



## 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:

- (1) Conditional Rezone of approximately 21.84 acres from an "A" (Agricultural) to the following:
  - a. Northmost 7+/- acres will be zoned "CR-C-1" (Conditional Rezone - Neighborhood Commercial) and restricted to a Ministorage/RV storage facility and quasi-public uses; and
  - b. The remaining 14+/- acres will be zoned to "CR-C-2" (Conditional Rezone – Service Commercial) with limited uses.
  - c. Development agreement with conditions limiting uses and site impact to adjacent properties (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 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 Board of County Commissioners on February 19, 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 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 generally consistent with the 2020 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 II.A.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 II.A.3d of the staff report). However, the application was submitted before the adoption of the 2030 Comprehensive Plan. Therefore, the request must be considered under 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 II.A.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) The applicant states the request consistent with the city's plans and the following 2020 Comprehensive Plan goals and policies (Exhibit II.C of the staff report):

- **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.*
  - **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, and 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 Policy 1.** *Encourage the protection of groundwater and surface water quality.*
  - **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, Facility, and Utilities Action.** *Develop a process requiring applicants to negotiate the provision of fire protection and emergency medical services with the appropriate service providers to ensure that new development is adequately protected.*
- (4) As conditioned, the request is consistent with the goals and policies stated by the applicant (Exhibit II.C of the staff report) and the following goals and policies of the 2020 Canyon County Comprehensive Plan:
- **Population Policy 3.** *Encourage future populations to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.*

- **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.*

(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) *Evidence includes the findings and evidence in criteria 2 through 8 and the Area of City Impact Section.*

**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 more appropriate than the current zoning designation subject to conditions of the development agreement (Attachment A).

**Findings:**

- (1) The applicant requests the subject parcel, R34456, be conditionally rezoned from an "A" (Agricultural) zone to the following:
  - a. Northmost 7+/- acres will be zoned "CR-C-1" (Conditional Rezone - Neighborhood Commercial) and restricted to mini storage/RV storage uses and quasi-public uses. This will reduce commercial-related impacts near residential parcels located south of the subject parcel and will use existing landscape (trees) as a buffer; and
  - b. The remaining 14+/- acres will be zoned to "CR-C-2" (Conditional Rezone – Service Commercial) with the following limited uses: (1) Animal Hospital, (2) Caretaker Residence, (3) Commercial and Off-Street Parking Facilities, (4) Contractor Shop, (5) Equipment Rental, (6) Farm Implement Sales or Service, Farm Supply Sales, (7) Firewood Sales, (8) Firework Sales, (9) Landscaping Business, (10) Lumberyard, (11) Mini-storage/RV Storage Facility, (12) Nursery, (13) Wholesale Nursery, (14) Outdoor Sales and Displays, (15) Sale of Hay Grain, Seed, and related products, (16) Sale of Heavy Building Materials and Machinery, (17) Season Activities, (18) Staging Areas, (19) Utility Facility Systems, (20) Utility Distribution Systems, (21) Assisted Care Facility, (22) Retail Stores/Business Office Space, (23) Public and Quasi Public Uses, and (24) Vehicle Service Facility.
  - i. During public testimony, the applicant agreed to remove the special events facility use.

The applicant finds the request is compatible with the city's comprehensive plan and the 2020 Canyon County Comprehensive Plan, and will provide the zoning necessary to attract new businesses to Canyon County within a designated commercial growth area (Exhibit II.A.2a and II.C of the staff report)

- (2) Approximately 14 acres of the subject parcel are zoned "A" (Agricultural) while approximately 7 acres along SH-44 are rezoned "C-1" (Neighborhood Commercial). Per CCZO §07-10-25(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."

- (3) The area consists of a variety of lot sizes and a mix of agricultural/rural residential uses. *See Exhibits II.A.3a, II.A.3b, and II.A.7 of the staff report for aeriels 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. They predominantly consist of prime farmland or farmland of statewide importance and consist of best to moderately-suited soils (Exhibit II.A.3i, Staff Report).
- (4) The 2020 Canyon County Comprehensive Plan designates the parcel and parcels south and north of SH-44 “commercial” (Exhibit II.A.3c of the staff report). 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 II.A.3e of the staff report).
- (5) The parcel is located within Traffic Analysis Zone (TAZ) #2082 and near #2094, 2148, and #2078 which forecasts job growth along SH-44 between the subject parcel and Hartley Lane (Exhibit II.A.3n of the staff report). The TAZ areas are used by the state and/or local transportation officials for tabulating traffic-related data for future improvements and funding. The data provides future population, household, and job growth forecasts.
- (6) In 2011, a blanket rezone to “C-1” was approved for interested property owners along SH-44 (RZ2011-10, Exhibit II.A.5 & II.A.3f of the Staff Report).
- (7) There are 13 businesses in existence a little over 5,000 feet east (Hartley Lane) and west (El Paso Road) of the subject parcel (Exhibit II.F of the staff report).
- (8) Regarding the requested “C-1” zone, a mini-storage/RV storage facility requires a conditional use permit prior to the commencement of use (CCCO Section 07-10-27). Public and quasi-public uses are allowed in the “C-1” zone. The applicant states the existing landscape of trees and Middleton Mill Ditch will provide a buffer between the neighborhood commercial use and existing rural residential properties (Exhibit II.C).
- (9) Regarding the 24 requested uses allowed in the proposed “C-2” Zone (CCCO Section 07-10-27) seven (7) are prohibited and 12 require a discretionary permit in the “A” Zone. Four (4) are prohibited and four (4) require a discretionary permit in the “C-1” Zone. The applicant finds the uses will require permits from affected agencies such as ITD, Highway District #4, Southwest District Health/Dept. of Environmental Quality, Black Canyon Irrigation District, DSD (Building Permits), Dept. of Water Resources, and Middleton Fire District, prior to commencement of use. The affected agencies will ensure development meets applicable standards and requirements (Exhibit II.A.2a & II.C of the staff report).
- (10) The request does not include a specific plan or conceptual plan that addresses potential compatibility impacts with the area and existing uses near the subject parcel. As conditioned, before the commencement of use all affected agencies’ applicable requirements and improvements must be completed (Condition No. 1, Attachment A). Before the commencement of use, an operations plan is required including landscaping, fencing, residential buffer, noise management, and exterior lighting (Condition No. 3b, Attachment A).
  - a. Conditions 2.b.i(1) and iv comply with city landscaping (City Code Section 5-4-10-7) and exterior light requirements (City Code Sections 4-8-5/1-15-8-5). The conditions encourage community design commensurate with city growth planned along SH-44 in the City of Middleton (Exhibit II.A.3e of the staff report).
- (11) 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:** As conditioned, the proposed request is 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 II.A.3a, II.A.3b, and II.A.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 (Exhibit II.A.3h of the staff report).

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). *See Exhibits II.A.3f, 3g, and 3h of the staff report.*

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 (Exhibit II.A.3a, 3b, and 3f of the staff report).

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

- (2) In 2011, a blanket rezone to "C-1" was approved for interested property owners along SH-44 (RZ2011-10, Exhibit II.A.5 of the Staff Report).
- (3) The following commercial uses exist a little over 5,000 feet east (Hartley Lane) and west (El Paso Road) of the subject parcel (Exhibit F of the staff report):
- a. Easy Access Storage (R34490010A): The parcel is zoned "A" (Agricultural). The mini-storage facility was approved in the "A" Zone via a conditional use permit in 1998 (CU2002-15). The future land use designation is "commercial" (Exhibit A.3d of the staff report).
  - b. HWY 11 Storage (Parcel R34717200 and R34717201): 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 II.A.6 of the staff report).
    - i. The parcel is the only parcel conditional zoned "C-2" in the area (Exhibit II.A.3f of the staff report).
    - ii. Per CCZO Section 07-06-07(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."
  - c. Big Game Specialties (Parcel R22050): The parcel is zoned "A" (Agricultural). The meat processing use is allowed in the "A" Zone as a home occupation or home business. The future land use designation is "rural residential" (Exhibit II.A.3d of the staff report).
  - d. Ranch C44 Bed and Breakfast (Parcel R22048010): The parcel is zoned "A" (Agricultural). The bed and breakfast use is allowed in the "A" Zone subject to having no

employees. The future land use designation is “rural residential” (Exhibit II.A.3d of the staff report).

- e. Rainy Day Irrigation and Landscaping (Parcel R22087012): The parcel is zoned “A” (Agricultural). A landscaping business is an allowed use in the “A” Zone. The future land use designation is “rural residential” (Exhibit II.A.3d of the staff report).
  - f. Clear Choice Window Cleaning (Parcel R34737): The property is zoned “C-1” (Neighborhood Commercial). The future land use designation is “commercial” (Exhibit II.A.3d & 3f of the staff report).
  - g. Sideyard Training Crossfit (Parcel R34720): The property is zoned “C-1” (Neighborhood Commercial). The future land use designation is “commercial” (Exhibit II.A.3f of the staff report).
  - h. Caldwell Transportation/Middleton School District (Parcel R27283): Parcel zoned “M-1” (Light Industrial) circa 1995 for the school district. (Exhibit II.A.3f of the staff report).
  - i. Modern Vintage Market (Parcel R34771): Parcel zoned “A” (Agricultural). Retail use is not allowed in the “A” Zone. The future land use designation is “commercial” (Exhibit II.A.3d of the staff report).
  - j. Idahome RV Resort (Parcel R34440017): Located in the City of Middleton’s jurisdiction with connection to city services. (Exhibit II.A.3e of the staff report).
  - k. Tractor Supply Co. (Parcel R34440014): Located in the City of Middleton’s jurisdiction with connection to city services. (Exhibit II.A.3e of the staff report).
  - l. 44 Livestock/Pet Supply (Parcels R34775 and R34775010): Located in the City of Middleton’s jurisdiction with connection to city services. (Exhibit II.A.3e of the staff report).
  - m. Perfection Tire and Auto Repair (Parcel R17886010B): Located in the City of Middleton’s jurisdiction with connection to city services. (Exhibit II.A.3e of the staff report).
- (4) The applicant requests the rezoning be approved first before determining a specific use (Exhibit II.A.2a, Staff Report). The request reduces future commercial uses to 24 uses: Two (2) uses in the C-1 zone (approximately 7 acres) and 24 uses in the “C-2” Zone (approximately 14 acres - Exhibit C of the staff report). The applicant finds the amendment will provide the zoning necessary to attract new businesses to Canyon County within a commercial growth area.
- (5) The request does not include a specific plan or conceptual plan that addresses potential compatibility impacts with the area and existing uses near the subject parcel. As conditioned, before the commencement of use, applicable requirements and improvements by all affected agencies must be completed (Condition No. 1, Attachment A). Before the commencement of use, an operations plan is required including landscaping, fencing, residential buffer, noise management, and exterior lighting (Condition No. 3b, Attachment A).
- a. Condition 3b.i(1) and iv comply with city landscaping (City Code Section 5-4-10-7) and exterior light requirements (City Code Sections 4-8-5/1-15-8-5). The conditions encourage community design commensurate with city growth planned along SH-44 in the City of Middleton (Exhibit A.3e of the staff report).
  - b. Due to potential future improvements along Hill Canal, landscaping along the north boundary abutting Hill Canal is not required (Condition No. 3b.i(1)a).
- (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.

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

**Conclusion:** As conditioned (Attachment A), the request is not anticipated to negatively impact the character.

- Findings:**
- (1) The area consists of a variety of lot sizes and a mix of agricultural/rural residential uses. *See Exhibits II.A.3a, II.A.3b, and II.A.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 A.3a, Staff Report). They predominantly consist of prime farmland or farmland of statewide importance and consist of best to moderately-suited soils (Exhibit II.A.3i, Staff Report).
  - (2) In 2011, a blanket rezone to "C-1" was approved for interested property owners along SH-44 (RZ2011-10, Exhibit II.A.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 properties zoned "C-1" in 2011 within 4,000 feet of the subject parcel (Emmett Road to the east and Stone Lane to the west), only two (2) parcels appear to be in commercial use (Exhibit II.A.3f and F of the staff report). The subject parcel is currently used for agricultural production. Most of the area still consists of either agricultural uses or residential uses (*Exhibits II.A.3a, II.A.3b, and II.A.7 of the staff report*).
  - (3) There are 13 businesses in existence a little over 5,000 feet east (Hartley Lane) and west (El Paso Road) of the subject parcel (Exhibit II.F of the staff report).
  - (4) The applicant requests the rezoning be approved first before determining a specific use (Exhibit IIA.2a, Staff Report). The request reduces future commercial uses to 24 uses: Two (2) uses in the C-1 zone (approximately 7 acres) and 24 uses in the "C-2" Zone (approximately 14 acres - Exhibit II.C of the staff report). The applicant finds the amendment will provide the zoning necessary to attract new businesses to Canyon County within a commercial growth area.
  - (5) As conditioned, before the commencement of use all affected agency applicable requirements and improvements must be completed (Condition No. 1, Attachment A). Before the commencement of use, an operations plan is required including landscaping, fencing, residential buffer, noise management, and exterior lighting (Condition No. 3b, Attachment A). Therefore, potential impacts of the limited uses can be mitigated/reduced before the commencement of use.
  - (6) 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, October 18, 2024, and December 31, 2024. A newspaper notice was published on December 31, 2024. Property owners within 600' were notified by mail on March 5, 2024, June 25, 2024, October 18, 2024, and December 24, 2024. Full political notice was provided on October 18, 2024. The property was posted on December 30, 2024.
    - a. A comment letter was received on March 29, 2024, in opposition to the request unless it was a rental storage use (Jones, Exhibit II.A.4e of the staff report). The letter includes concerns regarding increased traffic and noise.
    - b. The applicant submitted two letters of support with the initial revision to the request at the Board of County Commissioners hearing on October 2, 2024, from Mike Okamura and West Alliance for Economic Development (Exhibit II.A.12 of the staff report).
    - c. A comment letter was received on October 23, 2024, in opposition to the request due to too many mini and RV storage uses along the SH-44 corridor (Exhibit II.E.1 of the staff report). The letter states the corridor needs commercial services, such as restaurants, retail, grocery stores, medical offices, urgent care units, etc.
    - d. A comment letter was received on November 7, 2024, and November 9, 2024, with concerns regarding traffic impacts created by the request on Cayon Lane and SH-44 and concerns regarding impacts to groundwater resources (Exhibit II.D.2 & II.D. 3 of the staff report).



- e. ITD responded to a comment letter received from a concerned neighbor regarding traffic impacts stating impacts would be reviewed for consistency at the time of use (Exhibit II.D.2 of the staff report)

(7) 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. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed conditional rezone?**

**Conclusion:** As conditioned (Attachment A), adequate facilities will be accommodated prior to the commencement of use.

- Findings:**
- (1) Middleton city jurisdiction and city services are not located near the subject parcel. City jurisdiction currently terminates near the intersection of Hartley Lane and SH-44 over a mile from the subject parcel (Exhibit II.A.3c and C of the staff report).
  - (2) The parcel has surface water rights from Middleton Mills/Middleton Irrigation Association, not Black Canyon Irrigation District (Exhibit II.A.4b of the staff report). No comments were provided by Middleton Mills/Middleton Irrigation Association.
  - (3) The request reduces future commercial uses to 24 uses (Exhibit II.C of the staff report). Adequate services will be addressed at the time of use by the appropriate agencies (Exhibit II.A.2a & II.C of the staff report).
  - (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, October 18, 2024, and December 31, 2024. A newspaper notice was published on December 31, 2024. Property owners within 600' were notified by mail on March 5, 2024, June 25, 2024, October 18, 2024, and December 24, 2024. Full political notice was provided on October 18, 2024. The property was posted on December 30, 2024.
    - a. No comments were received from Southwest District Health, Idaho Department of Water Resources, or Idaho Department of Environmental Health.
    - b. Per Condition No. 1, Attachment A: Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance with the following, but not limited to, affected agencies shall be met prior to the commencement of any uses/development:
      - Idaho Transportation Department (Exhibit II.A.4c of the staff report),
      - Highway District #4 (Exhibit II.A.4d & II.D.2 of the staff report),
      - Black Canyon Irrigation District/Middleton Mill Irrigation District (Exhibit II.A.4b of the staff report).
      - Canyon Water Company, (Exhibit III.A of the staff report).
  - (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. 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:** As conditioned (Attachment A), traffic impact assessment and necessary improvements/mitigation measures will be completed prior to the commencement of use.

- 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.

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 II.A.4c & II.A.4d of the staff report).

- (2) The request reduces future commercial uses to 24 uses (Exhibit II.C of the staff report). Effects on traffic will be addressed at the time of use by the appropriate agencies (Exhibit II.A.2a of the staff report).
- (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, October 18, 2024, and December 31, 2024. A newspaper notice was published on December 31, 2024. Property owners within 600’ were notified by mail on March 5, 2024, June 25, 2024, October 18, 2024, and December 24, 2024. Full political notice was provided on October 18, 2024. The property was posted on December 30, 2024.
  - a. Highway District #4 (Exhibit II.A.4d, Staff Report)
  - b. Idaho Transportation Department – ITD (Exhibit II.A.4c & II.D.2, Staff Report)
  - c. Per Condition No. 1, Attachment A: Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance with the following, but not limited to, affected agencies shall be met prior to the commencement of any uses/development:
    - Idaho Transportation Department (Exhibit II.A.4c of the staff report),
    - Highway District #4 (Exhibit II.A.4d & II.D.2 of the staff report),
    - Black Canyon Irrigation District/Middleton Mill Irrigation District (Exhibit II.A.4b of the staff report).
    - Canyon Water Company, (Exhibit III.A of the 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.

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

**Conclusion:** The property has legal access. Commercial access can be accommodated at the time of development. As conditioned (Attachment A), all access requirements and improvements necessary for the use will be completed prior to the commencement of use.

- Findings:**
- (2) Per Exhibit II.A.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.
  - (3) The request reduces future commercial uses to 24 uses (Exhibit II.C of the staff report). Effects on access will be addressed at the time of use by the appropriate agencies (Exhibit II.A.2a of the staff report).
  - (4) 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 II.A.3d of the staff report, CHD4 comment letter.*

- (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, October 18, 2024, and December 31, 2024. A newspaper notice was published on December 31, 2024. Property owners within 600' were notified by mail on March 5, 2024, June 25, 2024, October 18, 2024, and December 24, 2024. Full political notice was provided on October 18, 2024. The property was posted on December 30, 2024.
  - a. Highway District #4 (Exhibit II.A.4d, Staff Report)
  - b. Idaho Transportation Department – ITD (Exhibit II.A.4c & II.D.2, Staff Report)
  - c. Per Condition No. 1, Attachment A: Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance with the following, but not limited to, affected agencies shall be met prior to the commencement of any uses/development:
    - Idaho Transportation Department (Exhibit II.A.4c of the staff report),
    - Highway District #4 (Exhibit II.A.4d & II.D.2 of the staff report),
    - Black Canyon Irrigation District/Middleton Mill Irrigation District (Exhibit II.A.4b of the staff report).
    - Canyon Water Company, (Exhibit III.A of the 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.

**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:** As conditioned (Attachment A), the requested conditional rezone will not impact essential services.

- Findings:**
- (1) The request reduces future commercial uses to 24 uses (Exhibit II.C of the staff report). Effects on schools and services will be addressed at the time of use by the appropriate agencies (Exhibit II.A.2a of the staff report).
  - (2) 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, October 18, 2024, and December 31, 2024. A newspaper notice was published on December 31, 2024. Property owners within 600' were notified by mail on March 5, 2024, June 25, 2024, October 18, 2024, and December 24, 2024. Full political notice was provided on October 18, 2024. The property was posted on December 30, 2024.
    - a. 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.
    - b. Middleton Fire District Station 53 is 2.5 miles east of the subject parcel, approximately five (5) minutes' distance.
    - c. Per Condition No. 1, Attachment A: Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance with the following, but not limited to, affected agencies shall be met prior to the commencement of any uses/development:
      - Idaho Transportation Department (Exhibit II.A.4c of the staff report),
      - Highway District #4 (Exhibit II.A.4d & II.D.2 of the staff report),
      - Black Canyon Irrigation District/Middleton Mill Irrigation District (Exhibit II.A.4b of the staff report).
      - Canyon Water Company, (Exhibit III.A of the staff report).

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

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**Canyon County Code §09-09-15 (Area of City Impact Agreement)**

**AREA OF CITY IMPACT AGREEMENT ORDINANCE**

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- Conclusion:** The property is located within the Middleton Area of City Impact (Exhibit A.3e of the staff report). 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, March 5, 2024, and October 18, 2024. No comments were received.
  - (3) Conditions 2.b.i(1) and iv comply with city landscaping (City Code Section 5-4-10-7) and exterior light requirements (City Code Sections 4-8-5/1-15-8-5). The conditions encourage community design commensurate with city growth planned along SH-44 (Exhibit II.A.3e of the 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.



**Order**

Based upon the Findings of fact, Conclusions of law, and Order contained herein, the Board of County Commissioners **approve** Case # CR2022-0007, a condition rezone of Parcel R34456 to a "CR-C-1" and "CR-C-2" Zone subject to conditions of the development agreement (Attachment A).

DATED this 11 day of MARCH, 2025.

**CANYON COUNTY BOARD OF COMMISSIONERS**

- ☒ Motion Carried Unanimously  
☐ Motion Carried/Split Vote Below  
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Commissioner Brad Holton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Rick Hogaboam, Clerk

By:   
Deputy

Date: 3-11-25

**ATTACHMENT A**  
**Draft Development Agreement Conditions**

1. Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance with the following, but not limited to, affected agencies shall be met prior to the commencement of any uses:
  - a. Idaho Transportation Department (Exhibit II.A.4c of the staff report),
  - b. Highway District #4 (Exhibit II.A.4d & II.D.2 of the staff report),
  - c. Black Canyon Irrigation District/Middleton Mill Irrigation District (Exhibit II.A.4b of the staff report),
  - d. Canyon Water Company, (Exhibit III.A of the staff report).
2. The northmost portion of Parcel R34456, approximately 7 acres described in Exhibit \_\_ (to be added to the agreement), will be zoned "CR-C-1" (Conditional Rezone - Neighborhood Commercial) subject to the following conditions:
  - a. The "C-1" zone is limited to the following uses:
    - i. Ministorage/RV storage Facility (subject to a conditional use permit and CCCO Section 07-14-21); and
    - ii. Public and quasi-public uses (subject to Condition No. 3.b of the staff report).
3. The remaining portion of Parcel R34456, approximately 14 acres described in Exhibit \_\_ (to be added to the agreement), will be zoned "CR-C-2" (Conditional Rezone - Service Commercial) subject to the following conditions:
  - a. The "C-2" zone is limited to the following uses:
    - i. Animal Hospital;
    - ii. Caretaker Residence;
    - iii. Commercial and Off-Street Parking Facilities;
    - iv. Contractor Shop,
    - v. Equipment Rental;
    - vi. Farm Implement Sales or Service, Farm Supply Sales;
    - vii. Firewood Sales;
    - viii. Firework Sales;
    - ix. Landscaping Business;
    - x. Lumberyard;
    - xi. Mini-storage/RV Storage Facility, subject to CCCO §07-14-21 and the following conditions:
      - (1) If the facility is proposed with or will connect with the facility located in the "C-1" zone, a conditional use permit is required;
    - xii. Nursery;
    - xiii. Wholesale Nursery;
    - xiv. Outdoor Sales and Displays;
    - xv. Sale of Hay Grain, Seed, and related products;
    - xvi. Sale of Heavy Building Materials and Machinery
    - xvii. Season Activities;
    - xviii. Staging Areas, subject to CCCO §07-14-29;
    - xix. Utility Facility Systems;
    - xx. Utility Distribution Systems;
    - xxi. Assisted Care Facility;
    - xxii. Retail Stores/Business Office Space;
    - xxiii. Public and Quasi Public Uses; and
    - xxiv. Vehicle Service Facility
  - b. Prior to the commencement of use or building permit issuance, whichever comes first, an operations plan shall be submitted to Canyon County DSD which includes the following information:
    - i. A landscaping, parking, and fencing plan demonstrating the materials to be used, locations, and the long-term maintenance to ensure all remain in good repair and do not become a public nuisance.
      - (1) Landscaping shall be located along the property boundaries that abut (1) residential uses/subdivisions, and
      - (2) abut SH-44 and Canyon Lane. The landscaping buffer width shall be 25'.

- a. Exception: Landscaping is not required along the property boundary abutting Hill Canal.
  - (2) Sight-obscuring fencing is required around the perimeter of any outdoor storage of vehicles and/or equipment unless stored in a building.
  - (3) Parking shall comply with off-street parking and loading requirements, Chapter 7, Article 13 of the Canyon County Code of Ordinance (CCCO).
  - ii. A site plan showing all uses will maintain a 50' buffer from all residential uses and subdivisions.
  - iii. A noise management plan demonstrating noise reduction through hours of operation and restricting noise-generating equipment within an enclosed structure/building.
  - iv. An exterior lighting plan demonstrating lighting will be LED, shielded, downlit, and will not impact other properties and public roads.
  - v. A disclosure regarding the irrigation and drainage facilities on the subject parcel and the owner's responsibility and liabilities.
4. The developer shall comply with CCCO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."