

# CR2024-0012

## Cheney

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APPLICANT: ANDREW MCFARLAND

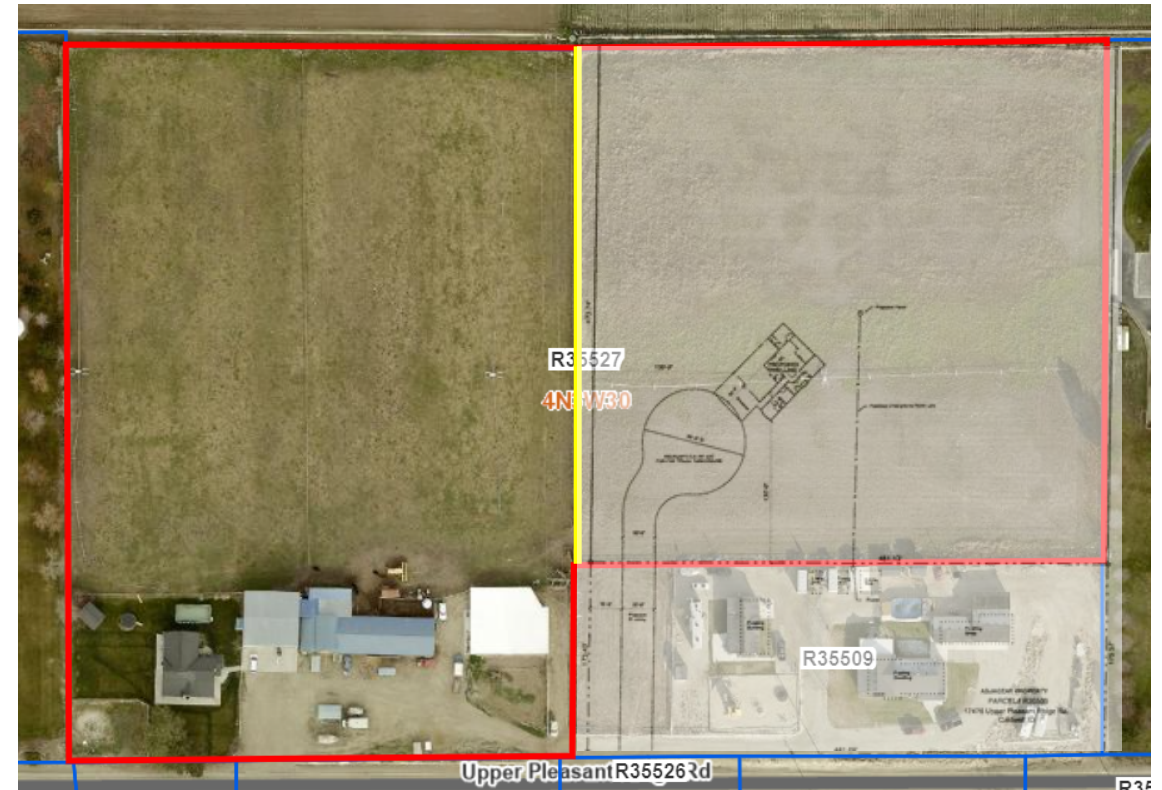
OWNER: SHAYNE CHENEY



# REQUEST:

The applicant requests a Conditional Rezone of Parcel R35527, approximately 12 acres, from the “A” (Agricultural) zone to the “CR-R-R” (Conditional Rezone- Single-Family Residential) zone.

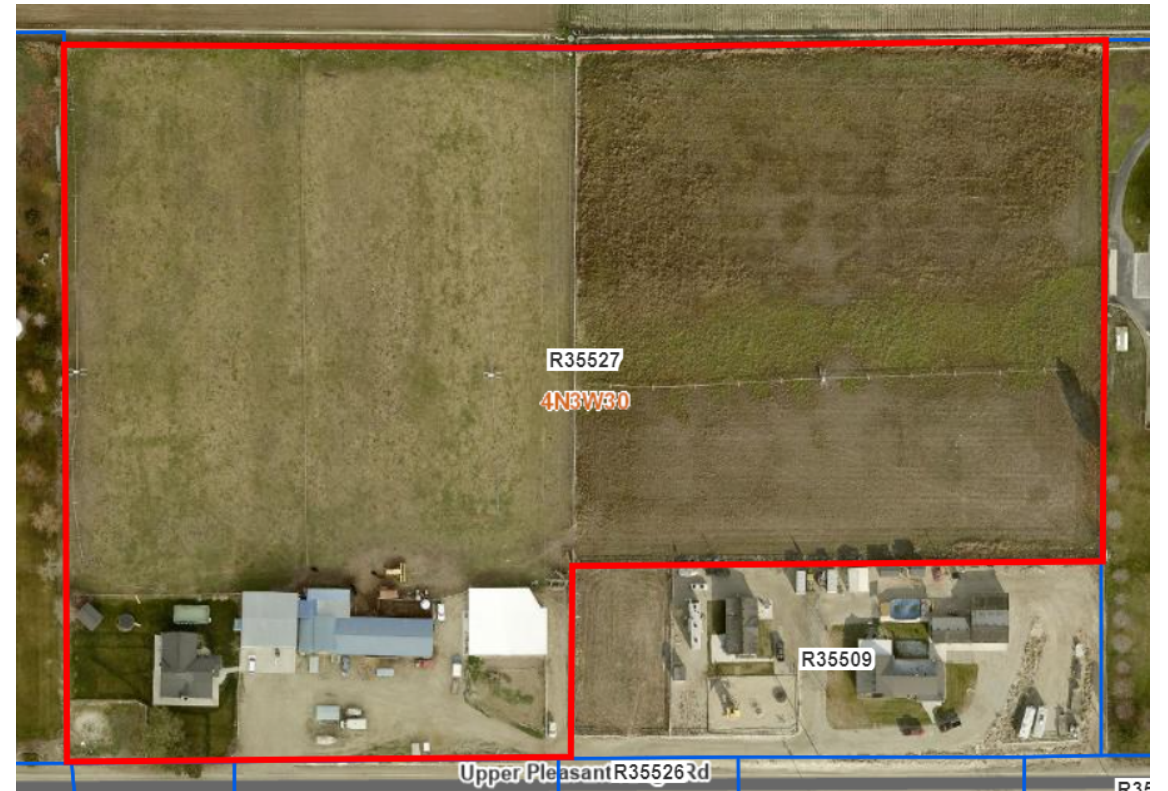
The request includes a Development Agreement restricting development to one (1) division, for the purposes of creating an approximately 5-acre and 7-acre parcel.



# GENERAL BACKGROUND:

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- Parcel R35527 is currently zoned Agricultural (“A”) with a future land use of Agriculture.
- This parcel was first divided to in 1996 (LS2004-292). Multiple property boundary adjustments have occurred on the property since the initial division.
- There is currently a primary residence and accessory structures on site.



# Planning and Zoning Commission Recommendation - Denial

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Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case #CR2024-0012, a conditional rezone of an approximately 11.99-acre parcel, (Parcel R35527) from the Agricultural Zone to the Conditional Rezone-Rural Residential Zone.

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

1. Apply for a conditional rezone to rural residential with conditions restricting number of divisions, secondary residences, and adding building envelopes to protect the agricultural uses on site.

# CONDITIONAL REZONE CRITERIA - (07-06-07(6)A):

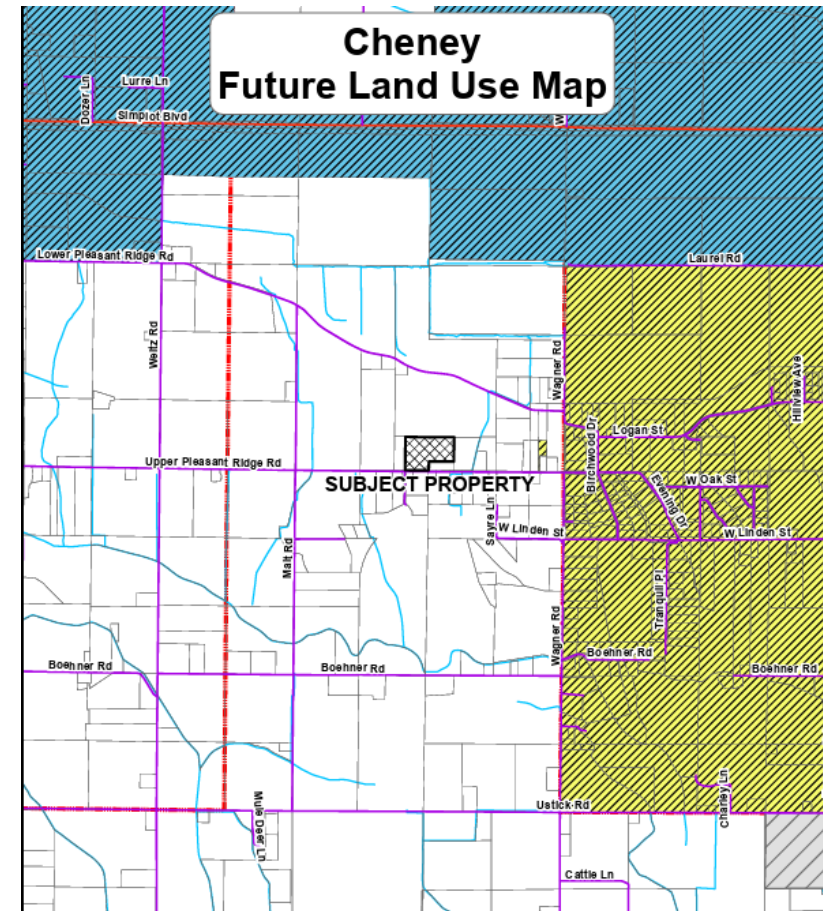
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1. Is the proposed conditional rezone generally consistent with the comprehensive plan;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts? (Ord. 16-007, 6-20-2016)



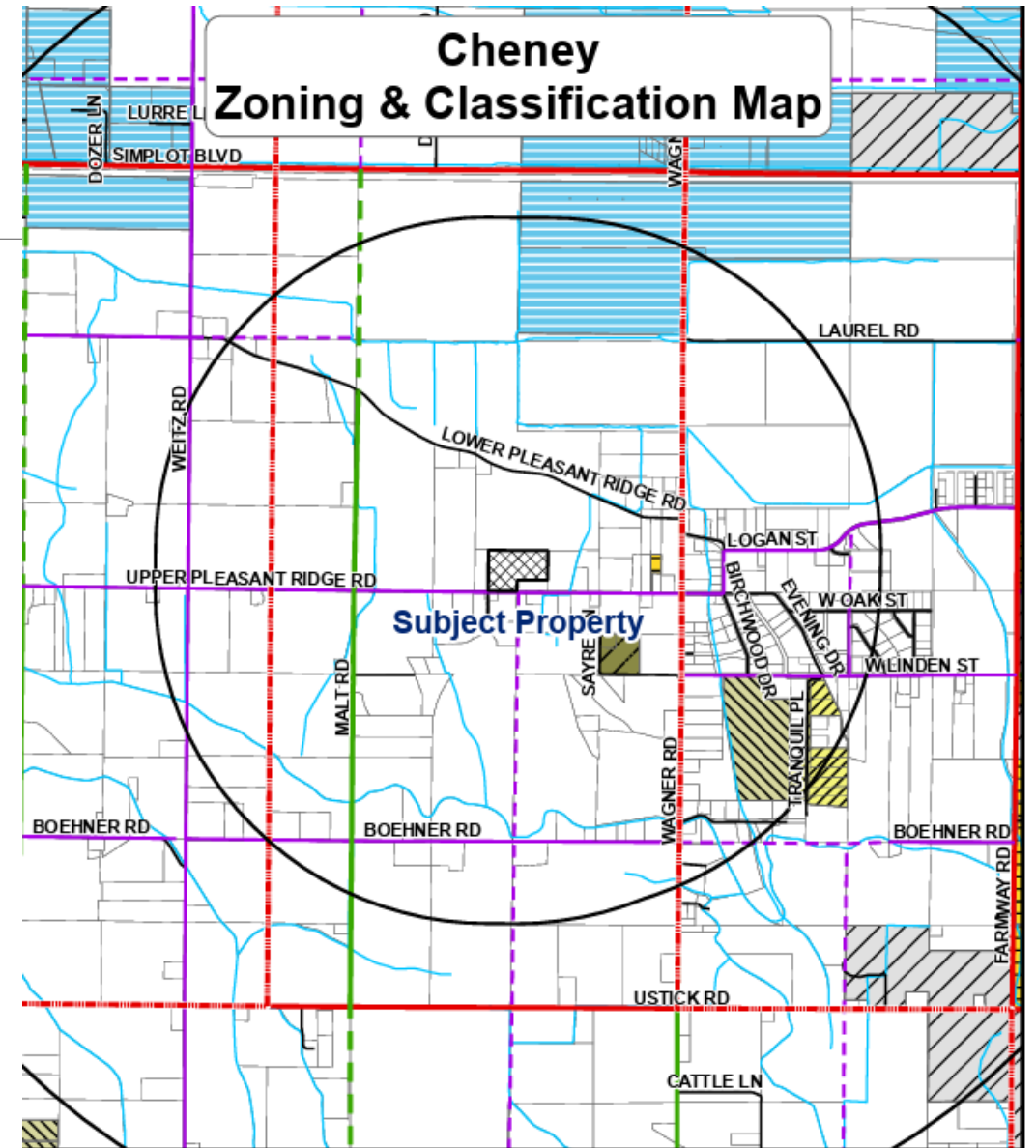
# CONDITIONAL REZONE CRITERIA 1: COMPREHENSIVE PLAN CONSISTENCY

- Canyon County's Future Land Use Map for 2030 calls for agriculture for this property and does not promote residential growth.
- The area is also not within an Area of City Impact.
- The request is not consistent with 5 goals and 7 policies of the 2030 Comprehensive Plan.



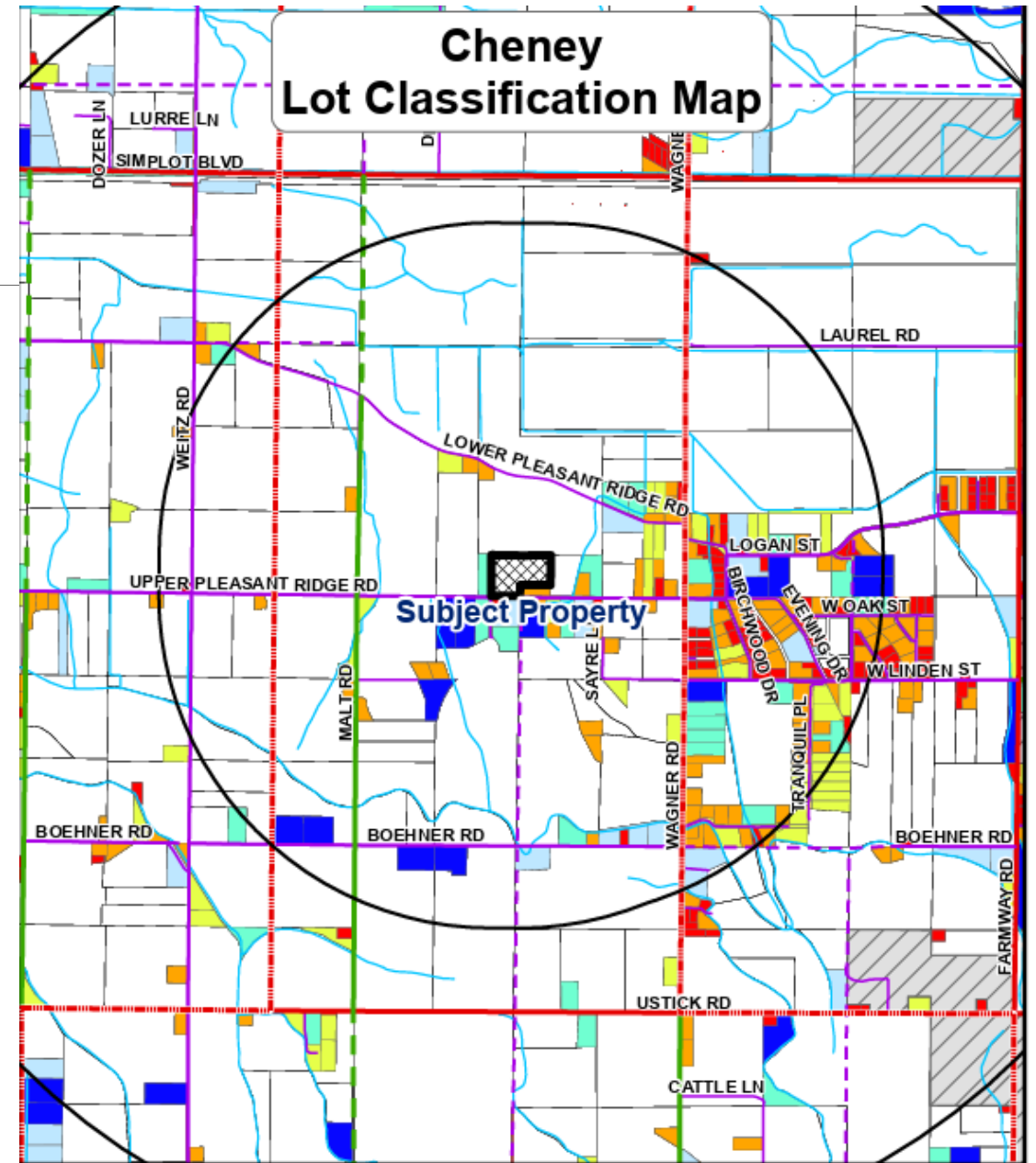
# CONDITIONAL REZONE CRITERIA 2-3: SURROUNDING LAND USES

- The surrounding area primarily contains agricultural uses with some residential uses.
- Within the 600-foot notification distance, there are 21 parcels with an average parcel size of 13.46 acres
  - The applicant is proposing a 5-acre and 7-acre, which is not consistent with the average parcel size.
- The surrounding area mainly consists of agricultural zoning with only some residential zoning mainly found east of Wagner Road, demonstrating the area is not well suited for rural residential zoning at this time.
- Many of the recent land use cases in the area are found east of Wagner Road and not in the area immediately surrounding the subject property, further demonstrating this area is not yet trending to be residential.



# CONDITIONAL REZONE CRITERIA 4: CHARACTER OF THE AREA

- The surrounding area contains agricultural uses with some residential uses.
- The average parcel size in the area is 13.46 acres. If the three (3) large-acreage parcels are not considered, the average parcel size is 3.91 acres.
- This area appears to be a transition area between residential uses on 1–2-acre parcels east of Wagner Road to small-acreage parcels with a residence (between 3–10-acre parcels — where the subject property is located) found west of Wagner Road and large agricultural parcels (30-acres or more) found east and west of Malt Road.



Proposed 5-acre Division Area Facing North



Proposed 5-acre Division Area Facing Northeast



Facing South at the northern boundary of Parcel R35509 showing proposed driveway area



Access to Proposed 5-acre Division Area

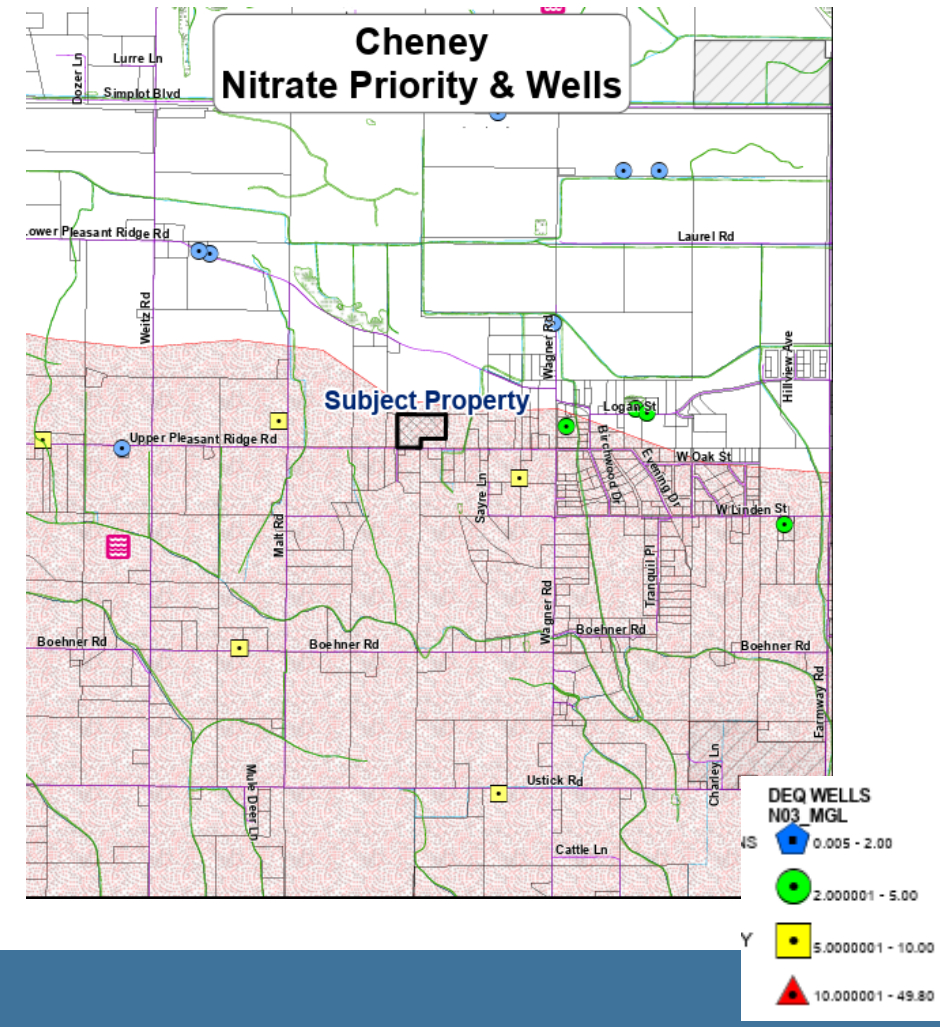


Current Eastern Access to Parcel R35527



# CONDITIONAL REZONE CRITERIA 5: ADEQUATE FACILITIES AND SERVICES

- Sewer: Individual septic system. No N-P Study is required.
- Water: Individual wells are planned.
- Drainage: Stormwater drainage will be retained on site.
- Irrigation: Irrigation water is provided to the property via surface water rights from Pioneer Irrigation District.
- Utilities: Idaho Power sent a comment letter which stated there is a transmission line with an easement located within the property that “...requires at least a 14-foot wide clear path or roadway to each transmission line structures.” See **Exhibit 3.D11** for more information



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

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- Highway District No. 4 is not requiring any public street improvements at this time. Traffic impacts from the development will be mitigated by traffic impact fees if they have been adopted for this area.
- Idaho Transportation Department found the applicant does not meet thresholds for a TIS nor does it pose a safety concern



Taken on Upper Pleasant  
Ridge Road Facing East

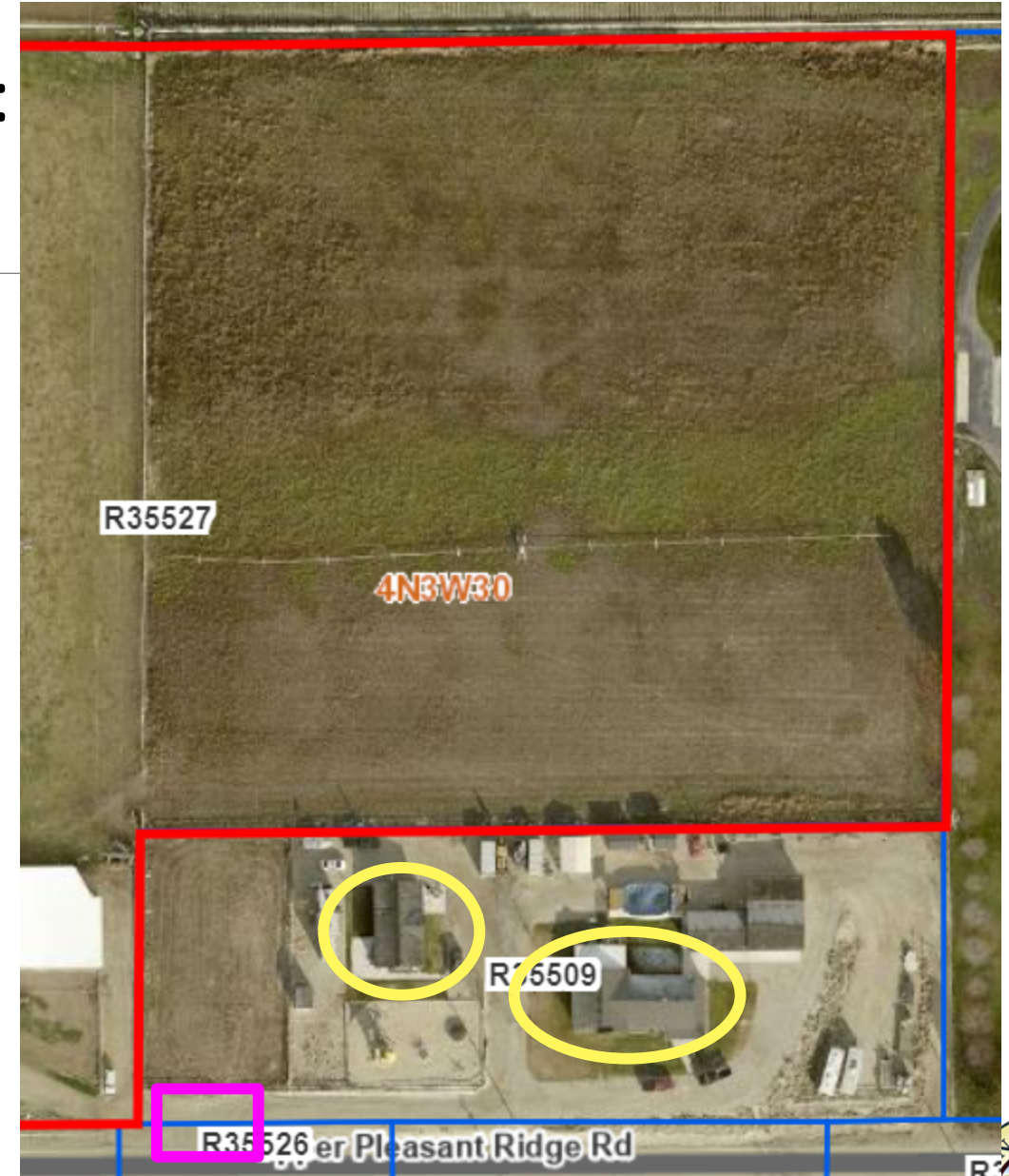


Taken on Upper Pleasant  
Ridge Rd Facing West



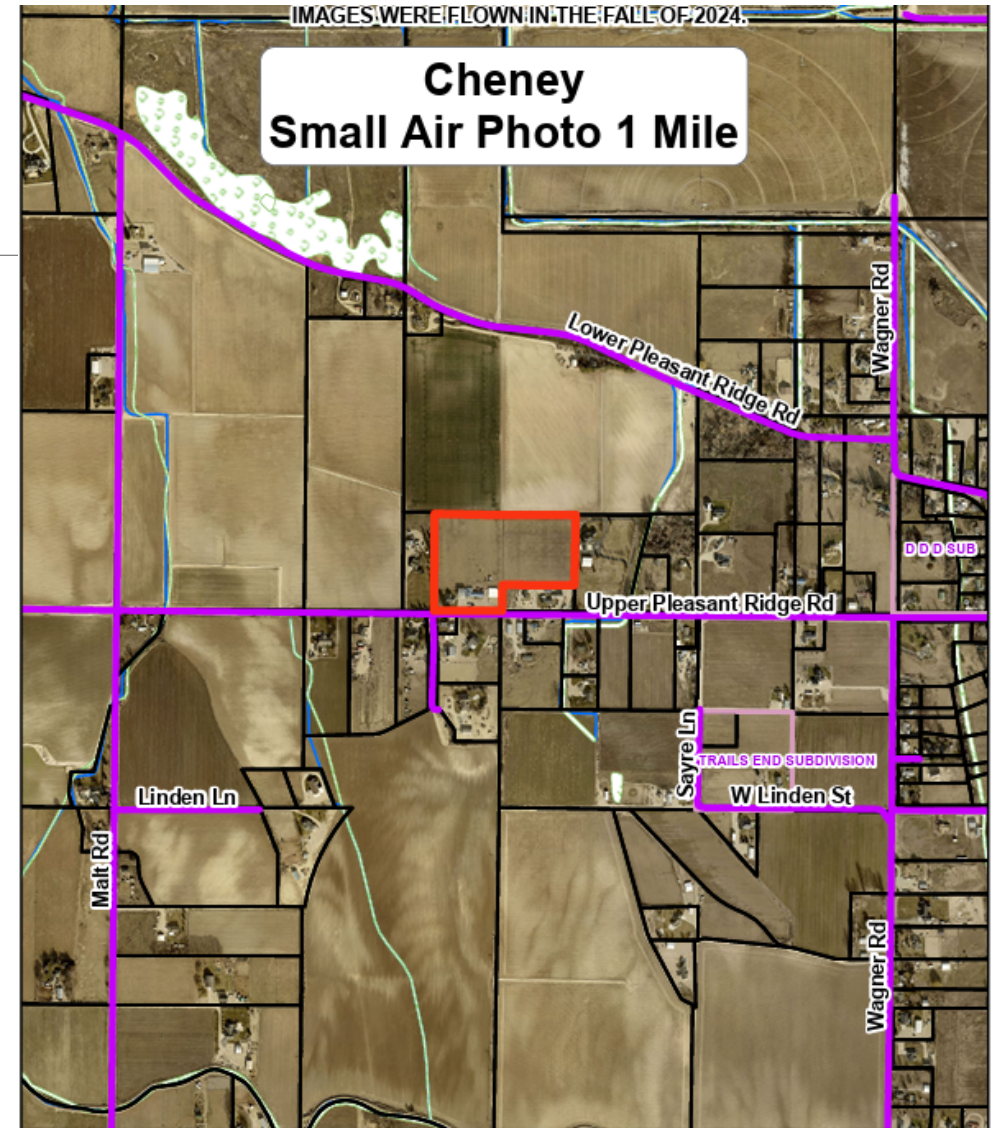
## CONDITIONAL REZONE CRITERIA 7: LEGAL ACCESS

- The applicant is proposing access through Parcel R35509 (found south of the subject property) via an access easement. The location appears to meet HD#4's requirements.
- The proposed access point will serve three (3) inhabited structures (Parcel R35509 contains two (2) residences), so any future single-family residence off this access will need to meet private road requirements.



# CONDITIONAL REZONE CRITERIA 8: PUBLIC SERVICES AND FACILITIES

- Schools: Vallivue School District does not have any feedback at this time.
- Police: No comments were received.
- Fire Protection: Caldwell Rural Fire District sent a comment letter which states prior to construction on the property, the owner shall submit the completed Water and Access Permit Application. The estimated response time from the closest station would be approximately 7 minutes.
- EMS: Canyon County Paramedics sent three (3) response times for different stations – 5.523 minutes, 11 minutes, and 16.32 minutes.



# NOTIFICATION (07-05-01) & COMMENTS:

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Initial agency noticing and JEPA notice was sent on May 15, 2025. Agencies and a Full Political was sent out on January 29, 2026. Agencies were notified of the BOCC Hearing on April 16, 2026. Staff received comments from the following agencies:

Southwest District Health, Caldwell Rural Fire District, Idaho Department of Environmental Quality, Idaho Transportation Department, Highway District No. 4, Pioneer Irrigation District, Vallivue School District, Canyon County Ambulance District, City of Nampa, Idaho Power Company, and Idaho Department of Water Resources (Floodplain).

Neighbors within 600' were notified on January 29, 2026 for the P&Z Hearing:

- One (1) public comment was received in opposition.

Neighbors within 600' were notified on April 16, 2026 for the BOCC Hearing:

- No public comments were received.



# Decision Options:

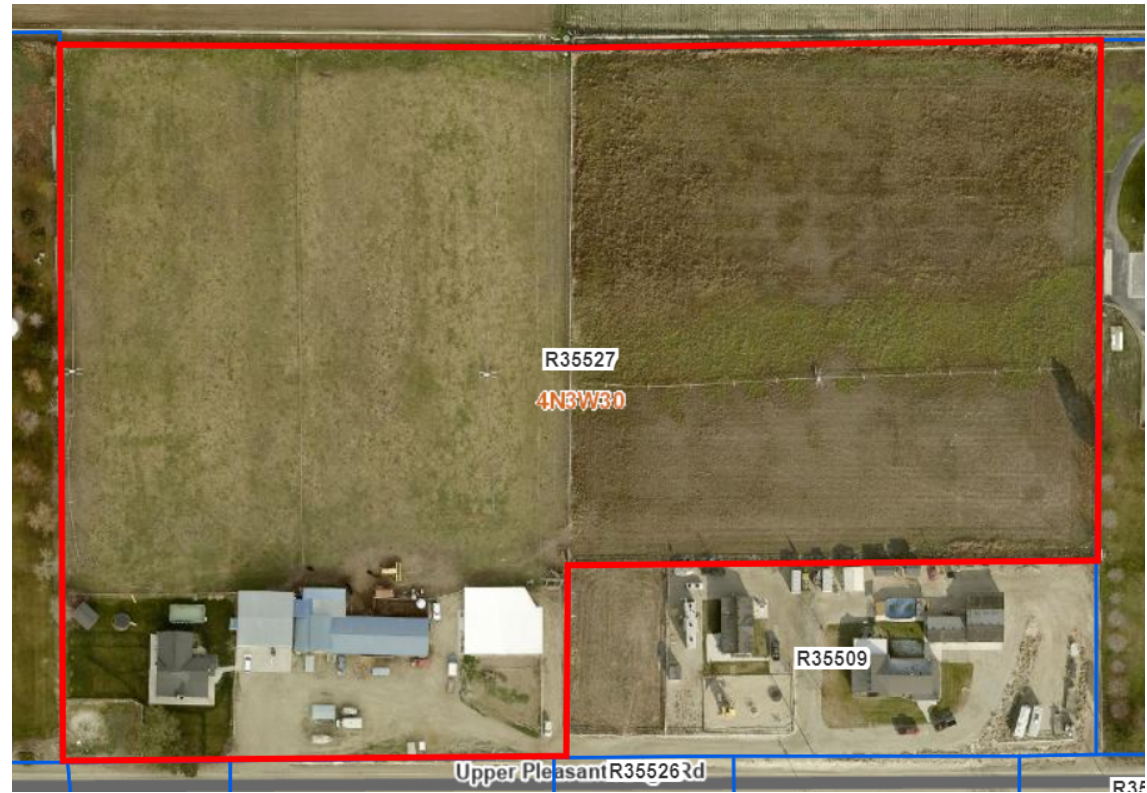
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The Board of Canyon County Commissioners may **approve** the conditional rezone and direct staff to make findings of fact to support this decision;

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

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

# Questions?



# Staff's Proposed Conditions

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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, approximately 11.99 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Divisions) of the Canyon County Code of Ordinance (CCCO) and shall not exceed two (2) residential parcels.
  - a. Further divisions of the subject parcels are prohibited.
3. The developer 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."
  - a. Commencement (or "commence") shall be as defined in CCCO §07-02-03 (Definitions Enumerated).
4. At the time of an application for an administrative land division, an irrigation maintenance easement must be established so property owners have access to the irrigation water source for the property.
5. At the time of an application for an administrative land division, the record of survey shall include the Idaho Power transmission line easement as referenced in **Exhibit 3.D11** and **Instrument No. 381651**.

# If Secondary Residences and Building Envelopes are Considered:

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- A. The subject parcel, approximately 11.99 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Divisions) of the Canyon County Code of Ordinance (CCCO) and shall not exceed two (2) residential parcels.
  - 1. Further divisions of the subject parcels are prohibited.
  - 2. Secondary residences shall be prohibited.
  - 3. Building Envelopes Restrictions:
    - i. For the proposed approximately 5-acre eastern parcel, a single-family residence and accessory personal-use only structures shall only be permitted within a 2-acre building envelope located in the southwest corner of the subject property. All areas outside of the building envelope shall remain open with no structures except structures that qualify as an agricultural building/structure per CCCO §06-01-07.
    - ii. For the proposed approximately 7-acre western parcel, a single-family residence and accessory personal-use only structures shall only be permitted within a 250-foot by 457.2 feet building envelope measured along the southern property line abutting Upper Pleasant Ridge Rd. All areas outside of the building envelope shall remain open with no structures except structures that qualify as an agricultural building/structure per CCCO §06-01-07.