated areas and grazing intermittently in past years.
 - The property is bounded by large lot ag-residential development and rural residential development on the west, north and east boundaries.

Staff recommends that consideration be given to limiting the minimum size of the development properties to three (3) acres or more and restricting development of secondary residences or placing additional proposed development standards for secondary residences to maintain rural residential density of the property.



SUMMARY: Compatibility and Character

“CR-RR”

In consideration of the surrounding land uses, the proposed conditional rezone of 42.40 acres to “CR-RR” (CR-Rural Residential) is conditioned such that development of the property will be generally compatible with the existing large lot ag-residential and rural residential development in the immediate vicinity of the subject property.

- The surrounding land uses are agricultural, ag-residential parcels and platted subdivision lots, and rural residential development.
- The proposed development of large acreage residential lots is consistent with development in the area and should not cause interference with existing agricultural uses.
 - Staff proposes a minimum three (3) acre or more lot size be established as a condition of development with no secondary residences or conditioned to restricted standards of development
- The average lot size within the 10 platted developments within the mile radius of the property is 5.467 acres. The development lots within Crystal Lakes 1 & 2 are a minimum of three (3.33 acres) each.
- The median lot size of the 17 properties notified within 600 feet is 9.78 acres with an average lot size of 25.81 acres.
- As conditioned (proposed), the request will require the subject parcels to maintain a minimum three (3) acre parcel size.
- The parcels will be subject to the standards, use, and requirements of the “RR” zone to ensure consistency with the surrounding area.
- Should the developer determine that the entirety of the property should be zoned “CR-RR”-- four total residential parcels could be created without the requirement of platting as a residential subdivision.



SUMMARY: Facilities and Services

The project will have adequate facilities.

- Water: Individual domestic wells are proposed
- Sewer: Individual septic systems are proposed
- Irrigation: The property has ground water rights which shall be distributed to each parcel. A condition should be established to ensure compliance.
- Drainage: All stormwater drainage will be maintained on-site, a grading and drainage plan shall be required for each development lot.
- Utilities: The applicant will work with Idaho Power to bring services to each parcel.



SUMMARY: Public Street Improvements & Legal Access

The project will have legal access and should not require public street improvements.

Currently the subject property has a shared residential access at the southeast corner of the property and an access at the southwest corner of the property constructed to serve the two mineral extraction sites. Nampa Highway District indicates that no new direct accesses will be provided to Deer Flat Road (Exhibit D1).

The following measures will be implemented to mitigate traffic impacts:

- Nampa Highway District #1 indicates that Deer Flat Road is a Rural Minor Arterial roadway. No additional (new) accesses will be granted to the subject property. (Exhibit D1)
- Applicant must submit the required highway district land split application and a sketch that identifies the accesses to Nampa Highway District #1 prior to dividing the subject property. (Exhibit D1)

SUMMARY: Public Services

Essential services are not anticipated to be impacted by the requested use.

- School: Vallivue School District: Upon modification of the application Vallivue School District provided insight into their districting challenges for development that is already approved but not yet adding students to their facilities and that most of the elementary schools will be at or near capacity by 2029 (Exhibit 4.a.)
- Police: Canyon County Sheriff's Department: No comment was received.
- Fire: Upper Deer Flat Fire Protection District (Exhibit D.6.) as reviewed by Nampa Fire District. Response time could be 7 minutes to respond from the station located 6.3 miles away but could be affected by volunteer availability.
 - Note: no revised comments were received for the amended application
 - Should the applicant determine to develop the property as a platted residential subdivision additional reviews by the fire district will be required during the platting process.
- Emergency Medical Services: Canyon County Ambulance/EMT: No comment was received.
- Irrigation: The subject property has limited ground water rights.



NOTIFICATION & COMMENTS

- Neighborhood meeting (CCCO 07-01-15): October 26, 2022
- Initial Agency Notice: Dec. 9, 2024
- Hearing Notice (CCCO 07-05-01):
 - Property owners (600' radius): June 13, 2025, BOCC-December 3, 2025
 - Affected Agencies: June 13, 2025, BOCC-December 3, 2025
 - Newspaper: June 17, 2025, BOCC-December 10, 2025
 - Posting On-site: June 18, 2025, BOCC-December 8, 2025
 - Materials/Comment Deadline: BOCC-December 28, 2025

Agency Comments:

- Nampa Highway District #1 (NHD1); Received: May 3, 2023
- Idaho Transportation Dept. (ITD); Received: December 17, 2024 and June 17, 2025
- Southwest District Health Dept. (SWDH); Received: December 17, 2024
- Department of Environmental Quality (DEQ); Received: June 23, 2025
- City of Nampa Planning and Zoning, Received: May 3, 2023
- Upper Deer Flat Fire (Nampa Fire), Received: July 1, 2025
 - Nampa Fire email response comments, Received: July 1, 2025
- Vallivue School District; December 4, 2025 (Exhibit 4a)

Public Comments:

- Daniel and Grace Cabunoc; Received: July 7, 2025
- Lee and Heather Haskill; Received: July 7, 2025



DEV. AGREEMENT CONDITIONS: CR-RR

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The development contains slopes exceeding 15% and shall comply with the Hillside Development section of 07-17-33 (1).
3. Development exceeding four total parcels on the 42.4 acres shall be platted as a residential subdivision in accordance with Article 17 or as amended at the time of application and development.
4. Residential development properties, platted or unplatted, shall be a minimum of three (3) acres in size (not an average minimum).

SECONDARY RESIDENCES:

5. Platted and unplatted parcels/lots shall be restricted to development of one (1) single family residence per approved residential lot/parcel. Excepting that the existing residential structure (shop with living quarters) at 14602 Deer Flat Road (northeast corner) is intended to be re-classified to a secondary residence on the applicant's property when a new primary residence is constructed.

OR CONSIDER STANDARDS FOR DEVELOPMENT OF SECONARY RESIDENCES:

6. The development and placement of a secondary residence on platted or unplatted parcels, if allowed by ordinance in effect at the time of building permit application, shall be located within 200 feet of and shall be subordinate in total living area to the primary residence. The secondary residence shall not exceed a total living area of 1200 square feet. The secondary residence shall utilize the primary residence well (shared). The secondary residence shall not be divided from the primary residence parcel. The property shall be in compliance with all other zoning ordinance requirements for a secondary residence at the time of building permit application.



DEV. AGREEMENT CONDITIONS: CR-RR

7. All conditional rezones for a land use shall commence (see definition of "commence", section [07-02-03](#): of this chapter) 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. All subsequent developments on the property shall reapply for land use approval.
 - a. Commencement shall be an approved land division application in substantial compliance with the site plan along with recorded deeds for each property.
 - b. Commencement for development as a platted residential subdivision, more than four single family residential parcels: the preliminary plat application must be submitted to the Development Services Department within two (2) years of the approval of the board.

Questions?

