



Planning & Zoning Commission Staff Report

Michael Freer – PH2017-56

Hearing Date: October 5, 2017

Development Services Department

<p><u>Applicant:</u> Michael Freer</p> <p><u>Representative:</u> Alan Mills</p> <p><u>Staff:</u> Kyle McCormick, 455-5958 kmcormick@canyonco.org</p> <p><u>Tax ID:</u> R33969-010</p> <p><u>Current Zone:</u> “A” (Agricultural)</p> <p><u>Comprehensive Plan:</u> 2020 Canyon County Comprehensive Plan</p> <p><u>Lot Size/ acres</u> 18.995 acres</p> <p><u>Current Use:</u> Agricultural</p> <p><u>Applicable Zoning Land Use Regulations: CCZO 12-008</u></p> <ul style="list-style-type: none">• 07-06-05 <p><u>Notification</u></p> <ul style="list-style-type: none">• September 1, 2017 Agencies/JEPA Mailing• September 7, 2017: Property Owners Mailing• September 25, 2017 – Posting (on or before) <p><u>Exhibits:</u></p> <ol style="list-style-type: none">1. Findings, Conclusions, & Order2. Letter of Intent3. Site Plan4. Small Aerial Photo5. Vicinity Map6. Zoning Map7. Subdivision Map8. Soil Map	<p><u>Request</u> Michael Freer with Evans Creek Property LLC represented by Alan Mills are requesting a rezone of Parcel R33969-010, approximately 19 acres, from Agricultural (A) to Single Family Residential (R-1). The subject parcel is located within Middleton’s Area of City Impact and designated Residential on Canyon County’s Future Land Use Map. The subject property is located at 0 Stoffle Lane, Middleton, ID in NE ¼ of Section 10, T4N, R2W, BM.</p> <p><u>Background</u> The subject property is zoned “A” (Agricultural). The subject property was once part of an original 40 acre parcel and was divided by deed in 2004. Any further divisions of the property require a rezone. The property adjacent on the east side recently went through a rezone From Agricultural to Rural Residential (RR) (Case #PH2013-16). The portion that was rezoned was divided into two residential parcels, therefore there are currently three parcels on the original. If this request is approved, platting will not be required unless the parcel is divided into more than two parcels.</p> <p><u>Analysis</u> The purpose of the “R-1” (Single Family Residential) zone is to promote and enhance predominantly single family living area at a low density standard.. The applicant is requesting to rezone approximately 18.995 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. There are currently no residences on site. The subject property is designated as Residential on the Canyon County Future Land Use Map and the proposed rezone is in accordance with this designation. The City of Middleton’s comprehensive plan designates the property as “Residential.” The immediate vicinity is a mix of agricultural and residential uses. West of the subject property are platted subdivisions and to the east are larger parcels with sporadic housing. There are 22 platted subdivisions within one (1) mile of the subject property with an average lot size of 2.24 acres (Exhibit 7). The property is bordered on the north by Middleton City limits and is also located within Middleton’s impact area. The proposed rezone would be similar to the uses that currently exist in the area and the trend of residential development in this area. The City of Middleton commented on the application stating that the property within the City to the north is currently being developed into a subdivision. The comments mentioned that a city sewer system mainline will be stubbed to the north boundary of the subject property, and that the city water system is approximately two miles west, at the intersection of Duff Lane and E. 9th St. The City of Middleton also requested that the property owners dedicate the north 50 ft of the</p>
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<p>9. Prime Farmland Map 10. Canyon County 2020 Future Land Use Map 11. Middleton Future Land Use Map 12. Southwest District Health 13. Star Fire Protection District 14. City of Middleton Comments 15. Canyon Hwy District Comments 16. Large Aerial</p>	<p>subject property for future road right of way (Exhibit 14).</p> <p>Canyon Highway District commented on the application stating that they have been working with the applicant and the City of Middleton on future road networks and access locations. The City of Middleton requested an alternative location to an existing planned minor arterial from Stoffle Lane to Kingsbury Road. The alternative access location for the subject parcel is going through the center of the parcel, north to south, between Stoffle Lane and the future collector road on the north side of the parcel. The Canyon Hwy District Board of Commissioners approved the alternative location on May 18, 2017 (Exhibit 15). The map labeled, "City of Middleton preferred alternative" is the approved access location (Exhibit 15, map of City of Middleton preferred alternative).</p>
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Rezone Criteria

Standard of Review for Rezone CCZO 12-008 § (07-06-05)

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

Yes. The proposed zone change is consistent with the applicable Comprehensive Plan.

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

Population Policy No. 3 –*"Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses."*

Land Use Goal No. 5– *"Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural uses may occur in the same area."*

Land Use Goal No. 6– *"Designate areas where rural type development will likely occur and recognize areas where agricultural development will likely occur."*

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."*

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

The proposed zone is reflective of the Comprehensive Plan designation of Residential. In making a determination whether or not the proposed residential designation is more appropriate than the current agricultural zone is dependent on whether the proposed zone will negatively impact the surrounding land uses in the area. The proposed Single Family Zoning (R-1) will not negatively impact land uses in the area due to the close proximity of city limits and existing plated subdivisions.

C. Is the proposed rezone compatible with surrounding land uses?

The proposed rezone is compatible with surrounding land uses. The surrounding land uses are residential and agricultural in nature. The subject property is bordered on the north by Middleton city limits. There are 22 platted subdivisions within one (1) mile of the subject property. The property is located within Middleton’s impact area.

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

The proposed use will not negatively affect the character of the area. The proposed rezone to Single Family Residential will be similar to surrounding land uses, including platted subdivisions, Rural Residentially zoned properties and the subject property is adjacent to city limits, therefore, no mitigation measures are proposed. (Exhibit 6 & 7).

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

The applicant proposes individual septic and domestic wells. Adequate facilities and services will be provided to accommodate the use. The applicant will be required to acquire the appropriate permits and provide adequate utilities and drainage facilities at the time of development (Exhibit 12, Southwest District Health).

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

The subject property has access to Stoffle Lane, a public road. Canyon Highway District No. 4 has approved an alternative location for future accesses (Exhibit 15). The City of Middleton and Canyon Hwy District are also requiring 50 ft. half width road right of way designation if this gets approved. Since rezones are not able to be conditioned, this would be a condition of approval on any subsequent subdivision plat applications.

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?

Canyon Hwy District #4 stated in their staff report to the CHD4 Board of Commissioners that the alternative access locations are acceptable. The access spacing for the local road connections on Stoffle Lane and the future major collector north of the development are reasonable and although they do not precisely meet CHD4 standards the proposed access density generally does comply with the policy (Exhibit 15). They also stated, the proposed local road connection between Stoffle Lane and the future east-west collector will provide local traffic a means to access the Kingsbury Rd. for EB Hwy 44 traffic if and when left hand turn are restricted at the Stoffle Lane approach (Exhibit 15).

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?

Middleton School District, Canyon County Sheriff, and Canyon County Ambulance were notified of the request and did not provide responses to indicate that the proposed zone change would have a negative impact. The Star Fire District recommended approval of the rezone, with the condition that the property owners place a water supply system in (Exhibit 13). Therefore, the proposed zone change amendment will not impact essential public services and facilities, and no measures are proposed to mitigate impacts.

Comprehensive Plan

The proposed “R-1” (Single Family Residential) zoning is consistent with the Canyon County Future Land Use Map. This request is also consistent with the Canyon County 2020 Comprehensive Plan goals and policies including but not limited to:

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

Population Policy No. 3 –*“Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.”*

Land Use Goal No. 5– *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural uses may occur in the same area.”*

Land Use Goal No. 6– *“Designate areas where rural type development will likely occur and recognize areas where agricultural development will likely occur.”*

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.”*

Comments

Public Comments

At the time the staff report was prepared, staff had received no letters stating opposition to the rezone.

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 rezone as proposed; or
- The Planning and Zoning Commission may recommend denial of the rezone 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 zone change from “A” (Agricultural) to “R-1” (Single Family Residential).

Recommendation

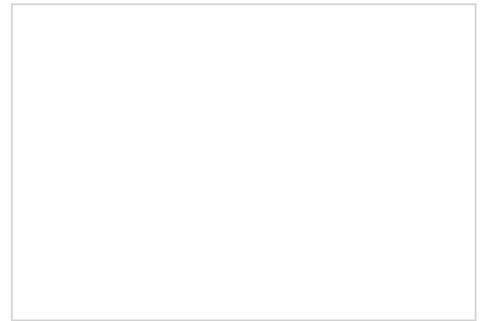
Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed rezone. Staff recommends that the Planning and Zoning Commission **recommend approval** to the Board of County Commissioners and staff has provided findings of fact and conclusions of law for the Planning and Zoning Commission’s consideration found in Exhibit 1.



Canyon County Planning & Zoning Commission

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Findings of Fact

1. The applicant is requesting to rezone approximately 19 acres from an “A” (Agricultural) zone to “R-1” (Single Family Residential) zone.
2. The subject property is located at 0 Stoffle Lane, Middleton, Idaho, in a portion of the NE ¼ of Section 10, T4N, R2W, BM.
3. The subject property is located within Canyon Highway District, Star Fire Department, Middleton School District, and Middleton Mill Ditch Company.
4. The subject property is located within Middleton’s impact area and is adjacent to city limits.
5. The subject property is designated as “Residential” on the Canyon County Future Land Use Map.

Conclusions of Law

For case file PH2017-56, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for rezone CCZO 12-008 § (07-06-05):

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

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

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

1. Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*
2. Population Policy No. 3 –*“Encourage future population to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.”*
3. Land Use Goal No. 5– *“Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural uses may occur in the same area.”*
4. Land Use Goal No. 6– *“Designate areas where rural type development will likely occur and recognize areas where agricultural development will likely occur.”*
5. 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.”*

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

Conclusion: The proposed zone is reflective of the Comprehensive Plan designation of residential.

Finding: The proposed zone is reflective of the Comprehensive Plan designation of residential. In making a determination whether or not the proposed R-1 designation is more appropriate than the current agricultural zone is dependent on whether the proposed zone will negatively impact the surrounding land uses in the area. The proposed residential designation will not negatively impact land uses in the area due to the close proximity of city limits and existing plated subdivisions.

C. Is the proposed rezone compatible with surrounding land uses?

Conclusion: The proposed use is compatible with existing land uses.

Finding: The proposed rezone is compatible with surrounding land uses. The surrounding land uses are residential and agricultural in nature. The subject property is bordered on the north by Middleton city limits. There are 22 platted subdivisions within one (1) mile of the subject property. The property to the east was rezoned in 2013 to R-R (Rural Residential). The property is located within Middleton's impact area.

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

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

Finding: The proposed use will not negatively affect the character of the area. The proposed rezone to Single Family Residential (R-1) will be similar to surrounding land uses, including platted subdivisions, and the subject property is adjacent to city limits, therefore, no mitigation measures are proposed. (Exhibit 6 & 7).

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: The applicant proposes individual septic and domestic wells. Adequate facilities and services will be provided to accommodate the use. The applicant will be required to acquire the appropriate permits and provide adequate utilities and drainage facilities at the time of development.

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

Conclusion: Legal access to the subject property exists via Stoffle Road., a public road.

Finding: The subject property has access to Stoffle Lane, a public road. Canyon Highway District No. has approved an alternative location for future accesses (Exhibit 15). The City of Middleton and Canyon Hwy District are also requiring 50 ft. half width road right of way designation if this gets approved. Since rezones are not able to be conditioned, this will be required on any subsequent plat applications.

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: The subject property has adequate access and the proposed plan approved by Canyon Hwy District #4 will minimize undue interference with existing or future traffic patterns.

Finding: Canyon Hwy District #4 stated the access spacing for the local road connections on Stoffle Lane and the future major collector north of the development are reasonable and although they do not precisely meet CHD4 standards the proposed access density generally does comply with the policy (Exhibit 15). They also stated, the proposed local road connection between Stoffle Lane and the future east-west collector will provide local traffic a means to access the Kingsbury Rd. for EB Hwy 44 traffic if and when left hand turn are restricted at the Stoffle Lane approach (Exhibit 15).

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: Middleton School District, Canyon County Sheriff, and Canyon County Ambulance were notified of the request and did not provide responses to indicate that the proposed zone change would have a negative impact. The Star Fire District recommended approval of the rezone, with the condition that the property owners place a water supply system in (Exhibit 13). 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** to the Board of County Commissioners of Case # PH2016-56, to **rezone** parcel no. R33969-010 that totals approximately 19 acres from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone.

APPROVED this 5^h day of October 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 Kathy Frost, a notary public, personally appeared Richard Hall 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: _____