



PLANNING OR ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Canyon County DSD - RZ2021-0061-MOD

The Canyon County Planning and Zoning Commission considers the following:

The termination of DA #23-123 (RZ2021-0061). The result reverts the zoning of the subject parcel, R33952010, from a "CR-C-2" Zone back to an "A" (Agricultural) Zone. If approved, the Board of County Commissioners will sign an ordinance amending the Official Zoning Map.

The subject property is located at 9145 HWY 44, Middleton, also referenced as a portion of the NE quarter of Section 9, 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 RZ2021-0061-MOD
 - B. All exhibits are located in the case staff report dated June 18, 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 §07-02-03 (Definitions), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezone Criteria), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).

The request for extension, RZ2021-0061-MOD, was presented at a public hearing before the Canyon County Planning and Zoning Commission on June 18, 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:

Conditional Rezone Termination Evaluation

County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	07-06-07(4)	Time Requirements: All conditional rezones for a land use shall commence (see definition of "commence", section 07-02-03: of this chapter) 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. All subsequent developments on the property shall reapply for land use approval.
Analysis	Development Agreement #23-123 (Exhibit A.2) was signed on September 14, 2023. Per Condition #14 of the agreement, the land use must commence in two years, consistent with CCCO §07-06-07(4). Per CCCO §07-02-03, commence is defined as follows: <i>The date of commencement shall be the date in accordance with the following:</i> <i>(1) Specific use(s): An approved zoning compliance is issued.</i> <i>(2) Use(s) that require a facility/structure: The date when the first placement or permanent construction of a structure on a site begins, such as the pouring of slab or footings, the installation</i>	

	<i>of piles, the construction of columns or any work beyond the excavation as approved by an issued building permit and zoning compliance. Permanent construction does not include:</i> <i>A. Land preparation such as clearing, grading, and filling.</i> <i>B. Erection of signs.</i> <i>C. Excavation for a basement, footings, piers or foundation or the erection of temporary forms.</i> <i>D. The installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.</i> <i>(3) Land divisions that require a subdivision plat: The acceptance by DSD of a complete application, together with the application fee, for a preliminary plat or a short plat.</i> <i>(4) Land divisions that do not require a subdivision plat in accordance with this chapter: A recorded record of survey that reflects the approved land divisions and easements submitted to DSD.</i> Per Section 11 of Development Agreement #23-123 (Exhibit A.2), the applicant shall timely carry out the required steps and maintain all commitments outlined in the agreement, including the commencement of development. Sections 12 and 13 of the agreement allow zoning reversion if the agreement is in violation, abandoned, or expires. Per Exhibit A, Canyon County DSD has worked with the property owner and other potential buyers of the subject property to provide options regarding the conditional rezone prior to expiration. However, the land use approved as part of the development agreement never commenced; and therefore, has expired. The applicant agrees that the use was not commenced and has expired (Exhibit A.1).	
Criteria Met?	Code Section	Termination of Development Agreements:
Yes	07-06-07(7)I	1. A development agreement may be terminated and the zoning designation upon which the use is based reversed, upon the failure of the developer to comply with the provisions in the development agreement. The developer shall comply with the requirements set forth in the development agreement. A development agreement may be terminated only after complying with the notice and hearing provisions of Idaho Code section 67-6509. 2. If, as a result of a periodic review, the director finds and determines that the developer has committed a breach of the terms or conditions of the development agreement, the director shall serve notice in writing, within a reasonable time period after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and provide a reasonable time period in which to cure such material breach. If the developer fails to cure the breach within the time period given, the county may terminate or modify the development agreement only after complying with the notice and hearing provisions of Idaho Code section 67-6509 and subsection (5) of this section.
Analysis	Per Section 11 of Development Agreement #23-123 (Exhibit A.2), the applicant shall timely carry out the required steps and maintain all commitments outlined in the agreement, including the commencement of development. Sections 12 and 13 of the agreement allow zoning reversion if the agreement is in violation, abandoned, or expires, subject to the notice and hearing provisions of Idaho Code §67-6509. Notice of the public hearing was provided as per CCCO §07-05-01 and Idaho Code §67-6509. Agencies were notified on May 14, 2026. Property owners within 600 feet of the subject property boundaries were notified on May 14, 2026. Full political notice was completed on May 14, 2026. A newspaper notice was published on May 14, 2026. The subject property was posted with a notice on May 14, 2026. All agency comments received by the materials deadline are located in Exhibit C. Comments received have no concerns about the request. No public comments were received. Per Exhibit A, Canyon County DSD has worked with the property owner and other potential buyers of the subject property to provide options regarding the conditional rezone before expiration. However, the land use approved as part of the development agreement never commenced and therefore, has expired. The applicant agrees that the use was not commenced and has expired (Exhibit A.1).	

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **approval** of Case #RZ2021-0061-MOD, the termination of DA #23-123 (RZ2021-0061) reverting the subject parcel, R33952010, from a "CR-C-2" Zone to an "A" (Agricultural) Zone.

DATED this 18 day of June, 2026.

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



Robert Sturgill, Chairman

State of Idaho)

SS

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