

CR2024-0010

Bohner

APPLICANT: RYAN MARTIN

PROPERTY OWNER: BRIAN AND NICHOLE BOHNER



REQUEST:

The applicants, Brian and Nichole Bohner, represented by Ryan Martin, are requesting a conditional rezone of Parcel R29554014 (approximately 6.25 acres) from the Agricultural (A) zone to the Conditional Rezone – Rural Residential (CR-R-R) zone and a conditional rezone of Parcel R29554015 (approximately 1.65 acres) from the Agricultural (A) zone to the Conditional Rezone - Single-Family Residential (CR-R1) zone.



GENERAL BACKGROUND:

- Parcels R29554014 and R29554015 are both zoned Agricultural with a future land use designation of Agricultural.
- The parcels were created via deed without Canyon County's approval in 2007.
- There are currently no buildings on site.



ATTACHMENT A
CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject properties and the proposed uses, including, but not limited to, the following applicable agency requirements:
 - a. Nampa Highway District No. 1 (**Staff Report Exhibits D1, D1.1, and D1.2**).
2. Parcel R29554014, approximately 6.25 acres, shall be zoned Conditional Rezone-Rural Residential (CR-R-R) and be divided in compliance with Chapter 7, Article 18 (Administrative Land Divisions) or Chapter 7, Article 17 (Subdivisions) (whichever is applicable) of the Canyon County Code of Ordinances (CCCO) and shall not exceed two (2) residential parcels (**Staff Report Exhibit A2**).
 - a. Secondary residences are prohibited.
3. Parcel R29554015, approximately 1.65 acres, shall be zoned Conditional Rezone-Single Family Residential (CR-R-1) and the division shall be recognized through the provisions in Chapter 7, Article 18 (Administrative Land Divisions) or Chapter 7, Article 17 (Subdivisions) (whichever is applicable) of the Canyon County Code of Ordinances (CCCO) (**Staff Report Exhibit A2**).
 - a. No divisions shall occur.
 - b. Secondary residences are prohibited.
4. At the time of application for an administrative land division or preliminary plat, an irrigation plan that identifies ground and or surface water rights available to the subject properties and the water delivery methodology must be submitted to Canyon County Development Services. The irrigation plan shall be reviewed and approved by the local irrigation district per Idaho Code §67-6537(1) prior to submittal to Canyon County's Development Services Department.
5. At the time of an application for an administrative land division or preliminary plat, (an) irrigation maintenance easement(s) must be established and recorded for all current and future property owners that have or will have access to the irrigation water source on the subject properties.
6. 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 the approval of an administrative land division or preliminary plat (whichever is applicable).
7. The Idaho Right to Farm Act language (Idaho Code §22-4503) shall appear on any future subdivision plats or recorded surveys associated with an administrative land division application to divide either Parcel R29554014 or Parcel R29554015.

Planning and Zoning Commission Recommendation - Approval

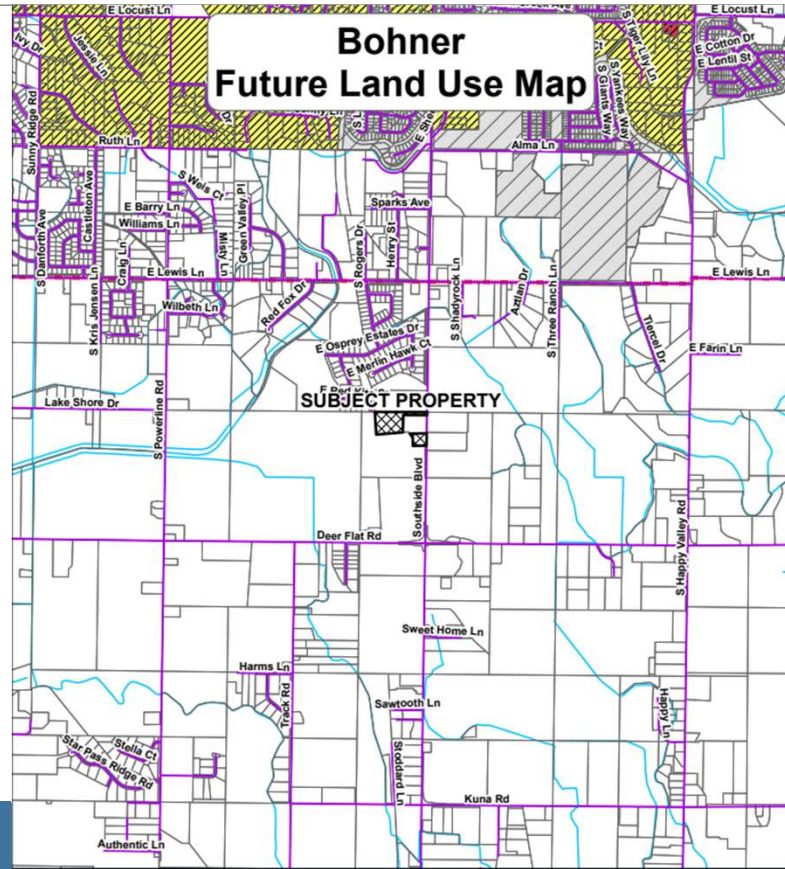
CONDITIONAL REZONE CRITERIA - (07-06-07(6)A):

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)



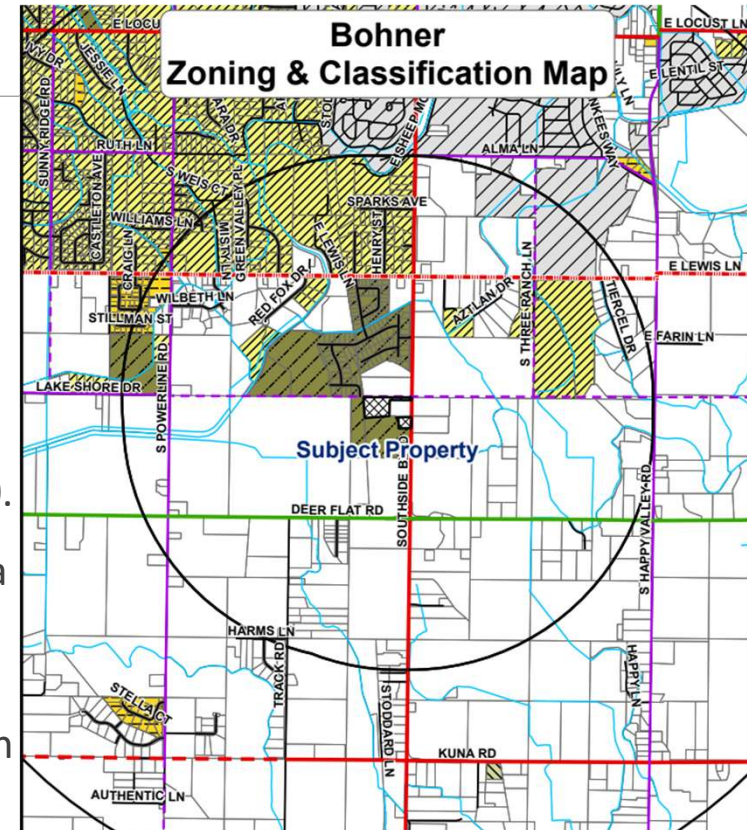
CONDITIONAL REZONE CRITERIA 1: COMPREHENSIVE PLAN CONSISTENCY

- Canyon County's Future Land Use Map for 2030 calls for agriculture.
- Osprey Estates to the north demonstrates this area is transitioning to contain more residential uses.
- Per CCCO §07-06-07, a conditional rezone does not set a precedent that adjacent property should be rezoned the same.
- The request is consistent with 4 goals and 7 policies of the 2030 Comprehensive Plan.



CONDITIONAL REZONE CRITERIA 2-4: SURROUNDING LAND USES, COMPATIBILITY, AND CHARACTER OF THE AREA

- The surrounding area primarily contains agricultural and residential uses.
 - There are 24 subdivisions in the area within 1-mile of the subject property with an average parcel size of 1.25 acres and three (3) subdivisions in the platting process with an average parcel 0.87 acres
- The subject property is contained within Traffic Analysis Zone (TAZ) “2842,” which calls for an increase of 46 households by the year 2050.
- The land use cases approved in the last 5 years demonstrate the area is trending towards having more residential uses.
- The applicant’s proposed conditions include: limiting the division of Parcel R29554014 into two (2) residential parcels, allowing no division of Parcel R29554015, and restricting secondary residences on both parcels.



Parcel R29554015 facing Northwest and North from Eastern Boundary



Parcel R29554014 facing West from Eastern Boundary



Parcel R29554014 and adjoining property facing Northwest from Eastern Boundary



CONDITIONAL REZONE CRITERIA 5: ADEQUATE FACILITIES AND SERVICES

- Sewer: Individual septic systems. No N-P Study is required.
- Water: Individual wells are planned.
- Drainage: Stormwater drainage will be retained on site.
- Irrigation: Surface water is provided to the property via a pressurized irrigation system.
 - Condition of approval #3: At the time of application for an administrative land division or preliminary plat, an irrigation plan that identifies ground and/or surface water rights available to the subject properties and the water delivery methodology must be submitted to Canyon County Development Services. The irrigation plan shall be reviewed and approved by the local irrigation district per Idaho Code §67-6537(1) prior to submittal to Canyon County's Development Services Department
 - Condition of approval #4: At the time of an application for an administrative land division or preliminary plat, (an) irrigation maintenance easement(s) must be established and recorded for all current and future property owners that have or will have access to the irrigation water source on the subject properties.
- No utility agencies commented.



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

- Nampa Highway District No. 1 (NHD#1) and Idaho Transportation Department (ITD) is not requiring public street improvements and does not have any traffic pattern concerns.



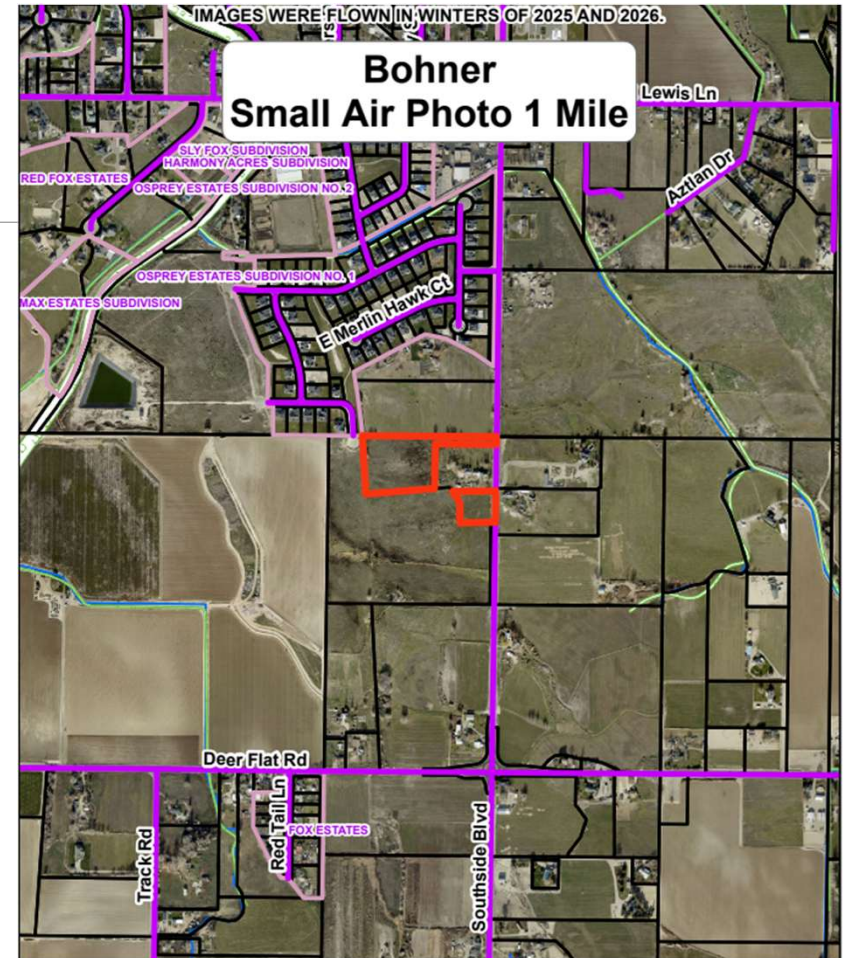
CONDITIONAL REZONE CRITERIA 7: LEGAL ACCESS

- The subject properties front Southside Blvd
- On June 25th, 2026, the Nampa Highway District No. 1 Commissioners approved a variance request for one point of access to each parcel.
- See condition #1a: Compliance with Nampa Highway District's requirements will be met at the time of administrative land division or subdivision plat, whichever occurs first.



CONDITIONAL REZONE CRITERIA 8: PUBLIC SERVICES AND FACILITIES

- Schools: No comments were received.
- Police: No comments were received.
- Fire Protection: Nampa Fire Protection's comment letter outlined fire code requirements and conditions of approval. The estimated response time is 7 minutes.
- EMS: Canyon County Paramedics sent three (3) response times for different stations – 9.01 minutes, 13.5 minutes, and 14.3 minutes.



NOTIFICATION (07-05-01) & COMMENTS:

Initial agency noticing and JEPA notice was sent on April 15, 2026. Agencies and a Full Political was sent out on July 2, 2026 and September 3, 2026. Staff received comments from the following agencies:

Nampa Highway District No. 1, City of Nampa, Southwest District Health, Idaho Department of Environmental Quality, Idaho Transportation Department, Nampa Fire Protection District, Canyon County Ambulance District, and Idaho Department of Water Resources (Floodplain).

Neighbors within 600' were notified on July 2, 2026 for the P&Z Hearing and September 3, 2026 for the BOCC Hearing:

- Two (2) public comments were received in neutral for the P&Z Hearing.
- No public comments were received for the BOCC Hearing.



Decision Options:

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?

