



Planning & Zoning Commission Staff Report
Mortensen – RZ2019-0011

Hearing Date: July 18, 2019

Development Services Department

Applicant:

Ken and Cheyenne Mortensen

Representative:

Jessica Skinner

Staff:

Dan Lister, Planner II

Tax ID:

R34445012A, R34445012A1 and
R34445012A2

Current Zone:

“A” (Agricultural)

2020 Comprehensive Plan – Future

Land Use Map:

Commercial/Residential

Impact Area:

Middleton

Lot Size/ acres

R34445012A: 1.27ac
R34445012A1: 7.08ac
R34445012A2: 33.38ac of 45.74ac

Current Use:

Residential & Agricultural

Applicable Zoning Land Use

Regulations:

- §07-06-03
- §07-06-05

Notification

- 5/14/2019: Agencies & City of Middleton
- 6/27/2019: Full Political
- 7/2/2019: Newspaper
- 6/27/2019: Radius Notice
- 7/1/2019: Site Posting

Exhibits:

1. Findings, Conclusions & Order (FCO)
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 Households
5. Comments
 - A. Canyon Highway District
 - B. Idaho Transportation Dept.
 - C. City of Middleton
6. Mortensen’s Pheasants Website

Request

Jessica Skinner, representing Ken and Cheyenne Mortensen, is requesting a rezone of Parcel R34445012A (1.27 acres), R34445012A1 (7.08 acres) and a 33.38 acre portion of R34445012A2 from an “A” (Agricultural) zone to “R1” (Single Family Residential, 1 acre average minimum lot size) zone. The properties are located at 23854 Emmett Road, Caldwell; a portion of the NE ¼ of Section 2, Township 4N, Range 3W, Canyon County, Idaho. The parcels are not located within a mapped floodplain.

The applicant’s letter of intent (Exhibit 2) states surrounding residential development has made farming difficult. Therefore, the rezone to a residential zoning district is the highest and best use.

Parcel History

In 1996, parcels R34445012A, A1 and A2 were one parcel created by land division (LS2004-125). The current parcel configurations were not approved by Canyon County Development Services and appear to be divided for mortgage or tax purposes.

A conditional use permit was approved to allow a game bird operation (CU2004-123). See Exhibit 6, Mortensen’s Pheasants webpage.

A portion of parcel R34445012A2 (approximately 10 acres) was rezoned to “C-1” (Neighborhood Commercial) in 2011 (RZ2010-6). The requested rezone does not change the “C-1” zone.

General Information/Setting

The subject parcels are zoned “A” (Agricultural; Exhibit 4C). The purpose of the “R-1” zone is to “promote and enhance predominantly single-family living areas at a low density standard” (CCZO Section 07-10-25(3)).

The area is predominantly zoned “A” (Agricultural) and “R-R” (Rural Residential, two acre minimum lot size). Most of the parcels in the area zoned “A” are located within older residential subdivisions (Northslope Estates #1 & #2, D&S Purple Sage Ranchettes and Willis Creek Subdivision).

Pursuant to Exhibit 4F, four subdivisions are located adjacent to the subject parcels: 1) Green Estates, 1.44 acre average lot size (approved in 2009); 2) Kinder Platz Subdivision, 6.33 acre average lot size (approved in 2017); 3) Willis Creek Subdivision, 1.5 acre average lot size (approved in 2005); and 4) D&S Purple Sage Ranchettes, 1.18 acres (approved in 1972). Of the 37 subdivision in the general area, 14 are within the City of Middleton.

The parcels are located within City of Middleton’s Impact Area (Exhibit 4E). Middleton city limits are contiguous to the subject parcels. Middleton’s Future Land Use Map designates the area for residential use. City water is located along Emmett Road, adjacent to the subject property. City sewer is located approximately 1,300 feet east on the Middleton High School property (Exhibit 5C).

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

Analysis – Zoning Amendment (CCZO §07-06-05):

The amendment is required to meet the following criteria:

- A. Is the proposed zone change generally consistent with the comprehensive plan?
- B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?
- C. Is the proposed zoning map amendment compatible 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?
- E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment?
- F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development?
- 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 patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?
- H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

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?

The following comprehensive plan goals and policies are impacted by the request:

- *Population Component – Policy #2: “Encourage future high density development to locate within incorporated cities and/or areas of city impact.”*
 - o The City of Middleton’s Future Land Use Plan identifies the area as “residential” (Exhibit 4E). If annexed into the city, the parcels would be zoned “R-3” which allows three unit per acre with an 8,000 square foot minimum lot sizes. The rezone to “R-1” is consistent with the city’s zoning subject to connection to city water and/or sewer. Without connection to city services, the “R-1” zone is inconsistent with the City of Middleton’s residential growth anticipated upon annexation (Exhibit 5C).
 - o The parcels are located outside of the City of Middleton where residential growth is not anticipated. The parcels are located within Traffic Analysis Zone (TAZ) #2089 which is a 480 acre area delineated by the state and/or local transportation officials for tabulating traffic related data (Exhibit 4H). The data provides future population, household and job forecasts. Within the 480 acre zone, the 2018 population is 134 people with 46 households. By 2040, household and population forecasts are unchanged. The subject parcels are adjacent to TAZ 2132 which forecasts 151-250 households by 2040. Residential growth is anticipated within city limits.
- *Land Use Component - Goal #1: “Encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.*
 - o The rezone promotes suburban sprawl outside of city limits. Future development has the potential to block the path of orderly growth anticipated by the City of Middleton which includes necessary infrastructure development.

The request is inconsistent with the following goals and policies of the City of Middleton Comprehensive Plan:

- Annexation Plan – Goal 1, Objective A and Strategy 2 and 3;
- Land Use – Goal 5, Objective A and Strategy 1 and 2; and

- Public Facilities and Services – Goal #6, Objective A and Strategy 5;
- Land Use Component – Residential Policy #1: “Encourage high density development in areas of city impact.”
- Land Use Component – City of City Impact: Implementation Action: “Work with cities to recognize or incorporate their design standards and regulations for infill development, where appropriate, this is compatible with the overall character of existing neighborhoods. At the same time, ensure consistency with planned future densities based on city plans for development likely to be located in Areas of City Impact.”
 - o The City of Middleton’s Future Land Use Plan identifies the area as “residential” (Exhibit 4E). If annexed into the city, the parcels would be zoned “R-3” which allows three unit per acre with an 8,000 square foot minimum lot sizes. The rezone to “R-1” is consistent with the city’s zoning subject to connection to city water and/or sewer. Without connection to city services, the “R-1” zone is inconsistent with the City of Middleton’s residential growth anticipated upon annexation (Exhibit 5C).
 - o The rezone promotes suburban sprawl outside of city limits. Future development has the potential to block the path of orderly growth anticipated by the City of Middleton which includes necessary infrastructure development.

The request is inconsistent with the following goals and policies of the City of Middleton Comprehensive plan:

- Annexation Plan – Goal 1, Objective A and Strategy 2, and 3;
- Land Use – Goal 5, Objective A and Strategy 1 and 2; and
- Public Facilities and Services – Goal #6, Objective A and Strategy 5;

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

The requested rezone has the following potential impacts to the character of the area:

- Development outside the City of Middleton: The approval of the “R-1” zone has the potential to create 41 residential parcels outside of the city limits that could be supported by individual wells and septic systems. Pursuant to TAZ forecasts of the area, the potential residential growth that the rezone could generate is not anticipated outside of city limits. The City of Middleton opposes the request because the parcels are contiguous to city limits where city services are available. Without annexation, future development has the potential to block the path of orderly growth anticipated by the City of Middleton which includes necessary infrastructure development and continuity with community housing and design goals.
- Traffic: The parcel has the potential to impact traffic along Emmett Road and SH-44. The application did not include a trip generation assessment. Therefore, potential traffic impacts are unknown. The “R-1” zone has the potential to create more than 500 trips per day and more than 50 trips per day during peak hours. Traffic generated without mitigation would significantly impact surrounding uses including the adjacent high school (Middleton High School).

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?

The “R-1” zone allows densities that have the potential to generate more than 500 trips per day, or more than 50 trips in the peak hours. Canyon Highway District No. 4 (Exhibit 5A) and Idaho Transportation Department (Exhibit 5B) will require a traffic impact study to address development impacts to the State Highway system (SH-44) and Emmett Road.

H. 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?

Middleton Fire District has recently recommended that an adjacent development (R34445014, SD2018-0011) connect to city services to meet minimum fire flow requirements. A water service line is located adjacent to the subject parcels on Emmett Road. Its highly likely future development will receive the same recommendation.

Additionally, the “R-1” zone has the potential to create more than 500 trips per day and 50 trip per day at peak hours. Generated trips by future development could impact SH-44 and Emmett Road. Middleton High School is located on the east side of Emmett Road. If not mitigated, development generated traffic could impact essential services (school district and emergency services).

Comments

The following comments were received:

- **City of Middleton (Exhibit 5C)**: The City of Middleton opposes the request because the parcels are contiguous to city limits where city services are available. Without annexation, future development has the potential to block the path of orderly growth anticipated by the City of Middleton which includes necessary infrastructure development.
- **Idaho Transportation Department (Exhibit 5B)**: Until site generated trips are assessed and potential impacts to the SH-44 and Emmett Road intersection are addressed, ITD opposes the request.
- **Canyon Highway District (Exhibit 5A)**: The “R-1” zone allows densities that have the potential to generate more than 500 trips per day and more than 50 trips in the peak hours. Therefore, a Traffic Impact Study will be required. Access is prohibited along Emmett Road. Future Development will require to dedicate right-of-way to the highway district.

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 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 as provided in findings of fact and conclusions of law for the Planning and Zoning Commission’s consideration found in Exhibit 1.



Canyon County Planning & Zoning Commission

Mortensen – Rezone – RZ2019-0011

Development Services Department

Findings of Fact

1. Jessica Skinner, representing Ken and Cheyenne Mortensen, is requesting a rezone of Parcel R34445012A (1.27 acres), R34445012A1 (7.08 acres) and a 33.38 acre portion of R34445012A2 from an “A” (Agricultural) zone to “R1” (Single Family Residential, 1 acre average minimum lot size) zone. The properties are located at 23854 Emmett Road, Caldwell; a portion of the NE ¼ of Section 2, Township 4N, Range 3W, Canyon County, Idaho. The parcels are not located within a mapped floodplain.
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 “residential”.
4. The subject property is designated as “Residential” on the 2020 Canyon County Future Land Use Map.
5. The neighborhood meeting was held on January 8, 2019 and May 7, 2019 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 May 14, 2019. Full political notice was completed on June 27, 2019. Newspaper notice was provided on July 2, 2019. Property owners within 300’ were notified by mail on June 27, 2019. The property was posted on July 1, 2019
7. The record herein consists of exhibits provided as part of the public hearing staff report, exhibits submitted during the public hearing on July 18, 2019 and all information in case file RZ2019-0011.

Conclusions of Law

For case file RZ2019-0011, 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 following comprehensive plan goals and policies are impacted by the request:

- **Population Component – Policy #2:** “Encourage future high density development to locate within incorporated cities and/or areas of city impact.”
 - o The City of Middleton’s Future Land Use Plan identifies the area as “residential”. If annexed into the city, the parcels would be zoned “R-3” which allows three unit per acre with an 8,000 square foot minimum lot sizes. The rezone to “R-1” is consistent with the city’s zoning subject to connection to city water and/or sewer. Without connection to city services, the “R-1” zone is inconsistent with the City of Middleton’s residential growth anticipated upon annexation.
 - o The parcels are located outside of the City of Middleton where residential growth is not anticipated. The parcels are located within Traffic Analysis Zone (TAZ) #2089 which is a 480 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 480 acre zone, the 2018 population is 134 people with 46 households. By 2040, household and population forecasts are unchanged. The subject

parcels are adjacent to TAZ 2132 which is forecasting 151-250 households by 2040. Therefore, residential growth for the area is anticipated within the incorporated area where city services are available.

- Land Use Component - Goal #1: “Encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services.”
 - o The rezone promotes suburban sprawl outside of city limits. Future development has the potential to block the path of orderly growth anticipated by the City of Middleton which includes necessary infrastructure development.

The request is inconsistent with the following goals and policies of the City of Middleton Comprehensive plan:

- Annexation Plan – Goal 1, Objective A and Strategy 2 and 3 (preserve the small rural city atmosphere, service growth expectation, new development pays into infrastructure/improvements);
 - Land Use – Goal 5, Objective A and Strategy 1, and 2 (Encourage orderly development that can be easily provided with city services; encourage annexation); and
 - Public Facilities and Services – Goal #6, Objective A and Strategy 5 (Orderly expansion of service; pursue grants and assistance for developers to assist in the expansion).
- Land Use Component – Residential Policy #1: “Encourage high density development in areas of city impact.”
 - Land Use Component – City of City Impact: Implementation Action: “Work with cities to recognize or incorporate their design standards and regulations for infill development, where appropriate, this is compatible with the overall character of existing neighborhoods. At the same time, ensure consistency with planned future densities based on city plans for development likely to be located in Areas of City Impact.”
 - o The City of Middleton’s Future Land Use Plan identifies the area as “residential”. If annexed into the city, the parcels would be zoned “R-3” which allows three unit per acre with an 8,000 square foot minimum lot sizes. The rezone to “R-1” is consistent with the city’s zoning subject to connection to city water and/or sewer. Without connection to city services, the “R-1” zone is inconsistent with the City of Middleton’s residential growth anticipated upon annexation.
 - o The rezone promotes suburban sprawl outside of city limits. The City of Middleton opposes the request because the parcels are contiguous to city limits where city services are available. Without annexation, future development has the potential to block the path of orderly growth anticipated by the City of Middleton which includes necessary infrastructure development.

The request is inconsistent with the following goals and policies of the City of Middleton Comprehensive plan:

- Annexation Plan – Goal 1, Objective A and Strategy 2 and 3;
- Land Use – Goal 5, Objective A and Strategy 1 and 2; and
- Public Facilities and Services – Goal #6, Objective A and Strategy 5.

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. However, City of Middleton requests that the rezone and future development be approved as part of annexation into the City of Middleton.

Finding: The subject parcels are zoned “A” (Agricultural). The applicant is requesting the rezone to an “R-1” zone because existing agricultural operations are impacted by the residential growth of the city and surrounding residential uses. The purpose of the “R-1” zone is to “promote and enhance predominantly single-family living areas at a low density standard” (CCZO Section 07-10-25(3)).

The area is predominantly zoned “A” (Agricultural) and “R-R” (Rural Residential, two acre minimum lot size). Most of the parcels in the area zoned “A” are located within older residential subdivisions. Therefore, the uses are predominantly residential uses.

Four subdivisions are located adjacent to the subject parcels: 1) Green Estates, 1.44 acre average lot size (approved in 2009); 2) Kinder Platz Subdivision, 6.33 acre average lot size (approved in 2017); 3) Willis Creek Subdivision, 1.5 acre average lot size (approved in 2005); and 4) D&S Purple Sage Ranchettes, 1.18 acres (approved in 1972). Therefore, the uses are predominantly residential uses.

The City of Middleton opposes the request because the parcels are contiguous to city limits where city services are available. Without annexation, future development has the potential to block the path of orderly growth anticipated by the City of Middleton which includes necessary infrastructure development.

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

Conclusion: The proposed zoning map amendment is compatible with surrounding land uses.

Finding: The area is predominantly zoned “A” (Agricultural) and “R-R” (Rural Residential, two acre minimum lot size). Most of the parcels in the area zoned “A” are located within older residential subdivisions. Therefore, the uses are predominantly residential uses.

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 negatively affect the character of the area.

Finding: The requested rezone has the following potential impacts to the character of the area:

- Development outside the City of Middleton: The approval of the “R-1” zone has the potential to create 41 residential parcels outside of the city limits that could be support with individual wells and septic systems. Pursuant to TAZ forecasts of the area, the potential residential growth that the rezone could generate is not anticipated outside of city limits. The City of Middleton opposes the request because the parcels are contiguous to city limits where city services are available. Without annexation, future development has the potential to block the path of orderly growth anticipated by the City of Middleton which includes necessary infrastructure development and continuity with community housing and design goals.
- Traffic: The parcel has the potential to impact traffic along Emmett Road and SH-44. The application did not include a trip generation assessment. Therefore, potential traffic impacts are unknown. The “R-1” zone has the potential to create more than 500 trips per day and more than 50 trips per day during peak hours. Traffic generated without mitigation would significantly impact surrounding residential uses and the adjacent high school (Middleton High School).

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 can be provided to accommodate the use. However, City of Middleton requests that the rezone and future development be approved as part of annexation into the City of Middleton.

Finding: Adequate facilities and services can be provided to accommodate the use. The “R-1” zone allows for one acre minimum lot sizes which could support individual wells and septic systems. Individual wells and septic would be reviewed by Southwest District health and Idaho Department of Environmental Quality at the time of platting.

Irrigation would be provided by Black Canyon Irrigation District. No comments were received from the irrigation district. Review and approval would be required at the time of platting

The City of Middleton opposes the request because the parcels are contiguous to city limits where city services are available. City water is located adjacent to he parcels on Emmett Road. Sanitary services is approximately 1,300 feet east of the parcel. To connect to city services, annexation is required.

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 Emmett Road, a principal arterial; and access on Greenwell Lane, a private road.

Finding: The subject properties have two access points onto Emmett Road: 1) approximately 780 feet south of the Willis/Emmett intersection; and 2) Greenwell Lane, a private road on the south boundary of the parcels.

Upon review by Canyon Highway District #4, future commercial or residential subdivision development will be prohibited to access from Emmett Road. Future access will either require a variance or an extension of 9th Street. At the time of platting, a 50 foot public right-of-way is required to be dedicated along Emmett Road with sidewalk, curbing and bike path improvements.

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 has the potential to impact Emmett Road and SH-44. A Traffic Impact Study would be required to address impacts and provide adequate mitigation.

Finding: According to Canyon Highway District #4, the densities allowed by the “R-1” zone has the potential to create more than 500 trips per day and 50 trips per day during peak hours on Emmett Road, a principal arterial. Therefore, a Traffic Impact Study would be required as part of platting review.

Idaho Transportation Department (ITD) opposes the request until site generated trips are assessed and potential impacts to the SH-44/Emmett Road intersection are addressed.

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: If not mitigated, the proposed zone change amendment will 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.

However, Middleton Fire District has recently recommended an adjacent development (R34445014, SD2018-0011) connect to city services to meet minimum fire flow requirements. City services are located adjacent to the subject parcels on Emmett Road. Its highly likely future development will receive the same recommendation.

Additionally, the “R-1” zone has the potential to create more than 500 trips per day and 50 trip per day at peak hours. Generated trips by future development could impact SH-44 and Emmett Road. Middleton High School is located on the east side of Emmett Road. If not mitigated, development generated traffic could impact essential services (school district and emergency services).

Order

Based upon the Findings of Fact, Conclusions of Law contained herein, the Planning and Zoning Commission **recommends denial** of Case # RZ2019-0011, a **Rezone** of Parcels R34445012A, 012A1 and 012A2 from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone.

APPROVED this 18th day of July, 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: _____