



## Planning & Zoning Commission Staff Report Blue Barn Produce - PH2017-42 & 43

Hearing Date: August 17, 2017

Development Services Department

**Applicant:**

Roberta Bicandi/Blue Barn Produce

**Staff:**

Kyle McCormick, 455-5958  
kmccormick@canyonco.org

**Tax ID:**

R34600

**Current Zone:**

Agricultural (A)

**Comprehensive Plan:**

2020 Canyon County  
Comprehensive Plan

**Canyon County Future Land Use**

**Designation**

Agricultural

**Impact Area:** Caldwell

**Lot Size/ acres**

Approximately 7 acres

**Current Use:**

Agricultural/Residential/Commercial

**Applicable Zoning Land Use**

**Regulations:** CCZO 16-001

- §07-06-03
- §07-06-05

**Notification**

- 7/18/17 Agencies
- 7/14/17 JEPA Noticing
- 7/20/17 Radius Notice
- 8/10/17 Site Posting

**Exhibits:**

1. Findings, Conclusions, & Order (Comp Plan Map)
- 1A. Findings, Conclusions & Order (Rezone)
2. Letter of Intent
3. Concept Plan
4. Small Aerial Photo
5. Vicinity Map
6. Zoning Map
7. Subdivision Map
8. Classification Map
9. Soil Map
10. Prime Farmland Map
11. Canyon County Future Land Use Map
12. City of Caldwell Comments
13. Staff Site Photos
14. Functional Classification Map

**Request**

MS & MB Farms LLC (Blue Barn Produce) is requesting a **Comprehensive Plan Map Change** to change the Future Land Use Designation of parcel no. R34600, approximately 7 acres, from "Agriculture" to "Commercial". Also requested is a **Rezone** of the same parcel, parcel no. R34600, approximately 7 acres from an "A" (Agricultural) zone to a "C-2" (Service Commercial) Zone. The subject property is located at 16356 Hwy 20 26, Caldwell, ID, in the SE ¼ of Section 08, T4N, R3W, BM.

**Background**

The subject property is zoned Agricultural (A) and is located within Caldwell Area of City Impact. The City of Caldwell has shown support for a Comprehensive Plan Map Amendment and rezone to C-2 (Service Commercial) (Exhibit 12). The subject parcel is involved in an active code enforcement (CDEF17-001) case to bring their current structures into compliance with the building code, as well as gaining land use approval for a retail/nursery type operation (See Site Photos, Exhibit 13).

The current uses on the property are retail with selling of local vegetables, milk, ice cream, picked asparagus, honey, pies, bread and freezer jam. They also have a small nursery on the 7 acre parcel. In the spring and fall they host craft fairs and a pumpkin patch. Within the Canyon County Zoning Land Use Matrix (07-10-27) retail and special event facilities are both allowed uses.

If this comprehensive plan map amendment and rezone are approved, the applicant will have to apply for a change of occupancy for the current structure occupying the retail use. (See Site Photos, Exhibit 13).

**Analysis**

The applicant is requesting a Comprehensive Plan Map change to change the designation of the subject property from Agricultural to Commercial. The Canyon County Future Land Use Map designates the subject property as Agricultural (Exhibit 11). Caldwell did send in comments stating that the request is harmonious with the City of Caldwell's future land use plans for the Highway 20/26 corridor (Exhibit 12).

The proposed map change is commensurate with the current land uses in the immediate vicinity. The subject property is surrounded on the South by Industrially zoned properties. There is also a C-2 (Service Commercial) Subdivision approximately a quarter mile to the East of the subject property (Exhibit 6, Zoning Map). The commercial designation would be commensurate to the industrial/commercial nature of the area.

The applicant is also requesting a rezone from "A" (Agricultural) to a "C-2" (Service Commercial) zone. 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.

<p>15. CDEF17-001 Agency Requirements</p> <p>16. Email from Kelly Berg with Southwest District Health</p> <p>17. Large Aerial Photo</p>	<p>The commercial zoning would not be out of character with the area. The area is currently a mix of agricultural/industrial and commercial in nature with other industrial uses to the south and commercial uses to the east. The area is located within Caldwell’s impact area. Brian Billingsly from the City of Caldwell mentioned in his comments (Exhibit 12) that the proposal of a comprehensive plan map amendment to commercial and a rezone to C-2 is commensurate with the City’s future land use plans for the Hwy 20/26 corridor (Exhibit 12).</p> <p>The property contains primarily moderately suited soil types. (Exhibit 9). The property’s primary use retail with a nursery and is relatively small in size (7 acres). The property is directly surrounded to north by the applicant’s farming operation that supports the commercial types of uses such as the selling of agricultural related products.</p> <p>The property is fronted by Hwy 20/26, classified as a principal arterial on the Canyon County Functional Classification Map (Exhibit 14). To bring the properties into compliance the applicant will need to apply for approach permits with the Idaho Department of Transportation (Code Enforcement File, Agency Requirements, CDEF17-001, and Exhibit 15).</p> <p>Southwest District commented in a response to the Canyon County Code Enforcement Officer on January 25, 2017 that the applicants were permitted by SWDH to make jam/jelly and similar items in their kitchen. According to SWDH the Blue Barn Produce meets their requirements, but are required to continually perform water testing, including quarterly bacteria and yearly nitrate, due to the fact that the facility is on a well (Exhibit 16).</p> <p>The Caldwell Rural Fire Department also informed Canyon County staff during code enforcement research that the property owner will need to apply for a “rural access” permit that requires a plan of the structure, and detailed description of the intended use, # of occupants and water supply (Exhibit 15, Agency Requirements).</p>
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**Comprehensive Plan Amendment Criteria**

CCZO 16-001 §07-06-03

**A. Is the requested type of growth generally in conformance with the comprehensive plan?**

The proposed use is generally in conformance with the comprehensive plan. The proposed use complies with the following policies:

Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*

Land Use Goal No. 5 – *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”* The subject parcel is adjacent to a principle arterial with easy access to Hwy 20/26. The subject parcel is located in an area with industrial zoning, commercial zoning and agricultural zoning. This parcel is small for agricultural use and is set up to support the surrounding agricultural parcels.

Area of City Impact Policy No. 1- *“The County recognizes that each city in the county has its individual identity and development plan. Expand or reduce areas of city impact according to each city’s trade area, geographic factors, water and sewer service areas, and areas that can be reasonably annexed to the city in the*

*future. Idaho Code §67-6526 (b).* The subject property is located within Caldwell’s City Impact Area and designated as Commercial (Exhibit 12).

Public Services, Facilities and Utilities Policy No. 3 “*Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.*” The subject property is located within Caldwell’s Fire District.

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.*” The applicants intended use of selling agricultural related products directly supports the local agricultural community (See applicants letter of intent 2).

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.*” The applicant’s intended use will enhance the existing lifestyle by supporting agricultural operations to sell their products in a controlled, planned and constructive manner.

**B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation?**

In making a determination whether or not the proposed map change is more appropriate than the current residential designation is dependent on whether the change will negatively impact the surrounding land uses in the area. Evidence has not been provided that the Commercial designation will negatively impact the surrounding land uses. There are currently agricultural, uses in the vicinity of the subject property that are supported by a commercial use such as this as well as existing industrial/commercial zoning in the immediate area. This parcel is along Hwy 20/26 and is a smaller (7) seven acre parcel with a majority being built out by the existing structures.

A comprehensive plan designation of Commercial is more appropriate than the current designation of Agricultural due the size of the parcel and proximity to a principle arterial. The City of Caldwell has designated this area as Commercial (Exhibit 12, City of Caldwell comments).

**C. Is the proposed comprehensive plan amendment compatible with surrounding land uses?**

The comprehensive plan map change to commercial is compatible with surrounding land uses. The property is adjacent to existing agricultural uses that will support the intended use of the subject seven acre parcel. There are also M-1 (Light Industrial) and C-2 (Service Commercial) zoned properties in the immediate vicinity of the subject parcel. Caldwell also mentioned that the proposed designation is commensurate with their future land use designations along the Hwy 20 26 corridor (Exhibit 12, City of Caldwell comments).

**D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted?**

Development trends in the area have not changed since the plan was adopted, however, there are Industrial and Commercial zoned properties in the immediate area property and the comprehensive plan change would be commensurate to the current land uses as well as Caldwell’s Future Land Use designation.

**E. Will the proposed comprehensive plan amendment impact public services and facilities? What measures will be implemented to mitigate impacts?**

There has been no evidence received that the proposed comprehensive plan amendment would have an undue impact on public services and facilities. No mitigation measures are proposed at this time.

**F. Idaho Statutes: Title 67 Chapter 65 §67-6537 USE OF SURFACE AND GROUNDWATER: (4) “When considering amending, repealing, or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal, or adoption of the comprehensive plan would have on the source, quantity, and quality of groundwater in the area.”**

The proposed amendment would allow for the use of the property for commercial use. Any uses allowed or conditional permitted in accordance with CCZO, must comply with all applicable federal, state, and local laws with regard to water quantity and quality.

**Comments**

**Public Comments**

At the time the staff report was prepared, staff had received no comments from the public.

**Agency Comments**

Staff informed affected agencies of the proposal and their responses are attached as exhibits.

**Alternatives**

- The Planning and Zoning Commission may recommend approval of the comprehensive plan map change as proposed; or
- The Planning and Zoning Commission may recommend denial of the comprehensive plan map change as proposed; or
- The Planning and Zoning Commission may continue the discussion and request additional information on specific items.

**Significant Impacts**

At the time of this report staff has not identified significant impacts as a result a comprehensive plan map change from Agricultural to Residential.

**Recommendation**

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the comprehensive plan map change request.

Staff recommends that the Planning and Zoning Commission recommend approval to the Board of County Commissioners and staff has provided findings of fact and conclusions of law for the Planning and Zoning Commission’s consideration found in Exhibit 1.

**Rezone Criteria**

Standard of Review for Rezone CCZO 16-001 § (07-06-05)

**A. Is the proposed zone change generally consistent with the Comprehensive Plan?**

The proposed use is generally in conformance with the comprehensive plan. The proposed use complies with the following policies:

Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*

Land Use Goal No. 5 – *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”* The subject parcel is adjacent to a principle arterial with easy access to Hwy 20/26. The subject parcel is located in an area with industrial zoning, commercial zoning and agricultural zoning. This parcel is small for agricultural use and is set up to support the surrounding agricultural parcels.

Area of City Impact Policy No. 1- *“The County recognizes that each city in the county has its individual identity and development plan. Expand or reduce areas of city impact according to each city’s trade area, geographic factors, water and sewer service areas, and areas that can be reasonably annexed to the city in the future. Idaho Code §67-6526 (b).* The subject property is located within Caldwell’s City Impact Area and designated as Commercial (Exhibit 12).

Public Services, Facilities and Utilities Policy No. 3 *“Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.”* The subject property is located within Caldwell’s Fire District.

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.”* The applicants intended use of selling agricultural related products directly supports the local agricultural community (See applicants letter of intent 2).

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.”* The applicant’s intended use will enhance the existing lifestyle by supporting agricultural operations to sell their products in a controlled, planned and constructive manner.

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

Evidence has not been provided that the Commercial (C-2) designation will negatively impact the surrounding land uses. There are currently agricultural, uses in the vicinity of the subject property would support a commercial. There are also existing industrial/commercial zoning in the immediate area. This parcel is along Hwy 20/26 and is a smaller (7) seven acre parcel with a majority being built out by the existing structures.

A rezone to C-2(Service Commercial) is more appropriate than the current designation of Agricultural due the size of the parcel and proximity to a principle arterial. The City of Caldwell has designated this area as Commercial (Exhibit 12, City of Caldwell comments).

**C. Is the proposed zoning map amendment compatible with surrounding land uses?**

The rezone to C-2 (Service Commercial) is compatible with surrounding land uses. The property is adjacent to existing agricultural uses that are supported by the intended use of the subject 7 acre parcel. There are also M-1 (Light Industrial) and C-2 (Service Commercial) zoned properties in the immediate vicinity of the subject parcel. Caldwell also mentioned that the proposed designation is commensurate with their future land use designations along the Hwy 20 26 corridor (Exhibit 12, City of Caldwell comments).

**D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?**

There has been no evidence received that the proposed comprehensive plan amendment would have an undue impact on public services and facilities. No mitigation measures are proposed at this time.

**E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment?**

Individual domestic wells and individual septic systems are proposed for the development. The applicant will be required to meet Southwest District Health requirements.

Utilities will be provided to accommodate the proposed use.

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

ITD has not commented on the application at this time. During the Code Enforcement case (CDEF17-001, Exhibit 15), ITD made the applicant and County staff aware that the property owner will need approval of an approach permit required as part of the building permit process.

**G. Does the proposed zoning map amendment 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 measures have been taken to mitigate road improvements or traffic impacts?**

The applicant will be required to meet Idaho Department of Transportation requirements. The development of the site will require an approach permit from the district at the time of building permit application. No mitigation measures are proposed at this time.

**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?**

Canyon County Ambulance District, Notus School District, Caldwell Fire Department, and Canyon County Sheriff were notified of the request and did not provide responses to indicate that the proposed zone change amendment would have a negative impact. Therefore, the proposed zone change amendment will not impact essential public services and facilities, and no measures are proposed to mitigate impacts.

**Comments**

**Public Comments**

At the time the staff report was prepared, staff had not received comments from the public.

**Agency Comments**

Staff informed affected agencies of the proposal and their responses are attached as exhibits.

**Alternatives**

- The Planning and Zoning Commission may recommend approval of the zoning map amendment as proposed; or
- The Planning and Zoning Commission may recommend denial of the zoning map amendment as proposed; or
- The Planning and Zoning Commission may continue the discussion and request additional information on specific items.

**Significant Impacts**

At the time of this report staff has not identified significant impacts as a result of a zoning map amendment from an “A” (Agricultural) to a “C-2” (Service Commercial) zone.

**Recommendation**

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed zoning map amendment.

Staff recommends that the Planning and Zoning Commission recommend approval to the Board of County Commissioners and staff has provided findings of fact and conclusions of law for the Planning and Zoning Commission’s consideration found in Exhibit 1A.



## **Canyon County Planning & Zoning Commission**

### **Blue Barn Produce –Comprehensive Plan Map Change -PH2017-42**

Development Services Department

August 17, 2017

#### **Findings of Fact**

1. The applicant is requesting a Comprehensive Plan Map Change to change the designation of parcel R34600 from Agricultural to Commercial. Also requested is a Zoning Map Amendment from “A” (Agricultural) to “C-2” (Service Commercial).
2. The property owner is involved in an active Code Enforcement case (CDEF17-001).
3. The subject property is located on the north side of Hwy 20/26., approximately 1420 feet west of the intersection of Farmway Road and Hwy 20 26, in a portion of the SE ¼ of Section 08, T4N, R3W, BM, Canyon County, Idaho.
4. The subject property is located within Notus Parma Hwy District, Caldwell Rural Fire Department, Canyon Ditch Co., and Notus School District.
5. The subject property is located within Caldwell’s Area of City Impact.
6. The subject property is designated as “Agricultural” on the 2020 Canyon County Future Land Use Map.
7. The neighborhood meeting was held on 6/12/17 in accordance with CCZO §07-01-15.
8. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 7/18/17, Newspaper notice was provided on 7/20/17, property owners within 300’ were notified by mail on 7/20/17 and the property was posted on or before 8/10/17.

#### **Conclusions of Law**

For case file PH2017-42 the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Comprehensive Plan Amendment CCZO 16-001 § (07-06-03):

#### **Comprehensive Plan Amendment Criteria:**

##### **A. Is the requested type of growth generally in conformance with the comprehensive plan?**

Conclusion: The proposed use is generally in conformance with the comprehensive plan.

Finding: The proposed use complies with the following policies:

Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*

Land Use Goal No. 5 – *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”* The subject parcel is adjacent to a principle arterial with easy access to Hwy 20/26. The subject parcel is located in an area with industrial zoning, commercial zoning and agricultural zoning. This parcel is small for agricultural use and is set up to support the surrounding agricultural parcels.

Area of City Impact Policy No. 1- *“The County recognizes that each city in the county has its individual identity and development plan. Expand or reduce areas of city impact according to each city’s trade area, geographic factors, water and sewer service areas, and areas that can be reasonably annexed to the city in the future. Idaho Code §67-6526 (b).* The subject property is located within Caldwell’s City Impact Area and designated as Commercial (Exhibit 12).

Public Services, Facilities and Utilities Policy No. 3 “*Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.*” The subject property is located within Caldwell’s Fire District.

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.*” The applicants intended use of selling agricultural related products directly supports the local agricultural community (See applicants letter of intent 2).

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.*” The applicant’s intended use will enhance the existing lifestyle by supporting agricultural operations to sell their products in a controlled, planned and constructive manner.

**B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation?**

Conclusion: The proposed designation change is reflective of the existing rural residential uses and zoning in the area.

Finding: In making a determination whether or not the proposed map change is more appropriate than the current residential designation is dependent on whether the change will negatively impact the surrounding land uses in the area. Evidence has not been provided that the residential designation will negatively impact the surrounding land uses. There are currently agricultural, uses in the vicinity of the subject property that are supported by a commercial use such as this as well as existing industrial/commercial zoning in the immediate area. This parcel is along Hwy 20/26 and is a smaller (7) seven acre parcel with a majority being built out by the existing structures.

A comprehensive plan designation of Commercial is more appropriate than the current designation of Agricultural due the size of the parcel and proximity to a principle arterial. The City of Caldwell has designated this area as Commercial (Exhibit 12, City of Caldwell comments).

**C. Is the proposed comprehensive plan amendment compatible with surrounding land uses?**

Conclusion: The proposed comprehensive plan amendment is compatible with surrounding land uses and zoning.

Finding: The comprehensive plan map change to commercial is compatible with surrounding land uses. The property is adjacent to existing agricultural uses that are supported by the intended use of the subject 7 acre parcel. There are also M-1 (Light Industrial) and C-2 (Service Commercial) zoned properties in the immediate vicinity of the subject parcel. Caldwell also mentioned that the proposed designation is commensurate with their future land use designations along the Hwy 20 26 corridor (Exhibit 12, City of Caldwell comments).

**D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted?**

Conclusion: The development trends in the general area have not changed since the comprehensive plan was adopted, however, the proposed change is reflective of the surrounding land uses and industrial/commercial zoning.

Finding: Development trends in the area have not changed since the plan was adopted, however, there are industrial and commercially zoned properties in the immediate area property and the comprehensive plan change would be commensurate to the current land uses as well as Caldwell's Future Land Use designation (Exhibit 12).

**E. Will the proposed comprehensive plan amendment impact public services and facilities? What measures will be implemented to mitigate impacts?**

Conclusion: The proposed comprehensive plan amendment will not impact public services or facilities.

Finding: There has been no evidence received that the proposed comprehensive plan amendment would have an undue impact on public services and facilities. No mitigation measures are proposed at this time.

**F. Idaho Statutes: Title 67 Chapter 65 §67-6537 USE OF SURFACE AND GROUNDWATER: (4)  
“When considering amending, repealing, or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal, or adoption of the comprehensive plan would have on the source, quantity, and quality of groundwater in the area.”**

The proposed amendment would allow for the use of the property for commercial use. Any uses allowed or conditional permitted in accordance with CCZO, must comply with all applicable federal, state, and local laws with regard to water quantity and quality.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein the Planning and Zoning Commission **recommends approval** to the Board of County Commissioners on Case # PH2017-42 for a **Comprehensive Plan Map Change** to change the designation of parcel R34600 from Agricultural to Commercial.

**APPROVED** this 17<sup>nd</sup> day of August, 2017

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

\_\_\_\_\_  
Richard Hall, Chairman

State of Idaho            )  
                                  )  SS  
County of Canyon County)

On this \_\_\_\_ Day of \_\_\_\_\_ in the year of 2017, before me \_\_\_\_\_, a notary public, personally appeared Gary Duspiva personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**Canyon County Planning & Zoning Commission**  
**Blue Barn Produce–Rezone -PH2017-43**

Development Services Department

August 17, 2017

**Findings of Fact**

1. The applicant is requesting a Comprehensive Plan Map Change to change the designation of parcel R34600 from Agricultural to Commercial. Also requested is a Zoning Map Amendment from “A” (Agricultural) to “C-2” (Service Commercial).
2. The property owner is involved in an active Code Enforcement case (CDEF17-001).
3. The subject property is located on the north side of Hwy 20/26., approximately 1420 feet west of the intersection of Farmway Road and Hwy 20 26, in a portion of the SE ¼ of Section 08, T4N, R3W, BM, Canyon County, Idaho.
4. The subject property is located within Notus Parma Hwy District, Caldwell Rural Fire Department, Canyon Ditch Co., and Notus School District.
5. The subject property is located within Caldwell’s Area of City Impact.
6. The subject property is designated as “Agricultural” on the 2020 Canyon County Future Land Use Map.
7. The neighborhood meeting was held on 6/12/17 in accordance with CCZO §07-01-15.
8. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on 7/18/17, Newspaper notice was provided on 7/20/17, property owners within 300’ were notified by mail on 7/20/17 and the property was posted on or before 8/10/17.

**Conclusions of Law**

For case file PH2017-43 the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Rezone CCZO 16-009 § (07-06-05):

**Rezone Criteria**

**A. Is the proposed zone change generally consistent with the Comprehensive Plan?**

**Conclusion:** The proposed zone change is consistent with the Comprehensive Plan.

**Finding:** Yes. The proposed zone change is consistent with the applicable Comprehensive Plan goals & policies:

Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*

Land Use Goal No. 5 – *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.”* The subject parcel is adjacent to a principle arterial with easy access to Hwy 20/26. The subject parcel is located in an area with industrial zoning, commercial zoning and agricultural zoning. This parcel is small for agricultural use and is set up to support the surrounding agricultural parcels.

Area of City Impact Policy No. 1- *“The County recognizes that each city in the county has its individual identity and development plan. Expand or reduce areas of city impact according to each city’s trade area, geographic factors, water and sewer service areas, and areas that can be reasonably annexed to the city in the future. Idaho Code §67-6526 (b).* The subject property is located within Caldwell’s City Impact Area and designated as Commercial (Exhibit 12).

Public Services, Facilities and Utilities Policy No. 3 “*Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.*” The subject property is located within Caldwell’s Fire District.

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.*” The applicants intended use of selling agricultural related products directly supports the local agricultural community (See applicants letter of intent 2).

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.*” The applicant’s intended use will enhance the existing lifestyle by supporting agricultural operations to sell their products in a controlled, planned and constructive manner.

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

Conclusion: The proposed zone change is more appropriate than the current designation, and reflects the existing uses and zoning adjacent to the property. The properties are also located within Caldwell’s Impact Area.

Finding: Evidence has not been provided that the Commercial designation will negatively impact the surrounding land uses. There are currently agricultural, uses in the vicinity of the subject property that are supported by a commercial use such as this as well as existing industrial/commercial zoning in the immediate area. This parcel is along Hwy 20/26 and is a smaller (7) seven acre parcel with a majority being built out by the existing structures.

A rezone to C-2(Service Commercial) is more appropriate than the current designation of Agricultural due the size of the parcel and proximity to a principle arterial. The City of Caldwell has designated this area as Commercial (Exhibit 12, City of Caldwell comments).

**C. Is the proposed zoning map amendment compatible with surrounding land uses?**

Conclusion: The proposed Rezone is compatible with surrounding land uses and zoning.

Finding: The rezone to C-2 (Service Commercial) is compatible with surrounding land uses. The property is adjacent to existing agricultural uses that are supported by the intended use of the subject 7 acre parcel. There are also M-1 (Light Industrial) and C-2 (Service Commercial) zoned properties in the immediate vicinity of the subject parcel. Caldwell also mentioned that the proposed designation is commensurate with their future land use designations along the Hwy 20 26 corridor (Exhibit 12, City of Caldwell comments).

**D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts.**

Conclusion: The proposed zoning map amendment will not negatively affect the character of the area.

Finding: The proposed zoning map amendment will not negatively affect the character of the area. The area is primarily agricultural in character and the proposed use will support the agricultural community.

**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 provided to accommodate the use.

Finding: Individual domestic wells and individual septic systems are proposed for the development. The applicant will be required to meet Southwest District Health requirements.

**F. Does legal access to the subject property for the development exist for the zoning map amendment or will it exist at the time of development?**

Conclusion: The subject property has frontage on Hwy 20/26, a public road.

Finding: ITD has not commented on the application at this time. During the Code Enforcement case (CDEF17-001, Exhibit 15), ITD made the applicant and County staff aware that the property owner will need approval of an approach permit required as part of the building permit process.

**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 measures have been taken to mitigate road improvements or traffic impacts?**

Conclusion: Applicant will be required to comply with all standards as required by Idaho Department of Transportation.

Finding: The applicant will be required to meet Idaho Department of Transportation requirements. The development of the site will require an approach permit from the district at the time of building permit application. No mitigation measures are proposed at this time.

**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 amendment will not impact essential public services and facilities.

Finding: Canyon County Ambulance District, Notus School District, Caldwell Fire Department, and Canyon County Sheriff were notified of the request and did not provide responses to indicate that the proposed zone change amendment would have a negative impact. Therefore, the proposed zone change amendment will not impact essential public services and facilities, and no measures are proposed to mitigate impacts.

**Order**

Based upon the Findings of Fact, Conclusions of Law contained herein the Planning and Zoning Commission **recommends approval** of Case # PH2017-43 a **Rezone** of approximately 7 acres (R34600) from an "A" (Agricultural) zone to a "C-2" (Service Commercial) zone.

**APPROVED** this 17th day of August, 2017

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

\_\_\_\_\_  
Richard Hall, Chairman

State of Idaho            )  
                                  )  SS  
County of Canyon County)

On this \_\_\_\_ Day of \_\_\_\_\_ in the year of 2017, before me \_\_\_\_\_, a notary public, personally appeared Gary Duspiva personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_