



PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:

Payne – CR2022-0007

The Canyon County Planning and Zoning Commission considers the following:

- Conditional Rezone of approximately 21.84 acres from an “A” (Agricultural) and “C-1” (Neighborhood Commercial) zone to a “CR-C-2” (Conditional Rezone - Service Commercial) zone. The request includes a development agreement limiting allowed uses (Attachment A)

Case #CR2022-0007, adjacent to 13768 SH-44, Caldwell (Parcel Number: R34456), a portion of the SW¼ of Section 02, T4N, R3W BM, Canyon County, Idaho

Summary of the Record

1. The record is comprised of the following:

- A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0007.

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 §09-09-15 (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 the 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 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 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, CR2022-0007, was presented at a public hearing before the Canyon County Planning and Zoning Commission on April 4, 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:

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

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

Conclusion: The subject parcel is designated as “commercial” on the Future Land Use Plan in the 2022 Canyon County Comprehensive Plan.

Findings: (1) The 2020 Canyon County Comprehensive Plan designates the parcel and parcels south and north of SH-44 “commercial” (Exhibit 3c of the staff report). The commercial designations “are intended to provide for commercial uses that can provide for a variety of commercial uses that provides goods and services to businesses, travelers and residents of the county” (Page 37 of the 2020 Comp. Plan).

The commercial designation is consistent with the 2030 Canyon County Comprehensive Plan's future land use map (Exhibit 3d of the staff report). However, the application was submitted before the adoption of the 2030 Comprehensive Plan. Therefore, the request must be considered per the 2020 Canyon County Comprehensive Plan.

(2) The subject parcel is located within the Middleton Area of City Impact. Middleton designates the parcel and parcel south and north of SH-44 as “Commercial” and “Mixed-Use” (Exhibit 3e of the staff report). Middleton describes the “commercial” designation as follows:

This land use primarily serves to provide local commercial services and daily needs. As development becomes more automobile-dependent, this type of development should be located on major arterials. While extremely important to the local economy, commercial land use only makes up a very small percentage (2%) of the total land use in the City (see the 2018 Land Use Map). Another 2% of land in the City is considered to be vacant commercial, while in the impact area, it makes up 0.5% of the total land use. The vast majority of commercial land use is located along Main Street (also known as State Highway 44 or Star Boulevard) between Middleton Road and Hartley Road. Small stores, restaurants, and business offices comprise the majority of commercial land uses in the City. (Page 27 & 28, Middleton Comp. Plan).

Middleton describes the “mixed-use” designation as follows:

This land use designation is a combination of residential and commercial. The appropriateness of specific projects and developments will be evaluated on location, orientation, and design. This designation is intended to deliberately and creatively mix uses for the betterment of the project as a whole. Developments might include business parks, mixed-density residential, and mixtures of commercial and residential. Mixed-use makes up only 0.6% of total land uses in the City, while vacant mixed-use is 3% in the City (Page 28, Middleton Comp. Plan).

(3) Although the request is consistent with the 2020 Canyon County Comprehensive Plan's future land use map, without a specific plan, specific use, and/or mitigation measures, the request does not align with the following goals and policies:

- **Property Rights Goal 2.** *The community goal is to acknowledge the responsibilities of each property owner as a steward of the land, to use their property wisely, maintain it in good condition, and preserve it for future generations.*

- **Property Rights Policy 8.** *Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.*
- **Property Rights Policy 11.** *Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.*
- **Property Rights Policy 12.** *Property owners acknowledge and expect that Canyon County will preserve private property rights and values by enforcing regulations that will ensure against incompatible and detrimental neighboring land uses.*
- **Population Policy 3.** *Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.*
- **Economic Development Policy 1.** *Canyon County should encourage the continued use of agricultural lands, land uses and recognize the economic benefits they provide to the community.*
- **Economic Development Policy 6.** *Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.*
- **Economic Development Policy 7.** *Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.*
- **Land Use Goal 1.** *To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure, and services.*
- **Land Use Goal 2.** *To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.*
- **Land Use Policy 1.** *Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.*
- **Land Use Policy 6.** *Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.*
- **Land Use Policy 8.** *Develop, administer, and update the county-wide zoning ordinance to protect property values and avoid mixing of incompatible uses.*
- **Land Use Policy 9.** *Encourage and support land use proposals that are consistent with the community design goals and policies within the county.*
- **Natural Resources – Water Goal 1.** *Water is an essential and limited natural resource. Groundwater and surface water should be preserved and protected.*
- **Natural Resources – Water Policy 4.** *Encourage new development to incorporate design elements that limit water use requirements.*
- **Natural Resources – Water Policy 5.** *Require that new development has adequate water supply to ensure fire protection for the development.*
- **Public Services, Facilities, and Utilities Policy 2.** *Encourage the establishment of expanded sewer infrastructure and wastewater treatment in areas of city impact.*
- **Public Services, Facilities, and Utilities Implementation Action:** *Where feasible, subdivisions within the city area of impact should be connected to city water and/or sewer.*
- **Community Design Goal 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.*

- **Community Design Policy 5.** *Encourage each development to address concerns regarding roads, lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.*

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.
- (5) Evidence includes the findings and evidence in criteria 2 through 8.

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

Conclusion: When considering the surrounding land uses, the proposed conditional rezone is not more appropriate than the current zoning designation.

- Findings:**
- (1) The applicant is requesting a Conditional Rezone of approximately 21.84 acres from an “A” (Agricultural) and “C-1” (Neighborhood Commercial) zone to a “CR-C-2” (Conditional Rezone – Service Commercial). *See Exhibit 3f of the staff report for the zoning map.* Per CCZO §07-10-25, Purposes of Zones:
 - (6) *The purpose of the C-2 (Service Commercial) Zone is to provide areas where activities of a service nature, which are more intensive in character than in other Commercial Zones, may be carried out.*
 - (2) Approximately 14.5 acres of the parcel are zoned “A” (Agricultural) while the remaining 7.34 acres along SH-44 were rezoned to “C-1” (Neighborhood Commercial) in 2011 as part of a blanket rezone (RZ2011-10, Exhibit 5 of the Staff Report). Per CCZO §07-10-25, Purposes of Zones:
 - (1) *The purposes of the A (Agricultural) Zone are to:*
 - Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
 - Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
 - Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
 - Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
 - Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.*
 - (5) *The purpose of the C-1 (Neighborhood Commercial) Zone is to provide for local commercial service needs and to restrict incompatible uses.*
 - (3) The area consists of a variety of lot sizes and a mix of agricultural/rural residential uses. *See Exhibits 3a, 3b, and 7 of the staff report for aerial and site visit photos.* To the north and west of the parcel are residential parcels and lots created by subdivisions. The north boundary of the subject parcel is located within the vicinity of parcels zoned “A” (Agricultural). Other than parcel R34455 that abuts the subject parcel (7.63 acres, Laeger), the parcels north of the subject parcel were divided into residential lots, including Northslope Estates 1 & 2; a 2.98-acre average lot size.

The west boundary is located within the vicinity of parcels created by subdivisions including Whittle Subdivision, Sleepy Hollow Subdivision, and Saddleback Ridge Subdivision. The area is predominantly zoned “A” except for Saddleback Ridge Subdivision which is zoned “R-R” (Rural Residential) and a lot within Sleepy Hollow Subdivision zoned “CR-R-1” (Conditional Rezone – Single-Family Residential).

The east boundary abuts Canyon Lane, a public road that dead-ends approximately 3,000 north of the subject parcel. Parcels within the vicinity are zoned "A" and consist of a mix of lots created by a subdivision, land divisions, and large farm ground; a 14.36-acre average lot size. The parcel also abuts an original parcel, R34459 (0.57 of an acre), zoned "C-1" with an existing dwelling.

The south boundary abuts SH-44. Parcels south of SH-44 consist of a mix of parcels created by division; a 1.12-acre average lot of sizes. Parcels near the corner of SH-44 and Channel Road are zoned "C-1". The other parcels are zoned "A".

The subject parcel and parcels to the east and the south consist of larger parcels that appear to be in rural/agricultural uses (Exhibit 3a, Staff Report). They predominantly consist of prime farmland or farmland of statewide importance and consist of best to moderately-suited soils (Exhibit 3i, Staff Report).

There are no "C-2" zones in the vicinity. The nearest "C-2" zone is over 4,000 west of the subject parcel, Parcel R34717200, conditionally rezoned to "CR-C2" to allow for an RV storage/mini-storage facility, accessory uses, caretaker residence, seasonal activities, and similar allowed uses (PH2015-61, Exhibit 6 of the staff report).

- (4) In 2011, a blanket rezone to "C-1" was approved for interested property owners along SH-44 (RZ2011-10, Exhibit 5 of the Staff Report). When considering the 2020 Canyon County Comprehensive Plan, the Board of County Commissioners found the "C-1" zone the most appropriate zone along SH-44 for a blanket rezone. Upon review of the 13 properties zoned "C-1" within 3,000 feet of the subject parcel, only two parcels since 2011 appear to be in commercial use (R34737011 & 011A, and R34738010). The subject parcel has not been used for commercial use, nor has the adjacent parcel, R34459, which appears to be used for residential use. The other parcels not used for commercial uses are vacant or used for residential use.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

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

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

Findings: (1) The area consists of a variety of lot sizes and a mix of agricultural/rural residential uses. *See Exhibits 3a, 3b, and 7 of the staff report for aerial and site visit photos.* To the north and west of the parcel are residential parcels and lots created by subdivisions. The north boundary of the subject parcel is located within the vicinity of parcels zoned "A" (Agricultural). Other than parcel R34455 that abuts the subject parcel (7.63 acres, Laeger), the parcels north of the subject parcel were divided into residential lots, including Northslope Estates 1 & 2; a 2.98-acre average lot size.

The west boundary is located within the vicinity of parcels created by subdivisions including Whittle Subdivision, Sleepy Hollow Subdivision, and Saddleback Ridge Subdivision. The area is predominantly zoned "A" except for Saddleback Ridge Subdivision which is zoned "R-R" (Rural Residential) and a lot within Sleepy Hollow Subdivision zoned "CR-R-1" (Conditional Rezone – Single-Family Residential).

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There are no "C-2" zones in the vicinity. The nearest "C-2" zone is over 4,000 west of the subject parcel, Parcel R34717200, conditionally rezoned to "CR-C2" to allow for an RV storage/mini-storage facility, accessory uses, caretaker residence, seasonal activities, and similar allowed uses (PH2015-61, Exhibit 6 of the staff report).

In 2011, a blanket rezone to "C-1" was approved for interested property owners along SH-44 (RZ2011-10, Exhibit 5 of the Staff Report). When considering the 2020 Canyon County Comprehensive Plan, the Board of County Commissioners found the "C-1" zone the most appropriate zone along SH-44 for a blanket rezone. Upon review of the 13 properties zoned "C-1" within 3,000 feet of the subject parcel, only two parcels since 2011 appear to be in commercial use (R34737011 & 011A, and R34738010). The subject parcel has not been used for commercial use, nor has the adjacent parcel, R34459, which appears to be used for residential use. The other parcels not used for commercial uses are vacant or used for residential use.

- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

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

Conclusion: As requested, the requested conditional rezone to C-2 is out of character with the area. Without a specific plan or use, and/or mitigation measures, impacts to the existing character are not adequately addressed. Therefore, impacts on the character of the area are unknown and potentially negative.

Findings: (1) The area consists of a variety of lot sizes and a mix of agricultural/rural residential uses. *See Exhibits 3a, 3b, and 7 of the staff report for aerial and site visit photos.* To the north and west of the parcel are residential parcels and lots created by subdivisions. The subject parcel and parcels to the east and the south consist of larger parcels that appear to be in rural/agricultural uses (Exhibit 3a, Staff Report). They predominantly consist of prime farmland or farmland of statewide importance and consist of best to moderately-suited soils (Exhibit 3i, Staff Report).

In 2011, a blanket rezone to "C-1" was approved for interested property owners along SH-44 (RZ2011-10, Exhibit 5 of the Staff Report). When considering the 2020 Canyon County Comprehensive Plan, the Board of County Commissioners found the "C-1" zone the most appropriate zone along SH-44 for a blanket rezone. Upon review of the 13 properties zoned "C-1" within 3,000 feet of the subject parcel, only two parcels since 2011 appear to be in commercial use (R34737011 & 011A, and R34738010). The subject parcel has not been used for commercial use, nor has the adjacent parcel, R34459, which appears to be used for residential use. The other parcels not used for commercial uses are vacant or used for residential use.

There are no "C-2" zones in the vicinity. The nearest "C-2" zone is over 4,000 west of the subject parcel, Parcel R34717200, conditionally rezoned to "CR-C2" to allow for an RV storage/mini-storage facility, accessory uses, caretaker residence, seasonal activities, and similar allowed uses (PH2015-61, Exhibit 6 of the staff report).

- (2) The applicant requests the rezoning be approved first before determining a specific use (Exhibit 2a, Staff Report). The "C-2" zone is requested because it provides the most flexibility. Effects

on neighbors, traffic, schools, and services will be addressed at the time of use by the appropriate agencies.

The applicant agrees to the following uses being prohibited through a development agreement to reduce impacts to the area:

- Church,
- Clinics or hospitals,
- Daycare facilities (Family, Group, and Daycare Centers)
- Mortuaries, cremation, and funeral home
- Museums,
- Public uses and quasi-public uses,
- Radio, television, and broadcasting stations,
- Schools (public or private/vocational or trade), and
- Vehicle fueling stations with convenience stores.

Without a specific plan and/or mitigation measures that can adequately address potential impacts on the character/compatibility, impacts on the character of the area are unknown and potentially negative.

- (3) Notice of the public hearing was provided per CCZO §07-05-01. A newspaper notice was published on March 9, 2024. Property owners within 600' were notified by mail on March 5, 2024. The property was posted on March 15, 2024.
 - a. A comment letter was received in opposition to the request unless it was a rental storage use (Jones, Exhibit 4e of the staff report). The letter includes concerns regarding increased traffic and noise.
- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.
- (5) Evidence includes the findings and evidence in criteria 5 through 8.

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

Conclusion: Without a specific plan or use, and/or mitigation measures, adequate services and facilities to accommodate future uses are unknown and potentially negative.

- Findings:**
- (1) Middleton city jurisdiction and city services are located over 4,400 feet east of the subject parcel. The applicant did not provide a study or mitigation measures to ensure adequate services can be provided or to ensure the use does not impact groundwater quality or quantity.
 - (2) The parcel has surface water rights from Middleton Mills/Middleton Irrigation Association, not Black Canyon Irrigation District (Exhibit 4b of the staff report). No comments were provided by Middleton Mills/Middleton Irrigation Association.
 - (3) The applicant requests the rezoning be approved first before determining a specific use (Exhibit 2a, Staff Report). The "C-2" zone is requested because it provides the most flexibility. Effects on neighbors, facilities, traffic, schools, and services will be addressed at the time of use by the appropriate agencies. However, without a specific plan and/or mitigation measures that can adequately address facilities or potential impacts on natural resources, adequate services and facilities to accommodate future uses are unknown and potentially negative.
 - (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and the City of Middleton were noticed on April 20, 2023, and March 5, 2024. A newspaper notice was published on March 9, 2024. Property owners within 600' were notified by mail on March 5, 2024. Full political notice was provided on March 5, 2024. The property was posted on March 15, 2024.

a. No comments were received from Southwest District Health, Idaho Department of Water Resources, or Idaho Department of Environmental Health.

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

6. Does the proposed conditional rezone 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: Without a specific plan or use, and/or mitigation measures, adequate services and facilities to accommodate future uses are unknown and potentially negative.

- Findings:**
- (1) The parcel has frontage on Canyon Lane, a local road maintained by Canyon Highway District #4, and SH-44, a principal arterial highway maintained by the Idaho Transportation Department (ITD). Existing agricultural/field access appears to be from SH-44.
 - (2) Canyon Highway District #4 states direct access to a principal arterial highway is restricted and would require ITD authority through a permitting process. If future development will have access via Canyon Lane, any new local road, private road or private driveway shall be located a minimum of 440 feet from the SH 44/Canyon Lane intersection, located a minimum of 250 feet from any other existing road intersection, and commercial driveway to be located a minimum of 125-feet from any other existing or proposed driveway or roadway. *See Exhibit 3d of the staff report, CHD4 comment letter.*
 - (3) Due to the large variety of uses allowed in the “C-2” Zone, trip generation frequency varies dramatically. It is anticipated that the rezoning change on approximately 22 acres will require a TIS because trip generation will exceed 500 trips/day or 50 trips/peak hour. Before the commencement of any use, CHD4 and ITD require a development proposal review to determine if a TIS is required (Exhibits 4c & 4s of the staff report).
 - (4) The applicant requests the rezoning be approved first before determining a specific use (Exhibit 2a, Staff Report). The “C-2” zone is requested because it provides the most flexibility. Effects on neighbors, facilities, traffic, schools, and services will be addressed at the time of use by the appropriate agencies. However, without a specific plan and/or mitigation measures that can adequately address traffic improvements or potential impacts created by the request, traffic impacts are unknown and potentially negative.
 - (5) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and the City of Middleton were noticed on April 20, 2023, and March 5, 2024. A newspaper notice was published on March 9, 2024. Property owners within 600’ were notified by mail on March 5, 2024. Full political notice was provided on March 5, 2024. The property was posted on March 15, 2024.
 - a. Canyon Highway District #4 (Exhibit 4d, Staff Report)
 - b. ITD (Exhibit 4c, 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. CR2022-0007.

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

Conclusion: The property has legal access. Commercial access can be accommodated at the time of development.

- Findings:**
- (1) Per Exhibit 3d of the staff report, the parcel has frontage on Canyon Lane, a local road maintained by Canyon Highway District #4, and SH-44, a principal arterial highway maintained by the Idaho Transportation Department (ITD). Per testimony from the owner, Greg Payne, existing agricultural/field access exists from SH-44.

- (2) Canyon Highway District #4 states direct access to a principal arterial highway is restricted and would require ITD authority through a permitting process. If future development will have access via Canyon Lane, any new local road, private road or private driveway shall be located a minimum of 440 feet from the SH 44/Canyon Lane intersection, located a minimum of 250 feet from any other existing road intersection, and commercial driveway to be located a minimum of 125-feet from any other existing or proposed driveway or roadway. *See Exhibit 3d of the staff report, CHD4 comment letter.*
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and the City of Middleton were noticed on April 20, 2023, and March 5, 2024. A newspaper notice was published on March 9, 2024. Property owners within 600' were notified by mail on March 5, 2024. Full political notice was provided on March 5, 2024. The property was posted on March 15, 2024.
 - a. Canyon Highway District #4 (Exhibit 4d, Staff Report)
 - b. ITD (Exhibit 4c, 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. CR2022-0007.

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: Without a specific plan or use, and/or mitigation measures, impacts on essential services are unknown and potentially negative.

- Findings:**
- (1) The subject parcel is served by the Middleton Fire District, Middleton School District, Canyon County Sheriff's, and Canyon County EMT/Paramedics. No comments were received.
 - a. Middleton Fire District Station 53 is 2.5 miles east of the subject parcel, approximately five minutes distance.
 - (2) The applicant requests the rezoning be approved first before determining a specific use (Exhibit 2a, Staff Report). The "C-2" zone is requested because it provides the most flexibility. Effects on neighbors, facilities, traffic, schools, and services will be addressed at the time of use by the appropriate agencies. However, without a specific plan and/or mitigation measures that can adequately essential service improvements or potential impacts on essential services, impacts are unknown and potentially negative.
 - (1) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and the City of Middleton were noticed on April 20, 2023, and March 5, 2024. A newspaper notice was published on March 9, 2024. Property owners within 600' were notified by mail on March 5, 2024. Full political notice was provided on March 5, 2024. The property was posted on March 15, 2024.
 - (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

Canyon County Code §09-09-15 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Middleton Area of City Impact. A notice was sent to the City of Middleton per Canyon County Code Section 09-09-15 (09-09-11(3)). No comments were received.

- Findings:**
- (1) Pursuant to 09-09-15: All proposed county ordinance amendments to the text and/or map which may relate to the Middleton area of city impact shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article, except that recommendations received from the city by the county are nonbinding but any factually supported recommendations shall be seriously considered by the county.

- a. 09-09-11(3): Plan Amendment Proposals: All proposals for amendments to the county comprehensive plan which may appertain to the Middleton area of city impact but which do not originate from the city shall be referred to the city at least thirty (30) calendar days prior to any hearing on such matter and a recommendation may be made before or at said public hearing. If a recommendation is received it shall be given great weight by the county, provided it is factually supported, but such recommendation shall not be binding on the county. If no response is received the county may proceed without the recommendation of the city. A copy of the final decision issued by the county shall be forwarded to the city. If the city does not agree with the request, because it involves a major change in the county's comprehensive plan, the city may request renegotiation of this article as provided in Idaho Code 67-6526(d). A major change is one that is fundamental to the county's comprehensive plan, as determined by the parties.
- (2) A notice was sent to the City of Middleton on April 20, 2023, and March 5, 2024. No comments were received.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

Order

Based upon the Findings of fact, Conclusions of law, and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case # CR2022-0007, a condition rezone of Parcel R34456 to a "CR-C-2" Zone.

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

- 1. Submit a rezone application to rezone the remaining 14.5 acres to "C-1" commensurate with the portion of the property along SH-44 (approximately 7 acres).

DATED this 2 day of May, 2024.

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

Robert Sturgill
Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 2 day of May, in the year 2024, before me Amber Lewter, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: *Amber Lewter*

My Commission Expires: 10/20/2029

