



Planning & Zoning Commission Staff Report
BAAS Group LLC – RZ2018-0040

Hearing Date: April 18, 2019

Development Services Department

Applicant:

BAAS Group LLC

Representative:

Nate Mitchell

Staff:

Dan Lister, Planner II

Tax ID:

R34542/R34535

Current Zone:

“A” (Agricultural)

2020 Comprehensive Plan – Future

Land Use Map:

Commercial/Residential

Impact Area:

Middleton

Lot Size/ acres

R34542: 5.46ac

R34535: 15.39

Current Use:

Vacant

Applicable Zoning Land Use

Regulations:

- §07-06-03
- §07-06-05

Notification

- 1/15/2019: Agencies & City of Middleton
- 2/1/2019: Full Political
- 2/14/2019: Newspaper
- 2/14/2019: Radius Notice
- 2/25/2019: Site Posting

Exhibits:

1. Findings, Conclusions & Order
2. Letter of Intent/Site Plan
3. Neighborhood Meeting
4. Maps:
 - A. Aerial
 - B. Vicinity
 - C. Zoning
 - D. Future Land Use
 - E. Middleton Future Land Use
 - F. Subdivision w/Lot Report
 - G. Soil w/Report
 - H. TAZ Jobs
5. Comments
 - A. Southwest District Health
 - B. Canyon Highway District
 - C. Idaho Transportation Dept.
 - D. City of Middleton
 - E. Bonnie Cooper/Scott & Wendi Adams
 - F. Carl Miller, COMPASS
6. Land Use Matrix

Request

The applicant, Nate Mitchell representing BAAS Group LLC, is requesting a rezone of parcels R34542 and R34535 from “A” (Agricultural) to “C-2” (Service Commercial) zone. The vacant properties, total of 20.85 acres, are located between Old Highway 30 and I-84, Caldwell; and described as a portion of Section 4, Township 4N, Range 3W, BM, Canyon County, Idaho.

The Planning and Zoning Commission tabled the hearing of this item on March 7, 2019 and April 4, 2019.

Background

Parcel R34542 is 5.46 acres and considered an original parcel (CCZO Section 07-02-03). Pursuant to tax records (Tax 10, 4-4N-3W), the parcel dates back to 1964.

Parcel R34535 is 15.39 acres and considered an original parcel. Based on old assessor’s maps, the parcel was divided into its current configuration prior to September 6, 1979.

Analysis

The applicant is requesting a rezone from an “A” (Agricultural) zone to a “C-2” (Service Commercial) zone. The purpose of the C-2 zone is to “provide area where activities of a service nature, which are more intensive in character than in other commercial zones, may be carried out” (CCZO Section 07-10-25).

Majority of the area is zoned “A” (Exhibit 4C). Most of the parcels surrounding the subject properties contain existing residential uses. Commercial zones within the vicinity of the parcels are located along HWY 44.

The nearest “C-2” zone is approximately 1,000 feet southeast of the subject parcels (North Southwick Commercial Subdivision, R34717200 & R34717201). The subdivision is conditionally rezoned to only allow mini-storage/RV storage, caretaker residence, seasonal activities and similar use and accessory uses (Agreement #16-029, PH2015-61).

The Canyon County 2020 Comprehensive Plan designates the future use of the subject parcels as “commercial” and “residential” (Exhibit 4D). The parcels are located within Middleton’s City Impact Area. Middleton designates the future land use of the parcels as “Mixed Use” (Exhibit 4E). Middleton City Code describes “Mixed Use” as accommodating “a variety and mixture of medium and high density residential and commercial uses” (Section 5-1-5 of Middleton City Code). The City of Middleton does not oppose the request (Exhibit 5D).

Within the vicinity of the subject parcels (Exhibit 4B) is a church (Oregon Trail Church of God, Parcel R34536), gas station with market and restaurant (Sinclair/Dino Mart, Parcel R34525010) and mini/RV storage facilities (R34490010A and R34717201).

Pursuant to Exhibit 4F, three subdivisions are located adjacent to the subject parcels: 1) Kable Subdivision and 2) Forest Hill Estates 1 & 2 (30 lots). Kable Subdivision was approved in 1966 for 14 lots which was never developed. Forest Hill Estates was approved for nine lots in 1987, and then was approved for 21 lots in 1995. Forest Hill Estates is built-out. Ten unplatted parcels with an average lot size of 2 acres surrounding the subject parcel.

The majority of the property contains moderately-suited soil types and is considered prime farmlands if irrigated (Exhibit 4G).

The parcel is located within Traffic Analysis Zone (TAZ) #2086 which is a 250 acre area delineated by the state and/or local transportation officials for tabulating traffic related data. The data provides future population, household and job forecasts. Within the 250 acre zone, the 2018 population is 72 people with 24 households and 10 jobs. By 2040, jobs are anticipated to grow from 10 to 39 jobs within the 250 acre zone. When reviewing the surrounding TAZ zones, 1,100 jobs are anticipated in the area which includes a population of 1,524 people and 679 households by 2040. Therefore, commercial use within this area is consistent with TAZ forecasts.

Canyon Highway District No. 4 (Exhibit 5B) states that the properties currently has multiple access points for agricultural uses along Old HWY 30. Old HWY 30 is designated as a principal arterial which currently experiences 5,800 average daily trips. At the time of obtaining an access/approach permit, Canyon Highway District will require a traffic impact study to address potential impacts of the use to the road network. Additionally, the parcels will be restricted to one ingress/egress and will require a 50' right-of-way dedication along the frontage of Old HWY 30.

Idaho Transportation Department (Exhibit 5C) also requires a traffic impact study to address potential impact related to future commercial uses on the State Highway system (SH-44). The requested rezone does not specify an intended use. Commercial uses have the potential to increase trips on SH-44 which is already congested. Idaho Transportation Department (ITD) opposes the approval of the request unless: 1) a traffic impact study is completed, 2) a development agreement is approved requiring a TIS prior to any development, or 3) agreement between the owner and ITD is completed requiring a TIS prior to any development.

Potential Significant Impacts

- 1) **Commercial Use:** The requested rezone is located within an area predominately residential. The applicant is requesting the rezone without a specific use or uses. A letter of concern was received from two adjacent neighbors requesting any uses that would impact the area (traffic, noise, emissions, decrease in property value and enjoyment of property) be prohibited (Exhibit 5E). Pursuant to CCZO Section 07-10-2 (Land Use Matrix), the "C-2" allows service-related uses such as vehicle repair, trucking terminals, warehousing, and food processing facilities which could impact the surrounding residential neighborhood (Exhibit 6). Without identifying specific uses on the subject parcels, the rezone to "C-2" can impact the surrounding residential uses.
- 2) **Traffic:** Canyon Highway District #4 states Old HWY 30 is designated as a principal arterial which currently experiences 5,800 average daily trips (Exhibit 5B). Idaho Transportation Department (Exhibit 5C) identifies SH-44 as already congested. Both agencies require a traffic impact study. Without identifying a specific use or uses, future development may worsen the already busy/congested road system/network. However, future development will require access and approach permits from Canyon Highway District and ITD which the agencies can require a traffic study at that time.

Conclusion

Based on the information provided by the applicant and comments received, the following Zoning Amendment Criteria (CCZO Section 07-06-05) cannot be made:

- A. Is the proposed zone change generally consistent with the comprehensive plan?** (See Exhibit 1, Finding A)
- C. Is the proposed zoning map amendment compatible with surrounding land uses?** (See Exhibit, Finding C)
- D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?** (See Exhibit 1, Finding D)
- G. Does the proposed zoning map amendment 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 created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?** (See Exhibit 1, Finding G)

Alternatives

- The Planning and Zoning Commission may recommend approval of the zoning map amendment; or
- The Planning and Zoning Commission may recommend denial of the zoning map amendment; or
- The Planning and Zoning Commission may recommend denial of the proposed zoning map amendment and recommend approval with development agreement; or
- The Planning and Zoning Commission may recommend denial of the proposed zoning map amendment and recommend approval of a zoning map amendment to “C-1” (Neighborhood Commercial); 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 zoning map amendment.

Staff recommends that the Planning and Zoning Commission **recommend denial** 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

BAAS Group LLC – Rezone – RZ2018-0040

Development Services Department

Findings of Fact

1. The applicant, Nate Mitchell representing BAAS Group LLC, is requesting a rezone of parcels R34542 and R34535 from “A” (Agricultural) to “C-2” (Service Commercial) zone. The vacant properties, total of 20.85 acres, are located between Old Highway 30 and I-84, Caldwell; and described as a portion of Section 4, Township 4N, Range 3W, BM, Canyon County, Idaho.
2. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, Black Canyon Irrigation District, and Middleton School District.
3. The subject property is located within Middleton’s Area of City Impact. The City of Middleton designates the properties as “mixed use”.
4. The subject property is designated as “Commercial” and “Residential” on the 2020 Canyon County Future Land Use Map.
5. The neighborhood meeting was held on September 7, 2018 in accordance with CCZO §07-01-15.
6. Notice of the public hearing was provided in accordance with CCZO §07-05-01. Agency notice was provided on January 15, 2019. Full political noticed was completed on February 1, 2019. Newspaper notice was provided on February 14, 2019. Property owners within 300’ were notified by mail on February 14, 2019. The property was posted on February 25, 2019
7. The Planning and Zoning Commission tabled the hearing of this item on March 7, 2019 and April 4, 2019.
8. The record herein consists of exhibits provided as part of the public hearing staff report, exhibits submitted during the public hearing on April 18, 2019 and all information in case file RZ2018-0040.

Conclusions of Law

For case file RZ2018-0040, the Planning and Zoning Commission finds and concludes the following regarding the Standards of Review for a Rezone CCZO §07-06-05:

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

Conclusion: The proposed zone change is not consistent with the Comprehensive Plan.

Finding: The Canyon County 2020 Comprehensive Plan designates the future use of the subject parcels as “commercial” and “residential”. The commercial designation is intended to provide for “a variety of commercial uses that provides goods and services to businesses, travelers and residents of the county” (Page 12, 2020 Comprehensive Plan).

The parcels are located within Middleton’s City Impact Area. Middleton designates the future land use of the parcels are “Mixed Use”. Middleton City Code describes “Mixed Use” as accommodating “a variety and mixture of medium and high density residential and commercial uses” (Section 5-1-5 of Middleton City Code). The City of Middleton does not oppose the request.

The proposed zone change is not consistent with the applicable Comprehensive Plan goals & policies:

- Economic Development Policy No. 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.”
- Land Use Goal No. 1: “Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.”
- Land Use, Commercial and Industrial, Policy No. 1: “Encourage commercial and industrial development where there is adequate access to the following services, if applicable:
 - a. Sufficient water;
 - b. A system to discharge used water;
 - c. Power; and
 - d. Transportation.”
- Transportation Policy No. 2: “Coordinate with transportation agencies to protect and enhance the traffic-carrying capacity of principal arterial roads designed for through traffic where appropriate and not in direct conflict with other Canyon County objectives.”

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

Conclusion: The proposed zone amendment is more appropriate than the current designation.

Finding: The surrounding area and subject parcels are zoned “A”. However, majority of the surrounding parcels contain existing residential uses. Commercial zones within the vicinity are located along SH-44. The nearest “C-2” zone is approximately 1,000 feet southeast of the subject parcels (North Southwick Commercial Subdivision, R34717200 & R34717201).

Within the vicinity of the subject parcels is a church (Oregon Trail Church of God, Parcel R34536), gas station with market and restaurant (Sinclair/Dino Mart, Parcel R34525010) and mini/RV storage facilities (R34490010A and R34717201) which are uses allowed within a commercial zone.

The Canyon County 2020 Comprehensive Plan designates the future use of the subject parcels as “commercial” and “residential”. The parcels are located within Middleton’s City Impact Area. Middleton designates the future land use of the parcels are “Mixed Use”. Middleton City Code describes “Mixed Use” as accommodating “a variety and mixture of medium and high density residential and commercial uses” (Section 5-1-5 of Middleton City Code). The City of Middleton does not oppose the request (Exhibit 5D).

The parcel is located within Traffic Analysis Zone (TAZ) #2086 which is a 250 acre area delineated by the state and/or local transportation officials for tabulating traffic related data. The data provides future population, household and job forecasts. Within the 250 acre zone, the 2018 population is 72 people with 24 households and 10 jobs. By 2040, jobs are anticipated to grow from 10 to 39 jobs within the 250 acre zone. When reviewing the surrounding TAZ zones, 1,100 jobs are anticipated in the area which includes a population of 1,524 people and 679 households by 2040. Therefore, commercial use within this area is consistent with TAZ forecasts.

The majority of the property contains moderately-suited soil types and is considered prime farmlands if irrigated. A small portion of the parcels, near Interstate I-84, is considered non-prime farmland. Based on location and existing surrounding uses, the agricultural uses of the property would be limited. The property would be better utilized for residential or commercial uses.

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

Conclusion: Without restricting commercial land use on the parcels, the proposed zoning map amendment is not compatible with surrounding land uses.

Finding: The requested rezone is located within an area predominately residential. The subject parcel is within one mile of 29 subdivisions. Three subdivisions are located adjacent to the subject parcels: 1) Kable Subdivision and 2) Forest Hill Estates 1 & 2 (30 lots). Kable Subdivision was approved in 1966 for 14 lots which was never developed. Forest Hill Estates was approved for nine lots in 1987 and was approved for 21 additional lots in 1995. Forest Hill Estates is built-out. Ten unplatted parcels with an average lot size of 2 acres surrounding the subject parcel.

The nearest “C-2” zone is approximately 1,000 feet southeast of the subject parcels (North Southwick Commercial Subdivision, R34717200 & R34717201). Due to potential access and traffic impacts, as well as proximity to residential uses, the subdivision was conditionally rezoned to the “C-2” zone restricting the use to only allow mini-storage/RV storage, caretaker residence, seasonal activities and similar use and accessory uses (Agreement #16-029, PH2015-61).

The applicant is requesting the rezone with no specific commercial use identified. A letter of concern was received from two adjacent neighbors requesting any uses that would impact the area (traffic, noise, emissions, decrease in property value and enjoyment of property) be prohibited.

The purpose of the C-2 zone is to “provide area where activities of a service nature, which are more intensive in character than in other commercial zones, may be carried out” (CCZO Section 07-10-25). Pursuant to CCZO Section 07-10-2 (Land Use Matrix), the “C-2” allows service-related uses such as vehicle repair, trucking terminals, warehousing, and food processing facilities which could impact the surrounding residential neighborhood. The commercial zones located within the area are mostly “C-1” (Neighborhood Commercial) which provide local commercial services to the surrounding neighborhood residential uses and travelers along SH-44. Therefore, without a development agreement restricting commercial uses or rezone to “C-1” (Neighborhood Commercial), future development may be incompatible with surrounding land uses.

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

Conclusion: Without restricting commercial land use on the parcels, the proposed zoning map amendment will negatively affect the character of the area.

Finding: The requested rezone is located within an area predominately residential. The subject parcel is within one mile of 29 subdivisions. Three subdivisions are located adjacent to the subject parcels: 1) Kable Subdivision and 2) Forest Hill Estates 1 & 2 (30 lots). Kable Subdivision was approved in 1966 for 14 lots which was never developed. Forest Hill Estates was approved for nine lots in 1987 and was approved for 21 additional lots in 1995. Forest Hill Estates is built-out. Ten unplatted parcels with an average lot size of 2 acres surrounding the subject parcel.

The nearest “C-2” zone is approximately 1,000 feet southeast of the subject parcels (North Southwick Commercial Subdivision, R34717200 & R34717201). Due to potential access and traffic impacts, as well as proximity to residential uses, the subdivision was conditionally rezoned to the “C-2” zone restricting the use to only allow mini-storage/RV storage, caretaker residence, seasonal activities and similar use and accessory uses (Agreement #16-029, PH2015-61).

The applicant is requesting the rezone with no specific commercial use identified. A letter of concern was received from two adjacent neighbors requesting any uses that would impact the area (traffic, noise, emissions, decrease in property value and enjoyment of property) be prohibited

The purpose of the C-2 zone is to “provide area where activities of a service nature, which are more intensive in character than in other commercial zones, may be carried out” (CCZO Section 07-10-25). Pursuant to CCZO Section 07-10-2 (Land Use Matrix), the “C-2” allows service-related uses such as vehicle repair, trucking terminals, warehousing, and food processing facilities which could impact the surrounding residential neighborhood. The commercial zones located within the area are mostly “C-1” (Neighborhood Commercial) which provide local commercial services to the surrounding neighborhood residential uses and travelers along

SH-44. Therefore, without a development agreement restricting commercial uses or rezone to “C-1” (Neighborhood Commercial), future development may create a negative impact to the character of the area.

Idaho Transportation Department and Canyon Highway District #4 require a traffic impact study to address potential impact of commercial uses on the State Highway system (SH-44) and Old HWY 30 (principal arterial). The request rezone does not specify an intended use. Future commercial uses have the potential to increase trips on SH-44 which is already congested. Idaho Transportation Department (ITD) opposes the approval of the request unless: 1) a traffic impact study is completed, 2) a development agreement is approved requiring a TIS prior to any development, or 3) agreement between the owner and ITD is completed requiring a TIS prior to any development. However, future development will require access and approach permits from Canyon Highway District and ITD which the agencies can require a traffic study at the time of development.

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 parcels are not located in close proximity to existing city water or sewer services. Therefore, future development will require wells and septic systems are proposed for the development. Future development will be required to meet all applicable Southwest District Health (Exhibit 5A), Idaho Department of Water Resources and Department of Environmental Quality requirements. Utilities can be provided to accommodate commercial uses on the parcels.

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 along Old HWY 30, a principal arterial.

Finding: Canyon Highway District No. 4 (Exhibit 5B) states that the properties currently has multiple access points for agricultural purposes along Old HWY 30. Old HWY 30 is designated as a principal arterial which currently experiences 5,800 average daily trips. At the time of obtaining an access/approach permit, Canyon Highway District will require the parcels will be restricted to one ingress/egress and will require a 50’ right-of-way dedication along the frontage of Old HWY 30.

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: Old Highway 30 and SH-44 are already experiencing heavy traffic loads. A traffic impact study is required by Idaho Transportation Department and Canyon Highway District #4 to address potential impacts of commercial uses on the road system/network. Without knowing the specific use or uses, the commercial designation may significantly impact a road network already congested.

Finding: Canyon Highway District No. 4 (Exhibit 5B) states that the properties currently has multiple access points for agricultural purposes from Old HWY 30. Old HWY 30 is designated as a principal arterial which currently experiences 5,800 average daily trips. At the time of obtaining an access/approach permit, Canyon Highway District will require a traffic impact study to address potential impacts of the use to the road network. Additionally, the parcels will be restricted to one ingress/egress and will require a 50’ right-of-way dedication along the frontage of Old HWY 30.

Idaho Transportation Department (Exhibit 5C) also requires a traffic impact study to address potential impact related to future commercial uses on the State Highway system (SH-44). The requested rezone does not specify an intended use. Commercial uses have the potential to increase trips on SH-44 which is already congested. Idaho Transportation Department (ITD) opposes the approval of the request unless: 1) a traffic impact study is completed, 2) a development agreement is approved requiring a TIS prior to any development, or 3) agreement between the owner and ITD is completed requiring a TIS prior to any development. However, future

development will require access and approach permits from Canyon Highway District and ITD which the agencies can require a traffic study at that 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, Middleton School District, Middleton 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.

Order

Based upon the Findings of Fact, Conclusions of Law contained herein the Planning and Zoning Commission **recommends denial** of Case # RZ2018-0040, a **Rezone** of approximately 20.85 acres (R34542 and R34535) from an "A" (Agricultural) zone to a "C-2" (Service Commercial) zone.

APPROVED this 18th day of April, 2019

**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 2019, before me _____, 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: _____

