



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

In the matter of the application of:

[TANYA ROBINSON] – [Case #CU2023-0015]

The Canyon County Planning and Zoning Commission considers the following:

Tanya Robinson is requesting a Conditional Use Permit for an animal hospital and a caretaker residence on approximately ten (10) acres in an “A” (Agricultural) zone. The animal hospital is intended to be a horse rehabilitation and veterinary medical facility. The proposed general hours of operation are 8am-8pm Monday through Friday with minimal operations on Saturdays and Sundays and 24 hour care of animals on the facility. Traffic will access the property via Van Slyke Road. The subject property is located on the northwest corner of the intersection of Van Slyke and Peckham Roads at 0 Peckham Road, Wilder, ID, 83676 and is also known as parcel R36137010. This parcel is located in section 18, Township 4N, Range 4W, 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 CU2023-0015.

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)
 - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512. Agencies were notified August 21, 2023 and January 3, 2024, Property Owners were notified January 3, 2024, the site was posted January 12, 2024, publication to the newspaper on January 6, 2024.
 - 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.
 - e. In accordance with CCZO §07-01-15 The applicant conducted a neighborhood meeting on April 13, 2023 at 10 a.m. having provided notice to property owners within 600 feet of the subject property and having met the minimum 10-day notification period. The sign-in sheet indicates three people were in attendance. (Exhibit 6)
- (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 CU2023-0015 was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 15, 2024. 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: The proposed use, an animal hospital and rehabilitation facility with a residential caretaker unit are allowed uses in the “A” (Agricultural) zone by Conditional Use Permit (CUP).

Findings: (1) The subject property, parcel R36137010, containing approximately 10.01 acres is zoned “A” (Agricultural) see Exhibit 1.

- (2) Animal hospital is defined as any building or portion thereof designed or used for the medical care or treatment of cats, dogs or other animals (CCZO §07-02-03)
- (3) Caretaker is defined in CCZO §07-02-03 as “a person properly designated to watch over property for security or maintenance.”
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0015.
- (5) 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 an animal hospital and a caretaker residence on approximately ten (10) acres in an agricultural zone. The subject property is located on the northwest corner of the intersection of Van Slyke and Peckham Roads at 0 Peckham Road, Wilder ID, 83676 and is also known as parcel R36137010. This parcel is located in section 18, Township 4N, Range 4W. The animal hospital is intended to be a horse rehabilitation and veterinary medical facility. The proposed general hours of operation are 8am-8pm Monday through Friday with minimal operations on Saturdays and Sundays and 24-hour care of animals on the facility. Traffic will access the property via Van Slyke Road.

- Findings:**
- (1) The subject property is zoned “A” (Agricultural) (Exhibit 1 and 14)
 - (2) In accordance with CCZO §07-10-27 Land Use Regulations the applicant may operate an animal hospital with an approved CUP in the agricultural zone and the applicant may have a caretaker residence with an approved CUP.
 - (3) The request for an animal hospital and rehabilitation facility, if approved, meets the definition of an animal hospital (§07-02-03 Definitions) requiring a conditional use permit for the facility. The application indicates that animals will be housed on the facility for veterinary care and injury rehabilitation. Animals may also be hauled to the facility for veterinary care but not remain at the facility.
 - (4) The request for a caretaker residence, if approved, is provided for by conditional use permit in the agricultural zone. The applicant indicates that there is a need for designated person(s) to be onsite for security and 24-hour care of the animals.
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0015.
 - (6) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: For case file CU2023-0015 the Planning and Zoning Commission finds that the proposed use and conditional use application for an animal hospital is consistent with the 2030 Canyon County Comprehensive Plan (the Plan) adopted by County Resolution No. 22-220, as amended. The Plan contains the planning Components as required by I.C. § 67-6508. The commission need not examine each goal and policy but consider the Plan as a whole. The

applicable plan, the 2030 Comprehensive Plan, designates the proposed animal hospital and caretaker residence application area as Industrial and Agriculture.

The Commission when reviewing the Plan as a whole, finds and concludes that the use and application are consistent with the Plan based on the evidence and review of the Plan components. The Plan directs the hearing body to utilize measures, like the conditional use permit and/or a development agreement, to mitigate potential interference with existing residential use and potential impacts on ground and surface water, which the Commission believes is accomplished here. The Plan also directs expansion of agricultural uses and economic opportunities, which are accomplished with this use and application.

Findings:

- (1) The Plan describes the land use classification 'Agriculture' as follows: *"The agricultural land use designation is the base designation throughout the County. It contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production, and ground of lesser agricultural value."* The area surrounding the subject property is designated 'Agriculture' and 'Industrial' in the Plan. The subject property is currently zoned "A" (Agricultural) but is designated for future 'Industrial' development in the Plan. An animal hospital and caretaker residence are allowed by conditional use permit (CUP) in the "A" (Agricultural) zone and are allowed uses in the "M1" (Industrial) zone. The use as an animal hospital and rehabilitation facility is an agricultural business supporting agricultural uses in the county.
- (2) The application for an animal hospital on approximately five acres is in substantial compliance with the 2030 Comprehensive Plan. The vision for the 2030 Plan reads as follows: *"Ensuring the quality of life for Canyon County residents by preserving our agricultural heritage and planning for a smart growth future through physical and fiscal management."* The future land use of the subject property is designated as 'Industrial.' The property lies within the Greenleaf area of city impact. The subject property is designated as commercial (an approximate 200 foot band) along Peckham Road frontage and agriculture on the balance of the property. The proposed animal hospital with an accessory caretaker residence is in compliance with goals and policies in Chapters 1) Property Rights, 2) Population, and 3) Economic Development inclusive of goals G3.01.00, G3.02.00, G3.04.00 and policies P3.01.01 and P3.01.02, which generally support agricultural business development in the identified location. The application is further supported by Chapter 4) Land Use and Community Design component goals G4.03.00 and G4.05.00 which states, *"Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy,"* supporting the proposed use as well as policies P4.07.1 and P4.07.02 discussing compatibility with the surrounding land uses as discussed in the staff report and herein. The Natural Resources Component Chapter 5 goals one (1) through seven (7) generally apply but are not directly related to the specified use. A condition should be placed to ensure lighting is shielded and downward facing on the facilities. Additional components of the Plan including Chapters 6. Schools, 7. Public Services, Facilities, and Utilities, 8. Transportation, 9. Recreation, 10. Special Areas and Sites, 11. Housing and 13. National Interest Electric Transmission Corridors are not specifically impacted or may be minimally impacted by the proposed development. This application for an animal hospital, an agricultural business, on agricultural land that is designated for future industrial in the Plan and in currently in the immediate vicinity of industrial agricultural businesses as well

as some residential development is in general compliance with the purpose of Chapter 12. Agriculture.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0015.
- (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: The Commission finds and concludes that the proposed animal hospital and caretaker residence is proposed in an agricultural zone and area with agricultural, industrial, and residential uses. As conditioned, the use will not negatively change the predominantly agricultural and agri-industrial character of the area and will not be injurious to properties in the immediate vicinity.

Findings: (1) The property is located in an “A” (Agricultural) zone (Exhibit 1). The character of the area is predominantly agricultural with agri-industrial businesses such as Lansing Trade, Valley Agronomics, and Allendale Produce located on industrial properties in the immediate vicinity. The proposed animal hospital and accessory facilities in the “A” (Agricultural) zone does not alter the agricultural/agri-business character of the area (Exhibit 10).

(2) There are a few ag-residential properties in the area of the subject property. The nearest residence is located approximately 460 feet east of the subject property and takes access to the public transportation system on Peckham Road at Po Dunk Lane (Exhibits 10 and 11).

(3) Mitigation measures to address odors, pests, and lighting, and environmental concerns are conditioned and will be implemented by the operator in accordance with state, federal and local regulations and subject to conditions for management of animal waste, lighting, and hours of operation at the facility.

(4) The proposed facility is located in the Ada Canyon nitrate priority area (Exhibit 18). The development shall comply with the requirements of Southwest District Health Department for water and septic services on the property.

(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0015.

(6) 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: The Commission finds and concludes that adequate facilities and systems for the use will be provided as regulated and conditioned when the facility is constructed.

Findings: (1) The application for the animal hospital proposes individual septic and well to serve the facility. As conditioned to comply with the requirements of local, state, and federal jurisdictional agencies--adequate water and sewer will be provided to the facility.

- (2) Stormwater is conditioned to be retained on site. The site plan does not indicate significant areas of impervious surface for the ten (10) acre site (Exhibit 3)
- (3) Irrigation water is provided to the subject property by Wilder Irrigation District. The applicant has provided an irrigation plan to provide irrigation facilities and access to surface water rights in Exhibit 4 for the approximate 5-7 acres of agricultural crop land. Boise Project Board of Control indicates the existence of a federal easement (45 feet on each side of centerline) on the Mayhugh Drain/Guess Gultch Wasteway, a buried facility that crosses the northwest corner of the ten acre subject property (Exhibit 9). This affected portion of the property is proposed to remain in agricultural crop land (Exhibits 10 and 11).
- (4) Utility agencies including Idaho Power and Intermountain Gas were sent agency request for comment on August 21, 2023 and January 3, 2024. Comments specific to the requested use were not submitted by the notified agencies. Adequate services will exist at the time of building permit completion and facility operation commencement.
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0015.
- (6) 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: The Commission finds and concludes that the subject property has road frontage along Peckham Road, a major collector roadway, and on Van Slyke Road, a minor collector roadway. In Exhibit 8 Golden Gate Highway District No. 3 (GGHD) indicates that access can be provided at the location specified on the site plan with the approval of an approach permit on Van Slyke Road therefore the Commission finds and concludes that the property will have legal access at the time of development.

Findings:

- (1) The property has frontage on Peckham Road and Van Slyke Road (Exhibit 10). The access for the facility is shown on the site plan at approximately 325 feet north of the intersection of Van Slyke Road and Peckham Road (Exhibit 3)
- (2) GGHD reviewed the application proposal and provided comment with conditions requiring an approach onto Van Slyke Road in accordance with ACCHD requirements as evidenced by Exhibit 8. No direct access will be provided to Peckham Road from the subject property.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0015.
- (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The Commission finds and concludes that the application as proposed and reviewed by the highway district having jurisdiction will not create undue interference with existing or future traffic patterns.

- Findings:**
- (1) GGHD (JUB Engineers) reviewed the application proposal and provided comment with conditions requiring an approach permit and construction in accordance with ACCHD requirements as evidenced by Exhibit 8. As conditioned the applicant will comply with GGHD (Condition #2)
 - (2) The subject property has road frontage on and will have access to a public road, Van Slyke Road, as evidenced by GGHD (Exhibit 8) and the aerial map (Exhibit 10).
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0015.
 - (4) 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: The Commission finds and concludes that essential services will be provided and this application will not negatively impact existing services or require additional public funding.

- Findings:**
- (1) The proposed animal hospital and rehabilitation facility with a caretaker residence is not anticipated to impact essential services as there is not expected to be a significant increase in population, residential development, or need for additional police, fire or ambulance response to the facility. Irrigation facilities will continue to be maintained and preserved on the subject property (Exhibits 3-5).
 - (2) The City of Greenleaf, Canyon County Sheriff, Wilder Irrigation District, Boise Project Board of Control, Canyon County Paramedics/EMT, and Wilder Fire Protection District were notified of the request on August 21, 2023 and January 3, 2023. Boise Project Board of Control provided comments (Exhibit 9). The remaining agencies did not provide responses to indicate that the proposed use would have a negative impact. No mitigation measures are proposed at this time.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0015.
 - (4) Evidence includes associated findings and evidence supported within this document.

Canyon County Code §09-03-07 GREENLEAF- AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The Commission finds that the subject property is located within the Greenleaf Area of City Impact and concludes that the City of Greenleaf area of city impact ordinance is applicable to this application. An agency notice in accordance with the requirements of the agreement was sent to the City of Greenleaf on August 21, 2023 and January 3, 2024. The Commission finds that the City of Greenleaf was provided opportunity to comment on the proposed application in accordance with County Ordinances Chapter 9 Article 3 for the City of Greenleaf.

- Findings:**
- (1) The City of Greenleaf was provided notification of the proposed application on two dates including August 21, 2023 and January 3, 2024 as evidenced by the notification letters in the record for case file CU2023-0015. No comments from the city had been received at the time the staff report and draft findings were written.
 - (2) Staff reached out via email on January 22, 2024 to the City Clerk, Lee Belt, soliciting a response for this application (Exhibit 7) and also sent the updated site plan to Mr. Belt on January 24, 2024. Mr. Belt expressed that he would attempt to provide an agency response to the applications by Friday, January 26, 2024 (Exhibit 7). A response was not provided.
 - (3) The Canyon County Comprehensive Plan is the applicable plan within the Greenleaf area of City Impact per CCO §09-3-07.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0015.

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Planning and Zoning Commission **approves** Case #CU2023-0015, a conditional use permit for Tanya Robinson requesting to operate an animal hospital and rehabilitation facility with an accessory caretaker residence on parcel R36137010, an approximate ten (10) acre parcel in the “A” (Agricultural) zone.

Conditions of Approval

1. 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.
2. The applicant shall comply with applicable Golden Gate Highway District No. 3 access requirements. The applicant shall obtain a permit prior to construction of the facility. The applicant shall provide proof of compliance by providing Development Services with an approved highway district permit for improvements (Exhibit 8).
3. The facility shall be developed in substantial compliance with the applicant site plan (Exhibit 3, 3A, and 3B attached hereto). The facility for the animal hospital and accessory caretaker residence shall not exceed a maximum footprint of five acres on the east end of the ten (10) acre parcel without further approval through an amended conditional use permit or subsequent rezone of the property to a commercial or industrial zoning designation.
4. The caretaker unit permitted as part of this application for an animal hospital shall remain accessory to the permitted animal hospital and shall not be divided or separated from the ten (10) acre parcel as a single-family residential parcel. The maximum occupancy shall be four (4) total occupants in the caretaker residence.
5. All exterior lighting shall be placed and shielded to direct the light source down and inside the property lines of the facility. All direct glare from the lights shall be contained within the facility area.
6. The facility shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
7. The applicant shall not impede or disrupt existing irrigation structures, i.e. drains, laterals, supply ditches, on and adjacent to the subject property.

8. The operator shall process and dispose of waste in a manner consistent with the provided narrative which indicates removal of waste on a maximum 30 day interval as stated in the letter of intent (Exhibit 5 and attached hereto).
9. Signage shall meet the requirements of CCZO §07-10-13 and shall not exceed 32 square feet or as provided for by an approval of a separate application for a Director's Administrative decision for a sign permit.
10. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Idaho State Department of Agriculture (ISDA) requirements.
11. Comply with all Fire District requirements in accordance with State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy.
12. The applicant shall enter into a Water Users Maintenance Agreement for shared irrigation inclusive of easements for delivery and maintenance.
13. Should the approved use of an animal hospital cease to exist, all permitted uses related to the animal hospital on the property shall expire.

DATED this 15 day of February, 2024.

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



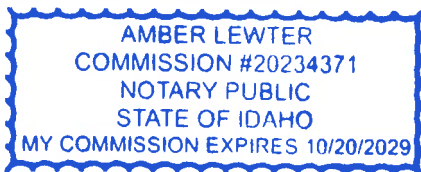
Rob Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 15 day of February in the year 2024, before me Amber Lewter, 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: Amber Lewter

My Commission Expires: 10/20/29