



Findings of Fact, Conclusions of Law, and Order
Conditional Use Permit

Findings of Fact

1. The applicant, Kevin Roberts, is requesting a conditional use permit to allow a Dog Kennel on parcel R34508010. The property is zoned “A” (Agricultural). The property is located at 15368 Mink Rd Caldwell, Idaho; also referenced as a portion of the NE¼ of Section 4, T4N, R3W, Canyon County, Idaho.
2. The subject property is designated as “Residential” in the 2020 Canyon County Comprehensive Plan.
3. The subject parcel is located within Middleton’s Area of City Impact and is designated as “Residential”.
4. A neighborhood meeting was held on June 27, 2022 in accordance with CCZO §07-01-15.
5. The application was noticed in accordance with Canyon County Code §07-05-01. Property owners were noticed on December 29, 2022. Affected agencies and City of Nampa were noticed on December 19, 2022. Paper publication noticing was published on January 2, 2023. A notice was posted on the subject property on January 10, 2023.
6. All recorded herein consists of exhibits provided in the public hearing staff report, testimony and exhibits provided during the public hearing on January 19, 2023 and all information in case file CU2022-0037.

Conclusions of Law

For this request, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for Conditional Use Permit (§07-07-05):

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

Conclusion: The proposed use is permitted in the zone by conditional use permit.

Finding: The parcel is zoned “A” (Agricultural). Pursuant to CCZO §07-10-27, a dog kennel is allowed in an “A” Zone subject to a conditional use permit. The applicants submitted a conditional use permit application on February 2, 2022 in accordance with CCZO §07-07-03.

2. What is the nature of the request?

- The applicant is requesting the hours of operation will include 9:00a.m. to 9:00p.m. for the working of employees, the hours in which individuals can come to pick-up/drop-off the dogs would be 10:00a.m. to 5:00p.m. The structure will be 20’x60’x8’ fully enclosed with the dog kennels being 4’ x 4’ on the interior with a 4’ x 8’ run on the exterior portion of the kennels that can be shut via sliding door. This will allow the facility to hold a maximum of 30 dogs. The kennel will have sloped floors, with a trough that will lead to a separate animal waste septic system. There will be designated clean up times every morning, afternoon, and evening. Any waste that occurs between these times will be cleaned as soon as possible. There are four (4) parking spots that will be utilized for customers. The kennel and surrounding area will be enclosed by a 6-foot fence. To minimize noise the applicant is going to be doing a stick building rather than a metal building as well as putting studio foam insulation from above the kennel to the roof. All dogs will be inside and the dog runs

will be closed no later than 10:00p.m. if dogs need to be let out after that they will be taken one by one to reduce noise.

3. Is the proposed use consistent with the Comprehensive Plan?

Conclusion: The proposed use is consistent with the Comprehensive Plan.

Finding: The subject property is designated as residential on the future land use plan within the 2020 Canyon County Comprehensive Plan. The proposed plan aligns with three (3) policies and seven (7) goals outlined in the 2020 comprehensive plan:

Chapter 1. Property Rights:

- Policy 1. No person shall be deprived of private property without due process of law.
- Policy 8. Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.

Chapter 2. Population:

- Goal 2. 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.

Chapter 4. Economic Development:

- Goal 1. To diversify and improve the economy of Canyon County in ways that are compatible with community values.
- Goal 3. Create new jobs that are sustainable and lasting.
- Goal 4. Provide an economically viable environment that builds and maintains a diverse base of business.
- Policy 2. Support existing business and industry in the county.

Chapter 5. Land Use:

- Goal 4. To encourage development in those areas of the county which provide the most favorable conditions for future community services.
- Goal 5. Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
- Goal 8. Consider adjacent county land uses when reviewing county-line development proposals.

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 proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area.

Finding: The property is located at 15368 Mink Rd. and is surrounded by agricultural zones, with some residential to the North and commercial to the South. The proposed uses are moderately compatible with the essential character of the area as the use is permitted by an approved conditional use permit in the Agricultural, Residential, and Commercial zone. To mitigate the impacts of the proposed use on the surrounding residential uses the applicant plans to implement the following:

- i. Limited hours of Operation.
- ii. The applicant will be utilizing a stick building rather than metal to provide a better noise barrier.
- iii. As proposed the dogs would be let out a designated time to the "open space" throughout the day and all dog runs on the exterior of the kennels would be closed no later than 10:00p.m.

- iv. Consistent with the CCCO §03-05-09(2), the applicant must obtain a kennel permit through Canyon County's Public Safety office.
- v. Consistent with the CCCO §03-05-09(2)B, the applicant must maintain a 150' buffer between the kennel and any other residential structures other than the kennel owners.
- vi. Consistent with the CCCO §03-05-09(2)C, the applicant must ensure there is noise management and keep the kennel from causing a public nuisance.

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

Conclusion: Adequate facilities for sewer, irrigation, drainage and storm water drainage facilities, and utility systems will not be impacted by the use.

Finding: The property plans to utilize a separate septic system that is specifically for this use. The kennel itself will have sloped floors with a trough. Waste management will have set times throughout the day, however the applicant states if there is visible waste in any kennels they will address/clean them promptly. Southwest District Health was noticed on December 19th, 2022, and no comments were received.

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

Conclusion: The parcel will have access to Mink Rd.

Finding: The property has access to the property off of Mink Rd, the highway district and ITD were both noticed and they did not provide state there were any objections or concerns with this propose project.

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

Conclusion: There will not be undue interference with existing or future traffic patterns.

Finding: The property has access onto Mink Rd which is classified as Rural Local Roadway Canyon Highway District #4 has no objection to Mink Rd., ITD also did not provide any objections or concerns.

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: Essential services will be provided and this application will not negatively impact existing services or require additional public funding.

Finding: County services are currently available to the parcel, including police and emergency medical services. The use is not anticipated to impact essential services. All affected agencies were noticed December 19th, 2022, and no objections were received.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein, the Planning and Zoning Commission **approves** the conditional use permit to allow a dog kennel on Parcel R34508010 subject to the following 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 which include the following:
 - a. Compliance with Canyon County Public Safety Ordinance; Article 5, Animal Control Regulations.
2. The number of canines on the premises shall not exceed thirty (30) dogs.
3. Waste will be discarded on a regular basis and will be disposed of in a manner consistent with local sanitation and landfill requirements.
4. Perimeter fencing around any utilized space for the dog kennel will be no shorter than 6 feet.
5. All dogs will be brought inside and all exterior dog kennel runs will be close no later than 10:00p.m.
6. The hours of operation for customers is not to exceed Monday-Friday 10:00a.m. to 5:00p.m. an employee will be working/on-call 24 hours a day to provide the dogs care with an exception to emergency situations.
7. Prior to any sign installation, the applicant must apply for a sign permit through Canyon County Development Service per CCZO §07-10-13.
8. Any expansion or modification of the approved use shall require approval through a conditional use permit modification.
9. This permit shall not be transferable to any other property and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission.
10. This conditional use permit must follow land use time limitation as states 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.

APPROVED this 19 day of January, 2023.



PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

[Signature]
Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 19th day of January, 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