



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

In the matter of the application of:
Colby and Amy Brown – RZ2025-0003

The Canyon County Board of County Commissioners
considers the following:

- 1) A zoning map amendment (Rezone) of approximately 6.19 acres from an “A” (Agricultural) zone to a “R-R” (Rural Residential) zone.
- 2) The subject property is located at 24403 Falcon Lane, Caldwell, ID 83607, also referenced as Parcel R38160011, a portion of the Southeast quarter of Section 34, T5N, 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 RZ2025-0003.
 1. All exhibits are located 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 §07-06-05 (Rezoning), CCCO §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and CCCO §09-09-17 (Area of City Impact Agreement), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509.
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 burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
5. The Board can sustain, modify or reject the Commission’s recommendations. *See* 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, RZ2025-0003, was presented at a public hearing before the Canyon County Board of County Commissioners on May 7, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, the Board of County Commissioners decides as follows:

Table 1. Zoning Map Amendment Standards of Evaluation Analysis

Standards of Evaluation – CCCO §07-06-05(1): The commission shall review the particular facts and circumstances of each proposed zoning amendment and make a recommendation regarding the same to the board. The presiding party shall make its review in terms of the following standards and shall find adequate evidence regarding the following criteria when evaluating the proposed zoning district boundary amendment:

County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	A	Is the proposed zone change generally consistent with the comprehensive plan?
Analysis		The proposed zone change is generally consistent with the Comprehensive Plan. The 2030 Canyon County Comprehensive Plan designates the future land use of the parcel as “residential” (Staff Report Exhibit B2.10). The parcel is located within the City of Middleton’s Area of Impact, and Middleton’s comprehensive plan designates the area for future residential growth (Staff Report Exhibit B2.11). COMPASS forecasts modest residential growth of 27 households by the year 2050 for the associated Traffic Analysis Zone (TAZ 2090). The 2030 Canyon County Comprehensive Plan states that 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. The property is in a transitional area near the City of Middleton, in an area where rural residential zoning and uses are common. The request aligns with the following goals and policies of the 2030 Comprehensive Plan: • <u>Property Rights Goals and Policies:</u> ○ Goal No. 1: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.” ○ Policy No. 1: “No person shall be deprived of private property without due process of law.” ○ Policy No. 3: “Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.” • <u>Population Component Policy and Goal:</u> ○ Goal No. 2: “Promote housing, business, and service types needed to meet the demand of the future and existing population.” • <u>Economic Development Goal</u> ○ Goal No. 5: “Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.” • <u>Land Use Policies and Goals:</u> ○ Policy No 1.1: “Maintain a balance between residential growth and agriculture that protects the rural character.”
Criteria Met?	B	When considering the surrounding land uses, is the proposed land use more appropriate than the current zoning designation?
No		
Analysis		In consideration of the surrounding land uses, the proposed zone change to “R-R” Rural Residential without conditions is not more appropriate than the current zoning designation of “A” Agricultural. Pursuant to Canyon County ordinance CCCO §07-10-25(2), the purpose 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 surrounding area is comprised of “A” Agricultural, “R-R” Rural Residential, and “R-1” Single-Family Residential zoning and uses that have been approved with both conditional and unconditional rezones (Staff Report Exhibits B2.3 and B2.1). The Rural Residential zoning directly to the west of the subject property has been in place since 2007. However, the use of the 40-acre property has remained agricultural. In contrast, residential uses that have maintained agricultural zoning are found directly to the north, east, and south on properties that are between three (3) and seven (7) acres (Staff Report Exhibits B2.3 and B2.2).

Some of these surrounding residential properties with agricultural zoning also contain hobby farms, large gardens, and raise animals.

While the applicant's letter of intent indicates that only a single division of the property is proposed, the requested unconditional rezone does not provide a mechanism to limit future divisions beyond those permitted by the zoning district. The subject property exceeds six (6) acres in size, and the proposed "R-R" Rural Residential zoning district allows for an average lot size of two (2) acres, which would permit the division of the property into three parcels. In addition, the unconditional rezone would allow for secondary dwellings to be developed. Consequently, approval of the rezone could result in up to six (6) dwelling units on the property, representing an intensity of development that is not more appropriate than the existing "A" Agricultural zone.

The subject parcel consists of moderately suited soils (Class III and IV) and least-suited soils (Class VIII) and is considered to be a mix of farmland of statewide importance if irrigated, prime farmland if irrigated, and not prime farmland (**Staff Report Exhibit B2.5**).

Existing Conditions within One Mile (Exhibit B2.3):

Direction	Existing Use	Primary Zone	Other Zone
N	Agricultural and Residential	A	CR-R1, R1, RR
S	Agricultural and Residential	A, RR	R1
E	Agricultural Residential	A, RR	
W	Irrigated Agricultural Land	RR, A	R1
"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:

SD2018-0019 – Green Hills Landing Subdivision – Approved
 RZ2019-0034 – Rezone from "A" to "R-1" - Approved
 RZ2019-0037 – Rezone from "RR" to "R2" – Approved
 RZ2019-0040 – Rezone from "A" to R-1" - Approved
 SD2019-0043 – Purple Sage Estates No. 4 – Approved
 SD2020-0010 – Spring Hills Ranch Subdivision Preliminary Plat – Approved
 SD2020-0026 – Purple Sage Estates No. 5 - Approved
 RZ2020-0012 – Rezone "A" to "R-R" – Approved
 SD2020-0039 – Steady Acres Subdivision - Approved
 RZ2021-0016 – Rezone from "A" to "R-1" – Approved
 CR2022-0026 – Rezone from "A" to "CR-R"1 – Approved
 SD2024-0001 – Ridgeland Estates Subdivision – Approved

Other Cases

RZ2006-13 – Rezone of six parcels totaling 181.10 acres from "A" (Agricultural) Zone to "R-R" (Rural Residential) Zone. Including the property directly to the west of the subject property. - Approved

Criteria Met?
No

C

Is the proposed zoning map amendment compatible with surrounding land uses?

Analysis

The proposed zone change to "RR" is not compatible with surrounding land uses.

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 applicant proposes to retain the existing residence on an approximately four (4)-acre parcel and construct one new home on a two (2)-acre parcel (Staff Report Exhibit A2). However, the requested Rural Residential zoning district would allow for up to three parcels and, with the allowance of secondary dwellings, up to six (6) dwelling units on the subject property. This level of development intensity is not compatible with the surrounding land use pattern. The average lot size within the 600-foot notification radius is 9.07 acres (Staff Report Exhibit B2.7), the potential density enabled by the rezone exceeds that which currently characterizes the immediate area. The future land use designation of residential in the 2030 Canyon County Comprehensive Plan and recent residential land use cases in the vicinity (Exhibits B2.10 and B2.13) do not, by themselves, justify the increased development potential associated with the requested rezone. While residential development exists in the broader area, including numerous platted subdivisions, the surrounding properties to the west and south continue to support agricultural uses, including feedlots and a dairy operation within a two (2)-mile radius (Staff Report Exhibit B2.4). Allowing a rezone that could result in up to six (6) dwelling units would introduce a level of residential intensity that is not compatible with surrounding land uses. See further analysis located in section 07-06-05(1)A, B & D.	
Criteria Met?	D	Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?
No		
Analysis	The proposed use will negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below. Character of the Area: The property is just over 1 mile west of the City of Middleton. The surrounding area is characterized by residential and agricultural uses (Staff Report Exhibits B2.1 and B2.3). Residential properties between three (3) and seven (7) acres in size are found directly to the north, east, and south. Many of these residential properties include small-scale agricultural uses that contribute to a rural character, such as raising animals, pastures, or large gardens. Directly to the west is a 40-acre parcel with rural residential “R-R” zoning that is in active crop production. The proposed “R-R” zoning designation allows for an average minimum lot size of two (2) acres, which is greater than the average lot size of 9.07 acres among properties within the 600-foot notification radius (Staff Report Exhibit B2.7). The proposed unconditional rezone could result in six (6) dwelling units on the property, which would be out of character with the area and would have a negative effect. The following measures will be implemented to mitigate the impact The applicant submitted a rezone request without conditions. Exhibit 4 of the Board of County Commissioners staff report includes a letter from the applicant detailing that they are not opposed to a conditional rezone that limits the division of the property into no more than 2 parcels however they are opposed to any restrictions on secondary dwellings. During the May 7 hearing, the Board stated that secondary dwellings on the proposed lots would be out of character with the area. To gain approval, the applicant could resubmit a conditional rezone with a development agreement that would restrict future division of the property into two (2) parcels and prohibit secondary dwellings.	
Criteria Met?	E	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment?
Yes		
Analysis	The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed zone map amendment based on the analysis contained herein. Sewer: Per the applicant’s letter of intent and land use worksheet, sewer will be provided with individual septic systems (Staff Report Exhibits A.2 and A.3). There is one (1) individual septic system on the property serving the existing residential dwelling. A new individual septic system is requested for the proposed two (2) acre parcel. Per Southwest District Health, subsurface sewage disposal systems have not yet been	

determined, but there are no concerns with the use or request for rezoning if the applicant meets all SWDH requirements (Staff Report Exhibit D.1). Comments from Southwest District Health state that a Nutrient Pathogen Study is not required. Water: The existing home is served with an individual well, and a second individual well will be requested for the new parcel if the rezone is approved (Staff Report Exhibit A.3). Notice was given to the Idaho Department of Water Resources, but no comments were received. Individual wells are anticipated to adequately provide services to the two (2) residential dwellings (four (4) if secondary residences are added). The property is located within a nitrate priority area. Per the Nitrate Priority Well Map, the closest known well with a nitrate level elevated above the 10 milligram per liter standard is approximately 0.88 miles to the northwest. (Staff Report Exhibit B.2.8). Drainage: Historic drainage patterns will be maintained. The subject property is on a gradual slope, with the highest portion of the property along Falcon Lane. The property flattens out toward the western half. Given the natural slope of the property, the applicant anticipates that drainage will be retained on site (Staff Report Exhibits A.8.1, B.2.14). Irrigation: The parcel is within Black Canyon Irrigation District (BCID) but does not receive water from the District. Per BCID, all prior matters are resolved, and the district has no comments on the proposed land use change (Staff Report Exhibit D.4.1). The Idaho Department of Water Resources website shows that the property does have an active water right (63-34947) from March 15 through November 15 for 0.14 CFS of groundwater for irrigation purposes (Staff Report Exhibit A.8.2). The new parcel will be eligible for the half-acre domestic exemption, or the property owners could seek to divide the existing groundwater irrigation right. Utility: Utility agencies were notified on June 6, 2025, and December 16, 2025, but no comments were received. There are residences and utility poles in the general vicinity that are indicative of utility services being available (Staff Report Exhibit C).		
Criteria Met?	F	Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?
Yes		
Analysis	The subject property does have legal access for the zoning map amendment and will have adequate access at the time of the development. See review and analysis detailed below. Access to the subject property exists via Falcon Lane, a local road with a 60-foot right-of-way easement (Staff Report Exhibit A.6). Pre-development meeting minutes from Highway District 4 detail that right-of-way dedication of 30 feet from each side of the Falcon Lane centerline may be required with the administrative land division (Staff Report Exhibit A.5.1). Rural driveway spacing at 140 feet applies, and the existing driveway approach may need to be improved per ACCHD-105 standards (Staff Report Exhibit A.5.1). The applicant proposes a new approach for the new parcel (Staff Report Exhibit A.2); approval from Highway District 4 will be required with the administrative land division.	
Criteria Met?	G	Does the proposed zoning map amendment 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 created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?
Yes		
Analysis	The proposed rezone will not require public street improvements to provide adequate access to and from the subject property or to minimize undue interference with existing and/or future traffic patterns created by the proposed development.	

	Pre-Development Meeting Minutes from Highway District 4 indicate that they have no objection to the rezone (Staff Report Exhibit A.5.1). Property access comes from Falcon Lane, a local road. Right-of-way dedication may be required (Staff Report Exhibit A.5.1). Highway District 4 will be notified and provided with the opportunity to comment and include conditions of approval at the time of the administrative land division. Due to only two (2) parcels being created, there does not appear to be a need to mitigate traffic impacts. Comments from the Idaho Transportation Department state that this application does not meet thresholds for a Traffic Impact Study, nor does it pose any safety concerns (Staff Report Exhibit D.2).	
Criteria Met?	H	Will the proposed zoning map 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	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. Schools: The subject property is served by Middleton School District #134. It is not anticipated that the proposed rezone will impact the school district and accommodation is not expected, as only one (1) additional parcel is planned. Agency comments were sent on June 6, 2025, and December 16, 2025, and no comments were received by the school district. Police: Parcel R38160011 is 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 June 6, 2025, and December 16, 2025, and no comments were received by the Sheriff’s Office. Fire protection: Middleton Rural Fire District sent a comment letter on November 11, 2025, and outlined fire code requirements and conditions of approval that will be required with the new residential building permit. The project is outside of the Fire District's 5-minute response time service goal. Station 52 is approximately 5.5 miles from the property, with an estimated travel time of 11 minutes under optimal driving conditions (Staff Report Exhibit D.6). The comment letter notes that the area does not have an established water supply for firefighter operations. The owners will have to provide a water supply as outlined in the International Fire Code with the new residential building permit. Applicant correspondence details that fire suppression sprinklers are planned to be installed in the new residence (Exhibit A.8.1). Emergency Medical Services: Canyon County Paramedics and EMT provided response time maps showing a response time of 11.8 minutes from station M52, 13.8 minutes from station M51, and 9.8 minutes from station M53. Canyon County’s Emergency Management was provided notice of the application, but no comment was received.	

Table 2. Area of City Impact

CCCO 09-09-13 and CCCO 09-09-17: Middleton Area of City Impact Applicable Ordinances and Application Procedures: The following procedures shall be adhered to in processing applications within the Middleton area of city impact:		
County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	09-09-13	Applicable Ordinances The Canyon County zoning ordinance and the Canyon County subdivision ordinance shall apply in the Middleton area of city impact.
	09-09-17	
		Application Procedures (1) Processing Applications: The following procedures shall be adhered to in processing applications within the area of city impact:

		A. Land Use Applications: All land use applications submitted to the county including, but not limited to, conditional use permits, variances and land divisions requiring notification of a public hearing, shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article.
Analysis	Area of City Impact:	The City of Middleton was provided notice of RZ2025-0003 on June 6, 2025, and December 16, 2025, but no comments were received. The property is located approximately one (1) mile west of the City of Middleton and is designated for residential use within the 2030 Canyon County Comprehensive Plan as well as in Middleton's 2025 Comprehensive Plan and associated Future Land Use Map. Given the small scale of the proposed development and similar surrounding land uses, the proposal is not anticipated to negatively impact the County or the City of Middleton.

Order
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **denies** Case # RZ2025-0003, a rezone of Parcel R38160011 (+/-6.19 acres).

- Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:
1. Submit a revised application as a conditional rezone with a development agreement that prohibits secondary dwellings and allows for a single division of the property, resulting in a maximum of two (2) parcels.
 2. Provide a site plan layout detailing access points, building envelopes, septic placement, and necessary easements to ensure that the proposed use can be accommodated within the new parcels and that all setbacks can be met.

DATED this 28th day of May, 2026.

CANYON COUNTY BOARD OF COMMISSIONERS

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

	Yes	No	Did Not Vote
<u>Unavailable for signature</u> Commissioner Leslie Van Beek	<u> </u>	<u> </u>	<u> </u>
<u>Brad Holton</u> Commissioner Brad Holton	<u> X </u>	<u> </u>	<u> </u>
<u>[Signature]</u> Commissioner Zach Brooks	<u> X </u>	<u> </u>	<u> </u>

Attest: Jess Urresti, Clerk

By: J Ross
Deputy

Date: 05.28.26