



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

In the matter of the application of:
Smith – CR2025-0004

The Canyon County Board of County Commissioners considers the following:

A conditional rezone of Parcel R37795011, approximately 9.9 acres, from an “A” (Agricultural) zone to a “CR-R-R” (Conditional Rezone - Rural Residential) zone. The request includes a development agreement limiting development to two residential lots.

The subject property is located at 28049 Happy Lane, Caldwell, also referenced as a portion of the SE quarter of Section 10, 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 CR2025-0004.
 1. Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on December 18, 2025 (P&Z) and March 24, 2026. Property owners within 600 feet of the subject property boundaries were notified on December 18, 2025 (P&Z) and March 24, 2026. Full political notice was completed on December 18, 2025. A newspaper notice was published on December 18, 2025 (P&Z) and March 24, 2026. The subject property was posted with a notice on December 22, 2025 (P&Z) and March 26, 2026.
 2. On January 21, 2026, the Planning and Zoning Commission (P&Z) heard the case at a duly noticed hearing. The P&Z recommended approval subject to conditions (Attachment A). *See Exhibits 1 & 2.*
 3. All exhibits are located in the case staff report dated April 28, 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)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).
 - 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 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. The Board can sustain, modify, or reject the Commission's recommendations. *See* 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, CR2025-0004, was presented at a public hearing before the Canyon County Board of County Commissioners on April 28, 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 of County Commissioners decides as follows:

Conditional Rezone 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 is not generally consistent with the future land use map in the 2030 Canyon County Comprehensive Plan. However, as conditioned, the request is not anticipated to impact goals and visions for the planned area. • The future land use map designates the future land use as agriculture and is located near an intensive agricultural overlay (Exhibit 3.B.2c). ○ <i>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. Pg. 25 of the 2030 Comprehensive Plan.</i> ○ <i>Intensive Agriculture Overlay: This overlay is applied to protect working lands and operations. These areas may have higher-quality soils, water availability, and relatively flat topography. Uses may include seed production, crops, orchards, vineyards, concentrated animal feeding operations, grazing, and other agriculturally based uses. This designation aims to protect agriculture operations from incompatible uses and reduce the conflicts concerning noise, dust, smells, and safety. Pg. 28 of the 2030 Comprehensive Plan.</i> • As conditioned, the request creates two lots. The proposed west lot has an existing dwelling and shop (BP2025-0137 & 0138). The proposed east lot has an existing dwelling currently used as a secondary dwelling (BP2025-0139). Due to the property abutting agricultural land to the south, a 250-foot setback from Sand Hollow Road is proposed, where agricultural uses or open space will be preserved and maintained. As conditioned, the applicant states the request promotes balanced rural living and agricultural preservation by transforming underutilized property into two smaller productive agricultural parcels while maintaining low density and open space (Exhibit 3.A.2). • As conditioned (Attachment A), the request is consistent with the following goals and policies. ○ <u>Property Rights</u> ▪ <i>Protect the integrity of individual property rights while safeguarding public health, safety, and welfare. (G1.01.00)</i>

	▪ <i>Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance. (G1.01.00)</i> ○ <u>Land Use & Community Design</u> ▪ <i>Maintain a balance between residential growth and agriculture that protects the rural character. (P4.01.01)</i> ▪ <i>Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns. (P4.03-02)</i> ▪ <i>Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and, in some instances, may require conditions of approval to promote compatibility (P4.03.03).</i> ▪ <i>Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area. (P4.05.02)</i> • As conditioned, the proposed lot sizes are commensurate with previously approved subdivisions and land divisions in the area (Exhibits 3.B.2d, 3.B.2f, and 3.B.2j). • The request is located between parcels that have already been divided and where fragmentation has already occurred. Conditions include a buffer setback from large production farmland south of Sand Hollow Road (Exhibits 3.A.2 & 3.A.7). See Attachment A for recommended development agreement conditions. ○ <u>Natural Resources</u> ▪ <i>Encourage downward-facing lighting to improve public safety. (G5.06.00)</i> • As conditioned, the applicant will provide an exterior lighting plan to ensure all exterior lighting is shielded downward and directed away from other adjacent properties. See Attachment A for recommended development agreement conditions. ○ <u>Agriculture</u> ▪ <i>Protect agricultural operations from conflicts by providing buffers between proposed non-agricultural uses and adjacent farming operations. (P12-04-02)</i> • Conditions include a buffer setback from large production farmland south of Sand Hollow Road (Exhibits 3.A.2 & 3.A.7). See Attachment A for recommended development agreement conditions. • <i>See the supporting findings and evidence in criteria 2, 3 & 4.</i>	
Criteria Met?	2	When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?
Yes		
Analysis	In consideration of the surrounding land uses, the proposed conditional zone to “R-R” is not more appropriate than the current zoning designation of “A”. However, as conditioned, the request is as appropriate because when considering the existing development on the property, it will align with lot sizes and uses existing in the area with minimum impact to agricultural uses and open space. <u>Existing</u> The subject parcel is zoned “A” (Agricultural; Exhibit 3.B.2d). Per CCCO §07-10-25(1), the purposes of the “A” (Agricultural) Zone are to: <i>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.</i>	

	The majority of the area is zoned “A” (Agricultural). The average lot size within a 600-foot radius is 23.33 acres with a median lot size of 9.99 acres (Exhibit 3.B.2f). The parcel is surrounded by parcels that are 10 acres to 80 acres (Exhibit 3.B.2b). The soil classification of the parcel ranges from Class III (Moderately suited soil) to Class VI (Least suited soil) due to slopes (Exhibit 3.B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits 3.B.3 & 3.B.4). Based on aerial history (Exhibit 3.C), there has not been any productive agricultural uses on the property other than perhaps livestock. Parcels to the east and south contain best or moderately suited soils (Exhibit 3.B.2g). Within a two-mile radius, there is one dairy, Vandenberg & Son Dairy, approximately 1.5 miles southwest of the request (Exhibit 3.B.2i). <u>Proposed</u> The request is to zone the parcel “R-R” (Rural Residential). Per CCCO §07-10-25(2), the purpose of the “R-R” Zone is to <i>encourage and guide growth in areas where a rural lifestyle may be determined to be suitable</i>. The 2030 Canyon County Comprehensive Plan determines that rural residential is appropriate in transitional areas between urban and agricultural uses (Pg. 28 of the 2030 Comprehensive Plan). As conditioned (Attachment A), the request creates two lots. The proposed west lot has an existing dwelling and shop (BP2025-0137 & 0138). A secondary dwelling will be prohibited on said lot. The proposed east lot has an existing dwelling currently used as a secondary dwelling (BP2025-0139) and requests that the lot be allowed a secondary dwelling. The Planning and Zoning Commission added a condition prohibiting secondary dwellings. <i>See Attachment A.</i> As conditioned, the request maintains the existing character while minimizing impacts. ○ There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit 3.B.2f). The request maintains similar lot sizes as other subdivisions in the area. ○ Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit 3.B.2j). The smaller lot sizes were created via land division or original parcels (created on or before September 6, 1979, CCCO §07-02-03). The request will allow for a four-acre or greater lot size commensurate with existing development in the area. ○ Within a one-mile radius, there are conditional rezones to “R-R” approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit 3.B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. The request is commensurate with other conditional rezone decisions in the area. ○ Conditions include limiting the divisions to a total of two lots. A 250-foot buffer setback from large production farmland south of Sand Hollow Road is included (Exhibits 3.A.2 & 3.A.7). Also, the applicant will provide an exterior lighting plan to ensure all exterior lighting is shielded downward and directed away from other adjacent properties. <i>See Attachment A for recommended development agreement conditions.</i>	
Criteria Met? Yes	3	Is the proposed conditional rezone compatible with surrounding land uses?
Analysis	As conditioned, the proposed conditional rezone to “R-R” is compatible with surrounding land uses. Pursuant to CCCO §07-02-03, <i>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.</i>	

	As proposed, the request will allow the creation of two lots. As conditioned (Attachment A), the request will be consistent with the surrounding area. ○ The property consists of Class III to Class VI soils (Exhibit 3.B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits 3.B.3 & 3.B.4). ○ There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit 3.B.2f). ○ Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit 3.B.2j). The smaller lot sizes were created via land division or original parcels (created on or before September 6, 1979, CCCO §07-02-03). ○ Within a one-mile radius, there are conditional rezones to “R-R” approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit 3.B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. ○ As conditioned, the request maintains a lot size and use that exists in the area. The conditions also acknowledge the agricultural production on the parcel to the south by maintaining an agricultural buffer (Exhibit 3.A.7). <i>See Attachment A for recommended development agreement conditions.</i> If approved, subdivision platting will be required, which will need to comply with the development agreement conditions.	
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	As conditioned, the proposed conditional rezone will not negatively affect the character of the area. • The area contains agricultural and rural residential type use (Exhibit 3.B.2). ○ The property consists of Class III to Class VI soils (Exhibit B.2g). Since the division in 2007 (CU2006-134), the property has been maintained as pasture/open space and allows residential uses (Exhibits 3.B.3 & 3.B.4). Based on aerial history (Exhibit 3.C), there has not been any productive agricultural uses on the property other than perhaps livestock. ○ There are five subdivisions within a one-mile radius with 22 lots with a 7.99-acre average lot size. The nearest subdivisions, Sand Hollow Estates (2008) and Small Wood Trail Subdivision (2017), have a 5-acre average lot size similar to this request (Exhibit 3.B.2f). ○ Within the vicinity, there are seven parcels with a 4.1-5.0 lot size, four with a 2.1-3 acre lot size, and four with a 1.1-2 acre lot size (Exhibit 3.B.2j) ○ Within a one-mile radius, there are conditional rezones to “R-R” approved sometime between 2013 and 2014, and two more within a two-mile radius approved between 2019 and 2020 (Exhibit 3.B.2d). The approved rezones allowed an additional division while restricting rezone to ensure agricultural uses and/or open space is maintained to ensure the character of the area is not significantly impacted. • As conditioned, the request maintains a lot size and use that exists in the area. <i>See Attachment A for recommended development agreement conditions.</i> If approved, subdivision platting will be required, which will need to comply with the development agreement conditions.	
Criteria Met?	5	Will adequate facilities and services, including sewer, water, drainage, irrigation, and utilities, be provided to accommodate the 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:	

	The parcel has two dwellings served by septic systems. Southwest District Health states the parcel is not in a nitrate priority area and is not concerned about the request (Exhibit 3.D.5). Site evaluation and subdivision engineering report will be required at the time of platting. Water: The parcel has two dwellings served by domestic wells. The applicant states they will share the well with the future secondary dwelling on the proposed east lot (Exhibit 3.A.2). The well, whether shared or not, must comply with Idaho Department of Water Resources requirements. At the time of platting, water rights for domestic use will need to be demonstrated. Drainage: Runoff is maintained onsite. The property has a slope less than 15% from north to south and has an existing drainage retention area located at the southwest corner of the parcel (Exhibits 3.B.2a and 3.B.2h). The subsequent subdivision plat will be required to demonstrate stormwater and runoff maintenance. Irrigation: The parcel does not have surface water rights through Black Canyon Irrigation District (Exhibit 3.E.3). Therefore, irrigation will be provided through the Idaho Department of Water Resources (IDWR) via domestic wells or irrigation well water rights granted. At the time of platting, water rights for domestic and irrigation services will need to be provided. Utility: The parcel and the parcel to the north have existing dwellings served by utilities. The subsequent subdivision platting will be required to provide utility easements for utility connectivity (CCCO §07-17-09 & 13).	
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 request will not interfere with existing or future traffic patterns and can be mitigated through the local jurisdiction via adopted code. The request allows two existing dwellings to be located on separate lots. Secondary residences are prohibited (See Attachment A). Therefore, the request maintains the existing average daily trips of 19.04 trips. The private road is already constructed to construction standards, serving fewer than 100 average daily trips (Exhibit 3.B.4). Highway District 4 (HD4) does not oppose and will require dedication at the time of platting (Exhibit 3.D.1). Idaho Transportation Department (ITD) does not have any concerns regarding the request as it does not meet the threshold for a traffic study, nor does it pose any safety concerns (Exhibit 3.D.2).	
Criteria Met?	7	Does legal access to the subject property for the conditional rezone exist, or will it exist at the time of development?
Yes		
Analysis	The subject property does have legal access for the conditional rezone. The subject property and parcel to the north are served by a private road, Happy Hill Lane (RD2024-0032). The private road has a road user’s maintenance agreement (Instrument No. 2007-056827) and is built to private road construction standards (CCCO §07-10-03(3), Exhibit 3.B.4). The request will require subsequent subdivision platting, which will require the private road to be located within a road lot (CCCO §07-17-31). HD4 approved an access permit for both existing dwellings and collected impact fees (Exhibit 3.D.1).	
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?
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 request, as conditioned, is not anticipated to impact the Middleton School District. No comments were received from the school district. If the rezone is approved, subdivision platting is required, which will require review by the school district. Police: The property is served by the Canyon County Sheriff's Office. As conditioned, the request is not anticipated to impact the County Sheriff's Office. No comments were received from the County Sheriff's Office. Fire protection & Emergency Medical Services: The property is served by Middleton Fire and Canyon County Ambulance/EMS. No comments were received. The request, as conditioned, is not anticipated to impact these services. If the rezone is approved, subdivision platting is required, which will require review by these services. Irrigation Services: The property is in the district of Black Canyon Irrigation District (BCID). Based on comments received, the property does not have irrigation services from BCID (Exhibit 3.D.3). If the rezone is approved, subdivision platting is required, which will require review by BCID and the Idaho Department of Water Resources (water rights)
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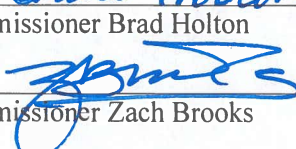
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** Case #CR2025-0004, a conditional rezone of Parcel R37795011, approximately 9.9 acres, from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone subject to conditions of the development agreement (Attachment A).

DATED this 1st day of July, 2026.

CANYON COUNTY BOARD OF COMMISSIONERS

☒ 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: J Ross
Deputy

Date: 07.01.26

ATTACHMENT A
DEVELOPMENT AGREEMENT CONDITIONS

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 subject parcel, R37795011, shall be subdivided in compliance with Chapter 7, Article 17 of the Canyon County Code of Ordinances (CCCO), subject to the following restrictions:
 - a. The parcel shall be divided in substantial compliance with the applicant's site plan (Exhibit 3.A.7).
 - b. Secondary residences per CCCO §07-02-03, §07-10-27, and §07-14-25 are prohibited.
 - c. A 250-foot buffer along Sand Hollow Road in substantial compliance with the applicant's letter of intent (Exhibits 3.A.2 & 3.A.7) shall be provided where agricultural production and open space will be preserved.
 - d. At the time of the preliminary plat, an exterior lighting plan shall be provided demonstrating that all existing and future exterior lighting will be shielded downward and directed away from adjacent properties.
3. The request shall comply with CCCO §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."