



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

In the matter of the application of:

Lacy- CR2023-0004

The Canyon County Board of Commissioners consider the following:

The applicant Debra Lacy Living Trust requests a **Conditional Rezone** of parcel R38435011 (6.43 acres more or less) "A" (Agricultural) to "CR-R1" (CR-Single Family Residential) subject to conditions to be enumerated in a Development Agreement for the purpose of creating a proposed residential subdivision. The property is located at 18181 Goodson Road, 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 OR2023-0001 & CR2023-0004.
 - 1. All exhibits can be found in the case staff report dated April 16, 2026.
 - 2. Case file OR2023-0001 was withdrawn prior to the April 16, 2026 Planning and Zoning Commission hearing date.
 - 3. The Planning and Zoning Commission heard this case on April 16, 2026 and forwarded a recommendation of denial to the Board of County Commissioners.
 - 4. The Board of County Commissioners heard this case on August 26, 2026 and after consideration of all evidence, written and oral testimony; approved the conditional rezone case with a modification to the requested zoning district from "CR-RR" to "CR-R1", approval of a variance for a front setback along the required private road lot from 20 feet to no less than 10 feet where the existing living quarters shop is adjacent, and a private road lot reduction from 60 feet to 50 feet for the required platted road lot along the western boundary of the property, all subject to the conditions of approval to be enumerated in a development agreement.

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 §07-06-03 (Comprehensive Plan Amendment Criteria), CCCO §07-06-07 (Conditional Rezones), CCCO §07-10-27 (Land Use Regulations (Matrix)), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided in accordance with 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).

- 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* CCCO §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, including subdivision permits. *See* I.C. §67-6504, §67-6509.
3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the Local Land Use Planning Act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-06-05.
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
5. 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, CR2023-0004, was presented at a public hearing before the Canyon County Board of Commissioners on August 26, 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 decides as follows:

CONDITIONAL REZONE HEARING CRITERIA:

Table 1. Conditional Rezone Standards of Evaluation Analysis

Standards of Evaluation (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 Staff Review		
Criteria Met?	Code Section	Analysis
Meets Criteria	1	Is the proposed conditional rezone generally consistent with the comprehensive plan;
Analysis	The proposed conditional rezone is not generally consistent with the Comprehensive Plan Future Land Use designation of ‘Agriculture’. However, the Plan supports growth that maintains the rural character and lifestyle of the area. The Board finds that, as conditioned, this property will remain consistent with the rural character of the area and development trends in the immediate vicinity noting that the request is generally consistent with the components of the comprehensive plan. The Board acknowledges that from a high-level altitude, the region is agricultural and not planned for growth, but notes that as a microcosm in the immediate vicinity of the property; the less productive dry ground along this two-mile segment of Goodson Road has been developing as residential since 1972 when the Coombes Subdivision was developed. Within the surrounding 1500 feet from the subject property, there are 49 properties with parcel sizes ranging from 0.4 to 7.82 acres. The four platted/and in platting developments (BOCC Exhibit 3.C5) within one mile have an average lot size	

	of 1.48 acres. The proposed development shall not exceed three lots with a minimum lot size 1.3 acres. Analysis: The applicant is requesting to conditionally rezone for the purpose of further dividing the property into three total lots for residential development. The proposed development will require a subdivision plat as the original parcel has been divided into more than four parcels. Although the requested type of growth is generally in conformance with the area development and with goals and policies of the 2030 Comprehensive Plan including Policy P4.01.01 which speaks to maintaining a balance between residential growth and agriculture that protects the rural character. Policy P4.01.02 indicates that, “<i>Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.</i>” P4.02.01 “<i>Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.</i>” The subject property is comprised of high sloping ground that does not have irrigation water and is not in agricultural production. P4.03.02 talks about encouraging the development of property that does not fragment existing development patterns. The subject property is not in production nor are the developed properties immediately adjacent but, the property is on the western boundary of this rural development area along Goodson Road where developed properties transition to large agricultural fields. The 6.43 acre subject property is not immediately adjacent to productive agricultural farmlands.	
Criteria Met?	2	When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
Meets Criteria		
Analysis	In consideration of the surrounding land uses, the proposed conditional zone change to “CR-R1” (CR-Single Family Residential) is as appropriate as the current zoning designation of “A” (Agriculture). As noted in Criteria 1, this area of the county consists of a myriad of residential parcels and platted lots that are similar in nature and character to the requested development lots as conditioned. The property does not lie immediately adjacent to productive agricultural fields. In accordance with provisions of CCZO§ 07-06-07(1) the Board determined that a modification of the original request from “CR-RR” to “CR-R1” as conditioned is appropriate for this specific development as it limits the impact to the subject property and adjacent properties. The required dedication of rights-of-way for Goodson Road and the platting requirement for a private road lot along the western boundary of the property benefitting an adjacent parcel (R38435011A), substantially reduces the remaining residential acreage required to meet the minimum two (2) acre average lot size. As conditioned, the zoning designation change does not provide for additional development on the subject property. The conditions restrict the development to three total parcels and restrict the development of secondary residences on two of the three parcels for a total of four potential residential structures on the 6.43 acre property in keeping with development in the area. The 6.43 acre subject property is not and has not been in agricultural production and does not have surface irrigation water available. The property is developed with a single-family residence and also has a shop with living quarters. Within the surrounding 1500 foot area there are 49 parcels ranging in size from 0.38 acres to 7.82 acres. There are multiple platted developments lying east of the subject property including Stafford Heights, Coombes Subdivision, The Stadium No. 1 and No. 2, Overview Acres, Elm Crest, Edenbrook, Goodson and Butterfly Ridge. Pursuant to Canyon County ordinance §07-10-25: Purposes of Zones:	

- (1) The purposes of the A (Agricultural) Zone are 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.
- (2) The purpose of the R-R (Rural Residential) Zone is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.
- (3) The purpose of the R-1 (Single-Family Residential) Zone is to promote and enhance predominantly single-family living areas at a low density standard.

Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Other Zone
N	Rural Residential and Agriculture	Agricultural	NE-CR-Rural Residential
S	Agriculture and Ag Residential	Agricultural	na
E	Rural Residential and Agricultural	Agricultural	CR-Rural Residential
W	Agricultural and Ag Residential	Agricultural	na

"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)

Development has been occurring in this area of the county through legacy conditional use permit processes to current date where rezoning of the properties has occurred to provide for rural residential development on primarily unfarmed ground in this region. See Exhibits C2, C4, C5. Legacy processes provided for greater density in the rural residential zones and land division code provides for minimum one (1) acre parcels.

Surrounding Land Use Cases:

The Stadium Subdivision Lot 1, Block 1 is currently being replatted in phases to reflect the conditions of the development agreement. Phase 1 final plat has been completed with phase 2 and 3 in process (CR-Rural Residential). The average lot size for the re-plat is 1.63 acres (Exhibit 3.C5).

Edenbrook Estates Subdivision was completed with the final plat signed in 2024 (CR-Rural Residential).

Kimber Ridge phase 1-3 were final platted in 2021-2024 (Rural Residential).

Criteria Met?	3	Is the proposed conditional rezone compatible with surrounding land uses;
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Meets Criteria		
Analysis	The proposed conditional rezone to “CR-R1” (CR-Single Family Residential) is compatible with surrounding land uses. The Board finds that there is substantial residential development in this region that reflects the proposed development lot sizes and that although on the transitional boundary to larger productive agricultural parcels, the proposed development plan is compatible with the area. With consideration given to the impact on the property immediately adjacent to the south, a platted road lot is required as conditioned. The “CR-R1” zoning provides for the requested development and reflects the character of the area as conditioned to restrict development to three total lots and prohibiting development of secondary residences on two of the three resulting platted lots. Two residential units current exist on the subject property. 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. The surrounding land uses are agricultural, ag-residential, and rural residential development. The area along Goodson Road easterly between the subject property and Interstate 84 is primarily developed as rural residential uses inclusive of single-family residential and hobby or small ag-residential farms. The proposed development of the subject property is not anticipated to negatively impact the existing uses in the area. See BOCC Exhibit 3.C2. The Board considered the impact to the adjacent property with regards to legal access and future development potential. A platted road lot is required to provide legal access to the property to the south parcel (R38435011A). The property has the potential for development of a primary and secondary residence under the current ordinances. The northern 6.43 acre subject property must be platted as a residential subdivision regardless whether two or three lots are approved. A road lot cannot be less than 50 feet in width per §07-17-31(1)A2. The Board also considered the impact of a required private road lot on the subject property and the proposed zoning change from “CR-RR” to “CR-R1” is appropriate and does not result in a substantial change as the number of lots will not be increased and the impact to both properties is addressed through conditions.	
Criteria Met?	4	Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
Meets Criteria		
Analysis	The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below. The area consists of a variety of ag-residential and residential lots similar to the requested development. The Board concludes that the requested development is similar in character to the existing residential development in the area. As conditioned to restrict the number of lots and secondary residences available to the property, the development will not negatively affect the character of the area. Character of the Area: This area of the county is a mix of rural residential and agricultural uses with significant residential development of properties along this Goodson Road corridor that is not utilized for crop production	

	due to topography restricting irrigation resources in spite of the existing canal systems that course through the area. Much of the developed property lies above the canals and is therefore not allocated surface irrigation rights. The 6.43 acre subject property is part of a 28.4 acre original parcel that has been divided many times and reflects the uses of this and other properties as rural residential development with an agricultural character. The property is bounded by lots of similar size and use as proposed. The larger 19 acre parcel to the west is owned by the Bureau of Reclamation and is not farmed. The region surrounding this legacy development node is agricultural. The Board finds that this property is not immediately adjacent to the larger productive agricultural fields in this region of the county. The following measures will be implemented to mitigate impact The development lot size is restricted to a minimum 1.3 acre average providing for a maximum of three (3) total parcels on the 6.43 acres as conditioned and in conformance with zoning and subdivision ordinance requirements. The proposed development, BOCC Exhibit 3B2, shall meet subdivision requirements including the development of a named private road and road lot that shall also serve the 6.43 acres (R38435011A) to the south of the subject property. The Board restricted the development of secondary residences to allow for only the northern most property to have a secondary residence. A private road is required when there are three or more residences. The majority of the properties in the area are not currently developed with secondary residences.	
Criteria Met?	5	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
Meets Criteria		
Analysis	The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein. Sewer: The developer proposes individual well and septic for the lots within the development. It is not anticipated that there will be an issue with locating septic systems and replacement fields on the approximate two (2) acre lots if approved. The development plat shall comply with Southwest District Health requirements; a signatory on the final plat. Two septic systems currently exist on the property serving the two residential structures that exist on the property. Water: The developer proposes individual well and septic for the lots within the development. It is not anticipated that there will be an issue with locating individual wells for the proposed development. The development plat shall comply with Southwest District Health requirements; a signatory on the final plat. Per Idaho Statute §42-111 a domestic well may be utilized as follows: (a) The phrase "domestic purposes" or "domestic uses" means: (i) The use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use does not exceed thirteen thousand (13,000) gallons per day; Drainage: Drainage shall be retained on site. An engineered grading and drainage plan should be required at time of building permit application due to the topography of the subject property with slopes in excess of 6 to 12%.	

	Irrigation: The subject property does not have irrigation water available (see Exhibit E6). See “Water” above for permitted usage of domestic well for irrigation purposes. Utility: Idaho Power and Intermountain Gas Company were provided notice of the application for development. No comments were received from those agencies. The existing structures on the property have electrical service. It is not anticipated that services will not be available for the proposed use.	
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?
Meets Criteria		
Analysis	The proposed conditional rezone may require public street improvements (approach improvements) in order to provide adequate access to and from the subject property. The proposal is not expected to create undue interference with existing and/or future traffic patterns. The development shall meet the requirements of the Notus/Parma Highway District (NPHD) inclusive of access/approach permitting and obtaining district approval as evidenced by NPHD signing the final plat. The development, as proposed, will require the development of a private road lot on the subdivision plat. The developer must provide access to the parcel that lies to the south, parcel R38435011A, in conformance with current zoning and subdivision ordinance requirements for access.	
Criteria Met?	7	Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
Meets Criteria		
Analysis	The subject property has legal access and legal access for the proposed development will exist at the time of the signing of the final plat. See review and analysis detailed below. The subject property is currently developed with a single-family residence that takes access to Goodson Road at the northeast corner of the property. There is also a shared access in the northwest corner that serves the shop with living quarters and parcel R38435011A (6.43 acres) south of the subject property. NPHD will require that the development comply with the ACCHD Standards Manual and the access will be approved as evidenced by the highway district’s signature on the final plat. Adequate access to the property to the south must be provided in accordance with zoning ordinance and subdivision platting requirements.	

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? (Ord. 16-007, 6-20-2016)
Meets Criteria		
Analysis	The proposed use as a three (3) lot residential subdivision is not anticipated to impact essential public services and facilities including, but not limited to, schools, police, fire and emergency medical services. The Board notes that Caldwell Fire District indicates that development more than 3-4 miles from a fire station may have extended response and service times. The Board placed conditions restricting the number of lots and potential residences for this development. The services are not anticipated to be negatively impacted by such use, and/or require additional public funding in order to meet the needs created by the requested use. Schools: The subject property lies within the Notus School District. The District was notified of the application. Staff did not receive comment from the school district. Development of two additional properties is not anticipated to significantly impact student enrollment. Police: The Canyon County Sheriff’s office was notified of the application for development and no comments were received. Fire protection & Emergency Medical Services: The Caldwell Rural Fire District and EMS were notified of the application. Staff did not receive any comments from EMS. Caldwell Rural Fire indicates that the approximate response time to the site is seven (7) minutes with the nearest station 4.3 miles away. The Fire Department further states that, <i>“ongoing population increases will directly affect service levels until CFD can enhance and expand its operational capabilities.”</i> Properties located within 3-4 miles from a fire station are <u>at the limit of effective coverage and may experience service delays</u>. Developments beyond five (5) miles are generally not recognized by ISO as having fire protection and response to these areas will be significantly delayed. (Exhibit E7) The following measures will be implemented to mitigate impacts: The Commission and Board may consider restricting the development to one single-family residential unit per lot.	

ORDER:

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Board of County Commissioners **APPROVES** Case #CR2023-0004, a conditional rezone of parcel R38435011 (6.43 acres) from "A" (Agricultural) to "CR-R1" (CR-Single Family Residential) subject to conditions of approval to be enumerated in a development agreement. The Board further considered and approves a setback variance for the existing shop with living quarters and approves a front setback of ten (10) feet from the required private road lot for that specific structure. Additionally, the Board considered and approves a road lot reduction for the required platted private road lot width from 60 feet to no less than 50 feet in accordance with §07-17-31(1)A.2 and §07-10-03(1)D.

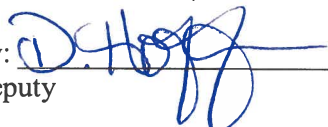
DATED this 24th day of September, 2026.

CANYON COUNTY BOARD OF COMMISSIONERS

X Motion Carried Unanimously
_____ Motion Carried/Split Vote Below
_____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	☒	_____	_____
 _____ Commissioner Brad Holton	☒	_____	_____
 _____ Commissioner Zach Brooks	☒	_____	_____

Attest: Jess Urresti, Clerk

By: 

Deputy

Date: 9/24/26

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. 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."
3. Platting as a residential subdivision is required for division of this 6.43 acre parcel (R38435011).
4. The preliminary and final plat shall be reviewed by the Caldwell Rural Fire District and a letter of review and approval shall be provided to Development Services prior to the Board of County Commissioners signing the final plat.
5. The development shall comply with the Notus Parma Highway District access requirements as evidenced by the District's signature on the final plat.
6. The developer shall provide legal access to the residential parcel to the south, parcel R38435011A (6.43 acres).
7. The developer shall provide a private road lot in compliance with 07-17-31(1)A2 extending from the northern boundary at Goodson Road along the western boundary of the proposed subdivision to the southern property boundary providing access and legal easement for the subject lots and parcel R38435011A. The Board approves a private road lot reduction from 60 feet to 50 feet along the western boundary of the subject property.
8. The subject property contains a shop (BP2005-615) with living quarters (BP2026-0364) which is currently a secondary residence on the property. As proposed for division and platting into three lots, this shop with living quarters will become the primary residence on a separate platted parcel. If a new primary residence is constructed, the living quarters may be removed from the shop or be re-classified [*change of use or occupancy permit with the building department*] as the secondary residence on the platted lot. [Shown as Lot 1 on draft site plan BOCC Exhibit 3b3]
9. Secondary residences are prohibited on proposed lots 2 and 3 as shown on draft site plan BOCC Exhibit 3b3. Proposed lot 3 contains the existing primary residence.
10. The Board considered and approved a variance of a front setback from 20 feet to a minimum of ten (10) feet from the required new private road lot for the existing shop with living quarters. The ten foot setback variance shall apply only to the existing structure located in the northwest corner of the subject property. No further setback encroachment along the frontage of the private road lot is approved.
11. The development shall be restricted to three (3) residential lots and no residential lot within the development shall be less than 1.3 acres in size.
12. The existing primary and secondary residence on the property share a well. The shared well and water lines from the primary residence to the secondary residence/shop shall be located within an easement providing for access, maintenance and repair of that well and water lines.
13. A shared well users' maintenance agreement shall be established and recorded with the Canyon County Recorder's Office prior to the Board's signature on the final plat. This condition applicable while the shared use exists between lots.
14. A Road Users' Maintenance Agreement (RUMA) for any shared private driveways/roads shall be established and recorded with the Canyon County Recorders' office prior to the Board's signature on the final plat.