



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

In the matter of the application of:
Tabarini – CR2025-0010

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Rezone of approximately 5.9 acres from the “A” (Agricultural) zone to the “CR-R-1” (Conditional Rezone- Single-Family Residential) zone.
- 2) The request includes a development agreement limiting the project to three (3) residential parcels.

[Case CR2025-0010: Address: 0 Stoffle Ln, Middleton, ID (Parcels R23913011A and R33968), a portion of the NW quarter of Section 10, T4N, 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 CR2025-0010.
 1. All exhibits can be found in the case staff report dated June 4, 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), 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.
 - 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, CR2025-0010, was presented at a public hearing before the Canyon County Planning and Zoning Commission on June 4, 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
Yes	1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
Analysis		The proposed conditional rezone change is generally consistent with the 2030 Comprehensive Plan. The Future Land Use Map in the 2030 Canyon County Comprehensive Plan designates the parcel as “residential” (Staff Report Exhibit B2.9). “The residential designation is for residential development. Residential development should promote compatibility with the existing agricultural activity.” (Page 25, 2030 Comprehensive Plan). The parcel is within City of Middleton’s Area of Impact. In the City of Middleton’s Future Land Use Map in their Comprehensive Plan, the southern tip of the property is “Commercial,” the middle portion is “High Density Residential”, and the northern half is “Medium Density Residential.” Although the subject property does not match City of Middleton’s Comprehensive Plan in its density, the City of Middleton does not have any concerns at this time and the development proposal will be in general conformance with the residential uses already established in this area (Staff Report Exhibits B2.1, B2.3, D7, D7.1, and D7.2). The request aligns with the following goals and policies of the 2030 Comprehensive Plan: • 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 P1.1.03: “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.”

	• <u>Land Use and Community Design P4.03.02:</u> “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.” • <u>Land Use and Community Design G4.04.00:</u> “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.” • <u>Land Use and Community Design P4.07.01:</u> “Plan land uses that are compatible with the surrounding community.” • <u>Housing G11.1.00:</u> “Encourage opportunities for a diversity of housing choices in the County.” • <u>Housing G11.02.00:</u> “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?																					
No																							
Analysis	In consideration of the surrounding land uses, the proposed conditional rezone change to Single Family Residential (R-1) is not more appropriate than the current zoning designation of Agricultural (A). The surrounding area primarily contains residential uses. To the north, south, east and west of the subject property, there are residential subdivisions and parcels with varying acreage sizes. There are 32 subdivisions within 1-mile of the subject property and the average and median lot sizes for parcels within 600 feet of the subject property are 2.46 and 1.97 acres, respectively (Staff Report Exhibits B2.1, B2.3, B2.6, B2.11). The applicant is proposing to divide the subject property into three (3) parcels- two (2) parcels with 1.25 acres and one (1) parcel with 3.4 acres. This proposed development has an average parcel size of 1.96 acres. This proposed density is higher than the average parcel size within 600-feet (2.46 acres) and the proposed lot sizes (such as 1.25 acres) are smaller than most of the parcels within the surrounding area. Furthermore, with the allowance of secondary residences on the proposed development, this could increase the density by five times, which is not compatible with the surrounding land uses (Staff Report Exhibits A2, A3, and B2.6). The subject property is contained within Traffic Analysis Zone (TAZ) “2165.” The data for the TAZ zone that contains the subject property forecasts an increase in 207 households by the year 2050, demonstrating this is an area expected to receive residential growth (Staff Report Exhibit B2.8). The City of Middleton’s limits are touching on the northeast corner of Parcel R33968. The City of Middleton’s Future Land Use Map in their Comprehensive Plan call for commercial, high-density residential, and medium density residential for this property. Although this request does not match City of Middleton’s Future Land Use Map, the City of Middleton does not have any concerns at this time and the development proposal will be in general conformance with the residential uses already established in this area (Staff Report Exhibits B2.1, B2.3, D7, D7.1, and D7.2). Pursuant to Canyon County ordinance CCCO §07-10-25(2), the purpose of the “R-1” zoning district is to promote and enhance predominantly single-family living areas at a low-density standard. Existing Conditions Within 1-Mile of the Subject Property: <table><tr><th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zone</th></tr><tr><td>N, NE, and NW</td><td>Residential Uses on Medium Density and High-Density Properties</td><td>A and City of Middleton Limits</td><td>R-1, CR-R-1, and RR</td></tr><tr><td>S, SE, and SW</td><td>Residential Uses and Agricultural Uses</td><td>A</td><td>C-1, C-2, R-1, and R-R</td></tr><tr><td>E</td><td>Residential Uses with some Commercial Uses Along Hwy 44</td><td>A</td><td>R-1, R-R, and C-2, and C-1</td></tr><tr><td>W</td><td>Residential Uses with some Commercial Uses Along Hwy 44</td><td>A</td><td>R-1, C-1, CR-C-2,</td></tr></table> “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)			Direction	Existing Use	Primary Zone	Other Zone	N, NE, and NW	Residential Uses on Medium Density and High-Density Properties	A and City of Middleton Limits	R-1, CR-R-1, and RR	S, SE, and SW	Residential Uses and Agricultural Uses	A	C-1, C-2, R-1, and R-R	E	Residential Uses with some Commercial Uses Along Hwy 44	A	R-1, R-R, and C-2, and C-1	W	Residential Uses with some Commercial Uses Along Hwy 44	A	R-1, C-1, CR-C-2,
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	Surrounding Land Use Cases Within the Past 5-Years: 1. RZ2021-0061 (Rezone from A to CR-C-2) – Approved 2. CU2025-0012 (Staging Area/Contractor Shop) – Approved 3. RZ2020-0014 (Rezone from A to R-1) – Approved 4. SD2022-0011 (Preliminary Plat) - Approved 5. RZ2020-0016 (Rezone from A to R-R) – Approved 6. CR2022-0003 (Rezone from A to CR-R-1) – Approved 7. SD2021-0046 (Short Plat with 3 Lots) – Approved 8. CU2022-0039 (Small Animal Facility – Approved 9. CU2024-0025 (CUP – Kennel) – Approved 10. RZ2020-0027 – (Rezone from A to R-1) – Approved 11. SD2020-0016 (Preliminary Plat) – Approved 12. RZ2021-0017 (Rezone from A to R-R) – Approved 13. CU2022-0028 (Expansion of RV Storage) - Approved Although the land use cases approved in the last 5 years demonstrate the area is trending towards having more residential uses, the proposed density of the development is not compatible with the surrounding area. See further analysis located in 07-06-07(6)A3 and A4.	
Criteria Met?	3	Is the proposed conditional rezone compatible with surrounding land uses?
No		
Analysis	The proposed conditional rezone change from Agricultural (A) to Conditional Rezone- Single-Family Residential (CR-R-1) is not more 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. 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 1.25 acres and one (1) parcel with 3.4 acres (Staff Report Exhibits A2 and A3). The Planning and Zoning Commission finds the proposed development’s density (1.96 acres) is not compatible with the surrounding area and that the subject property’s current parcel size (5.9 acres) is more compatible with the agricultural zoning designation and will allow for numerous agricultural uses to occur on site. See further analysis located in 07-06-07(6)A2 and A4.	
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 surrounding area primarily contains residential uses. To the north, south, east and west of the subject property, there are residential subdivisions and parcels with varying acreage sizes. The acreage sizes in this area vary between under 0.3 acres in size (these lots are within the City of Middleton subdivision to the northeast), to 1-3 acres in size and some parcels that are 5-acres in size and over. There are some agricultural uses in this area but these are found mainly to the south and east of the property and not found in the immediate vicinity of the property. The City of Middleton’s limits are found immediately to the northeast of the subject property. The nearby annexed properties mainly contain residential uses. With the area primarily	

being residential in nature, it is anticipated that the proposed development will not negatively affect the area (Staff Report Exhibits B2.1, B2.3, B2.6, and B2.11). The Future Land Use Map in the City of Middleton's Comprehensive Plan call for commercial, high-density residential, and medium density residential for this property. Although this development request does not match City of Middleton's Future Land Use Map, the City of Middleton does not have any concerns at this time and the development proposal will be in general conformance with the residential uses already established in this area (Staff Report Exhibits B2.1, B2.3, D7, D7.1, and D7.2). The following measures will be implemented to mitigate the impact The applicant is proposing to limit the development to three (3) parcels (Staff Report Exhibits A2 and A3).		
Criteria Met? Yes	5	Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?
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 applicant's land use worksheet, sewer will be provided with individual septic systems for the proposed single-family residences (Staff Report Exhibit A4). Per Southwest District Health (SWDH), the project does not require a nitrate priority study. Additionally, a site evaluation has not been completed, and test holes have not been conducted to determine the feasibility of the proposed septic systems, but SWDH does not have any concerns with the use or request for rezoning if the applicant meets all Southwest District Health requirements (Staff Report Exhibits D1 and D1.1). Water: Per the applicant's land use worksheet, three (3) individual domestic wells are proposed for the development (Staff Report Exhibit A4). Notice was given to the Idaho Department of Water Resources, but no comments were received. Individual domestic wells are anticipated to adequately provide services for potential residential dwellings. Future development shall comply with IDWR standards at the time of building permit, etc. Drainage: Per the land use worksheet, stormwater is retained on site (Staff Report Exhibit A4). Irrigation: Per the land use worksheet, irrigation water is provided to the property via surface water rights with a gravity irrigation system. Sawtooth Law Office, on behalf of Lemp Lateral Association, Inc., Middleton Mill Ditch Company, and Middleton Irrigation Association sent a comment letter on November 24, 2025. The law office requested that the applicant contact either the irrigation districts or the law office concerning the delivery of any surface water to the proposed development and/or pump station connections to serve the above-referenced subject property. The letter also stated that the irrigation districts "...generally require that the pump station is properly sized and the water is metered to ensure that the development does not use/divert more water than authorized by the shared, that the shares for the use of the water are all placed in a homeowner's association to hold for the assessment and payment of shares and any connections to existing pump stations have isolation valves in the event of non-payment of shares" (Staff Report Exhibit D5). See conditions of approval #3-5 to address irrigation delivery access, review of the irrigation plan by the irrigation districts having jurisdiction and meeting the irrigation districts' requirements at the time of application to divide the property. Utility: Idaho Power Company sent a comment letter on which stated they do not have any comments on the property, but their GIS system showed the Northwest Pipeline running through the property (Staff Report Exhibit D9). Northwest Pipeline sent a comment letter on May 6, 2026 and it appears that the pipeline is to the northeast of the property and not found within the property boundaries (Staff Report Exhibit D11).	

	Utility agencies, including Intermountain Gas, CenturyLink, and Ziply, were notified of the application on November 5, 2025 and April 30, 2026, and no comments were received. 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	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 or future traffic patterns created by the proposed development. Highway District No. 4 (HD#4) is not requiring any public street improvements at this time, but HD#4 is requesting that "...the southerly 60-feet of Parcel R33968 should be dedicated as a public right-of-way or public access easement for continuation of Stoffle Lane/Huckleberry Lane across the subject property" (Staff Report Exhibits D4 and D4.1). HD#4 acknowledges that although no public improvements may not be planned "...this would provide dedicated access rights to historical users of the public road who have no alternative means of access to the public highway system." (Staff Report Exhibit D4). See proposed condition #6 to address Highway District No. 4's comment on public right-of-way. HD#4 states that the proposed three (3) additional residential lots are not anticipated to significantly impact the existing or proposed transportation system. Traffic impacts from the development will be mitigated by the collection of transportation impact fees at the time of building permit issuance (Staff Report Exhibit D4). Idaho Transportation Department sent a comment letter on November 12, 2025, and stated ITD has no comments or concerns to make at this time, as the application does not meet thresholds for a Traffic Impact Study nor does it pose any safety concerns (Staff Report Exhibit D3).	
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 it will exist at the time of the development. In 2022, Huckleberry and Midstar Lane (both private roads) were created via RD2022-0011 to serve the parcels created by the administrative land division process (AD2021-0218/RD2022-0011). Stoffle, Huckleberry and Midstar Lanes (private roads) provide access from Stoffle Lane (public road) (Staff Report Exhibit D4). Stoffle Lane contains a private and public section and currently has a private road sign differing the two sections (Staff Report Exhibit D12). See Staff Report Exhibit A9 for the Road Easement and Maintenance Agreement. Staff does not have documentation that the private roads have been certified by an engineer, so this would need to be completed prior to building permit issuance.	
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 conditional rezone is anticipated to impact Middleton School District, but the Planning and Zoning Commission does not have concern with the proposed conditional rezone impacting police, fire, and emergency services. Schools: Middleton School District No. 134 sent a comment letter on March 30, 2026 which stated they do not have any comments on this project due to the low number of lots (Staff Report Exhibit D8). The Planning and Zoning Commission finds that although the school district does not have concerns with this development, incremental rezones (such as this case) and their cumulative impact will impact the school district over time. Police:	

	The subject property 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 November 5, 2025 and April 30, 2026, and no comments were received by the Sheriff's Office. Fire Protection: The subject property is under the jurisdiction of Star Fire Protection District (SFPD). SFPD is required to provide services to this parcel and fire district sign off is also required for residential building permits, so the fire district review will occur at the building stage. 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 November 5, 2025 and April 30, 2026, and no comments were received by the SFPD. Emergency Medical Services: Canyon County Ambulance District sent estimated response times on March 29, 2026, for three (3) nearby stations: Station M53 has an estimated response time of 6.67 minutes, Station M52 has an estimated response time of 16.18 minutes, and Station 44 has an estimated response time of 23.18 minutes (Staff Report Exhibit D6).
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Table 2. Area of City Impact

CCCO 09-09-15: ZONING ORDINANCE AMENDMENT PROPOSALS		
County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	09-09-15	All proposed county ordinance amendments to the text and/or map which may relate to the Middleton area of city impact shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article, except that recommendations received from the city by the county are nonbinding, but any factually supported recommendations shall be seriously considered by the county.
Analysis		Area of City Impact: City of Middleton's Future Land Use Map in the City of Middleton's Comprehensive Plan call for commercial, high-density residential, and medium density residential for this property. Although this request does not match City of Middleton's Future Land Use Map, the City of Middleton does not have any concerns at this time and the development proposal will be in general conformance with the residential uses already established in this area (Staff Report Exhibits B2.1, B2.3, D7, D7.1, and D7.2).

Order Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends denial of Case #CR2025-0010, a conditional rezone of approximately 5.9 acres (Parcels R23913011A and R33968) from the Agricultural Zone to the Conditional Rezone- Single-Family Residential Zone. Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval: 1. Apply for a conditional rezone to rural residential with conditions restricting number of divisions to one and restricting secondary residences.
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DATED this 18 day of June, 2026.

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**


Robert Sturgill, Chairman

State of Idaho

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County of Canyon County)

On this 18 day of June, 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