



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

In the matter of the application of:

Thueson – VAC2024-0001

The Canyon County Board of County Commissioners considers the following:

- The applicant, Lance Thueson, represented by John Carpenter of Ardurra, is requesting a vacation of a fire access easement in Lot 10, Block 1 of Castleton Place Subdivision. There is now another access to the subdivision from Lewis Lane through Jack's Place Subdivision.
- The subject property is located at 1002 Huntington Court, also referenced as Parcel R29411109, a portion of the SE quarter of Section 10, T2N, 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 VAC2024-0001.
 - a. All exhibits can be found in the Board of County Commissioners staff report dated July 24, 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 §07-17-35 (Subdivision/Easement Vacations), Idaho Code §50-1306A (Vacation of Plats - Procedure), and CCCO §09-11-25 (Nampa Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCCO §07-05-01.
 - b. 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. Upon receipt of the completed application and other information as may be required, DSD shall affix the date of application acceptance thereon. 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 set forth in Idaho Code section 50-1306A and recorded in accordance with the regulations set forth in Idaho Code section 50-1324. The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval, or denial.
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 ordinances regarding land use, including subdivision permits. See I.C. §67-6504
3. The Board has the authority to hear this case and make its own independent determination. See I.C. §67-6519, §67-6504.
4. 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, VAC2024-0001, was presented at a public hearing before the Canyon County Board of County Commissioners on March 20, 2025. 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:

SUBDIVISION/EASEMENT VACATIONS – CCCO §07-17-35

- 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.**

Conclusion: A complete application with fees was filed with DSD, including the application fee. No other applications are required by law.

Findings: (1) A complete application with fees was accepted on November 6, 2024 (Exhibit III.A).

- 2. Upon receipt of the completed application and other information as may be required, DSD shall affix the date of application acceptance thereon. 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 set forth in Idaho Code section 50-1306A and recorded in accordance with the regulations set forth in Idaho Code section 50-1324.**

Conclusion: The requirements of 07-17-35(2) have been met or will be met at the time of approval.

Findings: (1) The date of application acceptance, November 6, 2024, was noted on the application (Exhibit III.A).

(2) The application was considered by the Planning & Zoning Commission at a public hearing on March 20, 2025 (Exhibits I and II). Noticing for the hearing was provided for according to Article 5.

(3) The vacation has been processed in accordance with all applicable parts of Idaho Code as follows:

- 50-1306A(1): A complete application was submitted to the Development Services Department (DSD), including the circumstances of the request to vacate (Exhibit III.A2), legal description of the easement to be vacated (Exhibit III.A4), and the only affected person is the property owner, Lance Thueson.
- 50-1306A(2): Noticing per Canyon County Code of Ordinances (CCCO) Article 07-05 exceeds noticing requirements in this state 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 in accordance with Canyon County Code §09-11-25 (Area of City Impact Agreement).
- 50-1306A(7): Publication costs are factored into the application fee.
- 50-1306A(10): First-class mail to property owners of record within 600 feet was sent prior to the Board of County Commissioners hearing. Proof of notification is available upon request.
- 50-1324(1): The applicant must provide certification from the County Treasurer that all taxes due are paid prior to the Board signing the plat or resolution.
- 50-1324 (2): If approved, a resolution with record of survey shall be recorded as described.

3. The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval, or denial.

Conclusion: The commission has reviewed the request and agency responses and made a recommendation to the Board for approval.

Findings: (1) The request went before the Planning & Zoning Commission at the public hearing on March 20, 2025, for a recommendation to the Board of County Commissioners. The Commission recommended approval in the findings signed on April 3, 2025 (Exhibits I and II).

CCCO §09-11-25 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Nampa Area of City Impact. The case complies with the area of city impact agreement.

Findings:

- (1) Pursuant to CCCO §09-11-25, the following procedures shall be adhered to in processing applications within the Nampa area of city impact: (1) Land Use Applications: All land use applications submitted to Canyon County including, but not limited to, rezones, conditional rezones, conditional use permits, variances and land divisions requiring notification of a public hearing, shall be referred to the city of Nampa in the manner as provided for in subsection 09-11-17(3) of this article.
 - a. CCCO §09-11-17(3) - Comprehensive Plan Amendment Proposals: All proposals to amend Canyon County's comprehensive plan, which may pertain to the Nampa area of city impact, but which do not originate from the city of Nampa, shall be referred to the city of Nampa's planning and community development director at least thirty (30) calendar days prior to the first county public hearing on the matter and the city of Nampa may make a recommendation before or at said public hearing. After the city receives its initial thirty (30) days' notice, any further notice of proposed changes to the proposal will be provided to the city of Nampa at least seven (7) days prior to the public hearing. If a recommendation is received by the county from the city of Nampa, it shall be given consideration by the county, provided it is factually supported, but such recommendation shall not be binding on the county. If no recommendation is received, Canyon County may proceed without the recommendation of the city of Nampa.
- (2) The code states, in part, "Processing of vacation requests for easements and/or rights of way shall be executed in accordance with provisions of state code. They shall be done by ordinance of the city council and approved first by the same during a public hearing. Vacations may be reviewed but not approved by zoning staff. Vacation approval shall be required in order to either erase some or all of an easement or right of way."
- (3) As stated in the findings for CCCO §07-17-35(2), the request for this easement vacation is being executed in accordance with the provisions of the state code. In accordance with state code, the vacation, if approved, shall be done by resolution of the Board of County Commissioners (Idaho Code §50-1324).
- (4) A notice was sent to the City of Nampa per CCCCO §09-11-25(1) and 09-11-17(3). The City did not have any comments (Exhibit III.C4). Pursuant to CCCO §09-11-17, Canyon County may proceed without the recommendation of the City of Nampa.

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Board of County Commissioners **approves** Case # VAC2024-0001, a vacation of a fire access easement.

Conditions of Approval:

1. The applicant must provide certification from the County Treasurer that all taxes due are paid as required by Idaho Code 50-1324 (1).
2. The applicant must provide Development Services with a copy of the recorded record of survey.
3. The instrument number of the record of survey shall be included in a resolution signed by the Board of County Commissioners, which shall be recorded as described in Idaho Code 50-1324 (2).

DATED this 24th day of July, 2025.

CANYON COUNTY BOARD OF COMMISSIONERS

_____ Motion Carried Unanimously
_____ Motion Carried/Split Vote Below
_____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
<u>Commissioner Leslie Van Beek</u>	<u>/</u>	_____	_____
<u>Commissioner Brad Holton</u>	<u>/</u>	_____	_____
<u>Commissioner Zach Brooks</u>	<u>/</u>	_____	_____

Attest: Rick Hogaboam, Clerk

By: Jenew Ross
Deputy

Date: 07.24.25