



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

In the matter of the application of:

Jeremy Eells – Case # CR2022-0020

The Canyon County Board of County Commissioners considers the following:

- 1) Conditional Rezone of Parcel R32703 from “A” (Agricultural) to “CR-R-R” (Conditional Rezone Rural Residential); and
- 2) Development Agreement limiting development to 3 lots with an average lot size of 2.99 acres. No secondary dwellings are allowed on Lots 2 and 3 of Block 1, The Landing Spot subdivision.

CR2022-0020, 16695 Marshall Lane, Caldwell (Parcel Number: R32703), a portion of the SW¹/₄ of Section 9, T3N, R3W, BM, Canyon County, Idaho

Summary of the Record

1. The record is comprised of the following:

- A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0020.

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)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-01-25 (Area of City Impact Agreement).
 - 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 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
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, CR2022-0020, was presented at a public hearing before the Canyon County Board of County Commissioners on December 17, 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 project plans, the Board of County Commissioners decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

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

Conclusion: The proposed conditional rezone is consistent with the comprehensive plan.

Findings: (1) The Future Land Use Map in the 2020 comprehensive plan is residential (**Exhibit 3.B2.4** of the staff report).

(2) The goals and policies of the 2020 Comprehensive Plan that this application is generally consistent with follow:

- Chapter 1. Property Rights:

- *Policy 1. No person shall be deprived of private property without due process of law.*
- *Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.*
- *Policy 11. Property owners shall not use their property in a manner that negatively impacts the surrounding neighbors or neighborhoods.*

The request was processed in compliance with the following applicable laws and ordinance to ensure due process was provided by the county: 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)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-01-25 (Area of City Impact Agreement).

Conditions of the development agreement ensure minimum conflict with the surrounding neighbors and neighborhoods (See Attachment A).

- Chapter 2. Population:

- *Goal 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.*
- *Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.*
- *Policy 3. Encourage future populations to locate in areas that population for residential living and that do not pose an incompatible land use to other land uses.*

The Future Land Use Map in the 2020 comprehensive plan is residential (Exhibit ___ of the staff report). *"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"* (2020 Comprehensive Plan, Page 37).

- Chapter 4. Economic Development:

- *Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.*

The Future Land Use Map in the 2020 comprehensive plan is residential (**Exhibit 3.B2.4** of the staff report).

- **Chapter 5. Land Use:**

- *Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.*
- *Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.*
- *Policy 1. Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas.*
- *Policy 2. Encourage orderly development of subdivisions and individual land parcels and require development agreements when appropriate.*

The Future Land Use Map in the 2020 comprehensive plan is residential (**Exhibit 3.B2.4** of the staff report). *See evidence in criteria 2, 3, and 4 for supporting information.*

- (3) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: As conditioned (Attachment A), the requested zoning is more appropriate than the current zoning designation.

- Findings:**
- (1) Per the 2020 Comprehensive plan, the project aligns with the future outlook of the area (**Exhibit 3.B2.4** of the staff report), as well as the property is located within the City of Caldwell Area of City Impact. (**Exhibit 3.B2.5** of the staff report). The Future Land Use Map in the 2020 comprehensive plan is residential. The City of Caldwell designates the future land use as Low Density Residential.
 - (2) The surrounding area is zoned primarily agricultural, but the land use to the west and south is predominantly residential. (**Exhibit 3.B2.3** of the staff report) The Caldwell city limits are approximately 665 feet to the west due to a recent annexation into the City, and approximately 1500 feet to the north. To the East, there is productive agriculture. Directly south of this parcel, there is Rural Residential zoning.
 - (3) The “R-R” (Rural Residential) zone, as conditioned (Attachment A), would be more appropriate than the “A” (Agricultural) zone because it is a transitional area that moves from a higher density into the larger agricultural parcels. There are 26 platted subdivisions in the area, with an average lot size of 0.76 acres. There are two higher-density subdivisions to the West that are in the County that are zoned “A” and have ½-acre or less parcel sizes. (**Exhibit 3.B2.2** of the staff report)
 - (4) The parcel directly to the South, which was part of the original parcel that created the subject parcel, was rezoned to “R-R” in 2019 and later went through an administrative land division.
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0020.
 - (6) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed conditional rezone change to “R-R” is compatible with surrounding land uses with conditions of approval as seen in Attachment A.

- Findings:**
- (1) The change from an “A” zone to an “R-R” zone is compatible with surrounding land uses. This parcel is in the Area of City Impact of the City of Caldwell, and they have the designation as Low Density Residential in their Future Land Use Map (**Exhibit 3.2B.5** of the staff report). This is a transitional area between the higher density subdivisions and the larger production agricultural parcels (**Exhibit 3.B2.3** of the staff report).
 - (2) The applicants currently have a tenant that is operating a Landscaping Business from this parcel, which is an allowed use per Canyon County Code of Ordinances (CCCO) §07-10-27 – Land Use Matrix. Changing the zoning to “R-R” will exclude those types of businesses being operated and reduce the traffic on the private road (Marshall Lane). A development agreement condition will be added that ensures the Landscaping Business will cease and desist on the parcel (*See Attachment A, condition #3*).
 - (3) Adding two additional residential lots is consistent with the lot sizes in the area, and the lot sizes are larger than many parcels that are in the area today (**Exhibit 3.B2.2** of the staff report).
 - (4) Evidence includes associated findings and evidence supported within this document.

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 request will not negatively affect the character of the area.

- Findings:**
- (1) The character of the area is a transitional area from higher density residential to productive agriculture (**Exhibit 3.B2.2** of the staff report).
 - (2) Adding two additional residential lots is consistent with the lot sizes in the area, and the lot sizes are larger than many parcels that are in the area today (**Exhibit 3.B2.2** of the staff report).
 - (3) The parcel is in the Caldwell Area of City Impact, and they agree that the development will meet their Future Land Use and should maintain the character of the existing area (**Exhibit 3.D7** of the staff report).
 - (4) With the approval of the rezone to “R-R”, the residential character of the area will exclude the Landscaping Business that is currently being operated on the property. This should reduce traffic and any heavier equipment being taken in and out of the parcel down the private road. A development agreement condition will be added that ensures the Landscaping Business will cease and desist on the parcel (*See Attachment A, condition #3*).
 - (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided to accommodate the proposed zoning map amendment at the time of any development.

- Findings:**
- (1) Individual septic systems are requested for each lot. This parcel is within the Ada Canyon Nitrate Priority area. An email from SWDH was received confirming that sanitary restrictions were satisfied on September 22, 2023. (**Exhibit 3.D10** of the staff report) Sanitary Restrictions will be satisfied when Southwest District Health signs the final plat.
 - (2) Individual wells are requested for each lot. Notice was given to the Idaho Department of Water Resources of this Preliminary Plat, but no comments were received.
 - (3) Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved. The private road, Marshall Lane, had to be extended past the driveway to Lot 2, Block 1, to meet Canyon County Code of Ordinance 07-10-03. The County Engineer approved the updated Preliminary Plat. (**Exhibits 3.D3 and 3.D3.1** of the staff report)

- (4) The parcel is served by the Boise Project Board of Control/Wilder Irrigation. The parcel has a valid water right. The Boise Project Board of Control submitted a letter reminding the applicant that, per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer, and contractors. (**Exhibit 3.D9** of the staff report) The Canyon County Engineer reviewed the irrigation plan and deemed it sufficient to meet code. (**Exhibit 3.D1** of the staff report)
- (5) Evidence includes associated findings and evidence supported within this document.

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: Legal access exists. No public street improvements need to be made to provide adequate access to and from the subject property.

- Findings:**
- (1) The subject parcel has access off of Homedale Road via a private road, Marshall Lane.
 - (2) Highway District 4, an Order of Final Plat Acceptance that states in the findings, “The subject Plat contains neither dedication of right-of-way or public roads or streets nor any required publicly dedicated improvements.” (**Exhibit 3.D6.1** of the staff report)
 - (3) With the approval of the rezone to Rural Residential, the residential character of the area will exclude the Landscaping Business that is currently being operated on the property. This should reduce traffic and any heavier equipment being taken in and out of the parcel via the private road. A development agreement condition will be added that ensures the Landscaping Business will cease and desist on the parcel (*See Attachment A, condition #3*).
 - (4) The private road, Marshall Lane, will be used for access to the newly created parcels. The applicant has added the two new lots to the current RUMA that the existing parcel is a part of.
 - (5) To mitigate traffic impacts for a non-paved private road, the developer has amended the application to include the stipulation of only one residential dwelling on lots 2 and 3 of The Landing Spot (*Attachment A, condition #5*).
 - (6) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The proposed development for the conditional rezone does have legal access.

- Findings:**
- (1) The property has an ingress/egress easement through Marshall Lane off of Homedale Road. There was an easement reduction that was approved when Marshall Lane was approved to a 30 feet width (RD2019-0007). The road lot has been extended and is Lot 4, Block 1 of The Landing Spot. This is a 60 foot private road lot to comply with CCCO §07-10-03. (**Exhibit 3.A4 and 3.A4** of the staff report)
 - (2) Lot 2, Block 1 will also access off Marshall Lane. (**Exhibit 3.A4 and 3.A5** of the staff report) The applicant is asking for an easement reduction for the ingress/egress easement through Lot 1, Block 1, due to irrigation structures and landscaping that currently exist. An easement reduction was approved via AD2025-0033.
 - (3) Lot 3, Block 1 will access Marshall Lane via an easement through Lot 1, Block 1 and are asking for an ingress/egress easement reduction to 30 feet due to currently built driveway and landscaping. An easement reduction was approved via AD2025-0033.
 - (4) Evidence includes associated findings and evidence supported within this document.

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 (Attachment A), essential services will not be impacted.

- Findings:**
- (1) All affected agencies were notified per CCCO §07-05-01.
 - (2) The Vallivue School District was noticed. No comments were received. Kuna School District responded and said they had no comments. (Exhibit 3.D13 of the staff report)
 - (3) Canyon County Sheriff's Office was noticed. No comments were received.
 - (4) Caldwell Rural Fire and Canyon County Emergency Services were noticed. No comments were received from Emergency Services. Caldwell Rural Fire commented that they did not have any concerns for the split, but will need to apply for a fire department permit for residences at the time of building permit. (Exhibit 4.a of the staff report) Prior to Board signature on the Final Plat, the Fire District will need to provide written approval for the private road. (CCCO 07-10-03(2))
 - (5) Evidence includes associated findings and evidence supported within this document.

Canyon County Code §09-01-25 Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Caldwell Area of City Impact. A notice was sent to the City of Caldwell per Canyon County Code Section 09-01-25. The City of Caldwell is not requiring any improvements for this development.

- Findings:**
- (1) The City of Caldwell Engineering submitted a letter stating that they have no concerns with this request. (Exhibit 3.D8 of the staff report)
 - (2) The City of Caldwell submitted a letter stating that this development fits their Comprehensive Plan and that the additional two lots should maintain the character of the existing area and would be consistent with the existing and proposed future land use designations. The city does not have any requests or recommendations regarding access, street buffers, or land use buffers. (Exhibit 3.D7 of the staff report)
 - (3) With this information provided by the City of Caldwell, the applicant is requesting a waiver of CCCO 09-01-19 by the Board of County Commissioners in accordance with CCCO §09-01-19(6).



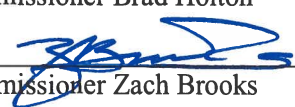
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approves** Case #CR2022-0020, a conditional rezone of R32730 from "A" (Agricultural) to "CR-R-R" (Conditional Rezone Rural Residential) subject to conditions of the development agreement (Attachment A).

DATED this 8th day of April, 2026.

CANYON COUNTY BOARD OF COMMISSIONERS

- Motion Carried Unanimously
- Motion Carried/Split Vote Below
- Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	_____	_____	<input checked="" type="checkbox"/>
 _____ Commissioner Brad Holton	<input checked="" type="checkbox"/>	_____	_____
 _____ Commissioner Zach Brooks	<input checked="" type="checkbox"/>	_____	_____

Attest: Jess Urresti, Clerk

By: 

Deputy

Date: 4/8/26

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 parcel shall be in subjection to the Canyon County Code of Ordinance Chapter 7, Article 17 for platting with a maximum of 3 buildable lots with an average lot size of 2.99 acres.
3. All businesses that were operating on this parcel that are not allowed per CCCO §07-10-27 will cease and desist within thirty (30) days of the FCO document signing by the Board of County Commissioners.
4. 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."
5. Only one residential dwelling shall be allowed on Lots 2 and 3, Block 1 of The Landing Spot.