



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

In the matter of the application of:

Phillips – VAC2025-0001

The Canyon County Planning and Zoning Commission considers the following:

A plat vacation regarding the removal of an easement (approximately 12,150 square feet) on Lot 5, Block 1 of Two Towers Subdivision, parcel R33014104. The subject property is located at 12080 Rivendell Ct., Nampa, also referenced as a portion of the SE¼ of Section 25, T3N, 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 VAC 2025-0001.
 1. All exhibits are located in the case staff report dated February 5, 2026.
 2. Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on December 31, 2025. JEPA notice to the City of Nampa was sent on October 1, 2025, and December 31, 2025. Property owners within 300 feet of the subject property boundaries and per Idaho Code §50-1306A(2) were notified on January 5, 2026. A newspaper notice was published on December 31, 2025. The subject property was posted with a notice on December 31, 2025.

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 §07-17-35 (Plat Vacation), Idaho Code §50-1306A & §50-1324 (Vacation of Plats Procedure); and CCCO §09-11-25 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCCO §07-05-01.
 - b. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest. *See* Idaho Code §67-6516
2. 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, 07-07-01.
3. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
4. 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.
5. 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, VAC2025-0001, was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 5, 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 Canyon County Planning and Zoning Commission decides as follows:

Standards of Evaluation – CCCO §07-17-35 Subdivision/Easement Vacation

County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	1	Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.
Analysis	A complete application with fees was accepted on September 29, 2025 (Exhibit A).	
Criteria Met?	2	Upon receipt of the completed application and any additional information required, DSD shall affix the date of application acceptance thereto. The application shall be considered by the commission at a public hearing noticed as provided for in Article 5 of this chapter. Vacations shall be processed in accordance with the regulations outlined in Idaho Code section 50-1306A and recorded in accordance with the regulations outlined in Idaho Code section 50-1324.
Yes		
Analysis	The vacation has been processed in accordance with all applicable parts of the Idaho Code §50-1306A, as follows: - Per Idaho Code §50-1306A(1), a complete application was submitted to the Development Services Department (DSD), including the circumstances of the request to vacate, the legal description of the easement to be vacated, and HOA approval of the easement vacation to the applicant, Mr. Phillips (Exhibit B). - Per Idaho Code §50-1306A(2), noticing was completed per Canyon County Code of Ordinances (CCCO) Chapter 7, Article 5, which meets the plat vacation noticing requirements (Exhibit C.2c). <i>See the Notice and Comments section of this report for information.</i> - Per Idaho Code §50-1306A(4), the property is within one (1) mile of Nampa city limits, so written notice was sent to the City of Nampa on October 1, 2025and December 31, 2025. City of Nampa does not oppose, subject to maintaining front, rear, and side utility easements consistent with the rest of the subdivision (Exhibits E.4 & B.3). - Per Idaho Code §50-1306A(5), the request does not impact any part of the easement for gas, water, telephone, cable, power, drainage, or slopes. The applicant will maintain the required utility easement along the front, side, and rear per CCCO §07-17-09(1)E.5, including the 16’ easement along the frontage consistent with the rest of the subdivision (Exhibit E.4). - CCCO §07-17-09(1)E.5: <i>The utility easement width shall be a minimum of ten feet (10') from the exterior boundaries and five feet (5') from the interior boundaries. Utility easements shall be shown graphically on the plat.</i> - Per Idaho Code §50-1306A(7), publication costs are factored into the application fee.	
	The vacation has been processed in accordance with all applicable parts of the Idaho Code §50-1324, as follows: (1) If approved by the Board of County Commissioners, the applicant must provide certification from the County Treasurer that all taxes due are paid (unless waived by the County Treasurer). <i>See condition no. 1.</i> (2) If approved by the Board of County Commissioners, a resolution with a record of survey shall be recorded. <i>See condition No.1.</i>	
Criteria Met?	3	The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval, or denial.
Yes		

Analysis	<i>See the Order section below.</i>
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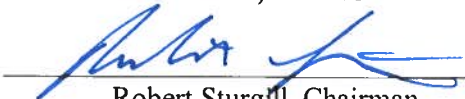
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **recommends approval of** Case #VAC2025-0001, a plat vacation regarding the removal of an easement (approximately 12,150 square feet) on Lot 5, Block 1 of Two Towers Subdivision, parcel R33014104, subject to the following conditions as enumerated:

1. If approved by the Board of County Commissioners, a resolution must be signed allowing the requested plat vacation subject to the applicant providing (a) a recorded record of survey amending Lot 5, Block 1 of Tower Towers Subdivision with a utility easement that meets CCCO §07-17-09(1)E.5 including Exhibit E.4, and (b) certification from the County Treasurer that all taxes due are paid (unless waived by the County Treasurer).

DATED this 5 day of February, 2026.

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


Robert Sturgill, Chairman

State of Idaho)

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County of Canyon County)

On this 5 day of February, 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