In the matter of the application of:
Bernal Landing Subdivision - SD2026-0003

The Canyon County Board of County Commissioners considers the following:

The applicant requests approval of the Bernal Landing Subdivision preliminary plat, a two-lot subdivision with a private road lot on Parcel R30550012. The applicant requests the waiver of city subdivision improvements per CCCO §09-11-19(6).

The subject property is located at 7218 Airport Road, Nampa, also referenced as a portion of the NE¼ of Section 20, 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 SD2026-0003.
      1. All exhibits can be found in the case staff report addendum dated November 3, 2026.

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 §07-17-09 (Preliminary Plat Criteria); and Idaho Code §67-6513.
   a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509.
2. Per CCCO §07-17-09(5) - Board Action: A. The board shall consider the commission's recommendation at a noticed public hearing. B. The board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify, or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify: 1. The ordinance and standards used in evaluating the application; 2. The reasons for approval or denial; and 3. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.

The application, SD2026-0003, was presented at a public hearing before the Canyon County Board of County Commissioners on November 3, 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 of County Commissioners decides as follows:

Table 1. Preliminary Plat Standards of Evaluation – CCCO §07-17-09

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	1	**Application: The applicant shall file with DSD a copy of the completed subdivision application form as prescribed by the director and a copy of the preliminary plat with data as required in this section, including, but not limited to, preliminary irrigation plans, the availability of irrigation water to the property, and a preliminary drainage plan. All applicable fees shall be paid at this time.**
Analysis	On February 19, 2026, the applicant submitted a short plat application (preliminary and final plat submitted concurrently). On August 13, 2026, a revised preliminary plat was submitted addressing staff corrections,	

	including a road lot (**Exhibits 3.B.5 & 3.C.4**). Preliminary plat summary and consistency review per CCCO §07-17-09(1)A through F were completed (See **Exhibit 3.C.4** *for details*): **Summary of Review – Bernal Landing Subdivision:** • Total Acreage: 5.38 acres. • Total Number of Lots: Two (2) Lots. • Zoning: "R-R" (Rural Residential, two-acre average minimum lot size). • Roads/Access: Access to both lots will be provided via a private road lot (60' foot width per CCCO §07-17-31). *See Condition No. 1.a.* o A draft Road Users Maintenance Agreement was submitted (**Exhibit 3.B.8**). o Airport Road is classified as a Rural Principal Arterial. No direct access to arterial roadways is permitted without a variance (**Exhibit 3.D.5**). • Area of City Impact: The City of Nampa does not oppose the subdivision but identifies the proposed residential density as being inconsistent with the city's future land use plans for the area (**Exhibit 3.D.1**). *See Table 3 for more information.* o The private road name, W. Bervarwin Lane, was approved by the City of Nampa – Addressing/GIS (**Exhibit 4.a**). • Water/ Sewage Disposal: Lot 2 is already served by a well and septic system. Lot 1 will require a well and septic system. • Irrigation: The property has 5 acres of water rights from Nampa Meridian Irrigation District (**Exhibits 3.B.4 & 5**). Gravity irrigation enters the west side of the property, bisecting proposed Lot 1. It is pumped out of an irrigation box near the front center of proposed Lot 2. A draft water users' agreement was submitted (**Exhibit 3.B.8**). • Drainage: Swales and vegetation filtration will continue to be used to retain storm and excess water (**Exhibits 3.B.4 & 5**). The applicant submitted draft CC&Rs with drainage maintenance information (**Exhibit 3.B.9**). • Hillside Development/Existing Features: The northeast area of the property has slopes greater than 15% created by a decommissioned pond that is now used as a terrace landscaped area (**Exhibits 3.B.5 & 3.C.4**). The area will be part of Lot 2 and is prohibited from being developed. *See condition No. 8.* The subdivision is located adjacent to an active mineral extraction and batch plant use. *Condition 10* protects the adjacent use from future public nuisance concerns. • Other: The subdivision places an existing detached shop accessory to the dwelling on a different lot (Lot 1). Per CCCO §07-02-03, an accessory structure is prohibited unless a primary use or structure is established/approved. A condition is added requiring the shop to be removed unless the structure can qualify as an agricultural structure or a building permit for a dwelling is issued on Lot 1 within one year. *See Condition No. 13.*
Criteria Met? **Yes**	**2**	**Acknowledgment: Upon receipt of the application, preliminary plat, and applicable fees, DSD shall acknowledge, sign, and date the application and deem it accepted.**
Analysis	On February 19, 2026, the application and plat were accepted by DSD (**Exhibit 3.B**).	
Criteria Met? **Yes**	**3**	**Agency Review: A: The DSD shall transmit one copy of the preliminary plat to county departments and any such other agencies that may have jurisdiction or an interest in the proposed subdivision for their review and recommendation. B. If no written reply is received from any of the various departments or interested agencies within thirty (30) calendar days from the date of notification, approval of the preliminary plat by such department or agency will be considered to be granted.**
Analysis	A. Affected agencies were notified on March 5, 2026 (courtesy notice), July 30, 2026 & September 29, 2026 (hearing notice). The following agency comments were received: • City of Nampa (**Exhibit 3.D.1**): *See Table 3 of this report for additional information.*	

	• Idaho Dept. of Environmental Quality (**Exhibit 3.D.2**): Informational; not project-specific. • Idaho Transportation Department (**Exhibit 3.D.3**): The request does not meet the threshold for a traffic impact study nor pose a safety concern. • Nampa Fire District (**Exhibit 3.D.4**): Does not oppose, subject to meeting fire hydrant and access road requirements. The development will be served by Nampa Fire Station 5, with an approximate response time of four minutes. *See condition No. 6.* • Nampa Highway District #1 (**Exhibit 3.D.5**): Airport Road is classified as a Rural Principal Arterial. No direct access to arterial roadways is permitted without a variance. Dedication along Airport Road will be required. The plat shows a 50' right-of-way dedication along Airport Road (**Exhibit 3.B.5**). *See Condition No. 3.* • Southwest District Health (**Exhibit 3.D.6**): A Nutrient Pathogen Study will not be required. Test holes are required to evaluate soil suitability for a subsurface sewage disposal system on each lot. The applicant provided a septic placement map and subdivision engineering report (**Exhibit 3.B.10**). *See Condition No. 5.*

Table 2. Commission Review – CCCO §07-17-09(5)

Board Action: A. The board shall consider the commission's recommendation at a noticed public hearing. B. The board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify, or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:		
County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	**A**	**The board shall consider the commission's recommendation at a noticed public hearing.**
Analysis	The Planning & Zoning Commission heard the case at a public hearing held on September 3, 2026. After deliberation, the Planning & Zoning Commission recommended approval subject to conditions of approval (**Exhibits 1 & 2**).	
Yes	**B.1**	**The ordinance and standards used in evaluating the application.**
Analysis	A. Idaho Code Section 67-6513 (Subdivisions), B. Idaho Code Sections 50-1301 through 50-1329 (Platting), C. Idaho Code Section 22-4503 (Right-to-Farm Act, Plat note #12, **Exhibit 3.B.5**), D. Idaho Code, Sections 31-3805 & 42-111 (Irrigation), and E. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations).	
Criteria Met?	**B.2**	**The reasons for approval or denial.**
Yes		
Analysis	*See Tables 1 and 3, and Table 2, Sections A and B.1.* The Board concurs with the Planning & Zoning Commission's recommendation, subject to the removal of USPS condition #7 and plat correction condition #12. The applicant provided verbal and written evidence that a mailbox has been installed per USPS standards but could not get written approval from USPS (**Exhibit 4.c**). The applicant also submitted an amended plat addressing the correction required by condition #12 (**Exhibit 4.b**). Therefore, those conditions are no longer warranted. *See Order Section on Page 4 for approval subject to conditions.*	
Criteria Met?	**B.3**	**If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.**
Yes		
Analysis	*N/A*	

Table 3. Area of City Impact - Nampa

County Ordinance and Review		
Criteria Met?	**Code Section**	**Criteria**
Yes	09-11-25(3)	**The following procedures shall be adhered to in processing applications within the Nampa area of city impact:** **(3) Subdivision Plat Applications: All subdivision plat and irrigation plan applications shall be processed procedurally as provided for in this code, and as provided for in subsection 09-11-19 of this article.**
Analysis	The City of Nampa (Planning and Engineering divisions) was notified on March 5, 2026, and July 30, 2026. The City of Nampa - Planning Division provided a letter stating the property is located in the Nampa Impact Area. The property would be located in a 'Community Mixed Use' designation per the Nampa 2040 Comprehensive Plan if annexed into the City of Nampa. The property is also located in the Highway 16 Specific Area, which designates the property as a 'Commercial Industrial Campus'. The City of Nampa does not oppose the subdivision request but finds that the proposed residential density and housing type do not align with the Nampa 2040 Comprehensive Plan or Highway 16 Specific Area Plan, which promotes high-density residential housing types (**Exhibit 3.D.1**). The applicant requests a waiver of city subdivision requirements per CCCO 09-11-19(6). However, no evidence was submitted demonstrating that the applicant completed a waiver review with the City of Nampa Engineering Division. However, the City of Nampa Engineering was notified on March 5, 2026, and July 30, 2026. Per CCCO §07-17-09(3)B*: If no written reply is received from any of the various departments or interested agencies within thirty (30) calendar days from the date of notification, approval of the preliminary plat by such department or agency will be considered to be granted.* Therefore, the lack of reply is considered approval of the waiver. Per CCCO 09-11-19(5), the city engineer must sign the final plat prior to the final plat being authorized and recorded. See *Condition No. 11*	

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Board of County Commissioners **approves** Case # SD2026-0003, the Bernal Landing Subdivision Preliminary Plat, subject to the following conditions:

1. All subdivision improvements (public or private roads, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioners' signature on the final plat.
   a. The private road lot shall be constructed to private road standards prior to the Board signing the final plat. Evidence shall be provided throughout the construction permit application process.
   b. A stormwater management plan shall be submitted prior to final plat signature by the Board. The plan shall address: Short-term construction protections (e.g., roadside swale protection during home building) and Long-term O&M (via CC&Rs or other enforceable mechanisms) to ensure the continued function of drainage systems.
2. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
3. Development shall comply with the requirements of the local highway district. Evidence shall include the highway district's signature on the final plat.
4. Development shall comply with irrigation district requirements. A letter from Nampa Meridian Irrigation District/Boise Project Board of Control approving the final plat shall be submitted prior to the Board of County Commissioners' signature on the final plat.
5. Development shall comply with Southwest District Health requirements. Evidence shall be Southwest District Health's signature on the final plat.

6. Development shall comply with Fire District requirements. Evidence shall include written correspondence from the Fire District before the Board of County Commissioners' signature on the final plat.
7. ~~Before the Board signs the final plat, an easement or common lot shall be added to provide a United States Postal Service community mailbox unless waived by the United States Postal Service.~~
8. The final plat shall highlight areas where slopes over 15% exist and note on the final plat that all development (structures, mining, dredging, filling, grading, excavation, or drilling) on slopes 15% or greater is prohibited. Any changes requiring hillside development will be reviewed per CCCO Section 07-17-33(1) through the replat process.
9. Prior to final plat signature by the Board, water users' and road users' maintenance agreements must be recorded and added as a plat note on the final plat.
10. The final plat shall include a note that states: Current and future property owners understand and accept they live adjacent to an existing mining operation and batch plant, which may include noise, smells, dust, vibrations, traffic impacts, and lights.
11. Per CCCO §09-11-19(5): For subdivisions applied for in the Nampa area of city impact, the county will require on the face of each final plat a certification signature line for execution by the City of Nampa engineer attesting to the plat's conformance with the city standards set forth above. Also, the county will not sign a final plat, or authorize the plat to be recorded, prior to the city engineer's signature being on the plat.
12. ~~Prior to the case being heard by the Board of County Commissioners, the minor corrections stated in **Exhibit C.4** must be made and evidence submitted to DSD.~~
13. The detached accessory shop on Lot 1 must be removed in one year via a demolition permit unless one of the following occurs: (a) a dwelling is established on Lot 1 via an issued building permit; or (b) the shop is approved as an agricultural building per CCCO §06-01-07 via an agricultural building permit.

DATED this 12th day of November, 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	X		

Attest: Jess Urresti, Clerk

By: _____ Date: 11/12/26
Deputy