



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

In the matter of the application of:

**OBENDORF – RZ2022-0007**

The Board of County Commissioners considered the following:

- 1) Conditional Rezone of a 12.6-acre portion of parcel R32686 from an “A” (Agricultural) zone to a “CR-C-2” (Conditional Rezone - Service Commercial) zone. The request includes a development agreement (Attachment A).

[RZ2022-0007, 0 Karacher Road, Caldwell (Parcel Number R32686), a portion of the SW¼ of Section 09, T3N, R3W, 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 RZ2022-0007.
  1. On August 4, 2022, the Planning and Zoning Commission recommended denial of the request.
  2. The hearing of this case was tabled by the Board of County Commissioners. The hearing on November 2, 2022 was tabled due to a lack of quorum. The hearing on October 28, 2022 was tabled upon request by the applicant. The hearing on January 24, 2023 was tabled due to a Board scheduling conflict.
  3. After considering all facts and testimony during a public hearing held on February 15, 2023, the Board of County Commissioners reversed the recommended decision by the Planning and Zoning Commission (Exhibit 13). The Board directed staff to schedule and notice a public hearing to consider approval of RZ2022-0007 subject to amending findings for criteria A, B & G and modification to the development agreement conditions regarding conceptual design and traffic and access improvements (Attachment A).

### 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), Canyon County Code §09-01 (Caldwell Area of City Impact Agreement), and §67-6519 (Application Granting Process).
  - a. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Affected agencies were noticed on April 12, 2023. A newspaper notice was published on April 12, 2023. Property owners within 600' were notified by mail on April 12, 2023. Full political notice was provided on April 26, 2022. Posting on the subject property was completed on April 19, 2023.
  - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions or limitations may be imposed 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 (CCZO §07-06-07(1)).
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, §67-6513.

3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6503; CCZO 07-17-09(5).
4. The Board can sustain, modify or reject the Commission’s recommendations. *See* CCZO §07-05-03.
5. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, 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 (RZ2022-0007) came on for a public hearing before the Canyon County Board of County Commissioners on May 23, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence presented, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:**

### **CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)**

#### **A. Is the proposed conditional rezone generally consistent with the comprehensive plan?**

**Conclusion:** The conditional rezone is consistent with the Future Land Use Map within the 2020 Canyon County Comprehensive Plan. The request is generally consistent with goals and policies within the 2020 Canyon County Comprehensive Plan.

- Findings:**
- (1) The subject property is designated as “Commercial” on the Future Land Use map (Exhibit 4j; Exhibit 6h). The commercial designation is intended to provide for commercial uses that can provide for a variety of commercial uses that provides goods and services to businesses, travelers, and residents of the county” (pg. 12 & 37, 2020 Comprehensive Plan).
  - (2) The request is located within the Caldwell Area of City Impact. Caldwell’s Future Land Use map designates the subject parcel as a “Highway Corridor” (Exhibit 4k; Exhibit 5a). This category includes highway-oriented commercial uses, business parks, and limited light industrial uses.
  - (3) The request is in general conformance with the 2020 Canyon County Comprehensive Plan goals and policies including, but not limited to, the following goals and policies:
    - Property Rights Policy No. 8: *“Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.”*
    - Property Rights Policy No. 10: *“Land use laws and decisions should avoid imposing unnecessary conditions or procedures on development approvals.”*
      - Property Rights: The requested rezoning of a portion of a 40-acre property is to allow limited commercial uses within a future commercial designation. The applicant proposes uses that will service the growing area (Exhibits 4j, 4k, 5a, 6g – 6i). Conditions applied to this request (Attachment A) are deemed necessary to minimize potential impacts regarding the character of the area (*See Finding D for details*), traffic (*See Finding G for details*), and the City of Caldwell (*See Area of City Impact finding for details*).
    - Population Goal No. 1: *“Consider population growth trends when making land use decisions.”*
      - The 2020 Canyon County Comprehensive Plan designates the property as “commercial” on the Future Land Use map (Exhibit 4j). The property is located in the

Caldwell Area of City Impact where highway-orientated commercial uses are supported and future residential growth is anticipated (Exhibit 4k & 5a).

- Economic Development Goal No. 1: *"To diversify and improve the economy of Canyon County in ways that are compatible with community values."*
  - Economic Development Goal No. 5: *"To ensure that land use policies, ordinances, and processes allow for a viably economic environment for development."*
  - Economic Development Policy No. 6: *"Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County."*
  - Economic Development Policy No. 12: *"Establish appropriate industrial and commercial zones to further increase business and economic development in various areas of Canyon County."*
    - Economic Development: The 2020 Canyon County Comprehensive Plan designates the property as "commercial" on the Future Land Use map (Exhibit 4j). The property is located in the Caldwell Area of City Impact where highway-orientated commercial uses are supported and future residential growth is anticipated (Exhibit 4k; Exhibit 5a). Letters of support were received demonstrating the proposed commercial zone would be beneficial to travelers along HWY 55/Karcher Road and commensurate with existing uses found in the area (Exhibit 6g – 6i). Conditions applied to this request are deemed necessary to minimize potential impacts regarding the character of the area (See Finding D for details), traffic (See Finding G for details), and the City of Caldwell (See Area of City Impact finding for details).
  - Land Use Goal No. 1: *"To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services."*
  - Land Use Goal No. 4: *"To encourage development in those areas of the county which provide the most favorable conditions for future community services."*
  - Land Use Policy No. 1: *"Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas."*
  - Land Use Implementation Action: *"Encourage commercial areas, zones or uses that are contiguous to existing county or city commercial areas, zones or uses but recognizing additional areas or zones, beyond those already existing, may be desirable and that some mixed uses are compatible."*
  - Land Use Policy No. 3: *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."*
    - Land Use: The property is located within Caldwell Rural Fire District. As a condition of the development agreement (Attachment A), the development will meet all required fire district requirements and standards (Exhibit 5a). The 2020 Canyon County Comprehensive Plan designates the property as "commercial" on the Future Land Use map (Exhibit 4j). The property is located in the Caldwell Area of City Impact where highway-orientated commercial uses are supported and future residential growth is anticipated (Exhibit 4k; Exhibit 5a). The property is approximately 4,000 from city jurisdiction (Exhibit 4a). Conditions applied to this request are deemed necessary to minimize potential impacts regarding the character of the area (See Finding D for details), traffic (See Finding G for details), and the City of Caldwell (See Area of City Impact finding for details).
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2022-0007.

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

**Conclusion:** As proposed and restricted by the development agreement (Attachment A), the conditional rezone supports limited commercial development orientated near an existing highway within a future commercial designation and city impact area with similar zones and land uses. Therefore, the request is more appropriate than the current zoning designation.

**Findings:** (1) Per the development agreement (Attachment A), the applicant is proposing 12.6 acres be rezoned, near the corner of Farmway Road and Karcher Road (Exhibit 2, 11 & 12), for the following development:

- Phase one consists of a fueling station to include 12 passenger vehicle pumps and 4 diesel pumps for commercial vehicles and, a 6,000 sq. foot convenience store with second-floor caretaker residence.
  - A caretaker, per CCZO Section 07-02-03, is *“a person properly designated to watch over a property for security or maintenance.”*
- Phase two consists of a 3,000-square-foot farmers market and is to include a paved parking lot.
- Phase three, consisting of a 7,000-square-foot carwash and commercial development, is not proposed until the City of Caldwell has extended public utilities to the site.

Comments from affected agencies did not oppose the request subject to conditions of approval (Exhibit 5a: Agency Comment – City of Caldwell; Exhibit 5b: Agency Comment – Boise Project Board of Control; Exhibit 5c: Agency Comment – Canyon Highway District #4; and Exhibit 5d: Agency Comment – Idaho Transportation Department)

- (2) The subject parcel and the majority of parcels in the immediate area zoned “A” (Agricultural) with existing agricultural uses (Exhibit 4a, Exhibit 4d, & and Exhibit 4g). However, the County designated the area to support future commercial development (Exhibit 4j). The request is located within the Caldwell Area of City Impact and is designated as “Highway Corridor” on the Future Land use map (Exhibit 4k). The city also shows residential growth within and adjacent to the designated area. The City of Caldwell does not oppose the request subject to the conditions regarding the development (1) meet applicable regulations of the City landscaping ordinance, (2) connect to city service, and (3) comply with Caldwell Fire comments and conditions. Conditions that address the City of Caldwell’s comment are included as conditions of the development agreement (Attachment A).
- (3) There are 28 platted subdivisions in a one-mile radius of the subject property with an average lot size of 1.03 acres. Two (2) subdivisions are currently in platting within a one-mile radius with an average lot size of 0.30 acres (Exhibit 4e). Directly across Highway 55/Karacher Road, on parcel R32900216 is a mini-storage facility that operates under a conditional use permit, this parcel is zoned “C-1” (Neighborhood Commercial; Exhibit 4d). To the southwest of the subject parcel are several parcels that are zoned “CR-C-2” (Conditional Rezone - Service Commercial) and “CR-C-1” (Conditional Rezone - Neighborhood Commercial) and “C-1 (Neighborhood Commercial). See Exhibit 4f: Maps – Cases with Reports for more information
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2022-0007.

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

**Conclusion:** The proposed request is compatible with the surrounding land uses.

**Findings:** (1) There are 28 platted subdivisions in a one-mile radius of the subject property with an average lot size of 1.03 acres. Two (2) subdivisions are currently in platting within a one-mile radius with an average lot size of 0.30 acres (Exhibit 4e). Directly across Highway 55/Karcher Road,

on parcel R32900216 is a mini-storage facility that operates under a conditional use permit, this parcel is zoned “C-1” (Neighborhood Commercial) (Exhibit 4d). To the southwest of the subject parcel are several parcels that are zoned “CR-C-2” (Conditional Rezone - Service Commercial) and “CR-C-1” (Conditional Rezone - Neighborhood Commercial) and “C-1 (Neighborhood Commercial).

Recent decisions: CR2018-0002 – Karcher Farms (R32915, R32917011, R32917011A, 123 acres): Approved on appeal to courts in 2019 to CR-C2, CR-C1, and CR-R-1 subject to 21 conditions of approval (DA #20-147). The property has since been sold and plats were recently submitted to the Development Services Department (SD2022-0051 & SD2022-0049). See Exhibit 4f: Maps – Cases with Reports for more information.

- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2022-0007.

**D. Will the proposed use negatively affect the character of the area? What measures will be implemented to mitigate impacts?**

**Conclusion:** As conditioned by the development agreement (Attachment A) the proposed use will not negatively affect the character of the area. Impacts are mitigated through conditions of the development agreement (Attachment A).

- Findings:**
- (1) The Canyon County Comprehensive Plan 2020 Future Land Use Map designates the subject property as commercial (Exhibit 4j). The request is located within the Caldwell Area of City Impact and the land use is designated as Highway Corridor the purpose of which is to “identify key areas along a highway corridor that are highly visible and transitional in nature. This category includes land that is suitable for a blend of highway-oriented commercial uses, business parks, limited light industrial, educational, office and high density residential” (Exhibit 4k).
  - (2) As conditioned by the development agreement (Attachment A), the rezone only impacts 12.6 acres of a 40-acre parcel, retaining approximately 27 acres in agricultural uses. The agreement restricts the development to the first two phases which requires conditions regarding traffic improvements and reviews and complying with City of Caldwell requirements. The result allows commercial uses within the designated area incrementally with conditions that address traffic, services, and operational concerns.
  - (3) Testimony included opposition letters with the following concerns (Exhibits 6a – 6f & 6j):
    - City services and Karcher Road improvements (Spring 2023) should be completed prior to the requested development. The current conditions of Karcher Road/SH-55 are congested with inadequate highway capacity.
    - Environmental risks/concerns of groundwater contamination from the gas storage/fuel tanks.

Over 40 letters of support were received that finds the request to not impact the character and to provide a commercial benefit to the growing area (Exhibits 6g – 6i).

The Board of County Commissioners finds the proposal as conditioned (Attachment A) adequately mitigates potential impacts on the character of the area and promotes orderly growth.

- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2022-0007.
- (5) Additional supporting evidence regarding traffic, services, and facilities impact mitigation measures can be found in Subsections E and G of this document.

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

**Conclusion:** Adequate facilities and utility systems will be provided to accommodate the residential uses at the time of development.

**Findings:** (1) The following adequate facilities can be provided and demonstrated at the time of development:

- Wells/Septic Systems: The property is located within the Caldwell Area of City Impact. City services are not available to the subject parcel at this time. Therefore, the gas station with convenience store and seasonal farmer's market will be required to meet all applicable Idaho Department of Water Resources, Idaho Department of Environmental Quality, and Southwest District Health requirements, as conditioned (Attachment A, Condition 1).
- Irrigation and Drainage: The property is located within the Boise Project Board of Control Irrigation District and has a valid water right (Exhibit 5b). Future development must ensure existing water users are not cut off from irrigation services (Exhibit 5b; Attachment A, condition 1). As conditioned, the City of Caldwell will require adequate landscaping which will require irrigation water usage and planning (Exhibit 5a & Attachment A).
- Utilities: The parcel is located adjacent to Idaho power lines and other utilities (Exhibit 4a; 8). Future development shall work with utility agencies and meet all applicable requirements, as conditioned (Attachment A, Condition 1).

(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2022-0007.

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

**Conclusion:** Legal access to the property exists. Future development will be required to meet Canyon Highway District #4 and Idaho Transportation Department access requirements.

**Findings:** (1) Legal access will be granted via a single-point driveway on Farmway Road and another single-point driveway on Highway 55 (Exhibit 5c). *See ITD and Canyon Highway District #4 access and improvement details in Criteria G.*

(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2022-0007.

**G. Does the proposed conditional rezone require road improvements 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 request will require improvements to prevent undue interference with existing or future traffic patterns as proposed. Conditions from ITD and CHD4 have been incorporated into the development agreement (Attachment A). Applied conditions will mitigate impacts to be less than significant.

**Findings:** (1) The applicant commissioned a Traffic Impact Study (TIS) by TO Engineers which was completed in March 2022 (Exhibit 7). The proposed development is expected to generate a total of 1,770 net-new daily trips. Based upon the analysis contained within the TIS the following recommendations were provided:

- Farmway Road at Driveway A: Per standards outlined in the *ITD Traffic Manual*, a northbound right-turn lane should be constructed concurrently with Driveway A which will provide full access with no turning restrictions.

- State Highway 55 at Driveway B: Per standards outlined in the *ITD Traffic Manual*, a westbound turn lane should be constructed concurrently with Driveway B, providing right-in, right-out access only.
- (2) Canyon Highway District #4 commented on the request and TIS (Exhibit 5c). The comment letter does not oppose the request subject to conditions of approval which include a final traffic study addressing the full buildout, improvements to Farmway frontage per Transportation Impacts and Frontage Improvements section of the TIS, Driveway approach location, connection plan directly across from Drake Lane, and dedication. All required conditions have been added to the development agreement (Attachment A).
  - (3) The Idaho Transportation Department (ITD) requires (Exhibit 5d):
    - Approach shall be moved to the east so it is between Sta 758+00 and 759+00.
    - Developer shall provide funding for ITD to design and construct a right-turn lane and raised median to be included in ITD Project KN22715 (SH-44 Improvements from Indiana to Pear Lane).
    - Developer shall provide dedication right-of-way from the access location to the easterly property boundary to accommodate the future right-turn lane.
    - ITD shall approve any site plan prior to County approval(Exhibit 5di).

As a development agreement condition (Attachment A), the development shall adhere to the comments, conditions, improvements, and financial contributions required by Canyon Highway District/City of Caldwell Engineering and ITD shall be met/approved prior to commencement of use (Condition No. 2d).

- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2022-0007.

**H. Will the proposed zone change 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:** Essential services and facilities, such as schools, police, fire, and emergency medical services are not anticipated to be impacted by the request.

**Findings:** (1) All affected essential services were notified on April 26, 2022, August 30, 2022, and April 12, 2023. As a condition of the development agreement (Attachment A), the City of Caldwell requires the development to comply with applicable Caldwell Fire Department requirements and standards (Exhibit 5a). All comments received do not oppose the request or find the request impactful to essential services subject to conditions.

- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2022-0007.

**CANYON COUNTY CODE §09-01-21 - CALDWELL AREA OF CITY IMPACT ORDINANCE**

**Conclusion:** The property is located within the Caldwell Area of City Impact. A notice was sent to the City of Caldwell per Canyon County Code Section 09-01-21. The conditions applied to the development agreement (Attachment A) require future development to work with the City of Caldwell.

**Findings:** (1) Pursuant to Canyon County Code §09-01-21 – Zoning Ordinance Amendment Proposals within the Caldwell Area of City Impact Agreement, a notice was provided to the City of Caldwell on April 26, 2022, August 30, 2022, and April 12, 2023.

- (2) A comment letter was received from the City of Caldwell identifying the request is consistent with their comprehensive plan subject to the following (Exhibit 5a):

- A. Development meets applicable regulations within Caldwell’s Landscaping Ordinance;
- B. Development connect to city services (water and sewer); and
- C. Development meets Caldwell Fire comments and conditions.

As conditioned by the development agreement (Attachment A), the request shall comply with Caldwell’s landscaping requirements and Fire District Conditions. The agreement requires the developer to connect to city services prior to Phase 3. The applicant shall work with the City of Caldwell on a pre-annexation/services connection deferral agreement. Based on the conditions, the Board finds that the request does not impact Caldwell’s future land use plan or ability to annex the property in the future.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2022-0007.

**Order**



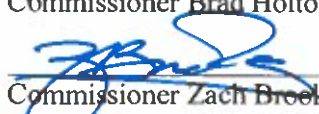
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** Case # RZ2022-0007, a conditional rezone of a 12.6-acre portion of parcel R32686 from an “A” zone (Agricultural) to a “CR-C-2” zone (Conditional Rezone – Service Commercial) subject to development agreement conditions (Attachment A).

Pursuant to Section 67-6535 of the Idaho Code, the applicant or affected persons have 14 days from the date of the final decision to seek reconsideration prior to seeking judicial review.

DATED this 31 day of May, 2023.

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"/>	<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: Chris Yamamoto, Clerk

By:   
\_\_\_\_\_  
Deputy

Date: 5-31-23

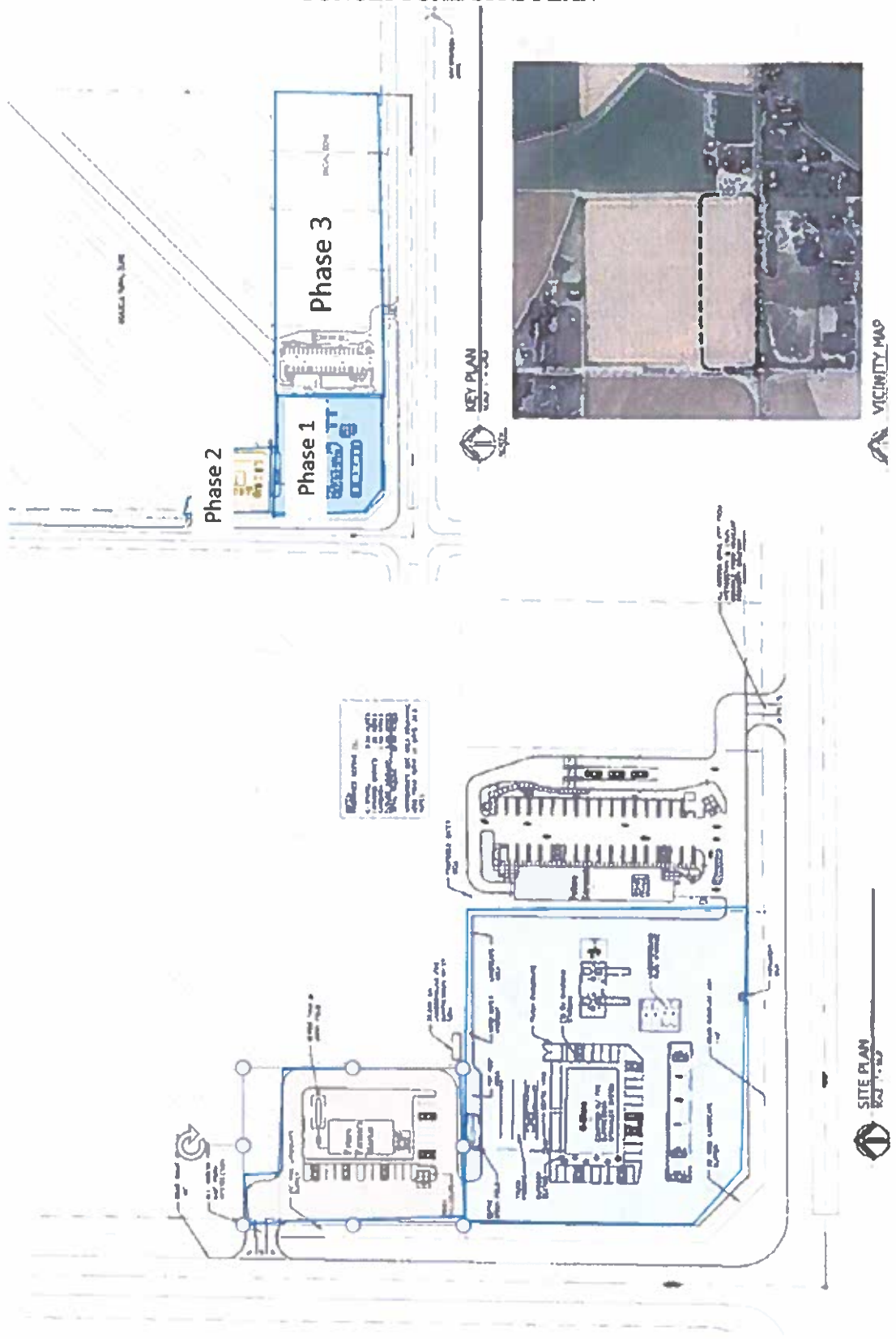


## ATTACHMENT A

### DEVELOPMENT AGREEMENT - CONDITIONS OF APPROVAL

1. Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations.
2. Development shall only occur within the approximate 12.6 acres described in Exhibit "A" of the development agreement and shown in the conceptual site plan (Attachment B) on Parcel R32686 zoned "CR-C-2". The remaining acreage shall remain zoned "A" (Agricultural). Development is subject to the following conditions:
  - a. The development shall be phased in substantial compliance with the conceptual site plan (Attachment B) as follows:
    - i. Phase one shall consist of a fueling station to include 12 passenger vehicle pumps and 4 diesel pumps for commercial vehicles and, a 6,000 sq. foot convenience store with second-floor caretaker residence.
    - ii. Phase two shall consist of a 3,000-square-foot farmers market/shop and is to include a paved parking lot.
    - iii. Phase three, consisting of a 7,000-square-foot carwash and commercial development, shall not occur until Caldwell city services can accommodate the use.
  - b. The development of Phases one and two shall be designed in substantial compliance with the conceptual site design (Attachment C). Any associated division of land shall comply with Chapter 7, Article 17 of the Canyon County Zoning Ordinance.
  - c. The development shall comply with the following City of Caldwell requirements (Exhibit 5a of the staff report):
    - i. Development shall comply with City Landscaping Ordinance;
    - ii. The development shall comply with applicable Caldwell Fire Department requirements and standards; and
    - iii. A pre-annexation agreement/city services deferral agreement shall be completed by the development and the City of Caldwell.
  - d. A Final Traffic Study is required and is subject to review and acceptance by Canyon Highway District 4, City of Caldwell – Engineering and Idaho Transportation Department. All improvements unless other measures are identified and approved by Canyon Highway District 4, City of Caldwell – Engineering and Idaho Transportation Department, shall be completed and approved prior to commencement of use. The development shall comply with the following:
    - i. Requirements and conditions stated in the Canyon Highway District #4 letter dated July 14, 2022 (Exhibit 5c of the staff report).
    - ii. Requirements and conditions stated in the Idaho Transportation Dept. letter dated December 19, 2022 (Exhibit 5d of the staff report) and E-mail dated May 5, 2023 (Exhibit 5di of the staff report).
3. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."

**ATTACHMENT B  
CONCEPTUAL SITE PLAN**



**ATTACHMENT C**  
**CONCEPTUAL SITE DESIGN**







