



PLANNING & ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Sorley – CU2023-0021

The Canyon County Planning and Zoning Commission considers the following:

- 1) A Conditional Use Permit for a private airstrip on approximately 34.5-acres of an “A” (Agricultural) zoned parcel addressed, 19744 Middle Rd. Caldwell, Idaho, 83607 also known as Parcel R36439, a portion of the NW¼ of Section 25, T4N, R3W, BM, Canyon County, Idaho (CU2023-0021).

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 CU2023-0021.

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 §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code 09-03.
 - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

2. 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, 07-07-01.
3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
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.
6. 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 CU2023-0021, was presented at a public hearing before the Canyon County Planning and Zoning Commission on February 6, 2025. 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 Canyon County Planning and Zoning Commission decide as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The request of a private airstrip in the "A" (Agricultural) zone is permitted by conditional use permit per §07-10-27.

Findings: (1) The proposed use consists of a private airstrip and shop/hanger on parcel R36439.

(2) Parcel R36439 is zoned "A" (Agricultural).

(3) An airstrip is permitted by conditional use permit §07-10-27.

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0021.

(5) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The request consists of a conditional use permit for a private airstrip on parcel R36439.

Findings: (1) The proposed use consists of a private airstrip on parcel R36439 to be used by the applicant's personal air craft. The airstrip is strictly for the applicant's use only and not intended to serve and/or support commercial operations. **See Exhibit A2 of Staff Report.**

(2) Per the site plan, the proposed airstrip is approximately 50' wide and 1,000' long running north to south, it will not be paved nor have any lighting. **See Exhibit A4 of Staff Report.**

- (3) The applicant is proposing to operate on the airstrip from dusk to dawn with up to five (5) take-offs and landings in a week but may vary depending on the weather. The direction of the take-offs and landings will be determined by the wind's direction. **See Exhibit A6 of 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. CU2023-0021.
- (5) Evidence includes associated findings and evidence supported within this document.

3. Is the proposed use consistent with the comprehensive plan?

Conclusion: The proposed use is generally consistent with the Comprehensive plan.

Findings: (1) The proposed private airstrip aligns with the following goals, actions and policies of the 2030 Comprehensive Plan:

Private Property:

G1.01.00 Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.

The right to enjoy: The right to enjoy the property for its intended use without creating nuisances.

The right of control: Is the right to use the property legally.

The property owner has the aforementioned rights and the 2030 Comprehensive Plan goals support the proposed use on the parcel. The applicant is permitted to use and enjoy the property as an airstrip with the approval of a conditional use permit. Within 600' of the property boundary of the subject parcel, there are approximately 12 residences. A notice was sent out to property owners within 600' and one (1) public comment was received in favor of the proposed use.

Land Use and Community Design:

P4.01.02 Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.

A4.01.02a Enact land use ordinances, policies, and fees, and make decisions, including land use restrictions and conditions of approval that do not violate private property rights.

P4.02.01 Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.

P4.04.02 Align planning efforts in areas of city impact.

P4.07.01 Plan land uses that are compatible with the surrounding community.

The property owner has the right to establish an airstrip with the approval of a conditional use permit where it can then balance the property owner's rights and considers the interest of the community through CCZO §07-07-01. The conditions of approval may mitigate or restrict concerns of the land use while allowing the property owner to enjoy and control their property. The applicant is requesting to use the airstrip one (1) to five (5) times a week depending on the weather. The direction of take-offs and landings will be determined by the wind's direction. The airstrip will only be utilized by the applicant.

Transportation:

P8.03.02 Support alternative modes of travel.

Flying is another mode of transportation utilized by residents, visitors, agencies, and businesses in Canyon County. "The County has eight (8) private airports registered with the Federal Aviation Agency (2030 Comprehensive Plan)." There are approximately 12 residences within 600' of the subject property. The surrounding area is zoned "A" (Agricultural). Canyon County houses three (3) public airports; Nampa Municipal Airport, Caldwell Industrial Airport and Parma Municipal

Airport. The use of a private airstrip will allow the applicant to have an alternative mode of transportation.

The proposed use is generally consistent with the 2030 Comprehensive Plan.

- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0021.
- (3) Evidence includes associated findings and evidence supported within this document.

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: The proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area.

- Findings:** (1) According to the case map there are three (3) cases in the surrounding area. **See Exhibit B2.6 of Staff Report.** There was a conditional rezone application on parcel R3638011 to rezone from Agricultural to Light Industrial, that request was denied in 2023. **See Exhibit B4 of Staff Report.** A conditional use permit for special events was approved in 2022. **See Exhibit B5 of Staff Report.** Lastly a subdivision preliminary plat has been submitted, a decision has not been made at this time. **See Exhibit B6 of Staff Report.**
- (2) Majority of the area is zoned “A” (Agricultural) and is used as such. **See Exhibit C of Staff Report.** The subject parcel will remain in agricultural use of the 35.54-acre parcel in addition to the proposed airstrip. The adjacent parcels are all zoned “A” (Agricultural) and used for agricultural practices with residences. There are three public airports in Canyon County according to Idaho Transportation Department (ITD) Division of Aeronautics. It’s anticipated that there will not be “substantial adverse effects on the aircraft and utilization of navigable airspace.” **See Exhibit D5 of Staff Report.** There are approximately 20 residences within 1,000’ radius of the subject parcel’s property boundary that the aircraft may potentially fly over on any given day between dusk and dawn. The city of Greenleaf can be found to the northwest of the subject parcel where many residences are located with Simplot Blvd. providing access.
 - (3) **Compatibility:** The proposed use of an airstrip for personal use does not directly or indirectly interfere, conflict with or negatively impact the surrounding area. The proposed airstrip is approximately 50 feet wide and 1000 feet tall running north to south on the parcel. The airstrip will be utilized on parcel R36439 by the applicant only. On the west side of the proposed airstrip lies a ditch approximately 85 feet away running north to south on the parcel. To the east of the proposed airstrip location is the primary residence, secondary residence and the shop. To the north and south there is approximately 175 feet to the property line from the proposed airstrip. The surrounding area is mainly agricultural. To the north, parcels near Simplot Blvd. are zoned “M-1” (Light Industrial) and the city of Greenleaf is located to the northwest of the parcel. To the west there is three (3) Rural Residential parcels and to the east there is a Conditionally Rezoned Rural Residential (CR-RR) parcel. The surrounding land use is agricultural, the subject parcel is used for agricultural purposes and the applicant intends to continue using the ground for agriculture alongside the proposed use. The proposed airstrip is strictly for the applicant’s personal use, the use is not anticipated to exclude or diminish public or private use for others. The take-offs and landings may be from any direction depending on the winds, the proposed use is not anticipated to impact other aircrafts that may be in the surrounding area. Middle road is a public road that can be accessed by all. The interactions between the proposed airstrip and the surrounding land use is compatible. To mitigate concerns, see the conditions of approval.

- (4) The nearest airport in Canyon County is the Caldwell Municipal Airport just outside of Canyon County is the Homedale Municipal Airport in Owyhee County which has a similar distance away from the subject parcel as Caldwell Municipal Airport. Other public airports include Nampa and Parma Municipal Airport.
- (5) Staff has not found that the proposed airstrip and hanger/shop will be injurious to other properties in the vicinity nor will it negatively impact the essential character of the area. One (1) public comment was received in favor of the proposed use. **See Exhibit E1 of staff Report.**
- (6) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 13, 2024. Newspaper notice was published on January 7, 2025. Property owners within 600' were notified by mail on January 2, 2025. Full political notice was provided on April 13, 2024. The property was posted on January 6, 2025.
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0021.
- (8) Evidence includes associated findings and evidence supported within this document.

5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: The proposed use will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein.

- Findings:**
- (1) According to the land use worksheet domestic water will be provided by an individual domestic well. The proposed use will have adequate water to accommodate the proposed use. **See Exhibit A3 of Staff Report.**
 - (2) There is use of an individual septic system for the residences. The proposed airstrip will not require a septic tank. **See Exhibit D1 of Staff Report.** The hanger/shop is built as an agricultural exempt structure. The shops primarily use will be storing and maintain farming equipment and tools, with no human habitation, or public use. **See Exhibit A4 of Staff Report.**
 - (3) Surface gravity irrigation will be provided by Phyllis Canal; under the jurisdiction of Pioneer Irrigation District. There is a ditch that runs north to south on the property that can provide adequate services if required. **See Exhibit A4 and D1 of the Staff Report.**
 - (4) Drainage systems are not anticipated to be impacted by the proposed use. There is a concrete ditch that runs north and south in the center of the property, approximately 85' from the proposed airstrip.
 - (5) Stormwater will be drained through a borrow ditch. The proposed use will have adequate stormwater drainage facilities to accommodate the proposed use.
 - (6) Utility systems are not anticipated to be impacted by the proposed use. The proposed use will have adequate utility systems to accommodate the proposed use.
 - (7) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 13, 2024. Newspaper notice was published on January 7, 2025. Property owners within 600' were notified by mail on January 2, 2025. Full political notice was provided on April 13, 2024. The property was posted on January 6, 2025.

- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0021.
- (9) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The subject property has legal access for the proposed use and will exist at the time of the development.

- Findings:**
- (1) The property had direct access from Middle road via a gravel driveway on the southeast corner of the property and approximately 525' of frontage on the south boundary. Middle Road is a local road under Highway District No. 4's jurisdiction. According to Highway district No. 4 the existing approach is suitable for the proposed use. **See Exhibit D4 of Staff Report.**
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 13, 2024. Newspaper notice was published on January 7, 2025. Property owners within 600' were notified by mail on January 2, 2025. Full political notice was provided on April 13, 2024. The property was posted on January 6, 2025.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0021
 - (4) Evidence includes associated findings and evidence supported within this document.

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: There will not be undue interference with the existing and/or future traffic patterns.

- Findings:**
- (1) Pursuant to Highway District No. 4 there doesn't appear to be additional impacts to the transportation system based on the request compared to the existing agricultural and residential use. The aircraft operations should be conducted to avoid impacts or interference with the existing highway systems unless an emergency or force landing occurs **See condition #7.** Agency notice was sent out to highway District No. 4 on August 13, 2024, the comments can be found in **Exhibit D4 of Staff Report.**
 - (2) Agency notice was sent out to Idaho Transportation Department (ITD) on August 13, 2024, ITD had no comments or concerns regarding the request. According to Idaho Transportation Department (ITD) Division of Aeronautics, it's anticipated that there will not be "substantial adverse effects on the aircraft and utilization of navigable airspace." **See Exhibit D5 of Staff Report.** Agency notice was sent out to Idaho Transportation Department Division of Aeronautics on November 21, 2024, and comments were received on December 6, 2024, comments can be seen in **Exhibit D5 of Staff Report.** The direction of the landings and take-off will be determined by the winds on any particular day.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 13, 2024. Newspaper notice was published on January 7, 2025. Property owners within 600' were notified by mail on January 2, 2025. Full political notice was provided on April 13, 2024. The property was posted on January 6, 2025.

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0021.

(5) Evidence includes associated findings and evidence supported within this document.

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: Essential services will be provided to accommodate the use including, but not limited to school facilities, police and fire protection, emergency medical services, irrigation facilities. The services will not be negatively impacted by such use, or require additional public funding in order to meet the needs created by the requested use.

- Findings:**
- (1) The proposed use is not anticipated to negatively impact school facilities. Agency notice was sent out to Vallivue School District on August 13, 2024, no comments were received.
 - (2) The proposed use is not anticipated to negatively impact Police and Fire protection. Agency notice was sent out to Caldwell Fire District and the Sheriff's department on August 13, 2024, no comments were received.
 - (3) The proposed use is not anticipated to negatively impact emergency medical services. Agency notice was sent out on August 13, 2024, no comments were received.
 - (4) Parcel R36439 is in Pioneer Irrigation District. Agency notice was sent out to Pioneer Irrigation District on August 13, 2024, no comments were received. The proposed use is not anticipated to negatively impact irrigation facilities.
 - (5) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 13, 2024. Newspaper notice was published on January 7, 2025. Property owners within 600' were notified by mail on January 2, 2025. Full political notice was provided on April 13, 2024. The property was posted on January 6, 2025.
 - (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0021.
 - (7) Evidence includes associated findings and evidence supported within this document.

Canyon County Code §09-03 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: Parcel R36439 is located within the Greenleaf Area of City Impact.

- Findings:**
- (1) The subject property lies with the city of Greenleaf's area of impact. A Joint Exercise Powers Agreement (JEPA) was sent out to the city of Greenleaf on August 13, 2024, Greenleaf initially did not provide comments. On December 23, 2024, the city of Greenleaf commented that the subject parcel's future land use designation is high density residential and should be leveled to assist in future re-development of the parcel. **See Exhibit D6 of Staff Report.**
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 13, 2024. Newspaper notice was published on January 7, 2025. Property

owners within 600' were notified by mail on January 2, 2025. Full political notice was provided on April 13, 2024. The property was posted on January 6, 2025.

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0021.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2023-0021, a conditional use permit of a private airstrip subject to the following conditions as enumerated:

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 property and the proposed use.
2. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
3. The private airstrip shall be limited to parcel R36439. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission such as the occasional use by one (1) additional aircraft/guest.
4. The shop/hanger shall receive engineer sign off prior to commencement of use. Evidence shall be a certificate of occupancy from DSD Building Department.
5. The proposed use shall be in general conformance with the applicant's site plan and Letter of Intent (**Exhibit A2 & A4 of Staff Report**).
6. The hours of operation shall be from dusk to dawn daily (**Exhibit A3 of Staff Report**).
7. The applicant shall adhere to all conditions provided by the Federal Aviation Administration.
8. Per ITD Division of Aeronautics the construction, alteration or abandonment of the airstrip shall be filled with the Federal Aviation Administration (FAA), proof shall be a letter from the FAA submitted to DSD, no later than 90 days if completed (FAA7480-1 form).
9. The applicant shall comply with applicable Highway District requirements, aircraft operations shall be conducted to avoid impacts or interference with the existing highway system during all but an emergency situation or forced landing.

DATED this 20 day of February, 2025.

PLANNING AND ZONING COMMISSION CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 20th day of February, in the year 2025, before me Jennifer D. Almeida, 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: Jennifer D. Almeida

My Commission Expires: 4/7/28

