



Planning and Zoning Staff Report Doornenbal - Rezone, RZ2018-0021

Hearing Date: December 6, 2018

Development Services Department

Owners:

Rien & Lieske Doornenbal

Applicant:

Caleb LaClair, T-O Engineers

Staff:

Dan Lister, Planner II

Tax ID:

R38195

Parcel Size

57.38 acres

Current Zone:

“A” (Agricultural)

Future Land Use Designation:

Residential

City Impact Area:

Middleton

Applicable Zoning Land Use

Regulations:

CCZO §07-05-01, §07-06-05

Notification:

- 9/7/18 & 9/11/18: Agencies/JEPA
- 9/17/18: Property Owners
- 9/17/18: Publication
- 10/9/2018: Posting

Exhibits:

1. Proposed FCO’s
2. Applicant’s Letter of Intent/Site Plan
3. Case Maps
 - a. Vicinity
 - b. Zoning
 - c. Subdivision and Lot Report
 - d. Soil
 - e. Farmland with Report
 - f. Case Maps and Report
 - g. Future Land Use
 - h. Middleton’s Future Land Use
4. Agency Comments
 - a. City of Middleton
 - b. Canyon Highway District
 - c. Idaho Transportation Department
 - d. Community Planning Association of Southwest Idaho (COMPASS)
5. Large Aerial Photo

Request

The applicant is requesting to rezone parcel R38195, approximately 57.38 acres, from Agricultural (A) to Single-Family Residential (R-1). The vacant property is located near Purple Sage Road and adjacent to Vavold Heights Subdivision in Middleton; further described as a portion of the NW quarter of Section 35, Township 5N, Range 3W; Canyon County, ID.

On October 18, 2018, upon request of the applicant, the Planning and Zoning Commission tabled the hearing of the item to December 6, 2018.

Background/Setting

The subject parcel was once a portion of an original lot that has been divided multiple times, including the adjacent Vavold Heights Subdivision. Therefore, the parcel is considered an agricultural parcel with no building permit available.

In 2006, a conditional use permit was approved to allow a 24 lot subdivision on the subject parcel (CU2005-80). However, the permit expired in 2011. If approved, the applicant is proposing a 40 lot subdivision with an average lot size of 1.4 acres (SD2018-0019). Pursuant to the applicant’s letter of intent (Exhibit 2), the one acre lot sizes are needed in the current housing market and the size is more manageable than a parcel two acres in size or more.

The 2020 Canyon County Comprehensive Plan designates the future land use of the parcel as “residential” (Exhibit 3g). The parcel is located within the City of Middleton’s Impact Area which also designates the area as “residential” (Exhibit 3h). The subject parcel is approximately 3,700 feet west of the Middleton city limits. City services are approximately one mile from the parcel.

The property is currently zoned “A” (Agricultural, 40 acre minimum lot size). Majority of the area is zoned agricultural. However, the “RR” (Rural Density Residential, 2 acre average minimum lot size) Zoning District has grown significantly in the area (Exhibit 3b). The “R-1” Zoning District can be found adjacent to City of Middleton’s city limits. However, recent approvals have allowed R-1 Zoning Districts in locations further away from the city limits (RZ2018-0010, PH2017-74 & PH2017-60).

Pursuant to the Subdivision Map and Lot Report (Exhibit 3c), a total of 33 subdivisions have been established within the area. Of the 33 subdivision, only 5 were approved between 2013 and 2018 under the 2020 Comprehensive Plan. The parcels have with an average lot size of two acres of more per lot. The remaining 28 subdivisions were created between 1973 and 2008. 17 out of 33 subdivisions consist of 2 acres average lot sizes or larger and are zoned “A” or “RR” (Exhibit 3b).

The property currently has agricultural access from Purple Sage Road, a principal arterial. Upon review by Canyon Highway District (Exhibit 4b), development of the parcel will require right-of way dedication, frontage improvements and public access that meet the highway district’s standards.

Based on Soils and Farmland Maps and Report (Exhibit 3d and 3e), the parcel is primarily prime farmland with best to moderately suited soil. As stated in comment letter from COMPASS (Community planning Association of Southwest Idaho), “the location is still largely farmland area with over 1,000 acres of farmland within one mile of the property” (Exhibit 4d).

COMPASS reviewed the rezone for consistency with Communities in Motion 2040 (CIM), the regional long-range transportation plan for Ada and Canyon Counties. COMPASS finds that the rezone which could potentially create 57 new homes does not exceed CIM forecasts (Exhibit 4d). Based upon TAZ (Traffic Allocation Zone) data, the subject parcel is located in TAZ 2087, an approximate 1,000 acre area, which identifies the current population as 528 people with 171 houses. The CIM forecast shows the population in 2040 to be 568 people and 190 houses. The growth is 40 people and 19 new houses by 2040. Therefore, the rezone does exceed CIM transportation plan forecasts and may contribute to cumulative transportation impacts.

Analysis

Pursuant §07-06-05 of the Canyon County Zoning Ordinance, standards and criteria must be evaluated related to a zoning amendment (rezone) application. Upon review of the requested rezone, subject to the required standards and criteria, the following was determined:

A. Is the proposed zone change generally consistent with the comprehensive plan?

The requested rezone is generally consistent with the comprehensive plan. The 2020 Canyon County Comprehensive Plan designates the future land use of the parcel as “residential” (Exhibit 3g). The parcel is located within the City of Middleton’s Impact Area which also designates the area as “residential” (Exhibit 3h).

The rezone is consistent with the following comprehensive plan goals and policies:

- Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*
- 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.”*
- Population Policy No. 3 – *“Encourage future population to locate within areas that are conducive to residential living and that do not pose an incompatible land use to other land uses.”*
- Land Use Policy #11 – *“Coordinate planning and development with applicable highway district and health officials.”*
- Land Use – Residential Policy #1 – *“Encourage high density residential in areas of city impact.”*

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

The property is zoned “A” (Agricultural, 40 acre minimum lot size). However, the surrounding area has been altered over the years to accommodate residential growth. The parcel is located within Middleton’s City Impact Area where the future land use is residential (Exhibit 3h). Therefore, residential growth in the area is to be expected and encouraged within City Impact Areas.

The “RR” (Rural Residential, 2 acre average lot size) and “A” Zoning Districts are the dominating zones of the area. However, the “R-1” (Single Family Residential, 1 acre average lot size) Zoning District have recently been approved within the general area (RZ2018-0010, PH2017-74 & PH2017-60). The nearest “R-1” Zoning Districts to the subject parcel is located over 4,000 feet to the west and to the east of the parcel. The “R-1” Zoning District to the east is adjacent to city limits. The “R-1” Zoning District to the west was approved in 2018 (RZ2018-0010).

The subject parcel is adjacent to two older subdivisions with similar lot sizes as proposed by this requested rezone (Exhibit 3c). Vavold Heights Subdivision (west of the subject parcel) was created in 2005 with an average lot size of 1.05 acres. Drake Subdivision (southwest of the subject parcel) was created in 1973 with an average lot size of 0.98 acres. The general area consists of 16 older subdivisions with an average lot size less than two acres.

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

The “RR” and “A” Zoning Districts are the dominating zones of the area (Exhibit 3b). However, the parcel is located within Middleton’s City Impact Area where the future land use is “residential” (Exhibit 3h). Residential growth in the area is to be expected and encouraged within City Impact Areas. The parcel is adjacent to two older subdivisions that have similar lot sizes as proposed by this requested rezone (Exhibit 3c). Vavold Heights Subdivision (west of the subject parcel) was created in 2005 with an average lot size of 1.05 acres. Drake Subdivision (southwest of the subject parcel) was created in 1973 with an average lot size of 0.98 acres. The outcome will provide consistency with the existing residential uses found within adjacent subdivisions.

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

The following may pose to be a negative impact to the area:

- The “RR” and “A” Zoning Districts are the dominating zones of the area (Exhibit 3b). Although 16 of the older subdivisions in the area consist of an average lot size of less than two acre, 17 subdivisions have an average lot size of two acres or more (Exhibit 3c). The comment letter from COMPASS (Exhibit 4d) identifies the location as still largely farmland with over 1,000 acres of farmland within one mile of the property. Pursuant to farmland and soils report (Exhibit 3e), the property is mostly prime farmland with best to moderately best suited soils.
 - The property is located within an area designated for residential uses and growth (Exhibit 3g). City of Middleton’s comprehensive plan designates the future land use of the area as residential (Exhibit 3h). Recent approvals within the general area between 2017 and 2018 have allowed “R-1” Zoning Districts within the existing rural residential and agricultural setting.
- The rezone and subsequent subdivision of the parcel will create a traffic increase onto Purple Sage Road. The “R-1” Zoning District allows an average lot size of 1 acre. The 57 acre parcel could potentially allow 57 residential lots, approximately 542 average daily trips added to Purple Sage Road.
 - Canyon Highway District #4 (Exhibit 4b) and City of Middleton (Exhibit 4a) will require right-of-way dedication along Purple Sage Road and improvements to Ranch Road for future expansion and use. Unless 50 or more residential lots are proposed, impacts are considered less than significant and a traffic impact study not required. All highway district requirements and improvements will be reviewed for consistency at the time of platting. ITD (Exhibit 4c) does not oppose the request.
- The “R-1” Zoning Districts may limit the City of Middleton’s ability to expand in the future. Previously, City of Middleton has opposed “R-1” Zoning Districts unless the parcels are adjacent to city limits, citing Section 5-2-3, Table 1, Note 4 of the Middleton City Code (RZ2018-0010).
 - The City of Middleton provided a letter supporting the requested rezone (Exhibit 4a). Subject to the Joint Exercise power’s Agreement (JEPA) with the City of Middleton, the County must abide by the Canyon County Zoning and the Canyon County Subdivision Ordinance (CCZO §09-09-03).

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

Adequate facilities will be provided. Southwest District Health did not state they were in opposition, but did require that applicant set up a pre-application meeting during platting review. The irrigation district, Idaho Power and Intermountain Gas were notified of the request and did not provide comments. If this request is approved, platting will be required and the applicant will be required to show services are provided.

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

An agricultural access to the parcel exist on Purple Sage Road, a principal arterial. Canyon Highway District #4 requires access from Ranch Road located on the east end of the property. No direct access will be allowed onto Purple Sage Road (Exhibit 4b). All highway district requirements and improvements will be reviewed for consistency at the time of platting.

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?

The rezone of the 57.38 acre parcel to “R-1” (Rural Residential, 1 acre average minimum lot size) has the potential to create up to 57 residential parcels, approximately 542 average daily trips added to Purple Sage Road. Canyon Highway District reviewed the rezone based on the 40 acre subdivision described in the applicant’s letter of intent and existing sanitary restrictions (Exhibit 2) which does not meet the threshold to be considered a potential traffic impact and would not require a traffic impact study. However, the proposed subdivision would require to dedicate right-of-way along Purple Sage Road and Ranch Road and meet all ACCHD public road and permitting standards (Exhibit 4b). Idaho Transportation Department’s letter does not oppose the rezone (Exhibit 4c).

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?

Pursuant to the comment letter from COMPASS (Exhibit 4d), the nearest police station is 3.9 miles from the parcel. The nearest fire station is one mile away. The letter states “development within 1.5 miles of police and fire stations ensure that emergency services are more efficient.” No comments were received from affected essential public services regarding the requested rezone. No impacts to essential services were identified.

Comments

Public Comments

At the time of this report staff, no public comments were received.

County Agency Comments

The following agencies were notified:

Idaho Power	Southwest District Health	<input checked="" type="checkbox"/>	Canyon Highway District	CC Assessor’s Office
CC Sheriff	Intermountain Gas		Dept. of Water Resources	<input checked="" type="checkbox"/> City of Middleton
CC Ambulance	Black Canyon Irrigation Dist.		Middleton Fire District	Dept. of Enviro. Quality
Idaho Fish & Game	Middleton School District	<input checked="" type="checkbox"/>	COMPASS	<input checked="" type="checkbox"/> ITD

(The checked-box indicates a comment was received. See Exhibit 4 for comment letter)

Decision Options

- The Planning and Zoning Commission may **recommend approval** of the rezone to the Board of County Commissioners as request by the applicant;
- The Planning and Zoning Commission may **recommend denial** of the rezone to the Board of County Commissioners; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

Recommendation

Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed Rezone request. Staff is **recommending approval** and has provided findings of fact and conclusions of law for the Planning and Zoning Commission’s consideration found in Exhibit 1.



Canyon County Planning and Zoning Commission

Doornenbal – Rezone Case No. RZ2018-0021

Development Services Department

December 6, 2018

Findings of Fact, Conclusions of Law, and Order

Findings of Fact

1. The applicant, Rien & Lieske Doornenbal. Represented by T-O Engineers, is requesting to rezone parcel No. R38195 from an “A” (Agricultural) to an “R-1” (Single Family Residential) zone (Exhibit 2). Platting will be required prior to any development of the parcel.
2. The 57 acre property is designated ‘Residential’ on the 2020 Canyon County Future Land Use Map. (Exhibit 3g).
3. The subject property is located within the Middleton’s Area of City Impact (Exhibit 4a). The City of Middleton designates the property as “residential” on their Future Land Use Map (Exhibit 3h).
4. The subject property is located within the Canyon Highway District No. 4 (Exhibit 4b), Middleton Fire District, and Middleton School District.
5. On August 7, 2018, a neighborhood meeting was held in accordance with CCZO §07-01-15.
6. Notice of the public hearing was provided as per CCZO §07-05-01. Agencies were notified on September 7, 2018. Political notice was sent September 11, 2018. Property owners within 300 ft. were notified by mail on September 17, 2018. Newspaper notice was provided on September 17, 2018. Property was posted on October 9, 2018.
7. On October 18, 2018, upon request by the applicant, the Planning and Zoning Commission tabled the item to December 6, 2018.
8. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on December 6, 2018 and all information contained in DSD case file RZ2018-0021.

Conclusions of Law

For this request the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Zoning Amendment (§07-06-05):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zone change is consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The proposed rezone is consistent with the Future Land Use Map which has this area designated as “residential”. The proposed zoning of “R-1” (Single Family Residential) is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan including but not limited to:

- Property Rights Policy No. 1- *“No person shall be deprived of private property without due process of law.”*
- 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.”*
- Population Policy No. 3 – *“Encourage future population to locate within areas that are conducive to residential living and that do not pose an incompatible land use to other land uses.”*

- Land Use Policy #11 – *“Coordinate planning and development with applicable highway district and health officials.”*
- Land Use – Residential Policy #1 – *“Encourage high density residential in areas of city impact.”*

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

Conclusion: The proposed zone change is more appropriate as the current zoning designation.

Finding: The property is zoned “A” (Agricultural, 40 acre minimum lot size). However, the surrounding area has been altered over the years to accommodate residential growth. The parcel is located within Middleton’s City Impact Area where the future land use is residential (Exhibit 3h). Therefore, the zone change is more consistent with residential growth in the area and encourage within City Impact Areas.

The “RR” (Rural Residential, 2 acre average lot size) and “A” Zoning Districts are the dominating zones of the area. However, the “R-1” (Single Family Residential, 1 acre average lot size) Zoning District have recently been approved within the general area (RZ2018-0010, PH2017-74 & PH2017-60). The nearest “R-1” Zoning Districts to the subject parcel is located over 4,000 feet to the west and to the east of the parcel. The “R-1” Zoning District to the east is adjacent to city limits. The “R-1” Zoning District to the west was approved in 2018 (RZ2018-0010).

The subject parcel is adjacent to two older subdivisions with similar lot sizes as proposed by this requested rezone (Exhibit 3c). Vavold Heights Subdivision (west of the subject parcel) was created in 2005 with an average lot size of 1.05 acres. Drake Subdivision (southwest of the subject parcel) was created in 1973 with an average lot size of 0.98 acres. The general area consists of 16 older subdivisions with an average lot size less than two acres.

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

Conclusion: The proposed use is compatible with the surrounding land uses.

Finding: The proposed rezone is compatible with the surrounding land uses in the area. The “RR” and “A” Zoning Districts are the dominating zones of the area (Exhibit 3b). However, the parcel is located within Middleton’s City Impact Area where the future land use is “residential” (Exhibit 3h). Residential growth in the area is to be expected and encouraged within City Impact Areas. The parcel is adjacent to two older subdivisions that have similar lot sizes as proposed by this requested rezone (Exhibit 3c). Vavold Heights Subdivision (west of the subject parcel) was created in 2005 with an average lot size of 1.05 acres. Drake Subdivision (southwest of the subject parcel) was created in 1973 with an average lot size of 0.98 acres. The outcome will provide consistency with the existing residential uses found within adjacent subdivisions.

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

Conclusion: The proposed use will not negatively affect the character of the area and no mitigation is proposed or warranted at this time.

Finding: The proposed use will not negatively affect the area. The following are potential impacts that have been addressed or will be mitigated.

- The “RR” and “A” Zoning Districts are the dominating zones of the area (Exhibit 3b). Although 16 of the older subdivisions in the area consist of an average lot size of less than two acre, 17 subdivisions have an average lot size of two acres or more (Exhibit 3c). The comment letter from COMPASS (Exhibit 4d) identifies the location as still largely farmland with over 1,000 acres of farmland within one mile of the property. Pursuant to farmland and soils report (Exhibit 3e), the property is mostly prime farmland with best to moderately best suited soils.

- The property is located within an area designated for residential uses and growth (Exhibit 3g). City of Middleton’s comprehensive plan designates the future land use of the area as residential (Exhibit 3h). Recent approvals within the general area between 2017 and 2018 have allowed “R-1” Zoning Districts within the existing rural residential and agricultural setting.
- The rezone and subsequent subdivision of the parcel will create a traffic increase on Purple Sage Road. The “R-1” Zoning District allows an average lot size of one acre. The 57 acre parcel could potentially allow 57 residential lots, approximately 542 average daily trips added to Purple Sage Road.
 - Canyon Highway District #4 (Exhibit 4b) and City of Middleton (Exhibit 4a) will require right-of-way dedication along Purple Sage Road and improvement to Ranch Road for future expansion and use. Unless 50 or more residential lots are proposed, impacts are considered less than significant and a traffic impact study not required. All highway district requirements and improvements will be reviewed for consistency at the time of platting. ITD (Exhibit 4c) does not oppose the request.
- The “R-1” Zoning Districts may limit the City of Middleton’s ability to expand in the future. Previously, City of Middleton has opposed “R-1” Zoning Districts unless the parcels are adjacent to city limits, citing Section 5-2-3, Table 1, Note 4 of the Middleton City Code (RZ2018-0010).
 - The City of Middleton provided a letter supporting the requested rezone (Exhibit 4a). Subject to the Joint Exercise power’s Agreement (JEPA) with the City of Middleton, the County must abide by the Canyon County Zoning and the Canyon County Subdivision Ordinance (CCZO §09-09-03).

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

Conclusion: Adequate sewer, drainage, and storm water drainage facilities and utility systems will be provided to accommodate the proposed use at the time of development.

Finding: Adequate facilities will be provided. Southwest District Health did not state they were in opposition, but did require that applicant set up a pre-application meeting during platting review. The irrigation district, Idaho Power and Intermountain Gas were notified of the request and did not provide comments. If this request is approved, platting will be required and the applicant will be required to show services are provided.

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

Conclusion: Agricultural access to the parcel exist via Purple Sage Road.

Finding: An agricultural access to the parcel exist on Purple Sage Road, a principal arterial. Canyon Highway District #4 requires access from Ranch Road located adjacent to the east property boundary. No direct access will be allowed onto Purple Sage Road (Exhibit 4b). All highway district requirements and improvements will be reviewed for consistency at the time of platting.

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 rezone of the subject property will not cause undue interference with existing or future traffic patterns as proposed. Any road improvements will be required at the time of platting and/or development of the project.

Finding: The rezone of the 57.38 acre parcel to “R-1” (Rural Residential, 1 acre average minimum lot size) has the potential to create up to 57 residential parcels, approximately 542 average daily trips added to Purple Sage Road. Canyon Highway District reviewed the rezone based on the 40 acre subdivision described in the applicant’s letter of intent and existing sanitary restrictions (Exhibit 2) which does not meet the threshold to be considered a potential traffic impact and would not

require a traffic impact study. However, the proposed subdivision would require to dedicate right-of-way along Purple Sage Road and Ranch Road and meet all ACCHD public road and permitting standards (Exhibit 4b). Idaho Transportation Department's letter does not oppose the rezone (Exhibit 4c).

COMPASS reviewed the rezone for consistency with Communities in Motion 2040 (CIM), the regional long-range transportation plan for Ada and Canyon Counties. COMPASS finds that the rezone which could potentially create 57 new homes does not exceed CIM forecasts (Exhibit 4d). Based upon TAZ (Traffic Allocation Zone) data, the subject parcel is located in TAZ 2087, an approximate 1,000 acre area, which identifies the current population as 528 people with 171 houses. The CIM forecast shows the population in 2040 to be 568 people and 190 houses. The growth is 40 people and 19 new houses. Therefore, the rezone does exceed CIM transportation plan forecasts and may contribute to cumulative transportation impacts.

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: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Middleton School District, Canyon County Sheriff, and Middleton Fire were notified of the request and did not provide responses to indicate that the proposed zone change amendment would have a negative impact. Pursuant to the comment letter from COMPASS (Exhibit 4d), the nearest police station is 3.9 miles from the parcel. The nearest fire station is one mile away. The letter states "development within 1.5 miles of police and fire stations ensure that emergency services are more efficient." No mitigation measures are proposed at this time.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Planning and Zoning Commission **recommends approval** of Case # RZ2018-0021, a request to rezone parcel R38195, approximately 57 acres, from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone.

APPROVED this _____ day of _____, 2018

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)
SS

County of Canyon County)

On this _____ day of _____, in the year 2018 before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary: _____

My Commission Expires: _____