



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

**HEARING DATE:** July 30, 2024

**OWNER:** Greg Payne

**APPLICANT/REP:** Carl Anderson, Snake River WCE Real Estates, LLC

**PLANNER:** Dan Lister, Principal Planner

**CASE NUMBER:** CR2022-0007

**LOCATION:** Adjacent to 13768 SH-44, Caldwell



### **PROJECT DESCRIPTION**

The owner, Greg Payne, 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) zone. The request includes a development agreement limiting allowed uses (Exhibit 2a).

The subject agricultural property, Parcel R34456, is adjacent to 13768 SH-44, Caldwell; also referenced a portion of the SW¼ of Section 02, T4N, R3W, BM, Canyon County, Idaho.

On April 18, 2024, the Planning and Zoning Commission recommended the denial of the request (Exhibit 8 & 9).

### **PROJECT INFORMATION** (See Exhibit 1 for Parcel Information)

The 21.84-acre parcel, R34456, appears to be original, in existence on September 6, 1979 (CCZO Section 07-02-03). The parcel is vacant of any structures and is currently in agricultural use.

Approximately 14.5 acres of the parcel is zoned “A” (Agricultural) while the remaining 7.34 acres along SH-44 was rezoned to “C-1” (Neighborhood Commercial) in 2011 as part of a blanket rezone (RZ2011-10, Exhibit 5).

In 2020, the subject property was deeded from James L. Payne to the current owner (Instrument No. 2020-049221, Exhibit 2c).

### **APPLICABLE CODES**

#### ***CCZO §07-02-03: DEFINITIONS:***

*CONDITIONAL REZONE: The rezoning of land with conditions imposed so that if the conditions are not complied with, the rezone may be withdrawn and the land reverts back to its former zoning classification.*

#### ***CCZO §07-06-07: CONDITIONAL REZONE:***

*(1) Restrictions: In approving a conditional rezone application, 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. When the presiding party finds that such conditions, stipulations, restrictions or limitations are necessary, land may be rezoned upon condition that if the land is not used as approved, or if an approved use ends, the land use will revert back to the zone applicable to the land immediately prior to the conditional rezoning action.*

- (2) Development Agreement: Any condition, stipulation, restriction or limitation imposed pursuant to this article shall be incorporated as part of any site plan, plat, document of title of conveyance and building permit relating to the restricted land. Any predevelopment condition, stipulation, restriction or limitation imposed pursuant to this subsection shall be verified as being met prior to the issuance of any building permit. The applicant must execute a written development agreement to implement and be bound by any such condition, stipulation, restriction, or limitation. No final conditional rezoning action shall be taken until such development agreement is recorded in the office of the county recorder. The development agreement shall have the effect and impact provided by Idaho Code section 67-6511A.*
- (3) Conditional Rezoning Designation: Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone" shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat in accordance with this chapter before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel as CR shall not constitute "spot" zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.*
- (4) Time Requirements: All conditional rezones for a land use shall commence (see definition of "commence", section 07-02-03: of this chapter) within two (2) years of the approval of the board. If the conditional rezoning has not commenced within the stated time requirement, the application for a conditional rezoning shall lapse and become void. All subsequent developments on the property shall reapply for land use approval.*
- (5) Notice That Conditional Rezone Conditions Not Being Met: If any person, including staff or member of the commission, files a written notice presenting sufficient evidence, as determined by the director, to establish that the rezone conditions have not been met, or that a use approved by conditional rezoning has been abandoned or has ended, the commission shall notice a public hearing pursuant to article 5 of this chapter, said hearing to be conducted pursuant to article 5 of this chapter. The burden of proof at such hearing shall be on the person who filed the notice. If the commission finds that the rezone conditions are not being followed or that the use approved by conditional rezoning has ended, it may recommend to the board a time schedule for compliance or may recommend that the board order the zone to revert back to the zone from which the property was conditionally rezoned, as provided by subsection (7)I of this section.*
- (6) Conditional Rezone Approval:*
  - A. Standards of Evaluation: The presiding party shall review the particular facts and circumstances of the proposed conditional rezoning. The presiding party shall apply the following standards when evaluating the proposed conditional rezoning:*
    - 1. Is the proposed conditional rezoning generally consistent with the comprehensive plan;*
    - 2. When considering the surrounding land uses, is the proposed conditional rezoning more appropriate than the current zoning designation;*
    - 3. Is the proposed conditional rezoning compatible with surrounding land uses;*

4. *Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?*
  5. *Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;*
  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?*
  7. *Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and*
  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?*
- B. Conditions Must Be Met: If the commission recommends and the board approves such order of preliminary rezoning, the order shall include any conditions, stipulations, restrictions, or limitations which the commission recommends and the board finds are necessary to the public health, safety and welfare. Such conditions, stipulations, restrictions, or limitations must be met before the "order of intent to rezone" is issued. The development agreement must be signed and recorded before final approval is given.*
- C. Conditions Incorporated into Document: Any conditions, stipulations, restrictions or limitations imposed pursuant to this section shall be incorporated as part of any site plan, plat, document of title of conveyance, and building permit relating to the restricted land.*

**CCZO §07-10-25: PURPOSES OF ZONES:**

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

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

*(5) The purpose of the C-1 (Neighborhood Commercial) Zone is to provide for local commercial service needs and to restrict incompatible uses.*

*(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.*

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

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

**ZONING AND LAND USE MATRIX**

<b>Zoning Classification</b>	<b>A</b>	<b>C-1</b>	<b>C-2</b>
<i>Accessory uses and/or structures to a permitted use</i>	D	D	D
<i>Accessory uses and/or structures to allowed use</i>	A	A	A
<i>Agricultural research facility</i>	A	-	-
<i>Agriculturally related activities</i>	A	-	-
<i>Agriculture, except those animal uses with more restrictive provisions within this article and all other uses specifically listed in other zones (Note 1)</i>	A	-	-
<i>Airpark</i>	C	-	-
<i>Airport</i>	C	-	-
<i>Airstrip excepting intermittent use</i>	C	-	-
<i>Amusement park, theme park, or commercial racetrack</i>	C	-	C
<i>Animal cremation service</i>	C	-	-
<i>Animal facility (large): bird farm, calf raising operation, dairy, feedlot, and swine farm (Note 1)</i>	C	-	-
<i>Animal facility (small) on 5 acres or more (Note 1)</i>	A	-	-
<i>Animal facility (small) on less than 5 acres</i>	C	-	-
<i>Animal hospital</i>	C	A	A
<i>Animals are allowed as long as it is not an animal facility or CAFO (Note 1)</i>	A	A	A
<i>Arena (commercial)</i>	C	C	A
<i>Assisted care facility</i>	D	A	A
<i>Auction establishment</i>	C	-	C
<i>Batch plants</i>	C	-	-
<i>Bed and breakfast (with employees)</i>	D	-	-
<i>Bed and breakfast (without employees)</i>	A	-	-
<i>Bulk storage as an accessory use of any flammable liquid above or below ground</i>	-	-	-
<i>Bulk storage for wholesale distribution of any flammable liquid above or below ground</i>	-	-	-
<i>CAFO</i>	C	-	-
<i>Caretaker residence</i>	C	A	A
<i>Cemetery</i>	C	-	-
<i>Church</i>	C	A	A
<i>Clinics or hospitals</i>	-	A	A

<i>Commercial and private off-street parking facilities for vehicles</i>	-	-	A
<i>Contractor shop</i>	C	C	A
<i>Daycare facilities:</i>			
- <i>Family daycare home (1 - 6 children)</i>	A	A	A
- <i>Group daycare facility (7 - 12 children)</i>	D	A	A
- <i>Daycare center (13+ children)</i>	-	A	A
<i>Drive-in theater</i>	C	-	-
<i>Equipment rentals (outdoor) - Note 2</i>	-	A	A
<i>Ethanol plant</i>	C	-	-
<i>Farm implement sales or service, farm supply sales</i>	C	A	A
<i>Fertilizer processing facility</i>	C	-	-
<i>Firewood sales</i>	D	D	A
<i>Fireworks sales</i>	-	A	A
<i>Food processing facility</i>	C	-	-
<i>Golf course</i>	C	-	-
<i>Group home</i>	C	C	C
<i>Home business</i>	D	-	-
<i>Home occupations</i>	A	-	-
<i>Impound yard (Note 2)</i>	-	-	-
<i>Indoor recreation</i>	-	A	A
<i>Junkyards and vehicle wrecking yards (Note 2)</i>	-	-	-
<i>Kennel</i>	C	C	C
<i>Landscape business</i>	A	A	A
<i>Light manufacturing, assembly, testing, and/or packaging facilities</i>	-	-	-
<i>Lumberyard</i>	-	-	A
<i>Manufacturing, assembling, fabricating, processing, packing, repairing, or storage uses</i>	-	-	-
<i>Manufacturing or processing of hazardous chemicals or gases</i>	-	-	-
<i>Mineral extraction (long term)</i>	C	-	-
<i>Mineral extraction (short term) – Note 3</i>	D	-	-
<i>Ministorage and/or RV storage facility</i>	-	C	A
<i>Mobile or manufactured home sales</i>	-	-	C
<i>Mortuaries, cremation, and funeral home</i>	-	A	A
<i>Multi-family dwellings limited to not more than 8 units per lot</i>	-	-	-
<i>Multi-family dwellings limited to not more than 4 units per lot</i>	-	-	-
<i>Museum</i>	C	A	A
<i>Nursery</i>	A	A	A
<i>Nursery (retail/wholesale)</i>	C	A	A

<i>Outdoor sales or displays (accessory to allowed use)</i>	A	A	A
<i>PUDs</i>	-	C	C
<i>Private roads and driveways serving 2 properties</i>	D	D	D
<i>Private tower with antenna</i>	A	A	A
<i>Public service agency telecommunication facilities 75 feet or greater</i>	D	D	D
<i>Public uses and quasi-public uses</i>	C	A	A
<i>Quasi-public uses (temporary)</i>	D	-	-
<i>Radio, television, and broadcasting stations</i>	-	A	A
<i>Recreational vehicle (RV) park</i>	C	C	A
<i>Refinery</i>	-	-	-
<i>Rehabilitation of manufactured/mobile homes (Note 2)</i>	-	-	-
<i>Rendering plant</i>	-	-	-
<i>Retail stores, personal service shops, banks, offices, hotels, motels, microbrewery, and restaurants</i>	-	A	A
<i>Sale (commercial) of hay, grain, seed, and related supplies</i>	C	-	A
<i>Sale of heavy building materials and machinery</i>	-	-	A
<i>Sale of salvage goods (Note 2)</i>	-	-	-
<i>Sanitary landfill</i>	C	-	-
<i>School (public or private)</i>	C	A	A
<i>School (vocational or trade)</i>	C	-	A
<i>Seasonal activities</i>	A	A	A
<i>Secondary residence</i>	A	-	-
<i>Shooting range (indoor)</i>	C	-	A
<i>Shooting range (outdoor)</i>	C	-	-
<i>Similar uses to a conditional use</i>	C	C	C
<i>Similar uses to allowed use</i>	A	A	A
<i>Single-family dwelling, 1 per lot or parcel unless otherwise provided in this chapter</i>	A	-	-
<i>Single-family dwellings, but not more than 2 such dwellings per lot or parcel unless otherwise provided for in this chapter</i>	-	-	-
<i>Slaughterhouse</i>	C	-	-
<i>Small wind energy systems</i>	D	D	D
<i>Special events facility</i>	C	A	A
<i>Staging area</i>	C	A	A
<i>Tannery</i>	-	-	-
<i>Taverns, lounges, or wine bars</i>	-	C	C
<i>Telecommunication facility</i>	C	C	C
<i>Temporary uses</i>	D	-	-
<i>Theater</i>	-	C	A

<i>Transit or trucking terminal and/or service facility</i>	-	-	C
<i>Utility distribution system</i>	A	A	A
<i>Utility facility</i>	D	A	A
<i>Vehicle fueling station with convenience store</i>	-	C	A
<i>Vehicle sales lot</i>	-	-	A
<i>Vehicle service facility</i>	-	C	A
<i>Warehousing, wholesaling, and distribution facilities</i>	-	-	C
<i>Water infiltration</i>	C	-	-
<i>Wind farm</i>	C	-	-
<i>Winery, distillery, brewery</i>	D	-	-
<i>Yard/garage sales (associated with any residential uses)</i>	A	-	-
<i>Zoo</i>	C	-	-

Notes:

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

## **PROJECT OVERVIEW**

### Request

The applicant, Greg Payne, 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) zone.

Per the applicant’s letter of intent (Exhibit 2a), due to farming becoming difficult in the area (traffic, school buses, and surrounding development) and the commercial designation on the City of Middleton and the County’s future land use maps within their comprehensive plans, the requested rezone is appropriate. Additionally, the applicant finds the time of the request is appropriate due to the City of Middleton installing a traffic light to ease the congestion and safety in the area.

The applicant requests the rezone be approved first before determining a specific use. 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 states the following uses will be prohibited through a development agreement:

- 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.

### Comprehensive Plan

The 2020 Canyon County Comprehensive Plan designates the parcel and parcels south and north of SH-44 as “commercial” (Exhibit 3c). 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). 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.

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). 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 (see the 2018 Land Use Map) (Page 28, Middleton Comp. Plan).

#### Immediate Vicinity (Exhibit 3a, 3b & 7)

The subject parcel is zoned “A” (Agricultural) and “C-1” (Neighborhood Commercial). The property is located near other “A” and “C-1” zones. *See Exhibit 3f for the zoning map.* 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).

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 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 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).

#### Land Use Decisions (Exhibit 3g)

Between 2018 and 2023, the following land use decision made:

- PH2017-60 – EJ Lewis Trust (Approx. 4,000 feet west of the subject parcel): Comprehensive Plan Amendment and Rezone. Boulder Creek Subdivision was subsequently approved; 7 lots with a 2.57-acre average lot size (SD2019-0004).
- RZ2018-29 – Dennis Heck (Approx. 5,000 feet northwest of the subject parcel): Rezone from “R-R” to “R-1”. Timber Hills Subdivision was subsequently approved; 28 lots with a 1.63-acre average lot size (SD2019-0008/SD2021-0012).
- SD2018-0011 – Faisan Point Estates Subdivision (Approx. 3,400 feet northeast of the subject parcel): 13 lots with a 1.06-acre average lot size.
- SD2018-0015 – Saddleback Ridge Subdivision (Approx. 850 feet northwest of the subject parcel): 16 lots with a 2.24-acre average lot size.
- RZ2019-0011 – Mortensen: Withdrawn. See RZ2019-0034
- RZ2019-0040 – Wangsgard (Approx. 4,400 feet northwest of the subject parcel): Rezone from “A” to “R-1”.
- RZ2019-0034 – Mortensen (Approx. 3,400 feet northeast of the subject parcel): Rezone from “A” to “R-1”.
- RZ2021-0016 – Guijarro (Approx. 5,000 feet northwest of the subject parcel): Rezone from “A” to “R-1”.
- RZ2022-0006 – Phoenix (Approx. 1,100 feet west of the subject parcel): Rezone from “A” to “CR-R-1”.

#### Subdivision

Within a one-mile radius, there are 30 subdivisions with an average lot size of 1.73 acres. Of the 30 subdivisions, only seven (7) were created at the time of the 2020 Canyon County Comprehensive Plan and current zoning ordinance.

The following subdivisions are located within 600 feet of the subject parcel:

- Atkinson Subdivision: Approved in 1971. The subdivision consists of 10 lots with a 2.14-acre average lot size.
- Northslope Estates 1 & 2: The first phase was approved in 2004 consisting of 15 lots with a 2.85-acre lot size. The second phase was approved in 2005 consisting of 12 lots with a 3.11-acre lot size.
- Whittle subdivision: Approved in 1971. The subdivision consists of 10 lots with a 1.14-acre average lot size.

#### Character

The area consists of a variety of lot sizes and a mix of agricultural/rural residential uses. *See Exhibits 3a & 7 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, 3b & 3m). They predominantly

consist of prime farmland or farmland of statewide importance and consist of best to moderately-suited soils (Exhibit 3i).

In 2011, a blanket rezone to “C-1” was approved for interested property owners along SH-44 (RZ2011-10, Exhibit 5). 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.

#### Adequate Facilities

Middleton city jurisdiction and city services are located over 4,400 feet east of the subject parcel. Therefore, it is likely that future development will require well and septic systems. The property is not located in a nitrate priority area. Southwest District Health, Idaho Department of Water Resources, and Idaho Department of Environmental Health will determine the appropriate facilities to serve future uses at the time of development. No comments were received from Southwest District Health, Idaho Department of Water Resources, or Idaho Department of Environmental Health.

The parcel has surface water rights from Middleton Mills/Middleton Irrigation Association, not Black Canyon Irrigation District (Exhibit 4b). No comments were provided by Middleton Mills/Middleton Irrigation Association. Therefore, the future use would need to comply with local irrigation district requirements at the time of development.

#### Access/Traffic

Per Exhibit 4d, 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.

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 4d, CHD4 comment letter.*

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. Prior to the commencement of any use, CHD4 and ITD require a development proposal review to determine if a TIS is required (Exhibits 4c & 4d).

Per Exhibit 4c & 4d, traffic impacts outside of a TIS will be mitigated through the dedication of public right-of-way, improvements to public roads or intersections, impact fee assessments, or a combination of those requirements.

#### Essential Services

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.

Middleton Fire District Station 53 is 2.5 miles east of the subject parcel, approximately five minutes distance.

## **POTENTIAL IMPACTS**

The request is located in the Middleton Area of City Impact where annexation and city growth are anticipated (Exhibit 3e). Although the request is consistent with the city's future land use map, it does not include city services, city improvements, or a pre-annexation agreement which can impact the city's ability to grow into the area as planned.

- The City of Middleton was provided a notice per CCCO Section 09-09-15. No comment was received.

The applicant did not provide a conceptual plan or a specific use. Therefore, impacts on adequate service, neighbors, access, traffic, and essential services are unknown.

- Comments received from ITD and CHD4 regarding access and traffic impacts do not oppose the request and as a condition of approval will address potential impacts before the commencement of use including a TIS (Exhibit 4c & 4d). However, the hearing criteria (CCZO Section 07-06-07(6)A) require impact and mitigation evidence to ensure adequate access to and from the subject property will minimize undue interference with existing or future traffic patterns. No evidence or mitigation measures have been provided. The applicant requests all improvements and impacts be addressed after rezoning approval (Exhibit 2a).

Based on existing commercial zones found in the area, the existing transitional character of the region, and the property being near existing residential parcels and subdivisions (Exhibit 3f), the "C-1" (Neighborhood Commercial) zone is more appropriate.

- Per CCZO Section 07-10-25(6): *The purpose of the C-1 (Neighborhood Commercial) Zone is to provide for local commercial service needs and to restrict incompatible uses.*
- Uses in the "C-2" zone such as commercial arenas, contractor shops, mini-storage and/or RV storage, RV parks, theaters, and vehicle service facilities are allowed without further planning permit review. The "C-1" zone requires a conditional use permit for those uses that better address potential impacts and incompatible uses near existing residential parcels and subdivisions.
- 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 (RZ2011-10, Exhibit 5).

## **COMMENTS**

Public: Property owners within 600 feet of the subject parcel's boundaries were noticed on March 5, 2024 (Planning and Zoning Commission), and June 28, 2024. A newspaper notice was published on March 9, 2024 (Planning and Zoning Commission), and June 28, 2024. A notice was posted on the property on March 15, 2024 (Planning and Zoning Commission), and June 28, 2024.

- A comment letter was received opposing the request unless it is for rental storage use (Jones, Exhibit 4e). The letter includes concerns regarding increased traffic and noise.

Affected Agency: A full political notice was sent on March 5, 2024. Notice to the City of Middleton per CCCO Section 09-09-15 was sent on March 5, 2024. Affected agencies were provided a notice on April 20, 2023, March 5, 2024 (Planning and Zoning Commission), and June 28, 2024. The following comments were submitted:

- City of Nampa (Exhibit 4a)
- Black Canyon Irrigation District (Exhibit 4b)
- Canyon Highway District #4 (Exhibit 4d)
- ITD (Exhibit 4c)

## **RECOMMENDATION**

On April 18, 2024, after considering information in the staff report and public testimony at a duly noticed hearing, the Planning and Zoning Commission recommended denial of the request (Exhibit 8 & 9). The burden of persuasion is upon the applicant to prove that all criteria are satisfied (CCZO §07-05-03). Without a specific plan and/or mitigation measures that can adequately address potential impacts on the character/compatibility, services, traffic, and essential services, there is not enough evidence to meet the hearing criterion (CCZO Section 07-06-07(6)).

The applicant should consider a rezone to “C-1” to potentially gain approval. Approximately 7 acres are already zoned “C-1” Therefore, approximately 14 acres would need to be rezoned.

## **DECISION OPTIONS**

The Board of County Commissioners may:

- Approve Case No. CR2022-0007;
  - o Provide staff amended findings and development agreement conditions. Direct staff to provide the revised findings and conditions at the next available meeting.
- Deny Case No. CR2022-0007; or
  - o *See Exhibit 10 for draft FCOs for the Board’s consideration.*
- Continue the hearing of Case No. CR20200-0007 to a date certain to request additional information.

## **EXHIBITS**

1. Parcel Information Report – Parcel R34456
2. Application Submittal
  - a. Letter of intent
  - b. Neighborhood meeting
  - c. Deed
3. Maps
  - a. Aerial
  - b. Vicinity
  - c. Future Land Use – County
  - d. Future Land Use 2030 – County
  - e. Future Land Use – City
  - f. Zoning
  - g. Cases w/report
  - h. Plats w/report
  - i. Soils/Farmland w/report
  - j. Contours
  - k. Dairy, Feedlot, and Gravel Pit
- l. Nitrates/Well
- m. Lot Classification
- n. TAZ
4. Comments
  - a. City of Nampa
  - b. Black Canyon Irrigation District
  - c. ITD
  - d. CHD4
  - e. Jones - Opposed
5. FCOs - Case RZ2011-10
6. Development Agreement - PH2015-61
7. Site Visit
8. P&Z Commission FCOs
9. P&Z Commission Minutes – April 18, 2024
10. Draft FCOs
11. Staff’s PowerPoint presentation

**R34456****PARCEL INFORMATION REPORT**

4/5/2024 1:55:50 PM

**PARCEL NUMBER: R34456****OWNER NAME: PAYNE GREG S****CO-OWNER:****MAILING ADDRESS: 24295 FARMWAY RD CALDWELL ID 83607-8813****SITE ADDRESS: 0 HWY 44****TAX CODE: 0320000****TWP: 4N RNG: 3W SEC: 02 QUARTER: SW****ACRES: 21.84****HOME OWNERS EXEMPTION: No****AG-EXEMPT: Yes****DRAIN DISTRICT: DD2****ZONING DESCRIPTION: AG/C1 / NEIGHBORHOOD COMMERCIAL****HIGHWAY DISTRICT: CANYON HWY****FIRE DISTRICT: MIDDLETON FIRE****SCHOOL DISTRICT: MIDDLETON SCHOOL DIST****IMPACT AREA: MIDDLETON****FUTURE LAND USE 2011-2022 : Com****FLU Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY****FLU RR Zone Desc 2030:****FUTURE LAND USE 2030: INTENSIVE AGRICULTURE OVERLAY \ Com****IRRIGATION DISTRICT: BLACK CANYON IRRIGATION DIST \ MIDDLETON IRRIGATION ASSN INC \ MIDDLETON MILL DITCH CO****FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0233F****WETLAND: Riverine****NITRATE PRIORITY: NO Nitrate Prio****FUNCTIONAL Classification: Other Principal Arterials****INSTRUMENT NO. : 2020049221****SCENIC BYWAY: NOT In Scenic Byway****LEGAL DESCRIPTION: 02-4N-3W SW TX 4 IN SW 1/4 SW 1/4 LESS S214' OF E 115.5', TX 5 LESS TX 5-A & LESS TX 11 IN SEC 2 & 3****PLATTED SUBDIVISION:****SMALL CITY ZONING:****SMALL CITY ZONING TYPE:****DISCLAIMER:**

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

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

We are representing Greg Payne in requesting the change in zoning on his property on the northwest corner of Canyon Lane and State Highway 44 from County Agricultural to County C-2 Conditional Commercial. The land currently is being farmed by the owner. Unfortunately, farming has become very difficult as the surrounding and adjacent properties have become commercial to the east and west of Canyon Lane. The challenges to farming include the traffic, before and after school, with traffic backing up to gain access to Highway 44 east bound and westbound. There are additional commercial lots that will be online this spring adding to the already busy area. Fortunately, the city of Middleton is going to install a traffic light that will ease a lot of the congestion making turns onto Highway 44 much safer for pedestrian and vehicle traffic. This will create windows of opportunity to gain access safely onto Highway 44. A great deal of the land in the area is in ag waiting until services are available for development along the Highway 44 corridor west of Middleton, however we are not close to services at this point.

It is in the best interest of all concerned to have the zoning change from agriculture to C-2 Commercial. The difficulties of farming a small parcel of land that is surrounded by buildings, schools and other commercial buildings and homes make farming a difficult situation. While we don't have any specific plans for the parcel, we do know that the C-2 gives us the most flexibility.

The property zoning change does meet the Canyon County Comprehensive plan as well as the city of Middleton comprehensive plan.

The impact on traffic and patterns is to be determined as use is not decided yet.

The effect on neighboring properties is to be determined. Based on both County and City Comp plans, the use will be compatible with the neighboring properties.

Business operations will be determined later when determination of business takes place.

We are going to restrict certain allowed uses.

Zoning change is requested as it is compatible with both County and City Comprehensive plan.

We have found through experience, that to attract businesses to Canyon County, it is best to have zoning in place to accommodate new businesses. We are asking for this change to the Zoning Map and request approval.

Thank you.



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March 30, 2022

We are representing Greg Payne in requesting the change in zoning on his property on the northwest corner of Canyon Lane and State Highway 44 from County Agricultural to County C-2 Conditional Commercial. The land currently is being farmed by the owner. Unfortunately, farming has become very difficult as the surrounding and adjacent properties have become commercial to the east and west of Canyon Lane. The challenges to farming include the traffic, before and after school, with traffic backing up to gain access to Highway 44 east bound and westbound. There are additional commercial lots that will be online this spring adding to the already busy area. Fortunately, the city of Middleton is going to install a traffic light that will ease a lot of the congestion making turns onto Highway 44 much safer for pedestrian and vehicle traffic. This will create windows of opportunity to gain access safely onto Highway 44. A great deal of the land in the area is in ag waiting until services are available for development along the Highway 44 corridor west of Middleton, however we are not close to services at this point.

It is in the best interest of all concerned to have the zoning change from agriculture to C-2 Commercial. The difficulties of farming a small parcel of land that is surrounded by buildings, schools and other commercial buildings and homes make farming a difficult situation. While we don't have any specific plans for the parcel, we do know that the C-2 gives us the most flexibility.

The property zoning change does meet the Canyon County Comprehensive plan as well as the city of Middleton comprehensive plan.

The impact on traffic and patterns is to be determined as use is not decided yet.

The effect on neighboring properties is to be determined. Based on both County and City Comp plans, the use will be compatible with the neighboring properties.

We are going to restrict certain allowed uses. The following uses will not be allowed through a development agreement. The prohibited uses are as follows: Churches, Clinics or Hospitals, Family Day Care, Group Day-Care, Day-Care Center, Mortuaries, Crematoriums or Funeral Homes, Museums, Public and Quasi Public Uses, Radio, TV and Broadcasting Stations, Schools, Vehicle Fueling Center and Convenience Store.

Uses that would be allowed would be Animal Hospital, Caretaker Residence, Commercial and off street Parking Facilities, Contractor Shop, Equipment Rentals, Farm Implement Sales and Service, Farm Supply Sales, Firewood Sales, Fireworks Sales, Landscaping Business, Lumberyard, Mini/Storage and RV Storage, Nursery, Wholesale Nursery, Outdoor Sales and Displays, Sale of Hay, Grain, Seed and related products, Sale of heavy Building Materials and Machinery, Seasonal Activities, Staging Areas, Utility Facilities Systems, Utility Distribution Systems,

Assisted Care Facility, Retail Stores Business Office Space, Special Events Center and Vehicle Service Facility.

Zoning change is requested as it is compatible with both County and City Comprehensive plan.

We have found through experience, that to attract businesses to Canyon County, it is best to have zoning in place to accommodate new businesses. We are asking for this change to the Zoning Map and request approval.

Thank you.

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# LAND USE WORKSHEET

## CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11<sup>th</sup> Avenue, #140, Caldwell, ID 83605

[www.canyonco.org/dsd.aspx](http://www.canyonco.org/dsd.aspx) Phone: 208-454-7458 Fax: 208-454-6633



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

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

### GENERAL INFORMATION

1. **DOMESTIC WATER:**  Individual Domestic Well  Centralized Public Water System  City

N/A – Explain why this is not applicable: \_\_\_\_\_

How many Individual Domestic Wells are proposed? 1

2. **SEWER (Wastewater)**  Individual Septic  Centralized Sewer system

N/A – Explain why this is not applicable: \_\_\_\_\_

3. **IRRIGATION WATER PROVIDED VIA:**

Surface  Irrigation Well  None

4. **IF IRRIGATED, PROPOSED IRRIGATION:**

Pressurized  Gravity

5. **ACCESS:**

Frontage  Easement Easement width \_\_\_\_\_ Inst. # \_\_\_\_\_

6. **INTERNAL ROADS:**

Public  Private Road User's Maintenance Agreement Inst # N/A

7. **FENCING**

Fencing will be provided (Please show location on site plan)

Type: T.B.D. Height: \_\_\_\_\_

8. **STORMWATER:**

Retained on site  Swales  Ponds  Borrow Ditches

Other: \_\_\_\_\_

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

\_\_\_\_\_

**RESIDENTIAL USES**

**1. NUMBER OF LOTS REQUESTED:**

- Residential \_\_\_\_\_  Commercial 1  Industrial \_\_\_\_\_  
 Common \_\_\_\_\_  Non-Buildable \_\_\_\_\_

**2. FIRE SUPPRESSION:**

Water supply source: T.B.D.

**3. INCLUDED IN YOUR PROPOSED PLAN?**

- Sidewalks  Curbs  Gutters  Street Lights  None

**NON-RESIDENTIAL USES**

**1. SPECIFIC USE:** T.B.D.

**2. DAYS AND HOURS OF OPERATION:**

- Monday \_\_\_\_\_ to \_\_\_\_\_  
 Tuesday \_\_\_\_\_ to \_\_\_\_\_  
 Wednesday T.B.D. to \_\_\_\_\_  
 Thursday T.B.D. to \_\_\_\_\_  
 Friday T.B.D. to \_\_\_\_\_  
 Saturday \_\_\_\_\_ to \_\_\_\_\_  
 Sunday \_\_\_\_\_ to \_\_\_\_\_

**3. WILL YOU HAVE EMPLOYEES?**  Yes If so, how many? UNKNOWN  No

**4. WILL YOU HAVE A SIGN?**  Yes  No  Lighted  Non-Lighted

Height: \_\_\_\_\_ ft Width: \_\_\_\_\_ ft. T.B.D. Height above ground: \_\_\_\_\_ ft

What type of sign: \_\_\_\_\_ Wall \_\_\_\_\_ Freestanding \_\_\_\_\_ Other

**5. PARKING AND LOADING:**

How many parking spaces? T.B.D.

Is there is a loading or unloading area? \_\_\_\_\_



# CANYON COUNTY DEVELOPMENT SERVICES

111 North 11<sup>th</sup> Avenue, Caldwell, ID 83605 Phone: 208-454-7458 Fax: 208-454-6633

## NEIGHBORHOOD MEETING SIGN UP SHEET CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed variance, conditional use, zoning ordinance map amendment, expansion, or extension of nonconforming uses requiring a public hearing.

### SITE INFORMATION

Site Address: TBD CANYON LAKE Parcel Number: B 9445600000  
 City: Middleton State: Idaho ZIP Code:  
 Notices Mailed Date: 2/18/22 Number of Acres: 21.84 Current Zoning: A9  
 Description of the Request: ZONE CHANGE FROM A9 to C

### APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: MR CARL ANDERSON  
 Company Name: SRUCE REAL ESTATE, LLC  
 Current address: 505 S. 7TH  
 City: CALDWELL State: Idaho ZIP Code: 83605  
 Phone: 208 608 4569 Cell: - Fax:  
 Email: CANDERS54@qnet.com

### MEETING INFORMATION

DATE OF MEETING: 3/8/22 MEETING LOCATION: Middleton Fire Dept  
 MEETING START TIME: 6:00 pm MEETING END TIME: 7:15 pm

#### ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. ALAN MILLS	<i>[Signature]</i>	Box 706 Middleton
2. STEVE TRUE	<i>[Signature]</i>	13837 Glacier Bay Ln, Caldwell
3. Howard Skirvance	<i>[Signature]</i>	13886 Glacier Bay Ln, Caldwell
4. David Crain	<i>[Signature]</i>	23477 Witale Bay Ln Caldwell
5. MIKE TELL	<i>[Signature]</i>	23511 WITALE BAY LN 83607
6. Matt Bergquist	<i>[Signature]</i>	13946 Raymond Dr 83607
7. Chantel Bergquist	<i>[Signature]</i>	" " "
8. Steve Runkau	<i>[Signature]</i>	13843 Red Tike 83607
9. Holly King	<i>[Signature]</i>	" " "
10. Aaron & Naomi Steble	<i>[Signature]</i>	13891 Hwy 44
11. Jenna Jones	<i>[Signature]</i>	14031 Silver Ridge Road Caldwell

NAME (PLEASE PRINT)	SIGNATURE	ADDRESS:
12. Greg Payne	<i>Greg Payne</i>	24295 Farmway Rd Caldwell
13. Carl Anderson	<i>Carl Anderson</i>	1816 S. Idaho St Caldwell
14. Kevin & Karen Lueger	<i>Kevin &amp; Karen Lueger</i>	23145 Canyon Ln Caldwell, ID
15.		
16.		
17.		
18.		
19.		
20.		

NEIGHBORHOOD MEETING CERTIFICATION:

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

APPLICANT/REPRESENTATIVE (Please print):

*CARL ANDERSON*

APPLICANT/REPRESENTATIVE (Signature):

*Carl Anderson*

DATE: 3 / 8 / 22

2020-049221

RECORDED

08/28/2020 01:45 PM



CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pgs=2 MBROWN \$15.00  
DEED  
PAYNE, JAMES L

QUITCLAIM DEED

JAMES L. PAYNE., an unmarried man, whose current address is 23546 Hartley Lane, Middleton, Idaho 83644 (the "Grantor"), does hereby convey, release, remise and forever quitclaim unto GREG S. PAYNE, married man, whose current address is 24295 Farmway Rd, Caldwell, ID 83607 (the "Grantee"), its interest in and to the following described property located in Canyon County, State of Idaho, more particularly described as follows, to wit:

EXHIBIT A – see attached

DATED this 28th day of August, 2020.

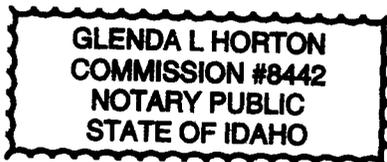
By James L. Payne  
James L. Payne

STATE OF Idaho)  
: ss  
COUNTY OF Canyon)

On this 28th day of August, 2020. Before me, a notary public in and for said State, personally appeared James L. Payne known to me to be the person whose name is described to the within instrument, and acknowledge to me that she executed the same.

Glenda L. Horton

Notary Public  
Residing at: Nampa ID  
Commission Expires: 05/28/2025



## EXHIBIT "A"

## PARCEL 1:

This parcel is situated in the Southwest quarter of the Southwest quarter of Section 2, Township 4 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

Commencing at the Southwest corner of the Southwest quarter of the of the Southwest quarter ; thence North 88°05'35" East, along the South boundary of said Southwest quarter of the Southwest quarter, a distance of 199.00 feet; thence North 0°11'10" West, parallel with the West boundary of said Southwest quarter of the Southwest quarter, a distance of 40.02 feet to the TRUE POINT OF BEGINNING; thence continuing North 0° 11'10" West, a distance of 751.06 feet to the center of the Canyon Hill Ditch; thence traversing the centerline of the Canyon Hill Ditch:  
 North 32°08'10" East, a distance of 94.30 feet;  
 North 45°28'05" East, a distance of 141.50 feet;  
 North 52°46'40" East, a distance of 228.21 feet;  
 North 50°49'15" East, a distance of 187.42 feet;  
 North 46°20'20" East, a distance of 75.17 feet; thence leaving the centerline of the Canyon Hill Ditch and continuing  
 South 0°13'06" East a distance of 494.91 feet; thence  
 North 87°59'50" East, a distance of 598.30 feet to a point on the East boundary of said Southwest of the Southwest; thence  
 South 0°08'10" East along the said East boundary, a distance of 552.33 feet; thence  
 South 88°05'35" West, along a line parallel with the South boundary of said Southwest quarter of the Southwest quarter, a distance of 115.30 feet; thence  
 South 0°08'10" East, along a line parallel with the East boundary of said Southwest quarter of the Southwest quarter, a distance of 174.49 feet; thence  
 South 88°05'35" West, 40.00 feet from and parallel with the South boundary of said Southwest quarter of the Southwest quarter, a distance of 1,016.65 feet to the TRUE POINT OF BEGINNING;

## PARCEL 2:

This parcel is situated in the Southeast quarter of the Southeast quarter of Section 3, Township 4 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

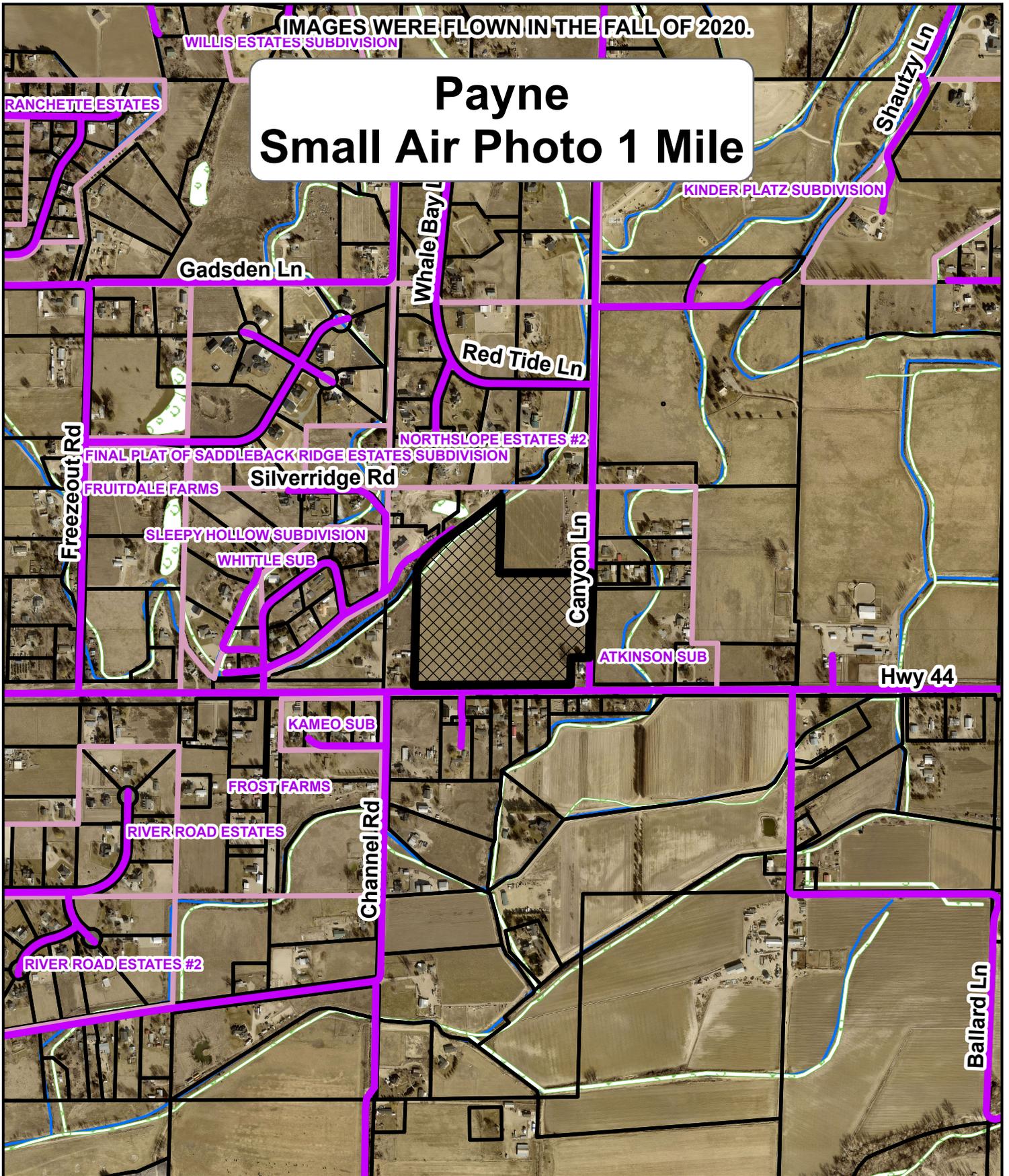
Commencing at the Southwest corner of said Southeast quarter of the Southeast quarter; thence North 88°12'00" East along the South boundary of said Southeast quarter of the Southeast quarter, a distance of 212.95 feet; thence North 1°48'00" West along a line perpendicular to the South boundary of said Southeast quarter of the Southeast quarter, a distance of 75.00 feet to a point on the North boundary of the right-of-way of Highway 44 and to the TRUE POINT OF BEGINNING; thence continuing North 1°48'00" West a distance of 19.59 feet to the point to the center of the Canyon Hill Ditch; thence traversing the centerline of the Canyon Hill Ditch:  
 South 55°06'53" East, a distance of 8.36 feet;  
 North 88°00'55" East, a distance of 88.45 feet;  
 North 83°06'15" East, a distance of 268.42 feet; thence leaving the centerline of the Canyon Hill Ditch and continuing  
 South 0°11'10" East, parallel with the East boundary of said Southeast quarter of the Southeast quarter, a distance of 38.73 feet to a point of the North boundary of the right-of-way for Highway 44; thence  
 South 88°12'00" West, along the North boundary of said right-of-way a distance of 361.42 feet to the TRUE POINT OF BEGINNING.

Exhibit "A"

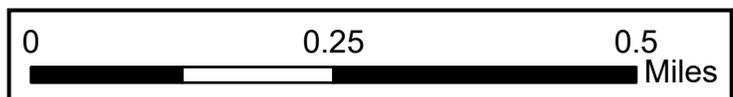
Legal Description

IMAGES WERE FLOWN IN THE FALL OF 2020.

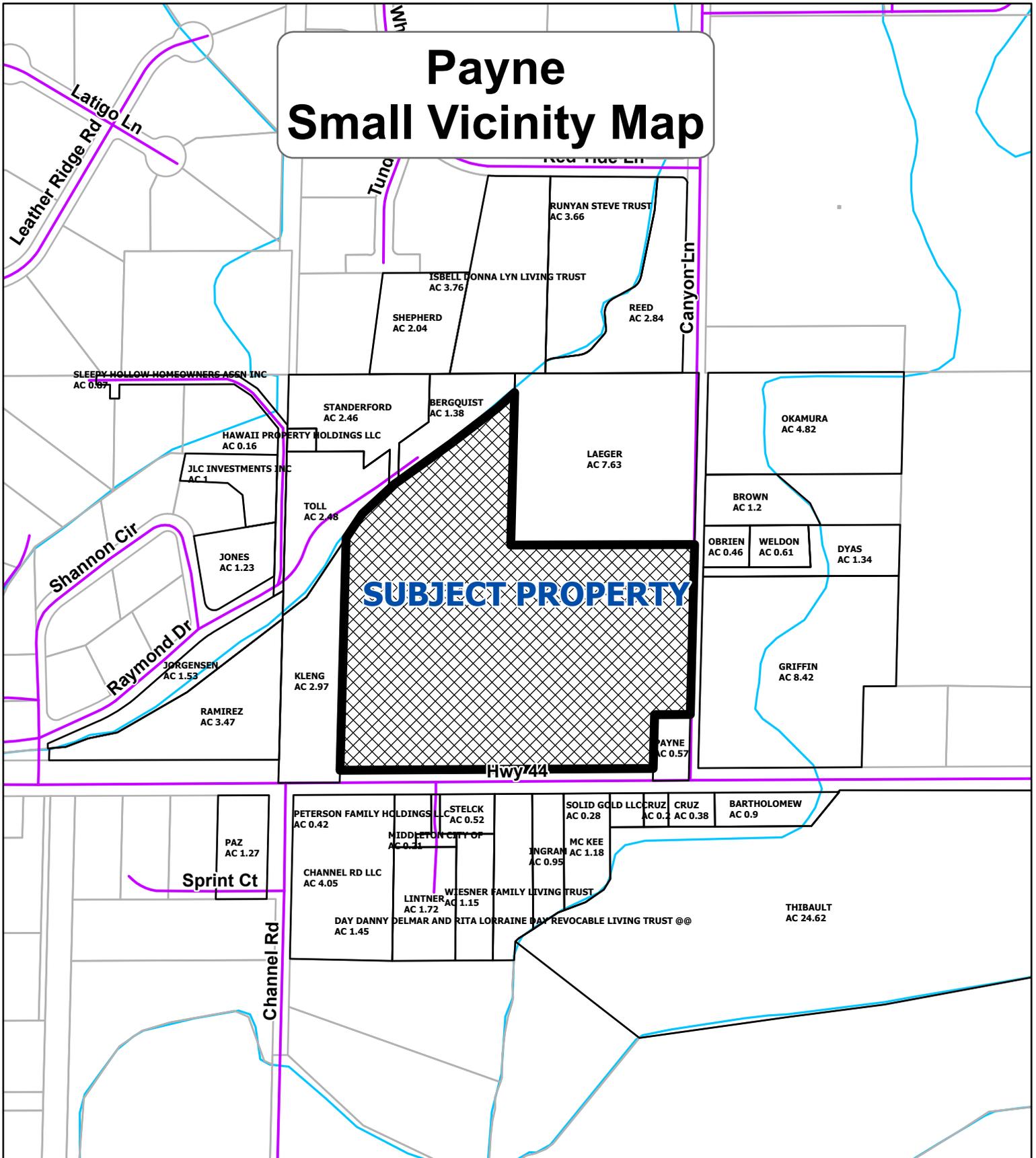
# Payne Small Air Photo 1 Mile



	City Limits
	Wetlands



# Payne Small Vicinity Map

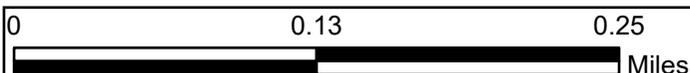
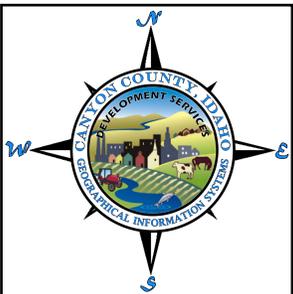


**SUBJECT PROPERTY**

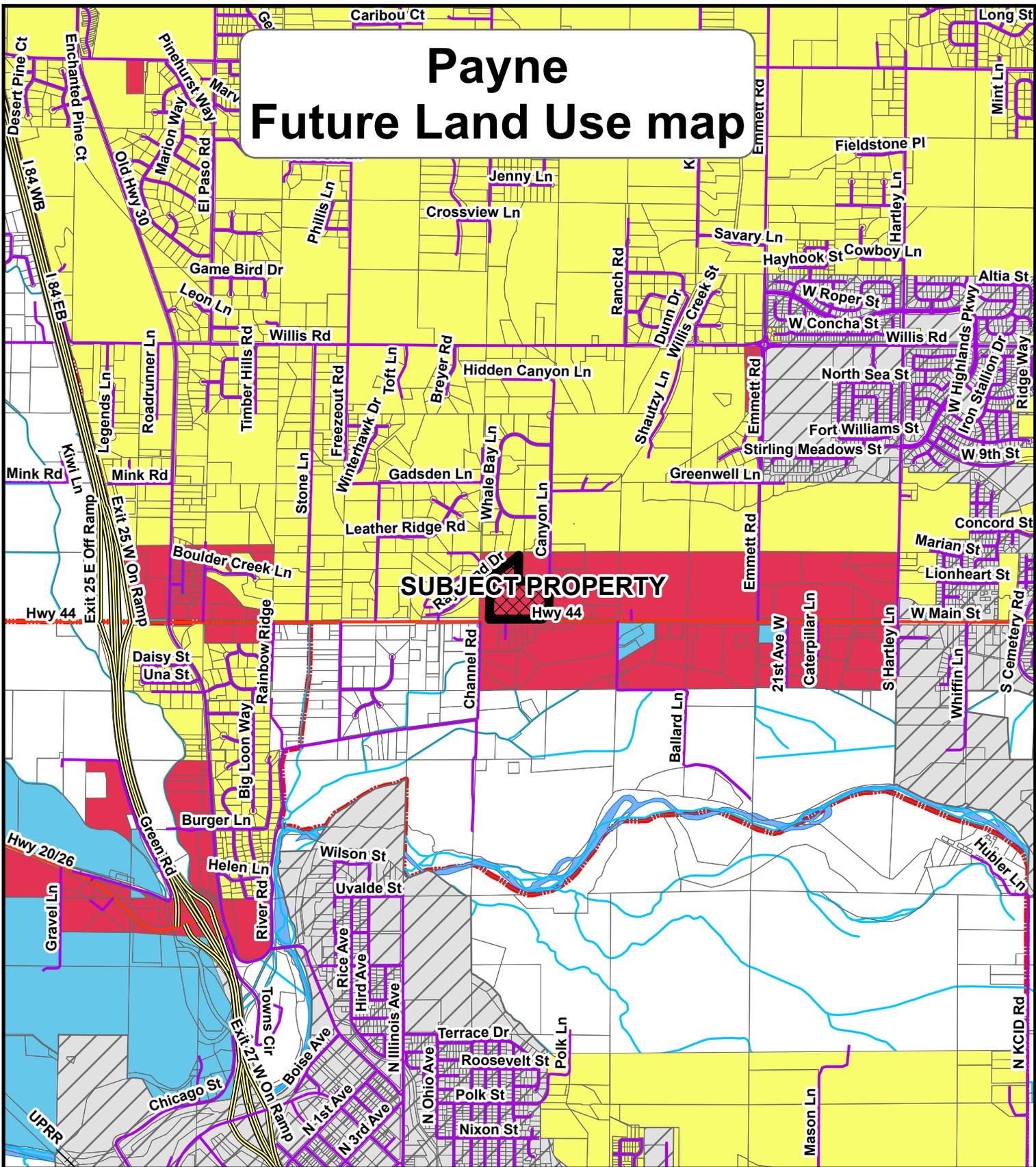
Hwy 744

Channel Rd

Sprint Ct



# Payne Future Land Use map

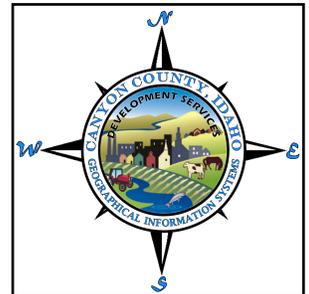
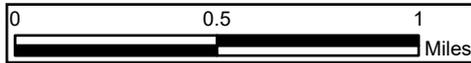


**SUBJECT PROPERTY**

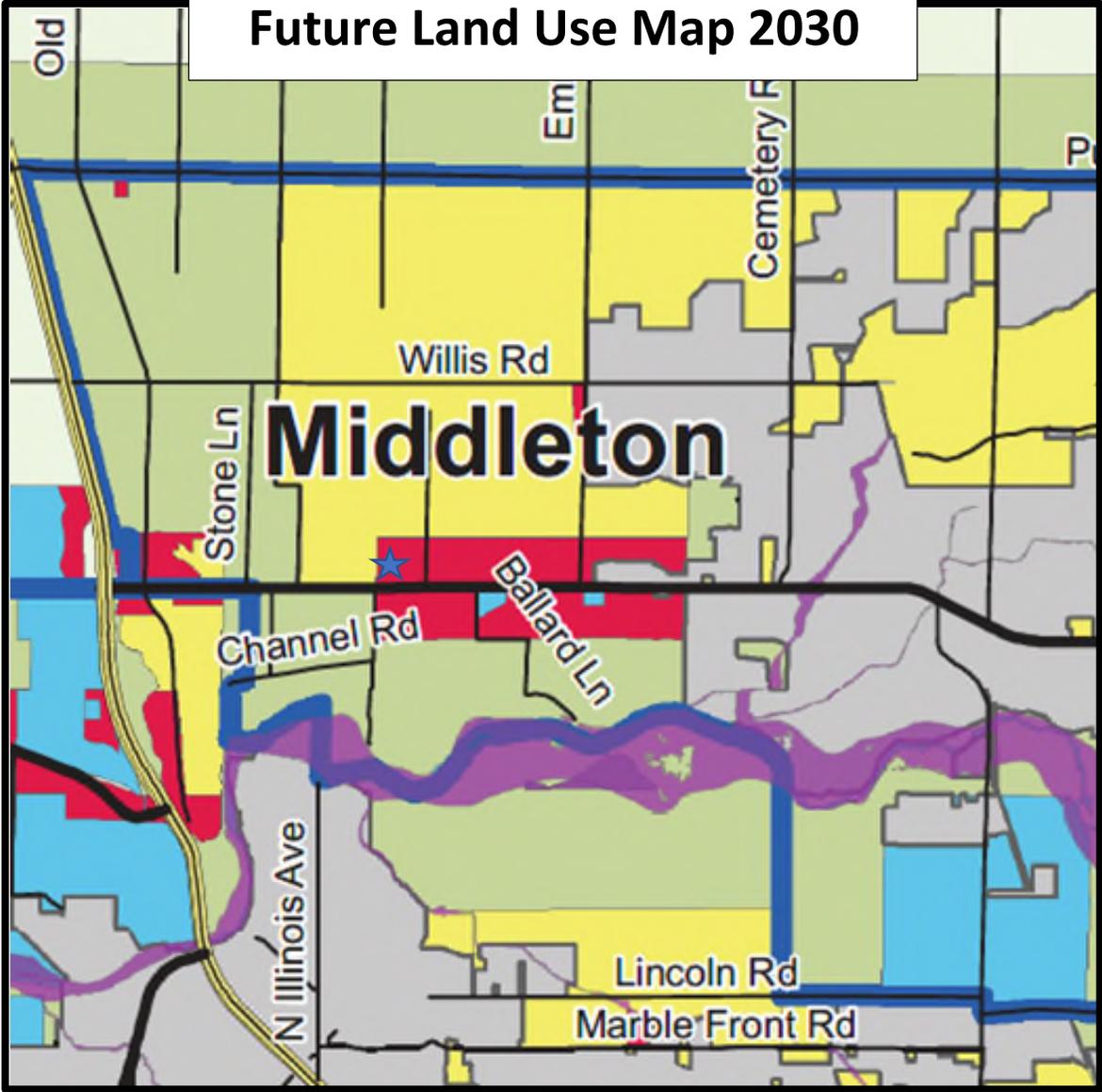
### Legend

Future Land Use 2011\_2022

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL



Payne  
Future Land Use Map 2030

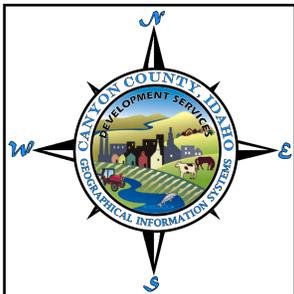
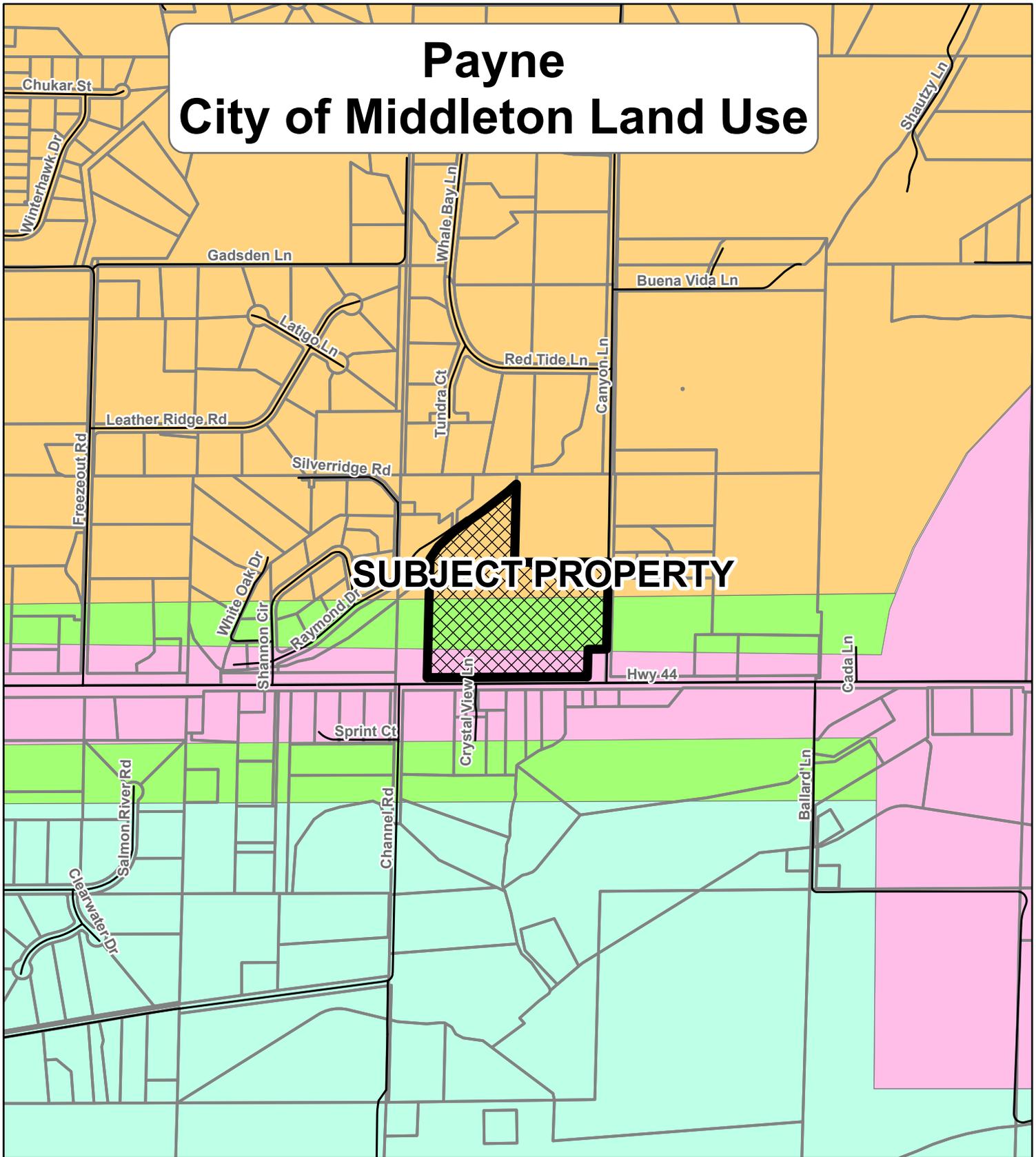


Legend

- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL
- MIXED USE
- CONSERVATION/ OPEN SPACE
- RURAL RESIDENTIAL
- AGRICULTURE
- LANDFILL
- CURRENT IMPACT AREAS
- WATER FEATURES
- CITY LIMITS
- STATE/US HWY
- INTERSTATE



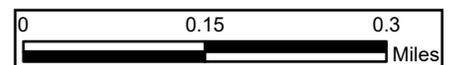
# Payne City of Middleton Land Use



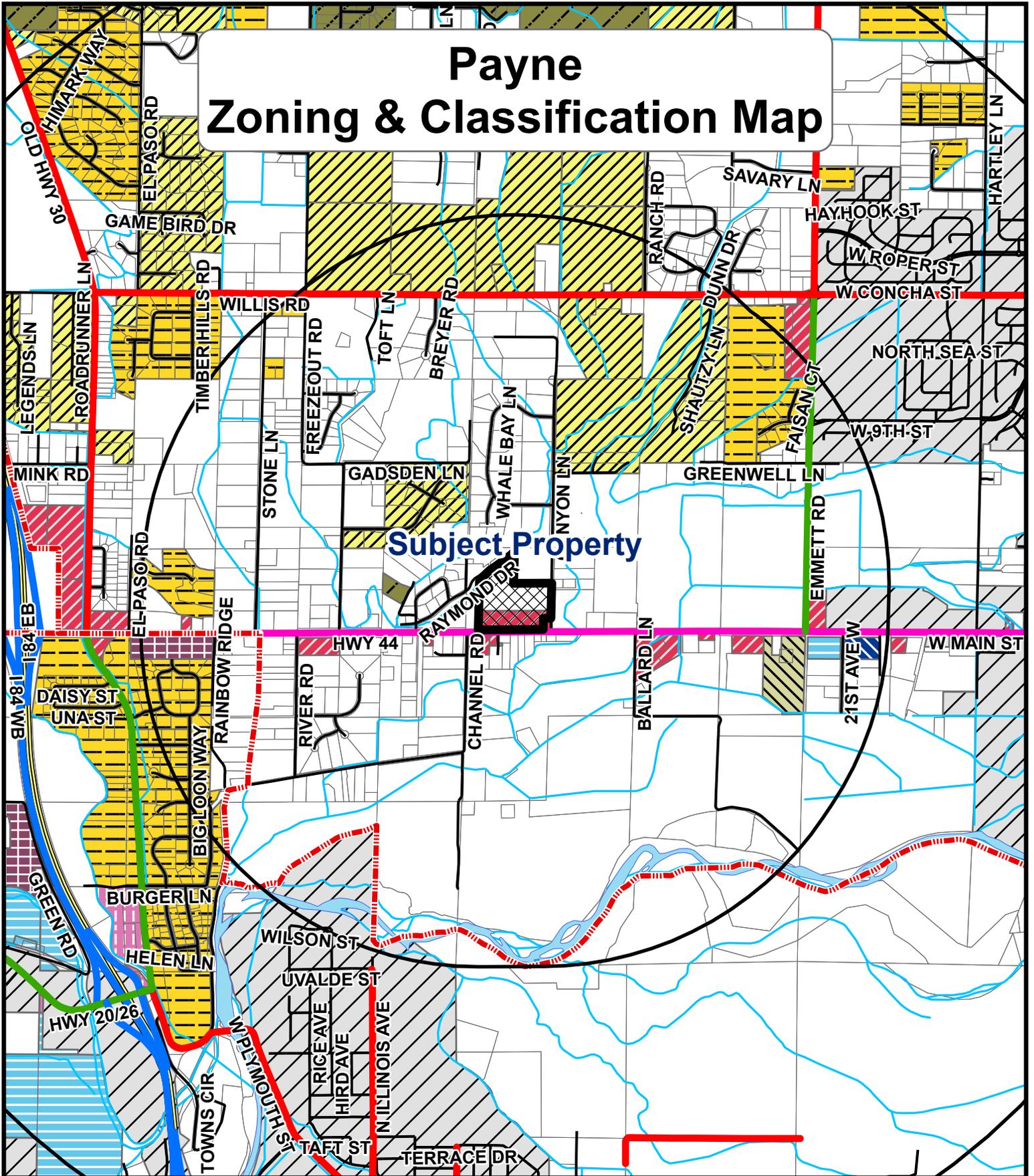
**MiddletonCompPlan**

- Commercial
- Industrial
- Mixed Use
- Public
- Residential
- Residential Special Areas
- Transit Oriented

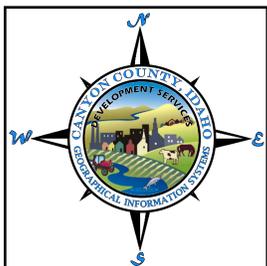
Exhibit 3e



# Payne Zoning & Classification Map



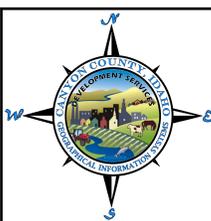
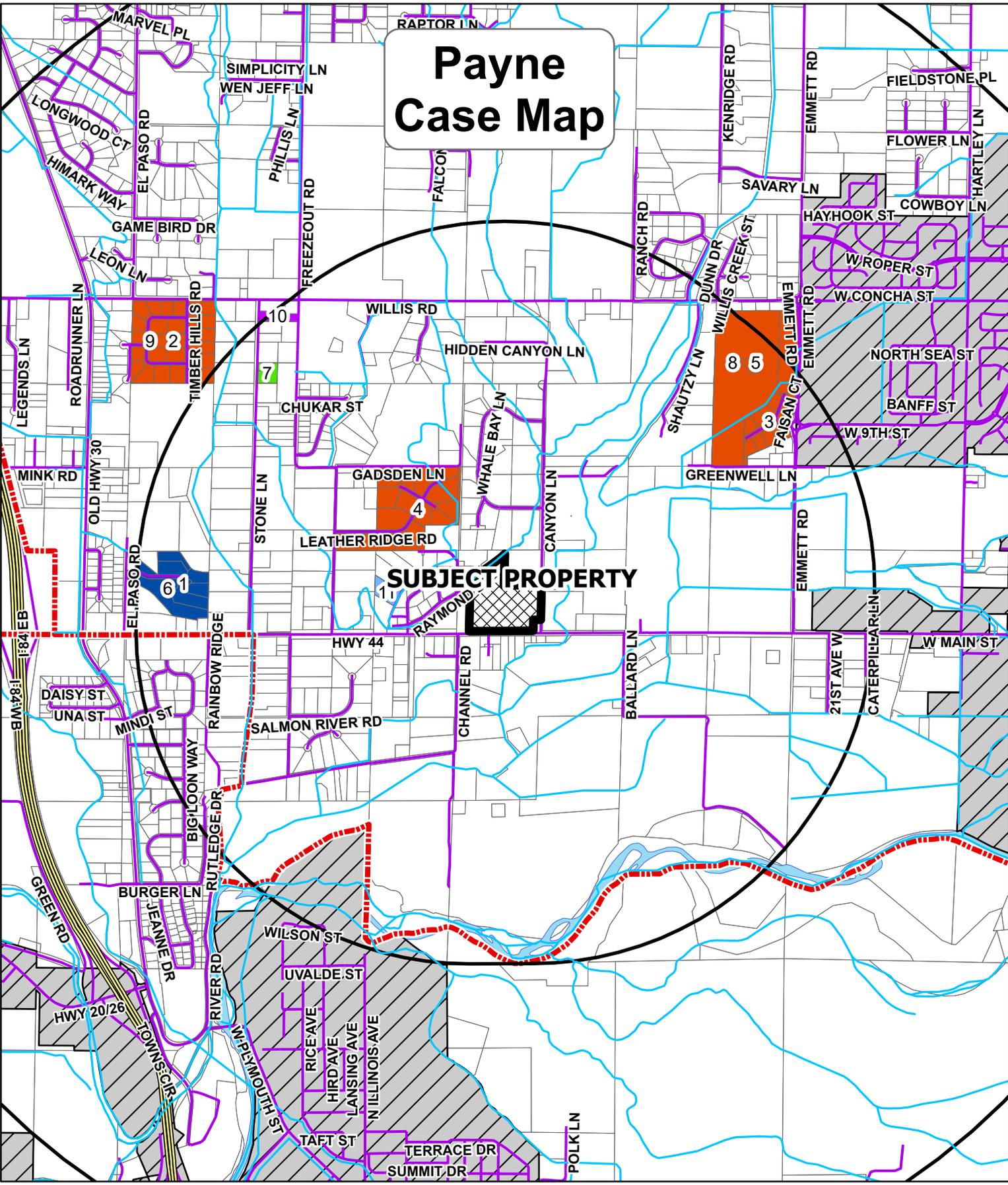
Subject Property



<b>Current Zoning</b>	C1	AG	<b>ITD Functional Classification</b>
RR	CR-C1	Interstate	
CR-RR	C2	Major Collector	
R1	CR-C2	Minor Arterial	
CR-R1	M1	Minor Collector	
R2	CR-M1	Other Principal Arterials	
C	M2		



# Payne Case Map



YEAR	
<span style="display:inline-block; width:15px; height:15px; background-color: #f8d7da;"></span> 2023	<span style="display:inline-block; width:15px; height:15px; background-color: #c6e0b4;"></span> 2020
<span style="display:inline-block; width:15px; height:15px; background-color: #d1ecf1;"></span> 2022	<span style="display:inline-block; width:15px; height:15px; background-color: #ffcdd2;"></span> 2019
<span style="display:inline-block; width:15px; height:15px; background-color: #e2e3e5;"></span> 2021	<span style="display:inline-block; width:15px; height:15px; background-color: #c65847;"></span> 2018

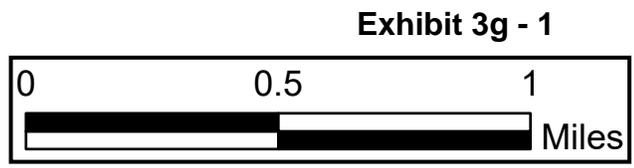
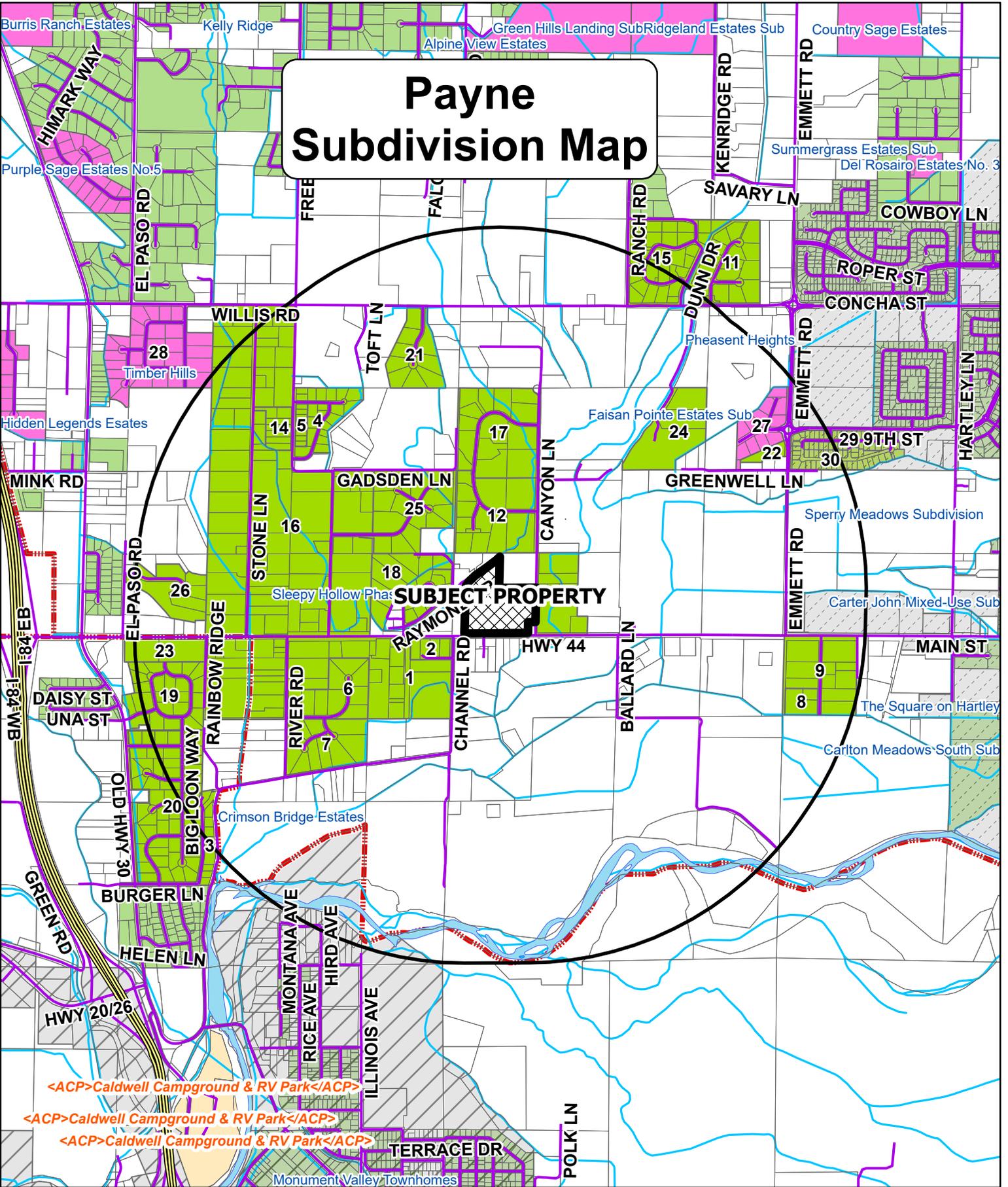


Exhibit 3g - 1

## CASE SUMMARY

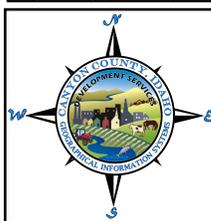
ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	PH2017-60 RZ2018-29	Rezone AG to R1 & Comp Plan Map Change Com to Res Rezone RR to R1	EJ Lewis Trust Hecl, Dennis	APPROVED
2	SD2018-0011	Falsan Point Estates Sub	Falsan Point Estates Sub	APPROVED
3	SD2018-0015	Saddleback Ridge Estates	Saddleback Ridge Estates	APPROVED
4	RZ2019-0011	Rezone from A to R-1	Ken & Cheyenne Mortensen	DENIED
5	SD2019-0004	Boulder Creek Sub	Boulder Creek Sub	APPROVED
6	RZ2019-0040	Rezone AG to R1	Wangsgard, Kathi	APPROVED
7	RZ2019-0034	Rezone AG to R1	Mortensen	APPROVED
8	Trison Estates Sub	0	Trison Estates Sub	Approved
9	RZ2021-0016	Rezpmr AG to R 1	Guljaro	APPROVED
10	RZ2022-0006	Rezone AG to CR-R1	Phoenix	APPROVED
11				



# Payne Subdivision Map

**SUBJECT PROPERTY**

<ACP>Caldwell Campground & RV Park</ACP>  
 <ACP>Caldwell Campground & RV Park</ACP>  
 <ACP>Caldwell Campground & RV Park</ACP>



**Legend**

- SUBDIVISIONS
- Plat Type, Plat Status**
- Preliminary, Approved
- Preliminary, Pending

**Exhibit 3h - 1**

0      0.3      0.6  
Miles

# SUBDIVISION & LOT REPORT

<b>NUMBER OF SUBS</b>	30	<b>ACRES IN SUB</b>	933.00	<b>NUMBER OF LOTS</b>	538	<b>AVERAGE LOT SIZE</b>	1.73
<b>NUMBER OF SUBS IN PLATTING</b>	0	<b>ACRES IN SUB</b>	0	<b>NUMBER OF LOTS</b>	0	<b>AVERAGE LOT SIZE</b>	0
<b>NUMBER OF LOTS NOTIFIED</b>	55	<b>AVERAGE</b>	2.71	<b>MEDIAN</b>	1.37	<b>MINIMUM</b>	0.16
<b>NUMBER OF MOBILE HOME PARKS</b>	0	<b>ACRES IN MHP</b>	0	<b>NUMBER OF SITES</b>	0	<b>AVG HOMES PER ACRE</b>	0
				<b>MAXIMUM</b>	0	<b>MAXIMUM</b>	24.62

## PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF...	Year
FROST FARMS	1	4N3W10	53.58	20	2.68	COUNTY (Ganyon)	1907
KAMEO SUB	2	4N3W10	5.09	4	1.27	COUNTY (Ganyon)	2005
RUTLEDGE RANCH SUB	3	4N3W10	10.75	13	0.83	COUNTY (Ganyon)	1965
RANCHETTE ESTATES	4	4N3W03	17.05	20	0.85	COUNTY (Ganyon)	1972
RANCHETTE ESTATES #2	5	4N3W03	2.89	9	0.32	COUNTY (Ganyon)	1974
RIVER ROAD ESTATES	6	4N3W10	21.39	10	2.14	COUNTY (Ganyon)	2001
RIVER ROAD ESTATES #2	7	4N3W10	23.92	12	1.99	COUNTY (Ganyon)	2003
SCHAMBER ACRES	8	4N3W12	5.08	2	2.54	COUNTY (Ganyon)	1999
T & M ACRES	9	4N3W12	29.22	9	3.25	0	1977
WHITTLE SUB	10	4N3W03	11.42	10	1.14	COUNTY (Ganyon)	1971
WILLIS CREEK SUBDIVISION	11	4N3W03	28.54	19	1.50	COUNTY (Ganyon)	2005
NORTHSLOPE ESTATES #2	12	4N3W02	37.37	12	3.11	COUNTY (Ganyon)	2005
NORTHSLOPE SUB	13	4N3W02	21.36	10	2.14	COUNTY (Ganyon)	1971
ATKINSON SUB	14	4N3W03	7.08	7	1.01	COUNTY (Ganyon)	1990
BALE SUB	14	4N3W03	7.08	7	1.01	COUNTY (Ganyon)	1990
D&S PURPLE SAGE RANCHETTES	15	5N3W35	36.47	31	1.18	COUNTY (Ganyon)	1972
FRUITDALE FARMS	16	4N3W03	273.92	83	3.30	COUNTY (Ganyon)	1911
NORTHSLOPE ESTATES #1	17	4N3W02	42.71	15	2.85	COUNTY (Ganyon)	2004
SLEEPY HOLLOW SUBDIVISION	18	4N3W03	17.60	6	2.93	COUNTY (Ganyon)	2005
SOUTHWICK ESTATES	19	4N3W09	29.57	24	1.23	COUNTY (Ganyon)	2007
TAYLOR RIDGE SUBDIVISION	20	4N3W10	62.78	53	1.18	COUNTY (Ganyon)	2007
WILLIS ESTATES SUBDIVISION	21	4N3W03	19.35	10	1.93	COUNTY (Ganyon)	2008
GREEN ESTATES	22	4N3W02	2.87	2	1.44	COUNTY (Ganyon)	2009
NORTH SOUTHWICK COMMERCIAL SUBDIVISION	23	4N3W10	10.55	2	5.27	COUNTY (Ganyon)	2017
KINDER PLATZ SUBDIVISION	24	4N3W02	26.33	4	6.33	COUNTY (Ganyon)	2017
FINAL PLAT OF SADDLEBACK RIDGE ESTATES SUBDIVISION	25	4N3W03	36.81	16	2.24	CANYON COUNTY	2020
BOULDER CREEK SUBDIVISION	26	4N3W03	18.01	7	2.57	CANYON COUNTY	2020
FANSAN POINTE ESTATES SUBDIVISION	27	4N3W02	13.82	13	1.06	CANYON COUNTY	2021
TIMBER HILLS SUBDIVISION	28	4N3W03&04	46.62	28	1.63	CANYON COUNTY	2021
STONEHAVEN SUBDIVISION NO. 6	29	4N3W01	12.38	50	0.25	MIDDLETON	2022
STONEHAVEN SUBDIVISION NO. 7	30	4N3W01	11.46	37	0.31	MIDDLETON	2023

## SUBDIVISIONS IN PLATTING

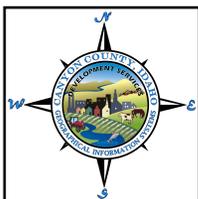
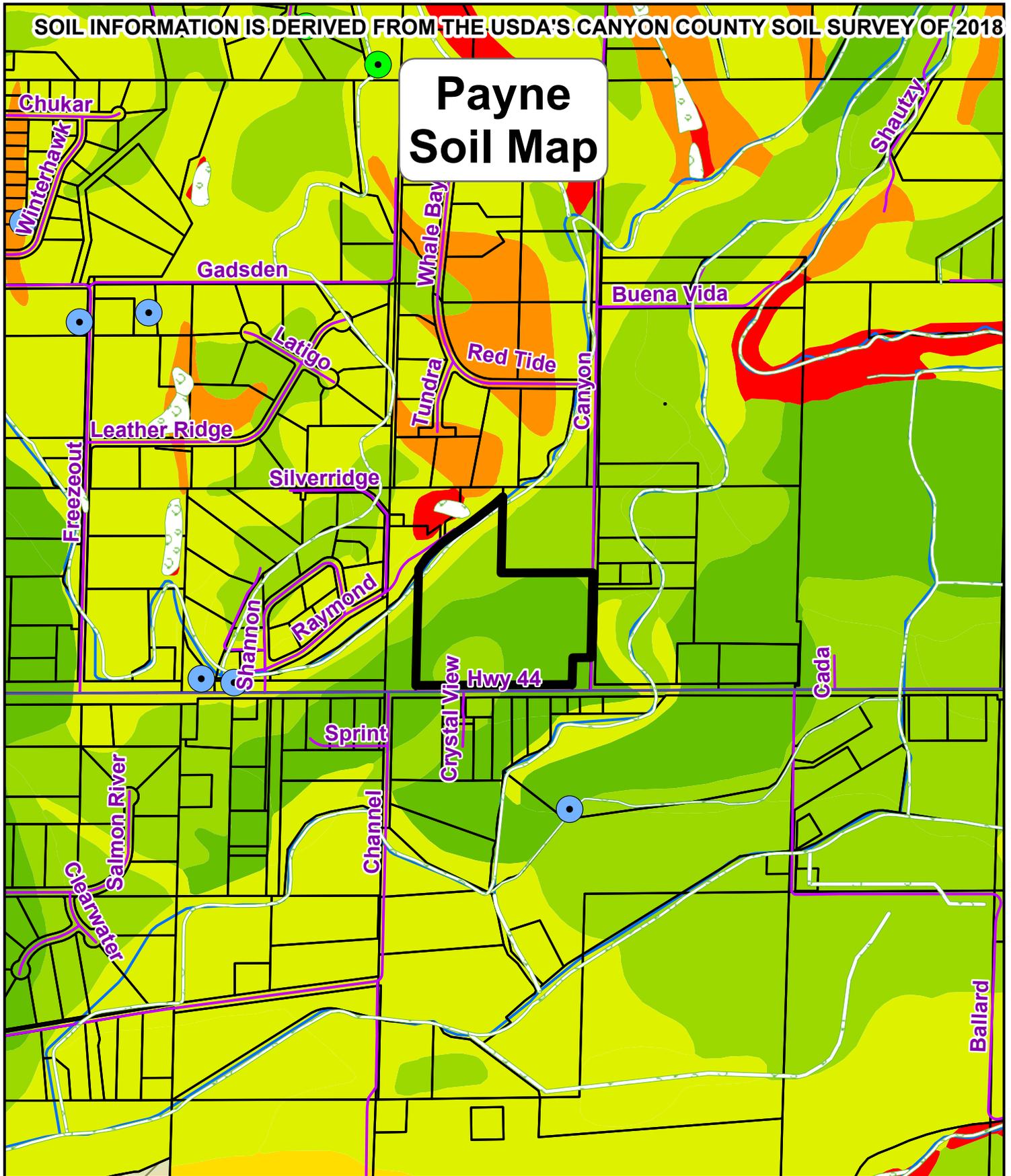
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE

## MOBILE HOME & RV PARKS

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

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

# Payne Soil Map

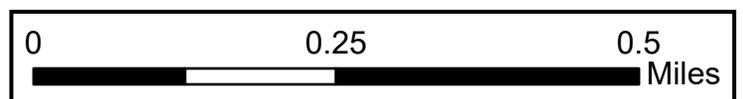


**Nitrate Priority Wells**

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-  2.000001 - 5.000000
-  5.000001 - 10.000000
-  10.000001 - 49.800000

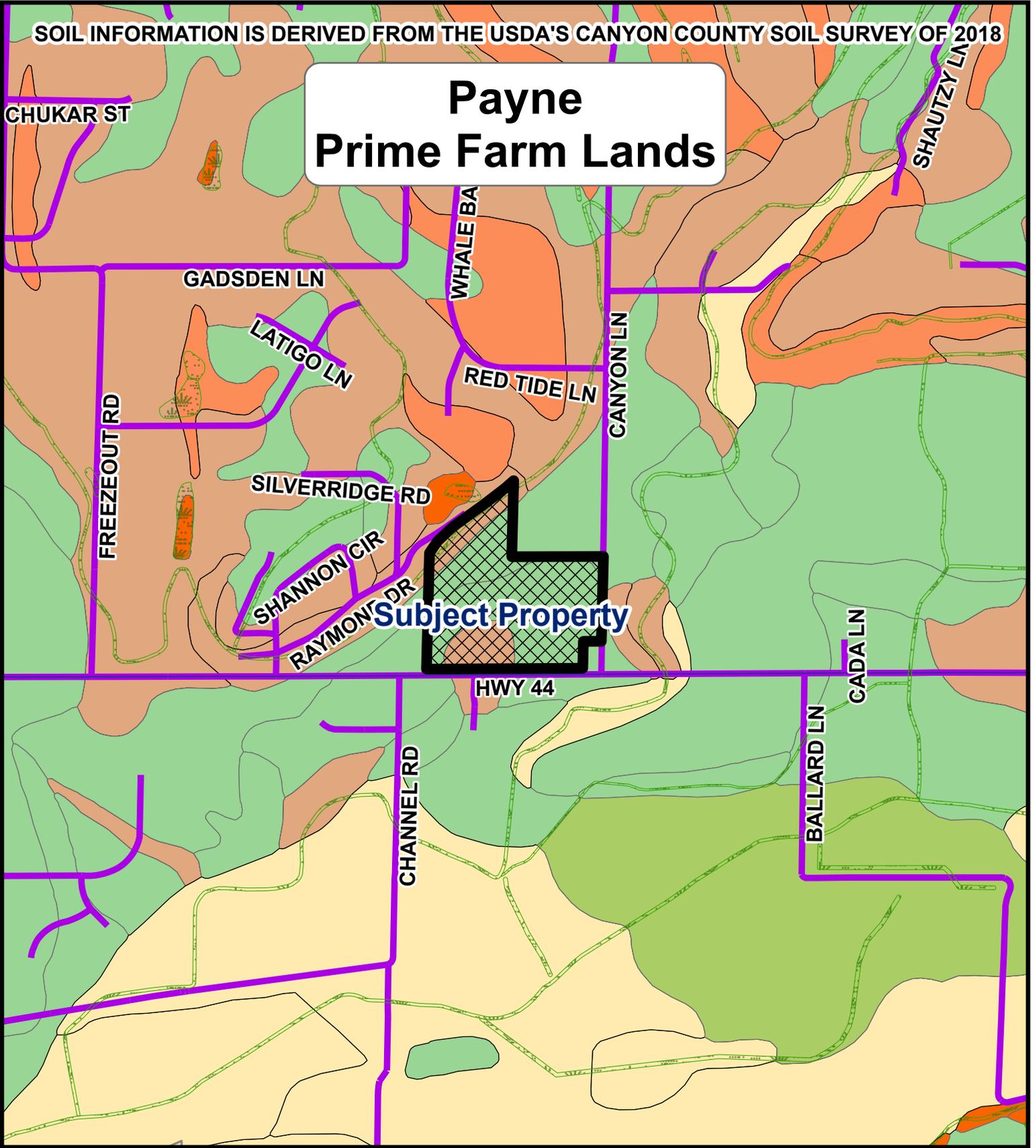
 IDWR\_2C\_Geothermal\_

 Wetlands



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

# Payne Prime Farm Lands



- TAXLOTS
- City Limits
- WETLANDS
- 2C\_Hydro

**FARMLAND**

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



# SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
4	MODERATELY SUITED SOIL	94002.48	2.16	9.88%
3	MODERATELY SUITED SOIL	120051.36	2.76	12.62%
2	BEST SUITED SOIL	549683.64	12.62	57.79%
3	MODERATELY SUITED SOIL	187395.12	4.30	19.70%
		951132.60	21.84	100%

# FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
MgD	Farmland of statewide importance, if irrigated	94002.48	2.16	9.88%
LnA	Farmland of statewide importance, if irrigated	120051.36	2.76	12.62%
PhA	Prime farmland if irrigated	549683.64	12.62	57.79%
PhB	Prime farmland if irrigated	187395.12	4.30	19.70%
		951132.60	21.84	100%

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

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

IMAGES WERE FLOWN IN THE 2022/2023.

FINAL PLAT OF SADDLEBACK RIDGE ESTATES SUBDIVISION

# Payne Contour Map

SLEEPY HOLLOW SUBDIVISION

WHITTLE SUB

ATKINSON SUB

FROST FARMS

KAMEO SUB

FROST FARMS

Silverridge Rd

Raymond Dr

Canyon Ln

Hwy 44

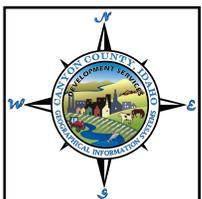
Channel Rd

Crystal View Ln

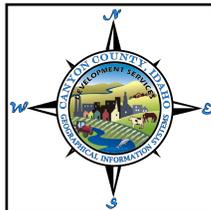
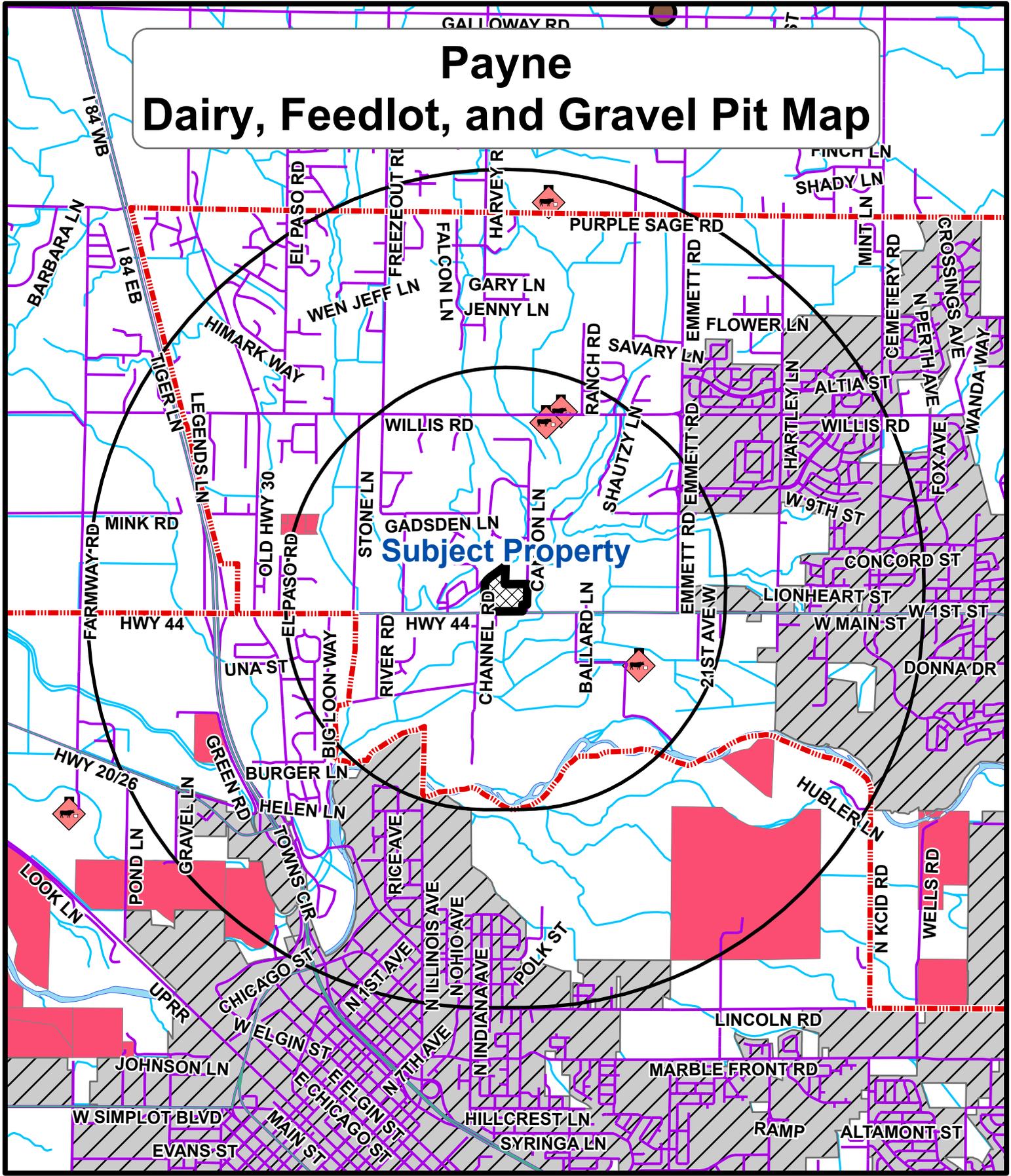
Sprint Ct

### Legend

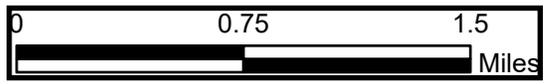
- SUBJECT\_PROPERTY
- TaxParcels
- SectionContours
- Wetlands



# Payne Dairy, Feedlot, and Gravel Pit Map

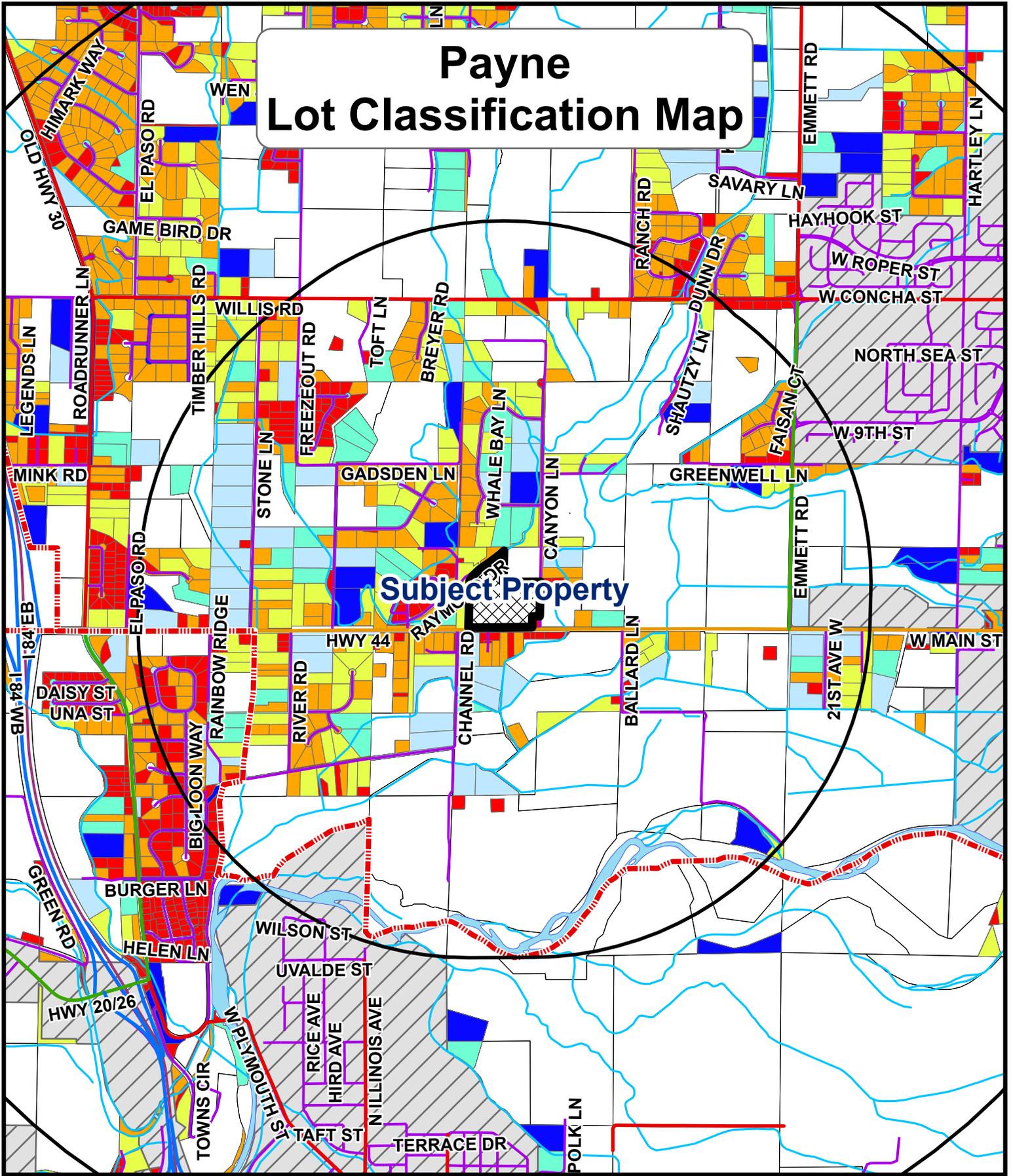


	FEEDLOTS
	DAIRIES
	GRAVELPITS





# Payne Lot Classification Map



**Subject Property**

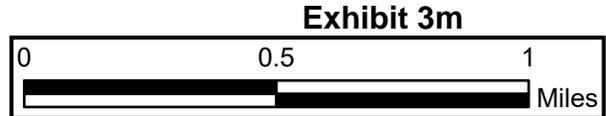


**Legend**

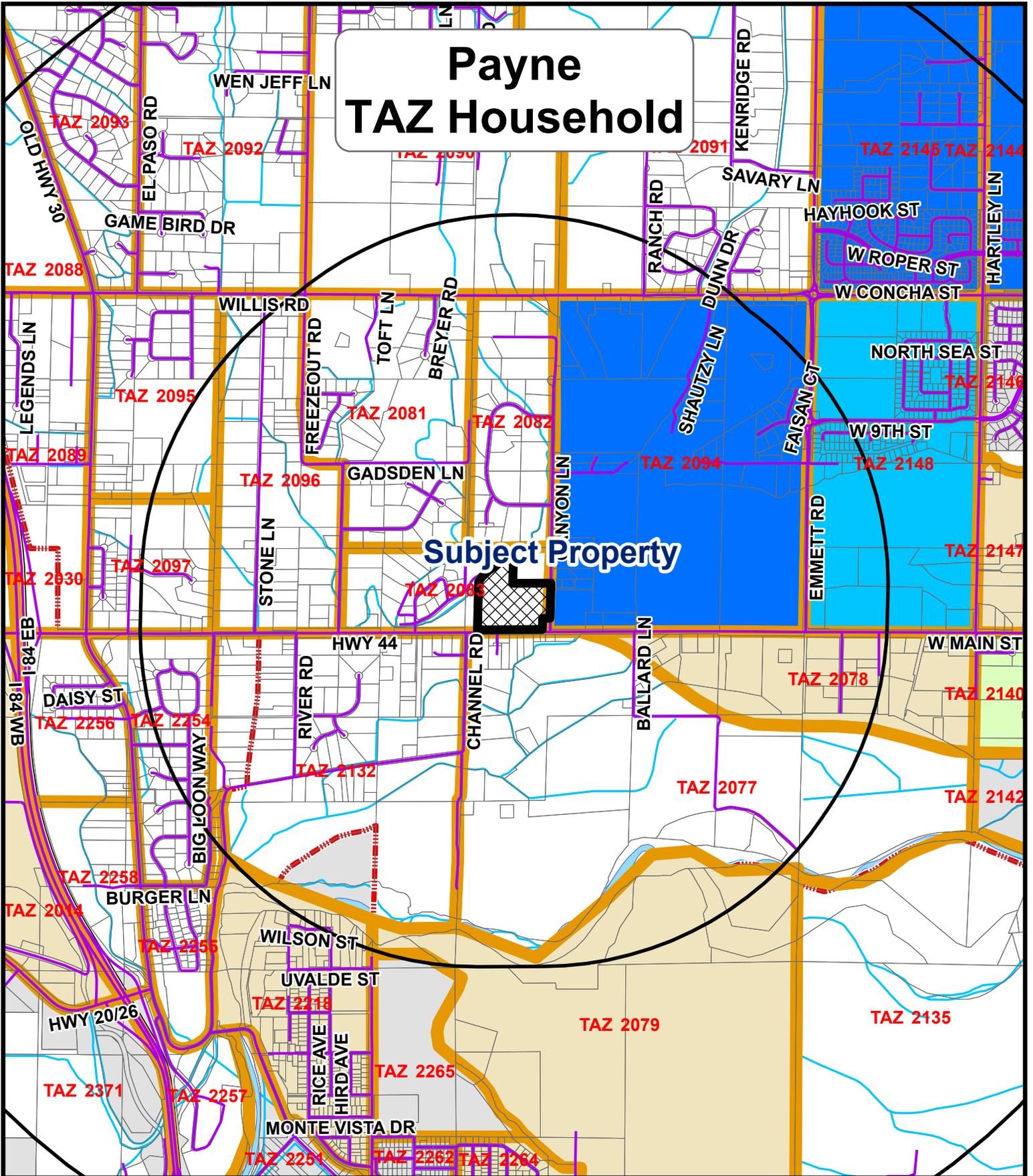
0.0 - 1.0
1.1 - 2.0
2.1 - 3.0
3.1 - 4.0
4.1 - 5.0
5.1 - 6.0

**ITD Functional Classification**

Interstate
Minor Arterial
Major Collector
Minor Collector
Other Principal Arterials



# Payne TAZ Household

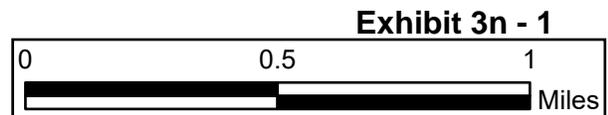


**Subject Property**

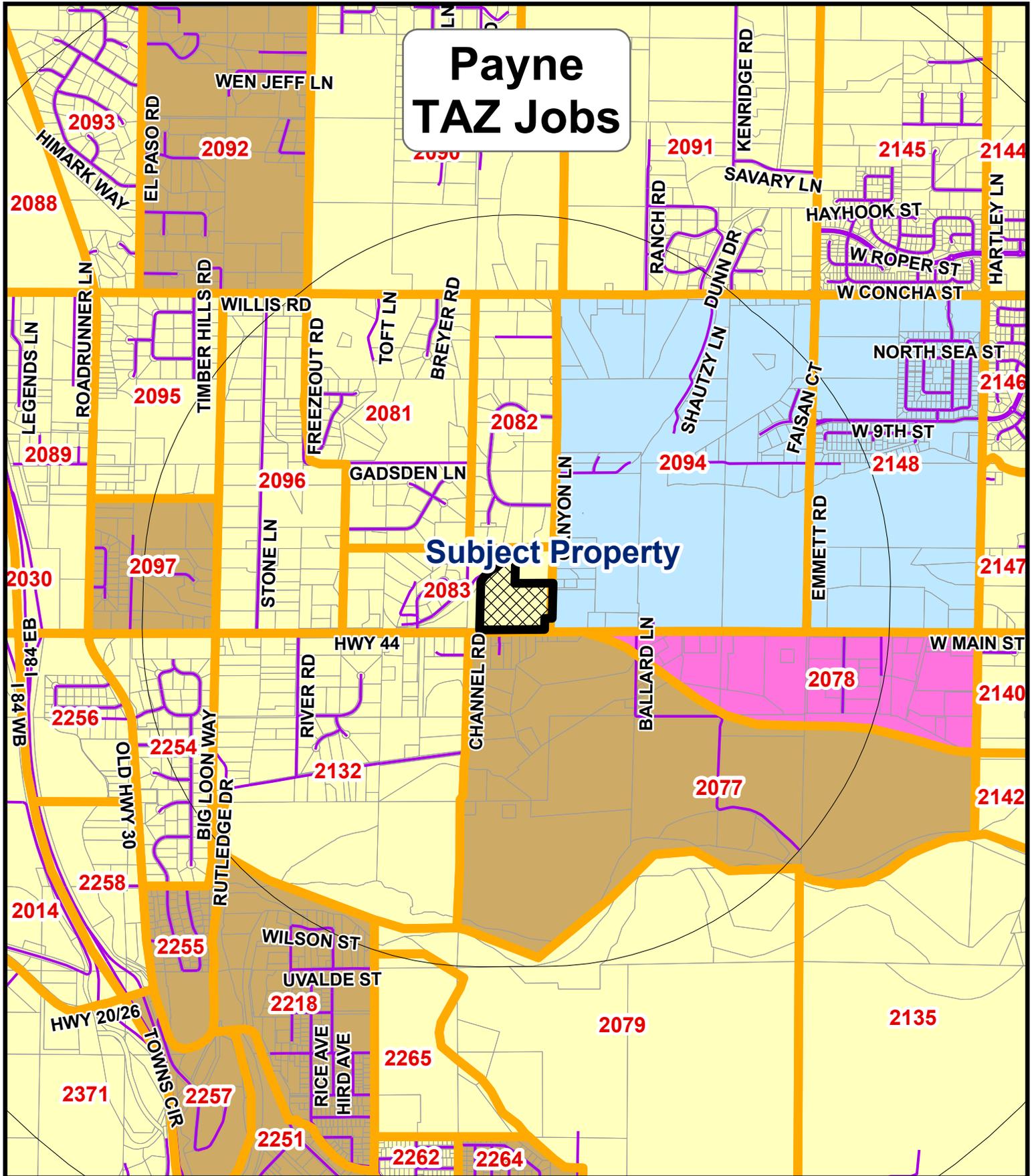


**House Hold 2025-2050**

	4 - 50		251 - 500
	51 - 150		501 - 750
	151 - 250		751 - 1263



# Payne TAZ Jobs



## Jobs 2025-2050

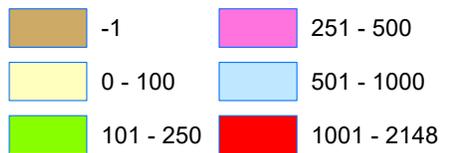
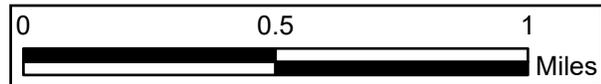


Exhibit 3n - 2



**Dan Lister**

**From:** Doug Critchfield <critchfieldd@cityofnampa.us>  
**Sent:** Tuesday, March 5, 2024 9:50 AM  
**To:** Dan Lister  
**Subject:** [External] RE: Full Political Notification CR2022-0007 Payne

Dan – Nampa Planning and Zoning has no comments. Thanks - Doug



**Doug Critchfield, Principal Planner**

O: 208.468.5406, F: 208.468.5439

500 12<sup>th</sup> Ave. S., Nampa, ID 83651

[Planning and Zoning](#) - [Like us on Facebook](#)

**NAMPA**Ready

**From:** Amber Lewter <Amber.Lewter@canyoncounty.id.gov>  
**Sent:** Tuesday, March 5, 2024 9:20 AM  
**To:** 'rcollins@cityofcaldwell.org' <rcollins@cityofcaldwell.org>; 'P&Z@cityofcaldwell.org' <P&Z@cityofcaldwell.org>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'jdodson@cityofcaldwell.org' <jdodson@cityofcaldwell.org>; 'mbessaw@cityofcaldwell.org' <mbessaw@cityofcaldwell.org>; 'Greenleaf City Clerk' <clerk@greenleaf-idaho.us>; 'amy@civildynamics.net' <amy@civildynamics.net>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'jgreen@marsingcity.com' <jgreen@marsingcity.com>; 'mayor@cityofmelba.org' <mayor@cityofmelba.org>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'jhutchison@middletoncity.com' <jhutchison@middletoncity.com>; 'jreynolds@middletoncity.com' <jreynolds@middletoncity.com>; 'rstewart@middletoncity.com' <rstewart@middletoncity.com>; Robyn Sellers <sellersr@cityofnampa.us>; Caleb Laclair <laclairc@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Addressing <Addressing@cityofnampa.us>; Doug Critchfield <critchfieldd@cityofnampa.us>; Clerks Staff Email <clerks@cityofnampa.us>; Char Tim <timc@cityofnampa.us>; 'notuscityclerk@gmail.com' <notuscityclerk@gmail.com>; 'info@parmacityid.org' <info@parmacityid.org>; 'mayor@parmacityid.org' <mayor@parmacityid.org>; 'planning@parmacityid.org' <planning@parmacityid.org>; 'snickel@staridaho.org' <snickel@staridaho.org>; 'wsevery@cityofwilder.org' <wsevery@cityofwilder.org>; 'casanderson@caldwellschools.org' <casanderson@caldwellschools.org>; 'nicmiller@cw.edu' <nicmiller@cw.edu>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'drhorras@kunaschools.org' <drhorras@kunaschools.org>; 'bgraves@kunaschools.org' <bgraves@kunaschools.org>; 'rreno@kunaschools.org' <rreno@kunaschools.org>; 'dholzhey@marsingschools.org' <dholzhey@marsingschools.org>; 'sadams@melbaschools.org' <sadams@melbaschools.org>; 'horner.marci@westada.org' <horner.marci@westada.org>; 'lgrooms@msd134.org' <lgrooms@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'cstauffer@nsd131.org' <cstauffer@nsd131.org>; 'dleon@nsd131.org' <dleon@nsd131.org>; 'krantza@notusschools.org' <krantza@notusschools.org>; 'tkelly@parmaschools.org' <tkelly@parmaschools.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org>; 'lisa.boyd@vallivue.org' <lisa.boyd@vallivue.org>; 'joseph.palmer@vallivue.org' <joseph.palmer@vallivue.org>; 'jdillon@wilderschools.org' <jdillon@wilderschools.org>; 'lrichard@cityofcaldwell.org' <lrichard@cityofcaldwell.org>; 'aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; 'homedalefd@gmail.com' <homedalefd@gmail.com>; 'tlawrence@kunafire.com' <tlawrence@kunafire.com>; 'khinkle@kunafire.com' <khinkle@kunafire.com>; 'marsingfiredistrict@yahoo.com' <marsingfiredistrict@yahoo.com>; 'marsingruralfire@gmail.com' <marsingruralfire@gmail.com>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'kenny.hoagland@melbafire.id.gov' <kenny.hoagland@melbafire.id.gov>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'johnsonre@nampafire.org' <johnsonre@nampafire.org>; Ron Johnson <johnsonrl@nampafire.org>; 'linanj@nampafire.org' <linanj@nampafire.org>; 'pfdchief33@gmail.com'

<pfdchief33@gmail.com>; 'parmaruralfire@gmail.com' <parmaruralfire@gmail.com>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'jmaloney@wilderfire.org' <jmaloney@wilderfire.org>; 'Chris Hopper' <CHopper@canyonhd4.org>; 'Iriccio@canyonhd4.org' <Iriccio@canyonhd4.org>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'office@idcpas.com' <office@idcpas.com>; 'Eddy Thiel' <eddy@nampahighway1.com>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; 'admin1@kunalibrary.org' <admin1@kunalibrary.org>; 'admin2@kunalibrary.org' <admin2@kunalibrary.org>; 'lizardbuttelibrary@yahoo.com' <lizardbuttelibrary@yahoo.com>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'mkelly@idahopower.com' <mkelly@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'contract.administration.bid.box@ziply.com' <contract.administration.bid.box@ziply.com>; 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'lori.kent@id.nacdnet.net' <lori.kent@id.nacdnet.net>; 'jlunders@2cmad.org' <jlunders@2cmad.org>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; 'jshoemaker@blm.gov' <jshoemaker@blm.gov>; 'mgrodriguez@usbr.gov' <mgrodriguez@usbr.gov>; 'edward\_owens@fws.gov' <edward\_owens@fws.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'westerninfo@idwr.idaho.gov' <westerninfo@idwr.idaho.gov>; 'john.graves@fema.dhs.gov' <john.graves@fema.dhs.gov>; 'idahoaaa@gmail.com' <idahoaaa@gmail.com>; 'zlathim@idl.idaho.gov' <zlathim@idl.idaho.gov>; 'brandon.flack@idfg.idaho.gov' <brandon.flack@idfg.idaho.gov>; 'aubrie.hunt@dhw.idaho.gov' <aubrie.hunt@dhw.idaho.gov>; 'marilyn.peoples@dhw.idaho.gov' <marilyn.peoples@dhw.idaho.gov>; 'tricia.canaday@ishs.idaho.gov' <tricia.canaday@ishs.idaho.gov>; 'dan.everhart@ishs.idaho.gov' <dan.everhart@ishs.idaho.gov>; 'patricia.hoffman@ishs.idaho.gov'

<patricia.hoffman@ishs.idaho.gov>; 'stevie.harris@isda.idaho.gov' <stevie.harris@isda.idaho.gov>;  
'brock.cornell@isda.idaho.gov' <brock.cornell@isda.idaho.gov>; 'tate.walters@id.usda.gov' <tate.walters@id.usda.gov>;  
'carol.chadwick@usda.gov' <carol.chadwick@usda.gov>; 'noe.ramirez@usda.gov' <noe.ramirez@usda.gov>; 'CENWW-  
RD-BOI-TV@usace.army.mil' <CENWW-RD-BOI-TV@usace.army.mil>; 'laura.j.freedman@usps.gov'  
<laura.j.freedman@usps.gov>; 'rakesh.n.dewan@usps.gov' <rakesh.n.dewan@usps.gov>; 'chad.m.franklin@usps.gov'  
<chad.m.franklin@usps.gov>; 'don.g.cassity@usps.gov' <don.g.cassity@usps.gov>; 'sandra.d.karling@usps.gov'  
<sandra.d.karling@usps.gov>; 'connie.m.bishop@usps.gov' <connie.m.bishop@usps.gov>; 'melvin.b.norton@usps.gov'  
<melvin.b.norton@usps.gov>; 'tammi.l.barth@usps.gov' <tammi.l.barth@usps.gov>; 'henry.medel@usps.gov'  
<henry.medel@usps.gov>; 'khrista.m.holman@usps.gov' <khrista.m.holman@usps.gov>; 'rochelle.fuquay@usps.gov'  
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<lisaitano@me.com>; 'scott@fccnw.com' <scott@fccnw.com>; 'info@snakeriverscenicbyway.org'  
<info@snakeriverscenicbyway.org>; 'tottens@amsidaho.com' <tottens@amsidaho.com>; 'melvin.b.norton@usps.gov'  
<melvin.b.norton@usps.gov>; 'scott.hauser@usrtf.org' <scott.hauser@usrtf.org>; 'info@destinationcaldwell.com'  
<info@destinationcaldwell.com>; Media - KIVI News <news@kivitv.com>; Media - KBOI TV News <news@kboi2.com>;  
Media - KTVB News <ktvbnews@ktvb.com>; Media - KBOI Radio News <670@kboi.com>; Media - IPT Newsroom  
<newsroom@idahopress.com>; 'middletonexpress1@gmail.com' <middletonexpress1@gmail.com>;  
'rmorgan@kellerassociates.com' <rmorgan@kellerassociates.com>

**Subject:** Full Political Notification CR2022-0007 Payne

**CAUTION:** This email originated OUTSIDE the City of Nampa domain. DO NOT click on links or open attachments unless you recognize the sender or are sure the content is safe. Highlight the suspect email and send using the Outlook Phish Alert Report button or call the IT Helpdesk at (208) 468-5454.

Dear Agencies,

Please see the attached agency notice regarding the scheduled Planning and Zoning Commission hearing on this project. We had previously requested your agency provide comments for the noticed land use application and if any agency comments were received, they were included in the Staff report. No response is required unless there is an update to your original comments.

This is the notification that a hearing date of **April 18, 2024** at 6:30 pm has been set for this case along with a final deadline of **March 31, 2024** for agency comments.

Please direct your comments or questions to Planner **Dan Lister** at [daniel.lister@canyoncounty.id.gov](mailto:daniel.lister@canyoncounty.id.gov)

Thank you,



**Amber Lewter**  
Hearing Specialist  
Canyon County Development Services Department  
111 N. 11<sup>th</sup> Ave., #310, Caldwell, ID 83605

**BLACK CANYON IRRIGATION DISTRICT****Exhibit 4b****NOTUS, IDAHO**

May 17, 2023

Canyon County Development Services Department  
111 North 11<sup>th</sup> Ave. Suite 140  
Caldwell, ID 83605  
(208) 454-7458

RE: Conditional Rezone. Parcel R344560  
Case No. CR2022-0007  
Applicant: Carl Anderson  
Property Owner: Greg Payne  
Planner: Samantha Hammond

The parcel is located at the NW corner of HWY 40 and Canyon Lane in Canyon County, Idaho. The parcel is located directly south of the Hills Canal. The Black Canyon Irrigation District does not provide irrigation to parcel R344560. Please reach out to the irrigation district responsible for providing irrigation water to this parcel.

Thank You,

*Donald Popoff*

Donald Popoff P.E.  
District Engineer  
Black Canyon Irrigation District

# Dan Lister

**From:** Don Popoff <dpopoff@rh2.com>  
**Sent:** Tuesday, September 5, 2023 8:17 AM  
**To:** Dan Lister  
**Cc:** tyler@blackcanyonirrigation.com  
**Subject:** [External] RE: CR2022-0007: Comment Letter

Hi Dan –

Sorry for delayed response, I was out on Friday afternoon.

This property is technically within 2 irrigation district boundaries from the mapping we have. So, you are not wrong that it is in Black Canyon's boundary.

However, it's also in the Middleton Mill Ditch Co / Middleton Irrigation Assoc. boundary. I believe Middleton Mill serves this property (from what I recall from BCID staff when we looked into).

Hope this helps. Let me know if you need anything more on this, or you hit a dead end. We can assist and dive into more.

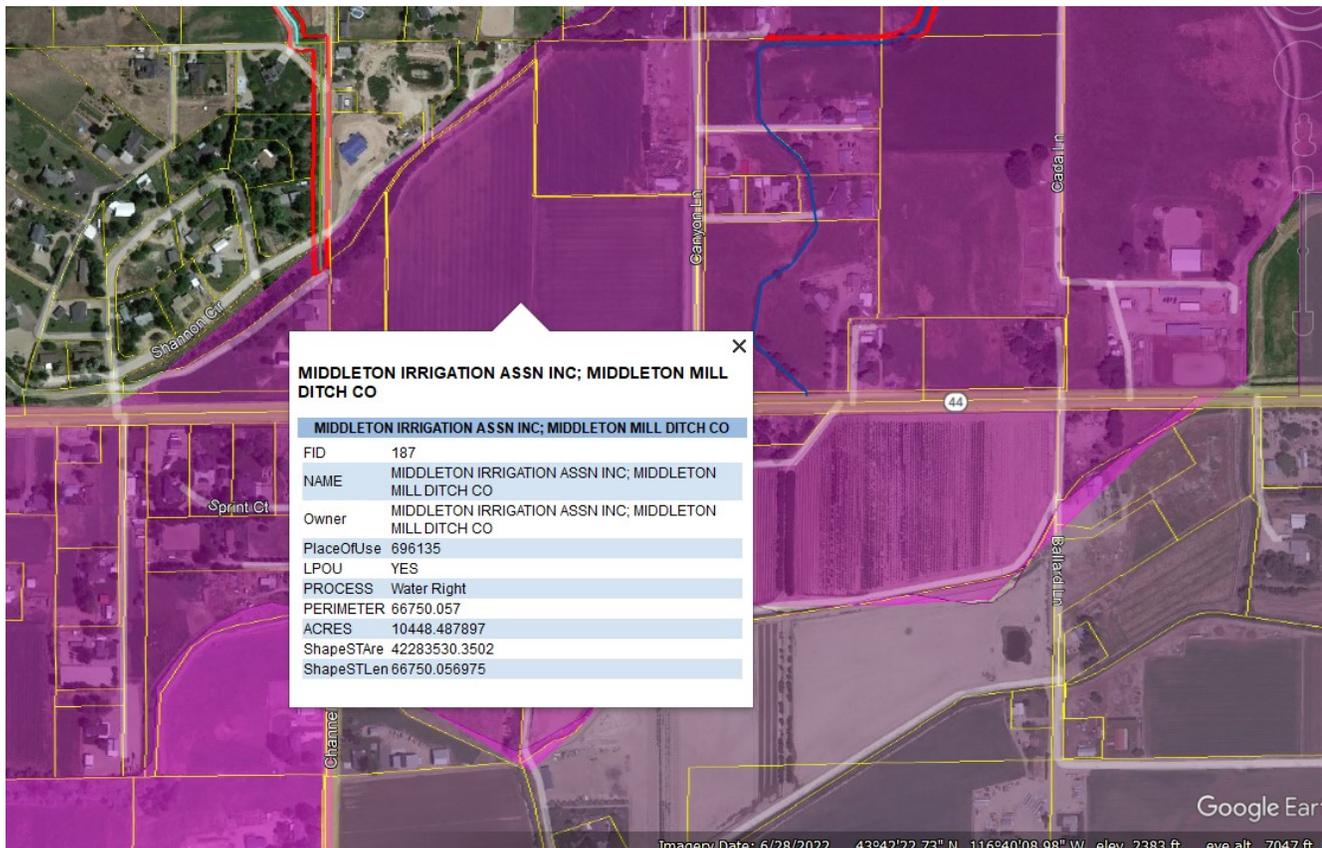
Some of these properties on the edges are tricky to verify. BCID staff mentioned they did not serve property below the Hill Canal in this location.

Thanks

Don

District Engineer

Black Canyon Irrigation District





**Donald Popoff** PE

Nampa Office Manager | RH2 Engineering, Inc.

16150 N. High Desert Street

Suite 201

Nampa, Idaho 83687

C: 208.807.0015

O: 208.563.2280

[dpopoff@rh2.com](mailto:dpopoff@rh2.com)

[www.rh2.com](http://www.rh2.com)

---

**From:** Dan Lister <Daniel.Lister@canyoncounty.id.gov>

**Sent:** Friday, September 1, 2023 3:43 PM

**To:** Don Popoff <dpopoff@rh2.com>

**Subject:** CR2022-0007: Comment Letter

Don,

I left you a phone message regarding your response to CR2022-0007 – Payne (R34456, 02-4N-3W SW TX 4 IN SW 1/4 SW 1/4 LESS S214' OF E 115.5', TX 5 LESS TX 5-A & LESS TX 11 IN SEC 2 & 3). See below for an aerial of the property. Your comment letter received on May 17, 2023 stated that BCID does not provide irrigation to the subject parcel. Our maps show its BCID's jurisdiction. If not, do you know what irrigation district is responsible?



Thank you for your assistance! 😊

**Dan Lister, Planning Official**

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

Development Services Department (DSD)

**NEW** Public office hours

**Effective Jan. 3, 2023**

Monday, Tuesday, Thursday and Friday

8am – 5pm

Wednesday

1pm – 5pm

**\*\*We will not be closed during lunch hour \*\***

**PUBLIC RECORD NOTICE: All communications transmitted within the Canyon County email system may be a public record and may be subject to disclosure under the Idaho Public Records Act and as such may be copied and reproduced by members of the public.**

# BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

March 8, 2024

Canyon County Development Services Department  
111 North 11<sup>th</sup> Ave. Suite 140  
Caldwell, ID 83605  
(208) 454-7458

RE: Conditional Rezone. Parcel R344560  
Case No. CR2022-0007  
Applicant: Greg Payne  
Planner: Dan Lister

Parcel R344560 is located north of HWY 44 and west of Canyon Lane in Canyon County, Idaho. The parcel is located directly south of the Hills Canal. The Black Canyon Irrigation District does not provide irrigation to parcel R344560. Please reach out to the irrigation district responsible for providing irrigation water to this parcel.

This response is concurrent with the District's original response on May 17, 2023.

Thank You,

*Donald Popoff*

Donald Popoff P.E.  
District Engineer  
Black Canyon Irrigation District

## Dan Lister

---

**From:** Dan Lister  
**Sent:** Tuesday, September 5, 2023 12:37 PM  
**To:** 'irrigation.mm.mi@gmail.com'  
**Subject:** Canyon County DSD: Case Review: CR2022-0007 - Payne  
**Attachments:** AgencyRevNotice.pdf; BCID\_COMMENT.pdf; BCID\_LTR\_Response\_CR2022-0007\_Payne\_05.17.2023.pdf

Ms. Stokes/Irrigation District,

Attached is an agency notice originally sent to Black Canyon Irrigation District on April 20, 2023 for review of Case #CR2022-0007, a rezone of Parcel R34456 (SW1/4 of Section 02, T4N, R3W) owned by Greg Payne.



Black Canyon Irrigation District commented that the irrigation district with jurisdiction is Middleton Mill/Middleton Irrigation Association. Therefore, please review the attached notice with submittal content. DSD would appreciate a comment to the following questions:

- Does the request propose potential impacts to Middleton Mills facilities? If so, are their conditions/mitigation measures that can be applied to the request to minimize potential impacts?
- Does the property have irrigation rights?
- What will the irrigation district need if the property were subsequently divided and developed for service commercial uses?

Please provide comments no later than September 25, 2023. If no comments are received, DSD will understand the lack of comments as the irrigation district having no issue or concerns about the request.

Contact me if you have any questions.

Sincerely,

**Dan Lister, Assistant Planning Manager**

DSD Office: (208) 454-7458 - Direct Line: (208) 455-5959

[Daniel.Lister@canyoncounty.id.gov](mailto:Daniel.Lister@canyoncounty.id.gov)

Development Services Department (DSD)

**NEW** Public office hours

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**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

May 9, 2023

Samantha Hammond  
Planner  
Canyon County Development Services Department  
111 North 11th Ave., Ste. 140  
Caldwell, ID 83605

**VIA EMAIL**

<b>Development Application</b>	<b>CR2022-0007</b>
<b>Project Name</b>	<b>Payne-Anderson</b>
<b>Project Location</b>	NWC of SH-44 (MP 1.6) and Canyon Lane; Middleton, ID
<b>Project Description</b>	Approx 21.84 acres from Agricultural zone to Service Commercial zone
<b>Applicant</b>	Carl Anderson

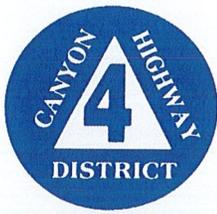
The Idaho Transportation Department (ITD) reviewed the referenced planned unit development, preliminary plat, rezone, and special use permit applications and has the following comments:

1. This parcel abuts the State Highway system.
2. ITD does not object to the proposed application as presented at this time, however when conceptual development plans are available, ITD will require the opportunity to review and provide further comments.

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

Sincerely,

Niki Benyakhlef  
Development Services Coordinator  
[Niki.Benyakhlef@itd.idaho.gov](mailto:Niki.Benyakhlef@itd.idaho.gov)



May 18, 2023

Canyon County Board of Commissioners and Planning & Zoning Commission  
111 N. 11<sup>th</sup> Street  
Caldwell, Idaho 83605  
Attention: Samantha Hammond, Planner

Greg Payne, Applicant

RE: **CR2022-0007**  
**Rezone from A to CR C-2 Service Commercial**  
**Canyon County Parcels R344560 aka 0 Hwy 44**

Dear Commissioners:

Canyon Highway District No. 4 (CHD4) has reviewed the application for a Rezone of Parcel R344560 from Agricultural to CR- C-2 (Conditional Rezone - Service Commercial) Zone. CHD4 offers the following comments on the proposed use:

**General**

The subject property consists of approximately 21.8 acres, located at the northwest corner Canyon Lane and SH 44 in the SW ¼ Section 2 T4N R3W. The subject property is located approximately 4,600 feet from Middleton city limits, and is considered urban for application of CHD4 standards. The subject property has approximately 550-feet of frontage on Canyon Lane along the easterly boundary, and approximately 1,000-feet of frontage on SH 44 on the southerly boundary.

Canyon Lane is classified as a local road in the vicinity of the subject property. Existing right-of-way is a 25-foot prescriptive easement, measured from the centerline of both roads. Ultimate right-of-way for a local roadway is 30-foot half-width, measured from the 1/16 line (easterly property boundary).

SH 44 is classified as a principal arterial highway, and is under jurisdiction of Idaho Transportation Department.

**Existing Access**

The subject property appears to be served by a single field approach to SH 44.

**Future Access for Commercial Development**

Both ITD and CHD4 access standards restrict direct access to principal arterial highways, however ITD will be the sole authority permitting access to SH 44. Minimizing the number of direct access points to SH 44 will improve safety and operational efficiency of the highway. Access to Canyon Lane for a commercial driveway approach, private road, or public road may be permitted in accordance with the following guidelines:

- Any new local road, private road, or private driveway shall be located a minimum of 440- feet from the SH 44/Canyon Lane intersection; and

- Any new private or public road should be located a minimum of 250-feet from any other existing road intersection; and
- Any new commercial driveway should be located a minimum of 125-feet from any other existing or proposed driveway or roadway.

**Transportation Impacts:**

The proposed rezone will create approximately 22 acres of commercial zoning, with a large variety of uses allowed. Trip generation frequency varies dramatically across the various uses proposed, but it is anticipated that the cumulative impacts of the entire 22 acre property will exceed 500 trips/day or 50 trips/peak hour which will trigger the requirement for a Traffic Impact Study. A TIS will be required by CHD4 at the time of preliminary plat submittal for subdivision of the subject property, or at the time of access permit application for administrative land division or other development of the property. Traffic impacts from the development will be mitigated through dedication of public right-of-way for Canyon Lane, improvements to public roads or intersections, impact fee assessments, or a combination of those requirements.

**Administrative Land Division**

Canyon County code Chapter 7 Section 18 provides that parcels rezoned from agricultural to any other zone may be divided into up to four parcels administratively. Administrative land divisions resulting from this rezone are subject to the access restrictions and/or limitation identified in these comments. Right-of-way dedication for existing or future public roadways may be required as part of the administrative land division process as provided under CHD4 policy. Other development requirements, such as frontage improvements, construction of public roadways, traffic impact studies, and offsite traffic mitigation may also apply.

**Section Line Setbacks**

Not applicable

CHD4 does not oppose the requested zoning changes, and requests the Commission make these comments conditions of any approved land use action. Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.  
District Engineer

File: Canyon Co P&Z\_2023\_ Canyon Lane- CR2022-0007 Payne Commercial Rezone

RECEIVED  
MAR 29 2024

BY: Makaila Phillips

Canyon County Development Services Department  
111 North 11<sup>th</sup> Avenue, Ste 310  
Caldwell, ID 83605

Greetings Development Services:

I am writing in regards to your letter sent, regarding the property case number #CR2022-0007: Applicant is Greg Payne questioning a conditional rezone of 21.84 acres. Our neighborhood is a family-oriented neighborhood.

Our Highway 44 has been already congested with more than enough traffic in the last 3 years. The thought of even more traffic being added due to another commercial property proposed, is appalling and scary at the same time. The noise level of whatever is planned for this area, be it commercial and or apartments or a whole new housing community, presents its own problems.

Case in point, we recently in the last year, had a new house built in our neighborhood, right across the street from us. You know what, he has some kind of earth moving, landscaping business where he has all kinds of equipment moving day in and day out. The noise level from peace and quiet has increased 100%. His employees come in with their radios blaring, diesel trucks running for 15 minutes to a half hour to warm up, regardless of people sleeping or enjoying their mornings. It is so disturbing and disrespectful. To think of another nearby property being used for commercial use, is not good. Uggggggghhhhhhhhh!!!!!!! No Thank you. Noise increase and increased traffic are inevitable.

A RV park is currently being built, just a 1/2 mile away from where this property is. You know how disruptive that is going to be all by itself. My goodness how much more should we have to take, especially so close to a neighborhood like ours, with kids and pets. Traffic, traffic and more traffic. Noise, noise and more noise.

We firmly reject the idea of another commercial property going into our area. But we do understand that Greg Payne is thinking of doing a rental storage building. We would much rather have this kind of commercial property use, rather than a field of new houses or apartments. If this is the case, then Greg's idea is a plus, rather than a minus.

A new commercial property with new housing and or apartments in our vicinity, some say our neighborhood would not be affected, but we know that would not be the case.

Thank you for considering our agreement to having a commercial property as storage buildings, to be built. At least this way, there won't be constant traffic in and out 24/7.

Neighbors who would be affected by  
Commercial property addition proposition  
14038 Shannon Circle  
Bob and Jo Jones



**CANYON COUNTY**  
**DEVELOPMENT SERVICES DEPARTMENT**  
 111 North 11<sup>th</sup> Avenue, Suite 310 • Caldwell, Idaho • 83605  
 Phone (208) 454-7458  
[www.canyoncounty.id.gov/elected-officials/commissioners/development-services](http://www.canyoncounty.id.gov/elected-officials/commissioners/development-services)

Greetings Property Owner:

**NOTICE IS HEREBY GIVEN** that the Canyon County Planning & Zoning Commission is scheduled to hold a public hearing on **April 18, 2024** beginning at 6:30 p.m. on the following case. The hearing will be held in the Public Meeting Room on the 1<sup>st</sup> floor of the Canyon County Administration Building, located at 111 North 11<sup>th</sup> Avenue, Caldwell, Idaho.

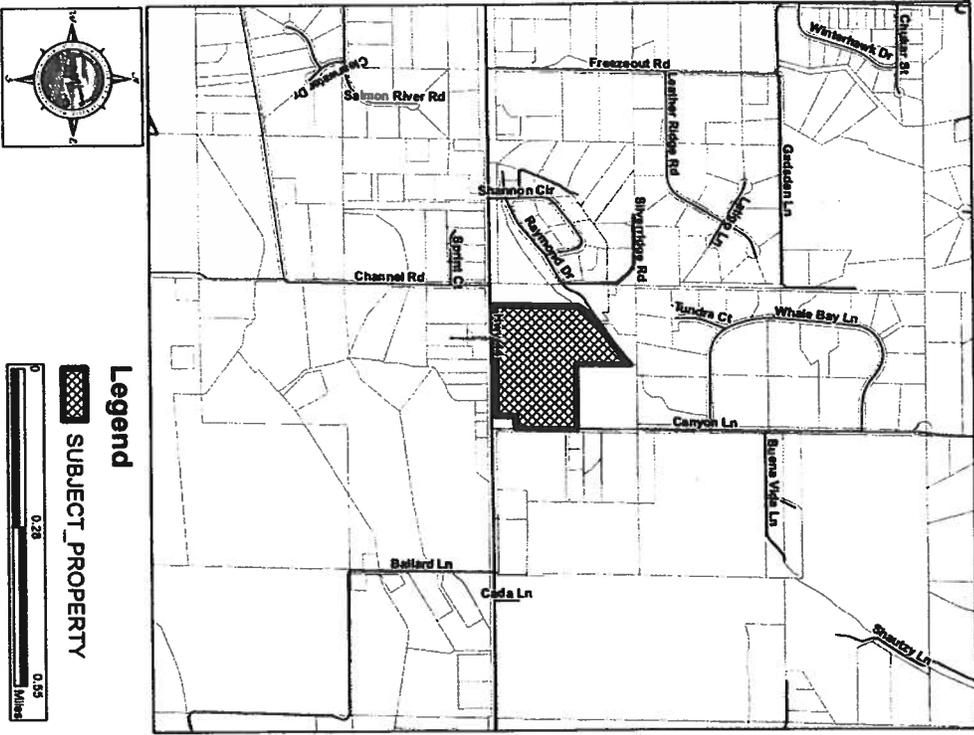
**Case No. CR2022-0007:** The applicant, Greg Payne, is requesting a Conditional Rezone of approximately 21.84 acres from an "A" (Agricultural) and "C-1" (Neighborhood Commercial) zone to a "CR-C-2" (Conditional Rezone - Service Commercial) zone. The request includes a development agreement limiting uses within the zone. The subject vacant property, Parcel R34456, is located adjacent to 13768 HWY 44, Caldwell; also referenced a portion of the SW¼ of Section 02, T4N, R3W, BM, Canyon County, Idaho.

Public comments are very important in evaluating this case. You are invited to provide written testimony by **March 31, 2024**, or oral testimony at the hearing. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the deadline will also be placed in the hearing packet – allowing the hearing body adequate time to review the submitted information. **Emails/ electronic submissions must be received on or before the deadline. Hardcopy/mailed submissions must be postmarked by the deadline. All written testimony or exhibits received after the deadline will need to be brought to the public hearing and read into the record by the person submitting the information.** If it is a large document that can't easily be read into the record, the hearing body will determine if they will accept the document as a late exhibit.

Copies of all documents concerning public hearing items can be obtained from the county website <https://www.canyoncounty.id.gov/land-hearings/> as they are available. Development Services' public office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except on Wednesdays when public office

*Public Hearing - 11/18/24  
 11:00 AM  
 Planning Department  
 111 North 11th Avenue  
 Caldwell, ID 83605*

hours are 1:00 p.m. to 5:00 p.m. If you have questions, please contact the Case Planner, **Dan Lister** at [daniel.lister@canoncounty.id.gov](mailto:daniel.lister@canoncounty.id.gov). In all correspondence concerning this case, please refer to the case number noted.



Assistance is available for persons with disabilities. Please call the Development Services Department at 208-454-7458 at least two weeks prior to the hearing so that arrangements can be made



**Canyon County Board of County Commissioners FCO's  
Canyon County Rezone(s) - RZ2011-10**

Hearing Date: December 1, 2011

Development Services Department

**Findings of Fact, Conclusions of Law and Order**

RZ2011-10 Canyon County Rezone(s)

**Findings of Fact**

1. Canyon County Development Services Department is requesting to rezone the respective properties along Highway 44 to (C-1) Neighborhood Commercial and the properties along Simplot Boulevard and Peckham Road to (M-1) Light Industrial (Exhibit 2).
2. The proposed rezones are consistent with Canyon County Comprehensive Plan Land Use Map.
3. The proposed rezones are consistent with Section 4, Economic Development Component and Section 5, Land Use Component of the Canyon County Comprehensive Plan.

**Conclusions of Law**

For case file RZ2011-10 the Board of County Commissioners finds and concludes the following regarding the Standards of Review for rezone (CCZO 11-007 §07-06-05).

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

**Conclusion:** The proposed rezone(s) is consistent with the 2020 Comprehensive Plan.

**Finding:** The proposed zone change(s) are consistent with the applicable Comprehensive Plan. The Canyon County Comprehensive Plan, Land Use Map designates the properties along Highway 44 as Commercial and Simplot Boulevard and Peckham Road as Industrial.

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

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

**Finding:** The proposed zone change(s) are more appropriate than the current zoning designation for the reason that Highway 44 and Simplot Boulevard are principal arterials in Canyon County that are conducive to industrial and commercial type businesses. Highway 44 is a major corridor connecting to Interstate 84 and has a consistent traffic flow that could benefit commercial type businesses in the area. Simplot Boulevard and Peckham Road are suitable for industrial type users given the proximity to existing industrial/agricultural type businesses and the use of rail.

**C. Is the proposed rezone compatible with surrounding land uses;**

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

**Findings:** The proposed rezones are compatible with surrounding land uses and the general area. The properties along Highway 44 have such uses as agriculture and residential with very little commercial business. Since Highway 44 is a principal arterial that provides access to the Interstate and Boise, there are opportunities for commercial type businesses that may provide such services to the traveler and residences that are in the general area.

Simplot Boulevard and Peckham Road are dominated by agriculture and business that services agriculture. The proposed Light Industrial zone will further enhance the agricultural base and allow for facilities that can provide support to the agricultural users.

**D. Will the proposed use negatively affect the character of the area? What measure will be implemented to mitigate impacts?**

Conclusion: The proposed use will not negatively affect the character of the area.

Finding: For this request, the County is requesting that the underlying zone be changed to either Neighborhood Commercial or Light Industrial. The proposed zone change(s) does not affect the current uses that are in existence; those uses remain until said use is changed to reflect the proposed zone. No mitigation measures are proposed or required at this time.

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

Conclusion: Adequate facilities and services will be or are being provided to accommodate the use.

Finding: All development will be required to acquire the appropriate permits and provide adequate utilities and drainage facilities.

**F. Does legal access to the subject property for the development exist or will it exist at the time of development;**

Conclusion: Legal access to the subject property currently exists.

Finding: Based on a windshield survey of all the properties access either exists or access will need to be obtained from Idaho Transportation Department or respective Highway District.

**G. Does the proposed development require road improvements 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 measure have been taken to mitigate road improvements or traffic impacts; and**

Conclusion: No road improvements are required at this time but may be required during the platting process.

Finding: All development will be required to acquire the appropriate permits and approvals from either Idaho Transportation Department or the Highway District.

**H. Will the proposed zone change 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: The proposed zone change will not impact essential services.

Finding: Since this is only a zone change with no proposed use, staff cannot identify what impacts there would be on the county's public services and facilities. Based on the proposed commercial and industrial zoning designations it is the opinion of staff that the impacts would be minimal because of their uses to offer employment and general services to the public.

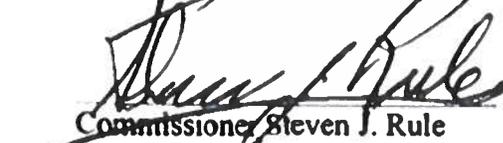
**Order**

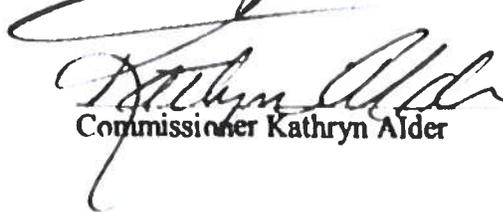
Based upon the Findings of Fact, Conclusions of Law contained herein the Board of County Commissioners approve Case # RZ2011-10, to rezone a total of 36 parcels along Highway 44 from Agriculture (A) to Neighborhood Commercial (C-1). Along Highway 19 a total of 2 parcels be rezoned from Agriculture (A) to Light Industrial (M-1) and along Peckham Road a total of 4 parcels be rezoned from Agriculture (A) to Light Industrial (M-1) for a total of 42 parcels.

APPROVED this 6 day of December, 2011.

**BOARD OF COUNTY COMMISSIONERS CANYON COUNTY,**

  
David J. Ferdinand, II, Chairman

  
Commissioner Steven J. Rule

  
Commissioner Kathryn Alder

ATTEST: CHRIS YAMAMOTO, CLERK

By:   
Deputy

015-230



**CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT**

111 N. 11<sup>th</sup> Ave. Ste. 140 • Caldwell, Idaho • 83605 • Phone (208) 454-7458

Fax: (208) 454-6633 • www.canyoncounty.org/dsd

**DEVELOPMENT AGREEMENT  
BETWEEN CANYON COUNTY AND APPLICANT**

Agreement number: 16-029

THIS AGREEMENT, made and entered into this April 14, 2016, by and between CANYON COUNTY, Idaho, a political subdivision of the state of Idaho, the party of the first part, hereinafter referred to as "COUNTY" and ~~Larry & Sharon Shideler~~ (Little Creek Ranch, LLC), the parties of the second part, hereinafter referred to as "Applicants."

*mgs*  
4/28/2016

**WITNESS TO**

**WHEREAS**, Applicant has applied to COUNTY for a conditional rezone from "R-1" (Single Family Residential) Zone to "C-2" (Service Commercial) Zone, one (1) parcel which totals approximately 10.57 acres, which is legally described in the attached Exhibit "A," incorporated by reference herein (hereinafter referred to as "Subject Properties"; and

**WHEREAS**, Parcel R34717 is owned by Little Creek Ranch, LLC.

**WHEREAS**, on April 14, 2016 the Canyon County Board of Commissioners approved a conditional rezone with conditions of the subject property to a "C-2" (Service Commercial) zone, which was done with Applicants' approval. The conditions of the approval for the conditional rezone are attached hereto as Exhibit "B";

**WHEREAS**, the parties desire to enter into an agreement to comply with Canyon County Code of Ordinances §07-06-07(2) & 07-06-07(7), Canyon County Zoning Ordinance No. 15-009, and to ensure the Applicants will implement and be bound by the conditions of the conditional rezone order issued by the Canyon County Board of Commissioners; and

**NOW THEREFORE, BE IT RESOLVED**, that the parties hereto do hereby agree to the following commitments and terms as follows:

Agreement Number: 16-029  
Development Agreement

**SECTION 1. STRUCTURE.**

Titles and subtitles of this Agreement are only used for organization and structure. The language in each paragraph of this Agreement should control with regard to determining the intent and meaning of the parties.

**SECTION 2. AUTHORIZATION.**

This Development Agreement (hereinafter referred to as "Agreement") is authorized by Idaho Code §67-6511A; Canyon County Code of Ordinances §07-06-07 (Conditional Rezoning).

**SECTION 3. PROPERTY OWNER.**

Applicants is/are the owner(s) of Subject Property which is located in the unincorporated area of Canyon County, Idaho, more particularly described in Exhibit "A", attached hereto and incorporated herein, which real property is the subject matter of this Agreement. The term "property" hereinafter refers to the property in the attached Exhibit "A".

Applicants represent that they currently hold complete legal or equitable interest in the Subject Property and that all persons holding legal or equitable interests in the Subject Property or the operation of the business are to be bound by this Agreement.

**SECTION 4. RECORDATION AND TERM.**

**A. RECORDATION.**

Pursuant to Idaho Code §67-6511A and Canyon County Code of Ordinances, this Agreement shall be recorded by the Clerk in the Canyon County Recorder's Office and will take effect upon the adoption, by the Board of County Commissioners, of the amendment to the zoning ordinance as set forth herein.

**B. TERM.**

The parties agree that this Agreement shall run with the land and bind the property in perpetuity, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors, and assigns. If any of the privileges or rights created by this Agreement would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then such provisions shall continue until twenty-one (21) years after the death of the last survivor of the now living lawful descendants of George Herbert Walker Bush, former President of the United States, or for such shorter period as may be required to sustain the validity of such provision.

**SECTION 5. AGREEMENT MODIFICATION.**

This Agreement may be modified only by a written document, signed by the parties, or their successors in interest, after complying with the notice and hearing procedures of Idaho Code §67-6509 and the requirements of Canyon County Code of Ordinances. The modification proposal must be in the form of a revised Development Agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

**SECTION 6. APPLICATION OF OTHER LAWS TO THE SUBJECT PROPERTIES.**

This Development Agreement shall not prevent the COUNTY in subsequent actions applicable to the Subject Properties from applying new rules, regulations, or policies that do not conflict with this Agreement.

**SECTION 7. COMMITMENTS.**

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Applicants will fully and completely comply with the conditions of the approved conditional rezone of the Subject Property from “R-1” (Single Family Residential) to “C-2” (Service Commercial) zoning, which conditions are attached hereto as Exhibit “B”.

**SECTION 8. USES, DENSITY, AND HEIGHT AND SIZE OF BUILDINGS**

The density or intensity of use of the Subject Properties is specified in the commitments of Section 7. The uses and maximum height and size of the buildings on the Subject Property shall be those set pursuant to law, including those contained in the Canyon County Code of Ordinances, that are applicable to an “C-2” (Service Commercial) zone and those provisions of law that are otherwise applicable to the Subject Property.

**SECTION 9. LIABILITY AND INDEMNITY OF COUNTY.**

**A. COUNTY REVIEW.**

Applicants acknowledge and agree that the COUNTY is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the COUNTY’s review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates or acceptances, relating to the use and development of the property described in Exhibit “A,” and that the COUNTY’s review and approval of any such plans and the improvements or the issuance of any such approvals, permits, certificates, or acceptances does not, and shall not, in any way, be deemed to insure or ensure Applicant or any of Applicant’s heirs, successors, assigns, tenants, and licensees, against damage or injury of any kind and/or at any time.

**B. COUNTY PROCEDURES.**

Applicants acknowledge that notices, meetings, and hearings have been lawfully and properly given and held by the COUNTY with respect to Applicant’s conditional rezone application in Development Services Department Case Number PH2015-61 and any related or resulting development agreements, ordinances, rules and regulations, resolutions or orders of the Board of County Commissioners. Applicants agree not to challenge the lawfulness, procedures, proceedings, correctness or validity of any of such notices, meetings, hearings, development agreements, ordinances, rules, regulations, resolutions or orders.

**C. INDEMNITY.**

Applicants agree to, and do hereby, defend, hold harmless and indemnify the COUNTY, the Board of County Commissioners, all County elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any such parties in connection with (i) the COUNTY’s review and approval of any plans or improvements, or the issuance of any approvals, permits, certificates, or acceptances relating to the use and/or development of the Subject Properties; (ii) any actions taken by the COUNTY pursuant to Subsection 6(B) of this Agreement; (iii) the development, construction, and maintenance of the property; and (iv) the performance by COUNTY of its obligations under this Agreement and all related ordinances, resolutions, or other agreements.

**D. DEFENSE EXPENSES.**

Applicants shall, and do hereby agree, to pay, without protest, all expenses incurred by the COUNTY in defending itself with regard to any and all of the claims identified in Subsection 9 of this Agreement. These expenses shall include all out-of-pocket expenses, including, but not limited to, attorneys’ and experts’ fees,

and shall also include the reasonable value of any services rendered by any employees of the COUNTY.

**SECTION 10. PERIODIC REVIEW.**

COUNTY may, while this Agreement is in effect, periodically review the extent of good faith substantial compliance with the terms of this Agreement. Applicants shall have the duty to demonstrate Applicant's good faith compliance with the terms of this Agreement during such review.

**SECTION 11. REQUIRED PERFORMANCE.**

Applicant shall comply with all commitments set out in this Agreement. Applicant shall timely and satisfactorily carry out all required performance to appropriately maintain, in the discretion of the COUNTY, all commitments set forth in this Agreement.

**SECTION 12. DEFAULT AND REMEDIES.**

In the event of a default or breach of this Agreement or of any of its terms or conditions, the party alleging default shall give the breaching party not less than thirty (30) days Notice of Default, in writing, unless an emergency exists threatening the health and safety of the public. If such an emergency exists, written notice shall be given in a reasonable time and manner in light of the circumstances of the breach. The time of the giving of the notice shall be measured from the date of the written Notice of Default. The Notice of Default shall specify the nature of the alleged default and, where appropriate, the manner and period of time during which said default may be satisfactorily cured. During any period of curing, the party charged shall not be considered in default for the purposes of termination or zoning reversion, or the institution of legal proceedings. If the default is cured, then no default shall exist and the charging party shall take no further action.

**SECTION 13. ZONING REVERSION CONSENT.**

The execution of this Agreement shall be deemed written consent by Applicants to change the zoning of the Subject Properties to its prior designation upon failure to comply with the terms and conditions imposed by the approved conditional rezone and this Agreement. No reversion shall take place until after a hearing on this matter pursuant to Idaho Code §67-6511A. Upon notice and hearing, as provided in this Agreement and in Idaho Code §67-6509, if the properties described in attached Exhibit "A" are not used as approved, or if the approved use ends or is abandoned, the Board of County Commissioners may order that the property will revert to the zoning designation (and land uses allowed by that zoning designation) existing immediately prior to the rezone action, i.e., the Subject Property conditionally rezoned from "R-1" (Single Family Residential) Zone designation to "C-2" (Service Commercial) Zone designation shall revert back to the "R-1" (Single Family Residential) Zone.

**SECTION 14. COMPLIANCE WITH LAWS.**

Applicants agree that they will comply with all federal, state, county and local laws, rules and regulations, which appertain to the Subject Properties, including the requirements of Canyon County Amended Resolution No. 95-232, which by this reference is fully incorporated herein. Applicants' failure to comply with the above laws or the terms of this Agreement will subject Applicants to an enforcement action by the COUNTY in a court of competent jurisdiction.

**SECTION 15. RELATIONSHIP OF PARTIES.**

It is understood that this Agreement between Applicants and the COUNTY is such that Applicants are an Agreement Number: 16-029  
Development Agreement

independent party and are not an agent of the COUNTY.

**SECTION 16. CHANGES IN LAW.**

Any reference to laws, ordinances, rules, regulations, or resolutions shall include such laws, ordinances, rules, regulations, or resolutions as they have been, or as they may hereafter be amended.

**SECTION 17. NOTICES.**

Except as otherwise provided in this Agreement and/or by law, all notices and other communications in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof, (1) when delivered in person on a business day at the address set forth below, or (2) in the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage paid, certified or registered mail, return receipt requested, at the addresses set forth below.

Notices and communications required to be given to COUNTY shall be addressed to, and delivered at, the following address:

Director  
Development Services Department  
111 N. 11<sup>th</sup> Ave., Ste. 140  
Caldwell, Idaho 83605

Notices and communications required to be given to Applicants shall be addressed to, and delivered at, the following addresses:

Name: Little Creek RANCH, LLC  
Larry & Sharon Shideler  
Street Address: PO Box 140036  
City, State, Zip: Boise, ID 83714  
*mjs*  
*4/28/2016*

A party may change its address by giving notice, in writing, to the other party, in the manner provided for in this section. Thereafter, notices, demands, and other pertinent correspondence shall be addressed and transmitted to the new address.

**SECTION 18. TERMINATION.**

This Agreement may be terminated in accordance with the notice and hearing procedures of Idaho Code §67-6509, and the zoning designation upon which the use is based reversed, upon failure of Applicants, a subsequent owner, or other person acquiring an interest in the property described in attached Exhibit "A" to comply with the terms of this Agreement. Applicants shall comply with all commitments in this Agreement prior to establishing the approved land use.

**SECTION 19. EFFECTIVE DATE.**

The commitments contained in this Agreement shall take effect in the manner described in this Agreement upon the COUNTY's adoption of the amendment to the zoning ordinance as set forth herein.

Agreement Number: 16-029  
Development Agreement

**SECTION 20. TIME OF ESSENCE.**

Time is of the essence in the performance if all terms and provisions of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have hereunto set their hands and seals the day and year first above written.

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

  
\_\_\_\_\_  
Steven J. Rule, Chairman

  
\_\_\_\_\_  
Craig L. Hanson, Commissioner

  
\_\_\_\_\_  
Tom Dale, Commissioner

**APPLICANTS**

\_\_\_\_\_  
Larry Shideler

\_\_\_\_\_  
Sharon Shideler

  
\_\_\_\_\_  
Michael Shideler, MANAGER FOR  
Little Creek Ranch, LLC.

ATTEST: Chris Yamamoto, Clerk

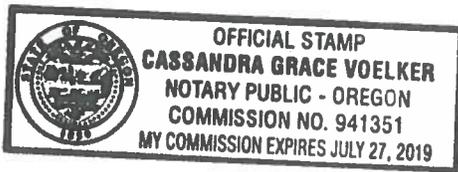
BY:   
\_\_\_\_\_  
Deputy

DATE: 4-14-16

(All Applicants must sign and their signatures must be notarized)

STATE OF <sup>Oregon</sup> IDAHO )  
 ) ss.  
County of <sup>Lincoln</sup> Canyon )

On this 28 day of April, 2014, before me, a notary public, personally appeared Michael Skideler, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.



C. Voelker  
Notary Public for ~~Idaho~~ <sup>Oregon</sup>  
Residing at: Lincoln City  
My Commission Expires: July 27, 2019

STATE OF IDAHO )  
 ) ss.  
County of Canyon )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he/she executed the same on behalf of the Applicant.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Agreement Number: 16-029  
Development Agreement

**EXHIBIT "A"**

**LEGAL DESCRIPTION  
CASE NO. PH2015-61**

EXHIBIT "A"

**PROPERTY DESCRIPTION**

That portion of the Northwest Quarter of Section 10, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 10, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence South 00°40'11" West 40.00 feet along the West line of said Northwest Quarter, to the Southerly right-of-way of Highway 44 as described in that certain deed filed as Instrument No. 189917 records of Canyon County, Idaho, being the Point of Beginning; thence continuing South 00°40'11" West 356.36 feet, along said West line; thence South 89°19'49" East 84.82 feet; thence South 13°58'55" East 262.54 feet; thence South 10°23'46" East 245.61 feet; thence South 78°50'44" West 202.67 feet, to a point on said West line of the Northwest Quarter; thence South 00°40'11" West 98.65 feet along said West line to a point on the Northeasterly line of that certain parcel of land quit claimed to Canyon County, Idaho, by Instrument No. 124797, records of Canyon County, Idaho; thence South 36°09'08" East 174.79 feet along said Northeasterly line; thence South 05°06'08" East 286.67 feet along said Northeasterly line, to the Northerly boundary of that certain parcel of land described in Instrument No. 9917485, records of Canyon County, Idaho; thence North 89°47'25" East 141.19 feet, along said Northerly boundary; thence North 02°47'27" West 48.73 feet, along said Northerly boundary; thence North 87°49'17" East 130.97 feet, along said Northerly boundary; thence South 22°33'41" East 90.09 feet, along said Northerly boundary to a point on the South line of the North 10 rods of the Southwest Quarter of the Northwest Quarter of said Section 10 as described in that certain deed filed as Instrument No. 659671, records of Canyon County, Idaho; thence North 89°47'25" East 863.75 feet, along said South line to the Southeast corner of said North 10 rods; thence North 01°18'35" East 164.96 feet, along said East line to the Northeast corner of said North 10 rods of the Southwest Quarter of the Northwest Quarter; thence North 01°11'23" East 1,283.54 feet, along the East line of the Northwest Quarter of the Northwest Quarter of said Section 10, to a point on the Southerly right-of-way of Highway 44 as described in that certain deed filed as Instrument No. 189917, records of Canyon County, Idaho; thence South 89°49'13" West 1,315.45 feet, along said Southerly right-of-way and parallel with the North line of said Northwest Quarter of the Northwest Quarter to the Point of Beginning.

**EXCEPTING THEREFROM:**

A parcel of land being a portion of the Northwest Quarter of the Northwest Quarter of Section 10, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at the Northwest corner (Northwest corner Section 10) of said Northwest Quarter of the Northwest Quarter, said corner monumented with a 3-inch diameter brass disk; thence South 00°40'11" West a distance of 40.00 feet along the Westerly boundary of said Northwest Quarter of the Northwest Quarter to the Point of Beginning; thence North 89°49'13" East a distance of 28.00 feet parallel with and 40.00 feet Southerly of the Northerly boundary of

said Northwest Quarter of the Northwest Quarter to a point; thence  
South 00°40'11" West a distance of 356.78 feet parallel with and 28.00 feet Easterly of the Westerly boundary of  
said Northwest Quarter of the Northwest Quarter to a point; thence  
North 89°19'50" West a distance of 28.00 feet to a point on the Westerly boundary of said Northwest Quarter of  
the Northwest Quarter to a point; thence  
North 00°40'11" East a distance of 356.36 feet along said Westerly boundary to the Point of Beginning.

**FURTHER EXCEPTING THEREFROM:**

That portion of the above described property located within Southwick Estates No. 1, according to the official plat thereof, filed in Book 40 of Plats at Page 21, records of Canyon County, Idaho.

## EXHIBIT "B"

### CONDITIONS OF APPROVAL FOR PH2015-61

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the properties.
2. Signs on site shall adhere to CCZO §07-10-13.
3. The applicant shall meet all rules and requirements of Idaho Transportation Department in regard to access onto Highway 44.
4. An approved approach permit from ITD shall be provided to DSD prior to any commencement of use on site.
5. The applicant shall meet all rules and requirements of Canyon Highway District No. 4.
6. No vehicular access to the site shall be via Big Loon Way. All vehicular access to the site shall be via State Highway 44.
7. The storm drain pond easement and retention pond located in the southeasterly corner of the subject property should be retained and protected. The easement and associated drainage facilities may be relocated by the applicant (at their expense) with written approval from Canyon Highway District No. 4 provided the storm water storage capacity and function is retained in equal or better condition.
8. The applicant shall meet all rules and requirements of Southwest District
9. The applicant shall provide a minimum ten (10) foot dry landscape buffer (rock) and/or an all- weather driving surface for emergency vehicles along the south boundary of the subject property, as requested by the City of Caldwell. Said buffer shall be installed prior to a C of O being issued for any mini storage facility on site.
10. The uses allowed on the subject property are restricted to the following as defined in CCZO:
  - a) Mini storage and/or R.V. storage facility
  - b) Accessory uses and /or structures to allowed use
  - c) Caretaker residence
  - d) Seasonal activities
  - e) Similar uses to an allowed use



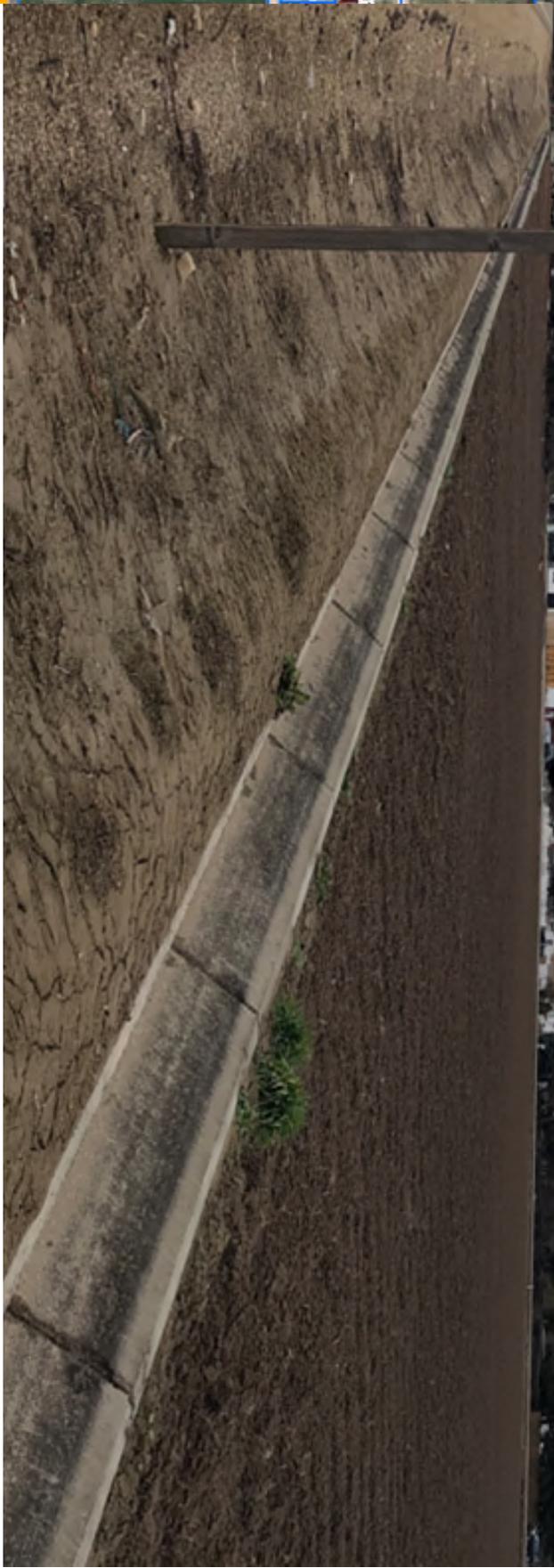
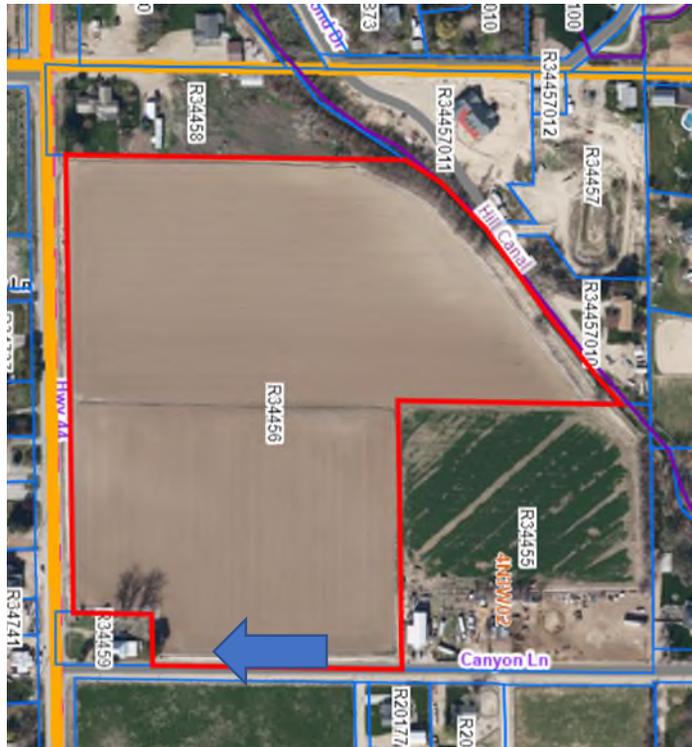
# Payne -- CR20222-0007

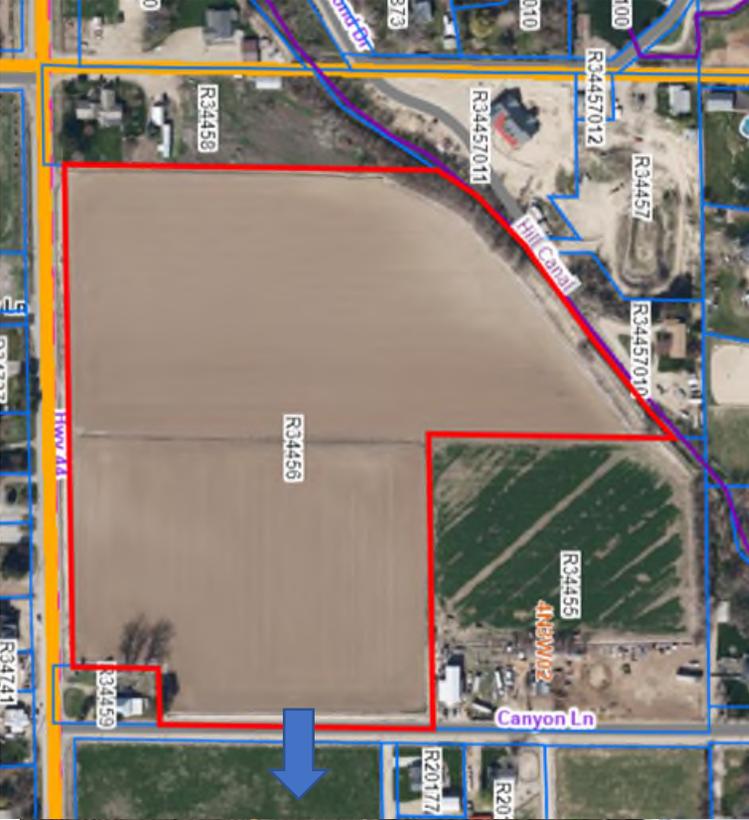
Site Visit -- March 1, 2024



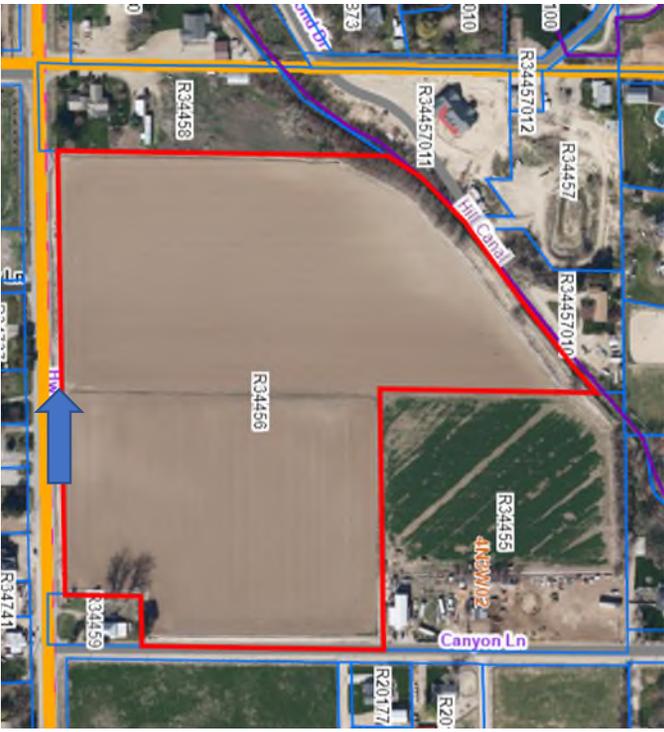




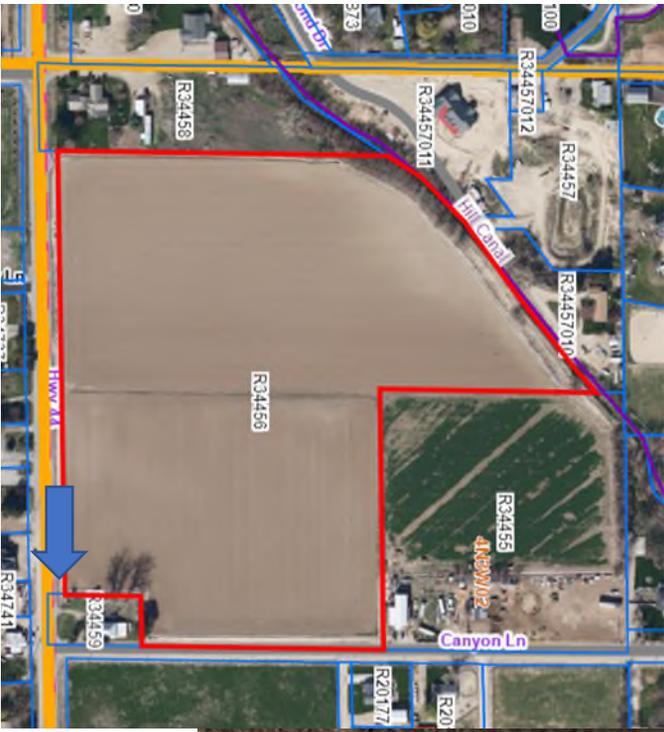


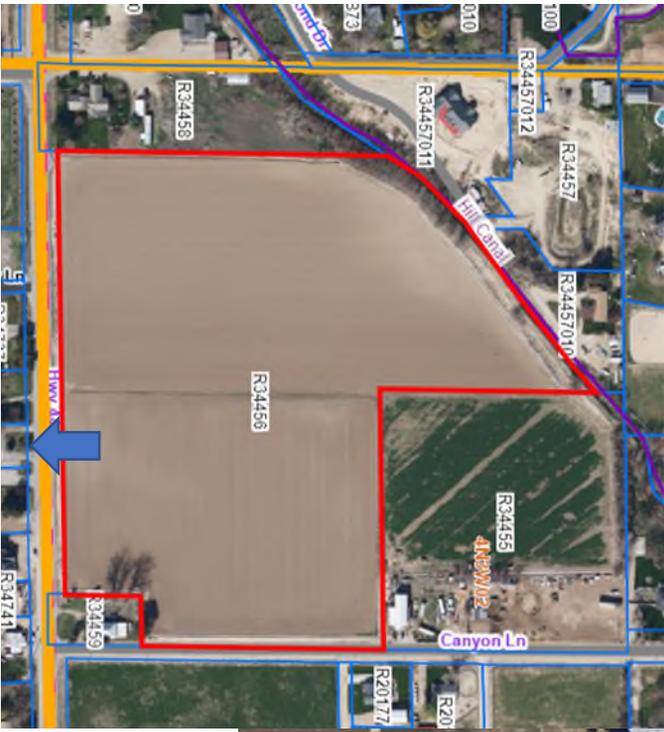
















**PLANNING AND ZONING COMMISSION**  
**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

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).

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).

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 )

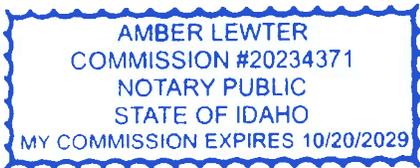
SS

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





CANYON COUNTY PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
Thursday, April 18, 2024  
6:30 P.M.

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1<sup>ST</sup> FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present : Robert Sturgill, Chairman  
Brian Sheets, Commissioner  
Miguel Villafana, Commissioner  
Patrick Williamson, Commissioner  
Harold Nevill, Commissioner  
Geoff Mathews, Commissioner  
Matt Dorsey, Commissioner Arrived at 6:32 PM / Sworn in

Staff Members Present: Jay Gibbons, Assistant Director of Development Services  
Carl Anderson, Planning Supervisor  
Dan Lister, Principal Planner  
Michelle Barron, Principal Planner Sworn in at 8:14 PM  
Emily Kiester, Associate Planner  
Arbay Mberwa, Associate Planner  
Amber Lewter, Hearing Specialist

**Chairman Sturgill** called the meeting to order at 6:31 p.m.

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

**Item 1A:**

**Case No. CU2023-0013 / Knife River Corp – Mountain West–** Approve revised FCO’s.

Chairman Sturgill recused himself due to not being present during the hearing.

**MOTION:** Commissioner Nevill moved to approve & sign the revised Findings of Facts, Conclusions of Law and Order. Motion seconded by Commissioner Sheets. Voice vote, motion carried.

**Item 2A:**

**CU2020-0017-MOD / Caldwell Housing Authority** – Caldwell Housing Authority is requesting to modify an existing conditional use permit to provide a time extension (CU2020-0017 allowed 219 recreational vehicle parking spaces) on property addressed as 22730 Farmway Road, Caldwell, on parcel number R34658000/8011/8010. The parcel is further known as NW TX 19406 IN NW SECTION 9, T4N, R3W, B.M. Canyon County, Idaho.

Commissioner Williamson declared last season he had a couple employees reside at the Caldwell Housing Authority. Commissioner Williamson stated it doesn’t influence his decision capability.

**Assistant Director Jay Gibbons** reviewed the Staff report for the record.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Mike Dittenber (Applicant) – IN FAVOR – 22730 Farmway Rd, Caldwell, ID 83607**

Mr. Dittenber introduced himself as the Director of Caldwell Housing Authority. Mr. Dittenber advised the water line is not completed, phase one was completed in October 2023, phase two was scheduled for September 2024 but there are some delays.

Commissioner Williamson asked how many phases there are for the water line. Mr. Dittenber stated there are three phases. The first phase brings the water line to Pond Lane and across Highway 20/26. Phase two circles the property. Phase three takes the water line to Purple Sage Golf Course.

**MOTION:** Commissioner Nevill moved to close public testimony on Case CU2020-0017-MOD, seconded by Commissioner Williamson, voice vote, motion carried.

**MOTION:** Commissioner Williamson moved to approve Case CU2020-0017-MOD based on the Findings of Fact and Conclusions of Law and conditions of approval. Seconded by Commissioner Mathews.

Roll call vote: 7 in favor, 0 opposed, motion passed.

**Item 2B:**

**Case No. CR2022-0007 / Payne** - The applicant, Greg Payne, 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) zone. The request includes a development agreement limiting uses within the zone. The subject vacant property, Parcel R34456, is located adjacent to 13768 HWY 44, Caldwell; also referenced a portion of the SW¼ of Section 02, T4N, R3W, BM, Canyon County, Idaho.

**Planner Dan Lister** reviewed the Staff report for the record.

Commissioner Sheets asked for clarification on exhibit 6. Planner Dan Lister advised exhibit 6 is an example of a specific use that was adopted through a rezone to CR-C-2 within 4,000 ft of the subject property. Commissioner Sheets asked if there is a detailed development agreement. Planner Dan Lister advised there is not.

Commissioner Villafana asked besides the one CR-C-2 use within 4,000 ft if there are any others. Planner Dan Lister advised within a 1-mile radius there is only the one. Closer to City Limits there is one industrial area that was approved.

**Chairman Sturgill** affirmed the witnesses to testify.

**Testimony:**

**Carl Anderson (Applicant) – IN FAVOR – 1816 Idaho Ave, Caldwell, ID 83605**

Mr. Anderson stated with the area growing the land is becoming difficult to farm, unsafe and not profitable. He is asking for the CR-C-2 zoning for more flexibility with businesses. They are considering a RV Park but they are not sure exactly. Mr. Anderson does know that with having a CR-C-2 zone it will create jobs in the area. Mr. Anderson suggested looking at the uses that are allowed in a CR-C-2 zone to get an idea of impact to the area.

Commissioner Nevill asked if the subject area is productive ag land. Mr. Anderson stated it is excellent

soil. Commissioner Nevill asked if the parcel can take access from Canyon Rd. Mr. Anderson stated it can.

**Greg Payne – IN FAVOR – 24295 Farmway Rd, Caldwell, ID 83607**

Mr. Payne stated he and his family has farmed the property for three generations and it is now time to change the use of the property. The traffic on Highway 44 makes it difficult to move the farm equipment in and out of the property.

Commissioner Williamson asked if the land was to continue to be farmed if there could be access through Canyon Rd. Mr. Payne stated they can only use Highway 44; Canyon Rd does not have any entrance.

Commissioner Villafana asked if the waste water all meets in the middle and has to cross the Highway. Mr. Payne confirmed that is correct. Commissioner Villafana asked if Mr. Payne has a narrowed down use for the property with the zone change request. Mr. Payne stated they are looking at RV storage and possibly have other options on the property to have multiple uses.

Chairman Sturgill asked other than economic interest what is the reasoning behind asking for CR-C-2 instead of C-1. Mr. Payne advised to have more options available.

**Alan Mills – IN FAVOR – Box 206, Middleton, ID 83644**

Mr. Mills stated less than 1% is commercial property in Canyon County according to the comprehensive plan. There isn't any available C-2 property available that Mr. Mills is aware of. Mr. Mills stated that waiting two years to get an answer on a CUP is not good business and having options available for businesses to come in is good business. Mr. Mills stated that commercial properties are high taxes, which would benefit the County.

**Bill Werhane – IN FAVOR – 20968 Blossom Heights Ln, Caldwell, ID 83607**

Mr. Werhane stated he is in favor because it takes to much time to try and get something done and if a business had to go through the process before setting up that would limit who would come into the space. Having CR-C-2 zoning it gives flexibility.

**Ron Amarel – IN NEUTRAL– 26105 Amarel Way, Middleton, ID 83644**

Mr. Amarel stated the area does need C-2 zoning but at the right time and place. With the proposal being a CR-C-2 what is the use going to be to make appropriate conditions. Mr. Amarel hopes to be better informed and know more information before a decision is made.

**Carl Anderson (Applicant) – REBUTTAL – 1816 Idaho Ave, Caldwell, ID 83605**

Mr. Anderson stated having a C-2 zoning allows for diversity and more opportunities available. With having the CR-C-2 zoning they have eliminated uses that they will not be privy to.

Commissioner Villafana asked if the rezone does occur where would the legal access be. Mr. Anderson stated on Canyon Lane. Commissioner Villafana asked Staff if there would be legal access. Planner Dan Lister advised there is legal access availabilities.

Commissioner Dorsey asked on the list of available businesses within C-2 if Mr. Anderson see's ones that may be more possible. Mr. Anderson stated they want to create opportunity for use as much as possible, he doesn't want to eliminate uses.

Commissioner Nevill asked if the best access would be Canyon Lane. Mr. Anderson stated they will have to work with ITD to find the best solution.

Commissioner Williamson asked Staff if a Plat would come forth in front of Planning and Zoning if the Conditional Rezone occurred. Planner Dan Lister advised a Plat would come forth if they wanted to divide the property.

Commissioner Nevill asked Staff why C-1 zoning is more appropriate. Planner Dan Lister advised the area is agricultural, residential and C-1. The purpose of C-1 is to restrict incompatible uses while C-2 allows services that are more intensive uses.

Commissioner Dorsey asked Staff if having C-1 is a hinderance to the applicant due to how long the process takes. Planner Dan Lister stated there is a lot of similarities the difference is with C-2 there isn't another process for a CUP, whereas in a C-1 they would need to go back through the process for a CUP. It takes longer but you can make sure the use doesn't impact the surrounding area.

**MOTION:** Commissioner Nevill moved to close public testimony on Case CR2022-0007, seconded by Commissioner Sheets, voice vote, motion carried.

**DELIBERATION:**

Commissioner Sheets stated for finding 3 he believes there will be significant impact to the area because without knowing what the exact use or impact will occur they cannot add conditions to mitigate any issues. Commissioner Sheets believes for finding 7 it does have legal access, it has access to Highway 44. Commissioner Sheets recommends denial.

Commissioner Nevill agrees with the Staff's findings and recommends denial.

**MOTION:** Commissioner Nevill moved to deny Case CR2022-0007 based on the Findings of Fact and Conclusions of Law and recommends denial to the Board of County Commissioners. Seconded by Commissioner Mathews.

**Discussion on the Motion:**

Commissioner Villafana stated this is a C-1 vs C-2 and at this time there are too many unknowns with the C-2. He agrees with the denial.

Commissioner Sheets believes finding number 7 needs to say there is legal access to the property.

Commissioner Nevill agrees with adding that information to finding 7's conclusion and findings.

Commissioner Mathews second stands with the changes.

Chairman Sturgill recommends amending the findings with the word "unknown" impact and potentially negative.

Commissioner Nevill agrees for the changes in his motion.

Commissioner Mathews second stands with the changes.

Roll call vote: 6 in favor, 1 opposed, motion passed.

**Item 2C:**

**Case No. CU2023-0004 / AgEquity** – The applicant, Jeff Bower/Kristen McNeill representing AgEquity Holdings LLC, is requesting a conditional use permit to allow a Mineral Extraction – Long Term (proposed 3 years) use within an “A” (Agricultural) Zoning District on approximately 56 acres. The subject property is located at 14533 River Rd, Caldwell Parcels, on parcels R34667011 and R34668; also referenced as a portion of the SW ¼ of Section 10, Township 4N, Range 3W; BM; Canyon County, Idaho.

On March 21, 2024, the Planning and Zoning Commission tabled the hearing to a date certain of April 18, 2024.

**Planner Michelle Barron** reviewed the Staff report for the record.

Chairman Sturgill asked the reasoning for asking for a continuance. Planner Michelle Barron advised a complete application was submitted, when the applicants heard the concerns by the neighbors they decided to conduct some additional studies to bring forth more information.

Commissioner Nevill asked for clarification on finding number 7 indicating ITD is asking for more time. Planner Michelle Barron stated the applicant reached out asking ITD what they would like to see, the applicant has done some evaluations and submitted them to ITD, ITD would like to get the evaluation complete. Commissioner Nevill expressed his concern that the application is incomplete because all the information isn't present. Planner Michelle Barron stated it is a recommendation to continue and the decision is up to the Commissioners to continue the case or hear it as scheduled. Commissioner Nevill asked if there was a topography map. Planner Michelle Barron advised she didn't have one available but could look into getting one. Commissioner Nevill asked about late exhibits. Planner Michelle Barron stated there is one from the City of Caldwell, the applicant and a member of the public.

Commissioner Sheets addressed exhibit F33, he believes it is a letter for a different project and moves to exclude the exhibit. Commissioner Sheets expressed he isn't in favor of continuing the case because it has already been continued to a date certain, noticed and members of the public have shown up. Planner Michelle Barron confirmed exhibit F33 is for another case.

**MOTION:** Commissioner Sheets moved to exclude exhibit F33, seconded by Commissioner Nevill, voice vote, motion carried.

Commissioner Sheets asked what the late exhibits entail. Planner Michelle Barron advised the Caldwell letter is updated and indicates they are now in neutral, with recommended conditions. The new site plan will be presented by the applicant with their recommended changes and reduction to the acreage. Commissioner Sheets expressed concern that the applicant is providing different information than in the staff report.

Commissioner Nevill asked if anyone has had the opportunity to review the new plan the applicant will be presenting. Planner Michelle Barron stated that the applicant will be presenting it and no one has had a chance to review it.

**MOTION:** Commissioner Nevill moved to postpone Case CU2023-0004 to a date uncertain. Seconded by Commissioner Sheets.

Roll call vote: 7 in favor, 0 opposed, motion passed.

**DIRECTOR, PLANNER, COMMISSION COMMENTS:**

Assistant Director Jay Gibbons stated he received comments in regards to the Commissioner Bylaw

updates and on the May 2<sup>nd</sup> hearing he will address the changes before making any final changes. Assistant Director Jay Gibbons gave an update on the hearing procedure ordinance changes.

Commissioner Nevill advised the hearing on May 2<sup>nd</sup> he will not be present.

Commissioner Sheets asked if he could make comments another way than email. Assistant Director Jay Gibbons stated it could be open meeting discussion, a phone call or email.

Planning Supervisor Carl Anderson introduced the new Associate Planner Arbay Mberwa.

Chairman Sturgill stated he was disappointed in the findings of a previous case that the Planning and Zoning Commission forwarded to the Board of County Commissioners. Chairman Sturgill recommended having a red line version when they make changes to the findings so the Commissioners can focus on the changes. Planning Supervisor Carl Anderson stated that can be done for the future FCO's.

Commissioner Nevill asked if Staff could prepare both approval and denial FCO's. Planning Supervisor Carl Anderson proposed Staff and Commissioners workshop different ideas together.

Commissioner Dorsey asked for clarification on the question for the finding if the proposed change will change the character of the area. Planning Supervisor Carl Anderson provided the code. Conversation ensued between the Commissioners in regards to recommending ways of gaining approval.

**ADJOURNMENT:**

**MOTION:** Commissioner Sheets moved to adjourn, seconded by Commissioner Mathews. Voice vote, motion carried. Hearing adjourned at 9:11 PM.

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

Approved this 16<sup>th</sup> day of May, 2024



Robert Sturgill, Chairman

ATTEST



Amber Lewter – Hearing Specialist



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

In the matter of the application of:

**Payne – CR2022-0007**

The Canyon County Board of County Commissioners 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 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 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, CR2022-0007, was presented at a public hearing before the Canyon County Board of County Commissioners on July 30, 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 decide 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. However, without a specific plan, specific use, and/or mitigation measures, the request does not align with many goals and policies of the 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.

- On April 18, 2024, the Planning and Zoning Commission recommended the denial of CR2022-0007 (Exhibit 8 & 9 of the staff report).

(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.
  - a. On April 18, 2024, the Planning and Zoning Commission recommended the denial of CR2022-0007 (Exhibit 8 & 9 of the staff report).

### 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).

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).

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.
  - a. On April 18, 2024, the Planning and Zoning Commission recommended the denial of CR2022-0007 (Exhibit 8 & 9 of the staff report).

**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. Property owners within 600 feet of the subject parcel’s boundaries were noticed on March 5, 2024 (Planning and Zoning Commission), and June 28, 2024. A newspaper notice was published on March 9, 2024 (Planning and Zoning Commission), and June 28, 2024. A notice was posted on the property on March 15, 2024 (Planning and Zoning Commission), and June 28, 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.
  - a. On April 18, 2024, the Planning and Zoning Commission recommended the denial of CR2022-0007 (Exhibit 8 & 9 of the staff report).
- (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 the 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, March 5, 2024, and June 28, 2024. A newspaper notice was published on March 9, 2024, and June 28, 2024. Property owners within 600' were notified by mail on March 5, 2024, and June 28, 2024. Full political notice was provided on March 5, 2024. The property was posted on March 15, 2024, and June 28, 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.
  - a. On April 18, 2024, the Planning and Zoning Commission recommended the denial of CR2022-0007 (Exhibit 8 & 9 of the staff report).

**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, March 5, 2024, and June 28, 2024. A newspaper notice was published on March 9, 2024, and June 28, 2024. Property owners within 600' were notified by mail on March 5, 2024, and June 28, 2024. Full political notice was provided on March 5, 2024. The property was posted on March 15, 2024, and June 28, 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.
  - a. On April 18, 2024, the Planning and Zoning Commission recommended the denial of CR2022-0007 (Exhibit 8 & 9 of the staff report).

**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, March 5, 2024, and June 28, 2024. A newspaper notice was published on March 9, 2024, and June 28, 2024. Property owners within 600' were notified by mail on March 5, 2024, and June 28, 2024. Full political notice was provided on March 5, 2024. The property was posted on March 15, 2024, and June 28, 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.
    - a. On April 18, 2024, the Planning and Zoning Commission recommended the denial of CR2022-0007 (Exhibit 8 & 9 of the staff report).

**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 notified on April 20, 2023, March 5, 2024, and June 28, 2024. A newspaper notice was published on March 9, 2024, and June 28, 2024. Property owners within 600' were notified by mail on March 5, 2024, and June 28, 2024. Full political notice was provided on March 5, 2024. The property was posted on March 15, 2024, and June 28, 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.
  - a. On April 18, 2024, the Planning and Zoning Commission recommended the denial of CR2022-0007 (Exhibit 8 & 9 of the staff report).

**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 or Ordinances (CCCO) §09-09-15 (§09-09-11(3)). No comments were received.

- Findings:**
- (1) Pursuant to CCCO §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. CCCO §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.*
    - b. A notice was sent to the City of Middleton on April 20, 2023, March 5, 2024, and June 28, 2024. No comments were received.
  - (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.
    - a. On April 18, 2024, the Planning and Zoning Commission recommended the denial of CR2022-0007 (Exhibit 8 & 9 of the staff report).

**Order**

Based upon the Findings of fact, Conclusions of law, and Order contained herein, the Board of County Commissioners **deny** Case #CR2022-0007, a condition rezone of Parcel R34456 to a “CR-C-2” Zone.

According 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).

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

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CANYON COUNTY BOARD OF COMMISSIONERS**

- \_\_\_\_\_ Motion Carried Unanimously
- \_\_\_\_\_ Motion Carried/Split Vote Below
- \_\_\_\_\_ Motion Defeated/Split Vote Below

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

Attest: Rick Hogaboam, Clerk

By: \_\_\_\_\_  
Deputy

Date: \_\_\_\_\_

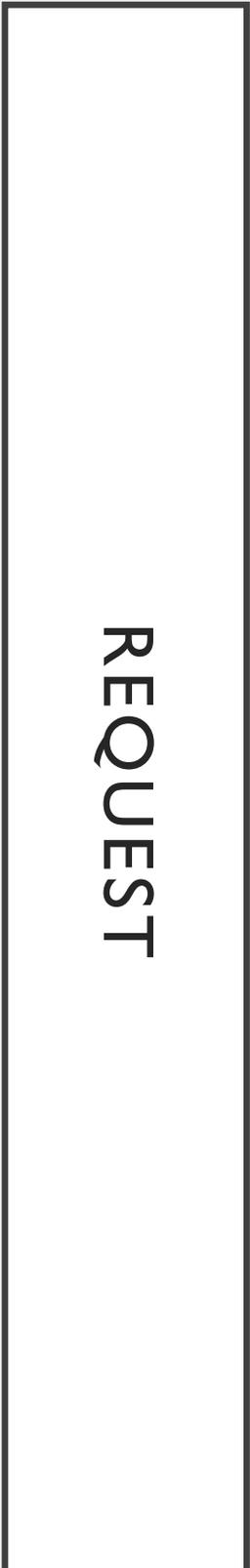


**PAYNE – CR2022-0007**

Board of County Commissioners  
July 30, 2024



# REQUEST



- The owner, Greg Payne, 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) zone.
- The subject vacant property, Parcel R34456, is located adjacent to 13768 SH-44, Caldwell
- The request includes a development agreement with conditions prohibiting the following uses (Exhibit 2a):
  - 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.



Ex.3a

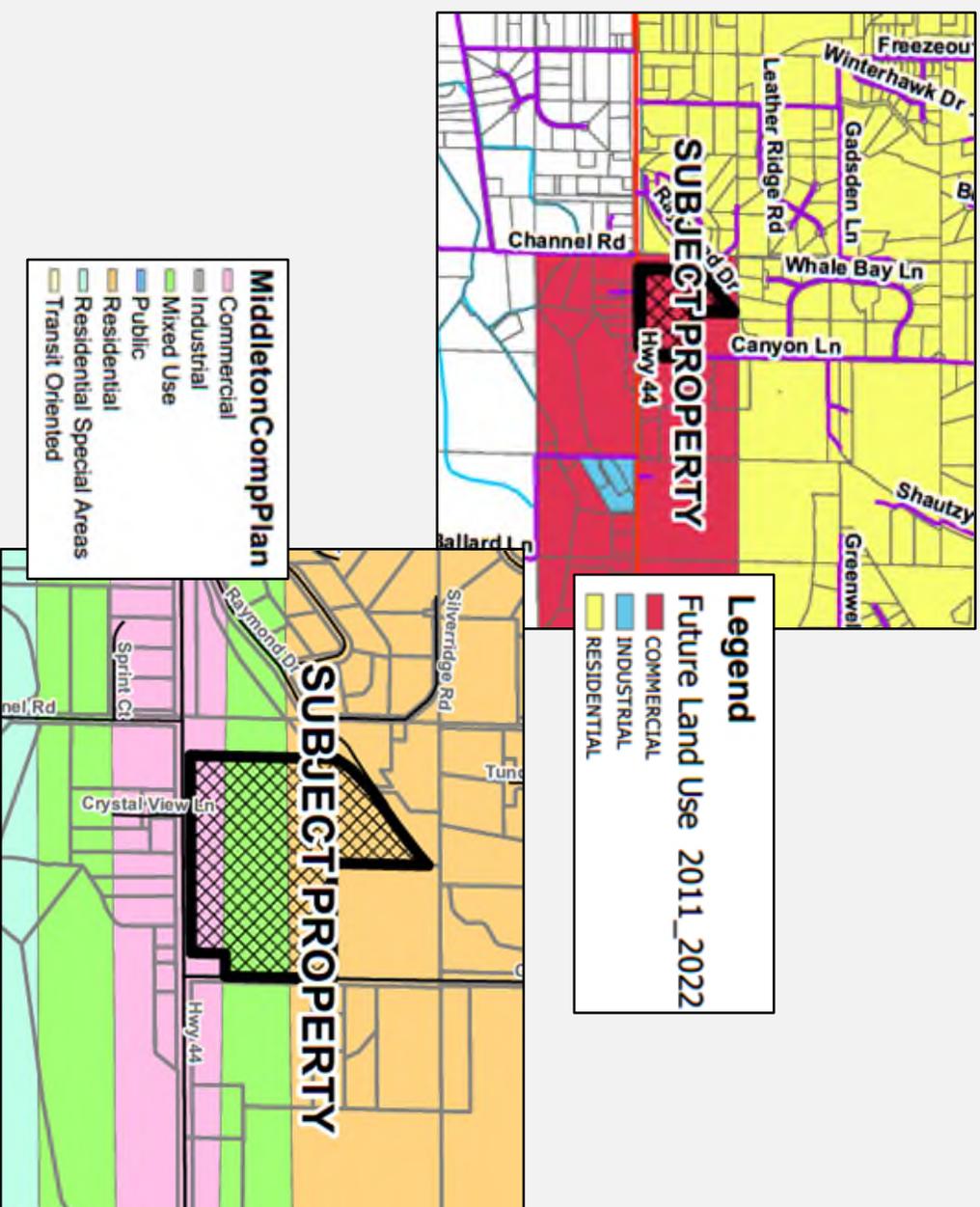


## HEARING CRITERIA – 07-06-07(6)A

1. *Is the proposed conditional rezone generally consistent with the comprehensive plan;*
2. *When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;*
3. *Is the proposed conditional rezone compatible with surrounding land uses;*
4. *Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?*
5. *Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;*
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?*
7. *Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and*
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?*

# COMPREHENSIVE PLAN

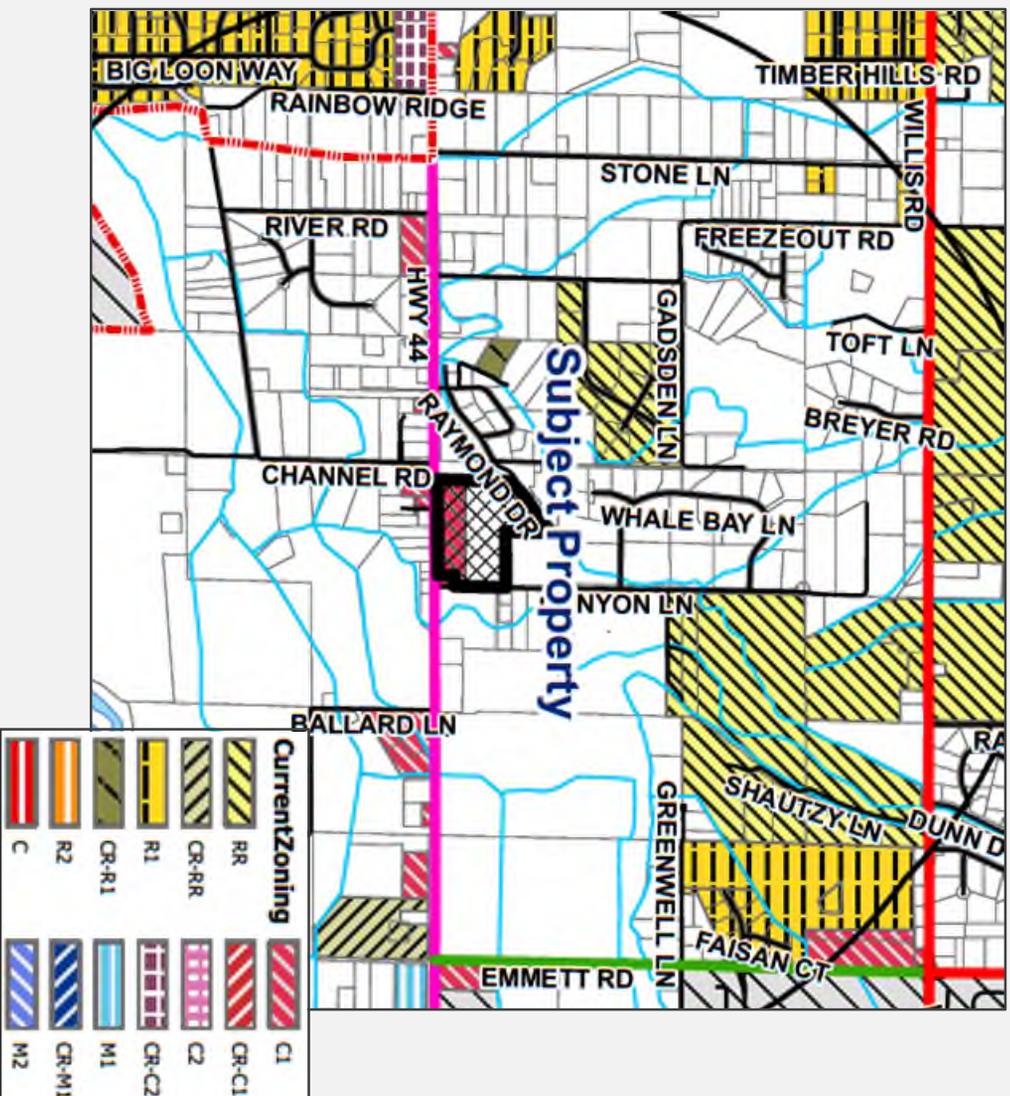
- The 2020 Canyon County Comprehensive Plan designates the parcel and parcels south and north of SH-44 as “commercial” (Exhibit 3c).
- The subject parcel is located within the Middleton Area of City Impact. Middleton designates the parcel and parcel south and north of SH-44 as “Commercial” and “Mixed-Use” (Exhibit 3e).





# EXISTING ZONES

- The subject parcel is zoned “A” (Agricultural) and “C-1” (Neighborhood Commercial).

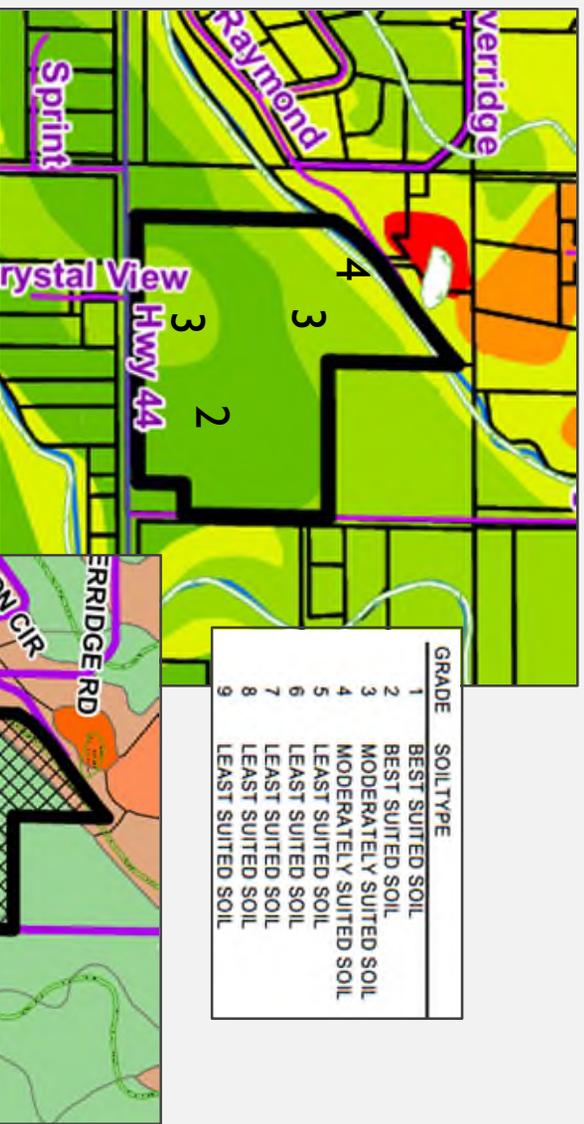




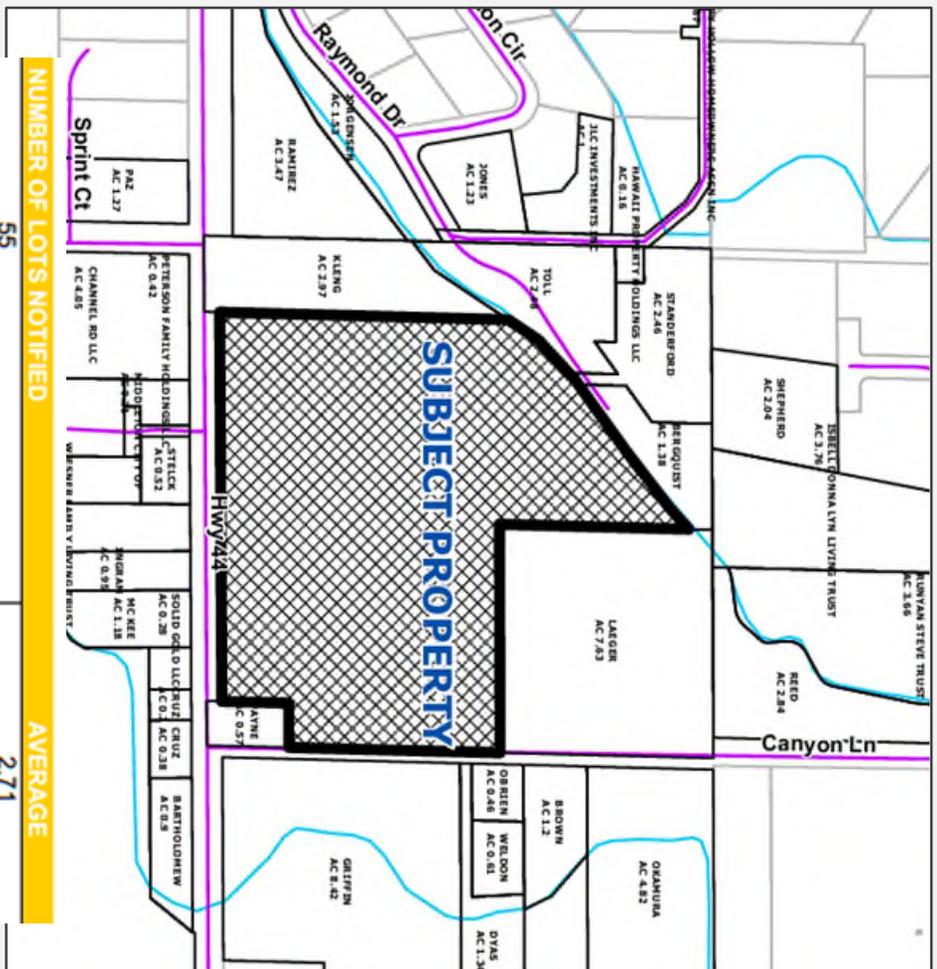
# SURROUNDING USES



Soils (Ex. 3i)

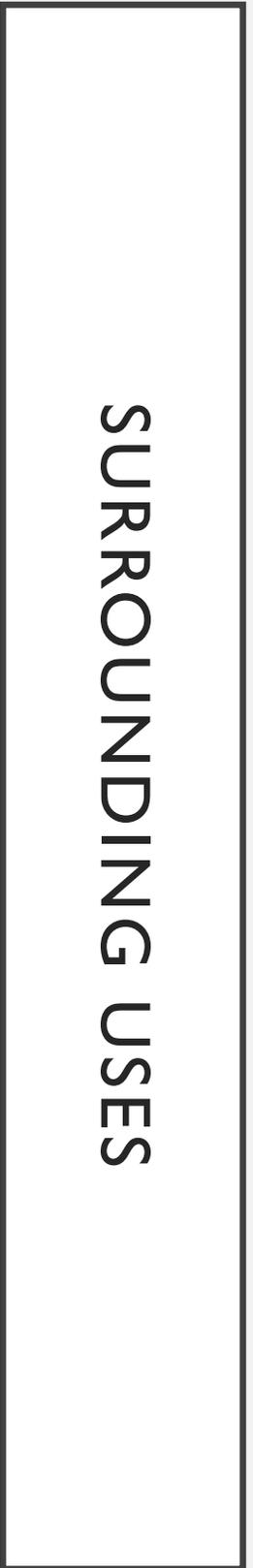


Vicinity (Ex. 3b)

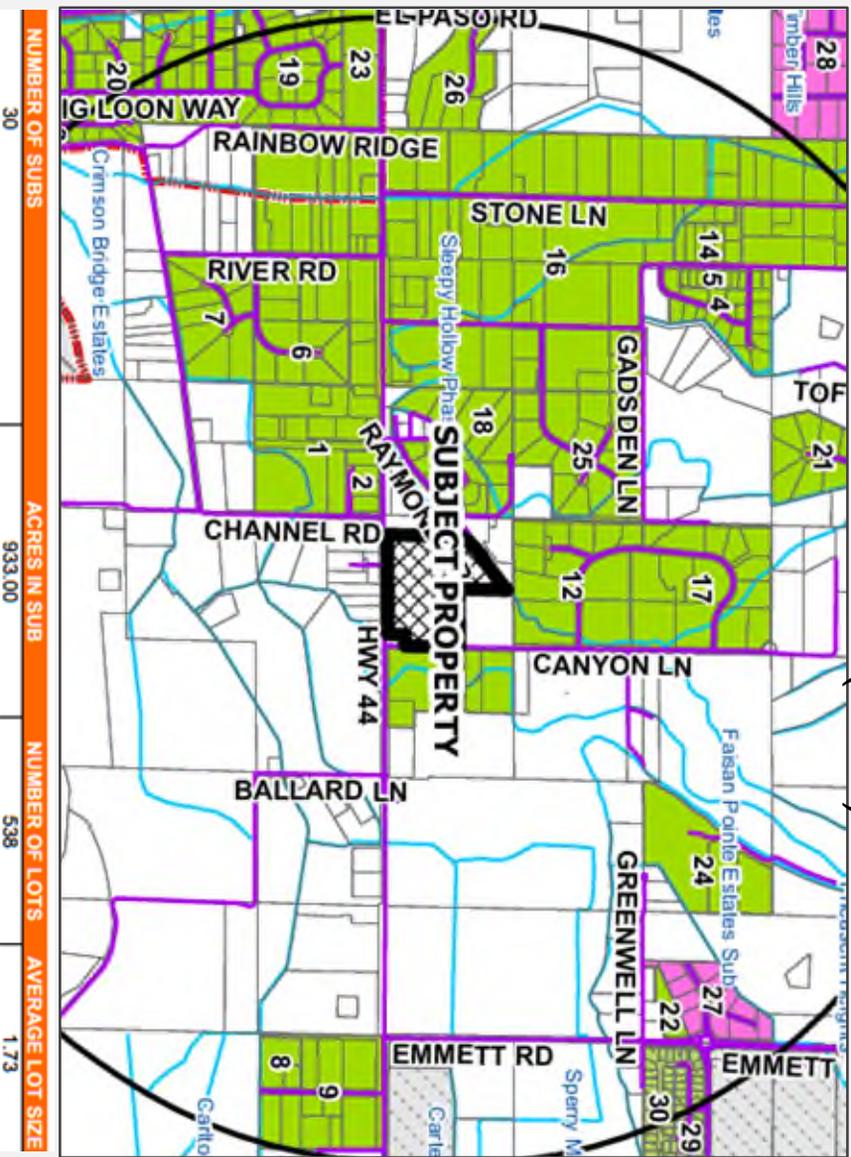




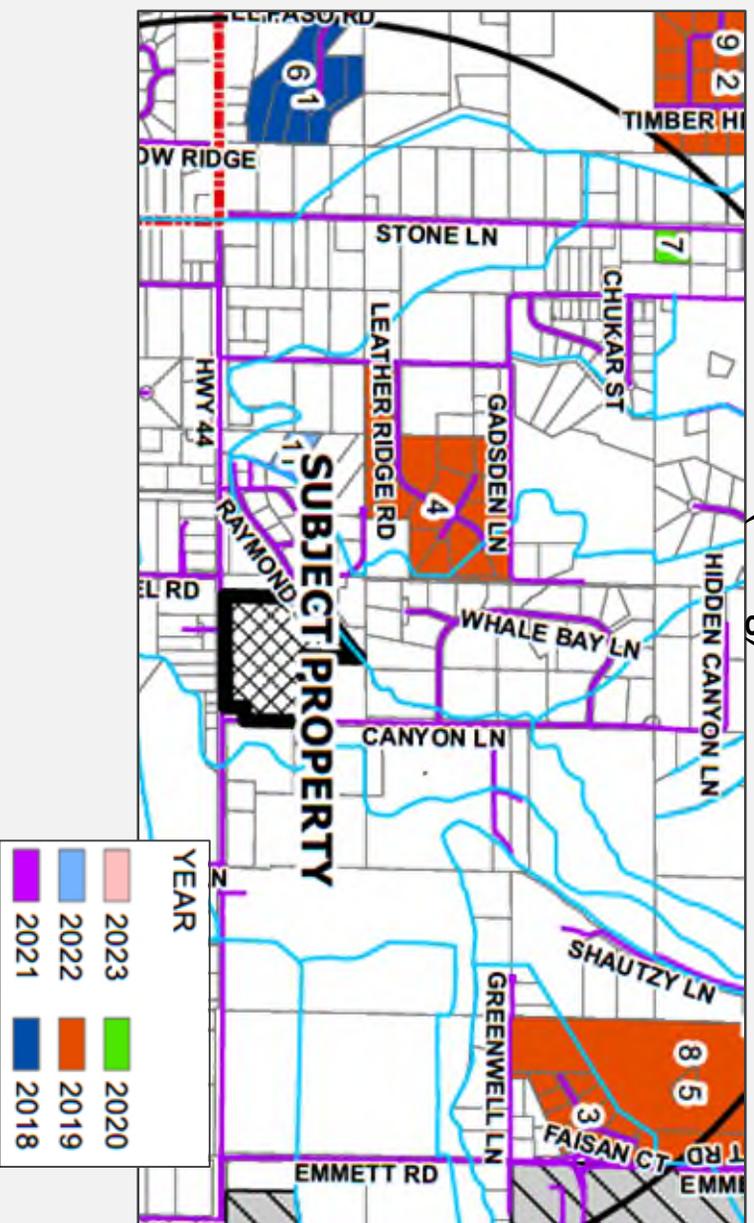
# SURROUNDING USES



Plats (Ex. 3h)



Cases (Ex. 3g)







N



W



EX. 7 S



E





## ADEQUATE FACILITIES

- Future development will require well and septic systems. Middleton city jurisdiction and city services are located over 4,400 feet east of the subject parcel.
- The property is not located in a nitrate priority area.
- The parcel has surface water rights from Middleton Mills/Middleton Irrigation Association



## TRAFFIC/ACCESS

- 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.
- 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. (Ex. 4c & 4d)



## ESSENTIAL SERVICES

- 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.
- Middleton Fire District Station 53 is 2.5 miles east of the subject parcel, approximately five minutes distance.



# COMMENTS

## PUBLIC

- A comment letter was received opposing the request unless it is for a rental storage use (Jones, Exhibit 4e). The letter expresses concerns regarding increased traffic and noise.

## AGENCY

- City of Nampa – No comment (Ex. 4a)
- Black Canyon Irrigation District – Middleton Mills/Middleton Irrigation Association jurisdiction (Ex. 4b)
- Canyon Highway District – Letter provides future access locations for commercial development and states a TIS will be required prior to commencement of use. (Ex. 4d)
- ITD – No opposed. ITD requires review at time of conceptual development plan (Ex. 4c)



## POTENTIAL IMPACTS

- The applicant did not provide a conceptual plan or a specific use. Therefore, impacts on adequate service, surrounding uses, character, access, traffic, and essential services are unknown.
- The applicant requests the rezone be approved first before determining a specific use. 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.
- Comments received from ITD and CHD4 regarding access and traffic impacts do not oppose the request and as a condition of approval will address potential impacts before the commencement of use including a TIS (Exhibit 4c & 4d).



## POTENTIAL IMPACTS

- Based on existing commercial zones found in the area, the existing transitional character of the area, and the property being near existing residential parcels and subdivisions (Exhibit 3f), the “C-1” (Neighborhood Commercial) zone is more appropriate.
- Per CCZO Section 07-10-25(6): *The purpose of the C-1 (Neighborhood Commercial) Zone is to provide for local commercial service needs and to restrict incompatible uses.*
- 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 (RZ2011-10, Exhibit 5).
- 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.



# POTENTIAL IMPACTS

• The “C-1” zone requires a conditional use permit for those uses that better address potential impacts and incompatible uses near existing residential parcels and subdivisions.

- Commercial Arenas: **A:** CUP; **C-1:** CUP; **C-2:** Allowed
- Contractor Shop: **A:** CUP; **C-1:** CUP; **C-2:** Allowed
- Firewood Sales: **A:** Directors; **C-1:** Directors; **C-2:** Allowed
- Ministorage/RV storage: **A:** -; **C-1:** CUP; **C-2:** Allowed
- Mobile and manufactured home sales: **A:** -; **C-1:** -; **C-2:** CUP
- RV Park: **A:** CUP; **C-1:** CUP; **C-2:** Allowed
- Sale (commercial) of hay, grain, seed, and related supplies: **A:** CUP; **C-1:** -; **C-2:** Allowed
- Sale of heavy building materials and machinery: **A:** -; **C-1:** -; **C-2:** Allowed
- **School (vocational/trade):** **A:** CUP; **C-1:** -; **C-2:** Allowed
- Shooting Range (indoor): **A:** CUP; **C-1:** -; **C-2:** Allowed
- Theater: **A:** -; **C-1:** CUP; **C-2:** Allowed
- Transit or Trucking Terminal Facility: **A:** -; **C-1:** -; **C-2:** CUP
- **Vehicle fueling station w/convenience store** **A:** CUP; **C-1:** CUP; **C-2:** Allowed
- Vehicle Services Facility: **A:** -; **C-1:** CUP; **C-2:** Allowed
- Vehicle Sales Lot: **A:** -; **C-1:** -; **C-2:** Allowed
- Warehousing: **A:** -; **C-1:** -; **C-2:** CUP



# RECOMMENDATION

- Based on the information provided, site and data analysis, and applicable codes, the Planning and Zoning Commission recommended denial of the request (Exhibit 8 & 9).
- See Exhibit 10, draft FCCOs, for the Planning and Zoning Commission to consider.
- To gain approval, the applicant should consider a rezone to “C-1”. Approximately 7 acres are already zoned “C-1”. Therefore, approximately 14 acres would require rezoning.

## Decision Options:

The Board may:

- Approve Case No. CR2022-0007:
  - Provide staff amended findings and development agreement conditions. Direct staff to provide the revised findings and conditions at the next available meeting.
- Deny Case No. CR2022-0007 as recommended by the P&Z Commission; or
- Continue the hearing of Case No. CR20200-0007 to a date certain to request additional information.

