



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

In the matter of the application of:

Thornton Gallup, LLC – Case RZ2021-0053

The Canyon County Planning and Zoning Commission considers the following:

1) Zoning Map Amendment

Parcel R34479 (31.39 acres), from “A” (Agricultural) to “R-1” (Single Family Residential), 14180 Gadsden Lane, Caldwell, a portion of the NE ¼ of Section 3, T4N, R3W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:
 - A. The staff report, exhibits, and documents in Case File RZ2021-0053. Including all exhibits described in the staff report addendum dated May 22, 2025.
 - B. The Planning and Zoning Commission heard this case on December 19, 2024. The Commission forwarded this case with a recommendation of denial to the Board of County Commissioners.
 - C. Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 17, 2025 Newspaper notice was published on April 22, 2025. Property owners within 600’ were notified by mail on April 17, 2025. Full political notice was provided on April 17, 2025. The property was posted on April 21, 2025.
 - D. The testimony offered at the public hearing before the Board of County Commissioners on May 22, 2025.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-09-17 (Area of City Impact Agreement).
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, including subdivision permits. *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 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.
5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
6. 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. CCZO 07-05-03(1)(I).

The application RZ2021-0053, was presented at a public hearing before the Canyon County Board of County Commissioners on May 22, 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:

ZONING AMENDMENT CRITERIA – CCZO §07-06-07(6)

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The conditional rezone from “A” (Agricultural) to R-1 (Single Family Residential) is generally consistent with the 2020 Comprehensive Plan.

Findings: The Future Land Use Map from the 2020 Comprehensive Plan designates this parcel as Residential.

The proposed development aligns with the following goals and policies:

Chapter 1. Property Rights:

Policy 1. No person shall be deprived of private property without due process of law.

Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Chapter 2. Population:

Goal 1. Consider population growth trends when making land use decisions.

Policy 2. Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy 3. Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.

Chapter 4. Economic Development:

Policy 7. Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.

Chapter 5. Land Use

Goal 1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.

Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.

Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.

Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.

Policy 1. Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 2. Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

Residential: This policy recognizes that population growth and the resulting residential development should occur where public infrastructure, services and facilities are available or where there is a development pattern already established.

1. Encourage high density development in areas of city impact.

Chapter 11. Housing Component

Goal 1. Encourage opportunities for a diversity of housing choices in Canyon County.

Policy 1. Encourage a variety of housing choices that meet the needs of families, various age groups and incomes.

In evaluating this criterion, the Board need not examine each goal and policy but consider the Plan as a whole. The applicable plan, the 2020 Comprehensive Plan, designates the proposed application area as Residential. The Board, when reviewing the Plan as a whole, finds general proposed residential rezone designation to be consistent with the Plan based on the evidence and review of the Plan components discussed above. Further, the Plan directs the hearing body to utilize measures, like the conditional use permit and/or a development agreement, to attempt to mitigate potential interference with existing residential uses and potential impacts on agricultural resources, ground and surface water, transportation system and services, and school facilities. The Board believes this goal was achieved in this application.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: In consideration of the surrounding land uses, the proposed zone change to “R1” is not more appropriate than the current zoning designation of “A”.

Findings: The applicant is requesting to conditionally rezone approximately 31 acres from “A” (Agricultural) to “R1” (Single Family Residential) for the purpose of developing a residential subdivision with 23 residential lots. The proposed density of the project is an average lot size of approximately 1.24 acres including road development, according to the information provided in the Staff Report. However, the proposal contains only one lot near the average area lot size with a majority of the lots being closer to 1-acre in size. The parcel lies within the Area of Impact for the City of Middleton and is approximately a mile from the closest City boundary. The City will not provide water and sewer services but has the applicant has agreed in a pre-annexation agreement to provide municipal services easements and to be annexed in the future.

Presently, there are 48 platted subdivisions and additional developments in the platting process within one mile of the proposed development. *See* Exhibit III.B2.9. The lot sizes of the platted county developments range from 0.32 acres to 6.33 acres per lot. The average lot size in the one-mile radius is 1.78 acres. There was some analysis of lot size and uses provided the applicant; however, the Board believes the maps and data provided in the Staff Report are clear and reliable and the Board will rely on the Staff provided data here.

The maps and area data in the Staff Report show that while some of the areas remain in active agricultural use particularly to the East of the subject property including a operational feed lot within the 1-mile radius. As stated above, a substantial portion of the area has been developed for large lot residential use. For the purpose of its analysis here, the Board heard the area described as “residential” and the Board acknowledges that the planning maps designate the area as such. However, this question calls for the Board to consider all of the surrounding land uses and the Board cannot ignore the conflicts between agricultural users and residential users by the property owners who testified and provided written comments on the project. The Board believes this area is better categorized as “rural” or a transition or buffer area between City and agricultural users and we would not apply the map designation of “residential” to guarantee that the lowest density of county zoning, R1, is appropriate.

The applicant, through its presentation, asserts that the proposed rezone would be more appropriate than the current agricultural uses because of the existing residential uses and proximity to the City of Middleton. Arguments from surrounding property owners request that the property remain agricultural or that the subdivision have similarly

sized lots to the existing surrounding residential land uses. The project opponents cite the density (the number of dwelling units per acre) of the proposal as creating negative impacts to the transportation system and schools. The transportation and school concerns will be addressed in separate sections herein; however, the issue of residential density is the most important factor for this criterion in the Board's determination.

Both the Future Land Use Maps for both the County and the City of Middleton forecast future land use to be residential. There is a substantial difference between the number of dwelling units per acre permitted in the City versus what is permitted in County. In general, counties permit rural residential development i.e. large lots are intended to limit the impact on or need for services and to avoid interference with agricultural uses. Where cities permit urban residential where smaller residential lots allow greater access to and concentration of services.

In this application, the Board views the number of concentrated small acreage lots requested as appropriate for city development where there is greater access to city services. This use is not more appropriate for this area, which is largely large lot rural residential, than the current agricultural designation because the number of dwelling lots per acre will increase the need for city-like services where they don't currently exist. For this reason, considering the surrounding land uses the Board cannot find that the proposed rezone more appropriate than the current zoning designation.

The Board finds that "R1" is too dense for the area. An "RR" designation would be more appropriate.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The proposed conditional rezone to "R1" is not compatible with surrounding land uses.

Findings: The applicant is requesting to conditionally rezone approximately 31 acres from "A" (Agricultural) to "R1" (Single Family Residential) for the purpose of developing a residential subdivision with 23 residential lots. The Board analyzed the surrounding land uses in the preceding section and incorporates those findings here: the surrounding land uses are predominantly large lot rural residential with some ongoing operating agricultural uses.

The issue of density (number of dwellings lots per acre) is also relevant to this question. The proposed development contains substantial number of lots at a higher density than the existing residential development in the area. Opposition to the application insists that number of dwellings lots per acre cannot be conditioned to ensure compatibility with surrounding uses. The opposition cites, in summary, traffic congestion and increased danger on roads due to the number of added drivers from the proposal, negative impacts to the area water table, the inability for the School District to accommodate the additional dwellings, and interference with farm activities. The applicant acknowledges some of these concerns, and the applicant's position is that by making the improvements requested by road, fire, and municipal agencies and as outlined in their presentations the rezone will be compatible with the area.

This criterion is not intended to determine if the use is permissible under the County's general zoning designations, which it is. The question is whether the proposal would be compatible with the existing surrounding land uses. The proposal, as we've said in the preceding section, is for density that is closer to a City-scale dwelling density than a rural residential. We find the testimony that adding more homes in close proximities to one another will increase road use and limit agricultural operations for both large agricultural operations and on smaller scales accompanying residential dwellings. For this Board, the potential conflicts that could occur in terms of adverse impacts to these agricultural uses have not been mitigated by the proposal. Larger lot rural residential density does not impose these impacts to the same degree as R1 density.

For these reasons, the conditional rezone to "R1" (Single Family Residential) is not compatible with the surrounding land uses.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The conditional rezone would negatively affect the character of the area. Potential character of the area impact mitigation measures are described below.

Findings: The surrounding land uses have been described in the preceding sections and are incorporated herein by reference. In considering what constitutes the character of the area, the Board takes the surrounding land uses into account, as well as the proximity to the City of Middleton, and the City and County future use designations of the area as residential. Because of the proximity to the City, the Board does see this as an area in transition from historic agricultural use to a future residential development. However, the character of the area, at this time, is still defined by the surrounding land uses that are predominantly large lot rural residential that are more compatible with ongoing operating agricultural uses.

As described in preceding sections, the proposal, where a majority of the lots are 1.00 to 1.24 acres is too dense for the character of the area. The Board views the character of the proposal as one of a city-like development. The proposal would be out of conformity with other developments in the area in terms of density of the homes. It's this density that creates a conflict with the existing uses. The density as discussed in preceding sections would create impacts to traffic, schools, and other services. The subdivision would shift the character of the area from agricultural and large lot rural residential to an area with city-like suburban residential density.

Potential mitigation measures are detailed in the applicant's proposal.

Because of the density of this project it does not fit the character of the area. The character of the area is predominantly large lot rural residential that are compatible with ongoing operating agricultural uses. This proposal, because of the number of dwellings and the density, would change the character of area. The developer has proposed making some area improvements (to roads for instance) to alleviate the negative impact of the development, but the mitigation falls short in the area of traffic safety and the impact on area schools as discussed further in other sections of this decision. For these reasons, the proposed development would negatively impact the character of the area.

E. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate facilities and services including sewer, water, drainage, irrigation, and utilities will be provided to accommodate proposed conditional rezone.

Findings: Individual septic systems are requested for each lot. This parcel is within the Northeast Canyon Nitrate Priority area. An NP1 study has been conducted for the site (**Exhibit III.A5.1**) and Southwest District Health issued an approval letter with conditions (Four proposed lots will need extended treatment systems, Maximum house size permitted is a four (4) bedroom house (300 gallons per day), if lots are added, the study must be resubmitted and/or amended, and Secondary dwellings are not approved for this proposed subdivision without resubmitting and amending the NP study.) (**Exhibit III.D12**)

Individual wells are requested for each lot. Notice was given to the Idaho Department of Water Resources of this proposed development, but no comments were received in regards to potable water. A comment was received by IDWR confirming that this parcel is not in a floodplain.

Individual lot owners will be responsible for retention and treatment of storm water runoff including the application of perimeter lot berming to prevent direct lot discharge into irrigation facilities. The drainage along the proposed roads will be reviewed at the Preliminary Plat stage. (**Exhibit III.A2**)

The parcel is served by Black Canyon Irrigation District. The parcel has a valid water right for 20.52 acres. The applicant is proposing a lateral reroute that has been reviewed by Black Canyon Irrigation District. No discharge of excess water will enter the established drainage system according to the applicant. (**Exhibit III.A1.2a**) (worksheet) Black Canyon Irrigation District submitted a letter with directions on compliance with required easements, approval of construction drawings, obtaining a Bureau of Reclamation license agreement and other

requirements as noted in **Exhibit III.D2**. The Army Corp of Engineers submitted a letter stating that there are no waters of the United States, including wetlands within the project area. (**Exhibit III.D1**)

Utilities are available to the parcel as there is currently a residential structure on the parcel.

Staff did not receive comments from the proposed utilities Idaho Power or Intermountain Gas.

Based on the approvals of the agencies, as detailed above, it's been demonstrated to the Board that adequate facilities and services including for sewer, water, drainage, and irrigation exist to accommodate the proposed use. There is no indication that other general utilities could not provide service to the development.

F. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: Legal access to the subject property exists or will exist at time of development.

Findings: Legal access does exist to the parcel. In 2024, the landowner of parcel R34480010 applied for a private road through this parcel to be able to obtain a building permit. In the future plan for the development, this road will become a public road to serve the development.

Parcel R34482012 was transferred to Canyon Highway No. 4 from Canyon County for Right of Way.

Based on the information above, the Board finds the applicant has shown legal access exists to the proposed development.

G. Does the proposed zoning map amendment 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 created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The proposed conditional rezone will 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. Potential traffic impact mitigation measures are described below. No mitigation is proposed to provide a safe method of ingress/egress onto Freezeout Road.

Findings: The applicant is proposing public road infrastructure to access the proposed development. The applicant has been working with Highway District 4 and has been provided updated requirements in a letter dated December 3, 2024. The applicant will continue to work with the Highway District 4 to resolve any issues at the time of platting. (**Exhibit III.D7.2**).

Highway District 4 has submitted comment letters for this project. The August 24, 2023 letter stated that the 23 proposed residential lots will generate approximately 218 new vehicle trips per day, about half of the 500 trips/day threshold which would require a traffic impact study. The approximate 20 peak hour trips from the development are not anticipated to have significant direct effect on the public roadway intersections at Freezeout/SH 44 or Freezeout/Willis Rd. (**Exhibit III.D7.1**).

The opposition to the proposal have identified safety concerns regarding the ingress/egress onto Freezeout Road that have not been addressed by Highway District 4. Public testimony universally indicated that entry onto the "S" curves of Freezeout Road would create potential traffic hazard because of the blind spots and fast-moving traffic through the "S" curves. It appears to the Board that these concerns are legitimate and confirmed by roadway mapping in the Staff Report. The Board is astonished Highway District 4 approved of the developments access where the dangers are obvious.

The Board will not issue a negative finding here as the applicant has complied with the requirements of the agency with jurisdiction over the roadway. However, it's clear to the Board that further public street improvements are needed in order to provide adequate access to and from the subject property for the safety of all road users. The Board implores the applicant and District to reexamine the access should the development be approved in the future.

H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: The conditional rezone would impact essential public services and facilities, such as schools, police, fire, and emergency medical services. Potential mitigation measures are discussed below.

Findings: The following essential service providers provided comment and requested impact mitigation measures:

The Middleton Rural Fire District provided a review of the proposed project in 2023 and provided comments indicating a seven-minute response time under ideal conditions and mitigation conditions to be executed during the development phases of the project for water flow (**Exhibit III.D.11**).

Opposition to the application indicated that response times would be significantly delayed during peak traffic times and that the nearest fire station will not be staffed because of a recent failed District levy.

The Middleton School District provided information on the current status of the District's affected schools with capacity as follows: Purple Sage Elementary is not at capacity although other area elementary school are currently over capacity and some grades at Purple Safe are over capacity; the middle school is at 85% capacity and the high school is nearing capacity at 94%. The school district indicates, "there is an immediate need for additional facilities in our school district, primarily at the elementary grades..." (**Exhibit IV. b**). The District anticipates that 12 to 16 new students would be added to the District from this proposed development.

The School District did not ask for specific mitigation beyond asking that routes and stopping areas for buses be provided.

No other essential service provided specific comment; however, property owners testified extensively about their concerns regarding police and ambulance response times.

The Board finds that the proposed development would impact Fire and School services based on the data provided by the agencies and the testimony of the area users of those services.

Canyon County Code §09-09-17 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

The property is located within the Middleton Area of City Impact. A notice was sent to the City of Middleton per Canyon County Code Section 09-09-17.

The City of Middleton did not respond with any comments to the County. There is a statement in the Letter of Intent provided by the applicant, **Exhibit III.A2**, regarding discussion with the City of Middleton and their desire for a Pre-annexation agreement being entered into and the request for easements to be provided for future City sewer and water services. According to the Letter of Intent, the City Engineer has reviewed the proposed Preliminary Plat and believes the right-of-way easements will accommodate future City water and sewer. Despite the lack of direct comment by the City, the applicant has provided a pre-annexation agreement they have entered into with the City of Middleton where they agree to provide the City its requested easements. (**Exhibit III.D11**).

The Board finds the County has satisfied its obligations to the City under the agreement.

ORDER

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board denies Case # RZ2021-0053, a zoning map amendment of parcel R36679.

For denial:



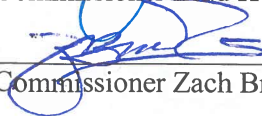
Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

1. Submit as a Conditional Rezone – Rural Residential for 2 plus acre lots and provide conditions to mitigate potential impacts.
2. Annex into the City of Middleton when it becomes available.
3. Discuss with the School District about mitigation measures and present those mitigation measures at the time of resubmittal of the application
4. Enumerate fire protection plans at the time of rezoning.
5. Work with Highway District 4 to provide mitigation to address safety at the ingress/egress onto Freezeout Road.

DATED this 11th day of December, 2025.

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	<input checked="" type="checkbox"/>	_____	_____
 _____ Commissioner Brad Holton	<input checked="" type="checkbox"/>	_____	_____
 _____ Commissioner Zach Brooks	<input checked="" type="checkbox"/>	_____	_____

Attest: Rick Hogaboam, Clerk

By: 

Deputy

Date: 12.11.25