



BOARD OF COUNTY COMMISSIONERS  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:

**Zion Ventures, LLC – CR2023-0008**

The Canyon County Board of County Commissioners considers the following:

- 1) Conditional rezone of a 30.42-acre parcel from an “A” (Agricultural) zone to a “CR-C-2” (Conditional Rezone – Service Commercial) Zone. The request includes a development agreement to limit the land use to outdoor storage of recreational vehicles, campers, boats, trailers, and trucks.

[Case CR2023-0008, 19933 Midland Blvd., Caldwell (Parcel Number R34295), a portion of the NE¼ of Section 29, T4N, R2W, 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 CR2023-0008.

**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), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-01-21 (Caldwell Area of City Impact Agreement).
  - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
  - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
  - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-05-01
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, §67-6511.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 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, including whether the proposed use is essential or desirable to the public welfare, 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, CR2023-0008, was presented at a public hearing before the Canyon County Board of County Commissioners on March 19, 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, the Board of County Commissioners decided as follows:**

### CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

#### 1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

**Conclusion:** The request is consistent with the 2023 Canyon County Comprehensive Plan.

- Findings:**
- (1) The Future Land Use Plan within the 2030 Canyon County Comprehensive Plan designates the parcel as “commercial” (Exhibit A.3i, Staff Report). The commercial designation encourages *commercial uses that can provide goods and services to businesses, travelers, and residents of the County* (page 25, 2030 Canyon County Comprehensive Plan). The request aligns with the future land use map and commercial definition (Exhibit A.2, Staff Report).
  - (2) The request generally aligns with the following applicable goals and policies:
    - Property Rights
      - G1.01.00: *Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.*
        - The application process provides the applicant with due process (Comp. Plan Policy P1.01.01). No private property is being taken as part of the rezoning request (Comp. Plan Policy P1.01.02). Conditions of the development agreement are found to be necessary to address concerns and potential impacts (Comp. Plan Policy P1.01.03).
      - G1.02.00: *Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance.*
        - The applicant agrees to the condition of the development agreement (Attachment A) which limits the use of the property to outdoor storage of recreational vehicles, campers, boats, trailers, and trucks and site improvements to minimum potential impact.
    - Population
      - G2.01.00: *Incorporate population growth trends & projections when making land-use decisions.* P2.01.01: *Plan for anticipated population and households that the community can support with adequate services and amenities.*
      - G2.02.00: *Promote housing, business, and service types needed to meet the demand of the future and existing population.*
        - The Future Land Use Plan within the 2030 Canyon County Comprehensive Plan designates the parcel as “commercial” (Exhibit A.3i, Staff Report; Comp. Plan Policy P2.01.01).
        - The property is located within Traffic Analysis Zone (TAZ) 2278 (Exhibit A.31 and 2m, Staff Report). TAZ is delineated by the state and/or local transportation officials for tabulating traffic-related data. COMPASS (Community Planning Association of Southwest Idaho) uses the data as part of the 2040 Communities in Motion Regional Transportation Plan. The data forecasts population, jobs, and households to identify regional growth, traffic improvements, and funding needs. TAZ 2278 and surrounding TAZs forecast substantial job and household growth along HWY 20-26 (Comp. Plan Policy P2.01.01).

- Economic Development
  - G3.01.00: *Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.*
  - G3.05.00: *Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.*
    - The Future Land Use Plan within the 2030 Canyon County Comprehensive Plan designates the parcel as “commercial” (Exhibit A.3i, Staff Report; Comp. Plan Policy P3.01.02). The request (Exhibit A.2, Staff Report) is an allowed use in a “C-2” (Service Commercial) Zoning Designation.
    - The parcel is located in the Caldwell Area of City Impact (Exhibit A.3j, Staff Report). The City of Caldwell designates the area as a Highway Corridor (Exhibit A.4a, Staff Report). Page 42 of the City’s Plan states *“The purpose of this designation is to identify key areas along a highway corridor which are highly visible or transitional in nature. This category includes land that is suitable for a blend of highway oriented commercial uses, business parks, limited light industrial uses, educational, office, and high-density residential uses. Development in this area should occur in a manner that does not disrupt the function of the highway system. The residential density range shall be at least six (6) units per gross acre but should not exceed forty (40) units per gross acre.”* (Comp. Plan Policy P3.01.01).
      - The City of Caldwell 2040 Comprehensive Plan (page 49 – Guidance on Non-Residential Zoning) states the following zoning districts are recommended along HWY 20-26 between Middleton Road and Madison Road: H-C (Highway Corridor) and C-2 (Community Commercial). The C-2 zone allows for the requested use subject to a special use permit (Section 10-02-02 of the Caldwell City Code).
      - The subject property abuts property designated by Caldwell Comprehensive Plan as Manufacturing and Production (Exhibit A.3j of the Staff Report and page 47, 2040 Caldwell Comp. Plan) which allows manufacturing, processing, assembling, packaging, and fabricating uses including material preparation, research, and warehousing. The requested use is allowed in the designation subject to a special use permit.
    - The property abuts HWY 20-26 which is undergoing widening to accommodate future development and population growth (Exhibit A.4g, Staff Report; Comp. Plan Policy P3.01.01).
- Land Use and Community Design
  - G4.02.00: *Ensure that growth maintains and enhances the unique character throughout the County.*
  - G4.03.00: *Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.*
  - G4.07.00: *Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.*
    - The Future Land Use Plan within the 2030 Canyon County Comprehensive Plan designates the parcel as “commercial” (Exhibit A.3i, Staff Report). The commercial designation encourages commercial uses that can provide goods and services to businesses, travelers, and residents of the County (page 25, 2030 Canyon County Comprehensive Plan). The request (Exhibit A.2, Staff Report) is

an allowed use in a “C-2” (Service Commercial) Zoning Designation. *Aligns with Comp. Plan Policies P4.03.01, P4.03.02, P4.03.03.*

- The parcel is located in the Caldwell Area of City Impact (Exhibit A.3j, Staff Report). The City of Caldwell designates the area as a Highway Corridor (Exhibit A.4a, Staff Report). The City of Caldwell 2040 Comprehensive Plan (page 49 – Guidance on Non-Residential Zoning) states the following zoning districts are recommended along HWY 20-26 between Middleton Road and Madison Road: H-C (Highway Corridor) and C-2 (Community Commercial). The C-2 zone allows for the requested use subject to a special use permit (Section 10-02-02 of the Caldwell City Code). *Aligns with Comp. Plan Policy P4.07.01.*
- The applicant agrees to the condition of the development agreement (Attachment A) which limits the use of the property to outdoor storage of recreational vehicles, campers, boats, trailers, and trucks and site improvements to minimum potential impact (Comp. Plan Policy P4.03.03 and P4.07.02).
- Natural Resources & Hazardous Areas
  - The request is not anticipated to impact natural resources/hazardous areas and will not impact future planning for such resources/hazards. The property abuts the City of Caldwell's jurisdiction and HWY 20-26 (Exhibit A.3a, Staff Report). The request, as conditioned (Attachment A), will not impact rivers, forests, ranges, fisheries, wildlife, minerals, or watersheds.
  - The property is not located in a floodplain (Page 43, 2030 Comp. Plan). The likelihood of wildfire is low (Page 44, 2030 Comp. Plan). The property is in a nitrate priority area, but the request does not include water or sanitary use (Exhibit A.2a, Staff Report). As conditioned (Attachment A), annexation is required if water or sanitary services are required.
- Schools
  - The request is not anticipated to impact schools or goals and policies regarding school facilities, services, or connectivity.
- Public Services, Facilities and Utilities
  - G7.01.00: Endeavor to continue providing reliable public services, public safety facilities, and public utilities that support existing developed areas and future growth.
    - The parcel is located in the Caldwell Area of City Impact (Exhibit A.3j, Staff Report). In 2006, parcels to the north, south, and east were annexed into the City of Caldwell (Ordinance No. 2630; Instrument No. 2006-09942). City services are located over 3,000 feet from the subject parcel (Exhibit A.4a, Staff Report). *Aligns with Comp. Plan Policy P7.01.01.*
    - The request, as conditioned (Attachment A), does not require water or sanitary services. The applicant agrees to a condition requiring annexation if water or sanitary services are required or when the property is redeveloped (Exhibit A.2a, Staff Report).
    - As a condition (Attachment A), an engineered stormwater collection and disposal plan demonstrating consistency with applicable DEQ requirements and standards is required prior to commencement of use. *Aligns with Comp. Plan Policy P7.01.03.*
- Transportation
  - G8.01.00: Actively participate in regional transportation planning.
  - G8.02.00: Provide safe transportation improvements for all users and connections to adjacent areas.
    - The property is located within Traffic Analysis Zone (TAZ) 2278 (Exhibit A.3l and A.2m, Staff Report). TAZ is delineated by the state and/or local transportation officials for tabulating traffic-related data. COMPASS (Community Planning

Association of Southwest Idaho) uses the data as part of the 2040 Communities in Motion Regional Transportation Plan. The data forecasts population, jobs, and households to identify regional growth, traffic improvements, and funding needs. TAZ 2278 and surrounding TAZs forecast substantial job and household growth along HWY 20-26 (Comp. Plan Policy P8.01.01).

- The northern boundary abuts HWY 20-26. ITD has reviewed the application and finds the phased approach of the use will align with the widening of Hwy 20-26 scheduled to begin in 2024. The widening will impact the parcel's northern boundary including the piping of the Weymouth Canal which is incorporated into the applicant's site plan (Exhibit A.2c, Staff Report). ITD does not have any concerns (Exhibit A.4g, Staff Report)
- The request will take access from Midland Boulevard, a principal arterial (Exhibit A.2c, staff report). Canyon Highway District #4 will require an approach permit at the time of development to ensure the request meets all guidelines for access to a principal arterial (Exhibit A.4f, Staff Report). At the time of access permit, Highway District #4 may require a TIS, which may include improvements and right-of-way dedication.
- Recreation
  - The request is not anticipated to impact recreation sites or goals and policies regarding recreation facilities, connectivity, or access.
- Special Areas & Sites
  - The request is not anticipated to impact special areas or sites.
- Housing
  - The request does not impact housing plans, goals, or policies.
- Agricultural
  - G12.01.00: *Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.*
    - The Future Land Use Plan within the 2030 Canyon County Comprehensive Plan designates the parcel as "commercial" (Exhibit A.3i, Staff Report). The commercial designation encourages commercial uses that can provide goods and services to businesses, travelers, and residents of the County (page 25, 2030 Canyon County Comprehensive Plan). The parcel is located in the Caldwell Area of City Impact (Exhibit A.3j, Staff Report). The City of Caldwell designates the area as a Highway Corridor (Exhibit A.4a, Staff Report). *Aligns with Comp. Plan Policy P12.01.02.*
- National Interest Electric Transmission Corridors
  - The request does not impact National Interest Electric Transmission plans, goals, or policies.

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0008.

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

**Conclusion:** The request is not more appropriate than the current zone.

**Findings:** (1) The area is predominantly agricultural (Exhibit A.3a, Staff Report). The adjacent properties located in the city jurisdiction are still in agricultural production (Exhibit A.5, Staff Report). The parcel and surrounding area are best-suited soils and considered prime farmland (Exhibit A.3g, Staff Report). Canyon Soils Conservation District recommends denial of the request due to the above factors (Exhibit A.4b, Staff Report).

- (2) The subject property is located in the Caldwell Area of City Impact (Exhibit A.3j, Staff Report). On September 5, 2023, the City of Caldwell submitted a comment letter requesting the property be annexed into the City of Caldwell, and if not, the city recommends denial of the request due to the use being inconsistent with their plans which is Highway Corridor (H-C) and mixed-use development (Exhibit A.4a, Staff Report). City services are over 3,000 feet west of the parcel at the intersection of Middleton Road and HWY 20-26 (Exhibit A.4a, Staff Report).
- (3) The Planning and Zoning Commission finds the requested land use change is premature and should remain in agricultural use until the City of Caldwell and highway improvements are available. The Board of County Commissioners reviewed the request, including the December 21, 2023 Planning and Zoning Commission hearing minutes, and concurs with the Planning and Zoning Commission's recommended findings (Exhibit B.1 & 2, Staff Report).
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0008.

**3. Is the proposed conditional rezone compatible with surrounding land uses?**

**Conclusion:** The request is not compatible with the surrounding land uses.

**Findings:**

- (1) The area is predominantly agricultural (Exhibit A.3a, Staff Report). The adjacent properties in the city jurisdiction are still in agricultural production (Exhibit A.5, Staff Report). The parcel and surrounding area are best-suited soils and considered prime farmland (Exhibit A.3g, Staff Report). Canyon Soils Conservation District recommends denial of the request due to the above factors (Exhibit A.4b, Staff Report).
- (2) The subject property is located in the Caldwell Area of City Impact (Exhibit A.3j, Staff Report). On September 5, 2023, the City of Caldwell submitted a comment letter requesting the property be annexed into the City of Caldwell, and if not, the city recommends denial of the request due to the use being inconsistent with their plans which is Highway Corridor (H-C) and mixed-use development (Exhibit A.4a, Staff Report). City services are over 3,000 feet west of the parcel at the intersection of Middleton Road and HWY 20-26 (Exhibit A.4a, Staff Report).
- (3) The Planning and Zoning Commission finds the requested land use change is not consistent with the surrounding land use which is agriculture. The parcel should remain in agricultural use until the City of Caldwell and highway improvements are available. The Board of County Commissioners reviewed the request, including the December 21, 2023 Planning and Zoning Commission hearing minutes, and concurs with the Planning and Zoning Commission's recommended findings (Exhibit B.1 & 2, Staff Report).
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0008.

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

**Conclusion:** The request does negatively affect the existing or future character of the area.

**Findings:**

- (1) The character of the area is predominantly agricultural (Exhibit A.3a, Staff Report). The adjacent properties in the city jurisdiction are still in agricultural production (Exhibit A.5, Staff Report). The parcel and surrounding area are best-suited soils and considered prime farmland (Exhibit A.3g, Staff Report). Canyon Soils Conservation District recommends denial of the request due to the above factors (Exhibit A.4b, Staff Report).
- (2) Based on the review of the request including public testimony, the Planning and Zoning Commission finds the requested land use change is premature and should remain in agricultural use until the City of Caldwell and highway improvements are available. Until then, the request would be detrimental to the character of the area and impact existing agricultural uses.

The Board of County Commissioners reviewed the request, including the December 21, 2023 Planning and Zoning Commission hearing minutes, and concurs with the Planning and Zoning Commission's recommended findings (Exhibit B.1 & 2, Staff Report).

- (3) Property owners within 600' were noticed per CCZO §07-05-01. A newspaper notice was published on February 8, 2024. Property owners within 600' were notified by mail on February 5, 2024. The property was posted on February 15, 2024.
  - a. No comments from the property owners or public were received.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0008.

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

**Conclusion:** Although the applicant states the request does not request any services, services will be required. Connection to the City of Caldwell services and infrastructure will provide adequate facilities.

**Findings:**

- (1) The request, as conditioned, will not require water or sanitary services (Exhibit A.2, Staff Report). The existing dwelling may be used as a caretaker unit until removed to provide additional storage stalls. The existing services to the dwelling will not be expanded or extended.
- (2) The following agencies were noticed on September 5, 2023, November 7, 2023, and February 5, 2024: City of Caldwell (JEPA), Vallivue School District, Southwest District Health, Caldwell Rural Fire District, Canyon Highway District #4, CenturyLink, Intermountain Gas, Idaho Power, Ziplly, Pioneer Irrigation District, Brown Bus Company, Caldwell Transportation, COMPASS, Idaho Transportation Department, Valley Regional Transit, Canyon County Sheriff, Canyon County Paramedic/EMT, Canyon County Assessor's Office, Canyon Soils Conservation District, Canyon County DSD Engineering, Canyon County DSD Building Department, Department of Environmental Quality, Idaho Department of Water Resources, Idaho State Department of Agriculture, and Idaho Agricultural Aviation Association.

The following comments were received:

- Southwest District Health (Exhibit A.4e, Staff Report): No sanitary services were requested as part of the requested use. No concerns.
- Department of Environmental Quality (Exhibit A.4i, Staff Report): Provided basic information, but no request analysis.
- Black Canyon Irrigation District (Exhibit A.4j, Staff Report): No BCID facilities located on the property.
- City of Caldwell (Exhibit A.4a): The subject property is located in the Caldwell Area of City Impact (Exhibit A.3j, Staff Report). On September 5, 2023, the City of Caldwell submitted a comment letter requesting the property be annexed into the City of Caldwell, and if not, the city recommends denial of the request due to the use being inconsistent with their plans which is Highway Corridor (H-C) and mixed-use development. City services are not available. Services are over 3,000 feet west of the parcel at the intersection of Middleton Road and HWY 20-26.
- Caldwell Rural Fire District (Exhibit A.4c, Staff Report): Caldwell Rural recommends approval of the request subject to conditions regarding water flow for firefighting purposes (fire hydrants) and adequate access. If fire hydrants are required, city services will be necessary.
- Keller Associates – DSD Engineering (Exhibit A.4d, Staff Report): The letter recommends:
  - o Compliance with Southwest District Health and DEQ due to the parcel being located in a nitrate priority area (Exhibit A.3k, Staff Report).



- Historic irrigation easements, lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
  - Stormwater collection and disposal shall meet DEQ requirements. As a condition (Attachment A), a stormwater management plan shall be submitted to DSD before commencement of use.
- (3) The Board of County Commissioners reviewed the request and found it does not provide adequate services and cannot until the City of Caldwell extends services to the area. The parcels north, east, and south of the subject parcel are in the city's jurisdiction and in the process of being developed which includes city services and infrastructure. The subject parcel and request would benefit from the extension of services. Until that point, the request is premature.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0008.

**6. Does the proposed conditional rezone require public street improvements 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 request will impact traffic at the Midland Boulevard and HWY 20-26 intersection. Potential impact cannot be addressed until improvements to HWY 20-26 are complete and Caldwell city improvements are extended to the parcel.

- Findings:**
- (1) The applicant proposes an RV storage use with access on Midland Boulevard near the intersection of HWY 20-26.
  - (2) The northern boundary of the subject parcel abuts HWY 20-26. Idaho Transportation Department (ITD) has reviewed the application and finds the phased approach of the use will align with the widening of HWY 20-26 scheduled to begin in 2024. The widening will impact the parcel's northern boundary, including the piping of the Weymouth Canal, which is incorporated in the applicant's plan (Exhibit A.2g, Staff Report). ITD does not have any concerns (Exhibit A.4g, Staff Report).

The Board of County Commissioners finds the intersection of HWY 20-26 and Midland Boulevard impacted and unsafe. The request would increase existing impacts. Impacts would be better addressed once HWY 20-26 improvements are completed.

- (3) The request will take access from Midland Boulevard, a principal arterial (Exhibit A.2c, Staff Report). CHD4 will require an approach permit at the time of development to ensure the request meets all guidelines for access to a principal arterial (Exhibit A.4f, Staff Report). At the time of access permit, CHD4 may require a TIS (Traffic Impact Study), which may include improvements and right-of-way dedication.

The City of Caldwell submitted a comment letter requesting the property be annexed into the City of Caldwell, and if not, the city recommends denial of the request due to the use being inconsistent with their plans which is Highway Corridor (H-C) and mixed-use development (Exhibit A.4a, Staff Report). City services are over 3,000 feet west of the parcel at the intersection of Middleton Road and HWY 20-26 (Exhibit A.4a, Staff Report). City improvements are proposed to be extended to parcels to the south, east, and north of the subject parcel that would be beneficial to the future development of the subject parcel.

The Board of County Commissioners reviewed the request and found the zoning and land use change premature and should remain in agricultural use until the City of Caldwell and highway improvements are available and traffic impacts adequately addressed.

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0008.



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

**Conclusion:** Legal access exists on the subject parcel. Canyon Highway District #4 will require an approach permit prior to the commencement of use.

- Findings:**
- (5) The request will take access from Midland Boulevard, a principal arterial (Exhibit A.2c, staff report).
  - (6) Canyon Highway District #4 will require an approach permit at the time of development to ensure the request meets all guidelines for access to a principal arterial (Exhibit A.4f, Staff Report). At the time of access permit, Highway District #4 may require a TIS, which may include improvements and right-of-way dedication.

As a condition of approval (Attachment A), an approach permit approval shall be obtained and evidence provided to Canyon County DSD before the commencement of use.

- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0008.

**8. Will the proposed conditional 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 are not anticipated to be impacted by the request.

- Findings:**
- (1) The following agencies were noticed on September 5, 2023, November 7, 2023, and February 5, 2024: City of Caldwell (JEPA), Vallivue School District, Southwest District Health, Caldwell Rural Fire District, Canyon Highway District #4, CenturyLink, Intermountain Gas, Idaho Power, Ziply, Pioneer Irrigation District, Brown Bus Company, Caldwell Transportation, COMPASS, Idaho Transportation Department, Valley Regional Transit, Canyon County Sheriff, Canyon County Paramedic/EMT, Canyon County Assessor's Office, Canyon Soils Conservation District, Canyon County DSD Engineering, Canyon County DSD Building Department, Department of Environmental Quality, Idaho Department of Water Resources, Idaho State Department of Agriculture, and Idaho Agricultural Aviation Association.

Based on comments received (Exhibit A.4, Staff Report), no comments due to impacts on essential services were received.

- (2) Caldwell Rural Fire District (Exhibit A.4c, Staff Report) recommends approval of the request subject to conditions regarding water flow for firefighting purposes and adequate access. As a condition of approval, the development will be required to comply with the International Fire Code as reviewed and approved by the fire district before commencement of use (Attachment A).
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2023-0008.

**Canyon County Code §09-01-21 (Caldwell Area of City Impact Agreement)  
AREA OF CITY IMPACT AGREEMENT ORDINANCE**

**Conclusion:** The property is located within the Caldwell Area of City Impact. A notice was sent to the City of Caldwell per Canyon County Code Section 09-01-21. As conditioned (Attachment A), future development would require annexation into the City of Caldwell. Therefore, future development will not impact the City of Caldwell's future land use plans.

- Findings:**
- (1) The subject property is located in the Caldwell Area of City Impact (Exhibit A.3j, Staff Report). The Caldwell Area of City Impact Ordinance was adopted in 2005 (Ord No. 05-013). Section 09-01-03(2) of the Ordinance states the purpose of the agreement is to "*promote the public health, safety, general welfare, peace, good order, comfort and convenience of Canyon County and the inhabitants thereof by establishing regulations for the Caldwell area of city*

*impact, and further, to: A. Facilitate Legal Duties Or Parties: To facilitate the legal duties, responsibilities, and authority of Canyon County, Idaho and city of Caldwell, Idaho as is prescribed and provided by the Idaho legislature regarding impact areas; and B. Processing Of Land Use And Land Division Applications: To provide steps and procedures required for processing zoning applications, comprehensive plan and zoning amendments and subdivision plats and land division within the Caldwell area of city impact in accordance with Idaho Code section 67-6526; and C. Economical And Compatible Infrastructure: To identify an urban fringe in the unincorporated area surrounding the city of Caldwell within which there is potential for development or changes in land use that must be planned, designed and constructed in an orderly manner compatible with the city of Caldwell for the city of Caldwell to assure timely and/or economical provision of public services, such as water supply, sewage and storm water collection and treatment, public safety services, airport, parks, and other community service facilities.*

- (2) Section 09-01-21 of the Ordinance states: *All proposed amendments to the text and/or map of the Canyon County zoning ordinance or subdivision regulations, which may relate to the Caldwell area of city impact, shall be referred by the county to the city of Caldwell in the same manner as provided for in subsection 09-01-17(3) of this article. Any recommendation of the city of Caldwell shall be considered in the same manner as provided for in subsection 09-01-17(3) of this article.* According to Section 09-01-17(3) of the Ordinance, notice shall be provided to the City of Caldwell at least 30 days before the first public hearing. An official notice was provided on September 5, 2023. A Planning and Zoning Commission hearing notice was provided on November 7, 2023. A Board of County Commissioners hearing notice was provided on February 5, 2024.
- (3) On September 5, 2023, the City of Caldwell submitted a comment letter requesting the property be annexed into the City of Caldwell, and if not, the city recommends denial of the request due to the use being inconsistent with their plans which is Highway Corridor (H-C) and mixed-use development (Exhibit A.4a, Staff Report).
- (4) Section 09-01-17(1) states: *The Canyon County comprehensive plan, as amended, shall apply to the Caldwell area of city impact. Canyon County recognizes that the city of Caldwell has also developed a comprehensive plan and accompanying map for the Caldwell area of city impact. Canyon County shall give consideration to the city's comprehensive plan map designations when evaluating development requests with the Caldwell area of city impact.*

The Future Land Use Plan within the 2030 Canyon County Comprehensive Plan designates the parcel as “commercial” (Exhibit A.3i, Staff Report). The commercial designation encourages commercial uses that can provide goods and services to businesses, travelers, and residents of the County (page 25, 2030 Canyon County Comprehensive Plan). The request (Exhibit A.2, Staff Report) is an allowed use in a “C-2” (Service Commercial) Zoning Designation.

The Caldwell 2040 Comprehensive Plan designates the parcel as a Highway Corridor. Page 42 of the City’s Plan states *“The purpose of this designation is to identify key areas along a highway corridor which are highly visible or transitional in nature. This category includes land that is suitable for a blend of highway-oriented commercial uses, business parks, limited light industrial uses, educational, office, and high-density residential uses. Development in this area should occur in a manner that does not disrupt the function of the highway system. The residential density range shall be at least six (6) units per gross acre but should not exceed forty (40) units per gross acre.”*

The parcel is also located adjacent to the following City designations:

- Manufacturing and Production: *This category includes land that is suitable for the manufacturing, processing, assembling, packaging or fabricating of previously prepared materials, research and development activities and warehousing. Manufacturing and production uses shall be unobtrusive and not detrimental to surrounding residential and commercial uses. Commercial and service activities that have frontage on collector and*

arterial roadways or are within a platted industrial park may be permitted (Page 47 of the City's Plan).

- Low-Density Residential: *This category includes land that is suitable for single-family residential neighborhoods, including churches, schools, neighborhood parks, comparable public facilities, and essential public utilities. The residential density range for a single-family residential subdivision shall not exceed three (3) dwelling units per gross acre. A planned-unit development with mixed uses, such as duplexes, townhouses and compatible non-residential uses, may be permitted at a residential density of not more than six (6) units per gross acre (Page 44 of the City's Plan).*

The City of Caldwell 2040 Comprehensive Plan (page 49 – Guidance on Non-Residential Zoning) states the following zoning districts are recommended along HWY 20-26 between Middleton Road and Madison Road: H-C (Highway Corridor) and C-2 (Community Commercial). The C-2 zone allows for the requested use subject to a special use permit (Section 10-02-02 of the Caldwell City Code).

- (5) Section 09-01-17(3) states: *If a recommendation is received by the county from the city of Caldwell, the recommendation shall be given consideration by the county, provided it is factually supported. Such a recommendation shall not be binding on the county.* The applicant understands the city's comments but does not want to annex into the City of Caldwell at this time (Exhibit A.2a, Staff Report) and city services are not available. Services are over 3,000 west of the subject parcel (Exhibit A.4a, Staff Report).

However, understanding the City of Caldwell's concerns, the proposed use requires little to no improvements to provide the storage spaces required for the operation. Since the request requires little to no permanent improvements, future redevelopment is possible. The applicant agrees to a condition of the development agreement requiring annexation at the time of redevelopment or if water or sanitary improvements are required as part of the storage use. Therefore, the request, as conditioned and designed will not impact the extension of city services or redevelopment that can meet City plans.

Based on the review of the request including public testimony, the Planning and Zoning Commission finds the requested land use change is premature and should remain in agricultural use until the City of Caldwell and highway improvements are available. Until then, the request would be detrimental to the character of the area and impact existing agricultural uses. The Board of County Commissioners reviewed the request, including the December 21, 2023, Planning and Zoning Commission hearing minutes, and concurs with the Planning and Zoning Commission's recommended findings (Exhibit B.1 & 2, 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. CR2023-0008.

**Order**

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **denies** Case #CR2023-0008, a conditional rezone of Parcel R34295, approximately 30.42 acres, from an "A" (Agricultural) zone to a "CR-C-2" (Conditional Rezone – Service Commercial) zone which includes the proposed conditions of the development agreement (Attachment A).

According to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:


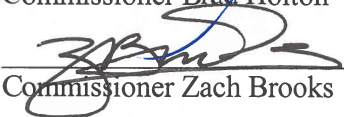
- 1. Waiting until city growth, including uses, city services, and ITD infrastructure, abuts the subject parcel.

According 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 2nd day of April, 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Commissioner Brad Holton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogaboam, Clerk

By: J Ross  
Deputy

Date: 04.02.24

## ATTACHMENT A

### DEVELOPMENT AGREEMENT CONDITIONS

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
2. The subject parcel, R34295, shall be subject to the requirements of the "C-2" Zone subject to the following conditions:
  - a. All land uses as shown in the Land Use Matrix (CCZO Section 07-10-27) shall be prohibited except for the following uses:
    - i. Ministorage and/or RV storage facility; and
      - The storage facility shall comply with the conceptual site plan (Attachment B) and the applicant's letter of intent (Exhibit A.2a and 2b, Staff Report) regarding the type of outdoor storage provided on the premises (Attachment B).
    - ii. Caretaker Unit
      - The caretaker unit shall use the existing domestic water and septic system. The use shall not expand or extend water or sanitary services without first annexing into the City of Caldwell.
  - b. Annexation into the City of Caldwell is required if water or sanitary services become necessary for the operation of the storage facility or if the parcel is redeveloped, whichever occurs first.
  - c. Prior to the commencement of use, the following shall be submitted to Canyon County DSD for review and approval:
    - i. An exterior lighting plan demonstrating all exterior light fixtures will be downward facing and shielded to reduce off-site glare to ensure light pollution is minimized;
    - ii. A fencing and landscaping plan, in substantial compliance with Attachment B, demonstrating perimeter fencing in compliance with the definition of "Fence (Sight Obscuring)" per CCZO Section 07-02-03. Landscaping location, type of landscaping, and landscaping maintenance shall be included. Canyon Highway District #4 and the Idaho Transportation Department shall review the fencing and landscaping plan to ensure the fencing and landscaping locations do not block the vision of traffic.
    - iii. Approach permit approved by Canyon Highway District #4 (Exhibit A.4f, Staff Report).
    - iv. Caldwell Rural Fire District review and approval in alignment with the International Fire Code.
    - v. A phasing plan demonstrating storage stall capacity within a two-year timeframe subject to coordination with the Idaho Transportation Department's widening of HWY 20-26 (Exhibit A.4g, Staff Report).
    - vi. An engineered stormwater collection and disposal plan demonstrating consistency with applicable DEQ requirements and standards.
3. Historic irrigation easements, lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
4. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."



