



**RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, & ORDER**

**Findings**

1. The applicants, Blue Terra Development, requests approval for Sage Gate Subdivision Preliminary Plat, Irrigation, Drainage Plan, and Storage Condominium Plan for a seven-lot multi-use subdivision served by a private road lot (Attachment A). The subject property is located at 0 Old Hwy 30, approximately 854 feet north of the intersection of State Highway 44 and Old Highway 30, Caldwell; also referenced as a portion of the SE ¼ of Section 04, T4N, R3W, BM, Canyon County, Idaho.
2. The subject properties, R34535 and R34542, containing approximately 20.9-acres are zoned "C1" (Neighborhood Commercial) and are subject to conditions of a PUD conditional use permit (CU2021-0009-APL) (Exhibit B2 of the staff report).
3. The Sage Gate Storage and Business Park is subject to compliance with CU2021-0009-APL conditions of approval (Exhibit B2 of staff report).
4. Water will be provided to each lot by a single community well located on Lot 104 (Attachment A, Plat Note 8).
5. Each lot will be served by individual septic systems (Attachment A, Plat Note 7).
6. Middleton Fire District provided comment (see staff report Exhibit D9). Fire district review and approval of the access and turnaround is required per CCZO Section 07-10-03(2).
7. The property is located in the Middleton Impact Area. Per CCCO Section 09-09-13, County subdivision requirements apply in the impact area. The City of Middleton was noticed per CCCO Section 09-09-17. No comments were received from the City of Middleton.
8. Irrigation water will be provided to each lot through a pressurized irrigation system. Black Canyon Irrigation District requirements shall be addressed before the final plat signature (see staff report BCID comments Exhibits D6-D6.2) .
9. Subdivision runoff and storm drainage facilities will be maintained by the business owners' association and/or each lot owner.
10. Access will be provided by a single access to Old Hwy 30. The private road is located within a 60 foot road lot identified as Lot 108 on the preliminary plat. The road names have been approved by addressing and application RD2023-0004.
11. The development must comply with HD4 requirements prior to the Board's approval of the final plat(s). *See Condition No. 6.* Highway District #4 requires a number of conditions to be met inclusive of dedication of right of way to achieve a 50 foot public right-of-way along Old Hwy 30, a principal arterial road. The development also requires right of way dedication for a right hand turn lane for southbound Old Hwy 30 at the site access. The highway district requires a plat note prohibiting direct lot access onto Old Hwy 30 and no direct access to Interstate 84 (see Preliminary Plat Note #13).
12. The development is not located within a mapped floodplain (Flood Zone X).
13. The record includes all testimony, the staff report, exhibits, and documents in Case File No. SD2023-0011.
14. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on March 20, 2024, and August 20, 2024. JEPA notice was sent to the City of Middleton on March 20, 2024. The newspaper notice was published on August 20, 2024. Property owners were sent a notice on August 20, 2024. The property was posted on August 23, 2024.

### **Conclusions of Law**

Section 07-17-09(4)A of the Canyon County Zoning Ordinance (CCZO) states, *"The commission or hearing examiner shall hold a noticed public hearing on the preliminary plat. The hearing body shall recommend that the board approve, approve conditionally, modify, or deny the preliminary plat. The reasons for such action will be shown in the commission's minutes. The reasons for action taken shall specify:*

1. *The ordinance and standards used in evaluating the application;*
2. *Recommendations for conditions of approval that would minimize adverse conditions, if any;*
3. *The reasons for recommending the approval, conditional approval, modification, or denial; and*
4. *If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision."*

Upon review of the preliminary plat, the Planning and Zoning Commission finds that the plat is consistent with the following subject to conditions of approval:

- A. Idaho Code Section 67-6513 (Subdivisions);
- B. Idaho Code Sections 50-1301 through 50-1329 (Platting);
- C. Idaho Code Section 22-4503 (Right-to-Farm Act, Plat note #6 page C2.0);
- D. Idaho Code, Sections 31-3805 & 42-111 (Irrigation);
- E. Canyon County Zoning Ordinance, Chapter 7, Article 17 (Subdivision Regulations); and
- F. City of Middleton – Area of City Impact Agreement (CCCO Section 09-09-17).

The preliminary plat was found to be consistent with the standards of review subject to conditions.

### **Conditions of Approval**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject properties and proposed uses.
2. All subdivision improvements (public roads, shared access, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.
3. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected.
  - a. Black Canyon Irrigation District shall review the construction drawings and final plat to ensure district requirements are addressed (Staff report exhibits D6, D6.1 and D6.2). Evidence of compliance from BCID shall be submitted to DSD prior to the Board's signature on the final plat.
4. Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on the subject property.
5. The development shall comply with Southwest District Health (SWHD) requirements. Evidence shall be SWDH's signature on the final plat.
6. The development shall comply with the requirements of the Highway District #4 (Staff report exhibits D2-D4.1 and D10). Evidence shall be the Highway District's signature on the final plat.
7. The private roads throughout the development shall have a recorded road user's maintenance agreement in accordance with CCZO Section 07-10-03(1)B3. The agreement with the instrument number shall be added as a plat note on the final plat.
8. A water user's maintenance agreement for the irrigation serving all lots shall be recorded. The agreement with the instrument number shall be added as a plat note on the final plat.
9. Compliance with the international fire code and Fire district review of the access and turnaround is required. Evidence of compliance shall be submitted to DSD prior to the Board's signature on the final plat.
10. The development shall be served by a public drinking water system.

11. The development shall comply with the following conditions of approval for CU2021-0009-APL:

**General**

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject properties and proposed uses.
2. The development of the site shall be in general conformance with the applicant's letter of intent and site plan (Attachment A).
  - a. Storage units shall only be used for storage, and no other uses shall be permitted to operate within the storage units. Warehousing shall not be permitted in any structures within the development.
3. The site's development shall be required to plat under Canyon County Code Zoning Ordinance Article 17 Subdivision and meet the requirements of Canyon County Code 07-17-33(2) Condominium and Planned Unit Developments.
4. Prior to preliminary plat approval, evidence shall be provided to DSD demonstrating approval by Southwest District Health, Idaho Division of Water Resources, Canyon Highway District #4, and Middleton Fire District. Any improvements shall be installed or bonded prior to final plat approval.
5. Development of the site must commence within three (3) years of the conditional use permit approval and be completed within five (5) years as per CCZO §07-07-23 Time Limitations.

**Access, Traffic and Internal Circulation**

6. Prior to preliminary plat approval, the applicant shall meet the requirements of Canyon Highway District No. 4 and Idaho transportation Department. All roadway improvements as outlined in Attachment B and any other requirements/mitigation identified by the District and Idaho Transportation Department shall be completed prior to final plat approval.
7. Off-street parking shall be provided in accordance with article 13 of this chapter (CCZO §07-13-01 & 03).

**Fire**

8. Prior to preliminary plat approval, the applicant shall have an agreement with Middleton Rural Fire District regarding the requirements and standards that shall be applied to the development and the applicant shall provide the agreement to DSD.

**Utilities**

9. Development of the site shall meet all requirements of the respective utility providers (i.e., Idaho Power, telephone providers, etc.).

**Domestic Water**

10. Water shall not be made available to the public unless the applicant applied for and is approved for a community water system from Southwest District Health.

**Signage**

11. Signage shall comply with §07-10-13 of the Canyon County Zoning Ordinance. In addition, where signs are located in close proximity to a residential area, the sign should be designed and located so they have little or no impact on adjacent residential neighborhoods. Signage along Old Hwy 30 shall be restricted to monument signs.

**Light Mitigation**

12. All exterior lighting shall be shielded downward and directed away from adjacent properties. A photometric plan shall be provided at the time of platting.

**Irrigation**

13. Development of the shall not disrupt any irrigation canals, laterals, or ditches as per Idaho State Law, Title 18 Chapter 43 Irrigation Works.
14. Stormwater and drainage shall be retained on site and shall not be directed into existing canals/drainages and waterways.
15. The applicant shall comply with Black Canyon Irrigation District with regards to the installation of fencing, irrigation facilities, drainage, and stormwater run-off into any irrigation facility.

**Landscaping**

16. A sight-obscuring fence and landscape buffer shall be provided on the northern, eastern, and southern boundaries of the site. A fencing and landscaping plan shall be submitted to DSD with the preliminary plat application. The site shall be landscaped using a mix of xeriscape and green landscaping techniques

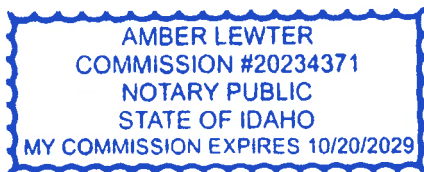
**Building Design and Review**

17. Site and development design plans shall be submitted to DSD with the preliminary plat application and shall be in substantial conformance with CU2021-0009-APL-Attachment C.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein for Case No. SD2023-0011, the Planning and Zoning Commission **recommends approval** of the Preliminary Plat, Irrigation, Drainage Plan, and Storage Condominium Plan for Sage Gate Subdivision to the Board of County Commissioners subject to the Conditions of Approval as enumerated herein.

**RECOMMENDED FOR APPROVAL** on this 19 day of September, 2024.



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

Robert Sturgill, Chairman

Brian R. Sheets, Atty Chairman

State of Idaho )

SS

County of Canyon County )

On this 19<sup>th</sup> day of September, in the year 2024, before me Amber Lewter, a notary public, personally appeared Brian Sheets, 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:

My Commission Expires:

10/20/2029

