

Debra Lacy Living Trust CR2023-0004

“A”(Agricultural) to “CR-RR” (CR-Rural Residential)

APPLICANT: TJ WELLARD | SKINNER LAND SURVEY

OWNER: DEBRA LACY LIVING TRUST; DEBRA LACY, TRUSTEE



EVALUATION CRITERIA (07-06-07):

(6) Conditional Rezone Approval:

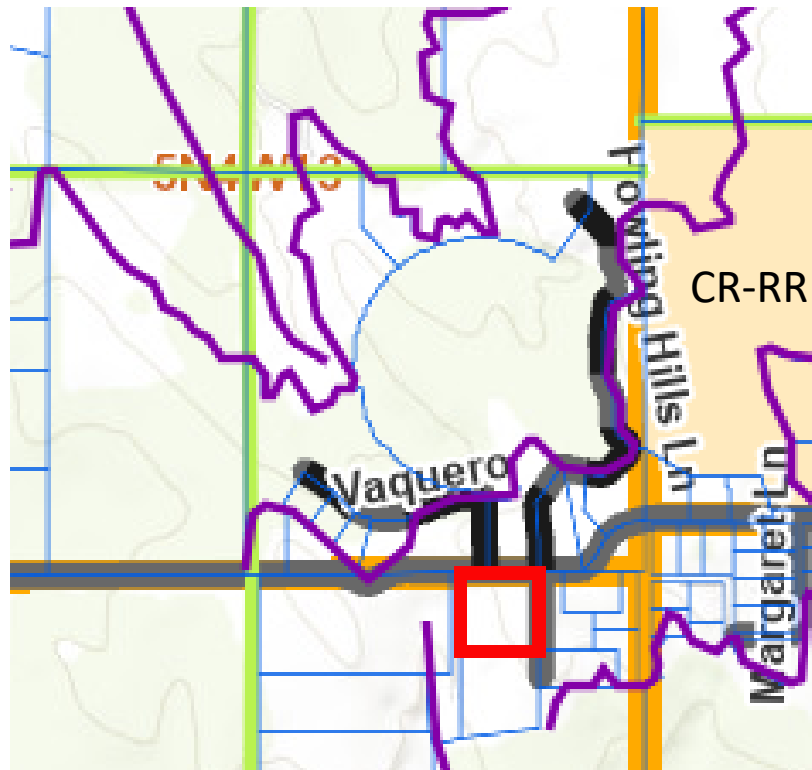
A. Standards Of Evaluation:

1. Is the proposed conditional rezone generally consistent with the comprehensive plan;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
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?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
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? (Ord. 16-007, 6-20-2016)

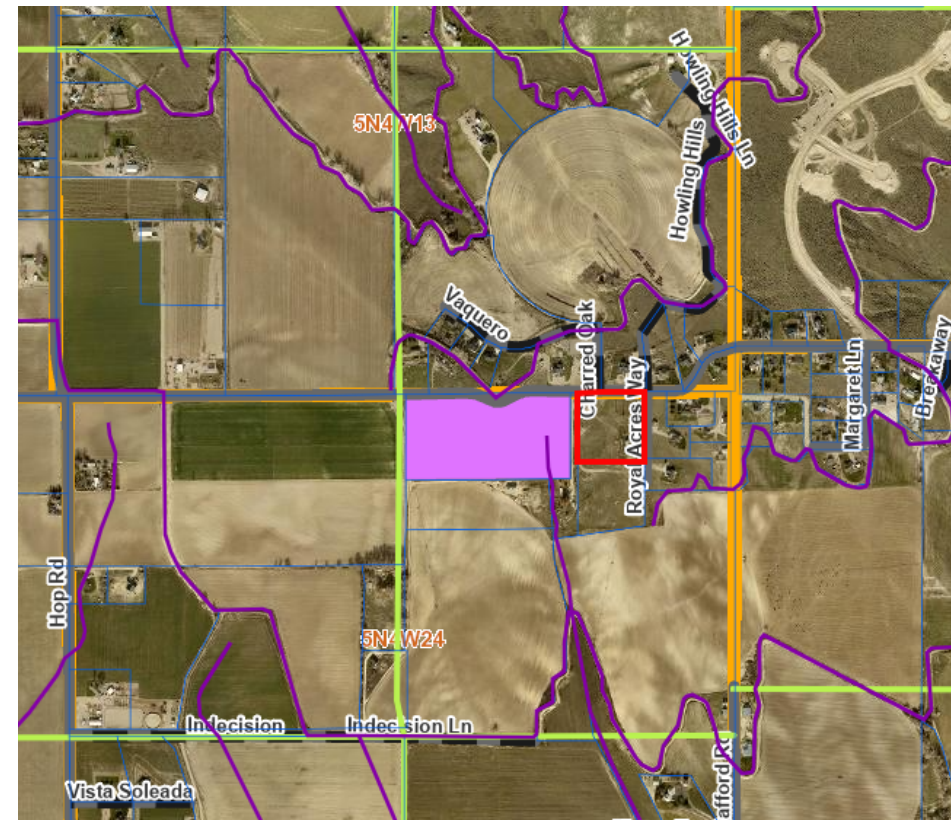


ORDINANCE & COMPREHENSIVE PLAN CONSIDERATIONS

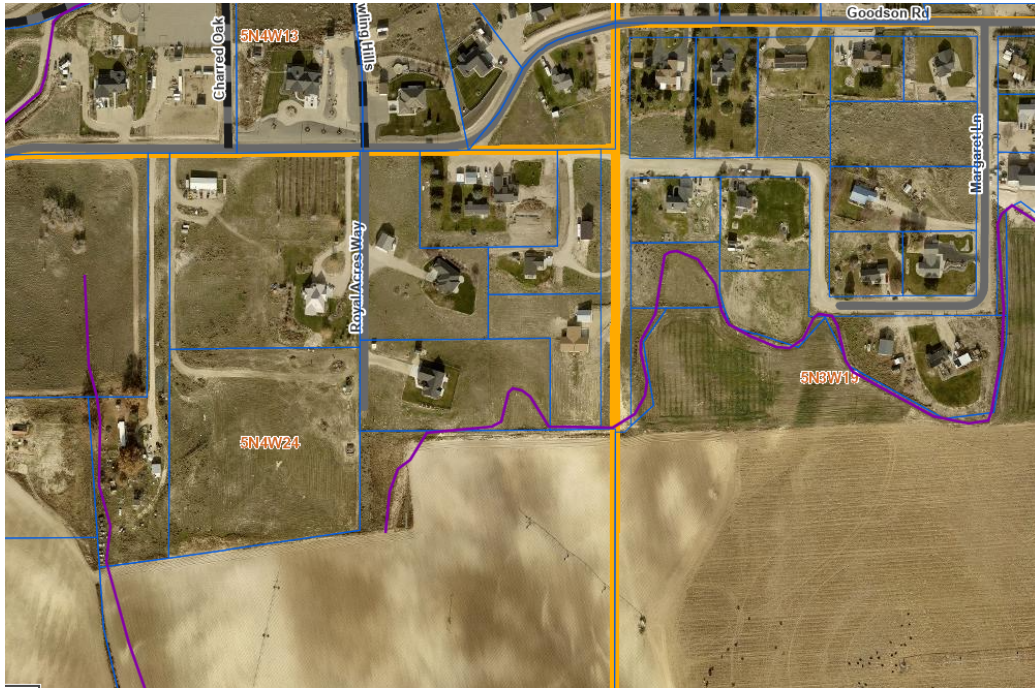
Current Zoning Map detail: see Exhibit C4



2030 Comprehensive Plan Map detail: see Exhibit C3



Criteria #2,3,4: CHARACTER AND SURROUNDING LAND USES



The character of this region is Agricultural.

The character of this 2.2 mile segment of Goodson Road between Hop Road and the Interstate has, over many years, developed as a residential pod on areas of less productive agricultural lands (primarily dry grazing lands).

There are:

20 parcels within 600 feet with an average lot/parcel size of **16.041** acres and a **median lot/parcel size of 4.67 acres**.

63 parcels within 1500 feet with an average lot/parcel size of **16.235** acres and a **median lot/parcel size of 2.375 acres**

Four (4) platted subdivisions within a one mile (Exhibit C5) with an additional 8 platted subdivisions in this area primarily between Goodson and Sand Hollow Roads along the Interstate.

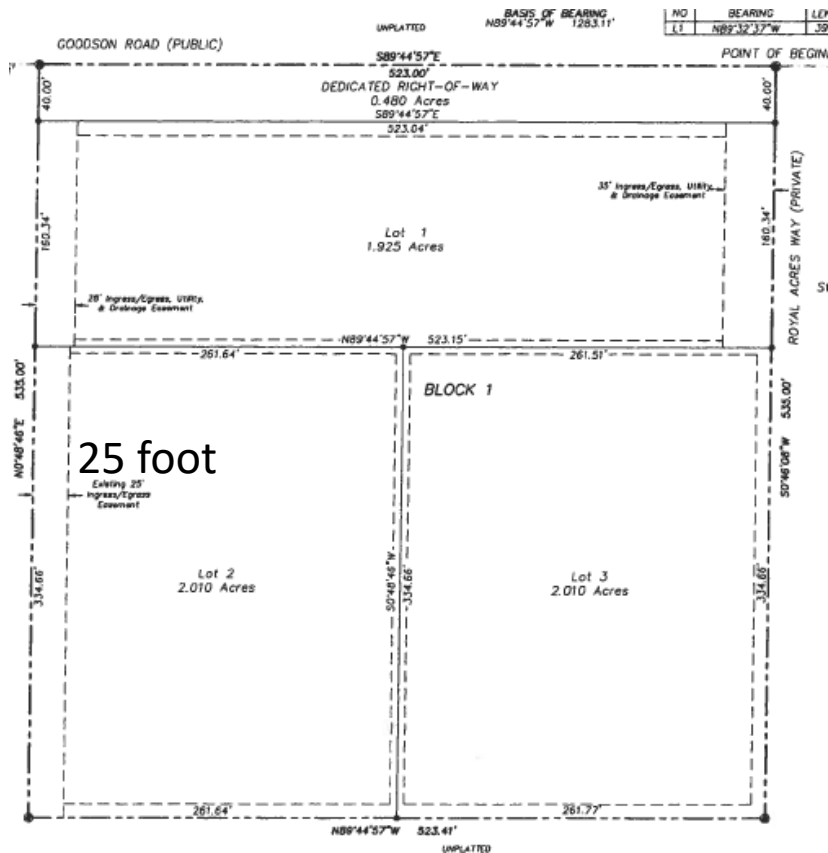
Criteria #6 &7: Access and Traffic Impact

Notus Parma Highway District indicates in revised agency response dated September 29, 2025 and September 30, 2025 email (Exhibits E1 & E1.1):

1. The property does not currently have legal access **for the intended use**.
2. The proposed development plan does not currently meet driveway spacing requirements per ACCHD Section 3061 Intersection and Approach Policy
Note: Exhibit C10.1 & C10.2 access was provided in 2005 for the existing uses.
3. A variance for the accesses may be required for the driveway/access spacing and is not currently approved.

GGHD provided an Amended letter July 1, 2026 (BOCC Exhibit 4.1):

Additionally, the applicant has not provided adequate access to the property that lies adjacent on the southern boundary.





Currently the subject property has individual accesses to the shop and parcel to the south and then a second access to the primary residence.

Each of these accesses lie adjacent to a private road for the development to the east and a private driveway for the residence to the west.

Neither of the private accesses align with access points on the north boundary.

Criteria #5:

Facilities

IRRIGATION: The property according to Black Canyon Irrigation District does not have surface irrigation available.

SEWER: The property currently has two septic systems in use-one for the shop with the non-conforming residential living quarters and one for the primary residence. The proposed lot sizes are approximately two (2) acres and SWDH must sign the plat indicating that the proposed lots meet their requirements.

DOMESTIC WATER: It is unclear if the shop is sharing the primary well or if there is an additional well on the property. The preliminary plat existing conditions does not show a well at the shop.

DRAINAGE: Drainage must be retained on site and has to be addressed at the time of platting.

UTILITIES: Utilities are available in the area and to the property. Utility companies were notified and staff did not receive communication from the providers that services would not be provided.

Criteria #8:

Public Services

SCHOOLS: The property lies within the Notus School District. The school district was notified and staff did not receive comments from them regarding this development.

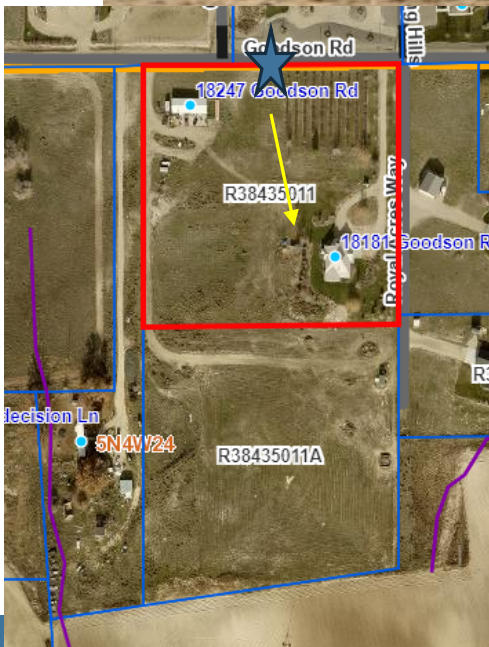
FIRE: The property is served by Caldwell Rural Fire District. The CFD responded in BOCC Exhibit 3.E indicating that the approximate response time to the location is 7 minutes and further indicates that the development will not have other significant impacts on their ability to provide services.

The CFD notes:

“Ongoing population increases will directly affect service levels until CFD can enhance and expand its operational capabilities.”

“Properties located 3-4 miles from a fire station are at the limit of effective coverage and may experience service delays.”

POLICE AND EMS: The agencies were noticed and no responses were received from EMS or the Canyon County Sherriff's Office



From Goodson Road looking south across property -- primary residence on knoll.





Subject property eastern driveway
and primary residence 18181
Goodson Rd, Caldwell



The proposed private road to serve the properties
runs parallel approximately 40 feet from edge of
the adjacent driveway to the west. As proposed
the access would serve three properties requiring
a private road lot for the purpose of platting.



From east of the property on Goodson Road looking southeasterly across property to primary residence on knoll. Picture taken April 6, 2026



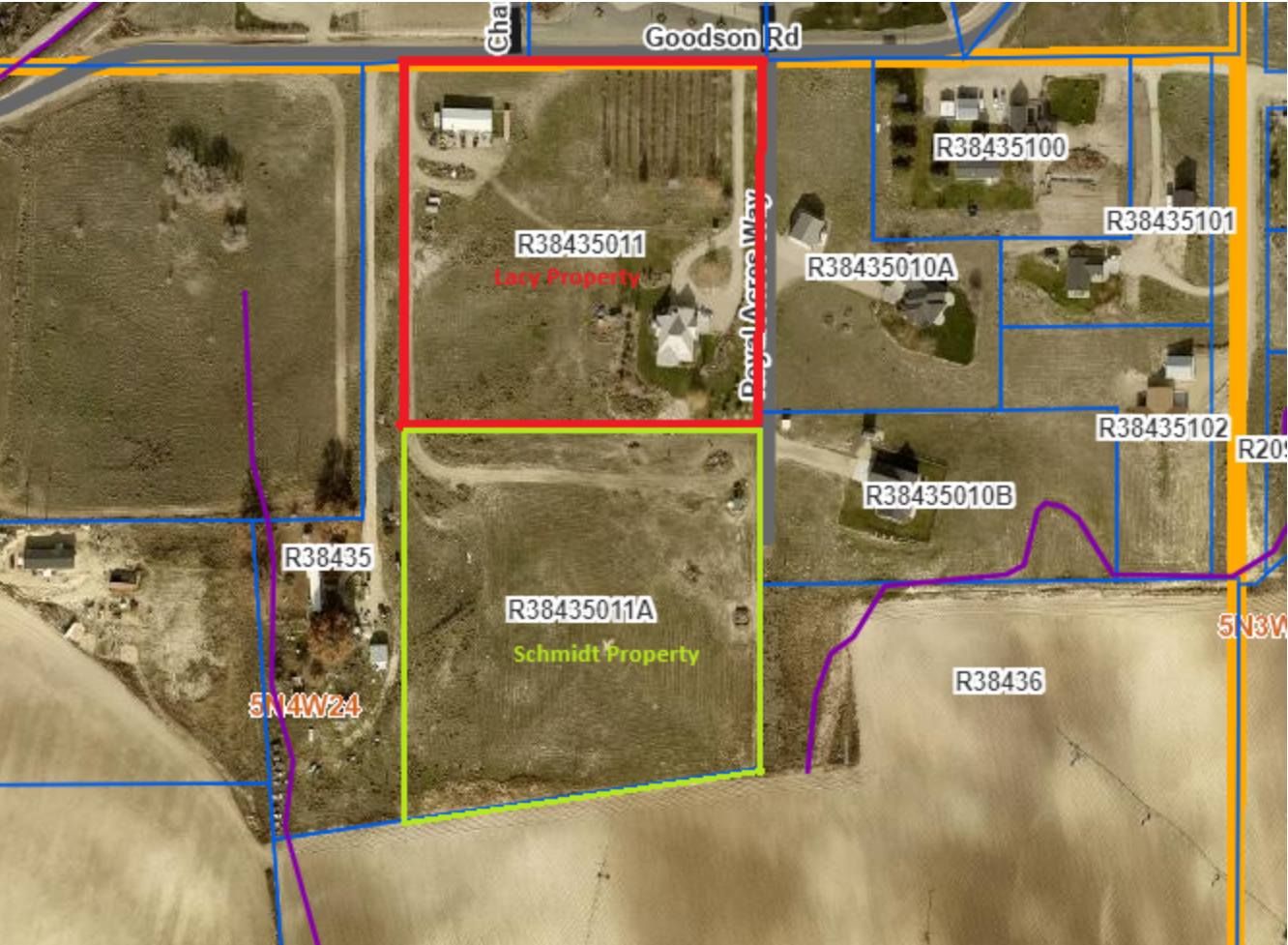
NOTIFICATION (07-05-01) & COMMENTS:

All property owners within a 600-foot radius of the existing property boundaries of the property have been provided notice of the public hearings in order that they may provide comment on the application. Agencies were notified on October 9, 2024, March 1, 2026, July 21, 2026 and contacted by staff as necessary. Staff received comments from Notus Parma Highway District, Caldwell Fire District, Black Canyon Irrigation District, Canyon County DSD, Canyon County Soil Conservation District, and Southwest District Health.

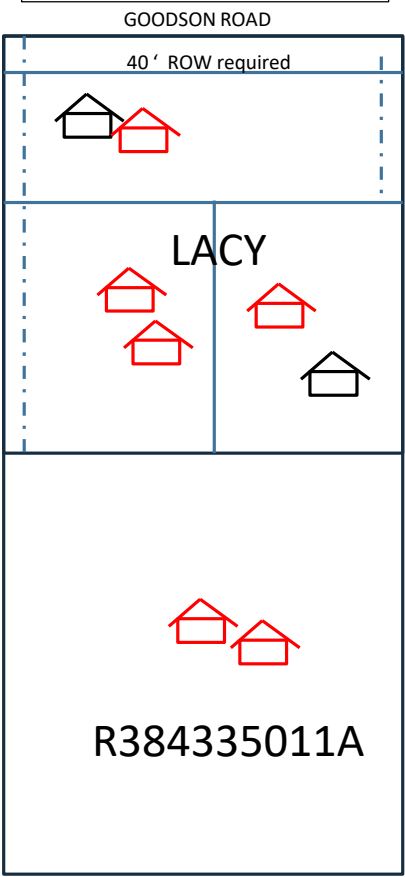
Notice was also published in the newspaper of general circulation on February 24, 2026 and July 27, 2026, and a sign was posted on the subject property also February 25, 2026 and July 24, 2026. All notices herein described have been provided at least fifteen (15) days prior to the public hearing.

At the time of the expiration of the materials deadline, one written comment from the public has been received from the Ottens opposing the Comprehensive Plan Amendment so as not to encourage additional development in an Agricultural area. They were not necessarily opposed to the conditional rezone for a few parcels.

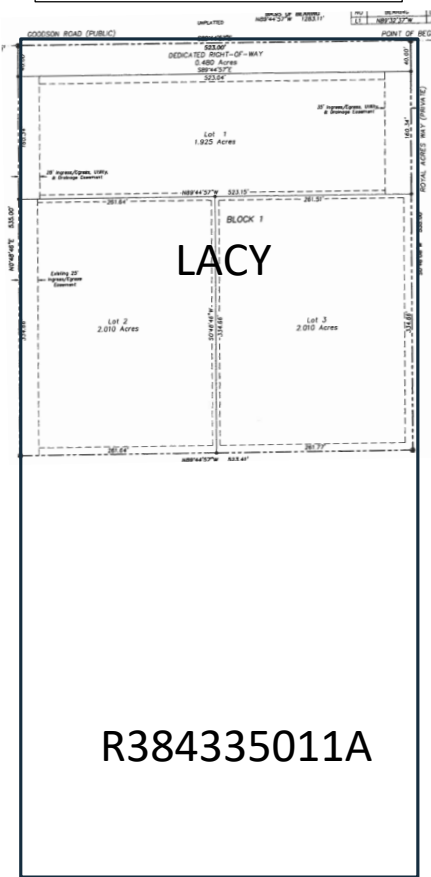




Development Potential



Proposed plat overlay



- Existing Residence
- Potential BPs
- Per CCZO with no conditions

- Ingress/Egress Easement line

PROPERTY DEVELOPMENT CHALLENGES

- The property consists of 6.43 acres. If approved for rezone the property must be platted as a residential subdivision.
 - A ROW dedication of 40 feet is required along the frontage of Goodson Road at time of platting (GGHD) reducing the acreage by 0.48± acres
- Access must be provided to the property to the south in accordance with ordinance requirements; currently a non-conforming 25 foot easement
- Western access should be located in a platted road lot as it has the potential to serve more than two residences (available entitlements) §07-17-31(1)A.2
 - Further reduces the acreage available to meet the minimum average lot size for proposed development by 0.62± acres
 - With road reductions—only two Rural Residential properties could be created in conformance with ordinance requirements for a two acre minimum average.
- If a 50 foot platted road lot is created—the existing shop/residence structure would not meet setbacks. The structure sits approximately 56 feet from the west property boundary.
 - The private road would require a 20 foot front setback from the road lot line; requiring that the existing shop be a minimum of 70 feet from the west boundary.
 - A variance would be required to reduce the front setback to approximately 6 feet.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission heard this case on April 16, 2026 and forwarded it with a recommendation of DENIAL to the Board. The Commission found:

- Not consistent with Comprehensive Plan
- Property is transitional to the larger productive agricultural properties in the area
- Agricultural zoning more appropriate than residential
- Area not planned for additional growth
- Promotes creep and sprawl into productive agricultural areas

Additional findings may be reviewed in BOCC Exhibit 1; PZ RECOMMENDED FCOS

STAFF RECOMMENDATION & CONDITIONS:

In consideration of the application, staff analysis indicates that the proposed conditional zoning map amendment is compliant with Canyon County Ordinance Section 07-06-07 as conditioned. A full analysis is detailed within the staff report (BOCC Addendum and BOCC Exhibit 3)

Considerations:

1. Require a private road lot be platted along the western property boundary from Goodson Road to the southern property boundary providing access to the 6.43 acre parcel R38435011A.
2. Modify the zone from “CR-RR” to “CR-R1” providing for the applicant to create three (3) residential parcels of a specified size (suggested 1.7 acres each but applicant requests some flexibility in size—staff recommends setting a minimum of 1.3 acres and restricting the residential lot count to three. The plat should maintain the rural character of the area. The ROW dedication and Private Road Lot reduce the residential acreage by more than one acre.
3. Set-back compliance: If a private road lot is required then the existing structure will not be compliant with setbacks. Staff suggests the BOCC provide a setback variance to six (6) feet from the west end of the existing shop/living quarters to the 50 foot road lot for this structure only. This should also recognize a road lot reduction from 60 feet to 50 feet for the proposed road lot along the western boundary.

Typically, the applicant would be required to submit for a road lot reduction as a separate application and decision and the setback variance would require additional public hearings; the following code is cited to support the addressing these items within this hearing should they choose to do so:

SEE §07-06-07(1): The presiding party may establish conditions....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.



Should the BOCC approve the request as modified: Consider Staff Recommended Conditions: (BOCC Exhibit 1.2)

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 developer shall comply with CCZO §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."
3. Platting as a residential subdivision is required for any further division of this 6.43 acre parcel.
4. The preliminary and final plat shall be reviewed by the Caldwell Rural Fire District and a letter of review and approval shall be provided to Development Services prior to the Board of County Commissioners signing the final plat.
5. The development shall comply with the Notus Parma Highway District access requirements as evidenced by the District's signature on the final plat.

Staff Recommended Conditions cont.:

6. The developer shall provide legal access to the residential parcel to the south, parcel R38435011A (6.43 acres). The current easement of 25 feet is not sufficient to meet current county road and driveway requirements. The property was created through approval of CU2005-84 for a land division of 12.86 acres more or less into two 6.43 acre parcels.
7. The developer shall locate the access and easement for the subject property and parcel R38435011A in a platted road lot in compliance with 07-17-31(1)A2 along the western boundary of the proposed subdivision. **The road lot shall extend from Goodson Road to the boundary line between parcels R38435011 and R38435011A.**
8. The subject property contains a shop (BP2005-615) with living quarters which is currently a secondary residence on the property. As proposed for division and platting into three lots this shop will become the primary residence on a separate platted parcel. If a new primary residence is constructed the living quarters may be removed or re-classified [permit with the building department] as the secondary residence on the created platted lot.

Staff Recommended Conditions cont.

9. *The shop/living quarters should meet setback requirements if a private road lot is required during the subdivision platting process. The front setback; code §07-10-21(1)A1 is a minimum 20 foot front setback “...measured from the greatest of either the front property line, public street right-of-way line, or private road easement line...”. The Board recognizes the existing shop/residence to be a legal non-conforming structure with a minimum six (6) foot setback from the required private road lot to be located along the western boundary of the subject property from the north property line extending to the southern property boundary. (The Board approves a front setback variance from 20 feet to 6 feet along the west side of the existing shop/living quarters in the northwest corner of the subject property.)*
10. *Should the Board and applicant be amenable to modify the conditional rezone to “CR-R1” (CR-Single Family Residential) to provide for the requested development of three (3) total residential lots on the subject property; accounting for the right-of-way dedication for Goodson Road and the private road lot (conditions #7 and #9): The minimum lot size of each platted residential parcel shall be no less than 1.7 acres. Alternatively: The development shall be restricted to three residential lots and no residential lot within the development shall be less than 1.3 acres.*

Staff Recommended Conditions cont.:

11. The shared well and water lines from the primary residence to the secondary residence/shop shall be located within an easement providing for access, maintenance and repair of that structure.
12. A Shared Well users' agreement shall be established and recorded with the Canyon County Recorder's Office prior to the Board's signature on the final plat.
13. Road Users' agreement(s) for any shared private driveways/roads shall be established and Recorded with the Canyon County Recorders' office prior to the Board's signature on the final plat.

Summary:

- The applicant withdrew the Comprehensive Plan Amendment
- The decision is specific to whether the subject property should be provided conditional rezone for the purpose of developing up to three rural residential (or single family residential) lots through a subdivision platting process
- The property owner must provide adequate access to the parcel that lies adjacent on the southern boundary.
- The property may only be eligible for one additional parcel due to the requirement for a private road lot and the right of way dedication. The Board may utilize code section §07-06-07(1) to remedy impact
- The subject property and the proposed division into three residential properties reflects the existing development in this area along Goodson Road but not in the general region that is intensive agriculture.





Questions?



