



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Ludan – RZ2025-0008

The Canyon County Board of Commissioners consider the following:

Sergey Ludan, is requesting an amendment to the official zoning map to rezone approximately 2.92 acres from an “R-R” (Rural Residential) zone to a “R1” (Single Family Residential) zone for the purpose of dividing the property into two parcels to separate the two existing homes. The subject property is located at 25 N. Watermill Lane, Nampa, Idaho, also referenced as Parcel R27968, a portion of the SE quarter of Section 19, T3N, R1W, BM, Canyon County, Idaho

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 RZ2025-0008.

1. All exhibits can be found in the case file and the staff report dated May 21, 2026.
2. The Planning and Zoning Commission heard this case on May 21, 2026 and forwarded a recommendation of denial to the Board of County Commissioners.
3. The Board of County Commissioners heard this case on July 22, 2026 and denied the requested rezone.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-05 (Zoning Amendment Criteria), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), CCCO §09-11-25 (Area of City Impact Agreement), and §67-6519 (Application Granting Process).

a. Notice of the public hearings were provided per CCCO §07-05-01 and Idaho Code §67-6509.

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. CCCO §07-03-01, 07-06-05.

4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §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. CCCO 07-05-03(1)(I).

The application, RZ2025-0008, was presented at a public hearing before the Canyon County Board of County Commissioners on July 22, 2026. 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 Board decides as follows:

Standards of Evaluation – CCCO §07-06-05(1): The commission shall review the particular facts and circumstances of each proposed zoning amendment and make a recommendation regarding the same to the board. The presiding party shall make its review in terms of the following standards and shall find adequate evidence regarding the following criteria when evaluating the proposed zoning district boundary amendment:		
County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	A	Is the proposed zone change generally consistent with the comprehensive plan?
Analysis		The proposed conditional rezone change is generally consistent with the Comprehensive plan. The 2030 Comprehensive Plan identifies this area as Residential. The area has been zoned rural residential since the adoption of the 1979 Zoning Ordinance and Official Zoning Maps. The property is currently zoned Rural Residential and contains a primary and secondary residence on approximately 2.92 acres. The minimum acreage in the rural residential zone is two (2) acres. A zone change to “R1” (Single Family Residential) would be consistent with the Comprehensive Plan and the Future Land Use designation of ‘Residential.’ The request is consistent with the Population component including G2.02.00 and Land Use and Community Design including P4.01.02 (balance community interests and private property rights), P4.03.02 (do not fragment existing land use patterns), and the Housing component including G11.02.00 (maintain character while providing sufficient housing without fragmenting agricultural lands). The overarching goal of the 2030 Plan is to protect the agricultural resources of Canyon County. Development in an area that is designated and zoned residential is consistent with the general plan for the County.
Criteria Met?	B	When considering the surrounding land uses, is the proposed land use <u>more</u> appropriate than the current zoning designation?
No		
Analysis		In consideration of the surrounding land uses, the proposed rezone to “R1” (Single Family Residential) is not more appropriate than the current zoning designation of “RR” (Rural Residential). There were 34 properties notified within 600 feet of the subject property with an average lot size of 2.68 acres (BOCC Exhibit 3.1 C2f). The current property with an acreage of 2.92 is consistent with the rural residential zoning and existing properties in the area. The property is an area where the parcel sizes are transitioning to larger residential and agricultural parcels to the south that lie within the City of Nampa impact area have a path for eventual annexation from the south in the future. It is not the appropriate time for to rezone for the purpose of potentially increasing density on the proposed properties; but rather to wait for annexation and municipal services to be available to support additional development. The property also lies within a nitrate priority area (BOCC Exhibit 3.1 C2.g) The immediate area around the subject property consists of larger rural residential parcels that are developed with single family residential homes. There is one business approved through a conditional use permit for a tree service and firewood sales (CU2012-8) that lies immediately adjacent to the subject property on the west boundary (BOCC Exhibit 3.1 C4g). The City of Nampa encourages consistency with the existing lot sizes in the immediate vicinity. There are 55 parcels in the south ½ of the southeast quarter [Joe Lane to Robinson between E. Victory and Joe Lane] and those parcels immediately adjacent to E. Victory on the south side of the road. The average lot size of the 55 parcels is 1.978 consistent with the two (2) acre minimum average lot size of the Rural Residential zoning designation. The parcels range in size from 0.64-11.80 acres. There are currently six (6) of the 55 parcels that have secondary residences inclusive of the subject property. (BOCC Exhibit 3.1 C4.f).

	The City of Nampa limits are a ½ mile to the west of the subject property and there is municipal water in the road. The City of Nampa (BOCC Exhibit 3.1E4) requests that “<i>Properties seeking to develop within the Area of City Impact, that are contiguous to city limits, shall obtain a pre-annexation approval from the City in order to receive a letter of support for the project.</i>” Staff notes that the property currently has municipal water available and further development inclusive of secondary residences should be connected to services where available. A pre-annexation agreement with the City of Nampa is encouraged for this property to develop further. Pursuant to Canyon County ordinance §07-10-25 (2), the purpose of the “RR” (Rural Residential) zoning district is to “<i>encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.</i>” The minimum average lot size in the “RR” zone is two acres. CCCO §07-10-25(3), the purpose of the “R1” (Single Family Residential) zoning district is to “<i>promote and enhance predominantly single family living areas at a low density standard.</i>” The minimum average lot size in the “R1” zone is one (1) acre; however, CCCO §07-10-21(2) Minimum Parcel or Lot Size provides for the following in the “R1” (Single Family Residential) zone: Footnote 1: “<i>For parcels within the Area of City Impact with central sewer and/or water services, the parcel or lot size may be reduced to 12,000 square feet.</i>” Adjacent Existing Conditions: <table><tr><th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zone</th></tr><tr><td>N</td><td>Residential</td><td>RR</td><td>R1</td></tr><tr><td>S</td><td>Residential & Agricultural</td><td>A</td><td>RR</td></tr><tr><td>E</td><td>Residential</td><td>RR</td><td>None</td></tr><tr><td>W</td><td>Residential</td><td>RR/City Limits</td><td>Airport overlay</td></tr></table> “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) The subject property is on the boundary between residentially zoned properties and agricultural zoned properties in this area of the county. The properties lying south of E. Victory Road are currently zoned “A” (Agricultural) with a mixed use of residential and agricultural. There are many large acreage farms further south between E. Victory and E. Amity Roads. This property is in a transitional area to larger agricultural properties to the south.			Direction	Existing Use	Primary Zone	Other Zone	N	Residential	RR	R1	S	Residential & Agricultural	A	RR	E	Residential	RR	None	W	Residential	RR/City Limits	Airport overlay
Direction	Existing Use	Primary Zone	Other Zone																				
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S	Residential & Agricultural	A	RR																				
E	Residential	RR	None																				
W	Residential	RR/City Limits	Airport overlay																				
Criteria Met?	C	Is the proposed zoning map amendment compatible with surrounding land uses?																					
NO																							
Analysis	The proposed zoning map amendment from one residential zone to a higher density residential zone of “R1” (Single Family Residential) is generally compatible with surrounding land use of rural residential however, providing for the potential of doubling the density (primary and secondary residences) on the property in this area is not desired or compatible with the existing uses of properties in the vicinity. Changing the zoning would provide an avenue for multiple land divisions causing higher density in the area which has the potential to significantly impact the surrounding properties. Redevelopment could create a complete change in quality of life for other residents in the area. The Board does not desire to encourage or set a standard for land division, rezoning and significant growth in this rural residential area of the county.																						
	The surrounding land use in this area is primarily rural residential (BOCC Exhibit 3.1C2.e) and there is a permitted (CU2012-8) tree service and firewood sales business immediately adjacent to the west. Additional development of the subject property could potentially result in land use conflict due to the noise and unsightly nature of the existing permitted business. Also, the Nampa Municipal Airport is located approximately 3600 feet to the west of the subject property (BOCC Exhibit 3.1C4g).																						
	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. The property is currently zoned rural residential and is developed as a residential property (BOCC Exhibit 3.1 C2.e). The proposed “R1” zoning would provide for the applicant to divide the property into at least two (2) parcels which could then potentially be further developed with secondary residences. If rezoned and divided, the applicant could construct a secondary unit on each parcel if agency requirements are met. There are currently only six properties in the vicinity developed with multiple residences (BOCC Exhibit 3.1 C4.f). The Board does not desire to set a precedence or standard providing for secondary residences to be built and then divided from the primary property. The property has the potential to be less compatible with the surrounding land uses if developed into smaller acreages than proposed (See Criteria B above). Current and future locations, size and placements of septic systems would limit the number of parcels that could be created on the subject property and platting as a residential subdivision would be required if more than one (1) additional parcel is created if the property is zoned to “R1” (Single Family Residential) and has municipal services available.	
Criteria Met?	D	Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?
Yes		
Analysis	The proposed zoning map amendment may not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below. The two homes on the property currently exist. Character of the Area: The character in the immediate area is rural residential transitioning to agricultural south of E. Victory Road. The average lot size of the 34 notified properties within 600 feet is 2.68 acres with a median lot size of 1.53 acres (BOCC Exhibit 3.1 C2.f). Further review of the parcel sizes within the south one ½ of the quarter section and the residential properties south of E. Victory (immediately adjacent to the road) resulted in 55 parcels with an average lot size of 1.978 acres (BOCC Exhibit 3.1C4.f). As proposed the rezone to “R1” (Single Family Residential) for the purpose of dividing the 2.92 acre property into two (2) parcels to enable separation of the existing homes would create lots smaller than the average lot size in the vicinity but would not necessarily change the residential character of the area. The property lies within the Nampa area of city impact and with municipal water available, the property could be divided into lots smaller than the general area characteristics (see Criteria B above) however, the nature of how the property is currently developed with a very large estate home does not lend itself to further development beyond what is currently proposed. The area consists of larger parcels with significant open space that are currently zoned “RR” (Rural Residential) and the properties adjacent and south of E. Victory Road are zoned “A” (Agricultural) with productive agriculture southward. In general, there is not a significant pattern of redevelopment to higher density lots/parcels in this area of the county. Staff notes that the properties are located just east of the Nampa Municipal Airport and located approximately 700 feet east of the airport overlay area. There is also an existing tree service and firewood sales business on the western boundary of the subject property (BOCC Exhibit 3.1 C2.a, C2.e, C4.g)	
Criteria Met?	E	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment?
Yes		
Analysis	The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein. The services currently exist for the two homes. The property currently has two existing homes. The primary residence located at 25 N. Watermill Lane has an individual well and septic system. The secondary residence addressed as 5716 E. Victory Road is served by an individual septic system and is connected to municipal water. The applicant indicated in an email to	

	Assistant Building Official, Scott Hillman, that the septic for the existing secondary residence could not be expanded to accommodate an additional residence (BOCC Exhibit 3.1 C4.3). Sewer: SWDH indicated that they do not have concerns with the application as proposed but would require a site evaluation application and soil suitability for any additional subsurface sewage disposal systems for any new structures on the site (BOCC Exhibit 3.1E3) Water: Currently there is an existing private well for the primary structure and the secondary residence is connected to municipal water from the City of Nampa. Drainage: All stormwater drainage must be retained on site for current and future development. Irrigation: Irrigation water is provided by Nampa Meridian Irrigation District. The Schott Lateral bisects the property near the secondary residence. Structures cannot be built within the irrigation district easement for the Schott Lateral. NMID indicates in email dated 5-6-26 that the Schott Lateral has a 40 foot wide easement, 20 foot on each side of centerline (BOCC Exhibit 3.1E5). Utility: The utility companies were notified of the application and no comments were received stating that utilities would not be provided to accommodate the use. There are currently utilities provided to each of the residences on the property.	
Criteria Met?	F	Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?
Yes		
Analysis	The subject property has legal access for the zoning map amendment and/or will exist at the time of the development. See review and analysis detailed below. The subject properties are currently served by a private road, N. Watermill Lane, that takes access to E. Victory Road. The access is in conformance with the highway district requirements and ACCHD Standard Drawing #ACCHD-106 (BOCC Exhibit 3.1 E1).	
Criteria Met?	G	Does the proposed zoning map amendment 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 created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?
Yes		
Analysis	The proposed project if approved will allow the applicant to divide the existing primary residence from the existing secondary residence and does not require public street improvements. The access to the public road from N. Watermill Lane, a private road, provides adequate access to and from the properties. If the rezone is approved and the land divided in accordance with the CCCO requirements then the applicant would have the option of applying for secondary residences on each of the two created parcels. Although this could increase the number of vehicle trips utilizing the private road for access to the public road system, the average daily trips is not expected to necessitate public street improvements to accommodate the use.	
Criteria Met?	H	Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?
Yes		
Analysis	The proposed use will not 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.	

	A request for comment from affected agencies was sent on January 13, 2026 in accordance with the requirements of the Canyon County Zoning Code and State Statutes. A list of agencies notified in the initial request for comment included Nampa City, Nampa Fire, Nampa School District and other affected agencies (Exhibit C3). Schools: Nampa School District was notified of the proposed rezone. Staff did not receive comment from the district. The rezone of the property is not expected to significantly impact the school district as the homes currently exist on the property. Police: The property lies within the jurisdiction of the Canyon County Sheriff's office. Staff did not receive a comment from the sheriff's office and the request is not anticipated to impact this service. Fire protection & Emergency Medical Services: The Nampa Fire District responded indicating that the site is 1.5 miles from Station #5 and the response time is approximately three (3) minutes. The following measures will be implemented to mitigate impacts: No mitigation measures have been proposed. There is no indication that mitigation is required for minimal impacts to services for the existing homes on the property.
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Table 2. Area of City Impact

CCCO §09-11-01: Nampa Area of City Impact (Plans and Ordinances/Map) Ordinance Applicable Ordinances and Standards: Within the Nampa area of city impact, the following ordinances apply, but the city of Nampa ordinances are subject to the waiver provisions in subsection (6) of this section.		
County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	09-11-1	NAMPA
Analysis	Area of City Impact: The City of Nampa Planning and Zoning submitted a letter stating that they are not in favor of the application without pre-annexation approval from the City of Nampa. They further indicate that this area is designated for low density residential (1-2.5 units/acre). The current properties and rural character of the area is viewed as Very Low Density. The City indicates that <i>"Development should be required to be compatible with the character of the area."</i> Nampa also states, in line item #3, <i>"The property is surrounded by large lot residential properties on all sides except for a parcel on the west border that is utilized for large landscape materials and business operation. Subdivision lots should be as compatible as possible with existing residential lots within the limitations imposed by NCC 10-27-3.C.2."</i> (BOCC Exhibit 3.1 D4) This property is located in the Nampa Area of City Impact and there is municipal water available in the road adjacent to the property. The single-family residence addressed as 5716 E. Victory Road is connected to municipal water (BOCC Exhibit 3.1 C4.1).	

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners DENY Case # RZ2025-0008, a zoning map amendment of 2.92 acres from "RR" (Rural Residential) to "R1" (Single Family Residential).

For denial:

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

1. Wait until a path to annexation exists to increase the density of the property in this location.

DATED this 13th day of August, 2026.

CANYON COUNTY BOARD OF COMMISSIONERS

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

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	<u>✓</u>	_____	_____
 _____ Commissioner Brad Holton	<u>X</u>	_____	_____
 _____ Commissioner Zach Brooks	<u>X</u>	_____	_____

Attest: Jess Urresti, Clerk

By: 

Deputy

Date: 8/13/26