



FINDINGS, CONCLUSIONS, & ORDER
Conditional Rezone – CR2022-0024

Findings of Fact

1. The applicants, John & Sherry Anderson, are requesting a conditional rezone of 48.17 acres, parcels R36368 & R36368011, from an "A" (Agricultural) zone to a "CR-M-1" (Conditional Rezone-Light Industrial) zone. The request includes a development agreement with conditions and limitations of development to improve compatibility with surrounding properties.
2. The subject property is located at 19372 Lower Pleasant Ridge Rd, Caldwell; also referenced as a portion of the SE¼ of Section 23, Township 4N, Range 4W; BM; Canyon County, Idaho
3. The subject property is designated as "Industrial" on the 2020 Canyon County Comprehensive Plan Future Land Use Map
4. The subject property is located within Greenleaf's Area of City Impact.
5. The subject property is located within Canyon Highway District No. 4, Caldwell Rural Fire District, Vallivue School District, and Pioneer Irrigation District.
6. The neighborhood meeting was held on February 1, 2022 in accordance with CCZO §07-01-15.
7. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice, JEPA notice, and full political notices were sent on January 1, 2023. Newspaper notice was published on February 2, 2023. Property owners within 600' were notified by mail on February 3, 2023. The property was posted on February 9, 2023.
8. The record herein consists of exhibits provided as part of the public hearing staff report, exhibits submitted during the public hearing on March 15, 2023 and all information in case file CR2022-0024.

Conclusions of Law

For Case File CR2022-0024, the Hearing Examiner finds and concludes the following regarding the Standards of Review for a Conditional Rezone (§07-06-07(6)):

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed zoning map amendment is consistent with the 2020 Canyon County Comprehensive Plan and Future Land Use Map.

Finding: The 2020 Canyon County Comprehensive Plan Future Land Use Map designates the property as Industrial. The request is consistent with several goals and policies of the Comprehensive Plan, including, but not limited to:

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 2. To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.

Chapter 4. Economic Development

Goal 3. Create new jobs that are sustainable and lasting.

Policy 3. Encourage broad-based economic development programs that include:

- a. Natural resources such as agriculture

- b. Commercial development
- c. Industrial development
- d. Tourism expansion and 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 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area

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.

Policy 3. Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential and industrial zoning districts to help attract development.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The proposed conditional rezone is more appropriate than the current zoning designation.

Finding: The subject parcel and the immediately surrounding area is a planned industrial area with expanding industrial uses and a demand for industrial development sites. Although there are residences in the immediate vicinity the area is trending towards industrial uses. A development agreement is proposed to restrict some uses that would be less compatible with the existing residence in the immediate vicinity.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned by the development agreement (Attachment A), the proposed conditional rezone is compatible with the surrounding land uses.

Finding: The proposed conditional rezone is compatible with the surrounding land uses. Properties adjacent to the north and west are zoned industrial and have had industrial uses present for over a decade. The area contains a large number of active mineral extractions to the north of Simplot Blvd. The predominant zoning districts are industrial and agricultural. The result of the request is consistent and compatible with the character of the area. Light industrial has been planned near the subject site on the Comprehensive Plan dating back to 1979.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As restricted by the development agreement, the proposed zoning map amendment will not negatively affect the character of the area.

Finding: The development agreement (Attachment A) limits the "M-1" zone to less intensive uses, not permitting the following uses to occur on the site: batch plant, bulk storage for any flammable liquid above and below ground, bulk storage for wholesale distribution of any flammable liquid above and below ground, ethanol plant, firewood sales, impound yard, mineral extraction (long term and short term), mobile or manufactured homes, mortuaries, cremation and funeral homes, rendering plant, sale of salvage goods, slaughterhouse, vehicle fueling station with convenience store, and/or vehicle sales lot.

The area predominantly consists of active light industrial uses such as Gayle Manufacturing Company, AmeriGas Propane, Urness Industries Landscaping & Irrigation, etc., active

agriculture and sporadic rural residential homesites. To protect existing agricultural uses and reduce impact to neighboring properties along the east property line along Pinto Rd, staff recommends a condition requiring a 100-ft buffer measured from the road centerline. Exterior lighting shall be shielded downward and positioned to reduce off-site glare. As conditioned, the limited use of the "M-1" will not impact the character of the area.

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed Conditional Rezone?

Conclusion: Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided amendment at the time of development.

Finding: Individual well and individual septic already exists on the subject property for the existing residence at time of further development of the subject properties. The property is not within a nitrate priority area. The property is located within Pioneer Irrigation District. The applicant shall be required to meet agency requirements.
Comments were not received from the local irrigation district. As a condition, written permission shall be obtained from the local irrigation district and/or Bureau of Reclamation prior to any encroachment or modification to any existing ditch, canals, or laterals.

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?

Conclusion: The conditional rezone of the subject property will not cause undue interference with existing or future traffic patterns.

Finding: As conditioned (Attachment A), a traffic impact study may be required depending on the proposed use. Canyon Highway District No. 4 has reviewed the application and finds the request will create impacts to traffic in the area and does not oppose the rezone.

7. Does legal access to the subject property for the Conditional Rezone exist or will it exist at the time of development?

Conclusion: The property has frontage off of Pinto Rd and Lower Pleasant Ridge Rd. The current residence on site has legal access from Lower Pleasant Ridge Rd, a public road.

Finding: The subject property has frontage and legal access from Lower Pleasant Ridge Rd, a declared collector. Future development will be required to meet all access, approach and improvement requirements of Canyon Highway District #4.

8. Will the proposed Conditional Rezone impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: The requested conditional rezone is not anticipated to impact essential services. Caldwell Rural Fire District and Canyon County Sheriff serve the area. Caldwell Rural Fire responded with comments regarding utility access, water supply and emergency response times being affected due to its remote distance to fire services. Future construction, water supply and emergency access on the site is subject to requirements in the applicable adopted International Fire Code at the time of construction.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein, the Hearing Examiner **recommends approval** of Case CR2022-0024, a **Conditional Rezone** of parcels R36368 & R36368011.



HEARING EXAMINER
CANYON COUNTY, IDAHO

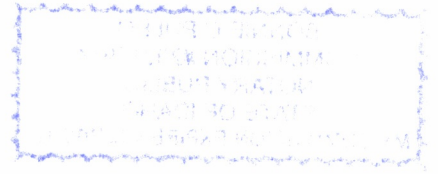
Bruce Eggleston
Bruce Eggleston, Hearing Examiner

State of Idaho)
) SS

County of Canyon County)

On this 15th day of March in the year of 2023, before me Bonnie Puleo, a notary public, personally appeared Bruce Eggleston personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary: Bonnie C. Puleo
My Commission Expires: 12/10/2027



ATTACHMENT A
DRAFT DEVELOPMENT AGREEMENT CONDITIONS

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. Stormwater run-off shall be retained on-site. Stormwater retention is the responsibility of the property owner.
3. Approximately 48.17 acres of the subject parcels, R36368 & R36368011, as described in Exhibit "A" shall be subject to the requirements of the "CR-M-1" Zone. The "CR-M-1" Zone is subject to the following on-going conditions:
 - a. The following uses shall not be permitted within the "M-1" zone including:
 - animal facility (large)
 - batch plant
 - bulk storage for any flammable liquid above and below ground
 - bulk storage for wholesale distribution of any flammable liquid above and below ground
 - CAFO
 - Church
 - cremation and funeral homes
 - ethanol plant
 - fertilizer processing facility
 - firewood sales
 - impound yard
 - kennel
 - mineral extraction (long term and short term)
 - mobile or manufactured homes sales
 - mortuaries
 - rendering plant
 - sale of salvage goods
 - slaughterhouse
 - theater
 - transit or trucking terminal and/or service facility
 - vehicle fueling station with convenience store
 - vehicle sales lot

The following uses shall be permitted through a conditional use permit:

- ministorage and/or RV storage facility
 - school (public or private)
- b. The applicant/developer shall meet all required access and improvement requirements of Canyon Highway District #4. A Traffic Impact Study (TIS) will be required prior to development of the property unless waived by CHD4 for each proposed use.
 - c. Future industrial traffic shall be routed from the subject property north towards Simplot Blvd to reduce impact to surrounding uses and residential areas south of the subject property.
 - d. The applicant/developer shall receive review and approval from Caldwell Rural Fire District prior to issuance of building permits.
 - e. All exterior light fixtures will be downward facing and shielded to reduce off-site glare to ensure light pollution is minimized

- f. The subject property abuts existing rural residential development on Pinto Road and Lower Pleasant Ridge Road. The industrial uses shall have buffering for noise, vehicle headlight glare, dust or other impacts using walls, fences or vegetative barriers sufficient to mitigate those impacts. There shall be a 100 foot building setback from the centerline of the public rights-of-ways for Pinto Road on the subject property. Exclusive of public rights-of-way the setback area may be utilized for paved public parking. The setback area may not be utilized as an internal truck traffic route, a dock access and staging area, or for staging/storage of industrial materials and equipment that is not sufficiently obscured from view by a site obscuring fence
 - g. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification including any crossings shall be approved by applicable governing agencies.
 - h. A living, maintained minimum fifteen (15) foot landscape buffer or berm containing a mix of evergreen trees and shrubs as approved by the planning official shall be installed along Pinto Rd and Lower Pleasant Ridge Rd, at the time of development application. The area shall be kept free of weeds and debris. Trees and shrubs shall not be located within the public rights-of-way and shall not impede the site distance and corner vision at the intersection of Lower Pleasant Ridge Road and Pinto Lane.
4. 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.”