



Planning and Zoning Staff Report

Bethel Romanian Church - Rezone, RZ2018-0023

Hearing Date: November 15, 2018

Development Services Department

<p><u>Owners:</u> Bethel Romanian Church, Corp.</p> <p><u>Applicant:</u> Viorel Botos</p> <p><u>Staff:</u> Dan Lister, Planner II</p> <p><u>Tax ID:</u> R25677505A</p> <p><u>Parcel Size</u> 5.21 acres</p> <p><u>Current Zone:</u> "A" (Agricultural)</p> <p><u>Future Land Use Designation:</u> Residential</p> <p><u>City Impact Area:</u> Nampa</p> <p><u>Applicable Zoning Land Use Regulations:</u> CCZO §07-05-01, §07-06-05</p> <p><u>Notification:</u></p> <ul style="list-style-type: none"> • 10/02/18: Agencies/Nampa • 10/17/18: Property Owners • 10/19/18: Full Political • 10/28/18: Newspaper • 11/6/18: Posting <p><u>Exhibits:</u></p> <ol style="list-style-type: none"> 1. FCO's 2. Project Information: <ol style="list-style-type: none"> a. Letter of Intent; b. Record of Survey (2004); and c. Neighborhood Meeting Sign-Up List; 3. Maps: <ol style="list-style-type: none"> a. Small Air b. Vicinity c. Zoning d. Subdivision & Lot Report e. Soils f. Prime Farmland & Report g. Future Land Use h. Nampa's Future Land Use; and i. Red Fox Estates Plat (1997) 4. Agency Comments: <ol style="list-style-type: none"> a. City of Nampa b. City of Nampa – Engineering c. Nampa Highway District #1 d. Idaho Transportation Department (ITD) e. Boise Project Board of Control 	<p><u>Request</u> The applicant is requesting a rezone of parcel R25677505A from "A" (Agricultural) to "R1" (Single Family Residential). The vacant parcel is located at the corner Red Fox Drive and Lewis Road with the Red Fox Estates Subdivision (portion of Lot 6 Block 1), Nampa; also referenced as the NE Quarter of Section 14, Township 2N, Range 2W; Canyon County, Idaho.</p> <p><u>Background</u> The vacant parcel, 5.21 acres, was once a portion of a 10.46 parcel (Lot 6, Block 1) in the Red Fox Estates Subdivision (Exhibit 3i). In 2004, the parcel was divided into three parcels without approval or platting creating the subject parcel R25677505A, parcel R25677505 and parcel R25677505B (Exhibit 2b). In 2002, the subject parcel was approved for a church (CU2002-173), but the approval has since expired. Parcel R25677505, 2.6 acres, contains a dwelling that was constructed prior to the split in 2004. Parcel R25677505B, 2.61 acres, was recently rezoned to "RR" (Rural Residential) and is currently going through the platting process (RZ2018-0002/SD2018-0022). The applicant is proposing to rezone the subject property to "R1" (Rural Residential, 1 acre average minimum lot size). If approved, platting would be required to allow residential development on the parcel.</p> <p><u>Analysis</u> Standards of Review for Zoning Amendment (§07-06-05)</p> <p>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 3g). The proposed zoning of "R1" (Single Family Residential) is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan including but not limited to:</p> <ul style="list-style-type: none"> • Property Rights Policy No. 1- <i>"No person shall be deprived of private property without due process of law."</i> • Public Services, Facilities and Utilities Policy No. 3: <i>"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."</i> • Population Policy No. 3 – <i>"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."</i> • Land Use Policy #11 – <i>"Coordinate planning and development with applicable highway district and health officials."</i> • Land Use – Residential Policy #1 – <i>"Encourage high density residential in areas of city impact."</i>
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5. Large Aerial

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

The property is zoned “A” (Agricultural, 40 acre minimum lot size). North of the subject parcel are parcels primarily zoned “RR” (Rural Residential, 2 acre average minimum lot size). South of the subject parcel area parcels zone “A”. The nearest “R1” (Single Family Residential, 1 acre average minimum lot size) zone is approximately 0.5 miles west of the subject parcel (Table Meadows Subdivision). *See Exhibit 3c.*

The parcel is located within Red Fox Estates subdivision, which has been subsequently subdivided (Max Estates/Max Estates 2), has an average lot size of 4.5 acres. Three subdivisions are located near the subject parcel (Lewis Addn. #2, Lewis Crossing Subdivision and Chittenden Acres) with an average lot size of 1.49 acres. There are a total of 36 residential subdivisions within the vicinity of the parcel (Exhibit 3d). Of the 36 subdivision, approximately 8 are older subdivisions (prior to 1979), 13 were approved between 1996 to 2005 which includes Red Fox Estates, and 15 have been approved between 2007 and 2018.

The parcel is located in the Nampa City Impact Area. City of Nampa’s Future Land Use map designates the parcel as “Low Density Residential, 1-3.9 units per acre (Exhibit 3h). The rezone of 5.21 acre parcel to “R1” (Single Family Residential, 1 acre average minimum lot size) could potential create a total of five, 1 acre, residential lots. However, due to potential site improvements and easement dedications during the platting process, the amount of lots may be reduced. The applicant’s letter of intent indicates that the result of the rezone will be to create four residential parcels. Therefore, based on existing average lot sizes in the area and Nampa’s future land use growth of the area into low density residential, the requested rezone is more appropriate than the current zoning designation.

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

The majority of the area consist of residential dwellings. The immediate residential properties consist of an average lot size of 4.5 acres (Red Fox Estates and Max Estates Subdivision). Three subdivisions located near the subject parcel (Lewis Addn. #2, Lewis Crossing Subdivision and Chittenden Acres) with an average lot size of 1.49 acres. The 36 residential subdivisions within the general area consist of one acre average lot sizes or less (Exhibit 3d). The request residential zoning district is compatible with the surrounding uses.

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

The result of the rezone, and subsequent platting, will allow the 5.21 acres parcel to be developed into 1 acre residential parcels. The one acre lot size is smaller than the average lot sizes found in the Red Fox Estates and Max Estates subdivisions which may potentially change the character of those subdivisions. However, when considering the surrounding area, majority of the area to the north of the subject parcel consist of one acre average lot sizes or less. Therefore, the rezone does not impact the existing low density residential character of the area.

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

Adequate facilities/services can be provided to accommodate uses on the parcel. Services are as followed:

- Sanitary Service: Nampa's sanitary services do not currently extend to the subject parcel. Therefore, septic systems are required and must be consistent with all applicable Southwest District Health requirements. Southwest District Health will review platting or discretionary proposals at the time of application for consistency.
- Water Services: Nampa's water services currently extends along Lewis Lane which the applicant may utilize upon agreement with the City of Nampa – Engineering Division. (Exhibit 4b). If not, domestic wells will be required and must be consistent with Idaho Department of Water Resources requirements. City of Nampa Engineering Division and Idaho Department of Water Resources will review platting or discretionary proposals at the time of application for consistency.
- Irrigation Services: Boise Project Board of Control requires platting and development to not impact any existing irrigation canals or laterals without approval by the irrigation district (Exhibit 4e). Boise Project Board of Control will review platting or discretionary proposals at the time of application for consistency.

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

The subject property will have access on Red Fox Drive, a public road. The applicant will be required to adhere to Nampa Highway District #1 requirements and conditions for access (Exhibit 4c). All applicable requirements and conditions will be reviewed as part of the platting application. Comments received from Nampa Highway District, City of Nampa –Engineering Division (Exhibit 4b) and ITD (Exhibit 4d) do not express concern or opposition of the rezone.

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?

Nampa Highway District, City of Nampa –Engineering Division and ITD did not have concerns regarding traffic impacts to Red Fox Drive or connecting roads. City of Nampa –Engineering Division (Exhibit 4b) requires all future development to meet all Nampa Highway District #1 requirements. Nampa Highway District #1 (Exhibit 4c) requires review at the time of division which would be during the platting process. Nampa Highway District #1 also requires that the fence posts that currently encroach into the right-of-way be removed. The request is a code enforcement issue that should be enforced by the Nampa Highway District or required prior to approval of a final plat.

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

All affected essential public services and facilities were notified. No comments related to essential services were received. No impacts are anticipated by the rezone. Development of the parcel will require platting or discretionary decision which essential services will be notified and related impacts reviewed at that time.

Comments

Public Comments

The applicant conducted a neighborhood meeting with property owners within 600 feet of the subject parcel boundaries on July 13, 2018. Consistent with CCZO §07-05-01, property owners within 300 feet of the subject parcel boundary were notified on October 17, 2018. No public comments were received at the time of drafting this report.

County Agency Comments

On October 2, 2018, the following agencies were notified:

Idaho Power	Southwest District Health	<input checked="" type="checkbox"/> Nampa Highway District	CC Assessor's Office
CC Sheriff	Intermountain Gas	Dept. of Water Resources	<input checked="" type="checkbox"/> City of Nampa
CC Ambulance	<input checked="" type="checkbox"/> Boise Project Board of Control	Nampa Fire District	<input checked="" type="checkbox"/> ITD
Army Corp of Engineers	Nampa School District	COMPASS	CC Weed & Gopher Control
Dept. of Environmental Quality			

(The checked-box indicates a comment was received. See Exhibit 4 for comment letters)

Decision Options

- The Planning and Zoning Commission may **recommend approval** of the rezone to the Board of County Commissioners as request by the applicant;
- The Planning and Zoning Commission may **recommend approval** of a more restrictive residential rezone to the Board of Commissioners;
- The Planning and Zoning Commission may **recommend denial** of the rezone to the Board of County Commissioners; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

Staff 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

Bethel Romanian Church – Rezone Case No. RZ2018-0023

Development Services Department

November 15, 2018

Findings of Fact, Conclusions of Law, and Order

Findings of Fact

1. The applicant is requesting a rezone of parcel R25677505A from “A” (Agricultural) to “R1” (Single Family Residential). The vacant parcel is located at the corner Red Fox Drive and Lewis Lane with the Red Fox Estates Subdivision. An application was submitted on September 28, 2018 in accordance with §07-06-03(1) of the Canyon County Code. A neighborhood meeting was held in accordance with CCZO §07-01-15 (Exhibit 2c).
2. The 5.21 acres parcel was once a portion of a 10.46 parcel (Lot 6, Block 1) in the Red Fox Estates Subdivision. In 2004, the parcel was divided into three parcels without approval or platting creating the subject parcel, parcel R25677505 and R25677505B (Instrument #200429423, Exhibit 2b). Therefore, the parcel does not have a building permit available. Development would require platting or conditional use permit approval.
3. The parcel is currently zoned “A” (Agricultural, 40 acre average minimum lot size). The 2020 Canyon County Comprehensive Plan designates the parcel as “Residential” on the Future Land Use map (Exhibit 3g).
4. The subject property is located within the Nampa Area of Impact. City of Nampa’s Comprehensive Plan designates the parcel as “Low Density Residential, 1-3.9 units per acre” (Exhibit 3h). The City was noticed in accordance with the Nampa Area of City Impact Ordinance (CCZO §09-11-23). Comments were received on October 25, 2018 in support of the request (Exhibit 4a). However, bicycle and pedestrian pathway easement dedication would be required at the time of platting.
5. Notice of the public hearing was provided as per CCZO §07-05-01. Agencies were notified on October 2, 2018. Property owners within 300 feet of the subject parcel boundaries were noticed on October 17, 2018. Full political notice was completed October 19, 2018. Newspaper notice was completed on October 28, 2018. The subject property was posted with a notice on November 6, 2018.
6. The record consists of exhibits provided as part of the public hearing staff report, testimony and any additional evidence submitted during the public hearing on November 15, 2018 and all information contained in Case File #RZ2018-0023.

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 requested zone change is generally consistent with the Comprehensive Plan Future Land Use Map which designates the subject property as ‘Residential’ (Exhibit 3g). The “R1” (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.”*
 - The notice of the public hearing was provided consistent with CCZO §07-05-01.

- 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 Future Land Use Map within the Canyon County Comprehensive Plan designates the subject property as ‘Residential’. The subject parcel is located within the Nampa City Impact Area. City of Nampa’s Comprehensive Plan designates the parcel as “Low Density Residential, 1-3.9 units per acre”.
 - The area consists primarily of residential uses zoned as “Rural Residential, 2 acre minimum average lot size). However, the general area consists of 36 subdivisions with one acre average lot sizes of less which are more consistent with City of Nampa’s Comprehensive Plan which designates the future land use as “Low Density Residential, 1-3.9 units per acre.”
- 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 parcel is located within Nampa Fire District.
- Land Use Component – Residential Policy #1: *“Encourage high density development in areas of city impact.*
 - The rezone meets current residential densities found in the surrounding area. The primary use of the surrounding area is residential. Although the immediate area consists of an average parcel size of 4.5 acres, the general area consists of 36 subdivisions with one acre average lot sizes of less which are more consistent with City of Nampa’s Comprehensive Plan which designates the future land use as “Low Density Residential, 1-3.9 units per acre.”
- Land Use Policy #11 – *“Coordinate planning and development with applicable highway district and health officials.”*
 - Nampa Highway District #1 was noticed. The comment letter received does not oppose the requested zone amendment (Exhibit 3c).
 - Southwest District Health and Idaho Department of Environmental Quality were notified on October 2, 2018. No comments were received. Review would be required at the time of platting or conditional use permit application review.

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 property is zoned “A” (Agricultural, 40 acre minimum lot size). North of the subject parcel are parcels primarily zoned “RR” (Rural Residential, 2 acre average minimum lot size). The nearest “R1” (Single Family Residential, 1 acre average minimum lot size) zone is approximately 0.5 miles west of the subject parcel (Table Meadows Subdivision).

The parcel is located within Red Fox Estates subdivision, which has been subsequently subdivided (Max Estates/Max Estates 2), has an average lot size of 4.5 acres. Three subdivisions are located near the subject parcel (Lewis Addn. #2, Lewis Crossing Subdivision and Chittenden Acres) with an average lot size of 1.49 acres. There are a total of 36 residential subdivisions within the vicinity of the parcel (Exhibit 3d). Majority of the subdivision have an average lot size of one acre or less. Of the 36 subdivision, approximately 8 are older subdivisions (prior to 1979), 13 were approved between 1996 to 2005 which includes Red Fox Estates, and 15 have been approved between 2007 and 2018.

The parcel is located in the Nampa City Impact Area. City of Nampa’s Future Land Use map designates the parcel as “Low Density Residential, 1-3.9 units per acre (Exhibit 3h). The rezone of 5.21 acre parcel to “R1” (Single Family Residential, 1 acre average minimum lot size) could

potential create a total of five, 1 acre, residential lots. However, due to potential site improvements and easement dedications during the platting process, the amount of lots may be reduced (City of Nampa easement dedication, Exhibit 4a). The applicant's letter of intent indicates the result of the rezone would be a four lot subdivision, an average lot size of 1.3 acres (Exhibit 2a). Therefore, based on existing average lot sizes in the area and Nampa's future land use growth of the area into low density residential, the requested rezone is more appropriate than the current zoning designation.

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

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

Finding: The majority of the area consist of residential uses. The immediate residential properties consist of an average lot size of 4.5 acres (Red Fox Estates and Max Estates Subdivision). However, the general area consists of 36 residential subdivisions with one acre average lot sizes or less (Exhibit 3d). The requested residential zoning district is compatible with the surrounding uses.

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.

Finding: The result of the rezone, and subsequent platting, will allow the 5.21 acres parcel to be developed into 1 acre residential parcels. The one acre lot size is smaller than the average lot sizes found in the Red Fox Estates and Max Estates subdivisions which may potentially change the character of those subdivisions. However, when considering the surrounding area, majority of the area to the north of the subject parcel consist of one acre average lot sizes or less. Therefore, the rezone does not impact the existing low density residential character of the area.

No mitigation measures are proposed for the rezone. Development of the parcel will require platting or discretionary review. Development impacts will be addressed at that time.

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

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

Finding: Adequate facilities/services can be provided to accommodate uses on the parcel. Services are as followed:

- Sanitary Service: Nampa's sanitary services do not currently extend to the subject parcel. Therefore, septic systems are required and must be consistent with all applicable Southwest District Health requirements. Southwest District Health will review platting or discretionary proposals at the time of application for consistency.
- Water Services: Nampa's water services currently extends along Lewis Lane which the applicant may utilize upon agreement with the City of Nampa. (Exhibit 3b). If not, domestic wells will be required and must be consistent with Idaho Department of Water Resources requirements. City of Nampa Engineering Division and Idaho Department of Water Resources will review platting or discretionary proposals at the time of application for consistency.
- Irrigation Services: Boise Project Board of Control requires platting and development to not impact any existing irrigation canals or laterals without approval by the irrigation district (Exhibit 3e). Boise Project Board of Control will review platting or discretionary proposals at the time of application for consistency.

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

Conclusion: Legal access to the parcel is proposed from Red Fox Drive, a public road.

Finding: The parcel will have access from Red Fox Drive, a public road. The road connects to Lewis Lane, a minor arterial. The subject property has frontage on Red Fox Drive and Lewis Lane. The applicant will be required to adhere to Nampa Highway District #1 requirements and conditions for access (Exhibit 4c). All applicable requirements and conditions will be reviewed as part of the platting application. Comments received from Nampa Highway District, City of Nampa – Engineering Division (Exhibit 4b) and ITD (Exhibit 4d) do not express concern or opposition of the rezone.

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.

Finding: Access is proposed from Rex Fox Drive, a public road. Nampa Highway District, City of Nampa–Engineering Division and ITD did not have concerns regarding traffic impacts to Red Fox Drive or connecting roads. City of Nampa –Engineering Division (Exhibit 4b) requires all future development to meet all Nampa Highway District #1 requirements. Nampa Highway District #1 (Exhibit 4c) requires review at the time of division which would be during the platting process.

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 can accommodate the requested rezone.

Finding: The zone amendment is not anticipated to create an impact to essential public services. All affected essential public services and agencies were notified. All comments received did not indicate the rezone would impact public services. Development of the parcel will require platting or discretionary decision which essential services and agencies will be notified and related impacts will be reviewed at that time.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Planning and Zoning Commission **recommends approval** of Case # RZ2018-0023, a request to rezone parcel R25677505A, approximately 5.21 acres, from an “A” (Agricultural) zone to an “R1” (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: _____