

# Smith

# CR2025-0004

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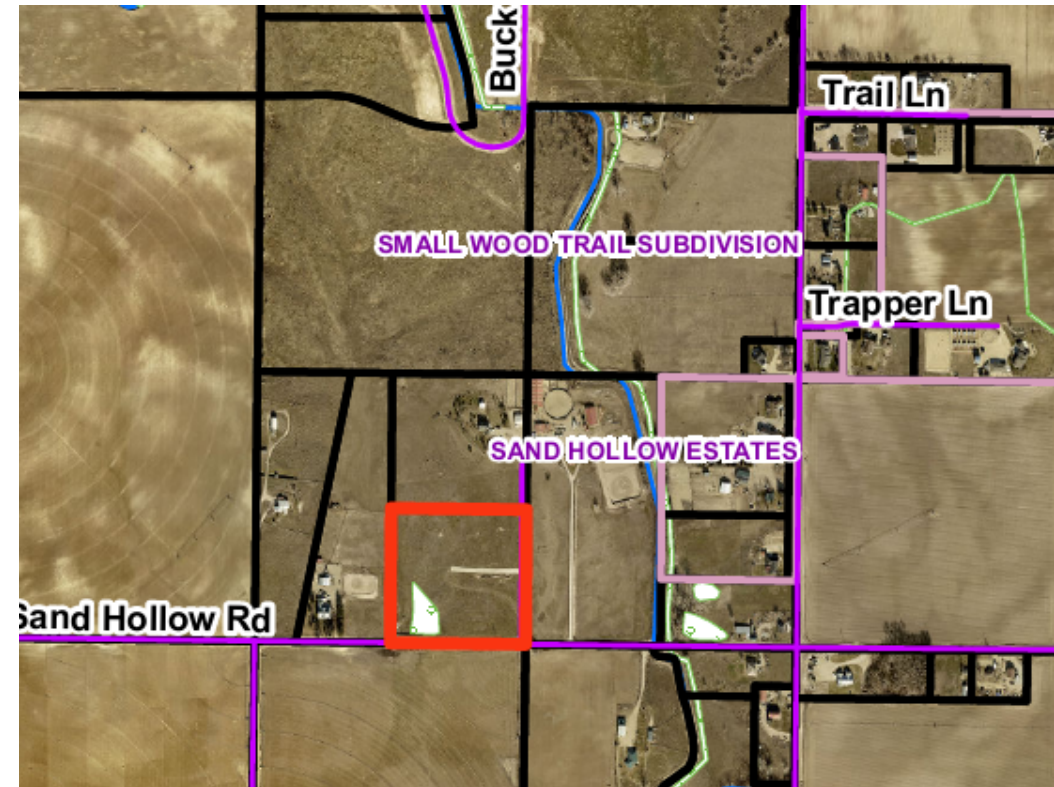
Hearing Body: Board of County Commissioners



# REQUEST

The applicant, Josef Smith, requests a conditional rezone of Parcel R37795011, approximately 9.9 acres, from an “A” (Agricultural) zone to a “CR-R-R” (Conditional Rezone - Rural Residential) zone. The request includes a development agreement limiting development to two residential lots.

The subject property is located at 28049 Happy Lane, Caldwell,



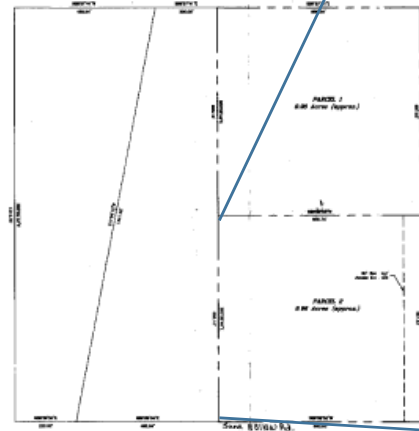
Ex. 3.B.2a



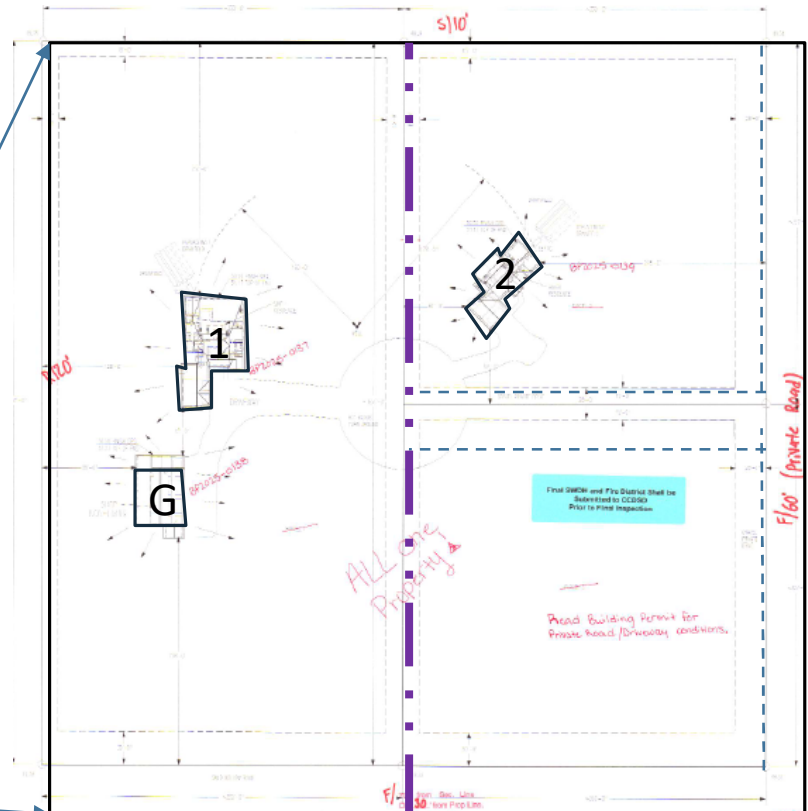
# BACKGROUND

In 2007, the subject parcel was created via a conditional use permit (CU2006-134, Exhibit B.3).

In 2025, a dwelling (BP2025-0137), a shop (BP2025-0138), and a secondary dwelling (BP2025-0139) were permitted on the subject parcel. See Exhibit B.4.



Ex. 3.B.3



Ex. 3.B.4

# EVALUATION CRITERIA (§07-06-07(6)A)

1. Is the proposed conditional rezone generally consistent with the comprehensive plan;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

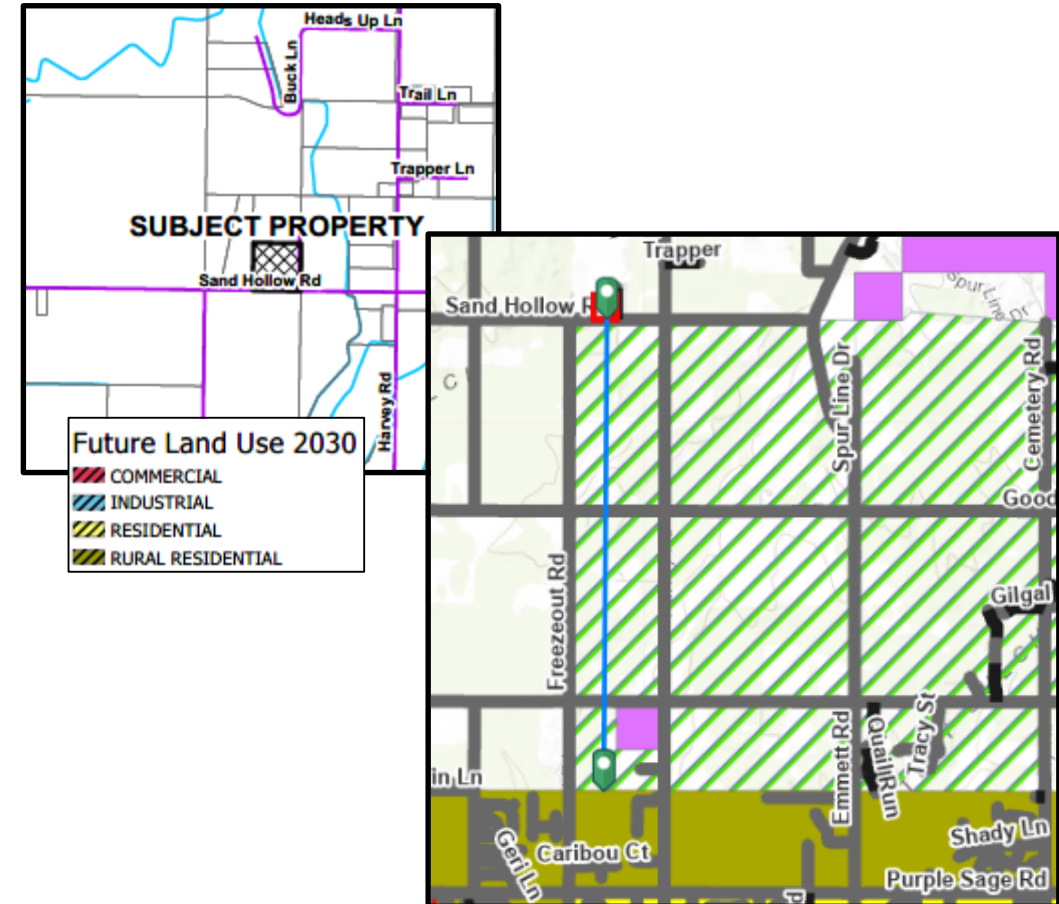


# COMPREHENSIVE PLAN

The future land use map designates the future land use as agriculture and is located near an intensive agricultural overlay (Exhibit 3.B.2c). The nearest similar residential designation is located north of Purple Sage Road, approximately 2.47 miles south.

- ❑ As conditioned, the request creates two lots. The proposed west lot has an existing dwelling and shop (BP2025-0137 & 0138). A secondary dwelling will be prohibited on said lot. The proposed east lot has an existing dwelling currently used as a secondary dwelling (BP2025-0139) and requests that the lot be allowed a secondary dwelling.
- ❑ Due to the property abutting agricultural land to the south, a 250-foot setback from Sand Hollow Road is proposed, where agricultural uses or open space will be preserved and maintained.
- ❑ As conditioned, the applicant will provide an exterior lighting plan to ensure all exterior lighting is shielded downward and directed away from other adjacent properties.
- ❑ As conditioned, the applicant states the request promotes balanced rural living and agricultural preservation by transforming underutilized property into two smaller productive agricultural parcels while maintaining low density and open space (Exhibit 3.A.2).

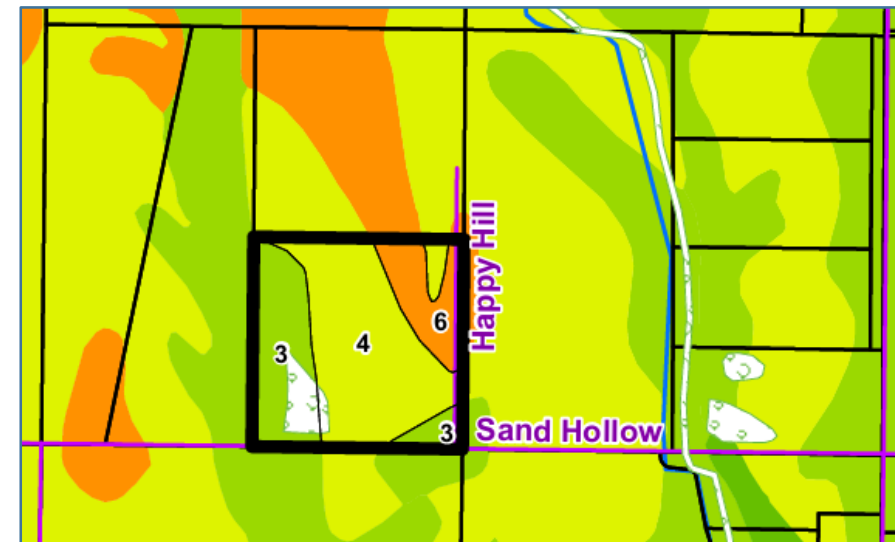
As conditioned, the request aligns with 3 goals and 5 policies of the Plan, which include property rights, recognizing that ag and non-ag parcels can co-exist, and development on poor soils instead of viable ground.



# SURROUNDING AREA/CHARACTER: EXISTING

The majority of the area is zoned “A” (Agricultural). The average lot size within a 600-foot radius is 23.33 acres with a median lot size of 9.99 acres (Exhibit 3.B.2f). The parcel is surrounded by parcels that are 10 acres to 80 acres (Exhibit 3.B.2b).

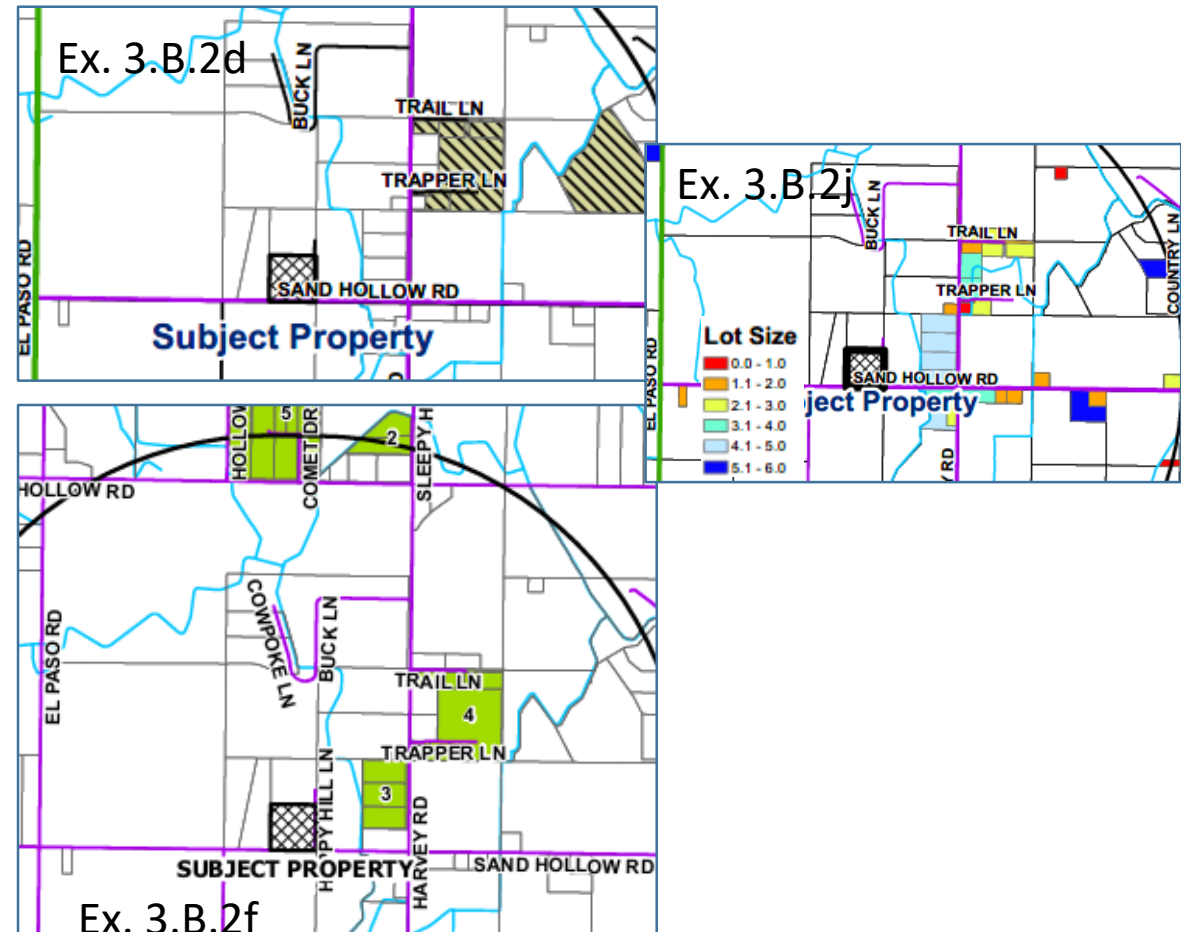
The soil classification of the parcel ranges from Class III (Moderately suited soil) to Class VI (Least suited soil) due to slopes (Exhibit 3.B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits 3.B.3 & 3.B.4). Based on aerial history (Exhibit 3.C), there has not been any productive agricultural uses on the property other than perhaps livestock.

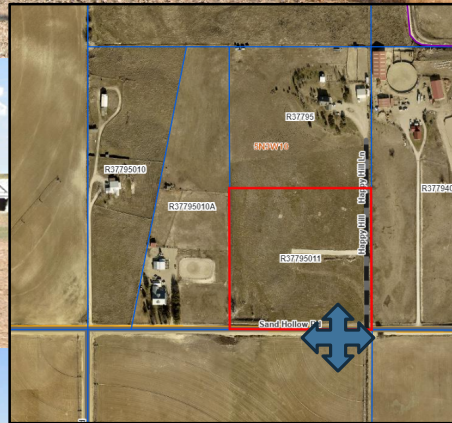


# SURROUNDING AREA/CHARACTER: EXISTING

## Surrounding Land Use Cases:

- There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit 3.B.2f).
- Within the vicinity, there are seven parcels with a 4.1-5.0 lot size (Exhibit 3.B.2j). The smaller lot sizes were created via land division or original parcels (created on or before September 6, 1979, CCCO §07-02-03).
- Within a one-mile radius, there are conditional rezones to “R-R” approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit 3.B.2d).

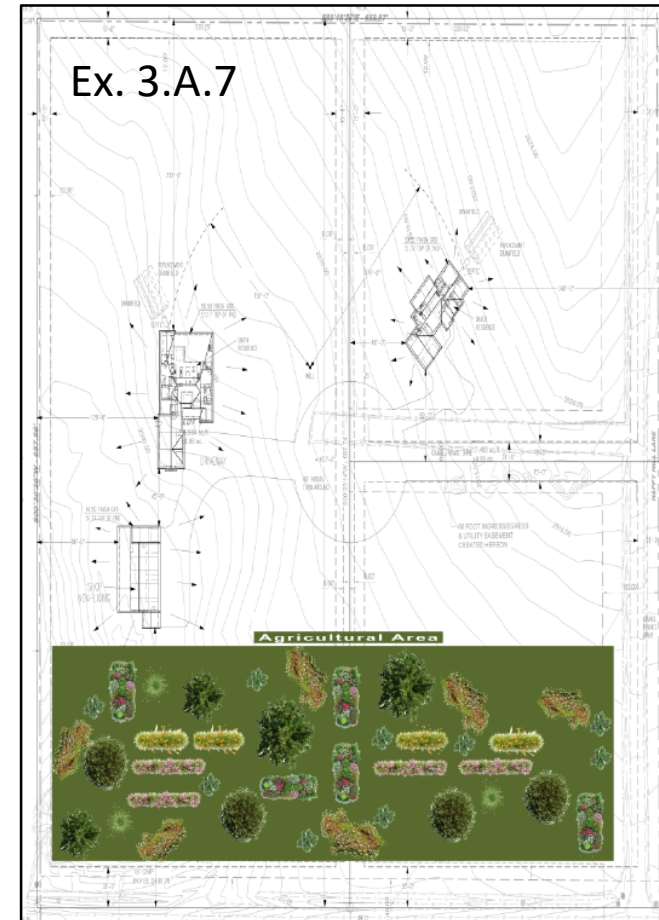




# SURROUNDING AREA/CHARACTER: PROPOSED

As conditioned, the request creates two lots.

- The proposed west lot has an existing dwelling and shop (BP2025-0137 & 0138). A secondary dwelling will be prohibited on said lot.
- The proposed east lot has an existing dwelling currently used as a secondary dwelling (BP2025-0139) and requests that the lot be allowed a secondary dwelling.
- Conditions include a buffer setback from large production farmland south of Sand Hollow Road and the submittal of an exterior lighting plan to ensure all exterior lighting is shielded downward and directed away from adjacent properties.



# SERVICES

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- **Sewer:** The parcel has two dwellings served by septic systems. Southwest District Health states the parcel is not in a nitrate priority area and is not concerned about the request (Exhibit D.5).
- **Water:** The parcel has two dwellings served by domestic wells. The applicant states they will share the well with the future secondary dwelling on the proposed east lot (Exhibit A.2). The well, whether shared or not, must comply with Idaho Department of Water Resources requirements. At the time of platting, water rights for domestic use will need to be demonstrated.
- **Drainage:** Runoff is maintained onsite. The property has a slope less than 15% from north to south and has an existing drainage retention area located at the southwest corner of the parcel (Exhibits B.2a and B.2h). The subsequent subdivision plat will be required to demonstrate stormwater and runoff maintenance.
- **Irrigation:** The parcel does not have surface water rights through Black Canyon Irrigation District (Exhibit E.3). Therefore, irrigation will be provided through the Idaho Department of Water Resources (IDWR) via domestic wells or irrigation well water rights granted.
- **Utility:** The parcel and the parcel to the north have existing dwellings served by utilities. The subsequent subdivision platting will be required to provide utility easements for utility connectivity (CCCO §07-17-09 & 13).

# ACCESS/TRAFFIC

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## ACCESS

The subject property and parcel to the north are served by a private road, Happy Hill Lane (RD2024-0032).

- The private road has a road user's maintenance agreement (Instrument No. 2007-056827) and is built to private road construction standards (CCCO §07-10-03(3), Exhibit 3.B.4).
- The request will require subsequent subdivision platting, which will require the private road to be located within a road lot (CCCO §07-17-31).
- HD4 approved an access permit for both existing dwellings and collected impact fees (Exhibit 3.D.1). Any future dwelling will be required to pay impact fees.

## TRAFFIC

- The request allows for one more dwelling than what currently exists. The total average daily trips generated is 28.56 trips. The private road is already constructed to construction standards, serving fewer than 100 average daily trips (Exhibit 3.B.4).
- Idaho Transportation Department and Highway District #4 comments find the request will not require a traffic impact study (Exhibits 3.D.1 & 3.D.2).

# ESSENTIAL SERVICES

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- **School:** Middleton School District. No comments.
- **Police:** Canyon County Sheriff's Dept. No comments.
- **Fire/Emergency Medical Services:** Middleton Fire and County Ambulance/EMS. No comment.
- **Irrigation District:** Based on comments received, the property does not have irrigation services from BCID (Exhibit 3.D.3).

# NOTIFICATION & COMMENTS

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- Affected agencies and property owners within 600 feet were notified per CCCO §07-05-01.
- Public Comments - None
- Affected Agencies - Exhibit 3.D
  - Highway District #4
  - Idaho Transportation Dept.
  - Black Canyon Irrigation District
  - Idaho Department of Environmental Quality
  - Southwest District Health
  - City of Nampa
  - IDWR – Floodplain



# P&Z RECOMMENDED CONDITIONS

## APPROVE SUBJECT TO THE FOLLOWING DEVELOPMENT AGREEMENT CONDITIONS:

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 subject parcel, R37795011, shall be subdivided in compliance with Chapter 7, Article 17 of the Canyon County Code of Ordinances (CCCO), subject to the following restrictions:
  - a. The parcel shall be divided in substantial compliance with the applicant's site plan (Exhibit 3.A.7).
  - b. Secondary residences per CCCO §07-02-03, §07-10-27, and §07-14-25 are prohibited. ~~Secondary residences per CCCO §07-02-03, §07-10-27, and §07-14-25 are prohibited on the west lot.~~
  - c. A 250-foot buffer along Sand Hollow Road in substantial compliance with the applicant's letter of intent (Exhibits 3.A.2 & 3.A.7) shall be provided where agricultural production and open space will be preserved.
  - d. At the time of the preliminary plat, an exterior lighting plan shall be provided demonstrating that all existing and future exterior lighting will be shielded downward and directed away from adjacent properties.
3. The request shall comply with CCCO §07-06-07(4) Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."



Questions?



