

March 30, 2022

We are representing Greg Payne in requesting the change in zoning on his property on the northwest corner of Canyon Lane and State Highway 44 from County Agricultural to County C-2 Conditional Commercial. The land currently is being farmed by the owner. Unfortunately, farming has become very difficult as the surrounding and adjacent properties have become commercial to the east and west of Canyon Lane. The challenges to farming include the traffic, before and after school, with traffic backing up to gain access to Highway 44 east bound and westbound. There are additional commercial lots that will be online this spring adding to the already busy area. Fortunately, the city of Middleton is going to install a traffic light that will ease a lot of the congestion making turns onto Highway 44 much safer for pedestrian and vehicle traffic. This will create windows of opportunity to gain access safely onto Highway 44. A great deal of the land in the area is in ag waiting until services are available for development along the Highway 44 corridor west of Middleton, however we are not close to services at this point.

It is in the best interest of all concerned to have the zoning change from agriculture to C-2 Commercial. The difficulties of farming a small parcel of land that is surrounded by buildings, schools and other commercial buildings and homes make farming a difficult situation. While we don't have any specific plans for the parcel, we do know that the C-2 gives us the most flexibility.

The property zoning change does meet the Canyon County Comprehensive plan as well as the city of Middleton comprehensive plan.

The impact on traffic and patterns is to be determined as use is not decided yet.

The effect on neighboring properties is to be determined. Based on both County and City Comp plans, the use will be compatible with the neighboring properties.

We are going to restrict certain allowed uses. The following uses will not be allowed through a development agreement. The prohibited uses are as follows: Churches, Clinics or Hospitals, Family Day Care, Group Day-Care, Day-Care Center, Mortuaries, Crematoriums or Funeral Homes, Museums, Public and Quasi Public Uses, Radio, TV and Broadcasting Stations, Schools, Vehicle Fueling Center and Convenience Store.

Uses that would be allowed would be Animal Hospital, Caretaker Residence, Commercial and off street Parking Facilities, Contractor Shop, Equipment Rentals, Farm Implement Sales and Service, Farm Supply Sales, Firewood Sales, Fireworks Sales, Landscaping Business, Lumberyard, Mini/Storage and RV Storage, Nursery, Wholesale Nursery, Outdoor Sales and Displays, Sale of Hay, Grain, Seed and related products, Sale of heavy Building Materials and Machinery, Seasonal Activities, Staging Areas, Utility Facilities Systems, Utility Distribution Systems,

Assisted Care Facility, Retail Stores Business Office Space, Special Events Center and Vehicle Service Facility.

Zoning change is requested as it is compatible with both County and City Comprehensive plan.

We have found through experience, that to attract businesses to Canyon County, it is best to have zoning in place to accommodate new businesses. We are asking for this change to the Zoning Map and request approval.

Thank you.

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

May 17, 2023

Canyon County Development Services Department
111 North 11th Ave. Suite 140
Caldwell, ID 83605
(208) 454-7458

RE: Conditional Rezone. Parcel R344560
Case No. CR2022-0007
Applicant: Carl Anderson
Property Owner: Greg Payne
Planner: Samantha Hammond

The parcel is located at the NW corner of HWY 40 and Canyon Lane in Canyon County, Idaho. The parcel is located directly south of the Hills Canal. The Black Canyon Irrigation District does not provide irrigation to parcel R344560. Please reach out to the irrigation district responsible for providing irrigation water to this parcel.

Thank You,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District

Dan Lister

From: Don Popoff <dpopoff@rh2.com>
Sent: Tuesday, September 5, 2023 8:17 AM
To: Dan Lister
Cc: tyler@blackcanyonirrigation.com
Subject: [External] RE: CR2022-0007: Comment Letter

Hi Dan –

Sorry for delayed response, I was out on Friday afternoon.

This property is technically within 2 irrigation district boundaries from the mapping we have. So, you are not wrong that it is in Black Canyon's boundary.

However, it's also in the Middleton Mill Ditch Co / Middleton Irrigation Assoc. boundary. I believe Middleton Mill serves this property (from what I recall from BCID staff when we looked into).

Hope this helps. Let me know if you need anything more on this, or you hit a dead end. We can assist and dive into more.

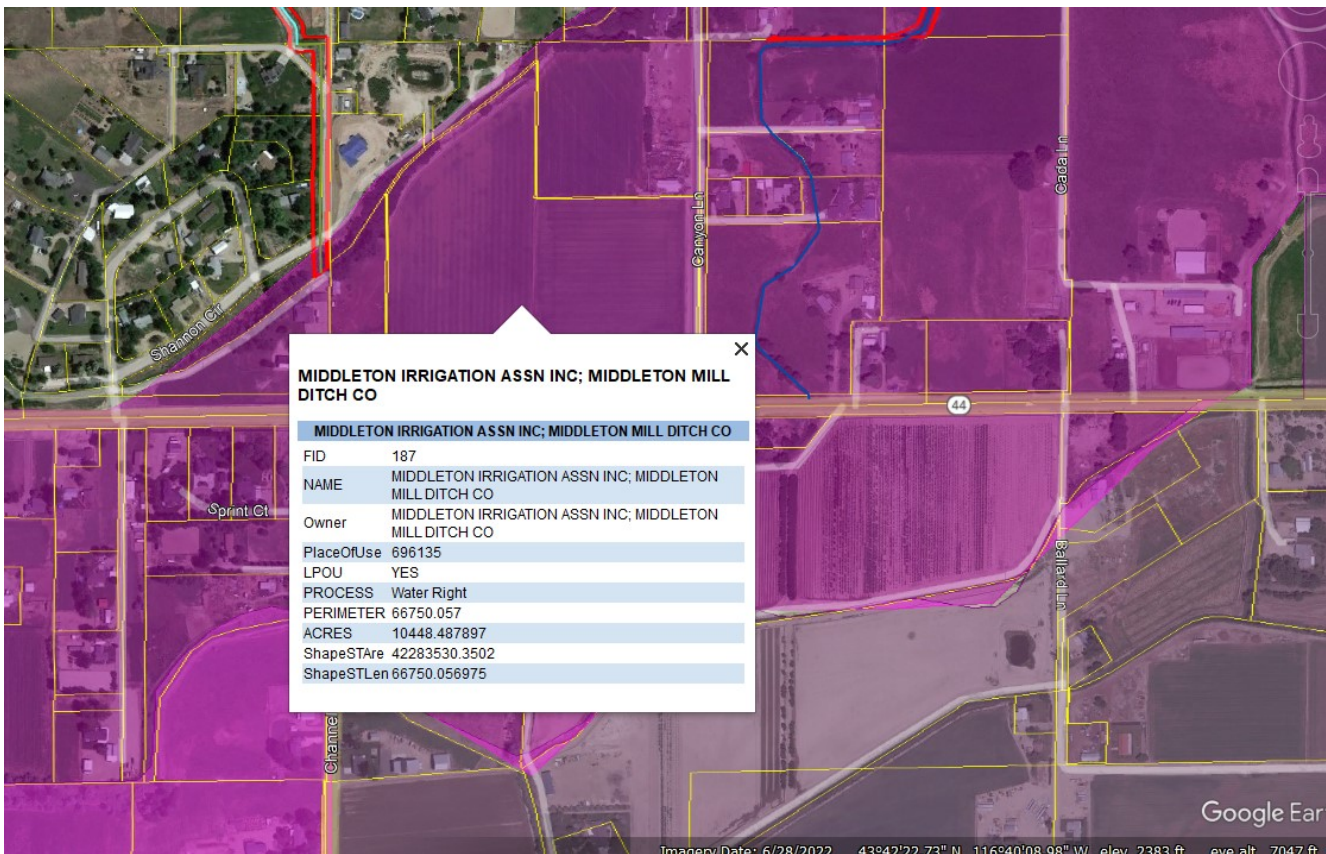
Some of these properties on the edges are tricky to verify. BCID staff mentioned they did not serve property below the Hill Canal in this location.

Thanks

Don

District Engineer

Black Canyon Irrigation District





Donald Popoff PE

Nampa Office Manager | RH2 Engineering, Inc.

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C: 208.807.0015

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www.rh2.com

From: Dan Lister <Daniel.Lister@canyoncounty.id.gov>

Sent: Friday, September 1, 2023 3:43 PM

To: Don Popoff <dpopoff@rh2.com>

Subject: CR2022-0007: Comment Letter

Don,

I left you a phone message regarding your response to CR2022-0007 – Payne (R34456, 02-4N-3W SW TX 4 IN SW 1/4 SW 1/4 LESS S214' OF E 115.5', TX 5 LESS TX 5-A & LESS TX 11 IN SEC 2 & 3). See below for an aerial of the property. Your comment letter received on May 17, 2023 stated that BCID does not provide irrigation to the subject parcel. Our maps show its BCID's jurisdiction. If not, do you know what irrigation district is responsible?



Thank you for your assistance! 😊

Dan Lister, Planning Official

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

Daniel.Lister@canyoncounty.id.gov

Development Services Department (DSD)

NEW Public office hours

Effective Jan. 3, 2023

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

****We will not be closed during lunch hour ****

PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.

Dan Lister

From: Dan Lister
Sent: Tuesday, September 5, 2023 12:37 PM
To: 'irrigation.mm.mi@gmail.com'
Subject: Canyon County DSD: Case Review: CR2022-0007 - Payne
Attachments: AgencyRevNotice.pdf; BCID_COMMENT.pdf; BCID_LTR_Response_CR2022-0007_Payne_05.17.2023.pdf

Ms. Stokes/Irrigation District,

Attached is an agency notice originally sent to Black Canyon Irrigation District on April 20, 2023 for review of Case #CR2022-0007, a rezone of Parcel R34456 (SW1/4 of Section 02, T4N, R3W) owned by Greg Payne.



Black Canyon Irrigation District commented that the irrigation district with jurisdiction is Middleton Mill/Middleton Irrigation Association. Therefore, please review the attached notice with submittal content. DSD would appreciate a comment to the following questions:

- Does the request propose potential impacts to Middleton Mills facilities? If so, are their conditions/mitigation measures that can be applied to the request to minimize potential impacts?
- Does the property have irrigation rights?
- What will the irrigation district need if the property were subsequently divided and developed for service commercial uses?

Please provide comments no later than September 25, 2023. If no comments are received, DSD will understand the lack of comments as the irrigation district having no issue or concerns about the request.

Contact me if you have any questions.

Sincerely,

Dan Lister, Assistant Planning Manager

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

Daniel.Lister@canyoncounty.id.gov

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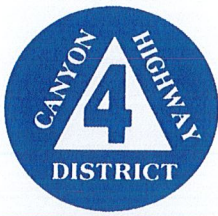
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May 18, 2023

Canyon County Board of Commissioners and Planning & Zoning Commission
111 N. 11th Street
Caldwell, Idaho 83605
Attention: Samantha Hammond, Planner

Greg Payne, Applicant

RE: **CR2022-0007**
Rezone from A to CR C-2 Service Commercial
Canyon County Parcels R344560 aka 0 Hwy 44

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for a Rezone of Parcel R344560 from Agricultural to CR- C-2 (Conditional Rezone - Service Commercial) Zone. CHD4 offers the following comments on the proposed use:

General

The subject property consists of approximately 21.8 acres, located at the northwest corner Canyon Lane and SH 44 in the SW $\frac{1}{4}$ Section 2 T4N R3W. The subject property is located approximately 4,600 feet from Middleton city limits, and is considered urban for application of CHD4 standards. The subject property has approximately 550-feet of frontage on Canyon Lane along the easterly boundary, and approximately 1,000-feet of frontage on SH 44 on the southerly boundary.

Canyon Lane is classified as a local road in the vicinity of the subject property. Existing right-of-way is a 25-foot prescriptive easement, measured from the centerline of both roads. Ultimate right-of-way for a local roadway is 30-foot half-width, measured from the 1/16 line (easterly property boundary).

SH 44 is classified as a principal arterial highway, and is under jurisdiction of Idaho Transportation Department.

Existing Access

The subject property appears to be served by a single field approach to SH 44.

Future Access for Commercial Development

Both ITD and CHD4 access standards restrict direct access to principal arterial highways, however ITD will be the sole authority permitting access to SH 44. Minimizing the number of direct access points to SH 44 will improve safety and operational efficiency of the highway. Access to Canyon Lane for a commercial driveway approach, private road, or public road may be permitted in accordance with the following guidelines:

- Any new local road, private road, or private driveway shall be located a minimum of 440- feet from the SH 44/Canyon Lane intersection; and

- Any new private or public road should be located a minimum of 250-feet from any other existing road intersection; and
- Any new commercial driveway should be located a minimum of 125-feet from any other existing or proposed driveway or roadway.

Transportation Impacts:

The proposed rezone will create approximately 22 acres of commercial zoning, with a large variety of uses allowed. Trip generation frequency varies dramatically across the various uses proposed, but it is anticipated that the cumulative impacts of the entire 22 acre property will exceed 500 trips/day or 50 trips/peak hour which will trigger the requirement for a Traffic Impact Study. A TIS will be required by CHD4 at the time of preliminary plat submittal for subdivision of the subject property, or at the time of access permit application for administrative land division or other development of the property. Traffic impacts from the development will be mitigated through dedication of public right-of-way for Canyon Lane, improvements to public roads or intersections, impact fee assessments, or a combination of those requirements.

Administrative Land Division

Canyon County code Chapter 7 Section 18 provides that parcels rezoned from agricultural to any other zone may be divided into up to four parcels administratively. Administrative land divisions resulting from this rezone are subject to the access restrictions and/or limitation identified in these comments. Right-of-way dedication for existing or future public roadways may be required as part of the administrative land division process as provided under CHD4 policy. Other development requirements, such as frontage improvements, construction of public roadways, traffic impact studies, and offsite traffic mitigation may also apply.

Section Line Setbacks

Not applicable

CHD4 does not oppose the requested zoning changes, and requests the Commission make these comments conditions of any approved land use action. Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Canyon Co P&Z_2023_ Canyon Lane- CR2022-0007 Payne Commercial Rezone



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

May 9, 2023

Samantha Hammond
Planner
Canyon County Development Services Department
111 North 11th Ave., Ste. 140
Caldwell, ID 83605

VIA EMAIL

Development Application	CR2022-0007
Project Name	Payne-Anderson
Project Location	NWC of SH-44 (MP 1.6) and Canyon Lane; Middleton, ID
Project Description	Approx 21.84 acres from Agricultural zone to Service Commercial zone
Applicant	Carl Anderson

The Idaho Transportation Department (ITD) reviewed the referenced planned unit development, preliminary plat, rezone, and special use permit applications and has the following comments:

1. This parcel abuts the State Highway system.
2. ITD does not object to the proposed application as presented at this time, however when conceptual development plans are available, ITD will require the opportunity to review and provide further comments.

If you have any questions, you may contact me at (208)334-8337.

Sincerely,

Niki Benyakhlef
Development Services Coordinator
Niki.Benyakhlef@itd.idaho.gov

