



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

In the matter of the application of:

MDC LLC/Carter – CR2022-0016

The Canyon County Board of County Commissioners considers the following:

- 1) Conditional Rezone of parcels R37511 & R37510112, approximately 164 acres, from “A” (Agricultural) to “CR-R-R” (Conditional Rezone – Rural Residential).
- 2) The request includes a development agreement. *See Attachment A for development agreement conditions.*

Address: 25455 Lansing Ln., Middleton, ID, Parcels R37511 and R37510112; also referenced as a portion of the NE¼ of Section 28 T5N, R2W, 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 CR2022-0016.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See CCZO §07-06-07(1).*
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See CCZO §07-05-01.*
 - d. Pursuant to CCZO §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.”
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. *See I.C. §67-6504, §67-6511.*
3. The Board has the authority to hear this case and make its own independent determination. *See I.C. §67-6519, §67-6504, 67-6509 & 67-6511.*

4. The Board can sustain, modify, or reject the Commission's recommendations. See CCZO §07-05-03.
5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
6. 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. CCZO 07-05-03(1)(I).

The application, Case No. CR2022-0016, was presented at a public hearing before the Canyon County Board of County Commissioners on March 13, 2025, and March 31, 2025. 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 conceptual plans, the Board of County Commissioners finds the following per CCZO Section 07-06-07(6)A:

CONDITIONAL REZONE CRITERIA

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the Comprehensive Plan.

Findings: (1) The future land use plan in the 2020 Canyon County Comprehensive Plan designates the parcels as "residential" (Exhibit 3.B.2k of the staff report). Page 37 of the Comprehensive Plan describes the residential designation as follows:

"The residential designation is a zone specifically set aside for residential development. A minimum lot size is established in order to accommodate a septic system and well on the same parcel. In areas where soils are not adequate to support septic systems, development alternatives must be considered. Residential development must be compatible with the existing agricultural activity. Residential development should be encouraged in or near Areas of City Impact or within areas that demonstrate a development pattern of residential land uses."

(2) The request generally complies with the following goals and policies of the 2020 Comprehensive Plan:

- Property Rights – Policy 1: No person shall be deprived of private property without due process of law.
 - The request was processed per the following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).
- Property Rights – Policy 8: Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.
 - See criteria 2 & 3 within this document for evidence and details.
 - See Attachment A for conditions of the development agreement.
- Property Rights – Policy 11: Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.
 - The future land use plan in the 2020 Canyon County Comprehensive Plan designates the parcels as "residential" (Exhibit 3.B.2k of the staff report).
 - See criteria 2 & 3 within this document for evidence and details.

- See Attachment A for conditions of the development agreement.
- Population – Policy 3: Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.
 - See criteria 2 & 3 within this document for evidence and details.
- School Facilities & Transportation – Goal 2: Strive for better connectivity, safer access, and pedestrian-friendly transportation options to schools.
 - See criteria 6 & 8 within this document for evidence and details.
- School Facilities & Transportation – Policy 2: Provide information regarding land development proposals with all affected school districts. School districts should be given the opportunity to participate in pre-application processes and planning.
 - See criteria 6 & 8 within this document for evidence and details.
- Economic Development – Policy 6: Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.
 - See criteria 2 & 3 within this document for evidence and details.
 - See Attachment A for conditions of the development agreement.
- Land Use – Goal 1: To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure, and services.
 - See criteria 2 & 3 within this document for evidence and details.
- Land Use – Goal 5: Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
 - See criteria 2 & 3 within this document for evidence and details.
 - See Attachment A for conditions of the development agreement.
- Land Use – Goal 6: Designate areas where rural-type residential development will likely occur and recognize areas where agricultural development will likely occur.
 - The future land use plan in the 2020 Canyon County Comprehensive Plan designates the parcels as “residential” (Exhibit 3.B.2k of the staff report).
 - See criteria 2 & 3 within this document for evidence and details.
 - See Attachment A for conditions of the development agreement.
- Land Use – Policy 1: Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact on surrounding areas.
 - The future land use plan in the 2020 Canyon County Comprehensive Plan designates the parcels as “residential” (Exhibit 3.B.2k of the staff report).
 - See criteria 2 & 3 within this document for evidence and details.
 - See Attachment A for conditions of the development agreement.
- Land Use – Policy 2: Encourage orderly development of subdivisions and individual land parcels and require development agreements when appropriate.
 - See Attachment A for conditions of the development agreement.
- Land Use – Policy 6: Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.
 - See criteria 5 within this document for evidence and details.
- Natural Resources - Water – Goal 1: Water is an essential and limited natural resource. Groundwater and surface water should be preserved and protected.

- See criterion 5 within this document for evidence and details.
- Natural Resources - Water – Policy 4: Encourage new development to incorporate design elements that limit water use requirements.
 - See criterion 5 within this document for evidence and details.
- Natural Resources - Air – Policy 1: Consider land use and transportation issues as important factors in the reduction of air pollution.
 - See criterion 5 within this document for evidence and details.
- Hazardous Areas – Goal 1: To ensure the safety of residents and the protection of property.
 - See Attachment A for conditions of the development agreement.
- Public Services, Facilities, and Utilities – Policy 3: Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.
 - See criterion 8 within this document for evidence and details.
- Public Services, Facilities, and Utilities – Policy 4: Encourage activities to promote the protection of groundwater and surface water.
 - See criterion 5 within this document for evidence and details.
- Transportation – Policy 18: Transportation improvements, such as streets, curbs, gutters, drainage, if required, must be approved by and meet the standards of highway districts and/or ITD (as applicable), where applicable and not in direct conflict with other county objectives. Such improvements should (if appropriate) be funded by the developer.
 - See criteria 6 & 7 within this document for evidence and details.
- Transportation – Policy 19: Require and accept traffic studies in accordance with highway district procedures that evaluate the impact of traffic volumes, both internal and external, on adjacent streets and preserve the integrity of residential neighborhoods where applicable.
 - See criteria 6 within this document for evidence and details.
- Housing – Policy 1: Encourage a variety of housing choices that meet the needs of families, various age groups, and incomes.
 - See criteria 2 & 3 within this document for evidence and details.
- Community Design – Policy 2: Encourage development of self-sustaining communities that maintain the rural lifestyle and good quality of life of the county.
 - See criteria 2 & 3 within this document for evidence and details.
- Community Design – Policy 5: Encourage each development to address concerns regarding roads, lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.
 - See criteria 3, 5, 6, & 7 within this document for evidence and details.
- Community Design – Policy 5: Encourage pressurized irrigation systems using non-potable water where reasonably possible (Idaho Code 67-6537).
 - See criterion 5 within this document for evidence and details. See Attachment A for the conditions of the development agreement.
- Agriculture – Policy 3: Protect agricultural operations and facilities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development.
 - See criteria 2 & 3 within this document for evidence and details.

- Agriculture – Policy 4: Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains, and associated irrigation works and rights-of-way.
 - See criterion 5 within this document for evidence and details.
- (3) The request does not align with the following goals and policies of the 2020 Comp. Plan:
- Hazardous Areas – Policy 3: Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: i. Flood hazards; ii. Unstable soil and/or geologic conditions; and iii. Contaminated groundwater.
 - Housing – Policy 2: Limit housing in areas that are hazardous whenever possible. Such constraints or hazards include but are not limited to, the following: - Flood Hazards; - Unstable soil and/or geologic conditions; - Contaminated groundwater.
 - See Exhibit 3.D.2 of the staff report and criteria 3 within this document for evidence and details.
 - School Facilities & Transportation – Policy 3: The adequacy of school facilities may be considered by the hearing bodies in reviewing proposed residential subdivision and planned developments based on recommendations from the affected districts.
 - See Exhibit 3.D.7 of the staff report and criteria 8 within this document for evidence and details.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0016.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: In consideration of the surrounding land uses, the proposed conditional rezone to “R-R is more appropriate than the current zoning designation of “A”.

Findings: (1) The subject parcels are zoned “A” (Agricultural, Exhibit 3.B.2c of the staff report). CCZO §07-10-25(1) states that the purpose of the “A” Zone is to:

“A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations; B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan; C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65; D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.”

The parcels consist primarily of best-suited soils (Class II – 76.78%, Exhibit 3.B.2h of the staff report). A majority of the parcels are considered prime farmland if irrigated (88.28%, Exhibit 3.B.2h of the staff report). The parcels are in active agricultural production associated with a wholesale nursery (Exhibits 3.A.2, 3.B.2a, and 3.C of the staff report). Canyon Soils Conservation District provided a comment letter recommending the denial of the request for the above because the property is prime farmland (Exhibit 3.D.8 of the staff report).

- (2) The applicant requests a conditional rezone to an “R-R” (Rural Residential, two-acre average minimum lot size) zone (Exhibit 3.A.2 of the staff report). The request will limit development to 76 lots (75 developable lots and an 18.73-acre lot for the existing dwelling and nursery operation, Exhibits 3.A.2 & A.4). The site plan has lots exceeding one acre in size and meeting the minimum average overall size of two acres (Exhibit 3.A.3 of the staff report). Per CCZO

§07-10-25(2), the purpose of the zone is to “encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.”

- See Attachment A for conditions of the development agreement, including the number of residential lots.
- (3) The request is supported by the 2020 Canyon County Comprehensive Plan, where residential growth is shown on the future land use plans (Exhibit 3.B.2k of the staff report).
- (4) As conditioned (Attachment A), when considering the surrounding subdivisions and land use decision (Exhibits 3.B.2c, d & e of the staff report), the “R-R” zone is commensurate with the residential development in the area.
- a. Based on existing development and approvals within the immediate vicinity, the subject parcels are enclaved agricultural properties surrounded by residential development. Within the immediate vicinity, the following similar rezones were approved (Exhibit 3.B.2c & d of the staff report):
 - PH2014-17 (Approx. 91.5 acres): Rezone from “A” to “R-R”. Subsequently approved as Thoroughbred Estates in 2014. See Exhibit 3.B.6 & B.7 of the staff report.
 - PH2016-65 (Approx. 61 acres): Rezoned from “A” to “R-1” (Single Family Residential). Subsequently approved as Oaklee Subdivision in 2021. See Exhibit 3.B.8 and B.9 of the staff report.
 - RZ2021-0034 (Approx. 26.8 acres): Rezoned from “A” to “R-R”. Subsequently approved as Hawk View Estates in 2022. See Exhibit 3.B.10 & B.11 of the staff report.
 - b. The following subdivisions are located adjacent to the request (Exhibit 3.B.2e of the staff report):
 - Hawk View Estates (Preliminary Plat approved 2022): 12 lots, 2.23-acre average lot size (Exhibit 3.B.11 of the staff report).
 - Thoroughbred Estates (2014): 40 lots, 2.29-acre average lot size (Exhibit 3.B.7 of the staff report).
 - Moon Shadow Estates (2007): 18 lots, 1.18-acre average lot size.
 - Oaklee Estates Sub (2023): 36 lots, 1.53-acre average lot size (Exhibit 3.B.9 of the staff report).
 - Willowview Subdivision No. 2 (2006): 16 lots, 2.21-acre average lot size if not considering the subject parcel. Parcel R37510112, approximately 79.79 acres, is Lot 15, Block 1 of Willowview Subdivision No. 2 (Exhibit 3.B.5 of the staff report).
 - Willowcreek Ranch Estates No. 3 (2004): 8 lots, 1.49-acre average lot size (Exhibit 3.B.4 of the staff report).
 - Willowcreek Ranch Estates No. 2 (1998): 36 lots, 1.93-acre average lot size (Exhibit 3.B.3 of the staff report).
 - Creekside Ranch Estates (2003): 3 lots, 5.81-acre average lot size.
 - Willowview Sub. (2005): 14 lots, 2.13-acre average lot size.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0016.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned (Attachment A), the proposed conditional rezone to “R-R” is compatible with surrounding land uses.

Findings:

- (1) The applicant requests a conditional rezone of an “R-R” (Rural Residential, two-acre average minimum lot size) zone (Exhibit 3.A.2 of the staff report). The request submitted limited development to 76 lots (75 developable lots and an 18.73-acre lot for the existing dwelling and nursery operation, Exhibit 3.A.2 & A.4 of the staff report). Per CCZO §07-10-25(2), the purpose of the zone is to “*encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.*”
 - A. Based on existing development and approvals within the immediate vicinity, the subject parcels are surrounded by residential development. *See criterion 2 within this document for evidence and details.*
 - B. The applicant agreed to revise the request to limit development to 54 residential lots, not including the tree farm nursery lot, and will consist of a 2.5-acre average lot size with a minimum lot size of two acres. The average lot size calculation shall not include the tree farm nursery (approximately 18 acres) and road improvements. *See Attachment A for the conditions of the development agreement, including the number of residential lots.*
- (2) To promote connectivity between existing and the proposed development, the development includes the following condition of the development agreement regarding a pathway system: “The development on ultimate buildout shall provide a 10-foot no-rise pathway and 20-foot easement along the southern edge of Willow Creek, extending from the west boundary to the eastern boundary, dedicated for use by pedestrians, non-motorized vehicles, and equestrian traffic. A 10’ pathway with a 20’ easement shall connect the pathway to a public road within the development” (Exhibit 3.A.2 & A.4 of the staff report). *See Attachment A for the conditions of the development agreement.*
- (3) The parcel is located in an “AE” Floodplain with a mapped floodway (Exhibit 3.D.2 and 4.A of the staff report). The applicant proposes no residential structure, grading, construction, or encroachment into the floodway. The other areas of the “AE” floodplain will be raised with fill and processed through FEMA as a Letter of Map Revision to ensure all new residential structure pads and sanitary services are located outside of the floodplain (Exhibits 3.A.2 & A.4 of the staff report). *See Attachment A for the conditions of the development agreement.*
- (4) Idaho Dept of Environmental Quality (DEQ) requires all new developments to ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651 and recommends the development submit a dust prevention and control plan before the final plat incorporating appropriate best management practices to control fugitive dust (Exhibit 3.D.1 and 4.B of the staff report). *See Attachment A for the conditions of the development agreement.*
- (5) Comments were received from neighbors with concerns regarding lot size, cumulative impacts regarding traffic, access, water usage, and essential services (Exhibit 3.E and 5 of the staff report). As conditioned, impacts regarding traffic, access, and adequate facilities (water, sewer, irrigation, drainage, and utilities) can be addressed as part of the preliminary plat and completed per the requirements of each affected agency (*See Attachment A for the conditions of the development agreement*).
- (6) The Planning and Zoning Commission recommended denial of the request, finding the proposed two-acre average lot size inconsistent with the surrounding area (Exhibit 1 and 2 of the staff report). The applicant proposed a large number of one-acre lots that meet the two-acre average lot size promoted by the “R-R” zone (CCZO §07-10-21) by retaining an 18.73-acre lot (Exhibit 3.A.3 of the staff report). Per Exhibit 3.B.2.e of the staff report, the existing subdivision development in the area has an average lot size of 2.99 acres.
- (7) As conditioned, the Board of County Commissioners finds a 2.5-acre average lot size with a minimum lot size of two (2) acres commensurate with the surrounding area. *See Attachment A, Condition No. 2, for details.* Per CCZO §07-05-03, the Board rejected the Commission’s recommendation of denial.

- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0016.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned (Attachment A), the proposed conditional rezone will not negatively affect the character of the area.

- Findings:**
- (1) The applicant requests a conditional rezone of an “R-R” (Rural Residential, two-acre average minimum lot size) zone. *See Attachment A for the conditions of the development agreement, including the number of residential lots.*
 - (2) Based on existing development and approvals within the immediate vicinity, the subject parcels are surrounded by residential development. *See criterion 2 within this document for evidence and details.*
 - (3) Based on conditions (Attachment A) addressing floodplain development, traffic, access, and adequate facilities found in Criteria 07-06-07(6)A3, 5, 6, 7 & 8, the request will not negatively impact the character of the area.
 - (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were notified on February 4, 2025. A newspaper notice was published on February 11, 2025. Property owners within 600’ were notified by mail on February 4, 2025. Full political notice was provided on February 4, 2025. The property was posted on February 11, 2025.
 - a. Comments were received from neighbors with concerns regarding lot size, cumulative impacts regarding traffic, access, water usage, and essential services (Exhibit 3.E and 5 of the staff report). As conditioned, impacts regarding traffic, access, and adequate facilities (water, sewer, irrigation, drainage, and utilities) can be addressed as part of the preliminary plat and completed per the requirements of each affected agency (*See Attachment A for the conditions of the development agreement*).
 - b. To address concerns, the applicant agreed to revise the request to limit development to 54 residential lots, not including the tree farm nursery lot, and will consist of a 2.5-acre average lot size with a minimum lot size of two acres. The average lot size calculation shall not include the tree farm nursery (approximately 18 acres) and road improvements. *See Attachment A for the conditions of the development agreement, including the number of residential lots.*
 - (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0016.

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

Conclusion: Adequate facilities and services can be provided to accommodate the proposed rezone.

- Findings:**
- (1) Sanitary services are to be provided by private onsite septic/drain field systems for each lot (Exhibit 3.A.2 of the staff report). A comment letter was not received from Southwest District Health (SWDH). At the time of platting, SWDH will require a nutrient pathogen (NP) study and subdivision engineering report (SER) to determine the number of lots and system location and design. <https://swdh.id.gov/licensing-permitting/septic-land-development/>.
 - (2) Water was initially proposed via onsite private wells (Exhibit 3.A.2). After considering all comments and analysis, the applicant agreed to provide a community water system. (*See Attachment A for the conditions of the development agreement*).
 - a. Comments were received regarding the need for a hydrology study to address the development and its impact on the water table (Exhibit 3.E of the staff report). The applicant submitted a Technical Memorandum - Willowcreek Subdivision Groundwater

Use Assessment prepared by HDR on July 25, 2023 (Exhibit A.8 of the staff report). The assessment finds that the pumping of 76 wells or one community well for domestic use using a low transmissivity (conservative) estimate will induce less than 0.6 feet of drawdown at a radius of one-half continuous pumping. The addition of domestic wells or one community well to this area will not injure nearby well owners or harm local groundwater resources in the area. *See Attachment A for the conditions of the development agreement, including the number of residential lots and average lot size.*

- b. A community water system was recommended instead of individual wells for the following reasons:
 - i. A portion of the parcel is located in a nitrate priority area, and wells in the area demonstrate high nitrate levels (Exhibit 3.B.2m of the staff report). A community water system will ensure residents get safe drinking water and will be required to be annually monitored.
 - ii. The Idaho Department of Environmental Quality (DEQ) requires a community water system when it well serves at least 15 connections or 25 people year-round in their primary residences (e.g., cities, towns, apartment complexes, and mobile home parks with their water supplies). <https://www.deq.idaho.gov/water-quality/drinking-water/general-information-on-drinking-water/>. Since the request proposes 76 individual wells with less than 15 connections each, DEQ and SWDH can only recommend a community water system, not require (Exhibit 3.D.1 of the staff report). It is up to the local government to require a community water system at the time of rezoning or platting.
 - iii. The Willowcreek Subdivision Groundwater Use Assessment provides positives and negatives of the community system (Exhibit 3.A.8 of the staff report, page 13). Well-construction recommendations (Exhibit 3.A.8 of the staff report, page 13) place the construction and expense of the homeowner. Disclosure/implementation of the recommended well-construction standard has been difficult for CC&Rs to enforce. The community water system requires the homeowner association to contract a water service company to operate and maintain the system.
 - iv. A community water system ensures compliance with state and federal drinking water regulations. The system will also provide water for hydrants proposed to be installed throughout the subdivision (Exhibit 3.A.8 of the staff report, page 13).
- (3) Drainage will be retained onsite and/or discharged at predevelopment rates (Exhibit 3.A.2 of the staff report). Black Canyon Irrigation District (BCID) states that runoff and drainage from the proposed development should be addressed, as well as ensure downstream users are not adversely affected by the request (Exhibit 3.D.3 of the staff report). The request does not include a drainage plan. A drainage and grading plan is required at the time of the preliminary plat, per CCZO §07-17-09.
- (4) An onsite pressurized irrigation system is proposed using existing water rights (Exhibits 3.A.2 & 3.A.4 of the staff report). The request does not include an irrigation plan. An irrigation plan is required at the time of the preliminary plat, per CCZO §07-17-09. *See Attachment A for the conditions of the development agreement.* Black Canyon Irrigation District (BCID) will require the following (Exhibit 3.D.3 of the staff report):
 - a. All maintenance road right-of-ways, lateral right-of-ways, and drainage right-of-ways will need to be protected. Any crossing agreements and or piping agreements will be acquired from the Bureau of Reclamation (BOR) to cross over or under existing laterals and pipes or any encroachment into any right-of-way.
 - b. Laterals affected by this proposed land change will need to be piped and structures built to ensure adequate delivery of irrigation water.
 - c. An irrigation system with an adequate overflow needs to be installed to ensure the delivery of water to each lot and/or parcel of land entitled to receive irrigation water.

- d. BCID and BOR will require a signed agreement to be in place before any changes are made to the sections of the Willow Creek Wasteway, C.E. 21.1-0.9, C.E. 21.1, and any appurtenant irrigation facilities that are affected by the development. These sections are required to be piped, meeting BCID and BOR standards. Any additional modification required by BCID and BOR will be to ensure irrigation water is made available to all patrons.
- (5) Utilities will be provided via Idaho Power and other companies (gas, cable, phone), depending upon availability (Exhibit 3.A.2 of the staff report). Utility easements are required at the time of the preliminary plat, per CCZO §07-17-09.
 - a. Upon discussions with the City of Middleton, the applicant agreed to enter into a pre-annexation agreement and provide a 20' wide utility corridor easement for future city services along Lansing Lane (Exhibits 3.D.6 & 3.A.4 of the staff report). The parcel is located outside of the Middleton Area of City Impact. Therefore, the County and City have not mutually agreed that the area can reasonably be expected to be annexed in the future (Idaho Code, §67-6526). Therefore, the Planning and Zoning Commission (Exhibits 1 & 2 of the staff report) and Board of County Commissioners do not find a pre-annexation agreement necessary.
- (6) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were notified on February 4, 2025. A newspaper notice was published on February 11, 2025. Property owners within 600' were notified by mail on February 4, 2025. Full political notice was provided on February 4, 2025. The property was posted on February 11, 2025.
 - a. *See Exhibit 3.D and 4 of the staff report for affected agency comments.*
 - b. *See Exhibit 3.E and 5 of the staff report for public comments.*
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0016.

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?

Conclusion: The proposed conditional rezone will require public street improvements in order to provide adequate access to and from the subject property in order to minimize undue interference with future traffic patterns created by the proposed development. As a condition, a traffic impact study is required to be submitted at the time of the preliminary plat per Highway District #4 (Exhibit 3.D.5 of the staff report).

- Findings:**
- (1) The request equates to 784 trips per weekday, 58 trips during the AM peak hour, and 77 trips during the PM peak hour at full build-out (Exhibit 3.D.5 & 3.A.9 of the staff report). The trip numbers do not consider detached secondary residences per CCZO §07-10-27 and 07-14-25. *See Attachment A for the conditions of the development agreement, including the number of residential lots limited to 54 (approximately 514 average daily trips).*
 - (2) The property has approximately 1,940 feet of frontage on Lansing Lane, a major collector road, and a stub connection to Stony Brook Way, a public road established by Thoroughbred Estates (Exhibit 3.A.3 of the staff report).
 - (3) Highway District #4 (HD4, formerly Canyon Highway District #4) provided comments not opposing the request, subject to conditions addressing HD4 comments regarding traffic (Exhibit 3.D.5 of the staff report).
 - a. The proposed request is anticipated to generate more than 700 new trips per day and more than 70 peak-hour trips, requiring a traffic impact study. The study should be performed for the proposed development to be submitted with the preliminary plat. A scoping meeting including HD4 is required before commencing the study. At a minimum, the TIS should evaluate the trip generation and distribution from the site; the proportionate share

of trips from the site at the Lansing/Purple Sage and Lansing/SH-44 intersections; capacity at the two intersections at buildout; the suitability of proposed access locations and the need for auxiliary turn lanes on Lansing Lane to serve the site.

- b. Traffic impacts from the development will also be mitigated through right-of-way dedication, public road improvements, and development impact fees.
- (4) A draft Traffic Impact Study was prepared on July 5, 2023, by CR Engineering, Inc. (Exhibit 3.A.9 of the staff report). The study evaluates potential traffic impacts resulting from background traffic, in-process developments within the area, and the proposed development, as well as identifies improvements to mitigate the impacts if needed. Based on the review of the Lansing Lane and SH-44 intersection, a temporary traffic signal with existing lanes will be required at the build-out of the development (2025). The Lansing Lane and Purple Sage Road intersection is anticipated to operate acceptably with the existing intersection control and lane configuration.
 - a. The draft study has not been reviewed by HD4. A final study and required improvements will be determined at the time of the preliminary plat. *See Attachment A for the conditions of the development agreement.*
- (5) The Idaho Transportation Department (ITD) submitted a comment stating the department has no concerns regarding the request due to the request being greater than 2.5 miles north of SH-44 (Exhibit 3.D.4 of the staff report).
- (6) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were notified on February 4, 2025. A newspaper notice was published on February 11, 2025. Property owners within 600' were notified by mail on February 4, 2025. Full political notice was provided on February 4, 2025. The property was posted on February 11, 2025.
 - a. *See Exhibit 3.D and 4 of the staff report for affected agency comments.*
 - b. *See Exhibit 3.E and 5 of the staff report for public comments.*
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0016.

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

Conclusion: The subject property does have legal access and will have adequate access at the time of the development.

Findings:

- (1) The existing access is a private driveway serving Parcel R37511 from Lansing Lane, a major collector. The access is used for the existing residence and agricultural operations (Exhibits 3.B.2a & Exhibit 3.C of the staff report).
- (2) The applicant submitted a conceptual site plan (Exhibit 3.A.3 of the staff report) proposing a public road connection to Lansing Lane (major collector), a connection to Stony Brook Way (public road established by Thoroughbred Estates Subdivision, and Kemp Road (private road established by Willow Creek Ranch #3).
 - a. Comments were received with concerns regarding the extension of Stony Brook Way (public) and the use of Kemp Road (private). *See Exhibit 3.E and 5 of the staff report.*
- (3) Comments were received regarding traffic impact concerns (Exhibit 3.E & 5 of the staff report). Highway District #4 (HD4, formerly Canyon Highway District #4) provided comments not in opposition to the request, subject to conditions addressing HD4 comments regarding access (Exhibit 3.D.5 of the staff report).
 - a. Future residential development should be planned via one or more public or private road approaches to Lansing Lane. Intersection sight distance may be restricted by the hillcrest along the southerly portions of the site frontage and should be confirmed in the field

before fixing access locations. Any new public or private road access should provide a minimum of 500 feet of separation from public or private roads and 210 feet from existing driveways to meet urban access spacing standards. Direct lot access to Lansing Lane is not permitted.

- b. A public road connection extending between Stony Brook Way (in Thoroughbred Estates Subdivision) on the westerly boundary and Lansing Lane is generally desirable to support public needs and provide adequate traffic calming measures to reduce pass-through traffic and limit vehicle speeds.
 - i. The draft traffic impact study states the site access on Lansing Lane does not warrant turn lanes at the time of development buildout (Exhibit 3.A.9 of the staff report). The draft study has not been reviewed by HD4. A study and access improvements will be determined at the time of the preliminary plat.

(4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were notified on February 4, 2025. A newspaper notice was published on February 11, 2025. Property owners within 600' were notified by mail on February 4, 2025. Full political notice was provided on February 4, 2025. The property was posted on February 11, 2025.

- a. *See Exhibit 3.D and 4 of the staff report for affected agency comments.*
- b. *See Exhibit 3.E and 5 of the staff report for public comments.*

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0016.

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?

Conclusion: As conditioned, the request is anticipated to impact essential services such as schools, police, fire, and emergency medical services.

Findings: (1) Schools:

- a. The request will be served by the Middleton School District. The proposed residential development will be served by Mill Creek Elementary, Middleton Middle School, and Middleton High School. On June 4, 2024, Middleton School District submitted a comment letter expressing significant concerns regarding capacity, continued growth, and the ability to meet future facility needs (Exhibit 3.D.7 of the staff report). Mill Creek Elementary is at 118% capacity. The middle and high schools are nearing capacity. Based on a demographic study, for every new home, the district can expect between 0.5 and 0.7 students. The proposal is anticipated to add 38-53 students. This equates to roughly 2-3 new classrooms. This also increases the need for school buses, which requires the developer to plan for appropriate spacing for bus stops.
- b. The applicant has discussed an agreement with Middleton School District to provide 100 trees from the existing nursery for the district to use to help aesthetically and offset costs to the district. The applicant proposes an agreement with the District as a development agreement condition (Exhibit 3.A.2 & A.4 of the staff report). Middleton School District states that they were contacted by the developer to discuss ideas to support the district. However, no formal agreement was set (Exhibit 3.D.7 of the staff report). An additional letter was submitted regarding an agreement between the development and the school district (Exhibit 4.E of the staff report)
- c. The Planning and Zoning Commission recommended denial of the request, finding that the request will impact the Middleton School District. Even with the proposed development agreement conditions, the request does not adequately address the project's impact and cumulative impacts on the existing school capacity issue (Exhibit 1 and 2 of the staff report).

- d. As conditioned, development shall not exceed 54 residential lots (Attachment A, Condition No. 2.a). As conditioned, which includes an agreement between Middleton School District and the property owner (Exhibit 4.E and 6A of the staff report), the Board of County Commissioners finds the request is not anticipated to significantly impact Middleton School District. Per CCZO §07-05-03, the Board rejected the Commission's recommendation of denial.
- (2) Police, Fire Protection & Emergency Medical Services:
 - a. The request will be served by the Canyon County Sheriff's Department, Middleton Fire District, and Canyon County Paramedics/EMT. No comments or concerns were received. The development will require the submittal of a preliminary plat, which will be provided for review and comments by all affected essential service agencies.
 - b. The applicant states the low-density proposal is not anticipated to impact essential services. Rural road sections minimize upkeep and tax revenues generated by the development. Proposed roads and access will enhance accessibility for emergency services (Exhibit 3.A.2 of the staff report).
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were notified on February 4, 2025. A newspaper notice was published on February 11, 2025. Property owners within 600' were notified by mail on February 4, 2025. Full political notice was provided on February 4, 2025. The property was posted on February 11, 2025.
 - a. See Exhibit 3.D and 4 of the staff report for affected agency comments.
 - b. See Exhibit 3.E and 5 of the staff report for public comments.
 - i. Public comments were received regarding fire, ambulance, and school impacts, especially since the bonds to assist those services failed.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0016.



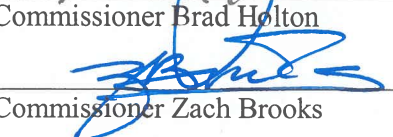
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** Case #CR2022-0016, a conditional rezone of parcels R37511 & R37510112, approximately 164 acres, from "A" (Agricultural) to "CR-R-R" (Conditional Rezone – Rural Residential) subject to development agreement conditions (Attachment A).

DATED this 9th day of June, 2025.

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogaboam, Clerk

By: JR088
 Deputy

Date: 06.09.25

ATTACHMENT A

DEVELOPMENT AGREEMENT CONDITIONS

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcels, R37511 & R3750112, shall be divided in compliance with Chapter 7, Article 17 of the Canyon County Zoning Ordinances (CCZO), subject to the following conditions/restrictions:
 - a. The development shall be limited to 54 residential lots, not including the tree farm nursery lot, and will consist of a 2.5-acre average lot size with a minimum lot size of two acres. The average lot size calculation shall not include the tree farm nursery (approximately 18 acres) and road improvements.
 - b. The development shall provide a 10-foot no-rise pathway and 20-foot easement along the southern edge of Willow Creek, extending from the west boundary to the eastern boundary, dedicated for use by pedestrians, non-motorized vehicles, and equestrian traffic. A 10' pathway with a 20' easement shall connect the pathway to a public road within the development.
 - c. A 20' wide utility corridor easement shall be dedicated to the City of Middleton on the eastern edge of the development along Lancing Lane (Exhibit 3.D.6 of the staff report).
 - d. A no-build easement shall be placed over the Willow Creek floodway and depicted on the plat to notify owners and limit improvements and structures from obstructing the floodway (Exhibits 3.A.2 & 3.A.4 of the staff report). Any development in the floodway or floodplain shall comply with Chapter 7, Article 10A of the Canyon County Zoning Ordinances.
 - e. Development shall provide a central pressurized irrigation system to service all residential lots (Exhibit A.2 of the staff report).
 - f. Prior to preliminary plat approval, a traffic impact study shall be submitted to Highway District #4 (HD4) per Exhibit 3.D.5 of the staff report. Any mitigation measures/improvements stated in the study and required by HD4 shall be complete prior to final plat approval.
 - g. At the time of the preliminary plat, the referenced signed agreement between Middleton School District and the developer (Exhibit 3.6.A of the staff report) shall be submitted.
 - h. The subdivision shall provide an area within a common lot or easement for a school bus stop (Exhibit 3.D.7 of the staff report).
 - i. Subdivision development shall comply with air quality and stormwater pollution protection requirements of the Idaho Dept. of Environmental Quality (DEQ, Exhibit 3.D.1 of the staff report).
 - j. Domestic water shall be provided via a community water system.
3. The developer shall comply with CCZO §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."