



**FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER**

**Findings**

1. Middleton 187, LLC and TBC Land Holding, LLC, represented by Ardurra (formerly T-O Engineering), is requesting approval for a Preliminary Plat, Phasing Plan, Irrigation Plan, Hillside Development Plan, and Grading and Drainage Plan (Exhibits 3-7, Staff Report) subject to approval of a request, RZ2021-0056, to conditionally rezone the subject property from "A" (Agricultural) to "CR-R1" (CR-Single Family Residential) with conditions enumerated in a Development Agreement between the applicant and the County. The development is also subject to a pre-annexation agreement with the City of Middleton (Exhibit 15, Draft Agreement). The proposed development, Farmington Hills Subdivision, encompasses approximately 217 acres. The proposed development consists of 421 residential lots with an average lot size of 12,804 square feet and seventy-one (71) common lots for a total of 492 lots. The development shall be served by the City of Middleton municipal water and sewer (wastewater) infrastructure. The properties are designated "Residential" in the Canyon County 2020 Comprehensive Plan. The subject parcels R37605, R37605010, R37602010, R37597 are located north of Foothill Road between Lansing Lane and Duff Lane, Middleton, in a portion of the SW ¼ and the SE ¼ of Section 33, T5N, R2W, BM, Canyon County, Idaho.
2. Parcels R37605, R37605010, R37602010, R37597, containing 217± acres, are proposed to be conditionally zoned "CR-R-R" (Conditional Rezone - Rural Residential) per case file RZ2021-0056 subject to a development agreement. Developer and future property owners shall be subject to the conditions of the development agreement and preliminary plat.
3. There are 421 residential lots with an average residential lot size of 12,804 square feet in compliance with CCZO §07-10-21(2) Table 2 footnote #1; *"For parcels within the Area of City Impact with central sewer and/or water services, the parcel or lot size may be reduced to 12,000 square feet."*
4. The property is located within the Middleton area of city impact.
5. A pre-annexation agreement with the City of Middleton indicates the development will be served by municipal services including water and sewer (wastewater) systems (Exhibit UU).
6. The property has surface irrigation water rights. The developer shall provide irrigation water to each residential lot in compliance with Idaho Code 31-3805.
7. The property is located within the Black Canyon Irrigation District and the developer shall work with the irrigation district to meet development requirements impacting the district's facilities. (PZ SR Exhibit 20)
8. Subdivision runoff will be maintained within the subdivision. Lots will be graded to facilitate drainage to a roadway, which will then convey storm water to a storage facility or directly to a common lot containing a facility. Storm water & excess irrigation water will be treated by sand & grease traps and/or retention ponds with grassy or sand bottoms (PZ SR Exhibit 7).
9. The development will have paved public roads with curb, gutter and sidewalks throughout. (PZ SR Exhibit 14)

10. Canyon Highway District #4 (HD4) is a signatory on the final plat and the developer must comply with the requirements of the highway district (PZ SR Exhibit 16).
11. The development is located within the Middleton Rural Fire District and the developer shall work with the fire district to meet the requirements of the International Fire Code (PZ SR Exhibit 11).
12. The development is located in an area that contains slopes greater than 15%. The applicant submitted a Hillside Development application in accordance with CCZO §07-17-33 (1) and provided the required engineering report submissions for the project site inclusive of Soil and Geology Report, Hydrology Report, and a Slope Stabilization and Revegetation Report. (PZ SR Exhibits 5, 6, 54, and 55)
13. The developer has voluntarily entered into an agreement with the Middleton School District to provide a sum of \$1500 per buildable final platted lot per phase as described in PZ SR Exhibit 13 "...to proactively address potential impacts on the School District of new residents that will eventually occupy residences with the property."
14. The record includes all testimony, the staff report, exhibits, and documents in Case File Nos. RZ2021-0056 & SD2021-0059.
15. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on February 24, 2023 and December 4, 2023. JEPA Notice to the City of Middleton was provided on February 24, 2023 and December 6, 2023. Newspaper notice was published on December 7, 2023. Property owners within 600' were notified by mail on December 4, 2023. Full political notice was provided on February 24, 2023 and December 4, 2023. The property was posted on December 15, 2023. On January 8, 2024 nine (9) property owners within 600 feet not included in the original mailing were mailed a property owner notification of the meeting date and provided an additional comment period to January 17, 2024.
16. On January 18, 2023 and March 7, 2024, the Planning and Zoning Commission heard case file RZ2021-0056 considering all testimony, the staff report and exhibits. The Planning and Zoning Commission forwarded a recommendation of DENIAL of the proposed rezone to the Board of County Commissioners with revised findings.
17. On March 7, 2024 the Planning and Zoning Commission forwarded case SD2021-0059 with a recommendation of DENIAL to the Board of County Commissioners citing failure to obtain residential zoning approval.
18. On March 21, 2024 the Planning and Zoning Commission signed the revised FCOs for cases RZ2021-0056 and SD2021-0059.
19. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on April 11, 2024. JEPA Notice to the City of Middleton was provided on February 24, 2023 and December 6, 2023. Newspaper notice was published on April 14, 2024. Property owners within 600' were notified by mail on April 12, 2024. Full political notice was provided on February 24, 2023 and December 4, 2023. The property was posted on April 15, 2024.
20. On June 10, 2024 the Board of County Commissioners heard case no. RZ2021-0056, a conditional rezone from Agricultural to CR-R1 (Single Family Residential). The Board denied the conditional rezone therefore the Board denied case no. SD2021-0059 for failure to obtain residential entitlements (zoning) to support the project as presented.

### Conclusions of Law

Section 07-17-09(4)A of the Canyon County Zoning Ordinance (CCZO) states, “*The commission or hearing examiner shall hold a noticed public hearing on the preliminary plat. The hearing body shall recommend that the board approve, approve conditionally, modify, or deny the preliminary plat. The reasons for such action will be shown in the commission’s minutes. The reasons for action taken shall specify:*

1. *The ordinance and standards used in evaluating the application;*
2. *Recommendations for conditions of approval that would minimize adverse conditions, if any;*
3. *The reasons for recommending the approval, conditional approval, modification, or denial; and*
4. *If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.”*

This application is subject to the review and approval of the proposed Conditional Rezone from “A” (Agricultural) to “CR-R1” (CR-Single Family Residential) zoning district. On March 7, 2024 the Planning and Zoning Commission recommended denial of the zoning district change (RZ2021-0056).

The Board of County Commissioners denied the rezone of the 217 acre subject properties at a scheduled public hearing on June 10, 2024.

Upon review of the preliminary plat application and submittals, the Planning and Zoning Commission found (and the Board concurs) that the preliminary plat, irrigation plan, grading and drainage plan, the hillside development plan are consistent with the following subject to conditions of approval:

- Idaho Code, Sections 67-6509 and 67-6513 (Subdivisions, Hearings, Decisions);
- Idaho Code, Sections 50-1301 through 50-1329 (Platting);
- Idaho Code, Section 31-3805 (Irrigation); and
- Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations).
- Canyon County Zoning Ordinance, Chapter 7, Article 10 (Minimum Parcel or Lot Size)

The preliminary plat application as presented was found to be consistent with the standards of review as conditioned (PZ Staff Report Exhibits 3, 4, 5-7, 10, 15, 16, 19, 20, 26, 54 and 55). However, the application to rezone the property to obtain entitlements was denied and therefore the preliminary plat does not comply with the current zone requirements for the subject properties.

### Order




Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2021-0058, the Board of County Commissioners **DENY** the Preliminary Plat, Phasing Plan, Irrigation Plan, Hillside Development Plan, and Grading and Drainage Plan for Farmington Hills Subdivision due to the failure to obtain entitlements for residential development (rezone) for the subject properties in case file RZ2021-0056. The plat does not comply with the underlying agricultural zoning district requirements.

If the applicant wishes to obtain approval they may consider increasing the lot sizes and wait for the right time, which is when the City of Middleton is ready to annex the subject properties.

This decision is final. Pursuant to Idaho Code Section 67-6535(b), the applicant or affected person may first seek reconsideration within 14 days prior to seeking judicial review.

APPROVED this 2 day of July, 2024.

**BOARD OF COUNTY COMMISSIONERS  
CANYON COUNTY, IDAHO**

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogaboam, Clerk

By:   
Deputy

Date: 7-2-24