



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)(1).

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 31, 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 3c, 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



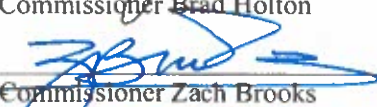
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **approve** Case # RZ2023-0001, a rezone of Parcel R36386 from an "A" (Agricultural) zone to an "M-1" zone (Light Industrial).

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 9 day of May, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogalsam, CLERK

By: Monica Rivas
Deputy

Date: 5/9/24