



## Planning and Zoning Commission Staff Report

**Ricker - PH2018-20**

Hearing Date: April 19, 2018

Development Services Department

**Applicant:**

Don Ricker

**Staff:**

Dan Lister, Planner II  
[dlister@canyonco.org](mailto:dlister@canyonco.org)

**Tax ID:**

R33033010F

**Parcel Size**

2.27 acres

**Current Uses:**

Vacant

**Current Zone:**

"A" (Agriculture)

**Comprehensive Plan Designation:**

Residential

**Applicable Zoning Land Use**

**Regulations:**

CCZO §07-05-01, §07-06-05

**Notification:**

- 3/8/2018 Agencies
- 4/2/2018 Radius Notice
- 3/22/2018 Publication
- 4/10/2018 Posting (on or before)

**Exhibits:**

1. Proposed FCO's
2. Project Information
  - a. Letter of Intent
  - b. Site Plan
  - c. Neighborhood Meeting List
3. Case Maps
  - a. Small Air Photos
  - b. Vicinity Map
  - c. Zoning Map
  - d. Subdivision Map & Lot Report
  - e. Prime Farmland Map & Report
  - f. Future Land Use
4. Agency Comments
  - a. Canyon Highway District; and
  - b. Idaho Transportation Department (ITD)
5. Large Aerial

**Request**

The applicant, Don Ricker, is requesting a rezone of approximately 2.41 acres from an "A" (Agricultural) Zoning District to an "R-1" (Single Family Residential, 1 acre average minimum lot size) Zoning District in order to subdivide the subject parcel, R330033010F. The subject property is vacant and located adjacent to Lakeview Subdivision, also known as the NW Quarter of Section 26, Township 3N, Range 2W, BM, Canyon County, Idaho.

**Background**

The vacant parcel, 2.27 acres, was created by Conditional Use Permit (CU2003-229). Prior to the creation of the parcel, the original 40 acres was approved for mineral extraction (CU2003-300). The original 40 acres has been divided into a total of 17 parcels which includes Lakeview Subdivision (CU2005-140/SD2007-22).

**Analysis**

The subject property is currently zoned "A" (Agricultural). The Canyon County Future Land Use Map designates this area as "residential" (Exhibit 3f). The proposed rezone is consistent with the designation. The parcel is not located within a mapped floodplain. The parcel is not located within a City Impact Area. Caldwell's Impact Area is approximately 2,600 north of the parcel. Nampa's Impact Area is approximately 7,500 feet from the parcel.

The applicant is proposing to rezone the subject property to "R-1" (Single Family Residential) for the purpose of creating two (2) residential lots (Exhibit 2). The minimum average lot size in the "R-1" zone is one (1) acre. The resulting lots would meet the minimum average lot size. If approved, platting will be required.

Majority of the surrounding area contains agricultural and rural residential uses (Exhibit 3). To the north of the subject parcel is row crop agricultural use with homestead. To the south and west of the parcel is protected land that abuts Lake Lowell. The land includes recreational trails and the Deer Flat National Wildlife Refuge Visitor Center. To the east is Lakeview Subdivision which is approved for residential uses. The subject parcel is approximately 2,760 feet from an existing mineral extraction use.

The parcel abuts Roosevelt Avenue (public road) and Lakeside Village Lane (private road). All development must comply with applicable Canyon Highway District regulations (Exhibit 4a)

**Zoning Amendment Criteria**

Standards of Review for Zoning Amendment (§07-06-05)

**A. Is the proposed zone change generally consistent with the comprehensive plan?**

The proposed zone change is generally consistent with the Comprehensive Plan Future Land Use Map which designates the subject property as 'Residential' (Exhibit 3f).

**B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?**

The proposed zone change is more appropriate than the current zone designation of “A” (Agricultural). The Future Land Use map designates the subject property as ‘Residential.’ The designation of residential would match the current use of the property and properties adjacent east.

**C. Is the proposed rezone compatible with surrounding land uses?**

The proposed rezone is compatible with the surrounding land uses in the area. Although there are no parcels within the area currently zoned residential, the subject parcel is located adjacent to Lakeview Subdivision which contains residential uses. Lakeview Subdivision contains several parcels that would be consistent with the “R-1” lot sizes requirements (1 acre average minimum lot size). Therefore, the proposed rezone would not create an incompatible land use to the area.

**D. Will the proposed use negatively affect the character of the area? What measures will be implemented to mitigate impacts?**

The proposed use will not negatively impact the essential character of this area. The character of the area is rural residential and agricultural. The proposed zone change from “A” (Agricultural) to “R-1” (Single Family Residential) will create lot sizes that are similar to the lot sizes that are currently located within the adjacent platted subdivision, Lakeview Subdivision.

**E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed use?**

Individual septic systems and domestic wells will be required development of the parcels. During the platting phase of the development, the requirements of Southwest District Health Department shall be adhered to. A subdivision engineering review will be required. The health department is a signatory on the final plat. Domestic wells are under the jurisdiction of Idaho Department of Water Resources. Drainage, irrigation, and other utilities will be addressed during the platting phase of the project. The applicant will be required to submit drainage and irrigation plans with the application for Preliminary Plat.

**F. Does legal access to the subject property for the development exist or will it exist at the time of development?**

The subject property has frontage on Roosevelt Avenue, a public road. The applicant will be required to adhere to Canyon Highway District No. 4 requirements and conditions for access (Exhibit 4a) which will include a dedication of 40 foot along Roosevelt Avenue, using Lakeside Village Drive, an existing private road, for property access and maintaining trees to not obstruct line of sight/vision triangle at the corner of Lakeside Village Drive and Roosevelt Avenue. A subdivision plat is required for the development of the subject property and the highway district is a signatory on the final plat.

**G. Does the proposed development require road improvements 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?**

Canyon Highway District (Exhibit 4a) and ITD (Exhibit 4b) determined that the rezone and future division of the parcel would not create impacts to the existing and future road network.

**H. Will the proposed zone change amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?**

Canyon County Ambulance District, Nampa School District #131, Canyon County Sheriff, and Nampa Fire were notified of the request and did not provide responses to indicate that the proposed zone change amendment would have a negative impact. No mitigation measures are proposed at this time.

**Comprehensive Plan**

The proposed rezone is consistent with the Future Land Use Map which has this area designated as “residential”. The proposed zoning of “R-1” (Single Family Residential) is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan including but not limited to:

- Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*
- Population Policy No. 3 – *“Encourage future population to locate within areas that are conducive to residential living and that do not pose an incompatible land use to other land uses.”* The subject property is in an area designated as “residential” on the Canyon County Future Land Use Map and is located adjacent to a platted residential subdivision.
- Land Use Goal No. 5- *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”* The Canyon County Future Land Use map designates this area as “residential.”
- Land Use Goal No. 6 – *“Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.”* The subject property is designated as “residential” on the Canyon County Future Land Use Map.
- Public Services, Facilities and Utilities Policy No. 3- *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”* The subject property is located within Nampa Fire District.

## Comments

### **Public Comments**

At the time of this report, staff had received comments from the public and they are attached as exhibits.

### **County Agency Comments**

Staff informed applicable agencies of the proposed rezone and the responses are attached as exhibits.

## Alternatives

- The Planning and Zoning Commission may **recommend approval** of the rezone as proposed;
- The Planning and Zoning Commission may **recommend denial** of the rezone as proposed and direct staff to make findings of fact to support this decision; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

## Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Rezone request.

Staff is **recommending approval** and has provided findings of fact and conclusions of law for the Planning and Zoning Commission’s consideration found in Exhibit 1.



## Canyon County Planning and Zoning Commission

**Don Ricker - Rezone**

**Case No. PH2018-20**

Development Services Department

April 19, 2018

### **Findings of Fact, Conclusions of Law, and Order**

#### **Findings of Fact**

1. The applicant is requesting a **Rezone** of approximately 2.27 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone.
2. The subject parcel, R330033010F, is vacant and located adjacent to Lakeview Subdivision, also known as the NW Quarter of Section 26, Township 3N, Range 2W, BM, Canyon County, Idaho.
3. The subject property is currently zoned “A” (Agricultural).
4. The subject property is designated ‘Residential’ on the 2020 Canyon County Future Land Use Map.
5. The subject property is not located within an Area of City Impact.
6. The subject property is located within Canyon Highway District No. 4, Nampa Fire District, Wilder Irrigation District, and Nampa School District #131.
7. The neighborhood meeting was held on February 26, 2018 in accordance with CCZO §07-01-15.
8. Notice of the public hearing was provided as per CCZO §07-05-01: Agencies were notified on March 8, 2018, property owners within 300 ft. were notified by mail on April 2, 2018, Newspaper notice was provided on March 22, 2018 and the property was posted or before April 10, 2018.
9. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on April 19, 2018 and all information contained in DSD case file PH2018-20.

#### **Conclusions of Law**

For this request the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Zoning Amendment (§07-06-05):

#### **A. Is the proposed zone change generally consistent with the comprehensive plan?**

Conclusion: The proposed zone change is consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The proposed zone change is generally consistent with the Comprehensive Plan Future Land Use Map which designates the subject property as “Residential”. The proposed zoning of “R-1” (Single Family Residential) is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan including but not limited to:

- Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*
- Population Policy No. 3 – *“Encourage future population to locate within areas that are conducive to residential living and that do not pose an incompatible land use to other land uses.”* The subject property is in an area designated as “residential” on the Canyon County Future Land Use Map and is located adjacent to a platted residential subdivision, Lakeview Subdivision.
- Land Use Goal No. 5- *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”* The Canyon County Future Land Use map designates this area as “residential.”
- Land Use Goal No. 6 – *“Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur.”* The subject property is designated as “residential” on the Canyon County Future Land Use Map.

- Public Services, Facilities and Utilities Policy No. 3- *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”* The subject property is located within Nampa Fire District.

**B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?**

Conclusion: The proposed zone change is more appropriate as the current zoning designation.

Finding: The proposed zone change is more appropriate than the current zone designation of “A” (Agricultural). The Future Land Use map designates the subject property as ‘Residential.’ The designation of residential would match the current use of the property and properties adjacent east.

**C. Is the proposed rezone compatible with surrounding land uses?**

Conclusion: The proposed use is compatible with the surrounding land uses.

Finding: The proposed rezone is compatible with the surrounding land uses in the area. Although there are no parcels within the area currently zoned residential, the subject parcel is located adjacent to Lakeview Subdivision which contains residential uses. Lakeview Subdivision contains several parcels that would be consistent with the “R-1” lot sizes requirements (1 acre average minimum lot size). Therefore, the proposed rezone would not create an incompatible land use to the area.

**D. Will the proposed use negatively affect the character of the area? What measures will be implemented to mitigate impacts?**

Conclusion: The proposed use will not negatively affect the character of the area and no mitigation is proposed or warranted at this time.

Finding: The proposed use will not negatively impact the essential character of this area. The character of the area is rural residential and agricultural. The proposed zone change from “A” (Agricultural) to “R-1” (Single Family Residential) will create lot sizes that are similar to the lot sizes that are currently located within the adjacent platted subdivision, Lakeview Subdivision.

**E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed use?**

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the proposed use at the time of development.

Finding: Individual septic systems and domestic wells will be required development of the parcels. During the platting phase of the development, the requirements of Southwest District Health Department shall be adhered to. A subdivision engineering review will be required. The health department is a signatory on the final plat. Domestic wells are under the jurisdiction of Idaho Department of Water Resources. Drainage, irrigation, and other utilities will be addressed during the platting phase of the project. The applicant will be required to submit drainage and irrigation plans with the application for Preliminary Plat.

**F. Does legal access to the subject property for the development exist or will it exist at the time of development?**

Conclusion: The property has frontage on Roosevelt Avenue, a public road, and Lakeside Village Drive, a private road.

Finding: The applicant is required to adhere to Canyon Highway District No. 4 requirements and conditions for access which will include a dedication of 40 foot along Roosevelt Avenue, using

Lakeside Village Drive, an existing private road, for property access and maintaining trees to not obstruct line of sight/vision triangle at the corner of Lakeside Village Drive and Roosevelt Avenue (Exhibit 4a). A subdivision plat is required for the development of the subject property and the highway district is a signatory on the final plat.

**G. Does the proposed development require road improvements 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?**

Conclusion: The rezone of the subject property will not cause undue interference with existing or future traffic patterns as proposed. Any road improvements will be required at the time of platting and/or development of the project.

Finding: Canyon Highway District (Exhibit 4a) and ITD (Exhibit 4b) determined that the rezone and future division of the parcel would not create impacts to the existing and future road network.

**H. Will the proposed zone change 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: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Nampa School District #131, Canyon County Sheriff, and Nampa Fire were notified of the request and did not provide responses to indicate that the proposed zone change amendment would have a negative impact. No mitigation measures are proposed at this time.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Planning and Zoning Commission **recommends approval** of Case # PH2018-20, a request to rezone parcel R33033010F, approximately 2.27 acres, from an "A" (Agricultural) to an "R-1" (Single Family Residential) zone.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO

\_\_\_\_\_  
Richard Hall, Chairman

State of Idaho )

SS

County of Canyon County )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2018 before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, 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: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_