



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

In the matter of the application of:

Tradition Capital Partners, LLC and Austin Acres, LLC – PH2016-61-MOD

The Canyon County Planning and Zoning Commission considers the following:

- 1) Development Agreement Modification to amend condition No. 5.b for Property 1 and No. 3.b for Property 2 of DA 17-001 (Instrument No. 2017-000927).
- 2) The subject property is located at 17506 and 0 Goodson Rd., Caldwell, ID 83607, also referenced as Stadium Subdivision, including the entirety of Stadium Subdivision No. 2, Phase 1, and Parcels R37887100, R37887101, R37887103, and R37887102, a portion of Section 18, 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 PH2016-61-MOD.
 1. All exhibits can be found in the case staff report dated March 19, 2026.
 - B. DA No. 17-001 was recorded January 6, 2017, in conjunction with rezone application CPR2009-1 (**Staff Report Exhibit A.8**).

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(7) (Conditional Rezone Development Agreement Provisions), Idaho Code §67-6509 (Recommendation and Adoption, Amendment, and Repeal of the Plan), 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. **CCCO §07-06-07(7)F:** The presiding party shall review the particular facts and circumstances of the proposed development agreement modification. The presiding party shall apply the following standards when evaluating the proposed development agreement modification:

A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the board after complying with the notice and hearing provisions of Idaho Code section 67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.
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, PH2016-61-MOD, was presented at a public hearing before the Canyon County Planning and Zoning Commission on March 19, 2016. 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:

Development Agreement Modification

Standards of Evaluation – (CCCO §07-06-07(7) F: The presiding party shall review the particular facts and circumstances of the proposed development agreement modification. The presiding party shall apply the following standards when evaluating the proposed development agreement modification:		
County Ordinance and Review		
Criteria Met?	Code Section	Criteria
No	07-06-07(7)F	A development agreement by a developer concerning the use or development of the subject parcel may be modified only by permission of the board after complying with the notice and hearing provisions of Idaho Code section 67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.
Analysis	The Planning and Zoning Commission finds that the requirements of 07-06-07(7)F have not been fully met. Notice and Hearing Provisions The hearing for the proposed amendments was noticed as required under the provisions of Idaho Code 67-6509 and CCZO §07-05-01. Revised Development Agreement The applicant provided a revised Development Agreement (Staff Report Exhibit A.6) with the following proposed amendments: Condition 5.b (Property 1): The conditions applicable to Property 1, Section 5.b, are proposed to be amended to reduce the maximum number of residential parcels from one hundred seventy-eight (178) to one hundred thirty-eight (138). Condition 5.b, as currently written in DA No. 17-001: <i>Property 1 shall be permitted a maximum of 178 residential parcels with a minimum average lot size of 1.25 acres. Other than the maximum residential lot count and minimum average lot size as noted above, the Subject Property shall be developed in accordance with the terms of this Development Agreement and the applicable Canyon County Code provisions for Rural Residential zoned land.</i> Condition 3.b (Property 2): The conditions applicable to Property 2, Section 3.b, are proposed to be amended, repealed, and replaced in their entirety to read as follows: <i>Property 2 shall be limited to up to 14 residential parcels, including the existing home. The minimum average lot size of the residential</i>	

parcels on Property 2 shall be two acres. The 14 residential parcels on Parcel 2 are to be located on Property 2 in substantial conformance with the Site Plan attached hereto as Exhibit C.

Condition 3.b, as currently written in DA No. 17-001: *The Property 2 shall [be] limited to up to two additional residential parcels or lots for a total of three residential parcels or lots, including the existing home.*

Necessity of the Request

A complete application was submitted that includes a revised Development Agreement and a letter of intent outlining the applicant's rationale for the requested amendment (**Staff Report Exhibits A.2 and A.6**). In the letter, the applicant states that the amendment is consistent with the original agreement because it locates residential lots on dry land and preserves land currently used for agricultural purposes. The applicant further contends that the proposed overall reduction in density is supported by surrounding property owners, as reflected in testimony from prior hearings. According to the applicant, an amendment to the Development Agreement is required for this reduction to be binding (**Staff Report Exhibit A.2**).

The applicant initially asserted that the requested modifications would result in a net reduction of 29 residential parcels across the entire property compared to Development Agreement No. 17-001 (**Staff Report Exhibit A.2**). However, while the agreement allows a maximum of 178 residential lots on Property 1, it does not guarantee that this number is feasible. The maximum lot count did not account for roadways or other necessary improvements, such as stormwater drainage, septic systems, wells, irrigation, or pathways. Given that Property 1 consists of approximately 222 acres with a minimum average lot size of 1.25 acres, the development of 178 lots would leave no land available for roads. As a result, construction of 178 lots on Property 1 is not physically feasible under the existing agreement. The maximum lot count also did not account for hillside development requirements (**Staff Report Exhibits B2.14 and B2.15**). The Preliminary Plat for Stadium Subdivision No. 2 (SD2020-0027), approved by the Board of County Commissioners on April 17, 2022, depicts 136 residential lots on Property 1 (**Staff Report Exhibit B3.8**). The approved preliminary plat allocates 22.57 acres for street right-of-way, 1.72 acres for common lots, and 197.5 acres for residential lots, resulting in an average lot size of 1.45 acres (**Staff Report Exhibit B3.8**). Because the preliminary plat includes roadways and other necessary infrastructure, it likely represents a more realistic estimate of buildout capacity under Development Agreement No. 17-001.

Additional comments from the applicant indicate that Horrocks Engineering conducted an analysis and concluded that, considering roads and topography, the property could accommodate 165 residential lots on Property 1 (**Staff Report Exhibits A10.1 and A10.3**). However, this 165-lot design was never submitted as a preliminary plat, and it is unclear whether the design would meet agency standards for septic systems, public roadways, drainage, required pathways, or other subdivision requirements. In addition, the 165-lot concept does not easily identify the average lot size, making it unclear whether it would meet the 1.25-acre minimum average lot size required by the development agreement on Property 1 (**Staff Report Exhibit A.8**). If the applicant were to submit a new preliminary plat depicting the 165-lot design and subsequently submit final plats for each phase, perhaps 165 lots could be developed on Property 1. However, until complete plans are reviewed by all applicable agencies, it is difficult to determine if a revised preliminary plat under the current agreement would result in more lots overall than the 152 proposed in the development agreement modification.

The applicant proposes 14 residential lots on Property 2, which was intended to accommodate only three (3) residential lots. Development on Property 2 was intentionally restricted to preserve agricultural land and open space, with additional development capacity instead directed to Property 1. The original proposals in 2007 and 2010 allowed for a maximum of 103 lots across the entire development. Without the Development Agreement, Rural Residential standards would allow for Property 1 to be subdivided into 111 residential lots without consideration for roads and other infrastructure. Through clustered development, Development Agreement No. 17-001 allowed approval of a preliminary plat containing 33 more lots on Property 1 than were originally approved for the entire development. Allowing additional development on Property 2 would diminish the intended benefits of the clustered development.

The applicant has stated that the proposed 14 residential lots on Property 2 would be limited to dryland areas and would preserve the existing irrigation pivots. The farmer currently managing the irrigated pivots and

associated crop land has indicated that the proposed modification will not hinder agricultural operations (**Staff Report Exhibit E.1**). The applicant also notes that the previous owners of Property 2 farmed the land and intended to limit development in this area to three lots for family use (**Staff Report Exhibit A10.3**). Because those owners have since relocated, the applicant contends that the dryland area is better suited for residential development, and the proposed site plan for the modification will consolidate access on Property 2. The proposed modification will also allow the current renter of the farmhouse to purchase the property where they reside (**Staff Report Exhibit A10.3**). However, the Planning and Zoning Commission does not find these circumstances rise to the level of a necessity that would justify modification of the Development Agreement. Additional development rights were granted under the 2012 agreement and carried forward into the 2017 agreement with the understanding that Property 2 would remain primarily farmland and open space (**Staff Report Exhibits B3.5, B3.6, B3.7, and A.8**). Under the current Development Agreement, the applicant can replat Property 2 to sell off the existing farmhouse on a smaller lot to the current renter while still limiting the total development on Property 2 to no more than three (3) residential lots.

The Planning and Zoning Commission finds that the applicant has not demonstrated a compelling need to amend the Development Agreement beyond a desire to increase the extent of land available for residential development.

Order

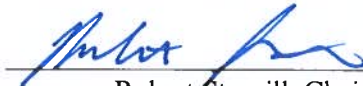
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case # PH2016-61-MOD, a development agreement modification.

Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

1. The applicant can wait until conditions necessitate a modification of the Development Agreement.

DATED this 19 day of March, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO



Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 19 day of March, 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