



**PLANNING AND ZONING COMMISSION**  
**FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

In the matter of the application of:

**Toups – CU2022-0031**

The Canyon County Planning and Zoning Commission considers the following:

1) Conditional Use Permit

CU2022-0031, 22906 Channel Road, Caldwell 83607  
(Parcel Number: R34738010), a portion of the NW¼ of  
Section 11, T4N, 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 CU2022-0031.

**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 §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code §09-09-17 (Area of City Impact Agreement).
  - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
  - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
  - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
  - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.

3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4. 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.
5. 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.
6. 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 (CU2022-0031) was presented at a public hearing before the Canyon County Planning and Zoning Commission on July 7, 2023. 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 Canyon County Planning and Zoning Commission decide as follows:**

#### **CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05**

##### **1. Is the proposed use permitted in the zone by conditional use permit?**

**Conclusion:** Yes, the proposed use is permitted in the zone by conditional use permit.

- Findings:**
- (1) The northern approximately 310 feet of the parcel is zoned “C-1” (Neighborhood Commercial, Attachment 3b). The proposed use will be within this area. The remainder of the parcel is zoned “A” (Agricultural).
  - (2) A “Ministorage and/or RV storage facility” is permitted through a conditional use permit in the “C-1” (Neighborhood Commercial) zone (Canyon County Code §07-10-27).
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.
  - (4) Evidence includes associated findings and evidence supported within this document.

##### **2. What is the nature of the request?**

**Conclusion:** The applicant is requesting a conditional use permit for RV storage.

- Findings:**
- (1) The requested use includes a storage facility of up to 48 RVs, trailers, and boats. The site will be fenced, have a security gate, and have landscaping along the west, north, and east property lines (Attachment 1).
  - (2) This use will be only on the northern portion of the property. The property owner will continue to live in the house on the southern portion of the property (Attachment 1).
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.
  - (4) Evidence includes associated findings and evidence supported within this document.

##### **3. Is the proposed use consistent with the comprehensive plan?**

**Conclusion:** Yes, the proposed use is consistent with the comprehensive plan.



- Findings:** (1) The property is designated as “Commercial” in the 2020 Canyon County Comprehensive Plan Future Land Use Map (Attachment 3c).
- (2) The proposal aligns with the following goals, policies, and actions of the 2020 Canyon County Comprehensive Plan:

<p><b>Chapter 1. Property Rights</b></p> <p><b>Policy 1.</b> No person shall be deprived of private property without due process of law.</p>
<p><b>Chapter 2. Population</b></p> <p><b>Goal 1.</b> Consider population growth trends when making land use decisions.</p> <p><b>Goal 2.</b> 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.</p> <p><b>Goal 3.</b> To guide future growth in order to enhance the quality and character of the county while providing and improving the amenities and services available to Canyon County residents.</p>
<p><b>Chapter 4. Economic Development</b></p> <p><b>Goal 1.</b> To diversify and improve the economy of Canyon County in ways that are compatible with community values.</p> <p><b>Goal 4.</b> Provide an economically viable environment that builds and maintains a diverse base of business.</p> <p><b>Policy 6.</b> 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.</p> <p><b>Policy 7.</b> 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.</p>
<p><b>Chapter 5. Land Use</b></p> <p><b>Goal 2.</b> To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.</p> <p><b>Goal 3.</b> Use appropriate techniques to mitigate incompatible land uses.</p> <p><b>Goal 5.</b> Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.</p> <p><b>Commercial and Industrial Policy 1.</b> Encourage commercial and industrial development where there is adequate access to the following services, if applicable:</p> <ol style="list-style-type: none"> <li>a. sufficient water;</li> <li>b. a system to discharge used water;</li> <li>c. power;</li> <li>d. transportation.</li> </ol> <p><b>Implementation Action:</b> 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.</p>
<p><b>Chapter 8. Public Services, Facilities and Utilities Component</b></p> <p><b>Policy 3.</b> Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.</p>
<p><b>Chapter 10. Special Areas, Sites and Recreation</b></p> <p><b>Goal 2.</b> Encourage the development of recreational opportunities and facilities.</p> <p><b>Policy 1.</b> Encourage the continuation of existing and encourage the creation of new recreational areas and the opportunity for outdoor public recreation areas and activities.</p>

The applicant is being given due process of law through the hearing process. The conditions of approval have been reviewed by the applicant and are determined to be necessary. The RV storage facility will provide a place to store their RVs for residents who do not have the space to do so on their property. The corridor along Highway 44 has been determined in the 2020 and 2030 Comprehensive Plans to be a good location for commercial development, and there is

other commercial development in the area. The subject parcel is within a fire protection district. Allowing more RV storage allows for more recreational opportunities.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.
- (4) Evidence includes associated findings and evidence supported within this document.

**4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

**Conclusion:** No, the proposed use will not be injurious to other property in the immediate vicinity or negatively change the essential character of the area.

- Findings:**
- (1) The area is a mix of agriculture, some commercial uses, and rural residential lots (Attachments 2 and 3a). Most parcels are zoned “A” (Agricultural), with some “C-1” (Neighborhood Commercial) and some residential zoning (Attachment 3b). The parcel is located along a state highway which already has traffic and noise impacts.
  - (2) No evidence has been provided showing that the proposed use would be injurious to other property in the vicinity or that it would negatively change the essential character of the area. Conditions of approval are included to mitigate potential impacts.
  - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023. Property owners within 600’ were notified by mail on May 26, 2023. The property was posted on June 2, 2023.
  - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.
  - (5) Evidence includes associated findings and evidence supported within this document.

**5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?**

**Conclusion:** Yes, adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems will be provided to accommodate the use.

- Findings:**
- (1) According to the letter of intent, the facility will be developed with appropriate irrigation and stormwater facilities but does not require water or sewer (Attachment 1).
  - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023. Property owners within 600’ were notified by mail on May 26, 2023. The property was posted on June 2, 2023.
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.
  - (4) Evidence includes associated findings and evidence supported within this document.

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

**Conclusion:** Yes, legal access to the subject property for the development will exist at the time of development.

- Findings:**
- (1) The subject parcel has frontage along Channel Road, a collector, and State Highway 44. An existing approach located on Channel Road at the halfway point of the parcel will be used for



the facility. Canyon Highway District commented that they will require a new access permit, paved apron, and impact fee to change the approach to commercial (Attachment 4c, Condition 2).

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023. Property owners within 600' were notified by mail on May 26, 2023. The property was posted on June 2, 2023.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.
- (4) Evidence includes associated findings and evidence supported within this document.

**7. Will there be undue interference with existing or future traffic patterns?**

**Conclusion:** No, there will not be undue interference with existing or future traffic patterns.

- Findings:**
- (1) The subject parcel has frontage along Channel Road, a collector, and State Highway 44. An existing approach located on Channel Road at the halfway point of the parcel will be used for the facility.
  - (2) Canyon Highway District commented that they will require a new access permit, paved apron, and impact fee to change the approach to commercial (Attachment 4c, Condition 2). Idaho Transportation Department stated that due to the limit of 48 RV spaces and the “Long unobstructed sight distance for both westbound and eastbound travel”, no mitigation is necessary, although an acceleration and center turn lane would be optimal (Attachments 4d and 4e).
  - (3) According to Canyon Highway District calculations, the use is estimated to generate 0.48 trips for the evening peak hour assuming a maximum of 48 RV spaces. Storage uses typically generate a low amount of traffic compared to other uses.
  - (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023. Property owners within 600' were notified by mail on May 26, 2023. The property was posted on June 2, 2023.
  - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.
  - (6) Evidence includes associated findings and evidence supported within this document.

**8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?**

**Conclusion:** Yes, any necessary essential services will be provided to accommodate the use. No, the services will not be negatively impacted by the use or require additional public funding to meet needs created by the use.

- Findings:**
- (1) No comments from essential services were received.
  - (2) The proposed use is for storage; therefore, it is not anticipated to significantly impact essential services or require funding.
  - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023.

Property owners within 600' were notified by mail on May 26, 2023. The property was posted on June 2, 2023.

- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.
- (5) Evidence includes associated findings and evidence supported within this document.

### **Canyon County Code §09-09-17 - AREA OF CITY IMPACT AGREEMENT ORDINANCE**

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

- Findings:**
- (1) The City of Middleton was notified pursuant to §09-09-17. No comment was received.
  - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023. Property owners within 600' were notified by mail on May 26, 2023. The property was posted on June 2, 2023.
  - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.

### **Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2022-0031, a conditional use permit for RV storage on parcel R34738010 subject to the following conditions as enumerated:

#### **Conditions of Approval**

##### Development of the Property:

1. The RV Storage Facility shall be in substantial compliance with the applicant's letter of intent and site plan (Attachment 1).
2. An approach permit from Canyon Highway District No. 4 is required prior to commencement of use.
3. Fencing, landscaping, and parking area on the property shall be installed prior to commencement of use. Off street parking shall be in accordance with Canyon County Zoning Ordinance (CCZO) §07-13-01 and §07-13-03.
4. Any exterior lighting shall be directed away from adjacent residential properties.
5. Signage shall comply with CCZO §07-10-13. Signage may require approval from Idaho Transportation Department, a sign permit from Canyon County Planning & Zoning, and/or a building permit.
6. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date."

##### Ongoing Conditions:

7. Hours of operation shall not exceed 8 a.m. to 10 p.m. all days of the week. Operation is defined as the times during which customers can drop off and pick up their vehicles.
8. The property shall be well maintained and remain compliant with Chapter 2, Article 1 of the Canyon County Code (Public Nuisance). Fencing and landscaping shall be maintained. Weeds shall be managed to avoid becoming a public nuisance.
9. The RV storage facility shall be limited to the northern 310 feet of parcel R34738010. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission.



10. Historic irrigation lateral, drain and ditch flow patterns shall be maintained unless alteration is approved in writing by Middleton Irrigation Association or applicable irrigation district.
11. 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.
12. The RV Storage facility shall actively prohibit the discharge of any effluent and provide that prohibition in any lease agreement.

DATED this 3 day of August, 2023.



**PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO**

*Robert Sturgill*  
Robert Sturgill, Chairman

State of Idaho )

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County of Canyon County )

On this 3rd day of August, in the year 2023, before me Bonnie Puleo, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: *Bonnie Puleo*  
My Commission Expires: 12/10/2027