



**Board of County Commissioners
Canyon County Development Services Dept.**

HEARING DATE May 9, 2024

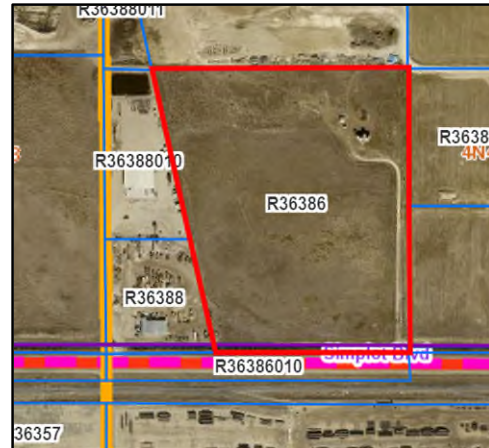
OWNER Lurre Ln, LLC

APPLICANT/REP Alan Mills

PLANNER Dan Lister, Principal Planner

CASE NUMBER RZ2023-0001

LOCATION 18840 Simplot Blvd,
Caldwell ID, 83607.



PROJECT DESCRIPTION

The applicant, Lurre Ln LLC, represented by Alan Mills, is requesting a zoning map amendment (rezone) of approximately 27.16 acres from an “A” (Agricultural) zone to an “M-1” zone (Light Industrial). The subject property is located at 18840 Simplot Road, Caldwell, also known as Parcel R36386, a portion of the NW¼ of Section 24, T4N, R4W, BM, Canyon County, Idaho.

PARCEL INFORMATION Exhibit 1 (*Parcel Information Report*)

Per PI2018-0080, the subject parcel, 27.14 acres, is an original parcel (created on or prior to September 6, 1979; Canyon County Zoning Ordinance (CCZO) §07-02-03). The parcel contains a dwelling and pole building built in 1944.

The application for RZ2023-0001 was submitted on March 27, 2023, by the former owner, Cold Steel Properties, LLC. On April 7, 2023, the property was purchased by Lurre Ln, LLC (Instrument #2023-010835, Exhibit 2d).

APPLICABLE CODE

CCZO §07-02-03 – Definitions - REZONE: *Changing the zoning classification of land from one zone to another.*

CCZO §07-06-05: ZONING AMENDMENT CRITERIA:

- (1) *The commission shall review the particular facts and circumstances of each proposed zoning amendment and make a recommendation regarding the same to the board. The presiding party shall make its review in terms of the following standards and shall find adequate evidence regarding the following criteria when evaluating the proposed zoning district boundary amendment:*
- A. *Is the proposed zone change generally consistent with the comprehensive plan;*
 - B. *When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation;*
 - C. *Is the proposed zoning map amendment compatible with surrounding land uses;*
 - D. *Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?*
 - E. *Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment;*

- F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development;
- G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts; and
- H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

CCZO §07-10-25: PURPOSES OF ZONES:

(1) The purposes of the A (Agricultural) Zone are to:

- A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;
- B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;
- C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;
- D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and
- E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.

(7) The purpose of the M-1 (Light Industrial) Zone is to provide for and encourage the grouping together of light industrial uses capable of being operated under such standards as to location and appearance of buildings and the treatment of the land about them so that they will be unobtrusive and not detrimental to surrounding commercial or residential uses.

CCZO §07-10-27: LAND USE REGULATIONS (MATRIX):

This section lists uses within each land use zone: allowed uses (A), permitted uses through a conditional use permit (C), Director administrative decision (D), not applicable because covered by different use/section (n/a), or prohibited (-).

ZONING AND LAND USE MATRIX

Zoning Classification	A	M-1
Accessory uses and/or structures to a permitted use	D	D
Accessory uses and/or structures to allowed use	A	A
Agricultural research facility	A	A
Agriculturally related activities	A	-
Agriculture, except those animal uses with more restrictive provisions within this article and all other uses specifically listed in other zones *1	A	A
Airpark	C	C
Airport	C	C
Airstrip excepting intermittent use	C	-
Amusement park, theme park or commercial racetrack	C	-
Animal cremation service	C	A
Animal facility (large): bird farm, calf raising operation, dairy, feedlot, and swine farm *1	C	C

<i>Animal facility (small) on 5 acres or more *1</i>	A	A
<i>Animal facility (small) on less than 5 acres</i>	C	A
<i>Animal hospital</i>	C	A
<i>Animals are allowed as long as it is not an animal facility or CAFO *1</i>	A	A
<i>Arena (commercial)</i>	C	A
<i>Assisted care facility</i>	D	-
<i>Auction establishment</i>	C	A
<i>Batch plants</i>	C	A
<i>Bed and breakfast (with employees)</i>	D	-
<i>Bed and breakfast (without employees)</i>	A	-
<i>Bulk storage as an accessory use of any flammable liquid above or below ground</i>	-	A
<i>Bulk storage for wholesale distribution of any flammable liquid above or below ground</i>	-	C
<i>CAFO</i>	C	C
<i>Caretaker residence</i>	C	A
<i>Cemetery</i>	C	-
<i>Church</i>	C	A
<i>Clinics or hospitals</i>	-	-
<i>Commercial and private off-street parking facilities for vehicles</i>	-	A
<i>Contractor shop</i>	C	A
<i>Daycare facilities:</i>		
<i>Family daycare home (1 - 6 children)</i>	A	-
<i>Group daycare facility (7 - 12 children)</i>	D	-
<i>Daycare center (13+ children)</i>	-	-
<i>Drive-in theater</i>	C	-
<i>Equipment rentals (outdoor) *2</i>	-	A
<i>Ethanol plant</i>	C	C
<i>Farm implement sales or service, farm supply sales</i>	C	A
<i>Fertilizer processing facility</i>	C	A
<i>Firewood sales</i>	D	A
<i>Fireworks sales</i>	-	A
<i>Food processing facility</i>	C	A
<i>Golf course</i>	C	-
<i>Group home</i>	C	-
<i>Home business</i>	D	-
<i>Home occupations</i>	A	-
<i>Impound yard *2</i>	-	A
<i>Indoor recreation</i>	-	A
<i>Junkyards and vehicle wrecking yards *2</i>	-	-
<i>Kennel</i>	C	A
<i>Landscape business</i>	A	A
<i>Light manufacturing, assembly, testing and/or packaging facilities</i>	-	A

<i>Lumberyard</i>	-	A
<i>Manufacturing, assembling, fabricating, processing, packing, repairing, or storage uses</i>	-	A
<i>Manufacturing or processing of hazardous chemicals or gases</i>	-	-
<i>Mineral extraction (long term)</i>	C	A
<i>Mineral extraction (short term) *3</i>	D	A
<i>Ministorage and/or RV storage facility</i>	-	A
<i>Mobile or manufactured home sales</i>	-	A
<i>Mortuaries, cremation, and funeral home</i>	-	A
<i>Multi-family dwellings limited to not more than 8 units per lot</i>	-	-
<i>Multi-family dwellings limited to not more than 4 units per lot</i>	-	-
<i>Museum</i>	C	A
<i>Nursery</i>	A	A
<i>Nursery (retail/wholesale)</i>	C	A
<i>Outdoor sales or displays (accessory to allowed use)</i>	A	A
<i>PUDs</i>	-	C
<i>Private roads and driveways serving 2 properties</i>	D	D
<i>Private tower with antenna</i>	A	A
<i>Public service agency telecommunication facilities 75 feet or greater</i>	D	D
<i>Public uses and quasi-public uses</i>	C	A
<i>Quasi-public uses (temporary)</i>	D	-
<i>Radio, television and broadcasting stations</i>	-	A
<i>Recreational vehicle (RV) park</i>	C	-
<i>Refinery</i>	-	-
<i>Rehabilitation of manufactured/mobile homes *2</i>	-	A
<i>Rendering plant</i>	-	C
<i>Retail stores, personal service shops, banks, offices, hotels, motels, microbrewery, and restaurants</i>	-	A
<i>Sale (commercial) of hay, grain, seed and related supplies</i>	C	A
<i>Sale of heavy building materials and machinery</i>	-	A
<i>Sale of salvage goods *2</i>	-	A
<i>Sanitary landfill</i>	C	-
<i>School (public or private)</i>	C	A
<i>School (vocational or trade)</i>	C	A
<i>Seasonal activities</i>	A	-
<i>Secondary residence</i>	A	-
<i>Shooting range (indoor)</i>	C	A
<i>Shooting range (outdoor)</i>	C	-
<i>Similar uses to a conditional use</i>	C	C
<i>Similar uses to allowed use</i>	A	A
<i>Single-family dwelling, 1 per lot or parcel unless otherwise provided in this chapter</i>	A	-

<i>Single-family dwellings, but not more than 2 such dwellings per lot or parcel unless otherwise provided for in this chapter</i>	-	-
<i>Slaughterhouse</i>	C	C
<i>Small wind energy systems</i>	D	D
<i>Special events facility</i>	C	-
<i>Staging area</i>	C	A
<i>Tannery</i>	-	-
<i>Taverns, lounges, or wine bars</i>	-	C
<i>Telecommunication facility</i>	C	A
<i>Temporary uses</i>	D	-
<i>Theater</i>	-	A
<i>Transit or trucking terminal and/or service facility</i>	-	A
<i>Utility distribution system</i>	A	A
<i>Utility facility</i>	D	A
<i>Vehicle fueling station with convenience store</i>	-	A
<i>Vehicle sales lot</i>	-	A
<i>Vehicle service facility</i>	-	A
<i>Warehousing, wholesaling and distribution facilities</i>	-	A
<i>Water infiltration</i>	C	C
<i>Wind farm</i>	C	C
<i>Winery, distillery, brewery</i>	D	A
<i>Yard/garage sales (associated with any residential uses)</i>	A	-
<i>Zoo</i>	C	C

Notes:

1. See confined animal feeding operation (CAFO), chapter 8 of this Code.
2. With a sight obscuring fence (see section 07-02-03 of this chapter).
3. In accordance with subsection 07-14-17(6) of this chapter.

PROJECT OVERVIEW

Comprehensive Plan

The 2030 Canyon County Comprehensive Plan designates the future land use of the parcel and area as “Industrial” (Exhibit 3d). See Exhibit 7 for goal and policy alignment.

The property is located in the Greenleaf Area of City Impact. The city designates the future use of the parcel as “industrial” (Exhibit 3e). No comments were received from the City of Greenleaf.

Immediate Vicinity

The subject parcel is zoned “A” (Agricultural, Exhibit 3f). The average lot size within 600 feet of the subject parcel is 19.2 acres (Exhibits 3b, 3c, and 3h).

Along the north boundary of the subject parcel are two parcels (approximately 40 acres in total) zoned “M-1” (Light Industrial) in 2007 by Lurre Construction (RZ2006-8, Exhibit 5a). The parcels appear to have long-term mineral extraction uses. At the northeast corner, the parcel abuts a 40-acre parcel zoned “A” owned by Simplot Feed Lot Inc.

Along the east boundary are three parcels (approximately 40 acres in total) zoned “M-1” in 2007 (RZ2008-6, Exhibit 5a) owned by the applicant.

Abutting the south boundary of the subject parcel are Simplot Boulevard (SH-19) and Parcel R36384 and R36385 (approximately 50 acres in total) zoned “M-1” in 2002 (RZ2002-11). The parcel is currently owned by Gayle Manufacturing Company, Inc. Other businesses located south of the subject parcel are AmeriGas Propane and Wilbur-Ellis Caldwell (Agribusiness).

Abutting the west boundary of the subject parcel are five parcels (approximately 48 acres in total) zoned “M-1”. Parcels R36388, R36388010 and R36388011 were rezoned to “M-1” in 2008 (RZ2008-2, Exhibit 5b). Parcel R36388 is occupied by Ecco Heavy Equipment Rental. Parcel R36355011, 011A, and 011B were rezoned to “M-1” in 2020 (RZ2020-0005, Exhibit 5d). Interwest Supply is located on Parcel R36355011. At the northwest corner, the parcel abuts a 40-acre parcel zoned “M-1” in 2019 (RZ2018-0034, Exhibit 5c) and is currently in mineral extraction use.

Surrounding Area

The surrounding area is predominantly zoned “M-1” along Simplot Boulevard with sporadic “A” zones (Exhibit 3f). The “A” Zone becomes more prominent approximately 2,500 feet north of Simplot Boulevard and 1,400 feet south.

Per Exhibit 3i, the subject parcel is a mix of Class III and IV soils (moderately-suited soil). The parcel is currently in agricultural use (Exhibit 6). Approximately 16 acres are considered prime farmland if irrigated and reclaimed of excess salts and sodium with the rest of the property considered not prime farmland. The surrounding area, especially south of Simplot Boulevard is considered not prime farmland.

Land Decisions (between 2018-2023)

The following land use decisions have been made within a one-mile radius of the subject parcel (Exhibit 3g):

- CU2018-0006 – Triple Crown: A conditional use permit was approved on December 6, 2018, for a long-term mineral extraction permit including sand and gravel mining and hauling from the site, operation of a portable crusher, concrete batch plant, and an asphalt hot plant on Parcel R36078. The use is located approximately 1,400 feet northwest of the subject parcel.
- CU2018-0008 – Idaho Material & Construction: A conditional use permit was approved on September 4, 2018, to extend the mineral extraction period an additional 20 years, modify the berm placement requirements, and adjust the acreage to reflect the actual extraction area of the original properties. The subject properties include R36322010, R36377, R36322010A, and R36375011 totaling approximately 110 acres. The use is located approximately 4,200 feet west of the subject parcel.
- RZ2018-0034 – Badiola (Exhibit 5c): Zoning Map Amendment (Rezone) of a 37.9-acre parcel, R36355, from “A” to “M-1” was approved on April 8, 2019. The property abuts the northwest corner of the subject parcel.
- RZ2020-0005 – JPR Properties (Exhibit 5d): Zoning Map Amendment (Rezone) of a 38.66-acre parcel, R36355011, from “A” to “M-1” was approved on November 2, 2020. The property abuts the west boundary of the subject parcel.
- CR2022-0024 – Anderson: Conditional rezone of Parcels R36368 and R36368011 from an “A” (Agricultural) zone to a “CR-M-1” (Conditional Rezone – Light Industrial) Zone was denied on October 19, 2023. The property is located south of Simplot Boulevard, approximately 2,300 feet southwest of the subject parcel.
- RZ2020-0015 – Wilke: Conditional rezone of Parcels R36382 & R36382012 from an “A” zone to an “M-1” zone was denied August 6, 2021. The property is located south of Simplot Boulevard, approximately 1,000 feet south of the subject parcel.

Subdivisions

The subject parcel is approximately 5,000 feet east of Munn Ranch Subdivision (Exhibit 3h). The subdivision is zoned “M-1” (Exhibit 3f).

Adequate Facilities

Necessary facilities such as water, sewer, irrigation, power, and drainage will depend on future uses. The applicant initially states future uses will have an individual well and septic system (Exhibit 2a & 2b). However, a community well and/or community sanitary system may be required depending on the use. The City of Greenleaf has city services extended to Zoroco, Parcel R36322120, within the Munn Ranch Subdivision, over 6,000 feet west of the subject parcel. The parcel is not located within a nitrate priority area (Exhibit 3l).

An irrigation well is available for irrigation (Exhibit 2b).

Run-off and drainage will be maintained on-site (Exhibit 2b).

Powerlines exist along Simplot Boulevard and on the subject parcel along the driveway serving the existing dwelling (Exhibit 6).

Future development will require coordination and/or permits from the Idaho Department of Water Resources (IDWR), Southwest District Health (SWDH), Idaho Department of Environmental Quality (DEQ), and Idaho Power. No comments were received from the stated agencies.

Access/Traffic

The property appears to have access from Simplot Boulevard (SH-19).

Idaho Transportation Department (ITD) finds the current access does not exist (Exhibit 4a). Direct access to SH-19 is allowed subject to traffic generation numbers and turn-lane warrants at the time of development per the process outline in IDAPA 39.03.42.200.09. The access must meet minimum distance requirements between existing approaches. Upon the construction of the future collector road along the north property line, ITD will require access directly onto SH-19 to be removed.

Canyon Highway District #4 provided the following future access opportunities (Exhibit 4b):

- Direct access to SH-19 per ITD regulations and standards.
- Connecting to the cross access on R36355011 to Pinto Lane which would require cross access through Parcels R36388 & R36388010.
- Access to Lurre Lane to Weitz Road through parcels owned by the applicant.

Based on the number of uses allowed in the “M-1” zone (CCZO Section 007-10-27) and the impact created cumulatively, Canyon Highway District #4 will require future development to submit a traffic impact study (Exhibit 4b).

Essential Services

The area is served by Caldwell Fire District, Vallivue School District, Canyon County Sheriff’s Department, and Canyon County Paramedics/EMTs.

Caldwell Fire District can approve the request subject to compliance with code requirements and conditions such as fire hydrants, aerial fire access roadways, fire apparatus access roads, and turnarounds (Exhibit 4c).

POTENTIAL IMPACTS

The application is not a conditional rezone per CCZO 07-06-07. A development agreement to apply conditions to the request is not agreed to by the applicant. Conditions applied by affected agencies (Exhibit 4), can be completed through county, local agency, and state permitting requirements at the time of development.

COMMENTS

- **Public:** On April 18, 2024, the applicant submitted the following four letters of support: David DeBlasio (Exhibit 8a), Fidel Cardenas (Exhibit 8b), Jesse Prather (Exhibit 8c), and Andy Clapier (Exhibit 8d).
- **Agencies:** See Exhibit 4 for all agency comments received.

PLANNING AND ZONING COMMISSION RECOMMENDATION

On February 15, 2024, after considering all information and testimony at a duly noticed public hearing, the Planning and Zoning Commission recommended that the Board of County Commissioners approve Case No. RZ2023-0001 (Exhibit 7). The request is found consistent with the future land use map in the 2030 Canyon County Comprehensive Plan (Exhibit 3d) and similar to other industrial uses and rezones found in the vicinity (Exhibit 4f). Due to those factors, adequate services, essential services, and access, including addressing traffic impacts, can be completed through county, local agency, and state permitting requirements at the time of development.

DECISION OPTIONS

The Board of County Commissioners may:

- Approve Case No. RZ2023-0001 as recommended by the Planning and Zoning Commission (Exhibit 7).
 - **Action:** Sign the FCOs (Exhibit 9) as presented or as modified, and sign an ordinance amending the County zoning maps (Exhibit 10).
- Deny Case No. RZ2023-0001 and direct staff to bring back revised FCOs.
- Continue the hearing and request the applicant provide additional information.

EXHIBITS

1. Parcel Information Report
2. Applicant's Submitted Information
 - a. Letter of Intent w/correspondence
 - b. Land Use Worksheet with additional information
 - c. Neighborhood Meeting
 - d. Deed
3. Maps
 - a. Aerial
 - b. Vicinity
 - c. Lot Classification
 - d. Future Land Use – County
 - e. Future Land Use – Greenleaf
 - f. Zoning
 - g. Cases w/report
 - h. Plats w/report
 - i. Soils/Farmland w/report
 - j. Dairy, Feedlot, and Gravel Pit
 - k. Contours
 - l. Nitrate Priority/Wells
4. Agency Comments
 - a. Idaho Transportation Department
 - b. Canyon Highway District #4
 - c. Caldwell Rural Fire Protection District
5. Land Use Decision
 - a. RZ2006-8
 - b. RZ2008-2
 - c. RZ2018-0034
 - d. RZ2020-0005
6. Photos: Google Earth 11/2023
7. Planning and Zoning Commission
 - a. Signed FCOs
 - b. Minutes – February 15, 2024
8. Comments
 - a. DeBlasio
 - b. Cardenas
 - c. Prather
 - d. Clapier
9. Draft FCOs
10. Draft Ordinance

R36386 PARCEL INFORMATION REPORT 2/5/2024 8:07:11 AM

PARCEL NUMBER: R36386

OWNER NAME: LURRE LN LLC

CO-OWNER:

MAILING ADDRESS: 307 BADIOLA ST CALDWELL ID 83605

SITE ADDRESS: 18840 SIMPLOT BLVD

TAX CODE: 0590000

TWP: 4N RNG: 4W SEC: 24 QUARTER: NW

ACRES: 27.15

HOME OWNERS EXEMPTION: No

AG-EXEMPT: Yes

DRAIN DISTRICT: DD6

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: CANYON HWY

FIRE DISTRICT: CALDWELL RURAL FIRE

SCHOOL DISTRICT: VALLIVUE SCHOOL DIST

IMPACT AREA: GREENLEAF

FUTURE LAND USE 2011-2022 : Ind

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: Ind

IRRIGATION DISTRICT: NOT In IRRIG_DIST

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0225F

WETLAND: Freshwater Emergent Wetland

NITRATE PRIORITY: NO Nitrate Prio

FUNCTIONAL Classification: Other Principal Arterials

INSTRUMENT NO. : 2023010835

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 24-4N-4W NW SWNW LS TX 4 & 5 & LS HWY

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.



Studio H Architects, PLLC.

306 NE 2nd St.

Meridian, ID 83642

208-283-4593 | jessica@studioharchitects.com

Project Narrative

March 21, 2023

PROJECT:

Simplot Blvd. Rezone

18840 Simplot Blvd.

Caldwell, ID 83607

We are proposing the rezoning of a previously undesignated 27-acre lot to M-1 for light industrial use. The lot is adjacent to other industrial uses and agricultural lots, so this change will not conflict with or interrupt its context.

If you have any questions or concerns, please feel free to reach me at the contact information listed below.

Thank you,

Jessica Heggie, NCARB

Principal Architect, Studio H Architects

jessica@studioharchitects.com

208-283-4593

May 18, 2023
Project No. 22-154
18840 Simplot Blvd.
Legal Description

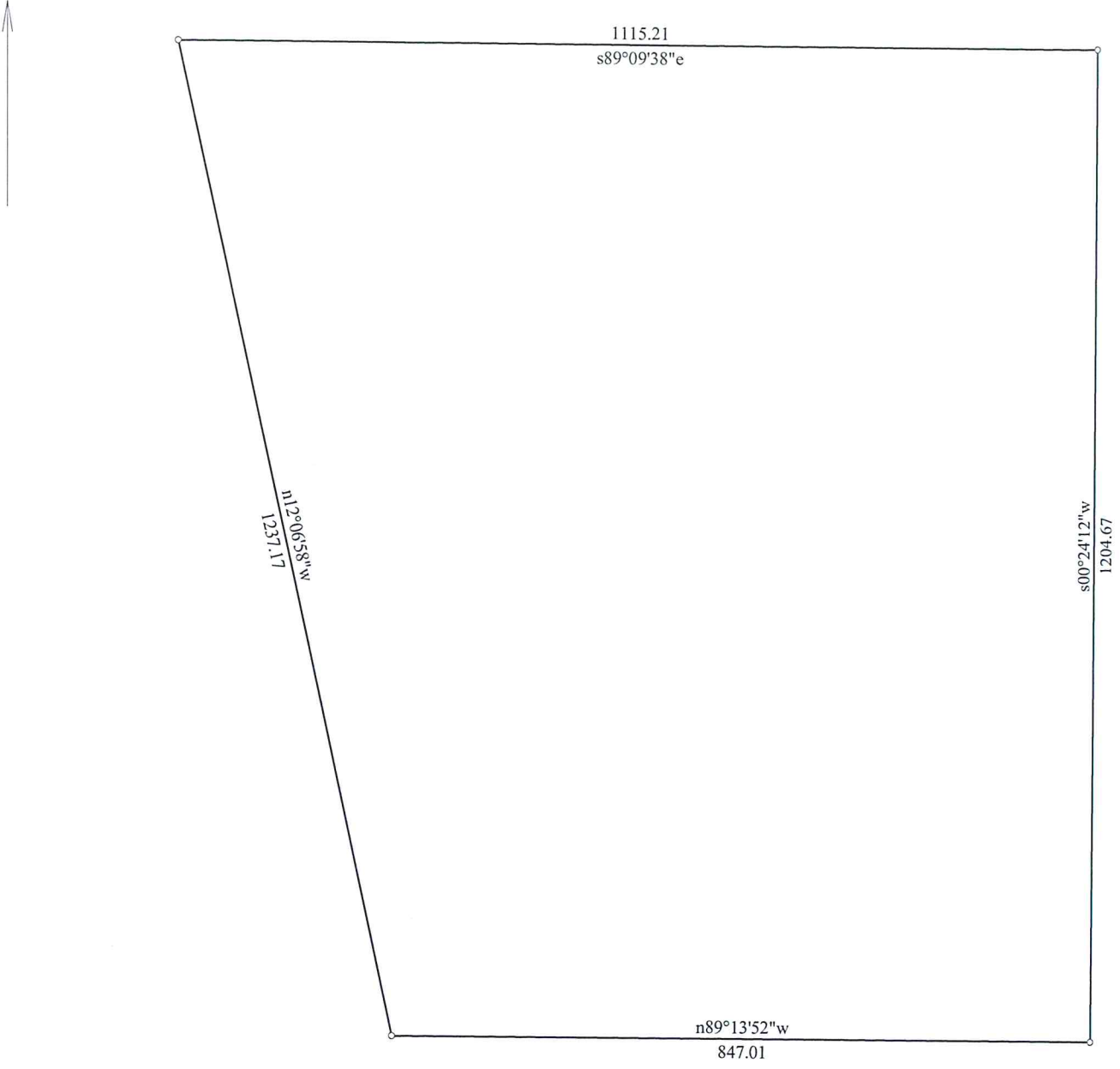
A parcel of land situated in a portion of the Southwest 1/4 of the Northwest 1/4 of Section 24, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho being more particularly described as follows:

Commencing at an aluminum cap marking the Center-West 1/16 corner of said Section 24, which bears S89°08'29"E a distance of 1,320.61 feet from a brass cap marking the West 1/4 corner of said Section 24; Thence N00°24'12"E a distance of 120.00 feet to a 5/8-inch rebar on the northerly right-of-way line of Highway 19 (Simplot Blvd.) and being the **POINT OF BEGINNING**.

Thence following said northerly right-of-way line, N89°13'52"W a distance of 847.01 feet to a 5/8-inch rebar;
Thence leaving said northerly right-of-way line, N12°06'58"W a distance of 1,237.17 feet to a 5/8-inch rebar;
Thence S89°09'38"E a distance of 1,115.21 feet to an aluminum cap marking the Northwest 1/16 corner of said section 24.
Thence S00°24'12"W a distance of 1,204.67 feet to the **POINT OF BEGINNING**.

Said parcel contains 27.146 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.





Title:		Date: 05-17-2023
Scale: 1 inch = 200 feet	File: Deed Plotter.des	
Tract 1: 27.146 Acres: 1182465 Sq Feet: Closure = n63.0311w 0.00 Feet: Precision >1/999999: Perimeter = 4404 Feet		
001=n89.1352w 847.01	003=s89.0938e 1115.21	
002=n12.0658w 1237.17	004=s00.2412w 1204.67	

Dan Lister

From: Mike Greiner <MGreiner@lurre.com>
Sent: Friday, June 2, 2023 11:23 AM
To: Ivan Kowalczyk
Subject: [External] RZ2023-0001 Questions
Attachments: 230518 18840 Simplot Boulevard Parcel Legal Description 22-154.pdf; FW: 18840 Simplot Blvd Development - ITD Communication

Ivan, Good Morning.

All is well, thank you. I trust for you too. See responses to your request/s below.

1. Currently there is no specific plan or need for water and therefore no details available, if and when the need arises we will comply with the requirements of the applicable agencies, SWDH/IDWR as needed.
2. Same as number 1 above. If needed the requirements of SWDH will be complied with.
3. Same as above, these details will be determined and submitted for approval at the appropriate time.

I have attached a legal description, I think during our meeting you indicated you would need this? As well, I have attached the correspondence from ITD indicating access off of hwy 19 at the existing location with a TIS not required until a building greater than 70,000 sf is desired.

Please let me know if you have any questions,

Thank you,

Mike

From: Ivan Kowalczyk <Ivan.Kowalczyk@canyoncounty.id.gov>
Sent: Wednesday, May 31, 2023 9:02 AM
To: Mike Greiner <MGreiner@lurre.com>
Subject: RZ2023-0001 Questions

Dear Mike,

I hope this email finds you well. As we move forward with the evaluation process, we would like to gather more information regarding the provision of potable water, sewer, and drainage on the property.

In order to ensure compliance with local regulations and to address any potential concerns, we kindly request that you provide us with a detailed plan outlining your proposed approach for these essential services. The plan should include the following details:

1. Potable Water: Please outline how you intend to provide a safe and reliable supply of potable water to the property. Specify the water source (e.g., municipal connection, well).
2. Sewer System: Describe your proposed system for managing wastewater and sewage disposal on the property. Include information on the connection to the municipal sewer system, the design of any on-site disposal facilities (septic).

3. Drainage: Provide details on how you plan to handle stormwater drainage on the property. Explain the measures you will take to ensure proper surface water runoff management, including any retention ponds, swales, or other drainage infrastructure.

Additionally, if there are any specific challenges or considerations related to the property that may affect the implementation of these services, please address them in your plan. The plan can be as simple as responding to this email with a detailed plan of action on these matters.

As I move forward in our review process I need to make findings concerning these provisions and the inability to make these findings could create a barrier to approval for rezone by the P&Z commission. Please let me know if you have any questions concerning this.

Respectfully,
Ivan Kowalczyk
Planner I
Canyon County Development Services
208-454-7459
ivan.kowalczyk@canyoncounty.id.gov



LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633

Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

- 1. DOMESTIC WATER:** Individual Domestic Well Centralized Public Water System City
 N/A – Explain why this is not applicable: _____
 How many Individual Domestic Wells are proposed? None

- 2. SEWER (Wastewater)** Individual Septic Centralized Sewer system
 N/A – Explain why this is not applicable: _____

- 3. IRRIGATION WATER PROVIDED VIA:**
 Surface Irrigation Well None

- 4. IF IRRIGATED, PROPOSED IRRIGATION:**
 Pressurized Gravity

- 5. ACCESS:**
 Frontage Easement Easement width _____ Inst. # _____

- 6. INTERNAL ROADS:**
 Public Private Road User's Maintenance Agreement Inst # _____

- 7. FENCING** Fencing will be provided (Please show location on site plan)
 Type: None Height: _____

- 8. STORMWATER:** Retained on site Swales Ponds Borrow Ditches
 Other: _____

- 9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)
ditch.

ANIMAL CARE RELATED USES

1. **MAXIMUM NUMBER OF ANIMALS:** N/A

2. **HOW WILL ANIMALS BE HOUSED AT THE LOCATION?**

- Building Kennel Individual Housing Other _____

3. **HOW DO YOU PROPOSE TO MITIGATE NOISE?**

- Building Enclosure Barrier/Berm Bark Collars

4. **ANIMAL WASTE DISPOSAL**

- Individual Domestic Septic System Animal Waste Only Septic System
 Other: _____



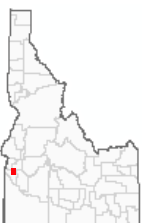
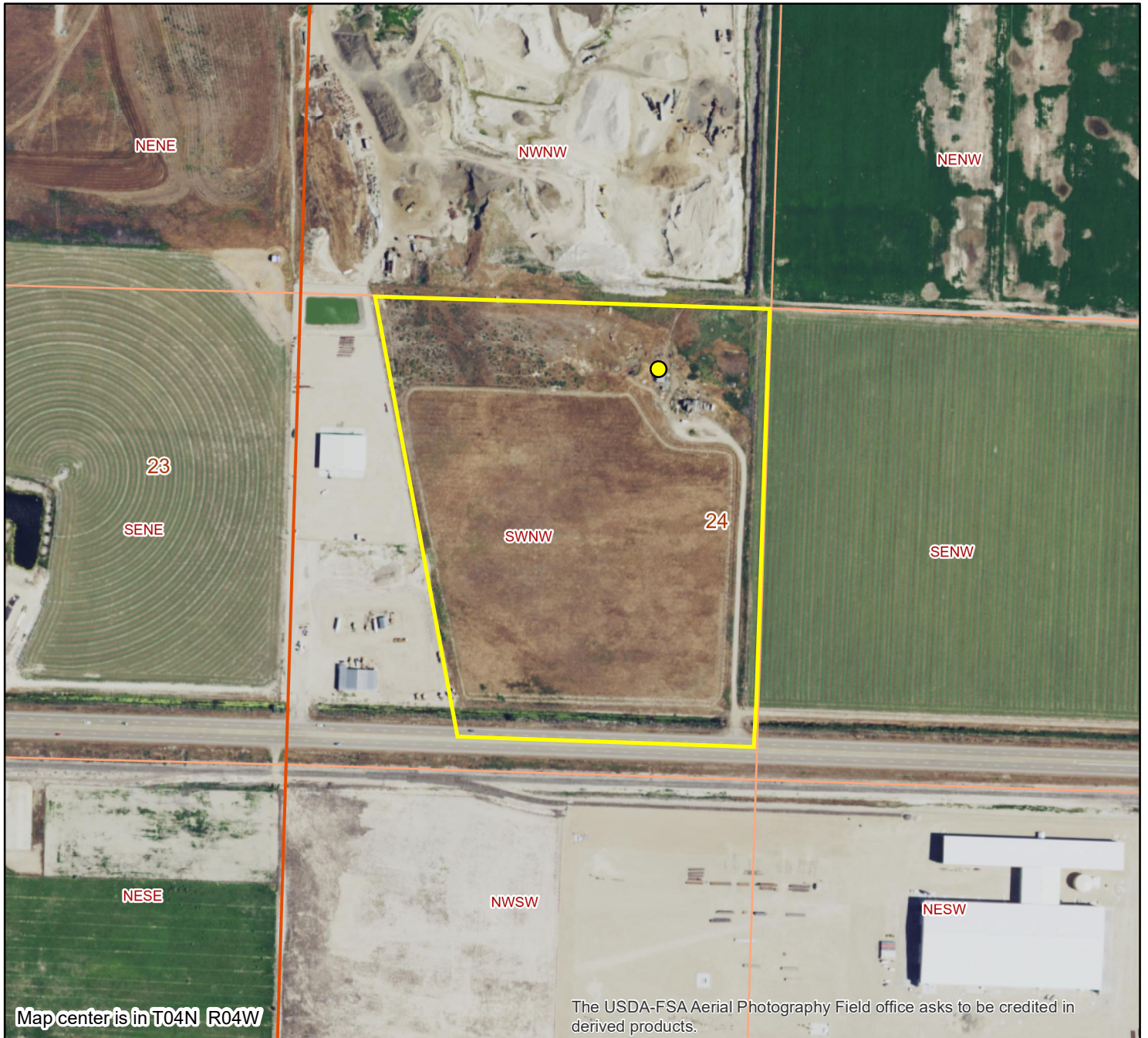
State of Idaho
Department of Water Resources

Water Right

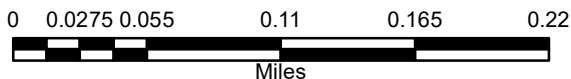
63-2652A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 5/1/2023



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 18840 Simplot Blvd	Parcel Number: R36386
City: Caldwell	State: ID ZIP Code: 83607
Notices Mailed Date: 3/1/23	Number of Acres: 27.16 Current Zoning: N/A
Description of the Request: Zoning map amendment to rezone the parcel for industrial use, M-1.	

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Jessica Haggre		
Company Name: Studio H Architects		
Current address: 302 NE 2nd St		
City: Mendota	State: ID	ZIP Code: 83642
Phone: 208-283-4593	Cell:	Fax:
Email: jessica@studioharchitects.com		

MEETING INFORMATION

DATE OF MEETING: 3/13/23	MEETING LOCATION: On Site
MEETING START TIME: 5:30	MEETING END TIME: 9:44

ATTENDEES: *Only attendees were property owner & commercial broker.

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Mike Kari	<i>Mike Kari</i>	19217 Gold Finch Way Caldwell
2. Jason O'Leary	<i>Jason O'Leary</i>	802 W. Sannock, 12 th floor, Boise
3.		
4.		
5.		
6.		
7.		
8.		
9.		

10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

Jessica Heggie

APPLICANT/REPRESENTATIVE (Signature): Jessica Heggie

DATE: 3/13/23

February 28th, 2023
Studio H Architects
306 NE 2nd St.
Meridian, ID 83642

RE: Neighborhood Meeting Notice for a Project in your Neighborhood

To whom it may concern,

You are invited to a neighborhood meeting to discuss a project we are proposing near your property. The purpose of the meeting is to discuss the project, answer any questions, and listen to your feedback and suggestions.

Meeting Date: Monday, March 13th, 2023

Meeting Time: 5:30pm

Meeting Location: 18840 Simplot Blvd., Caldwell, ID 83607

Project Location: 18840 Simplot Blvd., Caldwell, ID 83607

Project Summary: Rezoning of an undesignated plot of land for M-1 light industrial use.

We look forward to the neighborhood meeting and encourage you to attend. At that time we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this meeting. This is a PREAPPLICATION requirement, and we have not submitted the application for consideration at this time. The County currently has no information on this project.

If you have any questions prior to the meeting, please feel free to reach me at the contact information listed below.

Sincerely,



Jessica Heggie, NCARB
Principal Architect, Studio H Architects

jessica@studioharchitects.com
208-283-4593

2023-010835
RECORDED
04/07/2023 08:40 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=2 JWINSLOW \$15.00
TYPE: DEED
PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

UNOFFICIAL COPY



610 S. Kimball Avenue
Caldwell, ID 83605

ELECTRONICALLY RECORDED-DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT

File No. 828186 VH/HH

WARRANTY DEED

For Value Received Cold Steel Properties LLC, an Idaho limited liability company hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Lurre Ln, LLC, an Idaho Limited Liability Company hereinafter referred to as Grantee, whose current address is 307 Badiola St Caldwell, ID 83605

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: April 4, 2023

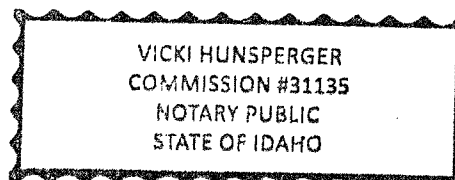
Cold Steel Properties, LLC

By: Michael F. Kane
Michael F. Kane, Manager

State of Idaho, County of Canyon

This record was acknowledged before me on April 5th, 2023 by Michael F. Kane, as Manager of Cold Steel Properties, LLC.

Vicki Hunsperger
Signature of notary public
Commission Expires: _____



Residing in: Caldwell, ID
Commission Expires: 12/02/2028

UNOFFICIAL COPY

UNOFFICIAL COPY

EXHIBIT A

All of the Southwest Quarter of the Northwest Quarter of Section 24, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM that part thereof contained in the following:

BEGINNING at the Southwest corner of the Northwest Quarter of said Section 24; thence North along the Section Line 1,927 feet; thence East 75 feet; thence Southeasterly to a point on the South line of said Northwest Quarter 500 feet East of the POINT OF BEGINNING; thence West 500 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

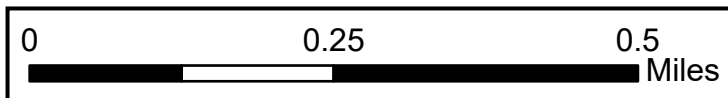
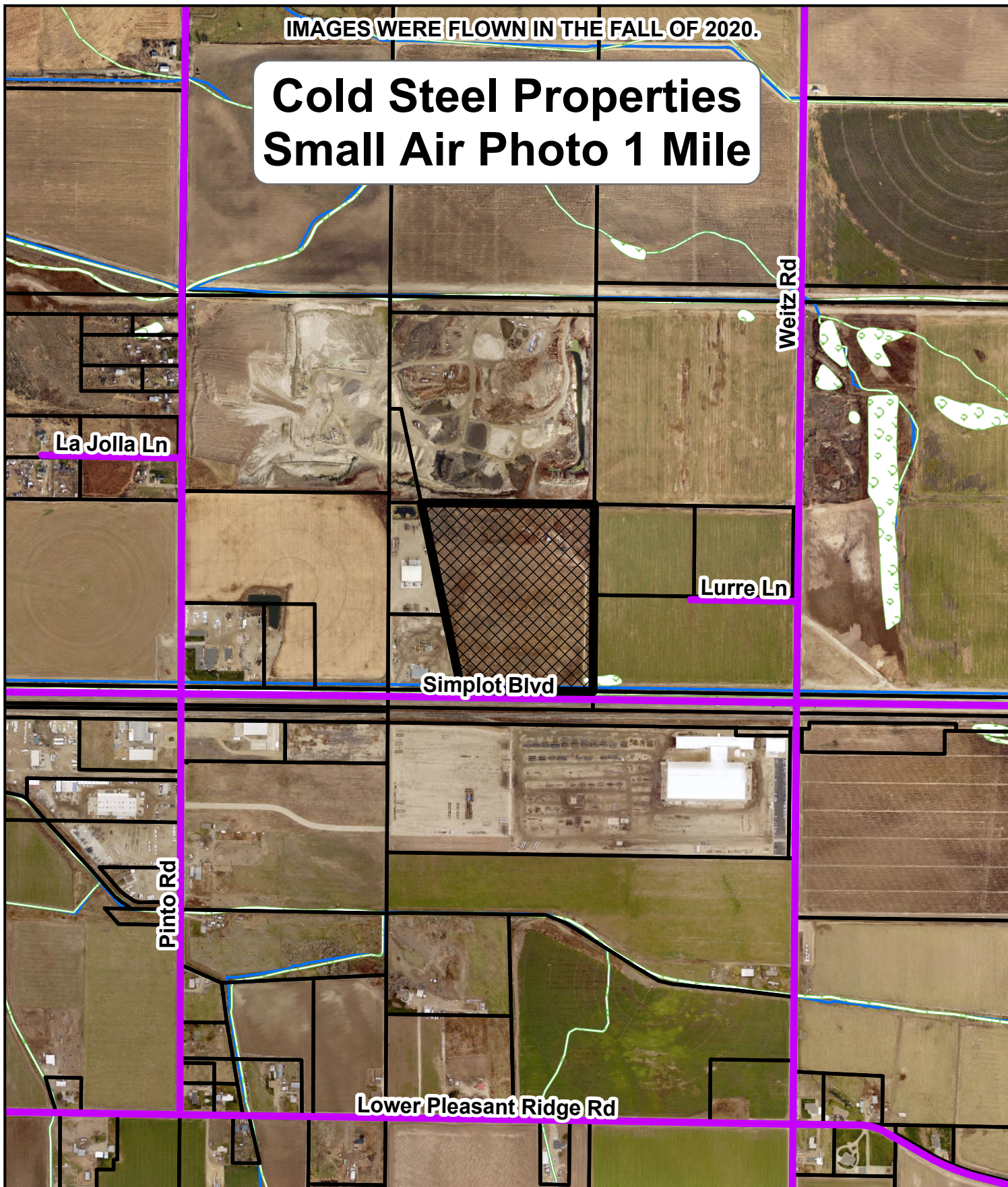
A parcel of land being on both sides of the centerline of State Highway No. 19, Project No. RS-3712 (8) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the Southwest Quarter of the Northwest Quarter, of Section 24, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

COMMENCING at the West Quarter corner of Section 24, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence Easterly (shown of record to be East) along the South line of the Southwest Quarter of the Northwest Quarter of said Section 24, a distance of 500.0 feet, more or less, (shown of record to be 500.0 feet) to the Southeast corner of the tract of land as described in that certain Quitclaim Deed dated January 26, 1960, recorded October 29, 1963, in Book 287 of Deeds at Page 248, as Instrument No. 540567, records of Canyon County, Idaho, and being the REAL PLACE OF BEGINNING; thence North 12° 38' 58" West (shown of record to be Northwesterly) along the Easterly line of said tract of land 122.0 feet, more or less, to a point in a line parallel with and 60.0 feet Northerly from the centerline of said State Highway No. 19 Project No. RS-3712 (8) Highway Survey; thence South 89° 09' 21" East along said parallel line 845.0 feet, more or less, to a point in the East line of said Southwest Quarter of the Northwest Quarter; thence Southerly along said East line 120.0 feet, more or less, to the Southeast corner of said Southwest Quarter of the Northwest Quarter; thence Westerly along the South line of said Southwest Quarter of the Northwest Quarter, a distance of 820.0 feet, more or less, to the REAL PLACE BEGINNING.

UNOFFICIAL COPY

IMAGES WERE FLOWN IN THE FALL OF 2020.

Cold Steel Properties Small Air Photo 1 Mile



Cold Steel Properties Small Vicinity Map

BADIOLA
AC 38.54

LURRE SHOP LLC
AC 35.21

SIMPLOT FEED LOTS INC
AC 40.27

LURRE SHOP LLC
AC 1.96

VISIONARY 2 LLC
AC 27.86

FIVE K LLC
AC 4.75

SUBJECT PROPERTY

L3 PROPERTIES LLC
AC 8.66

Lurre Ln

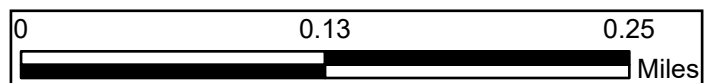
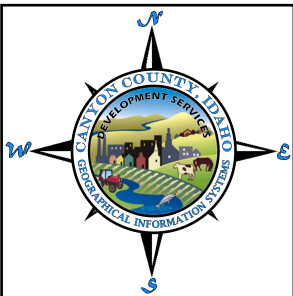
SCHMID AND SCHMID LLC
AC 4.68

LURRE LN LLC
AC 19.39

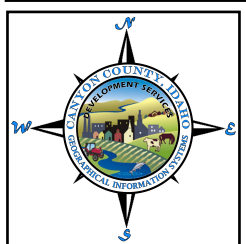
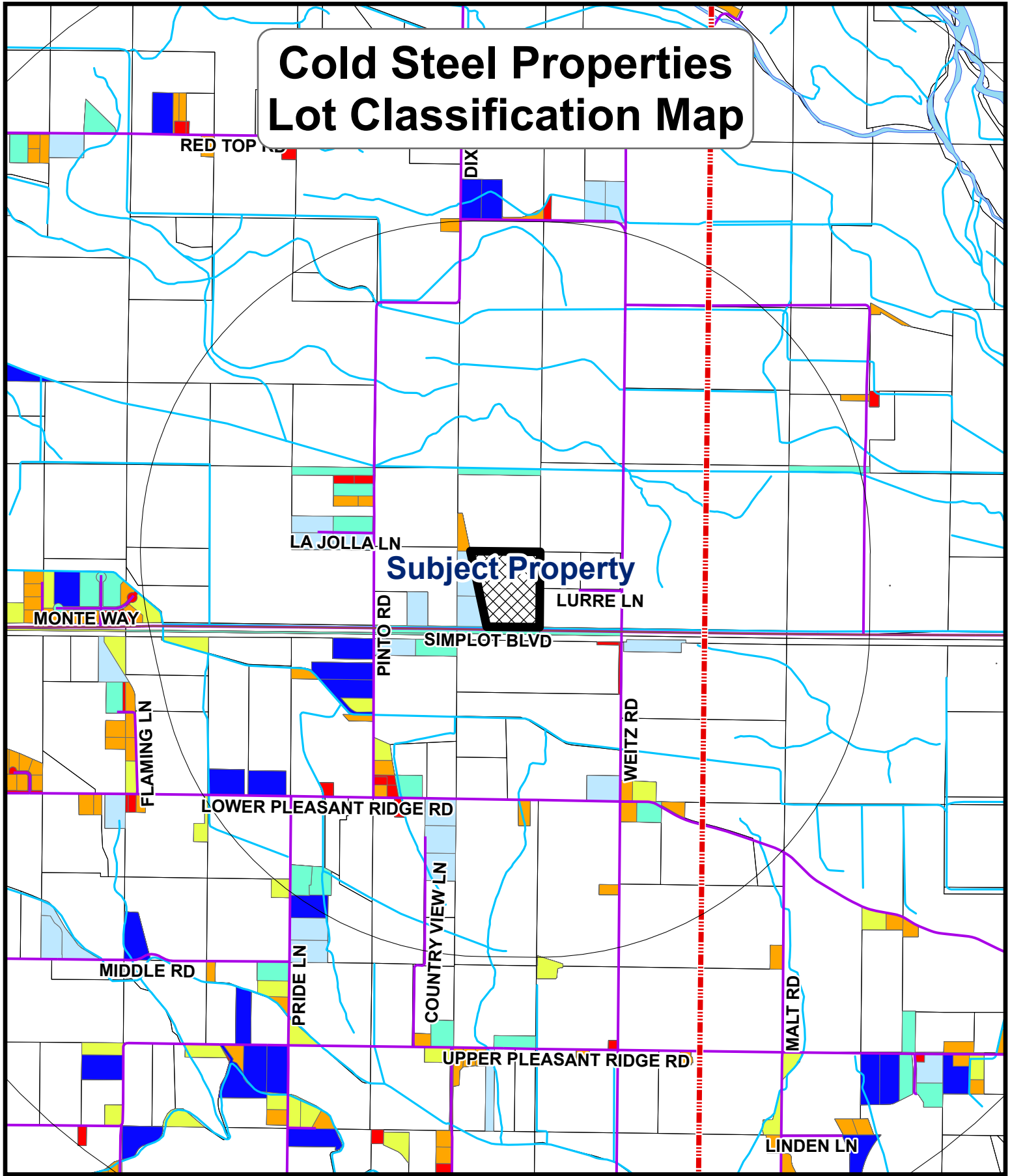
STATE OF IDAHO
AC 3.55

Simplot Blvd

GAYLE MANUFACTURING COMPANY INC
AC 49.3



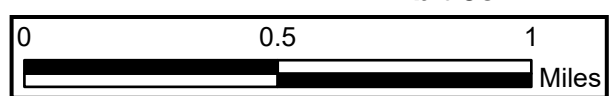
Cold Steel Properties Lot Classification Map



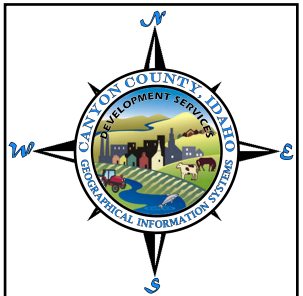
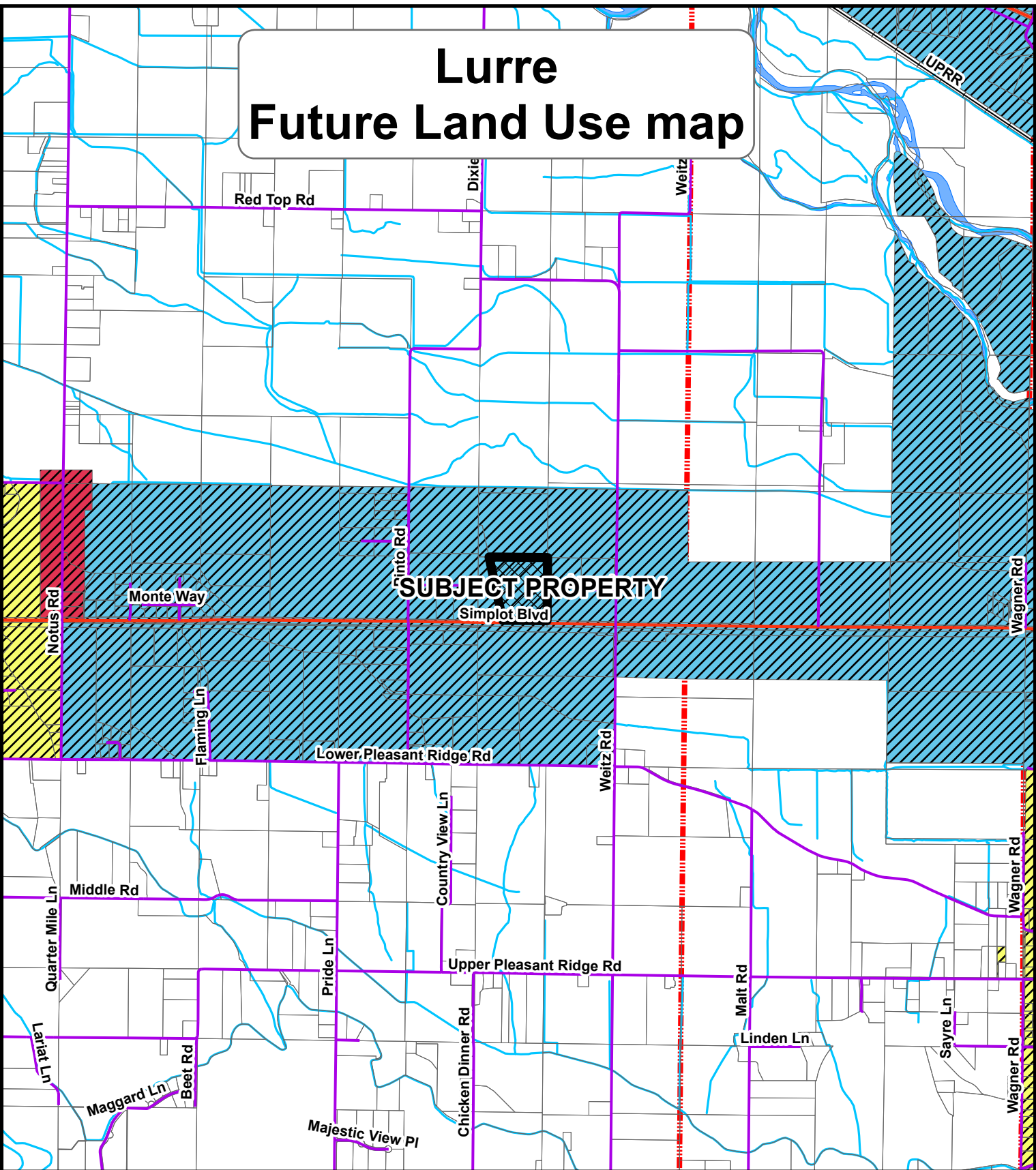
Legend

0.0 - 1.0
1.1 - 2.0
2.1 - 3.0
3.1 - 4.0
4.1 - 5.0
5.1 - 6.0

- Interstate
- Expressway
- Proposed Expressway
- Principal Arterial
- Proposed Principal Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector

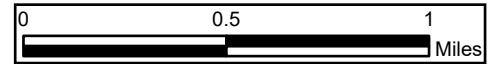


Lurre Future Land Use map

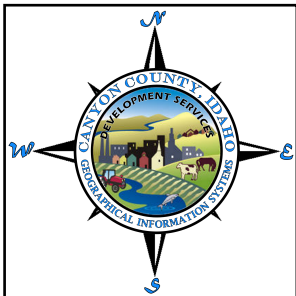
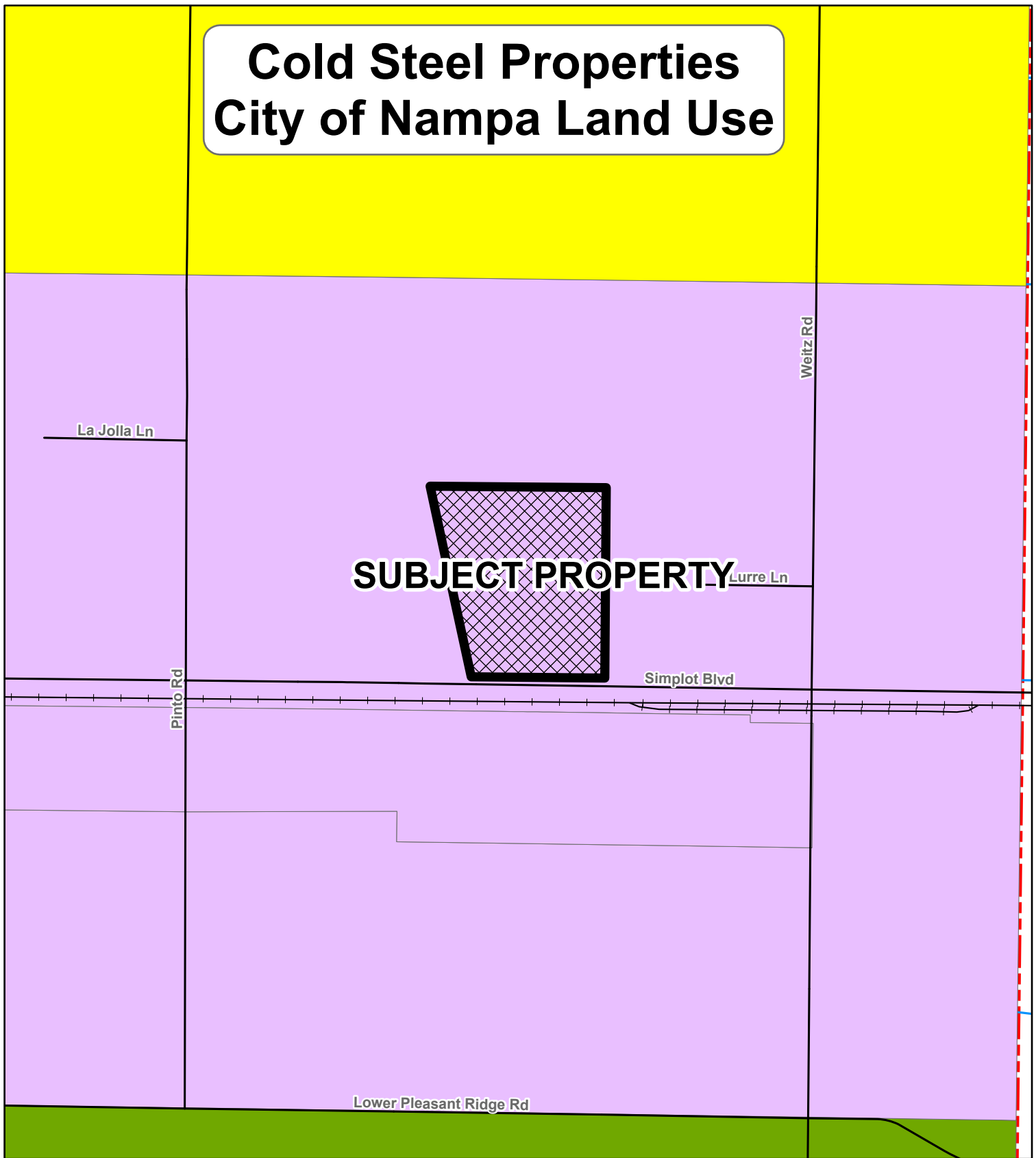


Legend
Future Land Use 2030

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

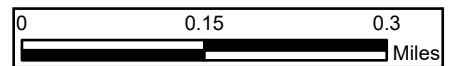


Cold Steel Properties City of Nampa Land Use

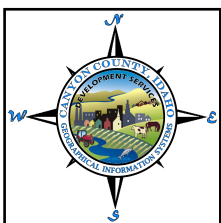
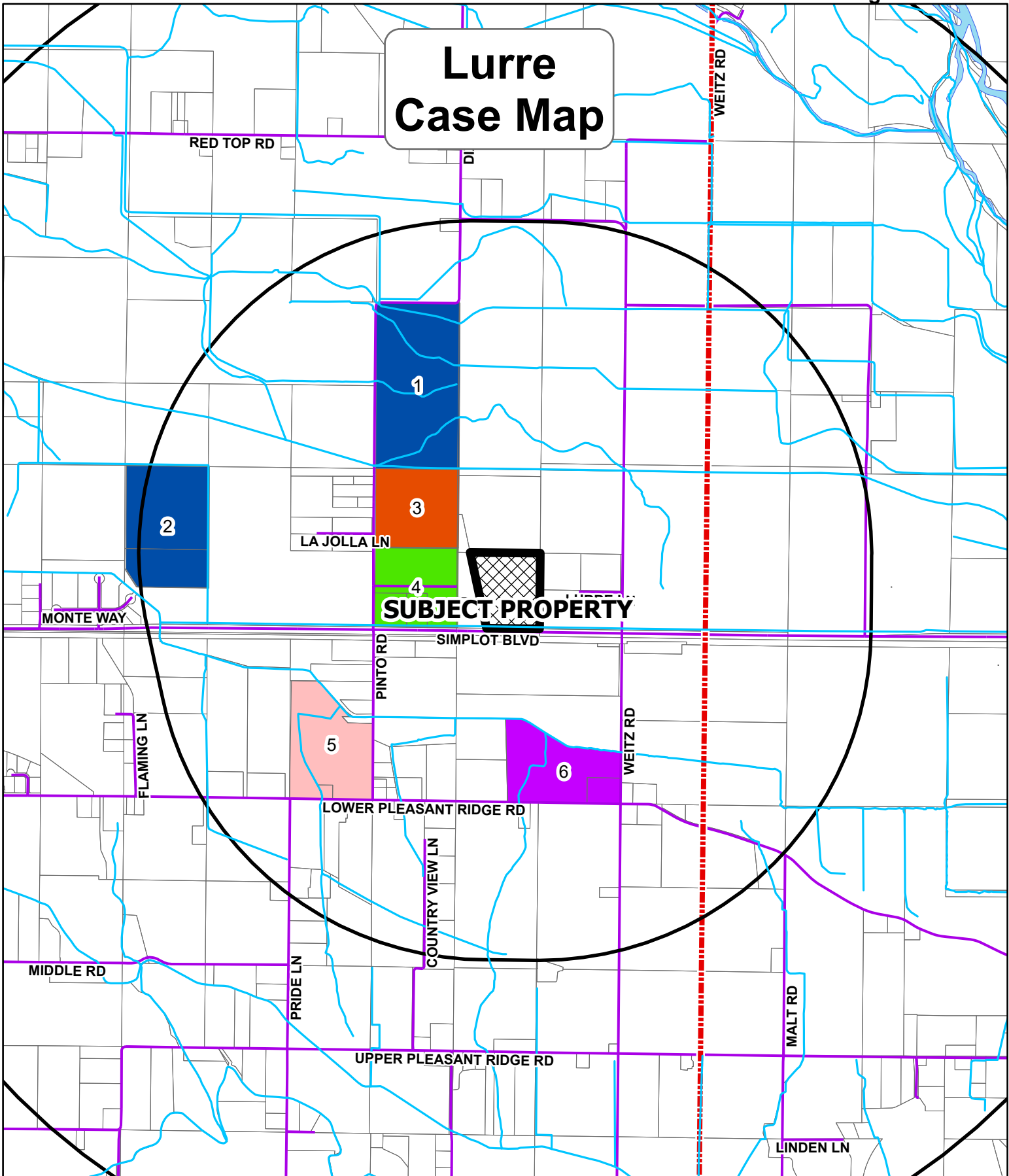


GreenleafCompPlan

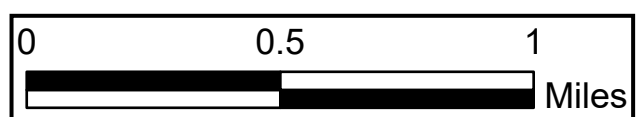
- Agriculture
- Commercial
- High Density
- Industrial
- Industrial Existing
- Low Density Residential
- Low to Mid Density



Lurre Case Map

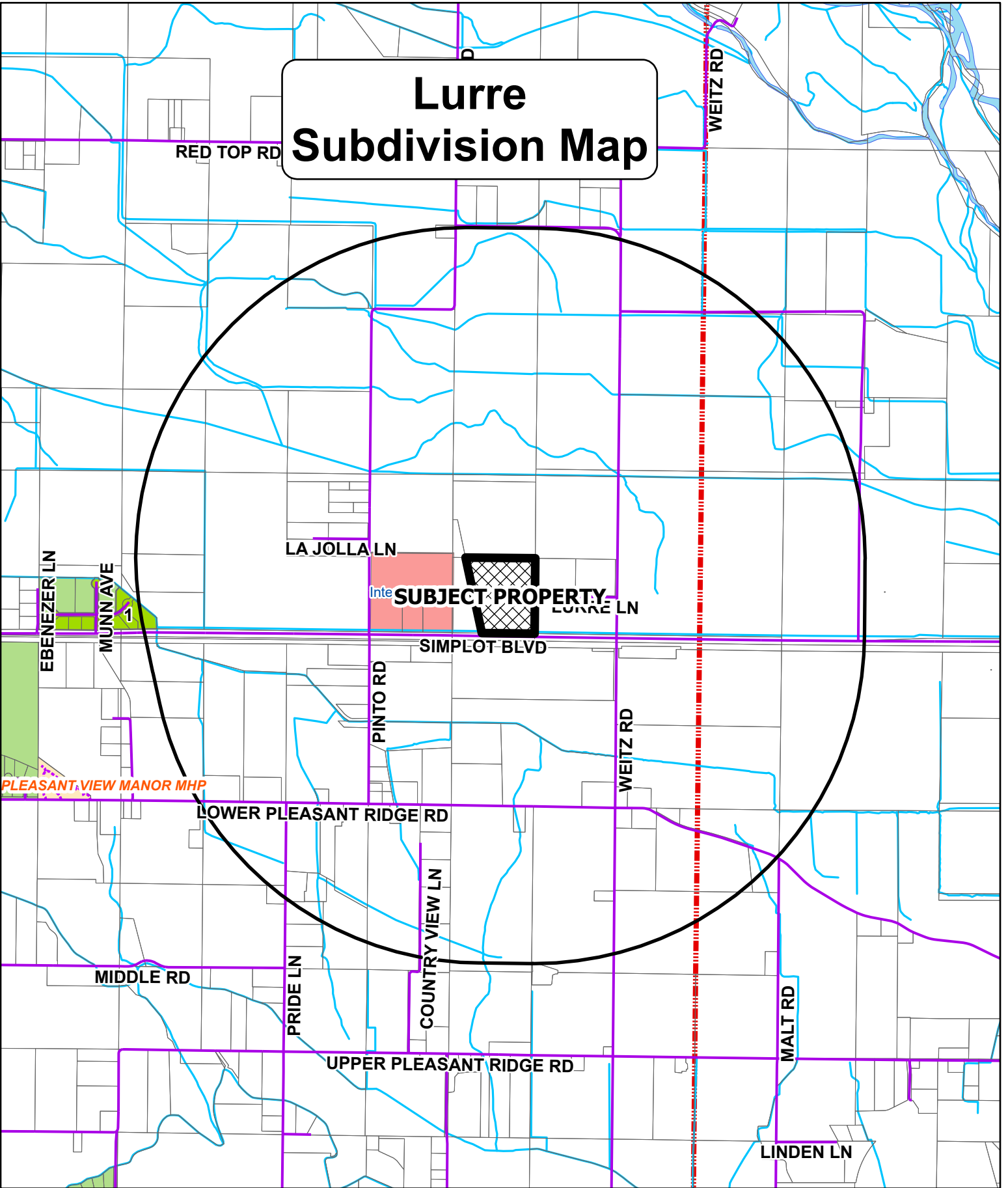


YEAR	
■ 2023	■ 2020
■ 2022	■ 2019
■ 2021	■ 2018



CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	CU2018-0006	Mineral Extraction, hauling, and crushing & asphalt batch plant	Tripple Crown	APPROVED
2	CU2018-0008	CUP MOD	Idaho Material & Construction	APPROVED
3	RZ2018-0034	AG to M1	Badiola John	APPROVED
4	RZ2020-0005	Rezone A to M1	JRP Properties	APPROVED
5	CR2022-0024	conditional rezone A to CR-M1	Anderson	DENIAL
6	RZ2020-0015	Rezone "A" to "M-1"	Wilke	DENIED



Lurre Subdivision Map





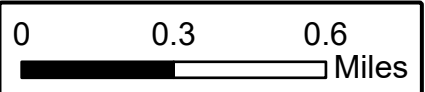
	SUBDIVISIONS
	PrelimSubs

Exhibit 3h



0 0.3 0.6 Miles

SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
1	15.31	11	1.39
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
0	#REF!	#REF!	#REF!
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM
14	19.20	14.03	1.96
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE
0	#REF!	#REF!	#REF!
		MAXIMUM	MAXIMUM
		#REF!	#REF!

PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF ...	Year
MUNN RANCH SUBDIVISION	1	4N4W22	15.31	11	1.39	COUNTY (Canyon)	2008

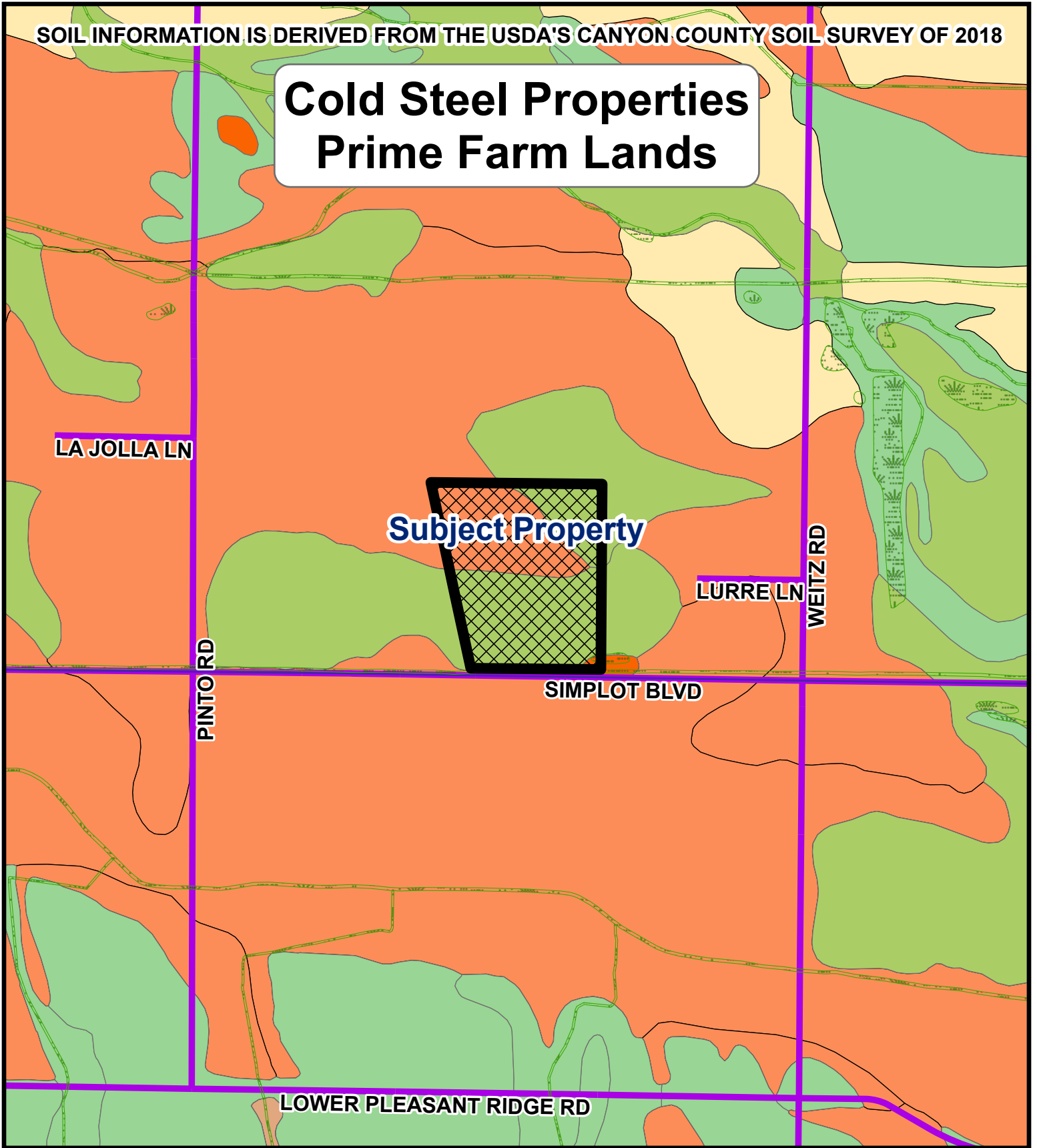
SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

MOBILE HOME & RV PARKS

SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF ...

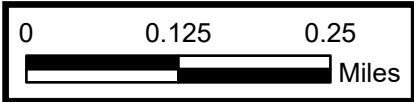
Cold Steel Properties Prime Farm Lands



- TAXLOTS
- City_Limits
- WETLANDS
- 2C_Hydro

FARMLAND

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed of excess salts and sodium



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE
3	MODERATELY SUITED SOIL	431636.04	9.91
3	MODERATELY SUITED SOIL	180991.80	4.16
8	LEAST SUITED SOIL	8929.80	0.21
6	LEAST SUITED SOIL	0.00	0.00
4	MODERATELY SUITED SOIL	560878.56	12.88
		1182436.20	27.15

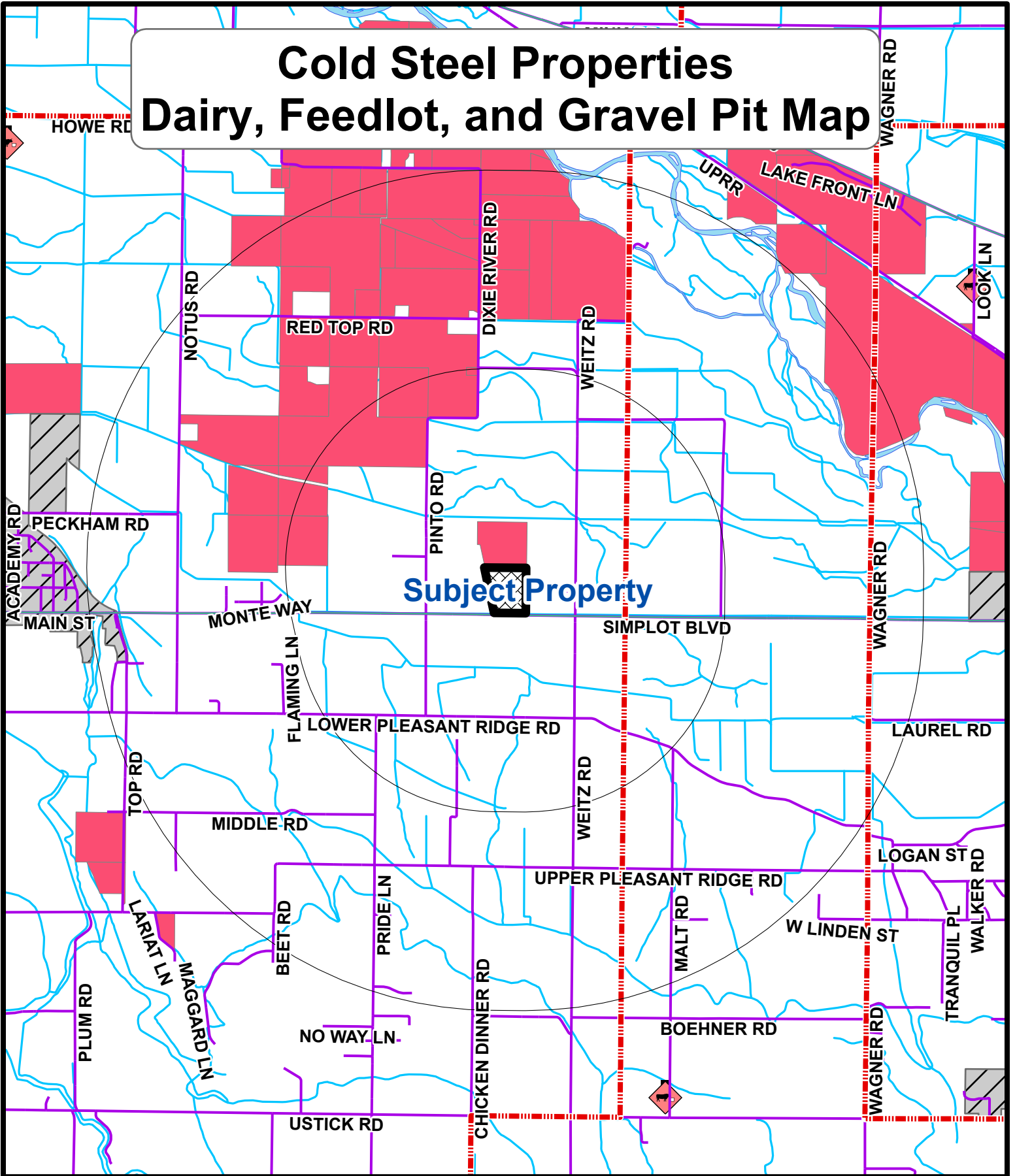
FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE
LsA	Not prime farmland	431636.04	9.91
BdA	Prime farmland if irrigated and reclaimed of excess salts and sodium	180991.80	4.16
Gp	0	8929.80	0.21
BsA	Not prime farmland	0.00	0.00
Gn	Prime farmland if irrigated and reclaimed of excess salts and sodium	560878.56	12.88
		1182436.20	27.15

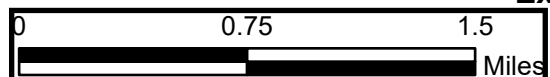
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

GRADE	SOILTYPE
1	BEST SUITED SOIL
2	BEST SUITED SOIL
3	MODERATELY SUITED SOIL
4	MODERATELY SUITED SOIL
5	LEAST SUITED SOIL
6	LEAST SUITED SOIL
7	LEAST SUITED SOIL
8	LEAST SUITED SOIL
9	LEAST SUITED SOIL

Cold Steel Properties Dairy, Feedlot, and Gravel Pit Map

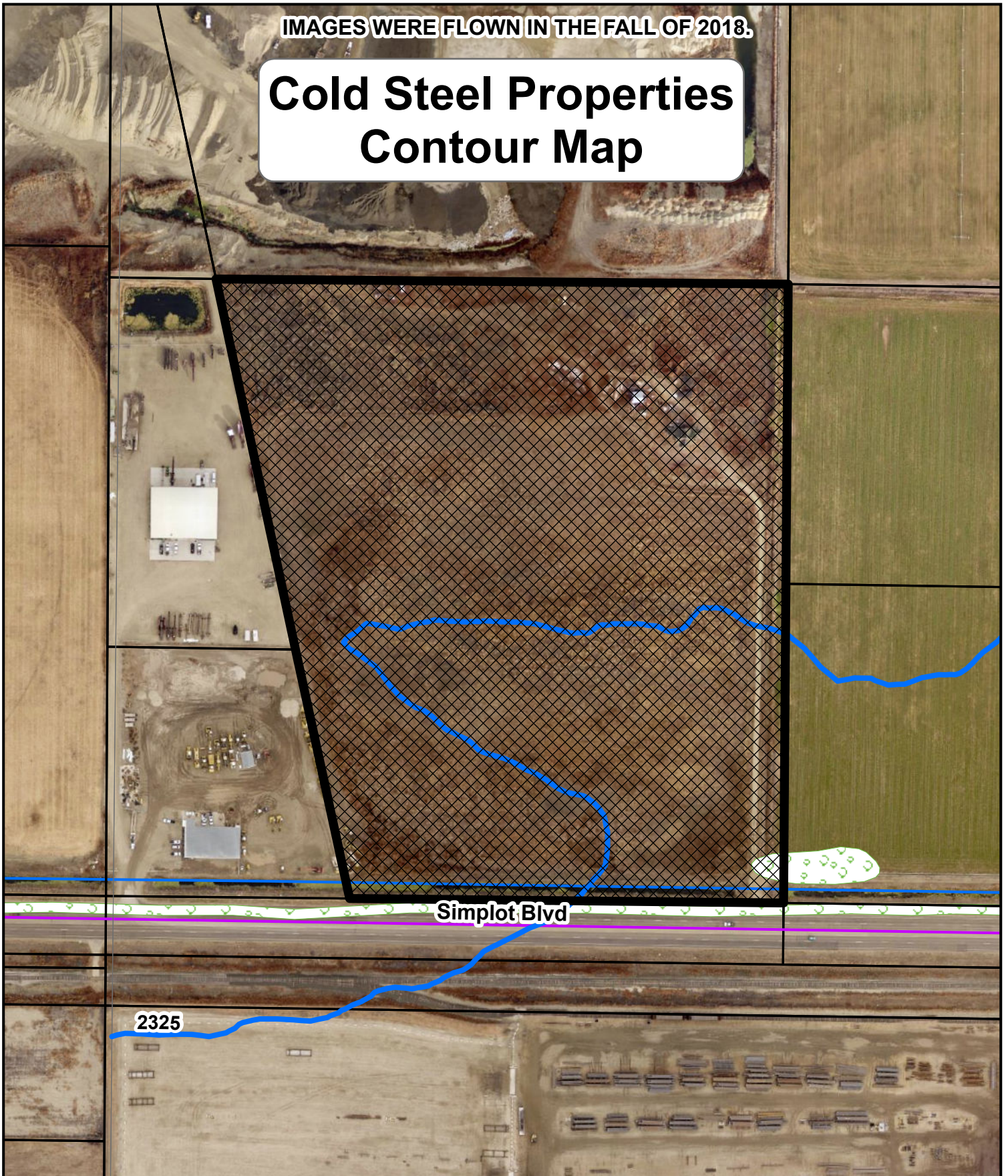


	FEEDLOTS
	DAIRIES
	GRAVELPITS



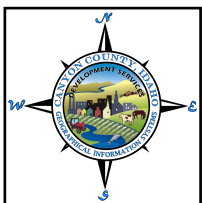
IMAGES WERE FLOWN IN THE FALL OF 2018.

Cold Steel Properties Contour Map



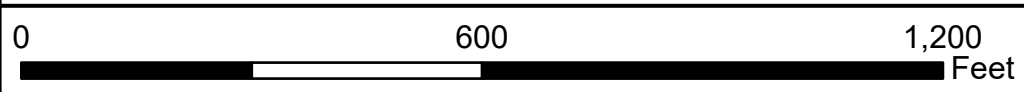
Simplot Blvd

2325



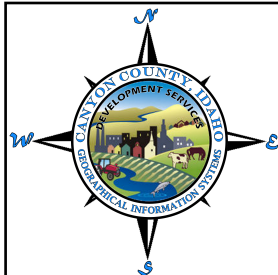
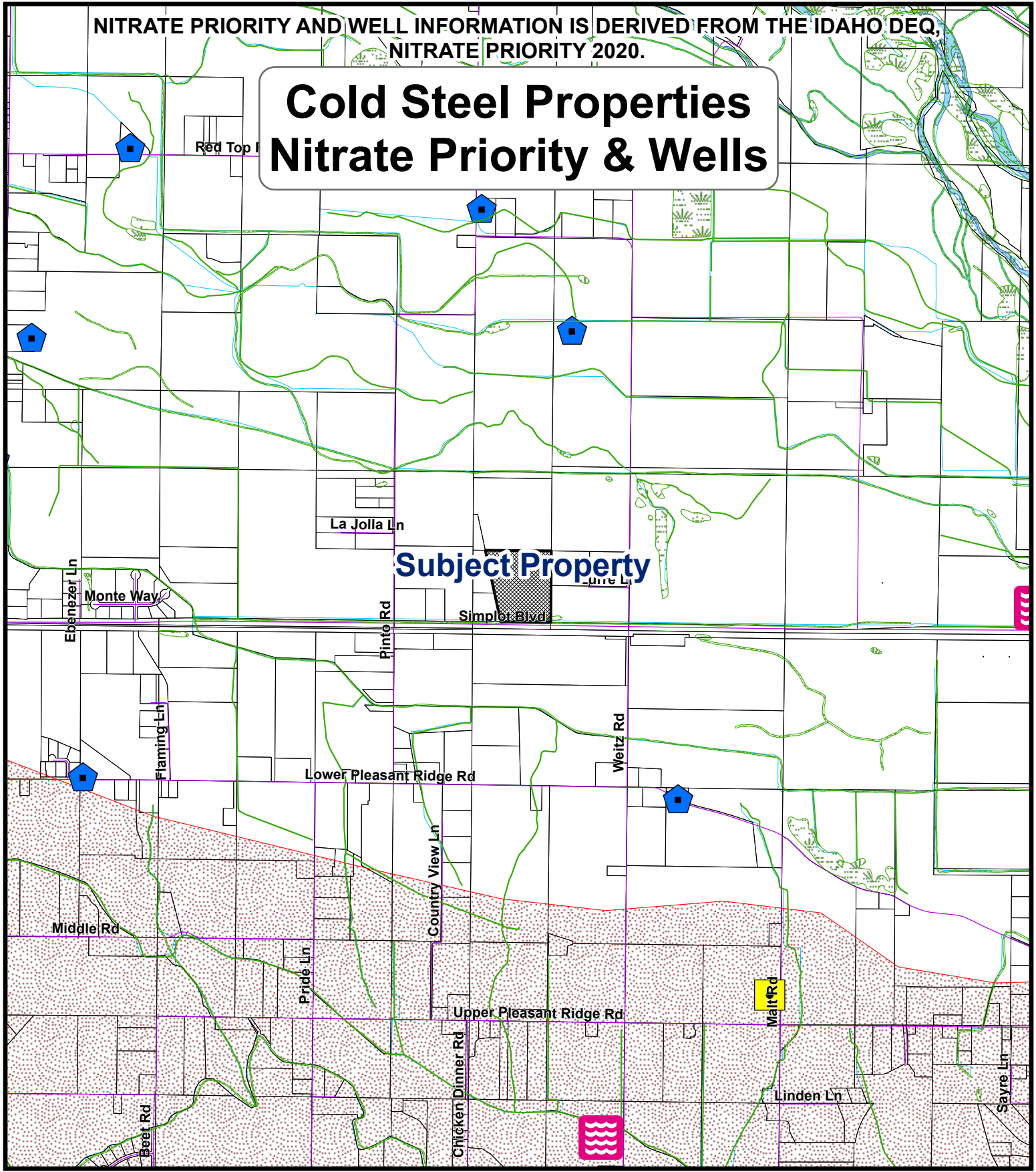
Legend








- SUBJECT_PROPERTY
- TaxParcels
- SectionContours
- Wetlands

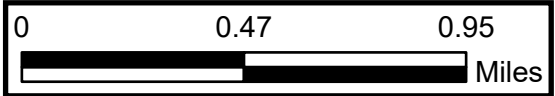


NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ, NITRATE PRIORITY 2020.

Cold Steel Properties Nitrate Priority & Wells



-  GEO-THERMAL LOCATIONS
-  WETLANDS
-  NITRATE_PRIORITY
- DEQ WELLS
N03_MGL**
-  0.005 - 2.00
-  2.00 - 5.00
-  5.00 - 10.00
-  10.00 - 49.80





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

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • itd.idaho.gov

October 31, 2023

Dan Lister
Principal Planner, Canyon County Development Services
111 N 11th Ave. Suite 310
Caldwell, ID 83605

VIA EMAIL

Development Application	RZ2023-0001
Project Name	Cold Steel Properties
Project Location	18840 SH-19 (Simplot Rd) MP 16.3
Project Description	Rezone of approx. 27.16 acres from Agricultural to Industrial
Applicant	Cold Steel Properties & Lurre LN LLC, represented by Studio H Architects

The Idaho Transportation Department (ITD) reviewed the referenced applications and has the following comments:

1. This project abuts the State Highway system.
2. Per the Idaho Administrative Procedures Act (IDAPA) 39.03.42.400.07(b) developments should, if possible, take access from local roads. After reviewing documents pertaining to the private road that was constructed for the parcel to the east, it was determined that access to a public road does not exist. Therefore, ITD will allow access directly to the State Highway with the following conditions:
 - a. When subject parcel develops and industrial uses are determined, ITD will require notice. The need for traffic generation number and turn-lane warrants will be required dependent on final use of land.
 - b. Pursuant to IDAPA 39.03.42.200.09:

The review process shall commence on the day the applicant submits the signed application and makes payment of the initial application fee(s). If the Department determines there is insufficient documentation to process the application, the process will be placed on hold until such documentation has been received. All applications for encroachment permits shall be reviewed and evaluated for current access control requirements, deed restrictions, safety and capacity requirements, design and location standards, or an approved variance of these standards, environmental impacts, location conflicts, long-range planning goals, and the need for an appraisal. A time table for the review process is available at the Idaho Transportation Department Headquarters Office or any District Office.



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

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • itd.idaho.gov

- c. The minimum distance between the neighboring western parcels approach and an approved approach on the applicants parcel is 650'. Please coordinate with ITD Development Services when the time comes for determining the most desirable location for the approach.
 - d. An ITD 2109 Right-of-Way Encroachment Application will need to be approved prior to any work being completed on SH-19. Approved permit applications are valid for one (1) year. Therefore, it is recommended that an application is submitted only after the potential parcel split is finalized and approach location is determined.
3. Pursuant to attached document from Canyon Highway District 4 RE: Administrative Land Division- Canyon County Parcel R3638900000 (parcel directly to the east of subject parcel), the northern property line of the parcel R3638900000 is a 1/16th line and is designated per Canyon County Functional Class Map as a future collector road.
- a. When a future collector road at this location is constructed, ITD will require the access onto SH-19 be removed, returned to curb and access to be taken from public road.

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

Sincerely,

Niki Benyakhlef

Niki Benyakhlef

Development Services Coordinator

Niki.Benyakhlef@itd.idaho.gov



CANYON HIGHWAY DISTRICT No. 4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607
TELEPHONE 208/454-8135
FAX 208/454-2008

March 2, 2021

Canyon County Development Services
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605

John Badiola
15361 Willis Road
Caldwell, ID 83607

RE: Administrative Land Division- Canyon County Parcel R3638900000

This staff report, which consists of 3 pages, represents the letter of acknowledgement for the John Badiola administrative land division request as stated herein [Canyon County Code 07-18-01].

Canyon Highway District No. 4 (CHD4) has reviewed the request for a division of Parcel R3638900000, consisting of 36.34 acres, into four (4) parcels as shown in the concept on page 3.

General

- Weitz Road is a rural major collector under the jurisdiction of CHD4
- Highway 19 is a principal arterial under the jurisdiction of ITD
- North property line of the subject parcel is a 1/16th line and designated per Canyon County Functional Class Map as a future collector road.

At the time development, each parcel shall be required to obtain an approach permit from Canyon Highway District No. 4. The following represent the District's current policies to which the parcels may be subject to at time of development. These standards are subject to change and the standards/policies in effect at the time of approach permit application shall apply.

Access

All parcels shall access Weitz Road via a private road at the location of proposed 60' ingress/egress easement shown on the attached concept (approximately 680' north of Hwy 19/Simplot Blvd centerline). No other direct parcel access to Weitz Road is permitted.

Traffic Impact Study

- Each parcel shall be evaluated at the time of development and may be required to provide a Traffic Impact Study (TIS) addressing the developments traffic impacts, including impacts to Weitz Road & Hwy 19. The parcel development shall be responsible for mitigating traffic impact identified in their TIS.

Right-of-Way Dedication

- Dedication of 50' of right-of-way from the quarter section line for Weitz Road from Hwy 19 north 600' (approximate location of proposed 60' ingress/egress easement/private road) and 40' from the quarter section line for the remainder of the frontage (proposed 60' ingress/egress easement to north boundary of original parcel).

Road Improvements

- Parcels fronting Weitz Road maybe required improve their frontage of Weitz Road consistent with the District's rural collector road standard.
- Any improvements required by the TIS for each parcel, which may include improvements to Weitz Road & Hwy 19.

Weitz Road—Road Cut Moratorium

Weitz Road had an asphalt plant mix pavement overlay completed on 10/9/2020. No cuts into Weitz Road are allowed for utility service installation for the next 5 years. All utilities shall be bored. Pavement cut to create neat line for asphalt widening is acceptable.

These conditions and attachments are based upon the Highway Standards & Development Procedures for the Association of Canyon County Highway Districts 2017 Edition and Policies and Procedures Manual for Canyon Highway District No. 4.

Sincerely,



Timothy Richard
Director
Canyon Highway District No. 4



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

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

June 16, 2023

Ivan Kowalczyk
Planner I, Canyon County Development Services
111 N 11th Ave. Suite 310
Caldwell, ID 83605

VIA EMAIL

Development Application	RZ2023-0001
Project Name	Cold Steel Properties
Project Location	18840 SH-19 (Simplot Rd) MP 16.3
Project Description	Rezone of approx. 27.16 acres from Agricultural to Industrial
Applicant	Cold Steel Properties & Lurre LN LLC, represented by Studio H Architects

The Idaho Transportation Department (ITD) reviewed the referenced applications and has the following comments:

1. This project abuts the State Highway system.
2. Per the Idaho Administrative Procedures Act (IDAPA) 39.03.42.400.07(b) developments should, if possible, take access from local roads. If a development wants direct access to the State Highway system but there is local road access available, the applicant must prove the need for an access on the State Highway system with a Traffic Impact Study.
3. This parcel has access to the SH-19 via Weitz Rd. Due to the size of vehicles entering and exiting an industrial zoned parcel, using the local road as an entrance rather than accessing directly from the State Highway system is required. However, as stated in para 2., if a TIS proves the need for the access, ITD may reconsider.
4. Per the application, the applicant intends to divide the parcel into 3 lots. When the lots are split, further access to the state highway system may be considered at that time.

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

Sincerely,

Niki Benyakhlef

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

Dan Lister

From: Ivan Kowalczyk
Sent: Thursday, May 4, 2023 11:13 AM
To: 'Niki Benyakhlef'
Subject: RE: [External] RE: Industrial Access off of Highway 19

Yes this is super helpful! I'm planning on noticing this case in the coming days so feedback from ITD like this would certainly be helpful. We can certainly recommend conditioning the rezone to not allow the additional accesses and as the full picture comes to us from the applicant in the coming weeks concerning lots and building sizes we can add additional conditions concerning access onto Weitz. Thank you for the information and we will definitely keep in touch!

Respectfully,
Ivan Kowalczyk
Planner I
Canyon County Development Services
208-454-7459
Ivan.kowalczyk@canyoncounty.id.gov

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Thursday, May 4, 2023 11:01 AM
To: Ivan Kowalczyk <Ivan.Kowalczyk@canyoncounty.id.gov>
Subject: RE: [External] RE: Industrial Access off of Highway 19

That's hard to say. When we look at what trigger's a TIS for an industrial development, we look at the total square footage. Along with the square footage, if it abuts the state highway system and if direct access is being requested will factor into requiring a TIS. I'm getting into the habit of asking for turn lane warrants and traffic generations counts first as a way to determine if a full TIS will be required. But, that is only for developments that are "on the fence," so to speak, of requiring a TIS. In this case, I believe even if the lots are split, we will include all lots in the development as a whole. We also would not allow additional accesses based on multiple lots.

Does that help?



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Ivan Kowalczyk <Ivan.Kowalczyk@canyoncounty.id.gov>
Sent: Thursday, May 4, 2023 10:28 AM

To: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Subject: RE: [External] RE: Industrial Access off of Highway 19

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Niki,

I appreciate the feedback! We met with the applicant and their representative (Alan Mills) on the matter on Monday and we did mention the potential need for a TIS. The applicants plan appears to be to split the property into multiple lots for different businesses in a similar fashion to what they did to the east with their private road that exits on to Weitz. Would the additional lots create the need for a TIS because of the additional traffic?

Respectfully,
Ivan Kowalczyk
Planner I
Canyon County Development Services
208-454-7459
Ivan.kowalczyk@canyoncounty.id.gov

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Thursday, May 4, 2023 10:05 AM
To: Ivan Kowalczyk <Ivan.Kowalczyk@canyoncounty.id.gov>
Subject: [External] RE: Industrial Access off of Highway 19

Hello Ivan –

I also found this. This is my last communication I had with the developers in reference to this site.



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Niki Benyakhlef
Sent: Thursday, May 4, 2023 9:51 AM
To: Ivan Kowalczyk <Ivan.Kowalczyk@canyoncounty.id.gov>
Subject: RE: Industrial Access off of Highway 19

Hello Ivan!

Thanks for reaching out and getting our input. As a general rule, ITD would prefer developments to take access onto public roads is available instead of taking access directly onto the state highway.

Since the referenced applicant has access available onto Weitz Rd via their private road, that would be preferred.

With that being said, we may still require mitigation at Weitz Rd and SH-19. I would like to request traffic generation counts as well as turn lane warrants along with the total square footage of the facility. This will help me determine if we will need a TIS.

Please let me know if this doesn't answer your questions, or if you need further clarification.



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Ivan Kowalczyk <Ivan.Kowalczyk@canyoncounty.id.gov>
Sent: Monday, May 1, 2023 3:24 PM
To: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Subject: Industrial Access off of Highway 19

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Hello Niki,

I'm Ivan Kowalczyk, Planner I at Canyon County Development Services. I am reaching out to you today to just get some feedback on a case that I have concerning a rezone to industrial property off Highway 19. The address is 18840 Simplot Blvd. The applicants have indicated they wish to take access off the highway directly however we did express concerns about industrial activities, particularly those companies with large construction and earthmoving equipment doing this. I'm reaching out to ITD to get your thoughts on this kind of access on to the highway and what kind of conditions or alternatives you would like to see the owners do if the rezone is approved. We did let them know that it would probably be more viable to take access off of Weitz Rd and use their private road, Lurre Ln to access the parcel. Please let me know your thoughts and if you have any questions or need clarification please let me know.

Respectfully,
Ivan Kowalczyk
Planner I
Canyon County Development Services
208-454-7459
Ivan.kowalczyk@canyoncounty.id.gov

Dan Lister

From: Jason O'Vey <jasono@leeidaho.com>
Sent: Friday, January 20, 2023 9:37 AM
To: Mike Greiner
Subject: FW: 18840 Simplot Blvd Development - ITD Communication

Mike-

Here is the email correspondence we have with ITD.

Niki is the primary point of contact for the property, but Vince is who lead our meeting and provided the most feedback. I reached out to her earlier this week to confirm you could build up to 70,000sf without triggering a Traffic Impact Study.

Jason O'Vey, Principal

Lee & Associates Idaho, LLC

C 208.695.8787

jasono@leeidaho.com

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Date: Friday, January 20, 2023 at 7:14 AM
To: Jason O'Vey <jasono@leeidaho.com>
Cc: Mike Kane <mikeofiron@gmail.com>, Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>
Subject: RE: 18840 Simplot Blvd Development - 27.146 acres

Hello Jason,

Thank you for touching base with me.

For Industrial developments, anything greater than 70,000 sf will require a TIS. The permit will be reviewed during the same time as your TIS. As of right now, our current TIS review timeframe is approximately 6-8 weeks from the time of receipt.

If you have any questions about the Permit process, or any other process along the way, please don't hesitate in reaching out and contacting me.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services

O: 208.334.8337

C: 208.296.9750

Email: niki.benyakhlef@itd.idaho.gov

Website: itd.idaho.gov

From: Jason O'Vey <jasono@leeidaho.com>
Sent: Tuesday, January 17, 2023 9:54 AM

To: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>

Cc: Mike Kane <mikeofiron@gmail.com>; Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>

Subject: Re: 18840 Simplot Blvd Development - 27.146 acres

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Good morning Niki-

I am following up on our meeting from last October. We are working with a manufacturer that has significant interest in locating on the property at 18840 Simplot Blvd.

I was reviewing my notes from our meeting with you, Vince and Mike and I wanted to see if you could confirm a couple items for me.

- We would need to file for an Encroachment Permit for the existing 30 foot access drive. (We would likely want to increase size to 35' or 40' to accommodate truck movement). How long is the review process for this application?
- Based on the existing 5 lanes including center turn lane, we would be able to kick off the development of roughly 70,000 to 75,000 sf prior to triggering a traffic study. Just want to confirm this approximate square footage is accurate?

For easy reference, I have attached a copy of the boundary survey we completed and aerials of the site.

Thanks you, and we look forward to your feedback.

Jason

Jason O'Very, Principal

Lee & Associates Idaho, LLC

C 208.695.8787

jasono@leeidaho.com

From: Jason O'Very <jasono@leeidaho.com>

Date: Monday, October 3, 2022 at 9:21 PM

To: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>, Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>

Cc: Mike Kane <mikeofiron@gmail.com>

Subject: Re: 18840 Simplot Blvd Development

Niki and Vince-

Thank you for taking time to meet with us today. It was very helpful to get your feedback on our preliminary plans for the Simplot Blvd property.

Niki-

Congratulations on your first day in your new role! Mike and I look forward to working with you.

Thanks again!

Jason

Jason O'Very, Principal

Lee & Associates Idaho, LLC

C 208.695.8787

jasono@leeidaho.com

From: Jason O'Very <jasono@leeidaho.com>
Date: Thursday, September 29, 2022 at 2:15 PM
To: Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>
Cc: Mike Kane <mikeofiron@gmail.com>, Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Subject: Re: 18840 Simplot Blvd Development

Vince-

Thanks for the phone call and email. I just left you a voice message as well. We will plan to see you on Monday at 4:15 at the District office. (8150 Chinden Boulevard)

Have a nice weekend.

Jason

Jason O'Very, Principal
Lee & Associates Idaho, LLC
C 208.695.8787
jasono@leeidaho.com

From: Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>
Date: Thursday, September 29, 2022 at 11:55 AM
To: Jason O'Very <jasono@leeidaho.com>
Cc: Mike Kane <mikeofiron@gmail.com>, Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Subject: RE: 18840 Simplot Blvd Development

Hello Jason,

I tried calling but your mailbox is full. We can arrange a meeting tomorrow at the District Office if you would like or Monday (10/3) at 4:15.

Thanks. VT

Vincent Trimboli
District 3, Planning and Development Services Manager
Office: 208.334.8817
Cell: 208.949.3712



YOUR Safety •••▶ **YOUR Mobility** •••▶ **YOUR Economic Opportunity**

From: Jason O'Very <jasono@leeidaho.com>
Sent: Friday, September 23, 2022 4:04 PM
To: Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>
Cc: Mike Kane <mikeofiron@gmail.com>
Subject: FW: 18840 Simplot Blvd Development

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Good afternoon Vincent-

I am reaching out to you to see if we can schedule a time to discuss access to the property at 18840 Simplot Blvd. (Hwy 19)

We are looking at developing an industrial building on the site and wanted to visit with the appropriate individual at ITD. Steve Fultz at the City of Caldwell referred us to you as a point of contact.

Would you be available anytime next Wednesday through Friday that we can come visit with you?

If we need to visit with someone else at ITD, if you would please direct us that direction it will be much appreciated!

My contact information is below, and we look forward to meeting you.

Jason

Jason O'Very, Principal

Lee & Associates Idaho, LLC

C 208.695.8787

jasono@leeidaho.com

From: Steve Fultz <sfultz@cityofcaldwell.org>

Date: Friday, September 23, 2022 at 8:19 AM

To: Jason O'Very <jasono@leeidaho.com>

Subject: RE: 18840 Simplot Blvd Development_Conceptual Site Plan.pdf

Jason:

Thanks for the email...and sorry I had to cut our conversation short the other day.

Here is another contact at ITD:

Vincent Trimboli Vincent.Trimboli@itd.idaho.gov

This is the contact that our Public Works Director shared with me...hopefully this helps.

Let's reconnect soon.

Steve

Steve Fultz, MCRP

Planning and Zoning Director

621 Cleveland Blvd.

P.O. Box 1179

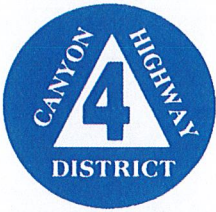
Caldwell, ID 83606

sfultz@cityofcaldwell.org

208-455-4666

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June 14, 2023

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

RE: **RZ2023-0001**
Rezone from A to M-1 Light Industrial
Canyon County Parcel R36386 aka 18840 Simplot Rd

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the agency notice and application for a Rezone of Parcel R36386 (aka 18840 Simplot Rd) from Agricultural to M-1 (Light Industrial) Zone. CHD4 offers the following comments on the proposed use:

General

The subject property consists of 1 parcels totaling approximately 27 acres, located in the NW ¼ Section 24 T4N R4W, and lying north of SH 19 (Simplot Rd) between Weitz Rd and Pinto Rd. The subject property has approximately 800-feet of frontage SH 19 along the southerly boundary, and does not have frontage on any other public roadway.

SH 19 is a principal arterial roadway classification under jurisdiction of Idaho Transportation Department, and it appears to be further classified as rural regional route. Access to SH 19 for purposes of future development is at the sole discretion of ITD.

Existing Access

The subject property is currently served by a gravel driveway approach to SH 19 near the southeast corner of the subject property.

Future Access for Industrial Development

Access for future industrial development of the subject property may be obtained via:

- Direct access to SH 19 as may be approved by ITD. This access could be restricted to right-in-right-out in the future by ITD in accordance with their current access policy.
- CHD4 has negotiated a cross access easement for an industrial development located on Parcel R36355011, which has frontage on Pinto Lane. CHD4 will seek similar cross access easements through any future development or rezone of Parcels R36388 and R36388010, which lie immediately west of the subject property, such that a private road access to Pinto Lane may become available to the subject property via future development.
- The subject property appears to be currently owned by Lurre Ln, LLC, which also owns the parcel(s) east of the subject property, and could grant access via a private road easement to Weitz Rd.

Transportation Impacts:

The proposed rezone will create approximately 27 acres of light industrial zoning. Trip generation frequency varies considerably across the various uses allowed in this zone, but it is anticipated that the cumulative impacts of the entire 27 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.

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

Canyon County code Chapter 7 Section 19-10 requires a 70-foot building setback to any section line or quarter section line. These setbacks are in effect along the southerly boundary of the subject property.

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_ SH 19- RZ2023-0002 Cold Steel Industrial Rezone



Date 5/22/2023

Canyon County – Planning and Zoning
Re:

Dear, Bonnie Puleo, Hearing Specialist

This is a request for Case No.RZ2023-0001: The applicant, Cold Steel Properties and Lurre Ln LLC, represented by Studio H Architects, is requesting a rezone of approximately 27.16 acres from an "A" (Agricultural) zone to a M- 1 zone industrial zone. The subject property is located at 18840 Simplot Rd also known as parcel number R36386 a portion of the NW quarter of Section 24, T4N, R4W, BM, Canyon County, Idaho. The property is currently agricultural with one residence and associated accessory buildings, to be removed if approved. Cold Steel Properties sold the property to Lurre Ln LLC in April of 2023 and Lurre intends to divide the parcel into at least 3 lots for industrial businesses after approval of the rezone. As the new property owners, questions about their intended land use should be directed to Lurre Ln LLC.a Preliminary/Final Plat for a Subdivision with 419 buildable lots on (R3247901200 approximately 24.18 acres) and (R3247900000 approximately 15.98 acres).

The Caldwell Rural Fire Protection District has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the 2018 International Fire Code (IFC) as adopted by the Idaho State Fire Marshal's Office.

Comments:

1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
2. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105)
3. Roadway serving a fire hydrant shall be a minimum of 26-feet in width. (IFC D103.1)
4. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
5. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)



6. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
7. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
8. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 80,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)
9. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)
10. Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5).
11. All access shall comply with 2018 IFC, Appendix D
12. Fire suppression systems may be required and shall be reviewed and approved by this office prior to installation and occupancy.
13. Infrastructure (Water, Access, Street signs) shall be in place prior to vertical construction.

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and City of Caldwell Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Regards,

Alan Perry
Deputy Chief
Fire Marshal
Caldwell Rural Fire Protection District
Aperry@cityofcaldwell.org

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF)	CASE NO. RZ2006-8
)	
)	
LURRE CONSTRUCTION, INC.)	
)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
)	AND ORDER
A request by LURRE CONSTRUCTION, INC.)	
to Rezone two (2) parcels totaling approximately)	
71.18 acres from an "A" Agricultural Zone to an)	
"M-1" (Light Industrial) Zone.)	
The Canyon County Hearing Examiner recommends))	
approval of the requested Rezone.)	
Lurre Construction, Inc. requests a hearing before)	
the Canyon County Board of Commissioners on)	
this issue.)	
_____)	

A hearing was scheduled before the Board of County Commissioners (hereinafter "Board") on October 4, 2007, for the purpose of considering Lurre Construction, Inc.'s (hereinafter "Applicant/Appellant") request for a rezone of two (2) parcels totaling approximately 71.18 acres from an "A" Agricultural Zone to an "M-1" Light Industrial Zone.

The following persons were in attendance at the October 4, 2007 hearing: Canyon County Commissioner Steven J. Rule; Canyon County Commissioner David J. Ferdinand II; Deputy Clerk, Monica Reeves; Jennifer Maldonado, Canyon County Development Services Department (hereinafter "DSD"); Carlton R. Ericson, Deputy Prosecuting Attorney; and Applicant's

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER, LURRE CONSTRUCTION, INC.; RZ2006-8

representative David Cockerum, who spoke in favor of the application.

SUMMARY OF THE RECORD

The record in this appeal is comprised of:

1. County Exhibit Nos. 1–8.

PROCEDURAL ITEMS

1. A public hearing on the Applicant’s initial request for a rezone was held before the Canyon County Planning and Zoning Commission (hereafter “Commission”) , which recommended approval of such application;
2. On February 1, 2007, the Commission issued its Findings of Facts, Conclusions of Law and Decision recommending the approval of the proposed zoning amendment;
3. Following the recommended approval of the rezone application by the Commission, the matter was set for hearing before the Board;
4. On or about September 11, 2007, persons owning property within three-quarter (3/4) mile of the site and selected agencies were notified of the hearing by mail. On or about September 21, 2007, a hearing notice was posted on the site;
5. Legal notice of the Board’s hearing was published in the Idaho-Press Tribune on or about September 15 and 16, 2007.

PROCEDURAL ITEMS

1. **Jennifer Maldonado**, DSD, testified at the hearing before the Board. Such verbal testimony and/or the written Canyon County Department of Development Services

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER, LURRE CONSTRUCTION, INC.; RZ2006-8

STAFF REPORT reflects that:

- a. The subject property is located on the north side of Simplot Blvd. at the northwest corner of the intersection of Simplot Blvd. and Weitz Road, Caldwell, Idaho, in a portion of the NW 1/4 of Section 24, T4N, R4W, BM;
- b. Applicant requests a rezone two (2) parcels totaling approximately 71.18 acres from an "A" Agricultural zone to an "M-1" Light Industrial zone;
- c. The property is located one (1) mile west of the Caldwell, Idaho Area of City Impact;
- d. The property is located approximately two (2) miles west of the Caldwell, Idaho city limits;
- e. The property is located within the Urban Growth Area identified in the Canyon County 2010 Comprehensive Plan;
- f. There are no existing structures located on the subject property;
- g. The existing vegetation on the subject property is plowed ground;
- h. The property is irrigated by surface, swales irrigation, with the slope and/or drainage being relatively flat;
- i. The primary road frontage to the subject property is through Weitz Road and State Highway 19 and there are no obstructed ingress or egress views;
- j. The soils consist of 76.90% Class III moderately suited, 13.04% Class I best suited, 9.36% Class IX least suited, and .70% Class IV moderately suited soil;

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- k. The property is **not** located within a nitrate priority area;
- l. The surrounding property within one-quarter (1/4) mile of the subject property is as follows — (1) the area to the north is agricultural in an “A” Agricultural Zone; (2) the property to the east is agricultural in an “A” Agricultural Zone; (3) the property to the west is sporadic houses and agricultural in an “A” Agricultural Zone; and (4) the property to the south is agricultural in an “A” Agricultural Zone;
- m. There are three (3) gravel pits within one (1) mile of the subject property. There is one (1) feedlot within two (2) miles of the subject property. There are no dairies within one (1) mile of the subject property;
- n. Approximately 42 of the 132 parcels, or 32% of the parcels, within one (1) mile of the subject property have existing residences. The average lot size of such parcels within one (1) mile of the subject property is 30.45 acres, with the range being 0.44 to 160.86 acres and the median being 12.38 acres;
- o. There is one platted subdivision within one (1) mile of the subject property with a total of eighteen (18) lots, and with an average lot size of 2.23 acres. There are no subdivisions in the platting stages within one (1) mile of the subject property.

Testimony in Support of Application

- 1. **David Cockerum**, representative of Applicant spoke in favor of the proposed rezone. Mr. Cockerum testified that:
 - a. He is the chief geologist for Geodysey, Geology Consultants, and is representing

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- b. Parcel 1 is located immediately north of State Highway 19 and immediately west of Weitz Road.
- c. The concept use of parcel 1 is to have one (1) to ten (10) acre lots for industrial/construction related uses.
- d. The anticipated hours of operation would be twenty-four (24) hours, seven (7) days a week as allowed by an M-1 Light Industrial Zone.
- e. The anticipated traffic would be approximately ten (10) trips per hour.
- f. Traffic on parcel 1 would be on a road that will provide access to the parcel from Weitz Road on the east boundary and that will extend to the west boundary of parcel 1. The road shall be forty (40) feet wide and will be paved and constructed with curbs and gutters. The road shall be turned over to the highway district.
- g. It is anticipated that traffic from the subject property would travel south from the subject property on Weitz Road to State Highway 19.
- h. There will be adequate parking for any proposed or constructed sites on the subject property.
- i. Setbacks shall be one hundred (100) feet along State Highway 19 and thirty (30) feet along the east and west property lines.
- j. An access road to parcel 2 shall be constructed along the north property line.

Simplot, the owner of the property north of parcel 1 and east of parcel 2 has

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indicated that it does not have a problem with this access road crossing the corner of its property to provide the connection to parcel 2.

- k. Parcel 2 is located to the northwest of parcel 1. The southeast corner of parcel 2 connects to the northwest corner of parcel 1.
- l. Parcel 2 is to be mined for sand and gravel and is anticipated to be in operation from 7:00 a.m. to 7:00 p.m. on Monday through Saturday.
- m. The crusher for the mining will initially be located in the central portion of the parcel and will then be moved as required for mining operations. The crusher will always be located a minimum of four hundred (400) feet from any residences.
- n. The parcel will have a portable office structure and scales, and there will be parking on site.
- o. The mining operations will start in the northwest corner of the parcel where a settling pond will be constructed and then proceed from the west to the east and then to the south.
- p. There will be ten (10) foot tall berms constructed along the west and south boundaries of the parcel for noise and sight mitigation. The berms will be constructed of topsoil from the site and will be planted with grass.
- q. There will be a thirty (30) foot buffer of undisturbed ground around all property boundaries of the parcel.
- r. Petroleum products will be stored on site on a spill-prevention platform.

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- s. Dust will be controlled by watering roads and gravel and operation areas during the dry periods of the year on a regular schedule.
- t. The depleted mining areas will be backfilled to natural levels and graded as the mining continues on the parcel.
- u. After completion of the mining operation and restoration of the parcel, the anticipated use will be light industrial.
- v. The access road for the property will extend along the southern boundary of parcel 2 and connect with an access road along the northern boundary of parcel 1.
- w. The gravel mining operation is consistent with existing uses in the area as there are three (3) gravel pits, an asphalt facility, a rail line and numerous other industrial uses within one (1) mile. State Highway 19 has traffic all day.

Neutral Testimony

There was no neutral testimony offered.

Testimony in Opposition to the Application

There was no testimony offered in opposition to the application.

BOARD ACTION

Upon the conclusion of public testimony, after deliberating on the evidence presented, the

Board voted to **UPHOLD** the Commission's recommendation to approve Applicant Lurre Construction, Inc.'s request for a rezone of two (2) parcels totaling approximately 71.18 acres from an "A" Agricultural Zone to an "M-1" Light Industrial Zone. On November 2, 2007, the

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Board will adopt Findings of Fact and Conclusions of Law and Order.

ISSUE OF APPLICABLE LAW

- 1. Whether the proposed zoning amendment is harmonious with and in accordance with the Canyon County 2010 Comprehensive Plan;
- 2. Whether the proposed zoning amendment will be injurious to other property in the immediate vicinity and whether the proposed zoning amendment will change the essential character of the area;
- 3. Whether if applicable, adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use;
- 4. Whether legal access to the subject property for the development exists or will exist at the time of final plat;
- 5. Whether there will be undue interference with existing or future traffic patterns;
- 6. Whether essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and whether or not services will be negatively impacted by such use or will require additional public funding in order to meet the needs created by the requested use;
- 7. Whether the Applicant has met their burden of persuasion that the proposed zoning amendment should be approved.

CANYON COUNTY 2010 COMPREHENSIVE PLAN

In the 1994 legislative session, Idaho Code §§ 67-8001, 8002 and 8003 were adopted to

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establish a process to better provide that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of private property. It is the policy of the County to comply with the requirements of the Idaho Code provisions. [p.4] The Canyon County 2010 Comprehensive Plan (“Plan”) indicates, in a general way, how the county, outside city limits, should develop in the next 5 years. The Plan serves as the county’s planning tool; and the zoning ordinance contains the day-to-day operating standards for land use decisions.

People moving into Canyon County expect to find suitable roads, emergency services, schools, and a variety of places to live, work, and recreate. Residents of the county desire to maintain a good quality of life and improve the efficiency of transportation, school, business and recreational services. We all desire clean air, clean water, and reasonable taxes.

The ability to provide clean water and air, efficient transportation and school siting is impacted by limited financial resources. The Plan is intended to show community values and guide efforts to make the most of these limited resources when making land use decisions in Canyon County.

PURPOSE OF 2010 PLAN

The purposes of the Plan are to meet the requirements of the Local Land Use Planning Act, Idaho Code, Title 67, Chapter 65. The Plan should be used by all individuals and government agencies whose duties, responsibilities or activities relate to matters covered by the Plan. The Plan is not intended to, and does not, rezone any parcels or lots, take any land for public purposes, cloud the title to any property, or require any land to be transferred to any person or entity.

The Plan is not precise and merely shows the general location, character, and extent of land use patterns. Specific consideration and determinations are made by established laws, ordinances, and procedures. The Plan is to be used as a planning tool to assist governing bodies in moving in the direction that the community has determined is the most orderly and beneficial. See Idaho Code § 67-6508. A zoning ordinance, unlike the Plan, is a detailed list, by zone category, of allowed uses not requiring permits and other uses that require permits. See Idaho Code § 67-6511, as amended.

PROPERTY RIGHTS

Goal: To comply with the requirements of the Idaho Code relating to regulatory or administrative takings of property without due process of law.

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Policy No. 1: Land use decisions, restrictions, and/or conditions should not constitute a legal taking of private property under federal and state law without just compensation.

Policy No. 2: Encourage the protection of the property rights of landowners to the extent reasonably possible.

POPULATION

Goal: Consider population growth trends when making land use decisions.

Policy No. 1: Provide the planning base for an anticipated population of 167,141 by the year 2005 and 189,513 by the year 2010. This policy estimates and anticipates an annual increase of approximately 5.5 percent between 2000 and 2010. This policy also recognizes that planning policies, combined with the past trends, can anticipate the location of the expected population increase and that the intent of the Plan is to forecast and plan for the needs of population growth areas in terms of future facilities, infrastructure and services.

Policy No. 2: Encourage future high-density development to locate within incorporated cities and/or areas of city impact.

Policy No. 3: Encourage future population in areas outside of “best suited” and “moderately suited” agricultural soil designated areas.

SCHOOL FACILITIES AND TRANSPORTATION

Goal: Encourage the timely and orderly delivery of educational services to meet demand and address transportation issues.

Policy No. 1: Provide information on comprehensive planning as requested between school districts and the Canyon County Development Services Department.

Policy No. 2: Encourage multiple use of school physical facilities, according to school district policies. This policy recognizes the high cost of acquisition, construction and maintenance of physical facilities.

Policy No. 3: Encourage the integration of school sites with land use, transportation systems, parks and recreation sites and other elements of the Plan so that schools can function as neighborhood centers of activity in safe, efficient and attractive settings. This policy recognizes that education is an important economic factor in the area.

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ECONOMIC DEVELOPMENT

Goal: Encourage economic growth that creates employment and encourages investment, commercial, industrial, agricultural and high tech opportunities in Canyon County, Idaho.

Policy No. 1: Encourage economic development that is consistent with and supports county attributes such as the character, lifestyle and agricultural industry of Canyon County.

Policy No. 2: Encourage efforts that provide for increases in income and that enable citizens to remain ahead of the national inflation rate.

Policy No. 3: Encourage development that meets standards of applicable regulatory agencies and provides local employment for county residents.

Policy No. 4: Encourage high infrastructure-impact business and industry to locate where adequate water and sewer systems are available.

Policy No. 5: Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure and with approval from the appropriate regulatory agencies concerning sewer and water.

OVERALL LAND USE POLICIES

Goals:

1. To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.
2. Use appropriate techniques to buffer incompatible land uses.
3. To provide for appropriately located residential areas with an adequate variety of dwelling types and density ranges as needed to meet demands.
4. To encourage livability, creativity and excellence in the design of all residential developments.
5. To encourage development in those areas of the county which provide the most favorable conditions for future community services.
6. Consider adjacent land uses when reviewing county-line development proposals.

OVERALL LAND USE POLICIES: AGRICULTURAL

Policy No. 1: Encourage the protection of prime agricultural land for the production of

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food. The county's policy is to encourage the use of these lands for agriculture and agriculturally-related uses, recognizing that the intent is to protect the best agricultural lands from inappropriate and incompatible development balanced against competing development needs. The county recognizes that agricultural uses contribute to our economic base, and that the retention of prime agricultural land should be encouraged. Canyon County recognizes that dust, farm implement and aerial applicator noise, pesticide/herbicide/fungicide spray, and animal waste and odors associated with agricultural activities are normal and expected in agricultural areas, even when best management practices are used.

Policy No. 2: Consider the use of voluntary mechanisms for the protection of prime agricultural land.

Policy No. 3: Canyon County supports Idaho's "Right to Farm" laws (Idaho Code §§ 22-4501-22-4504), as amended.

Policy No. 4: Recognize that confined animal feeding operations ("CAFOs") may be more suitable in some areas of the county than in other areas of the county.

OVERALL LAND USE POLICIES: RESIDENTIAL

Policy No. 1: Encourage more dense development in areas of city impact. This policy recognizes that population growth and the resulting high-density development activity should occur where public infrastructure, services and facilities are available or where they are planned and will be provided in the near future.

Policy No. 2: Encourage residential development in areas where agricultural uses are not viable.

Policy No. 3: Encourage compatible residential areas, zones and development contiguous to existing county or city residential areas, zones or development so that public services and facilities may be extended and provided in the most economical and efficient manner.

OVERALL LAND USE POLICIES: AREA OF CITY IMPACT

Policy No. 1: The county recognizes that each city in the county has its individual identity and development plan. Expand or reduce areas of city impact according to each city's trade area, geographic factors, water and sewer service areas, and "areas that can reasonably be expected to be annexed to the city in the future." Idaho Code § 67-6526(b).

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OVERALL LAND USE POLICIES: COMMERCIAL AND INDUSTRIAL

Policy No. 1: Encourage commercial and industrial development in areas of city impact, or where adequate water and sewer are available or may be made available.

Policy No. 2: Encourage commercial and industrial development where there is adequate access to the following services, if applicable: a. sufficient water; b. a system to discharge used water; c. power; and d. transportation.

Policy No. 3: Encourage industrial development that minimizes adverse impacts on adjacent non-industrial land uses.

Policy No. 4: Recognize that confined animal feeding operations (“CAFOs”) may be more suitable in some areas of the county than in other areas of the county.

Policy No. 5: Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure and with approval from the appropriate regulatory agencies concerning sewer and water.

NATURAL RESOURCES

Goal: Encourage the protection of prime agricultural land, wildlife, clean water and air, and native vegetation for use by future generations.

The Plan recognizes the attributes of agricultural land as natural resources in the county. An important planning challenge in development of land is balancing natural resources against the impacts of population growth.

NATURAL RESOURCES: AGRICULTURAL LAND

Policy No. 1: Support the fact that present agricultural activities in “best suited” and “moderately suited” agricultural soil designated areas of Canyon County represent “development” by definition.

NATURAL RESOURCES: FISH AND WILDLIFE HABITAT

Policy No. 1: Encourage the protection of natural resources such as, but not limited to, the Snake River, Boise River, Lake Lowell, Deer Flat National Wildlife Refuge, and Fort Boise Wildlife Management Area.

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Policy No. 2: Encourage the protection of desirable species of indigenous animals and plants in Canyon County.

Policy No. 3: Encourage wildlife habitat areas.

NATURAL RESOURCES: WATER

Policy No. 1: Encourage the protection of groundwater and surface water quality.

Policy No. 2: Recognize the importance of surface water and groundwater resources of the county, in accordance with the Article XV, Section 3, of the Idaho Constitution.

NATURAL RESOURCES: AIR

Policy No. 1: Consider land use and transportation issues as important factors in the reduction of air pollution.

NATURAL RESOURCES: MINERAL RESOURCES

The Plan recognizes sand and gravel as a valuable mineral resource in Canyon County. It is important that the environmental impacts, aesthetics, wildlife, and water quality be addressed in the decision-making process.

Policy No. 1: Sand and gravel mining operations should be located to avoid intruding on the river channel.

Policy No. 2: Encourage measures to provide for future use of an excavated site such as, but not limited to industrial, commercial, and residential development.

Policy No. 3: Encourage mineral-extraction site design and operation so as to minimize noise, dust and increased truck traffic to the extent reasonably practical.

Policy No. 4: Consideration should be given, but not limited to the following impacts: economic value of the ground, access to the ground, compatibility with surroundings, noise, traffic, visual aesthetics and flooding.

HAZARDOUS AREAS

Goal: Carefully consider limiting development in hazardous areas.

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Property owners constructing residences in flood, flash-flood, steep areas, or where no fire districts exist do so at their own risk. Responsibility for their own personal property should not be at the expense of county taxpayers.

Policy No. 1: Carefully consider requests to place structures in floodplain areas. Land use changes have the potential to significantly affect floodplain conveyance and floodplain storage. Development in the floodplain can affect not only the immediate site, but the reaches above and below the site.

The Boise River, extending through Canyon County, lies within the jurisdictional boundaries of the Boise River Flood Control Districts Nos. 10 and 11. These districts were created by the state of Idaho to help “provide for the prevention of flood damages in manner consistent with the conservation and wise development of our water resources and thereby to protect and promote the health, safety and general welfare of the people of this state.” Idaho Code § 42-3102. Therefore, the viability of the flood control districts should be maintained. Emphasis added.

Policy No. 2: Endeavor to limit structures and developments in areas where known physical constraints or hazards exist. Such constraints or hazards include, but are not limited to, the following: i. Flood hazards; ii. Unstable soil and/or geologic conditions; and iii. Contaminated groundwater. This policy seeks to protect human life and property, and to reduce public and private costs resulting from disasters.

Policy No. 3: Hillsides may be considered sensitive areas to be protected from excessive runoff or erosion.

Policy No. 4: Carefully consider new or expanding development or activities that use, produce, store, or dispose of toxic, explosive or other hazardous materials which should be located in areas with adequate health and safety protection. These uses should not be located in identified floodplains or adjacent to surface water to avoid the discharging or leaching of toxic substances either into the surface water or into groundwater.

PUBLIC SERVICES, FACILITIES AND UTILITIES

Goal: To the extent reasonably possible, new growth should pay for the extension of public services, facilities and utilities.

The presence of adequate public facilities is vital to the future of Canyon County. These

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facilities are essential to the health, safety and welfare of its residents. Services and facilities of many kinds are related to the Plan, such as but not limited to, water, sewage, drainage, irrigation systems, schools, fire stations, parks, electricity, solid waste disposal, telephone and natural gas systems are typical of the public facilities that should be considered in coordination with land use, transportation, and other elements of the Plan.

The Plan encourages local officials, and those supplying public services, to meet the changing and growing needs of Canyon County.

Policy No. 1: Encourage design, development, location and land size that provides services, facilities and utilities of adequate capacity needed to meet the demand of an increasing population.

Policy No. 2: Encourage homeowner's associations in subdivisions and planned unit developments to maintain common areas and roads if not dedicated to the public.

Policy No. 3: Encourage the establishment of expanded sewer infrastructure and wastewater treatment in areas of city impact.

Policy No. 4: Encourage all new development to have adequate water supply for fire water flow to serve the development.

Policy No. 5: Encourage all new development to have adequate access to publicly maintained roads.

Policy No. 6: Encourage the establishment of all new development to be located within the boundaries of a rural fire protection district.

Policy No. 7: Encourage activities to promote the protection of groundwater and surface water.

TRANSPORTATION

Goals:

1. Cooperate with transportation-governing agencies to consider creating a multi-modal transportation system to service county citizens.

2. Encourage transportation-governing agencies to analyze, and where practical, to reduce traffic congestion on county roads, improve public transportation and provide better

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transportation connectivity to cities and arterials and major collectors in the county.

The character of our communities, the design of individual subdivisions and the ability to travel to desired places revolve around a network of pathways, roads and highways. The county will continue to support planning efforts to address our future transportation needs and encourages more forms of public transportation.

Policy No. 1: Encourage a multi-modal transportation system for the efficient and expeditious movement of people, goods and services within and beyond Canyon County that is compatible with adjoining counties.

Policy No. 2: Encourage park-and-ride lots near I-84 interchanges.

Policy No. 3: Analyze specific applications to protect functionally classified rights-of-way. Consider adequate rights-of-way and access control for the integrity of the transportation system. Transportation corridors are identified on the Canyon County Functional Classification Map, adopted December 12, 2000, as updated, which by this reference is incorporated herein.

* * *

Policy No. 4: Encourage access control and development designs that are consistent with the classification of roads.

Policy No. 5: Encourage development of parking lots near recreation sites.

Policy No. 6: Encourage interconnectivity in areas where appropriate.

Policy No. 7: Carefully consider the potential impacts of residential development near I-84 and state highways.

Policy No. 8: Encourage the development of pathways to carry pedestrian traffic and other neighborhood activities that are not disrupted by noise, fumes or hazards of through traffic, and minimize disruptions to the flow caused by accelerating/decelerating traffic.

SPECIAL AREAS, SITES AND RECREATION

Goals:

1. To encourage the preservation of recreational, historical, archeological and architectural landmark areas of the county for the beneficial use of future generations.

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2. To encourage the development of recreational opportunities and facilities.

Policy No. 1: Encourage the continuation of existing recreational areas and the opportunity for outdoor public recreation areas and the opportunity for outdoor public recreation areas and activities.

Policy No. 2: Encourage the development of new parks, greenbelts, and walking paths.

Policy No. 3: Consider the Boise and Snake Rivers, the Deer Flat National Wildlife Refuge at Lake Lowell, Celebration Park, Wrd Park, Fort Boise Wildlife Management Area, Indian Creek, Mason Creek, and Wilson Drain as a partial listing of special areas in the county. Encourage land use patters around them that promote their integrity and purposes.

Policy No. 4: Encourage retention of existing access to public waterways and encourage the voluntary development of new access points to public waterways.

Policy No. 5: Encourage the preservation of historical sites, architectural landmarks and their functions.

HOUSING

Goal: Encourage opportunities for a diversity of housing choices

COMMUNITY DESIGN

Goals:

1. Encourage community design that relates to the community's visual appearance and the development's physical relationship to the natural environment within the county.

2. Consider a river trail and pathway system to enhance the recreational opportunities for county residents.

3. Encourage "dark skies" at night.

Community design also focuses on the location, beautification, landscape, signage and development patterns in the county. Community design is concerned with conserving natural and historic features, protecting scenic vistas, and enhancing the appearance of transportation corridors entering Canyon County.

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Policy No. 1: Consider community design features that promote the health, safety and welfare of the citizens of the county.

Policy No. 2: Encourage development of self-sustaining communities that maintain the rural lifestyle and good quality of life of the county.

Policy No. 3: Encourage development design that accommodates topography and promotes conservation of prime agricultural land.

Policy No. 4: Encourage innovation and excellence in design for all development.

Policy No. 5: Encourage each development to address concerns regarding roads, lighting, drainage, storm water runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.

Policy No. 6: Encourage new or expanding subdivisions to consider: a) stub roads; b) Pathways connecting to adjacent subdivisions; and c) pathways connecting to schools.

Policy No. 7: Encourage beautification along transportation corridors entering Canyon County.

Policy No. 8: Discourage residential uses impacted by airports and carefully consider such uses near airstrips, runways and low flight routes.

Policy No. 9: Encourage pressurized irrigation systems using non-potable water where reasonably possible.

All additional portions of the comprehensive plan which may be deemed applicable are incorporated by reference herein.

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be Conclusions of Law, they are incorporated into the Conclusions of Law section accordingly.

1. The **Board** finds the testimony of Jennifer Maldonado to be credible and ascribes all

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- appropriate weight to such testimony;
2. The **Board** finds that the exhibits presented by the Canyon County Development Services Department to be credible and ascribes all appropriate weight to such;
 3. The **Board** finds that the ordinance permits the use by Conditional Use Permit. [Canyon County Zoning Ordinance 05-0012; 07-10-19(3)(J) and (W), *et. al*];
 4. The **Board** finds that the statement of the nature of the request is to rezone two (2) parcels consisting of approximately 71.18 acres from an “A” Agricultural Zone to an “M-1” Light Industrial Zone;
 5. The **Board** finds that the subject property is located on the north side of Simplot Blvd. at the northwest corner of the intersection of Simplot Blvd. and Weitz Road, Caldwell, Idaho, in a portion of the NW 1/4 of Section 24, T4N, R4W, BM;
 6. The **Board** finds that the property is located one (1) mile west of the Caldwell, Idaho Area of City Impact and is located approximately two (2) miles west of the city limits of Caldwell, Idaho;
 7. The **Board** finds that the property is located within the Urban Growth Area identified in the 2010 Canyon County Comprehensive Plan;
 8. The **Board** finds that there are no structures on the subject property and that the existing vegetation on the subject property is plowed ground;
 9. The **Board** finds that the property is irrigated by surface, swales irrigation, with the slope and/or drainage being relatively flat;

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10. The **Board** finds that the primary road frontage to the subject property is through Weitz Road and State Highway 19 and there are no obstructed ingress or egress views;
11. The **Board** finds that the soils consist of 76.90% Class III moderately suited, 13.04% Class I best suited, 9.36% Class IX least suited, and .70% Class IV moderately suited soil and that the property is **not** located within a nitrate priority area;
12. The **Board** finds that the surrounding property within one quarter (1/4) mile of the subject property is as follows – (1) the area to the north is agricultural in an “A” Agricultural Zone; (2) the property to the east is agricultural in an “A” Agricultural Zone; (3) the property to the west is sporadic houses and agricultural in an “A” Agricultural Zone; and (4) the property to the south is agricultural in an “A” Agricultural Zone;
13. The **Board** finds that there are three (3) gravel pits within one (1) mile of the subject property and that there is one (1) feedlot within two (2) miles of the subject property. There are no dairies within one (1) mile of the subject property;
14. The **Board** finds that approximately 42 of the 132 parcels, or 32% of the parcels, within one (1) mile of the subject property have existing residences. The average lot size of such parcels within one (1) mile of the subject property is 30.45 acres, with the range being 0.44 to 160.86 acres and the median being 12.38 acres;
15. The **Board** finds that within one (1) mile of the subject property there is one (1) platted subdivision with a total of eighteen (18) lots and with an average lot size of 2.23 acres, and that there are no subdivisions in the platting stages.

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16. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Property Rights; Policy No. 1** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination;
17. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Property Rights; Policy No. 2** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination. The **Board** acknowledges that the Commission determined that the proposed zoning was inconsistent with this policy and warranted a negative determination, but disagrees with the Commission's determination;
18. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Economic Development; Policy No. 2** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination;
19. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Economic Development; Policy No. 3** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination;

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20. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Economic Development; Policy No. 5** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination;
21. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Commercial and Industrial; Policy No. 1** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination;
22. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Commercial and Industrial; Policy No. 3** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination;
23. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Commercial and Industrial; Policy No. 5** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination;
24. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Mineral Resources; Policy No. 1** and the consideration of the proposed zoning amendment with such policy warrants a **positive**

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER, LURRE CONSTRUCTION, INC.; RZ2006-8

- determination;
25. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Mineral Resources; Policy No. 2** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination;
 26. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Public Services, Facilities and Utilities; Policy No. 5** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination;
 27. The **Board** finds that the proposed zoning amendment is consistent with respect to the Canyon County 2010 Comprehensive Plan; **Public Services, Facilities and Utilities; Policy No. 6** and the consideration of the proposed zoning amendment with such policy warrants a **positive** determination;
 28. While the actual tally in the analysis may have varied slightly between the individual members, the **Board** finds that the proposed zoning amendment is consistent with the pertinent factors for consideration under the Canyon County 2010 Comprehensive Plan. The proposed zoning amendment was found to be consistent with the Canyon County 2010 Comprehensive Plan;
 29. The **Board** finds that the proposed zoning amendment will not be injurious to other

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER, LURRE CONSTRUCTION, INC.; RZ2006-8

property in the immediate vicinity and the proposed zoning amendment will not change the essential character of the area. No neighboring landowners spoke in opposition to the proposed zoning amendment. The **Board** finds that such proposed zoning amendment would not be injurious to the neighboring landowners;

30. The **Board** finds that adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use;
31. The **Board** finds that legal access to the subject property for the development does or will exist at the time of final plat;
32. The **Board** finds that there will not be undue interference with existing or future traffic patterns;
33. The **Board** finds that essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and services will not be negatively impacted by such use and will not require additional public funding in order to meet the needs created by the requested use;
34. The **Board** finds that the Applicant has met its burden of persuasion and the proposed zoning amendment should therefore be approved;
35. The **Board** finds that the decision of the Commission recommending approval of the application should be upheld and that the proposed zoning amendment should be approved.

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER, LURRE CONSTRUCTION, INC.; RZ2006-8

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact, they are incorporated into the Findings of Fact section.

1. The **Board** concludes that the proposed zoning amendment is consistent with the Canyon County 2010 Comprehensive Plan;
2. The **Board** concludes that the proposed zoning amendment will not be injurious to other property in the immediate vicinity and will not change the essential character of the area;
3. The **Board** concludes that adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use;
4. The **Board** concludes that there will not be undue interference with existing or future traffic patterns;
5. The **Board** concludes that legal access to the subject property for the development exists or will exist at the time of final plat;
6. The **Board** concludes that essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use;
7. The **Board** concludes that Applicant has met its burden of persuasion that the proposed zoning amendment should be approved;
8. The **Board** concludes that the decision of the Commission recommending approval of the

FINDINGS OF FACT, CONCLUSIONS OF
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rezone application should be upheld and that the Applicant's request to rezone two (2) parcels totaling approximately 71.18 acres from an "A" Agricultural Zone to an "M-1" Light Industrial Zone should be granted.

ORDER

Based upon the Findings of Fact and Conclusions of Law, reviewed above, the Board hereby **upholds** the recommendation of the Canyon County Planning and Zoning Commission and hereby **APPROVES** Lurre Construction, Inc.'s request for a rezone two (2) parcels totaling approximately 71.18 acres from an "A" Agricultural Zone to an "M-1" Light Industrial Zone.

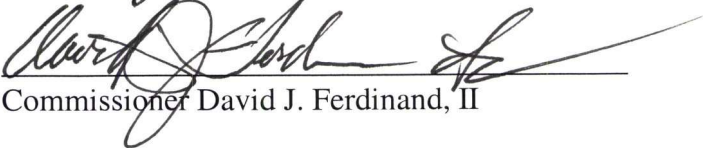
IT IS SO ORDERED this 2nd day of November, 2007

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

Commissioner Matt Beebe, Chairman



Commissioner Steven J. Rule



Commissioner David J. Ferdinand, II

ATTEST: William H. Hurst, CLERK

By: 
Deputy

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER, LURRE CONSTRUCTION, INC.; RZ2006-8

APPLICANT'S RIGHT TO REQUEST A REGULATORY TAKING ANALYSIS

According to Idaho Code § 67-6535 (c), the Applicant/Landowner has a right to request from the Canyon County Board of Commissioners a regulatory taking analysis pursuant to Idaho Code § 67-8003. The written request of the Applicant/Landowner for a regulatory taking analysis shall be filed with the Clerk of the Board of County Commissioners not more than twenty-eight (28) days after the date of this decision. Upon the timely written request of the Applicant/Landowner for a regulatory taking analysis, Canyon County shall prepare a written taking analysis concerning this case and shall provide to the Applicant/Landowner a regulatory taking analysis no longer than forty-two (42) days after the date of filing of the Applicant/Landowner's request for regulatory taking analysis. Pursuant to Idaho Code § 67-8003(4), the twenty-eight (28) day time limitation described below in the "NOTICE OF APPELLATE PROCEDURE", shall be temporarily suspended during the preparation of the regulatory takings analysis. For more information, please consult an attorney.

NOTICE OF APPELLATE PROCEDURE

An affected person aggrieved by this decision may within twenty-eight (28) days after the date of this decision, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER, LURRE CONSTRUCTION, INC.; RZ2006-8

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF AN APPEAL BY:) CASE NO. RZ2008-2
)
)
ECCO EQUIPMENT CORP.) **FINDINGS OF FACT, CONCLUSIONS OF**
) **LAW AND ORDER**
 A request by ECCO Equipment Corp. for a)
 Conditional Use Permit to rezone)
 approximately 12 acres from an "A")
 (Agricultural) Zone to a "M-1" (Light)
 Industrial) Zone.)
 The Canyon County Hearing Examiner)
 recommended approval of this request to the)
 Board of Canyon County Commissioners.)
 _____)

A hearing was scheduled before the Board of County Commissioners (hereinafter "Board") on August 20, 2008, for the purpose of considering the Canyon County Hearing Examiner's (hereinafter "Examiner") recommendation for approval of the request of ECCO Equipment Corp. for a rezone of approximately 12 acres from an "A" (Agricultural) zone to an "M-1" (Light Industrial) zone.

The following persons were in attendance at the hearing: Canyon County Commissioners Matt Beebe and Steven J. Rule; Deputy Clerk, Monica Reeves; Jennifer Carson, Canyon County Development Services Department (hereinafter "DSD"); and Carlton R. Ericson, Deputy Prosecuting Attorney. Applicant's representative Stewart Rhodes and Ken Marshall testified in

**FINDINGS OF FACT, CONCLUSIONS OF
 LAW AND ORDER; ECCO EQUIPMENT CORP.; RZ2008-2**

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favor of the application. No witnesses signed up or testified in a neutral capacity or in opposition to the application.

SUMMARY OF THE RECORD

The record in this appeal is comprised of:

1. County Exhibits No. 1-3.

PROCEDURAL ITEMS

1. A public hearing on the application was held before the Canyon County Hearing Examiner, who recommended approval of the request for the zoning amendment.
2. On June 12, 2008, the Hearing Examiner issued Findings of Facts, Conclusions of Law and Decision recommending approval of the Applicant's request.
3. On or about July 30, 2008, persons owning property within 1 mile of the site and selected agencies were notified of the Board's hearing by mail. On or about August 11, 2008, a hearing notice was posted on the site. On or about July 27-28, 2008, legal notice of the Board's hearing was published in the Idaho-Press Tribune.

PROCEDURAL ITEMS

1. **Jennifer Carson**, DSD, testified at the hearing before the Board. Such verbal testimony and/or the written Canyon County Department of Development Services STAFF REPORT dated May 1, 2008 reflects that:

- a. The subject property is located on the north side of Simplot Blvd. approximately 2,160 feet west of the intersection of Simplot Blvd. and Weitz Road, Caldwell, Idaho, in a portion of the NW 1/4 of Section 24, T4N, R4W, BM.
- b. Applicant proposes to rezone approximately 12 acres from an "A" (Agricultural) zone to a "M-1" (Light Industrial) zone.
- c. The property is located approximately 1 ½ miles west of Caldwell's Area of City Impact, and approximately 2 miles east of Greenleaf's Area of City Impact.
- d. The property is located approximately 2 miles west of Caldwell's city limits, and approximately 2 ½ miles east of Greenleaf's city limits.
- e. The property is located in the Urban Growth Area.
- f. There are several structures located on the subject property, including storage barns, storage shed and an office/shop building.
- g. There is no existing vegetation on the subject property.
- h. The property does not have surface water rights. The slope and/or drainage is flat.
- i. The primary road frontage to the subject property is Simplot Blvd. and there are no obstructed ingress or egress views.
- j. The soils consist of 63% Class IV moderately-suited and 37% Class III moderately-suited soils. The subject property is 100% not prime farm land.
- k. The property is not located within a nitrate priority area.

- l. The surrounding property within ¼ mile of the subject property is as follows — the area to the north is agricultural in an “A” (Agriculture) zone; the property to the east and south is agricultural in an “M-1” (Light Industrial) zone; the property to the west is agricultural and a gravel pit in “A” (Agricultural) and “M-1” (Light Industrial) zones.
- m. There are 2 gravel pits and no dairies within 1 mile of the subject property. There is 1 feedlot within 2 miles of the subject property.
- n. Approximately 45 of the 131 parcels, or 34% of the parcels, within 1 mile of the subject property have existing residences. The average lot size of such parcels is 12.36 acres, with a range of 0.78 to 80.00 acres and a median of 5.00 acres.
- o. There is 1 platted subdivision within 1 mile of the subject property for a total of 22 lots, with an average lot size of 1.35 acres. There are no subdivisions in the platting stages within 1 mile of the subject property.
- p. The long range plan for Simplot Blvd. is for industrial and commercial uses. This proposed use is consistent with that plan.
- q. The City of Caldwell supports the application as it looks at the area for light industrial uses.
- r. The areas shown in blue on the zoning map (County Exhibit 2.B.5) are already zoned "M-1."

Testimony in Support of Appeal/Application

1. Applicant's representative, **Stewart Rhodes**, spoke in favor of the application and testified, in summary, that:
 - a. Applicant is family-owned and has been in the used heavy equipment business for 50 years.
 - b. It has been in business in southern Idaho since 2005, and bought the subject property in October 2007.
 - c. Applicant has put in over \$200,000 in improvements on the subject property, all of which has been done by Canyon County contractors.
 - d. The use of the subject property for the used heavy equipment business is an acceptable use for the property with the "M-1" zoning.
 - e. Applicant will store, repair and sell heavy equipment from the subject property.
 - f. There is an existing well and septic on the subject property.
 - g. Applicant is involved in the communities where it does business, and intends to be involved here.
 - h. Applicant does business with local vendors as much as possible.
 - i. Applicant will landscape the front entrance on Simplot Blvd. and will improve the buildings on the property.
 - j. Applicant employs 7 people on the site.

- k. Applicant will be using the existing access to the site that has been in use for 43 years. No additional access permit will be required.
2. **Ken Marshall** spoke in favor of the application and testified, in summary, that:
 - a. He and his wife sold the subject property to Applicant.
 - b. He and his wife own the adjoining 80 acres.
 - c. Applicant has done a wonderful job taking care of the subject property. He and his family could not have put the money into the property to keep it up themselves.
 - d. The Simplot Blvd. corridor is populated with industrial uses.
 - e. The subject property has never had surface water rights. The topography and the triangular shape of the lot make it too hard to irrigate.
 - f. The subject property has a 165 gallon per minute artesian well.
 - g. His property is the Frank property shown on County Exhibit No. 2.B.4.

Neutral Testimony

1. No witnesses signed up or testified as a neutral witness at the hearing.

Testimony in Opposition to the Appeal/Application

1. No witnesses signed up or testified as an opposition witness at the hearing.

Rebuttal Testimony in Support of the Appeal/Application

1. There was no rebuttal testimony at the hearing.

BOARD ACTION

Upon the conclusion of public testimony, after deliberating on the evidence presented, the **Board** voted to adopt the Hearing Examiner's recommendation and to approve Applicant ECCO Equipment Corp.'s request for a zoning amendment to rezone approximately 12 acres from an "A" (Agricultural) zone to a "M-1" (Light Industrial) zone. On September 12, 2008, the **Board** will adopt Findings of Fact and Conclusions of Law and Order.

ISSUE OF APPLICABLE LAW

1. Statement of the nature of the request – to rezone approximately 12 acres from an "A" (Agricultural) zone to a "M-1" (Light Industrial) zone.
2. Whether the proposed zoning amendment is consistent with the Canyon County 2010 Comprehensive Plan:
3. Whether the proposed use will be injurious to other property in the immediate vicinity and whether the proposed use will change the essential character of the area.
4. Whether if applicable, adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use.
5. Whether legal access to the subject property for the development exists or will exist at the time of final plat.
6. Whether there will be undue interference with existing or future traffic patterns.
7. Whether essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and

whether or not services will be negatively impacted by such use or will require additional public funding in order to meet the needs created by the requested use.

8. Whether the Applicant has met the burden of persuasion that the proposed zoning amendment should be approved.

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be Conclusions of Law, they are incorporated into the Conclusions of Law section accordingly.

1. The **Board** finds the testimony of the witnesses to be credible and ascribes all appropriate weight to such testimony.
2. The **Board** finds the exhibits presented by the Canyon County Development Services Department to be credible and ascribes all appropriate weight to such.
3. The **Board** finds that the statement of the nature of the request is for a zoning amendment to rezone approximately 12 acres from an "A" (Agricultural) zone to a "M-1" (Light Industrial) zone.
4. The **Board** finds that the subject property is located on the north side of Simplot Blvd. approximately 2,160 feet west of the intersection of Simplot Blvd. and Weitz Road, Caldwell, Idaho, in a portion of the NW 1/4 of Section 24, T4N, R4W, BM.
5. The **Board** finds that the property is located approximately 1 ½ miles west of Caldwell's Area of City Impact and approximately 2 miles east of Greenleaf's Area of City Impact. It is located approximately 2 miles west of Caldwell's city limits and approximately 2 ½ miles east of Greenleaf's city limits.

6. The **Board** finds that the property is located in the Urban Growth Area.
7. The **Board** finds that there are storage barns, a storage shed, and an office/shop building on the subject property and that there is no existing vegetation on the subject property.
8. The **Board** finds that the property does not have surface water rights and the slope and/or drainage is flat.
9. The **Board** finds that the primary road frontage to the subject property is Simplot Blvd. and there are no obstructed ingress or egress views.
10. The **Board** finds that the soils consist of 63% Class IV moderately-suited and 37% Class III moderately-suited soils and is 100% not prime farm land. The property is not located within a nitrate priority area.
11. The **Board** finds that the surrounding property within ¼ mile of the subject property is as follows — the area to the north is agricultural in an “A” (Agricultural) zone; the property to the east and south is agricultural in an “M-1” (Light Industrial) zone; the property to the west is agricultural and a gravel pit in “A” (Agricultural) and “M-1” (Light Industrial) zones.
12. The **Board** finds that there are 2 gravel pits and no dairies within 1 mile of the subject property. There is 1 feedlot within 2 miles of the subject property.
13. The **Board** finds that approximately 45 of the 131 parcels, or 34% of the parcels, within 1 mile of the subject property have existing residences. The average lot size of such parcels is 12.36 acres, with a range of 0.78 to 80.00 acres and a median of 5.00 acres.

14. The **Board** finds that there is one 1 platted subdivision within 1 mile of the subject property for a total of 22 lots, with an average lot size of 1.35 acres. There are no subdivisions in the platting stages within 1 mile of the subject property.
15. The **Board** finds that adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use.
16. The **Board** finds that legal access to the subject property for the development exists.
17. The **Board** finds that there will not be undue interference with existing or future traffic patterns.
18. The **Board** finds that essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and services will not be negatively impacted by such use and will not require additional public funding in order to meet the needs created by the requested use.
19. The **Board** finds that the proposed use will not be injurious to other property in the immediate vicinity and/or will not change the essential character of the area.
20. The **Board** finds that the proposed use is consistent with the pertinent factors for consideration under the Canyon County 2010 Comprehensive Plan, including the fact that the subject property is in the Urban Growth Area which is by definition deemed appropriate for development under the Plan. The following factors under the Plan were also considered by the Board:

- a. The **Board** finds that the proposed use is consistent with respect to the Canyon County 2010 Comprehensive Plan: **Property Rights: Policy No. 2**¹ and warrants a **positive** determination. The hearing on the application was duly noticed and those in opposition had an opportunity to attend and give testimony.
- b. The **Board** finds that the proposed use is consistent with respect to the Canyon County 2010 Comprehensive Plan: **Economic Development: Policy No. 1**² and warrants a **positive** determination. The subject property is in an area with light industrial development.
- c. The **Board** finds that the proposed use is consistent with respect to the Canyon County 2010 Comprehensive Plan: **Economic Development: Policy No. 3**³ and warrants a **positive** determination. The business on the subject property will bring 7 new jobs to the County.
- d. The **Board** finds that the proposed use is consistent with respect to the Canyon County 2010 Comprehensive Plan: **Economic Development: Policy No. 5**⁴ and

¹ Property Rights Policy No. 2: Encourage the protection of the property rights of landowners to the extent reasonably possible.

² Economic Policy No. 1: Encourage economic development that is consistent with and supports county attributes such as the character, lifestyle and agricultural industry of Canyon County.

³ Economic Policy No. 3: Encourage development that meets standards of applicable regulatory agencies and provides local employment for county residents.

⁴ Economic Policy No. 5: Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure and with approval from the appropriate regulatory agencies concerning sewer and water.

warrants a **positive** determination. The subject property is in the Urban Growth Area along a major roadway and is located where light industrial development should be encouraged.

- e. The **Board** finds that the proposed use is consistent with respect to the Canyon County 2010 Comprehensive Plan: **Overall Land Use Policies: Commercial and Industrial: Policy No. 5⁵** and warrants a **positive** determination. The subject property is along a major roadway and meets the transportation infrastructure criteria.
21. The **Board** finds that Applicant has met the burden of persuasion and the proposed zoning amendment to rezone the subject property should therefore be approved.
22. The **Board** finds that the recommendation of the Hearing Examiner recommending approval of the application should be upheld and that the proposed zoning amendment should be granted.

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact, they are incorporated into the Findings of Fact section.

1. The **Board** concludes that a statement of the nature of the request is whether to approve a zoning amendment to rezone approximately 12 acres from an "A" (Agricultural) zone to a "M-1" (Light Industrial) zone.

⁵ Overall Land Use Policies Commercial and Industrial Policy No. 5: Consider commercial and industrial development outside the impact areas, when located along major roadways or transportation infrastructure and with approval from the appropriate regulatory agencies concerning sewer and water.

2. The **Board** concludes that the proposed use is consistent with the Canyon County 2010 Comprehensive Plan.
3. The **Board** concludes that the proposed use will not be injurious to other property in the immediate vicinity and will not change the essential character of the area.
4. The **Board** concludes that adequate sewer, water and drainage facilities, and utility systems will be provided to accommodate said use.
5. The **Board** concludes that there will not be undue interference with existing or future traffic patterns.
6. The **Board** concludes that legal access to the subject property for the development exists.
7. The **Board** concludes that essential services will be provided to accommodate said use such as, but not limited to, school facilities, police and fire protection, emergency medical services, and services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use.
8. The **Board** concludes that Applicant has met the burden of persuasion that the proposed zoning amendment to rezone the subject property should be approved.
9. The **Board** concludes that the decision of the Hearing Examiner recommending approval of the application should be upheld and that the Applicant's request for a zoning amendment to rezone approximately 12 acres from an "A" (Agricultural) zone to a "M-1" (Light Industrial) zone should be granted.

ORDER

Based upon the Findings of Fact and Conclusions of Law, reviewed above, the Board hereby **affirms** the decision of the Canyon County Hearing Examiner recommending approval of the application and hereby **APPROVES** ECCO Equipment Corp's request for a zoning amendment to rezone approximately 12 acres from an "A" (Agricultural) zone to a "M-1" (Light Industrial) zone.

IT IS SO ORDERED this 12 day of September, 2008.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

Matt Beebe
Commissioner Matt Beebe

Steven J. Rule
Commissioner Steven J. Rule

ATTEST: William H. Hurst, CLERK

By: William H. Hurst
Deputy

APPLICANT'S RIGHT TO REQUEST A REGULATORY TAKING ANALYSIS

According to Idaho Code § 67-6535 (c), the Applicant/Landowner has a right to request from the Canyon County Board of Commissioners a regulatory taking analysis pursuant to Idaho Code § 67-8003. The written request of the Applicant/Landowner for a regulatory taking analysis shall be filed with the Clerk of the Board of County Commissioners not more than twenty-eight (28) days after the date of this decision. Upon the timely written request of the Applicant/Landowner for a regulatory taking analysis, Canyon County shall prepare a written taking analysis concerning this case and shall provide to the Applicant/Landowner a regulatory taking analysis no longer than forty-two (42) days after the date of filing of the Applicant/Landowner's request for regulatory taking analysis. Pursuant to Idaho Code § 67-8003(4), the twenty-eight (28) day time limitation described below in the "NOTICE OF APPELLATE PROCEDURE", shall be temporarily suspended during the preparation of the regulatory takings analysis. For more information, please consult an attorney.

NOTICE OF APPELLATE PROCEDURE

An affected person aggrieved by this decision may within twenty-eight (28) days after the date of this decision, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.



Canyon County Board of County Commissioners
John Badiola - Rezone Case No. RZ2018-0034

Development Services Department

April 8, 2019

Findings of Fact, Conclusions of Law, and Order

Findings of Fact

1. The applicant is requesting a **Rezone** of approximately 37.90 acres from an "A" (Agricultural) zone to an "M-1" (Light Industrial) zone. The Canyon County Future Land Use Map designates this area as "Industrial."
2. The subject property, Parcel No. R36355 is located on the east side of Pinto Rd., approximately 1273 ft. north of the intersection of Simplot Blvd., and Pinto Rd., Caldwell, ID in a portion of the NE ¼ of Section 23, T4N, R4W, BM, Canyon County, Idaho.
3. The subject property is currently zoned "A" (Agricultural).
4. The subject property is designated 'Industrial' on the 2020 Canyon County Future Land Use Map. (Exhibit 11).
5. The subject property is located in Greenleaf's Area of City Impact. The City of Greenleaf also designates the subject property as Industrial on their Future Land Use Map.
6. The subject property is located within Canyon Highway District No. 4, Caldwell Rural Fire District, Riverside Irrigation District, and Vallivue School District.
7. The neighborhood meeting was held on 10/30/18 in accordance with CCZO §07-01-15.
8. The Planning & Zoning Commission recommended approval of the rezone request on 2/7/19.
9. Notice of the public hearing was provided as per CCZO §07-05-01: Agencies were notified on 3/15/19, property owners within 300 ft. were notified by mail on 3/15/19, Newspaper notice was provided on 3/22/19, and the property was posted on or before 4/1/19.
10. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on 2/7/19, 4/8/19, and all information contained in DSD case file, RZ2018-0034.

Conclusions of Law

For this request the Board of County Commissioners find and conclude the following regarding the Standards of Review for a Zoning Amendment (§07-06-05):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zone change is consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The proposed rezone is consistent with the Future Land Use Map which has this area designated as “industrial”. The proposed zoning of “M-1” (Light Industrial) is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan including but not limited to:

Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*

Property Rights Policy No. 8- *“Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.”* The property is designated as “industrial” on the 2020 Canyon County Future Land Use Map and is adjacent to industrial zoning (Exhibit 7 and 11).

Property Rights Policy No. 11- *“Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.”* The surrounding area is designated as “industrial” on the future land use map. Approval of the request would not introduce an incompatible use to the area and is adjacent to similar uses and zoning districts.

Economic Development Policy No. 9 – *“Encourage and support agricultural and industrial development to locate in the vicinity of Simplot Boulevard.”* The subject property is located approximately ¼ mile north of Simplot Boulevard.

Economic Development Policy No. 12 – *“Establish appropriate industrial and commercial zones to further increase business and economic development in various areas of Canyon County.”* The subject property is located in an area designated as future industrial on the Canyon County Future Land Use Map.

Transportation Policy No. 13- *Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency services purposes.”* The subject property has access on Pinto Road, which is a paved public road.

Public Services, Facilities and Utilities Policy No. 3- *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”* The subject property is located within Caldwell Rural Fire District.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed zone change is as appropriate as the current zoning designation, and is consistent with the future land use map designation of “industrial.”

Finding: The proposed zone change is as appropriate as the current zone designation of “A” (Agricultural), however the request to rezone the property is consistent with the Future Land Use map, which designates the subject property as ‘Industrial.’ The proposed rezone is constant with the adjacent properties that are also zoned “M-1” (Light Industrial).

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The proposed zoning map amendment is compatible with the surrounding land uses.

Finding: The proposed zoning map amendment is compatible with the surrounding land uses in the area. The property is adjacent to light industrial zoning districts on the east as well as to the southeast (Exhibit 7). There are residences located on the east side of Pinto Road, however, the future land use in this area is industrial. There are no residential subdivisions within one mile of the subject property (Exhibit 8).

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed zoning map amendment will not negatively affect the character of the area and no mitigation is proposed at this time.

Finding: The proposed zoning map amendment will not negatively impact the essential character of this area. The character of the area is a mix of agricultural and industrial uses including gravel extraction. The property is adjacent to industrial zoning districts. There are residences located east of Pinto Road. However, the future land use map designates this area as future industrial. At this time no mitigation is proposed.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment?

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the proposed zoning map amendment at the time of development.

Finding: At this time no septic or water services are proposed. However, any new septic systems will require approval from Southwest District Health Department.

Domestic wells will require the appropriate permitting from Idaho Department of Water Resources.

Drainage, irrigation, and other utilities will be addressed during the development of the property.

F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: The property has frontage on Pinto Road, a public road.

Finding: The subject property has frontage on Pinto Road., a public road. The subject property currently takes access via an unimproved agricultural approach on Pinto Rd. An access permit from Canyon Highway District No. 4 will be required for a change in use of the property. Any new commercial access to serve the site may be permitted at 660 ft. intervals along Pinto Rd. (Exhibit 19). All requirements of Canyon Highway District No. 4 shall be met.

Idaho Transportation Department stated future development of the parcel will require submittal of trip generations to ITD. ITD did not object to the rezone as presented in the application (Exhibit 16).

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The rezone of the subject property will not cause undue interference with existing or future traffic patterns as proposed.

Finding: The applicant will be required to adhere to Canyon Highway District No .4 requirements for approaches onto the public road network. Idaho Transportation Department stated future development of the parcel will require submittal of trip generations to ITD. ITD did not object to the rezone as presented in the application (Exhibit 16).

No mitigation measures are proposed at this time.

H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Vallivue District, Canyon County Sheriff, and Caldwell Rural Fire were notified of the request and did not provide responses to indicate that the proposed zone change amendment would have a negative impact. No mitigation measures are proposed at this time.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Board of County Commissioners **approve** Case # RZ2018-0034, a request to rezone parcel R36355 approximately 37.90 acres, from an "A" (Agricultural) zone to an "M-1" (Light Industrial) zone.

APPROVED this 8 day of April, 2019

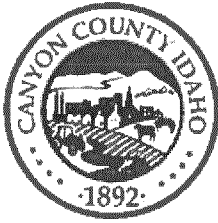
BOARD OF COUNTY COMMISSIONERS

CANYON COUNTY,

	Yes	No	Did Not Vote
 _____ Commissioner White	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Dale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Commissioner Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Chris Yamamoto, Clerk

By: 



Canyon County Board of County Commissioners

Jesse Prather JRP Properties LLC – Rezone

Development Services Department

November 2, 2020 @ 2PM

Findings of Fact

1. The applicant is requesting a rezone of approximately 38.66 acres from an “A” (Agricultural) zone to an “M-1” (Light Industrial) zone.
2. The subject property, parcel no. R36355011 is located on the north side of Simplot Blvd., and on the east side of Pinto Road, in a portion of the NE TX11112 in E ½ NE of Section 23, T4N, R4W, BM, Canyon County, Idaho.
3. The subject property is currently zoned “A” (Agricultural) with a Conditional Use (CU2012-7) allowing the operation of an irrigation supply business.
4. The subject property is designated “Industrial” on the 2020 Comprehensive Plan Future Land Use Map.
5. The subject property is located within Greenleaf’s area of city impact. Greenleaf approved a request to waiver of the 60 day review requirement, but staff received no comment from the City of Greenleaf by the time of staff report compilation.
6. The subject property has frontage on both Simplot Blvd. and Pinto Road, which are both public roads.
7. The subject property is located within Canyon Highway District #4, Caldwell Rural Fire, and Vallivue School District.
8. The neighborhood meeting was held on 2/11/20, compliant with CCZO §07-01-15.
9. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 10/14/20, Newspaper notice was provided on 10/18/20, property owners within 300’ were notified by mail on 10/14/20, and the property was posted on 10/26/20.

Conclusions of Law

For this request the Planning and Zoning Commission finds and concludes the following regarding the Standards of Evaluation for a Rezone (§07-06-05 (7) A):

A. Is the proposed rezone generally consistent with the comprehensive plan?

Conclusion: The proposed rezone is generally consistent with the comprehensive plan and future land use map.

Finding: Yes, the proposed rezone is consistent with the following comprehensive plan goals and policies:

Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*

Property Rights Policy No. 8 – *“Promote orderly development that benefits the public good and protects the individual with a minimum of conflict. The proposed development will be equal with the existing character of the area and the proposal contains a mix of parcel sizes.*

Population Goal No. 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.”* This proposal will bring new industrial businesses to the area.

Economic and Social Indicators Policy No. 2 – *“Support existing business and industry in the county.”* This proposal will bring new industrial businesses to the area.

Economic and Social Indicators Policy No. 3 – *“Encourage broad-based economic development programs that include:*
a. Natural resources such as agriculture
b. Commercial development
c. Industrial development
d. Tourism expansion and development”

Economic and Social Indicators Policy No. 4 – *“Encourage growth of responsible business in Canyon County by recruiting businesses based on their potential job creation and their willingness to have a positive impact on the community.”* This proposal will bring new industrial businesses to the area.

Land Use Goal No. 4 - *“To encourage development in those areas of the county which provide the most favorable conditions for future community services.”* The rezone will be compatible with the surrounding area.

Land Use Policy No. 1 – *“Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas.”* The rezone, will not have a negative impact to the surrounding area.

Land Use Policy No. 9- *“Encourage and support land use proposals that are consistent with the community design goals and policies within the county.”* The rezone, is consistent with the community design goals and policies.

Land Use Policy, Commercial and Industrial No. 1 - *“Encourage industrial development that minimizes adverse impacts on adjacent non-industrial land uses.”* The rezone, will not have a negative impact to the surrounding area.

Public Services, Facilities, and Utilities Policy No. 3 – *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”* The property is located within Caldwell Rural Fire District.

Transportation Policy No. 13- *“Ensure that all new development is accessible to regularly maintained roads for fire protection and emergency services purpose.”* The subject property has frontage on Simplot Blvd. and Pinto Road, both public roads.

B. When considering the surrounding land uses, is the proposed rezone more appropriate than the current zoning designation?

Conclusion: The proposed rezone is more appropriate than the current zoning designation.

Finding: The existing zoning of "A" Agricultural is less appropriate than the proposed "M-1" Industrial zoning, which surrounds the property.

C. Is the proposed rezone compatible with surrounding land uses?

Conclusion: The proposed rezone is compatible with the surrounding land uses.

Finding: The proposed zoning of light industrial is compatible with the surrounding existing uses.

D. Will the proposed rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed rezone will not have a negative effect to the character of the area.

Finding: The rezone will not be injurious to other properties in the vicinity nor will it negatively change the essential character of the area.

No additional mitigation measures are required.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed rezone?

Conclusion: Adequate water, sewer, irrigation, drainage and storm water drainage facilities and utility systems will be provided to accommodate the proposed use.

Finding: South West District Health provided comments to indicate there could be issues with the rezone in regards to adequate sewer facilities, due to hardpan and/or high ground water, which may require the use of the more complex type of septic system to be installed at the time of development. (Exhibit 13).

No mitigation is proposed at this time.

F. Does the proposed rezone require road improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The proposed rezone will not require roadway improvements to provide adequate access to and from the subject property at this time. Additionally, the dedication of right-of-way along the east property line will be required at the time of plat approval, as per Canyon Highway District comments (Exhibit 12).

Finding: Comments from Canyon Highway District outlined guidelines regarding future development and access needs, which will be addressed at the time of platting.

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

Conclusion: The property currently has frontage on Pinto Road and Simplot Blvd., both are public roads.

Finding: The subject property has existing access to Pinto Road for the irrigation business. The applicant will be required to meet Canyon Highway District No. 4 requirements at the time of building permit. No mitigation is proposed at this time.

H. Will the proposed rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

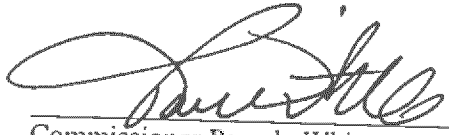

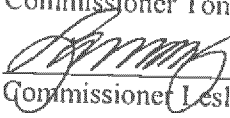
Conclusion: Essential services will be provided to accommodate the use.
No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Vallivue School District, and Canyon County Sheriff, were notified of the request and did not provide responses to indicate that the proposed rezone would have a negative impact. Staff has not found that this request will affect essential services. No mitigation measures are proposed.

Order

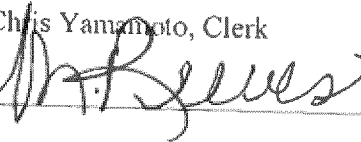
Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Board of County Commissioners **approve** of Case # RZ2020-0005, a request to rezone parcel R36355011 approximately 38.66 acres, from an "A" (Agricultural) zone to an "M-1" (Light Industrial) zone.

APPROVED this 2 day of Nov., 2020.

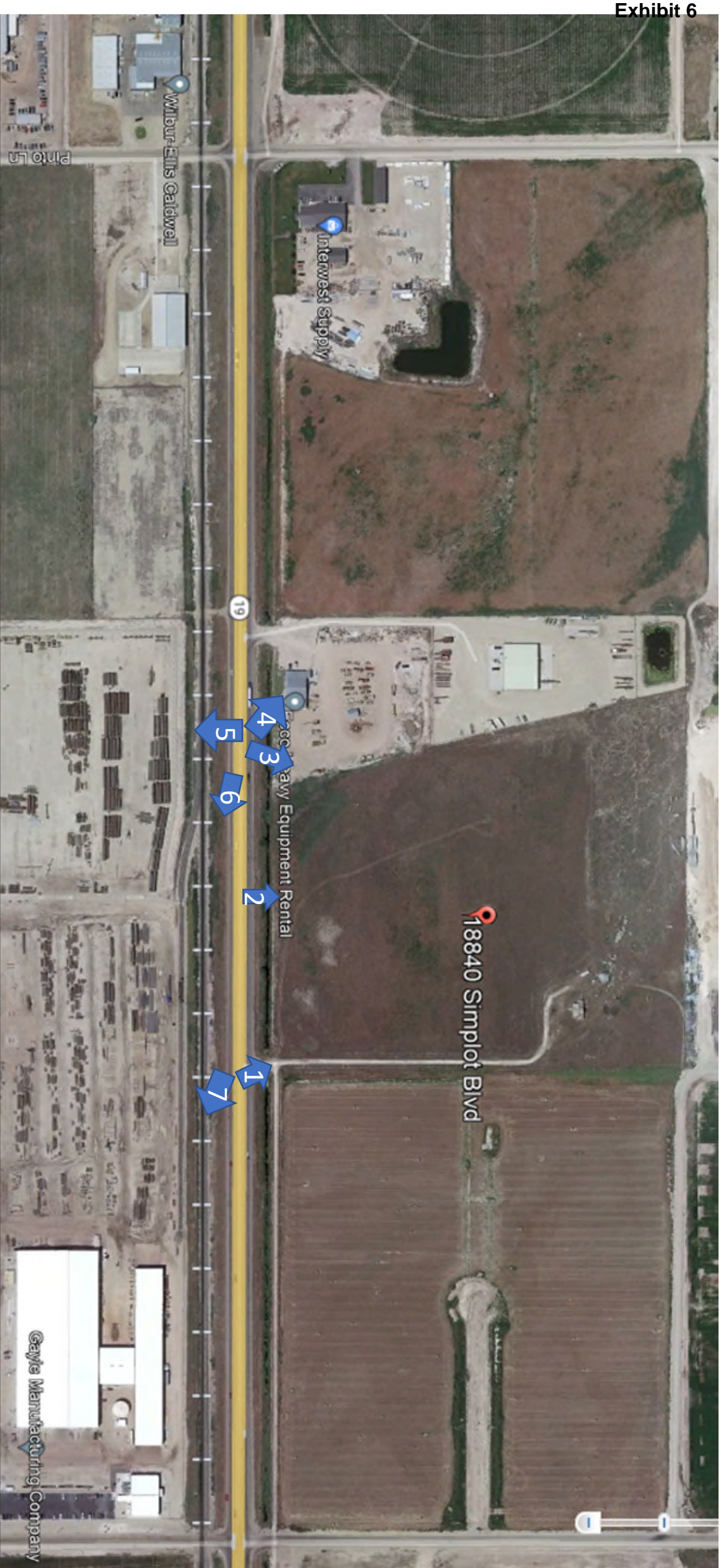
	Yes	No	Did Not Vote
 Commissioner Pamela White	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Tom Dale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Leslie Van Beek	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Chris Yamamoto, Clerk

By:
Deputy



Date: 11-2-20





Street View: 11/2023



Street View: 11/2023



Street View: 11/2023



Street View: 11/2023



Street View: 11/2023



6

Street View: 11/2023



Street View: 11/2023



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

In the matter of the application of:

Lurre Ln, LLC – Case #RZ2023-0001

The Canyon County Planning and Zoning Commission considers the following:

- 1) Zoning Map Amendment (Rezone) of approximately 27.16 acres from an “A” (Agricultural) zone to an “M-1” zone (Light Industrial).

[Case RZ2023-0001, 18840 Simplot Blvd., Caldwell (Parcel Number: R36386), a portion of the NW¼ of Section 24, T4N, R4W, 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 RZ2023-0001.

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 §07-06-01 (Initiation of Proceedings), County Code §07-06-05 (Zoning Amendment Criteria), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code 09-03-07 (Area of City Impact Agreement - Greenleaf).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
3. 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, 07-06-05.
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. 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, RZ2023-0001, 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 Planning and Zoning Commission decides as follows:

ZONING AMENDMENT CRITERIA – CCZO §07-06-05

- A. **Is the proposed zone change generally consistent with the comprehensive plan?**

Conclusion: The requested zone change is generally consistent with the Canyon County Comprehensive Plan 2030.

Findings:

- (1) The subject property is designated as “Industrial” on the Future Land Use map in the 2030 Canyon County Comprehensive Plan (Exhibit 3d, Staff Report). *“The industrial designation is for various industrial needs of the County. Land uses in this category may require a mix of commercial or industrial uses that consists of assembly, fabrication, manufacturing, or processing goods and materials”* (Pg. 26 of the 2030 Comp. Plan).
- (2) The request aligns with the following goals and policies of the 2030 Canyon County Comprehensive Plan.
 - a. Property Rights P1.01.01: *No person should be deprived of private property without due process of law.*
 - b. Property Rights P1.01.03: *Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.*
 - c. Economic Development P3.01.02: *Support suitable sites for economic growth and expansion compatible with the surrounding area.*
 - d. Land Use and Community P4.01.02: *Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.*
 - e. Land Use and Community P4.02.01: *Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.*
 - f. Land Use and Community P4.03.01: *Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.*
 - g. Land Use and Community P4.03.02: *Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.*
 - h. Transportation P8.01.01: *Coordinate land use and transportation planning to locate development near appropriate transportation corridors and services.*
 - i. Agriculture P12.01.02: *Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.*

See criteria B-H for evidence.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed zoning of M-1 is more appropriate than current zoning designation.

Findings:

- (1) The parcel is currently zoned “A” (Agricultural, Exhibit 3f, Staff Report) and currently in agricultural use (Exhibit 6, Staff Report).
 - a. According to CCZO §07-10-25(1), the purpose of the “A” (Agricultural) zone is:
 - A. *Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
 - B. *Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
 - C. *Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
 - D. *Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
 - E. *Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*

The surrounding area is predominantly zoned “M-1” along Simplot Boulevard with sporadic “A” zones (Exhibit 3f, Staff Report). The “A” Zone becomes more prominent approximately 2,500 feet north of Simplot Boulevard and 1,400 feet south.

The subject parcel is a mix of Class III and IV soils (moderately-suited soil). Approximately 16 acres are considered prime farmland if irrigated and reclaimed of excess salts and sodium with the rest of the property considered not prime farmland. The surrounding area, especially along Simplot Boulevard (SH-19) is considered not prime farmland (Exhibit 3i, Staff Report).

- (2) The 2030 Canyon County Comprehensive Plan designates the future land use of the parcel and area as “Industrial” (Exhibit 3d, Staff Report). The property is located in the Greenleaf Area of City Impact. The city designates the future use of the parcel as “industrial” (Exhibit 3e, Staff Report). No comments were received from the City of Greenleaf.
 - a. According to CCZO 07-10-25(7), The purpose of the M-1 (Light Industrial) Zone is to *“provide for and encourage the grouping together of light industrial uses capable of being operated under such standards as to location and appearance of buildings and the treatment of the land about them so that they will be unobtrusive and not detrimental to surrounding commercial or residential uses.”*
 - b. The surrounding area is predominantly zoned “M-1” along Simplot Boulevard with sporadic “A” zones (Exhibit 3f, Staff Report). *See Criteria C for additional evidence regarding surrounding uses and decisions.*
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The rezone is compatible with the surrounding land uses which are predominantly zoned “M-1”.

- Findings:**
- (1) The surrounding area is predominantly zoned “M-1” along Simplot Boulevard with sporadic “A” zones (Exhibit 3f, Staff Report).
 - (2) The following is located in the immediate vicinity of the subject parcel:
 - Along the north boundary of the subject parcel are two parcels (approximately 40 acres in total) zoned “M-1” (Light Industrial) in 2007 by Lurre Construction (RZ2006-8; Exhibit 5a, Staff Report). The parcels appear to have long-term mineral extraction uses.
 - Along the east boundary are three parcels (approximately 40 acres in total) zoned “M-1” in 2007 (RZ2008-6; Exhibit 5a, Staff Report) owned by the applicant.
 - Abutting the south boundary of the subject parcel are Simplot Boulevard (SH-19) and Parcel R36384 and R36385 (approximately 50 acres in total) zoned “M-1” in 2002 (RZ2002-11). The parcel is currently owned by Gayle Manufacturing Company, Inc. Other businesses located south of the subject parcel are AmeriGas Propane and Wilbur-Ellis Caldwell (Agribusiness).
 - Abutting the west boundary of the subject parcel are five parcels (approximately 48 acres in total) zoned “M-1”. Parcels R36388, R36388010 and R36388011 were rezoned to “M-1” in 2008 (RZ2008-2; Exhibit 5b, Staff Report). Parcel R36388 is occupied by Ecco Heavy Equipment Rental. Parcel R36355011, 011A, and 011B were rezoned to “M-1” in 2020 (RZ2020-0005; Exhibit 5d, Staff Report). Interwest Supply is located on Parcel R36355011. At the northwest corner, the parcel abuts a 40-acre parcel zoned “M-1” in 2019 (RZ2018-0034; Exhibit 5c, Staff Report) and is currently in mineral extraction use.
 - (3) The following land use decisions have been made within a one-mile radius of the subject parcel (Exhibit 3g, Staff Report):
 - CU2018-0006 – Triple Crown: A conditional use permit was approved on December 6, 2018, for a long-term mineral extraction permit including sand and gravel mining and

hauling from the site, operation of a portable crusher, concrete batch plant, and an asphalt hot plant on Parcel R36078. The use is located approximately 1,400 feet northwest of the subject parcel.

- CU2018-0008 – Idaho Material & Construction: A conditional use permit was approved on September 4, 2018, to extend the mineral extraction period an additional 20 years, modify the berm placement requirements, and adjust the acreage to reflect the actual extraction area of the original properties. The subject properties include R36322010, R36377, R36322010A, and R36375011 totaling approximately 110 acres. The use is located approximately 4,200 feet west of the subject parcel.
 - RZ2018-0034 – Badiola (Exhibit 5c, Staff Report): Zoning Map Amendment (Rezone) of a 37.9-acre parcel, R36355, from “A” to “M-1” was approved on April 8, 2019. The property abuts the northwest corner of the subject parcel.
 - RZ2020-0005 – JPR Properties (Exhibit 5d, Staff Report): Zoning Map Amendment (Rezone) of a 38.66-acre parcel, R36355011, from “A” to “M-1” was approved on November 2, 2020. The property abuts the west boundary of the subject parcel.
- (4) The subject parcel is approximately 5,000 feet east of Munn Ranch Subdivision (Exhibit 3h, Staff Report). The subdivision is zoned “M-1” (Exhibit 3f, Staff Report).
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The request will not negatively impact the character of the area.

- Findings:**
- (1) The surrounding area is predominantly zoned “M-1” along Simplot Boulevard with sporadic “A” zones (Exhibit 3f, Staff Report).
- (2) The following is located in the immediate vicinity of the subject parcel:
- Along the north boundary of the subject parcel are two parcels (approximately 40 acres in total) zoned “M-1” (Light Industrial) in 2007 by Lurre Construction (RZ2006-8), Exhibit 5b, Staff Report). The parcels appear to have long-term mineral extraction uses.
 - Along the east boundary are three parcels (approximately 40 acres in total) zoned “M-1” in 2007 (RZ2008-6; Exhibit 5a, Staff Report) owned by the applicant.
 - Abutting the south boundary of the subject parcel are Simplot Boulevard (SH-19) and Parcel R36384 and R36385 (approximately 50 acres in total) zoned “M-1” in 2002 (RZ2002-11). The parcel is currently owned by Gayle Manufacturing Company, Inc. Other businesses located south of the subject parcel are AmeriGas Propane and Wilbur-Ellis Caldwell (Agribusiness).
 - Abutting the west boundary of the subject parcel are five parcels (approximately 48 acres in total) zoned “M-1”. Parcels R36388, R36388010 and R36388011 were rezoned to “M-1” in 2008 (RZ2008-2; Exhibit 5b, Staff Report). Parcel R36388 is occupied by Ecco Heavy Equipment Rental. Parcel R36355011, 011A, and 011B were rezoned to “M-1” in 2020 (RZ2020-0005; Exhibit 5d, Staff Report). Interwest Supply is located on Parcel R36355011. At the northwest corner, the parcel abuts a 40-acre parcel zoned “M-1” in 2019 (RZ2018-0034; Exhibit 5c, Staff Report) and is currently in mineral extraction use.
- (3) See criteria B & C for additional supporting evidence.
- (4) Potential development impacts, such as addressing adequate services, essential services, and access, including addressing traffic impacts, will be completed through local agency, County, and/or state permitting requirements at the time of development.
- (5) Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509. No comment was received from the public.

- (6) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

E. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed zoning map amendment?

Conclusion: Adequate sewer, water drainage, irrigation, and utilities can and will be provided at the time of development.

Findings: (1) Necessary facilities such as water, sewer, irrigation, power, and drainage will depend on future uses (CCZO Section 07-10-27). The applicant initially states future uses will have an individual well and septic system (Exhibit 2a & 2b, Staff Report). However, a community well and/or community sanitary system may be required depending on the use. The City of Greenleaf has city services extended to Zoroco, Parcel R36322120, within the Munn Ranch Subdivision, over 6,000 feet west of the subject parcel. The parcel is not located within a nitrate priority area (Exhibit 3I, Staff Report).

No comments were received from the City of Greenleaf, Idaho Department of Water Resources (IDWR), Southwest District Health (SWDH), or Idaho Department of Environmental Quality (DEQ).

- (2) The parcel is currently not served by an irrigation district. An irrigation well is available for irrigation per the water rights report from IDWR (63-2652A; Exhibit 2b, Staff Report).
- (3) Run-off and drainage will be maintained on-site (Exhibit 2b, Staff Report).
- (4) Powerlines exist along Simplot Boulevard and on the subject parcel along the driveway serving the existing dwelling (Exhibit 6, Staff Report). No comment was received from Idaho Power.
- (5) Future development will require coordination and/or permits from the County, affected local agencies, and affected state departments.
- (6) Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509. No comment was received from the Idaho Department of Water Resources (IDWR), Southwest District Health (SWDH), Idaho Department of Environmental Quality (DEQ), and Idaho Power.
- (7) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: The existing access is not recognized by the Idaho Transportation Department. Before establishing a use on the parcel, access must meet Idaho Transportation Department and/or Canyon Highway District 4 regulations and standards.

Findings: (1) The property appears to have access from Simplot Boulevard (SH-19). Idaho Transportation Department (ITD) finds the current access does not exist (Exhibit 4a, Staff Report). ITD requests future access not to have direct access to SH-19, but direct access to SH-19 is allowed subject to traffic generation numbers and turn-lane warrants at the time of development per the process outline in IDAPA 39.03.42.200.09. The access must meet minimum distance requirements between existing approaches. Upon the construction of the future collector road along the north property line, ITD will require the access directly onto SH-19 to be removed.

(2) Canyon Highway District #4 (CHD4) provided the following future access opportunities (Exhibit 4b, Staff Report):

- a. Direct access to SH-19 per ITD regulations and standards.

- b. Connecting to the cross access on R36355011 to Pinto Lane which would require cross access through Parcels R36388 & R36388010 subject to County and CHD4 regulations and standards.
- c. Access to Lurre Lane to Weitz Road through parcels owned by the applicant is subject to County and CHD4 regulations and standards.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: Future development will require trip generation numbers and a traffic impact study before commencement of use.

- Findings:**
- (1) Idaho Transportation Department requests future access not to have direct access to SH-19 (Exhibit 4a, Staff Report). However, direct access to SH-19 is allowed subject to traffic generation numbers and turn-lane warrants at the time of development per the process outlined in IDAPA 39.03.42.200.09. The access must meet minimum distance requirements between existing approaches. Upon the construction of the future collector road along the north property line, ITD will require access directly onto SH-19 to be removed.
 - (2) Based on the number of uses allowed in the “M-1” zone (CCZO Section 007-10-27) and the impacts created cumulatively, Canyon Highway District #4 will require future development to submit a traffic impact study (Exhibit 4b, Staff Report).
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Based on comments received (Exhibit 4, Staff Report), the local agency or affected state department will address essential service impact at the time of development.

- Findings:**
- (1) Caldwell Rural Fire District can approve the request subject to compliance with code requirements and conditions such as fire hydrants, aerial fire access roadways, fire apparatus access roads, and turnarounds (Exhibit 4c, Staff Report).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509. No comments were received from Vallivue School District, Canyon County Sheriff’s Department, and Canyon County Paramedics/EMTs.
 - (3) Potential traffic and access impacts addressed in the findings and evidence for criteria G & H which can have impacts on essential services, will be addressed by the affected agency at the time of development before commencement of use.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

Canyon County Code §09-03-07(Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Greenleaf Area of City Impact. A notice was sent to the City of Greenleaf per Canyon County Code Section 09-03-07. No comments were received.

- Findings:**
- (1) Pursuant to CCZO 09-03-07: *There is hereby adopted for the purposes of complying with Idaho Code section 67-6526(a) the Ordinance codified in this Article, which provides for the application of the latest edition of the Canyon County Comprehensive Plan as duly enacted and adopted and amended by the County Commissioners, and Chapter 7 of this Code, to the*

area of impact of the City of Greenleaf within the unincorporated area of the County, until a new comprehensive plan and/or zoning ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area City of Greenleaf/County of Canyon. Until the joint exercise of power agreement is adopted and operational, the County shall direct copies of all applications coming before it, pursuant to the Local Planning Act of 1975 and Chapter 7 of this Code concerning property located in the area of City impact of Greenleaf, for the City of Greenleaf's input on the application and shall give such input due consideration; and after the adoption of the joint exercise of power agreement and the same becomes operational, then the provisions of that agreement shall govern this process.

- (2) The City of Greenleaf designates the property and area as industrial in the city's comprehensive plan (Exhibit 3e, Staff Report).
- (3) The City of Greenleaf was noticed on May 18, 2023, and January 3, 2024. No comment was received.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **approval** of Case # RZ2023-0001, a rezone of Parcel R36386 from an "A" (Agricultural) zone to an "M-1" zone (Light Industrial).

DATED this 15 day of February, 2024.

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

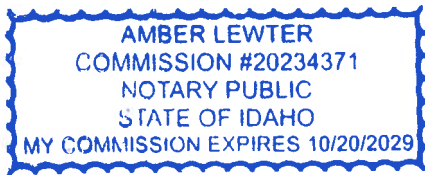

Robert Sturgill, Chairman

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



CANYON COUNTY PLANNING & ZONING COMMISSION
 MINUTES OF REGULAR MEETING HELD
 Thursday, February 15, 2024
 6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman
 Brian Sheets, Commissioner
 Harold Nevill, Commissioner
 Geoff Mathews, Commissioner

Staff Members Present: Jay Gibbons, Assistant Director of Development Services
 Carl Anderson, Planning Supervisor
 Dan Lister, Principal Planner
 Debbie Root, Principal Planner
 Amber Lewter, Hearing Specialist

Chairman Sturgill called the meeting to order at 6:30 p.m.

Commissioner Sheets read the testimony guidelines and proceeded to the first business item on the agenda.

Item 1A:

Case No. RZ2023-0001 / Cold Steel Properties / Lurre Ln. LLC: Case No. RZ2023-0001: The applicant, Lurre Ln LLC, represented by Alan Mills, is requesting a rezone of approximately 27.16 acres from an "A" (Agricultural) zone to an "M-1" zone (Light Industrial). The subject property is located at 18840 Simplot Rd also known as parcel number R36386 a portion of the NW quarter of Section 24, T4N, R 4W, BM, Canyon County, Idaho.

Planner Dan Lister reviewed the Staff report for the record.

Commissioner Nevill asked for clarification for access to the property. Planner Dan Lister stated there are access opportunities and at the time of development the appropriate process would have to be completed to obtain adequate access to the property. Commissioner Nevill asked if water for fire fighting would have to be available. Planner Dan Lister stated a permit through the Fire Department would have to take place before commencement of use.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Mike Greiner (Applicant) – IN FAVOR – 307 Badiola St, Caldwell, ID 83605

Mr. Greiner stated the project fits well into the area. While developing the property to the east, he learned there is a lot of interest in properties that are already zoned light industrial.

Commissioner Sheets asked how the land is currently being used. Mr. Greiner stated most recently it was crop for a 4-H feed product for cattle. Commissioner Sheets asked the history of crops on the subject property. Mr. Greiner stated he believes alfalfa has been the primary crop.

Commissioner Nevill asked what the plan is for an access. Mr. Greiner stated he plans to gain direct access where it is shown on the site plan. Commissioner Nevill asked if there is an irrigation well on the property. Mr. Greiner stated it is a domestic well also used for irrigation. Commissioner Nevill asked if the land is difficult to farm because it is almost land locked. Mr. Greiner stated he was not aware of any extreme difficulties farming the property.

Chairman Sturgill asked if there is a manufacturer that plans to utilize the land once it is rezoned. Mr. Greiner stated there is a couple who are interested and is not able to share who they are.

MOTION: Commissioner Nevill moved to close public testimony on Case RZ2023-0001, seconded by Commissioner Sheets, voice vote, motion carried.

DELIBERATION:

Commissioner Sheets expressed he believes this is an appropriate request, it is infill into other light industrial uses.

Commissioner Nevill agrees with Commissioner Sheets and that the Comp Plan designates the property as light industrial.

MOTION: Commissioner Nevill moved to approve Case RZ2023-0001 based on the Findings of Fact and Conclusions of Law and conditions of approval and forward the recommendation to the Board of County Commissioners. Seconded by Commissioner Mathews.

Roll call vote: 4 in favor, 0 opposed, motion passed.

Item 1B:

Case No. CU2023-0015 / Robinson: Case No. CU2023-0015: The applicant, Tanya Robinson is requesting a Conditional Use Permit for an animal hospital with a proposed 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.

Planner Debbie Root asked for a late exhibit from the Wilder Fire Department to be added into record.

Planner Debbie Root reviewed the Staff report for the record.

Commissioner Sheets asked what happens to the accessory dwelling if the Conditional Use Permit ceases to exist. Planner Debbie Root stated the Conditional Use Permit will need to be amended to address a condition for the accessory dwelling. Commissioner Sheets expressed not wanting the accessory dwelling to be a loop hole for a residential property down the road. Additional conversation ensued between Commissioner Sheets and Planner Debbie Root with different options.

Commissioner Nevill stated he has the same concerns for the accessory building and proposed having two CUP's, one for the animal hospital and one for the caretaker residence. Planner Debbie Root explained with the caretaker unit being allowed as an accessory building with a CUP in an agricultural zone, it has to be an accessory to something, therefore the animal hospital and caretaker residence go together in one CUP.

Chairman Sturgill proposed a condition of approval that the caretaker unit can only be occupied as long

as the hospital continues operation. Planner Debbie Root stated she is amenable to that condition.

MOTION: Commissioner Nevill moved to accept late exhibit 23 from the Wilder Fire Department, seconded by Commissioner Sheets, voice vote, motion carried.

Chairman Sturgill affirmed the witnesses to testify.

Testimony:

Tanya Robinson (Applicant) – IN FAVOR – 27114 Lower Pleasant Ridge, Wilder, ID 83676

Ms. Robinson stated the project maintains alignment with the future land use while providing needed services. Ms. Robinson provided the history of the subject property and explained the need for the animal horse hospital in the area. The caretaker residence is to insure the animals are monitored around the clock and medicine administered on time. The proposed use meets the map, goals, and policies in the 2030 Comprehensive Plan. The City of Greenleaf has designated a 200 ft band along the frontage of Peckham Rd. for Commercial. Ms. Robinson stated she agrees with the staff report and the conditions.

Commissioner Nevill asked where the planned location is for the caretaker residence. Ms. Robinson provided detailed information on the layout of the proposed facilities using her illustration on the screen. Commissioner Nevill asked if the caretaker residence will be stick built or a modular. Ms. Robinson stated it will not be a modular. Commissioner Nevill asked what the plan is for irrigation. Ms. Robinson explained there are four users on the irrigation ditch who will be rebuilding it, they will put a main line and gated pipe routed to the subject property. Commissioner Nevill asked Planner Debbie Root if a water user maintenance agreement should be added to the conditions. Planner Debbie Root confirmed a condition should be added. Commissioner Nevill asked if the caretaker house is a deal breaker. Ms. Robinson explained the horses they are dealing with are expensive and not sure the owners would want to have care without monitoring and having a caretaker residence is common. Not having a caretaker residence would be a deterrent for the overall goal.

Commissioner Sheets asked what the grade difference is on Van Slyke Road. Ms. Robinson stated the entrance is 325 feet away from the stop sign because the slope gets less. The slope gets less as you go further north. Ms. Robinson stated it is close to a 3 ft. grade difference after the 325 feet. Planner Debbie Root stated there is elevation difference but the fire district will have to sign off and they will have to have a ramp to make it safe for trucks and trailers to come in and out.

Chairman Sturgill asked what the number of horse occupancy is. Ms. Robinson stated they have it sited for 16 horses. Chairman Sturgill expressed concern for parking and asked if there is adequate parking for trailer space. Ms. Robinson stated there is plenty of room, the vehicles are coming and dropping off so will not be staying, and the parking spots are slanted diagonally. The Fire Department had no problems with the set up. Chairman Sturgill asked how many trailers will be able to be accommodated. Ms. Robinson stated she isn't sure of the exact amount but believes it will flow really well with the set up and not have a line waiting to park.

Katherine DeHaan – IN FAVOR – 26519 Powers Rd, Parma, ID 83660

Ms. DeHaan provided her history as a veterinarian and explained all the places she has worked and volunteered at she has been able to stay on site as well as other staff members of the hospital. Ms. DeHaan explained it is for the well being of the clients as well as for herself so she isn't driving in the middle of the night back and forth.

Commissioner Nevill asked if the caretaker house is more like staff quarters. Ms. DeHaan stated that was a good description. Commissioner Nevill asked Planner Debbie Root if they can call it staff quarters and not a house. Planner Debbie Root explained the caretaker building needs to be permitted as a residence and is the optimal way to address inhabitation with living on site. Ms. DeHaan stated it won't be a permanent housing situation for years, it is for an employee to stay overnight.

Chairman Sturgill asked what the occupancy for the caretaker residence will be. Ms. DeHaan stated to start it will be one employee and later will be 2-3 employees at the most.

Marty Delk – IN FAVOR – 21074 Po Dunk Ln, Greenleaf, ID 83626

Mr. Delk expressed some concerns after testimony in regards to the caretaker residence. If the business doesn't succeed, what happens to the property. As well as how many people will be staying in the house.

Chairman Sturgill asked clarification on testimony if it is in favor or opposed. Mr. Delk stated he doesn't have a problem with the program and explained his concerns only came up with what he heard from testimony. Chairman Sturgill explained the facility will only be able to operate within the scope of the conditions. If the animal hospital ceases to exist and another use was wanted then the process would begin again for a conditional use permit.

Commissioner Sheets explained the case is a conditional use permit and not a rezone.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2023-0015, seconded by Commissioner Mathews, voice vote, motion carried.

DELIBERATION:

Planner Debbie Root stated she is reviewing additional conditions and amendments from what she heard during testimony.

Commissioner Nevill stated he is in favor and agrees with the conditions and findings. He would like additional conditions made to cover a water users' agreement, the caretaker house only operating if the animal hospital is in operation and a maximum occupancy on the caretaker house.

Planner Debbie Root asked if the applicant needed rebuttal. Chairman Sturgill asked the applicant if she would like rebuttal time. Ms. Robinson confirmed she did.

MOTION: Commissioner Sheets moved to open public testimony on Case CU2023-0015, seconded by Commissioner Mathews, voice vote, motion carried.

Tanya Robinson (Applicant) – REBUTTAL – 27114 Lower Pleasant Ridge, Wilder, ID 83676

Ms. Robinson stated the caretaker residence follows the CUP as an accessory building, she isn't attempting to go around the system and it is essential for the proposed use. Ms. Robinson stated if the animal hospital ceases to exist she will no longer have need for the caretaker residence so that ceasing to exist at the same time makes sense and is comfortable having that as a condition. Ms. Robinson stated she is unsure of the reason for a water user's agreement but isn't opposed to do one for mitigation.

Chairman Sturgill explained they want to make sure they adequately condition the use where there are no loop holes later on.

Commissioner Sheets and Commissioner Nevill explained the benefits of having a water user's agreement for the applicant. Commissioner Sheets asked if Ms. Robinson has any objections to having one with her neighbors. Ms. Robinson stated she agrees with having a condition for a water user's agreement.

Commissioner Mathews and Commissioner Nevill advised the easement will need to be included into the water user's agreement.

Commissioner Sheets asked if a condition for maximum occupancy was placed for the caretaker residence what would it be. Ms. Robinson stated four occupants would be safe.

MOTION: Commissioner Sheets moved to close public testimony on Case CU2023-0015, seconded by Commissioner Mathews, voice vote, motion carried.

MOTION: Commissioner Sheets moved to approve Case CU2023-0015 based on the Findings of Fact and Conclusions of Law and conditions of approval with the modification to condition 4 including a maximum overnight occupancy to the caretaker residence to four, adding condition 12 requiring the user's to enter into a water user's agreement and adding condition 13 to revoke all uses regarding the conditional use permit, reverting back to non-permitted ag use if the business ceases to exist. Seconded by Commissioner Mathews.

Discussion on the Motion:

Chairman, Commissioners and Planner Debbie Root wordsmithed the amended conditions together.

Roll call vote: 4 in favor, 0 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from January 18, 2024 with the approved revisions done via email, seconded by Commissioner Mathews. Voice vote, motion carried.

MOTION: Commissioner Sheets moved to approve the minutes from February 1, 2024 with the approved revisions done via email, seconded by Commissioner Mathews. Commissioner Nevill abstained. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Assistant Director of Development Services Jay Gibbons stated staff is actively looking at the Commissioners Bylaw's and asked the Commissioners to review them and submit input to him.

Commissioner Sheets asked for a timeframe. Assistant Director of Development Services Jay Gibbons stated it is a high priority and hopefully within a months' time he will have a draft. Commissioner Sheets confirmed comments should be submitted within two weeks.

Chairman Sturgill provided insight into the process of a CUP appeal that occurred and invites the Commissioners to follow the process in the future.

ADJOURNMENT:

MOTION: Commissioner Mathews moved to adjourn, seconded by Commissioner Sheets. Voice vote, motion carried. Hearing adjourned at 8:39 PM.

An audio recording is on file in the Development Services Departments' office.

Approved this 7th day of March, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist

April 15, 2024

RECEIVED
APR 18 2024
BY: Makaila
Phillips

Canyon County
111 N. 11th Ave
Caldwell, Id 83605

RE: Lurre Ln Rezone, 18840 Simplot Blvd.

Dear Honorable Commissioners

We are writing in support of the above referenced rezone, case #RZ2023-000, of the property located at 18840 Simplot Blvd Caldwell, Idaho, on the north side of Highway 19 just west of Weitz Rd approx. ¼ mile..

This is an area that has been shown on the Canyon County Comprehensive Future Land Use Map as future industrial zoning for many years. This is a much better use for this property than the attraction for drug user flop house, squatters and its complete uselessness of the past. It is a natural direction for industrial uses to be attracted to as it has great access and capacity for manufacturing, processing and other like needs. It was refreshing to see a well tended and nice crop on it last year rather than the junk mess that previously existed. It will provide a much better property tax income than what has been collected in the past as well these types of business are very well operated, good neighbors, stable and secure that typically provided high paying jobs that people tend to work at for many years.

There is a need for more of this zoning as there are new business's looking to locate here and existing business's looking to expand. I have been contacted by 2 people looking to buy my property in the past 6 months because it is already of proper zoning. Had this property been previously zoned, it would likely already be providing jobs and tax revenues. Over the years we have been operating in this area we have been regularly contacted by people interested in industrial parcels in this area.

Thank you for your consideration,

Sincerely,

David DeBlasio

20409 Weitz Rd.
Caldwell, Idaho 83607

RECEIVED

APR 18 2024

BY: Makaila Phillips

April 14, 2024

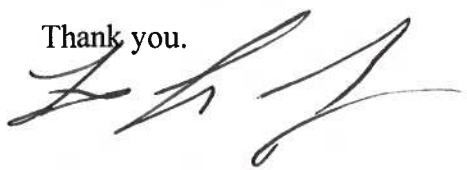
Canyon County
111 N. 11th Ave
Caldwell, Id 83605

Subject: Rezone, 18840 Simplot Blvd. Caldwell, Id

Dear Commissioners

Please consider this letter as we are in support of the rezone of the property indicated above. Anything would be an improvement to the to the unsightly, unkept, mess of it's previous years. This is a great place for industrial companies as there are currently many in the area. This area has few residences and is surrounded by Simplot Company property that will likely never turn into houses. Please approve this and help the developers get something going soon.

Thank you.



Fidel Cardenas
M & M Potato
Calwell, Idaho

RECEIVED
APR 18 2024

BY: Makaila
Phillips

April 14, 2024

Canyon County
111 N. 11th Ave
Caldwell, Id 83605

RE: Rezone, 18840 Simplot Blvd. Case RZ2023-0001


Dear Commission,

Please vote in favor of rezoning this property. We are in need of companies to come to our area that do the type of work that industrial properties attract. With inflation that way it has been we need good companies that provide employment with good pay and good benefits. This type of company is who will occupy this type of zoned real estate.

It is a good area for this type of zoning as there are other companies like these that are around now. It is a good fit for this area.

There is a need for more of this zoning as there are new business's looking to locate here and existing business's looking to expand. I have heard from realtors that industrial ground is hard to find, that means we need more. This is a good place for it.

Sincerely,



Jesse Prather
20488 Pinto Rd.
Caldwell, Id 83607

RECEIVED
APR 18 2024
BY: Makaila
Phillips

April 11, 2024

Canyon County
111 N. 11th Ave
Caldwell, Id 83605

RE: Rezone #RZ2023-0001, 18840 Simplot Blvd.

Dear Canyon County Commissioners,

I am writing in support of rezone case #RZ2023-0001, of the property known as 18840 Simplot Blvd Caldwell, Idaho.

This is a property that is designated as future industrial the last many Canyon County Comp plans. I have been looking for industrial ground for the last 4 years and have not yet been able to find it in this area. We need more industrial approved ground for our type of uses. We employe 50 +/- and work in Idaho, Oregon, Nevada and are looking to buy a parcel of property just like this for our office, shop, yard to operate out of. We are currently renting disconnected parcels/buildings for shop office and yard east of this location to operate out of and have not been able to find anything in this area. We are very excited to see what the future of this parcel becomes as we are very interested.

There is a need for more of this zoning in this area as we have been looking for a long time, I am sure there are others as well do int the same thing. I wish this had been previously zoned and available and we could have saved renting and the inefficiencies of working out of multiple disjointed locations. Please vote to approve this rezone.

Thank you.

Sincerely,



Andy Clapier
3C Construction
1002 Blaine St #103
Caldwell, Id 83605



**BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

In the matter of the application of:

Lurre Ln, LLC – Case #RZ2023-0001

The Canyon County Board of County Commissioners consider the following:

- 1) Zoning Map Amendment (Rezone) of approximately 27.16 acres from an “A” (Agricultural) zone to an “M-1” zone (Light Industrial).

[Case RZ2023-0001, 18840 Simplot Blvd., Caldwell (Parcel Number: R36386), a portion of the NW¼ of Section 24, T4N, R4W, 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 RZ2023-0001.

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 §07-06-01 (Initiation of Proceedings), County Code §07-06-05 (Zoning Amendment Criteria), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code 09-03-07 (Area of City Impact Agreement - Greenleaf).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6513.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6509, and §67-6511
4. The Board can sustain, modify, or reject the Commission’s recommendations. *See* CCZO §07-05-03.
5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
6. 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. 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, RZ2023-0001, was presented at a public hearing before the Canyon County Board of County Commissioners on May 9, 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 Board of County Commissioners decides as follows:

ZONING AMENDMENT CRITERIA – CCZO §07-06-05

- A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The requested zone change is generally consistent with the Canyon County Comprehensive Plan 2030.

- Findings:**
- (1) The subject property is designated as “Industrial” on the Future Land Use map in the 2030 Canyon County Comprehensive Plan (Exhibit 3d, Staff Report). *“The industrial designation is for various industrial needs of the County. Land uses in this category may require a mix of commercial or industrial uses that consists of assembly, fabrication, manufacturing, or processing goods and materials”* (Pg. 26 of the 2030 Comp. Plan).
 - (2) The request aligns with the following goals and policies of the 2030 Canyon County Comprehensive Plan.
 - a. Property Rights P1.01.01: *No person should be deprived of private property without due process of law.*
 - b. Property Rights P1.01.03: *Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.*
 - c. Economic Development P3.01.02: *Support suitable sites for economic growth and expansion compatible with the surrounding area.*
 - d. Land Use and Community P4.01.02: *Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.*
 - e. Land Use and Community P4.02.01: *Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.*
 - f. Land Use and Community P4.03.01: *Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.*
 - g. Land Use and Community P4.03.02: *Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.*
 - h. Transportation P8.01.01: *Coordinate land use and transportation planning to locate development near appropriate transportation corridors and services.*
 - i. Agriculture P12.01.02: *Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.*

See criteria B-H for evidence.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed zoning of M-1 is more appropriate than the current zoning designation.

- Findings:**
- (1) The parcel is currently zoned “A” (Agricultural, Exhibit 3f, Staff Report) and currently in agricultural use (Exhibit 6, Staff Report).
 - a. According to CCZO §07-10-25(1), the purpose of the “A” (Agricultural) zone is:
 - A. *Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
 - B. *Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
 - C. *Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
 - D. *Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*

E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.

The surrounding area is predominantly zoned “M-1” along Simplot Boulevard with sporadic “A” zones (Exhibit 3f, Staff Report). The “A” Zone becomes more prominent approximately 2,500 feet north of Simplot Boulevard and 1,400 feet south.

The subject parcel is a mix of Class III and IV soils (moderately-suited soil). Approximately 16 acres are considered prime farmland if irrigated and reclaimed of excess salts and sodium with the rest of the property considered not prime farmland. The surrounding area, especially along Simplot Boulevard (SH-19) is considered not prime farmland (Exhibit 3i, Staff Report).

(2) The 2030 Canyon County Comprehensive Plan designates the future land use of the parcel and area as “Industrial” (Exhibit 3d, Staff Report). The property is located in the Greenleaf Area of City Impact. The city designates the future use of the parcel as “industrial” (Exhibit 3e, Staff Report). No comments were received from the City of Greenleaf.

a. According to CCZO 07-10-25(7), The purpose of the M-1 (Light Industrial) Zone is to *“provide for and encourage the grouping together of light industrial uses capable of being operated under such standards as to location and appearance of buildings and the treatment of the land about them so that they will be unobtrusive and not detrimental to surrounding commercial or residential uses.”*

The surrounding area is predominantly zoned “M-1” along Simplot Boulevard with sporadic “A” zones (Exhibit 3f, Staff Report). *See Criteria C for additional evidence regarding surrounding uses and decisions.*

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

C. Is the proposed zoning map amendment compatible with surrounding land uses?

Conclusion: The rezone is compatible with the surrounding land uses which are predominantly zoned “M-1”.

Findings: (1) The surrounding area is predominantly zoned “M-1” along Simplot Boulevard with sporadic “A” zones (Exhibit 3f, Staff Report).

(2) The following is located near the subject parcel:

- Along the north boundary of the subject parcel are two parcels (approximately 40 acres in total) zoned “M-1” (Light Industrial) in 2007 by Lurre Construction (RZ2006-8; Exhibit 5a, Staff Report). The parcels appear to have long-term mineral extraction uses.
- Along the east boundary are three parcels (approximately 40 acres in total) zoned “M-1” in 2007 (RZ2008-6; Exhibit 5a, Staff Report) owned by the applicant.
- Abutting the south boundary of the subject parcel are Simplot Boulevard (SH-19) and Parcel R36384 and R36385 (approximately 50 acres in total) zoned “M-1” in 2002 (RZ2002-11). The parcel is currently owned by Gayle Manufacturing Company, Inc. Other businesses located south of the subject parcel are AmeriGas Propane and Wilbur-Ellis Caldwell (Agribusiness).
- Abutting the west boundary of the subject parcel are five parcels (approximately 48 acres in total) zoned “M-1”. Parcels R36388, R36388010, and R36388011 were rezoned to “M-1” in 2008 (RZ2008-2; Exhibit 5b, Staff Report). Parcel R36388 is occupied by Ecco Heavy Equipment Rental. Parcel R36355011, 011A, and 011B were rezoned to “M-1” in 2020 (RZ2020-0005; Exhibit 5d, Staff Report). Interwest Supply is located on Parcel R36355011. At the northwest corner, the parcel abuts a 40-acre parcel zoned “M-1” in 2019 (RZ2018-0034; Exhibit 5c, Staff Report) and is currently in mineral extraction use.

- (3) The following land use decisions have been made within a one-mile radius of the subject parcel (Exhibit 3g, Staff Report):
- CU2018-0006 – Triple Crown: A conditional use permit was approved on December 6, 2018, for a long-term mineral extraction permit including sand and gravel mining and hauling from the site, operation of a portable crusher, concrete batch plant, and an asphalt hot plant on Parcel R36078. The use is located approximately 1,400 feet northwest of the subject parcel.
 - CU2018-0008 – Idaho Material & Construction: A conditional use permit was approved on September 4, 2018, to extend the mineral extraction period an additional 20 years, modify the berm placement requirements, and adjust the acreage to reflect the actual extraction area of the original properties. The subject properties include R36322010, R36377, R36322010A, and R36375011 totaling approximately 110 acres. The use is located approximately 4,200 feet west of the subject parcel.
 - RZ2018-0034 – Badiola (Exhibit 5c, Staff Report): Zoning Map Amendment (Rezone) of a 37.9-acre parcel, R36355, from “A” to “M-1” was approved on April 8, 2019. The property abuts the northwest corner of the subject parcel.
 - RZ2020-0005 – JPR Properties (Exhibit 5d, Staff Report): Zoning Map Amendment (Rezone) of a 38.66-acre parcel, R36355011, from “A” to “M-1” was approved on November 2, 2020. The property abuts the west boundary of the subject parcel.
- (4) The subject parcel is approximately 5,000 feet east of Munn Ranch Subdivision (Exhibit 3h, Staff Report). The subdivision is zoned “M-1” (Exhibit 3f, Staff Report).
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The request will not negatively impact the character of the area.

- Findings:**
- (1) The surrounding area is predominantly zoned “M-1” along Simplot Boulevard with sporadic “A” zones (Exhibit 3f, Staff Report).
 - (2) The following is located near the subject parcel:
 - Along the north boundary of the subject parcel are two parcels (approximately 40 acres in total) zoned “M-1” (Light Industrial) in 2007 by Lurre Construction (RZ2006-8), Exhibit 5b, Staff Report). The parcels appear to have long-term mineral extraction uses.
 - Along the east boundary are three parcels (approximately 40 acres in total) zoned “M-1” in 2007 (RZ2008-6; Exhibit 5a, Staff Report) owned by the applicant.
 - Abutting the south boundary of the subject parcel are Simplot Boulevard (SH-19) and Parcel R36384 and R36385 (approximately 50 acres in total) zoned “M-1” in 2002 (RZ2002-11). The parcel is currently owned by Gayle Manufacturing Company, Inc. Other businesses located south of the subject parcel are AmeriGas Propane and Wilbur-Ellis Caldwell (Agribusiness).
 - Abutting the west boundary of the subject parcel are five parcels (approximately 48 acres in total) zoned “M-1”. Parcels R36388, R36388010, and R36388011 were rezoned to “M-1” in 2008 (RZ2008-2; Exhibit 5b, Staff Report). Parcel R36388 is occupied by Ecco Heavy Equipment Rental. Parcel R36355011, 011A, and 011B were rezoned to “M-1” in 2020 (RZ2020-0005; Exhibit 5d, Staff Report). Interwest Supply is located on Parcel R36355011. At the northwest corner, the parcel abuts a 40-acre parcel zoned “M-1” in 2019 (RZ2018-0034; Exhibit 5c, Staff Report) and is currently in mineral extraction use.
 - (3) See criteria B & C for additional supporting evidence.

- (4) Potential development impacts, such as addressing adequate services, essential services, and access, including addressing traffic impacts, will be completed through local agency, County, and/or state permitting requirements at the time of development.
- (5) Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509. Four letters of support were received (Exhibit 8, Staff Report).
- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

E. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed zoning map amendment?

Conclusion: Adequate sewer, water drainage, irrigation, and utilities can and will be provided at the time of development.

Findings: (1) Necessary facilities such as water, sewer, irrigation, power, and drainage will depend on future uses (CCZO Section 07-10-27). The applicant initially states future uses will have an individual well and septic system (Exhibit 2a & 2b, Staff Report). However, a community well and/or community sanitary system may be required depending on the use. The City of Greenleaf has city services extended to Zoroco, Parcel R36322120, within the Munn Ranch Subdivision, over 6,000 feet west of the subject parcel. The parcel is not located within a nitrate priority area (Exhibit 3l, Staff Report).

No comments were received from the City of Greenleaf, Idaho Department of Water Resources (IDWR), Southwest District Health (SWDH), or Idaho Department of Environmental Quality (DEQ).

- (2) The parcel is currently not served by an irrigation district. An irrigation well is available for irrigation per the water rights report from IDWR (63-2652A; Exhibit 2b, Staff Report).
- (3) Run-off and drainage will be maintained on-site (Exhibit 2b, Staff Report).
- (4) Powerlines exist along Simplot Boulevard and on the subject parcel along the driveway serving the existing dwelling (Exhibit 6, Staff Report). No comment was received from Idaho Power.
- (5) Future development will require coordination and/or permits from the County, affected local agencies, and affected state departments.
- (6) Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509. No comment was received from the Idaho Department of Water Resources (IDWR), Southwest District Health (SWDH), Idaho Department of Environmental Quality (DEQ), and Idaho Power.
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?

Conclusion: The existing access is not recognized by the Idaho Transportation Department. Before establishing a use on the parcel, access must meet Idaho Transportation Department and/or Canyon Highway District 4 regulations and standards.

Findings: (1) The property appears to have access from Simplot Boulevard (SH-19). Idaho Transportation Department (ITD) finds the current access does not exist (Exhibit 4a, Staff Report). ITD requests future access not to have direct access to SH-19, but direct access to SH-19 is allowed subject to traffic generation numbers and turn-lane warrants at the time of development per the process outline in IDAPA 39.03.42.200.09. The access must meet minimum distance requirements between existing approaches. Upon the construction of the future collector road along the north property line, ITD will require the access directly onto SH-19 to be removed.

- (2) Canyon Highway District #4 (CHD4) provided the following future access opportunities (Exhibit 4b, Staff Report):
 - a. Direct access to SH-19 per ITD regulations and standards.
 - b. Connecting to the cross access on R36355011 to Pinto Lane which would require cross access through Parcels R36388 & R36388010 subject to County and CHD4 regulations and standards.
 - c. Access to Lurre Lane to Weitz Road through parcels owned by the applicant is subject to County and CHD4 regulations and standards.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: Future development will require trip generation numbers and a traffic impact study before commencement of use.

- Findings:**
- (1) Idaho Transportation Department requests future access not to have direct access to SH-19 (Exhibit 4a, Staff Report). However, direct access to SH-19 is allowed subject to traffic generation numbers and turn-lane warrants at the time of development per the process outlined in IDAPA 39.03.42.200.09. The access must meet minimum distance requirements between existing approaches. Upon the construction of the future collector road along the north property line, ITD will require access directly onto SH-19 to be removed.
 - (2) Based on the number of uses allowed in the “M-1” zone (CCZO Section 07-10-27) and the impacts created cumulatively, Canyon Highway District #4 will require future development to submit a traffic impact study (Exhibit 4b, Staff Report).
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Based on comments received (Exhibit 4, Staff Report), the local agency or affected state department will address essential service impact at the time of development.

- Findings:**
- (1) Caldwell Rural Fire District can approve the request subject to compliance with code requirements and conditions such as fire hydrants, aerial fire access roadways, fire apparatus access roads, and turnarounds (Exhibit 4c, Staff Report).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509. No comments were received from Vallivue School District, Canyon County Sheriff’s Department, and Canyon County Paramedics/EMTs.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

Canyon County Code §09-03-07(Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Greenleaf Area of City Impact. A notice was sent to the City of Greenleaf per Canyon County Code Section 09-03-07. No comments were received.

Findings:

- (1) Pursuant to CCZO 09-03-07: *There is hereby adopted for the purposes of complying with Idaho Code section 67-6526(a) the Ordinance codified in this Article, which provides for the application of the latest edition of the Canyon County Comprehensive Plan as duly enacted and adopted and amended by the County Commissioners, and Chapter 7 of this Code, to the area of impact of the City of Greenleaf within the unincorporated area of the County, until a new comprehensive plan and/or zoning ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area City of Greenleaf/County of Canyon. Until the joint exercise of power agreement is adopted and operational, the County shall direct copies of all applications coming before it, pursuant to the Local Planning Act of 1975 and Chapter 7 of this Code concerning property located in the area of City impact of Greenleaf, for the City of Greenleaf's input on the application and shall give such input due consideration; and after the adoption of the joint exercise of power agreement and the same becomes operational, then the provisions of that agreement shall govern this process*
- (2) The City of Greenleaf designates the property and area as industrial in their comprehensive plan (Exhibit 3e, Staff Report).
- (3) The City of Greenleaf was noticed on May 18, 2023, January 3, 2024, and March 27, 2024. No comment was received.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. RZ2023-0001.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** Case # RZ2023-0001, a rezone of Parcel R36386 from an "A" (Agricultural) zone to an "M-1" zone (Light Industrial).

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

DATED this _____ day of _____, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

- _____ Motion Carried Unanimously
- _____ Motion Carried/Split Vote Below
- _____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Brad Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Chris Yamamoto, Clerk

By: _____
Deputy

Date: _____

ORDINANCE NO. _____

ORDINANCE DIRECTING AMENDMENTS TO THE
CANYON COUNTY ZONING MAP
(Lurre Ln LLC – Zoning Map Amendment – RZ2023-0001)

An ordinance of Canyon County, Idaho directing amendments to the Canyon County Zoning Map (Ordinance No. 12-021); providing for title, structure, purpose and authority clauses; rezone; severability; and an effective date.

Be It Ordained by the Board of County Commissioners of Canyon County, Idaho:

SECTION 1. TITLE.

This Ordinance shall be known as the “Ordinance Directing Amendments to Canyon County Zoning Map (for approximately 27.16 acres of R36386).

SECTION 2. STRUCTURE.

Titles and subtitles of this Ordinance are only used for organization and structure and the language in each paragraph of this Ordinance should control with regard to determining the legislative intent and meaning of the Board of County Commissioners.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to authorize the rezone of the property described in Section 5 of this Ordinance from “A” (Agricultural) to “M-1” (Light Industrial). The purpose of this Ordinance also authorizes amendments to the Official Maps of Canyon County to reflect the rezone authorized by this Ordinance.

SECTION 4. AUTHORITY.

This Ordinance amending the Official Zoning Maps of Canyon County (is enacted pursuant to the authority conferred by Canyon County Zoning Ordinance 7, Chapter 7, Article 6; and Idaho Code § 67-6511, 67-6511A, 31-714, 31-801 and 31-828.

SECTION 5. REZONE.

The subject property shall be and is rezoned from A” (Agricultural) to “M-1” (Light Industrial), as specifically identified and described in the attached Exhibit “A”, pursuant to the Findings of Fact, Conclusions of Law and Order issued on May 9, 2024, the Board of Canyon County Commissioners as authorized by Canyon County Zoning Ordinance, Chapter 7, Article 6; the Idaho Constitution; and Idaho Code § 67-6511, 67-6511A.

SECTION 6. SEVERABILITY CLAUSE.

Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance in whole or in part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be in full force and effect on _____, 2024.

ADOPTED AND APPROVED this ____ day of _____, 2024.

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

	Yes	No	Did Not Vote
_____ Commissioner Leslie Van Beek	_____	_____	_____
_____ Commissioner Bard Holton	_____	_____	_____
_____ Commissioner Zach Brooks	_____	_____	_____

Attest: Rick Hogaboam, Clerk

By: _____
Deputy

Date: _____

Publication Date: _____ 2024, Idaho Press-Tribune

EXHIBIT "A"

All of the Southwest Quarter of the Northwest Quarter of Section 24, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM that part thereof contained in the following:

BEGINNING at the Southwest corner of the Northwest Quarter of said Section 24; thence North along the Section Line 1,927 feet; thence East 75 feet; thence Southeasterly to a point on the South line of said Northwest Quarter 500 feet East of the POINT OF BEGINNING; thence West 500 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A parcel of land being on both sides of the centerline of State Highway No. 19, Project No. RS-3712 (8) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the Southwest Quarter of the Northwest Quarter, of Section 24, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

COMMENCING at the West Quarter corner of Section 24, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence Easterly (shown of record to be East) along the South line of the Southwest Quarter of the Northwest Quarter of said Section 24, a distance of 500.0 feet, more or less, (shown of record to be 500.0 feet) to the Southeast corner of the tract of land as described in that certain Quitclaim Deed dated January 26, 1960, recorded October 29, 1963, in Book 287 of Deeds at Page 248, as Instrument No. 540567, records of Canyon County, Idaho, and being the REAL PLACE OF BEGINNING; thence North 12° 38' 58" West (shown of record to be Northwesterly) along the Easterly line of said tract of land 122.0 feet, more or less, to a point in a line parallel with and 60.0 feet Northerly from the centerline of said State Highway No. 19 Project No. RS-3712 (8) Highway Survey; thence South 89° 09' 21" East along said parallel line 845.0 feet, more or less, to a point in the East line of said Southwest Quarter of the Northwest Quarter; thence Southerly along said East line 120.0 feet, more or less, to the Southeast corner of said Southwest Quarter of the Northwest Quarter; thence Westerly along the South line of said Southwest Quarter of the Northwest Quarter, a distance of 820.0 feet, more or less, to the REAL PLACE BEGINNING.