



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

In the matter of the application of:
Ryshko – CR2025-0001

The Board of Canyon County Commissioners considers the following:

- 1) Conditional Rezone of Parcel R37492010 from the “A” (Agricultural) zone to the “CR-RR” (Conditional Rezone –Rural Residential) zone. The request includes a development agreement that limits the development to three (3) residential parcels with a minimum lot size of 2 acres.
- 2) Location: Case CR2025-0001: The subject property is located at 8478 Purple Sage Rd, Middleton, ID 83644 also referenced as Parcel R37492010, a portion of the Southwest quarter of the Southeast quarter in Section 27, T5N, R2W, BM, Canyon County, Idaho.

Parcel Size: 10.94 acres

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 CR2025-0001

1. All exhibits can be found in the case staff report dated April 2, 2026.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO§07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezones), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).

a. Notice of the public hearing was provided per CCCO §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 CCCO §07-06-07(1).*

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 CCCO §07-05-03.*

5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §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. CCCO 07-05-03(1)(I).

The application, CR2025-0001, was presented at a public hearing before the Board of Canyon County Commissioners on April 2, 2026. 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 Canyon County Commissioners decides as follows:

Table 1. Conditional Rezone Standards of Evaluation		
Standards of Evaluation – CCCO §07-06-07(6)A: The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:		
County Ordinance and Review		
Criteria Met?	Code Section	Analysis
Yes	1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
Analysis		<p>The proposed conditional rezone change is generally consistent with the Canyon County Comprehensive Plan for 2030.</p> <p>The Future Land Use Map in the 2030 Comprehensive Plan designates the parcel as “Rural Residential (R-R)” (Staff Report Exhibits 2.B1 and 2.B2.9). “The R-R district provides rural transitional areas to create a boundary between agricultural and urban areas. These areas are generally conducive to small-scale farming operations and compatible with non-agricultural uses” (Page 26, 2030 Comprehensive Plan).</p> <p>The request aligns with the following goals and policies of the 2030 Comprehensive Plan:</p> <ul style="list-style-type: none"> • Property Rights G1.01.00: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.” • Property Rights P1.01.01: “No person shall be deprived of private property without due process of law.” • Property Rights P1.01.03: “Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.” • Population P2.01.01: “Plan for anticipated population and households that the community can support with adequate services and amenities” • Population G2.02.00: “Promote housing, business, and service types needed to meet the demand of the future existing population.” • Land Use and Community Design P4.04.04: “Maintain a balance between residential growth and agriculture that protects the rural character.” • Land Use and Community Design P4.01.02: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.” • Land Use and Community Design G4.03.00: “Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning. “ • Land Use and Community Design P4.03.02: “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.” • Land Use and Community Design P4.03.03: “Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances require conditions of approval to promote compatibility.”

- **Land Use and Community Design G4.04.00:** “Concentrate future higher density residential growth in appropriate areas in and around existing communities while preserving and enhancing the County’s agricultural and rural character.”
- **Land Use and Community Design P4.07.01:** “Plan land uses that are compatible with the surrounding community.”
- **Housing G11.1.00:** “Encourage opportunities for a diversity of housing choices in the County.”
- **Housing G11.02.00:** “Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural and natural resources.”

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

Analysis

In consideration of the surrounding land uses, the proposed conditional rezone to “RR” Rural Residential is more appropriate than the current zoning designation of “A” (Agricultural).

The surrounding area primarily contains residential uses with some interspersed agricultural uses. To the north, south, east, and west, there are residential subdivisions with lot sizes generally between 1-2.5 acres in size. There are also agricultural uses found in all directions of the property. It is important to note that some of the agricultural parcels have been conditionally rezoned with a development agreement (such as Parcels R37608, R37626011, and R37626), which will further trend this area to be residential (**Staff Report Exhibits 2.B2.1, 2.B2.3, and 2.B2.6**).

The Rural Residential (R-R) zone would be more appropriate than the Agricultural (A) zone as this area appears to have been transitioning steadily to contain more residential uses. Within 1-mile of the subject property, there are 28 platted subdivisions with an average lot size of 2.05 acres and eleven (11) subdivisions in platting with an average lot size of 1.65 acres. In the immediate vicinity, Kingsbury Meadows Subdivision (platted in 2007) is found approximately 0.13 miles to the east with an average lot size of 1.20 acres. Parcels R37608, R37626011, and R37626 found south and southeast have a development agreement that would allow for two (2) dwellings per gross acre (CR2007-3). Hawk View Estates Subdivision (platted in 2024) is also found approximately 0.28 miles to the northwest with an average lot size of 2.24 acres. The applicant’s request to rezone the property to rural residential is consistent with the average lot sizes found within subdivisions in the area (**Staff Report Exhibits 2.B2.3, 2.B2.6 and 2.B2.11**).

Pursuant to Canyon County ordinance CCCO §07-10-25(2) the purpose of the “RR” zoning district is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.

Adjacent Existing Conditions (Staff Report Exhibits 2.B2.1 and 2.B2.3):

Direction	Existing Use	Primary Zone	Other Zone
N	Agricultural Uses with Homesites	A	
S	Agricultural Uses and Residential Uses	A, CR-RR, R-1	CR-R-1
E	Agricultural Uses and Residential Uses	A, CR-RR	R-1, RR
W	Agricultural Uses and Residential Uses	A, CR-RR	RR, R-1

“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)

Surrounding Land Use Cases Within the Past 5 Years (Staff Report Exhibit 2.B2.11):

1. SD2020-0011 – Preliminary Plat (C3) – Approved
2. SD2021-0008 - Preliminary Plat (C4) – Approved
3. CU2019-0025 – Special Events Facility – Approved
4. RZ2020-0006 – Rezone from AG to R-1 (Callister, LLC) – Approved
5. CR2021-0010 – Rezone from AG to R-1 (Callister, LLC) – Approved
6. RZ2021-0034 – Rezone from AG to R-R (Cotner) – Approved
7. RZ2021-0056 – Rezone from AG to CR-R1 (Farmington Hills) – Denied

	<p>8. SD2021-0059 – Preliminary Plat (Farmington Hills) – Denied 9. SD2021-0021 – Preliminary Plat (Hawk View Estates) – Approved 10. CR2023-0001 – Rezone from AG to CR-R1 (Johns) – Approved 11. SD2021-0033 – Preliminary Plat (Johnston) – Approved 12. CR2022-0003 – Rezone from AG to CR-R1 (LWD Development) – Approved 13. CR2022-0016 – Rezone from AG to CR-RR (MDC LLC/Carter) – Approved 14. SD2020-0003 – Preliminary Plat (Oaklee Estates) – Approved 15. RZ2021-0012 – Rezone from AG to R-1 (Reynolds Brothers, LLC) – Denied 16. RZ2021-0036 – Rezone from AG to CR-R-1 (Richards/Larsen) – Approved 17. RZ2022-0011 – Rezone from AG to R-R (Sierra Vista Properties) – Denied 18. RZ2020-0024 – Rezone from AG to R-1 (Spohn) – Approved 19. SD2023-0001 – Short Plat (Sunset View) – Approved 20. SD2019-0039 – Preliminary Plat (Wyatt’s Hollow) – Approved</p> <p>It is important to note that the parcel immediately to the west of the subject property (Parcel R37496) was denied for a rezone in 2023 due to Middleton School District capacity impacts and cumulative impacts to the existing road system that were not adequately addressed (RZ2022-0011). The subject property does not appear to have the same issues due to the smaller scale nature of this request (See Staff Report Exhibit 2.D5 for Highway District No. 4 comment and Staff Report Exhibit 2.D8 for Middleton School District comment).</p> <p>See further analysis located in 07-06-07(6)A3 and A4.</p>	
Criteria Met? Yes	3	Is the proposed conditional rezone compatible with surrounding land uses?
Analysis	<p>The proposed conditional rezone to Conditional Rezone – Rural Residential (CR-RR) is compatible with the surrounding land uses. Per the applicant’s letter of intent and site plan, the proposed conditional rezone is intended to facilitate the development of three (3) residential parcels – two (2) parcels with approximately 2-acres and one (1) parcel with 6-acres (Staff Report Exhibits 2.A2 and 2.A4). This area has been transitioning to contain more residential uses as evidenced by the surrounding land use decisions in the past five years and average lot size of subdivisions in the area. In the past five years, eight (8) rezones have been approved from the agricultural zone to a residential zone, and seven (7) subdivision plats have been approved. The average lot size of current and future subdivisions in the area is 2.05 acres and 1.65 acres, respectively, which is consistent with the applicant’s request. As conditioned, the proposed development is not anticipated to interfere with adjacent agricultural production, nor detract from established residential uses (Staff Report Exhibits 2.B2.6 and 2.B2.11).</p> <p>Pursuant to Canyon County Ordinance 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.</p> <p>See further analysis located in 07-06-07(6)A2 and A4.</p>	
Criteria Met? Yes	4	Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
Analysis	<p>The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below.</p> <p>Character of the Area: The surrounding area primarily contains residential uses with interspersed agricultural uses. To the north, south, east, and west, there are residential subdivisions with acreage sizes generally between 1-2.5 acres in size. There are also agricultural uses found in all directions of the property. Some of these agricultural parcels have been conditionally rezoned to a residential zone, which will further trend this area to contain</p>	

	<p>residential uses. Additionally, the character of the area has further transitioned to contain more residential parcels and subdivisions as evidenced by the number of land use cases approved in the past five (5) years and the average lot sizes of current and future subdivisions in the area (2.05 acres and 1.65 acres, respectively) (Staff Report Exhibits 2.B2.1, 2.B2.3, 2.B2.6, and 2.B2.11).</p> <p>The following measures will be implemented to mitigate the impact The applicant has proposed limiting the development to three (3) parcels with a minimum lot size of two (2) acres (Staff Report Exhibits 2.A2 and 2.A3). The Board of Canyon County Commissioners also has added a condition restricting secondary residences so the density is more consistent with the character of the area (<i>See conditions of approval #4, #4a, and #4b</i>).</p>	
Criteria Met? Yes	5	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?
Analysis	<p>The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.</p> <p>Sewer: Per the applicant’s land use worksheet, individual septic systems are proposed for the development. (Staff Report Exhibit 2.A3).</p> <p>Per Southwest District Health’s (SWDH)’s comment letter, the proposed development does not qualify as a subdivision, so a nutrient pathogen study is not required. Additionally, the applicant will need to apply for a sub-surface sewage disposal permit and conduct test holes to determine site suitability on each parcel, but there are not any concerns with rezoning the property if the applicant meets all of SWDH’s requirements (Staff Report Exhibits 2.D2 and 2.D2.1).</p> <p>Water: Per the applicant’s land use worksheet, domestic water will be provided via individual domestic wells (Staff Report Exhibit 2.A3). Future development shall comply with IDWR standards at the time of building.</p> <p>Drainage: Per the applicant’s land use worksheet, stormwater is retained with swales (Staff Report Exhibit 2.A3).</p> <p>Irrigation: The parcel is served by Black Canyon Irrigation District (BCID). The Willow Creep Pump (W.C.P.) Lateral is located on the southern, eastern, and northern boundaries of the subject property. Per BCID, the W.C.P Lateral “...has a historical 50-foot easement (25-feet from centerline). The applicant will need to provide an easement, including providing the BCID with a legal description and exhibit for an easement along the W.C.P. Lateral per District Resolution 2023-04 if one does not exist. All documents must be stamped and signed by a licensed land surveyor in the State of Idaho.” BCID also states in their comment letter that the “... division of irrigation water between lots needs to be identified by the property owner and all outstanding account balances and development fees need to be paid prior to the District providing concurrence.” BCID also had general comments on protecting irrigation and related right-of-ways, crossing agreements, and piping agreements. BCID also recommends fencing along the W.C.P. lateral. (Staff Report Exhibit 2.D6).</p> <p>Per the applicant’s land use worksheet, surface irrigation water is currently provided via gravity irrigation (Staff Report Exhibit 2.A3). Per email correspondence with the applicant, they are still working on their irrigation plan (Staff Report Exhibit 2.A8). To address irrigation on the property, the Board of Canyon County Commissioners has added a condition that at the time of application for an administrative land division: an irrigation plan must be submitted to Canyon County Development Services, and the irrigation plan shall be reviewed and approved by the local irrigation district per Idaho Code §67-6537(1). Additionally, Board of Canyon County Commissioners is also requiring that BCID requirements be met at the time of an administrative land division (<i>see conditions of approval #2 and #3</i>).</p> <p>Utility: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on July 31, 2025, December 31, 2025, and February 26, 2026. No agency comments were</p>	

		provided by those services at the by the materials deadline. It is anticipated that the applicant will be able to work with utility providers to gain any utilities needed.
Criteria Met?	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?
Yes		
Analysis		<p>The proposed conditional rezone will not require public street improvements to provide adequate access to and from the subject property to minimize undue interference with existing and future traffic patterns created by the proposed development.</p> <p>Highway District No. 4 (HD4) states in their comment letter, “the proposed three (3) additional residential parcels are not anticipated to significantly impact the existing or proposed transportation system. Traffic impacts from the new development will be mitigated by collection of transportation impact fees at the time of building permit issuance” (Staff Report Exhibit 2.D5).</p>
Criteria Met?	7	Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?
Yes		
Analysis		<p>The subject property does have legal access for the conditional rezone and it will exist at the time of the development. See the review and analysis detailed below.</p> <p>Highway District No. 4 states in their comment letter that Purple Sage Road is classified as a minor arterial on the functional classification maps adopted by HD4 and Canyon County and the existing, right-of-way width is a 25-foot prescriptive easement measured from the existing roadway centerline. HD4 adds the ultimate right-of-way width for a minor arterial is a 50-foot half-width measured from the section line. Additionally, HD4 finds that the existing access location is suitable for the proposed development density and that access to arterial is located at or near the ¼ section line, which provides the best opportunity to provide a single access. “The existing gravel driveway approach will need to be improved with a paved apron to meet ACCHD Standard Drawing 106, with a 24-ft throat width and minimum 20-ft radii. An access permit is required from HD4 is required with each new building permit; the third permit using this driveway (including existing dwellings) will be required to construct the paved apron, or it may be constructed with the first new building permit” (Staff Report Exhibit 2.D5).</p> <p>Per CCCO §07-10-03, a private road will need to be created for three (3) inhabited buildings or more. Currently, there is a 60 foot access easement running north-to-south on the western boundary of the property for Parcel R37492 to take access on which is also where the proposed parcels will take access when entering from Purple Sage Road (Staff Report Exhibit 2.B3). Another private road will need to be created and constructed running east to west on the subject property prior to building permit issuance for a third (3rd) residence taking access. The applicants state in their letter of intent they plan to pave the private road, but this has not been added as a condition since it is not a Canyon County Code requirement (Staff Report Exhibits 2.A2, 2.A3, and 2.A8).</p>
Criteria Met?	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?
Yes		
Analysis		<p>The proposed use is not anticipated to impact essential public services and facilities, including, but not limited to, schools, police, fire, and emergency medical services. Any necessary measures to mitigate impacts are detailed below.</p> <p>Schools: Middleton School District sent in a comment letter on December 29, 2025 and stated that they do not have any comments at this time as the number of proposed parcels is low but stated “...busses do not typically enter private roads or subdivisions so students being picked up will need to utilize stops on the nearest main road.” (Staff Report Exhibit 2.D8).</p> <p>Police:</p>

The Canyon County Sheriff's Office is required to provide services to Parcel R37492010. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency comments were sent out on July 31, 2025, December 31, 2025, and February 26, 2026 and no comments were received by the Sheriff's Office.

Fire Protection

Middleton Rural Fire District (MRFD) sent a comment letter on July 31, 2025 which outlined that the development shall comply with the 2018 International Fire Code (IFC), the development will be serviced by Middleton Fire Station 53 (located at 302 E. Main St, Middleton, ID), and the development will not have access to municipal water supply so the development will be responsible for providing adequate water supply for fire fighting operations. Additionally, the estimated response time from Middleton Fire Station 53 is 8 minutes under ideal driving conditions (Staff Report Exhibit 2.D1)

Emergency Medical Services:

Canyon County Ambulance District responded with estimated response times for three (3) nearby stations on November 3, 2025: Station M53 has an estimated response time of 7.88 minutes, Station M52 has an estimated response time of 17.31 minutes, and Station M51 has an estimated response time of 19.6 minutes (Staff Report Exhibit 2.D7).


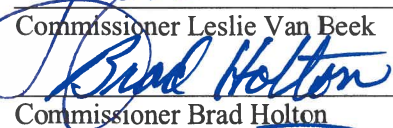

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of Canyon County Commissioners **approves** Case #CR2025-0001, a conditional rezone of 10.94 acres, subject to conditions of the development agreement (Attachment A).

DATED this 14th 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 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: Jess Urresti, Clerk

By: 

Deputy

Date: 4/14/26

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 property and the proposed use.
2. At the time of application for an administrative land division, an irrigation plan 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.
3. At the time of application for an administrative land division, Black Canyon Irrigation District (BCID) applicable requirements shall be met as outlined in their comment letter in **Exhibit 2.D6**. Evidence of compliance with BCID requirements shall be an approved irrigation district document indicating completion of requirements.
4. The subject property, approximately 10.94 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Divisions) of the Canyon County Code of Ordinances (CCCO) and shall not exceed three (3) residential parcels (**Exhibit 2.A2**).
 - a. The minimum lot size for parcels created shall be 2 acres.
 - b. Secondary residences are prohibited.
5. 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 as defined in CCCO §07-02-03 (Definitions Enumerated).