



BOARD OF COUNTY COMMISSIONERS
Hearing Date: JANUARY 7, 2026
Canyon County Development Services Department

PLANNING DIVISION ADDENDUM

CASE NUMBER:	CR2022-0030
APPLICANT:	PAUL AND MICHELLE NAY
PROPERTY OWNER:	PAUL AND MICHELLE NAY
APPLICATION:	Modified Application requesting a Conditional Rezone subject to a Development Agreement conditionally rezoning parcel R30127 (42.40 acres) from "A" (Agricultural) to "CR-RR" (CR-Rural Residential) zone.
LOCATION:	The subject property is located at 14602 Deer Flat Rd, Nampa also referenced as, a portion of the SW quarter of Section 15, T2N, R3W, BM, Canyon County, Idaho.
ANALYST:	Deb Root, Principal Planner
P&Z RECOMMENDATION:	The Planning and Zoning Commission recommended approval of the proposed rezoning of 24.76 acres to "CR-RR" (CR-Rural Residential) and indicated that the applicant should consider zoning the entire 42.4 acre subject property to "CR-RR" zone consistent with the 2020 Comprehensive Plan designation of Residential. The Planning and Zoning Commission recommended denial of the proposed zoning amendment for 17.62 acres of the subject property to "CR-C1" (CR-Neighborhood Commercial).

SUMMARY:

The applicant requests a conditional rezone of 42.40 acres from Agricultural "A" to CR-Residential Rural "CR-RR". The original application requested two zoning designations including Rural Residential (24.76 acres) and Neighborhood Commercial (17.62 acres) for the purpose of constructing and operating an RV, Boat and Automobile Storage Facility. The Planning & Zoning Commission heard the case at a public hearing held on July 17, 2025. After deliberation the Planning & Zoning Commission recommended approval with conditions of the request to rezone the proposed 24.76 acres to "CR-RR" (CR-Rural Residential). The Planning and Zoning Commission recommended denial of the request for "CR-C1" (Neighborhood Commercial) zoning indicating that the request was not consistent with the Comprehensive Plan designation of Residential and not consistent with development and the character of the area. The Commission encouraged the applicant to modify the application request prior to going before the Board and supported a rezone of the 42.40 acres to CR-Rural Residential consistent with the 2020 Comprehensive Plan designation of Residential (Exhibit 1 & 2).

The applicant determined that a modification of the application was the appropriate action for his project and removed the request for commercial zoning. The revised letter of intent, Exhibit 6a, requests to rezone the entirety of the 42.4 acre subject property to "CR-Rural Residential." The property, if approved for rural residential zoning, may be administratively divided to create up to four

parcels without being required to plat as a residential subdivision. An administrative land division application and approval would be required to divide the property in accordance with the ordinance requirements. Any further divisions would require a subdivision plat application and approval. The original conditional rezone application indicates that the applicant was only seeking three (3) total residential parcels with the smallest being six (6) acres. With the modification (Exhibit 6a.), the applicant desires to maintain the flexibility to develop all or part of the property as a residential subdivision with similar lot sizes to the adjacent Crystal Lakes Subdivision. The calculated average lot size is 3.33 acres with outlier lot, 87.39 acres, excluded.

The average platted lot size for the ten developments within the one mile radius (*with data corrected for number of lots and two outlier lots (undeveloped 87.39 acre lot in Crystal Lakes Phase 2 and an undeveloped 37.9 acre lot in Chaparrel Ranch)*) is approximately 5.467 acres. Seventeen properties were notified (platted and unplatte) within 600 feet of the subject property. The average lot size for notified properties is 25.81 acres, a median average of 9.78 acres, and a minimum lot size of 3.0 acres (Exhibit B2e Corrected Subdivision Lot Report). Staff recommends that the Board consider a condition restricting the minimum residential lot size to 3.0 acres with no secondary residences allowed or if allowed, secondary residences should be conditioned to meet restricted size, location, amenity requirements as outlined in Condition #6 in the Draft FCOs which states:

“The development and placement of a secondary residence, if allowed by ordinance in effect at the time of building permit application, shall be located within 200 feet of and 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 a shared well with the primary residence. The secondary residence shall not be divided from the primary residence parcel/lot. The request shall be in compliance with all other zoning ordinance requirements for a secondary residence at the time of building permit application.”

If the applicant were to develop the 42 acres as a subdivision with three (3) acre minimum lot size, approximately 10-12 (14 gross) residential lots could potentially be created. At the standard “RR” (Rural Residential) two (2) acre minimum average, approximately 21 residential lots could be developed. Two (2) acre lots are not consistent with the immediately adjacent developments consisting of lots with a 9.78 acre median average including Meadow Vista Ranch, War Eagle and Kirk Subdivisions that are zoned agricultural and entitled through the former conditional use permitting processes. Establishing a minimum lot size for this conditional rezone request consistent with Crystal Lakes Subdivision (3.33 acres) or the average lot size of platted developments within one mile calculated at 5.467 acres with corrections.

The applicant reviewed the proposed BOCC addendum, draft FCOs and conditions that staff provided via email on 12/29/25. Mr. Nay indicated that a restriction of no secondary residences was not something he was interested in and that a condition limiting the type of fill materials that could be dumped in the mineral extraction site would be a “deal breaker”. Staff removed proposed condition #8 which read, *“the existing depleted and reclaimed mineral extraction site shall not be utilized for dumping of construction materials including, but not limited to, used concrete, metal, recycled asphalt, etc. Fill materials such as organic dirt and rock may be utilized for the purpose of further reclamation of the site for residential use.”* The applicant indicated in email dated 12/13/25 (Exhibit 6b herein), “I will not be dumping refuse but the revenue potential from dumping used concrete with rebar along with brick and rock and dirt is significant. I will not have that potential income stream taken away. The re-use of the pit as a dump site is essentially a temporary situation albeit long term to completion. In the end it will generate additional returns on the property and end up with more usable grazing land for cattle or

horses when the site is returned to at or near original grades.” [see Exhibit 6 b. Paul Nay email dated 12/30/25]

A draft version of the Board’s Findings of Fact, Conclusions of Law & Order (FCO) may be found in Exhibit 1. The Planning and Zoning Commission Findings of Fact, Conclusions of Law & Order (FCO) and Minutes may be found in Exhibit 1a and Exhibit 2. The Staff report packet dated July 17, 2025, and all supporting materials are contained in Exhibit 3. Additional agency & public comments received for the subject public hearing, or received as late exhibits at the previous public hearing, may be found in Exhibits 4 & Exhibit 5. Additional supporting documentation provided by the applicant to be considered by the Board of County Commissioners may be found in Exhibit 6.

EXHIBITS:

- 1. Draft BOCC FCOs modified application: January 7, 2026**
 - 1a. Planning & Zoning Commission FCOs Dated: August 7, 2025
- 2. Planning and Zoning Commission Minutes Dated: July 17, 2025**
- 3. Staff Report Packet Dated July 17, 2025**
- 4. Agency Comments Received by December 29, 2025**
 - a. Vallivue School District; Received: December 4, 2025
- 5. Public Comments Received by December 29, 2025**
 - a. Haskill support 12/29/25
- 6. Additional Supporting Documents Received by December 29, 2025**
 - a. Revised application letter 9-14-25
 - b. Paul Nay email 12-30-25 FCO and draft conditions review

STAFF NOTE: 9/14/25

Applicant, Paul Nay, requests to modify the application to remove the request for "C1" (Neighborhood Commercial) zoning for the purpose of creating an RV Storage lot.

The modified request is to rezone the entirety of the parcel from Agricultural to Rural Residential with the intent to develop the property in parcels similar to or exceeding the lot sizes in the surrounding vicinity. See applicant letter EXHIBIT 6a.

The staff report and conditions will be modified prior to the hearing to reflect the requested change in application intensity.

Deb Root, Principal Planner

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STAFF NOTE
PROVIDED
WITH POSTED
HEARING
MATERIALS

BOARD OF COUNTY COMMISSIONERS

EXHIBIT 1:

DRAFT FCOs

EXHIBIT
1



BOARD OF CANYON COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:

[CR2022-0030] – [Paul and Michelle Nay]

The Canyon County Board of Commissioners consider the following:

CR2022-0030: The applicants, Paul and Michelle Nay, are requesting a **Conditional Rezone** subject to a **Development Agreement** for parcel R30127 (42.40 acres). The modified request is for a conditional rezone of 42.40 acres from "A" (Agricultural) to "CR-RR" (CR-Rural Residential) for the purpose of creating residential parcels/lots consistent with residential development in the area. The application was filed under the 2020 Comprehensive Plan designating the subject property as Residential.

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 CR2022-0030.
- B. The Planning and Zoning Commission heard this case on July 17, 2025 and forwarded it to the Board of County Commissioners with a recommendation of approval of the requested conditional rezone of 24.76 acres to "CR-RR" (CR-Rural Residential) and a recommendation of denial of the requested conditional rezone of 17.62 acres to "CR-C1" (CR-Neighborhood Commercial) for the purpose of developing a RV/Boat/Automobile Storage Facility.
- C. The Planning and Zoning Commission encouraged the applicant to consider revising the application to conditionally rezone the entire 42.40 acre subject property to Rural Residential consistent with the 2020 Comprehensive Plan designation of Residential (Exhibit 1a PZ FCOs).
- D. The applicant, on September 14, 2025, submitted a letter requesting to revise the application, removing the request for commercial zoning and to rezone the entire 42.40 acre subject property to "CR-RR" (CR-Rural Residential). See Exhibit 6a.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-09-17 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCZO §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 CCZO §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 CCZO §07-05-01*
- 2. The Board 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. *CCZO §07-03-01, 07-06-05.*
- 4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. *CCZO §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. *CCZO 07-05-03(1)(l).*

January 7, 2026: CR2022-0030 was presented at a public hearing before the Canyon County Board of Commissioners. Having considered all written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of Commissioners decide as follows:

§07-06-07(6)A Standards of Evaluation:

1. **Is the proposed conditional rezone generally consistent with the comprehensive plan;**

CONCLUSION: The proposed conditional rezone from “A” (Agricultural) to “CR-RR” (CR-Rural Residential) is **generally consistent** with the 2020 Canyon County Comprehensive Plan which designates the subject property and surrounding area north of Deer Flat Road as Residential (2020 Plan hereafter).

FINDINGS:

- 1) The Future Land Use (FLU) map in the 2020 Comprehensive Plan designates the parcel as “Residential” (Exhibit B2c). There are rural residential subdivisions and large lot agriculturally zoned residential subdivisions entitled by conditional use permit (CUP) adjacent to the property boundaries to the north, east, and west. The request to conditionally rezone to rural residential for the purpose of creating residential parcels is consistent with the residential development in the area and the 2020 Comprehensive Plan designation of Residential.
- 2) The request generally complies with the following goals and policies of the 2020 Plan:
 - a) **Property Rights – Policy 1: No person shall be deprived of private property without due process of law.**

- The request was processed per the following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).
- b) Property Rights – Policy 8: Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.
 - See criteria 07-06-07(6)A: Standards of Evaluation #2 and #3 for evidence and details.
- c) Property Rights – Policy 11: Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.
 - The Future Land Use plan in the 2020 Canyon County Plan designates the parcels as “Residential” (Exhibit B2b).
 - See criteria 07-06-07(6): Standards of Evaluation #2 and #3 for evidence and details.
- d) 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.
 - See criteria 07-06-07(6)A: Standards of Evaluation #2 and #3 for evidence and details.
- e) School Facilities & Transportation – Policy 2: Provide information regarding land development proposals with all affected school districts. School districts should be given the opportunity to participate in pre-application processes and planning.
 - See criteria 07-06-07(6)A: Standards of Evaluation #8 for evidence and details.
- f) Land Use – Goal 1: To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure, and services.
 - See criteria 07-06-07(6)A: Standards of Evaluation #2 and #3 for evidence and details.
- g) 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.
 - See criteria 07-06-07(6)A: Standards of Evaluation #2 and #3 for evidence and details.
- h) Land Use – Goal 6: Designate areas where rural-type residential development will likely occur and recognize areas where agricultural development will likely occur.
 - The Future Land Use plan in the 2020 Canyon County Comp. Plan designates the parcels as “Residential” (Exhibit B2b).
 - See criteria 07-06-07(6)A: Standards of Evaluation #2 and #3 for evidence and details.
- i) Land Use – Policy 1: Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact on surrounding areas.
 - The future land use plan in the 2020 Canyon County Comp. Plan designates the parcels as “Residential” (Exhibit B2b).
 - See criteria 07-06-07(6)A: Standards of Evaluation #2 and #3 for evidence and details.
- j) Land Use – Policy 2: Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.
 - See criteria 07-06-07(6)A: Standards of Evaluation #2 and #3 for evidence and details.
- k) Land Use – Policy 6: Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.
 - See criteria 07-06-07(6)A: Standards of Evaluation #5 for evidence and details.

- l) Natural Resources - Water – Goal 1: Water is an essential and limited natural resource. Groundwater and surface water should be preserved and protected.
 - o See criteria 07-06-07(6)A: Standards of Evaluation #5 for evidence and details.
- m) Hazardous Areas – Goal 1: To ensure the safety of residents and the protection of property.
 - o The subject property contains areas of slope greater than 15% and will be required to meet ordinance requirements for Hillside Development. (Exhibit B2g & B2g1)
- n) 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.
 - o The property lies within the Upper Deer Flat Fire District (Exhibit B1).
 - o See criteria 07-06-07(6)A: Standards of Evaluation #8 for evidence and details.
- o) Housing – Policy 1: Encourage a variety of housing choices that meet the needs of families, various age groups, and incomes.
 - o See criteria 07-06-07(6)A: Standards of Evaluation #2 and #3 for evidence and details.
- p) Community Design – Policy 2: Encourage development of self-sustaining communities that maintain the rural lifestyle and good quality of life of the county.
 - o See criteria 07-06-07(6)A: Standards of Evaluation #2 and #3 for evidence and details.
- q) Community Design – Policy 5: Encourage each development to address concerns regarding roads, lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.
 - o See criteria 07-06-07(6)A: Standards of evaluation #3, #5, #6, and #7 for evidence and details.
- r) Agriculture – Policy 3: Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.
 - o See criteria 07-06-07(6)A: Standards of Evaluation #2 and #3 for evidence and details.
- s) Agriculture – Policy 4: Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
 - o See criteria 07-06-07(6)A: Standards of Evaluation #5 for evidence and details.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;

CONCLUSION: In consideration of the surrounding land uses, the proposed conditional rezone of 42.4 acres to “CR-RR” (CR-Rural Residential) is as appropriate as the current zoning designation of “A” (Agricultural). The immediate vicinity is comprised of large lot platted rural residential and agriculturally zoned subdivisions (Exhibit B2e and B2d). The subject property is identified as ‘Residential’ in the 2020 Plan. The applicant proposes to develop the property consistent with the minimum average two (2) acre lot size provided for by the Rural Residential zone and more consistent with the surrounding development of three (3) acres or more. The property is not and has not been in agricultural production or utilized for grazing for many years; however, there is some evidence that portions of the property were cultivated at various times in a Google Earth aerial review (Exhibit B3). The property contains areas of significant slope and an expired mineral extraction site.

The Commission noted and the Board concurs that mineral extraction sites can be redeveloped for residential purposes as evidenced by Crystal Lakes Subdivision to the east of the subject property (Exhibit B7).

FINDINGS:

- 1) The subject parcel is zoned "A" (Agricultural) see Exhibit B2d. CCZO Section 07-10-25(1) states the purpose of the "A" Zone is to: "*A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations; B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan; C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65; D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*" The property is currently zoned agricultural. The property is not in agricultural production and is not receiving an agricultural exemption. There are limited ground water rights devoted to the property. The subject property contains areas of steep slopes and it is surrounded on three sides by large lot residential development. The land could be utilized for agricultural purposes including limited crop production or grazing restricted by water resources. There are intensive agricultural operations in the vicinity of the proposed development including large farm crop production and the Beranna Dairy CAFO. The Pickles Butte Landfill is also located to the southwest of the property. The "A" (Agricultural) zoning is appropriate for the area.
- 2) Pursuant to Canyon County ordinance 07-10-25 (2) the purpose of the "RR" (Rural Residential) zoning district *is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.* The 2020 Plan designates the future land use for the property as 'Residential' and there are ten (10) rural residential developments within one mile of the property (Exhibit B2d&e). Note that many of the developments are small "large lot" agriculturally zoned subdivisions created through a legacy conditional use permit process. The property is designated 'Residential' on the 2020 Plan and there is rural residential development and residential zoned properties in the immediate vicinity. The property is sloping and primarily unirrigated although limited ground water rights are available for irrigation. The development density could be restricted to mitigate potential incompatibility and ensure similar development to existing residential development in the rural area.

3. Is the proposed conditional rezone compatible with surrounding land uses;

CONCLUSION: The proposed conditional rezone of **42.4 acres to "CR-RR" (CR-Rural Residential)** for the purpose of developing rural residential parcels **is compatible** with surrounding land uses as conditioned to ensure that density of the development is consistent with area development. As indicated in the staff report addendum, the adjusted average lot size for the ten (10) platted developments within one mile of the subject property is 5.467 acres with the rural residential subdivision to the east, Crystal Lakes 1&2, having an average lot size of 3.33 acres (excludes the 87.39 acre undeveloped platted lot).

FINDINGS:

- 1) 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. See conditions attached hereto.

- 2) The 42 acre property is currently zoned agricultural and contains a single-family residence within a shop (CU2004-519 & BP2006-1266) and a depleted mineral extraction site (CU2005-56). The property is not in agricultural production. The applicant confirmed by email (Exhibit B4) that the property is not in agricultural production nor is it being utilized for livestock grazing and is not receiving an agricultural exemption through the assessor's office (see Parcel Tool Exhibit 3b1).
- 3) The property to the east is currently zoned "RR" (Rural Residential) (Ord. No. 12-001, inst. #2012000306) and is platted as a residential subdivision, Crystal Lakes Subdivision Phases 1 and 2. The residential development incorporated a reclaimed mineral extraction site in the southeast portion of the property (Exhibit B7). The average lot size of the developed residential parcels is 3.33 acres. The 2020 Plan designates this property and surrounding area as Residential and Agriculture.
- 4) To the west is an agriculturally zoned residential subdivision, Meadow Vista Ranch (CU2004-212/SD2005-14) containing eight (8) lots with an average lot size of 9.79 acres. No lots within the development contain legal residential structures and the properties are currently under sanitary restrictions by Southwest District Health (SWDH). The reclamation plan must be completed for a mineral extraction site and a new Subdivision Engineering Report (SER) must be completed in accordance with conditions of approval on the properties through CU2010-1 (expired July 7, 2021). There are platted and unplatte residential developments to the north of the subject property also zoned agricultural with similar nine (9) plus acre parcel sizes (see PZ Staff Report Exhibit 3.B2e Subdivision Map & Corrected Report).
- 5) The properties to the south of Deer Flat Road and west of Farner Road are in agricultural crop production along with a confined animal feeding operation (CAFO) for a very large dairy, Beranna Dairy. The dairy is approximately 7200 feet west of the NW corner of the subject property and approximately one mile to the southwest is the Pickles Butte Landfill.
- 6) The property owner could consider redeveloping the mineral extraction site for residential purposes. Staff Report Exhibit B7 demonstrates a mineral extraction site redevelopment, Crystal Lakes Phase 1 and 2, adjacent to the subject property to the east.

4. **Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?**

CONCLUSION: The proposed conditional rezone of 42.4 acres to "CR-RR" (CR-Rural Residential) as proposed and conditioned **will not negatively** affect the character of the area. A minimum lot size should be established to maintain the rural character of the area and consistency with surrounding platted lots. The Rural Residential zone provides for a two (2) acre minimum average lot size. The average lot size of the ten area developments within one mile is 5.467 acres. A condition restricting the development lot size to a minimum three (3) acres with no secondary residences would aid in mitigating compatibility with existing development and/or consider imposing development standards for secondary residences as outlined in proposed residential condition #6.

FINDINGS:

- 1) The character of the area is agricultural, intensive agriculture, and large lot rural residential (agricultural zoning and rural residential zoning). The average lot size for the ten platted developments in the vicinity of the development is 5.467 acres. Of the seventeen (17) lots notified within 600 feet of the property, the average lot size is 25.81 acres with the median lot size of 9.78 acres. Immediately adjacent lot sizes are more consistent with the median average lot size of 9.78 acres. However, the average lot size of the rural residential zoned subdivision Crystal Lakes Subdivision phase 1 and 2 is 3.33 acres with the 87.39 acre undeveloped lot (Lot 3, Block 1 Phase 2) removed.
5. **Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed conditional rezone;**

CONCLUSION: Adequate facilities and services will be provided to accommodate the proposed conditional rezone and proposed development.

FINDINGS:

The applicant proposed the following to demonstrate adequate facilities will be available for the future development:

- 1) **Sewer:**
Large lot residential development as restricted by conditions will require permitting from Southwest District Health for residential development to occur. The development does not reside within a nitrate priority area.
- 2) **Water:**
The proposed large lot residential development will utilize individual well and septic as approved through permitting with Idaho Department of Water Resources and Southwest District Health (Exhibits D3 & D4). The fire district indicates that residential lots exceeding five acres are 'exempt' from water supply requirements (Exhibit D6). Administrative land divisions, preliminary and final plats will require fire district review and compliance for access and fire suppression.
- 3) **Drainage:**
The site contains areas of 15% slope or greater and will be required to comply with CCZO §07-17-33 (1) Hillside Development code for all development; platted or unplattd. All drainage shall be maintained on individual parcels or lots.
- 4) **Irrigation:**
The subject property does not lie within an irrigation district but does have limited ground water rights available (Exhibit A4). Development should be conditioned to distribute the groundwater rights to individual properties through IDWR approved processes. The subject property is not currently being irrigated.
- 5) **Utility:**
Utility companies were notified of the application. No agency comments were received. There is overhead power in the vicinity.

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?

CONCLUSION: The proposed conditional rezone will not require public street improvements to provide adequate access to and from the subject property in order to minimize undue interference with existing and/or future traffic patterns created by the proposed development. Any necessary measures to mitigate traffic impacts are detailed below. The following measures will be implemented to mitigate 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 3.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 3.D1)

If platting, compliance with Nampa Highway District #1 requirements will be required at time of application for preliminary and final plat and prior to the NHD1 signing the final plat.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development; and

CONCLUSION: The subject property has legal access and will have adequate access at the time of the development.

FINDINGS:

- 1) 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 access will be provided to Deer Flat Road (Exhibit 3.D1).
- 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?**

CONCLUSION: The proposed use as a rural residential development is not anticipated to significantly 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. The services may not be negatively impacted by the proposed residential uses and the request is not anticipated to require additional public funding in order to meet the needs created by the requested uses. The application has been modified to provide for more density than the three (3) originally requested parcels. The 42.4 acres could be developed into a gross maximum density of 21 residential lots in the rural residential zone with the current potential for a total of 42 residential units. The net density would be less due to construction of roads, right of way dedications, and lot size restrictions that could be

stipulated in the development agreement and a condition restricting the development of secondary residences.

FINDINGS:

1) Schools:

Vallivue School District did not respond to the original application requesting three residential parcels. The proposed residential development was anticipated to have minimal impact to the schools in this district. The modification to the application provides for the potential development of a maximum 21 residential parcels, and if not restricted, up to 42 homes (primary and secondary). Vallivue School District provided comment on December 4, 2025 regarding development challenges for the District with regards to school capacities in Exhibit 4.a.

2) Police:

The Canyon County Sheriff's office was notified of the application and no response was received.

3) Fire protection & Emergency Medical Services:

Upper Deer Flat Fire District and Emergency Services were notified of the application. Nampa Fire District provided a review on behalf of Upper Deer Flat Fire (Exhibit D6 & D6.1). Additional reviews will be required by the fire district for subsequent development of the property during the Administrative Land Division process or the subdivision platting processes. No responses or concerns were received from Emergency Medical Services.

The following measures could be implemented to mitigate impacts:

A condition should be placed to restrict development to one single family residence per minimum three (3) acre lot or parcel to maintain a low density rural residential development consistent with area development and minimizing impact to services and the agricultural operations in the area (see proposed conditions attached hereto).

Should the properties be developed other than proposed and conditioned, the applicant is required to submit a development agreement modification application which will be noticed and reviewed by agencies for additional impacts and compliance with agency requirements.

CONDITIONAL REZONE:

Order: Conditional Rezone from “Agricultural” to “CR-Rural Residential”

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **APPROVE** Amended Case #: CR2022-0030, to conditionally rezone parcel R30127 (42.4 acres) from “A” (Agricultural) to “CR-RR” (CR-Rural Residential) subject to the conditions herein to be enumerated in a development agreement.

DATED this _____ day of _____, 2026.

CANYON COUNTY BOARD OF COMMISSIONERS

Motion Carried Unanimously
 Motion Carried/Split Vote Below
 Motion Defeated/Split Vote Below

Yes

No

Did Not
Vote

Commissioner Leslie Van Beek

Commissioner Brad Holton

Commissioner Zach Brooks

Attest: Jess Urresti, Clerk

By: _____
Deputy

Date: _____

CONDITIONAL REZONE: CR-RURAL RESIDENTIAL OF R30127 (42.40 ACRES)

DRAFT CONDITIONS OF APPROVAL

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) for all platted lots and unplatted parcels within the development.
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 SECONDARY 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.
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.



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

In the matter of the application of:

[CR2022-0030] – [Paul and Michelle Nay]

The Canyon County Planning and Zoning Commission considers the following:

CR2022-0030: The applicants, Paul and Michelle Nay, are requesting **A Conditional Rezone subject to a Development Agreement** for parcel R30127 (42.40 acres). The conditional rezone from "A" (Agricultural) includes 24.76 acres to "CR-RR" (CR-Rural Residential) for the purpose of creating three (3) residential lots and 17.62 acres to "CR-C1" (Neighborhood Commercial) zone for the purpose of creating a 370 unit storage facility for RVs/Boats/Automobiles. The application was filed under the 2020 Comprehensive Plan.

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 CR2022-0030.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-09-17 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCZO §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 CCZO §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 CCZO §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.*

EXHIBIT
1a.

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. CCZO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §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. CCZO 07-05-03(1)(l).

July 17, 2025: CR2022-0030 was presented at a public hearing before the Canyon County Planning and Zoning Commission. 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:

§07-06-07(6)A Standards of Evaluation:

1. Is the proposed conditional rezone generally consistent with the comprehensive plan;

CONCLUSION: The proposed conditional rezone from "A" (Agricultural) to "CR-RR" (CR-Rural Residential) is **generally consistent** with the 2020 Canyon County Comprehensive Plan (2020 Plan hereafter).

The proposed conditional rezone from "A" (Agricultural) to "CR-C1" (CR-Neighborhood Commercial) is **NOT consistent** with the 2020 Canyon County Comprehensive Plan (2020 Plan hereafter) and would require an amendment to designate the property Commercial on the Comprehensive Plan for the proposed rezone and use.

FINDINGS:

- 1) The Future Land Use (FLU) plan in the 2020 Comprehensive Plan designates the parcel as "Residential" (Exhibit B2c). There are rural residential subdivisions and large lot agriculturally zoned residential subdivisions entitled by conditional use permit (CUP) adjacent to the property boundaries to the north, east, and west. The request to rezone to rural residential for the purpose of creating three parcels greater than six acres in size is consistent with the residential development in the area and the 2020 Plan designation of residential.
- 2) The request generally complies with the following goals and policies of the 2020 Plan:
 - a) Property Rights – Policy 1: No person shall be deprived of private property without due process of law.
 - o The request was processed per the following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).

- b) Property Rights – Policy 8: Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - See Section 6 of this report for recommended conditions of the development agreement.
- c) Property Rights – Policy 11: Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.
 - The Future Land Use plan in the 2020 Canyon County Plan designates the parcels as "Residential" (Exhibit B2b).
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - See Section 6 of this report for recommended conditions of the development agreement.
- d) 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.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
- e) School Facilities & Transportation – Policy 2: Provide information regarding land development proposals with all affected school districts. School districts should be given the opportunity to participate in pre-application processes and planning.
 - See criteria 07-06-07(6)A8 for evidence and details.
- f) Land Use – Goal 1: To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure, and services.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
- g) 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.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details. See Section 6 of this report for recommended conditions of the development agreement.
 - See Section 6 of this report for recommended conditions of the development agreement.
- h) Land Use – Goal 6: Designate areas where rural-type residential development will likely occur and recognize areas where agricultural development will likely occur.
 - The Future Land Use plan in the 2020 Canyon County Comp. Plan designates the parcels as "Residential" (Exhibit B2b).
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - See Section 6 of this report for recommended conditions of the development agreement.
- i) Land Use – Policy 1: Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact on surrounding areas.
 - The future land use plan in the 2020 Canyon County Comp. Plan designates the parcels as "Residential" (Exhibit B2b).
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
 - See Section 6 of this report for recommended conditions of the development agreement.
- j) Land Use – Policy 2: Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.
 - See Section 6 of this report for recommended conditions of the development agreement.
- k) Land Use – Policy 6: Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.

- See criteria 07-06-07(6)A5 for evidence and details.
- l) Natural Resources - Water – Goal 1: Water is an essential and limited natural resource. Groundwater and surface water should be preserved and protected.
 - See criteria 07-06-07(6)A5 for evidence and details.
- m) Hazardous Areas – Goal 1: To ensure the safety of residents and the protection of property.
 - The subject property contains areas of slope greater than 15% and will be required to meet ordinance requirements for Hillside Development. (Exhibit B2g & B2g1)
 - See Section 6 of this report for recommended conditions of the development agreement.
- n) 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.
 - The property lies within the Upper Deer Flat Fire District (Exhibit B1).
 - See criteria 07-06-07(6)A8 for evidence and details.
- o) Housing – Policy 1: Encourage a variety of housing choices that meet the needs of families, various age groups, and incomes.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
- p) Community Design – Policy 2: Encourage development of self-sustaining communities that maintain the rural lifestyle and good quality of life of the county.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
- q) Community Design – Policy 5: Encourage each development to address concerns regarding roads, lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.
 - See criteria 07-06-07(6)A3, A5, A6, and A7 for evidence and details.
- r) Agriculture – Policy 3: Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
- s) Agriculture – Policy 4: Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
 - See criteria 07-06-07(6)A5 for evidence and details.

3) The proposed conditional rezone from “A” (Agricultural) to “CR-C1” (CR-Neighborhood Commercial) for the purpose of establishing an RV, boat & automobile storage facility is not consistent with the Plan designation of ‘Residential’ and does not maintain the overall use as residential or agricultural. The request is not consistent with the following goals and policies of the comprehensive plan:

- a) Economic Development-Policy 6: Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.
- b) 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.

- There is no commercial zoning in the area and the property is not located on a major arterial. There is no nexus of population or development supporting the need for an RV storage facility in the area.
- c) Economic Development-Policy 12: Establish appropriate industrial and commercial zones to further increase business and economic development in various areas of Canyon County.
 - There are no commercial or industrial zoning designations in this area of the county. The area is primarily intensive agriculture and rural residential. The nearest groupings of commercial and industrial are located approximately 5.6 miles to the east along the Hwy 45 corridor (see Exhibit B6).
- d) Land Use-Commercial and Industrial-Policy 3: Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure and with approval from the appropriate regulatory agencies concerning water and sewer.
 - The nearest groupings of commercial and industrial are located approximately 5.6 miles to the east along the Hwy 45 corridor (see Exhibit B6). This area of the county is not currently contemplated for commercial development. The 2020 Plan designates the property as 'Residential' and the 2030 Plan designates the area as 'Agricultural'.
- e) Natural Resources-Agricultural Land-Policy 3: Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.
 - Applicant is proposing approximately 370 RV, Boat, and automobile storage spaces (approximate as the design is not set) and proposes in the letter of intent that this facility will serve the development that is occurring in the City of Nampa bringing additional vehicle trips into an active agricultural area. (Exhibits A4, A3)

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;

CONCLUSION: **RESIDENTIAL:** In consideration of the surrounding land uses, the proposed conditional rezone of 24.76 acres to “CR-RR” (CR-Rural Residential) is as appropriate as the current zoning designation of “A” (Agricultural). The immediate vicinity is comprised of large lot platted rural residential and agriculturally zoned subdivisions (Exhibit B2e and B2d). The subject property is identified as ‘Residential’ in the 2020 Plan. The applicant is proposing three residential parcels with a minimum six (6) acre average lot size for the property. The property is not and has not been in agricultural production or utilized for grazing for many years however, there is some evidence that portions of the property were cultivated at various times in a Google Earth aerial review (Exhibit B3).

COMMERCIAL: In consideration of the surrounding land uses, the proposed conditional rezone of 17.64 acres from “A” (Agricultural) to “CR-C1” (CR Neighborhood Commercial) is not more appropriate than the current zoning designation of Agricultural. The request to conditionally rezone 17.64 acres of the 42.40 acre subject property to “CR-C1” (CR-Neighborhood Commercial) for the purpose of developing a commercial RV, boat, and automobile storage facility which is not consistent with the Plan nor the agricultural and residential uses in the area. Therefore, the request for commercial development is not more appropriate than the current zoning designation of “A” (Agricultural). The nearest

commercial zoning designation is more than five miles to the east on Hwy 45 (Exhibit B6). Currently the large lot development in the area does not appear to warrant a large storage facility for use by area residents and the area is not planned for commercial development (Exhibits B2a, c, d, e and I).

The Commission notes that the 17.64 acres could be included in the request to rezone from "A" (Agricultural) to "CR-RR" (CR-Rural Residential) which would be as appropriate as the current agricultural designation under the 2020 Plan. Mineral extraction sites can be redeveloped for residential purposes as evidenced by Crystal Lakes Subdivision to the east of the subject property (Exhibit B7).

FINDINGS:

- 1) The subject parcel is zoned "A" (Agricultural) see Exhibit B2d. CCZO Section 07-10-25(1) states the purpose of the "A" Zone is to: *"A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations; B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan; C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65; D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan."* The property is currently zoned agricultural and could be utilized for agricultural purposes including crop production or grazing. There are intensive agricultural operations in the vicinity of the proposed development including large farm crop production and the Beranna Dairy CAFO. The Pickles Butte Landfill is also located to the southwest of the property. The "A" (Agricultural) zoning is appropriate for the area.
- 2) Pursuant to Canyon County ordinance 07-10-25 (2) the purpose of the "RR" (Rural Residential) zoning district *is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.* The 2020 Plan designates the future land use for the property as 'Residential' and there are eleven (11) rural residential developments within one mile of the property (Exhibit B2d&e). Note that many of the developments are small "large lot" agriculturally zoned subdivisions created through a legacy conditional use permit process. The property is designated 'Residential' on the 2020 Plan and there is rural residential development and residential zoned properties in the immediate vicinity. The property is sloping and primarily unirrigated although limited ground water rights are available.
- 3) Pursuant to Canyon County ordinance 07-10-25 (5) the purpose of the C-1 (Neighborhood Commercial) zone is *to provide for local commercial service needs and to restrict incompatible uses.* The 2020 Plan designates the future land use for the property as 'Residential' with surrounding properties designated 'Residential' and 'Agricultural'. The applicant indicates that the proposed storage facility will primarily serve residents from the City of Nampa (Exhibit A.4). The nearest planned commercial/industrial zoning is 5.6 miles to the east along the State Highway 45 (12th Avenue) corridor (Exhibit B6). The 'Commercial' designation is not more appropriate than the current zoning designation of "A" (Agricultural).

3. Is the proposed conditional rezone compatible with surrounding land uses;

CONCLUSION: The proposed conditional rezone of **24.76 acres to “CR-RR” (CR-Rural Residential)** for the purpose of developing three (3) large residential parcels **is compatible** with surrounding land uses as conditioned.

The proposed conditional rezone of **17.62 acres to “CR-C1” (CR-Neighborhood Commercial)** for the purpose of creating an RV, boat, and automobile storage facility is incompatible with the surrounding residential and agricultural development. The storage facility, being at the lowest elevation in the area, cannot be easily shielded from view of existing residential development (see Exhibit C: Site Photos); therefore, **is not compatible** with surrounding land uses having potential impacts to the existing and future residential properties

FINDINGS:

- 1) 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.
- 2) The 42 acre property is currently zoned agricultural and contains a single family residence (CU2004-519 & BP2006-1266) and a depleted mineral extraction site (CU2005-56). The property is not in agricultural production. The applicant confirmed by email (Exhibit B4) that the property is not in agricultural production nor is it being utilized for livestock grazing.
- 3) The property to the east is currently zoned “RR” (Rural Residential) (Ord. No. 12-001, inst. #2012000306) and is platted as a residential subdivision, Crystal Lakes Subdivision Phases 1 and 2. The residential development incorporated a reclaimed mineral extraction site in the southeast portion of the property (Exhibit B7). The 2020 Plan designates this property and area as Residential and Agriculture.
- 4) To the west is an agriculturally zoned residential subdivision, Meadow Vista Ranch (CU2004-212/SD2005-14) containing eight lots with an average lot size of 9.42 acres. No lots within the development contain residential structures. This eight (8) lot development is currently under sanitary restrictions by Southwest District Health (SWDH) and the reclamation plan must be completed for a mineral extraction site in accordance with conditions of approval on the properties through CU2010-1 (expired July 7, 2021).
- 5) The properties to the south and further west are in agricultural crop production and confined animal feeding operation (CAFO) for a very large dairy, Beranna Dairy. Further to the southwest is the Pickles Butte Landfill. There are no commercially zoned operations within five miles or more of the properties.
- 6) The property is zoned agricultural and designated residential in the 2020 Plan. The requested conditional rezone of 17.62 acres as commercial for the intended use as an RV, boat and automobile storage facility is not consistent with the surrounding agricultural and residential uses in the area. CCZO §07-06-07(3) indicates that “*Designation of a parcel as CR shall not constitute “spot” zoning and shall not*

be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same." There is no evidence that the surrounding properties should be zoned commercial.

- 7) The property owner could consider redeveloping the mineral extraction site for residential purposes. Staff Report Exhibit B7 demonstrates a mineral extraction site redevelopment. This is the Crystal Lakes development adjacent to the subject property.
4. **Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?**

CONCLUSION: The proposed conditional rezone of 24.76 acres to "CR-RR" (CR-Rural Residential) as proposed **will not negatively** affect the character of the area.

The proposed conditional rezone of 17.62 acres from "A" (Agricultural) to "CR-C1" (CR-Neighborhood Commercial) **may have a negative affect** on the character of the area as there is no nexus of neighborhood population or need for the proposed RV, boat, and automobile storage area at in this proposed location. The proposed conditional rezone to commercial for the proposed use is not consistent with the 2020 Plan. Many of the area residences will look over the storage area from their elevated locations. Placement of commercial activity/development in a residential/agricultural area provides for potential growth of commercial development that was not contemplated or intended in the Plan. No mitigation measures were proposed. See also Exhibits E1 and E2 for neighborhood concerns with storage facility.

FINDINGS:

- 1) The character of the area is agricultural, intensive agriculture, and large lot rural residential (agricultural zoning and rural residential zoning). The average lot size within the eleven platted developments in the vicinity of the development is 6.73 acres. Of the seventeen (17) lots notified within 600 feet of the property the average lot size is 28.81 acres with the median lot size of 9.78 acres.
- 2) There is currently no commercial development or zoning within 5.6 miles of the subject property.
- 3) If commercial zoning request is approved: Recommend that conditions be placed to mitigate potential impacts to surrounding properties to include landscaping for a visual barrier, limiting the number of spaces, providing appropriate access and circulation throughout the facility, cannot be utilized as an impound yard, all vehicles must be in running/roadworthy condition, no vehicle repair/maintenance on the property, a wastewater/RV dump shall be installed, property maintained in weed free condition and kept in compliance with public nuisance ordinance requirements, lighting restrictions and hours of operation should be established to limit impacts to neighborhood.

5. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed conditional rezone;

CONCLUSION: Adequate facilities and services will be provided to accommodate the proposed conditional rezone and proposed development.

FINDINGS:

The applicant proposed the following to demonstrate adequate facilities will be available for the future development:

1) Sewer:

Large lot residential development as restricted by conditions will require permitting from Southwest District Health for residential development to occur. The development does not reside within a nitrate priority area. Southwest District Health is concerned with how the developer proposes to ensure that proper disposal of RV wastewater is to occur. (Exhibit D3) A condition requiring the installation and maintenance of an RV wastewater dump should be included if the request for commercial zoning of 17.62 acres is approved.

2) Water:

The proposed large lot residential development will utilize individual well and septic as approved through permitting with Idaho Department of Water Resources and Southwest District Health (Exhibits D3 & D4). The fire district indicates that the storage facility should have a water supply and appropriate access (Exhibit D6.1) the residential lots exceeding five acres are 'exempt' from water supply requirements (Exhibit D6).

3) Drainage:

The site contains areas of 15% slope or greater and will be required to comply with CCZO §07-17-33 (1) Hillside Development code. All drainage shall be maintained on individual parcels.

4) Irrigation:

The subject property does not lie within an irrigation district but does have ground water rights available (Exhibit A4). Groundwater rights should be conditioned to distribute the groundwater rights to individual properties through IDWR application process. The subject property is not currently being irrigated.

5) Utility:

Utility companies were notified of the application. No agency comments were received. There is overhead power in the vicinity.

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?

CONCLUSION: The proposed conditional rezone will not require public street improvements to provide adequate access to and from the subject property in order to minimize undue interference with existing and/or future traffic patterns created by the proposed development. Any necessary measures to mitigate traffic impacts are detailed below. The following measures will be implemented to mitigate 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)

7. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development; and

CONCLUSION: The subject property has legal access and will have adequate access at the time of the development.

FINDINGS:

- 1) 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).
- 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?**

CONCLUSION: The proposed uses are 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. The services will not be negatively impacted by the proposed residential use nor by the proposed commercial use storage facility and are not anticipated to require additional public funding in order to meet the needs created by the requested uses.

FINDINGS:

- 1) **Schools:**
Vallivue School District was notified of the application-no response was received from the school district. The proposed residential development is limited to three (3) large lots (Exhibit A4) commensurate with surrounding development and therefore is anticipated to have minimal impact to the schools in this district.
- 2) **Police:**
The Canyon County Sheriff's office was notified of the application and no response was received.
- 3) **Fire protection & Emergency Medical Services:**
Upper Deer Flat Fire District and Emergency Services were notified of the application. Nampa Fire District provided a review on behalf of Upper Deer Flat Fire (Exhibit D6 & D6.1). No responses or concerns were received from Emergency Medical Services.

The following measures could be implemented to mitigate impacts:

If approved for commercial zoning for the purpose of developing an RV, boat, automobile storage facility a conditional use permit application is required providing agencies an additional review opportunity of the commercial facility. Should the properties be developed other than proposed, the applicant is required to submit a development agreement modification application which will be noticed and reviewed by agencies for additional impacts and compliance with district requirements.

RECOMMENDATIONS FOR CONDITIONAL REZONES:

Recommended Order: Conditional Rezone from "Agricultural" to "CR-Rural Residential"

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission forwards this case to the Board of County Commissioners with a **recommendation of approval** for a portion of Case #CR2022-0030, to conditionally rezone 24.76 acres of parcel R30127 (45.20 acres) from "A" (Agricultural) to "CR-RR" (CR-Rural Residential) subject to the conditions herein to be enumerated in a development agreement.

Recommended Order: Conditional Rezone from "Agricultural" to "CR-Neighborhood Commercial"

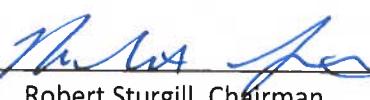
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission forwards this case to the Board of County Commissioners with a **recommendation of denial** for a portion of Case #CR2022-0030, to conditionally rezone 17.64 acres of parcel R30127 (45.20 acres) from "A" (Agricultural) to "CR-C1" (CR-Neighborhood Commercial).

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

1. Commercial development and zoning is not planned nor appropriate for this area.
2. Consider requesting to modify the application to rezone the entirety of the property to "CR-Rural Residential" which is consistent with the 2020 Plan and existing development in the area under the current application. The 2030 Comprehensive Plan identifies that subject property as Agriculture with the surrounding properties to the south of Deer Flat Road and north of Farner Road as Intensive Agriculture Overlay. Developer should consider development value under the current application for residential.

DATED this 7 day of August, 2025.

**PLANNING AND ZONING
CANYON COUNTY, IDAHO**



Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 7th day of August, in the year 2025, 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

CONDITIONAL REZONE RURAL RESIDENTIAL OF 24.76 ACRES OF R30127 (42.40 ACRES)

RECOMMENDED CONDITIONS OF APPROVAL

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. The development shall not exceed three residential parcels with a minimum acreage of six (6) acres.
4. Development exceeding four total parcels on the 42.4 acres will require a modification of the development agreement and shall be platted as a subdivision in accordance with Article 17 or as amended at the time of application and development.
5. The development and placement of secondary residences, if allowed at time of development, shall be located within 200 feet of the primary residence and shall be subordinate to the primary residence in total living area square feet. The secondary residence shall utilize the primary residence well. The secondary residence shall not be divided from the primary residence parcel without receiving approval through application with Development Services inclusive of development agreement modification and platting as a residential subdivision.
6. 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.

BOARD OF COUNTY COMMISSIONERS

EXHIBIT 2:

HEARING MINUTES



CANYON COUNTY PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
Thursday, July 17, 2025
6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman
Brian Sheets, Vice Chairman
Harold Nevill, Commission Secretary
Geoff Mathews, Commissioner

Staff Members Present: Jay Gibbons, Director of Development Services
Michelle Barron, Principal Planner
Deb Root, Principal Planner
Emily Bunn, Principal Planner
Karla Nelson, Principal Planner
Dane Adams, Associate Planner
Caitlin Ross, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:30 p.m.

Commissioner Nevill read the testimony guidelines and proceeded to the first business item on the agenda.

Item 1: Consent Agenda – Action Items

A. Case No. CR2022-0031 – Werhane: Approve FCO's

Commissioner Nevill emphasized the significance of including Chairman Sturgill's written statement for this case in the FCO's, referencing the statement as necessary. There was further discussion on the county code and ordinances regarding the addition of the statement, as well as the utilization of the statement for the Board of County Commissioners in their final decision.

Motion: Commissioner Nevill moved to approve the Consent Agenda, with the addition of Chairman Sturgill's written statement that was read into the record on July 3, 2025. Seconded by Commissioner Mathews.

Roll call vote: 4 in favor, 0 opposed, motion passes.

Item 2A:

Case No. SD2022-0011 – Cloud Nine Estates: The applicant, LWD Development, Inc. represented by Borton-Lakey Law, is requesting approval of a preliminary plat, drainage plan, grading plan and irrigation plan on approximately 72.8 acres of CR-R1 zoned property for 44 residential lots, 1 common lot and 3 storm drain lots with public roads. The subject parcels are located to the northeast of the intersection of Kingsbury Rd and Foothill Rd, Middleton, parcels R33827 and R37624.

Chairman Sturgill affirmed the applicant to testify.

Nate Mitchell – (Applicant) IN FAVOR – 1470 N Rook Way, Star, ID 83669

Mr. Mitchell explained the process of working with Highway District 4 and Canyon County Development Services to obtain an application that is compliant with county code and the previously approved conditional

rezone. He believes that their plan is well thought out and meets all required standards.

Commissioner Nevill asked if there were any comments or concerns on the proposed conditions. Mr. Mitchell stated they agreed with the original 11; however, they are opposed to conditions 12 and 13, arguing that individual wells and septic systems are more appropriate for the larger lots and preferable to community systems. Commissioner Nevill asked for clarification on irrigation water, to which Mr. Mitchell explained the complications with using ground water as it would be the same water that potable water is coming out of, although individuals could apply for enhanced individual water through IDWR. Commissioner Nevill asked about the firefighting plan. Mr. Mitchell explained the fire safety would be adequately addressed through a combination of a wildland urban interface plan and sprinklers in all homes. Commissioner Nevill also asked for further clarification on the proposed additional exit, to which Mr. Mitchell explained the different routes that were considered, ultimately resulting in access to the north on a previously closed, undeveloped public right of way, and on the western border.

Commissioner Sheets confirmed there would be an HOA associated with this subdivision.

Chairman Sturgill asked what organization SITE Consulting, LLC was. Mr. Mitchell said they are soils engineers. Chairman Sturgill asked if there were any lot specific geotechnical reports created. Mr. Mitchell stated there were soils tests completed for the test holes that were dug for the septic systems. Chairman Sturgill wanted to come back to that question after the staff report.

Planner Michelle Barron reviewed the Staff Report for the record.

Commissioner Nevill asked for clarification on staff finding compliance but adding conditions 12 and 13 regarding water and sewer. Planner Barron clarified that those conditions could be added with the Commission's decision if the Commission requires community systems. Commissioner Nevill asked where the nearest nitrate priority area was. Exhibit B4c showed the nitrate priority area about a mile away at Lansing and Purple Sage. There was further discussion on the rezone and subdivision process allowing building permits for the parcels in question.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Todd Lakey – IN FAVOR – 12905 Venezia Court, Nampa, ID 83651

Mr. Lakey clarified some of the older exhibits, explaining this application started as a joint preliminary plat and rezone. He also specified that individual wells and septic systems were originally proposed, but they were informed both community and individual wells were viable. IDWR noted there is a strong aquifer in this location, and the BOCC confirmed that adequate sewer, water and irrigation facilities would be provided based on the application. Mr. Lakey addressed some of the letters in opposition, stating roadway alignment and Geotech drainage were all addressed in the engineering and studies. He also addressed Commissioner Nevill's prior question regarding irrigation and explained IDWR's enforcement actions have been significantly strengthened.

Commissioner Nevill asked what the remedy might be regarding sprinkler systems in all of the houses and whether the builders actually install or the homeowners shut them off due to leakage. Mr. Lakey stated they could be included in the conditions, but is voluntary compliance. He suggested a review process to ensure it is included in the design of the home and part of the inspections, which could lead to code compliance issues if not installed according to the conditions.

Nate Mitchell – (Applicant) REBUTTAL – 1470 N Rook Way, Star, ID 83669

Mr. Mitchell addressed the one question on the 10% grade explaining they had three or four lots that would've required an individual Geotech report and found that it was easier to move the building pad on the lot to a less steep area. A lot of the lot lines were also moved to comply with historical drainage and storm water drainage. There's a couple of those ravines that go through the property that we had building lots in, which resulted in a reduced number of lots over time. Mr. Mitchell also addressed the question on Geotech reports for basements. The lots will be sold to builders, so it is unclear whether a basement would be going in on an individual lot or not. The building department will review for compliance. The director's decision was the property boundary adjustment associated with the separation and sale of the existing house.

Chairman Sturgill asked if requesting a development agreement condition or notation on the plat that any home with existing lot over 10% or with a basement needs a geotechnical report was appropriate. Mr. Mitchell confirmed and agreed that the more information they can give to a builder or individual owner would be beneficial.

Planner Barron confirmed that there is an existing plat note for sprinklers. She also suggested additional conditions of approval – to add the wildland urban interface plan into the CCNRs for maintenance and design and the individual engineering and drainage plans for lots over 10% slopes.

MOTION: Commissioner Sheets moved to close public testimony on Case No. SD2022-0011, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets stated he is in favor of having the additional plat notes regarding the geotechnical reports for basement and slope lots, but expressed concern on their extended discussions made a difference for the BOCC's decision. He is also in support of having the community water system.

Commissioner Nevill agrees with Commissioner Sheets.

Commissioner Mathews asked if the need for a public water system was discussed with the BOCC, and Planner Barron answered that there was discussion on the topic, but it was not required at that time.

MOTION: Commissioner Nevill moved to **recommend approval** for Case No. CU2024-0013 to the Board of County Commissioners, adopting the recommended FCOs that the application does meet criteria, and adding conditions 12, 13, and 14 regarding a community water system, plat notes for geotechnical engineering for 10% slopes and basements, and adding a wildland urban interface plan into the CCNRs. Seconded by Commissioner Sheets.

Discussion on the Motion:

Commissioner Sheet suggested the addition of condition 14, see above motion.

Roll call vote: 4 in favor, 0 opposed, motion passes.

Item 2B:

Case No. CR2022-0030 – Paul Nay: The applicant, Paul Nay, is requesting a **Conditional Rezone** of parcel R30127 (42.40 acres). The request includes rezoning the "A" (Agricultural) zoned property as follows: 24.76 acres to "CR-RR" (CR-Rural Residential) for the purpose of developing three (3) residential parcels and 17.62

acres to "CR-C1" (Neighborhood Commercial) zone for the purpose of establishing an approximate 370-unit RV Storage Lot through the conditional use permit process if the requested rezone is approved. The subject property is located at 14602 Deer Flat Rd, Nampa.

Chairman Sturgill affirmed the applicant to testify.

Paul Nay – (Applicant) IN FAVOR – 14602 Deer Flat Rd, Nampa, ID 83686

Mr. Nay explained his history of obtaining this property. He decided the best plan for the property is to generate revenue. He explained the pit has been around longer than the houses surrounding it. He discovered that there is a lack of resources for parking RVs and boats, which is not keeping up with the high density in Nampa. Mr. Nay believes it's worth discussing and considering as a way to utilize that ground. His other option would be to turn it into a concrete and dirt dump site for the next 20 or 30 years and fill it back up, but feels the RV storage would be the best option.

Commissioner Sheets asked what the reclamation plan was for the original gravel pit. Mr. Nay said they possibly considered developing over the property and turning it into a pond, but that plan may have changed. Commissioner Sheets confirmed that the reclamation was completed.

Commissioner Nevill asked if the applicant had reviewed the conditions for both parts of the application. Mr. Nay answered yes, but that he primarily concentrated on the commercial aspect, and his biggest concern was regarding the addition of pine trees around the property. He wants to opportunity, if approved, to see how well his business operates prior to adding the trees. He would request 2 years for that condition to take effect. Commissioner Nevill asked why a pond would not work in this area. Mr. Nay did not find it productive for the nature of the property, stating only one lot would be able to use it and he believes his plan would reduce the waste of water resources. There was discussion on the proposed lots behind the gravel pit and the lack of a canal or anything that delivers water to the area.

Chairman Sturgill confirmed the size of the pit and asked if there were any alternative uses Mr. Nay had considered. Mr. Nay stated it would just turn into a landfill.

Commissioner Mathews asked if there would be cover for the RVs and boats. Mr. Nay said he would consider it if the business becomes viable enough to pay for it.

Planner Deb Root reviewed the Staff Report for the record.

Commissioner Nevill confirmed where the closest rural residential area was, and inquired about secondary dwellings. Planner Root stated that unless there was a condition placed prohibiting secondary dwellings, they are allowed. Commissioner Nevill asked if the requested commercial zoning could be changed to match the rural residential part of the application, and Planner Root explained if the Commission recommended denial of the commercial zoning, they could then provide an opportunity for the applicant to modify the application. Commissioner Nevill asked about dumping that was occurring in the pit, and Planner Root stated during the site visit she noticed broken up asphalt along the southern boundary, but does not know when that occurred, other than it may have been when the pit was operating.

Commissioner Sheets asked for clarification on the timeline of the application since there is documentation dating back to 2022. Planner Root explained that there is still a backlog of applications staff is working through, and unfortunately a few of the older applications got pushed back with staff changes and other internal processes, although the applicant has been very responsive throughout this application process.

Chairman Sturgill confirmed that the Commission could recommend approval on half of the rezone and recommend denial on the other half.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Jon Moldenhauer – IN FAVOR – 14716 Mountain Hawk Rd, Nampa, ID 83686

Mr. Moldenhauer testified that any property built in the gravel pit could be affected by valuation issues, and only 1 residence could benefit if a pond was put in place. He also mentioned that since he moved there in 2013, the gravel pit was already there, so the aerial map in 2016 is not accurate in showing the elevation changes. He agreed with Mr. Nay on the use that seems more appropriate, and requested the Commission vote in favor of both parts of the application.

Commissioner Nevill confirmed that Mr. Moldenhauer's property, which is northeast of the applicant's property, comes off of Farner Rd.

Gerald Kane – IN OPPOSITION – 9064 Crystal Quartz Dr, Nampa, ID 83686

Mr. Kane is a resident of the Crystal Lakes development, and requests denial for the RV storage lot. Introducing a commercial RV storage lot will diminish the value and character of the area, which undermines the efforts to preserve the agricultural heritage. He stated appraisals are not dependent on a gravel pit, and has not seen any recent dumping into the pit. Mr. Kane expressed his concerns regarding traffic. If the application were approved, he requests the land cannot be resold by Mr. Nay to be developed into other commercial uses, and that the property be rezoned back to agriculture.

Commissioner Nevill asked Mr. Kane to point where his house was located, and asked about typical traffic on Deer Flat. Mr. Kane stated there is minimal traffic that goes through daily. Commissioner Nevill asked about the surrounding property, and confirmed that is what Mr. Kane classifies as intensive agriculture.

Chairman Sturgill asked how water is inserted into the pond Mr. Kane lives by, to which Mr. Kane answered there is a community well and confirmed groundwater has to actively be removed on a regular basis.

Commissioner Mathews asked if filling the hole with concrete and asphalt was more appropriate. Mr. Kane stated it would if it was developed into large acre homes at some point.

Adriana Tsoharanyan – IN OPPOSITION – 14376 Quarry Ridge Dr, Nampa, ID 83686

Ms. Tsoharanyan strongly opposes to the rezone for RV storage, explaining that this area is predominantly agricultural surrounded by several homes with acreage and the extra noise would negatively impact the area. She also expressed concerns on traffic. There are no streetlights from Highway 45 to Farner Road, and there are several hills with limited visibility. The increase of traffic would cause safety concerns due to the close proximity to the neighborhood. There could be an increase in security concerns, especially considering it would take a sheriff unit longer to respond to this location. Ms. Tsoharanyan explained their electrical grid is already at capacity and have had several power outages. With the several storage units within proximity, this application does not make sense, and Ms. Tsoharanyan requests the Commission to consider the impact it would have on the surrounding properties.

Commissioner Nevill confirmed the location of Mr. Tsoharanyan's residence on Quarry Ridge Dr.

Commissioner Mathews asked if filling the hole with concrete and asphalt was more appropriate. Ms. Tsoharanyan stated it would if it was developed into residential properties.

John DeVenere – IN OPPOSITION – 9067 Crystal Quartz Dr, Nampa, ID 83686

Mr. DeVenere expressed he does not view the property how it currently sits as an eyesore, but would consider an RV storage to be. He stated it took over 30 minutes for responders to show up after a transformer caught on fire. He believes residential building would be more feasible, especially considering the surrounding agricultural areas and the addition of lights and traffic if the RV storage were approved.

Commissioner Nevill confirmed that intensive ag harvesting was acceptable over a 24/7 RV storage.

Paul Nay – (Applicant) REBUTTAL – 14602 Deer Flat Rd, Nampa, ID 83686

Mr. Nay addressed to comments on dumping, and stated he stopped it. He said the entire Mercy Medical Center that got tore down a couple years ago is in there, along with undocumented fill, which makes it challenging to build houses on it. He commented the dump is also visible, and doesn't believe anyone will even see the tops of the RVs, particularly if trees are planted. The intent is to closely monitor the location, and possibly build a caretaker facility. It is stipulated in the staff's recommendations that it be a daylight only facility, and cameras would be installed. Mr. Nay also addressed the traffic concerns, and argued that there has already been hundred or thousands of loads in big dump trucks, and he could decide to fill that back up and make it a field again.

Commissioner Mathews asked how much of the pit is covered with the hospital waste. Mr. Nay answered about half of it, and said it has already been leveled and covered with dirt.

Commissioner Nevill asked about the security plan and if there would be fences. Mr. Nay is not opposed to that, although it does make it challenging to mow and they catch a lot of debris. Commissioner Nevill confirmed the request is for an RV storage, not a livable RV park. Commissioner Nevill suggested turning the whole parcel into residential, to which Mr. Nay said he may just leave it agriculture if the commercial aspect is not approved, utilizing the split he has and not having to jump through all the hoops of turning any of it into residential.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2022-0030, seconded by Commissioner Nevill. Voice vote, motion carried.

Deliberation:

Commissioner Sheets noted that this is being reviewed under the 2020 comprehensive plan, so does not have an argument against the designated rural residential; however, the neighborhood commercial aspect is inappropriate for this area.

Commissioner Nevill and Commissioner Mathews concur, and Commissioner Mathews expressed his concern that this will never be agricultural again and is just a wasteland.

MOTION: Commissioner Sheets moved to **recommend approval** for Case No. CR2022-0030, for the 24.76 acres to CR-RR (CR-Rural Residential), to the Board of County Commissioners, adopting the recommended FCOs that the application does meet criteria. Seconded by Commissioner Mathews.

Discussion on the Motion:

None.

Roll call vote: 4 in favor, 0 opposed, motion passed.

MOTION: Commissioner Nevill moved to **recommend denial** for Case No. CR2022-0030, for the 17.62 acres to CR-C1 (Neighborhood Commercial), to the Board of County Commissioners, finding that the application does not meet criteria. Seconded by Commissioner Sheets.

Discussion on the Motion:

None.

Roll call vote: 4 in favor, 0 opposed, motion passed.

Item 2C:

Case No. CR2023-0013 – White Barn Ventures Inc.: The applicants, Sarah and Eric Hibbard, represented by Matt Wilke, request a Comprehensive Plan Map Amendment from "A" (Agricultural) to "RR" (Rural Residential) and Conditional Rezone of Parcel R36963013, approximately 8.44 acres, from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. The request includes a Development Agreement restricting development to three (3) residential lots. The subject property is located at 20762 Gravelly Lane., Wilder, ID 83676.

After discussion on the possible exposure of this case, Commissioner Nevill recused due to being the president of the Snake River Canyon Scenic Byway and having seen their final stand in opposition of this application.

Chairman Sturgill called the applicant to testify.

Matt Wilke – (Representative) IN FAVOR – PO Box 7, Middleton, ID 83644

Mr. Wilke described the location of the home and the general proposed locations of the building sites on the property, along with the existing and proposed driveways. Although this area was previously denied for a CR-1 rezone, the BOCC gave an option to apply for a CR-R-R, which is the intent with a development agreement to three-acre average lots. He explained there is a similar plat on the other side of the Snake River in Owyhee County. The proposed development has a 1.33-acre average lot size. The soil was inspected and there is great drainage, pending a letter from SWDH. With less than 5 homes on the subdivision, there is not a worry about the nitrates. Every site on the property for building is going to be under 15% slope, and there is currently no irrigation water so it is not viable for agricultural use. The aquifer in the area seems really strong, and existing wells have good quality on the well log. Mr. Wilke described the surrounding areas, some with residential, some with agriculture.

Commissioner Mathews asked when the applicant bought their property. Mr. Wilke answered in 2022.

Chairman Sturgill confirmed the RV on site is just storage.

Planner Emily Bunn reviewed the Staff Report for the record.

Matt Wilke – (Representative) REBUTTAL – PO Box 7, Middleton, ID 83644

Mr. Wilke believes these are the types of lots to prove to the county. The net taxable value of rural residential properties is \$1.5 billion compared to the \$350 million for ag ground, which is a huge benefit to someone who wants to develop sites like this application depicts. He believes there is a great access to emergency services, and the view is really hard to find these days.

Planner Bunn suggested adding in a condition or provision regarding a no build zone on the 15% slopes.

MOTION: Commissioner Sheets moved to close public testimony on Case No. CR2023-0013, seconded by Commissioner Mathews. Voice vote, motion carried.

Deliberation:

Commissioner Sheets and Commissioner Mathews agreed there is no reason to go against the comp plan for this application.

MOTION: Commissioner Sheets moved to **recommend denial** for Case No. CR2023-0013 to the Board of County Commissioners, adopting the recommended FCOs that the application does not meet criteria. Seconded by Commissioner Mathews.

Discussion on Motion:

None.

Roll call vote: 3 in favor, 0 opposed, motion passed.

3. DIRECTOR, PLANNER, COMMISSION COMMENTS:

There was discussion on the status of obtaining more commissioners and the subsequent training, as well as discussion on the Private Road Ordinance that is being presented to the BOCC. There is an administrative division code/ordinance update and are seeking public input on the update. There will be a public input session open house on August 14. All cases are assigned to a planner and applications are moving through.

Chairman Sturgill requested upgraded, printed copies where necessary for the Commissioner binders, and Director Gibbons stated there will be sufficient training for the new Commissioners.

There was also discussion on minutes and the necessity of the conversations with the motions, and potentially considering a member of the voting majority assisting the planner to create a written document or enhanced FCOs to provide to the BOCC.

4. ADJOURNMENT:

MOTION: Commissioner Nevill moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 10:23 P.M.

An audio recording is on file in the Development Services Departments' office.

Approved this 4th day of September, 2025



Robert Sturgill, Chairman

ATTEST



Caitlin Ross, Hearing Specialist

BOARD OF COUNTY COMMISSIONERS

EXHIBIT 3:

STAFF REPORT PACKET



Planning and Zoning Commission
Hearing Date: July 17, 2025
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMER: CR2022-0030
APPLICANT/REPRESENTATIVE: Paul and Michelle Nay
PROPERTY OWNER: Paul and Michelle Nay

APPLICATION: A **Conditional Rezone** subject to a **Development Agreement** for parcel R30127 (42.40 acres). The conditional rezone from "A" (Agricultural) includes 24.76 acres to "CR-RR" (CR-Rural Residential and 17.62 acres to "CR-C1" (Neighborhood Commercial) zone.

LOCATION: The subject property is located at 14602 Deer Flat Rd, Nampa also referenced as, a portion of the SW quarter of Section 15, T2N, R3W, BM, Canyon County, Idaho.

ANALYST: Deb Root, Principal Planner

REQUEST:
Case No. CR2022-0030: The applicants, Paul and Michelle Nay, are requesting a Conditional Rezone of parcel R30127 (42.40 acres). The request for an amendment to the official zoning map is subject to a Development Agreement for the purpose of conditionally rezoning the subject property from "A" (Agricultural) to "CR-RR" (Rural Residential) for approximately 24.76 acres and "CR-C1" (Neighborhood Commercial) for approximately 17.62 acres. The applicant proposes to divide the residential portion of the property into three (3) parcels and to establish an approximate 370 unit RV Storage Lot on the proposed 17.62 acre commercial property. A conditional use permit will be required for the proposed RV Storage Lot should the conditional rezone for the commercial portion of the property be approved.

The application was filed prior to the Board of County Commissioners adopting the current 2030 Comprehensive Plan and therefore this application will be evaluated under the 2020 Comprehensive Plan.

PUBLIC NOTIFICATION:

Neighborhood meeting conducted on:	October 26, 2022
Neighbor notification within 600 feet mailed on:	October 11, 2022
Newspaper notice published on:	June 17, 2025
Notice posted on site on:	June 17, 2025

1. BACKGROUND:

The subject property, R30127, is currently a 42.40 acre parcel containing a residence and an expired mineral extraction site. There is a mobile home on the property that was used as an office/scale house but is not permitted through the building department and must be removed or legally permitted for its intended purpose. The scales have been removed but the concrete structures remain. PI2022-0034 and PLA2011-3, as amended, indicate that the subject property is an original parcel. The residential permit (BP2006-1266) on the property was approved through CU2004-519. The mineral extraction site was approved for a 15 year duration (expiration March 3, 2020) through CU2005-56 for approximately 10 acres of the 40 acre parcel. There is no mineral extraction currently occurring on the property and the Department of Lands released the bond and retired the reclamation plan as complete.

The subject property is designated residential in the 2020 Comprehensive Plan. The request for a conditional rezone to "CR-C1" (CR-Neighborhood Commercial) is not consistent with the comprehensive plan designation of Residential. The request for "CR-RR" (CR-Rural Residential) is consistent with the 2020 Comprehensive Plan designation of Residential. The applicant did not make application for a Comprehensive Plan amendment.

2. HEARING BODY ACTION:

Pursuant to Canyon County Ordinance Article 07-06-01 (3) 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.

Pursuant to Canyon County Ordinance Article 07-06-07(1) Restrictions: In approving a conditional rezone application, 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. When the presiding party finds that such conditions, stipulations, restrictions or limitations are necessary, land may be rezoned upon condition that if the land is not used as approved, or if an approved use ends, the land use will revert back to the zone applicable to the land immediately prior to the conditional rezone action.

Additionally, pursuant to Canyon County Ordinance Article 07-06-07(3) Conditional Rezoning Designation: Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone"

shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat in accordance with this chapter before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel as CR shall not constitute "spot" zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.

Should the Commission wish to approve the subject conditional rezone, all applicable Canyon County standards pertaining to the required development agreement shall be strictly adhered to.

OPTIONAL MOTIONS:

The commission should consider the procedures outlined above within Canyon County Ordinance 07-06-01(3).

Approval of the Application(s):

"In consideration of the request to conditionally rezone 24.76 acres of 45.20 acres from "A" (Agricultural) to "CR-RR" (CR-Rural Residential) I move to recommend approval of CR2022-0030, Paul and Michelle Nay, finding that this request **meets** the criteria for approval under Article 07.07.05 of Canyon County zoning regulations, **with the conditions listed in the staff report, finding that**; the request for residential development of three parcels as presented is consistent with the 2020 Comprehensive Plan and development in the immediate vicinity. **[Cite reasons for approval & Insert any additional conditions of approval].**

"In consideration of the request to conditionally rezone 17.64 acres of 45.20 acres from "A" (Agricultural) to "CR-C1" (CR-Neighborhood Commercial) I move to recommend approval of CR2022-0030, Paul and Michelle Nay, finding that this request **meets** the criteria for approval under Article 07.07.05 of Canyon County zoning regulations, **with the conditions listed in the staff report, finding that**; **[Cite reasons for approval & Insert any additional conditions of approval].**

Denial of the Application(s):

"In consideration of the request to **conditionally rezone 24.76 acres of 45.20 acres from "A" (Agricultural) to "CR-RR" (CR-Rural Residential)** I move to recommend denial of CR2022-0030, Paul and Michelle Nay, finding the application **does not** meet the criteria for approval under Article 07.06.05 of Canyon County zoning Regulations, **finding that** **[cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5)].**

Denial of the Application: "In consideration of the request to **conditionally rezone 17.64 acres from "A" (Agricultural) to "CR-C1" (CR-Neighborhood Commercial)** I move to **recommend denial** CR2022-0030, Paul and Michelle Nay finding the application **does not** meet the criteria for approval under Article 07.06.05 of Canyon County zoning Regulations, **finding that** the request is not consistent with the comprehensive plan or other development patterns in the area. The nearest commercial zoning is more than 5.6 miles to the east along a major highway corridor. The area is primarily agricultural with some large lot rural residential development primarily to the east of the property. A commercial storage lot is not consistent with the area. **[cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5)].**

Table the Application: "I move to continue CR2022-0030, Paul and Michelle Nay to a [date certain or uncertain] and cite what information is required to continue."

3. HEARING CRITERIA

Table 1. Conditional Rezone Standards of Evaluation Analysis

Standards of Evaluation (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:				
Compliant		County Ordinance and Staff Review		
Yes	No	N/A	Code Section	Analysis
☒	☒	☐	07-06-07(6)A1	<p>Is the proposed conditional rezone generally consistent with the comprehensive plan;</p> <p>Staff Analysis</p> <p>The application was submitted on the effective date, 10-27-2022, prior to the BOCC adopting the current plan. This application is being reviewed under the 2020 Comprehensive Plan (here after "Plan").</p> <p>The property is designated 'Residential' in the 2020 Comprehensive Plan as are the properties to the north, east and west. There are rural residential subdivisions and large lot agriculturally zoned residential subdivisions entitled by conditional use permit (CUP) adjacent to the property boundaries to the north, east, and west. The property lies adjacent to active agricultural areas to the south and in the near vicinity to the west. The Beranna Dairy, a large CAFO, is located to the west. The uses in the area are either agricultural, intensive agricultural, rural residential, and the Pickles Butte Landfill is located less than a mile to the southwest. There are no commercially zoned properties in the area.</p> <p>CR RR yes CR C1 no</p> <p>The proposed conditional rezone from "A" (Agricultural) to "CR-C1" (CR-Neighborhood Commercial) <u>is not</u> consistent with the Plan designation of 'Residential'.</p> <p>The subject property is designated as 'Residential' in the Plan. The proposed conditional rezone "A" (Agricultural) to "CR-RR" (CR-Rural Residential) may be generally consistent with the following goals and policies of the 2020 Comprehensive Plan:</p> <ul style="list-style-type: none"> • <u>Property Rights – Policy 1: No person shall be deprived of private property without due process of law.</u> • The request was processed per the following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).

		<ul style="list-style-type: none"> • <u>Property Rights – Policy 8: Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.</u> <ul style="list-style-type: none"> ○ See criteria 07-06-07(6)A2 and A3 for evidence and details. ○ See Section 6 of this report for recommended conditions of the development agreement. • <u>Property Rights – Policy 11: Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.</u> <ul style="list-style-type: none"> ○ The Future Land Use plan in the 2020 Canyon County Plan designates the parcels as “Residential” (Exhibit B2c). ○ See criteria 07-06-07(6)A2 and A3 for evidence and details. ○ See Section 6 of this report for recommended conditions of the development agreement. • <u>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.</u> <ul style="list-style-type: none"> ○ See criteria 07-06-07(6)A2 and A3 for evidence and details. • <u>School Facilities & Transportation – Policy 2: Provide information regarding land development proposals with all affected school districts. School districts should be given the opportunity to participate in pre-application processes and planning.</u> <ul style="list-style-type: none"> ○ See criteria 07-06-07(6)A8 for evidence and details. • <u>Land Use – Goal 1: To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure, and services.</u> <ul style="list-style-type: none"> ○ See criteria 07-06-07(6)A2 and A3 for evidence and details. • <u>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.</u> <ul style="list-style-type: none"> ○ See criteria 07-06-07(6)A2 and A3 for evidence and details. ○ See Section 6 of this report for recommended conditions of the development agreement. • <u>Land Use – Goal 6: Designate areas where rural-type residential development will likely occur and recognize areas where agricultural development will likely occur.</u> <ul style="list-style-type: none"> ○ The Future Land Use plan in the 2020 Canyon County Comp. Plan designates the parcels as “Residential” (Exhibit B2c). ○ See criteria 07-06-07(6)A2 and A3 for evidence and details. ○ See Section 6 of this report for recommended conditions of the development agreement.
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- Community Design – Policy 2: Encourage development of self-sustaining communities that maintain the rural lifestyle and good quality of life of the county.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
- Community Design – Policy 5: Encourage each development to address concerns regarding roads, lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.
 - See criteria 07-06-07(6)A3, A5, A6, and A7 for evidence and details.
- Agriculture – Policy 3: Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.
 - See criteria 07-06-07(6)A2 and A3 for evidence and details.
- Agriculture – Policy 4: Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
 - See criteria 07-06-07(6)A5 for evidence and details.

The proposed conditional rezone from “A” (Agricultural) to “CR-C1” (CR-Neighborhood Commercial) for the purpose of establishing an RV, boat & automobile storage facility is not consistent with the Plan designation of ‘Residential’ and does not maintain the overall use as residential or agricultural. The request is not consistent with the following goals and policies of the comprehensive plan:

- Economic Development-Policy 6: Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.
- 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.
 - There is no commercial zoning in the area and the property is not located on a major arterial. There is no nexus of population or development supporting the need for an RV storage facility in the area.
- Economic Development-Policy 12: Establish appropriate industrial and commercial zones to further increase business and economic development in various areas of Canyon County.

			<ul style="list-style-type: none"> ○ There are no commercial or industrial zoning designations in this area of the county. The area is primarily intensive agriculture and rural residential. The nearest groupings of commercial and industrial are located approximately 5.6 miles to the east along the Hwy 45 corridor (see Exhibit B6). ● <u>Land Use-Commercial and Industrial-Policy 3: Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure and with approval from the appropriate regulatory agencies concerning water and sewer.</u> <ul style="list-style-type: none"> ○ The nearest groupings of commercial and industrial are located approximately 5.6 miles to the east along the Hwy 45 corridor (see Exhibit B6). This area of the county is not currently contemplated for commercial development. The 2020 Plan designates the property as 'Residential' and the 2030 Plan designates the area as 'Agricultural'. ● <u>Natural Resources-Agricultural Land-Policy 3: Protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.</u> <ul style="list-style-type: none"> ○ Applicant is proposing approximately 370 RV, Boat, and automobile storage spaces (approximate as the design is not set) and proposes in the letter of intent that this facility will serve the development that is occurring in the City of Nampa bringing additional vehicle trips into an active agricultural area. (Exhibits A4, A3)
☒	☒	☐	<p>07-06-07(6)A2 When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;</p> <p>Staff Analysis Pursuant to Canyon County ordinance 07-10-25 (2) the purpose of the <u>"RR" (Rural Residential)</u> zoning district is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.</p> <p>In consideration of the surrounding land uses, the proposed conditional zone change to "CR-RR" (CR-Rural Residential) of 24.76 acres of the subject property is as appropriate as the current zoning designation of "A" (Agricultural). The immediate vicinity is comprised of large lot platted residential and agriculturally zoned subdivisions (Exhibit B2e and B2d). The subject property is identified as 'Residential' in the 2020 Plan. The applicant is proposing a minimum six (6) acre average lot size for the property. The property is not and has not been in agricultural production or utilized for grazing for many years. There is some evidence that portions of the property were cultivated at various times in a Google Earth aerial review (Exhibit B3).</p> <p>Pursuant to Canyon County ordinance 07-10-25 (5) the purpose of the C-1 (Neighborhood Commercial) zone is to <u>provide for local commercial service needs</u> and to restrict incompatible uses.</p> <p>The request includes proposed zoning of 17.64 acres of the property to "CR-C1" (CR-Neighborhood Commercial) for the purpose of developing a</p>

commercial RV, boat, and automobile storage facility which **is not consistent with the Plan** nor the agricultural and residential uses in the area. Therefore, the request for commercial development **is not more appropriate** than the current zoning designation of "A" (Agricultural). The nearest commercial zoning designation is more than five miles to the east on Hwy 45 (Exhibit B6). Currently the large lot development in the area does not appear to warrant a large storage facility for use by area residents and the area is not planned for commercial development (Exhibits B2a, c, d, e and l).

The current zoning designation of the 42.40 acre subject property is "A" (Agricultural). Pursuant to Canyon County ordinance 07-10-25 (1) the purposes of the "A" (Agricultural) zoning district are to:

- A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;
- B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;
- C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;
- D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and
- E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.

The 2020 Plan identifies this property as 'Residential' and there are eleven rural residential developments within one mile of the property (Exhibit B2d&e). Many of the developments are small "large lot" agriculturally zoned subdivisions created through a legacy conditional use permit process.

There are no areas of commercially zoned properties or areas designated for commercial development in the 2020 Plan within one (1) mile of the property. The applicant indicates that the proposed storage facility will primarily serve residents from the City of Nampa (Exhibit A4). The nearest commercially zoned and designated commercial properties are located 5.6 miles to the east along Hwy 45.

Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Other Zone
N	Rural Ag Residential lots, Kirk Sub, War Eagle Sub, Two Lot Sub	Agricultural	
S	Agricultural Production	Agricultural	
E	Rural Residential lots, Crystal Lakes Sub Nos 1 & 2, Chaparral Ranch Sub	Rural Residential	Agricultural

			W	Rural Ag Residential lots, Meadow Vista Ranch Sub, expired mineral extraction-pending reclamation, Beranna Dairy (CAFO)	Agricultural	Intensive Agricultural-Dairy CAFO
			SW	Pickles Butte Landfill		
<small>"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)</small>						
Surrounding Land Use Cases:						
				<ul style="list-style-type: none"> • RZ2020-0001 Rezone A to RR for the purpose of dividing land not eligible for administrative division. • CU2020-0011 Pickles Butte Landfill expansion 		
☒	☒	☐	07-06-07(6)A3	Is the proposed conditional rezone compatible with surrounding land uses;		
			Staff Analysis	<p>The proposed conditional rezone of 24.76 acres to "CR-RR" (CR-Rural Residential) for the purpose of developing three (3) large residential parcels is compatible with surrounding land uses as conditioned.</p> <p>The proposed conditional rezone of 17.62 acres to "CR-C1" (CR-Neighborhood Commercial) for the purpose of creating an RV, boat, and automobile storage facility is not necessarily incompatible with the surrounding residential and agricultural development. However, there is no commercial development planned or approved in the area. Additional traffic from out of the area will be travelling the rural roadways. The storage facility, being at the lowest elevation in the area, cannot be easily shielded from view of existing residential development (see Exhibit C: Site Photos) therefore is not compatible with surrounding land uses having potential impacts to the existing and future residential properties.</p>		
			CR RR yes CR C1 no	<p>Pursuant to Canyon County Ordinance 07-02-03, <u>land uses are compatible</u> 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.</p> <p>Review and Analysis: The 42 acre property is currently zoned agricultural and contains a single family residence (CU2004-519 & BP2006-1266) and a depleted mineral extraction site (CU2005-56). The property is not in agricultural production. The applicant confirmed by email (Exhibit B4) that the property is not in agricultural production nor is it being utilized for livestock grazing.</p> <p>The property to the east is currently zoned "RR" (Rural Residential) (Ord. No. 12-001, inst. #2012000306) and is platted as a residential subdivision, Crystal Lakes</p>		

			<p>Subdivision Phases 1 and 2. The residential development incorporated a reclaimed mineral extraction site in the southeast portion of the property (Exhibit B7). The 2020 Plan designates this property and area as Residential and Agriculture.</p> <p>To the west is an agriculturally zoned residential subdivision, Meadow Vista Ranch (CU2004-212/SD2005-14) containing eight lots with an average lot size of 9.42 acres. No lots within the development contain residential structures. This eight (8) lot development is currently under sanitary restrictions by Southwest District Health (SWDH) and the reclamation plan must be completed for a mineral extraction site in accordance with conditions of approval on the properties through CU2010-1 (expired July 7, 2021).</p> <p>The properties to the south and further west are in agricultural crop production and confined animal feeding operation (CAFO) for a very large dairy, Beranna Dairy. Further to the southwest is the Pickles Butte Landfill. There are no commercially zoned operations within five miles or more of the properties.</p> <p>The property is zoned agricultural and designated residential in the 2020 Plan. The requested conditional rezone of 17.62 acres as commercial for the intended use as an RV, boat and automobile storage facility <u>is not consistent</u> with the surrounding agricultural and residential uses in the area. CCZO §07-06-07(3) indicates that <i>“Designation of a parcel as CR shall not constitute “spot” zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.”</i></p> <p>The property owner could consider redeveloping the mineral extraction site for residential purposes. Exhibit B7 demonstrates a mineral extraction site redevelopment. This is the Crystal Lakes development adjacent to the subject property.</p>
☒	☒	☐	<p>07-06-07(6)A4 Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?</p> <p>Staff Analysis The proposed conditional rezone of 24.76 acres to “CR-RR” (CR-Rural Residential) as proposed will not negatively affect the character of the area. The proposed conditional rezone of 17.62 acres from “A” (Agricultural) to “CR-C1” (CR-Neighborhood Commercial) may have a negative affect on the character of the area as there is no nexus of neighborhood population or need for the proposed RV, boat, and automobile storage area at in this proposed location. Many of the area residences will look over the storage area from their elevated locations. Placement of commercial activity/development in a residential/agricultural area provides for potential growth of commercial development that was not contemplated or intended in the Plan at this time. No mitigation measures were proposed. See also Exhibits E1 and E2 for neighborhood concerns with storage facility.</p> <p>CR RR yes CR C1 no</p>

			<p>Character of the Area:</p> <p>The character of the area is agricultural, intensive agriculture, and large lot rural residential (agricultural zoning and rural residential zoning). The average lot size within the eleven platted developments in the vicinity of the development is 6.73 acres. Of the seventeen (17) lots notified within 600 feet of the property the average lot size is 28.81 acres with the median lot size of 9.78 acres.</p> <p>The following measures may be implemented to potentially mitigate impacts: Should the Planning and Zoning Commission and Board determine that the application for commercial zoning will not negatively affect the area subject to conditions, staff recommends that conditions be placed to include landscaping, limiting the number of spaces, providing appropriate access and circulation throughout the facility, cannot be utilized as an impound yard, all vehicles must be in running/roadworthy condition, no vehicle repair/maintenance on the property, a wastewater/RV dump shall be installed, property maintained in weed free condition and kept in compliance with public nuisance ordinance requirements, lighting restrictions and hours of operation should be established to limit impacts to neighborhood.</p>
☒	☐	☐	<p>07-06-07(6)A5 Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;</p> <p>Staff Analysis</p> <p>The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.</p> <p>Sewer: Large lot residential development as restricted by conditions will require permitting from Southwest District Health for residential development to occur. The development does not reside within a nitrate priority area. Southwest District Health is concerned with how the developer proposes to ensure that proper disposal of RV wastewater is to occur. (Exhibit D3) A condition requiring the installation and maintenance of an RV wastewater dump should be included if the request for commercial zoning of 17.62 acres is approved.</p> <p>Water: The proposed large lot residential development will utilize individual well and septic as approved through permitting with Idaho Department of Water Resources and Southwest District Health. (Exhibits D3 & D4) The fire district indicates that the storage facility should have a water supply and appropriate access (Exhibit D6.1) the residential lots exceeding five acres are 'exempt' from water supply requirements (Exhibit D6).</p> <p>Drainage: The site contains areas of 15% slope or greater and will be required to comply with CCZO §07-17-33 (1) Hillside Development code. All drainage shall be maintained on individual parcels.</p>

			<p>Irrigation:</p> <p>The subject property does not lie within an irrigation district but does have ground water rights available (Exhibit A4). Groundwater rights should be conditioned to distribute the groundwater rights to individual properties through IDWR application process. The subject property is not currently being irrigated.</p> <p>Utility:</p> <p>Utility companies were notified of the application. No agency comments were received. There is overhead power in the vicinity.</p>
		07-06-07(6)A6	<p>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?</p> <p>Staff Analysis</p> <p>The proposed conditional rezone will not require public street improvements to provide adequate access to and from the subject property in order to minimize undue interference with existing and/or future traffic patterns created by the proposed development. Any necessary measures to mitigate traffic impacts are detailed below.</p> <p>The following measures will be implemented to mitigate impacts:</p> <p>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)</p> <p>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)</p>
		07-06-07(6)A7	<p>Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and</p> <p>Staff Analysis</p> <p>The subject property has legal access for the conditional rezone and/or it will exist at the time of the development. See review and analysis detailed below.</p> <p>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).</p>
		07-06-07(6)A8	<p>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)</p>

		<p>Staff Analysis</p> <p>The proposed uses are 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.</p> <p>The services will not be negatively impacted by the proposed residential use nor by the proposed commercial use storage facility and are not anticipated to require additional public funding in order to meet the needs created by the requested uses.</p> <p>Schools: Vallivue School District was notified of the application-no response was received from the school district. The proposed residential development is limited to three (3) large lots (Exhibit A4) commensurate with surrounding development and therefore is anticipated to have minimal impact to the schools in this district.</p> <p>Police: The Canyon County Sheriff's office was notified of the application and no response was received.</p> <p>Fire protection & Emergency Medical Services: Upper Deer Flat Fire District and Emergency Services were notified of the application. Nampa Fire District provided a review on behalf of Upper Deer Flat Fire (Exhibit D6 & D6.1). No responses or concerns were received from Emergency Medical Services.</p> <p>The following measures will be implemented to mitigate impacts: If approved for commercial zoning for the purpose of development of an RV, boat, automobile storage facility a conditional use permit application is required providing agencies an additional review opportunity of the commercial facility. Should the properties be developed other than proposed the applicant is required to submit a development agreement modification application which will be noticed and reviewed by agencies for additional impacts and compliance with district requirements.</p>
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4. AGENCY COMMENTS:

Agencies including the Canyon County Sheriff's Office, Canyon County Paramedics/EMT, Emergency Management Coordinator, Upper Deer Flat Fire Protection District, State Fire Marshal, Highway District No. 1, Vallivue School District, Idaho Transportation Department, Valley Regional Transit, COMPASS, Idaho Power, Intermountain Gas, CenturyLink, Ziply, Canyon County Assessor's Office, Canyon County Building Department, Canyon County Code Enforcement Department, Canyon County Engineering, Canyon County GIS, Idaho Department of Water Resources (Water Rights), Southwest District Health, DEQ, EPA, Department of Lands, and the City of Nampa were notified of the subject application.

Staff received agency comments from Southwest District Health, ITD, NHD1, Nampa Fire on behalf of Upper Deer Flat Fire, and DEQ. All agency comments received by the aforementioned materials deadline are located in Exhibit D.

Pursuant to Canyon County Ordinance 01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

5. PUBLIC COMMENTS:

Staff received two (2) written public comments by the materials deadline of July 7, 2025. Generally, of the comments received they were in favor of the residential zoning request and both were opposed to the commercial development as proposed. All public comments received by the aforementioned materials deadline are located in Exhibit E.

Pursuant to Canyon County Ordinance 01-17-07B Materials deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

6. SUMMARY & RECOMMENDED CONDITIONS:

In consideration of the application and supporting materials, staff concludes that the proposed conditional rezone for the proposed **“CR-RR” (CR-Rural Residential) zone is compliant** with Canyon County Ordinance 07-06-07. A full analysis is detailed within the staff report.

Should the Commission wish to approve the subject application, staff recommends the following conditions be attached:

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. The development shall not exceed three residential parcels with a minimum acreage of six (6) acres.
4. Any development exceeding four total parcels on the 42.4 acres will require a modification of the development agreement and shall be platted as a subdivision in accordance with Article 17 or as amended at the time of application and development.
5. The development and placement of secondary residences, if allowed at time of development, shall be located within 200 feet of the primary residence and shall be subordinate to the primary residence in size. The secondary residence shall utilize the primary residence well. The secondary residence shall not be divided from the primary residence parcel without receiving approval through application with Development Services inclusive of development agreement modification and platting as a residential subdivision.
6. 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.

In consideration of the application and supporting materials, staff concludes that the proposed conditional rezone for the proposed commercial development and "**CR-C1**" (**CR-Neighborhood Commercial**) zone **is not compliant** with Canyon County Ordinance 07-06-07. A full analysis is detailed within the staff report.

Should the Commission wish to approve the subject application, staff recommends the following conditions be attached:

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 only use proposed and provided for through this conditional rezone from "A" (Agricultural) to "CR-C1" (CR-Neighborhood Commercial) is an outdoor storage facility for RVs, boats, automobiles.
3. 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 submission of a conditional use permit application within six (6) months of approval by the Board of County Commissioners for the conditional rezone to neighborhood commercial.
4. The development shall apply for a conditional use permit (CUP) in accordance CCZO §07-10-27. The project and plan will be considered for approval through the conditional use permit process after additional noticing. Some conditions or requirements to consider:
 - a. The development shall be restricted to 350 units of any type automobile, RV (motorized or pull type), trailers or boats.
 - b. The facility shall not be used as an impound yard or lot defined as "*Any portion, piece, division or parcel of land, excluding fully enclosed buildings, that is used for the storage or holding of distressed vehicles or personal property, or for the care and keeping of vehicles or personal property whether taken into the custody of the law or for other reasons.*" (CCZO §07-02-03)
 - c. The development shall be graded with developed marked and unimpeded access circulation roadways that meet fire district requirements including 20 foot wide roadways sufficient to carry a 75,000 lb fire apparatus. Roads shall not exceed 10% grades.
 - d. The development shall have marked parking stalls not to exceed 350 and shall be maintained in an orderly manner.
 - e. The development shall provide a wastewater RV dump facility and have the facility pumped on a regular interval. Care should be taken to ensure no RV's are dumping black or grey water directly to the ground.
 - f. No RV's, boats, automobiles shall be occupied on the facility other than to pick-up or to park.

- g. All parked/stored vehicles, boats, trailers shall be in running/road worthy condition and in good repair. No (junk or parted out vehicles) shall be stored on the facility.
- h. No vehicles, boats, trailers shall be parked along the road frontage of Deer Flat Road.
- i. The existing non-conforming office trailer must be permitted with Development Services or must be removed from the property prior to commencement of operations.
- j. The developer shall file an application to divide the 17.64 acre commercial property separate from the balance of the property within 90 days of approval of the application.
- k. Any lighting for the facility shall be inward, downward facing and shielded to limit the light pollution and main the light on the facility.
- l. The facility shall be maintained in a substantially weed free condition. The facility shall be maintained in compliance with CCZO Article 1 Public Nuisances ordinance.
- m. Landscaping inclusive of a mix of deciduous and evergreen trees and shrubs that provides sufficient screening to minimize visual impacts from elevated residential lots shall be installed on the north, east, and west boundaries of the subject property on the elevated boundaries of the abandoned mineral extraction site. The mix of trees shall include 70% evergreen trees to ensure screening of storage operations year-round. Irrigation shall be installed to ensure that trees are maintained in living condition. A landscape and irrigation plan by a licensed professional landscape architect shall be submitted with the application for a conditional use permit for outdoor storage (RV, Boat, and Automobile)

7. EXHIBITS:

A. Application Packet & Supporting Materials

1. Master Application
2. Site Plan
3. RV Storage Site Plan
4. Letter of Intent
5. Water Rights
6. Land Use Worksheet
7. Neighborhood Meeting
8. Access drive agreement
9. Reclamation Plan complete
10. Storage survey needs

B. Supplemental Documents

1. Parcel Information Report
2. Cases Maps/Reports
 - a. Small Aerial
 - b. Vicinity
 - c. 2020 Future Land Use
 1. 2030 Future Land Use
 - d. Zoning and Classification Map
 - e. Subdivision Map and Report

- f. Dairy, Feedlot, and Gravel Pit
- g. Contour Map (does not reflect extraction site)
 - 1. Slope % Map (does not reflect extraction site)
- h. Soil Map
- i. Prime Farmlands and Report
- j. Nitrate Priority Map
- k. Case Map and Report
- l. TAZ Household
- m. Lot Classification (size)
- n. Maps Legend

C. Site Visit Photos: 5/17/2025

D. Agency Comments Received by: July 7, 2025

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

E. Public Comments Received by: July 7, 2025

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

F. Draft—CONDITIONS OF APPROVAL TO BE ENUMERATED IN DEVELOPMENT AGREEMENT

EXHIBIT A
Application Packet & Supporting Materials

Case# CR2022-0030

A

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

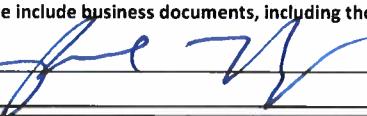
111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



PROPERTY OWNER	OWNER NAME:	Paul D. Nay and Michelle J. Nay	
	MAILING ADDRESS:	14602 Deer Flat Rd. Nampa, ID 83686	
	PHONE:	EMAIL:	208-941-0638 tci@msn.com

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature:  Date: 10/14/2022

(AGENT) ARCHITECT ENGINEER BUILDER	CONTACT NAME:	
	COMPANY NAME:	H/A
	MAILING ADDRESS:	
	PHONE:	EMAIL:

SITE INFO	STREET ADDRESS: 14602 Deer Flat Rd.	
	PARCEL #:	30127
	LOT:	BLOCK:
	QUARTER:	SECTION: 15
	ZONING DISTRICT:	2 North Range: 3 West

HEARING	<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> COMP PLAN AMENDMENT	<input checked="" type="checkbox"/> CONDITIONAL REZONE
LEVEL	<input type="checkbox"/> ZONING AMENDMENT (REZONE)	<input type="checkbox"/> DEV. AGREEMENT MODIFICATION	<input type="checkbox"/> VARIANCE > 33%
APPS	<input type="checkbox"/> MINOR REPLAT	<input type="checkbox"/> VACATION	<input type="checkbox"/> APPEAL
	<input type="checkbox"/> SHORT PLAT SUBDIVISION	<input type="checkbox"/> PRELIMINARY PLAT SUBDIVISION	<input type="checkbox"/> FINAL PLAT SUBDIVISION

DIRECTORS	<input type="checkbox"/> ADMINISTRATIVE LAND DIVISION	<input type="checkbox"/> EASEMENT REDUCTION	<input type="checkbox"/> SIGN PERMIT
DECISION	<input type="checkbox"/> PROPERTY BOUNDARY ADJUSTMENT	<input type="checkbox"/> HOME BUSINESS	<input type="checkbox"/> VARIANCE 33% >
APPS	<input type="checkbox"/> PRIVATE ROAD NAME	<input type="checkbox"/> TEMPORARY USE	<input type="checkbox"/> DAY CARE
	<input type="checkbox"/> OTHER		

CASE NUMBER: CR 2022 - 0030

DATE RECEIVED: 10/27/22

RECEIVED BY: Maddy Vander Veen

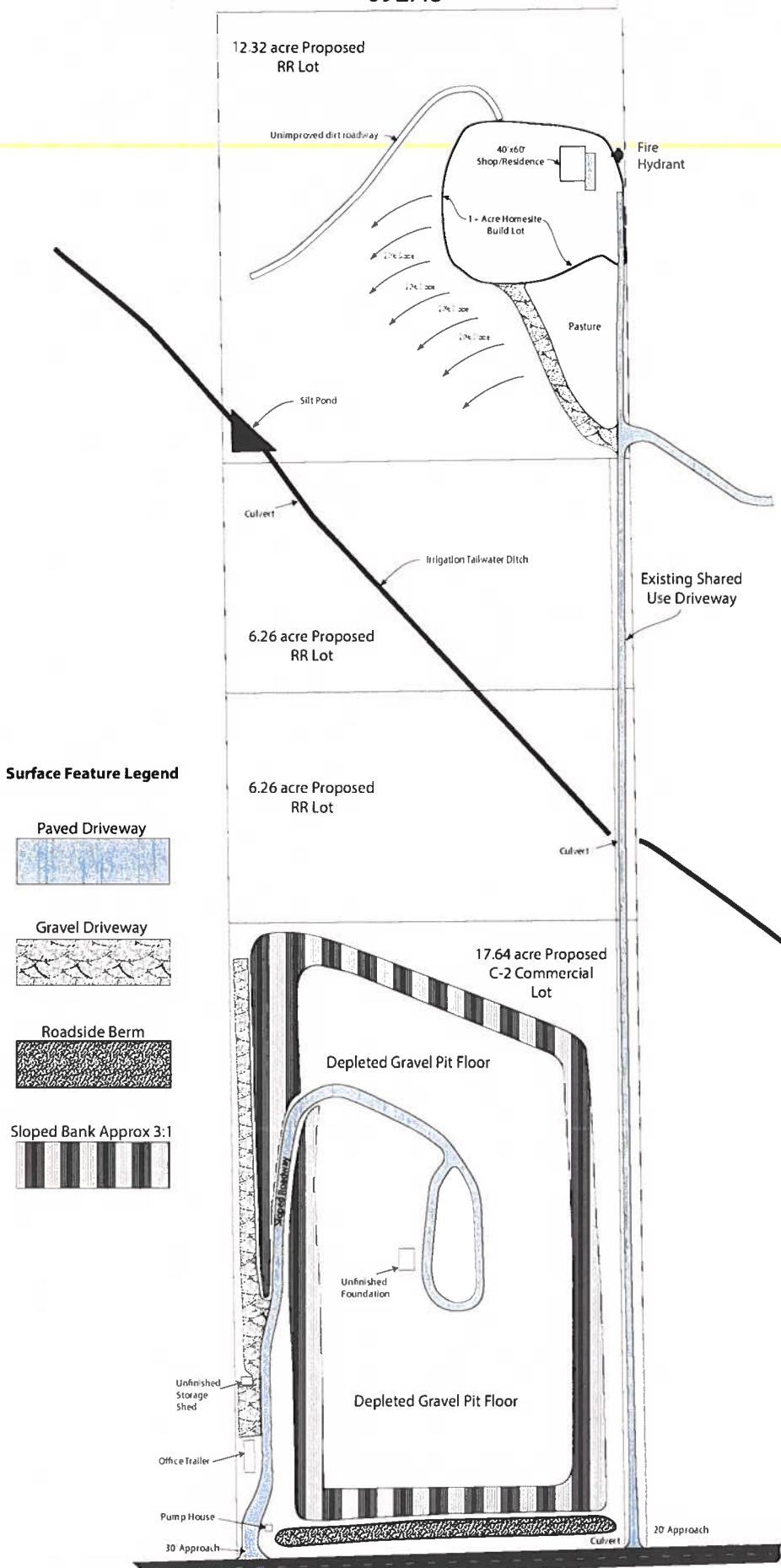
APPLICATION FEE: \$1400 MO CC CASH

SCANNED

- EXHIBIT
A1

Revised 1/3/21
Gravel Pit 10/27/22
15 years
Mar 7, 05

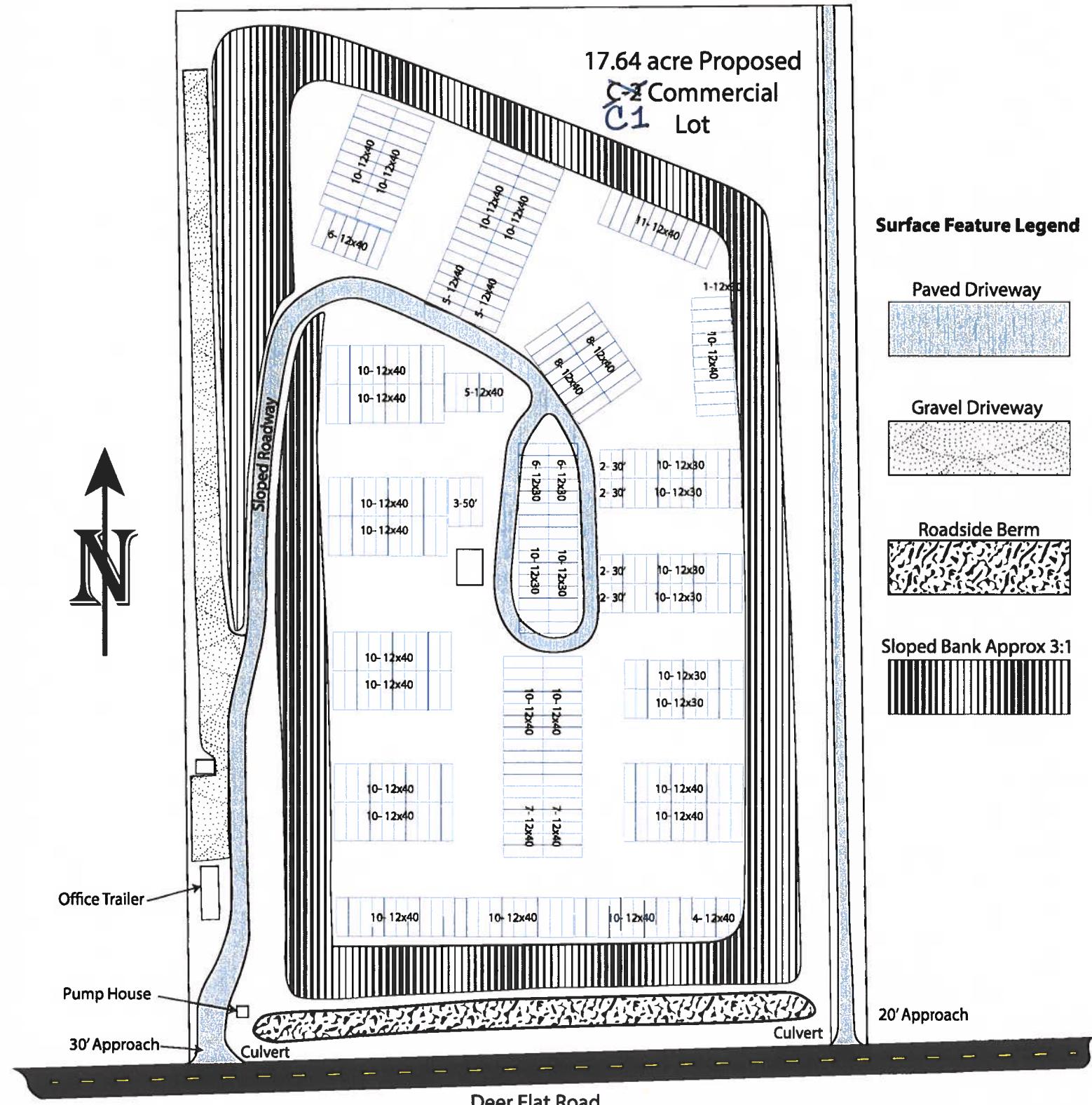
692.43'



700.00'
Parcel 30127000

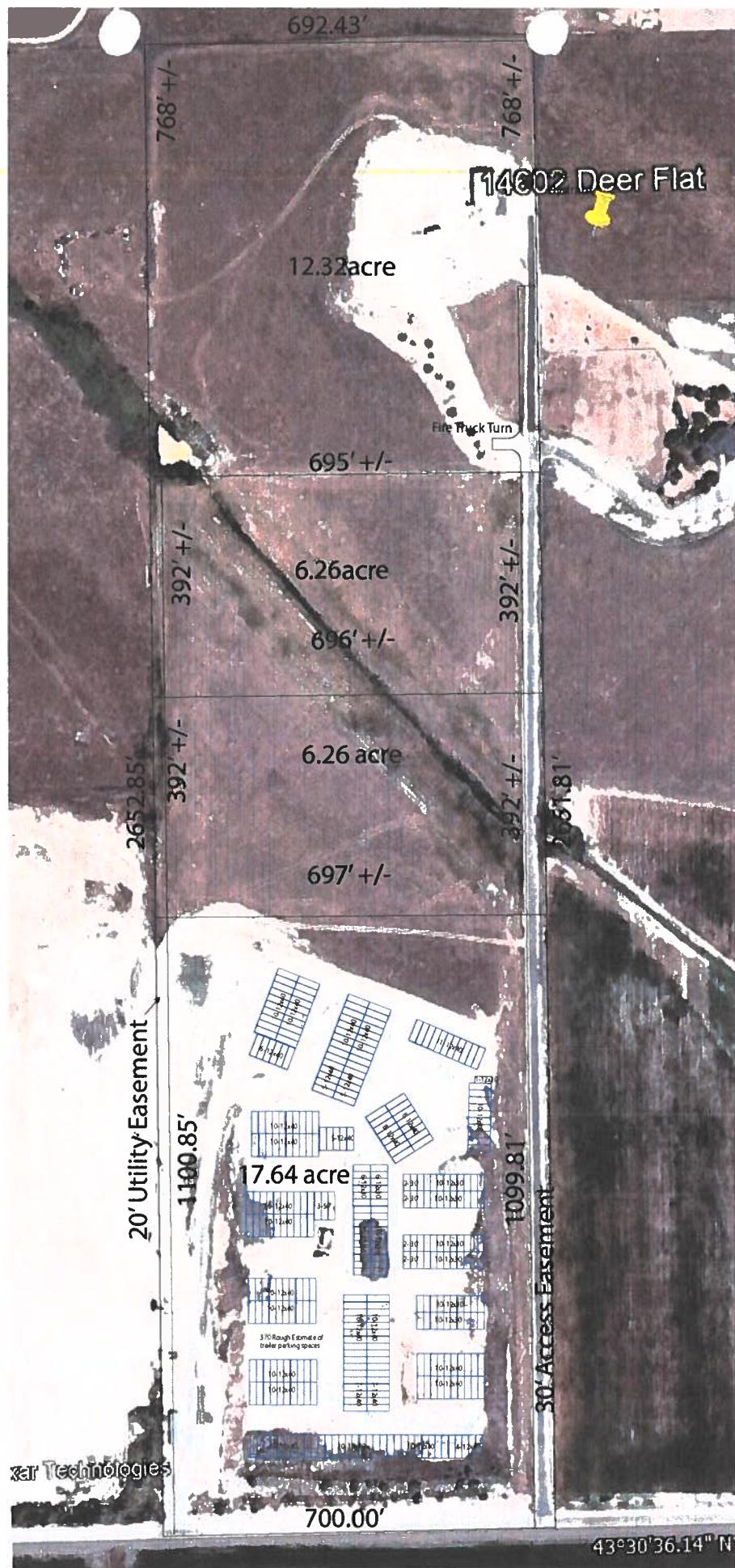
EXHIBIT
A2

370 Rough Estimate of trailer parking spaces



COMMERCIAL 17.64 Acre

**EXHIBIT
A3**



Parcel 30127000

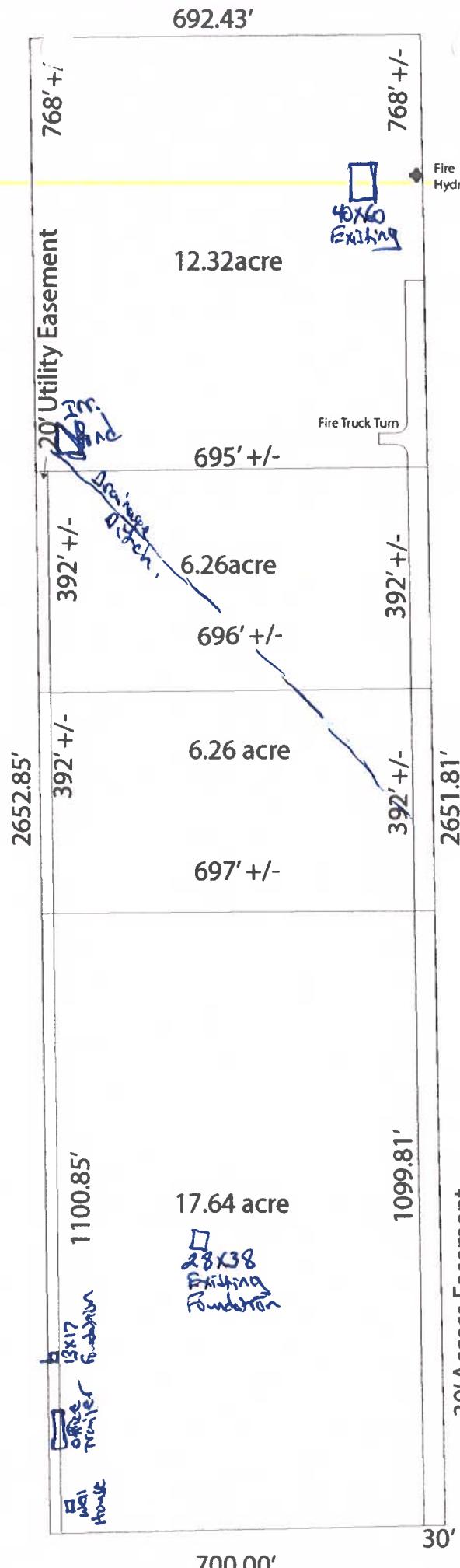


700.00'

30

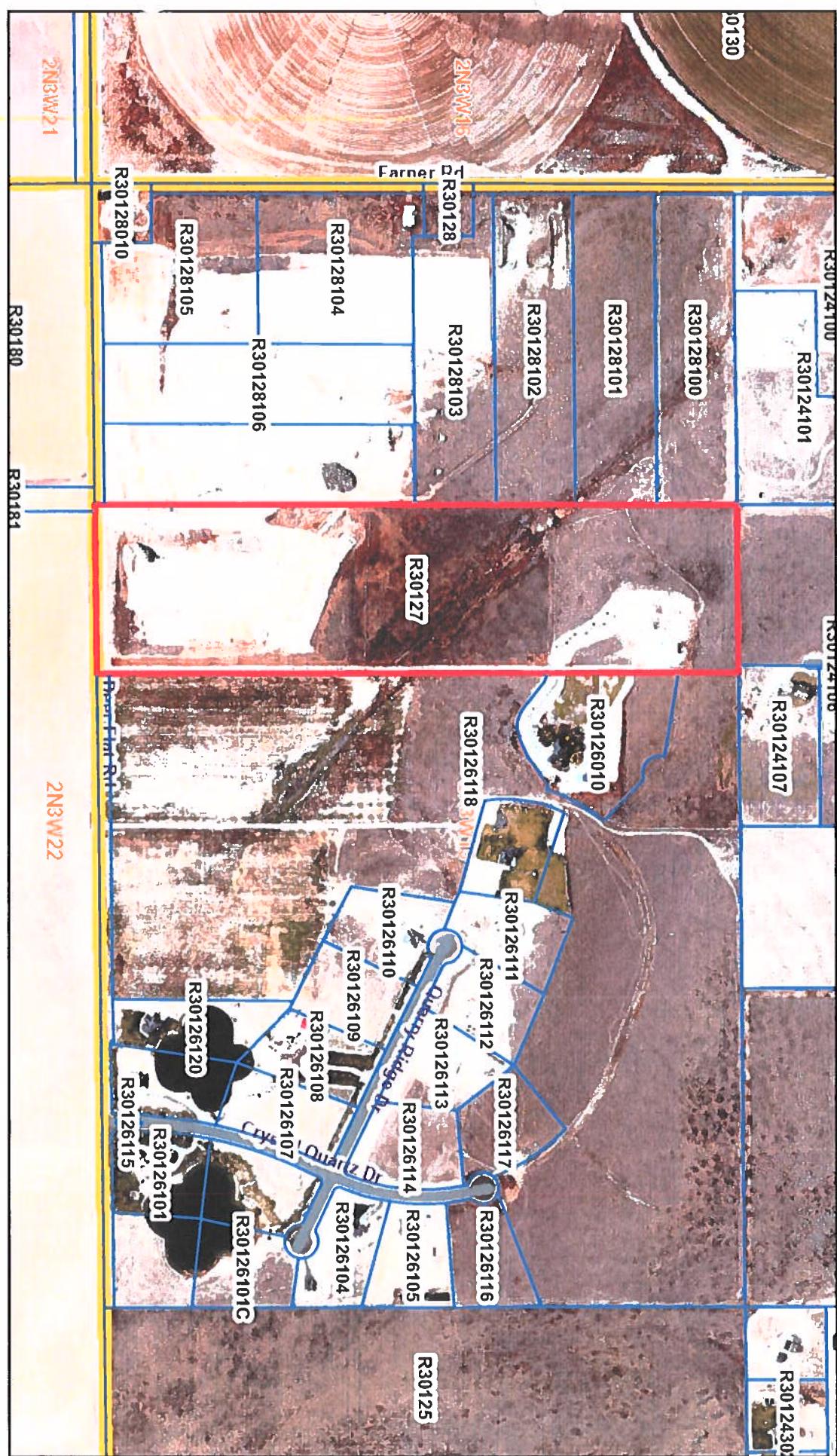
Parcel 30127000

© 2001 Grable



Parcel 30127000

Canyon County, ID Web Map



5/3/2023, 10:13:08 AM

Legend for Parcel Number Search Query result:

- FEMA LOMRs: Blue square
- FEMA PANELS: White square
- FEMA_Cross_Sections: White line
- FEMA FLOOD ZONES: Yellow square
- FEMA Floodway: Red and white diagonal stripes
- FEMA Base Flood Elevations: Blue line
- City Limits: Light blue line
- Current Impact Areas: Blue square with a white outline

0 0.07 0.15 0.3 km
Bureau of Land Management, State of Oregon, State of
Oregon GEO, Esri, Canada, Esri, HERE, Garmin, INCREMENT P, Intermap,
USSG, METINASAS, EPA, USDA

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, Canada, Esri, HERE, Garmin, INCREMENT, Intermap, USGS, METI/NASA, EPA, USDA, COMPASS | Nampa GIS [City of Nampa]

Letter of Intent

Rezone Request

Parcel: R30127

Owner: Paul D. Nay and Michelle J. Nay

Date: 10/05/2022

To: Canyon County Development Services

We respectfully request a rezone (or conditional rezone) of Parcel R30127. The parcel consists of 42.4 acres and has been used for occasional alfalfa production and surface aggregate mining by Deer Flat Sand & Gravel. The undulating grade and steep slopes make it less desirable as farm ground and it has sat idle much of the time.

We request consideration to rezone the North approximate 24.76 acres to CR-RR and split into 3 lots. The forth portion/split being the South portion of approximately 17.64 acres encompassing the depleted gravel pit as C-1 commercial or CR-C1 if needed. This makes for a total lot count of 4 lots in keeping with the recommendations from your office.

For the CR-RR portion, much of the surrounding land has been divided into 5-to-10-acre parcels consistent with our intended split; therefore, the rezone amendment may be more appropriate than its current Ag zone. A CR-RR rezone is also compatible with RR zoning directly to the East of the property.

We propose the minimum lot size be 6 acres. We do not anticipate any negative affect on the character of the area. In fact it may improve on land use and the weed control effort. Keeping larger lot sizes will maintain the same county atmosphere that exists in the surrounding parcels.

With the 6-acre minimum lot size there is adequate area for individual well and septic systems. Other utilities such as power and phone are already in place within the access easement on the East side of the property. The lots will also be sold with water rights for agricultural use.

Legal access exists as a shared use driveway to an adjoining parcel. There are two recorded instruments regarding the current agreement. Inst #2013-050463, a driveway Maintenance Agreement and Inst. #2013-057767 records the easement and is contemporaneously tied to the Maintenance agreement as noted. We assume these will need to be revised to include the new lots after the split and be recorded to include all involved parcels. This current driveway is not wide enough to meet the county requirements for multiple lots but will be improved if the rezone and splits are approved. It is currently about 16ft wide with 12ft of pavement. It will be widened to 20ft to meet the county requirements.

There should not be an impact to the existing public street. Two separate paved entrances of 20' or more are existing. One in conjunction with the shared drive and a separate one specific to the old gravel pit which we would keep as ingress/egress to that parcel. All 4 lots will have access off the shared private drive.

We do not see any impact to the public services beyond the change of mailing address associated with creating a private drive.

For the CR-RR zones we would expect to maintain the Development Agreement stipulations already in place on the existing Warranty Deed regarding no manufactured homes, building size and garage requirements etc..... No changes are wanted or expected in that regard.

For the C1 or CR-C1 zone we would propose to re-purpose the existing depleted gravel pit to accommodate parked RV storage. We recognize that this would be the first zone of that type in the immediate vicinity, however similar zoning and RV storage exist about 6 miles away on HWY 45. We are also just a mile from the County Landfill which has some affect to the area.

There is an existing manufactured office trailer that we would continue to utilize as an office facility on the property and there are two foundations with slabs that we may eventually frame in as storage buildings in the future.

We believe the intended Parked RV Storage would benefit the community and therefore be in harmony with the Comprehensive Plan. With the ever-increasing population growth driving high density communities in Nampa, Caldwell and surrounding cities within Canyon County, the need for available storage for RV's is growing. At this time, we do not anticipate an actual built-in storage facility but, if possible, would like to keep the option open for future expansion to lockable storage units if the RV usage is insufficient to be viable on its own.

The old pit is well suited for RV Storage, having somewhat naturally protection from high winds and being constrained to a single, easy to secure, access point. The pit is secluded from the public roadway by an existing berm that was installed when the pit was formed. There is a nice wide paved entrance that was established for heavy truck access when the pit was in production that is well suited to Recreational Vehicle access. We will remove the existing swing gate and install a substantial security gate approximately 300 feet off the right of way to allow plenty of room for multiple vehicles to safely enter and exit Deer Flat Road. Other security measures will be installed to provide a secure and safe storage location for the RV's.

We look forward to the opportunity to improve on this land and provide resources for storage to the community as well. We believe that this endeavor will be of benefit to the treasure valley and specifically to Canyon County.

Thank you for your consideration,

Paul D. Nay

CR2022-0030 Application for Conditional Rezone

Nay Application

Response and clarified answers for both proposed rezone areas.

CR-RR

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Yes. The rezone to RR will be consistent with the Comprehensive Plan. The plan states that residential designation should be encouraged “within areas that demonstrate a development pattern of residential land uses”. The 2020 Comprehensive Plan Map shows the property being projected as RR.

2. When Considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Yes. The parcel is poorly situated to be utilized as agricultural farm ground. Steeper slopes and less fertile soil have proven unsuccessful for crop growth. RR Zoning will allow the parcel to be split into a few smaller, more manageable residential lots that will accommodate a rural lifestyle and residential use.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Yes. The property adjacent East is zoned RR and the 2020 Comprehensive Plan has projected the zone for the property.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

No. The proposed rezone to RR will allow the parcel to be divided into lots that will closely match several of the surrounding parcels. Very little if any impact will occur to surrounding area. The existing private drive will need to be widened to accommodate additional users per the county district standard but the current fenced easement will accommodate the additional roadway width.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Yes. Power and phone already exist on the East side of the property. The lot size will be large enough to accommodate well and septic systems as consistent with the residential zoning plan. The property has water rights for irrigation from wells and natural drainage to an existing tail-water ditch at the low point in the property for drainage.

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?

No. The public street will not require improvements. The existing private paved driveway entrance is 20 feet wide and meets the county standard for multiple user access. As mentioned in item #4 the private driveway will need to be widened to accommodate additional vehicles and a road users' agreement

established to meet the county requirements if additional lots are split off. There is an established 30ft perpetual access agreement with parcel 30126010. A modified users' agreement will be recorded and the road improved in order for lots to be split.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?

Yes. As noted in item #6

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?

No impact is anticipated beyond the private roadway improvements noted in previous comments. The need for a wider roadway to allow more free access to any additional houses for fire and first responders would be the only impact to essential public services.

We have been informed that a rezone to RR will allow the entirety of the parcel (42.39 acre) to be split into a maximum of 4 parcels with no parcel being less than an acre. About 10 acres of the southern part of this parcel is an old gravel pit that is being proposed for rezone CR-CR commercial. Some additional property along the North and East sides will likely be included in a lot split to accommodate a caretakers home that will stay with the commercial venture (if approved). The entirety of this parcel including both the commercial area and access to the rest of what will be that parcel will have separate access to the public street via an existing paved commercial truck access established when the gravel and paving operations were going on at the pit. This will leave only two (2) potential additional properties that would have access to the existing private drive/easement along the east side of the property.

CR-C1

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Yes. The 2020 Comprehensive Plan makes specific mention of our type of situation. The southern 10 or 12 acres of the property which we are proposing to be rezoned CR-C1 was part of an ongoing gravel mining operation from 2006 to 2010. During this time approximately 700,000 tons of dirt and gravel were extracted. This mining operation started in adjacent parcels to the East and continued on our property and then moved on to the property adjacent to the west and in total extracted around 4.5 to 5 million tons and operated under the business name Deer Flat Sand & Gravel. This mining operation fulfilled a community need for mineral resources in the area in keeping with the Comprehensive Plan. The resulting exhausted pit is the area of the parcel that we are proposing to rezone as CR-C1 commercial in order to be able to utilize it to its utmost potential. The Plan makes specific mention in the Natural Resources Component section E. *“2. Encourage measures to provide for future use of an excavated site such as, but not limited to industrial, commercial, and residential development.”*

2. When Considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Yes. Being an old gravel pit and basically unfit for agricultural use and also unfit for living structures for residential use it is however, well suited for our intended purpose of RV and Boat storage. The CR-C1 zoning we are proposing will be more appropriate than AG or the CR-RR that is proposed on the rest of the property.

The 2020 Comprehensive Plan addresses the economic and social indicators of growth and expansion. It notes on page 32 *“5. Land use in Canyon County faces pressures to accommodate its own population growth and housing expansion as a bedroom community for Boise.”* As part of the Population Component, on page 19 the Plan has specific goals and policies to *“address citizen needs and expectations for continued population growth throughout Canyon County.”*

These 3 goals include:

- 1. Consider population growth trends when making land use decisions.***
- 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.***
- 3. To guide future growth in order to enhance the quality and character of the community while providing and improving the amenities and services available to Canyon County residents.***

In conjunction with these goals one of the Policies is *“2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.”*

The high-density development is proceeding at a rapid pace, particularly in south Nampa and most of these developments do not have provisions for people with RV's and Boats to keep them on their property. This is particularly true in multi-family housing units.

This condensing of population had created a need for offsite storage areas within reasonable distance where they can store RV's when not in use. The Comprehensive Plan also promotes recreational growth and recreational related business/industry which adds to the need for appropriate storage.

We have identified this need as a viable solution for using the pit site to its most economical potential.

The 2020 Comprehensive Plan states on page 34 regarding encouraging the *"development of recreational related business/industry."* 2 policies which affirm our proposal for the rezone:

6. *Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.*
7. *Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New developments should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.*

Additionally, when considering the Property Rights Component, which is incidentally the first component of the plan, it is pointed out that Idaho Code 67-6508 assures Idaho property owners that their rights will be protected.

As such the Evaluation Process *"local government entities must use the following questions in evaluating the potential impact of regulation on private property."* Item 4 asks *"Does the regulation have significant impact on the landowner's economic interest?"* The goals associated with this section of the Plan include:

1. Canyon County will ensure that land use policies, restrictions, conditions and fees do not violate private property rights or create unnecessary technical limitations on the use of property.
2. The community goal is to acknowledge the responsibility of each property owner as a steward of the land, to use their property wisely, maintain it in good condition and preserve it for future generations.

In summary, we conclude the rezone will be most appropriate and beneficial use of this part of the property.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Yes. We believe it is. Although there are no commercial zones properties in the immediate vicinity, the pits previous use has essentially been commercial or even industrial in nature. The Deer Flat Sand & Gravel Co. began operating from 1999 and just recently closed in 2021. During the 22 years it ran more than 175,000 truckloads of gravel were extracted and travelled the roads in the area. The gravel operations began on property directly east of our parcel and mined approximately 35 acres. The operations then moved into what is now our property and ran from this specific location from 2006 until time of closing. The portion of pit that was located on our property saw gravel extraction, crushing, an asphalt hot plant and a commercial truck scales. When the old Mercy Medical facility was demolished in 2019 all of the concrete and brick rubble was dumped and buried in the south end of the pit.

Deer Flat road is classified as a collector and the Canyon County Classification Map indicates that the nearest cross street, Farner Road, has been proposed as a possible future expressway. The county Landfill is within sight and sits less than a mile south west as the crow flies. Hundreds of sanitation trucks and other vehicles with dump traffic frequent the area daily. The Comprehensive Plan gives some direction regarding Commercial zones on page 40 *"3. Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure..."*

The Comprehensive Plan also gives the following recommended Implementation Action regarding Commercial Development on page 42 "*Encourage commercial areas, zones or uses that are contiguous to existing county or city commercial areas, zones or uses but recognizing additional areas or zones, beyond those already existing, may be desirable and that some mixed uses are compatible.*"

This property has a long history of commercial type use and official commercial zoning will remain consistent with its previous activities. In fairness to the properties previous use we ask the board to consider that some mixed uses are compatible, beneficial and appropriate.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

No. As previously noted, the current character of the area is an exhausted gravel pit. The property adjacent to the west is also a similar exhausted pit and the close proximity of the County Landfill lends a commercial atmosphere to the area. With the bottom of the pit being 25 – 30 feet below the surrounding ground it will have a natural break from line of sight.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Yes. Power and water exist at the site. The office trailer from the gravel operations will serve as the office/payment drop. Some existing surveillance equipment exists at the site and will be enhanced to protect the site. The storage area will be graded and graveled to allow all weather access.

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?

No additional public street improvements will be necessary. There is an existing 30 foot paved approach into the proposed commercial zone from the previous gravel operation.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?

Yes. There is a paved driveway down into the pit and a loop in the bottom also paved to allow good access to the entire area. Up on top before dropping down into the pit there is adequate area for vehicles with trainers to get off the main road and stop before entering the gated road down into the pit.

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?

The only impact to essential public services would be additional coverage in the event of a fire or health crisis down in the pit. The property is within the Upper Deer Flat Fire District. Fire Chief Dale Jeffers will require a lock system at the gate capable of allowing the fire department 24hr access. I have discussed this with him and he said he will need to inspect the access when we get it installed. The fire department

may require me to purchase an appropriate lock for their exclusive use. The paved loop road and/or gravel access routes among the parked RV's will be required to be spaced adequate to allow access to all RV's in the storage area. The department may want to inspect access when completed.

Other important questions & comments:

Landscape & fencing for aesthetic considerations. We expect to need to install a privacy fence along the frontage to help screen the view of the storage area. Landscape rock is and will be used where appropriate to improve the appearance.

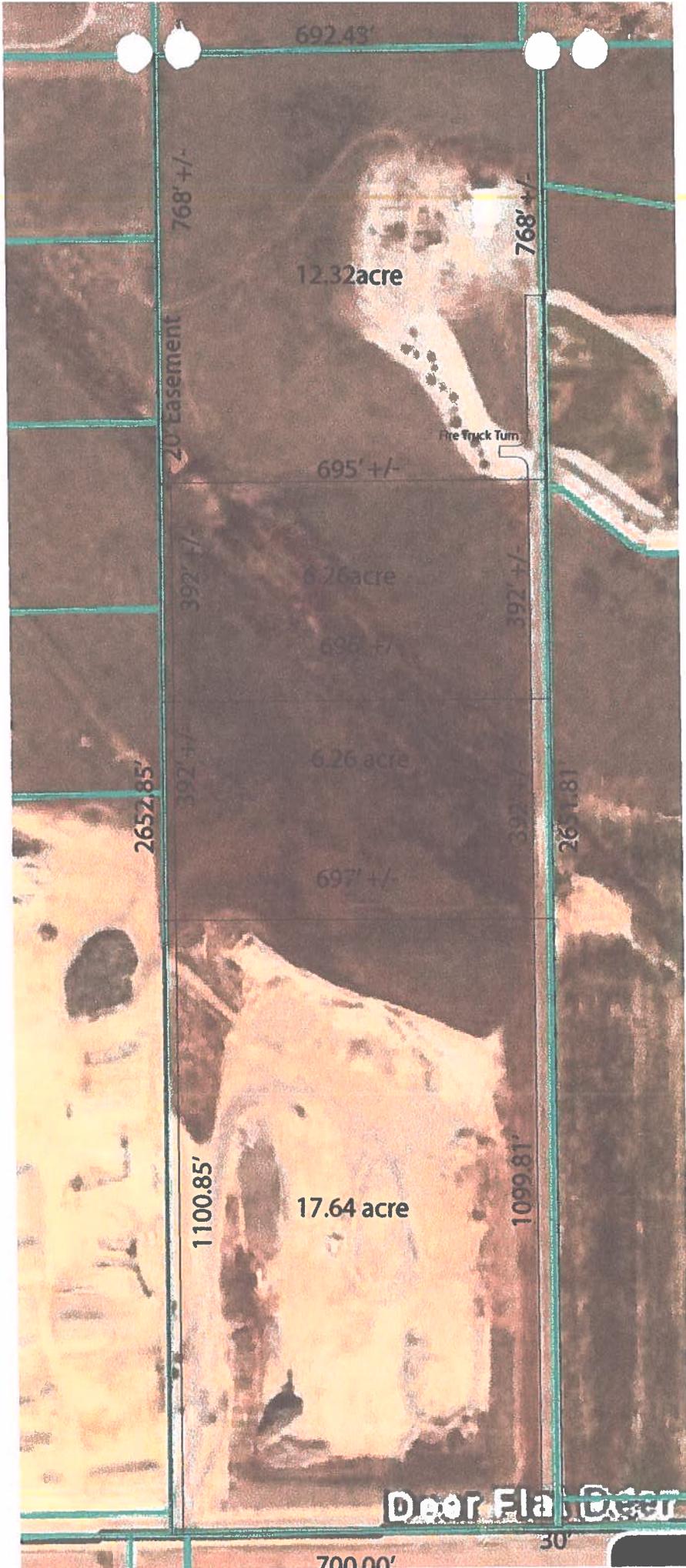
RV Dump. It is likely that we will want to add an RV dump for convenience to the renters. Location and disposition will be dependent on requirements and approval from SWD Heath.

Allowed storage uses would include Vehicles, Boats & RV's. Renter agreement will include specifics about allowed or dis-allowed vehicles/trailers, renters insurance and daytime hours. Some consideration will be given to allow after-hour access with permission of the caretaker for emergency or special circumstances but in general this is a daylight only facility and no yard lights will be in place down in the pit. A yard light will be provided at the gate/office area.

Caretaker home facility will be built on the property and control of the site will be monitored from CCTV or in person from the caretaker home. Desired hours of operation are daylight to dusk.

Thank you for your consideration

Paul & Michelle Nay



Water Rights

(63 7825A) Mire
(63 7825C)
(63 320762)
(63 331645)

diverted through
waste ditch
(From Postit Untim
line)

EXHIBIT A5

LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: Individual Domestic Well Centralized Public Water System City

N/A – Explain why this is not applicable: _____

How many Individual Domestic Wells are proposed? 3 additional

2. SEWER (Wastewater) Individual Septic Centralized Sewer system

N/A – Explain why this is not applicable: _____

3. IRRIGATION WATER PROVIDED VIA:

Surface Irrigation Well None

4. IF IRRIGATED, PROPOSED IRRIGATION:

Pressurized Gravity Both

5. ACCESS:

Frontage Easement Easement width 30' +/- Inst. # 2013-047760

6. INTERNAL ROADS:

Public Private Road User's Maintenance Agreement Inst # TBA

7. FENCING Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. STORMWATER: Retained on site Swales Ponds Borrow Ditches

Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

Irrigation waste ditch across property

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

Residential 3 Commercial 1 Industrial _____
 Common _____ Non-Buildable _____

2. FIRE SUPPRESSION:

Water supply source: On Site Hydrant

3. INCLUDED IN YOUR PROPOSED PLAN?

Sidewalks Curbs Gutters Street Lights None

NON-RESIDENTIAL USES

1. SPECIFIC USE: Parked RV Storage

2. DAYS AND HOURS OF OPERATION:

Monday 6 Am to 10 pm
 Tuesday _____ to _____
 Wednesday _____ to _____
 Thursday _____ to _____
 Friday _____ to _____
 Saturday _____ to _____
 Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? Yes If so, how many? _____ No

4. WILL YOU HAVE A SIGN? Yes No Lighted Non-Lighted

Height: 4 ft Width: 8 ft Height above ground: 4 ft

What type of sign: Wall Freestanding Other

5. PARKING AND LOADING:

How many parking spaces? undetermined

Is there a loading or unloading area? Yes

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: N/A

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION? N/A

Building Kennel Individual Housing Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

Building Enclosure Barrier/Berm Existing on Public Road Bark Collars

4. ANIMAL WASTE DISPOSAL N/A

Individual Domestic Septic System Animal Waste Only Septic System

Other: _____

Notice of Neighborhood Meeting
Conditional Use Permit
Pre-application requirement for a Public Hearing

October 11, 2022

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit, Zoning Amendment and Land Division to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15). We held a meeting on September 28th but did not include enough information about the planned development and are holding a second meeting. SEE PROJECT SUMMARY BELOW

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a Public Hearing before a governing body of the county. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit, Zoning Amendment and Land Division is applied.

The Neighborhood Meeting details are as follows:

Date: Wednesday October 26, 2022

Time: 5PM

Location: 14602 Deer Flat Road, Nampa, ID 83686 (at the old pit entrance)

Property description: Old gravel pit and attached property

The project is summarized below:

Site Location: 14602 Deer Flat Road, Nampa Idaho

Proposed Access: Existing access to remain without additional impact

Total acreage: 42.4

Proposed Lots: 4 (currently 1). 1 Commercial lot zoned either C1 or CR-C1 that the old gravel pit sets on and the other 3 lots will be CR-RR residential lots of at least 6 acres. These lots will be sold with Water Rights. Our intent is that the commercial acreage will have an additional conditional use permit to allow for Parked RV Storage, an office trailer and a building permit for a caretaker's residence. This property will access at the Gravel Pit entrance to allow for enough space to pull in off the road before stopping at a security gate.

We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The County currently has no information on this project.

If you have any questions prior to the meeting, please contact me at by phone or text at 208-941-0638, by email at tci@msn.com, or written mail to the property (14602 Deer Flat Road. Nampa, ID 83686).

Sincerely,
Paul Nay

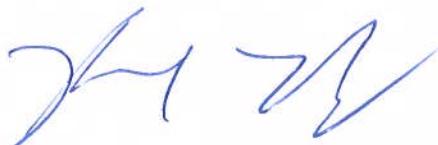


EXHIBIT
A7

Notice of Neighborhood Meeting

Conditional Use Permit

Pre-application requirement for a Public Hearing

September 10, 2022

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit, Zoning Amendment and Land Division to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a “neighborhood meeting” and provide information to our surrounding neighbors (Canyon County Zoning Ordinance § 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is not a Public Hearing before a governing body of the county. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit, Zoning Amendment or Land Division is applied.

The Neighborhood Meeting details are as follows:

Date: Wednesday September 28, 2022

Time: 5PM

Location: 14602 Deer Flat Road, Nampa, ID 83686 (at the old pit entrance)

Property description: Old gravel pit and attached property

The project is summarized below:

Site Location: 14602 Deer Flat Road, Nampa Idaho

Proposed Access: Existing access to remain without additional impact

Total acreage: 42.4

Proposed Lots: 4 (currently 1)

We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.

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If you have any questions prior to the meeting, please contact me at by phone or text at 208-941-0638, by email at tci@msn.com, or written mail to the property (14602 Deer Flat Road. Nampa, ID 83686).

Sincerely,
Paul Nay



NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN-UP SHEET

CANYON COUNTY ZONING ORDINANCE 507-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address:	14602 Deer Flat Rd.			Parcel Number:	R3012 7		
City:	Nampa			State:	Idaho		
Notices Mailed Date:	October 11			Number of Acres:	42.40	ZIP Code:	83686
Description of the Request:	Change of Zoning from AG to C1/ CR-C1 and RR with future administrative land division into 4 total lots						

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name:	Paul Nay					
Company Name:	N/A					
Current address:	14602 Deer Flat Rd.					
City:	Nampa			State:	Idaho	
Phone:	208-941-0638			Cell:	208-941-0638	
Email:	tci_@msn.com			Fax:	N/A	

MEETING INFORMATION

DATE OF MEETING:	October 26, 2022	MEETING LOCATION:	14602 Deer Flat Rd.		
MEETING START TIME:	5:00 PM	MEETING END TIME:	TBD or 6:00PM		

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Jonathon Moldenhauer	Jonathon Moldenhauer	14916 Mountain Hawk Rd
2. Gretchen Moldenhauer	Gretchen Moldenhauer	"
3. Lee And Heather Haskill	Lee Haskill (O) Heather Haskill	14600 Deer Flat Rd
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NEIGHBORHOOD MEETING CERTIFICATION :

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Paul D Nay

APPLICANT/REPRESENTATIVE (Signature):

Paul D Nay

DATE: 10/26/2022

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



CITY OF NAMPA ZONING REQUEST FORM	
This form is used to request a zoning change for a property located within the City of Nampa. It is intended for the property owner or their representative to use in applying for a zoning change. The zoning change request must be submitted to the City of Nampa Planning and Zoning Department.	
The zoning change request must be submitted to the City of Nampa Planning and Zoning Department. The request must be submitted in writing and include the following information:	
1. Site Address: 14602 Deer Flat Rd	
2. Parcel Number: R3012 7	
3. City: Nampa	4. State: Idaho ZIP Code: 83686
5. Notices Mailed Date: September 10, 2022	6. Number of Acres: 42.40 Current Zoning: AG
7. Description of the Request: Change of Zoning from AG to RR With a future administrative land division into 4 lots	

SITE INFORMATION

Site Address: 14602 Deer Flat Rd Parcel Number: R3012 7
City: Nampa State: Idaho ZIP Code: 83686
Notices Mailed Date: September 10, 2022 Number of Acres: 42.40 Current Zoning: AG
Description of the Request: Change of Zoning from AG to RR
With a future administrative land division into 4 lots

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Paul Nay
Company Name: NA
Current address: 14602 Deer FLat Rd.
City: Nampa State: Idaho ZIP Code: 83686
Phone: 208-941-0638 Cell: 208-941-0638 Fax: NA
Email: tci_@msn.com

MEETING INFORMATION

DATE OF MEETING:	September 28, 2022	MEETING LOCATION:	14602 Deer FLat Rd.
MEETING START TIME:	5:00 PM	MEETING END TIME:	TBD or 6:00 PM

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE	ADDRESS:
1. Lee & Heather Haskill	Heather Haskill	14600 Deer Flat Rd, Nampa 83686
2.		
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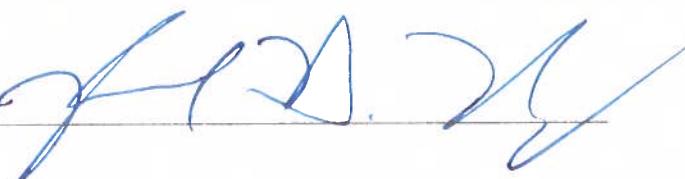
NEIGHBORHOOD MEETING CERTIFICATION :

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Paul D. Nay

APPLICANT/REPRESENTATIVE (Signature):



DATE: 9/28/2022

Property Owners within 600 ft of 14602 Deer Flat Rd.

Chad Neeley
1959 S. Sandcrest Way
Nampa, ID 83686

Mark McCoy
639 S. Davin Creek Loop
Nampa, ID 83686

Joahana Maria Soberanes
316 S. Almond St.
Nampa, ID 83686

Jamie Corral
14525 Deer Flat Rd.
Nampa, ID 83686

Scott Englund
325 Main St.
Quincy, CA 95971

Also Scott Englund Holdings, LLC
 416 18th Ave S.
 Nampa, ID 83651

Frank Tiegs LLC
4200 Riverhaven
Pasco, WA 99301

Adrian Corral
6116 Lewis Ln
Nampa, ID 83686

Harry Haskell
14600 Deer Flat Rd.
Nampa, ID 83686

Jonathon Moldenhauer
14716 Mountain Hawk Rd.
Nampa, ID 83686

Eric Haskell
14748 Mountain Hawk Rd.
Nampa, ID 83686

2022 list

DRIVEWAY MAINTENANCE AGREEMENT

2013-050463

RECORDED

11/01/2013 04:13 PM

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=3 MBROWN

\$10.00

TYPE AGR

TITLEONE BOISE

ELECTRONICALLY RECORDED

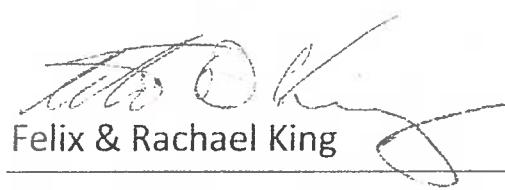
This agreement is for the driveway owned by Daniel and Marcy Hukill.

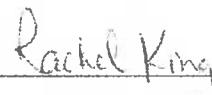
Please see attached legal description.

In order to maintain the asphalt driveway, the following maintenance is required, labor and cost will be split equally between

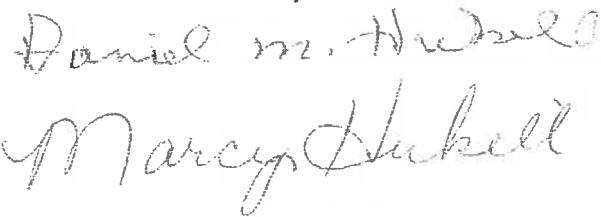
Felix & Rachael King and Daniel & Marcy Hukill

1. Seal coating and patching when needed
2. Keeping weeds sprayed
3. No driving in rocks on edge of driveway


Felix & Rachael King


Rachel King Date 11/1/13

Daniel & Marcy Hukill


Daniel & Marcy Hukill

Date

11/1/13
11/1/13

EXHIBIT
A8

RECORD OF SURVEY FOR PARCEL LINE ADJUSTMENT

FOR DANIEL M. AND MARCINE L. HUKILL
LOCATED IN PORTIONS OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 2 NORTH,
RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO
2013

CERTIFICATE OF OWNERS
We, the undersigned, do hereby certify that DANIEL M. HUKILL
and MARCINE L. HUKILL, are the owners of
the property, as set forth in the survey plan, and that this property
is accurately described in the survey plan.

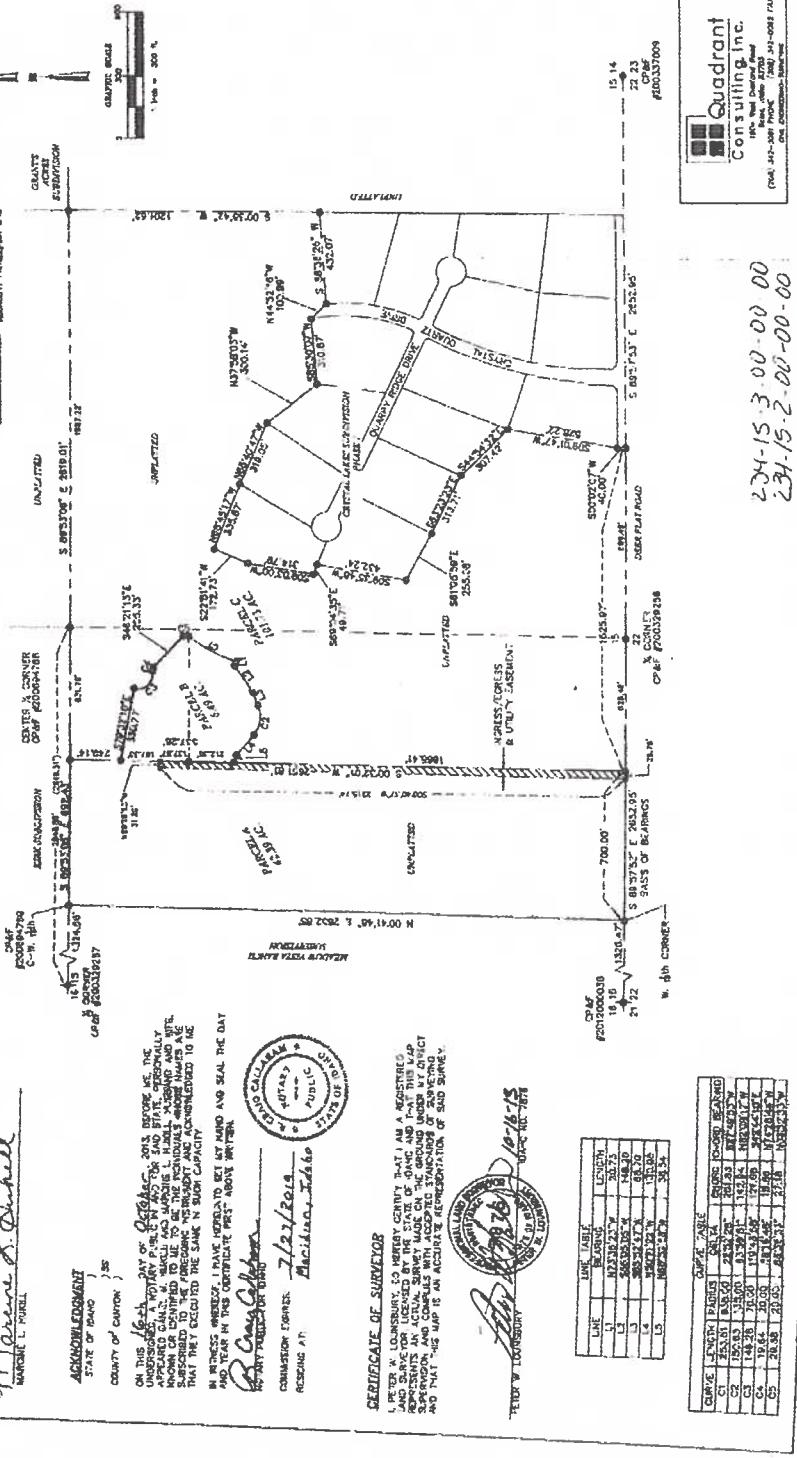
Marcine L. Hukill

DANIEL M. HUKILL
MARCINE L. HUKILL

REFERENCE SURVEYS AND DEEDS
RECORD OF SURVEY- INSTRUMENT NUMBER 2001052004
RECORD OF SURVEY- INSTRUMENT NUMBER 2001052004
CITY/LAKE SURVEY- PHASE 1- BOOK 42, PAGE 3
RECORD OF SURVEY- INSTRUMENT NUMBER 2011010302

LEGEND

- Point 3 ft. apart & Ch=1.3 ft/1%
- Calculated point
- New Public Line
- Public Line (to be changed)
- Varied Line (unchanged)
- Section Line
- Adjacent Parcels Line



CERTIFICATE OF SURVEYOR

I, JOHN W. COOKSBURY, CO. MERRILL COUNTY THAT I AM A REGISTERED
SURVEYOR, AND AM LOCATED BY THE STATE OF IDAHO, AND THAT THIS MAP
IS PREPARED IN ACCORDANCE WITH THE STANDARDS AND CODES OF THE
SUPERVISOR, AND CHARTERED UNDER THE GOVERNOR OF THE STATE OF IDAHO,
AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF THE SURVEY.

John W. Cooksbury
JOHN W. COOKSBURY
MERRILL COUNTY, IDAHO
SURVEYOR

LINE	ANGLE	DISTANCE	CH	LINE	ANGLE	DISTANCE	CH
C1	100.00	100.00	0.00	C2	100.00	100.00	0.00
C2	100.00	100.00	0.00	C3	100.00	100.00	0.00
C3	100.00	100.00	0.00	C4	100.00	100.00	0.00
C4	100.00	100.00	0.00	C5	100.00	100.00	0.00
C5	100.00	100.00	0.00	C6	100.00	100.00	0.00
C6	100.00	100.00	0.00	C7	100.00	100.00	0.00
C7	100.00	100.00	0.00	C8	100.00	100.00	0.00
C8	100.00	100.00	0.00	C9	100.00	100.00	0.00
C9	100.00	100.00	0.00	C10	100.00	100.00	0.00
C10	100.00	100.00	0.00	C11	100.00	100.00	0.00
C11	100.00	100.00	0.00	C12	100.00	100.00	0.00
C12	100.00	100.00	0.00	C13	100.00	100.00	0.00
C13	100.00	100.00	0.00	C14	100.00	100.00	0.00
C14	100.00	100.00	0.00	C15	100.00	100.00	0.00
C15	100.00	100.00	0.00	C16	100.00	100.00	0.00
C16	100.00	100.00	0.00	C17	100.00	100.00	0.00
C17	100.00	100.00	0.00	C18	100.00	100.00	0.00
C18	100.00	100.00	0.00	C19	100.00	100.00	0.00
C19	100.00	100.00	0.00	C20	100.00	100.00	0.00
C20	100.00	100.00	0.00	C21	100.00	100.00	0.00
C21	100.00	100.00	0.00	C22	100.00	100.00	0.00
C22	100.00	100.00	0.00	C23	100.00	100.00	0.00
C23	100.00	100.00	0.00	C24	100.00	100.00	0.00
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C27	100.00	100.00	0.00	C28	100.00	100.00	0.00
C28	100.00	100.00	0.00	C29	100.00	100.00	0.00
C29	100.00	100.00	0.00	C30	100.00	100.00	0.00
C30	100.00	100.00	0.00	C31	100.00	100.00	0.00
C31	100.00	100.00	0.00	C32	100.00	100.00	0.00
C32	100.00	100.00	0.00	C33	100.00	100.00	0.00
C33	100.00	100.00	0.00	C34	100.00	100.00	0.00
C34	100.00	100.00	0.00	C35	100.00	100.00	0.00
C35	100.00	100.00	0.00	C36	100.00	100.00	0.00
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C42	100.00	100.00	0.00	C43	100.00	100.00	0.00
C43	100.00	100.00	0.00	C44	100.00	100.00	0.00
C44	100.00	100.00	0.00	C45	100.00	100.00	0.00
C45	100.00	100.00	0.00	C46	100.00	100.00	0.00
C46	100.00	100.00	0.00	C47	100.00	100.00	0.00
C47	100.00	100.00	0.00	C48	100.00	100.00	0.00
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C54	100.00	100.00	0.00	C55	100.00	100.00	0.00
C55	100.00	100.00	0.00	C56	100.00	100.00	0.00
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C58	100.00	100.00	0.00	C59	100.00	100.00	0.00
C59	100.00	100.00	0.00	C60	100.00	100.00	0.00
C60	100.00	100.00	0.00	C61	100.00	100.00	0.00
C61	100.00	100.00	0.00	C62	100.00	100.00	0.00
C62	100.00	100.00	0.00	C63	100.00	100.00	0.00
C63	100.00	100.00	0.00	C64	100.00	100.00	0.00
C64	100.00	100.00	0.00	C65	100.00	100.00	0.00
C65	100.00	100.00	0.00	C66	100.00	100.00	0.00
C66	100.00	100.00	0.00	C67	100.00	100.00	0.00
C67	100.00	100.00	0.00	C68	100.00	100.00	0.00
C68	100.00	100.00	0.00	C69	100.00	100.00	0.00
C69	100.00	100.00	0.00	C70	100.00	100.00	0.00
C70	100.00	100.00	0.00	C71	100.00	100.00	0.00
C71	100.00	100.00	0.00	C72	100.00	100.00	0.00
C72	100.00	100.00	0.00	C73	100.00	100.00	0.00
C73	100.00	100.00	0.00	C74	100.00	100.00	0.00
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C80	100.00	100.00	0.00	C81	100.00	100.00	0.00
C81	100.00	100.00	0.00	C82	100.00	100.00	0.00
C82	100.00	100.00	0.00	C83	100.00	100.00	0.00
C83	100.00	100.00	0.00	C84	100.00	100.00	0.00
C84	100.00	100.00	0.00	C85	100.00	100.00	0.00
C85	100.00	100.00	0.00	C86	100.00	100.00	0.00
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C87	100.00	100.00	0.00	C88	100.00	100.00	0.00
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C91	100.00	100.00	0.00	C92	100.00	100.00	0.00
C92	100.00	100.00	0.00	C93	100.00	100.00	0.00
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C96	100.00	100.00	0.00	C97	100.00	100.00	0.00
C97	100.00	100.00	0.00	C98	100.00	100.00	0.00
C98	100.00	100.00	0.00	C99	100.00	100.00	0.00
C99	100.00	100.00	0.00	C100	100.00	100.00	0.00
C100	100.00	100.00	0.00	C101	100.00	100.00	0.00
C101	100.00	100.00	0.00	C102	100.00	100.00	0.00
C102	100.00	100.00	0.00	C103	100.00	100.00	0.00
C103	100.00	100.00	0.00	C104	100.00	100.00	0.00
C104	100.00	100.00	0.00	C105	100.00	100.00	0.00
C105	100.00	100.00	0.00	C106	100.00	100.00	0.00
C106	100.00	100.00	0.00	C107	100.00	100.00	0.00
C107	100.00	100.00	0.00	C108	100.00	100.00	0.00
C108	100.00	100.00	0.00	C109	100.00	100.00	0.00
C109	100.00	100.00	0.00	C110	100.00	100.00	0.00
C110	100.00	100.00	0.00	C111	100.00	100.00	0.00
C111	100.00	100.00	0.00	C112	100.00	100.00	0.00
C112	100.00	100.00	0.00	C113	100.00	100.00	0.00
C113	100.00	100.00	0.00	C114	100.00	100.00	0.00
C114	100.00	100.00	0.00	C115	100.00	100.00	0.00
C115	100.00	100.00	0.00	C116	100.00	100.00	0.00
C116	100.00	100.00	0.00	C117	100.00	100.00	0.00
C117	100.00	100.00	0.00	C118	100.00	100.00	0.00
C118	100.00	100.00	0.00	C119	100.00	100.00	0.00
C119	100.00	100.00	0.00	C120	100.00	100.00	0.00
C120	100.00	100.00	0.00	C121	100.00	100.00	0.00
C121	100.00	100.00	0.00	C122	100.00	100.00	0.00
C122	100.00	100.00	0.00	C123	100.00	100.00	0.00
C123	100.00	100.00	0.00	C			

S
DK
Line
MP
R.H.

EXHIBIT A

A portion of Parcel A as shown on a Record of Survey for Parcel Line Adjustment, recorded as Instrument Number 2013-047760, records of Canyon County, situated in a portion of the Southwest $\frac{1}{4}$ of Section 15, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho being more particularly described as follows:

Commencing at the Southwest corner of said Section 15, thence South $89^{\circ}57'53''$ East 2026.47 feet along the South line of said Section 15 to the **POINT OF BEGINNING**, thence leaving said South line and following the East line of said Parcel A

North $00^{\circ}32'01''$ East 2215.34 feet thence leaving said East line

North $89^{\circ}19'23''$ West 31.20 feet, thence

South $00^{\circ}40'37''$ West 2215.74 feet to the said South line of Section 15, thence along said South line

South $89^{\circ}57'53''$ East 36.76 feet to the **POINT OF BEGINNING**.



DOCUMENTATION OF COMPLETED RECLAMATION WORK REQUEST FOR BOND RELEASE

Reclamation Plan or Placer Permit No. 2157

In accordance with Idaho Code title 47, chapter 15 and the Rules Governing Surface Mining Operations in Idaho OR Idaho Code title 47, chapter 13 and the Rules Governing Placer and Dredge Mining in Idaho, an operator shall notify the Director of the Department of Lands, in writing, of any request for partial or full bond release and/or reclamation plan or placer permit retirement.

The Administrative rules require that, upon receipt of a written request for bond release or reclamation plan or placer permit retirement, the department shall respond within thirty (30) days, weather permitting, and notify the operator of the department's action regarding the request.

As required by the Administrative Rules, we concur that partial or final reclamation has been completed on the lands covered by the reclamation plan, or placer permit, and the reclamation meets the intent of the appropriate mining act, the intent of the reclamation plan/placer permit and accepted approval stipulations.

We request: Partial bond release in the amount of _____
 Full bond release
 Reclamation plan retirement
 Placer permit retirement

David M. Hulsey
SIGNATURE OF OPERATOR

10-31-08
Date

Nancy J. Welton
SIGNATURE OF MINERAL RESOURCE
MANAGER -- Idaho Department of
Lands

10-31-08
Date

Paul and Michelle Nay

14602 Deer Flat Rd.

Parcel R30127 – request for rezone

Additional supporting information

My results of surveying the RV storage in the vicinity for availability show the following approximates:

- 1 of 5 of storage facilities fully booked
- 3 of 5 at 90% capacity at the moment and expected to be full by fall
- 1 of 5 at 60% capacity during summer with expected increase in the fall/winter, but say spaces for valet parking are usually still available when self parking gets booked.

Common among all storage facilities was the high recommendation to reserve and book with some reduced charges if space left empty for long periods.

Reviewing high density subdivisions in the south Nampa area reveals most have strict regulation for RV or Boat storage. Furthermore, the increasing amount of multi-family housing being built have no provisions at all to store RV or Boats. The need for space is increasing exponentially.

EXHIBIT
A10

EXHIBIT B
Supplemental Documents
Case# CR2022-0030

B

R30127

PARCEL INFORMATION REPORT

9/8/2022 11:59:49 AM

PARCEL NUMBER: R30127

OWNER NAME: NAY PAUL D

CO-OWNER: NAY MICHELLE J

MAILING ADDRESS: 14602 DEERFLAT RD NAMPA ID 83686

SITE ADDRESS: 14602 DEER FLAT RD

TAX CODE: 0550000

TWP: 2N

RNG: 3W

SECTION: 15

QUARTER: SW

ACRES: 42.40



HOME OWNERS EXEMPTION: Y

AG-EXEMPT:

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: NAMPA HWY DIST

FIRE DISTRICT: UPPER DEER FLAT FIRE

SCHOOL DISTRICT: VALLIVUE SCHOOL DIST

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE: Res

IRRIGATION DISTRICT: NOT In IRRIG_DIST

FEMA FLOOD ZONE: X

FEMA FLOODWAY: NOT In FLOODWAY

FIRM PANEL NUMBER: 16027C0375F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: NO Nitrate Prio

PRINCIPAL ARTERIAL: NOT In Principal Art

COLLECTOR: COLLECTOR

INSTRUMENT NO.: 2021040842

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 15-2N-3W SW SW TX 14239 IN E 1/2 OF SW

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:

DISCLAIMER:

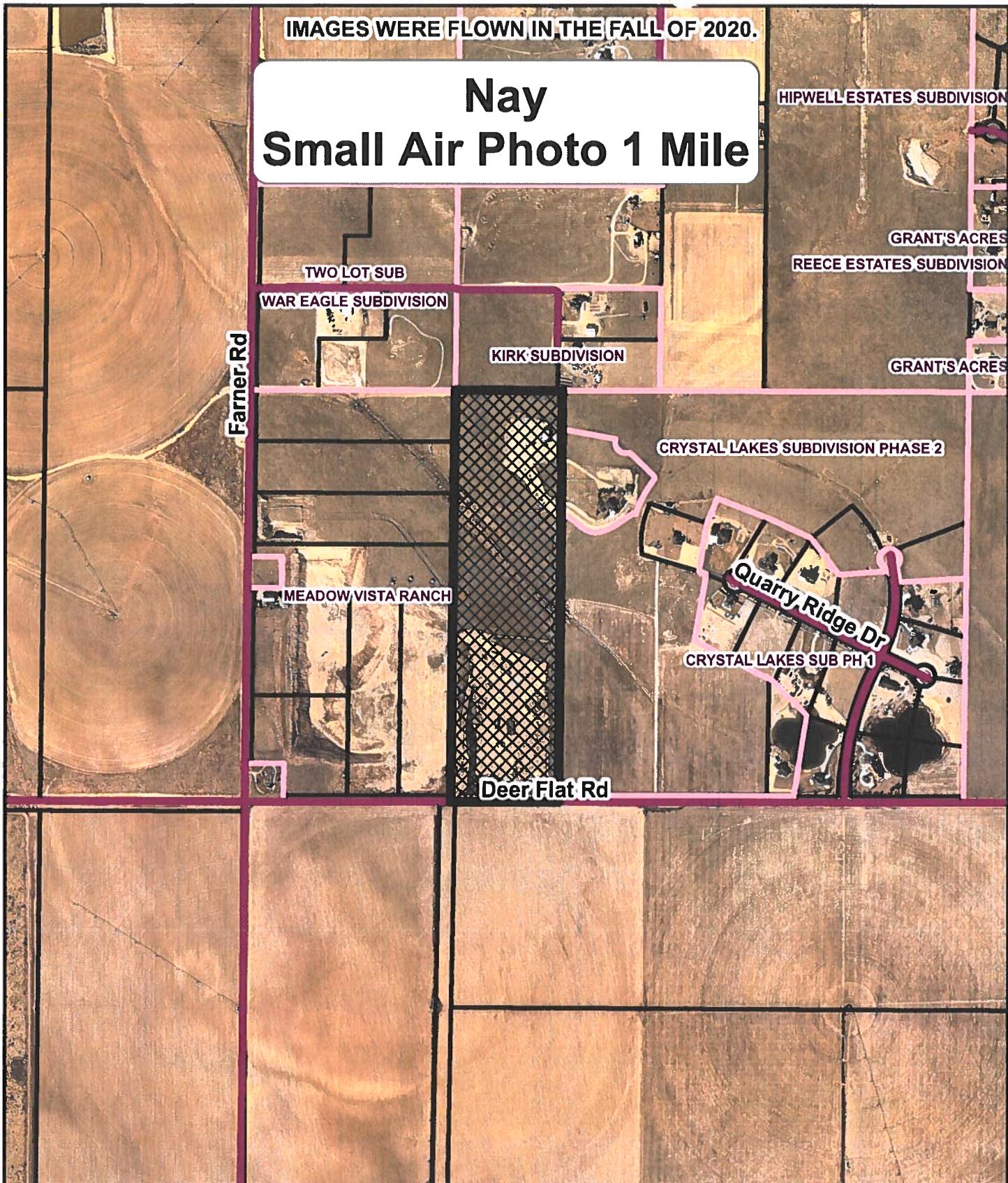
1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS, POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM USE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

EXHIBIT
B1

IMAGES WERE FLOWN IN THE FALL OF 2020.

Nay Small Air Photo 1 Mile



City_Limits



Wetlands



EXHIBIT
B2a

Nay Small Vicinity Map

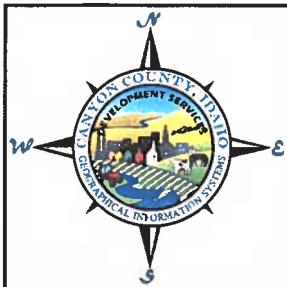
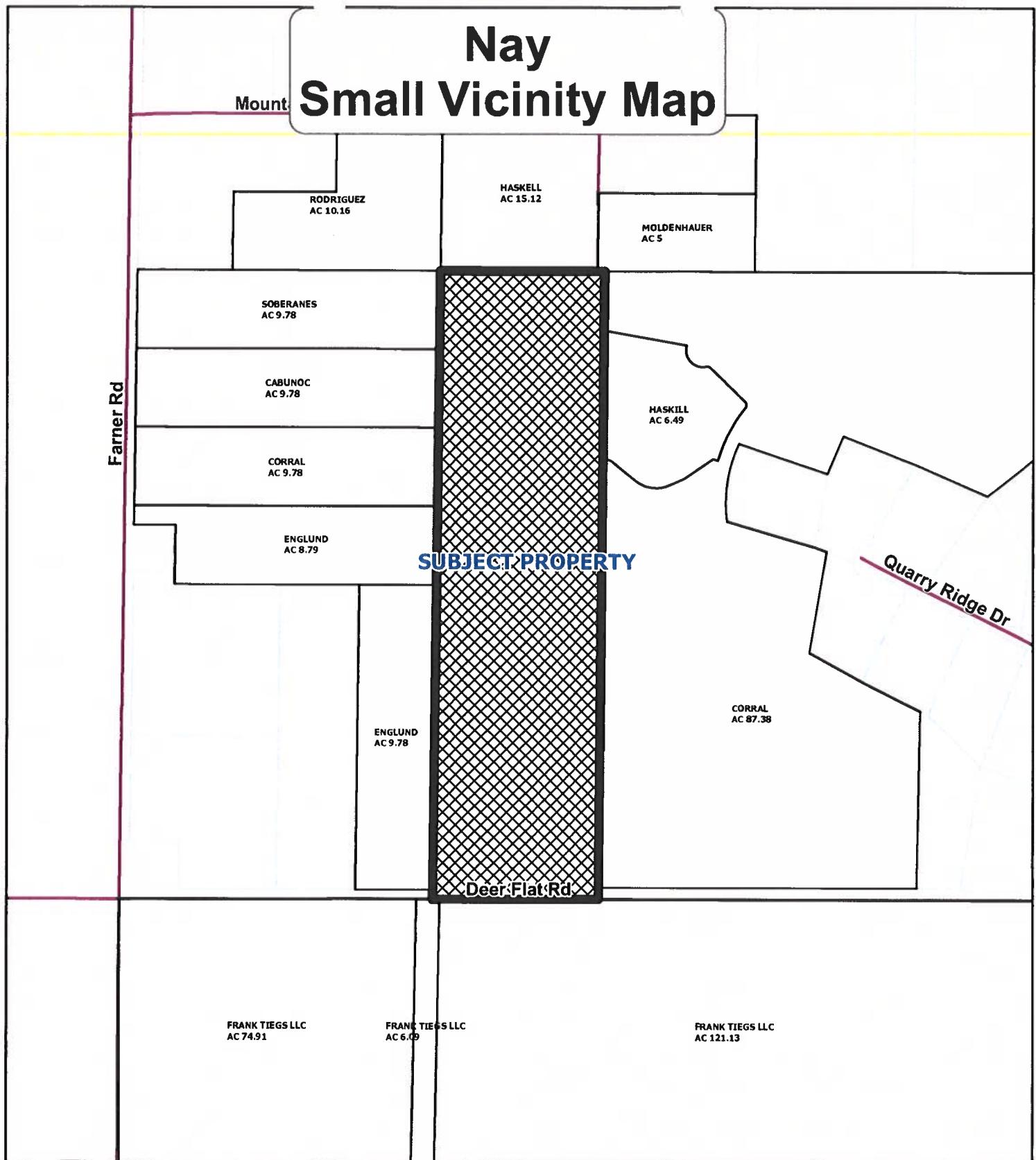
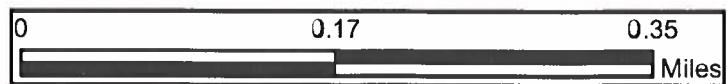
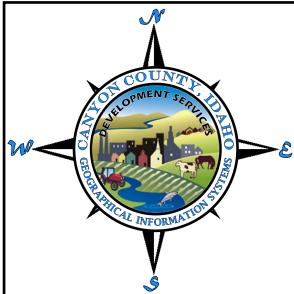
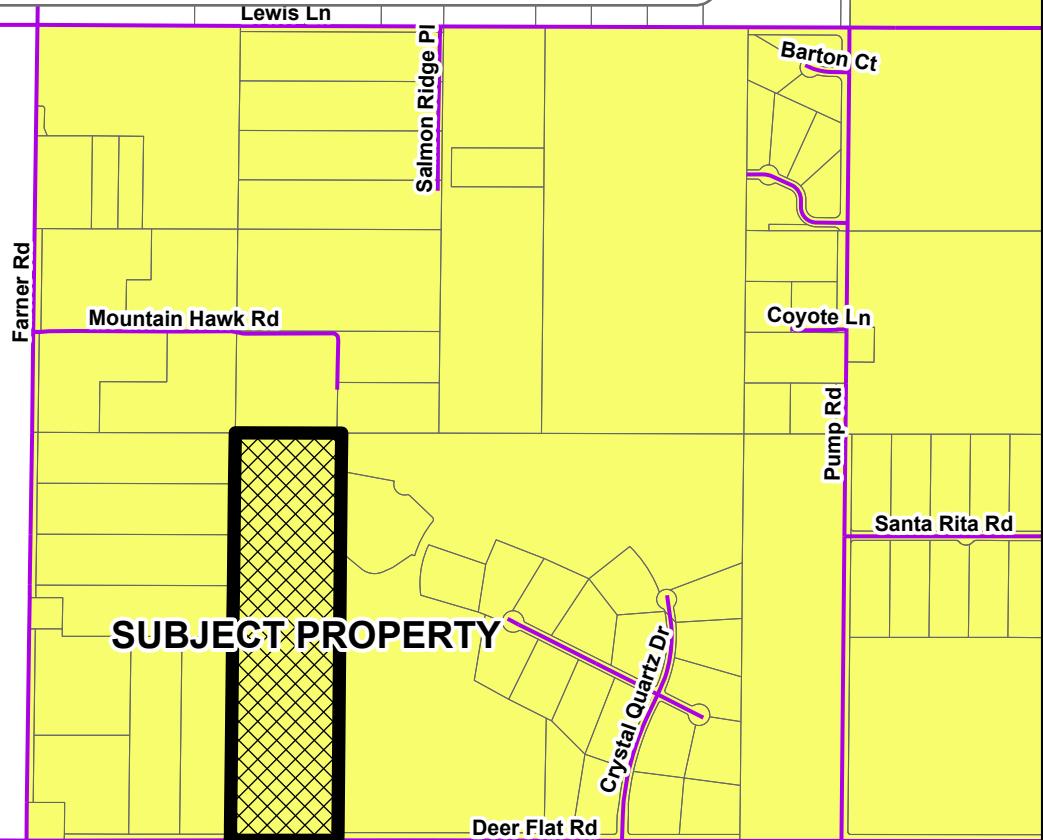


EXHIBIT
B2b



Nay 2020 Future Land Use Map

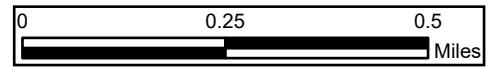


Legend

Future Land Use 2011_2022

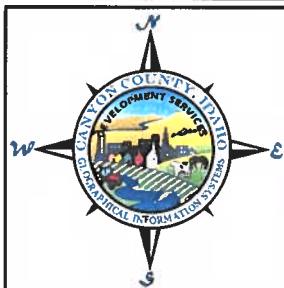
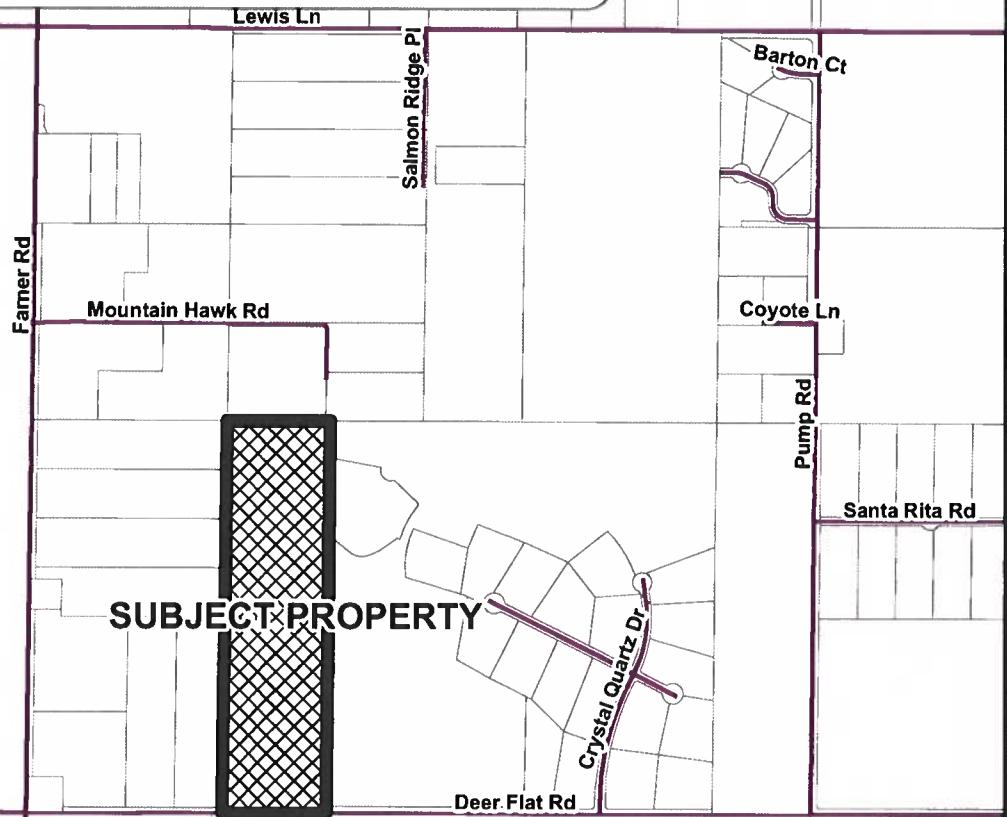
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

**EXHIBIT
B2c**



2030

Nay Future Land Use map



Legend

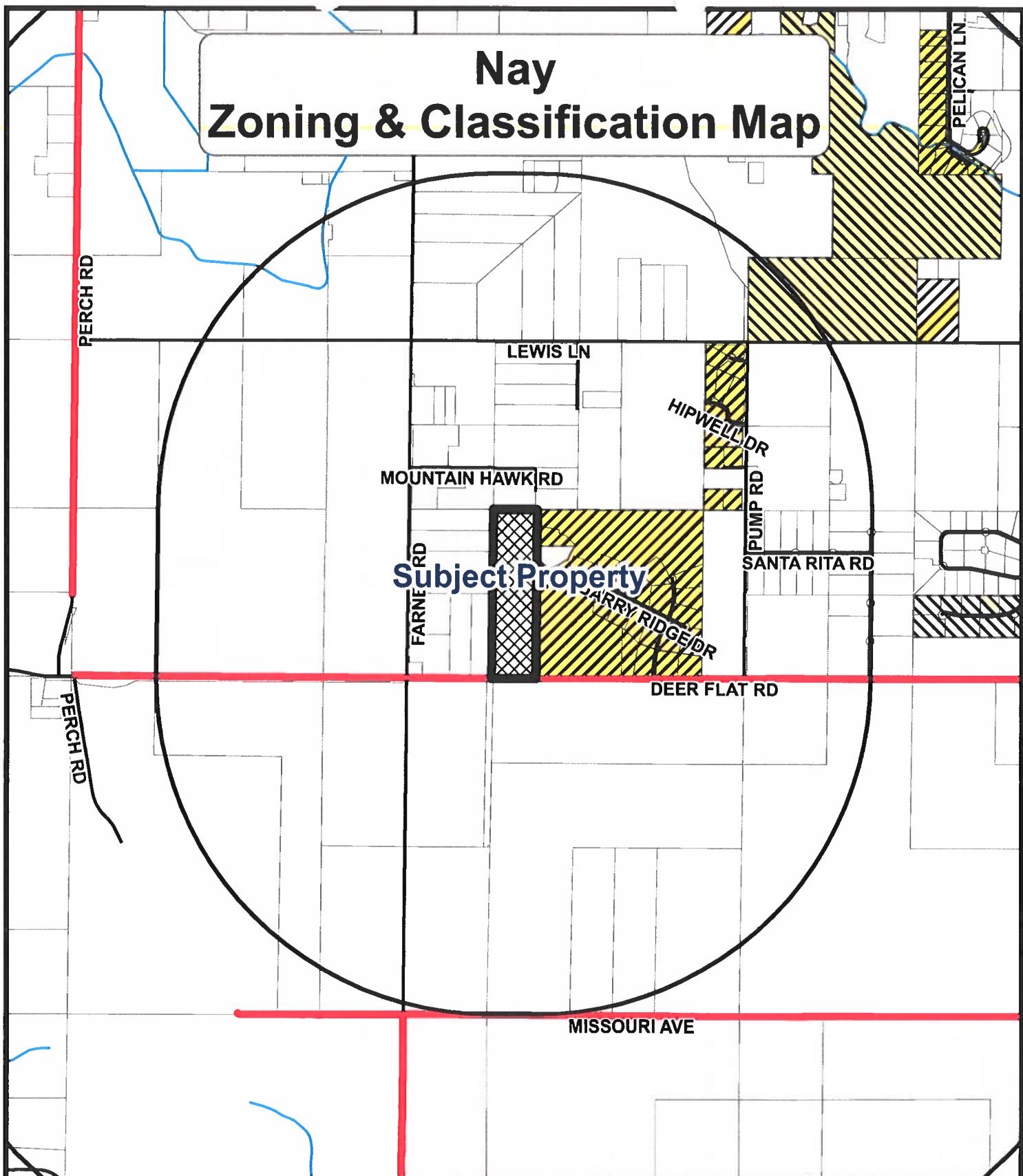
Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

EXHIBIT
B2c1



Nay Zoning & Classification Map

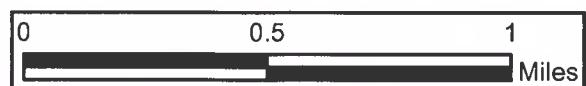


Current Zoning

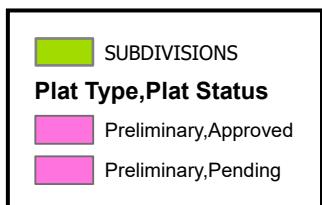
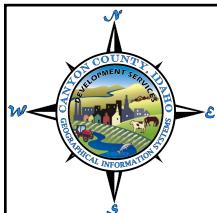
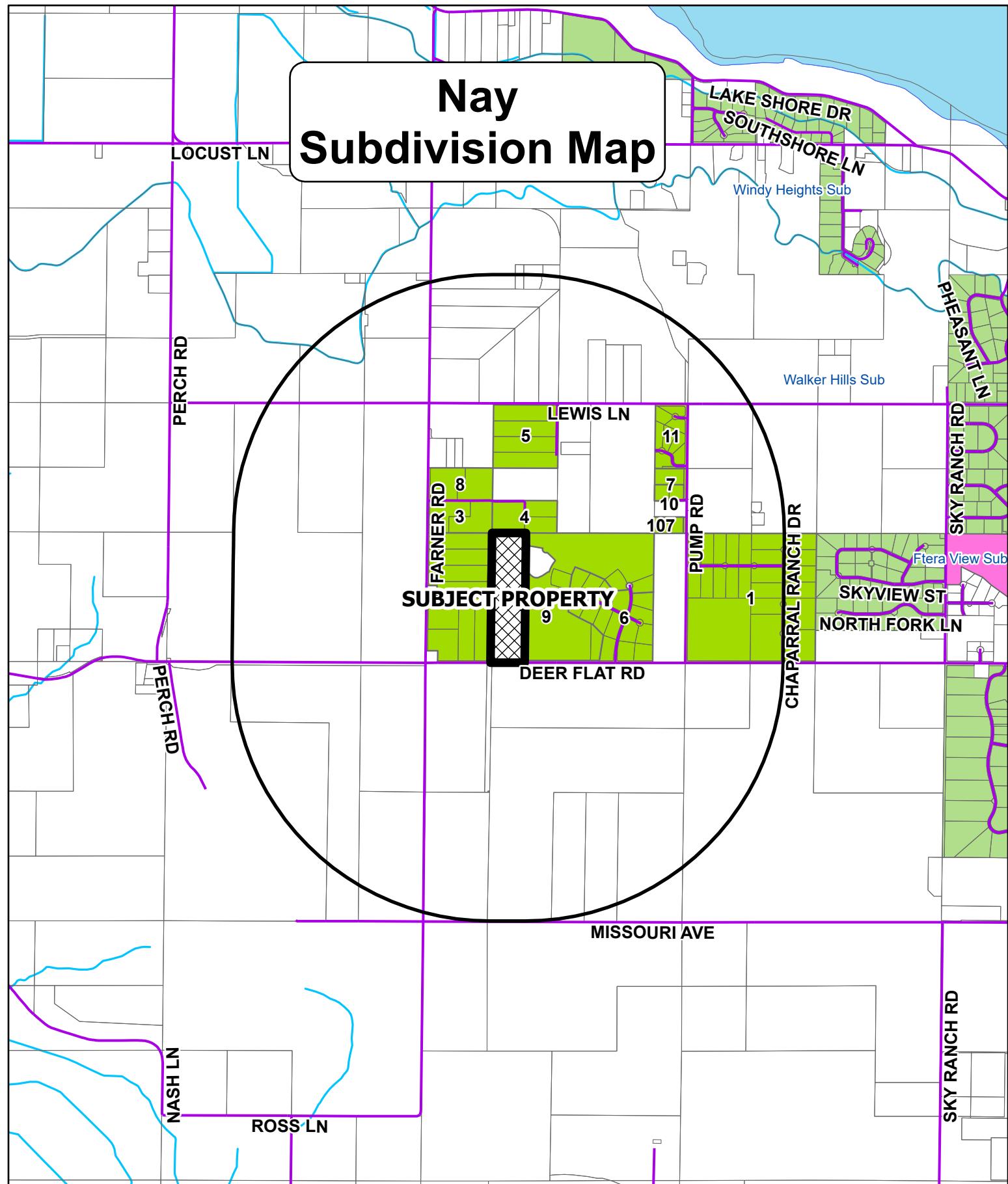
RR	C1	AG
CR-RR	CR-C1	ITD Functional Classification
R1	C2	Interstate
CR-R1	CR-C2	Major Collector
R2	M1	Minor Arterial
C	CR-M1	Minor Collector
	M2	Other Principal Arterials



EXHIBIT
B2d



Nay Subdivision Map



**EXHIBIT
B2e**

0 0.5 1
Miles

CORRECTED FOR LOT COUNT AND OUTLIERS

SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
11	535.29	410.01	111 75 4.82 5.467
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
0			
17	25.81	9.78	3.00
			MAXIMUM 121.13
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE
0			
			MAXIMUM

PLATTED SUBDIVISIONS					
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE
CHAPARRAL RANCH SUB	1	2N3W14	161.13	123.23	22 21
MEADOW VISTA RANCH	2	2N3W15	78.37		42- 8
WAR EAGLE SUBDIVISION	3	2N3W15	20.16		4-67- 9.79
KIRK SUBDIVISION	4	2N3W15	20.12	2	10.08
SALMON RIDGE SUBDIVISION	5	2N3W15	40.28	2	10.06
CRYSTAL LAKES SUB PH 1	6-	2N3W15	51.65-	4	10.07
GRANTS ACRES	7	2N3W15	15.10	3	5-19-
TWO LOT SUB	8	2N3W15	20.17	2	10.08
CRYSTAL LAKES SUBDIVISION PHASE 1&2	9	2N3W15	99.72	45- 19	49.94- 3.33
REECE ESTATES SUBDIVISION	10	2N3W15	9.07	4	2.27
HIPWELL ESTATES SUBDIVISION	11	2N3W15	20.13	9	2.24
10 total			410.01	75 lots	5.467

CORRECTIONS:

Chaparral Ranch Sub: a 39.7 acre outlier lot removed from calculations

Meadow Vista Ranch: actual approved total lot count is 8 not 42

Crystal Lakes Subdivision: Phase 1 & 2 combined—large undeveloped (87.39 acre) lot removed from calculations.

Nay

Dairy, Feedlot, and Gravel Pit Map

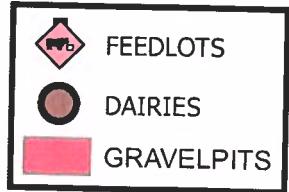
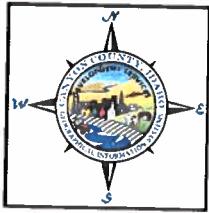
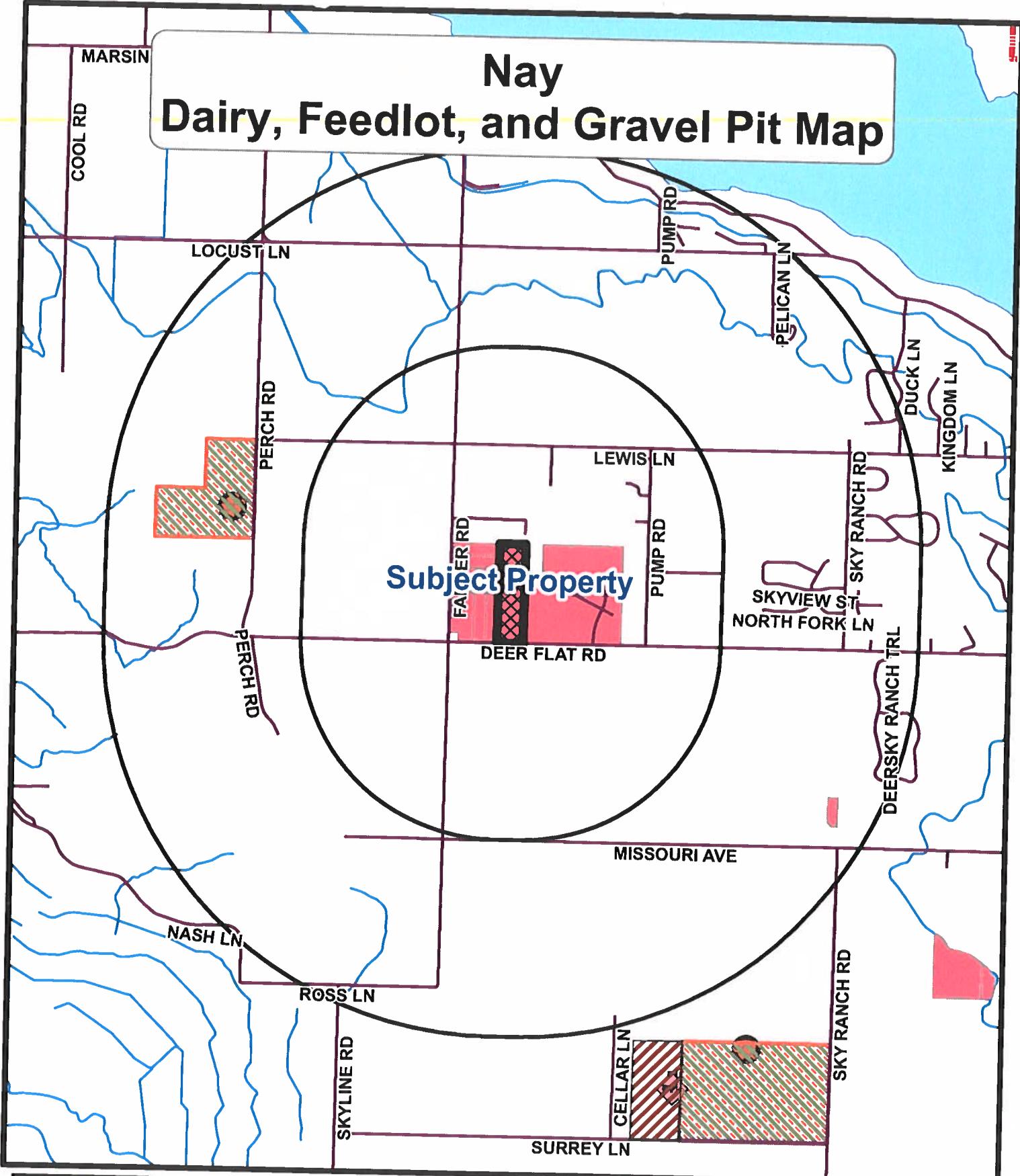


EXHIBIT
B2f

0 0.75 1.5
Miles

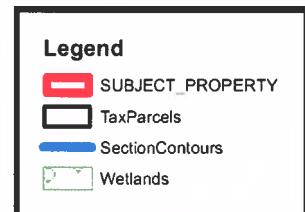
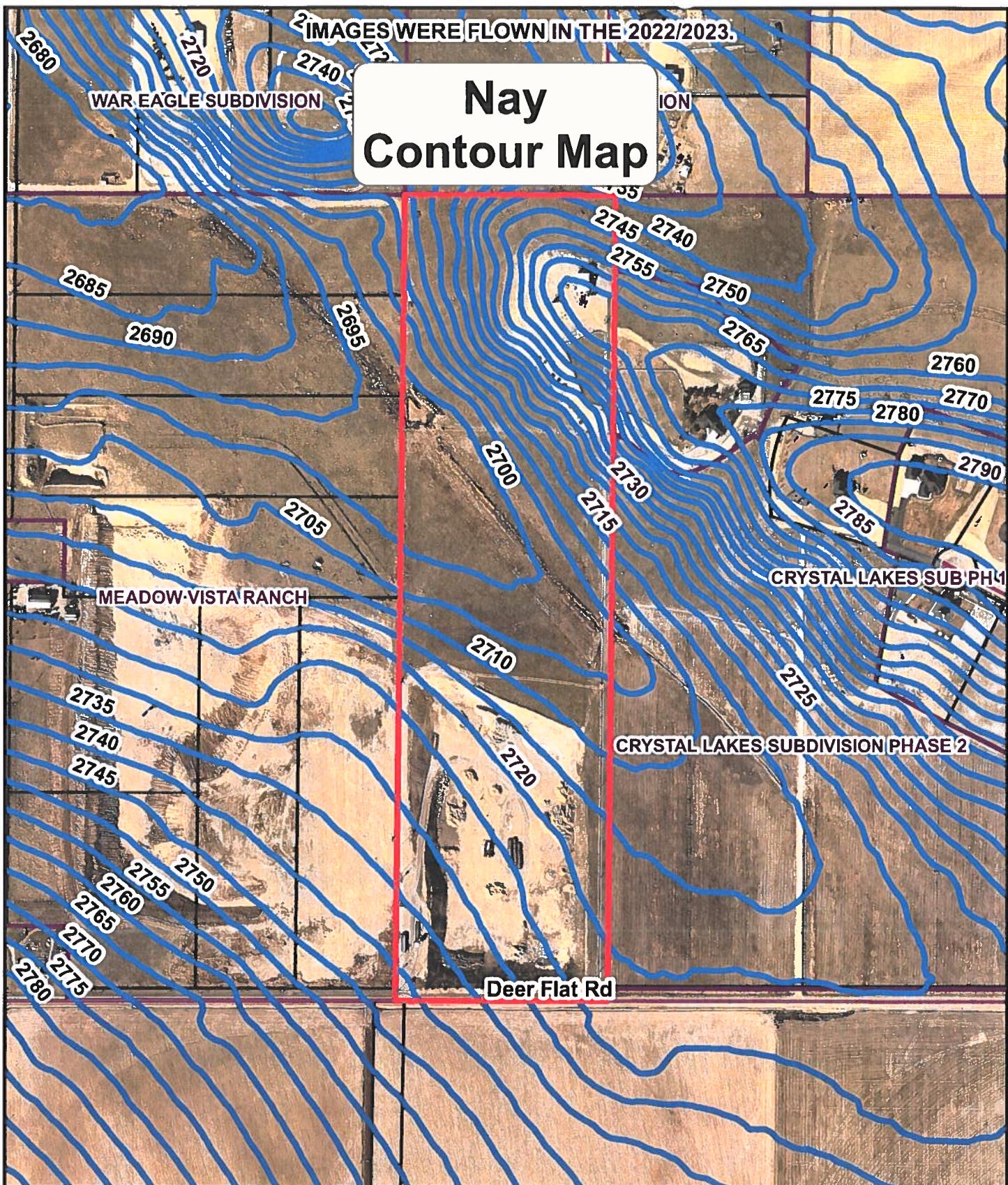


EXHIBIT
B2g

TWO LOT SUB
IMAGES WERE FLOWN IN THE FALL OF 2016.

Slope Percent Map

WAR EAGLE SUBDIVISION

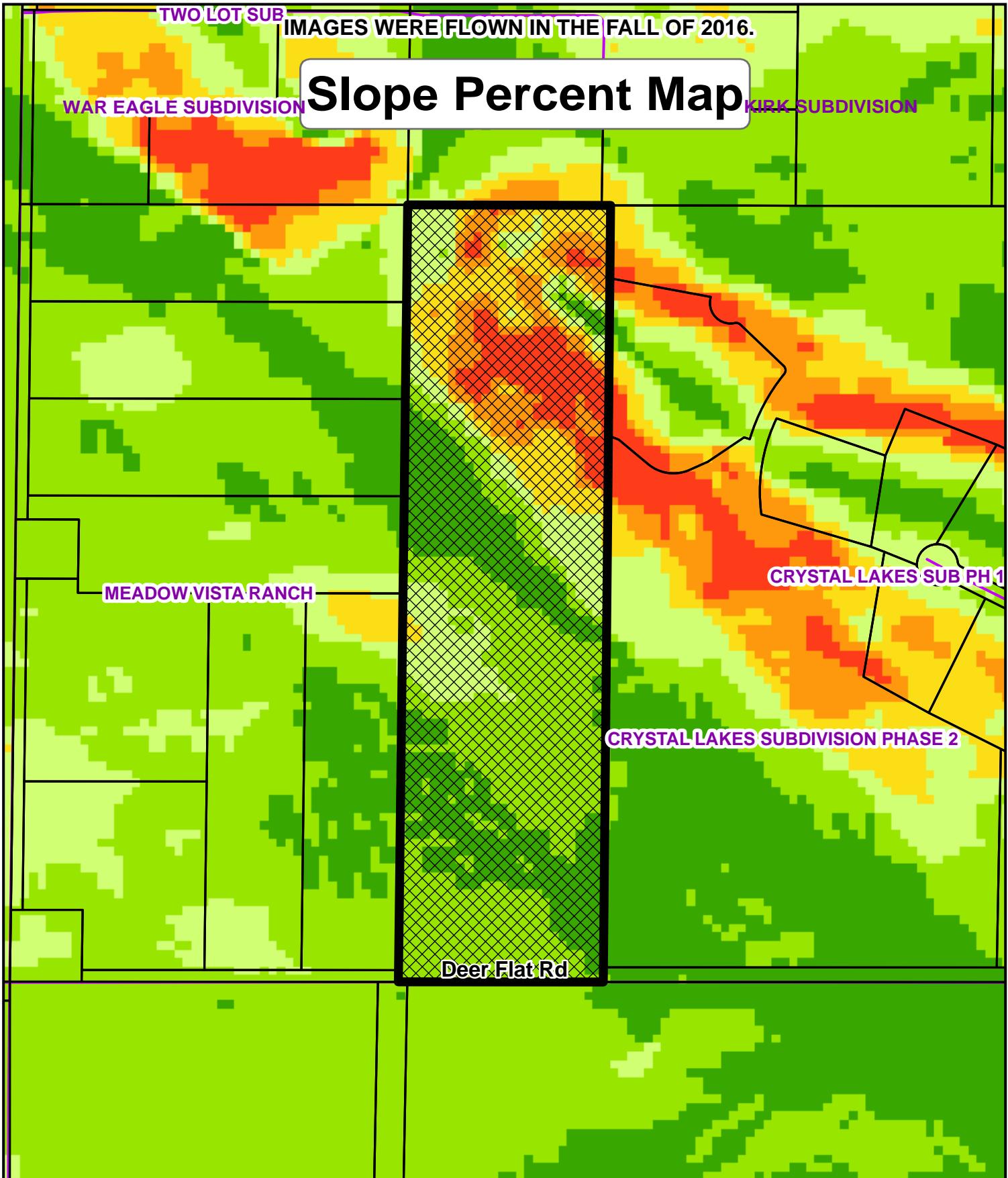
KIRK SUBDIVISION

MEADOW VISTA RANCH

CRYSTAL LAKES SUB PH 1

CRYSTAL LAKES SUBDIVISION PHASE 2

Deer Flat Rd



Slope Percent

0.001 - 3	9.001 - 12
3.001 - 6	12.001 - 14.999
6.001 - 9	15 - 202.718

EXHIBIT
B2g1

0 200 400 600
Feet

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Nay Soil Map

Farmer

Mountain Hawk

Deer Flat

Crystal Quartz

Nitrate Priority Wells

- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- 10.000001 - 49.800000



IDWR_2C_Geothermal_



Wetlands

EXHIBIT
B2h



0 0.25 0.5 Miles

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Nay Prime Farm Lands

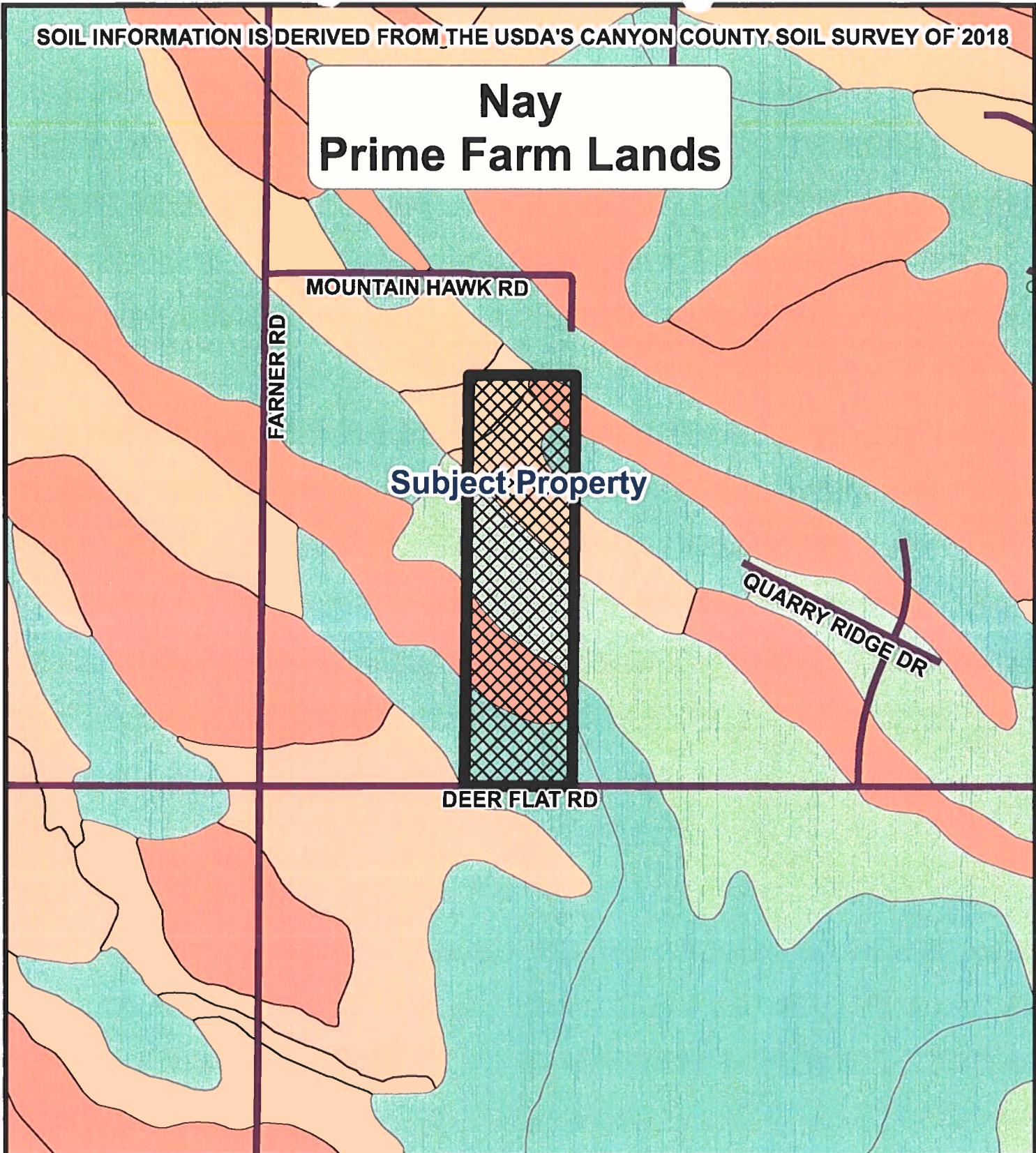
FARNER RD

MOUNTAIN HAWK RD

Subject Property

DEER FLAT RD

QUARRY RIDGE DR



FARMLAND

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed of excess salts and sodium



EXHIBIT
B2i

0 0.125 0.25
Miles

SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
4	MODERATELY SUITED SOIL	10933.56	0.25	0.59%
4	MODERATELY SUITED SOIL	117742.68	2.70	6.38%
4	MODERATELY SUITED SOIL	9234.72	0.21	0.50%
6	LEAST SUITED SOIL	404323.92	9.28	21.89%
4	MODERATELY SUITED SOIL	310626.36	7.13	16.82%
7	LEAST SUITED SOIL	67822.92	1.56	3.67%
4	MODERATELY SUITED SOIL	336349.48	7.73	18.24%
3	MODERATELY SUITED SOIL	70000.92	1.61	3.79%
3	MODERATELY SUITED SOIL	517971.96	11.89	28.05%
4	MODERATELY SUITED SOIL	1176.12	0.03	0.06%
		1846682.64	42.39	100%

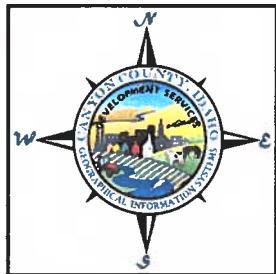
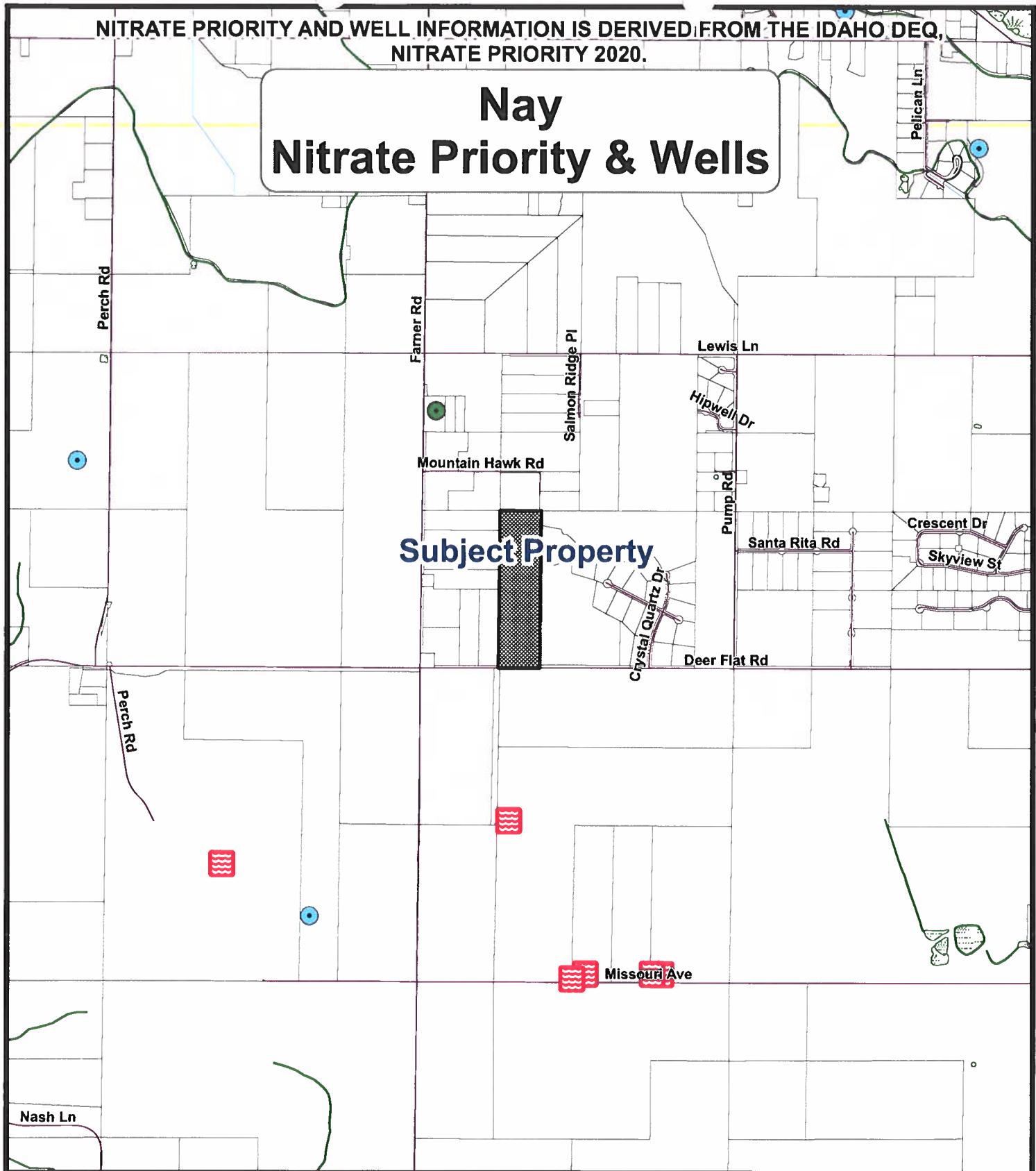
FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
Mka	Prime farmland if irrigated	10933.56	0.25	0.59%
MnC	Farmland of statewide importance, if irrigated	117742.68	2.70	6.38%
MkB	Prime farmland if irrigated	9234.72	0.21	0.50%
MgE	Farmland of statewide importance, if irrigated	404323.92	9.28	21.89%
ScC	Not prime farmland	310626.36	7.13	16.82%
BaE	Not prime farmland	67822.92	1.56	3.67%
MkB	Prime farmland if irrigated	336349.48	7.73	18.24%
MgC	Prime farmland if irrigated	70000.92	1.61	3.79%
ScB	Prime farmland if irrigated and reclaimed of excess salts and sodium	517971.96	11.89	28.05%
MgD	Farmland of statewide importance, if irrigated	1176.12	0.03	0.06%
		1846682.64	42.39	100%

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ,
NITRATE PRIORITY 2020.

Nay Nitrate Priority & Wells



GEO-THERMAL LOCATIONS

DEQ WELLS
N03_MGL

0.005 - 2.00



WETLANDS



NITRATE_PRIORITY

2.000001 - 5.00

5.000001 - 10.00

10.000001 - 49.80

EXHIBIT
B2j

0 0.47 0.95
Miles

Nay Case Map

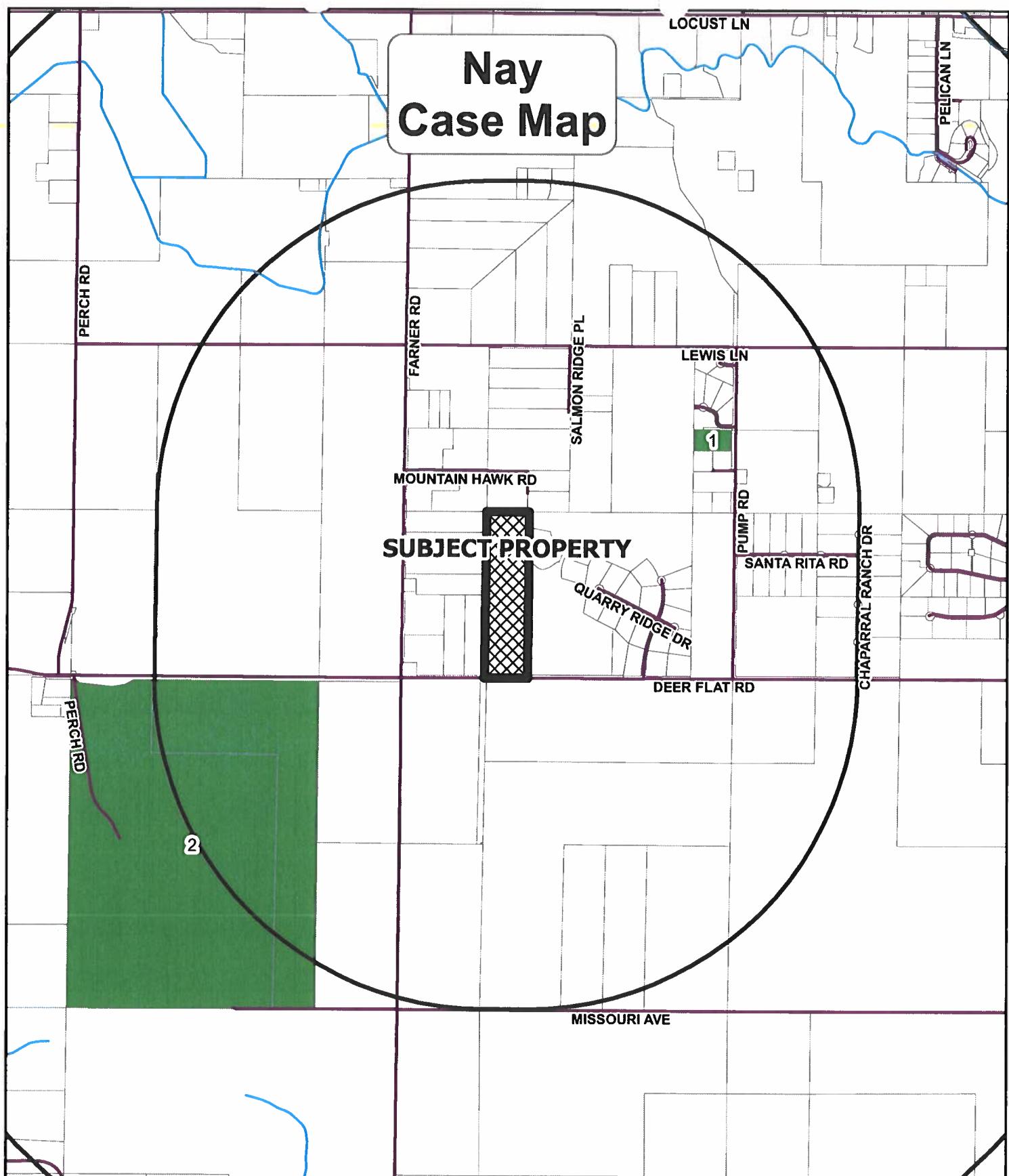
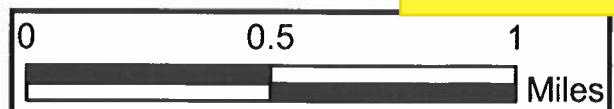


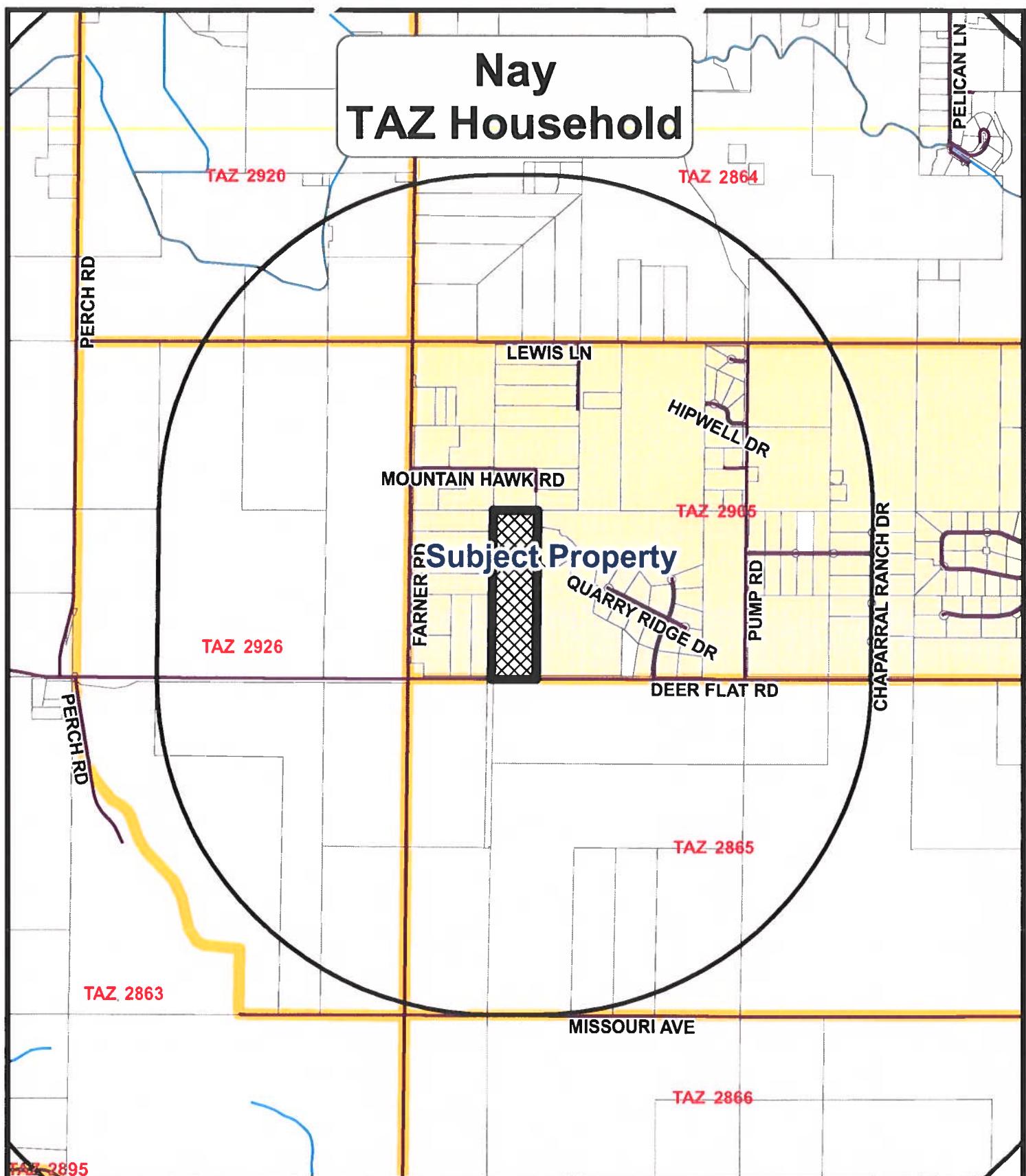
EXHIBIT
B2k



CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	RZ2020-0001	Rezon AG to RR	Peterson	APPROVED
2	CU2020-0011	public facility landfill	Pickles Butte Landfill	APPROVED

Nay TAZ Household

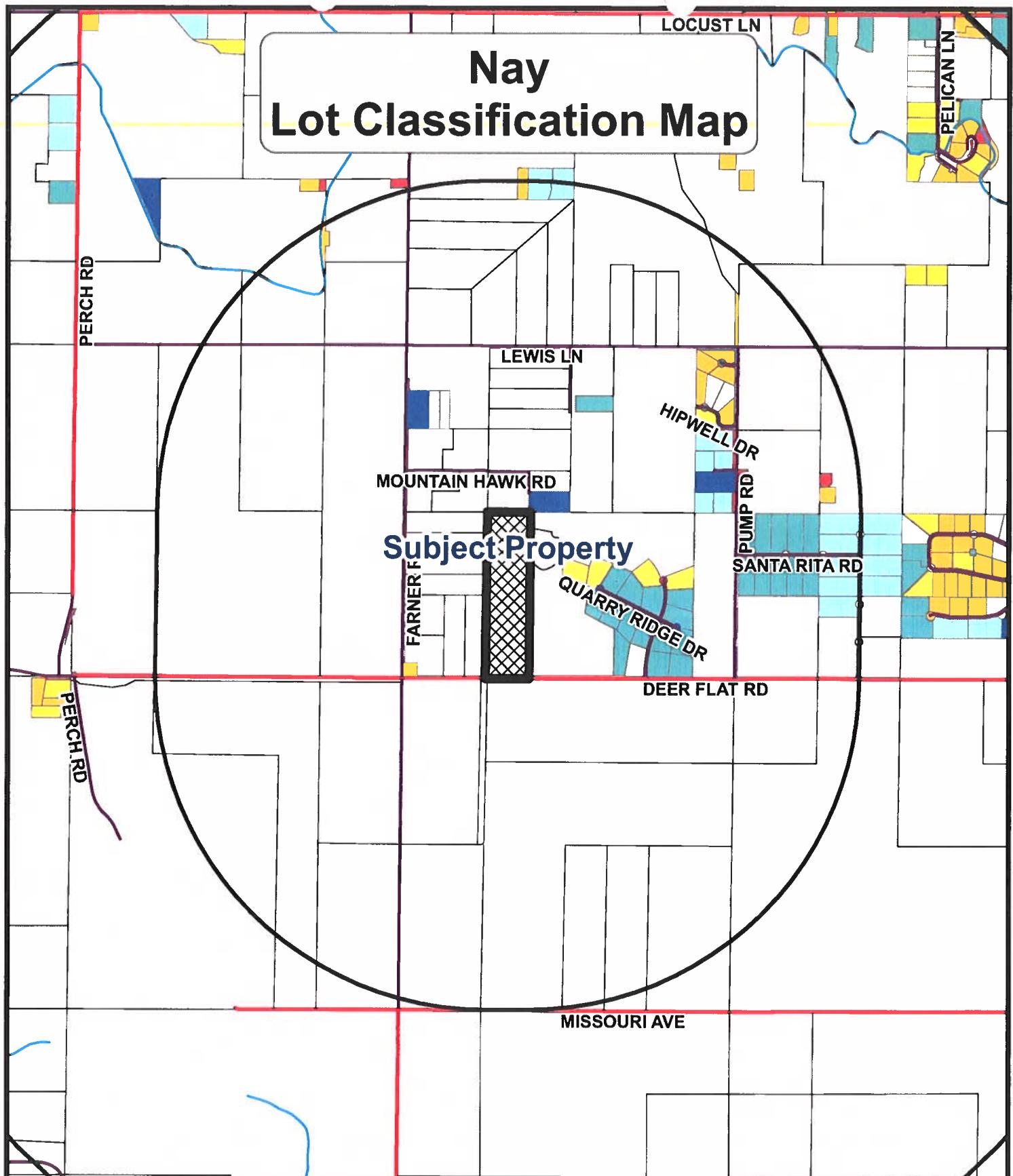


House Hold 2025-2050			
4 - 50	251 - 500		
51 - 150	501 - 750		
151 - 250	751 - 1263		

EXHIBIT
B21

0 0.5 1
Miles

Nay Lot Classification Map



Legend

0.0 - 1.0
1.1 - 2.0
2.1 - 3.0
3.1 - 4.0
4.1 - 5.0
5.1 - 6.0

ITD Functional Classification

Interstate
Minor Arterial
Major Collector
Minor Collector
Other Principal Arterials

**EXHIBIT
B2m**

0 0.5 1
Miles

COMMON LEGEND DATA

- INTERSTATE
- INTERSTATE RAMP
- STATE HIGHWAY
- RESIDENTIAL ROAD
- RAILROAD
- MINOR WATERWAYS

- COUNTY BOUNDARY
- IMPACT AREA
- CITY LIMITS
- NAVIGABLE WATERWAY
- SUBJECT PROPERTY
- SUBDIVISIONS

FEMA ZONES

- FEMA FLOODWAY
- A
- AE
- AH
- AO
- X

- NITRATE PRIORITY AREA

SUBDIVISION MAP

- PLATTED SUBDIVISIONS
- SUBDIVISIONS IN PLATTING
- MOBILE HOME PARKS

SMALL AERIAL CONTOUR MAP

- CONTOUR ELEVATION

*** ZONING CLASSIFICATIONS THAT MAY HAVE LIMITING CONDITIONS ***

ZONING

- RR (RURAL RESIDENTIAL)
- CR-RR (RURAL RESIDENTIAL - COND REZONE)
- R1 (SINGLE FAMILY RESIDENTIAL)
- CR-R1 (FAMILY RESIDENTIAL - COND REZONE)
- R2 (MEDIUM DENSITY RESIDENTIAL)
- C (COMMERCIAL - 1965 ZONING ORD.)
- C1 (NEIGHBORHOOD COMMERCIAL)
- CR-C1 (NEIGHBORHOOD COMMERCIAL - COND REZONE)
- C2 (SERVICE COMMERCIAL)
- CR-C2 (SERVICE COMMERCIAL - COND REZONE)
- (LIGHT INDUSTRIAL)
- CRM1 (LIGHT INDUSTRIAL - COND REZONE)
- M2 (HEAVY INDUSTRIAL)
- AG (AGRICULTURAL)

FUNCTIONAL CLASSIFICATION (2035)

- Interstate
- Expressway
- Proposed Expressway
- Principal Arterial
- Proposed Principal Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector

SOIL CAPABILITY MAP

- CLASS I - BEST SUITED
- CLASS II - BEST SUITED
- CLASS III - MODERATELY SUITED
- CLASS IV - MODERATELY SUITED
- CLASS V - MODERATELY SUITED
- CLASS VI - LEAST SUITED
- CLASS VII - LEAST SUITED
- CLASS VIII - LEAST SUITED

Year

- 2020
- 2021
- 2022
- 2023
- 2024

Caldwell City Comp Plan

- City Center
- Residential Estates
- Low Density
- Medium Density
- High Density
- Commercial
- Industrial
- Public

GRAVEL PITS, DAIRIES, NITRATE PRIORITY & WELLS & FEEDLOTS MAP

- DAIRY LOTS
- FEEDLOTS
- GRAVEL PITS



GEO-THERMAL LOCATIONS

DEQ WELLS N03_MGL

0.005 - 2.00

2.00 - 5.00

5.00 - 10.00



WETLANDS



NITRATE PRIORITY

Nampa City Com Plan

- Ag
- LD_Res
- MD_Res
- HD_Res
- Residential Mixed Use
- Community Mixed Use
- Neighborhood Commercial
- Highway Commercial
- General Commercial
- Business Park
- Downtown
- Employment Center
- Light Industrial
- Heavy Industrial
- Parks
- Public
- Airport

Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

FUTURE LAND USE 2011-2022

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

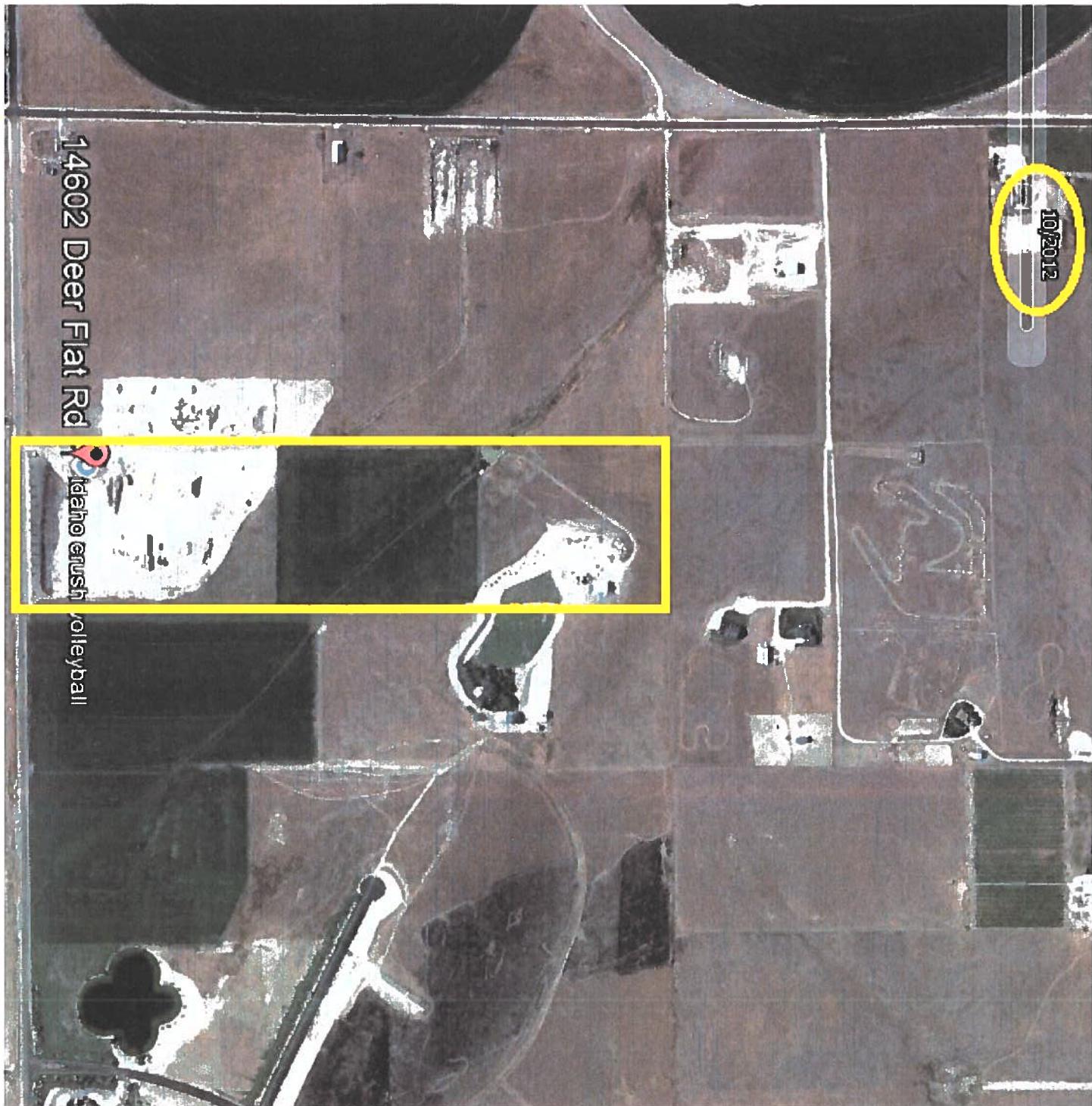
PRIME FARMLANDS MAP

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed

LOT CLASSIFICATION

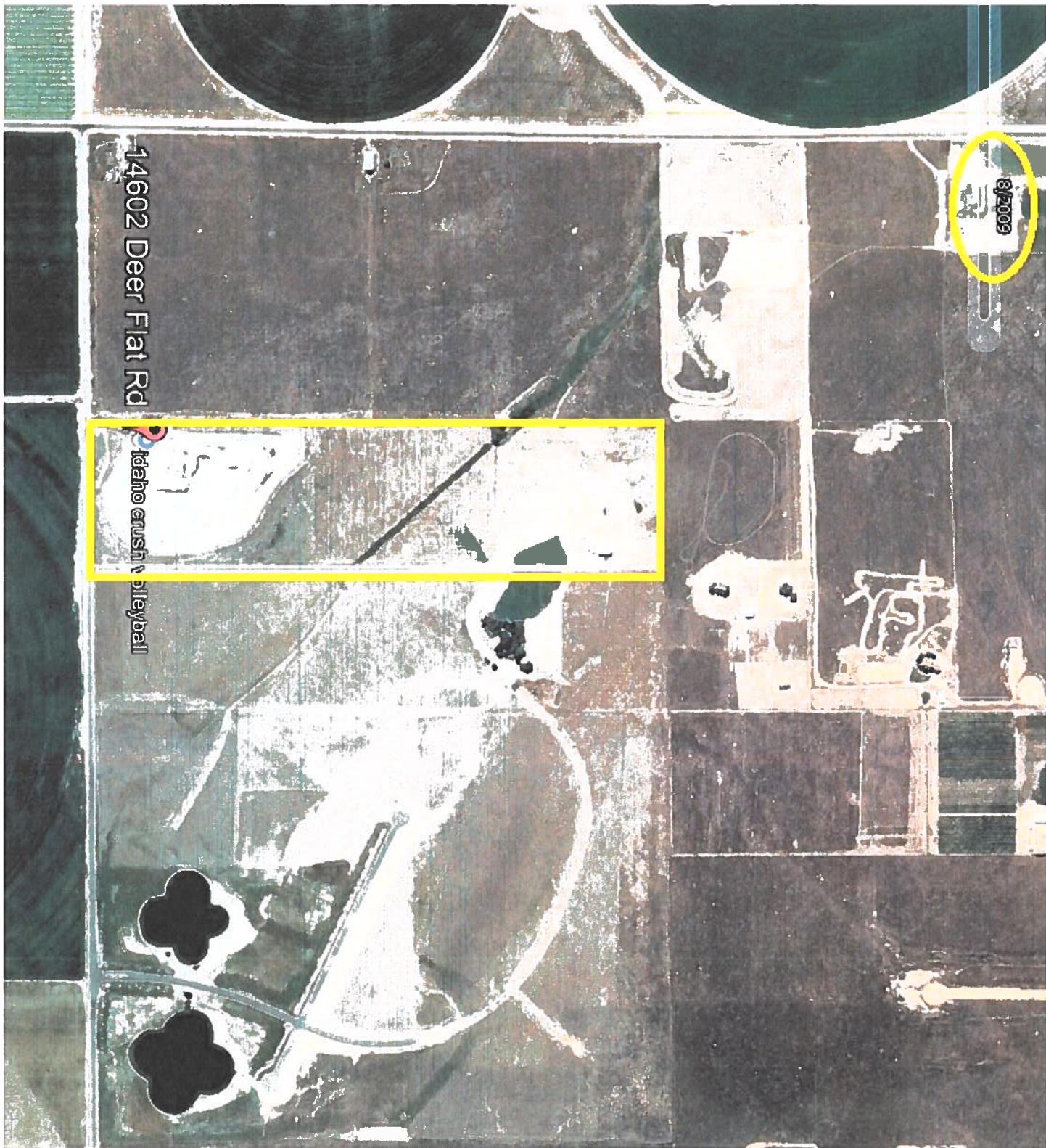
- 0.0 - 1.0 Acres
- 1.0 - 2.0 Acres
- 2.0 - 3.0 Acres
- 3.0 - 4.0 Acres
- 4.0 - 5.0 Acres

EXHIBIT
B2n



2012

EXHIBIT
B3

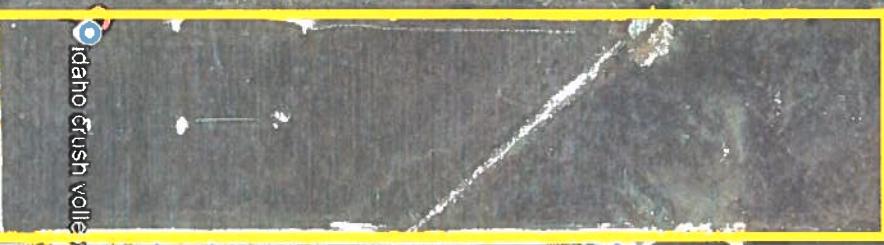


8/2/09

14602 Deer Flat Rd

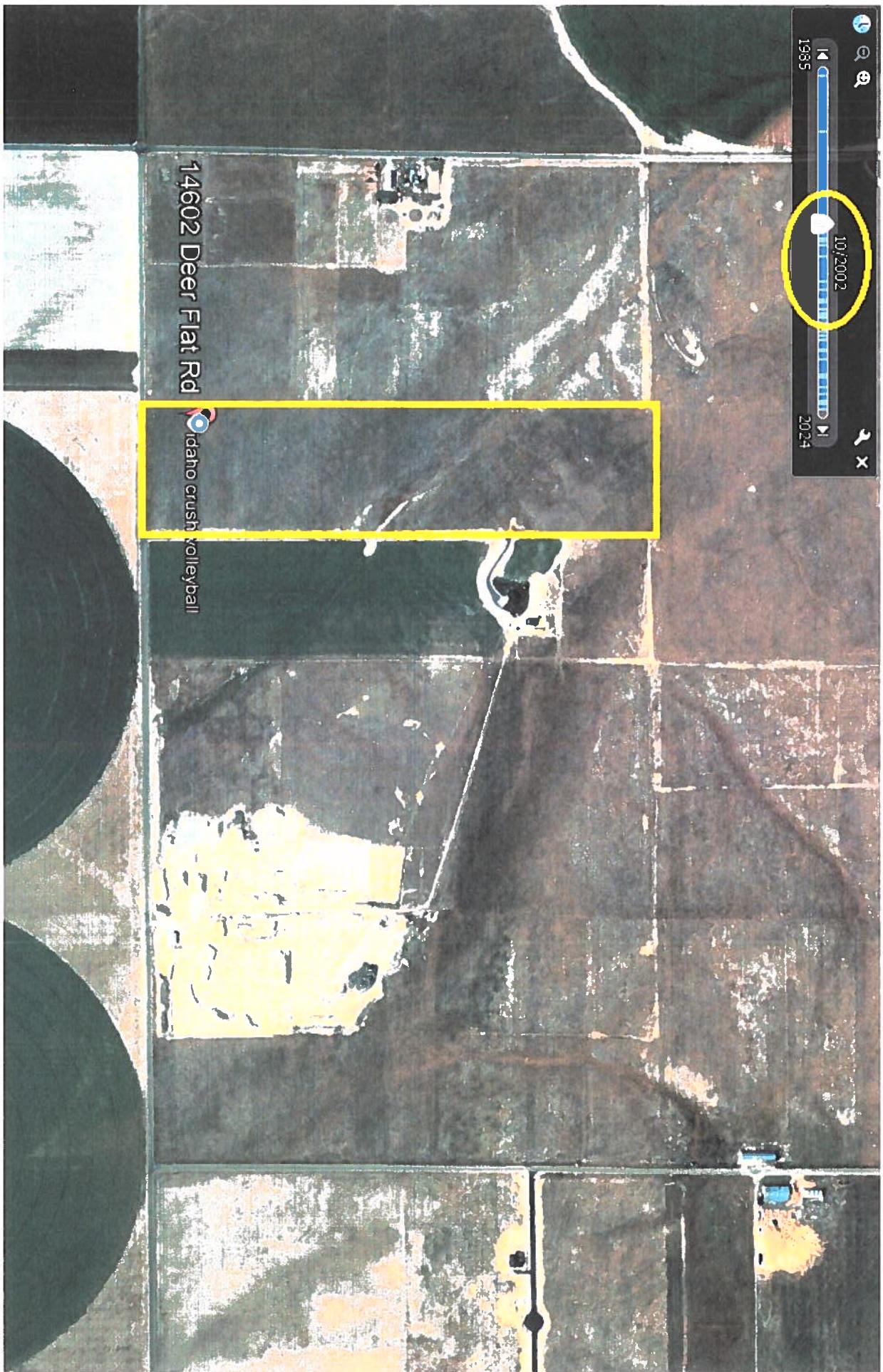
 Idaho Crush volleyball

Image U.S. Geological Survey



6/2005

2005



Debbie Root

From: Paul Nay <tci_@msn.com>
Sent: Thursday, January 23, 2025 5:03 PM
To: Debbie Root
Subject: [External] Re: R30127 14602 Deer Flat Road

We are not grazing livestock or growing crops. We do have material storage on the property from remaining gravel material from the mining operations. To my knowledge we have not applied for a tax exemption other than for the homeowner's exemption for the living space in the structure on the property.

Paul Nay
(208) 941-0638 (cell)

From: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Sent: Thursday, January 23, 2025 4:03 PM
To: 'Paul Nay' <tci_@msn.com>
Subject: R30127 14602 Deer Flat Road

Mr. Nay,

Do you currently utilize the Deer Flat property for grazing of livestock? Growing crops? It appears you are receiving a tax exemption. Please describe:

Respectfully,

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034



**Canyon County
Development Services Department**

111 North 11th Ave., Suite 310, Caldwell, ID 83605
Phone 454-7458 Fax 454-6633
www.canyoncounty.id.gov/dsd

Tracking Number:

PI2022-0034

Office Visit Date:

2/8/2022

Parcel Inquiry/Research Summary

Site Address: 0 DEER FLAT RD
Nampa ID 83686

Property Owner: TRIPLE CROWN INVESTMENTS LLC
NAMPA ID 83687

Assessor Account #: 30127000 0

Person Inquiring: NAY PAUL
Phone Number: 2084677389

Section: City Impact Area:
Township: Flood Zone:
Range: Subdivision:
1/4 Sec: Lot:
Acres: 42.39 Block:
Zone:

Staff Member:
JENNA PETROLL

Discussion Summary

Specific Question Detail: Splits? Rezone to commercial?

Specific Answer Detail: Parcel 30127 is an original parcel according to the property boundary adjustment amended decision (PLA2011-3). It currently is using one of its building permits (BP2006-1266) for a single-family residence with an attached garage. The parcel is currently zoned as agriculture (AG), which allows for a primary dwelling and a secondary dwelling. Ag zoned parcels are allowed two residential parcels, so a secondary residence is still available on the parcel as is. If the client wishes to split the original parcel while it is its current zoning (AG), the parcel would be able to be split into two residential parcels with a minimum size of one acre (07-18-01), and the current dwelling must be included in one of the residential parcels.

The applicant could pursue a conditional rezone for parcel R30127 changing from AG to an R-R zone. Parcels directly to the east of the inquired parcel are zoned as R-R. If a rezone were to be approved, the parcel could split into no more than four parcels without triggering platting. These parcels must fit Canyon County Code and have a minimum lot size of 2 acres (07-10-21). Please keep in mind that currently ingress/egress is from an easement on the east side of the property, according to our code having more than two dwellings utilizing this easement would trigger a private road and road use maintenance agreement.

As asked about in the Parcel Inquiry, attempting to rezone the southern end of parcel 30127 for commercial use does not fit its surroundings, and at this time would be recommended for denial. If the owner does want to separate off the gravel pit from the rest of the parcel, they could split it off with an administrative land division, but it would remain zoned as AG.

The property research information presented today by the Development Service Department (DSD) is based on the current ordinance and policies, in effect on the date of the summary, and based on your representations and information you have provided about the subject property. This information is valid only at the time of the inquiry and may change when the subject property, ordinances, or policies change. Then information becomes certain, and not subject to change, when DSD accepts an application and fees are paid. Changes to the subject property may invalidate this information.

Director/Staff: Clamb

Date: March 22, 2022

R30127

PARCEL INFORMATION REPORT

3/22/2022 11:04:23 AM

PARCEL NUMBER: R30127

OWNER NAME: TRIPLE CROWN INVESTMENTS LLC

CO-OWNER:

MAILING ADDRESS: 455 S KINGS RD NAMPA ID 83687

SITE ADDRESS: 0 DEER FLAT RD

TAX CODE: 0550000

TWP: 2N

RNG: 3W

SECTION: 15

QUARTER: SW

ACRES: 42.40



HOME OWNERS EXEMPTION: No

AG-EXEMPT:

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: NAMPA HWY DIST

FIRE DISTRICT: UPPER DEER FLAT FIRE

SCHOOL DISTRICT: VALLIVUE SCHOOL DIST

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE: Res

IRRIGATION DISTRICT: NOT In IRRIG_DIST

FEMA FLOOD ZONE: X

FEMA FLOODWAY: NOT In FLOODWAY

FIRM PANEL NUMBER: 16027C0375F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: NO Nitrate Prio

PRINCIPAL ARTERIAL: NOT In Principal Art

COLLECTOR: COLLECTOR

INSTRUMENT NO.: 2014021713

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 15-2N-3W SW TX 14239 IN E 1/2 OF SW

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:

DISCLAIMER:

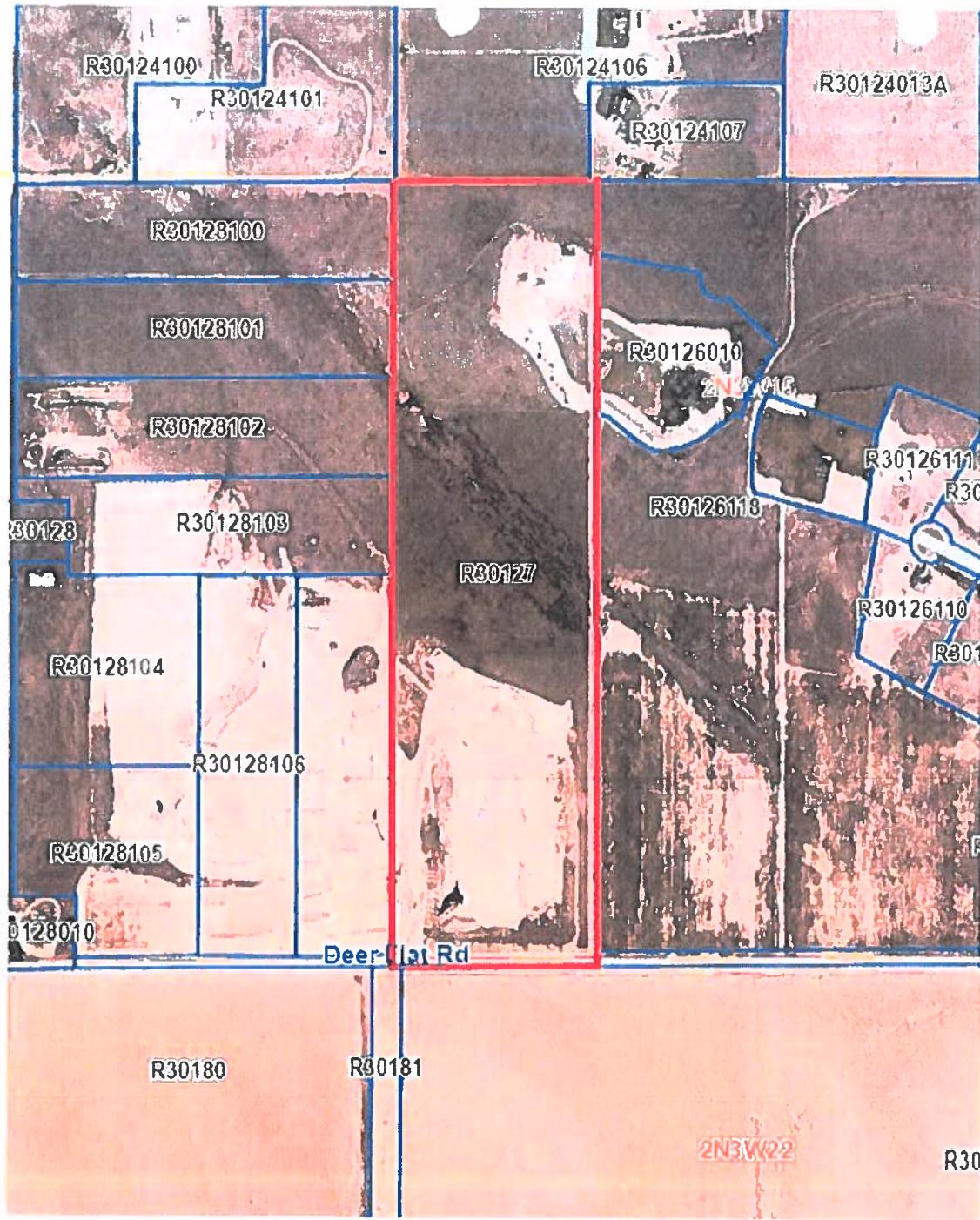
1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER

2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.

3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.

4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERRIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.





Director Decision

Property Boundary Adjustment:

Canyon County Code of Ordinances 11-003 07-10-17 (as amended by 12- 008)

DSD

AMENDED DECISION

Case Number: PLA2011-3

Parcel # (s): R30126, R30126-010 & R30127

Property Owner/Applicant(s): Dan and Marcy Hukill and Crystal Lakes Development Co.

Request: Dan and Marcy Hukill have requested to amend the 4/14/11 decision and revise the property boundary adjustments between parcels R30126, R30126-010 and R30127. The amendment will include increasing the size of R30126-010 from 5.034 acres to 6.49 acres this includes modifying the ingress/egress road access. The current 31.2 foot strip of land that contains the access road to R30127 and R30126-010, previously included with the parcel R30126-010, will revert to R30127 and a 31.2 foot ingress/egress easement (as shown on ROS 2013-047760) on R30127 will provide access to R30126-010. R30127 will increase from 40.461 to the original approximate 42.4 acres. Parcel R30126 will decrease in size from 104.524 to 101.73 acres.

Finding: The properties are eligible for a property boundary adjustment. The adjustment does not create additional parcels. The adjustment does not result in the relocation of a building permit as defined by the DSD Director. Parcel R30127 is an original parcel and neither parcel is platted. The 31.2 foot easement met ordinance requirements at the time the residence was constructed. This application with supporting documents is in substantial compliance with the requirements of the effective zoning ordinance section 07-10-17. The properties will change as follows:

ORIGINAL 4-14-11 APPROVAL Inst. #: 2011015208

Parcel #:	Existing Acreage	New Acreage
R30126-010	3.5 acres more or less	5.037 acres more or less
R30127	42.4 acres more or less	40.461 acres more or less

HEREBY AMENDED TO THE FOLLOWING:

Parcel #:	Existing Acreage	New Acreage
R30126	104.524 ac more or less	101.73 acres more or less
R30126-010	5.037 acres more or less	6.49 acres more or less
R30127	40.461 acres more or less	42.39 acres more or less

Decision: The application to complete a property boundary adjustment between parcels R30126, R30126-010 and R30127 is APPROVED and the development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.

The application documents, including the metes and bounds description(s) and, if applicable, the record of survey and/or perpetual easement(s) for ingress/egress evidence the land division tentatively approved. Therefore, the administrative property boundary adjustment is hereby approved. Idaho Right to Farm Act (Idaho Code § 22-4503) applies to this land use decision.

Patricia A. Nelson
Director

October 24, 2013
Date

Canyon County Zoning
Map Detail—Commercial
and Industrial Zoning on
Hwy 45 Corridor

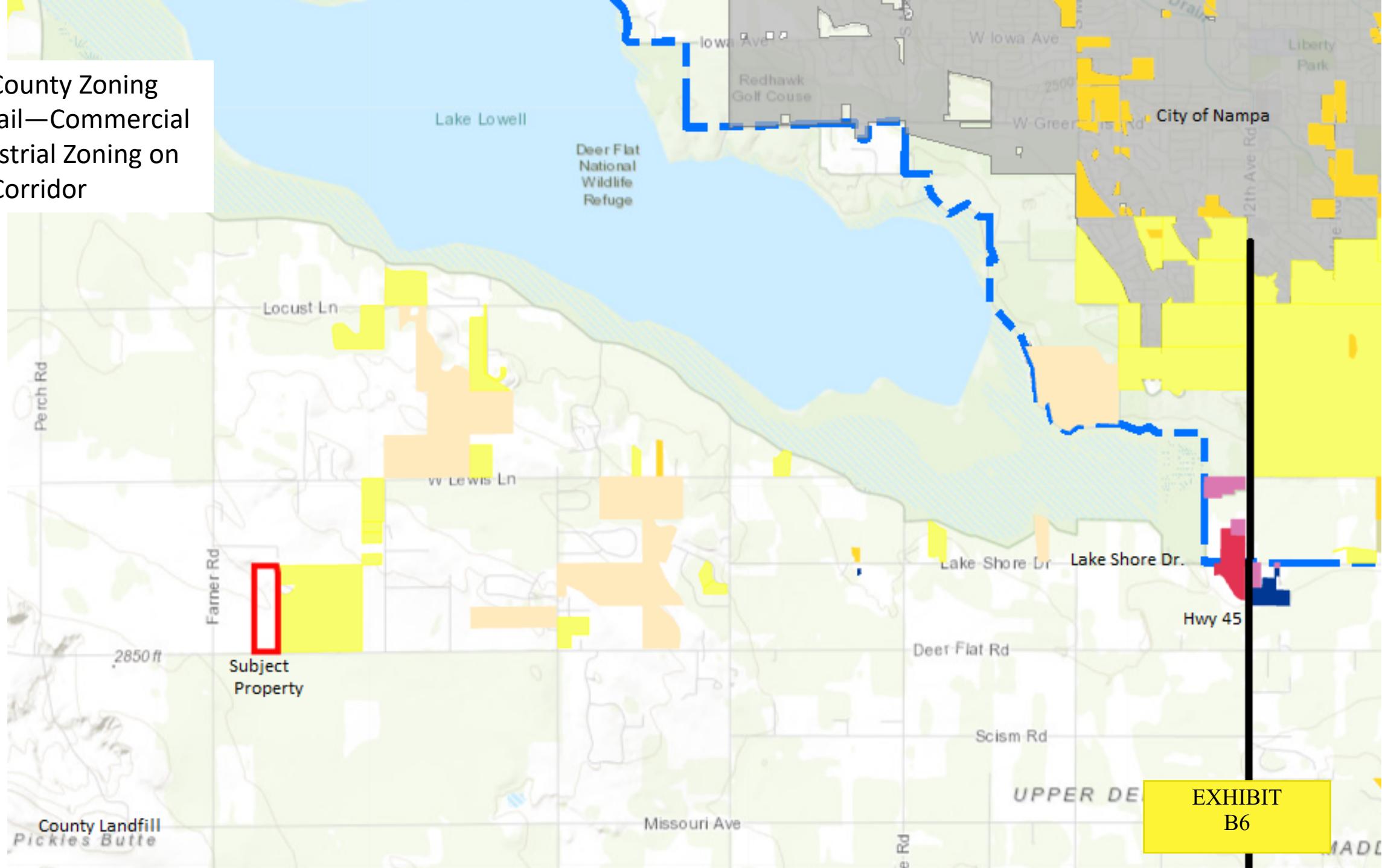




EXHIBIT
B7

This demonstrates that the mineral extraction site on the subject property that is proposed for commercial re-development could be graded and developed consistent with the 2020 Plan and surrounding residential uses.

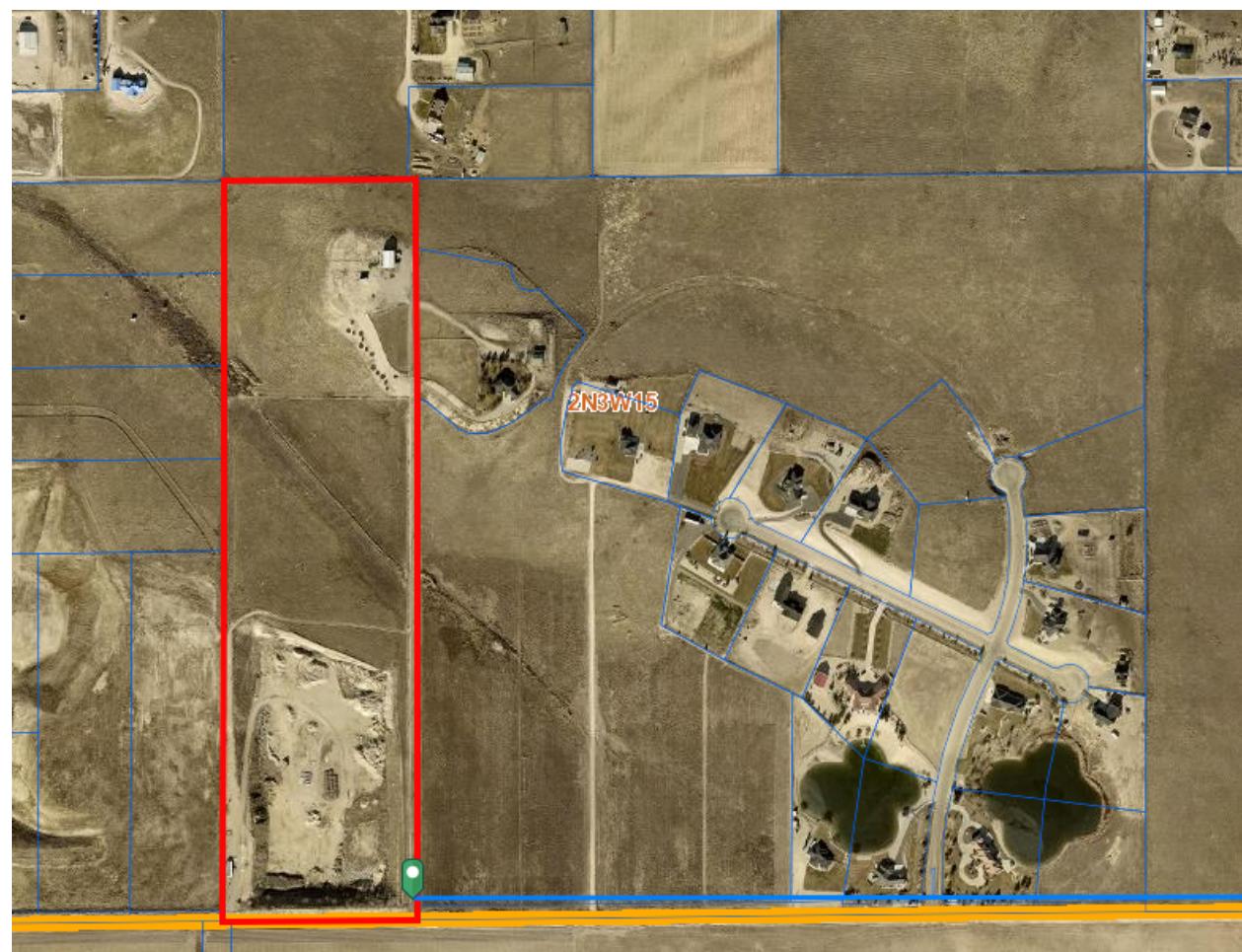


EXHIBIT C

Site Visit Photos:

Case# CR2022-0030

C

CR2022-0030 CONDITIONAL REZONE of 42.40 acres of "A" (AGRICULTURE) zoned property to:

CR-RR (CR-RURAL RESIDENTIAL) of approximately 24.76 acres &

CR-C1 (CR-NEIGHBORHOOD COMMERCIAL) of approximately 17.62 acres

SITE PHOTOS:





5-17-25 PHOTO
from northeast in Crystal Lakes
development looking southwest



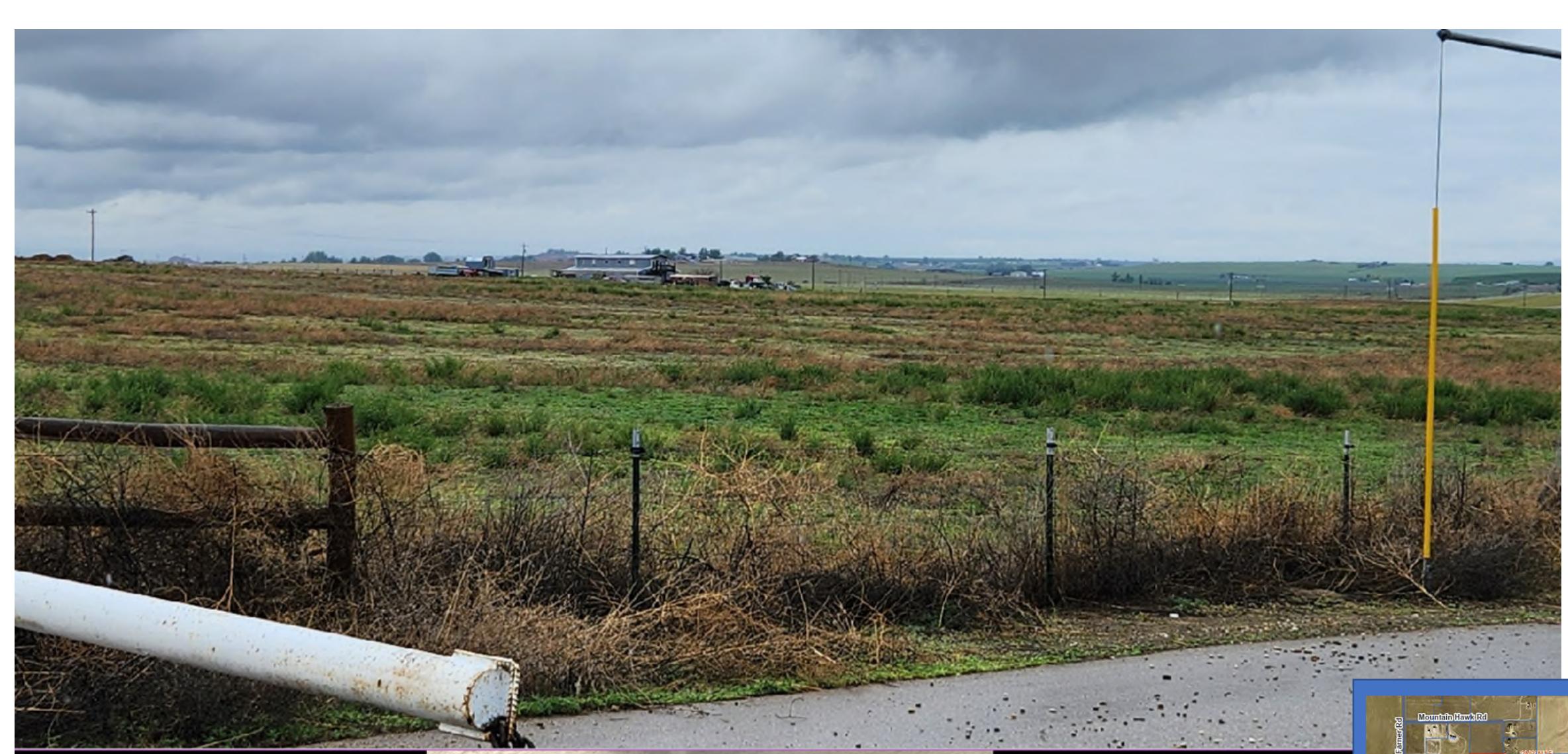


The bulk of the mineral extraction floor can be viewed from the residences that are located within the Crystal Lakes Development. Screening may be a possibility with evergreen type trees along the elevated boundaries to help to screen the proposed parking lot. Providing sufficient irrigation water to maintain landscaping in living condition may be difficult –but should be a condition if trees are required for mitigation.



From near the intersection of Farner and Deer Flat Road looking northeasterly across Meadow Vista Ranch. The white shop/residence sits in the northeast corner of the subject property. The character of the area is agricultural with large lot development.





Southwest corner of subject property
looking northwesterly





From southwest corner of property (mineral extraction entrance) looking eastward on Deer Flat Road. Crystal Lakes Development to the left and large scale agriculture to the right.





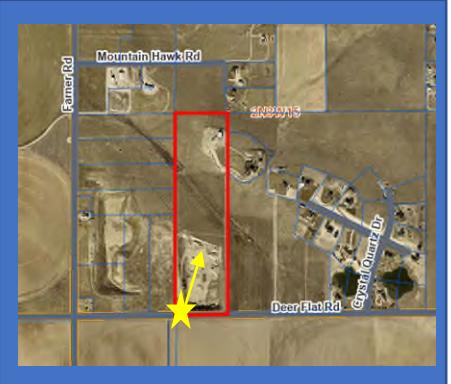
From the southwest corner road into mineral extraction site with a neighboring residence to the east and the shop/residence on the subject property in the distance.

Below: looking from road berm into extraction site and Crystal Lakes development in the distance.





Stitched photos: From southwest corner berm into floor of extraction site. Crystal Lakes Estates in the distance.





From southwest corner berm facing easterly. Crystal Lakes Estates in the distance.





From subject property near southwest corner
southeasterly view





From subject property near southwest corner
south view





From subject property near southwest corner
southwesterly view





At residence driveway entrance from Deer Flat Road looking northwesterly across subject parcel, north, and northeast towards Crystal Lakes development





At residence driveway entrance from Deer Flat Road looking westerly across subject parcel.



EXHIBIT D
Agency Comments Received
Case# CR2022-0030

D

NAMPA HIGHWAY DISTRICT NO. 1

May 3, 2023

To: Samantha Hammond
Canyon County Development Services

From: Eddy Thiel
Right-of-way Tech

Re: CR2022-0030 Conditional Rezone for Paul Nay

I have reviewed the request from Paul Nay for the approval of the conditional rezone of property located at 14602 Deer Flat Rd with no date of Transmission received on 5/3/23.

Comments are based upon information provided to the Highway District by Canyon County Development Services and from the Patron. Nampa Highway District #1 has no objection to the conditional rezone subject to the following information and the submittal of item #4:

1. The Subject property is adjacent to Deer Flat Rd.
2. NHD#1 Functional Classification of Deer Flat Rd. is Rural Minor Arterial Roadway.
3. No new direct access is permitted to Arterial Roadways. They will need to use the existing accesses but will require upgraded paved aprons per ACCHD Standards.
4. Patron will need to Submit the required Land Split Application and a sketch that identifies the above-mentioned accesses.

All comments above are based on the ACCHD Standards Manual and Nampa Highway District #1 Supplements.

Nampa Highway District #1 reserves the right to provide amended comments/conditions of approval subject to the formal review by the Highway District, Plat revisions, and/or revisions to the ACCHD Standards Manual or NHD#1 Supplements.

Debbie Root

From: Debbie Root
Sent: Tuesday, December 17, 2024 11:26 AM
To: Debbie Root
Subject: FW: [External] RE: Agency Notification / Paul & Michelle Nay / CR2022-0030

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Tuesday, December 17, 2024 9:31 AM
To: Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>
Subject: [External] RE: Agency Notification / Paul & Michelle Nay / CR2022-0030

Hello,

After careful review of the transmittal submitted to ITD on December 9, 2024 regarding, Paul & Michelle Nay/CR2022-0030, the Department has no comments or concerns to make at this time. This application does not meet thresholds for a Traffic Impact Study nor does it pose any safety concern. If you have any questions please contact Niki Benyakhlef at (208) 334-8337/ Niki.Benyakhlef@itd.idaho.gov.

Thank you

Mila Kinakh

D3 Planning and Development
Administrative Assistant



From: Jennifer Almeida <Jennifer.Almeida@canyoncounty.id.gov>
Sent: Monday, December 9, 2024 4:58 PM
To: 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'Contract.Administration.Bid.Box@zipl.com' <Contract.Administration.Bid.Box@zipl.com>; 'gis@compassidaho.org' <gis@compassidaho.org>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; ITDD3Permits <ITDD3Permits@itd.idaho.gov>; 'webmaster@valleyregionaltransit.org' <webmaster@valleyregionaltransit.org>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; Assessor Website <2cAsr@canyoncounty.id.gov>; Cassie Lamb <Cassie.Lamb@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id>

EXHIBIT
D2

Debbie Root

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Tuesday, June 17, 2025 7:48 AM
To: Debbie Root
Cc: Caitlin Ross
Subject: [External] RE: Legal Notice CR2022-0030 / Nay

Good Morning, Deb –

After careful review of the transmittal submitted to ITD on June 13, 2025, regarding CR2022-0030 / Nay, the Department has no comments or concerns to make at this time.

The referenced application is located more than 5 miles from the nearest state highway; therefore, no significant impact to the state highway system is anticipated.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>

Sent: Friday, June 13, 2025 1:27 PM

To: 'rcollins@cityofcaldwell.org' <rcollins@cityofcaldwell.org>; 'P&Z@cityofcaldwell.org' <P&Z@cityofcaldwell.org>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'jdodson@cityofcaldwell.org' <jdodson@cityofcaldwell.org>; 'mbessaw@cityofcaldwell.org' <mbessaw@cityofcaldwell.org>; 'amy@civildynamics.net' <amy@civildynamics.net>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'jhutchison@middletoncity.org' <jhutchison@middletoncity.org>; 'mhobbs@middletoncity.org' <mhobbs@middletoncity.org>; 'rstewart@middletoncity.org' <rstewart@middletoncity.org>; 'sellersr@cityofnampa.us' <sellersr@cityofnampa.us>; 'watkinsk@cityofnampa.us' <watkinsk@cityofnampa.us>; 'BadgerD@cityofnampa.us' <BadgerD@cityofnampa.us>; 'addressing@cityofnampa.us' <addressing@cityofnampa.us>; 'critchfieldd@cityofnampa.us' <critchfieldd@cityofnampa.us>; 'clerks@cityofnampa.us' <clerks@cityofnampa.us>; 'timc@cityofnampa.us' <timc@cityofnampa.us>; 'notuscyclerk@gmail.com' <notuscyclerk@gmail.com>; 'clerk@cityofparmaidaho.org' <clerk@cityofparmaidaho.org>; 'mayor@cityofparmaidaho.org' <mayor@cityofparmaidaho.org>; 'publicworks@cityofparmaidaho.org' <publicworks@cityofparmaidaho.org>; 'cityhalladmin@cityofparmaidaho.org' <cityhalladmin@cityofparmaidaho.org>; 'snickel@staridaho.org' <snickel@staridaho.org>; 'jmckillican@cityofwilder.org' <jmckillican@cityofwilder.org>; 'kbagley@cityofwilder.org' <kbagley@cityofwilder.org>; 'casanderson@caldwellschools.org' <casanderson@caldwellschools.org>; 'nicmiller@cwi.edu' <nicmiller@cwi.edu>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'bgraves@kunaschools.org' <bgraves@kunaschools.org>; 'tejensen@kunaschools.org' <tejensen@kunaschools.org>; 'nstewart@marsingschools.org' <nstewart@marsingschools.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'Horner.Marci@westada.org' <Horner.Marci@westada.org>; 'lgrooms@msd134.org'

Samantha Hammond

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Monday, May 8, 2023 11:05 AM
To: Samantha Hammond
Cc: Bonnie Puleo
Subject: [External] RE: Initial Agency Notice Nay CR2022-0030

Good morning, Samantha.

After careful review of the transmittal submitted to ITD on May 3, 2023 regarding Nay CR2022-0030, the Department has no comments or concerns to make at this time. This application is more than 5 miles from the closest state highway system (SH-45) therefore, minimal impact is anticipated.

Please let me know if you have any questions.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, May 3, 2023 2:39 PM
To: 'sellersr@cityofnampa.us' <sellersr@cityofnampa.us>; 'laclairc@cityofnampa.us' <laclairc@cityofnampa.us>; 'watkinsk@cityofnampa.us' <watkinsk@cityofnampa.us>; 'badgerd@cityofnampa.us' <badgerd@cityofnampa.us>; 'addressing@cityofnampa.us' <addressing@cityofnampa.us>; 'critchfieldd@cityofnampa.us' <critchfieldd@cityofnampa.us>; Nick Haveman <havemann@cityofnampa.us>; Char Tim <timc@cityofnampa.us>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; Lisa Boyd <lisa.boyd@vallivue.org>; Joseph Palmer <joseph.palmer@vallivue.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'cdillon@usbr.gov' <cdillon@usbr.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Initial Agency Notice Nay CR2022-0030

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good afternoon;

Debbie Root

From: Debbie Root
Sent: Tuesday, December 17, 2024 11:41 AM
To: 'Anthony Lee'
Subject: RE: [External] RE: Agency Notification / Paul & Michelle Nay / CR2022-0030

Anthony,

Thank you for your response. I did ask the applicant if he intended to install an RV Waste Dump at the location and he (hadn't thought about it) but indicated that yes, he would be adding an RV Dump on the property if approved as requested.

Respectfully,

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Tuesday, December 17, 2024 11:38 AM
To: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Subject: [External] RE: Agency Notification / Paul & Michelle Nay / CR2022-0030

Hi Deb,

Request per comment.

- 1.) Will a Nutrient Pathogen Study be required? **The development is NOT in a Nitrate Priority Area and a Nutrient Pathogen Study is not required.**
- 2.) Will adequate sanitary systems be provided to accommodate the use? **Test holes have not been conducted on the proposed lots to determine site suitability.**

Regarding the proposal for an RV storage/parking lot, are there plans for RV wastewater hookups in the future? If not, what methods will ensure proper disposal of RV wastewater?

Please have the applicant schedule a pre-development meeting with SWDH to discuss this project.

Let me know if you have any questions.

Thank you,





June 23, 2025

Debbie Root, Planner
111 North 11th Ave.
Ste. 310
Caldwell, Idaho, 83605
debbie.root@canyoncounty.id.gov

Subject: Agency Notice CR2022-0030 Nay

Dear Ms. Root:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), and trade waste burning (58.01.01.600-617).
- For new development projects, all property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.
- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss the potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for planning development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells are included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of groundwater resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for planning development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity. For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate the best construction management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material released to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Matthew Pabich, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Troy Smith
Regional Administrator

Samantha Hammond

From: Doug Critchfield <critchfieldd@cityofnampa.us>
Sent: Wednesday, May 3, 2023 2:45 PM
To: Samantha Hammond
Cc: Rodney Ashby; Caleb Laclair
Subject: [External] RE: Initial Agency Notice Nay CR2022-0030

Follow Up Flag: Follow up
Flag Status: Flagged

Samantha – Nampa Planning and Zoning has no comments on this application. Thanks - Doug

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, May 3, 2023 2:39 PM
To: Robyn Sellers <sellersr@cityofnampa.us>; Caleb Laclair <laclairc@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfieldd@cityofnampa.us>; Nathan Haveman <havemann@cityofnampa.us>; Char Tim <timc@cityofnampa.us>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; Lisa Boyd <lisa.boyd@vallivue.org>; Joseph Palmer <joseph.palmer@vallivue.org>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; Idaho Power <easements@idahopower.com>; Megan Kelly <mkelly@idahopower.com>; 'JESSICA.MANSELL@INTGAS.COM' <JESSICA.MANSELL@INTGAS.COM>; 'MONICA.TAYLOR@INTGAS.COM' <MONICA.TAYLOR@INTGAS.COM>; 'd3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; Niki Benyakhlef <niki.benyakhlef@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; 'mstowell@ccparamedics.com' <mstowell@ccparamedics.com>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'cdillon@usbr.gov' <cdillon@usbr.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>
Subject: Initial Agency Notice Nay CR2022-0030

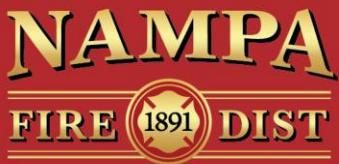
CAUTION: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using the Outlook Phish Alert Report button or call the IT Helpdesk at (208) 468-5454.

Good afternoon;

Please see the attached agency notice. You are invited to provide written testimony or comments by **June 2, 2023**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet, allowing the hearing body adequate time to review the submitted information.

Please direct your comments or questions to Planner Samantha Hammond at
samantha.hammond@canyoncounty.id.gov

Thank you,



EXCELLENCE
SERVICE
STRENGTH IN UNITY

ADMINISTRATIVE OFFICE
9 – 12th Avenue South Nampa, ID 83651

208.468.5770

DATE: July 1, 2025

TO: Deb Root, Canyon County Development Services

FROM: Ron Johnson, Nampa Fire District, Fire Marshal, Representing Upper Deer Flat Fire District.

APPLICANT: Paul D. Nay and Michelle J. Nay

OWNER: Paul D. May and Michelle J. Nay

PROJECT ADDRESS: 14602 Deer Flat Rd.

RE: CR2022-0030

This application is for a rezone and lot split to create 3 lots with CR-RR zoning and one lot with CR-C1 zoning.

This review is being conducted by Nampa Fire Protection District for Upper Deer Flat Fire District. The Upper Deer Flat Fire District does not oppose the application subject to compliance with all the following code requirements and conditions of approval.

Water Supply Comments:

Idaho Statute 41-253 states that detached single family dwellings constructed on parcels five (5) acres or more outside an incorporated city and not within a designated area of city impact, shall be **exempt** from the water supply and access requirements of the adopted version of the International Fire Code.

Fire Access Comments: The residential lots will be exempt from these requirements; however I am including them, so you are aware of the minimum standards for fire apparatus access if you want to account for it in your design.

Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)

EXHIBIT
D6



EXCELLENCE
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ADMINISTRATIVE OFFICE
9 – 12th Avenue South Nampa, ID 83651

208.468.5770

Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)

The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)

Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. (IFC D102.1)

Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)

When a bridge or elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. (IFC 503.2.6)

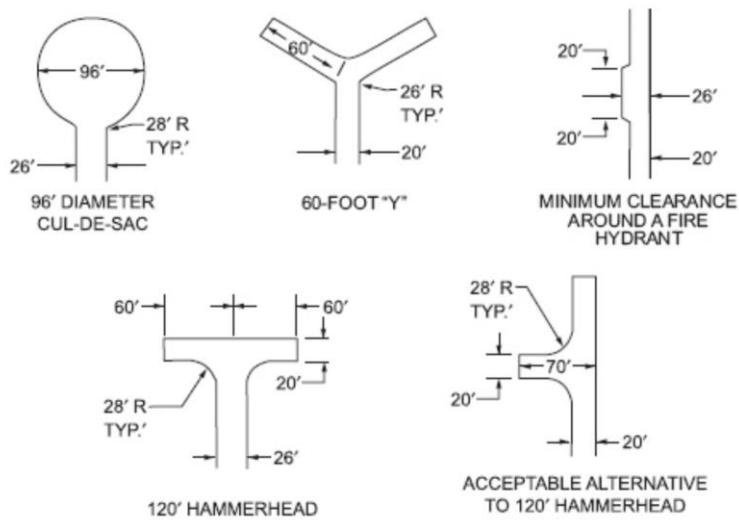
General Conditions

Specific building construction requirements of the International Building Code, International Fire Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Emergency Response Time Analysis and Service Impact:

The proposed lot is located 6.3 miles from the Upper Deer Flat Fire Department with an approximate driving time of 7 minutes. The overall response time could be significantly longer and varies due to Upper Deer Flat Fire District being a volunteer organization which requires time to assemble a crew of firefighters before responding. This land division does not have a negative impact on the service level of the Upper Deer Flat Fire District.

Fire Apparatus Turnaround Design Options



For SI: 1 foot = 304.8 mm.

FIGURE D103.1 DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

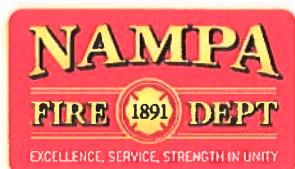
Debbie Root

From: Ron Johnson <johnsonrl@nampafire.org>
Sent: Tuesday, July 1, 2025 2:45 PM
To: Debbie Root
Subject: RE: [EXTERNAL]RE: [External] RE: [EXTERNAL]Legal Notice CR2022-0030 / Nay

Hi Deb,

If I understand correctly, they are just doing outdoor storage with no shelters? With no structures, I don't have any code to apply to water supply and access. We do encourage water supply and good access for outdoor storage. If they add buildings in the future, fire code would apply for both water supply and access. Do you need me to modify the letter to reflect that?

Regards,



Ron Johnson - IAAI-CFI, CFM
Deputy Chief - Fire Marshal
9 12th Ave South, Nampa, ID
O: 208.468.5760
C: 208.250.7005
[Nampa Fire Website](#) - [Facebook](#)

From: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Sent: Tuesday, July 1, 2025 2:03 PM
To: Ron Johnson <johnsonrl@nampafire.org>
Subject: [EXTERNAL]RE: [External] RE: [EXTERNAL]Legal Notice CR2022-0030 / Nay

CAUTION: This email originated outside the Nampa Fire domain. DO-NOT CLICK on links or open attachments unless you recognize sender email or are sure content is safe.

Ron,

Thank you for the review. Did you have any comments specific to the commercial proposal for an RV, Boat, Auto storage facility in CR-C1 (neighborhood commercial) zone?

Respectfully,

Deb Root, MBA
Canyon County Development Services
debbie.root@canyoncounty.id.gov
208-455-6034

From: Ron Johnson <johnsonrl@nampafire.org>

Sent: Tuesday, July 1, 2025 1:36 PM

To: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>; Debbie Root <Debbie.Root@canyoncounty.id.gov>

Subject: [External] RE: [EXTERNAL]Legal Notice CR2022-0030 / Nay

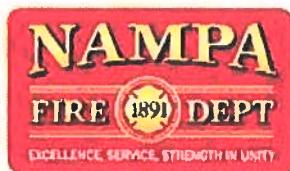
EXHIBIT
D6.1

Good afternoon,

Please see attached comments prepared by the Nampa Fire Protection District representing the Upper Deer Flat Fire District.

Please contact me if you have any questions.

Best regards,



**Ron Johnson - IAAI-CFI, CFM
Deputy Chief - Fire Marshal**

9 12th Ave South, Nampa, ID

O: 208.468.5760

C: 208.250.7005

[Nampa Fire Website](#) - [Facebook](#)

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>

Sent: Friday, June 13, 2025 1:27 PM

To: 'rcollins@cityofcaldwell.org' <rcollins@cityofcaldwell.org>; 'P&Z@cityofcaldwell.org' <P&Z@cityofcaldwell.org>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'jdodson@cityofcaldwell.org' <jdodson@cityofcaldwell.org>; 'mbessaw@cityofcaldwell.org' <mbessaw@cityofcaldwell.org>; 'amy@civildynamics.net' <amy@civildynamics.net>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'jhutchison@middletoncity.org' <jhutchison@middletoncity.org>; 'mhobbs@middletoncity.org' <mhobbs@middletoncity.org>; 'rstewart@middletoncity.org' <rstewart@middletoncity.org>; 'sellersr@cityofnampa.us' <sellersr@cityofnampa.us>; 'watkinsk@cityofnampa.us' <watkinsk@cityofnampa.us>; 'BadgerD@cityofnampa.us' <BadgerD@cityofnampa.us>; 'addressing@cityofnampa.us' <addressing@cityofnampa.us>; 'critchfieldd@cityofnampa.us' <critchfieldd@cityofnampa.us>; 'clerks@cityofnampa.us' <clerks@cityofnampa.us>; 'timc@cityofnampa.us' <timc@cityofnampa.us>; 'notuscyclerk@gmail.com' <notuscyclerk@gmail.com>; 'clerk@cityofparmaidaho.org' <clerk@cityofparmaidaho.org>; 'mayor@cityofparmaidaho.org' <mayor@cityofparmaidaho.org>; 'publicworks@cityofparmaidaho.org' <publicworks@cityofparmaidaho.org>; 'cityhalladmin@cityofparmaidaho.org' <cityhalladmin@cityofparmaidaho.org>; 'snickel@staridaho.org' <snickel@staridaho.org>; 'jmckillican@cityofwilder.org' <jmckillican@cityofwilder.org>; 'kbagley@cityofwilder.org' <kbagley@cityofwilder.org>; 'casanderson@caldwellschools.org' <casanderson@caldwellschools.org>; 'nicmiller@cwi.edu' <nicmiller@cwi.edu>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'bgraves@kunaschools.org' <bgraves@kunaschools.org>; 'tejensen@kunaschools.org' <tejensen@kunaschools.org>; 'nstewart@marsingschools.org' <nstewart@marsingschools.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'Horner.Marci@westada.org' <Horner.Marci@westada.org>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'krantza@notusschools.org' <krantza@notusschools.org>; 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'jdillon@wilderschools.org' <jdillon@wilderschools.org>; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; 'homedalefd@gmail.com' <homedalefd@gmail.com>; 'tlawrence@kunafire.com' <tlawrence@kunafire.com>; 'khinkle@kunafire.com' <khinkle@kunafire.com>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>;

EXHIBIT E
Public Comments Received
Case# CR2022-0030

E

Debbie Root

From: Daniel Cabunoc <dcabunoc@gmail.com>
Sent: Monday, July 7, 2025 9:12 PM
To: Debbie Root
Subject: [External] Comment on CR2022-0030

Deb Root and the Canyon County Development Services Department,

Thank you for the invitation to comment on case CR2022-0030. This email is to express opposition to the proposed zoning application for a storage facility at 14602 Deer Flat Rd. Unfortunately, my wife and I will be unavailable to attend the hearing due to previously scheduled obligations, but we request that the board considers our comments.

We see the proposal includes the development of three residences. As owners of a lot in the prospective Meadow Vista Ranch Subdivision, more homes and neighbors would be a welcome and fitting addition to the area. RV storage, on the other hand, would negatively impact this future neighborhood.

Primary concerns include:

- Security: A storage facility will result in noise and traffic of strangers adjacent to property lines. This would reduce the general sense of security for neighbors.
- Visual Impact: The structures and stored vehicles will detract from the sense of country living this area affords.
- Impact on Property Values: For the reasons above, we believe the storage facility will decrease property values. Can anyone honestly desire to build their home and raise their children next to a storage facility?

The proposed storage facility would severely damage the value of our family's largest asset and remove any incentive to invest in developing our lot. Please consider these concerns, as we request disapproval of this zoning application.

Thank you for your time and consideration.

Sincerely,
Daniel and Grace Cabunoc

EXHIBIT
E1

Debbie Root

From: Lee Haskill <haskill.lee@gmail.com>
Sent: Monday, July 7, 2025 2:45 PM
To: Debbie Root
Subject: [External] Case No. CR2022-0030 Conditional Rezoning - Parcel R30127

Case number CR2022-0030

Heather Haskill and I (Lee Haskill) are the Nays' next-door neighbors. We live at 14600 Deer Flat Rd., just to the east of their property. They are wonderful people. We couldn't ask for better neighbors, and we will continue to appreciate them, regardless of the outcome of this request.

We prefer that the RV storage facility not be approved. The nearby subdivision includes several million-dollar homes. The view out here is tremendous. The storage facility would take away from that and decrease property values. There are no other commercial businesses in the area. I've been told the Canyon County government would like to keep this area agricultural. This adds to the beautiful view as one looks south toward the Owyhee Mountains.

We hesitated to write this because of how much we appreciate the Nays. We will continue our positive relationship with the Nay family, no matter the outcome of this request.

Thank you,

Lee and Heather Haskill

Lee Haskill
Owner - Lloyd and Lee Tennis Academy
haskill.lee@gmail.com
bopperr204@gmail.com
208-899-9991 (cell w/text)

EXHIBIT
E2

EXHIBIT F

DRAFT – Findings of Fact, Conclusions of Law & Order (FCOs)

Case# CR2022-0030

F

**DRAFT CONDITIONS OF APPROVAL
TO BE ENUMERATED IN DEVELOPMENT AGREEMENT**

RESIDENTIAL:

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. The development shall not exceed three residential parcels with a minimum acreage of six (6) acres.
4. Any development exceeding four total parcels on the 42.4 acres will require a modification of the development agreement and shall be platted as a subdivision in accordance with Article 17 or as amended at the time of application and development.
5. The development and placement of secondary residences, if allowed at time of development, shall be located within 200 feet of the primary residence and shall be subordinate to the primary residence in size. The secondary residence shall utilize the primary residence well. The secondary residence shall not be divided from the primary residence parcel without receiving approval through application with Development Services inclusive of development agreement modification and platting as a residential subdivision.
6. 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.

COMMERCIAL:

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 only use proposed and provided for through this conditional rezone from "A" (Agricultural) to "CR-C1" (CR-Neighborhood Commercial) is an outdoor storage facility for RVs, boats, automobiles.
3. 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

**EXHIBIT
F**

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 submission of a conditional use permit application within six (6) months of approval by the Board of County Commissioners for the conditional rezone to neighborhood commercial.
4. The development shall apply for a conditional use permit (CUP) in accordance CCZO §07-10-27. The project and developed plan will be considered for approval through the conditional use permit process after additional noticing.
 - a. The development shall be restricted to 350 units of any type automobile, RV (motorized or pull type), trailers or boats.
 - b. The facility shall not be used as an impound yard or lot defined as "*Any portion, piece, division or parcel of land, excluding fully enclosed buildings, that is used for the storage or holding of distressed vehicles or personal property, or for the care and keeping of vehicles or personal property whether taken into the custody of the law or for other reasons.*" (CCZO §07-02-03)
 - c. The development shall be graded with developed marked and unimpeded access circulation roadways that meet fire district requirements including 20 foot wide roadways sufficient to carry a 75,000 lb fire apparatus. Roads shall not exceed 10% grades.
 - d. The development shall have marked parking stalls not to exceed 350 and shall be maintained in an orderly manner.
 - e. The development shall provide a wastewater RV dump facility and have the facility pumped on a regular interval. Care should be taken to ensure no RV's are dumping black or grey water directly to the ground.
 - f. No RV's, boats, automobiles shall be occupied on the facility other than to pick-up or to park.
 - g. All parked/stored vehicles, boats, trailers shall be in running/road worthy condition and in good repair. No (junk or parted out vehicles) shall be stored on the facility.
 - h. No vehicles, boats, trailers shall be parked along the road frontage of Deer Flat Road.
 - i. The existing non-conforming office trailer must be permitted with Development Services or must be removed from the property prior to commencement of operations.

- j. The developer shall file an application to divide the 17.64 acre commercial property separate from the balance of the property within 90 days of approval of the application.
- k. Any lighting for the facility shall be inward, downward facing and shielded to limit the light pollution and main the light on the facility.
- l. The facility shall be maintained in a substantially weed free condition. The facility shall be maintained in compliance with CCZO Article 1 Public Nuisances ordinance.
- m. Landscaping inclusive of a mix of deciduous and evergreen trees and shrubs that provides sufficient screening to minimize visual impacts from elevated residential lots shall be installed on the north, east, and west boundaries of the subject property on the elevated boundaries of the abandoned mineral extraction site. The mix of trees shall include 70% evergreen trees to ensure screening of storage operations year-round. Irrigation shall be installed to ensure that trees are maintained in living condition. A landscape and irrigation plan by a licensed professional landscape architect shall be submitted with the application for a conditional use permit for outdoor storage (RV, Boat, and Automobile)

BOARD OF COUNTY COMMISSIONERS

EXHIBIT 4:

AGENCY COMMENTS

EXHIBIT
4



Lisa Boyd, Superintendent

5207 S. Montana Avenue
Caldwell, ID 83607
Phone (208) 454-0445
Fax (208) 454-0293

December 4, 2025

Re: CR2022-0030 Paul Nay Conditional Rezone

Dear Canyon County Development Services,

If approved, students living in the proposed subdivision would attend West Canyon Elementary School, Vallivue Middle School, and Vallivue High School.

Although growth projections show that most elementary schools in the Vallivue School District will reach or exceed capacity by 2029, West Canyon Elementary is expected to be the least impacted. However, its attendance boundaries were intentionally drawn to absorb growth and lessen the enrollment pressure that many of our other elementary schools are experiencing.

For example, the Greenmont South, Hoshaw, and Solstice subdivisions are geographically closer to Falcon Ridge Elementary and Central Canyon Elementary. Still, we intentionally assigned them to West Canyon because growth around our other schools is occurring so rapidly. Sending these subdivisions to West Canyon helps prevent the majority of our schools from reaching capacity too quickly.

Even with this strategic boundary placement, approving additional developments within the West Canyon attendance area makes it increasingly difficult to keep all schools at appropriate enrollment levels over the next 5 to 10 years.

Below is a list of current and proposed developments—at various stages of approval and construction—that will continue to add enrollment pressure to West Canyon Elementary over the long term:

- **Chickasaw:** 300 single family attached homes
- **Howshaw:** 428 single family attached homes
- **Greenmont South:** 344 single family attached homes
- **Verbena Ranch:** All the homes west of 10th ave on this development
- **Element Ridge:** 215 single family attached homes
- **Christensen:** 135 single family attached homes
- **Vineyard Gates:** 20 single family attached homes
- **Solstice:** 100 single family lots
- **Granite Crest:** 319 single family lots

Vallivue School District will find it increasingly challenging to sustain appropriate enrollment levels in the years ahead if developments continue to be approved. Thank you for your consideration.

Sincerely,

Joseph Palmer
Assistant Superintendent

EXHIBIT
4.a.

BOARD OF COUNTY COMMISSIONERS

EXHIBIT 5:

PUBLIC COMMENTS

Debbie Root

From: Lee Haskell <haskell.lee@gmail.com>
Sent: Saturday, December 27, 2025 5:14 PM
To: Debbie Root
Cc: Heather Haskell
Subject: [External] Case Number CR2022-0030

Hello Ms. Root,

We live next door to Mr. Nay. Our address is 14600 Deer Flat Rd.

I often chat with Paul concerning his plans for the property. The change from agricultural to rural residential is a great move.

My wife, Heather, whom I cc'd here, also endorses it.

It will improve the neighborhood. His plans for subdividing the land into large segments will likely increase everyone's property values.

I also appreciate Canyon County recognizing the value of keeping a large swath of this area agricultural. We have such a wonderful view here. Canyon County continues to make this a great place to live. Thank you!

Lee Haskell
Owner - Lloyd and Lee Tennis Academy
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BOARD OF COUNTY COMMISSIONERS

EXHIBIT 6:

NEW/REVISED APPLICATION MATERIALS

CR2022-0030 Application for Conditional Rezone

Nay Application

2025 Response and clarified answer for rezone.

CR-RR

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Yes. The rezone to RR will be consistent with the Comprehensive Plan. The plan states that residential designation should be encouraged “within areas that demonstrate a development pattern of residential land uses”. The 2020 Comprehensive Plan Map shows the property being projected as RR.

2. When Considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Yes. The parcel is poorly situated to be utilized as agricultural farm ground. Steeper slopes and less fertile soil have proven unsuccessful for crop growth. RR Zoning will allow the parcel to be split into a few smaller, more manageable residential lots that will accommodate a rural lifestyle and residential use.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Yes. The property adjacent East is zoned RR and the 2020 Comprehensive Plan has projected the zone for the property.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

No. The proposed rezone to RR will allow the parcel to be divided into lots that will closely match several of the surrounding parcels. Very little if any impact will occur to surrounding area. The existing private drive may need to be widened to accommodate additional users per the county district standard but the current fenced easement will accommodate the additional roadway width. There is an additional existing access where the pit entrance was and some of the property can also be accessed from this entrance as also.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Yes. Power and phone already exist on the East side of the property. The lot size will be large enough to accommodate well and septic systems as consistent with the residential zoning plan. The property has water rights for irrigation from wells and natural drainage to an existing tail-water ditch at the low point in the property for drainage.

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?

No. The public street will not require improvements. There are two existing private paved driveways. One entrance to the east is 20 feet wide and meets the county standard for multiple user access. As mentioned in item #4 the private driveway may need to be widened to accommodate additional vehicles and a road users' agreement established to meet the county requirements if additional lots are accessed from this drive. There is an established 30ft perpetual access agreement with parcel 30126010. A modified users' agreement will be recorded and the road improved if additional lots are to be accessed from that eastern most driveway.

There is another existing paved access road on the western edge of the property. It is 30ft and will allow access to new split lots. In either choice a road users' agreement will be necessary to facilitate more than 2 properties.

7. Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?

Yes. As noted in item #6

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?

No. The need for a wider roadway to allow more free access to any additional houses for fire and first responders would be the only impact to essential public services.

We have been informed that a rezone to RR will allow the entirety of the parcel (42.39 acre) to be split into a maximum of 4 parcels with no parcel being less than two acres if we choose not to re-plat. The final layout for lots has yet to be determined. Some elements of the original application have changed from comments made in the first zoning board meeting. Due to these changes, we request the entire property be rezoned RR. Lots splits will meet the minimum of 2 acres once the final layout is determined with a decided tendency toward 3 acres or larger which will be similar to the subdivision next door and surrounding. It is possible that a developer may wish to step in and re-plat this ground and we would like to keep that option available during the two year commencement restriction that has been placed as a condition of the rezone.

Thank you for your consideration

Paul & Michelle Nay

Debbie Root

From: Paul Nay <tci_@msn.com>
Sent: Monday, December 29, 2025 11:24 PM
To: Debbie Root
Subject: [External] Re: DRAFT Report and Conditions

Debbie,

Overall I don't have a problem with most of this. I am not on board for lots with no secondary building permit. I am ok with it being subordinate to the main residence but all lots will need to have the option for two living structures.

Line 8 on page 11 is a deal breaker. I will not be dumping refuse but the revenue potential from dumping used concrete with rebar along with brick and rock and dirt is significant. I will not have that potential income stream taken away. The re-use of the pit as a dump site is essentially a temporary situation albeit long term to completion. In the end it will generate additional returns on the property and end up with more usable grazing land for cattle or horses when the site is returned to at or near original grades.

I would be sure to include that the neighboring property has began dumping concrete and lava rock similar to what I plan to do. It was expressley brought up to all concerned property owners at the previous meeting and specifically asked if they would consider it a problem to which each and every one answered that tit would not be a concern.

Paul Nay

From: Debbie Root <Debbie.Root@canyoncounty.id.gov>
Sent: Monday, December 29, 2025 3:47 PM
To: 'Paul Nay' <tci_@msn.com>
Subject: DRAFT Report and Conditions

Paul,

I have to submit this report to the Board tomorrow but wanted to let you review report and conditions. Please review and let me know if you have major concerns. All can be addressed at the hearing as well but it would be good to have your concerns/thoughts ahead of the meeting.

The balance of the staff report is available on the website (PZ staff report, exhibits, minutes, etc.)

Respectfully,

Deb Root, MBA
Canyon County Development Services
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