



PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:
Greg S Payne – CR2025-0011

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of a 6.46-acre portion of Parcel R37423 from the “A” (Agricultural) zone to the “CR-RR” (Conditional Rezone-Rural Residential) zone. The request includes a development agreement limiting the future subdivision into no more than three (3) residential lots out of the 6.46-acre portion in the northeast corner of the 70.89-acre parcel. The remaining 64.43 acres is proposed to be a non-buildable agricultural-only parcel.
- 2) Location: Case CR2025-0011: The subject property (Parcel R37423) is located at 0 Middleton Road, Middleton, also referenced as a portion of the SW $\frac{1}{4}$ of Section 20, T5N, R2W, 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 CR2025-0011.
 1. All exhibits can be found in the case staff report dated May 7, 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).*
 - 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 commission 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, §67-6511.
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, CR2025-0011, was presented at a public hearing before the Canyon County Planning and Zoning Commission on May 7, 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 Planning and Zoning Commission 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	Criteria
No	1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
Analysis		The proposed conditional rezone change is generally <u>not</u> consistent with the comprehensive plan.
		The 2030 Comprehensive Plan designates the property for future agricultural use. Page 25 of the Plan describes the agricultural designation as follows: “The agricultural designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value.”
		The requested Conditional Rezone to Rural Residential “CR-RR” will apply to approximately 6.46 acres on the northeast portion of the property (Staff Report Exhibit A4). The 2030 Comprehensive Plan describes the Rural Residential District as a rural transitional area to create a boundary between agricultural and urban areas. These areas were mapped out during the 2030 Comprehensive Planning process, and the subject property was not identified for the Rural Residential designation, as the nearest urban area is found one (1) mile to the south in Middleton’s Area of Impact. The nearest Rural Residential future land use designation is a half mile to the south. The property better meets the 2030 Canyon County Comprehensive Plan by remaining in its current configuration, as creating three (3) parcels, each approximately two (2) acres in size, would likely encourage more residential growth in an area that is predominantly agricultural (Staff Report Exhibits B2.1 and B2.3).
		The requested rural residential zone does <u>not</u> align with the following goals and policies of the 2030 Comprehensive Plan: Population P2.01.01: “Plan for anticipated population and households that the community can support with adequate services and amenities.”

- COMPASS forecasts zero (0) additional residential household growth for the associated Traffic Analysis Zone (TAZ No. 2101) between 2025 and 2050, where the subject property is located (Staff Report Exhibit B2.11). Economic P3.04.01: “Build Canyon County as the premier location for agricultural-based businesses of all sizes.” - Three additional residential parcels have the potential to negatively impact existing agricultural-based businesses and operations in the surrounding area by encouraging additional residential growth. Land Use and Community Design P4.03.01: Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources. - Canyon County identifies the area for agricultural use not residential growth (Staff Report Exhibits B2.4). Land Use & Community Design P4.05.01: Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators. - Three additional residential lots, each with the potential for a secondary residence, could create hardship for neighboring farmers and agricultural operators in the form of complaints about agricultural practices and operations. Agriculture P12.01.01: Preserve and maintain agriculturally designated lands for agricultural use. - Canyon County identifies the area for agriculture, not residential growth (Staff Report Exhibit B2.4). Agriculture P12.01.02: Encourage non-agricultural related development in the cities, areas of city impact, and other clearly defined and planned development areas. - The request is located outside of a city impact area and is not a defined planned development area (Staff Report Exhibits B2.4, B2.5, and B2.11). Agriculture P12.01.04: Prioritize the protection of agriculture and farmlands in Canyon County as an essential part of the County’s economy, identity, and sense of place. - Approving a rezone and future 3-lot residential subdivision within the agricultural designation could encourage further division of the surrounding farmland. See criteria 07-06-07(6)A2 & A3 findings for supporting evidence.		
Criteria Met?	2	When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?
No		
Analysis	In consideration of the surrounding land uses, the proposed conditional zone change for a small portion of the property to “CR-RR” is <u>not</u> more appropriate than the current zoning designation of “A”. Existing Conditions: The primary land use in the vicinity is agriculture. There are parcels directly to the west, southwest, south, and north in active crop production. Except for the northeast corner, the subject property is used for crop production, further demonstrating that the area is primarily agricultural. The subject property and surrounding area are not located within any city area of impact and are zoned agricultural (Staff Report Exhibits B2.5 and B2.3). According to Canyon County Code of Ordinances (CCCO) §07-10-25 (1), the purposes of the existing “A” zoning district 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 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 property primarily consists of class 3 and 4 moderately suited soils with some class 6 and 8 least suited soils. The parcel is considered prime farmland if irrigated (69.9%), farmland of statewide importance if irrigated (17.9%), and not prime farmland (12.2%) (**Staff Report Exhibit B2.7**). The portion of the property that will be rezoned is not currently irrigated and contains class 6 soils that are not considered prime farmland (**Staff Report Exhibit D6.2**), however before disruptions to the irrigation supply, the northeast corner was considered prime farmland with class 3 soils (**Staff Report Exhibit B.2.7 and A.3**). There are no dairies, feedlots, or gravel pits within a 2-mile radius (**Staff Report Exhibit B2.6**).

Rezoning Request

The request is to conditionally rezone 6.46 acres of the 70.89-acre property to an R-R Zone, subject to the conditions of a development agreement. According to Canyon County Code of Ordinances (CCCO) §07-10-25(2), the purposes of the “R-R” zoning district is to “*encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.*”

The applicant provided a conceptual site plan (**Staff Report Exhibit A.4**) demonstrating that the result of the rezone is to create three buildable parcels, clustered in the northeast corner of the property, each approximately 2 acres in size. The remaining 64.43 acres will retain agricultural zoning and will be non-buildable (**Staff Report Exhibit A3 and A4**). While the request is limited, it will introduce an island of rural residential zoning into an area where there are few residentially zoned properties (**Staff Report Exhibit B.2.3**). Within a one-mile radius, only five areas have been rezoned to rural residential or single-family residential zoning (**Staff Report Exhibit B.2.3**). All but one of these areas were conditionally rezoned and according to Canyon County Code §07-06-07(3), “...shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.”

Existing Conditions within One Mile:

Direction	Existing Use	Primary Zone	Other Zone
N	Residential and Agricultural	A	CR-RR
S	Agricultural with dwellings	A	
E	Residential	A	CR-R1, RR
W	Agricultural	A	CR-RR, RR
“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)			

Recent Land Use Cases within a One Mile Radius:

- RZ2021-0043 (directly west of the subject property) – Rezone “A” to “RR”- Denied
- SD2020-0009 – Echo Estate Subdivision – Approved
- SD2022-0047 – Preliminary Falcon Rim Subdivision – Approved
- RZ2021-039 – Rezone “A” to “CR-R1” – Approved

See further analysis located in sections 1, 3, and 4.

Criteria Met?

3

Is the proposed conditional rezone compatible with surrounding land uses?

No

Analysis

The proposed conditional rezone to “CR-RR” is not compatible with surrounding land uses, which are primarily agricultural.

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 proposed zoning would provide for platted lots that are smaller than the surrounding average parcel sizes. Within the 600-foot notification radius, the average parcel size is 14.66 acres, and the largest is 117.59 acres, compared to the proposed 2-acre lots (Staff Report Exhibit B2.9). The surrounding area is primarily active agriculture, including land directly to the north, west, and south of the property. If approved, the “CR-RR” zoning adjacent to agricultural uses, along with the subsequent subdivision, will introduce an incompatible land use (Staff Report Exhibits B.2.3 and B.2.1). The 2030 Canyon County Comprehensive Plan encourages the preservation of agricultural designations and zoning. See further analysis located in sections 1, 2, and 4.	
Criteria Met?	4	Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
Yes		
Analysis	The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below. Character of the Area: The character of the area is primarily agricultural with interspersed residential use and some residential subdivisions. The proposed conditional rezone to rural residential of the approximately 6.46-acre northeast portion of the subject property will match the character of the adjacent Pheasant Landing Subdivision. The requested rural residential zone will allow for an average lot size of two (2) acres, which is aligned with the 2.32-acre average lot size in nearby subdivisions (Staff Report Exhibit B2.9). Future residential use is planned within the City of Middleton and Middleton’s Area of Impact, approximately 1 mile to the south (Staff Report Exhibit B2.5). COMPASS anticipates 869 additional households by the year 2050 within the nearby Traffic Analysis Zones 2136 and 2137 (Staff Report Exhibit B2.11). While the subject property is not in a planned growth area, nearby residential growth adds to the mix of agricultural and rural residential use that characterizes the area. The following measures will be implemented to mitigate the impact The applicant’s proposed conditions include limiting the development to 3 buildable residential lots in substantial conformity with the site plan. The site plan ensures that the residential lots are adjacent to the Pheasant Landing Subdivision, and it preserves agricultural zoning and use along the western and southern property boundaries where large agricultural fields are found. With this condition of approval, the development is not anticipated to negatively impact the essential character of the area.	
Criteria Met?	5	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?
Yes		
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: Per the land use worksheet, sewer will be provided with individual septic systems (Staff Report Exhibit A5). Southwest District Health provided comments stating that the project does not require a Nutrient Pathogen Study and that there are no concerns with the request provided all SWDH requirements are met (Staff Report Exhibit D5). An earlier pre-development meeting was held that envisioned two (2) rather than three (3) residential lots. Meeting notes detail that an abandoned concrete ditch is found to the south of the proposed lots and that survey data indicate silt loam with calcium carbonate soils (Staff Report Exhibit D5.1). All SWDH requirements will need to be met with the subdivision plat (Staff Report Exhibit D5). Water: Per the land use worksheet, water will be provided with individual domestic wells (Staff Report Exhibit A5). Notice was provided to the Idaho Department of Water Resources, but no comments were received. Future development shall comply with IDWR standards at the time of subdivision and or building permits.	

The property is within a Nitrate Priority Area, the closest known well with a nitrate level elevated to the 10 milligram per liter standard is found approximately 620 feet to the north (Staff Report Exhibit B2.10). During the preliminary plat phase, the Planning and Zoning Commission may recommend that the applicant conduct nitrate level testing for the proposed wells before approval. Drainage: Per the land use worksheet, stormwater is proposed to be retained on-site (Staff Report Exhibit A5). Irrigation: Per the letter of intent, there are no surface irrigation water rights available for the northeast corner of the property where the three residential lots are proposed. Each home will be able to utilize the ½ acre domestic exemption for irrigation if the total use does not exceed 13,000 gallons per day (Staff Report Exhibit A3). Comments from Black Canyon Irrigation District detail that the applicant made a permanent water rights transfer to remove six acres of irrigation water from the northeast corner of the property in 2023, and therefore, none of the proposed residential parcels will receive irrigation water from the district. All maintenance road right-of-way, lateral right-of-way, and drainage right-of-way will need to be protected. Any crossing agreements and or piping agreements will need to be acquired from the Bureau of Reclamation once approved by Black Canyon Irrigation District, to cross over or under any existing lateral, pipe any lateral, or encroach into the right-of-way of the District or Reclamation (Staff Report Exhibit D1). All irrigation district requirements will need to be met during the subdivision process. Utility: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on September 8, 2025, and April 2, 2026. No agency comments were provided by those services at the time the staff report was written. Utility poles exist along Middleton Road (Staff Report Exhibit C). There are also residences in the general vicinity that are indicative of utility services being available. It is anticipated that the applicant will be able to work with utility providers to gain any needed utilities.		
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	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/or future traffic patterns created by the proposed development. ITD had no concerns with the request as the property is greater than 3 miles north of SH-44 and minimal impact can be anticipated. Comments received from Highway District No. 4 detail that Middleton Road is classified as a minor arterial and Galloway as a major collector on the functional classification maps adopted by the County and Highway District. The applicant letter of intent details an expected 29 average daily trips based 9.52 average daily trips per household. During the subdivision phase of the development, the applicant will be required to meet all highway district requirements, and an approach permit with a paved apron meeting ACCHD standards will be required (Staff Report Exhibit D2). The proposed three additional residential lots are not anticipated to significantly impact the existing or proposed transportation system. Traffic impacts from the new development will be mitigated by the collection of transportation impact fees at the time of building permit issuance (Staff Report Exhibit D2).	
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	The subject property does have legal access for the conditional rezone and will have legal access at the time of the development. See the review and analysis detailed below.	

	Existing access to the subject property is via one or more unimproved agricultural approaches to Middleton Road along the property's western boundary. Comments from Highway District No. 4 state that these approaches may remain in use to serve the ongoing agricultural uses but are subject to restriction or removal if the land use changes in the future. The applicant proposes a 20-foot-wide private road within a 60-foot easement to serve three new residential lots, with an approach to Middleton Road located near the northwest property boundary (Staff Report Exhibits A3 and A4). Before platting, the applicant could utilize the administrative land division amendment process to separate the 6.4-acre rezone portion from the remaining agricultural-only parcel and in this situation, a 60-foot easement to Middleton Road will be permitted as depicted on the site plan. However, if all divisions occur through the subdivision process, a dedicated 60-foot private road lot will be required for the entire length of the road. During the subdivision phase of development, the applicant must meet all subdivision, private road, and highway district requirements, including the acquisition of an approach permit. Based on established private road standards, the road must be contained within a separate road lot for the portion located inside the 6.46-acre future subdivision, even if the remainder of the access to Middleton Road is secured via an easement prior to the platting process.	
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?
No		
Analysis	The proposed use may impact essential public services and facilities by increasing enrollment at public schools that are already over capacity. The use is not anticipated to impact police, fire, and emergency medical services. Any necessary measures to mitigate impacts are detailed below. Schools: The subject property is within the Middleton School District #134. The school district was noticed on September 8, 2025, and April 2, 2026, but no comments were received. Publicly available data from Middleton School District #134 details that two (2) of the three (3) Elementary Schools are over capacity, as is Middleton Middle School. Middleton High School has not reached capacity, nor has Middleton Academy. Without comments from Middleton School District #134, the Planning and Zoning Commission finds insufficient evidence to determine if the proposed use will have an impact on essential public services and facilities. Police: The subject parcels are under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the parcel. 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 September 8, 2025, and April 2, 2026, and no comments were received by the Sheriff's Office. Fire protection & Emergency Medical Services: Canyon County Paramedics provided estimated response times on April 19, 2026, for three (3) nearby stations: Station M53 has an estimated response time of 6.49 minutes, Station M51 has an estimated response time of 15.6 minutes, and Station M52 has an estimated response time of 17.7 minutes. The subject property is under the jurisdiction of the Middleton Rural Fire District (MRFD). MRFD is required to provide services to this parcel, and a fire district sign-off is also required for residential building permits. Middleton Rural Fire District was provided notice of the application on September 8, 2025, and April 2, 2026, but no comments were received. The use is not anticipated to be significant enough to cause a negative impact or require additional public funding	

Order

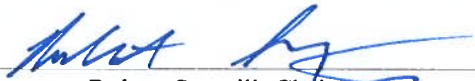
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning recommends **denial** of Case # CR2025-0011, a zoning map amendment of a 6.46 portion of Parcel R37423.

Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

1. The applicant may consider waiting until the area development trends and the Comprehensive Plan support residential development on the property.
2. The applicant may consider adding restrictions on secondary dwellings and strengthening conditions to ensure that the agricultural-only portion of the property remains non-buildable with agricultural zoning.

DATED this 21 day of May, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 21 day of May, in the year 2026, before me Caitlin Ross, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: Caitlin Ross

My Commission Expires: 5/7/2031