



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

In the matter of the application of:

**Lyne Realty, L.P. – CU2023-0010**

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Use Permit to allow a warehousing, wholesaling, and distribution facility on Parcels R34654201 and R34654202, approximately four (4) acres total.

[Case #CU2023-0010, 15854 and 15900 Gunfire Road, Caldwell, a portion of the SW quarter of Section 9, 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 CU2023-0010.

**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 §09-01-25, Caldwell - 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 County 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, Case No. CU2023-0010, was presented at a public hearing before the Canyon County Planning and Zoning Commission on March 21, 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 decided 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 property is zoned “C-2” (Service Commercial). A warehousing, wholesaling, and distribution facility is permitted in a “C-2” Zone subject to conditional use permit approval.

- Findings:**
- (1) On June 2, 2023, an application was submitted by the applicant requesting a conditional use permit on Parcels R34654201 and R34654202 to establish a warehousing facility (Exhibit 2, Staff Report). Per CCZO §07-10-27, a warehousing, wholesaling, and distribution facility is permitted in a “C-2” Zone subject to conditional use permit approval.
  - (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0010.

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

**Conclusion:** Per the applicant’s submittal packet (Exhibit 2, Staff Report), the warehousing facility will support Preferred Pump and Equipment, a nationwide wholesale distributor of pump and drilling materials. Approximately 10-15 employees will be located at the facility. Hours of operation are 7 am to 5 pm, Monday through Friday. The subject parcels are served by a private well and septic system. Any landscaping will be irrigated from the well. Traffic generated will be from employees, LTL (Less-than-Truck Load)/common carriers, and local contractor pickup.

- Findings:**
- (1) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0010.

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

**Conclusion:** The request is consistent with the 2030 Canyon County Comprehensive Plan.

- Findings:**
- (1) The property is designated as “commercial” in the future land use map within the 2023 Canyon County Comprehensive Plan (Exhibit 3c, Staff Report). *The commercial designation is intended to encourage commercial uses which can provide goods and services to businesses, travelers, and residents of the County* (Pg. 25 of the 2030 Comp. Plan).
  - (2) The request aligns with the following goals and policies of the 2030 Comprehensive Plan:
    - *G1.01.00: Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.*
    - *G1.02.00: Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance.*

- *G2.02.00: Promote housing, business, and service types needed to meet the demand of the future and existing population.*
- *G3.05.00: Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.*
- *G4.02.00: Ensure that growth maintains and enhances the unique character throughout the County.*
- *G4.03.00: Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.*
- *P4.04.00: Align planning efforts in areas of city impact.*
- *G5.06.00: Encourage downward-facing lighting to improve public safety.*
- *G8.02.00: Provide safe transportation improvements for all users and connections to adjacent areas.*

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0010.

(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 request is located within a commercial subdivision and the area is zoned for heavy commercial and industrial uses.

- Findings:**
- (1) The subject properties are located in 20/26 Commercial Park Subdivision approved in 2000 (Exhibit 5, Staff Report) zoned “C-2” (Exhibit 3e, Staff Report). include Conmas Construction Supply (abuts the subject properties along the west boundary), Bennett Machine and Welding (abuts the subject properties on the east boundary), Coonse Drilling and Pump and Pacific Metal Works (south of the subject parcel), RV Truck N Stuff Parking and Storage, and Canyon Truck Upfitters.
  - (2) North, south, and east of the subdivision are properties zoned “M-1”. To the north, are parcels R34657 (6.08 acres) owned by Base Layer, and R34657010 (2.45 acres) owned by Idaho Power. The parcels are zoned “M-1” (Light Industrial) which was approved in 2022 (RZ2021-0052). To the east are large parcels, including a closed mink farm that was rezoned to “M-1” in 2022 (RZ2021-0052). To the west are properties zoned “A” (Agricultural) which includes Parcel R34600 conditionally rezoned to “CR-C-2” (Conditional Rezone – Service Commercial) in 2018 to allow commercial uses for Blue Barn Produce (PH2017-42 & 43).
  - (3) The parcel is located within the City of Caldwell Area of City Impact. The property is designated as “manufacturing and production” in the future land use map within Caldwell’s Comprehensive Plan (Exhibit 3d, Staff Report). The area is located in the Caldwell urban renewal area (Inst. No. 2022-000961).
  - (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on January 3, 2024, and February 6, 2024. The newspaper notice was published on February 9, 2024. Property owners within 600’ were notified by mail on February 6, 2024, and February 21, 2024. The property was posted on February 15, 2024.
    - a. No comments were received from the public of property owners within 600 feet.
    - b. Comments were received from the Idaho Transportation Department (ITD), Notus-Parma Highway District, City of Caldwell, and Idaho Department of Environmental Quality (DEQ). *See Exhibit 4 of the Staff Report.*

- i. The City of Caldwell is not opposed to the requests subject to any outdoor storage being screened with a minimum six-foot-high sight-obscuring fence to help eliminate impacts to residential properties to the South. Additionally, landscaping shall be installed per Caldwell landscaping ordinances which is a 10' minimum foot wide landscape buffer along Gunfire Road which includes 70' grass sod, 2" caliper trees every 35 linear feet, and one shrub every 70 linear feet of buffer area (Exhibit 4c, Staff Report).
- ii. Prior to the commencement of use, Notus-Parma Highway District requires access to comply with 2022 ACCHD Standards including meeting minimum driveway spacing and providing recorded access easement (Exhibit 4b, Staff Report).
- c. Conditions of approval applied to this case ensure minimum local, state, and federal requirements are met and the use minimizes potential impacts, such as parking and lighting, to the surrounding area.

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0010.

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

**Conclusion:** Prior to the commencement of use, adequate facilities and systems will be provided to accommodate the use.

- Findings:**
- (1) The applicant states in the letter of intent (Exhibit 2, Staff Report), that the subject parcels are served by a private well and septic system. Any landscaping will be irrigated from the well.
  - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on January 3, 2024, and February 6, 2024. The newspaper notice was published on February 9, 2024. Property owners within 600' were notified by mail on February 6, 2024, and February 21, 2024. The property was posted on February 15, 2024.
    - a. No comment was received from Southwest District Health. As a condition of approval, the use shall meet all applicable permits and approval prior to the commencement of use (See Condition 8).
  - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0010.
  - (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:** The properties have direct access to Gunfire Road, a public road.

- Findings:**
- (1) The properties have direct access to Gunfire Road, a public road. The public road was established as part of the commercial plat, 20/26 Commercial Park Subdivision (Exhibit 2 & 5, Staff Report).
  - (2) Parking shall meet the minimum requirements of the Off-street Parking Ordinance (CCZO 07-13-01 and 07-13-03). As a condition of approval, a parking and circulation plan shall be provided to the Development Services Department demonstrating consistency with the Off-Street Parking Ordinance (See Condition 9).
  - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on January 3, 2024, and February 6, 2024. The newspaper notice was published on February 9, 2024. Property owners within 600' were notified by mail on February 6, 2024, and February 21, 2024. The property was posted on February 15, 2024.

- a. Prior to the commencement of use, Notus-Parma Highway District requires access to comply with 2022 ACCHD Standards including meeting minimum driveway spacing and providing recorded access easement (Exhibit 4b, Staff Report). Approval by Notus-Parma Highway District is required as a condition of approval (See Conditions 4 & 9b).
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0010.

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

**Conclusion:** The request is not anticipated to create interference with existing or future traffic patterns.

**Findings:** (1) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on January 3, 2024, and February 6, 2024. The newspaper notice was published on February 9, 2024. Property owners within 600' were notified by mail on February 6, 2024, and February 21, 2024. The property was posted on February 15, 2024.

- a. Prior to the commencement of use, Notus-Parma Highway District requires access to comply with 2022 ACCHD Standards including meeting minimum driveway spacing and providing recorded access easement (Exhibit 4b, Staff Report). The properties have direct access to Gunfire Road, a public road. The public road was established as part of the commercial plat, 20/26 Commercial Park Subdivision (Exhibit 5, Staff Report). The Notus-Parma Highway District can mitigate any potential traffic impact before the commencement of use through an access/approach permit process. Their comment letter does not find traffic concerns. Approval by Notus-Parma Highway District is required as a condition of approval (See Conditions 4 & 9b).
- b. The Idaho Transportation Department (ITD) has no concerns or objections (Exhibit 4a, Staff Report).
- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0010.

**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 request, as conditioned, is not anticipated to impact essential services.

- Findings:**
- (1) The property is located within the Caldwell School District, Caldwell Rural Fire District, Canyon County Sheriff's Department, and Canyon County Paramedics/EMT. No comments were received from the above-affected agencies.
  - (2) As a condition of approval, applicable permits and approvals are required to be obtained from Caldwell Rural Fire District prior to the commencement of use (See Conditions 3 & 9a).
  - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on January 3, 2024, and February 6, 2024. The newspaper notice was published on February 9, 2024. Property owners within 600' were notified by mail on February 6, 2024, and February 21, 2024. The property was posted on February 15, 2024.
    - a. Comments received (Exhibit 4, Staff Report) do not find the request to be impactful subject to conditions.
  - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0010.

## Canyon County Code §09-01-25- CALDWELL AREA OF CITY IMPACT AGREEMENT 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 §09-01-25.

**Findings:** (1) The subject property is located in the Caldwell Area of City Impact (Exhibit 3d, Staff Report). The Caldwell Area of City Impact Ordinance was adopted in 2005 (Ord No. 05-013). Section 09-01-03(2) of the Ordinance states the purpose of the agreement is to “*promote the public health, safety, general welfare, peace, good order, comfort and convenience of Canyon County and the inhabitants thereof by establishing regulations for the Caldwell area of city impact, and further, to: A. Facilitate Legal Duties Or Parties: To facilitate the legal duties, responsibilities, and authority of Canyon County, Idaho and city of Caldwell, Idaho as is prescribed and provided by the Idaho legislature regarding impact areas; and B. Processing Of Land Use And Land Division Applications: To provide steps and procedures required for processing zoning applications, comprehensive plan and zoning amendments and subdivision plats and land division within the Caldwell area of city impact in accordance with Idaho Code section 67-6526; and C. Economical And Compatible Infrastructure: To identify an urban fringe in the unincorporated area surrounding the city of Caldwell within which there is potential for development or changes in land use that must be planned, designed and constructed in an orderly manner compatible with the city of Caldwell for the city of Caldwell to assure timely and/or economical provision of public services, such as water supply, sewage and storm water collection and treatment, public safety services, airport, parks, and other community service facilities.*”

(2) Section 09-01-25 of the Ordinance states: *The following procedures shall be adhered to in processing applications within the Caldwell area of city impact: (1) Land Use Applications: All land use applications submitted to Canyon County including, but not limited to, conditional use permits, variances and land divisions requiring notification of a public hearing, shall be referred to the city of Caldwell in the manner as provided for in subsection 09-01-17(3) of this article.*

According to Section 09-01-17(3) of the Ordinance, notice shall be provided to the City of Caldwell at least 30 days before the first public hearing. An official notice was provided on January 3, 2024. A Planning and Zoning Commission hearing notice was provided on February 6, 2024.

(3) On January 4, 2024, the City of Caldwell submitted a comment letter (Exhibit 4c, Staff Report) stating the subject property is designated as “Manufacturing & Production” in the City’s Comprehensive Plan. The City of Caldwell is not opposed to the requests subject to any outdoor storage being screened with a minimum six-foot-high sight-obscuring fence to help eliminate impacts to residential properties to the South. Additionally, landscaping shall be installed per Caldwell landscaping ordinances which is a 10’ minimum foot wide landscape buffer along Gunfire Road which includes 70’ grass sod, 2” caliper trees every 35 linear feet, and one shrub every 70 linear feet of buffer area.

- Manufacturing and Production: *This category includes land that is suitable for the manufacturing, processing, assembling, packaging, or fabricating of previously prepared materials, research and development activities, and warehousing. Manufacturing and production uses shall be unobtrusive and not detrimental to surrounding residential and commercial uses. Commercial and service activities that have frontage on collector and arterial roadways or are within a platted industrial park may be permitted (Page 47 of the City’s Plan).*

(4) Section 09-01-17(3) states: *If a recommendation is received by the county from the city of Caldwell, the recommendation shall be given consideration by the county, provided it is factually supported. Such recommendation shall not be binding on the county.* The Planning and Zoning Commission considered the recommended conditions from the City of Caldwell

and found them unnecessary until the parcel is annexed or city services are provided to the parcel.

- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0010.

### **Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2023-0010, a conditional use permit to allow a warehousing, wholesaling, and distribution facility on Parcels R34654201 and R34654202 subject to the following conditions as enumerated:

#### 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. Before the commencement of use, the applicant shall obtain a building permit (if applicable).
3. The applicant shall comply with applicable Caldwell Rural Fire District requirements. The applicant shall obtain a fire district permit before the construction of the facility. A copy of the permit shall be provided at the time of building permit submittal or commencement of use, whichever occurs first.
4. The applicant shall comply with applicable Notus-Parma Highway District access requirements (Exhibit 4b, Staff Report). The applicant shall obtain all applicable permits. A copy of the permit shall be provided at the time of building permit submittal or commencement of use, whichever occurs first.
5. Signage shall meet CCZO §07-10-13 requirements, and shall not exceed 64 sq. feet and not exceed 10' unless an additional sign permit is applied for and approved by the Director.
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.
7. The applicant shall obtain applicable permits from Southwest District Health prior to building permit issuance or commencement of use, whichever occurs first. Evidence shall be submitted to Canyon County DSD.
8. Prior to the building permit issuance or commencement of use, whichever occurs first, parking shall meet the minimum requirements of the Off-street Parking Ordinance (CCZO 07-13-01 and 07-13-03). A parking and circulation plan shall be provided to the Development Services Department demonstrating consistency with the Off-Street Parking Ordinance.
  - a. The plan shall be reviewed and approved by the Middleton Fire District before submitting to DSD.
  - b. The plan must be reviewed and approved by the Notus-Parma Highway District before submitting to DSD.
  - c. Fencing shall be maintained and kept in good repair. The fence line shall be kept weed-free and/or maintained with weeds being 6" in height or less.

DATED this 21 day of March, 2024.

PLANNING AND ZONING COMMISSION  
CANYON COUNTY, IDAHO

[Signature]  
Robert Sturgill, Chairman

State of Idaho )

SS

County of Canyon County )

On this 21 day of March, 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: 10/20/2029